CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

SIXTY-SECOND CONGRESS, SECOND SESSION.

VOLUME XLVIII.

WASHINGTON:
1912.

VOLUME XLVIII, PART I.

CONGRESSIONAL RECORD.

SIXTY-SECOND CONGRESS, SECOND SESSION.

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PROCEEDINGS AND DEBATES OF THE SIXTY-SECOND CONGRESS.

SECOND SESSION.

SENATE.

MONDAY, *December 4, 1911.*

The first Monday in December being the day prescribed by the Constitution of the United States for the annual meeting of Congress, the second session of the Sixty-second Congress commenced this day.

The Senate assembled in its Chamber at the Capitol.

The Vice President (JAMES S. SHERMAN, of New York) called the Senate to order at 12 o'clock noon.

PRAYER.

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

Almighty God, our heavenly Father, in whose presence we now stand at the opening of this session of Congress, we acknowledge Thee to be the Lord and humbly confess our dependence upon Thee. Ere we turn to the labors to which the will of this people has called us, we pause to seek Thy guidance and to implore Thy help. Without Thee we can do nothing, and we would do naught that is contrary to Thy holy will. Guide our steps in the way Thou wouldst have us to go and incline our hearts to keep Thy law. So in all our labors may we serve Thee reverently and with godly fear, to the honor and glory of Thy holy name.

We pray Thee to bless Thy servants, the President and the Vice President of the United States. Plenteously endue them with wisdom from above and abundantly enrich them with Thy heavenly grace. Uphold them, we beseech Thee, by Thy counsel and lead them by Thy spirit.

For all who are in authority we pray that as they rule by Thy favor so they may serve in Thy fear, with an eye single to Thy glory.

Bless, we pray Thee, our country. Preserve our liberty and uphold our free institutions. If it be Thy will, deliver us from strife, from warfare, and from pestilence, blessing our people with peaceful industries and with happy homes.

Hear our prayer, our heavenly Father, and so order our lives and so direct our minds that this session, begun in Thy name, may be continued in Thy fear and ended to Thy glory.

And unto Thee, whose we are and whom we serve, will we ascribe all praise, now and for evermore. Amen.

SENATORS FROM GEORGIA AND MAINE.

Mr. BACON. Mr. President, I beg to present to the Senate the certificate of election of Hon. HOKE SMITH, of Georgia, who has been chosen to fill the unexpired term made vacant by the death of my former colleague, the late Senator Clay.

The VICE PRESIDENT. The Secretary will read the credentials.

The credentials of HOKE SMITH, chosen by the Legislature of the State of Georgia a Senator from that State to fill the unexpired term ending March 3, 1915, were read and ordered to be filed.

Mr. JOHNSON of Maine. Mr. President, I present the credentials of Hon. OBADIAH GARDNER, appointed by the governor of Maine a Senator from that State for the unexpired term of the late Senator WILLIAM P. FRYE.

The VICE PRESIDENT. The Secretary will read the credentials.

The credentials of OBADIAH GARDNER, appointed by the governor of the State of Maine a Senator from that State to fill until the next meeting of the legislature thereof the vacancy occasioned by the death of WILLIAM PIERCE FRYE in the term ending March 3, 1913, were read and ordered to be filed.

Mr. BACON. The Senator elect from Georgia is present and ready to take the oath of office.

Mr. JOHNSON of Maine. Mr. GARDNER, the Senator appointed from Maine, is present and ready to take the oath.

The VICE PRESIDENT. The Senators will present themselves at the desk to take the constitutional oath of office.

Mr. SMITH and Mr. GARDNER were escorted to the Vice President's desk by Mr. BACON and Mr. JOHNSON of Maine, respectively, and the oath prescribed by law having been administered to them, they took their seats in the Senate.

CALLING OF THE ROLL.

The VICE PRESIDENT. The Secretary will call the roll of the Senate to ascertain if a quorum be present.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Cullom	Lea	Shively
Bailey	Cummins	Lodge	Simmons
Bankhead	Curtis	McCumber	Smith, Ga.
Borah	Dillingham	McLean	Smith, Md.
Bourne	Dixon	Martin, Va.	Smith, Mich.
Brandegee	du Pont	Martine, N. J.	Smith, S. C.
Briggs	Fletcher	Myers	Smoot
Bristow	Gallinger	Nelson	Stephenson
Brown	Gamble	Newlands	Stone
Bryan	Gardner	Nixon	Sutherland
Burnham	Gronna	Oliver	Taylor
Burton	Guggenheim	Overman	Thornton
Chamberlain	Heyburn	Page	Tillman
Chilton	Hitchcock	Penrose	Townsend
Clapp	Johnson, Me.	Perkins	Warren
Clark, Wyo.	Johnston, Ala.	Poindexter	Watson
Clarke, Ark.	Jones	Pomerene	Wetmore
Crane	Kenyon	Rayner	Williams
Crawford	Kern	Richardson	Works
Culberson	La Follette	Root	

The VICE PRESIDENT. Seventy-nine Senators have answered to the roll call. A quorum of the Senate is present.

LIST OF SENATORS.

The list of Senators, by States, is as follows:

Alabama—John H. Bankhead and Joseph F. Johnston.
Arkansas—James P. Clarke and Jeff Davis.
California—George C. Perkins and John D. Works.
Colorado—Simon Guggenheim.
Connecticut—Frank B. Brandegee and George P. McLean.
Delaware—Henry A. du Pont and Harry A. Richardson.
Florida—Nathan P. Bryan and Duncan U. Fletcher.
Georgia—Augustus O. Bacon and Hoke Smith.
Idaho—William E. Borah and Weldon B. Heyburn.
Illinois—Shelby M. Cullom and William Lorimer.
Indiana—John W. Kern and Benjamin F. Shively.
Iowa—Albert B. Cummins and William S. Kenyon.
Kansas—Joseph L. Bristow and Charles Curtis.
Kentucky—William O. Bradley and Thomas H. Paynter.
Louisiana—Murphy J. Foster and John R. Thornton.
Maine—Obadiah Gardner and Charles F. Johnson.
Maryland—Isidor Rayner and John Walter Smith.
Massachusetts—Winthrop Murray Crane and Henry Cabot Lodge.
Michigan—William Alden Smith and Charles E. Townsend.
Minnesota—Moses E. Clapp and Knute Nelson.
Mississippi—Le Roy Percy and John Sharp Williams.
Missouri—James A. Reed and William J. Stone.
Montana—Joseph M. Dixon and Henry L. Myers.
Nebraska—Norris Brown and Gilbert M. Hitchcock.
Nevada—Francis G. Newlands and George S. Nixon.
New Hampshire—Henry E. Burnham and Jacob H. Gallinger.
New Jersey—Frank O. Briggs and James E. Martine.
New York—James A. O'Gorman and Elihu Root.

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North Carolina—Lee S. Overman and F. M. Simmons.
North Dakota—Asle J. Gronna and Porter J. McCumber.
Ohio—Theodore E. Burton and Atlee Pomerene.
Oklahoma—Thomas P. Gore and Robert L. Owen.
Oregon—Jonathan Bourne, jr., and George E. Chamberlain.
Pennsylvania—George T. Oliver and Boies Penrose.
Rhode Island—Henry F. Lippitt and George Peabody Wetmore.
South Carolina—Ellison D. Smith and Benjamin R. Tillman.
South Dakota—Coe I. Crawford and Robert J. Gamble.
Tennessee—Luke Lea and Robert L. Taylor.
Texas—Joseph W. Bailey and Charles A. Culberson.
Utah—Reed Smoot and George Sutherland.
Vermont—William P. Dillingham and Carroll S. Page.
Virginia—Thomas S. Martin and Claude A. Swanson.
Washington—Wesley L. Jones and Miles Poindexter.
West Virginia—William E. Chilton and Clarence W. Watson.
Wisconsin—Robert M. La Follette and Isaac Stephenson.
Wyoming—Clarence D. Clark and Francis E. Warren.

NOTIFICATION TO THE HOUSE.

Mr. CULLOM submitted the following resolution (S. Res. 150), which was considered by unanimous consent and agreed to:

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled, and that the Senate is ready to proceed to business.

NOTIFICATION TO THE PRESIDENT.

Mr. GALLINGER submitted the following resolution (S. Res. 151), which was considered by unanimous consent and agreed to:

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled, and that Congress is ready to receive any communication he may be pleased to make.

The VICE PRESIDENT appointed as the committee Mr. GALLINGER and Mr. MARTIN of Virginia.

HOUR OF DAILY MEETING.

Mr. LODGE. I offer the following resolution, for which I ask present consideration.

The resolution (S. Res. 152) was read, as follows:

Resolved, That the hour of daily meeting of the Senate be 12 o'clock meridian until otherwise ordered.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. BAILEY. I move to strike out "12 o'clock meridian" and to insert "2 o'clock p. m."

The amendment was agreed to.

The resolution as amended was agreed to.

DESIGNATION OF PRESIDING OFFICER.

Mr. GALLINGER. Mr. President, owing to a death in the family of the Vice President it becomes necessary for the Senate to select a Senator to preside for several days. I therefore ask unanimous consent that the senior Senator from Kansas [Mr. CURTIS] be designated to preside over the Senate until Tuesday the 12th instant.

The VICE PRESIDENT. Is there objection to the request of the Senator from New Hampshire? The Chair hears none, and the order is entered.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to, and (at 12 o'clock and 17 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, December 5, 1911, at 2 o'clock p. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *December 4, 1911.*

This being the day designated by the Constitution for the annual meeting of Congress, the Members of the House of Representatives assembled in their Hall for the second session of the Sixty-second Congress, and at 12 o'clock m. were called to order by the Speaker.

PRAYER.

Rev. Henry N. Couden, D. D., Chaplain of the House, offered the following prayer:

Lord, Thou hast been our dwelling place in all generations.

"Before the mountains were brought forth, or ever Thou hadst formed the earth and the world, even from everlasting to everlasting, Thou art God, the same yesterday, to-day, and forever," shaping, guiding the destiny of men and of nations from darkness to light, from savagery to civilization, from despotism to liberty, exemplified in the incomparable genius and sacred institutions of our great and growing Republic. "Unto whomsoever much is given of him shall be much required."

Impress us, we beseech Thee, with the vast responsibilities resting upon us as a people, that we may prove ourselves worthy of the confidence reposed in us, and distinguish clearly between liberty and justice, freedom and license, purity and impurity in the things which make for good citizenship, that we may work together with Thee toward the higher and better forms of life in the spirit of the world's great exemplar.

Imbue the minds and hearts of these Thy servants, now convened in Congress, with the highest ideals, that they may walk worthy of the vocation whereunto they are called. Impart unto those who sit at the bar of justice clearness of vision that they may judge wisely and impartially the intricate problems which confront them.

Let Thy favor be upon our President and his advisers. Quicken every noble impulse which makes for wise statesmanship that he may safeguard all the interests of our people, that righteousness, peace, and prosperity may reign throughout our land and in all the world.

And glory and honor and praise be Thine, the God of our salvation, in Jesus Christ our Lord. Amen.

CALL OF THE ROLL.

The SPEAKER. The Clerk will call the roll of Members, by States, to ascertain the presence of a quorum.

The Clerk called the roll, when the following Members responded:

ALABAMA.

George W. Taylor.
S. H. Dent, jr.
Henry D. Clayton.
J. Thomas Heflin.
Richmond Pearson Hobson.
John L. Burnett.
William Richardson.
Oscar W. Underwood.

ARKANSAS.

Robert Bruce Macon.
William A. Oldfield.
John C. Floyd.
H. M. Jacoway.
W. S. Goodwin.

CALIFORNIA.

John E. Raker.
William Kent.
Joseph R. Knowland.
Julius Kahn.
James Carson Needham.
William D. Stephens.
Sylvester C. Smith.

COLORADO.

Edward T. Taylor (at large).
Atterson W. Rucker.
John A. Martin.

CONNECTICUT.

John Q. Tilson (at large).
Ebenezer J. Hill.

DELAWARE.

William H. Heald (at large).

FLORIDA.

Stephen M. Sparkman.
Frank Clark.
Dannitte H. Mays.

GEORGIA.

Dudley M. Hughes.
William C. Adamson.
William Schley Howard.
Charles L. Bartlett.
Gordon Lee.
Samuel J. Tribble.
Thomas W. Hardwick.

IDAHO.

Burton L. French.

ILLINOIS.

Martin B. Madden.
James R. Mann.
James T. McDermott.
Adolph J. Sabath.
Edmund J. Stack.
Frank Buchanan.
Thomas Gallagher.
Lynden Evans.
George Edmund Foss.
Ira C. Copley.
Charles E. Fuller.
John C. McKenzie.
James McKinney.
George W. Prince.
Claude U. Stone.
John A. Sterling.
Joseph G. Cannon.
William B. McKinley.
Henry T. Rainey.
James M. Graham.
William A. Rodenberg.
Martin D. Foster.
H. Robert Fowler.
Napoleon B. Thistlewood.

INDIANA.

William A. Cullop.
Lincoln Dixon.
Ralph W. Moss.
Finly H. Gray.
Charles A. Korbly.
John A. M. Adair.
Martin A. Morrison.
Edgar D. Crumpacker.
Cyrus Cline.
Henry A. Barnhart.

IOWA.

Charles A. Kennedy.
I. S. Pepper.
James W. Good.
N. E. Kendall.
S. F. Prouty.
Horace M. Towner.
William R. Green.
Frank P. Woods.
Elbert H. Hubbard.

KANSAS.

Daniel R. Anthony, jr.
Philip P. Campbell.
Fred S. Jackson.
Rollin R. Rees.
I. D. Young.
Victor Murdock.

KENTUCKY.

Ollie M. James.
Augustus O. Stanley.
R. Y. Thomas, jr.
Ben Johnson.
Swagar Sherley.
Arthur B. Rouse.
James C. Cantrill.
Harvey Helm.
John W. Langley.
Caleb Powers.

LOUISIANA.

Albert Estopinal.
H. Garland Dupre.
John T. Watkins.
Joseph E. Ransdell.
Robert C. Wickliffe.

MAINE.

Asher C. Hinds.
Daniel J. McGillicuddy.
Samuel W. Gould.
Frank E. Guernsey.

MARYLAND.

James Harry Covington.
Joshua F. C. Talbott.
John Charles Linthicum.
Thomas Parran.
David J. Lewis.

MASSACHUSETTS.

George P. Lawrence.
Frederick H. Gillett.
John A. Thayer.
William H. Wilder.
Augustus P. Gardner.
Ernest W. Roberts.
Samuel W. McCall.
William F. Murray.
James M. Curley.
Andrew J. Peters.
John W. Weeks.
Robert O. Harris.

MICHIGAN.

Frank E. Doremus.
William W. Wedemeyer.
Edward L. Hamilton.
Edwin F. Sweet.
Samuel W. Smith.
Henry McMorran.
Francis H. Dodds.
H. Olin Young.

MINNESOTA.

Sydney Anderson.
Frederick C. Stevens.
Frank M. Nye.
Charles A. Lindbergh.
Andrew J. Volstead.
Clarence B. Miller.
Halvor Steenerson.

MISSISSIPPI.

Ezekiel S. Candler, jr.
Hubert D. Stephens.
Benjamin G. Humphreys.
Thomas Upton Sisson.
B. P. Harrison.
William A. Dickson.
James William Collier.

MISSOURI.

James T. Lloyd.
William W. Rucker.
Joshua W. Alexander.
Charles F. Booher.
William P. Borland.
Clement Cabell Dickinson.
Courtney Walker Hamlin.
Dorsey W. Shackleford.
Champ Clark.
Richard Bartholdt.
Theron E. Catlin.
L. C. Dyer.
Walter L. Hensley.
Joseph J. Russell.
James A. Daugherty.
Thomas L. Rubey.

MONTANA.

Charles N. Pray (at large).

NEBRASKA.

John A. Maguire.
C. O. Lobeck.
Charles H. Sloan.
George W. Norris.

NEVADA.

E. E. Roberts (at large).

NEW HAMPSHIRE.

Cyrus A. Sulloway.

NEW JERSEY.

John J. Gardner.
Thomas J. Scully.
Ira W. Wood.
William E. Tuttle, jr.
William Hughes.
Edward W. Townsend.
Walter I. McCoy.
Eugene F. Kinkead.
James A. Hamill.

NEW YORK.

Martin W. Littleton.
James P. Maher.
Frank E. Wilson.
William C. Redfield.
William M. Calder.
John J. Fitzgerald.
Daniel J. Riordan.
Henry M. Goldfogle.
William Sulzer.
Charles V. Fornes.
Michael F. Conry.
Jefferson M. Levy.
John Joseph Kindred.
Thomas G. Patten.
Francis Burton Harrison.
Henry George, jr.
Steven B. Ayres.
John E. Andrus.
Henry S. De Forest.
Theron Akin.
George R. Malby.
Charles A. Talcott.
John W. Dwight.
Sereno E. Payne.
Henry G. Danforth.
Edwin S. Underhill.
Edward B. Vreeland.

NORTH CAROLINA.

John H. Small.
Claude Kitchin.
John M. Faison.
Charles M. Stedman.
Hannibal L. Godwin.
Robert N. Page.
Robert L. Doughton.
James M. Gudger.

NORTH DAKOTA.

H. T. Helgesen (at large).

OHIO.

Nicholas Longworth.
Alfred G. Allen.
James M. Cox.
J. H. Goeke.
Timothy T. Ansberry.
Matthew R. Denver.
J. D. Post.
Frank B. Willis.
Isaac R. Sherwood.
Robert M. Switzer.
Horatio C. Claypool.
Edward L. Taylor, jr.
Carl C. Anderson.
William G. Sharp.
George White.
W. B. Francis.
William A. Ashbrook.
John J. Whitacre.
E. R. Bathrick.
Paul Howland.
R. J. Bulkley.

OKLAHOMA.

Dick T. Morgan.
Charles D. Carter.
Scott Ferris.

OREGON.

A. W. Lafferty.

PENNSYLVANIA.

Henry H. Bingham.
William Stuart Reyburn.
J. Hampton Moore.
George D. McCreary.
Thomas S. Butler.
William W. Griest.
John R. Farr.
Charles C. Bowman.
Robert E. Lee.
John H. Rothermel.
William B. Wilson.
John G. McHenry.
Benjamin K. Focht.
Marlin E. Olmsted.
Jesse L. Hartman.
Daniel F. Lafean.
Charles E. Patton.
Curtis H. Gregg.
Thomas S. Crago.
Charles Matthews.
Arthur L. Bates.
A. Mitchell Palmer.
J. N. Langham.
Peter M. Speer.
Stephen G. Porter.
John Dalzell.
James Francis Burke.
Andrew J. Barchfeld.

RHODE ISLAND.

George F. O'Shaunessy.
George H. Utter.

SOUTH CAROLINA.

George S. Legare.
James F. Byrnes.
Joseph T. Johnson.
J. Edwin Ellerbe.
Asbury F. Lever.

SOUTH DAKOTA.

Charles H. Burke (at large).
Eben W. Martin (at large).

TENNESSEE.

Sam R. Sells.
Richard W. Austin.
John A. Moon.
Cordell Hull.
William C. Houston.
Joseph W. Byrns.
Lemuel P. Padgett.
Thetus W. Sims.
Finis J. Garrett.

TEXAS.

Martin Dies.
James Young.
Choice B. Randell.
Rufus Hardy.
George F. Burgess.
Albert S. Burleson.
Jack Beall.
Robert L. Henry.
Oscar Callaway.
John H. Stephens.
James L. Slayden.
John N. Garner.
William R. Smith.

UTAH.

Joseph Howell (at large).

VERMONT.

David J. Foster.
Frank Plumley.

VIRGINIA.

E. E. Holland.
John Lamb.
R. Turnbull.
E. W. Saunders.
Carter Glass.
James Hay.
Charles C. Carlin.
C. Bascom Slemp.

WASHINGTON.

William E. Humphrey.
Stanton Warburton.
William La Follette.

WEST VIRGINIA.

John W. Davis.
William G. Brown.
Adam B. Littlepage.
John M. Hamilton.

WISCONSIN.

Arthur W. Kopp.
William J. Cary.
Victor L. Berger.
Michael E. Burke.
John J. Esch.
Henry A. Cooper.
James H. Davidson.
Thomas F. Konop.
E. A. Morse.
Irvine L. Lenroot.
John M. Nelson.

WYOMING.

Frank W. Mondell.

The SPEAKER. Three hundred and twenty-six Members are present, a quorum. The House is ready for business.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the following resolutions:

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

Also—

Resolved, That a committee, consisting of two Senators, be appointed by the Chair to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled, and that Congress is ready to receive any communication he may be pleased to make.

And that in compliance with the foregoing the Presiding Officer had appointed as said committee Mr. GALLINGER and Mr. MARTIN of Virginia.

NOTIFICATION OF THE PRESIDENT.

Mr. UNDERWOOD. Mr. Speaker, I move the adoption of the resolution which I send to the Clerk's desk.

The resolution was read, as follows:

House resolution 304.

Resolved, That a committee of three Members be appointed on the part of the House to join the committee appointed by the Senate to wait upon the President and inform him that a quorum of the two Houses is assembled and that Congress is ready to receive any communication he may have to make.

The question being taken, the resolution was agreed to; and the Speaker appointed as the committee on the part of the House Mr. UNDERWOOD, Mr. CULLOP, and Mr. MANN.

NOTIFICATION OF THE SENATE.

Mr. STEPHENS of Texas. Mr. Speaker, I present a resolution for consideration at this time.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 305.

Resolved, That the Clerk of the House inform the Senate that a quorum of the House of Representatives has appeared, and that the House is ready to proceed to business.

The question being taken, the resolution was agreed to.

HOUR OF DAILY MEETING.

Mr. FITZGERALD. Mr. Speaker, I present the following resolution.

The Clerk read as follows:

House resolution 306.

Resolved, That until otherwise ordered the hour of daily meeting of the House of Representatives shall be 12 o'clock meridian.

The resolution was agreed to.

NEWLY ELECTED MEMBERS.

The SPEAKER laid before the House the following communication, which was read by the Clerk:

HOUSE OF REPRESENTATIVES, CLERK'S OFFICE,
Washington, D. C., December 4, 1911.

Hon. CHAMP CLARK,
Speaker of the House, Washington, D. C.

SIR: I have the honor to inform you that official certificates of election for membership in the House of Representatives for the Sixty-second Congress, to fill out the unexpired terms caused by death, have been filed by—

WILLIAM J. BROWNING, first congressional district of New Jersey.
W. D. B. AINEY, fourteenth congressional district of Pennsylvania.
DAN V. STEPHENS, third congressional district of Nebraska.
JOSEPH TAGGART, second congressional district of Kansas.
KENNETH D. MCKELLAR, tenth congressional district of Tennessee.

Very respectfully, yours,

SOUTH TRIMBLE, *Clerk.*

The SPEAKER. The Members elect will take their places at the bar of the House and be sworn.

SWEARING IN OF MEMBERS.

Mr. BROWNING, Mr. AINEY, Mr. STEPHENS, Mr. TAGGART, and Mr. MCKELLAR appeared at the bar of the House and the oath was administered to them by the Speaker.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to Mr. BLACKMON for 10 days, on account of sickness in his family.

QUESTION OF PERSONAL PRIVILEGE.

Mr. LITTLETON. Mr. Speaker, I rise to a question of personal privilege, and I send to the Clerk's desk articles which I wish read in the order in which they are presented.

The Clerk read as follows:

LITTLETON AS ALLY OF THE STEEL MEN WILL BE PUNISHED—DEMOCRATIC REPRESENTATIVE IN CONGRESS FROM ROOSEVELT'S DISTRICT REGARDED AS TRAITOR TO HIS PARTY'S INTERESTS, AND HIS COLLEAGUES WILL ASK FOR HIS DISMISSAL FROM SPECIAL INVESTIGATING COMMITTEE—STANLEY HAS LOST CONFIDENCE IN HIM—BELIEF THAT MAJORITY IN HOUSE OF REPRESENTATIVES WILL DEGRADE THE BRILLIANT MEMBER FROM LONG ISLAND—HIS USEFULNESS CONSIDERED AS AT AN END.

WASHINGTON, *November 23.*

Representative MARTIN W. LITTLETON, of New York, the man who defeated Theodore Roosevelt's own candidate for Congress in Roosevelt's own district of Long Island in 1910, is to be read out of the Democratic Party in the Lower House as a result of the attitude he has taken toward the investigation of the United States Steel Corporation. That became evident to-day, when Representative HENRY O. STANLEY, of Kentucky, chairman of the House investigating committee, announced his intention to appeal to the House to force LITTLETON to resign from the investigating committee.

If the plan is carried out, LITTLETON will find himself in the same position as was W. Bourke Cockran, for many years in Congress. Though a Democrat, Cockran was not recognized by other Democratic Representatives as a legitimate member of the party.

That LITTLETON has not been acting in concert with other Democratic Representatives in their trust-busting activities long has been evident. On many details of the inquiry into steel affairs he has sided against his political colleagues on the probing committee. Things reached a crisis last Monday, when LITTLETON upheld the contention of the Steel Corporation's lawyers that the investigation by the Stanley committee should be stopped, because of the filing of suit by the Federal Government for the dissolution of the Steel Trust. In a vote taken on the question of stopping the inquiry, LITTLETON voted with the Republican members of the committee—Representative GARDNER, of Massachusetts, and Representative DANFORTH, of New York. STANLEY and the two other Democratic members present—MCGILLICUDDY, of Maine, and BEALL, of Texas—voted to continue the inquiry. In a conference which followed it was decided the question should be brought before the House for settlement.

Meantime STANLEY is waging war on LITTLETON. The story in Washington is that LITTLETON has become too friendly with certain of the leading financiers of the country, and it is suspected that in the proceedings against the corporations he will not follow his party's decision as to how that fight should be carried on. It even is said that LITTLETON is entirely out of sympathy with the antitrust moves of the Democrats and is working in cooperation with those who are being investigated.

As an instance of LITTLETON'S friendliness with the big financial interests it was recalled that he voted in the committee with them several times early in the year, and it is pointed out that the Long Island Representative returned from Europe on October 20 last with Andrew Carnegie and was praised highly by the ironmaster. On the voyage LITTLETON and Carnegie became warm friends, and when Carnegie was visited by the ship-news reporters in New York he showed genuine eagerness to tell in what high regard he held LITTLETON. Carnegie said if LITTLETON had not been on board the voyage would not have been half so interesting. When it was suggested the Representative was a good mental doctor the ironmaster replied:

"Yes; not only mental, but ornamental as well."

It is known, too, that LITTLETON has been mingling with many other men recently whose names are well to the front in the directorates of great corporations.

All those things have not escaped LITTLETON'S Democratic colleagues, and affairs have reached the stage where LITTLETON is considered as being thoroughly out of sympathy with the political moves of his party. In the recent sessions of the House committee it was noticed that STANLEY was not as friendly with LITTLETON as might have been expected. Recently, too, LITTLETON has made several speeches in which he warned the country against baiting big business interests, for fear that it might cause great unsettlement in commerce, and has suggested amendment of the Sherman law, if not its repeal.

Just when the breach between LITTLETON and the other Democrats came can not be said, but now STANLEY is prepared to wage a hot campaign in the House to relegate the Long Island man to the Democratic discard. The fight will be started soon after the House convenes next month for the winter session. STANLEY will call on the majority to demand LITTLETON'S resignation from the steel investigating committee, and an open fight is assured. As STANLEY is close to the party leaders, and as LITTLETON seems to have little, if any, support, it is regarded as likely the fight will go against him.

Involved in this will be the question of continuing the investigation, brought up last Monday at the resumption of the hearings. On that occasion the Steel Corporation's counsel, Richard V. Lindabury and D. A. Reid, contended the inquiry had been terminated automatically by the filing of the steel dissolution suit. They based their argument on a phrase in the original resolution authorizing the appointment of the Stanley committee and directing the inquiry. This phrase of the resolution directs the committee to inquire into violations of the law which "have not been prosecuted by the executive officers of the Government." "As the dissolution suit was filed," said Lindabury and Reid, "there was nothing left for the House committee to do, because the dissolution suit involves all the questions into which the Stanley committee is inquiring."

LITTLETON openly sympathized with the Steel Corporation's lawyers on the argument that followed. The vote that was taken indicated clearly where he stood. In Tuesday's session of the committee LITTLETON again was at odds with the Democratic members when there was a discussion of whether a subpœna duces tecum should be served on John D. Rockefeller, requiring him to bring before the committee the paper relating to his dealings with Alfred and Leonidas Merritt, original owners of the Mesaba Iron mine and the Duluth, Missabe & Northern Railroad.

When the committee met on Wednesday LITTLETON failed to appear. That was taken as an open hint from him that he would have nothing more to do with the steel investigation until the House had passed on the question of the validity of further proceedings along that line. The arrangement made on Monday was that the Merritt brothers should be heard and then an adjournment was to be taken, pending action by the House on the question of continuing the inquiry.

As a result the Stanley committee did not meet to-day, but the chairman had a conference with Representatives BEALL and MCGILLICUDDY. It was after that conference that STANLEY announced he had decided to make the question of LITTLETON'S continuance on the committee a party issue. He said he will call on the Democratic majority to sustain him in opposition to LITTLETON and to force the latter man's resignation. STANLEY expressed full confidence that the Democrats will vote with him as a body against the Long Island man. That will bring about the interesting situation comparing so closely with the experience of W. Bourke Cockran. LITTLETON'S vote, if it stands as the only Democratic one in the dispute, will mark him as an outcast from the Democratic fold. STANLEY'S purpose is to continue the steel investigation despite the Government suit. How enthusiastic he is about the hearings was well indicated on Wednesday, when he informed Reid, the steel lawyer, that he considered the Democratic Party is doing a "great service to humanity" in bringing out the testimony relating to the Rockefeller-Merritt transactions.

The argument which is to be made in favor of continuing the steel inquiry already has been outlined by STANLEY and his Democratic colleagues. Their contention is that the mere bringing of a dissolution suit by the Government will not assure a remedy for the evils laid to the Steel Trust. As examples of the futility of a suit under the Sherman antitrust law they will cite the American Tobacco Co. dissolution suit and the resultant reorganization of the tobacco company. In a meeting of the full steel investigating committee LITTLETON would have triumphed in his plan to have the committee put an end to its own activities. Two Republican members, Representatives YOUNG, of Michigan, and STERLING, of Illinois, were absent. They probably would have voted with the other Republicans, it is said, and that would have given LITTLETON five votes out of the full nine. Representative BARTLETT, the fifth Democratic member, is ill in his home in Georgia and probably will be unable to appear next month.

The illness of BARTLETT puts STANLEY on the defensive, so far as continuance of the present committee is concerned. If the hearings are resumed next month and LITTLETON is not forced off the committee, BARTLETT'S absence will mean that LITTLETON and the Republicans will have control of the committee. That makes STANLEY'S desire to oust LITTLETON all the more keen.

It is recognized by Democrats here that LITTLETON has ended his career in the party. He is without money, is a man of splendid integrity, has a liking for political life, but now probably will have to fall back upon his legal attainments for whatever influence and wealth may come to him hereafter. The desire of Mrs. Littleton (Peggy O'Brien) to be a factor in society here, and the consequent necessity for living beyond the democratic simplicity of many of his colleagues, has brought the Long Island Representative under unjust criticism. Many men already have for him the aversion they show to BAILEY, of Texas—something that finally got under the thick hide of that gentleman. LITTLETON, it is conceded, will be powerless in the House. A few reactionaries, such as FITZGERALD, of Brooklyn, may assist him, but progressive Republicans will take the places of these men on any vital bill.

LITTLETON'S ACTION IS RESENTED BY DEMOCRATS.

WASHINGTON, *November 24.*

The action of Representative MARTIN W. LITTLETON in endeavoring to stop further revelations before the Stanley investigating committee regarding John D. Rockefeller's dealings with the Merritt brothers, is viewed by all Progressive Democrats with amazement.

Of all members of the New York delegation, LITTLETON had the least reason to ally himself with the Republicans in defending any trust. He made a campaign based on promises of independence. His election by a little more than 5,000 was due to his indorsement by the Independence League, whose support he sought, promising absolute independence of action in return.

His utterances on the platform were pledges of his independence. Even when he was making efforts to be elected United States Senator by Tammany he maintained that he was nobody's man and that he was proceeding solely as his own representative.

HIS VOYAGE WITH CARNEGIE.

With all this in mind, Democrats can hardly speak calmly when they discuss his newly formed combination with the Republicans on the Stanley committee to defeat its purposes and to bring to an end the most important work it has yet had in hand.

On October 20 the Representative from Long Island landed from the same ship with Andrew Carnegie, who has been indicted by the Government with other Steel Trust defendants.

At that time Carnegie told the reporters that he considered LITTLETON an extremely able man, and Carnegie rarely praises men who do not sympathize with his views.

The proposition to stop the Stanley committee investigation did not emanate from LITTLETON, but from the lawyers of the Steel Trust, but no sooner had it been suggested by them than he enthusiastically came to their support.

LEAVES WASHINGTON FOR A TIME.

When a vote was taken on the question, A. O. STANLEY, the chairman, Representatives MCGILLICUDDY, of Maine, and BEALL, of Texas, voted to continue the investigation, holding that discontinuance would be directly against the public interest. But Democratic control of the committee did not help STANLEY, for LITTLETON voted with the Republicans, GARDNER, of Massachusetts, and DANFORTH, of New York, bringing about a deadlock.

In an attempt to explain his desertion of his colleagues LITTLETON said that it was his opinion as a lawyer that the committee had no further right to investigate. He did not take this stand until it was proposed to call Mr. Rockefeller.

Mr. LITTLETON went to New York yesterday. He will probably stay away until the trouble which his action started is settled. Meanwhile there is an effort to put him into a position of unimportance in the party. He has acted in bad faith, it is held, and joined the Republicans at a time when the Democrats were about to do what Mr. STANLEY described as "the greatest public service."

At a meeting of the Washington Antitrust League, held at the Masonic Temple December 3, 1911, the following resolution was adopted:

Resolved, That we hereby express of utmost confidence in the integrity and ability of all our national officers, and we especially desire to express our deep gratitude for the great and beneficial work which our national secretary, Henry B. Martin, has accomplished in constructive legislation in the interest of all the people.

Whereas the most menacing danger to the Government and people of the United States at this time is the combination of lawless conspiracies commonly known as the Steel Trust, Coal Trust, Railroad Trust, and Money Trust; and

Whereas this fact was recognized by the House of Representatives by the appointment of a special committee on May 15 of this year clothed with the powers for the investigation of these four great criminal conspiracies and their allies; and

Whereas the labors of the majority of the members of this committee has resulted in such startling exposure of the crimes, extortions, and oppressions of the people by these trusts that the Department of Justice has been constrained to institute civil proceedings in the United States courts against the Steel Trust; and

Whereas the Antitrust League has for over 10 years past steadfly and persistently gathered evidence and urged on the Department of Justice the necessity for both civil and criminal proceedings against the Steel Trust; and

Whereas the most powerful and efficient instrumentality of the Government for the uncovering of the crimes and conspiracies committed by the trusts is such a committee of Congress as the present steel investigating committee; and

Whereas it is a proven fact that the labors of the Steel Committee in the brief period of its existence has already resulted in not only furnishing to the Department of Justice heretofore undiscovered evidence which has led to the commencement of civil proceedings against the trust, and we have good reason to hope at an early day the beginning of criminal proceedings against the officers, directors, and all other individuals involved in the conspiracy; and

Whereas in addition to this the work of the steel investigating committee has, at the expense of less than $25,000, already resulted in a partial restorntion of competition and the consequent reduction of the price of steel products to the consumers of ofer $25,000,000, a return of over $1,000 for each dollar so far expended in this investigation; and

Whereas the Steel Trust and its allies and coconspirators of the Railroad, Coal, and Money Trust, realizing that the continuance of the work of the steel investigating committee, unhampered by the technical rules of evidence which oftentimes exclude important facts in the courts, would lead to the complete disclosure of the myriad secret offenses of which they are daily guilty against the people of this entire country, agreed on a new conspiracy with certain public officials for the purpose of putting a stop to the work of the steel investigating committee. For several months past a member of the steel investigating committee itself, Congressman M. W. LITTLETON, of New York, has cooperated and conspired with the heads of the trust to prevent the production of evidence, to defend the Steel Trust witnesses against the questions of other members of the committee, to prevent the summoning of witnesses, to offer encouragement and support to the schemes and suggestions of Steel Trust lawyers for the emasculation and repeal of the Sherman antitrust law, and finally, after months of concerted preparation with the trust heads, he openly joins with the chief counsel of the Steel Trust and others and voted to stop all further investigation by the committee when it was on the very eve of uncovering new evidence concerning illegal rebates amounting to millions of dollars, and other unlawful offenses leading to the criminal conviction of the guilty trust officials; and

Whereas this covert conspiracy between the steel officials and Congressman LITTLETON might have succeeded in its nefarious purpose but for the courageous activity of the national executive committee of the Antitrust League and the alert representatives of the press stationed in Washington, who fearlessly made known to the American people the daily developments of the scheme by unhesitating denunciation of it; and

Whereas through the able and unflinching activity and devotion to the public interest of Congressman A. O. STANLEY, of Kentucky, chairman of the committee; Congressman JACK BEALL of Texas; and Congressman DANIEL J. MCGILLICUDDY, of Maine, the scheme of the trust's attorneys and their coconspirators, LITTLETON and YOUNG, was completely exposed and defeated; and

Whereas the newspapers to-day report that the attempt is now being made with all the power of the Steel Corporation and all the cunning of Congressman LITTLETON and Congressman YOUNG to wreak vengeance on the courageous and patriotic representatives of the press and of the Antitrust League by having this too subservient Congressman rise to a question of personal privilege on the first day of the session and in gross misuse of that high privilege deliver a false and maliciously villifying attack upon a private citizen and an honest press for their faithful guardianship of the public interest.

Mr. LITTLETON. Mr. Speaker, so far as the question of privilege is concerned in the resolution, I am content with the reading of that much of the record to the House. If the House wishes to hear the entire resolution, I am perfectly willing that it shall be read, but it deals with other subjects as well as this, and I think the part read sufficiently suggests the question of privilege that I have made.

The SPEAKER. Is this the end of the reading?

Mr. LITTLETON. In so far as it is an attack on me, it is.

The SPEAKER. The gentleman will proceed.

Mr. LITTLETON. Mr. Speaker, under ordinary circumstances I would not intrude my personal affairs upon the attention of the House, nor burden its Members with a consideration of essentially personal grievances, but I am so recently come among you, and you know really so little about me, about my notions of personal and official honor, that I fear to leave unchallenged these assaults upon my character, even though you are men accustomed to accurately estimating and wisely disposing of such assaults.

In addition to this I am conscious of my defenseless position before the country if I do not to my uttermost drive the truth in pursuit of falsehood, set out the facts against the fabrications, and demand justice against the secret and subtle influences of slander. After prolonged reflection, mingled with no little irritation, I am firmly persuaded that no man in public life can afford to submit without protest to the defamation of his character.

He owes it to himself to protect from unjust assault that character which in itself embodies the story of years of anxious labor and decent conduct. He owes it to his family, who, most of all, feel the keen anguish which springs from the blow of the blackmailer, to stand resolutely between them and the lasting grief which follows a blasted name. He owes it to his constituents to maintain unsullied their Representative in the highest and noblest relation yet devised by the wisdom of statesmen and nation builders.

Against the slanderer who must distribute his poison with a single tongue and meet the questioning eye of the listener, the honest man finds safety in the natural limitations which confine his criminal purpose. Against the blackguard who shouts his calumny out in braggart phrase the decent man is secure, because his empty profanation and his hollow vaporings defeat the end which his corrupt intent most covets. But against the libel, frozen into type; against the cool and calculating ink; against the murderous monotony of precise print, the upright man finds but an inadequate remedy in the privilege of reply. The injury inflicted, the hurt done, is all but irreparable, because the answer, however effective, the reply, however conclusive, is very often swept out to sea on the ebbing tide, whose flood marked the highest point of the damage done.

Mr. Speaker, the assassin may from his ambush wound the body, but with the skill of surgeons and the recuperative powers of nature the wound will pass away into a harmless scar. The poisoner may infect the food and drink with the deadliest poison, but with the solicitude of the physician and the agencies of a God-given vitality the wasting sickness will disappear in the ruddy outlines of returning health; but if the libeler sends his lies into the ears of the world, and they fix beliefs in the bosoms of the people, no surgeon can cut out the calumny, no physician can treat the degradation, no process of patient nature can strip this lie from the bosom of your fellows.

Mr. Speaker, the newspaper articles just read at the Clerk's desk, all of them, in those particulars in which they pretend to represent my purpose and the motives that control me, are just such lies, and yet how impotent is denial! How ineffectual is denunciation! How feeble the instant power of truth to overtake and undo the mischief!

In order to avail myself of the high privilege of this House, let me take that article, paragraph by paragraph, and pronounce it false in fact, false in conception, false in purpose, and criminal in the whole sum of its assembled villainy. [Applause.]

The article says in the headline that I, as an ally of the Steel Trust, am to be punished by the Democrats. The man who wrote that headline was not the reporter, but a man in the office of a newspaper in New York, because we all understand that the headlines of the articles which are dispatched from this city are written in the offices of the newspapers to which they are sent. So the man who wrote the headline, I have thought in moments of cultivated patience, was simply an ignorant man, who sat behind some incorporated paper of third-class proportions and wrote whatever fell to his pen to write. But in the article it is said that I am an ally of the Steel Trust. What there is to support that statement you have heard in the article read. I the ally of the Steel Trust! In what particular? Never at any time, directly or indirectly, professionally or otherwise, have I ever been connected with it.

Let me admonish my Democratic friends who do not know the facts that never since I sat on this committee has there been a time when I have ever dissented from the program of the committee, and never, when I was present, has there ever been a dissenting vote, either by a Democrat or a Republican upon the committee; and yet somebody inspired, somebody put it into the mind of the newspaper man to write this article for the New York Press, and he put it in his mind to write it in this fashion:

That became evident to-day when Representative STANLEY, of Kentucky, chairman of the House investigating committee, announced his intention of appealing to the House to force Mr. LITTLETON to resign from the investigating committee.

Mr. Speaker, that of itself is an attack which would destroy the usefulness of a Member on this floor if every one were to credit it and believe that I, because of my alliance with the Steel Trust, had become treasonable to my colleagues and a traitor even to the Democratic side of the House. Let me say by way of parenthesis that I do not mean that while I am on the committee I may not, if my conscience and my judgment so dictate, vote against my Democratic colleagues, because I came upon the committee under the obligations of an oath, and I shall subscribe myself to those obligations against the blackmailers and the outside critics who may attack me on this floor. [Applause.]

This contains another distinct, deliberate, concocted, and curious falsehood. It says that I am working in cooperation with those who are being investigated. On November 24—and I hope the Members of the House will permit me to set these dates in their memory, because I have something to prove—it was stated in this paper that I was cooperating with those who were under investigation. I need not continue here in the impoverishment of my English to seek some new word to characterize this thing as false.

I hope I can keep within the strict restraints of decent language and leave it for you to infer that what was said and insinuated and what was meant to be insinuated was false; blackmail, dictated by falsehood and carried out in a spirit of criminal libel. [Applause.] Let me tell you that this bears the earmarks of the classical blackmailer.

In my profession at the bar it was my opportunity from time to time to serve in public office. For eight years it was my honor to serve as prosecuting attorney, and I think I know the earmarks of the classical blackmailer, and I will point you to one in this article that, furnishing an additional chapter in its history, will demonstrate by evidence conclusive to the mind of any fair person that this was concocted in blackmail. Because, after he had said I was dishonest; after he had said I had prostituted myself to an alliance with the Steel Trust; after he had said that here on the threshold of my congressional term I had profaned this temple, dishonored my name, debauched the public service by cooperating with men whom I had sworn to investigate, not content with that—for I could have turned from it with some complacency—he invades the home. The blackmailer has a barbarous instinct, he knows where grief will be deepest and most lasting, and so he invades the home. So here he breathes his falsehoods. With one breath he imputes a lack of integrity on my part; and then he turns aside the curtain of my home and practically says that because of the extravagance of my family it is necessary for me, in order to maintain that extravagance, to be in alliance with the Steel Trust. Now, gentlemen, I shall demonstrate to every lawyer in this House that that was the work of the blackmailer and no one else. This article was published. I answered it back to the newspaper. The answer was impotent, weak, ineffective—necessarily. Why? Because the story had gone out upon the wings of the wind; its insinuations were in the bosoms of the people who did not know me; its curse laid upon me, upon the lips of the idle and unthinking, and as fast as idle tongues could repeat it it traveled to the ends of the country. This libel, this slander—born, in my opinion, of the corrupt coalition between the Antitrust League, as I shall unfold to you, and this crooked alliance in Wall Street—was started for the purpose of driving me by blackmail into a submissive position before this House and the country.

Mr. Speaker, I should hesitate under other circumstances to draw the attention of this House to any poor service I had rendered on the committee. I should much have preferred to leave that to the record of the hearings, but my motives have been so frequently challenged, my purpose and intent so deliberately obscured, my political loyalty so unjustly questioned, that I am bound to turn aside for a moment from the natural restraints which modesty would impose and point you to the fact that I was intrusted by the chairman of this committee with the examination of many of the most important witnesses upon most important subjects, and more than that I believe I can show that the largest single chapter in the hearings was the revelations as to the purchase of the Tennessee Coal & Iron property, and I think I can show that substantially all that testimony was drawn out on examinations which I conducted.

As I sat by the side of the chairman day after day and week after week I heard no criticism upon the manner of my conduct of the examination, either as to its sufficiency or adequacy. Indeed, I was, at least momentarily, flattered by the assurance that the work had been well done. I call this to your attention for the purpose of showing that there was no dissatisfaction or criticism inside or outside of this committee until that dissatisfaction and criticism was begun by voluntary attachés of the committee, whose conduct toward me and whose ultimate purpose and secret motive I shall attempt to reveal.

Mr. Speaker, I do not believe these articles were conceived and written by the reporters of these papers. If I did not feel sure from all the circumstances that the article, in the New York Press particularly, was born of blackmail I would conclude my remarks here and now. If I were convinced that it was the aimless conjecture of a careless reporter, supported by the cupidity of a commercial journal, I would not do more than pronounce it false and denounce its authors as defamers. But the facts leading up to its publication, the true history of the events which it so grossly perverts, the motive of those whom it is my purpose to show inspired its publication, and their corrupt interest in the cause it was designed to serve, leads me to reveal, so far as it is in my power, the authors and the aim of the authors of the article.

There is maintained in the city of Washington an organization having the well-meaning title of "The American Antitrust League," an organization, which, if it lived up to or intended to live up to the purpose expressed in its name, could render lasting service to the country and more than justify its claim to public recognition and approval, but it is an organization, in fact, masquerading under this name for the purpose of beguiling earnest workers for reform and at the same time serving the sordid and mercenary appetites of its representatives in Washington. It is so contrived as to naturally appeal to the sympathy of a great number of honest and sincere men who believe that great evils have grown up with our industrial growth, and its agents and representatives capitalize this honest sentiment, use the capital as an instrument of blackmail, and collect the dividends which the cowardly or ignorant submission of public men will pay. It speaks with the sainted voice of the patriot to the people; it speaks with the stern command of a master to the Representative; and it laughs with the face of a successful gambler behind the heavy doors of Wall Street. It has none of the ordinary attestations of any such associations as we commonly understand them. Its organization is not attested by any of those evidences which usually go with associations. It has no by-laws or constitution. It has no office for the transaction of business. It has several printed officers, but it has only one real director or dictator. It does not act as the result of conference and consultation. It has no fixed time for meeting. It has no standard of membership. It has no record of its members. It openly confesses that it keeps its membership secret. It is not engaged in anything which could honestly produce an income. Its officers draw no pay or salary from it. Its action is determined by its secretary. It claims to receive voluntary subscriptions, but it is not clear whether there are any books that record all the funds either as they come in or go out. It has not offered any evidence of its good faith except the protestations of its dictator, this secretary, whose name is Henry B. Martin, who, according to the resolution which has been read at the Clerk's desk, appears to be all there is of it, either in machinery, money, purpose, policy, or conduct. And, as partial proof of these statements, let me submit to you his statements before the Committee on Interstate Commerce of the Senate, made last month under an inquiry from a distinguished Senator. I submit this record to you for the purpose of demonstrating the proposition that this organization is Henry B. Martin, and Schulteis, his crooked ally, is the other member of it.

Senator BRANDEGEE, in these hearings, asked Mr. Martin these questions:

What is the full name of your organization?
The American Antitrust League.

Said Martin.

Senator BRANDEGEE. Is it an incorporated concern?
Mr. MARTIN. It is not.
Senator BRANDEGEE. What is the nature of the organization?
Mr. MARTIN. It is an organization formed by citizens of the United States for the purpose of preventing the growth and putting an end to the oppressions and extortions upon the people, practiced by the great combinations of capital and conspiracies known as trusts.

Senator BRANDEGEE. That is only the purpose of the organization. I mean what is the legal character of its existence?

Mr. MARTIN. It is a voluntary association of citizens, the same as a political party, practically.

Senator BRANDEGEE. Is it a voluntary association organized under the laws of any State?

Mr. MARTIN. No; it is practically the same as a political party. It is a free association of citizens for this purpose. It is the same as a political party, except that we do not nominate candidates for office.

Senator BRANDEGEE. What determines its membership?

Mr. MARTIN. Voluntary. Any man may join it who believes in its policy, and he may do it with a minimum of trouble, and it is in that respect practically the same as a political party.

Senator BRANDEGEE. I mean who determines who may join?

Mr. MARTIN. The local groups of men in each locality are perfectly free to take anybody that applies into their councils and cooperate together. It is composed of a minimum of machinery in order that the maximum of effect and public opinion may be accomplished.

[Laughter.]

Senator BRANDEGEE. I am trying to get some idea of the extent and organization of the concern. Is there a list of membership of the organization in existence anywhere?

Mr. MARTIN. You mean a complete list in any one place?

Senator BRANDEGEE. Yes; and in all places.

Mr. MARTIN. I do not think there is.

Senator BRANDEGEE. How do you know who are the members of your organization for which you speak?

Mr. MARTIN. It is not necessary for me to know. In fact, there is very strong reason why the entire list of membership of the entire organization should not be within the reach of anybody to be obtained in any one particular locality. We are engaged in what amounts practically to war with these great criminals known as trusts, and they would victimize and butcher our members, especially those who take an active part, wherever they could get a chance. It is very desirable—in fact, as a matter of military precaution it is necessary to keep a good deal of the membership out of the knowledge and out of the reach of the vengeance of these men, who are not at all merciful when they get anybody in their clutches whom they think are dangerous to them.

Senator BRANDEGEE. It has a secret membership, then?

Mr. MARTIN. Largely; yes, sir.

Senator BRANDEGEE. Does anybody know the members of the organization?

Mr. MARTIN. I do not think that any one man knows all the members.

Senator BRANDEGEE. Does it adopt a platform like a political party?

Mr. MARTIN. In the different States and localities the members act in accordance with the needs of the locality, and nationally we have practically a settled policy of simple forms, such as I stated to you a moment ago.

Senator BRANDEGEE. Does the local membership or group, or whatever you call it, elect officers?

Mr. MARTIN. Yes, sir.

Senator BRANDEGEE. Did you say you were the national secretary?

Mr. MARTIN. Yes, sir.

Senator BRANDEGEE. Who appoints you?

Mr. MARTIN. The national executive committee.

Senator BRANDEGEE. Is that known to the public?

Mr. MARTIN. Yes, sir.

Senator BRANDEGEE. Well, do they have stationery containing a list of the officials of the organization?

Mr. MARTIN. They have stationery containing a list of the national officers.

Senator BRANDEGEE. Who is the president of it?

Mr. MARTIN. M. L. Lockwood, of Oklahoma.

Senator BRANDEGEE. Do they have a treasurer?

Mr. MARTIN. Yes, sir.

Senator BRANDEGEE. Is his name given on the list of officers?

Mr. MARTIN. It is.

Senator BRANDEGEE. How long have you been its national secretary?

Mr. MARTIN. For quite some years.

Senator BRANDEGEE. When was it organized?

Mr. MARTIN. In 1899. I have been its national secretary in fact since it was organized. In fact, I was one of a small group of men who originated the idea. We believed that some organized force of citizens should be gathered together to urge upon the Secretary and Congress and the Executive the necessity for more thoroughgoing enforcement of the law.

Senator BRANDEGEE. How are its funds collected—by voluntary subscriptions?

Mr. MARTIN. By voluntary contributions, the same as political parties receive contributions, each man doing much or little as he sees fit.

Senator BRANDEGEE. Does the treasurer or any disbursing officer make any return of his expenditures to anybody?

Mr. MARTIN. Yes, sir.

Senator BRANDEEE. There is a system of accounting, then—auditing, I suppose?

Mr. MARTIN. Yes, sir; not complicated. It is comparatively simple, because the organization is not wealthy, and the money it does receive it spends just about as fast as it gets it to conduct the struggle, and with the powerful men who compose the trusts we have ample use immediately for every dollar we can get hold of.

Senator BRANDEGEE. The officers get salaries, I assume.

Mr. MARTIN. No; they all contribute their services free.

Senator BRANDEGEE. Do you yourself represent the policies of the organization before legislative bodies?

Mr. MARTIN. At times; yes, sir. On this occasion I do: yes, sir.

Senator BRANDEGEE. I mean, you have been in the habit of doing it here?

Mr. MARTIN. Frequently I have. I appeared before the Senate Committee on the Judiciary and the House Committee on the Judiciary in opposition to the amendment to the antitrust law. * * *

Now, if you were to take that, even at its full measure, you would find yourselves in the same position that I found myself in with regard to this man who, since 1899, has acted for that society, yet who, when as its representative and chief officer he was given the opportunity in the Senate committee to make explanation of who and what are behind it, either neglected the opportunity or refused to state more than that the membership was secret and that the money went out so fast that it was unnecessary to keep any complicated system of books.

Now, that is not all. I would not condemn any man simply because he was not able to state his case any better than that, if other things had not followed. This is the only public record, as far as I have been able to ascertain, in which the nebulous character of this organization has been disclosed. For years this man Martin has hovered around this Capitol, meddling with all sorts of legislation, buttonholing Representatives and Senators, calling them from the floor, and playing the part of an earnest worker for reform legislation. At times, when Members have not met with his approval or have denied his importunities, he has caused circulars, clothed in the language of earnest appeals, but inspired by the spirit of blackmail, to be circulated over the country, holding the offending Member up to public contempt, charging him with being a representative of the Standard Oil Co., or of some other concern under public condemnation.

Now let me tell you the facts concerning Martin's attack upon me. When I was appointed on the Steel Committee I met this man Martin, I think, for the first time. I found him in the office of the chairman, industriously at work in the preparation of matters for investigation by the committee, volubly discussing the affairs of the United States Steel Corporation, and close in the confidence of the staff of the chairman's office. In short, I treated him, as did everyone else, as being quite as much a part of the investigating force as though he were the chief investigator in his official and proper person. I inquired of the chairman who he was and what the Antitrust League was, and my recollection is that the chairman told me that he had seen the checks and vouchers of the league and that, in his opinion, Martin was a trustworthy man.

Nothing occurred until shortly after this committee met, when a distinguished Member of this House asked me if I knew anything about Martin, and I told him, naturally, I did not. This Member then said, in substance, that he hoped before the investigation closed I would put Martin on the stand and find out whom he represented and what he stood for. In the candor of that confidential relation which I was happy to sustain to my colleagues on the committee I communicated these facts to the chairman. I think I withheld the name of the Member who made the inquiry, although I would not be sure. Very soon thereafter I began to hear criticisms which had been made by Martin upon me and my acts or attitude on the committee. I paid no attention to these apparently trifling evidences of his want of faith in me. I did not take any steps to correct them. I could not well do so. I did not then know of the man back of Martin. I did not know of his associates. I did not know of his frequent visits to New York; and at times, when reflecting upon the matter, I was inclined to credit it to his ignorance rather than to his mendacity.

Later on Mr. George W. Perkins was sworn as a witness in my absence, and amongst other things was asked if he had made a personal contribution to political campaign funds. He declined to answer these questions, and the committee adjourned until the next day. I arrived the next morning from New York, where I had been ill, and then, when the committee met, we went into executive session and unanimously agreed—now, mark you, Mr. Speaker—unanimously agreed to withdraw the questions. I say we unanimously agreed, and I hope this will reach the ears of the people who have heard this blackmail, and that it will sink into their hearts and into their bosoms that at last upon this floor, in the presence of all my brothers here, I have strangled to death the villainy of that lie which was concocted at the outset to do me injury. [Applause.]

I say we unanimously agreed, Democrats and Republicans, that we would withdraw the questions from George W. Perkins, because of the obvious and valid reason that they were not within the purpose or letter of the resolutions. And when the committee resumed its open sessions, in order that there could be no doubt about where I stood, I dictated upon the record my position, so that all the world could know, if they chose to know, the position I had taken.

Now, what happened? As soon as it was announced that the questions had been withdrawn, this man Martin, still working in the very bosom of the committee, began his lying gossip about me, and, I believe, inspired the newspapers that were not in a position to know what the executive session was to repeat the false report that I had broken with my Democratic colleagues, and that I had rushed from New York to save Perkins; and those were the headlines that were published at that time. These false reports, which at that time sprang out of the malicious falsehoods of the said Martin, have been continuously repeated in the papers, and even last week they were harked back to in the accounts of the newspapers as evidence of my attitude, and as reflecting upon me in the position

I took at the meeting of the committee last week. They were false. Martin knew they were false. Every member of the committee knew they were false, and can testify before you to-day that they were false. And yet I did not take any steps to correct them. I was irritated, I was hurt, but I thought it was the fortunes of war. I know how much criticism public men must take, but, Mr. Speaker, as long as I am in public life—and I wish I could get the cooperation of every brave man on this floor—I shall bend every energy and every power I have to fight the defamation of public men of this country and to save them from calumny. [Applause.]

Let me say to you that this speech to-day is less a personal defense than it is a public appeal that all honest men should meet face to face their defamers and fight them blow for blow and attack for attack in order that the institutions of this country shall not be brought into disrepute. I have served on committees since I have been a Member of this House when Republican officials high in the Government service were, in my opinion, unjustly attacked, and I call upon my colleagues to witness that as quickly as I could reach them I defended them without regard to party association, and I shall do that as long as I am permitted to be a Member of this House. [Applause.]

When I reflected on the fact that Martin was circulating the stories that I had rushed to save Perkins, I was more inclined to charge it up to his ignorance than to his mendacity; he seemed such a poor, sickening liar [laughter] that it did not seem worth the while to follow him.

Now, a summer ensued and I went abroad. A fatal mistake, and how the fates pursued me! First, that I should have come from New York at all. [Laughter.] Second, that I should have had a constituency of business men interested in business affairs. Third, that I should have had conversation with the directors of great corporations. Fourth, that I should have hastened away to Europe after what I can freely say was a more or less disagreeable summer in Washington, and that I should have gone over on the same ship with Charles M. Schwab and came back on the same ship with Andrew Carnegie. This was all-sufficient. Why not close the case there? [Laughter.] Why not have a resolution of expulsion now and spew from this honorable body such contaminating influence as that? [Laughter.]

Charles M. Schwab, and I on the same ship with him! Horror of horrors, enough to fill all the papers with scandal! The ship, to be sure, was over 800 feet long, a ship of 40,000 tons, and had over 3,000 passengers; but what difference does that make? [Laughter.]

I came back on another ship, and with Andrew Carnegie; and the article says that that is proof of the fact that I have been a traitor to my party, a traitor to my country, and a violator of my oath. [Laughter.]

Now, gentlemen, it is really laughable to argue, but just as sure as there is a public opinion when they can connect some circumstance like that with a libel such as is contained in this article it is a potential circumstance when taken to convict one of being the tool of these interests.

I need not tell this body here, I need not tell the gentlemen from Tennessee or the gentlemen from Texas, that I have not long, at least, been a beneficiary of the great wealth of the country, for some of them, at least, can testify to the fact that there has been a story written which, when it is done, will be but the short and simple annals of the poor. Why I should be held up to contempt I could not understand until I returned on the 20th of last November and attended the meeting of the committee on the adjoined day. There were present the chairman, the gentleman from Texas [Mr. BEALL], the gentleman from Maine [Mr. MCGILLICUDDY], the gentleman from New York [Mr. DANFORTH], the gentleman from Massachusetts [Mr. GARDNER], and myself. In executive session we heard the objections of the Steel Co.'s lawyer to further investigation by the committee. We talked with him back and forth, about our various views, and when he had gone we unanimously resolved that we would postpone the determination of the question as to what the committee should do until the full committee was present and that we should hear the witnesses who were there.

Mark you, that is all that occurred. I sat there on that day and the next day, Tuesday, with the committee. I returned to New York on Wednesday noon to keep an engagement which I had made some weeks before. On Thursday morning I saw a little patter in the New York newspapers, apparently coming from the same source, in which it was said that I had broken with the committee; that I wanted to stop the investigation. I paid no attention to this. It is true—and let me say it now for the benefit of all, because this question may come up—I did not hesitate to tell the chairman and my colleagues upon the committee what I thought about what the committee should do. I did not hesitate, because I thought it was my duty to give them the benefit of my judgment about it, and I will tell you what I told them, and you will then see the proportions and the enormity of this crime which I have committed. I said, first, that as the committee had been appointed to investigate violations of law which had not been prosecuted by the Government, in the language of the resolution, and as the Government, since the committee had been appointed and begun its investigation, had commenced the prosecution of the Steel Corporation, it was our duty to return to the House and submit to the House the question of whether we should continue or not, or, failing to do this, the committee should proceed with its inquiry outside of the questions embraced in the bill filed by the Government, and should take up such questions as the question of transportation and of labor and remedial legislation authorized by the resolution; second, that each member of the committee should, in case the matter came to the House, state upon the floor such position as was dictated to him by his judgment and conscience. I did not hesitate to say to the committee what is my opinion now and what has been my opinion from the beginning, and what will be my opinion, I think, until the end, and what I shall give effect to by my vote if the question should come to a vote.

My reason for taking that position was that there was some doubt whether the committee would not, by calling witnesses, afford the Steel Corporation immunity under the criminal law; not because I said they ought to be criminally prosecuted, for there was no demagogy in the position that I took. There was no effort to ring the changes upon the ears of the groundlings in order to please somebody. But I said there was a question, and I did not say it was a settled question, whether if they followed this matter at all they might not bungle and blunder about it, and then the Department of Justice would be able to say that if the committee had kept its hands off they could have prosecuted these people criminally, and this committee would be compelled to bear a burden which otherwise it should not bear. That was the first proposition. The second one—and, mark you, I stand on that proposition now—was that I did not believe the committee could, under its constitutional limitations, investigate the matters embraced in the bill filed by the Government, and I cite gentlemen to an authority which for the purpose of saving me from this scandal I have brought here to submit to you. It is an old case, which most of the lawyers here know, but it has not been cited on the point to which I draw your attention. It is the famous old case of Kilbourn against Thompson, 103 U. S., 168, and, as will be well remembered by gentlemen here, the action was brought to recover damages because the man had been falsely imprisoned under a warrant from the House committing him to prison because he refused to answer before a committee certain questions and to produce certain papers that had been asked for. The committee had been appointed to investigate the Jay Cooke real-estate pool and to ascertain who was interested in the pool, because the Secretary of the Navy had deposited money with Jay Cooke & Co., and that company had failed and the money had been lost, and the congressional investigation was justified upon the ground that it was money of the Government. The whole matter was pending in the bankruptcy court. The resolution of inquiry had recited that the courts were powerless to redress or to enforce the obligation against Jay Cooke & Co.; and when the question came up on that state of facts the court, in writing this opinion, said:

> How could the House of Representatives know, until it had been fairly tried, that the courts were powerless to redress the creditors of Jay Cooke & Co.? The matter was still pending in a court, and what right had the Congress of the United States to interfere with a suit pending in a court of competent jurisdiction? Again, what inadequacy of power existed in the court, or, as the preamble assumes, in all the courts, to give redress which could lawfully be supplied by an investigation by a committee of one House of Congress or by any act or resolution of Congress on the subject? The case being one of a judicial nature, for which the power of the courts usually afford the only remedy, it may well be supposed that those powers were more appropriate and more efficient in aid of such relief than the powers which belong to a body whose function is exclusively legislative. If the settlement to which the preamble refers as the principal reason why the courts are rendered powerless was obtained by fraud, or was without authority, or for any conceivable reason could be set aside or avoided, it should be done by some appropriate proceeding in the court which had the whole matter before it, and which had all the power in that case proper to be intrusted to any body, and not by Congress, or by any power to be conferred on a committee of one of the two Houses.

Third, I did not believe that it would be either just or fair to the Government or to the Steel Corporation for the committee to prejudge the issues embraced within the action brought by the Government against the Steel Corporation and deliver the prejudgment to the country. Fourth, I did not be-

lieve it fair or just or right that the committee should call before it in ex parte proceedings the defendants or officers of the defendants and their representatives and compel them to testify in advance of the trial of the action brought by the Government; thus, in effect, taking the testimony before trial of one party against the other.

This decision determined that inasmuch as the matters in the controversy between the Government and Jay Cooke & Co. for the loss of the Government's money was in a court of competent jurisdiction, under the division of the powers of the Government—the legislative and judicial powers—that the legislative committee was without power to investigate it, and Kilbourn prevailed in his action, and because the warrant of this House was without authority it was held that he had been falsely imprisoned.

Now, let me say, because I had the temerity to suggest this, on Friday morning—I hope you will bear in mind the connection between these dates—after I had the temerity to make the suggestion, on Friday morning this article, which was read at the Clerk's desk, was published in the New York Press. I could not understand it. I was in an appellate court presenting a case when the matter was brought to my attention. I had never broken with my colleagues upon any question in this committee; I had never been charged by them or by anybody that I know of with disloyalty to my party upon that committee; but here suddenly burst out in the New York press, the same story in each paper, only with less severity and less circumstantiality, arising, in my opinion, from the same source, fashioned by the same crooked and blackmailing hand, designed to have the same purpose. And let me tell you what that purpose was, as I understand it. Henry B. Martin has been meeting every week in New York, at the Waldorf Hotel and other places, one David B. Lamar. David B. Lamar is an unclean, crooked, indefensible operator in the Wall Street section. His record smells to heaven. This man Martin has been meeting Lamar and telling what this committee has done, telling him what this committee proposed to do, and telling him that he, Martin, controls the purpose, intent, and course of this committee. When it was suggested by me that this committee should confine itself to these constructive things, Martin, whom I charge, inferentially, draws pay from David B. Lamar, saw his usefulness to Lamar would cease, because if the committee did not investigate anything else he would be useless to Lamar and Lamar would not be attached to Martin and Martin would not be attached to Lamar. And so in order to whip me back into line he inspired this article in the press. Martin met Jack Tinker in the Waldorf Hotel Thursday afternoon in the presence of a personal friend of mine. Martin said to my personal friend: "I thought you said LITTLETON was straight." My friend said, "LITTLETON is straight." Martin said—Oh, the shame of it, Martin who has pretended to be the interpreter of this committee—Martin said, "He is not straight; he is retained by the Steel Trust."

The next morning the paper of which Jack Tinker is correspondent contained this article, which contained substantially the same charge that Martin had made in Tinker's presence and in the presence of my friend. I have read through all the press and all the interviews had with Martin since this matter came up, and I think it can be inferred from that that Tinker was inspired to write the article, but I do not need that. He has never denied he inspired Tinker to write the article, and that resolution which he had passed last night at the Antitrust League meeting demonstrates the fact that he did inspire the article, because he knew and eagerly repeats it in the resolution in which he charges me with being connected with the Steel Trust and Steel Trust lawyers. So I take it that the charge is proven.

Now, my friends, when this thing was over I telegraphed to the chairman of the committee, when I saw and learned of this, to have him subpœna these men before the committee, to enable me, if I could, to strip this lie out of their throats. I am not much of a parliamentarian; I do not set myself up in judgment against any Member on this floor; but I assumed that the integrity of the committee was in question, and I assumed that its usefulness was in the balance. Do not you ever make me chairman of a committee, for if I am in charge of the committee and any colleague on that committee is attacked, even if I violate everything in Hinds's Precedents, I will bring the men before that committee if there is any power to do so. [Applause.]

I assume, however, that the chairman was right. He replied to me that he had no authority. I wrote him a letter. I demanded of these men that they uncover themselves in the place where they had been so conspicuous in the committee room of this committee. I thought I had given the opportunity. If I was in alliance with the Steel Trust, I opened the door and told them to tell it. Not so. What did they do? What did these distinguished gentlemen, these psuedo representatives of the American people, do? Let me tell you what they did, and let it all be to the everlasting shame of any concern that wears or masquerades under that title. This Antitrust League last Thursday published this notice in the Washington papers, entitled:

WOMEN MUST NOT HEAR—ANTITRUST LEAGUE IS PLANNING SOME PYROTECHNICS.

The American Antitrust League, through its chairman, C. W. Slater, and secretary, T. F. Monahan, announced yesterday that a mass meeting, under the auspices of the Washington branch, at which the trust question and the enforcement of the antitrust law as it affects the District, as well as the Nation, will be discussed next Sunday evening at the old Masonic Temple, at Ninth and F Streets NW.

The local questions affecting street railways, gas, electric lighting, water meters, and others will be handled by men familiar with the various topics, it is announced, and speakers will discuss the high cost of living, the recall of public officials, and other current subjects.

The announcement reads—and this is a literal quotation as it flowed from the fingers of Martin. It was uncoiled from his bosom as he wrote it, and I beg you to listen to it, to carry it home with you as a recollection of the final and conclusive proof that, born in blackmail, conceived in it and prosecuted in it, have been these infamous attacks upon my honor:

Congressman LITTLETON'S attempt to stop the Steel Trust investigation will be discussed by Henry B. Martin, our national secretary, who was unwarrantably attacked during the past few days by Mr. LITTLETON in the public press and secretly in the committees of Congress.

The meeting is called in order not only that the members of the Antitrust League may understand the situation, but also to save the time of the Members of the House of Representatives who are invited and who on Monday will have to deal with these questions.

He knew I was going to uncover him before this House and the country on this day. And, so far as I know, he got up the only meeting that this nebulous little mushroom of a concern has ever had in the city of Washington in order to see if he could not blow himself into some shape and substance in the eyes of the world. [Laughter.] Read the next article. He says:

While many of the ablest and most distinguished members of the Antitrust League are women—

Mark you—

it is believed at this time that a thorough discussion of Congressman LITTLETON'S official conduct is a subject which no gentleman acquainted with the matter feels he could do full justice to in the presence of ladies.

[Laughter.]

Gentlemen, if I believed that it was the impoverishment of his vocabulary that had driven him to the promise of profanation and the prospect of vulgarity I could well enjoy the circumstance. But the article said that women were not to hear. The blackmailer escaped the criminal law because he wrote the words "official conduct." He wrote the words "official conduct" in there because otherwise he would have been subject to being dragged into the court, where he belonged, as a common blackmailer and locked up for his blackmailing practices. [Applause.] But he wrote it in there for the purpose of escaping the law, and he wrote it in there because he knew the notice would do more harm than the truth could ever do. He knew the notice would reach more people than any attack of his in vulgar speech or scandalous narrative could ever do. He wrote it for the purpose of blackmailing me into silence in front of this House this morning, and sent the notice out with the hope that I would be terrified.

And again accommodating himself to the classical blackmail which the world understands, he struck his blow in the bosom of the family, for the purpose of making grief and sorrow there; and that is the blackmailer who has spread his slime through this Capitol, infesting this committee, and defaming and detracting public men before the world. [Applause.]

I sent a stenographer last night to this meeting. I had him make a faithful report of everything that Martin said, because while I make no professions of possessing an impeccable character, I am perfectly willing to meet anyone in the open upon my character. I have to say that, having hurled his blackmail out into the world, having sent his poison by the insinuation of this article, I found that all he said is embraced in this resolution. He spoke two hours, and the most he said was that I was an ally of the Steel Trust; and yet he had led the world to believe that he would disclose something there which was unworthy to be heard by the ears of women.

I say, gentlemen, it is no small matter when you find yourself pursued by men who inspire these attacks upon your character. I can stand it. I could stand it forever if it were only myself, but somehow I would have a kind of contempt for myself if at the very beginning of my life here in this place, so hallowed with memories, so shot through and through with

recollections, here where great men have been and strong men have been, I thought I was too cowardly and too weak to rise in my place and denounce these men. And I hope I can inspire others to take this position before the country and stop the defamation which is going on of the character of public men.

Mr. GARDNER of Massachusetts. Mr. Speaker, will the gentleman yield for a moment?

Mr. LITTLETON. I will.

The SPEAKER. The gentleman from New York yields to the gentleman from Massachusetts.

Mr. GARDNER of Massachusetts. I wish to state to the House that every word which has been said by the gentleman from New York with regard to his actions in the committee is absolutely true. [Applause.]

Mr. LITTLETON. I thank the gentleman from Massachusetts.

Now let me conclude what I have to say by calling your attention to another injustice that flowed from this thing. After I had seen this article published in the papers which I have called your attention to; after I had waited for this scandalous assemblage last night—and, by the way, it comprised 62 auditors, none of whom would admit that he was a member of the Antitrust League, except Martin and men on the platform there with him—after that had been done, my attention was called to a celebrated paper published in Nebraska, known as the Commoner [laughter], in which the following appeared:

It is very plain that Mr. LITTLETON can not be depended upon to aid in carrying out the Democratic program in genuine antagonism to trust imposition. He is a thoroughgoing reactionary, and he will be retired from the committee if the House Democrats really desire that the Democratic profession on the trust question be accepted seriously.

The day before that the chairman of this investigating committee received a letter, pledging to him the support of the Commoner to drive me from the committee because of what he supposed my attitude was on this question.

Of course, the source of this article was the lying scandals of this man Martin and his Antitrust League. I have always esteemed Mr. Bryan highly personally, and I believe he has held me in goodly respect. We have visited together at different times, and while there have been differences of opinion between us, between him and one very much younger in years and in no sense a contemporary of his [laughter], yet they have not been differences of opinion which created the slightest bitterness.

But even he, on the circulated falsehoods of this man Martin and this crooked combination, goes off "half cocked" in the Commoner and assumes, first, that the chairman of this committee or any member of it ever dared to demand my dismissal from this committee; and, second, that the question of my retirement from the committee was before the House; and, third and most astonishing, that the question of my retirement from this committee could be settled because I dared to have any convictions of my own or to exercise any judgment or appeal to any canon of justice or vote in accordance with any opinion of my own in the discharge of my duties on the committee. And let me say right here and now to my Democratic brethren, with respect to service upon any committee in this House, that if in that service my loyalty to my party requires me, on the one hand, to be obedient and do as I am bidden, either by a corrupt alliance such as that represented by Henry B. Martin, Herman J. Shultels, David Lamar, and the Antitrust League, or, on the other hand, on the outside and far away, by the intolerant attitude and influences represented by the Commoner and its editor, or any other newspaper, or the combined influences of both, then I tell you I shall refuse to obey the mandate of my party and forswear my allegiance to my committee, and shall prefer to subscribe myself to the obligations of my oath. I have never yet come to the prostituted position, intellectually—and God forbid that I ever shall—where I shall so debase myself as to fling away the obligations that I took to serve my country, either under the fear of organized blackmail on the one hand or, on the other hand, because of the uninformed and impatient criticism of a man whom I have supported for the Presidency twice out of the three times that he ran for that office. [Laughter on the Republican side.]

In this article I am condemned because it is said that I am a thoroughgoing "reactionary," whatever a "reactionary" is. I confess to some bewilderment, my friends, over the prefixes "Reactionary" and "Progressive." But let me say that, in my humble judgment, there is a distinct class of politicians in this country whose prejudices are progressive, but whose principles are reactionary [applause]—men who seem never to tire of arousing hopes by their appeals to prejudice which they can never make real by the application of their principles. They are in truth, in my judgment, genuine reactionaries, because they set themselves down in the path of human progress, and when the wheels have passed over them they rush to the front and set themselves down again. [Laughter.]

These leaders of progressive prejudices and reactionary reform overlook the fact that real progress is the unfolding energy of the whole people working out the miracle of civilization through the irresistible industry and unfettered genius of a progressive race; that progress is the real achievement wrought by the real labor of real men and directed by the upbuilding wisdom of constructive and creative man, and that the Government should not unduly shackle its strength or restrain its robust vigors. They seem to think that progress is the quick and unquestioning appropriation of every untried experiment instead of the slow and patient building of the years. I may misjudge the future, but in my humble opinion the party that seeks to reach the seat of power by gathering together the progressive prejudices of the country and setting itself against the substantial and sensible progress of an ambitious people will find itself buried beneath an overwhelming disaster. We can not smother industrial freedom under the paralyzing paternalism of government. The world must move, the wheels must go round, the spindles must hum, the markets must be open, the arteries of trade must swell again with the increasing volume of commerce; the earth must give up its stored treasures; the whole wondrous mechanism of complex development must run under the pressure of those energies and agencies which comprise the multiplied skill and foresight of a proud and progressive people, and all of the empty slogans rescued from the wreckage of the past and all the shallow shibboleths sounding forth from the dreary shadows of the long ago will not prevail against it. [Applause.] This progress will require the careful and patient evolution of progressive principles to sustain and direct it, instead of progressive prejudices and passions to arrest and prevent it. This is progress and in that sense I am an intense progressive.

Gentlemen, I submit this entire question to the House—the question of my honor, the question of my service upon the committee, the question of the duty which I have discharged, the question of how I should be viewed by the country. I ask you for your patient, your honest, and your candid judgment, and I thank you. [Prolonged applause.]

ANTITRUST LEAGUE, ETC.

Mr. MANN. Mr. Speaker, if no one else has a resolution to offer, I offer the following privileged resolution in relation to the matter just brought before the House.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 313.

Whereas Hon. MARTIN W. LITTLETON has, on his responsibility as a Member, charged that as a Member of this House, acting on behalf of the House in the investigation of the United States Steel Corporation, he has been subjected to a blackmailing attack in a New York newspaper, made on behalf of the so-called Antitrust League:

Resolved, That a committee of seven Members be appointed to investigate the circumstances of the said newspaper attack, the relations of the so-called Antitrust League thereto, and the activities of the said league so far as they may be designed to affect the action of this House or any committee thereof; and that the committee have authority to send for persons and papers and take testimony at any time, in Washington or other places.

Mr. UNDERWOOD. Mr. Speaker, I move to refer the resolution to the Committee on Rules, and I ask the gentleman from Illinois [Mr. MANN] if he desires to discuss it not to do so at this time, but to let it go to the Committee on Rules without discussion.

Mr. MANN. I have no objection to that course being taken.

The SPEAKER. It will be referred to the Committee on Rules.

Mr. UNDERWOOD. It requires a motion, Mr. Speaker. I move that it be so referred.

The question being taken, the motion was agreed to.

THE LATE REPRESENTATIVE MADISON.

Mr. CAMPBELL. Mr. Speaker, it is with a sense of profound sorrow that I rise at this time to announce the death of Hon. EDMOND H. MADISON, late a Member of this House, at his home in Dodge City, Kans., on the 18th day of September last. On the morning of his death he arose in apparently his usual health, played cheerfully with his grandchildren until breakfast was announced, sat down to his morning meal with his family, and then in an instant passed away. During his life he enjoyed the confidence and esteem of his countrymen. On another occasion I shall ask that a day be set apart to pay suitable tribute to his memory.

Mr. Speaker, I offer the following resolution and ask for its adoption.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 309.

Resolved, That the House has heard with profound sorrow of the death of Hon. EDMOND H. MADISON, late a Representative from the State of Kansas.

Resolved, That the Clerk of the House be directed to transmit a copy of these resolutions to the Senate.

The resolution was agreed to.

LEAVE OF ABSENCE.

Mr. MOORE of Texas, by unanimous consent, was given leave of absence for 10 days, on account of sickness in his family.

THE LATE REPRESENTATIVE LATTA, OF NEBRASKA.

Mr. LOBECK. Mr. Speaker, just after the close of the last session we received the sad news that the Hon. JAMES P. LATTA, a Member from the State of Nebraska, had passed away to the great beyond. I had known Mr. LATTA for over 30 years, and I know that he had the love and respect of every Member and colleague of this House. I send to the desk the following resolution, and in the future, at the proper time, I wish to speak about my honored friend and colleague.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 310.

Resolved, That the House has heard with profcund sorrow of the death of the Hon. JAMES P. LATTA, late a Representative from the State of Nebraska.

Resolved, That the Clerk of the House be directed to transmit a copy of these resolutions to the Senate.

The resolution was agreed to.

ADJOURNMENT.

The SPEAKER. The Clerk will read the other resolution.

The Clerk read as follows:

House resolution 312.

Resolved, As a further mark of respect to the memory of the late Hon. EDMOND H. MADISON and the Hon. JAMES P. LATTA, the House do now adjourn.

The resolution was agreed to; accordingly (at 2 o'clock and 18 minutes p. m.) the House adjourned until to-morrow, Tuesday, December 5, 1911, at 12 o'clock meridian.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Postmaster General, transmitting a report of public property of the Post Office Department, Washington, D. C. (H. Doc. No. 195); to the Committee on Expenditures in the Post Office Department and ordered to be printed.

2. A letter from the Secretary of the Smithsonian Institution, transmitting a statement of travel expenses of employees on official business for the Smithsonian branches during fiscal year ended June 30, 1911 (H. Doc. No. 187); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of Commerce and Labor, transmitting a statement of travel performed by officers and employees of the Department of Commerce and Labor during the fiscal year ended June 30, 1911 (H. Doc. No. 188); to the Committee on Expenditures in the Department of Commerce and Labor and ordered to be printed.

4. A letter from the Secretary of the Smithsonian Institution, transmitting a detailed statement of expenditures for international exchanges, American ethnology, etc., for fiscal year ended June 30, 1911 (H. Doc. No. 197); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Sergeant at Arms of the House of Representatives, submitting a list of property in his charge December 4, 1911 (H. Doc. No. 191); to the Committee on Accounts and ordered to be printed.

6. A letter from the Sergeant at Arms of the House of Representatives, submitting a statement of sums of money drawn and disbursed from December 1, 1910, to December 1, 1911 (H. Doc. No. 192); to the Committee on Accounts and ordered to be printed.

7. A letter from the president of the Board of Commissioners of the District of Columbia, transmitting a detailed statement of expenditures from appropriations for contingent expenses of the government of the District of Columbia for the fiscal year ended June 30, 1911 (H. Doc. No. 194); to the Committee on Appropriations and ordered to be printed.

8. A letter from the Secretary of the Interior, transmitting a report showing the proposed use of the appropriation for encouraging industry among the Indians during the fiscal year ended June 30, 1911 (H. Doc. No. 193); to the Committee on Expenditures in the Interior Department and ordered to be printed.

9. A letter from the president of the United States Civil Service Commission, transmitting a statement showing expenses for travel of officers and employees of the Civil Service Commission to points outside of the District of Columbia during the fiscal year 1911 in discharge of official duties (H. Doc. No. 189); to the Committee on Appropriations and ordered to be printed.

10. A letter from the chairman of the Interstate Commerce Commission, transmitting a statement showing the travel expenses of all officials and employees of the commission in discharge of official duties outside of the District of Columbia during fiscal year ended June 30, 1911 (H. Doc. No. 190); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

11. A letter from the Secretary of the Interior, transmitting a statement of expenditures for the fiscal year 1911 from the appropriation "Indian school buildings, 1911" (H. Doc. No. 196); to the Committee on Expenditures in the Interior Department and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BULKLEY: A bill (H. R. 14042) to authorize the coinage of 3-cent pieces; to the Committee on Coinage, Weights, and Measures.

By Mr. RUCKER of Colorado: A bill (H. R. 14043) to amend the present homestead law; to the Committee on the Public Lands.

Also, a bill (H. R. 14044) to restore the merchant marine in the foreign trade, to overcome the disadvantages of American navigation, to make preference for American ships in export trade, to put the postal service by sea under general regulations, to put an end to foreign monopoly of our over-sea commerce, and to secure American independence on the ocean by trade regulations; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 14045) to appropriate $175,000 for the resurvey of public lands in the State of Colorado; to the Committee on Appropriations.

By Mr. TALCOTT of New York: A bill (H. R. 14046) to provide for a public building at Herkimer, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. ASHBROOK: A bill (H. R. 14047) providing for the purchase of a site and the erection thereon of a public building at New Philadelphia, in the State of Ohio; to the Committee on Public Buildings and Grounds.

By Mr. HUGHES of New Jersey: A bill (H. R. 14048) to provide for the erection of a public building at Hackensack, N. J.; to the Committee on Public Buildings and Grounds.

By Mr. SABATH: A bill (H. R. 14049) to authorize the city of Chicago to construct a bascule bridge across the Calumet River at Ninety-second Street, in the county of Cook, State of Illinois; to the Committee on Interstate and Foreign Commerce.

By Mr. CANDLER: A bill (H. R. 14050) to increase the limit of cost for the public building at Tupelo, Miss.; to the Committee on Public Buildings and Grounds.

By Mr. GREGG of Pennsylvania: A bill (H. R. 14051) designating Columbus Day as a legal holiday; to the Committee on the Judiciary.

By Mr. LEVER: A bill (H. R. 14052) authorizing the Secretary of Agriculture to issue certain reports relating to cotton; to the Committee on Agriculture.

By Mr. RICHARDSON: A bill (H. R. 14053) to increase the pensions of Indian war survivors in certain cases; to the Committee on Pensions.

Also, a bill (H. R. 14054) to increase the pensions of Mexican War survivors in certain cases; to the Committee on Pensions.

By Mr. CARTER: A bill (H. R. 14055) to provide for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes; to the Committee on Indian Affairs.

By Mr. STEENERSON: A bill (H. R. 14056) to provide for the allotment and distribution of tribal funds to adult mixed-blood Indians of the White Earth Reservation in Minnesota; to the Committee on Indian Affairs.

By Mr. CLAYTON: A bill (H. R. 14057) to authorize the issuance of patents to bona fide holders to certain lands formerly ceded to Creek Indians in Alabama; to the Committee on the Public Lands.

By Mr. LA FOLLETTE: A bill (H. R. 14058) to provide for the abolishment of the Commerce Court; to the Committee on Interstate and Foreign Commerce.

By Mr. HELGESON: A bill (H. R. 14059) repealing the act approved July 26, 1911, entitled "An act to promote reciprocal

trade relations with the Dominion of Canada, and for other purposes," being chapter 3 of the United States Statutes of 1911, first session Sixty-second Congress; to the Committee on Ways and Means.

By Mr. RICHARDSON: A bill (H. R. 14060) to amend sections 6, 7, and 8 of the food and drugs act approved June 30, 1906; to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM: A bill (H. R. 14061) amending section 2 of an act entitled "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of deceased soldiers and sailors of the late Civil War"; to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 14062) to amend "An act to regulate commerce," approved February 4, 1887, and as amended June 18, 1910; to the Committee on Interstate and Foreign Commerce.

By Mr. HENRY of Texas: A bill (H. R. 14063) amending the antitrust law of July 2, 1890; to the Committee on the Judiciary.

By Mr. HELM: A bill (H. R. 14064) to establish a military park at Perryville, Ky.; to the Committee on Military Affairs.

Also, a bill (H. R. 14065) for the erection of a public building at Shelbyville, Ky.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14066) authorizing additional expenditure for the erection and completion of the public building at Lawrenceburg, Ky.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14067) for purchase of site and erection of public building at Harrodsburg, Ky.; to the Committee on Public Buildings and Grounds.

By Mr. STEENERSON: A bill (H. R. 14068) to repeal an act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911; to the Committee on Ways and Means.

By Mr. GRAHAM: A bill (H. R. 14069) for the erection of a public building at Hillsboro, Ill., and appropriating money therefor; to the Committee on Public Buildings and Grounds.

By Mr. SHERWOOD: A bill (H. R. 14070) for the relief of persons pensioned for total or nearly total deafness; to the Committee on Invalid Pensions.

By Mr. MARTIN of Colorado: A bill (H. R. 14071) concerning enlarged homesteads; to the Committee on the Public Lands.

Also, a bill (H. R. 14072) to appropriate money for drainage investigations; to the Committee on Appropriations.

Also, a bill (H. R. 14073) to amend H. R. 1, the Sherwood bill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14074) to amend H. R. 767, the Anderson bill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14075) concerning wages of Government employees in the District of Columbia; to the Committee on Appropriations.

By Mr. SMITH of Texas: A bill (H. R. 14076) to provide for a public building at Big Springs, Tex.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14077) to authorize the construction of an addition to the Federal Building at Abilene, Tex., and making appropriation therefor; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14078) to extend the cost limit of the site for a post-office building in the city of El Paso, Tex., and making appropriation therefor; to the Committee on Public Buildings and Grounds.

By Mr. BERGER: A bill (H. R. 14079) to repeal the antitrust act and to provide for the social ownership and operation of certain industries; to the Committee on the Judiciary.

By Mr. LAFFERTY: A bill (H. R. 14080) extending the jurisdiction of the Interstate Commerce Commission over railroads in Alaska, and for other purposes; to the Committee on the Public Lands.

By Mr. WEEKS: A bill (H. R. 14081) to increase the appropriation for the purchase of a site and the erection of a public building at Milford, Mass.; to the Committee on Public Buildings and Grounds.

By Mr. GARNER: A bill (H. R. 14082) to provide for the purchase of a site for a public building at Seguin, Guadalupe County, Tex.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14083) to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes; to the Committee on the Judiciary.

By Mr. ASHBROOK: A bill (H. R. 14084) authorizing the retirement from active service, with increased rank, of officers now on the active list of the Army who served in the Civil War; to the Committee on Military Affairs.

By Mr. BURKE of Pennsylvania: A bill (H. R. 14085) appropriating $2,700,000 for purposes of an act to enable any State to cooperate, etc., approved March 1, 1911; to the Committee on Rivers and Harbors.

By Mr. SIMS: A bill (H. R. 14086) relating to star-route mail contractors, etc.; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 14087) relating to star-route mail contractors, etc.; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 14088) to make it unlawful for certain public officials to own capital stock or bonds in any and all public-service corporations doing business in the District of Columbia; to the Committee on the Judiciary.

Also, a bill (H. R. 14089) to amend an act entitled "An act regulating the sale of intoxicating liquors in the District of Columbia," approved March 3, 1893; to the Committee on the District of Columbia.

Also, a bill (H. R. 14090) declaring the selling, exchanging, or giving away any pistol, bowie knife, dirk or dirk knife, blackjack, dagger, sword cane, slungshot, brass or other metal knuckle in the District of Columbia a misdemeanor; to the Committee on the District of Columbia.

Also, a bill (H. R. 14091) to erect a post-office building in the city of Huntingdon, State of Tennessee; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14092) to amend an act entitled "An act regulating the sale of intoxicating liquors in the District of Columbia," approved March 3, 1893; to the Committee on the District of Columbia.

Also, a bill (H. R. 14093) to repeal an act to establish a uniform system of bankruptcy throughout the United States, approved July 1, 1898; to the Committee on the Judiciary.

Also, a bill (H. R. 14094) declaring the carrying openly or concealed about the person any pistol, bowie knife, dirk or dirk knife, blackjack, dagger, sword cane, slungshot, brass or other metal knuckle in the District of Columbia a felony; to the Committee on the District of Columbia.

Also, a bill (H. R. 14095) to provide for a road to the Shiloh National Military Park; to the Committee on Military Affairs.

By Mr. DWIGHT: A bill (H. R. 14096) providing for the purchase of a site and the erection thereon of a public building at Waverly, in the State of New York; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14097) providing for the purchase of a site and the erection thereon of a public building at Owego, in the State of New York; to the Committee on Public Buildings and Grounds.

By Mr. HANNA: A bill (H. R. 14098) to repeal "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911; to the Committee on Ways and Means.

Also, a bill (H. R. 14099) providing additional funds for the erection of a public building at Mandan, N. Dak.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14100) providing additional funds for the erection of a public building at Williston, N. Dak.; to the Committee on Public Buildings and Grounds.

By Mr. LINDBERGH: A bill (H. R. 14101) for the erection of a public building in the city of Little Falls, Minn., for the accommodation of the United States post office and other Government offices; to the Committee on Public Buildings and Grounds.

By Mr. SULZER: A bill (H. R. 14102) to encourage the American merchant marine and American commerce, and for other purposes; to the Committee on Ways and Means.

By Mr. ROUSE: A bill (H. R. 14103) regulating orders of executive departments of the United States; to the Committee on Reform in the Civil Service.

By Mr. HUMPHREY of Washington: A bill (H. R. 14104) to abolish certain assay charges; to the Committee on Coinage, Weights, and Measures.

By Mr. BATES: A bill (H. R. 14105) authorizing the commission of ensign be given midshipmen on graduation from the Naval Academy; to the Committee on Naval Affairs.

Also, a bill (H. R. 14106) to provide for the appointment of two vice admirals in the United States Navy; to the Committee on Naval Affairs.

By Mr. SULZER: A bill (H. R. 14107) to place sugar on the free list; to the Committee on Ways and Means.

By Mr. NYE: A bill (H. R. 14108) to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge

across the Mississippi River in said city; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 14109) to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 14110) to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 14111) to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city; to the Committee on Interstate and Foreign Commerce.

By Mr. BURLESON: A bill (H. R. 14112) to change the name of oleomargarine to margarin, to change the rate of tax on margarin, to protect the consumers, dealers, and manufacturers of margarin against fraud, and to afford the Bureau of Internal Revenue more efficient means for the detection of fraud and the collection of the revenue; to the Committee on Agriculture.

By Mr. HILL: A bill (H. R. 14113) to permit any corporation, joint-stock company, or association or insurance company to change the date of filing its annual return of net income required under section 38 of the tariff act of August 5, 1909, from the close of the calendar year to the close of its own fiscal year, and for other purposes; to the Committee on Ways and Means.

By Mr. ESCH: A bill (H. R. 14114) for the settlement of conflicting claims of the State of Wisconsin and its grantees and the Menominee, Munsee, and Stockbridge Tribes of Indians and the Lac du Flambeau, La Pointe, and Lac Courte Oreille Bands of Chippewa Indians to certain school and swamp lands in the reservation of said Indians in Wisconsin; to the Committee on Indian Affairs.

By Mr. CAMPBELL: A bill (H. R. 14115) to protect legitimate competition; to the Committee on Interstate and Foreign Commerce.

By Mr. ROBERTS of Massachusetts: A bill (H. R. 14116) to reestablish the grades of admiral and vice admiral in the Navy of the United States; to the Committee on Naval Affairs.

By Mr. FOSTER of Illinois: A bill (H. R. 14117) to provide for the erection of a public building at Olney, Ill.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14118) to provide for the erection of a public building at Mount Carmel, Ill.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14119) to prohibit interference with commerce among the States and Territories and with foreign nations, and to remove obstructions thereto, and to prohibit the transmission of certain messages by telegraph, telephone, cable, or other means of communication between States and Territories and foreign nations; to the Committee on Agriculture.

By Mr. MOORE of Pennsylvania: A bill (H. R. 14120) for the investigation and control of the chestnut-tree blight; to the Committee on Agriculture.

By Mr. DALZELL: A bill (H. R. 14121) to amend the national banking laws, and for other purposes; to the Committee on Banking and Currency.

Also, a bill (H. R. 14122) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States, approved July 1, 1898, and the several acts amendatory thereof;" to the Committee on the Judiciary.

Also, a bill (H. R. 14123) for the erection of a monument to commemorate the battle historically known as the Battle of the Monongahela, commonly known as Braddock's defeat; to the Committee on the Library.

By Mr. MOORE of Pennsylvania: A bill (H. R. 14124) for the erection of a memorial to Col. Edward Dickinson Baker at Balls Bluff, Va.; to the Committee on the Library.

By Mr. MACON: A bill (H. R. 14125) to authorize the reconstruction, maintenance, and operation of a bridge across the Little River at or near Lepanto, Ark.; to the Committee on Interstate and Foreign Commerce.

By Mr. ROBERTS of Nevada: A bill (H. R. 14126) regulating the admission into the United States of Japanese, Hindus, Turks, Koreans, Malays, East Indians, Abyssinians, and Afghans and persons of Japanese, Hindu, Turkish, Korean, Malayan, East Indian, Abyssinian, and Afghan descent, and providing for the proper enforcement of the laws governing their admission; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 14127) to provide for the use of photography and the blue print, black print, negative print, and for the sale of copies of field notes, maps, and prints in the department of the General Land Office and its branches; to the Committee on the Public Lands.

By Mr. GRIEST: A bill (H. R. 14128) to provide for the national aid in the improvement of the public roads; to the Committee on Agriculture.

By Mr. SIMS: A bill (H. R. 14129) to abolish the Commerce Court, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HOBSON: Joint resolution (H. J. Res. 162) proposing an amendment to the Constitution providing that the President and Vice President shall be nominated and elected by direct vote of the people of the several States; to the Committee on Election of President, Vice President, and Representatives in Congress.

Also, joint resolution (H. J. Res. 163) proposing an amendment to the Constitution prohibiting the sale, manufacture for sale, and importation for sale of beverages containing alcohol; to the Committee on the Judiciary.

By Mr. BURGESS: Joint resolution (H. J. Res. 164) requesting the President to consider the expediency of effecting a treaty with European powers providing for the neutralization of the Philippine Islands and to protect an independent government there when established; to the Committee on Insular Affairs.

By Mr. CANDLER: Joint resolution (H. J. Res. 165) proposing an amendment to the Constitution of the United States so as to elect United States Senators by direct vote of the people, and to modify the fourteenth amendment and repeal the fifteenth amendment; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. SULZER: Joint resolution (H. J. Res. 166) providing for the termination of the treaty of 1832 between the United States and Russia; to the Committee on Foreign Affairs.

By Mr. CANDLER: Resolution (H. Res. 307) authorizing the appointment of a clerk to the Committee on Alcoholic Liquor Traffic; to the Committee on Accounts.

Also, resolution (H. Res. 308) authorizing the appointment of a clerk to the Committee on Alcoholic Liquor Traffic; to the Committee on Accounts.

By Mr. CLAYTON: Resolution (H. Res. 311) authorizing the appointment of a committee to investigate and report on the legal status of the claims of all parties interested in lands in Alabama for which patents have not been issued; to the Committee on Rules.

By Mr. MANN: Resolution (H. Res. 313) authorizing the appointment of a committee to investigate the circumstances of a certain newspaper attack on Hon. MARTIN W. LITTLETON in connection with the investigation of the United States Steel Corporation; to the Committee on Rules.

By Mr. LINDBERGH: Resolution (H. Res. 314) authorizing the appointment of a committee to investigate as to whether there are not combinations of financial and other concerns who control money and credits and operate in restraint of trade through that control; to the Committee on Rules.

By Mr. MARTIN of Colorado: Resolution (H. Res. 315) investigating delay in reestablishing mail service for Durango, Colo.; to the Committee on the Post Office and Post Roads.

By Mr. GARNER: Resolution (H. Res. 316) that it is the sense of the House of Representatives that the treaty of 1832 with Russia be abrogated; to the Committee on Foreign Affairs.

By Mr. NORRIS: Resolution (H. Res. 317) amending Rule XXXII of the House of Representatives; to the Committee on Rules.

By Mr. PALMER: Resolution (H. Res. 318) authorizing proceedings in contest of Jesse H. Wise *v.* THOMAS S. CRAGO; to the Committee on Elections No. 1.

By Mr. WILSON of New York: Memorial from the State Legislature of New York favoring establishment of uniform laws on subject of divorce of married persons throughout the United States; to the Committee on the Judiciary.

By Mr. FITZGERALD: Memorial from the Assembly of New York, urging constitutional amendment favoring uniform divorce laws throughout the United States; to the Committee on the Judiciary.

Also, memorial from the Assembly of New York, urging constitutional amendment favoring uniform divorce laws throughout the United States; to the Committee on the Judiciary.

Also, memorial from the Legislature of New York, urging the United States Government to establish an Army post in the city of Albany; to the Committee on Military Affairs.

By Mr. WILSON of New York: Memorial from the Assembly of New York, favoring the establishment of an Army post at Albany, N. Y.; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred, as follows:

By Mr. ADAIR: A bill (H. R. 14130) granting an increase of pension to John Richie; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14131) granting an increase of pension to Jacob Fritz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14132) granting an increase of pension to Knealy Waymire; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14133) granting an increase of pension to Joseph Helms; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14134) granting an increase of pension to Nancy A. Goontz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14135) granting an increase of pension to James N. House; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14136) granting an increase of pension to Marcus Coats; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14137) granting an increase of pension to George Lipps; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14138) granting an increase of pension to Robert F. Lewis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14139) granting an increase of pension to Benjamin B. Winans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14140) granting an increase of pension to Elizabeth Hoke; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14141) granting an increase of pension to Lewis B. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14142) granting an increase of pension to William I. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14143) granting an increase of pension to Samuel Gibson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14144) granting an increase of pension to Andrew McDowell; to the Committee on Invalid Pensions.

By Mr. ANDRUS: A bill (H. R. 14145) granting an increase of pension to Elizabeth Welker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14146) granting an increase of pension to Joseph Francis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14147) granting an increase of pension to George Eimer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14148) granting an increase of pension to Lewis B. Hunt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14149) granting an increase of pension to John Parker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14150) granting an increase of pension to Jane A. Walsh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14151) granting an increase of pension to Henry B. Perce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14152) granting an increase of pension to Thomas Hampson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14153) granting an increase of pension to Mary E. Brewer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14154) to correct the military record of James K. Fuller; to the Committee on Military Affairs.

Also, a bill (H. R. 14155) to correct the military record of Charles Hilbert; to the Committee on Military Affairs.

Also, a bill (H. R. 14156) to amend the military record of William Bogart; to the Committee on Military Affairs.

Also, a bill (H. R. 14157) to amend the military record of Thomas McClure; to the Committee on Military Affairs.

Also, a bill (H. R. 14158) for the relief of the widow and children of Edward F. Wyman, deceased; to the Committee on Claims.

Also, a bill (H. R. 14159) for the relief of Rear Admiral H. L. Howison, United States Navy, retired; to the Committee on Claims.

By Mr. ASHBROOK: A bill (H. R. 14160) granting a pension to Mary A. Elliott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14161) granting an increase of pension to Katherine Rogers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14162) granting an increase of pension to Jennie B. Richards; to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 14163) granting a pension to Eldora G. Sangston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14164) granting a pension to Margaret E. Fickle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14165) granting an increase of pension to Joseph C. Dickson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14166) granting an increase of pension to Jacob W. Click; to the Committee on Invalid Pensions.

By Mr. BATES: A bill (H. R. 14167) granting a pension to David T. Brownell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14168) granting a pension to Elias Drayer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14169) granting a pension to Jesse W. McMichael; to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 14170) granting an increase of pension to Lydia A. Wright; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14171) granting an increase of pension to Isaac Ayres; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14172) granting an increase of pension to Mary M. Ackerman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14173) granting an increase of pension to Alfred Gordon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14174) granting an increase of pension to Daniel R. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14175) granting an increase of pension to James N. Hazen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14176) granting an increase of pension to Margaret Babcock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14177) granting an increase of pension to James H. Utter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14178) granting an increase of pension to William Powell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14179) granting an increase of pension to George O. Booth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14180) granting an increase of pension to Jane Scott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14181) granting an increase of pension to Samuel Swinden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14182) granting an increase of pension to Anna F. Thayer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14183) granting an increase of pension to Sarah A. Jefferson; to the Committee on Invalid Pensions.

By Mr. BROWNING: A bill (H. R. 14184) granting a pension to Kate A. McMichael; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14185) granting an increase of pension to Joseph Springer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14186) to place the name of Brig. Gen. Timothy C. Moore upon the officers' retired list; to the Committee on Military Affairs.

By Mr. BULKLEY: A bill (H. R. 14187) granting an increase of pension to Benjamin J. Oswald; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14188) granting an increase of pension to Henry Mills; to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 14189) granting an increase of pension to William Mitchell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14190) granting an increase of pension to Oney Aldrich; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14191) granting an increase of pension to Theodore Kickland; to the Committee on Invalid Pensions.

By Mr. BURKE of Wisconsin: A bill (H. R. 14192) granting an increase of pension to Flora Turcott; to the Committee on Pensions.

Also, a bill (H. R. 14193) granting an increase of pension to Marinus Nieuwenhuyse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14194) granting an increase of pension to Andrew Dye; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14195) granting an increase of pension to Edward Phelan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14196) granting an increase of pension to Joseph Scharbonaugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14197) granting an increase of pension to Franklin Austin; to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 14198) granting an increase of pension to Benjamin H. Sweeney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14199) granting an increase of pension to Franklin W. Mercer; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 14200) granting a pension to Louis K. Rohde; to the Committee on Pensions.

Also, a bill (H. R. 14201) granting an increase of pension to Minna Levit; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14202) granting an increase of pension to Upton Housman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14203) for the relief of John T. Smith, alias John Wagner; to the Committee on War Claims.

By Mr. CLINE: A bill (H. R. 14204) granting a pension to William Watson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14205) granting a pension to John H. Weaver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14206) granting a pension to Peter P. Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14207) granting a pension to Isaac Treesh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14208) granting a pension to John Scheurick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14209) granting a pension to David Conklin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14210) granting a pension to Osmus Devault; to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 14211) to correct the naval record of George R. Gray; to the Committee on Naval Affairs.

Also, a bill (H. R. 14212) referring the claim of the owners of the steamers *Harry Brown* and *Stella Moren* to the Court of Claims; to the Committee on Claims.

Also, a bill (H. R. 14213) to authorize the President to appoint Maj. A. S. M. Morgan to the grade of colonel on the retired list; to the Committee on Military Affairs.

Also, a bill (H. R. 14214) for the relief of Julius C. Zanone; to the Committee on Claims.

Also, a bill (H. R. 14215) for the relief of Dilworth Coal Co.; to the Committee on Claims.

Also, a bill (H. R. 14216) for the relief of the legal representative of James Taylor, deceased; to the Committee on War Claims.

Also, a bill (H. R. 14217) for the relief of the Union Bridge Co., a corporation of Pennsylvania, having its chief office in Pittsburgh, Pa.; to the Committee on Claims.

Also, a bill (H. R. 14218) for the relief of Luster P. Chester and Freeland Chester, and Luster P. Chester and Freeland Chester, executors of Thomas R. Chester; to the Committee on War Claims.

Also, a bill (H. R. 14219) for the relief of Edward J. McIlvaine, surviving partner of Sloan, McIlvaine & Ott Bros. and of Sloan, McIlvaine & Graham; to the Committee on Claims.

By Mr. DE FOREST: A bill (H. R. 14220) granting a pension to Ira N. Haney; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 14221) granting an increase of pension to John L. Rood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14222) granting an increase of pension to Aristarchus Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14223) granting an increase of pension to Decatur Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14224) granting a pension to William H. Nelson; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 14225) granting an increase of pension to Frederick Bonnot; to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 14226) granting an increase of pension to David W. Clements; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14227) granting an increase of pension to Chauncey Bell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14228) granting an increase of pension to Charles Rollins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14229) granting an increase of pension to William Sofford; to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 14230) granting a pension to William Hanks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14231) granting a pension to A. H. Pettibone; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14232) granting a pension to Lee Monroe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14233) granting a pension to Elie Gaston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14234) granting a pension to Nancy A. Bonner; to the Committee on Pensions.

Also, a bill (H. R. 14235) granting an increase of pension to Henry F. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14236) granting an increase of pension to John H. Gerbert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14237) granting an increase of pension to Charles Becker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14238) granting an increase of pension to James H. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14239) granting an increase of pension to H. D. Yelvington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14240) granting an increase of pension to George Hutton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14241) granting an increase of pension to Elisha Hart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14242) granting an increase of pension to Saphrona J. Spencer; to the Committee on Pensions.

Also, a bill (H. R. 14243) granting an increase of pension to Cynthia A. Reynolds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14244) granting an increase of pension to Joseph R. Buchanon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14245) granting an increase of pension to W. H. Judd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14246) granting an increase of pension to Abraham Lance; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14247) granting an increase of pension to Henry J. Remington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14248) granting an increase of pension to Samuel Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14249) granting an increase of pension to John J. Hout; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14250) granting an increase of pension to Henry Clay; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14251) granting an increase of pension to Felix M. Wheat; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14252) granting an increase of pension to Christian Schonert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14253) granting a pension to Clifford Sweeten; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14254) granting an increase of pension to Annis Schmidt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14255) granting an increase of pension to Samuel Worley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14256) to remove the charge of desertion from the record of Henry Benjamin; to the Committee on War Claims.

Also, a bill (H. R. 14257) granting a pension to Gertrude M. Snedeker; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 14258) granting an increase of pension to John Byers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14259) granting an increase of pension to William McClay; to the Committee on Invalid Pensions.

By Mr. GALLAGHER: A bill (H. R. 14260) granting a pension to Charles Pickett; to the Committee on Invalid Pensions.

By Mr. GARNER: A bill (H. R. 14261) granting a pension to Ida M. Crossley; to the Committee on Pensions.

By Mr. GOOD: A bill (H. R. 14262) granting an increase of pension to Joseph C. Stoddard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14263) granting an increase of pension to Josiah Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14264) granting a pension to James E. Whipple; to the Committee on Pensions.

Also, a bill (H. R. 14265) granting an increase of pension to Joseph F. Latta; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14266) granting an increase of pension to Charles Everts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14267) granting an increase of pension to Hiram Neville; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14268) granting a pension to Laura Boysen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14269) granting an increase of pension to Orin P. McCreedy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14270) granting a pension to Deborah R. Isherwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14271) granting an increase of pension to James Coleman; to the Committee on Invalid Pensions.

By Mr. GRIEST: A bill (H. R. 14272) granting a pension to Anna Mary Troup; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14273) granting an increase of pension to Martin Sweigart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14274) granting an increase of pension to Hiram G. Dissinger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14275) granting an increase of pension to Henry Grady; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14276) granting an increase of pension to Ralph A. Anderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14277) granting an increase of pension to George Sheets; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14278) granting an increase of pension to John M. Campbell; to the Committee on Invalid Pensions.

By Mr. HAMILTON of West Virginia: A bill (H. R. 14279) for the relief of the heirs of John B. Leavitt; to the Committee on War Claims.

Also, a bill (H. R. 14280) granting an increase of pension to Peter A. Burdett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14281) granting an increase of pension to Martin Maloy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14282) granting an increase of pension to Sarah Ann Williamson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14283) granting an increase of pension to Jacob Conkle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14284) granting an increase of pension to John P. Overton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14285) granting an increase of pension to James R. Barrett; to the Committee on Invalid Pensions.

By Mr. HANNA: A bill (H. R. 14286) granting a pension to Chloe A. Truax; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14287) granting an increase of pension to Edward Ranbyauer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14288) granting an increase of pension to George I. Foster; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14289) granting an increase of pension to Stoddard Caswell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14290) granting an increase of pension to Seth H. Stone; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14291) granting an increase of pension to Henry M. Zellers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14292) granting an increase of pension to Jasper N. Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14293) granting an increase of pension to Wesley S. Brayles; to the Committee on Invalid Pensions.

By Mr. HARTMAN: A bill (H. R. 14294) granting an increase of pension to Amos Graham; to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 14295) to place Lieut. Col. Junius L. Powell on the retired list of the Army with the rank of brigadier general; to the Committee on Military Affairs.

By Mr. HELM: A bill (H. R. 14296) for the relief of Madison County, Ky.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 14297) to correct the military record of James A. Holman; to the Committee on Military Affairs.

By Mr. HILL: A bill (H. R. 14298) granting a pension to David C. Marshall; to the Committee on Invalid Pensions.

By Mr. HOBSON: A bill (H. R. 14299) for the relief of W. P. Roebuck; to the Committee on War Claims.

Also, a bill (H. R. 14300) for the relief of Ransom Day; to the Committee on War Claims.

Also, a bill (H. R. 14301) for the relief of Jefferson Phillips; to the Committee on War Claims.

Also, a bill (H. R. 14302) for the relief of Ann E. Sanders; to the Committee on War Claims.

Also, a bill (H. R. 14303) for the relief of J. C. Markham; to the Committee on War Claims.

Also, a bill (H. R. 14304) for the relief of John Thompson; to the Committee on War Claims.

Also, a bill (H. R. 14305) for the relief of the estate of Sylvia Cannon, deceased; to the Committee on War Claims.

Also, a bill (H. R. 14306) for the relief of heirs or estate of Jessie R. Northington, deceased; to the Committee on War Claims.

Also, a bill (H. R. 14307) for relief of heirs or estate of Jacob Holbrook, sr., deceased; to the Committee on War Claims.

Also, a bill (H. R. 14308) for relief of heirs or estate of Dr. R. O. Perrin, deceased; to the Committee on War Claims.

Also, a bill (H. R. 14309) for relief of heirs or estate of John C. Anderson, deceased; to the Committee on War Claims.

Also, a bill (H. R. 14310) for the relief of heirs or estate of William Ervin, deceased; to the Committee on War Claims.

Also, a bill (H. R. 14311) for relief of heirs or estate of W. C. Burleson, deceased; to the Committee on War Claims.

Also, a bill (H. R. 14312) for the relief of heirs or estate of Jessie L. Taylor, deceased; to the Committee on War Claims.

Also, a bill (H. R. 14313) granting a pension to Arminta Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14314) granting a pension to W. W. Harris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14315) granting a pension to Elza L. Ross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14316) granting a pension to Jennie Holloway Gibbons; to the Committee on Pensions.

Also, a bill (H. R. 14317) granting a pension to Olaus Anderson; to the Committee on Pensions.

Also, a bill (H. R. 14318) granting a pension to Charles N. B. Nicholson; to the Committee on Pensions.

Also, a bill (H. R. 14319) granting a pension to Steven Konicka; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14320) granting a pension to John A. Wyers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14321) granting a pension to D. G. Harrison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14322) granting an increase of pension to Mary Johnson Happel; to the Committee on Pensions.

Also, a bill (H. R. 14323) granting an increase of pension to Arthur Gable; to the Committee on Pensions.

Also, a bill (H. R. 14324) granting an increase of pension to Charles M. Stebbins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14325) granting an increase of pension to William Robert Harper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14326) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of Augustus N. Perkins, deceased; to the Committee on War Claims.

Also, a bill (H. R. 14327) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of William Cochrane, deceased; to the Committee on War Claims.

By Mr. HUMPHREY of Washington: A bill (H. R. 14328) granting an increase of pension to Michael Denigan; to the Committee on Invalid Pensions.

By Mr. KONOP: A bill (H. R. 14329) to correct the war record of Edward Bethke; to the Committee on Military Affairs.

Also, a bill (H. R. 14330) granting a pension to Thomas Joyce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14331) to remove the charge of desertion against Peter Thomas; to the Committee on Military Affairs.

Also, a bill (H. R. 14332) to remove the charge of desertion standing against Jacob Doxtater; to the Committee on Military Affairs.

Also, a bill (H. R. 14333) for the relief of John Johnson; to the Committee on Claims.

By Mr. LAMB: A bill (H. R. 14334) for the relief of J. N. Whittaker; to the Committee on Claims.

By Mr. LANGHAM: A bill (H. R. 14335) granting a pension to James W. McHenry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14336) granting a pension to Annie S. Elgin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14337) granting a pension to Rachel Ann Keiflein; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14338) granting an increase of pension to James M. Marshall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14339) granting an increase of pension to John C. Doran; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14340) granting an increase of pension to William Cathcart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14341) granting an increase of pension to Samuel E. Bish; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14342) granting an increase of pension to William G. Hovis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14343) granting an increase of pension to Joshua Lewis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14344) granting an increase of pension to Samuel Barnett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14345) granting an increase of pension to Edwin F. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14346) granting an increase of pension to Joseph McGaughey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14347) granting an increase of pension to Isaac Beck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14348) granting an increase of pension to Robert M. Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14349) granting an increase of pension to Jane R. Bonnin; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 14350) granting an increase of pension to William H. Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14351) granting an increase of pension to Joel Dunaway; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14352) granting an increase of pension to John W. Creed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14353) granting an increase of pension to Thomas Pinson; to the Committee on Invalid Pensions.

By Mr. LEE of Georgia: A bill (H. R. 14354) for the erection of a public building at Cartersville, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14355) for the erection of a public building at Cedartown, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. LENROOT: A bill (H. R. 14356) granting a pension to Ethel Kingsbury; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14357) granting a pension to Henry Rice Cruttenden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14358) granting a pension to Harriet E. Munroe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14359) granting an increase of pension to Thomas J. Little; to the Committee on Invalid Pensions.

By Mr. LINDSAY: A bill (H. R. 14360) granting an increase of pension to James McMurray, alias James Dunne, jr.; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14361) granting an increase of pension to Edward Slearin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14362) granting an increase of pension to Ellen T. White; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14363) granting an increase of pension to George Karle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14364) granting an increase of pension to Walter Woodward; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14365) granting an increase of pension to John H. Mange; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 14366) granting a pension to William Reedy; to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 14367) granting a pension to William H. Alexander; to the Committee on Invalid Pensions.

By Mr. McGILLICUDDY: A bill (H. R. 14368) granting a pension to Neda S. Thornton; to the Committee on Pensions.

Also, a bill (H. R. 14369) granting a pension to Amanda M. Sheeran; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14370) granting a pension to David F. Mansfield; to the Committee on Pensions.

Also, a bill (H. R. 14371) granting a pension to Thomas F. Moore; to the Committee on Pensions.

Also, a bill (H. R. 14372) granting a pension to Almon L. Penley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14373) granting a pension to Cornelius Conly, alias Cornelius Conley or Connelly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14374) granting an increase of pension to Mary E. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14375) granting an increase of pension to John French; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14376) granting an increase of pension to Mrs. Sophia A. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14377) granting an increase of pension to Orin R. Burrows; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14378) granting an increase of pension to Timothy Donovan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14379) granting an increase of pension to James Dray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14380) granting an increase of pension to Ivory W. Emerson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14381) granting an increase of pension to Edward Higgins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14382) granting an increase of pension to David S. Knapp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14383) granting an increase of pension to Elias A. Lothrop; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14384) granting an increase of pension to Henry G. Mitchell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14385) for the relief of John W. Whalen; to the Committee on Naval Affairs.

By Mr. McHENRY: A bill (H. R. 14386) granting a pension to Did L. Wilson; to the Committee on Pensions.

Also, a bill (H. R. 14387) granting a pension to Sophia D. Scholl; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14388) granting a pension to Edward Aldrich; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14389) granting an increase of pension to Lyman H. Fowler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14390) granting an increase of pension to Joseph Laughenberger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14391) granting an increase of pension to John B. Kauffman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14392) granting an increase of pension to Philip R. Lenig; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14393) granting an increase of pension to Mahlon B. Hicks; to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 14394) granting an increase of pension to James N. Dennis; to the Committee on Invalid Pensions.

By Mr. McMORRAN: A bill (H. R. 14395) granting a pension to Moses E. Sturtevant; to the Committee on Invalid Pensions.

By Mr. MACON: A bill (H. R. 14396) granting an increase of pension to Wyatt Baldwin; to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 14397) granting a pension to Frank Smith; to the Committee on Pensions.

Also, a bill (H. R. 14398) granting a pension to Annie Robb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14399) granting an increase of pension to Henry A. Kline; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14400) granting an increase of pension to Jonathan Merriam; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14401) for the relief of Jacob Newman; to the Committee on Claims.

Also, a bill (H. R. 14402) to remove the charge of desertion from the record of Alphonso Rankin; to the Committee on Military Affairs.

By Mr. MANN: A bill (H. R. 14403) for the relief of Thomas H. Thorp; to the Committee on Military Affairs.

By Mr. MARTIN of Colorado: A bill (H. R. 14404) granting a pension to Ignatius Tillett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14405) granting a pension to Mattie J. Sarver and her three minor children; to the Committee on Pensions.

Also, a bill (H. R. 14406) granting an increase of pension to Oliver Kimmel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14407) granting an increase of pension to Caleb E. Frazier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14408) granting an increase of pension to Joseph C. Morris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14409) granting an increase of pension to Edward M. Drohan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14410) granting an increase of pension to William F. Hill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14411) granting an increase of pension to William H. Ward; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14412) granting an increase of pension to Henry Barclay; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14413) granting an increase of pension to Le Roy A. Crane; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14414) granting an increase of pension to William Shambaugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14415) granting a homestead patent to Stella V. Haney; to the Committee on the Public Lands.

Also, a bill (H. R. 14416) for the relief of Stephen Tregamba, and for other purposes; to the Committee on the Public Lands.

Also, a bill (H. R. 14417) to remove the charge of desertion from the name of Byard Hickman; to the Committee on Military Affairs.

Also, a bill (H. R. 14418) granting a pension to Thomas Inman; to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 14419) granting a pension to Dautry C. Baine; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 14420) for the relief of the heirs of Manning Harris; to the Committee on War Claims.

By Mr. PARRAN: A bill (H. R. 14421) for the relief of James Lyons; to the Committee on Military Affairs.

Also, a bill (H. R. 14422) for the relief of Joseph B. Girault, late paymaster's clerk, United States Navy; to the Committee on Naval Affairs.

Also, a bill (H. R. 14423) granting an increase of pension to Dominick Roach; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14424) granting an increase of pension to George L. Richter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14425) granting an increase of pension to Alexander Shaney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14426) granting an increase of pension to Alfred K. Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14427) granting an increase of pension to Junius Thomas Turner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14428) granting an increase of pension to Margaret W. Dexter; to the Committee on Invalid Pensions.

By Mr. ROUSE: A bill (H. R. 14429) granting a pension to Irene J. Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14430) granting a pension to Mary E. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14431) granting a pension to D. B. Finnell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14432) granting a pension to Katheren Fox; to the Committee on Invalid Pensions.

By Mr. RUCKER of Colorado: A bill (H. R. 14433) granting an increase of pension to Tobias Mattox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14434) granting an increase of pension to Andrew D. Johnston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14435) granting an increase of pension to George Livingston; to the Committee on Invalid Pensions.

By Mr. RUCKER of Missouri: A bill (H. R. 14436) granting a pension to James W. Fisher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14437) granting an increase of pension to Hugh A. Thorp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14438) granting an increase of pension to George B. Miller; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 14439) granting an increase of pension to William Hovey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14440) granting a pension to Sarah E. Gillespie; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14441) granting an increase of pension to Patrick H. Dowling; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14442) granting a pension to Delia R. Parker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14443) granting an increase of pension to Thomas Dennis; to the Committee on Invalid Pensions.

By Mr. SIMMONS: A bill (H. R. 14444) granting a pension to Rebecca Kinney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14445) granting an increase of pension to Alonzo J. McMaster; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14446) granting an increase of pension to Commodore O. Perry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14447) granting an increase of pension to John Bacon; to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 14448) granting a pension to James D. Boshart, alias Buzzard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14449) granting a pension to John R. Costen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14450) granting an increase of pension to John W. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14451) granting an increase of pension to Riley Holmes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14452) granting a pension to Gilbert C. Wallace; to the Committee on Pensions.

Also, a bill (H. R. 14453) granting a pension to William T. Mayes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14454) granting an increase of pension to William M. Doss; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14455) granting an increase of pension to Thomas R. Gray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14456) granting a pension to James R. Parker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14457) granting an increase of pension to William C. McClure; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14458) granting a pension to Rebecca Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14459) granting an increase of pension to James F. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14460) granting an increase of pension to John A. Henry; to the Committee on Pensions.

Also, a bill (H. R. 14461) for the relief of the legal representatives of John Green, deceased; to the Committee on War Claims.

Also, a bill (H. R. 14462) for the relief of James W. Glass; to the Committee on War Claims.

Also, a bill (H. R. 14463) for the relief of Martin Gridley; to the Committee on War Claims.

Also, a bill (H. R. 14464) for the relief of V. B. Walker; to the Committee on War Claims.

Also, a bill (H. R. 14465) for the relief of J. R. Mathews; to the Committee on War Claims.

By Mr. SMITH of Texas: A bill (H. R. 14466) granting a pension to William F. Churchill; to the Committee on Pensions.

By Mr. UTTER: A bill (H. R. 14467) granting an increase of pension to Clementine Richards; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14468) granting an increase of pension to Anna Angell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14469) granting an increase of pension to Margaret J. Brophy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14470) granting an increase of pension to Frank F. Pullen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14471) granting an increase of pension to Hattie Sheldon; to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 14472) granting a pension to Arthur G. Bosson; to the Committee on Pensions.

By Mr. WILSON of New York: A bill (H. R. 14473) granting an increase of pension to Daniel Leiner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14474) granting an increase of pension to Mathias Eberhardt; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON of Ohio: Petitions of the Buckeye Stamping Co., of Columbus; the Continental Trust & Savings Bank Co., of Toledo; and the Globe Tailoring Co., of Cincinnati, all in Ohio, asking for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Papers to accompany H. R. 4457 and bill for the relief of Mary P. King; to the Committee on Invalid Pensions.

Also, resolutions of the Glass Bottle Blowers' Association, Branch 101, Coshocton, Ohio, urging a reduction in the duty on oleomargarine; to the Committee on Ways and Means.

Also, petition of Ohio Sash & Door Co., of Cleveland, Ohio, favoring 1-cent postage; to the Committee on the Post Office and Post Roads.

Also, petition of Dr. M. R. Limb, Grand Army of the Republic Veterans, and Spanish War Soldiers, all of Wooster, Ohio, asking for the passage of House resolution 8141; to the Committee on Military Affairs.

By Mr. AYRES: Resolution of the New York State Society of Certified Public Accountants, as to employment of chartered accountants; to the Committee on Appropriations.

Also, resolutions adopted by the National League for Medical Freedom in relation to Executive order as to medical practice in Panama Canal Zone; to the Committee on Interstate and Foreign Commerce.

Also, resolution of the American Institute of Architects, in relation to Lincoln Memorial; to the Committee on Industrial Arts and Expositions.

Also, resolutions of congregation of Judah Halevi, Jefferson Lodge (Bronx), and Herzel Lodge, No. 251, in relation to Russian passports; to the Committee on Foreign Affairs.

By Mr. BARTHOLDT: Resolutions of St. Louis Israel Lodge, No. 46; Missouri Lodge, No. 378; and Chas. Werner Lodge, No. 114, Order B'rith Abraham, praying for the abrogation of the Russian-American treaty; to the Committee on Foreign Affairs.

Also, petitions of George B. Webster, Paul C. Hunt, and Charles W. Holtcamp, citizens of St. Louis, Mo., praying for passage of House bill 8141, to provide for a more efficient National Guard; to the Committee on Military Affairs.

Also, petitions of C. F. Blanke Tea & Coffee Co. and the Ames Shovel & Tool Co., of St. Louis, Mo., praying for legislation to allow corporations to make returns at the end of their fiscal years; to the Committee on Ways and Means.

Also, resolution of District Grand Lodge No. 2, Independent Order of B'nai B'rith, praying for the abrogation of the Russian treaty; to the Committee on Foreign Affairs.

Also, resolution of St. Louis Lodge, No. 37, of Switchmen's Union, praying for passage of House bill 13911, providing for the least number of men to be assigned to each engine engaged in handling cars, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. BULKLEY: Resolution adopted by the Cleveland Branch of the Lake Seamen's Union, protesting against the excessive tax on oleomargarine and asking that it be reduced; to the Committee on Ways and Means.

Also, resolution of the Ohio State Board of Commerce, urging the amendment of the corporation-tax law to allow corporations to make their returns as of the close of their fiscal year; to the Committee on Ways and Means.

Also, resolutions adopted by Local Union No. 105, Brotherhood of Carpenters and Joiners; Cleveland Waiters' Union, No. 106; Metal Trades Council; Local Union No. 2, Wood, Wire, and Metal Lathers' Union, of Cleveland, Ohio, urging the enactment of House bill 11372, to abolish involuntary servitude imposed on seamen in the merchant marine of the United States; to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of Lake Erie Lodge, No. 198; Forest City Lodge, No. 187; Abraham Lincoln Lodge, No. 52; Montefiore Lodge, No. 13; Order B'rith Abraham; Ohio Lodge, No. 185, Order of the West; Sons of Isaac Association; Ohava Amuna Anshe Russian Congregation, all of Cleveland, Ohio, protesting against treaty violations by the Russian Government in the matter of passports in the hands of American citizens and asking that steps be taken to correct the abuse; to the Committee on Foreign Affairs.

Also, resolution of the executive committee of the Zionist Council, of Cleveland, Ohio, calling upon Congress and the President to abrogate the present treaty between the United States and Russia; to the Committee on Foreign Affairs.

By Mr. BURKE of Wisconsin: Papers to accompany bills granting an increase of pension to John Augustin, Franklin Austin, W. H. Bates, Wallace Cole, Andrew Dye, Frederick Heise, William Kirst, Marinus Nieuwenhuyse, Edward Phalen, and Joseph Scharbonaugh; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: Resolutions of National League for Medical Reform, protesting against any discrimination in favor of any school of healing in the selection of Federal, State, or municipal officers charged with the administration of health regulations; to the Committee on Interstate and Foreign Commerce.

By Mr. CARY: Resolution of Switchmen's Union of North America, Local No. 10, Milwaukee, Wis., favoring the reduction of the tax on oleomargarine; to the Committee on Ways and Means.

Also, resolution of Wisconsin Bankers' Association, urging the passage of an act which will permit national banks of the country districts to carry 25 per cent of their loans secured by first mortgages on improved farms; to the Committee on Banking and Currency.

Also, resolution of the Switchmen's Union of North America, Local No. 10, Milwaukee, Wis., in support of House bill 13911.

governing the number of men to be employed on locomotive engines engaged in interstate commerce; to the Committee on Interstate and Foreign Commerce.

Also, resolution of Supreme Council, Order of Commercial Travelers of America, favoring Senate bill 2051, "To promote the efficiency of the Life-Saving Service"; to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Milwaukee Musicians' Association and Local No. 18, Milwaukee (Wis.) Theatrical State Employees, indorsing House bill 5601; to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Lumber Handlers' Local No. 18, Longshoremen's Association, and Milwaukee Branch, Lake Seamen's Union, Milwaukee, Wis., indorsing House bill 11372; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Pattern Makers' Association, Milwaukee, Wis., indorsing House bill 5601, to limit the effect of the regulation of interstate commerce between the States in goods, wares, and merchandise wholly or in part manufactured by convict labor; to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Lodges 80 and 283, Order B'rith Abraham; Lodge 360, Independent Order B'rith Abraham; and United Israelite Society, of Wisconsin, favoring the abrogation of the treaty between the United States and Russia; to the Committee on Foreign Affairs.

By Mr. DYER: Resolutions of National Founders' Association, of Detroit, Mich., urging that only legislation promoting the general welfare of the country be considered; to the Committee on Ways and Means.

Also, petition of Slate and Pile Roofers' Local, No. 1, of the International Association of America, urging the passage of House bill 5601; to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Lodge 37, Switchmen's Union of North America, in approval of House bill 13911; to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Lodges 46 and 378, Order B'rith Abraham; Lodges 88 and 93, Independent Order B'rith Abraham; and Lodge 228, Independent Order B'rith Sholom, urging the abrogation of the existing treaty between this country and Russia; to the Committee on Foreign Affairs.

By Mr. ESCH: Petitions of citizens of Osseo and Strum, Wis., protesting against a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. FITZGERALD: Resolution of the New York State Association of Hardware Jobbers relative to mail matter; to the Committee on the Post Office and Post Roads.

Also, resolution of the Supreme Council of the Order of United Commercial Travelers of America, urging the passage of Senate bill 2051, to promote the efficiency of the Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

By Mr. FORNES: Petitions of C. W. Snow & Co., of Syracuse, N. Y.; Taylor Instrument Co., of Rochester, N. Y.; Buffalo Weaving & Belting Co., of Buffalo, N. Y.; Stanford-Crowell Co., of Ithaca, N. Y., favoring 1-cent postage; to the Committee on the Post Office and Post Roads.

Also, petition of Alfred M. Best Co., of New York City, favoring increase of second-class mail rates; to the Committee on the Post Office and Post Roads.

Also, resolutions of the West Side Hebrew Benevolent Society, of New York, protesting against the way the passports issued by our Government have been disregarded by Russia; to the Committee on Foreign Affairs.

By Mr. FULLER: Papers to accompany bills for the relief of John Byers and William McClay; to the Committee on Invalid Pensions.

Also, petition of Building Managers' Association, of Chicago, Ill., indorsing House joint resolution 97, for an investigation concerning fire waste; to the Committee on Appropriations.

Also, petition of National Guard Association of the United States, of Chicago, Ill., in favor of the militia pay bill; to the Committee on Military Affairs.

Also, petition of B. D. Bertolasi, of Rockford, Ill., in favor of a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of Illinois Branch of the National League for Medical Freedom, of Chicago, Ill., against the passage of the Owen bill for the creation of a department of public health; to the Committee on Interstate and Foreign Commerce.

Also, petition of Chicago Flexible Shaft Co., Chicago, Ill., favoring the change in rates on first and second class mail matter; to the Committee on the Post Office and Post Roads.

By Mr. GALLAGHER: Resolutions of Bassarabian Lodge, No. 247, Independent Order B'rith Sholom, and Star of Illinois Lodge, No. 320, Order B'rith Abraham, of Chicago, Ill., with reference to the passport question between the United States and Russia; to the Committee on Foreign Affairs.

By Mr. GARDNER of Massachusetts: Resolutions of Cape Ann Lodge, No. 460, Independent Order of B'rith Abraham, of Gloucester, Mass.; Haverhill Zion Lodge, No. 117, and Haverhill Lodge, No. 305, Independent Order of B'rith Abraham, of Haverhill, Mass.; Beverly Lodge, No. 458, Independent Order of B'rith Abraham, of Beverly, Mass.; and Newburyport Lodge, No. 488, Independent Order of B'rith Abraham, of Newburyport, Mass., urging the termination of the existing treaties between the United States and Russia, with a view to negotiating new treaties which will insure protection to American citizens holding American passports while traveling in Russia; to the Committee on Foreign Affairs.

By Mr. GOLDFOGLE: Resolutions of Brainsker Friendschaft Lodge, No. 444; Benjamin Homson Lodge, No. 9; the Rabbi M. Horowitz Lodge, No. 319; Suvalk Lodge, No. 379; Asher Lodge, No. 27; Tysmcuizse Siegelschippe Lodge, No. 468; Abraham Lodge, No. 1; Glasgow Lodge, No. 282; New Kurlander Lodge, No. 95; Fortschritt Lodge, No. 207; Aaron Weises Lodge, No. 244; Golden Jubilee Lodge, No. 464; the Royal Lodge, No. 488; Joseph Heinman Lodge, No. 70; Mharshuh Lodge, No. 372; Ostrolenker Lodge, No. 206; Eben Israel Lodge, No. 69; Wailing Wale Lodge, No. 373; Iehuda Lodge, No. 15; Weinberg Lodge, No. 44; Abraham Golder Lodge, No. 420; American Israelite Lodge, No. 187; Jonathan Lodge, No. 77; Progress Lodge, No. 184, Order B'rith Abraham; Independent Minsker Lodge, No. 601; Ahawath Scholem Lodge, No. 65; Horsdenker Lodge, No. 472; the Joseph Held Lodge, No. 527; Epstein Lodge, No. 134; Ro. Cy. M. Y. Sackler Lodge, No. 611; Zurawner Lodge, No. 33; Ohaw Scholem Lodge, No. 29; American Eagle Lodge, No. 85; Rabbi Jochonon Lodge, No. 144; Dr. Nathan Adler Lodge, No. 132; Lazir T. Brodskie Lodge, No. 258; Erste Dukler Lodge, No. 32; Dubner Lodge, No. 357; Lebanon Lodge, No. 247; Iehnda Haleny Lodge, No. 204; James A. Garfield Lodge, No. 16; Oestreich Unzarishe Lodge, No. 9; Wlozlawker Caro Lodge, No. 45; Jessie Seligman Lodge, No. 102; Ind. King Solomon Lodge, No. 200; Liberty Lodge, No. 27; Eotvos Lodge, No. 4; Jchuda Horowitz Lodge, No. 35; Israel Lodge, No. 51; Barnett Jacob Kind Lodge, No. 514; Dr. Adler Lodge, No. 95; M. Lunerfeld Zloczower, No. 586; Cosmopolitan Lodge, No. 387; Jacob Fleischhauer Lodge, No. 138; Ind. Brisk De Litau Lodge, No. 565; Mich. Linas Shal Lodge, No. 108; Brzezaner Lodge, No. 413, Independent Order of B'rith Abraham; E. Kalusher Gal. Lodge No. 10; Grodner Lodge, No. 125; Public Lodge, No. 60; New Bessarabian Lodge, No. 96; Adas Morim Lodge, No. 89; the B. Baer Lodge, No. 89; Zudek Cohers Roidfe Schulem Lodge, No. 26; Keiser Franz Joseph Lodge, No. 13; B. Silberman Lodge, No. 41; and Ahawas Sholom Anskey Pinsk H. B., Lodge No. 65, Independent Order Ahawas Israel, favoring the abrogation of the Russian treaty of 1832 (H. J. Res. 5 and H. J. Res. 40); to the Committee on Foreign Affairs.

By Mr. GRIEST: Resolution of central Pennsylvania Grand Army of the Republic Association, in favor of the Sulloway pension bill, or legislation similar thereto; to the Committee on Invalid Pensions.

By Mr. HARTMAN: Resolution of New York State Society of Certified Public Accountants, protesting against the employment by the United States Government of chartered accountants to the exclusion of certified public accountants; to the Committee on Accounts.

Also, resolution of State Board of Education of Pennsylvania, indorsing Senate bill 3; to the Committee on Appropriations.

Also, petitions of numerous citizens of Johnstown, South Fork, Patton, and Barnesboro, Pa., protesting against a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. HELM: Petition of Equal Rights Association of Kentucky, relating to proposed amendment to Federal Constitution; to the Committee on Election of President, Vice President, and Representatives in Congress.

Also, petitions of citizens of Harrodsburg, Ky., against use of white phosphorus in manufacture of matches; to the Committee on Ways and Means.

By Mr. HILL: Resolutions of the Greenwich Board of Trade, of Greenwich, Conn., favoring the bill regarding the Weeks forestry law; to the Committee on Agriculture.

Also, resolutions of the Meriden Retail Butchers' and Grocers' Association, of Meriden, Conn., concerning tax on oleomargarine; to the Committee on Ways and Means.

Also, resolutions of Bridgeport Lodge, No. 479, Order B'rith Abraham, of Bridgeport; South Norwalk Lodge, No. 185, Order B'rith Abraham, of South Norwalk; Brass City Lodge, No. 240, Order B'rith Abraham, of Waterbury; Stamford Lodge, No. 543,

Independent Order of B'rith Abraham, of Stamford; Stamford Lodge, No. 149, Independent Order Free Sons of Judea, of Stamford; Bridgeport Lodge, No. 473, Independent Order B'rith Abraham; Congregation of Agudah Sholem, of Stamford; Jewish citizens of Danbury, all of the State of Connecticut, with reference to the treaty with Russia; to the Committee on Foreign Affairs.

By Mr. HOUSTON: Petition of State convention of Woman's Christian Temperance Union, of Tennessee, to prevent the shipment of liquors into dry territory from outside the State; to the Committee on Interstate and Foreign Commerce.

By Mr. LINDSAY: Resolutions of Greenpoint Lodge, No. 450; Kingsburg Lodge, No. 36; Moses Mendelson Lodge, No. 91; Israel Bernstein Lodge, No. 453; Brooklyn Lodge, No. 423, Order of B'rith Abraham, of Brooklyn, N. Y.; of the Independent Order of B'rith Sholom; David Rockower Lodge, No. 214, of Brooklyn, N. Y.; Kings County Lodge, No. 45, Order of Ahawas Israel; of the Brainsher Friendschaft Lodge, No. 444, Order of B'rith Abraham, with reference to the passport question between the United States and Russia; to the Committee on Foreign Affairs.

Also, petitions of the Alfred M. Best Co., of New York; Defender Photo Supply Co., of Rochester; Libley, Lindsay & Co., of Rochester; New York Leather Belting Co.; C. W. Snow & Co., of Syracuse; Stanford-Crowell Co., of Ithaca; and the Taylor Instrument Co., of Rochester, N. Y., favoring the reduction of letter postage from 2 cents to 1 cent; to the Committee on the Post Office and Post Roads.

Also, resolution of Supreme Council, Order United Commercial Travelers of America, urging legislation to promote the efficiency of the Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

Also, petition of Local Union No. 51 of New York, Brotherhood of Painters, Decorators, and Paperhangers of America, favoring the Berger old-age pension; to the Committee on Labor.

Also, petition of Long Island Automobile Club, of Brooklyn, N. Y., favoring the construction of the Lincoln Memorial Highway; to the Committee on Appropriations.

Also, petition of Assembly of the State of New York, favoring the establishment of an Army post in the city of Albany, N. Y.; to the Committee on Military Affairs.

Also, petition of Senate of State of New York, to amend the Constitution establishing uniform laws on the subject of divorce of married persons throughout the United States; to the Committee on the Judiciary.

By Mr. LITTLEPAGE: Petition of W. B. Rock, heir of Mary A. Rock, late of Greenbrier County, W. Va., praying reference of claim to the Court of Claims under the Bowman Act of March 3, 1883; to the Committee on War Claims.

By Mr. LLOYD: Petition of citizens of Adair County, in favor of the National Guard pay bill; to the Committee on Military Affairs.

Also, petitions of citizens of Alexandria, Ewing, and Lewiston, Mo., protesting against parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. McCREARY: Resolution of the Retail Grocers' Association of Philadelphia, demanding repeal of tax on oleomargarine; to the Committee on Ways and Means.

By Mr. McGILLICUDDY: Resolutions of Pride of Maine Lodge, No. 202, Order B'rith Abraham; Pride of Portland Lodge, No. 497, Independent Order B'rith Abraham; and W. H. Taft Lodge, No. 541, Order B'rith Abraham, favoring the abrogation of the Russian treaty of 1832; to the Committee on Foreign Affairs.

By Mr. McMORRAN: Petition of numerous citizens of seventh congressional district of Michigan, protesting against the passage of a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. MANN: Petition of Illinois Federation of Women's Clubs, favoring highway from Atlantic to Pacific as a memorial to Abraham Lincoln; to the Committee on Appropriations.

By Mr. MOORE of Pennsylvania: Resolutions of Philadelphia Retail Grocers' Association, protesting against tax on oleomargarine; to the Committee on Ways and Means.

Also, resolutions of Lodges Nos. 6, 19, and 284, Order of B'rith Abraham; Lodges Nos. 7 and 274, Independent Order of B'rith Abraham, all of Pennsylvania, urging the abrogation of the existing treaty between this country and Russia; to the Committee on Foreign Affairs.

By Mr. NYE: Petition of United Garment Workers of America, Local No. 27, of Minneapolis, Minn., favoring enactment of House bill 5601; to the Committee on Interstate and Foreign Commerce.

By Mr. O'SHAUNESSY: Resolutions of Independent Order B'rith Abraham, Nos. 113, 130, 143, 213, 214, 328, 516, and 591; also of Independent Order of B'rith Sholom, Nos. 68 and 88; of the Independent Bessarabia Lodge, No. 119; of the Independent Order of Free Sons of Judah, No. 64; and of the Grand Lodge Independent Order United Hebrews, No. 36, urging the termination of treaties between the United States and Russia because of the disregard of the latter nation of passports issued by the United States Government to American citizens; to the Committee on Foreign Affairs.

Also, petition of numerous persons of Providence, R. I., urging the termination of treaties between the United States and Russia because of the disregard by the latter nation of passports issued by the United States Government to American citizens; to the Committee on Foreign Affairs.

By Mr. REDFIELD: Resolution of conference of Fenimore Street Methodist Episcopal Church, favoring House bill 9433, closing all post offices on Sunday; to the Committee on the Post Office and Post Roads.

Also, petition of employees of the Quartermaster's Department, United States Army, at New York, against House bill 11023, looking to elimination of a large portion of the present force of civilians now employed in the department and their replacement with enlisted men; to the Committee on Military Affairs.

Also, resolutions of Thomas H. Barry Camp, No. 73, Department of New York, United Spanish War Veterans, favoring bill providing for campaign badges for officers and enlisted men who served honorably in the War with Spain, Philippine insurrection, or China campaign, who were not entitled thereto by reason of being in civil life at the time of the issue of the general order by the War Department providing for the issue of these badges to those who were still in the service; to the Committee on Military Affairs.

By Mr. ROBERTS of Massachusetts: Resolution of National Founders' Association, New York, urging importance of legislation to promote progress of the country, etc.; to the Committee on Ways and Means.

Also, resolutions of Lodges Nos. 209, 265, 337, 427, 501, 532, and 585, Independent Order B'rith Abraham; also Lodges Nos. 28 and 53, Independent Order United Hebrews, urging abrogation of Russian treaty of 1832; to the Committee on Foreign Affairs.

By Mr. ROUSE: Resolutions of Lodge No. 15, of Switchmen's Union of North America, favoring House bill 13911; to the Committee on Interstate and Foreign Commerce.

By Mr. SABATH: Resolutions of Lodges Nos. 54 and 320, Order B'rith Abraham, and Lodge No. 267, Independent Order B'rith Abraham, favoring the abrogation of the Russian treaty of 1832; to the Committee on Foreign Affairs.

By Mr. SIMMONS: Resolutions of Local No. 175, International Longshoremen's Association, of North Tonawanda, N. Y., favoring House bill 11372, to amend laws governing seamen; to the Committee on the Merchant Marine and Fisheries.

By Mr. SIMS: Petition of James M. Smith, administrator, praying reference of claims to Court of Claims under terms of Bowman Act, with accompanying papers; to the Committee on War Claims.

By Mr. SLAYDEN: Petitions of citizens of Kendall, Burnet, Mills, Coleman, Llano, and Lampasas Counties, in Texas, protesting against the establishment of a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. SULZER: Resolutions of Dr. Herzel Lodge, No. 257, and Max Klein Lodge, No. 415, Order of B'rith Abraham, and Baron Hirsch Lodge, No. 53, Independent Order B'rith Abraham, of New York City, praying for abrogation of Russian treaty; to the Committee on Foreign Affairs.

By Mr. TALCOTT of New York. Resolutions of Lodges Nos. 228 and 254, Order B'rith Abraham; Lodges Nos. 208, 215, and 364, Independent Order B'rith Abraham, urging the abrogation of the Russian treaty of 1832; to the Committee on Foreign Affairs.

By Mr. UNDERHILL: Resolution of New York State Society of Certified Public Accountants, protesting against the employment by the United States Government of chartered accountants to the exclusion of certified public accountants; to the Committee on Appropriations.

Also, resolution of the New York State Association of Hardware Jobbers, favoring a rate of 1-cent letter postage for the ordinary business letter; to the Committee on the Post Office and Post Roads.

Also, resolutions of New York Chapter of the American Institute of Architects and the Hornell Automobile Club, of Hornell, N. Y., relating to a national memorial to Abraham Lincoln; to the Committee on Industrial Arts and Expositions.

Also, resolution of Chamber of Commerce of San Jose, Cal., approving certain legislation relating to the Panama Canal

recommended by the President; to the Committee on Interstate and Foreign Commerce.

Also, resolution of William H. Hoyt Post 276, Department of New York, Grand Army of the Republic, of Corning, N. Y., opposing the proposed incorporation of the Grand Army of the Republic; to the Committee on Military Affairs.

Also, petition of Elmira (N. Y.) Trades and Labor Assembly, favoring the removal of the tax on oleomargarine; to the Committee on Ways and Means.

Also, petition of Elmira (N. Y.) Trades and Labor Assembly, relating to prison-made goods; to the Committee on Labor.

Also, petition of Women's Christian Temperance Union of North Cohocton and Atlanta, State of New York, relating to importation of liquor into "dry" territory; to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Queen City Camp, No. 9613, M. W. A.; The Congregational Talmud Tora; Elmira City Lodge, No. 272; Berger Lodge, No. 388; Alliance Israelite Universelle; Order of B'rith Abraham; and Rabbi M. A. Horwitz, of Elmira, N. Y., calling attention to the unjust discrimination practiced by the Russian Government against American citizens of the Jewish persuasion visiting Russia in refusing to honor American passports issued to them by our Government; to the Committee on Foreign Affairs.

By Mr. UTTER: Resolutions of Lodges Nos. 112, 143, and 213, Order B'rith Abraham; Lodges Nos. 88, 130, 214, 328, 516, and 591, Independent Order B'rith Abraham; and of Louis Feiner Lodge, No. 36, Independent Order United Hebrews, all of Providence, R. I., urging the termination of treaties between the United States and Russia because of the disregard of the latter Nation of passports issued by the United States Government to American citizens; to the Committee on Foreign Affairs.

Also, petition of Cigar Makers' Local Union No. 94, of Pawtucket, R. I., against taxing cigars and cigarettes used by the makers thereof; to the Committee on Ways and Means.

Also, papers to accompany bills granting an increase of pension to Anna Angell, Margaret G. Brophy, Frank F. Pullen, Clementine Richards, and Hattie Sheldon; to the Committee on Invalid Pensions.

By Mr. WILLIS: Petition of N. V. Speece and 70 other citizens of Quincy, Ohio, asking for the passage of House bill 4640, granting an increase of pension to James F. Ramley; to the Committee on Invalid Pensions.

By Mr. WILSON of New York: Petition of citizens of Brooklyn, N. Y., protesting against a bill "To establish a department of health, and for other purposes"; to the Committee on Interstate and Foreign Commerce.

Also, resolutions of New York State Society of Certified Public Accountants, protesting against the employment of chartered accountants to the exclusion of certified public accountants; to the Committee on Expenditures in the Navy Department.

Also, resolutions of Lodges Nos. 274 and 385, Order B'rith Abraham; Lodges Nos. 147, 184, and 509, Independent Order B'rith Abraham; Lodge No. 253, Independent Order B'rith Sholom; and Lodge No. 180, Independent Order Free Sons of Judah, urging termination of existing treaty between this country and Russia; to the Committee on Foreign Affairs.

SENATE.

TUESDAY, *December 5, 1911.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

CHARLES CURTIS, a Senator from the State of Kansas, took the chair as President pro tempore under the previous order of the Senate.

LE ROY PERCY, a Senator from the State of Mississippi, and CLAUDE A. SWANSON, a Senator from the State of Virginia, appeared in their seats to-day.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

J. C. South, Chief Clerk of the House of Representatives, appeared and delivered the following message:

Mr. President, I am directed by the House of Representatives to inform the Senate that a quorum of the House of Representatives has assembled, and that the House is ready to proceed to business.

Also, that a committee of three members has been appointed by the Speaker on the part of the House of Representatives to join a committee of the Senate to wait upon the President of the United States and to inform him that a quorum of the two Houses has assembled and that Congress is ready to receive any communication he may have to make, and that Mr. UNDERWOOD, Mr. CULLOP, and Mr. MANN have been appointed members of the committee on the part of the House.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 1671) to provide a suitable memorial to the memory of the North American Indian, and it was thereupon signed by the President pro tempore.

NOTIFICATION TO THE PRESIDENT.

Mr. GALLINGER and Mr. MARTIN of Virginia, the committee to wait on the President of the United States, appeared, and

Mr. GALLINGER said: Mr. President, the committee of the Senate, acting with a like committee of the House of Representatives, appointed to wait upon the President of the United States and inform him that the two Houses of Congress had convened and were ready to receive any message he might be pleased to make, have attended to that duty, and beg leave to report that the President informed the committee he would communicate with Congress in writing at once.

PRESIDENT'S ANNUAL MESSAGE.

M. C. Latta, one of the secretaries of the President of the United States, appeared and said:

Mr. President, I am directed by the President of the United States to deliver to the Senate a message in writing.

The message was received from the secretary and handed to the President pro tempore.

The PRESIDENT pro tempore. The Chair lays before the Senate the following message from the President of the United States, which will be read by the Secretary.

The Secretary (Charles G. Bennett) read the message, as follows:

To the Senate and House of Representatives:

This message is the first of several which I shall send to Congress during the interval between the opening of its regular session and its adjournment for the Christmas holidays. The amount of information to be communicated as to the operations of the Government, the number of important subjects calling for comment by the Executive, and the transmission to Congress of exhaustive reports of special commissions, make it impossible to include in one message of a reasonable length a discussion of the topics that ought to be brought to the attention of the National Legislature at its first regular session.

THE ANTITRUST LAW—THE SUPREME COURT DECISIONS.

In May last the Supreme Court handed down decisions in the suits in equity brought by the United States to enjoin the further maintenance of the Standard Oil Trust and of the American Tobacco Trust, and to secure their dissolution. The decisions are epoch-making and serve to advise the business world authoritatively of the scope and operation of the antitrust act of 1890. The decisions do not depart in any substantial way from the previous decisions of the court in construing and applying this important statute, but they clarify those decisions by further defining the already admitted exceptions to the literal construction of the act. By the decrees, they furnish a useful precedent as to the proper method of dealing with the capital and property of illegal trusts. These decisions suggest the need and wisdom of additional or supplemental legislation to make it easier for the entire business community to square with the rule of action and legality thus finally established and to preserve the benefit, freedom, and spur of reasonable competition without loss of real efficiency or progress.

NO CHANGE IN THE RULE OF DECISION—MERELY IN ITS FORM OF EXPRESSION.

The statute in its first section declares to be illegal "every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States or with foreign nations," and in the second, declares guilty of a misdemeanor "every person who shall monopolize or attempt to monopolize or combine or conspire with any other person to monopolize any part of the trade or commerce of the several States or with foreign nations."

In two early cases, where the statute was invoked to enjoin a transportation rate agreement between interstate railroad companies, it was held that it was no defense to show that the agreement as to rates complained of was reasonable at common law, because it was said that the statute was directed against all contracts and combinations in restraint of trade whether reasonable at common law or not. It was plain from the record, however, that the contracts complained of in those cases would not have been deemed reasonable at common law. In subsequent cases the court said that the statute should be given a reasonable construction and refused to include within its inhibition, certain contractual restraints of trade which it denominated as incidental or as indirect.

These cases of restraint of trade that the court excepted from the operation of the statute were instances which, at common law, would have been called reasonable. In the Standard Oil and Tobacco cases, therefore, the court merely adopted the tests of the common law, and in defining exceptions to the literal application of the statute, only substituted for the test of being incidental or indirect, that of being reasonable, and this without varying in the slightest the actual scope and effect of the statute. In other words, all the cases under the statute which have now been decided would have been decided the same way if the court had originally accepted in its construction the rule at common law.

It has been said that the court, by introducing into the construction of the statute common-law distinctions, has emasculated it. This is obviously untrue. By its judgment every contract and combination in restraint of interstate trade made with the purpose or necessary effect of controlling prices by stifling competition, or of establishing in whole or in part a monopoly of such trade, is condemned by the statute. The most extreme critics can not instance a case that ought to be condemned under the statute which is not brought within its terms as thus construed.

The suggestion is also made that the Supreme Court by its decision in the last two cases has committed to the court the undefined and unlimited discretion to determine whether a case of restraint of trade is within the terms of the statute. This is wholly untrue. A reasonable restraint of trade at common law is well understood and is clearly defined. It does not rest in the discretion of the court. It must be limited to accomplish the purpose of a lawful main contract to which, in order that it shall be enforceable at all, it must be incidental. If it exceed the needs of that contract, it is void.

The test of reasonableness was never applied by the court at common law to contracts or combinations or conspiracies in restraint of trade whose purpose was or whose necessary effect would be to stifle competition, to control prices, or establish monopolies. The courts never assumed power to say that such contracts or combinations or conspiracies might be lawful if the parties to them were only moderate in the use of the power thus secured and did not exact from the public too great and exorbitant prices. It is true that many theorists, and others engaged in business violating the statute, have hoped that some such line could be drawn by courts; but no court of authority has ever attempted it. Certainly there is nothing in the decisions of the latest two cases from which such a dangerous theory of judicial discretion in enforcing this statute can derive the slightest sanction.

FORCE AND EFFECTIVENESS OF STATUTE A MATTER OF GROWTH.

We have been 21 years making this statute effective for the purposes for which it was enacted. The Knight case was discouraging and seemed to remit to the States the whole available power to attack and suppress the evils of the trusts. Slowly, however, the error of that judgment was corrected, and only in the last three or four years has the heavy hand of the law been laid upon the great illegal combinations that have exercised such an absolute dominion over many of our industries. Criminal prosecutions have been brought and a number are pending, but juries have felt averse to convicting for jail sentences, and judges have been most reluctant to impose such sentences on men of respectable standing in society whose offense has been regarded as merely statutory. Still, as the offense becomes better understood and the committing of it partakes more of studied and deliberate defiance of the law, we can be confident that juries will convict individuals and that jail sentences will be imposed.

THE REMEDY IN EQUITY BY DISSOLUTION.

In the Standard Oil case the Supreme and circuit courts found the combination to be a monopoly of the interstate business of refining, transporting, and marketing petroleum and its products, effected and maintained through 37 different corporations, the stock of which was held by a New Jersey company. It in effect commanded the dissolution of this combination, directed the transfer and pro rata distribution by the New Jersey company of the stock held by it in the 37 corporations to and among its stockholders; and the corporations and individual defendants were enjoined from conspiring or combining to restore such monopoly; and all agreements between the subsidiary corporations tending to produce or bring about further violations of the act were enjoined.

In the Tobacco case, the court found that the individual defendants, 29 in number, had been engaged in a successful effort to acquire complete dominion over the manufacture, sale, and distribution of tobacco in this country and abroad, and that this had been done by combinations made with a purpose and effect to stifle competition, control prices, and establish a monopoly, not only in the manufacture of tobacco, but also of tin-foil and licorice used in its manufacture and of its products of cigars, cigarettes, and snuffs. The tobacco suit presented a far more complicated and difficult case than the Standard Oil suit for a decree which would effectuate the will of the court and end the violation of the statute. There was here no single holding company as in the case of the Standard Oil Trust. The main company was the American Tobacco Co., a manufacturing, selling, and holding company. The plan adopted to destroy the combination and restore competition involved the redivision of the capital and plants of the whole trust between some of the companies constituting the trust and new companies organized for the purposes of the decree and made parties to it, and numbering, new and old, 14.

SITUATION AFTER READJUSTMENT.

The American Tobacco Co. (old), readjusted capital, $92,000,000; the Liggett & Meyers Tobacco Co. (new), capital, $67,000,000; the P. Lorillard Co. (new), capital, $47,000,000; and the R. J. Reynolds Tobacco Co. (old), capital, $7,525,000, are chiefly engaged in the manufacture and sale of chewing and smoking tobacco and cigars. The former one tin-foil company is divided into two, one of $825,000 capital and the other of $400,000. The one snuff company is divided into three companies, one with a capital of $15,000,000, another with a capital of $8,000,000, and a third with a capital of $8,000,000. The licorice companies are two, one with a capital of $5,758,300, and another with a capital of $2,000,000. There is, also, the British-American Tobacco Co., a British corporation, doing business abroad, with a capital of $26,000,000, the Porto Rican Tobacco Co., with a capital of $1,800,000, and the corporation of United Cigar Stores, with a capital of $9,000,000.

Under this arrangement, each of the different kinds of business will be distributed between two or more companies with a division of the prominent brands in the same tobacco products, so as to make competition not only possible but necessary. Thus the smoking-tobacco business of the country is divided so that the present independent companies have 21.39 per cent, while the American Tobacco Co. will have 33.08 per cent, the Liggett & Meyers 20.05 per cent, the Lorillard Co. 22.82 per cent, and the Reynolds Co. 2.66 per cent. The stock of the other 13 companies, both preferred and common, has been taken from the defendant American Tobacco Co. and has been distributed among its stockholders. All covenants restricting competition have been declared null and further performance of them has been enjoined. The preferred stock of the different companies has now been given voting power which was denied it under the old organization. The ratio of the preferred stock to the common was as 78 to 40. This constitutes a very decided change in the character of the ownership and control of each company.

In the original suit there were 29 defendants who were charged with being the conspirators through whom the illegal combination acquired and exercised its unlawful dominion. Under the decree these defendants will hold amounts of stock in the various distributee companies ranging from 41 per cent as a maximum to 28½ per cent as a minimum, except in the case of one small company, the Porto Rican Tobacco Co., in which they will hold 45 per cent. The 29 individual defendants are enjoined for three years from buying any stock except from each other, and the group is thus prevented from extending its control during that period. All parties to the suit, and the new companies who are made parties, are enjoined perpetually from in any way effecting any combination between any of the companies in violation of the statute by way of resumption of the old trust. Each of the 14 companies is enjoined from acquiring stock in any of the others. All these companies are enjoined from having common directors or officers, or common buying or selling agents, or common offices, or lending money to each other.

SIZE OF NEW COMPANIES.

Objection was made by certain independent tobacco companies that this settlement was unjust because it left companies with very large capital in active business, and that the settlement that would be effective to put all on an equality would be a division of the capital and plant of the trust into small fractions in amount more nearly equal to that of each of the independent companies. This contention results from a misunderstanding of the antitrust law and its purpose. It is not intended thereby to prevent the accumulation of large capital in business enterprises in which such a combination can secure reduced cost of production, sale, and distribution. It is directed against such an aggregation of capital only when its purpose is that of stifling competition, enhancing or controlling prices, and establishing a monopoly. If we shall have by the decree defeated these purposes and restored competition between the

large units into which the capital and plant have been divided, we shall have accomplished the useful purpose of the statute.

CONFISCATION NOT THE PURPOSE OF THE STATUTE.

It is not the purpose of the statute to confiscate the property and capital of the offending trusts. Methods of punishment by fine or imprisonment of the individual offenders, by fine of the corporation, or by forfeiture of its goods in transportation, are provided, but the proceeding in equity is a specific remedy to stop the operation of the trust by injunction and prevent the future use of the plant and capital in violation of the statute.

EFFECTIVENESS OF DECREE.

I venture to say that not in the history of American law has a decree more effective for such a purpose been entered by a court than that against the Tobacco Trust. As Circuit Judge Noyes said in his judgment approving the decree:

The extent to which it has been necessary to tear apart this combination and force it into new forms with the attendant burdens ought to demonstrate that the Federal anti-trust statute is a drastic statute which accomplishes effective results; which so long as it stands on the statute books must be obeyed, and which can not be disobeyed without incurring far-reaching penalties. And, on the other hand, the successful reconstruction of this organization should teach that the effect of enforcing this statute is not to destroy, but to reconstruct; not to demolish, but to re-create in accordance with the conditions which the Congress has declared shall exist among the people of the United States.

COMMON-STOCK OWNERSHIP.

It has been assumed that the present pro rata and common ownership in all these companies by former stockholders of the trust would insure a continuance of the same old single control of all the companies into which the trust has by decree been disintegrated. This is erroneous and is based upon the assumed inefficacy and innocuousness of judicial injunctions. The companies are enjoined from cooperation or combination; they have different managers, directors, purchasing and sales agents. If all or many of the numerous stockholders, reaching into the thousands, attempt to secure concerted action of the companies with a view to the control of the market, their number is so large that such an attempt could not well be concealed, and its prime movers and all its participants would be at once subject to contempt proceedings and imprisonment of a summary character. The immediate result of the present situation will necessarily be activity by all the companies under different managers, and then competition must follow, or there will be activity by one company and stagnation by another. Only a short time will inevitably lead to a change in ownership of the stock, as all opportunity for continued cooperation must disappear. Those critics who speak of this disintegration in the trust as a mere change of garments have not given consideration to the inevitable working of the decree and understand little the personal danger of attempting to evade or set at naught the solemn injunction of a court whose object is made plain by the decree and whose inhibitions are set forth with a detail and comprehensiveness unexampled in the history of equity jurisprudence.

VOLUNTARY REORGANIZATIONS OF OTHER TRUSTS AT HAND.

The effect of these two decisions has led to decrees dissolving the combination of manufacturers of electric lamps, a southern wholesale grocers' association, an interlocutory decree against the Powder Trust, with directions by the circuit court compelling dissolution, and other combinations of a similar history are now negotiating with the Department of Justice looking to a disintegration by decree and reorganization in accordance with law. It seems possible to bring about these reorganizations without general business disturbance.

MOVEMENT FOR REPEAL OF THE ANTITRUST LAW.

But now that the antitrust act is seen to be effective for the accomplishment of the purpose of its enactment, we are met by a cry from many different quarters for its repeal. It is said to be obstructive of business progress, to be an attempt to restore old-fashioned methods of destructive competition between small units, and to make impossible those useful combinations of capital and the reduction of the cost of production that are essential to continued prosperity and normal growth.

In the recent decisions the Supreme Court makes clear that there is nothing in the statute which condemns combinations of capital or mere bigness of plant organized to secure economy in production and a reduction of its cost. It is only when the purpose or necessary effect of the organization and maintenance of the combination or the aggregation of immense size are the stifling of competition, actual and potential, and the enhancing of prices and establishing a monopoly, that the statute is violated. Mere size is no sin against the law. The merging of two or more business plants necessarily eliminates competition between the units thus combined, but this elimination is in contravention of the statute only when the combination is made for purpose of ending this particular competition in order to secure control of and enhance prices and create a monopoly.

LACK OF DEFINITENESS IN THE STATUTE.

The complaint is made of the statute that it is not sufficiently definite in its description of that which is forbidden to enable business men to avoid its violation. The suggestion is, that we may have a combination of two corporations, which may run on for years, and that subsequently the Attorney General may conclude that it was a violation of the statute, and that which was supposed by the combiners to be innocent then turns out to be a combination in violation of the statute. The answer to this hypothetical case is that when men attempt to amass such stupendous capital as will enable them to suppress competition, control prices, and establish a monopoly, they know the purpose of their acts. Men do not do such a thing without having it clearly in mind. If what they do is merely for the purpose of reducing the cost of production, without the thought of suppressing competition by use of the bigness of the plant they are creating, then they can not be convicted at the time the union is made, nor can they be convicted later, unless it happens that later on they conclude to suppress competition and take the usual methods for doing so, and thus establish for themselves a monopoly. They can in such a case hardly complain if the motive which subsequently is disclosed is attributed by the court to the original combination.

NEW REMEDIES SUGGESTED.

Much is said of the repeal of this statute and of constructive legislation intended to accomplish the purpose and blaze a clear path for honest merchants and business men to follow. It may be that such a plan will be evolved, but I submit that the discussions which have been brought out in recent days by the fear of the continued execution of the antitrust law have produced nothing but glittering generalities and have offered no line of distinction or rule of action as definite and as clear as that which the Supreme Court itself lays down in enforcing the statute.

SUPPLEMENTAL LEGISLATION NEEDED—NOT REPEAL OR AMENDMENT.

I see no objection—and indeed I can see decided advantages—in the enactment of a law which shall describe and denounce methods of competition which are unfair and are badges of the unlawful purpose denounced in the antitrust law. The attempt and purpose to suppress a competitor by underselling him at a price so unprofitable as to drive him out of business, or the making of exclusive contracts with customers under which they are required to give up association with other manufacturers, and numerous kindred methods for stifling competition and effecting monopoly, should be described with sufficient accuracy in a criminal statute on the one hand to enable the Government to shorten its task by prosecuting single misdemeanors instead of an entire conspiracy, and, on the other hand, to serve the purpose of pointing out more in detail to the business community what must be avoided.

FEDERAL INCORPORATION RECOMMENDED.

In a special message to Congress on January 7, 1910, I ventured to point out the disturbance to business that would probably attend the dissolution of these offending trusts. I said:

But such an investigation and possible prosecution of corporations whose prosperity or destruction affects the comfort not only of stockholders but of millions of wage earners, employees, and associated tradesmen must necessarily tend to disturb the confidence of the business community, to dry up the now flowing sources of capital from its places of hoarding, and produce a halt in our present prosperity that will cause suffering and strained circumstances among the innocent many for the faults of the guilty few. The question which I wish in this message to bring clearly to the consideration and discussion of Congress is whether, in order to avoid such a possible business danger, something can not be done by which these business combinations may be offered a means, without great financial disturbance, of changing the character, organization, and extent of their business into one within the lines of the law, under Federal control and supervision, securing compliance with the antitrust statute.

Generally, in the industrial combinations called "trusts," the principal business is the sale of goods in many States and in foreign markets; in other words, the interstate and foreign business far exceeds the business done in any one State. This fact will justify the Federal Government in granting a Federal charter to such a combination to make and sell in interstate and foreign commerce the products of useful manufacture under such limitations as will secure a compliance with the antitrust law. It is possible so to frame a statute that while it offers protection to a Federal company against harmful, vexatious, and unnecessary invasion by the States, it shall subject it to reasonable taxation and control by the States with respect to its purely local business. * * *

Corporations organized under this act should be prohibited from acquiring and holding stock in other corporations (except for special reasons, upon approval by the proper Federal authority), thus avoiding the creation under national auspices of the holding company with subordinate corporations in different States, which has been such an effective agency in the creation of the great trusts and monopolies.

If the prohibition of the antitrust act against combinations in restraint of trade is to be effectively enforced, it is essential that the National Government shall provide for the creation of national corpora-

tions to carry on a legitimate business throughout the United States. The conflicting laws of the different States of the Union with respect to foreign corporations make it difficult, if not impossible, for one corporation to comply with their requirements so as to carry on business in a number of different States.

I renew the recommendation of the enactment of a general law providing for the voluntary formation of corporations to engage in trade and commerce among the States and with foreign nations. Every argument which was then advanced for such a law, and every explanation which was at that time offered to possible objections, have been confirmed by our experience since the enforcement of the antitrust statute has resulted in the actual dissolution of active commercial organizations.

It is even more manifest now than it was then that the denunciation of conspiracies in restraint of trade should not and does not mean the denial of organizations large enough to be intrusted with our interstate and foreign trade. It has been made more clear now than it was then that a purely negative statute like the antitrust law may well be supplemented by specific provisions for the building up and regulation of legitimate national and foreign commerce.

GOVERNMENT ADMINISTRATIVE EXPERTS NEEDED TO AID COURTS IN TRUST DISSOLUTIONS.

The drafting of the decrees in the dissolution of the present trusts, with a view to their reorganization into legitimate corporations, has made it especially apparent that the courts are not provided with the administrative machinery to make the necessary inquiries preparatory to reorganization, or to pursue such inquiries, and they should be empowered to invoke the aid of the Bureau of Corporations in determining the suitable reorganization of the disintegrated parts. The circuit court and the Attorney General were greatly aided in framing the decree in the Tobacco Trust dissolution by an expert from the Bureau of Corporations.

FEDERAL CORPORATION COMMISSION PROPOSED.

I do not set forth in detail the terms and sections of a statute which might supply the constructive legislation permitting and aiding the formation of combinations of capital into Federal corporations. They should be subject to rigid rules as to their organization and procedure, including effective publicity, and to the closest supervision as to the issue of stock and bonds by an executive bureau or commission in the Department of Commerce and Labor, to which in times of doubt they might well submit their proposed plans for future business. It must be distinctly understood that incorporation under a Federal law could not exempt the company thus formed and its incorporators and managers from prosecution under the antitrust law for subsequent illegal conduct, but the publicity of its procedure and the opportunity for frequent consultation with the bureau or commission in charge of the incorporation as to the legitimate purpose of its transactions would offer it as great security against successful prosecutions for violations of the law as would be practical or wise.

Such a bureau or commission might well be invested also with the duty already referred to, of aiding courts in the dissolution and re-creation of trusts within the law. It should be an executive tribunal of the dignity and power of the Comptroller of the Currency or the Interstate Commerce Commission, which now exercise supervisory power over important classes of corporations under Federal regulation.

The drafting of such a Federal incorporation law would offer ample opportunity to prevent many manifest evils in corporate management to-day, including irresponsibility of control in the hands of the few who are not the real owners.

INCORPORATION VOLUNTARY.

I recommend that the Federal charters thus to be granted shall be voluntary, at least until experience justifies mandatory provisions. The benefit to be derived from the operation of great businesses under the protection of such a charter would attract all who are anxious to keep within the lines of the law. Other large combinations that fail to take advantage of the Federal incorporation will not have a right to complain if their failure is ascribed to unwillingness to submit their transactions to the careful official scrutiny, competent supervision, and publicity attendant upon the enjoyment of such a charter.

ONLY SUPPLEMENTAL LEGISLATION NEEDED.

The opportunity thus suggested for Federal incorporation, it seems to me, is suitable constructive legislation needed to facilitate the squaring of great industrial enterprises to the rule of action laid down by the antitrust law. This statute as construed by the Supreme Court must continue to be the line of distinction for legitimate business. It must be enforced, unless we are to banish individualism from all business and reduce it to one common system of regulation or control of prices like that which now prevails with respect to public utilities, and which when applied to all business would be a long step toward State socialism.

IMPORTANCE OF THE ANTITRUST ACT.

The antitrust act is the expression of the effort of a freedom-loving people to preserve equality of opportunity. It is the result of the confident determination of such a people to maintain their future growth by preserving uncontrolled and unrestricted the enterprise of the individual, his industry, his ingenuity, his intelligence, and his independent courage.

For 20 years or more this statute has been upon the statute book. All knew its general purpose and approved. Many of its violators were cynical over its assumed impotence. It seemed impossible of enforcement. Slowly the mills of the courts ground, and only gradually did the majesty of the law assert itself. Many of its statesmen authors died before it became a living force, and they and others saw the evil grow which they had hoped to destroy. Now its efficacy is seen; now its power is heavy; now its object is near achievement. Now we hear the call for its repeal on the plea that it interferes with business prosperity, and we are advised in most general terms how by some other statute and in some other way the evil we are just stamping out can be cured if we only abandon this work of 20 years and try another experiment for another term of years.

It is said that the act has not done good. Can this be said in the face of the effect of the Northern Securities decree? That decree was in no way so drastic or inhibitive in detail as either the Standard Oil decree or the Tobacco decree; but did it not stop for all time the then powerful movement toward the control of all the railroads of the country in a single hand? Such a one-man power could not have been a healthful influence in the Republic, even though exercised under the general supervision of an interstate commission.

Do we desire to make such ruthless combinations and monopolies lawful? When all energies are directed, not toward the reduction of the cost of production for the public benefit by a healthful competition, but toward new ways and means for making permanent in a few hands the absolute control of the conditions and prices prevailing in the whole field of industry, then individual enterprise and effort will be paralyzed and the spirit of commercial freedom will be dead.

WM. H. TAFT.

THE WHITE HOUSE, *December 5, 1911.*

The PRESIDENT pro tempore. The message will lie on the table and be printed.

REPORTS OF SECRETARY OF THE SENATE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Senate (S. Doc. No. 115), transmitting, pursuant to law, a full and complete statement of the receipts and expenditures of the Senate and the condition of public moneys in his possession from July 1, 1910, to June 30, 1911, which, with the accompanying paper, was ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Secretary of the Senate (S. Doc. No. 119), transmitting a full and complete account of all property, including stationery, belonging to the United States in his possession on the 4th day of December, 1911, which, with the accompanying paper, was ordered to lie on the table and be printed.

REPORTS OF SERGEANT AT ARMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Sergeant at Arms of the Senate (S. Doc. No. 118), transmitting a statement of the receipts from the sale of condemned property in his possession since December 5, 1910, which, with the accompanying paper, was ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Sergeant at Arms of the Senate (S. Doc. No. 116), giving a full and complete account of all property belonging to the United States in his possession on December 4, 1911, which, with the accompanying paper, was ordered to lie on the table and be printed.

TRAVEL OF INTERSTATE COMMERCE COMMISSION EMPLOYEES (H. DOC. NO. 190).

The PRESIDENT pro tempore laid before the Senate a communication from the Interstate Commerce Commission, transmitting a statement showing the travel of all officials and employees other than special agents, etc., who have traveled on official business from Washington to points outside the District of Columbia during the fiscal year ended June 30, 1911, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

ACCOMMODATIONS FOR ARMY IN SAN FRANCISCO, CAL. (S. DOC. NO. 123).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of July 28, 1911, certain information relative to buildings, offices, and other quarters rented for the use of the Army or the War Department in San Francisco, Cal., which, on motion of Mr. WORKS, was, with the accompanying paper, referred to the Committee on Expenditures in the War Department and ordered to be printed.

EXPENDITURES OF SIOUX INDIANS (H. DOC. NO. 201).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of the expenditures from the permanent fund of the Sioux Indians during the fiscal year ended June 30, 1911, which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

SPRINGFIELD ARMORY AND ROCK ISLAND ARSENAL (H. DOC. NO. 214).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, pursuant to law, statements of the expenditures, etc., at the Springfield Armory, Mass., and at the Rock Island Arsenal, Ill., for the fiscal year ended June 30, 1911, which, with the accompanying paper, was referred to the Committee on Military Affairs and ordered to be printed.

FORT SPOKANE MILITARY RESERVATION (H. DOC. NO. 205).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report regarding the action taken by that department in the sale of lands, buildings, and other appurtenances of the old Fort Spokane Military Reservation in the State of Washington, etc., which, with the accompanying paper, was referred to the Committee on Military Affairs and ordered to be printed.

TRAVEL OF EMPLOYEES OF LIBRARY OF CONGRESS (H. DOC. NO. 225).

The PRESIDENT pro tempore laid before the Senate a communication from the Librarian of Congress, transmitting a statement showing in detail what officers or employees of the Library of Congress have traveled on official business from Washington to points outside of the District of Columbia during the fiscal year ended June 30, 1911, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

PAY OF EMPLOYEES IN INDIAN SERVICE (H. DOC. NO. 199).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a statement showing the diversion of appropriations for the pay of specified employees in the Indian Service for the fiscal year ended June 30, 1911, which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

SUBSISTENCE FOR INDIAN TRIBES (H. DOC. NO. 206).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, stating, pursuant to law, that no diversions had been made from the fund appropriated for the purchase of subsistence for Indian tribes during the fiscal year ended June 30, 1911, which was referred to the Committee on Indian Affairs and ordered to be printed.

INDUSTRIES AMONG INDIANS (H. DOC. NO. 208).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a statement showing the proposed use of the appropriation for encouraging industry among Indians during the fiscal year ended June 30, 1911, which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

INDIAN TRIBES AT PEACE (H. DOC. NO. 224).

The PRESIDENT pro tempore laid before the Senate a communication from the Commissioner of Indian Affairs, stating that no Indian tribe for which appropriations are made by Congress has engaged in hostilities against the United States or against its citizens during the fiscal year ended June 30, 1911, which was referred to the Committee on Indian Affairs and ordered to be printed.

DISTRIBUTION OF DOCUMENTS (H. DOC. NO. 207).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a statement showing the number of documents received and distributed by that department during the fiscal year ended June 30, 1911, which, with the accompanying papers, was referred to the Committee on Printing and ordered to be printed.

BUREAU OF CHEMISTRY, AGRICULTURAL DEPARTMENT (S. DOC. NO. 117).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a detailed statement of all salaries paid by the Bureau of Chemistry for compensation or payment of expenses to officers or other persons employed by State, county, or municipal governments during the fiscal year ended June 30, 1911, which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

TRAVEL OF EMPLOYEES OF AGRICULTURAL DEPARTMENT (H. DOC. NO. 219).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a statement showing in detail the officers or employees of the Agricultural Department who have traveled on official business from Washington to points outside of the District of Columbia during the fiscal year ended June 30, 1911, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

EXPENDITURES ON IRRIGATION PROJECTS (H. DOC. NO. 203).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a statement of the cost account of all moneys expended on certain irrigation projects, etc., which, with the accompanying paper, was referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed.

RELIEF OF CERTAIN INDIANS (H. DOC. NO. 200).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of the expenditures of the funds appropriated for subsistence, etc., in cases of distress among Indians not having treaty funds, etc., which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

TONGUE RIVER RESERVATION, MONT. (H. DOC. NO. 198).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of the expenditures for encouraging industrial work among the Indians of the Tongue River Reservation, Mont., during the fiscal year ended June 30, 1911, which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

INDUSTRIAL WORK AND CARE OF TIMBER (H. DOC. NO. 211).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a statement of the expenditures from the appropriation for industrial work and care of timber for the fiscal year ended June 30, 1911, which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

SUPPORT OF INDIAN SCHOOLS (H. DOC. NO. 196).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a statement of the expenditures from the appropriations for Indian school buildings and the support of Indian schools, which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report showing the cost, investment, etc., in Indian school and agency properties entitled to share in such appropriations, etc. (H. Doc. No. 209), which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

ANNUAL REPORT OF THE SECRETARY OF AGRICULTURE (H. DOC. NO. 220).

The PRESIDENT pro tempore laid before the Senate the annual report of the Secretary of Agriculture for the fiscal year ended June 30, 1911, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

LAWS OF HAWAII (H. DOC. NO. 228).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, copies of the laws of the Territory of Hawaii enacted by the legislature of that Territory in special session

1909 and at the regular session 1911, which, with the accompanying papers, were referred to the Committee on the Pacific Islands and Porto Rico.

SURVEY OF INDIAN RESERVATIONS (H. DOC. NO. 210).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a statement of the survey and allotment work on Indian reservations for the fiscal year ended June 30, 1911, which was referred to the Committee on Indian Affairs and ordered to be printed.

ANNUAL REPORT OF THE PUBLIC PRINTER (S. DOC. NO. 114).

The PRESIDENT pro tempore laid before the Senate the annual report of the Public Printer, showing the operations of the Government Printing Office for the fiscal year ended June 30, 1911, which was referred to the Committee on Printing.

GOVERNMENT HOSPITAL FOR THE INSANE (H. DOC. NO. 212).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report of the superintendent of the Government Hospital for the Insane for the fiscal year ended June 30, 1911, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

LIST OF JUDGMENTS (S. DOC. NO. 121).

The PRESIDENT pro tempore laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting, pursuant to law, a statement of all judgments rendered by the court for the year ended December 2, 1911, which was referred to the Committee on Appropriations and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS (S. DOC. NO. 120).

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the causes of Richard Emmons and other claimants *v.* the United States, which, with the accompanying papers, was referred to the Committee on Claims and ordered to be printed.

REPORT OF FREEDMEN'S HOSPITAL (H. DOC. NO. 202).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting the annual report of the expenditures of the Freedmen's Hospital for the fiscal year ended June 30, 1911, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MARITIME CANAL CO. OF NICARAGUA (H. DOC. NO. 204).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report of the Maritime Canal Co. of Nicaragua, which, with the accompanying paper, was referred to the Committee on Interoceanic Canals and ordered to be printed.

ADJOURNMENT TO THURSDAY.

Mr. GALLINGER. Mr. President, Senators on both sides of the Chamber have suggested to me that it would be well for the Senate to adjourn over until Thursday. I therefore move that when the Senate adjourns to-day it adjourn to meet on Thursday next.

The motion was agreed to.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented resolutions adopted by the Legislature of the State of California, which were referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

STATE OF CALIFORNIA,
Department of State.

Whereas under the provisions of the report of the Chief of Engineers, United States Army, printed in document No. 1084 of the House of Representatives of the United States, Sixty-first Congress, third session, there is contained a recommendation for the construction of a breakwater in Monterey Bay, Cal., in aid of commerce and navigation, and estimating the cost thereof at the sum of $800,000; and

Whereas the said recommendation was made conditional upon an appropriation either by the local community affected thereby or the State of the sum of $200,000; and

Whereas the Legislature of the State of California, at its thirty-ninth session, passed, and the governor of the State has approved an act providing for an appropriation of said sum of $200,000, conditional on the appropriation of the sum of $600,000 by the Congress of the United States for the construction of said project: Therefore be it

Resolved by the Assembly of the State of California, That the Congress of the United States is hereby petitioned to make an appropriation of $600,000 for said project in accordance with the said report of said Chief of Engineers; be it further

Resolved, That our Senators and Representaives in Congress be and are hereby requested to use all honorable means to secure the passage of the bill making the appropriation aforesaid; and be it further

Resolved, That a duly certified copy of this resolution be transmitted to each of the following official bodies and officers: To the United States Senate, House of Representatives, Secretary of War, Chief of Engineers, and to our Senators and Representatives in Congress.

I, Frank C. Jordan, secretary of state of the State of California, do hereby certify that I have compared the above copy of resolutions adopted by the Assembly of the State of California on the 21st day of March, 1911, and the senate of said State, on the 21st day of March, 1911, with the originals on file in my office, and the same is a correct transcript therefrom.

Witness my hand and the great seal of State at my office in Sacramento, Cal., this 4th day of November, 1911.

[SEAL.] FRANK C. JORDAN,
Secretary of State.

The PRESIDENT pro tempore presented petitions of the Central National Conference of the Methodist Episcopal Church of New York; the Presbytery of Chicago, Ill.; and of the Congregational Ministers' Meeting of Boston, Mass., praying for the ratification of all arbitration treaties now before the Senate of the United States, which were referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Plain, N. Mex., praying for the enactment of legislation reducing the time of the homesteader's residence in making the final proof from five years to three years, which was referred to the Committee on Public Lands.

He also presented a communication from the president of the Egyptian High Committee for Aid to Tripoli, of Cairo, Egypt, relative to the condition of affairs alleged to exist in that city because of the Italian occupation, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Persian American Educational Society, praying that the assistance of the United States Government be given in the settlement of certain differences between Persia and Russia, which was referred to the Committee on Foreign Relations.

He also presented petitions of Fort Schuyler and Roscoe Conkling Lodges, Order of B'rith Abraham, and of Pride of Israel Lodge, Order of B'rith Sholom, all of Utica, in the State of New York, praying for the ratification of new treaty relations with the Government of Russia, which were referred to the Committee on Foreign Relations.

He also presented a petition of James B. Morris Post, Grand Army of the Republic, Department of New Jersey, of Long Branch, N. J., praying for the enactment of certain pension legislation, which was referred to the Committee on Pensions.

He also presented the petition of L. W. Hill and S. W. Wilkinson, of Boswell, Okla., praying for the enactment of legislation to enable colored people to purchase land on favorable terms in that State, which was referred to the Committee on Public Lands.

He also presented a communication from officers of the Rigadagen of Denmark, in favor of the exchange of sundry congressional publications for similar ones of the Danish Parliament, which was referred to the Committee on Printing.

He also presented a memorial of sundry citizens of Chaffee, Mo., remonstrating against the enactment of further legislation looking to the extension of the parcels-post service, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the New York State Society of Certified Public Accountants, remonstrating against any discrimination being made by the Navy and other departments against members of that society, which was referred to the Committee on Naval Affairs.

Mr. GALLINGER presented a petition of sundry citizens of New Hampshire, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of General J. N. Patterson Camp No. 2, United Spanish War Veterans, of Concord, N. H., praying for the enactment of legislation granting pensions to widows and minor children of deceased soldiers and sailors of the War with Spain, which was referred to the Committee on Pensions.

He also presented petitions of the Board of Trade and the Merchants' Exchange of Portsmouth and sundry citizens of Nashua and Portsmouth, all in the State of New Hampshire, praying that an appropriation be made for the construction of the Lincoln Memorial Road from Washington to Gettysburg, Pa., which were referred to the Committee on Appropriations.

He also presented petitions of sundry citizens of New Hampshire, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a memorial of the East Washington Citizens' Association of the District of Columbia, remonstrating against the further maintenance of the stable situated on square 1043 in Southeast Washington, which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Georgetown Citizens' Association of the District of Columbia, remonstrating against

the repeal of the organic act of 1878, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Takoma Park Citizens' Association of the District of Columbia, praying for the enactment of legislation authorizing an investigation into the actual value of street railway property in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of 3,000 Greek residents of Manchester, N. H., remonstrating against the injustice of Turkey against Christians in the provinces under Turkish rule, which was referred to the Committee on Foreign Relations.

He also presented a petition of Granite State Lodge, No. 181, Independent Order B'rith Abraham, of New Hampshire, and a petition of the National Progressive Republican League of New York, praying for the ratification of new treaty relations with Russia, which were referred to the Committee on Foreign Relations.

Mr. MARTINE of New Jersey presented memorials of the Independent Order B'rith Abraham, of Hoboken, Paterson, Morristown, Jersey City, Newark, and Plainfield; Independent Order Ahawas Israel, of Newark; Hebrew Association of the city of Elizabeth; and the Independent Order of B'rith Sholom, of Newark and Vineland, all in the State of New Jersey, remonstrating against the treatment of certain Americans by the Government of Russia, which were referred to the Committee on Foreign Relations.

Mr. CULLOM presented a memorial of the congregation of the Roscoe Street Seventh-day Adventist Church, of Chicago, Ill., remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented memorials of sundry citizens of Smithboro, Belknap, Mason City, Springfield, Oregon, Walnut, and St. Anne, and of the Commercial Club of Amboy and the Commercial Club of Carrollton, all in the State of Illinois, remonstrating against the extension of the parcels-post service beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Illinois, West Virginia, Wyoming, Maryland, Texas, Massachusetts, Minnesota, New Jersey, Kentucky, California, Ohio, Pennsylvania, Vermont, and New York, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented petitions of sundry lodges of the Independent Order of B'rith Abraham, in the State of Illinois, and resolutions adopted at the meeting of the Worner Unterstitzungs Verein at Chicago, Ill., praying for the abrogation of all treaties existing between the United States and Russia, which were referred to the Committee on Foreign Relations.

Mr. DU PONT presented a memorial of Local Lodge No. 116, Independent Order Ahawas Israel, of Wilmington, Del., remonstrating against the treatment of American citizens by the Government of Russia, which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Wilmington, Rockland, and Seaford, all in the State of Delaware, praying for the construction of a road from Washington to Gettysburg as a memorial to Abraham Lincoln, which were referred to the Committee on Appropriations.

Mr. BRISTOW presented petitions of sundry citizens of Kansas, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Kansas, remonstrating against the extension of the so-called parcels-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Nekoma, Kans., remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Kansas, remonstrating against the interstate transportation of intoxicating liquors into prohibition districts, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Nekoma, Kans., remonstrating against the observance of Sunday in the post offices of the country, which was referred to the Committee on Post Offices and Post Roads.

Mr. WORKS presented a petition of the California Branch, Citizens' National Committee, of San Francisco, Cal., and a petition of the Chamber of Commerce of Oakland, Cal., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Oakland, Cal., praying that an appropriation be made for the maintenance of an adequate fleet on the Pacific coast, to provide dry-dock accommodations for the largest type of battleships afloat, etc., which was referred to the Committee on Naval Affairs.

He also presented a petition of the Chamber of Commerce of Oakland, Cal., praying for enactment of legislation providing better navigation facilities on the Pacific coast, which was referred to the Committee on Commerce.

Mr. OLIVER presented petitions of the congregation of the Oakland Methodist Episcopal Church, of Pittsburgh; of the congregation of the Sandusky Street Baptist Church, of Pittsburgh; of the congregation of the Mennonite Church of Springs; of the Men's Club of the Northside Unitarian Church, of Pittsburgh; of the Chamber of Commerce of Philadelphia; and of the congregation of the Swedish Evangelical Lutheran Tabor Church, of Kane, all in the State of Pennsylvania, praying for the ratification of the proposed arbitration treaties between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented petitions of Local Branch No. 95, Glass Bottle Blowers' Association, of Brackenbridge; of the Woman's Club, of New Brighton; of Van Bergen Lodge, No. 62, Brotherhood of Locomotive Firemen and Enginemen, of Carbondale; of the Retail Grocers' Association of Philadelphia; of the Central Labor Council of Oil City; and of Local Branch No. 75, Glass Bottle Blowers' Association, of Sharpsburg, all in the State of Pennsylvania, praying for the repeal of the tax on oleomargarine, which were referred to the Committee on Agriculture and Forestry.

He also presented resolutions adopted at a meeting of the ministers of the Methodist Episcopal Church of Pittsburgh, Pa., praying for the passage of an interstate liquor law to prevent the nullification of State liquor laws by outside liquor dealers, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted at a meeting of the ministers of the Methodist Episcopal Church of Pittsburgh, Pa., praying for the enactment of legislation to prohibit the interstate transmission of race-gambling odds and bets, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted at a meeting of the ministers of the Methodist Episcopal Church of Pittsburgh, Pa., praying for the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented resolutions of the ministers' meeting of the Methodist Episcopal Church of Pittsburgh, Pa., remonstrating against the sale of intoxicating liquors in Government ships and buildings, which were referred to the Committee on the Judiciary.

He also presented a memorial of the ministers' meeting of the Methodist Episcopal Church of Pittsburgh, Pa., remonstrating against the interstate transmission of prize-fight pictures, which was referred to the Committee on the Judiciary.

He also presented a petition of the ministers' meeting of the Methodist Episcopal Church of Pittsburgh, Pa., praying for the enactment of legislation to prohibit banking and other unnecessary work in the United States post-offices on Sunday, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Home Missionary Society of the Oakland Methodist Episcopal Church, of Pittsburgh, Pa., praying for the international prohibition of the sale of intoxicating liquors in all portions of Africa, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Home Missionary Society of the Oakland Methodist Episcopal Church, of Pittsburgh, Pa., praying for the prohibition of the sale of opium in all lands except for medical purposes, which was referred to the Committee on the Judiciary.

He also presented a petition of Arch F. Jones Post, No. 204, Grand Army of the Republic, Department of Pennsylvania, and a petition of Encampment No. 1, Union Veteran Legion, of Pittsburgh, Pa., praying for the passage of the so-called Sherwood old-age pension bill, which were referred to the Committee on Pensions.

Mr. BURNHAM. I present a petition signed by members of the faculty of Dartmouth College, Hanover, N. H., praying for the ratification of the proposed arbitration treaties between the United States, Great Britain, and France. I ask that the petition lie on the table and that it, together with the signatures, be printed in the RECORD.

There being no objection, the petition, together with the signatures, was ordered to lie on the table and to be printed in the RECORD, as follows:

DARTMOUTH COLLEGE,
Hanover, N. H., November 18, 1911.

Hon. HENRY E. BURNHAM,
United States Senator from New Hampshire, Manchester, N. H.

DEAR SIR: The undersigned, members of the faculty of Dartmouth College, believing that the proposed treaties of arbitration between the United States and Great Britain and France will, if ratified, be of great benefit to the United States, and therefore, earnestly desiring their ratification, respectfully request you to give them the support of your influence and your vote in the Senate of the United States.

William J. Tucker, President Emeritus; Ernest F. Nichols, President; Charles F. Emerson, Dean; Edwin J. Bartlett, Professor of Chemistry; Craven Laycock, Assistant Dean; John K. Lord, Professor of Latin; Wilmon Henry Sheldon, Professor of Philosophy; George Ray Wicker, Professor of Economics; J. W. Goldthwait, Professor of Geology; Herbert D. Foster, Professor of History; Charles D. Adams, Professor of Greek; John W. Bowler, Professor of Hygiene and Physical Education; H. E. Burton, Professor of Latin; Frank A. Updyke, Professor of Political Science; John H. Gerould, Assistant Professor of Biology; Gordon F. Hull, Professor of Physics; Robert L. Taylor, Assistant Professor of French; John V. Hasen, Professor of Civil Engineering and Graphics; Howard M. Tibbetts, Registrar; Halsey C. Edgerton, Auditor; Robert Fletcher, Professor of Civil Engineering; Edgar H. Hunter, Superintendent of Buildings; Chas. P. Chase, Treasurer; Eugene F. Clark, Assistant Professor of German; Colin C. Stewart, Professor of Physiology; Ashley K. Hardy, Assistant Professor of German; W. K. Stewart, Assistant Professor of German; R. W. Husband, Assistant Professor of Classical Philology; C. E. Boiser, Assistant Professor of Chemistry; Norman E. Gilbert, Assistant Professor of Chemistry; W. V. D. Bingham, Assistant Professor of Psychology; Charles R. Langley, Assistant Professor of History; A. H. Chivers, Assistant Professor of Biology; Henry W. Lawrence, jr., Instructor in History; Arthur H. Basye, Instructor in History; A. Craig Baird, Instructor in English; A. B. Meservey, Instructor in Physics; H. T. Stetson, Instructor in Physics; P. S. Dow, Instructor in Graphics; Holmes Beckwith, Instructor in Economics; E. B. Woods, Assistant Professor of Sociology; W. A. Adams, Professor of German; L. H. Dow, Professor of French; Charles H. Morse, Director of Music; Howard M. Tibbetts, Registrar; R. D. Beetle, Instructor in Mathematics; F. P. Emery, Professor of Rhetoric and Oratory; A. H. Licklider, Assistant Professor of English; Chas. A. Proctor, Assistant Professor of Physics; Geo. Clarke Cox, Lecturer in Philosophy; Frederic P. Lord, Professor of Anatomy; Leon B. Richardson, Assistant Professor of Chemistry; George D. Lord, Professor of Classical Archaeology; Francis J. A. Neef, Instructor in German; Francis L. Childs, Instructor in English; Charles R. Dines, Instructor in Mathematics; Charles H. Hawes, Assistant Professor of Anthropology; James F. Colby, Professor of Law and Political Science.

Mr. BURNHAM presented petitions of the West Congregational Church, of West Concord; of the Derry Pence Society, of New Hampshire; of the State Teachers' Association, of Concord; of the Merrimack County Christian Endeavor Union Convention, of Pittsfield; of the Congregational Church of Jaffrey; of Grace Methodist Episcopal Church, of Keene; of the Pennacook Park Meeting Association, of Concord; of Derryfield Lodge, No. 13, Ancient Order United Workmen; of Free Will Baptist Church of Dover; of the Methodist Episcopal Congregational Churches of Enfield; and of sundry religious societies of North Weare, all in the State of New Hampshire; and of the New England Congress of Congregational Churches, held at Worcester, Mass., praying for the ratification of the proposed arbitration treaties between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of the Young People's Society of Christian Endeavor of Keene, N. H., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside liquor dealers, which was referred to the Committee on the Judiciary.

Mr. POINDEXTER presented a memorial of the German Seventh-day Adventists' Church, of College Place, Wash., remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. NELSON presented memorials of local lodges of St. Paul and Minneapolis, all of the Order B'rith Abraham, in the State of Minnesota, remonstrating against the treatment accorded American citizens by the Government of Russia, which were referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Minneapolis, St. Paul, and Lake City, all in the State of Minnesota, praying for the ratification of the proposed arbitration treaties between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Wheaton and Breckenridge, in the State of Minnesota, remonstrating against the extension of the present parcels-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented the petition of Bela Tokaji, president of the National Republican Progressive League of New York, praying for the abrogation of the existing passport treaty between the United States and Russia, which was referred to the Committee on Foreign Relations.

He also presented resolutions adopted by the Publicity Club, of Minneapolis, Minn., praying for the ratification of the proposed arbitration treaties between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. TOWNSEND presented memorials of sundry citizens of Republic and Tekonsha, in the State of Michigan, remonstrating against the extension of the parcels-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Detroit, Ludington, Saginaw, Holland, Pontiac, Adrian, Big Rapids, and Harbor Springs, all in the State of Michigan, praying for the construction of a highway from Washington, D. C., to Gettysburg, Pa., as a national memorial to Abraham Lincoln, which were referred to the Committee on Appropriations.

He also presented petitions of sundry members of the National Guard in the State of Michigan, praying for the enactment of legislation providing for the pay of members of the National Guard, which were referred to the Committee on Military Affairs.

Mr. WARREN presented a petition of the Synod of the Presbyterian Church of Colorado and Wyoming, and a petition of the Ministerial Association of Cheyenne, Wyo., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside liquor dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Presbyterian Church of Cody, Wyo., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. PERKINS presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying that an appropriation be made for the fortification of the harbor at that city, which was referred to the Committee on Commerce.

He also presented petitions of sundry citizens of San Francisco; the Chamber of Commerce and the Plymouth Congregational Church, of Oakland; and of the College Park Association of San Jose, all in the State of California, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented memorials of Local Lodges Nos. 208 and 320, Independent Order B'rith Abraham, and of the Council of Jewish Women, all of San Francisco, in the State of California, remonstrating against the treatment accorded American citizens by the Government of Russia, which were referred to the Committee on Foreign Relations.

He also presented memorials of the Seventh-day Adventists Churches of Morgan Hill and Woodland, in the State of California, remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a memorial of General H. W. Slocum Post, No. 189, Department of California, Grand Army of the Republic, of Mountain View, Cal., remonstrating against the enactment of legislation providing for the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Chamber of Commerce of Oakland, Cal., praying for the enactment of legislation providing better navigation facilities along the Pacific coast to the Territory of Alaska, etc., which was referred to the Committee on Territories.

He also presented petitions of the board of supervisors of San Benito and Monterey Counties, in the State of California, praying for the enactment of legislation providing for the extermination of ground squirrels and other rodents upon all Government lands, which were referred to the Committee on Agriculture and Forestry.

He also presented resolutions adopted by the Legislature of the State of California, favoring an appropriation for the construction of a breakwater in Monterey Bay, Cal., which were referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of San Jose, Cal., praying for the adoption of a certain amendment to the present interstate commerce law, relative to ships

engaged in the trade through the Panama Canal, which was referred to the Committee on Commerce.

He also presented a petition of the American Ship Masters' Association of the Pacific coast, praying for the enactment of legislation providing for the discontinuance of the so-called tramp steamship line between the Atlantic and Pacific coasts, which was referred to the Committee on Commerce.

He also presented a petition of the Board of Supervisors of Alpine County, Cal., praying that an investigation be made of the Mono National Forest Reserve with a view to restoring to the public domain all the land unsuitable for forest purposes, which was referred to the Committee on Public Lands.

Mr. McLEAN presented petitions of Rev. Magee Peatt, of Granby; Rev. Milton Wittler, of Brookfield; Albert B. Todd, of Torrington; Rev. J. F. Vought, of Waterbury; Charles N. Adams, of Bridgeport; Rev. Charles H. Peck, of Hanover; George L. Clark, of Wethersfield; Chamber of Commerce, of New Haven; Connecticut Peace Society, of Hartford; and Rev. Albert G. Lawson, of Waterbury, all in the State of Connecticut, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented memorials of sundry lodges of the Independent Order of Ahawas Israel, Independent Order B'rith Abraham, of New Haven, Norwich, Middletown, Hartford, South Norwalk, Bridgeport, Ansonia, and Willimantic, all in the State of Connecticut, remonstrating against the treatment of certain American citizens by the Government of Russia, which were referred to the Committee on Foreign Relations.

He also presented memorials of sundry divisions of the Ancient Order of Hibernians, in the State of Connecticut, remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were ordered to lie on the table.

Mr. LODGE presented petitions of the George E. Keith Co., of Campello; the Samuel Ward Co., of Boston; the Commonwealth Shoe & Leather Co., of Boston; the W. L. Douglas Co., of Brockton; the Thomson-Crooker Co., of Boston; the Robert Douglas & Co., of Boston; G. & C. Merriam Co., of Springfield; the Stevens Linen Works, of Boston; the Pemberton Co., of Lawrence; the Methuen Co., of Methuen; the Emmons Loom Harness Co., of Lawrence; the Standard Rivet Co., of Boston; the Bay State Corset Co., of Boston; the Nevins Co., of Boston; the L. S. White Shoe Co., of Bridgewater; and the Bacon & Donnovan Engine Co., of Springfield, all in the State of Massachusetts, praying for the adoption of an amendment to the so-called corporation-tax law, which were referred to the Committee on Finance.

Mr. LA FOLLETTE presented a memorial of sundry citizens of Wisconsin, remonstrating against the extension of the parcels-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. RAYNER presented a petition of sundry citizens of Havre de Grace, Md., praying for the passage of an interstate liquor law to prevent the nullification of State liquor laws by outside liquor dealers, which was referred to the Committee on the Judiciary.

Mr. SUTHERLAND presented a petition of the Utah Sorosis Society, of Provo, Utah, praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. MARTIN of Virginia presented a petition of members of the faculty of the University of Virginia, Charlottesville, Va., and a petition of the Fortnightly Club, of Lexington, Va., praying for the ratification of the pending treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented petitions of the Hebrew Aid Society; of Virginia Lodge, No. 195, Independent Order B'rith Abraham; of T. H. Schwartz Lodge, No. 204, Independent Order B'rith Sholom; of Newport News Lodge, No. 231, Order B'rith Abraham; of James River Conclave, No. 253, Improved Order of Heptasophs, of Newport News; of Norfolk Lodge, No. 248, Independent Order B'rith Abraham; of Tidewater Lodge, No. 224, Independent Western Star Order, of Norfolk, all in the State of Virginia, praying for the abrogation of the present passport treaty between the United States and Russia, which were referred to the Committee on Foreign Relations.

Mr. CULBERSON presented petitions of the congregations of Anderson's Chapel, Jones's Chapel, and St. Luke's Methodist Episcopal Church, and of sundry colored citizens of Livingston, Tex., praying for the ratification of the pending arbitration treaties by the United States with Great Britain and France, which were ordered to lie on the table.

Mr. BRANDEGEE presented petitions of the Central Labor Union of Hartford; the Christian Endeavor Society of Greenfield Hill; the Congregational Church of Fairfield; Grace Church of Stafford Springs; the First Baptist Church, of Bozrah; Norwick District Mysteria Association, of Danielson; the Congregational Church of Brookfield; the First Baptist Church, of Waterford; the West End Congregational Church, of Bridgeport; the Brewsters Neck Chapel, of Preston; the Methodist Church of Gales Ferry; the Second Baptist Church and the Local Business Men's Association, of Waterbury; the Congregational Church of Hanover; the First Baptist Church, of Middletown; the Association of Congregational Churches, Baptist Association, and of sundry citizens of Hartford; the Chamber of Commerce of New Haven; and the Connecticut Peace Society, all in the State of Connecticut, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented memorials of sundry local lodges of New Haven, Hartford, and Stamford, all of the Independent Order of B'rith Sholom, in the State of Connecticut, remonstrating against the treatment accorded American citizens by the Government of Russia, which were referred to the Committee on Foreign Relations.

He also presented memorials of local lodges of New Haven, Fairfield County, South Norwalk, Ansonia, Willimantic, Bridgeport, Norwich, and New London, all Independent Order B'rith Abraham, in the State of Connecticut, remonstrating against the treatment accorded American citizens by the Government of Russia, which were referred to the Committee on Foreign Relations.

He also presented memorials of Stamford Lodge, No. 149, of Stamford, and Elm City Lodge, No. 13, of New Haven, of Independent Order Free Sons of Judah, and of sundry Jewish citizens of Danbury, all in the State of Connecticut, remonstrating against the treatment accorded American citizens by the Government of Russia, which were referred to the Committee on Foreign Relations.

Mr. SHIVELY presented petitions of Indianapolis Lodge, No. 230, Independent Order B'rith Abraham; of Zion Lodge, No. 231, Independent Order B'rith Abraham, of Indianapolis; and of Ezra Lodge, No. 434, Independent Order B'rith Abraham, of Indiana Harbor, all in the State of Indiana, praying for the termination of the treaties between the United States and Russia, to the end that if treaty relations are to exist between these nations, it shall be upon such guaranties and conditions only as shall be consonant with the dignity of the American people, which were referred to the Committee on Foreign Relations.

He also presented resolutions adopted by the Art Association of Indianapolis, Ind., favoring the location of the Lincoln Memorial on the Mall in the District of Columbia, as recommended by the National Fine Arts Commission, and praying that Congress authorize the selection of the site so recommended, which were referred to the Committee on the Library.

He also presented the memorial of George W. Kichler and 30 other business men of Columbus, Ind., and the memorial of F. J. Easterday and 16 other business men of Culver, Ind., remonstrating against the enactment of legislation for the extension of the parcels-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented resolutions adopted by the Soldiers' Veteran Association of Lake County, Ind., favoring the passage of the so-called "dollar-a-day" pension bill in behalf of the veterans of the Civil War, which were referred to the Committee on Pensions.

He also presented petitions of Nordyke & Marmon Co., H. T. Hearsey, Roy A. Pott, Joseph C. Schaf, and the Kahn Tailoring Co., all of Indianapolis, in the State of Indiana, praying for an appropriation to be made for the construction of the Lincoln Memorial Road from Washington to Gettysburg, Pa., which were referred to the Committee on Appropriations.

He also presented a petition of Supreme Council, Order of the United States Commercial Travelers of America, praying for the enactment of legislation to promote the efficiency of the Life-Saving Service, which was referred to the Committee on Commerce.

He also presented a petition of Local Union No. 23, United Mines Workers of America, of Terre Haute, Ind., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented petitions of 642 members of the International Society of Valparaiso University, Indiana; of the White-

water Monthly Meeting of the Friends; of the Indiana Yearly Meeting of Friends of Indiana; of the congregation of the South Street Baptist Church, of Indianapolis; of the congregation of the Presbyterian Church of Wabash; of the congregation of the Presbyterian Church of Goodland; of the Indiana Lay Electoral Conference of the Methodist Episcopal Church; of the Indiana Conference of the Methodist Episcopal Church; and of the Mishawaka Ministerial Association, all in the State of Indiana, and of the Board of Trade of Saginaw, Mich., and of the Publicity Club of Minneapolis, Minn., praying for the ratification of the pending arbitration treaties by the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented the petition of John N. de Camp and 17 other business men of Avilla, Ind., remonstrating against the enactment of legislation for the extension of the parcels-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. FLETCHER presented petitions of the Woman's Club of Jacksonville, of the Woman's Club of Fort Myers, and of sundry citizens of West Palm Beach, all in the State of Florida, praying for the ratification of the pending arbitration treaties by the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. PENROSE presented memorials of sundry lodges of Philadelphia, Wilkes-Barre, West Chester, Shamokin, Weissport, and Coatesville, all of the Independent Order B'rith Sholom, in the State of Pennsylvania, remonstrating against the treatment accorded American citizens by the Government of Russia, which were referred to the Committee on Foreign Relations.

He also presented memorials of sundry lodges of Philadelphia, Lancaster, Pittsburgh, Scranton, Chester, and Harrisburg, all of the Independent Order Ahawas Israel, in the State of Pennsylvania, remonstrating against the treatment accorded American citizens by the Government of Russia, which were referred to the Committee on Foreign Relations.

He also presented memorials of sundry lodges of Philadelphia, Wilkes-Barre, Pottstown, Dickson, and Chester, all of the Independent Order of B'rith Abraham, in the State of Pennsylvania, remonstrating against the treatment accorded American citizens by the Government of Russia, which were referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Conshohocken, Pottstown, and Carbondale, all in the State of Pennsylvania, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were referred to the Committee on Foreign Relations.

He also presented a petition of the executive council of the Board of Trade of Philadelphia, Pa., praying for the ratification of the proposed treaties between the United States, Honduras, and Nicaragua, which were referred to the Committee on Foreign Relations.

Mr. LODGE presented a paper to accompany the bill (S. 1150) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," which was referred to the Committee on the Judiciary.

The PRESIDENT pro tempore. Reports of committees are next in order. If there are no reports of committees, the introduction of bills is in order.

THE COMMERCE COURT.

Mr. POINDEXTER. Mr. President, I introduce a bill, the purpose of which is to abolish the Court of Commerce, and I desire to make a brief statement at this time in explanation of it.

With one or two exceptions the Commerce Court in every important case where the petition was filed by a railroad company has enjoined the orders of the Interstate Commerce Commission. It has destroyed the effectiveness of this commission. The commission by its good work for years has won the confidence of the people. It has been patient and painstaking in its investigations and just in its conclusions. Its members have become experts in their particular field. The Spokane case was carefully considered by the commission for years. Conclusions were tested by application to actual business before ordered into effect. The order in this case remedied in part an egregious injustice and rank discrimination. The railroads have maintained a system of charging extortionate rates for imaginary service which was never really performed. They have for years collected from the people of the interior, and especially of the Rocky Mountain States, millions of dollars for paper transportation which had no existence in fact. The order of the Commerce Commission would in large measure have prevented this abuse in the future. And yet the raw Commerce Court, without special experience, on a brief hearing enjoins this carefully considered and thoroughly tested order. As an example of mistaken premises and erroneous deductions the opinion of the Commerce Court in this case is egregious and conspicuous. It proceeds upon the false assumption that the order of the commission did not fix a certain and definite rate to be charged. The order fixed a certain proportion of the rates now in effect, which is a fixed and definite rate. The court argues that the commission exceeded its authority in making this order general, so that the charge for the short haul shall exceed only by a certain percentage the charge for the long haul, both as to the schedules now in force and any to be hereafter established. Clearly and manifestly the commission has the authority to do this, and it is its duty to do this under the long-and-short-haul clause of the interstate-commerce act.

This law gives authority to the commission to determine when and to what extent there may be a greater charge for the short haul than for the long haul. It is an administrative function delegated expressly to the commission for carrying into effect a legislative policy thereby declared. It is not a judicial function. The Commerce Court is given no authority to exercise its discretion or its reason in the matter. Yet the conduct of this newly established court in the Chicago Stock Yard case, in the New York Lighterage case, in the Nashville Grain case, in the San Francisco and Los Angeles Switching case, in the California Lemon case, and in the Spokane Short-Haul case is to assume as a judicial function the entire legislative and administrative power of the Nation in the regulation of railroad rates and service.

Its effect is to destroy absolutely the force of the long-and-short-haul clause passed by the Sixty-first Congress, as well as the power of the Commerce Commission to perform its functions fixed by Congress under this law. It renders perfectly futile the advance of 20 years in governmental railroad control. The court is entirely superfluous; as at present constituted it has grossly exceeded its authority, and in the very nature of its relations to the Interstate Commerce Commission it will be constantly prone to arrogate to itself functions which do not belong to it, which are not judicial, and which can never be properly exercised by a judicial tribunal. It should be at once abolished.

I ask that the bill be read twice by its title and referred to the Committee on Interstate Commerce.

The bill (S. 3297) to amend the act entitled "An act to create a Commerce Court," etc., approved June 18, 1910, was read twice by title and referred to the Committee on Interstate Commerce.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CULLOM:

A bill (S. 3298) granting an increase of pension to Jacob Lantz (with accompanying papers);

A bill (S. 3299) granting an increase of pension to William M. Clark (with accompanying papers);

A bill (S. 3300) granting an increase of pension to John A. Greene (with accompanying papers);

A bill (S. 3301) granting an increase of pension to William H. Hinkel (with accompanying papers);

A bill (S. 3302) granting a pension to Hanna M. Dukes (with accompanying paper);

A bill (S. 3303) granting a pension to James M. Winston (with accompanying papers);

A bill (S. 3304) granting a pension to Minnie V. Rikard (with accompanying papers); and

A bill (S. 3305) granting an increase of pension to Monroe J. Potts (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSTON of Alabama:

A bill (S. 3306) to authorize the Secretary of the Interior to investigate the status of the Indian reserves set aside under the Choctaw treaty of 1830 and the Creek and Chickasaw treaties of 1832, for which no patents have been issued and the ownership of which is in question, and appropriating money therefor; to the Committee on Indian Affairs.

By Mr. TOWNSEND:

A bill (S. 3307) providing for the regulation, identification, and registration of automobiles engaged in interstate commerce, and the licensing of the operators thereof; to the Committee on Interstate Commerce.

A bill (S. 3308) for the adjudication and determination of the claims arising under joint resolution of July 14, 1870, authorizing the Postmaster General to continue to use in the postal service Marcus P. Norton's combined postmarking and stamp-canceling hand stamp patents, and directing him to determine upon a fair, just, and equitable compensation for the use of

the said invention; to the Committee on Post Offices and Post Roads.

A bill (S. 3309) granting an increase of pension to Bert Derendinger;

A bill (S. 3310) granting an increase of pension to James T. Berry;

A bill (S. 3311) granting an increase of pension to John Dingee;

A bill (S. 3312) granting an increase of pension to Bert E. Gray;

A bill (S. 3313) granting an increase of pension to William Gurin; and

A bill (S. 3314) granting an increase of pension to William H. Donaldson; to the Committee on Pensions.

Mr. CULBERSON. I introduce a bill, which I ask may lie on the table subject to call.

The bill (S. 3315) to prohibit corporations from making contributions in connection with political elections and to limit the amount of such contributions by individuals or persons, was read twice by its title and ordered to lie on the table.

Mr. HEYBURN. I introduce a bill to repeal an act to promote reciprocal relations with the Dominion of Canada and for other purposes. I ask that the bill be read.

The bill (S. 3316) to repeal an act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, was read the first time at length, as follows:

Be it enacted, etc., That the act of Congress approved July 26, 1911, entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," is hereby repealed.

Mr. HEYBURN. I ask that the bill be read the second time by title and lie on the table.

The bill was read the second time by its title.

The PRESIDENT pro tempore. The bill will lie on the table.

Mr. HEYBURN. I desire in sending it to the table to make just one word of explanation. The battle is over, but there may be some unexploded bombs lying around on the field.

By Mr. HEYBURN:

A bill (S. 3317) granting a pension to Charles Richter;

A bill (S. 3318) granting an increase of pension to Washington Masters (with accompanying papers);

A bill (S. 3319) granting an increase of pension to Sanford A. Herendeen (with accompanying papers);

A bill (S. 3320) granting an increase of pension to Samuel T. Hawkins (with accompanying papers); and

A bill (S. 3321) granting an increase of pension to Jacob C. Mitts (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 3322) granting an increase of pension to John L. Logan; and

A bill (S. 3323) granting an increase of pension to Anna D. Pace (with accompanying papers); to the Committee on Pensions.

A bill (S. 3324) to appoint William Sooy Smith, late a brigadier general of United States Volunteers, to the rank of brigadier general on the retired list of the United States Army; to the Committee on Military Affairs.

By Mr. DU PONT:

A bill (S. 3325) granting a pension to Sarah E. Cloud; and

A bill (S. 3326) granting an increase of pension to Frances F. De Witt (with accompanying papers); to the Committee on Pensions.

By Mr. BOURNE:

A bill (S. 3327) to provide for the erection of a public building on a site already acquired at Portland, Oreg.; to the Committee on Public Buildings and Grounds.

A bill (S. 3328) granting an increase of pension to Harrison M. Reavis (with accompanying papers);

A bill (S. 3329) granting an increase of pension to Patrick Daily (with accompanying papers); and

A bill (S. 3330) granting a pension to Harry Colpus (with accompanying papers); to the Committee on Pensions.

By Mr. POMERENE:

A bill (S. 3331) to amend section 38 of "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909; to the Committee on Finance.

A bill (S. 3332) granting an increase of pension to James H. Riblet;

A bill (S. 3333) granting an increase of pension to John F. Sowards; and

A bill (S. 3334) granting a pension to Rose Daugherty; to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 3335) granting an increase of pension to Frank A. Wardwell (with accompanying papers);

A bill (S. 3336) granting an increase of pension to William H. Blake (with accompanying papers);

A bill (S. 3337) granting an increase of pension to Edward Hartwell (with accompanying papers); and

A bill (S. 3338) granting an increase of pension to Charles Weed (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 3339) for the relief of the county court of Marion County, W. Va.; to the Committee on Claims.

By Mr. CUMMINS:

A bill (S. 3340) granting an increase of pension to William F. Flemming (with accompanying papers);

A bill (S. 3341) granting an increase of pension to John M. Young (with accompanying papers); and

A bill (S. 3342) granting an increase of pension to Lewis Walters (with accompanying papers); to the Committee on Pensions.

By Mr. BRISTOW:

A bill (S. 3343) granting an increase of pension to Martin L. Galyean (with accompanying papers); and

A bill (S. 3344) granting an increase of pension to William A. Phillips (with accompanying papers); to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 3345) to amend the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies"; to the Committee on Interstate Commerce.

A bill (S. 3346) granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico;

A bill (S. 3347) granting an increase of pension to William A. Smith;

A bill (S. 3348) granting an increase of pension to Daniel Keene;

A bill (S. 3349) granting an increase of pension to W. J. Millet;

A bill (S. 3350) granting an increase of pension to Edward Mills;

A bill (S. 3351) granting an increase of pension to Reuben H. Neff;

A bill (S. 3352) granting a pension to Mary Saltsgiver Sensor;

A bill (S. 3353) granting a pension to Martha Gilmore;

A bill (S. 3354) granting an increase of pension to Alpheus B. Harmon;

A bill (S. 3355) granting an increase of pension to John W. Hollaway;

A bill (S. 3356) granting a pension to Willis Hood;

A bill (S. 3357) granting an increase of pension to Emma Howe;

A bill (S. 3358) granting an increase of pension to George W. Crosley;

A bill (S. 3359) granting an increase of pension to Joseph S. Ewing;

A bill (S. 3360) granting an increase of pension to William H. Fisher;

A bill (S. 3361) granting a pension to Orlando Collins;

A bill (S. 3362) granting a pension to Caroline Baker;

A bill (S. 3363) granting an increase of pension to Asa Wren;

A bill (S. 3364) granting a pension to Neal McCoy;

A bill (S. 3365) granting an increase of pension to Jacob S. Lightell; and

A bill (S. 3366) granting a pension to Rachel Tillotson; to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 3367) to amend section 2291 and section 2297 of the Revised Statutes of the United States, relating to homesteads; to the Committee on Public Lands.

A bill (S. 3368) to amend section 5 of an act to authorize advances to the reclamation fund and for the use and disposition of certificates of indebtedness in reimbursement therefor, and for other purposes, approved June 25, 1910; and

A bill (S. 3369) to authorize furtlier advances to the reclamation fund and for the issue and disposal of certificates of indebtedness in reimbursement therefor, and for other purposes; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. McLEAN:

A bill (S. 3370) granting an increase of pension to Margaret Benjamin; to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 3371) granting an increase of pension to Peter J. J. Shoemaker (with accompanying papers); and

A bill (S. 3372) granting a pension to Rutherford B. Mitchell (with accompanying papers); to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 3373) authorizing the construction of a bridge across the Connecticut River, in the State of Connecticut, between the towns of East Haddam and Haddam; to the Committee on Commerce.

A bill (S. 3374) granting an increase of pension to Daniel R. Billington;

A bill (S. 3375) granting an increase of pension to William H. Ryley;

A bill (S. 3376) granting a pension to William H. Armstrong;

A bill (S. 3377) granting an increase of pension to Genevieve L. Kennon;

A bill (S. 3378) granting an increase of pension to Charles E. Henry; and

A bill (S. 3379) granting an increase of pension to Jacob H. Gumble; to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 3380) granting a pension to William W. Gordon;

A bill (S. 3381) granting an increase of pension to Elizabeth Lucken;

A bill (S. 3382) granting an increase of pension to Lydia M. Salisbury;

A bill (S. 3383) granting an increase of pension to Emily Donaldson;

A bill (S. 3384) granting an increase of pension to Lucy R. Stokes;

A bill (S. 3385) granting an increase of pension to Charles H. Stearns (with accompanying papers);

A bill (S. 3386) granting an increase of pension to Samuel F. Wyman (with accompanying papers);

A bill (S. 3387) granting an increase of pension to John B. Lewis (with accompanying papers);

A bill (S. 3388) granting an increase of pension to Don Carlos Cameron (with accompanying papers); and

A bill (S. 3389) granting an increase of pension to John H. Grandey (with accompanying papers); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 3390) granting an increase of pension to William Edwards (with accompanying papers);

A bill (S. 3391) granting an increase of pension to William H. Spore (with accompanying papers);

A bill (S. 3392) granting an increase of pension to Ebenezer Miller (with accompanying papers);

A bill (S. 3393) granting an increase of pension to Mary A. Welker (with accompanying papers);

A bill (S. 3394) granting an increase of pension to William Haas (with accompanying papers);

A bill (S. 3395) granting an increase of pension to Jesse Jones (with accompanying papers);

A bill (S. 3396) granting an increase of pension to James B. Wilson (with accompanying papers); and

A bill (S. 3397) granting an increase of pension to Frank Lytle (with accompanying papers); to the Committee on Pensions.

By Mr. CLARKE of Arkansas:

A bill (S. 3398) for the relief of the heirs of Manning Harris, deceased (with accompanying paper); to the Committee on Claims.

By Mr. TILLMAN:

A bill (S. 3399) for the allowance of a certain claim reported by the Court of Claims; to the Committee on Claims.

By Mr. SMOOT:

A bill (S. 3400) granting an increase of pension to Seymour B. Young (with accompanying papers); to the Committee on Pensions.

By Mr. LA FOLLETTE:

A bill (S. 3401) granting an increase of pension to George B. Hazen;

A bill (S. 3402) granting an increase of pension to Nicholas Fifer;

A bill (S. 3403) granting an increase of pension to Henry C. Lamphier;

A bill (S. 3404) granting an increase of pension to Francis D. Randall;

A bill (S. 3405) granting an increase of pension to Anna M. Robinson;

A bill (S. 3406) granting an increase of pension to John A. George; and

A bill (S. 3407) granting an increase of pension to Alfred Denny; to the Committee on Pensions.

By Mr. BROWN:

A bill (S. 3408) granting an increase of pension to Ignacious Wanker (with accompanying papers);

A bill (S. 3409) granting an increase of pension to B. S. Colzer;

A bill (S. 3410) granting an increase of pension to Henry O. Jayne;

A bill (S. 3411) granting an increase of pension to George H. Silvernail;

A bill (S. 3412) granting an increase of pension to Samuel R. Vose;

A bill (S. 3413) granting an increase of pension to Harrison Presson;

A bill (S. 3414) granting an increase of pension to James W. Wilson;

A bill (S. 3415) granting an increase of pension to Reubin P. McCutchen;

A bill (S. 3416) granting an increase of pension to John A. Larimer;

A bill (S. 3417) granting an increase of pension to Myron Richards;

A bill (S. 3418) granting an increase of pension to Levi Page; and

A bill (S. 3419) granting an increase of pension to David L. McNutt (with accompanying papers); to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 3420) for the relief of the relatives of John McCurry, deceased (with accompanying paper); to the Committee on Military Affairs.

A bill (S. 3421) granting a pension to Finley Lowry; and

A bill (S. 3422) granting an increase of pension to Edna Stevens (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 3423) to correct the military record of Charles Mace; to the Committee on Military Affairs.

A bill (S. 3424) granting an increase of pension to Hiram Houser;

A bill (S. 3425) granting an increase of pension to Jesse K. Robbins;

A bill (S. 3426) granting an increase of pension to Dennis P. Parker;

A bill (S. 3427) granting an increase of pension to Stephen H. Haley;

A bill (S. 3428) granting an increase of pension to Jacob Lingenfelter;

A bill (S. 3429) granting an increase of pension to David Headman;

A bill (S. 3430) granting an increase of pension to James A. Swaney;

A bill (S. 3431) granting an increase of pension to David Gosnell;

A bill (S. 3432) granting an increase of pension to Mary A. Logue (with accompanying papers);

A bill (S. 3433) granting an increase of pension to George V. Shaffer (with accompanying papers);

A bill (S. 3434) granting an increase of pension to Thomas S. Neal (with accompanying papers); and

A bill (S. 3435) granting an increase of pension to Thomas E. Clark (with accompanying papers); to the Committee on Pensions.

Mr. CULBERSON. I introduce a joint resolution, which I ask may lie on the table, subject to call.

The joint resolution (S. J. Res. 60) providing for the termination of the treaty of commerce and navigation between the United States of America and Russia concluded at St. Petersburg December 18, 1832, was read twice by its title and ordered to lie on the table.

WITHDRAWAL OF PAPERS—JOHN C. MARTIN.

On motion of Mr. CUMMINS, it was

Ordered, That the bill (S. 865) granting an increase of pension to John C. Martin, and accompanying papers, be withdrawn from the files of the Senate, there being no adverse report thereon.

ADDRESS BY JOSEPH CULBERTSON CLAYTON.

Mr. SUTHERLAND. I present an address by Joseph Culbertson Clayton, delivered before the New York Society of the Order of the Founders and Patriots of America, on "Some aspects of the Constitution." I ask that the address be referred to the Committee on Printing for consideration and report.

The PRESIDENT pro tempore. Without objection, it is so ordered.

IMMIGRATION AT PORT OF NEW YORK (S. DOC. NO. 124).

Mr. LODGE. I present the annual report of the Commissioner of Immigration for the port of New York with reference to Ellis Island affairs for the year ended June 30, 1911. I move

that the report be printed as a document and referred to the Committee on Immigration.

The motion was agreed to.

IMPROVEMENT OF HARBOR AT BEVERLY, MASS.

Mr. LODGE submitted the following concurrent resolution (S. Con. Res. 10), which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to submit as early as practicable an estimate of the cost of deepening the harbor at Beverly, Mass., so as to secure a depth of 24 feet at mean low water, and of widening the channel on the northern side by the removal of the ledge near the Essex Bridge.

THE CONSTITUTION AND ITS MAKERS (S. DOC. NO. 122).

Mr. OVERMAN. I present a copy of a speech delivered by the senior Senator from Massachusetts [Mr. LODGE] before the Literary and Historical Association of North Carolina, at Raleigh, N. C., November 28, on the subject of "The Constitution and its makers." I move that the speech be printed as a public document.

The motion was agreed to.

Mr. OVERMAN submitted the following resolution (S. Res. 156), which was referred to the Committee on Printing:

Resolved, That 15,000 copies of Senate Document No. 122, being an address delivered by Hon. HENRY CABOT LODGE before the Literary and Historical Association of North Carolina, at Raleigh, N. C., on "The Constitution and its makers," be printed for the use of the Senate.

EDWARD A. KEELER.

Mr. CULLOM submitted the following resolution (S. Res. 153), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Sergeant at Arms of the Senate is hereby directed to place the name of Edward A. Keeler on the employees' roll of the Senate, to date from and after the passage of this resolution, at the rate of $1,440 per annum, to be paid out of the contingent fund of the Senate pending further provision by law, and that such employment be continued until otherwise ordered by the Senate.

COMMITTEE ON INTEROCEANIC CANALS.

Mr. BRANDEGEE submitted the following resolution (S. Res. 155), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Interoceanic Canals is hereby authorized to have the testimony taken by members of said committee upon the Isthmus of Panama during the recess of Congress printed for the use of the Senate, and that the necessary expense of the same and the necessary traveling expenses of the members of said committee who took said testimony, from their homes to the steamboat and return, and the necessary expense of the stenographers who took said testimony, shall be paid out of the contingent fund of the Senate.

ASSISTANT CLERK TO COMMITTEE ON PUBLIC LANDS.

Mr. SMOOT submitted the following resolution (S. Res. 154), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Public Lands be, and it is hereby, authorized to employ an assistant clerk, at a salary of $1,800 per annum, said salary to be paid out of the contingent fund of the Senate until otherwise provided by law.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, communicated to the Senate the intelligence of the death of Hon. EDMOND H. MADISON, late a Representative from the State of Kansas, and transmitted resolutions of the House thereon.

The message also communicated to the Senate the intelligence of the death of Hon. JAMES P. LATTA, late a Representative from the State of Nebraska, and transmitted resolutions of the House thereon.

DEATH OF REPRESENTATIVE EDMOND H. MADISON.

The PRESIDENT pro tempore. The Chair lays before the Senate resolutions from the House of Representatives (H. Res. 309), which will be read.

The Secretary read the resolutions, as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. EDMOND H. MADISON, late a Representative from the State of Kansas.

Resolved, That the Clerk of the House be directed to transmit a copy of these resolutions to the Senate.

Mr. BRISTOW. Mr. President, I offer the resolutions (S. Res. 157) which I send to the desk and ask for their adoption.

The PRESIDENT pro tempore. The Senator from Kansas offers resolutions, which will be read.

The resolutions were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Hon. EDMOND H. MADISON, late a Representative from the State of Kansas.

Resolved, That the Secretary be directed to communicate a copy of these resolutions to the House of Representatives.

DEATH OF REPRESENTATIVE JAMES P. LATTA.

The PRESIDENT pro tempore. The Chair lays before the Senate resolutions from the House of Representatives (H. Res. 310), which will be read.

The Secretary read the resolutions, as follows:

Resolved, That the House has heard with profound sorrow of the death of the Hon. JAMES P. LATTA, late a Representative from the State of Nebraska.

Resolved, That the Clerk of the House be directed to transmit a copy of these resolutions to the Senate.

Mr. BROWN. Mr. President, I offer the following resolutions (S. Res. 158) and ask for their adoption.

The PRESIDENT pro tempore. The resolutions submitted by the Senator from Nebraska will be read.

The resolutions were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. JAMES P. LATTA, late a Representative from the State of Nebraska.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Mr. BROWN. Mr. President, as a further mark of respect to the memory of the deceased Members I move that the Senate adjourn.

The motion was unanimously agreed to, and (at 3 o'clock and 12 minutes p. m.) the Senate adjourned until Thursday, December 7, 1911, at 2 o'clock p. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December 5, 1911.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we wait upon Thee with open hearts for the uplift of Thy spirit, that we may control ourselves, respect ourselves, think great thoughts, accomplish things worth while, do unto others as we would be done by in all the relationships of life, and so build for ourselves characters worthy of all emulation, for Thine is the kingdom and the power and glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

REPORT OF COMMITTEE TO NOTIFY THE PRESIDENT.

Mr. UNDERWOOD. Mr. Speaker, your committee, appointed to act in conjunction with a like committee on the part of the Senate to wait upon the President and inform him that the Congress of the United States had assembled and that a quorum of the Senate and House was present and ready to receive any message he might be prepared to communicate to them, has performed its duty, and the President requests the committee to inform the House that he will communicate with the Senate and the House by a message in writing.

The SPEAKER. The report is received and the committee discharged.

LEAVE OF ABSENCE.

Mr. HAWLEY, by unanimous consent, was given leave of absence indefinitely on account of sickness.

Mr. AINEY, by unanimous consent, was given leave of absence for the balance of the week on account of death in family.

WITHDRAWAL OF PAPERS.

Mr. BURKE of Wisconsin, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, papers in the case of Flora Turcott, Sixty-first Congress, no adverse report having been made thereon.

MESSAGE FROM THE PRESIDENT.

The SPEAKER laid before the House a message from the President of the United States, which was read.

[For message see proceedings of the Senate, Tuesday, December 5, 1911.]

Mr. UNDERWOOD. Mr. Speaker, it is usual to refer the annual message of the President to the Committee on Ways and Means for distribution; but as this message relates to but one subject matter, namely, the question of antitrust legislation, and as the Committee on the Judiciary has had jurisdiction of that subject matter, I move to refer the message to the Committee on the Judiciary and that it be ordered to be printed.

The SPEAKER. The question is on the motion of the gentleman from Alabama to refer the President's message to the Committee on the Judiciary and order it to be printed.

The motion was agreed to.

Mr. MANN. Mr. Speaker, I will ask the gentleman from Alabama if he will not make the usual request that an extra number of copies of the message be printed.

Mr. UNDERWOOD. How many copies does the gentleman desire? What is the usual request?

Mr. MANN. I do not remember the number, but I think it is 10,000, or something like that.

Mr. UNDERWOOD. I will call the gentleman's attention to the fact that there will be other messages, and I have no desire to treat this message in any way different from what has been customary in the past. If the gentleman can tell me positively what the custom has been, I will endeavor to accord with it.

Mr. MANN. The custom has not always been the same as to the number, but I think it has been customary to have an additional number of copies of the message printed.

Mr. UNDERWOOD. I will ask the gentleman to let it go over until to-morrow, and if he can then inform me what the custom is I will make a request in accordance with it.

Mr. MANN. But it is now that the message is wanted. Why not have 10,000 copies of it printed? The message is not long.

Mr. UNDERWOOD. If the gentleman from Illinois desires to ask that 10,000 copies be printed, I shall enter no objection to it.

Mr. MANN. Mr. Speaker, I ask unanimous consent that there be printed 10,000 copies of the message, to be distributed through the folding room.

The SPEAKER. The gentleman from Illinois asks unanimous consent that there be printed 10,000 copies of the President's message. Is there objection?

There was no objection, and it was so ordered.

CALL OF COMMITTEES.

The SPEAKER. The Clerk will call the committees.

The Clerk called the committees.

COMMITTEE ON REVISION OF THE LAWS—PRINTING AND BINDING.

Mr. WATKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 321.

Be it resolved, That the Committee on the Revision of the Laws be, and is hereby, authorized to have such printing and binding done as may be necessary for the transaction of its business.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

EXPENDITURES IN THE STATE DEPARTMENT.

Mr. HAMLIN. Mr. Speaker, I ask unanimous consent to address the House for a short time.

The SPEAKER. For how long?

Mr. HAMLIN. Not to exceed one hour.

The SPEAKER. The gentleman from Missouri asks unanimous consent to address the House for not to exceed one hour. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, may I ask the gentleman upon what subject he desires to address the House?

Mr. HAMLIN. I desire to discuss the right of the President and the Secretary of State to withhold from Congress the manner in which certain funds have been expended, discussing principally the legal phase of that question.

Mr. MANN. That is a matter, I suppose, that grows out of the investigation which the gentleman's committee has been carrying on?

Mr. HAMLIN. That is what attracted my attention to it; yes.

Mr. MANN. Has this matter been called to the attention of the minority members of the committee?

Mr. HAMLIN. It has not been called to the attention of any member of the committee. I desire to discuss the legal phase of the matter.

Mr. MANN. I never object, as far as that is concerned, but I did not know but that some one on this side of the House might desire time.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the gentleman from Missouri is recognized for not to exceed one hour.

Mr. HAMLIN. Mr. Speaker, I beg the attention of the House for a while to discuss a matter that ought to be, and I believe will be, of interest to every Member here and to the people of this country.

Among the numerous appropriations made each year by Congress there is one entitled "For emergencies arising in the Diplomatic and Consular Service."

This appropriation is handled by the State Department under the provision of section 291, Revised Statutes United States, which reads as follows:

> Whenever any sum of money has been or shall be issued from the Treasury for the purposes of intercourse or treaty with foreign nations in pursuance of any law the President is authorized to cause the same to be duly settled annually with the proper accounting officers of the Treasury by causing the same to be accounted for specifically if the expenditure may, in his judgment, be made public and by making or causing the Secretary of State to make a certificate of the amount of such expenditure as he may think it advisable not to specify; and every said certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended.

The expenditure of this fund is now considered to be entirely in the hands of the President and the Secretary of State, who contend that, under the provisions of the law which I have just quoted, they do not have to account in detail to Congress or to any other body or person as to how this money is expended, and it would seem by inactivity or silence on the part of Congress, throughout many years, a sort of tacit acquiescence on our part has been given to that construction—an exceedingly erroneous one, I think.

The inactivity of Congress to exercise what I believe to be its indisputable right in this regard has been fruitful of great abuse, for there seems to have grown up in the State Department a pernicious and dangerous practice of using not only the money out of the emergency fund but out of any fund which we give them, and if for any reason they do not care to divulge the purpose for which this money is expended, they cover up its use by a secret certificate under the section above quoted.

It may be interesting as well as astonishing to the House to know that during the last six fiscal years the State Department has used money from the following funds, in addition to the emergency fund, and declined to tell how the money was expended, but settled with the Treasury by a blanket certificate of secrecy, to wit:

International Exposition at Liege, Belgium.
International Congress on Collisions and Salvage.
Contingent expenses, foreign missions, 1906–7.
Contingent expenses, United States consulates.
Third International Conference of American States at Rio de Janeiro.
International Seismological Association.
International Maritime Exposition at Bordeaux, France.
Canadian Commission.
International investigation of opium evil.
Pan American Scientific Congress at Santiago, Chile.
International Prize Court Conference at London.
International Exposition at Quito, Ecuador.
St. Johns River litigation.
Boundary line, United States and Canada.
International Congress of Hygiene and Demography.
International boundary, Passamaquoddy Bay.
Bringing home criminals (1906).
Celebration of discovery of Lake Champlain.

And, of course, we all know that specific appropriations were made for these things.

This statement which I have given only goes back six years, but I presume the same conditions prevailed previous to that time. Keeping in mind the fact that the section of the statute which I have just quoted was designed to enable the President to conceal from the public the details of such expenditures as might involve us in trouble with foreign nations—if the manner of its expenditure was known—but that as to all other expenditures he must report specifically how he expended the money, will certainly create surprise in the mind of anyone when they come to know that he expended $10,000 of the money we appropriated to participate in the celebration of the discovery of Lake Champlain and covered that expenditure, in settlement with the Treasury, with a secret certificate. Why this secrecy?

That was wholly a domestic affair. There could not possibly have been any necessity for secrecy as to the expenditure of that money. We, of course, do not know whether this money was used for the purpose for which it was appropriated, but I suspect that in all human possibility this $10,000 was spent in paying railroad fare, hotel bills, automobile hire, banquetings, wine, and so forth, in connection with this celebration, and yet, instead of furnishing vouchers to the Auditor of the Treasury showing just what this money was used for, the President causes the Secretary of State to make a certificate solemnly declaring that—

> the nature and object of which expenditure it is deemed inexpedient to make known.

To my mind a monstrous proposition and freighted with great danger to the welfare of the Public Treasury. And what I have said of this applies with equal force to many, if not all, the other items I have just enumerated.

Mr. Speaker, I do not agree with their construction of this statute, and ask the indulgence of the House for a few moments in which to give you my reasons for not so agreeing to the construction placed upon this statute by the President and the Secretary of State, and later on will give you the opinions of some of the greatest lawyers who ever sat in either branch of Congress upon this subject.

It will not do to brush this matter aside as of little importance, for there is involved in it both a question of law and morals as well as the expenditure each year of large sums of public moneys that I contend the people have a right to know about.

That you may get an idea of the amount of money involved in this proposition each year I will insert a letter from the Secretary of the Treasury in answer to a letter of inquiry which I sent him on July 18 of this year. I asked him to give me a statement of all moneys used by the State Department during the last six fiscal years, and which expenditure was settled with the Treasury by lump certificate under section 291, Revised Statutes, United States. The following are his replies:

TREASURY DEPARTMENT,
Washington, August 2, 1911.

Hon. C. W. HAMLIN,
Chairman Committee on Expenditures in State Department,
House of Representatives, Washington, D. C.

SIR: In compliance with the request contained in your letter of July 18, 1911, there is submitted below a statement prepared by the Auditor for the State and Other Departments showing all moneys disbursed by the Department of State and accounted for by certificates of the Secretary of State under section 291, Revised Statutes of the United States, from July 1, 1905, to March 31, 1911:

July, 1905	$2,589.84
August, 1905	4,226.01
September, 1905	11,078.47
October, 1905	14,019.77
November, 1905	16,924.24
December, 1905	7,716.85
January, 1906	8,690.08
February, 1906	4,680.94
March, 1906	11,739.26
April, 1906	10,570.36
May, 1906	10,871.46
June, 1906	14,389.41
Quarter ended Sept. 30, 1906	29,304.72
Quarter ended Dec. 31, 1906	16,131.98
Quarter ended Mar. 31, 1907	33,029.94
Quarter ended June 30, 1907	29,667.34
Quarter ended Sept. 30, 1907	32,677.79
Quarter ended Dec. 31, 1907	29,896.96
Period from Jan. 1 to Apr. 6, 1908	18,063.92
Period from Apr. 17 to June 30, 1908	21,682.36
Quarter ended Sept. 30, 1908	27,195.60
Quarter ended Dec. 31, 1908	21,958.25
Quarter ended Mar. 31, 1909	49,876.00
Quarter ended June 30, 1909	27,602.73
Quarter ended Sept. 30, 1909	26,561.45
Quarter ended Dec. 31, 1909	29,566.71
Quarter ended Mar. 31, 1910	32,806.49
Quarter ended June 30, 1910	15,611.16
Quarter ended Sept. 30, 1910	43,272.60
Quarter ended Dec. 31, 1910	100,081.96
Quarter ended Mar. 31, 1911	16,991.15

Respectfully,

FRANKLIN MACVEAGH, *Secretary.*

You will observe that this letter only brings it up to March 31, 1911. Recently I asked the Secretary to give me a statement of the disbursement from April 1, 1911, to June 30, 1911, so as to complete the statement for the full six fiscal years—from July 1, 1905, to June 30, 1911:

TREASURY DEPARTMENT,
Washington, October 28, 1911.

Hon. C. W. HAMLIN,
Chairman Committee on Expenditures in State Department,
House of Representatives.

SIR: Replying to your letter of October 24, 1911, I have the honor to inform you that the sum of $13,505.72 was expended by the Department of State and accounted for by certificates of the Secretary of State under section 291, Revised Statutes United States, for the period April 1 to June 30, 1911, as shown by the files of this department.

Respectfully,

J. F. CURTIS, *Acting Secretary.*

Thus it will be seen that from July 1, 1905, to June 30, 1911, there was expended through the State Department, under section 291, heretofore quoted, the enormous sum of $732,981.52, or an average of $122,163.58 a year, or an average of $10,180.30 a month, or an average of $339.45 a day. To permit any man, even though it be the President of the United States, to expend $340 of the public moneys each and every day of the year, without compelling him to account to anybody as to how and for what purpose he expended this money, does not accord with my idea of properly guarding the Treasury, and I do not believe the people will be satisfied with such loose and shameful methods.

The President and Secretary of State have expended these large sums of the public moneys, and in reporting it to the Treasury have thrown over it the veil of secrecy under their construction of section 291, Revised Statutes United States, and now decline to render to Congress or to a committee thereof any statement as to what this money was expended for.

What conclusions are we warranted in drawing from their refusal to take the people, or at least Congress, into their confidence and tell for what purpose this money, or some part of it at least, was expended?

It seems to me that they can not complain if we draw the inevitable conclusion that this money, or at least some of it, has been improperly expended, and therefore they can not dare to make it public. This conclusion is strengthened, I think, by recent occurrences. It will be recalled that the Committee on Expenditures in the State Department, in tracing the payment of the Day portrait matter, found that it was paid out of this secret fund, and not only the $850 which was actually paid for the portrait, but $1,600 additional, which was also taken out of that fund under the pretense of paying for this picture, but which, it is now admitted, never was used for that purpose; and while this committee was pursuing these irregularities industriously, practically every one of which led right into the haven of this secret fund, we called upon the disbursing officer of the State Department by a subpœna duces tecum to produce certain documents, vouchers, and so forth, which it appears represented money expended by them and covered by a secret certificate but which evidence was denied us by authority of a letter of the Secretary of State to his disbursing officer—and I ask the House to bear in mind the dates which I shall give you. This letter bears the date of July 6, 1911, and is as follows:

JULY 6, 1911.

DEAR MR. MORRISON: Regarding the summons dated July 5, 1911, which has been handed to you commanding your presence on July 6, 1911, at 3 p. m., before the subcommittee of the Committee on Expenditures in the State Department, a committee of the House of Representatives of the United States, of which the Hon. COURTNEY W. HAMLIN is chairman, and the direction therein contained to bring with you certain documents specified in that document, you are hereby directed as follows:

You will take with you to the committee, and leave with the committee if so requested, certified copies of all vouchers which have been requested by the committee, and which you have had time to secure from the files and have certified, except vouchers for those payments which have been covered by certificates under Revised Statutes, section 291, which latter vouchers you will not produce, neither certified copies thereof, upon grounds already made known to the committee.

You will state to the committee the names of those persons, if any, who have been named in the summons and to whom no payments have been made within the period specified in the summons.

P. C. KNOX.

After reading this edict we are lead to exclaim, Upon what meat hath this Caesar fed that he has grown so great!

It has been a matter of some serious discussion as to whether the President has authority to refuse Congress or a committee thereof certain information, but this is the first time, I think, in the history of the country that a head of one of the statutory departments, subject to be abolished by Congress at will, has presumed to direct a subordinate to ignore the mandate of Congress expressed through one of its standing committees.

An eminent Senator—Senator BACON, of Georgia—who not only reflects credit upon the body in which he serves, but does honor to the great State that sent him to serve in the body at the other end of this Capitol, has aptly said:

Here is a Government formed, a Constitution which creates the two legislative branches of the Government, which creates the executive head of the Government, which creates the Supreme Court, and there are provided in the Constitution no other departments of the Government and no machinery for carrying out the governmental functions which are going to be necessarily performed, but all that is left for the subsequent constructive work of Congress. Congress, in pursuance of its legislative functions, as designed and intended by the Constitution, enacts laws creating these departments for the purpose of executing the laws. And this is the way, and the only way, in which these departments have come into existence. Can it be conceived for a moment that over a hundred years ago, when these departments, or most of them, were organized, when Congress was considering what powers should be conferred upon the departments, it was for a moment suspected or imagined that the time would ever come that these departments thus being created by Congress should grow into such power that they should say to their creator, "You shall not even inquire as to how I am discharging the duties which you devolve upon me."

And yet that condition has been reached in the State Department under this administration.

The committee had certainly got on an exceedingly hot trail, so hot in fact that the President was appealed to, and on the next day he issued a famous order which was doubtless intended to protect forever these expenditures from the vulgar eyes of the public. The order referred to is as follows:

EXECUTIVE ORDER NO. 1382.

No information of any kind whatever shall be furnished by the Secretary of State or any officer or employee of the Department of State to any one other than an officer of that department entitled thereto for official use in regard to moneys expended and accounted for by certificate in pursuance of section 291 of the Revised Statutes of the United States, except upon due direction in writing from the President, nor

shall any vouchers or other papers in relation to such expenditures be produced in pursuance of subpœna or otherwise except upon direction in writing from the President in each case.

WM. H. TAFT.

THE WHITE HOUSE, *July 7, 1911.*

Thus it will be seen that the President arrogates to himself greater authority over the expenditure of the public moneys than is possessed by either House of Congress or any committee thereof, and that he is determined, if he can prevent it, that the people shall not know how he expended this money. The question naturally arises in my mind: If this money has all been properly expended, why this frantic effort on the part of the President and his Secretary of State to keep it secret? The odor is not pleasant.

There is a moral side to this question. If the construction placed on this statute by the President and the Secretary of State is the correct one, then it is possible for every kind of questionable purchase or payment to be made out of this fund, or they can put the money in their pockets unauthorized, then cover up the expenditure by a secret certificate, which would be possible to make this fund the very haven of official piracy. This was unquestionably not the intention of the framers of the Constitution. But do you say there is no danger? I answer there is great danger. Practically every questionable or suspicious transaction to which the attention of your Committee on Expenditures in the State Department has been directed up to this date has led directly into the hidden mysteries of this so-called secret fund, and when we attempt to inquire about it we are told by the President and Secretary of State, "Thus far you may go and no farther. You can not inquire into the expenditure of this money or any other money that we may choose to cover by secret certificates."

You will observe that this statute which I am discussing provides, among other things, that—

The President is authorized to cause the same to be duly settled annually with the proper accounting officer of the Treasury by causing the same to be accounted for specifically, if the expenditure may, in his judgment, be made public, etc.

It would appear, I submit, that in the expenditure of this enormous amount of money each year by the President and the Secretary of State that there would be at least one item that the President would be willing should be made public, but not so.

At least, since July 1, 1905, not one single item has the President seen proper to make public, notwithstanding he has spent $732,981.52 out of certain funds in that time.

My position is that section 291 of the Revised Statutes of the United States does not give to the President or Secretary of State the privilege of denying to Congress, or to a committee of Congress appointed to investigate the department, access to the papers, documents, and other evidence showing how any fund intrusted to them has been expended. But the language of the statute is that if, in the judgment of the President, there should be any item of the expenditure which he may think advisable not to specify (always having in mind the good of the public), he may make, or cause the Secretary of State to make, a certificate to that effect, and the Secretary of the Treasury shall accept said certificate as a voucher for the money therein specified; but this law applies only to the settlement of the emergency fund, or such other funds as Congress may specifically designate, and many of the funds so used during the last six fiscal years were not such funds, with the Treasury Department and not to either branch of Congress—the body that created the department and appropriates the money to be expended.

My position further is, if Congress could and should enact a law providing that the President or the Secretary of State should not be compelled to report to Congress, or to any committee thereof, how this money has been expended by them, then that law would be void, because unconstitutional. Article I, section 10, paragraph 1, of the Constitution, provides as follows:

No money shall be drawn from the Treasury, but in consequence of appropriation made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

Now, if this provision of the Constitution means anything, it means that the amount of money appropriated by Congress for all purposes shall be public and not secret. It also means with equal force and reason that the manner in which this money so appropriated has been expended shall be public and not secret, at least so far as the body appropriating the money is concerned.

Let us look at the reason of this thing for a moment. The only possible reason why Congress has heretofore provided that in settling the account of this fund with the Treasury Department the President may conceal such items as he may think ought not to be made public, by giving a certificate showing the lump sum expended in any given period, is that the Treasury Department is the only executive department of the Government where all the records are public and where any citizen has a right, under necessary regulations, to have any and all information shown by the records, books, and files of the department.

It is the only department that is compelled to report direct to Congress and not through the President. Therefore, recognizing the fact that conditions may some time arise when it would be necessary to expend some money, perhaps for which if the purpose be made public, might complicate us with other nations, and which might result if the facts should be spread upon the records of the Treasury Department, Congress has deemed it wise to provide that such items as the President may deem wise not to make public should be settled with the Treasury by a lump certificate and not by specific items. But upon what theory or reason is this information to be withheld from Congress? Are we not just as patriotic, just as loyal and as much interested in maintaining peace and harmony with the nations as the President, Secretary of State, the chief clerk of the department, the disbursing officer, three or four assistant secretaries, and, perhaps, a half hundred clerks in the State Department, all of whom know something, if not all, about how this money is expended?

If there is necessity for maintaining secrecy about the expenditure of any part of this money can not Congress keep that secret as well as the persons mentioned? Your Committee on Expenditures can have executive sessions, and, if necessary, can and would decline to publish their hearings. The House itself may have secret sessions to receive confidential reports. So on what basis of reason can a valid excuse be suggested why this information should not be given to an investigating committee of the House or Senate? I venture to say that it was not the intention of the Members of the early Congresses, men who participated in the organization of our Government, men who had a hand in framing and adopting the Constitution, men who participated in the original enactment of this law, that a knowledge of the manner in which the money was expended should ever be denied them. They never dreamed that Congress would ever be denied this information.

The original act, passed in January, 1790, contained practically what is now section 291 of our Revised Statutes. Members will understand that when the original act was passed Congress did not appropriate specifically for the salaries and expenses of our ambassadors and ministers to foreign countries, but they gave a lump sum to the President for that purpose and for other purposes connected therewith, and he made the appointments under the Constitution and fixed their salaries. I am addressing myself especially to lawyers, and I think you will all agree that the best way to construe any statute is to find out, if you can, what was in the minds of the men who first enacted it.

In discussing the wisdom of that enactment in the House on January 27, 1790, Mr. Scott, a prominent Member of the House at that time, used the following language:

I know occasions, at times when the legislature is not sitting, will present themselves, when money for secret services may be required; yet in those cases proof must be made of the expense before they will be allowed in account, and any which are conceived to be improper be disallowed.

Now, if it was the judgment of the First Congress of the United States when this statute was enacted that proof must be made of this expenditure so that it might be either allowed or disallowed, then there is no gainsaying the proposition that the evidence as to the expenditure of this money could and would be made available to Congress. In other words, how could the account be either approved or disapproved by Congress if not accounted for to Congress? And you will bear in mind that Mr. Scott, who laid down this proposition, was supporting the bill before the House, and his proposition was not controverted by anybody participating in that debate. On the same day, to wit, January 27, 1790, and in the same discussion, another Member of that Congress, viz, Mr. Jackson, used this language:

The appropriation of public money belongs, in a peculiar manner, to this House, and I am for retaining the power in our hands.

It was objected to this that it would take up time; but he said:

I ask, For what were we sent here but to watch over the public treasure?

And I ask now, Mr. Speaker, can anyone conceive a more important duty to be performed by any Member of Congress than that to sacredly guard the vaults of the Treasury? The money is not ours; we are only the people's trustees, and how can we do that unless we know how the money is being expended? Especially is it our duty now, when we find that each year they are expending over $125,000 secretly. I do not believe that we ever have or ought to if we could turn over to

the President and Secretary of State to be expended, in the first instance, by them carte blanche, large sums of money unless we compel a detailed report from them explaining how this money is expended.

A diligent search for the opinions of our predecessors, many of them more illustrious than many of us can hope to ever become, discloses that from time to time along down the history of our country they have expressed views in harmony with those I am contending for here.

In 1846 Mr. Ingersoll, a Member of Congress from Pennsylvania, introduced a resolution calling upon the Secretary of State for a full and complete report as to the expenditures of this so-called secret fund, and so forth, and his was a general resolution introduced in the House; it was not an attempt to get this information through a committee of the House especially charged with making this investigation. After much debate, pro and con, the question being thoroughly thrashed out, this resolution was adopted by a vote of 136 to 28.

President Polk, in making answer to that resolution, declined to comply with the request, but used the following explicit, cogent, and plain language, which covers the point I am discussing. He said:

If the House of Representatives, as the grand inquest of the Nation, should at any time have reason to believe that there has been malversation in office by an improper use or application of the public money by a public officer, and should think proper to institute an inquiry into the matter, all the archives and papers of the executive departments, public or private, would be subject to the inspection and control of a committee of that body, and every facility in the power of the Executive be afforded to enable them to prosecute the investigation.

Some time ago your Committee on Expenditures in the State Department issued a subpœna duces tecum commanding the Secretary of State to produce before said committee certain documents showing how certain sums of this so-called secret fund had been expended. The President and the Secretary of State declined to furnish your committee with the information called for, for the reason, they claimed, that it involved the opening up of this so-called secret fund, therefore it could not be investigated. In the discussion of that proposition the Secretary, in a letter filed with the committee, quoted from the message of President Polk, and consequently having made him their authority under all rules of logic and law, they are now estopped from questioning him as an authority, and the language from the message of President Polk, which I have just quoted, is peculiarly applicable to the question under discussion. I quote again, that—

if the House of Representatives have reason to believe—

And so forth—

that there has been an improper use or application of the public money by public officers—

And so forth—

then Congress, through its committee, undoubtedly has a right to investigate and have all the testimony brought before the committee.

Your committee has proven by the disbursing officer of the State Department and by the records of that department that there has been a misappropriation of the public money by public officers of that department.

In the now somewhat celebrated Day portrait matter, well known to the Members of this House and to the country, that the Day portrait was paid for out of this secret fund, which was given to the President to be used solely for the "purpose of intercourse or treaty with foreign nations."

No man who has the smallest regard for his reputation and claims for himself a thimbleful of brains will contend for a moment that paying for a portrait of some man who was at one time Secretary of State is expending money for the "purpose of intercourse or treaty with foreign nations." I could mention a number of other cases in which I—and I am sure that other members of your committee agree with me—believe that money has been misappropriated, but in this case the evidence is conclusive, and therefore we have found this positive evidence of malversation in office. Your committee is especially charged by the rules of the House with the duty of investigating these things, but we are met at the very threshold of this investigation with the refusal of both the President and Secretary of State to permit your committee to see the books or other records which show how and for what purpose this money has been expended.

In 1842 the President was called upon by Congress to furnish certain information in regard to his dealings with the Cherokee Indians, which involved in a way the correspondence, the evidence, and official reports, and so forth, in that matter. He declined to give Congress this information, and Mr. Cooper, a Member from Pennsylvania, in submitting a reply to the President's message, made use of the following strong and lucid language, which I commend not only to the Members of this House but to the country as laying down the correct idea of the Executive's obligation to the legislative branch of the Government.

In discussing the President's refusal, this committee used this language:

The power of the House to institute inquiries and investigate abuses has been exercised by it from the beginning of the Government to the present day. Such inquiries and investigations have at various times been made in every department of the Government and every branch of the public service, civil and military, and the power of the House to inquire into all official abuses and misconduct and into the management of public affairs at home and abroad, as far as the knowledge of the committee extends, has never been denied or questioned until now. Let this power to investigate the abuses which may exist in the several departments of the Government be surrendered by the House, and there will be no check upon extravagance; the responsibility of public officers will be at an end; profligate and corrupt agents, unawed by the fear of exposure, will riot in the spoils of a plundered Treasury, whilst Congress will have lost all power to bring them to account or to protect the public interest against their rapacity.

By claiming for the House "the right to demand from the Executive and heads of departments such information as may be in their possession relating to subjects of the deliberation of the House and within the sphere of its legitimate powers," the committee do not mean to assert that there may not be at some times information and papers in their possession which should not be made public. Such there no doubt are; but the House has the right to inspect them, and it, and not the Executive, is to be the judge of the propriety of making them public. The President has all along assumed in his message that the publication of all information and papers is a necessary consequence of their communication to the House. In this he is mistaken. It does not follow that all information communicated to the House must be made public. Confidential communication are almost daily made by the Executive to the Senate, and secrecy is always observed in regard to them as long as the public interest requires it. There is nothing in the constitution of the House to prevent it from doing the same thing. Information transmitted to it by the Executive, on his suggestion that it is of confidential character, may be referred to a committee under a charge of secrecy until an examination of it can be made, when, if the committee concur in opinion with the Executive, its publication will be dispensed with. This is the true parliamentary course. It furnishes at once a security against secret abuses and the irresponsibility of the public officers and agents which would follow the denial of the right of the House to demand information and at the same time protect the State against the discovery of facts important for the time to be concealed. In the present case, on the suggestion of the President, the report and other papers were referred to the committee under, at least an implied injunction of secrecy, and if the committee had concurred with the President in opinion nothing would have been easier than to have returned them to the executive department, their contents remaining unknown excepting to the committee. Thus it will be seen that the resolution protested against by the President requires nothing from the Executive which can ever prove detrimental to the interest of the State, unless it be presumed that those interests would be more safe in his keeping than in that of the House—a presumption which finds no warrant in the Constitution and as little in the executive history of the Government.

It seems to me that any Member who will take the trouble to read that fully, if you have any doubt now as to our right to see all the papers that are on file in the State or any other department of this Government, you will readily reach the conclusion that the position taken by your committee was the true position.

But if there are those who are yet skeptical and, like Felix of old, almost but not quite persuaded, I will not presume to attempt to impose my own opinions as to the law further upon you, but will content myself by calling your attention to the opinions of the country's most eminent lawyers, whose ripe knowledge has already lighted well the pathway to a proper administration of affairs under the Constitution, but from which pathway the present President and Secretary of State have gone far astray.

I will commend to you the opinions of certain eminent Senators who composed the Committee on the Judiciary in the Senate about 25 years ago. I think I have only to name them to have you readily agree with me that no greater array of eminent lawyers ever sat upon any committee in any legislative body in the world. They were—Republicans, George F. Edmunds, John J. Ingalls, S. J. R. McMillan, James S. Wilson, and William S. Evarts; Democrats, James L. Pugh, George G. Vest, Senator Jackson, who was afterwards a member of the United States Supreme Court, and Senator George.

President Cleveland had declined to furnish the Senate with evidence of the reason which prompted him to remove a certain district attorney in the southern district of Alabama, which, by the way, resulted in the appointment of my friend from Alabama [Mr. CLAYTON] as district attorney. Of course, knowing our friend from Alabama as we know him, his kindness of heart, his genial good companionship, his great ability as a lawyer, we know that these things alone furnished sufficient reason for Mr. Celeveland or any other President to remove any man in order to make a place for my good friend from Alabama. But Mr. Cleveland for some reason refused to tell why he appointed my friend CLAYTON, and the Judiciary Committee in the Senate, in the discussion of that proposition in their report—and to you Republicans especially I commend the language of the report—said:

The important question, then, is whether it is within the constitutional competence of either House of Congress to have access to the official papers and documents in the various public offices of the United

States created by laws enacted by themselves. It may be fully admitted that, except in respect to the Department of the Treasury, there is no statute which commands the head of any department to transmit to either House of Congress on its demand any information whatever concerning the administration of his department, but the committee believes it to be clear that from the very nature of the powers intrusted by the Constitution to the two Houses of Congress it is a necessary incident that either House must have at all times the right to know all that officially exists or takes place in any of the departments of the Government. So perfectly was this proposition understood before and at the time of the formation of the Constitution that the Continental Congress, before the adoption of the present Constitution, in establishing a department of foreign affairs and providing for a principal officer thereof, thought it fit to enact that all books, records, and other papers in that office should be open to the inspection of any Member of Congress, provided that no copy should be taken of matters of secret nature without special leave of Congress. It was not thought necessary to enact that the Congress itself should be entitled to the production and inspection of such papers, for that right was supposed to exist in the very nature of things, and when, under the Constitution, the department came to be created, although the provision that each individual Member of Congress should have access to the papers was omitted (evidently for reasons that can now be quite well understood), it was not thought necessary that an affirmative provision should be inserted giving to the Houses of Congress the right to know the contents of the public papers and records in the public offices of the country whose laws and whose offices they were to assist in creating.

It is believed that there is no instance of civilized governments having bodies representative of the people or of States in which the right and the power of those representative bodies to obtain in one form or another complete information as to every paper and transaction in any of the executive departments thereof does not exist, even though such papers might relate to what is ordinarily an executive function, if that function impinged upon any duty or function of the representative bodies.

To the general proposition announced by the majority of the committee the minority assented in the following language, and yet the minority of the committee was seeking, of course, to defend the action of the then President:

The minority admit, once for all, that any and every public document, paper, or record on the files of any department or in the possession of the President relating to any subject whatever, over which either House of Congress has any grant of power, jurisdiction, or control under the Constitution, is subject to the call or inspection of either House for use in the exercise of its constitutional powers and jurisdiction.

So here, Mr. Speaker, we have all these great lawyers of both political parties on this committee announcing the general proposition for which I am contending. Again, Senator Logan, who was not only a good lawyer, an eminent Republican, but a valiant Union soldier, who loved his country, gave some excellent reasons why the position I am now contending for is right. He said:

If the people, through their representatives, can not have access to the records of the country, on the general theory that they are the source of power, when such records or documents are requested to aid in the performance of a duty incumbent upon them in their coordinate capacity, where is such a theory to carry us if it is followed up? We have been told for years by our opponents that the concentration of power was one of our objects, that our theories, as well as the character of our legislation, proved this to be the design of our party, that this had been increasing and growing from year to year, that the power of the Government was being placed in the hands of the few, that the people were being stripped of their power day by day.

I should like for any Senator to tell me what greater concentration of power has been shown during the existence of this Government than the attempt made by the President of the United States to take into his own hands the right to allow or not the people of this country through their representatives to examine public records, documents, and papers as he sees proper. Suppose the man guilty of fraud; suppose he has been guilty of embezzlement; suppose he is charged with any offense, will the President of the United States say, when we send for the papers to examine into the conduct of his office to see how it has been managed, because he has suspended this man the Congress of the United States shall not examine the papers? Will you say that? Suppose the Senate of the United States organizes a committee of investigation today and calls upon the President of the United States, the Attorney General, the Secretary of the Treasury, the Postmaster General, or any other head of a department, for papers in connection with the case either for or against the man accused, will it be said that the Senate of the United States can not have those papers? If so, why refused? Would it be on the ground that they are private documents? Is that the ground?

If this theory is to be carried out, the head of a department might suppress papers that would convict his friends; he might suppress papers that would convict criminals; he might suppress papers that would convict himself if he be corrupt enough, and this merely upon the ground that they were private papers and could not be given out. Suppose papers charging men with violations of law, charging them with robbery, with theft, with murder, with arson, no matter what crime, came to the Secretary of the Treasury as a letter directed to him making these charges, because the letter is written to him and not officially, but is filed with the papers in the archives of the Government, when the Senate calls on him for those papers he says, "It is a private letter. I shall not give it to the Senate or the Congress of the United States," though on the files. Would not that be covering up crime under the guise of private papers on the ground that they will not deliver documents to the Congress of the United States that might involve in criminal proceedings some individual who happens to be an official of the Government and friend of the Secretary?

Senator Spooner, another eminent lawyer and an ardent Republican of the "standpat" variety, puts this proposition in very plain and concise form. He said:

It has always been supposed that either the House of Representatives or the Senate had plenary power to investigate the departments, had abundant authority to examine the Cabinet officers, even to bring them before the committee, with all papers in the office which would tend to show its condition, and the manner in which it had been conducted. It may be done in order to expose corruption; it may be done in order to uncover defects in the organization of a department; it may be done in order that Congress obtain the information essential to the application of a corrective by new legislation. Such power in great fullness must of necessity exist, to be exercised under varied conditions and circumstances, and with many different purposes.

The Senate can not yield the principle that in any case or under any circumstances the files of the departments, evidencing the conduct of public officers, shall be secret from the inspection, or that any paper or letter bearing upon the conduct of a public office, placed upon the files of any department, or in custody of any executive officer, and which ought to be placed upon the files of any department, can, at the will of anybody, even though it be the President, become personal and subject to removal or destruction.

Now, Mr. Speaker, I come to a statement by that eminent Republican lawyer, Senator Edmunds of Vermont, whose ability or sincerity no one will question, and he discusses the identical case and proposition I am now talking about and contending for. He said:

So, going more broadly than the limitation of the minority of the committee, and speaking for a government of law and a government of the people, I maintain that either House of Congress has a right to know everything that is in the executive departments of the Government. I will state the extremest case possible, and that is either House calling on the President or the Secretary of State for information as to the disbursement of the contingent fund for the payment of the expenses of foreign intercourse, which is ordinarily called the secret-service fund. There is the money of the people from the Treasury appropriated under a law which says that a voucher of the President of the United States shall be good with the accounting officers of the Treasury that the money has been properly expended, while in the State Department are the real vouchers which show whether the money has been expended for one purpose or another, or if there be no voucher and no money, which would show, of course, by a simple proposition in arithmetic and common sense, that it had been embezzled.

Suppose some President of the United States two or three years ago, when I believe we appropriated one or two or three hundred thousand dollars, a very large sum of money, for the contingent expenses of foreign intercourse, not long preceding a great political election, should have turned into the Treasury a lump voucher for that whole hundred or two hundred thousand dollars, whatever the amount was. Suppose at the next meeting of the Senate or the House of Representatives they should be of opinion that for the security of good government and as a guard against any corruption and improper use of that money it was necessary that they should know what had become of it, would it be within the power of the Secretary of State or the President of the United States to say no? If so, we had better be extremely careful hereafter as to how much money we put into the contingent fund for foreign intercourse, if it is a sealed book to the two Houses of Congress. Nobody has yet ever contended that it was, and there is an instance, which I shall show to you as illustrating the extremest case that can be stated, where a Democratic Senate of the United States, if that makes it any better, though I do not think it does, called for that very information, as to what sum of money, how it had been expended by a particular private and secret agent of the United States in another country, and they got it. But, to be sure, the age of reform had not come in. The improvement in public methods, so far as we have yet gone, would seem to be chiefly and most conspicuously the suppression and concealment of public papers, with the best intentions undoubtedly; but I repeat, for the first time in 40 years and more, so far as I have been able to discover, has either House failed on its call to get the information that it has asked for from the public departments of the Government.

And yet that is exactly what this department has denied to a standing committee of this House.

It seems to me, in the light of these facts and opinions, it ought to be sufficient to convince any Member that my position is correct, and when I add to that the statement of men who were well trained in statecraft and in the law and whose pathways through life have been brightened by words of wisdom, should not leave in the mind of any man or men a doubt as to the right of Congress to have this information.

Mr. Speaker, I do not contend for this information simply to satisfy my own curiosity, yet I confess I have found enough out about the disposition of this fund to make me anxious to see to what extent the thousands of dollars of the public moneys have been each year expended on portraits, pleasure trips, dollar diplomacy, in supplementing salaries, and so forth, things never contemplated by Congress should be paid out of this fund.

But I am, of course, concerned most in the settlement of this question for all time to come, so far as this Congress is concerned, as to whether we or future Congresses, representatives of the people, have a right to know how the public money is expended. If the State Department, under the direction of the President, can spend $125,000 a year without accounting to anybody, they can expend a million dollars, provided they can induce Congress to appropriate that much money; and, judging the future by the past, it seems Congress can be induced to appropriate whatever amount is asked for. We can not shut our eyes to the fact that this, like all other funds, is growing rapidly year by year, and the end is not in sight. That you may appreciate the force of this statement let me call your attention to this fact: That from the year 1829 down and including the year 1844—a period of 15 years—there was expended and covered by secret certificates only $5,460, or $420 a year—a time when the White House ruled the trusts and not the trusts ruling the White House. Now, this last fiscal year the President and the Secretary of State expended out of various funds

and covered it up by secret certificates, under section 291, Revised Statutes United States, the enormous sum of $173,851.43, or practically as much each day as we expended in any one year of the period which I have just mentioned.

Another thing I beg to call your attention to, and that is at the time this law was originally enacted at the close of the eighteenth century we had just emerged from a great war. War clouds had not all passed away. The truth is, the storm soon again broke upon us and we were startled by the sound of a marching hostile enemy upon our own soil, a march which ended at this very Capitol, and resulted in the burning of the building in which we are now, and if there was ever any necessity for the expending of money in a manner which ought not to be made public it is under such conditions as existed then; but now last year we expended secretly nearly $200,000, when there were no war clouds upon the horizon. The President was proclaiming universal peace, and in the daily papers he was described as the angel of universal peace. He was described as leading the nations in the scheme which was hoped would culminate in permanent peace throughout the world. God hastily speed that day. But while he was bearing the olive branch of peace in one hand and bestowing that angelic smile upon the common herd, with the other he was pulling out the money from the Treasury at the rate of $483 a day, including Sundays, for secret purposes, we are told, but what those secret purposes were only God and the little crowd at the White House and State Department know; but they are now saying it was expended in a manner which is not best to make public. I am forced to the conclusion that the reason the President and Secretary of State can not make public this expenditure is not because they are afraid that it might involve our peaceful relations with other nations, but because if the facts could be known it is certain to further disturb the already turbulent relation between the people of the country and the man who now occupies the White House and who still has a lingering hope to be permitted to try to continue to occupy that mansion another four years.

Mr. Speaker, I feel so strongly the necessity of compelling all public officials to account to the people, whose servants we are, for all their official acts that if the House does not agree with my construction of the existing law, I am persuaded that we can not too soon amend that law in order that the public may know how its business is being conducted, and to that end I have introduced, and it is now pending in this House, a bill which, if passed, will cure this evil.

I ask permission to print this bill as an appendix to my remarks, and will at the same time express the hope that each Member will read and study it, and I will appreciate any suggestions which may make the bill a better one.

Mr. BURKE of Pennsylvania. I hope the gentleman will read the proposed bill.

Mr. HAMLIN. I can, but it will take some little time.

Mr. MANN. Does the gentleman desire more time?

Mr. HAMLIN. No; I do not think my time is up.

The SPEAKER pro tempore (Mr. GRAHAM). Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none.

Mr. HAMLIN. You will observe that my bill provides for the selection of a joint committee of the Senate and House of Representatives, consisting of three Members from each body, to whom the President shall report on the 1st of each December, specifically by items, how and for what purpose he expended the money given him for the preceding fiscal year for "Emergencies arising in the Diplomatic and Consular Service."

When this report is made, if in the judgment of a majority of this committee there are any items which, in the interest of the public good, ought not be published, they may be withheld, but as to all other items of expenditure the same shall be published. This effectually safeguards by positive enactment any matters which ought, in the interest of the public good, to be kept secret; but compelling the President to report all items of expenditure to this committee insures the proper handling of this fund, otherwise the facts would be made known; and the bill further provides that a misuse of this fund would constitute a high crime and misdemeanor under the Constitution, and therefore be an impeachable offense.

Inasmuch as the right of Congress to have a report on the expenditure of this fund under existing law is disputed by those who handle it, I believe my bill should speedily be enacted into law, in order to settle the matter for all time to come.

I believe my bill is fair and just and that the people of this country will indorse it. [Applause.]

Mr. BURKE of Pennsylvania. Will the gentleman permit an interruption?

Mr. HAMLIN. Certainly.

Mr. BURKE of Pennsylvania. Would not that, according to the gentleman's interpretation previously given, be a violation of the Constitution?

Mr. HAMLIN. I am not altogether certain about that.

Mr. BURKE of Pennsylvania. The gentleman has already stated it is a violation of the Constitution to keep secret the expenditure of any funds. Now, the gentleman proposes to invest six men with the power of keeping secret the expenditures.

Mr. HAMLIN. I did not give it as my settled opinion that conditions would never arise when some item of expenditure might not, for the public good, be withheld from publication for a time, at least, without violating the spirit of the Constitution, but to conceal them by wholesale, as the President has been doing, I believe is to violate the spirit of the Constitution.

I can go even further, and say that I believe if my bill or a similar one should become a law, requiring the President to report each year, he would be so careful in its expenditure that I doubt if there would be a single item that it would be deemed necessary to withhold from publication.

Mr. BURKE of Pennsylvania. That is not an answer to my query. The legal proposition originally advanced by the gentleman himself, I understood, was this: That under the clause of the Constitution which he quoted it was improper to keep secret the expenditure of any sum of money belonging to the United States Government.

Mr. HAMLIN. I believe now that the time has never existed, and will not exist, when at some time, perhaps not at the immediate time of the expenditure, but at some early period, every single item can be made public without running any risk of harm to us from foreign nations.

Mr. BURKE of Pennsylvania. It can not be done if the gentleman's bill becomes a law, because he invests three men with the power to keep it secret.

Mr. HAMLIN. But Congress can compel a report at any time from the committee. It would be a statutory enactment and could be amended at any time if we thought they were trying to abuse their privilege.

If the gentleman will permit me, I am seeking to change existing conditions gradually, because I have no hope of doing it radically and transferring from the President to a committee, the direct representatives of the appropriating branch of the Government, the House and the Senate, the right to determine whether any item for which this money is used shall be withheld from the public. And the gentleman overlooks the fact that I do not withhold the manner of the expenditure of any item under my bill from a full knowledge of Congress. You will know, I will know, and we will all know what every single item of this money was expended for.

Mr. BURKE of Pennsylvania. Provided these three men see fit to give the information to us, and not otherwise.

Mr. HAMLIN. You will control your committees; you certainly can get your report from those committees.

Mr. BURKE of Pennsylvania. But you provide that they shall not be compelled to report to us.

Mr. HAMLIN. Oh, no. My bill does nothing of the kind.

Mr. HARDY. Will the gentleman submit to a question?

Mr. HAMLIN. Yes.

Mr. HARDY. I want to say that I apprehend from the gentleman's remarks in reference to his bill that he is really inviting any suggestions that might tend to make a better bill?

Mr. HAMLIN. That is correct.

Mr. HARDY. It seems possible to me that the construction of the gentleman from Pennsylvania [Mr. BURKE] of your construction was both right as to the Constitution and right as to your construction. As I gathered from the reading of the constitutional provision, it is entirely prohibitive of ultimate and final secrecy of any expenditure. It might be possible that under that constitutional provision such items of expenditure might be kept secret for a certain length of time, and it seems to me that your bill might become constitutional and better by authorizing this committee to withhold expenditures from the public for a certain length of time, but I believe that the Constitution intended that ultimately every expense should be published.

Mr. HAMLIN. I will say that I am not married to the particular wording of my bill. If my good friend, the gentleman from Pennsylvania [Mr. BURKE], or any other gentleman can suggest an amendment that would make it better, I would gladly accept it. I am absolutely sincere in this proposition.

Mr. BURKE of Pennsylvania. I would move an amendment striking out the enacting clause.

Mr. HAMLIN. That doubtless is true, because you want everything concealed and I do not. That is the difference between us.

The SPEAKER pro tempore. The time of the gentleman from Missouri [Mr. HAMLIN] has expired.

Mr. FITZGERALD rose.

Mr. HAMLIN. Mr. Speaker, I ask unanimous consent for just a moment, in order to hear the gentleman from New York [Mr. FITZGERALD].

Mr. MANN. How much more time does the gentleman from Missouri desire?

Mr. HAMLIN. Two or three minutes.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman have five minutes more.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. FITZGERALD. The gentleman from Missouri stated early in his remarks that of the appropriations made for the Lake Champlain Centennial $10,000 had been expended and accounted for by a certificate under section 291 of the Revised Statutes.

Mr. HAMLIN. Yes, sir.

Mr. FITZGERALD. Has the Department of State refused the gentleman's committee information as to the items of that expenditure?

Mr. HAMLIN. They have refused the committee information of any expenditure which they have reported to the Treasury under section 291, and this is one of the items.

That is the tenor of the letter from Secretary Knox to his disbursing officer, which I read a few moments ago, and that is also the effect of the famous order of the President issued on July 7, 1911.

Mr. FITZGERALD. But section 291 of the Revised Statutes provides for such certificates in the event such expenditures are made out of the emergency appropriation to promote diplomacy and trade relations with foreign nations?

Mr. HAMLIN. Yes; "for emergencies arising in the Diplomatic and Consular Service."

Mr. FITZGERALD. My recollection is that the appropriation for the Lake Champlain Centennial was $50,000.

Mr. HAMLIN. No; it was $20,000, and one-half of it has been expended, and the manner of its expenditure hidden by a secret certificate under section 291.

Mr. FITZGERALD. Has the gentleman any information upon which he is able to base an opinion as to the character of the expenditures made?

Mr. HAMLIN. I have not. I have tried to find out, but I have not succeeded. I am glad the gentleman from New York has made his inquiry, because it emphasizes a thing that I overlooked. I think the gentleman from New York has the same idea that I have and have had, and that nearly every other gentleman here has, and that is that section 291 of the Revised Statutes applied only to the expenditure of the fund entitled, "For emergencies arising in the Diplomatic and Consular Service."

Mr. FITZGERALD. I examined the section carefully, and I think there is no question about it.

Mr. HAMLIN. I agree with the gentleman entirely. When I got this report from the Secretary of the Treasury I found that for the last fiscal year the Secretary of State settled with the Treasury with secret certificates amounting to $173,861.43, when we gave them only $90,000 for emergencies. I was astounded. So I called upon the Secretary of the Treasury for certified copies of all certificates under section 291 which had been filed by the State Department, and then I extended it back six years, and I found to my surprise these items, including Lake Champlain, bringing home criminals, and so forth, that I read awhile ago, items that I never dreamed any man could contend were payable under section 291, were included. But that made up the discrepancy apparent in that first report.

You see I had first gotten a statement from the Treasury Department of the amount of money which had been expended by the State Department during the last six fiscal years and settled for by secret certificates, which amount was $732,981.52; and I then got a statement from the Appropriation Committee of this House as to the amount which we had given them "for emergencies arising in the Diplomatic and Consular Service" for the same time, and found that we had only given them for that purpose $575,000. This left an apparent overdraft of $157,981 which had to be explained, and they put in these items I mention—Lake Champlain, and so forth—to make the two statements balance.

Mr. FITZGERALD. This matter has a peculiar interest, and therefore I want to ask the gentleman a little further. This celebration was conducted, I believe, by the States of New York and Vermont?

Mr. HAMLIN. Yes.

Mr. FITZGERALD. And the Federal Government appropriated $20,000 to enable the Federal officials to participate in the celebration?

Mr. HAMLIN. Yes. It was wholly a domestic affair.

Mr. FITZGERALD. The President attended the celebration. The gentleman stated that he assumed that the $10,000 had been expended for traveling expenses and in like ways?

Mr. HAMLIN. Yes; I just assumed it, but I do not know.

Mr. FITZGERALD. Is it possible that this $10,000 was used to augment the appropriation for the President's traveling expenses, which are limited by statute to $25,000 a year, and which the President exceeded in one year, so that he was compelled to ask Congress to make available an appropriation for the next ensuing year, and promised that he would not expend more than $25,000 for the balance of that year and the next ensuing year?

Mr. HAMLIN. It is possible that it may have been so used; but as I stated, we do not know that any part of that sum was expended in the celebration. They do not say how they used it. They may have used it to increase or augment that traveling allowance, or they may have used it for some other purpose. Indeed, they may even have put it in their pockets and then covered it by a secret certificate.

Mr. FITZGERALD. If that is the construction of the statute by the administration, I suppose I am safe in saying that I am in entire accord with the gentleman from Missouri when I say I believe it would be wise to repeal it.

Mr. HAMLIN. There is no question about it. [Applause.]

APPENDIX.

A bill (H. R. 11157) to amend section 291 of the United States Statutes at Large, approved February 9, 1793.

Be it enacted, etc., That section 291 of the United States Statutes at Large, approved February 9, 1793, be amended by adding to and at the end of said section the following:

"*Provided*, That if the President shall make, or cause 'the Secretary of State to make,' or shall permit the Secretary of State or any other person to make, 'a certificate of the amount of such expenditure as he may think advisable not to specify,' and which certificate shall include any item or items which shall not have been necessary 'for the purpose of intercourse or treaty with foreign nations,' the same shall be construed to be a misappropriation of the public funds, and is hereby declared to be a high crime and misdemeanor, in the meaning of section 4 of Article II of the Constitution of the United States; and, in order that Congress may determine whether in its judgment the provision of this section has been violated, Congress shall, immediately after the passage of this act and at the beginning of each term of Congress thereafter, create a joint committee of the Senate and House of Representatives, to serve during that term of Congress, which committee shall be composed of three Members of the Senate, to be selected in such manner as the Senate may determine, and three Members of the House of Representatives, to be selected in such manner as the House of Representatives may determine, and to which committee the President of the United States shall, as soon as may be after the convening of Congress each year, file with said committee an itemized report, for the preceding fiscal year, of the expenditure of the fund referred to in this section, showing for what purpose expended, and which report shall be by said committee kept secret, except such items as may, in the judgment of the majority of said committee, be determined ought not to have been paid out of said fund and included in said certificate."

So that said section when so amended shall read as follows:

"SEC. 291. Whenever any sum of money has been or shall be issued from the Treasury for the purpose of intercourse or treaty with foreign nations, in pursuance of any law, the President is authorized to cause the same to be duly settled annually with the proper accounting officers of the Treasury by causing the same to be accounted for specifically, if the expenditure may, in his judgment, be made public; and by making, or causing the Secretary of State to make, a certificate of the amount of such expenditure as he may think it advisable not to specify; and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended: *Provided*, That if the President shall make, or cause 'the Secretary of State to make,' or shall permit the Secretary of State or any other person to make, 'a certificate of the amount of such expenditure as he may think advisable not to specify,' and which certificate shall include any item or items which shall not have been necessary 'for the purpose of intercourse or treaty with foreign nations,' the same shall be construed to be a misappropriation of the public funds, and is hereby declared to be a high crime and misdemeanor, in the meaning of section 4 of Article II of the Constitution of the United States; and, in order that Congress may determine whether in its judgment the provisions of this section have been violated, Congress shall, immediately after the passage of this act and at the beginning of each term of Congress thereafter, create a joint committee of the Senate and House of Representatives to serve during that term of Congress, which committee shall be composed of three Members of the Senate, to be selected in such manner as the Senate may determine, and three Members of the House of Representatives, to be selected in such manner as the House of Representatives may determine, and to which committee the President of the United States shall, as soon as may be after the convening of Congress each year, file with said committee an itemized report for the preceding fiscal year of the expenditure of the fund referred to in this section, showing for what purpose expended, and which report shall be by said committee kept secret, except such items as may, in the judgment of the majority of said committee, be determined ought not to have been paid out of said fund and included in said certificate."

LEAVE TO PRINT.

Mr. HARRISON of New York. Mr. Speaker, I ask unanimous consent that there may be printed in the RECORD an address recently made by my colleague, Mr. REDFIELD, before the Manufacturers' Export Association.

The SPEAKER pro tempore. A unanimous consent is asked that there may be printed in the RECORD an address by the gentleman from New York [Mr. REDFIELD] before the Manufacturers' Export Association. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I wish to say that I shall have no objection if the gentleman will ask unanimous consent to take the floor and print this as a part of his speech, with leave to extend his remarks.

Mr. HARRISON of New York. I ask unanimous consent to be recognized.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. HARRISON of New York. Mr. Speaker, I am sure that the manufacturers of the United States are looking for an extension of their markets, particularly the home market; and in connection with that idea I ask unanimous consent to extend my remarks by printing in the RECORD a speech made by my colleague, Mr. REDFIELD, last month before the Manufacturers' Export Association.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The speech referred to is as follows:

ADDRESS OF HON. WILLIAM C. REDFIELD.

Mr. PRESIDENT AND GENTLEMEN: When I accepted the courteous invitation of your secretary to address your association, it was with the thought of a conference with fellow manufacturers on subjects of mutual concern. The matter has, however, so developed that I find myself speaking before a body of recognized experts. I can not claim any peculiar knowledge or experience that would warrant my thinking of enlightening or informing you, and therefore the most I can hope is to formulate some thoughts that manufacturers who seek export trade have in common, and through you perhaps suggest to others some ideas that with your approval may be helpful.

THE LEADING FACTORS IN THE WORLD'S MARKETS.

In the world's markets there are three great competitors—England, Germany, and the United States. There are, of course, others who enter these markets, as France and Belgium, and so forth, but the three countries named are the leading industrial ones and their competition especially interests us. I do not minimize the position of France, with her great wealth and the exceptional skill and artistic taste of her people, but her position is individual and rather separate from that of the three great competitors.

THE POSITION OF GREAT BRITAIN IN EXPORT TRADE.

Let us examine briefly these three. Great Britain has in her favor vast free capital which, with her primacy in the merchant fleet of the world and the material resources of her great Empire, have given her a dominating position. Her manufacturers sell in large part in markets controlled by their own power and have at their disposal a world-wide shipping and an equally widespread and strong banking system. In some parts of her Empire preferential duties exist in her favor, with cheap postage and the control of telegraph lines throughout the world. From this hasty sketch we must not omit the courage and strength of the English character, nor the exceptional record of her great houses for honor and strength, nor almost 200 years of industrial and commercial experience.

GERMANY AND HER EXPORT TRADE.

The great foreign trade of Germany is of recent growth. It is backed by an almost perfect commercial organization and by the exceptional German talent for thoroughness and research. Doubtless German foreign commerce is based upon more thorough and scientific knowledge and study and preparation than that of any other people. She, too, places at the support of her exporters a widespread merchant shipping and world-wide banking power.

AMERICA AS AN EXPORTING NATION.

The United States is the youngest competitor of the three, so far as relates to the world's markets. One need not go back far to find the time when our export trade in manufactures was negligible. We have not yet the enormous free wealth of Great Britain, we lack the scientific organization of Germany, we are without foreign shipping and almost without foreign banks. We have, however, as one great resource the peculiar initiative of the American, his inventiveness, that spirit which makes the progress in your shops so rapid that six months ago with many of you is ancient history, that alertness, that mechanical imagination which reaches many a result long before the German by research has sought it out or the Englishman has contemplated a change.

COMPARATIVE FEATURES OF ENGLISH AND GERMAN EXPORT TRADE.

Let us go a bit deeper in our analysis. Great Britain must export or die industrially. Perhaps 90 per cent of all she manufactures is and must be sold abroad. She has not the domestic means of consumption. Therefore, the outlook of the English manufacturer is a world-wide one. From his earliest start at industry he has thought of things abroad. A factory in his country whose market is chiefly at home is relatively rare. By every instinct and training he is an exporter, and the great system that backs him up has grown out of the necessity of his case and the political power of his Empire responds to and fills the need.

In Germany a rapidly growing population in a country that can not expand in area and which has, on the whole, limited natural resources must expand commercially or must commercially die. The German people alone can not absorb the product of the highly trained German mind and hand. The German has a peculiar genius for organization, and seeing his great competitor, Great Britain, established throughout the world he has by organization and study developed that which she lacks and has become a serious and a menacing competitor with her. The German manufacturer may, because of the larger population of his land, find a larger home market than Great Britain, but it is true of him also, though in lesser degree than with his English rival, that he must export the larger part of his product; hence he, too, finds his outlook into the world's markets a normal one.

THE EVOLUTION OF AMERICAN EXPORT TRADE.

Here in America the reverse is true. For a century or more we have been developing our industries with a proper and sole regard to our domestic needs. The markets of America have grown so fast, both in quantity and quality of their demands, that our industries have till recently had much to do to keep them supplied; but of late years a change has come. Our industries have so grown that their output when run continuously at full time is greater than our home market will take at its best, and when times are dull here there is a large surplus of unsold goods. Out of this has grown first the wish for and then the need to obtain foreign markets. Out of this same background has grown the peculiar outlook of the American manufacturer upon the foreign field. To him it is not or has not been the chief market he seeks, but rather an incidental one. His output has been meant for home consumption first and secondarily for sale abroad, and it is as yet only in exceptional cases that he has come to realize the great value of the foreign markets to him and to know that they may be as valuable a part of his permanent field as are his customers at home.

Therefore, we American manufacturers enter the foreign campaign with certain handicaps. Our competitors regard the foreign markets as their primary work, we as our secondary work. They must have them to survive. We want them to add to a market already very large. They strain every nerve, commercial and governmental, to secure and maintain them. We have nothing but private initiative, the alertness of mind of our manufacturers, and our peculiar inventive genius and restless energy upon which to depend. Yet despite these handicaps we have become a mighty factor in the foreign field, until now out of our total exports manufactured products are 45 per cent, and the great mass of agricultural products, for which for many years we have been famous throughout the world, has fallen to a subordinate place as compared with our foreign sales of manufactures. The day when American manufacturers could not compete on even terms with the producers of Europe has largely passed, and our opportunities are enlarging as our outlook broadens.

This brief and inadequate sketch of the broad conditions affecting our export trade leads naturally to the question how we shall add to that we have already won. It has been found that our peculiar capacity for making and using mechanical devices and labor-saving apparatus of all kinds has enabled us to make our way even against strong and established rivals. You know without my telling you that the products of American factories are selling all over the world, competing in price, or quality, or design, or all of these elements combined, with the products of Germany and England. So true is this, so well do we like the taste of that we have already had that we cry for more. Those who have already developed the field need little information from me, but those to whom it is as yet an untried quantity may be helped by considering what needs to be done to develop this field further.

OUR FOREIGN TRADE REQUIREMENTS.

What the American manufacturer needs to begin and develop an export trade may be classed under two heads—general requirements and special requirements, or perhaps it were better to say, large things and little things.

In the first place, then, much depends upon his own mental outlook upon the foreign field. Just here many an American has come to grief. If a foreign market be regarded as an incident or a flyer amid the constant pressure of a large domestic trade, to receive attention when he needs sales, and to be neglected at other times, then he would better give up thought of any serious export business. His rivals in Germany and Great Britain are on the job all the time. The American who competes in this haphazard way may through a lucky chance or the interest of some export commission house receive some orders, but if they come when domestic business is pressing and are treated at such times as of comparative unimportance, or if the details of the foreign order are considered unworthy of special notice and something other than that ordered is substituted which it is thought will do as well, then farewell to the growth of the foreign business for him. The German will be there searching out just what that man wants, and the Englishman will be offering him goods whose standard quality will not alter for decades together, and no haphazard way of getting or treating foreign orders will long survive that kind of competition. An American manufacturer to secure foreign trade must take it seriously, must be prepared to invest in it with a view to its future development, just as he does at home, to regard it as of equal interest in due proportion to its size to his home trade, to cater to one as he does to the other, and to treat the foreign trade with a patient faith in its growth if his goods and methods are right, because he should know before he starts in that it is "long-distance" business that can not be hurried, and which if it is ever to flow as a river must begin as a brook.

THE PROPER DEVELOPMENT OF FOREIGN TRADE.

Having determined that he will patiently and steadily develop a foreign trade and, so to speak, "stand the gaff" of expenditure upon it while looking and waiting for future results, he must next remember that the foreigner will not buy from him because he is an American, and that the foreigner may be quite right in saying that American designs, sizes, styles do not suit him. The American manufacturer then must expand his vision. Many a one of them only sees to the 3-mile limit. He must, to succeed, put himself to some degree in his customer's place, study his wants and offer him that which he wants to buy, rather than that which he, the manufacturer, wishes to sell. Therefore, the American manufacturer should go, if he can, or send to that foreign market and acquire his knowledge of it at first hand. He must, indeed, learn a good deal through others, but these others will tell him what it is to their advantage for him to know and no more, and if confined to that, he will work with second-hand knowledge. He would not do that at home. He can not long continue to do it abroad. His European competitors know just what they are doing, and the American must learn to do likewise.

He will speedily find that many goods are offered more cheaply than he can produce them, and at once will be forced to decide whether he will lie down or stand up. In the former case he will conclude that the poor efficiency of his labor or the high rate of wages he has to pay make it impossible for him to compete abroad, and he will conclude that the home markets are best for him. If he is minded, however, to stand up he will enter upon a merciless course of self-criticism. He will believe that nothing in his own business is right till he has tested and proved it so. He will be dissatisfied with his plant, his methods of management, of production, of handling men, his costs, his overhead charges, with everything. He will not wait for his customers to find fault with him, he will do his own faultfinding, and if he is sincere and is not imbued with that most hopeless of all industrial diseases called "knowing his own business," he will find every day for years on

end something that can be bettered. His superintendent, who, with an indifferent employer, might continue the use of antiquated machines, will on the contrary be doing a fair second-hand trade in them, and when his old equipment has been replaced with new, he will still not be satisfied. Nay, he will go perhaps to the point where he will have machines invented and made for him, or will so make them himself in order to meet a certain need. He will not crowd the soul and life out of his workmen, but will recognize that their prosperity and his are bound in one, and that if his product is to be brought low in cost it must be by furnishing them the very best tools and equipment and the most favorable working conditions. Because only when that is done and liberal and assured pay is added to it can one get that self-discipline enforced which is the life of a high-grade modern shop, for no watchfulness of foreman or superintendent and no pressure from above can take the place of the willingness of brain, added to the zealous hand of a happy, well-paid, well-placed, well-equipped, and contented workman. Physical or nervous overstrain is unprofitable in the shop or mill, as well as in the office. So, side by side, with a broad outlook into the world must go a broad outlook into his own shop. Such a manufacturer will look closely and ceaselessly at his rate and quality of product, and at its sure and steady flow. He will watch his wastes and his unproductive expenses, but the last thing that will worry him will be the rate of wage. If his goods come out with few or no seconds, if his ratio of repairs is small, if his waste of time and materials is kept to a low limit, if his shop is well balanced, if the spirit in his works is that of earnest, steady, quiet enthusiasm, if he is a leader to his men and not a tyrant over them, he will be content if his men earn high wages for his cost sheets will be right. But he must meet the organization of the German and the strength of the Englishman with the keenest study of the quality and the rate of his own production, and he must never be able to say of his own ways "I am satisfied."

The man with this outlook within and without whatever his line of product, need not fear to enter the world's competition and given patience he will be successful therein.

AMERICAN IGNORANCE OF FOREIGN CONDITIONS.

These are the great things. But some little things are important, too. We have had too much in America the spirit of the classic question, "What have we got to do with abroad?" and this spirit has led to a comprehensive ignorance of "abroad" which has been a sad handicap. I am afraid to speak of our lack of knowledge of common geography, for it is a sad and painful subject. It has its tragic-humorous side. One smiles when a Boston house writes to Manila on June 9 and again on June 25, saying on the latter date that they have received no answer to theirs of the 8th, and must insist upon an immediate reply. It is a bit droll to have a New York house refer an inquiry from Panama to its agents in the Philippines, but both of these took place.

I must confess to a letter from my own office not long since covering a statement of a small account, and asking the office in New York to step out and collect it, said account being in Brazil. And I remember asking a clerk where Jamaica was, to be told it was in the Pacific Ocean. If I proceed along this theme my remarks will possibly become more forcible than fragrant, and I will only say that the ignorance of the average American young man and woman as to the world's geography is vast. I have never found, and the inquiry has frequently been made, any school anywhere where they taught geography with any degree of thoroughness. It is really quite important to know in what part of the world a would-be customer is. I have seen heating apparatus recommended for Java. Akin to this is the equally tragic lack of knowledge of foreign languages existing among us. This is epitomized in the old joke: "If the foreigner does not understand English, speak louder." Our own tongue is so good a language and we speak it so well that it almost seems discourteous for a foreigner not to understand it, and we are so accustomed to feet and inches that meters and the like seem disagreeable. I have known American manufacturers abroad to realize with something of a shock that intelligent merchants and manufacturers could not alway speak or understand English, and that the French and German and Spanish languages were really practical things in the countries where they prevail. It has been with an amused annoyance sometimes that some of my fellow men have had painfully to realize these things to be true. I remember that at the Paris Exposition a large Chicago house had an exhibit. It was near mine, and after the exposition had been open a month or so, the case containing the goods sent by this house was so very much in my way, for it had stood about a fortnight or more in the aisle, that with my own man I opened it and set it up in the show case belonging to my Chicago friends. There was a lot of literature with it, all in English, and all in feet and inches and dollars and cents. I have more than a suspicion that the house that treated their goods this way have a profound conviction that expositions are no good. Not far away were the exhibits of some very well-known manufacturers in Connecticut which they had put into the hands of a Paris house that had 50 exhibits in charge, and each of them naturally got one-fiftieth of the attention of that house. One day a fine-looking German came and looked over their case intently. He could speak but little English, but after a while came to me and made me understand that he wished to speak to the representative of that exhibit. I managed to tell him that the man came there once a day for a few minutes, and otherwise I knew him not. He went away, and 10 days later returned with his bright, intelligent daughter, who spoke English well. She told me her father had sent home to Germany for her that she might talk English to the representative of the American manufacturer, for her father wanted to buy some of the American tools. To my great regret I could not even then find the representative of the American exhibitor, and the couple departed, and the American lost an order.

CATERING TO THE DEMANDS OF FOREIGN BUYERS.

The line of least resistance with a foreign buyer is to offer him the goods he wants described in the way he understands them and in the measures and weights with which he is familiar. If a Russian came to St. Louis to sell goods speaking only Russian and with Russian literature, he would not get far, but more than one American manufacturer has tried just this sort of thing. The widespread and growing use of English throughout the commercial world has aided us, but ability to reach a customer in the language and the terms he understands, it is hardly necessary to say it, is helpful.

CHANGING FOREIGN PRICE LISTS AND DISCOUNTS.

American manufacturers are charged all over the world with certain sins alleged to be almost peculiar to them—underpaid postage, bad packing, substitutions of goods, inattention to correspondence, long and unexplained delays. All these are in the calendar of evils, and with some justification. To these can be added one special business sin that exasperates foreign buyers and has made some drop American lines that they had taken up. I refer to what seems to be our ingrained habit of changing list prices and discounts.

A foreign buyer takes an interest in a line, puts it in his circulars or catalogues, spends money to sell it, and gets it going, sends in an order. He then receives word that since the last catalogue sent him the price is changed and one is now pleased to quote him so and so, less so much. Or he receives his goods together with a letter stating that the order is filled somewhat reluctantly because the price has meanwhile advanced and future lots will carry the new price. Instantly all the expense the foreign buyer has put upon the goods is wasted. His customers feel that he has tricked them, and the American manufacturer is called very hard names, of which "shabby" is one of the least. I recall one concern, and a large one, the head of which personally supervised the detail of making up every price list, for he said those price lists were the heart of his business and they should be made with such thorough care that they never should be changed. They were not changed for 15 years, and every buyer of that man's goods abroad knows that save for serious cause that list will not be altered. This is true, though in a lesser degree, of discounts. I have known houses abroad either angered by an increase in price in some such way as I have described, or almost equally annoyed by having a stock of goods on hand, and having the manufacturer send out without notice a revised discount sheet in such manner that his foreign agent was obliged to sell out at a loss.

FOREIGN CREDITS AND PAYMENTS.

In the matter of terms, many of us make the serious mistake of grouping all foreigners as unsafe people to receive credit and of writing rather curt letters that cash with order or against documents are our sole export terms. It is needless to tell this audience that there are houses in almost every large city in the world a debt from whom is a sound asset. I wish more of them owed me largely. Cash against documents is preferred by many buyers as well as sellers, but it is a pity to lose valuable orders from sound houses because a provincial habit keeps us from doing what our competitors do. Do you believe in your own goods? Then, within reasonable limits and when conditions permit, why not let a sound house see or even try them before they are asked to pay? A failure to show this confidence or courage (with caution) has cost orders.

POSTAGE AND PACKING EVILS IN AMERICAN EXPORT TRADE.

On the subject of insufficient postage, I can only say that there are houses abroad who so frequently receive underpaid letters from America that they simply reject them. It is hopeless to correct this evil, this trifle which has cost a good deal of money to our industries—it is hopeless, I say, to correct it until we give up putting the cheapest office boy we have at sending out the mail in our offices. We pay, perhaps, $20 per week to have letters typewritten that are dictated by a man who may get several thousands a year, and we often spoil the operation by putting a $3 a week boy to inclose and mail them.

One day I saw a lot of American goods in the Far East all streaked with rust. The buyer was himself an American by birth and training, but he had given up buying those goods in the United States. He said that he was paying 15 per cent more for English goods, and the reason was that the Englishman packed his goods properly and the American would not. He said would not because he had written the American manufacturer pointing out to him that goods going around the Horn and crossing the Pacific should be wrapped in oiled paper or oilcloth to keep them from moisture, and asked that a consignment be so packed. To this the American manufacturer replied that he knew how to pack his goods and would send them out well cared for in the usual way. These were the goods I saw damaged by streaks of rust, and that was the last order that was sent.

I saw one lot of small oil stoves that had been shipped from America, half of which were broken when they arrived. The buyer had requested special care to the packing with this result. That was also the last order.

In one case a green label was not wanted because the native people did not like that color, but when the order was received in America and the standard label was green, the manufacturer or his storekeeper said things about the foolishness of the natives and shipped the regular goods. In due time they came back with freight charges both ways to follow, and no orders came after that.

A shipment for Santos was sent to Rio, and months of delay ensued and much expense complicated by the fact that the shipper kept all the bills of lading in his own desk.

It would not be fair, however, to give the impression that these were average or typical cases among American manufacturers. They are far too numerous and they are an injury to the trade of those who know and do better. An English or German manufacturer can accept a cable order to go by a definite steamer on a fixed future day, for in Europe the railroads cooperate and will take the shipment from the interior to be delivered "for specific sailing." Our railroads will not receive freight on this definite basis, and while, doubtless, they do their best, this uncertainty restricts our industries. We lose steamers now and then and goods lie over sometimes a month. This does not occur abroad. The law will not allow our railroads to accept an export shipment for "specific sailing" and then pay damages if they fail to connect for fear this will be a "rebate." We ought to get rid of this handicap. It is expensive to us in the loss of orders. Let us now refer briefly to one greater handicap under which American manufacturers suffer.

OUR MERCHANT NAVY AND FOREIGN COMMERCE.

German and English manufacturers find at their coast line shipping companies eager to facilitate the commerce of those lands. Do we? All the way from Hongkong by way of India to New York I saw not one American flag on a ship. One vessel bearing our flag had been in Calcutta within a year. I saw a neat merchant steamer carrying the flag of Sarawak, a principality in Borneo, and three good merchant steamers carrying the flag of Greece, but none of ours. We have all discussed this theme in public heretofore as if it were a matter for our shipbuilders or our shipowners chiefly to consider, or as if our sailors were most in interest, but this is not so. There is no worker in the factories you represent, nor a worker in any factory throughout our broad land that is not a sufferer by the absence of our own merchant ships, and you yourselves are daily losers by it. Consider what the position of a city like St. Louis would be if all the railroad lines entering it and every steamboat line upon the river also were not only owned in Chicago, but were deliberately operated in the special and peculiar interest of Chicago and with the purpose of developing the trade of Chicago at the expense of all others. How long, think you, would the business man of St. Louis prosper under that pressure? But

this, gentlemen, is practically what you and your fellows encounter at our water front. Your goods there enter, with rare exceptions, into the hands of shipping lines whose chief interest it is to develop the commerce of their own nations. They are glad to get, of course, the business flowing from our shores, and in a degree must so far cater to it as not to lose it, but throughout the preference is given and must be given in their connections and in their management to those who are our competitors and who are their compatriots. If it can be realized that all Americans, manufacturers and farmers alike, who seek export trade are constantly handicapped by having to ship their goods through the hands of our commercial antagonists, we shall be more disposed to cut short the delay in doing something serious to restore our merchant marine. We have talked subsidy and we have talked differential duties, and we have talked free ships, but in this great practical America no men have yet arisen commanding enough to say on this vital theme: Get together, cut out the trivial issues, forget prejudices and passion and party, let us have a conference of all concerned, pledged to some result before it adjourns. Can not personal and special interest be put aside and the demand for something creative come up from every factory in our land so strongly that we shall all know what the owners and the workers in all our mills are coming to know that they are the real sufferers, and that this handicap upon our industries must cease. I have no panacea to offer, no one cure to propose as final, but this one thing I do purpose to do, viz, to support every measure so long as it be righteous that even looks toward re-establishing our merchant marine. It may not be a perfect measure; it may be a very partial measure; but whatever it is, if it looks that way and is clean, I am for it. For we have set off too long one man's "kicks" against the other's prejudice, and rather than please some one we have all fallen into the ditch. It is time to get something done.

AMERICAN PRODUCTS AND FOREIGN COMPETITION.

And now, gentlemen, let us frankly, as manufacturers, face certain facts. An attitude that we are able to compete with foreign manufacturers on their own ground while unable to compete with them on our ground can not long be maintained. The day of special privilege for you or me is passing away, not to return. The day of self-help, of standing on our own feet, of facing fearlessly the world in open competition with it is dawning. It may not come abruptly; it should not so come, and it may come with certain painful processes in its readjustments. But coming it is, inevitably. And when it comes our readjustments need not be made at the expense of the workers we employ, nor to our loss either, if we are wise and careful. Already men have begun to learn that to reduce wages induces waste, and that such a course is at best a costly and crude process.

You and I must learn that efficiency means three things that always go together and can not be separated, viz, the increase in our output and its improved quality, the increase in what we pay our workers, and because of these the decrease both in the direct and indirect cost of what we make. We are the most efficient people in the world, yet are but beginning to be efficient. We have got to learn to utilize the brains of our workers as we utilize their hands. The best plants anticipate and avoid waste as far as may be by designing, making, protecting, operating their machinery in accord with the laws of its being. When we treat our men this way, use the best there is in each of mind and hand, fitted carefully to the work he best can do, and doing it after careful instruction with the best appliances under the conditions that meet his manhood (mental and physical) best, then we shall save human waste and reach a quality and quantity of product that will free us from all doubts of our power to meet on equal terms the men of any land. So long as we look first at the wage rate and the past or present cost instead of at the product rate and the possible cost we shall all be cowards. He who would export must first be fearless, then patient, and backed by fearless patience, by continued self-criticism and intelligent knowledge and a broad spirit, the most doubtful of us will come to know the fact that American manufacturers are peers to or superior of any in the world and able if and when they choose to meet them fearlessly in the commercial arena of the world.

THE RELATIONS OF CAPITAL AND LABOR.

I intend to end here, but there are conditions in our public affairs that seem to call for a word more to this gathering of thoughtful men. The day is passing away when in this land any man or group or corporation can say in effect to any of their fellows, "All that you have is mine if I can get it." The day is passing when an employer can say to his men, "All you have of brain and body and soul is mine at the least return if I can get it." Profits are ceasing to be the sole and supreme law; men doubt the righteousness of a high dividend rate from a factory that does not pay an average wage sufficient for a decent living. Men feel that there are limits to the arbitrary buying of labor at the lowest cost that poverty exacts. There are those who say that for a manufacturer to say his costs are high because his labor is inefficient is to condemn himself. These and similar things are in the air.

INDUSTRIAL COMBINATIONS AND ECONOMIC FACTS.

Together with this is the cry against the great combinations arising from popular wrath at profits thought to be unrighteously exacted or from the unjust destroying of small competitors. Yet we must have large masses of capital in our industries and under strong control, for to produce cheaply we must produce largely. The day of small production has gone, too. But such large grouping of capital must no longer be upon the old basis, but on a new one, which seeks the efficiency of the worker without overstraining him and while rewarding him well. There must come a new spirit which looks more at the man and less at the pay roll, which conserves the man as one of its primary thoughts, which does not regard a shutdown as a reasonable way of handling a great plant that was meant for production. There must be a change in our philosophy of labor. We must learn the difference between cheapness and economy. We may think well to crowd our machinery to its limit and scrap it in a few years because a new invention shall have then replaced it; but we must learn not to crowd men that way, for we can not scrap men. The man can grow, the machine can not, and we must be sufficiently scientific in our management to avail ourselves of the growth of the man. We must be intolerant of inefficient labor by teaching it and by paying it sufficient to stimulate it into efficiency; but this must not be done as a driver would drive slaves, but as a leader would lead men.

INDUSTRIAL EFFICIENCY AND THE EXPORT TRADE.

There is distrust in the public mind of our great industries because men feel that they have exploited the men who do their work and the people who buy their products, and this distrust must be removed by a facing about of our captains of industry till they shall take pride in paying high wages, till threats of economy by cutting pay rolls shall be considered disgraceful, till the men in the mill shall be as the producing factor—one of chief concern. I say these things must come, and in so far as they have come in the places where they have arrived there is more to-day of industrial peace and plenty and profit than in the darker corners of our factories. We must find a way to combine the living and expending wage with the grouping of capital and the growing of product, so that the human forces contained within these lines shall work together. Too much of our criticism is merely tearing down. Let us begin to build, and one of the first steps in this rebuilding, for it is no less, of our industrial structure will be to ask ourselves sincerely and searchingly the question I have hitherto suggested, "Where are we wrong?" and to answer that question fearlessly, even though it may require our putting aside the prejudice and the practice of the past. When this shall be done, our exports, which, large as they are, are perhaps less than 5 per cent of our total commerce, will so expand that, since the markets of the world are steadier far than the markets of any one country can be, our factories will run full time, filled with well-paid and happy people, to the profit of their owners and to the public weal.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock p. m.) the House adjourned until to-morrow, Wednesday, December 6, 1911, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Commissioner of Indian Affairs, reporting that no Indian tribe for which appropriations are made has engaged in hostilities against the United States during the fiscal year ended June 30, 1911 (H. Doc. No. 224); to the Committee on Indian Affairs and ordered to be printed.

2. A letter from the Secretary of the Interior, transmitting report of expenditures for encouraging industrial work among Indians of the Tongue River Reservation, Mont. (H. Doc. No. 198); to the Committee on Indian Affairs and ordered to be printed.

3. A letter from the Secretary of War, transmitting a statement of expenditures at the Rock Island Arsenal, Ill., and the Springfield Armory, Mass., for arms, etc., for the fiscal year ended June 30, 1911 (H. Doc. No. 214); to the Committee on Expenditures in the War Department and ordered to be printed.

4. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Horatio G. Gibson *v.* The United States (H. Doc. No. 227); to the Committee on War Claims and ordered to be printed.

5. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Simon Lyon, administrator of the estate of Alfred T. A. Torbert, deceased, *v.* The United States (H. Doc. No. 226); to the Committee on War Claims and ordered to be printed.

6. A letter from the Secretary of War, transmitting a statement showing receipts and expenditures of special contingent funds collected from nonmilitary residents of Fort Monroe, Va., for fiscal years 1910–11 (H. Doc. No. 213); to the Committee on Expenditures in the War Department and ordered to be printed.

7. A letter from the Secretary of the Interior, reporting steps taken to sell the land, buildings, etc., of the old Fort Spokane Military Reservation, in the State of Washington (H. Doc. No. 205); to the Committee on the Public Lands and ordered to be printed.

8. A letter from the Secretary of the Interior, reporting that no diversions were made during the fiscal year ended June 30, 1911, of appropriations for subsistence of the Indian tribes (H. Doc. No. 206); to the Committee on Indian Affairs and ordered to be printed.

9. A letter from the Secretary of the Interior, submitting a report of expenditures under appropriations for relief of destitute Indians, etc., during fiscal year ended June 30, 1911 (H. Doc. No. 200); to the Committee on Indian Affairs and ordered to be printed.

10. A letter from the Secretary of Commerce and Labor, submitting a report showing expenditures under miscellaneous appropriations under the control of the Department of Commerce and Labor for fiscal year ended June 30, 1911 (H. Doc. No. 221); to the Committee on Expenditures in the Department of Commerce and Labor and ordered to be printed.

11. A letter from the Secretary of the Interior, transmitting detailed statement of receipts and expenditures of the Government Hospital for the Insane for the fiscal year ended June 30, 1911 (H. Doc. No. 212); to the Committee on the District of Columbia and ordered to be printed.

12. A letter from the Secretary of War, transmitting statement showing the cost of all type and experimental manufacture of guns and other articles and the average cost of the several classes of guns and other articles manufactured by the

Government during the fiscal year ended June 30, 1911 (H. Doc. No. 216); to the Committee on Expenditures in the War Department and ordered to be printed.

13. A letter from the Secretary of the Interior, transmitting statement of expenditures for the fiscal year 1911 from the appropriation "Industrial work and care of timber" (H. Doc. No. 211); to the Committee on Indian Affairs and ordered to be printed.

14. A letter from the Secretary of the Interior, transmitting statement of cost of survey and allotment work on Indian reservations for the fiscal year 1911 (H. Doc. No. 210); to the Committee on Indian Affairs and ordered to be printed.

15. A letter from the Secretary of the Interior, transmitting a report of expenditures from the permanent fund of the Sioux Indians during fiscal year ended June 30, 1911 (H. Doc. No. 201); to the Committee on Indian Affairs and ordered to be printed.

16. A letter from the Secretary of the Interior, transmitting a statement of expenditures for salaries, etc., of officers and employees of Freedmen's Hospital for fiscal year ended June 30, 1911 (H. Doc. No. 202); to the Committee on Expenditures in the Department of the Interior and ordered to be printed.

17. A letter from the Secretary of the Interior, transmitting statement showing distribution of moneys expended for irrigation and drainage, Indian service, for fiscal year ended June 30, 1911 (H. Doc. No. 203); to the Committee on Expenditures in the Interior Department and ordered to be printed.

18. A letter from the Acting Secretary of Commerce and Labor, transmitting statement of expenditures, "Miscellaneous expenses, Division of Naturalization, 1911," and "Deficiency act approved March 4, 1911," under control of Department of Commerce and Labor (H. Doc. No. 223); to the Committee on Expenditures in the Department of Commerce and Labor and ordered to be printed.

19. A letter from the Secretary of the Interior, transmitting a statement showing diversion of appropriations for the pay of specified employees of the Indian Service for fiscal year ended June 30, 1911 (H. Doc. No. 199); to the Committee on Indian Affairs and ordered to be printed.

20. A letter from the Librarian of Congress, transmitting a statement of travel expenses incurred by officers and employees of the Library of Congress during the fiscal years 1910-11 (H. Doc. No. 225); to the Committee on the Library and ordered to be printed.

21. A letter from the Secretary of the Interior, transmitting for information of the House of Representatives copy of the report of the Maritime Canal Co., of Nicaragua, made to the department on December 1, 1911 (H. Doc. No. 204); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

22. A letter from the Secretary of War, transmitting annual report of board covering Fort Leavenworth and Alcatraz Island prisons, together with copies of reports of the commandant of those prisons for the fiscal year ended June 30, 1911 (H. Doc. No. 215); to the Committee on Expenditures in the War Department and ordered to be printed.

23. A letter from the Secretary of the Treasury, transmitting a statement of expenses incurred by officers and employees of the Treasury Department while traveling on official business from Washington to points outside of the District of Columbia during the fiscal year ended June 30, 1911 (H. Doc. No. 217); to the Committee on Expenditures in the Treasury Department and ordered to be printed.

24. A letter from the Secretary of the Interior, transmitting a statement showing the documents received and distributed by the department during the fiscal year ended June 30, 1911 (H. Doc. No. 207); to the Committee on Expenditures in the Department of the Interior and ordered to be printed.

25. A letter from the Secretary of the Interior, transmitting report showing cost investment, etc., in school and agency properties entitled to share in appropriations, general or specific, made by the Indian act approved March 3, 1911 (H. Doc. No. 209); to the Committee on Indian Affairs and ordered to be printed.

26. A letter from the Secretary of the Interior, submitting statement of the fiscal affairs of Indian tribes required by the act approved March 3, 1911 (H. Doc. No. 208); to the Committee on Indian Affairs and ordered to be printed.

27. A letter from the Postmaster General, transmitting statement showing in detail claims of postmasters for reimbursement on account of losses of money orders and postal funds acted on during the fiscal year ended June 30, 1911 (H. Doc. No. 222); to the Committee on Expenditures in the Post Office Department and ordered to be printed.

28. A letter from the Secretary of the Treasury, submitting a report of the contingent expenses of the Treasury Department for the fiscal year ended June 30, 1911 (H. Doc. No. 218); to the Committee on Expenditures in the Treasury Department and ordered to be printed.

29. A letter from the Secretary of the Interior, transmitting one copy each of the Senate and House Journal of the regular session of the Sixth Legislature of the Territory of Hawaii for 1911, together with a copy of the laws of the Territory enacted at the special session 1909; letter ordered printed (H. Doc. No. 228); to the Committee on the Territories.

30. A letter from the Secretary of Agriculture, transmitting a statement showing in detail the travel expenses of officers and employees of the department in discharge of their duties outside the District of Columbia during fiscal year ended June 30, 1911 (H. Doc. No. 219); to the Committee on Expenditures in the Department of Agriculture and ordered to be printed.

31. A letter from the Secretary of Agriculture, transmitting a detailed statement of the expenditures of the Department of Agriculture for the fiscal year ended June 30, 1911 (H. Doc. No. 220); to the Committee on Expenditures in the Department of Agriculture and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 9735) granting an increase of pension to Permelia Hubbird, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MONDELL: A bill (H. R. 14475) providing for the improvement of East and South roads into Yellowstone National Park; to the Committee on Appropriations.

Also, a bill (H. R. 14476) to provide for a bridge across Snake River in Jacksons Hole, Wyo.; to the Committee on Appropriations.

Also, a bill (H. R. 14477) for marking the site of old Fort Phil Kearney and the Wagon Box fight; to the Committee on the Library.

Also, a bill (H. R. 14478) providing for the sale of grazing lands; to the Committee on the Public Lands.

Also, a bill (H. R. 14479) giving a new right of homestead entry to former homesteaders; to the Committee on the Public Lands.

Also, a bill (H. R. 14480) for improvement of roads on the Wind River Reservation, in Wyoming; to the Committee on Indian Affairs.

By Mr. KNOWLAND: A bill (H. R. 14481) to provide for the payment of tolls and transit charges on vessels owned by the United States and merchant vessels of the United States engaged in the coastwise trade of the United States passing through the Panama Canal, and for other purposes; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 14482) to provide for the operation of the Panama Canal, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MANN: A bill (H. R. 14483) to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated seeds and seeds unfit for seeding purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RUSSELL: A bill (H. R. 14484) to amend an act approved February 24, 1911, authorizing J. W. Vance and others to construct and maintain a dam and tunnel on the Big Bend of the James River, in Stone County, Mo., to create electric power; to the Committee on Interstate and Foreign Commerce.

By Mr. SWITZER: A bill (H. R. 14485) for the acquisition of a site and the erection of a building thereon at Gallipolis, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. STEENERSON: A bill (H. R. 14486) to exempt township mutual fire insurance companies, farmers' mutual telephone companies, and farmers' cooperative creamery associations from the corporation tax; to the Committee on Ways and Means.

By Mr. EVANS: A bill (H. R. 14487) to amend sections 1 and 2 of the act of March 3, 1905, providing for judges in the northern district of Illinois; to the Committee on the Judiciary.

By Mr. LAFFERTY: A bill (H. R. 14488) to amend section 2291 of the Revised Statutes of the United States, relating to homesteads; to the Committee on the Public Lands.

By Mr. HARRISON of New York: A bill (H. R. 14489) to permit any corporation, joint-stock company or association, or insurance company to change the date of filing its annual return of net income, required under section 38 of the tariff act of August 5, 1909, from the close of the calendar year to the close of its own fiscal year, and for other purposes; to the Committee on Ways and Means.

By Mr. BATES: A bill (H. R. 14490) authorizing that commission of ensign be given midshipmen upon graduation from the Naval Academy; to the Committee on Naval Affairs.

By Mr. PETERS: A bill (H. R. 14491) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary"; to the Committee on the Judiciary.

By Mr. BURKE of Pennsylvania: A bill (H. R. 14492) for the erection of a public building at Pittsburgh, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. HAMLIN: Resolution (H. Res. 319) to pay Samuel C. Neale for services as clerk to the Committee on Expenditures in the State Department from October 15, 1911, to December 4, 1911; to the Committee on Accounts.

By Mr. HARRISON of New York: Resolution (H. Res. 320) requesting the President of the United States to furnish information as to whether duties have been levied since July 26, 1911, on wood pulp and other articles; to the Committee on Ways and Means.

By Mr. GOLDFOGLE: Joint resolution (H. J. Res. 167) providing for the termination of the treaty of 1832 between the United States and Russia; to the Committee on Foreign Affairs.

By Mr. FOSTER of Vermont: Joint resolution (H. J. Res. 168) providing for a commission to secure uniformity of treatment by the Government of Russia of American passports presented by American citizens; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANSBERRY: A bill (H. R. 14493) granting an increase of pension to David Neveau; to the Committee on Invalid Pensions.

By Mr. ANDERSON of Ohio: A bill (H. R. 14494) granting a pension to Ellen Soule; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14495) granting an increase of pension to Stephen Healy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14496) granting an increase of pension to John Alexander; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14497) granting an increase of pension to Thomas Morrow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14498) granting an increase of pension to William S. Aukerman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14499) granting an increase of pension to Edward Myers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14500) granting an increase of pension to Samuel Shawl; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14501) granting an increase of pension to Edward Schertinger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14502) granting a pension to Catherine Alspach; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14503) granting an increase of pension to John Luty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14504) granting an increase of pension to Joseph Mollenkopf; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14505) granting an increase of pension to John Beckley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14506) granting an increase of pension to George A. Robinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14507) granting an increase of pension to Marvin B. Wright; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14508) granting an increase of pension to Silas J. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14509) granting an increase of pension to Howard Landrum; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14510) granting an increase of pension to Samuel White; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14511) granting an increase of pension to Isaac Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14512) granting an increase of pension to Daniel Need; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14513) granting an increase of pension to John Nicely; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14514) granting an increase of pension to Henry Fernbaugh; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 14515) granting an increase of pension to Richard Kiger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14516) to remove the charge of desertion from the military record of John R. Ellis; to the Committee on Military Affairs.

By Mr. AYRES: A bill (H. R. 14517) granting an increase of pension to Daniel O'Connor; to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 14518) granting a pension to Ada C. Mercer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14519) granting an increase of pension to Harrison D. Hickok; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14520) granting an increase of pension to Orman P. Babb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14521) granting an increase of pension to Francis M. Sutton; to the Committee on Invalid Pensions.

By Mr. COPLEY: A bill (H. R. 14522) granting a pension to Belle A. Corbin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14523) granting an increase of pension to Hattie A. Vaughan; to the Committee on Invalid Pensions.

By Mr. CRAVENS: A bill (H. R. 14524) granting an increase of pension to Reuben J. Johnson; to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 14525) granting an increase of pension to Samuel B. Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14526) granting an increase of pension to John H. Woodward; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14527) granting an increase of pension to John L. Murphy; to the Committee on Pensions.

By Mr. DENVER: A bill (H. R. 14528) granting an increase of pension to William H. Anderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14529) granting an increase of pension to Watson D. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14530) granting an increase of pension to David F. Fisher; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 14531) granting an increase of pension to Oliver Tennis; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 14532) granting a pension to Thomas F. Hassett; to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 14533) for the relief of William Dorgan; to the Committe on War Claims.

Also, a bill (H. R. 14534) granting an increase of pension to Harvey Shook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14535) to remove the charge of desertion from the record of Benjamin Brothers; to the Committee on Military Affairs.

By Mr. FULLER: A bill (H. R. 14536) granting an increase of pension to Ira Kennicutt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14537) granting an increase of pension to Jacob Lantz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14538) granting an increase of pension to William M. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14539) granting an increase of pension to John A. Greene; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14540) for the relief of Harriet Hamilton Pratt; to the Committee on Naval Affairs.

By Mr. GREGG of Pennsylvania: A bill (H. R. 14541) granting a pension to Jacob Troutman; to the Committee on Invalid Pensions.

By Mr. GRIEST: A bill (H. R. 14542) granting an increase of pension to Ira C. Knoll; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 14543) granting an increase of pension to Charles Dines; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14544) granting an increase of pension to Charles R. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14545) granting an increase of pension to William F. Emerson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14546) granting an increase of pension to Mary E. Gilman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14547) granting an increase of pension to Isaac Shields; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14548) granting a pension to Marion B. Quimby; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 14549) granting an increase of pension to John T. Leach; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14550) granting an increase of pension to A. S. Pumphrey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14551) granting an increase of pension to William P. Nelson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14552) granting an increase of pension to James H. Cochran; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14553) granting an increase of pension to William W. Graham; to the Committee on Invalid Pensions.

By Mr. LAFFERTY: A bill (H. R. 14554) granting a pension to Isaac McCumsey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14555) granting a pension to Theodore Hansen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14556) granting a pension to Carrie Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14557) granting a pension to William C. Hathaway; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14558) granting a pension to Hattie Fordyce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14559) granting an increase of pension to Thomas J. Carle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14560) granting an increase of pension to William S. Newbury; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14561) granting an increase of pension to Jen Rody Chauncey; to the Committee on Invalid Pensions.

By Mr. LAWRENCE: A bill (H. R. 14562) granting an increase of pension to Charles H. Scott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14563) granting an increase of pension to Ira Bradley; to the Committee on Invalid Pensions.

By Mr. LEE of Georgia: A bill (H. R. 14564) for relief of the heirs of Wilson O. B. Whatley; to the Committee on War Claims.

By Mr. LLOYD: A bill (H. R. 14565) granting an increase of pension to Jacob Garver; to the Committee on Invalid Pensions.

By Mr. McCREARY: A bill (H. R. 14566) granting an increase of pension to William J. Wallace; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14567) for the relief of Sylvester Bonnaffon, jr.; to the Committee on Claims.

By Mr. MAYS: A bill (H. R. 14568) granting a pension to Fannie Kent; to the Committee on Pensions.

By Mr. MONDELL: A bill (H. R. 14569) granting an increase of pension to William McLimans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14570) granting an increase of pension to William F. Marshall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14571) granting an increase of pension to James McGiverney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14572) granting an increase of pension to Benjamine F. Yelton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14573) granting an increase of pension to Edward L. Crall; to the Committee on Invalid Pensions.

By Mr. MORRISON: A bill (H. R. 14574) granting an increase of pension to Samuel J. Fulwider; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14575) granting an increase of pension to John Hull; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14576) granting an increase of pension to John T. Ferguson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14577) granting an increase of pension to Austin Lennen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14578) granting a pension to Martha M. Wright; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14579) granting an increase of pension to Charles C. Duncan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14580) granting a pension to Ira S. Merrill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14581) granting an increase of pension to William Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14582) granting an increase of pension to William G. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14583) granting an increase of pension to Robert M. Batson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14584) granting an increase of pension to Ezekiel Probus; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14585) granting an increase of pension to Francis M. Hull; to the Committee on Invalid Pensions.

By Mr. NYE: A bill (H. R. 14586) granting a pension to Phebe A. Carter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14587) granting an increase of pension to James R. Le Lacheur; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14588) granting an increase of pension to Silas M. Finch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14589) granting an increase of pension to William Schahn; to the Committee on Pensions.

Also, a bill (H. R. 14590) granting an increase of pension to John Vanderhorck; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 14591) granting an increase of pension to Joseph E. Sutherland; to the Committee on Invalid Pensions.

By Mr. PARRAN: A bill (H. R. 14592) for the relief of Thomas Duke; to the Committee on Claims.

By Mr. PETERS: A bill (H. R. 14593) authorizing the President to reinstate Charles Lewis Clifford as a midshipman in the United States Naval Academy; to the Committee on Naval Affairs.

By Mr. PLUMLEY: A bill (H. R. 14594) for the relief of Gilbert J. Gross; to the Committee on Claims.

Also, a bill (H. R. 14595) for the relief of Willard Gilbert; to the Committee on Military Affairs.

Also, a bill (H. R. 14596) for the relief of Albert Gilbar; to the Committee on Military Affairs.

Also, a bill (H. R. 14597) granting an increase of pension to James Armstrong; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14598) granting an increase of pension to Martin V. B. Cross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14599) granting an increase of pension to Samuel C. Vorse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14600) granting an increase of pension to Dennis Wynas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14601) granting an increase of pension to Ellen T. Abbott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14602) granting an increase of pension to Allen Wilson; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 14603) granting an increase of pension to Edmond Moore; to the Committee on Invalid Pensions.

By Mr. SCULLY: A bill (H. R. 14604) granting an increase of pension to Alfred Barfield; to the Committee on Invalid Pensions.

By Mr. SHARP: A bill (H. R. 14605) granting a pension to Anna R. Wright; to the Committee on Pensions.

By Mr. SIMS: A bill (H. R. 14606) for the relief of Philip Cole and the estates of John D. Cole and Stephen W. Cole, deceased; to the Committee on War Claims.

By Mr. SISSON: A bill (H. R. 14607) authorizing the President to reinstate Gaston Lee Holmes as a midshipman in the United States Naval Academy; to the Committee on Naval Affairs.

By Mr. SMITH of New York: A bill (H. R. 14608) granting an increase of pension to John Stafford Stevens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14609) granting an increase of pension to Peter Goergen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14610) granting an increase of pension to Thomas H. Devitt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14611) granting an increase of pension to Nathan T. Albee; to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 14612) granting an increase of pension to Peter Newman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14613) granting an increase of pension to Louis Gonyea; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 14614) granting a pension to George Casseboom; to the Committee on Pensions.

Also, a bill (H. R. 14615) granting a pension to Jesse J. Lamkin; to the Committee on Pensions.

Also, a bill (H. R. 14616) granting an increase of pension to Edward W. Price; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14617) granting an increase of pension to Egbert D. Cadwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14618) granting an increase of pension to Ralph E. Wands; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14619) granting an increase of pension to Robert Chandler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14620) granting an increase of pension to Rufus M. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14621) granting an increase of pension to Joseph L. Cotton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14622) granting an increase of pension to Della L. Swiggett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14623) granting an increase of pension to Lorenzo D. Chamberlain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14624) granting an increase of pension to Franklin A. Hardin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14625) granting an increase of pension to James K. P. Vance; to the Committee on Invalid Pensions.

By Mr. STONE: A bill (H. R. 14626) granting a pension to David J. Woodward; to the Committee on Pensions.

Also, a bill (H. R. 14627) granting a pension to Robert F. Downey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14628) granting a pension to William A. Tyrrell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14629) granting an increase of pension to Jeremiah Holbrook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14630) granting an increase of pension to John B. Yates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14631) granting an increase of pension to W. M. Shields; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14632) granting an increase of pension to S. K. Lowman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14633) granting an increase of pension to Benjamin F. Whisler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14634) granting an increase of pension to Henry C. Barthelman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14635) to correct the military record of W. H. Hall; to the Committee on Military Affairs.

Also, a bill (H. R. 14636) to correct the military record of Charles Cummins; to the Committee on Military Affairs.

By Mr. SWITZER: A bill (H. R. 14637) granting a pension to Lafayette Vancyoc; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14638) granting a pension to Theodore Lutz; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 14639) granting an increase of pension to John W. Cox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14640) granting an increase of pension to Edward E. Day; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14641) granting an increase of pension to John A. Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14642) granting an increase of pension to John W. Warman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14643) granting a pension to Amanda B. McCormick; to the Committee on Pensions.

By Mr. TILSON: A bill (H. R. 14644) granting an increase of pension to Charles G. Mason; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14645) for the relief of John C. Shay; to the Committee on Military Affairs.

By Mr. TOWNER: A bill (H. R. 14646) granting a pension to Elmer Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14647) granting a pension to Harriet A. Walker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14648) granting an increase of pension to George W. Page; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14649) granting an increase of pension to Wesley J. Banks; to the Committee on Pensions.

Also, a bill (H. R. 14650) to remove the charge of desertion from the military record of John H. Jaques; to the Committee on Military Affairs.

Also, a bill (H. R. 14651) to remove the charge of desertion from the military record of Thomas Cowan; to the Committee on Military Affairs.

By Mr. WOOD of New Jersey: A bill (H. R. 14652) granting an increase of pension to William Latourette; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Mirza Mohammed Hardi, asking the assistance of the United States for Persia in her efforts for peace, etc.; to the Committee on Foreign Affairs.

By Mr. ANDERSON of Ohio: Petitions of Toledo Biscuit Co. and Toledo Bridge & Crane Co., both of Toledo, Ohio, requesting 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Papers to accompany bills for the relief of Isaac B. Hawke and Jennie B. Richards; to the Committee on Invalid Pensions.

By Mr. AYRES: Resolutions of Lebanon Lodge, No. 369, Order B'rith Abraham, relative to Russian passports; to the Committee on Foreign Affairs.

By Mr. COPLEY: Memorial of Business Men's Association of Manhattan, Ill., protesting against the extension of the parcels-post service beyond present limitations; to the Committee on the Post Office and Post Roads.

By Mr. CRAVENS: Papers to accompany bill granting an increase of pension to Reuben J. Johnson; to the Committee on Invalid Pensions.

By Mr. DANFORTH: Resolutions of Alfred Dreyfuss Lodge, No. 201, Independent Order B'rith Abraham, of Rochester, N. Y.; Empire State Lodge, No. 69, Independent Order Free Sons of Judah, of Rochester, N. Y., with reference to treaties and passports between the United States and Russia; to the Committee on Foreign Affairs.

By Mr. DICKINSON: Petitions of citizens of Centerview, Holden, Knobnoster, and Eldorado Springs, Mo., opposing the enactment of parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. DYER: Papers to accompany H. R. 12037; to the Committee on Pensions.

Also, petitions of Charlotte C. Eliot, H. M. Fullerton, Rev. C. C. Stahmann, James Wise, and Roger N. Baldwin, of St. Louis, Mo., favoring Federal children's bureau; to the Committee on Labor.

Also, resolution of Missouri Bankers' Association, favoring the bill rendering safer bills of lading for the shipper and of far greater service to him in conducting his financial operations; to the Committee on Interstate and Foreign Commerce.

Also, petition of Ames Shovel & Tool Co., of St. Louis, Mo., urging the amendment of the corporation-tax law to allow corporations to make their returns as of the close of their fiscal year; to the Committee on Ways and Means.

Also, petitions of George B. Weaver, of St. Louis, Mo.; W. L. Chambers and Paul C. Hunt, of Jefferson City, Mo., favoring House bill 8141; to the Committee on Military Affairs.

Also, resolutions of Rodolph Thelan Lodge, No. 165, Independent Order B'rith Abraham, praying for the abrogation of the Russian treaty; to the Committee on Foreign Affairs.

By Mr. FITZGERALD: Resolutions of the Chamber of Commerce of San Jose, Cal., in favor of free passage to vessels flying the American flag engaged in coastwise traffic of the United States through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, resolutions of New York State Society of Certified Public Accountants, protesting against the employment by the United States Government of chartered accountants to the exclusion of certified public accountants; to the Committee on Expenditures in the Navy Department.

By Mr. FOSTER of Illinois: Resolution of Switchmen's Union of North America, favoring the passage of House bill 13911; to the Committee on Interstate and Foreign Commerce.

Also, petition of Trades and Labor Assembly of Breese, Ill., favoring passage of House bill 5601; to the Committee on Labor.

Also, resolution of United Mine Workers of America, favoring passage of House bill 5601; to the Committee on Labor.

Also, petition of Local No. 2619, United Mine Workers of America, favoring passage of House bill 5601; to the Committee on Labor.

Also, petitions of citizens of Centralia and Aviston, Ill., protesting against the enactment by Congress of any legislation for the extension of parcels-post service beyond its present limitations; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Papers to accompany bill for the relief of Ira Kennicutt; to the Committee on Invalid Pensions.

Also, petition of United Commercial Travelers of America, favoring legislation to maintain the efficiency of the Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

Also, petition of Chicago Butter and Egg Board, of Chicago, Ill., favoring the amendment of the butter-test law; to the Committee on Agriculture.

Also, petition of Cleveland Chamber of Commerce, of Cleveland, Ohio, in favor of amendment of the corporation-tax law as to the making of returns by corporations, etc.; to the Committee on Ways and Means.

Also, petition of the Payson Manufacturing Co., of Chicago, Ill., in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. GALLAGHER: Resolutions of Lodges Nos. 156, 172, and 340, Order B'rith Abraham; Lodge No. 612, Independent Order B'rith Abraham; and Worner Unterstitzungs Verein, urging the termination of the treaty with Russia; to the Committee on Foreign Affairs.

Also, resolution of Chicago Grocers and Butchers' Association, favoring a reduction in the tax on oleomargarine; to the Committee on Agriculture.

By Mr. GOLDFOGLE: Resolutions of San Jose (Cal.) Chamber of Commerce, favoring charging no tolls through the Panama Canal to vessels flying the American flag engaged in coastwise trade of the United States; to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Dilg Manufacturing & Trading Co., of New York City; C. A. Snow & Co. and the Syracuse Supply Co., of Syracuse, N. Y.; and the Merchants' Trade Journal, of Des Moines, Iowa, favoring the reduction of letter postage from 2 cents to 1 cent; to the Committee on the Post Office and Post Roads.

Also, resolutions of Moses Barchan Verein, of New York City, and of the following lodges of the Independent Order B'rith Sholom; Zhitomer-Valiner Lodge, No. 257; First Valiner Lodge, No. 237; and Constantine Lodge, No. 211, favoring the abrogation of the Russian treaty of 1832; to the Committee on Foreign Affairs.

Also, petition of Society of the United States Military Telegraph Corps, favoring House bill 2920, granting relief to persons who served in the Military Telegraph Corps of the United States Army during the Civil War; to the Committee on Invalid Pensions.

By Mr. GRAHAM: Memorial of Retail Merchants' Association of Gillespie, Ill., against the enactment of a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of Chicago District Council, Switchmen's Union of North America, favoring the enactment into law of House bill 13911; to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Hillsboro (Ill.) Trades Council; Local Unions Nos. 125, 702, and 1475, U. M. W. A.; and Springfield (Ill.) Federation of Labor, favoring the enactment into law of House bill 5601; to the Committee on Interstate and Foreign Commerce.

By Mr. HARRISON of New York: Resolutions of True Friends Lodge, No. 14; Reich Lodge, No. 396; Joseph Hemman Lodge, No. 70; and Epstein Lodge, No. 344, Order B'rith Abraham; Harlem Lodge, No. 39, Independent Order Free Sons of Judah; Elias Polleak Lodge, No. 28, Independent Order Ahawas Israel, praying for the abrogation of the Russian treaty; to the Committee on Foreign Affairs.

By Mr. HOWELL: Resolutions of Lodge No. 68, Brotherhood of Railroad Trainmen, in favor of the passage of House bill 13911; to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Lodge No. 486, Order B'rith Abraham, urging that the Russian Government be required to extend just consideration to passports given citizens of the United States; to the Committee on Foreign Affairs.

Also, petition of Indian War Veterans of the State of Utah, praying for the extension of pensions to them; to the Committee on Pensions.

By Mr. KENDALL: Petition of citizens of Deep River, Iowa, protesting against parcels post; to the Committee on the Post Office and Post Roads.

By Mr. MANN: Resolutions of Lodges Nos. 279 and 320, Order B'rith Abraham, urging termination of existing treaty between this country and Russia; to the Committee on Foreign Affairs.

Also, petition of delegates of Chicago District Council, Switchmen's Union of North America, favoring House bill 13911; to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Chicago Grocers and Butchers' Association and of the Switchmen's Union of North America, of Blue Island, Ill., urging a reduction of the tax on oleomargarine; to the Committee on Agriculture.

By Mr. PLUMLEY: Papers to accompany bill granting an increase of pension to Martin V. B. Cross; to the Committee on Invalid Pensions.

Also, papers to accompany bill granting an increase of pension to James Armstrong; to the Committee on Invalid Pensions.

Also, papers to accompany bills granting an increase of pension to Samuel C. Vorse, Allen Wilson, and Dennis Wynas; to the Committee on Invalid Pensions.

Also, papers to accompany bills for the relief of Albert Gilbar and Willard Gilbert; to the Committee on Military Affairs.

By Mr. REILLY: Resolutions of New Haven Lodge, No. 131, Independent Order B'rith Abraham, of New Haven, Conn.; Knights of Israel Lodge, Order of Knights of Israel, of New Haven, Conn.; the Independent Musker Association, of New Haven, Conn.; and of Jewish citizens of Danbury, Conn., in relation to Russian passports; to the Committee on Foreign Affairs.

Also, resolutions of the Woman's National Auxiliary to the Railway Mail Association, protesting against extra labor without added compensation as a gross injustice, etc.; to the Committee on the Post Office and Post Roads.

Also, resolutions of Lodge No. 240, B'rith Abraham, and Lodge No. 68, Independent Order Ahawas Israel, urging the termination of the treaty with Russia; to the Committee on Foreign Affairs.

By Mr. SABATH: Resolutions of Lodges Nos. 76, 172, and 179, Order B'rith Abraham, and Lodges Nos. 55, 278, and 285, Independent Order B'rith Abraham, urging the abrogation of the existing treaty with Russia; to the Committee on Foreign Affairs.

By Mr. SMITH of New York: Resolution of Lodge No. 4, of the Switchmen's Union of North America, favoring reduction of the tax on oleomargarine; to the Committee on Agriculture.

By Mr. STEPHENS of California: Memorial of Federated Improvement Association of Los Angeles, Cal., indorsing House bill 4660; to the Committee on the Merchant Marine and Fisheries.

By Mr. SULZER: Several resolutions of the Damen Chor Lyra, of Chicago, Ill., in favor of House resolution 166, providing for an investigation of the administration of the immigration office at Ellis Island; to the Committee on Immigration and Naturalization.

Also, two resolutions of the Chicago Turngemeinde, of Chicago, Ill., in favor of House resolution 166, providing for an investigation of the administration of the immigration office at Ellis Island; to the Committee on Immigration and Naturalization.

Also, resolution of Chicago District Council, Switchmen's Union of North America, indorsing House bill 13911; to the Committee on Interstate and Foreign Commerce.

Also, copy of resolution to investigate the election of THOMAS S. CRAGO, a Member of the House of Representatives; to the Committee on the Election of President, Vice President, and Representatives in Congress.

Also, resolutions of Lodges Nos. 374 and 493, Order B'rith Abraham; and Lodge No. 29, Independent Order Free Sons of Judah, urging the abrogation of the treaty with Russia; to the Committee on Foreign Affairs.

Also, petitions of Marshalltown Club, of Marshalltown, Iowa; Missoula (Mont.) Chamber of Commerce; and the York (Pa.) Chamber of Commerce, urging that the first $500,000 annual expenditure under the Lowden bill be made at the cities of Mexico, Rio de Janeiro, and Tokio; to the Committee on Foreign Affairs.

Also, resolution of the Gesang Section d. Debatier Club, of Chicago, Ill., in favor of House resolution 166, providing for an investigation of the administration of the immigration office at Ellis Island; to the Committee on Immigration and Naturalization.

By Mr. TALCOTT of New York (by request): Petition of merchants of Barneveld, Bridgewater, Boonville, Clinton, Camden, Frankfort, Herkimer, Middleville, Mohawk, New Hartford, Rome, Remsen, and Waterville, all of the State of New York, protesting against the passage of any bill looking to the enactment into law of any recommendation with reference to the parcels post; to the Committee on the Post Office and Post Roads.

By Mr. TAYLOR of Ohio: Petition of Columbus Retail Grocers' Association, to amend oleomargarine law, etc.; to the Committee on Agriculture.

Also, resolutions of Columbus B'nai Israel; Independent Order B'rith Sholom, Lodge No. 64; and Congregation Beth Jacob, urging termination of existing treaty with Russia; to the Committee on Foreign Affairs.

By Mr. TILSON: Resolutions of the Meriden Tuberculosis Relief Association, of Meriden, Conn., favoring the repeal of the law which places a tax on colored oleomargarine; to the Committee on Agriculture.

Also, resolutions of Yale Lodge, No. 268, Independent Order B'rith Abraham, of New Haven, Conn., in relation to Russian passports; to the Committee on Foreign Affairs.

By Mr. TUTTLE: Petition and resolution of the Hebrew Association of the city of Elizabeth, N. J., urging the termination of the treaty with Russia; to the Committee on Foreign Affairs.

By Mr. WILLIS: Memorial of C. B. Smith and other members of the Seventh-day Adventist Church, of Bellefontaine, Ohio, opposing the passage of House bill 9433, for the observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

By Mr. WOOD of New Jersey: Affidavits to accompany bill granting an increase of pension to William Latourette; to the Committee on Invalid Pensions.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December 6, 1911.*

The House met at 12 o'clock noon.

Maj. Thomas J. Dickson, chaplain, United States Army, offered the following prayer:

Our Father who art in heaven, hallowed be Thy name. At the opening of this session we pause to pay unto Thee the tribute of respect that is due unto Thy sacred name. Bless this coming together. Grant that all that is said and done may be to Thy honor and Thy glory. To this end bless the President of the United States, the Speaker of this House, and all others in authority. May we realize our responsibilities; and at last wilt Thou save us into heaven, together with all those near and dear to our hearts; in the name of Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE TO WITHDRAW PAPERS—SARAH D. DOUGLASS.

By unanimous consent, at the request of Mr. RUCKER of Missouri, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Sarah

D. Douglass, Sixtieth Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. CURRIER, indefinitely, on account of sickness.

CALENDAR WEDNESDAY.

The SPEAKER. The Chair wishes to remind the House that this is Calendar Wednesday, and the call rests with the Committee on Banking and Currency.

The Clerk called the Committee on Banking and Currency, and proceeded with the call of committees.

The Committee on Interstate and Foreign Commerce was called.

Mr. ADAMSON. Mr. Speaker, there is one bill on the calendar which our committee have authorized us to call up. It is Senate bill 3024. The gentleman from Massachusetts [Mr. WEEKS] is author of the bill, and the report is made by the gentleman from Alabama [Mr. RICHARDSON]. Neither one of these gentlemen is in the Chamber, and I ask unanimous consent that this bill be passed without prejudice until they come in.

The SPEAKER. The gentleman from Georgia asks unanimous consent that this bill be passed without prejudice.

Mr. MANN. Mr. Speaker, reserving the right to object, I would say in reference to this and all other bills that come up under similar conditions, they had better have an even chance, and not be passed without prejudice, because soon nobody will know where we stand concerning the calendar. Therefore, I am compelled to object.

The SPEAKER. The gentleman from Illinois objects. The Clerk will call the next committee.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the following resolutions:

Senate resolution 157.

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Hon. EDMOND *H. Madison*, late a Representative from the State of Kansas.

Resolved, That the Secretary be directed to communicate a copy of these resolutions to the House of Representatives.

Senate resolution 158.

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. JAMES P. LATTA, late a Representative from the State of Nebraska.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 1671. An act to provide a suitable memorial to the memory of the American Indian.

COMPENSATION OF EMPLOYEES OF THE UNITED STATES FOR INJURIES.

Mr. FOSTER of Illinois (when the Committee on Mines and Mining was called). Mr. Speaker, by direction of the Committee on Mines and Mining, I call up the bill (H. R. 13570) on the House Calendar to amend an act entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," approved May 30, 1908.

Be it enacted, etc., That on and after the passage of this act the provisions of the act approved May 30, 1908, entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," shall, in addition to the classes of persons therein designated, be held to apply to any artisan, laborer, or other employee engaged in any hazardous work under the Bureau of Mines: *Provided*, That this act shall not be held to embrace any case arising prior to its passage.

Mr. MANN. Mr. Speaker, I make the point of order that this bill is a Union Calendar bill. It is on the House Calendar and should be transferred to the Union Calendar. I have no objection, as far as I am concerned, to its consideration, if it can be considered at this time.

The SPEAKER. The Chair was unable to hear the gentleman's point.

Mr. MANN. I make the point of order that the bill is a Union Calendar bill and should be transferred from the House Calendar to the Union Calendar. It is plainly a Union Calendar bill.

Mr. FOSTER of Illinois. I hope the gentleman will not make that objection at this time.

Mr. MANN. I do not make the point of order for the purpose of defeating the bill.

Mr. FOSTER of Illinois. But I suggest that even if it was on the Union Calendar it would be in order at this time.

Mr. MANN. I do not know that it would be in order if transferred now. I have no objection to its consideration so far as I am concerned, but the rules in reference to the consideration of bills are very different in regard to those on the Union Calendar and those on the House Calendar.

Mr. FOSTER of Illinois. I fully agree with the gentleman.

The SPEAKER. The point of order is sustained; the bill is on the Union Calendar, and, under the rule, the House goes automatically into the Committee of the Whole.

Mr. FOSTER of Illinois. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Illinois asks unanimous consent that this bill be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The gentleman from Illinois is recognized for five minutes.

Mr. FOSTER of Illinois. Mr. Speaker, this bill is intended to place those employees who are in hazardous work in the Bureau of Mines in the same class as other employees of the Government. A similar bill passed during the last Congress through this House, but failed to be enacted in the Senate. This bill merely amends the original act so as to admit these. I do not desire to take any particular time in explanation of the bill.

Mr. FITZGERALD. Will the gentleman yield?

Mr. FOSTER of Illinois. I will.

Mr. FITZGERALD. The language in this bill is broader than the existing law, is it not?

Mr. FOSTER of Illinois. I think not; the intention was to make it the same; it only includes those in similar occupations.

Mr. FITZGERALD. This language might embrace clerks who would not be embraced in any other department of the Government.

Mr. FOSTER of Illinois. I think they are not classed as hazardous work in the Bureau of Mines. It is intended to apply to those only in hazardous work.

Mr. FITZGERALD. I desired to obtain the gentleman's opinion as to what is meant by "other employees engaged in hazardous work in the Bureau of Mines."

Mr. FOSTER of Illinois. That is intended for any employees who are engaged in the mine-rescue work.

Mr. FITZGERALD. Why does not the gentleman confine the language in his bill to the language of the general law, which says "artisans and laborers"?

Mr. FOSTER of Illinois. Sometimes those who are not artisans and laborers are engaged in the occupation of mine-rescue work.

Mr. FITZGERALD. That is true in every other department of the Government, and yet under the present law only artisans and laborers engaged in hazardous work are entitled to compensation. The gentleman proposes to extend the scope of the law, so far as the employees in the Bureau of Mines are concerned, and discriminate in their favor.

Mr. FOSTER of Illinois. I think the gentleman is mistaken in his idea of the language of this bill.

Mr. FITZGERALD. I am not mistaken as to the effect of this language, although it may not be the gentleman's intention.

Mr. FOSTER of Illinois. The gentleman makes the objection that this extends the scope of the general act. The intention of the bill, of course, was to put these men who are engaged in this mine-rescue work in the same class as those covered by the general bill. Now, if in the judgment of the gentleman from New York and in the judgment of the House it does extend it and takes in another class of employees, it is contrary to the intention of the Committee on Mines and Mining.

Mr. FITZGERALD. I call the gentleman's attention to the fact that under the general law "any person employed by the United States as an artisan or laborer in any of its manufacturing establishments, arsenals, or navy yards, or in the construction of river and harbor or fortification work, or in hazardous employment on construction work in the reclamation of arid lands or the management or control of the same, or in hazardous employment under the Isthmian Canal Commission, is injured in the course of such employment," he shall be entitled to certain benefits.

This bill proposes to add to the classification artisans, laborers, and any other person in the Bureau of Mines and Mining employed at hazardous work.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. FOSTER of Illinois. Mr. Speaker, I ask unanimous consent to proceed for five minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. FOSTER of Illinois. Mr. Speaker, I desire to say to the gentleman from New York [Mr. FITZGERALD] and to the House that there is a class of men employed in this mine-rescue work who are not considered artisans or laborers—men who go down into the mines. They are what might be called instructors, men who take out these different cars to different places in the country where miners are employed and who instruct the miners in the first aid and rescue work. My judgment has been, and it is now, that these men could hardly be classed as laborers or artisans.

Mr. MANN. Will the gentleman from Illinois yield?

Mr. FOSTER of Illinois. Certainly.

Mr. MANN. Is it not a fact that so far as the employees of the Bureau of Mines and Mining are concerned, they are in the main neither artisans nor laborers, and that the gentleman desires to reach that class of employees, being neither artisans nor laborers, who are engaged in hazardous employment in rescue work?

Mr. FOSTER of Illinois. Mr. Speaker, my colleague has stated the proposition very clearly, and there is this exception: We have in the experimental station at Pittsburgh a great many laborers, but outside of those particular men most of these men are, as stated by the gentleman from Illinois [Mr. MANN], neither laborers nor artisans, but largely men who go out as instructors. For that reason I think this language was employed.

Mr. MANN. If my colleague will yield, he will remember that at the last session of Congress this matter came up, and he and myself and several others gave considerable consideration to this proposition.

Mr. FOSTER of Illinois. Yes, sir.

Mr. MANN. And the language "or other employees" was finally used so as to cover the very cases we desire covered under the Bureau of Mines and Mining, and because of a situation in that service different from any other branch of the Government.

Mr. FOSTER of Illinois. I think that is stated correctly, as was stated at that time and as the committee understands it now.

Mr. AUSTIN. Mr. Speaker, I think it goes without saying that the principles upon which this bill is founded are just and correct, and should receive the unanimous approval of this House. The only criticism that could at all be raised against the provisions of the bill, and it is the same criticism that can be raised and has been raised in this House against the law which it seeks to amend, is that it does not go far enough in the matter of compensating the wife and children of these men whom this measure seeks to protect. I venture the assertion that the men employed in the mine-rescue work of the Government do not receive on an average $1,000 per annum for their hazardous and dangerous service. If this amendment to the original Government-liability act becomes a law, then the widow and children of every man engaged in this employment of the Government who sacrifices his life in an endeavor to rescue men who are imprisoned in mines on account of explosions or through other causes are given the magnificent sum of $1,000 or less. And, mark you, Mr. Speaker, under the provisions of this bill and the original law, in order to secure this insignificant compensation for the loss of a life, upon which we place a value of $1,000, it is provided that the proof must show that the men who lost their lives were at no fault in bringing about the disaster that resulted in the fatality. In the Sixty-first Congress we had before us an omnibus claims bill, and there was a provision which we sought to amend affecting cases which came here as a result of accidents upon the Panama Canal and elsewhere. In some cases we proposed to pay to the wives and children of men who, through no fault of their own, sacrificed their lives in Government service the sum of $350. When that bill was reported into the House there were a number of cases of women working in the arsenals of the country who had lost an eye or a limb, who were maimed for life, and under the provisions of that law they were to be paid less than $500.

What would happen to an American jury that would bring in a verdict in favor of a plaintiff against a corporation that placed that kind of an insignificant value upon a human life or the loss of an eye or an arm or a leg? This bill should not only be amended, but this Congress should lose no time in amending the provisions of the original law, which so long as it stands is a disgrace to the American Congress—the national lawmaking body of this land. [Applause.] We must not lose sight of the fact, Mr. Speaker, that in the discharge of our duties upon the floor of this House we should be absolutely just when it comes to matters of this kind. Now, what Government occupation or business is more dangerous than that of invading the mines of this country in case of accidents or explosions? None. I venture the assertion, Mr. Speaker, and I challenge a contradiction of it, that a more dangerous calling is not known to the American Government in connection with the service of its employees than that in the mine-rescue work of this country. The man or men who enter these mines, filled with dangerous gases, take their lives in their hands, and the chances are at least that 90 out of 100 will never return alive. This measure is not only a meritorious measure which appeals to the justice of every man, but I here and now call attention to the fact that I protest against this system of paying to the widows and orphans of men who lose their lives in the Government service a sum of money that looks like blood money and which is a reflection upon the honor and sense of fairness of every man who loves justice. [Applause.]

The SPEAKER. The time of the gentleman has expired.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

ADDITIONAL STATISTICS ON TOBACCO.

Mr. HOUSTON (when the Committee on the Census was called). Mr. Speaker, I am directed by the Committee on the Census to call up the bill (H. R. 13988) to authorize the Director of the Census to collect and publish additional statistics on tobacco. Now, Mr. Speaker, this bill is on the House Calendar, and I think perhaps it is improperly on that calendar, and ought to be on the Union Calendar.

The SPEAKER. It ought to be on the Union Calendar.

Mr. HOUSTON. And I ask, Mr. Speaker, that this bill be transferred to the Union Calendar.

The SPEAKER. The gentleman from Tennessee asks that this bill be transferred to the Union Calendar. Is there objection? [After a pause.] The Chair hears none.

Mr. HOUSTON. Now, Mr. Speaker, I move to go into the Committee of the Whole——

The SPEAKER. The gentleman does not have to make that motion.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Illinois will state it.

Mr. MANN. Under the rules as they now exist, authorizing a committee to call a bill from either the House or the Union Calendar on this day, a bill that is already on the calendar, is it permissible to transfer a bill from the House Calendar to the Union Calendar and then call the bill up to-day?

The SPEAKER. Why, it would be if there is no objection. The Chair thinks if there is objection it would have to go over and be printed in the calendar.

Mr. MANN. That is what I thought.

The SPEAKER. But the gentleman from Tennessee asked permission, or moved, and nobody objected.

Mr. MANN. He had not submitted any permission. I have no objection to its going to the Union Calendar, because I should have made a point of order if he had not made that request.

The SPEAKER. The gentleman from Illinois is mistaken; the gentleman from Tennessee asked and the Chair put the question.

Mr. MANN. Oh, yes; to have it transferred to the Union Calendar.

The SPEAKER. Yes; to have it transferred.

Mr. MANN. I have no objection to that.

The SPEAKER. Now, the gentleman from Tennessee makes a superfluous motion that the House go into the Committee of the Whole. The House goes into the Committee of the Whole automatically.

Mr. MANN. But, Mr. Speaker, the Speaker did not catch the point of my parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. That is, whether it is now in order, this bill not having been printed as on the Union Calendar, to call it from the Union Calendar and consider it in the House?

The SPEAKER. The Chair just stated that if anybody objected to the consideration of the bill, and it was taken from the House Calendar and put on the other, the opinion of the Chair was that it would have to go over and be printed on the Union Calendar.

Mr. MANN. The bill was on the House Calendar erroneously.

The SPEAKER. Yes.

Mr. MANN. It was transferred to the Union Calendar correctly.

The SPEAKER. Yes.

Mr. MANN. Now, it seems to me that the gentleman can not call it up on the Union Calendar until it has been printed on that calendar.

The SPEAKER. Does the gentleman object?

Mr. GARNER. Is that by unanimous consent?

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent that we now take up this bill for consideration.

The SPEAKER. The gentleman from Tennessee [Mr. HOUSTON] asks unanimous consent to take up this bill for present consideration. Is there objection?

Mr. MANN. I have just had my attention called to this bill. It involves considerable expense, and I hope the gentleman will not make the request.

Mr. HOUSTON. The expense of this bill is not very great, according to the information we have before the committee from the Census Bureau. It is less than $25,000, and the amount involved to the American people runs into the millions.

Mr. MANN. I think the expense will run into the millions if the bill passes.

The SPEAKER. Does the gentleman from Illinois object?

Mr. MANN. I object.

The SPEAKER. The Clerk will proceed with the call of the committee.

BEQUEST OF GERTRUDE M. HUBBARD.

Mr. SLAYDEN (when the Committee on the Library was called). Mr. Speaker, by direction of the Committee on the Library, I desire to call up House bill 9833, a bill to accept and fund the bequest of Gertrude M. Hubbard. I have sent, Mr. Speaker, a copy of the report to the Clerk's desk.

Mr. MANN. Let the bill be read first.

The SPEAKER. Under the operation of the rule, the House goes automatically into the Committee of the Whole House whenever a bill is on the Union Calendar.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of House bill 9833, a bill to accept and fund a bequest of Gertrude M. Hubbard, with Mr. FLOYD of Arkansas in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 9833) to accept and fund the bequest of Gertrude M. Hubbard.

Be it enacted, etc., That the conditions of the bequest to the United States of America contained in the will of the late Gertrude M. Hubbard, and which are set out in the following language, to wit:

"For the purpose of adding to the Gardiner Greene Hubbard collection of engravings heretofore given by me to the United States of America, and now in the Library of Congress, I give and bequeath to the trustee hereinafter named, the American Security & Trust Co., its successors and assigns, the sum of $20,000, to be set apart out of my real estate, stocks, bonds, or other securities, and to be invested and held by it upon the following trust, namely, to pay over during each year the net income therefrom to the Librarian of Congress, said income so paid over as above to be used exclusively for the purchase of engravings and etchings to be added to said 'Gardiner Greene Hubbard collection.'

"If any lawful or binding arrangement or contract can be made whereby the United States of America will be bound to pay interest on said investment at an annual rate of not less than 4 per cent, to be perpetually used for additions to said collection, I then further direct that my said trustee, the American Security & Trust Co., shall thereupon turn over and deliver the entire principal of said fund to the Treasurer of the United States upon that condition and for that purpose."

be, and the same are hereby, agreed to and the bequest accepted.

SEC. 2. That the Treasurer of the United States be, and is hereby, authorized to receive from the American Security & Trust Co. the principal of the above bequest, together with the interest, if any, accrued thereon, and to receipt for the same in the name of the United States of America, as accepted under the conditions and for the purpose defined in the said will, and, on behalf of the United States, to release said trust company from any liability in connection with said fund. And, further, the Librarian of Congress is authorized to join in said release, and thereby release said trust company from all future liability to the Librarian of Congress.

SEC. 3. That in compliance with said conditions be it further enacted that the principal of the sum so received and paid into the Treasury of the United States be entered as a loan to the United States Treasury at 4 per cent per annum interest from the date when the same was received into the said Treasury, and that so much of the interest, if any, as may have accrued thereon at that date, together with the interest from that date at 4 per cent per annum, payable in half yearly payments on the 1st of January and July in each year, be, and the same is hereby, perpetually appropriated for the purchase by the Librarian of Congress of engravings and etchings to be added to the Gardiner Greene Hubbard collection in the Library of Congress, as provided in the said bequest.

Mr. SLAYDEN. Mr. Chairman, this bill merely provides that the Government of the United States shall receive a bequest of $20,000 made by the late Mrs. Hubbard, of this city, the purpose of which is to add from year to year to the collection of rare and beautiful engravings and etchings now deposited in the Library as a gift from her late husband, Gardiner Greene Hubbard. In her will she provided this sum of $20,000 to be paid over to the United States by the American Security & Trust Co. when the Government should be willing to receive it and release the trust company from its liability and pay annually 4 per cent on that sum, the interest to be devoted exclusively, as I have already said, to the purchase of additional engravings and etchings. Now, Mr. Speaker, it may be objected that the Government of the United States can borrow money for less than 4 per cent interest. That is true, although not very much less, when you strip the loan of the privilege of being the basis for the issuance of currency. But even if it be true, the objection, in my opinion, is not valid. Under the terms of the Smithson bequest, made in 1838, as I remember, the Government has continued to pay 6 per cent interest. The Government, as set forth in this report, encourages the savings of soldiers by paying 4 per cent interest on deposits, and has done so through good seasons and bad—when the Treasury of the United States was overflowing as well as when it was well-nigh empty.

The difference between the interest that the Government pays on its bonds, issued with the greatest number of privileges, particularly that of being the basis for the issuance of currency at 2 per cent, and this rate of 4 per cent is insignificant. It makes that much of an annual charge on the Treasury of the United States—$800 a year.

Another objection that was urged when we had the bill here once before was that it afforded too much——

Mr. MACON. Mr. Chairman, will the gentleman yield to me for a question?

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Arkansas?

Mr. SLAYDEN. Certainly.

Mr. MACON. I would like to know why it is necessary for the Government to pay 4 per cent interest in order to have $20,000 given to it?

Mr. MANN. Mr. Chairman, I ask for order, so that we may hear the colloquy that is going on. We can not hear a word that is being said over there.

Mr. MACON. Why is it necessary for the Government to pay interest enough on a gift for 12 years to buy the substance of the gift outright in the beginning? Does the gentleman think that would be a wise policy?

Mr. SLAYDEN. The gentleman is mistaken in his calculation. Twelve times $800 does not make $20,000.

Mr. MACON. Maybe I am wrong in my calculation. But my position would be correct if I had said 25 years instead of 12.

Mr. SLAYDEN. That is right. It would be 25 years.

Mr. MACON. Does the gentleman think that it would be a wise policy on the part of the Government to receive a gift that would cost it as much by way of interest for a period of 25 years as the gift was worth when received, and then continue to pay interest on it for all time, and pay for a trustee, perhaps, to take care of it besides?

Mr. SLAYDEN. Mr. Chairman, I do think it is a very wise policy. The gentleman is mistaken in his view of it. In this case the Government gets a permanent donation, first, of the engravings and etchings, which are of very great value, which have been in the possession of the Library since 1898. The gentleman has no doubt had the privilege of seeing them. They are not only of great money value, but also of educational value, and are an important contribution to what I hope in time will be the greatest library in the world.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Kentucky?

Mr. SLAYDEN. Yes.

Mr. SHERLEY. Would you not get just as much revenue under the terms of the grant by having the trust company invest the money as by having the Government pay 4 per cent upon it?

Mr. SLAYDEN. Mr. Chairman, in answer to the inquiry of the gentleman from Kentucky, I will say that the trust company is anxious to be relieved of the trust.

Mr. SHERLEY. But that is not our viewpoint. That is the meat of the bill.

Mr. SLAYDEN. Mr. Chairman, I think that the Government can very well afford to receive gifts at that rate. I do not believe any man will ever object to the appropriations that have been made for the support of the Smithsonian Institution—an institution that has reflected great credit upon the country and which has helped to develop great scholars and scientists. It has been of exceeding great value in the development of cultivated and able scientific men. This gift, a gracious gift of $20,000, merely stipulates by its terms that the Government of the United States shall receive it and shall agree to pay, in consideration of the original donation of the engravings and etchings—that are worth, I know not how much, perhaps a quarter of a million dollars at least—the sum of $800 a year to buy additional engravings and etchings.

Mr. SHERLEY. Mr. Chairman, if the gentleman will permit, is it quite accurate to say that those are the terms of the gift?

Mr. SLAYDEN. I am trying to be accurate.

Mr. SHERLEY. I understand that; but the House wants to know what the precise terms are. The terms are alternative; first, a direct gift of $20,000 on consideration that the income from it shall be devoted to the purpose indicated; then, with the further statement or proviso that if the Government will take it over and pay 4 per cent, it shall be turned over to the

Government permanently. Under this plan the Government would do what the trust company otherwise would do for a consideration. But the net income goes to the Government anyway.

Mr. SLAYDEN. If the Government chooses to avoid a responsibility in that way, it can do so. The Government of the United States is permanent, while a trust company may not be so. The Government of the United States can better afford to handle its own funds than to have them handled by any outside institution, however strong it may be.

Mr. OLMSTED. Will the gentleman yield for a question?

Mr. SLAYDEN. In one moment.

Mr. FITZGERALD. This bill provides that $20,000 shall be deposited in the Treasury and the interest expended for the purpose indicated. Of what particular benefit will this $20,000 be to the Treasury, segregated from all other moneys and unable to be used for any purpose by the Government? Is it to be security for the payment of the interest?

Mr. TOWNSEND. If I may interrupt the gentleman from Texas, I will say to the gentleman from New York [Mr. FITZGERALD] that there is no desire to give the Government any monetary advantage by the passage of this bill. That is not its purpose. It is not designed to do that, but is designed to give to the Congressional Library the assurance that year after year the already great gift bestowed by these people shall have reasonable additions of like character—etchings, and so forth.

Mr. FITZGERALD. At the expense of the Government of the United States?

Mr. TOWNSEND. To the extent of the difference between 2½ per cent and 4 per cent on $20,000. I think the Government of the United States is getting an excellent bargain.

Mr. FITZGERALD. Will the gentleman explain, first, how he makes the calculation of the difference between 2½ and 4 per cent? Under the terms of this bill this $20,000 must be put into the Treasury, set apart, and can not be used for any purpose. It can not be invested. It does not earn money, but it lies there as useless as a gold brick.

Mr. SLAYDEN. That is a mere question of bookkeeping.

Mr. FITZGERALD. No; it is not. The bill makes it impossible to be a question of bookkeeping.

Mr. TOWNSEND. The question of its uselessness depends upon the point of view. Of course, it does not earn any money. It can not do that, but it does earn the assurance of additional objects of art to the Library every year, and that is worth something.

Mr. FITZGERALD. Not this particular sum. This particular sum, under the terms of this bill, must be deposited in the Treasury, must be set apart, can not be used. It remains there idle, and the Government for all time pays for this purpose an amount equivalent to 4 per cent.

Mr. TOWNSEND. Which is used for this purpose.

Mr. FITZGERALD. The gentleman is mistaken. It is not used for this purpose.

Mr. TOWNSEND. I am not mistaken.

Mr. SHERLEY. Is it not a good deal better to have this $20,000 actively earning money than to have it tied up in the Treasury? And is it fair to say that the gift is dependent upon the Government for the interest when the bill directs the trust company to pay the interest?

Mr. SLAYDEN. I will say to the gentleman that 20,000 actual dollars are not to be put aside and kept perpetually in that shape.

Mr. SHERLEY. The bill says so.

Mr. FITZGERALD. That is what the bill provides.

Mr. SLAYDEN. I ask the gentleman to wait until I can make a statement. The 20,000 actual dollars are not to be put aside, but the Library will be credited with $20,000, and the Government assumes the obligation of paying $800 a year. For what purpose? To purchase additional equipment, additional engravings and etchings for its own Library? That is all there is to it. Twenty thousand gold or silver dollars, or dollars in any shape, are not to be taken out of circulation and locked up in a box and forever denied their mission as circulating media, but there will be a credit to the Library fund of $20,000 and an obligation by the Government to pay $800 a year.

Now, one point further. The gentleman from New York raises a question as to the calculation made by the gentleman from New Jersey [Mr. TOWNSEND] as to the difference between 2½ per cent and 4 per cent. The gentleman knows, I think, that the Government could not borrow money under 2½ per cent, if it did not confer upon its bond issue, given when it borrows the money, the privilege of employment in banking and of being a basis for the issuance of currency. Therefore it is a very reasonable calculation to say that the only contribution that the Government will make will be the difference between 2½ per cent and 4 per cent, or 1½ per cent on $20,000, which amounts to $300 a year.

Now I have promised to yield to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. I was unable to hear the language of the bill distinctly as it was read from the Clerk's desk, and still more unable to hear the vocal round robin which has been taking place over there between gentlemen upon that side of the Chamber, but I desire to ask this question. As I understand, the principal of $20,000 can not be used.

Mr. SLAYDEN. It is to be made a perpetual loan to the Government for that purpose.

Mr. OLMSTED. But no part of the principal can be used; only the income can be used.

Mr. SLAYDEN. Only the income.

Mr. OLMSTED. How is the income to be derived from it if the principal be put into the Treasury and it can not be used?

Mr. SLAYDEN. By an annual appropriation.

Mr. OLMSTED. That is a queer way to get an income—by appropriating money.

Mr. SLAYDEN. Those are the terms of the gift.

Mr. OLMSTED. But how is the Government going to get an income itself out of this $20,000?

Mr. SLAYDEN. I presume the Government, having made the credit in its books, having charged itself with $20,000 and credited the Library with that amount, can take that $20,000 and use it just as it could any other $20,000.

Mr. OLMSTED. Is it to be invested in anything that will produce an income?

Mr. SLAYDEN. No; it will be a permanent obligation and entered on the books of the Treasury as a credit to the Library for a specific purpose.

Mr. OLMSTED. Would it not be better to leave it with the trust company, so that the Government could derive some income from it?

Mr. SLAYDEN. It might be better in the minds of some gentlemen, but if the gentleman is asking my opinion, I say no; no more than it would be better to have left the gift of James Smithson in 1838 in the hands of some bank or trust company or other fiduciary institution. I think the Government did wisely to take that gift, and I think the gentleman from Pennsylvania thinks so, too. I think they do well to make the annual contribution of 6 per cent.

Mr. OLMSTED. That principal is loaned out to produce an income, is it not?

Mr. SLAYDEN. I dare say it could be if the Government wants to go into that line of business; but I do not understand that the Smithson money is so invested.

Mr. SISSON. Will the gentleman yield?

Mr. SLAYDEN. I will yield to the gentleman from Mississippi.

Mr. SISSON. Would it not be better and cheaper to forego the gift and let the Government borrow the money at 3 per cent, because we could issue bonds at 3 per cent and thus save $200 a year?

Mr. SLAYDEN. The gentleman from Mississippi overlooks the fact that this gift is in connection with a large and valuable donation to the Government already made.

Mr. SISSON. That is true.

Mr. SLAYDEN. In addition to this gift of $20,000, there has been a valuable donation of engravings and etchings; and the gentleman overlooks the fact that it would be difficult for any man to persuade the Congress of the United States to make appropriations for the purchase of such material as that and without which no great library is adequately equipped. We make annual appropriation, but it is for the purpose of buying ordinary books and maps, useful things, of current use, for the benefit of students, Members of Congress, or anybody who wants to go to-day and do some ordinary work. It does not go into the purchase of such things as this, and we can not get them unless we encourage such gifts as these.

Mr. SISSON. I do not think the gentleman got the purpose of my inquiry. The point is, if we propose to give the library $800 a year, why not get the money cheaper by borrowing it outright and forego the gift entirely?

Mr. SLAYDEN. We would have to pay the interest and then repay the principal. But here we never have to repay the principal.

Mr. SISSON. But the Government can not use any of this principal.

Mr. SLAYDEN. Having made the entry on the book, having charged itself with this $20,000, it can use it absolutely.

Mr. SISSON. Of course it may use the actual cash, but it becomes a permanent, fixed charge on the Government for all time to come.

Mr. SLAYDEN. It becomes a permanent, fixed charge, but is nothing more than an entry on the books. The gentleman

still overlooks the fact that unless we can get these things through bequests like that it is not likely we will ever get any such additions to our Library. There is over there in the Library right now, on deposit as a loan from Mrs. Thatcher, a collection of invaluable manuscripts and old books that in many respects is the most remarkable collection ever made in the United States; but it is not the sort of thing that the Government would ever make an appropriation to purchase. Still we hope some day to have it as the absolute property of the Library.

Mr. Chairman, a few weeks ago it was my privilege to go through one of the greatest libraries in the world, the British Museum. I inquired of one of the officials of that institution, who escorted me through, how they made additions to their collections of pictures, works of art, etchings, engravings, rare manuscripts, and rare volumes of books. He told me that only by bequests could they do it, because, perhaps, they had been getting bequests and that that encouraged Parliament to believe that they would continue to get bequests, and that therefore they could not induce the Parliament to make an appropriation for the purchase of anything such as he defined as rare and interesting contributions to their library. The ordinary workaday, commonplace material, such as maps and books, they provide for liberally with annual appropriations.

Mr. Chairman, I yield to my colleague on the committee, the gentleman from New Jersey [Mr. TOWNSEND].

Mr. TOWNSEND. Mr. Chairman, there is just one phase of this, it seems to me, should induce the House to accept this gift. I am not as well equipped as the distinguished chairman of the Committee on Appropriations to determine whether or not the Government is going to lose by having to pay 4 per cent a year on $20,000, when the Government itself can not invest that $20,000. Having the interest of a member of the Committee on the Library, however, I am impressed with the fact that the House should receive this gracious gift as an inducement for other collectors to give to the Congress Library gifts of this character, for which, as the gentleman from Texas [Mr. SLAYDEN] has well said, Congress will never make appropriation. This is a gift especially useful for purposes of the Library in inducing students other than those who read the books to make use of the facilities of the Library. We learned from our investigation that each year more and more art students come here to Washington to take advantage of this among other art gifts that have come, and if Congress refuses this, because it debates in its mind whether it should yield for this purpose $800 a year, it will certainly shut off gifts of this kind, for which we are looking and without which we can not equip our Library. I hope these facts will be given consideration, as well as the momentous fact called to our attention by the chairman of the Committee on Appropriations, that the Government may lose a few dollars in the transaction.

Mr. SLAYDEN. Mr. Chairman, I yield three minutes to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Mr. Chairman, it seems to me there may be some confusion in the minds of the Members in regard to the purport of this bill. As I understand the terms of the gift, it is made optional for the Government to take over the $20,000 from the trust company and guarantee an income upon it of 4 per cent. That simply amounts to the Government borrowing the $20,000 at a fixed rate of 4 per cent. It is true we might be able to go into the market, as we were quite recently in the case of the Panama Canal bonds, and borrow money for less than that rate of interest. It may also be true that in future years we might be compelled to pay more than 4 per cent; but 4 per cent is not an unusual or extravagant price to pay for the use of money upon practically a perpetual loan. Nor is it an unusual plan that is proposed here. The State of Missouri has borrowed its own permanent school fund, invested it in State bonds, and pays itself 5 per cent interest on a perpetual school fund. That has proved to the State of Missouri to be the best and most economical way of managing that permanent fund. It is much better and much more economical, and there is much less trouble in loss and delay and expense than by having it farmed out into the hands of some private trust company or individual. We are simply guaranteeing to these people who propose to become benefactors of the scientific and artistic world of the United States 4 per cent on the money which they choose to devote to that purpose. They have given $20,000 of their own money toward a scientific and artistic purpose. The purpose is not entirely within the purview of the appropriations of the Federal Government, but a purpose which we all recognize to be admirable and splendid. By paying this 4 per cent on a perpetual loan of $20,000 we not only secure that loan in an economical and easily managed form, but we encourage other people who may be moved by like motives to place their funds in the control of the Federal Government, that they may know that for all time they need not depend upon the solvency or care or integrity of some private trustee, but that the fund will be devoted to the purpose for which they intend it to be devoted.

I believe that the difference in the amount of money that we will lose now on the present rate of interest as against 4 per cent will be more than made up by the public benefaction that will be conferred. The amount that we will lose on the difference in the existing rate of interest, if it is figured as small as that, will never be covered by any appropriations this Congress may make for similar purposes in a general appropriation bill, and I believe the bill ought to pass.

Mr. SLAYDEN. Mr. Chairman, I now yield to the gentleman from Massachusetts [Mr. MCCALL].

The CHAIRMAN. How much time?

Mr. SLAYDEN. I yield such time as the gentleman may desire.

Mr. MCCALL. Mr. Chairman, the question that the House has to decide in effect is whether it really desires to perpetuate this department of the Library. If it decides that it is a good thing to go on with the collection of etchings and engravings, which form a distinct department of art, then, it seems to me, it is taking no chance whatever in taking into the Treasury this $20,000, even if the 4 per cent is somewhat more than it would be asked to pay if it borrowed money upon its credit in the open market, because the Government itself will have the benefit each year of the whole amount of the expenditure. It is simply appropriating for the maintenance of this department the sum of $800 a year, and it is getting $20,000 as a principal sum before it begins to appropriate anything. Most of the money that is spent upon the Library, and we are spending vast sums, is entirely paid out by the Government itself, but it is getting here a very substantial contribution from a lady who has had an interest in maintaining the collection.

I do not think that $800 a year would be an extravagant sum for the Government to pay out to maintain the collection of etchings and engravings, even if it were going to receive nothing, but it is to receive $20,000. It seems to me it is wise to do away with the handling of this fund by any private individual and absorb it, take it into the Treasury, do what the Government pleases with it, and appropriate that amount in the future for the purpose of maintaining the collection.

Mr. STEPHENS of Texas. Will the gentleman from Massachusetts yield?

Mr. MCCALL. I will.

Mr. STEPHENS of Texas. I desire to know what the probable value of these etchings and engravings would be that are covered by this donation?

Mr. MCCALL. This donation is a cash donation simply to increase a collection already given to the Library by Mr. Gardiner G. Hubbard, whose widow has made the bequest of this money.

Mr. STEPHENS of Texas. Was that given without any connection or conditions as to the $20,000?

Mr. MCCALL. That was given to the Government outright and is a valuable collection. It is hard to put a cash value precisely upon these engravings and etchings, but it is an important collection.

Mr. STEPHENS of Texas. That is what I desire to get at, and that is whether or not these two conditions were coupled together and that we have to take the $20,000 in order to get the engravings and etchings.

Mr. MCCALL. The Government already has the engravings and etchings which were presented to it by this same family, and it is desired by this lady to have the collection gradually extended.

Mr. SLAYDEN. If the gentleman from Massachusetts will permit, the Government has had by absolute gift this valuable collection since 1898, I will say to my colleague, and this is simply to add to it in the future.

Mr. STEPHENS of Texas. That is what I was trying to get at.

Mr. SLAYDEN. Mr. Chairman, I reserve the balance of my time.

Mr. FITZGERALD. Mr. Chairman, the discussion thus far has been upon the theory that unless this bill shall be passed by the Congress the Library will lose the benefit of the bequest. The chairman of the Committee on the Library disclosed the purpose of this bill in answer to a question propounded by the gentleman from Kentucky [Mr. SHERLEY], and that is that the trustee named in the will of the lady making the bequest desired to be relieved from its obligations and to unload them upon the United States.

The provision in the will containing the bequest is as follows:

For the purpose of adding to the Gardiner Greene Hubbard collection of engravings heretofore given by me to the United States of America,

and now in the Library of Congress, I give and bequeath to the trustee hereinafter named, the American Security & Trust Co., its successors and assigns, the sum of $20,000, to be set apart out of my real estate, stocks, bonds, or other securities, and to be invested and held by it upon the following trust, namely: To pay over during each year the net income therefrom to the Librarian of Congress, said income so paid over as above to be used exclusively for the purchase of engravings and etchings to be added to said "Gardiner Greene Hubbard collection."

If this trust be executed as the testatrix desired, it may be that the Library will not only receive $800 a year, but a sum in addition thereto, because by the careful investment of this money a larger return may be had. If the American Security & Trust Co. does not desire to continue to discharge its duties as trustee, there will be no difficulty in having a substitute appointed by the proper court to carry out the provisions of the will.

There is a further provision in the will, Mr. Chairman, to the effect that if a valid agreement can be made with the United States by which it will agree to pay perpetually to the Library of Congress for the same purpose an amount equivalent to not less than 4 per cent per annum upon the $20,000, the $20,000 shall be turned over to the Treasury of the United States.

Under the terms of this bill this $20,000 must be set apart in the Treasury of the United States. It can not be utilized for any other purposes; it does not go into the general fund, but for the privilege of holding idle for all time the sum of $20,000 these gentlemen propose that the Government shall annually expend $800 for the purpose indicated in this bill. It is not merely a question of the difference of a few hundred dollars, as the gentleman from New Jersey [Mr. TOWNSEND] seems to imagine, but there is something more important. The question is as to whether the Federal Government shall be utilized to unload all sorts of bequests by which the memory of well-meaning and good people shall be perpetuated at the expense of the people of the United States without any adequate return. If it had been desired that $20,000 should be expended for the purpose of increasing this collection, the bequest could have been made in that way and the money be expended under the proper authority. But at the end of 25 years, if this fund itself could be utilized in the payment of the annuity, it will all have been dissipated, and for that original contribution Congress is now asked to pledge in perpetuity, the Government to expend annually thereafter the interest at 4 per cent, for the purpose of enlarging the collection which it may be at some time very inappropriate to enlarge or to continue. It seems to me that those who are interested in enlarging this collection in the Library of Congress might well be content to permit this money to remain invested, as it now is, under the control of the trustee designated in the will, and if that trustee be unwilling to continue to act in that capacity to have a suitable substitute appointed in his place and not attempt to have the Congress permanently bind this country as long as the Government exists to make this contribution.

Mr. MADDEN. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York [Mr. FITZGERALD] yield to the gentleman from Illinois [Mr. MADDEN]?

Mr. FITZGERALD. I yield to the gentleman.

Mr. MADDEN. Might it not be possible that the Government would find itself pledged to put with it a very much larger sum and additional room, in order to take care of the increased size of the collection?

Mr. FITZGERALD. The gentleman from Illinois is familiar with the fact that the Library of Congress at present, and for some years past, has been in difficulties because of inadequate facilities for the housing of books, manuscripts, and collections which properly belong there. My recollection is refreshed so as to enable me to state that within the past two or three years $300,000 has been appropriated for the purpose of furnishing additional racks for books, and part of the well, or the interior court, as I recall, had to be utilized for that purpose. It seems to me that the Library of Congress and its accumulations and additions should remain under the control of the Congress of the United States, and that it is unwise to initiate this practice, by which the Government shall be committed to enlarge in perpetuity any particular classes of work or any particular collections regardless of the fitness or relative importance of such collections. There is no necessity for this legislation whatever, Mr. Chairman. The Government will get as much, and in all probability more, than the 4 per cent annually if this bill does not pass. I believe it is unwise to initiate this practice. I trust that the bill will not receive the approval of the committee.

Mr. SLAYDEN. Mr. Chairman, I would like to set the gentleman right on one thing. My information is that the Government has been getting precisely 4 per cent per year for additions to the original donation. Now, whatever income is provided for in this bill will be for the purchase of etchings and engravings; not for the benefit of the people who have given this money. These purchases will be the property of the Congress of the United States; they go into the Congressional Library.

Mr. FITZGERALD. In what particular does the gentleman wish to correct my statement? I made no statement about any income from the original bequest.

Mr. SLAYDEN. If the gentleman will pardon me, I will try to be a little bit more particular in my language. The gentleman said we would possibly derive a larger income from this $20,000 if it were left in the hands of the trustee, and I was trying to tell him that my information is that the income that we have received heretofore is 4 per cent, and there is no probability that the rate will be increased.

Mr. FITZGERALD. I will say to the gentleman that it can be invested in bonds and mortgages in the city of Washington and yield a larger return.

Mr. SLAYDEN. Perhaps that may be so; but I know that the conditions of the will are such that——

Mr. PRINCE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Illinois?

Mr. SLAYDEN. Yes.

Mr. PRINCE. I would like to ask the chairman of the Committee on the Library if it is true, as the chairman of the Committee on Appropriations has stated, that we are entering upon a new policy that might be used as a precedent? Is it not true that we now have money resulting from the Smithsonian Institution that was turned over to the Treasury of the United States, and that the United States Government is paying 6 per cent upon that money?

Mr. SLAYDEN. The gentleman from Illinois, Mr. Chairman, is entirely right. That is true. Since the year 1838 we have been paying 6 per cent upon that money.

Mr. PRINCE. And the gentleman from Texas is offering to us now a proposition to take $20,000 and pay 4 per cent upon it, while since 1838, or some period near that time, we have had money that we are paying 6 per cent on and using the interest toward the building up of the Smithsonian Institution?

Mr. SLAYDEN. Yes; toward the scientific development of the country.

Mr. MARTIN of South Dakota. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to the gentleman from South Dakota?

Mr. SLAYDEN. Yes.

Mr. MARTIN of South Dakota. I would like to ask the gentleman from Texas whether, under the bill now under consideration, the Government of the United States is at liberty to make any use of this fund of $20,000, or whether it shall be locked up and kept intact for this particular purpose?

Mr. SLAYDEN. I think it means only that there will be a perpetual credit on the books of the Government to the Library of $20,000, and on that credit the Government will pay 4 per cent interest annually.

Mr. MARTIN of South Dakota. What will be the obligation of the Government concerning that principal fund? Will the Government be at liberty, in the judgment of the gentleman, to make miscellaneous use of that fund for the purposes of the Government?

Mr. SLAYDEN. I think, Mr. Chairman, there is no doubt about that. I do not think there is any obligation on the part of the Government to segregate any particular amount of money in any particular form. The Government Treasury will credit the Library on its books with $20,000, and in doing that and in accepting the terms of this bill the Government assumes the obligation to pay over to the Library the sum of $800 a year, to be devoted to the purpose of making additions to the Gardiner Greene Hubbard collection of engravings and etchings now in the Library of Congress.

Mr. MARTIN of South Dakota. If the gentleman will permit me——

The CHAIRMAN. Does the gentleman from Texas yield again to the gentleman from South Dakota?

Mr. SLAYDEN. Yes.

Mr. MARTIN of South Dakota. The obligation on the part of the original trustee, of course, is to make an appropriate and safe investment of this fund and only turn over the net proceeds?

Mr. SLAYDEN. I did not hear the gentleman's inquiry.

Mr. MARTIN of South Dakota. I say, the original obligation of the trustee under this bequest is to make safe investment of the fund and turn the actual proceeds over under the terms of the bequest?

I suggest to the gentleman whether, in the manner in which the bill is prepared, he would not simply pass on to the Government the trusteeship, so that the duty of the Government would be to invest this fund and apply the proceeds, in the definite amount here given, to this purpose? In other words, have you not made the Government the trustee of this fund, without any liberty upon its part to use it in any other way than that stated in the bequest?

Mr. SLAYDEN. The gentleman is partly correct. As I understand it, $20,000 in cash will be turned over to the Government, to be placed in the Treasury. On the books of the Treasury that $20,000 will be considered and described as a separate and permanent fund, the interest on which, at 4 per cent, is to be paid to the librarian for the purposes named in the will.

Mr. MARTIN of South Dakota. What can the Government do with the $20,000 under its perpetual trust?

Mr. SLAYDEN. I fancy that the Government will place that money in any common fund that it may have. The only thing requested by the maker of this bequest is that the Government shall receive the $20,000 and assume the obligation of making an annual appropriation of $800 for the specific purpose of adding to the collection.

Mr. Chairman, the gentleman from New York [Mr. FITZGERALD] said in his opening remarks that the discussion had proceeded upon the theory that unless the bill shall be passed by the Congress the Library will lose the benefit of this bequest. I have been most unfortunate in my expressions if I made any statement that conveyed that impression. The bequest is absolute. The lady who made it is dead. The American Security & Trust Co. are now the trustees. She has expressed the desire that the Government of the United States, in whom she reposed still greater confidence even than in the great corporation that acted for her as trustee, should assume the control of the bequest and contract to pay annually to the Library the sum of $800. The Government will not lose the bequest unless it should be so unfortunately invested that it would be dissipated entirely, which I do not think is likely to occur.

Mr. SISSON. Mr. Chairman, is it not true that the Smithsonian bequest is the only one paid into the Treasury on the terms on which the gentleman asks that this be paid into the Treasury?

Mr. SLAYDEN. It is the only one I have cited in my report. If there are others, I am not advised of them.

Mr. SISSON. My information is that it is the only bequest that has ever been paid into the Treasury on like terms. Does not the gentleman believe that was really a mistake?

Mr. SLAYDEN. I will say to the gentleman that I do not consider it a mistake.

Mr. SISSON. Do you not believe that if this policy is followed up it may become burdensome, because of the number of people who may wish to build monuments to themselves in this way?

Mr. SLAYDEN. I do not think the policy of giving large sums of money to the Government of the United States is likely to become so general as to embarrass us in the receipt of the bequests. It is not in human nature that that should be so. Indeed, on the contrary, if we do all we can to encourage such bequests we will not get many.

Mr. SISSON. Do you not think men would be likely to make such bequests if they could be assured of receiving 6 per cent interest——

Mr. SLAYDEN. It is not proposed to pay 6 per cent interest in this case.

Mr. SISSON. Or even 4 per cent, which it is proposed to pay on this fund? Would not that be giving an invitation to people to donate funds in this way?

Mr. SLAYDEN. In order that a larger income may be received?

Mr. SISSON. A larger income than they could get for the money otherwise.

Mr. SLAYDEN. I do not think so, Mr. Chairman.

Mr. SISSON. In other words, is it a donation if the Government pays more in the way of interest on the money than could be obtained in the business world?

Mr. SLAYDEN. This is a question of opinion. I think it is a donation. The gentleman seems to be of the opinion that the people who gave the $20,000 are to benefit by the increased rate of interest over that at which the money might be borrowed by the Government on the issuance of its bonds. That is not true. It is to go for the purchase of something for the Government itself; that is all.

Mr. SISSON. If the Government is going to pay 4 per cent interest, it ought to have something to say in the future as to the investment. You are tying up $800 for all time to be paid for etchings, whether there is any use for etchings, or whether the Library has room for etchings. You are appropriating money to buy etchings for a thousand years to come. That is what I object to; it is fastening on the American people the obligation to pay $800 a year for etchings for all time to come.

Mr. SLAYDEN. I hope that the Government of the United States will endure so long, and that it will develop so rapidly in all directions, that for all time to come it will buy etchings.

Mr. LEVY. Will the gentleman yield?

Mr. SLAYDEN. Certainly.

Mr. LEVY. As I understand, the Government will receive no benefit from this $20,000. It is tied up, retired from circulation, and the Government receives no benefit from it at all.

Mr. SLAYDEN. If the gentleman has given the matter any consideration he will see that these people propose to turn over a sum, probably in a check or $20,000 in cash, which will be credited on the books of the Treasury to the Library, and then another act in the chapter of this bequest is that this Congress will agree to add to the bequest already made by contributing $800 a year. The Government might well afford to do this if they did not have the $20,000 to start with. It would be a valuable investment in my judgment. The great library in the city of New York, from which the gentleman comes, would be delighted, would be more than willing to make such a contribution, if it could have these etchings.

Mr. LEVY. But in this matter you absolutely tie the money up; you can not use it, you have to keep it there, and it can not be invested.

Mr. SLAYDEN. Is it the gentleman's idea that this $20,000 is to be segregated and never used?

Mr. LEVY. Yes.

Mr. SLAYDEN. I do not think so.

Mr. BUTLER. Will the gentleman yield for a question?

Mr. SLAYDEN. I will.

Mr. BUTLER. I desire to join the economists of the House on this occasion. There seems to be a great anxiety lest the Government may spend a little money. I was impressed by what the gentleman from New York [Mr. FITZGERALD] said, that if we passed this bill it might entail on the Government some expense in the way of providing for an exhibit in the Library Building. Can the gentleman give me any information along that line? About how much is this likely to cost the Government for that purpose?

Mr. SLAYDEN. Does the gentleman mean for room in which to display these engravings?

Mr. BUTLER. Yes.

Mr. SLAYDEN. I think not a penny, so long as the gentleman from Pennsylvania and I will be interested in it.

Mr. PROUTY. Will the gentleman from Texas yield?

Mr. SLAYDEN. Certainly.

Mr. PROUTY. I notice in this bill that section 3 says that in compliance with said conditions the principal of the sum so received and put into the Treasury of the United States shall be set apart and credited on the books of the Treasury Department as a perpetual trust fund. Does the gentleman believe that the Treasury of the United States would be authorized to use that $20,000 for any purpose whatever except to hold it as a trust fund?

Mr. SLAYDEN. Does the gentleman from Iowa think that the two words "set apart" make it impossible to use it?

Mr. PROUTY. It is a trust fund.

Mr. SLAYDEN. Yes; it is a trust fund.

Mr. PROUTY. They have no right to use it other than for the purpose of the trust.

Mr. SLAYDEN. Mr. Chairman, if there is any way to reconstruct this bill so as to have the Government receive the $20,000 as a gift, and then have the condition that there shall be annually appropriated $800, the gentleman who wrote the bill would be glad to have it done.

Mr. PROUTY. That can be easily done—in consideration of giving the $20,000 they agree perpetually to appropriate $800.

Mr. SLAYDEN. That is the effect of the bill as it stands now.

Mr. PROUTY. No; it sets it apart as a trust fund.

Mr. MANN. Will the gentleman yield to me?

Mr. SLAYDEN. Certainly.

Mr. MANN. It is set apart in the Treasury fund as a trust fund on the books of the Treasury, but it has nothing whatever to do with the actual money. That goes to the general fund, and we spend it as we make appropriations. The $20,000, to be sure, is carried on the books of the Treasury as a trust fund. There are millions of dollars carried on the books of the Treasury to-day that have been embezzled; it has nothing to do with the money in the Treasury, and neither does this.

Mr. SLAYDEN. As I have been informed, there is a fund of $12,000,000 in the Treasury, the result of sales of cotton that was confiscated during the war. It is kept as a separate fund, yet it is not segregated and out of employment. It is separated merely in the bookkeeping.

Mr. MANN. Any man who will take a report of the Treasurer will find that there are separate funds in the Treasury, although the funds themselves are not there.

Mr. PROUTY. I would like to ask the gentleman a question.

Mr. FITZGERALD. Perhaps the gentleman from Illinois knows some way in which this money could be utilized for any purpose.

Mr. MANN. Certainly; the moment it gets into the Treasury it goes into the general fund.

Mr. FITZGERALD. Not unless the bequest specifically provides that it shall.

Mr. MANN. The gentleman is mistaken; it goes in the general fund subject to appropriation. It goes upon the books as a trust fund, just as the Smithsonian fund did.

Mr. FITZGERALD. The terms of the act accepting the Smithson bequest specifically provided that the money should be turned into the general fund of the Treasury.

Mr. MANN. The Regents of the Smithsonian Institution to-day have the power to collect money and turn it into the Treasury of the United States and receive 5 per cent interest upon it, and that without any act of Congress, and they may receive it without any act of Congress, without any appropriation from Congress, and pay it in under a provision similar to this.

Mr. OLMSTED. Mr. Chairman, to my mind this is not a question of very great importance. I do not think that any action we shall take here, any precedent we may establish in this case, will encourage wealthy people to die, or, in dying, to either make or refrain from making bequests to the Government. I am rather in favor of securing all of the bequests that we can, particularly for the purpose of enriching our stores of art with etchings and engravings as this provides. If this were simply a question of getting the $20,000, by agreeing to appropriate $800 a year in perpetuity, that would be one thing; but that is not the proposition. The $20,000 have already been bequeathed. It is in a trust company, the solvency of which is not doubted, and it is there for the benefit of the Government of the United States, to be held as a trust fund forever, the income to be used for the particular purpose specified in the bequest. It is safe to assume that from that $20,000 so held and invested by the trust company the Government will derive 2½ per cent, or a sum, say, amounting to $500 per annum.

This proposition simply says to us: If you will agree to pay $800 instead of getting $500—that is, if you will contribute $300 yourself—we will take the money out of the trust company and put in into your Treasury. What are we to gain by that? Here is a perfectly solvent trust company, and it can be safely relied upon that this fund will yield 2½ per cent, or $500, per annum. Why should we agree to appropriate more money ourselves? If we want to do that, or if any Congress wants to appropriate more money with which to buy etchings and engravings, it is within the power of Congress to do it; but what do we gain by accepting this proposition and binding ourselves in perpetuity to contribute a certain amount to buy engravings and put them in this particular collection? It seems to me that if I were the person contributing the money, I should prefer that the Government itself should add nothing to the collection; that it should be purely the gift of the donor. It seems to me a good business proposition for the Government to allow this money to remain in this solvent trust company and let the interest be contributed every year to add to this collection of etchings and engravings. If Congress desires to spend more than $500 a year for that purpose, it can at any time do so. But what is to be gained by making at this time a contract to appropriate in perpetuity the specified sum of $800 when it is not at all necessary to secure the $20,000?

Mr. MACON. Mr. Chairman, I want to see the Government get rich, if it can do so properly, but I can not see how it is to make one iota by accepting this gift. The gentleman from Pennsylvania [Mr. OLMSTED] who has just taken his seat has very properly said that the Government does not gain anything. As the bequest now stands, it is in the hands of a solvent trustee, charged with the duty of lending the fund for all it can get and paying the interest upon the fund to the Government for the purpose of buying etchings, and so forth, to be placed in the Library, to be added to a collection of etchings already there, as a sort of monument to the name of the donor. Where does the Government gain anything by transferring the status of the donation? It is already receiving 4 per cent, and has no obligation resting upon it in connection with the matter whatever. If it reverses the position and takes upon itself the obligation of caring for this trust fund and of paying 4 per cent interest at all times for the purpose of buying particular etchings to add to a particular collection, it looks as though it will be doing an unwise thing. Four per cent upon this donation, as has been well stated here, will entail upon the Government the certain payment of $800 per year for all time for the purchase of $800 worth of a certain kind of etching, to be added to a certain collection in the Library. That being the case, there is no telling how great this collection will become in time. It may be that the Government could use its money to better advantage to buy something that would be of greater educational aid than this particular kind of etching would be for $800 per year. It looks to me like taking upon ourselves without cause an obligation that will be burdensome in time to come. For that reason I am opposed to the change in the position of this bequest. Let this trust company, which accepted the obligation under the will, bear its own burden. Let it carry out the obligation that it assumed to invest the money and get the very best interest it can and turn it over to the Government for the purpose of buying etchings to be used in the Library. Nobody will be hurt, and the Government will not have an unnecessary obligation resting upon it. If it remains as it is, posterity will not be burdened with it, but it will be if we shift the responsibility of the obligation to the shoulders of the people.

The CHAIRMAN. If there is no further general debate, the Clerk will report the bill.

The bill was read.

Mr. SLAYDEN. Mr. Chairman, I move that the committee rise and report the bill to the House with the recommendation that it do pass.

Mr. FITZGERALD. Mr. Chairman, I suggest that the amendment recommended by the committee be voted upon first.

The CHAIRMAN. The Chair failed to understand the gentleman from New York.

Mr. FITZGERALD. There is a certain pending amendment.

Mr. SLAYDEN. The gentleman has seen an old report of the bill. The bill as reported is H. R. 9833, and makes no provision for an amendment—no amendment suggested to it. The gentleman saw a print of the original bill.

Mr. FITZGERALD. Mr. Chairman, I have the bill reported out with a committee amendment on my desk.

Mr. SLAYDEN. There is no amendment to the bill.

The question was taken, and the Chair announced the Chair was in doubt.

Mr. FITZGERALD. Mr. Chairman, I have a copy of the bill reported, and there is an amendment reported by the committee pending before the committee, and I ask that it be looked at by the Clerk before this vote is taken. The trouble is the committee is not familiar with exactly what it has done. [Cries of "Regular order!"]

Mr. SLAYDEN. Mr. Chairman, the bill H. R. 9833 is reported exactly as it is intended to be and as it is proposed to be amended by the committee in their reprint of the bill.

Mr. FITZGERALD. Mr. Chairman, I have here a copy of the bill H. R. 9833 reported with an amendment the day after it was introduced, which amendment is now pending in the House.

Mr. MANN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois will state his parliamentary inquiry.

Mr. MANN. Mr. Chairman, I hold in my hand a report marked "Report No. 38." I would like to inquire if that is the one which the Clerk had. That report of the committee gives an amendment.

The CHAIRMAN. The Chair desires to make this statement: The bill read here does not show any amendment. The committee report shows an amendment, and, by unanimous consent, the Chair will ask to vacate the preceding vote and——

Mr. SLAYDEN. Mr. Chairman, I ask unanimous consent that the amendment proposed be agreed to. The amendment was made to meet——

The CHAIRMAN. If there is no objection, the previous vote will be vacated in order that the amendment may be voted upon. [After a pause.] The Chair hears no objection.

Mr. FITZGERALD. Mr. Chairman, I wish to offer an amendment to the amendment.

The CHAIRMAN. The Clerk will first report the committee amendment.

The Clerk read as follows:

Strike out all of section 3 and substitute therefor the following:

"SEC. 3. That in compliance with said conditions the principal of the sum so received and paid into the Treasury of the United States shall be set apart and credited on the books of the Treasury Department as a perpetual trust fund; and the sum of $800, being equivalent to 4 per cent on the principal of said trust fund, be, and the same is

hereby, appropriated out of any moneys in the Treasury not otherwise appropriated, and such appropriation shall be deemed a permanent annual appropriation and shall be expended in the manner and for the purposes herein authorized, and as provided in the said bequest."

Mr. FITZGERALD. Mr. Chairman, I move to amend by striking out the words "set apart" in line 23, page 3.

The CHAIRMAN. The Clerk will report the amendment.

Mr. MANN. Strike out the words "set apart and."

Mr. FITZGERALD. Yes; "set apart and."

The Clerk read as follows:

Strike out, in line 23, page 3, the words "set apart and."

Mr. SLAYDEN. I have no objection to that.

The CHAIRMAN. Without objection, the amendment to the amendment is agreed to. [After a pause.] The Chair hears no objection. Now the question is upon the amendment as amended.

The question was taken, and the amendment as amended was agreed to.

Mr. SLAYDEN. Mr. Chairman, I move that the committee do now rise and report the bill as amended to the House with the recommendation that it do pass.

Mr. FITZGERALD. Mr. Chairman, I move that the committee rise with the recommendation that the enacting clause be stricken out.

The CHAIRMAN. The gentleman from New York moves as a substitute that the committee rise and report the bill with the recommendation that the enacting clause be stricken out.

Mr. MANN. Mr. Chairman, I make the point of order that the motion is not in order in the committee. The gentleman can move to strike out the enacting clause, if he wants to, and then move that the committee rise and report, but he can not submit a motion of that kind.

The CHAIRMAN. The Chair sustains the point of order made by the gentleman from Illinois. The question is that the committee rise and report the bill as amended with a favorable recommendation.

The question was taken, and the Chair announced the ayes seemed to have it.

Mr. MACON. Division!

The committee divided; and there were—ayes 63, noes 28.

Mr. SISSON. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The point is well taken.

Mr. MANN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The point is made that there is no quorum present.

Mr. MANN. What was the announcement of the Chair?

The CHAIRMAN. That the vote was ayes 63 and noes 28. The Chair will count to ascertain whether or not there is a quorum present.

Mr. SISSON. Mr. Chairman, I withdraw the point of no quorum.

So the motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FLOYD of Arkansas, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House bill 9833, and had instructed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. SLAYDEN. I move the previous question on the bill and amendment to final passage.

The SPEAKER. The question is on ordering the previous question.

The question was taken, and the Chair announced that the ayes seem to have it.

Mr. MADDEN. Division, Mr. Speaker.

The House divided; and there were—ayes 76, noes 9.

Mr. SISSON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and forty-nine Members are present, not a quorum.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. MANN. I ask for a division, Mr. Speaker. We are willing to stay here and do business.

The House divided; and there were—ayes 89, noes 71.

Mr. MANN. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 152, nays 116, answered "present" 3, not voting 117, as follows:

YEAS—152.

Adair	Dixon, Ind.	Houston	Rauch
Adamson	Donohoe	Howard	Redfield
Alexander	Doughton	Hughes, Ga.	Reilly
Allen	Dupre	Hughes, N. J.	Richardson
Anderson, Ohio	Edwards	Hull	Roddenbery
Ansberry	Estopinal	James	Rothermel
Barnhart	Evans	Johnson, S. C.	Rouse
Bathrick	Faison	Kindred	Rucker, Colo.
Beall, Tex.	Fitzgerald	Kinkead, N. J.	Rucker, Mo.
Boehne	Flood, Va.	Kitchin	Russell
Booher	Floyd, Ark.	Konop	Saunders
Borland	Fornes	Korbly	Shackleford
Brown	Foster, Ill.	Lamb	Sheppard
Buchanan	Fowler	Lee, Ga.	Sherley
Bulkley	Francis	Lee, Pa.	Sherwood
Burleson	Gallagher	Lever	Sims
Byrnes, S. C.	Gardner, Mass.	Levy	Sisson
Byrns, Tenn.	Garner	Lewis	Slayden
Callaway	George	Littlepage	Smith, N. Y.
Candler	Glass	Lloyd	Smith, Tex.
Cantrill	Godwin, N. C.	McGillicuddy	Stanley
Carlin	Goeke	McHenry	Stedman
Carter	Graham	McKellar	Stephens, Nebr.
Claypool	Gray	Macon	Stephens, Tex.
Clayton	Gregg, Tex.	Maguire, Nebr.	Sweet
Cline	Hamill	Martin, Colo.	Taggart
Collier	Hamilton, W. Va.	Mays	Talcott, N. Y.
Connell	Hamlin	Moon, Tenn.	Thomas
Conry	Hammond	Morrison	Townsend
Covington	Hardwick	Moss, Ind.	Tribble
Cox, Ohio	Hardy	Oldfield	Turnbull
Cullop	Harrison, Miss.	O'Shaunessy	Tuttle
Daugherty	Hay	Palmer	Underhill
Davis, W. Va.	Heflin	Patten, N. Y.	Underwood
Dent	Helm	Pepper	Watkins
Denver	Henry, Tex.	Peters	White
Dickinson	Hobson	Raker	Wilson, N. Y.
Dickson, Miss.	Holland	Randell, Tex.	Young, Tex.

NAYS—116.

Akin, N. Y.	Fuller	Lindbergh	Rees
Anderson, Minn.	Gardner, N. J.	Longworth	Roberts, Nev.
Anthony	Gillett	McCall	Rodenberg
Austin	Good	McCreary	Rubey
Barchfeld	Green, Iowa	McGuire, Okla.	Sells
Bartholdt	Greene, Mass.	McKenzie	Slemp
Bowman	Hanna	McKinley	Sloan
Bradley	Harris	McKinney	Smith, J. M. C.
Browning	Hartman	McLaughlin	Speer
Burke, Pa.	Haugen	McMorran	Steenerson
Burke, S. Dak.	Heald	Madden	Stephens, Cal.
Butler	Hensley	Malby	Stephens, Miss.
Campbell	Hill	Mann	Sterling
Cannon	Hinds	Martin, S. Dak.	Stevens, Minn.
Cary	Howell	Miller	Stone
Catlin	Howland	Mondell	Sulloway
Cooper	Hubbard	Morgan	Switzer
Copley	Hughes, W. Va.	Morse, Wis.	Taylor, Ohio
Dalzell	Humphrey, Wash.	Murdock	Thayer
Danforth	Jackson	Needham	Thistlewood
Davis, Minn.	Kahn	Nelson	Tilson
De Forest	Kennedy	Norris	Towner
Dodds	Kinkaid, Nebr.	Nye	Utter
Draper	Knowland	Olmsted	Wedemeyer
Dyer	Kopp	Patton, Pa.	Weeks
Esch	La Follette	Payne	Willis
Focht	Langham	Pickett	Wilson, Ill.
Foss	Langley	Prince	Woods, Iowa
French	Lenroot	Prouty	Young, Kans.

ANSWERED "PRESENT"—3.

Farr	Legare	Riordan

NOT VOTING—117.

Aiken, S. C.	Driscoll, D. A.	Kent	Ransdell, La.
Ainey	Driscoll, M. E.	Konig	Reyburn
Ames	Dwight	Lafean	Roberts, Mass.
Andrus	Ellerbe	Lafferty	Robinson
Ashbrook	Fairchild	Lawrence	Sabath
Ayres	Ferris	Lindsay	Scully
Bartlett	Fields	Linthicum	Sharp
Bates	Finley	Littleton	Simmons
Bell, Ga.	Fordney	Lobeck	Small
Berger	Foster, Vt.	Loud	Smith, Saml. W.
Bingham	Garrett	McCoy	Sparkman
Blackmon	Goldfogle	McDermott	Stack
Brantley	Goodwin, Ark.	Maher	Sulzer
Broussard	Gould	Matthews	Talbott, Md.
Burgess	Gregg, Pa.	Moon, Pa.	Taylor, Ala.
Burke, Wis.	Griest	Moore, Pa.	Taylor, Colo.
Burnett	Gudger	Moore, Tex.	Volstead
Calder	Guernsey	Mott	Vreeland
Clark, Fla.	Hamilton, Mich.	Murray	Warburton
Cox, Ind.	Harrison, N. Y.	Padgett	Webb
Crago	Hawley	Page	Whitacre
Cravens	Hayes	Parran	Wickliffe
Crumpacker	Helgesen	Plumley	Wilder
Curley	Henry, Conn.	Porter	Wilson, Pa.
Currier	Higgins	Post	Witherspoon
Davenport	Humphreys, Miss.	Pou	Wood, N. J.
Davidson	Jacoway	Powers	Young, Mich.
Dies	Johnson, Ky.	Pray	
Difenderfer	Jones	Pujo	
Doremus	Kendall	Rainey	

So the motion to adjourn was agreed to.

The Clerk announced the following pairs:
Until further notice:
Mr. BROUSSARD with Mr. HELGESEN.
Mr. ASHBROOK with Mr. AMES.
Mr. AYRES with Mr. AINEY.
Mr. BLACKMON with Mr. CALDER.
Mr. BRANTLEY with Mr. BATES.
Mr. BURNETT with Mr. CRAGO.
Mr. CLARK of Florida with Mr. MICHAEL E. DRISCOLL.
Mr. COX of Indiana with Mr. CRUMPACKER.
Mr. CURLEY with Mr. HAYES.
Mr. DAVENPORT with Mr. GUERNSEY.
Mr. DIFENDERFER with Mr. HAWLEY.
Mr. DOREMUS with Mr. HIGGINS.
Mr. FERRIS with Mr. LAWRENCE.
Mr. FIELDS with Mr. LAFFERTY.
Mr. GARRETT with Mr. KENDALL.
Mr. GOLDFOGLE with Mr. MATTHEWS.
Mr. GOODWIN of Arkansas with Mr. MOTT.
Mr. GREGG of Pennsylvania with Mr. MOON of Pennsylvania.
Mr. GUDGER with Mr. PARRAN.
Mr. HARRISON of New York with Mr. HENRY of Connecticut.
Mr. JACOWAY with Mr. REYBURN.
Mr. JOHNSON of Kentucky with Mr. HAMILTON of Michigan.
Mr. LOBECK with Mr. WOOD of New Jersey.
Mr. MCDERMOTT with Mr. PLUMLEY.
Mr. MOORE of Texas with Mr. PORTER.
Mr. MURRAY with Mr. PRAY.
Mr. POST with Mr. SIMMONS.
Mr. ROBINSON with Mr. SAMUEL W. SMITH.
Mr. SABATH with Mr. VOLSTEAD.
Mr. SULZER with Mr. WILDER.
Mr. LINDSAY with Mr. POWERS.
Mr. TALBOTT of Maryland with Mr. VREELAND.
Mr. LITTLETON with Mr. DWIGHT.
Mr. RAINEY with Mr. FAIRCHILD.
Mr. FINLEY with Mr. CURRIER.
Mr. BELL of Georgia with Mr. FARR.
Mr. PADGETT with Mr. MOORE of Pennsylvania.
Mr. BARTLETT with Mr. ROBERTS of Massachusetts.
Mr. POU with Mr. LAFEAN.
Mr. TAYLOR of Alabama with Mr. YOUNG of Michigan.
Mr. WEBB with Mr. GRIEST.
Mr. SPARKMAN with Mr. DAVIDSON.
Until after holiday recess:
Mr. LEGARE with Mr. LOUD.
For the session:
Mr. RIORDAN with Mr. ANDRUS.
For this day:
Mr. MCCOY with Mr. BINGHAM.

The result of the vote was announced by the Speaker pro tempore [Mr. SIMS] as above recorded.

Accordingly (at 2 o'clock and 35 minutes p. m.) the House adjourned until to-morrow at 12 o'clock m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of Commerce and Labor, recommending the passage of an act to provide for the importation of illuminating and fog-signal apparatus for the Lighthouse Service free of duty (H. Doc. No. 230); to the Committee on Ways and Means and ordered to be printed.

2. A letter from the Postmaster General, transmitting statement showing officers and employees of the Post Office Department who, in the discharge of their duties, traveled from Washington to points outside of the District of Columbia during fiscal year ended June 30, 1911 (H. Doc. No. 231); to the Committee on Expenditures in the Post Office Department and ordered to be printed.

3. A letter from the Secretary of the Treasury, submitting statement of expenses of the Revenue-Cutter Service for the fiscal year ended June 30, 1911 (H. Doc. No. 229); to the Committee on Expenditures in the Treasury Department and ordered to be printed.

4. A letter from the Acting Secretary of Commerce and Labor, transmitting report of special agent containing result of investigations of cotton-goods trade in England (H. Doc. No. 233); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

5. A letter from the Secretary of Agriculture, transmitting statement showing payments by the Bureau of Chemistry to State, county, or municipal governments during the fiscal year ended June 30, 1911 (S. Doc. No. 117); to the Committee on Expenditures in the Department of Agriculture and ordered to be printed.

6. A letter from the Secretary of the Treasury, transmitting statement of all money arising from proceeds of public property during fiscal year ended June 30, 1911, which was not paid into the Treasury of the United States, also payments made therefrom (H. Doc. No. 232); to the Committee on Expenditures in the Treasury Department and ordered to be printed.

7. A letter from the Acting Secretary of Commerce and Labor, transmitting report of special agent containing result of investigation of cotton goods in Spain and Portugal (H. Doc. No. 234); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

8. A letter from the Secretary of the Treasury, transmitting statement prepared by the Secretary of Agriculture showing the number of persons employed in meat inspection, where employed, and amount paid them during the fiscal year ended June 30, 1911 (H. Doc. No. 235); to the Committee on Expenditures in the Department of Agriculture and ordered to be printed.

9. A letter from the Secretary of the Treasury, transmitting a statement of proceeds of all sales of old material, condemned stores or supplies, etc., during the fiscal year ended June 30, 1911 (H. Doc. No. 236); to the Committee on Expenditures in the Treasury Department and ordered to be printed.

10. A letter from the Librarian of Congress, transmitting to Congress his annual report for the fiscal year ended June 30, 1911 (H. Doc. No. 147); to the Committee on the Library and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MARTIN of South Dakota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 13112) authorizing the construction of a railroad, tramroad, conveyor, wagon, or foot bridge and approaches thereto across the Tug Fork of Big Sandy River at or near the mouth of the Williamson Branch, in the city of Williamson, Mingo County, W. Va., reported the same with amendment, accompanied by a report (No. 169), which said bill and report were referred to the House Calendar.

Mr. SMITH of Texas, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 13278) to authorize the construction of a bridge across Caddo Lake, in Louisiana, reported the same with amendment, accompanied by a report (No. 170), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 3714) granting an increase of pension to Levi L. Ferrin; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 4933) granting an increase of pension to Robert L. Chick; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8361) granting an increase of pension to Dock Keeton; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8363) granting an increase of pension to Daniel A. Guy; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KINKAID of Nebraska: A bill (H. R. 14653) providing for the erection of a public building on a site heretofore purchased in the city of Chadron, State of Nebraska; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14654) providing for the erection of a public building on a site heretofore purchased in the city of Alliance, State of Nebraska; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14655) providing for the purchase of a site and the erection of a public building in the city of Lexington, State of Nebraska; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14656) providing for the purchase of a site and the erection of a public building in the city of Broken Bow, State of Nebraska; to the Committee on Public Buildings and Grounds.

By Mr. AUSTIN: A bill (H. R. 14657) to amend section 4875 of the Revised Statutes, to provide a compensation for superintendents of national cemeteries; to the Committee on Military Affairs.

By Mr. ROBERTS of Nevada: A bill (H. R. 14658) to amend an act entitled "An act to regulate the employment of child labor in the District of Columbia"; to the Committee on the District of Columbia.

Also, a bill (H. R. 14659) to prevent the interstate transportation of all goods, wares, articles, and merchandise manufactured wholly or partly by convict labor; to the Committee on Interstate and Foreign Commerce.

By Mr. STEDMAN: A bill (H. R. 14660) to provide for the purchase of a site and the erection of a public building at Chapel Hill, N. C.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14661) to provide for the purchase of a site and the erection of a public building at Mount Airy, N. C.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14662) for the erection of a public building at Burlington, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. ESCH: A bill (H. R. 14663) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR of Colorado: A bill (H. R. 14664) authorizing the Secretary of the Interior to grant further extension of time within which to make proof on desert-land entries in the counties of Weld and Larimer, Colo.; to the Committee on the Public Lands.

Also, a bill (H. R. 14665) for the relief of homestead entrymen under the Grand Valley High Line reclamation project, in the State of Colorado; to the Committee on the Public Lands.

By Mr. PRAY (by request): A bill (H. R. 14666) for the relief of certain nations or tribes of Indians in Montana; to the Committee on Indian Affairs.

By Mr. STEPHENS of Texas: A bill (H. R. 14667) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891; to the Committee on Indian Affairs.

Also, a bill (H. R. 14668) requiring any citizen of a foreign country who may procure a copyright or letters patent from the United States to pay to the United States for such copyright or patent the same amount of fees and to subject himself to the same laws, rules, and regulations relating to such patent, its use and control, as the Government of such foreign country exacts by its laws and regulations from citizens of the United States, and for other purposes; to the Committee on Patents.

Also, a bill (H. R. 14669) authorizing the President of the United States to enter into commercial agreements for the purpose of securing enlarged foreign markets for the beef and pork products of the United States; to the Committee on Ways and Means.

By Mr. ROBERTS of Nevada: A bill (H. R. 14670) to prevent interstate railroads from owning or controlling ships or vessels engaged in trade or commerce through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. ALLEN: A bill (H. R. 14671) to provide for the erection of a public Weather Bureau observatory at Cincinnati, Ohio; to the Committee on Agriculture.

By Mr. BORLAND: A bill (H. R. 14672) concerning baggage and excess baggage carried by common carriers in the District of Columbia and Territories and common carriers while engaged in commerce between the States and between the States and foreign nations, and prescribing the duties of such common carriers in reference thereto while so engaged, defining certain offenses and fixing the punishment therefor, and repealing all conflicting laws; to the Committee on Interstate and Foreign Commerce.

By Mr. DUPRE (by request): A bill (H. R. 14673) for the retirement of United States civil-service employees; to the Committee on Reform in the Civil Service.

By Mr. GRIEST: A bill (H. R. 14674) to provide for the erection of a public building at Columbia, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. LAFFERTY: A bill (H. R. 14675) to provide for the final settlement with the Tillamook Tribe of Indians of Oregon for lands ceded by said Indians to the United States in a certain agreement between said parties dated August 7, 1851; to the Committee on Indian Affairs.

Also, a bill (H. R. 14676) to amend sections 2588, 2589, and 2590 of the Revised Statutes of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. HEFLIN: A bill (H. R. 14677) to amend the Bowman Act, volume 22, Statutes at Large, page 485; to the Committee on War Claims.

Also, a bill (H. R. 14678) for the disposition of the proceeds of the illegal cotton taxes collected in 1862, 1864, and 1866; to the Committee on War Claims.

Also, a bill (H. R. 14679) to provide for the pensioning of descendants of certain soldiers; to the Committee on Pensions.

Also, a bill (H. R. 14680) providing that the street car companies of the District of Columbia shall provide separate street cars for white and negro passengers; to the Committee on the District of Columbia.

Also, a bill (H. R. 14681) to prevent gambling in cotton futures; to the Committee on the Judiciary.

Also, a bill (H. R. 14682) to provide for the survey and examination of the Coosa and Tallapoosa Rivers in Georgia and Alabama and their tributaries, with a view to ascertaining the possibility of aiding navigation on said rivers and on the Alabama River and of developing the water power thereon; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 14683) authorizing the construction of a suitable building at Fort Deposit, Ala., in lieu of the armory which belonged to the National Guard of said place and was destroyed by the recent storm that swept over Fort Deposit; to the Committee on Military Affairs.

Also, a bill (H. R. 14684) for the establishment of a fish-cultural station for the propagation of fish at or near Prattville, Ala.; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 14685) to appropriate $500,000 for the purpose of carrying on demonstration work on public roads in the United States; to the Committee on Agriculture.

Also, a bill (H. R. 14686) to secure fair jury trials in criminal cases in the United States district and circuit courts; to the Committee on the Judiciary.

Also, a bill (H. R. 14687) to repeal the duties on agricultural implements and cotton bagging and ties; to the Committee on Ways and Means.

Also, a bill (H. R. 14688) to secure fair jury trials in criminal cases in the United States district and circuit courts; to the Committee on the Judiciary.

Also, a bill (H. R. 14689) providing that agents be sent into the South American Republics and into China and Japan for the purpose of inquiring into our trade relations with those countries and urging the use of American cotton goods; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 14690) prohibiting labor on buildings, etc., in the District of Columbia on the Sabbath Day; to the Committee on the District of Columbia.

By Mr. RIORDAN: A bill (H. R. 14691) to establish a light and fog signal in New York Bay at the southwesterly end of Governors Island; to the Committee on Interstate and Foreign Commerce.

By Mr. TOWNSEND: A bill (H. R. 14692) authorizing the Secretary of War to donate to the city of Orange, N. J., two bronze or brass cannon or fieldpieces; to the Committee on Military Affairs.

By Mr. HEFLIN: A bill (H. R. 14693) to appropriate $25,000 to erect a suitable monument on the battle grounds at the Horse Shoe, on the Tallapoosa River, in the State of Alabama; to the Committee on the Library.

By Mr. HELGESEN: A bill (H. R. 14694) providing additional funds for the erection of a public building at Mandan, N. Dak.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14695) providing additional funds for the erection of a public building at Williston, N. Dak.; to the Committee on Public Buildings and Grounds.

By Mr. LITTLEPAGE: A bill (H. R. 14696) to provide for the improvement of the Great Kanawha River, W. Va.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 14697) to amend and reenact section 3242 of the Revised Statutes relating to carrying on business without payment of special tax, and providing for penalties therefor; to the Committee on Ways and Means.

By Mr. CLAYTON: A bill (H. R. 14698) to authorize the Secretary of the Interior to investigate the status of the Indian reserves set aside under the Creek treaty of 1832, for which no patents have been issued and the ownership of which is in question, and appropriating money therefor; to the Committee on the Public Lands.

By Mr. LAFFERTY: A bill (H. R. 14699) to provide for the final settlement with the Clatsop Tribe of Indians of Oregon for lands ceded by said Indians to the United States in a cer-

tain agreement between said parties dated August 5, 1851; to the Committee on Indian Affairs.

By Mr. CLARK of Florida: Joint resolution (H. J. Res. 169) for a survey of Deep Creek, in the State of Florida; to the Committee on Rivers and Harbors.

By Mr. GRIEST: Joint resolution (H. J. Res. 170) commending the celebration of the one hundredth anniversay of the signing of the treaty of Ghent and the completion of a century of peace between the United States and Great Britain and Canada; to the Committee on Foreign Affairs.

By Mr. HEFLIN: Joint resolution (H. J. Res. 171) to provide for the printing of 250,000 copies of the special report on the diseases of horses; to the Committee on Printing.

Also, joint resolution (H. J. Res. 172) authorizing the Director of the Census to collect and publish additional cotton statistics; to the Committee on the Census.

By Mr. KORBLY: Resolution (H. Res. 322) authorizing the appointment of a clerk to the Committee on Railways and Canals; to the Committee on Accounts.

By Mr. FRANCIS: Resolution (H. Res. 323) to direct and empower the committee elected under H. Res. 148, for the purpose of investigating the United States Steel Corporation, to enforce the criminal sections of what is popularly known as the Sherman antitrust law, acts amendatory thereto, and other acts; to the Committee on Rules.

By Mr. MANN: Resolution (H. Res. 324) for appointment of janitor to conference minority; to the Committee on Accounts.

Also, resolution (H. Res. 325) for appointment of clerk and janitor for conference minority; to the Committee on Accounts.

By Mr. CRAVENS: Resolution (H. Res. 326) providing for an assistant clerk to the Committee on Enrolled Bills; to the Committee on Accounts.

By Mr. LAFFERTY: Resolution (H. Res. 327) for an investigation by the Committee on the Public Lands of the manner in which the pending suits of the United States against the Oregon & California Railroad Co. are being conducted; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 14700) granting an increase of pension to Isaac L. Martz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14701) granting an increase of pension to Henry B. Hale; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14702) granting an increase of pension to Nathan H. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14703) granting an increase of pension to Herman L. Wilbur; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14704) granting an increase of pension to John E. Powers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14705) granting an increase of pension to Samuel A. Needham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14706) granting an increase of pension to Alonzo P. Havens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14707) granting an increase of pension to Albert E. Low; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14708) granting an increase of pension to Harris W. Conners; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14709) granting an increase of pension to William Gro; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14710) granting an increase of pension to William W. Lewis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14711) granting an increase of pension to Lafayette Coy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14712) granting an increase of pension to Gowdy B. Rutter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14713) granting an increase of pension to Joseph Fields; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14714) granting an increase of pension to John Snyder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14715) granting an increase of pension to Michael Lensnick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14716) granting an increase of pension to John Hughes; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 14717) granting an increase of pension to George W. McCurdy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14718) granting an increase of pension to Mary P. King; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 14719) granting a pension to Frank Wright; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14720) granting a pension to Laura Housley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14721) granting a pension to George A. Boring; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14722) granting a pension to Emma McDaniel; to the Committee on Pensions.

Also, a bill (H. R. 14723) granting an increase of pension to John W. Carter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14724) granting an increase of pension to Emanuel Pollard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14725) granting an increase of pension to George M. D. Miser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14726) to correct the military record of L. D. Thompson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14727) to correct the military record of James A. Allen; to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 14728) granting an increase of pension to James J. Braman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14729) granting an increase of pension to Henry Ault; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14730) granting an increase of pension to Curtis Rose; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14731) granting an increase of pension to James P. Strickler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14732) granting an increase of pension to Harrison H. Riddle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14733) granting an increase of pension to David Burtsfield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14734) granting an increase of pension to Nelson B. Waymire; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14735) granting an increase of pension to Andrew Row; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14736) granting an increase of pension to Lewis M. Smalley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14737) granting an increase of pension to Mynard Moyer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14738) granting an increase of pension to Michael Lewandoski; to the Committee on Invalid Pensions.

By Mr. BATHRICK: A bill (H. R. 14739) granting an increase of pension to Martin Holmes, alias George Langin; to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 14740) granting a pension to D. H. Evans; to the Committee on Invalid Pensions.

By Mr. BOEHNE: A bill (H. R. 14741) granting an increase of pension to George Sheets; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14742) granting an increase of pension to George J. Geissler; to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 14743) granting a pension to Mary A. Thompson; to the Committee on Invalid Pensions.

By Mr. BULKLEY: A bill (H. R. 14744) for the relief of Stanley J. Morrow; to the Committee on Claims.

By Mr. BUTLER: A bill (H. R. 14745) granting an increase of pension to John Allen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14746) granting an increase of pension to Lewis W. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14747) granting an increase of pension to Henry H. Shainline; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14748) to refund certain taxes paid by the heirs of William Hannum, deceased; to the Committee on Claims.

By Mr. BYRNS of Tennessee: A bill (H. R. 14749) granting an increase of pension to Charlotte A. Brandau; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14750) for the relief of the estate of Rodger Kilmartin; to the Committee on War Claims.

By Mr. CANTRILL: A bill (H. R. 14751) granting a pension to Nannie Kenny Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14752) granting an increase of pension to John Sheehan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14753) granting an increase of pension to Perry Mobley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14754) granting an increase of pension to Samuel Maxberry, alias Samuel Logan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14755) granting an increase of pension to Sanford C. Wilhoite; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14756) granting an increase of pension to Henry B. Russell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14757) granting an increase of pension to Thomas Knight; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14758) granting an increase of pension to Taylor Fortner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14759) authorizing the appointment of Capt. Charles D. Clay, United States Army, retired, to the rank

and grade of major on the retired list of the Army; to the Committee on Military Affairs.

By Mr. CALDER: A bill (H. R. 14760) for the relief of Gregory Bennett; to the Committee on Interstate and Foreign Commerce.

By Mr. CARLIN: A bill (H. R. 14761) for the relief of Lewis N. Prentice; to the Committee on Claims.

Also, a bill (H. R. 14762) for the relief of the estate of J. W. Devers, deceased; to the Committee on War Claims.

By Mr. DALZELL: A bill (H. R. 14763) granting an increase of pension to William J. Finley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14764) granting an increase of pension to Daniel C. Boggs; to the Committee on Invalid Pensions.

By Mr. DRAPER: A bill (H. R. 14765) granting an increase of pension to Franklin Woodard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14766) granting an increase of pension to Peter Henry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14767) granting a pension to Robert G. Owens; to the Committee on Pensions.

By Mr. DUPRE: A bill (H. R. 14768) to remove the charge of desertion against Joseph K. Haggett; to the Committee on Military Affairs.

By Mr. FRENCH: A bill (H. R. 14769) granting an increase of pension to Thomas B. Butt; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 14770) for the relief of Martin A. L. Olsen; to the Committee on Claims.

By Mr. GILLETT: A bill (H. R. 14771) for the relief of Frank H. Phipps; to the Committee on War Claims.

Also, a bill (H. R. 14772) for the relief of Albert W. Phelps; to the Committee on Claims.

Also, a bill (H. R. 14773) granting a pension to Charlotte I. Arnold; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14774) granting a pension to Elizabeth F. Bogart; to the Committee on Pensions.

Also, a bill (H. R. 14775) granting a pension to Adeline E. Ferrell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14776) granting an increase of pension to Otis S. Dickinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14777) granting an increase of pension to Levi C. Hicks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14778) granting an increase of pension to Alpheus B. Parker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14779) granting an increase of pension to Albert H. Clarke; to the Committee on Invalid Pensions.

By Mr. HARTMAN: A bill (H. R. 14780) for the relief of Harrison Defibaugh; to the Committee on Military Affairs.

By Mr. KENNEDY: A bill (H. R. 14781) granting an increase of pension to Levi R. Stearnes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14782) granting an increase of pension to William McCutcheon; to the Committee on Invalid Pensions.

By Mr. KINKAID of Nebraska: A bill (H. R. 14783) granting a pension to Frank Lovewell; to the Committee on Pensions.

Also, a bill (H. R. 14784) granting an increase of pension to Edmund Gerber, alias Frank Hoffman; to the Committee on Pensions.

Also, a bill (H. R. 14785) granting an increase of pension to George W. Salter; to the Committee on Invalid Pensions.

By Mr. KORBLY: A bill (H. R. 14786) granting an increase of pension to Thomas A. Hastings; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14787) granting an increase of pension to Charles L. Jones; to the Committee on Invalid Pensions.

By Mr. LAWRENCE: A bill (H. R. 14788) granting an increase of pension to John Q. Erwin; to the Committee on Invalid Pensions.

By Mr. LANGHAM: A bill (H. R. 14789) granting an increase of pension to Samuel S. McCreery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14790) granting an increase of pension to Henry Q. Graham; to the Committee on Invalid Pensions.

By Mr. LEE of Georgia: A bill (H. R. 14791) for the relief of F. A. Stansell, administrator of the estate of Clark Townsend, deceased; to the Committee on War Claims.

By Mr. LINDBERGH: A bill (H. R. 14792) granting an increase of pension to Charles Latham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14793) granting an increase of pension to James C. Burrall; to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 14794) granting an increase of pension to Sibba Miller; to the Committee on Invalid Pensions.

By Mr. McKENZIE: A bill (H. R. 14795) granting an increase of pension to John Y. Lambert; to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 14796) granting an increase of pension to John M. Mourning; to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN: A bill (H. R. 14797) granting an increase of pension to Timothy Keely; to the Committee on Invalid Pensions.

By Mr. MALBY: A bill (H. R. 14798) granting an increase of pension to Elon S. Balcome; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14799) granting an increase of pension to Hollis D. Kendall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14800) granting an increase of pension to Benjamin Griffith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14801) granting an increase of pension to William Riley Helms; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14802) granting an increase of pension to David W. Clements; to the Committee on Invalid Pensions.

By Mr. MURDOCK: A bill (H. R. 14803) granting an increase of pension to Henry C. Fairchild; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14804) granting an increase of pension to David P. Row; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14805) granting an increase of pension to William J. Forbes; to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 14806) for the relief of the heirs of John J. C. Wiley; to the Committee on War Claims.

Also, a bill (H. R. 14807) for the relief of the diocese of Tennessee of the Protestant Episcopal Church; to the Committee on War Claims.

By Mr. PALMER: A bill (H. R. 14808) for the relief of William Shoenberger; to the Committee on Military Affairs.

Also, a bill (H. R. 14809) granting a pension to Catharine Butz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14810) granting a pension to Rose Blackburn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14811) granting a pension to Catherine Jaich; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14812) granting a pension to Phoebe A. Dixon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14813) granting an increase of pension to Anna M. Walton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14814) granting an increase of pension to Catharine Kistler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14815) granting an increase of pension to James A. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14816) granting an increase of pension to George L. Bradford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14817) granting an increase of pension to Louis E. Seurat; to the Committee on Pensions.

Also, a bill (H. R. 14818) granting an increase of pension to Aaron Culberson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14819) granting an increase of pension to Jacob Itterly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14820) granting an increase of pension to Jacob E. Dreibelbies; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14821) granting an increase of pension to Stokes Heft; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14822) granting an increase of pension to Hezekiah Dailey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14823) granting an increase of pension to William D. Gibson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14824) granting an increase of pension to Charles Heming; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14825) granting an increase of pension to Charles Stevens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14826) granting an increase of pension to Alice King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14827) granting an increase of pension to John Reuss; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14828) granting an increase of pension to James Riley; to the Committee on Pensions.

Also, a bill (H. R. 14829) granting an increase of pension to Jacob Andrews; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 14830) for the relief of Daniel B. Miller, United States Army, retired; to the Committee on Claims.

By Mr. PATTON of Pennsylvania: A bill (H. R. 14831) granting pensions to Charles Sawyer and others; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14832) granting an increase of pension to Mary A. Andrews; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14833) granting an increase of pension to P. A. Gaulin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14834) granting an increase of pension to Thomas McCafferty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14835) granting an increase of pension to David Price; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14836) granting a pension to Peter L. Brion; to the Committee on Pensions.

Also, a bill (H. R. 14837) granting an increase of pension to William Cronoble; to the Committee on Invalid Pensions.

By Mr. PEPPER: A bill (H. R. 14838) granting a pension to Pauline R. Wolf; to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 14839) granting a pension to Richard Hill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14840) granting a pension to Carrie E. Gibson; to the Committee on Pensions.

Also, a bill (H. R. 14841) granting an increase of pension to George A. Tainter; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 14842) granting a pension to R. M. Bass; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14843) granting an increase of pension to William Younger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14844) granting an increase of pension to John Hale; to the Committee on Invalid Pensions.

By Mr. PRAY: A bill (H. R. 14845) granting a pension to William Miller; to the Committee on Invalid Pensions.

By Mr. REILLY: A bill (H. R. 14846) granting a pension to Harry P. Stark; to the Committee on Pensions.

By Mr. REYBURN: A bill (H. R. 14847) granting an increase of pension to Charles Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14848) granting an increase of pension to Stephen H. Haley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14849) granting an increase of pension to Hannah R. Mackie; to the Committee on Invalid Pensions.

By Mr. RIORDAN: A bill (H. R. 14850) for the relief of Thomas Crowley; to the Committee on Claims.

Also, a bill (H. R. 14851) granting a pension to Sarah J. Kelley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14852) granting a pension to Henrietta Sherman; to the Committee on Pensions.

Also, a bill (H. R. 14853) granting an increase of pension to Mrs. H. V. Holdsworth; to the Committee on Pensions.

Also, a bill (H. R. 14854) granting an increase of pension to Marzio Martini; to the Committee on Pensions.

Also, a bill (H. R. 14855) to remove the charge of desertion from the military record of Washington E. Hall, alias John Duffy; to the Committee on Military Affairs.

Also, a bill (H. R. 14856) for the relief of former paymaster's clerk John A. Murphy; to the Committee on Naval Affairs.

By Mr. RUCKER of Colorado: A bill (H. R. 14857) granting an increase of pension to Christian White; to the Committee on Invalid Pensions.

By Mr. RUCKER of Missouri: A bill (H. R. 14858) granting an increase of pension to Thomas P. D. Reno; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 14859) granting a pension to Rachel Schlindwein; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14860) granting a pension to Fritz Daus; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14861) granting a pension to Thomas F. Marcus; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14862) granting an increase of pension to Joseph Walters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14863) granting an increase of pension to Thomas Fulkerson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14864) granting an increase of pension to Mathias Shots; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14865) granting an increase of pension to Julius A. Leroux; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14866) to change the military record of Matthew Fuller; to the Committee on Military Affairs.

By Mr. SELLS: A bill (H. R. 14867) granting a pension to Malinda Graham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14868) granting a pension to Raphael Carlin; to the Committee on Pensions.

Also, a bill (H. R. 14869) granting a pension to Monrow Brockwell; to the Committee on Pensions.

Also, a bill (H. R. 14870) granting a pension to Cany Hopson; to the Committee on Pensions.

Also, a bill (H. R. 14871) granting a pension to Axie M. McClendon; to the Committee on Pensions.

Also, a bill (H. R. 14872) granting a pension to Robert L. Birdwell; to the Committee on Pensions.

Also, a bill (H. R. 14873) granting a pension to David C. Bowman; to the Committee on Pensions.

Also, a bill (H. R. 14874) granting a pension to Benjamin Wardell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14875) granting an increase of pension to Adam Bird; to the Committee on Pensions.

Also, a bill (H. R. 14876) granting an increase of pension to Columbus E. Freels; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14877) granting an increase of pension to William Tucker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14878) granting an increase of pension to Samuel Burrell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14879) granting an increase of pension to Daniel Haun; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14880) granting an honorable discharge to Benjamin F. Cheatham; to the Committee on Military Affairs.

By Mr. SHERWOOD: A bill (H. R. 14881) granting a pension to Pearl Rounds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14882) repealing so much of the act approved June 16, 1910, granting an increase of pension to Peter Smith; to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 14883) for the relief of John Zimmerman; to the Committee on War Claims.

Also, a bill (H. R. 14884) for the relief of Eli T. McGill; to the Committee on War Claims.

Also, a bill (H. R. 14885) for the relief of the estate of S. M. Davidson, deceased; to the Committee on War Claims.

Also, a bill (H. R. 14886) for the relief of the estate of John A. Criner; to the Committee on War Claims.

Also, a bill (H. R. 14887) for the relief of the legal representatives of A. K. Jones, deceased; to the Committee on War Claims.

Also, a bill (H. R. 14888) for the relief of the legal representatives of Joseph R. Mathews, deceased; to the Committee on War Claims.

Also, a bill (H. R. 14889) for the relief of the legal representatives of V. B. Walker, deceased; to the Committee on War Claims.

Also, a bill (H. R. 14890) for the relief of the estate of R. H. Crider, deceased; to the Committee on War Claims.

By Mr. STEPHENS of California: A bill (H. R. 14891) granting an increase of pension to George O. Streeter; to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 14892) granting a pension to Emma Templeton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14893) granting a pension to Matilda Buffham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14894) granting a pension to Mary I. Seltzer; to the Committee on Pensions.

Also, a bill (H. R. 14895) granting an increase of pension to John K. Hughes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14896) granting an increase of pension to John Schlitt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14897) granting an increase of pension to Thomas J. Sumner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14898) granting an increase of pension to Andrew Washburn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14899) granting an increase of pension to William A. Bereman; to the Committee on Invalid Pensions.

By Mr. SWITZER: A bill (H. R. 14900) granting a pension to Joseph Hornung; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14901) granting a pension to Ethelinda Hixon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14902) for the relief of the legal representatives of Jonathan Hamilton, deceased; to the Committee on War Claims.

By Mr. TILSON: A bill (H. R. 14903) granting an increase of pension to Esther E. Bailey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14904) granting a pension to Elizabeth J. Brown; to the Committee on Pensions.

By Mr. WEDEMEYER: A bill (H. R. 14905) granting a pension to Sarah Babcock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14906) granting a pension to Mathew Cook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14907) granting a pension to Alice G. Brown; to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 14908) granting an increase of pension to John T. Vance; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14909) granting an increase of pension to John A. Hamlin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14910) granting an increase of pension to George W. Enslow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14911) granting an increase of pension to Erastus W. Forbes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14912) granting an increase of pension to Willis Yeoter; to the Committee on Invalid Pensions.

By Mr. WOODS of Iowa: A bill (H. R. 14913) granting an increase of pension to Franklin Prentice; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14914) granting an increase of pension to Daniel Wright; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14915) granting an increase of pension to Henry Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14916) granting an increase of pension to Edwin McAffee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14917) granting an increase of pension to Robert Smith; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON of Ohio: Petitions of Ohio Sash & Door Co., of Cleveland; Kosse, Shoe & Schleyer Co., the Merkel Bros. Co., and the Fifth-Third National Bank, of Cincinnati, Ohio; and the Walding, Kinnan & Marvin Co., of Toledo, Ohio, in favor of 1-cent postage; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Papers to accompany House bill 6411; to the Committee on Invalid Pensions.

Also, resolution of the council of the city of Cleveland, Ohio, in favor of the coinage of coins of the value of 3 cents; to the Committee on Coinage, Weights, and Measures.

Also, petition of Capt. W. K. Miller et al., of the Ohio National Guard, of Shreve, Ohio, favoring the passage of House bill 8141; to the Committee on Military Affairs.

By Mr. AYRES: Memorials of Lodge No. 282, Order B'rith Abraham, urging abrogation of existing treaty with Russia; to the Committee on Foreign Affairs.

Also, resolutions of the Chambers of Commerce of San Jose, Cal., and Seattle, Wash., in favor of free tolls for American shipping through Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Assembly of the State of New York, for establishing Army post at Albany, N. Y.; to the Committee on Military Affairs.

Also, memorial of Senate of State of New York, in relation to uniform divorce laws; to the Committee on the Judiciary.

Also, memorial of Supreme Council, United Traveling Men's Association, favoring Senate bill 2051, to promote efficiency of Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

By Mr. BARNHART: Memorial of McClung Post, No. 95, Grand Army of the Republic, opposing incorporation of Grand Army of the Republic; to the Committee on Military Affairs.

Also, memorial of Lake County, Ind., veterans, favoring increased pensions; to the Committee on Invalid Pensions.

Also, resolutions of merchants and others of Cuba, Ind., against parcels post; to the Committee on the Post Office and Post Roads.

Also, resolutions of Indiana Art Association, relative to Lincoln Memorial; to the Committee on Industrial Arts and Expositions.

By Mr. BATHRICK: Petitions of the Dunn Wire-Cut-Lug Brick Co., of Conneaut; the Ohio Galvanizing & Manufacturing Co. and the Deforest Sheet & Tinplate Co., of Niles; the Akron Cultivator Co. and Miller Rubber Co., of Akron, all in the State of Ohio, favoring an amendment to the corporation-tax law; to the Committee on Ways and Means.

Also, petitions of Berdan & Co., the Perfection Furnace Pipe Co., the F. Bissell Co., the Toledo Bridge & Crane Co., the United States Malleable Iron Co., the Ransom & Randolph Co., the Toledo Biscuit Co., the Brown, Eager & Hull Co., the Toledo Pipe Threading Machine Co., Gendron Wheel Co., and the Continental Trust & Savings Bank Co., of Toledo, Ohio; the Cincinnati Cloak & Suit Co., the Fifth-Third National Bank of Cincinnati, the Merkel Bros. Co., the Cincinnati Crushed Stone & Gravel Co., the Cincinnati Planer Co., Albert Mayer & Bros., the National Cash Register Co., the Charles Meis Shoe Co., the Moores-Coney Co., and the Kosse, Shoe & Schleyer Co., of Cincinnati, Ohio; the Forman-Bassett-Hatch Co., the Ohio Quarries Co., the Winton Motor Car Co., the Stevens Grease & Oil Co., the Cuyahoga Roofing Co., the Kingsley Paper Co., Sandusky Portland Cement Co., A. R. Duncan, jr., Co., Miles F. Bixler Co., Lucas Machine Tool Co., Gray Bros., and the Ohio Sash & Door Co., of Cleveland, Ohio; the Buckeye Stamping Co., the Ohio State Board of Commerce, Raleigh Lumber Co., the Union National Bank, the Sun Manufacturing Co., the Columbus Pharmacal Co., and W. M. Ritter Lumber Co., of Columbus, Ohio; the F. W. Wakefield Brass Co., of Vermilion, Ohio; Wilmer Atkinson, of Philadelphia; the Strong Manufacturing Co., of Bellaire, Ohio; the Ober Manufacturing Co., of Chagrin Falls, Ohio; the Thomas Steel Co., of Niles, Ohio; the National Bank of Ashtabula, Ohio; and the Ohio Machine Tool Co., of Kenton, Ohio, favoring a 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. BOWMAN: Petitions of D. E. Newell, of Kingston, and James S. Coll, Chester B. Derr, George T. Dickover, Harold G. Frantz, Ralph C. Hull, Fred M. Kirby, E. F. Long, Charles E. Morgan, F. E. Parkhurst, Edward H. Post, and J. B. Woodward, of Wilkes-Barre, Pa., in favor of Lincoln Memorial, etc.; to the Committee on Appropriations.

Also, memorial of Robinson Post, No. 20, Grand Army of the Republic, opposing incorporation of Grand Army of the Republic; to the Committee on Military Affairs.

Also, memorials of Lodges Nos. 87 and 153, Order B'rith Abraham; Lodge No. 158, Independent Order B'rith Abraham; and Lodge No. 135, Independent Order B'rith Sholom, urging the abrogation of the existing treaty with Russia; to the Committee on Foreign Affairs.

By Mr. BROWNING: Memorials of Lodge No. 452, Independent Order B'rith Abraham, and Lodges Nos. 114 and 191, Independent Order B'rith Sholom, urging abrogation of existing treaty with Russia; to the Committee on Foreign Affairs.

By Mr. BURLESON: Petitions from various labor organizations, women's clubs, etc., urging the repeal of the 10-cent tax on oleomargarine, etc.: Local 414, Journeymen Barbers' International Union of America, George H. Heath, 726 Randolph Street, Waterloo, Iowa; Beer Drivers and Stablemen's Local Union No. 234, of Washington, D. C., W. H. Schaefer, recording secretary, 1404 E Street SE., Washington, D. C.; Lodge No. 29, Switchmen's Union of North America, W. J. Roach, president, H. N. Allen, secretary, Blue Island, Ill.; the Woman's Club, Mrs. William Hanson, president, Miss B. G. Johnson, corresponding secretary, Fort Myers, Fla.; Utah Sorosis, Mrs. Mary L. Wagner, secretary, Provo, Utah; the Woman's Club, C. R. Whitaker, secretary, Bound Brook, N. J.; Cigarmakers' International Union of America, Local No. 255, T. F. Garvey, 66 Lilley Avenue, Lowell, Mass.; Hood River Woman's Club, Mrs. H. F. Davidson, secretary, Hood River, Oreg.; International Brotherhood of Bookbinders, Local Union No. 76, James E. Pearch, secretary, 629 Palmwood Avenue, Toledo, Ohio; Amalgamated Association of Clothing Cutters and Trimmers of New York and vicinity, E. Kauffmann, business agent, 41–43 University Place, New York, N. Y.; South Street Twentieth Century Club of Union City, Pa., Mrs. Harriet Mahoney; Journeyman Barbers' International Union of America, Local No. 236, A. Kennison, secretary, 429 Main Street, Grand Junction, Colo.; Switchmen's Union of North America, Lodge No. 96, S. G. Irwin, secretary, 476 West Murphy Street, Lima, Ohio; Carpenters and Joiners' Union, No. 637, C. N. Wilkins, secretary, 330 Buckey Street, Hamilton, Ohio; Painters and Decorators' Union, No. 37, Dave R. Spence, secretary, 67 Sprout Street, Detroit, Mich.; Pigeon Cove Woman's Club, C. W. Babson, president, Pigeon Cove, Mass.; Nautilus Club, Louise Cook Paine, corresponding secretary, Provincetown, Mass.; Somo Sala Circle Club, Mrs. C. V. Taylor, Mrs. Dan C. Morris, Mrs. R. S. C. Berry, committee, Morristown, Tenn.; Oregon Federation of Women's Clubs, Mrs. Saidie Orr Dunbar, secretary, 5303 Seventieth Street E., Portland, Oreg.; Glass Bottle Blowers' Association, Branch No. 101, United States and Canada, Andrew Kiefer, secretary, 1521 Walnut Street, Coshocton, Ohio; National Brotherhood of Operative Potters, Local Union No. 42, John Gallagher, secretary, Salem, Ohio; United Association of Journeymen Plumbers, Gas, and Steam Fitters' Union, Local No. 61, T. A. Byrnes, secretary, 3220 Sixth Avenue, Troy, N. Y.; William Shakespeare Club, Marinette, Wis., Mrs. Lillian I. Marchant, secretary; Watch Case Engravers' International Association of America, Frank L. Greenwald, secretary, Local No. 3, 2614 Parkwood Avenue, Canton, Ohio; Glass Bottle Blowers' Association, W. H. Gass, secretary, Branch No. 95, box 45, Brackenridge, Pa.; Brotherhood of Painters, Decorators, and Paperhangers of America, Local No. 498, M. M. Gifford, secretary, Jamestown, N. Y.; Ruskin Club, Onarga, Ill., Mrs. Emma V. Koon, secretary; Woman's Club, New Brighton, Pa., Mrs. A. C. Kennedy, secretary; the Hawthorne Woman's Club, Hawthorne, Wis.; Carpenters' District Council, Charles Clarkson, 1022 Main Street, Pawtucket, R. I.; Philadelphia Legislative and Political Study League, Mrs. Olive Pond Amies, secretary, Secane, Philadelphia, Pa.; Pulp, Sulphite, and Paper Mill Workers, Palmer Local, No. 4, J. S. Alexander, secretary, Palmer, N. Y.; Order of Railway Conductors, Division 148, car record office, Cincinnati, New Orleans & Texas Pacific Railway, Chattanooga, Tenn.; Woman's Fort-

nightly Club, Mrs. A. H. Buttles, secretary, 462 Webster Place, Milwaukee, Wis.; Arequipa Woman's Club, Mrs. W. H. Udall, 817 South L, Tacoma, Wash.; Switchmen's Union, Lodge No. 75, Irvin Clark, secretary, Charles D. Moriarity, treasurer, 603 South James Street, Ludington, Mich.; Painters, Decorators, and Paperhangers of America, Local Union No. 147, D. Walgren, 2313 Dearborn Street, Chicago, Ill.; Switchmen's Union of North America, Local Lodge No. 216, Robert S. Oldham, secretary, Oklahoma City, Okla.; Brotherhood of Locomotive Firemen and Enginemen, J. F. Barrett, 20 South Church Street, Carbondale, Pa.; Glass Bottle Blowers' Association, Emil Roesler, secretary, Branch No. 76, 230 Fifteenth Street, Sharpsburg, Pa.; Lake Seamen's Union, Cleveland Branch, William F. Currie, secretary, 1401 West Ninth Street, Cleveland, Ohio. Retailers, grocers, etc.: Blackwell Retailers' Association, Blackwell, Okla.; Franklin Retailers' Association, H. Whitmore, secretary, Franklin, Nebr.; Fremont Grocers and Butchers' Association, R. F. Helaber, president, and A. D. Much, secretary, Fremont, Ohio; Los Angeles Retail Grocers' Association, J. F. Paulding, Los Angeles, Cal.; Retail Grocers' Association, Newcastle, Pa.; Retail Grocers' Protective Association of West Virginia, J. C. Stroebel, secretary, Wheeling, W. Va.; Retail Grocers' Association of Philadelphia, Rius Schoch, secretary, Philadelphia, Pa.; Toledo Retail Grocers and Butchers' Association, John Ray, president, and A. Weinandy, secretary, Toledo, Ohio; Retail Merchants and Business Men's District Association, David H. Rankin, secretary, Penns Station, Pa.; International Machinists, Lodge No. 24, Roy Locke, president, 319 East Eleventh Street, Topeka, Kans.; New Berlin Literary Club, Mrs. H. W. Hoover, secretary, New Berlin, Ohio; to the Committee on Agriculture.

By Mr. BULKLEY: Resolution by the Cleveland City Council, indorsing House bill 14042, to authorize the coinage of 3-cent pieces; to the Committee on Coinage, Weights, and Measures.

By Mr. BUTLER: Memorial of merchants of Malvern, Pa., opposing parcels post; to the Committee on the Post Office and Post Roads.

Also, resolutions of Lodge No. 119, Independent Order Ahawas Israel; Lodge No. 413, Order B'rith Abraham; Lodges Nos. 107 and 125, Independent Order B'rith Sholom; and congregation of Israel, of Chester, Pa., all urging the abrogation of the existing treaty with Russia; to the Committee on Foreign Affairs.

By Mr. BYRNS of Tennessee: Papers to accompany bill for the relief of the estate of Rodger Kilmarten; to the Committee on War Claims.

By Mr. CALDER: Memorial of Lodge No. 107, Order B'rith Abraham, urging abrogation of existing treaty with Russia; to the Committee on Foreign Affairs.

By Mr. CARLIN: Papers to accompany bill for the relief of the estate of J. W. Dever, deceased; to the Committee on War Claims.

By Mr. CURLEY: Resolutions of Ahawath Achim Lodge, No. 174; Pride of Boston Lodge, No. 48; Prospect Lodge, No. 253; Pride of Massachusetts Lodge, No. 181; Israel Lodge, No. 154; and Crown of Massachusetts Lodge, No. 245, Order B'rith Abraham; Lazarus Davis Lodge, No. 548; General Grant Lodge, No. 376; Hebrew Progressive Lodge, No. 177; and Commonwealth Lodge, No. 81, Independent Order B'rith Abraham, of Boston, Mass., remonstrating against the treatment accorded American citizens by the Government of Russia; to the Committee on Foreign Affairs.

By Mr. DALZELL: Papers to accompany bill granting an increase of pension to Daniel C. Boggs; to the Committee on Invalid Pensions.

By Mr. DODDS: Memorials of Seventh-day Adventist churches of Alden and St. Louis, Mich., against House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. DRAPER: Memorial of San Jose (Cal.) Chamber of Commerce, that no tolls be charged through the Panama Canal to vessels flying the American flag; to the Committee on Interstate and Foreign Commerce.

Also, memorials of Lodge No. 34, Order B'rith Abraham, and Lodge No. 207, Independent Order B'rith Sholom, urging termination of existing treaty with Russia; to the Committee on Foreign Affairs.

Also, petitions of numerous citizens of New York, N. Y., against parcels post; to the Committee on the Post Office and Post Roads.

By Mr. ESCH: Memorial of Lodge No. 354, Order B'rith Abraham, urging abrogation of existing treaty with Russia; to the Committee on Foreign Affairs.

Also, memorial of Supreme Council, Order of United Commercial Travelers of America, urging passage of Senate bill 2051; to the Committee on Interstate and Foreign Commerce.

By Mr. FOSS: Petition of the Ministerial Association of Waukegan, Ill., for the passage of an effective interstate liquor bill, to remove the Federal shield of interstate commerce from liquors imported into "dry" territory from outside the State; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Papers to accompany bill for the relief of Martin A. L. Olsen; to the Committee on Claims.

Also, petition of Fairbanks Commercial Club, of Fairbanks, Alaska, concerning proposed legislation for Alaska; to the Committee on the Territories.

Also, petition of Hon. E. D. Shurtleff, of the General Assembly of Illinois, in favor of the passage of the militia-pay bill; to the Committee on Military Affairs.

Also, petition of Newton Wagon Co., of Batavia, Ill., favoring the proposed reduction in postal rates on first-class and second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. GOLDFOGLE: Petitions of Defender Photo Supply Co., of Rochester, N. Y., and the Francis Manufacturing Co., of Niagara Falls, N. Y., favoring legislation reducing letter postage from 2 cents to 1 cent; to the Committee on the Post Office and Post Roads.

Also, resolutions of Kalbuszower Teitelbaum Congregation; Warschauer Kranken Unterstitzungs Verein; Epstein Lodge, No. 134, Independent Order B'rith Abraham; and First Roumanian American Congregation, all of New York City, favoring the abrogation of the Russian treaty of 1832 and requesting Congress to adopt the Harrison-Goldfogle-Sulzer resolutions (H. J. Res. 5 and 40); to the Committee on Foreign Affairs.

By Mr. GRIEST: Memorial of the Ministerial Association of Lancaster, Pa., favoring legislation restricting interstate liquor traffic; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Pennsylvania State Board of Education, indorsing Senate bill No. 3; to the Committee on Agriculture.

By Mr. HARRISON of New York: Memorials of Lodge No. 100, Order B'rith Abraham, and Lodge No. 110, Independent Order Free Sons of Judah, urging abrogation of existing treaty with Russia; to the Committee on Foreign Affairs.

By Mr. HARTMAN: Resolutions of Somach Nofiim Lodge, No. 190, Independent Order B'rith Sholom, of Altoona, Pa., praying for the abrogation of the Russian treaty; to the Committee on Foreign Affairs.

By Mr. HENRY of Texas: Petition of various citizens of Rogers, Tex., protesting against the passage of the so-called antioption bill; to the Committee on Agriculture.

Also, petition of citizens of Holland, Tex., protesting against parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. KORBLY: Memorials of Joseph C. Schaf, Kahn Tailoring Co., Nordyke & Marmon Co., Roy A. Potts, and H. T. Hearsey, of Indianapolis, Ind., favoring Lincoln Memorial Road from Washington to Gettysburg; to the Committee on Appropriations.

Also, resolutions of the Association of the Seventy-fifth and One hundred and first Indiana Regiments, protesting against removal of markers and monuments upon Missionary Ridge; to the Committee on Military Affairs.

Also, petition of Local Union No. 157, Journeymen Tailors' Union of America, favoring House bill 5601; to the Committee on Interstate and Foreign Commerce.

Also, resolution of Lake County (Ind.) Soldiers' Veteran Association, praying that a dollar-a-day pension law be enacted; to the Committee on Invalid Pensions.

Also, resolutions of the Art Association, of Indianapolis, Ind., indorsing the location of the Lincoln memorial on the Mall; to the Committee on Industrial Arts and Expositions.

Also, resolutions of Indianapolis Lodge, No. 230, Order B'rith Abraham, and Zion Lodge, No. 221, Independent Order B'rith Abraham, of Indianapolis, Ind., protesting as to Russia's attitude toward American passports; to the Committee on Foreign Affairs.

Also, resolutions of the Fifteenth Annual Convention of National Founders' Association, urging legislation for the prosperity of the country; to the Committee on Ways and Means.

By Mr. LAFFERTY: Memorials of Emil Jurgens and several thousand citizens of Oregon, asking that a law be enacted establishing an Alaskan coal-mining commission for the purpose of mining the public coal lands in Alaska, etc.; to the Committee on the Public Lands.

By Mr. McDERMOTT: Memorial of Spinoza Lodge 23, Independent Western Star Order, urging the termination of the existing treaty with Russia; to the Committee on Foreign Affairs.

By Mr. PALMER: Resolution of Grange No. 328, of South Bethlehem, Pa., relative to election and induction of Congress-

men into office; to the Committee on Election of President, Vice President, and Representatives in Congress.

Also, resolution of Grange No. 328, of South Bethlehem, Pa., relative to banking laws; to the Committee on Banking and Currency.

By Mr. POWERS: Papers to accompany bills for the relief of R. M. Bass and William Younger; to the Committee on Invalid Pensions.

By Mr. RAINEY: Petitions of Dr. Charles A. Johnson and 34 other citizens of Barry, and M. A. Atterberry, of Mason County, Ill., in opposition to parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of Capt. L. P. Owen and 50 other citizens of Jacksonville, Ill., favoring the militia pay bill; to the Committee on Military Affairs.

Also, petition of Benjamin Hull and other citizens of Kinderhook, Ill., favoring pension legislation; to the Committee on Invalid Pensions.

By Mr. REILLY: Memorials of Business Men's Association of Derby, and Chamber of Commerce of New Haven, Conn., urging amendment of corporation-tax law; to the Committee on Ways and Means.

By Mr. REYBURN: Memorial of E. D. Baker Post, No. 8, Grand Army of the Republic, opposing the incorporation of the Grand Army of the Republic; to the Committee on Military Affairs.

Also, petition of State Board of Education of Pennsylvania, favoring passage of Senate bill No. 3; to the Committee on Appropriations.

Also, memorial of committee of deputy collectors of internal revenue, urging that deputy collectors be placed on same basis as all other employees in the classified service; to the Committee on Reform in the Civil Service.

Also, memorials of Lodge No. 492, B'rith Abraham; Lodge No. 592, Independent Order B'rith Abraham; and Lodge No. 62, Independent Order B'rith Sholom, urging the abrogation of the treaty with Russia; to the Committee on Foreign Affairs.

By Mr. RUCKER of Colorado: Resolutions of United Lodge, No. 264, Independent Order B'rith Sholom, of Denver; Denver Lodge, No. 333, Independent Order B'rith Abraham; Congregation Schearth Israel, of Denver; Queen City Lodge, No. 113, Order B'rith Abraham, of Denver; and Congregation Zera Abraham, of Denver, all in the State of Colorado, remonstrating against the treatment accorded American citizens by the Government of Russia; to the Committee on Foreign Affairs.

By Mr. STEPHENS of California: Memorials of Lodge No. 414, Order B'rith Abraham, and numerous citizens of Los Angeles, Cal., urging the abrogation of the existing treaty with Russia; to the Committee on Foreign Affairs.

By Mr. STEPHENS of Mississippi: Petition of Harvey Nichols, of Marshall County, Miss., praying reference of his claim to the Court of Claims under the provisions of the Bowman Act; to the Committee on War Claims.

By Mr. STEPHENS of Texas: Petition of William H. Fugna and other citizens of Amarillo, Tex., asking for the deepening of the channel at Aransas, Tex.; to the Committee on Rivers and Harbors.

By Mr. STERLING: Petition of old soldiers, relative to pension legislation; to the Committee on Invalid Pensions.

Also, petition of numerous citizens of Illinois, against parcels post; to the Committee on the Post Office and Post Roads.

By Mr. SULZER: Several memorials of Gambrinus Unterstuetzungs, consisting of 247 members, and Socialer Turn Verein, consisting of 360 members, urging investigation of administration of immigration office at Ellis Island; to the Committee on Immigration and Naturalization.

Also, memorials of Lodge No. 18, Independent Order Ahawas Israel; Lodges Nos. 24, 42, and 126, Independent Order B'rith Abraham; Lodge No. 243, Independent Order B'rith Sholom; and Lodge No. 51, Independent Order Free Sons of Judah, urging abrogation of existing treaty with Russia; to the Committee on Foreign Affairs.

Also, petition of Equitable Life Assurance Society of the United States, in support of the Esch phosphorus bill; to the Committee on Interstate and Foreign Commerce.

By Mr. TILSON: Resolutions of Lodges Nos. 61 and 68, Independent Order B'rith Abraham, urging termination of existing treaty with Russia; to the Committee on Foreign Affairs.

By Mr. TUTTLE: Resolutions of citizens of Plainfield, N. J., also of Lodges Nos. 375 and 627, Independent Order B'rith Abraham, urging the abrogation of the existing treaty with Russia; to the Committee on Foreign Affairs.

Also, memorial of survivors of Kearney's First New Jersey Volunteer Brigade, urging that where first and second class post offices are now filled by veterans of the Civil War these officers be reappointed at the expiration of their terms; to the Committee on the Post Office and Post Roads.

Also, memorial of survivors of Kearney's First New Jersey Brigade, urging pension legislation now pending; to the Committee on Invalid Pensions.

Also, petition of Local Union No. 155, United Brotherhood of Carpenters and Joiners of America, urging passage of House bill 5601; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Atlantic City Branch, No. 370, National Association of Letter Carriers, indorsing House bill 9242; to the Committee on Reform in the Civil Service.

Also, petitions of sundry citizens of New Jersey, protesting against extending the parcels-post service beyond its present limitations; to the Committee on the Post Office and Post Roads.

Also, memorials of Bayard Post, No. 8; James B. Morris Post, No. 46; and John G. Tolmie Post, No. 50, Grand Army of the Republic, urging the passage of the Sulloway pension bill; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: Petitions of Stanford-Crowell Co., of Ithaca; New York Leather Belting Co., of New York; Defender Photo Supply Co.; Taylor Instrument Co., of Rochester; and C. W. Snow & Co., of Syracuse, N. Y., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, memorial of Assembly of the State of New York, favoring the establishment of an Army post in the city of Albany, N. Y.; to the Committee on Military Affairs.

Also, memorials of Park First Baptist Church and Hedding Methodist Church, both of Elmira, N. Y., relative to shipment of liquors into prohibition territory; to the Committee on Interstate and Foreign Commerce.

Also, petitions of B. G. Smith and others of Elmira, N. Y., urging reduction in duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. WEDEMEYER: Papers to accompany bills for relief of Alice G. Brown and Mathew Cook; to the Committee on Invalid Pensions.

Also, papers concerning case of Sarah Babcock; to the Committee on Invalid Pensions.

SENATE.

THURSDAY, *December 7, 1911.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

THOMAS P. GORE, a Senator from the State of Oklahoma, and HENRY F. LIPPITT, a Senator from the State of Rhode Island, appeared in their seats to-day.

The Journal of the proceedings of Tuesday last was read and approved.

NATIONAL FOREST RESERVATION COMMISSION (S. DOC. NO. 137).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, pursuant to law, the report of the National Forest Reservation Commission for the fiscal year ended June 30, 1911, which, with the accompanying paper, was referred to the Committee on Forest Reservations and the Protection of Game and ordered to be printed.

SUPPORT OF AGRICULTURAL COLLEGES (S. DOC. NO. 125).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a statement of the expenditure of funds appropriated for the support of colleges for the benefit of agriculture and the mechanic arts, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

ANNUAL REPORT OF LIBRARIAN OF CONGRESS (H. DOC. NO. 147).

The PRESIDENT pro tempore laid before the Senate the annual report of the Librarian of Congress, together with the annual report of the Superintendent of the Library Building and Grounds, for the fiscal year ended June 30, 1911, which was referred to the Committee on the Library and ordered to be printed.

REPORT OF COMPTROLLER OF THE CURRENCY (H. DOC. NO. 125).

The PRESIDENT pro tempore laid before the Senate the Forty-ninth Annual Report of the Comptroller of the Currency for the fiscal year ended October 31, 1911, which was referred to the Committee on Finance and ordered to be printed.

CONVENTION OF AMERICAN INSTRUCTORS OF THE DEAF (S. DOC. NO. 139).

The PRESIDENT pro tempore laid before the Senate a communication from the president of the Columbia Institution for the Deaf, of Washington, D. C., transmitting, pursuant to law,

the proceedings of the nineteenth meeting of the Convention of American Instructors of the Deaf, which, with the accompanying paper and illustration, was referred to the Committee on the District of Columbia and ordered to be printed.

COTTON-GOODS TRADE IN ENGLAND (H. DOC. NO. 233).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, a report by Commercial Agent J. M. Hause containing the results of investigations of the cotton-goods trade in England, which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

COTTON-GOODS TRADE IN SPAIN AND PORTUGAL (H. DOC. NO. 234).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, a report by Commercial Agent Ralph M. Odell containing the results of investigations of the cotton-goods trade in Spain and Portugal, which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

TRADE CONDITIONS IN LATIN-AMERICAN COUNTRIES (H. DOC. NO. 244).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, a report by Commercial Agent John M. Turner containing the results of investigations of the general trade conditions in Latin-American countries, which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

DEEP WATERWAYS ASSOCIATION (S. DOC. NO. 138).

The PRESIDENT pro tempore laid before the Senate a communication from the officers of the Lakes-to-the-Gulf Deep Waterway Association, transmitting resolutions adopted by that body favoring an appropriation for the construction of a deep waterway from the Great Lakes to the Gulf of Mexico, which was referred to the Committee on Commerce and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

Jimmie A. Elliott, sole legatee of Thomas A. Elliott, deceased, *v.* United States (S. Doc. No. 132);

Jimmie A. Elliott, sole beneficiary of the estate of Adaline Elliott, deceased, *v.* United States (S. Doc. No. 129);

Trustees of the Primitive Baptist Church, of Waterlick, Va., *v.* United States (S. Doc. No. 134);

Treasurer of Salt River Lodge, No. 180, Free and Accepted Masons, of Mount Washington, Ky., *v.* United States (S. Doc. No. 130);

Trustees of the Primitive Baptist Church, of Front Royal, Va., *v.* United States (S. Doc. No. 126);

Trustees of the Methodist Episcopal Church South, of Middleburg, Va., *v.* United States (S. Doc. No. 127); and

Trustees of the Christian Church of Perryville, Ky., *v.* United States (S. Doc. 133).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes.

C. La Branche, dative testamentary executor of Adele Rixner Lanaux, deceased, *v.* United States (S. Doc. No. 136);

Grand Lodge of Free and Accepted Masons of the State of Arkansas *v.* United States (S. Doc. No. 128);

Judith Vincent, sole heir to the estate of Amelia Olivier Delille, *v.* United States (S. Doc. No. 135); and

Fiack Lemelle, administrator of the estate of Leon Lemelle, deceased, *v.* United States (S. Doc. No. 131).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 13570) to amend an act entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," approved May 30, 1908, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of the Ministerial Association of North Yakima, Wash., praying for the ratification of all arbitration treaties pending before the Senate, which was ordered to lie on the table.

He also presented a petition of the committee on temperance of the Christian Endeavor Societies of the Methodist Protestant Church of Libertytown, Md., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. CULLOM presented petitions of sundry citizens of Winnebago, Chicago, Fort Wayne, Decatur, Polo, Alton, Rockford, Moline, Galena, and Champaign, all in the State of Illinois; of sundry citizens of Seattle and North Yakima, Wash.; of the Board of Trade of Saginaw, Mich.; of the Chamber of Commerce of Rochester, N. Y.; and of sundry citizens of Oakland and San Francisco, Cal., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented petitions of the Grocers and Butchers' Association of Chicago and of the Retail Merchants' Association of Moline, Ill., praying for the repeal of the present oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented memorials of the Grand Lodge of the Independent Western Star Order; of Local Lodge, Independent Order B'rith Sholom, of Chicago; of Local Lodge, Independent Order B'rith Abraham, of Chicago, all in the State of Illinois; and of the National German-American Alliance, remonstrating against certain treatment accorded American citizens by the Government of Russia, which were referred to the Committee on Foreign Relations.

He also presented a petition of Erwin McDowell Post, No. 507, Department of Illinois, Grand Army of the Republic, of East St. Louis, Ill., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented a memorial of the Short Line Railroad Association, of Chicago, Ill., remonstrating against the present classification of the steam railroads of the country, which was referred to the Committee on Interstate Commerce.

He also presented a petition of Company E, Fourth Infantry, Illinois National Guard, of Greenville, Ill., praying for the enactment of legislation providing for the pay of members of the National Guard, which was referred to the Committee on Military Affairs.

He also presented a memorial of the New York State Society of Certified Public Accountants, remonstrating against any discrimination being made by the Navy and other departments against members of that society, which was referred to the Committee on Naval Affairs.

He also presented a petition of the transportation bureau of the Chamber of Commerce of Seattle, Wash., praying that no toll be charged American vessels passing through the Panama Canal, which was referred to the Committee on Interoceanic Canals.

He also presented a petition of District Council, Switchmen's Union of North America, of Chicago, Ill., praying for the enactment of legislation regulating the number of men assigned to each engine or locomotive engaged in handling cars used in interstate commerce, which was referred to the Committee on Interstate Commerce.

Mr. TOWNSEND presented a petition of the Order of B'rith Abraham of Detroit, Mich., praying for the abrogation of the present treaty between the United States and Russia, which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Ypsilanti, Holland, Big Rapids, Adrian, and Detroit, all in the State of Michigan, praying that an appropriation be made for the construction of a highway from Washington, D. C., to Gettysburg, Pa., as a memorial to Abraham Lincoln, which were referred to the Committee on Appropriations.

He also presented petitions of sundry members of the National Guard of Grand Rapids and Calumet, in the State of Michigan, praying for the enactment of legislation providing for the pay of members of the National Guard, which were referred to the Committee on Military Affairs.

Mr. CUMMINS presented a petition of the congregation of the First Presbyterian Church of Council Bluffs, Iowa, praying for the passage of an interstate liquor law to prevent the nullification of State liquor laws by outside liquor dealers, which was referred to the Committee on the Judiciary.

Mr. OLIVER presented a petition of Local Branch No. 10, Glass Bottle Blowers' Association, of Royersford, Pa., and a petition of Lodge No. 646, Brotherhood of Locomotive Firemen and

Engineers, of Pitcairn, Pa., praying that an investigation be made into the condition of dairy products, for the prevention and spread of tuberculosis, which were referred to the Committee on Agriculture and Forestry.

He also presented a memorial of E. D. Baker Post, No. 8, Grand Army of the Republic, of Philadelphia, Pa., and a memorial of Robinson Post, No. 20, Grand Army of the Republic, of Hazleton, Pa., remonstrating against the enactment of legislation to incorporate the Grand Army of the Republic, which were referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Pittsburgh, Pa., praying for the adoption of an amendment to the interstate-commerce law to prohibit the distribution and sale of intoxicating liquors in any territory contrary to the will of the majority of its electors, which was referred to the Committee on the Judiciary.

He also presented a petition of the Allegheny County Association, Union ex-Prisoners of War, of Pennsylvania, praying for the passage of the so-called prisoners of war bill, which was referred to the Committee on Pensions.

He also presented petitions of Liberty Lodge, No. 6; Royal Lodge, No. 440; Bobroisk Lodge, No. 217; Swinogrodker Lodge, No. 530; Flyman Lodge, No. 75; Bialostock Lodge, No. 379; Moses Mendelsohn Lodge, No. 147; Haris Halperin Lodge, No. 492, all of Philadelphia; of Local Lodge No. 437, of Homestead; Allegheny County Lodge, No. 296; Local Lodge No. 359, of Pittsburgh; Pride of Chester Lodge, No. 413, of Chester; Local Lodge No. 125, of West Chester; Local Lodge No. 232, and Bnei Israel Lodge, No. 224, Independent Order B'rith Abraham, of Scranton; Diamond City Lodge, No. 125, of Wilkes-Barre; Kesher Israel Lodge, No. 107, of Coatesville; Weissport Lodge, No. 203, of Weissport; Dr. Theodore Herzel Lodge, No. 24, of Philadelphia; American Lodge, No. 35, of Philadelphia, all of the Independent Order B'rith Sholom; Local Lodge No. 119, of Chester; Jacob Gordin Lodge, No. 169, of Philadelphia; Pennsylvania Liberty Lodge, of Harrisburg; Duquesne Lodge, No. 151, of Pittsburgh; Greater Pittsburgh Lodge, No. 156, of Pittsburgh, all of the Independent Order Ahawas Israel; and of the Congregation of Israel, of Chester, all in the State of Pennsylvania, praying for the abrogation of the present treaty between the United States and Russia, which were referred to the Committee on Foreign Affairs.

He also presented petitions of the congregations of the Erie Avenue Baptist Church, of Williamsport; First Baptist Church of Connellsville; First Christian Church of Philadelphia; the Baptist Church of Cherry Flats; the Baptist Church of Charleston; First Baptist Church of Tyrone; St. John's Lutheran Church, of Lancaster; Grace Evangelical Lutheran Church, of Monongahela; the Presbyterian Church of Meshoppen; the Homewood Avenue Methodist Episcopal Church, of Pittsburgh; the First Presbyterian Church of Beaver Falls; the Third United Presbyterian Church of New Castle; and of sundry citizens of Carbondale and New Castle, all in the State of Pennsylvania, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. BURNHAM presented a petition of the Woman's Christian Temperance Union of Claremont, N. H., and a petition of 500 citizens of Rochester, N. H., praying for the passage of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented petitions of Local Lodge No. 181, of Granite; of Local Lodge No. 264, of Manchester; and of Local Lodge No. 392, of Hillsboro, all of the Independent Order of B'rith Abraham, in the State of New Hampshire, praying for the ratification of a new treaty with Russia, which were referred to the Committee on Foreign Relations.

He also presented a memorial of 3,000 Greek residents of Manchester, N. H., remonstrating against the treatment of Christians by Turkey, which was referred to the Committee on Foreign Relations.

He also presented the petition of Waldo F. Hubbard, of Nashua, N. H., and a petition of sundry citizens of Manchester, Nashua, and Portsmouth, N. H., praying that an appropriation be made for the construction of a highway from Washington, D. C., to Gettysburg, Pa., as a memorial to Abraham Lincoln, which were referred to the Committee on Appropriations.

He also presented petitions of the St. James Club, of Keene; of 500 citizens of Rochester; of the Merrimack Valley Methodist Social Union, of Manchester; and of the congregations of the Congregational Churches of Alstead; of the First Baptist Church of Derry; the Village Congregational Church, of Franklin; the Christian Church of North Hampton; the Christian Church of Franklin; the Church of Christ of Dartmouth College, Hanover; and of the Men's Classes of the Central Avenue Baptist Sunday School, of Dover, all in the State of New Hampshire, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. McLEAN presented a petition of the Central Congregational Club, of New Britain, Conn., and a petition of the congregation of the Congregational Church of Windsor Locks, Conn., praying for the ratification of the treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a memorial of Columbia Lodge, No. 61, Independent Order of B'rith Abraham, of New Haven, Conn., and a memorial of Silver City Lodge, No. 152, Independent Order of B'rith Abraham, of Meriden, Conn., remonstrating against the treatment of certain American citizens by Russia, which were referred to the Committee on Foreign Relations.

Mr. OVERMAN presented a memorial of sundry citizens of Morehead City, N. C., remonstrating against the extension of the present parcels-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. GALLINGER presented a petition of the Citizens' Association of Brightwood, D. C., praying for the continuance of the organic act of 1878 of the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented the petition of Frederick J. Rider, of Portsmouth, N. H., and the petition of Ernest Holmes, of Portsmouth, N. H., praying that an appropriation be made for the construction of a highway from Washington, D. C., to Gettysburg, Pa., as a memorial to Abraham Lincoln, which were referred to the Committee on Appropriations.

He also presented petitions of the congregations of the Village Congregational Church of Franklin; of the Christian Church of North Hampton; of the Christian Church of Franklin; and of the First Baptist Church of Derry; of Mrs. Daniel H. Sawyer, of Plymouth; of the men's classes of the Central Avenue Baptist Sunday School, of Dover; of the Congregational parsonage of North Conway; and of the Merrimack Valley Methodist Social Union, of Manchester, all in the State of New Hampshire, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. HITCHCOCK presented a memorial of the Hebrew Club, of Omaha, Nebr., and a memorial of the Order of B'rith Abraham, of Omaha, Nebr., remonstrating against the treatment of certain American citizens by Russia, which were referred to the Committee on Foreign Relations.

Mr. POINDEXTER presented a memorial of the congregation of the Seventh-day Adventist Church of College Place, Wash., and a memorial of the congregation of the Seventh-day Adventist Church of Hillyard, Wash., remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of the congregation of the First Presbyterian Church of Bellingham, Wash., praying for the passage of an interstate liquor law to prevent the nullification of State liquor laws by outside liquor dealers, which was referred to the Committee on the Judiciary.

He also presented petitions of the congregations of the St. Paul's Episcopal Church, of Walla Walla; of the Boylston Avenue Unitarian Church, of Seattle; of the Woodland Park Presbyterian Church, of Seattle; of the Chamber of Commerce of Seattle; and of sundry citizens of Newport and Everett, all in the State of Washington, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. BRANDEGEE presented a petition of the congregation of the Congregational Church of Windsor Locks, Conn., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. MARTINE of New Jersey presented petitions of the congregations of the Reformed Church of Lebanon; the Calvary Baptist Church of Westwood; the Presbyterian and Lutheran churches of German Valley; the Roseville Methodist Episcopal Church, of Newark; the First Presbyterian Church of Jersey City; and the Methodist Episcopal Church of Phillipsburg, all in the State of New Jersey, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented memorials of sundry United Jewish citizens of Bayonne and Plainfield; the Independent Order of B'rith Abraham of Newark, Union Hill, Paterson, Carmel, and Atlan-

tic City; the Independent Order of Ahawas Israel of Jersey City and Bayonne; and the Independent Order of B'rith Sholom of Trenton and Camden, all in the State of New Jersey, remonstrating against the treatment of certain American citizens by Russia, which were referred to the Committee on Foreign Relations.

Mr. BROWN presented a petition of John M. Stotsenburg Camp, No. 1, Army of the Philippines, of Lincoln, Nebr., praying for the enactment of legislation providing pensions for widows and minor children of soldiers and sailors of the War with Spain and the Philippine insurrection, which was referred to the Committee on Pensions.

He also presented petitions of General Willich Post, No. 289, Grand Army of the Republic, of Palmer, Nebr., and a petition of Victor Vifquain Post, No. 234, Grand Army of the Republic, of Burwell, Nebr., remonstrating against the erection of a monument to the memory of Confederate soldiers and sailors, which were referred to the Committee on the Library.

He also presented petitions of sundry citizens of West Point and Central City, in the State of Nebraska, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. LA FOLLETTE presented a petition of the Order of B'rith Abraham of Milwaukee, Wis., praying for the abrogation of the treaty between the United States and Russia, which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Waupaca, Fort Atkinson, Milwaukee, Grand Rapids, Appleton, Sparta, Mellen, Manitowoc, Racine, and Delavan, all in the State of Wisconsin, praying that an appropriation be made for the construction of a highway from Washington, D. C., to Gettysburg, Pa., as a memorial to Abraham Lincoln, which were referred to the Committee on Appropriations.

Mr WETMORE presented memorials of Local Lodge No. 36, of Local Lodge No. 328, of Local Lodge No. 112, of Local Lodge No. 213, and of Local Lodge No. 143, of Providence; of Local Lodge No. 177, of Woonsocket, all of the Order of B'rith Abraham; of Local Lodge No. 364, Order of the Free Sons of Judah, of Providence; and of Local Lodge No. 325, Independent Order B'rith Sholom, of Newport, all in the State of Rhode Island, remonstrating against the treatment of certain American citizens by the Government of Russia, which were referred to the Committee on Foreign Relations.

He also presented petitions of the congregations of the Calvary Baptist Church of Westerly, the St. John's Episcopal Church of Ashton, and of the Pearl Street Baptist Church and the First Presbyterian Church of Providence, all in the State of Rhode Island, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. CRANE presented memorials of sundry lodges Independent Order United Hebrews; of sundry lodges Independent Order B'rith Abraham; of the Tower of Zion and Young Zionists, of Worcester; of the Hebrew Synagogue Agudis Achim, of Brockton; and of sundry lodges Order B'rith Abraham, all in the State of Massachusetts, remonstrating against the treatment accorded American citizens by the Government of Russia, which were referred to the Committee on Foreign Relations.

THE CONSTITUTION AND ITS MAKERS.

Mr. SMOOT, from the Committee on Printing, to which was referred Senate resolution 156, submitted by Mr. OVERMAN on the 5th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That 15,000 copies of Senate Document No. 122, being an address delivered by Hon. HENRY CABOT LODGE before the Literary and Historical Association of North Carolina, at Raleigh, N. C., on "The Constitution and its makers," be printed for the use of the Senate.

CROW INDIAN RESERVATION, MONT.

Mr. DIXON. On April 6 I introduced the bill (S. 66) for the survey and allotment of lands now embraced within the limits of the Crow Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment, and it was referred to the Committee on Public Lands. I ask unanimous consent, after having taken up the matter with the chairman of the Committee on Public Lands, that that committee be discharged from the further consideration of the bill and that it be referred to the Committee on Indian Affairs, where it undoubtedly belongs.

The PRESIDENT pro tempore. The Senator from Montana asks that the Committee on Public Lands be discharged from the further consideration of the bill named by him and that it be referred to the Committee on Indian Affairs. Without objection, it is so ordered.

THOMAS BOGIS.

Mr. GAMBLE. I ask that the Committee on Pensions be discharged from the further consideration of the bill (S. 1924) granting an increase of pension to Thomas Bogis and that the bill be indefinitely postponed, the beneficiary having died.

The PRESIDENT pro tempore. Without objection, the committee will be discharged from the further consideration of the bill, and it will be postponed indefinitely.

On motion of Mr. GAMBLE it was

Ordered, That the papers in the case of Thomas Bogis, a bill (S. 1924) granting an increase of pension, be withdrawn from the files of the Senate, there having been no adverse report thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CLARKE of Arkansas:

A bill (S. 3436) granting to Phillips County, Ark., certain lots in the city of Helena for a site for a county courthouse; to the Committee on Public Lands.

By Mr. DIXON:

A bill (S. 3437) granting an increase of pension to Charles H. Grant (with accompanying papers);

A bill (S. 3438) granting an increase of pension to John B. Catlin (with accompanying papers); and

A bill (S. 3439) granting an increase of pension to Emmanuel Mennet (with accompanying papers); to the Committee on Pensions.

By Mr. TAYLOR:

A bill (S. 3440) for the relief of Pleasant C. Jones (with accompanying paper);

A bill (S. 3441) to correct the military record of Daniel Housewright (with accompanying papers); and

A bill (S. 3442) authorizing the President to appoint and place William H. Crook on the retired list of the Army with the rank of major; to the Committee on Military Affairs.

A bill (S. 3443) for the relief of the heirs at law of Louisa G. Zollicoffer, deceased; and

A bill (S. 3444) for the relief of the heirs of Robert S. Gill; to the Committee on Claims.

A bill (S. 3445) granting an increase of pension to Israel Roll; and

A bill (S. 3446) granting an increase of pension to James A. Lyons (with accompanying papers); to the Committee on Pensions.

By Mr. BURNHAM:

A bill (S. 3447) granting an increase of pension to Niles H. Arnold;

A bill (S. 3448) granting a pension to George Gault;

A bill (S. 3449) granting an increase of pension to Charles S. Tyler;

A bill (S. 3450) granting an increase of pension to Aldano Neal; and

A bill (S. 3451) granting an increase of pension to Ann E. Bundy; to the Committee on Pensions.

By Mr. WORKS:

A bill (S. 3452) for the relief of Drenzy A. Jones and John G. Hopper, joint contractors, for surveying Yosemite Park boundary and for damages for illegal arrest while making said survey; to the Committee on Claims.

By Mr. OLIVER:

A bill (S. 3453) granting a pension to James McEntire (with accompanying papers);

A bill (S. 3454) granting an increase of pension to Samuel E. Brillhart (with accompanying papers);

A bill (S. 3455) granting an increase of pension to William London (with accompanying papers);

A bill (S. 3456) granting an increase of pension to William M. Blose (with accompanying papers);

A bill (S. 3457) granting an increase of pension to Hiram Souders (with accompanying papers); and

A bill (S. 3458) granting an increase of pension to Thomas Varner (with accompanying papers); to the Committee on Pensions.

By Mr. BURTON:

A bill (S. 3459) for the relief of Erskine R. K. Hayes; to the Committee on Claims.

By Mr. STEPHENSON:

A bill (S. 3460) granting an increase of pension to Mary A. Babcock (with accompanying papers); to the Committee on Pensions.

By Mr. CULLOM:

A bill (S. 3461) for the erection of a memorial to Col. Edward Dickinson Baker at Balls Bluff, Va.; to the Committee on the Library.

By Mr. LA FOLLETTE:
A bill (S. 3462) for the improvement of grazing on the public lands of the United States and to regulate the same, and for other purposes; to the Committee on Public Lands.

By Mr. SMOOT:
A bill (S. 3463) to establish a Bureau of National Parks, and for other purposes; to the Committee on Public Lands.
A bill (S. 3464) granting an increase of pension to Gilman L. Eastman; to the Committee on Pensions.

By Mr. GALLINGER:
A bill (S. 3465) to increase the rates of pension in certain cases under the act of February 6, 1907;
A bill (S. 3466) granting an increase of pension to John L. Perkins (with accompanying papers);
A bill (S. 3467) granting an increase of pension to Orlando B. Douglas (with accompanying paper); and
A bill (S. 3468) granting an increase of pension to George W. Dimond (with accompanying papers); to the Committee on Pensions.

By Mr. CRAWFORD:
A bill (S. 3469) for the relief of the American Surety Co. of New York (with accompanying papers); to the Committee on Claims.
A bill (S. 3470) granting an increase of pension to Edward T. Sheldon (with accompanying papers);
A bill (S. 3471) granting an increase of pension to Barton W. Prickett (with accompanying papers);
A bill (S. 3472) granting an increase of pension to Thomas Powers (with accompanying papers);
A bill (S. 3473) granting an increase of pension to Adam C. Pattee (with accompanying paper); and
A bill (S. 3474) granting an increase of pension to Mary E. Apley (with accompanying paper); to the Committee on Pensions.

By Mr. GAMBLE:
A bill (S. 3475) extending the time of payment to certain homesteaders on the Cheyenne River Indian Reservation, in the State of South Dakota, and on the Standing Rock Indian Reservation, in the States of South Dakota and North Dakota; to the Committee on Indian Affairs.
A bill (S. 3476) granting an increase of pension to William H. Cross;
A bill (S. 3477) granting an increase of pension to William Simpson (with accompanying papers);
A bill (S. 3478) granting an increase of pension to John B. C. Kerr (with accompanying papers);
A bill (S. 3479) granting an increase of pension to James Dornan (with accompanying papers);
A bill (S. 3480) granting an increase of pension to Russel B. Tulleys (with accompanying papers); and
A bill (S. 3481) granting an increase of pension to George Gorham (with accompanying papers); to the Committee on Pensions.

By Mr. MYERS:
A bill (S. 3482) granting an increase of pension to James H. Morris; and
A bill (S. 3483) granting an increase of pension to James G. Doran; to the Committee on Pensions.

By Mr. POINDEXTER:
A bill (S. 3484) to authorize the construction of a bridge across the Snake River between Walla Walla and Franklin Counties, in the State of Washington, by the Oregon-Washington Railroad & Navigation Co.; to the Committee on Commerce.
A bill (S. 3485) granting an increase of pension to Albert L. Washburn; and
A bill (S. 3486) granting an increase of pension to Solon Peterson; to the Committee on Pensions.

By Mr. CRANE:
A bill (S. 3487) granting an increase of pension to Reuben Bellows; to the Committee on Pensions.

By Mr. McLEAN:
A bill (S. 3488) granting an increase of pension to Michael Hade (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:
A bill (S. 3489) granting a pension to Ottiwell M. Roberts;
A bill (S. 3490) granting an increase of pension to Benjamin F. Ferris;
A bill (S. 3491) granting an increase of pension to James O. McCabe; and
A bill (S. 3492) granting an increase of pension to Henry B. Spencer; to the Committee on Pensions.

By Mr. CLAPP:
A bill (S. 3493) granting an increase of pension to Lewis C. Berg (with accompanying papers);
A bill (S. 3494) granting an increase of pension to Henry M. Goodell (with accompanying papers);
A bill (S. 3495) granting an increase of pension to Villars Larson (with accompanying papers);
A bill (S. 3496) granting an increase of pension to Aaron Hemingway (with accompanying papers);
A bill (S. 3497) granting an increase of pension to Monroe D. Whitman (with accompanying papers);
A bill (S. 3498) granting an increase of pension to Robert Thom (with accompanying papers);
A bill (S. 3499) granting an increase of pension to Luman C. Wheelock (with accompanying papers);
A bill (S. 3500) granting an increase of pension to Willard E. Martin (with accompanying papers);
A bill (S. 3501) granting an increase of pension to William Day (with accompanying papers); and
A bill (S. 3502) granting an increase of pension to Henry M. Zellers (with accompanying papers); to the Committee on Pensions.

By Mr. WETMORE:
A bill (S. 3503) granting a pension to George L. Prentice (with accompanying paper); and
A bill (S. 3504) granting an increase of pension to Amos L. Burdick (with accompanying paper); to the Committee on Pensions.

By Mr. BURTON:
A joint resolution (S. J. Res. 61) extending the operation of the act for the control and regulation of the waters of the Niagara River, for the preservation of Niagara Falls, and for other purposes; to the Committee on Foreign Relations.

NATIONAL SOLDIERS' HOME, SANTA MONICA, CAL.

Mr. WORKS submitted the following resolution (S. Res. 160), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Whereas grave charges of mismanagement of and incompetency in the management of the Branch National Home for Disabled Volunteer Soldiers at Santa Monica, Cal., have been made; and
Whereas it has further been charged that the disabled volunteer soldiers, members of said home, are not receiving the treatment that should be given them by the Government; Now therefore
Resolved, That the Committee on Military Affairs of the Senate be, and it is hereby, instructed to make full investigation of the condition and affairs of such branch home, and particularly to determine the nature of the treatment given at such home to the members thereof; and that said committee be authorized to sit during the sessions of the Senate and during any recess of the Senate or Congress, and hold its sessions at such place or places as it shall deem most convenient for the purposes of such investigation; to employ stenographers and such counsel and competent accountants as it may deem necessary; to send for persons and papers and to administer oaths; and that the expenses of the inquiry shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

PROPOSED LEGISLATIVE PROGRAM.

Mr. NEWLANDS. I offer a resolution regarding a legislative program, which I ask may be read and lie on the table.

The resolution (S. Res. 159) was read and ordered to lie on the table, as follows:

Resolved, That it is the sense of the Senate that during the present session the appropriate committees shall consider and Congress enact legislation upon the following subjects:

THE TARIFF AND TAXATION.

First. The reduction of the excessive duties in the wool, cotton, and steel schedules.
Second. The enlargement of the free list.
Third. The gradual reduction of all duties of a prohibitory character by a fixed percentage per annum until the importations of products under such duties equal one-tenth of the total domestic production of similar products.
Fourth. A graduated increase in the corporation tax upon corporations whose net profits exceed $50,000 per annum, sufficient to make up any deficit in revenue caused by reduction in customs duties.

INTERSTATE COMMERCE.

Fifth. Providing for the physical valuation of railroads engaged in interstate commerce by the Interstate Commerce Commission as a factor in rate regulation.
Sixth. Preventing stock watering by corporations engaged in interstate commerce.
Seventh. Providing for an interstate trade commission, in which shall be merged the officials, powers, and functions of the Bureau of Corporations, with powers of investigation, correction, and recommendation regarding corporations engaged in interstate trade, similar, so far as practicable, to those conferred upon the Interstate Commerce Commission regarding corporations engaged in interstate transportation.

BANKING.

Eighth. Providing for uninterrupted interstate exchange, the protection of bank depositors, and the minimizing of bank panics by adequate requirements regarding capital and reserves of the individual banks by the organization of a national reserve association in each State, in which the national banks and the State banks engaged in interstate exchange, complying with national legislation as to capital and reserves, shall be stockholders, such association to have such of the powers proposed by the National Monetary Commission to be conferred upon a central national reserve association as are necessary or advisable; such State associations to be brought into federation through a national banking commission fairly representative of the different sections of the

country, part of which shall be selected by such associations and part by the President of the United States, such board to be advisory to Congress and to the President.

RIVER DEVELOPMENT AND REGULATION.

Ninth. Providing for the cooperation of the Corps of Engineers of the Army, the Reclamation Service, the Forest Service, the Geological Survey, the Weather Service, and other scientific services of the National Government, and the cooperation of the National Government with the States, in devising and carrying out comprehensive plans for the regulation of river flow with a view to the promotion of navigation, the prevention of destructive floods through the preservation of forests, the storage and use of flood waters for the irrigation of arid lands and for the development of water power, the reclamation of swamp lands, and the establishment of terminal and transfer facilities, and providing a fund ample for continuous work, such comprehensive plans to be framed under the direction of a board of experts, of which the Chief of Engineers shall be the chairman, the various works under such plans to be conducted under the national services to which the jurisdiction now pertains.

Tenth. Providing for the protection of our natural resources in timber, coal, iron, and oil against monopolistic control.

AMERICAN MERCHANT MARINE.

Eleventh. Providing for the upbuilding of the American merchant marine by free entry to American registry of all ships, wherever built.

AUXILIARY NAVY.

Twelfth. Providing for the construction of auxiliary ships for our Navy, to be used in time of war in aid of the fighting ships and in times of peace in establishing necessary service through the Panama Canal and new routes of commerce to foreign countries through lease to shipping companies; such legislation to involve the temporary diminution of the construction of fighting ships and the substitution of auxiliary ships, with a view to the creation of a well-proportioned and efficient Navy.

MILITARY EXPENSES.

Thirteenth. For the more efficient administration and cooperation of the Army and Navy and the reduction of the total Army and Navy expense to not exceeding $200,000,000 annually through the aid of a board of Army and Naval officers, to be selected by the President.

Mr. NEWLANDS. I give notice, Mr. President, that I will address the Senate at an early day upon the subject of the resolution.

EXPENDITURES ON RIVERS AND HARBORS.

Mr. BRISTOW. I offer a resolution, and ask for its present consideration.

The resolution (S. Res. 163) was read, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to furnish the Senate a detailed statement of the expenditures of the Government for river and harbor improvements, giving the amount spent from the establishment of the Government on each river and each harbor, and the total expended; also the expenditures for the construction of canals, and the amount expended on each.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. GALLINGER. I ask the Senator from Kansas if he would be willing to insert the words "by States," so that the resolution will read "a detailed statement by States," etc.?

Mr. BRISTOW. Certainly.

Mr. GALLINGER. Then let the resolution be modified by the insertion of the words "by States."

The PRESIDENT pro tempore. It will be so modified.

The resolution, as modified, was agreed to.

DEMOTION OF POSTAL EMPLOYEES.

Mr. HITCHCOCK submitted the following resolution (S. Res. 161), which was read and referred to the Committee on Post Offices and Post Roads:

Resolved, That the Postmaster General be, and he is hereby, directed to furnish the Senate with a statement of the number of railway mail clerks and other post-office employees who have been demoted since January 1, 1911, for conduct deemed detrimental to the service or subversive of discipline, and how much, in the aggregate, per month the loss of pay has amounted to in the cases of the men so demoted.

SALES OF COTTON.

Mr. OVERMAN submitted the following resolution (S. Res. 162), which was read and referred to the Committee on Claims:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to prepare from records in his possession, either those of the United States Government or those of the late Confederate States, and to transmit to the President of the Senate, as soon as practicable, a list of persons shown to have sold cotton to the Confederate States Government or to have entered into any agreement to sell cotton to said Government, such list to indicate whether there is shown to have been a completed sale or only an agreement to sell, and the date of the transaction; to show when possible the residence of the person making such sale or agreement to sell, by county or parish and State; the amount of cotton covered by such sale or agreement, the price to be paid, and whether or not the payment of the agreed price is shown by such records.

ADJOURNMENT TO MONDAY.

Mr. GALLINGER. I move that when the Senate adjourns to-day it adjourn to meet on Monday next.

The motion was agreed to.

PRESIDENT'S MESSAGE ON FOREIGN RELATIONS.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and House of Representatives:

The relations of the United States with other countries have continued during the past 12 months upon a basis of the usual good will and friendly intercourse.

ARBITRATION.

The year just passed marks an important general movement on the part of the powers for broader arbitration. In the recognition of the manifold benefits to mankind in the extension of the policy of the settlement of international disputes by arbitration rather than by war, and in response to a widespread demand for an advance in that direction on the part of the people of the United States and of Great Britain and of France, new arbitration treaties were negotiated last spring with Great Britain and France, the terms of which were designed, as expressed in the preamble of these treaties, to extend the scope and obligations of the policy of arbitration adopted in our present treaties with those Governments. To pave the way for this treaty with the United States, Great Britain negotiated an important modification in its alliance with Japan, and the French Government also expedited the negotiations with signal good will. The new treaties have been submitted to the Senate and are awaiting its advice and consent to their ratification. All the essentials of these important treaties have long been known, and it is my earnest hope that they will receive prompt and favorable action.

CLAIM OF ALSOP & CO. SETTLED.

I am glad to report that on July 5 last the American claim of Alsop & Co. against the Government of Chile was finally disposed of by the decision of His Britannic Majesty George V, to whom, as amiable compositeur, the matter had been referred for determination. His Majesty made an award of nearly $1,000,000 to the claimants, which was promptly paid by Chile. The settlement of this controversy has happily eliminated from the relations between the Republic of Chile and the United States the only question which for two decades had given the two foreign offices any serious concern and makes possible the unobstructed development of the relations of friendship which it has been the aim of this Government in every possible way to further and cultivate.

PANAMA AND COSTA RICA—COLOMBIA AND HAITI.

In further illustration of the practical and beneficent application of the principle of arbitration and the underlying broad spirit of conciliation, I am happy to advert to the part of the United States in facilitating amicable settlement of disputes which menaced the peace between Panama and Costa Rica and between Haiti and the Dominican Republic.

Since the date of their independence, Colombia and Costa Rica had been seeking a solution of a boundary dispute, which came as an heritage from Colombia to the new Republic of Panama, upon its beginning life as an independent nation. Although the disputants had submitted this question for decision to the President of France under the terms of an arbitration treaty, the exact interpretation of the provisions of the award rendered had been a matter of serious disagreement between the two countries, both contending for widely different lines even under the terms of the decision. Subsequently and since 1903 this boundary question had been the subject of fruitless diplomatic negotiations between the parties. In January, 1910, at the request of both Governments the agents representing them met in conference at the Department of State and subsequently concluded a protocol submitting this long-pending controversy to the arbitral judgment of the Chief Justice of the United States, who consented to act in this capacity. A boundary commission, according to the international agreement, has now been appointed, and it is expected that the arguments will shortly proceed and that this long-standing dispute will be honorably and satisfactorily terminated.

Again, a few months ago it appeared that the Dominican Republic and Haiti were about to enter upon hostilities because of complications growing out of an acrimonious boundary dispute which the efforts of many years had failed to solve. The Government of the United States, by a friendly interposition of good offices, succeeded in prevailing upon the parties to place their reliance upon some form of pacific settlement. Accordingly, on the friendly suggestion of this Government, the two Governments empowered commissioners to meet at Washington in conference at the State Department in order to arrange the terms of submission to arbitration of the boundary controversy.

CHAMIZAL ARBITRATION NOT SATISFACTORY.

Our arbitration of the Chamizal boundary question with Mexico was unfortunately abortive, but with the earnest efforts

on the part of both Governments which its importance commands, it is felt that an early practical adjustment should prove possible.

LATIN AMERICA.

VENEZUELA.

During the past year the Republic of Venezuela celebrated the one hundredth anniversary of its independence. The United States sent, in honor of this event, a special embassy to Caracas, where the cordial reception and generous hospitality shown it were most gratifying as a further proof of the good relations and friendship existing between that country and the United States.

MEXICO.

The recent political events in Mexico received attention from this Government because of the exceedingly delicate and difficult situation created along our southern border and the necessity for taking measures properly to safeguard American interests. The Government of the United States, in its desire to secure a proper observance and enforcement of the so-called neutrality statutes of the Federal Government, issued directions to the appropriate officers to exercise a diligent and vigilant regard for the requirements of such rules and laws. Although a condition of actual armed conflict existed, there was no official recognition of belligerency involving the technical neutrality obligations of international law.

On the 6th of March last, in the absence of the Secretary of State, I had a personal interview with Mr. Wilson, the ambassador of the United States to Mexico, in which he reported to me that the conditions in Mexico were much more critical than the press dispatches disclosed; that President Diaz was on a volcano of popular uprising; that the small outbreaks which had occurred were only symptomatic of the whole condition; that a very large per cent of the people were in sympathy with the insurrection; that a general explosion was probable at any time, in which case he feared that the 40,000 or more American residents in Mexico might be assailed, and that the very large American investments might be injured or destroyed.

After a conference with the Secretary of War and the Secretary of the Navy, I thought it wise to assemble an Army division of full strength at San Antonio, Tex., a brigade of three regiments at Galveston, a brigade of Infantry in the Los Angeles district of southern California, together with a squadron of battleships and cruisers and transports at Galveston, and a small squadron of ships at San Diego. At the same time, through our representative at the City of Mexico, I expressed to President Diaz the hope that no apprehensions might result from unfounded conjectures as to these military maneuvers, and assured him that they had no significance which should cause concern to his Government.

The mobilization was effected with great promptness, and on the 15th of March, through the Secretary of War and the Secretary of the Navy, in a letter addressed to the Chief of Staff, I issued the following instructions:

It seems my duty as Commander in Chief to place troops in sufficient number where, if Congress shall direct that they enter Mexico to save American lives and property, an effective movement may be promptly made. Meantime, the movement of the troops to Texas and elsewhere near the boundary, accompanied with sincere assurances of the utmost good-will toward the present Mexican Government and with larger and more frequent patrols along the border to prevent insurrectionary expeditions from American soil, will hold up the hands of the existing Government and will have a healthy moral effect to prevent attacks upon Americans and their property in any subsequent general internecine strife. Again, the sudden mobilization of a division of troops has been a great test of our Army and full of useful instruction, while the maneuvers that are thus made possible can occupy the troops and their officers to great advantage.

The assumption by the press that I contemplate intervention on Mexican soil to protect American lives or property is of course gratuitous, because I seriously doubt whether I have such authority under any circumstances, and if I had I would not exercise it without express congressional approval. Indeed, as you know, I have already declined, without Mexican consent, to order a troop of Cavalry to protect the breakwater we are constructing just across the border in Mexico at the mouth of the Colorado River to save the Imperial Valley, although the insurrectos had scattered the Mexican troops and were taking our horses and supplies and frightening our workmen away. My determined purpose, however, is to be in a position so that when danger to American lives and property in Mexico threatens and the existing Government is rendered helpless by the insurrection, I can promptly execute congressional orders to protect them with effect.

Meantime I send you this letter, through the Secretary, to call your attention to some things in connection with the presence of the division in the Southwest, which have doubtless occurred to you, but which I wish to emphasize.

In the first place, I want to make the mobilization a first-class training for the Army, and I wish you would give your time and that of the War College to advising and carrying out maneuvers of a useful character, and plan to continue to do this during the next three months. By that time we may expect that either Ambassador Wilson's fears will have been realized and chaos and its consequences have ensued, or that the present Government of Mexico will have so readjusted matters as to secure tranquillity—a result devoutly to be wished. The troops can then be returned to their posts. I understood from you in Washington that Gen. Aleshire said that you could probably meet all the additional expense of this whole movement out of the present appropriations if the troops continue in Texas for three months. I sincerely hope this is so. I observe from the newspapers that you have no blank cartridges, but I presume that this is an error or that it will be easy to procure those for use as soon as your maneuvers begin.

Second. Texas is a State ordinarily peaceful, but you can not put 20,000 troops into it without running some risk of a collision between the people of that State, and especially the Mexicans who live in Texas near the border and who sympathize with the insurrectos, and the Federal soldiers. For that reason I beg you to be as careful as you can to prevent friction of any kind. We were able in Cuba, with the army of pacification there of something more than 5,000 troops, to maintain them for a year without any trouble, and I hope you can do the same thing in Texas. Please give your attention to this, and advise all the officers in command of the necessity for very great circumspection in this regard.

Third. One of the great troubles in the concentration of troops is the danger of disease, and I suppose that you have adopted the most modern methods for the preventing and, if necessary, for stamping out epidemics. That is so much a part of a campaign that it hardly seems necessary for me to call attention to it.

Finally, I wish you to examine the question of the patrol of the border and put as many troops on that work as is practicable, and more than are now engaged in it, in order to prevent the use of our borderland for the carrying on of the insurrection. I have given assurances to the Mexican ambassador on this point.

I sincerely hope that this experience will always be remembered by the Army and Navy as a useful means of education, and I should be greatly disappointed if it resulted in any injury or disaster to our forces from any cause. I have taken a good deal of responsibility in ordering this mobilization, but I am ready to answer for it if only you and those under you use the utmost care to avoid the difficulties which I have pointed out.

You may have a copy of this letter made and left with Gen. Carter and such other generals in command as you may think wise and necessary to guide them in their course, but to be regarded as confidential.

I am more than happy to here record the fact that all apprehensions as to the effect of the presence of so large a military force in Texas proved groundless; no disturbances occurred; the conduct of the troops was exemplary and the public reception and treatment of them was all that could have been desired, and this notwithstanding the presence of a large number of Mexican refugees in the border territory.

From time to time communications were received from Ambassador Wilson, who had returned to Mexico, confirming the view that the massing of American troops in the neighborhood had had good effect. By dispatch of April 3, 1911, the ambassador said:

The continuing gravity of the situation here and the chaos that would ensue should the constitutional authorities be eventually overthrown, thus greatly increasing the danger to which American lives and property are already subject, confirm the wisdom of the President in taking those military precautions which, making every allowance for the dignity and the sovereignty of a friendly state, are due to our nationals abroad.

Charged as I am with the responsibility of safeguarding these lives and property, I am bound to say to the department that our military dispositions on the frontier have produced an effective impression on the Mexican mind and may, at any moment, prove to be the only guaranties for the safety of our nationals and their property. If it should eventuate that conditions here require more active measures by the President and Congress, sporadic attacks might be made upon the lives and property of our nationals, but the ultimate result would be order and adequate protection.

The insurrection continued and resulted in engagements between the regular Mexican troops and the insurgents, and this along the border, so that in several instances bullets from the contending forces struck American citizens engaged in their lawful occupations on American soil.

Proper protests were made against these invasions of American rights to the Mexican authorities. On April 17, 1911, I received the following telegram from the governor of Arizona:

As a result of to-day's fighting across the international line, but within gunshot range of the heart of Douglas, five Americans wounded on this side of the line. Everything points to repetition of these casualties on to-morrow, and while the Federals seem disposed to keep their agreement not to fire into Douglas, the position of the insurrectionists is such that when fighting occurs on the east and southeast of the intrenchments people living in Douglas are put in danger of their lives. In my judgment radical measures are needed to protect our innocent people, and if anything can be done to stop the fighting at Agua Prieta the situation calls for such action. It is impossible to safeguard the people of Douglas unless the town be vacated. Can anything be done to relieve situation, now acute?

After a conference with the Secretary of State, the following telegram was sent to Gov. Sloan, on April 18, 1911, and made public:

Your dispatch received. Have made urgent demand upon Mexican Government to issue instructions to prevent firing across border by Mexican federal troops, and am awaiting reply. Meantime I have sent direct warning to the Mexican and insurgent forces near Douglas. I infer from your dispatch that both parties attempt to heed the warning, but that in the strain and exigency of the contest wild bullets still find their way into Douglas. The situation might justify me in ordering our troops to cross the border and attempt to stop the fighting, or to fire upon both combatants from the American side. But if I take this step, I must face the possibility of resistance and greater bloodshed, and also the danger of having our motives misconstrued and misrepresented, and of thus inflaming Mexican popular indignation against many thousand Americans now in Mexico and jeopardizing their lives and property. The pressure for general intervention under such conditions it might not be practicable to resist. It is impossible to foresee or reckon the consequences of such a course, and we must use the greatest self-restraint to avoid it. Pending my urgent representation to the Mexican Government, I can not therefore order the troops at Douglas to cross

the border, but I must ask you and the local authorities, in case the same danger recurs, to direct the people of Douglas to place themselves where bullets can not reach them and thus avoid casualty. I am loath to endanger Americans in Mexico, where they are necessarily exposed, by taking a radical step to prevent injury to Americans on our side of the border who can avoid it by a temporary inconvenience.

I am glad to say that no further invasion of American rights of any substantial character occurred.

The presence of a large military and naval force available for prompt action near the Mexican border proved to be most fortunate under the somewhat trying conditions presented by this invasion of American rights. Had no movement theretofore taken place, and because of these events it had been necessary then to bring about the mobilization, it must have had sinister significance. On the other hand, the presence of the troops before and at the time of the unfortunate killing and wounding of American citizens at Douglas made clear that the restraint exercised by our Government in regard to this occurrence was not due to a lack of force or power to deal with it promptly and aggressively, but was due to a real desire to use every means possible to avoid direct intervention in the affairs of our neighbor, whose friendship we valued and were most anxious to retain.

The policy and action of this Government were based upon an earnest friendliness for the Mexican people as a whole, and it is a matter of gratification to note that this attitude of strict impartiality as to all factions in Mexico and of sincere friendship for the neighboring nation, without regard for party allegiance, has been generally recognized and has resulted in an even closer and more sympathetic understanding between the two Republics and a warmer regard one for the other. Action to suppress violence and restore tranquillity throughout the Mexican Republic was of peculiar interest to this Government, in that it concerned the safeguarding of American life and property in that country. The Government of the United States had occasion to accord permission for the passage of a body of Mexican rurales through Douglas, Ariz., to Tia Juana, Mexico, for the suppression of general lawlessness which had for some time existed in the region of northern Lower California. On May 25, 1911, President Diaz resigned, Señor de la Barra was chosen provisional President. Elections for President and Vice President were thereafter held throughout the Republic, and Señor Francisco I. Madero was formally declared elected on October 15 to the chief magistracy. On November 6 President Madero entered upon the duties of his office.

Since the inauguration of President Madero a plot has been unearthed against the present Government, to begin a new insurrection. Pursuing the same consistent policy which this administration has adopted from the beginning, it directed an investigation into the conspiracy charged, and this investigation has resulted in the indictment of Gen. Bernardo Reyes and others and the seizure of a number of officers and men and horses and accouterments assembled upon the soil of Texas for the purpose of invading Mexico. Similar proceedings had been taken during the insurrection against the Diaz Government, resulting in the indictment and prosecution of persons found to be engaged in violating the neutrality laws of the United States in aid of that uprising.

The record of this Government in respect of the recognition of constituted authority in Mexico therefore is clear.

CENTRAL AMERICA.

HONDURAS AND NICARAGUA TREATIES PROPOSED.

As to the situation in Central America, I have taken occasion in the past to emphasize most strongly the importance that should be attributed to the consummation of the conventions between the Republics of Nicaragua and of Honduras and this country, and I again earnestly recommend that the necessary advice and consent of the Senate be accorded to these treaties, which will make it possible for these Central American Republics to enter upon an era of genuine economic national development. The Government of Nicaragua which has already taken favorable action on the convention, has found it necessary, pending the exchange of final ratifications, to enter into negotiations with American bankers for the purpose of securing a temporary loan to relieve the present financial tension. In connection with this temporary loan and in the hope of consummating, through the ultimate operation of the convention, a complete and lasting economic regeneration, the Government of Nicaragua has also decided to engage an American citizen as collector general of customs. The claims commission, on which the services of two American citizens have been sought, and the work of the American financial adviser should accomplish a lasting good of inestimable benefit to the prosperity, commerce, and peace of the Republic. In considering the ratification of the conventions with Nicaragua and Honduras, there rests with the United States the heavy responsibility of the fact that their rejection here might destroy the progress made and consign the Republics concerned to still deeper submergence in bankruptcy, revolution, and national jeopardy.

PANAMA.

Our relations with the Republic of Panama, peculiarly important, due to mutual obligations and the vast interests created by the canal, have continued in the usual friendly manner, and we have been glad to make appropriate expression of our attitude of sympathetic interest in the endeavors of our neighbor in undertaking the development of the rich resources of the country. With reference to the internal political affairs of the Republic, our obvious concern is in the maintenance of public peace and constitutional order, and the fostering of the general interests created by the actual relations of the two countries, without the manifestation of any preference for the success of either of the political parties.

THE PAN AMERICAN UNION.

The Pan American Union, formerly known as the Bureau of American Republics, maintained by the joint contributions of all the American nations, has during the past year enlarged its practical work as an international organization, and continues to prove its usefulness as an agency for the mutual development of commerce, better acquaintance, and closer intercourse between the United States and her sister American republics.

THE FAR EAST.

THE CHINESE LOANS.

The past year has been marked in our relations with China by the conclusion of two important international loans, one for the construction of the Hukuang railways, the other for the carrying out of the currency reform to which China was pledged by treaties with the United States, Great Britain, and Japan, of which mention was made in my last annual message.

It will be remembered that early in 1909 an agreement was consummated among British, French, and German financial groups whereby they proposed to lend the Chinese Government funds for the construction of railways in the Provinces of Hunan and Hupeh, reserving for their nationals the privilege of engineering the construction of the lines and of furnishing the materials required for the work. After negotiations with the Governments and groups concerned an agreement was reached whereby American, British, French, and German nationals should participate upon equal terms in this important and useful undertaking. Thereupon the financial groups, supported by their respective Governments, began negotiations with the Chinese Government which terminated in a loan to China of $30,000,000, with the privilege of increasing the amount to $50,000,000. The cooperative construction of these trunk lines should be of immense advantage, materially and otherwise, to China and should greatly facilitate the development of the bountiful resources of the Empire. On the other hand, a large portion of these funds is to be expended for materials, American products having equal preference with those of the other three lending nations, and as the contract provides for branches and extensions subsequently to be built on the same terms the opportunities for American materials will reach considerable proportions.

Knowing the interest of the United States in the reform of Chinese currency, the Chinese Government, in the autumn of 1910, sought the assistance of the American Government to procure funds with which to accomplish that all-important reform. In the course of the subsequent negotiations there was combined with the proposed currency loan one for certain industrial developments in Manchuria, the two loans aggregating the sum of $50,000,000. While this was originally to be solely an American enterprise, the American Government, consistently with its desire to secure a sympathetic and practical cooperation of the great powers toward maintaining the principle of equality of opportunity and the administrative integrity of China, urged the Chinese Government to admit to participation in the currency loan the associates of the American group in the Hukuang loan. While of immense importance in itself, the reform contemplated in making this loan is but preliminary to other and more comprehensive fiscal reforms which will be of incalculable benefit to China and foreign interests alike, since they will strengthen the Chinese Empire and promote the rapid development of international trade.

NEUTRAL FINANCIAL ADVISER.

When these negotiations were begun, it was understood that a financial adviser was to be employed by China in connection with the reform, and in order that absolute equality in all respects among the lending nations might be scrupulously observed, the American Government proposed the nomination of a neutral adviser, which was agreed to by China and the other Governments concerned. On September 28, 1911, Dr. Vissering, president of the Dutch Java Bank and a financier of wide expe-

rience in the Orient, was recommended to the Chinese Government for the post of monetary adviser.

Especially important at the present, when the ancient Chinese Empire is shaken by civil war incidental to its awakening to the many influences and activities of modernization, are the cooperative policy of good understanding which has been fostered by the international projects referred to above and the general sympathy of view among all the powers interested in the Far East. While safeguarding the interests of our nationals, this Government is using its best efforts in continuance of its traditional policy of sympathy and friendship toward the Chinese Empire and its people, with the confident hope for their economic and administrative development and with the constant disposition to contribute to their welfare in all proper ways consistent with an attitude of strict impartiality as between contending factions.

For the first time in the history of the two countries a Chinese cruiser, the *Haichi*, under the command of Admiral Ching, recently visited New York, where the officers and men were given a cordial welcome.

NEW JAPANESE TREATY.

The treaty of commerce and navigation between the United States and Japan, signed in 1894, would by a strict interpretation of its provisions have terminated on July 17, 1912. Japan's general treaties with the other powers, however, terminated in 1911, and the Japanese Government expressed an earnest desire to conduct the negotiations for a new treaty with the United States simultaneously with its negotiations with the other powers. There were a number of imporant questions involved in the treaty, including the immigration of laborers, revision of the customs tariff, and the right of Americans to hold real estate in Japan. The United States consented to waive all technicalities and to enter at once upon negotiations for a new treaty on the understanding that there should be a continuance throughout the life of the treaty of the same effective measures for the restriction of immigration of laborers to American territory which had been in operation with entire satisfaction to both Governments since 1908. The Japanese Government accepted this basis of negotiation, and a new treaty was quickly concluded, resulting in a highly satisfactory settlement of the other questions referred to.

A satisfactory adjustment has also been effected of the questions growing out of the annexation of Korea by Japan.

The recent visit of Admiral Count Togo to the United States as the Nation's guest afforded a welcome opportunity to demonstrate the friendly feeling so happily existing between the two countries.

SIAM.

There has been a change of sovereigns in Siam and the American minister at Bangkok was accredited in a special capacity to represent the United States at the coronation ceremony of the new King.

EUROPE AND THE NEAR EAST.

In Europe and the Near East, during the past twelve-month, there has been at times considerable political unrest. The Moroccan question, which for some months was the cause of great anxiety, happily appears to have reached a stage at which it need no longer be regarded with concern. The Ottoman Empire was occupied for a period by strife in Albania and is now at war with Italy. In Greece and the Balkan countries the disquieting potentialities of this situation have been more or less felt. Persia has been the scene of a long internal struggle. These conditions have been the cause of uneasiness in European diplomacy, but thus far without direct political concern to the United States.

In the war which unhappily exists between Italy and Turkey this Government has no direct political interest, and I took occasion at the suitable time to issue a proclamation of neutrality in that conflict. At the same time all necessary steps have been taken to safeguard the personal interests of American citizens and organizations in so far as affected by the war.

COMMERCE WITH THE NEAR EAST.

In spite of the attendant economic uncertainties and detriments to commerce, the United States has gained markedly in its commercial standing with certain of the nations of the Near East. Turkey, especially, is beginning to come into closer relations with the United States through the new interest of American manufacturers and exporters in the possibilities of those regions, and it is hoped that foundations are being laid for a large and mutually beneficial exchange of commodities between the two countries. This new interest of Turkey in American goods is indicated by the fact that a party of prominent merchants from a large city in Turkey recently visited the United States to study conditions of manufacture and export here, and to get into personal touch with American merchants, with a view to cooperating more intelligently in opening up the markets of Turkey and the adjacent countries to our manufactures. Another indication of this new interest of America in the commerce of the Near East is the recent visit of a large party of American merchants and manufacturers to central and eastern Europe, where they were entertained by prominent officials and organizations of the large cities, and new bonds of friendship and understanding were established which can not but lead to closer and greater commercial interchange.

CORONATION OF KING GEORGE V.

The 22d of June of the present year marked the coronation of His Britannic Majesty King George V. In honor of this auspicious occasion I sent a special embassy to London. The courteous and cordial welcome extended to this Government's representatives by His Majesty and the people of Great Britain has further emphasized the strong bonds of friendship happily existing between the two nations.

SETTLEMENT OF LONG-STANDING DIFFERENCES WITH GREAT BRITAIN.

As the result of a determined effort on the part of both Great Britain and the United States to settle all of their outstanding differences a number of treaties have been entered into between the two countries in recent years, by which nearly all of the unsettled questions between them of any importance have either been adjusted by agreement or arrangements made for their settlement by arbitration. A number of the unsettled questions referred to consist of pecuniary claims presented by each country against the other, and in order that as many of these claims as possible should be settled by arbitration a special agreement for that purpose was entered into between the two Governments on the 18th day of August, 1910, in accordance with Article II of the general arbitration treaty with Great Britain of April 4, 1908. Pursuant to the provisions of this special agreement a schedule of claims has already been agreed upon, and the special agreement, together with this schedule, received the approval of the Senate when submitted to it for that purpose at the last session of Congress. Negotiations between the two Governments for the preparation of an additional schedule of claims are already well advanced, and it is my intention to submit such schedule as soon as it is agreed upon to the Senate for its approval, in order that the arbitration proceedings may be undertaken at an early date. In this connection the attention of Congress is particularly called to the necessity for an appropriation to cover the expense incurred in submitting these claims to arbitration.

PRESENTATION TO GERMANY OF REPLICA OF VON STEUBEN STATUE.

In purusance of the act of Congress approved June 23, 1910, the Secretary of State and the Joint Committee on the Library entered into a contract with the sculptor, Albert Jaegers, for the execution of a bronze replica of the statue of Gen. von Steuben erected in Washington, for presentation to His Majesty the German Emperor and the German nation in recognition of the gift of the statue of Frederick the Great made by the Emperor to the people of the United States.

The presentation was made on September 2 last by representatives whom I commissioned as the special mission of this Government for the purpose.

The German Emperor has conveyed to me by telegraph, on his own behalf and that of the German people, an expression of appreciative thanks for this action of Congress.

RUSSIA.

By direction of the State Department, our ambassador to Russia has recently been having a series of conferences with the minister of foreign affairs of Russia, with a view to securing a clearer understanding and construction of the treaty of 1832 between Russia and the United States and the modification of any existing Russian regulations which may be found to interfere in any way with the full recognition of the rights of American citizens under this treaty. I believe that the Government of Russia is addressing itself seriously to the need of changing the present practice under the treaty and that sufficient progress has been made to warrant the continuance of these conferences in the hope that there may soon be removed any justification of the complaints of treaty violation now prevalent in this country.

I expect that immediately after the Christmas recess I shall be able to make a further communication to Congress on this subject.

LIBERIA.

Negotiations for the amelioration of conditions found to exist in Liberia by the American commission, undertaken through the Department of State, have been concluded, and it is only necessary for certain formalities to be arranged in securing the loan which it is hoped will place that Republic on a practical financial and economic footing.

RECOGNITION OF PORTUGUESE REPUBLIC.

The National Constituent Assembly, regularly elected by the vote of the Portuguese people, having on June 19 last unanimously proclaimed a republican form of government, the official recognition of the Government of the United States was given to the new Republic in the afternoon of the same day.

SPITZBERGEN ISLANDS.

Negotiations for the betterment of conditions existing in the Spitzbergen Islands and the adjustment of conflicting claims of American citizens and Norwegian subjects to lands in that archipelago are still in progress.

INTERNATIONAL CONVENTIONS AND CONFERENCES.

INTERNATIONAL PRIZE COURT.

The supplementary protocol to The Hague convention for the establishment of an international prize court, mentioned in my last annual message, embodying stipulations providing for an alternative procedure which would remove the constitutional objection to that part of The Hague convention which provides that there may be an appeal to the proposed court from the decisions of national courts, has received the signature of the Governments parties to the original convention and has been ratified by the Government of the United States, together with the prize court convention.

The deposit of the ratifications with the Government of the Netherlands awaits action by the powers on the declaration, signed at London on February 26, 1909, of the rules of international law to be recognized within the meaning of article 7 of The Hague convention for the establishment of an international prize court.

FUR-SEAL TREATY.

The fur-seal controversy, which for nearly 25 years has been the source of serious friction between the United States and the powers bordering upon the north Pacific Ocean, whose subjects have been permitted to engage in pelagic sealing against the fur-seal herds having their breeding grounds within the jurisdiction of the United States, has at last been satisfactorily adjusted by the conclusion of the north Pacific sealing convention entered into between the United States, Great Britain, Japan, and Russia on the 7th of July last. This convention is a conservation measure of very great importance, and if it is carried out in the spirit of reciprocal concession and advantage upon which it is based, there is every reason to believe that not only will it result in preserving the fur-seal herds of the north Pacific Ocean and restoring them to their former value for the purposes of commerce, but also that it will afford a permanently satisfactory settlement of a question the only other solution of which seemed to be the total destruction of the fur seals. In another aspect, also, this convention is of importance in that it furnishes an illustration of the feasibility of securing a general international game law for the protection of other mammals of the sea, the preservation of which is of importance to all the nations of the world.

LEGISLATION NECESSARY.

The attention of Congress is especially called to the necessity for legislation on the part of the United States for the purpose of fulfilling the obligations assumed under this convention, to which the Senate gave its advice and consent on the 24th day of July last.

PROTECTION OF INDUSTRIAL PROPERTY UNION.

The Conference of the International Union for the Protection of Industrial Property, which, under the authority of Congress, convened at Washington on May 16, 1911, closed its labors on June 2, 1911, by the signature of three acts, as follows:

(1) A convention revising the Paris convention of March 20, 1883, for the protection of industrial property, as modified by the additional act signed at Brussels on December 14, 1900;

(2) An arrangement to replace the arrangement signed at Madrid on April 14, 1891, for the international registration of trade-marks, and the additional act with regard thereto signed at Brussels on December 14, 1900; and

(3) An arrangement to replace the arrangement signed at Madrid on April 14, 1891, relating to the repression of false indication of production of merchandise.

The United States is a signatory of the first convention only, and this will be promptly submitted to the Senate.

INTERNATIONAL OPIUM COMMISSION.

In a special message transmitted to the Congress on the 7th of January, 1911, in which I concurred in the recommendations made by the Secretary of State in regard to certain needful legislation for the control of our interstate and foreign traffic in opium and other menacing drugs, I quoted from my annual message of December 7, 1909, in which I announced that the results of the International Opium Commission held at Shanghai in February, 1909, at the invitation of the United States, had been laid before this Government; that the report of that commission showed that China was making remarkable progress and admirable efforts toward the eradication of the opium evil; that the interested Governments had not permitted their commercial interests to prevent their cooperation in this reform; and, as a result of collateral investigations of the opium question in this country, I recommended that the manufacture, sale, and use of opium in the United States should be more rigorously controlled by legislation.

Prior to that time and in continuation of the policy of this Government to secure the cooperation of the interested nations, the United States proposed an international opium conference with full powers for the purpose of clothing with the force of international law the resolutions adopted by the above-mentioned commission, together with their essential corollaries. The other powers concerned cordially responded to the proposal of this Government, and, I am glad to be able to announce, representatives of all the powers assembled in conference at The Hague on the first of this month.

Since the passage of the opium-exclusion act more than 20 States have been animated to modify their pharmacy laws and bring them in accord with the spirit of that act, thus stamping out, to a measure, the intrastate traffic in opium and other habit-forming drugs. But, although I have urged on the Congress the passage of certain measures for Federal control of the interstate and foreign traffic in these drugs, no action has yet been taken. In view of the fact that there is now sitting at The Hague so important a conference, which has under review the municipal laws of the different nations for the mitigation of their opium and other allied evils, a conference which will certainly deal with the international aspects of these evils, it seems to me most essential that the Congress should take immediate action on the antinarcotic legislation to which I have already called attention by a special message.

BUENOS AIRES CONVENTIONS.

The four important conventions signed at the Fourth Pan American Conference at Buenos Aires, providing for the regulation of trade-marks, patents, and copyrights, and for the arbitration of pecuniary claims, have, with the advice and consent of the Senate, been ratified on the part of the United States, and the ratifications have been deposited with the Government of the Argentine Republic in accordance with the requirements of the conventions. I am not advised that similar action has been taken by any other of the signatory governments.

INTERNATIONAL ARRANGEMENT TO SUPPRESS OBSCENE PUBLICATIONS.

One of the notable advances in international morality accomplished in recent years was an arrangement entered into on April 13 of the present year between the United States and other powers for the repression of the circulation of obscene publications.

FOREIGN TRADE RELATIONS OF THE UNITED STATES.

In my last annual message I referred to the tariff negotiations of the Department of State with foreign countries in connection with the application, by a series of proclamations, of the minimum tariff of the United States to importations from the several countries, and I stated that, in its general operation, section 2 of the new tariff law had proved a guaranty of continued commercial peace, although there were, unfortunately, instances where foreign governments dealt arbitrarily with American interests within their jurisdiction in a manner injurious and inequitable. During the past year some instances of discriminatory treatment have been removed, but I regret to say that there remain a few cases of differential treatment adverse to the commerce of the United States. While none of these instances now appears to amount to undue discrimination in the sense of section 2 of the tariff law of August 5, 1909, they are all exceptions to that complete degree of equality of tariff treatment that the Department of State has consistently sought to obtain for American commerce abroad.

While the double tariff feature of the tariff law of 1909 has been amply justified by the results achieved in removing former and preventing new undue discriminations against American commerce, it is believed that the time has come for the amendment of this feature of the law in such way as to provide a graduated means of meeting varying degrees of discriminatory treatment of American commerce in foreign countries as well as to protect the financial interests abroad of American citizens against arbitrary and injurious treatment on the part of foreign Governments through either legislative or administrative measures.

It would also seem desirable that the maximum tariff of the United States should embrace within its purview the free list, which is not the case at the present time, in order that it might have reasonable significance to the Governments of those coun-

tries from which the importations into the United States are confined virtually to articles on the free list.

RECORD OF HIGHEST AMOUNT OF FOREIGN TRADE.

The fiscal year ended June 30, 1911, shows great progress in the development of American trade. It was noteworthy as marking the highest record of exports of American products to foreign countries, the valuation being in excess of $2,000,000,000. These exports showed a gain over the preceding year of more than $300,000,000.

FACILITIES FOR FOREIGN TRADE FURNISHED BY JOINT ACTION OF DEPARTMENT OF STATE AND OF COMMERCE AND LABOR.

There is widespread appreciation expressed by the business interests of the country as regards the practical value of the facilities now offered by the Department of State and the Department of Commerce and Labor for the furtherance of American commerce. Conferences with their officers at Washington who have an expert knowledge of trade conditions in foreign countries, and with consular officers and commercial agents of the Department of Commerce and Labor who, while on leave of absence, visit the principal industrial centers of the United States, have been found of great value. These trade conferences are regarded as a particularly promising method of governmental aid in foreign trade promotion. The Department of Commerce and Labor has arranged to give publicity to the expected arrival and the itinerary of consular officers and commercial agents while on leave in the United States, in order that trade organizations may arrange for conferences with them.

As I have indicated, it is increasingly clear that to obtain and maintain that equity and substantial equality of treatment essential to the flourishing foreign trade, which becomes year by year more important to the industrial and commercial welfare of the United States, we should have a flexibility of tariff sufficient for the give and take of negotiation by the Department of State on behalf of our commerce and industry.

CRYING NEED FOR AMERICAN MERCHANT MARINE.

I need hardly reiterate the conviction that there should speedily be built up an American merchant marine. This is necessary to assure favorable transportation facilities to our great ocean-borne commerce, as well as to supplement the Navy with an adequate reserve of ships and men. It would have the economic advantage of keeping at home part of the vast sums now paid foreign shipping for carrying American goods. All the great commercial nations pay heavy subsidies to their merchant marine, so that it is obvious that without some wise aid from the Congress the United States must lag behind in the matter of merchant marine in its present anomalous position.

EXTENSION OF AMERICAN BANKING TO FOREIGN COUNTRIES.

Legislation to facilitate the extension of American banks to foreign countries is another matter in which our foreign trade needs assistance.

CHAMBERS OF FOREIGN COMMERCE SUGGESTED.

The interests of our foreign commerce are nonpartisan, and as a factor in prosperity are as broad as the land. In the dissemination of useful information and in the coordination of effort certain unofficial associations have done good work toward the promotion of foreign commerce. It is cause for regret, however, that the great number of such associations and the comparative lack of cooperation between them fail to secure an efficiency commensurate with the public interest. Through the agency of the Department of Commerce and Labor, and in some cases directly, the Department of State transmits to reputable business interests information of commercial opportunities, supplementing the regular published consular reports. Some central organization in touch with associations and chambers of commerce throughout the country and able to keep purely American interests in closer touch with different phases of commercial affairs would, I believe, be of great value. Such organization might be managed by a committee composed of a small number of those now actively carrying on the work of some of the larger associations, and there might be added to the committee, as members ex officio, one or two officials of the Department of State and one or two officials from the Department of Commerce and Labor and representatives of the appropriate committees of Congress. The authority and success of such an organization would evidently be enhanced if the Congress should see fit to prescribe its scope and organization through legislation which would give to it some such official standing as that, for example, of the National Red Cross.

With these factors and the continuance of the foreign-service establishment (departmental, diplomatic, and consular) upon the high plane where it has been placed by the recent reorganization this Government would be abreast of the times in fostering the interests of its foreign trade, and the rest must be left to the energy and enterprise of our business men.

IMPROVEMENT OF THE FOREIGN SERVICE.

The entire foreign-service organization is being improved and developed with especial regard to the requirements of the commercial interests of the country. The rapid growth of our foreign trade makes it of the utmost importance that governmental agencies through which that trade is to be aided and protected should possess a high degree of efficiency. Not only should the foreign representatives be maintained upon a generous scale in so far as salaries and establishments are concerned, but the selection and advancement of officers should be definitely and permanently regulated by law so that the service shall not fail to attract men of high character and ability. The experience of the past few years with a partial application of civil-service rules to the Diplomatic and Consular Service leaves no doubt in my mind of the wisdom of a wider and more permanent extension of those principles to both branches of the foreign service. The men selected for appointment by means of the existing executive regulations have been of a far higher average of intelligence and ability than the men appointed before the regulations were promulgated. Moreover, the feeling that under the existing rules there is reasonable hope for permanence of tenure during good behavior and for promotion for meritorious service has served to bring about a zealous activity in the interests of the country which never before existed or could exist. It is my earnest conviction that the enactment into law of the general principles of the existing regulations can not fail to effect further improvement in both branches of the foreign service by providing greater inducement for young men of character and ability to seek a career abroad in the service of the Government, and an incentive to those already in the service to put forth greater efforts to attain the high standards which the successful conduct of our international relations and commerce requires.

I therefore again commend to the favorable action of the Congress the enactment of a law applying to the Diplomatic and Consular Service the principles embodied in section 1753 of the Revised Statutes of the United States, in the civil-service act of January 16, 1883, and the Executive orders of June 27, 1906, and of November 26, 1909. In its consideration of this important subject I desire to recall to the attention of the Congress the very favorable report made on the Lowden bill for the improvement of the foreign service by the Foreign Affairs Committee of the House of Representatives. Available statistics show the strictness with which the merit system has been applied to the foreign service during recent years and the absolute nonpartisan selection of consuls and diplomatic-service secretaries who, indeed, far from being selected with any view to political consideration, have actually been chosen to a disproportionate extent from States which would have been unrepresented in the foreign service under the system which it is to be hoped is now permanently obsolete. Some legislation for the perpetuation of the present system of examinations and promotions upon merit and efficiency would be of greatest value to our commercial and international interests.

WM. H. TAFT.

THE WHITE HOUSE, *December 7, 1911.*

CONTROL OF WATERS OF NIAGARA FALLS (H. DOC. NO. 246).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States which was read and referred to the Committee on Commerce and ordered to be printed:

To the Senate and House of Representatives:

Referring to my message of August 21, 1911, transmitting, for the information of Congress, reports of investigations made in connection with the proceedings of the War Department under the provisions of the act of Congress approved June 29, 1906, "For the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes," I transmit herewith a letter of the Secretary of War submitting additional information concerning the proceedings of that department, including a report of the operation of the United States Lake Survey from June 29, 1906, to June 29, 1911, which summarizes and supplements the reports of November 30, 1908, and September 21, 1909, above mentioned, and including also reports of the Niagara Falls committee of September 20, 1907, and October 2, 1911, the latter of which furnishes a résumé of all of the operations of the committee to that date, and supplements the reports of April 13, 1908, and April 5, 1909, printed in House Document No. 431, Sixty-first Congress, second session.

WM. H. TAFT.

THE WHITE HOUSE, *December 7, 1911.*

HOUSE BILL REFERRED.

The bill (H. R. 13570) to amend an act entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," approved May 30, 1908, was read twice by its title and referred to the Committee on Claims.

PERSONAL PRIVILEGE.

Mr. PERCY. Mr. President, I desire to give notice that immediately after the conclusion of the morning business on Tuesday next I will address the Senate on a question of personal privilege.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 2 o'clock and 57 minutes p. m.) the Senate adjourned until Monday, December 11, 1911, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate December 7, 1911.

CONSUL AT TRIESTE, AUSTRIA.

Ralph J. Totten, of Tennessee, lately consul at Maracaibo, to be consul of the United States of America at Trieste, Austria, to which office he was appointed during the last recess of the Senate, vice George M. Hotschick, deceased.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

First Lieut. of Engineers Nathaniel Edward Cutchin to be senior engineer in the Revenue-Cutter Service of the United States, to rank as such from September 3, 1911, in place of Capt. of Engineers Andrew Jackson Howison, retired.

Mr. Cutchin is now serving under a temporary commission issued during the recess of the Senate.

COLLECTOR OF CUSTOMS.

John Biddle, of North Carolina, to be collector of customs for the district of Pamlico, in the State of North Carolina, in place of Daniel W. Patrick, whose term of office expired by limitation February 28, 1911.

Mr. Biddle is now serving under a temporary commission issued during the recess of the Senate.

PROMOTIONS IN THE PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Asst. Surg. James R. Hurley to be passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from May 6, 1911.

Mr. Hurley is now serving under a temporary commission issued during the recess of the Senate.

Asst. Surg. Emil Krulish to be passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from August 17, 1911.

Mr. Krulish is now serving under a temporary commission issued during the recess of the Senate.

Robert H. Heterick, of Ohio, to be assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from November 22, 1911. (New office.)

Mr. Heterick is now serving under a temporary commission issued during the recess of the Senate.

Alfred C. Reed, of Missouri, to be assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from October 20, 1911. (New office.)

Mr. Reed is now serving under a temporary commission issued during the recess of the Senate.

John A. Watkins, of New Mexico, to be assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from October 21, 1911. (New office.)

Mr. Watkins is now serving under a temporary commission issued during the recess of the Senate.

INTERSTATE COMMERCE COMMISSIONER.

James S. Harlan, of Illinois, to be an Interstate Commerce Commissioner for a term of seven years from January 1, 1912. (Reappointment.)

JUDGE OF MUNICIPAL COURT OF DISTRICT OF COLUMBIA.

George C. Aukam, of the District of Columbia, to be a judge of the municipal court of the District of Columbia, who was reappointed during the last recess of the Senate, his term having expired November 10, 1911.

APPRAISER OF MERCHANDISE.

Charles V. Johnson, of Oregon, to be appraiser of merchandise in the district of Portland, in the State of Oregon, in place of Owen Summers, deceased.

Mr. Johnson is now serving under a temporary commission issued during the recess of the Senate.

COLLECTOR OF INTERNAL REVENUE.

John B. Hanna, of Maryland, to be collector of internal revenue for the district of Maryland, in place of Phillips L. Goldsborough, resigned.

Mr. Hanna is now serving under a temporary commission issued during the recess of the Senate.

ASSISTANT APPRAISER OF MERCHANDISE.

William J. Brophy, of Louisiana, to be assistant appraiser of merchandise in the district of New Orleans, in the State of Louisiana, in place of Robert A. Olivier, deceased.

Mr. Brophy is now serving under a temporary commission issued during the recess of the Senate.

AGENT, ALASKA SALMON FISHERIES.

Frederic M. Chamberlain, of Indiana, to be agent, Alaska salmon fisheries, Division of Alaska Fisheries, in the Bureau of Fisheries, Department of Commerce and Labor.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY TO ARGENTINA.

John W. Garrett, of Maryland, now envoy extraordinary and minister plenipotentiary to Venezuela, to be envoy extraordinary and minister plenipotentiary of the United States of America to Argentina, vice John R. Carter, resigned.

UNITED STATES MARSHALS.

Hyman D. Davis, of Ohio, to be United States marshal for the northern district of Ohio, who was appointed during the last recess of the Senate, vice Frank M. Chandler, term expired.

Leslie M. Scott, of Oregon, to be United States marshal for the district of Oregon, who was appointed during the last recess of the Senate, vice Elmer B. Colwell, whose nomination was rejected.

PENSION AGENT AT MILWAUKEE, WIS.

Frederick H. Magdeburg, of Milwaukee, Wis., to be pension agent at Milwaukee, Wis., his term expiring December 18, 1911. (Reappointment.)

APPOINTMENTS IN THE ARMY.

CAVALRY ARM.

Eric Lamar Ellington, of North Carolina, late ensign, United States Navy, to be second lieutenant of Cavalry, with rank from September 28, 1911.

Herbert Elliott Taylor, of Minnesota, to be second lieutenant of Cavalry, with rank from September 29, 1911.

William Middleton Grimes, of New York, to be second lieutenant of Cavalry, with rank from September 29, 1911.

Henry Joseph Moody Smith, of Connecticut, to be second lieutenant of Cavalry, with rank from September 29, 1911.

FIELD ARTILLERY ARM.

Vincent Meyer, of New York, late midshipman, United States Navy, to be second lieutenant of Field Artillery, with rank from September 28, 1911.

Edward Harold Hicks, of Kansas, late midshipman, United States Navy, to be second lieutenant of Field Artillery, with rank from September 28, 1911.

Alfred Gale Thomason, of the District of Columbia, to be second lieutenant of Field Artillery, with rank from September 29, 1911.

COAST ARTILLERY CORPS.

Walter Smith, of Ohio, late ensign, United States Navy, to be second lieutenant in the Coast Artillery Corps, with rank from September 28, 1911.

Hugh Johnston Knerr, of California, late ensign, United States Navy, to be second lieutenant in the Coast Artillery Corps, with rank from September 28, 1911.

George Frederick Humbert, of Pennsylvania, late midshipman, United States Navy, to be second lieutenant in the Coast Artillery Corps, with rank from September 28, 1911.

Arthur Woodfin Ford, of Kansas, late midshipman, United States Navy, to be second lieutenant in the Coast Artillery Corps, with rank from September 28, 1911.

Reuben Noel Perley, of Massachusetts, late midshipman, United States Navy, to be second lieutenant in the Coast Artillery Corps, with rank from September 28, 1911.

Joseph Ray Cygon, of Mississippi, late midshipman, United States Navy, to be second lieutenant in the Coast Artillery Corps, with rank from September 28, 1911.

John Holmes Birdsall, of New Jersey, late midshipman, United States Navy, to be second lieutenant in the Coast Artillery Corps, with rank from September 28, 1911.

INFANTRY ARM.

John Page Edgerly, of New Hampshire, late midshipman, United States Navy, to be second lieutenant of Infantry, with rank from September 28, 1911.

Lindsay McDonald Silvester, of Virginia, to be second lieutenant of Infantry, with rank from September 29, 1911.

Herbert Marshall Pool, of Texas, to be second lieutenant of Infantry, with rank from September 29, 1911.

Leonard Townsend Gerow, of Virginia, to be second lieutenant of Infantry, with rank from September 29, 1911.

George Derry Murphey, of Georgia, to be second lieutenant of Infantry, with rank from September 29, 1911.

Norman Whittemore Peek, of Wisconsin, to be second lieutenant of Infantry, with rank from September 29, 1911.

Mord Perea Short, of Mississippi, to be second lieutenant of Infantry, with rank from September 29, 1911.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from August 31, 1911.

William Burton De Garmo, of New York.
Joseph Henry Durrett, of Florida.
Waldemar Edward Fischer, of Missouri.
Howard Fox, of New York.
Johnston Burnside Kennedy, of Michigan.
James Henry McCall, of Tennessee.
Arthur Jackson Markley, of Colorado.
John Greene Martin, of Louisiana.
Henry Edward Miller, of Missouri.
Clarence Maurice Nicholson, of Missouri.
Bret Nottingham, of Michigan.
James Milton Robb, of Michigan.
Percy Hypes Swahlen, of Missouri.
Isaac Walton Thorne, of California.
Clarence Edgar Yount, of Arizona.

To be first lieutenants with rank from September 19, 1911.

James Ernest Baylis, of Mississippi.
Raymond Whitcomb Bliss, of Connecticut.
Sidney Moore Bunker, of Vermont.
Charles Ruby Castlen, of Missouri.
Michael Andrew Dailey, of Wyoming.
Johnson Francis Hammond, of Illinois.
William Bertram Meister, of New York.
John Henry Hedley Scudder, of Pennsylvania.
Leeson Oren Tarleton, of New Hampshire.
Adna Godfrey Wilde, of Mississippi.

To be first lieutenants with rank from September 29, 1911.

John Donnington Bartlett, of Illinois.
Frederick Waldo Belknap, of Illinois.
Frederic Atwood Besley, of Illinois.
Albert Irving Bouffleur, of Illinois.
William Sohier Bryant, of New York.
Archibald Church, of Illinois.
Thomas Levi Dagg, of Illinois.
Herbert Hazeltine Frothingham, of Illinois.
Harold Goodman Goldberg, of Pennsylvania.
Reuben Johnson Held, of New York.
William Hessert, of Illinois.
Allen Buckner Kanavel, of Illinois.
Ellis Kirk Kerr, of Illinois.
Henry Foster Lewis, of Illinois.
John McPherson Lowrey, of Alabama.
Charles Hugh McLean, of Michigan.
Henry Covington Macy, of Illinois.
Samuel Thomas Millard, of Kansas.
James Albert Morgan, of Pennsylvania.
Guy Lincoln Noyes, of Missouri.
Orange Garrett Pfaff, of Indiana.
William Whitall Requartd, of Maryland.
William Nicholas Senn, of Illinois.
Alexander Meiklejohn Stirling, of Michigan.
George Lane Taneyhill, jr., of Maryland.
William McIlwain Thompson, of Illinois.
Roger Throop Vaughan, of Illinois.
George Waters, of Michigan.
George Barrow Worthington, of California.

To be first lieutenants with rank from November 20, 1911.

Howard Elmer Ashbury, of Maryland.
George Melick Boyd, of Pennsylvania.
Seneca Egbert, of Pennsylvania.
Walter Lloyd Finton, of Michigan.
William Burrows Hudson, of the District of Columbia.
Carleton Buel McCulloch, of Indiana.
Charles Jefferson Miller, of Louisiana.
Thomas Knox Mullins, of Alabama.
William Everett Musgrave, at large.
Miller Edwin Preston, of Colorado.
Joseph Sailer, of Pennsylvania.
Laurel Bough Sandall, of Colorado.
Robert Launcelot Tebbitt, of Wyoming.
Benjamin Franklin Van Meter, of Kentucky.
John Van Rensselaer, of the District of Columbia.
Dayton Carroll Wiggin, of New Hampshire.
Ross Arlington Woolsey, of Missouri.

To be first lieutenants with rank from November 28, 1911.

Sidney Lovett Chappell, of the District of Columbia.
John Shelley Saurman, of Pennsylvania.
Bertram Foster Duckwall, of Pennsylvania.

FIELD ARTILLERY ARM.

Appointment by transfer.

Second Lieut. John Everard Hatch, Second Cavalry, to be second lieutenant of Field Artillery, with rank from June 13, 1911.

CAVALRY ARM.

Enlisted men appointed in the Army.

Sergt. Robert Currier Brady, Troop G, Eleventh Cavalry, to be second lieutenant of Cavalry, with rank from September 27, 1911.

FIELD ARTILLERY ARM.

Enlisted men appointed in the Army.

Pvt. Frank Bloom, Battery C, Third Artillery, to be second lieutenant of Field Artillery, with rank from September 27, 1911.

INFANTRY ARM.

Enlisted men appointed in the Army.

Sergt. Edward Lincoln Hoffman, Company B, Eleventh Infantry, to be second lieutenant of Infantry, with rank from September 27, 1911.

Sergt. Casper Ball Rucker, Company K, Sixth Infantry, to be second lieutenant of Infantry, with rank from September 27, 1911.

CAVALRY ARM.

To be second lieutenants with rank from October 7, 1911.

Alexander Reed Cocke, of Virginia.
Alexander Le Roy Podwinctz Johnson, of New York.
Dexter Cleveland Rumsey, of Wyoming.
Walter Ferrell Winton, of Tennessee.
Newton Napoleon Polk, of Tennessee.
Henry Lawrence Cullen Jones, of Nevada.
Edwin O'Connor, at large.
Eugene Alexander Lohman, of New Mexico.
Kenneth Prince Lord, of Nebraska.
Edward Alexander Millar, jr., at large.
Clyde James McConkey, of Minnesota.
Augustin Goelet Rudd, of New York.
Harold Clifford Lutz, of Illinois.
John Moore Thompson, of Maryland.

FIELD ARTILLERY ARM.

To be second lieutenant with rank from October 6, 1911.

Robert Whipple Wilson, of Missouri.

To be second lieutenants with rank from October 7, 1911.

Norman Potter Morrow, of Texas.
Carl Moser Deakin, of Ohio.
Lloyd Edmonstone Jones, of Missouri.

COAST ARTILLERY CORPS.

Frank Robert Sessions, of Michigan, late midshipman, United States Navy, to be second lieutenant in the Coast Artillery Corps, with rank from November 29, 1911.

Harold Gordon Douglas, of New York, late midshipman, United States Navy, to be second lieutenant in the Coast Artillery Corps, with rank from December 2, 1911.

INFANTRY ARM.

To be second lieutenants with rank from October 6, 1911.

William Clayton Rose, of Mississippi.
Wesley Frost Ayer, of Wisconsin.

To be second lieutenants with rank from October 7, 1911.

George Crawford Elsey, of Massachusetts.
James Ambrose O'Brien, of New York.
George Abel Sanford, of New York.
Maxon Spafford Lough, of North Dakota.
Ford Richardson, of Maryland.
Lester Maple Wheeler, of Illinois.
William Roland Van Sant, of Maryland.
John Taylor Rhett, of South Carolina.
Livingston Watrous, of New York.

Lester Gehman, of Colorado.
Thomas Cochran, of Pennsylvania.
John Pendleton Wilson, of West Virginia.
Charles Stanley Little, of Ohio.
George Matthew Halloran, of Pennsylvania.
William Edward Brougher, of Mississippi.
Sumner Waite, of Maine.
Albert Monmouth Jones, of Massachusetts.
John Edward Creed, of Vermont.
Leopold Julius Heinrich Herwig, of Virginia.
Harrison McAlpine, of Maryland.
James Raymond Alfonte, of Indiana.
Glenn Perrine Wilhelm, of Kansas.
Robert Sherman Barr, of New Jersey.
Andrew Goolsby Gardner, of Arkansas.
Albert Simon Kuegle, of South Dakota.

PROMOTIONS IN THE ARMY.

QUARTERMASTER'S DEPARTMENT.

Lieut. Col. Carroll A. Devol, deputy quartermaster general, to be assistant quartermaster general, with the rank of colonel, from September 22, 1911, vice Col. George Ruhlen, retired from active service September 21, 1911.

Maj. Richmond McA. Schofield, quartermaster, to be deputy quartermaster general, with the rank of lieutenant colonel, from September 22, 1911, vice Lieut. Col. Carroll A. Devol, promoted.

SUBSISTENCE DEPARTMENT.

Capt. Frank H. Lawton, commissary, to be commissary, with the rank of major, from November 12, 1911, vice Maj. Jacob E. Bloom, retired from active service November 11, 1911.

CORPS OF ENGINEERS.

Capt. Earl I. Brown, Corps of Engineers, to be major from October 4, 1911, vice Maj. Edwin R. Stuart, appointed professor at the United States Military Academy.

First Lieut. Charles R. Pettis, Corps of Engineers, to be captain from October 4, 1911, vice Capt. Earl I. Brown, promoted.

ORDNANCE DEPARTMENT.

Maj. George Montgomery, Ordnance Department, to be lieutenant colonel from September 21, 1911, vice Lieut. Col. Beverly W. Dunn, retired from active service September 20, 1911.

Under the provisions of an act of Congress approved March 3, 1911, I nominate each of the officers herein named for advancement in grade in accordance with the rank he would have been entitled to hold had promotion been lineal throughout his arm since the date of his entry into the arm to which he permanently belongs:

CAVALRY ARM.

Lieut. Col. Loyd S. McCormick, cavalry, unassigned, to be colonel, with rank from September 25, 1911.

Capt. John D. L. Hartman, First Cavalry, to be major from September 11, 1911, vice Maj. James A. Cole, Fourth Cavalry, detailed as paymaster on that date.

Capt. Robert L. Howze, Cavalry, unassigned, to be major from November 18, 1911, vice Maj. Herbert H. Sargent, Fourth Cavalry, retired from active service November 17, 1911.

First Lieut. Arthur Poillon, Fourteenth Cavalry, to be captain from September 11, 1911, vice Capt. John D. L. Hartman, First Cavalry, promoted.

First Lieut. Gordon N. Kimball, Fourteenth Cavalry, to be captain from November 14, 1911, vice Capt. Samuel McP. Rutherford, Fourth Cavalry, detailed as commissary on that date.

First Lieut. George A. Purington, Eighth Cavalry, to be captain from November 18, 1911, vice Capt. Robert L. Howze, unassigned, promoted.

Second Lieut. Charles L. Scott, Twelfth Cavalry, to be first lieutenant from September 11, 1911, vice First Lieut. Arthur Poillon, Fourteenth Cavalry, promoted.

Second Lieut. James H. Dickey, Fourth Cavalry, to be first lieutenant from October 26, 1911, vice First Lieut. Myron B. Bowdish, Fifteenth Cavalry, dismissed October 25, 1911.

Second Lieut. Ralph Talbot, jr., Twelfth Cavalry, to be first lieutenant from November 14, 1911, vice First Lieut. Gordon N. Kimball, Fourteenth Cavalry, promoted.

Second Lieut. William N. Hensley, jr., Thirteenth Cavalry, to be first lieutenant from November 16, 1911, vice First Lieut. George Garity, Third Cavalry, retired from active service November 15, 1911.

Second Lieut. Berkeley T. Merchant, Thirteenth Cavalry, to be first lieutenant from November 18, 1911, vice First Lieut. George A. Purington, Eighth Cavalry, promoted.

FIELD ARTILLERY ARM.

Lieut. Col. George W. Van Deusen, Second Field Artillery, to be colonel from September 7, 1911, vice Col. Sydney W. Taylor, Second Field Artillery, retired from active service September 6, 1911.

Lieut. Col. Edward A. Millar, Fifth Field Artillery, to be colonel from December 1, 1911, vice Col. George W. Van Deusen, Second Field Artillery, detached from his proper command.

Maj. T. Bentley Mott, Second Field Artillery, to be lieutenant colonel from September 7, 1911, vice Lieut. Col. George W. Van Deusen, Second Field Artillery, promoted.

Maj. Ernest Hinds, Sixth Field Artillery, to be lieutenant colonel from December 1, 1911, vice Lieut. Col. Edward A. Millar, Fifth Field Artillery, promoted.

Capt. Brooke Payne, Third Field Artillery, to be major from September 7, 1911, vice Maj. T. Bentley Mott, Second Field Artillery, promoted.

Capt. William S. Guignard, second Field Artillery, to be major from December 1, 1911, vice Maj. Ernest Hinds, Sixth Field Artillery, promoted.

First Lieut. Joseph E. Myers, Third Field Artillery, to be captain from September 7, 1911, vice Capt. Brooke Payne, Third Field Artillery, promoted.

First Lieut. William S. Wood, Fourth Field Artillery, to be captain from September 8, 1911, vice Capt. Oliver L. Spaulding, jr., Fifth Field Artillery, detached from his proper command.

First Lieut. Samuel Frankenberger, Third Field Artillery, to be captain from October 18, 1911, vice Capt. Winfred B. Carr, Sixth Field Artillery, who died October 17, 1911.

First Lieut. Charles M. Allen, Fifth Field Artillery, to be captain from December 1, 1911, vice Capt. William S. Guignard, Second Field Artillery, promoted.

COAST ARTILLERY CORPS.

Lieut. Col. Stephen M. Foote, Coast Artillery Corps, to be colonel from October 5, 1911, vice Col. Warren P. Newcomb, retired from active service October 4, 1911.

Lieut. Col. John C. W. Brooks, Coast Artillery Corps, to be colonel from December 5, 1911, vice Col. Clarence Deems, retired from active service December 4, 1911.

Lieut. Col. George T. Bartlett, Coast Artillery Corps, to be colonel from December 5, 1911.

Lieut. Col. Charles A. Bennett, Coast Artillery Corps, to be colonel from December 6, 1911.

Lieut. Col. Henry C. Davis, Coast Artillery Corps, to be colonel from December 6, 1911, vice Col. Robert H. Patterson, retired from active service December 5, 1911.

Maj. Alfred M. Hunter, Coast Artillery Corps, to be lieutenant colonel from October 3, 1911, vice Lieut. Col. Wirt Robinson, appointed professor at the United States Military Academy.

Maj. John L. Hayden, Coast Artillery Corps, to be lieutenant colonel from October 5, 1911, vice Lieut. Col. Stephen M. Foote, promoted.

Maj. Eugene T. Wilson, Coast Artillery Corps, to be lieutenant colonel from December 5, 1911, vice Lieut. Col. John C. W. Brooks, promoted.

Maj. Edmund M. Blake, Coast Artillery Corps, to be lieutenant colonel from December 5, 1911, vice Lieut. Col. George T. Bartlett, advanced to the grade of colonel under the provisions of an act of Congress approved March 3, 1911.

Maj. William G. Haan, Coast Artillery Corps, to be lieutenant colonel from December 6, 1911, vice Lieut. Col. Charles A. Bennett, advanced to the grade of colonel under the provisions of an act of Congress approved March 3, 1911.

Maj. Sidney S. Jordan, Coast Artillery Corps, to be lieutenant colonel from December 6, 1911, vice Lieut. Col. Henry C. Davis, promoted.

Capt. Roderick L. Carmichael, Coast Artillery Corps (detailed quartermaster), to be major from September 30, 1911, vice Maj. Lawrence S. Miller, detailed as quartermaster on that date.

Capt. Andrew Moses, Coast Artillery Corps, to be major from October 5, 1911, vice Maj. John L. Hayden, promoted.

Capt. Thomas Q. Ashburn, Coast Artillery Corps, to be major from October 5, 1911, vice Maj. Edwin Landon, detached from his proper command.

Capt. Sam F. Bottoms, Coast Artillery Corps, to be major from December 5, 1911, vice Maj. Eugene T. Wilson, promoted.

Capt. Harold E. Cloke, Coast Artillery Corps, to be major from December 5, 1911, vice Maj. Edmund M. Blake, promoted.

Capt. Samuel C. Vestal, Coast Artillery Corps, to be major from December 6, 1911, vice Maj. William G. Haan, promoted.

Capt. Philip R. Ward, Coast Artillery Corps, to be major from December 6, 1911, vice Maj. Sidney S. Jordan, promoted.

First Lieut. Louis R. Dice, Coast Artillery Corps, to be captain from December 5, 1911, vice Capt. Sam F. Bottoms, promoted.

First Lieut. William M. Colvin, Coast Artillery Corps, to be captain from December 5, 1911, vice Capt. Harold E. Cloke, promoted.

First Lieut. Francis M. Hinkle, Coast Artillery Corps, to be captain from December 6, 1911, vice Capt. Samuel C. Vestal, promoted.

First Lieut. Henry W. Bunn, Coast Artillery Corps, to be captain from December 6, 1911, vice Capt. Philip R. Ward, promoted.

First Lieut. Wilford J. Hawkins, Coast Artillery Corps (detailed captain in the Ordnance Department), to be captain from August 25, 1911, vice Capt. John R. Procter, detached from his proper command.

First Lieut. Louis C. Brinton, jr., Coast Artillery Corps, to be captain from August 25, 1911, vice Capt. Wilford J. Hawkins, whose detail in the Ordnance Department was continued from that date.

First Lieut. Paul D. Bunker, Coast Artillery Corps, to be captain from October 5, 1911, vice Capt. Thomas Q. Ashburn, promoted.

First Lieut. Quinn Gray, Coast Artillery Corps, to be captain from October 13, 1911, vice Capt. Charles L. Lanham, detailed as quartermaster on that date.

Second Lieut. John K. Jemison, Coast Artillery Corps, to be first lieutenant from October 5, 1911, vice First Lieut. Paul D. Bunker, promoted.

Second Lieut. Townsend F. Dodd, Coast Artillery Corps, to be first lieutenant from October 13, 1911, vice First Lieut. Quinn Gray, promoted.

Second Lieut. Furman E. McCammon, Coast Artillery Corps, to be first lieutenant from December 5, 1911, vice First Lieut. Louis R. Dice, promoted.

Second Lieut. James R. Campbell, Coast Artillery Corps, to be first lieutenant from December 5, 1911, vice First Lieut. William M. Colvin, promoted.

Second Lieut. Raymond E. Lee, Coast Artillery Corps, to be first lieutenant from December 6, 1911, vice First Lieut. Francis M. Hinkle, promoted.

Second Lieut. Louis B. Bender, Coast Artillery Corps, to be first lieutenant from December 6, 1911, vice First Lieut. Henry W. Bunn, promoted.

INFANTRY ARM.

Lieut. Col. Colville P. Terrett, Seventeenth Infantry, to be colonel from September 6, 1911, vice Col. Hobart K. Bailey, Twenty-ninth Infantry, retired from active service September 5, 1911.

Lieut. Col. Reuben B. Turner, Infantry, unassigned, to be colonel from September 27, 1911, vice Col. Thomas C. Woodbury, unassigned, who died September 26, 1911.

Lieut. Col. John C. F. Tillson, Eighteenth Infantry, to be colonel from November 27, 1911, vice Col. Charles W. Mason, Eighth Infantry, retired from active service November 26, 1911.

Lieut. Col. James A. Maney, Infantry, unassigned (since retired from active service), to be colonel from November 27, 1911.

Lieut. Col. James B. Jackson, Twenty-sixth Infantry, to be colonel, with rank from September 6, 1911.

Lieut. Col. Daniel A. Frederick, Seventeenth Infantry, to be colonel, with rank from September 27, 1911.

Maj. Edwin A. Root, Infantry, unassigned, to be lieutenant colonel from September 6, 1911, vice Lieut. Col. Colville P. Terrett, Seventeenth Infantry, promoted.

Maj. Harry C. Hale, Third Infantry, to be lieutenant colonel from September 6, 1911, vice Lieut. Col. James B. Jackson, Twenty-sixth Infantry, advanced to the grade of colonel under the provisions of an act of Congress approved March 3, 1911.

Maj. Elmore F. Taggart, Twenty-fourth Infantry, to be lieutenant colonel from September 27, 1911, vice Lieut. Col. Daniel A. Frederick, Seventeenth Infantry, advanced to the grade of colonel under the provisions of an act of Congress approved March 3, 1911.

Maj. Samson L. Faison, Twenty-fourth Infantry, to be lieutenant colonel from September 27, 1911, vice Lieut. Col. Wilds P. Richardson, unassigned, detached from his proper command.

Maj. Alfred Hasbrouck, Fourteenth Infantry, to be lieutenant colonel from November 27, 1911, vice Lieut. Col. John C. F. Tillson, Eighteenth Infantry, promoted.

Maj. Jacob F. Kreps, Twenty-second Infantry, to be lieutenant colonel from November 27, 1911, vice Lieut. Col. James A. Maney, unassigned, advanced to the grade of colonel under the provisions of an act of Congress approved March 3, 1911.

Capt. Truman O. Murphy, Nineteenth Infantry, to be major from September 2, 1911, vice Maj. Willis Uline, Fifteenth Infantry, detailed as paymaster on that date.

Capt. William H. Bertsch, detailed quartermaster, to be major from September 6, 1911, vice Maj. Harry C. Hale, Third Infantry, promoted.

Capt. Ross L. Bush, Tenth Infantry, to be major from September 8, 1911, vice Maj. William S. Graves, Twenty-sixth Infantry, detached from his proper command.

Capt. John B. Bennet, Sixteenth Infantry, to be major from September 27, 1911, vice Maj. Elmore F. Taggart, Twenty-fourth Infantry, promoted.

Capt. Melville S. Jarvis, detailed paymaster, to be major from September 27, 1911, vice Maj. Samson L. Faison, Twenty-fourth Infantry, promoted.

Capt. John W. Heavey, Eleventh Infantry, to be major from November 27, 1911, vice Maj. Alfred Hasbrouck, Fourteenth Infantry, promoted.

Capt. Harry J. Hirsch, Twentieth Infantry, to be major from November 27, 1911, vice Maj. Jacob F. Kreps, Twenty-second Infantry, promoted.

First Lieut. Davis C. Anderson, Sixth Infantry, to be captain from March 11, 1911, vice Capt. John H. Parker, Twenty-eighth Infantry, detached from his proper command.

First Lieut. Robert D. Carter, Eighth Infantry, to be captain from March 11, 1911, vice Capt. Howard L. Laubach, Twenty-third Infantry, detached from his proper command.

First Lieut. Douglas Potts, Eighteenth Infantry, to be captain from March 11, 1911, vice Capt. Frank S. Cocheu, Twelfth Infantry, detached from his proper command.

First Lieut. Stephen O. Fuqua, Twenty-third Infantry, to be captain from March 11, 1911, vice Capt. Ora E. Hunt, Thirtieth Infantry, detached from his proper command.

First Lieut. Vincent M. Elmore, Fifth Infantry, to be captain from March 11, 1911, vice Capt. James P. Harbeson, Twelfth Infantry, detached from his proper command.

First Lieut. Benjamin R. Wade, Thirtieth Infantry, to be captain from March 11, 1911, vice Capt. Ulysses G. Worrilow, Fifteenth Infantry, detached from his proper command.

First Lieut. George E. Goodrich, Thirtieth Infantry, to be captain from March 11, 1911, vice Capt. Walter S. McBroom, Seventh Infantry, detached from his proper command.

First Lieut. Charles W. Barber, Second Infantry, to be captain from March 11, 1911, vice Capt. Benjamin T. Simmons, Fourth Infantry, detached from his proper command.

First Lieut. Edwin S. Hartshorn, Fourteenth Infantry, to be captain from March 11, 1911, vice Capt. Girard Sturtevant, Fifth Infantry, detached from his proper command.

First Lieut. Clark R. Elliott, Fifteenth Infantry, to be captain from March 11, 1911, vice Capt. Isaac Newell, Twenty-second Infantry, detached from his proper command.

First Lieut. William P. Screws, Nineteenth Infantry, to be captain from March 11, 1911, vice Capt. George S. Goodale, Twenty-third Infantry, detached from his proper command.

First Lieut. Ralph B. Lister, First Infantry, to be captain from March 11, 1911, vice Capt. Fred L. Munson, Ninth Infantry, detached from his proper command.

First Lieut. Harry E. Comstock, Twenty-seventh Infantry, to be captain from March 11, 1911, vice Capt. Rufus E. Longan, Eleventh Infantry, detached from his proper command.

First Lieut. William R. Standiford, Fifth Infantry, to be captain from March 11, 1911, vice Capt. Edgar T. Conley, Fifteenth Infantry, detached from his proper command.

First Lieut. Frederick S. Young, Twenty-third Infantry, to be captain from March 11, 1911, vice Capt. Monroe C. Kerth, Twenty-third Infantry, detached from his proper command.

First Lieut. Thomas S. Moorman, Eighth Infantry, to be captain from March 11, 1911, vice Capt. William F. Nesbitt, Fourth Infantry, detached from his proper command.

First Lieut. Charles H. Morrow, Eighteenth Infantry, to be captain from March 11, 1911, vice Capt. Daniel G. Berry, Twenty-second Infantry, detached from his proper command.

First Lieut. Lorenzo D. Gasser, Twenty-eighth Infantry, to be captain from March 11, 1911, vice Capt. Robert C. Davis, Seventeenth Infantry, detached from his proper command.

First Lieut. Brady G. Ruttencutter, First Infantry, to be captain from March 11, 1911, vice Capt. Edgar A. Fry, Thirteenth Infantry, detached from his proper command.

First Lieut. Jennings B. Wilson, Eighth Infantry, to be captain from March 11, 1911, vice Capt. Raymond Sheldon, Eighteenth Infantry, detached from his proper command.

First Lieut. Charles B. Stone, jr., Twenty-second Infantry, to be captain from March 11, 1911, vice Capt Samuel T. Ansell, Eleventh Infantry, detached from his proper command.

First Lieut. Howard G. Davids, Sixth Infantry, to be captain from March 11, 1911, vice Capt. Halsey E. Yates, Seventeenth Infantry, detached from his proper command.

First Lieut. Augustus H. Bishop, First Infantry, to be captain from March 11, 1911, vice Capt. Ephraim G. Peyton, Eighteenth Infantry, detached from his proper command.

First Lieut. William O. Smith, Seventh Infantry, to be captain from March 11, 1911, vice Capt. James W. Furlow, Fourth Infantry, detached from his proper command.

First Lieut. Clarence K. La Motte, Nineteenth Infantry, to be captain from March 11, 1911, vice Capt. Joseph W. Beacham, jr., Ninth Infantry, detached from his proper command.

First Lieut. George M. Holley, Eleventh Infantry, to be captain from March 11, 1911, vice Capt. Edward A. Kreger, unassigned, who resigned his line commission March 10, 1911, to accept an appointment as judge advocate, with the rank of major.

First Lieut. Edgar S. Stayer, Twenty-third Infantry, to be captain from March 12, 1911, vice Capt. Edwin T. Cole, Eighteenth Infantry, retired from active service March 11, 1911.

First Lieut. Charles H. Errington, Eleventh Infantry, to be captain from March 12, 1911, vice Capt. Harry H. Bandholtz, Second Infantry, promoted.

First Lieut. George C. Shaw, Twenty-seventh Infantry, to be captain from March 14, 1911, vice Capt. Henry T. Ferguson, Twenty-first Infantry, promoted.

First Lieut. Charles E. Reese, Fifteenth Infantry, to be captain from March 23, 1911, vice Capt. Traber Norman, Eighth Infantry, who died March 22, 1911.

First Lieut. Robert S. Knox, Twenty-fourth Infantry, to be captain from March 28, 1911, vice Capt. Fred R. Brown, Ninth Infantry, detached from his proper command.

First Lieut. William A. Castle, Ninth Infantry, to be captain from April 13, 1911, vice Capt. Edwin Bell, Eighth Infantry, detailed as quartermaster on that date.

First Lieut. Harry D. Blasland, Twenty-sixth Infantry, to be captain from April 13, 1911, vice Capt. Frederick G. Stritzinger, jr., Twenty-second Infantry, detailed as quartermaster on that date.

First Lieut. Charles C. Allen, Thirtieth Infantry, to be captain from April 13, 1911, vice Capt. Frank M. Savage, Fifteenth Infantry, detailed as quartermaster on that date.

First Lieut. Edward H. Andres, Eighteenth Infantry, to be captain from April 13, 1911, vice Capt. Thomas T. Frissell, Twenty-fourth Infantry, detailed as quartermaster on that date.

First Lieut. Thomas J. Rogers, Twenty-eighth Infantry, to be captain from April 13, 1911, vice Capt. James V. Heidt, Tenth Infantry, detailed as quartermaster on that date.

First Lieut. Edwin J. Bracken, Eighth Infantry, to be captain from April 13, 1911, vice Capt. William B. Cochran, Twenty-fourth Infantry, detailed as quartermaster on that date.

First Lieut. George W. England, Sixth Infantry, to be captain from April 13, 1911, vice Capt. Percy M. Cochran, Seventeenth Infantry, detailed as quartermaster on that date.

First Lieut. Edwin J. Nowlen, First Infantry, to be captain from April 13, 1911, vice Capt. Harry F. Dalton, Sixteenth Infantry, detailed as quartermaster on that date.

First Lieut. Clyde B. Parker, Twenty-sixth Infantry, to be captain from April 13, 1911, vice Capt. Clyffard Game, First Infantry, detailed as quartermaster on that date.

First Lieut. Alvin C. Voris, Fourteenth Infantry, to be captain from April 13, 1911, vice Capt. William W. McCammon, jr., Sixth Infantry, detailed as quartermaster on that date.

First Lieut. Frank R. Curtis, detailed in the Signal Corps, to be captain from April 13, 1911, vice Capt. John L. Jordan, Eighteenth Infantry, detailed as quartermaster on that date.

First Lieut. Charles J. Nelson, Twenty-fourth Infantry, to be captain from April 13, 1911, vice Capt. Harris Pendleton, jr., Eighteenth Infantry, detailed as quartermaster on that date.

First Lieut. Fred L. Davidson, Seventh Infantry, to be captain from May 9, 1911, vice Capt. John H. Wholley, Second Infantry, promoted.

First Lieut. George E. Kumpe, detailed in the Signal Corps, to be captain from May 17, 1911, vice Capt. Alexander J. Macnab, Fifteenth Infantry, detailed as quartermaster on that date.

First Lieut. Milo C. Corey, infantry, unassigned, to be captain from May 23, 1911, vice Capt. Paul A. Wolf, Fourth Infantry, promoted.

First Lieut. Arthur M. Ferguson, Fourteenth Infantry, to be captain from May 23, 1911, vice Capt. George D. Moore, Twentieth Infantry, promoted.

First Lieut. De Witt W. Chamberlin, Second Infantry, to be captain from May 24, 1911, vice Capt. Henry G. Lyon, Twenty-sixth Infantry, retired from active service May 23, 1911.

First Lieut. Walter H. Johnson, Eighth Infantry, to be captain from May 27, 1911, vice Capt. Willis Uline, Fifteenth Infantry, promoted.

First Lieut. Robert G. Rutherford, jr., Twenty-fourth Infantry, to be captain from May 27, 1911, vice Capt. Ernest B. Gose, Twenty-fourth Infantry, promoted.

First Lieut. Robert E. Grinstead, Twenty-third Infantry, to be captain from May 27, 1911, vice Capt. Thomas R. Harker, Fifteenth Infantry, detailed as quartermaster on that date.

First Lieut. Albert S. Williams, Nineteenth Infantry, to be captain from May 27, 1911, vice Capt. Austin F. Prescott, Fifth Infantry, detailed as quartermaster on that date.

First Lieut. William B. Graham, Twentieth Infantry, to be captain from May 27, 1911, vice Capt. John L. De Witt, Twentieth Infantry, detailed as quartermaster on that date.

First Lieut. E. Alexis Jeunet, Thirteenth Infantry, to be captain from June 1, 1911, vice Capt. Charles C. Clark, Twenty-seventh Infantry, promoted.

First Lieut. Charles H. Danforth, Seventeenth Infantry, to be captain from June 6, 1911, vice Capt. Vernon A. Caldwell, Seventh Infantry, promoted.

First Lieut. Gideon H. Williams, Twenty-eighth Infantry, to be captain from June 21, 1911, vice Capt. Charles Miller, Third Infantry, promoted.

First Lieut. Fred W. Bugbee, Infantry, unassigned, to be captain from June 29, 1911, vice Capt. William H. Noble, Twenty-third Infantry, detailed as paymaster on that date.

First Lieut. William M. Goodale, First Infantry, to be captain from July 12, 1911, vice Capt. Oliver H. Dockery, jr., Twenty-fifth Infantry, detached from his proper command.

First Lieut. Leonard T. Baker, Eighth Infantry, to be captain from July 12, 1911, vice Capt. Walter B. Elliott, Twenty-third Infantry, detached from his proper command.

First Lieut. Charles S. Frank, Seventeenth Infantry, to be captain from July 29, 1911, vice Capt. Merch B. Stewart, Eighth Infantry, detached from his proper command.

First Lieut. Franklin S. Leisenring, Infantry, unassigned, to be captain from August 3, 1911, vice Capt. Charles B. Clark, Fourteenth Infantry, detailed as commissary on that date.

First Lieut. William S. Faulkner, Twenty-eighth Infantry, to be captain from September 2, 1911, vice Capt. Truman O. Murphy, Nineteenth Infantry, promoted.

First Lieut. Charles F. Andrews, Infantry, unassigned, to be captain from September 8, 1911, vice Capt. Ross L. Bush, Tenth Infantry, promoted.

First Lieut. Allan L. Briggs, Twenty-ninth Infantry, to be captain from September 13, 1911, vice Capt. James S. Young, jr., Tenth Infantry, detailed as quartermaster on that date.

First Lieut. James M. Petty, Twentieth Infantry, to be captain from September 27, 1911, vice Capt. John B. Bennet, Sixteenth Infantry, promoted.

First Lieut. Martin Novak, Twenty-fourth Infantry, to be captain from September 30, 1911, vice Capt. Sylvester Bonnaffon, third, Fourth Infantry, detailed as paymaster on that date.

First Lieut. John B. Shuman, Tenth Infantry, to be captain from October 12, 1911, vice Capt. Lambert W. Jordan, jr., First Infantry, detailed as commissary on that date.

First Lieut. Charles G. Lawrence, Eleventh Infantry, to be captain from November 21, 1911, vice Capt. John M. Campbell, Tenth Infantry, retired from active service November 20, 1911.

First Lieut. Frederic G. Kellond, Nineteenth Infantry, to be captain from November 24, 1911, vice Capt. Charles E. Hay, jr., Twenty-fourth Infantry, who died November 23, 1911.

First Lieut. William P. Kitts, Twenty-first Infantry, to be captain from November 27, 1911, vice Capt. John W. Heavey, Eleventh Infantry, promoted.

First Lieut. Henry M. Fales, First Infantry, to be captain from November 27, 1911, vice Capt. Harry J. Hirsch, Twentieth Infantry, promoted.

Second Lieut. Napoleon W. Riley, Sixteenth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Davis C. Anderson, Sixth Infantry, promoted.

Second Lieut. Otto L. Brunzell, Eleventh Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Robert D. Carter, Eighth Infantry, promoted.

Second Lieut. George C. Lawrason, Twenty-fifth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Douglas Potts, Eighteenth Infantry, promoted.

Second Lieut. Robert P. Harbold, Twenty-fifth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Stephen O. Fuqua, Twenty-third Infantry, promoted.

Second Lieut. James B. Woolnough, Twenty-first Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Vincent M. Elmore, Fifth Infantry, promoted.

Second Lieut. Walter S. Fulton, Twenty-fourth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Benjamin R. Wade, Thirtieth Infantry, promoted.

Second Lieut. Sherburne Whipple, Third Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. George E. Goodrich, Thirtieth Infantry, promoted.

Second Lieut. Harry Hawley, Sixth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Charles W. Barber, Second Infantry, promoted.

Second Lieut. Thomas N. Gimperling, Twenty-first Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Edwin S. Hartshorn, Fourteenth Infantry, promoted.

Second Lieut. Hugh L. Walthall, Fifteenth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Clark R. Elliott, Fifteenth Infantry, promoted.

Second Lieut. John B. Richardson, Twenty-eighth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. William P. Screws, Nineteenth Infantry, promoted.

Second Lieut. Anton C. Cron, Tenth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Ralph B. Lister, First Infantry, promoted.

Second Lieut. George W. Edgerly, Second Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Harry E. Comstock, Twenty-seventh Infantry, promoted.

Second Lieut. Oscar W. Hoop, Twelfth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. William R. Standiford, Fifth Infantry, promoted.

Second Lieut. John C. Moore, Seventh Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Frederick S. Young, Twenty-third Infantry, promoted.

Second Lieut. William F. Pearson, Twenty-third Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Thomas S. Moorman, Eighth Infantry, promoted.

Second Lieut. James A. Ulio, First Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Charles H. Morrow, Eighteenth Infantry, promoted.

Second Lieut. Frank Moorman, Twenty-fourth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Lorenzo D. Gasser, Twenty-eighth Infantry, promoted.

Second Lieut. Harry H. Bissell, Nineteenth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Brady G. Ruttencutter, First Infantry, promoted.

Second Lieut. Charles B. Elliott, Thirtieth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Jennings B. Wilson, Eighth Infantry, promoted.

Second Lieut. John B. Corbly, Twenty-fifth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Charles B. Stone, jr., Twenty-second Infantry, promoted.

Second Lieut. Fitzhugh L. Minnigerode, Eighth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Howard G. Davids, Sixth Infantry, promoted.

Second Lieut. Joseph L. Topham, jr., Thirteenth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Augustus H. Bishop, First Infantry, promoted.

Second Lieut. Charles L. Sampson, Fifteenth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. William O. Smith, Seventh Infantry, promoted.

Second Lieut. John M. True, First Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Clarence K. La Motte, Nineteenth Infantry, promoted.

Second Lieut. Bruce R. Campbell, Second Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. George M. Holley, Eleventh Infantry, promoted.

Second Lieut. John C. French, Twenty-fourth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Milo C. Corey, Thirtieth Infantry, detached from his proper command.

Second Lieut. Benjamin B. McCroskey, Twentieth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Fred W. Bugbee, Twenty-fifth Infantry, detached from his proper command.

Second Lieut. James H. Van Horn, Eleventh Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Charles F. Andrews, Thirteenth Infantry, detached from his proper command.

Second Lieut. John B. De Lancey, Tenth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Harry D. Mitchell, Second Infantry, detached from his proper command.

Second Lieut. Cassius M. Dowell, Eleventh Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Paul M. Goodrich, Ninth Infantry, detached from his proper command.

Second Lieut. Marvin E. Malloy, Twenty-fourth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Gad Morgan, Seventh Infantry, detached from his proper command.

Second Lieut. Albert B. Kaempfer, Thirteenth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. James Regan, Fourteenth Infantry, detached from his proper command.

Second Lieut. Forrest E. Overholser, Fifth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. John Randolph, Twentieth Infantry, detached from his proper command.

Second Lieut. Charles W. Mason, jr., Twenty-ninth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Gouverneur V. Packer, First Infantry, detached from his proper command.

Second Lieut. Allan R. Williams, Twenty-fourth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. George K. Wilson, Eleventh Infantry, detached from his proper command.

Second Lieut. Loren C. Grieves, Twenty-fourth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Alfred J. Booth, Second Infantry, detached from his proper command.

Second Lieut. Aristides Moreno, Twenty-eighth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Edward K. Massee, Seventh Infantry, detached from his proper command.

Second Lieut. Richard D. La Garde, Twenty-fourth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. William B. Wallace, Twentieth Infantry, detached from his proper command.

Second Lieut. William L. Patterson, Eighteenth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Henry G. Stahl, Sixth Infantry, detached from his proper command.

Second Lieut. Charles W. McClure, Seventh Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Otis R. Cole, Twenty-fifth Infantry, detached from his proper command.

Second Lieut. Ambrose R. Emery, Twenty-seventh Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Walter Krueger, Twenty-third Infantry, detached from his proper command.

Second Lieut. Edmund C. Waddill, Nineteenth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. John R. Brewer, Twenty-third Infantry, detached from his proper command.

Second Lieut. Rolland W. Case, detailed first lieutenant in the Ordnance Department, to be first lieutenant from March 11, 1911, vice First Lieut. Leo A. Dewey, Seventeenth Infantry, detached from his proper command.

Second Lieut. Charles S. Donavin, detailed first lieutenant in the Ordnance Department, to be first lieutenant from March 11, 1911, vice First Lieut. Rolland W. Case, whose detail in the Ordnance Department was continued from March 11, 1911.

Second Lieut. Norman F. Ramsey, detailed first lieutenant in the Ordnance Department, to be first lieutenant from March 11, 1911, vice First Lieut. Charles S. Donavin, whose detail in the Ordnance Department was continued from March 11, 1911.

Second Lieut. De Witt C. T. Grubbs, Sixth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Norman F. Ramsey, whose detail in the Ordnance Department was continued from March 11, 1911.

Second Lieut. Thomas W. Hammond, Twenty-second Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Thomas T. Duke, Twenty-third Infantry, detached from his proper command.

Second Lieut. Calvin P. Titus, Fourteenth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. George S. Gillis, Twenty-sixth Infantry, detached from his proper command.

Second Lieut. William C. Miller, Twenty-third Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. William St. J. Jervey, jr., Tenth Infantry, detached from his proper command.

Second Lieut. Frederick W. Manley, Thirteenth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. John F. Clapham, Fifth Infantry, detached from his proper command.

Second Lieut. Arthur W. Lane, Fourth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Daniel A. Nolan, Fifth Infantry, detached from his proper command.

Second Lieut. Bernard Lentz, Twenty-first Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Charles E. Swartz, Tenth Infantry, detached from his proper command.

Second Lieut. Frederic C. Test, Twenty-second Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Roy W. Ashbrook, Seventeenth Infantry, detached from his proper command.

Second Lieut. Owen S. Albright, Thirteenth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Robert D. Goodwin, Fourth Infantry, detached from his proper command.

Second Lieut. Fred H. Baird, Nineteenth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. John E. Green, Twenty-fifth Infantry, detached from his proper command.

Second Lieut. Clifford C. Early, Twentieth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Henry M. Nelly, Twentieth Infantry, detached from his proper command.

Second Lieut. George F. Waugh, Sixteenth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Gulielmus V. Heidt, Tenth Infantry, detached from his proper command.

Second Lieut. Allan Rutherford, Fifth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Hugh M. Kelly, Twenty-sixth Infantry, detached from his proper command.

Second Lieut. William S. Weeks, Fourth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Samuel M. Parker, Twentieth Infantry, detached from his proper command.

Second Lieut. Avery D. Cummings, Tenth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Francis H. Farnum, Twenty-fourth Infantry, detached from his proper command.

Second Lieut. Charles S. Caffery, Second Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Campbell B. Hodges, Fourth Infantry, detached from his proper command.

Second Lieut. Allen W. Gullion, Second Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. E. Llewellyn Bull, Twenty-first Infantry, detached from his proper command.

Second Lieut. Louis A. Kunzig, Third Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Truman W. Carrithers, Twenty-ninth Infantry, detached from his proper command.

Second Lieut. John P. Bubb, Fourth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Arthur E. Ahrends, Twenty-ninth Infantry, detached from his proper command.

Second Lieut. Joseph E. Barzynski, Eleventh Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Charles F. Severson, Twenty-first Infantry, detached from his proper command.

Second Lieut. Ben W. Feild, Sixth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Harry S. Grier, Twenty-second Infantry, detached from his proper command.

Second Lieut. Bloxham Ward, Thirtieth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Charles B. Moore, Twenty-seventh Infantry, detached from his proper command.

Second Lieut. Paul H. Clark, Third Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Robert E. Boyers, Twenty-ninth Infantry, detached from his proper command.

Second Lieut. Thomas H. Lowe, Twenty-eighth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Ellery Farmer, Twenty-sixth Infantry, detached from his proper command.

Second Lieut. Torrey B. Maghee, Twenty-fourth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. James M. Churchill, Eighteenth Infantry, detached from his proper command.

Second Lieut. George W. Maddox, Twenty-seventh Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Philip H. Bagby, Thirtieth Infantry, detached from his proper command.

Second Lieut. Walter E. Pridgen, First Infantry, to be first lieutenant from March 12, 1911, vice First Lieut. Edgar S. Stayer, Twenty-third Infantry, promoted.

Second Lieut. James W. H. Reisinger, jr., Twenty-seventh Infantry, to be first lieutenant from March 12, 1911, vice First Lieut. Charles H. Errington, Eleventh Infantry, promoted.

Second Lieut. Rupert A. Dunford, Twenty-sixth Infantry, to be first lieutenant from March 14, 1911, vice First Lieut. George C. Shaw, Twenty-seventh Infantry, promoted.

Second Lieut. Charles C. Bankhead, Twenty-eighth Infantry, to be first lieutenant from March 21, 1911, vice First Lieut. James L. Craig, Second Infantry, dismissed March 20, 1911.

Second Lieut. John P. Adams, Twenty-second Infantry, to be first lieutenant from March 23, 1911, vice First Lieut. Charles E. Reese, Fifteenth Infantry, promoted.

Second Lieut. Ira Longanecker, Second Infantry, to be first lieutenant from March 23, 1911, vice First Lieut. George F. Brady, Fourteenth Infantry, retired from active service March 22, 1911.

Second Lieut. William C. Whitener, Ninth Infantry, to be first lieutenant from March 28, 1911, vice First Lieut. Robert S. Knox, Twenty-fourth Infantry, promoted.

Second Lieut. Frederick J. Ostermann, Seventeenth Infantry, to be first lieutenant from April 13, 1911, vice First Lieut. William A. Castle, Ninth Infantry, promoted.

Second Lieut. William J. Connolly, Eleventh Infantry, to be first lieutenant from April 13, 1911, vice First Lieut. Harry D. Blasland, Twenty-sixth Infantry, promoted.

Second Lieut. Everett D. Barlow, jr., Thirteenth Infantry, to be first lieutenant from April 13, 1911, vice First Lieut. Charles C. Allen, Thirtieth Infantry, promoted.

Second Lieut. Lawrence E. Hohl, Nineteenth Infantry, to be first lieutenant from April 13, 1911, vice First Lieut. Edward H. Andres, Eighteenth Infantry, promoted.

Second Lieut. James G. Boswell, Twenty-first Infantry, to be first lieutenant from April 13, 1911, vice First Lieut. Thomas J. Rogers, Twenty-eighth Infantry, promoted.

Second Lieut. Arthur D. Minick, detailed first lieutenant in the Ordnance Department, to be first lieutenant from April 13, 1911, vice First Lieut. Edwin J. Bracken, Eighth Infantry, promoted.

Second Lieut. Charles A. Lewis, Ninth Infantry, to be first lieutenant from April 13, 1911, vice First Lieut. Arthur D. Minick, whose detail in the Ordnance Department was continued from April 13, 1911.

Second Lieut. Paul R. Manchester, Twenty-seventh Infantry, to be first lieutenant from April 13, 1911, vice First Lieut. George W. England, Sixth Infantry, promoted.

Second Lieut. Byard Sneed, Twenty-seventh Infantry, to be first lieutenant from April 13, 1911, vice First Lieut. Edwin J. Nowlen, First Infantry, promoted.

Second Lieut. Oscar Westover, Fourteenth Infantry, to be first lieutenant from April 13, 1911, vice First Lieut. Clyde B. Parker, Twenty-sixth Infantry, promoted.

Second Lieut. Martyn H. Shute, Eleventh Infantry, to be first lieutenant from April 13, 1911, vice First Lieut. Alvin C. Voris, Fourteenth Infantry, promoted.

Second Lieut. Fred A. Cook, Second Infantry, to be first lieutenant from April 13, 1911, vice First Lieut. Charles J. Nelson, Twenty-fourth Infantry, promoted.

Second Lieut. George G. Bartlett, Eighteenth Infantry, to be first lieutenant from April 14, 1911, vice First Lieut. John W. Ward, Thirtieth Infantry, retired from active service April 13, 1911.

Second Lieut. Henry B. Clagett, Twenty-third Infantry, to be first lieutenant from May 9, 1911, vice First Lieut. Fred L. Davidson, Seventh Infantry, promoted.

Second Lieut. Clyde R. Abraham, Twenty-seventh Infantry, to be first lieutenant from May 23, 1911, vice First Lieut. Arthur M. Ferguson, Fourteenth Infantry, promoted.

Second Lieut. Richard H. Jacob, Twenty-sixth Infantry, to be first lieutenant from May 23, 1911, vice First Lieut. George R. Guild, Eighth Infantry, detailed in the Signal Corps on that date.

Second Lieut. Ralph A. Jones, Eighth Infantry, to be first lieutenant from May 24, 1911, vice First Lieut. De Witt W. Chamberlin, Second Infantry, promoted.

Second Lieut. Calvert L. Davenport, Nineteenth Infantry, to be first lieutenant from May 27, 1911, vice First Lieut. Walter H. Johnson, Eighth Infantry, promoted.

Second Lieut. Hugo D. Schultz, Twenty-first Infantry, to be first lieutenant from May 27, 1911, vice First Lieut. Robert G. Rutherford, jr., Twenty-fourth Infantry, promoted.

Second Lieut. Max A. Elser, Twenty-fifth Infantry, to be first lieutenant from May 27, 1911, vice First Lieut. Robert E. Grinstead, Twenty-third Infantry, promoted.

Second Lieut. George R. Byrd, Seventeenth Infantry, to be first lieutenant from May 27, 1911, vice First Lieut. Albert S. Williams, Nineteenth Infantry, promoted.

Second Lieut. William T. MacMillan, Twenty-third Infantry, to be first lieutenant from May 27, 1911, vice First Lieut. William B. Graham, Twentieth Infantry, promoted.

Second Lieut. Jacob E. Fickel, Twenty-ninth Infantry, to be first lieutenant from June 1, 1911, vice First Lieut. E. Alexis Jeunet, Thirteenth Infantry, promoted.

Second Lieut. Jesse W. Boyd, Fifth Infantry, to be first lieutenant from June 6, 1911, vice First Lieut. Charles H. Danforth, Seventeenth Infantry, promoted.

Second Lieut. Ebenezer G. Beuret, Tenth Infantry, to be first lieutenant from June 7, 1911, vice First Lieut. Oliver P. Robinson, Twenty-eighth Infantry, detailed in the Signal Corps.

Second Lieut. Rush B. Lincoln, Second Infantry, to be first lieutenant from June 7, 1911, vice First Lieut. Clark Lynn, Twenty-second Infantry, detailed in the Signal Corps.

Second Lieut. Walter F. L. Hartigan, Fourth Infantry, to be first lieutenant from July 29, 1911, vice First Lieut. Charles S. Frank, Seventeenth Infantry, promoted.

Second Lieut. Bruce Magruder, Eighteenth Infantry, to be first lieutenant from July 29, 1911, vice First Lieut. Pat M. Stevens, Twenty-third Infantry, detached from his proper command.

Second Lieut. George H. Huddleson, Fifteenth Infantry, to be first lieutenant from July 29, 1911, vice First Lieut. Frank F. Eastman, Tenth Infantry, detached from his proper command.

Second Lieut. George C. Keleher, Twenty-ninth Infantry, to be first lieutenant from July 29, 1911, vice First Lieut. Walter

S. Drysdale, Tenth Infantry, detached from his proper command.

Second Lieut. Harry H. Pritchett, Fifth Infantry, to be first lieutenant from July 29, 1911, vice First Lieut. Matthew H. Thomlinson, Fourth Infantry, detached from his proper command.

Second Lieut. Edgar L. Field, Thirtieth Infantry, to be first lieutenant from August 12, 1911, vice First Lieut. Edwin Butcher, Fifteenth Infantry, detached from his proper command.

Second Lieut. Earl C. Buck, Seventeenth Infantry, to be first lieutenant from August 19, 1911, vice First Lieut. Elvid Hunt, Thirtieth Infantry, detached from his proper command.

Second Lieut. Jere Baxter, Twenty-ninth Infantry, to be first lieutenant from August 19, 1911, vice First Lieut. Donald W. Strong, Seventh Infantry, detached from his proper command.

Second Lieut. Russell James, Ninth Infantry, to be first lieutenant from September 2, 1911, vice First Lieut. William S. Faulkner, Twenty-eighth Infantry, promoted.

Second Lieut. Lloyd R. Fredendall, Second Infantry, to be first lieutenant from September 13, 1911, vice First Lieut. Allan L. Briggs, Twenty-ninth Infantry, promoted.

Second Lieut. Rowan P. Lemley, Eighteenth Infantry, to be first lieutenant from September 27, 1911, vice First Lieut. James M. Petty, Twentieth Infantry, promoted.

Second Lieut. A. Ellicott Brown, Sixteenth Infantry, to be first lieutenant from September 30, 1911, vice First Lieut. Martin Novak, Twenty-fourth Infantry, promoted.

Second Lieut. James M. Lockett, Eighteenth Infantry, to be first lieutenant from October 12, 1911, vice First Lieut. John B. Shuman, Tenth Infantry, promoted.

Second Lieut. Eugene Robinson, Seventh Infantry, to be first lieutenant from October 26, 1911, vice First Lieut. Dwight B. Lawton, Sixteenth Infantry, retired from active service October 25, 1911.

Second Lieut. Clyde L. Eastman, Twenty-eighth Infantry, to be first lieutenant from November 21, 1911, vice First Lieut. Charles G. Lawrence, Eleventh Infantry, promoted.

Second Lieut. Jesse C. Drain, Twenty-eighth Infantry, to be first lieutenant from November 24, 1911, vice First Lieut. Frederic G. Kellond, Nineteenth Infantry, promoted.

Second Lieut. Wiley E. Dawson, Twenty-ninth Infantry, to be first lieutenant from November 27, 1911, vice First Lieut. William P. Kitts, Twenty-first Infantry, promoted.

Second Lieut. Alexander W. Chilton, Twentieth Infantry, to be first lieutenant from November 27, 1911, vice First Lieut. Henry M. Fales, First Infantry, promoted.

MEDICAL CORPS.

First Lieut. William L. Hart, Medical Corps, to be captain from September 15, 1911, after three years' service.

PROMOTIONS IN THE NAVY.

Capt. George B. Ransom, an additional number in grade, to be a rear admiral in the Navy from the 14th day of September, 1911, with the officer next below him.

Capt. John R. Edwards, an additional number in grade, to be a rear admiral in the Navy from the 14th day of September, 1911, with the officer next below him.

Capt. James M. Helm, an additional number in grade, to be a rear admiral in the Navy from the 14th day of September, 1911, with the officer next below him.

Capt. Cameron McR. Winslow, an additional number in grade, to be a rear admiral in the Navy from the 14th day of September, 1911, with the officer next below him.

Capt. Nathaniel R. Usher to be a rear admiral in the Navy from the 14th day of September, 1911, to fill a vacancy.

Capt. Frank F. Fletcher to be a rear admiral in the Navy from the 17th day of October, 1911, to fill a vacancy.

Commander Edwin A. Anderson, an additional number in grade, to be a captain in the Navy from the 14th day of June, 1911, with the officer next above him.

Commander Clarence S. Williams to be a captain in the Navy from the 1st day of July, 1911, to fill a vacancy.

Commander John D. McDonald to be a captain in the Navy from the 14th day of September, 1911, to fill a vacancy.

Commander Hilary P. Jones to be a captain in the Navy from the 17th day of October, 1911, to fill a vacancy.

Commander William R. Shoemaker to be a captain in the Navy from the 26th day of October, 1911, to fill a vacancy.

Lieut. Commander John R. Y. Blakely to be a commander in the Navy from the 14th day of September, 1911, to fill a vacancy.

Lieut. Commander Leon S. Thompson to be a commander in the Navy from the 17th day of October, 1911, to fill a vacancy.

Lieut. Commander Frederick A. Traut to be a commander in the Navy from the 26th day of October, 1911, to fill a vacancy.

Lieut. Charles P. Snyder to be a lieutenant commander in the Navy from the 1st day of July, 1911, to fill a vacancy.

Lieut. William F. Bricker to be a lieutenant commander in the Navy from the 1st day of July, 1911, to fill a vacancy.

Lieut. (Junior Grade) George S. Bryan to be a lieutenant in the Navy from the 24th day of March, 1911, to fill a vacancy.

Lieut. (Junior Grade) August C. Wilhelm to be a lieutenant in the Navy from the 19th day of May, 1911, to fill a vacancy.

The following-named midshipmen to be ensigns in the Navy from the 5th day of June, 1911, to fill vacancies:

Theodore S. Wilkinson, jr.,
Sherman S. Kennedy,
Chauncey A. Lucas,
Lemuel E. Lindsay,
Henry G. Cooper, jr.,
Frank H. Weaver,
Roy H. Davis,
Frank S. Carter,
Arthur Barney,
Alger H. Dresel, and
Archibald McGlasson.

Medical Inspector John M. Edgar to be a medical director in the Navy from the 17th day of September, 1911, to fill a vacancy.

Surg. George B. Wilson to be a medical inspector in the Navy from the 27th day of February, 1911, to fill a vacancy.

Surg. Edward R. Stitt to be a medical inspector in the Navy from the 11th day of June, 1911, to fill a vacancy.

Passed Asst. Surg. Jesse W. Backus to be a surgeon in the Navy from the 17th day of September, 1911, to fill a vacancy.

Charles L. Beeching, a citizen of Missouri, to be an assistant surgeon in the Navy from the 14th day of September, 1911, to fill a vacancy.

Passed Asst. Paymaster John R. Hornberger to be a paymaster in the Navy from the 29th day of October, 1911, to fill a vacancy.

Asst. Paymaster Dallas B. Wainwright, jr., to be a passed assistant paymaster in the Navy from the 14th day of September, 1911, to fill a vacancy.

The following-named citizens to be assistant paymasters in the Navy from the 3d day of November, 1911, to fill vacancies:

Arthur H. Mayo, a citizen of New Jersey,
William J. Gower, a citizen of Mississippi, and
Thomas Cochran, a citizen of Pennsylvania.

Lieut. Roy L. Lowman to be a lieutenant in the Navy from the 14th day of June, 1911, to correct the date from which he takes rank as previously confirmed.

Lieut. (Junior Grade) Russell Willson to be a lieutenant in the Navy from the 1st day of July, 1911, to fill a vacancy.

Lieut. (Junior Grade) Douglas L. Howard to be a lieutenant in the Navy from the 1st day of July, 1911, to fill a vacancy.

Lieut. (Junior Grade) Milo F. Draemel to be a lieutenant in the Navy from the 1st day of July, 1911, to fill a vacancy.

Lieut. Thomas Withers, jr., to be a lieutenant in the Navy from the 1st day of July, 1911, to correct the date from which he takes rank as previously confirmed.

Lieut. (Junior Grade) Isaac C. Bogart to be a lieutenant in the Navy from the 3d day of July, 1911, to fill a vacancy.

Lieut. (Junior Grade) Isaac C. Shute to be a lieutenant in the Navy from the 13th day of July, 1911, to fill a vacancy.

Lieut. (Junior Grade) Owen Bartlett to be a lieutenant in the Navy from the 4th day of August, 1911, to fill a vacancy.

Lieut. (Junior Grade) Walter F. Jacobs to be a lieutenant in the Navy from the 15th day of August, 1911, to fill a vacancy.

Lieut. (Junior Grade) Leo F. Welch to be a lieutenant in the Navy from the 14th day of September, 1911, to fill a vacancy.

Chief Boatswain John Winn to be a chief boatswain in the Navy, to rank with, but after, lieutenant (junior grade) on the retired list from the 26th day of November, 1911, the date upon which he was transferred to the retired list, in accordance with the provisions of an act of Congress approved June 29, 1906.

Lieut. Col. Joseph H. Pendleton to be a colonel in the United States Marine Corps from the 23d day of May, 1911, to fill a vacancy.

Maj. Laurence H. Moses to be a lieutenant colonel in the United States Marine Corps from the 23d day of May, 1911, to fill a vacancy.

Capt. Carl Gamborg-Andresen to be a major in the United States Marine Corps from the 3d day of February, 1911, to fill a vacancy.

Capt. Charles B. Hatch to be a major in the United States Marine Corps from the 23d day of May, 1911, to fill a vacancy.

First Lieut. Elias R. Beadle to be a captain in the United States Marine Corps from the 10th day of February, 1910, to fill a vacancy.

Capt. Arthur B. Owens to be a captain in the United States Marine Corps from the 11th day of October, 1910, to correct the date from which he takes rank as previously confirmed.

First Lieut. Eugene P. Fortson to be a captain in the United States Marine Corps from the 6th day of November, 1910, to fill a vacancy.

Capt. Robert O. Underwood to be a captain in the United States Marine Corps from the 3d day of February, 1911, to correct the date from which he takes rank as previously confirmed.

First Lieut. Jesse F. Dyer to be a captain in the United States Marine Corps from the 26th day of April, 1911, to fill a vacancy.

First Lieut. Clarence S. Owen to be a captain in the United States Marine Corps from the 23d day of May, 1911, to fill a vacancy.

First Lieut. James J. Meade to be a captain in the United States Marine Corps from the 18th day of June, 1911, to fill a vacancy.

First Lieut. Richard B. Creecy to be a captain in the United States Marine Corps from the 25th day of August, 1911, to fill a vacancy.

Second Lieut. John Marston, 3d, to be a first lieutenant in the United States Marine Corps from the 25th day of March, 1911, to fill a vacancy.

Second Lieut. Clarke H. Wells to be a first lieutenant in the United States Marine Corps from the 29th day of March, 1911, to fill a vacancy.

Second Lieut. Wilbur Thing to be a first lieutenant in the United States Marine Corps from the 1st day of April, 1911, to fill a vacancy.

Second Lieut. Edwin H. Brainard to be a first lieutenant in the United States Marine Corps from the 2d day of April, 1911, to fill a vacancy.

Second Lieut. Alfred A. Cunningham to be a first lieutenant in the United States Marine Corps from the 26th day of April, 1911, to fill a vacancy.

Second Lieut. Alley D. Rorex to be a first lieutenant in the United States Marine Corps from the 20th day of May, 1911, to fill a vacancy.

Second Lieut. Samuel M. Harrington to be a first lieutenant in the United States Marine Corps from the 23d day of May, 1911, to fill a vacancy.

Second Lieut. Harold L. Parsons to be a first lieutenant in the United States Marine Corps from the 18th day of June, 1911, to fill a vacancy.

Second Lieut. Chester L. Gawne to be a first lieutenant in the United States Marine Corps from the 1st day of July, 1911, to fill a vacancy.

Second Lieut. Dwight F. Smith to be a first lieutenant in the United States Marine Corps from the 25th day of August, 1911, to fill a vacancy.

Capt. Albert B. Willits, an additional number in grade, to be a rear admiral in the Navy from the 14th day of September, 1911, with the officer next below him.

POSTMASTERS.

ALASKA.

Harry G. Steel to be postmaster at Cordova, Alaska. Office became presidential July 1, 1909.

Daniel W. Figgins to be postmaster at Ketchikan, Alaska, in place of A. Z. Hopkins, resigned.

Philip J. Hickey, jr., to be postmaster at Seward, Alaska, in place of Lillie N. Gordon, removed.

Richard McCormick to be postmaster at Douglas, Alaska, in place of Robert B. Hubbard. Incumbent's commission expired December 18, 1910.

ALABAMA.

Truman H. Aldrich to be postmaster at Birmingham, Ala., in place of Joseph H. Montgomery, deceased.

ARIZONA.

Charles L. Fowler to be postmaster at Nogales, Ariz., in place of Milton Bohall, resigned.

ARKANSAS.

E. N. Collett to be postmaster at Huttig, Ark., in place of James U. Brown, removed.

Samie W. Kennedy to be postmaster at Cotton Plant, Ark., in place of Frank H. Kennedy, deceased.

Andrew I. Boland to be postmaster at Malvern, Ark., in place of Enoch H. Vance, jr. Incumbent's commission expired February 26, 1910.

CALIFORNIA.

Sarah B. Anthony to be postmaster at Williams, Cal. Office became presidential October 1, 1911.

John C. Dickson to be postmaster at Sierra Madre, Cal., in place of Cabot A. Yerxa, resigned.

Thomas Edwards to be postmaster at Crockett, Cal., in place of Thomas Edwards. Incumbent's commission expires December 10, 1911.

Claude O. Gillett to be postmaster at Hemet, Cal., in place of Claude O. Gillett. Incumbent's commission expires December 10, 1911.

Edgar W. Loyd to be postmaster at Portersville, Cal., in place of Edgar W. Loyd. Incumbent's commission expires December 10, 1911.

A. P. May to be postmaster at Oilfields, Cal. Office became presidential July 1, 1911.

Mary S. Rutherford to be postmaster at Truckee, Cal., in place of Mary S. Rutherford. Incumbent's commission expires December 18, 1911.

George William Wentner to be postmaster at Weed, Cal., in place of George William Wentner. Incumbent's commission expires December 10, 1911.

Joseph R. Wilson to be postmaster at Cedarville, Cal. Office became presidential October 1, 1911.

COLORADO.

Lewis F. Botens to be postmaster at Blanca, Colo., in place of Frank E. Griffith, resigned.

B. Frank Martin to be postmaster at Gunnison, Colo., in place of Nellie R. Summers, resigned.

CONNECTICUT.

Levi O. Chittenden to be postmaster at Guilford, Conn., in place of Levi O. Chittenden. Incumbent's commission expires December 10, 1911.

H. Raymond Norton to be postmaster at Madison, Conn., in place of James R. Meigs, resigned.

Edgar C. Page to be postmaster at Sandy Hook, Conn. Office became presidential October 1, 1911.

Charles A. Potter to be postmaster at Danielson, Conn., in place of Charles A. Potter. Incumbent's commission expires December 11, 1911.

FLORIDA.

Wesley Herrick to be postmaster at Daytona Beach, Fla. Office became presidential October 1, 1911.

Richard J. Mays to be postmaster at Monticello, Fla., in place of John W. Garwood, deceased.

GEORGIA.

William J. Grist to be postmaster at Blakely, Ga., in place of Hardy C. Fryer, deceased.

John L. Johnson to be postmaster at Meigs, Ga. Office became presidential October 1, 1911.

Annie C. McCord to be postmaster at Harlem, Ga. Office became presidential October 1, 1911.

Celia A. E. Strickland to be postmaster at Austell, Ga. Office became presidential July 1, 1911.

L. P. Trimble to be postmaster at Bremen, Ga. Office became presidential January 1, 1911.

Rilton S. Turner to be postmaster at Nashville, Ga., in place Robert K. Turner, resigned.

IDAHO.

Harry G. Stanton to be postmaster at Kendrick, Idaho, in place of Arthur P. Hamley. Incumbent's commission expired February 20, 1911.

ILLINOIS.

John McCauly to be postmaster at Port Byron, Ill. Office became presidential October 1, 1911.

Fred More to be postmaster at Charleston, Ill., in place of Robert N. Chapman, deceased.

Caleb T. Reeder to be postmaster at Stewardson, Ill. Office became presidential October 1, 1911.

George E. Swanson to be postmaster at Woodhull, Ill., in place of George E. Swanson. Incumbent's commission expires December 11, 1911.

James W. Vallentyne to be postmaster at Glenellyn, Ill., in place of Robert G. Boyd, deceased.

INDIANA.

Rufus H. Barnett to be postmaster at Owensville, Ind., in place of Zenas C. McGary. Incumbent's commission expired January 10, 1911.

Charles E. Hampton to be postmaster at Fowler, Ind., in place of Josephine B. Cox. Incumbent's commission expires December 11, 1911.

Arthur A. McCain to be postmaster at Crawfordsville, Ind., in place of Rankin C. Walkup, resigned.

Melvin J. Stinchfield to be postmaster at Valparaiso, Ind., in place of Arthur A. Finney, removed.

David H. Williams to be postmaster at Rosedale, Ind., in place of Henry L. Connerley, deceased.

IOWA.

Charlotte G. Graham to be postmaster at Emerson, Iowa, in place of John Q. Graham, resigned.

Charles W. Marmon to be postmaster at Mitchellville, Iowa, in place of Manuel H. Davis, deceased.

Herman Ver Steeg to be postmaster at Hull, Iowa, in place of Benjamin H. Tamplin, deceased.

KANSAS.

Esther E. Abbott to be postmaster at Le Roy, Kans., in place of Henry C. Abbott, deceased.

Thomas B. Evans to be postmaster at Scammon, Kans., in place of Thomas B. Evans. Incumbent's commission expires December 9, 1911.

Harvey S. Hogue to be postmaster at Highland, Kans. Office became presidential October 1, 1910.

W. E. McGhie to be postmaster at Columbus, Kans., in place of Jesse Forkner. Incumbent's commission expires December 11, 1911.

Richard L. Musson to be postmaster at Elk City, Kans., in place of Richard L. Musson. Incumbent's commission expires December 11, 1911.

KENTUCKY.

Sherman Gullett to be postmaster at Salt Lick, Ky. Office became presidential October 1, 1911.

Emery E. Trivette to be postmaster at Pikeville, Ky., in place of Offa A. Stump, resigned.

LOUISIANA.

John B. Hays, jr., to be postmaster at Monroe, La., in place of James C. Weaks, resigned.

Gustave A. Morse to be postmaster at Oil City, La. Office became presidential October 1, 1911.

MAINE.

William W. Brown to be postmaster at Bowdoinham, Me., in place of William W. Brown. Incumbent's commission expires December 10, 1911.

Irving W. Case to be postmaster at Lubec, Me., in place of Irving W. Case. Incumbent's commission expires December 10, 1911.

Sidney G. Haley to be postmaster at Phillips, Me., in place of Sidney G. Haley. Incumbent's commission expires December 10, 1911.

Roland A. Scribner to be postmaster at National Soldiers' Home, Maine, in place of Lorenzo B. Hill, resigned.

Watson M. Simpson to be postmaster at Boothbay Harbor, Me., in place of Woodbury Marson, deceased.

William I. Wood to be postmaster at Corinna, Me., in place of William I. Wood. Incumbent's commission expires December 10, 1911.

MASSACHUSETTS.

Edgar H. Andrews to be postmaster at Sharon, Mass., in place of Charles F. Bryant, resigned.

William C. Coffin to be postmaster at Newburyport, Mass., in place of Fred L. Atkinson, resigned.

Jeremiah B. Daniels to be postmaster at Millis, Mass., in place of Jeremiah B. Daniels. Incumbent's commission expires December 10, 1911.

George T. Durfee to be postmaster at Fall River, Mass., in place of George T. Durfee. Incumbent's commission expires December 10, 1911.

Frank A. Fales to be postmaster at Norwood, Mass., in place of Frank A Fales. Incumbent's commission expires December 10, 1911.

Stephen C. Luce to be postmaster at Vineyard Haven, Mass., in place of Stephen C. Luce. Incumbent's commission expires December 10, 1911.

Edward C. Mansfield to be postmaster at Boston, Mass., in place of Edward C. Mansfield. Incumbent's commission expires December 16, 1911.

John F. Phipps to be postmaster at Hopkinton, Mass., in place of John F. Phipps. Incumbent's commission expires December 10, 1911.

Joseph F. Smith to be postmaster at East Walpole, Mass., in place of Joseph F. Smith. Incumbent's commission expires December 10, 1911.

George A. Wales to be postmaster at Stoughton, Mass., in place of George A. Wales. Incumbent's commission expires December 10, 1911.

Charles H. Walker to be postmaster at North Dighton, Mass., in place of George W. Card, deceased.

James H. Whetton to be postmaster at Needham Heights, Mass., in place of James H. Whetton. Incumbent's commission expires December 10, 1911.

Daniel S. Woodman to be postmaster at West Medway, Mass., in place of Daniel S. Woodman. Incumbent's commission expires December 10, 1911.

MICHIGAN.

Robert B. Ferris to be postmaster at Burr Oak, Mich., in place of Robert B. Ferris. Incumbent's commission expires December 11, 1911.

Alfred V. Hiscock to be postmaster at Montrose, Mich. Office became presidential October 1, 1911.

William Hunter to be postmaster at Capac, Mich., in place of William Hunter. Incumbent's commission expires December 11, 1911.

John C. Ketcham to be postmaster at Hastings, Mich., in place of John C. Ketcham. Incumbent's commission expires December 9, 1911.

Hamilton A. Macklem to be postmaster at Marlette, Mich., in place of Hamilton A. Macklem. Incumbent's commission expires December 18, 1911.

MINNESOTA.

Ole O. Holmen to be postmaster at Slayton, Minn., in place of Herman Nelson, resigned.

Andrew Lind to be postmaster at New York Mills, Minn., in place of Otho A. Austin, resigned.

MISSISSIPPI.

Effie R. Du Berry to be postmaster at Baldwyn, Miss., in place of Carrie D. Morgan, resigned.

Robert W. Magruder to be postmaster at Port Gibson, Miss., in place of Thomas Richardson, resigned.

William L. Rice to be postmaster at Clinton, Miss., in place of Margaret N. Cabaniss, deceased.

John H. Willett to be postmaster at Seminary, Miss. Office became presidential October 1, 1911.

MONTANA.

T. E. Crandell to be postmaster at Ismay, Mont. Office became presidential October 1, 1911.

Malcolm Gillis to be postmaster at Butte, Mont., in place of Malcolm Gillis. Incumbent's commission expires December 11, 1911.

Fred B. Gladden to be postmaster at Hardin, Mont., in place of Edwin C. Spencer, resigned.

Albert W. Huxsol to be postmaster at Culbertson, Mont., in place of Charles S. Stafford, resigned.

MISSOURI.

Ed. P. Ambrose to be postmaster at Purdy, Mo., in place of Ed. P. Ambrose. Incumbent's commission expires December 11, 1911.

Alexander L. Howard to be postmaster at California, Mo., in place of John W. Moore, deceased.

Otto Thomas to be postmaster at Herculaneum, Mo. Office became presidential April 1, 1911.

NEBRASKA.

George W. Anderson to be postmaster at Havelock, Nebr., in place of Augustine A. Hyers, resigned.

Cecil R. Boughn to be postmaster at Walthill, Nebr., in place of Matie C. Priest, deceased.

Herbert M. Crane to be postmaster at Bloomington, Nebr., in place of Conrad Huber, resigned.

Edgar F. Fassett to be postmaster at Arlington, Nebr., in place of Edgar F. Fassett. Incumbent's commission expires December 9, 1911.

Julian F. Fannon to be postmaster at Clearwater, Nebr. Office became presidential October 1, 1911.

John T. McIntosh to be postmaster at Sidney, Nebr., in place of Edward McLernon, resigned.

Wallace T. Morse to be postmaster at Friend, Nebr., in place of Wallace T. Morse. Incumbent's commission expires December 9, 1911.

Castillo M. Reynolds to be postmaster at Sutherland, Nebr. Office became presidential October 1, 1911.

Asbury T. Rowe to be postmaster at Oakdale, Nebr. Office became presidential October 1, 1911.

Webster L. Whitla to be postmaster at Battle Creek, Nebr., in place of Lenora Snyder, resigned.

NEVADA.

Charles L. Broy to be postmaster at Eureka, Nev., in place of Charles L. Broy. Incumbent's commission expires December 11, 1911.

James C. Doughty to be postmaster at Elko, Nev., in place of James C. Doughty. Incumbent's commission expires December 11, 1911.

NEW HAMPSHIRE.

Clarence N. Garvin to be postmaster at Derry, N. H., in place of Clarence N. Garvin. Incumbent's commission expires December 10, 1911.

Alice M. Sloan to be postmaster at Conway, N. H., in place of Alice M. Sloan. Incumbent's commission expires December 10, 1911.

NEW JERSEY.

Robert L. Barber to be postmaster at Camden, N. J., in place of Robert L. Barber. Incumbent's commission expires December 11, 1911.

Edward S. Perry to be postmaster at Orange, N. J., in place of John A. Ackerman, resigned.

James B. Pownall to be postmaster at Jamesburg, N. J., in place of William H. Jernee, deceased.

Israel T. Woolson to be postmaster at Holly Beach, N. J., in place of Frederick C. Meyer, resigned.

NEW MEXICO.

John T. Bolton to be postmaster at Carlsbad, N. Mex., in place of John T. Bolton. Incumbent's commission expires December 10, 1911.

Don H. Kedzie to be postmaster at Lordsburg, N. Mex., in place of Don H. Kedzie. Incumbent's commission expires December 18, 1911.

Piedad Medina to be postmaster at Wagon Mound, N. Mex. Office became presidential October 1, 1911.

NEW YORK.

William J. Ackerman to be postmaster at Hartsdale, N. Y. Office became presidential July 1, 1911.

George S. Allen to be postmaster at Clyde, N. Y., in place of Byron N. Marriott. Incumbent's commission expires December 10, 1911.

William H. Bain to be postmaster at Canajoharie, N. Y., in place of William H. Bain. Incumbent's commission expires December 10, 1911.

C. Sacket Chellborg to be postmaster at Sea Cliff, N. Y., in place of C. Sacket Chellborg. Incumbent's commission expires December 17, 1911.

George H. Hager to be postmaster at Stamford, N. Y., in place of George H. Hager. Incumbent's commission expires December 10, 1911.

Florence L. Johnson to be postmaster at Elmsford, N. Y. Office became presidential October 1, 1911.

John Mabie, 2d, to be postmaster at Peekskill, N. Y., in place of David G. Montross, deceased.

Charles R. Matthews to be postmaster at Bombay, N. Y. Office became presidential October 1, 1911.

Daniel R. Montgomery to be postmaster at Dryden, N. Y., in place of Daniel R. Montgomery. Incumbent's commission expires December 10, 1911.

Hiram J. Moses to be postmaster at Petersburg, N. Y. Office became presidential October 1, 1911.

Ernest H. Palmer to be postmaster at South Glens Falls, N. Y. Office became presidential July 1, 1911.

Charles Talbot to be postmaster at Crown Point, N. Y. Office became presidential October 1, 1911.

Hiram Tate to be postmaster at Warwick, N. Y., in place of Stott Mills, deceased.

Lee Waddell to be postmaster at North Creek, N. Y. Office became presidential July 1, 1911.

Walter W. Welch to be postmaster at Gowanda, N. Y., in place of William N. Wallace, deceased.

NORTH CAROLINA.

John M. Burrows to be postmaster at Ashboro, N. C. Office became presidential January 1, 1908.

NORTH DAKOTA.

Anna Bergman to be postmaster at Kulm, N. Dak., in place of Peter C. Burfening, resigned.

Minnie M. Luce to be postmaster at Hope, N. Dak., in place of Minnie M. Luce. Incumbent's commission expires December 9, 1911.

George B. Mansfield to be postmaster at McHenry, N. Dak., in place of George B. Mansfield. Incumbent's commission expires December 9, 1911.

C. C. Mills to be postmaster at Scranton, N. Dak., in place of Niels C. Mosgaard, resigned.

Emily D. Prairie to be postmaster at Portal, N. Dak. Office became presidential July 1, 1904.

Margaret Reese to be postmaster at Max, N. Dak., in place of E. H. Reese, deceased.

OHIO.

Ralph M. Harrison to be postmaster at Oakharbor, Ohio, in place of Leslie E. Meyer. Incumbent's commission expired June 29, 1910.

Albert L. Moffitt to be postmaster at Mineral City, Ohio, in place of Elmer C. Jesse, resigned.

Olive O. Price to be postmaster at Bowerston, Ohio, in place of Leonard D. Price, deceased.

Leon H. Wadsworth to be postmaster at Wellington, Ohio, in place of Leon H. Wadsworth. Incumbent's commission expires December 12, 1911.

OKLAHOMA.

John A. Banker to be postmaster at Kingfisher, Okla., in place of Wallace R. Kelley. Incumbent's commission expired June 28, 1910.

Ora E. McCague to be postmaster at Ralston, Okla., in place of Walter F. McCague, deceased.

James G. Traylor to be postmaster at Coyle, Okla. Office became presidential January 1, 1911.

Charles W. Waters to be postmaster at Westville, Okla., in place of Nolia B. Dore, resigned.

OREGON.

Clyde K. Brandenburg to be postmaster at Klamath Falls, Oreg., in place of Robert A. Emmitt, resigned.

Demry B. Davidson to be postmaster at Prairie City, Oreg. Office became presidential July 1, 1911.

Albert N. Johnson to be postmaster at Estacada, Oreg. Office became presidential October 1, 1911.

James A. Norwood to be postmaster at Redmond, Oreg. Office became presidential October 1, 1911.

Henry B. Steward to be postmaster at Myrtle Point, Oreg., in place of Henry B. Steward. Incumbent's commission expires December 11, 1911.

PENNSYLVANIA.

Franklin A. Balliet to be postmaster at Coplay, Pa., in place of Franklin A. Balliet. Incumbent's commission expires December 10, 1911.

Charles S. Brodhead to be postmaster at Moosic, Pa. Office became presidential October 1, 1911.

Joseph W. Culbert to be postmaster at Collegeville, Pa., in place of Joseph W. Culbert. Incumbent's commission expires December 10, 1911.

Frank R. Cyphers to be postmaster at East Pittsburgh (late East Pittsburg), Pa., in place of Frank R. Cyphers, to change name of office.

Henry B. Freed to be postmaster at Souderton, Pa., in place of Michael K. Bergey, resigned.

John H. Fuellhart to be postmaster at Youngsville, Pa., in place of C. L. Wright. Incumbent's commission expires December 10, 1911.

Ward B. Parker to be postmaster at Clarks Summit, Pa. Office became presidential October 1, 1911.

James B. Maney to be postmaster at Athens, Pa., in place of Louis T. Hoyt. Incumbent's commission expired February 7, 1911.

Ellwood W. Minster to be postmaster at Bristol, Pa., in place of Ellwood W. Minster. Incumbent's commission expires December 10, 1911.

Fred B. Reed to be postmaster at Schuylkill Haven, Pa., in place of Charles W. Huy, deceased.

John E. Thomas to be postmaster at Union Dale, Pa. Office became presidential October 1, 1911.

George C. Wagenseller to be postmaster at Selinsgrove, Pa., in place of George C. Wagenseller. Incumbent's commission expired January 29, 1911.

RHODE ISLAND.

Ernest M. Spencer to be postmaster at North Scituate, R. I. Office become presidential October 1, 1911.

SOUTH CAROLINA.

Joseph P. Ouzts to be postmaster at Edgefield, S. C., in place of William H. Brunson, deceased.

TENNESSEE.

John J. Anderson to be postmaster at Guild, Tenn. Office became presidential October 1, 1911.

Robert H. Bailey to be postmaster at National Soldiers' Home, Tenn., in place of Alexander M. Stuart, deceased.

James S. Byrd to be postmaster at Jonesboro, Tenn., in place of Frank E. Britton, removed.

Edgar E. Hathaway to be postmaster at Elizabethton, Tenn., in place of Edwin C. Alexander, removed.

Allen D. Keller to be postmaster at Union City, Tenn., in place of George T. Taylor, removed.

J. M. Petitt to be postmaster at Oakdale, Tenn., in place of Wayne J. Johnson, resigned.

TEXAS.

Edwin A. Armstrong to be postmaster at Asherton, Tex. Office became presidential July 1, 1911.

Otis T. Bacon to be postmaster at Wichita Falls, Tex., in place of Otis T. Bacon. Incumbent's commission expires December 16, 1911.

John O. Cowan to be postmaster at Lewisville, Tex. Office became presidential October 1, 1911.

Robert Dempster to be postmaster at Hitchcock, Tex. Office became presidential October 1, 1911.

C. W. Frick to be postmaster at Mission, Tex. Office became presidential October 1, 1910.

Guido R. Goldbeck to be postmaster at Uvalde, Tex., in place of Guido R. Goldbeck. Incumbent's commission expires December 16, 1911.

James W. Griffin to be postmaster at West, Tex., in place of James W. Griffin. Incumbent's commission expires December 16, 1911.

Andrew A. Grob to be postmaster at Naples, Tex., in place of Andrew A. Grob. Incumbent's commission expires December 16, 1911.

Bertha Hearte to be postmaster at Oakwood, Tex. Office became presidential October 1, 1911.

William H. Hoffmann to be postmaster at Waco, Tex., in place of William H. Hoffmann. Incumbent's commission expires December 16, 1911.

John A. Hooker to be postmaster at New Boston, Tex., in place of Richard B. Harrison. Incumbent's commission expired May 28, 1910.

John A. Hyland to be postmaster at Round Rock, Tex., in place of Robert R. Hyland, deceased.

Adolph Lohmann to be postmaster at Eldorado, Tex. Office became presidential October 1, 1911.

William T. Mann to be postmaster at Post, Tex. Office became presidential October 1, 1911.

Charles S. Selber to be postmaster at Miami, Tex. Office became presidential October 1, 1911.

Robert T. Stagner to be postmaster at Crystal City, Tex. Office became presidential October 1, 1911.

John S. Wells to be postmaster at Bowie, Tex., in place of John S. Wells. Incumbent's commission expires December 16, 1911.

Lillie Wilson to be postmaster at Hutto, Tex., in place of J. R. Davis, resigned.

Hugh B. Wooldridge to be postmaster at Groveton, Tex., in place of William H. Bradley, resigned.

VERMONT.

Martha W. Arnold to be postmaster at Bethel, Vt., in place of Martha W. Arnold. Incumbent's commission expires December 18, 1911.

Henry J. Fisher to be postmaster at Morrisville, Vt., in place of Henry J. Fisher. Incumbent's commission expires December 17, 1911.

Charles E. Hall to be postmaster at Swanton, Vt., in place of Charles E. Hall. Incumbent's commission expires December 17, 1911.

Charles E. Holden to be postmaster at Proctor, Vt., in place of Henry E. Spencer, resigned.

Edward J. Tyler to be postmaster at Enosburg Falls, Vt., in place of Edward J. Tyler. Incumbent's commission expires December 17, 1911.

VIRGINIA.

Thomas C. Bunting to be postmaster at Exmore, Va. Office became presidential October 1, 1911.

Robert M. McClure to be postmaster at Gordonsville, Va., in place of Annie G. Hogshead, resigned.

William W. Middleton to be postmaster at The Plains, Va., in place of Clarence C. Middleton, resigned.

WASHINGTON.

William R. Day to be postmaster at Asotin, Wash., in place of William R. Day. Incumbent's commission expires December 11, 1911.

Arthur B. Foley to be postmaster at Wilbur, Wash., in place of J. M. Parrish, deceased.

Ira S. King to be postmaster at Selah, Wash. Office became presidential October 1, 1911.

Charles L. Olsen to be postmaster at Concrete, Wash. Office became presidential October 1, 1911.

James W. Patterson to be postmaster at Chewelah, Wash., in place of Cornelius E. Legg, resigned.

WEST VIRGINIA.

Romeo H. Freer to be postmaster at Harrisville, W. Va., in place of Romeo H. Freer. Incumbent's commission expired December 5, 1911.

Albert G. Holt to be postmaster at Kenova, W. Va. Office became presidential January 1, 1910.

James A. Justice to be postmaster at Milton, W. Va., in place of James A. Justice. Incumbent's commission expires December 9, 1911.

Thaddeus K. Scott to be postmaster at Beckley, W. Va., in place of Thaddeus K. Scott. Incumbent's commission expires December 9, 1911.

WISCONSIN.

Herman Anderson to be postmaster at Phillips, Wis., in place of Herman Anderson. Incumbent's commission expires December 9, 1911.

William A. Bradley to be postmaster at West Salem, Wis., in place of Joseph E. Parmelee, deceased.

Charles Brown to be postmaster at Montello, Wis., in place of Edward A. Bass, resigned.

W. N. Daniels to be postmaster at Mosinee, Wis. Office became presidential October 1, 1911.

William A. Jones to be postmaster at Oconomowoc, Wis., in place of John G. Gorth, removed.

John C. Kinsman to be postmaster at Manawa, Wis., in place of John C. Kinsman. Incumbent's commission expires December 9, 1911.

Samuel Lund to be postmaster at Black River Falls, Wis., in place of Martin A. Lien, deceased.

Charles H. Prouty to be postmaster at Genoa Junction, Wis., in place of Charles H. Prouty. Incumbent's commission expires December 11, 1911.

Bernard F. Schwartz to be postmaster at East Troy, Wis. Office became presidential October 1, 1911.

WYOMING.

Harvey A. Bucher to be postmaster at Lander, Wyo., in place of Harvey A. Bucher. Incumbent's commission expires December 10, 1911.

Wilbur P. Keayes to be postmaster at Buffalo, Wyo., in place of Frank E. Lucas, removed.

CONFIRMATION.

Executive nomination confirmed by the Senate December 7, 1911.

POSTMASTER.

PENNSYLVANIA.

James B. Maney, Athens, Pa.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December 7, 1911.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, infinite Spirit, for life, a precious boon, with all its hopes and promises revealed in the incomparable life and character of the Jesus of Nazareth; a sublime faith in God as the Father of all men; a well-poised mind; a clear conscience; pure motives; high ideals; and noble endeavors for the uplift of humanity. Help us, we beseech Thee, to follow in His wake, to the glory and honor of Thy holy name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. Latta, one of his secretaries.

WITHDRAWAL OF PAPERS.

Mr. DYER, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of George Killeen, H. R. 28576, third session, Sixty-first Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

Mr. FIELDS, by unanimous consent, obtained leave of absence indefinitely, on account of sickness.

REGENTS, SMITHSONIAN INSTITUTION.

The SPEAKER announced the following Regents of the Smithsonian Institution, their terms to begin on December 27, 1911: Messrs. FERRIS, PEPPER, and DALZELL.

CONTESTED-ELECTION CASES.

The SPEAKER. The Clerk will read the following communication from the Clerk of the House.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES,
CLERK'S OFFICE,
Washington, D. C., December 6, 1911.

SIR: I have the honor to lay before the House of Representatives a list of contests for seats in the House of Representatives for the Sixty-second Congress of the United States, notices of which have been filed in the office of the Clerk of the House, and also transmit herewith all original testimony, papers, and documents relating thereto, as follows:

State of Illinois, third district.
State of Pennsylvania, eleventh district.
State of West Virginia, fifth district.
State of Missouri, tenth district.
State of Missouri, eleventh district.
State of Missouri, twelfth district.
State of South Carolina, first district.
State of Connecticut, third district.
State of Iowa, fourth district.
State of Pennsylvania, sixth district.

The Clerk has opened and printed the testimony in all of the above cases. In compliance with the act approved March 2, 1897, entitled "An act relating to contested-election cases," such portions of the testimony in the above cases as the parties in interest agreed upon or as seemed proper to the Clerk, after giving the requisite notices, have been printed and indexed, together with the notices of contest and the answers thereto, and such portions of the testimony as were not printed with the original papers have been sealed up and are ready to be laid before the Committee on Elections.

Two copies of the printed testimony in each case have been mailed to the contestant and the same number to the contestee. The law in reference to the briefs of both the contestant and contestee in each case has been complied with as far as possible upon receipt by the Clerk of said briefs.

In the cases of the contested election of Charles J. Maurer against Richard Bartholdt, tenth congressional district of Missouri, and Frank H. Hawkins against George D. McCreary, sixth congressional district of Pennsylvania, the printed record was sent both to contestant and contestee, but no briefs have been filed.

In the case of Fred J. Crowley against William W. Wilson, third congressional district of Illinois, the record has been printed, but the briefs have not been filed, because the testimony was not received until the 21st day of November.

In the alleged contest case of Aaron P. Prioleau against GEORGE S. LEGARE, first congressional district of South Carolina, there was nothing filed but the depositions of three witnesses. The law provides "A copy of the notice of contest and of the answer of the returned Member shall be prefixed to the depositions taken and transmitted with them to the Clerk of the House of Representatives (R. S., sec. 126)," which was not complied with; therefore the testimony was not printed, but the original papers have been sealed up and are ready to be laid before the Committee on Elections.

So far as the briefs have been furnished to the Clerk, they are ready to be laid before the Committee on Elections upon the order of the House, together with a tabulated statement, which has been prepared by the Clerk, showing the number of pages of testimony and the present status of each contested-election case and all the papers in connection therewith.

Very respectfully,

SOUTH TRIMBLE,
Clerk of the House of Representatives.

Hon. CHAMP CLARK,
Speaker of the House of Representatives.

Districts.	Contestant.	Contestee.	Testimony opened.	Testimony printed.	Printed record sent to contestant and notified to file brief.	Contestant's brief filed	Contestee notified to file his brief.	Contestee's brief filed.	Contestant filed reply brief	Contestant's reply brief sent to contestee.	Printed pages of testimony and briefs		
											Testimony.	Briefs.	Total.
			1911	1911	1911	1911	1911	1911	1911	1911			
Third Illinois	Fred J. Crowley	William W. Wilson	Nov. 21								194		194
Eleventh Pennsylvania	George R. McLean	Charles C. Bowman	July 6	Sept. 8	Sept. 8	Oct. 12	Oct. 12	Nov. 13	Dec. 4	Dec. 4	790	141	931
Fifth West Virginia	Rankin Wiley	James A. Hughes	June 14	Aug. 3	Aug. 3	Aug. 29	Aug. 29	Oct. 21	Nov. 13	Nov. 13	722	120	842
Tenth Missouri	Charles J. Maurer	Richard Bartholdt	Oct. 10	Nov. 24	Nov. 24						257		257
Eleventh Missouri	Patrick F. Gill	Theron E. Catlin	June 6	Oct. 17	Oct. 17	Nov. 18	Nov. 18				2,325	15	2,340
Twelfth Missouri	Thomas E. Kinney	Leonidas C. Dyer	July —	Aug. 3	Aug. 3	Sept. 1	Sept. 1	Oct. 2	Nov. 2	Nov. 2	1,182	103	1,285
First South Carolina	Aaron P. Prioleau	George S. Legare											
Second Connecticut	Raymond J. Jodoin	Edwin W. Higgins	Aug. 14	Aug. 31	Aug. 31	Oct. 17	Oct. 17	Nov. 16			68	11	69
Fourth Iowa	D. D. Murphy	Gilbert N. Haugen	June 12	Aug. 18	Sept. 18	Sept. 16	Sept. 16	Oct. 18			293	24	317
Sixth Pennsylvania	Frank H. Hawkins	George D. McCreary	July 1	Sept. 12	Sept. 12						312		312
Total													6,547

The SPEAKER. The Chair lays before the House the following assignments of these cases.

The Clerk read as follows:

The Chair refers the first three cases, one from the third district of Illinois, one from the eleventh district of Pennsylvania, and one from the fifth district of West Virginia, to the Committee on Elections No. 1; the next four cases, one from the tenth district of Missouri, one from the eleventh district of Missouri, one from the twelfth district of Missouri, and one from the first district of South Carolina, to the Committee on Elections No. 2; the next three cases, one from the third district of Connecticut, one from the fourth district of Iowa, and one from the sixth district of Pennsylvania, to the Committee on Elections No. 3.

The SPEAKER. Is there objection to these assignments?

There was no objection.

SYSTEMS OF SHOP MANAGEMENT.

Mr. WILSON of Pennsylvania. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 329.

Be it resolved, That the special committee created under the provisions of House resolution No. 90, passed August 21, 1911, be authorized to report not later than March 10, 1912, in lieu of "not later than December 10, 1911," as provided in said resolution.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

EXCHANGE OF DOCUMENTS WITH DENMARK (H. DOC. NO. 241).

The SPEAKER laid before the House the following communication, which was ordered to be printed and referred to the Committee on Foreign Affairs:

RIGSDAGEN,
Copenhagen, October 28, 1911.

To the President of the House of Representatives.

SIR: We hereby have the honor to inform you that the general office of the Danish Parliament has organized, on the lines of what already takes place in several countries, a special office charged with the regular exchanging of the various printed matters of Danish and foreign Parliaments.

It would, of course, be of great importance to the legislative work of our country if we could obtain, for the use of this office, the printed matter of the Congress, such as bills, amendments, etc., as well as the reports, schedules, etc., relating to those, and we should be very obliged if you would instruct those concerned to send by and by to this newly established office the above-named printed matter of the House of Representatives.

In return we will instruct the Danish office to forward to the House of Representatives all the printed matter of the Danish Parliament, which will be accompanied by an abstract in the French language. We remain, sir,

Yours, faithfully,

GAVI,
The President of the Landsting.
A. THOMSEN,
The President of the Folketing.

A MESSAGE FROM PERSIA.

The SPEAKER. A cablegram in the French language has been received, and as the gentleman from Louisiana [Mr. ESTOPINAL] is the only Member present, so far as the Chair knows, who can read it, the Chair will ask him to read it to the House. [Applause.]

Mr. ESTOPINAL (reading):

GOUVERNEMENT, TÉHÉRAN.

LE PARLEMENT, *Washington:*

L'ultimatum du Gouvernement Russe qui menace notre indépendance étant rejeté d'un commun accord par le pays qui, amoureux de sa liberté, tient à la conserver à tout prix, le Gouvernement Russe veut nous l'imposer par la force armée. Notre seule faute est peut-être d'avoir compris les nécessités du nouveau régime et voulu entrer dans la voie des réformes et de la régénération. Aussi, convaincu de notre parfaite innocence, et n'étant coupable d'aucun acte agressif, nous en appelons aux sentiments humanitaires du Parlement des États-Unis en lui disant: Vous qui avez goûté les bienfaits de la liberté, voudriez-vous voir tomber un peuple auquel on fait grief d'avoir sympathisé avec vos systèmes pour sauver son avenir? Souffrirez-vous que la Perse soit foulée aux pieds pour avoir voulu conserver sa dignité nationale et entretenu des sentiments si chéris aux peuples libres. Confiant dans les sentiments d'honneur et de justice du peuple généreux dont vous êtes les représentants, nous sommes sûrs que notre appel en pénétrant directement dans vos cœurs nous acquerra votre précieux concours pour une solution conforme à la dignité et à l'indépendance de la Perse.

LE PRÉSIDENT DU MEDJLISSE MOTAMENEL MOLK.

Mr. BUCHANAN. Mr. Speaker, owing to the lack of order in the House, we are unable to understand a word of what has been read.

The SPEAKER. Perhaps the gentleman would not have been able to understand a word of it if the House had been in perfect order.

Mr. ESTOPINAL. I will translate it into English. It says:

GOVERNMENT, TEHERAN.

The CONGRESS, *Washington:*

The ultimatum of the Russian Government menacing our independence having been unanimously rejected by a nation devoted to its liberty, which proposes to preserve it at any price, the Government of Russia wishes to impose its will by force of arms. Our only fault, perhaps, is that we have apprehended the necessities of the new régime and wish to enter into the path of reform and regeneration. And so, convinced of our perfect innocence and being guilty of no act of aggression, we appeal to the humanitarian sentiments of the Congress of the United States with this declaration: You who have tasted the benefits of liberty, do you wish to see a people fall of whom complaint has been made that they have allied themselves to your system to save their own future? Will you tolerate it that Persia be trampled under foot for having wished to preserve its national dignity and for having entertained those sentiments which are so dear to free peoples? Trusting in the sentiments of honor and justice of the generous people whose representatives you are, we are sure that our appeal, penetrating straight into your hearts, will bring to us your precious cooperation in seeking a solution acceptable to the dignity and independence of Persia.

LE PRESIDENTE DU MEDJLISSE MOTAMENEL MOLK.

The SPEAKER. This communication will be printed and referred to the Committee on Foreign Affairs.

FOREIGN RELATIONS.

The SPEAKER laid before the House a message from the President of the United States, which was read and referred to the Committee on Foreign Affairs and ordered printed.

[For message see proceedings of the Senate of Thursday, December 7, 1911.]

CONTROL OF THE NIAGARA RIVER (H. DOC. NO. 246).

The SPEAKER also laid before the House the following message from the President of the United States, which was read, and, with accompanying papers, referred to the Committee on Foreign Affairs and ordered printed.

To the Senate and House of Representatives:

Referring to my message of August 21, 1911, transmitting, for the information of Congress, reports of investigations made in connection with the proceedings of the War Department under the provisions of the act of Congress approved June 29, 1906, "For the control and regulation of the waters of the Niagara River, for the preservation of Niagara Falls, and for other purposes," I transmit herewith a letter of the Secretary of War submitting additional information concerning the proceedings of that department, including a report of the operation of the United States Lake Survey from June 29, 1906, to June 29, 1911, which summarizes and supplements the reports of November 30, 1908, and September 21, 1909, above mentioned, and including, also, reports of the Niagara Falls Committee of September 20, 1907, and October 2, 1911, the latter of which furnishes a résumé of all of the operations of the committee to that date, and supplements the reports of April 13, 1908, and April 5, 1909, printed in House Document No. 431, Sixty-first Congress, second session.

WM. H. TAFT.

THE WHITE HOUSE, *December 7, 1911.*

EXPENDITURES IN THE STATE DEPARTMENT (H. DOC. NO. 247).

The SPEAKER also laid before the House the following message from the President of the United States, which was read, and, with accompanying papers, referred to the Committee on Expenditures in the State Department and ordered to be printed:

To the House of Representatives:

I transmit herewith a statement by the Secretary of State, with accompanying papers, of appropriations, expenditures, and balances of appropriations under the Department of State for the fiscal year ended June 30, 1911, as required by law.

WM. H. TAFT.

THE WHITE HOUSE, *December 7, 1911.*

WITHDRAWAL OF PAPERS.

Mr. J. M. C. SMITH, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, papers in the case of Lizzie M. O'Sullivan, Sixty-first Congress, second session, no adverse report having been made thereon.

ORDER OF BUSINESS.

Mr. HENRY of Texas. Mr. Speaker, I desire to ask unanimous consent that on Saturday next, immediately after the reading of the Journal, my colleague, Mr. BURGESS, be allowed one hour to address the House.

Mr. HARRISON of New York. Reserving the right to object, Mr. Speaker, I want to ask the gentleman from Texas if he will not couple with that a request that unanimous consent be given to the gentleman from Connecticut [Mr. HILL], a member of the Committee on Ways and Means, to address the House for one hour?

Mr. HENRY of Texas. I will; I have no objection to it.

The SPEAKER. The gentleman from Texas asks unanimous consent that on Saturday, immediately after the reading of the Journal, the gentleman from Texas [Mr. BURGESS] shall have permission to address the House for one hour on the tariff, and, coupled with that, a request that the gentleman from Connecticut [Mr. HILL] may also have the right to deliver an address on the tariff for one hour.

Mr. DALZELL. Mr. Speaker, if that means that the gentleman from Connecticut [Mr. HILL] is to speak on Saturday, I do not think he can be here. I do not see the gentleman present, but I happen to know that he can not be here on Saturday because he has an engagement elsewhere.

Mr. HENRY of Texas. I will state that we will try to make it easy for the gentleman from Connecticut to speak when he desires to speak.

Mr. DALZELL. Very well; if there be no limitation as to the time, I have no objection.

Mr. HENRY of Texas. No.

Mr. HARRISON of New York. Then, Mr. Speaker, I will withdraw the request as to Mr. HILL.

The SPEAKER. Is there objection to the request of the gentleman from Texas that his colleague, Mr. BURGESS, be allowed to address the House for one hour immediately after the reading of the Journal on Saturday? [After a pause.] The Chair hears none, and it is so ordered.

The Clerk proceeded with the call of the committees.

BRIDGE ACROSS CADDO LAKE, LA.

Mr. WATKINS (when the Committee on Interstate and Foreign Commerce was called). Mr. Speaker, in the absence of a request from the chairman of the Committee on Interstate and Foreign Commerce, I call up the bill (H. R. 13278) to authorize the construction of a bridge across Caddo Lake, in Louisiana, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the police jury of Caddo Parish, La., be, and is hereby, authorized to construct, maintain, and operate a bridge across Caddo Lake (locally known as Ferry Lake), in Caddo Parish, La., at or near the village of Mooringsport, La., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following amendment:

Page 1, line 6, after the word "Louisiana" insert "at a point suitable to the interests of navigation."

Mr. MANN. Mr. Speaker, I make the point of order that the gentleman from Louisiana [Mr. WATKINS] is not authorized to call up the bill. I have no objection to the consideration of the bill, but I do not think it ought to become the practice of the House that any Member can call up a bill reported from a committee of which he is not a member where he is not authorized so to do by the committee. This appears to be an ordinary bridge bill, such as is ordinarily passed by unanimous consent. If the Speaker desires to recognize the gentleman from Louisiana for that purpose, I have no objection.

Mr. WATKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill.

The SPEAKER. The Chair thinks that the point made by the gentleman from Illinois is well taken.

The gentleman from Louisiana asks unanimous consent for the present consideration of the bill. Is there objection?

Mr. FITZGERALD. Mr. Speaker, this is a bridge bill. I shall not object to it, but I wish to give notice to the House that I shall hereafter object to unanimous consent for the consideration of bills except on a call of the Calendar for Unanimous Consent, which was established for the purpose of giving Members of the House an opportunity to be present when these requests were submitted. It is unfair to the House to submit them at any other time.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Chair desires to state that the gentleman from New York [Mr. FITZGERALD] is entirely correct about these matters of unanimous consent. There is a calendar for unanimous consent. Speaker CANNON declared that that afforded a great relief to the Speaker of the House, and I have no doubt that he is correct. When Members come to the Speaker privately and ask permission to call up bills by unanimous consent, the Speaker always declines; but when a Member rises on the floor of the House and asks to call up one of these bills, then it becomes the business of some one else to object. In my opinion it is a great deal better to confine requests for unanimous consent to the Calendar for Unanimous Consent. [Ap-

plause.] The question is on agreeing to the amendment to the bill.

The question was taken, and the amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. WATKINS, a motion to reconsider the last vote was laid on the table.

ATLANTIC DEEPER WATERWAYS ASSOCIATION.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend in the RECORD, as a part of my remarks, resolutions adopted by the Atlantic Deeper Waterways Association at its fourth annual convention, held in Richmond, Va., October 18, 19, 20, 1911.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to print in the RECORD, as a part of his remarks, certain resolutions adopted by the Atlantic Deeper Waterways Association. Is there objection?

There was no objection.

The resolutions are as follows:

RESOLUTIONS ADOPTED BY THE ATLANTIC DEEPER WATERWAYS ASSOCIATION AT ITS FOURTH ANNUAL CONVENTION, HELD IN RICHMOND, VA., OCTOBER 18, 19, 20, 1911.

1. The Atlantic Deeper Waterways Association, in convention assembled at Richmond, Va., October 17 to 21, 1911, makes the following declaration of its purposes and commends them to the consideration and approbation of all patriotic Americans, and particularly of the 30,000,000 inhabiting the Atlantic seaboard:

2. We demand in the name of this great host of producers, distributors, and consumers the construction at the earliest possible moment of a deeper water inland channel from below Cape Hatteras to Boston Harbor, covering a distance of not less than 600 miles, and the ultimate but early extension of such waterway southward to Florida and the Gulf of Mexico, and we point to the fact of momentous importance that upon a channel thus constructed at least nine-tenths of the existing commerce along the Atlantic coast could be conducted.

3. We base this demand chiefly upon the indisputable right of these 30,000,000 Americans to have the advantages already supplied by the natural interior waterways paralleling the coast so improved by the removal of less than 100 miles of obstructions that the flow of commerce may be facilitated, the costs of transportation lessened, the production of wealth stimulated, and the destruction of property off the coast stopped.

4. We direct attention to the facts that—

(a) Between the years 1900 and 1909 disasters to shipping along the Atlantic seaboard involved nearly 6,000 vessels, the loss of 2,200 human lives, and the destruction of nearly $40,000,000 worth of property, all of which could have been saved and all future losses prevented by the expenditure of a few million dollars for the opening of an inside deep waterway.

(b) That while $1 will carry a ton of freight 4 miles on a dirt road, 10 miles on a first-class stoned road, and 127 miles on a railroad, it will carry a ton of freight not less than 1,250 miles on the Great Lakes or upon a well-ordered river, bay, or deep artificial channel.

(c) That as the taxes for transportation in this country by railway, water, and wagon put a burden upon the people of $5,000,000,000 a year, or six times the total revenues of the Federal Government and fifteen times the amount collected from customs at the ports, the question of the reduction of this tax by cheapening the movement of commodities consumed by 90,000,000 people is of the first importance and can not be neglected without infliction of grave wrong upon the Nation.

5. It is a circumstance of high importance that the route of this proposed waterway lies along the fruit and vegetable producing regions of North Carolina, Virginia, Maryland, Delaware, and New Jersey, and that great reservoir of salt-water food—Chesapeake Bay and its adjacent tributary waters. The entire region is the market garden from which the millions of the cities and towns from Boston southward draw much of their sustenance. This fertile region is now but partly developed because of the lack of cheap transportation for perishable commodities, and there is a certainty that when a deep, free channel shall be opened for power boats, large and small, there will be strong stimulation of production, lowering of carrying costs, and cheaper victuals for the cities and towns along the line of the channel.

6. We invite consideration of the fact that the proposed waterway will hurt no established interest and will trespass upon no vested rights, but will help every interest that has an honest basis. Instead of diverting traffic from old channels to the new, it will certainly enlarge the volume of business for railroads, producers, merchants, and communities, and will bring indirect but large benefits even to populations away from the seacoast.

(a) The experience of Europe, which has persistently developed and enlarged its waterway systems while we have neglected or destroyed ours, proves that everywhere the largest cities, the densest population, and the greatest industrial growth appear in regions that are abundantly supplied with transportation, and especially cheap water transportation.

(b) The waterway does not merely divide established business with the railway; it makes more business for both agencies. When the great ship canal between Liverpool and Manchester was constructed, Liverpool was afraid; but 13 years after the canal was opened the revenues of the port of Liverpool had increased five times. The railways have always gained from competing waterways established upon right lines, a part of their gain being from the substitution of high-class freight for low-class freight. It is an invariable rule that increase of traffic facilities leads directly to increase of use. Water transportation, being confined to fixed channels, contributes largely to the growth of railroad traffic in collection and distribution over large areas.

(c) In 1886 the River Main, in Germany, was canalized from Frankfort downward, so that it became a part of the Rhine River navigation system, and in the next 20 years the population of Frankfort increased from 140,000 to 500,000, a greater increase than had occurred during the preceding 18 centuries.

7. We commend in the warmest manner the movement begun by the Legislature of New Jersey, and intrusted for its advancement to a commission of progressive citizens, for the purchase by the State of a right of way for a deep-water ship canal from the Delaware River to the waters about New York City, which right of way shall be offered as a free gift to the Federal Government. We strongly urge the public-spirited citizens of New Jersey to consummate this project, for which complete surveys have been made by the Engineers of the United States Army, and the Congress of the United States to accept the gift and speedily authorize the construction of a canal along the route chosen by the Engineers.

8. By the act of March 3, 1909, the United States Army Engineers were directed to make survey for the construction of a waterway on interior lines along the Atlantic coast. This survey has been completed, and a report upon it will be made to Congress at the next session of that body. When it shall be made, prompt and favorable action for the beginning of the work of construction should be taken by Congress, and a commencement may well be made at some point of least resistance along the line where the actual opening of a section of the canal will afford practical demonstration of the value to commerce of such a waterway. We express the opinion that the time for talk about this great project has ended and the time for action has come. A project plainly indicated by nature, against which no reasonable argument has ever been presented, which has encountered no open opposition; which will help everybody and hurt nobody; which will give cheaper transportation, lower costs of food, and a larger scope for commerce to one-third the people of the Nation; and which will involve an outlay not larger than that required for the construction of half a dozen battleships, should be carried forward to consummation without further argument or consideration. The Panama Canal, as a money-maker, a money saver, and a help to the movement of commodities handled by this Nation, has, in our judgment, actually smaller importance than this waterway, in behalf of which we invite, urge, and demand the early action of the Congress of the United States.

John H. Small, Chairman, North Carolina; Chas. Heber Clark, Pennsylvania; Anthony Higgins, Delaware; Joseph A. Goulden, New York; E. W. Douglas, New York; Robert McCuen, Vermont; B. H. Naylor, Massachusetts; J. J. Beard, Rhode Island; E. E. Durant, Connecticut; James L. Wells, New York; George E. Bartol, Pennsylvania; Sam'l E. Perry, New Jersey; Charles R. Miller, Delaware; Frank N. Hoen, Maryland; Harvey M. Dickson, Virginia; C. S. Vann, North Carolina; Jos. Schenks, South Carolina, Committee on Resolutions, Atlantic Deeper Waterways Association.

The SPEAKER. The Clerk will proceed with the call of committees.

ADDITIONAL STATISTICS OF TOBACCO.

Mr. HOUSTON (when the Committee on the Census was called). Mr. Speaker, I am authorized by the Committee on the Census to move that the House resolve itself into the Committee of the Whole House for the consideration of a bill (H. R. 13988) to authorize the Director of the Census to collect and publish additional statistics of tobacco, and do so make that motion. Pending the motion, I ask unanimous consent that the time for general debate be agreed on at 1 hour and 20 minutes, and that 40 minutes of that be controlled by some one on the other side opposed to the bill and 40 minutes by myself.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, so far as I know, I will state that no one on this side of the House desires time on the bill. I think very few Members are familiar with the bill. It seems to me it would be better to go into the committee without fixing any time in advance.

Mr. HOUSTON. Perhaps we would have as much time within the hour as is necessary.

Mr. MANN. There is no desire to cause delay or anything of that kind.

Mr. HOUSTON. Then I withdraw the request, Mr. Speaker.

The SPEAKER. The gentleman from Tennessee [Mr. HOUSTON] moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 13988.

The motion was agreed to; accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 13988, Mr. FITZGERALD in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 13988) to authorize the Director of the Census to collect and publish additional statistics of tobacco.

Be it enacted, etc., That the Director of the Census be, and he is hereby, authorized and directed to collect and publish, in addition to the tobacco reports now being made by him, statistics of the quantity of leaf tobacco in all forms, except manufactured tobacco, in the United States in the possession of all persons who are dealers and manufacturers, other than the original growers of tobacco, to be summarized and returned by the holder to the Director of the Census as of the dates of October 1 and April 1 of each year: *Provided*, That the Director of the Census shall not be required to collect statistics of leaf tobacco from any manufacturer of tobacco who in the preceding calendar year, according to the returns to the Commissioner of Internal Revenue, manufactured less than 50,000 pounds of tobacco, or from any manufacturer of cigars who during the preceding calendar year manufactured less than 250,000 cigars, or from any manufacturer of cigarettes who during the preceding calendar year manufactured less than 1,000,000 cigarettes, or from any dealer in leaf tobacco who, on the average, had less than a certain number of pounds in stock at the ends of the four quarters of the preceding calendar year, such average number of pounds to be fixed in the discretion of the Director of the Census, so as to eliminate the smaller dealers in leaf tobacco and without substantially affecting the aggregate.

SEC. 2. That the Director of the Census shall specify the types of tobacco to be included in the reports of the holders thereof, and he

shall specify the several types separately in making his reports. In securing reports by types, the Director of the Census shall follow substantially the classification of general types as recognized and adopted by the Department of Agriculture. That the Director of the Census shall prepare appropriate blanks upon which such reports may be made and shall, upon demand, furnish a copy of same to any person subject to make reports under this act.

SEC. 3. That all persons subject to the provisions of this act shall, within 10 days after the 1st days of October and April in each year, make written report to the Director of the Census of the several types of leaf tobacco and the quantity of same owned or held by him and contracted to be purchased by him as of the said dates. If any such person shall fail to make said report within the date limited, he shall be guilty of a misdemeanor, and upon conviction shall be fined not less than $300 or more than $1,000. If any such person so liable to make such reports shall fail to make the same within the dates above specified, and thereafter the Director of the Census shall demand such report in writing, and such person shall fail to make such report within 20 days after such demand so made, he shall also be deemed guilty of a misdemeanor, and upon conviction shall be imprisoned for not less than 30 days or more than 6 months, in the discretion of the court. The depositing of the notice by the Director of the Census in any post office shall be held to be prima facie evidence of the delivery of the notice to the holder of tobacco, from which date the period of 20 days shall begin to run. The president, general manager, or other chief officer of any corporation failing to make such reports as required by this act shall be subject to the same penalties as are herein prescribed.

SEC. 4. That any person who shall make a false report to the Director of the Census as to the types or amounts of tobacco held or owned by him shall be guilty of a misdemeanor, and upon conviction shall be punished by imprisonment for not less than 30 days or more than 6 months, in the discretion of the court. The president, general manager, or other officer of any corporation making such false report shall be subject to the same penalty as prescribed in this section.

SEC. 5. That the word "person" as used in this act shall be held to embrace also any partnership, corporation, or association.

SEC. 6. That the information furnished under the provisions of this act shall be used only for the statistical purposes for which it is supplied. No publication shall be made by the Director of the Census whereby the data furnished by any particular establishment can be identified, nor shall the Director of the Census permit anyone other than the sworn employees of the Census Office to examine the individual reports.

SEC. 7. That the Director of the Census shall have access to the records of the Commissioner of Internal Revenue for the purpose of obtaining the information herein required, and the Commissioner of Internal Revenue shall cooperate with the Director of the Census in effectuating the purposes and provisions of this act.

SEC. 8. That the Director of the Census shall make his first report under this act as of the 1st day of October, 1912, and he shall publish the same and all subsequent reports at a date as early as practicable after the 1st days of October and April in each year.

Mr. HOUSTON. Mr. Chairman, the object of this bill is to supply to a large class of the farmers of this country, those engaged in the raising of tobacco, data and information by which they may be informed as to the amount of tobacco that is on hand of the preceding crops that has been raised and is in the hands of dealers or manufacturers. The object of this is simply to give them that data and for them to have an equal chance to judge of the supply and reckon what the demand will be. It proposes to give them the information somewhat that the dealers and manufacturers have already which they get from the crop reports furnished by the Government. They have the monthly Crop Reporter, and they have the report from the Agricultural Department that acquaints thoroughly the dealer in tobacco and the manufacturer of tobacco as to the amount and conditions of the growing crop. It gives the area that has been planted, gives the condition that the crop is in, and furnishes ample data by which they can estimate what the yield is going to be and what the condition of the crop is at a given time. After this tobacco goes into the hands of the dealer or manufacturer there is no way in the world for the tobacco grower to form any conclusion as to the amount of tobacco on hand. He does not know what the supply is, he is unable to form any conclusion as to what the demand will be, and therefore he has a very poor and inadequate opportunity to fix the price of the product of his soil. But if you will let this report be made by the Director of the Census twice a year as to the amount of leaf tobacco on hand in the hands of the dealers and manufacturers, then he will have opportunity to judge of the condition of the market somewhat equal to that of the dealer and manufacturer. As it is, he is absolutely in the dark. The manufacturer and the dealer know what they have got, they know the supply on hand, but the grower of tobacco can not know it, and there is no way for him to get that information.

Now, it is true that a great deal of information along this line is in the Department of the Internal Revenue. There is information there that might supply in part a knowledge of the amount of the supply on hand, but it is inaccessible to the tobacco grower. He can not get any information from it. He is denied this information. Now, then, the question arises in the consideration of the bill, what will be the cost of putting this plan in operation, and upon that the committee have interviewed the Director of the Census somewhat and they have a statement from him in which he thinks this data can be collected and can be published for a sum within $25,000. This sum is small in comparison to the benefit it will be to the country. So far as I am concerned, I can not see how it will cost that much, nor do I believe it will, because of the fact that this committee, in the preparation of this bill and in the drafting of it by the author of the bill, have complied with suggestions offered by the Director of the Census in limiting the number of dealers who should be required to make this semiannual report. The facts appear that a very small per cent in number of the dealers and manufacturers of tobacco own over 90 per cent of the tobacco. Figures are given here that I could quote to be accurate and to which I may perhaps wish to call attention later on. But by this means, by eliminating the small dealers; that is, those who deal in the same at a certain amount fixed in this bill at 50,000 pounds of tobacco and at a proportionate amount in regard to cigars and cigarettes, you have only a few concerns who are required to make this report, and those few concerns will furnish almost all the information that is necessary on the subject.

Now, Mr. Chairman, if there is anything in the world that has been advocated and commended by all of late, and those high in authority, it is publicity. It has been given a boost lately from a high official source. It is commended by the President and a member of his Cabinet in communications just sent to Congress. No fair and reasonable objection can be made to the publication of the amount of this tobacco supply that is on hand. We have proof before our committee where in Kentucky for one kind of tobacco, the dealers in tobacco, which was the Tobacco Trust, as it is called, sent their agents and offered only 6½ cents per pound for the tobacco, and accompanying that offer with the statement that they had several years' crops on hand, and that they had enough to supply the market. I here insert the following from the statement of Hon. JAMES C. CANTRILL, a Representative in Congress from Kentucky, made before our committee:

Two years ago, in Kentucky, through our farmers' organization, we withheld from the market about 150,000,000 pounds of tobacco. The officials of the trust and the tobacco buyers generally all over the country told us that they would not have to buy our tobacco because they had several years' supply on hand. We did not believe it, and we made a test of it with them, which resulted that in about 15 months' time they had to come and buy our tobacco at reasonable prices, which for 10 years previously they had been getting at barely the cost of production.

The CHAIRMAN. What did they offer you for the tobacco at that time?

Mr. CANTRILL. At the time this organization first began they offered on an average about 6½ cents per pound.

The CHAIRMAN. I mean at the time you have just referred to—that is, when they told you they had a supply of tobacco on hand and would not have to buy yours?

Mr. CANTRILL. Six and one-half cents per pound was the general price at that time.

The CHAIRMAN. State to the committee, please, what you sold that tobacco for which you withheld from the market.

Mr. CANTRILL. About 15 or 18 months after they had withheld the tobacco from the market they sold to the American Tobacco Co. 75 per cent of these holdings, and to the independent manufacturers of the country 25 per cent of the holdings. I may state here that the American Tobacco Co. insisted that we sell them all of our holdings, but that we refused to do, in order to give the independent manufacturers of the country an opportunity to purchase stocks. That tobacco was sold at 17 cents per pound. That was their offer for it, and the American Tobacco Co. insisted that we should sell them every pound we had; but this, as I have said, we refused to do, because of the effect it might have on the independent manufacturers in the country who might be forced out of business.

The growers of this white burley tobacco in Kentucky did not believe the pretended supply was on hand. They got together, and by cooperation formed a society of which you have heard a good deal lately in the newspapers of the country and otherwise. By this means they agreed to hold their crop and not sell it, and, as a result, within a little more than a year those participating in it, and who withheld their crop, received 17 cents per pound for it, demonstrating absolutely the incorrectness of the representation made to them by the agents of the trust, also demonstrating what the growers of tobacco would be able to do if they had the necessary light thrown on this matter.

Mr. Chairman, I do not believe the cost of this service will amount to more than $10,000. However, that is my opinion. But when you come to consider the very small number of concerns that would have to report under this bill, which feature we will come to when we consider it section by section, we can not understand why it should take anything like that amount.

I yield 10 minutes to the gentleman from Kentucky [Mr. HELM].

Mr. HELM. Mr. Chairman, I am very heartily in favor of this bill, and I think it an admirable piece of legislation. As a member of the Committee on the Census that reported this bill out, I have taken much interest in its preparation and am now anxious to have it pass the House, to the end that it may become a law. It has been judicially determined that there is a Tobacco Trust. That fact has been established. It necessarily follows that some have been wronged and oppressed by this trust, else it would not have been dissolved. The people who have suffered the greatest are the farmers. How much and how acutely they have suffered this House can never

know. The problem now is how to enable the farmer in this particular line of business to protect himself from that trust. I feel confident that this bill will afford a measure of relief and am persuaded that the farmers are as much in need of this bill now as before the dissolution of the trust. There is such a unity of interest between the four companies to be organized as the result of the order of dissolution that the growers of the different types of tobacco will reap little if any benefit.

There are distinctive types of tobacco. Kentucky is more particularly interested in what is known as the white burley and the dark tobacco, both types of which are used largely in the manufacture of plug or chewing tobacco.

Mr. MANN. Will the gentleman yield?

Mr. HELM. Certainly.

Mr. MANN. Will the gentleman explain just what burley tobacco is?

Mr. HELM. I can simply explain to you the purposes for which it is more generally or largely used than any other class of tobacco. It is a light-colored tobacco which is used, as I stated a moment ago, in the making of what is commonly known as chewing tobacco or plug tobacco. It is what is known as a "heavy drinker," inasmuch as it has large absorbing qualities. It is a very valuable and high-class tobacco.

Mr. MANN. Is it capable of absorbing considerable molasses?

Mr. HELM. All kinds of liquids. I do not mean to say that is the only reason why it is grown in Kentucky, but the soil of Kentucky is better adapted to the raising and cultivation of the white burley than any other section of the country that I know, except possibly portions of Ohio.

Mr. MANN. Most of it is raised in Kentucky?

Mr. HELM. Most of it is raised in Kentucky.

Mr. JAMES. They do not raise any of it in Chicago.

Mr. HELM. But there are other sections of the country, for instance, Connecticut, where I understand the cigar wrapper is raised largely, and also the State of Wisconsin, where the wrapper is also raised, as well as cigarette tobacco, as I understand. In fact, there are quite a number of States in the Union which produce different types or grades of tobacco. Therefore, I take it that this House is largely interested in giving the farmers a reasonably fair chance against this trust that has dominated and controlled the price of the tobacco, not only raised in Kentucky, but elsewhere. This is simply an effort to give to the farmer a fair chance to receive something like a reasonable price for the product that he raises. The farmer deserves consideration and fair treatment at the hands of Congress. Their products have given us the balance of trade so essential to our prosperity.

When Wall Street becomes shaky by reason of frenzied finance and banks begin to close and panic threatens, as it did in 1907, the bumper crops of the farmer come to the rescue and restore confidence.

The burden of taxation falls heaviest on him. Others can shift taxes on him, but he has no avenue of escape. If the tariff on the necessities of life that he is compelled to buy is raised, he can not escape the raise. When the public-service corporations are taxed they shift it on him by increasing the cost of transportation. The stamp tax is paid not by the person that makes the article requiring the stamp, but by the person who uses it.

This bill will assist the farmer to obtain a reasonable price for his tobacco, the better to meet these hardships, and for that reason I am urging its passage.

Mr. McCALL. Will the gentleman yield?

Mr. HELM. Certainly.

Mr. McCALL. I want to ask the gentleman about one provision in the bill. In the first section the amount of tobacco which the manufacturers shall have made, or the number of cigars or the number of cigarettes, is exactly stated.

Mr. HELM. Those are excluded, if I understand it.

Mr. McCALL. They are exactly stated, and then, when you come to the case of a dealer in tobacco, the provision of the bill is that he has to have less than a certain number of pounds—that is, the number is not defined——

Mr. HELM. That is left to the discretion——

Mr. McCALL. Such average number to be fixed, in the discretion of the Director of the Census. That is, the Director of the Census has the discretion to fix the number of pounds. It is provided in the next section that in case the man fails to make report he shall be guilty of a misdemeanor and fined not less than $300 nor more than $1,000, and then if he fails to make a report after notice has been given, he shall be punished by a term in prison.

Mr. HELM. I think I understand what the gentleman is referring to.

Mr. McCALL. Does the gentleman think it is wise to leave that undefined there, and to give to any executive officer the discretion to fix the number, and if the man does not comply with that number to make him, possibly, subject to a term in prison? Ought not that be fixed in the bill itself?

Mr. HELM. I think if the gentleman from Massachusetts will look a little closer he will find that the official who fixes the amount that the dealer is required to report is the same man who must give the notice of a violation, and I would not take it that the Director of the Census would arbitrarily impose a fine or subject a dealer to the liability of a fine when it is in his province and in his power to determine the amount that this dealer is allowed to have on hand. As I understand the general import and tenor of that section of the bill, it is to exclude the small dealers and small manufacturers of tobacco, the small manufacturers of cigarettes, the small manufacturers of cigars, and the small dealers generally from making reports, and that the small dealer is under the protection of the Director, as I understand it.

Mr. McCALL. I am making no question with regard to that. My point is simply this: Does the gentleman think it wise to delegate to the executive officer the authority to fix, in his discretion, an important element of the crime, and then make the man who violates the will of that director, as expressed, subject to imprisonment? Does not the gentleman think that Congress itself should draw the line, and not delegate that to an executive officer?

Mr. HELM. I am inclined to agree with the gentleman. But I take it that, reasoning along the same line, if you limit the number of cigarettes to a given number, and the number of cigars to a given number, and the number of pounds manufactured into chewing tobacco to a given quantity, the director would be guided to some extent along those lines. The intention of it is to give him a reasonable discretion.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to the gentleman from Pennsylvania?

Mr. HELM. With pleasure.

Mr. MOORE of Pennsylvania. Can the gentleman inform the House as to the number of special inquiries that are being made by the Director of the Census apart from the general population census?

Mr. HELM. I have not caught the gentleman's question.

Mr. MOORE of Pennsylvania. The Director of the Census is authorized by law to collect statistics in regard to cotton, for example. I wanted to inquire of the gentleman if he could inform the House how many other special industries are the subject of special census investigations.

Mr. HELM. I could not give the gentleman that information, but I suppose it is contained in the last census act. But I can not see why that would cut any figure in this.

Mr. MOORE of Pennsylvania. It might, because bills might be brought in here with great frequency requiring the Director of the Census to make investigations in regard to certain trades and lines of business where combinations are formed and where people might complain of the management of those combinations. Suppose there should be a bill brought in here asking that a census be taken of the corn production of the United States or of the wheat production of the United States.

Mr. HELM. I believe the gentleman will agree with me in this, as I stated a moment ago, that this particular product of the soil or industry in which the farmer is engaged is in a class all by itself. It is segregated from every other product, because it is subject to an internal-revenue tax. It is a source of revenue to the Government. The farmer who produces his crop of tobacco is prohibited by law from selling or disposing of his crop in any other manner than in its crudest form, which prohibition does not apply to any other product of the soil. It is a crop that can be easily and inexpensively carried from year to year by the dealer in bulk after proper care. The restrictions and limitations governing the collection of revenue render it easy to force the sale and control the price. It is not sold on the board of trade as many other crops; the buyers are all bears.

No one can doubt that it will be a great advantage to the tobacco grower to know the amount in sight or on hand, for the purpose of determining the amount to be planted, as well as the price he should receive.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOUSTON. I yield five minutes more.

Mr. MOORE of Pennsylvania. I will say to the chairman of the committee that it has been suggested that the same argument might apply to rye and barley, from which liquor is produced.

Mr. HOUSTON. I will say to the gentleman that the Director of the Census has furnished us figures from the records showing the amounts that were handled by the different deal-

ers in the country and showing how few of them there are who would come under the provisions of the bill. I think this statement will furnish the desired information. After stating how much they took, he says:

Obviously if the reports of stock were obtained from the 200 concerns which produced more than 50 pounds of tobacco each, they would be substantially complete for the entire country.

You see, it is his estimate that by gathering information from 200 concerns you would get enough of the product to fix the whole amount.

Mr. MOORE of Pennsylvania. Will the gentleman permit another inquiry, in order to satisfy several Members on this side?

Mr. HOUSTON. Certainly.

Mr. MOORE of Pennsylvania. If the desire is to obtain accurate information, why is it necessary that any classes of manufactures be excepted from the provisions of the bill?

Mr. HOUSTON. The main question is the matter of expense. The fact is plain that a very few men handle practically all the tobacco, and a very small percentage is handled by a very large number of small factories and small dealers; and by getting the statistics from the large holders you get substantially all.

Furthermore, I want to say that after the director has set forth the number of pounds that ought to be exempt—the object of that is stated, which is to eliminate the small dealers in leaf tobacco without substantially affecting the aggregate, and that was taken into consideration by the author of the bill and by the committee. The figures which the director has put before the committee show how that can be done, and we think that will accomplish the whole purpose at a comparatively slight cost.

Mr. KOPP. Will the gentleman from Kentucky yield for a suggestion?

Mr. HELM. Certainly.

Mr. KOPP. On the point as to why the tobacco dealer should be treated differently than the growers of rye, corn, and so forth, is it not a fact that those who produce tobacco are in a class by themselves in this respect, that those who purchase their product are in a combination different from any that exists for the purchase of any other agricultural product?

Mr. HELM. That is undoubtedly true, and I undertook to say in the outset that it had been judicially determined by the very highest tribunal in the United States that there is a trust that controls the price that the farmer receives for his tobacco.

Mr. STANLEY. I will say to the gentleman from Pennsylvania [Mr. MOORE] that one reason sufficient to my mind for not requiring the Director of the Census to make these reports as to other businesses is that they are not demanding it and do not need it. The man who is manufacturing woolen goods, for instance, buys his wool in the open market. The man who is manufacturing flour buys his wheat in the open market. Neither the producer nor the manufacturer is concerned in this kind of information; but the peculiar condition governing the manufacture and sale of tobacco makes this information essential in order that the producer may protect himself in the sale of his product, there being practically no competition in the sale of tobacco.

Mr. CANNON. Will the gentleman allow me to ask him, Has the Commissioner of Internal Revenue any knowledge of the amount of tobacco on hand? I judge he has, from the report.

Mr. HELM. I take it that he knows how much revenue he collects on tobacco through the different channels or sources, and he has the rate per pound, and I take it that he can figure out approximately what the yield is.

Mr. CANNON. As he has that information, why not legislate that that information may be made public by the Commissioner of Internal Revenue rather than to provide by law that the Commissioner of Internal Revenue shall cooperate? Too many cooks spoil the broth.

Mr. HELM. If the gentleman will look into the bill closely he will see that from the decision in the Tobacco Trust case, where they are undertaking to dissolve the trust, there are four particular types or brands of tobacco. Now, the Commissioner of Internal Revenue is not concerned so much in the types of tobacco, but what he looks to is the amount of revenue, whether it comes from Burley, or what is known as dark tobacco; whether it comes from what is used for the manufacture of cigars, cigar wrappers, or what is used in the manufacture of cigarettes. This bill is designed to give to the producers of the several different types of tobacco that information, which will be of great value, in my opinion, so that they may know just how much of a particular type, say, of the White Burley, or cigarette, or any other type, has been produced, and how much has been consumed, and how much is still on hand, in order that when his crop is ready to go on the market he may be reasonably fortified as to the quantity on hand as affecting the price of the product that he is ready to put on the market.

The CHAIRMAN. The time of the gentleman has expired.

[By unanimous consent, Mr. HELM was given leave to extend his remarks in the RECORD.]

Mr. HOUSTON. Mr. Chairman, I now yield 30 minutes to the gentleman from Kentucky [Mr. CANTRILL].

Mr. CANTRILL. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. STANLEY] to answer a question propounded by the gentleman from Illinois [Mr. CANNON].

Mr. STANLEY. Mr. Chairman, the question asked by the gentleman from Illinois [Mr. CANNON] is one that I have had a little experience with in endeavoring to ascertain from the revenue department the amount of tobacco on hand at a given time. The first attempt I made was when Mr. Yerkes was commissioner. The subsequent commissioner seemed willing to give me the information available, but it was impossible for him to do it, for the reason that the purpose of the Government is only to obtain revenue. The manufacturer may buy 10,000 hogsheads, or a million pounds, and have it on hand. He may buy stamps for a million pounds, and it may be that he will wait six months before he puts the stamps on it to sell it. He can put it on the market immediately or wait six months, the Government does not know and the Government does not care, and for that reason it is impossible for the department to obtain information that this bill would elicit.

Mr. CANTRILL. Mr. Chairman, at the outset I desire to state for the benefit of this side of the House that this bill involves a principle of legislation that was unanimously indorsed by the Democratic caucus at the close of the Sixty-first Congress. To the gentlemen upon the other side of the House I desire to say that every member of the Committee on the Census, regardless of politics, indorses this bill. I have on my desk here an editorial from the leading Republican paper of the South heartily indorsing this bill. There is no politics in it whatever, and I appeal to every Member on the floor of this House to give the tobacco growers of this country a square deal, a thing that they have not had under the domination of the Tobacco Trust for the past 10 years. [Applause.]

The purpose of the bill is simply to require dealers and manufacturers of tobacco to report, upon the demand of the Director of the Census, the amount of leaf tobacco that they have of different types, these types to be specified by the Director of the Census. The great disadvantage that the tobacco growers have been at in the sale of their tobacco has been that they were absolutely at a loss to know the extent of the stock of tobacco held by the dealers and the manufacturers. Upon the other hand, every dealer and every manufacturer of tobacco in this country had absolute information of every pound of every distinct type produced furnished to him by Government expense through the Department of Agriculture, showing absolutely every pound of tobacco and every type raised and produced and ready for market in the hands of the grower. It has been a club that the Tobacco Trust has held over the heads of the tobacco growers when they came to the barns of the growers. They said to them, "We can only offer you 5 or 6 or 7 cents a pound for your tobacco, because here is the report of the Department of Agriculture, which shows that this is the largest crop of tobacco ever raised in the history of this country. We have in our warehouses and in our factories two or three years' supply of your tobacco on hand, and we will only offer you this price." I am here to say to this House that for the past 10 years that price has been almost absolutely at the cost of production.

As a tobacco grower and a farmer, representing the largest tobacco district in the Nation, I would not stand here and ask that the tobacco dealers of the country be required to report their holdings were it not for the fact that this Government, through the Department of Agriculture and through the Bureau of the Census, requires every farmer of the country to give in the absolute number of acres and pounds and the type and quality of the tobacco that he produces. Therefore, when the Tobacco Trust comes upon the market, at Government expense, it has every secret laid before it which operates against the farmer, and that organization has used it to oppress and to defraud the tobacco growers of the country of a reasonable price for their product. It is only for a square deal I ask, because if the Government reports the holdings of the farmer in order that the law of supply and demand may operate, and justly so, then the farmer should, at Government expense, have the benefit of knowledge of the holdings of the tobacco manufacturers of the country. That is all there is to this bill.

I hold in my hand a Crop Reporter, issued by the Department of Agriculture, which shows the number of acres of every type of tobacco grown in the United States, which shows the number of pounds of each distinct type, so that the manufacturer has

absolute knowledge; and, upon the other hand, unless Congress gives this information to the tobacco grower the tobacco grower of the country has absolutely no knowledge by which he can defend himself and place a legitimate and reasonable price upon his product under the law of supply and demand.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. CANTRILL. Certainly.

Mr. CANNON. I want to ask a question, in all good faith, for information. As a foundation for the question I will state that I am aware that the Government makes estimates as to the prospects of crops, corn, wheat, and oats, and I presume tobacco and other articles. Does the same information that the gentleman speaks of touching tobacco apply to all other crops, or is there a special provision of law that a man who raises 1 acre or 10 acres of tobacco is compelled to state how many acres of tobacco he is cultivating and not to state how many acres of corn he is cultivating? I do not know, and I am asking for information and in good faith.

Mr. CANTRILL. I desire to state to the gentleman from Illinois that there is no law that requires the tobacco farmer to report to the Government the number of acres, but, as a matter of fact, for years past the Department of Agriculture, through its agents and through other channels of information, does absolutely supply the exact number of acres, the condition of the crop and its quality, and it prints that information, as I have just shown to the gentleman, in this Crop Reporter.

Mr. CANNON. What about wheat and corn? Does the same thing apply to crops generally?

Mr. CANTRILL. I think possibly it does. I am quite frank to say to the gentleman and to this House that the farmers of this country, whether it be the farmers who raise corn, wheat, cotton, or any other product, are entitled to the same protection in the way of statistics that the manufacturers of the country who buy those crops are entitled to. [Applause.] This bill is, to be perfectly frank about it, a bill for the benefit of the tobacco growers of the country and is aimed directly at the Tobacco Trust of the country.

Mr. COOPER. Mr. Chairman, will the gentleman yield for a question?

Mr. CANTRILL. Certainly.

Mr. COOPER. Referring to line 16, on page 2 of the bill, I find a provision that the Director of the Census shall specify the several types separately in making this report. Why is the specifying of the several types left to the discretion of the Director of the Census? If you know the various types, why not embody them in the law?

Mr. CANTRILL. The bill, as I recall, provides that he has to follow the lines generally followed by the Department of Agriculture, and they have fixed rules for that.

Mr. COOPER. Why not embody it in the law? Why leave it to be hunted up through some other document?

Mr. CANTRILL. Because this, to all intents and purposes, would answer the purpose of the bill.

Mr. COOPER. If one had the other law or the other report of the Department of Agriculture, it would, but anyone reading this law would not know what the law was unless he had the report of the Department of Agriculture. I will ask the gentleman if he does not think that while the law may be made to embody all the necessary data, that data should be incorporated in the statute rather than that we should oblige anyone looking up the law to hunt through some other document to ascertain just what the law is.

Mr. CANTRILL. I am frank to say to the gentleman that I would have no objection, if it was left to me, to stating the types of tobacco which must be reported.

Mr. COOPER. Will the gentleman tell us to how many types this refers?

Mr. CANTRILL. As given in this Crop Reporter, there are about 21 different types.

Mr. COOPER. What is the objection to embodying these matters in the law itself?

Mr. CANTRILL. I am perfectly frank to say that I have no objection, but I believe it would answer the same purpose to say that the Director of the Census in getting these reports should follow substantially the decision made by the Department of Agriculture. For the benefit of the farmer, I believe that would answer all purposes.

Mr. TOWNER. I would like to ask the gentleman a question. Are these types fixed; may they not be changed, so that if they were stated definitely now there might afterwards be reasons why they should be changed and the Department of Agriculture could conform these to answer the changes? It occurs to me that would be probable. If there are now 21 different types, there is no particular showing or reason why they are permanent, and the probabilities are, it would seem to me, that they might be changed.

Mr. BURKE of Pennsylvania. Will the gentleman yield for a question?

Mr. CANTRILL. Certainly.

Mr. BURKE of Pennsylvania. The individuals and corporations who will be required to report in the event this legislation passes would have to report to the bureau according to the discretion of the Director of the Census. It may be a man who to-day has 1,000 pounds and to-morrow a man who has 2,000 pounds. Now, the man failing to report is punished by a minimum fine of $300 and a maximum of $1,000, but I can not find anywhere in the bill any method by which the individual himself is enabled to determine whether he is subject to the provisions of this law or not. Section 1 provides that the Director of the Census may fix the amount of stock which brings one within its terms. Section 2 provides that the Director of the Census shall furnish these——

Mr. CANTRILL. I desire to say to the gentleman that I want to yield all the time I can, but my time is very limited——

Mr. BURKE of Pennsylvania. I am specifying——

Mr. CANTRILL (continuing). But I want to say this. As I understand what the gentleman is driving at, the terms of the bill are very specific, and the Director of the Census is required to send notices to these different men who are required to report under the bill.

Mr. BURKE of Pennsylvania. That is the very question that arises. Under section 2 of the bill the Director of the Census is not required to send notices. The language of the bill is—

That the Director of the Census shall prepare appropriate blanks upon which such report shall be made, and shall upon demand furnish a copy of the same to any person subject to make report under this act.

Mr. CANTRILL. I desire to say to the gentleman that he must not consume all of my time, but I will state that the words "upon demand" will be stricken out of the bill by a committee amendment. The chairman of the committee failed to call attention to the fact, and I think that meets the objection of the gentleman.

Mr. MANN. Will the gentleman yield further for a question on that point?

The CHAIRMAN. Does the gentleman yield to the gentleman from Illinois?

Mr. CANTRILL. Yes.

Mr. MANN. Where in the bill is there any provision requiring any specific person to make a report? I read in section 3, "all persons subject to the provisions shall." Again, "if any such person shall fail to make said report," and so forth. Where is the definition of anyone who is subject to the provisions of the act or required to make a report?

Mr. CANTRILL. In answer to the gentleman I will say that section 1 provides that all those who handle tobacco under certain limitations, certain manufacturers handling a certain number of pounds of plug tobacco and a certain number of pounds of cigars, and so forth, the bill specifies that.

Mr. MANN. But the gentleman is mistaken as to that. Section 1 does not require anyone to make a report. It requires the Director of the Census to obtain statistics from such persons, but does not say those persons shall make a report. Now, then, section 3 makes it a crime or misdemeanor without any definition of the persons who are liable. I venture to say it is not worth the paper it is written on unless it is properly fixed by amendment.

Mr. CANTRILL. I think, Mr. Chairman, that point is fully met in the first section of the bill. I desire to say to the Members of the House that there is a precedent for this class of legislation. In the Fifty-ninth Congress there was passed a joint resolution to cover the statistics of the cotton crop. A bill was introduced by the gentleman from South Carolina requiring the Director of the Census to secure information of the amount of baled cotton in the hands of the dealers. Therefore there is a precedent for this, and I can not see, from a sense of justice and all fairness, that since the entire secrets of the tobacco growers, their stock of tobacco, quality and quantity, and type is known to the Government, and the Government goes to the great trouble and expense of showing their hands to the manufacturers, there is any unfairness or any injustice in requiring the manufacturers of the country to report to the Director of the Census the stocks they have on hand. The bill exempts the smaller dealers. It is not the purpose of it to arrest the small, independent dealers of the country. But, as the Director of the Census shows, 90 per cent of the tobacco of this country is manufactured by 1½ per cent, in point of numbers, of the manufacturers of the country.

Mr. BURKE of Pennsylvania. Will the gentleman yield right there?

Mr. CANTRILL. I desire to say to the gentleman that I have been very courteous in yielding time. I have but a few

minutes, and I want to get the salient points of this bill before the House.

Mr. MANN. Somebody ought to be willing to explain the bill and be willing to yield to questions, because it will not be expedited by refusing to answer questions from this side.

Mr. CANTRILL. I have no objections to answering questions from that side of the House. I simply asked the gentleman if he would permit me to proceed, and he sat down.

Mr. FOWLER. Mr. Chairman, I raise a point of order.

The CHAIRMAN. The gentleman will state the point of order.

Mr. FOWLER. My point of order is that the gentleman from Illinois [Mr. MANN] is interrupting this debate in derogation of Rule XIV, without recognition from the Chair.

Mr. BURKE of Pennsylvania. Under the rule I repeat my request. Will the gentleman yield?

Mr. CANTRILL. If the gentleman from Pennsylvania [Mr. BURKE] insists on it, I will yield for a question.

Mr. BURKE of Pennsylvania. I desire to ask the gentleman this question, inasmuch as he apparently is familiar with every detail of the bill. The purpose of the latter part of section 1 is to eliminate small dealers from its provisions. What constitutes a small dealer? If there is such a thing, why can not the Congress of the United States define a small dealer?

Mr. CANTRILL. I hardly think, Mr. Chairman, that the question is pertinent to the purpose of the bill. I will simply say that the expression is put in there at the request of the Director of the Census. It is his suggestion that these men be eliminated. The chairman of the committee has a written request here from Mr. Durand, the Director of the Census, and what he suggests was followed in the preparation of the bill.

Mr. BURKE of Pennsylvania. If the gentleman will permit, the small dealer is not punishable under the penal section of this act.

Mr. CANTRILL. Because he has no report to make.

Mr. BURKE of Pennsylvania. But if he is a large dealer he is punishable.

Mr. CANTRILL. If he does not comply with the provisions of the bill.

Mr. BURKE of Pennsylvania. Does the gentleman mean to say that the question is not pertinent, inasmuch as it involves who is to be guilty and who is not to be guilty of a penal offense?

Mr. CANTRILL. The Director of the Census lays down the differences between a large dealer and a small dealer.

Mr. BURKE of Pennsylvania. If the bill does not differentiate and designate who is a large or a small dealer, how do we know what is in the mind of the Director of the Census as to what constitutes a large or small dealer?

Mr. CANTRILL. It is not optional with the Director of the Census.

Mr. BURKE of Pennsylvania. You make it optional with him under section 1 of this act.

Mr. CANTRILL. I desire to say in this connection that these reports are required by the Government from the dealers. They are filed at stated times with the Internal Revenue Commissioner. That information is already on file in his office, but the tobacco growers of the country have never been able to have access to it.

We have asked for it time and time again through our organizations, and have not been able to get it. This bill simply provides that authority. Each concern shall show its hand, but the bill distinctly provides that no one manufacturer shall be forced to make public his holdings. The bill does provide, however, that these 200 manufacturers out of 28,000 manufacturers—200 of them manufacturing and controlling 90 per cent of the tobacco of the country—shall simply report their holdings to the Director of the Census, and that he shall make them public, not showing, however, what each individual has, so that the farmers, when they get their tobacco ready for market, can have the advantage of this source of information, so that they can determine whether the price that is offered for their tobacco is a reasonable price, based on the laws of supply and demand.

And right in that connection, if the gentleman will pardon me to finish that thought right there, I want to make this statement—that the Department of Agriculture, through its official report, shows that the crop of Burley tobacco is 100,000,000 pounds less than that of last year, and yet the Tobacco Trust of this country is offering to the growers of tobacco from 2 to 3 cents a pound less for it than it paid them last year. I have it upon the authority of a distinguished Member of this House that one of the officials of the Tobacco Trust said to him recently that they had at last secured exactly what they wanted in the way of litigation, and that they are now in better shape than they had ever been in in order to buy the tobacco of the country.

Now, gentlemen, this is a plain question. It is simply a question as to whether this House is going to put the tobacco grower upon the same basis as it has put the tobacco manufacturer. It is simply a question whether the tobacco grower shall have supplied to him at Government expense the information that the tobacco manufacturer has. The expense incident to this bill is practically nominal, because if gentlemen will read it closely they will find that it requires only about 200 concerns to report. They have to report anyway to the Commissioner of Internal Revenue, and they can simply make a duplicate of that report, with practically no additional expense, and file it with the Director of the Census when he calls upon them to report.

Now, Mr. Chairman, I desire to ask permission to incorporate in the RECORD an editorial from the Lexington Leader:

[From the Lexington (Ky.) Leader.]

MR. CANTRILL'S TOBACCO BILL.

Mr. CANTRILL'S bill authorizes and requires the Director of the Census to collect and publish twice a year—in April and October—statistics of the quantity of unmanufactured leaf tobacco in all forms in the possession of all dealers and manufacturers who have in the preceding year manufactured as much as 50,000 pounds of tobacco, 250,000 cigars, or 1,000,000 cigarettes. Penalties are attached for refusal or failure to make the reports called for by the bill for the purpose of compiling statistics.

There can be no doubt that the uncertainty that exists each year concerning the stocks of tobacco in the hands of the American Tobacco Co. and other large manufacturers plays into their hands and seriously handicaps the farmers in the matter of planting and marketing their crops. The publication of official statistics in the spring and fall would put the farmers in much better position to gauge their crops and the market outlook, and we believe Mr. CANTRILL'S bill ought to be passed.

The report of the hearings on the proposed tobacco-statistics law before the House Committee on the Census is exceedingly interesting, and Mr. CANTRILL seems to have made an earnest and forceful effort in behalf of the measure. The burden of his argument was that the Government compiles statistics about the acreage of tobacco, the progress of the crop during the growing season, estimates of the product when it is cut and housed, and other information that is of great value to the manufacturers in giving them a line on the tobacco in sight, but the growers have no way of estimating the stocks held by the manufacturers, which is a matter of tremendous importance when the great bulk of the entire production in certain types is bought by a single concern, which practically fixes prices.

The Committee on the Census after listening to arguments in behalf of the Cantrill bill authorized the following favorable report just before the recent adjournment, and the measure has been put on the House Calendar to be called up at the regular session which begins in December. This report sums up the grounds upon which the passage of the bill is passed in a convincing way. It follows in full:

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. CANTRILL. It is written by Mr. Roberts, of Lexington, Ky., the editor of that paper, the leading Republican paper of the South. Mr. Roberts for 14 or 15 years was the collector of internal revenue for that district, appointed by President McKinley. I wish to offer it for the information of that side of the House, inasmuch as he is one of the most prominent Republicans in the South, where he knows the conditions, and where he has had experience as collector of internal revenue. He comes out in a strong editorial indorsing this bill and asking its passage. If there be no objection, I would be glad also to incorporate an editorial in reference to this bill written by Mr. Cooper, of the Blue Grass Clipper:

A BILL TO HELP TOBACCO GROWERS.

Representative J. CAMPBELL CANTRILL, of Kentucky, introduced a bill in the last Congress which is intended to benefit tobacco growers all over the United States. As Kentucky produces about one-half of the entire tobacco crop of the United States, the growers of this State are especially interested in this bill. The bill provides that the Director of the Census shall collect and publish statistics twice a year showing the quantity of leaf tobacco owned or held by the manufacturers. The bill requires the manufacturers to make a written report to the Director of the Census within 10 days after the 1st day of October and April of each year of the quality of leaf tobacco of any and all of the several types owned or held by each manufacturer. This bill is a long step in the right direction, and tobacco growers all over the country should write their Representatives in Congress and urge them to support this measure and aid Mr. CANTRILL in securing its passage by Congress.

As the law now exists elaborate reports are required and made to the Government of the number of acres planted and number of pounds of tobacco grown each year by farmers, but the farmers have no means of knowing how much stocks of leaf tobacco are in the hands of manufacturers. Thus the farmers are placed at a great disadvantage in marketing their crops. The Committee on the Census have reported the bill favorably and recommend its passage. The report of the committee concludes with the following significant paragraph:

"Instances have been cited in which the buyers of tobacco, when the crop was ready for market, have stated to the growers that very large quantities of leaf tobacco had been accumulated, which, it was contended, decreased the demand and thereby depressed the market prices. The growers, having no means of verifying these statements, were placed at the mercy of the few buyers, and have frequently sold their tobacco at lower prices than conditions of trade justified. The purpose of this bill is to supply a deficiency of information and thereby give force and effect to the law of supply and demand."

The CHAIRMAN. Is there objection?

Mr. MANN. I shall certainly object, Mr. Chairman, until I can get an answer from the gentleman to the question for which so far he has declined to yield.

The CHAIRMAN. Does the gentleman yield to the gentleman from Illinois?

Mr. CANTRILL. I would say to the gentleman from Illinois that I certainly did not intend to be discourteous to him. I will answer his question if I can.

Mr. MANN. I would like to suggest to gentlemen on that side of the House who are in charge of bills that it is always customary to yield to questions asking for information, as to which somebody ought to be prepared to answer.

Mr. CANTRILL. I simply asked the gentleman to let me finish my statement before I yielded for interruptions.

Mr. MANN. Nobody has shown, so far as I have heard, why tobacco statistics should be collected twice a year, there being but one tobacco crop in the year.

Mr. CANTRILL. I will tell the gentleman why that is done. In the collection of cotton statistics, for instance, the law requires three reports in a year; but there is a special reason why there should be two reports in a year on the tobacco crop, because those familiar with the crop know that there are two markets for the crop—a market commonly designated in "the trade"—a market in winter order, and a market in summer order, where the tobacco undergoes in the leaf a complete transformation in condition, so that there are two distinct markets at two separate times in the year. That is the reason.

Mr. MANN. Will the gentleman yield further for another question?

Mr. CANTRILL. Yes.

Mr. MANN. The suggestion was made, I think by the gentleman, that the tobacco growers had to make a very complete report, which was published by the Agricultural Department, showing the quantities of tobacco produced each year, but that they could not tell the amount on hand. Now, if there is a collection of statistics once a year, why is it not easy for anyone to obtain thoroughly accurate figures as to the amount on hand at any time, when he has the statistics of the growing crops?

Mr. CANTRILL. I think it is impossible, and that is a trouble which it is the purpose of this bill to remedy. Suppose, for instance, that the Tobacco Trust, with the data before it given by the Secretary of Agriculture, knows that the crop of tobacco this year as reported by the Government is 100,000,000 pounds less than last year. The agents of the Tobacco Trust say to the growers that they have tremendous stocks, two or three years' supply, of tobacco on hand in their factories; but the Department of Agriculture makes no effort whatever to have the tobacco dealers and the Tobacco Trust report their stocks in the factories, but it covers every county and every crossroad in every tobacco State in the Union to find out what the farmer has.

Also, if the gentleman will permit me, here is a statement by the Director of the Census, in which he specifies every distinct type, covering some 12 questions about the tobacco crop, the production, and so forth, and the Director of the Census gets replies to these questions, showing the conditions of the farmer.

Mr. MANN. The gentleman does not get the point I am after at all, I think, and that is as to the necessity for statistics twice a year. All that the gentleman says relates to the collection of statistics once a year, so that people may know the amount of the stocks on hand and the amount raised. When you have the statistics complete in April, what is the object of collecting them again in October?

Mr. CANTRILL. I stated that to the gentleman.

Mr. MANN. Then, I did not understand the gentleman, and I wish he would state it again.

Mr. CANTRILL. I went into details and answered that, but I will be glad to do it again.

Mr. MANN. The gentleman said there were two markets.

Mr. CANTRILL. There are two distinct markets, as to time, for tobacco.

Mr. MANN. Supposing there are two markets, the quantity of tobacco can not be varied to any extent.

Mr. CANTRILL. Of course I have no reference to the number of markets or places where the tobacco is sold. I refer to the condition of the tobacco in winter order and in summer order. The tobacco is sold at different times of the year, and there is all the difference in the world between tobacco in winter order and in summer order. The two are sold six months apart.

The CHAIRMAN (Mr. FITZGERALD). The time of the gentleman has expired.

Mr. MANN. I hope the gentleman may have some more time.

Mr. HOUSTON. I will yield to the gentleman five minutes more.

Mr. MANN. If the gentleman desires to use his 5 minutes otherwise, I will not take any of it. I will use 10 minutes of my time rather than to use up 5 minutes of the gentleman's time. But I am asking the gentleman about this because I know he is informed on the subject. If you have statistics of all the tobacco on hand in October in different warehouses, and if you have the statistics of the crop of tobacco for this year, I ask the gentleman why do you need the statistics over again next April? The quantity of tobacco is not changed. It is true that the quantity that has been manufactured may have changed.

Mr. CANTRILL. If the gentleman were familiar with the details of tobacco raising he would readily understand. Let me explain the actual operation of the market, and that, I think, will be the best answer I can give. Tobacco is now going onto the market in winter order. That tobacco is being sold in winter order in the markets of the country. Along in April or May, owing to weather conditions, that tobacco must be rehandled and put into summer order or keeping order. If the tobacco now going onto the market—raised in 1911—is prized, as we call it, and put into hogsheads, that tobacco will not keep in the summer. It is not in keeping order. It soon deteriorates in quality and will soon rot and be a total loss. The Department of Agriculture reports the condition of the farmer 12 times a year, and in return we only ask that the manufacturer and dealer shall show his hand twice a year.

Mr. TOWNER rose.

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Iowa?

Mr. CANTRILL. I will.

Mr. TOWNER. I am friendly to this bill and anxious to vote for it, but it seems to me that the question asked by the gentleman from Illinois [Mr. MANN] a while ago really suggests a serious defect in the bill. I ask the gentleman if I am in error? The first section of the bill imposes a duty on the Director of the Census and upon him only. The second section of the bill imposes a duty upon the Director of the Census and upon him only. The third section of the bill says that "all persons subject to the provisions of this act shall, within 10 days after the 1st day of October," and so forth. Evidently that language in the third section of the bill is intended to apply, and penalties are enacted to apply, to those who shall refuse to make reports to the Director of the Census, but nowhere in the bill is the duty imposed on these manufacturers and holders of tobacco to make these reports. Ought not the bill to be amended to specifically impose that duty, and can you put a penalty on a man who has not thus had the duty imposed upon him? It occurs to me that the language ought to be made more specific in that regard.

Mr. CANTRILL. My idea is that if any such person liable to make report shall fail to make the report that he would be liable.

Mr. TOWNER. There is nowhere in the bill any language that requires them to make the report.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. HOUSTON. Mr. Chairman, I yield one minute to the gentleman from Wisconsin [Mr. KOPP].

Mr. KOPP. Mr. Chairman, I am very much in favor of the bill, with one or two amendments. It does seem to me that there ought to be an amendment along the line suggested by the gentleman from Massachusetts [Mr. MCCALL] as to who the dealers are that shall make the report. This bill leaves it with the Director of the Census to determine, so that this year a certain class of dealers must make report or become criminals, and the next year it may be a different class, and the next year another class. Dealers in leaf tobacco will not know from one year to another whether they are liable and required to make the report. It seems to me the law should say what class of dealers must make reports every year. With that amendment I am very much in favor of the bill. The tobacco men of Wisconsin are in favor of the bill—the men who are raising tobacco of a somewhat different grade than that referred to by the gentleman from Kentucky, but who have encountered the same difficulties with the dealers that have been referred to by that gentleman. I hope the bill will pass.

[By unanimous consent, Mr. KOPP was given leave to extend his remarks in the RECORD.]

Mr. HOUSTON. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has four minutes.

Mr. HOUSTON. Mr. Chairman, I do not see present the gentleman from Virginia who has asked for time. I think the suggestion made by the gentleman from Massachusetts [Mr. MCCALL] is a good one—that the bill might be made a little more definite by an amendment—and perhaps the amendment suggested by the gentleman from Illinois [Mr. MANN] is also desirable. When we come to consider it under the five-minute

rule it will be well to consider those points. I reserve the balance of my time.

Mr. MANN. Mr. Chairman, I have no objection at any time to the collection of statistics and other information for the benefit of the people. We have entered on the policy of collecting agricultural statistics usually through the Agricultural Department. A few years ago we were told in tones of great enthusiasm from that side of the House that if we would only commence to collect more accurate cotton statistics it would result in boosting the price of cotton, because the farmer was not able to know how much cotton there was in the country, but that the manufacturer knew. We entered upon that, and I see in my mind's eye how the price of cotton is going up as a result. It may be the same in regard to tobacco.

The questions in the bill, however, are pertinent questions as to how far we ought to undertake the collection of statistics in a particular manner. A moment ago I called the attention of the gentleman from Tennessee [Mr. HOUSTON] to a defect in the bill which I had intended to discuss. The gentleman has just shown to me an amendment covering that defect and providing who shall make these reports.

It never yet has been determined whether the Government of the United States has the power under the provisions of the Constitution relating to a census to require manufacturers to furnish any such information at all, even when the decennial census is taken. I have my own idea that probably when this matter is presented to a court, if it ever is, and as it undoubtedly will be, if the Tobacco Trust enjoys the great benefit by lack of information which gentlemen say it enjoys—though I question the accuracy fully of those beliefs on the part of gentlemen—we will find that the courts will not hold that Congress has the power to walk into a manufacturing establishment anywhere in the United States, regardless of interstate commerce, and say to that manufacturer: "Produce your books, that we may publish the information relating to you." It is true that this bill says that the specific information from each manufacturer shall not be published in that form, but the power of Congress, if it exists at all, is to require every manufacturer to furnish the information and publish it broadcast as to that particular manufacturer. I question that power.

Mr. STANLEY. Will the gentleman yield?

Mr. HOBSON. Mr. Chairman, will the gentleman yield?

Mr. MANN. Mr. Chairman, I yield first to the gentleman from Kentucky.

Mr. STANLEY. Mr. Chairman, I will ask the gentleman whether, if Congress opens the books of these dealers for one purpose, they are not then open for all purposes? Would it be any stretch of authority, while the books were open for one purpose, to ascertain information which could be used for another purpose?

Mr. MANN. I had intended to answer the question if I had an opportunity, and will in a moment. I now yield to the gentleman from Alabama [Mr. HOBSON].

Mr. HOBSON. Mr. Chairman, I wish to ask the gentleman if he makes any distinction between the agents of the Government going to a manufacturer and the agents of the Government going to a farmer or ginner?

Mr. MANN. Not the slightest.

Mr. HOBSON. The gentleman must be entirely familiar with the fact that the Government does send its agents to get the statistics about cotton.

Mr. MANN. Certainly. The Government collects statistics from a thousand different sources and publishes them, but so far as I can recall—and the gentleman may refresh my recollection if I am wrong—there is no penalty against a ginner who does not furnish the information, is there?

Mr. HOBSON. Of course, I can not answer that offhand, but I know this——

Mr. MANN. I will answer it and say that there is not any.

Mr. HOBSON. I know this, that the Government does get that information.

Mr. MANN. Certainly. There is no reason why the Government should not ask anybody for any information.

Mr. HOBSON. And furthermore, does the gentleman know that there is no penalty in the law that authorizes the collection of these statistics?

Mr. MANN. That is my very strong recollection. I will not say that I know. There is no penalty anywhere unless it be in the census act, and the Government has never dared to try to enforce that.

Mr. HOBSON. Does the gentleman mean to say that the law respecting the collection of cotton statistics is simply a part of the census act?

Mr. MANN. Has the gentleman read this bill which is now before us?

Mr. HOBSON. That goes on all the time.

Mr. MANN. Has the gentleman read this bill?

Mr. HOBSON. No; the gentleman has not read the bill in question, but the gentleman has had statistics of cotton gathered under his observation for many years.

Mr. MANN. I understand that, but I respectfully ask the gentleman if he has read this bill?

Mr. HOBSON. Oh, yes; I have read this bill. I thought the gentleman referred to the bill respecting the collection of cotton statistics. I understood the gentleman to know all about the bill making provision for the collection of cotton statistics, and I asked him something about it. The gentleman does not seem to have quite grasped the intent of my question.

Mr. MANN. I have not.

Mr. HOBSON. It was not to bring out his knowledge or lack of knowledge about any particular bill. As I understood, the gentleman was troubled in mind as to the provision of a penalty in this bill for refusal on the part of manufacturers to give information. I know that the Government does proceed in the same way to find out from the farmers through my country the same information, and the farmers feel under compulsion to give same.

Mr. MANN. Is the gentleman through with his speech or question?

Mr. HOBSON. I am through with my question, but I am waiting for an answer.

Mr. MANN. Well, wait and I will try to answer it. I would have answered it long ago if I had had the opportunity.

Mr. HOBSON. Of course, I can ask my question, but I can not make the gentleman answer. You can lead a horse to water, but you can not make him drink.

Mr. MANN. I wonder if that is a horse on me or the other gentleman. [Laughter.] I was saying, Mr. Chairman, or endeavoring to say, that it never had been tested whether the Government, under the power of taking the census—and that is the power that is invoked here—has the right to require a manufacturer to furnish information for the purpose of publishing it.

I do not undertake to say whether the Government has that right or not. It never had been determined. But I was endeavoring to call to the attention of the committee the necessity, if it proposes to invoke the power claimed to be had on the part of Congress under a penalty provision, of exercising the greatest of care in drawing the provisions of the bill. Here was a bill which undertook to invoke a penalty and did not in any way describe the people who were to be penalized. Now, the gentleman from Alabama suggests that the Government collects statistics from the cotton ginners. Why the Government collects statistics from people all over the United States, all over Europe, all over Asia and Africa and South America, and publishes those statistics, but it does not undertake to invoke any penalty against people who refuse to furnish those statistics. Quite a different proposition. In the case of the cotton statistics, so far as I recollect, there is no penalty provided, or if there is a penalty provided by statute it never has been invoked. Nobody has any object in refusing to give the statistics.

Mr. STANLEY. Mr. Chairman——

Mr. MANN. I will yield in just a moment. In this case it is claimed that the Tobacco Trust makes perhaps millions of dollars a year by having information secretly which the Government now proposes to obtain. If that belief is correct, you may be sure this act will be tested, and if it is to be tested let us draw it carefully, so that we believe that we have made the best case possible when it goes to court. I now yield to the gentleman from Kentucky.

Mr. STANLEY. I was very much interested in the argument of the gentleman, and there is some weight in it as an academic question.

Mr. MANN. Thanks.

Mr. STANLEY. But the Government now imposes a penalty upon the farmer for not furnishing the very information which this bill requires of the dealer. Several Congresses ago we passed a bill taking a tax off of leaf tobacco, a bill introduced by Mr. DALZELL on several occasions and the last time by Mr. MCCALL. When it went to the Senate they imposed a provision that the farmers report the amount of tobacco sold and on hand and the like, and also imposed a penalty in case this information was not accurate or not reported in the way provided. If a penalty can be imposed on the farmer, the producer, for not stating as to his private affairs in regard to leaf tobacco, and so forth, it would be no imposition to impose it upon others.

Mr. MANN. Mr. Chairman, this bill is based upon the power of the Government to collect census statistics. It proposes to

confer power upon the Director of the Census. I believe it is undoubtedly true that the Government has the power under the taxing power for the collection of internal-revenue taxes to require people to make report——

Mr. STANLEY. Mr. Chairman——

Mr. MANN (continuing). That power is invoked under a different provision of the Constitution. Without the taxing power you can not require manufacturers, apart from the payment of taxes, to return statistics as to the amount or anything as to their business.

Mr. STANLEY. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. STANLEY. This is not on tobacco that is taxed, but on tobacco that is untaxed. It requires the producer to report the tobacco that is without any tax. I admit that it can be said that that was done for the purpose of protecting the revenue, and this information has a tendency to protect the revenues in the same way. The two cases are "in simile casu."

Mr. MANN. On the contrary, as stated by the gentleman from Kentucky [Mr. CANTRILL] a moment ago, it proposes to have the information duplicated, to have the people make out two reports, one to the collector of internal revenue and one to the Director of the Census, which he said would be the same information not collected under the same power at all.

There is a provision in the bill which it may be wise to have there. I do not undertake to say, but it raises quite a question as to the policy of the Government in regard to information secured through the internal-revenue office. It proposes to turn over the information in the office of the collector of internal revenue to the Director of the Census for publication. It is true it is somewhat guarded in endeavoring to protect to a certain extent the manufacturers who furnish the information. But it is a very broad question, and a very pertinent one, whether, when we provide under the taxing power for the collection of information, that information is to be published broadcast. That I regard as a question of policy myself—probably a constitutional question.

I would like to inquire again, of the gentleman from Tennessee [Mr. HOUSTON] this time, if I may. I inquired from the gentleman from Kentucky [Mr. CANTRILL] why they needed to collect this information twice a year, and partly because, probably, he knows so much about tobacco and I know so little, I could not understand his explanation. Probably the gentleman from Tennessee and I would come nearer to meeting each other.

Mr. HOUSTON. The object of the biennial report is in order that the grower of tobacco may have a knowledge of the supply on hand in order to form a better judgment of the amount of the crop he shall plant. That is the reason for the first report. In the second case, in October, it is in order that he may know the supply on hand for the purpose of being informed as to how to price his tobacco and judging its market value.

Mr. MANN. But a while ago the explanation was given by several gentlemen, or two, at least, from Kentucky, that when the grower came to the point of marketing his tobacco he did not know but the manufacturer might have two or three years' supply on hand. And the words "two or three years" were used half a dozen times, I think. Of course, it is perfectly patent that there will be no great change in two or three years' supply inasmuch as the information in April or October is concerned.

Mr. HOUSTON. If the report is made twice a year there will be no difficulty in knowing the supply on hand for any given year, and in order that they may know how much there is on hand and be able to judge of the crop which they will plant, it will be required that the report be made in April, and in order that they may know how much they have on hand in order to price their tobacco, the report is made in October.

Mr. MANN. I see that the gentleman has what he seems to think are good reasons, and I will take his judgment on that more quickly than I would my own.

One other point. I would like to call the attention of the gentlemen on that side of the House, as well as the gentlemen on this side, to the fact that the office of the Director of Census is now a permanent one. When I first came here it only existed temporarily, for the purpose of collecting information at the decennial period. It was made a permanent office. When that was done, I stated on the floor of this House that the office of the Director of the Census would have nothing to do except as they lobbied bills through Congress to give them something to do, and that, having a number of employees in the office who did not want to be discharged for lack of work, the Members would see bills coming in here frequently directing the Director of the Census to gather certain statistics. I do not know how many bills we have passed since that time. We have only commenced. Every time some man in the office of the Census Bureau has a fright over the prospect of losing his job because the work is running out, he figures up some new method by which information can be furnished to the country through the office of the Bureau of the Census. That, I suppose, is unavoidable. It will keep on. The very object of creating a permanent Census Office there will in time vanish and cease to exist, because the permanent force will have more than it can do in the end in taking care of these additional burdens which they asked Congress to place upon them.

Now I yield five minutes to the gentleman from Pennsylvania [Mr. BURKE].

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BURKE] is recognized for five minutes.

Mr. BURKE of Pennsylvania. Mr. Chairman, I would like to utilize my little time in asking a question or two of the gentleman in charge of this bill. I have in my district certain tobacco manufacturers who are interested in all legislation affecting them, and I would like to know, if this bill should become a law to-morrow, whether or not I can be put in a position, as the result of information received from the gentleman in charge of the bill, that would justify me in telling them whether they come within the provisions of this law or not.

Now, the question I wish to ask is this: There are two exceptions set out in the bill as to two different classes of individuals or corporations who are not subject to its terms. The first exception relates to the number of pounds of tobacco, the number of thousands of cigars and of cigarettes, manufactured each year. There is no controversy about that exception. The other exception relates to the quantity of tobacco carried at the end of each quarter. That amount is not specified. The gentleman from Tennessee [Mr. HOUSTON] and the gentleman from Kentucky [Mr. CANTRILL] stated a few moments ago that this particular feature of the bill would affect 200 manufacturers. Now, I want to know how they arrive at the conclusion that 200 manufacturers will be affected and thousands of others not affected?

Mr. HOUSTON. That information is derived from the Census Bureau. The Director of the Census gave us some information in regard to this measure, and these are figures and statistics given by him. He goes on and sets out what proportion and what per cent of them manufacture 90 per cent of the whole output. His figures are given here. I can read them to the gentleman if he wants to hear them exactly.

But in order to cover the condition suggested by the gentleman from Massachusetts [Mr. MCCALL] and the one suggested by the gentleman from Illinois [Mr. MANN], to make it more specific, I have an amendment prepared that will fix the amount of tobacco to be held at 50,000 pounds, not leaving it to the discretion of the Director of the Census, as provided in the bill originally; also to provide how he shall make this report and make it incumbent upon them to make it in such manner as to meet the exception referred to by the gentleman from Illinois.

Mr. BURKE of Pennsylvania. That was the purpose of the question, and if the bill is corrected to that extent I think it wipes out one of the most vital objections that legitimately ought to be raised against it while under discussion on the floor of this House.

Mr. HOUSTON. I did not understand the gentleman.

Mr. BURKE of Pennsylvania. I say, the suggestions made by the gentleman with reference to the amendment he proposes will wipe out one of the most vital objections to the bill as it now stands. The amendments, I believe, are especially important and essential because of what I regard as a very vicious provision in the bill, and that is the delegation upon the part of Congress to a departmental head of the right to create a crime or to fasten upon an individual an offense by a departmental regulation for disregarding which a citizen may be punished by fine or imprisonment. It is a very serious question in my mind whether the Congress of the United States can delegate that power, and where there is a way of avoiding such a delegation of power by specifying the act ourselves we certainly should do our own legislating.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I yield to my colleague [Mr. CANNON] five minutes.

Mr. CANNON. Mr. Chairman, I think I shall not want more than five minutes, but in case I should want more I will ask for it, if the gentleman from Illinois will further yield.

I have listened to this debate and have read this bill and the report. It is claimed that the necessity for this bill is to circumvent the Tobacco Trust. I think the Tobacco Trust was a very improper trust. It has been found to exist in violation of the law, and by decree of the court is to be dissolved.

We have a great many trusts in this country, and I am in favor of obtaining all information that will enable the people to protect themselves against the machinations of the trusts.

Mr. STANLEY. Mr. Chairman, will the gentleman yield for a question?

Mr. CANNON. Certainly.

Mr. STANLEY. Do you think the American Tobacco Co. has been dissolved or absolved?

Mr. CANNON. Oh, I take the decree of the court, and I believe that the courts of the country are quite sufficient to enforce the law, provided the combinations made in violation of the law are not so great, as they sometimes are in some sections of the country, that you can not enforce the law.

Mr. STANLEY. If the gentleman will yield for just a moment, I did not mean by my question nor do I think it implies even the most covert or indirect criticism of the courts. The method of dissolution is a matter which might affect the discretion, whether wise or unwise, of the Attorney General. I am free to express that opinion; but the courts are not affected by this matter, one way or the other.

Mr. CANNON. After all is said and done, as I understand the decrees of the Supreme Court in the Standard Oil and Tobacco cases, they not only have directed a dissolution, but have also retained the jurisdiction, calling into force the equity powers of the court to enjoin and punish for contempt any future violations of the decrees of the court.

Mr. STANLEY. I was asking the gentleman for information.

Mr. CANNON. The gentleman has read the opinions, and I am hopeful that the Standard Oil Trust, the Tobacco Trust, and all other trusts, after full hearing and adjudication by the courts, may be dissolved, not only by virtue of the criminal laws of the country, but by that more effective remedy that a court of equity, getting its jurisdiction under the Constitution, may provide by exercising its power to punish for contempt any violations of the decree. I am quite hopeful in the premises.

There are cases, however, that arise from time to time, that have arisen in Illinois and perhaps in many States, even in Kentucky, where the law of the State or of the Nation, as the case may be, has been violated, but where there is such an overwhelming public sentiment against the enforcement of the law that juries will not convict. I am not here to criticize. That happens once in a while, and I am not here for the purpose of throwing stones. The fact is bad enough, and we all wait for the lapse of time for a change of public sentiment in those communities where that condition exists.

Mr. JAMES. Will the gentleman allow a question?

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. I yield to the gentleman five minutes more.

Mr. JAMES. The gentleman is aware that in Kentucky, when the Federal officers proceeded against our citizens, not in equity, but under the criminal law, they were convicted in the Federal courts?

Mr. CANNON. Yes; but after all I did not arise with any intention of referring to conditions in Kentucky. I have no doubt that the gentleman, who so ably represents a district in Kentucky and is soon to represent the whole State in another body, regrets the condition that has existed there as much as I do. I did not arise for the purpose of criticism, but through the interruptions I have drifted somewhat aside.

Mr. JAMES. I did not propound my question to the gentleman in a controversial sense. I merely did it to show that when some great monopolies were assailed they were proceeded against in equity, but when the farmers were assailed they were proceeded against criminally. If the gentleman will permit me to say it, the condition of things in Kentucky will to a great extent be ameliorated by the passage of this bill, which will give the farmers an opportunity to know whether or not the trust has great quantities of tobacco on hand and is trying to buy their crop for nothing.

Mr. CANNON. Let me read from the report:

> Under this condition the grower of tobacco has no reliable data of the existing supply of leaf tobacco upon which he can determine the probable supply and be guided as to the acreage which he shall plant in tobacco at the beginning of the crop season.

That is the language of the report, but does not that apply also to all productions? Why not broaden this; why single out the products of tobacco? Why not take potatoes? Some years they are worth $1 a bushel and some years they are worth 10 cents a bushel. Why not apply it to apples? Some years they are worth $1 a bushel and some years you can hardly give them away with a bountiful crop. Take corn, take wheat, take barley, take all the productions of the farm, and why not apply it to them?

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. CANNON. Certainly.

Mr. BYRNS of Tennessee. There is one very strong reason for the distinction, and that is the fact that a trust controls the price of tobacco in the hands of the grower, while it does not control the price of the articles mentioned by the gentleman from Illinois.

Mr. CANNON. Does the gentleman consider that a combination among the people who raise apples or who grow tobacco or any other product, to circumscribe the production with a view to creating a monopoly, to advance prices, or otherwise in restraint of trade, does or does not come within the prohibitions of the laws of Kentucky and of Illinois? I suppose it does, and consequently if it comes within the Federal jurisdiction, the fact that many agree that the production shall be limited and the acreage shall be limited perchance would come within the law.

I want to say to the gentleman that there has been much complaint in that regard. I represent an agricultural district. We raise quantities of wheat, corn, potatoes, hay, and most of the other agricultural products that are produced in the Temperate Zone. Some seasons we get good prices and some seasons we do not receive a remunerative price; but, after all, the great law of supply and demand substantially governs production and consumption and determines prices.

Mr. STANLEY. Will the gentleman from Illinois yield?

Mr. CANNON. I will.

Mr. STANLEY. The conditions governing the sale of products, to which the gentleman from Illinois has made reference, differ from those governing the sale of tobacco very essentially. Does the gentleman believe that if the Director of the Census gave out statistics as to the amount of potatoes at the end of each year, or as to corn, that it would affect the price of those articles?

Mr. CANNON. It would enable them to know what the acreage is, so that, in the language of this report, they might plant less next year.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. Does the gentleman from Illinois want more time?

Mr. CANNON. Just an additional minute. I want to say that this bill, from the suggestions made by the gentleman from Tennessee, will be amended and perfected, and yet when I go home and answer to my constituents for the enactment of this bill I do not know whether I shall be criticized for not seeking the same kind of legislation touching other products of the farm and of the field. I would not intimate that this is made purely from the Kentucky standpoint.

Mr. STANLEY. Does the gentleman know that Kentucky produces a small part, about one-third, of the tobacco of the United States?

Mr. CANNON. I do not know how much of the tobacco of the world, nor am I well enough acquainted with the productions of tobacco in Cuba or Porto Rico or the islands, say the Philippines and elsewhere in the world, to know how much the price of tobacco would be affected by the amount that is raised there.

Now, Mr. Chairman, I do not desire to be placed in the attitude of antagonizing this bill. It seems on the one hand to be based on a suggestion that a great bureau of the Government about completing its work desires more work, and on the other a sentiment that it is necessary as a matter of anticipated self-defense lest perchance the price of tobacco goes down. I thought I would submit these remarks for the House to consider, whether if this legislation is wise it ought not to cover all products in the United States as well as tobacco, which products equal one-third of the production of the civilized world.

Mr. MANN. Mr. Chairman, I yield one minute to the gentleman from Pennsylvania [Mr. BURKE].

Mr. BURKE of Pennsylvania. Mr. Chairman, concerning the suggestion made by the gentleman from Tennessee in reply to the gentleman from Illinois [Mr. CANNON], that the reason for this particular legislation was that the tobacco was controlled by a trust, I want to say that, according to the admission of the gentleman in charge of the bill, 200 manufacturers are not affected, each of whom carries 50,000 pounds of leaf tobacco, making a total of 10,000,000 pounds of leaf tobacco carried by men not affected. If there are independent manufacturers in this country carrying 10,000,000 pounds of leaf tobacco at the end of every quarter who are not affected, the question arises in my mind, How does the trust control the product?

Mr. STANLEY. Does the gentleman know how many pounds are produced?

Mr. BURKE of Pennsylvania. Ten million pounds are carried by independents at the end of each quarter, according to the gentleman reporting this bill.

Mr. STANLEY. That would not be one-tenth of the tobacco production in the United States.

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. HOBSON].

Mr. HOBSON. Mr. Chairman, I wish to call attention to the question raised by the gentleman from Illinois [Mr. MANN]

as to the novelty of having penalties prescribed for failing to comply with the provisions of this act. I am sure it will only be necessary to refresh the encyclopedic memory of the gentleman from Illinois to have him recall the acts that do specifically prescribe penalties for similar infractions in connection with the collection of cotton statistics. Gentlemen will recall that in the act of 1902, signed March 6, entitled "An act to provide for a permanent Census Bureau," section 17 prescribes that the special agents appointed under the provisions of the act have like authority with the enumerators in respect to the subjects committed to them under this act. Then he will also recall that in the act of 1899, approved March 3, to provide for taking the Twelfth and subsequent censuses, there is in section 22 a penalty prescribed for failure to comply with the requests and applications of these enumerators.

I shall not read the whole section, but the penalties range from $100 to $10,000 and imprisonment for one year. The gentleman will also find the same penalties carried in section 24 of the act, signed July 2, 1909, entitled "An act to provide for the thirteenth and subsequent decennial censuses." Thus, Mr. Chairman, the gentleman's objection to this bill carrying penalties has no weight whatever.

Again, Mr. Chairman, I have little sympathy with gentlemen who would impute the origin of this bill to the Census Bureau. It is only the apparently unwarranted imputation of such a thing that makes me remark that only the habits of olden years of Republican administrations of doing such things could have suggested such a thought to the minds of those who have advanced it. It is unworthy of the high standards of argument of the House to insinuate that the desire to maintain clerks and stenographers in a bureau of one of the departments of the Government under a Republican administration could be the origin of an important measure brought in by a Democratic majority, which, far from creating new offices to be filled by Republican appointees, is now undertaking to cut out all the superfluous positions and unnecessary expense involved in all the various departments.

Mr. Chairman, this is not a political question. It is a question that ought to be treated upon its merits. I am in sympathy with the view of the gentleman from Illinois [Mr. CANNON], who thinks that the measure ought to be broader, and I believe just as fast as we can properly do so we ought to broaden the scope of such work and to bring in other measures. But I doubt very much whether they should be compressed into one measure. I doubt whether you could combine the question of cotton and its publicity with the question of tobacco under any single act. It is no argument against a measure to give proper publicity to tobacco statistics to say that that measure ought to include other commodities.

I wish to call the attention of this House to the fact that along certain lines of production of raw materials it is remarkable how, in the last 30 or 40 years, our Government has developed such extraordinary minutiæ in collecting and quickly publishing information as to the operation of the producer, and especially the farmer, but that, singularly enough, after that there is very little apparent interest taken by the Government and remarkably little information published as to the operations of those who control the raw materials after they pass from the hands of the original producer.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOBSON. I will ask the gentleman from Illinois to yield me two minutes more.

Mr. MANN. I yield the gentleman two minutes more.

Mr. HOBSON. To-day we are woefully in need of statistics bearing upon the quantities of the necessities of life which are held in cold storage and in other forms of warehouses and institutions that are maintained for the purpose of interfering with the natural laws of supply and demand. The people are entitled to have not only crop reports, but reports on the storage, manufacture, and distribution of the products after they leave the farms. The middlemen and manufacturers insist on the Government getting them full statistics on the business of the farmers; the latter have a right to have the statistics on the business of the former; the people have a right to know the statistics on the business of them all. If the Government is to continue to collect crop statistics and scatter them broadcast over the world, as the Government does, it should enlarge the scope of its statistical work and make it uniform to cover the transactions of the middleman, dealer, warehouseman, and the manufacturer and jobber of the goods that are distributed to the ultimate consumer. This measure ought to be perfected as much as it can be. I am not saying that it ought not to specify further, as the gentleman from Illinois pointed out, but I do say that the measure as a whole is in the right direction in the line of more publicity and more uniformity in publicity. It is high time to adopt a series of measures which would bring relief to the people by giving publicity all the way from the original producer to the ultimate consumer in regard to all the great products and staples of common necessity. [Applause.]

Mr. MANN. Mr. Chairman, I now yield to the gentleman from Virginia [Mr. SAUNDERS]. How much time does the gentleman desire?

Mr. SAUNDERS. Five or ten minutes.

Mr. MANN. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia, if he desires that much time.

Mr. SAUNDERS. Mr. Chairman, I represent a tobacco district, one that both manufactures and produces tobacco, so that this bill is of considerable interest to my constituents. The purpose of this measure is meritorious, the machinery that it provides is simple, the expense for which it calls is trifling, why, therefore, should objection be made on the part of any Member of this House to its passage? It merely provides for collecting and making public certain information in relation to the stocks of tobacco in the hands of the dealers which will be of immense value to the people who are concerned in raising that particular product. Some Members seem to think that we ought not to pass this bill, because its terms do not apply to rye, or corn, or barley, or to other varieties of agricultural products.

The simplest consideration of the situation will make it clear that analogies drawn from other branches of agriculture do not apply to an industry like tobacco raising. The farmers who raise corn, or wheat, or rye, can not be aided to secure a better price for these products by the collection and dissemination of statistics that relate to the current stocks of the dealers, but such information will aid the farmers who raise tobacco in determining when and at what price to market their crops. One of the most striking things about this bill, Mr. Chairman, is that its simple recitals develop the extent to which a few concerns in the industrial world have overshadowed and dominated the whole field of manufacturing tobacco. Some gentlemen seem to be surprised, that this bill calls for information from such a limited number of manufacturers, and desire to know why it is that the other manufacturers are excluded or not required to report. The answer is, because in comparison with the whole output their product is negligible. When you secure the statistics and returns from the few large plants which to-day control the manufacture of tobacco, you may disregard the little fellows who manufacture up to the limited amount designated in an amendment to be offered by the chairman of the committee.

When the required figures are secured from a comparatively small number of manufacturers, we will have obtained for the purpose of the farmers, all the information that they need. Why concern ourselves then with the smaller concerns which if they are required to furnish information, will not furnish information of any value, or interest to that branch of agriculture which is concerned in raising tobacco? Various objections have been made to this measure, none of them, so far as I can apprehend, being well taken. One gentleman intimates that the bill does not require the manufacturers to make reports. He is mistaken. The first section of the bill in substantial terms makes this requirement, but if there is any merit in the objection an amendment can be offered, and will be offered, that will make specific something that I undertake to say, is already substantially required by the bill. Another objection is that the bill provides that if certain indicated persons fail to make reports, they shall be liable to prosecution, and the question is raised whether under the Constitution Congress has the right to make an enactment of this sort. Why concern ourselves in regard to a meritorious measure of this character, with such an inquiry when this House has already enacted statutes which under penalty for failure require reports of precisely the same character to be made, with respect to other industries, and other products? Why seek to defeat the enactment of a meritorious measure by quibbling objections when with respect to existing legislation we have proceeded upon the theory that we are competent to pass a law of this character?

Mr. Chairman, so far as I am informed, and can ascertain, this measure will not impose upon the Treasury a burden of more than a few thousand dollars a year. Existing agencies are made available to the Director of the Census, and he is empowered to call upon the Commissioner of Internal Revenue for information of record in his office. The people who now furnish information to the Commissioner of Internal Revenue, are the same people who, from their books, and through their agents will furnish information under this statute, to the Director of the Census. So that under no possible view will the expense in connection with the collection of this information be more than negligible. Why then object to the pending bill, when no gentleman on this floor has faith enough in his ob-

jections to seek to amend it so as to make it apply to other branches of agriculture than the tobacco industry? So far as I am concerned, I am free to say, in reference to the farmers who raise corn, or the farmers who raise wheat, or the farmers who raise barley, or the farmers who raise any other form of agricultural produce, that if the extension of the principle of this law to their cases will be of the same value to them that the operation of the proposed statute will be to the tobacco growers, I am ready here and now, to make this application, and vote for such an extension. [Applause.] Why shrink from it? What is the purpose of the Census Department or any other agency of Government save to subserve the interests of the general body of the people?

If the existing Bureau of the Census may be made to serve a purpose so useful as that contemplated by this measure then put its agencies in motion, and secure information, which will be of far more value, than the great bulk of the material that is now collected in the way of statistics by the Census department.

Mr. Chairman, from no point of view of the pending bill, from the point of view of meritorious purpose, from the point of view of expense, from the point of view of the machinery devised for its operation, can I see any reason why this House should hesitate for a moment to enact this measure into law. It is in the interests of a class of producers who have suffered more from the operation of an overpowering trust, than any other workers in the industrial world. If there is doubt on the part of any Member of this House, that this statement is true, let him turn his attention to the report of the Commissioner on Corporations so far as that report relates to the American Tobacco Co. There he will find that every statement that has been made in this debate with respect to the domination of that concern over the tobacco business, and the enormities of its oppression of the smaller concerns, is more than borne out by the facts gathered together, and presented to the public in that report.

Mr. Chairman, this bill ought to pass without delay. [Applause.]

Mr. FOWLER. Mr. Chairman——

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is still entitled to the floor. He has five minutes remaining.

Mr. MANN. I yield to my colleague from Illinois [Mr. FOWLER], if he desires time.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] is recognized for five minutes.

Mr. FOWLER. Mr. Chairman, I did not think the time of the gentleman from Virginia [Mr. SAUNDERS] had expired. I only rose for the purpose of asking him a question for information.

The CHAIRMAN. The gentleman had consumed the 10 minutes yielded to him.

Mr. MANN. I will yield to the gentleman from Virginia [Mr. SAUNDERS] two minutes more.

Mr. SAUNDERS. I will undertake to answer the question of the gentleman from Illinois [Mr. FOWLER].

Mr. FOWLER. I desire to inquire if the gentleman believes that the information sought by this bill will aid in determining as to whether the American Tobacco Co. continues to conduct its business in restraint of trade, it having already been so declared by the highest tribunal in this country?

Mr. SAUNDERS. We are not concerned with that part of it. We desire such information as will enable the farmers to determine whether they shall or shall not market their output at a given time.

Mr. FOWLER. Do you regard that this information would, in addition to that, give to the public any information as to whether the American Tobacco Co. continues to conduct its business in restraint of trade?

Mr. SAUNDERS. I do not know that it would, because this bill provides that this information shall be published in bulk, and shall not be related to the individual concerns which will furnish the figures. This provision of the bill answers an objection urged by one of the gentlemen in opposition, that the secrets of the business of the individual operator would be given to the world. That can not possibly be done under this bill, because the Director of the Census, as I have said, will publish the information in bulk, and will not relate it to the individuals who furnish the details from which he will make his report. [Cries of "Vote! Vote!"]

Mr. CRUMPACKER. Mr. Chairman, I desire to be recognized.

Mr. MANN. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. MANN] has expired. The gentleman from Indiana [Mr. CRUMPACKER] is recognized.

Mr. CRUMPACKER. Mr. Chairman, I shall only occupy a few minutes of the time of the committee in the discussion of this measure. The policy of the Government for a generation or more has been decidedly in the line of the promotion of agriculture, and this bill, it seems to me, is in strict harmony with that policy and is especially with the law respecting the collection of cotton statistics.

The tobacco industry is different from the production of cereals on the farm. Tobacco is not the subject of speculation on the boards of trade or in the markets. The purchasers are the manufacturers, and the sellers are the tobacco growers. The conditions are vitally different in relation to wheat and corn and oats and barley, the cereal crops of the country. No combination of "bears" on the boards of trade can misrepresent conditions and depress the market unduly, because there are always on guard men on the other side of the market who are provided with better facilities than any Government bureau can be to know about the quantity of any particular kind of grain in sight; and if the market goes a cent below what in their judgment is its fair value the "bulls" step in and purchase and accept all the propositions to sell, and between the bears on the one side and the bulls on the other the prices of the ordinary farm products of the country maintain a fair and just equilibrium.

The reasons that justify the enactment of this bill do not justify the extending of the same policy so as to include wheat and corn and oats and barley. The raisers—the growers—of those crops already have adequate protection against monopoly, against combination, against misrepresentation as to the amount of any particular grain in sight. That is not the case with the tobacco grower. He must sell his crop to the manufacturer. There is no seller of tobacco except the man who grows it, who raises it, and he is not permitted to play off the body of speculators who are "bulling" the market against the other body who are undertaking to "bear" the market, and between the two he secures no advantage from that situation, as the farmers of the western prairies do.

This bill in its details might be amended somewhat, and probably will be before it is finally acted upon. The expense is not great. Twenty-five thousand dollars a year is not a large sum for the Government to pay in order to secure information that may be as valuable to the tobacco growers of the country as this will probably be.

Representations have been made by men who know, that the growers of tobacco have been for years practically at the mercy of the few large combinations, who are interested only in the purchase of leaf tobacco for the purpose of manufacturing. The ordinary farmer has no means of knowing the volume—the quantity—of tobacco that may be carried over from one year to another; and it is said that the interested purchasers grossly misrepresent conditions in order to depress prices and take advantage of the farmers, many of whom may be compelled to dispose of their crop shortly after it is harvested, and those interested purchasers pay them inadequate prices for it.

The reference of the distinguished gentleman from Illinois [Mr. CANNON] to the apple crop and the potato crop and the strawberry crop is hardly apt. Everybody knows that those crops are in a measure perishable. From their very nature it is impossible for any man or any combination of men to collect together and secure control of a large enough percentage of the potato crop in the country, or of the apple crop, or the strawberry crop, or the asparagus growth, to affect materially its selling price. It is an impossibility, and I think the distinguished gentleman may confront his constituents when he returns to Illinois with a clear conscience if he shall vote for this bill; and he can easily distinguish between tobacco growing in Kentucky and Wisconsin and southern Indiana and the raising of apples and strawberries and potatoes in the State of Illinois, or Pennsylvania; all the States, for that matter.

Now, some criticism has been made of the details of this measure. The distinguished leader of the minority raised some question in regard to the penal provisions. We have not enacted in recent years a census law requiring an investigation of the resources of the country in which we have not included penal provisions compelling manufacturers and individuals to answer all proper questions that may be put to them by the special agents or the enumerators.

It is true that the constitutionality of those provisions has never been tested in the courts. I have no question about the matter, in relation to the general census, because I believe there is implied power in the Constitution of the United States for Congress to make periodical investigations of the resources of the country for purposes of information, with a view to imposing taxation and enacting general legislation within its constitutional powers. I have little doubt that these penal provisions

will be upheld by the courts. We must bear in mind that tobacco is now a subject of taxation under the law; and while the report of the committee declares that the purpose of this bill is to benefit the tobacco growers and give them information of crop conditions, so they may properly and prudently determine how large an acreage they shall plant, and so that they may have information bearing upon the value of their crop when it is harvested in the fall, yet if incidentally it has any bearing upon the subject of taxation, no matter what motive prompted Congress to enact it, it will be upheld by the courts of the country. It is not a question of what motive prompted Congress to enact the law. The question is, Is the law within the power of Congress to enact under any circumstances?

I regretted to hear one of the speakers here to-day intimate that this bill was prompted by the Census Office in order that the clerks might be kept busy for a longer time, that their tenure of service might be extended. For 10 years I had the honor to be chairman of the Committee on the Census in this House, and during that time I personally know that not a single piece of legislation increasing the functions and duties of the Census Office ever came from that office or ever was suggested by the Director or anybody connected with census taking, and I personally know that this bill did not come from the Census Office. It originated, I understand, chiefly in the State of Kentucky among the tobacco growers. They are asking for it. We had one or two hearings in the committee before the bill was ever submitted to the Director of the Census and before he knew anything about its being introduced.

The permanent Census Office has been doing a great deal of excellent work in the way of collecting trustworthy statistics for the general information of the country. Statistical information is of great importance along almost all lines. The real history of the country lies more in the statistics of its industries, of mortality, of sanitation, and investigations of that kind that it does in the laws that may be enacted by the legislative branch of the Government.

In many instances there can be no intelligent legislation unless there is accurate and trustworthy information upon which to base it. I am here to say that, in my judgment, the permanent Census Office has well earned every dollar that has been expended for its support and maintenance. It is one of the most useful bureaus of the Government.

In view of the fact that the Supreme Court of the United States has dissolved the Tobacco Trust, the tobacco growers of Kentucky may possibly fare a little better in the future, but it is a matter of very serious doubt whether they will. The manufacturers of tobacco will be prompted by the same selfish motives in misrepresenting the stock on hand at marketing time as they have in the past. The old element of combination, perhaps, may not be present—I hope it will not be—but the farmers will be at a disadvantage under any condition, because the manufacturers of tobacco do have a fairly accurate idea of the quantity of leaf tobacco that is stored in the warehouses and that is in the hands of the dealers of the country, while the farmer of necessity must have a very vague idea of it. This industry is exceptional. There is, in my judgment, much more reason for the enactment of this bill into law than there was for the making of the law providing for cotton statistics. Cotton is a subject of speculation in the cotton exchanges of the country, and, in my judgment, the money that the Government expends for the collection of cotton statistics does little or no good to the cotton growers.

The cotton buyer and cotton seller take care of conditions themselves; they maintain a normal equilibrium of prices the same as those who deal in corn, wheat, and oats. That is not the case respecting tobacco, and it probably never will be in the nature of the product.

Now, Mr. Chairman, I have said all I care to about this bill. I am going to vote for it, and I hope it will pass. [Applause.]

Mr. HOUSTON. Mr. Chairman, I believe I have three minutes remaining.

The CHAIRMAN. The gentleman has four minutes remaining.

Mr. HOUSTON. Mr. Chairman, I want to take up a small part of that time replying to the insinuation made here that this bill emanated from the Census Bureau. After this bill had been introduced and had been considered by our committee, as chairman of that committee I made a request of the Director of the Census that he would furnish us some information and offer any suggestions that might occur to him in regard to the bill. I have his reply before me. At the outset of it he says:

> The Census Bureau already has a very wide scope, and it is not the desire of the Director of the Census to urge any further increase in the duties. On the contrary, at least for the next two or three years, it would be my personal preference that there should be no increase in the functions of the bureau.

After that he goes on and in a very accurate and in a very full and ample way furnishes the committee with a great deal of most valuable information in regard to this measure. It is but due to the Director of the Census that I say this much in vindication of him and in response to the charge or intimation made that the bureau had something to do with the origin of this bill. His action was taken at the request of myself as chairman of the committee, and he responded to that request in a most courteous and capable manner.

Now, just one word about the same necessity for publicity in regard to other products of the field and farm as are asked for in regard to tobacco. There is no analogy between tobacco and other farm products, none whatever. As has been stated by the gentleman from Indiana, all the other crops that have not been provided for are of a perishable nature. They furnish the necessities of life and are usually consumed within the current year, or largely so. There is no opportunity for hoarding up these crops and laying them away and forming combinations and trusts in regard to them.

The peculiar character of tobacco, the fact that it can be preserved and that it improves with age, like some other things, makes it peculiarly susceptible to being handled by dealers or being put under cover in the darkness and held in secret and being used as a lever to bear down the price of the product to the farmer who grows it. The simple fact that the most gigantic trust ever formed in this country, and perhaps in the world, the great Tobacco Trust, has been formed and has pursued its iniquitous course until called to order and investigated by the courts of the country demonstrates how susceptible tobacco is of being manipulated by a trust and combine.

I believe, Mr. Speaker, it would be a good thing for the farmers of this country, as well as the great body of consumers, if we could have such publicity made to show the size and amount of all the crops, and also show the amount that was held by granaries and warehouses in order that the farmer might be guided in the planting of his crops and that he might have this information to help him fix the price of his crops when they are ready to sell after harvesting and gathering time. But inasmuch as the article of tobacco, by virtue of its peculiar nature, is so easily made the subject of a trust and combination that will be able to fix the price regardless of its value and its cost of production, the reason is all the more imperative why we should enact such legislation as will prevent such manipulation at the hands of extortionate and unscrupulous combinations. When combinations and trusts conspire to control the prices of the product of labor and to carry out this conspiracy attempt to conceal from the producer and the general public the real amount of supply on hand, so as to enable them to create fictitious values on the one hand and to reduce below its real value the farm product on the other, nothing is so much needed as the widest publicity. Let the light be turned on the real conditions. Do not allow conspiracies to so obscure the real condition of the market as to defeat the natural laws of fair trade at fair values according to the natural laws of supply and demand. This publicity is wholesome, and one of the greatest evils that has afflicted this country in the last few years is the fact that great combinations have been able to operate under the cover of darkness and perpetrate the grossest outrages and greatest injustice to the great body of the people, both the producers and consumers. The farmers of the country are entitled to a square deal. Give them an open field and a fair fight and they do not ask for more. There are special interests that seek especial favors; they ask for protection to build up their private fortunes; but all the American farmer asks is an even chance and fair play. Can any Member of this House be unwilling to give them this? As has been stated, this measure was indorsed and approved unanimously by a Democratic caucus. It is a Democratic measure in essence and principle, in that it proposes justice and equality and opposes special advantages to a few. And I will also add that every Republican member of the Committee on the Census favored this bill, and I can see no reason why any fair-minded man should oppose the measure.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the Director of the Census be, and he is hereby, authorized and directed to collect and publish, in addition to the tobacco reports now being made by him, statistics of the quantity of leaf tobacco in all forms, except manufactured tobacco, in the United States in the possession of all persons who are dealers and manufacturers, other than the original growers of tobacco, to be summarized and returned by the holder to the Director of the Census as of the dates of October 1 and April 1 of each year: *Provided*, That the Director of the Census shall not be required to collect statistics of leaf tobacco from any manufacturer of tobacco who in the preceding calendar year, according to the returns to the Commissioner of Internal Revenue, manufactured less than 50,000 pounds of tobacco, or from any manufacturer of cigars who during the preceding calendar year

manufactured less than 250,000 cigars, or from any manufacturer of cigarettes who during the preceding calendar year manufactured less than 1,000,000 cigarettes, or from any dealer in leaf tobacco who, on the average, had less than a certain number of pounds in stock at the ends of the four quarters of the preceding calendar year, such average number of pounds to be fixed in the discretion of the Director of the Census, so as to eliminate the smaller dealers in leaf tobacco and without substantially affecting the aggregate.

Mr. HOUSTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 1, section 1, line 8, strike out the word "and" and insert the word "or."

Mr. HOUSTON. The object of that amendment is to be sure that it applies both to the manufacturer and to the dealer.

The amendment was considered and agreed to.

Mr. HOUSTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 2, line 8, strike out the words "a certain number of" and insert the words "fifty thousand."

The amendment was considered and agreed to.

Mr. HOUSTON. Mr. Chairman, I offer the following further amendment.

The Clerk read as follows:

Strike out all of the section after the word "year," in line 10, and insert the following:

"And every manufacturer of tobacco who, in the preceding calendar year, according to the returns of the Commissioner of Internal Revenue, manufactured more than 50,000 pounds of tobacco, and every manufacturer of cigars who, during the preceding calendar year, manufactured more than 250,000 cigars, and every manufacturer of cigarettes who, during the preceding calendar year, manufactured more than 1,000,000 cigarettes, and every dealer in leaf tobacco who, on an average during the preceding calendar year, had more than 50,000 pounds in stock at the ends of the four quarters of the preceding calendar year, shall make written reports of the amounts held by them as hereinafter provided."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to

Mr. HELM. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from Tennessee a question. I notice here that a distinction is drawn between dealers and manufacturers.

Mr. HOUSTON. By the amendment, does the gentleman mean?

Mr. HELM. Both in the amendment and in the bill as originally drawn. The language of this bill is, in line 8, page 1:

Persons who are dealers and manufacturers.

Mr. HOUSTON. Yes.

Mr. HELM. In the latter part of this section only the manufacturer is required to report the amount of stock on hand at these particular dates. The dealer is not required to report at all.

Mr. HOUSTON. If that is so that is an oversight. Was that a part of the amendment to which the gentleman referred?

Mr. HELM. That is what I considered a defect in the bill which should be cured by an amendment. Not only should the manufacturer be required to report the amount of stock on hand, but also the dealer.

Mr. HOUSTON. That is an oversight if the dealer is not included. The amendment may be amended by remedying that defect.

Mr. HELM. And I would offer that as an amendment.

Mr. HOUSTON. I would accept the amendment.

The CHAIRMAN. Will the gentleman from Kentucky state his amendment?

Mr. HELM. The amendment is to the amendment, to be made to the last clause of the amendment.

The CHAIRMAN. That can only be done by unanimous consent.

Mr. HELM. I ask unanimous consent to offer an amendment to the amendment which has heretofore been adopted.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

In the last clause of the amendment, after the word "dealer," insert the words "or manufacturer," so that it will read, "and every dealer or manufacturer in leaf tobacco," etc.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to offer the amendment which has been reported from the desk to the amendment which has been already adopted. Is there objection?

Mr. BURKE of Pennsylvania. Mr. Chairman, I suggest that the phrase "manufacturer in tobacco" will not read very well as a piece of legislation. It ought to read, "every manufacturer of or dealer in tobacco."

Mr. HOUSTON. That is correct; and I would accept that suggestion.

Mr. COOPER. Mr. Chairman, I will ask that the amendment be now read.

The CHAIRMAN. The Clerk will report the proposed amendment.

The Clerk read as follows:

On page 2 strike out all of the section after the word "year," in line 10, and insert the following:

"And every manufacturer of tobacco who, in the preceding calendar year, according to the returns of the Commissioner of Internal Revenue, manufactured more than 50,000 pounds of tobacco, and every manufacturer of cigars who, during the preceding calendar year, manufactured more than 250,000 cigars, and every manufacturer of cigarettes who, during the preceding calendar year, manufactured more than 1,000,000 cigarettes, and every manufacturer of or dealer in leaf tobacco who, on an average during the preceding calendar year, had more than 50,000 pounds in stock at the ends of the four quarters of the preceding calendar year shall make written reports of the amounts held by them as hereinafter provided."

Mr. COOPER. Mr. Chairman, I would like to say that the word "hereinafter" should be changed to "herein." The first part of section 1 provided for a report.

The CHAIRMAN. The request is to offer an amendment suggested by the gentleman from Kentucky [Mr. HELM] to the amendment already adopted and not to modify it in any other respect. Is there objection to the request of the gentleman from Kentucky? The Clerk will report the amendment as proposed to be amended by the gentleman from Kentucky.

The Clerk read as follows:

And every dealer in or manufacturer of leaf tobacco, etc.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. COOPER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. An amendment is pending. The gentleman from Wisconsin is recognized.

Mr. COOPER. I desire to suggest to the gentleman from Tennessee [Mr. HOUSTON] and to the gentleman from Kentucky [Mr. HELM] that the word "hereinafter" in the amendment should be changed to the word "herein," because the first part of section 1 provides for reports.

Mr. HOUSTON. I think that is a good suggestion.

Mr. COOPER. And further, I think the amendment should read in this way:

Shall make the reports when required by the Director of the Census as herein provided.

There is really no provision in the bill that requires reports.

Mr. HOUSTON. Yes; there is a provision in the bill requiring reports. There is an amendment which will be offered to section 2 which strikes out the words "upon demand" and makes it obligatory upon the Director of the Census.

Mr. COOPER. It will be a more accurate use of language to make the bill read that way: "Shall make reports when required by the Director of the Census as herein provided."

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Kentucky.

The question was taken, and the amendment was agreed to.

Mr. HELM. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Kentucky rise?

Mr. HELM. I have moved to strike out the last word, and I think under that I am entitled to proceed. I desire to ask the chairman of the committee whether or not he thinks it advisable, on page 2, line 2, where manufactures are less than 50,000 pounds of tobacco, would it not be well to require the number of such manufacturers and number of these reports. We are interested in knowing how many of such manufacturers there are.

Mr. HOUSTON. I will say to the gentleman from Kentucky I think that information will be apparent from the reports.

Mr. HELM. Not necessarily so. You simply confine these reports to such manufacturers as produce more than 50,000 pounds of tobacco. Now, I think, as a matter of general information, a statement as to the number of manufacturers whose output does not exceed 50,000 pounds would be of service and value to the growers of tobacco. I simply offer that as a suggestion for the gentleman's consideration.

Mr. HOUSTON. I do not see the necessity for this amendment, Mr. Chairman.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

Mr. HOUSTON. Was the amendment offered by the gentleman from Wisconsin adopted?

The CHAIRMAN. The gentleman from Wisconsin has offered no amendment.

Mr. HOUSTON. That the word "hereinafter" be stricken out and the word "herein" substituted

Mr. COOPER. I thought the gentleman from Tennessee accepted that.

Mr. HOUSTON. I did accept that, and I want to know if it is——

The CHAIRMAN. The gentleman can not accept any amendment. If the gentleman wishes to offer an amendment he must send it to the Clerk's desk so that those at the desk may know what is to be done.

Mr. COOPER. I was going to ask unanimous consent to strike out the word "hereinafter" and insert the word "herein."

The CHAIRMAN. The gentleman must indicate where the word "hereinafter" is located so the clerk can ascertain the change desired to be made.

Mr. COOPER. I ask unanimous consent to strike out the word "hereinafter" in the amendment offered by the gentleman from Tennessee, and adopted, and insert in lieu thereof the word "herein."

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to offer an amendment to the amendment already agreed to, which amendment the Clerk will report.

The Clerk read as follows:

Strike out the word "hereinafter," in the last line of the amendment, and insert the word "herein," so that it will read: "Shall make written reports of the amounts held by them as herein provided."

The CHAIRMAN. Is there objection to the consideration of the amendment. [After a pause.] The Chair hears none. Without objection, the amendment will be agreed to. [After a pause.] The Chair hears none, and it is so ordered.

The Clerk read as follows:

SEC. 2. That the Director of the Census shall specify the types of tobacco to be included in the reports of the holders thereof, and he shall specify the several types separately in making his reports. In securing reports by types, the Director of the Census shall follow substantially the classification of general types as recognized and adopted by the Department of Agriculture. That the Director of the Census shall prepare appropriate blanks upon which such reports may be made and shall, upon demand, furnish a copy of same to any person subject to make reports under this act.

Mr. HOUSTON. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 2, section 2, in line 22, strike out the words "upon demand."

Mr. HOUSTON. That provides that it shall be the duty of the Director of the Census to furnish these applications.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 3. That all persons subject to the provisions of this act shall, within 10 days after the 1st days of October and April in each year, make written report to the Director of the Census of the several types of leaf tobacco and the quantity of same owned or held by him and contracted to be purchased by him as of the said dates. If any such person shall fail to make said report within the date limited, he shall be guilty of a misdemeanor, and upon conviction shall be fined not less than $300 or more than $1,000. If any such person so liable to make such reports shall fail to make the same within the dates above specified, and thereafter the Director of the Census shall demand such report in writing, and such person shall fail to make such report within 20 days after such demand so made, he shall also be deemed guilty of a misdemeanor, and upon conviction shall be imprisoned for not less than 30 days or more than 6 months, in the discretion of the court. The depositing of the notice by the Director of the Census in any post office shall be held to be prima facie evidence of the delivery of the notice to the holder of tobacco, from which date the period of 20 days shall begin to run. The president, general manager, or other chief officer of any corporation failing to make such reports as required by this act shall be subject to the same penalties as are herein prescribed.

Mr. HOUSTON. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Tennessee [Mr. HOUSTON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 3, in line 2 of section 3, strike out the word "after" and insert the words "prior to."

Mr. HOUSTON. Mr. Chairman, the object of that amendment is that the report shall be made before the 1st days of October and April. Inasmuch as the latter part of the clause provides that as soon thereafter as practicable the director shall make the report, the information should be received prior to that time instead of after.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. SAUNDERS. Mr. Chairman, I desire to offer an amendment, to come in on line 13 of page 3, after the word "writing," namely, "which demand shall be forwarded by registered mail."

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, line 13, after the word "writing," insert the words "which demand shall be forwarded by registered mail."

Mr. MANN. Mr. Chairman, may I ask to have the amendment reported again?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again read.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Virginia [Mr. SAUNDERS].

The question was taken, and the amendment was agreed to.

Mr. HELM. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the committee a question. I notice on page 3, beginning on line 10, the following:

If any such person so liable to make such reports shall fail to make the same within the dates above specified, and thereafter the Director of the Census shall demand such report in writing, and such person shall fail to make such report within 20 days after such demand so made, he shall also be deemed guilty of a misdemeanor, and upon conviction shall be imprisoned for not less than 30 days or more than 6 months, in the discretion of the court.

The word "person" on the preceding page is held to include partnership, corporation, or association. According to this clause, it would seem that if the corporation refuses to make any such report you would put the corporation in jail anywhere from 30 days to 6 months. I do not think it is practical to imprison a corporation, and I suggest that some amendment be offered there to the effect that the chief officer of the corporation or the person required——

Mr. CANTRILL. I will say to the gentleman from Kentucky that if he will read down three or four lines from the bottom he will find that that is provided for, where it says:

The president, general manager, or other chief officer of any corporation failing to make such reports as required by this act shall be subject to the same penalties as are herein prescribed.

Mr. HELM. Mr. Chairman, I desire to withdraw the pro forma amendment.

Mr. HOUSTON. Mr. Chairman, I move to strike out the last word. I see from the reading of that section, in line 13, between the word "and" and "such," there should be inserted the word "if."

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, line 13, after the word "and," near the end of the line, insert the word "if."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. STEPHENS of California. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

In lines 2 and 3, section 3, page 3, strike out the words "first days of October and April" and insert in lieu thereof "1st day of October and 1st day of April."

Mr. STEPHENS of California. Mr. Chairman, I offer this amendment in order to make the time more definite. I submit that the words "the first days of October and April" mean, perhaps, the first few days of each month, and it is understood that the bill really means within 10 days after the 1st day of the months of April and October, and by the language of my amendment I mean to provide that the report shall be rendered within 10 days after the 1st day of October and the 1st day of April.

Mr. HOUSTON. I think that is all right, Mr. Chairman.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. JAMES. Let the amendment be reported again, Mr. Chairman.

The amendment was again read.

Mr. JAMES. That is all right.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. BURKE of Pennsylvania. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk and ask to have read.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania.

The Clerk read as follows:

On line 7, page 3, strike out the words "date limited" and insert the words "time specified."

Mr. BURKE of Pennsylvania. I submit to the chairman of the committee that that would be an improvement.

Mr. HOUSTON. I accept the amendment.

Mr. MANN. Mr. Chairman, I could not hear the amendment when reported. I ask that it be reported again.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again read.

Mr. HOUSTON. Now, Mr. Chairman, I suggest to the author of that amendment that it would be better to say "the time prescribed."

Mr. BURKE of Pennsylvania. Very well. If I can get unanimous consent, I will modify my amendment to that effect.

The CHAIRMAN. The gentleman from Pennsylvania modifies his amendment. The Clerk will report the amendment as modified.

The Clerk read as follows:

On page 3, line 7, strike out the words "date limited" and insert the words "time prescribed."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 8. That the Director of the Census shall make his first report under this act as of the 1st day of October, 1912, and he shall publish the same and all subsequent reports at a date as early as practicable after the 1st days of October and April in each year.

Mr. OLMSTED. Mr. Chairman, I move to strike out the last word.

I rise, Mr. Chairman, for the purpose of asking the gentleman in charge of this bill, the chairman of the committee, if he would not be willing to recur to line 4, on page 2, where it provides for manufacturers of less than 250,000 cigars. I call his attention and that of the committee to the fact that whereas the purpose of this bill, as stated in the debate, has been to reach the trust, there are in my county and in adjoining counties and in the ninth internal-revenue district, in which I live, perhaps 500 independent cigar manufacturers who each manufacture more than 250,000 cigars a year. They are independent manufacturers and have no connection with the Tobacco Trust. This would entail a good deal of annoyance and some expense upon them, without accomplishing any useful purpose within the scope of the intention of the authors of the bill.

I would like to ask if the gentleman in charge of the bill would not be willing, by unanimous consent, to recur to line 4, page 2, and make that "1,000,000 cigars"?

Mr. HOUSTON. Mr. Chairman, the figures that we inserted in this bill are the result of very careful calculation by the statistician of the bureau. I suggest that the figures that we have adopted are perhaps more nearly the right ones than any that have been suggested. I would not like to change the figures.

Mr. OLMSTED. I would like to suggest that this, as it stands, requires the reporting by a large number of little manufacturers who are in no way related to the trust.

Mr. HOUSTON. We have had furnished to us by the Director of the Census the number of manufacturers who would be affected. His information, given after investigation, comes from the Internal Revenue Department. He places the figures as they have been given to him, so as to cover the larger dealers, and not to trouble or annoy the smaller manufacturers.

Mr. OLMSTED. But it would trouble the smaller manufacturers. However, it is a matter to which we can recur only by unanimous consent, and if the chairman is unwilling to recur and accept the amendment, that ends the matter. I withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn.

Mr. LANGLEY. Mr. Chairman, I suggest that in the concluding section of this bill there is the same phraseology which the committee corrected in a previous section, and I move to amend by striking out "the first days of October and April," and inserting the phraseology embodied in the amendment of the gentleman from California [Mr. STEPHENS] to the other section, "the 1st day of October and 1st day of April."

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 5, in line 7, strike out the words "first days of October and April" and insert in lieu thereof the words "first day of October and first day of April."

The question being taken, the amendment was agreed to.

Mr. SAUNDERS. Mr. Chairman, after conference with the chairman of the committee, I ask unanimous consent to return to line 13, on page 3, for the purpose of offering a verbal amendment to perfect the language of that section.

The CHAIRMAN. The gentleman from Virginia [Mr. SAUNDERS] asks unanimous consent to return to section 3. Is there objection?

Mr. MANN. For what purpose?

The CHAIRMAN. For the purpose of offering an amendment.

Mr. SAUNDERS. For the purpose of offering a verbal amendment to correct the language of the section.

Mr. MANN. Let us know what the language is.

Mr. SAUNDERS. In line 13, page 3, strike out the word "and" and insert the word "then," the word "if" having occurred in the preceding portion of the section. This is a cumulative provision, and it provides that if this demand shall be made in writing upon these parties, then if they fail to report, and so forth.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 13, in line 3, strike out the word "and" and insert the word "then."

The amendment was agreed to.

Mr. HOUSTON. Mr. Chairman, I move that the committee do now rise and report the bill with the amendments to the House, with the recommendation that the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and Mr. BURLESON having taken the chair as Speaker pro tempore, Mr. FITZGERALD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 13988) to authorize the Director of the Census to collect and publish additional statistics of tobacco, and had directed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. OLMSTED. Mr. Speaker, I wish to ask the gentleman from Virginia [Mr. SAUNDERS] if he thinks his last amendment ought to have been agreed to. In that amendment the word "and" has been stricken out and the word "then" has been inserted. It seems to me it is hardly grammatical.

Mr. SAUNDERS. Perhaps the gentleman has lost sight of the fact that the word "if" had already been inserted.

Mr. OLMSTED. In view of that fact I withdraw my suggestion.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the amendments will be voted on in gross.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and to be read a third time.

Mr. MANN. Mr. Speaker, I have no desire to delay the consideration of this bill, but there have been many amendments adopted, and as the clerks are somewhat new I think it would be well to have it engrossed before it is passed, in justice to them. It can be done to-morrow.

Mr. HOUSTON. I move the previous question on the bill and amendments to the final passage.

The previous question was ordered.

Mr. MANN. I now ask for the reading of the engrossed bill.

Mr. HOUSTON. I yield to the gentleman's request.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 42 minutes p. m.) the House adjourned until to-morrow, Friday, December 8, 1911, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Pleasant Hill Baptist Church *v.* The United States (H. Doc. No. 237); to the Committee on War Claims and ordered to be printed.

2. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Emma F. Everman *v.* The United States (H. Doc. No. 238); to the Committee on War Claims and ordered to be printed.

3. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Hartwell B. Hilliard *v.* The United States (H. Doc. No.

239); to the Committee on War Claims and ordered to be printed.

4. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Mary J. McGlothlen, sole heir of John W. Meenach, deceased, v. The United States (H. Doc. No. 240); to the Committee on War Claims and ordered to be printed.

5. A letter from the Clerk of the House of Representatives, submitting a list of reports to be made to Congress by public officers during the Sixty-second Congress (H. Doc. No. 243); to the Committee on Accounts and ordered to be printed.

6. A letter from the Clerk of the House of Representatives, submitting his annual report to Congress for the fiscal year ended June 30, 1911 (H. Doc. No. 242); to the Committee on Accounts and ordered to be printed.

7. A letter from the Acting Secretary of Commerce and Labor, transmitting report of trade developments in Latin America, authorized by act of June 17, 1911 (H. Doc. No. 244); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

8. A letter from the Postmaster General, transmitting a report showing the finances of the department for the preceding year, also expenditures for the fiscal year ended June 30, 1911 (H. Doc. No. 245); to the Committee on Expenditures in the Post Office Department and ordered to be printed.

9. A letter from the Comptroller of the Currency, transmitting his annual report to Congress (H. Doc. No. 125); to the Committee on Banking and Currency and ordered to be printed.

10. A letter from the Danish Parliament to the House of Representatives of the United States (H. Doc. No. 241); to the Committee on Foreign Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HARRISON of New York, from the Committee on Ways and Means, to which was referred the resolution (H. Res. 320) requesting the President of the United States to furnish information as to whether duties have been levied since July 26, 1911, on wood pulp and other articles, reported the same without amendment, accompanied by a report (No. 172), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. RICHARDSON, from the Committee on Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 14918) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, accompanied by a report (No. 171), which said bill and report were referred to the Private Calendar.

Mr. MORSE of Wisconsin, from the Committee on War Claims, to which was referred the bill (H. R. 8861) for the relief of the legal representatives of Samuel Schiffer, reported the same with amendment, accompanied by a report (No. 173), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were thereupon referred as follows:

A bill (H. R. 3724) granting a pension to Thomas Inman; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10730) granting a pension to William Reedy; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 11272) granting an increase of pension to Michael Denigan; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LOBECK: A bill (H. R. 14919) to test the cable and brush system of controlling the channel of the Missouri River at or near the city of Omaha, State of Nebraska; to the Committee on Rivers and Harbors.

By Mr. MORGAN: A bill (H. R. 14920) to increase the limit of cost and to authorize the Secretary of the Treasury to contract for the enlargement, extension, remodeling, and improvement of the public building at Oklahoma City, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. DIES: A bill (H. R. 14921) to make Orange, Tex., a subport of entry; to the Committee on Ways and Means.

Also, a bill (H. R. 14922) to make Beaumont, Tex., a subport of entry; to the Committee on Ways and Means.

By Mr. MAYS: A bill (H. R. 14923) to provide for the improvement, repair, and maintenance and the preservation of the public works on the rivers and harbors and for the improvement and dredging of the Choctawhatchee River from Geneva, Ala., to the Gulf of Mexico, in the State of Florida; to the Committee on Rivers and Harbors.

By Mr. McKINLEY: A bill (H. R. 14924) to create a national university at the seat of the Federal Government; to the Committee on Education.

By Mr. HOWARD: A bill (H. R. 14925) to amend "An act to parole United States prisoners, and for other purposes," approved June 25, 1910; to the Committee on the Judiciary.

By Mr. LA FOLLETTE: A bill (H. R. 14926) to authorize the construction of a bridge across Snake River, in the State of Washington; to the Committee on Interstate and Foreign Commerce.

By Mr. EVANS: A bill (H. R. 14927) to create in the War and Navy Departments a volunteer retired list with retired pay to volunteer officers of the Civil War; to the Committee on Military Affairs.

By Mr. McKINLEY: A bill (H. R. 14928) to provide for increased annual appropriations to the several States for the agricultural colleges established under the provisions of an act approved July 2, 1862, and for the demonstration of practical and scientific methods of agriculture; to the Committee on Agriculture.

By Mr. CLAYTON: A bill (H. R. 14929) to provide for the improvement, repair, and maintenance and the preservation of the public works on the rivers and harbors, and for the improvement and dredging of the Choctawhatchee River from Geneva, Ala., to the Gulf of Mexico, in the State of Florida; to the Committee on Rivers and Harbors.

By Mr. HELGESEN: A bill (H. R. 14930) to repeal the act entitled "An act to create a commerce court, etc.," approved June 18, 1910; to the Committee on Interstate and Foreign Commerce.

By Mr. ADAMSON: A bill (H. R. 14931) increasing the cost of erecting a public building at Carrollton, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. BORLAND: A bill (H. R. 14932) to amend an act entitled "An act to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri," approved July 3, 1884; to the Committee on Interstate and Foreign Commerce.

By Mr. REILLY: A bill (H. R. 14933) for the adjudication and determination of the claims arising under joint resolution of July 14, 1870 (16 Stat. L., 670), authorizing the Postmaster General to continue to use in the postal service Marcus P. Norton's combined postmarking and stamp-canceling hand-stamp patents, and directing him to "determine upon a fair, just, and equitable compensation for the use of the said inventions"; to the Committee on the Post Office and Post Roads.

By Mr. ANDREWS: A bill (H. R. 14934) providing for the construction of a public well at Dunlap, N. Mex.; to the Committee on Appropriations.

By Mr. OLDFIELD: A bill (H. R. 14935) to exclude from the Ozark National Forest all lands lying within the county of Cleburne and restore same to the public domain; to the Committee on the Public Lands.

By Mr. GARDNER of Massachusetts: A bill (H. R. 14936) prohibiting the importing and landing of fish caught by beam trawlers; to the Committee on the Merchant Marine and Fisheries.

By Mr. FLOYD of Arkansas: A bill (H. R. 14937) to exclude from the Ozark National Forest all lands lying within the counties of Van Buren, Newton, Searcy, Baxter, and Marion, and to restore same to the public domain; to the Committee on the Public Lands.

By Mr. NELSON: A bill (H. R. 14938) to regulate commerce among the several States and with foreign countries in certain cases; to the Committee on Interstate and Foreign Commerce.

By Mr. CARTER: A bill (H. R. 14939) to authorize the Choctaw and Chickasaw Indians to bring suit in the Court of Claims, and for other purposes; to the Committee on Indian Affairs.

By Mr. MOTT: A bill (H. R. 14940) to amend an act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes"; to the Committee on Ways and Means.

By Mr. WEDEMEYER: A bill (H. R. 14941) to settle the claims arising under joint resolution of July 14, 1870, etc.; to the Committee on the Post Office and Post Roads.

By Mr. FORNES: A bill (H. R. 14942) providing for the survey of a ship canal from Benton Harbor, on Lake Michigan, to Toledo, on Lake Erie; to the Committee on Railways and Canals.

By Mr. ANDRUS: A bill (H. R. 14943) for the settlement of the claims arising under joint resolution of July 14, 1870, etc.; to the Committee on the Post Office and Post Roads.

By Mr. REILLY: A bill (H. R. 14944) authorizing the construction of a bridge across the Connecticut River, in the State of Connecticut, between the towns of East Haddam and Haddam; to the Committee on Interstate and Foreign Commerce.

By Mr. ANTHONY: A bill (H. R. 14945) to place the National Homes for Disabled Volunteer Soldiers under the administration of the War Department; to the Committee on Military Affairs.

By Mr. HOLLAND: A bill (H. R. 14946) to provide for the examination and survey of Lynnhaven River, in Virginia, for the purpose of ascertaining the cost of deepening said river at and near its mouth, so that same may be made navigable and so that vessels may enter it from Chesapeake Bay and find harbor therein; to the Committee on Rivers and Harbors.

By Mr. REILLY: A bill (H. R. 14947) to make October 12 in each year a public holiday, to be called Columbus Day; to the Committee on the Judiciary.

By Mr. HARRISON of Mississippi: A bill (H. R. 14948) to increase the limit of cost of the public building at Laurel, Miss.; to the Committee on Public Buildings and Grounds.

By Mr. GRIEST: A bill (H. R. 14949) to provide for the erection of a new public building at Lancaster, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. GARDNER of Massachusetts: Joint resolution (H. J. Res. 173) providing for an investigation by the Commissioner of Fisheries as to the destructiveness of the method of fishing known as beam trawling; to the Committee on the Merchant Marine and Fisheries.

By Mr. HOBSON: Joint resolution (H. J. Res. 174) for reunion of all surviving soldiers of the Civil War, Union and Confederate, on the field of Gettysburg, in commemoration of the fiftieth anniversary of the Battle of Gettysburg and of the complete and perfect union of all sections of the United States; to the Committee on Appropriations.

By Mr. WILSON of Pennsylvania: Resolution (H. Res. 328) authorizing special committee under House resolution No. 90 to have printing and binding done, and for other purposes; to the Committee on Accounts.

By Mr. STEPHENS of Texas: Resolution (H. Res. 330) authorizing the suspension of work on Gila River Indian Reservation projects in Arizona until further action by Congress; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. RICHARDSON: A bill (H. R. 14918) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; to the Committee of the Whole House.

By Mr. ADAIR: A bill (H. R. 14950) to remove the charge of desertion against John Smith; to the Committee on Military Affairs.

Also, a bill (H. R. 14951) to remove the charge of desertion against Aaron S. Linn; to the Committee on Military Affairs.

Also, a bill (H. R. 14952) to remove the charge of desertion against Lewis Mock; to the Committee on Military Affairs.

By Mr. ADAMSON: A bill (H. R. 14953) for the relief of the heirs of Horace King, deceased; to the Committee on War Claims.

By Mr. ANDERSON of Ohio: A bill (H. R. 14954) granting a pension to Nancy J. Heiney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14955) granting an increase of pension to George W. Ovens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14956) granting an increase of pension to Corydon Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14957) granting an increase of pension to Jesse M. Spooner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14958) granting an increase of pension to Thomas Spicer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14959) granting an increase of pension to Ephraim J. Yowler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14960) granting an increase of pension to William Cramer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14961) granting an increase of pension to Thomas J. Harvey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14962) granting an increase of pension to Elijah Sager; to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 14963) granting an increase of pension to John H. Ballmer; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 14964) granting a pension to Isaac B. Hawke; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14965) granting an increase of pension to William S. Brown; to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 14966) granting an increase of pension to Perry Oliver Rice; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14967) granting an increase of pension to Solomon Speelman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14968) for the relief of Edward S. Carr; to the Committee on War Claims.

By Mr. BATES: A bill (H. R. 14969) granting a pension to Charles H. Hall; to the Committee on Invalid Pensions.

By Mr. BATHRICK: A bill (H. R. 14970) granting an increase of pension to John Bergin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14971) granting an increase of pension to James M. Graham; to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 14972) granting a pension to Katherine Wise; to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 14973) granting an increase of pension to Emile Johnson; to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 14974) granting an increase of pension to Alonzo D. Brown; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 14975) for the relief of Paul Wallerstein; to the Committee on Military Affairs.

By Mr. CLARK of Missouri: A bill (H. R. 14976) granting an increase of pension to George W. McCree; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14977) granting an increase of pension to James S. Rutherford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14978) granting an increase of pension to William C. Baxter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14979) granting an increase of pension to David N. Carmedy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14980) granting an increase of pension to John R. Sitton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14981) granting an increase of pension to E. K. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14982) granting an increase of pension to Conrad Klinge; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14983) granting a pension to Grace Nuckles; to the Committee on Invalid Pensions.

By Mr. CLINE: A bill (H. R. 14984) granting a pension to Isabella Parsons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14985) granting a pension to Edward B. North; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14986) granting a pension to John H. Reese; to the Committee on Invalid Pensions.

By Mr. COPLEY: A bill (H. R. 14987) granting a pension to Mary Wantz; to the Committee on Pensions.

Also, a bill (H. R. 14988) for the relief of John J. Henden; to the Committee on Military Affairs.

By Mr. CULLOP: A bill (H. R. 14989) granting an increase of pension to Albert A. Watson; to the Committee on Invalid Pensions.

By Mr. DAVIDSON: A bill (H. R. 14990) granting a pension to John H. Wynn; to the Committee on Pensions.

Also, a bill (H. R. 14991) granting a pension to George Corneille; to the Committee on Pensions.

Also, a bill (H. R. 14992) granting a pension to Eleanor M. Freer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14993) granting a pension to Adelaide Lee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14994) granting an increase of pension to Andreas Pfannschmidt; to the Committee on Invalid Pensions.

By Mr. DENVER: A bill (H. R. 14995) granting a pension to Jane Cramer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14996) granting a pension to Amanda Crawford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14997) granting an increase of pension to William P. Hammer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14998) granting an increase of pension to Henry C. Stuart; to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 14999) granting an increase of pension to William H. Coy; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 15000) granting a pension to Sarah F. Henry; to the Committee on Pensions.

By Mr. FAIRCHILD: A bill (H. R. 15001) granting an increase of pension to William Safford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15002) granting an increase of pension to Erskine Hoffman; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 15003) granting an increase of pension to George W. Messimer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15004) granting an increase of pension to William A. Zinn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15005) granting an increase of pension to George Ott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15006) granting an increase of pension to Frank L. Tracy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15007) granting an increase of pension to Alexander Everhart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15008) granting an increase of pension to William F. Charles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15009) granting an increase of pension to Jacob Ranch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15010) granting an increase of pension to Perry Jarett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15011) granting an increase of pension to Abraham Arndt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15012) granting an increase of pension to George M. Irvin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15013) granting an increase of pension to John L. Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15014) granting an increase of pension to John A. Harry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15015) granting an increase of pension to George W. Feaster; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15016) granting an increase of pension to William Slick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15017) granting an increase of pension to Abraham Hesley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15018) for the relief of Levi Zerbe, alias Levi Hone; to the Committee on Military Affairs.

By Mr. FORNES: A bill (H. R. 15019) granting a pension to Mary F. Belcher; to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 15020) granting an increase of pension to Moses Reeves, jr.; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 15021) granting an increase of pension to Charles H. Nash; to the Committee on Invalid Pensions.

By Mr. GLASS: A bill (H. R. 15022) granting a pension to Richard L. Miller; to the Committee on Pensions.

By Mr. GOOD: A bill (H. R. 15023) granting an increase of pension to John W. Klumph; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 15024) granting an increase of pension to Joseph P. Foss; to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 15025) granting a pension to Frances G. Stewart; to the Committee on Pensions.

By Mr. HOBSON: A bill (H. R. 15026) granting a pension to Sarah B. Scott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15027) granting a pension to Mary Meade Sands; to the Committee on Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 15028) granting a pension to John P. Hickel; to the Committee on Invalid Pensions.

By Mr. JONES: A bill (H. R. 15029) for the relief of the trustees of Carmel Baptist Church, Caroline County, Va.; to the Committee on War Claims.

Also, a bill (H. R. 15030) to remove the charge of desertion against the military record of William H. Edwards; to the Committee on Military Affairs.

By Mr. KORBLY: A bill (H. R. 15031) granting a pension to Ada Willey; to the Committee on Pensions.

Also, a bill (H. R. 15032) granting a pension to John Paul; to the Committee on Pensions.

Also, a bill (H. R. 15033) granting a pension to James L. Anderson; to the Committee on Pensions.

Also, a bill (H. R. 15034) granting an increase of pension to Michael Shuppert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15035) granting an increase of pension to Mathusalem D. Cook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15036) granting an increase of pension to William B. Flynn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15037) granting an increase of pension to Lewis S. Barge; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15038) granting an increase of pension to Wyatt Chappell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15039) granting an increase of pension to Martin Gross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15040) granting an increase of pension to William H. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15041) granting an increase of pension to Charles T. P. Bass; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15042) granting an increase of pension to James W. Lansberry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15043) granting an increase of pension to Andrew L. Huff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15044) granting an increase of pension to Nicholas Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15045) granting an increase of pension to Peter Meredith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15046) granting an increase of pension to John G. Selig; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15047) granting an increase of pension to Thomas H. Scott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15048) granting an increase of pension to Henry C. Smith; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 15049) granting a pension to Annie Florsteadt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15050) granting an increase of pension to John Zumbrum; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15051) granting an increase of pension to Theodore J. Binder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15052) granting an increase of pension to Christian H. Snyder; to the Committee on Invalid Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 15053) granting a pension to Mary Margerum; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15054) removing the sentence of dishonorable discharge from the military record of Isaac Purnell and granting him an honorable discharge; to the Committee on Military Affairs.

By Mr. LLOYD: A bill (H. R. 15055) granting an increase of pension to Jonathan Yates; to the Committee on Invalid Pensions.

By Mr. McKINLEY: A bill (H. R. 15056) granting an increase of pension to Joseph W. Long; to the Committee on Invalid Pensions.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 15057) granting a pension to James P. Whitlow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15058) granting a pension to Milford A. Bates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15059) granting a pension to Lydia Gere Holmes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15060) granting an increase of pension to Charles E. Weeks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15061) granting an increase of pension to Henry Fulton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15062) granting an increase of pension to Benjamin G. Decker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15063) granting an increase of pension to John Ferrier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15064) granting an increase of pension to Thomas E. Glass; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15065) granting an increase of pension to Calvin W. Green; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15066) granting an increase of pension to Fritz Heinrich; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15067) granting an increase of pension to William H. Hill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15068) granting an increase of pension to John W. Kuhn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15069) granting an increase of pension to Lewis H. Laflin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15070) granting an increase of pension to John Scheicht; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15071) granting an increase of pension to Andrew Stewart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15072) granting an increase of pension to David Stevens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15073) granting an increase of pension to Oracle Shores; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15074) granting an increase of pension to James W. Sweet; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15075) granting an increase of pension to John Trayer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15076) granting an increase of pension to James W. Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15077) granting an increase of pension to John Taft; to the Committee on Invalid Pensions.

By Mr. MAHER: A bill (H. R. 15078) granting an increase of pension to William Shug; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15079) granting an increase of pension to William Mack; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15080) granting an increase of pension to Sarah E. Bapp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15081) granting an increase of pension to Frank Drew, alias Frank Drake; to the Committee on Invalid Pensions.

By Mr. MALBY: A bill (H. R. 15082) granting a pension to Joanna Nichols; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15083) granting a pension to James H. Bartlett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15084) granting a pension to William F. Walker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15085) granting a pension to Ida Nelson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15086) granting an increase of pension to Julius L. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15087) granting an increase of pension to James Breckenridge; to the Committee on Pensions.

Also, a bill (H. R. 15088) granting an increase of pension to William M. Lamere; to the Committee on Invalid Pensions.

By Mr. MATTHEWS: A bill (H. R. 15089) granting a pension to Thomas S. Vale, alias Thomas S. Vaile; to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 15090) for the relief of the heirs of Ann E. Timberlake; to the Committee on War Claims.

By Mr. MORGAN: A bill (H. R. 15091) for the relief of the widow and heirs of William K. Morrow, deceased; to the Committee on War Claims.

By Mr. MORRISON: A bill (H. R. 15092) granting a pension to Lucy Ann Harper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15093) granting an increase of pension to Josiah W. Drake; to the Committee on Invalid Pensions.

By Mr. MOTT: A bill (H. R. 15094) granting an increase of pension to George W. Earl; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15095) granting an increase of pension to James O. Ault; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15096) granting an increase of pension to Charles W. Phelps; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15097) granting an increase of pension to Alfred Pluche; to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 15098) granting a pension to Bettie Lawson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15099) granting an increase of pension to William M. Anderson; to the Committee on Invalid Pensions.

By Mr. REDFIELD: A bill (H. R. 15100) for the relief of Robert C. Nathan; to the Committee on Military Affairs.

By Mr. REILLY: A bill (H. R. 15101) for the relief of George W. Beach; to the Committee on Claims.

Also, a bill (H. R. 15102) to remove the charge of desertion from the military record of Almar Dickson; to the Committee on Military Affairs.

By Mr. RODENBERG (by request): A bill (H. R. 15103) providing for the payment of certain sums found due by the auditor of the Supreme Court of the District of Columbia under the provisions of the act approved March 4, 1909, chapter 306; to the Committee on the District of Columbia.

By Mr. ROUSE: A bill (H. R. 15104) granting a pension to Rivoleete Francis De Moisey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15105) granting a pension to Lee Tucker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15106) granting a pension to A. G. Boggs; to the Committee on Invalid Pensions.

By Mr. J. M. C. SMITH: A bill (H. R. 15107) granting a pension to George Abblerback; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15108) granting a pension to Lizzie M. O'Sullivan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15109) to correct the military record of Israel Boyer; to the Committee on Military Affairs.

By Mr. THAYER: A bill (H. R. 15110) granting a pension to Herbert R. Closson; to the Committee on Pensions.

By Mr. UNDERHILL: A bill (H. R. 15111) granting an increase of pension to Joseph N. Thurber; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of numerous citizens of Illinois, relative to sale of alcoholic liquors; to the Committee on Alcoholic Liquor Traffic.

Also (by request), petition of numerous citizens of Panola County, Tex., urging repeal of tax on salt; to the Committee on Ways and Means.

Also, memorial of James B. Morris Post, Grand Army of the Republic, indorsing Sulloway pension bill; to the Committee on Invalid Pensions.

Also, memorials of Local No. 175, International Longshoremen's Association, of North Tonawanda, N. Y.; Patternmakers' Association, of Detroit, Mich.; and the Milwaukee Branch Lake Seamen's Union, Milwaukee, Wis., indorsing House bill 11372; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of numerous citizens of Wellsville, Mo., against parcels post; to the Committee on the Post Office and Post Roads.

Also, memorial of American Philosophical Society, urging a fireproof building for the national archives; to the Committee on Public Buildings and Grounds.

Also, petitions of numerous citizens of New Mexico, in favor of certain Senate bill; to the Committee on the Public Lands.

By Mr. ALEXANDER: Papers to accompany H. R. 10589; to the Committee on Invalid Pensions.

By Mr. ANDERSON of Ohio: Petitions of the Ober Manufacturing Co., of Chagrin Falls; the Cincinnati Cloak & Suit Co., the Cincinnati Planer Co., Albert Mayer & Bros., and the Charles Meis Shoe Co., of Cincinnati; Cleveland Armature Works, Cray Bros., and Lucas Machine Tool Co., of Cleveland; the Morehouse-Martens Co., and the Sun Manufacturing Co., of Columbus; the Hinde & Dauch Paper Co., of Sandusky; and Berdan & Co., the Brown, Eager & Hull Co., the Ransom & Randolph Co., the Perfection Furnace Pipe Co., the Toledo Pipe Threading Machine Co., the United States Malleable Iron Co., and the Gendron Wheel Co., of Toledo, all of Ohio, urging 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. ANSBERRY: Memorial of San Jose (Cal.) Chamber of Commerce for free passage of American ships through Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK: Petitions of the Anti-Imperialist League of Boston, Mass., asking for the independence of the Filipinos; to the Committee on Insular Affairs.

Also, resolutions adopted by the Ohio State Board of Commerce, Columbus, Ohio, favoring a change in the operation of the Federal corporation tax law; to the Committee on Ways and Means.

Also, petition of Albert S. Weber and others, of Wooster, Ohio, favoring the passage of House bill 8141; to the Committee on Military Affairs.

Also, petition of C. M. Ferguson and other merchants of Roscoe, Ohio, in opposition to parcels-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of the Morehouse-Martens Co., Columbus; the Globe Tailoring Co., Cincinnati; the Continental Trust & Savings Bank Co., Toledo; the Buckeye Stamping Co., Columbus; the Strong Manufacturing Co., Bellaire; A. R. Duncan, Jr.; Co., Cleveland; the Continental Jewelry Co., Cleveland; Miles F. Bixler Co., Cleveland; the Cincinnati Crushed Stone & Gravel Co., Cincinnati; Lucas Machine Tool Co., Cleveland; the H. L. Hurst Manufacturing Co., Canton; the Harris Brick Co., Cincinnati; the Kosse, Shoe & Schleyer Co., Cincinnati; the Ohio State Board of Commerce, Columbus; Gray Bros., Cleveland; the F. Bissell Co., Toledo; the Winton Motor Car Co., Cleveland; Raleigh Lumber Co., Columbus; the Kingsley Paper Co., Cleveland; the Moores-Coney Co., Cincinnati; the Columbus Pharmacal Co., Columbus; the Stevens Grease & Oil Co., Cleveland; the Cuyahoga Roofing Co., Cleveland; W. M. Ritter Lumber Co., Columbus; the F. W. Wakefield Brass Co., Vermilion; the Charles Weis Shoe Co., Cincinnati; Bert Alexander, care of National Cash Register Co., Cincinnati; the Union National Bank, Columbus; the Brown, Eager & Hull Co., Toledo; the Ober Manufacturing Co., Chagrin Falls; Sandusky Portland Cement Co., Cleveland; the Ransom & Randolph Co., Toledo; Bordan & Co., Toledo; the Perfection Furnace Pipe Co., Toledo; the Cincinnati Cloak & Suit Co., Cincinnati; the Cincinnati Planter Co., Cincinnati; the Toledo Biscuit Co., Toledo; the Merkel Bros. Co., Cincinnati; the U. S. Malleable Iron Co., Toledo; the Sun Manufacturing Co., Columbus; the Toledo Bridge & Crane Co., Toledo; Cleveland Armature Works, Cleveland; the Fifth-Third National Bank, Cincinnati; Albert Mayer &

Bros., Cincinnati; the Ohio Machine Tool Co., Kenton; Gendron Wheel Co., Toledo; and the Toledo Pipe Threading Machine Co., Toledo, all well-known business firms of the State of Ohio, favoring 1-cent postage; to the Committee on the Post Office and Post Roads.

By Mr. BARTHOLDT: Memorials of Lodges Nos. 53, 87, and 88, Independent Order B'rith Abraham, urging abrogation of treaty with Russia; to the Committee on Foreign Affairs.

Also, petition of Faxon & Gallagher Drug Co., of Kansas City, Mo., urging 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Lodge No. 134, Switchmen's Union of North America, urging passage of House bill 13911; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Missouri Bankers' Association, relative to bills of lading; to the Committee on Interstate and Foreign Commerce.

By Mr. BRADLEY: Memorial of Lodge No. 88, Independent Order Ahawas Israel, urging termination of treaty with Russia; to the Committee on Foreign Affairs.

By Mr. BULKLEY: Memorial of Cleveland Conference Board, International Molders' Union of North America, urging the passage of House bill 11732; to the Committee on the Merchant Marine and Fisheries.

By Mr. BUTLER: Memorial of Royersford and Spring City (Pa.) Trades Council, indorsing House bill 5601; to the Committee on Interstate and Foreign Commerce.

By Mr. CALDER: Memorial of Lodge No. 462, Order B'rith Abraham, urging abrogation of treaty with Russia; to the Committee on Foreign Affairs.

By Mr. CARY: Memorials of Lodge No. 476, Order B'rith Abraham, and Lodge No. 159, Independent Order B'rith Abraham, urging abrogation of treaty with Russia; to the Committee on Foreign Affairs.

Also, memorials of the Federated Trades Council and the Pattern Makers' Association, both of Milwaukee, Wis., to better condition of seamen and safeguard the lives of passengers; to the Committee on the Merchant Marine and Fisheries.

By Mr. CLINE: Papers to accompany bills for Edward B. North, Isabella Parsons, and John H. Reese; to the Committee on Invalid Pensions.

Also, resolutions of the Association of the Seventy-fifth and One hundred and first Indiana Regiments, protesting against removal of markers and monuments upon Missionary Ridge; to the Committee on Military Affairs.

Also, petitions of citizens and business men of Avilla and Land, Ind., against parcels post; to the Committee on the Post Office and Post Roads.

By Mr. CURLEY: Memorial of Lodge No. 45, Order B'rith Abraham, urging abrogation of treaty with Russia; to the Committee on Foreign Affairs.

By Mr. DALZELL: Papers to accompany bill granting an increase of pension to William J. Finley; to the Committee on Invalid Pensions.

By Mr. DANFORTH: Petitions of Rochester Carting Co., Gillies Lithographing & Printing Co., Van Ingen Coal Co., American Fruit Product Co., Bartholomay Brewery Co., Taylor Instrument Cos., Wm. Hoyt & Co., Alling & Cory Co., Rochester Lithographing Co., James C. Barry Co., and Charlton Nursery Co., all of Rochester, N. Y., urging amendment to corporation tax law; to the Committee on Ways and Means.

Also, petitions of numerous business men of Buffalo, Ithaca, New York, Rochester, and Syracuse, N. Y., in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Monroe County (N. Y.) Civil War Veterans' Association, favoring the Sherwood pension bill with section 3 eliminated; to the Committee on Invalid Pensions.

By Mr. DRAPER: Memorial of the New York State Senate, urging uniform divorce laws; to the Committee on the Judiciary.

Also, petition of business men of Hoosick Falls, N. Y., opposing parcels post; to the Committee on the Post Office and Post Roads.

Also, resolutions of the New Seattle Chamber of Commerce, the Tacoma Commercial Club and Chamber of Commerce, the Olympia Chamber of Commerce, the Bellingham Chamber of Commerce, the Port Townsend Chamber of Commerce, the Aberdeen Chamber of Commerce, the Hoquiam Chamber of Commerce, the Bremerton Commercial Club, and the Raymond Commercial Club, all of the State of Washington, requesting that no tolls be charged through the Panama Canal to vessels flying the American flag, etc.; to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Order of United Commercial Travelers of America, urging the passage of S. 2051, to promote the efficiency of the Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

By Mr. DYER: Papers to accompany bill for Sarah F. Henry and House bill 12037; to the Committee on Pensions.

Also, papers to accompany House bill 14225; to the Committee on Invalid Pensions.

Also, resolutions of St. Louis Lodge, No. 62, Independent Western Star Order, and Nathan Frank Lodge, No. 87, Independent Order B'rith Abraham, of St. Louis, Mo., urging termination of existing treaty with Russia; to the Committee on Foreign Affairs.

By Mr. FOCHT: Papers to accompany House bill 13398, a bill for the relief of George Rhule; to the Committee on Invalid Pensions.

By Mr. FORNES: Petition of Mary F. Welcher, for passage of special act of Congress; to the Committee on Invalid Pensions.

Also, petitions of Alderman, Fairchild Co., of Rochester, and the Dilg Manufacturing & Trading Co., of New York, N. Y., in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, memorial relating to celebration of Ohio-Columbus Centennial; to the Committee on Industrial Arts and Expositions.

By Mr. FRANCIS: Memorial of Lodge No. 131, I. W. S. O., urging abrogation of Russian treaty; to the Committee on Foreign Affairs.

By Mr. FULLER: Papers to accompany bill for the relief of Charles H. Nash; to the Committee on Invalid Pensions.

Also, petition of Supreme Council of United Commercial Travelers of America, in favor of legislation to maintain the efficiency of the Life-Saving Service, etc.; to the Committee on Interstate and Foreign Commerce.

Also, petition of Glass Bottle Blowers' Association of the United States and Canada, Branch No. 2, of Streator, Ill., in favor of House bill 5601; to the Committee on Interstate and Foreign Commerce.

Also, petitions of American Woodworking Machinery Co. of Aurora, and James S. Kirk & Co., of Chicago, Ill., in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. GARDNER of Massachusetts: Petitions of Tom W. Mitchell and Frank J. Mitchell, of Haverhill, Mass., favoring the proposed Lincoln Memorial Road from Washington, D. C., to Gettysburg; to the Committee on Appropriations.

Also, memorial adopted by the Seventh-day Adventist Church of Newburyport, Mass., protesting against the passage of House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. GRIEST: Petitions of citizens of Lancaster County, Pa., favoring the construction of a national memorial highway in honor of Abraham Lincoln; to the Committee on Appropriations.

By Mr. HAMILL: Memorials of Lodges Nos. 236 and 479, Independent Order B'rith Abraham; Lodge No. 186, Independent Order B'rith Sholom; and Temple of Israel of West Hoboken, N. J., urging termination of treaty with Russia; to the Committee on Foreign Affairs.

Also, memorial of representatives of the Jewish citizenship of the city of Bayonne, N. J., urging the abrogation of the treaty with Russia; to the Committee on Foreign Affairs.

By Mr. HAMMOND: Petition of Cooper Hardware & Implement Co. and 5 others, of Vernon Center, Minn., protesting against the establishment of a parcels post; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Amboy, Jasper, Good Thunder, Lake Crystal, Mapleton, Wells, and Vernon Center, Minn., against parcels post; to the Committee on the Post Office and Post Roads.

By Mr. HUGHES of New Jersey: Resolutions of Congregation B'rith Abraham; Congregation Talmud Torah, Ohab Sholem Anshe Svart, Agudas Achem, Adas Israel; Bayonne City Lodge, Independent Order B'rith Abraham; Alpha Theta Fraternity; Arbiter Ring; Bhay Zion Kadima; Mutual Progressive Association; Bayonne Business Men's Association, O. A. I.; Ahawas Israel, No. 83, Free Sons of Judah; Bayonne Aid Progressive; Hebrew Benevolent Association; Bayonne Star; Young Men's Hebrew Association; Anshe Zedek Ungarian, Order Sons of Zion; Temple Emanuel; Agadas Achem; Carpenters' Local No. 383, of Bayonne; of New Paterson Lodge, No. 405, and Barnet Lodge, No. 158, Order B'rith Abraham, of Paterson; A. M. White Lodge, No. 168, and Paterson Progressive Lodge, No. 246, Independent Order B'rith Sholom, all in the State of New Jersey, praying for the abrogation of the Russian treaty; to the Committee on Foreign Affairs.

By Mr. LAFEAN: Petition of residents of Wrightsville, Pa., protesting against the enactment of a parcels-post bill; to the Committee on the Post Office and Post Roads.

Also, papers to accompany bill granting a pension to Annie Florsteadt; to the Committee on Invalid Pensions.

By Mr. LA FOLLETTE: Memorials by Seventh-day Adventist Church, Hillyard, Wash.; College Place and College Place German Seventh-day Adventist churches, College Place, Wash., protesting against House bill 9433, for observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

By Mr. LEE of Georgia: Papers to accompany House bill 14791; to the Committee on War Claims.

By Mr. LEE of Pennsylvania: Resolutions of Oheb Zedek Lodge, No. 136, Independent Order B'rith Sholom, praying for the abrogation of the Russian treaty; to the Committee on Foreign Affairs.

By Mr. LINDBERGH: Petition of numerous citizens of Minnesota, opposing parcels post; to the Committee on the Post Office and Post Roads.

By Mr. LINDSAY: Resolutions of the Fishel Wittenstein Lodge, No. 432, Independent Order B'rith Abraham; First Independent Odessa Lodge, No. 183, Independent Order Free Sons of Judah; and Aven Tow Lodge, No. 269, Independent Order B'rith Sholom, of New York, urging the abrogation of the treaty with Russia; to the Committee on Foreign Affairs.

Also, petitions of A. S. Carroll, James T. Connolly, John P. Cumming, and John S. Markey, of Brooklyn, N. Y., favoring House bill 14; to the Committee on the Post Office and Post Roads.

Also, petitions of Buffalo Weaving & Belting Co., of Buffalo, N. Y., and Syracuse Supply Co., of Syracuse, N. Y., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Local No. 6, Brushmakers' International Union, indorsing House bill 5601; to the Committee on Interstate and Foreign Commerce.

By Mr. MAHER: Resolutions of the Young Men's Benevolent Society of Brooklyn, N. Y., urging the abrogation of the treaty with Russia; to the Committee on Foreign Affairs.

By Mr. MOORE of Pennsylvania: Memorials of Lodges Nos. 75, 76, 183, 217, 249, 273, 311, 379, 396, 535, and 592, Independent Order B'rith Abraham, and Lodges Nos. 21, 24, 35, 60, 76, 100, 105, and 148, Independent Order B'rith Sholom, urging abrogation of treaty with Russia; to the Committee on Foreign Affairs.

Also, memorials of Lodge No. 46, Independent Order Ahawas Israel, and Lodges Nos. 403 and 495, Order B'rith Abraham, urging the abrogation of the treaty with Russia; to the Committee on Foreign Affairs.

By Mr. MURRAY: Memorials of Lodges Nos. 45, 174, 181, 223, 226, and 245, O. B. A.; Nos. 346, 393, and 554, I. O. B. A.; Nos. 37 and 43, I. O. Y. H.; and Leo H. Buckman, of Suffolk County, Mass., urging abrogation of treaty with Russia; to the Committee on Foreign Affairs.

By Mr. NORRIS: Memorial of Culbertson (Nebr.) Seventh-day Adventist Church, opposing House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. O'SHAUNESSY: Memorials of Lodge No. 136, Independent Order Ahamas Israel; Lodge No. 255, I. O. B. S.; and Providence section of the Council of Jewish Women, urging abrogation of treaty with Russia; to the Committee on Foreign Affairs.

Also, memorials of Lodges Nos. 330 and 549, Order B'rith Abraham, and South Providence Business Men's Association, urging abrogation of treaty with Russia; to the Committee on Foreign Affairs.

By Mr. PADGETT: Paper to accompany bill granting a pension to Bettie Lawson; to the Committee on Invalid Pensions.

By Mr. PALMER: Memorial of Lodge 203, I. O. B. S., urging abrogation of treaty with Russia; to the Committee on Foreign Affairs.

By Mr. PARRAN: Papers to accompany House bill 14425; to the Committee on Invalid Pensions.

By Mr. PORTER: Resolution of the Allegheny River Boatmen's Association, favoring additional locks and dams on the Allegheny River; to the Committee on Rivers and Harbors.

Also, resolution of the Allegheny River Boatmen's Association, protesting against the unreasonable obstruction of navigation by low bridges with narrow, improperly located spans, and against all encroachments on the Allegheny River outside of the United States harbor lines; to the Committee on Rivers and Harbors.

Also, resolution of Allegheny River Boatmen's Association, favoring the canalization of the Allegheny River, protesting against unreasonable obstruction of navigation by low bridges and narrow channel spans, and against the infringement of harbor lines; to the Committee on Rivers and Harbors.

By Mr. RAINEY: Resolution of Beardstown (Ill.) Lodge, No. 498, International Association of Machinists, favoring removal of tax on oleomargarine; to the Committee on Agriculture.

Also, resolution of Beardstown (Ill.) Lodge, No. 498, International Association of Machinists, favoring the Booher bill; to the Committee on Interstate and Foreign Commerce.

By Mr. REDFIELD: Memorial of Congregation Sons of Israel, urging abrogation of treaty with Russia; to the Committee on Foreign Affairs.

By Mr. REILLY: Memorial of Lodge No. 61, Independent Order B'rith Abraham, urging abrogation of treaty with Russia; to the Committee on Foreign Affairs.

By Mr. ROUSE: Papers to accompany House bills 2812 and 14432; to the Committee on Invalid Pensions.

By Mr. SABATH: Memorials of Lodges 156, 171, 255, 340, 391, and 422, Order B'rith Abraham; 490 and 564, Independent Order B'rith Abraham; and the Worner Unterstützungs Verein, urging the abrogation of the treaty with Russia; to the Committee on Foreign Affairs.

Also, memorials of San Jose (Cal.) Chamber of Commerce and numerous civic bodies of the State of Washington, asking that no tolls be collected on American ships through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, memorial of New York State Society of Certified Public Accountants, protesting against the employment by the United States Government of chartered accountants to the exclusion of certified public accountants; to the Committee on Expenditures in the Navy Department.

By Mr. STEPHENS of California: Memorial of Hebrew Club of Los Angeles, Cal., urging termination of treaty with Russia; to the Committee on Foreign Affairs.

By Mr. SULZER: Memorials of the Damen Chor. Lyra, consisting of 30 members, and the Turn Verein Helvetia, consisting of 135 members, both of Chicago, Ill., urging investigation of the administration of the immigration office at Ellis Island; to the Committee on Immigration and Naturalization.

By Mr. TILSON: Memorials of Lodges 21, Order B'rith Abraham, and 13, Independent Order B'rith Abraham, urging abrogation of treaty with Russia; to the Committee on Foreign Affairs.

By Mr. UNDERHILL: Resolution of Park, First Baptist, and Hedding Methodist Episcopal Churches, of Elmira, N. Y., and Epworth League and Methodist Episcopal Church, of North Cohocton, N. Y., asking the passage of a bill to remove the Federal shield of interstate commerce from "original packages" of liquors consigned to persons in prohibition territory; to the Committee on Interstate and Foreign Commerce.

HOUSE OF REPRESENTATIVES.

FRIDAY, *December 8, 1911.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, our heavenly Father, all wisdom, all power, all purity, whose essence is love, impart unto us freely of these inestimable qualities, that we may see clearly, think wisely, and act nobly in all the intricate relationships of life. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

WITHDRAWAL OF PAPERS.

Mr. ASHBROOK, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, papers in the case of George W. Sanford, Sixty-first Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

Mr. KENT, by unanimous consent, was given leave of absence for three days, on account of illness in family.

QUESTION OF PERSONAL PRIVILEGE.

Mr. MOON of Pennsylvania. Mr. Speaker, I rise to a question of personal privilege. There appeared in a Washington newspaper this morning an article which I send to the Clerk's desk and ask to have read down to the point marked in pencil.

The Clerk read as follows:

NEAR FIGHT IN HOUSE—MOON AND THOMAS SEPARATED BEFORE BLOWS ARE STRUCK—FORMER STARTS THE ROW—CALLS KENTUCKIAN "ANARCHIST" DURING COMMITTEE DEBATE ON CONTEMPT BILL, AND IS TOLD HE MIGHT BE CONSIDERED CLEVER IF HE WERE NOT A REPUBLICAN—FISTS SHAKEN, BUT NEITHER IS INJURED.

Only the interference of mutual friends prevented a fist fight between Representative REUBEN O. MOON, of Pennsylvania, and Representative ROBERT Y. THOMAS, jr., of Kentucky, yesterday afternoon, at the close

of a meeting of the House Judiciary Committee. Mr. MOON called Mr. THOMAS "an anarchist," and the latter returned the compliment in terms so vigorous that the two men approached each other full of fire and fight.

The Judiciary Committee had under consideration Chairman CLAYTON'S bill providing jury trials in indirect contempt cases. Mr. MOON and Mr. THOMAS both are members of the committee. The Kentuckian, during the deliberations, proposed to substitute for the Clayton bill a measure of his own, with a provision in it limiting Federal judges in direct contempt cases to a $50 fine or 10 days in jail.

CALLS HIM "ANARCHIST."

The gentleman from Pennsylvania did not approve the proposed substitute, and when the meeting broke up, finding himself near his colleague, he said:

"You are an anarchist, sir."

"And you, sir," returned the Kentucky man, "are a Republican; otherwise you might have a chance of being considered a very clever gentleman."

Then it was that the friends intervened. The two brandished their fists at each other and sputtered a few words, but there was no actual clash. It was over in a few minutes. Last night neither of the would-be combatants nor the witnesses, consisting chiefly of their colleagues on the committee, were inclined to discuss the affair.

Mr. MOON of Pennsylvania. Mr. Speaker, I want to say to the House that the statement contained in that article is wholly, totally, and absolutely false. [Applause.] Not one single event that is recorded there occurred. The Post, of Washington, is a great newspaper and is ordinarily careful in its news report, and it is one of the miracles of modern journalism that such a story, which for pure fabrication and baseless fiction equals those of Baron Munchausen in the wildest flights of his fertile imagination, should have been put on the front page of that newspaper in displayed headlines as a historical account of what occurred in a congressional committee of this House.

Now, in the first place, Mr. Speaker, Mr. THOMAS, of Kentucky, did not attempt to offer his bill as a substitute. Mr. MOON of Pennsylvania did not object to it. Mr. MOON of Pennsylvania never saw the bill, never discussed the bill, never spoke of Mr. THOMAS as an anarchist, and had no altercation with him of any kind or at any time.

Mr. FINLEY. Mr. Speaker, I make the point of order that the gentleman is not permitted to discuss what took place in the committee room.

The SPEAKER. The point of order is overruled. [Applause.]

Mr. MOON of Pennsylvania. Nothing whatever during the hearing by that committee took place between Mr. THOMAS and myself except what was of an unusually harmonious character. I want to state further that after the adjournment of the committee I did not see Mr. THOMAS. I remained in conference with the chairman of the committee about 20 minutes, and then I went in company with Mr. Emery to my committee room, and Mr. THOMAS, so far as I know, had left the committee room prior to that time. Between Mr. THOMAS and myself, I repeat, there was the most absolute harmony. Indeed, Mr. THOMAS was extraordinarily profuse in expressing his confidence in me. That was one thing that did characterize the hearing of the committee, and Mr. THOMAS took occasion to say that he wanted me present during all of the discussion on this bill; that he regarded me as one of the leading lawyers in America [applause]; that he did not feel that this important piece of legislation ought to be discussed in my absence. [Applause.] I refer, Mr. Speaker, to this extravagant compliment paid to me by Mr. THOMAS only to indicate his spirit of regard for me and as affording a complete refutation of the alleged bitterness between us.

Now, that is the full extent of any colloquy between Mr. THOMAS and myself upon this subject. Mr. THOMAS is a gentleman for whom I have always had the warmest personal admiration and the closest personal feeling. Mr. Speaker, I feel justified in calling the attention of this House to this incident, because I have served here with some degree of activity for a period of eight years, and I take special pride in one thing—that whatever else I may have achieved there is one reputation that I think I have established with my fellow Members upon both sides of the Chamber, and that is a reputation for a thorough respect for the rules and traditions of this House and for orderly, decent, dispassionate, and temperate conduct in the advocacy of any subject in which I was interested. [Applause.]

Therefore, when over night my established character for judicial equanimity is overthrown and I am placed before the country as the champion scrapper of the House of Representatives, it does seem to me that in justice to myself, to my constituents, and possibly to the House itself, it is necessary to rise and make this explanation.

A word more. I want to say that at a meeting of the Judiciary Committee this morning the committee itself felt that it was injured by this false statement; and the result was a resolution was adopted, and the chairman of the committee was instructed to report to this House that resolution. Therefore, if my denial needs any confirmation, which I trust it does not, I will appeal for that confirmation to the action of my fellow Members on the committee, as manifested by the resolution to be presented this morning.

I ask unanimous consent that the gentleman from Alabama [Mr. CLAYTON], the chairman of the Committee on the Judiciary, may say a word on this subject.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the gentleman from Alabama may address the House upon this matter. Is there objection?

There was no objection.

Mr. CLAYTON. Mr. Speaker, the proceedings of the committee had this morning in reference to this matter have not yet been transcribed. They are now being transcribed, and I hope before I conclude my remarks that I will have them to present to the House as a part of the record relating to the matter. If they do not come before I conclude my brief remarks, I shall take the liberty of printing them in the RECORD.

Mr. Speaker, sometimes we see in the public print, to a limited extent I am glad to say, manifestation of a disposition to hold Congress and the Members of Congress up to ridicule and contempt. Perhaps the Congress itself and the Members may subject themselves to just public criticism. Nobody objects to criticism. It is through the means of public criticism by a free press that public opinion is aroused and enlightenment is disseminated. Correct conduct on the part of public officials is sometimes aided because of the demands of an enlightened public sentiment.

This morning when the committee met, my attention having been called to this article, it occurred to me that it was well to call it to the attention of the committee, for the reason that the paper which printed the article bears a reputation of being an unusually accurate and fair journal. I so esteem it, and I think the membership of this House generally hold it in that high regard. I assume that the reporter who wrote the article was not present at the meeting of the committee, for if he had been, assuming further that he is a truthful man, he would not have written it.

I assume that he was misinformed. Perhaps his credulity was imposed upon; or if he be new to Washington newspaper life, perhaps advantage was taken of his possible verdancy. Whatever the origin of the newspaper statement, it is wholly without foundation. Nothing of the sort occurred in the committee on yesterday or at any other time, and I want to bear testimony to the courteous conduct of the gentleman from Kentucky [Mr. THOMAS], to his high character, and to the agreeable relation that he bears to each and every member of the committee. As to the gentleman from Pennsylvania [Mr. MOON], he is noted among members of the committee, and, I believe, among the membership of this House generally, for his great courtesy, his uniform politeness, and for his unvarying amiability. [Applause.] Nothing of the sort reported in the newspaper occurred. I think it but just that the gentleman from Pennsylvania [Mr. MOON] and the committee itself may have opportunity to make this statement to the House, and I am confident that the great newspaper which printed this erroneous statement will be quick to correct it and to do what is right in making the proper sort of amende. I think the committee was right in taking notice of it, and I hope we may now dismiss the subject with the statement made by the gentleman from Pennsylvania and the statement that I have made. I have no doubt that the reputable newspaper which printed this article will print a correction to-morrow morning, and I hope that that will be the end of the incident. [Applause.]

I now give the proceedings of the committee relating to this matter:

IN THE COMMITTEE ON THE JUDICIARY,
December 7, 1911.

During the session of the Committee on the Judiciary this morning the following proceedings occurred:

Chairman CLAYTON said:

GENTLEMEN: I desire to call the attention of the committee to an injustice which has been done to two members of this committee, and, I think, consequently, to the committee itself. Sometimes statements are made in newspapers, and in some newspapers, that hardly are worthy of any notice. But I find a statement published in a very reliable and fair newspaper printed in Washington, the Washington Post. It is in the issue of this morning. I assume that the newspaper was misinformed, and I assume also that a newspaper with a character, which this one has, for accuracy and fairness, will correct this erroneous statement. The reason why I think the committee ought to take some cognizance of this publication is that the statement is not only untrue, but I think it is unjust to the two members of the committee therein referred to and unjust to the committee as a whole. It seems to me that such a publication, if allowed to go unchallenged, might tend to bring a committee of Congress into public contempt or disrepute. I have already said that I believe the newspaper published it upon misinformation, and this newspaper will, I feel sure, at the very first opportunity, correct the erroneous statement. I think that, on account of the character of the newspaper and the prominence given to this statement, the committee is warranted in paying some attention to it. I will read the statement to the committee. The statement itself is not

altogether in harmony with a part of the headlines. [Reading:] "Near fight in the House. MOON and THOMAS separated before blows are struck. Former starts the row." Our amiable and good-natured friend, Judge MOON, is the "former." [Reading:] "Calls Kentuckian 'anarchist' during committee debate on contempt bill, and is told he might be considered clever if he were not a Republican. Fists shaken, but neither is injured." Those are the headlines. The article is as follows [reading]:

"NEAR FIGHT IN HOUSE—MOON AND THOMAS SEPARATED BEFORE BLOWS ARE STRUCK—FORMER STARTS THE ROW—CALLS KENTUCKIAN 'ANARCHIST' DURING COMMITTEE DEBATE ON CONTEMPT BILL, AND IS TOLD HE MIGHT BE CONSIDERED CLEVER IF HE WERE NOT A REPUBLICAN—FISTS SHAKEN, BUT NEITHER IS INJURED.

"Only the interference of mutual friends prevented a fist fight between Representative REUBEN O. MOON of Pennsylvania and Representative ROBERT Y. THOMAS, of Kentucky, yesterday afternoon, at the close of a meeting of the House Judiciary Committee. Mr. MOON called Mr. THOMAS an "anarchist," and the latter returned the compliment in terms so vigorous that the two men approached each other full of fire and fight.

"The Judiciary Committee had under consideration Chairman CLAYTON'S bill providing jury trials in indirect contempt cases. Mr. MOON and Mr. THOMAS both are members of the committee. The Kentuckian, during the deliberations, proposed to substitute for the Clayton bill a measure of his own with a provision in it limiting Federal judges in direct contempt cases to a $50 fine or 10 days in jail.

"CALLS HIM 'ANARCHIST.'

"The gentleman from Pennsylvania did not approve the proposed substitute, and when the meeting broke up, finding himself near his colleague, he said:

"'You are an anarchist, sir.'

"'And you, sir,' returned the Kentucky man, 'are a Republican; otherwise you might have a chance of being considered a very clever gentleman.'

"Then it was that the friends intervened. The two brandished their fists at each other and sputtered a few words, but there was no actual clash. It was over in a few minutes. Last night neither of the would-be combatants nor the witnesses, consisting chiefly of their colleagues on the committee, were inclined to discuss the affair."

That is the whole of the article, so far as related to the alleged difficulty or alleged incident.

Mr. NYE. It closes with a misstatement as to the facts of the bill, does it not?

Chairman CLAYTON. Yes; it closes with an incorrect statement as to the bill the committee had under consideration. But that might be pardonable, because reporters generally do not have the time to analyse bills and state accurately their contents. That, of course, would be overlooked.

Mr. STERLING. Was there a reporter of the Post present yesterday?

Chairman CLAYTON. I do not know, and I do not know the gentleman who wrote this. I see my friend Mr. TILLER, who is a newspaper man, present, and I ask him if he knows. Mr. TILLER, do you know the author of this?

Mr. TILLER. No, I do not, Mr. Chairman. Their man on the House side is Mr. Stedman. I do not know whether he was here yesterday or not. He was not here while I was here.

Chairman CLAYTON. I assume he was not here. The author must have just gathered some rumor and then prepared this story. I do not believe that there is a newspaper man in Washington who, of his own initiative, would have published such a statement. I desire to say, in the presence of the members of the committee at this meeting, that the statement is wholly erroneous; that there is not a semblance of truth in it; that nothing occurred in the committee yesterday between the gentleman from Pennsylvania and the gentleman from Kentucky upon which could be founded any story of the kind. The members of the committee will remember that during the consideration of the bills relating to contempts by the committee yesterday afternoon there was a free interchange of opinion among the members on some of the phases of the questions discussed. A great many questions were asked by the members of the committee of each other and of the gentlemen who appeared before the committee, who were not members of the committee and who had asked to be heard. During the proceedings the only thing that occurred between the gentleman from Pennsylvania and Mr. THOMAS was when the gentleman from Kentucky said that he would like to have the opinion of the gentleman from Pennsylvania on a certain phase of a legal question involved, and, if I recall it correctly, he said in substance that he, the gentleman from Kentucky, regarded the gentleman from Pennsylvania as one of the best lawyers in the House of Representatives. He extended his complimentary references to the gentleman from Pennsylvania by saying other kind things. And the gentleman from Pennsylvania accepted in a very graceful way what the gentleman from Kentucky had said. There was nothing but evidence of the most cordial and friendly relation between the two gentlemen. In fact, it was unusually and strikingly cordial—the manifestations of the regard in which they held each other here yesterday—and it was pleasing, not only to the chairman, but to the whole committee, to see these lawyers, in considering a matter where there was difference of opinion, have no personal friction. Each of the gentlemen manifested high personal esteem for the other.

I was here when the committee adjourned. Judge MOON remained after the adjournment for some minutes and was engaged in conversation with me. Mr. THOMAS went away soon after the committee adjourned, and nothing of the kind referred to in the newspaper statement occurred after the committee adjourned. I think that is about the whole case and the real facts, and I think the committee in some way ought to call the attention of the newspaper to the errors made by the publication of the statement which I have read to you. I have no doubt that the newspaper will make the proper correction.

Mr. MCCOY. Mr. Chairman, I might add that at the time Judge MOON and Mr. THOMAS were talking to each other Mr. THOMAS was objecting to any adjournment of the hearings which would not suit Judge MOON'S convenience, because, as he stated, he wanted him here for the benefit of his superior knowledge in regard to these matters.

Mr. RUCKER of Missouri. Would you object to furnishing the Washington Post with a copy of the statement you have just made?

Chairman CLAYTON. Not at all.

Mr. RUCKER of Missouri. Then, gentlemen, I move that the chairman be requested to have typewritten and furnished to the Washington Post a copy of the statement just made.

Mr. STERLING. I suggest that you add to that motion the request to the Post to correct its statement in as prominent a manner as it published the falsehood.

The Chairman put the motion, and it was agreed to.

Mr. MOON of Pennsylvania. Mr. Chairman, I feel called upon to say a word in connection with this most remarkable publication. In common with every other Member of Congress, I came to Washington with the hope of establishing a reputation. It seems I have succeeded beyond my utmost expectations—certainly in a direction which I never aspired to. I can only say that the publication, as is well known to every member of this committee, is absolutely false in every particular. I did not see Mr. THOMAS after the adjournment of the committee at all. As the chairman has said, I remained in conversation with him for some minutes. I then went away with Mr. Emery, and went to the door of my office room with Mr. Emery. As this committee, and every member of it, knows, Mr. THOMAS did not attempt to substitute his bill for Mr. CLAYTON'S bill—the pending bill. He did speak of his bill, and, as every member of this committee knows, no such remark was made. The word "anarchist" was not used, but in all of the colloquy between Mr. THOMAS and myself an unusual spirit of confidence and mutual esteem was evidenced. Mr. THOMAS, as has been already remarked, was extremely profuse in his statements of admiration for and confidence in me. As Mr. MCCOY has stated, I remember particularly on the question of adjournment, when it was finally decided that Mr. Emery was to be heard on Saturday and I said I could not be here, Mr. THOMAS took the floor and urged that the meeting go over until such a time as it would be possible for me to be present, because he was exceedingly anxious I should be here and partake in the colloquy that would naturally result from that discussion.

I feel it necessary for me to take the floor of the House this morning in denial of this accusation, and I should be very glad, indeed, if the chairman of this committee would supplement what I shall say with regard to it by a statement somewhat similar, at least, to the statement made here this morning. Indeed, I should feel grateful to any other member of this committee who would add a word in absolute, total, unequivocal denial, because I can not afford to allow the impression to go out abroad, especially in my own city, that I resort to that method of enforcing my opinion on legal or judicial questions.

Chairman CLAYTON. Of course, this matter of rising in the House to a question of personal privilege is largely dependent upon the Member's own individual inclination. I think Judge MOON is entirely justified in feeling that the duty is incumbent upon him to make a statement in the House this morning. There seems to be no way provided in the rules of the House for a committee to call such a thing to the attention of the House except by unanimous consent. It might be that under the general parliamentary law the House would hear the committee on such a matter as this, because it tends to reflect on a committee of the House, and probably it might be said on the House itself.

Mr. MOON of Pennsylvania. The fact is that the statement in its headlines indicates it took place in the House.

Chairman CLAYTON. I shall certainly take pleasure in indorsing what Judge MOON shall say to the House on the subject this morning. I think he has suggested the proper course, that he call it to the attention of the House, and I shall take pleasure in verifying or substantiating what he says. I am sure the statement I have made and that which Judge MOON has made are known to the members of this committee to be the truth.

Mr. LITTLETON. Mr. Chairman, would it be possible for the chairman to present the statement which is supposed to be sent to the paper on the floor of the House as being a statement of the committee as a whole, so that the chairman, as the official head of the committee, shall speak for the entire committee in reproducing his statement in substantiation of Judge MOON'S position?

Chairman CLAYTON. I think that can be done by unanimous consent.

Mr. MOON of Pennsylvania. I would like a statement from the committee in some authoritative manner.

Mr. LITTLETON. It would be in order for him to do that. Make it as the official statement of the committee. I make that as a motion.

Chairman CLAYTON. It is moved and seconded that the chairman make to the House this morning the statement which he has made to the committee as the statement of the committee on this subject. All in favor of the motion will say aye; those opposed no; the ayes have it, and the motion is carried.

ADDITIONAL STATISTICS OF TOBACCO.

The SPEAKER. When the House adjourned on yesterday, the previous question had been ordered on the bill (H. R. 13988) to authorize the Director of the Census to collect and publish additional statistics of tobacco. Further proceedings on the bill were stopped by the demand for the reading of the engrossed copy of the bill. The Clerk will now read the engrossed copy of the bill.

The Clerk read as follows:

An act (H. R. 13988) to authorize the Director of the Census to collect and publish additional statistics of tobacco.

Be it enacted, etc., That the Director of the Census be, and he is hereby, authorized and directed to collect and publish, in addition to the tobacco reports now being made by him, statistics of the quantity of leaf tobacco in all forms, except manufactured tobacco, in the United States in the possession of all persons who are dealers or manufacturers, other than the original growers of tobacco, to be summarized and returned by the holder to the Director of the Census as of the dates of October 1 and April 1 of each year, provided that the Director of the Census shall not be required to collect statistics of leaf tobacco from any manufacturer of tobacco who in the preceding calendar year, according to the returns to the Commissioner of Internal Revenue, manufactured less than 50,000 pounds of tobacco, or from any manufacturer of cigars who during the preceding calendar year manufactured less than 250,000 cigars, or from any manufacturer of cigarettes who during the preceding calendar year manufactured less than 1,000,000 cigarettes, or from any dealer in leaf tobacco who, on the average, had less than 50,000 pounds in stock at the ends of the four quarters of the preceding calendar year, and every manufacturer of tobacco who, in the preceding calendar year, according to the return of the Commissioner of Internal Revenue, manufactured more than 50,000 pounds of tobacco, and every manufacturer of cigars who, during the preceding calendar year, manufactured more than 250,000 cigars, and every manufacturer of cigarettes who, during the preceding calendar year, manufactured more than 1,000,000 cigarettes, and every dealer in or manufacturer of leaf tobacco who, on an average, during the preceding calendar year, had more than 50,000 pounds in stock at the ends of the four quarters of the preceding calendar year, shall make written reports of the amounts held by them, as herein provided.

SEC. 2. That the Director of the Census shall specify the types of

tobacco to be included in the reports of the holders thereof, and he shall specify the several types separately in making his reports. In securing reports by types, the Director of the Census shall follow substantially the classification of general types as recognized and adopted by the Department of Agriculture. That the Director of the Census shall prepare appropriate blanks upon which such reports may be made and shall furnish a copy of same to any person subject to make reports under this act.

SEC. 3. That all persons subject to the provisions of this act shall, within 10 days prior to the 1st day of October and 1st day of April in each year, make written report to the Director of the Census of the several types of leaf tobacco and the quantity of same owned or held by him and contracted to be purchased by him as of the said dates. If any such person shall fail to make said report within the time prescribed, he shall be guilty of a misdemeanor, and upon conviction shall be fined not less than $300 or more than $1,000. If any such person so liable to make such reports shall fail to make the same within the dates above specified, and thereafter the Director of the Census shall demand such report in writing, which demand shall be forwarded by registered mail, then if such person shall fail to make such report within 20 days after such demand so made, he shall also be deemed guilty of a misdemeanor, and upon conviction shall be imprisoned for not less than 30 days or more than 6 months, in the discretion of the court. The depositing of the notice by the Director of the Census in any post office shall be held to be prima facie evidence of the delivery of the notice to the holder of tobacco, from which date the period of 20 days shall begin to run. The president, general manager, or other chief officer of any corporation failing to make such reports as required by this act shall be subject to the same penalties as are herein prescribed.

SEC. 4. That any person who shall make a false report to the Director of the Census as to the types or amounts of tobacco held or owned by him shall be guilty of a misdemeanor, and upon conviction shall be punished by imprisonment for not less than 30 days or more than 6 months, in the discretion of the court. The president, general manager, or other officer of any corporation making such false report shall be subject to the same penalty as prescribed in this section.

SEC. 5. That the word "person" as used in this act shall be held to embrace also any partnership, corporation, or association.

SEC. 6. That the information furnished under the provisions of this act shall be used only for the statistical purposes for which it is supplied. No publication shall be made by the Director of the Census whereby the data furnished by any particular establishment can be identified, nor shall the Director of the Census permit anyone other than the sworn employees of the Census Office to examine the individual reports.

SEC. 7. That the Director of the Census shall have access to the records of the Commissioner of Internal Revenue for the purpose of obtaining the information herein required, and the Commissioner of Internal Revenue shall cooperate with the Director of the Census in effectuating the purposes and provisions of this act.

SEC. 8. That the Director of the Census shall make his first report under this act as of the 1st day of October, 1912, and shall be publish the same and all subsequent reports at a date as early as practicable after the 1st day of October and 1st day of April in each year.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. HOUSTON, a motion to reconsider the last vote was laid on the table.

DUTIES ON WOOD PULP.

Mr. HARRISON of New York. Mr. Speaker, I call up privileged House resolution 320, requesting the President of the United States to furnish information as to whether duties have been levied upon wood pulp and other articles since July 26, 1911, and ask its immediate consideration.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Is this resolution now being reported from the committee to the House, or is the gentleman from New York calling it up from the calendar?

The SPEAKER. The gentleman calls it up from the calendar, is the understanding of the Chair.

Mr. MANN. I shall not make a point of order upon it, but these privileged resolutions, under the rules to hold their privilege, must be presented in the House during the session of the House, and I simply call that to the attention of gentlemen, so there may be some uniformity in reference to privileged motions coming before the House.

The SPEAKER. The Chair thinks the gentleman from Illinois is correct. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 320.

Resolved, That the President of the United States be, and he is hereby, requested, if not incompatible with the public interests, to inform the House of Representatives whether, since July 26, 1911, the day of the date of the law known as "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," any customs duties have been levied by the United States upon pulp of wood mechanically ground; pulp of wood, chemical, bleached, or unbleached; news-print paper, and other paper, and paper board, manufactured from mechanical wood pulp or from chemical wood pulp, or of which such pulp is the component material of chief value, colored in the pulp, or not colored, and valued at not more than 4 cents per pound, not including printed or decorated wall paper, and when and where in the country or countries of respective export no export duty, export license fee, or other export charge of any kind whatsoever (whether in the form of additional charge or license fee or otherwise), or any prohibition or restriction in any way of the exportation (whether by law, order, regulation, contractual relation, or otherwise, directly or indirectly), shall have been imposed upon such paper, board, or wood pulp, or the wood used in the manufacture of such paper, board, or wood pulp, or the wood pulp used in the manufacture of such paper or board; and if so, in connection with such levy, or levies, of duties, what representations, if any, have been made to our Government by nations other than the Dominion of Canada.

Mr. HARRISON of New York. Mr. Speaker, this is a resolution of inquiry directed to the President requesting him to inform the House whether section 2 of the Canadian reciprocity act is actually in effect as required in respect to wood pulp and paper coming from the Dominion of Canada; and, whether that being so, it is also in effect in regard to similar articles coming from other countries of the world; and, if so, whether those other countries have or have not made representations to our administration that the most-favored-nation clauses of our treaties with them are infringed upon. This has been unanimously adopted by the Committee on Ways and Means, and, unless some gentleman wishes to be heard on the subject, I will ask for the passage of the resolution.

The question was taken, and the resolution was passed.

On motion of Mr. HARRISON of New York, a motion to reconsider the vote was laid on the table.

PRINTING AND BINDING, COMMITTEE ON EXPENDITURES ON PUBLIC BUILDINGS.

Mr. FINLEY. Mr. Speaker, I offer the following privileged resolution, and I ask its immediate consideration. It is House resolution No. 210.

The SPEAKER. The gentleman from South Carolina calls up the following privileged resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 210 (H. Rept. 174).

Resolved, That the Committee on Expenditures on Public Buildings be authorized to have such printing and binding done for the use of the committee as may be necessary during the Sixty-second Congress.

The question was taken, and the resolution was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will call the roll of committees.

Mr. MANN. Mr. Speaker, this is Private Calendar day; I do not know whether any one——

The SPEAKER. The Clerk will call the Private Calendar.

Mr. MANN. I do not ask for it.

The SPEAKER. Does the gentleman from Illinois ask that the Private Calendar be called?

Mr. MANN. I do not ask that, Mr. Speaker, but merely submit a parliamentary inquiry, so as to get the matter before the House.

The SPEAKER. The gentleman will state it.

Mr. MANN. I understood the gentleman from Ohio [Mr. SHERWOOD] was going to call up a general pension bill reported from the Committee on Invalid Pensions. Under the rules that is a privileged bill, and can be called up in the House at any time regardless of a call of committees. Of course, if you are going into a call of committees now and anything else is taken up——

Mr. RUSSELL. You have an hour on it.

Mr. MANN. Have an hour on it, and it takes that much time.

The SPEAKER. The situation is that this is Private Calendar day, but if nobody wants to call up any bill on the Private Calendar then the Chair can recognize anybody for any legitimate purpose.

SERVICE-PENSION BILL.

Mr. ADAIR. Mr. Speaker——

The SPEAKER. The best way to get at it is to move to dispense——

Mr. ADAIR. Mr. Speaker, I am directed by the Committee on Invalid Pensions to call up the bill H. R. 1, on the Union Calendar.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War.

Mr. FITZGERALD. Mr. Speaker, I make the point of order that the gentleman can not call up that bill in that way.

The SPEAKER. What is the point of order which the gentleman from New York makes?

Mr. FITZGERALD. That the gentleman can not call up a general pension bill in this situation in the House.

The SPEAKER. The gentleman from Indiana was about to make a motion, as the Chair understood it, to go into the Committee of the Whole House on the state of the Union.

Mr. ADAIR. Yes; I was going to make that motion.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] will state his point of order.

Mr. FITZGERALD. Mr. Speaker, I make the point of order that the gentleman can not call up in the House a general pension bill.

Mr. MANN. Let the gentleman from Indiana [Mr. ADAIR] make his motion.

The SPEAKER. The point of order is well taken.

Mr. ADAIR. Mr. Speaker, I move that the House resolve

itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 1, a bill granting a service pension to certain defined veterans of the Civil War; and, pending that motion, I want to ask the gentleman from Illinois [Mr. FULLER] if we can agree upon time for general debate.

Mr. FULLER. Mr. Speaker, there are so many on this side of the House who desire some time that I will suggest that general debate for the present be allowed to run along, one-half of the time to be controlled by the gentleman making the motion and one-half by myself for this side of the committee.

Mr. FITZGERALD. I desire to inquire whether the gentleman who suggests controlling the time on the bill is opposed to the bill?

Mr. FULLER. I am opposed to the bill in its present form.

Mr. FITZGERALD. Will the gentleman support the bill if it be not amended? There are some who are opposed to this bill in any form and do not propose to have the time controlled by its friends on both sides.

Mr. FULLER. I represent the minority of the committee. If the bill should be put in such shape as the minority desires, we would not then be opposed to it, but at the present moment we are.

Mr. ADAIR. Can we not agree on three hours' time—an hour and a half on a side? Would not the gentleman agree to that?

Mr. FULLER. I would be glad to do that, so far as I am personally concerned, but I can not do justice to the time desired by others and agree to that amount of time. There is no other business pressing, as I understand it, and there is no reason why we should not take up the day in general debate on this bill.

Mr. MANN and Mr. BARNHART rose.

The SPEAKER. The gentleman from Illinois [Mr. MANN] arose to address the Chair first.

Mr. MANN. Mr. Speaker, I shall object to limiting the time or control of the time at present.

Mr. FULLER. That settles it.

The SPEAKER. The question is on the motion that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 1, known as the Sherwood pension bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War, with Mr. FOSTER of Illinois in the chair.

Mr. FOSTER of Illinois took the chair amid general applause.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War——

Mr. ADAIR. Mr. Chairman, I ask that the first reading of the bill be dispensed with.

Mr. MANN. It is a very short bill. Why not let it be read?

The CHAIRMAN. Objection is made. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War.

Be it enacted, etc., That any person who served in the military or naval service of the United States during the late Civil War, and who has been honorably discharged therefrom, shall, upon making proof of such facts according to such rules and regulations as the Secretary of the Interior may provide, be placed on the pension roll and be entitled to receive a pension as follows: For a service of 90 days or more and less than 6 months, $15 per month; for a service of 6 months or more and less than 9 months, $20 per month; for a service of 9 months or more and less than 1 year, $25 per month; for a service of 1 year or more, $30 per month: *Provided*, That no one who shall be in receipt of a pension of $25 or more per month under this act shall be entitled to admission or residence in the National Home for Disabled Volunteer Soldiers; and no State or Territorial home for disabled soldiers and sailors shall receive any aid from the General Government on account of any person who shall be in receipt of a pension of $25 per month or more under this act.

SEC. 2. That any person who served in the Civil War and received an honorable discharge and who was wounded in battle or on duty, and who was thereby disabled and is now unfit for manual labor, or who from disease or other causes incurred in line of duty resulting in his disability now to perform manual labor, shall be paid the maximum pension under this act, to wit, $30 per month, without regard to his length of service.

SEC. 3. That no one shall be entitled to pension under this act who is in receipt of an annual income of $1,000 or more.

SEC. 4. That no person shall receive a pension under any other law at the same time or for the same period he is receiving a pension under the provisions of this act.

SEC. 5. That rank in the service shall not be considered in applications filed hereunder.

SEC. 6. That pensions under this act shall commence from the date of filing the application in the Bureau of Pensions after the approval of this act.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

Page 2, line 15, after the word "or," strike out the word "on" and insert the words "in line of."

Page 2, line 15, strike out the words "and who was thereby disabled."

Page 2, line 16, after the word "labor," insert the words "through causes not due to his own vicious habits."

Page 2, line 23, after the word "annual," insert the word "net."

Page 2, line 24, after the word "more," insert the words "exclusive of any pension he may receive."

Mr. ADAIR. Mr. Chairman, the greatest honor that has come to me during my membership in this body is the honor conferred when I was given charge of the pending pension bill on the floor of the House, and now I shall once more ask your indulgence while I present, briefly, my views on the pending bill. During my five years' service in this body I have taken the floor so often in advocacy of more liberal pensions and have been so persistent in my efforts to secure legislation which, in my judgment, would do justice to the soldier that I greatly fear you may tire of hearing me. I can assure you, however, that so far as I am concerned I never grow tired of advocating the cause of the old soldier and can truthfully state that this is the happiest moment of my five years' service, as I feel certain the pending bill, which will distribute millions of dollars annually among worthy and needy soldiers in addition to what they now draw, and is twice the largest pension bill ever enacted into law in the history of the country, will pass this Democratic House with practically no opposition.

Mr. Chairman, no legislation of any consequence was ever enacted into law until a sentiment was created for it, and I can now look back over my past five years' service feeling assured that the continuous and persistent effort a few of us have made on behalf of the Union soldier has not been in vain. A few years ago we began in this body an agitation for a dollar-a-day pension law at a time when the sentiment of the House was against it and when but few Members would give the subject any consideration. Year after year we kept it up, until finally a sentiment was created that has resulted in bringing before the House the bill now under consideration, which, when enacted into law, will place practically all soldiers on the rolls at $1 a day, and most of the few remaining ones will receive liberal increases.

Mr. Chairman, I freely admit that during my service as a Member of the House I have found it difficult at times to decide how I should vote on various measures under consideration. There are always two sides to all questions, and sometimes testimony would be conflicting and correct information would be hard to obtain, so that it was not always an easy matter to determine just what my duty was. But in voting on a measure that will bring relief to an individual soldier or will benefit as a class the men who a generation ago suffered hardships and sacrificed home and health for the perpetuity of the Union and the preservation of the States has never caused me a moment of perplexity or doubt. Always in giving such measures my enthusiastic support I have not only followed the wishes of my heart, but my vote has been in hearty accord with my conscience and my judgment.

I maintain, Mr. Chairman, we owe these men a debt we will never be able to pay with dollars and cents. Think of the hardships they endured, the wounds they received, the battles they fought, the privations they went through, the suffering they experienced, and the wrecking of careers that might otherwise have been successful, and then add to this all these years of broken health, handicapped throughout life by affliction and disease contracted during their service; with all these facts before us, who would contend for one moment that the debt we owe them can ever be paid? Had it not been for their sacrifice and their heroic service this would have been a divided country and our standing among the nations of the earth would not be what it is to-day. This is a rich and powerful Nation, made so by the result of the Civil War, and too much can never be done for the men who brought about this result. It was the Union soldier whose service held the States together and made our Nation the greatest the world has ever known—18 times as large as Spain; 31 times as large as Italy; 3 times as large as England, Ireland, France, Germany, Austria, Italy, Denmark, Switzerland, and Greece combined, with the greatest resources of any nation in the world. We excel the nations of the earth in agriculture, in mining, and in manufacturing, and surely no one will question our ability as a Nation to do full justice to the men who made these conditions possible.

Mr. Chairman, we are to-day, thank God, at peace with the whole world, and the brave boys, from both the North and the South, who wore the blue and the gray, now rejoice in the final result of that unfortunate struggle and stand with hands clasped, shoulder to shoulder, united as brothers, under one

Government and under one flag. [Applause.] In view of all these facts who would be so unappreciative as to deny to the Union soldier the necessaries and comforts of life in his declining years? They are now old, and many of them are helpless, and if anything more is to be done for them it must be done quickly. They are now dying at the rate of 1 every 14 minutes, 115 each day; over 40,000 died last year, and many of them were in destitute circumstances. The passage of this bill will bring relief to many homes and gladden the hearts of many men to whom we are largely indebted for the blessings we now enjoy. I am not asking the passage of this bill on the grounds of charity, but I am asking its passage on the grounds of justice, right, and duty. [Applause.]

The fact is the old soldier was never paid in full for the service he rendered. There is not a Member of this House but what knows soldiers were paid in depreciated currency, the same kind of currency the Government received from the bondholders who bought the bonds issued by the Government to pay the cost of the war.

I have heretofore stated on the floor of the House, and I will state it again, that the old soldier was never paid in money worth a hundred cents on the dollar, but the bondholder has been paid in full and in gold. By an act in 1869, known as "An act to strengthen the public credit," Congress made these same bonds payable in gold, and millions of dollars of money went into the pockets of men who loved their money more than they loved their country, while the men who sacrificed health, home, and everything, and who loved their country better than their money, and who were willing to give up all God had given them for the preservation of the States, are still unpaid. We have, therefore, by national legislation, declared that money is more sacred than manhood; that lucre is more valuable than patriotism; that greed shall be recognized in national legislation above and beyond the blood of martyrs shed in a sacred cause.

Ah, Mr. Chairman, I believe the passage of this bill which will place practically all soldiers on the rolls at $1 a day, and make it possible for thousands who are now living in soldiers' homes to go back and live among their old friends, will not only strengthen the public credit but will also strengthen the public conscience as well. If the Union soldiers had been paid in money worth a hundred cents on the dollar they would have received in excess of what was paid them the sum of $51,061,222. In other words, this was the depreciation on their monthly pay and has been withheld from them for a period of 48 years. The interest on this vast sum of money for 48 years, not compounded, but simple interest at 6 per cent, would be $147,056,319; now add to this the principal and you have the sum of $198,117,541 honestly due, and as a matter of justice and right should be paid. This vast sum of money, together with what could be saved by discontinuing the 17 unnecessary pension agencies, and what could be saved by making examinations unnecessary, as this bill will do, would go a long way toward paying pensions for some time to come.

Mr. Chairman, it is charged by some that it will cost too much money to pay pensions under this bill, and that it will greatly add to the already heavy burden of taxation now resting on the taxpayers of the country. While I admit it will cost a considerable sum, I am sure no one will regret the small increase it makes. Even if it should cost $45,000,000 the first year, that would be less than 50 cents for each person, and certainly no one would object to contributing this small amount in order that the Nation's defenders may be cared for. I think, however, I can assure the membership of the House and the taxpayers of the country that the passage of the Sherwood bill will not increase their burden of taxation a single penny, for the reason that we who are now in possession of the House, in pursuance of our promise, are practicing economy in the administration of governmental affairs, and will be able to reduce appropriations for the running expenses of the Government in a sum equal to the entire cost of this pension bill without impairing the public service in any way whatever. [Applause.]

Mr. Chairman, it is a difficult matter—in fact, it is impossible—to present a bill to this House which meets with the approval of each individual Member. When the Committee on Invalid Pensions met to consider the 48 bills before us we found about as many different opinions as there were members of the committee; so, in order to agree upon a bill, we had to compromise our differences and get together. We knew the Senate had killed the Sulloway bill and that a straight dollar-a-day bill would get no consideration in that body. We did believe from the information we had and the investigation we made that a bill based upon service would stand an excellent chance of passage in the Senate, and in view of that fact and the further fact that every member of our committee was anxious to secure as great a degree of relief for the old soldier as it was possible to obtain, therefore it was decided to report a bill based on service, and in addition add a section that would take care of short-service men who were deserving of a $30 rate. As the Sherwood bill is drawn it will pension practically all soldiers at $30 per month. The bill provides a pension of $15 for 90 days' service, $20 for 6 months' service, $25 for 9 months' service, and $30 for 12 months' service or more. This section alone will place 82 per cent of all soldiers on the rolls at $30 per month, 8 per per cent at $25 per month, 5 per cent at $20 per month, and 5 per cent at $15 per month. Then, in addition to this, we have another section in the bill which will give the $30 rate to nearly all those drawing less than $30 under the first section. This section provides a $30 rate for all soldiers who were wounded in battle or in line of duty, no matter whether they served one day, one month, or one year; and it further provides a $30 rate for all those who are unable to perform manual labor by reason of their service, regardless of the length of time they served. It will, therefore, be seen that the Sherwood bill is practically a straight dollar-a-day bill, and that at least 95 per cent of all soldiers will receive this amount if it becomes a law. Some short-service men have objected to the bill, but most of them are satisfied when they understand this section, which will give a large part of the short-service men the $30 rate. There is also a section of the bill which provides that soldiers' homes shall not benefit by this act. It does not in any way affect those living in the homes. They can continue to live there and draw the pension they are now receiving under the general law and the age law and enjoy the benefit of the homes. This provision was not put in the bill at my suggestion, and the House will have an opportunity to vote it out if it desires to do so. Then there is another section which provides that a soldier having a net income of $1,000 or more shall not receive the benefits of this act. This section was suggested by Mr. WEEKS, of Massachusetts, and was put in the bill in order that it may be submitted to the House. Personally, I believe that a soldier who rendered service to this country, no matter whether he is worth one dollar or a million, is entitled to consideration at the hands of the Government, and there should be no discrimination. An amendment will be offered to strike out this provision and the House will have an opportunity to vote on it.

Mr. Chairman, it has been suggested that this bill is loosely drawn, and in this connection I desire to inform the House that it was taken to the Pension Office by the chairman of the Invalid Pension Committee, carefully examined by Dr. Thompson, the expert of the Pension Office, and one of the deputy commissioners. Afterwards it was taken to the solicitor of that department, who interprets the law of the Pension Bureau, and the bill was gone over section by section by the chairman of the committee and the solicitor of the department, and every amendment and every change suggested by the solicitor was incorporated into the bill in the exact language suggested by him.

Mr. Chairman, one year ago we passed in this House a bill known as the Sulloway bill. I voted for that bill and spoke for it. I used my influence in favor of it; not because I thought it was the best bill, but because it was the only bill I had an opportunity to vote for. It was brought in under a rule that prohibited amendment, so I had to vote for it or nothing. During the time it was before the House I had many letters from my section of the country criticizing and finding fault with it, and there were reasons for it. The Sulloway bill paid to a soldier who went out when he was a mere boy and served four long years a pension of $15 a month, because he happened to go into the service when he was young; while another man who went into the service when he was a few years older and served 90 days would have received $36 a month. There were many soldiers in my district who objected to that kind of a bill, but as I said, I supported it because it was the best bill offered. Personally, I favored a straight dollar-a-day pension law in preference to the Sulloway bill or the Sherwood bill, and would be willing to vote for that kind of a bill now, but I know such a bill has no chance of passage in the Senate. I believe this bill, based on service, stands the best chance to become a law. We who are on the Pension Committee made a thorough investigation of that question during the special session of Congress. We felt assured from what we learned at the other end of the Capitol that the only bill that could pass this Congress and become a law was a bill based on service. So we agreed on that kind of a bill and brought it before the House.

Mr. Chairman, there will be amendments offered to this bill. Some will be offered in good faith and many will not be offered in good faith. Some will be offered for the purpose of improving the bill and making it better; others will be offered for the purpose of killing the bill. I understand there will be an amendment to substitute the Sulloway bill for this bill. What does this mean, and what is the purpose of offering the Sulloway bill as a substitute for this bill? Every man on this side of the House knows that the Sulloway bill was sent to the Sen-

ate one year ago and received no consideration in that body. Our committee has made an investigation at the other end of the Capitol, and we feel justified in making the statement that neither the Sulloway bill or a straight dollar-a-day bill has any chance of passage in that body.

Mr. ANDERSON of Ohio. Will the gentleman yield?

Mr. ADAIR. Yes; I yield.

Mr. ANDERSON of Ohio. Did I understand the gentleman to say that the Sulloway bill received no consideration at the other end of the Capitol?

Mr. ADAIR. I mean they never permitted it to come to a vote.

Mr. Chairman, believing, as I do, that this bill, based on service, has the best chance to become a law, and that to substitute either the Sulloway bill or a straight dollar-a-day bill would mean no legislation at all, I feel it my duty to stand by this bill in the interest of the 2,300 worthy and deserving soldiers I have the honor to represent. I sincerely believe that a vote to substitute any other bill for this bill is a vote for no legislation at all. If you are a true friend of the soldier and want him to have an increase of pension, stand for the Sherwood bill, but if you do not want his pension increased and do not want any pension legislation at all, then vote to substitute some other bill that has no chance of passage in the Senate. [Applause.]

Mr. McGUIRE of Oklahoma. Will the gentleman yield?

Mr. ADAIR. Certainly.

Mr. McGUIRE of Oklahoma. Do I understand the gentleman to say that a straight dollar-a-day pension bill can not pass this House?

Mr. ADAIR. I did not say that. I said that, in my judgment, a straight dollar-a-day pension bill could not be passed in the Senate.

Mr. McGUIRE of Oklahoma. Does the gentleman take the position that a straight dollar-a-day bill can not pass this House at this time?

Mr. ADAIR. I did not say it could not.

Mr. McGUIRE of Oklahoma. Does the gentleman take that position?

Mr. ADAIR. I take this position: It probably could; but if we were to pass a straight dollar-a-day bill in this House, it would mean no legislation for the soldier, and, in my judgment, any man who votes to substitute a straight dollar-a-day bill for this bill is not in favor of pensions for the soldiers [applause], because I believe he knows it can not become a law.

Mr. McGUIRE of Oklahoma. Does not the gentleman believe that we had better do our full duty here, put through a dollar-a-day bill, and let the responsibility rest where it may?

Mr. ADAIR. Yes; I believe in doing our full duty here, but the gentleman knows, and every other Member knows, that that kind of a bill will not pass the Senate, and it is our duty to get for the soldier the best thing that can be had. [Applause.]

Mr. MADDEN. Will the gentleman yield for a question?

Mr. ADAIR. In a moment. There is no man in the House more liberal in pension matters than I am, and I would be glad to see passed the most liberal bill that could possibly be passed; but I am not going to stand on this floor and help pass through this body a bill which I know has no chance of becoming a law, merely in order that I may go back and say to the soldiers whom I represent that we passed the biggest bill ever passed in the history of the country.

Mr. CANNON. Will the gentleman yield for a question?

Mr. ADAIR. I yield first to the gentleman's colleague, the gentleman from Illinois [Mr. MADDEN]; then I will be glad to yield to the gentleman from Illinois [Mr. CANNON].

Mr. MADDEN. Does the gentleman wish the House to understand that he would not vote for a pension bill requiring the payment of a dollar a day to the soldiers?

Mr. ADAIR. No, sir. I will vote for the best bill that I can get for the soldiers. I have a bill pending, which I introduced myself, a straight dollar-a-day bill, and if it had any chance of becoming a law I would vote for it.

Mr. MADDEN. Would the gentleman vote for his own bill?

Mr. ADAIR. I will vote for the best bill, no matter whose bill it is, if it has any chance of becoming a law.

Mr. MADDEN. Has the gentleman any advance information of what the Senate will do with this bill, if it goes to that body?

Mr. ADAIR. I will answer that by saying this, that the Committee on Pensions has investigated this matter very carefully. It would not be proper for me to mention the names of Senators with whom I have spoken, but after making an investigation I have every reason to believe that this bill will pass the Senate and become a law, and that the Sulloway bill, or a straight dollar-a-day bill has absolutely no chance in that body whatever.

Mr. ANDERSON of Ohio. Mr. Chairman, will the gentleman yield for a question? I am not opposed to this Sherwood bill.

Mr. ADAIR. I yield.

Mr. ANDERSON of Ohio. I will vote for the Sherwood bill, but I would like to make clear a statement that the gentleman made.

Mr. ADAIR. The gentleman will have time of his own to do that. Ask the question if you desire to.

Mr. ANDERSON of Ohio. It will not take more than a minute. I would like at this juncture to clear the situation.

Mr. ADAIR. And at this juncture I decline to yield for that purpose.

Mr. CANNON. Will the gentleman yield for a question?

Mr. ADAIR. I will yield to the gentleman from Illinois.

Mr. CANNON. If the gentleman's dollar-a-day bill, upon which platform in Indiana he was elected, should pass and go to the Senate, does the gentleman say that the Senate would refuse to consider and pass a bill as an amendment to that bill, and that that bill would not come back to the House and go to conference? Has the gentleman definite information that the Senate would refuse to report any bill?

Mr. ADAIR. I will answer the gentleman. I made the statement that I firmly believe that if we pass the Sulloway bill or a straight dollar-a-day bill, it would lie in the committee of the Senate and receive no consideration, just as the Sulloway bill did last winter. We should profit by past experience.

Mr. CANNON. But I would like to know and the House is entitled to know and the country is entitled to know by name the information the gentleman has.

Mr. ADAIR. Mr. Chairman, I remember very well the first time I ever took the floor of this House to speak upon another subject and mentioned the name of a Senator that the gentleman from Illinois [Mr. CANNON], then in the chair, sounded the gavel and told me I was out of order. [Applause on the Democratic side.]

Mr. CANNON. That yell is familiar——

Mr. ADAIR. Mr. Chairman, I decline to yield further.

Mr. CANNON. The gentleman declines to yield?

Mr. ADAIR. Any further.

Mr. CANNON. The gentleman fears to yield?

Mr. ADAIR. I will yield to the gentleman for another question. I do not fear any question or anybody.

Mr. CANNON. Touching proceedings in the Senate, the rule is that they can not be questioned in the House, but the gentleman now speaks of his knowledge of what the Senate would do or would not do, and there is no rule of this House that would prevent the gentleman from being specific when he says that the Senate would not consider this dollar-a-day bill if we send it to them, or a dollar-a-day bill. [Applause on the Republican side.]

Mr. ADAIR. That is probably not a violation of the rules, but I repeat the statement that from the information I gathered in conversation with Members of the Senate I firmly believe that a dollar-a-day bill would not receive consideration.

Mr. COX of Ohio. Will the gentleman yield for a question?

Mr. ADAIR. I yield.

Mr. COX of Ohio. I would like to ask the gentleman from Indiana whether this is not the real situation: That no man on that side of the House can rise to deny the fact that the President of the United States let it be known to Members and Senators that if the Sulloway bill passed he would veto it? [Applause on the Democratic side.]

Mr. ADAIR. Mr. Chairman, I would say in answer to that that it is generally understood information went out from the White House that if the Sulloway bill were passed it would be vetoed, but of my own personal knowledge I do not know whether such statements were true or not.

Mr. LANGLEY. Will the gentleman yield to me?

Mr. ADAIR. I will.

Mr. LANGLEY. On that point I desire to state that the gentleman from Ohio [Mr. SHERWOOD] and myself talked with the President of the United States during the last session, and I gained distinctly the impression that the President would not veto a measure of that kind if it came to him.

Mr. ADAIR. I say I did not have that impression.

Mr. SHERWOOD. Was that question asked the President, whether he would veto it or not?

Mr. LANGLEY. The question was not directly put, but I got that impression.

Mr. SHERWOOD. Did not he say when that question was brought up—say to you and to me—that he would sign a bill for the men who did the fighting? Did not the President say that?

Mr. ADAIR. I decline to yield further.

Mr. LANGLEY. If the gentleman from Indiana will permit I will answer that——

Mr. ADAIR. I decline to yield. I will yield to allow the gentleman to answer the question put by the gentleman from Ohio [Mr. SHERWOOD].

Mr. LANGLEY. If I correctly understood the gentleman's question, it was whether the question was directly put to the President whether he would or would not veto the Sulloway bill. If that is the question, I will answer that the question was not directly submitted in that form to the President, nor did I seek to make that impression upon the House, but what I meant to say was that I gained distinctly from all that the President said was that while he was anxious to get the best measure possible he would not veto either one of those bills if they came to him for his signature, and I still am of that opinion.

Mr. BARNHART. I would like to inquire of the gentleman from Kentucky [Mr. LANGLEY] if it is not a fact that the report was current everywhere, and that the record proved, the chief spokesman for the President in the other branch of this Congress killed the Sulloway bill?

Mr. LANGLEY. I know there were different Senators——

Mr. MANN. Mr. Chairman, I make the point of order that the question is out of order, and that the answer would be out of order, as to a proceeding that transpired in Congress at the last session.

Mr. ADAIR. Now, gentlemen, I shall decline to yield further just for the present. I simply want to say this, that I shall not go into the details of this bill, because the gentleman from Ohio [Mr. SHERWOOD], whose name this bill bears, will explain it fully.

It may not exactly suit you in every particular. It does not meet entirely with my wishes. If I could have had my way, it would have been different, but I had to give up some of my views. We had to compromise our differences and get together. We can not legislate for any one soldier in any one district in this country, but we must take them as a whole and at what seems best to be done. I want to ask every man on this side of the House to stand by this committee and vote down amendments to substitute other bills, and show to the country that we are still a majority on this side of the House and can legislate in their interests. [Applause on the Democratic side.]

Mr. SIMS. May I ask the gentleman a question?

Mr. ADAIR. Yes.

Mr. SIMS. I suppose there is a reason for it, but I would like to know why the soldiers of the Mexican War are excluded from the benefits of the bill.

Mr. ADAIR. They are not included in this bill because that matter belongs to the committee of which the gentleman from Alabama [Mr. RICHARDSON] is chairman.

Mr. SIMS. Will the gentleman oppose an amendment of that kind?

Mr. ADAIR. I will not.

Mr. MANN. If the gentleman from Indiana will permit another question, I would like to ask of him, or of the gentleman from Ohio. The Committee on Invalid Pensions called this bill up as a privileged bill under the rules of the House, but the Committee on Pensions can not call up the Mexican War soldiers' bill as a privileged bill because it does not have the privilege. This bill being before the House, subject to amendment, is not the gentleman from Ohio prepared to accept an amendment to place the Mexican War soldiers on the same footing as the Civil War soldiers?

Mr. SHERWOOD. I am.

Mr. MANN. It is not a matter for the other committee. It is in the House. It is in the Committee of the Whole. It has gotten beyond the stage where it is in a committee of the House.

Mr. RICHARDSON rose.

Mr. COX of Ohio. Will the gentleman from Indiana yield?

Mr. ADAIR. Yes; I yield.

Mr. COX of Ohio. I would like to ask the gentleman from Indiana this question. I am sure that so far as the country is concerned, the gentleman from Indiana wants no misapprehension entertained with respect to himself or any Member of this House, and I submit that the gentleman should at least be correctly understood or qualify his language in that respect when he says that anyone must be held to be unfriendly who might submit an amendment, even with reference only to details, where the propriety of it might be absolutely obvious from his viewpoint, namely, his local surroundings. I think it would be unfair, if the amendment is with reference merely to some detail, to say that the Member should be classified as not a friend of the soldier.

Mr. ADAIR. I was speaking particularly with reference to the amendments I had mentioned—amendments to substitute other bills—changing this bill entirely. I did not mean that it should be inferred that ayone who wanted to change the wording of the bill or some minor matters would not be acting in good faith toward the soldiers.

Now, I yield to Judge RICHARDSON.

Mr. RICHARDSON. Mr. Chairman, I desire to say, in response to the suggestion with reference to the Mexican War soldiers, that there is now a bill pending before the Committee on Pensions giving the Mexican War soldiers, regardless of condition—all of them practically being over 75 years of age now—the highest pensions provided for in the Sulloway bill, and we intend to press that question of the Mexican War soldiers' pensions. I wish to say further that it was agreed upon by the chairman of the Committee on Invalid Pensions and myself, as chairman of the Committee on Pensions, that the Committee on Pensions has jurisdiction of that question, and upon that ground a bill has already been drawn and is pending before the Committee on Pensions, and I assure the House that we will press it.

Mr. SIMS. Then, why not report it and have it go on this bill?

Mr. RICHARDSON. Because we do not think it proper to adopt that policy. We think the Committee on Pensions has exclusive jurisdiction of that question.

Mr. ADAIR. I want to pledge now to the gentleman from Alabama, the chairman of the Committee on Pensions, our hearty and enthusiastic support when he shall bring that bill into the House.

Mr. SAMUEL W. SMITH. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Michigan for a question?

Mr. ADAIR. I will yield for a short one.

Mr. SAMUEL W. SMITH. In order to ask the question, I would like first to read from the RECORD——

Mr. ADAIR. Oh, Gen. SHERWOOD will follow me later on, and you can ask the question of him.

Mr. SAMUEL W. SMITH. The gentleman is aware that Gen. SHERWOOD is, unfortunately, rather a difficult gentleman to talk with, and I would rather submit my question to the gentleman from Indiana.

Mr. ADAIR. There is a section of this bill which provides that soldiers who are pensioned under it at $25 or $30 per month shall not be eligible to admission to soldiers' homes. There will be some criticism of this. We have 10 national homes in the country, with about 25,000 soldiers in them. There are 30 State homes, with 20,000 soldiers in them. The cost per inmate of the national homes is $219.70 per annum; the cost to the Government for each soldier in a State home is $100. The total cost to the Government for this purpose is $7,475,000. As I understand from the gentleman from Ohio [Mr. SHERWOOD], 7,000 soldiers who are living in soldiers' homes have petitioned the committee for the passage of this bill, with the assurance that if it becomes a law they will leave the homes and go back and live among their old friends and neighbors. The inmates of soldiers' homes can continue to draw pensions under the general law or under the age law and remain in the homes if they like; but if they want to take advantage of this bill, then they can leave the homes and go back and live among their old friends. However, a motion will be made to strike out this section, and that can be done if the House desires to do so.

This bill will make a great many examinations unnecessary, and we believe by reason of the number of soldiers who will leave soldiers' homes and by reason of the amount that can be saved by making examinations unnecessary we will save the Government about $4,000,000, so that, after all, this is not going to be such an expensive bill. It will cost possibly a little more the second year than it will the first, because it will not be possible for the Pension Department to take up and act upon all the cases that will be filed during the first year.

This is a reasonable bill and is approved by the soldiers of the country. In my district I have 2,300 soldiers, and I wrote a personal letter to each one of them in the district, making inquiries as to what they thought of this bill. I visited them in their Grand Army halls. I met over 1,100 soldiers in my district and talked to them just before I came back here, and I want to say here now that out of the 2,300 soldiers in my district there are only a limited number who are dissatisfied with this bill. It is satisfactory to practically all of them, and they will be very glad, indeed, if this House will pass this bill to-day and send it over to the Senate so that it may be taken up in that body at an early date. [Applause.]

Mr. FULLER. Mr. Chairman, I do not desire to take up any great amount of time personally in the discussion of this measure. My position as to pension legislation is so well known that I do not need to explain it. I am glad that the matter comes before the House thus early in the session, because I believe it

to be very important that we determine as soon as possible what we are going to do for the old soldiers, and do it now. Their time is getting short, and if we are going to do anything more through which they may receive benefit it is time for us to act. I repeat and emphasize that we should "do it now."

I have been a member of the Committee on Invalid Pensions of this House for something over eight years, and I have seen the thousands upon thousands of pitiful cases that come before that committee at each session. I think there are now pending before the Committee on Invalid Pensions something over 10,000 special bills, and you can readily see that it is utterly impossible for us to give consideration to that vast number of cases. We can help out a few of the more worthy and deserving, but perhaps we pass over without even looking at them the most deserving cases. I know that in this Congress I have introduced special bills for two old soldiers who have since then died before their bills could come up for consideration by the committee; and it has been my experience that most of those for whose relief we pass special bills live but a short time, and many receive no benefit whatever, because of the fact that it is the policy of the committee to favorably act on bills calculated to aid the most needy and helpless. Many delay in asking for special relief until the time is past when any increase of pension can benefit them. And every session we find where we gave our time and energies to relieving what we think the most necessitous and deserving cases that in many of the cases the proposed beneficiary passes away before he can receive any benefit from the special act of Congress intended for his relief. Let us do now early in this first regular session of this Congress what we are to do, and dispose by general legislation of substantially the whole subject, making it unnecessary to consider so many individual cases. I am in favor of the passage of the Sulloway bill, which I reported, and which passed this House by an almost unanimous vote in the last Congress. I do not believe, like some gentlemen who say they are in favor of such a measure, that the Senate will not consider it.

The Senate will consider any measure we send over there, and if they do not wish to be as liberal as the House they can cut down the amount, they can amend the bill if they choose, and they will amend it and send it back here and it will finally go to conference. Whatever bill gets through this Congress will be after the House has had its say, the Senate has had its say, and a conference committee has finally reconciled the differences between the two Houses. So that whether we pass the Sherwood bill or the Sulloway bill or the Anderson bill or the Fuller bill, or any other bill, the work will not be ended when the House has acted. But let us pass a bill—the more liberal it is the better it will please me—and send it to the Senate for their approval, and then let us urge the Senators to act quickly before the old heroes of the Civil War have all passed away.

There are provisions in this bill that I am not in favor of. I want a better bill, a more liberal bill, and one that will be just and satisfactory to all the living members of the fast-vanishing Army of the Union. In the first place, I do not believe at this time, when all the old soldiers are almost ready to pass over to the other shore, that we should make any material difference in the mere length of service of the soldier. We read the parable in the Scriptures of the laborer who commenced at the eleventh hour and received his penny the same as those who commenced early in the day. As I construe that parable it does not mean mere pay for services or for time; but it means that when a man surrenders unconditionally, and offers all he has, his very life, upon the altar of his God or his country, mere time cuts no figure whatever, whether it is at the first hour or at the eleventh hour. Late in 1863 and in 1864 men were needed more than at any other time, and men who then went into the service and offered their lives on the altar of their country, whether they served more than a year or less than a year, are in my judgment entitled to as much consideration as the men who went earlier into the fight, but who, perhaps, did not sacrifice as much, or suffer more of hardship. I do not think we should make any distinction on account of the mere length of service, and now, nearly half a century after the close of that great struggle, an age pension is the most just and equitable.

Now, why this proviso in this bill that no old soldier in receipt of a pension of $25 per month shall be admitted to a national home for disabled soldiers? I do not know. How does anyone suppose that an old soldier, with one foot in the grave, unable to labor at all, unable to support himself or his family, with no home on earth, perhaps, no means of support, can live—can exist, even—on $25 per month? Why should he be denied the benefits of the soldiers' home? I am not in favor of that proposition, and I hope it will be stricken out. It does not belong in this or any other pension bill. It is unnecessary, uncalled for, and brutal.

I am not in favor of this other provision, in section 3, denying pensions to all who have a net income of a thousand dollars. I do not think we should put these men upon a pauper basis or require them to prove their poverty in order to receive the benefits proposed by the bill. The American Congress should recognize the fact that these men went out and offered all they had—their lives if need be—in defense of the country and its flag; and this great, rich, and prosperous country can afford to be just and generous and to see to it that no old soldier shall be treated as a pauper. Let the pauper clause of the bill be stricken out. This clause would require proof as to net income in every case. It would encourage perjury. It would require years to adjudicate the cases, and thousands would suffer and die before their cases could be adjudicated. And, all in all, we should expend more money in making proofs and adjudicating the cases than would be saved by denying pensions to those having an income of over a thousand dollars.

Mr. ANDERSON of Ohio. Mr. Chairman, will the gentleman yield?

Mr. FULLER. Yes.

Mr. ANDERSON of Ohio. Is it not true that the old soldier who has $1,005 income a year, even though he served his country for four long years, will not benefit by the Sherwood bill?

Mr. FULLER. I judge so from the reading of the bill. Certainly that is so if this section of the bill should remain in it.

Mr. ANDERSON of Ohio. I am in favor of the Sherwood bill if it is amended.

Mr. FULLER. So am I; unless we can have a better bill, Mr. Chairman, we should let it be known as the settled policy of this country, the greatest upon the face of the earth, as we often say—let it be known as a settled policy that now, hereafter, and forever we will see to it that the country's defenders are cared for in their last years and not permitted to suffer want. [Applause.] Let it be known that whenever the call may come for the young men of the land to rally to the defense of the flag, as they did from 1861 to 1865, and as thousands and thousands offered to do in the War with Spain—let it be known that whenever and wherever that flag leads those who volunteer in its defense, those who offer their lives for this country, shall thereafter be the honored wards of the Government, and that no loyal soldier of the Republic, or those dependent upon him, shall ever suffer want. [Applause.] That policy as the settled policy of the Government is worth more than all the battleships we shall ever build, than all the millions spent on forts and armaments. It is worth all it costs or ever will cost as a guaranty of the lasting greatness and stability of this Government. [Applause.]

Mr. Chairman, the Sherwood bill now under consideration would give needed relief to four-fifths of the deserving veterans of the Civil War who are now in need of such relief. I am therefore four-fifths in favor of the passage of this bill. The Sulloway bill, which takes its name from the former chairman of the Committee on Invalid Pensions, that grand old man from New Hampshire, always the soldiers' friend—God bless him—would give relief to all. Therefore I favor the Sulloway bill, and will, if opportunity offers, propose it as a substitute for this bill, and I hope sincerely that the substitute may be adopted and passed and become the law of the land. But, gentlemen, let us make haste. A hundred heroes of the Civil War are dying every day. We can not help them; but let us help all we can, and let us "do it now," and the old veterans—God bless them every one—to their dying day will gratefully appreciate what we do, and their children will loyally support the Government their sires preserved and which was great enough to be just and good enough to be generous to its preservers. [Applause.]

Mr. SULLOWAY. Mr. Chairman, I am opposed to this bill and in favor of a better one. [Applause on the Republican side.] This bill, as has been stated on the floor, would, upon the basis of the figuring made at the department, take $30,000,000 more from the Treasury than the one generically and commonly known as the Sulloway bill, which in truth and in fact was the bill asked for from the Atlantic to the Pacific by the veterans of the Civil War almost without exception. There is scarcely a Grand Army post that did not indorse it. Twenty-eight legislatures assembled in as many different States, sweeping the country from the Atlantic to the Pacific, after it had passed this House almost 4 to 1, requested and demanded of their Senators at the other end of the Capitol that they should vote for it. That is the bill which I favor, or a bill drawn along those lines. Such a bill was asked for by the Grand Army at its last annual encampment at Rochester, N. Y. I believe it to be the fairest, most equitable, just, and up-to-date

measure that has ever been presented to this body. All men finally reach the grave, and we can not legislate for them beyond.

The Sherwood bill is an entirely different measure. This bill revolutionizes the pension system as it has existed in this country from its inception. It overturns everything. It is something unprecedented and unheard of, practically speaking. Of the invalid soldiers, so called, on the pension roll to-day, from 360,000 to 400,000 are on the rolls under what is known as the age law, either by an order of the President making age a specific disability, which order was made by the Secretary of the Interior, or by the statutes now in force in the country. There is no occasion for examining surgeons under the age act. There is no occasion for inspectors or special examiners going over the country to ascertain whether a man has this disability or that disability. To the surgeons alone, since 1866, we have paid for examining these old warriors over $23,000,000. The age system, under which most of them are on the rolls to-day, eliminates every penny of that, and practically it will dispense and do away with the occasion for any inspectors or special examiners, whatever you please to term them, except in the case of the soldiers who are under the general law or who were in the War with Spain and who have applied or are applying for pensions.

I am a member of the Committee on Invalid Pensions, but it is my misfortune not to have attended a meeting during the session when this bill was formulated. It was my misfortune, because of a difficulty I had with one of my limbs, to be sent home during the special session, and while I might have thought I could be more comfortable, on account of temperature, up there in New Hampshire, as a matter of fact it was as hot in New Hampshire as it was here. I am a stranger to what took place when this bill was framed, to what took place in the committee, and what reasons, if any, were given for the presentation of the bill in its present form. I shall go through it from the report made by the chairman. He says here that the bill was adopted with only one negative vote. I wish he had stated how many men voted for it. It is a committee of 16 members, and it does not appear how many were present and how many voted for it. This bill does not repeal or modify any existing law, it is said. Perhaps that is true. It may be that it does not. It may be that it is purely a local-option bill.

There is a proposition here which I think unworthy of the consideration of any man who holds his seat on the floor of this House. I refer to the one that was alluded to by the distinguished gentleman from Illinois [Mr. FULLER] a moment ago. What does it propose to do?

The proposition is that while there are 45,000 of those old soldiers in soldiers' homes, either National or State, if a soldier should take the benefit of this act and obtain $25 a month pension, he will be banished from all soldiers' homes, both National and State. Why should he be banished from the homes? The Government has already constructed them. The Government has already invested the money of the people of this country in them. It furnishes sustenance, nurses, physicians, and watchers, and all that is necessary, so far as hospitals are concerned. In those homes there are many, many blind men, decrepit men, paralyzed men, who are unable to dress themselves, unable to get in or out of bed, unable to feed themselves, and they have no home on the face of the earth but that home which the patriotism of this country has provided for them. [Applause.] Why should such men be driven from the home when they are granted a pension of $25, when we know that the $25 would not pay for watchers or nurses for them in the night or in the day time even. Yet that is the penalty under this proposition which it is proposed to visit upon an old soldier who may have served four long years under that flag, who did all that a man could do to preserve and perpetuate that flag, a flag which has done more for mankind, liberty, and humanity than all other flags that wave between earth and sky. [Applause.]

Now, under this bill he is to be driven from his only home on this earth, and he has none in the future, except that which God in His matchless love may bestow upon him when he passes over. Is that the way you desire that the old soldier should be treated? If so, why, then, gentlemen, you should support this bill, but rather my right hand wither than for me to favor a measure of that kind, my friends. Let us see what is said in the report. The distinguished chairman, for whom I have the most profound respect, says:

> There are 25,000 of these in the 10 national homes and nearly 20,000 in the 30 State soldiers' homes.

I presume he means State and Territorial. Then he says:

> It is costing the Government now $219.70 per year for every soldier in the national homes, and all these soldiers are paid pensions besides.

Thank God for that "besides." It costs $219. How many of these old warriors have an aged and decrepit wife at home; how many have helpless children, perhaps, and that pension which he receives, which apparently the chairman of this committee proposes to take away, goes back home to care for the wife or an aged mother or helpless children, who has somewhere a single room or shanty in the nature of a home. He is compelled through wounds, disease, and financial circumstances to break up his home, be banished from his children, wife, and mother, perhaps, to be cared for in a soldiers' home.

God forbid that this or any other legislative body should ever be driven to a proposition of voting for a measure that would drive from the soldiers' homes these broken-down heroes and make paupers of them and their families. [Applause on the Republican side.]

Let us see what this bill does. It provides in section 1:

> That no one who shall be in receipt of a pension of $25 or more per month under this act shall be entitled to admission or residence in the National Home for Disabled Volunteer Soldiers; and no State or Territorial home for disabled soldiers and sailors shall receive any aid from the General Government on account of any person who shall be in receipt of a pension of $25 per month or more under this act.

I suppose, and it is only a guess-so, that the man who penned that perhaps meant to say by way of prohibition that the Government should not pay to a State or Territorial home anything for the support of a soldier who receives that amount of pension. Of course, this committee has no more jurisdiction to interfere with that matter, so far as State and Territorial homes are concerned, than a crow that flies over this Capitol has to attempt to amend the Constitution. [Laughter and applause.] That belongs entirely to another committee—the Commitee on Military Affairs. In another section of this bill the chairman is very delicate about usurping jurisdiction, as he terms it.

The Sulloway bill included the Mexican soldiers. He never thought we were usurpers when that passed the House, and no one in this body did; but in this proposition the old Mexican veterans are all eliminated, and some gentlemen who support this bill will find, when they get home and analyze it, that some of their constituents are also eliminated or left out under this bill and are not entitled to the benefits of its provisions. Now, then, section 2 of the bill, and I will weary you awhile, but I will not take any longer than I can help——

Mr. CAMPBELL. You are not wearying anybody on this side of the House.

Mr. SULLOWAY. On the 29th of July last the distinguished chairman of our committee, while I was at home stretched out on my back and the lightning tore my house to pieces and put it out of shape, made his speech, which is printed in the RECORD, a very exhaustive speech, and on page 3350 of the CONGRESSIONAL RECORD this language can be found:

> In this connection let me say that House bill No. 1, approved by the Committee on Invalid Pensions, and the only bill that has any show to become a law—

Speaking authoritatively, you see—

> makes liberal and ample provisions for the short-term soldiers. It pensions a soldier who served 90 days at $15 per month; 6 months, at $20; the 9-months soldier gets $25; and the soldier who served 1 year or over receives $30 a month. The dollar-a-day rate is the same as in my dollar-a-day bill of 1909.

This talk about a dollar-a-day bill, gentlemen, which rattled through this Capitol here for a long, long time before our opponents were in power, petered out very suddenly when they secured control. Where is your dollar-a-day bill to-day? This proposition submitted here does what?

Only four men out of five come in for that dollar a day. Where are the resolutions of the various State conventions on the subject of a dollar a day? Where are all the propositions for a dollar a day when you get here where action is needed, where men stand up and are counted or are not counted at all? You find here that over 100,000 survivors of the Civil War are left out of the dollar-a-day proposition. The chairman says:

> The rate is the same as in my dollar-a-day bill of 1909, which required a service of a year or more.
>
> I want to call attention to some vital features of House bill No. 1 that were wanting in the so-called Sulloway bill that was recently smothered and killed in the Senate.

Let us see what it was. This refers directly to what I have talked about as to short-service men. I read from the RECORD what the gentleman from Ohio [Mr. SHERWOOD] said, as follows:

> House bill No. 1 provides a maximum pension of $30 per month for all who were either wounded or disabled in the service, even if they did not serve 90 days. A brigade of Sherman's army on the Atlanta campaign, known as Gen. Hovey's brigade, came to that army fresh from the mustering officers. Their first charge was at Resaca, Ga., May 15, 1864, and they were in the charge on Kenesaw Mountain and all the battles up to Atlanta. Over one-fourth were wounded or disabled and mustered out before they had served 90 days. Not one of these "old boys" can get a dollar of pension under any of the age-pension bills, because they did not serve 90 days. The emergency men

who in the terrible crisis that confronted the Union arms in the decisive Battle of Gettysburg can not get a dollar of pension under the 90-day age-pension bills, and there are thousands of worthy and needy and deserving soldiers who did valuable emergency service and were disabled in that service, who will be paid pensions by House bill No. 1 at $30 per month, who are barred out by the so-called age-pension bills.

There was nothing in the dollar-a-day pension bill about this class of men, and there is nothing in this bill that is new, apparently, judging from that speech and the report he made. You might think, gentlemen, that that was a discovery; that he had added something new to proposed pension legislation. But in the providence of God, and the patriotism of the men who occupied seats in this House 28 long years ago, a statute was passed which gave to every one of them, and has given to every one of them since that time, under the general law, all the right to receive pensions that section 2 of his proposed bill would give to them, and all of those men who are living, and who were in those battles, have been pensionable for years. That act was approved March 3, 1883, and section 2 of this bill is the merest buncombe, and only reenacts what has been existing law since March 3, 1883. You will find the law to which I refer on page 115 of the Laws of the United States Army and Navy Pensions, of July, 1905. All of them have been provided for. There is not a thing in the second section that gives anybody a right that has not existed for more than a quarter of a century, my friends. So much for that.

Mr. RICHARDSON. As I understand, you contend that section 2 of the Sherwood bill was put into existence and effect in 1883?

Mr. SULLOWAY. Exactly.

Mr. RICHARDSON. Then, you do not object to that part of it, because you have been practicing under it all the time?

Mr. SULLOWAY. If you want to renew it or have it born again, I have not the slightest objection. It will not be any more vital or give anybody any additional rights.

Mr. RICHARDSON. You have administered that law for many years, giving a pension to those soldiers now provided for under the Sherwood law?

Mr. SULLOWAY. Under those conditions.

Mr. RICHARDSON. And therefore there can be no objections to that part of the law?

Mr. SULLOWAY. Not unless you want to reenact the whole statute on the subject of pensions.

Mr. RICHARDSON. I wanted you to explain that.

Mr. SULLOWAY. That is all right, brother. I appreciate it. I am not going to weary the Members of this House much longer. I want to get into the CONGRESSIONAL RECORD some figures, however.

Here is an estimate—no, not an estimate, but a mathematical certainty made by figures—as to what the Sherwood bill would have cost at the end of the fiscal year June 30, 1910, and with the permission of the House I will submit it for the RECORD.

It gives the itemized length of service, the number of pensioners, the present rate per month, the proposed rate per month, the increase per month and the increase per year, and the total is carried out so that all may see. Let us be fair. That would be two years prior to next June, and the figures would then have been $75,671,000, and more, as the increase.

Mr. RUSSELL. Mr. Chairman, may I interrupt the gentleman?

The CHAIRMAN (Mr. HUGHES of New Jersey). Does the gentleman yield?

Mr. SULLOWAY. Certainly, brother; certainly.

Mr. RUSSELL. Does that calculation exclude those who are excluded by this bill who are in the Soldiers' Homes?

Mr. SULLOWAY. I think not.

Mr. RUSSELL. Does that calculation exclude the one-fifth of the soldiers who under this bill would not get the dollar a day on account of short service?

Mr. SULLOWAY. This includes every class of soldiers whose names are borne on the roll; that is to say, it gives the number of each class of soldiers.

Mr. RUSSELL. Does that exclude probably 20 per cent, as I believe it is estimated, of those who would be excluded under this bill by reason of having a thousand dollars' annual income?

Mr. SULLOWAY. No. There is no estimate made about that.

Mr. RUSSELL. And is it not a fact that the old soldiers are dying off at about the rate of 35,000 a year?

Mr. SULLOWAY. Certainly.

Mr. RUSSELL. Then in two years would not 70,000 go off the roll?

Mr. SULLOWAY. Yes. I was about to say that when the gentleman interrupted me. Now, coming down to next June. At least 70,000 names should be stricken from the rolls since June 30, 1910, by death, which is estimated will lessen the expenditure necessary to carry out the provisions of either of these bills $10,000,000 per year, or $20,000,000 for the two years. I am putting this exhibit in with a view to making a comparison. The figures prepared by the Pension Bureau for the so-called Sulloway bill footed up $45,000,000, starting in at the same time, June 30, 1910. Now, then, deducting that same amount from the Sulloway bill, so called, taking that from the $45,000,000, you see you would have about $25,000,000 or a little more to carry out the provisions of the Sulloway bill, and, taking the same amount from this bill, you would have $55,000,000 or a little more to carry out the provisions of the Sherwood bill. I am doing this simply to bring to your attention the difference between the two bills, and the unjust and unfair distribution which the so-called Sherwood bill makes, as I believe. I wish to submit this paper with my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from New Hampshire to include a tabular exhibit in his remarks?

There was no objection.

Following is the exhibit referred to:

On the roll June 30, 1910, rate then receiving and increase under the Sherwood bill.

SHERWOOD BILL.

Length of service.	Number of pensioners.	Present rate per month.	Proposed rate per month.	Increase per month per pensioner.	Increase per year per pensioner.	Total increase per year.
90 days	22,253	$12.00	$15.00	$3.00	$36.00	$801,108.00
6 months	55,633	12.00	20.00	8.00	96.00	5,340,768.00
1 year	200,279	12.00	30.00	18.00	216.00	43,260,264.00
90 days	819	14.00	15.00	1.00	12.00	9,828.00
6 months	2,047	14.00	20.00	6.00	72.00	147,384.00
1 year	7,370	14.00	30.00	16.00	192.00	1,415,040.00
6 months	20,356	15.00	20.00	5.00	60.00	1,221,360.00
1 year	73,280	15.00	30.00	15.00	180.00	13,190,400.00
6 months	5,601	17.00	20.00	3.00	36.00	201,636.00
1 year	20,165	17.00	30.00	13.00	156.00	3,145,740.00
1 year	47,349	20.00	30.00	10.00	120.00	5,681,880.00
1 year	17,451	24.00	30.00	6.00	72.00	1,256,472.00
Total						75,671,880.00

Estimated cost June 30, 1910.

SULLOWAY BILL.

Age.	Increase per month.	Number.	Annual increase.	Amount.
62 years	$12 to $15	93,580	$36.00	$3,369,204.00
65 years	12 to 20	184,577	96.00	17,719,392.00
70 years	15 to 25	101,778	120.00	12,213,350.00
75 years	20 to 36	63,461	192.00	12,187,512.00
Total				45,489,468.00

Mr. ANDERSON of Ohio. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from New Hampshire yield?

Mr. SULLOWAY. Yes; certainly.

Mr. ANDERSON. I understand that the gentleman stated that the Sherwood bill would take an appropriation of $75,000,000. Am I correct?

Mr. SULLOWAY. Yes; at the date of June 30, 1910.

Mr. ANDERSON of Ohio. It was stated that I had introduced a bill involving such a large expense that I wanted to impress it upon the minds of Members of the House that the Sherwood bill contemplated a very large expenditure.

Mr. SULLOWAY. Now, then, I have a few more observations to submit, and then there will be deliverance from me. Here is a provision that no one shall be entitled under this act who is in receipt of an annual income of $1,000 and more, exclusive of the amount received as pension. And a most remarkable statement, I think, is made here with reference to the number who would be affected. In the Sherwood report you will find this statement: That that gentlemen is satisfied, from inquiring of about 20, more or less, Grand Army posts, that from 20 to 30 per cent of the survivors of the Civil War have a net income of more than a thousand dollars, exclusive of their pension.

Now, I want to say that, however that may be in the communities from which you gentlemen come, in that section of the country from which I come not more than 1 per cent have an income of $1,000. As a matter of fact, there are but very, very few who have such an income. Then the gentleman from Ohio [Mr. SHERWOOD] argues that that would lessen, and will lessen, the appropriation required. Would it? What would result? Under the policy of the Pension Bureau it would im-

mediately assume that every soldier had an income in excess of $1,000 per annum; it would put the burden of the proof up to him; it would cause endless delays and work unnecessary hardship upon the soldiers. Thousands and thousands would die before their claims were ever adjudicated. If you want to economize, do not economize at the expense of the old soldier. Do not take bread and food out of his mouth. Do not try to fool him with the idea that he is going to have something and then throw a barrier in the way of his last few days that will never allow him to get it. Would there be a saving? Not a bit of it. It would mean the putting into the field of a vast army of special examiners. It would mean a cost in administrative features that would cost double what it would pay to pension these soldiers in the first place.

And now mark you this: Its author terms this a "service pension"; it is for services rendered. If that is so, if it is a service pension, then why in the world is not the man who rendered the service entitled to recognition therefor, even if he is better off than some others may be? Can anybody make a distinction?

Can anybody give a reason? I can not. In fact, there is no such wealth in the hands of the old soldiers. So far as I know, substantially all of them are poor. Occasionally one, in the chapter of accidents, by the providence of God or the gift of brains has accumulated something, but such a case is only one among the many. They are old, decrepit, worn out, unable to labor, and I think this proposition in the bill is not only an insult to the soldiers who served, but it seems to me that it would be writing into the statutes of this Nation by this intelligent body of men, representing more than 90,000,000 people, the principle that we only recognize the valiant and heroic services of our soldiers when they become paupers. That is the only inference that can be drawn. It makes the pension roll not a roll of honor, but it groups those brave men who wore the blue into a vast army of dependents. It is a humiliation that I am not ready or willing should be put upon our soldiers.

You may go before the people of this country on that proposition if you like, but I am opposed to it.

My friends, I have wearied you a good deal longer than I ought to, and I thank you for your attention. [Applause.]

I reserve the balance of my time.

Mr. RUSSELL. Mr. Chairman, I am in favor of this bill, and desire briefly to give a few of the reasons why I propose to cast my vote for it.

In the first place, the last Democratic national platform declared in favor of liberal pensions for the old soldiers. There has been no bill passed since that time increasing their pensions, and I take it if that plank in the platform meant anything it ought to be observed. And what I say of the Democratic platform applies to the Republican platform as well, and I think that our friends on the Republican side ought also to observe their platform. In other words, I believe that planks that are put into our political platforms ought to have some significance.

But I am in favor of this bill for another reason—I believe that it is just and right. [Applause.]

I was not in the Union Army. I was not old enough, but perhaps if I had been old enough I would have been upon the other side of that conflict, because my environments at the time would have naturally placed me there. My eldest brother fought upon the other side, but while not old enough to participate in it, I saw enough of that war to know something of the privations and dangers that the soldiers suffered. I have seen enough since the war and in the recent past to know, as my friend from New Hampshire [Mr. SULLOWAY] said, that a great many of those who fought to preserve the Union are to-day in need of the comforts, if not the necessaries, of life. He says he does not want to place a pension bill upon the ground that it is a charity, nor do I. Yet the gentleman from New Hampshire has presided for a number of years preceding this Congress over the Invalid Pension Committee that would not grant a special bill for a pension until the applicant first furnished an affidavit establishing the fact that he had no income. If that is a necessary requirement or a good precedent in the passage of special bills, it ought not to be objectionable in a general bill. [Applause.]

I believe that those who gave the best years of their lives for the preservation of this country and in defense of their country's flag ought to be justly treated by a grateful country in the declining years of their lives.

Mr. NORRIS. Will the gentleman permit an interruption?

Mr. RUSSELL. I will.

Mr. NORRIS. I want to ask the gentleman a question on that proposition of income. Under this bill, if unamended, it will be necessary for evidence to be taken upon every application, will it not?

Mr. RUSSELL. As to the income?

Mr. NORRIS. As to the income of the applicant. It would be incumbent upon the applicant in every case to show that his income was less than $1,000 a year.

Mr. RUSSELL. I presume we would be governed, as we are in the Invalid Pensions Committee, by the affidavits of witnesses.

Mr. NORRIS. Probably that would not be deemed sufficient by the department. At any rate, it would necessitate a large number of clerks, inspectors, and so forth, to be continually employed, would it not?

Mr. RUSSELL. No; I think not. I think the affidavits of witnesses would be accepted, as they are accepted to-day by the Invalid Pensions Committee.

Mr. NORRIS. But the Invalid Pensions Committee would have nothing to do with this. It would be passed upon by the Pension department. I do not think they would accept a man's own affidavit alone as to the income, but would require additional evidence. At least it would take a large number of clerks to take care of the work, and the question I want to ask is, Would it not cost less to eliminate that from the bill and make that expense unnecessary than it would to keep it in, as it is conceded that the number who do have an income of more than $1,000 a year is very small? I would like to have the gentleman's idea as to whether it would not cost less to eliminate that provision of the bill than to leave it in?

Mr. RUSSELL. I think not, because I think the additional expense of filing one more affidavit would be insignificant. I do not believe as my friend from Nebraska does, that the number who are receiving $1,000 a year in this country is so very small. My information is from the chairman of our committee, who gathered the statistics as best he could, that it is understood that about 20 per cent of the Union soldiers who survive to-day have an income of at least $1,000 a year.

Mr. NORRIS. I ask the gentleman if it is his observation that that is true in his own district?

Mr. RUSSELL. In my district I think it would be far less than that.

Mr. NORRIS. It would be in mine also.

Mr. RUSSELL. I will be frank about that, I do not think it would amount to 5 per cent in my district; but in the large cities where the wealthy men have gone it would probably be more than that. It is, as I understand it, in the large cities where the old soldiers are wealthy.

Mr. MANN. That is not the case in Chicago.

Mr. RUSSELL. Perhaps not in the gentleman's district, but in the wealthy part of the city.

Mr. MANN. And it is not true in the wealthy part of the city.

Mr. CALDER. It is not true in the city of New York either.

Mr. RUSSELL. I recognize the fact that, as a matter of even justice, every man who fought in the Civil War to preserve the Union in the sixties is just as much entitled to a pension, even though he may now be wealthy, as is his comrade who may be poor, helpless, and destitute. I admit that proposition as a matter of fairness and justice, but I want to say that I am informed that if this provision is stricken out that it will add from six to eight million dollars to this bill. My information is that the most serious objection to this bill that is urged here to-day is that it will carry too much money. Many of the old soldiers that I know are to-day crippled and hobbling through this world upon crutches to their early graves. Many of them are upon beds of disease and pain, and some are blind and groping their way through life in darkness. I for my part do not want to withhold from these brave but unfortunate patriots the comforts of life even for the purpose of trying to do justice to some who are more fortunate and who are to-day living in luxury upon the incomes they already have. [Applause.]

Mr. NORRIS. Will the gentleman yield further?

Mr. RUSSELL. Certainly, I will yield to my friend.

Mr. NORRIS. I am asking my question in order to get some information on the subject. My idea is that we will expend more money in the administration of this bill if we write that provision in than we would have to spend if we strike it out, because all the clerks and necessary machinery to furnish the evidence, the investigation by means of inspectors and in every other way, would be entirely eliminated if this property limitation is not included in the bill. My idea was that there were not exceeding 2 per cent of the old soldiers of this country who were getting a salary or an income of a thousand dollars a year. I am informed by my friend that the census report shows that the income of the average citizen is less than $500. Why should we expend a lot of money for inspectors and employees in the Pension Department that we could as well give to the old soldiers instead of spending it in the administration of that provision of the bill?

Mr. RUSSELL. I will say to the gentleman that if I could believe he is right in his judgment in regard to that expense I would agree with him and would be in favor of striking that clause out; but I think he is wrong, and I do not want to endanger the success of this bill by adding several million dollars to it that I personally know will bring opposition to it from its present supporters.

Mr. MANN. Will the gentleman yield for an interruption?

Mr. RUSSELL. I will yield to my friend from Illinois.

Mr. MANN. Under the provision in the bill in reference to the net income, would it not require proof on the part of the claimant and investigation on the part of the department in every case to ascertain what the income was, so as to know whether there was a net income of over a thousand dollars?

Mr. RUSSELL. I think so, and that proof would be by affidavits.

Mr. MANN. Is that true in the case of widows' pensions?

Mr. RUSSELL. I think so.

Mr. MANN. Has the gentleman never had any experience with a widow's claim where the limitation is $250 a year income and where the department sent officials out to investigate and spent more money than the pension would amount to? If not, the gentleman has not had the experience that I have.

Mr. RUSSELL. That law has not been in effect, I think, since I have been in public life. I confess I do not know anything about that practice, but I do know to-day that widows obtain their pensions upon affidavits.

Mr. MANN. That is the law now, and it is in force now. I meet with it constantly.

Mr. RUSSELL. The gentleman from Ohio [Gen. SHERWOOD] says that he wants to answer a question asked by the gentleman from Nebraska [Mr. NORRIS], and I yield to him for that purpose.

Mr. SHERWOOD. Mr. Chairman, I just want to answer the question of the gentleman from Nebraska [Mr. NORRIS]. In my report made in August I estimated that about 22 per cent of the surviving soldiers of the war have incomes of $1,000 or more. Upon further investigation I find that perhaps I was mistaken. I interviewed the gentleman from Massachusetts [Mr. WEEKS], who is the author of this amendment, and he estimates this at a higher figure than that. I have since interviewed a number of post commanders. Let us take the U. S. Grant Post, of Chicago, one of the largest posts in the West. It has a membership of 312, as I remember. Forty-five of the members of that post are receiving an income of over $1,000 a year. In my own post I think about 35 are receiving an income of $1,000 a year. With the information that I now have—and it is hard to get that information—I think that 15 per cent would be nearer than the sum stated in my report.

Mr. NORRIS. In the case of the post in Chicago and of the gentleman's own post is it not true that in this estimate the pensions of the old soldiers were included as a part of the incomes?

Mr. SHERWOOD. If you will read the bill you will see.

Mr. NORRIS. I know the bill does not include it, but was that not estimated in the income?

Mr. RUSSELL. Mr. Chairman, I decline to yield further. I desire to proceed and to conclude my remarks.

Being in favor of this pension legislation, I am in favor of it at this time, because I believe that it ought to be promptly passed. We are told, and it is true, that about 100 of the old soldiers die every day that the sun rises and sets, and about 36,000 of them die every year. The gentleman from Illinois [Mr. FULLER] stated that he had introduced some special bills in this Congress, and that among those for whom he had introduced bills two of his friends had died since the bills were introduced. I received a letter yesterday from the widow of a man for whom I had introduced a bill, and two others for whom I introduced bills at the extra session of this Congress have since that time passed away to that spirit land beyond the grave. So that it is important, if you are going to do anything for the old survivors of the Union Army, that you do it now, because not many years will they be with us. [Applause.]

Mr. Chairman, I am for this bill for another reason. There is no member of the Invalid Pensions Committee, upon which I have the honor to serve, who is not a friend of the old soldiers, and they have all diligently endeavored to ascertain the best bill that could possibly be passed through this Congress for their benefit. At the beginning of this Congress I introduced the Sulloway bill, modified as the Senate committee modified it in the last Congress, by reducing the highest amount named in it from $36 to $30 per month. I was then in favor of that bill, but upon inquiry we ascertained or we thought that we ascertained that if that bill were sent to the Senate it would meet the same fate that befell the Sulloway bill. We are told by men in this House as well as in the other body that a service-pension bill is the fairest bill, and that such a pension bill would probably pass. Hence we have tried to do what seemed best for the soldiers by preparing this bill, which was, upon my motion, reported to this House for its action, and we believe it will be passed and become a law, thereby rendering the best possible service to the old soldiers. I am also for this bill because I have ascertained from the soldiers of my district that they are in favor of this—the Sherwood—bill and not the Sulloway bill. Here is a letter advising me of a meeting held in my district only one week ago by one of the largest Grand Army Posts in the district that I represent. I received this letter two days ago, and it reads as follows:

JOHN ROLLINS POST, NO. 247,
GRAND ARMY OF THE REPUBLIC,
West Plains, Mo., December 3, 1911.

Hon. J. J. RUSSELL, M. C.,
Washington, D. C.

DEAR SIR: At a meeting of this post on December 1 the Sherwood pension bill was unanimously indorsed by the members of this post, and we hope and expect you to put yourself on record as a friend to this bill.

Yours, very respectfully,

N. H. HAMBLEN, *Adjutant.*

That is only a fair sample of all of the many letters that I have received from the Grand Army posts in my district. Perhaps not all of them were unanimous, but every Grand Army post in my district has indorsed the Sherwood bill and has asked me to vote for it, and I would to-day be untrue to them and an unworthy and a faithless Representative if I should fail by my voice or vote to reflect their wishes.

Mr. FULLER. Will the gentleman yield?

Mr. RUSSELL. Certainly. I yield to my friend from Illinois.

Mr. FULLER. Does the gentleman think the Grand Army posts of the country are in favor of section 2 of the bill?

Mr. RUSSELL. I will refer the gentleman to the letter of the Grand Army post, which speaks for itself. They say they are in favor of this bill, without any suggestion of changing it.

Mr. FULLER. Is the gentleman in favor of section 2 of this bill, which provides that any person who served in the Civil War, no matter upon which side, who was wounded or disabled in the service, shall be pensioned under this act?

Mr. RUSSELL. No; I am not in favor of this bill pensioning those who fought upon the side of the South, and they are not here asking it. They were as true men and as brave as the boys who wore the blue, and in good faith they left their homes and families, made many sacrifices, and faced the dangers of war for what they believed to be a principle. They lost, they submitted, they suffered, but they are too proud to-day, and will ever be, to ask a pension at the hands of the Government they fought to dissolve. But they are not opposed to the payment of pensions to Union soldiers. My friend from Alabama [Mr. RICHARDSON], who presides over the other pension committee, is one of the few ex-Confederates in this House, and was as brave a soldier as ever faced a foe, and he will vote for this bill. Senator Francis M. Cockrell, a gallant and a distinguished general in the southern army, was after the war for 30 years in the United States Senate from Missouri, and while in the Senate did more for the Union soldiers of Missouri, his former foes on the field of battle, than any other man has ever done. It may be that this bill is defective in language in not being more specific and clear——

Mr. FULLER. But it is specific.

Mr. RUSSELL (continuing). But there is no man in this House who believes that this committee intended to report a bill granting pensions to the Confederate soldiers, and if the language of the bill is indefinite, I for one, and I believe every Member on this side of the House, will vote to perfect it so as to make it read as we intended it should.

Mr. FULLER. I think that is quite necessary. I was not present in the committee, I will say, when it was reported.

Mr. RUSSELL. I will say to my friend from Illinois that you will find me willing to vote for such amendments as are necessary to perfect the bill to carry out the purposes as we intended them to be carried out, but so far as changing the substantial provisions of the bill, I shall vote against every one of them, although there may be some amendments offered for which I would vote as a separate proposition. I will mention some of them.

Mr. SAMUEL W. SMITH. Will the gentleman yield?

Mr. RUSSELL. I will.

Mr. SAMUEL W. SMITH. Is the gentleman a member of the Committee on Invalid Pensions?

Mr. RUSSELL. I am.

Mr. SAMUEL W. SMITH. Will the gentleman allow me to read a resolution adopted by the Grand Army encampment?

Mr. RUSSELL. Is it in my district?

Mr. SAMUEL W. SMITH. No; a resolution adopted by the national encampment of the Grand Army.

Mr. RUSSELL. I do not care to consume time by having it incorporated in my speech. The gentleman can put it in the RECORD in his own time. I understand there will probably be an amendment offered to increase the pensions of the widows of soldiers. If it is presented as an amendment to this bill, I shall vote against it, not because I am not in favor of liberal pensions for widows of soldiers, for I am, and will vote for liberal bills for their relief. If such a bill is hereafter brought into this House, as I believe it will be, to bring the date of marriage from 1890 up to 1900, I shall vote for it, but I want that bill to stand upon its merits and not to be engrafted upon this bill for the purpose of weighting it down, making it cost more money, and thereby endangering its success.

Mr. MANN. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Illinois?

Mr. RUSSELL. I do.

Mr. MANN. If the bill has merit, such a bill as the gentleman indicates, and is now offered as an amendment when the House has a chance to vote upon it, is not that the time to vote according to the merits?

Mr. RUSSELL. It is not, because this bill as it stands here to-day might pass this House, when if this amendment is adopted, it might not pass the House, and I do not want to defeat this bill by putting another clause in it, even though it is a good thing and one which might pass upon its merits as a separate proposition.

Mr. MANN. Is it likely a bill which would be passed as an amendment would defeat a bill in the House when the Committee of the Whole constitutes the entire membership of the House? What we do as members of the Committee of the Whole is usually ratified in the House. Now, having under the rules and the practice now being followed a chance to consider the bill, is not it proper for us to consider the merits of amendments offered to the bill and vote according to the merits?

Mr. RUSSELL. In answer to that, I want to say I recognize, as every Member in this House does, not only the great ability and the sterling qualities of my friend from Illinois, and we all know that he is among the best, if not the best, parliamentarian in this House. I have seen him, if I am not mistaken—and if I do him an injustice he will please correct me—I have seen him offer amendments to a bill and vote for those amendments and then vote against the bill in the end. Is not that right?

Mr. MANN. Oh, I very often have attempted to perfect a very imperfect bill [laughter] and relieve the consciences of gentlemen who were not able to prepare it properly themselves. I want to vote for a better bill, and I expect to do it in this and many other cases. I am ready to perfect this bill if the gentleman will join with me.

Mr. RUSSELL. I have not had a very great legislative experience, but I have seen bills time after time loaded down by amendments, the purpose of which was to defeat the bill on final passage. That is the thing I desire to avoid.

Mr. MANN. Will the gentleman yield?

Mr. RUSSELL. Yes, sir.

Mr. MANN. The gentleman has referred in very complimentary terms to me, much higher than anyone deserves, much less myself; but I would like to make this suggestion to the gentleman. If I have any parliamentary knowledge at all, or legislative knowledge based upon experience, I will say to the gentleman that there are no amendments of any kind whatever that can be adopted to this bill that will prevent its final passage in this House.

Mr. RUSSELL. I am greatly pleased with my friend's prophesy and now solicit his support. How about its passage in the other end of this Capitol?

Mr. MANN. The Senate can amend the bill. If there is something in it that the Senate does not like, it is easy enough to strike it out there. Unquestionably there will be action at this session of Congress in both bodies on this bill, and if the two bodies do not agree on propositions that are put in by the House or the Senate, the bill will go to conference. This bill, in my judgment, will not die without final action, and anyone in this House who is in favor of the proposition can vote for it here without any fear that it will prevent some bill becoming a law.

Mr. RUSSELL. The same thing could have been said in this House when the Sulloway bill was pending here. [Applause from the Democratic side.] That bill passed this House, as my friend from Illinois predicts this will pass. It went to the Senate, but it never did pass the Senate, and it never came to a vote in that body. We judge the future by the past, and if the Sulloway bill should be substituted for this as some desire, and then if we may judge the future by the past, that bill would pass this House and never reach a vote in the Senate. We are trying to pass a bill that we have every reason to believe from the inquiries we have made will pass not only this House, but will pass the Senate, and my friend from Kentucky [Mr. LANGLEY] says that he believes from what he heard the President say that he will sign it. I hope he will.

Mr. LANGLEY. I do not know whether the House thoroughly understood me or not.

Mr. RUSSELL. I stated that was your construction of what he said.

Mr. LANGLEY. That was my construction of what he said. It is still my opinion. No Republican President ever did veto a pension bill, and in my judgment no Republican President ever will do so.

Mr. RUSSELL. I will say to my friend from Kentucky that unless a Republican President does so within 12 months from the 4th of next March it will be a long time before a Republican President ever does. [Applause from the Democratic side.]

Mr. LANGLEY. That is the gentleman's opinion merely, with which I radically differ.

Mr. RUSSELL. Something has been said about adding an amendment to this bill for the soldiers of the Mexican War. So far as I know, there are no objections to a law of that sort; certainly I have none; but let it stand upon its own merits when it is reported by the committee that represents those old soldiers.

Mr. SIMS. Is it not a fact that the Sulloway bill, which passed the Sixty-first Congress, also included the Mexican soldiers?

Mr. RUSSELL. I believe so.

Mr. SIMS. And no point of order was made and no jealousy was exhibited. Why can not we do as much for the Mexican soldier as they did?

Mr. RUSSELL. If the Mexican soldiers were provided for in this bill, would you vote for it?

Mr. SIMS. No. I would not vote for it if there were a dozen Mexican soldier pension bills put in it.

Mr. RUSSELL. Here is a gentleman trying to amend this bill by putting more in it, which will make it cost more money, and who will vote against the bill after he has amended it. If I were sick, I would prefer to have a prescription from a doctor who desired to cure me rather than from one who wanted to kill me, and if this bill is amended it ought to be amended by its friends.

Mr. LANGLEY. Will my friend from Missouri yield to me for one question?

Mr. RUSSELL. Yes, sir.

Mr. LANGLEY. The gentleman and I are both earnestly interested in some legislation that will give a pensionable status to that class of State militiamen who cooperated with Federal troops in the suppression of the rebellion, and have talked frequently about it. I desire to ask him whether it is his opinion that it is the duty of the friends of those militiamen to offer an amendment to this bill to include them?

Mr. RUSSELL. No; I do not think it is the duty of anybody to offer that amendment to this bill. But I will say to my friend from Kentucky that we had in Missouri militia and home guards, and some of them went out and fought the battles of the country side by side with the regular enlisted troops, and some of them were recognized by President Lincoln at the time as a part of his Army, and they performed the same service and served the same length of time in the defense of the country and of its flag as many of the regular soldiers. I have never been able to see why there should be a distinction between these two classes. [Applause.] I know that there are a number of Members in this House who will vote for this bill as it is, whereas if you were to engraft the militia amendment upon it they would vote against it and probably defeat both this and the militia provision. I am here to-day to stand by this bill as reported. This committee has acted in good faith as friends of the old soldiers. We have brought to you the best bill that we think can be passed. We think it is a reasonable bill, just to the soldiers and fair to the Government, and we believe that if it passes this House it will become a law.

Now, just a word more. Something has been said about the great expense entailed by this bill. My friend from New Hampshire [Mr. SULLOWAY] admits that the calculation that he referred to does not exclude from the figures a number of those who are excluded by this bill. I do not know whether this is accurate or not, as I am not an expert in pension statistics, but my information and understanding is that this bill in the first year would not cost the Government over $20,000,000, and in the second year, when all of the soldiers would come in, it would not cost exceeding $35,000,000. We spend more money

than that every year to build and equip new battleships, while at peace with all the nations of the world. I believe it to be more just and a greater benefit to humanity and the country to pay that amount to the aged and feeble old veterans, whom we know gave the best years of their lives to their country's service, than in preparing for possible wars that I hope and believe will never come.

I ask the Democrats on this side of the House to stand by your committee, and I will say to you that in doing so you are standing not only by the old soldiers of the country, many of whom are sick, helpless, and in distress, and who need relief, but you are also standing by the last national Democratic platform, which promised and demanded this legislation. [Applause.]

Mr. PRINCE rose.

The CHAIRMAN. The gentleman from Illinois [Mr. PRINCE] is recognized for one hour.

Mr. PRINCE. Mr. Chairman, I do not desire to take up that much time. I will be brief, because others desire to speak upon this question.

I took occasion last night to look at the Congressional Directory, and I found this condition in the personnel of Congress, particularly of the House, which to me is rather startling: The present membership of the Senate has four men who served in the Federal Army and five who served in the Confederate Army. The House has four men who served in the Federal Army and seven men who served in the Confederate Army. The "Father of the House" on the Republican side, Mr. BINGHAM, of Pennsylvania [applause], entered the Federal Army as a lieutenant and was mustered out as a brigadier general. [Applause.]

I do not desire to go into the record of other days, but soon after the great struggle of the Civil War was ended each side of this Chamber was represented by the strong and virile men who had come out of that great contest. The years have come and gone, and to-day the membership of this House embraces 190 Members who were born since the war began in 1861—more than a quorum of this House necessary to do business—born since Fort Sumter was fired on in 1861. Of the men of the Federal Army who went forth in that great struggle there were 2,213,000 individual soldiers. According to the report of Gen. SHERWOOD, there are now upon the pension roll 529,844 soldiers. There were 2,213,000 young, active, virile, patriotic men then; now a far less number—529,844.

We are all anxious, on both sides of the Chamber, to do honor to these men, to make the declining years of their life more comfortable and happy and pleasant if we can.

What other country in all the history of the world ever treated the vanquished as did this country? Who are to-day in control of the affairs of this House? Either the men who fought upon the other side in that great contest or the children of those men. Who has control of the Military Affairs Committee? A son of a Confederate soldier. Who has control of the Naval Affairs Committee? A son of a Confederate soldier. You men have the purse strings of the Nation to-day. The Nation you struggled against in good faith from your standpoint has taken you back into the Union, and you are a part of the Union, which, thank God, is to-day an indissoluble Union, and we are one people. Now, after the lapse of years a remnant of that great, strong body of men are asking legislation through a committee headed by a distinguished soldier of the Civil War, the gentleman from Ohio, Gen. SHERWOOD, a man with whom I have served on the Military Affairs Committee for years, a man whose heart is right, whose judgment is wise, who believes in taking care of his comrades who went forth with him from 1861 to 1865 to preserve this Republic. [Applause.] I see standing by his side a splendid specimen of the Confederate Army, who followed the fortunes of Lee from the beginning to the end and who is here to-day a loyal, devoted man of the Union. I refer to the distinguished gentleman from Virginia, Col. LAMB, your colleague and my colleague and friend. [Applause.]

Now, my countrymen, we are here to take up a pension bill. I do not want to see us get into bickerings. I do not want to see us lose sight of the purpose of this discussion and the purpose of this legislation. It is to pension the old soldier and to make his life more comfortable in the last years that he is spending here with us. For that reason I am going, in so far as I can, to stand by the committee in favoring the proposed measure. [Applause.] I would like to favor other measures, but this to me seems to be a concrete proposition that we can send to another body with the hope of getting it passed and becoming a law before we close the session, and I would like to see it done before the holidays are entered upon. [Applause.] I know of no more cheering Christmas greeting that would be more welcome to the old soldiers of this country than the passage of this or a similar bill through this House, its passage through the Senate, its approval by the President, and its going into effect before the 1st of January, 1912. [Applause.]

The first section seems, on the whole, a very good one, except as to the proviso on page 2.

In my district there is a State soldiers' home. It is my unbroken custom, before I come to attend the annual session of this body, to go to that soldiers' home and fix a time when I will see any soldier who desires to call upon me with a view to finding out what he wants done with reference to his pension, or any other matter in which he thinks he is interested to tell me as a Representative in this body. I have had dozens of them call upon me, and sometimes more than a hundred have called at the soldiers' home to discuss pension matters, and I have endeavored to ascertain what was in their minds as to what they desired to have done. From the home and the cottages where the active men were I have gone to the hospital. I have seen those once strong men stretched upon beds of sickness and disease. I have seen them removed from one ward to another, until at last they went over to the final resting place, where are the little headmarkers that indicate the places of their burial. They are poor men. As the distinguished former chairman of the Committee on Invalid Pensions, Mr. SULLOWAY, told this House here to-day, a pension of $25 a month to a man who is sick and in distress, who has no home except that which the Government in its generosity gives him, can not be cared for properly for that amount anywhere outside of the home. I think in that respect it is a mistake on the part of the committee to insist on that proviso on page 2, line 4, which reads as follows:

Provided, That no one who shall be in receipt of a pension of $25 or more per month under this act shall be entitled to admission or residence in the National Home for Disabled Volunteer Soldiers; and no State or Territorial home for disabled soldiers and sailors shall receive any aid from the General Government on account of any person who shall be in receipt of a pension of $25 per month or more under this act.

Then, taking up section 2, I must confess I was startled by the provision:

That any person who served in the Civil War and received an honorable discharge, and who was wounded—

Shall receive—

the maximum pension under this act, to wit, $30 a month, without regard to his length of service.

In my long service in this House it is the first time I have seen a proposition presented to this House that could be regarded as a provision that would pension the men who fought on the other side of that great contest. I think—and I say it fairly to the committee and the country—that I believe that was an oversight. I do not believe it was premeditated. If I did, I would not speak as calmly, and I would not be as composed as I am now. I think in the haste of the preparation of the bill they left out the words that should have been put in there—"who served in the military and naval service of the United States during the late Civil War." For that reason I have no objection to that section of the bill with that amendment.

Mr. SABATH. Will the gentleman yield?

Mr. PRINCE. I will yield to my colleague.

Mr. SABATH. If I am not mistaken, that defect pointed out by the gentleman from Illinois is cured by the provision "has been honorably discharged therefrom."

Mr. PRINCE. Let us read it:

SEC. 2. That any person who served in the Civil War and received an honorable discharge and who was wounded in battle or in line of duty, and is now unfit for manual labor.

Does my colleague take the position that the splendid soldiers of the South who followed the fortunes of their cause, those men who were wounded in the earlier days of the struggle or the later days and received from their President or the military authorities a discharge on account of wounds, that that discharge is not an honorable one?

Mr. SABATH. It is not under this bill.

Mr. PRINCE. But there is nothing in the bill which distinguishes between the two. But I want to say to the gentleman that we are not contending; I said it was an oversight.

Mr. SHERWOOD. Will the gentleman from Illinois yield?

Mr. PRINCE. Certainly.

Mr. SHERWOOD. I want to call the gentleman's attention to the opening paragraph of the bill:

Be it enacted, etc., That any person who served in the military or naval service of the United States during the late Civil War, and who has been honorably discharged therefrom, shall, upon making proof of such facts—

And so forth.

This bill had the word "soldier" where the word "person" is now. The bill was taken by myself to the Solicitor of the Pension Office, and we went over it section by section. He sug-

gested that the word "person" be used instead of "soldier," because it would then include the Navy.

Mr. LANGLEY. Will the gentleman from Illinois yield to me?

Mr. PRINCE. I will yield to the gentleman from Kentucky.

Mr. LANGLEY. I want to ask the gentleman this question: He knows as a lawyer that the entire act will be construed together, all sections of it in pari materia, as it is termed in the rule. Does he not think, in view of the provisions of the other sections of the bill, that it is perfectly clear, and would be so construed, that Congress intended to apply to this section the same limitation with reference to the character of service that is prescribed in the other sections of the bill?

Mr. SHERWOOD. If the gentleman will allow me, I want to say further that if an amendment is necessary it will be put in with the consent of every Confederate soldier in this House or out of it.

Mr. PRINCE. I have no doubt about that. Now I want to say to my friend from Kentucky that we had a bill before us known as the Canadian pact. There was a first section and there was a second section. Our friends across the border refused to accept it. Has the gentleman from Kentucky any doubt that the second section is in full force and effect, so far as wood pulp and paper is concerned?

Mr. LANGLEY. I have not given that question as much consideration as I have pension legislation, but I do not think that the cases are parallel.

Mr. PRINCE. I think that is an answer to the gentleman's question.

Mr. LANGLEY. I do not think so.

Mr. PRINCE. I wish, however, to say that the explanation made by the distinguished chairman of the Invalid Pensions Committee, as well as the very positive statement made by that other distinguished member of the committee, Mr. RUSSELL of Missouri, when my colleague on the Committee on Invalid Pensions called his attention to this, shows to me beyond a question that this must have been an oversight and that we are all ready to correct it if it needs correction.

Now as to section 3, which provides that no one shall be entitled to a pension under this act who is in receipt of an annual net income of $1,000 or more, exclusive of any pension he may receive.

I am inclined to think that that limitation as to the amount of the income ought not to be there. What does it mean? It means that we penalize the thrifty soldier of the Civil War. Congress does not want to penalize or punish a man because he may have acquired an income through thrift and economy of $1,000, exclusive of any pension he may receive.

I recall very well in the district below me, now represented by my distinguished colleague, Mr. MCKINNEY, of Illinois, of a splendid soldier, at one time in affluence, who drew a pension by reason of disability incurred in line of duty as a soldier. That money was placed by him religiously in a certain fund, and as years went on the fund grew and he took the money and erected a soldiers' monument to the volunteer soldiers, and it stands there to-day as a monument erected out of the money received from the Government.

I know of many other soldiers in different parts of the country who have an income of more than $1,000 a year and who receive pensions, and who give those pensions to the Grand Army fund or to the Womens' Relief Corps in aiding soldiers and their widows and children who are in need of aid. So that it seems to me, when we take into consideration all there is in it, it is better not to penalize the man because he has been thrifty. Summing it all up, I shall vote for pension legislation that will help the Federal soldiers of the Civil War. I will give my influence and my vote in favor of them. I know that as to the 2,213,000 individual soldiers, suffering here and there, some in prison and some out of prison, some in one condition and some in another, there is no possible way by which a law can be enacted which will give even-handed and exact justice to them all. I am willing to take this legislation as the best that we can get, because it means some help to some people who need it. For that reason I hope the House will agree to some concrete proposition, upon which we can stand as a unit, and send it to the other body, so that that body may know the feeling that we have upon this question, and will act promptly, and that then it shall go to the other end of the Avenue and receive the prompt signature of the President of the United States. [Applause.] I reserve the balance of my time.

Mr. SHERWOOD. Mr. Chairman, I propose to offer the following amendment as an additional section, and do so at the request of some members of the committee. It is taken from the third section of the McCumber bill:

That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in presenting any claim to the Bureau of Pensions or procuring any pension under this act.

That this section was omitted was not an oversight. The officials of the Pension Office were divided in opinion as to whether the section should go in. I shall offer it in order that the House may have an opportunity to vote upon it and decide whether it shall go in or not. Some of the officials of the Pension Office claim that if this were left out it would expedite the filing of claims, owing to the fact that so many soldiers do not know how to perfect their claims and to make their applications. I submit it without argument.

So far as the question of whether the bill will pension Confederate soldiers is concerned, nothing more need be said. I think it is clear from the opening paragraph that the bill pensions nobody excepting men who served in the military or naval service of the United States, and that that is ample. If it is not, so far as the committee is concerned, we will insert an amendment perfecting it.

As to my personal interest in the matter, I believe I had the honor to introduce the first dollar-a-day pension bill in the American Congress. I want to tell you how that happened. On the 6th of February, 1907, the Congress of the United States passed what is known as the age or McCumber pension bill, a pension based not upon service but upon age; and let me call your attention to the fact that since civilization was evolved out of the womb of the dead centuries no civilized country in the world ever before passed a pension for soldiers based upon age. That is the first one in this country or any other country.

I would get the largest pension of any man in this Congress, on age, for I am the oldest man in this Congress, and if there were any virtue in being old I would be the most virtuous man in Congress [laughter and applause]; but I am not putting forth any such claim [renewed laughter], and my distinguished friend from Illinois [Mr. CANNON], the ex-Speaker of this House, whom I admire very much, would be the next most virtuous man. I will tell you how I came to introduce the bill. In the fall of 1907, after the age pension bill had passed, I attended about 30 reunions of veteran soldiers. I have been attending those reunions every year for a quarter of a century. I had been unfortunate enough to be elected to Congress the preceding year, and all of those veterans asked me how I explained the fact that here was a man who was never under fire, who had never been at the front, who had never crossed the Ohio River, who was drawing $20 while others who had been all through the war and who had served for three years, and were totally disabled, were drawing only $12. I commenced to look into that matter, and on the 7th of December, 1907, I introduced into this House what is known as the dollar-a-day bill, exclusively for veterans. I found by examining the laws of Congress that no law had ever been passed for the benefit of the men who stood at the front from 1861 to 1865, and I made the time limit for service 18 months. Not a soldier would get a dollar additional pension under that bill who had not served 18 months. On the 26th of February, 1908, I made my first speech on that bill, and I presented to this House the largest array of petitions favoring the bill that was ever seen on the floor of Congress. That statement stands in my speech in the CONGRESSIONAL RECORD undisputed.

I had seven great rolls of petitions, and it took three strong men to carry those petitions over from the House Office Building to this body. They were all in favor of a service pension. Then, in December, 1909, I introduced another bill on the same lines, limiting the time of soldier service to one year; that no man should receive the additional pension who had not served for one year. We never had a vote on that bill. Now, this bill, House bill No. 1, takes reasonable care of the short-term soldiers. It pensions the man who served 90 days at $15 a month; if he served 6 months he gets $20, and if he served 9 months he gets $25, and if he served a year and over he gets $30. Then there is a provision in the bill for taking care of these emergency men, the men who fought at Gettysburg, the men who went to the front at Atlanta, and who were wounded or disabled in the service and who served less than 90 days; they are eligible under this bill for the maximum pension. I remember after the battle of Resaca in the Atlanta campaign, the second battle of that memorable campaign of 110 days, the first being Rocky Face Mountain, there came down to our command a brigade of Indiana soldiers under command of Gen. Hovey, and we called them Morton's boys, they were so young. They had just been mustered into the service. They came fresh from their homes and workshops in Indiana. I was told that the average age of those boys of the whole brigade was not over 19 years; many were under 16 years. I saw that brigade on the 15th of May, the second day's battle of Resaca, go to the front on a charge. The battle began on the 14th, and they were on the front line in that charge on the 15th, and they were successful. We did not call them boys any more after that. [Applause.] Now, those boys fought at Resaca, at New

Hope Church, at Kenesaw Mountain, at Nickajack Creek, and Peach Tree Creek, at Atlanta July 22, where Gen. McPherson was killed. About 33 per cent of those boys were wounded or disabled who had not served 90 days. They are all taken care of by my bill. My bill is for service and not for age. Now, I have heard some talk here of the Sulloway bill. I voted for the Sulloway bill, and I tried to help the chairman of the Committee on Pensions to put that bill through the Senate.

I wrote to the commander in chief of the Grand Army of the Republic, Gen. Gilman, of Boston, himself a one-armed soldier, who left his right arm on the battle field; I wrote to Gen. Axline, of Ohio, past commander of the Department of Ohio, to come on here and help get that bill through, and we all ascertained that it was not possible to put that bill into law. I knew it. I am not at liberty to tell you how I knew it, but I knew it could never have been enacted into law, because that bill was held by the Senate Pension Committee for 52 days without action and then brought in at the last moment, so that a point of order or an objection would defeat the consideration of the bill, and we all know the Senators who made the point of order were the representatives on the floor of the Senate of the President of the United States. Now, you can put these things together and come to your own conclusion as to who defeated the bill. [Laughter.]

Then we had in the Senate a two-thirds Republican majority. Will some gentleman name to me a single Republican in the Senate to-day who, in the Sixty-first Congress was in favor of the Sulloway bill? I can not do it. Col. Scott, of West Virginia, a soldier, was in favor of the bill. He is out of the Senate. Gen. Warner, of Missouri, formerly commander in chief of the Grand Army of the Republic, was fighting for the bill. He is out of the Senate. Senator Carter, of Montana, was in favor of the bill. He is out of the Senate. Senator Frye, of Maine, as I understand, was a short time in the Navy, has gone to his last home. He is out of the Senate. Senator Burrows, of Michigan, another soldier, is out of the Senate now. If you had only six Republican Senators in favor of the Sulloway bill then, how are you going to get it through now, when all of your friends are out of the Senate? I want to say to my very good friend from Illinois, the ex-Speaker of this House, that if he will assure me—he wanted to know awhile ago from the member of our committee who was making the leading address [Mr. ADAIR] what assurances he had that the Senate would not pass it—then let us have his assurance that the Senate will pass the Sulloway bill if we pass it here to-day. [Applause on the Democratic side.]

You talk about the indorsements of the Sulloway bill. How were they brought about? Gen. Axline went from here to Ohio. He said that he was going to get the Ohio Legislature to indorse the bill. They sent around to the different legislatures and got a member of each legislature to introduce a resolution indorsing the Sulloway bill. I talked to 20 members of the Ohio Legislature, and there was not a single one who knew what it was about.

Mr. MANN. That speaks well for Ohio.

Mr. SHERWOOD. You can get anyone to vote for any pension bill you want in any legislature in the North, because the members do not dare to vote against it. All those stacks of solicited telegrams were before the Senate Pension Committee, but the Senate paid no attention to them.

I want to read you now a very important statement made by a very distinguished Republican soldier on the Sulloway bill—one of the most distinguished soldiers of the Union Army, a man who won his eagles in the Civil War as the colonel of an Ohio regiment, and died in Chicago last summer. I want to call this to the attention of the gentlemen on both sides of this Chamber, because I am not appealing to you as a partisan. I said in the very first speech I made on this floor, and I have said it in every speech I have made since, and in the speech I made on the 29th of July, 1911, as chairman of this committee, that I am fighting for this bill on strictly nonpartisan lines. I am going to appeal to the patriotism of every man on both sides of this House to pass this bill. Here is what Gen. A. B. Nettleton says in a letter to me. Doubtless the gentlemen from Illinois knew him:

> The passage of the Sulloway bill in the House has already done more to injure and discredit the whole pension business with the people than any other public act for a quarter of a century. Not one single leading newspaper—Republican, Democratic, or independent—from the Atlantic to the Pacific approve the Sulloway bill, and not one magazine or any of the magazine writers or reformers had a kind word for it. The New York Tribune—

And I saw the editorial in the New York Tribune, that came over here to Washington the day after the bill passed, savagely attacking the Sulloway bill.

> The New York Tribune, the leading Republican journal in the United States, was among the first daily newspapers to attack the bill, and attack it savagely; and Collier's Weekly, one of the ablest independent journals in the United States, attacked this bill unmercifully as not framed on patriotic lines.

My friends, if you pass a liberal pension bill, it will not offend me one particle if you do not pass mine. It will not offend me, because in the first speech I made I remarked to the leader on the Republican side, the gentleman from New York [Mr. PAYNE], that if he would assume my bill for a dollar-a-day pension I would drop the name of "Sherwood" from the bill and would never make a public statement to the effect that I ever introduced such a bill.

I watched the leading journals since the passage of the Sulloway bill, and I find that there was not a paper in New York City of commanding influence, there was not a paper in Boston, or Philadelphia, or Baltimore, or Cleveland, or Chicago, or St. Louis, so far as I can learn, that did not denounce the Sulloway bill.

And let me call your attention to another fact. There is now running in the magazine known as the World's Work, that is being sent all over this country, a series of articles written by Gen. Charles Francis Adams, of Massachusetts, a descendant of a famous family, a distinguished citizen of Massachusetts and, perhaps, the most distinguished citizen of New England, attacking the Sulloway bill, private pension bills, and pension legislation generally as not being on patriotic lines. It is having its influence. I have had a large number of letters on that question. As I repeat, it is having its influence, and if we pass another bill like the Sulloway bill, not based upon service, in my judgment it will not be approved by intelligent patriotic citizens.

I have in my district almost 5,000 soldiers. Inasmuch as there is a population of about 200,000 in my district, I think I have as many soldiers in it as has any district in the United States, outside of districts where they have soldiers' homes. There are 57,000 voters in my district, citizens who are not members of the Grand Army of the Republic or soldiers. I desire to support a bill that appeals to the patriotism, the judgment, and the sense of justice of all patriotic citizens. You can not afford to pass any other kind of a bill.

I do not want to occupy too much of your time and make you tired, but I want to tell you something about the Grand Army of the Republic.

In the national encampment of 1908 a resolution was passed that they would ask for no more pension-legislation for three years. Since that time the Grand Army has radically changed as an organization. This year the encampment was held at Rochester, N. Y., on August 25, 1911. That was the last encampment. I was made a delegate from my home post. I had not been attending those emcampments previously. I was inside of that encampment and I heard all the debates there. They had a committee on resolutions made up of 33 members, and those members were all selected by delegations from the States. Thirty-two States and the District of Columbia were represented. There were 33 members of that committee, as I say, and 17 members favored my bill, 12 favored the Sulloway bill, and 4 favored the Grand Army bill which was adopted at Atlantic City the year before.

A debate was precipitated in the encampment on the various resolutions advocating the respective bills I have mentioned. Gen. Torrance, of Minnesota, made the majority report in favor of my bill. In a canvass that had been made of the delegates by States, Massachusetts was for my bill; Pennsylvania was for my bill; Illinois was for my bill; Michigan was for my bill, all but 7; Wisconsin was for my bill almost solidly; and Minnesota was for it solidly. Kansas had a majority for the Sulloway bill; Missouri a majority for my bill; Ohio was about evenly divided. So that the vote for my bill in that encampment, if a vote had ever been taken, was 2 to 1 for the Sherwood bill as against the Sulloway bill.

I took no part in that debate. I did not intend to take any part in it, and I refused to take part in it. I wanted the Grand Army to do just as it saw fit on the various propositions. In the midst of that debate a resolution was offered by a comrade from Georgia, favoring my bill, provided that it more nearly conformed to the Sulloway bill which does not exclude soldiers with $1,000 income. And before I forget it I want to say that a telegram from the present commander in chief of the Grand Army, Gen. Trimble, of Princeton, Ill., has been received by me, in which he expresses the hope that I will omit that provision from the bill. I think it is due to this House to know how he stands on that proposition. The chairman of the encampment at Rochester immediately put the motion for a vote without the chance for anybody to be heard. He said, "It is a vote," and the negative vote was never put or called for. I have the official report of the Grand Army encampment, and that report verifies that statement that I make. I know what I am talking about. [Laughter.]

Mr. MANN. That is worse than any of Uncle Joe's rulings, is it not? [Laughter.]

Mr. SHERWOOD. It was intended by certain persons to run the encampment as a political machine. We have a paper called the National Tribune, that is supposed to represent the Grand Army of the Republic, a paper which for some time past has been making war upon the modest gentleman who is now talking to you. [Laughter and applause.] Here is a letter that he wrote to a very distinguished soldier of Pittsburgh, Pa., a prominent member of the "House of Lords" of the Grand Army. [Laughter.] Copies of it were distributed at the encampment at Rochester. I want to read a little of it, because it is very interesting. It was signed by John McElroy, the editor of the National Tribune. He writes:

THE NATIONAL TRIBUNE,
Washington, D. C., August 15, 1911.

MY DEAR COMRADE: You may hear from Senator PENROSE that the administration strongly desires my election as commander in chief.

There are important political reasons for this of which you are quite as well aware as I. You know the cold-heartedness of so large a portion of our comrades toward the President and the Republican Party.

[Laughter on the Democratic side.]

It is recognized and freely stated by all the leading Republicans here that as commander in chief I can do more to harmonize this schism and reconcile the comrades to the party than any other man in the Grand Army of the Republic.

Having written for the veterans for the last 40 years, and gained their entire confidence in every part of the country, they will believe me in whatever I may say as to the situation and be inclined to listen to my persuasions to come back into the fold.

I have New York certain, and if I can get the support of Pennsylvania it will make my election certain. I know that it will be attempted to manipulate the Pennsylvania caucus against me, and I venture to ask your assistance to prevent this. I know that fully 75 per cent of the veterans in Pennsylvania are in my favor and dislike much the attitude which the department was made to assume at Atlantic City. Two-thirds of all the posts in Pennsylvania indorsed me last year (I have the records day and date to prove this) and about the same per cent in the whole organization.

It seems to me that this is a political emergency which calls for unusual action. We all want to see the Sulloway bill, or as near an approach as can be made to that bill, enacted, the Republican Party succeed, and Taft reelected President.

I hope you will see it as I do, and I would like to meet you as soon as possible after arriving in Rochester for a personal conference.

Yours, in F. C. & L.,

JOHN MCELROY.

I want all of you to get this letter into your systems. [Laughter.] He writes, "You know the cold-heartedness" of so large a portion of the old soldiers against the administration.

It was news to me to hear that.

Mr. MANN. There will be more news at the next election.

Mr. SHERWOOD. McElroy says:

It is recognized and freely stated by all the leading Republicans here that as commander in chief I can do more to harmonize this schism and reconcile the comrades to the party than any other man in the Grand Army of the Republic.

[Laughter.]

Mr. ASHBROOK. He is a modest fellow.

Mr. SHERWOOD. Here follows some hot stuff from McElroy:

It seems to me that this is a political emergency which calls for unusual action. We all want to see the Sulloway bill, or as near an approach as can be made to that bill, enacted, the Republican Party succeed, and Taft reelected President.

This is the letter of John McElroy, editor of the National Tribune.

My friends, I was not the only Democrat in the encampment, although I was about the only one; but they would not stand for that letter, it was too raw. What did the Grand Army do? The committee on resolutions reported a resolution, with no minority report, which was adopted practically unanimously in the encampment, that the National Tribune should no longer be the organ of the Grand Army of the Republic. [Applause.] It was not in that language, but practically, "We will have no organ except the published proceedings of the national encampment of the Grand Army." Mr. McElroy is a very clever gentleman, a very able and adroit editor, but the delegates seemed to think he had not the ability to reconcile the old soldiers to the President. I do not know, but I think they believed that "Mack" was too small a man for such a tremendous job. [Laughter.]

Now, I understand there is a letter here claiming to be an estimate from the Secretary of the Interior, which of course means the Pension Office—because all applications for estimates have to go to the Secretary of the Interior—saying that my bill will cost $75,000,000. Such an estimate as that was made on the 11th of April, 1911, but it was for the number of soldiers living July 1, 1910. The Pension Office did not have the list of soldiers who were living in 1911 until about the 10th or 12th of July, 1911. Since 1010 there have died about 36,700 a year. I have to give the figures from memory.

The Pension Office admitted that they had made an omission of 63,000. I called their attention to the fact that there were 63,000 soldiers drawing pensions under special acts and otherwise of over $25 and $30 per month and that they should be deducted, so that the estimate of April, 1911, was about 105,000 too many.

Then the Pension Office declined to make any estimate on the income section, because, they said, they had no statistics upon which they could make an estimate.

I have made an estimate from statistics gathered by the Pension Office, and you will find it in the official report of the Committee on Invalid Pensions, which is before you.

By the official statistics of the Pension Office it cost the Government of the United States last year $219.70 for every soldier in a national home. All the soldiers in these homes are drawing pensions to-day—some as as high as $30 per month—the same as those outside the homes. Now, if you do not deprive these men of the additional pension provided in this bill and if you give that money to those who need it, what will you do? You will really be pensioning the inmates of the soldiers' homes at the average rate of about $429.90, and you will be pensioning the great army of soldiers outside of the homes who have to support themselves about $360 a year. Is that right? Is it right for the Government of the United States to take care of these soldiers, who are well taken care of in these homes, with some few exceptions, and then pay them the same pensions as the over 400,000 soldiers outside the homes are getting?

In order to give as much relief as possible out of our allowance of pension money to the men who are in distress we put into the bill these soldiers' homes. There are 10 sections of the national soldiers' homes, and there are now 25,000 soldiers in these 10 homes. There are also 30 State homes, and there are pretty nearly 20,000 soldiers in the State homes.

Now, we have no jurisdiction over the State homes, but it was suggested to me by an official in the Pension Office that that could be remedied, and I want to call the attention of my distinguished friend from Illinois [Mr. PRINCE] to the fact that we have not taken any pensions away from soldiers in the State homes, and we have not said that they should not draw their pension of $25 or $30 a month in a State home. We do not say that because we have no right to, but we do say that where a soldier in a State home draws $25 or $30 the Government of the United States shall withhold the hundred dollars we are now paying to State homes for every inmate in it. The States are taking care of the soldiers in the State homes. They are all drawing pensions, and in our State home at Sandusky I think the average for all soldiers in the homes is nearly $17 a month.

They are all drawing pensions and the State is taking care of them. The Government is paying pensions and paying $100 besides for every soldier in a State home. Is it not a fair proposition, where a soldier in a State home draws $25 or $30 from the Government, that the Government should save that $100?

Mr. MANN. Will the gentleman yield for a question?

Mr. SHERWOOD. Yes.

Mr. MANN. Under this provision in the bill, would it affect in any way whatever the soldiers now in the soldiers' homes?

Mr. SHERWOOD. If this bill should become a law, the soldiers in the soldiers' homes would draw the increased pension, and if they did the Government would withhold the $100 payable to the State homes.

Mr. MANN. I understand that; the inmate in a soldiers' home, either National or State, may make an application for an increase of pension under this bill.

Mr. SHERWOOD. Yes.

Mr. MANN. If he does he must go out of the soldiers' home. On the other hand, he may remain in the home and collect the pension that he is now receiving.

Mr. SHERWOOD. That is true.

Mr. MANN. The only effect of the bill in that respect would be to bar future admission to the soldiers' homes to the man who has made application.

Mr. SHERWOOD. I think it would. Many of the State homes bar soldiers who have $17 per month pension now. That provision was drawn by the solicitor of the Pension Office in order to save as much money as possible. My friend from Ohio [Mr. COX] has an amendment which, so far as I am concerned, I have no objection to.

Now, I have here letters from the commander in chief of the Grand Army of the Republic, Gen. Trimble, of Illinois. He was a soldier who carried a gun for two years and was complimented in orders. He represents the rank and file of the Union Army. He is the commander in chief of the Grand Army. He was elected over John McElroy, who was compelled to decline at the last minute—serious charges were made against him. I heard the charges read. I do not say they are true. I have nothing against him; he never did me any harm,

although he tried to. [Laughter.] Gen. Trimble is for a service pension.

Now, the Grand Army to-day has changed and they are for a service pension. Gen. Torrance, of Minnesota, national chairman of the Grand Army pension committee, is for a service pension.

Mr. BRADLEY. Mr. Chairman, may I ask my friend and fellow soldier a question, and may I make it a long one, so that he may rest a little?

The CHAIRMAN. Does the gentleman yield?

Mr. SHERWOOD. Certainly; go ahead.

Mr. BRADLEY. Gen. SHERWOOD, are you not personally opposed to the thousand-dollar restriction in a service-pension bill? Let you and I be fair, as two old veterans, on this proposition. If it were a dependent pension bill, the law of 1890 or the age law of February 6, 1907, $1,000 income restriction might be quite proper; but in a bill of this character, that reads in its title "Granting a service pension to certain defined veterans of the Civil War," I say to you, and I care not at all for the money feature, personally, it is entirely out of place in a bill of this high character. It is a peanut proceeding. Let me talk to you about this just a moment, General.

Mr. SHERWOOD. Go ahead. It will give me a rest.

Mr. BRADLEY. There are not many Union veterans now living who have an income of $1,000 in addition to their pension. My friend has spoken of certain Grand Army posts. He speaks of the U. S. Grant Post, of Chicago. I might speak of the Farragut Post, of New York, or the Grant Post, of Brooklyn. I might name in the great cities a number of Grand Army posts. Those posts, and I am speaking in a courteous way, constitute the aristocracy of the Grand Army, so far as Grand Army posts are concerned. But go with me to my district, consisting of three large country counties, and you will not find in the entire district more than 2 per cent of veterans of the Union Army who have an income of a thousand dollars a year, exclusive of pension. In my own village, of between four and five thousand persons, there are not more than two veterans with such an income.

Are you going to discriminate against well-to-do veterans because they have succeeded in life, because they have been energetic, because they have been diligent, have been economical, and have won out in the struggle of life? Are you going to discriminate and say they shall not stand with their fellows and receive the mark of honorable service under this bill while you take in the man who has been profligate, the man who has been slothful? This small proportion of veterans of the Union Army who have an income of $1,000 or more in addition to their pension contribute proportionately to the relief and care of indigent and unfortunate Union soldiers, their widows and children. As far as my acquaintance goes, I know not a single wealthy man drawing a pension who does not give more than his pension to the relief of men of the Union Army, their widows, and their children. [Applause.] Let me cite a case. I like the expression of the gentleman from Ohio [Mr. SHERWOOD] when he spoke of the man "who won his eagles in the field." I know such a man. He was entitled to a pension under the law that is a roll of honor, the general law that granted pensions of from $8 to $100 per annum for disabilities of service origin. He drew the pension, not wanting it, but from the very first-received check he has given his entire pension to the poor and unfortunate widow of a favorite first sergeant of his regiment, killed in battle. [Applause.] I can cite scores of similar instances. You are making a mistake, my dear Gen. SHERWOOD, and right here, as an old comrade of the Union Army, I tell you so, and I ask you, holding you in high respect and affectionate regard, that you take section 3 under consideration and move to strike it out. It did not originate with you. You would not have done it yourself. It did not come from your side of the House. It was offered here as an amendment to the Sulloway bill and was overwhelmingly defeated.

Mr. SHERWOOD. It was ruled out on a point of order.

Mr. RUSSELL. It was never voted on.

Mr. BRADLEY. I stand corrected and withdraw the statement. At the same time it is not, in my judgment, approved by this House. I do not think this House will approve it if an opportunity is given to strike out the section. In a bill designed not only to assist the Union soldier, but to honor him, once more and again I say, do not permit section 3 to remain in the bill simply because it may reduce the aggregate amount of this proposed addition to the pension list. [Applause.]

Mr. SHERWOOD. I admit to the gentleman from New York, whom I very much respect as an old comrade and a good one, that I have made some mistakes. I heard a great lecture delivered by a very distinguished soldier and orator of Illinois, Col. Bob Ingersoll, on the mistakes of Moses, and the fact that a man makes mistakes I do not think is going to injure him very much. But what I said to the Grand Army encampment was this. They called me out, after indorsing my bill, and I was called upon to get up and respond. They called me from all over the floor of the encampment and desired me to pledge myself to strike out that $1,000 income section. I said then, as I say now, that as long as that stands in the bill, which was adopted by a majority of the committee after a full discussion, I am going to stand by it no matter what my convictions may be on that question. But we will submit it to a vote of the House and every Member will have a chance to vote on it.

Mr. BRADLEY. That is all I want, General, and I am very much obliged.

Mr. SHERWOOD. The reason why it was put in is this: We felt we were limited; we had just so much money to distribute. This is not a general pension bill, to honor the soldiers. This section was put in the bill because of the pleas that are made all over the country that so many of the old soldiers are in distress. Knowing that we were limited to about $20,000,000 the first year, we wanted to distribute the benefits to men who are in distress and not to men who have an income of $2,500 or $1,000 or men who are worth $250,000. You remember the argument made by the gentleman from Massachusetts [Mr. WEEKS] when he made this amendment to the Sulloway bill. The majority of the committee claimed that rich men had no right to take money out of the Treasury of the United States when they did not need it, when there were thousands and tens of thousands of old soldiers who did need it. Now, the question of pauperism does not come in at all.

Mr. SAMUEL W. SMITH. May I ask the gentleman a question?

Mr. SHERWOOD. Certainly.

Mr. SAMUEL W. SMITH. Purely for information.

Mr. SHERWOOD. All right.

Mr. SAMUEL W. SMITH. I want to read a resolution which was passed at the last Grand Army encampment at Rochester:

XI. The following resolution was unanimously adopted at the Forty-fifth National encampment and is hereby published for the information of all the comrades:

"*Resolved*, That it is the sense of the Forty-fifth National Encampment of the Grand Army that the time has come, 50 years after the outbreak of the great Civil War, to deal generously with the survivors of that war, and we unite in asking our comrade, Gen. ISAAC I. SHERWOOD, chairman of the Pension Committee of the House of Representatives, to so modify his House bill No. 1 as to make it more nearly conform in general features to the Sulloway bill, which passed the House at the last regular session by an immense majority, which was indorsed by the legislatures of the 27 States of the Union, and which is understood and approved by a majority of our comrades. And we further urge early action by Congress, as our comrades are dying at the rate of 50,000 per year."

I would like to have the gentleman explain that resolution, if he will.

Mr. SHERWOOD. I will. I think Gen. Torrance, of Minnesota, the chairman of the committee on pensions—and you know he is a high-class soldier and citizen—had the floor in charge of the majority report, which indorsed my bill. Before the resolutions had been brought to a vote Col. Stoals, of Georgia, arose and made a motion, as I remember, and it was understood by me and by delegates that this resolution practically indorsed my dollar-a-day bill. Several delegates came to me to know if I was satisfied with this resolution. I said, "I am satisfied." Now, the negative on that resolution was never put by the chairman, and the official report will prove it in the proof sheet written from the stenographer's notes.

Mr. SAMUEL W. SMITH. You understand, I am reading from General Order No. 2.

Mr. SHERWOOD. The talk about State legislatures indorsing the Sulloway bill is not true. The Sulloway bill was never read to a State legislature, so far as I can learn. But several resolutions favoring the indorsement of the Sulloway bill were indorsed by State legislatures, but never one legislature had the bill read or knew of its provisions before indorsement.

I have here on my desk more indorsements for the pending bill than you can present for the Sulloway bill, all from veteran soldiers and veteran organizations.

Mr. SAMUEL W. SMITH. Just a moment, please.

Mr. SHERWOOD. I know just what I am talking about.

Mr. SAMUEL W. SMITH. There is no doubt about that. I know what I am reading from, too, and I want to get at the exact facts. What I have read, among other things, was signed by H. M. Trimble, the commander in chief of the Grand Army of the Republic.

Mr. SHERWOOD. Those reports were signed by him as sent to him. They were written out and printed in Boston in a report. When that vote was taken on the substitute resolution of the comrade from Georgia we had been debating the majority report, as I remember, for over two hours. There were only

about 300 members on the floor of the encampment at the time out of 900 and over delegates.

Mr. SAMUEL W. SMITH. That which I am reading from is General Order No. 2.

Mr. SHERWOOD. I know all about those general orders. How many men do you suppose compose the Grand Army of the Republic? There were 529,884 soldiers on the pension roll on the 1st of July, 1911, and the Grand Army has probably about 180,000, or about 38 per cent. Take the Veteran Union Legion, the Old Guard, the Soldiers' and Sailors' Protective Association, the Union Veterans' Union, the Loyal Legion, and the State veterans' organizations in the State of Maryland, and the majority of these organizations have, by formal vote, indorsed my bill, mostly unanimously. These organizations are composed of men who stood at the front from 1861 to 1865 and fought the battles of the great war. They are for this bill because it is based upon service and not upon age. You should see the letters I have from old soldiers all over the United States on that proposition. I have not time to read them here.

Mr. AUSTIN. If the gentleman will permit, it says:

For a service of 90 days or more or less than 6 months, $15 per month.

That is the minimum pension in this bill. Suppose the soldier who is drawing this minimum pension becomes paralyzed, bedridden, or meets with an accident, or can not prove under the provisions of this bill that he contracted the disability in line of service, can he have his pension increased beyond that amount?

Mr. SHERWOOD. He would have to show disability contracted in the service.

Mr. AUSTIN. He could only get an increase, unless he could show that proof, by special act of Congress?

Mr. SHERWOOD. Yes. Now, I want to call your attention to another thing. I talked with the Pension Office about administering this thousand-dollar exclusion clause, and I believe they can administer it without any substantial increase of their clerical force. I want to call your attention to another matter of moment, namely, that the pension list under a service-pension bill is constantly decreasing with the death of every soldier. That may be a hard-hearted proposition, but whenever a soldier is put on the list he is put on it for the service he has rendered, and it stands there for life. It can not be increased or reduced, because it is for the service he has rendered his country from 1861 to 1865. And you can discharge about one-third of the whole clerical force of the Pension Office. Another thing, we spent over $700,000 last year for special examiners and special boards.

If you pass this bill, after the first year you will have no occasion for special examiners or special boards, because the status of every soldier is fixed by law.

But how is it to-day at the Pension Office? If you will go to the Pension Office you will find that the situation is altogether different. I have 10 cases now of men asking for an increase of pension because they are 75 years old and over, and the Pension Office authorities will not take the statements given in the muster-in or in the muster-out. They will not take the soldier's discharge, because his statement of age was not given under oath. When the soldier went in the Army he gave his age, but they did not take his affidavit, and now they frequently require the evidence of the family Bible, and I have had to tear out leaves of the family Bible and submit them as evidence on this question of age. There is a constant conflict on the question of age. Every four or five years all the old soldiers will have to get new certificates on account of the increased pension based on age. The age feature will impose a large additional burden upon the Pension Office, and even now the pensions are constantly being increased under that law, where a soldier is pensioned on age and not on account of the service he rendered.

Mr. MANN. Will the gentleman yield for a question?

Mr. SHERWOOD. Yes.

Mr. MANN. I understand the gentleman to say that in making proof of age now it is necessary in each case for the applicant to show the time of his birth by other testimony than that already on file in the Pension Office?

Mr. SHERWOOD. That is what they must do. They must do that in addition to the statement contained in the discharge papers. Frequently the Pension Office will not accept that statement in the discharge papers.

Mr. MANN. I did not understand that the gentleman was referring to his own case?

Mr. SHERWOOD. No. I never applied for an age pension and will never be old enough to apply.

Mr. MANN. It certainly is not the case that the department requires outside testimony of each applicant as to the age of that applicant?

Mr. SHERWOOD. They have to establish that by the family Bible or other evidence.

Mr. MANN. No; they do not always have to establish that, I am very certain. They may have to do so when there is a discrepancy as to the date and figures on file in the department.

Mr. SHERWOOD. Yes.

Mr. LANGLEY. Or discrepancies between the allegations in the applications and the records in the department?

Mr. SHERWOOD. Yes.

Mr. MANN. Now, another question: The gentleman is himself, as he stated, one of the oldest Members of the House. I think he stated he was the oldest Member of the House. Now, I have always considered him one of the youngest Members of the House. [Applause.]

Mr. SHERWOOD. Thank you. [Applause.]

Mr. MANN. But, outside of that, does not the gentleman believe that there ought to be some age fixed where a pensioner, irrespective of length of service, should receive an ample pension, more than he is now receiving, say at the age of 70 or 75?

Mr. SHERWOOD. Well, I think the soldier should be pensioned on account of his service without regard to his age. I have held that position ever since I have made a study of the pension question.

Now, it has been stated that I was interested in the retired officers' bill. As my good friend from Michigan [Mr. YOUNG] knows, I had the honor to make a long fight in the committee to get the retired officers' bill reported. I am in favor of the retired officers' bill, and I will vote for it. And I will say this, as I said before, that I would draw the largest pension, probably, of any man in this Congress under the retired officers' bill, and I would also draw the highest pension of any man in this Congress under this bill. But, if I vote for this bill and the other bill, I shall not draw a single dollar as pension—not under those bills or any other bill enacted by this Congress. I can take care of myself. [Applause.]

Mr. DE FOREST. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from New York?

Mr. SHERWOOD. Yes.

Mr. MANN. Does the gentleman desire more time?

Mr. SHERWOOD. No. I have plenty now, thank you.

Mr. DE FOREST. Will the gentleman answer one question?

Mr. SHERWOOD. Yes.

Mr. DE FOREST. Mr. Chairman, I desire to ask the gentleman a question.

Mr. SHERWOOD. Mr. Chairman, give me five minutes more.

The CHAIRMAN. The gentleman from Ohio [Mr. SHERWOOD] desires five minutes more under unanimous consent. Is there objection?

There was no objection.

Mr. DE FOREST. Supposing a soldier is drawing a pension to-day, and at the same time has an income of more than $1,000 a year. Does he lose the pension?

Mr. SHERWOOD. No, sir.

Mr. DE FOREST. Suppose he is not drawing a pension. Let us take that view of it now. Suppose he has an income of $1,000 a year, or suppose he has now had a pension, and later on gets that income of $1,000 outside of his pension, after getting his pension. Does it take the pension away from him?

Mr. SHERWOOD. No. He will get the pension if he did not have the income, and if he did not notify the department that he had the increase of income they would never know about it. [Laughter.]

Mr. DE FOREST. But he is required to make an affidavit about it every time he draws his pension money, is he not?

Mr. SHERWOOD. No.

Mr. DE FOREST. There is just one consideration there, and that is it militates against the practice of frugality and saving. A man should not be punished because he is frugal and saving, because then there would be no incentive to frugality.

Mr. SHERWOOD. No; I agree with the gentleman as to that.

Mr. DE FOREST. Otherwise I favor the bill.

Mr. SHERWOOD. I want to say to gentlemen on both sides of this Chamber that this bill is open for debate and amendment, and we appeal to you to use your best patriotic judgment in formulating it. The committee have worked long and hard on the bill. They have put in a great deal of time; they have had a very large correspondence; there was about so much money in the Treasury that could be used for pensions; and they framed this bill to do the greatest good to the greatest

number of worthy and deserving veterans of the war. [Applause.]

Mr. McKENZIE. Mr. Chairman and gentlemen of the committee, it is with no little hesitation that I ask for recognition at this time, immediately following the address of the venerable soldier and statesman [Mr. SHERWOOD] who is chairman of the Committee on Invalid Pensions; but feeling a deep interest in this legislation, I desire to make a few statements, which will detain you only a short time.

I take it that it was perhaps my good fortune to come to this House as a member of the minority; but I want to congratulate myself and the country that it was at a time when the men who control the majority of this House, representing the other great political party, have forgotten partisan politics and have risen to that plane of statesmanship that permits the introduction into this House of as liberal a pension bill as the one under consideration. [Applause.]

I say it is a matter of congratulation. I am glad that we have come to a time when we realize that the men from Illinois who wore the blue fought not for Illinois, that the men from Iowa fought not for Iowa, that the men from New York fought not for New York. Neither did they fight against the sons of Carolina or Georgia or Alabama, but they fought for the perpetuation of this Union for the benefit of us all. Was it worth it? Was it worth a half million lives and the countless treasure that was expended to preserve this Union? In my judgment it was, and the men from every section of the country now realize it. It was to save this Nation, whose written Constitution was but the climax of a struggle centuries old, a struggle which had cost thousands and thousands of lives in the battle between those who longed for a government guaranteeing freedom and equal opportunity to all on the one hand and aristocratic tyranny and the unreasoning prejudice of the masses on the other and out of which struggle finally came our representative form of government that we now enjoy, and which stands out to-day as the very citadel of man's hope in the political world. To-day we are asking for more liberal pensions for the men who fought to preserve this Nation. Are the proposed pensions too liberal? I for one say that I will support the most liberal bill that can be enacted into law, and if I had my way I would sweep away all age limit, all service limit, and write a law that every soldier who enlisted and was honorably discharged should be placed upon the pension roll at once without limitation. [Applause.]

I tell you, my friends, that is the sentiment of the people of this country to-day. With our great wealth and unlimited resources the rank and file of this country feel that it is a burning shame that some of the men who gave the best years of their lives to the service of their country, and who through misfortune or other causes are now denied the ordinary comforts of life—some of them compelled to wear the plainest clothes, to live upon the simplest food, and to dwell in the most humble cottages in the communities in which they reside in order to make ends meet and be respected by those with whom they associate, on the pitiful allowance of $12 a month, while our Nation rolls in wealth.

Ah, but it is said, "We can not afford it. Look at the millions it would cost." Yes; it would cost millions, but we have the money. We are rich. We spend money with a lavish hand. But a few months ago we sent around the world the most powerful fleet of vessels that ever sailed the seas—a majestic spectacle, with the Stars and Stripes floating from their mastheads, as these engines of war plow through the waters of foreign seas. And it was all to a good purpose. It exhibited to the world the size of the stick we carry. Recently the Army of the United States was mobilized on the Mexican frontier to watch the Mexicans make rough-house among themselves. I had no objection to that. Those things have their influence. They teach discipline in the Army and Navy.

But it all reminds me a good deal of the big boy at school who pulls up his sleeve, swells up his biceps, and then says to his smaller companions, "Feel my muscle."

These things are good, but they are not the strength of the Nation. The power and strength of this Nation is in the homes of this country; not in those mighty engines of war, not in pomp or military display, but in the patriotic hearts of the common citizen, as he is taught the lesson of love of country by the fireside at home.

In my judgment, we can teach no better object lesson than to pass a bill giving to all these men at least a dollar a day, and demonstrate that in this Republic, this land of the free, we are not stingy with the men who preserved the Union for us. [Applause.]

A half century ago, when the youth in blue and the youth in gray, with blazing eye and dauntless heart, were clutched in deadly combat on the field of valor, one receiving perhaps no pay and the other but little, and that in depreciated currency, and at the same time the cold-blooded, selfish speculator was filling his pockets out of the calamities of his bleeding country; no one criticized or talked about the cost of carrying on the war, and should we now, when the great majority of both of these American armies have passed to the camping ground in the mysterious beyond, sleeping beneath the banner of peace, and the few that remain gray haired, feeble, and old are responding to the final call at the rate of about 100 a day. Oh, my countrymen, can we repay these men for the sacrifice made by them; shall we put the allowances made by the Government to them on the basis of a gratuity, thereby classifying these men as a sort of paupers. Far from it. Strike out everything in the bill from which any such inference might be made. Let the Government pay them these pensions as an honest debt, on the basis of justice, fully realizing that anything we may do will never fully recompense them. [Applause.]

One might say, "Yes; but it only benefits a part of the country." That is true, and there is some pathos in that thought. I realize that there are men sitting on that side of the House who have sat in their boyhood days and listened to the father tell the story of his heroism and valor at Shiloh or Gettysburg, and I realize further that that gray-haired sire must sit on the porch of his plantation home and not participate in the fruits of this bill. But after all, my friends, we prize the memory of the valor exhibited by your fathers, for they, too, were Americans.

Now, my friends, when this bill comes up for amendment I hope no one will feel aggrieved if we vote to amend it and make it a more liberal proposition. We have that right; we may differ in our judgment about this matter. So far as I am concerned, I would like to see it amended in such a way that it would give to every soldier the maximum amount. Then send it over yonder before the holiday time to that Chamber across the way, where some months ago a similar bill, by the invocation of some antiquated rule, it seems, fell by the wayside. We remember the disappointment that came to the homes of the old veterans all over the land. Let us send over another bill and let the men who dare get in the way of this proposition do it if they will. Make no excuses for them; they have their responsibility to carry, and they must assume it, and let us do our duty now. [Applause.]

Mr. HAMILTON of West Virginia. Mr. Chairman, I was born in a town about 23 miles distant from the birthplace of the immortal Stonewall Jackson. That great man spent his boyhood and his early youth in the county of my nativity. My people and my ancestors were of the like belief with him regarding the great Civil War. Notwithstanding, I am glad of the fact that my first rising in this House of Representatives is, in a feeble way, to say, without disparagement to him or his brave followers, something for the benefit of those alike brave soldiers who opposed him in that conflict.

I am further proud that those in authority in this Chamber, upon my entrance here, saw fit to place me upon two committees in which I may to some extent be of benefit to these men.

I have listened carefully to the speeches which have been made here to-day, and have come to the conclusion that all of us, or practically all of us, whether we sit upon the right or upon the left of this middle aisle, are in favor of granting relief to these brave men who fought the issue successfully in that war. [Applause.]

I believe I can say that in the district which I have the honor to represent upon this floor there are many Confederate soldiers who would justify me in the action which I take for the benefit of their opponents in that war. [Applause.]

Mr. Chairman, it occurs to me that what we need now—and I was forcibly reminded of it by the speech of the gentleman from Illinois [Mr. PRINCE]—is not only liberal action, but speedy action. I have an extract here from the report of the Commissioner of Pensions for the year ended the 30th of June last, which provides some startling figures bearing upon this question of pensions. In that report he states that there were then living 529,884 of the survivors of the Civil War who are now upon the pension list.

All the others of the more than 2,000,000 engaged in the contest have made their passage over the unknown sea which separates the living from the dead.

He further states that during the same fiscal year more than 35,000 of these brave men answered to the last bugle call and are no more upon the earth, and that the average age of the survivors is 70 years. When we consider these facts, knowing that a man of 70 years has reached the allotted time which God has given as the average length of life, when we know that every year their chances for life become lessened, then we know that if the mortality in the year 1910–11 was 35,000, because of the increased age of the survivors, it will be at least 50,000

in the current year. I say that this Congress can not act too speedily in this matter. [Applause.] Between the rising and the setting of the sun of every day more than 50 of these men pass away, and between the rising of two suns more than 100 of them are gone, and since the falling of the Speaker's gavel on this day, calling this House to order, more than 20 of the veterans have succumbed to the ravages of the monster which they faced without fear or trembling on many fields of carnage. A rate of mortality like that introduced into this House would exterminate it in four days, and at the end of that short period there would not be a Member of the American House of Representatives upon this floor or elsewhere in this country.

As a member of the Committee on Invalid Pensions I am in favor of the passage of this bill. Before that committee as an individual member I stated my views on the question of pensions. The bill may not be entirely satisfactory to me in all its aspects, but we were guided there and advised by one whose head is now crowned with the silver of years, one who in his early days fought in my native State at the first battle of the Civil War, and I am not afraid to stand here in this House, giving up all of my personal preferences, and vote for a bill which is fathered by ISAAC R. SHERWOOD. [Applause.]

There is no man in this House and no man elsewhere, worthy of being here, who does not admire the brave, true, and courageous soldier who fights for his native land. We delight to read the annals which have come down to us from antiquity, giving descriptions of the battles and of the soldiers who fought in those great contests, but I believe I can say here, out of the fullness of my heart and with a complete degree of truthfulness, that the soldiers who fought on both sides of our Civil War have never been equaled upon the face of the earth for manhood, courage, and bravery.

Take the most noted instance of which these annals tell us. When Leonidas with his gallant 300 held the pass of Thermopylae until they fell, there was erected to the memory of that noble band a monument which said, "Traveler, tell to Sparta that we lie here in obedience to her laws." Our soldiers, and I include those of both sides in this remark, are perhaps entitled to no such encomium as this; but they are entitled to a nobler one, because they fought for love of country. The Spartan in his early youth upon his arrival at a certain age was sworn as a soldier, and he had no choice, and when they fell, while there may have been some patriotism comingled with their action, they fought as that monument said, in obedience to law, while our brave soldiers fought in obedience to the great love they bore their country. [Applause.]

There are many men, and my district is not devoid of them, who are opposed to pension legislation. There are some who think that this great Government can not afford to pay the soldier his honest due. There are some who from envy and from similar feelings and passions do not want to see their neighbor get something to which they themselves are not entitled; but as I have before stated, I believe almost the unanimous sentiment of the State of West Virginia, which, so far as the Congress is concerned, is now in Democratic ranks, is in favor of doing justice to the soldiers of the Civil War. [Applause.] I desire to say further that I believe that the expenditure of money by this great Government of ours for pensions is the most legitimate expenditure that can be made. I say it is a shame for men to stand and look the saviors of their country in the eye and say, "We make you gifts," when we only pay them their just dues. [Applause.]

Mr. DIES. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. HAMILTON of West Virginia. Certainly.

Mr. DIES. I understood the gentleman to say that the legislation of this country with reference to pensions has been in the nature of a shame against the old soldier?

Mr. HAMILTON of West Virginia. No; I did not say that.

Mr. DIES. I just want to ask this question——

Mr. HAMILTON of West Virginia. I did not say that, and the gentleman's question will be founded on a false premise. However, I shall endeavor to answer it if I can.

Mr. DIES. I find it stated in the records of the Government that in 1870 the pensions paid to the soldiers amounted to $30,000,000 a year; that in 1885, 20 years after the war had ceased to exist, the pension roll of the Government was $66,000,000 a year. That was after the great captain of the Union forces had occupied the chair of the Presidency. I desire to ask the gentleman this question: If they then gave the Union soldiers $66,000,000 a year, 20 years after the war had closed, and now give them $160,000,000 a year, does the gentleman think that this great Government has been illiberal in the payment of pensions?

Mr. SHERWOOD. I call the attention of the gentleman from Texas to the fact that the pension roll of the soldiers of the Civil War amounts to only $101,000,000 a year.

Mr. HAMILTON of West Virginia. As I before stated, the gentleman's question is founded on a misunderstanding of what I said. I said, or intended to say, that when a citizen of this country looked a soldier in the eye and said that he made him gifts of this money, that that was a shame.

Mr. DIES. If we are illiberal now with the payment of $160,000,000 a year, what must the shade of Grant say to the soldiers of the Republic when they gave them only $66,000,000 a year in 1885?

Mr. SHERWOOD. I want to say that to the soldiers of the Civil War $101,000,000 a year are paid.

Mr. HAMILTON of West Virginia. The gentleman's question having been propounded to me upon a misunderstanding of what I said, I do not know that I can answer it better than to state that in my opinion this situation is occasioned because of the fact that the soldiers were younger then, and may not have been in the conditions of distress which we all know must environ a class of men of 70 years of age. [Applause.] I am prompted here to state, and I have no doubt it is the fact, though I do not know it personally, that the pension list is only $101,000,000 a year to the soldiers of the Civil War.

Mr. DIES. I would like to ask the gentleman another question. Upon what theory of equity does the gentleman conclude that there ought to be an increase of the pensions to the soldiers of the Civil War without an accompanying increase to the soldiers of the Mexican War?

Mr. HAMILTON of West Virginia. I am in favor of both propositions. I am not arguing a bill which is not before the House. I will vote for an increase in the pension of the soldiers of the Mexican War and I will vote for an increase in the pensions of the soldiers of the Spanish War whenever they are shown to be in a situation of need or distress.

Mr. DIES. Will the gentleman permit one other question, and then I shall not interrupt him further. How does the gentleman account for the fact that at the last session of Congress Republicans, like the gentleman from New York, Mr. PAYNE; the gentleman from Pennsylvania, Mr. DALZELL; and leading Republicans in the Senate, and even the President of the United States, not only said openly, but gave the country to understand, that the soldiers of the Republic demanded no further legislation increasing pensions and that this was peculiarly and particularly a political bill? Does the gentleman think they were in earnest about it or that they were insincere when they made that statement?

Mr. HAMILTON of West Virginia. I will answer that by stating that I am not the keeper of the conscience of any of the gentlemen mentioned, and more especially of that of the President of the United States. I stand here in my individual capacity as a Representative in this House, which I consider the greatest popular deliberative body upon the face of the earth, and upon my own responsibility will say that I favor this legislation. Let every man go according to his own conscience. I am not here trying to convince others, because I know it would be futile for me to endeavor to do that with gentlemen who have served in this Congress for years and who know more about these facts than I do, but I am here to explain, which I have the right to do, the reasons which impel me to vote as I shall upon this occasion.

Now, as to the respective merits of these bills which have been discussed here to-day, I have little or nothing to say, except that in support of the measure which has come from the committee I believe it to be, with a few exceptions, the best bill which we can pass at this time. All these bills, I take it, have originated from the same spirit, and the introducers of them in their way and as they see it desire the best pension legislation which they can give to the country. As I stated, if I had had the control or making of the bill, I might have left out some things which are in this bill and might have put in some things which are not in it. But the House of Representatives, as every other large representative body, is compelled to work through its committees, and when the concensus of the committee is found and when it has passed upon a measure, I believe that as a member of that committee I should support it where it is not contrary to my conscience, but is only lacking in a few details which my inferior and, perhaps, mistaken individual judgment might have led me to prefer; so that I stand here ready to vote for the Sherwood bill with such amendments as have been indicated by the chairman and with such others as may be engrafted upon it by the vote of this House, if that comes to pass. You can not amend this bill in any way, leaving a liberal compensation to the soldiers of this land, so that I will not vote for it. [Applause.]

I have referred to the author of this bill as one who bears upon his person the evidences of age, and he has confessed himself to be the oldest Member of this body. Yet with undimmed eye and with vigor well retained he stands to-day with courage and undaunted valor, equal in degree to that which characterized him when he led his troops to battle in the days of 50 years ago. During the whole of his congressional career he has battled in the legislative halls for the brave comrades who followed him in his militant career when fighting for the Nation. Let all of us, whether we be descendants of those who fought with him or of those who fought against him, bring to his aid and assistance all we can contribute to the attainment of his laudable purpose and designs, so that in his age and declining years he may have the consolation which arises from the contemplation of a duty well performed.

When I support a measure for the benefit of the Union soldiers I detract nothing from my appreciation of the immortal name of Lee, who, as he lies buried beneath his native sod, is receiving and will continue to receive the plaudits of every English-speaking tongue. Nor do I cast reproach upon the name of Stonewall Jackson, who, by many, is regarded as the greatest military genius of his time, and the chronicles of whose military career are used as textbooks in some of the schools of Europe. It seems to me that I but add to the fame of these great men when I endeavor to pay a feeble tribute to the armies which opposed them. In my section the heroes of both these magnificent armies are to a large extent sleeping side by side. Their children have intermarried and feuds have passed away. With us the Civil War has long been over, and as one who is old enough to bear in memory some of the distressing scenes attendant upon that great conflict, I am happy in the opinion that we shall suffer such miseries no more forever.

Mr. RUSSELL. Mr. Chairman, I desire to ask unanimous consent to revise my remarks.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend and revise his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. HAMILTON of West Virginia. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SHERWOOD. Mr. Chairman, I ask simply for permission to revise my remarks and not to extend them.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. ADAIR. I ask unanimous consent that all Members——

Mr. RUSSELL. You can not do it in committee.

The CHAIRMAN. The Chair will state to the gentleman that it can not be done in the Committee of the Whole House on the state of the Union.

Mr. ADAIR. Then, Mr. Chairman, I ask unanimous consent to extend and revise my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. RUSSELL. I ask unanimous consent that the gentleman from Michigan [Mr. HAMILTON] have leave to extend his remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Chairman——

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. CANNON. It is now 10 minutes to 5 o'clock. Will the gentleman yield for a motion, which I hope will come from the other side, that the committee do now rise?

Mr. MANN. Mr. Chairman, I can not yield for that purpose at this time unless we can reach some understanding. I may say to the committee that I had some discussion with the gentleman from Indiana [Mr. ADAIR] in charge of the bill some time ago, and the statement was made that the bill would not proceed to passage to-night. The understanding was reached at that time that the bill would not come up for consideration under the five-minute rule until or before next Tuesday. No arrangement was made as to the length of general debate, but the gentleman from Indiana stated to me, as I understood him, that it was his desire, and possibly his purpose, when the House again resolved itself into the Committee of the Whole House on the state of the Union to close debate, possibly by a motion.

Now, I do not know how much time the gentleman from Indiana or that side of the House wishes to give further on general debate. I would like to occupy some time; my colleague from Illinois [Mr. CANNON] desires to occupy some time; the gentleman from New York [Mr. FITZGERALD], I believe, desires to occupy some time in opposition to the entire proposition.

Mr. HENRY of Texas. Would the gentleman indicate how much time he would like to have in general debate?

Mr. MADDEN. I would like to occupy some time.

Mr. AUSTIN. And I would like to have some time.

Mr. MANN. Undoubtedly there are requests enough on this side to have at least half of Tuesday, if we can get it. We are not rushed, as far as the calendar is concerned. To-morrow we have already set aside an hour for Mr. BURGESS of Texas, and I suggest that we might make an arrangement to continue general debate on this bill to-morrow after the gentleman from Texas has finished his speech—I do not know how many Members may be present—and then let it go over until Tuesday under the five-minute rule. Possibly we could reach some agreement to close general debate by the time we adjourn to-morrow night.

The CHAIRMAN. The Chair desires to state that he has endeavored to recognize both sides here as we have been going along in general debate. But I want to state in fairness to some Members who have asked for recognition and who are opposed to all bills that they have not been recognized, and I think in any arrangement of additional time they ought to be taken into consideration.

Mr. HENRY of Texas. I think the suggestion made by the gentleman from Illinois [Mr. MANN] is right and that to-morrow we could proceed with general debate.

Mr. MANN. I call the attention of the gentleman to this situation: We have already had a call of the committees on Tuesday, a call of the committees on Wednesday, and a call of the committees, I think, yesterday. There are no new bills on the calendar since those calls were had, except one bridge bill, and that is a Unanimous Consent Calendar bill.

I do not see, in that condition of affairs in the House here, and the gentlemen desiring to discuss this bill, both for the information of Members of the House and because they are interested in the subject, why we should not have time to discuss the bill even if the bill did not pass before Wednesday night.

Mr. ADAIR. The gentleman from Illinois [Mr. MANN], I believe, has the floor, and if he will yield to me I would like to make a statement.

Mr. MANN. Certainly; I will yield.

Mr. ADAIR. I have said to a number of Members that if the committee rose this evening this bill would not be called up until Tuesday noon. Some Members have left the city with that understanding, and I would not want to consent to take the matter up again before that date.

Mr. MANN. That would not affect general debate.

Mr. ADAIR. I think, however, a part of Tuesday afternoon can be devoted to general debate, and I think the time should be limited on Tuesday. It was my purpose to make a motion when the bill was called up on next Tuesday to limit general debate to so many hours, possibly an hour or two, and not to exceed two hours. Then we could take it up under the five-minute rule and pass it Tuesday afternoon. I think the bill should pass by that time. We are taking more time in the discussion of this pension bill than has been devoted to all the pension bills that have been before the House since I have been a Member. The Sulloway pension bill was discussed for 40 minutes, and the widows' pension bill, two years ago, was discussed for 20 minutes on a side. So I think that Tuesday afternoon not more than two hours should be devoted to general debate, and then the bill should be taken up under the five-minute rule.

Mr. LANGLEY. I hope my colleague on the committee will not insist on that time. Several of my colleagues have left with the understanding that there will be further debate after to-day.

Mr. ADAIR. I do not know where the gentleman got the understanding.

Mr. LANGLEY. That was my impression. I did not get it from the gentleman from Indiana, I will say.

Mr. ADAIR. That was a surmise.

Mr. LANGLEY. I know a number of gentlemen who wish to speak on the bill, and I want to say a few words on it myself.

Mr. ADAIR. We can devote some time to it yet this evening and then take it up Tuesday noon, and I think two hours then will be sufficient to close general debate.

Mr. LANGLEY. What is the objection to following the suggestion of the gentleman from Illinois, to have general debate to-morrow? I think a number of us could exhaust ourselves to-morrow without infringing on the rights of the gentlemen who have left the city with the understanding they had with you.

Mr. ADAIR. I think I shall agree to general debate to-morrow afternoon, after Mr. BURGESS has finished his remarks.

Mr. MANN. And then, possibly, a couple of hours on Tuesday?

Mr. ADAIR. If necessary.

Mr. LANGLEY. That is entirely satisfactory to everybody.

Mr. ADAIR. But nothing to be done to-morrow except general debate.

Mr. HAMILTON of Michigan. Will the gentleman from Illinois yield?

Mr. MANN. I yield to the gentleman from Michigan.

Mr. HAMILTON of Michigan. Mr. Chairman, I simply want to say that some of us who are on the Committee on Interstate and Foreign Commerce are in a somewhat unfortunate position in relation to this measure. The committee will be obliged to start for Panama at the end of this week, and some of us would like to vote on the bill and amendments to the bill. However, we will not be able to do so. But, speaking for myself, I simply want to say that if I could be here I would vote for any amendments to the bill that might improve it in the interest of the soldiers or might improve the bill as a bill. But if such amendments did not prevail, I would vote for the bill anyway, as I understand it.

Mr. DIES. Will the gentleman from Illinois yield?

Mr. MANN. I will.

Mr. DIES. I want to find out how much time has been occupied by the advocates of the bill. I understood the Chairman to say that an equal amount of time would be given to those opposed to the bill. And I would like to know how much time has been occupied by those who oppose the bill?

The CHAIRMAN. The Chair will say to the gentleman from Texas that his statement was that he had recognized one on this side of the House and one on the other, but had not recognized some Members who had stated that they were opposed to all legislation, and it was for those Members that the Chair desired to speak, in order that they might have an opportunity to be heard.

Mr. DIES. That is decidedly my understanding, Mr. Chairman. I am very much opposed to the bill, and I wanted time in which to discuss it. That is the reason why I asked the questions of the gentleman from West Virginia.

Mr. MANN. Mr. Chairman, in connection with the statement made by the gentleman from Michigan [Mr. HAMILTON] concerning the Committee on Interstate and Foreign Commerce, which starts its work at the end of this week, so that the members of that committee will not have an opportunity of voting upon this bill next week, I want to say that I think the chief duties of that committee at this time consist in going to Panama, and they could easily take care of their records upon this bill by leaving the proper pairs or statements in reference to it. There is no question, in my judgment, in the end about the passage of this bill in the House in some shape. If I had my own way about it, I would have every Member of this House make a trip to Panama to see the canal before the water is turned in.

Now, Mr. Chairman, with the understanding that the gentleman from Indiana [Mr. ADAIR] desires to rise, and that I may resume the floor again, I reserve the balance of my time.

Mr. RUSSELL. Mr. Chairman, I ask unanimous consent that Mr. HAMLIN, of Missouri, and Mr. GOULD, of Maine, who are going to Panama, may be permitted to extend their remarks in the RECORD.

The CHAIRMAN. The gentleman from Missouri [Mr. RUSSELL] asks unanimous consent that the gentleman from Missouri [Mr. HAMLIN] and the gentleman from Maine [Mr. GOULD] be permitted to extend their remarks in the RECORD on this bill. Is there objection? The Chair hears none.

Mr. KNOWLAND. Mr. Chairman, reserving the right to object, being one of the members of that committee, I would like to be included in that request.

The CHAIRMAN. The gentleman from California [Mr. KNOWLAND] makes the same request. Is there objection?

Mr. LANGLEY. Why not accord that privilege to all the members of the Interstate and Foreign Commerce Committee?

Mr. MANN. You can not do it for a committee.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ADAIR. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. CULLOP having taken the chair as Speaker pro tempore, Mr. FOSTER of Illinois, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War, and had come to no resolution thereon.

ADJOURNMENT.

Mr. HENRY of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 3 minutes p. m.) the House adjourned until to-morrow, Saturday, December 9, 1911, at 12 o'clock m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Navy, transmitting detailed statement of expenditures of the Navy Department under contingent appropriations for the fiscal year ended June 30, 1911 (H. Doc. No. 255); to the Committee on Expenditures in the Navy Department and ordered to be printed.

2. A letter from the Secretary of the Interior, transmitting an itemized statement of expenditures made for repairs of buildings, Department of Interior, for fiscal year ended June 30, 1911 (H. Doc. No. 253); to the Committee on Expenditures in the Interior Department and ordered to be printed.

3. A letter from the Secretary of the Interior, submitting report of disbursements made to agricultural and mechanical colleges for the fiscal year ended June 30, 1911, from proceeds of sale of public lands (H. Doc. No. 252); to the Committee on Expenditures in the Department of Agriculture and ordered to be printed.

4. A letter from the Secretary of War, recommending the enactment of a law to provide for the protection of national military parks and transmitting draft of proposed law (H. Doc. No. 249); to the Committee on Military Affairs and ordered to be printed.

5. A letter from the Secretary of War, transmitting report of the National Forest Reservation Commission for the fiscal year ended June 30, 1911 (H. Doc. No. 250); to the Committee on Agriculture and ordered to be printed.

6. A letter from the Secretary of the Interior, transmitting a statement of expenditures on account of the contingent fund of the Department of the Interior for fiscal year ended June 30, 1911 (H. Doc. No. 254); to the Committee on Expenditures in the Department of the Interior and ordered to be printed.

7. A letter from the Secretary of the Interior, transmitting report of negotiations with Oneida Indians for commutation of their perpetual annuities, as provided for by act of March 3, 1911 (H. Doc. No. 251); to the Committee on Indian Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FERRIS, from the Committee on Indian Affairs, to which was referred the bill (H. R. 14667) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891, reported the same without amendment, accompanied by a report (No. 175), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CARTER, from the Committee on Indian Affairs, to which was referred the bill (H. R. 2853) extending the time for payment of balance due on purchase price of a certain tract of land, reported the same with amendment, accompanied by a report (No. 176), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill (S. 2877) amending section 67 of the act approved March 3, 1911, to codify, revise, and amend the laws relating to the judiciary, reported the same without amendment, accompanied by a report (No. 177), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 14727) to correct the military record of James A. Allen; Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 14256) to remove the charge of desertion from the record of Henry Benjamin; Committee on War Claims discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 14449) granting a pension to John R. Costen; Committee on Invalid Pensions discharged, and referred to the Committee on War Claims.

A bill (H. R. 14726) to correct the military record of L. D. Thompson; Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CARTER: A bill (H. R. 15112) to provide for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes; to the Committee on Indian Affairs.

By Mr. CLARK of Florida: A bill (H. R. 15113) to amend paragraph 7, chapter 389, of volume 1 (second edition), of the supplement to the Revised Statutes of the United States relating to park watchmen; to the Committee on the District of Columbia.

Also, a bill (H. R. 15114) to remove criminal insane from the Government Hospital for the Insane in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

Also, a bill (H. R. 15115) establishing in the District of Columbia a neurological hospital for the care and treatment of the indigent insane of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. LEGARE: A bill (H. R. 15116) to authorize construction of an addition to the Federal post-office building at Charleston, S. C., and making appropriation therefor; to the Committee on Public Buildings and Grounds.

By Mr. FLOOD of Virginia: A bill (H. R. 15117) for the adjudication and determination of the claims arising under joint resolution of July 14, 1870, authorizing the Postmaster General to continue to use in the postal service Marcus P. Norton's combined post-marking and stamp-canceling hand-stamp patents, and directing him to determine upon a fair, just, and equitable compensation for the use of said inventions; to the Committee on the Post Office and Post Roads.

By Mr. BARTLETT: A bill (H. R. 15118) for the payments of pension without a voucher; to the Committee on Appropriations.

By Mr. STEPHENS of Texas (by request): A bill (H. R. 15119) authorizing the sale or exchange of Indian lands subject to restrictions, and for other purposes; to the Committee on Indian Affairs.

By Mr. GUERNSEY: A bill (H. R. 15120) to amend section 22 of the interstate-commerce law; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON of Ohio: A bill (H. R. 15121) for the erection of a public building at the city of Sandusky, in the State of Ohio, and appropriating moneys therefor; to the Committee on Public Buildings and Grounds.

By Mr. GUERNSEY: A bill (H. R. 15122) for the erection of a monument to Jeremiah O'Brien; to the Committee on the Library.

By Mr. MALBY: A bill (H. R. 15123) to repeal an act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911; to the Committee on Ways and Means.

Also, a bill (H. R. 15124) to provide a keeper's house for the lighthouse keeper at Crown Point, N. Y.; to the Committee on Interstate and Foreign Commerce.

By Mr. PROUTY: A bill (H. R. 15125) to amend section 3 of an act entitled "An act in amendment of sections 2 and 3 of an act entitled 'An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor,' and providing for pensions to widows, minor children, and dependent parents, approved June 27, 1890," as amended and approved May 9, 1900; to the Committee on Invalid Pensions.

By Mr. SABATH: A bill (H. R. 15126) to amend an act to regulate the carriage of steerage passengers by sea, approved August 2, 1882, as amended by an act approved December 19, 1908; to the Committee on Immigration and Naturalization.

By Mr. MARTIN of Colorado: A bill (H. R. 15127) appropriating money to resurvey Kit Carson County, Colo., and other townships in Colorado; to the Committee on Appropriations.

By Mr. LAMB: A bill (H. R. 15128) providing for a military highway between the city of Yorktown, Va., and Jamestown, Va., via Williamsburg, Va.; to the Committee on Military Affairs.

By Mr. HARRISON of New York: A bill (H. R. 15129) to amend an act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. KAHN: A bill (H. R. 15130) to establish a fish-cultural station in the Nushagak region in Alaska; to the Committee on the Merchant Marine and Fisheries.

By Mr. BURLESON: A bill (H. R. 15131) to change the name of oleomargarine to margarin; to change the rate of tax on margarin; to protect the consumers, dealers, and manufacturers of margarin against fraud; and to afford the Bureau of Internal Revenue more efficient means for the detection of fraud and the collection of the revenue; to the Committee on Agriculture.

By Mr. LEE of Pennsylvania: A bill (H. R. 15132) extending the benefits of the general pension laws to the members of the Twentieth, Twenty-sixth, Twenty-seventh, Twenty-eighth, Twenty-ninth, Thirtieth, Thirty-first, and Thirty-third Regiments; the several batteries of Artillery; the several troops of Cavalry; and the several independent companies, which comprised the Pennsylvania Volunteer Militia, otherwise known as the emergency men, who were called into service by the President of the United States of America, officered by United States officers, and sworn into the service of the United States for an indefinite period, the same as if they had been in the service of the United States for a period of 90 days or more; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 15133) to amend an act entitled "An act to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes," approved June 25, 1910; to the Committee on Indian Affairs.

By Mr. EDWARDS: A bill (H. R. 15134) making an appropriation of $10,000 to carry into effect the provisions of an act entitled "An act for the erection of a joint monument to the memory of Gen. James Screven and Gen. Daniel Stewart, two distinguished officers of the American Army," approved March 4, 1911; to the Committee on Appropriations.

By Mr. PETERS (by request): A bill (H. R. 15135) to amend an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes"; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 15136) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes"; to the Committee on Ways and Means.

By Mr. NEEDHAM: A bill (H. R. 15137) making appropriation for the construction of a breakwater in Monterey Bay, Cal.; to the Committee on Rivers and Harbors.

By Mr. JOHNSON of Kentucky (by request of the Commissioners of the District of Columbia): A bill (H. R. 15138) to require the recital of the real consideration in deeds, mortgages, and deeds of trust to property in the District of Columbia; to the Committee on the District of Columbia.

By Mr. WILSON of Pennsylvania: Joint resolution (H. J. Res. 175) for the relief of sufferers from flood at Austin and Costello, Pa.; to the Committee on Appropriations.

By Mr. LAMB: Joint resolution (H. J. Res. 176) directing a suitable shaft to be placed at the grave of George Wythe; to the Committee on the Library.

By Mr. MOON of Tennessee: Resolution (H. Res. 331) to print 2,000 copies of House Document No. 105; to the Committee on Printing.

By Mr. DANFORTH: Memorial from the Legislature of the State of New York, favoring the amendment of the Constitution of the United States delegating to Congress power to establish uniform laws on the subject of divorce of married persons throughout the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 15139) granting an increase of pension to Philena S. Wright; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15140) granting a pension to Nancy Morrel; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 15141) for the relief of Marion B. Patterson; to the Committee on Claims.

By Mr. AYRES: A bill (H. R. 15142) granting a pension to Herman Siegel; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 15143) granting a pension to Perry L. Crowl; to the Committee on Pensions.

Also, a bill (H. R. 15144) granting a pension to Nancy J. James; to the Committee on Invalid Pensions.

By Mr. BATES: A bill (H. R. 15145) granting a pension to Gertrude Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15146) granting an increase of pension to John Van Ryn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15147) granting an increase of pension to George B. Durnell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15148) granting a pension to William L. Dines; to the Committee on Pensions.

Also, a bill (H. R. 15149) for the relief of Elizabeth S. Lewerenz; to the Committee on Claims.

Also, a bill (H. R. 15150) granting an increase of pension to Elizabeth S. Lewerenz; to the Committee on Pensions.

By Mr. BROWN: A bill (H. R. 15151) for the relief of the heirs of Henry Sturm, deceased; to the Committee on War Claims.

By Mr. BYRNS of Tennessee: A bill (H. R. 15152) granting an increase of pension to James D. Burcham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15153) for the relief of the estate of T. Y. Dixon; to the Committee on War Claims.

By Mr. CLARK of Missouri: A bill (H. R. 15154) granting an increase of pension to Charles Beckmann; to the Committee on Invalid Pensions.

By Mr. CONRY: A bill (H. R. 15155) providing for the appointment of Chief Boatswain J. J. Rochfort a lieutenant of the line in the United States Navy and placing him upon the retired list; to the Committee on Naval Affairs.

By Mr. CULLOP: A bill (H. R. 15156) granting a pension to Sarah E. Dillon; to the Committee on Pensions.

Also, a bill (H. R. 15157) granting an increase of pension to William H. McDonald; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15158) to correct the military record of William Huddleson; to the Committee on Military Affairs.

By Mr. DE FOREST: A bill (H. R. 15159) for the relief of Lawrence Collins and Edward J. Flanigan; to the Committee on Claims.

By Mr. DONOHOE: A bill (H. R. 15160) granting an increase of pension to David Dryburgh; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 15161) granting an increase of pension to John A. Spann; to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 15162) granting a pension to Mary E. Johnson; to the Committee on Pensions.

Also, a bill (H. R. 15163) granting an increase of pension to John G. Kiesling; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15164) granting an increase of pension to Charles Sergeant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15165) granting an increase of pension to Ezra Cornell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15166) granting an increase of pension to Benjamin D. Ackmoody; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15167) granting an increase of pension to John L. Parker; to the Committee on Invalid Pensions.

By Mr. GILLETT: A bill (H. R. 15168) granting a pension to Emma A. Blodgett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15169) granting an increase of pension to Austin H. Stockwell; to the Committee on Invalid Pensions.

By Mr. GOOD: A bill (H. R. 15170) granting an increase of pension to James T. Stillman; to the Committee on Invalid Pensions.

By Mr. HAMILL: A bill (H. R. 15171) granting a pension to Theresa de Villeneuve; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15172) granting a pension to Eleanor Tanner; to the Committee on Pensions.

By Mr. HARTMAN: A bill (H. R. 15173) granting a pension to George P. Deneen; to the Committee on Pensions.

By Mr. HOBSON: A bill (H. R. 15174) granting a pension to Sarah B. Scott; to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 15175) to correct the rank of William Allison Reed; to the Committee on Military Affairs.

By Mr. HOWLAND: A bill (H. R. 15176) granting an increase of pension to Simon Beal; to the Committee on Invalid Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 15177) granting an increase of pension to Zacariah Stevens; to the Committee on Invalid Pensions.

By Mr. KINKEAD of New Jersey: A bill (H. R. 15178) granting a pension to William Ryan; to the Committee on Pensions.

By Mr. KORBLY: A bill (H. R. 15179) granting an increase of pension to Samuel W. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15180) granting a pension to Decia A. McCray; to the Committee on Invalid Pensions.

By Mr. LAFFERTY: A bill (H. R. 15181) for the relief of Harry S. Wade; to the Committee on Claims.

Also, a bill (H. R. 15182) granting an increase of pension to George P. Walling; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15183) granting an increase of pension to William G. Love; to the Committee on Invalid Pensions.

By Mr. LA FOLLETTE: A bill (H. R. 15184) granting a pension to Thomas L. Munroe; to the Committee on Invalid Pensions.

By Mr. LAMB: A bill (H. R. 15185) granting a pension to Margaret Thompson Snyder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15186) for the relief of the heirs of William Southworth, deceased; to the Committee on War Claims.

Also, a bill (H. R. 15187) for the relief of the Richmond Locomotive Works, successor of the Richmond Locomotive & Machine Works; to the Committee on Claims.

By Mr. LANGHAM: A bill (H. R. 15188) granting a pension to Anna E. Hetherington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15189) granting an increase of pension to Joseph R. Painter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15190) granting an increase of pension to Ruben Lyle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15191) granting an increase of pension to David Goodman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15192) granting an increase of pension to John St. Clair; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15193) granting an increase of pension to George W. Mogle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15194) granting an increase of pension to Joseph Allshouse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15195) granting an increase of pension to Henry Johnson; to the Committee on Pensions.

By Mr. LLOYD: A bill (H. R. 15196) granting an increase of pension to James H. Sanders; to the Committee on Invalid Pensions.

By Mr. LINDBERGH: A bill (H. R. 15197) granting a pension to Gustav Buelow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15198) granting an increase of pension to James Jenkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15199) granting a pension to Deborah H. Riggs; to the Committee on Pensions.

Also, a bill (H. R. 15200) granting an increase of pension to Asa Rounds; to the Committee on Invalid Pensions.

By Mr. LITTLETON: A bill (H. R. 15201) granting an increase of pension to William M. McCabe; to the Committee on Invalid Pensions.

By Mr. McGILLICUDDY: A bill (H. R. 15202) granting a pension to Samuel Willis; to the Committee on Pensions.

By Mr. McKELLAR: A bill (H. R. 15203) granting an increase of pension to Ezra Peters; to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 15204) granting an increase of pension to William M. Mitchell; to the Committee on Invalid Pensions.

By Mr. McMORRAN: A bill (H. R. 15205) granting a pension to Adelia Hamilton; to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 15206) granting a pension to W. T. Goode; to the Committee on Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 15207) for the relief of L. D. Hildebrand, administrator of the estate of John W. Hildebrand, deceased; to the Committee on Claims.

By Mr. NYE: A bill (H. R. 15208) granting an increase of pension to James Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15209) granting an increase of pension to William M. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15210) granting an increase of pension to Salmon A. Buell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15211) granting an increase of pension to Benjamin F. Morgan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15212) granting an increase of pension to Joseph Desjardins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15213) granting an increase of pension to George W. Marchant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15214) granting an increase of pension to Robert Watson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15215) to correct the military record of Sylvester D. Foss; to the Committee on Invalid Pensions.

By Mr. PALMER: A bill (H. R. 15216) for the relief of Caleb Aber; to the Committee on Military Affairs.

Also, a bill (H. R. 15217) for the relief of Amos Teel; to the Committee on Military Affairs.

By Mr. PETERS: A bill (H. R. 15218) for the relief of William A. Gridley; to the Committee on Naval Affairs.

Also, a bill (H. R. 15219) for the relief of Dennis J. Neagle; to the Committee on Naval Affairs.

Also, a bill (H. R. 15220) for the relief of Robert Downing; to the Committee on Naval Affairs.

By Mr. POWERS: A bill (H. R. 15221) for the relief of John H. Davis; to the Committee on War Claims.

Also, a bill (H. R. 15222) granting an increase of pension to Thomas Smith; to the Committee on Pensions.

By Mr. RAUCH: A bill (H. R. 15223) granting a pension to Charles M. Baughman; to the Committee on Pensions.

Also, a bill (H. R. 15224) granting a pension to Jennie Bigley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15225) granting a pension to Sarah E. Lytle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15226) granting an increase of pension to James H. Biteman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15227) granting an increase of pension to John M. Barkley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15228) granting an increase of pension to Josiah Ferguson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15229) granting an increase of pension to Stephen E. Dunton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15230) granting an increase of pension to Jacob Butterbaugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15231) granting an increase of pension to Robert C. Carr; to the Committee on Invalid Pensions.

By Mr. REDFIELD: A bill (H. R. 15232) granting an increase of pension to Elizabeth Hommell; to the Committee on Invalid Pensions.

By Mr. RUCKER of Missouri: A bill (H. R. 15233) granting an increase of pension to Joseph W. James; to the Committee on Invalid Pensions.

By Mr. J. M. C. SMITH: A bill (H. R. 15234) granting an increase of pension to George B. Hewitt; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 15235) granting a pension to Maria E. Holmes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15236) granting a pension to Rebecca Behrmann; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15237) granting an increase of pension to William Jones; to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 15238) granting an increase of pension to Mikajah T. Hill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15239) granting an increase of pension to John Burns; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 15240) granting an increase of pension to Charles M. Whitmore; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: A bill (H. R. 15241) for the relief of Fred R. Payne; to the Committee on Naval Affairs.

Also, a bill (H. R. 15242) granting a pension to Samuel L. Meddaugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15243) granting an increase of pension to John W. Boileau; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15244) granting an increase of pension to James McPherson; to the Committee on Invalid Pensions.

By Mr. UTTER: A bill (H. R. 15245) granting an increase of pension to Samuel W. Norton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15246) granting an increase of pension to Alfonzo Pulsifer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15247) granting an increase of pension to Darius Cook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15248) granting an increase of pension to Harriet M. Engley; to the Committee on Invalid Pensions.

By Mr. WILLIS: A bill (H. R. 15249) granting an increase of pension to William F. Galbreath; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15250) granting an increase of pension to Isaac H. Young; to the Committee on Invalid Pensions.

By Mr. WILSON of Pennsylvania: A bill (H. R. 15251) granting an increase of pension to Jacob B. Sheid; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15252) granting an increase of pension to George W. Boyer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15253) granting an increase of pension to Hiram Bodinger; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON of Ohio: Resolutions of Ohio State Board of Commerce, recommending 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petitions of numerous manufacturing companies of Ohio, in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, resolution of council of Cleveland, Ohio, in favor of the coinage of coins of the value of 3 cents; to the Committee on Coinage, Weights, and Measures.

By Mr. ANDRUS: Memorials of Congregation of Brothers of Israel; also Lodge No. 67, Independent Order B'rith Abraham, and Lodge No. 241, Independent Order B'rith Sholom, urging abrogation of treaty with Russia; to the Committee on Foreign Affairs.

By Mr. ASHBROOK: Petition of Iron Moulders' Union No. 152, of Newark, Ohio, favoring the passage of House bill 5601; to the Committee on Interstate and Foreign Commerce.

Also, petition of Cincinnati Grain Co., of Cincinnati, Ohio, favoring House bill 12827; to the Committee on Military Affairs.

By Mr. AYRES: Memorial of Czernowitz Bubowinaee Lodge, No. 520, in relation to Russian passports; to the Committee on Foreign Affairs.

By Mr. BATES: Petitions of J. J. Deadwood, D. Warren De Rosay, F. A. Loveland, and A. L. Smith, of Corry; Col. John J. Carter, D. Colestock, J. C. McKinney, C. N. Payne, and J. H. Scheide, of Titusville, Pa., favoring Lincoln Memorial Road; to the Committee on Appropriations.

By Mr. BOWMAN: Memorials of Magnesia Covering Co., People's Bank, Susquehanna Coal Co., the Wilkes-Barre Railroad Co., Wilkes-Barre Automobile Club, and others, all of Wilkes-Barre, Pa., favoring Lincoln Memorial Road; to the Committee on Appropriations.

Also, petitions of numerous citizens of Luzerne County, Pa., urging repeal of duty on sugars; to the Committee on Ways and Means.

Also, petition of Benjamin Dorrance, of Dorranceton, Pa., favoring House bill 14; to the Committee on the Post Office and Post Roads.

By Mr. BURLESON: Resolutions, etc., from United Brothers Lodge, No. 646, Brotherhood of Locomotive Firemen and Enginemen, E. L. McGinnis, secretary, Pitcairn, Pa.; Lodge No. 183, Brotherhood of Railroad Trainmen, R. E. Wallace, secretary, 945 Summit Avenue, Clinton, Iowa; Branch No. 10, Glass Bottle Blowers' Association, Frank Pennypacker, secretary, Royersford, Pa.; Lodge No. 97, Brotherhood of Railway Clerks, Daniel F. Murphy, secretary, 318 South Main Street, Fall River, Mass.; Barbers' Union No. 14, Will A. Kelsey, financial secretary, 1111 Taylor Street, Fort Wayne, Ind.; Itasca Lodge, No. 401, Brotherhood of Locomotive Firemen and Enginemen, Roscoe Asher, secretary, Two Harbors, Minn.; and Allied Printing Trades of Kansas City, John Miller, secretary, 203 New Nelson Building, Kansas City, Mo., urging Congress to investigate and endeavor to check spread of tuberculosis and other diseases communicated to human beings through the contamination of dairy products, etc.; to the Committee on Agriculture.

By Mr. BYRNS of Tennessee: Papers to accompany bill granting an increase of pension to James D. Burcham; to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of T. Y. Dixon; to the Committee on War Claims.

By Mr. CONRY: Memorials of Lodge No. 567, Independent Order B'rith Abraham, and of the delegates of the Jewish community of New York, N. Y., urging abrogation of Russian treaty; to the Committee on Foreign Affairs.

By Mr. CURLEY: Memorial of Lodge No. 384, Independent Order B'rith Abraham, urging abrogation of treaty with Russia; to the Committee on Foreign Affairs.

Also, memorial of citizens of Waltham, Mass., in favor of international arbitration; to the Committee on Foreign Affairs.

By Mr. DALZELL: Petition of J. D. Neff Lodge, No. 225, Brotherhood of Railroad Trainmen, in favor of House bill 5601; to the Committee on the Judiciary.

By Mr. DANFORTH: Petition of Yawman & Erbe Manufacturing Co., of Rochester, N. Y., favoring legislation permitting corporation-tax returns as of the close of their individual fiscal years; to the Committee on Ways and Means.

Also, petitions of Alderman, Fairchild Co., of Rochester, N. Y., and of Star Expansion Bolt Co., of New York, N. Y., favoring reduction in first-class postage rates to 1 cent per ounce; to the Committee on the Post Office and Post Roads.

By Mr. DE FOREST: Resolution of Assembly of Israel Lodge, No. 148, Independent Order of B'rith Abraham, praying for the abrogation of the present treaty between the United States and Russia; to the Committee on Foreign Affairs.

By Mr. DYER: Petition of Koken Barber Supply Co., of St. Louis, Mo., in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. ESCH: Memorial of Grand Lodge of the Independent Western Star Order, praying for the abrogation of the Russian treaty; to the Committee on Foreign Affairs.

By Mr. FOSS: Petitions of William J. Gorman and others, of Evanston, and W. J. Tilghman and others, of Chicago, Ill., for reducing duties on sugars; to the Committee on Ways and Means.

Also memorial of Ravenswood Seventh-day Adventist Church, of Chicago, Ill., against House bill 9433; to the Committee on the Post Office and Post Roads.

Also, petition of Church of All Souls, of Evanston, Ill., in favor of Federal children's bureau; to the Committee on Interstate and Foreign Commerce.

By Mr. FORNES: Petitions of Baker, Rose & Clinton Co., of Elmira, N. Y., and the Star Expansion Bolt Co., of New York, N. Y., urging 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petitions of Chicago Rubber Co., of Chicago, Ill., in favor of 1-cent letter postage, and of Merchants Trade Journal, by W. J. Pilkington, of Des Moines, Iowa, against the proposed establishment of a parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of the Atchison, Topeka & Santa Fe Railway System, in favor of amending corporation-tax law; to the Committee on Ways and Means.

Also, petition of National Founders' Association, concerning proposed legislation and its effect on business conditions; to the Committee on Ways and Means.

Also, petition of San Jose (Cal.) Chamber of Commerce, favoring no tolls through the Panama Canal to vessels flying the American flag; to the Committee on Interstate and Foreign Commerce.

Also, petition of Capt. J. August Smith, of Rockland, Ill., indorsing House bill 1669; to the Committee on Military Affairs.

Also, petition of W. H. Roloson, of Cincinnati, Ohio, in favor of amending widows' pension act, etc.; to the Committee on Invalid Pensions.

By Mr. GALLAGHER: Memorial of Golden Eagle Lodge, No. 371, Order B'rith Abraham, praying for the abrogation of the Russian treaty; to the Committee on Foreign Affairs.

Also, memorial of Spinoza Lodge, No. 23, of the Grand Lodge of Independent Western Star Order, of Chicago, remonstrating against the treatment accorded American citizens by the Government of Russia; to the Committee on Foreign Affairs.

By Mr. GRIEST: Memorial of Lodge No. 154, Independent Order Ahawas Israel, urging termination of treaty with Russia; to the Committee on Foreign Affairs.

Also, petitions of citizens of Lancaster County, Pa., in favor of Lincoln Memorial Road; to the Committee on Appropriations.

By Mr. HILL: Memorial of Lodge No. 221, Independent Western Star Order, urging abrogation of treaty with Russia; to the Committee on Foreign Affairs.

By Mr. KAHN: Resolution of the Seaboard National Bank, of San Francisco, Cal., and five other corporations of that city, favoring an amendment to the corporation-tax law in regard to the date of accounting of corporations; to the Committee on Ways and Means.

Also, resolution of the Chamber of Commerce of San Jose, Cal., in favor of a Navy dry dock in San Francisco Bay; to the Committee on Naval Affairs.

Also, resolution of Pacific Lodge, No. 34, Order of B'rith Abraham, of San Francisco, Cal., favoring the abrogation of the treaty of 1832 with Russia; to the Committee on Foreign Affairs.

By Mr. KINKEAD of New Jersey: Memorials of Lodges Nos. 50 and 83, Independent Order Ahawas Israel, and representatives of numerous Jewish organizations and others of the city of Bayonne, N. J., urging the abrogation of the existing treaty with Russia; to the Committee on Foreign Affairs.

Also, memorial of members of Seventh-day Adventist Church of Jersey City, N. J., against the passage of House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. KORBLY: Resolution of the Supreme Council of the Order of United Commercial Travelers of America, urging the passage of Senate bill 2051, to promote the efficiency of the Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

By Mr. LAFFERTY: Papers to accompany bills granting an increase of pension to William G. Love and George P. Walling; to the Committee on Invalid Pensions.

By Mr. LENROOT: Petition of Abe Wefer and others, of Superior, Wis., relative to Russian passports; to the Committee on Foreign Affairs.

Also, resolutions of Lodge No. 150, Order B'rith Abraham, of Superior, Wis., relative to Russian passports; to the Committee on Foreign Affairs.

By Mr. MANN: Petitions of O. S. Hough and others, of Chicago, Ill., favoring reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, memorial of Lodge No. 206, Independent Order B'rith Abraham, urging abrogation of treaty with Russia; to the Committee on Foreign Affairs.

By Mr. MARTIN of Colorado: Memorials of representatives of Jewish organizations of Denver and Pueblo, Colo., urging abrogation of existing treaty with Russia; to the Committee on Foreign Affairs.

Also, petition of the Synod of Colorado of the Presbyterian Church in the United States of America, States of Colorado and Wyoming, in favor of legislation to prevent shipments of liquor into prohibition territory; to the Committee on Interstate and Foreign Commerce.

By Mr. McMORRAN: Memorial of Seventh-day Adventist Church of Memphis, Mich., protesting against passage of House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. MARTIN of South Dakota: Petition of numerous citizens of North and South Dakota, asking that they be not required to make further payments on their homestead lands on account of crop failures; to the Committee on the Public Lands.

By Mr. McCOY: Memorials of Lodges Nos. 105, 225, 109, and 25, all of Independent Order B'rith Abraham; of Lodges Nos. 162, 38, 458, 61, 365, 59, 438, and 82, all of Order B'rith Abraham; of Lodges Nos. 152 and 162, Order of Ahawas Israel; of Lodges Nos. 128, 154, and 174, all of Independent Order B'rith Sholom, all in the State of New Jersey, favoring the abrogation of the treaty between the United States and Russia; to the Committee on Foreign Affairs.

By Mr. MOON of Tennessee: Papers to accompany a bill for the relief of L. W. Hildebrand; to the Committee on Claims.

By Mr. MOTT: Petitions of New York State Hardware Jobbers' Association, urging 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of San Jose (Cal.) Chamber of Commerce, urging no tolls on American vessels through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, memorials of Cleveland and Watertown (N. Y.) Seventh-day Adventist Churches, opposing House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. REILLY: Memorial of Silver City Lodge, No. 152, Independent Order B'rith Abraham, relative to Russian passports; to the Committee on Foreign Affairs.

Also, memorial of Derby Central Labor Union, favoring the passage of the Booher bill (H. R. 5601); to the Committee on Interstate and Foreign Commerce.

Also, memorial of the New Haven Trades Council, of New Haven, Conn., against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France; to the Committee on Foreign Affairs.

By Mr. SIMMONS: Resolution of Board of Trade of Niagara Falls, N. Y., favoring general treaties of arbitration with Great Britain, France, etc.; to the Committee on Foreign Affairs.

By Mr. SCULLY: Memorials of Congregation B'rith Abraham; Congregation Talmud Torah, Ohab Sholom Anshe Svart, Agudas Achim, Adas Israel; Bayonne City Lodge, Independent Order B'rith Abraham; Alpha Theta Fraternity; Arbiter Ring; Bhay Zion Kadima; Mutual Progressive Association; Bayonne Business Men's Association, Independent Order B'rith Abraham; Ahawas Israel, No. 83, Free Sons of Judah; Bayonne Aid Progressive; Hebrew Benevolent Association; Bayonne Star; Young Men's Hebrew Association; Anshe Zedek Ungarian, Order Sons of Zion; Temple Emanuel; Agudas Achim; Carpenters' Local No. 383, of Bayonne, N. J.; the F. P. A. Hebrew Mute Lodge, No. 200, Independent Order B'rith Sholom, of Perth Amboy, N. J., praying for the abrogation of the Russian treaty; to the Committee on Foreign Affairs.

By Mr. SULZER: Memorials of Chicago Backer Gesangverein, Harlem Maennerchor, Section Gegenstitzer Unterverein, the Liedersapel Vorwaerts, Turnverein Helvetia, all of Chicago, Ill., and the German-American Alliance of the State of Connecticut, approving resolution 166; to the Committee on Immigration and Naturalization.

Also, memorials of Lodge No. 23, Order B'rith Abraham, and Lodges Nos. 34, 78, and 177, Independent Order Free Sons of Judah; to the Committee on Foreign Affairs.

By Mr. TAYLOR of Colorado: Resolutions of Lodges Nos. 113, 140, and 333, Order of B'rith Abraham; Lodges Nos. 155, 254, and 260, Independent Order B'rith Sholom; and of Congregation Zera Abraham and Shcarith Israel, all of Denver, Colo.; and resolution of Lodge No. 455, Order B'rith Abraham, of Pueblo, Colo., urging termination of treaty between United States and Russia because of disregard of passports issued by United States Government to American citizens; to the Committee on Foreign Affairs.

By Mr. TILSON: Memorials of Lodge No. 240, Independent Order B'rith Abraham, and of the Independent Minsker Association, urging abrogation of the treaty with Russia; to the Committee on Foreign Affairs.

By Mr. TUTTLE: Resolutions passed by the citizens of Bayonne, N. J., advising the abrogation of the treaty with Russia; to the Committee on Foreign Affairs.

Also, petition of John F. Reynolds Post, Grand Army of the Republic, of Washington, N. J., favoring the Sulloway bill; to the Committee on Invalid Pensions.

By Mr. NEEDHAM: Petition of numerous citizens of Santa Cruz, Cal., in favor of House bill 5601, relating to the contract prison-labor system; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Assembly of the State of California, favoring the construction of a breakwater in Monterey Bay, Cal., and asking Congress to make an appropriation of $600,000 for said project, in accordance with report of the Chief of Engineers; to the Committee on Appropriations.

Also, resolutions of the Oakland (Cal.) Chamber of Commerce, in favor of a Navy dry dock in San Francisco Bay; to the Committee on Naval Affairs.

Also, resolution of the Oakland (Cal.) Chamber of Commerce, favoring international arbitration; to the Committee on Foreign Affairs.

Also, resolutions of Oakland (Cal.) Chamber of Commerce, urging the internal development of the Territory of Alaska; to the Committee on the Territories.

Also, memorial of San Francisco Section of the Council of Jewish Women, favoring the abrogation of the Russian treaty; to the Committee on Foreign Affairs.

By Mr. UTTER: Papers relating to increase of pensions to Harriet M. Engley, Arthur E. Gilligan, Olive Leach, Samuel W. Norton, and Alfonzo Pulsifer; to the Committee on Invalid Pensions.

Also, petitions of A. L. Kelly, president Mechanical Fabric Co.; George M. Parks, manager Massachusetts Mutual Life Insurance Co.; and the E. L. Spencer Co., favoring the proposed Lincoln memorial road; to the Committee on Appropriations.

Also, memorials of Lodges Nos. 136, Independent Order Ahawas Israel; 177, Order of B'rith Abraham; Lodge No. 64, Independent Order Free Sons of Judah; Joint Section of the Council of Jewish Women; and of the South Providence Business Men's Association, urging abrogation of existing treaty with Russia; to the Committee on Foreign Affairs.

HOUSE OF REPRESENTATIVES.

SATURDAY, *December 9, 1911.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

"Lift up your heads, O ye gates; and be ye lifted, ye everlasting doors; and the King of glory shall come in." Help us to lift up our heads and open the doors of our hearts that the King whose glory shines round about us may come in and dwell with us, that we may render unto Him a faithful service to our fellow men through all that is purest, noblest, and best in us, to the honor and glory of Thy holy name. Amen.

The Journal of the proceedings of yesterday was read and approved.

CHUGACH NATIONAL FOREST, ALASKA (H. REPT. 178, PT. 2).

Mr. BURKE of South Dakota. Mr. Speaker, I desire to ask unanimous consent that the minority members of the Committee on Expenditures in the Interior Department be given five legislative days within which to file their views on the subject of the elimination from the Chugach National Forest of certain land on the shore of Controller Bay, in Alaska.

The SPEAKER. The gentleman from South Dakota [Mr. BURKE] asks unanimous consent that the minority members of the Committee on Expenditures in the Interior Department shall have five days in which to file their views on the matter referred to. Is there objection?

Mr. GRAHAM. Mr. Speaker, the majority members of the committee have no objection to that.

The SPEAKER. The Chair hears no objection, and it is so ordered.

LAKES-TO-THE-GULF DEEP WATERWAY.

Mr. DYER. Mr. Speaker, I ask unanimous consent to extend in the RECORD as part of my remarks the resolutions adopted by the Lakes-to-the-Gulf Deep Waterway Association at its sixth annual convention held at Chicago in October last.

The SPEAKER. The gentleman from Missouri [Mr. DYER] asks unanimous consent to incorporate as part of his remarks in the RECORD the resolutions passed at Chicago recently by the convention of the Lakes-to-the-Gulf Deep Waterway Association. Is there objection?

There was no objection.

Following are the resolutions referred to:

RESOLUTIONS ADOPTED BY THE SIXTH ANNUAL CONVENTION OF THE LAKES-TO-THE-GULF DEEP WATERWAY ASSOCIATION, CHICAGO, OCTOBER 12, 13, 14, 1911.

REPORT OF THE COMMITTEE.

To the President and Delegates:

No committee has ever worked with more harmony, and no committee has come to conclusions in such a manner as has this committee, and now, my friends, since the committee indorses the platform of principles adopted at St. Louis last year, it is due to you that I read that platform first, so that it can not be said that that platform was adopted without knowing what it contained. I ask you, therefore, to have patience with me while I read it:

DECLARATION OF PRINCIPLES AND PURPOSES.

We, the delegates in this Fifth Lakes-to-the-Gulf Deep Waterway Convention, assembled for a serious purpose vital to our prosperity and even to our lives; comprising duly appointed delegates to the number of more than 5,000, representing business organizations and citizens of all the interior States and nearly all the other Commonwealths of the country, including the governors of many States present in person and the written indorsement of those of other States unable to be personally present; representing the commercial and industrial interests of the entire country; having deeply at heart the welfare of the whole Nation, no less than the great part thereof lying within the Mississippi Valley; having clearly in mind the duties and responsibilities of American citizens toward initiating and directing all movements for the public welfare; and realizing that the moral and spiritual character, no less than the material growth of the Nation as a whole, are and must be shaped through the conscience and voice of the people, do hereby solemnly declare:

1. Unqualifiedly accepting the letter and spirit of the Constitution of the United States, we hold that under its provisions ours is a Government of the people, by the people, and for the people, and do declare that special or local interests or platforms or policies in conflict with the inherent rights and sovereign will of the people will not be tolerated.

2. Under the Constitution adopted by the people of the United States, we hold that this is a representative Government, and that in the election of representatives or administrative or other officers, we neither delegate nor divest ourselves of our inherent powers as citizens, but only select agents to carry out our will; and we utterly repudiate and condemn as un-American, undemocratic, unrepublican, unpatriotic, and essentially treasonable the false doctrine that our people are incompetent to govern themselves.

3. Adhering to the principles embodied in our Constitution that it is the duty and within the powers of the Federal Government to promote the "general welfare of the United States," and "to regulate commerce with foreign nations and among the several States," and accepting the unquestioned interpretation of Chief Justice John Marshall that the regulation of commerce involves the development and utilization of our waterways, we hold it not only a right but a sacred duty of the citizens of this country to direct and compel their representatives constituting the Federal Government to act effectively and without needless delay, not merely in the improvement of our rivers but in the actual development of such navigation as the public welfare demands.

4. Firmly convinced that the transportation system of the day is so inadequate as to limit production, impair commerce, increase the cost of living, retard the development of the country, and impose an unjust burden on our people, we hold that transportation is to-day the most important issue before American citizens—an issue rising above sectional sentiment or party or creed, in that life, liberty, and the pursuit of happiness are involved; we pay too dear for transportation, and the producer receives too little while the consumer gives too much for commodities in daily use; in many sections transportation rates absolutely control the production of commodities; transportation is too largely conducted by monopoly and agreements withheld from public knowledge, yet published profits exceed those of the producing industries; the fixing of rates by "what the traffic will bear" is unjust unless justified by public knowledge and consent; the condition has grown from an inequity to be relieved into an iniquity to be rectified; and we declare our fixed and unalterable determination to bring about a proper adjustment between transportation and that production of the necessities of life attending the natural growth and orderly development of our people.

5. We declare our firm conviction and fixed intention that the Federal Government should, and shall without needless delay, adopt a definite policy and enter on a practical plan of developing our waterways, beginning with the improvement of the Mississippi and Illinois Rivers as the main trunk of a great system in such manner as to open effective navigation between the Gulf on the South and the Great Lakes on the North; such main trunk to be developed without disparagement of and in constant relation with the concurrent effective development of the tributaries, the other rivers of the Mississippi Valley and their tributaries required in and for a comprehensive system of inland navigation adapted to our great and rapidly growing commercial needs. We find full warrant for our conviction and intention, first, in the extent of the interior valley drained chiefly by the Mississippi, comprising as it does about half the area—and that by far the most productive portion—of the country, including the whole or parts of 30 great States; second, in the commercial needs of this vast area, which during the last half century have increased more rapidly than those of any equivalent area on the globe in all the world's history; third, in the ample ability of the interior States to meet the necessary cost of any commercial development required by their growing population and industries, and in their hearty willingness to do this, except in so far as they are prevented by those constitutional provisions which impose the duty on the Federal Government; fourth, in the aimless and practically repressive policy hitherto pursued by the Federal Government, under which the navigation necessary to proper industrial and commercial development has been permitted not only to fall behind the growth of the country, but actually to decline and nearly disappear from the finest and grandest natural waterway system in the world; and, fifth, in the vast and vigorous and progressive population of the interior valley, comprising more than half the people of the United States—and we declare that the voice of the sixty-odd million inhabitants of this interior empire must and shall be heard.

6. Impressed by the fact that all our canals as first projected or constructed have been found too small to meet the commercial needs of later generations, we agree that any waterway improvements now undertaken should be planned to meet prospective no less than present requirements; we demand that the plans for a waterway connecting the Great Lakes with the Gulf as the main artery of our navigation system provide for an initial depth of not less than 14 feet, with lock sills and other permanent structures adapted to a depth of not less than 24 feet; and we hold that the advocacy of any less depth by Federal engineers has arisen in a desire to circumvent our efforts and defeat our main purpose of improving transportation by an adequate system of commercial navigation.

7. In demanding the development of navigation on our interior waterways, we declare our right and power as citizens and as chosen representatives of commercial and industrial organizations to form and express final judgment concerning the commercial needs of the interior and the country as a whole, a judgment superior to that of any political party or legislative committee; we voice the will of the whole people

as represented in this assemblage, and refuse longer to abide by dog-in-the-manger policies or accept the rainbows of false promise and evasion by which our people have been put off in the past while commerce was actually disappearing from our rivers; we demand action.

8. Expressing appreciation of the action of the Sixty-first Congress in making a conditional appropriation for the Lakes-to-the-Gulf deep waterway—an appreciation in full measure of the merit of that modest appropriation—we declare our need for more liberal provision for this purpose by Congress.

9. Realizing the futility of the indifferent and repressive methods that have permitted, if indeed they have not caused, the decline of navigation on our rivers, we demand a sound constructive administration of plans and works for waterway development, such as might be secured by extending the scope of the Mississippi River Commission or by creating one or more additional commissions on a similar basis, and we demand a clear separation of the administration of the waterways from the duties properly devolving on the legislative branch of the Government.

10. We deny and condemn the fallacious theory that the need for waterway development can be measured either by the amount or by the absence of water-borne commerce before the channels and terminals are properly developed; we hold on the contrary, in accordance with plain common sense and with experience in all countries, that the judicious development of transportation facilities promotes the volume and diminishes the cost of commerce.

11. Accepting the natural fact that the perpetuity of navigation depends on the maintenance of the sources of navigable waters, we hold that each stream is essentially a unit from its source to its mouth, and that the various uses of the waters are interdependent, and we commend the plans and work of the Mississippi River Commission looking toward the concurrent development of channels and adjacent lands through a system of revetments and levees, and approve the extension of this system to the complete protection of overflow lands, the drainage of swamp lands, the abatement of floods, and the control of the waters in such manner as to insure the highest utility of navigation and all related purposes.

12. Holding that the Mississippi and other waterways should be developed under a comprehensive plan recognizing all uses of the waters or benefits to be derived from their control, we adhere to the principle arising in our Constitution and incorporated in statutes and decisions in several States that the waters belong to the people; we maintain that this right of the people is inherent and indefeasible; and while recognizing the necessity for administering this invaluable possession of the people by State and Federal agencies, each within its appropriate jurisdiction, we deny the right of municipalities or of State or Federal Governments to alienate or convey the waters or their uses by perpetual franchises or without just consideration in the interests of the people; and we urge that questions of divided or doubtful jurisdiction over waters and waterways be solved through practical cooperation or by arbitration in the light of current experience, rather than by recourse to archaic precedents not adapted to modern conditions in this country.

13. We affirm our conviction that it is the duty and is within the constitutional powers of the Federal Government to exercise jurisdiction over terminals and over all connections with other transportation agencies required for the development and maintenance of water transportation; and we hold that the regulation of terminals and transfer facilities is not only essential to but is an integral part of any practical system of commercial navigation.

14. Since the Panama Canal is nearing completion, we demand that the Mississippi Valley be placed on a parity with the seaboard by corresponding development of the Mississippi River and its tributaries as parts of a comprehensive system of commercial navigation.

15. Fully convinced that the development of a comprehensive system of inland navigation having the Lakes-to-the-Gulf waterway as its main artery would greatly increase our production, promote our commerce, augment our industries, and advance our general welfare, we demand the development of our waterways as an investment rather than a succession of piecemeal operations serving only to distract attention from the primary issue of navigation itself; we insist that the development be carried forward in accordance with business principles and in such manner as to protect the people for whom the investment is made; and if the condition of the Federal Treasury requires, we indorse and approve any requisite issue of bonds, such bonds to be of small denominations and bearing low interest to the end that the investment may be made by citizens rather than by any alien or vested interest, and may thereby serve to strengthen the solidarity and stimulate the patriotism of the American people.

16. We extend the right hand of fellowship to all other organizations and assemblages of citizens devoted to the development of our waterways; we commend their zeal and share their enterprise, and declare our intention to cooperate heartily in every movement looking toward the development of our natural waterway system, the finest in any country, and its full utilization for the public welfare.

17. Pursuant to convictions announced at earlier conventions, and under our rights as citizens, we declare our intention of thus continuing the exercise of our constitutional powers and duties until we secure a body of duly constituted representatives and public officers fully alive to their duty toward us and ready to act openly and effectively in carrying out our demands for relief from a disgraceful and intolerable transportation condition due to the repression of navigation.

18. Believing in our hearts that the needs of the country and the fundamental principles of our Government set forth herein involve moral no less than material issues, and agreeing that the time has come for us and the other citizens we represent to exercise our constitutional powers by the means provided in the Constitution of the United States, we, the delegates in this convention assembled, representing more than half the people and three-fourths the productive energy of the United States, do hereby deliberately and firmly and in the full realization of our duties and responsibilities demand and direct that a definite and vigorous policy of waterway improvement be adopted and put into operation by the Federal Government without delay. To the enforcement of this demand we pledge our individual effort and united support; and we hereby publicly pledge our personal honor, each for himself and to each other, to support no candidate for Congress or for any public office who will not unqualifiedly indorse and maintain that policy.

NEW PART OF 1911 RESOLUTIONS.

My friends, I will now read the resolutions of the committee of 1911, which you will properly understand after the reading of the platform which was adopted last year:

"We, the delegates in this Sixth Lakes-to-the-Gulf Deep Waterway Convention, duly assembled, accept and unqualifiedly reaffirm the declaration of principles and purposes adopted by this asociation at its fifth convention in the city of St. Louis on the 26th day of November, 1910. We reiterate our demand on the legislative and executive branches of the Federal Government for the speedy completion of the deep waterway connecting the Great Lakes with the Gulf of Mexico as the main commercial artery of the country, and we declare our fixed determination to secure this inestimable source of national prosperity, regardless of all opposition and despite the antagonism based on obsolete and ancient standards and ideals.

"1. Your committee calls special attention to the important results already accomplished by this association. The Federal Congress has responded to our efforts by committing the Government definitely to a policy of improving the Mississippi River between Cairo and the Gulf of Mexico for the double purpose of producing a deep waterway and permanently reclaiming the overflow land adjoining. Two appropriations, amounting together to $7,000,000, have already been made for that purpose.

"Your association has asked for the reconsideration of the project for the improvement of the Mississippi River between the mouths of the Illinois and Ohio Rivers, with a view to the construction of two dams and the developing of the water power incident thereto, and a special board has been created which has been instructed to report upon the subject-matter at the forthcoming session of Congress.

"A provisional appropriation of $1,000,000 has been made for the development of the waterway in the Illinois Valley. Your association now awaits the report of that board and action by the State of Illinois.

"It is a pleasure to say that the legislative bodies of the several States along the deep waterway and the Federal Congress have uniformly responded to every demand made of them by this association.

"2. This association heartily indorses the proposed Erie-Michigan waterway, connecting directly Lakes Michigan and Erie, and commands to the proper authorities the making of an actual survey to determine its proper location and cost. It also recommends the indorsement of the movement in Minnesota looking toward the development of internal waterway transportation within that State, and especially deep waterway connection between Lake Superior and the Mississippi River, and recommends to the legislature of that State further favorable consideration thereof.

"3 Your association realizes the necessity, in conjunction with river improvement, for the rehabilitation of the American flag on the high seas. It further realizes that so far as American-owned facilities of transportation are concerned the ocean is equally deserted with the rivers, and the nationality of the haul should be retained from the points of origination to the points of delivery of freight.

"This association therefore heartily indorses the special amendment to the constitution of the State of Louisiana, voted for by its people in November last, exempting American flag steamship lines, under certain conditions, trading to and from any of the ports of Louisiana from taxation for a period of 15 years, and commends similar action by other States.

"The policy of free waterways is fundamental with the American people, and hence this association declares that this principle should be extended to our coastwise trade through the Panama Canal.

"We further heartily indorse the efforts of the New Orleans exchanges, in conjunction and cooperation with the exchanges of the Mississippi Valley, in their efforts to provide a suitable American flag steamship to be the first merchantman through the Panama Canal when finished.

"4. Realizing that the strength and permanent prosperity of this Nation depend upon production of the necessaries of life from the soil, and convinced that the cost of transportation of the products of the field and range in many parts of the interior has become so great as to limit production, overburden and dishearten farmers, raise the expense of living above that of every other age and country, we demand relief from this unbearable burden on farms and farmers by such reduction of the transportation tax as will follow development and use of our navigable waterways, and invoke the cooperation of all farmers and agricultural organizations in our efforts to promote the general welfare by lightening the transportation burden.

"5. This association resolves that its president be directed to appoint a committee of 100 to proceed to Washington during December next and submit copies of the above declaration of principles and purposes, including that adopted at St. Louis in 1910, to the President, the Vice President, and the Speaker of the House of Representatives.

"That he also appoint a committee of 10 in each State to submit the declaration to each Senator and candidate for Senatorship and invite his indorsement thereof.

"That he further appoint a committee of 3 in each congressional district throughout each of the States to submit the declaration to each candidate for Representative and invite his indorsement thereof.

"That he still further appoint special committees at large to place themselves in communication with the committees of the national political parties and secure the insertion in the party platform of planks favorable to the development of navigation on a comprehensive plan recognizing the Lakes-to-the-Gulf deep waterway as the main commercial artery. And it shall be the duty of each member of these committees to oppose, and to call on every delegate to this convention and every organization here represented by delegates to oppose, publicly and by all proper means the nomination and election of Senators, Federal Representatives, and all public officers who neglect or refuse to indorse the declaration.

"6. In conclusion, the committee recommends that the association extend its hearty thanks to his honor the mayor of Chicago, Carter H. Harrison, and to the governor of the State of Illinois, Hon. Charles S. Deneen, who on account of an accident was detained from the city, but who was ably represented at the convention by Robert R. McCormick, Esq., to the Chicago Association of Commerce, and the Illinois Manufacturers' Association, together with other organizations and business interests, for the material assistance rendered and the numerous courtesies extended to the delegates in attendance at this convention. The members of the association have been royally treated, and will return to their respective homes with pleasant memories of their sojourn in the Queen City on the Lakes. The association's thanks are also accorded to the press of Chicago for the generous publicity given to their deliberations.

"7. Finally, this association resolves that special thanks be accorded to Mr. William K. Kavanaugh, president of the association, and Mr. Thomas H. Lovelace, secretary thereof, for the magnificent services by them rendered during the past year, and that thanks be tendered to the other officers, including the vice presidents and board of governors, for the loyal support given to the president and secretary. The association wishes to especially thank Col. John I. Martin, for his most efficient services as a painstaking and impartial sergeant at arms, and it is hoped that the association may be able to secure his valuable services for many succeeding conventions."

Chairman BASSETT. This report is respectfully submitted by a unanimous committee on resolutions. Mr. President, it gives me pleasure now to move the adoption of this report. (The motion received many seconds and was passed without a dissenting vote.)

SPECIAL ORDER.

The SPEAKER. The Clerk will report the special order for the day.

The Clerk read as follows:

On motion of Mr. HENRY of Texas, by unanimous consent, it was *Ordered*, That on Saturday, December 9, 1911, immediately after the reading of the Journal, Mr. BURGESS may address the House for one hour upon the subject of the tariff. (Agreed to Dec. 7, 1911.)

The SPEAKER. The gentleman from Texas [Mr. BURGESS] is recognized for one hour. [Applause.]

Mr. MANN. Mr. Speaker, I make the point of order that there is not a quorum present.

The SPEAKER. The Chair will count.

Mr. MANN. It will take quite a little time to count.

Mr. HENRY of Texas. Will not the gentleman withhold his point?

Mr. MANN. Well, Mr. Speaker, I will withdraw the point of order.

The SPEAKER. The gentleman from Illinois withdraws the point of order, and the gentleman from Texas is recognized for one hour to discuss the tariff.

Mr. BURGESS. Mr. Speaker, I desire to thank the House for its uniform courtesy to me. The friendships that have been formed during the decade that I have had the honor of being a Member on this floor are very dear to me. They will endure with me through life and across the dark river, to form part of that inheritance, whatever it may be, that awaits me in the great beyond.

I welcome the controversy which has arisen in the Democratic Party with respect to "free raw material," because I am thoroughly convinced that my view is the right one, and, as the German poet Heine says, "We do not possess our ideas, but are possessed by them, and they force us out in the arena to fight for them." Again, because the fact that this controversy among Democrats will make Democrats more intelligent, because we are united on the basic proposition of opposition to protectionism and only divided upon the question of whether or not there shall be any rate of taxation on raw materials.

Whatever a man may think of Alexander Hamilton's theories of government, if candid and impartial he must concede him a place among the first minds of this Republic.

In 1791 he wrote a report to Congress on manufactures in which he discussed the tariff question from the standpoint of protection, and arranged his argument under subheads, and they were thus stated:

1. Protecting duties, or duties on those foreign articles which are rivals of domestic ones intended to be included.
2. Prohibition of rival articles, or duties equivalent to prohibition.
3. Prohibition of the exportation of the raw materials of manufacturers.
4. Pecuniary bounties.
5. Premiums.
6. The exemptions of materials for manufacturers from duty.
7. Drawbacks of the duties which are imposed on the materials of manufacturers.

It will be, of course, observed that under subhead 6 he puts emphatically the proposition to make materials of manufacturers free from duty, would be to protect to that extent the manufacturers, and hence is straight-out protectionism.

President Jackson in his first inaugural address, March 4, 1829, puts the question in these words:

With regard to a proper selection of the subjects of impost with a view to revenue, it would seem to me that the spirit of equity, caution, and compromise in which the Constitution was formed requires that the great interests of agriculture and manufactures should be equally favored. (Messages and Papers of the Presidents, vol. 11, p. 437.)

The first distinct effort to adopt the doctrine of raw materials of manufacturers was made in the Whig act of 1842, which act was condemned by leading Democrats at the time it was passed and resulted in the overthrow of the Whig Party and the passage of the act of 1846, variously called the Polk tariff and the Walker Act.

In speaking of the act of 1842, Mr. Calhoun said:

An examination of this bill will show that there is not an article manufactured in the country, nor one which might come into competition with one that is, which is not subject to high protective duties.

* * * * * * *

To this may be added that there is not a raw material scarcely on which manufacturers operate or any material which is necessary to the process of manufacturing which is not admitted free or subject to a very light one.

* * * * * * *

The bill, in short, is framed throughout with the greatest art and skill to exempt as far as possible one branch of industry from all burdens and shackles and to subject the other exclusively to them; and well may our political opponents raise their heads amidst their many defeats and exult at beholding a favorite measure—one, above all others, indispensable to their entire system of policy—about to be consummated.

*

And I think he justly voiced the Democratic opposition to the bill, as an inspection of the history of the time will show.

It is said in certain quarters that Jackson and Calhoun and Benton and others were tainted with protectionism, and that is said by some Democrats. God forbid! It seems that men know little of the history of their country who would charge either of these men, and especially Calhoun, with being a protectionist. The simple history of nullification ought to forever settle that controversy.

Mr. Calhoun was undoubtedly a great mind. In my judgment, if not the first, at least the second master mind of this Republic, Jefferson being the first.

The first Democratic national platform that was adopted by the national convention was in 1840, at Baltimore, Md., on May 5, and I quote verbatim from the platform:

4. *Resolved*, That justice and sound policy forbid the Federal Government to foster one branch of industry to the detriment of another, or to cherish the interests of one portion to the injury of another portion of our common country; that every citizen and every section of the country has a right to demand and insist upon an equality of rights and privileges. * * *

5. *Resolved*, That it is the duty of every branch of the Government to enforce and practice the most rigid economy in conducting our public affairs, and that no more revenue ought to be raised than is required to defray the necessary expenses of the Government.

And I emphasize the fact, that the identical language verbatim et literatim was repeated in the Democratic platforms of 1844, 1848, 1852, and 1856.

The Whig platform adopted in Baltimore in May, 1844, favored "A tariff for revenue to defray the necessary expenses of the Government, and *discriminating* with special reference to the protection of the domestic labor of the country."

Upon this issue the Democrats elected James K. Polk as President in 1844. The first President elected after the first Democratic platform ever was made. Polk brought to the Presidency the widest experience on the tariff that any Democratic President has had before or since the war. He was 14 years a Member of this House, was 4 years Speaker of this House, was on the Ways and Means Committee, and he wrote more as President on the tariff than any other President has written, and I shall quote from his messages at considerable length for these reasons and the additional reason that he construed the first Democratic national platform that ever was made.

In his inaugural address March 4, 1845, he said:

In the general proposition that no more money shall be collected than the necessities of an economical administration shall require, all parties seem to acquiesce. Nor does there seem to be any material difference of opinion as to the absence of right in the Government to tax one section of country or one class of citizens or one occupation for the mere profit of another. "Justice and sound policy forbid the Federal Government to foster one branch of industry to the detriment of another, or to cherish the interests of one portion to the injury of another portion of our common country." I have heretofore declared to my fellow citizens that "in my judgment it is the duty of the Government to extend, as far as it may be practicable to do so, by its revenue laws and all other means within its power, fair and just protection to all the great interests of the whole Union, embracing agriculture, manufactures, the mechanic arts, commerce, and navigation." I have also declared my opinion to be "in favor of a tariff for revenue," and that "in adjusting the details of such a tariff I have sanctioned such moderate discriminating as would produce the amount of revenue needed and at the same time afford reasonable incidental protection to our home industry," and that I was "opposed to a tariff for protection merely and not for revenue."

The power "to lay and collect taxes, duties, imposts, and excises" was an indispensable one to be conferred on the Federal Government, which without it would possess no means of providing for its own support. In executing this power by levying a tariff of duties for the support of the Government, the raising of revenue should be the object and protection the incident. To reverse this principle and make protection the object and revenue the incident would be to inflict manifest injustice upon all other than the protected interests. In levying duties for revenue it is doubtless proper to make such discriminations with the revenue principles as will afford incidental protection to our home interests. Within the revenue limit there is a discretion to discriminate; beyond that limit the rightful exercise of the power is not conceded.

The incidental protection afforded to our home interests by discriminations within the revenue range, it is believed, will be ample. In making discriminations all our home interests should as far as practicable be equally protected. *The largest portion of our people are agriculturists. Others are employed in manufactures, commerce, navigation, and the mechanic arts. They are all engaged in their respective pursuits, and their joint labors constitute the national or home industry. To tax one branch of this home industry for the benefit of another would be unjust. No one of these interests can rightfully claim an advantage over the others or to be enriched by impoverishing the others. All are equally entitled to the fostering care and protection of the Government.* In exercising a sound discretion in levying discriminating duties within the limit prescribed care should be taken that it be done in a manner not to benefit the wealthy few at the expense of the toiling millions by taxing lowest the luxuries of life or articles of superior quality and high price, which can only be consumed by the wealthy, and highest the necessaries of life or articles of coarse quality and low price, which the poor and great mass of our people must consume. The burdens of government should as far

as practicable be distributed justly and equally among all classes of our population. (Messages and Papers of the Presidents, Vol. IV, pp. 378 and 379.)

You will note that he quotes bodily from resolution 4 of the platforms of 1840 and 1844 the words "Justice and sound policy forbid, etc."

This fixes clearly that this was a strike at the "discriminating" policy of the Whig Party, as voiced in the act of 1842, with respect to raw materials.

Doubtless some two by four will say Polk was a protectionist. If so, the Democratic Party and the Democratic platform was protectionist.

I specially call attention to these words quoted above:

The largest portion of our people are agriculturists. Others are employed in manufactures, commerce, navigation, and the mechanic arts. They are all engaged in their respective pursuits, and their joint labors constitute the national or home industry. To tax one branch of this home industry for the benefit of another would be unjust. No one of these interests can rightfully claim an advantage over the others or to be enriched by impoverishing the others. All are equally entitled to the fostering care and protection of the Government.

In his first annual message to Congress of date December 2, 1845, President Polk says:

The object of imposing duties on imports should be to raise revenue to pay the necessary expenses of the Government. Congress may undoubtedly, in the exercise of a sound discretion, discriminate in arranging the rates of duty on different articles, but the discriminations should be within the revenue standard and be made with the view to raise money for the support of the Government.

It becomes important to understand distinctly what is meant by a revenue standard the maximum of which should not be exceeded in the rates of duty imposed. It is conceded, and experience proves, that duties may be laid so high as to diminish or prohibit altogether the importation of any given article and thereby lessen or destroy the revenue which at lower rates would be derived from its importation. Such duties exceed the revenue rates and are not imposed to raise money for the support of Government. If Congress levy a duty for revenue of 1 per cent on a given article it will produce a given amount of money to the Treasury, and will incidentally and necessarily afford protection or advantage to the amount of 1 per cent to the home manufacturer of a similar or like article over the importer. If the duty be raised to 10 per cent, it will produce a greater amount of money and afford greater protection. If it be still raised to 20, 25, or 30 per cent, and if as it is raised the revenue derived from it is found to be increased, the protection or advantage will also be increased; but if it is raised to 31 per cent, and it is found that the revenue produced at that rate is less than at 30 per cent, it ceases to be a revenue duty.

The precise point in the ascending scale of duties at which it is ascertained from experience that the revenue is greatest is the maximum rate of duty which can be laid for the bona fide purpose of collecting money for the support of Government. To raise the duties higher than that point, and thereby diminish the amount collected, is to levy them for protection merely and not for revenue.

As long, then, as Congress may gradually increase the rate of duty on a given article, and the revenue is increased by increase of such duty, they are within the revenue standard. When they go beyond that point, and as they increase the duties, the revenue is diminished or destroyed; the act ceases to have for its object the raising of money to support Government, but is for protection merely. It does not follow that Congress should levy the highest duty on all articles of import which they will bear within the revenue standard, for such rates would probably produce a much larger amount than the economical administration of the Government would require. Nor does it follow that the duties on all articles should be at the same horizontal rate. Some articles will bear a much higher revenue duty than others. Below the maximum of the revenue standard Congress may and ought to discriminate in the rates imposed, taking care so as to adjust them on different articles as to produce in the aggregate the amount which, when added to the proceeds of the sales of public lands, may be needed to pay the economical expenses of the Government.

In levying a tariff of duties Congress exercises the taxing power, and for purposes of revenue may select the objects of taxation. They may exempt certain articles altogether and permit their importation free of duty. On others they may impose low duties.

In these classes should be embraced such articles of necessity as are in general use, and especially such as are consumed by the laborer and poor as well as by the wealthy citizen. *Care should be taken that all the great interests of the country, including manufactures, agriculture, commerce, navigation, and the mechanic arts should, as far as may be practicable, derive equal advantage from the incidental protection which a just system of revenue duties may afford. Taxation, direct or indirect, is a burden, and it should be so imposed as to operate as equally as may be on all classes in the proportion of their ability to bear it.* To make the taxing power an actual benefit to one class necessarily increases the burden of the others beyond their proportion, and would be manifestly unjust. *The terms "protection to domestic industry" are of popular import, but they should apply under a just system to all the various branches of industry in our country. The farmer or planter who tills yearly in his fields is engaged in "domestic industry" and is as much entitled to have his labor "protected" as the manufacturer, the man of commerce, the navigator, or the mechanic who are engaged also in "domestic industry" in their different pursuits.* The joint labors of all these classes constitute the aggregate of the "domestic industry" of the Nation, and they are equally entitled to the Nation's "protection." No one of them can justly claim to be the exclusive recipient of "protection," which can only be afforded by increasing the burdens on the "domestic industry" of the others. (Messages and Papers of the Presidents, Vol. IV, pp. 403 and 404.)

In the same message and on the same date he uses the following clear and explicit language:

I recommend to Congress the abolition of the minimum principle, or assumed, arbitrary, and false values, and of specific duties, and the substitution in their place of an ad valorem duty as the fairest and most equitable indirect tax which can be imposed.

By the ad valorem principle all articles are taxed according to their cost or value, and those which are of inferior quality or small of cost bear only the just proportion of the tax with those which are of superior quality or greater cost. The articles consumed by all are taxed at the same rate. A system of ad valorem revenue duties, with proper discriminations and proper guards against frauds in collecting them, it is not doubted will afford ample incidental advantage to the manufacturers and enable them to derive as great profits as can be derived from any other regular business. *It is believed that such a system strictly within the revenue standard will place the manufacturing interests on a stable footing and insure to their permanent advantage, while it will as nearly as may be practicable extend to all the great interests of the country the incidental protection which can be afforded by our revenue laws.* Such a system, when once firmly established, would be permanent, and not be subjected to the constant complaints, agitations, and changes which must ever occur when duties are not laid for revenue, but for the "protection merely" of a favored interest. (Messages and Papers of the Presidents, Vol. IV, p. 406.)

President Polk's Secretary of the Treasury was Robert J. Walker, a Mississippian, an exceedingly able man, who wrote what is known as the "Walker report," in which he lays down the following rules for the levying of what I shall call the "Polk tariff." They were as follows:

In suggesting improvements in the revenue laws the following principles have been adopted:

First. That no more money should be collected than is necessary for the wants of the Government, economically administered.

Second. That no duty be imposed on any article above the lowest rate which will yield the largest amount of revenue.

Third. That below such a discrimination may be made, descending in the scale of duties, or, for imperative reasons, the article may be placed in the list of those free from all duty.

Fourth. That the maximum revenue duty should be imposed on luxuries.

Fifth. That all minimums and all specific duties should be abolished and ad valorem duties substituted in their place, care being taken to guard against fraudulent invoices and undervaluation, and to assess the duty upon the actual market value.

Sixth. That the duty should be so imposed as to operate as equally as possible throughout the Union, discriminating neither for nor against any class or section.

This was of date December 3, 1845, page 4, and on page 8 of the same report he says:

The present tariff is unjust and unequal, as well in its details as in the principles upon which it is founded. On some articles the duties are entirely prohibitory and on others there is a partial prohibition.

It discriminates in favor of manufactures and against agriculture by imposing many higher duties upon the manufactured fabric than upon the agricultural product out of which it is made. It discriminates in favor of the manufacturer and against the mechanic by many higher duties upon the manufacture than upon the article made out of it by the mechanic. It *discriminates* in favor of the manufacturer and against the merchant by injurious restrictions upon trade and commerce and against the shipbuilding and navigating interest by heavy duties on almost every article used in building or navigating vessels. It *discriminates* in favor of manufactures and against exports which are as truly the product of American industry as manufactures. It *discriminates* in favor of the rich and against the poor by high duties upon nearly all the necessaries of life, and by minimums and specific duties, rendering the tax upon real value much higher on the cheaper than upon the finer article.

I am aware of the fact that many years after this, in his old age, he advocated free raw materials. He had then abandoned the South, had supported the Union forces, and had gotten into the clutches of the manufacturers, and had slandered the President of the Confederacy. I would forget this if I could and remember him for his exceedingly able discussion of this question as Secretary of the Treasury of Polk's administration in 1845, but the facts speak for themselves. The wording of his report is so clear as that no free-raw-material advocate can claim in the open, or has claimed, that there is anything in Walker's report which supports his Whig doctrine. It is true, under the third subhead, he does say that for "imperative reasons—mark the word "*imperative*"—

the article may be placed in the list of those free from duty—

but instead of supporting the doctrine of free raw materials, this is against it, for such a declaration would not have been made if free raw materials had been the accepted doctrine, and it will not do to say that "imperative reasons" now prompts the free-raw-material advocate and brings him within the scope of the Walker report; for in the sixth subhead of Walker's report he says that the duties should be so imposed—

as to operate as equally as possible throughout the Union, and *discriminating* neither for nor against any class or section.

This word "discriminating" was the word then, as now, of popular import. It was part of the Whig platform, and was exactly what the Whigs proposed should be done, and Walker thus counters on it.

Besides, a fair reading of the report makes it absolutely clear and beyond cavil that the "imperative reason" now urged for "free raw materials" was not in Walker's mind when he wrote his report.

You will note that when Walker comments on the Whig act of 1842, he says that—

It *discriminates* in favor of manufactures and against agriculture by imposing many higher duties upon the manufactured fabric than upon the agricultural product out of which it is made. It *discriminates* in favor of the manufacturer and against the mechanic by many higher duties upon the manufacturer than upon the article made out of it by the mechanic.

Now, under all these circumstances the act of 1846 was passed. I wish I could include that act here, but it would consume too much space, and I will give a brief analysis of the bill: The bill had nine schedules, running from "A" to "I." Schedule I, which was last, was the free list. So that really there were eight schedules.

On those, duties were levied of 100, 40, 30, 25, 20, 15, 10, and 5 per cent ad valorem. There was practically nothing included in the first schedule which bore 100 per cent duty, except brandy and the like, and 40 per cent was, therefore, the highest duty carried by the bill. It made no distinction between articles produced by manufacturers and articles raised by farmers, and so forth. In other words, it utterly and expressly repudiated the doctrine of free raw material, so called, and levied a rate of tax on all *articles in proportion to value and the wideness of their use.*

When the bill got to the Senate an interesting thing occurred. Hon. John N. Clayton, a Senator from Delaware and a Whig, offered this resolution:

That the bill be committed to the Committee on Finance with instructions to remove the new duties imposed by said bill in all cases where any foreign raw material is taxed to the prejudice of any mechanic or manufacturer, so that no other or higher duty shall be collected on any such raw material than is provided by the act of 30th of August, 1842; and further so to regulate all the duties imposed by this bill as to raise a revenue sufficient for the exigencies of the country.

Senator Johnson demanded a division of the question, and accordingly a separate vote was taken on that part of the resolution which related to raw material. Here the issue was squarely joined between raw material on one side and ad valorem revenue duty on the other side. The Whig Party lined up with its side according to its platform and the Democratic Senators lined up on their side according to their platform and principles, with the exception of those Senators who voted against the bill on final passage. As there were only two of them, that was immaterial. Among those who voted against this motion to recommit are included some of the brightest Democratic minds of this Republic. I find John C. Calhoun, of South Carolina; Thomas H. Benton, of Missouri; Lewis Cass, of Michigan; George McDuffie, of South Carolina; and Sam Houston and Thomas J. Rusk, of Texas, among those who voted against this motion. [Applause.]

I am aware also of the effort in certain quarters to belittle this resolution vote as an argument against free raw materials, and it is said the "session is soon going to adjourn" and that "it did not amount to anything anyway," and various excuses are given, seeking to evade the force of this vote. But, unfortunately, an inspection of the debate contained in the Congressional Globe, as it was then called (and the debates were not reported verbatim stenographically then as now), discloses it to be emphatically a meeting of the minds of the party Whigs and Democrats upon the only particular thing that then divided the two parties. The Whigs favored a revenue tariff to meet the needs of an honest Government, so did the Democrats; and the difference between them was the Whigs wanted to "discriminate" with reference to free raw materials and the Democrats then, as now, were opposed to "discrimination" in taxation.

Senator Calhoun said:

He was glad the Senator from Delaware had made this motion. It was a perfectly fair one and it brought up the question whether the tariff of 1842 should or should not stand.

Senator Lewis, chairman of the Finance Committee and a Democrat, said the object of the resolution, if he comprehended it, was to take the duty imposed by the bill off of all articles of raw material. And he made some inquiries as to what was raw material. Was wool? and so on. To which Mr. Clayton, of Delaware, replied that—

There would be no difficulty in understanding what the resolution meant. The law of 1842 imposed specific duties on those imported articles which constituted the raw materials of American manufacturers. The chairman of the committee would have nothing to do but to consult the act of 1842 and see what those articles were. If he found any of them at present free of duty, the resolution required him to leave them free of duty; if he found any of them under a moderate duty, then the resolution required him to report the same duty in the present bill.

Senator Webster said:

What is the difficulty of ascertaining the amount of duty on the general list of raw materials and reducing the rates of this bill to those of the act of 1842. There is not a gentleman who could not do it in two hours.

Senator Crittenden, a Whig Senator, said:

Gentlemen here were working most diligently to fulfill the decree of the Baltimore convention.

This was evidently a reference to the Democratic national platform adopted at Baltimore and quoted by Polk.

He further said that "he preferred that the friends and opponents of the bill should now at once come up face to face and front to front." [Strong expressions of approbation on the Democratic side of the Chamber.] "He had always thought the true battle of the friends of the present law was to meet their adversaries boldly front to front." [Acclamations on the opposite side, "That's the course"; "Come on; let us get the vote."]

President Polk, in his second annual message to Congress, December 4, 1846, said:

The act passed at your last session "reducing the duties on imports" not having gone into operation until the 1st of the present month, there has not been time for its practical effect upon the revenue and business of the country to be developed. It is not doubted, however, that the just policy which it adopts will add largely to our foreign trade and promote the general prosperity. Although it can not be certainly foreseen what amount of revenue it will yield, it is estimated that it will exceed that produced by the act of 1842, which it superseded. *The leading principles established by it are to levy the taxes with a view to raise revenue, and to impose them upon the articles imported according to their actual value.* (Messages and Papers of the Presidents, Vol. IV, pp. 498 and 499.)

Again, in his third annual message to Congress, among other things he said:

The act of the 30th of July, 1846, "reducing the duties on imports," has been in force since the 1st of December last, and I am gratified to state that all the beneficial effects which were anticipated from its operation have been fully realized. The public revenue derived from customs during the year ending on the 1st of December, 1847, exceeds by more than $8,000,000 the amount received in the preceding year under the operation of the act of 1842, which was superseded and repealed by it.

Its effects are visible in the great and almost unexampled prosperity which prevails in every branch of business.

While the repeal of the prohibitory and restrictive duties of the act of 1842 and the substitution in their place of reasonable revenue rates levied on articles imported according to their actual value has increased the revenue and augmented our foreign trade, all the great interests of the country have been advanced and promoted.

The great and important interests of agriculture, which had been not only too much neglected, but actually taxed under the protective policy for the benefit of other interests, have been relieved of the burdens which that policy imposed on them; and our farmers and planters, under a more just and liberal commercial policy, are finding new and profitable markets abroad for their augmented products. Our commerce is rapidly increasing and is extending more widely the circle of international exchanges. Great has been the increase of our imports during the past year; our exports of domestic products sold in foreign markets have been still greater.

Our navigating interest is eminently prosperous. The number of vessels built in the United States has been greater than during any preceding period of equal length. Large profits have been derived by those who have constructed as well as by those who have navigated them. Should the ratio of increase in the number of our merchant vessels be progressive and be as great for the future as during the past year, the time is not distant when our tonnage and commercial marine will be larger than any other nation in the world.

Whilst the interests of agriculture, of commerce, and of navigation have been enlarged and invigorated, it is highly gratifying to observe that our manufactures are also in a prosperous condition.

None of the ruinous effects upon this interest which were apprehended by some as the result of the operation of the revenue system established by the act of 1846 have been experienced. On the contrary, the number of manufactories and the amount of capital invested in them is steadily and rapidly increasing, affording gratifying proofs that American enterprise and skill employed in this branch of domestic industry, with no other advantages than those fairly and incidentally accruing from a just system of revenue duties, are abundantly able to meet successfully all competition from abroad and still derive fair and remunerating profits.

While capital invested in manufactures is yielding adequate and fair profits under the new system, the wages of labor, whether employed in manufacturing, agriculture, commerce, or navigation, have been augmented. The toiling millions whose daily labor furnishes the supply of food and raiment and all the necessaries and comforts of life are receiving higher wages and more steady and permanent employment than in any other country or at any previous period of our own history.

So successful have been all branches of our industry that a foreign war, which materially diminishes the resources of a nation, has in no essential degree retarded our onward progress or checked our general prosperity.

With such gratifying evidences of prosperity and of the successful operation of the revenue act of 1846, every consideration of public policy recommends that it shall remain unchanged. It is hoped that the system of impost duties which it established may be regarded as the permanent policy of the country and that the great interests affected by it may not again be subject to be injuriously disturbed, as they have heretofore been, by frequent and sometimes sudden changes. (Messages and Papers of the Presidents, Vol. IV, pp. 553–554.)

In his fourth annual message to Congress, among other things President Polk said:

The predictions which were made that the tariff act of 1846 would reduce the amount of revenue below that collected under the act of 1842 and would prostrate the business and destroy the prosperity of the country have not been verified. With an increased and increasing revenue, the finances are in a highly flourishing condition. (Messages and Papers of the Presidents, Vol. IV, p. 647.)

President Pierce, in his third annual message to Congress, December 31, 1855, said:

Derived, as our public revenue is, in chief part from duties on imports, its magnitude affords gratifying evidence of the prosperity not only of our commerce but of the other great interests upon which that depends.

The principle that all moneys not required for the current expenses of the Government should remain for active employment in the hands of the people, and the conspicuous fact that the annual revenue from all sources exceeds by many millions of dollars the amount needed for a prudent and economical administration of public affairs can not fail

to suggest the propriety of an early revision and reduction of the tariff of duties on imports.

It is now so generally conceded that the purpose of revenue alone can justify the imposition of duties on imports that in readjusting the impost tables and schedules, which unquestionably require essential modification, *a departure from the principles of the present tariff is not anticipated.* (Messages and Papers of the Presidents, Vol. V, p. 338.)

And particular attention is called to the last sentence that I have quoted, which gives emphatic indorsement to the act of 1846, *and more*, that there should be "*no departure from the principles*" of that bill. In other words, that the tariff should be treated as an ad valorem taxation measure.

In his fourth annual message to Congress President Pierce said (of date December 2, 1856):

The amount of reduction, as well as the manner of effecting it, are questions of great and general interest, it being essential to industrial enterprise and the public prosperity, as well as the dictates of obvious justice, that the burden of taxation be made to rest as *equally as possible upon all classes and all sections and interests of the country.* (Messages and Papers of the Presidents, Vol. V, p. 408.)

And particular attention is called to this language, because it will be found that it is the language, substantially, of the national platforms of the Democratic Party of 1896 and 1904. But I must not forget that, shorn of every other argument, the advocates of free raw materials claim that the act of 1846 was superseded and done away with by the free raw-material act of 1857. What folly! What misstatement! The same Democratic platform identically that was made in 1840 and 1844 was in existence in 1852, and the Democratic administration was in power, and there is nothing in the act of 1857 or in the expressions of the President to show that there was any purpose to abandon the settled doctrine.

Pierce was then President, elected on the platform of 1852, which was the same in words as that of 1840 and 1844, for the act of 1857 was signed March 3, 1857. He favored a reduction of the tariff. That was true, and the act itself discloses such a revision and reduction. Upon articles mentioned in Schedules A and B, in the act of 1846, it lowered the tariff to 30 per cent, and those mentioned in Schedules C, D, E, F, G, and H of duties of 24 per cent, 19 per cent, 15 per cent, 12 per cent, 8 per cent, and 4 per cent, respectively, with such exceptions as thereafter made. Hides and skins were taxed in both the act of 1846 and the act of 1857, and the act of 1857 only reduced the tax 1 per cent. Now, any man knows that if anything is "raw material" hides and skins are, and this should settle the question of the act of 1857 being a free raw-material act. So that it is practically clear from the act itself and the debates that this question of raw material was considered settled and fixed, and the Whig Party practically dead.

Such, in brief, is the history taken from the high sources of the Democratic Party and its platforms with respect to raw material prior to the Civil War, a history that throws more glory about the Democratic Party than any other period of its existence. [Applause.]

Then the war came on, and the Democratic Party was shattered, and a new party arose advocating a new doctrine—the doctrine of "protection" for protection's sake. They were wiser than the Whigs were on this question and they did not advocate free raw material, but they advocated protection for everything, and the Democratic Party, whose principles had not changed, and I trust will not, struggled to oppose this new party, made successful by war and other things, the best it could. With many of the brightest leaders of the party killed by the war, with commerce paralyzed, and facing starvation, especially in the South, it was a wonderful thing that the party lived at all. We began gathering together the remnants of the party left by the war and declared anew our principles. [Applause.]

The public indebtedness by reason of the war had been largely increased, and hence the necessity for greater revenues. But the Democratic Party, without taking the time to quote all the platforms, continually declared for a "tariff for revenue only." The Democratic national platform of 1892 said:

We denounce Republican protection as a fraud—a robbery of the great majority of the American people for the benefit of the few. We declare it to be a fundamental principle of the Democratic Party that the Federal Government has no constitutional power to impose and collect tariff duties except for the purposes of revenue only, and we demand that the collection of such taxes shall be limited to the necessities of the Government when honestly and economically administered.

It is true that later on in the same platform there was mention made that the Democracy favored the action of the Democrats in Congress to modify the McKinley bill—

in the direction of free raw materials and cheaper manufactured goods that enter into general consumption.

And this is the nearest expression on the subject of free raw materials found in any Democratic national platform. It is true that in Congress there were many Democrats; some prompted by the anxiety to win, some by the interests of their districts, and some ignorantly and in spite of the party's history who advocated "free raw materials."

But no Democratic platform has ever been written that favors this doctrine, and such expressions as "compensatory duties," "handicapping manufactures," and similar expressions are *foreign to the Democratic dictionary.* They grew out of a cross between the ultrafree trader and the old-time Whig.

It is true that Grover Cleveland finally came out for free raw material in his message to Congress. I yield to no man in devotion to the memeory of Cleveland. I stood by him on the money question from 1892 on to the end of his administration, when he was denounced by those Democrats in Texas and elsewhere in the bitterest terms, who now cite him lovingly on "free raw material." He was a great man, but without any experience on the tariff, and he, living in the East and under Whig influences, erred in this matter.

Many Democrats of this day and time, some of whom live in Texas, make a singular argument for free raw material:

If we levy a tariff upon raw material, we would, to the extent of the tariff, increase the cost of the manufacturers' products into which such raw material is made, and we would thereby handicap the home manufacturer in his contest with the foreign manufacturer in foreign markets. Indeed, the tendency and effect of a tax upon raw material would be to greatly impair and in a great measure destroy the export trade of our home manufacturers.

Let us examine this a minute. It is a new doctrine, invoked by the growth of manufacture in the country, and they are reaching out for foreign trade, which they did not do before the war.

The Republican platform of 1908 declares:

In all tariff legislation the true principle of protection is best maintained by the imposition of such duties as will equal the difference between cost of producton at home and abroad, together with a reasonable profit to American industries.

But for this last clause the argument of the free-raw-material advocate for foreign markets for American manufactures is worse than the Republican doctrine of protection itself.

I am amazed that many in a great agricultural State, a great export State like Texas, should make this argument. They are so solicitous for the American manufactures to have foreign markets that they will untax the raw material raised by the American farmer in order that the American manufacturers may cope with foreign manufacturers in the foreign markets. If this is not protection gone mad, I ask what is it?

And the flimsiness of this argument is best shown by the fact that all the Texas Members of Congress save one voted for a tariff on hides during the last Congress, and again I ask, Why did you do that? It is true Gillespie was consistent. He was for raw material, and hence he voted against the tariff on hides. It is true that my friend HARDY, though he voted and made a speech for a tariff on hides, afterwards, when he returned to Texas, he concluded that he had made a mistake, and he recanted and went over to the "free-raw-material" crowd, but all the rest have "stood pat." They voted for a tariff on hides, and how in the world can they defend that vote and still claim to be for "free raw material" is more than any reasonable man can understand.

On May 1, 1896, I was a candidate for Congress, and gave out a written interview defining my position on the tariff in accord with the ancient position of the party and the position I now take. The whole country was more or less stirred up on the tariff question.

Even the Populists said in their Waco convention that they opposed taking the tax "off of raw materials as long as it was left on the manufactured products."

And in common with many other Democrats, led by Senators CULBERSON and BAILEY, we adopted on June 24, 1896, at Austin, the following State Democratic platform:

We believe that the present tariff law, which lets into the country raw materials free of duty, and levies heavy duties upon manufactured products, thus subjecting our agricultural and pastural classes to competition with the world, while it enables the rich manufacturers, by means of combinations and trusts, to extort their own prices for their products from the people, violates the Federal Constitution as well as the fundamental principles of the Democratic Party, that tariff duty should be levied and collected for the purpose of revenue only.

This platform was followed up in the Democratic national convention of 1896 by the adoption of this plank on the tariff:

We hold that tariff duties should be levied for the purposes of revenue, such duties to be so adjusted as to operate equally throughout the country, and not *discriminate* between class or section, and that taxation should be limited by the needs of the Government honestly and economically administered.

Here is that famous word "discriminate" again, and coupled with it the word "not." If this does not mean to condemn "free raw material," then what does it mean?

It will be noted that this was a return to the old theory.

It will be noted that the word "discriminating," which originated with the Whigs and was condemned by the Demo-

crats, and running like a golden thread through all the Democratic platforms prior to the war, was used again. And the "discrimination" which was condemned was between class or section in tariff legislation, and nobody can misunderstand these words.

And on July 19, 1897, Mr. BAILEY, who was then the Democratic leader, in response to McMillan, of Tennessee, on account of some of his votes in previous Congresses, said:

I never ventured to denounce the raw-material theory until I had first appealed to the supreme tribunal of the Democratic Party, which reversed the doctrine of free raw material and gave me a commission to denounce it here and elsewhere, and I intend to do it. [Applause.]

And I submit that this open and defiant statement by the leader of the Democratic Party in open session of the American Congress passed unchallenged. McMillan, and no one else who advocated free raw material, dared say a word.

I wish to put in the RECORD here a letter written by R. M. Johnston, who for many years has been Democratic national committeeman from Texas, of date June 24, 1911, in reply to a letter from one A. H. Jameson inquiring about this matter:

I can not better answer his direct questions with regard to our Senators than by reproducing that portion of Senator CULBERSON'S announcement of his candidacy against Senator Mills in 1898, which referred directly to the doctrine of free raw materials.

This announcement was dated January 1, 1898, and was as follows:

"All Federal taxation, whether in the form of tariff or import or otherwise, should be strictly limited to the necessities of a simple government economically administered. On the tariff question I am in principle a free trader as far as practical, because among other reasons briefly put such a policy, in my judgment, would best subserve the interest of the people in that (1) it would tend to enable them to buy in the cheapest and sell in the dearest market of the world; (2) indirect taxation or tariff is a tax on consumption which wholly disregards equality of taxation and Government benefits; and (3) direct taxes in lieu of tariff duties by fixing public attention upon expenditures and taxation would force a marked reduction of expenses and maintain economy. As long, however, as we may be compelled, as under the present Constitution, to support the Government in large measure by duty on imports, they should be laid for purposes of revenue only, first upon luxuries and last upon necessaries of life.

"Thus limited and apportioned, such duties, in the language of the national platform of 1896, should be so adjusted as to operate equitably throughout the country and not to discriminate between class or section."

This obviously refers to the tariff upon products of different classes and sections, and the following more explicit statement from the Democratic State platform adopted at Austin June 24, 1896, expresses my view of the case stated.

"We believe that the present tariff law, which lets into the country raw materials free of duty and levies heavy duties upon manufactured products, thus subjecting our agricultural and pastoral classes to competition with the world, while it enables the rich manufacturers, by means of combinations and trusts, to extort their own prices for their products from the people, violates the Federal Constitution as well as the fundamental principles of the Democratic Party that tariff duty should be levied and collected for the purpose of revenue only."

On February 11, 1898, Senator BAILEY (then Member of the lower House) gave out a statement during the course of which the following explicit words appeared:

"Senator Mills's letter announcing his candidacy for reelection to the Senate very distinctly raises the free-raw-material issue, and as I consider his position on that question at variance with all the principles of the Democratic Party, I shall take an active part in the canvass and support Gov. CULBERSON. Of course, Senator Mills will not be permitted to subordinate the financial question to the tariff question, but I am perfectly sure that Gov. CULBERSON will be more than ready to meet him on an issue which, plainly stated, is neither more nor less than a proposition to take the tax off everything which the manufactories buy and leave a tax on everything they sell. The opposition of the real Democrats of this country to that policy is not due, as has been frequently asserted, to any sympathy with the doctrine of protection, either incidental or direct, but is due entirely to a belief that the manufacturers ought to be compelled to contribute their share toward the support of the Government, the same as the people who must buy and consume their goods."

In view of the foregoing there is little left for me to say in answer to Mr. Jameson's questions, except that neither of the Senators has changed his views.

On the subject of free raw materials, as will plainly be noted, they are absolutely together.

It is true that during the voting on the Payne-Aldrich bill they differed as to a few details, Senator BAILEY carrying the Texas doctrine to a further extreme than did Senator CULBERSON, but upon the general principle involved there was and is no material differences between them.

They both stand against the pernicious doctrine that everything the agricultural and pastoral classes buy should be protected by a tax, while everything they sell should meet the free-trade competition of the world.

That is the doctrine now being preached by Mr. Bryan and his immediate followers, and certain men and newspapers are subscribing to it, not because they really believe in it, but for the reason that Senator BAILEY is on the other side. And if Mr. Jameson will watch the game he will find that the papers which he mentioned, and others, perhaps, have an exceedingly slight foundation but a very vicious motive in befogging the question in the attempt to array our Senators the one against the other.

They are both big men—big in character, in ability, and influence—and if I do not miss my guess the people of Texas will keep them at Washington as long as they live or care to remain in the public service, where, I can in all truth say to Mr. Jameson and others, they are now working in perfect accord for the general good of those whom they so ably and so brilliantly represent.

R. M. JOHNSTON.

Again, in 1904, at the San Antonio State convention for national purposes, I happened to be a member of the committee on resolutions.

Hon. J. D. Sayers, former Congressman, who is still living in Austin, Tex., was chairman, and the venerable J. H. Reagan was made a member of the committee after the committee was raised. I, of course, had known and admired John H. Reagan before this, but at that convention his sound common sense, his rugged honesty, his dauntless courage, and his generous sympathy toward me endeared him unspeakably to me. He was made chairman of the subcommittee, of which I was one, to draft and report to the full committee a platform, which was done, and it was adopted by the full committee, reported to the convention, and adopted there without a dissenting vote. Some of the Texas Congressmen besides myself were in that convention, made speeches there, and this was the plank on the tariff:

We denounce the doctrine of protection as a fraud, a robbery of the many to enrich the few, and favor a tariff for revenue only, sufficient to meet the needs of honest, efficient, and economic government, so levied as not to *discriminate* against section or class, but to equalize the burdens of taxation to the greatest possible extent.

BAILEY and CULBERSON were elected as delegates to the national convention at St. Louis, Mo. BAILEY was on the platform committee; JOHN SHARP WILLIAMS was on it; so was William J. Bryan and others, but this is enough for the purpose. They reported to that convention a platform, and it was adopted without a dissenting voice in that great multitude.

That platform was as follows:

We denounce protection as a robbery of the many to enrich the few, and we favor a tariff limited to the needs of the Government, economically administered and so levied as not to *discriminate* against any industry, class, or section, to the end that the burdens of taxation shall be distributed as equally as possible.

We favor a revision and a gradual reduction of the tariff by the friends of the masses and for the common weal, and not by the friends of its abuses, its extortion, and its discriminations, keeping in view the ultimate ends of "equality of burdens and equality of opportunities" and the constitutional purpose of raising a revenue by taxation, to wit, the support of the Federal Government in all its integrity and virility, but in simplicity.

The SPEAKER pro tempore (Mr. GRAHAM). The time of the gentleman has expired.

Mr. HENRY of Texas. Mr. Speaker, my colleague is making a very interesting speech, and I ask unanimous consent that he be allowed to proceed until he has finished his remarks.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that his colleague be allowed to finish his remarks. Is there objection?

There was no objection.

Mr. BURGESS. And it will be noted it follows almost literally the Texas platform. Bryan was nominated for President on the 1896 platform, and he helped to make that of 1904, and yet he now favors "free raw material."

The last convention at Galveston ratified this idea of opposition to free raw material, because it "discriminates" in taxation, by an overwhelming vote.

Now, the issue is squarely up to the people to say what they will have.

I note Mills was for "free raw materials"—a brilliant Democrat and an able man, who has gone to his reward—and I need not say that, in common with thousands of others, I supported CULBERSON in the campaign upon this very question, and he defeated Mills. I need not mention that Horace Chilton, a good, pure man and a clean Democrat, was defeated by BAILEY upon this proposition. Now, I ask the question: Who is "jumping" the State and national platforms in Texas? Whose ideas are inconsistent with the express words of both from 1896 to date?

I can not believe that the Democratic Party now, when there is every hope of success, and the tariff must be lowered, that we will go to the Whig doctrine, and while reducing the tariff on manufactured products we will take it off of the raw material raised by the South and West. It is not just and right, and it is not in accord with Democratic principles and does not meet the requirements of "equal rights to all and special privileges to none."

We must have a tariff, and we must levy it upon products, and these products compete with those of other countries, and as a matter of fact this term "raw material" is rather indistinct.

Land and labor enter into the cost of production of everything—coal, hides, cattle, lumber, ore, wool, sugar, tobacco, rice, barley, wheat, and so forth. The value of land and labor has all vastly increased, by the way, from 1846 to date, and this is more reason for the rule of 1846.

Are these articles to be untaxed because consumers have to have them, while the manufacturers are taxed a revenue tariff, if you please, which will have to be paid by consumers, so that they can go out and grab the foreign markets?

But the tariff is a tax and ought to be levied according to taxation principles. What are they? That everything must be taxed in proportion to value, as Jackson and Polk and Pierce

and all the great thinkers of the Democratic Party said. Not to tax the wool, the hides, the cattle, sugar, tobacco, barley, wheat, and rice, while you fix the manufactured products is to "discriminate" against the section that produces these things, which means, briefly and fairly stated, a "free-trade South and West and a protected North and East."

That is all there is to the doctrine. I shall never give my consent to such a doctrine.

Just a word of warning in conclusion: If we do not get back to the old way of making platforms and standing by them, we may expect the growth of the "isms" which are now current. I voted for free wood pulp and print paper and lumber because commanded to by the national platform of 1908, but I knew they ought not to be in it, and were put in, the one to catch the newspapers, the other votes in certain States that had cut all their lumber, and they wanted "free" lumber from Canada. If I am not bound by the national platform no one else is, and there is no use making them. There has been too much of this "catching votes" business, and our national platforms are too long, and too many of them read like essays. Let us quit it. Let us do as our Democratic fathers did before the war—make a platform so clear and concise that it can be printed on a postal card; let us say just what we mean and when we get in *do it*, and then the "isms" will melt away like snow before the sun. [Loud applause.]

Mr. Speaker, I ask unanimous consent to extend my remarks by printing the act of July 30, 1846.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to extend his remarks by printing the act referred to. Is there objection?

There was no objection.

The act referred to is as follows:

STATUTES AT LARGE, VOLUME 9, CHAPTER LXXIV.—AN ACT REDUCING THE DUTY ON IMPORTS, AND FOR OTHER PURPOSES.

Be it enacted, etc., That from and after the 1st day of December next, in lieu of the duties heretofore imposed by law on the articles hereinafter mentioned, and on such as may now be exempt from duty, there shall be levied, collected, and paid, on the goods, wares, and merchandise herein enumerated and provided for, imported from foreign countries, the following rates of duty—that is to say:

On goods, wares, and merchandise, mentioned in Schedule A, a duty of 100 per cent ad valorem.

On goods, wares, and merchandise, mentioned in Schedule B, a duty of 40 per cent ad valorem.

On goods, wares, and mechandise, mentioned in Schedule C, a duty of 30 per cent ad valorem

On goods, wares, and merchandise, mentioned in Schedule D, a duty of 25 per cent ad valorem.

On goods, wares, and merchandise, mentioned in Schedule E, a duty of 20 per cent ad valorem.

On goods, wares, and merchandise, mentioned in Schedule F, a duty of 15 per cent ad valorem

On goods, wares, and merchandise, mentioned in Schedule G, a duty of 10 per cent ad valorem.

On goods, wares, and merchandise, mentioned in Schedule H, a duty of 5 per cent ad valorem.

SEC. 2. *And be it further enacted*, That from and after the 1st day of December next the goods, wares, and merchandise, mentioned in Schedule I, shall be exempt from duty.

SEC. 3. *And be it further enacted*, That from and after the 1st day of December next there shall be levied, collected, and paid on all goods, wares, and merchandise imported from foreign countries and not specially provided for in this act a duty of 20 per cent ad valorem.

SEC. 4. *And be it further enacted*, That in all cases in which the invoice or entry shall not contain the weight or quantity or measure of goods, wares, or merchandise now weighed or measured or gauged the same shall be weighed, gauged, or measured at the expense of the owner, agent, or consignee.

SEC. 5. *And be it further enacted*, That from and after the 1st day of December next, in lieu of the bounty heretofore authorized by law to be paid on the exportation of pickled fish of the fisheries of the United States, there shall be allowed, on the exportation thereof, if cured with foreign salt, a drawback equal in amount to the duty paid on the salt, and no more, to be ascertained under such regulations as may be prescribed by the Secretary of the Treasury.

SEC. 6. *And be it further enacted*, That all goods, wares, and merchandise imported after the passage of this act and which may be in the public stores on the 2d day of December next shall be subject to no other duty upon the entry thereof than if the same were imported respectively after that day.

SEC. 7. *And be it further enacted*, That the twelfth section of the act entitled "An act to provide revenue from imports, and to change and modify existing laws imposing duties on imports, and for other purposes," approved August 30, 1842, shall be, and the same is hereby, so far modified that all goods imported from this side the Cape of Good Hope or Cape Horn may remain in the public stores for the space of one year instead of the term of 60 days prescribed in the said action; and that all goods imported from beyond the Cape of Good Hope or Cape Horn may remain in the public stores one year instead of the term of 90 days prescribed in the said section.

SEC. 8. *And be it further enacted*, That it shall be lawful for the owner, consignee, or agent of imports which have been actually purchased, on entry of the same, to make such addition in the entry to the cost of value given in the invoice as, in his opinion, may raise the same to the true market value of such imports in the principal markets of the country whence the importation shall have been made, or in which the goods imported shall have been originally manufactured or produced, as the case may be; and to add thereto all costs and charges which, under existing laws, would form part of the true value at the port where the same may be entered, upon which the duties should be assessed. And it shall be the duty of the collector within whose district the same may be imported or entered to cause the dutiable value of such imports to be appraised, estimated, and ascertained, in accordance with the provisions of existing laws; and if the appraised value thereof shall exceed by 10 per cent or more the value so declared on the entry, then, in addition to the duties imposed by law on the same, there shall be levied, collected, and paid, a duty of 20 per cent ad valorem on such appraised value: *Provided, nevertheless*, That under no circumstances shall the duty be assessed upon an amount less than the invoice value, any law of Congress to the contrary notwithstanding.

SEC. 9. *And be it further enacted*, That the deputies of any collector, naval officer, or surveyor, and the clerks employed by any collector, naval officer, surveyor, or appraiser, who are not by existing laws required to be sworn, shall, before entering upon their respective duties, or, if already employed, before continuing in the discharge thereof, take and subscribe an oath or affirmation faithfully and diligently to perform such duties, and to use their best endeavors to prevent and detect frauds upon the revenue of the United States, which oath or affirmation shall be administered by the collector of the port or district where the said deputies or clerks may be employed, and shall be of a form to be prescribed by the Secretary of the Treasury.

SEC. 10. *And be it further enacted*, That no officer or other person connected with the Navy of the United States shall under any pretence import in any ship or vessel of the United States any goods, wares, or merchandise liable to the payment of any duty.

SEC. 11. *And be it further enacted*, That all acts and parts of acts repugnant to the provisions of this act be, and the same are hereby, repealed.

SCHEDULE A.—(100 PER CENT AD VALOREM.)

Brandy or other spirits distilled from grain or other materials; cordials, absynthe, arrack, curacoa, hirschenwasser, liquers, maraschino, ratafia, and all other spirituous beverages of a similar character.

SCHEDULE B.—(40 PER CENT AD VALOREM.)

Alabaster and spar ornaments; almonds; anchovies, sardines, and all other fish preserved in oil; camphor, refined; cassia; cloves; composition tops for tables, or other articles of furniture; comfits, sweetmeats, or fruit preserved in sugar, brandy, or molasses; currants; dates; figs; ginger root, dried or green; glass, cut; mace; manufactures of cedar wood, granadilla, ebony, mahogany, rosewood, and satin wood; nutmegs; pimento; prepared vegetables, meats, poultry, and game sealed or inclosed in cans or otherwise; prunes; raisins; scagliola tops for tables or other articles of furniture; segars, snuff, paper segars, and all other manufactures of tobacco; wines, Burgundy, champagne, claret, Maderia, Port, sherry, and all other wines and imitations of wines.

SCHEDULE C.—(30 PER CENT AD VALOREM.)

Ale, beer, and porter in casks or bottles; argentine, alabatta, or German silver, manufactured or unmanufactured; articles embroidered with gold, silver, or other metal; articles worn by men, women, or children, of whatever material composed, made up, or made wholly or in part, by hand; asses' skins; balsams, cosmetics, essences, extracts, pastes, perfumes, and tinctures, used either for the toilet or for medicinal purposes; baskets, and all other articles composed of grass, osier, palm leaf, straw, whalebone, or willow, not otherwise provided for; bay rum; beads, of amber, composition, or wax, and all other beads; benzoates; bologna sausages; bracelets, braids, chains, curls, or ringlets, composed of hair, or of which hair is a component part; braces, suspenders, webbing, or other fabrics, composed wholly or in part of india rubber, not otherwise provided for; brooms and brushes of all kinds; cameos, real and imitation, and mosaics, real and imitation, when set in gold, silver, or other metal; canes, and sticks for walking, finished or unfinished; capers, pickles, and sauces of all kinds, not otherwise provided for; caps, hats, muffs, and tippets of fur, and all other manufactures of fur, or of which fur shall be a component material; caps, gloves, leggins, mits, socks, stockings, wove shirts and drawers, and all similar articles made on frames, worn by men, women, or children, and not otherwise provided for; cardcases, pocketbooks, shell boxes, souvenirs, and all similar articles, of whatever material composed; carpets, carpeting, hearth rugs, bedsides, and other portions of carpeting, being either Aubusson, Brussels, ingrain, Saxony, Turkey, Venetian, Wilton, or any other similar fabric; carriages and parts of carriages; cayenne pepper; cheese; cinnamon; clocks and parts of clocks; clothing, ready made, and wearing apparel of every description, of whatever material composed, made up or manufactured wholly or in part by the tailor, seamstress, or manufacturer; coach and harness furniture of all kinds; coal; coke and culm of coal; combs of all kinds; compositions of glass or paste, when set; confectionery of all kinds, not otherwise provided for; coral, cut or manufactured; corks; cotton cords, gimps, and galloons; court plaster; crayons of all kinds; cutlery of all kinds; diamonds, gems, pearls, rubies, and other precious stones, and imitations of precious stones, when set in gold, silver, or other metal; dolls, and toys of all kinds; earthen, china, and stone ware, and all other wares composed of earthy and mineral substances, not otherwise provided for; epaulets, galloons, laces, knots, stars, tassels, tresses, and wings, of gold, silver, or other metal; fans and fire screens of every description, of whatever material composed; feathers and flowers, artificial or ornamental, and parts thereof, of whatever material composed; firecrackers; flats, braids, plaits, sparterre, and willow squares, used for making hats or bonnets; frames and sticks for umbrellas, parasols, and sunshades, finished or unfinished; furniture, cabinet and household; ginger, ground; glass, colored, stained, or painted; glass crystals for watches; glasses or pebbles for spectacles; glass tumblers, plain, molded, or pressed, not cut or punted; paintings on glass; porcelain glass; grapes; gum benzoin or Benjamin; hair pencils; hat bodies of cotton; hats and bonnets, for men, women, and children, composed of straw, satin straw, chip, grass, palm leaf, willow, or any other vegetable substance, or of hair, whalebone, or other material not otherwise provided for; hemp, unmanufactured; honey; human hair, cleansed or prepared for use; ink and ink powder; iron, in bars, blooms, bolts, loops, pigs, rods, slabs, or other form, not otherwise provided for; castings of iron; old or scrap iron; vessels of cast iron; japanned ware of all kinds, not otherwise provided for; jewelry, real or imitation; jet and manufactures of jet, and imitations thereof; lead pencils; macaroni, vermicelli, gelatine, jellies, and all similar preparations; manufactures of the bark of the cork tree, except corks; manufactures of bone, shell, horn, pearl, ivory, or vegetable ivory; manufactures, articles, vessels, and wares, not otherwise provided for, of brass, copper, gold, iron, lead, pewter, platina, silver, tin, or other metal, or of which either of those metals or any other metal shall be the component material of chief value; manufactures of cotton, linen, silk, wool, or worsted, if embroidered or tambooned in the loom or otherwise, by machinery, or with the needle, or other process; manufactures, articles, vessels, and wares of glass, or of which glass shall be a component material, not otherwise provided for; manufactures and articles of leather, or of which leather shall be a component part, not otherwise provided for; manufactures and articles of marble, marble

paving tiles, and all other marble more advanced in manufacture than in slabs or blocks in the rough; manufactures of paper, or of which paper is a component material, not otherwise provided for; manufactures, articles, and wares of papier-mâché; manufactures of wood, or of which wood is a component part, not otherwise provided for; manufactures of wool, or of which wool shall be the component material of chief value, not otherwise provided for; medicinal preparations, not otherwise provided for; metallic pens; mineral waters; molasses; muskets, rifles, and other firearms; nuts, not otherwise provided for; ochers and ochery earths, used in the composition of painter's colors, whether dry or ground in oil; oilcloth of every description, of whatever material composed; oils, volatile, essential, or expressed, and not otherwise provided for; olive oil, in casks, other than salad oil; olive salad oil, and all other olive oil, not otherwise provided for; olives; paper, antiquarian, demy, drawing, elephant, foolscap, imperial, letter, and all other paper not otherwise provided for; paper boxes and all other fancy boxes; paper envelopes; parasols and sunshades; parchment; pepper; plated and gilt ware of all kinds; playing cards; plums; potatoes; red-chalk pencils; saddlery of all kinds, not otherwise provided for; salmon, preserved; sealing wax; sewing silks, in the gum or purified; shoes composed wholly of india rubber; side arms of every description; silk twist, and twist composed of silk and mohair; silver-plated metal, in sheets or other form; soap, Castile, perfumed, Windsor, and all other kinds; sugar of all kinds; sirup of sugar; tobacco, unmanufactured; twines and packthread, of whatever material composed; umbrellas; vellum; vinegar; wafers; water colors; wood, unmanufactured, not otherwise provided for, and firewood; wool, unmanufactured.

SCHEDULE D.—(25 PER CENT AD VALOREM.)

Borax or tincal; Burgundy pitch; buttons and button molds, of all kinds; baizes; bockings, flannels, and floorcloths, of whatever material composed, not otherwise provided for; cables and cordage, tarred or untarred; calomel, and all other mercurial preparations; camphor, crude; cotton laces, cotton insertings, cotton trimming laces, cotton laces and braids; floss silks, feather beds, feathers for beds, and downs of all kinds; grass cloth; haircloth, hair seating, and all other manufactures of hair not otherwise provided for; jute, sisal grass, coir, and other vegetable substances unmanufactured, not otherwise provided for; manufactures composed wholly of cotton, not otherwise provided for; manufactures of goat's hair or mohair, or of which goat's hair or mohair shall be a component material, not otherwise provided for; manufactures of silk, or of which silk shall be a component material, not otherwise provided for; manufactures of worsted, or of which worsted shall be a component material, not otherwise provided for; matting, China, and other floor matting and mats made of flags, jute, or grass; roofing slates, and slates other than roofing slates; woolen and worsted yarn.

SCHEDULE E.—(20 PER CENT AD VALOREM.)

Acids, acetic, acetous, benzoic, boracic, chromatic, citric, muriatic, white and yellow, nitric, pyroligneous, and tartaric, and all other acids of every description, used for chemical or medicinal purposes, or for manufacturing, or in the fine arts, not otherwise provided for; aloes; alum; amber; ambergris; angora, Thibet, and other goat's hair or mohair unmanufactured; aniseed; animal carbon; antimony, crude and regulus of; arrowroot; articles, not in a crude state, used in dyeing or tanning, not otherwise provided for; assafœtida; bacon; bananas; barley; beef; beeswax; berries, vegetables, flowers, and barks, not otherwise provided for; bismuth; bitter apples; blankets of all kinds; blank books, bound or unbound; blue or roman vitriol, or sulphate of copper; boards, planks, staves, laths, scantling, spars, hewn and sawed timber, and timber to be used in building wharves; boucho leaves; breccia; bronze liquor; bronze powder; butter; cadmium; calamine; cantharides; caps, gloves, leggins, mits, socks, stockings, wove shirts and drawers, made on frames, composed wholly of cotton, worn by men, women, and children; cassia buds; castor oil; castorum; cedar wood, ebony, granadilla, mahogany, rosewood, and satin wood, unmanufactured; chocolate; chromate of lead; chromate, bichromate, hydriodate, and prussiate of potash; cobalt; coconuts; coculus indicus; copperas or green vitriol or sulphate of iron; copper rods, bolts, nails, and spikes; copper bottoms; copper in sheets or plates, called braziers' copper, and other sheets of copper, not otherwise provided for; cream of tartar; cubebs; dried pulp; emery; ether; extract of indigo; extracts and decoctions of logwood and other dye woods, not otherwise provided for; extract of madder; felspar; fig blue; fish, foreign, whether fresh, smoked, salted, dried, or pickled, not otherwise provided for; fish glue or isinglass; fish skins; flaxseed; flour of sulphur; frankfort black; french chalk; fruit, green or ripe, not otherwise provided for; fulminates or fulminating powders; furs dressed on the skin; gamboge; glue; green turtle; gunny cloth; gunpowder; hair, curied, moss, seaweed, and all other vegetable substances used for beds or mattresses; hams; hats of wool; hat bodies, made of wool, or of which wool shall be a component material of chief value; hatters' plush, composed of silk and cotton, but of which cotton is the component material of chief value; hempseed or linseed, and rapeseed oil, and all other oils used in painting; indian corn and corn meal; ipecacuanha; iridium; iris or orris root; iron liquor; ivory or bone black; jalap; juniper berries; lac spirits; lac sulphur; lampblack; lard; leather, tanned, bend, or sole; leather, upper of all kinds; lead, in pigs, bars, or sheets; leaden pipes; leaden shot; leeches; linens of all kinds; licorice paste, juice, or root; litharge; malt; manganese; manna; manufactures of flax, not otherwise provided for; manufactures of hemp, not otherwise provided for; marble in the rough, slab, or block, unmanufactured; marine coral, unmanufactured; medicinal drugs, roots, and leaves, in a crude state, not otherwise provided for; metals, Dutch and bronze, in leaf; metals, unmanufactured, not otherwise provided for; mineral and bituminous substances, in a crude state, not otherwise provided for; musical instruments of all kinds, and strings for musical instruments of whipgut or catgut, and all other strings of the same material; needles of all kinds for sewing, darning, or knitting; nitrate of lead; oats and oatmeal; oils, neat's-foot and other animal oil, spermaceti, whale and other fish oil, the produce of foreign fisheries; opium; oranges, lemons, and limes; orange and lemon peel; osier or willow, prepared for basket-makers' use; patent mordant; paints, dry or ground in oil, not otherwise provided for; paper hangings, and paper for screens or fireboards; paving stones; paving and roofing tiles and bricks; pearl or hulled barley; periodicals and other works in the course of printing and republication in the United States; pineapples; pitch; plantains; plaster of Paris, when ground; plumbago; pork; potassium; prussian blue; pumpkins; putty; quicksilver; quills; red chalk; rhubarb; rice, or paddy; roll brimstone; roman cement; rye and rye flour; saddlery, common, tinned, or japanned; saffron and saffron cake; sago; sal soda, and all carbonates of soda, by whatever names designated, not otherwise provided for; salts, epsom, glauber, rochelle, and all other salts and preparations of salts, not otherwise provided for; sarsaparilla; sepia; shaddocks; sheathing paper; skins, tanned and dressed, of all kinds; skins of all kinds, not otherwise provided for; slate pencils; smalts; spermaceti candles and tapers; spirits of turpentine; sponges; spunk; squills; starch; stearine candles and tapers; steel, not otherwise provided for; stereotype plates; still bottoms; sulphate of barytes, crude or refined; sulphate of quinine; tallow candles; tapioca; tar; thread laces and insertings; type metal; types, new or old; vanilla beans; verdigris; velvet, in the piece, composed wholly of cotton; velvet, in the piece, composed of cotton and silk, but of which cotton is the component material of chief value; vermilion; wax candles and tapers; whalebone the produce of foreign fisheries; wheat and wheat flour; white and red lead; whiting, or paris white; white vitriol, or sulphate of zinc; window glass, broad, crown, or cylinder; woolen listings; yams.

SCHEDULE F.—(15 PER CENT AD VALOREM.)

Arsenic; bark, peruvian; bark, quilla; brazil paste; brimstone, crude in bulk; codilla, or tow of hemp or flax; cork-tree bark; unmanufactured; diamonds, glaziers', set or not set; dragon's blood; flax, unmanufactured; gold and silver leaf; mineral kermes; silk, raw, not more advanced in manufacture than singles, tram and thrown, or organzine; steel in bars, cast, shear, or german; terne tin plates; tin foil; tin in plates or sheets; tin plates galvanized, not otherwise provided for; zinc, spelter, or tuetenegue, in sheets.

SCHEDULE G.—(10 PER CENT AD VALOREM.)

Ammonia; annatto, rancon or orleans; barilla; bleaching powders or chloride of lime; books printed, magazines, pamphlets, periodicals, and illustrated newspapers, bound or unbound, not otherwise provided for; building stones; burr stones, wrought or unwrought; cameos and mosaics, and imitations thereof, not set; chronometers, box or ships', and parts thereof; cochineal; cocoa; cocoa shells; compositions of glass or paste, not set; cudbear; diamonds, gems, pearls, rubies, and other precious stones, and imitations thereof, when not set; engravings or plates, bound or unbound; hempseed, linseed, and rapeseed; fullers' earth; furs, hatters', dressed or undressed, not on the skin; furs, undressed, when on the skin; goldbeaters' skins; gum arabic and gum senegal; gum tragacanth; gum barbary; gum East India; gum jedda; gum substitute, or burnt starch; hair of all kinds, uncleaned and unmanufactured; india rubber, in bottles, slabs, or sheets, unmanufactured; indigo; kelp; lemon and lime juice; lime; maps and charts; music and music paper, with lines, bound or unbound; natron; nux vomica; oils, palm and coconut; orpiment; palm leaf, unmanufactured; polishing stones; pumice and pumice stones; ratans and reeds, unmanufactured; rotten-stone; sal ammonia; saltpeter (or nitrate of soda, or potash), refined or partially refined; soda ash; sulphuric acid, or oil of vitriol; tallow, marrow, and all other grease and soap stocks and soap stuffs, not otherwise provided for; terra japonica or catechu; watches, and parts of watches; watch materials of all kinds, not otherwise provided for; wood or pastel.

SCHEDULE H.—(5 PER CENT AD VALOREM.)

Alcornoque; argol, or crude tartar; bells, when old, or bell metal, fit only to be manufactured; berries, nuts, and vegetables used exclusively in dyeing, or in composing dyes, but no article shall be classed as such that has undergone any manufacture; brass in pigs or bars; brass, when old and fit only to be remanufactured; Brazil wood, and all other dyewood in sticks; bristles; chalk, not otherwise provided for; clay, unwrought; copper in pigs or bars; copper, when old, and fit only to be remanufactured; flints, grindstones, wrought or unwrought; horns, horn tips, bones, bone tips, and teeth unmanufactured; ivory, unmanufactured; ivory nuts, or vegetable ivory; kermes; lac dye; lastings suitable for shoes, boots, bootees, or buttons, exclusively; madder, ground; madder root; manufactures of mohair cloth, silk twist, or other manufacture of cloth suitable for the manufacture of shoes, boots, bootees, or buttons, exclusively; nickel; nut-galls; pearl, mother of; pewter, when old, and fit only to be remanufactured; rags, of whatever material; raw hides and skins of all kinds, whether dried, salted, or pickled, not otherwise provided for; safflower; saltpeter, or nitrate of soda, or potash, when crude; seedlac; shellac; sumac; tin, in pigs, bars, or blocks; tortoise, and other shells unmanufactured; tumeric; waste, or shoddy; weld; zinc, spelter, or teutenegue, unmanufactured, not otherwise provided for.

SCHEDULE I.—(EXEMPT FROM DUTY).

Animals imported for breed; bullion, gold and silver; cabinets of coins, medals, and other collections of antiquities; coffee and tea, when imported direct from the place of their growth or production, in American vessels, or in foreign vessels entitled by reciprocal treaties to be exempt from discriminating duties, tonnage, and other charges; coffee, the growth or production of the possessions of the Netherlands, imported from the Netherlands in the same manner; coins, gold, silver, and copper; copper ore; copper, when imported for the United States mint; cotton; felt, adhesive, for sheathing vessels; garden seeds, and all other seeds, not otherwise provided for; goods, wares, and merchandise, the growth, produce, or manufacture of the United States exported to a foreign country, and brought back to the United States in the same condition as when exported, upon which no drawback or bounty has been allowed: *Provided*, That all regulations to ascertain the identity thereof prescribed by existing laws, or which may be prescribed by the Secretary of the Treasury, shall be complied with; guano; household effects, old and in use, of persons or families from foreign countries, if used abroad by them, and not intended for any other person or persons, or for sale; junk, old; models of inventions and other improvements in the arts: *Provided*, That no article or articles shall be deemed a model or improvement, which can be fitted for use; oakum; oil, spermaceti, whale, and other fish, of American fisheries, and all other articles the produce of such fisheries; paintings and statuary, the production of American artists residing abroad, and all other paintings and statuary: *Provided*, The same be imported in good faith as objects of taste, and not of merchandise; personal and household effects (not merchandise) of citizens of the United States dying abroad; plaster of Paris, unground; platina, unmanufactured; sheathing copper, but no copper to be considered such, and admitted free, except in sheets 48 inches long and 14 inches wide, and weighing from 14 to 34 ounces the square foot; sheathing metal; specimens of natural history, mineralogy, or botany; trees, shrubs, bulbs, plants, and roots, not otherwise provided for; wearing apparel in actual use, and other personal effects not merchandise, professional books, implements, instruments, and tools of trade, occupation, or employment, of persons arriving in the United States: *Provided*, That this exemption shall not be construed to include machinery or other articles imported for use in any manufacturing establishment, or for sale.

Approved July 30, 1846.

SERVICE-PENSION BILL.

Mr. ADAIR. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. FOSTER of Illinois in the chair.

Mr. SHERWOOD. Mr. Chairman, yesterday I was notified that my time had expired before I had time to put in the estimated cost of the bill, and I therefore ask permission to extend my remarks in the RECORD to include the estimated cost and also a few resolutions.

Mr. CANNON. Mr. Chairman, I certainly have no objection to the request of the gentleman from Ohio. I notice in the RECORD that several speeches are withheld for revision. It is a pretty important bill, and, as I understand, is to be disposed of some time next week. It seems to me that the House is entitled to all the information it needs touching the bill. I have been trying to gather such information myself, and I find that it is slow work. Does the gentleman from Ohio have any idea when his remarks will appear in the RECORD?

Mr. SHERWOOD. Just as soon as I can get them ready. I have been very busy since yesterday.

Mr. CANNON. Well, I have no objection. In fact, the gentleman's request embodies the very information that I am seeking.

Mr. SHERWOOD. My time was out before I reached the conclusion of what I wished to say.

Mr. CANNON. I have no objection. On the contrary, I think it is a very proper request.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio [Mr. SHERWOOD]?

There was no objection.

Mr. TRIBBLE. Mr. Chairman——

The CHAIRMAN. When the committee rose last evening the gentleman from Illinois [Mr. MANN] was recognized.

Mr. MANN. I yield 10 minutes to the gentleman from Georgia.

The CHAIRMAN. The gentleman from Georgia [Mr. TRIBBLE] is recognized for 10 minutes.

Mr. TRIBBLE. Mr. Chairman, I recognize the fact that this is a Democratic measure, coming from a Democratic House, with a unanimous report from a Democratic committee, and under ordinary circumstances I should feel bound politically to support the measure; but I must say that in this instance I desire to record my vote against this bill.

In 1865 the fields of the seaboard States of the South were left desolate. In the days following that terrible struggle the wolf howled around the doors of many once happy and wealthy homes. In those terrible days the taxgatherer came to those devastated fields and homes and levied tribute upon the southern people for the payment of pensions to Union soldiers. Sir, they paid those pensions without a murmur, without a grumble, without a protest. The Members from the South have never attempted in the committee room to obstruct legislation to pension Union soldiers. You may search the records and you will scarcely find an instance where any Member from the South has ever stood upon the floor of this House and raised his voice against increases of pensions. But, sir, the time has come when the South, the East, the North, the West, the whole country, join hands in a common cause and raise a voice in one universal accord in protesting against the increase of pensions.

Almost half a century has passed since this struggle, and year by year the men who participated in it and fought in behalf of the Union have fallen by the wayside. To-day there are only a handful of them left. Yet as the years have gone by and these men have passed away by thousands upon thousands, every year and almost monthly the pensions have been increasing in arithmetical progression. Over 30 years ago Gen. Grant said, by way of apology for the enormous pension bill that was being passed, that the pensions for the Union soldiers had reached their maximum. Yet since that time they have been more than doubled.

Men stand upon the floor of this House and advocate retrenchment and reform. This House organized, and cut down expenses $186,000. This virtuous act of the Democratic organization was heralded all over the country, and the people approved and applauded it. Yet now, six months after that time, still preaching retrenchment and reform, we come up and offer to the people a dose in one bill of $60,000,000. Gentlemen stand upon the floor of this House and apologize to the people for not reducing the duties on sugar and the necessaries of life.

I mention the sugar especially, because that produces about $60,000,000 Government revenue, the amount they say this bill will increase pensions. We apologize and say we must have the duties to pay the enormous appropriations that the previous Congress placed upon the country. Yet we, with one stroke of the pen, add to the appropriations to begin with $60,000,000 to $75,000,000. Now, if some financier in this House will explain to me how you can retrench and reform and reduce the tariff on the necessaries of life by increasing appropriations $60,000,000 at one move, then I will thank him for the explanation.

Mr. SAMUEL W. SMITH. Will the gentleman yield for a question?

Mr. TRIBBLE. Yes.

Mr. SAMUEL W. SMITH. Where does the gentleman get his figures when he says the Sherwood bill will add $60,000,000 to the taxes?

Mr. TRIBBLE. The only information I have comes principally from the committee and from gentlemen who have spoken on the floor of the House.

Mr. SAMUEL W. SMITH. I understood them to say $20,000,000 or $21,000,000. The gentleman makes it nearly three times as much as that.

Mr. TRIBBLE. I hope the gentleman is correct; even if it is twenty-one, I am still opposed to the bill.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

Mr. LEVY. Mr. Chairman, I would like to ask the gentleman a question. The Pension Bureau states that for the first year it will be $32,000,000 and the second nearer $75,000,000, and under the Sulloway bill it would be $20,000,000 for the first year and $45,000,000 to $50,000,000 for the second.

Mr. TRIBBLE. Yes. Understand, I am voting against both of them, or against any increase.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. LEVY. Mr. Chairman, before the gentleman from Georgia yields the floor I would like to add a statement.

Mr. TRIBBLE. I yield.

Mr. LEVY. It is this:

SHERWOOD BILL.

Based on settling 200,000 claims the first year at $160 per man would make a total of $32,000,000 the first year. The second year all claims will have been settled and will make the increase under this bill approximately $75,000,000.

SULLOWAY BILL.

Based on settling 200,000 claims the first year at $100 per man would make a total of $20,000,000 the first year. The second year all claims will have been settled and will make the increase under this bill between $45,000,000 and $50,000,000.

These figures were given to me by the finance division of the Pension Bureau.

Mr. MANN. Mr. Chairman, owing to the fact that so many Members desire to be heard upon this bill, and to the possibility that I may not speak in general debate at all, for the present I will reserve the balance of my time.

The CHAIRMAN. The gentleman from Illinois reserves the balance of his time.

Mr. DIES. Mr. Chairman, I desire to make a few observations upon this pension measure, and I sincerely trust that my motives will not be misunderstood. I know that those of us who come from the South must approach this question with a certain degree of embarrassment. We are still thought to harbor feelings of bitterness against the Federal soldiers. It is my belief that prejudice of this character has died away. I know that I feel no such prejudice. I honor the brave soldiers of the Civil War, both blue and gray. [Applause.] It was given me to be the son of a Confederate soldier, and I am proud of the part he bore in that great struggle. He and his comrades in arms were overcome by the Union soldiers. I know the soldiers of the South could not have been subdued by any soldiery on earth except brave and patriotic men. But I am not willing to be awed into silence upon this great question because I come from the South. I yield to no man in devotion to my country, and I feel it is my duty to raise my voice against this colossal expenditure of the people's money.

During the last session of the Sixty-first Congress, while the Republicans were in power, a pension measure, known as the Sulloway bill, passed this House. Fortunately it died in the Senate. We are now confronted with the Sherwood pension bill, brought in as a Democratic measure. I do not wish to discuss the comparative merits of the two bills. To my mind each of them are vicious and unprovoked assaults upon the Treasury. I understand perfectly well that there has been a rivalry between the Democratic and Republican Parties ever since the

Civil War as to which could and would give the most to the Union soldiers in the shape of pensions. It is not and has not been a question of giving them fair and liberal pensions when they needed assistance, but the rivalry has been between the parties to see which could give the most in pensions. Before I conclude I shall demonstrate conclusively that the Sulloway bill and the Sherwood bill each proposes to give the Union veterans of the Civil War more than they themselves have ever demanded. So, from a party standpoint there is no advantage. Each party has made the most shameless bid for the soldier vote, and each has shown a zealous desire to be liberal with other people's money in pension legislation.

I have said that we endeavored in the Sixty-first Congress to give the Union soldiers more than they wanted, and I shall be able to prove it. That done, I shall show that the bill now under consideration likewise offers more than is asked. In proof of that astounding assertion, I shall quote from a speech delivered on the floor of the House by the gentleman from New York [Mr. PAYNE], then the leader of the Republican majority, while the Sulloway bill was under consideration. He denounced the then-attempted raid upon the Treasury. It was a brave thing for him to do, coming as he does from the section where pension liberality is popular. I honor him for it. Mr. PAYNE said:

Mr. Speaker, I have voted for every pension bill that came before the House for the last 26 years, and I voted for them cheerfully, from a sense of gratitude, which no man can measure, which the country feels toward those who saved the country in the sixties, but I do not propose to vote for this bill to-day. I do not see any excuse for bringing in a bill here with rates of pensions making such an inroad upon the revenues of the Government.

The estimate is for forty-five and one-half millions of dollars. We have never had an estimate yet that was not exceeded by a good many millions of dollars. That is an estimate which brings the total annual pensions to about $200,000,000. The gentleman in charge of the bill speaks of the distressing cases that have come before his committee. I take it that they have relieved those distressing cases, but if they are not able to reach them all, I point out to them that, by enacting into general law the rules which they enforce when bills are brought before that committee, giving the administration of it to the Pension Bureau, they would relieve nearly all of those cases calling for a larger pension. It is a great increase over what is asked by the veterans themselves, who in their meeting at Atlantic City asked for a rate of pension much below this, that would not cost half the annual increase that this pension bill will cost if passed.

I can not justify myself in the discharge of my duty, under my oath of office, in voting for a bill that makes such a draft as this upon the Treasury at this time.

Now, I want you, my southern colleagues, to bear in mind what this Republican leader said in the Sixty-first Congress. I think every Democrat should let it sink deep into his soul. We Democrats have preached economy from the housetops, and it remained for this courageous Republican to tell us to help stop the pension grab. There were 391 of us in that Congress, Democrats and Republicans, and only 62 could be found to stand up against that effort to plunder the Public Treasury. The gentleman from New York [Mr. PAYNE] made it clear that we were then trying to give the soldiers more than they demanded. He said:

The statement was made in debate that the bill recommended by the Grand Army would cost the Treasury more than the bill before the House. I get the terms of the Grand Army bill from a letter of Charles W. Allen, president, and N. K. Van Husen, secretary and treasurer, of the Nebraska pension committee, dated December 28, 1910, namely, $15 per month to those veterans who have reached the age of 66, $20 per month to those who have reached the age of 70, and $25 per month to all over 75 years.

I have other letters confirming this proposition. In this bill the rates are $15 per month to those who have reached the age of 62 years; 65 years, $20 per month; 70 years, $25 per month; 75 years or over, $36 per month. The mere statement of the figures more than justifies my assertion that the Grand Army bill would not cost half as much as the bill under discussion. What excuse is there for granting double the amount asked by the veterans themselves?

Thus, according to this eminent authority, the Sulloway bill would have increased the pension appropriation forty-five and one-half million dollars annually, a sum far in excess of what the soldiers themselves demanded. But what of the present bill? The report of the Secretary of the Interior makes it clear that this bill which we are now called upon to support will increase the pension expenditure something like $75,000,000. Secretary Fisher's report can be found on page 146 of the CONGRESSIONAL RECORD, and every Member of this body should give it his careful consideration. In this connection I want to quote from another eminent authority, Gen. Charles Francis Adams, himself a veteran of the Civil War, a Union soldier and a man of fair renown. Speaking of the Sherwood bill, Gen. Adams says:

It would thus appear that under the measure now favorably acted on by the Committee on Invalid Pensions the $160,000,000 paid out by the Pension Bureau, according to its report in 1910, is to be increased by the sum of from $50,000,000 to $75,000,000 in the not remote future.

So it appears, Mr. Chairman, from very reputable sources that the bill now under consideration and the Sulloway bill each are in the nature of attempts to hand over to the pensioners a very large amount of money, taxed from the people, in excess of the pensioners' demand. These eminent men from whom I quote were not Confederate soldiers; they do not live in the South; their sympathies and services were with the Union. They denounce these bills as pension grabs, and still we sit here and vote for them and thus humbug the people with the cry of economy. Let the roll be called, and those who have heard our economy talk can then tell better by our votes than our voices how we stand. It was openly stated in the press, and I never saw it denied, that President Taft proposed to veto the Sulloway bill if it got as far as the White House. Republicans from the North like PAYNE and DALZELL denounced it upon the floor of the House; it was denounced and strangled in a Republican Senate; and yet it passed the popular branch of Congress with a whoop. The present bill is denounced by patriotic Union soldiers all over the country as an uncalled for raid upon the Treasury; but it will pass this House with wild enthusiasm. Why? Because we have not got the courage to do our duty in the face of a huge pension roll. They say President Taft has the courage to veto this bill if it gets to him. I hope he has, but I doubt it.

If the President does veto it, he will merit the gratitude of every lover of decent politics. I know that if Grover Cleveland was back on earth and in the White House, he would write his veto all over the bill in no uncertain language. I want to quote again from the pen of Gen. Charles Francis Adams. He tells the truth about this pension business in language that can not be improved upon. He says:

For present purposes it is not necessary here to enlarge upon the existing pension system of the United States. It is sufficient to say that the world has not heretofore in its history seen, as respects volume, anything like it—anything even approaching it. In the year 1866, that immediately following the close of the Civil War, the national appropriation for the payment of pensions, though supposedly covering, under existing legislation, cases of wounds and disability therein incurred, amounted to a little in excess of $15,000,000 annually. Forty-four years later, in 1910, the exact amount reported as expended under that head lacked less than a trifling $16,000 of $160,000,000. In other words, 50 years after the close of the Civil War the pension payments because of that war, having increased tenfold, were still on the ascending grade. And that they were still on the ascending grade was clearly indicated both in the debates and in the parliamentary action of the special session of the Sixty-second Congress.

Now, Mr. Chairman, that is a plain statement of the facts detailed by a man who served three and a half years in the Union Army. So far as I am personally concerned I am not a candidate for office, and I do not know that I ever will be. I am a party Democrat, and I want my party to win, but the naked truth is that the Democratic Party is just as cowardly on this pension question as ever the Republican Party dared to be. The Republicans debauched the pension rolls for political purposes, and we are preparing to follow their bad example. I want to digress a moment, Mr. Chairman, to say that so recently as the last session of Congress we were talking about the iniquity of large campaign contributions. Many of us were shocked that they were so large. Do you know that this attempted pension increase is itself in the nature of a campaign contribution of more than $50,000,000 in a lump sum? [Applause on the Democratic side.] Some of my friends tell me that if we do not give the soldiers this increase we will lose the election. In Heaven's name, has it come to this? Must we add to the burdens of the people in order to increase the pension roll for political purposes? That would be bad enough, but, horrors! must we tax more money from the people to give to the pensioners than the pensioners themselves demand? That is worse than the rotten Roman demagogues did during the decaying days of their republic. They gave the people corn from the public crib to get votes, but I never heard it charged that they gave them more corn than was demanded.

This whole matter has grown to be one of politics, and it is a serious matter for the ordinary taxpayer who is not drawing a pension. Let me quote again from Gen. Adams. He says:

Looked at from another point of view, the political influence in favor of putting in any and every pension measure, no matter what its character, is apparent, and even more startling than apparent. On the 30th of June last there were upon the rolls of the Pension Office the names of 880,000 recipients. These, of course, are unequally distributed. They represent, however, on the average considerably more than 2,000 recipients for each congressional district of the country. In Indiana, for instance, there are 4,176 pensioners to a district.

No wonder there are so many Members of Congress quaking in their boots for fear of the pensioners at election times.

What will it be, my colleagues, when we have a civil pension list as is being advocated? There are 1,000,000 employees of the Government who now demand to be pensioned. The President has capitulated. I take it that our leaders on the Democratic side will capitulate as readily as he. Then 1,000,000

of the civil employees of the Government are to be placed on the pension list, and that will make 8,300 to the district—in Indiana, say. What chance will there be then for the man not in official life or not upon the pension list? The question will be not how much is the pensioner entitled to, but how much will he take before the election. It is a very serious question for you who occupy the seats of the great founders of this Republic.

There is a feature of this discussion which I want to call to the attention of my southern colleagues. Because we come from the South there is an idea that we must keep silent when these pension grabs are being pushed through. The people of the South pay one-third of the pensions, and it is high time that Members of Congress from that section should join patriotic men from other sections in calling a halt. Permit me to direct attention to a statement made by the present able chairman of the Appropriations Committee [Mr. FITZGERALD] when the Sulloway bill was under discussion. He said:

Mr. Speaker, this country has been generous to the old soldiers. It has spent $3,400,000,000 in pensions, and that does not include the sums spent for various other purposes for their relief. I favor liberal treatment for the old soldier, but I do not favor such liberal treatment at the expense of the people of the United States as will result in injustice, and I shall not, therefore, vote for this (the Sulloway) bill The time has arrived, in my opinion, when the men of the South are no longer justified in sitting silent when legislation of this character is pressed before the House because of a patriotic desire not to appear as sectional or biased against Union soldiers, lest their motives be misjudged and thus not to interfere with legislation of this character, but to express their honest opinion of such legislation.

I had hoped, Mr. Chairman, and I still hope, that the coming into power of the Democratic Party would work economy and reform in the affairs of government. We have promised the people lower taxes, and we all know that lower taxes will not follow increased expenditures. My faith in Democratic protestations was somewhat shaken when the Sulloway pension bill came up and I found both parties supporting it, rank and file. I am preparing for another shock when a vote is had on this bill. The Republican Party has never preached much economy and has never practiced any at all that I know of, and I am not surprised at their course, but with us the case is different. We have promised to lighten the tax burdens of the people, and it is making a mighty poor start when we pass a pension increase of more than fifty millions at the first regular session of Congress after we come into power in the lower House of Congress.

We are about to begin a revision of the tariff. The people are anxiously awaiting to have us reduce their tax burdens. Presently we are going to have in this Chamber great volumes of flannel-mouthed oratory upon the tariff question. Some of our vociferous leaders are going to talk about free trade, lower taxes, and lighter tax burdens. Do they not know that in silently allowing this fifty-million pension increase to become a law they thereby foreclose much of our opportunity to relieve the tax burdens of the people? Every man who votes for this pension increase indirectly votes against lower tariff taxation. It is a great pity that their votes can not be so labeled in the RECORD, in order that the American people might form a better estimate of their sincerity. You can not have your cake and eat it, too. You can not relieve the tax burdens of the people if you sit supinely by and let the pension roll be increased to two hundred millions a year.

It may be that if we deal squarely with the people upon this question they will elect some other folks to fill our seats in this Chamber. But I have about come to the conclusion that there are a great many seats on both sides of this Chamber that ought to be made vacant. [Laughter and applause.] I do not doubt the integrity of this body. I believe that there is no venality here. But I have lost my respect for your courage. You are willing to increase the burdens of the taxpayers, who seem not to know how it is done, by increasing the bounty of the pensioners, who seem to know exactly how it is done. Once in a while we find a Member of Congress who is brave enough to risk his political life in the cause of the people. I always want to take my hat off to such a one. Such a man of courage is the gentleman from New Jersey [Mr. HUGHES]. When the Sulloway pension bill was before the House he voted and spoke against it. He was not willing to increase the tax burdens of the people fifty millions in order to make his seat in Congress secure. His words are worth quoting, because they are the words of a courageous representative of the people. He said:

I will go as far as any man ought to go in appropriating money for this purpose (pensions). Yet I want to say this, here and now, although I realize the effect of my vote on this question, that $50,000,000 a year is too big a price for the country to pay to bring me back to Congress.

[Applause on the Democratic side.]

Now, what I am saying here is the unvarnished truth, and need not alarm my Democratic friends. No advantage can be had from this pension question as between Democrats and Republicans. Why, ever since the Civil War the whole spirit of the country has been in sympathy with every legitimate demand of the needy soldiers. I would feel ashamed of myself if I was not willing to vote pensions to ex-soldiers of the Union who went to the front in a cause that they believed was right. I am willing that my property should be taxed in my State in order to pay pensions to the needy Confederate soldiers. They, too, battled for what they thought was right. The Federal soldiers have a right to look to the Federal Government when in needy circumstances. They held the Union together on the field of battle. I am willing to extend the aid of the Government to every one of them that needs it. But I am not willing to vote for a bill that gives them 20 or 30 per cent more than they ask for. They recently passed a resolution setting forth their wants. Then came the Republicans and tried to give them more than they demanded. And here we are in this Congress trying to give them more than the Republicans offered them. What must they think of us? In their secret hearts they must know that we are simply insulting their manhood by playing politics. Are we to go on piling up the pension roll for political purposes? You never can pay the brave soldier who risked his life in battles in dollars and cents. This bill is fondly called by its supporters the dollar-a-day bill, as if a dollar a day is enough money to pay a man for being shot at. Why, if you put it on a money basis there is not enough money in the world to recompense the Federal soldiers. The Government has already paid in pensions growing out of the Civil War nearly $4,000,000,000. The amount grows with time. This bill will run it to two hundred million a year. The Republicans will naturally want to go us one better if they get back into control, and where will it stop? According to Gen. Adams, there are an average of 4,176 pensioners to the congressional district in the State of Indiana. Our friends from that State are naturally scared over this question at election times, but do we not make the danger greater as we increase the amount paid out?

Mr. ADAIR. Mr. Speaker, will the gentleman allow an interruption?

Mr. DIES. With pleasure.

Mr. ADAIR. Just cut that in half—cut it in two—and I think it would be more nearly correct. I do not think there are 4,000 to the district.

Mr. DIES. Gen. Francis Adams says there are 4,176 to the district in Indiana.

Mr. ADAIR. When was that said?

Mr. DIES. He said it was on the 30th of June last.

Mr. ADAIR. Gen. Adams is mistaken.

Mr. DIES. Well, from the actions of some of my Democratic colleagues in reference to this bill, I am inclined to think there are even more than 4,000 to the district. [Laughter.]

Mr. ADAIR. I might say I wish there were.

Mr. DIES. Just reverting a moment to the proceedings of yesterday, I made the statement here on the floor of the House yesterday that the pensions of the Government amounted to $160,000,000 a year. I understood the gentleman from Ohio [Mr. SHERWOOD] to say that the pensions on account of the Civil War were only $100,000,000 a year. With all due deference to the gentleman from Ohio [Mr. SHERWOOD] and to the gentleman from Indiana [Mr. ADAIR], I think that is a mistake.

Mr. MANN. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Illinois?

Mr. DIES. With pleasure.

Mr. MANN. I do not see the gentleman from Ohio in his seat at this moment. I understood his statement to be that the amount paid to the ex-soldiers of the Civil War was $101,000,000 a year.

Mr. DIES. That may be technically correct, but it is calculated to mislead the House. The report of the Commissioner of Pensions, which I hold in my hand, discloses the fact that the amount of money paid on account of Civil War pensions and in administering the pension laws for the last current year was $151,036,331.07, and that the total payment for all purposes under the pension laws was $159,974,056.08.

Let me say that the history of this Government discloses the fact that its liberality in the matter of pensions has exceeded anything in all history. I have seen it stated in current literature—I do not know if it be true—that the pensions paid by this Government on account of the Civil War exceed the pensions paid by every other Government since the fall of the Roman Empire. I do know that the Commissioner of Pensions makes this disclosure in his last report, which is worthy of attention by Members of the House.

The amounts that have been paid for pensions to soldiers, sailors, and marines, their wives, minor children, and dependent

relatives on account of military and naval service since the foundation of the Government to June 30, 1910, are as follows: War of the Revolution, $70,000,000. That account is all wound up. The books are closed. The War of the Revolution that gave us the Republic——

Mr. MANN. We still pay one Revolutionary pension, do we not?

Mr. DIES. Well, then, the account is practically closed. We paid $70,000,000 as a complete settlement for the pensions of the Revolution that gave us the 13 colonies and the start upon which we based this vast Republic.

For the War of 1812, $45,000,000; Indian wars, $10,000,000; War with Mexico (up to date), $43,000,000; the Civil War, $3,837,488,171.42.

In other words, taking the War with Spain, the regular establishment, unclassified pensions, the War with Mexico, the Indian wars, the War of 1812, and the War of the Revolution, the total pensions paid on account of these wars was $235,500,000, while the pensions on account of the Civil War have been $3,837,000,000.

It is no reflection upon the Federal soldier that he receives this tremendous largess at the hands of the Federal Government. The Federal soldier is a human being just like the Confederate soldier, like the Member of Congress, and the balance of the human family. If you should offer him the salary of a Congressman for his services in the Civil War he would take it, and we could not blame him. The whole question is, Shall we tax the people of the United States year after year to increase pensions not demanded by the soldiers themselves as a political asset of the party that happens to be in power? I have but little patience with the Congressman, be he Democrat or Republican, who talks to his constituents about reducing taxes and then comes up here and votes a constant increase of pensions. It is mockery of the taxpayers. I think decapitation for a good many cowardly statesmen here would do the country good. [Laughter.] It is idle for us to go on deceiving the people by promising them lower taxes while we vote for greater expenditures. We are compelled to raise money to run the Government by means of tariff taxation, and the merest child must know that the greater we make the expenses the greater the tax must be.

How much longer are we going to bunco the people by talking free trade and voting for larger appropriations and longer pension rolls?

Mr. Chairman, I shall not detain the House with a lengthy discussion of this question. I know I am wasting my breath. The only way to stop this carnival of expenditure is for the taxpayers themselves to wake up and demand a halt. Self-preservation is not only a law of nature, but is a law of practical politics as well. I know perfectly well that when four or five thousand hungry pensioners get in behind a scared Congressman in a close district no room is left for argument. [Laughter.] But it does seem to me that sometime, somehow, somewhere there must be a stop to this sort of legislation.

Mr. Chairman, there is a growing demand for civil pensions. There are a million employees of the Government knocking at the door of Congress upon this question. The old Government clerk looks in upon us with withered face and weakened body, and he says we should give him a pension. He has been a faithful servant of the Government for almost half a century. Will you turn him out now to starve when he is old? And then there comes the old school-teacher. Has she not taught your children? She is old and poor. Will you deny her the pittance asked in the shape of pension? What man has occupied a more responsible position than the locomotive engineers and firemen? Through cold and heat and danger have they driven their engines with precious lives in their care. Now they are old and penniless. Shall they starve for want of a pension? Think of the old men in all the walks of life who need a pension. And the old women, too. Why, here are the women who raised all your soldiers, and now they are old. Will you turn them away? And so you stand face to face with a civil-pension list. If this thing goes on, the old farmer himself will come marching in some of these times with a pitchfork in his hand and demand that he have his share. He will say, "I have fed you fellows for all these years and now I am broken down in health and poor, and if you propose to keep this pension business up I want a pension, too."

Mr. Chairman, the whole scheme is wrong. The people should support the Government, not the Government support the people.

The true and only function of government is to see that all men have fair and equal opportunities in the race of life. Socialism is coming, and it is an evil day for this Republic. My sympathies are all with those who strive against wrong and oppression. I wish there was an ideal government as pictured by Socialism. But it is only a dream, the vagary of impracticability. There can be no perfect government, because we have nothing but imperfect material to build with. I care nothing for names. What I want is to see this Republic, this representative Democracy of the fathers, perpetuated. I know it gives to the people more liberty, more security against oppression than any Government that ever existed. And knowing that, Mr. Chairman, it makes my heart sick to behold the people being lead off after false gods by a shameless set of political mountebanks, who neither know or care what the future may hold, and are content to ride upon the passing wave.

What we need in this Chamber to-day is courage. There are worse things than being unpopular. There are greater calamities than being beaten for office. Do your duty. Let the consequences take care of themselves. It is better to deserve the esteem of the people without receiving it than to receive it without deserving it. Give me courage to do my duty and I can bear the disfavor of the crowd, but if I make a cowardly surrender of the right, I am nothing in my own esteem, and the shout of the multitude will not change my opinion of myself.

I hear it said that President Taft will veto this bill if it comes to him. If so, strength to his arm. I want this great Republic, founded by our fathers, offering to mankind the best hope of the ages, to survive, whether it survives at your hands or at ours. [Loud applause.]

Mr. SMITH of New York. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SULLOWAY. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Chairman, I come from a district that can not be said to contain a very large number of veterans of the Civil War, and because of that fact it will not be charged that what I may say in favor of granting pensions is said because of an effort to secure the veteran vote of the district. What I have to say is said because of my belief that the men who fought to preserve the Union are entitled to the consideration of the Republic. This bill now pending, in my judgment, does many great injustices to the veteran soldier. In the first place, I think it is altogether wrong to classify men who are to receive pensions on account of the time they served in the Army. I believe there ought to be no such classification in respect to time. The man who offered his life to the service of his country offered all he had, and the mere fact that he was not called upon to serve a long period of time should not prevent him from the benefits of legislation of this character, but the fact that he did offer his life entitles him to the gratitude of the Republic. So I say that when we grant pensions at all we ought to grant them without distinction as to the length of service rendered. Whether a man served one day or four years to my mind makes no difference. A man may have enlisted and have lost his life the first day of his service. Another man may have served all through the war and have escaped without a scratch. The simple fact that he did serve or offered to serve and was mustered in and honorably discharged ought now to entitle him to the same considertaion as that given to the man who served during the whole war. I believe that the maximum pension provided in this bill should be accorded to every veteran of the Civil War who is entitled to any consideration whatever. I believe there ought not to be any discrimination, and I think the bill should be so amended as to provide that simply mustering in and honorable discharge should give every man the same consideration.

There is no provision in this bill for the pensioning of the Mexican War veterans, and that should be included. Why should they be left out? There are not many of these men alive, and they ought to be given the consideration which is their due. There ought not to be any doubt about the action of the House, and I presume some Member will offer an amendment to include the veterans of the Mexican War in this legislation. If such an amendment is offered, I have no doubt whatever that it will be adopted.

Mr. MACON. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Certainly.

Mr. MACON. I desire to say to the gentleman that it is my purpose to offer that amendment under the five-minute rule, and I am proud to know that the gentleman from Illinois will support it.

Mr. MADDEN. I am delighted to know that the gentleman from Arkansas is thinking of offering such an amendment, and I shall be delighted to support it.

There is another provision which makes it impossible for any man who receives an income of $1,000 or more to enjoy the benefits of this legislation. Why should we put any limitation

upon the amount of income that a man has? Why should frugality be discriminated against? If we retain this provision in the bill every man who makes an application for a pension under this law will be required to prove that he is not the recipient of a revenue of $1,000 a year before he can become a beneficiary under the bill. The result of that will be that it will be one or two years, or perhaps more, before an adjudication can be had of any application for a pension under the law.

I believe that many others besides soldiers should be beneficiaries under the law. Take, for example, the men who served as telegraphers, men who went to the front and took all of the chances of men who fought on the battle line. They ought to be included in this bill.

Mr. LANGLEY. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Certainly.

Mr. LANGLEY. I quite agree with the gentleman's statement that there ought not to be any inquiry as to the length of service, and I agree with the statement he is just making with regard to others than soldiers who risked their lives for their country. I want to ask the gentleman whether or not he does not think the same rule should apply to those men who, although not regularly mustered into the service, nevertheless rendered exactly the same character of service, cooperated with Federal troops, under the command of Federal officers, and risked their lives and their health to aid in the suppression of the rebellion? Should not they also be included?

Mr. MADDEN. Every man who rendered service to the Government in the time of its greatest need, every man who offered his life in his country's service, ought to be included in any pension law of a general nature which is enacted by this Congress.

Mr. LANGLEY. I am glad to know that the gentleman agrees with that suggestion, and I think I can promise him that he will have an opportunity to vote upon that at this session.

Mr. MADDEN. It was suggested by the gentleman from Texas [Mr. DIES] on yesterday that we have become very extravagant in the payment of pensions to the veteran soldiers of the country. He said that in 1870 the pension list amounted to only $30,000,000, that in 1885 they had increased to $60,000,000, and that in 1910 they had reached substantially the sum of $160,000,000.

Well, 1870 was only five years after the close of the war. Most of the men who had rendered service to the country were then young. They were in the full vigor of their young manhood, and they were able to make a living for themselves. They did not desire that the Government should care for them then. In 1885, 15 years afterwards, many of those men had grown old, many of them had become unfit for manual labor, many of them had become disqualified to make a living, and the Government was called upon naturally to aid them. That is as it should be. In 1910 all the men who served in the Civil War had passed the age when men are supposed to be able to make a living for themselves. They had become decrepit from the hardships endured during the war; they had passed over the crest of the mountain and well down the western slope with their faces turned toward the setting sun; they had, on account of advancing age and increasing infirmities, become less able to make a living, while the Government had become better able then than ever before to meet the needs of those men, and their needs were greater than ever before; I glory in the fact that the Government has displayed that kind of liberality which recognized the necessity of caring for the men who saved the Union. [Applause.] We can not go too far on this question, and we can not be too liberal to the men who fought the battles for the preservation of the Union. It can not be said that we are extravagant because we provide for the men who served the country in the days of its greatest need, who in their declining years are no longer able to provide the means for their own livelihood. This bill provides that men who draw a pension under its provisions are no longer to be cared for in soldiers' homes, while under the present laws men in soldiers' homes are cared for and at the same time are allowed to draw pensions. This bill should be so modified, first, so as to strike out the limit of service; next to strike out the limit of revenue received by the applicant for pension; and third, it should provide for a continuance of care for the old soldiers in the soldiers' homes regardless of what pension they draw besides. [Applause.]

Some there are who would have us believe that the granting of a pension to the veterans of the Civil War who fought to preserve the Union is in the nature of a charity. No such thing. The country owes these men a debt of gratitude which can never be paid; mere money is no equivalent for the sacrifice made, the suffering endured. They gave the country all they had. They made the country great. To their patriotism and valor we owe our present greatness as a Nation. North and South alike have reason to rejoice that the Union Armies were victorious. To-day we are a united country. The South is no less the beneficiary of the Union victories than is the North. Slavery has been blotted out; millions of human being are to-day free who, before the war, were but the chattels of the southern overlord. What a blessing it is that there no longer exists in this fair land the accursed institution of slavery! There is cause for rejoicing in the fact that men were willing to shed their blood in such a glorious cause. An appreciative people recognize the debt we owe these men, and they are glad of an opportunity to tax themselves in order that the country's defenders may enjoy what comfort a liberal pension will afford them in the few remaining years they are to live. We pay vast sums annually to maintain an Army and a Navy; we hear no complaint. Why, then, should anyone complain because provision is made for the care of the men who have but a short time longer to live and who made a united Nation possible, who saved the flag, who insured prosperity to those who are here to-day and to the generations who are yet to people this continent, who offered up their lives that slavery might be blotted out, who have patiently endured the sufferings of a lifetime that their country might stand proudly among the nations of the earth.

Gentlemen, knowledge that an appreciative Republic will not desert its defenders in their hour of greatest need encourages patriotism. Patriotism is the vital spark of the Nation's honor, the strong shield of the Nation's safety. Encourage our citizens to practice it and a quick response can always be depended on in defense of the flag whenever occasion demands. Count not the cost in dollars. Give back to these men but a small fraction of what the country has received as the result of their patriotic sacrifice and the Government will live and grow stronger in the minds and hearts of the people and will never want for heroic and able defenders.

Mr. SIMS. Mr. Chairman, being an orphan on this bill, being opposed to the bill reported by the majority of the committee, and being opposed to the substitute which I understand will be offered, I therefore accepted time in any way I could get it, and the gentleman from Illinois most graciously agreed to give me 10 minutes, for which I am very much obliged. I have no prejudice or any ill feeling in this matter. You will perhaps be surprised to learn that I shed the first blood in Tennessee during the Civil War; but I did. I was only 9 years old. At a little place in Wayne County, then called Martins Mills, where my father lived. My father had made the mistake, from the view of his neighbors, of casting the only vote for separation cast in the box in which he voted. I thought my father knew how to vote and that he was on the right side, so I put on a little blue cockade that indicated I was on that side, and I walked out in town and marched around and hollered, Hurrah for Jeff Davis and the Southern Confederacy, and about that time the Union boys came there, without respect to color, in very great force. I had a Confederate flag raised over a hollow stump, and they tore it into tatters; they tore every insignia of the Confederacy off me, and I got the worst beating that any Confederate ever got in battle, who survived it. I went home, torn and disheveled, and my mother advised me I had better keep out of the war unless I had somebody to fight on my side. [Laughter.] In Wayne County, where I was born, and Hardin County, where I was brought up, there were more soldiers who fought on the Federal side than on the Confederate, and I have never yet failed to introduce a bill to increase a Federal pension in my district where the affidavits accompanying the request showed that he was entitled to it, and I shall continue to do so.

Are we not granting liberal pensions now? Is there a government on earth which grants to its soldiers anything like the pensions which this Government grants? Are we not liberal? I say that they are, compared to the acts of any other government of which history furnishes any record.

My friends, I know it is a common thing for people to think that a man from the South opposes pensions because of prejudice. I do not. But let me show you the difference with us and with you. The burden of pensions is national. It rests all over the Nation alike, and all those who pay Federal taxes pay pensions. The benefits of pensions are not to the same extent national. They are paid out more largely in the North, because there is where the Federal soldiers live. Tennessee, I believe, furnished over 30,000 to the Federal Army, I think the two east Tennessee districts, perhaps, furnished as many soldiers to the Federal Army as any two congressional districts in the United States.

But, my friends, while the burden is national and the benefits largely sectional, there is another burden upon us which is sectional. In the South we pay, without your help in the North, the State Confederate pensions, unaided by one dime from Fed-

eral taxation. It is all right that we should do it. I know the people from the North on this floor admire and commend us for so doing. We have to bear your burdens in part. We do not get the benefit, because we have not the same number of pensions per capita or per area or per State. You ought to remember that our burden is altogether borne by ourselves, and you can not help us, and we do not ask you to do so. But why can not you, my friends, who live in the North, who have the soldiers with you, and who want to take care of them and protect them in their old age, which sentiment I commend, supplement the Federal Treasury? Why do you not levy a State tax in your respective States and add to the pensions of the Federal soldiers in your States if you think the Federal Government is not giving them enough? You would get it all back, or practically all back. Why not show your liberality to the Federal soldiers in the North like we do to the southern in the South, by paying these increases out of your own pockets? I say that it is just and fair, and you ought to do it if you love the soldiers as much as you profess to. Why not supplement the pensions by State legislation and tax your own people, because they get it back?

Mr. MANN. Will the gentleman yield for a question?

Mr. SIMS. With much pleasure.

Mr. MANN. Does the State of Tennessee pay pensions to the ex-Confederate soldiers?

Mr. SIMS. It does.

Mr. MANN. Does it pay pensions to the ex-Federal soldiers?

Mr. SIMS. It does not. The question brings forth what I was going to say. I say as a Tennesseean, that if the day ever comes when we pay the Confederate soldiers a greater pension than the Federal soldier receives out of the Treasury, I will vote to make the Federal pension as much as the Confederate pension by State legislation. Will the gentleman from Illinois do as much?

Mr. ADAIR. Does the gentleman know how many Federal soldiers there are in Tennessee?

Mr. SIMS. I do not.

Mr. ADAIR. Is it not true that in the district of the gentleman from Tennessee [Mr. MOON] there are more Federal soldiers than in any district in Indiana?

Mr. SIMS. I know that in east Tennessee there are a great many Federal soldiers.

Mr. ADAIR. I understood that there are more in the district of the gentleman from Tennessee [Mr. MOON] than in any district in Indiana.

Mr. SIMS. What has that to do with this bill?

Mr. ADAIR. You were talking about where this money went.

Mr. SIMS. I say that it is largely sectional in its benefits, and it is.

Mr. ADAIR. And Tennessee has a large portion of it.

Mr. SIMS. One district does not change the proposition I make a particle.

Now, my friends, we might as well face the music. We are all cowards, and we ought to be, when it comes to defying a reasonable public sentiment. I do not blame gentlemen here for voting for a reasonable pension for soldiers when a large percentage of the vote and of the influence of their districts is involved in that vote. But it is all wrong. Why not wait, my friends, for a few days or weeks or months it may be, until an income-tax amendment is adopted by a sufficient number of States of the Union to ratify it? Then this burden, which is a war burden, can be relieved by a war measure. This income tax, as everyone realizes, is a war measure. Take care of the pensions out of the income tax. Take care of the soldiers out of the income of the property that your soldiers made it possible to acquire.

Mr. LANGLEY. I am not certain from the gentleman's statement thus far whether he is opposed to any further increase of pensions. Is he opposed to further and more liberal pension legislation?

Mr. SIMS. No; I am not opposed to further reasonable increase, either by private or public bills. But does anybody think that $75,000,000 at one time, when every month shows a deficit in the Treasury, is a reasonable increase?

Mr. LANGLEY. I think it is all right—from my viewpoint it is. I am willing to give them even that much more.

Mr. SIMS. Oh, you are depending upon and hoping and praying for a presidential veto of your bill. [Laughter.]

Mr. LANGLEY. I can assure the gentleman that I am not praying for a presidential veto, because I know the President is not going to veto it, and, besides, I don't want him to veto it. [Laughter and applause.]

Mr. SIMS. The President has set a precedent and made a record of vetoing good bills. He has vetoed perhaps better bills than this one. But if we were not right in front of an election—if we were not surrounded by pressure—I doubt if this bill would now pass, with or without his approval. Let us wait for this income tax and pay it to the pensioners altogether and exclusively, and make it just as liberal as you want.

Mr. FOCHT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Pennsylvania?

Mr. SIMS. Certainly.

Mr. FOCHT. The gentleman left an impression that might be misleading, if allowed to go uncorrected or unchallenged, to the effect that the Southern States participate largely in supplying the revenues of this Government to pay these pensioners. Is it not a fact that the greater part of the revenues of this Government are collected not from the South, but that this revenue comes from the great industrial North, where these pensions are paid?

Mr. SIMS. Oh, certainly not. We import as much in the South, in proportion to the population and wealth, as the North does.

Mr. FOCHT. But you do not have the population.

Mr. SIMS. We pay as much tax in proportion to population as the North does, and more.

Mr. FOCHT. And we in the North get the pensions in proportion to population, and hardly in proportion——

Mr. SIMS. Oh, no. You get them nearly all, because most of them live in the North.

Mr. CULLOP. Mr. Chairman, may I interrupt the gentleman for a question?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Indiana?

Mr. SIMS. Certainly.

Mr. CULLOP. I would like to ask the gentleman a question. I am sure the gentleman wants to be correct in his statements as to the division or distribution of the benefits of pensions. Let me call this to his attention: At the pension agency at Indianapolis last year there was disbursed $10,624,002.28. That is in my own State.

Mr. SIMS. Yes.

Mr. CULLOP. In the gentleman's State, at the Knoxville agency, Tennessee, there was disbursed $10,046,239.13—a very small difference. All that went to the Tennessee agency.

Mr. SIMS. Oh, the gentleman refers to two pension agencies. I was speaking of the whole country.

Mr. CULLOP. The gentleman was speaking of two States, and yet the State of Tennessee is by these figures shown to be an equal beneficiary under the pension laws with the State of Indiana.

Mr. SIMS. What is the area of Indiana, and what are the limits of the Indiana agency?

Mr. CULLOP. It takes in the surrounding country.

Mr. SIMS. Oh, the gentleman is mistaken in the idea that most of the pension money does not go to the North, because there is where the soldiers live.

Mr. CULLOP. I did not say it did not; but did say in the city of Knoxville, Tenn., there was annually over $10,000,000 distributed, and at the Louisville agency, in Kentucky, a large sum—over $4,000,000.

Mr. SIMS. Does the gentleman controvert the statement that most of the money goes north?

Mr. CULLOP. No. A larger part of it goes north, but even the State of Tennessee, at its agency, receives nearly as much as the State of Indiana.

Mr. SIMS. Not as a State. The agency at Knoxville pays pensions for nearly the whole South, not for the State of Tennessee only.

Mr. CULLOP. It is for the State of Tennessee for distribution.

Mr. SIMS. Oh, no.

Mr. LANGLEY. I think the gentleman from Tennessee needs the prayers of the House, in view of the disclosures just made by the gentleman from Indiana. [Laughter.]

Mr. SIMS. I think the Knoxville agency pays for practically the whole South. It is incorrect that it applies to the State of Tennessee alone. What I say is true—that the benefit is largely sectional, while the burden is national. It is a public tax, and it should be so. But why does not the gentleman from Indiana favor, in his own State, supplementary State pensions to the soldiers of that State?

Mr. CULLOP. I will answer that. It is because these men saved the Union, and the Union ought to pay them the pensions as a recognition of a patriotic service. [Applause.]

Mr. SIMS. My friend will remember that Indiana came mighty near needing to be saved when the war broke out. She came pretty near being a Confederate State.

Mr. CULLOP. Oh, no; Indiana, with a population of 800,000 people, furnished 267,000 Federal soldiers to the Union Army. No other State in the Union made such a record as that, and was patriotic in every respect and is proud of it. [Applause.]

Mr. SIMS. Do you not think Indiana got the benefit of being saved? Why is she not willing to help pay for being saved?

Mr. CULLOP. I think Tennessee got the benefit of being saved and ought to assist in paying for it.

Mr. SIMS. And we are helping to pay for it, too.

Mr. CULLOP. It has made Tennessee a properous State, and it brought her into a properous Union. [Applause.]

Mr. SIMS. I thought the war was over.

The CHAIRMAN. The time of the gentleman has expired.

Mr. EVANS. Mr. Chairman, this discussion as to the distribution of pension money is not germane to this bill, but there is much that ought to be considered by this House which is germane. We ought to consider this as a matter of legislation and ask whether it is properly drawn and does it carry out its purchapter of another volume of pension legislation, and we now stop and appoint a commission to codify the entire pension laws of the country. We will soon have the laws on that subject in hopeless confusion and contradiction.

We should face it, not like the cowards that so many of you seem to be willing to admit you are, but face this question as Americans, willing gratefully to pay the heroes who defended the Union, not with any meanness or parsimony, but with generosity paying the men who actually fought to defend the Union and none others.

There is growing up in this country a very strong feeling against the abuses of pensions. The indictment is threefold: First, that men are not paid according to their length of service; second, that the bravery and merit by which privates have risen to become officers is absolutely ignored; and, third, that fraud permeates the system. The first two can not be questioned. If the third charge is well founded and fraud exists, it ought to be investigated. If it does not exist, that ought to be proved. No man can talk on the subject of pensions in the street cars, in the hotel lobbies, in the smokers on trains, without hearing and feeling that there is a strong and growing sentiment in this country that we have not been wise in the drafting of our pension laws. For that purpose we ought to take time to codify the entire law and make all the acts stand together upon some consistent basis.

Taking the bill now before us, the second section, if it were amended so that it would apply not to Confederates but only to Union soldiers, as it does not at present, provides for a payment of $30 a month for disability. If you will read the pension statutes in regard to disability, you will find that most disabilities carry more than $30 a month, and but a few of them less. Is this bill, if you pass it, to be considered as a repeal? It does not say anything about it. The bill is so crudely drawn that it does not refer to other statutes.

Mr. MADDEN. I think the bill specifically states that it does not repeal any existing law.

Mr. EVANS. If that is so, then this section is unnecessary.

Then take the fifth section of the same bill, which provides that rank in the service shall not be considered in applications filed hereunder. What is that put in there for? There is no provision that rank shall be considered. It is simply so much buncombe put in the bill. It has absolutely no meaning, unless it shows that politics and not patriotism is the underlying motive. Section 2 is absolutely of no account, because it gives less money than the rates of this table under separate acts. Another thing we ought to do when we make a real pension law is *to distinguish between the men who fought and the men who did not*, as well as to consider the length of service. The feeling against pensions grows out of the fact that the men who really deserved the pension do not get enough, and a great many are getting pensions that do not deserve them at all; and a great many men who are immensely wealthy also get pensions. These are the popular indictments, and we, as the representatives of the American people, ought to calmly and considerately correct them, not in a bill rushed through with a few days' debate. It ought to be considered by a commission of men, none of whom are to benefit by their own work. Beneficiaries of the bill ought not to draw it. It ought to be done so that it will express the gratitude of this country to the defenders of the Union in a clear and ample manner, and not in this patchwork and contradictory way.

Another reason why this bill should not be passed at the present time is that the report attached to it, I regret to say, can not be relied upon. It can not be relied upon for two reasons.

Mr. ADAIR. Will the gentleman yield for a question?

Mr. EVANS. Certainly.

Mr. ADAIR. This bill was submitted to the Pension Bureau, to some men who have given 15 or 20 years of their lives to the study of this question. The wording of the bill was approved by those who examined it at the bureau, and would the gentleman from Illinois say that these men, after all these years of experience, are incapable of determining what the bill means and what it is supposed to do?

Mr. EVANS. Does the gentleman think that he can make a clause that has no meaning and no sense at all a proper clause to put in a bill by saying that it was referred to somebody who ought to know about it?

Mr. ADAIR. I am speaking of the bill.

Mr. EVANS. It casts a reflection on the entire bill.

Mr. MANN. Will the gentleman pardon me for an interruption?

Mr. EVANS. Certainly.

Mr. MANN. Does it not show that somebody who drew section 2 never studied or understood the first principles of grammar?

Mr. EVANS. That goes without saying; it is unnecessary to mention that. I will say to my colleague that the same man who drew that section must have written this sentence in the report:

> Under House bill 1 nearly all these boards can be abolished without detriment to the service, as under House bill 1 there will be no occasion for medical examination, as every soldier will be paid on his service, with the exception of only one section of the bill.

That is not only not grammar, not English, but it is not intelligible; it is nonsense. That is a report of this committee. I wonder if that was submitted to the experts of the Pension Bureau.

Now, the next thing besides the want of common sense is the estimate. I have before me proof that the committee did one sensible thing. It referred to the Department of the Interior for an estimate of the cost which this bill would carry, and on the 11th of April, 1911, the Secretary of the Interior furnished that estimate; but that is not in this luminous report. The estimate is an increase of $75,000,000 a year. To be perfectly fair, the estimate goes on to state that no deduction can be made by reason of the provision relating to men who get more than $1,000 a year income. There is no data for that. But suppose that would amount to 15 or 20 per cent; that would reduce it to about $60,000,000 a year. Take this same report and it gives a specious reason for economy—that no board of examination will be necessary under this bill; but the boards of medical examination are appointed under other provisions of other laws, and no provisions of other laws are repealed by this bill. So there is neither reason nor sense in that. That provision does not deduct one cent from the whole cost of the pension department.

Mr. RUSSELL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Missouri?

Mr. EVANS. Certainly.

Mr. RUSSELL. I want to ask the gentleman if he knows how many there are in soldiers' homes who are not included in that classification?

Mr. EVANS. I have not investigated that.

Mr. RUSSELL. Does the gentleman know how many are now pensioners who receive more than $30 a month who would not be included in this bill?

Mr. EVANS. I do not know anything, except that I know that the Department of the Interior knows more than any one Member of this House knows about it, and has made its report.

Mr. RUSSELL. But the Department of the Interior has not undertaken to except from these figures the men who would be excluded under the provision about soldiers' homes, and under the other clause respecting those who are drawing $30 or more a month.

Mr. MANN. I might suggest to my colleague that it will not be necessary after the bill gets through the House.

Mr. SHERWOOD. Mr. Chairman, will the gentleman from Illinois yield?

Mr. EVANS. Certainly; everybody yields to the gentleman from Ohio, Gen. SHERWOOD.

Mr. SHERWOOD. I want to say to the gentleman—perhaps he was not here yesterday during my remarks—that this report was made on the 11th of April, 1911, and it included the number of soldiers on the pension roll on the 1st of July, 1910. The number on the roll on the 1st of July, 1911, was not known at that time, and my report was made after that time. Since that time perhaps 70,000 soldiers have died; but on that report I went to the Pension Office and called their attention to the fact that 63,000 soldiers were already getting more than $25 or $30 a month, and they had not deducted that amount in their estimate. They admitted that they were in error in that respect. If the gentleman will look at my report, he will find it is brought down to the 1st of July, 1911.

Mr. EVANS. Mr. Chairman, if both of these gentlemen had possessed themselves in patience I would have come to the points they have raised. Seventy-five millions of dollars in-

crease a year is the estimate. The report then goes on to show that as to certain deductions called for by the bill, mentioned by both of the learned gentlemen who have just interrupted me, the department can not furnish data adequate to make an estimate which would be of any appreciable value; yet these gentlemen on the committee do make an estimate of a ridiculously low figure—less than $29,000,000—in view of the fact that $75,000,000 is the initial increase that the bill calls for. They make an estimate, although the Department of the Interior is unable to do so, nothwithstanding all of its records and the statisticians that are there. What reliance can we place on the estimates in this report?

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

Mr. EVANS. Certainly.

Mr. FOWLER. I desire to inquire of the gentleman the amount of the pensions paid last year on account of the Civil War?

Mr. EVANS. About $157,200,000.

Mr. ASHBROOK. Oh, the gentleman is wrong. It is one hundred and one millions.

Mr. FOWLER. What is the number of soldiers pensioned on account of the Civil War?

Mr. EVANS. Mr. Chairman, I do not propose to get into a debate regarding any technicality. The pensions last year amounted to $157,200,000. I do not yield any time to discuss where that money went, whether to soldiers or to grafters. It went, and that is all I am interested in.

Mr. FOWLER. May I suggest to the gentleman that if you were to give all of the soldiers of the Civil War a maximum rate of $30 a month the amount would be in the neighborhood of $186,000,000.

Mr. EVANS. The gentleman is able to calculate that, I hope, as well as anybody else. Let him do his own multiplication.

Mr. FOWLER. Then, I want to know how you get an increase of seventy-five millions? That is what I am trying to get at.

Mr. EVANS. Let the gentleman ask the Secretary of the Interior and his experts. They know. They have reported, and the report has been suppressed.

Mr. FOWLER. I am trying to get at——

Mr. EVANS. Mr. Chairman, I decline to yield further.

Mr. SHERWOOD. Mr. Chairman, does the gentleman refuse to be interrupted?

Mr. EVANS. No; not by the gentleman from Ohio.

Mr. SHERWOOD. The gentleman criticizes the report. If the Pension Office itself—the Secretary of the Interior—has made a mistake as to 63,000 soldiers, what is the value of his report?

Mr. EVANS. What is 63,000 soldiers to the whole number of about 500,000? A little over 10 per cent. Does a deduction of 10 per cent from $75,000,000 make your estimate of $29,000,000? Not by any calculation I know anything about.

Again, the Secretary shows in his report that it is made as of a certain date, and that date has passed now, and you say he can make up a later one. Why have you not had the later estimate, if one exists, put in your report? You ought to have had it brought down to date and have had the Secretary's estimate and not your own, and you have not done it. The department's estimate is the estimate to which we are entitled.

Mr. SHERWOOD. The Secretary of the Interior does not know anything about the estimate. He gets it from the Pension Office.

Mr. EVANS. The Secretary of the Interior signs it; that is mere quibbling.

Mr. SHERWOOD. The experts of the Pension Office are the ones who find out what the estimates are to be.

Mr. EVANS. It is signed Walter L. Fisher, Secretary of the Interior. Now, I do not care to quibble, as the Secretary of the Interior is responsible.

Mr. SHERWOOD. The report is that 105,000 soldiers are off the list now——

Mr. EVANS. Mr. Chairman, I wish to say to the gentleman from Ohio that nobody interrupted him——

Mr. RUSSELL. Oh, yes; they did.

Mr. EVANS. Except for a fair question, but he interrupts me in the middle of a sentence, before I am through.

Mr. RUSSELL. I accept the amendment, but the gentleman from Ohio was interrupted.

Mr. EVANS. And he spoke two or three hours.

Mr. RUSSELL. No; he only spoke one hour; you are wrong again; the RECORD shows it.

Mr. EVANS. Gentlemen, I want to call attention to another fact. It will be a good deal in this regard like the chairman of this committee in making up his estimates, we will have to do it entirely by guesswork, but you can not figure on this bill in connection with the Sulloway bill without believing that the Sulloway bill carries less money than this one does. You take the life mortality tables and figure them out, and you will find that the Sulloway bill will carry less money in the next five years than this bill.

This bill, again, is fatally defective, in that it pretends to grade service up to one year, but makes no difference between one year and the balance of the four years. Now, if the principle is right that we should pay more pension to the man who served the greater length of time, why do you stop at the end of one year? Why do you divide it into 90 days, 6 months, 9 months, and a year, and then during the next 3 years' service no addition is made? Is that rational? Is that legislation? Gentlemen, opening the bunghole of the United States Treasury it not legislation. We ought to get together here as American Representatives and consider this whole question, codify all the laws, put them together and make them consistent; make them so that the people of this country will feel that they are not being defrauded, as many of them do to-day; make the inquiry into fraud so searching that we will respect this department; restore the pension roll as a roll of honor; make your laws consistent; and when this bill reaches the stage where it can be amended I propose to move that this bill and the entire pension subject be submitted to a commission, who will be instructed to report at this session one codified, consistent statute on this subject. [Applause.]

The letter from the Secretary of the Interior is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, April 11, 1911.

Hon. ISAAC R. SHERWOOD,
Chairman Committee on Invalid Pensions,
House of Representatives.

SIR: In response to your inquiry of the 3d instant, received on the 4th, submitting a bill granting a pension under certain conditions at the rate of $15 per month to any person who served in the military service for 90 days and less than 6 months, $20 per month for a service of six months and less than one year, and $30 per month for a service of one year or over, and requesting an estimate of the cost thereof for the first year, if enacted into law, I have the honor to submit such estimate, as follows:

Length of service.	Number of pensioners.	Present rate per month.	Proposed rate per month.	Increase per month per pensioner.	Increase per year per pensioner.	Total increase per year.
90 days	22,253	$12.00	$15.00	$3.00	$36.00	$801,108.00
6 months	55,533	12.00	20.00	8.00	96.00	5,340,768.00
1 year	200,279	12.00	30.00	18.00	216.00	43,260,264.00
90 days	819	14.00	15.00	1.00	12.00	9,828.00
6 months	2,047	14.00	20.00	6.00	72.00	147,384.00
1 year	7,370	14.00	30.00	16.00	192.00	1,415,040.00
6 months	20,356	15.00	20.00	5.00	60.00	1,221,360.00
1 year	73,280	15.00	30.00	15.00	180.00	13,190,400.00
6 months	5,601	17.00	20.00	3.00	36.00	201,636.00
1 year	20,165	17.00	30.00	13.00	156.00	3,145,740.00
1 year	47,349	20.00	30.00	10.00	120.00	5,681,880.00
1 year	17,451	24.00	30.00	6.00	72.00	1,256,472.00
Total						75,671,880.00

The estimate as submitted gives the actual increase in the annual value of the pension roll to which those pensioners on the roll June 30, 1910, would be entitled if such a bill should become a law. However, the increase in the disbursements for the first year after the passage of such a law is much more difficult to determine. The provision relative to income would necessarily require evidence in each claim as to the income of the applicant. This would no doubt lead to a large amount of correspondence and consequent delay in the adjudication of the claims filed. It is possible that not more than 200,000 claims could be adjudicated during the first fiscal year following the enactment of the bill. If this should be the case the actual increase in the disbursements for the first year would probably not exceed $32,000,000, as the average increase per annum in each case is $160. The claims filed the first year and not adjudicated until the second and third years after the passage of such a bill would carry arrears from the date of filing, and thus very largely increase the disbursements during these years.

This estimate is based upon the pension roll as it existed June 30, 1910. The statistics relative to the number of pensioners at the various rates are collected once each year for publication in the annual report of the Commissioner of Pensions. No later data is therefore available than that to the close of the last fiscal year.

The number of persons who would be entitled to the benefits of such a bill, as given in these estimates, includes those who served in the Navy and Marine Corps during the Civil War, as well as those who were in the military service. It is assumed that it was intended to include also those who served in the Navy and Marine Corps.

There is no data available in regard to the number of survivors of the Civil War who are now on the pension roll on account of wounds received in the service, and it is therefore impossible to give any estimate of those who would be entitled to $30 per month regardless of length of service as provided in this bill. The number of survivors of the Civil War on the pension roll June 30, 1910, on account of wounds and other disabilities due to the service was 121,581. However, a large number of those who have heretofore been granted pensions on account of wounds received or disabilities contracted in the service have been transferred to the act of February 6, 1907, such pensioners being entitled to a higher rate under that act on account of age than they had previously been receiving under the general law.

No deduction has been made in this estimate in regard to those who are inmates of the National Home for Disabled Volunteer Soldiers.

No data is available as to the number of survivors of the Civil War whose income is $1,000 per year or over, as the question of income has

never been a factor in the adjudication of claims of survivors of the Civil War under any legislation heretofore enacted. No deduction has therefore been made on account of those whose income is $1,000 per annum or over.

Very respectfully, WALTER L. FISHER, *Secretary.*

Mr. TAGGART. Mr. Chairman, I am here to vote the sentiments of my district, regardless of political parties or considerations. There is a decided preference in that district in favor of the Sulloway bill, but the Sherwood bill has been reported favorably by the committee and seems to be the only measure that can pass this House, and, rather than that the session should pass without the enactment of pension legislation, I will vote for the measure offered by Gen. SHERWOOD. [Applause.]

It is rather strange that more accurate data have not been supplied from some source upon this subject. There seems to be no reason why the exact cost of any one of these pension measures can not be ascertained with reasonable accuracy. The figures that have been furnished up to date will serve only for a rough estimate of the expenditure involved. I understand that the Commissioner of Pensions has stated that on June 30, 1911, there were on the pension rolls 529,886 survivors of the Union Army. An estimate has also been mentioned that about 63,000 of the invalid pensioners are receiving pensions in excess of $25 per month and would not in all probability be affected by the passage of the Sherwood bill.

Subtracting the 63,000 as well as the long roll of veterans who have since June 30 last departed this life it may be safely said that not to exceed 450,000 men would receive the benefits of the Sherwood bill. The most careful estimate made at this date as to the average increase for each pensioner under this measure places the figure at $78 per annum, and would therefore not increase the expenditures for pensions to exceed $35,000,000 per annum. The present cost of pensions for Civil War veterans is about $101,000,000 a year, the balance of $155,000,000 paid for pensions being disbursed to the other pensioners on the rolls. It can therefore be said that if this bill becomes a law it will provide for an expense of about $135,000,000 annually for pensions to Civil War veterans, and, Mr. Chairman, inasmuch as the average age of the men who are to receive those pensions is nearly 70 years, the reward of their services and their sufferings will not long remain a burden on the American people.

As one who has come here from the district in which the first blood was shed in the great struggle between the States to consolidate and nationalize the American people and having the honor to reside in the State of Kansas, which furnished the highest percentage of soldiers for its population of any State in the Union, I wish to state to you that I am not appearing in this House as one who is asking or soliciting alms on beinlf of the 4,000 Union soldiers who live in my district, but I am here to vote the sentiment of that district, and that sentiment is in favor of providing pensions sufficient to maintain and provide for the necessities of aged soldiers.

It has been the law, the custom, and the practice of this Government since its beginning to reward the Volunteer soldiers of our armies. It is not a sectional or a political sentiment or question. It is the long-continued and settled policy of the Government. The men who served the flag are not the soldiers of a section, they belong to the whole Nation; and inasmuch as they came to the rescue of the Government, it is only fair that the Government should not forget its sense of justice in less than half a century and neglect the men in their old age whose courage and fidelity preserved and perpetuated this Union.

No, Mr. Chairman, the soldier has not come, like Lazarus, seeking crumbs at the rich man's table. On the contrary, I can say that I have not a single petition or request from soldiers to vote for an increase of pensions; but I do say that the patriotic people of Kansas desire that those pensions should be increased, not as a charity or a benevolence but as a part of the just compensation of the men who bore the battles, who endured the indescribable hardships and privations of the march and the bivouac and endured the nameless horrors of the prison pen nearly half a century ago.

The record shows that the majority of the Members of this House were born since the War between the States began. There are not a dozen men in the House who took part in the war on either side. Formerly, when this House was occupied by a majority of distinguished gentlemen who took part in the war, those who represented the States that separated from the Union magnificently declined to take any part in the discussion of pension legislation. With soldierly dignity and pride they refrained even from comment upon such measures. The new generation, however, are released from the restraints of that dignity and silence; and it is fitting and proper that they should discuss this measure fully, fairly, impartially, and in the spirit of exalted patriotism.

I have no desire to reply to the open and fearless protest made by the gentleman from Texas [Mr. DIES] against this pension bill. It is perhaps fitting that he should protest as he does on the ground that very little of this money will be distributed in his district, but I shall reply to that portion of his speech in which he quoted the magazine article written by Gen. Adams, of Massachusetts, in which further increase of pensions for Union soldiers is denounced. It is astonishing that a venerable Union general from Massachusetts should rush into public print to protest against pensions and to prevent what he is almost pleased to call a looting of the Public Treasury by the former soldiers of the United States. [Applause.]

If I have read history correctly, it was in that region and in that State where long ago men sat in easy chairs, spectacled and cozy, as the general is now, and wrote the inflammatory literature, the language of hate, and the unmentionable diatribes against the people of one section of this country which aided largely to precipitate the Civil War.

And now after the lapse of more than half a century comes a protest against rewarding the men who slept shelterless in the night of storm or bivouacked in the snow and who awoke in answer to the bugle call when they went out to fight the battles that those people I have mentioned helped to bring upon our common country. [Applause.]

It may seem as though pensions are relatively upon the increase, but if we analyze the disbursements of this Government for pensions and for other purposes 30 years ago and now, we shall be astonished to discover that the disbursements for pensions in 1910 bear exactly or practically the same proportion as the cost of pensions bore to the disbursements for other purposes in 1880.

I shall call your attention to the specific figures: In 1880 the total ordinary disbursements of the Government were $264,847,000. The disbursements for pensions were $56,777,000. In 1910 the disbursements for pensions were nearly $160,000,000, but the total ordinary disbursements of the Government were $659,000,000. The cost of pensions was the same per cent of the total disbursements in 1910 as it was in 1880.

We who are here are not responsible for the tremendous expenses of this Government that have been incurred in the past few years. The fact that we are spending $160,000,000 a year in the War Department alone has excited the attention of every intelligent citizen of the United States. Why, gentlemen, we have a greater Army than either Wellington or Napoleon commanded at Waterloo, and we are providing and maintaining the most expensive Navy in the world, all at a time when there is not the remotest prospect of any conflict with any other nation, and at the very time when we are making maudlin and sentimental treaties of amity with the great powers of Europe. It is an actual fact that our Navy cost us $123,000,000 for the last fiscal year. The cost of the Navy Department was greater in the fiscal year ended June 30, 1910, than it was during the last year of the Civil War. The annual expense of the Army is more than 25 per cent of what it was in the second year of the Civil War, and more than 25 per cent of what it was in the third year of the Civil War. It does not seem that we have had the indignant protest of gentlemen against those great appropriations. Perhaps our protests are not yet due, because we, on this side of the House, are compelled to carry forward a program, so far as the naval appropriations are concerned, that I understand can not now be properly discontinued. [Applause.]

The war between the States was waged by two volunteer armies of young men. After it was over they returned to their homes and began the real vocations of their lives; and here let me say that the achievements of those men of both armies at home surpass the glory of their victories in the field. They went into the forests and upon the prairies and built homes; they erected and established churches; they provided schools; they built great cities; from among them came the wisest and perhaps the ablest statesmen of the nineteenth century. They originated, developed, conducted, and made permanent the gigantic industries for the production of human necessities on a scale more comprehensive than the world had ever seen and unexampled among the achievements of men. Where they broke the virgin prairie there is the landscape covered with homes. Where they cut down the forest by the stream there is the domed and templed city. Where they halted in the forest by the Pacific are the great marts of commerce. They have filled every kind of official position—local, State, and national. The men of the North and the South have met each other socially, in business, and in official life, and their former service in opposing armies but added to the mutual dignity and cordiality of their greeting. [Applause.]

The men of the South rehabilitated a ruined land. They have produced out of it a new prosperity surpassing even the dreams of their ancestors. The men of the North have taken part in the greatest development of modern times. The American volunteer is not to be spoken of as if he were a stupid, obedient, and awe-struck European peasant in the service of a king, who has been cuffed and battered into the shape of a soldier. He stands alone, isolated, detached, and apart from the other soldiers who served in the wars of the world. He is an intelligent citizen who gave a portion of his young life to the service of his country and who held in abeyance his great intelligence and merged his lofty and proud spirit into an organization for a time, that he might obey a superior officer in the capacity of a soldier. He is a citizen who was weighed in the balance and not found wanting, who responded to the call of duty, and who will leave to his country the glorious inheritance of that honor that was without stain and the memory of a heart that was without fear. [Applause.]

I believe that it is the will of the people of the United States that the soldiers should be treated generously in their declining years, and I believe that the people demand it of this session of Congress. How fleeting are the sentiments of a nation. What a confession of human weakness it is that we should idolize the soldier in the heyday of his strength and then seem to forget him when age has overtaken him. Forty-six years ago last May the combined armies of Grant and Sherman paraded Pennsylvania Avenue in this city, and a vast concourse of people assembled to review them. The long procession of veterans marching company front, bearing the riddled and torn standards of their regiments, and fresh from their victories, excited the most lively enthusiasm. Even strong men wept at the spectacle out of the excess of their emotions. There are some of the same men walking along Pennsylvania Avenue to-day, obscure, unnoticed, and forgotten. In that hour of victory in 1865 they asked for nothing and wanted nothing. In this hour of old age and weakness and disease, weighted down with the burdens of a long life, their friends have a right to ask for something, and it is unbecoming for the Nation to forget them or even seem to forget them. [Applause.]

Mr. Chairman, I believe, after a careful calculation, that the cost of this pension bill will not be what is apprehended by gentlemen. I believe we will pay less money for pensions in the next 10 years in the aggregate than we have paid in the past 10 years. The amount of money paid for pensions under this bill will decrease every day during the next 10 years, and even if this bill should pass the Senate as it stands we would pay less for pensions for the next 10 years under this act, or even under the Sulloway act, than we have paid in the past 10 years.

Now, therefore, I say in conclusion that I will vote for the passage of this bill. [Applause.]

Mr. TAGGART. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD and revise them.

The CHAIRMAN. The gentleman from Kansas [Mr. TAGGART] asks unanimous consent to extend and revise his remarks in the RECORD. Is there objection?

There was no objection.

Mr. EVANS. Mr. Chairman, I also ask leave to extend and revise my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that I also may be permitted to extend and revise my remarks.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CURLEY. Mr. Chairman, a very careful and painstaking analysis of the facts and figures furnished by the Pension Commissioner, Hon. James L. Davenport, presents the following as a correct showing of the disbursement of the pension appropriation for the fiscal year ending June 30, 1910:

Total number on pension rolls at beginning of fiscal year, June 30, 1909	946,194	
Number on rolls close of year, June 30, 1910	921,083	
A net loss of		25,111
Number of Civil War survivors on rolls beginning fiscal year, June 30, 1909	602,180	
Number on rolls close of year, June 30, 1910	562,615	
A loss of Civil War survivors for the year of		39,565
The pension appropriation for fiscal year ending June 30, 1910, was	$160,000,000.00	
The amount paid Civil War veterans during the year ending June 30, 1910	106,433,465.00	
Leaving a balance of		53,566,535.00

There was paid during the fiscal year ending June 30, 1910, for expense account of this appropriation:

For Pension Bureau, Washington, for salaries	$1,556,690.33
Pension agencies, salaries, clerk hire, rent, contingent expenses	476,875.28
Fees of examining surgeons	263,219.50
Being the cost to distribute the pension appropriation for the year of $160,000,000	2,296,785.11

There being, besides the Pension Bureau at Washington, 18 agencies, the agent at each being paid a salary of $4,000 per year.

You will notice that during the fiscal year ended June 30, 1910, the pension rolls showed a loss of Civil War veterans of 39,565, and in all probability the record for the fiscal year, which ends June 30, 1911, will show a loss of 50,000 survivors, possibly carrying the number beyond that. In that event the payment of pensions to survivors for the year would only amount, approximately, to about $95,000,000, and each succeeding year the amount paid would show greatly decreased totals, owing to the ever-increasing mortality. So that it can, in all honesty and fairness, be estimated that at the expiration of 10 years from the present time the Government would be paying as a pension to the survivors of the Civil War a sum of money amounting to less than $50,000,000 per year.

No State in the entire Union presents so commendable a record of fair dealing with the veteran or his dependents than does the State it is my honor to represent, the old Bay State of Massachusetts.

In 1910, Maj. F. A. Bicknell, the Commissioner of State aid and pensions for Massachusetts, reported that the sum of $825,000 was paid to veterans and dependents as military and State aid, and that the amount paid to veterans and dependents by the cities and towns of the Commonwealth as soldiers' relief during the year 1910 was $750,000, making a total of $1,575,000.

From the commencement of the Civil War to the present time Massachusetts has paid, in State aid to veterans and their dependents, who served in Massachusetts regiments during the war, $36,000,000.

I favor the bill presented by Gen. SHERWOOD because it establishes a plane of equality, which has heretofore never existed, for the men who risked their all that the Union might be preserved as a country of equality and opportunity for all people of every race, clime, and creed.

I favor this measure for the reason that it affords the same measure of protection to those who are without influential friends as to those who possess them.

I favor this measure because it removes from the pale of want those who, by their sacrifice and valor, made possible a land of peace, prosperity, and plenty.

I have served as a member of the committee on soldiers' relief for the past five years in Boston, and have witnessed innumerable instances of want, woe, hunger, and sickness among the veterans and their dependents which would never obtain if the Sherwood bill were in operation.

We have at the head of our soldiers' relief department a past commander of the Grand Army, a man whose contribution to the cause of the Union was his right arm, lost on the field of Gettysburg. I refer to Commander John E. Gilman. I have seen the brow of Gilman become furrowed with the cares and sorrows of the veterans appealing to him for assistance. We have had a wave of reform and hysteria sweeping over our State for the last four years, and the soldiers' relief department was not immune from investigation and attack. In consequence, it has been an established custom there for the last two years that no survivor of the Civil War, or a widow of a soldier of the Civil War, shall receive in excess of $20 a month between State aid, military aid, pension, and soldiers' relief combined. And, Mr. Chairman, many of these cases require medical attendance. Some require the constant service of a nurse, and it is a financial impossibility for them adequately to take care of themselves upon so small a sum as $20 a month.

I believe, Mr. Chairman, as a matter of justice, that this bill, as drafted by Gen. SHERWOOD, goes further to establish a proper degree of equality than any similar measure that has been seriously considered by this or any other House. [Applause.] This bill places all soldiers and their dependents upon an equal footing; this bill provides that he who is without influential friends shall receive the same consideration as he who possesses them.

Adopt this bill, Mr. Chairman, and you destroy injustice, favoritism, and poverty, creating instead justice, equality, and contentment. And I contend, Mr. Chairman, that if this particular bill, the Sherwood bill, establishes justice and equality, and relieves from the possibility of want those men who made

it possible to keep the Union whole, it is deserving of the support of every Member of this body. [Applause.]

The distinction should be established by the National Government between charity and justice.

State aid and soldiers' relief in the public mind are to-day considered as charity, when in reality they should typify the fulfillment of an obligation long overdue and which, if justice obtained, would never be necessary.

Money may typify power in times of peace, but in times of war patriotism is more potent than money.

Patriotism is absolutely essential to a country, and the spirit of patriotism created by the Grand Army of the Republic will ever prove a safeguard to this Republic.

The spirit exhibited by Gen. Grant when Gen. Robert E. Lee surrendered was the spirit responsible during the Spanish-American War for an exhibition of loyalty, fealty, and devotion to the flag and country as astonishing to the world as it was gratifying to all Americans.

O'Reilly in his inimitable style has truly and well said:

The battle flags of all nations are dear to the people; the flags are steeped in the blood of the nation.

But the veteran of the war is dearer and nearer even than the flag.

He is a living flag starred and scarred.

In the wild days "he kept step to the music of the Union."

His bronze medal or his empty sleeve thrills us with pride and affection, and as we witness the lessening ranks year by year we can say with the poet:

Oh blessed are ye, our brothers,
Who feel in your souls alway
The thrill of the stirring summons
You heard but to obey.
Who, whether the years go swift,
Or whether the years go slow,
Will wear in your hearts forever
The glory of long ago.

We owe a duty to the men who made possible this mighty Republic, with its boundless prosperity and its great hope for the future.

What we as a Nation have achieved, they by their sacrifice made possible; what we hope to accomplish is inspired by their example.

Shall it be said that we the representatives of the richest country in the world shall treat the creators of our prosperity other than as we would desire to be treated?

Or shall it be said of us that, with a due regard for justice, sacrifice, valor, and patriotism, we have acted as men deserving of the proudest title ever conferred upon human being—that of "American citizen"—and by voting for this measure bring joy and sunshine to the countenances and substance to the household of the veteran?

Let us by our action say to the world: They sacrificed their all for cause and country; we recognize our obligation.

And there is no reason why certain States in the Union should be compelled, through their cities and towns and through their State departments, to expend, as does Massachusetts, from $1,000,000 to $2,000,000 annually for the assistance of the soldiers or their dependents when their contribution to the cause of the Union was of benefit to every State and every Territory in the entire United States. [Applause.] It should be a general act, and the burden should be equalized, not borne by a few States, but borne equally by all States. If it is so borne it will not be a burden to any State or to any Territory. It will be an expense which every State and Territory will rejoice in sharing, as it means much for the entire country and is simply a step in the direction of justice in behalf of the old soldier. [Applause.]

Mr. MANN. I yield 10 minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Chairman, some remarkable statements have been made during this discussion. The gentleman from Tennessee [Mr. SIMS] just now astounded most of the Members of this House with the startling statement that increases of pensions for Union soldiers should be paid by the States from which they enlisted or in which they live. He has a perfect right to take pride in the fact that the Southern States pay the Confederate veterans a pension. Indeed those States should perform that duty for the veterans who enlisted in behalf of the lost cause. But at this time it is most remarkable that any man should say that those States that contributed of their citizenship to put down the rebellion should pay the increased pensions now needed by the veterans of the Civil War. The State of Tennessee, the State of Texas, all other Southern States have participated in the benefits of the bravery, the heroism, and the generalship manifested by every Union soldier who assisted in saving this Republic.

The gentleman from Texas [Mr. DIES] assailed this and all other pension legislation. He admitted that he had no Union veterans in his district who would be benefited by such legislation. I do not see him on the floor now, but I have noticed the courage with which he walks up annually to the support of the river and harbor bill and every other bill that appropriates money to be expended in his district or section of the country.

I am sorry to have noted a disposition to put the discussion of this bill on a financial basis. But little has been said of the patriotism of the men who have made it possible for this House to be assembled here to-day, but gentlemen talk constantly of the amount of money that it will take to pay them sufficient pensions to keep them in their last hours. They did not stop to count the cost in the sixties, and we must not stop to count the cost now. There is but little discussion of the amount of money in the Treasury or the amount of money that it will take when we talk of constructing an Isthmian Canal, when we talk of making unnavigable rivers navigable, when we talk of improving a harbor into which an ocean-going vessel will never come. Gentlemen then grow eloquent in support of additional appropriations without regard to the source from which the money shall come or the amount of it in the Treasury when asking appropriations for other purposes; but when we are confronted with a proposition to pay a debt and to make easy the last days of the greatest heroes this country ever produced, to place them in a condition where it will be possible for them to supply the bare necessities of life, gentlemen begin to talk about the amount of money that it will take from the Treasury of the United States. Some comparisons of this kind have been made of the Sherwood bill and the Sulloway bill. It has been stated that the Sulloway bill would cost more than would the Sherwood bill. It has been stated, upon the other hand, that the Sherwood bill would cost more than the Sulloway bill. It is not material to me which one of these bills will cost the most. My concern is, which one of these bills will do the most good to the greatest number of old veterans and those dependent upon them. [Applause.] Upon that proposition I have no hesitation whatever in saying that it is my belief that the Sulloway bill will reach the greatest number of veterans and do the greatest amount of good; and I would like to see the best that is in both put into one and passed. That is what I have been working for for years, and what I am working for now. I do not care who gets the credit if the veterans and their widows get what they are entitled to.

There was, some years ago, a most general approval of the Sherwood bill. I have received letters and resolutions daily by the score in behalf of the "Sherwood $1 a day bill." I have looked through the bills and could not find the "Sherwood $1 a day bill," but I could not write to all who wrote to me and tell them there was no such bill. It is now known that there is no $1 a day bill pending in this House, and that there has not been. This might be called a 50 cents a day bill or a 75 cents a day bill quite as well as a $1 a day bill. And since the old veterans and their friends have found it out, there is not as popular a demand for this bill as there was a year and a half ago.

Now, Mr. Chairman, I believe that the man who enlisted during the last days of the war is entitled at this day, so far as a pensionable status is concerned, to a place beside the man who enlisted in the earlier days. In the first place, the most of those who enlisted later were boys, and they enlisted at the very first opportunity. Many of them said they were older than they really were in order to get in. I have long since forgiven every one of them who said that he was 18 years old when as a matter of fact he was only 15 or 16. They did not enlist for 30, 60, or 90 days; they enlisted for 3 years, or until the close of the war. They enlisted after Gettysburg, after Antietam, after Cold Harbor, after Lookout Mountain, after all the bloody battles that had been fought up to 1864. It took courage, it took the qualities that make the best manhood, for those boys to enlist in the face of all that had happened—in three years of war, imprisonment, hunger, fever, wounds, hardships on the field, in the camp, and on the march, and the death of thousands in battle. But the brave boys enlisted and offered everything they had. Some of them were older when they enlisted and are getting old-age pensions now. I know men who enlisted during the last days of the war who are to-day getting $20 a month by reason of age. Will this bill cut them down to $15 a month. By its terms it will.

Then a gross injustice will be done to the man who served 90 days and is 70 years of age now, while another who served 90 days and happens to be 75 years of age at this time, because one man with 90 days' service would get $15 and another with the same length of service $20.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I will yield to the gentleman five minutes more.

Mr. CAMPBELL. Mr. Chairman, my further objection to the bill is that it makes no provision for the widows of the veterans who have married since 1890. I am aware that there may be in an exceptional and rare case an unworthy widow left by a soldier of the Civil War, but where there is one unworthy one there are a hundred or a thousand who are worthy. I know old widows who have married since 1890 who were of an age almost equal to the veteran that they married, who took care for 15 years of some of your old comrades, Gen. SHERWOOD, and I say it to you with sentiments of the highest respect, and these widows are to-day absolutely helpless and pensionless and they are not given a pensionable status under the provisions of this bill.

Mr. DIES. Will the gentleman allow me an interruption?

Mr. CAMPBELL. Yes.

Mr. DIES. I want to correct what the gentleman said about the soldiers in my district. The gentleman said that I had no veterans in my district. I want to say that I have more than 1,000.

Mr. RUSSELL. And if the gentleman from Kansas will allow me, I want to say that the Sulloway bill would not pension the widows that he mentioned, either, would it?

Mr. CAMPBELL. I think it would. If not, I have an amendment that will that I shall offer to this bill.

Mr. RUSSELL. The gentleman can put it into this bill if he has votes to do it just as well as he could into the Sulloway bill.

Mr. CAMPBELL. I think we may be able to do that.

Now, the fact that this bill is here with a report from the committee ought not to guarantee that it shall go through as it was reported, and I sincerely hope, and I appeal to the Members of this House to assist, as soon as we take it up under the five-minute rule, in so amending it as to make it apply to the greatest number of old soldiers and their widows, and thus make it a just pension law, just to every man who served in the Army of the United States for 90 days or more and had an honorable discharge, just to his dependent widow, whether he was married in 1890 or 1909. I hope we may remove the income clause and the clause barring from the soldiers' homes a veteran getting $25 a month or more and include a section for the widows who married the soldiers since 1890.

Now, just one word in conclusion. Whatever this bill may cost the first few years, whether it be in the form of the Sulloway bill or the Sherwood bill now being considered, the first few years may show a large increase of the pension budget, but, sad to say, it will not be for long. The veterans are mustering on the other shore at the rate of about 40,000 a year, and the number is increasing every year. So, even those who would protect the Treasury by voting against such a bill as we may make here need have no fear of it.

Mr. SHERWOOD. The Pension Office estimates that in seven years they will nearly all be gone.

Mr. CAMPBELL. I think the Pension Office is quite correct in that. I know them. I mingle with them. I am sure anyone who sees them knows that we owe them and that they need everything that this country can give them in the way of money and homes. I would not take one of them out of a home and put him out with $25 or $30 a month, with no one to care for him. When this Grand Army of the Republic has passed away, every young man who has known them may take pride in the fact that he has known and been a friend of a veteran of that great war. [Applause.]

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. SWITZER].

Mr. SWITZER. Mr. Chairman, I desire to indorse the sentiment of the gentleman from Kansas [Mr. CAMPBELL] respecting the modification or removal of the limitation in the widows' pension law and making that act a part of the bill now under consideration.

That there exists an urgent demand and an actual necessity for additional legislation granting to the surviving veterans of the Civil War a substantial increase of pension is beyond question, the gentleman from Texas [Mr. DIES] to the contrary notwithstanding. The fact that the majority side of this legislative body has allowed the Invalid Pensions Committee to report out this bill, thereby practically giving its assent to its passage, is sufficient evidence of such demand and necessity. It seems to me that the pending bill imposes conditions too harsh, too severe, to justify the title that it bears. As I understand it, before an old soldier can participate in the benefits proposed by this act he must not only for upward of 40 years have survived the war in which he served, but he must be now semidependent. I submit that a pension act which contains such a harsh and unjust condition should not be entitled "An act granting pensions on account of length of service."

The clause excluding from the provisions of this act those who are recipients of an income of $1,000 a year discloses that it is not an act granting pensions based solely upon service rendered during those trying years from 1861 to 1865. I am therefore opposed to this somewhat deceptive title to the act. I am opposed to the soldiers' home limitation. I am opposed to the thousand-dollar limitation.

I shall vote for this bill although it be not amended to conform with my views, for I see no other measure in sight which is likely to pass this session of Congress which will bring such quick relief to many old veterans, whose needs and many wants come under my daily observation. I shall do that regardless of the unjust discriminations in the bill and regardless of its humiliating limitations.

I feel that the time has entirely gone by when we can enact a pension law which is based solely upon service rendered in a war fought nearly half a century ago.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. SWITZER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SWITZER. It seems to me that a pension based on age, or one in which age is given due consideration, would be preferable. A service-pension law enacted 30 or 40 years ago possibly might have been an equitable bill; but becoming a law now, after the larger portion of the original survivors of that great army have passed over the divide, and a large portion of those remaining, because of old age, infirmities, and sickness, are physically unable to even enjoy the long-delayed distinction, can work but little equity.

I, therefore, hope that the obnoxious limitation clauses will be eliminated from the pending bill, for their retention will always be the source of lasting annoyance in administering the act. Their enforcement will always be fraught with enormous expense, and I suppose the pensioner will have to make oath at least four times every year that he is not the recipient of a thousand-dollar income; and it not only inveighs against the habit of thrift on the part of the pensioner but subjects him to the annoyance of all the whims and caprices of his enemies, who will be continually filing complaints against him should he be possessed of some substantial income, and will necessitate a continual investigation of his good faith in nearly every county in the Union.

If we are going to pass a law entitled a "Service bill," let us make it purely a pension based on service. If the law we pass is to carry with it a dependent pension, let us entitle it a "Dependent act."

I shall vote for it, as I would vote for any bill giving to a large number of the Civil War veterans a substantial increase of pension, to which I believe they are justly entitled.

To those who oppose the further increase of pensions and who feel that the benefits proposed by this act excel those carried by all preceding acts so greatly that the champions of this measure have overstepped the bounds of reason, I desire to direct their attention to the act of June, 1890, which provided a pension of $12 per month for the soldier totally disabled, and that $12 per month then would go nearly as far toward procuring the necessities of life as $18 will now, and to the further fact that 21 years have rolled by since the passage of that act and that the ranks of the old veterans have been decimated by the death of several hundred thousand men; that the average age of the old verteran is three score and ten and in the eventide of his life he needs something more substantial than eulogy, praise, and song to buoy up his tired spirit and waft it peacefully on.

There can be no question of the incapacity for the performance of manual labor on the part of most of them, and as has been stated before in the course of this debate, this is a rich country, a strong Nation of upward of 92,000,000 of people, possessing almost inexhaustible resources, both developed and undeveloped, unsurpassed by any other people on earth, and I feel that this Nation is amply able to further express its gratitude to those surviving of that army which came to the rescue of our country in the hour of its greatest peril, by granting a pension carrying at least as liberal rates as proposed by this act and those unhampered and unsullied by any obnoxious limitations—a pension based solely on our great appreciation of their lasting, valuable, and heroic services.

Mr. MANN. Mr. Chairman, I yield 10 minutes to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Chairman, I represent on the floor of this House a district in eastern Tennessee which furnished more soldiers to the Union Army in proportion to population than any district in the United States. In that district some of

the counties furnished more soldiers to the Union Army than they had voters—hundreds of boys enlisted. Tennessee furnished 37,000 brave and gallant soldiers to the Union cause. And here am I, half a century after the beginning of that great civil strife, the descendant of a man who was devoted to the Union and whose father and brothers believed in the Confederacy. My wife's parents' hearts beat in sympathy with the Southern Confederacy. I represent here a southern district that in 60 years has not elected a Democrat to Congress. That great war long, long ago passed away, but well do I remember, as a small boy way down in the district so well represented by my honored and esteemed friend, Judge RICHARDSON, of Alabama, the coming of the Union soldiers. My father was compelled to leave the Confederate territory and remain within the Union lines, leaving his wife and children behind. We finally followed, sleeping in box cars and camping out in the open, until the war was over. Now what a great country we have—a united country! We have no North, no South, no East, no West—only America. [Applause.] There are no longer southern men or northern men. We are free men of the greatest and richest and grandest Republic on the face of the earth. [Applause.] There is no war prejudice or passion in our fair land. That statement was more than fully justified on the floor of this House in the closing hours of the Sixty-first Congress, when the lamented and loved Gen. Gordon, representing the tenth district of Tennessee, an ex-Confederate soldier, and the gentleman from Alabama, Judge RICHARDSON, another brave and worthy ex-Confederate soldier, sat here all through the long vigils of the night to aid in the passage of a bill to repay the Union people of the South for the losses they incurred in that great struggle. [Applause.]

What a story and what a lesson does this discussion and this proposed legislation bring to our minds and to our hearts. We have ex-Confederate soldiers and the sons of ex-Confederates on the floor of this House advocating and ready to vote and write upon the statute books this legislation that will bring so much needed comfort, ease, and happiness in the declining years of the men who fought against them in the Civil War. Let us not make politics out of this patriotic legislation. This aisle does not separate me from my personal friends upon the other side. [Applause.] Any legislation, coming from whatever direction it may on the floor of this House, I care not who its author may be, if it is just and right, I give my support regardless of party or House organization. [Applause.] Let us pass this bill if we can not amend it, and if another body strangles it, as it did the Sulloway bill, they will receive the just wrath of the American people. [Applause.]

Mr. LOBECK. They have been getting some little, have they not?

Mr. AUSTIN. Yes; and one of my colleagues said to me yesterday that the soldiers of Massachusetts voted the Democratic ticket in the last election, and when I remembered the fact that some Republican Representatives of that State fought the Sulloway bill and a certain Member in another Chamber helped defeat it, I could well understand why the old soldiers so acted. [Applause.] The American people are just and fair. They will not tolerate a cruelty or an injustice to the helpless defenders and saviors of the Republic by any man or set of men or any political party. There has been something said about the contemplated action of the President of the United States upon this bill. No living man thinks more of him than I do, for I believe he is a great, wise, just, good, and patriotic Chief Executive. [Applause.] No Republican President ever vetoed a pension bill. [Applause.] None will ever do it. [Applause.] The only man who ever did it was Grover Cleveland, and we all know his fate when the American people gathered at the ballot box in the following election after those pension vetoes.

Now, a Member from the State of Texas would insinuate that this bill is supported by Members from Indiana and other States on account of the large soldier vote within their districts. I would be as strongly in favor of pension legislation if there were not a soldier in my district, because it is just and right. [Applause.] We are spending more than $200,000,000 for the Army and Navy to equip them to kill men, and there are Members on both sides of this House fighting this legislation who vote for an increase of the Army and Navy appropriations, but when old, helpless, needy, and crippled soldiers, who bared their breasts in storm of shell and upon the field of carnage, ask for justice in their declining years they have the hardihood to turn them down. We could pay $20,000,000 for the Philippine Islands, and yet men here hesitate about voting $20,000,000 to 460,000 of the bravest, grandest men who ever followed a flag or sustained and saved a Republic. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. AUSTIN. May I have a minute or two longer?

Mr. MANN. I yield three minutes additional to the gentleman.

Mr. AUSTIN. Now, the people who have honored me with a seat in this great body did not enlist and fight for the freedom of the slaves. They did not fight for the preservation of property. They were poor men. They went into that contest because they loved our starry flag, believed in our glorious Union, and were willing to sacrifice everything for its perpetuation. The liberation of the slaves meant competition with their labor, but they did not think of personal interest or of bounties, and they did not dream of pensions. They left their little homes, scattered in the coves and yonder upon the sides of the great Smoky Mountains in the very heart of the enemy's country, and they followed the north star across the mountains into Kentucky, where they joined the Union Army. The great God never created men of greater courage or patriotism or who suffered more for obeying their honest convictions than those men to whom I have referred. If you were to double and treble their pensions you could not repay them for what they lost and for what they suffered. It cost something to be loyal to the Union in eastern Tennessee. The soldier from the North left his family among friends to succor and care for them, but it was quite a different story away down there in the Southland. Yes, we owe our priceless institutions to the bravery of the Union soldiers. We have extended our borders and planted our loved flag in the distant seas. We have the richest, the greatest Government, and are the greatest people on the face of the earth; but there is not enough money in our National Treasury to pay these old heroes for all that they have done for your country, my country, our country—"land of the free and home of the brave." [Applause on both sides of the House.]

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. BOWMAN].

Mr. BOWMAN. Mr. Chairman and Members of the Committee, I consider it a great privilege to be a Member of this House at a time when such a measure can be received with such comparative unanimity.

I am wholly in accord with the principle that is stated in this bill, but do not favor the limitations which are offered in the title. I would amend it to read "Granting a service pension to veterans of the Civil War," and correct the bill accordingly, so that every man who offered his life as a sacrifice upon the altar of his country would receive a pension for that service. I believe that the Member who honors the Committee on Invalid Pensions by being its chairman and himself by doing so much for the veterans of this country would also like to see the bill made more general in its scope.

The bill does not provide for a service of less than 90 days. In my judgment a man who only served 1 day may have offered a greater sacrifice and performed a greater service than the one who served from the first day of the war to the last. The service can not wholly be measured by time.

Section 3 of the bill should also be amended. It wholly deserts the principle of pension for service. It might be entitled "a provision to discourage thrift." If it prevails the Pension Department will be obliged to pry into the private affairs of every applicant under the act, whatever the amount of his income, thus causing distress and injury not only to those who through industry, intelligence, or good fortune may have the fatal income of $1,000 per year, but to every veteran whatever his income. I shall vote for an amendment which will be offered to correct this section.

Luzerne County, Pa., which comprises the district that I have the honor to represent, is one of the most important and populous in this country. Its people have always favored the most generous treatment of the defenders of our country. The Wyoming Valley, the heart of the district, honored in song and story, was in the earliest history of this country a bulwark of civilization against the inroads of the Indians. The massacre of Wyoming stands as a "red badge of courage" for its early inhabitants. It furnished its full quota in the French and Indian and Mexican Wars. During the Civil War its farms were almost depopulated and the operation of the mines and shops was greatly limited through the patriotic spirit which led so many of the bravest and best of her sons to offer themselves to the service of their country.

Almost every militiaman in the county offered his services in the Spanish-American War. This record of patriotism is accompanied with a desire that the country should in its prosperity accord generous treatment to those who have so nobly offered their lives in its cause.

The country should grant pensions to its noble defenders from a sense of duty. They should in no sense be given as a charity, and I trust this bill will be so amended that it will finally accord with this principle.

Mr. MANN. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. WILLIS].

Mr. WILLIS. Mr. Chairman, I am here to express my approval of this bill and to state that when the opportunity comes I shall vote for it. [Applause.] I shall also vote for some amendments to the bill, if they are proposed by other Members, and, if not, I shall offer one or two myself. I think, for example, this bill ought to be so amended as to include the veterans of the Mexican War. I think it ought to be so amended as to afford some modification of the act of 1890, so far as it relates to widows. I think also that there ought to be incorporated in it somewhere a provision that will recognize the fact that when a man reaches a certain age he shall be entitled to a pension, aside from the other provisions of this act. I hope those amendments will be offered, and I hope that they will be adopted. But, I repeat, whether they are adopted or not, I shall support this measure. [Applause.]

I want to ask a little of your attention in the few minutes that I shall speak to some of the suggestions that have been made here, I like to think, not in a spirit of hostility but mistakenly.

It was suggested by one gentleman, the gentleman from Georgia [Mr. TRIBBLE], I believe, that it was indicative of extravagance and unreasoning legislation, to say that 20 years ago the appropriation for pensions should have been such and such an amount and that now it was almost double. He could not understand why it was that it was necessary now to have an appropriation for the old veterans of the Civil War amounting to something like $10,000,000 per annum. Why, it seems to me, Mr. Chairman, that that ought to be perfectly clear. In the administration of the "silent man of Galena" those men that fought the Civil War to its successful issue, those men that kept the old flag in the air and preserved the Union to the benefit of both North and South—because there is not and ought not to be any sectional feeling in this bill—those men, in the administration of President Grant, were still in the heyday of youth; they were as strong and vigorous almost as they were when they marched away in 1861 to the grand, wild music of war, and it is but natural to expect, as the years have passed, that those men are not so strong.

Thousands of them have passed into the Great Beyond. Thousands of them are now passing thither every month—the statistics show, I think, almost 3,000 every month. While we are discussing this bill the old heroes are answering the last roll call at the rate of 100 per day. And it is but natural that those who remain should be weaker and more decrepit. It is but natural that their bodies, having been exposed to the awful hardships of battlefield and prison, should become weaker as the years pass by, and that those men should need more pension. It is not an appalling fact, it seems to me, but a perfectly natural one, that this great Government should provide more liberally for those veterans as the years go by. [Applause.]

There is another thing to which I wish to call attention. I wanted at the time to interrupt the speaker and answer the question that was asked. Some Member said, "But what are you going to do about the civil list?" I do not know what any other man thinks about it, but I can say to the gentleman, whoever he was who asked the question, that, so far as I am concerned, I can see a tremendous difference between a civil-service pension that proposes to take care of men who have worked in Government offices with comparatively short hours, men who have worked in places that they felt extremely fortunate to get, and on account of which, as they did get them, they were looked upon as extremely fortunate men in their communities—I say there is a tremendous difference between pensioning men of that kind, who have been in the civil service of the United States and have not been exposed to any particular hardships or dangers, and who have been paid fair salaries all these years, and granting pensions to men who withstood the shock and brunt of battle at Chickamauga and at Antietam and Gettysburg. [Applause.]

I decline, for one, to admit that there is any parallelism in the two cases. I am in favor of liberal pensions for those soldiers of the Civil War, for the soldiers of the Spanish-American War, for the soldiers of any war that was fought for the interest of this great Republic. But I am just as frank to say to you, and I think I am stating good Republican doctrine when I say it, that I am not in favor of a civil-service pension list. [Applause.]

There is another thing, Mr. Chairman, to which I wish to call attention, and if I do not have time to finish the discussion of that point I shall ask leave to incorporate certain material bearing upon it in the RECORD, and that is, that some gentleman in speaking said he did not know whether this $101,000,000 per annum paid to the old soldiers, all told, went for a good cause or was graft; something to that effect. Mr. Chairman, I for one want to say that I believe it is unfair thus to cast aspersions upon the pension roll. I presume that some few men and women are drawing pensions, probably, who are not entitled to them, but the idea that is set forth in current newspaper articles and in some magazines that the Pension Department is honeycombed with fraud is false. I saw a certain magazine not long since, and on the cover of it was a picture of the interior of that building over yonder, the Pension Office, and then there was printed a motto to this effect: "$150,000,000 goes in here every year. Nobody knows where it goes to."

I say to you, Mr. Chairman, that an expression of that kind is unworthy of any patriotic organization or any patriotic publication or any patriotic American citizen. I say to you that this pension roll is not honeycombed with fraud. [Applause.]

Here is an investigation that was undertaken last year by the Pension Bureau, and I call particular attention to a fact that is stated here in the last paragraph that relates to this subject. I am reading from a report of the Commissioner of Pensions, from pages 30 and 31. Here is a statement made by the Commissioner of Pensions. He says:

> It may be added that the department commanders and the commanders of Grand Army posts throughout the country, who heartily approve this work, have rendered valuable assistance to special examiners by giving information relative to pensioners.

The Grand Army of the Republic, the soldiers throughout this country, stand for a clean pension roll, and they believe we have a pension roll that is a roll of honor. What does this investigation disclose, after all the talk, after all the magazine articles, after all the vilification that Members may sometimes hear, as somebody referred to it, in the smoking compartment of Pullman cars? It is an easy thing to vilify old soldiers while sitting in the smoking compartment of Pullman cars, and it is an easy thing to vilify old soldiers while sitting in palatial offices.

But I want you to remember that back in 1861 to 1865, when men were bidding good-by to home and friends and loved ones, and going out to do battle for the Republic, to face an enemy as brave as ever unsheathed a sword, then it was a different proposition. It is an easy thing to criticize now; but after all this claptrap, after all this talk about the pension roll being honeycombed with fraud, let us see what we find? We find it on page 30 of the report of the Commissioner of Pensions. They investigated last year 47,181 pension cases, investigated them carefully; and any Member acquainted with the business methods of the present administration knows that that investigation was carefully carried out. Almost 50,000 cases were investigated, and what did they find? They found that in those 50,000 cases there were 5 Union soldiers whose title to a pension was questionable. They found 5 questionable cases out of 50,000. In other words, throughout all these years, when it has been said that fraud has been creeping into the Pension Bureau, taking it far and wide and all of it, there is only 1 in 10,000 approximately whose title is in any way questionable. They went on and investigated other cases involving widows' pensions, the pensions of orphans, and so forth, and they found that in these 47,000 cases all told, including the pensions of orphans, widows, and old soldiers, there were 26, or roughly speaking, only 1 case in 2,000 about whose title there could be or was any question at all. In other words, I resent the imputation that this pension roll is not a roll of honor. I think it is a roll of honor and of very distinguished honor.

There is another thing I wish to reply to. Some distinguished Member—I think the gentleman from Tennessee [Mr. SIMS]—said that if the States where most of these soldiers live desired to be patriotic and to take care of the old soldiers, why did they not supplement the work of the National Government? As I said before, I dislike to think of any sectional interest in the discussion of a measure of this kind, but since the gentleman has referred to it, I will say to him that if he had taken pains to inquire from any member of the Ohio delegation, for example—or, indeed, if he had inquired of any member of the delegations from other States wherein large numbers of Union soldiers live—he would have found out that the States do supplement the activities of the National Government. For example, in the State of Ohio there is maintained by the State at Sandusky a splendid soldiers' home. The State of Ohio maintains in the city of Xenia a soldiers and sailors orphans' home. It maintains in every county of the State a relief fund to be distributed for the aid of worthy old veterans and those dependent upon them. I am not prepared to say just how much money the State has expended since the war, because I have not the figures at hand, but the distinguished gentleman from Ohio [Mr. SHERWOOD], chairman of this committee, will substantiate what I say—that our State and, no doubt, other States are supplementing the activities of the General Government.

But, so far as that is concerned, that argument has already been answered, because there is a reason why these pensions should be paid by the National Government. It is because these soldiers rendered a service to the Nation. It was not a State affair at all. It was a service rendered to the Nation, and it is entirely appropriate that the Nation should make compensation. [Applause.]

I submit the following statement from the annual report of the Commissioner of Pensions for the fiscal year ended June 30, 1911:

CHECKING THE PENSION ROLL.

Last fall it became apparent from letters received in the bureau and certain press articles that the impression obtained in some parts of the country that the pension roll was honeycombed with fraud. To settle the question beyond all controversy by determining whether the pension roll was a roll of honor or otherwise, I obtained verbal permission from those in authority over me to check up the pension roll. I mean by that, ascertaining whether every person drawing a pension is the person entitled to it. The task is no small one, as the bureau must first get the names and last known post-office addresses of the pensioners from the pension agents, and then field men must go from pensioner to pensioner to learn whether the proper persons are drawing pension.

This work was begun last December. The Washington agency roll is practically completed and the examiners are now working on the Knoxville roll. Up to this date 47,181 pensioners have been seen and questioned as to their identity and their certificates examined. As a result of this checking up 5 widows' names have been dropped from the rolls for violation of the act of August 7, 1882, 1 on the ground that she is not the legal widow of the soldier, and the names of 2 invalid pensioners because it was shown that they deserted from former services and received bounties for reenlistment. There are now under consideration with a view to dropping the names of 10 widow pensioners for violation of the act of August 7, 1882; 2 on the ground that the pensioners are not the legal widows of the soldiers; 3 who have remarried and have continued to draw pension; 1 invalid pensioner found to have been a deserter; and 2 invalid pensioners who served in the Confederate service and enlisted in the Union Army subsequent to January 1, 1865; making 18 more whose names will probably have to be dropped, a total of 26 in all out of 47,181. There are a few other cases where doubt exists as to title which will have to be specially examined to determine the facts. The special examiners on this work have succeeded in causing the arrest of 2 bogus special examiners, as well as in ascertaining the names of 2 others, for whom a thorough search is now being made.

Up to date it has been found that 210 pensioners are dead whose names had not been reported to the bureau. In none of these cases had the pension been drawn.

A few irregularities in executing vouchers were discovered. A large number of pension certificates with blank vouchers were found in the hands of a pension attorney. While he declared that his purpose in holding them was in the interest of the pensioners, it was discovered that for executing vouchers his fee ranged from 50 cents to $3 each.

It was decided to check up the rolls of the Washington and Knoxville pension agencies and by the result to determine whether the rolls of the other agencies should be looked into. I am of the opinion that should Congress permit the payment of pensions direct by check, further checking up of the agencies would not be necessary. The safeguards to be thrown about the payments, as contemplated by the bureau, would make it very difficult for anyone not entitled to pension to get possession of a check and to obtain the indorsements required to secure payment thereon.

The special examiners employed upon this work have paid particular attention to the marital relations of the pensioners and have reported thereon, and the data so obtained will assist greatly in disposing of widows' claims when the same are filed. Whenever it has been ascertained that a pensioner is known by any name other than that under which pensioned a full investigation has been made to prove identity and age at enlistment, which will also be of benefit in adjudicating claims which may hereafter be filed.

It may be added that the department commanders and the commanders of Grand Army posts throughout the country, who heartily approve of this work, have rendered valuable assistance to the special examiners by giving information relative to pensioners.

HISTORICAL STATEMENT OF LEGISLATION GRANTING PENSIONS BY REASON OF SERVICE RENDERED DURING THE CIVIL WAR, OR ON ACCOUNT OF A DISABILITY OR DEATH INCURRED WHILE IN THE MILITARY OR NAVAL SERVICE OF THE UNITED STATES AND IN LINE OF DUTY, SINCE MARCH 4, 1861.

At the time of the enactment of the act of July 14, 1862, the great struggle was in progress, and it was not then realized that there would be 2,778,304 enlistments of soldiers and sailors, and that 349,944 of their number would be killed or die before peace was declared. No man knows how many of the soldiers and sailors returned home to die of wounds and injuries incurred in line of duty, or how many of them were, for the remainder of their lives, disabled and rendered more or less dependent upon others.

There were over 6,000 battles between the blue and the gray. The Confederates lost 28,063 men in the three days' clash of arms at Gettysburg, and during the campaign arising out of that great fight, from June 3 to August 1, 1863, the Federal casualties numbered 31,997. History affords no parallel to this.

It was, in 1862, deemed just that soldiers and sailors should, in the form of pensions, be granted annuities for the purpose of making good any incapacity for the performance of manual labor which was directly chargeable to a wound, injury, or disease incurred in line of duty, and that when death cause had so originated the dependents of one who had given his life for his country should be properly cared for.

The laws were amended from time to time to meet the conditions named, and from the period of the Civil War to March 3, 1873, various laws were enacted which will be found in sections 4692 to 4723, 4744 to 4749, and 4764 to 4768, Revised Statutes.

Under these laws a soldier or sailor was and is entitled to receive a pension commensurate with the degree of disability established from a cause incurred in the line of duty ranging from $1 to $31.25 per month. Subsequent to March 3, 1873, the ratings for various disabilities were increased by the acts of June 4, 1874; February 28, 1877; June 17, 1878; March 3, 1879; March 3, 1883; March 3, 1885; August 4, 1886; August 27, 1888; February 12, 1889; March 4, 1890; July 14, 1892; January 15, 1903; March 2, 1903; and April 8, 1904; and the ratings in such cases now range from $6 to $100 per month. When death cause had origin while in line of duty, the widow, or if there was no widow, the minor child or children under the age of 16, or if neither a widow nor such minor child survived, the soldier's or sailor's dependent mother, father, or brothers or sisters under the age of 16, in the order named, were granted title to pension. In 1873 the ratings in such cases ranged from $8 per month, in a claim based upon the service of a private soldier or noncommissioned officer, to $30 per month, in a claim based upon the service of a lieutenant colonel or any officer of righer rank; and a widow or minor child pensioned in their own right were granted $2 additional per month for each child under the age of 16.

By the act of March 19, 1886, the rating of certain widows and of all minor children and dependent relatives of private soldiers and noncommissioned officers was increased from $8 to $12 per month; and by the act of April 19, 1908, $12 per month was made the minimum rating for the widow.

Under these laws, all based upon the act of July 4, 1862, and the amendments thereto, pensions amounting to $51,475,014.35 were paid during the fiscal year ending June 30, 1910.

Many men who performed valuable and faithful service and who incurred disabilities in the line of duty returned to their homes, took up their labors as citizens, and never thought of applying for pensions until those by whose testimony they could have proven the origin of their disabilities had passed to the great beyond. Others who were not disabled while in the service did not prosper in civil life and, with the infirmities due to advancing age, became unable to earn a support. To meet these conditions the act of June 27, 1890, was passed. Thereunder a soldier or sailor who served for a period of at least 90 days during the Civil War and was honorably discharged therefrom and who was disabled for earning a support by causes not due to his own vicious habits was granted a pension at the rate of $6, $8, $10, or $12 per month, in accordance with the degree of disability established, and the dependent widow of such a soldier or sailor who was married to him prior to the date of the approval of said act, or his minor children under the age of 16, was granted a pension at the rate of $8 per month, with $2 additional per month for each such child. This act also provided for the renewal and continuation of pension or increase of pension granted in behalf of a minor child when such child was insane, idiotic, or otherwise helpless when the age of 16 was attained and continuously so remained, and changed the date from which dependence must be established in a mother's or father's claim from the date of the soldier's or sailor's death to the date of the filing of the application, this upon the theory that a mother or father who was not dependent upon their youthful son at the time that he was killed while in the service of the United States, thereafter, by advancing age, misfortune, or other causes, was brought to feel the loss of the son, who, if he had continued to live, would in all probability have recognized his natural obligation to support his parents if they required such support.

The act of May 9, 1900, amended the act of June 27, 1890, by providing that a widow should be deemed dependent if she did not possess an income of $250 per annum in addition to the fruits of her own labor.

Thirteen million six hundred and twenty-five thousand two hundred and two dollars and nine cents were paid to pensioners under said act during the fiscal year ending June 30, 1910.

By the act of February 6, 1907, a survivor of the Mexican War who served 60 days, or a survivor of the Civil War who served 90 days and was honorably discharged, was granted a pension at the rate of $12 per month if he had reached the age of 62, $15 per month when he became 70, and $20 per month when he attained the age of 75 years or over. Payments for said fiscal year amounted to $60,821,754.98.

The act of April 19, 1908, is in the nature of an amendment to the acts of June 27, 1890, and May 9, 1900, in that it grants a pension of $12 per month to the widow of a soldier or sailor of the Civil War who had served for a period of at lenst 90 days and had been honorably discharged, without regard to her financial status, provided that she was married to such soldier or sailor prior to June 27, 1890. Payments for said fiscal year amounted to $31,885,265.75.

The act of August 5, 1892, provided for the granting of pensions to certain female Army nurses who were employed for six months or more under authority of the War Department during the period of the Civil War. Payments for said fiscal year, $67,003.93.

And, in addition to the amounts above stated, the report of the Commissioner of Pensions for the year ending June 30, 1910, shows that there was during said year paid to the widows of soldiers and sailors of the war of 1812, $51,279.90.

To survivors and the widows of the soldiers and sailors of the Mexican War was paid the sum of $1,463,984.65.

By reason of laws granting pension on account of service during various Indian wars the sum of $621,509.53 was paid, and by Treasury settlements the sum of $2,040.90, making a grand total paid during said year of $159,974,056.08; the total amount of pension paid during and since the year 1866 to June 30, 1910, being $3,976,611,125.58.

The high-water mark in the number of pensioners was reached in 1902, when the names of 999,446 pensioners were on the rolls. There were 921,083 pensioners on the rolls on June 30, 1910, and 892,098 on June 30, 1911.

It is estimated that 349,944 of the boys in blue and 268,401 of the boys in gray, over 618,000 of our young men, were killed in battle or died while in the field or as prisoners of war. Blood and money flowed like water that this Nation might live.

The boys in blue marched forth in 1861 under a banner that floated over millions of helpless slaves—mere chattels—who had no rights which their masters were bound to respect, and by four long years of devotion to duty, through suffering and carnage, they won back from as brave a people as the sun shines upon—the fair Southland—saved the Union, struck the shackles from the enslaved, and left the Stars and Stripes unspotted, the true emblem of the free.

In addition to pensions, artificial limbs have been provided to replace, so far as wood and iron can replace, limbs lost in battle; other mechanical appliances are furnished to lessen disability from causes incurred in line of duty; soldiers and sailors of the Civil War are given rights under the homestead and preference under the civil-service laws; the homeless are cared for in the soldiers' homes, and when they die their remains are buried in national cemeteries and their graves marked by headstones furnished by the Government.

Who will undertake to estimate the value of such service, and what true American can say that the people of this fair land of ours have erred in the manifestation of their gratitude to their defenders?

Mr. MANN. Mr. Chairman, I think I have two minutes of my time remaining, and I may be pardoned for consuming that time myself. I was very glad to yield the time I had, after securing the floor, to other Members of the House. In the two

minutes I have I simply wish to say that there will be various amendments offered to this bill when it comes to be read for amendment. A few years ago there was great talk and outcry against the autocratic method in the House, which prevented the House, as it was said, from having an opportunity to consider and pass upon propositions. The distinguished Speaker of this House has frequently stated that owing to the revolution in this House and agitation of the Democratic side of the House on that subject there came a political revolution in the country at the last congressional election. Yesterday we were told that if any Democrat voted for amendments in the House which were not suggested by the committee they were to be branded as insurgents. Has this revolution which we have had resulted in this, that you can properly bring matters before the House for consideration and you dare not consider them, that you must take what the committee gives to you? It is the duty of this House in considering amendments which may be offered to this bill to consider the merits of the amendments and vote upon the merits of the amendments. [Applause on the Republican side.] Here is a privileged bill brought before the House, and the opportunity to do anything is to do it now. I have always observed the rule that if you want to legislate, the time to legislate is when the opportunity presents itself, and you gentlemen from Missouri, who for years have been claiming and declaiming in reference to recognizing the Missouri State Militia on the pension roll, can not escape your responsibility when the amendment is offered by saying that it will do something to this that the Senate perchance will not recognize on the bill.

Have we reached the position in this House that, with a Democratic majority in the House and a Republican majority in the Senate, the House has so effaced itself from the legislation of the country that the Democratic majority in the House, before it passes a bill, has to inquire what a Republican Senate will agree to? [Applause on the Republican side.]

Mr. MADDEN. Mr. Chairman, I yield one minute to the gentleman from New York [Mr. VREELAND].

Mr. VREELAND. Mr. Chairman, it is very improbable that I shall be in the House on Tuesday next when this bill is passed. I therefore ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN (Mr. STONE). The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. REILLY. Mr. Chairman, the Sherwood service pension bill is a fair bill, and for that reason, I believe, will become a law. Any pension bill to be fair should be based on service. There is one provision in this bill, however, that I hope will be voted out, and whether it is voted out or not will make no difference with my vote. I should prefer to have it out. If it is not out I will vote for the best I can get along the service pension line. I refer to the $1,000 provision in the bill. [Applause.]

If, as has been said, the $1,000 provision affects only 2 per cent, I believe with the gentleman from Nebraska that it would cost a great deal more to look after that particular feature than it would to pension all the soldiers irrespective of their financial condition. If, as has been said on the other side, it applies to 20 or 25 per cent, then I say it is unfair, because it is not then a service pension bill, but merely a service pension bill for some who fought for the Union.

When this country in its distress in the sixties called for volunteers it did not specify that only those who did not have a net income of $1,000 should apply for enlistment. There was no thousand-dollar-income bar put up so far as volunteers for the service was concerned. There was no investigation as to whether the volunteer had $1,000 or 1,000 cents. The service of the well-to-do Union soldier was as cheerfully accepted as those of the soldier who did not have a penny, and as a rule was just as valuable. [Applause.] Why should there be any discrimination now or any investigation needed to find out how much a man is worth when the Government proposes to reward that service and reward the man that fought for its preservation? I am opposed to that provision of the bill. I hope it will be stricken out. If the House in its wisdom does not strike it out, then I propose to vote for the bill as the best that can possibly be passed and as an absolutely fair measure. [Applause.]

While there is a great deal of need for the practice of economy in the conduct of governmental affairs, and while efforts along that line are commendable, there will always be something of more importance to the country at large than the practice of economy and the keeping down of expenses, and that is proof of gratitude on the part of the country to its preservers.

The Union, now on an indissoluble basis, all its States everlastingly cemented together, will never forget the men to whom that condition is due. It will never forget the men who answered the call to arms and who offered their lives that the Union might be preserved. They did not stop then to consider the cost to them, and the Government will not now weigh the matter of cost against the obligation to the Union soldier.

This is probably the last general pension bill that will ever be passed on account of the soldiers of the Civil War, for the veterans are dying fast. It will not be long before taps will sound for the last of the brave army that battled from 1861 to 1865. Why not make the declining years of these men comfortable? Many need this assistance, but more than the actual need will be supplied by it. They will be made happy in the knowledge that an appreciative country has shown its gratitude. What if some who are undeserving will be benefited by this bill! What if some who are undeserving are now receiving pensions! The vast majority are worthy of all that the Government may bestow. Who is to weigh patriotism and loyalty against dollars and cents?

A country's gratitude to its defenders is cheap at any cost.

Pass this bill in the knowledge that it will in part pay the debt this Nation owes the men who stood by it in its hour of need; pass this bill and receive the praise of a people who hate an ingrate; pass this bill and receive the benediction of the deserving soldier now ending his march to the camp ground of eternity.

Mr. ASHBROOK. Mr. Chairman, I am a firm believer in generous and liberal pensions not only for the soldiers of the Civil War but for the soldiers of the Mexican and Spanish Wars. I do not look upon pensions as almsgiving, but as a slight reward for bravery and sacrifice, the partial discharge of a just debt and a sacred duty of a grateful people to those who offered their lives as a sacrifice in the defense of their country. I subscribe to the sentiment just expressed by my good friend and colleague [Mr. WILLIS] and would be glad to vote for an amendment to this bill to include the soldiers of the Mexican War and also to remove the marriage restrictions respecting the widows of soldiers if I could be assured that it would not jeopardize the passage of this bill. If the gentlemen who advocate these amendments can assure me that the bill when so amended will pass at the other end of the Capitol and will receive the signature of the President, I will gladly vote with you.

But, Mr. Chairman, judging the future by the past and knowing what happened to the Sulloway bill at the last session of the Sixty-first Congress, I am not willing to take the chance. I want to do something for at least some of the old soldiers here and now. I will gladly support a bill, if brought in at a later time, to pay every survivor of the Mexican War not less than $1 per day and to raise the marriage limit from 1890 to 1900, but let these bills stand on their own legs. Do not let us take the chance of failure for the Sherwood bill by loading it down with costly amendments. For these reasons I will vote against these amendments, but I will vote for the amendment to strike out the income provision. I believe that is unfair and unjust, and that the soldier who has been thrifty enough to now enjoy an income of $1,000 per annum or more—and I wish every mother's son of them had such an income—should be denied the same recognition, even though they may not need it, than their less fortunate comrades. This is a service pension bill. If it is intended to be a service bill, all with like service should fare alike. If I am correctly informed, those who insisted that such a provision should go into the bill are opposed to all kinds of pension legislation. Why let these gentlemen dictate to those who are friends of the soldiers? Let the soldiers' friends make the bill.

Mr. Chairman, these old veterans are fast tottering down the hill of life and soon, in the course of nature, will sleep together at its base. Let us while we may give another manifestation of our appreciation of their heroic services by quickly passing this bill, that a bit of sunshine, as it disappears over the western hills, may enter their humble homes.

Mr. Chairman, I believe the soldiers of my district know how I feel toward them and how I stand on pension legislation, as do a great majority of the Members of this House. For that reason I do not wish to longer take up the time of the House. I reserve the balance of my time and will now yield to my colleague [Mr. SHARP]. [Applause.]

Mr. SHARP. Mr. Chairman, in the brief time I have to present my views on this question I wish, first, to express my pleasure and satisfaction over the fact that there has been no time limit fixed for debate, which is in marked contrast, as I understand, to what has been the custom in other Congresses, certainly in the last one, where a limited time only was al-

lowed for debate upon general pension legislation. I am glad that this is so, because whatever action is taken on this measure there may not be any just complaint that it was rushed hurriedly through at the last moment without due consideration.

What prompts me more than anything else to say something on this subject—for I had not intended to speak upon it—was the remark made by the gentleman from Texas [Mr. DIES], who, I regret, is not present at this time. He referred in his speech to the pension fund as a sort of gigantic graft, and I thought then it was about time for the defenders of the old soldiers to come forward and let their voices be heard on the floor of this House. Indeed, I would not feel that I had discharged my duty to my constituents in the face of a charge of that character unless I had challenged it.

Another statement which the gentleman made was rather singular. Perhaps it was because his speech was in the nature of a valedictorian address, a sort of song of the dying swan—for he frankly told us that he did not expect to again enter the political arena—that he essayed to exhibit greater courage than he was willing to accord to his colleagues. Certainly, if the sentiment of the country is as portrayed by that gentleman to exist, according to certain magazine writers, if that sentiment is so widespread against extending this pension privilege that it is quite universal, as he would have us believe, then, taking his outside estimate that there are 4,000 pension voters on an average in each congressional district, I want to submit to you if it does not require a great deal more courage for a Member to stand up and advocate the rights of those 5 or 6 per cent than it does to champion and espouse the cause of the great majority. In the district which I have the honor to represent, comprising, under the present census, from 230,000 to 240,000 people, of whom certainly from sixty to seventy thousand are voters, there are doubtless the average number of pensioners. I think if a vote were taken there upon the principle involved in the granting of more liberal pensions to the soldiers it would carry by a vote of 5 to 1. So that in advocating this bill I believe I am representing the sentiment, not alone of the soldiery of my district, but of the large majority of its people, and I believe that my colleagues on this floor representing other districts in that State—and I speak only for Ohio—will agree that that sentiment is equally strong in their districts.

The charge made by some of the opponents of this measure that the allowance provided by its provisions was in the nature of a gift, and as such an unfair exaction from the taxpayers of the country, is as false as it is unjust and unpatriotic.

I would ask these gentlemen if the vast majority of our pensioners are not paying their just proportion of the taxes of the country? They refer to the necessity of higher duties if the additional expense provided for in this bill is to be made by our Government, but do they not know that for every garment these pensioners wear, and for the daily food they consume they bear their just share of the burden of taxation which produces these revenues?

During this debate some Member has said that in the time of the war the soldiers were paid in a depreciated currency. Mr. Chairman, I wish to submit that, if it was true that in war times the soldiers upon their discharge were paid in depreciated currency, is it not also true, though without any fault of our Government, that during the past few years they have also been paid—and, for that matter, the same is true of every salaried man—in a currency of depreciated value? Am I not right in that? We are too apt at times to confound the face value of money—the mere medium of exchange, if you please—with what it really purchases. But the real criterion of the value of a dollar is what it will buy, and by that alone is it correctly measured. While nominally the dollar in its denominational value, whether paper or silver, has remained the same, yet as a matter of fact it will only enable its possessor to purchase about 60 per cent of the food and clothing that he could have purchased with it a few years ago. This being an undisputed fact, I ask, in all fairness, if it is not actually returning to our pensioners what in effect, as far as its real value is concerned, is a depreciated dollar. A former widow's pension of $8 a month was in those days as much as a $12 one now, and so in like proportion does the rule apply to the relative value of pensions received by all pensioners. Economic conditions beyond the power of legislation to remedy are of course wholly responsible for this situation; but it no less furnishes to my mind a just cause for the enactment at this time of more liberal pension legislation.

Fully subscribing to what has been said by other speakers, that our Government in the matter of pension legislation has been more liberal than any other government known to history, yet it is equally true that the soldiery of this country, especially in that Titanic struggle for the perpetuation of the Union, performed a service which, in heroic sacrifice and achievement, has no parallel.

Mr. Chairman, it seems to me that before these brave old soldiers have all passed away we ought to pass this bill which has for its object the comfort of their declining days; and it is because such legislation has already been delayed too long that I am going to cast my vote in its favor. [Applause.]

Much opposition to the bill has been centered upon one argument, and that is that it is an enormous expenditure and that we are not warranted in paying out this great sum of money. There is, unfortunately, a conflict between those who oppose this measure and those who favor it as to the total amount of money that will be called for under the terms of this bill, but I submit it will be less the third year than the second year; it will be very much less the fourth than the third, and at the end of 8 or 10 years it will have almost entirely passed away in so far as the provisions of this bill apply. All of you, my friends and colleagues, have been accustomed to the appeals and letters which have come to you from time to time asking for special legislation—legislation of relief that the general laws of the Pension Department will not permit them to receive. How many of you have been successful in securing a special bill for your claimant, and then, forwarding the cheering news back to the soldier's home, receive only a pathetic letter within a short time after that from the man's daughter or wife saying that they are very sorry to announce that the beneficiary has passed to his final reward? Indeed, it is conservative to say that such melancholy messages in the aggregate come within the experience of Members of this House a thousand times during the year, or, in other words, a thousand old soldiers, appealing as a last resort to their local Congressman for that relief which is denied them by the operation of the general laws governing the Pension Bureau, even in the hour of the apparent success of their efforts are not allowed to enjoy its fruits. How many more there are who pass away before their claims can be determined every Member knows. It is such decimation of their ranks that has caused the total dissolution of more than one Grand Army post in the country and the consolidation of many others in order that the patriotic spirit which has kept them together as organizations may live as long as possible. More frequently, as the time goes by, we may expect to see their flags hung at half mast above their halls in token that one more of their number has passed away.

Let me take this occasion to say, for the integrity and uprightness of these men, that not in my experience as a Member of this House do I recall a single instance where there has been an unjust or unworthy appeal for governmental relief made to me by any one of them.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHARP. May I have just two minutes more?

Mr. ASHBROOK. I yield two minutes additional to the gentleman.

Mr. SHARP. The fact that the death rate among those who are to be benefited by this bill has become so great—at the present time nearly 4,000 each month—it seems to me furnishes the answer to those opposing the measure on account of the heavy burden it will entail to our Government. Our great life insurance companies, which have to deal with that phase of the subject which involves the increasing rate of mortality as additional years come to their policy holders, have formulated tables which quite accurately demonstrate the probabilities of the tenure of life at the age of 70. These tables, founded upon experience covering many years, are inexorable in their conclusions. They tell us that as each year rolls around the death rate among these old veterans will increase at a constantly accelerating speed. The mute testimony of that experience, my colleagues, not only impels me to support this bill or, indeed, any other measure equally just and liberal to these men, but also to urge upon you its consummation without further delay.

So in making my final plea for the passage of this bill—and I want to say frankly it does not embody all the features I would desire, and I am going to take the liberty myself of voting for some amendments which may be made to this bill, yet I am in favor of its principle and will only favor amendments which will enlarge its benefits. I wish to speak in the highest terms of praise of my friend, Gen. SHERWOOD, representing a near-by district to mine, who has stood faithfully by his guns and is now carrying out a pledge to the people of the State of Ohio that if it lay in his power he would have his dollar-a-day pension bill passed in this House at this session. [Applause.] And I want to say, in conclusion, that upon that issue, in that splendid commercial city of Toledo, where there must certainly be 40 citizens in civil life who never served in the war to where there is one old soldier, he has won triumphantly every time—I believe now his eleventh elective office—he has been a candidate for any position. [Applause.]

Mr. ASHBROOK. Mr. Chairman, I yield five minutes to the gentleman from Nebraska [Mr. LOBECK].

Mr. LOBECK. Mr. Chairman, I am very thankful to the gentleman from Ohio [Mr. ASHBROOK] for this short allotment of time. I have in my State of Nebraska a great many men who came home from the Civil War who have developed that so-called "great American desert" from the time that it was a sod-house country, until to-day it has become the finest country on earth, and it affords me great pleasure to say a few words for these brave veterans to-day.

The men who came home from the Civil War went to work at once and turned their swords into plowshares, entered into every avenue of peaceful activity, and have done their full measure to upbuild the country. They have paid their full share of local, state, and national taxes, and have done their full proportion with all other citizens to pay the pensions that the Government has granted them during the last 40 years. [Applause.]

When men to-day say that we are paying the pensions, I reply that the old soldier has helped pay the pensions in full proportion to any man or any set of men in this country. [Applause.]

And now, in their declining years, when they can work no longer; when their day's work is done; when life's activities for them are nearly o'er; when they now can only sit down and think of the day when they went forth to fight the battles for the flag, to save this Union, to save the Republic, and to tell their children and grandchildren the story of their sufferings both on and off the field of battle, and teach them and instill into all of us patriotism—I say there is no pension bill which can be passed by this great body of which I have the honor to be a Member that will repay them fully for their services in behalf of the country. [Applause.]

I was 9 years old when Fort Sumter was fired upon. I remember well the many boys from our village who enlisted and went to the front. Many of these boys never returned. They died for their country that the Nation might live.

I was not old enough to go myself, but I remember the first boy of my school who ran away and enlisted, at the age of 16. He was brought back to be laid away in the village churchyard, his death the end of sufferings on the field of Shiloh. This lad was one of three schoolboys who ran away to enlist in Silversparre's battery, Company H, First Illinois. The second boy was the son of a veteran of the War of 1812, who had done likewise. He endured the sufferings of Andersonville. I remember full well the day when he came home, emaciated in form but full of a soldier's patriotism. I remember also when the third boy came home from a North Carolina prison. I want to tell you, Mr. Chairman, that sight will never be obliterated from my mind, and I tell you now I would be personally guilty of indifference to the flag, ungrateful to my own memory and to the memory of these boys if I did not vote for the best and most liberal pension bill that can be passed by this body. [Applause.]

On the hills of eastern Tennessee, where my friend, Mr. AUSTIN, comes from, my own relatives and some of my best personal friends shed their blood. My uncle was with Gen. SHERWOOD at Resaca and was seriously wounded in that battle; in Arkansas another member of our family, a youth in years but a re-enlisted veteran, lies in an honored soldier's grave. Both sides of my family gave their services to the country; and my father-in-law was a captain in a Kentucky Union regiment. All but one have gone to their final reward. Do you think I am going to forget? Not while memory lasts! I am going to stand by the promises I made the people and the soldiers of my district. Every taxpayer in it will approve of my course in so doing. Every one of them would say I was an ingrate if I did not vote for the best and most liberal pension possible for the veterans who live in my district and my State, and for the brave men everywhere who helped save this country. [Applause.]

Mr. SHARP. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. LOBECK. Mr. Chairman, I ask the same privilege.

The CHAIRMAN. The gentleman from Nebraska [Mr. LOBECK] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. ASHBROOK. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. GRAHAM].

Mr. GRAHAM. Mr. Chairman, I am heartily in favor of this bill as it is, but if it can be improved then I will be for it in its improved form. I believe, if it can be done without endangering it, the $1,000 income limitation ought to be stricken out, and I am in favor of striking it out. But if doing so endangers the bill, I am for it as it is.

It has been suggested by gentlemen in the debate that we incorporate in this bill an amendment of the law as to widows' pensions. I want to say that I have already introduced a bill for the purpose of amending that law by changing the date from 1890 to 1900; that is, providing for granting pensions to widows who married soldiers up to June 27, 1900, under the same conditions in all other respects as are now provided in the old law.

It is also proposed to incorporate a provision concerning the veterans of the Mexican War. As to the Mexican War veterans, I think that it is due to that gallant old soldier of the Confederate Army, my friend and the stalwart friend of the Union soldiers, who voted for the Sulloway bill when it was on its passage last summer, that patriotic citizen and learned gentleman, Judge RICHARDSON, of Alabama, who is the chairman of the Committee on Pensions, that the matter of pensions for the Mexican War soldiers be left with him and his committee, where it belongs. [Applause.] Whatever of honor there is in it should go to him and to his committee. For that reason I should oppose incorporating that measure in this bill.

When I was at home during the vacation I visited many of my old soldier constituents. I assure you, Mr. Chairman, that I never before so fully realized the condition that many of them are in. I remember distinctly one whom I saw lying helpless, paralyzed on his bed in a very humble home, which he had to mortgage to the extent of half its value in order to live at all. His wife, almost blind, was waiting on him, and he had no one else to help him. Death has since claimed him, but the splendid loyal service she rendered him was surely worthy of some recognition, and yet under the law as it is she could get no recognition and no assistance because she married him after 1890. That should be changed.

I feel personally that I owe the veterans of the Civil War a debt of gratitude, nay, more than that, a money debt. I was not a soldier. Perhaps even if the circumstances had been favorable, I would not have had the courage to be. I do not know about that, and it does not matter. But the soldiers of the Civil War did me and you an immense deal of good by preserving this Union for us. And not only that, but those who did not go to the Army were benefited in a monetary way by those who did, both directly and indirectly. I can recall many cases in my home county where men who did not go to the Army, men who stayed at home, bought up the cheap lands then for sale in Illinois, and with a single crop paid in full for that land, whereas the boys who were at the front fighting to make this property valuable, had not such opportunities. I say those who reaped these advantages should not now grumble if they are taxed a little bit to help the men who thus aided them.

Furthermore, is there any gentleman here, no matter what part of the country he comes from, who would have it otherwise than it is now? Had not the boys in blue gone to the front we would now live in a divided country. The task which they had to perform was one of tremendous responsibility. They had to face a foe as gallant and as brave as ever followed a flag or fought a battle. It was more than a case of Greek meeting Greek. It was American meeting American. Our brethren of the South, who then wanted to escape from under the folds of the old flag, are now glad that they did not succeed. They reap the reward and the benefit as well as we, and they demonstrated by their conduct in the late Spanish-American War how glad they are that we all live in a reunited country when they marched shoulder to shoulder with their brethren of the North to face a common foe. Had the South succeeded, what is the picture which would be presented to you now? Think of it for a single moment. Just think of a divided country; think of the so-called Mason and Dixon's line dividing the North and the South; think of two separate governments instead of one great Republic! Think of a long series of fortifications frowning at each other across the Ohio River and across a boundary line 3,000 miles long! Think of the jealousies, bickerings, and antagonisms which would probably exist! Think of the foreign alliances and the possible international difficulties which would inevitably result! Think of the great impregnable, unassailable Republic of to-day as broken into fragments, warring fragments, neutralizing its strength, and reducing it to the condition of an international nonentity!

Think of all this for a moment and then think that it was these old soldiers who prevented that appalling calamity from happening.

We are told in the statistics that last year we had a standing Army of 76,000 men and that it cost $100,000,000 to maintain them, but if the rebellion had been successful, and if this dividing line of which I speak had become an established fact, you would to-day have not 76,000 but 500,000 men in the Army, and our brethren across the line to the south of us would have to have an equal or almost equal number. At the same rate of

cost, to maintain these two armies and keep them fully armed and ready to jump at each other's throats, what would the expense be? Not less than $1,000,000,000, at the rate which we are paying for our standing Army to-day. And, in addition to this, think of the result of possible conflicts. Who made this condition impossible? Who made us all brothers and friends, absolutely united in support of the one flag which we all love? [Applause.] It was made impossible by the men for whom we are asking this pittance now to save them from want in the evening of their lives. And to my southern brother I would say: You have reaped the benefit of their sacrifice as well as we; and when you think of what might have been you ought, as a matter of policy and economy and patriotism, to join us and make the vote for the passage of this bill unanimous. [Applause.]

I am afraid of amendments to this measure—very much afraid of them—lest they destroy it. I have not forgotten the fate of the Sulloway bill.

I remember reading somewhere how they capture monkeys on the banks of the Oronoco, in South America. Barred cages are exposed in the neighborhoods haunted by the little simians, and these cages are partly filled with nuts. The monkeys steal up to the cage, slip their hands between the bars, and grasp all the nuts their little hands will hold. Then they can not withdraw the hands and the hunter coming up from behind catches them and makes them prisoners. By grasping more than they could get away with, and holding on to it, they lost all—even their liberty. We will not fare quite that badly, but if we grasp too many nuts this time we may not get away with any, just as happened in the case of the Sulloway bill. I am anxious that we shall get away with a reasonable quantity this time, and hence I am going to be for the bill that will go through.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ASHBROOK. I yield to the gentleman another minute.

Mr. GRAHAM. On one of the Athenian hills stood the famous Acropolis, perhaps the most perfect building ever erected, from an architectural point of view. When it was completed the Athenians granted a perpetual holiday to the faithful animals that assisted in the building of that magnificent structure. These soldiers for whom I plead saved the beautiful structure of the Union for us and for posterity. Shall we not treat them at least as well as the Athenians treated the dumb beasts that labored in the building of a mere temple of stone, place them above want, and make the evening of their lives a perpetual holiday? [Applause.]

Mr. ASHBROOK. Mr Chairman, I yield 10 minutes to the gentleman from New York [Mr. CONNELL].

Mr. CONNELL. Mr. Chairman, there is one point to which my especial attention has been called, and if it has been made by some other speaker I am not aware of it. I understand that in the last Congress 9,623 private pension bills were passed. As I understand the pending measure—and my information is from its author—the disability clause, which the Sulloway bill lacks, will do away very largely with the work incident to these private pension bills. It will also do away with a great deal of the criticism that has been aroused in this country about pensions through private pension bills. For that reason, among others, I propose to vote for this measure.

Representing a district which for over 30 years was represented by a distinguished Union soldier in this House, I felt, Mr. Chairman, that I owed it to myself to speak on this measure. He was a Republican, and, so far as my political activities counted, from my very early years I was opposed to him on nearly all the issues upon which he ran. On one question, however, I always agreed with him, and that was the question of doing full justice to the survivors of the Union Army. Now that that same district has, for the first time in 35 years, sent a Democrat to Congress, I have not changed my mind on that subject. I shall vote for the pending measure because I believe it the best measure possible to get at this time.

One might think, from all that has been said thus far in the debate, that the only ones who want this legislation are the surviving soldiers of the Union Army, and that the Grand Army of the Republic is the strongest advocate of pension measures. I am for the bill because I believe that, apart from the veterans in the Grand Army or out of it, the overwhelming sentiment of the American people, including that of the new generation now succeeding the one that fought in the Civil War, is in favor of pension legislation based upon service and conceived in the determination to make good the Nation's word to the men who saved it in the time of danger.

Two words figure in this debate, which, like many other words in our language, may be easily misunderstood. I mean the word "generosity" and the word "economy." To say that pensions are granted through the generosity of the American people is to misstate the fact. I regard the pension roll as a roll of honor based not upon generosity but upon justice. [Applause.]

I know, Mr. Chairman, that the American people sent this majority here to enforce economy, and that legislation is demanded that will lift from the shoulders of the people burdens which they should never have been made to bear. I also know that this majority was not sent here to economize at the expense of national patriotism, or to repudiate the Nation's promises to the soldiers who saved its flag. For this reason, if for no other, I shall vote for this bill.

Now, Mr. Chairman, a great many Members have made beautiful reference to the fact that the soldiers are growing old.

Others have told us what tremendous expense they are to the Republic.

Others have told us what a wonderful drain it all is on the public treasury; but sir, I have not heard anybody undertake to tell all that was saved in money, in sentiment, in happiness to humanity and liberty by what they did. I have not heard anybody compute the tremendous growth of the United States made possible by the result of the war. Favored are the eyes of the soldiers, eyes now dimmed with age, who fought in the Civil War and who have lived to see the growth and the wonderful advancement that has come to their country under the flag for which they fought. [Applause.]

I am happy to say that in this Congress we have taken the last foot of territory in this Union and made it into statehood. We have put two new stars on the flag for which these soldiers died, and never under its shadow will any Congress refuse, not in philanthrophy, but in justice, to take care of the men who fought in the war and are concerned in this bill.

My distinguished friend from Ohio [Mr. WILLIS] told us how easy it is to criticize the Government, the soldiers, the Congressmen, and everybody else, in the smoking cars or in palatial dining rooms. If I had the time I would like to tell a story that I am reminded of.

SEVERAL MEMBERS. Tell it! Tell it!

Mr. CONNELL. About the time of the Civil War I read of a camp fire somewhere. There were a lot of soldiers sitting around the fire at a time when the newspapers were criticizing the Union Army, when everybody was asking what was the matter with Lincoln, why in the world Grant did not do something, and what on earth McClellan was doing, and what they were all up to anyway. The question came up, and one soldier said to the other, "What would you do if you had a million dollars?" A man from the West said that if he had a million dollars he would get away from this country and leave these people who had no more respect for soldiers than to be criticizing them. Another said, "If I had a million dollars, I would buy a yacht, and I would sail off on the foaming ocean, where I would be happy away from the passions and contentions of war." There was an Irishman in the party, and I suppose he had to be there in justice to his fighting race, and they said to him, "What would you do if you had a million dollars?" He said, "I will tell you what I would do. I would go down to the city of New York. I would go into the Fifth Avenue Hotel. I would go into the dining room, and I would order the finest dinner that could be given to anybody, and then, when I got through, I would go out into the lobby, light a cigar, so long. I would then call for the New York Tribune, read it awhile, and then I would stand up, dash it on the floor, and say to those around me, 'Why the divil doesn't the army move?'" [Laughter.]

There are a great many who criticize, thinking it the part of wisdom to always criticize adversely, but, Mr. Chairman, there is no criticism that can stand against the one great fact that the overwhelming sentiment of the people is for this legislation. We have heard some talk in this debate about cowards. I wonder what men mean when they say that it is courageous for a man to stand up in a legislative assembly, or anywhere else, and betray the people and the sentiment behind his election. I wonder what they mean when they say that because a man chooses to vote for what his people want him to vote for, rather than betray his trust, he is lacking in courage. [Applause.]

The eloquent gentleman from Connecticut [Mr. REILLY], like the distinguished veteran from New York [Mr. BRADLEY], pointed out a feature of this bill which I believe could well be amended out of the measure. I refer to the provision that a veteran having an income of $1,000 a year shall be excluded from its operation. I hope to see what seems like a discrimination removed from the bill. Service to the Nation is service, and pension is not gratuity; neither is it a gift from the Americans whose country has been saved for them to the soldiers who saved it. But, sir, rather than have this bill amended to death in this House or the other, I will vote for

it as it is unless I am assured that it shall not, through amendment or any other parliamentary device, be strangled, as was the Sulloway bill, which point was so ably emphasized by the gentleman from Tennessee [Mr. AUSTIN] when he spoke this afternoon in this debate.

I find peculiar personal satisfaction in supporting this measure for another reason, Mr. Chairman. The distinguished soldier-statesman, Gen. SHERWOOD, of Ohio, who is the author of this bill, did not always live in Ohio. Long before I had dreamed of the more or less fascinating experience of running for Congress on the Democratic ticket in an overwhelmingly Republican district, and long before he, Gen. SHERWOOD, took to getting elected to Congress on the Democratic ticket in an overwhelmingly Republican district in Ohio, he lived in my district in the beautiful valley of the Hudson. His record as a soldier, as a brave man, a relentless fighter, and a magnanimous victor, his years of work in war and in peace for his country are among the cherished heritages of the community in which I live.

Mr. Chairman, I shall vote for this measure because I believe it is drawn in sincerity, with the patriotic determination to pass it, and with the firm conviction that the American people will accept our work in passing it as that of a national duty promptly and fearlessly performed.

Mr. ASHBROOK. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. Nineteen minutes.

Mr. ASHBROOK. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois [Mr. FOWLER].

Mr. FOWLER. Mr. Chairman, it is a very late hour to undertake an extensive argument upon any question which might be before this House; but, Mr. Chairman, I would be untrue to the love which I bear for my country and ungrateful to the men who offered their lives a ransom for the Union of these States and for human liberty if I did not avail myself of the first opportunity, however short the time allotted to me and however late the hour, to express my approval of legislation in favor of those men whose deeds of valor made this country the greatest which the blessed sun ever shone upon. [Applause.]

It will not do to postpone the passage of this bill. It seeks to relieve the old soldier at the evening tide of life. A few more short years and it will be too late to do him any good. You saw him leave his home of happiness and plenty in the morning of his youth, kiss loved ones good-by, and rush to fields of carnage in answer to the call of his country. Will you force him to leave his home again, while lingering on the tottering side of time, to hunt shelter in the soldiers' home of your State or the poorhouse of your county? Do you want to place him on a boarding-house diet, with no choice of food for his diseased stomach, and no right to complain without receiving abuse and punishment from his masters, accompanied with a threat of expulsion, thereby entailing upon his old age conditions more intolerable than his Army life of hardtack and navy beans? Do you want to thus aid the Angel of Death in his swift mission to the homes of these defenders of our national honor, in order that the last one of them may soon be buried beneath the cold sod? Remember, there is no one, as in days of old, when the first born were slain, to sprinkle with blood the lintel and the two side posts of their doors, as notice to the reaper, Death, to spare their lives and pass on. More than a million answered the first roll call, the call of their country to arms; more than half that number has already answered the second roll call, the call of the Master to the grave, and it is said that more than 35,000 during last year answered the last roll call of time and passed away to eternity. Shall we wait until they are all gone, and then rush to the silent cemeteries on future Decoration Days to pay the debt we owe them by planting flowers on their graves and delivering pathetic eulogies to their memory; or will we provide liberally for them while we may, so that they may remain in their own homes, bathe their rheumatism by their own firesides, eat their meals at their own tables, and revel in the sweet confidence and love of their own families? I hold in my hand petitions from more than a thousand of these boys, once strong and brave in the defense of their country, but now fast approaching the "valley of the shadow of death," who have united in telling me what they want done as the last call upon the country for just recognition of their deeds of valor. I have already made up my mind what I will do. I will vote for this bill, hoping that by wise amendment the doors of national homes may always be kept open for their reception as long as one of them lives, and that the thousand-dollar clause may be stricken out of the bill.

From the East and the South I hear the plea of economy resounding through this Chamber, for the purpose, as I take it, to defeat this bill. Mr. Chairman, these gentlemen certainly forget the economy practiced by more than a million soldiers from the North during four long years of internecine strife—soldiers enduring disease and hunger of prison and camp life; soldiers, often on long and forced marches through mud, rain, and snow, with no bed for rest save the bosom of mother earth, and no pillow for their heads but the cold sod; soldiers thus enduring and striving, to engage in deadly conflict with an equally brave army on many battle fields, where the streams ran red with the blood of dying soldiers and the losses on both sides were counted by the thousands—famishing, bleeding, dying, yet brave soldiers, thus in the service of their country upon a salary of less than $5 a month, measured by the kind of money they were paid. Can you teach such men economy and love for country? Men whose services gave to us a country united and rich, a country whose wealth is counted by the hundred billions, a Nation without a rival, and a civilization without an equal? Go tell the dogs to bay at the moon. We will not harken to the voice of the master who refuses to pay the servant his wages. We will not be a party to a law which repudiates the honest debt of the State.

You men of the South of all other men of this House ought to be the first to support this bill, for your reward is the greatest. The grandsires of the East sold to your grandsires and my grandsires their slaves many years before the war, and then employed their genius in making wooden nutmegs to sell to our ancestors as food flavor, thereby playing a double trick on the South, both of which was wrong in principle. Would to God that the first wrong could have been as easily detected and righted as the last. But not so. The statesmen of the South taught our grandsires the doctrine of human slavery, and in order to maintain this unholy institution they taught the doctrine of the right of a State to secede from the Union at will. This doctrine committed the South to a policy of human slavery, a policy which reason could not defend and which the sword could not establish. The emancipating proclamation of President Lincoln committed the North to the doctrine of human rights and human liberty, a doctrine which could not be destroyed by the force of arms, a doctrine which was confirmed by the arbitrament of the sword.

At the beginning of that bloody conflict I had relatives in the South who divided in their views on this question, some joining the Army of the North, while others plighted their faith with the cause of the Confederacy. My brother-in-law and stepfather were in the Union Army. My stepfather was captured in the battle of Guntown and was shot through the head both ways, yet, thank God, he liveth. Inasmuch as I had relatives on both sides of this unfortunate war, I take the liberty of speaking more plainly than I might otherwise do.

The South gained as a result of that war more than all other sections of this fair land of ours. While the North was victorious, yet she gained nothing distinctive to herself, except the honor of saving the Union of these States and abolishing human slavery. In doing so she lost the lives of nearly 360,000 brave men and expended over $2,380,000,000 of the Nation's wealth. Not so with the South. While she lost more than 160,000 lives of equally brave men and expended a vast fortune, yet she gained a wonderful victory, which insured her future greatness. With her rich soil and her splendid geographical location, it would seem that by nature she was destined as a leader of wonderful power and influence in the commercial world. Yet her Chinese wall of exclusion, slavery, robbed her of much of her natural advantages and made her poor. Her doctrine of secession continually disturbed her political equanimity, and her feudal system of land tenure gave happy homes only to the rich and pitched her civilization upon the narrow basis of education for the few.

The war gave her the opportunity to overcome and destroy these three, her greatest enemies, and placed her in the full possession of the advantages which nature had so generously bestowed upon her. The old South of narrow limits and of little hope was forever buried in the deep bosom of a bloody war, and from the ashes of that fire which had raged for four long years there arose a new South—a loyal South, a South of union and freedom; a South whose face was turned toward the rising sun of a new civilization; a rich, determined South, with a land of plenty, a land which compares favorably with any land in the United States or in any country throughout the world. [Applause.]

I desire, Mr. Chairman, to say to my friends from the South that I wish I could call from the silent tomb my angel mother, so that I could go with her to visit the home of her childhood, at Tuscaloosa, Ala. I would take her to the Birmingham of her native State and to the Galveston of the Gulf, and we would compare the thrift of these great cities of the new South with our Pittsburgh of the North and our Chicago of the Lakes. I wish I could call my sainted father from death to life, if only long enough to go with him to the graves of the soldiers who

fell at the Battle of Fort Donaldson. There I would stand with him by the grave of his brother, who fought in a lost cause; there on that grave we would plant a flower and shed a tear in commemoration of the bravery of those men who fought for a cause which they thought was right. I would tell him of my visit to Arlington Heights last May on Decoration Day, where I saw both Union and Confederate soldiers, dressed in trousers of gray and coats of blue, standing in one splendid brotherhood around the graves of Union soldiers, recounting deeds of valor of our honored dead. [Applause.]

Mr. Chairman, I desire to say that I take off my hat to that man who has left his wife and children, his mother and sister, his sweetheart, kissed good-by for the last time those loved ones, and rushed to the front as a volunteer soldier, to offer his life a sacrifice on the altar of his country for principle. [Applause.] Such was the soldier on both sides of that great conflict. To the soldiers of the North we owe a great debt, a debt which can not be paid in dollars and cents, because blood and flesh can not be measured by the standard of money. Whatever sum this bill may carry to these feeble soldiers, whose faces are turned to the fast-setting sun of time, is but a small recognition of their valor and their worth.

During the year 1865 we paid more than $150,000,000 as interest on the war debt contracted during the Civil War. We have paid as a whole on that debt nearly $3,000,000,000 as interest. And yet not one of you men from the East, not one of you men from the South, not one of you men on either side of this Chamber have ever raised your voice against the payment of that enormous sum or any part thereof, although it is paid as wages for the services of money, a thing which has neither a heart to ache nor a soul to save. Let it never be said of America that we prize the interest on money more than we prize the services of our soldiers, but let us rather show to the world, by the passage of this bill, the high esteem in which we hold the bravery of the men whose services blotted out the Mason and Dixon line, gave us a united country, with no North, no South, no East, no West, a country of one people, with one flag to follow, and one God to worship.

Let us ever hold in sacred memory that splendid brotherhood exemplified on the battle field at Appomattox, when Gen. Grant while accepting the sword of surrender from Gen. Lee with one hand extended to him the other in friendly grasp, thereby sealing a compact of a new brotherhood, which was to be the watchword of a new country, rising from that dreadful conflict, and settling forever the question as to whether this Republic shall stand and endure forever as a government of the people, for the people, and by the people. [Applause.]

Mr. Chairman, there are some conditions surrounding the consideration of this bill which some of us would like to discuss freely, yet we approach the task with that degree of caution and hesitation which amounts almost to timidity and fear, because of the personnel of some who are reported to be against us. But, Mr. Chairman, recovering from my halting hesitancy as a pugilist recovers from a knockout blow from his antagonist, that is to say, slowly, I desire to say that I believe that if there is any opposition to the passage of this bill it comes not from the sturdy yeomanry either of the North or the South, but that the real and substantial opposition to legislation for the relief of the old soldier comes from the money power of this country. [Applause.]

Mr. Chairman, we are told by the public press that Hon. D. I. Murphy, former Commissioner of Pensions, made the following statement:

> During the national encampment of the Grand Army of the Republic at Philadelphia, one year ago, the pension question and the attitude of this administration—
>
> Meaning President McKinley's administration—
>
> toward the Civil War veterans was the principal topic under consideration. A special committee, consisting of R. B. Brown, of Ohio, chairman; John W. Burst, of Illinois; John Palmer, of New York; C. C. Adams, of Massachusetts; and H. B. Case, of Tennessee, had been previously appointed to wait upon the President and protest against the policy being carried out in the Pension Office. This committee called on President McKinley on the morning of September 4, 1899. They presented to him the complaints of their comrades and urged a change in the pension policy. They even went so far as to tell the President that the Grand Army of the Republic might even ask for the removal of the Commissioner of Pensions.
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> Replying to the committee, the President gave them plainly to understand that he would sustain the commissioner, no matter how strongly the encampment might condemn him, and added this astounding declaration: "There is no use denying the fact, gentlemen, that the money power of the country is against any further expansion of the pension roll." The amazement and discomfiture of the committee were so complete that they quickly withdrew from the Executive presence.
>
> The money power—
>
> Says Mr. Murphy—
>
> how does it strike the men who left homes and families and staked their all for the perpetuity of the Government? * * * What has become of that Government of the people, by the people, and for the people, that Washington founded and our veterans fought to preserve?

The money power was not only against the soldiers in 1899, as it is now, but it has always been against them. It was against them during the war. While dark clouds of disunion and uncertainty hung heavily over the fortunes of the Army of the North and deadly maladies were depleting our ranks so fast that the living were compelled to bury the dead in trenches; while bloody swords were gleaming in deadly strife on a thousand battle fields and dying soldiers were whispering to their comrades, "Tell mother not to grieve for me; I died bravely," the rich, the real enemies of the Washington Government, hid away their gold and silver and forced the Government to issue paper money to pay the soldiers their meager wages, and while President Lincoln was bending every energy to devise means how best to save the Union and terminate the war with the least suffering and bloodshed to the American soldiers and with the least expenditure of the Nation's wealth, the influence of these money malefactors found its way into the halls of Congress and dictated the terms upon which the issue of this paper money was based, making it a legal tender for the payment of all debts, both public and private, except duties on imposts and interest on the public debt, thereby depreciating its value so materially that at times it took $3 of paper money to buy $1 of gold. It was good enough to pay the wages of the soldier, but it was not good enough to pay the interest on the bonds of the rich. It took gold for that. They even went so far as to form a conspiracy against the President during the darkest hours of the war and tried to depose him with Secretary Seward, but the hand of Providence was set against them and they failed in their wicked attempt.

They prize money above human bravery and human want, and are not willing for large sums of money to be given to the soldiers, because it will be scattered out all over the States of this Union and will not be within easy reach when they desire to use it for increasing their already large dividends of ill-gotten gains.

Mr. Chairman, we are told from a clipping from the Associated Press that our Secretary of the Treasury, Franklin MacVeagh, in an address at the opening session of the American Academy of Political and Social Science at Philadelphia, on the 7th day of April, 1911, used the following language:

> We have a perfectly enormous Civil War pension list, which is not a credit to us. It never had a scientific or just basis, although a worthy motive gave it origin. It has lost its patriotic aspect and has become a political list, costing the Government about $160,000,000 a year.

These two quotations, Mr. Chairman, are not the only expressions which point strongly to the opposition of the rich to the further expansion of the pension roll, but we have Representatives from the East, where the money power stalks in authority both day and night, bitterly protesting against the passage of this bill. I trust, Mr. Chairman, that these gentlemen are not expressing their own views, but only that of their moneyed constituency. Has it come to this, Mr. Chairman, that the dollar is to be placed above the man in these sacred halls? Has it come to this, Mr. Chairman, that we must consult Wall Street for its approval before we enact laws for the relief of the people? I trust not, Mr. Chairman. I trust that the language attributed to the honorable Secretary of the Treasury of the United States is not his language and that it is not his sentiment, for it was the bravery of these men which made it possible for him to preside over the greatest National Treasury in the world on a handsome salary of a thousand dollars a month. I trust, Mr. Chairman, that such is not the sentiment of a single citizen of any State of this Union.

It is said that Napoleon had in his army a certain great soldier, La Tour d'Avergne, who repeatedly refused military honors by promotion to ranks of authority over his comrades. Although a hero in many battles he preferred to remain a private. Napoleon gave him a beautiful sword and conferred upon him the official title "First among the grenadiers of France." He was finally slain in battle, whereupon the Emperor ordered that his heart be intrusted to the care of the surviving comrades of his regiment, that his name should be called at every roll call, and that his next comrade should make answer, "Dead on the field of honor." What a beautiful tribute to the memory of a brave soldier, although fighting to establish the cause of an ambitious French despot. Let us not be less mindful of the bravery of our soldiers, who fought not to oppress, but to make free. Let us still go to the silent cities of the dead on future Decoration Days, and when the rolls are called of those who fell in the defense of their country let us continue to answer, with roses and tears on the graves of each, "Dead on the field of honor." As darkness gives place to the golden light of the morning sun, so when the roll is called on the passage of this bill let all opposition thereto fade away into one perfect day of legislation in recognition of the valor and worth of those men who fell "dead on the field of honor" and

those men who offered to die on the field of honor in order that America might be great and that mankind might be free. [Applause.]

DEATHS IN THE UNITED STATES ARMY DURING THE WAR OF THE REBELLION.

According to the latest official compilation, the whole number of deaths among officers and enlisted men of the Federal Army during the War of the Rebellion, as shown by the official records, was 359,528. The actual number, however, must be somewhat larger, because it is known that many of the records, especially those of southern prisons, are far from complete.

Table showing the number of deaths, by causes, in the United States Army during the War of the Rebellion.

Causes of death.	Officers.	Enlisted men.	Total.
Killed in action	4,142	62,916	67,058
Died of wounds received in action	2,223	40,789	43,012
Died of disease	2,795	221,791	224,586
Accidental deaths (except by drowning)	142	3,972	4,114
Drowned	106	4,838	4,944
Murdered	37	483	520
Killed after capture	14	90	104
Committed suicide	26	365	391
Executed by United States military authorities		267	267
Executed by enemy	4	60	64
Died from sunstroke	5	308	313
Other known causes [1]	62	1,972	2,034
Causes not stated	28	12,093	12,121
Total	9,584	349,944	359,528

[1] This item includes all deaths resulting from quarrels, riots, and the like, which are not definitely reported as murder, from being shot for insubordination or by provost guards or sentinels in attempting to escape or pass the lines, from exhaustion or exposure, killed while depredating upon the property of citizens, and all other causes not mentioned in the foregoing table.

RECORD AND PENSION OFFICE,
War Department, October 18, 1898.

The following unofficial and incomplete figures, but, perhaps, the best and most reliable obtainable, of the loss of life, and so forth, in the Confederate Army are here given for the benefit of those who may desire some information on this subject:

Died of wounds and diseases	133,831
Died while prisoners of war	26,774
Total deaths	160,605
Captured	476,169
Paroled from the field	248,599
Deserted	104,428

Mr. ASHBROOK. Mr. Chairman, I now yield to the gentleman from Colorado [Mr. TAYLOR].

[Mr. TAYLOR of Colorado addressed the committee. See Appendix.]

Mr. ASHBROOK. Mr. Chairman, I yield to the gentleman from Illinois [Mr. STONE].

Mr. STONE. Mr. Chairman, I favor liberal pensions for all Union veterans of the Civil War. I do this from a sense of duty and claim no particular credit from soldiers for my attitude. No soldier need feel under either political or personal obligation to me because of the position which I take upon this question.

I do not regard pensions as gifts to the soldiers, but rather as partial payments of a debt which we owe to them as the saviors of this Nation. Rich as this Nation is, it can never fully satisfy its obligation to the brave men who responded to the country's call in the dark hours of the Civil War. The sacrifices which these men made, the privations which they underwent, the injuries which many of them received, and the sufferings which many of them still endure make this Nation forever their debtor.

If the veterans are the Nation's creditors, the debt due them should be paid, and paid promptly and adequately and regardless of the present financial condition of the creditor. Surely no patriotic citizen desires the Nation to repudiate this debt. We must pay or stand forever charged with both ingratitude and injustice.

The service performed by the Union veterans has enabled the Nation to become rich and powerful, and it can now well afford to insure adequate maintenance to every gray, tottering survivor of the greatest war ever recorded in the annals of the world, in their feeble and helpless old age.

Some have stated that this measure, even without the income provision eliminated, savors of extravagance, but I contend that no pension legislation is extravagant that allows pensions which are scarcely sufficient to provide the barest necessities of life. Surely this great Nation, with its limitless lands and inexhaustible wealth, can afford to make it possible for these old gray men of battle, to whom we owe so much, to live decently and comfortably during their few remaining years. Kind nature will soon lull to peaceful slumber and repose the last weary survivor. The day is not far distant when taps will sound above a mound in some little churchyard wherein shall lie the dust of the last man who wore the blue in the most stupendous war of all history.

Less than 500,000 Union veterans now live. During the deliberations of this day 125 have crossed the dark river that separates life from eternity. More than 3,000 die each month. Before any pension legislation can be enacted and put into operation it will be too late for thousands upon thousands of veterans, who need this money which the Nation owes them.

It is a shameful state of affairs when an opulent Government will permit men who were in the bloody angle at Gettysburg, who stormed the clouds of Lookout Mountain with Fighting Joe Hooker, or who faced the leaden hail of death at Shiloh, Antietam, Spotsylvania, or any of the other bloody fights of those four awful years; who sacrificed health and hope and staked life itself for the Nation's sake—I repeat, it is a shameful state of affairs when a proud and prosperous Nation will permit those men to beg and hold out their trembling palms to the charity of the world.

The same justice that requires a son to provide for a parent that has become helpless and old and poor should bind the Government of the United States to provide for the infirm and disabled veterans whose valor and courage saved the Nation from dismemberment. No matter whether it be the officer who gave his ability to his country and risked his name and fame upon the fortunes of war or the private soldier who took his place in the ranks and offered his body as a bulwark to protect the flag; no matter whether he was then or is now rich or poor; they all fought for the same flag and the same country and alike deserve the generous gratitude of the Nation they preserved.

Fifty years ago these old veterans, then lusty and in the flower of their youth, were sent to stand between the Nation and destruction. Forth they went under streaming banners and keeping step to the strains of martial music. It was not for gain nor glory that they kissed mothers and sweethearts good-by and tore themselves from the firesides of home. No; their stupendous sacrifice was made for the Nation's honor, the Nation's flag, and the preservation of the Union of States. Unhesitatingly and with a courage unsurpassed and unparalleled in the history of war, they went to the front, marched along dusty roads and through tangled swamps, faced the bullets of the foe, stood under the raking fire of artillery, contracted disease, suffered untold hardships and dangers, and came back at last crippled and disabled and afflicted with weaknesses from which they suffer still, and suffer more pitiably because they are less able to bear those ills. Whatever the Nation is, and whatever it has, it owes all to these men. This is the veriest truth and not the mere expression of a sentiment. What we owe, let us pay.

Many municipalities and corporations do more for their aged and infirm employees than this mighty Nation does for the men who endured the horrors, the miseries, and the sufferings of war. The city of New York retires its aged firemen and policemen on half pay. Other cities do likewise. There are banks, newspapers, and railroads in this country which retire their old men on half pay, and this half pay is invariably more than $30 a month. I have no objection to such pensions. The principle is right and just, but it is nowhere as right and just as the principle that the veterans of the Civil War are entitled to pensions that will be ample to support them and to save them from becoming objects of either charity or pity. The service that a man performs in the conduct of any commercial enterprise is not comparable to the service that these old war-worn men performed on the bloody fields that stretch between Sumter and Appomattox, and but for which this Nation would be now but the memory of a blackened and a broken dream. Ordinarily the civil employee during the years of his service will receive a salary which enables him to save for the time of gray hairs and flagging energies, while the paltry sum paid to the soldiers in depreciated paper money does not deserve consideration.

Learned men, both inside and outside this Chamber, have made harsh statements about the patriotism of the pensioner. A short time ago William Bayard Hale, in the The World's Work magazine, attacked the pensioner, and the following is one of his statements:

> To-day, unpleasant as it is to say it, the pensioner is a suspect. The common presumption is against his being a hero. The presumption, critical, perhaps, but not unjustified, is that he is as likely to be a cook or a hostler or a peddler who has perjured himself; a thrifty patriot who has no objection to receiving an annuity on account of a summer's episode of half a century ago.

The argument that a beneficent system should be abandoned because faint traces of fraud have been discovered in connec-

tion with it is puny and contemptible. Any charge of wholesale fraud in connection with the pension roll is entirely unwarranted. The latest report of the Commissioner of Pensions shows that of a total of 50,000 pensioners investigated during the previous year by field experts of the Pension Bureau but 5 pensioners were found to be unworthy and not entitled to the allowance granted them. Certainly this is a splendid record, and one which should inspire the confidence of all the people. Surely such a small percentage of fraud should not result in the condemnation of all pensioners.

From the sarcastic manner in which Mr. Hale refers to "a summer's episode of half a century ago," it is clearly evident that he never suffered, even in imagination, the unspeakable hardships of war. Had he shouldered a gun and marched away at the bugle's call; had he been in the battered lines at Antietam, Shiloh, Gettysburg, Chancellorsville, or the Wilderness; had he been one of the veterans who stormed Lookout Mountain, who toiled with Sherman to the sea, who stood the brunt of that wild charge with Thomas at Chickamauga, or who went through Shenandoah with Sheridan; had he even witnessed from afar the desperate fighting done by the lions of Malvern Hill and the eagles of Seven Pines, it is safe to conjecture that he would not write derisively of "a summer's episode of half a century ago."

Let our thoughts go back to the time when Abraham Lincoln made his first call for troops. Every mind was then controlled by excitement and every loyal heart throbbed with anxiety for the fate of the country. In every city, town, and hamlet orators fervently appealed to the young men to leave the field, the shop, the office, and the college halls to don the blue uniform of the Union Army.

Let our minds picture the scene as these soldiers, in the strength and joy of their youth, marched away to the front to fight for their country and its flag—for my country and my flag, for your country and your flag. It is full 50 years now, a half century of time, since the boys of this Nation and the men of this Nation sacrificed everything that a man holds dear and answered the call of Abraham Lincoln with the rallying cry, "We are coming, Father Abraham, a hundred thousand strong."

Long ago, on a summer's day,
Over the hills they marched away—
Kinfolk, friends, and the boys we knew
In childhood's blossoms and fields of dew,
Changed in that hour to full-grown men,
When the song of the bugle rang down the glen
With its wild appeal and its throb and thrall,
And they answered "Yea" to their country's call.

Then in the furrow the plowshare slept,
O'er wheel and anvil a silence crept;
All night long through the village street
Thundered the rhythm of marching feet,
With clash of steel and saber's clang
And the gray commander's stern harangue,
Till morning broke and they marched away,
Long ago on a summer's day.

We watched them go, with their guns agleam,
Down past the mill and the winding stream,
Across the meadows with clover deep,
By the old stone wall where the roses creep.
We watched them go till they climbed the hill,
And they faced about, as the drums grew still,
And they waved their caps to the vale below
With its breaking hearts that loved them so.

Many of those splendid young men who marched away to the grand, wild music of war never returned to the haunts and homes and firesides of their boyhood. Their ranks were soon thinned by grape and canister. Each battle claimed its toll of dead. Those who did finally come back from the most cruel war in all time were but a tattered and faded remnant of those who went away. They were no longer brown-cheeked lads, but the blue-crowned heroes of a hundred battle fields. Unnumbered thousands came back bearing upon their bodies grievous wounds that had never healed. Thousands of them left an arm or a leg upon far-away fields of battle, and still other thousands were suffering from diseases that no art of the physician had been able to cure. Maimed, crippled, diseased, wrecked in health—the sorry sacrifices of a great cause—they came back to take up an unequal struggle for advancement in the pursuits of peace.

Since then time has made relentless assaults upon their wearied lines. Through adverse buffets of an unkindly fate these men are now very poor and very much in need.

Last Memorial Day it was my privilege to witness the ceremonies at Arlington Cemetery. A feature of the ceremonies was a parade of the veterans who had gathered to honor the memory of their departed comrades. Nearly every form was bent, and some had to assist nature with cane or crutch. Old and feeble and worn and with faltering tread, I could scarcely realize that—

These are the men of Shiloh,
Who pass with footsteps slow,
The steeled brigades that stormed the clouds
Of Lookout with Fighting Joe.
These are the stubborn legions
That on Chickamauga hung,
When the bugles sang of slaughter,
And the old, gray men were young.

It would seem that the Nation they saved, and which is now the richest and most powerful Nation on the face of the earth, could consistently and legitimately go to any length to prove its gratitude to these men. Their presence with us will not be long continued. We who profess to regard the memory of their dead comrades with mingled feelings of sorrow, gratitude, and pride, should be just to those who still survive, for there will be—

Only a few more twilights
On the wavering ranks and thin,
Then night and folded banners,
And the sabers gathered in.

Mr. ASHBROOK. Mr. Chairman, I ask leave to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Ohio [Mr. ASHBROOK] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. DE FOREST. Mr. Chairman, while it is possible that the bill under discussion is not the best one that could possibly have been presented to this House, it is, with one exception, a very fair and equitable one and is of great credit to the chairman of the Committee on Invalid Pensions, Gen. SHERWOOD, the eminent soldier and civilian, who rendered such valuable service in defense of his country during the Civil War, who enlisted in the Army as a private, and, owing to his brilliant career, came out a general.

In the drawing of this bill Gen. SHERWOOD, in fear of criticism, inserted in it a clause discriminating against himself and many others who have been more fortunate in accumulating wealth than most of his old comrades. Section 3 is the exception and provision I object to, which says:

That no one shall be entitled to a pension under this act who is in receipt of an annual net income of $1,000 or more, exclusive of any pension he may receive.

Now, Mr. Chairman, when the Civil War broke out the American flag had been insulted and the very existence of our country was in jeopardy; the President of the United States issued a call for volunteers in defense of this Government. In making the call for soldiers he made no distinction or discrimination between the well-to-do, the rich, or the poor man, nor did he make any reference to the white or the black man. The color line was eliminated; wealth and poverty were not referred to; neither was race or nationality; all men of suitable age and of good health were invited and solicited to come forward to fight in defense of their country.

As there was no discrimination made at that critical time, I ask you as fair, just, and honest men why should there be any discrimination or distinction made now? If a man has been prudent and frugal during his life and has denied himself and family of the luxuries of life and, perhaps at times, necessities in order to accumulate a fund to take care of himself and dependents during old age, is it to his discredit and should he be rebuked for it and discriminated against?

If this bill should become a law with this objectional and socialistic provision in it, it would be placing a premium on dishonesty and be an incentive for some of the brave old fellows who fought for the preservation of the Union to place under cover the honest wealth they had accumulated and thereby evade the law and in some cases to commit perjury in order to obtain what justly and rightfully belongs to them.

I am desirous of voting for this bill, as every true American should, and feel that this unjust section should be removed.

If this bill is founded on merit it should be as honest to the veteran as the veteran was to his country, and this discriminating, unfair, inconsistent, and dishonest provision should be stricken out, and I appeal to you, my colleagues, as honest, fair-minded men to eliminate it. [Applause.]

Mr. ANSBERRY. Mr. Chairman and gentlemen of the committee, I desire, in a brief space, to restate my position on pension legislation. I am favorable to the most liberal pension legislation that this House will pass, consistent with the Nation's income and ability to pay, and will vote therefore for the Anderson bill or the so-called Sulloway bill if an opportunity is given me. And I say this with a full knowledge of the fact that my colleague from Indiana [Mr. ADAIR], who has

this present bill in charge, stated on the floor of this House that anyone who favored an amendment suggesting any change in this bill was not friendly to the best interest of the soldiers of the country. I trust that my friend from Indiana will not insist upon that position, because it is a mistaken one. Under ordinary circumstances I would be gald to follow the committee in support of Gen. SHERWOOD'S bill, but I claim that I have received instructions sufficient to make me disregard a caucus action, and therefore instructions sufficient to guide my conduct in a failure to support a bill which is not a party measure. Certainly no one will claim that pension legislation is a party measure.

I think that the only opposition to the so-called Anderson and Sulloway bills came from the gentleman who has this Sherwood bill in charge, and his opposition is based on the ground that the so-called Sulloway or Anderson bills are so liberal that because of that fact and because of the large sum of money either one of those two bills will appropriate they will be defeated, probably in the Senate, or will be vetoed by the President of the United States.

Mr. ADAIR. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Indiana?

Mr. ANSBERRY. Yes; I yield with pleasure.

Mr. ADAIR. I desire to state that I did not give that as a reason why they would be defeated.

Mr. ANSBERRY. I know that the gentleman did not. The difficulty arises from the fact that the gentleman seeks to convey by innuendo the impression that some power will defeat pension legislation should the House pass other than the Sherwood bill.

Mr. ADAIR. And I did not mean to say, if I did, that anybody who voted against all amendments was not in favor of pension legislation. I had reference to the amendments I spoke of—the Sulloway bill and the straight dollar-a-day bill.

Mr. ANSBERRY. In answer to that, I would say that my position respecting the Sulloway and Anderson bills is identical, because the bills are nearly the same, as I recall them, and I therefore take issue with the gentleman because he laid down the proposition that if any man, particularly on this side, supported the amendments suggested by those gentlemen, or such amendments as we might anticipate they would suggest, he was not, by reason of that action, friendly to the best interests of the old soldiers of the United States, the veterans of the Civil War.

Mr. ANDERSON of Ohio. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Ohio yield to his colleague?

Mr. ANSBERRY. Yes; I will yield to the gentleman.

Mr. ANDERSON of Ohio. Did I understand my colleague to say that he had received instructions from his constituents broad enough to permit him to be excused from a caucus?

Mr. ANSBERRY. I did so say.

Mr. ANDERSON of Ohio. I also understood the gentleman to say, did I not, that the Sulloway bill was practically the same as the Anderson bill, and that he would vote for my bill if he had opportunity?

Mr. ANSBERRY. Yes; I did.

Mr. ANDERSON of Ohio. I am pleased that I understood the gentleman correctly.

Mr. ANSBERRY. In explanation of that position I would say this: There was considerable controversy at the beginning of this session respecting the so-called Anderson bill and the position which it occupied on the calendar. Many of the soldiers in my district, the veterans of the Civil War—and I refer to them when I say "soldiers"—whose interests were affected by that bill, wrote me letters and called upon me and urged me to support a proposition not to adjourn, as affecting the position of that bill upon the calendar. You gentlemen understand the effect that would have upon the parliamentary situation. I told them of the futility of trying to pass pension legislation during a special session of Congress called for a particular purpose and in the face of the caucus action of the dominant party, binding its members to a course of action preventing anything being considered but the tariff. However, the dissatisfaction continued, and there being in the neighborhood of 3,000 veterans of the Civil War in my district, I considered that their interests were paramount, and in view of the fact that we agreed in principle, I was willing to sink my notion of the procedure and to follow theirs. Therefore I requested them to select at least two delegates from each Grand Army post in my district, of which I should judge there are in the neighborhood of 40 or 45, and send them to Defiance to meet me on a given day to discuss the situation. They accordingly did that. Most of them told me that their local camps had instructed them before they came to Defiance to ask me to support a bill similar to the Anderson or Sulloway bill. I had a copy of each of those bills, of Gen. SHERWOOD'S bill, of a bill introduced by the late Mr. Kipp, a member of the committee, and a bill that I introduced myself—along the line of the Sulloway bill, but more conservative, I think—and the Anderson bill. I asked those gentlemen to give me an expression of opinion as to the bill that they desired supported, and at least 60 per cent of those men, there being nearly 100 of them present, stated that they desired me to support the Anderson or Sulloway bill. My own bill received the support of about half of the delegates present, and I judged that probably 40 or 50 per cent of that was due to the fact that they did this as a compliment to me, although I was very strongly of the opinion that my bill had a better chance of becoming law than any of them. The Sherwood bill did not receive a single vote. Under those circumstances, and despite the assertion made by the gentleman who had charge of this bill, I shall support the most liberal pension bill that can be presented to this House. Of course, it must be within the bounds of reason. For instance, I would not support a bill that would appropriate out of the Public Treasury a sum that this Government would be unable to stand. I believe I can justify my position on grounds other than the ones I have given to this House. I think that pensions that are provided for veteran soldiers of the Civil War should not be given as a gratuity, but as the discharge of an obligation.

Prior to the Civil War the standing Army of the United States was a very small one, and the soldiers of the Army in the stormy days of 1861–1865 were compelled to be manufactured from the green, raw material of the young men who enlisted and were trained into seasoned soldiers; and I believe it was because of that fact that the Civil War lasted for four years. I think if this country had been to the expense for 20 or 30 years prior to the Civil War of maintaining a standing Army commensurate with the size and needs of the United States of America that war would not have lasted one-half as long as it did. It seems perfectly logical, therefore, that the saving of money, the saving of taxation, the saving to a large extent of the expense and cost necessary to support a standing Army, cost in lives and in the time of the men who were afterwards compelled to make good that deficiency, is more than we can ever repay to them in dollars and cents.

In addition to that, a contract was made with the men who went out to sustain the Government at that time, providing, I believe, that they should receive the sum of approximately 50 cents a day. Instead of that they received money that was worth between 30 and 40 per cent of the face value, or from 15 to 20 cents a day. If those men were willing to go out and give their time for that pittance when those who stayed at home were able to get from eight to ten times as much for their labor, it seems to me it will not do for us, the beneficiaries of the Government which those brave men sustained—it will not do for us in discharging that obligation at this late day to weigh the sums that we are giving them, as President Harrison once said, "in an apothecary's scale." We should be willing to be as generous in proportion to that which we have as they were generous then in proportion to that which they had to give. [Applause.] They gave the best that was in them. They gave four or five years of the period of a man's life when he is laying the foundation of his future and his fortune, when he is forming his character, when he is shaping his destiny.

These are the things that should be considered when a pension bill of this character is before this House. These are a few of the reasons, and I could name more if I cared to take the time of this House, showing why I am favorable to liberal pension legislation.

It will not do to say again "We can not afford it; there is no money in the Treasury." Have we not spent uncounted millions in the construction of the Panama Canal and other similar ventures? Have we not turned on the faucet and permitted the flow of a golden stream for the benefit of people of an alien race—the Filipinos? Do we not annually expend sums running well up into the hundred millions in preparing for wars that some say exist only in superheated imaginations and that never will be fought? Let us first discharge existing obligations—obligations that were created in the heroic age of our history, obligations made necessary to guarantee our continuance as a Nation. I say let us discharge these obligations before creating new ones, particularly since the other parties to these obligations are rapidly passing away and many of those who remain are sadly in need of their due. I regret to say that many comrades are in that position. Annually the pension roll is reduced by death of 50,000, and as the average age of these men is between 68 and 70 the death rate is very high, and soon the annual deaths will increase until in a few short years our opportunity of discharging these obligations will have passed away. But irrespective of the proposition as to their

need of the country's money at this time to keep them from privation and want, I believe that the Anderson bill, the Sulloway bill, or the Sherwood bill will be a discharge of the obligation of something approximating 100 cents on the dollar. This Government should ask nothing else. The individuals who compose this Government, as far as I can learn, either in the North or South, are not in favor of discharging any governmental obligation at less than par.

It has been urged on behalf of the Sherwood bill that it should be sustained and the other bills defeated because they will take too much money out of the Public Treasury if you put the most liberal of those bills on the statute books. These old men, and most of them are approximately 70 years of age, are dropping very rapidly from the rolls. As long as I have been in Congress they have been here rapping at the door, asking that their claims be given consideration. To all of their appeals they have been given the answer "Wait." These men have waited; they have waited until they are in the sere and yellow leaf. Many of them who were wounded severely during the war are dragging out a miserable existence, the living evidence of Sherman's truism that "war is hell."

Many of these men are in need, many of these men when they received a pension of $12 or $14 a month were receiving a sum sufficient to keep the wolf from the door, but that $12 or $14 a month pension has been reduced by reason of the increased cost of living to $6 or $8. It seems to me that we, at least, at this time should make up this deficiency. That is why I am going to add my voice to the passage of this bill at this time, not that you pass the Sherwood bill, not that you pass the Anderson bill or the Sulloway bill, for I think it makes but little difference to the body at the other end of the Capitol what name the bill carries. They are going to shape the bill there to suit themselves. Let the popular body of the National Legislature give them the most liberal bill it is possible to give them at this time. Let that body at the other end of the Capitol dispose of it as they will, or let the Chief Executive, if he wishes, disapprove of it.

Mr. ANDERSON of Ohio. Will the gentleman yield?

Mr. ANSBERRY. Yes.

Mr. ANDERSON of Ohio. I understood the gentleman to say that if he had an opportunity he would vote for the most generous pension bill.

Mr. ANSBERRY. That is right.

Mr. ANDERSON of Ohio. It was stated during the last session by certain Members who are opposed to liberal pension legislation that my bill would, if passed, bankrupt the Government. Does the gentleman know that my bill, which is practically the same as the Sulloway bill, except that it carries an additional appropriation of $4,500,000 for the benefit of soldiers' widows, to cover a modification of the law of 1890, carries $20,000,000 less appropriation than the Sherwood bill, provided the soldiers' home clause of section 1 and section 3 is stricken from his bill? I simply call the gentleman's attention to this fact for the reason that it was circulated throughout my district that I had introduced a bill which would bankrupt the Government, when the Sherwood bill carries $20,000,000 more appropriation. [Applause.]

Mr. ANSBERRY. I will say that I was under the impression that the Anderson bill appropriated $20,000,000 or $30,000,000 more than did the Sherwood bill, or at least $10,000,000 more. In spite of that fact, I was willing to support it, because it was a more liberal bill. Certainly, if it carries $10,000,000 or $20,000,000 more than the Sherwood bill, and we can afford it, that much more would go to the soldiers of the country, and that is a consummation devoutly to be wished.

In conclusion, I desire to say that I shall support this and the most liberal bill in the form of amendments to the Sherwood bill. Particularly shall I be in favor of the amendment which eliminates that part of the Sherwood bill which refers to the old soldiers who are compelled to go to soldiers' homes. I am glad to read in the report of the Invalid Pension Committee that that idea did not arise in the mind of the gentleman who drew the bill, but that it was suggested to him by somebody else. I do not believe that Gen. SHERWOOD is favorable to the proposition that the old soldiers of this country who go to the soldiers' homes should not be beneficiaries under the bill which bears his name. I think that my colleague knows full well that the old men who go to the soldiers' homes, most of them, go there because they are compelled to make a choice between the soldiers' home and the poorhouse; that most of them, because of their disabilities, which they incurred in the service, are under medical treatment and need professional attention which they can not afford or procure at home.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANSBERRY. I just want a few minutes more.

Mr. ADAIR. Mr. Chairman, I would like to ask the gentleman a question.

Mr. ANSBERRY. I would not like to have the gentleman interrupt my peroration. [Laughter.]

Mr. ANDERSON of Ohio. I ask unanimous consent that the gentleman be granted five minutes more.

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, let us find out how long the committee expects to remain in session to-night.

Mr. ADAIR. We will rise as soon as the gentleman from Ohio gets through.

Mr. HENRY of Texas. How much time does the gentleman desire?

Mr. ANSBERRY. About two minutes.

Mr. HENRY of Texas. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ADAIR. The gentleman has stated that he is willing to vote for the most liberal bill?

Mr. ANSBERRY. Yes.

Mr. ADAIR. If he accepts the statement of the gentleman from Ohio [Mr. ANDERSON], with which I do not agree, that his bill will cost less than the Sulloway bill, then would it not be the duty of the gentleman to vote for the Sherwood bill?

Mr. ANSBERRY. Yes; but in this instance I prefer to follow the gentleman in charge of the bill.

Mr. ANDERSON of Ohio. I beg to disagree with the gentleman from Indiana that I made the statement that the Sulloway bill would take more than my bill. My bill will take $4,500,000 more than the Sulloway bill.

Mr. ADAIR. And more than the Sherwood bill.

Mr. ANDERSON of Ohio. No, sir. My information from the Pension Bureau is to the effect that the Sherwood bill will take $75,671,880, if soldiers' home and $1,000 clause is stricken from bill, and I am strongly in favor of striking it from his bill if we can not pass my bill or the Sulloway bill.

Mr. ADAIR. Then the gentleman has lost a vote for his bill, because the gentleman from Ohio, his colleague, says that he will vote for the most liberal bill.

Mr. ANDERSON of Ohio. The gentleman does not know whether I have lost a vote or not, as I have not as yet had an opportunity to carefully explain my bill.

M. ANSBERRY. Mr. Chairman, my peroration will be turned into an interrogation, and I will ask the gentleman from Ohio [Mr. SHERWOOD] a question. I am satisfied that he does not want a bill to bear his name which would cut out his comrades who are so unfortunate as to be compelled to choose between a poorhouse and a soldiers' home, and who have chosen the latter, from the benefits of that bill. I understand the gentleman's bill to be so drawn that when a man receives more than $25 under the bill he can not be received as an inmate of a soldiers' home. I stated that the committee report conveyed the impression that that proposition was suggested to him by somebody else, that it was not his idea, and that he disclaimed its paternity.

Mr. SHERWOOD. That is a mistake.

Mr. ANSBERRY. Then it is the gentleman's idea?

Mr. SHERWOOD. I exhibited on the floor of this House in 1908 seven great rolls of petitions from soldiers, and those petitions were voluntary petitions. I never sent out a blank petition in my life. I never asked for a petition in the five years that I have been contending for this bill. Seven thousand inmates of soldiers' homes signed petitions voluntarily that if you would give them a dollar a day they would leave these military prisons and go to the homes of their boyhood and the associations of their friends. [Applause.] This bill does not deprive a single soldier in a soldiers' home of the benefit of the pension he is now getting.

Mr. ANSBERRY. But under your bill would he not be denied entry into a soldiers' home if he gets $25 a month?

Mr. SHERWOOD. They are all drawing pensions now, and the Government is taking care of them at an expense of $217.90 for every soldier in a home. They are well taken care of. The old soldiers need no sympathy on that ground.

Mr. ANSBERRY. I am not trying to excite any sympathy for the old soldiers on that ground or any other. In this report it is stated this idea comes from some one else. If the responsibility rests with the gentleman, the gentleman should say so.

Mr. ASHBROOK. He says it comes from the old soldiers in the soldiers' homes.

Mr. ANSBERRY. I am not willing to accept that statement, since my experience has taught me the contrary. I prefer to let the individual soldier himself determine whether or not he

cares to enter a soldiers' home, and I would put no limitation in any bill taking that privilege away from him. That is one of the reasons I am opposed to the Sherwood bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Does the gentleman wish any more time?

Mr. ANSBERRY. I want another minute.

Mr. HENRY of Texas. Mr. Chairman, I shall have to object——

Mr. ANDERSON of Ohio. The gentleman has been interrupted, and I ask unanimous consent that he be given at least one minute.

The CHAIRMAN. The gentleman from Ohio asks that the gentleman be given one minute more. Is there objection? [After a pause.] The Chair hears none.

Mr. ANSBERRY. I am not soliciting sympathy for any old soldier. I am suggesting and demanding justice. I am asking that this debt be treated like the grocer's bill and the coal dealer's bill—that it be paid dollar for dollar. I am simply calling attention to the fact that the gentleman who is chairman of the Committee on Invalid Pensions and father of the Sherwood bill said that it is not his proposition. In other words, it is not the committee's. It is like the gentleman from Indiana, who laid down the proposition that we should not support any of these bills other than the committee's bill, based on some reason which he does not disclose. If it be a political reason, he is safe in calling me out and whispering in my ear, and it does not need to be disclosed in the House. If there is any strong reason to follow the committee, the gentleman can come to me with absolute safety, and, if it is a proper reason, I will support it and follow the committee; but this is not a political bill, and the gentleman from Indiana does not see fit to disclose his reasons. All hands join in support of liberal pension legislation. The distinguished leader of the minority here even favors this bill—a man who gained a national reputation in his service in this House during three or four Congresses, at least two of which I had the privilege of being a Member, by saying "I object," and thus knocking galley-west many of the ambitious plans of gentlemen here who sought to improve rivers and harbors or get public buildings or some other imaginary benefit for their own districts. He always did it on the ground of economy, and yet he comes in here and is in favor of this bill.

But I do not believe that he seeks the sympathy of the old soldier in doing it. I acquit him of any such selfish purpose. I think he favors it because he recognizes, as every citizen of the great State of Illinois recognizes—a State that contributed perhaps a larger number of men to the ranks of the Northern Army in the Civil War than any other State except, possibly, the great State of Ohio—that it is time to meet promise by performance. That is the reason that this gentleman, the leader of the minority, a man who has devoted his public life to the proposition of governmental economy—and I say that in the utmost good faith—comes in in favor of this proposition. I assume he knows the position of the President of the United States and the Senate, both being Republican, better than does the gentleman who represents this committee on this floor. If the President of the United States had any notion—has any idea of putting his veto upon this bill, thereby refusing justice to the soldiers of the Civil War, and which would be a cause of offense to every old soldier of this land—if he had any such idea, you would not see the leader of the minority in this House supporting that bill. As an individual I do not think it would make any difference to the gentleman, but as leader of his party, when he puts his O. K. upon a proposition which I favor, I am going to follow him upon that proposition, as representing the administration, rather than the gentleman who will not disclose upon the floor of this House the reason that he has for saying that it will receive the opposition of the other party, be defeated, and thus defeat the bill which he advocates. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. ADAIR. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. GRAHAM, having assumed the chair as Speaker pro tempore, Mr. FOSTER of Illinois, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War and had come to no resolution thereon.

LEAVES OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. HARDWICK, for the next 2 weeks, on account of important business.

To Mr. THAYER, for 4 days, on account of important business.

To Mr. DOREMUS, for 10 days, on account of trip of Committee on Interstate and Foreign Commerce to Panama.

To Mr. TRIBBLE, for 10 days, on account of Panama trip.

ASSIGNMENT OF COMMITTEE CLERKS.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent that the resolution at the Clerk's desk, from the Committee on Accounts, may be considered at the present time.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent for the present consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 334.

Resolved, That clerks to committees of the House during the session provided for by the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1912, be and they are hereby assigned for the present session of Congress to the Committees on Education, Mines and Mining, Railways and Canals, Reform in the Civil Service, Alcoholic Liquor Traffic, Election of President, Vice President, and Representatives in Congress, Disposition of Useless Executive Papers, and Invalid Pensions (an assistant clerk).

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. MANN. Mr. Speaker, reserving the right to object, I would ask the gentleman from Missouri if, so far as he knows, in the main this is satisfactory to the committee chairmen?

Mr. LLOYD. It is entirely satisfactory to the committee chairmen; yes, sir.

Mr. MANN. Might I ask whether it has been settled yet; whether other clerks will have to be provided for other committees?

Mr. LLOYD. No, sir; it has not.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. Are there any amendments to the resolution?

Mr. LLOYD. No, sir; there are no amendments to the resolution.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

EXTENSION OF REMARKS.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent to address the House by extending my remarks in the RECORD. I desire to incorporate an address from the governor of the State of Colorado, which he was unable to deliver on the trip with the Western governors.

The SPEAKER pro tempore. The gentleman from Colorado asks unanimous consent to extend his remarks in the RECORD, including an address by the governor of Colorado. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. HENRY of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock p. m.) the House adjourned until Monday, December 11, 1911, at 12 o'clock m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the president of the Board of Managers, National Home for Disabled Volunteer Soldiers, transmitting to Congress annual report of home for the fiscal year ended June 30, 1911 (H. Doc. No. 163), was taken from the Speaker's table, referred to the Committee on Military Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GRAHAM, from the Committee on Expenditures in the Interior Department, submitted a report (No. 178) in the matter of the elimination from the Chugach Forest of certain lands on the shore of Controller Bay, Alaska, which said report was referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LITTLEPAGE: A bill (H. R. 15254) to provide for the erection of a public building at Logan, W. Va.; to the Committee on Public Buildings and Grounds.

By Mr. FOSTER of Vermont: A bill (H. R. 15255) making appropriation for expenses incurred under the treaty of Washington; to the Committee on Claims.

By Mr. McLAUGHLIN: A bill (H. R. 15256) for increase of appropriation to agricultural colleges for extension work; to the Committee on Agriculture.

By Mr. STEVENS of Minnesota: A bill (H. R. 15257) to authorize James D. Markham and Chauncey A. Kelsey and others to construct a dam across the St. Croix River, between Minnesota and Wisconsin; to the Committee on Interstate and Foreign Commerce.

By Mr. SABATH: A bill (H. R. 15258) to appropriate $3,000,000 for the construction of a breakwater in Lake Michigan, at the city of Chicago; to the Committee on Rivers and Harbors.

By Mr. HANNA: A bill (H. R. 15259) granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15260) to prevent and punish the desecration, mutilation, or improper use of the flag of the United States of America; to the Committee on the Judiciary.

By Mr. MAYS: A bill (H. R. 15261) to provide for the improvement, repair, and maintenance and the preservation of the public works on the rivers and harbors and for the improvement and dredging of the Chattahoochee and Apalachicola Rivers from the Florida line to the Gulf of Mexico and the Chipola River in the State of Florida to meet the demands of commerce both present and prospective; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 15262) to provide for the improvement, repair, and maintenance and the preservation of the public works on the rivers and harbors and for the improvement and dredging of the Blackwater River and East and Pensacola Bays in the State of Florida; to the Committee on Rivers and Harbors.

By Mr. TOWNSEND: A bill (H. R. 15263) to amend section 25 of an act entitled "An act to amend and consolidate the acts respecting copyrights," approved March 4, 1909; to the Committee on Patents.

By Mr. ROBERTS of Nevada: A bill (H. R. 15264) to prevent the importation of opium into the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. BORLAND: A bill (H. R. 15265) for the enlargement of the Federal building at Kansas City, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. PADGETT: A bill (H. R. 15266) to promote efficiency and economy in the administration of the Navy Department; to the Committee on Naval Affairs.

By Mr. BARTHOLDT: A bill (H. R. 15267) for the erection of a subtreasury building at the city of St. Louis, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. GRAHAM: Resolution (H. Res. 332) to institute and carry on investigation in the administration of the affairs of the Interior Department and of the bureaus and services under and in connection with the same, in order to ascertain whether abuses exist, either in the department or in any of its bureaus or services, to the prejudice of the public welfare; to the Committee on Rules.

By Mr. JACOWAY: Resolution (H. Res. 333) directing the Secretary of the Treasury to prepare from records in his possession, either those of the United States Government or those of the late Confederate States, and to transmit to the Speaker of the House of Representatives as soon as practicable a list of persons shown to have sold cotton to the Confederate States Government or to have entered into any agreement to sell cotton to said Government; to the Committee on War Claims.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMSON: A bill (H. R. 15268) granting a pension to Mary C. Bundy; to the Committee on Invalid Pensions.

By Mr. ANDERSON of Ohio: A bill (H. R. 15269) granting a pension to Margaret Ann Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15270) granting an increase of pension to Andrew J. Thomasson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15271) granting an increase of pension to Curtis W. Lyday; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15272) granting an increase of pension to Christopher Sipe; to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 15273) granting an increase of pension to George W. Cornelius; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15274) granting a pension to Sarah J. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15275) granting a pension to Luvenia Walkinshaw; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15276) granting an increase of pension to Francis M. Canfield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15277) granting an increase of pension to Hiram F. Stover; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15278) granting a pension to Harvey Swanston; to the Committee on Pensions.

Also, a bill (H. R. 15279) granting an increase of pension to Charles L. Stone; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15280) granting an increase of pension to Luther D. Morgan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15281) granting an increase of pension to James McGrade; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15282) granting an increase of pension to B. F. Hudson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15283) granting an increase of pension to Joseph M. Horning; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15284) granting an increase of pension to Napoleon Krokroskia; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15285) granting an increase of pension to Samuel C. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15286) for the relief of Gustav A. Hesselberger; to the Committee on Military Affairs.

By Mr. ASHBROOK: A bill (H. R. 15287) granting a pension to Katherine Rogers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15288) granting an increase of pension to E. M. Kizer; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 15289) to correct the military record of James H. Beal; to the Committee on Military Affairs.

By Mr. BURNETT: A bill (H. R. 15290) granting a pension to D. A. Hollind; to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 15291) granting an increase of pension to Joseph Grounds; to the Committee on Invalid Pensions.

By Mr. BURKE of Wisconsin: A bill (H. R. 15292) to remove the charge of desertion against Joseph Scarbonaugh; to the Committee on Military Affairs.

Also, a bill (H. R. 15293) granting an increase of pension to Henrietta Bown; to the Committee on Invalid Pensions.

By Mr. BYRNES of South Carolina: A bill (H. R. 15294) for the relief of George W. Muse; to the Committee on War Claims.

By Mr. CARY: A bill (H. R. 15295) granting an increase of pension to Frank Knitter; to the Committee on Pensions.

Also, a bill (H. R. 15296) granting an increase of pension to J. Alfred Bean; to the Committee on Invalid Pensions.

By Mr. DE FOREST: A bill (H. R. 15297) granting a pension to Susie S. Neher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15298) granting a pension to Lottie L. Robinson; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 15299) for the relief of James Cahalan; to the Committee on Military Affairs.

Also, a bill (H. R. 15300) for the relief of Benjamin F. Whitlock, alias Benjamin Perdue; to the Committee on Military Affairs.

By Mr. DOUGHTON: A bill (H. R. 15301) for the relief of Sidney Maxwell; to the Committee on War Claims.

Also, a bill (H. R. 15302) to correct the military record of Smith F. Carroll; to the Committee on Military Affairs.

By Mr. FULLER: A bill (H. R. 15303) granting an increase of pension to Augustus F. Groff; to the Committee on Invalid Pensions.

By Mr. HARRISON of New York: A bill (H. R. 15304) for the relief of Edward Davis; to the Committee on War Claims.

By Mr. HARTMAN: A bill (H. R. 15305) granting an increase of pension to Susan J. Bagley; to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 15306) granting a pension to William Reynoldson; to the Committee on Pensions.

Also, a bill (H. R. 15307) for the relief of the heirs of Francis E. Rice, deceased; to the Committee on War Claims.

By Mr. HOUSTON: A bill (H. R. 15308) granting an increase of pension to Thomas N. Smith; to the Committee on Invalid Pensions.

By Mr. KENNEDY: A bill (H. R. 15309) granting an increase of pension to Conrad Wagner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15310) granting an increase of pension to John Lieggett; to the Committee on Invalid Pensions.

By Mr. LANGHAM: A bill (H. R. 15311) granting an increase of pension to Thomas Black; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15312) granting an increase of pension to William G. L. Black; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 15313) granting an increase of pension to John Simpkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15314) granting an increase of pension to Samuel P. Howell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15315) granting an increase of pension to Turner Branham; to the Committee on Invalid Pensions.

By Mr. LAWRENCE: A bill (H. R. 15316) granting an increase of pension to Nelson A. Kingsley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15317) restoring the name of Catherine M. Prouty to the pension roll; to the Committee on Invalid Pensions.

By Mr. LINDBERGH: A bill (H. R. 15318) granting an increase of pension to Henry Steuernagle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15319) granting an increase of pension to Giles A. Woolsey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15320) granting an increase of pension to Daniel Delaney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15321) granting a pension to Fred S. Moulster; to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 15322) granting a pension to Mary A. Panabaker; to the Committee on Invalid Pensions.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 15323) granting an increase of pension to Leander C. Sheppard; to the Committee on Invalid Pensions.

By Mr. MATTHEWS: A bill (H. R. 15324) granting an increase of pension to Benjamin F. Ryan; to the Committee on Invalid Pensions.

By Mr. NYE: A bill (H. R. 15325) granting an increase of pension to Asa Gould; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15326) granting an increase of pension to George H. Knowles; to the Committee on Invalid Pensions.

By Mr. PEPPER: A bill (H. R. 15327) granting a pension to Mary Guldenzoph; to the Committee on Pensions.

Also, a bill (H. R. 15328) to remove the charge of desertion from the military record of Christian H. Hedges; to the Committee on Military Affairs.

By Mr. POWERS: A bill (H. R. 15329) granting an increase of pension to Hiram B. Burris; to the Committee on Invalid Pensions.

By Mr. ROBERTS of Nevada: A bill (H. R. 15330) granting an increase of pension to Hans Garseg; to the Committee on Invalid Pensions.

By Mr. RUCKER of Colorado: A bill (H. R. 15331) for the correction of the naval record of Samuel Charles Hampton; to the Committee on Naval Affairs.

Also, a bill (H. R. 15332) granting a pension to Lucy S. Hamilton; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 15333) granting an increase of pension to John Tipton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15334) granting an increase of pension to Samuel Calvin; to the Committee on Invalid Pensions.

By Mr. RUCKER of Colorado: A bill (H. R. 15335) granting an increase of pension to David W. Miller; to the Committee on Invalid Pensions.

By Mr. RUCKER of Missouri: A bill (H. R. 15336) granting an increase of pension to Nathan M. Mastin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15337) granting an increase of pension to Greenbury Mudd; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 15338) granting a pension to Frank D. Leder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15339) granting a pension to Mary D. Gordon; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 15340) to correct the military record of Wilson W. Brown; to the Committee on Military Affairs.

By Mr. SMALL: A bill (H. R. 15341) to carry into effect the findings of the Court of Claims in the case of John E. Berry and Lovey T. Williamson, sole heirs of Esau Berry, deceased; to the Committee on War Claims.

By Mr. SAMUEL W. SMITH: A bill (H. R. 15342) to correct and complete the military record of Dugald Cameron Morrison; to the Committee on Military Affairs.

By Mr. SMITH of New York: A bill (H. R. 15343) for the relief of Alexander W. Hoffman; to the Committee on Military Affairs.

By Mr. STONE: A bill (H. R. 15344) granting a pension to James Allison; to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 15345) for the relief of Lieut. Col. Edward Simonton; to the Committee on Military Affairs.

Also, a bill (H. R. 15346) for the relief of R. B. Whitacre & Co.; to the Committee on Claims.

Also, a bill (H. R. 15347) for the relief of John I. Conroy and others; to the Committee on Claims.

Also, a bill (H. R. 15348) to correct the military record of John Berrisford; to the Committee on Military Affairs.

Also, a bill (H. R. 15349) to correct the military record of Charles Kostohrya; to the Committee on Military Affairs.

Also, a bill (H. R. 15350) for the relief of Lucius P. Ordway, trustee for the creditors of the Dwyer Plumbing & Heating Co.; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petitions of Mrs. K. R. Glazier, of Beachville, Md.; J. D. Crory and James M. Farrell, of Brooklyn, N. Y.; and Arthur P. Carr, of Nutley, N. J., urging reduction in duty on sugar; to the Committee on Ways and Means.

Also, memorial of the Church of the Brethren, of McPherson, Kans., approving peace treaties; to the Committee on Foreign Affairs.

Also, memorial of State Assembly of New York, for establishment of Army post at Albany, N. Y.; to the Committee on Military Affairs.

By Mr. ANSBERRY: Memorial of Seventh-day Adventist Church of Liberty Center, Ohio, opposing House bill 9433; to the Committee on the Post Office and Post Roads.

Also, petition of Peter L. Warren and others, of West Unity, Ohio, urging reduction in duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. ASHBROOK: Resolutions of the Pomona Grange, Licking County, Ohio, in favor of parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of F. J. Loder, Lascascadas, Canal Zone, favoring resolution 287; to the Committee on Rules.

By Mr. BULKLEY: Memorials of Abraham Herschberg Lodge, No. 177, Independent Order of B'rith Sholom; of Oscar Weiner Lodge, No. 110, Order of B'rith Abraham, both of Cleveland, Ohio, protesting against the violations of treaty rights by the Russian Government in the matter of passports in the hands of American citizens and asking that steps be taken to correct the abuse; to the Committee on Foreign Affairs.

By Mr. CALDER: Memorial of Sanhedrin Lodge, No. 606, Independent Order B'rith Abraham, of Brooklyn, N. Y., praying for the abrogation of the Russian treaty; to the Committee on Foreign Affairs.

Also, resolution of National Academy of Design, of New York, relative to Lincoln memorial; to the Committee on the Library.

By Mr. DICKINSON: Memorial against passage of House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. DANIEL A. DRISCOLL: Resolutions of certain civic bodies of the State of Washington, urging that no tolls should be charged through the Panama Canal to vessels flying the American flag; to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Memorial of the Equal Rights Association of Kentucky, petitioning Congress to alter the proposed amendment of our Federal Constitution for a popular election of United States Senators in a way that makes it confer upon women a legal right to vote for these Federal officers along with men in the several States of this Union; to the Committee on Election of President, Vice President, and Representatives in Congress.

Also, resolutions of the National Academy of Design, of New York, favoring the selection of the site recommended by the Washington Park Commission for the proposed Lincoln memorial; to the Committee on the Library.

By Mr. FOCHT: Papers to accompany House bills 15003, 15004, 15005, 15008, 15009, 15010, 15014, 15016, and 15017; to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: Petition of citizens of Rose Hill, Ill., protesting against establishment of parcels post; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of Illinois State Association for the Prevention of Tuberculosis, in favor of the Owen bill, to establish a department of public health; to the Committee on Interstate and Foreign Commerce.

Also, petition of Seattle Chamber of Commerce, of Seattle, Wash., and others, in favor of elimination of all toll charges through the Panama Canal on commerce flowing between the

cities of the Atlantic and Pacific Oceans; to the Committee on Interstate and Foreign Commerce.

Also, petition of Branch No. 3, Glass Bottle Blowers' Association of the United States and Canada, of Streator, Ill., in favor of the passage of the Mann bill (H. R. 29866); to the Committee on Interstate and Foreign Commerce.

Also, petition of United Trades and Labor Council of Streator, Ill., in favor of the construction of battleships at Government navy yards, etc.; to the Committee on Naval Affairs.

Also, petition of Hibbard, Spencer, Bartlett & Co., of Chicago, Ill., favoring legislation for the reduction of the rate of postage on first-class mail matter; to the Committee on the Post Office and Post Roads.

Also, petition of De Kalb Lodge, No. 481, Order B'rith Abraham, of De Kalb, Ill., favoring the abrogation of treaties with Russia; to the Committee on Foreign Affairs.

Also, papers to accompany bills for the relief of Caroline Daley, John A. Greene, and Augustus F. Grooff; to the Committee on Invalid Pensions.

By Mr. GOLDFOGLE: Resolutions of Excelsior Lodge, No. 277, and Frieden Lodge, No. 290, Order B'rith Abraham; of Jacob P. Adler Lodge, No. 272, Independent Order B'rith Sholom; of Brichaner Bessarabier Lodge, No. 100, and Independent Grodner Lodge, No. 94, Independent Order Ahawas Israel; of Independent Zion Lodge, No. 88, Independent Order Free Sons of Judah; of Weinberg Lodge, No. 44, Order B'rith Abraham; of Sam Syrop Lodge, No. 231, Independent Western Star Order; of Makower Young Men's Aid Society; Congregation Agudas Achim Ansher Kurland; and Rabbi Isaac Elchanan Seminary, of New York City; of First Monasterzyska Yad Chornzim Lodge, No. 31, Independent Order Ahawas Israel; of United States Lodge, No. 142; Independent Kovner Lodge, No. 546; Metropolitan Lodge, No. 145; Republic Lodge, No. 42; First Poltaver Lodge, No. 573; Hope of Israel Lodge, No. 557; M. Sperling Lodge, No. 253; John Hay Lodge, No. 401; Independent Barisower Young Men's Lodge, No. 619; First Sokorener Dr. Brounstein Lodge, No. 572; Hersogthum Bukowinaer Lodge, No. 277; Mendel Mocher Sphorim Lodge, No. 551; and Jacob Lustgarten Lodge, No. 468, all of the Independent Order B'rith Abraham, favoring the abrogation of the Russian treaty of 1832 and requesting Congress to adopt the Harrison-Goldfogle-Sulzer resolutions (H. J. Res. 5 and H. J. Res. 40); to the Committee on Foreign Affairs.

Also, petitions of A. Verstandize, Louis Kedofsky, Isaac Stutsky, Wolf Rokaw, Israel Braverman, Max Oxenlander, Joseph Rothman, Jacob Stone, Abe Stone, and Max Stone, of New York City, favoring abrogation of the Russian treaty of 1832, and asking Congress to adopt Harrison-Goldfogle-Sulzer resolutions (H. J. Res. 5 and 40); to the Committee on Foreign Affairs.

By Mr. GALLAGHER: Memorial of Kossuth Lodge, No. 9, Independent Western Star Order, in favor of the repeal of the treaty with Russia; to the Committee on Foreign Affairs.

Also, resolution of Lodge No. 24, Switchmen's Union, favoring removal of the tax on oleomargarine; to the Committee on Agriculture.

By Mr. HANNA: Petition of E. P. Wells, president Russell Miller Milling Co., of Minneapolis, Minn., favoring the Lincoln Memorial Road from Washington to Gettysburg; to the Committee on Appropriations.

Also, memorial of Lodge No. 24, Switchmen's Union of North America, in favor of House bill 13911; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Seventh-day Adventist Church of Great Stone, N. Dak., in opposition to House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. HAY: Papers to accompany bill for relief of heirs of Francis E. Rice, deceased; to the Committee on War Claims.

By Mr. HARRISON of New York: Papers to accompany bill for the relief of Edward Davis; to the Committee on Military Affairs.

By Mr. HARTMAN: Memorial of Lodge No. 380, Order B'rith Abraham, urging termination of treaty with Russia; to the Committee on Foreign Affairs.

By Mr. HELM: Petition of Francis Gentry, of Shelbyville, Ky., praying for refundment of money paid for substitute during Civil War; to the Committee on War Claims.

By Mr. HIGGINS: Memorials of Lodge No. 295, Order B'rith Abraham; Lodge No. 466, Independent Order B'rith Abraham; and of the Jewish citizens of Danbury, Conn., urging abrogation of treaty with Russia; to the Committee on Foreign Affairs.

Also, memorial of Fairbanks (Alaska) Commercial Club, for highway improvement in Alaska; to the Committee on the Territories.

Also, memorial of San Jose (Cal.) Chamber of Commerce, relative to Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. HOUSTON: Papers to accompany House bill 5234; to the Committee on Invalid Pensions.

By Mr. LANGHAM: Petition of numerous citizens of Pennsylvania, in favor of House resolution 14; to the Committee on the Post Office and Post Roads.

By Mr. LAWRENCE: Memorials of Paper City Lodge and Rodphey Scholem Lodge, Order B'rith Abraham, of Holyoke, Mass., and of Lodge No. 411, Order B'rith Abraham, of North Adams, Mass., in favor of the repeal of the treaty with Russia; to the Committee on Foreign Affairs.

By Mr. LINDSAY: Memorials of Erste Wastuler Roum Lodge, No. 582, and Greater New York Lodge, No. 173, Independent Order B'rith Abraham, of Brooklyn; of Collegiate Zionist League, of New York City; of Dr. Theodor Herzil Lodge, No. 107, and Baron Hirsch Lodge, No. 124, Independent Order of Ahawas Israel, of Brooklyn, all of the State of New York, urging the abrogation of the treaty with Russia; to the Committee on Foreign Affairs.

Also, petition of George T. Chattaway and others, of Brooklyn, N. Y., against the passage of the Owen bill; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Winchester Post, No. 197, Grand Army of the Republic, of New York, against the passage of Senate bill No. 18; to the Committee on Military Affairs.

Also, memorial of the New York State Society of Certified Public Accountants, against the employment by the United States Government of chartered accountants to the exclusion of certified public accountants; to the Committee on Expenditures in the Navy Department.

By Mr. McKINNEY: Petitions of numerous business men of Warsaw, Ill., against an extension of the parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. NYE: Resolution of Minneapolis (Minn.) Retail Grocers' Association, favoring amending the oleomargarine law; to the Committee on Agriculture.

By Mr. PATTON of Pennsylvania: Petitions of numerous citizens of Pennsylvania, urging reduction in duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of W. A. Tobias and others, of Millheim, Pa., urging increased pensions for old soldiers; to the Committee on Invalid Pensions.

By Mr. RUCKER of Colorado: Memorial of Lodge No. 154, Independent Order B'rith Sholom, urging abrogation of treaty with Russia; to the Committee on Foreign Affairs.

By Mr. SPEER: Memorial of Seventh-day Adventist Church, of Oil City, Pa., protesting against House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. SULZER: Memorials of Chicago Backer Gesang Verein, Harlem Maennerchor, Liedertapel Formarts, Section Gegenseitiger Unterst. Verein, Turnverein Helvetia, all of Chicago, Ill., urging investigation of the administration of the immigration office at Ellis Island; to the Committee on Immigration and Naturalization.

Also, memorial of Lodge No. 100, Independent Order B'rith Abraham, urging abrogation of treaty with Russia; to the Committee on Foreign Affairs.

By Mr. TAYLOR of Colorado: Resolutions of the Denver Retail Grocers' Association, of Denver, Colo., and of Lodge No. 236, Journeymen Barbers' Union of America, of Grand Junction, Colo., favoring removal of the tax on oleomargarine; to the Committee on Agriculture.

By Mr. TILSON: Memorials of Order of Knights of Israel and New Haven Lodge, No. 131, Independent Order B'rith Abraham, of New Haven, Conn., in favor of the repeal of the treaty with Russia; to the Committee on Foreign Affairs.

By Mr. WEEKS: Resolution of the Massachusetts Association of Union Volunteer Officers of the Civil War, relative to the Civil War volunteer officers retired list bill; to the Committee on Military Affairs.

By Mr. WILLIS: Petition of First Methodist Episcopal Sunday School, of Kenton, Ohio, for the passage of a bill to forbid exportation of rum to missionary lands, and to protect all native races under the American flag from intoxicants; to the Committee on Interstate and Foreign Commerce.

By Mr. WOOD of New Jersey: Memorials of Lodge No. 39, Independent Order B'rith Sholom, and the United Jewish Citizenship, of Bayonne, N. J., urging abrogation of treaty with Russia; to the Committee on Foreign Affairs.

Also, petition of citizens of Gladstone, N. J., urging enactment of an effective interstate-commerce law to protect prohibition territory from illicit liquor sellers; to the Committee on Interstate and Foreign Commerce.

SENATE.

MONDAY, *December 11, 1911.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

WILLIAM O. BRADLEY, a Senator from the State of Kentucky; WILLIAM LORIMER, a Senator from the State of Illinois; JAMES A. O'GORMAN, a Senator from the State of New York; and ROBERT L. OWEN, a Senator from the State of Oklahoma, appeared in their seats to-day.

The Journal of the proceedings of Thursday last was read and approved.

Sundry messages in writing from the President of the United States were communicated to the Senate by M. C. Latta, one of the President's secretaries.

RAILROAD SECURITIES COMMISSION (H. DOC. NO. 256).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with accompanying paper, referred to the Committee on Interstate Commerce and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for your consideration the report which has been made to me by the Railroad Securities Commission, appointed under the authority of section 16 of the act to create a Commerce Court, approved June 18, 1910 (36 Stat., 556). The report evidences for itself the careful consideration which it has received from the commission, and I heartily concur in the recommendations it contains and urge that appropriate action be taken to carry these recommendations into effect.

WM. H. TAFT.

THE WHITE HOUSE, *December 11, 1911.*

ISTHMIAN CANAL COMMISSION (H. DOC. NO. 162).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, ordered to be printed, and, with the accompanying paper, referred to the Committee on Interoceanic Canals:

To the Senate and House of Representatives:

I transmit herewith, pursuant to the requirements of chapter 1302, Thirty-second Statutes, page 483, "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific Oceans," approved June 28, 1902, the annual report of the Isthmian Canal Commission for the fiscal year ended June 30, 1911.

WM. H. TAFT.

THE WHITE HOUSE, *December 11, 1911.*

REPORT ON ORDNANCE AND FORTIFICATIONS (H. DOC. NO. 130).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting the twenty-first annual report of the Board of Ordnance and Fortifications for the fiscal year ended June 30, 1911, which was referred to the Committee on Military Affairs and ordered to be printed.

ONEIDA INDIANS OF WISCONSIN (H. DOC. NO. 251).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, the result of the reopening of negotiations with the Oneida Indians of Wisconsin for the commutation of their perpetual annuities under treaty stipulations, which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting findings of fact and conclusions of law filed by the court in the following causes:

David Hockensmith, administrator de bonis non of George W. Hockensmith, deceased, *v.* United States (S. Doc. No. 141); and

The County Court of Randolph County, W. Va., *v.* United States (S. Doc. No. 142).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

IMPROVEMENT OF RIVERS AND HARBORS (S. DOC. NO. 140).

The PRESIDENT pro tempore laid before the Senate a communication from the officers of the National Rivers and Harbors Congress, transmitting resolutions adopted by that body favoring a continuance by Congress of its policy of annual appropriations for the improvement of rivers and harbors, for continuing the contract system, and authorizing free tolls for American ships over improved waterways, etc., which were referred to the Committee on Commerce and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 13278. An act to authorize the construction of a bridge across Caddo Lake, in Louisiana; and

H. R. 13988. An act to authorize the Director of the Census to collect and publish additional statistics of tobacco.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of the National Indian War Veterans' Association, praying for the enactment of legislation granting pensions to those who served the Government from 1865 to 1890, which was referred to the Committee on Pensions.

He also presented a petition of the Philadelphia Brigade Association, Grand Army of the Republic, of Pennsylvania, praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented a resolution adopted by the Conference for Panama Canal Free Tolls for Coastwise Commerce, held at Washington, D. C., favoring the enactment of legislation authorizing free tolls through the Panama Canal for vessels engaged in domestic commerce between the ports of the United States, which was referred to the Committee on Interoceanic Canals.

He also presented a memorial of the Federation of Labor, of Cleveland, Ohio, remonstrating against the repeal or modification of the present currency system, which was referred to the Committee on Finance.

He also presented a memorial of the congregation of the South Texas Seventh-day Adventist Church, of Houston, Tex., remonstrating against the enforced observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of New York, praying for the ratification of all arbitration treaties now pending before the Senate and the approval of the Nicaraguan and Honduran conventions, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Board of Foreign Missions of the Methodist Episcopal Church, praying for the ratification of all arbitration treaties now pending before the Senate, which was ordered to lie on the table.

He also presented a resolution adopted by the Women's Christian Temperance Union of Colorado, favoring the erection of a statue of peace at the entrance to the Panama Canal, which was referred to the Committee on Interoceanic Canals.

Mr. GALLINGER presented a memorial of the Improved Paper Machinery Co., of Nashua, N. H., remonstrating against any change being made in the present duty on pulp and paper, which was referred to the Committee on Finance.

He also presented the petition of C. W. Hannaford, of Portsmouth, N. H., and the petition of Frances Bather, of Dover, N. H., praying that an appropriation be made for the construction of a highway from Washington, D. C., to Gettysburg, Pa., as a memorial to Abraham Lincoln, which were referred to the Committee on Appropriations.

He also presented a petition of Local Lodge No. 444, Independent Order of B'rith Abraham, of Concord, N. H., praying for the abrogation of the present treaty between the United States and Russia, which was referred to the Committee on Foreign Relations.

He also presented petitions of the George Street Chapel Sunday School, of Keene; of the congregations of the First Congregational Church of North Conway, of the First Baptist Church of Franklin, and of Rev. C. C. Garland, of Concord, all in the State of New Hampshire; of the Republican Club of New York City, N. Y.; and of the Delaware Peace Society, of Wilmington, Del., praying for the ratification of the treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. CULLOM presented petitions of sundry citizens of Illinois, California, New York, Rhode Island, Delaware, Washington, and Massachusetts, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of sundry members of the Illinois National Guard, praying for the enactment of legislation to provide pay for members of the Organized Militia, which was referred to the Committee on Military Affairs.

He also presented a petition of Local Lodge No. 498, International Association of Machinists, of Beardstown, Ill., and a petition of Local Lodge No. 58, Switchmen's Union, of Chicago, Ill., praying for the repeal of the present oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented memorials of the congregations of the Seventh-day Adventist Churches of Chicago and Onarga, in the State of Illinois, remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented petitions of sundry lodges of the Order of B'rith Abraham of Chicago; of Local Lodge No. 232, Independent Western Star Order, of Peoria; and the congregation of Kehilath Anshe Mayriu of Chicago, all in the State of Illinois, praying for the abrogation of the treaty between the United States and Russia, which were referred to the Committee on Foreign Relations.

Mr. WILLIAMS. Mr. President, I present resolutions in the form of a petition which I ask may be read and referred to the Committee on Foreign Relations.

There being no objection, the resolutions were read and referred to the Committee on Foreign Relations, as follows:

Resolutions adopted at a mass meeting of the people of Mississippi, held on Tuesday, November 21, at the capitol at Jackson, Miss., calling for the abrogation of our treaty with the Empire of Russia.

For more than a generation passports issued by our Government to American citizens have been openly and continually disregarded and discredited by Russia in violation of its treaty obligations and the usage of civilized nations.

During all that time, administration after administration, irrespective of party, has protested against this insult and humiliation, and Congress has on repeated occasions given emphatic expression to its resentment of the stain imposed upon our national honor. Diplomacy has exhausted itself in ineffectual effort to bring relief, for which a new generation is impatiently waiting.

The citizenship of every American who loves his country has in consequence been subjected to degration, and it has become a matter of such serious import to the people of the United States as an entirety that this condition can no longer be tolerated: Therefore be it

Resolved, That it is the sense of this meeting, speaking in the name of many citizens of Mississippi, having at heart the preservation of the honor of our Republic and joining in generous emulation with citizens in all other States, to elevate its moral and political standards and to stimulate an abiding consciousness of its ideal missions among the nations of the earth; that the President of the United States, the Department of State, and Congress be respectfully and earnestly urged to take immediate measures in conformity with the express terms of the treaties now existing between the United States and Russia and in accordance with the law of nations to terminate such treaties to the end that if treaty relations are to exist between the two nations it shall be upon such conditions and guarantees only as shall be consonant with the dignity of the American people.

E. F. NOEL, *Chairman.*
FREDERICK TULLENS, *Secretary.*

Mr. O'GORMAN presented a concurrent resolution of the Legislature of New York, which was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

IN ASSEMBLY, *September 20, 1911.*

By unanimous consent, Mr. Cuvillier offered for the consideration of the house a resolution in the words following:

Resolution petitioning Congress to establish an Army post in the city of Albany, State of New York.

Whereas the city of Albany is considered the most important strategic point of defense on the Atlantic seaboard, located at the confluence of the Hudson and Mohawk Rivers and the Erie Canal, thereby connecting the city of New York, the greatest seaport in the United States, with the navigable Hudson River, the West Shore, and the New York Central lines, constituting the greatest rail and water line of communication in conjunction with the Erie, Lehigh Valley, and the Delaware & Lackawanna systems, which converge with the West Shore and New York Central, where the jugular vein of the Nation's commerce lies uncovered on the border of a foreign frontier.

Whereas the city of Albany stands at the junction of lines of communication to the east, west, south, and north, and constitutes a point from which United States troops could move to active defense with the least resistance; and it is the duty of each State to lend the assistance to the United States Government in the protection of the United States from a foreign invasion.

Resolved (if the senate concur), That it is the sense of the Legislature of the State of New York that the United States Government establish an Army post in the city of Albany; and the State of New York, through its legislature, will at all times patriotically render any assistance to the United States Government in the proper defense of the Nation; and be it further

Resolved, That the Representatives in Congress from the State of New York be requested to use their endeavors to establish an Army post in the city of Albany at the next session of Congress, which convenes on the first Monday in December, 1911; and be it further

Resolved, That a copy of this resolution be forwarded to the President of the Senate and the Speaker of the House of Representatives and to each Member of the House of Representatives and Senators.

SEPTEMBER 30, 1911.

The senate returned the concurrent resolution petitioning Congress to establish an Army post in the city of Albany, with a message that they have concurred in the passage of the same without amendment.

OFFICE OF THE CLERK OF THE ASSEMBLY.

STATE OF NEW YORK, *County of Albany, ss:*

I, George R. Van Namee, clerk of the assembly, do hereby certify that I have compared the foregoing record of proceedings of the assembly of September 20 and 30, 1911, relative to the resolution therein set forth with the original thereof as contained in the original official copy of the journal of proceedings of the assembly of said dates and that the same is a true and correct transcript of said journal of proceedings in so far as the same relates to said resolution and of the whole thereof.

In witness whereof I have hereunto set my hand and affixed my official seal this 3d day of October, 1911.

[SEAL.]

G. R. VAN NAMEE,
Clerk of the Assembly.

Mr. O'GORMAN presented memorials of sundry local lodges, Independent Order B'rith Abraham, of New York City, Rochester, Brooklyn, Binghamton, Elmira, Niagara, Mount Vernon, Buffalo, Albany, and Syracuse; of local lodges, Independent Order Ahawas Israel, of New York City, Liberty, Brooklyn, and Sag Harbor; of local lodges, Independent Order B'rith Sholom, of New York City, Sag Harbor, Brooklyn, and Troy; of the Collegiate Zionist League, of New York City; of the First Brooklyn Roman American Congregation, of New York City; and of the James G. Blaine Club, of Harlem, all in the State of New York, remonstrating against certain treatment accorded American citizens by the Government of Russia, which were referred to the Committee on Foreign Relations.

He also presented a petition of Local Union No. 175, International Longshoremen's Association, of North Tonawanda, N. Y., praying for the passage of the so-called Wilson bill to amend the laws governing seamen, which was referred to the Committee on Commerce.

He also presented petitions of sundry citizens of Randolph and Staatsburg, in the State of New York, praying for the passage of the so-called parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the American Group of the Société des Architectes Diplômés par le Gouvernement, and of the New York Chapter of the American Institute of Architects, of New York City, N. Y., praying that the site at the western end of the Mall in the District of Columbia be selected for the so-called Lincoln Memorial, which were referred to the Committee on Appropriations.

He also presented a petition of the Conference for Panama Free Tolls for American Coastwise Commerce, praying for the enactment of legislation providing that vessels engaged in domestic commerce between ports of the United States be granted free passage through the Panama Canal, which was referred to the Committee on Interoceanic Canals.

He also presented a memorial of Winchester Post, No. 197, Department of New York, Grand Army of the Republic, of Brooklyn, N. Y., praying for the enactment of legislation providing for the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Palmer, Jamestown, and Buffalo, all in the State of New York, praying for the repeal of the present oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens, churches, and civic organizations of New York City, Utica, Dolgeville, Dobbs Ferry, Rochester, Geneva, Fort Byron, Wappingers Falls, Albany, Saugerties, and Amsterdam, all in the State of New York, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a memorial of the congregation of the First German Seventh-dty Adventist Church of Brooklyn, N. Y., remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. BRIGGS presented petitions of L. G. White, of Asbury Park; William C. Hendrickson, of Belle Mead; S. B. Renick and J. W. Smith, of Bloomfield; A. N. Roe, of Branchville; the First Presbyterian Church of Burlington; R. H. Blake and Lewis Buddy 3d, of East Orange; the Presbyterian and Lutheran Churches of German Valley; the Firesburg Congregation of Salem County; the West Side Presbyterian Church of Englewood; L. R. Laban, of Harlingen; the Methodist, Presbyterian, and Baptist churches of Highstown; the First Presbyterian Church of Jersey City; the Reformed Church of Lebanon; the Montclair Heights Reformed Church and Edgar S. Wiers, of Montclair; the Roseville Methodist Episcopal Church and the First Congregational Jube Memorial Church, of Newark; the First Methodist Episcopal Church of Park Ridge; the Board of Trade of Bound Brook; the conference of clergy of the Episcopal Church in the diocese of Newark; the Presbyterian Church of Barnegat; the Baptist Church of New Monmouth; Rev. R. F. Bresnahan, of Hamburg; B. C. Pond, of Paterson; the Religious Society of Friends of Plainfield; the First Methodist Episcopal Church of Phillipsburg; the Religious Society of Friends of Shrewsbury and Plainfield; the Inter-Church Federation of Salem County; Horace S. Osborne, of Upper Montclair; J. S. Johnson, Mrs. J. S. Johnson, Mary L. Knaufft, Edward L. Truslow, and H. De Gehring, of Summit; the Union Place Methodist Episcopal Church, of Union Hill; Isaac Senzner, of Trenton; and the Calvary Baptist Church of Westwood, all in the State of New Jersey, praying for the ratification of the proposed treaties of arbitration between the United States,

Great Britain, and France, which were ordered to lie on the table.

He also presented memorials of the Hebrew Association of Elizabeth; the Congregation B'nai Jeshurun of Newark; the Temple of Israel of West Hoboken; Silk City Lodge and A. M. White Lodge, of Paterson; Newark City, Baron Rothschild, Independent Newark, Gerechtigkeits Lodge, of Newark; Lodge No. 375 of Morristown; Alliance Lodge, of Alliance; Carmel Lodge, of Carmel; Hoboken City Lodge; Atlantic City Lodge; Passaic City Lodge; North Hudson Lodge, of Union Hill; and Woodbine Lodge, Independent Order B'rith Abraham; the Essex County, Jesse Seligman, and Liberty Lodges, of Newark; the Bannert and New Paterson Lodges, of Paterson, Order of B'rith Abraham; and the Combiner, Botushaner Brotherhood, and Newark Young Men Lodges, of Newark; Liberty Lodge, of Norma; Maccabee Lodge, of Bridgeton; Camden City Lodge, of Camden; and Independent Bayonne City Lodge, of Bayonne, all of the State of New Jersey, remonstrating against the treatment of certain American citizens by the Government of Russia, which were referred to the Committee on Foreign Relations.

Mr. JOHNSON of Maine presented petitions of Local Lodge No. 497, of Portland; of Pine Tree Lodge, No. 500, of Bangor; and of Local Lodge No. 367, of Biddeford, all of the Order B'rith Abraham, in the State of Maine, praying for the abrogation of the treaty between the United States and Russia, which were referred to the Committee on Foreign Relations.

He also presented a memorial of the Shoeworkers' Union of Augusta, Me., remonstrating against the passage of the so-called Smoot printing bill, which was referred to the Committee on Printing.

He also presented a petition of the congregation of the Congregational Church of Bath, Me., and a petition of the Twentieth Century Club, of Bangor, Me., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. SHIVELY presented petitions of the Delaware Peace Society, of Wilmington, Del.; of the Chamber of Commerce of Boston, Mass.; of sundry citizens of Waltham, Mass.; of the Board of Trade of Little Rock, Ark.; of the Baptist Ministerial Association, of Indianapolis; the congregation of the Methodist Episcopal Church of Peru; of the congregations of the three Evangelical Churches at the Union Thanksgiving Service, of La Grange; and of the Literary Club of Terre Haute, all in the State of Indiana, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of Rev. M. Messing Lodge, No. 137, Order B'rith Abraham, of Indianapolis, Ind., and a petition of the Congregation of B'nai Israel, of Indiana Harbor, Ind., praying for the abrogation of the treaty between the United States and Russia, which were referred to the Committee on Foreign Relations.

He also presented a petition of Journeymen Barbers' Union No. 14, of Fort Wayne, Ind., and a petition of the Beacon Lights, of Goshen, Ind., praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of Browand Post, No. 505, Grand Army of the Republic, Department of Indiana, of Kendallville, Ind., praying for the passage of the so-called old-age pension bill and the repeal of the date of limitation of the so-called widow's pension bill, which was referred to the Committee on Pensions.

He also presented a resolution adopted by the Forty-ninth Indiana Regimental Association, at English, Ind., praying for the passage of the so-called dollar-a-day pension bill, which was referred to the Committee on Pensions.

Mr. GAMBLE presented a petition of the State Grange, Patrons of Husbandry, of South Dakota, praying for the passage of the so-called parcel post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of the congregations of Trinity Episcopal Church, of Watertown; of the Union Thanksgiving Services of Sioux Falls; of the First Baptist Church of Ipswich; and of D. F. Jones, all in the State of South Dakota, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of Kilpatrick Post, No. 4, Department of South Dakota, Grand Army of the Republic, of Huron, S. Dak., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

Mr. JOHNSTON of Alabama. I present a resolution adopted by the Congregation of the Baptist Church of Repton, Ala., which I ask may lie on the table and be printed in the RECORD.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Whereas there are many millions of dollars being spent by our Government in the building and equipping of warships and in maintaining our Army and Navy; and

Whereas the Christian religion is a religion of peace and good will to all men: Therefore

Resolved, That we, the Baptist Church of Repton, Ala., in conference assembled, do give our unqualified indorsement to the passage of the arbitration measures now pending before the Senate of the United States, and hereby appeal to our Senators, Hon. JOSEPH F. JOHNSTON and Hon. JOHN H. BANKHEAD, to use their influence in the passage of the aforesaid legislation.

W. N. HUCKABEE, *Moderator.*
W. S. DREODEN, *Church Clerk.*

Mr. PERKINS. I present resolutions adopted by Encampment No. 162, Union Veteran Legion, of San Jose, Cal., which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the resolutions were referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

ENCAMPMENT NO. 162, UNION VETERAN LEGION,
San Jose, Cal., November 30, 1911.

To Hon. GEORGE C. PERKINS,
United States Senate:

In compliance with the resolutions of Encampment No. 162, Union Veteran Legion, adopted by a unanimous vote at its regular meeting on the 4th day of November, 1911, we respectfully transmit to you for your favorable consideration and your early and favorable action the following copy of said resolutions.

Respectfully submitted.

WILLIAM A. COULTER, *Colonel.*
J. H. RUSSELL, *Adjutant.*

Whereas there is pending before the Sixty-second Congress three bills, H. R. 9837, one by Hon. J. M. HAMILTON, and S. 2006, entitled "A bill to create in the War Department and the Navy Department, respectively, a roll designated as 'the Civil War volunteer officers' retired list,'" etc.; and

Whereas a similar bill was reported favorably from the Committee on Military Affairs of the House in the Sixty-first Congress (H. Rept. 1010): Now therefore

Resolved, That the colonel commanding this encampment be, and he is hereby, authorized and instructed to deliver to the Senators and Representatives in Congress from the State of California, and to the Committee on Military Affairs of the House and Senate, the following petition in behalf of our worthy comrades who will be beneficiaries under said bills.

ENCAMPMENT NO. 162, UNION VETERAN LEGION,
San Jose, Cal., November 4, 1911.

To the Congress of the United States:

We, the surviving veterans of the Civil War, members of Encampment No. 162, Union Veteran Legion, who served from to two to four years in the field or were wounded in the line of duty, respectfully and earnestly petition your Committee on Military Affairs of the Senate and House, respectively, to make an early and favorable report on the bills referred to in the preamble and resolution above recited, and with equal earnestness we petition the Congress to pass such a bill at the earliest date possible.

The justice of and the necessity for such a bill are clearly and forcibly set forth in the able argument of Gen. A. B. Nettleton, now deceased, before the Committee on Military Affairs of the House in the Sixty-first Congress on February 24, 1910 (public document, "Civil War volunteer officers' retired list"), and in the report of the Committee on Military Affairs (H. Rept. 1010).

Your petitioners ask your attention to the petitions in favor of these and similar bills on the files of your respective Committees on Military Affairs from many thousand citizens and veterans, and among these petitions from judges of the supreme and superior courts and city and county officials setting forth the reasons why this measure should not be postponed for others less urgent.

Your petitioners respectfully but earnestly point out the injustice of further delay. Gen. Nettleton, their able advocate, and thousands of other veterans have passed away since the beginning of these efforts for just recognition, and though death may decimate their ranks it will not abate the censure for delay which will animate the thousands of their surviving sons and grandsons who now and hereafter will constitute the society of the Sons of Veterans and the Military Order of the Loyal Legion.

Respectfully submitted by Encampment No. 162, Union Veteran Legion.

WILLIAM A. COULTER, *Colonel.*
J. H. RUSSELL, *Adjutant.*

Mr. PERKINS presented memorials of sundry citizens of Sebastopol, Santa Cruz, Redding, and Mountain View, all in the State of California, remonstrating against the enforced observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of the State Federation of Labor of California, praying that an appropriation be made for the construction of a battleship at the Mare Island Navy Yard in that State, which was referred to the Committee on Naval Affairs.

He also presented a petition of the State Federation of Labor of California, praying for the enactment of legislation providing for the exclusion from the United States of all Asiatic races, which was referred to the Committee on Immigration.

He also presented a petition of the Chamber of Commerce of South Pasadena, Cal., praying for the enactment of legislation providing for the fortification of the Los Angeles Harbor in that State, which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of Berkeley, Cal., praying for the enactment of legislation providing for building of a dry dock in San Francisco Bay, which was referred to the Committee on Naval Affairs.

He also presented memorials of sundry citizens of Los Angeles and Oakland, in the State of California, remonstrating against the treatment accorded American citizens by the Government of Russia, which were referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of San Francisco, Sacramento, and Ocean Park, all in the State of California, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. KERN presented a memorial of the Mississippi Valley Historical Association, praying that an appropriation be made of $5,000 a year for two years, to be expended by the Bureau of Ethnology in special work for the preservation of the languages of the Indian tribes, which was referred to the Committee on Indian Affairs.

Mr. TOWNSEND presented petitions of sundry citizens of Plymouth, Big Rapids, Detroit, Adrian, and Blissfield, all in the State of Michigan, praying that an appropriation be made for the construction of a highway from Washington, D. C., to Gettysburg, Pa., as a memorial to Abraham Lincoln, which were referred to the Committee on Appropriations.

He also presented a petition of Grand Lodge, Independent Western Star Order, of Detroit, Mich., praying for the abrogation of the treaty between the United States and Russia, which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry members of the State National Guard of Michigan, praying for the enactment of legislation providing for the pay of members of the Organized Militia, which were referred to the Committee on Military Affairs.

He also presented memorials of sundry citizens of Michigan, remonstrating against the extension of the parcels-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

Mr. MYERS presented a joint memorial of the Legislature of Montana, which was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

House joint memorial No. 10.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Twelfth Legislative Assembly of the State of Montana, do hereby submit for your consideration the following memorial:

Whereas for a long period of time controversies have arisen over the alleged trespass upon the Crow Indian Reservation of stock ranging upon the public lands of the United States contiguous to said reservation; and

Whereas settlers living adjacent to said reservation have been compelled to submit to the impounding of their stock ranging upon their own lands whenever the same would cross over the line and be found upon said reservation; and

Whereas the Crow Indians upon said reservation, acting under the direction of the agent and superintendent in charge, have been permitted to gather such stock and impound the same and exact a payment of $1 per head before its release; and

Whereas recent events have disclosed a willingness on the part of said Indians to so gather stock actually ranging beyond the exterior boundaries of said reservation, and after driving the same upon the reservation to exact the payment aforesaid, by reason whereof serious controversies have arisen and much ill feeling has been engendered between said settlers and said Indians: Therefore

The Twelfth Legislative Assembly of the State of Montana respectfully request the immediate passage of such legislation as will provide for the fencing of said Crow Indian Reservation upon the west and south sides thereof, the only sides of said reservation necessary to be fenced, the north and east sides thereof being protected by natural barriers.

W. W. MCDOWELL,
Speaker of the House.
W. R. ALLEN,
President of the Senate.

Approved March 2, 1911.

EDWIN L. NORRIS, *Governor.*

Filed March 2, 1911.

A. N. YODER, *Secretary of State.*

UNITED STATES OF AMERICA, *State of Montana, ss:*

I, A. N. Yoder, secretary of state of the State of Montana, do hereby certify that the above is a true and correct copy of House joint memorial No. 10, praying for the enactment of legislation providing for the fencing of the Crow Indian Reservation, enacted by the twelfth session of the Legislative Assembly of the State of Montana and approved by Edwin L. Norris, governor of said State, on the 2d day of March, A. D. 1911.

In testimony whereof I have hereunto set my hand and affixed the great seal of said State.

Done at Helena, the capital of said State, this 8th day of March, A. D. 1911.

[SEAL.] A. N. YODER, *Secretary of State.*

Mr. MYERS presented a joint memorial of the Legislature of Montana, which was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

House joint memorial 8.

Memorial to Congress, praying for the enactment of legislation that will relieve the settlers on the public domain, wherein their improvements were destroyed by forest fires.

Be it resolved by the House of Representatives of the State of Montana (the Senate concurring), That whereas during the year A. D. 1910 extensive and devastating forest fires have destroyed the homes of large numbers of homestead settlers on the public domain and destroyed their improvements, live stock, and the fruits of their labor of many years; and

Whereas they are practically bankrupt and unable to comply with the rigorous demands of the Federal homestead laws, and as it is necessary for them to seek other labor and employment to support themselves and families, and of necessity must absent themselves from their homesteads; and

Whereas they can not, within the time allowed by the United States homestead laws, accumulate enough money to restore their homes, dwellings, improvements, and make their homesteads self-sustaining and comply with the requirements of said homestead laws: Now, therefore be it

Resolved by the Legislative Assembly of the State of Montana, That we respectfully petition the National Congress to pass an act of Congress providing that final homestead proof be permitted to be made by all bona fide homestead settlers who have had their homes and improvements destroyed by forest fires and who have actually and continuously resided on said homestead lands for a period of at least two years immediately preceding the 1st day of November, A. D. 1910, and who have expended at least the sum of $1,000 on said homesteads in placing buildings, fences, improvements, and orchards thereon, and in work upon and in cultivating the same, and that United States patents issue to such homestead settlers after making such proof, under such rules and regulations as may be prescribed by said act of Congress or by the Secretary of the Interior.

Resolved, That a certified copy of this resolution be forwarded by the secretary of state of Montana to our Senators and Representatives in Congress.

W. W. MCDOWELL,
Speaker of the House.
W. R. ALLEN,
President of the Senate.

Approved March 2, 1911.

EDWIN L. NORRIS, *Governor.*

Filed March 2, 1911.

A. N. YODER, *Secretary of State.*

UNITED STATES OF AMERICA, *State of Montana, ss:*

I, A. N. Yoder, secretary of state of the State of Montana, do hereby certify that the above is a true and correct copy of house joint memorial No. 8, praying for legislation that will relieve the settlers on the public domain wherein their improvements were destroyed by forest fires, enacted by the twelfth session of the Legislative Assembly of the State of Montana and approved by Edwin L. Norris, governor of said State, on the 2d day of March, 1911.

In testimony whereof I have hereunto set my hand and affixed the great seal of said State. Done at the city of Helena, the capital of said State, this 9th day of March, A. D. 1911.

[SEAL.] A. N. YODER, *Secretary of State.*

Mr. MYERS presented a petition of Baron De Hirsh Lodge, No. 420, Independent Order of B'nai B'rith, of Butte, Mont., praying for the abrogation of the treaty between the United States and Russia, which was referred to the Committee on Foreign Relations.

Mr. BROWN presented a memorial of sundry citizens of Neligh, Nebr., remonstrating against the extension of the parcels-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of State Lodge, No. 144, Independent Order B'rith Abraham, of Omaha, Nebr., remonstrating against the treatment accorded American citizens by the Government of Russia, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Retailers' Association, of Franklin, Nebr., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of Beatrice, Falls City, Tremont, Verdon, David City, Omaha, Seward, Upland, Auburn, and South Omaha, all in the State of Nebraska, praying for the construction of a highway from Washington, D. C., to Gettysburg, Pa., as a memorial to Abraham Lincoln, which were referred to the Committee on Appropriations.

Mr. HITCHCOCK presented a petition of Local Lodge No. 5, Switchmen's Union of North America, of Omaha, Nebr., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. BRISTOW presented memorials of sundry citizens of Wellington, Collier, and Logan, all in the State of Kansas, remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a petition of the congregation of the Presbyterian Church of Burton, Kans., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. GRONNA presented a memorial of the congregation of the Seventh-day Adventist Church of McClusky, N. Dak., and a memorial of the congregation of the Seventh-day Adventist Church of Greatstone, N. Dak., remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Heaton, N. Dak., and a petition of the Delaware Peace Society, of Wilmington, Del., praying for the ratification of the proposed treaties of abitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of sundry members of the North Dakota National Guard, praying for the enactment of legislation providing for the pay of members of the Organized Militia, which was referred to the Committee on Military Affairs.

Mr. OLIVER presented a memorial of General Alexander Hays Post, No. 3, Grand Army of the Republic, Department of Pennsylvania, of Pittsburgh, Pa., remonstrating against the enactment of legislation to incorporate the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Vandergrift, Pa., remonstrating against the extension of the parcels-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of Hope Lodge, No. 210, of Pittsburgh; of Israel Isian Lodge, No. 380, of Johnstown; and of Iron City Lodge, No. 217, of Pittsburgh, all of the Order of B'rith Abraham, in the State of Pennsylvania, praying for the abrogation of the treaty between the United States and Russia, which were referred to the Committee on Foreign Relations

He also presented petitions of the Monthly Meeting of Friends of Bristol; of the congregation of Hancock Street Methodist Episcopal Church, of Philadelphia; and of the congregation of St. Mark's Methodist Episcopal Church, of Philadelphia, all in the State of Pennsylvania, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. BURNHAM presented petitions of the Delaware Peace Society; of the congregation of the First Baptist Church, of Franklin; of the Union Thanksgiving Service, United Churches, of Concord; of the George Street Chapel Sunday School, of Keene; and of the congregation of the First Congregational Church, of North Conway, all in the State of New Hampshire, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented the petition of Frederick J. Rider, of Portsmouth, N. H., praying that an appropriation be made for the construction of a highway from Washington, D. C., to Gettysburg, Pa., as a memorial to Abraham Lincoln, which was referred to the Committee on Appropriations.

He also presented a memorial of Local Lodge No. 444, Independent Order B'rith Abraham, of Concord, N. H., praying for the abrogation of the treaty between the United States and Russia, which was referred to the Committee on Foreign Relations.

Mr. NIXON presented a memorial of sundry bishops of the Protestant Episcopal Church, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a memorial of the congregation of the Seventh-day Adventist Church of Reno, Nev., remonstrating against the observance of Sunday in the post offices of the country, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Young Men's Hebrew Association of Reno, Nev., praying for the abrogation of the treaty between the United States and Russia, which was referred to the Committee on Foreign Relations.

He also presented a memorial of the congregation of the Seventh-day Adventist Church of Reno, Nev., remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. LORIMER presented a memorial of sundry citizens of Wenona, Ill., and a memorial of sundry citizens of Manhattan, Ill., remonstrating against the extension of the parcels-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Ministerial Association of Waukegan, Ill., praying for the enactment of legislation to further regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of the National Metal Trades Association, praying for the enactment of legislation to authorize the President to invite the International Congress of Social Insurance to hold its next triennial convention in the United States, which was referred to the Committee on Appropriations.

Mr. OVERMAN presented a petition of sundry citizens of Mayodan, N. C., remonstrating against the extension of the parcels-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. LODGE presented resolutions adopted by the following lodges of the Independent Order of B'rith Abraham, all in the State of Massachusetts, in favor of the abrogation of all treaties between the United States and Russia, which were referred to the Committee on Foreign Relations:

Pride of Fall River Lodge, Fall River.
New Boston Lodge, Boston.
Beverly Lodge, Beverly.
Bay State Lodge, Chelsea.
Progressive Lodge, Boston.
Cape Ann Lodge, Gloucester.
First Attleboro Lodge, Attleboro.
New Bedford Lodge, New Bedford.
Pride of Malden Lodge, Malden.
Lawrence Independent Lodge, Lawrence.
City of Homes Lodge, Springfield.
Bral Zion Lodge, Worcester.
Star of Fall River Lodge, Fall River.
Greater Boston Lodge, Boston.
Jefferson Lodge, Fall River.
Pride of Brockton Lodge, Brockton.
Pride of Liberty Lodge, Boston.
Old Boston Lodge, Boston.
Harmony Lodge, Chelsea.
Hampden Lodge, Springfield.
Lazarus Davis Lodge, Boston.
Congress Lodge, Chelsea.
East Boston Lodge, Boston.
Cambridge Lodge, Cambridge.
Crown of the East Lodge, Boston.
Freedom Lodge, Malden.
Anshey Dowig Lodge, Boston.
Lord Beaconsfield Lodge, Boston.
Jeasahjah Lodge, Boston.
Educational Lodge, Boston.
Plymouth Rock Lodge, Brockton.
General Grant Lodge, Boston.
Crown of Liberty Lodge, Boston.
Haverhill Zion Lodge, Haverhill.
Star of Boston Lodge, Boston.
Rodphey Sholem Lodge, Holyoke.
Merrimac Valley Lodge, Lawrence.
King Edward Lodge, Boston.
Sanders Lodge, Leominster.
Taunton Lodge, Taunton.
Pride of Boston Lodge, Boston.
Pittsfield Lodge, Pittsfield.

Mr. LODGE presented resolutions adopted by the following lodges of the Order of B'rith Abraham, all in the State of Massachusetts, in favor of the abrogation of all treaties between the United States and Russia, which were referred to the Committee on Foreign Relations:

Harmony Lodge, Fall River.
Star of Lawrence Lodge, Lawrence.
Prospect Lodge, Boston.
Unity Lodge, Boston.
Fall River Lodge, Fall River.
Paper City Lodge, Holyoke.
Rabbi Jacob Joseph Lodge, Lawrence.
Bay State Lodge, Boston.
Freedom Lodge, Boston.
William E. Russell Lodge, Boston.
Knights of Liberty Lodge, Boston.
Pride of Haverhill Lodge, Haverhill.
Israel Lodge, Boston.
Springfield Lodge, Springfield.
Pride of Boston Lodge, Boston.
President Roosevelt Lodge, Boston.
Pride of Massachusetts Lodge, Boston.
Worcester Lodge, Worcester.
Crown of Massachusetts Lodge, Boston.
The South End Boston Lodge, Boston.
Ahawath Achim Lodge, Boston.

Mr. LODGE presented resolutions adopted by the following lodges of the Independent Order United Hebrews, all in the State of Massachusetts, in favor of the abrogation of all treaties

between the United States and Russia, which were referred to the Committee on Foreign Relations:

Pilgrim Lodge, Brockton.
Whaling City Lodge, New Bedford.
Paul Revere Lodge, Chelsea.
Louis Saklad Lodge, Boston.
Commonwealth Lodge, Fall River.
Progressive Lodge, Chelsea.
King David Lodge, Chelsea.
Friendship Lodge, Boston.
Revival Lodge, Worcester.

Mr. LODGE presented resolutions adopted by the Tower of Zion and Young Zionists, of Worcester, Mass.; the Hebrew Synagogue Agudas Achim, of Brockton, Mass.; and the Whaleman City Lodge, United Hebrews of America; Congregation Aharath Achim, Congregation Chesed Shell Emeth, Congregation Linath Hazedeck, and Max Levy Progressive Lodge, of New Bedford, Mass., favoring the abrogation of all treaties between the United States and the Government of Russia, which were referred to the Committee on Foreign Relations.

He also presented a paper to accompany the bill (S. 1150) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," which was referred to the Committee on the Judiciary.

Mr. McLEAN presented petitions of the General Conference of Congregational Churches and the Brotherhood of the Broadway Congregational Church, of Norwich; of the Methodist congregations of High Ridge and Sellecks Corners; the Methodist Preachers' Union of Housatonic Valley; and of the congregation of the Congregational Church of Rocky Hill, all in the State of Connecticut, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of the German-American Alliance of the State of Connecticut, praying for the adoption of a certain amendment to the present immigration laws, which was referred to the Committee on Immigration.

He also presented memorials of the Local Section, Council of Jewish Women, of Hartford; of Julia Herzel Lodge, No. 221, Independent Order Western Star, of Stamford; of Local Lodge, Independent Order B'nai B'rith, of Hartford; and of the Congregation of Ados Israel, of Hartford, all in the State of Connecticut, remonstrating against the treatment of certain American citizens by the Government of Russia, which were referred to the Committee on Foreign Relations.

Mr. MARTIN of Virginia presented petitions of Virginia Lodge, No. 120, Independent Order B'rith Sholom, of Norfolk; of Local Lodge, No. 181, Independent Order B'rith Sholom, of Lynchburg; of Virginia Lodge, No. 171, Independent Order Western Star; and of Local Lodge, No. 325, Independent Order B'rith Abraham, of Portsmouth, all in the State of Virginia, praying for the abrogation of the present treaty between the United States and Russia, which were referred to the Committee on Foreign Relations.

Mr. McCUMBER presented a petition of sundry ex-Union and ex-Confederate soldiers of the Civil War, of Clarksburg, W. Va., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. NELSON presented memorials of Local Lodge No. 443, of Eveleth; of Local Lodges Nos. 119, 175, and 381, of Minneapolis; of Local Lodges Nos. 133 and 337, of Duluth, order of B'rith Abraham; and of Local section, Council of Jewish Women, of St. Paul, all in the State of Minnesota, praying for the abrogation of the present treaty between the United States and Russia, which were referred to the Committee on Foreign Relations.

He also presented a memorial of the Retail Grocers' Association of Minneapolis, Minn., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented memorials of the congregations of Como Avenue Congregational Church, of Minneapolis; the St. Anthony Park Congregational Church, of St. Paul; and the Temple Emanuel Congregation, of Duluth; of members of the First Baptist Church, the Ministerial Association, and the Commercial Club of Brainerd; of the Union Meeting of Churches of Detroit; of the Union Thanksgiving Meeting of the Churches of Hawley; and of the congregation of the First Baptist Church of Mankato, all in the State of Minnesota, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. CRANE presented petitions of the Massachusetts Peace Society, of the Board of Trade of Springfield, Mass., and of the congregation of the Second Congregational Church of Holyoke, Mass., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. WETMORE presented petitions of the congregations of the Shawomet Baptist Church, of Warwick; the Pawcatuck Congregational Church, of Westerly; and the Pilgrim Congregational Church, of Providence, all in the State of Rhode Island, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of the Board of Trade of Providence, R. I., praying for the construction of a shore landing place in connection with the Harbor of Refuge at Point Judith, R. I., which was referred to the Committee on Commerce.

He also presented petitions of Local Lodge No. 292, of Woonsocket, and of Local Lodge No. 330, of Providence, of the Independent Order of B'rith Abraham, in the State of Rhode Island, praying for the abrogation of the present treaty between the United States and Russsia, which were referred to the Committee on Foreign Relations.

He also presented a memorial of the congregation of the Seventh-Day Adventist Church, of Westerly, R. I., remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. STEPHENSON presented memorials of the United Israelite Society, of sundry lodges of the Independent Order B'rith Abraham, of Milwaukee and La Crosse, and of the Grand Lodge Independent Western Star Order, of Sheboygan, all in the State of Wisconsin, remonstrating against the treatment accorded American citizens by the Government of Russia, which were referred to the Committee on Foreign Relations.

He also presented petitions of the congregation of the St. Adalbert Church, of Rosholt; of the Lay Electoral Conference of the Methodist Episcopal Church and the First Congregational Church, of Lake Geneva; the Bohemian Brethren Presbyterian Church and the German Baptist Church, of Racine; the First Baptist Church of Oshkosh; the Christian Scientists Churches; and sundry citizens of Milwaukee, all in the State of Wisconsin, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented petitions of F. H. Hageman and Louis Fuldwerth, of Milwaukee, and B. Heinemann, of Wausau, all in the State of Wisconsin, praying for the construction of a highway from Washington, D. C., to Gettysburg as a memorial to Abraham Lincoln, which were referred to the Committee on Appropriations.

He also presented petitions of Local Lodge, Pattern Makers' Association; the Federated Trades Council; and Local Union No. 18, International Longshoremen's Association, all of Milwaukee, in the State of Wisconsin, praying for the enactment of legislation to better the condition of seamen and the safeguarding of the lives of passengers, etc., which were referred to the Committee on Commerce.

He also presented a memorial of the George D. Eggleston Post, Department of Wisconsin, Grand Army of the Republic, of Appleton, Wis., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented memorials of the congregations of the Methodist Episcopal and the Congregational Churches of Whitewater, of the First Methodist and First Presbyterian Churches of Oconto, and of the Union Congregational Church of Green Bay, all in the State of Wisconsin, praying for the ratification of the proposed arbitration treaties between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of Local Union No. 27, Feeders, Helpers, and Job Pressmen, of Milwaukee, Wis., praying for the enactment of legislation to improve the condition of the seamen of the country, which was referred to the Committee on Commerce.

Mr. SMITH of South Carolina presented petitions of sundry citizens of Columbia, S. C., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. WARREN presented a memorial of the congregation of the Seventh-day Adventist Church, of Sheldon, Wyo., and a memorial of the congregation of the Seventh-day Adventist Church, of Cheyenne, Wyo., remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented the memorial of J. R. Mauton, secretary and treasurer of the Congress of the Knights of Labor, of Albany, N. Y., remonstrating against placing wood pulp and print paper on the free list, which was referred to the Committee on Finance.

Mr. TILLMAN presented a petition of the Chamber of Commerce of Florence, S. C., praying for the retention of the last paragraph of article 3 of the proposed treaty of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

ADDRESS BY JOSEPH CULBERTSON CLAYTON (S. DOC. NO. 143.)

Mr. SMOOT, from the Committee on Printing, to which was referred an address by Joseph Culbertson Clayton on "Some Aspects of the Constitution," presented by Mr. SUTHERLAND on the 5th instant, moved that it be printed as a document, which was agreed to.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PENROSE:

A bill (S. 3505) to purchase an oil painting entitled "The Death of Brevet Lieutenant Colonel Alonzo H. Cushing"; to the Committee on the Library.

A bill (S. 3506) granting an annuity equivalent to $75 per month to officers and enlisted men of the United States Army, Navy, and Marine Corps who have attained the age of 60 years and have been, or may hereafter be, awarded medals of honor for gallantry and heroism involving great personal peril, and authorizing the President of the United States to make rules and regulations for carrying the act into effect;

A bill (S. 3507) to grant an honorable discharge to C. Wilson Walker (with accompanying papers);

A bill (S. 3508) to correct the military record of Edward M. Warren;

A bill (S. 3509) to grant an honorable discharge to George W. Hopkins;

A bill (S. 3510) to correct the military record of Samuel Geissinger;

A bill (S. 3511) to correct the military record of Thomas Annick;

A bill (S. 3512) to grant an honorable discharge to Samuel Fogle (with accompanying papers); and

A bill (S. 3513) to correct the military record of Jacob Metzinger; to the Committee on Military Affairs.

A bill (S. 3514) granting an increase of pension to Dennis Conner;

A bill (S. 3515) granting a pension to Bernard Closkey;

A bill (S. 3516) granting pensions to soldiers confined in so-called Confederate prisons;

A bill (S. 3517) granting a pension to Emma A. Davis;

A bill (S. 3518) granting a pension to Laura V. Geissinger;

A bill (S. 3519) granting a pension to Bridget Petrie;

A bill (S. 3520) granting an increase of pension to Eleanor R. Evans;

A bill (S. 3521) granting an increase of pension to Samuel Elliott;

A bill (S. 3522) granting an increase of pension to Hiram Ferrier;

A bill (S. 3523) granting an increase of pension to Joseph Felton;

A bill (S. 3524) granting a pension to Addaline Frost;

A bill (S. 3525) granting an increase of pension to James J. Hasson;

A bill (S. 3526) granting an increase of pension to Eugene Helmbold;

A bill (S. 3527) granting an increase of pension to Christian Kinsley;

A bill (S. 3528) granting an increase of pension to Elizabeth C. Jarrett;

A bill (S. 3529) granting an increase of pension to John M. Rhoads;

A bill (S. 3530) granting an increase of pension to Henry Bisbin;

A bill (S. 3531) granting a pension to Marion L. Wilson;

A bill (S. 3532) granting a pension to Mary E. Burg;

A bill (S. 3533) granting an increase of pension to Hartman K. Wismer;

A bill (S. 3534) granting an increase of pension to Hiram Rhodes;

A bill (S. 3535) granting an increase of pension to David A. Buchanan;

A bill (S. 3536) granting a pension to Elizabeth Clampitt;

A bill (S. 3537) granting an increase of pension to William Cook;

A bill (S. 3538) granting an increase of pension to William R. Schaffer;

A bill (S. 3539) granting an increase of pension to William Sherwood;

A bill (S. 3540) granting an increase of pension to John Rockwell;

A bill (S. 3541) granting an increase of pension to John H. Wood;

A bill (S. 3542) granting a pension to Harvey Transue;

A bill (S. 3543) granting a pension to Delia White;

A bill (S. 3544) granting an increase of pension to Henry E. Hayes (with accompanying papers);

A bill (S. 3545) granting an increase of pension to Hannah R. Mackie (with accompanying paper);

A bill (S. 3546) granting an increase of pension to John S. Rodgers (with accompanying papers);

A bill (S. 3547) granting an increase of pension to William J. Wallace (with accompanying paper);

A bill (S. 3548) granting an increase of pension to John Weaver (with accompanying papers);

A bill (S. 3549) granting a pension to Robert J. Campbell (with accompanying paper);

A bill (S. 3550) granting an increase of pension to John G. Myers (with accompanying papers);

A bill (S. 3551) granting an increase of pension to Robert T. Attreed (with accompanying papers);

A bill (S. 3552) granting an increase of pension to Maggie Cooper Crawford (with accompanying paper);

A bill (S. 3553) granting an increase of pension to Charles Campbell (with accompanying papers);

A bill (S. 3554) granting an increase of pension to Henry M. Dunlap (with accompanying papers); and

A bill (S. 3555) granting an increase of pension to Andrew J. Furry (with accompanying papers); to the Committee on Pensions.

A bill (S. 3556) to grant an honorable discharge to Reuben Seiler; to the Committee on Military Affairs.

A bill (S. 3557) for the investigation and control of the chestnut-tree blight; to the Committee on Agriculture and Forestry.

By Mr. O'GORMAN:

A bill (S. 3558) to reduce postal rates, to improve the postal service, and to increase postal revenues; to the Committee on Post Offices and Post Roads.

By Mr. GALLINGER:

A bill (S. 3560) to transfer jurisdiction of the Washington Aqueduct, the filtration plant, and appurtenances to the Commissioners of the District of Columbia (with accompanying papers);

A bill (S. 3561) amending paragraph 6 of the act relating to the Metropolitan police force (with accompanying papers); to the Committee on the District of Columbia; and

A bill (S. 3562) granting an increase of pension to Samuel F. Patterson (with accompanying papers); to the Committee on Pensions.

By Mr. CULLOM:

A bill (S. 3563) directing the Postmaster General to credit John A. Bingham, former postmaster at Vandalia, Ill., in the sum of $500 on account of stamps lost by burglary; to the Committee on Post Offices and Post Roads.

A bill (S. 3564) granting a pension to Cora Edith Tanner;

A bill (S. 3565) granting a pension to Lillian A. Grierson (with accompanying papers);

A bill (S. 3566) granting an increase of pension to Hiram S. Plummer (with accompanying papers); and

A bill (S. 3567) granting an increase of pension to William N. Berkley (with accompanying papers); to the Committee on Pensions.

By Mr. MARTINE of New Jersey:

A bill (S. 3568) granting an honorable discharge to John D. Durie; and

A bill (S. 3569) for the relief of Ralph Deremer; to the Committee on Military Affairs.

By Mr. GAMBLE:

A bill (S. 3570) to amend an act entitled "An act to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes," approved June 25, 1910 (36 Stat. L., p. 855); to the Committee on Indian Affairs.

By Mr. KERN:

A bill (S. 3571) to increase pension for total deafness;

A bill (S. 3572) granting an increase of pension to George T. Pollard (with accompanying papers);

A bill (S. 3573) granting an increase of pension to Henry B. Leach (with accompanying papers);

A bill (S. 3574) granting an increase of pension to Jeremiah W. Hancock (with accompanying papers);

A bill (S. 3575) granting an increase of pension to Calvin W. Keefer (with accompanying papers);

A bill (S. 3576) granting a pension to Sarah Thomas (with accompanying papers);

A bill (S. 3577) granting a pension to Clyde W. Duvall (with accompanying papers); and

A bill (S. 3578) granting an increase of pension to Milton Cobler (with accompanying papers); to the Committee on Pensions.

By Mr. BURTON:

A bill (S. 3580) to authorize the change of name of the steamer *Henry A. Hawgood*; to the Committee on Commerce.

A bill (S. 3581) granting a pension to Andrew Knight;

A bill (S. 3582) granting an increase of pension to George W. Kuster; and

A bill (S. 3583) granting an increase of pension to Joseph Van Nest; to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 3584) granting an increase of pension to John Sparks;

A bill (S. 3585) granting an increase of pension to William C. Emison (with accompanying papers); and

A bill (S. 3586) granting an increase of pension to Samuel S. Weaver (with accompanying papers); to the Committee on Pensions.

By Mr. McCUMBER:

(By request.) A bill (S. 3587) providing for the payment of certain sums found due by the auditor of the Supreme Court of the District of Columbia under the provisions of the act approved March 4, 1909, chapter 306; to the Committee on the District of Columbia;

A bill (S. 3588) granting an increase of pension to William H. Brooks (with accompanying papers);

A bill (S. 3589) granting a pension to Otto Paulson (with accompanying papers);

A bill (S. 3590) granting an increase of pension to David Johnson (with accompanying papers);

A bill (S. 3591) granting an increase of pension to Andrew McFarland (with accompanying papers);

A bill (S. 3592) granting an increase of pension to James A. Todd (with accompanying papers);

A bill (S. 3593) granting a pension to Tillie A. Courtney (with accompanying papers);

A bill (S. 3594) granting an increase of pension to Patrick Sullivan (with accompanying papers);

A bill (S. 3595) granting an increase of pension to Mary E. Hughes (with accompanying papers); and

A bill (S. 3596) granting an increase of pension to Jerry Butts (with accompanying papers); to the Committee on Pensions.

By Mr. STEPHENSON:

A bill (S. 3597) granting a pension to John Bell;

A bill (S. 3598) granting an increase of pension to Henry Blaise (with accompanying papers);

A bill (S. 3599) granting an increase of pension to William C. Hart (with accompanying papers);

A bill (S. 3600) granting an increase of pension to Samuel Priest (with accompanying papers);

A bill (S. 3601) granting a pension to William A. Hickok (with accompanying papers);

A bill (S. 3602) granting an increase of pension to Samuel J. Ellis (with accompanying papers);

A bill (S. 3603) granting an increase of pension to Charles Dunham (with accompanying paper); and

A bill (S. 3604) granting an increase of pension to Lewis Hyde (with accompanying papers); to the Committee on Pensions.

By Mr. BRISTOW:

(By request.) A bill (S. 3605) providing for the discontinuance of the grade of post noncommissioned staff officer on the active list of the Army and creating the grade of warrant officer in lieu thereof; to the Committee on Military Affairs.

A bill (S. 3606) granting an increase of pension to John Clopine; to the Committee on Pensions.

By Mr. CUMMINS (for Mr. KENYON):

A bill (S. 3608) for the relief of Robert McFarland; to the Committee on Military Affairs.

A bill (S. 3609) granting a pension to Louise R. Davis;

A bill (S. 3610) granting a pension to Fannie L. McVey;

A bill (S. 3611) granting an increase of pension to Gottlieb Ruge;

A bill (S. 3612) granting an increase of pension to Gustus F. Johnson;

A bill (S. 3613) granting an increase of pension to Thomas N. Primm; and

A bill (S. 3614) granting an increase of pension to Jonathan Summers; to the Committee on Pensions.

By Mr. TOWNSEND:

A bill (S. 3615) granting an increase of pension to Walter L. Donohue; and

A bill (S. 3616) granting an increase of pension to Frederick Hemenway; to the Committee on Pensions.

By Mr. NELSON:

(By request.) A bill (S. 3617) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

A bill (S. 3618) to provide for the importation of illuminating and fog-signal apparatus for the Lighthouse Service free of duty; to the Committee on Finance.

A bill (S. 3619) relating to the anchorage of vessels in navigable water of the United States; and

A bill (S. 3620) to regulate radiocommunication; to the Committee on Commerce.

A bill (S. 3621) for the permanent improvement of the consular and diplomatic services; to the Committee on Foreign Relations.

A bill (S. 3622) to amend section 4875 of the Revised Statutes, to provide a compensation for superintendents of national cemeteries; to the Committee on Military Affairs.

A bill (S. 3623) granting an increase of pension to Josiah Wood; to the Committee on Pensions.

Mr. WORKS. I introduce a bill, which I ask to have referred to the Committee on Military Affairs. Accompanying the bill is a short memorial, which I ask to have printed and referred with the bill.

The bill (S. 3624) granting to Allan C. Rush the right of way and other privileges for the construction of a suspension bridge across the waters of San Francisco Bay to connect the cities of San Francisco and Oakland, Cal., was read twice by its title.

The PRESIDENT pro tempore. Without objection, the memorial will be printed (S. Doc. No. 144) and referred to the Committee on Military Affairs to accompany the bill.

By Mr. WORKS:

A bill (S. 3625) for the purchase or construction of a launch for the customs service at and in the vicinity of Los Angeles, Cal.; to the Committee on Commerce.

By Mr. OLIVER:

A bill (S. 3626) granting a pension to Amelia Walker;

A bill (S. 3627) granting an increase of pension to William C. Williams (with accompanying papers);

A bill (S. 3628) granting an increase of pension to Henry Bargerstock (with accompanying papers);

A bill (S. 3629) granting an increase of pension to William C. Torrence (with accompanying papers);

A bill (S. 3630) granting an increase of pension to John A. Montgomery (with accompanying papers); and

A bill (S. 3631) granting an increase of pension to James Henry Albert (with accompanying papers); to the Committee on Pensions.

Mr. LODGE. I introduce a bill relating to the Panama Canal tolls. I will say it is the bill introduced in the last Congress by the late Senator Frye, of Maine. I ask that the bill be referred to the Committee on Interoceanic Canals.

The bill (S. 3632) to provide for the payment of tolls and transit charges of public vessels of the United States and merchant vessels of the United States passing through the Panama Canal, was read twice by its title, and referred to the Committee on Interoceanic Canals.

By Mr. LORIMER:

A bill (S. 3633) for the relief of Helen M. Kennicott; to the Committee on Claims.

A bill (S. 3634) granting a pension to Melissa J. King;

A bill (S. 3635) granting an increase of pension to Frank Biermann (with accompanying papers); and

A bill (S. 3636) granting a pension to John August Bohman; to the Committee on Pensions.

By Mr. PERKINS:

A bill (S. 3637) to confer jurisdiction upon the district court of the United States for the northern district of California to determine in equity the rights of American citizens under the award of the Bering Sea arbitration of Paris and to render judgment thereon; to the Committee on Foreign Relations.

A bill (S. 3638) for the relief of Norton P. Chipman; to the Committee on Public Lands.

A bill (S. 3639) for the relief of Bernard G. Dingler and others, lately laborers employed by the United States military authorities under the Quartermaster's Department at San Francisco, Cal.; to the Committee on Claims.

A bill (S. 3640) to amend certain sections of the Revised Statutes of the United States, and to provide for the designation of fleet staff officers in the Navy;

A bill (S. 3641) to provide for the deposit in the Treasury of the United States of moneys unclaimed by next of kin belonging to deceased inmates of the naval home or derived from the sale of their personal effects, and for other purposes;

A bill (S. 3642) to amend the act of January 25, 1895, as amended by the act of March 3, 1901, relative to the administration of oaths;

A bill (S. 3643) to provide for the examination for promotion of officers of the Navy by a single examining board, and for other purposes;

A bill (S. 3644) to provide for a reserve of personnel for the United States Navy and Marine Corps and for its enrollment;

A bill (S. 3645) to amend the law providing for the payment of the death gratuity as applicable to the Navy and Marine Corps; and

A bill (S. 3646) to amend an act entitled "An act to promote the administration of justice in the Navy," to amend section 1624 of the Revised Statutes, and for other purposes; to the Committee on Naval Affairs.

A bill (S. 3647) granting an increase of pension to Fredericka Trilley;

A bill (S. 3648) granting an increase of pension to John A. Boulger; and

A bill (S. 3649) granting an increase of pension to James Gallagher; to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 3650) for the relief of heirs of Rufus Avery, deceased; to the Committee on Claims.

By Mr. BRADLEY:

A bill (S. 3651) for the relief of Gilbert Wilkerson and Jeremiah Sparks, alias Dave Sparks; and

A bill (S. 3652) for the relief of the estate of John Westley Eubanks, deceased; to the Committee on Claims.

A bill (S. 3653) granting an increase of pension to Silas Wilder (with accompanying papers); and

A bill (S. 3654) granting an increase of pension to John A. Doan (with accompanying papers); to the Committee on Pensions.

By Mr. CRANE:

A bill (S. 3655) granting an increase of pension to Maria L. Miller;

A bill (S. 3656) granting an increase of pension to Martin V. B. Knox; and

A bill (S. 3657) granting an increase of pension to Matthew O'Halloran; to the Committee on Pensions.

By Mr. MARTIN of Virginia:

A bill (S. 3658) for the relief of J. N. Whittaker; to the Committee on Claims.

A bill (S. 3659) granting a pension to Sarah F. Maynard;

A bill (S. 3660) granting a pension to Roland B. Horsley;

A bill (S. 3661) granting a pension to Walter S. Buchanan; and

A bill (S. 3662) granting an increase of pension to Rachael Chambers; to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 3663) granting an increase of pension to Ozro M. Hale (with accompanying papers);

A bill (S. 3664) granting an increase of pension to Louisa A. Brown (with accompanying papers);

A bill (S. 3665) granting an increase of pension to Elizabeth Lile (with accompanying papers);

A bill (S. 3666) granting an increase of pension to George M. Conner (with accompanying papers);

A bill (S. 3667) granting an increase of pension to Dennis McCarty (with accompanying papers);

A bill (S. 3668) granting an increase of pension to Jesse Nott (with accompanying papers);

A bill (S. 3669) granting an increase of pension to Eward Seaton (with accompanying papers);

A bill (S. 3670) granting an increase of pension to Samuel M. Skelton (with accompanying papers);

A bill (S. 3671) granting an increase of pension to Elijah H. Spencer (with accompanying papers); and

A bill (S. 3672) granting an increase of pension to Edwin E. Austin (with accompanying papers); to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 3673) granting pensions to Lola B. Hendershott and Louise Hendershott; and

A bill (S. 3674) granting a pension to Dora D. Walker; to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 3675) to correct the military record of John A. Patterson; to the Committee on Military Affairs.

By Mr. DILLINGHAM:

A bill (S. 3676) granting an increase of pension to Manlius Holbrook (with accompanying papers);

A bill (S. 3677) granting an increase of pension to John A. McFeeters (with accompanying papers); and

A bill (S. 3678) granting an increase of pension to John G. Smith (with accompanying paper); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 3679) granting an increase of pension to Abner E. Armstrong (with accompanying papers);

A bill (S. 3680) granting an increase of pension to Malchi Baughman (with accompanying papers);

A bill (S. 3681) granting an increase of pension to Hiram R. McCord (with accompanying papers);

A bill (S. 3682) granting an increase of pension to Mahlon Petree (with accompanying papers);

A bill (S. 3683) granting an increase of pension to James Petree (with accompanying papers); and

A bill (S. 3684) granting an increase of pension to William Lyman Chittenden (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 3685) authorizing the Secretary of the Interior to permit the Denison Coal Co. to relinquish certain lands embraced in its existing Choctaw and Chickasaw coal lease, and for other purposes; and

A bill (S. 3686) authorizing the Secretary of the Interior to permit the Missouri, Kansas & Texas Coal Co. and the Eastern Coal & Mining Co. to exchange certain lands embraced within their existing coal leases in the Choctaw and Chickasaw Nation for other lands within said nation; to the Committee on Indian Affairs.

A bill (S. 3687) granting an increase of pension to Robert S. Kariho (with accompanying paper); and

A bill (S. 3688) granting an increase of pension to Andrew McDonal (with accompanying papers); to the Committee on Pensions.

By Mr. BURNHAM:

A bill (S. 3689) granting an increase of pension to Edwin Underhill;

A bill (S. 3690) granting an increase of pension to Henry C. Carbee;

A bill (S. 3691) granting an increase of pension to Ambrose A. Stiles;

A bill (S. 3692) granting an increase of pension to Francis E. Stevens; and

A bill (S. 3693) granting an increase of pension to Charles Morgrage; to the Committee on Pensions.

By Mr. SMITH of South Carolina:

A joint resolution (S. J. Res. 62) relating to cotton statistics; to the Committee on Agriculture and Forestry.

UNIVERSITY OF THE UNITED STATES.

Mr. GALLINGER. On the 8th day of May last I introduced for the late Senator from Maine, Mr. Frye, a bill (S. 2056) to establish the University of the United States, which was referred to the appropriate committee. I have been requested to introduce a bill with some changes from the one I formerly introduced, and I ask permission to have the former bill indefinitely postponed and that this bill be referred to the proper committee.

The PRESIDENT pro tempore. Without objection, Senate bill 2056 will be indefinitely postponed and the bill now introduced by the Senator from New Hampshire will be read twice by its title.

The bill (S. 3559) to establish the University of the United States was read twice by its title and referred to the Committee on the University of the United States.

ADMINISTRATION OF OATHS.

Mr. BURTON. By request I introduce a bill to amend section 1 of the Revised Statutes of the United States in relation to oaths, which I ask to have read at length, and I present a brief accompanying memorial, which I ask may be printed in the RECORD.

The bill (S. 3579) to amend section 1 of the Revised Statutes of the United States in relation to oaths was read the first time by its title and the second time at length, as follows:

A bill (S. 3579) to amend section 1 of the Revised Statutes of the United States, in relation to oaths.

Be it enacted, etc., That section 1 of the Revised Statutes of the United States be amended by adding to the words "the requirements

of an oath shall be deemed complied with by making affirmation in judicial form" the following clauses:

The form of the oath which may be taken or administered in the courts or elsewhere under the laws of the United States shall be as follows:

First. "In the presence of Almighty God I do solemnly promise (or declare)," etc. And it shall not be lawful to add to any oath the words "so help me God," or any imprecatory words whatsoever.

Second. The manner of administering oaths shall be by requiring the person making the same to hold up his hand in token of his recognition of the solemnity of the act, except in those cases wherein it shall appear that some other mode is more in accordance with the religious faith of the swearer.

The PRESIDENT pro tempore. The bill will be referred to the Committee on the Judiciary, and without objection the accompanying memorial will be printed in the RECORD.

There being no objection, the memorial was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

To the honorable the Senate and House of Representatives in Congress assembled:

We, the undersigned, believing that the imprecatory words "so help me God" and those of like import in the oaths which have long been administered in our courts are but little understood by the majority of those who take them, while they are not essential to the true intent of the oath as now interpreted and add nothing to the solemnity thereof, would hereby respectfully petition the Congress of the United States to pass the annexed act, providing a form which has been used for more than 10 years past in the State and United States courts sitting in Maryland.

Thos. J. Morris, United States district judge for the district of Maryland; Wm. F. Stone, collector of customs; J. Barry Mahool, mayor of Baltimore, Md.; Ira Remsen, president Johns Hopkins University; Charles J. Bonaparte, late Attorney General of the United States; Edgar Allan Poe, city solicitor, Baltimore City; Geo. Whitelock, attorney at law and United States commissioner on uniform State laws; Charles F. Thwing, president of Western Reserve University; Evan H. Hopkins, attorney at law.

THE AMERICAN TOBACCO CO. ET AL.

Mr. CUMMINS. Mr. President, I desire to give notice that on Wednesday of this week, immediately following the routine morning business, I will address the Senate, if it will hear me, upon the importance of securing a review by the Supreme Court of the United States of the decree lately entered by the Circuit Court for the Southern District of New York in The American Tobacco Co. case, and upon a bill for that purpose, which I now introduce.

The bill (S. 3007) to give the right of appeal to the Supreme Court of the United States to certain organizations or persons in the suit of the United States v. The American Tobacco Co. et al. was read twice by its title.

The PRESIDENT pro tempore. Does the Senator desire that the bill lie upon the table until after he addresses the Senate?

Mr. CUMMINS. I am quite willing that it be referred at this time to the Committee on the Judiciary.

The PRESIDENT pro tempore. The bill will be referred to the Committee on the Judiciary.

GOVERNMENT-OWNED RAILROAD IN ALASKA.

Mr. LA FOLLETTE. Mr. President, I submit an amendment which I propose to offer to the bill (S. 3124) to provide for the leasing of coal and coal lands in the Territory of Alaska. The proposed amendment provides for the construction and operation of a Government-owned railroad in Alaska. I ask to have the amendment printed and referred to the Committee on Public Lands, having charge of that bill.

The PRESIDENT pro tempore. The amendment will be printed and referred to the Committee on Public Lands.

THE ARLINGTON ESTATE, VIRGINIA.

Mr. PERKINS submitted an amendment proposing to transfer and place under the control and jurisdiction of the Navy Department for use for naval purposes certain Government land in Alexandria County, Va., known as the Arlington estate, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

HEARINGS BEFORE THE COMMITTEE ON COMMERCE.

Mr. NELSON submitted the following resolution (S. Res. 164), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Commerce, or any subcommittee thereof, be authorized to send for persons and papers and to administer oaths, and to employ a stenographer to report such hearings as may be had in connection with any subject which may be pending before said committee, and to have the same printed for its use, the expenses thereof to be paid out of the contingent fund of the Senate; and that the committee or any subcommittee thereof may sit during the sessions of the Senate.

NATIONAL SOLDIERS' HOME, SANTA MONICA, CAL.

Mr. WORKS. Mr. President, I desire to give notice that on Thursday next, immediately after the routine morning business, I will submit some remarks in support of Senate resolution No. 160, providing for the investigation of the Soldiers' Home, at Santa Monica, Cal., and upon the general subject of the obligation of the Government to the veterans of the Civil War.

HOUSE BILLS REFERRED.

The bill (H. R. 13988) to authorize the Director of the Census to collect and publish additional statistics of tobacco was read twice by its title and referred to the Committee on the Census.

The bill (H. R. 13278) to authorize the construction of a bridge across Caddo Lake, in Louisiana, was read twice by its title and referred to the Committe on Commerce.

PROPOSED LEGISLATIVE PROGRAM.

Mr. NEWLANDS. Mr. President, I desire to call up Senate resolution 159, regarding a legislative program during the present session. I would like to make a brief statement explanatory of the resolution, without interruption, and at its close I shall ask unanimous consent for the consideration of the resolution.

At the last extra session of Congress I offered a resolution providing for a legislative program, declaring it to be the sense of the Senate that legislation should be enacted upon nine subjects, and that seven other subjects should be considered by the appropriate committees with a view to legislative action at the next regular session. This resolution was debated from time to time, but was not acted upon; but of the nine subjects covered by it, six were taken up by Congress and disposed of, namely, (1) the reciprocity bill; (2) the enlargement of the free list of importations; (3) the reduction of duties in the wool, cotton, and steel schedules; (4) the publicity of campaign expenditures; (5) the election of United States Senators by popular vote; and (6) the admission of Arizona and New Mexico, although in several instances the action of Congress became inoperative through the veto of the President.

A NEW LEGISLATIVE PROGRAM.

Last Thursday I offered in the Senate a new resolution, declaring it to be the sense of the Senate that during the present session the appropriate committees should consider and Congress should enact legislation upon 13 subjects, 4 of them under the head of tariffs and taxation, providing for a reduction of excessive duties in the wool, cotton, and steel schedules; the enlargement of the free list; the gradual reduction of prohibitory duties; and an increase in the corporation tax sufficient to make up any deficit in revenue as a result of the reductions of customs duties; 3 under the head of interstate commerce, providing for the physical valuation of railroads as a factor in rate regulation, preventing stock watering, and providing for an interstate trade commission, with powers over interstate trade similar, so far as practicable, to those possessed by the Interstate Commerce Commission regarding interstate transportation; and several other subjects, relating to reform in our banking system, the development and regulation of our rivers by cooperation of the scientific services and the cooperation of the Nation with the States in both plans and works, the protection of our natural resources against monopolistic control, the upbuilding of an American merchant marine by free entry to all ships, wherever built, the construction of an auxiliary navy, to be used in time of war in aid of our fighting ships and in time of peace in service through the Panama Canal and establishing new routes of commerce with foreign countries through lease to shipping companies; and, finally, the reduction of our military expense to a sum not exceeding $200,000,000 annually for our Army and Navy through the aid of a military board to be selected by the President.

THE INITIATIVE IN LEGISLATION.

Under our form of government the initiative in legislation is given by the recommendation of the President, acting under his constitutional power. But this initiative means little unless the party to which the President belongs is in power in both Houses and unless the President is the leader of a harmonious party. Neither of these conditions exists to-day. The House is Democratic whilst the executive departments and the Senate are under Republican control, but in the Senate the dominant party is so divided against itself that harmony of action does not exist upon important matters.

In England and other countries where a responsible ministry exists the initiative in legislation is given to it, and it is charged with the responsibility of framing Government measures which are submitted to the legislative body and supported by such ministry through all the stages of legislative action.

Under our form of government there is no responsible ministry, and the initiative for legislation rests entirely upon the individual members of the Senate or of the House. It is true that under the custom of the parties the Speaker of the House and the leader of the dominant party in the Senate,

with the aid of trusted leaders, have had much to do with shaping legislation; but under the new era all such power is practically taken away from the Speaker and his powers now are simply those of a presiding officer, who is supposed to preside fairly and impartially over a bipartisan House. The Senate has also gone through a radical change. It is now a self-governing body, free from oligarchical control. It has emancipated itself from individual and committee tyranny and to-day the committees are regarded simply as the servants of the Senate and the Senate as a body is master of its own business.

THE OPINION OF THE SENATE SHOULD BE ORGANIZED FOR THE INITIATION OF LEGISLATION.

Under present conditions of lack of harmonious support of the President's recommendations by his party and lack of harmony of partisan control between the two bodies, the claim is publicly made, both by members of the two bodies and also by prominent journals and periodicals, that this Congress is to be fruitless of results; that nothing will be done except politics; and that both the President and the two legislative bodies, insensible to the demands of the country for needed legislation, will simply shape their action with a view to getting some advantage during the next campaign.

I can not imagine anything that will tend so much to diminish the confidence of the people in their political representatives as such a result; and this, too, at a time when the popular discredit of and lack of faith in their political representatives is more shaken than at any time during the history of the Republic; so much so that, wherever the matter is tested, the people are showing a disposition to take into their own hands through the direct primary, the initiative, the referendum, and the recall the exercise of sovereign powers which they have been accustomed to freely intrust to their duly accredited representatives.

INDIVIDUAL INITIATIVE.

It needs no argument to show that a system of legislation which is based simply upon the initiative of an individual Member of the Senate or of the House will not be productive of substantial results. No bill upon any important question can pass unless there is not only a powerful public opinion backing it, but also a legislative opinion backing it; and no single individual can voice the views of an entire legislative body. In the first place, he is compelled to frame a bill with all its details, and he must then introduce it and push it before the proper committee. If he happens to be a member of such committee he has some show, but even then his pathway is beset with difficulties unless he has behind him an expressed public opinion of the legislative body to which he belongs, insisting upon its speedy consideration and report. If he does not happen to be a member of the committee to which his bill is referred, the difficulties are largely increased.

Among the thousands of bills that are introduced it requires not only extraordinary enthusiasm, but even extraordinary egotism, to push a Representative on to the assertion that his measure, above all others, requires prompt consideration. Such an attitude is likely to be resented by his associates, and the very best measure may lie neglected, even though the opinion of the legislative body, if called into expression, would be strongly for it.

TIME OF DETERMINING PROGRAM.

The next question comes up as to the time of legislative expression. It is clear that this should be early in the session, as a guide to the committee and a guide to the legislative body itself, for when it determines early in the session that certain subjects are to be considered and acted upon the right of way is established and the way made clear.

One of the commonest devices for delaying a reform measure is that of permitting it to be swamped under a mass of varied legislation. Unimportant measures are pushed to the front, private bills block the way, and the legislative body thus becomes the victim of its own lack of system and the confusion of its methods.

WHAT SHOULD BE INCLUDED.

It was with a view, therefore, to organizing the opinion of the Senate that I have introduced this resolution. I have grouped together a number of questions concerning which, in my judgment, public opinion is made up, many of them indorsed in party platforms, containing the solemn pledges of Members of both parties to the enactment of such legislation. I do not claim for myself infallibility of judgment in the selection of these subjects. It is quite probable that there may be others of equal or perhaps of greater importance, but my resolution offers the opportunity to cure its defects by the addition of such other measures by amendment to my resolution, and it also gives the Senate an opportunity to exclude from consideration any of the subjects to which I have referred. By a process of exclusion and inclusion we can in a few days get a definite expression of opinion by the Senate as to what subjects it considers important ones for immediate action. The resolution can be so framed as not to commit those who vote upon it definitely to support it as a whole or in its several details. It simply calls for an expression of opinion as to the matters that are important for consideration and an outline of the general view of the Senate as to the form of the measures.

As yet, Mr. President, there is little before the Senate for its action, and there will probably be little until some time after the holidays. We are now meeting only at 2 o'clock because of the lack of legislative business, and we are adjourning for intervals of two or three days on account of the same lack. I therefore suggest that no more appropriate time could be secured for the consideration of this resolution; that we can take it up section by section for amendment or adoption, and that a final vote can be had at an early day.

Now, Mr. President, without asking for the reading of my resolution, which is on the desks of Senators, and requesting merely that it be printed in the RECORD in connection with my remarks, I ask unanimous consent for the present consideration of the resolution, and that it be regarded as the unfinished business until it is disposed of.

The PRESIDENT pro tempore. The Senator from Nevada joins two requests together. Without objection, the Chair will present them separately. The Senator from Nevada asks unanimous consent that the resolution be printed in the RECORD as a part of his remarks. Is there objection? The Chair hears none.

The resolution (S. Res. 159) submitted by Mr. NEWLANDS on the 7th instant is as follows:

Resolved, That it is the sense of the Senate that during the present session the appropriate committees shall consider and Congress enact legislation upon the following subjects:

THE TARIFF AND TAXATION.

First. The reduction of the excessive duties in the wool, cotton, and steel schedules.

Second. The enlargement of the free list.

Third. The gradual reduction of all duties of a prohibitory character by a fixed percentage per annum until the importations of products under such duties equal one-tenth of the total domestic production of similar products.

Fourth. A graduated increase in the corporation tax upon corporations whose net profits exceed $50,000 per annum, sufficient to make up any deficit in revenue caused by reduction in customs duties.

INTERSTATE COMMERCE.

Fifth. Providing for the physical valuation of railroads engaged in interstate commerce by the Interstate Commerce Commission as a factor in rate regulation.

Sixth. Preventing stock watering by corporations engaged in interstate commerce.

Seventh. Providing for an interstate trade commission, in which shall be merged the officials, powers, and functions of the Bureau of Corporations, with powers of investigation, correction, and recommendation regarding corporations engaged in interstate trade, similar, so far as practicable, to those conferred upon the Interstate Commerce Commission regarding corporations engaged in interstate transportation.

BANKING.

Eighth. Providing for uninterrupted interstate exchange, the protection of bank depositors, and the minimizing of bank panics by adequate requirements regarding capital and reserves of the individual banks by the organization of a national reserve association in each State, in which the national banks and the State banks engaged in interstate exchange, complying with national legislation as to capital and reserves shall be stockholders, such association to have such of the powers proposed by the National Monetary Commission to be conferred upon a central national reserve association as are necessary or advisable; such State associations to be brought into federation through a national banking commission fairly representative of the different sections of the country, part of which shall be selected by such associations and part by the President of the United States, such board to be advisory to Congress and to the President.

RIVER DEVELOPMENT AND REGULATION.

Ninth. Providing for the cooperation of the Corps of Engineers of the Army, the Reclamation Service, the Forest Service, the Geological Survey, the Weather Service, and other scientific services of the National Government, and the cooperation of the National Government with the States, in devising and carrying out comprehensive plans for the regulation of river flow with a view to the promotion of navigation, the prevention of destructive floods through the preservation of forests, the storage and use of flood waters for the irrigation of arid lands and for the development of water power, the reclamation of swamp lands, and the establishment of terminal and transfer facilities, and providing a fund ample for continuous work, such comprehensive plans to be framed under the direction of a board of experts, of which the Chief of Engineers shall be the chairman, the various works under such plans to be conducted under the national services to which the jurisdiction now pertains.

Tenth. Providing for the protection of our natural resources in timber, coal, iron, and oil against monopolistic control.

AMERICAN MERCHANT MARINE.

Eleventh. Providing for the upbuilding of the American merchant marine by free entry to American registry of all ships, wherever built.

AUXILIARY NAVY.

Twelfth. Providing for the construction of auxiliary ships for our Navy, to be used in time of war in aid of the fighting ships and in times of peace in establishing necessary service through the Panama Canal and new routes of commerce to foreign countries through lease to shipping companies; such legislation to involve the temporary

diminution of the construction of fighting ships and the substitution of auxiliary ships, with a view to the creation of a well-proportioned and efficient Navy.

MILITARY EXPENSES.

Thirteenth. For the more efficient administration and cooperation of the Army and Navy and the reduction of the total Army and Navy expense to not exceeding $200,000,000 annually through the aid of a board of Army and Naval officers, to be selected by the President.

The PRESIDENT pro tempore. The Senator from Nevada asks unanimous consent for the immediate consideration of the resolution. Is there objection?

Mr. LODGE. I object.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

Mr. NEWLANDS. Before that motion is put, may I state that to-morrow I will move that the Senate take up the resolution for consideration until its final disposition.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Will the Senator from Illinois withhold his motion for a moment, so the Senator from Idaho may present a matter?

Mr. CULLOM. I will.

PROPOSED CHILDREN'S BUREAU.

Mr. BORAH. Mr. President, I ask unanimous consent for the consideration of the bill (S. 252) to establish in the Department of Commerce and Labor a bureau to be known as the children's bureau, now upon the calendar under Rule VIII.

This bill, Mr. President, is the same as that which the Senate passed at its last session, after some considerable discussion and some amendments offered in the Senate. The bill was passed, and this bill is the same as the bill which we amended and finally passed in the Senate. I ask unanimous consent for its consideration at this time.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT pro tempore. The Secretary will read the bill.

The Secretary read the bill. It proposes to establish in the Department of Commerce and Labor a bureau to be known as the children's bureau, to be under the direction of a chief, to be appointed by the President, by and with the advice and consent of the Senate, who shall receive an annual compensation of $5,000. The bureau is to investigate and report upon all matters pertaining to the welfare of children and child life, especially the questions of infant mortality, the birth rate, orphanage, juvenile courts, desertion, dangerous occupations, accidents and diseases of children, employment, legislation affecting children in the several States and Territories, and such other facts as have a bearing upon the welfare of children.

Mr. BAILEY. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Texas will state his parliamentary inquiry.

Mr. BAILEY. Is the bill now before the Senate?

The PRESIDENT pro tempore. Unanimous consent was given for its consideration.

Mr. BAILEY. My attention was diverted for a moment, or I should undoubtedly have objected to its consideration. It is bad enough for any government to assume supervision of children, but for the Federal Government to do it, it seems to me, is utterly indefensible. But of course as it is before the Senate we will have something to say about it in another way.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. BAILEY. Mr. President, I suppose it is a waste of time to detain the Senate with a protest against legislation of this kind. We have for a hundred years or more left these matters concerning children to the proper authorities, which are the mothers, fathers, and guardians, and in that hundred years we have reared such children as the Senator from Idaho; and a system which has produced him does not need much apology or much amendment. We have produced the greatest race of men and women that ever blessed any land in the history of the world, and as for my part I am not willing to invoke the Government's aid in this greatest of all work.

Men who are familiar with the course of legislation understand perfectly that these matters come first in the shape of requests for statistics, and they are invariably followed then by legislation. Unless the Congress of the United States intends to predicate some legislation upon these statistics, then it has no right to appropriate the public money for their collection.

Another six years will find not the Senator from Idaho I hope—though I hope another six years will find him in the Senate—but as certain as he remains here he will find that some other Senator will be asking this body to enact legislation intended to cover some phase of the child life of this Republic. And the Congress will pass it unless the Congresses to come in the next few years are wiser than the Congresses which have gone in the last few years.

There is no subject under heaven that Congress is not now asked to legislate upon, and very few upon which Congress refuses to legislate. The first Congress which assembled under the Constitution of this Republic passed less than a hundred bills. Indeed, sir, as I now recall there were less than a hundred bills introduced; and we must not forget that that Congress was required to put into operation the greatest governmental experiment in all history. During the last Congress—for the record for this Congress has not yet been made up—there were 40,000 bills introduced. Think, Mr. President! A Republic 125 years old with 40,000 things left undone that ought to have been done. What a hopeless picture it presents! And, sir, if now after having attempted to supervise everything else we enter the home and supersede the authority of the mother and the father and undertake to subject their children to the supervision of the Federal Government, then, indeed, we may despair.

When I took the floor I intended to talk past the morning hour so as to carry this bill over. But as I have been speaking I am tempted by a kind of curiosity to refrain and let it come to a vote and see if the Senate of the United States is ready to pass a bill of this kind.

Mr. HEYBURN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Clarke, Ark.	Lorimer	Shively
Bailey	Crawford	McCumber	Smith, Ga.
Bankhead	Culberson	McLean	Smith, S. C.
Borah	Cullom	Martin, Va.	Smoot
Bourne	Curtis	Martine, N. J.	Stephenson
Briggs	Dixon	Myers	Taylor
Bristow	du Pont	Nelson	Thornton
Brown	Gallinger	O'Gorman	Tillman
Bryan	Gardner	Overman	Warren
Burnham	Gore	Owen	Williams
Burton	Gronna	Page	Works
Chamberlain	Heyburn	Percy	
Chilton	Hitchcock	Perkins	
Clark, Wyo.	Lodge	Rayner	

Mr. CHILTON. I wish to announce that my colleague [Mr. WATSON] is necessarily absent from the city.

The PRESIDENT pro tempore. Fifty-three Senators have responded to their names. A quorum is present. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. HEYBURN. I understand that the measure called up by my colleague during the morning hour is now the order of business.

The PRESIDENT pro tempore. It was called up by unanimous consent.

Mr. HEYBURN. I understand.

The PRESIDENT pro tempore. And it is being considered by unanimous consent.

Mr. HEYBURN. The morning hour has expired. I merely wanted to know by what means the bill came over from the morning hour.

The PRESIDENT pro tempore. The morning hour does not expire until 4 o'clock.

Mr. HEYBURN. Yes; it is the first hour that has expired. I was somewhat confused by reason of the change in the hour of meeting.

The PRESIDENT pro tempore. The bill is as in Committee of the Whole and open to amendment.

Mr. HEYBURN. I understood that the Senator from Texas intimated he would speak further on the subject.

Mr. BAILEY. No; Mr. President, I had intended to do that when I took the floor, but I concluded to see the sense of the Senate tested on it. I yielded the floor so as to see the vote.

Mr. HEYBURN. Mr. President, I should like to see the sense of the Senate tested upon this question, and I had that in mind when I asked for the presence of a quorum. There is a very meager attendance of the Senate to pass upon a question of this kind, which involves the organization of a new branch and a new character of government. I should dislike to see such a question disposed of under existing circumstances.

This measure on its face proposes the establishment of a bureau, the salaries of which amount to $25,000 a year. We do it in rather a careless, offhand manner. It seems to me, aside from the financial proposition, as suggested by the Senator from Texas, there is a principle involved in it that ought to receive more than the mere passing consideration of the body.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to his colleague?

Mr. HEYBURN. Certainly.

Mr. BORAH. I did not anticipate that there was any desire to debate the bill at length when I called it up. I have no wish, of course, to prevent discussion. Perhaps the Senate did not expect the bill to be called up to-day, and I am quite willing to convenience those who desire to discuss it, if Senators so desire. While I will not insist upon proceeding to-day I shall feel that within a reasonable time the bill ought to be brought up again.

Mr. CULLOM. If in order, I will move that the Senate proceed to the consideration of executive business.

Mr. HEYBURN. I do not care to yield the floor for a motion of that kind until I have completed what little I have to say. I took the floor for the purpose of establishing a status for this proposed legislation, and before we lay it aside, as I will be necessarily absent for a day or two, I desire to have some status established for the bill so that we will know what we may expect.

I am not going to discuss the bill at length, but I am very loath to see the matter come to a vote under the circumstances. It is one of those bills whose only recommendation is its title. Such bills are not infrequent. If you introduced a measure here, "*Resolved*, That the Congress of the United States is in favor of the eternal salvation of mankind," it would doubtless be passed because people would not dare to vote against it. Introduce a bill here for the protection of the children of the country and the title is such as to warn Senators against declaring themselves as not being in favor of that kind of legislation.

I had sincerely hoped that the Senator from Texas would develop the ideas he suggested, because I am in accord with his views so far he has expressed himself. Personally I did not desire to enter upon the discussion of it, not feeling quite equal to it physically, but I must be equal to the performance of a duty when it is thrust upon me.

Briefly, Mr. President, I desire to suggest that this class of legislation has been growing upon us; that is to say, the frequency of and insistence for this class of legislation seem to be growing with accelerated speed. The jurisdiction established over the children of mankind in the beginning of the human race has worked out very well. It is in accord with the rules of nature. It is based not upon duty but upon the human instinct that establishes the principle upon which all duties rest. The mother needs no admonition to care for the child, nor does the father. The exceptions to that rule are such as those to the rule against the taking of human life. We have laws providing for the punishment of those who destroy human life, but as compared with the human family the instances in which it is necessary to invoke them are rare.

This has another element wrapped up within it that we ought not to lose sight of. While upon the face of this measure it merely provides for the taking of statistics, the accumulation of knowledge, yet we know from other measures which have been introduced, some from the same source, that it contemplates the establishment of a control, through the agencies of government, over the rearing of children. There are other measures now pending in committees of this body going much further, going to the extent of interference with the control of a parent over the child. I believe I read on Saturday a bill which has been introduced that prevents the employment of any child under 16 years of age, without any accompanying provision for the maintenance of the parents who, by reason of age or infirmity, can not provide for their own wants. That is what I call a poorhouse bill. It is a bill that would result in the necessity of aged or infirm parents going to the public almshouse, notwithstanding there were strong, hustling sons 14 and 15 years of age.

These suggestions arise out of any consideration that may be given to this class of legislation. It is the class of legislation that I object to, because as yet this bill does not enter into details to an extent which would enable one to criticize it, except upon the general principle involved in it. We have sometimes an oversupply of sympathy, or that which is supposed to be based upon sympathy for our fellow kind, sympathy for the children whose condition in life is not as favorable as that of some other children. Our sympathies are human; you can not avoid them; but those clothed with the responsibility of government must be on guard against being swept away on unsafe seas in legislation.

This is not a proper subject for legislation. It is a police measure. If children are not cared for within the recognized rules of humanity, or if they are neglected in violation of provisions of law, then the police department of the Government may deal with it.

A few weeks ago I read in one of the papers of this city an account of an attempt that was made to take children away from the parents, who were recently foreigners, because the committee did not approve of the manner in which the children were being raised and cared for. The development of the facts showed that the children were being reared and cared for according to the rules that had always existed among that class of people of that nationality. And yet the old saying that old bachelors' and old maids' children are better cared for than anybody else's arose in my mind as being a suggestion worthy of some consideration.

Now, Mr. President, anxious as I am that the sense of the Senate may be tested, I sincerely hope that no final action will be taken upon this class of legislation. No one can be more sympathetic than I am with the needs, the welfare, and the comfort of the children of the country, but I am not willing to substitute any other control for that of the parent. I would control the parents, if necessary, when they would violate the recognized rules of the domestic establishment. I would control the parents, but I would do it through the police laws of the land, the local laws. This is no question for the General Government to take up; it is a question of local legislation, if it is one for legislation at all.

What will it be next? Every imaginable scheme that may afford a hook upon which to hang a bill seems to be conjured up. I will not speak in disrespect of proposed legislation introduced by any Senator, but I think a little more conservative and careful consideration to the purposes of legislation, to the functions of the General Government, would avoid the embarrassment and the labor involved in the consideration of a great many of these mensures, the thousands of bills, which are proposed. The homes of the country are best protected through the local environment and functions. Are we to create, as this contemplates, in every State and Territory and corner of the United States a nursery that shall pass upon the wisdom of the mothers and the fathers of the land? Are we, as this contemplates, to appoint Federal officers to superintend the nurseries of the country or the cradles of the poor? Are we through this agency to attempt to say what school of medicine shall be invoked for the assistance of the child that is ill? Are we to provide that some one may step in and be substituted for the parent in the care of the child merely because of a difference of opinion? I think not. I think we had better go slowly. This is very early in the session. It is the first day upon which any attempt has been made at legislation, and a measure of this kind which establishes, or attempts to establish, a new principle of government should not be forced to a final vote thus early in the session. I do not believe that Senators have given the attention to this matter which should be given to it before action upon it. I admit the committee, doubtless, has given serious consideration to it. It is a pathetic subject. It is one difficult to oppose. No one would oppose the principle of caring for the children. It is only a question as to who shall perform this function and how it shall be performed and the extent to which the Government may interpose itself between the wisdom of the parent and the conditions which surround the child.

My heart has been moved all my life by the pathetic conditions which confront every man, but I am not convinced that legislation by the Congress of the United States can afford any remedy against the frailties of judgment or the conditions which surround the human family in this regard.

We have most of the information called for in this measure. We get it through the census. We can now, through the census, without any further legislation or extension of the power of the Government, add to the information to the full extent called for by this measure. That class of census work may go on at any time. We may by resolution instruct the Census Bureau to acquire all of this information, and we need no other legislation than that; but this bill proposes to establish a bureau and to fix salaries.

Mr. President, I sincerely hope that those Senators who are present here to-day will not assume to foreclose this question against a consideration and a vote by a full Senate. I shall not vote for it.

Mr. BORAH. Mr. President, do I understand that my colleague wishes to discuss this matter further at some other time.

Mr. HEYBURN. No; I will vote on it. That is all.

Mr. BORAH. I do not know, then, why we should not have a vote upon the bill.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole, and open to amendment.

The bill was reported to the Senate without amendment.

Mr. NEWLANDS. Mr. President, I should like to ask the Senator from Idaho whether there is any special reason for assigning this proposed bureau to the Department of Commerce and Labor? Would it not be better to assign it to the Interior Department? That department now has charge, I think, of most of the charities with which the Government is associated in any way, and its very name would indicate that it should have jurisdiction over such organizations as are contemplated by the bill.

Mr. BORAH. That was a matter which had consideration before the committee, and the bill was originally drawn in accordance with the suggestion of the Senator from Nevada, but after considerable hearing, both from the departments and from the people who have given this matter a great deal of consideration, it was changed. But, Mr. President, since the Senator from Nevada has asked the question, another Senator has requested that the bill go over, and, as I have said, it having been called up rather suddenly, I do not desire to urge it against any Senator's personal request. That request having been made, I will not urge the bill to a vote to-day.

The PRESIDENT pro tempore. The bill will go over.

TREATY BETWEEN THE UNITED STATES AND RUSSIA.

Mr. CULBERSON. Mr. President, with reference to the joint resolution (S. J. Res. 60) providing for the termination of the treaty of commerce and navigation between the United States of America and Russia, concluded at St. Petersburg December 18, 1832, when introduced by me, I asked that it lie on the table with a view of submitting some remarks on it before reference to a committee. An arrangement, however, has been made for a hearing before the Senate Committee on Foreign Relations on Wednesday next. In view of that, I ask that the joint resolution be taken from the table and referred to that committee.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 3 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, December 12, 1911, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate December 11, 1911.

SUPERVISING INSPECTOR, STEAMBOAT-INSPECTION SERVICE.

John K. Bulger, of California, to be supervising inspector, first district, Steamboat-Inspection Service, Department of Commerce and Labor, vice John Bermingham.

UNITED STATES MARSHALS.

Eugene P. Nute, of New Hampshire, to be United States marshal for the district of New Hampshire. (A reappointment, his term expiring Dec. 18, 1911.)

James M. Yeager, of Pennsylvania, to be United States marshal for the middle district of Pennsylvania. (A reappointment, his term expiring Dec. 20, 1911.)

APPOINTMENTS IN THE ARMY.

COAST ARTILLERY CORPS.

Levin Hicks Campbell, jr., of New York, late midshipman, United States Navy, to be second lieutenant in the Coast Artillery Corps, with rank from December 2, 1911.

PORTO RICO REGIMENT OF INFANTRY.

Serafin Manuel Montesinos, of Porto Rico, to be second lieutenant in the Porto Rico Regiment of Infantry, with rank from December 8, 1911.

Pedro Angel Hernandez, of Porto Rico, to be second lieutenant in the Porto Rico Regiment of Infantry, with rank from December 8, 1911.

FIELD ARTILLERY.

The nomination of Newton Napoleon Polk, of Tennessee, for appointment as second lieutenant of Cavalry, which was submitted to the Senate on December 7, 1911, withdrawn, and nominate him for appointment as second lieutenant of Field Artillery, with rank from October 7, 1911.

REAPPOINTMENT IN THE ARMY.

PAY DEPARTMENT.

Brig. Gen. Charles H. Whipple, Paymaster General, to be Paymaster General with the rank of brigadier general for the period of four years beginning January 1, 1912, with rank from January 1, 1908. His present appointment will expire by limitation December 31, 1911.

PROMOTIONS IN THE NAVY.

Commander Philip Andrews, United States Navy, to be Chief of the Bureau of Navigation, in the Department of the Navy, with the rank of rear admiral, for a period of four years from the 1st day of January, 1912.

Lieut. (Junior Grade) Wolcott E. Hall to be a lieutenant in the Navy from the 26th day of October, 1911, to fill a vacancy.

POSTMASTERS.

CALIFORNIA.

Harry J. Lawton to be postmaster at Fellows, Cal. Office became presidential October 1, 1911.

DELAWARE.

John W. Brown to be postmaster at Newark, Del., in place of Delaware Clark, deceased.

ILLINOIS.

John W. Allen to be postmaster at New Windsor, Ill. Office became presidential January 1, 1911.

Edwin Drury to be postmaster at Wilmette, Ill., in place of Edwin Drury. Incumbent's commission expires December 11, 1911.

Mary F. Marsh to be postmaster at Bowen, Ill., in place of Mary F. Marsh. Incumbent's commission expires December 11, 1911.

Isaac Newland to be postmaster at Colchester, Ill., in place of Isaac Newland. Incumbent's commission expires December 11, 1911.

David F. Wilcox to be postmaster at Quincy, Ill., in place of David F. Wilcox. Incumbent's commission expires December 11, 1911.

INDIANA.

Juanita Bond to be postmaster at Oaktown, Ind. Office became presidential October 1, 1911.

IOWA.

James Beard to be postmaster at Mount Ayr, Iowa, in place of James Beard. Incumbent's commission expires December 11, 1911.

William Horsfall to be postmaster at George, Iowa, in place of William Horsfall. Incumbent's commission expired December 9, 1911.

Charles H. Read to be postmaster at Avoca, Iowa, in place of Charles H. Read. Incumbent's commission expires December 11, 1911.

William C. Williams to be postmaster at Atlantic, Iowa, in place of William C. Williams. Incumbent's commission expired June 29, 1910.

LOUISIANA.

Joseph T. Labit to be postmaster at Abbeville, La., in place of Joseph T. Labit. Incumbent's commission expires December 12, 1911.

MAINE.

Malcolm B. Folsom to be postmaster at Greenville, Me., in place of Lindley H. Folsom, resigned.

Ellery W. Wentworth to be postmaster at Winthrop, Me., in place of Ellery W. Wentworth. Incumbent's commission expired December 10, 1911.

MARYLAND.

William B. Cutshall to be postmaster at Woodsboro, Md., in place of Morris L. Smith, removed.

MASSACHUSETTS.

George Bliss to be postmaster at West Warren, Mass., in place of George Bliss. Incumbent's commission expired December 10, 1911.

Alfred G. Cone to be postmaster at Haydenville, Mass., in place of Alfred G. Cone. Incumbent's commission expires December 11, 1911.

Richard J. Considine to be postmaster at Whitman, Mass., in place of Richard J. Considine. Incumbent's commission expires December 11, 1911.

Frank W. Goodwin to be postmaster at Marblehead, Mass., in place of Benjamin F. Martin, deceased.

MICHIGAN.

Edwin L. Clapp to be postmaster at Centerville, Mich., in place of Edwin L. Clapp. Incumbent's commission expires December 11, 1911.

Peter Johnson to be postmaster at at Thompsonville, Mich., in place of Peter Johnson. Incumbent's commission expired December 9, 1911.

James Millen to be postmaster at White Cloud, Mich., in place of John Harwood. Incumbent's commission expired January 10, 1911.

Harry E. Potter to be postmaster at East Jordan, Mich., in place of Frank A. Kenyon, resigned.

Fred Wade to be postmaster at Saugatuck, Mich., in place of Fred Wade. Incumbent's commission expires December 11, 1911.

Robert J. West to be postmaster at Deckerville, Mich., in place of Robert J. West. Incumbent's commission expires December 11, 1911.

MINNESOTA.

William T. Callahan to be postmaster at Long Prairie, Minn., in place of William T. Callahan. Incumbent's commission expired May 29, 1910.

MISSOURI.

Homer Calkins to be postmaster at Pacific, Mo., in place of Sebastian Netscher, removed.

Elizabeth Cornwall to be postmaster at Rolla, Mo., in place of Elizabeth Cornwall. Incumbent's commission expires December 11, 1911.

MONTANA.

Raymond E. Northey to be postmaster at Sidney, Mont., in place of Arthur E. Northey, resigned.

NEBRASKA.

Carl A. Anderson to be postmaster at Wausa, Nebr., in place of Carl A. Anderson. Incumbent's commission expires December 11, 1911.

Ethel Hopkins to be postmaster at Oakland, Nebr., in place of Ethel Hopkins. Incumbent's commission expired December 9, 1911.

Clayton Kellam to be postmaster at Franklin, Nebr., in place of Clayton Kellam. Incumbent's commission expired December 9, 1911.

Edward H. Mack to be postmaster at Bancroft, Nebr., in place of Edward H. Mack. Incumbent's commission expired December 9, 1911.

NEVADA.

Michael J. Moore to be postmaster at Rhyolite, Nev., in place of Michael J. Moore. Incumbent's commission expires December 11, 1911.

NEW HAMPSHIRE.

Lewis W. Davis to be postmaster at East Jaffrey, N. H., in place of Lewis W. Davis. Incumbent's commission expires December 11, 1911.

Alpheus Lester Faunce to be postmaster at Somersworth, N. H., in place of Alpheus Lester Faunce. Incumbent's commission expired December 10, 1911.

Andrew J. Hook to be postmaster at Warner, N. H., in place of Andrew J. Hook. Incumbent's commission expires December 11, 1911.

NEW JERSEY.

Lewis A. Waters to be postmaster at Madison, N. J., in place of Lewis A. Waters. Incumbent's commission expires December 18, 1911.

NEW YORK.

Henry C. Lyman to be postmaster at Sherburne, N. Y., in place of John H. O'Brian, resigned.

Elbert E. Makepeace to be postmaster at Alexandria Bay, N. Y., in place of Elbert E. Makepeace. Incumbent's commission expires December 17, 1911.

Warren Salisbury to be postmaster at Blasdell, N. Y. Office became presidential October 1, 1911.

Myron E. Stephens to be postmaster at Gardiner, N. Y. Office became presidential July 1, 1911.

Theodore F. Tompkins to be postmaster at Yorktown Heights, N. Y. Office became presidential October 1, 1911.

OHIO.

John H. Culhan to be postmaster at Washington Courthouse, Ohio, in place of John H. Culhan. Incumbent's commission expires December 16, 1911.

William E. Moulton to be postmaster at Canal Fulton, Ohio, in place of William E. Moulton. Incumbent's commission expires December 18, 1911.

OREGON.

Edwin S. Abbott to be postmaster at Seaside, Oreg., in place of Edwin S. Abbott. Incumbent's commission expires December 11, 1911.

Marshel E. Merwin to be postmaster at Independence, Oreg., in place of Marshel E. Merwin. Incumbent's commission expired February 13, 1911.

PENNSYLVANIA.

Harry W. Fabian to be postmaster at Economy, Pa. Office became presidential October 1, 1911.

Pearl T. Feist to be postmaster at White Haven, Pa., in place of William A. Feist, deceased.

Mertie T. Gillies to be postmaster at Devon, Pa., in place of Mertie T. Gillies. Incumbent's commission expired December 10, 1911.

Frank R. Hammond to be postmaster at Bolivar, Pa. Office became presidential October 1, 1911.

William V. Marshall to be postmaster at Berlin, Pa., in place of William V. Marshall. Incumbent's commission expired February 15, 1911.

William E. Moody to be postmaster at Tremont, Pa., in place of William E. Moody. Incumbent's commission expires December 17, 1911.

Joseph F. Naugle to be postmaster at Meyersdale, Pa., in place of Joseph F. Naugle. Incumbent's commission expired December 10, 1911.

Thomas K. Pullin to be postmaster at Confluence, Pa., in place of Thomas K. Pullin. Incumbent's commission expired January 22, 1911.

SOUTH DAKOTA.

Fred Huston to be postmaster at Gregory, S. Dak., in place of Fred Huston. Incumbent's commission expires December 11, 1911.

TEXAS.

Harry R. Gray to be postmaster at Bonham, Tex., in place of Laura Martin. Incumbent's commission expires December 16, 1911.

William Gilford to be postmaster at Thornton, Tex., in place of William Gilford. Incumbent's commission expires December 16, 1911.

George H. Griffin to be postmaster at Milford, Tex., in place of George H. Griffin. Incumbent's commission expires December 16, 1911.

Otto Heilig to be postmaster at New Braunfels, Tex., in place of Otto Heilig. Incumbent's commission expires December 16, 1911.

J. S. Noble to be postmaster at Como, Tex. Office became presidential October 1, 1911.

Sloan Simpson to be postmaster at Dallas, Tex., in place of Sloan Simpson. Incumbent's commission expires December 16, 1911.

Henry O. Stansbury to be postmaster at Rosebud, Tex., in place of Henry O. Stansbury. Incumbent's commission expires December 16, 1911.

Terrell O. Taylor to be postmaster at Hempstead, Tex., in place of Terrell O. Taylor. Incumbent's commission expires December 16, 1911.

Frank S. Way to be postmaster at Taylor, Tex., in place of Carrie E. Hoke. Incumbent's commission expired January 22, 1911.

UTAH.

Samuel Judd to be postmaster at St. George, Utah, in place of Samuel Judd. Incumbent's commission expires December 11, 1911.

WASHINGTON.

Alphonso F. Learned to be postmaster at Port Townsend, Wash., in place of Alphonso F. Learned. Incumbent's commission expires December 11, 1911.

Edson S. Phipps to be postmaster at Mount Vernon, Wash., in place of Edson S. Phipps. Incumbent's commission expires December 11, 1911.

Carey W. Stewart to be postmaster at Quincy, Wash., in place of Carey W. Stewart. Incumbent's commission expires December 11, 1911.

Maude Volz to be postmaster at Washtucna, Wash. Office became presidential October 1, 1911.

Lewis C. Weik to be postmaster at Odessa, Wash., in place of Lewis C. Weik. Incumbent's commission expires December 11, 1911.

WEST VIRGINIA.

Henry N. Bradley to be postmaster at Charles Town, W. Va. (late Charlestown), in place of Henry N. Bradley. (To change name of office.)

Thad T. Huffman to be postmaster at Keyser, W. Va., in place of Thad T. Huffman. Incumbent's commission expires December 18, 1911.

Ernest L. Love to be postmaster at Grafton, W. Va., in place of Ernest L. Love. Incumbent's commission expired December 5, 1911.

Josephine B. Marks to be postmaster at Walton, W. Va. Office became presidential January 1, 1911.

Thomas E. Pownall to be postmaster at Romney, W. Va., in place of Thomas E. Pownall. Incumbent's commission expired December 9, 1911.

WISCONSIN.

Samuel W. Everson to be postmaster at Lodi, Wis., in place of Samuel W. Everson. Incumbent's commission expires December 11, 1911.

Edwin F. Ganz to be postmaster at Alma, Wis., in place of Edwin F. Ganz. Incumbent's commission expires December 18, 1911.

Henry C. Gier to be postmaster at Mount Horeb, Wis., in place of Henry C. Gier. Incumbent's commission expires December 11, 1911.

P. M. Jacobson to be postmaster at Burlington, Wis., in place of Fred J. Buell, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 11, 1911.

POSTMASTERS.

ALABAMA.

Truman H. Aldrich, Birmingham.

MASSACHUSETTS.

Edward C. Mansfield, Boston.

NEW JERSEY.

Edward S. Perry, Orange.

HOUSE OF REPRESENTATIVES.

MONDAY, *December 11, 1911.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O God, the Father of all souls, help us with perfect faith and confidence in Thee as the inspiration of every great thought and noble deed to take up the work of the hour with brave, honest, generous, susceptible hearts and willing minds, that Thy purposes may be fulfilled in us; for Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of Saturday, December 9, 1911, was read and approved.

LEAVE OF ABSENCE.

Mr. BORLAND, by unanimous consent, was granted leave of absence for three weeks, on account of official business.

LEAVE TO PRINT.

Mr. FOSTER of Illinois. Mr. Speaker, I offer the following resolution, which I send to the Clerk's desk, and ask unanimous consent for its present consideration.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] offers a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 335.

Resolved, That the Committee on Mines and Mining be authorized to have such printing and binding done as may be necessary in the conduct of its business during the Sixty-second Congress.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, may I ask the gentleman from Illinois, my colleague, whether the committee needs to have printing done?

Mr. FOSTER of Illinois. I will state that I think they do. They are having some hearings on bills and matters of that kind.

Mr. MANN. I have no objection.

The SPEAKER. The Chair hears no objection. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. Latta, one of his secretaries.

RAILROAD SECURITIES COMMISSION (H. DOC. NO. 256).

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with accompanying documents, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for your consideration, the report which has been made to me by the Railroad Securities Commission appointed under the authority of section 16 of the act to create a Commerce Court, approved June 18, 1910 (36 Stat., 556). The report evidences for itself the careful consideration which it has received from the commission, and I heartily concur in the recommendations it contains and urge that appropriate action be taken to carry these recommendations into effect.

WM. H. TAFT.

THE WHITE HOUSE, *December 11, 1911.*

ISTHMIAN CANAL COMMISSION (H. DOC. NO. 162).

The SPEAKER also laid before the House the following message from the President of the United States, which was read and, with accompanying documents, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, pursuant to the requirements of chapter 1302, Thirty-second Statutes, page 483, "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific Oceans," approved June 28, 1902, the annual report of the Isthmian Canal Commission for the fiscal year ended June 30, 1911.

WM. H. TAFT.

THE WHITE HOUSE, *December 11, 1911.*

DISTRICT OF COLUMBIA BUSINESS.

The SPEAKER. This is District of Columbia day, and the gentleman from Kentucky [Mr. JOHNSON] is recognized.

LARCENY OF PUBLIC PROPERTY, DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I desire to call up Senate bill 1081.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 1081) to provide for punishment for larceny of public property from the workhouse and the reformatory of the District of Columbia.

Be it enacted, etc., That whenever any property of the United States of America, or of the District of Columbia, either or both, or in the custody or control of the said United States or the District of Columbia, either or both, or in the custody or control of the officers, agents, or employees thereof, respectively, in any State or Territory of the United States other than the District of Columbia, which has been or shall be loaned, delivered, given, purchased, provided, or obtained, for use at, about, or in either or both the workhouse or the reformatory of the District of Columbia, or which has been or shall be used or employed in any manner at, about, or in either or both said reformatory or workhouse, shall be brought into the District of Columbia, or any other place within the jurisdiction of the United States, by any person who shall feloniously take and carry away the same under circumstances which constitute larceny in the District of Columbia, as provided in the Code of Law of the District of Columbia, and the amendments thereto, shall be and continue larceny in the District of Columbia, or in any place within the jurisdiction of the United States.

The SPEAKER. The Chair will inquire of the gentleman from Kentucky if it is the intention, according to the copy of this bill, to strike out everything that the Clerk read?

Mr. JOHNSON of Kentucky. Yes; and offer a substitute, which the Clerk seems not to have read.

The SPEAKER. The Clerk will report the substitute.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following, viz:

"That Subchapter II, Chapter XIX, of the Code of Law for the District of Columbia, be, and the same is hereby, amended by adding thereto a new section to be known as section 836a, which shall read as follows:

"'SEC. 836a. Any person who by the commission outside of the District of Columbia of any act which, if committed within the District of Columbia, would be a criminal offense under the laws of said District, thereby obtains any property or other thing of value, and is afterwards found with any such property or other such thing of value in his possession in said District, or who brings any such property or other such thing of value into said District, shall, upon conviction, be punished in the same manner as if said act had been committed wholly within said District.'"

Mr. JOHNSON of Kentucky. Mr. Speaker, the House committee has seen fit and deemed it best to strike out all after the enacting clause and write a substitute. It will be seen from the Senate bill, on the first page, lines 10 and 11, that it would be made an offense for a person to dispose of property which had been "loaned" to him or which had been "given" to him, and the Senate bill applied only to the misuse of Government property. The House committee has offered in lieu of that bill one which makes the offense generally applicable not only to public property but to all kinds of property.

The bill which the House reports as a substitute for the Senate bill is very similar to the one which has been adopted in Alabama, and to one that has been adopted in Kansas, to one that has been adopted in Tennessee, to one that has been adopted in Montana, to one that has been adopted in New York, to one that has been adopted in Missouri, and to one that has been adopted in the State of Michigan.

Mr. MANN. Will the gentleman yield a few minutes to me?

The SPEAKER. Does the gentleman yield to the gentleman from Illinois?

Mr. JOHNSON of Kentucky. How many minutes does the gentleman desire?

Mr. MANN. Five minutes.

Mr. JOHNSON of Kentucky. I yield to the gentleman.

Mr. MANN. Mr. Speaker, as I understand it, the purpose of this bill is to provide a law by which a man who seizes District property outside of the District, say at Occoquan, and brings it into the District, may be punished here. Is not that the primary purpose of the bill?

Mr. JOHNSON of Kentucky. I would say to the gentleman that that was the primary purpose of the Senate bill, but the House committee has seen fit to make it applicable to all kinds of property, as I have already said, whether Government property or even individual property, following the precedents set by the number of States that I have set out.

Mr. MANN. It is a very laudable purpose. I have never had much occasion to give attention to the practice of criminal law, and hence I speak with a good deal of diffidence on this subject. I am not sure but that the bill needs amendment, or that the substitute needs amendment.

The bill proposes that if anyone brings property into the District, property stolen outside the District, and the property is found in his possession in the District he shall, upon conviction, be punished in the same manner as if said act had been committed wholly in said District. It does not denounce the bringing of property into the District as a crime, except by providing that upon conviction—upon conviction of what? Stealing the property outside the District; is that the part of the crime that is denounced in the District? It is perfectly patent, I take it, that if a man feloniously takes property outside the District in a place that is under the jurisdiction of the United States he can only be punished for that crime in that district where he committed the crime and not in the District of Columbia. In the first place, the man can only be punished under the Constitution once for the same crime. In the second place, he must be tried in the district where the crime was committed.

Mr. SHACKLEFORD. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. SHACKLEFORD. Is it not true that where a larceny is committed in a given place—your State or mine—the party may be convicted in the county where the original taking took place, or in any county where he is found in possession of the property? In other words, is it not a new taking wherever he is found? Is not that the law in most of the States, and is not that what we have provided here?

Mr. MANN. That is what we are getting at because we can not do that. I think that is the law in some of the States, but we have not the power to say that if a crime is committed in Virginia on property under the jurisdiction of the United States that a crime shall be punished in the District of Columbia.

Mr. SHACKLEFORD. No; but can not you say that since the continued possession is a repeated taking of the property, that having it in his possession here amounts to a larcenious taking, and that he may be punished for the larceny in having it in his possession?

Mr. JOHNSON of Kentucky. If the gentleman from Illinois will allow me, I will say that I believe it is admitted to be the criminal law that when an act of larceny is committed in any place, that wherever the stolen property may be taken by the thief, it is treated as a continuation of the act of larceny, and that is particularly so in the States. To remove any doubt on that subject the Commissioners of the District asked for the passage of this bill, so that there may be no doubt about it.

Mr. MANN. I understand. I think it is possible to prepare and pass a bill that will cover the case, but I am calling the gentleman's attention and the attention of others who are more familiar with the criminal code than I am to ascertain whether or not the point suggested by my mind is or is not correct. It will be noticed that the bill does not denounce having property in possession in the District of Columbia as a crime. It provides that upon conviction—upon conviction of what? The original felonious act in taking the property or the bringing it into the District?

Mr. PAYNE. If the gentleman from Illinois will yield——

Mr. MANN. Certainly.

Mr. PAYNE. My recollection of the law is that where a party is guilty of larceny in a State or in one county and he brings the stolen property into another county, the act of bringing it in with the felonious intent in itself constitutes a crime without regard to the other crime which has already been committed.

Mr. NORRIS. Will the gentleman from Illinois yield to me for a moment?

Mr. MANN. Certainly.

Mr. NORRIS. I would like to say that what the gentleman from New York says would apply where the property is taken from one county to another county in the same State, but one State can not make it a felony for the commission of offense in another State. It seems to me that the gist here of the crime is having authority to punish for bringing the stolen property into the District.

Mr. PAYNE. Oh, it is not the crime in another county that is punished; it is the crime of bringing the stolen property into the new county.

Mr. NORRIS. I understand in this particular case we are legislating for the District, which ought to be compared to a State, and not to one county as it is from another county in the same State. We can not pass a law that will have that effect.

Mr. PAYNE. If you bring stolen property from Illinois to New York, knowing it to be stolen, the man is not punished in New York for the original larceny, but for the complete crime of bringing stolen property into New York. That is the rule of common law.

Mr. NORRIS. Yes; but it is not the commission of the crime in Illinois that makes it an offense in New York. It is the bringing of the stolen property into the State of New York that makes the crime.

Mr. PAYNE. The crime consists in separating the owner from the property.

Mr. MANN. That is just it, separating the owner from the property; and under the Constitution you can not punish in the District of Columbia that crime when it is committed outside of the District of Columbia. If the crime is bringing the property into the District of Columbia, it seems to me we ought to declare that that is the crime. This bill simply says that any person committing outside of the District an act which would be criminal in the District, the property being afterwards found in the possession of the person in the District, shall upon conviction be punished in the same manner as if the act had been committed wholly within the District. Convicted of what? He can not be convicted of the original felony in the District, because the Constitution provides that he shall be tried in the State in which the felony was committed. As it seems to me, there is no crime denounced here for bringing the property in the District, and I raised that question to the gentleman as to whether it would not be desirable at least to add after the word "shall" in line 24 of page 2 the words "be guilty of a crime." I am not sure that that would be sufficient.

Mr. JOHNSON of Kentucky. I would say to the gentleman that I do not believe it absolutely necessary, or necessary at all, but if in his judgment it would make the bill better, I am willing to accept the amendment.

Mr. MANN. I would prefer that the gentleman did not take my judgment in the matter.

Mr. JOHNSON of Kentucky. I assure the gentleman that I am perfectly willing to take his judgment.

Mr. MANN. Because I am not as familiar with prosecutions under the criminal law as many gentlemen on the floor of the House who have been prosecuting attorneys; but it seems to me that a court might say that here was an effort on the part of Congress to provide for a conviction in the District of Columbia of a crime committed outside of the District of Columbia—something which we have not the power to do under our Constitution, and if you want to punish a person for bringing property into the District, then we ought to denounce that as a crime.

Mr. JOHNSON of Kentucky. I am perfectly willing to do that, but I believe that lines 17, 18, and 19, on page 2, completely and effectively do that, because they make "any act committed outside of the District" a crime if committed in this jurisdiction, and is a crime in the District, provided the property is brought here.

Mr. MANN. The gentleman will readily see that under this act a man might take property outside of the District of Columbia, where it was not a crime, because it says here it is only a crime if when taken within the District it is a crime. There may be cases where the same law does not apply outside of the District.

Mr. JOHNSON of Kentucky. That was advisedly done.

Mr. MANN. I take it for granted that that was advisedly done. I am not complaining about that.

Mr. TAGGART. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield?

Mr. JOHNSON of Kentucky. Certainly.

Mr. TAGGART. I will ask if this bill was drawn or examined by the prosecuting officer of the District of Columbia?

Mr. JOHNSON of Kentucky. This substitute was prepared in the presence and with the approval of one of the assistant corporation counsel for the District.

Mr. TAGGART. Was the question then discussed as to whether or not it was possible for Congress to denounce as a crime what might not be a crime within the State in which the act was committed?

Mr. JOHNSON of Kentucky. That feature was discussed, and the assistant corporation counsel agreed that that was what was wanted and that it was entirely legal.

Mr. TAGGART. If I read this act correctly and understand its meaning, it would be possible under this act to convict a man of bringing into the District of Columbia property which he might have lawfully acquired outside of the District of Columbia, for the reason that the manner in which he acquired it outside of the District would be unlawful within the District, and although he might come here with property that he had lawfully acquired, the manner of his acquiring it, not being lawful within the District, he could be convicted of a crime. Making it a crime to bring property feloniously or criminally acquired into the District is beyond question, but the right of Congress to declare that certain acts shall be a crime within the limits of a State outside the District is a different matter; and without wishing to express any opinion, although I have had some experience as a prosecuting officer, I would say that it would be a matter that would require a great deal of investigation.

Mr. JOHNSON of Kentucky. I would say to the gentleman that this act undertakes to make a punishable offense out of what might be only a breach of trust in another State.

If he continues in that and comes into the District of Columbia, and it is an offense under the laws of the District of Columbia, then it is desired here to treat it as an offense against the laws of the District of Columbia, whereas the taking of Government property, for instance, down at the prison at Occoquan, owned by the District, may in the State of Virginia be only a breach of trust.

Mr. MANN. As I understand the purpose of this bill, in the first place, it was not under the laws of Virginia possible to punish, say, the taking of property belonging to the District of Columbia in Virginia. I am not sure what would be the effect of the bill if the man should obtain property in a State which in the District of Columbia is punished as a fraud, whereas in a State from which the property was obtained it was not punished as a fraud, and then brings that property into the District of Columbia. Under the terms of this bill the man would be subject here to punishment for having in his possession property in the District of Columbia which outside of the District of Columbia he had acquired under the law.

Mr. KOPP. Do not we have cases to-day, as in the case of marriages, for instance? We have a case where a couple are married in one State and it is a perfectly valid marriage, and the couple may move into another State and there be convicted of a crime. Now, is not that parallel where the continued possession of the property is a continued taking, and when a person enters the District of Columbia is not it a retaking and therefore a violation of the law?

Mr. MANN. Oh, I have no doubt it is within our power to declare what is a crime within the District of Columbia, and declare the bringing of property, under certain conditions, in the District is a crime.

Mr. KOPP. Even if acquired validly in another place. Does not that answer the gentleman?

Mr. MANN. Possibly. That would not go to the power so much as to the fairness of the legislation.

Mr. SHACKLEFORD. Suppose there was no law in Virginia against the crime of forgery, and suppose somebody should forge a note in Virginia and bring it over here into the District of Columbia? Would it not be competent to make the possession of that forged note, a willful possession of the forged note, a crime in the District of Columbia, although it could not be punished under the laws of Virginia?

Mr. MANN. I should think very likely. However, that does not go to the question I have raised which is to attempt to punish in two districts the same crime. If the purpose is to punish in the District of Columbia for having possession of property, it seems to me that that ought to be denounced as a crime; and I simply call attention again to the gentlemen who are familiar with these things as to whether it is not advisable to add as an amendment on page 2, line 24, after the word "shall," insert the words "shall be guilty of a crime," so it will read, "and is afterwards found with any such property or other such thing of value in his possession in said District, or who brings any such property or other such thing of value into said District, shall be guilty of a crime, and upon conviction be punished," and so forth.

Mr. PAYNE. Does the language of the proposed act in any way refer to felonious intent as regards the owner of the property or simply having it in his possession? I might come in here with a carpetbag——

Mr. MANN. The act provides that the original taking must have been a crime, if committed in the District of Columbia, substantially.

Mr. PAYNE. That is all that is required?

Mr. MANN. That is all.

Mr. PAYNE. Nothing about the man bringing it into the District of Columbia knowing it had been stolen?

Mr. MANN. There is nothing about bringing it knowingly to the District, but it must have been knowingly in the first place, because otherwise it would not have been a crime.

Mr. PAYNE. It has no language regarding any criminal knowledge or intent on his part?

Mr. MANN. There is none, but he must have been the original perpetrator of the crime.

Mr. PAYNE. Oh, the original thief?

Mr. KOPP. Will the gentleman yield for a question?

Mr. JOHNSON of Kentucky. I will.

Mr. KOPP. I notice the title of this act was taken from the Senate bill. The Senate bill referred exclusively to Government property. Should not the title now be amended, inasmuch as it includes larceny of other property?

Mr. JOHNSON of Kentucky. It can not be amended until after the bill is passed.

The question was taken, and the committee amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

Mr. JOHNSON of Kentucky. I move to amend the title of the bill so it will read: "An act to provide for the punishment of larceny in certain cases."

The SPEAKER. Without objection the title will be amended as suggested by the chairman of the Committee on the District of Columbia.

Mr. KOPP. Mr. Speaker, I would like to have the amendment reported. I did not hear it.

The Clerk read as follows:

An act to provide for the punishment of larceny in certain cases.

Mr. KOPP. It is not larceny that we are punishing. It is bringing property into this District which was stolen somewhere else.

Mr. JOHNSON of Kentucky. Just one moment, Mr. Speaker. I move that the title of the act be as follows:

An act providing for the punishment of persons in possession of stolen property in the District of Columbia, having stolen the same in another State or Territory.

The SPEAKER. The question is on agreeing to the amendment.

The amendment to amend the title was agreed to.

SALE OF POISONS.

Mr. JOHNSON of Kentucky. Mr. Speaker, I now desire to call up the bill H. R. 8619.

The SPEAKER. The gentleman from Kentucky calls up the bill H. R. 8619, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 8619) to amend "An act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes," approved May 7, 1906.

Be it enacted, etc., That the second proviso in section 11 of "An act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes," approved May 7, 1906, is hereby amended to read as follows:

"*Provided further*, That the above provisions shall not apply to sales at wholesale by jobbers, manufacturers, dental-supply houses, and retail druggists to retail druggists, hospitals, colleges, scientific or public institutions, and dentists in the actual practice of their profession."

Mr. JOHNSON of Kentucky. Mr. Speaker, the object of this bill is to enable dentists, hospitals, colleges, and institutions for scientific purposes to purchase their drugs by wholesale from jobbers, instead of upon prescription of a physician from the retail pharmacists. It accomplishes that, and we believe nothing more, and consequently ask its passage.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; and, having been read a third time, was passed.

INSURANCE IN DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I now desire to call up the bill (H. R. 12738) to amend the Code of Laws for the District of Columbia regarding insurance.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 12738) to amend the Code of Law for the District of Columbia regarding insurance.

Be it enacted, etc., That section 652, chapter 18, Code of Law for the District of Columbia, be, and the same is hereby, amended by striking out the word "District" after the word "to" in line 1, and by striking out the words "organized under the laws of" in line 4 and inserting in lieu thereof the words "transacting business in," so as to read:

"SEC. 652. Inquiries as to companies.—It shall be the duty of the said superintendent of insurance to ascertain whether the capital required by law or the charter of each insurance company or association transacting business in the District of Columbia has been actually paid up in cash and is held by its board of directors subject to their control, according to the provisions of their charter, or has been invested in property worth not less than the full amount of the capital stock required by its charter; or, if a mutual company, that it has received and is in actual possession of securities, as the case may be, to the full extent of the value required by its charter; and the president and secretary of such company or association shall make a declaration under oath to said superintendent, who is hereby empowered to administer oaths when hereby required that the tangible assets exhibited to him represent bona fide the property of the company or association, which sworn declaration shall be filed and preserved in the office of said superintendent; and any such officer swearing falsely in regard to any of the provisions hereof shall be deemed guilty of perjury and shall be subject to all the penalties now prescribed by law in the District of Columbia for that crime."

Mr. JOHNSON of Kentucky. Mr. Speaker, the object of this bill is to change section 652 of the code. The code as it now exists reads this way:

It shall be the duty of the said superintendent of insurance to ascertain whether the capital required by law or the charter of each insurance company or association organized under the laws of the District of Columbia has been actually paid up.

If this bill is passed it will read this way:

It shall be the duty of the said superintendent of insurance to ascertain whether the capital required by law or the charter of each insurance company or association transacting business in the District of Columbia has been actually paid up.

Or, in other words, it puts upon the same footing the companies which are organized under the laws of the District of Columbia and those which are organized under the laws of the various States which companies are doing business in the District of Columbia. It puts them all exactly upon the same footing.

Mr. MANN. Mr. Speaker——

The SPEAKER. Does the gentleman from Kentucky [Mr. JOHNSON] yield to the gentleman from Illinois?

Mr. JOHNSON of Kentucky. I do.

The SPEAKER. How much time?

Mr. JOHNSON of Kentucky. As much as he desires.

Mr. MANN. Mr. Speaker, this bill, which was introduced by the distinguished gentleman from Kentucky [Mr. JOHNSON], the chairman of the Committee on the District of Columbia, at the request of the superintendent of insurance of the District of Columbia, leads me to think that the gentleman from Kentucky does not fully appreciate what the bill does.

The present law makes provision for companies organized outside of the District of Columbia doing business in the District of Columbia on certain terms, and provides further as to companies organized in the District of Columbia that they shall make report to the superintendent of insurance of the District of Columbia. At present an insurance company organized in the District of Columbia is required to report to the superintendent of insurance the amount actually paid up in cash and held by the board of directors, subject to control according to the provisions of the charter, or the amount invested in property worth not less than the full amount of the capital stock required by its charter, and so forth.

And it provides, further, that the president and secretary of the said company shall make a declaration under oath to the superintendent, who is empowered to administer oaths when required, and that the tangible assets exhibited to him represent bona fide all the property of the company or association, and so forth. Now, it is proposed seriously by the superintendent of insurance of the District of Columbia that if a company organized in London desires to do business in the District of Columbia the president and secretary of that company shall come to the District of Columbia once a year, I believe, and make oath before the superintendent of insurance here. He is the only one authorized to take the oath. It is proposed that the superintendent of insurance here shall send to London and examine, not whether the company has complied with the requirements of Congress as to a foreign company doing business here, but in reference to all of its investments.

Now, certainly that can not be seriously proposed. The control of local authorities over a company organized under local law is one thing. It is quite a different thing to go into the entire control of a foreign corporation. We have legislation—I do not know whether or not it is fairly restrictive—in regard to foreign corporations doing business in the District; but if it is not, and we have some law on that subject, we ought to reform that law. But to say that an insurance company organized in Omaha, for example, can not do business in the District of Columbia unless it sends its president and secretary here to make a sworn oath before the superintendent of insurance is to adopt a restrictive policy as to insurance which can not be followed in this country without a very detrimental effect.

Suppose we say in Illinois that no company organized in the District of Columbia or outside of the State shall do business in the State unless the president and secretary of the company appear and make an oath before the superintendent of insurance of the State of Illinois. Why, they would have to have a president and secretary of the insurance company whose main duty it would be to travel around the country and make sworn oaths. Certainly the gentleman from Kentucky does not believe that ought to be done. Is not that the effect of this? Is not that what it does?

Mr. JOHNSON of Kentucky. In answer to what the gentleman has said, I wish to say that I always have the greatest respect for his interpretation of anything that is submitted to this House, and most usually I find him right upon matters of construction and technicality. But in this I find him wrong.

Mr. MANN. Well, I hope so.

Mr. JOHNSON of Kentucky. This does not say that the president of an insurance company in London shall have to come to the District of Columbia and here make oath, but it says this:

And the president and secretary of such company or association shall make a declaration under oath to said superintendent.

That statement could be written, subscribed, and sworn to in England or in any State in the Union, and transmitted by mail to the superintendent of insurance in the District of Columbia. The next sentence gives the superintendent the right to administer an oath, a power he does not now have, so that those who live here, when they go to the superintendent to file their reports may make oath before him, while those who subscribe and swear to that report elsewhere can do so before an officer authorized to administer an oath at that place.

Mr. MANN. I hope the gentleman is correct. The bill says that "the secretary and president of the company shall make a declaration, under oath, to the said superintendent, who is hereby empowered to administer oaths." I take it that the object of that is to make them make the oath before the superintendent of insurance here.

Mr. JOHNSON of Kentucky. This does not say that. He can make the oath and transmit it to the superintendent here.

Mr. MANN. Then it goes ahead and prescribes further that he shall be guilty of a crime in the District of Columbia if he swears falsely. For what? For falsely making an oath in London?

Mr. JOHNSON of Kentucky. I will say to the gentleman that if one wants to come into the District of Columbia with a wildcat insurance company, then he should be subject to all the laws of the District of Columbia if we can gain jurisdiction over him; but if he makes a false statement and swears to it in London, the gentleman must not presume for a moment that the District of Columbia or even the United States could ever get jurisdiction over him to try him unless he came here.

Mr. MANN. That would depend upon whether the jurisdiction covered such a matter. I do not know whether it does or not, but you can acquire jurisdiction here if the act is valid, but you can not if a man makes a false statement in San Francisco, providing the gentleman is correct as to whom he shall make the oath before. I take it that the intention of the act was to provide that the oath should be made before the superintendent of insurance here, and if falsely swearing here he would be guilty of perjury here. Now, what is the result? Does the gentleman think that he could be punished here for making the oath in San Francisco?

Mr. JOHNSON of Kentucky. We have just passed a bill that I hoped would reach it.

Mr. MANN. No; that bill would not reach it.

Mr. JOHNSON of Kentucky. I hoped it would.

Mr. MANN. It clearly would not, for that relates to property.

Mr. JOHNSON of Kentucky. It says, "Any act which would be criminal under the laws of the District."

Mr. MANN. Yes; but you would have to find property on the man first before you punished him. You clearly could not punish him here for false swearing in San Francisco.

Mr. JOHNSON of Kentucky. Then, if we can not, he is not injured.

Mr. MANN. But we are injured in passing such a law.

Mr. JOHNSON of Kentucky. I think not.

Mr. MANN. I do not think the gentleman from Kentucky would ever have drawn such a bill himself. Does the gentleman believe that after a company has complied with all the

laws of the District as to the doing of insurance business that the superintendent should go into other States to make an examination of all the investments, capital, and property of the company? How many inspectors will it take to do that? How many insurance companies are doing business in the District of Columbia? This provides:

It shall be the duty of the said superintendent of insurance to ascertain whether the capital required by law or the charter of each insurance company or association transacting business in the District of Columbia has been actually paid up in cash and is held by its board of directors subject to their control, according to the provisions of their charter, or has been invested in property worth not less than the full amount of the capital stock required by its charter; or, if a mutual company, that it has received and is in actual possession of securities, as the case may be, to the full extent of the value required by its charter.

Now, we make the requirement first, as I understand it, that a foreign company doing business here shall comply with the provisions that we put upon it to do business here. If it complies with those provisions, why do we undertake to examine everything it does in reference to property? It is quite certain that in this country, with as many States and jurisdictions as we have, it is not practicable for every State to go into the entire business of every insurance company. States usually make provisions designed to safeguard the policy holders in their own States, as we do in the District of Columbia. I am inclined to think that the superintendent of insurance—although I do not have the honor to know him personally—when he drew this bill slightly slopped over.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The question was taken; and on a division (demanded by Mr. JOHNSON of Kentucky) there were—ayes 21, noes 34.

So the House refused to engross the bill for a third reading.

SUPPORT AND MAINTENANCE OF BASTARDS IN THE DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of District bills.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. FLOYD of Arkansas in the chair.

Mr. JOHNSON of Kentucky. Mr. Chairman, I call up bill H. R. 13041, to provide for the support and maintenance of bastards in the District of Columbia. I move that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Kentucky moves that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. JOHNSON of Kentucky. Mr. Chairman, before general debate begins I wish to give notice that at the proper time I shall offer an amendment on page 1, line 7, section 2, to strike out the five words "who is pregnant with child." And also in line 9 to strike out the word "are" so that when the bill is discussed it may be discussed along those lines.

I shall also at the proper time, on page 2, line 18, after the word "brought" and before the word "before," move to insert two words "for trial." Also on page 2 in line 23, after the word "appearance" and before the word "in," I shall move to insert the two words "and trial." And on page 3, line 4, after the word "law," to insert a new sentence to read as follows:

In all prosecutions under this act the accused shall, upon his demand therefor, be entitled to a trial by jury; otherwise the trial shall be by the judge.

Then, on page 6, line 8, I desire to add a new sentence:

And the court, in its discretion, may order payments to be made by delinquent fathers at the precincts wherein they reside through the Metropolitan police of the District of Columbia.

That provision is written at the suggestion of Judge De Lacey, of the juvenile court.

Mr. Chairman, about two years ago a bastardy bill was introduced into this House. At that time that bill contained less than a dozen lines. In those dozen lines it was endeavored to lay out a procedure for bastardy proceedings, to inflict a penalty, and to collect the judgment. That was deemed by the District Committee at the time as being inadequate. Since that time this bill has been prepared, and from time to time, even up until to-day, efforts have been made to perfect it, until now it is believed that this bill gives to the District of Columbia a good bastardy law. The District of Columbia now is without one, and until this bill is adopted, or one similar to it, there will be no bastardy law in the District. For that reason its immediate passage is urged.

The CHAIRMAN. If no other person desires to be heard in general debate general debate will be closed, and the Clerk will read the bill for amendment under the five-minute rule.

The Clerk read as follows:

SEC. 2. That any unmarried woman who is pregnant with child may go before the clerk of the juvenile court, District of Columbia, or if therein she has been delivered of a bastard child, or (if that be her place of legal residence) if she was delivered thereof outside of the said District, at any time within two years after the birth of the bastard, and accuse any person residing in said District of being the father of the child. Before issuing a warrant, the clerk shall examine the mother of such bastard child, under oath, concerning her residence and her marriage or single condition when the child was begotten; where and when she was delivered of such child; and if she was delivered of the child outside of the District, of the reason thereof, and reduce her statement to writing, and sign same as clerk. If, however, the clerk shall fail to reduce the statement to writing, or if it should be lost, such failure or loss shall be no cause for dismissing the warrant. Or such warrant may be applied for by the Board of Charities of the District or any person as next friend of the said bastard under 2 years of age.

Mr. JOHNSON of Kentucky. Mr. Chairman, I offer the following amendments, which I send to the desk and ask to have read.

The Clerk read as follows:

In lines 7 and 8, page 1, strike out the words "who is pregnant with child."

In line 9, page 1, strike out the word "or" after the words "District of Columbia."

The CHAIRMAN. The question is on agreeing to the amendments offered by the gentleman from Kentucky.

Mr. JACKSON. Mr. Chairman, I would like to ask the gentleman if it is the purpose of this amendment to prevent a woman who is pregnant from bringing proceedings; or, in other words, to confine the procedure only to cases where the child has been born?

Mr. JOHNSON of Kentucky. That is the intention of the amendment. I would say to the gentleman from Kansas that after a discussion of that subject with the judge of the juvenile court, he thought it best to strike that out, for the reason that if a woman should complain that she has been pregnant for 30 days only, then the proceedings would have to be held up in some way for eight months at least, and we could see no way of properly caring for a proceeding of that kind.

Mr. JACKSON. Why hold up the proceeding for eight or nine months?

Mr. JOHNSON of Kentucky. Suppose it should turn out that the woman was entirely mistaken, and that she was not pregnant?

Mr. JACKSON. This is a proceeding to try the parentage of the child.

Mr. JOHNSON of Kentucky. In addition to that, we thought it would open up too many avenues for blackmail.

Mr. JACKSON. This is a proceeding by which the paternity of the child may be determined, is it not?

Mr. JOHNSON of Kentucky. Provided the woman is with child. Under your suggestion that could be done any time before the birth of the child. It could be done when she would claim that she was with child only a week or 10 days.

Mr. JACKSON. If the gentleman will pardon me, it seems to me that the point is this: That you are providing here very properly for a semicriminal proceeding to arrest and try the father of a bastard child. If you cut off the right of the mother, and it is in her interest that the proceeding is usually provided for, to try him before the child is born, you give the father eight or nine months in which to escape.

Mr. JOHNSON of Kentucky. I will say to the gentleman that this bill not only provides for the ascertainment of that fact, but also to hold the father for the support of the child.

Mr. JACKSON. Before the birth of the child?

Mr. JOHNSON of Kentucky. Yes. That is one of the reasons we have cut this out.

Mr. JACKSON. Where is that provision?

Mr. JOHNSON of Kentucky. That is further along in the bill.

Mr. JACKSON. Very well. I beg the gentleman's pardon.

Mr. JOHNSON of Kentucky. I think the gentleman will find that this is the best bill that can be obtained under the circumstances.

The CHAIRMAN. The question is an agreeing to the amendments offered by the gentleman from Kentucky.

The question was taken, and the amendments were agreed to.

Mr. MANN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert at the end of line 8, page 1, the words "of the" after the word "court" in place of the comma.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the last word. May I ask the gentleman from Kentucky, where it provides "That any person residing in said District, being accused of being the father," and so forth, just what is residing in the District?

Mr. JOHNSON of Kentucky. I asked the draftsman of the bill for some information upon that subject myself, and his explanation of it was that if the paternity of the child could not legally be inquired into here it could be in some State or place other than in the District.

Mr. MANN. For instance, we have a very large number of Government clerks in Washington not residents of Washington. Possibly they reside here, but they claim some other place for their residence. I wondered if the gentleman who prepared the bill thought all those would be reached under the term "residing in the District," if such occasion should arise?

Mr. DYER. I would like to ask the gentleman from Illinois what section that is in?

Mr. JOHNSON of Kentucky. It is on page 1, at the bottom, line 13. I will say to the gentleman that when I first read the bill my mind immediately turned to that very thing. I have done a good deal of reading upon the question as to who is a "resident" of the District of Columbia, and I find it a most perplexing one.

Mr. MANN. If the gentleman has had it up for consideration——

Mr. JOHNSON of Kentucky. It is one I would rather the courts determine than to determine it myself.

Mr. KAHN. Will the gentleman from Kentucky yield?

Mr. JOHNSON of Kentucky. Certainly.

Mr. KAHN. Does not the gentleman recognize that if they are where the court has jurisdiction here in the District that would probably meet his views? If he resides in the District and can be served with a process of the court, though he lives here in the District for the time being, is not that serving the purposes of the law?

Mr. MANN. Well, of course it is very unusual, I think, in laws of this kind, to put in the term "residing," and I did not know what the purpose was.

Mr. JOHNSON of Kentucky. We could not use the word "citizen."

Mr. MANN. Plainly a person would not be covered by that.

Mr. KAHN. But if he is within the jurisdiction of the court, do not you get the very thing you are after? He can be haled before the judge, and he can not get out of the jurisdiction of the court by claiming that he is a resident of some other State.

Mr. MANN. But he is not guilty of a crime unless he resides here; he is not guilty under this act unless he resides here. But if the gentleman has had it up for consideration I have nothing further to add. On page 2, line 6, the provision is, "if she was delivered of a child outside of the District, of the reason thereof"—I suppose the word "of" should come out.

Mr. JOHNSON of Kentucky. I take it for granted so, since my attention is called to it.

Mr. MANN. I move to strike out the second "of," in line 6, page 2, where it comes after the word "District."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the word "of" in line 6, page 2, after the word "District."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 3. That on such examination, if the child be yet living and under 2 years old, a warrant shall be issued by the clerk, directed to the United States marshal, or to the major and superintendent or any member of the Metropolitan police force of the District of Columbia, requiring the person accused to be arrested and brought before the judge of the juvenile court, District of Columbia, who may require the accused to enter into bond, with good surety to the United States of America, in a sum to be fixed by such judge, not to exceed $2,500, for his appearance in the juvenile court, District of Columbia, on the first day of the next term thereof, and to perform the judgment of said court. If the person accused shall fail to give bond required of him, the judge shall forthwith commit him to the Washington Asylum and Jail, there to remain until he enter into the required bond or otherwise be discharged by due process of law.

Mr. DYER. Mr. Chairman, I would like to ask the gentleman from Kentucky a question.

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Missouri?

Mr. JOHNSON of Kentucky. I do.

Mr. DYER. Why does the gentleman fix that as under two years' old? Should not the limit be raised up to, say, five years?

Mr. JOHNSON of Kentucky. I find on examination of similar statutes in other States that three years seems to be the longest time permitted, and in many States it is less than two, in a great many States only one year, and this is a compromise in that respect as to time. I do not believe it should be left open for too long a time within which a woman would discover she has been aggrieved, so it seems to me that two years is ample time.

Mr. DYER. I have no objection.

Mr. JOHNSON of Kentucky. Mr. Chairman, in line 18, after the word "brought" and before the word "before," I move to insert the words "for trial"; and in line 23, after the word "appearance," insert the words "and trial."

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

In line 18, page 2, after the word "brought," insert the words "for trial," and in line 23 insert, after the word "appearance," the words "and trial."

The question was taken, and the amendments were agreed to.

Mr. JOHNSON of Kentucky. Now, Mr. Chairman, at the conclusion of that section, page 3, line 4, I move to add the following:

In all prosecutions under this act the accused shall, upon his demand therefor, be entitled to a trial by jury; otherwise the trial shall be by the judge.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "law," in line 4, at the end of section 3, insert: "In all prosecutions under this act the accused shall, upon his demand therefor, be entitled to a trial by jury; otherwise the trial shall be by the judge."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kentucky [Mr. JOHNSON].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 4. That if the accused shall fail to appear, the bond for his appearance as aforesaid shall be forfeited and execution issued thereon; and the trial of or other proceedings in the cause shall, nevertheless, proceed as though he were present; and the court shall, upon the verdict of the jury, make all such orders as it shall deem proper as though the accused were in court. In any event, if the accused acknowledge in open court the paternity of such child, or if the finding of the jury be against the accused, the court, in rendering judgment thereon, shall make an order for the annual payment, until the child be 14 years of age, of such sum of money, in such installments, monthly or otherwise, and in such manner, as shall to the court seem best, and shall also make such order for the keeping, maintenance, and education of the child as may be proper; and in case of forfeiture of the appearance bond, the money collected upon the forfeiture shall be applied in payment of the judgment against the accused; and if any balance remains after the payment of the said judgment, it shall be covered into the Treasury, through the collector of taxes, to the credit, half and half, of the District of Columbia and the United States.

Mr. JOHNSON of Kentucky. Mr. Chairman, on page 3, at the end of line 12, I move to insert the three words "at the trial."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert at the end of line 12, on page 3, the words "at the trial."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kentucky.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 6. That when the defendant shall have been confined for 10 days, solely for failure to make the payments required or to enter into the bond as ordered, such defendant may make application in writing to the judge of the juvenile court, District of Columbia, setting forth his inability to make such payments, notwithstanding his desire to do so or enter into such required bond, upon which application of the judge of the juvenile court, District of Columbia, shall proceed to hear and determine the matter. If on examination it shall appear to the court that such defendant is unable to make such payments or to execute the required bond and that he has no property exceeding $20 in value, except such as is by law exempt from being taken on execution for debt, the judge shall administer the following oath: "I do solemnly swear that I have not any property, real or personal, to the amount of $20, except such as is by law exempt from being taken on civil process for debt by the laws of the District of Columbia, and that I have no property in any way conveyed or concealed or in any way disposed of for my future use or benefit. So help me God." Upon taking such oath such prisoner shall be discharged from imprisonment only, but not from his obligation as such putative father to support his child; and the judge of the juvenile court, District of Columbia, shall give to the superintendent of the Washington Asylum and Jail a certificate setting forth the facts.

Mr. JOHNSON of Kentucky. Mr. Chairman, on page 5, in line 10, I move to strike out the word "he" between the two words "help" and "God" and insert in lieu thereof the word "me."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 9, after the word "help" and before the word "God," strike out the word "he" and insert the word "me."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kentucky.

The question was taken, and the amendment was agreed to.

Mr. JACKSON. Mr. Chairman, I would like to ask the gentleman from Kentucky if this section does not practically nullify the whole law?

Mr. JOHNSON of Kentucky. It simply gives the man a right to avail himself of the insolvent debtor's oath. Without that he could be put in prison and kept there forever.

Mr. JACKSON. I understand; but under the provision I referred to especially would he not avail himself of this when he had been in jail only 10 days? Will not most of the irresponsible people, people who could pay if they wanted to, if they were willing to work and pay, avail themselves of this provision; and the law as a whole will not do any good?

Mr. JOHNSON of Kentucky. He is not relieved from the judgment by that if property can be found.

Mr. JACKSON. I understand that a judgment against that class of men is not of any value. Judgment runs against them all over the United States, wherever they may go.

Mr. JOHNSON of Kentucky. I will say to the gentleman that without that a man could be put in jail and be kept there until he rotted.

Mr. FOCHT. Why not make it three months, as provided in the Pennsylvania law?

Mr. JACKSON. In our State it is one year.

Mr. JOHNSON of Kentucky. I will say to the gentleman that I discussed that very proposition with the judge of the juvenile court, the draftsman of this bill, and he and I and the rest of the committee agreed that it would be better that this man have his liberty and go to work rather than be a charge upon the District of Columbia and the Federal Government, and that his earnings would then be within the reach of the juvenile court.

Mr. JACKSON. The law is very liberal in providing that he may make an annual payment at such times as the court may order. It is practically in the hands of the judge without this provision. But to relieve a man and allow him to get an absolute release from the jail sentence or the process of the court by serving 10 days in jail is ridiculous, it seems to me.

Mr. JOHNSON of Kentucky. If the gentleman will notice, after the oath there appears in the language of the bill the following:

> Upon taking such oath the prisoner shall be discharged from imprisonment only, but not from his obligation as such putative father to support his child.

Mr. JACKSON. I understand that.

Mr. JOHNSON of Kentucky. That gives him the opportunity to go and earn wages.

Mr. JACKSON. Why not make the whole law enforceable by civil judgment?

Mr. JOHNSON of Kentucky. This gives him 10 days, and it can be repeated when each installment falls due if he fails to pay.

Mr. JACKSON. Well, Mr. Chairman, if I am in order, I would like to move that in line 16, section 6, the words "ten days" be stricken out and the words "six months" inserted in lieu thereof.

The CHAIRMAN. The Clerk will report the amendment.

Mr. MANN. That period is too long.

The Clerk read as follows:

> On page 4, section 6, in line 16, strike out the words "ten days" and insert the words "six months."

Mr. JACKSON. Mr. Chairman, I just want to suggest to the gentleman from Illinois that what he says may be true; that it is too long. I have not investigated the matter here, but in States where I have had practice in the courts—and I am borne out in my statement by gentlemen around me—the period runs from three months to one year. I know of no State now where a man can absolutely relieve himself from the process of the court by serving only 10 days.

Mr. JOHNSON of Kentucky. The period for insolvent debtors in my State is 10 days. Under the Federal statutes I believe it is 30 days.

Mr. JACKSON. The gentleman is putting this just on the basis of a civil debt. The gentleman is waiving the entire right of the United States to maintain a criminal process in such cases, and it becomes practically a matter of civil process. If you make it 10 days, you might as well make it a matter of civil justice.

Mr. JOHNSON of Kentucky. Under the Federal statutes the insolvent debtor's oath, even for illegal distilling, can be taken at the end of 30 days, and the defendant is discharged. But this bill, in express terms, leaves him still liable for the support of the bastard child, and this practice can be repeated when another installment falls due and is not paid.

Mr. JACKSON. Make it 30 days or 6 months or something substantial. Do not make it a farce.

Mr. JOHNSON of Kentucky. This is not a farce. If the gentleman thinks it is a farce to go to jail for 10 days, I do not agree with him.

Mr. JACKSON. So far as men who do not have property are concerned, under this act, they will avail themselves of this provision, and no relief can be had.

Mr. JOHNSON of Kentucky. A delinquent's wages would be taken by the juvenile court immediately after he went to work. But we insisted that he be given the opportunity to go to work as soon as possible, and that the Government be relieved of him as a public charge.

Mr. JACKSON. I will ask the gentleman, for the purpose of obtaining information, if the man's wages are not exempt?

Mr. JOHNSON of Kentucky. Not except as to the payment of the fine.

Mr. JACKSON. This proposes to exempt him with $20.

Mr. JOHNSON of Kentucky. I hope the amendment offered by the gentleman from Kansas will not prevail.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kansas [Mr. JACKSON].

The question was taken; and on a division (demanded by Mr. JOHNSON of Kentucky), there were—ayes 18, noes 16.

So the amendment was agreed to.

The Clerk read as follows:

> SEC. 8. That the juvenile court of the District of Columbia is hereby given jurisdiction in all cases arising under this act as well as concurrent jurisdiction with the Supreme Court of the District of Columbia in all cases arising under the act approved March 23, 1906, entitled "An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute and necessitious circumstances."

Mr. JOHNSON of Kentucky. Mr. Chairman, at the end of line 8 I move the following amendment:

> And the court, in its discretion, may order payments to be made by delinquent fathers at the precinct wherein they reside, through the Metropolitan police force of the District of Columbia.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kentucky.

The Clerk read as follows:

> After the word "circumstances," in line 8, page 6, add the words: "And the court, in its discretion, may order payments to be made by delinquent fathers at the precinct wherein they reside, through the Metropolitan police force of the District of Columbia."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kentucky.

The question was taken, and the amendment was agreed to.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move that the committee do now rise and the bill, with the amendments, be reported to the House with the recommendation that it be adopted.

Mr. JACKSON. May I ask the gentleman to withhold his motion for a moment?

Mr. JOHNSON of Kentucky. Certainly I withhold it for the gentleman.

Mr. JACKSON. Where is the provision the gentleman referred to awhile ago, giving a pregnant woman the right to bring this action? The gentleman referred to it in reply to my first question. Where is it?

Mr. JOHNSON of Kentucky. I thought I clearly stated to the gentleman that that was stricken out.

Mr. JACKSON. The gentleman also said there was some proceeding here by which she could be protected.

Mr. JOHNSON of Kentucky. No. I said to the gentleman that there is no provision for the institution of proceedings until the birth of the child.

Mr. JACKSON. Is it not true that, as the act reads, a man has all the time after he becomes aware that he is about to become the father of a bastard child to leave the District, and get out of the jurisdiction of the court before the child is born?

Mr. JOHNSON of Kentucky. That was the very question—his becoming aware—he would have no premonitions.

Mr. JACKSON. I suppose he must see the child before he is aware that he is its father.

Mr. JOHNSON of Kentucky. There should be no provision for the proceeding until the birth of the child. We think that closes many avenues to blackmail.

Mr. Chairman, I move that the committee do now rise and report the bill, as amended, to the House with the recommendation that it do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. FLOYD of Arkansas, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 13041) to provide for the support and maintenance of bastards in the District of Columbia, and had directed him

to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not they will be voted upon in gross.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. JOHNSON of Kentucky, a motion to reconsider the several votes by which the various bills relating to the District of Columbia were passed to-day was laid on the table.

PENSIONS.

Mr. ADAIR. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of House bill No. 1, granting a service pension to certain defined veterans of the Civil War.

The SPEAKER. The gentleman from Indiana moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of House bill No. 1, commonly known as the Sherwood pension bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of House bill No. 1, with Mr. FOSTER of Illinois in the chair.

Mr. KENT. Mr. Chairman, it seems to me that in legislation involving expenditures such as are contemplated under the proposed bill this House does not sufficiently recognize that the money thus to be expended must be taken from the remainder of the people.

From one end of this country to the other we have complaints of the high cost of living. This high cost comes in large measure from our tariff system, a system which to my mind places burdens upon shoulders least able to bear them. It seems to me that these large expenditures, which make necessary the extraordinary revenues that have to be raised by our tariff, are not considered with sufficient care.

It is true that those who risked their lives that the Union might be preserved are entitled to great consideration. It is also true that there are many millions of people no less patriotic, no less deserving of sympathy, that are now suffering under the burdens imposed because of the heavy taxes levied under our cowardly, indirect system. If this money that some of us propose to appropriate could be taken out of the undue accumulations of the privileged among us, I, for my part, would have no objection to its appropriation. We wish to be generous. We wish to recognize the services of these veterans, but when we stop to consider that this bill calls for from $40,000,000 to $75,000,000 a year which must be taken from the average of our people, which must come from what is charged them in the cost of living, then we should see to it that we do not, under the guise of patriotism or apostrophes to the flag, place increasing burdens upon those who in toil and suffering must pay these charges.

We are not here to act on our own generous impulses with money not our own. We are here to administer trust funds. We can not alleviate all the want in our country. We can not redistribute the wealth of our country without being accountable for the way in which we do it. It seems to me that in this world of but relative justice we have been generous to our veterans. They have had more consideration than any other class of our people. We can not pay them for being patriotic, for patriotism is not purchasable. We have done much more to alleviate their needs than we have done for others equally worthy. We can not by appropriations cure all the hardship of all our people.

To my mind the old woman who has brought up a family and finds herself in her old age a subject of charity is no less deserving of our attention than are these veterans. We can not pension her. I hope some time we may. We never can have old-age pensions or an adequate system of social justice until the time comes when we have some method whereby we can levy taxes upon privilege and take away the earnings of privilege.

The time will come when out of the product of the competent and the efficient the portion now paid to privilege will go to the amelioration of the condition of the superannuated and the crippled. I for one can not vote for the tremendous appropriation of public funds contemplated in the Sherwood bill or the Sulloway bill, because I realize that it must mean an increased burden placed by our indirect system of taxation upon the least favored of our people that shows itself in the higher cost of living. I hope that when this measure comes to a vote that there will be a roll call, and I hope and trust that after the roll is called and all of us have voted, that no man can confess, even to himself, that his vote on this vastly important measure had any connection whatever with the fortunes of his political party or with his own political fortunes. If any man votes so that he must in honesty make this confession, even to himself, he thereby admits that he has been false to his oath of office, and by such confession he will by his own insincerity be insulting those at whose supposed behest he aids in passing such legislation. [Applause.]

Mr. LITTLEPAGE. Mr. Chairman, The House having resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 1, known as the Sherwood pension bill, I feel that representing the district that I do I should at least give to the Congress of the United States the views I entertain relative to this bill.

I have tried to be in the life I have spent up to date conscientious; I have never hesitated, with reference to any matter of public concern in which I as a citizen felt interested, to speak out in meeting. I fully realize that the Sherwood pension bill means a vast expenditure of public funds. I realize that the majority in this House, who is responsible to the country for the legislation which emanates from this body of the Government, being responsible to the whole people of the country, that I as a humble member of the majority side of this House have to assume my individual responsibility with other Congressmen.

I realize that in the extreme southern part of this country there are certain Democrats who may not feel kindly toward this measure. I realize that in the extreme northern section of this country there are certain Republican Members of this important body who likewise do not feel very much concerned in the measure and are against it. As I look at this bill, it is a matter that addresses itself to us individually and to our individual conscience. While we are very much interested in the preservation of the financial responsibility of this Government, which transacts its business somewhat on the plan that an individual carries on his business in life, no man wants and no man ought to want to see the Treasury depleted, especially in an unworthy cause. Let us provide for an income tax, and all will be well.

Many of you will be surprised, doubtless, and especially those who may know something about my environment in life, at the position I take with reference to this bill. In my district there are some 2,500 ex-Union soldiers, and they are deserving citizens. There are about 7,000 voters, themselves, their sons, and sons-in-law, nearly every one of whom, at least the great majority of whom, usually have been voting the straight Republican ticket, until the old men have been neglected and fed on broken promises until they have made up their minds to change conditions for the general good of the country they fought for and still love, and in thousands of instances they are voting, and have been in recent years, the Democratic ticket. They saved this Government, and now before they die they are going to "clean out the money changers."

My oldest brother was four years in the southern army; went in when he was a boy 15 years of age. He was in the Battle of Antietam, the Battle of Seven Pines, Cedar Creek, Cross Keys, Wilderness, Cold Harbor, and the Bloody Angle. He was in a number of the most important engagements fought out during the Civil War. My father, when he was obliged to leave home, told my mother that he did not think the South could succeed, and it was a serious question whether it should succeed. My brother went off to school at Lewisburg, now a part of my district. When the drums beat and the bugle call was sounded, he, in his tender years of 15, went to volunteer, but was not large enough or strong enough to go in as a private and carry his gun and army supplies. He wanted to then go in the cavalry. He followed for a week before they took him in. He was a part of the time with Stuart, a part of "Stonewall" Jackson's command, and sustained the reputation of being a brave and good soldier among his comrades. I am his youngest brother. He offered up his young life for that which he believed was right at the time in the sight of God and was willing to die for the cause which was lost. Peace to his memory and ashes.

My conscience dictates to me that there is not a man within the sound of my voice who would to-day want to see this Republic divided against itself. I am here, and if it is the last vote I ever expected to cast in this Congress, it is going to be in behalf of the old soldier, and I am going to vote for the Sherwood pension bill. [Applause.]

Why so? As the southern soldier fared, of course, his fare was very much more inadequate than that of the Union soldier. They had to cut brush to sleep on, sleep on logs and fence rails

to keep out of water and ice, in the sunshine, rain, mud, snow, and slush, and so did the men on the Union side. God protect us from such experiences and reunite us into closer bonds of brotherhood and let the deal past bury its brave and patriotic dead. Enable us to look to the future with renewed hopes of greater love of country and of our fellow men, that in the ages to come and go the history of the chivalry, bravery, and manhood of this Republic, of the southern men and northern men, may be looked back upon by the generations of this land with sentiments of good will and pride, blending the ambitions of all to make this the grandest country and the noblest people on earth.

The Union soldiers were better provisioned than the southern soldiers, and I remember before that oldest brother, whose memory I revere, took his departure to the great beyond, across the river of time, after the great conflict had been ended, he said to me on one occasion in talking about pensions:

Brother, the Union soldiers deserve more than this Government is able to pay them. The southern soldiers deserve more at the hands of this Government than up to date it has been willing to concede them.

A few days before I left to come to this session of Congress an old Union soldier, blind as the result of injuries received during the conflict, for he was there during four years, came hobbling into my office in Charleston. A man was with him. A number of people were there. I said, "What can I do for you?" He stuck out his hand, for he could not see, and said, "Is this Adam?" I said, "Yes." He said, "This is Frederick Carel, from St. Albans." Around his shoulders were entwined the arms of Henry McFarland, a southern soldier, living at Charleston. He came to me and he said, "Adam, let me appeal to you to help Frederick Carel get his pension. I know he was a brave soldier, because in the Virginia campaign he ran me and I ran him. We shot at each other then, but we are friends now." To me this was an affecting scene.

During my campaign I had occasion to go through a certain wilderness section of my district where but few, if any, candidates had theretofore been. I stopped by the wayside and saw a man who appeared to me to have been sick for a year. He was pale and careworn and was physically diseased and disabled. I thought I would stop long enough, without telling him who I was, to drop a word of cheer in his cup of sorrow. I said, "My friend, you seem to have had a bad spell of sickness." He feebly said, "No, sir; I am not sick." I said, "What is your trouble?" His reply was, "I was shot through the hips at the Battle of Seven Pines." I took it for granted that he was in the southern army. I said, "Well, my brother was there. What side were you on?" He said, "I was in the Union Army." I said, "What is your trouble that you are sitting in a chair?" He said, "I have not walked for nine years. After being shot through the hips I was in hospitals for three years. I recovered to the extent that I could walk on crutches. Finally I walked with canes, and then finally I dispensed with them. Nine years ago I got hurt again and my old trouble came back, and I have not walked a step since that time." I asked him how much pension he was getting, and he said, "Not anything," although he was expecting to hear from his claim. It occurred to me, after I had somewhat investigated the case, that if his statement be true, which I have not yet completely verified, seeing the poverty with which that man was surrounded, seeing his poor wife who had had to attend to his wants during those nine long and weary years as if he were a baby, seeing his emaciated condition, that if he were shot through the hips at the Battle of Seven Pines in defense of his flag and Government his condition ought to appeal to all men.

The Union soldiers would resent the imputation that this is a gift to them. I would like to see the Member of this important body who would say to the contrary that he would spill his blood, lose his life, property, and all rather than see this Government divided against itself.

I want to say to my Democratic brethren on this side of the House, and I wish every one of them here to hear it, that this is not a bill of charity, but, as I heard a southern Member of this body say a few days ago, we are simply paying a debt that this Government owes to those old men. [Applause.] I have never lost, except for the time being, anything in my life for being liberal. I would rather withstand the criticism of men who disagree with me, I would rather withstand the scathing articles that insolent newspaper writers may be pleased to visit upon me, I would rather resign my seat in this great body, than, feeling as I do, that these people are entitled to have this Government pay the debt it owes them, to vote against this bill. Something was said by a distinguished Member from Chicago the other day to the effect that men were political cowards. I regretted to have heard that statement made, because I know there are broad, conscientious, honest, patriotic men in this body who will vote for the passage of this bill, reconciling their consciences in the sight of God and man, believing that when they vote for the passage of this bill they are voting in the interest of justice and humanity. [Applause.]

Mr. Chairman, I want to see this bill go through this House. Lots of those old Union soldiers voted against me—many of them voted for me. Everyone who voted for me knew he was voting for a southern man and a straight Democrat, but they thought I was their friend, and in this they made no mistake. Perhaps, if ever my head is stuck above the waters in the future, some of the rich men of my district or of my State may criticize me for what I have done, but by the eternal God, I am responsible, first, to myself, my own conscience—and my conscience dictates to me that we should pay the debt that the American people as a whole, North, East, South, and West, owe to all of the men who opposed the army my brother was in, all together causing the blood and carnage that swept over this country and brought about the misery and poverty in every direction all over this land; I say, pay them, pay them the debt, and pay it while they live. [Applause.]

And I do not know that before I get through with my term of this Congress but I shall vote, though the world may say it is wrong, even for an old-age pension bill, where men are so enfeebled in life that they can not take care of themselves. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. LITTLEPAGE. Mr. Chairman, I do not desire to further trespass upon either the Chairman or the time of the House, since my time is up, I should like the privilege of revising and extending my remarks in the RECORD.

The CHAIRMAN. The gentleman from West Virginia asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. MADDEN. I desire to yield the balance of the time allotted to me to my colleague from Illinois [Mr. MANN].

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] has 30 minutes remaining, which he yields to his colleague [Mr. MANN].

Mr. MANN. Mr. Chairman, of that time I yield to the gentleman from California [Mr. STEPHENS] five minutes. [Applause.]

Mr. STEPHENS of California. Mr. Chairman and gentlemen, I have asked for time at this hour instead of to-morrow during the five-minute amendment time, that I might not delay for a single moment the giving of further pension relief to the deserving veterans of the Union Army. I would not be true to my own manhood, I would not be true to my own constituency, I would not be true to my country if I did not favor adequate care and comfort for every surviving hero of the sixties. The seventh congressional district of California has a larger population than any other congressional district in the United States, and perhaps a larger veteran citizenship, too. I am here advocating with all the strength I have the passing of such legislation as shall make the fullest possible payment of the debt our country owes to its preservers.

I do this because I believe it to be my duty, and I deem it an honor and a privilege to be permitted to work in such a cause at this time. The legislature now in session in California will, according to recent California newspapers, so redistrict the State as to place by far the larger part of my present veteran constituency in another district. This will not cause me to change my vote, for I am, from principle, in favor of fulfilling all our obligations toward them.

Suppose many years ago, during a fire which was consuming your house, your neighbor had rushed in and saved your wife, your children, and yourself from death. Suppose, also, that he had saved for you everything necessary for your future livelihood and happiness, and that with what he had saved you had in the years since been enabled to build up a great fortune. And suppose that to-day, because of injuries sustained on that eventful night so long ago, your neighbor had become in need of more care and comfort than his old age would permit him to earn. Then would it not be your duty to provide for him at least a moderate amount of comfort out of your superabundance? I think it would, and I think that to-day our country stands in this position toward the old soldiers. My country, your country, our country, now so prosperous in North and South, in East and West, must provide reasonable comforts for the men who almost 50 years ago marched forth to fight for its unity and preservation.

I shall favor the Sherwood bill as it is, if it can not be changed, for I am for pension relief now. However, I would like to change it some and shall vote for several amendments.

That part of section 1 which under this bill prohibits all in receipt of $25 or more per month from admission to National Homes for Disabled Volunteer Soldiers and which prohibits

Government aid to State or Territorial homes receiving pensioners drawing $25 or more per month should be stricken from the bill.

Pensioners under this bill should have the same soldiers' home privileges as pensioners under any previous act. If a pensioner under any other act can avail himself of a soldiers' home, he should have the same right under this act.

I would like to see included in it something for the veterans of the Mexican War. [Applause.] I would like to see taken out of it any reference to the income of a veteran.

If you leave it in hundreds of veterans will be deprived of relief, perhaps until too late, while the question of income is being determined. If you leave it in, is the amount of income to be passed upon at each quarter—every time a pension check is issued?

I understand the cost of ascertaining and determining incomes under this act would be greater than the amount of pensions paid to the comparatively few well-to-do old soldiers—so strike out all of section 3 and allow all who are deserving a just reward.

The CHAIRMAN (Mr. DIXON of Indiana in the chair). The time of the gentleman has expired.

Mr. STEPHENS of California. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. TOWNER].

The CHAIRMAN. The gentleman from Iowa [Mr. TOWNER] is recognized for five minutes.

Mr. TOWNER. Mr. Chairman, opposition to the passage of the bill in its present form may be placed in two classes, that which is friendly and that which is unfriendly. There are many who earnestly desire legislation of the general character contemplated by this bill who believe it loosely drawn and unwise in some of its provisions. They will do everything in their power to secure the passage of a better bill, if it can be done, and at least to amend the present bill to relieve it of its objectionable features. But they are entirely favorable to the general object and purpose of the bill, and while they would prefer the Sulloway bill will vote for this bill, as they hope it will be amended, rather than to see all such legislation fail at this time.

Opposition of the other class goes to the merits of the bill and is fundamental and vital. If the objections raised by the gentlemen who represent this class are of worth, no law of this kind ought to be enacted and this and all further pension legislation should fail. It is only fair that these objections should be as carefully considered as time will permit.

OBJECTIONS CONSIDERED—UNCONSTITUTIONAL AND UN-AMERICAN.

It is claimed that pensions based on military service are unconstitutional and that the policy of granting them is un-American. The argument against the constitutionality of the pension laws is based on the fact that no express power is granted Congress to pass such laws. But the implied powers of Congress are as substantial and as real as are the express powers. The Constitution was ordained and established to promote the general welfare and to provide for the common defense. It would be difficult to conceive of an act more efficient in providing for the defense of a country than to commit it to a liberal pension policy.

The best defense our country has is not its forts and arsenals, nor its Army or Navy, but the patriotism of the people. With an Army of 80,000 men and a militia reserve of 120,000, we still are weak, judged by military standards. We are strong only in our second reserve of patriotic citizenship, from which volunteer armies can be recruited when need arises. But to make enlistments prompt, and to secure the best material, our Government must deal not only justly, but generously, with those who serve. The record of the past is the promise of the future. The enlistments of to-morrow will be largely influenced by the action of to-day. In this country we must depend absolutely on the patriotism of our citizens to repel foreign invasion or suppress domestic insurrection. Public policy demands a most liberal spirit in dealing with the soldier. To be fair, to be generous, to be even lavish, and to go far beyond the strict requirements of justice would be a wise and good investment looking toward the "common defense," because it would tend to insure a ready response to any call the Government might make.

Sir Henry Maine, in his profound work on "Popular Government," said:

> The first necessity of a state is that it should be durable. * * * Next, perhaps, to the paramount duty of maintaining national existence comes the obligation incumbent on democracies, as on all governments, of securing the national greatness and dignity * * * and the government which fails to provide a sufficient supply of generals and statesmen, of soldiers and administrators * * * is a government which has miscarried.

Even a nation which hopes to aid in the abolition of war can sanction that doctrine. Generals and soldiers will be necessary for many years to come, and increasingly difficult to obtain. It will be a wise and statesmanlike policy for the Government to deal so fairly, justly, and even generously with those who thus serve her that such service will be encouraged and dignified.

As to whether or not a pension policy is un-American a short historic review will determine.

HISTORIC SKETCH—PRE-REVOLUTIONARY LEGISLATION.

Pension legislation is a part of American history from colonial times to the present. To secure enlistments in the military expeditions against the Indians the Colonies promised pensions to those who should be disabled and to their families if they should fall in the conflict. Probably the first pension law enacted in America was passed in 1636 by the Pilgrims at Plymouth, which provided that any man who should be sent forth as a soldier and should return maimed should be maintained competently by the Colony during his life. In 1718 Rhode Island enacted a remarkably comprehensive pension law. It provided that every officer, soldier, or sailor, employed in the Colony's service, who should be disabled by loss of limb or otherwise from getting a livelihood for himself and family or their dependent relatives, should have his wounds carefully looked after and healed at the Colony's charge, and should have an annual pension allowed him out of the general treasury, sufficient for the maintenance of himself and family or other dependent relatives. The law further provided that if any person who had the charge of maintaining a wife, children, parents, or other relatives should be slain in the Colony's service, these relatives should be maintained by a yearly pension from the general treasury.

In the beginnings of the Revolution and before there was any organized central government the separate Colonies promised pensions as an inducement to enlistment. The Revolutionary Government followed the Colonies, and passed pension laws to encourage enlistments. During the gloomy winter at Valley Forge in 1778, Washington urged Congress to pass more liberal pension laws. To do so he said:

> Would not only dispel the apprehension of personal distress at the end of the war, from having thrown themselves out of professions and employment they might not have in their power to resume, but would in a great degree remove the painful anticipation of having their widows and orphans a burden on the charity of their country should it be their lot to fall in its defense.

REVOLUTIONARY WAR.

The first Congress in 1789 provided for the continuance of the pensions granted by prior acts.

In 1792 Congress passed a general disability pension act, which provided the courts should determine the disability and rating. The courts declined for the most part to act, for the reason that it imposed administrative acts on judicial officers. Congress in 1793 amended the act, and again in 1803, giving the Secretary of War the power of final decision in the allowance of claims. In 1805 a supplementary act was passed providing that those who had, because of their service, at any period since the war become so disabled as to render them unable to secure a subsistence by manual labor should receive the benefits of the prior pension acts. In 1806 all former enactments were repealed and a new and comprehensive pension act was passed. It provided for the continuance of pensions granted under prior acts, and granted in addition pensions to all volunteers, militia and State troops, who had served against the common enemy in the Revolutionary War. Increases were authorized when justice required. In 1816 the rate of a full pension for a private was increased from $5 to $8 per month.

In 1818 the first service pension act was passed. It provided that every person who had served for nine months in the Revolutionary War and was, by reason of his reduced circumstances in life, "in need of assistance from his country for support," should receive a pension. For officers the rate was $20 per month and for privates $8.

In 1828 Congress granted full pay for life to the surviving Revolutionary officers.

In 1832 an act was passed granting full pay for life to all officers and soldiers who had served for two years and a proportional amount to those who had served six months either in the Continental or State troops, volunteer or militia, or in the Navy.

President Madison in 1815, in a special message to Congress, recommended more liberal pensions to Revolutionary soldiers, saying:

> The feelings of conscious patriotism and worth will animate such men under every change of fortune and pursuit, but their country performs a duty to itself when it bestows these testimonials of approbation and applause, which are at once the reward and the incentive of great actions.

In the history of these laws we find a constant development of new and liberal principles. At first invalid pension provisions were made. These were broadened and extended, until in 1818

a law was passed based on service and indigence. Then finally came the pure service pension law of 1832. Later widows' pensions were granted those who were married prior to or during the war. Then the time of marriage was extended to 1794, then to 1800, and finally all limitation was abolished.

The Revolutionary War ended in 1783.

It was 35 years after, that the first limited service act was passed.

It was 49 years after, that a full service pension act was passed.

WAR OF 1812.

At the outbreak of the War of 1812 half-pay provisions were made.

In 1816, $8 a month was promised for private soldiers and a proportionate increase for officers.

A general service pension was not granted until 1871. It provided that all surviving soldiers and sailors who had served 60 days should receive a pension of $8 a month for life.

MEXICAN WAR.

In the act declaring war with Mexico a provision was inserted promising those volunteers wounded or disabled in the service the same pension benefits as those provided for the Regular Army.

In 1887 a limited service pension act was passed. It provided that every person who had served 60 days, and who was 62 years of age, or was disabled, should receive a pension of $8 a month.

In 1893 this was increased to $12 a month to those totally disabled and destitute.

The benefits of the act of February 6, 1907, were also granted to those who had served 60 days or more in the War with Mexico.

The soldiers of the War of 1812 and of the Mexican War were also granted land warrants amounting to 63,500,000 acres, or nearly 100,000 square miles, an area nearly twice as large as Iowa and nearly 50 per cent larger than all New England.

CIVIL WAR.

Three days after Sumter had been fired upon President Lincoln called Congress in session. July 22, 1861, a law was passed authorizing the enlistment of 500,000 volunteers. Among the provisions of this law was one that all volunteers who might be wounded or otherwise disabled in the service should be entitled to the benefits conferred on persons disabled in the Regular Army.

July 14, 1862, an act passed by Congress was approved by President Lincoln, providing pensions for those disabled by reason of wounds received or disease contracted while in the service of the United States and in the line of duty. The rates varied from $8 to $30 a month. It was a very comprehensive act, and included benefits for widows and dependents. It was practically unopposed.

In 1864 an act was passed fixing rates for certain specific disabilities.

These acts were extended and liberalized by the acts of 1866, 1868, 1870, and 1873.

In 1879 the arrears act was passed.

June 27, 1890, the dependent pension law was passed. It provides that all persons who had served 90 days and who were disabled from performance of manual labor should receive a pension not to exceed $12 per month. It is a limited-service pension bill.

In 1904 an Executive order was issued by President Roosevelt that in the adjudication of pension claims under the act of June 27, 1890, it should be taken and considered as an evidential fact that a claimant who had passed the age of 62 should be disabled one-half and entitled to $6 per month, and after 65 years at $8, after 68 years at $10, and after 70 years at $12 per month.

The acts of April 24, 1906, and March 4, 1907, provided that the age of 62 years and over should be considered as permanent disability, and medical examinations in such cases were not required.

The order and acts referred to were substantially superseded by the act of February 6, 1907.

This act grants pensions to persons who served 90 days or more in the military or naval service of the United States during the Civil War or 60 days in the Mexican War and were honorably discharged, with rates as follows: $12 per month when 62 years of age, $15 per month when 70 years of age, and $20 per month when 75 years of age.

This is only an outline sketch of previous legislation in the United States. It is not intended to be complete. More than 200 general-pension laws and more than 1,000 private acts were passed before the Civil War. Many others than those mentioned have been passed since. It will be noticed that in a general way pensions have been first granted for wounds and other disabilities received in the service and in the line of duty. After the lapse of years the next step has been to grant a limited-service pension conditioned on the showing of need. The third and last step has been a full-service pension granted to all survivors of the war. Thus in both the Revolutionary and Civil Wars the first step was taken during the wars. The second step was taken following the Revolutionary War, in 1818, or 35 years after the war closed. It was taken following the Civil War in 1890, or 25 years after the close of the war. The third step was taken with regard to Revolutionary pensions in 1832, or 49 years after the war ended. We hope the parallel may be continued by final action on the pending legislation in 1912, or 47 years after the close of the Civil War.

A liberal pension policy has been the established custom of the Nation. If we shall now enact the present legislation, we shall but follow the precedents; we shall but continue the policy approved by Washington, Madison, Jackson, Lincoln, and all the Presidents, without exception; we shall but carry out the declared principles of every great political party that has appealed to the American people; we shall but do that which every great American statesman throughout our history has declared to be the duty and the obligation of the country to its defenders in all its wars.

PRINCIPLE VICIOUS.

It is claimed by those who represent the opposition that the principle is vicious, because it puts a money valuation on patriotism. "These are debts," it is said, "that can not be settled across the counter." "The most sacred obligations are those that can never be paid." "There can be no material recompense for loyalty, patriotism, devotion to country, or a heroic discharge of duty." These are high-sounding phrases, and seem to make other considerations appear sordid and mercenary. But they are not valid objections to pensions. We know that any great service can never be adequately paid. But we are not relieved of our duty nor any obligation by saying, "Your service is of such an exalted character that we never can compensate you, therefore we will pay you nothing."

It is true that patriotism can not be purchased. But a true patriot may make material sacrifices which can be and should be paid for in dollars and cents. It is a constitutional guaranty that if the Government takes a man's property he is entitled to compensation. But a man's time is property, his health is property, his service is property. It has been suggested that the enlistment was a contract for service for which the salary received was a complete payment. But this was not the nature of the transaction, as both parties understood. What was paid was merely an allowance for passing needs. The Government never regarded it as an enforceable obligation, and paid it in depreciated currency. The soldier enlisted often without knowledge of the amount he would receive. But in any event half price or less is not full payment. Granted that it was all the Government then could pay. It is not all the Government now can pay: and such obligations are not barred by any statute of limitations.

FRAUDS.

It is said the Pension Bureau is "honeycombed with fraud." A distinguished man in public life is asserted to have said that the pension list had become a "roll of dishonor." A writer in one of our leading magazines writes a continued series of assaults, under the title "The pension carnival." He declares that to-day every pensioner is a "suspect." He says the pension rolls "are packed with unworthy and perjured names." He selects a lot of cases whose fraudulent character has been shown, and then declares that these are characteristic of the others. It is no doubt true that there have been fraudulent claims secured. The Government has been defrauded in the Pension Department, just as it has been in the Post Office Department, and in the Internal Revenue Department, and in every other department of the Government. But we do not talk of abolishing those departments because of such facts. We seek to discover and punish the fraud. Those who have evaded taxation for the support of the Government have cheated it out of much more than all the pension frauds put together. Those who have defrauded the Government out of her custom dues and internal revenues have taken much more. The Government is active and vigilant in the discovery and punishment of pension frauds as it is of other offenses, and there is not an old soldier who would not only wish, but would gladly aid in the punishment to the utmost limit of the law of all those who thus defraud and rob the Government.

If the pension list is a roll of dishonor because some unworthy names are found thereon, then the church register is a roll of dishonor, then every sacred cause that has brought to its service the courage, devotion, and sacrifice of men since the dawn of history is dishonored. No just cause can be dishonored because unworthy men espouse it. They dishonor only themselves who are guilty of dishonor.

WE HAVE DONE ENOUGH.

It is said that our Government has already done more than any other government on earth, and that is enough. It may be admitted that we have done well. But that is not the question. The question we have now to determine is, Have we fulfilled our obligation? Have we done already all that we ought to do? Other nations have their obligations, and we have ours; and we can not measure our duty by their performance. Here all stand upon an equality before the law. In time of public danger and of war the obligation of service rests upon all. But all do not serve. Some do, and the benefit of their service and sacrifice goes to all. Common justice requires that those who made the sacrifice and thus saved the Nation for the benefit of all should in some way be recompensed for what they have done over and above what their neighbors have done. If, out of every five men, one goes to service and one stays at home, the one who goes does service for all, and if he dies his family have suffered a loss—an especial loss—for which they should be compensated. And if he is maimed, or disabled, or has lost his health, justice requires that his loss be made good, and in either case it is not a gift or a charity, it is a compensation.

Thirteen or sixteen dollars per month was less than farm hands received during the war. Those who performed the commonest kind of labor could earn more by staying at home than by serving their country, to say nothing of hardships and dangers. Every skilled mechanic, farmer, business, and professional man could have earned many times the amount allowed by the Government if he had stayed at home. Difference in wages, added to the privation, exposure, and hardships of a soldier's life are estimable losses for which compensation should be made.

All this is upon the assumption that all who returned from the war were as sound physically as they would have been had they stayed at home. Perhaps some did. If their service was very short and their lives fell in pleasant places, it is conceivable that some returned sound and well. But it is a well-established fact that very few returned sound and well. Changed and trying climatic conditions, lack of scientific knowledge and appliances for securing sanitary conditions, constant exposure, impure food and insufficient clothing, lack of medical advice and attendance, want of medicine and poor hospital service—all these were the common experiences of a soldier's life. Any considerable length of service under these conditions brought certain physical impairment. Not a single one of the great generals of the war are now living. Of the 131 major generals of volunteers only two are now alive. Of the 446 brigadier generals only 19. Of the more than 3,000 colonels of regiments, less than 200. Of the 2,750,000 men who enlisted during the war less than half a million survive.

The pension roll is long, but so was the war. The amount paid is large, but large also was their service and their sacrifice. The country has been liberal to the soldier. But the country has not been more liberal to the soldier than was the soldier to the country. He gave it his devoted service, his sacrifice, if need be, his life. That was the measure of his liberality. The country has been generous, it is true. But so was the soldier. He gave up his home, comfort, ambition, his life work—everything as an offering on the altar of his country. That was the measure of his generosity.

When the war broke out the total value of the property of the Nation was but $20,000,000,000. Now it is $150,000,000,000. We are rich, rich beyond even the dream of possible national wealth. Our resources are incalculable. Our income is what you will. To add but a few millions for but a few years in payment of such an obligation would not be an appreciable burden, and it would be an incalculable blessing.

It is said the average age of the soldiers now living is 71 years. If so, their average expectancy of life is but 7 years. Seven years will relieve us. Seven years will close the actual, the rest is history. Gentlemen who have spoken here are profuse in their praises of the loyalty and devotion of the soldiers, but they do not want them to have any more money.

Pericles, who had been chosen by the Athenians after the battle of Marathon to deliver the oration in honor of those who had fallen, in his opening sentence said, "I should have preferred that, when men's deeds have been brave, they should be honored in deed only." I propose that course to our friends now. Rather than the praise of words, let us have the honor of deeds—deeds that shall bring comfort to distress, relief to poverty, and joy to sorrowing hearts

TIME FOR ACTION.

It is now nearly a half century since the close of the war. Not one in five of those who enlisted are now living. President Cleveland is regarded as having been unfriendly to pension legislation, yet in 1887 he signed one of the most liberal pension bills ever enacted, granting pensions to all survivors of the Mexican War who had served 60 days in Mexico or en route thereto. In the same year, in his veto to the dependent pension bill, he said: "Never before in the history of the country has it been proposed to render Government aid toward the support of any of its soldiers based alone upon a military service so recent, and when age and circumstances appeared so little to demand such aid. Hitherto such relief has been granted to surviving soldiers few in number, venerable in age, after a long lapse of time since their military service, and as a parting benefaction tendered by a grateful people." This was in 1887, or only 22 years after the close of the war. If 1887 was regarded as a period "so recent," if 22 years was regarded as not "after a long lapse of time since their military service," what shall we say of 1912, or 50 years after their military service? In the lives of men that surely constitutes "a long lapse of time." And if they were not "venerable in age" in 1887, what shall be said of them in 1912, when their average age will exceed man's allotted space of threescore years and ten? If a "parting benefaction" is to be "tendered by a grateful people," it ought to be done speedily, or there will not be even the specified "few in number" left to receive it.

POLITICAL COWARDS.

It has been said on the floor of this House that Members vote for pensions because they are cowards and are afraid of the soldier vote. With singular inconsistency it is suggested, on the other hand, that Members need no longer fear the soldier vote, because it has become a negligible quantity and politicians can afford to disregard it. I am satisfied that, for the most part, Members vote their honest convictions on this and on other questions. I am also satisfied that if the desire of the voters of America was known it would be overwhelmingly in favor of liberal pension legislation. Those who favor such legislation can rest assured that they really represent the wish of the great body of their constituents without taking into consideration the soldier sentiment.

A REAL NEED.

It is impossible for gentlemen opposing this legislation to realize its actual and pressing need. They think of it only as another "raid on the Treasury," as but a cowardly surrender to an impertinent demand. Certainly these men do not desire, and would not permit, if they but realized it, thousands of the soldiers of the Republic to suffer in poverty and to die in want. And yet such are the existing conditions. Let me read to you some extracts from letters recently received:

EXTRACTS FROM LETTERS.

J. C. Baker, of Knowlton, Iowa, writes:

If ever there was need of a bill, there is need for one now. We have with us an old soldier now working on the section of the Chicago Great Western Railway for his daily bread. He served in the Seventy-seventh Illinois Regiment. He was in Libby Prison 17 months. He is ruptured and wears a truss all the time. He is not the only one; we have others, crippled and suffering. Think what these men have done for us. They gave us our liberty; let us give them theirs.

C. A. Conger, Seymour, Iowa, writes:

If a good bill could be passed now it would be of inestimable benefit to nearly all the old soldiers. And it should become a law speedily, as the Civil War soldiers are passing away rapidly. To see one's comrades suffering and in need is not a pleasing thought to us, and we hope Congress will do its duty.

J. D. Lankton, Sidney, Iowa, writes:

We are out with a searchlight looking for our friends. We wonder how many of the men who now oppose us would have been willing to have taken our places from 1861 to 1865. The old boys are being mustered out very rapidly, and it won't be very long until it all will be over. Death is thinning our ranks so fast that it will be impossible for us to keep up the organization of our post very long.

J. C. McDonald, Cincinnati, Iowa, writes:

Many of our soldiers are needy, and the present allowance they are drawing is inadequate for their support. At the rate they are dying, if a considerate Government intends to further remember them, it must do so soon, or to very many of them it will be everlastingly too late. If Congress pursues its usual dilatory tactics there will soon be none to benefit.

A. B. Johnston, Clearfield, Iowa, writes:

If the Government intends to do anything it should act soon. It will only be a short time at best until they will all have answered the last roll call. We have many who are in great need of assistance. We hope Congress will do all it can for us.

H. Towns, Hamburg, Iowa, writes:

We can not understand why Congress, which seems so willing to spend millions on almost anything, should hesitate to do justice to the old soldiers. We voted, nearly to a man, to pay the bankers and bondholders, and we still believe we were right. But we don't believe it right that the old soldiers who saved the Nation should now suffer for the necessities of life, as so many of them do.

A. N. Keys, Creston, Iowa, writes:

Our ranks are thinning fast, and there is much suffering and need. Almost a half century has passed since the war closed. As a result of our victory we are the greatest and richest nation on the face of the earth. We have nearly paid our national debt, and are prosperous. The soldiers remaining are all old men. Their earning powers

are gone. The Government is amply able to do a good part by them. It ought at least to be as generous with its money as we were with our lives.

A. S. Carr, Murray, Iowa, writes:

Our post has taken no action as to which pension bill is best. What every old soldier desires is a bill that will give the greatest measure of relief to so many of our comrades and their widows who, in their old age, have so little of this world's wealth, and are drawing so small a pension that they actually suffer for the necessities of life. But months pass and nothing is done, and during that time large brigades of heroes have gone to the great beyond. This to me is the most damnable method of economy ever inaugurated by any government on earth.

Capt. Frank M. Davis, Corning, Iowa, writes:

There are many broken-down old veterans, 75 years old and more, who have no one to care for them, who can hardly manage to live now. They live lonely lives with little to comfort or cheer their declining years. If a little more money will brighten those years let a rich and great country—rich and great because of his service—give it to him.

S. H. Hedrix, Allerton, Iowa, writes:

There is a division of opinion as to the merits of the Sherwood and Sulloway bills. But all agree that the real important thing is action. There is much real suffering and want that early action will alleviate.

Levi W. Armstrong, Randolph, Iowa, writes:

There are 19 old soldiers here and most of them are poor men, 15 out of 19 dependent on their pensions. We do not doubt the friendship of the lower House for the old soldier, but we have some doubts about the Senate and the President.

J. C. Pence, of Creston, Iowa, writes:

The Democrats are going to do great things for us old boys. Let them be up and about it or we will soon all be gone to a place where there is no politics, and pensions will not be needed.

Capt. George W. Wycoff, Cincinnati, Iowa, writes:

Whatever is done must be done soon if it does any good. It is now 50 years since the war began, and to parley longer about different bills is simply mockery.

Edward Spence, Lucas, Iowa, writes:

Do the best you can and do it quickly for there are so many in need. I am on the board of relief and know of many who are in pitiful condition.

J. S. Noble, New Market, Iowa, writes:

We hope something substantial can be done soon, for quite a number of the old boys here are very needy, as they are entirely dependent on their small pension.

T. S. Crozier, Russell, Iowa, writes:

If something is not done soon we will not need help. Since Congress has been talking about these bills five of our post have died and four more are now on their deathbeds. We do hope something can be done soon.

Jasper Fisher, Braddyville, Iowa, writes:

If you can not get one bill, work for the other. There will not be any left soon to legislate for at the rate they are dying now. Not one in a thousand can make a living by day's work of those who are left, and they are really in need of help from the Government.

E. F. Allen, Decatur, Iowa, writes:

We feel that what is done should be done now while we need help, for we are getting fewer in number every day. Soon we will not need help, for we will be gone. There are many who are in actual need, and we hope that Congress will not longer delay the matter.

W. D. Kinser, Moravia, Iowa, writes:

As you will see by our post roster we are getting old and will require pensions but a short time. Our post when organized was 50 strong. We have 15 now, and they are feeble old men. I do not know of one who can do a day's work.

I. W. Abbott, New Market, Iowa, writes:

We have 43 old soldiers; 15 out of the 43 have to dig coal for their bread and butter. Surely the Government could grant a little increase to help these men in their need. And what are they going to do when they can't work?

The issue is not involved nor obscure. Fifty years ago these men whom it is proposed shall be the beneficiaries of this legislation responded to their country's call as volunteers to serve in war for the preservation of the Union. They did so under conditions of singular disinterestedness and with unselfish devotion to their patriotic duty. They saved the Nation. They restored the Union. They brought us into an era of unexampled prosperity and lasting peace. Many of them, most of them, are now dead. The remnant, less than 20 per cent of the original number, are still living. They are all old men; many of them, most of them, broken in health, suffering from disease, crippled in body. Many of them, most of them, can not now earn a living by manual labor. Many of them, most of them, are straitened in circumstances. Some are dependent on private charity or suffering because deprived of the ordinary comforts of life.

Under these circumstances what is our duty and what ought to be the standard on which our action should be based? Some of us have established a standard which satisfies our judgment and our conscience. It is that such provision shall be made as will prevent as far as possible that heroic remnant from being subjected to such conditions during the few remaining years of their lives. More than this is not contemplated and less than this is not justice.

Gladstone, speaking of the war, said:

The convulsion of that country between 1861 and 1865 was perhaps the most frightful which ever assailed a national existence. The efforts which were made on both sides were marked. The exertions by which alone the movement was put down were not only extraordinary, they were what would antecedently have been called impossible.

That is the measure of true statesmanship of the service rendered by the soldiers of the Civil War. Is it unjust to claim that our treatment of them should be commensurate with the greatness, the dignity and the value of their accomplishment?

I join with other gentlemen on the floor of this House in expressing the wish that before the holidays we can send the news to the veterans of the Union that a liberal pension bill has passed Congress and been signed by the President. It would carry greater Christmas cheer and joy into more homes in America than any other act we could do.

Mr. MANN. Mr. Chairman, I yield to the gentleman from Nevada [Mr. ROBERTS].

Mr. ROBERTS of Nevada. Mr. Chairman, we, as the Representatives of a great Nation, are at this time engaged in the discussion of a most important question, one that is second to none that ever has or ever will be presented to the American people. It is a question that each Member of this House should look upon as entirely foreign to politics. As we look around this vast Chamber, sacred with the memories of many notable debates on this same question by great men, and see here and there a survivor of that dread civil conflict, some on this side of the House and some on that, some who fought for the preservation of the Union and some who fought against; each, however, believing he was in the right and willing to risk his life, his home, his fortune, his all upon it, we are all the more reminded of the unanimity with which reasonable pension legislation should be enacted. I like the splendid example that is being set by many of our southern colleagues. I like the atmosphere that pervades this Chamber during our deliberations. It is patriotic. It is inspiring. It shows that the Nation is a united Nation, and that while the affairs of state, so far as this House is concerned, are virtually under the control of the men from "Dixie Land," they are willing to give the victors of that Civil War their rights as defenders of the Nation's flag. [Applause.]

It would be a shame and an outrage to "play politics" over the deathbed of our dying soldiers. Their ranks are thinning fast, and in a few more years the last survivor of that great family conflict will fail to answer as the roll is called.

Over 35,000 failed to respond to their names during the call of the roll for the fiscal year ending June 30, 1911. They did valiant service for their country, and when the war was on, and brother took up arms against brother, father against son, sister against sister, they offered up all that life held near and dear to them and went forth to fight for the preservation of this Union, willing to give their all to the cause in which they believed. The State I have the honor to represent did more to end that bloody conflict than any one thing recorded in American history.

I therefore take a pride in calling to your attention the part Nevada, the "Battle Born" State, played in the settlement of the Civil War. [Applause.] As I remarked on the floor of this House during the debate on the admission of Arizona and New Mexico, President Lincoln had concluded that the United States Constitution should be amended so as to abolish slavery, and, to use the words of that eminent authority, Mr. Charles A. Dana:

This was not only a change in our national policy, it was a most important military measure. It was intended not merely as a means of abolishing slavery forever, but as a means of affecting the judgment and the feelings of those in rebellion. It was believed that such an amendment to the Constitution would be equivalent to new armies in the field, that it would be worth at least a million men, that it would be an intellectual army that would tend to paralyze the enemy and break the continuity of his ideas.

To thus amend the Constitution required that the proposed amendment be ratified by three-fourths of the States. When that question came to be considered the administration found that of the States it could rely upon it was one short of the necessary number. The genius of President Lincoln solved the problem. He would create a State out of the Territory of Nevada for the purpose and rely on the patriotism of her people to ratify the amendment. In March, 1864, the question of allowing Nevada to form a State government came up in the House of Representatives. There was strong opposition to it, but Mr. Lincoln threw into the breach the potent force of the administration and the measure was carried. Mr. Dana, then Assistant Secretary of War, and one of the President's confi-

dential advisers, quotes Mr. Lincoln as saying, shortly before the vote was taken:

Here is the alternative—that we carry this vote or be compelled to raise another million, and I don't know how many more, men, and fight no one knows how long.

It will thus be seen that the patriotism of the Nevada people was equal to the occasion, and to-day the pension outlay is thousands upon thousands of dollars short of what it would have been had not Nevada taken the stand she did. Scattered here and there over the 109,700 square miles of our territory are soldiers who were parties to that conflict, and many of them are to-day in absolute need of legislation which will provide them with the necessities of life, and I would be false to my colors if I did not urge immediate action in their behalf. [Applause.] I wish that it were possible to amend this bill. It should be amended in many particulars, and I shall support or offer some amendments. I hope our friends on the other side of the House will not insist on running this bill through in its present form, but will put that old political "steam roller" of theirs in the shed and unite with us in the passage of a bill which will not only be a credit to the Nation, but a boon to those enfeebled old veterans who have passed the summit of life and are now on the down grade. What about our Mexican War veterans? How have you provided for them? There are not many of them. I believe that there are but two now living within the borders of our State. One of them marched on foot all the way from Fort Leavenworth to Los Angeles, and as I have stood by and seen him with faltering steps and trembling limbs, bearing aloft the American flag on Memorial Day in the long march to our "city of the dead," I have thought of how much we owe to him and those others who like him have served their country long and well.

The most we can give them is a mere pittance to what we owe. We owe them at least enough to keep the wolf away from their doors during their last days, and when the final call is sounded to give them a decent burial beneath the sod they loved so well and which they fought to preserve for our children and our children's children for generations yet to come. Each year the veterans of that awful struggle are growing less and less. In a few more years their activities will live only in our memories. It is but meet and proper that we should all, sons of the men who wore the blue as well as the sons of the men who wore the gray, unite in the passage of a bill which will reflect the sentiment of a united people, regardless of our political affiliations. I am for immediate relief for those people, and we can not conscientiously delay the matter longer. True, we have been the most liberal Nation on earth so far as pensions for our soldiers are concerned, but is there a man in this building who begrudges one cent we are spending upon them, their widows, and their orphans? That awful war, awful because of its family nature, called forth the strong and sturdy sons of both the North and the South. The Southern States are doing a noble work in pensioning their Confederate soldiers, and would that the Northern States would likewise add to the pensions that the Union soldiers now receive. To them we owe our very existence as a Republic and to them we should show that we are a grateful people and worthy of the blood they shed.

The "bloody shirt" is buried and the southern people are as patriotic to-day as any people in this Nation. I have never seen more patriotic gentlemen than many of my friends and colleagues on the other side of the aisle. If war were to be declared with a foreign power to-day, I dare say that the South, as they did during the war with Spain, would furnish us an example of true patriotism. Yes, patriotism, that lofty power which leads men onward in their lofty aims to serve their country; that deep devotion which knows no bounds; no East, no West, no North, no South, but finds its highest development in that civilization born in the holy air of freedom and nurtured in the "cradle of liberty."

I take it that some statistics fresh from the report of the Commissioner of Pensions may be of interest in this discussion, and with your permission I will ask the following table of pensioners on the roll June 30, 1911, and June 30, 1910, be inserted in the RECORD:

Pensioners on the roll June 30, 1911, and June 30, 1910.

	1911	1910	Gain.	Loss.
Revolutionary War:				
Daughter		1		1
War of 1812:				
Widows	279	338		59
Indian wars:				
Survivors	1,387	1,560		173
Widows	2,629	2,822		193
War with Mexico:				
Survivors	1,639	2,042		403
Widows	5,982	6,359		377
Civil War:				
Act Feb. 6, 1907—				
Survivors	356,830	362,433		5,603
General law—				
Invalids	113,063	121,581		8,518
Widows	67,509	70,587		3,078
Minor children	385	445		60
Mothers	1,877	2,391		514
Fathers	278	368		90
Brothers, sisters, sons, and daughters	253	300	53	
Helpless children	508	533		25
Act June 27, 1890—				
Invalids	59,991	78,601		18,610
Minor children	3,983	4,009		26
Helpless children	375	335	40	
Act Apr. 19, 1908—				
Widows	228,198	220,826	7,372	
Army nurses	406	442		36
War with Spain:				
Invalids	23,383	22,783	600	
Widows	1,217	1,183	34	
Minor children	326	330		4
Mothers	3,022	3,072		40
Fathers	522	512	10	
Brothers, sisters, sons, and daughters	9	7	2	
Helpless children	1	2		1
Regular establishment:				
Invalids	13,757	13,180	577	
Widows	2,799	2,727	72	
Minor children	149	136	13	
Mothers	1,006	1,011	55	
Fathers	152	152		
Brothers, sisters, sons, and daughters	8	7	1	
Helpless children	5	8		3
Total	892,698	921,083	8,829	37,814
Net loss				28,985

The first act passed by Congress concerning pensions was a resolution passed August 26, 1776, promising invalid pensions to those who were disabled during the Revolutionary War. Several subsequent acts were passed from time to time enlarging the provisions of the invalid pension laws, but the first general-pension law granting service pensions was not adopted until the 18th day of March, 1818. In 1820 Congress passed what was known as the "alarm act," because of the large and increasing number of claims that were being filed, but the "alarm" seems to have been a "false alarm," for the old ship of state has kept on her course and survived a number of wars since then, with plenty of money to pay her bills and plenty of men to man the guns. The man who goes forth at his country's call "to arms" is certainly made of the "stuff" that makes a nation great, and is entitled to a living pension in his declining years. Far be it from me to lift my voice other than in support of immediate yet fair and reasonable pension legislation.

The following table, which I take from the Commissioner of Pensions, shows the number of pensioners in each State and Territory, each insular possession, and each foreign country on the roll June 30, 1911, and the amount paid therein during the fiscal year 1911:

States or Territories.	Number.	Amount.
Alabama	3,648	$596,445.74
Alaska	83	15,466.02
Arizona	838	139,171.26
Arkansas	10,567	1,642,605.59
California	29,531	5,067,136.23
Colorado	9,138	1,619,447.75
Connecticut	11,201	1,872,539.06
Delaware	2,555	464,244.10
District of Columbia	8,241	1,471,994.53
Florida	4,747	815,836.77
Georgia	3,386	543,352.41
Idaho	2,563	438,664.66
Illinois	61,374	10,833,232.56
Indiana	54,290	10,281,779.61
Iowa	31,402	5,698,518.38
Kansas	34,725	6,169,168.06
Kentucky	23,701	4,157,678.90
Louisiana	6,369	1,024,613.69
Maine	15,894	2,946,461.42
Maryland	12,015	2,132,611.17
Massachusetts	37,301	6,271,153.27
Michigan	37,508	6,803,461.80
Minnesota	15,217	2,663,654.03
Mississippi	4,606	724,961.82
Missouri	44,277	7,875,111.93
Montana	2,438	404,917.85
Nebraska	14,635	2,507,684.41
Nevada	415	69,970.12
New Hampshire	7,102	1,324,358.53
New Jersey	20,978	3,490,412.71
New Mexico	2,134	391,671.69
New York	75,182	13,172,308.83
North Carolina	3,897	654,072.49
North Dakota	1,780	333,087.17

States or Territories.	Number.	Amount.
Ohio	86,474	$15,638,286.83
Oklahoma	12,318	2,179,264.47
Oregon	8,239	1,360,963.81
Pennsylvania	85,572	14,646,640.04
Rhode Island	5,049	849,318.43
South Carolina	1,924	302,502.44
South Dakota	5,333	1,055,579.05
Tennessee	17,311	3,190,810.87
Texas	9,143	1,504,851.68
Utah	1,110	190,883.54
Vermont	7,214	1,413,376.88
Virginia	8,313	1,489,553.80
Washington	11,005	1,521,604.85
West Virginia	11,388	2,044,088.65
Wisconsin	21,328	3,845,894.64
Wyoming	985	165,667.09
Total	886,444	156,307,131.53
INSULAR POSSESSIONS.		
Hawaii	80	14,858.40
Philippines	60	16,629.12
Porto Rico	36	5,820.00
Panama	2	192.00
Total	178	37,499.52
FOREIGN COUNTRIES.		
Algeria	1	108.00
Argentina	16	2,852.50
Australia	103	18,364.90
Austria-Hungary	36	6,418.80
Azores	6	1,089.00
Bahamas	4	792.00
Barbados	2	216.00
Belgium	24	4,279.10
Bermuda	6	1,044.00
Bolivia	1	180.00
Brazil	4	698.00
British East Africa	1	144.00
British West Indies	3	298.00
Bulgaria	1	148.40
Canada	3,712	483,539.60
Cape de Verde Islands	1	56.00
Ceylon	2	594.00
Chile	12	2,268.00
China	18	3,209.40
Comoro Islands	1	120.00
Costa Rica	4	517.50
Cuba	60	10,696.80
Danish West Indies	2	324.00
Denmark	51	9,092.30
Dominican Republic	2	241.00
Dutch West Indies	6	948.10
England	486	86,650.80
Egypt	3	330.00
Fiji Islands	1	(1)
France	76	13,549.67
Germany	532	95,853.33
Greece	8	1,941.41
Guatemala	3	465.00
Haiti	1	108.00
Honduras	2	252.00
Hongkong	3	597.00
India	17	3,031.10
Ireland	462	82,370.60
Isle of Man	3	395.50
Isle of Pines	2	372.00
Italy	61	10,875.30
Jamaica	7	1,876.20
Japan	34	6,060.20
Korea	1	36.00
Liberia	7	912.00
Madeira	1	345.00
Malta	2	324.00
Mexico	189	33,705.70
Netherlands	10	1,668.00
Newfoundland	4	612.00
New Zealand	16	2,847.50
Nicaragua	2	288.00
Norway	77	13,725.10
Panama	34	6,048.90
Paraguay	1	240.00
Peru	14	2,496.10
Portugal	5	828.00
Russia	18	3,197.60
Salvador	1	144.00
Samoa	1	96.00
Scotland	86	15,333.67
Seychelles Islands	1	216.00
Siam	1	144.00
South Africa	11	1,728.00
Spain	3	432.90
St. Helena	1	144.00
Sudan	1	473.57
Sweden	81	14,448.10
Switzerland	68	12,126.40
Tasmania	2	2,332.93
Tonga Islands	2	432.00
Turkey	20	3,565.00
Uruguay	4	909.60
Venezuela	1	144.00
Wales	31	5,526.30
Total	5,476	978,471.98

The greatness and strength of any nation lies in its citizenship. The higher the standard of that citizenship the greater and stronger will be the nation. Citizenship without patriotism is one of which it is difficult for Americans to conceive. Our soldiers had the patriotism and would fight again if necessary for the preservation of this Union, and they would not do it for hire, either. They are not asking for a price to be set upon their patriotism; they are only asking, now that the cause for which they so valiantly fought has been successfully terminated, that the Government of which they are a part should come to their assistance and make more light the burdens which disease and advancing old age have brought down upon them. Sitting by the fireside in many a cabin throughout the length and breadth of this land to-day, waiting, only waiting, for the final summons, is many an old gray-haired veteran praying for immediate action by this House. A nation's standing at home and abroad is rated by the treatment of its citizens. When the present generation sees old soldiers who have fought and bled and suffered the privations of life that this Nation might survive going to their final resting place, poor, decrepit, and oftimes unwept, unhonored, and unsung, it is very apt to cause a distrust of the gratitude of the Nation itself and to dampen the ardor of its future citizens. God grant that whatever feeling of that sort may have been engendered it will pass away and that the generations of to-day and to-morrow will be as patriotic and willing to battle for the Nation's honor as those gallant soldiers who have responded every time the Nation made the call. What about our Spanish-American War veterans? They, too, responded loyally and did signal service for their country. Many of them sleep in lonely graves across the ocean; they gave up their lives for home and country. Many of the survivors of that war are to-day as much in need of assistance as the veterans of any war in which we have been engaged. Why wait for generations before providing for them, their widows, and their orphans? I hope this bill will be amended so as to provide for the Mexican veterans and the Spanish-American War veterans, and that some of the unreasonable provisions will be stricken out so that we may all unite in the passage of a nonpartisan pension bill and send a Christmas greeting to the old soldiers throughout the land. In conclusion let me say that we can give no better object lesson to the world than the one of providing for the comfort and maintenance of our men who responded to the call when our country was in danger.

Mr. MANN. I yield to the gentleman from South Dakota [Mr. BURKE] such time as he may require.

Mr. BURKE of South Dakota. Mr. Chairman, I am very glad that the majority propose this early in the present session to pass a pension bill. The present bill is in some respects a good measure, and if I were sure it was not possible to get a better bill, I would vote for it, because I am and have always been in favor of any legislation proposing more liberal pensions for the survivors of the Civil War. This bill should be amended. The proviso that no one in receipt of a pension of $25 or more shall be entitled to admission or residence in the National Home for Disabled Volunteer Soldiers and that no State or Territorial home for disabled soldiers and sailors shall receive any aid from the General Government on account of any person who shall be in receipt of a pension of $25 per month or more should be stricken out. It is unjust and unfair, and I indorse all that has been said in criticism and denunciation of it.

Section 3 should also be eliminated; first, because it is unfair; and, second, because it would probably cost more to administer the law with section 3 in it than the amount of the pension that would be paid under the provision. It would necessitate proof being furnished in every case that the applicant did not receive a net income of $1,000 or more, putting claimants to great expense and necessitating long delay in the adjudication of claims that should be disposed of speedily, and must necessarily be in thousands of cases, in order to do the claimants any good, as the statistics tell me they are dying at the rate of 100 per day, and, of course, as time passes the death rate will be very much greater.

Mr. Chairman, in my opinion, we should not consider what some other body may do with a bill that we pass. The other body is responsible for what it may do, and we should assume the full responsibility of our position and pass a bill in accordance with our best judgment, and, it seems to me, that if we do this that we will adopt as a substitute for the pending bill the Sulloway bill, which was passed in the last Congress and which, in my opinion, is a more just measure and in every respect more liberal than the Sherwood bill. It proposes to recognize the survivors of the Mexican War, and certainly there is no reason why the survivors of that war should not receive the benefits of the legislation which we propose to enact for the

survivors of the Civil War. One of the reasons why I am in favor of the enactment of a more liberal pension law than we now have upon the statute books is because we are now by private bills conferring special favor upon a few old soldiers when hundreds of others are just as worthy, and perhaps in many instances more worthy, than some who by reason of their activity or through the good fortune of having a friend here or elsewhere is enabled to get relief through a private bill. I assume when the bill that will be reported by this committee and finally passed by the House becomes a law that then, to a large extent, Congress will not be called upon to grant increases of pension by special act, and that only such cases as do not come within the existing law will be considered.

There is no occasion for my taking up the time of the committee in expressing my sentiments toward this proposed legislation or eulogizing those who will be affected thereby, as during my service as a Member of this body I think I have demonstrated my friendship and regard for the old soldiers of the country, and they who know me best know that I have never failed to respond when I could be of service to them; and I therefore hope that the present bill may be amended as I have suggested and that it will pass this House to-morrow and that the other body will consider it promptly, with a view to having it placed upon the statute books before the holiday recess as a Christmas greeting to those who will be beneficiaries under its provisions. [Applause.]

Mr. MANN. I yield to the gentleman from Pennsylvania [Mr. FOCHT] 10 minutes.

Mr. FOCHT. Mr. Chairman, before making some observations regarding the merits of the Sherwood pension bill, I wish to congratulate the Democratic Members on the other side of the aisle who feel that there devolves upon this House a great obligation; and while the bill which has been presented by the gentleman from Ohio [Mr. SHERWOOD] is not all that is expected by those more friendly to pension legislation than some of the Democratic or southern Members, yet I wish to extend congratulations for the reason that I can comprehend why many Members from the South might feel that they do not have reason for being in favor of pensions for our soldiers.

The truth of the matter is, Mr. Speaker, even in my own State—that grand Commonwealth that contributed more of wealth, of suffering, of blood, and of life for the erection of the Republic, and then for its preservation, than any other State in the Union—from Pennsylvania and my district came Gen. Hulings with his brave Logan Guards, the first to arrive in Washington, but even there the citizenship was not all of one accord with respect to that great contest.

I have in my possession a letter written to my father, who was a preacher and a pronounced Unionist, in which the declaration of warning was made to him that if he preached one more Union sermon like the one he preached on the Sunday previous he would preach no more; but he continued preaching just the same. There were people in the North who did not believe in the contest, who said, "Let the South go"; and I doubt seriously whether there was a universal comprehension and clear insight into the real meaning and consequences of the great contest until it was given utterance by that great leader of men—one of God's ambassadors and prophets—Abraham Lincoln. [Applause.] Abraham Lincoln felt about that contest that men could die, but they could not be defeated. He said in his immortal speech at Gettysburg that these men must not have died in vain. He said more. He said that thing which causes me to-day to appeal for these veterans. He said there, in essence, that the result of this mighty conflict would determine whether men anywhere were capable of self-government and independent sovereignty. And that finally is what actuated and stimulated and aroused the patriotism of the North and caused the South to be conquered. It was to be determined, with the world an audience and gazing upon the awful conflict, whether we as brothers should live in peace together.

So, therefore, these men who went to the front did not go in the hope of conquest and of plunder. They were not like Blucher, who stood on London Bridge after Waterloo and, beholding the great city, was asked what he thought of it, and exclaimed, "Great God, what plunder!" There was no plunder for those men who marched down this Avenue and across the river to the conflicts of the Civil War. There was only one thing that actuated them, and that was the highest, the noblest, and the sublimest patriotism.

My friends, it is an historic tradition, if not a fact, that Alexander, long before the Christian era, when his soldiers became enfeebled or were wounded, sent them back to their Macedonian homes with the order that they should be received with all honor and supported by the government. Then there is the example of the world's greatest soldier, if not statesman, who, as he sat dying on the barren rock of St. Helena, indicted a will, and, although he did not have a dollar in the world, he bequeathed untold millions to his grenadiers and his soldiers, and the gratitude of France paid every dollar. Such was the love of Napoleon for his men of the battle line; such was the love of France for the men who brought so much glory to her eagles and tricolor.

And how many men were there who were shot to death and who received no consideration, or even a decent burial? Countless unknown and unmarked graves offer the answer. I know of an instance in my own county where a father stood on the veranda of his home and saw four boys go down the lane and turn into the great highway, which highway led to eternity, for they never came back. Those four boys were never pensioned. What of the unnumbered thousands who have died and never received a dollar? Patriotism this, which, noble, sublime, pierces the skies and reaches to heaven.

Here we have a few old men left, tottering and trembling, not asking for charity—no, but that their Government shall discharge a sacred obligation. That is what we want for them—the discharge of an obligation made by Lincoln himself when they went to the front.

I trust that Gen. SHERWOOD will eliminate from his bill the thousand-dollar restriction, inasmuch as he calls this a service bill. The fact that he limits the bill in its application with respect to the thousand dollars makes it anything but a service-pension bill. I hope, too, that there may be added at least $20 per month for the widows of the soldiers. Ah, my friends, not least among those who suffered the agonies and tortures of that war were the women at home.

Mr. RUSSELL. Will the gentleman yield?

Mr. FOCHT. Yes.

Mr. RUSSELL. As a friend to the legislation, and in the interest of the widows, does not the gentleman believe that it would be safer for them and the veterans under this bill to let that bill which is pending before the committee, and, as I am informed, will be reported to the House, stand on its own merits rather than to endanger this bill by putting it onto this?

Mr. FOCHT. I certainly agree with the gentleman from Missouri. I am expressing my views now, as I may not get an opportunity to express them on that bill.

Mr. RUSSELL. I am in sympathy with the gentleman from Pennsylvania, but I do not want to increase the limits of this bill for fear that those opposed to the other bill may vote against this and so defeat it.

Mr. FOCHT. I am in perfect accord with the gentleman from Missouri. I wish to say that I have gathered from expressions of gentlemen on the majority side, Democrats North and South, that it was their purpose, at this time, to permit us to wind up the pension business; that is to say, by the passage of this bill, to put it in such shape as to no longer require medical examinations and investigations of every description, untold ramifications, and complex details which are very expensive, costing two or three million dollars a year—that there should be a final and complete winding up, giving the soldier not 50 or 75 cents a day, but enough to sustain human life.

Now, I want to say something in answer to anybody and everybody who makes the assertion that the Government or any State has provided a home for the old soldier. What is a home? A place of confinement where there are regulations restricting and hedging the conduct of your life? Is that a home? Is a home a place far off from friends, among people you do not know? These men, if they are anything, are the Republic's noblemen, and are entitled to fair treatment by the Government we are so proud of. Give them enough that they may leave these institutions, however well kept they may be. They can be nothing more or less, and can not be more or less to a man removed from his youthful environments than something of a cross between an almshouse and a prison. Let the veteran have sufficient subsistence, let him go back to the woods and the fields, let him live and linger among his old friends at the corner store, let him go along the murmuring streams and hear the birds sing and live in the glory and splendor of the sunshine of his youthful associations. [Applause.]

The SPEAKER. The gentleman's time has expired.

Mr. FULLER. Mr. Chairman, I believe I have some time remaining—51 minutes, I think. Rather than consume that time myself, I shall yield it to others. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FULLER. Mr. Chairman, I now yield five minutes to the gentleman from Illinois [Mr. THISTLEWOOD].

Mr. THISTLEWOOD. Mr. Chairman, I feel, in justice to myself and to the great State of Illinois and to her soldier citizens, that I ought to rise in my place and urge the pas-

sage of this legislation that we have been promising from year to year. I know we are told that the pension roll is already very long and the people of the country are taxed to pay these pensions. Suppose the roll now is very long, was there ever a country that possessed such an army of soldiers? Was there ever such a body of men gathered together, who marched under a flag, as were gathered together and who followed the flag that we followed? I think the body of men that came anywhere near being equal to that body of men were the men who followed the flag on the other side. I have no feeling now, nor did I ever have, against the men who contended on the other side. If I had possessed the feeling it long since would have been wiped out, because I look upon the veteran soldiers as among the most honorable men in this country. Are they the men you find in your penitentiaries? Are they the men you find blowing up bridges or packing dynamite through the streets? I think to-day they stand as an honor, each in his own section of the country, as an example for the younger generations to follow. I never meet a veteran who followed Pap Thomas on the battle field of Chickamauga and stood with him on Snodgrass Hill that I do not feel like taking off my hat to him, because they contended there from noon until dark and were relieved only by the darkness and their own sturdy soldier qualities. I feel the same way when I meet a veteran who followed Pickett in that magnificent charge at the Battle of Gettysburg. I think it stands almost without a parallel in the history of all the wars of all the nations of the world. [Applause.] So, I say, give us this pension legislation. You have been promising it to us long enough. Every national convention of the two great parties for years has said that we propose to give the soldier liberal pensions. Is the pension that is being received by the veteran of 70 years or more now a liberal one? Why, it will not pay his house rent. These things were promised.

The soldiers of the Civil War have not been pensioned in equal amount to the soldiers of the Mexican War. No soldier of this country of the Civil War received a land warrant for his services in that war. So I say we stand uncomplaining, but now demanding for those who need it, that you shall fulfill the full measure of your promise. Was there anything too good to promise when Lee was marching on Gettysburg, and when the very doors of Baltimore and Philadelphia were threatened? Was there anything too good to promise them? I think not. Was there anything too good to promise men who were wanted as recruits to come to the aid of Washington when Gen. Early was thundering at her gates? And I say now that we are demanding that the contract made with the people be fulfilled. I remember, and many of you remember, that in every gathering where soldiers were being recruited men stepped forward and said, "We will see that your widows are well cared for; we will see that your children do not suffer for food; we will take care of the families left behind." This was promised all over this country, and I say the time has come now when you ought to live up to your obligations. [Applause.]

Mr. Chairman, if Illinois had done no more than give to the country and the world the great Lincoln, she would have been entitled to sit in the front rank in any gathering of soldiers in this country. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FULLER. Mr. Chairman, I yield five minutes more to the gentleman from Illinois.

Mr. THISTLEWOOD. Mr. Chairman, in addition to that we gave to the Union Army 250,000 men; we also sent that silent soldier from Galena, who, early in February, in 1862, at Fort Donelson, electrified the country by his laconic dispatch to Gen. Buckner, commander of the Confederate forces, saying "I demand your immediate and unconditional surrender," and whose name stands to-day among the great soldiers of the world. [Applause.] No greater magnanimity was ever exhibited by a soldier than was exhibited by him toward Lee and his army when they surrendered, and I feel that that, more than anything else, perhaps, has attracted the people of the whole country to the name of Ulysses S. Grant. Gentlemen, give us this pension legislation. I do not care whether you call it the Sulloway bill or the Sherwood bill or the Anderson bill, or what; but give us this pension legislation. I am not pleading for myself. I draw a pension, it is true; and I do not expect to swap that pension certificate for any pension that you can give me.

My pension says that it was granted because of wounds received on the field of battle. That is an honorable legacy I wish to leave to my family when I shall have passed away. [Applause.] So it makes no difference to me; I do not expect to ask one penny under this bill. Gentlemen, I thank you. [Applause.] I ask leave to extend my remarks in the RECORD.

The CHAIRMAN. Without objection, that leave is granted. [After a pause.] The Chair hears none.

Mr. BROWN. Mr. Chairman, I feel peculiarly honored in having the privilege of following the distinguished gentleman from Illinois, the honorable and honored old soldier who has just taken his seat. [Applause.]

I come from a district presenting a disputed border of more than 200 miles, along the front of which was waged many heroic contests of the Civil War, and every mile of which was battle ground between the two great contending armies. There is scarcely a county in the second congressional district of West Virginia in which monuments are not erected to mark our battle fields and scarcely a lonely cemetery which does not contain the ashes of our sacred dead. There is not a highway crossing these 200 miles of firing line that has not been made historic by the daring charges and countercharges of Lee and Jackson and McClellan and Rosecrans.

We contributed generously and almost equally of our best blood and citizenship to both the Blue and the Gray, and we are proud of the records they have made, and you can not praise and glorify the courage and fortitude of one side without honoring the other; but to our young men and women all this is history; to the older generation, however, it is a sad but glorious memory. [Applause.] In West Virginia, I am glad to say, we no longer know either the North or the South, but are one people sufficiently proud and boastful of the fact that we are all true Americans. [Applause.]

From a constituency like this I am called upon to vote upon this pension bill, nor does this call come alone from the soldiers of the North [applause], but be it said to the credit and generosity of the no less brave boys that wore the gray, I have on my desk a number of letters from them urging me to support any pension bill that will bring additional comfort to the soldiers of the North in their declining years. Only on Saturday an old Confederate soldier, carrying by his side an empty sleeve, a silent but convincing evidence of his bravery on the field of battle, urged me to support this bill. Not only for these reasons, but because I believe it is right and just, I am here to support the best and most generous pension bill that can be secured at this time. Personally I would prefer the Sulloway bill, but will vote for the Sherwood bill because I believe it is the only one that can be passed and made a law at this session. [Applause.] It is but an act of justice to the old soldier already too long delayed.

The Sherwood bill has two classes of enemies upon this floor: Those who honestly oppose it; and those who speak in favor of it, yet are endeavoring to load it down with amendments, thereby secretly hoping to secure its defeat. Among this latter class are many on the other side of the aisle, who have been in power in all branches of this great Government for more than 40 out of the 50 years since the Civil War, and yet have failed to do their full duty by the old Union soldier. [Applause.] Their declarations upon the floor of this House favoring the Sherwood bill condemn them, and out of their own mouths are they convicted of guilty and unpardonable indifference and neglect of the old Union soldier, who has heretofore relied upon that party to do him justice.

It was for that grand old soldier and statesman, Gen. SHERWOOD, who fought as a private in the first land battle of the Civil War at Philippi, W. Va., to lead the way and bring before this House a liberal and patriotic measure for the true relief of his comrades in arms.

Some express great surprise that the necessity for increased pension appropriations should now exist. Why not? Every year the old soldier becomes less able to earn a living at manual labor. The once strong arm is becoming weak and the martial feet unsteady. Every year his ability to earn is less and his needs are more. The pension rolls show that there are only about 450,000 survivors of this once magnificent army, and that they are dying at the rate of over 100 a day, and that owing to the advancing years the daily mortality is rapidly increasing and that 10 years more will see but few names of the old soldiers of the Civil War upon the pension roll. The pension roll is a roll of honor, and yet we are told by some that we can not pass the Sherwood bill because we must economize. To those who talk economy I would say let us economize in some other way. If I was compelled to choose between them I would rather build fewer battleships; cut down the standing Army; spend less for internal improvement; stop, if necessary, the building of the Isthmian Canal, than deprive the defenders of this Republic of their just demands. [Applause.]

The enemies of the Sherwood bill insist upon passing a widow's pension bill, and I say to them that I am for their bill, but I will not vote for it as an amendment to the Sherwood bill, for I believe it is offered for the purpose of defeating all

pension legislation at this time. The same is true of the amendment including the veterans of the Mexican War, also the veterans of the Spanish-American War. These may be just and right and should receive proper consideration at some other time. The Sherwood bill may not be the most generous bill, but let us not overload it at this time, for fear it will meet the fate of the Sulloway bill, which died in the Senate committee room. I am in favor of passing this Sherwood bill, and passing it now. [Applause.] The present system is too slow, for, in my short service on the floor of this House, I secured a pension for one old soldier who died in poverty and want before it reached him. Another was ordered before the examining board for an increase and died before it could be granted. If this great Nation ever intends to show its gratitude and appreciation of the Union soldier, we must do it now. Some tell us that the old soldier enlisted for bounty and money considerations. This is an insult both to the old soldiers of the North and the South, for the same blood flowed in their veins and the same patriotism and love of country inspired their hearts as led their children and their children's children to respond so promptly to their country's call in the Spanish-American War, and would inspire you and your children to rally around your country's flag in any hour of need. [Applause.]

Let us pass the Sherwood bill, and do it now. I intend to vote for it as it now stands, and vote against all amendments that may have for their purpose the defeat of this bill. [Applause.]

Mr. DIXON of Indiana. Mr. Chairman, I am very glad of the privilege which this opportunity affords me of again casting a vote in favor of increasing the pensions of the soldiers of the Civil War. For six years I served as a member of the Committee on Invalid Pensions of this House and was glad to be a member of the committee that reported the bill that increased the pensions of widows from $8 a month to $12 a month. I was glad of the privilege to vote for the McCumber bill, which increased the pension of a very large number of worthy soldiers of the Civil War, and at the last session of the Congress I rejoiced in the opportunity to join in the report of the committee and to cast my vote for the Sulloway bill [applause], and I am to-day, I repeat, glad of the opportunity to cast my vote for this meritorious measure. The war in which these men were engaged was not an ordinary contest; it has no parallel in history. Upon the Union side there were two and three-quarter million men engaged. The largest army in modern times was in the Franco-Prussian War, yet the Union soldiers in our Civil War exceeded the number of men of both armies by over 1,000,000 men.

The soldiers of the Union in the Civil War were three times as many as the total number of American troops in the Revolutionary War, Mexican War, the second war with England, and the War with Spain—the loss in killed and wounded many, many times as great.

We read of the famous charge of the Light Brigade as immortalized in poetry, yet there were more than a hundred regiments in the Civil War where the loss in killed and wounded exceeded that of this well-known charge. The fact is that the loss in killed and wounded in that great charge was but 36.7 per cent, while in the Civil War there were 72 Union and 53 Confederate regiments each of which lost in a single battle over 50 per cent of those engaged.

In that great contest many fell upon the field of battle; many dropped by the wayside worn and weary by the long and tedious marches; many suffered in the hospitals and camps; and thousands of men perished in prison martyrdom; and few, if any, returned from that four years of hardship and suffering to their homes unmarked in health and strength by that great conflict. And a great and generous Nation should come to the aid and comfort of these old men because they came to the Nation's rescue when the Nation's life was imperiled. [Applause.] Enlistment in that contest was not an ordinary occasion; it was a serious business, a trying ordeal. Opportunities had to be abandoned; men left their families and loved ones and offered themselves to their country to be uniformed for battle and robed for death. No pen will ever place upon history's page the full measure of domestic tenderness of the volunteer Union soldier who, at the side of his pale-faced wife and pleading children, gave in solemn tones to the muster officer of the Government his name for the Army. [Applause.]

A generous Government should not allow any of the brave survivors of that great struggle to want for the comforts of life. This is but an act of justice, a recognition of gratitude. We can not delay the payment of this debt of gratitude, for the veterans are growing old, and their ranks are being rapidly diminished by death. Hardship borne and exposure suffered have hastened that event. Nearly 40,000 die each year, more than a hundred a day, and it will be but a few more years when the history of their deeds will be but a sacred memory.

Let us act now and give them the comforts to which their age and services entitle them.

There were on the pension roll on June 30, 1911, of the survivors of the Civil War, 529,884; of this number 376,218 served longer than one year, and under this bill will receive $30 per month. The remaining 153,666 will receive from $15 to $25 per month, depending on the length of their service. As the number of the survivors who served less than six months and more than three months is but 8 per cent of the total number of survivors on the pension roll, this bill will benefit 90 per cent of those now on the rolls and give them from $20 to $30. Personally, I would like to see them all receive the $30 per month. I think they all deserve the same, and I have in each Congress introduced a bill to that effect.

I have so often here asked for liberal pensions, and have so repeatedly presented the claims of the soldiers, that I can add but little to what I have so often said before. I am glad to know that this measure is to be passed so soon in this session, and may early consideration be given to it at the other end of this Capitol. The soldiers are entitled to have this bill become a law. Their services made it possible for us to enjoy the blessings of this Government and the benefits we to-day receive. They settled by the sword what their forefathers were unable to settle by compromise—the question of human slavery and peaceful separation.

It was settled right, and all sections to-day, both North and South, East and West, ratify that solution. [Applause.] And the principles of Grant, when he accepted the sword of Lee, have spread all over this country, and the time of sectionalism has passed.

To-day we have the opportunity of giving to these old veterans who preserved the Union a few more dollars, not in payment of their services by mere money consideration. Money can not pay that. But it is done as a matter of gratitude and of right. This bill will benefit by its highest provision of $30 a month practically 71 per cent of the soldiers now living, and while personally I would like to see that provision extended to all, if it can not at this time become a law, I will be glad to cast my vote for the bill as introduced by the distinguished soldier from Ohio, Mr. SHERWOOD. [Applause.]

Mr. FULLER. Mr. Chairman, I now yield 10 minutes to the gentleman from Kentucky [Mr. LANGLEY].

Mr. LANGLEY. Mr. Chairman, like the gentleman from West Virginia [Mr. BROWN], who spoke a few moments ago, I, too, come from a section of country which furnished a large number of men both to the Union and to the Confederate Army. In my congressional district lives the sixth man who scaled the heights of Lookout Mountain. In my congressional district there is a county which, although it furnished a great many men to the Confederate Army, furnished more men to the Union Army than there were legal voters in the county. I am proud to represent such a territory as that, and I am proud to say that, so far as I know, not a man of either party in that section of the country which I represent is opposed to the enactment either of this bill or some other measure which will be more liberal than the present law. [Applause.]

When this House the other day proceeded with such unanimity to the consideration of this pension bill, I felt that it was a splendid tribute to the patriotism of its membership, and I hoped it meant there would be no partisan debate of this really nonpartisan bill. I am sorry to say that there has been some politics dragged into the discussion. I think I can truthfully say that during my service of several years as a Member of this body I have never acted as an extreme partisan. I have voted for strictly party measures, of course, and shall continue to do so, but upon those measures not strictly party measures I have given them the best consideration I could, regardless of whether they originated from Republican or Democratic source.

My friend from West Virginia [Mr. BROWN] said that the Republican Party had not done its duty by the soldiers, and other similar statements have been made in this debate. The distinguished gentleman from Ohio [Mr. SHERWOOD], and I believe the gentleman from Indiana [Mr. BARNHART], sought to leave the impression that the Republican Party was alone responsible for the failure of the Sulloway bill to be enacted into law.

Mr. BARNHART. Mr. Chairman——

The CHAIRMAN (Mr. CONNELL). Does the gentleman from Kentucky yield to the gentleman from Indiana?

Mr. LANGLEY. Certainly.

Mr. BARNHART. I hope the gentleman from Kentucky will change his reference to me, because I have not spoken on the bill.

Mr. LANGLEY. Perhaps it was another gentleman from Indiana who interrupted me with the question which I had in mind. I beg the gentleman's pardon if I am wrong. The purpose of the question which was asked me by some gentleman from Indiana was, as I understood it, to make it appear that this administration was really responsible for the defeat of that measure, and that the President of the United States had his personal representatives in the Senate prevent its passage by that body. I deny that that is true. It is true, just as it was true in this House, that some gentlemen—a few—on the Republican side did not think that the Sulloway bill ought to be enacted into law at that time. There were some Republicans in the Senate who opposed it, I admit, but I call the attention of the committee to the fact that on several occasions attempts were made, and always by Republicans, to bring that measure up in the Senate. On one occasion the Senator from West Virginia, Mr. Scott, called it up and asked unanimous consent for its consideration, and the gentleman from North Carolina [Mr. OVERMAN] objected to it. I refer you to the page of the CONGRESSIONAL RECORD, which I have before me now, where that occurred. It is on page 2883, containing the proceedings of February 18, 1911. Surely, no gentleman will contend that the Senator from North Carolina is the personal representative of the President.

Thereupon, the Senator from West Virginia moved to take up the bill, notwithstanding the objection, and an analysis of the roll call upon that motion will show that of the 49 votes cast for the motion, 46 were cast by Republican Senators, and of the 35 votes cast against it, all but 7 were cast by Democratic Senators.

I am calling attention to these facts because it has been alleged here, and it has been alleged and received with some credence in my district, too, that the political party to which I belong is solely responsible for the defeat of that measure in the Senate.

Mr. RUCKER of Colorado. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Colorado?

Mr. LANGLEY. Certainly, with pleasure.

Mr. RUCKER of Colorado. The gentleman from Kentucky does not take into account the number of absentees in the Senate. But I am not quarreling with the gentleman's attitude on that proposition. The gentleman has spoken of the statement that the President of the United States was opposed to this legislation, and it has been stated on this side that he gave strong intimation that he would veto the bill if passed. I want to call the gentleman's attention to the fact, in justice to the President of the United States, that at Los Angeles, in his trip through the West, he was brought to account by a post of the Loyal Legion and was asked the question whether or not he knew anything concerning the action contemplated, which did go through at the instance of Senator LODGE, and the President denied in toto that he knew of it. I want to say to the gentleman that I hope never to see the day when I shall not take the personal word of a President of the United States. [Applause.]

Mr. LANGLEY. I thank my friend for his timely and manly statement.

On another occasion, on the 4th of March, the last day of the last Congress, the Senator in charge of the bill again called it up for consideration, and again an objection was made to it. And by whom was that objection made? I call attention again to the RECORD of the Senate proceedings, pages 4320 and 4321, where Senator GORE is recorded as having objected to the consideration of the measure and where on a motion to take it up, notwithstanding the objection, the political alignment on the roll call is shown to have been practically the same as it was on February 18.

Mr. RUSSELL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Missouri?

Mr. LANGLEY. My time is very limited, but I will nevertheless yield to the gentleman.

Mr. RUSSELL. I was just going to make a point of order, not because I have any objection to the proceedings in the Senate being discussed, but because the point has been made against our friends on our side when they have referred to proceedings in the Senate. Now, if we are not permitted to discuss that question, I do not think it ought to be done on that side of the House.

Mr. LANGLEY. Mr. Chairman, I am referring to the RECORD of the proceedings of the Senate, not of the present Congress, but of the last Congress, and not on this bill, but on an entirely different bill, and I do not think the gentleman is correct in his statement as to the application of the rule.

The CHAIRMAN. Does the gentleman from Missouri make the point of order?

Mr. RUSSELL. I make the point of order, Mr. Chairman, because it has been invoked against our side of the House, and I think the Chair has decided that we could not discuss the proceedings of the Senate. I think the objection was made by the minority leader in this House.

Mr. BARNHART. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Indiana?

Mr. LANGLEY. I will state to the Chair that I have practically finished my reference to the Senate proceedings. But I desire to refer, before I complete my remarks, to the RECORD of previous Congresses, running back many years—that is, to mere matters of legislative history—but if I can not refer to the RECORDS of the last Congress, then——

Mr. CANNON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Illinois?

Mr. LANGLEY. Certainly.

Mr. CANNON. My recollection is that there is nothing in the rule that will prevent a Member of the House or of the Senate from speaking of what passed in the other body in a former Congress. The rule, as I understand it, is that it is improper for either body to discuss the proceedings of the other body on matters then pending. I take it that the same rule would apply in this case, covering what took place in the last Congress, as would apply to what took place in the First Congress, for example. Without examining the authorities, I am clearly of the impression that there is nothing in the rules to prevent a reference to the action of the Senate in a former Congress.

Mr. LANGLEY. That was just what I was proceeding to say.

Mr. BARNHART. Mr. Chairman, does the gentleman yield?

Mr. LANGLEY. Certainly.

Mr. BARNHART. Mr. Chairman, since my denial of having said anything on this question, the further statement by the gentleman from Kentucky reminds me of what occurred and I want to recall the denial that I made, because it was I who undertook to ask the gentleman from Kentucky a question as to whether or not the public news and the public records did not show that certain things occurred in another body. But before I finished my question the gentleman from Illinois rose, and I thought both the leader of the minority and the distinguished ex-Speaker were protesting that I had no right to make such a reference, and out of my very high regard for their good judgment and for the precedents of the House I went no further. But I want to let my interrogatory, or a piece of it, stand in the RECORD.

Mr. CANNON. I do not recollect of having participated in the colloquy to which the gentleman refers.

Mr. BARNHART. My recollection is that the gentleman got on his feet, and his colleague from Illinois [Mr. MANN] objected and protested against my reference to what took place in the other body in a former Congress.

Mr. MANN. I did not object or protest.

Mr. BARNHART. I was afterwards informed by the leader on this side that the matter was not in order.

Mr. LANGLEY. I thought, Mr. Chairman, it was the handsome gentleman who has just taken his seat who interrupted me the other day; but when the gentleman denied it, of course I took his word for it. He evidently thought I was referring to a speech on the bill which I was alleging he had made, when in fact I was referring only to the question he asked me.

Mr. RUCKER of Colorado. I agree fully with the distinguished gentleman from Illinois that under the rule it can not possibly apply to what has been done in a former session, whether it be upon this bill or the other bill. Time and again upon the floor of this House we get up and read what has taken place in the Senate, read the speeches that have been made, rulings that have been made, and so forth; but that is not the question.

Mr. RUSSELL. Will the gentleman yield for a question?

Mr. RUCKER of Colorado. Certainly.

Mr. RUSSELL. Do you think it ought to be ruled last week that we can not discuss it and then be ruled now that we can?

Mr. RUCKER of Colorado. No; but two wrongs do not make one right. Now, I want to say to the gentleman that if that is permitted the gentleman from Kentucky, in all fairness, inasmuch as he says he is about to leave the subject, ought to read the RECORD and show who it was that defeated the measure in the Senate—read what Senator PENROSE asked Senator LODGE, and read also what Senator Scott said in answer to Senator PENROSE when Senator PENROSE asked to take up another measure after he was through with his. [Applause.]

Mr. LANGLEY. I will say to my friend from Colorado that I am not trying to suppress any facts at all. On the contrary, I am trying to bring them out, and I will if I am permitted to do so. I will state again that I admit that there were a few Republicans in the other body who were opposed to the Sulloway bill. The RECORD clearly shows that. But I insist again that this RECORD shows that nearly all of the Republicans were for the bill and that nearly all of the Democrats were against it, and that a clear majority of that body was in favor of the bill if, under the rules, it could have been put upon its final passage, and that nearly all of the votes that would have been cast for it were Republican votes. I will be glad to incorporate in my remarks that portion of the RECORD to which the gentleman refers, if the Chair rules that it is in order to do so.

The CHAIRMAN. The rule under which the point of order is made is this:

> It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there; because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leading to a misunderstanding between the two Houses.

The point of order is sustained. [Applause.]

Mr. LANGLEY. Mr. Chairman, I understood that rule did not apply to proceedings in a previous Congress, but to the measure under consideration in the present Congress. However, if that is the ruling of the Chair, I shall abide by it and endeavor to proceed in accordance with the rule.

Before leaving the political phase of the subject, let me say to my friend from West Virginia [Mr. BROWN] and to other gentlemen on his side of the House who have sought to make it appear that the Republicans have been derelict in their duty to the soldiers, that I have had occasion to study pretty fully the legislative history of our pension system, especially while I was connected with the pension branch of the Government service, and that history utterly refutes the statements which have been made on that side of the House. It shows, furthermore, that practically every one of the many pension acts which go to make up our splendid code of pension laws was the product of Republican patriotism and Republican statesmanship. I have before me a compilation of the votes cast in both Houses of Congress on the 15 leading pension acts, commencing with the great fundamental act of July 14, 1862, and ending with the act of June 27, 1890, and it shows that 417 Democratic votes were cast for these bills and 648 Democratic votes were cast against them; and it also shows that 1,068 Republican votes were cast for them and not a single Republican vote against them.

Ah, gentlemen, the soldiers of the country know whether the Republican Party or the Democratic Party is their real friend. They have not forgotten the thousands of names that were dropped from the pension rolls and the thousands of pensions that were reduced under the first Democratic administration after the Civil War. It is true that most of you Democrats in the House voted for the Sulloway bill in the last Congress, and I give you due credit for that, even if your party in another body did vote almost in solid phalanx against it. And I am glad to see you support here to-day the Invalid Pension Committee in its efforts to get a more liberal pension law. I congratulate you latter-day saints of Democracy for the new-born zeal which you are displaying in behalf of the soldier. But to your party as an organization, let me suggest that it ought to go and make itself a new pension record before it seeks to enter the arena to contest for the championship as the special friend of the soldier. I call upon the old soldiers and their friends to examine and analyze the vote if there is a roll call upon the passage of this bill, and see to what party the bulk of the negative votes belong, and see also the sections and the environment from which the Republicans who vote against the bill come; they will both be significant, I think. And let me venture a prophecy, that after this bill passes the House, as it is certain to do, the Democratic press will teem with criticism of you Democratic Congressmen who are supporting this measure, and will cry out against it as a "raid upon the Treasury" and as an "unwarranted expenditure of public money." When these things are brought to the attention of the old soldiers, I have an abiding faith that at least many of them who temporarily have been misled by the argument that the great Republican Party has not done its duty by them will realize that it is and has always been their foremost champion and best friend.

Mr. Chairman, I know that what the soldiers and their friends want is action rather than words. I shall therefore occupy but little more of the time of the committee. As a partisan, I would have preferred to see this measure enacted into law by a Republican Congress. It would have been more in keeping with the history of previous pension legislation. However, as a friend of the soldiers, I shall be glad to see it passed by any sort of a Congress, and that, too, regardless of the political party which may get the bulk of the credit for its enactment.

I hope that I am not seriously violating the rules of the House when I say that in the Committee on Invalid Pensions, of which I am a member, I favored a different measure than the one which has been reported; but I was so anxious to see a more liberal pension law passed that I resolved, if I could not get one just the way I wanted it, or just as liberal as I wanted it, I would give my support to the best that could be obtained. In the committee meeting I reserved the right to vote for certain amendments if they were offered, but in the end I intend to vote for the Sherwood bill, amended or unamended [applause], because I feel that justice to these old heroes has already been too long delayed, and I want to see them provided for as speedily as possible and before many more of them have passed away.

I concede that there is merit in the argument that men who rendered the longer period of service are entitled, in one sense, to a higher degree of consideration at the hands of their country than those who rendered a shorter period of service. That is true as a general proposition, but it would have appealed to me with greater force when these old soldiers were younger men. I feel, however, that they are now so far advanced in years and have such a short period of their lives remaining that it is too late for this Government to undertake to discriminate between the longer and the shorter periods of service; and that where it appears that a soldier served his country faithfully and has an honorable discharge he should be given now, in his old age, a rate of pension which will place him in comfortable circumstances for the remainder of his life and without inquiring as to the length of his service. By common consent a period of 90 days is fixed as the minimum of service entitling a soldier to a pension where disability of service origin is not established. I would like to see the period made shorter than that. I know of my own personal knowledge many old soldiers who did not serve that length of time, but who would have done so if they had had the opportunity, who gave all that they could to the service of the Union by risking their health and their lives in its defense; and while I say all honor to those men who spent many long months and years in the service, undergoing all sorts of privations and hardships, I can not believe that they would oppose the allowance of a pension also to those other soldiers who entered the conflict toward its close.

I can not help resenting some arguments that I have heard which, in a sense, reflect upon the short-term men. We should remember, gentlemen, the circumstances under which they enlisted. They took the step at a time when all the horrors of that terrible conflict were well known. They knew the story of the awful carnage of Bull Run, of Gettysburg, of Antietam, of Pittsburg Landing, of South Mountain, and of the many other bloody struggles of the earlier periods of the war. They knew what perhaps some of those who enlisted earlier did not know, that it was a bloody, relentless conflict to the bitter end. Some of them went to the front to fill the family's quota, depleted by the death of a father or a brother. All honor, I say, to the men who served long terms, but let us not disparage the courage, nor the patriotism, nor the valor, nor belittle the sacrifices made by the men who followed them to the front later in the war.

As I have already intimated, I expect to vote for certain amendments that I am assured are to be offered, and my associates on the committee so understand it. In the first place, I am opposed to that provision which would exclude from the soldiers' homes those soldiers who accept a certain rate of pension. Such a provision is, in my judgment, contrary to the purpose of Congress in providing for these homes. They were intended as houses of refuge for the old fellows, who could be better provided for there and whose lives could be made more congenial by the surroundings thus afforded them. No such provision has ever been put into our pension laws heretofore, and I am opposed to putting it in there now. A little money could be saved by such a provision, it is true, but the sum is paltry in comparison to the distress and unhappiness that it would bring upon the old men, who need the increased pension provided by this bill and yet who would have to make choice between it and the comforts of the soldiers' home.

I am also opposed to section 3 of this bill, which proposes to deny its benefits to all soldiers who have a net income of $1,000 or more. The arguments against this section have already been quite fully presented in this debate. I am opposed to it because the effect of it would be to put our pension roll upon a pauper basis, which Congress and the country never intended and does not intend to do now. I am opposed to it because it would tend to take from our pension roll the status

which it now holds in the estimation of the country as a "roll of honor." True, we are appealing for more liberal pensions, because the great majority of the old soldiers need it; but at the same time we do not wish those who happen to have been fortunate or frugal enough to make themselves comfortable already to feel that they have thereby deprived themselves of the gratitude of the Nation. I am opposed to it for another reason, and that is that it would put into operation an inquisitorial process of adjudication of pension claims, which we have had too much of already, but which would far outstrip anything that has thus far been practiced by the Pension Bureau. Moreover, it would greatly delay the adjudication of claims, because the Pension Office would have to be satisfied beyond question that the soldier did not have such an income before he could receive the benefits of the act. This would not only require the soldier to furnish ex parte testimony on the point, but it would require the Pension Office to verify the testimony submitted in each case, and in many instances to withhold settlement of them until it would be too late for the soldier to get the benefit of the increase. Indeed, Mr. Chairman, I undertake to say, from my own experience of a good many years in the pension work of the Government, that in order to properly execute this section it would cost double the amount of money that would be saved by excluding such cases from the benefits of the act.

There is another change that I would like to see made in existing law, and that is the repeal of the provision which denies a soldier's widow a pension if she married the soldier after June 27, 1890. The majority of my associates on the committee, however, thought that we ought not undertake to burden this bill, and possibly jeopardize its passage, by embodying that provision in it, and therefore I have reluctantly assented that it be brought up as a separate proposition.

I know of many cases in my own district where a loving and devoted wife, who married the soldier after the date named, lived with him until the end, and indeed devoted her life and all her energies to caring for him. It is a crying injustice to deny the widow a pension in such cases. I have introduced a bill in each Congress since I have been here proposing to repeal that law, and I am ready to work and vote for its repeal; and I hope, before the Sixty-second Congress ends, that this injustice will be eliminated from our pension law.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. LANGLEY. I hope the gentleman from Illinois will yield me a few minutes more time.

Mr. FULLER. Mr. Chairman, I yield the gentleman five minutes more.

Mr. LANGLEY. Some reference has been made in this debate to the proposition to pension members of State militia organizations who rendered faithful and efficient service in the suppression of the rebellion, cooperating with Federal troops and under the command of Federal officers, but who were never actually mustered into the service of the United States. Kentucky had many of these troops, some of whom are still living. Missouri had a number of them, and so did other States that I could name. Ever since I have been a Member of this House I have been contending that some legislation for the relief of these men ought to be enacted. I have introduced and urged the passage of a bill for this purpose in each Congress since I came here. Personally I was extremely desirous of seeing such a provision incorporated in this bill, but my associates on the committee and other Members of this House, who are equally as zealous as I am in support of a measure for the relief of these militiamen, insist that it is unwise and not for the best interests of the cause of the militiamen to undertake to engraft such a proposition on this bill, for the reason that if it should be added to the bill it might defeat the whole measure and that if it failed of passage it might injure rather than aid their cause.

I have discussed this question not only with members of the committee who are in sympathy with the militia measure, but with other gentlemen also in sympathy with it, and particularly with some of my friends from Missouri and Pennsylvania and West Virginia, who have constituents who rendered like service, and so far as I now recall every one of them expressed the opinion that we should unite our efforts toward bringing the proposition up as a separate measure to be be considered by the proper committee and, if reported by the committee, by this House upon its own merits, and I have reluctantly, but I believe wisely, assented to that arrangement. It is, however, with the distinct understanding with the distinguished chairman of the committee and other members of it that at a very early date in this session the whole question is to be given a full and complete hearing, and is to stand or fall upon its merits. For that reason I have not offered the amendment, although I shall vote for such an amendment if it is offered, because it is so just and so righteous that I could not do otherwise.

I want to say also that I am in favor of extending the provisions of this act to the Mexican War veterans, just as was done in the age law of February 6, 1907. Only a handful of those old heroes are still with us, and they ought by all means to be given the maximum pension provided by this bill. Indeed, it ought to have been given them long ago, and I am glad to note that there seems to be a general feeling in the House that such an amendment will be overwhelmingly adopted.

Before concluding I want to call attention also to the fact that there is another class of our soldiers who need more liberal consideration at the hands of Congress. I refer to the Spanish-American War veterans, who rendered such valiant service for our country in the War with Spain, and as a result of whose service we have taken a front rank among the nations of the world. The law ought to be amended so as to pension those men who are now disabled and who are unable to furnish proof of origin of their disabilities in the service, because they are so far removed from their former comrades in arms; and there are other amendments to the law affecting their status which I hope will receive the early consideration of the committee having jurisdiction of the subject.

There are still other inequalities in our pension system that I shall not stop to discuss now, but shall take occasion at a later date to go into.

Mr. Chairman, as I said in the outset, the district which I represent has a conspicuous place in the history of the Civil War, and particularly in the history of the war in the border States. It not only furnished many brave soldiers to both sides, but it has also furnished to the country a distinguished soldier poet, Col. John A. Joyce, who for more than a third of a century has wielded his pen in the cause of the veterans. Some one has called attention in this debate to the fact that the rate of mortality among the old soldiers is rapidly increasing; that during the past year nearly 50,000 of them crossed the dark river. Of course, as the infirmities of age increase the rate of mortality will rapidly increase also, so that in a very few years they will all have left us. Col. Joyce has put this pathetic thought into a beautiful poem, which I shall insert in the RECORD:

THE OLD SOLDIERS.

Our ranks are growing thinner every year,
And death is still a winner every year,
Yet we still must stick together
Like the toughest sort of leather
And in any kind of weather every year!

Our comrades have departed every year,
And leave us broken hearted every year,
But their spirits fondly greet us
And constantly entreat us
To come, that they may meet us every year!

Our steps are growing slower every year,
Pale death is still a mower every year,
Yet we faced him in the battle
Amid the musket's rattle,
Defying showers of metal every year!

We are growing old and lonely every year,
We have recollections only every year,
And we bled for this grand Nation
On many a field and station
And with any kind of ration every year!

Many people may forget us every year,
And our enemies may fret us every year,
But while onward we are drifting
Our souls with hopes are lifting
To heavenly scenes still shifting every year!

In the Maytime of the flowers every year
We shall live in golden hours every year,
And our deeds be sung in story
Down the ages growing hoary
With a blaze of living glory every year!

Let me again appeal to you, my fellow legislators, to join in expediting in every possible way this just and patriotic measure, so that its beneficence may be bestowed upon as many of the old fellows as possible before the end of life comes to them. I am proud of the privilege of speaking and voting for a more liberal pension measure. I shall always count it the highest honor that I was permitted to be a member of the committee that reported this bill and a Member of the House that passed it. [Applause.]

Mr. FULLER. Mr. Chairman, I now yield to the gentleman from Virginia [Mr. SLEMP].

Mr. SLEMP. Mr. Chairman, I have the honor to represent on the floor of this House the only Confederate district that now sends a Republican to the Congress of the United States. It is a district, Mr. Chairman, from which there was no organized body of troops that served in support of the Union cause. Consequently there are a few, but not many, Union soldiers in my district, and their vote as compared with the total vote of

the district is insignificantly small. It is, therefore, from no motive of personal advantage that I shall record myself in favor of this bill. [Applause.] The associations of my life have been with those who sympathized with the Lost Cause. I was educated at an institution from which Stonewall Jackson entered the Confederacy, and my first college lessons were given in the section room where he conducted his classes as a professor before his sense of duty called him to take part in the great conflict between the States. My father served with his State as a Confederate colonel for four long years, and, like all true southerners, when the war was over he accepted the result with equanimity, laid down his arms, and thence afterwards became a loyal supporter of the Union. He served for two full terms in this House, and during that period he was an ardent supporter of pension legislation. Some of his closest friends in public life were those against whom he was engaged in armed conflict. It is a great pleasure to me by my vote to bear some testimony to his feeling and wishes on this subject.

There will be no bitterness on the part of the Confederate soldier on account of this legislation. Our only regret in the South is that our States have not so far recovered from the effects of the war that we can act as generously toward the Confederate soldier as the Nation can and does toward the Union soldier. I expect to vote for some amendments to the bill, but in the end I shall support it in its general features. My hope is that a generous Government, after the Union soldiers are fully provided for, as this bill will do, will consider pension legislation in favor of those who wore the gray and who, though defeated in conflict, yet served their State in the discharge of duty as they saw it and who to-day are loyal American citizens. [Applause.]

Mr. FULLER. Mr. Chairman, I yield to my friend from Indiana [Mr. BARNHART] 20 minutes.

Mr. BARNHART. Mr. Chairman, it is always an unspeakable pleasure to agree with my associates. It is also an irksome task to be compelled to disagree with them. I have listened to this debate, as I have listened to previous debates on this question, and have about made up my mind that if you will indulge me a personal reference I will give you an illustration that will somewhat enlighten you as to what prompts the objections to this pension legislation. Some years ago a very popular Methodist minister was returned to his pastorate in my home city for the seventh consecutive year and was given a great public reception. I was asked by the committee to speak on behalf of the citizen public. I accepted, was much impressed with the sacred surroundings in the pulpit that evening, and I made a somewhat sentimental talk. When I had finished, a good old Christian mother came rushing up to me and grasping my hand said to me, "God bless you, neighbor BARNHART, you would make a good preacher if you were a Christian, knew more of the Bible, and hadn't been a Democratic editor so long." [Laughter.] There were only these three things against my being an ideal man, in her estimation.

I have listened carefully to this debate, and find that the opponents to this bill have three objections to it. One is, they do not want to see it pass; the second, they do not want to see it pass; and the third, they do not want to see it pass. [Laughter.]

I said it would be an unpleasant duty to disagree with some of my colleagues on this bill, but the assaults on the bill are so unjust that it seems to me that somebody ought to "tell the truth and fear no man," and I am going to try to do it in a genteel but candid manner.

Where do the objections to increased pensions for deserving Union soldiers come from? We all know. First, they come from a section of the country which lost in the great struggle to preserve the Union, and any fair-minded man will concede that those from this section who do object have—or think they have—self-justification for doing so. Second, they come from politicians who think it profitable to play partisan politics with the old soldiers' cause. Third, they come from Representatives of millionaire constituents who fear that an increase of soldiers' pensions might necessitate income and inheritance tax laws; and fourth, they come from selfish friends of the soldiers' cause who are peeved because they have not had their way to secure personal glory. [Applause.]

For the Representative from the South, which thought it was right in the rebellion, who objects to commensurate pensions for the men who saved the Union I have no feeling of resentment or censure. He doubtless represents the sentiments of the people who have intrusted to him authority for legislative action. I believe he ought to favor the bill as a matter of acknowledgment that we are all proud that the Union of States was continued into the most powerful, influential, and happiness-giving in the world, but if he can not see it that way I am fair enough to overlook what I consider his patriotic mistake.

But for those Members who object to the bill for so-called economy sake I have no compromise. Most of them come from the great cities where colossal wealth domineers and where it shirks every responsibility to popular government it possibly can. Somehow the capitalist has led himself to believe that equal taxation is not essential to exact justice to all men, and he opposes all legislation that might lead to a condition wherein wealth would have to bear its just share of public expenses. And these Representatives from the large cities who are fighting this bill of relief for needy old soldiers are clearly doing so on the cold-blooded proposition that they want to protect their rich constituents from an income and inheritance tax law prospects. They claim they are doing it in the name of economy, but economy which enables the rich men to live immune from just taxation and compels the old soldiers, who made their riches possible, to live in want and misery is treason to justice and malfeasance in patriotism. Why, if the tax-dodging rich could be made to pay their just share of Government taxes every soldier in the land could have a satisfactory pension, and every workingman could have his tariff and revenue taxes reduced so he could have a fair chance in the battle of life. [Applause.] Suppose larger pensions do increase public expenses. Where does the money paid for pensions go? Not for costly public structures; not for increasing salaries; not for exorbitant expenses for the Army and Navy; and not for pomp and parade of national vanity; but it goes into the hands of needy old veterans throughout the country, who at once put it into the marts of trade, and general prosperity and happiness are the gainers.

But the "big-business" representative says, "We can not afford it." Yet when I said to one of you New Yorkers that "you act and vote in favor of big appropriations here like you would be willing to vote public money to build a railroad to the moon, laid on solid silver ties, and tracked with solid gold rails," you replied, "Sure we would if it would make us a dollar." O money, what abuses and crimes are committed in thy name! And what a matchless exemplar of the sentiment of big-city greed was that Shakespeare character who said, "Put money in thy purse; put money in thy purse." [Applause.]

We appropriate millions and millions to build monuments to military officials who received profitable salaries and high honors for directing movements, but when we propose an act to reimburse the men who actually did the fighting, and did it for $11 and $13 per month and at dire exposure to permanent disability and death, you cry economy.

Another obstacle in the way of adequate pensions for old soldiers is politics—partisan politics. We work here day after day, week after week, month after month, and year after year jockeying for political advantage, and needs of a righteous public service wait. Most of the debate on this bill has been made to attract favor with home people, rather than to change votes on this floor, and while we are doing it thousands of needy old soldiers, whose days are numbered and whose larders of necessaries of life are depleted, are waiting and wondering why if we are going to act we do not do it before it is everlastingly too late for them.

And more than this, there are big men in the political game outside this Chamber who are scheming with pension plans to benefit this party or that. Look at the letter which Gen. SHERWOOD read from the National Tribune editor, who is fighting this bill and favoring another because it is a Republican measure. He poses as a great friend to the old soldier, but his letter of recent date, read on this floor, asked that he be given first honors in the Grand Army of the Republic, that he might help to close the schisms between the soldiers and the present Republican administration.

That kind of partisan politics is a disgrace to the Grand Army of the Republic organization, and it makes enemies for soldiers' interests and doubters in the righteousness of their cause.

And, then, there is the legislator who wants personal glory in pension legislation or he will complain and find fault with any bill that does not make him hero of the occasion. I, too, wish it might be possible that I could have the honor that my distinguished old friend, the gentleman from Ohio, Gen. SHERWOOD, will have of having this bill in his name. But that is not possible for me. I could not have the Sulloway bill in my name either, but I voted for it; and I shall vote for the Sherwood bill, too, for I plainly see that we can never agree on the specific details that we would have in a pension bill.

There are two or three features of this bill that I do not like. There were three or four in the Sulloway bill that I thought I might make better. But in the great diversity of opinion of 400 earnest and, in the main, conscientious men, we can not each

get in a bill what we would put there, had it been delegated to us to write it.

Personally I am opposed to the provision in the bill which bars veteran soldiers who have a net income of $1,000 or more per annum from recognition under the proposed law. If this were a dependent bill that provision, and even a more exacting one, would be permissible. But it is not a dependent bill. It is a service pension bill, and every veteran, be he poor or rich, is entitled to the same badge of honor that a grateful people, through their Government, give to his comrades with similar service records. It is unfair for the Government to say to one soldier who has been industrious and frugal and laid up a competency for old age, "You can not share in the general gratitude we pay the saviors of the Union because you have been successful in life," and then say to those who have carelessly or through misfortune neglected opportunities to do well, "You shall have our special gratitude as soldiers."

Another objection is the provision concerning the benefits or limitation of benefits to veterans in soldiers' homes. Instead of the provision in this bill I would have it that those who live in soldiers' homes should have deducted from their pension allowance the actual cost of their keeping. This would be fair to the veteran who defrays his own living expenses outside the home and to the taxpayers who must furnish the money to defray pension and soldiers' home expenses. It may be right that a soldier living in a soldiers' home shall have his keeping at a cost of $20 per month and the same pension allowance as veterans who pay their own living expenses; but it does not look fair and just to me.

I still believe that a bill like the one I had before the committee providing straight dollar-a-day pensions with limitation of unnecessary expenses and partiality of allowances would be more generally satisfactory to both soldier and taxpayer, but the members of the committee that carefully considered all the bills introduced decided otherwise, and so I concur in their judgment, because it is the only safe way to get any pension legislation through.

Let us put all whimsicalities, selfish motives, and dilatory tactics behind us and pass a liberal pension bill, as a great majority of us, regardless of politics, have at least implied that we will do. This bill may not be ideal. It may not be and, in fact, is not what many of us would like to see passed. But the Sulloway bill, which some claim to be better and for which I voted, was killed before it got a hearing in the Senate, and if this bill is more likely to become a law we ought to pass it. It does not afford dollar-a-day pensions for all, but it does give dollar-a-day pensions to nearly 400,000 of the 530,000 soldiers now on the pension rolls, and it gives $25 per month to all the balance who served nine months and less than one year, $20 per month to all who served six months and less than nine, and $15 per month for all who served three months and less than six. It is a vast improvement over our present laws, and as such we ought to pass it just as other better-than-before pension laws have been passed.

Permit me to repeat with emphasis what I have said before. When our Nation has been in peril we have called for volunteers to shoulder arms and fight, and we have never called in vain. Men volunteered to risk their lives at any old wages the Government offered to pay, and they saved the country, to become one of the most delightful and wealthy beneath the sun. These men are now palsied by the touch of old age. Many of them are in want as the result of the sacrifices of time and health they gave for their country's cause. They were not paid reasonable compensation for their services. They offered themselves as sacrifices that we might enjoy the blessings of greatness and wealth which are so bounteously ours to-day. They will be with us but a few more years at most. Can we do too much to show them a Nation's appreciation of their help when we needed it? Not if we are grateful and solicitous for like services from our citizenship if a future emergency should arise whereby our Nation's fate might depend on the promptness, the bravery, and the patriotic enthusiasm of a volunteer soldiery. [Applause.]

READY REFERENCE DATA.

Total annual pensions now paid to veterans of Civil War (An average of $192 per year, or $16 per month.)	$111,736,728
Total Civil War veterans now on pension rolls	529,884
Died last year	35,242
Added to the rolls last year	2,521
Average age of pensioned veterans	70
Number of veterans on pension rolls who served—	
1 year or more	376,218
9 months and less than a year	60,564
6 months and less than 9	47,002
3 months and less than 6	44,510
Less than 3 months	1,590

To the 376,218 who will receive $30 per month under the Sherwood bill will be added the number of all who are disabled as result of injuries or diseases contracted in the service.

The Sherwood bill allows $30 per month to all veteran soldiers of the Civil War who served 1 year or more; $25 per month to all who served 9 months and less than 12; $20 per month to all who served 6 months and less than 9; $15 per month to all who served 3 months and less than 6.

The Sherwood service bill gives maximum total allowance now, which will grow less, while the Sulloway age bill would give minimum total allowance now, which would grow larger with age increases.

By unanimous consent, Mr. LANGLEY was granted leave to extend his remarks in the RECORD.

Mr. J. M. C. SMITH. Mr. Chairman, I am in favor of liberal pension legislation and am in full accord with any legislation by this body which will provide a just and ample pension for our veteran soldiers. In taking this position I express my own desire and the sentiment of my district. I am also glad to note that this is free from being a partisan question, as it ought not to be involved in party politics, because men of all parties were prominent in arms in that great civil strife; and, again, if need be, we must look to the stalwart citizenship of our land, irrespective of party, to defend the Nation whenever the horizon is clouded by the horrors of war.

In granting liberal pensions we are but carrying out the pledges of both parties.

At the convention of the Republican Party held in 1908 it declared in its platform:

> Another Republican policy which must be ever maintained is that of generous appreciation for those who have fought the country's battles and for the widows and orphans of those who have fallen. We commend the increase in the widows' pension made by the present Congress and declare for a liberal administration of all pension laws, to the end that the people's gratitude may grow deeper as the memories of the heroic sacrifices grow more sacred with the passing years.

The Democratic national convention of 1908 declared in its platform:

> We favor generous pension policy, both as a matter of justice to the surviving veterans and their dependents and because it tends to relieve the country of the necessity of maintaining a large standing army.

So we find both parties committed to the policy of liberal pensions. Every Democratic Member and every Republican was elected on a platform declaring for liberal pensions for our veteran soldiers.

Since that time there have been several sessions of Congress without any liberal pension legislation being enacted. The necessity for such legislation was found in the expression of the people of this Republic, and both great parties incorporated it as one of the fundamental principles upon which they went before the people and conducted their campaigns. If there had been no necessity for such legislation, if there had been no demand for this particular enactment, it would not have been in the platforms of the respective parties, and it is due to our constituents, it is due to the people of this Republic, and to the soldiers themselves, that at this time this action shall be taken and our obligation to the war veterans liquidated.

The objection that it carries too large an appropriation is not tenable. Where in the history of any country is there an instance that after a successful war, without levying tribute, the men who bore arms melted away into the great citizenship of their nation, men contending on each side, the North and the South, shouldering the burdens and the expenses of that great war, going to their homes to make this the most magnificent country upon the face of the earth. And the soldiers pay their part of their own pensions, if you please. In my estimation this is not a charitable act; it is simply the payment of an obligation which we owe to these men who, in the days of their youth, by their valor, succeeded in giving to this country such profound service as was the admiration of the whole world. It will be but a short time that we will have the privilege of showing our gratitude to those men. They are dying at the rate of 40,000 a year, and the whole 500,000 of them will soon have passed away.

From the report of the Committee on Invalid Pensions I take the following:

> The number of soldiers of the Civil War on the pension roll on the 1st of July, 1911, was 529,884. The aggregate amount of pension paid to Civil War soldiers during the year was $101,425,534. The average rate for such pensioner was therefore $191.41 under all the general and private pensions.
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> The number of deaths during the year ending July 1, 1911, was 35,243, or an average of almost 3,000 a month. The number of soldiers who will be available for pensions on the 1st day of January, 1912, is estimated to be about 500,000. Of this number over 63,000 are now drawing pensions of $25 per month and $30 per month and over. Hence in estimating the increased cost for pensions (should House bill 1 be enacted) we must deduct 63,000 from the entire number of pensioners, leaving the number of soldiers available for the increase on January 1, 1912, 446,000.
>
> House bill 1 (the Sherwood bill) provides four classes—$15 per month, $20 per month, $25 per month, and $30 per month—rated on the length of service. The average rate is therefore $22.50 per month, or $270 per year. The average rate per man during the year ending

July 1, 1911, was (official) $191.41. The increase under House bill 1 would therefore be $78.59. Apply this increase to 446,000 soldiers and the amount is, in round numbers, a little over $34,000,000.

According to the information furnished to the committee by the Commissioner of Pensions, the estimated cost of carrying out the provisions of the proposed Sulloway bill is as follows:

Age.	Increase per month.	Number.	Annual increase.	Amount.
62 years	$12 to $15	93,589	$36.00	$3,369,204.00
65 years	12 to 20	184,577	96.00	17,719,392.00
70 years	15 to 25	101,778	120.00	12,213,360.00
75 years	20 to 36	63,461	192.00	12,187,512.00
Total				45,489,468.00

This bill, if enacted into law, will grant to all persons who served 90 days or over in the Civil War, or 60 days or over in the Mexican War, and who have reached the age of 62 years, a pension of $15 per month; this is $3 per month more than is now allowed under the act of February 6, 1907; 65 years, $20 per month. This is a new rating. Under the existing age act there is no rating between the ages of 62 and 70 years, and your committee thinks this is unjust to the soldier, and that in his declining years, with a majority of the veterans partially or wholly unfit to perform manual labor, there should be an increase allowed at the age of 65 years, hence the recommendation of a new rate of $20 per month; 70 years, $25 per month; this is an increase of $10 per month over the existing rates; 75 years of age, $36 per month; being an increase of $16 per month over the amount now allowed under the maximum rate of the age act.

It occurs to me that with the assistance the soldiers are rendering, with the easy method of payment, where each man contributes through an indirect method in such a way that the amount is hardly appreciable, we should not hesitate to do this for these men. This great Government of ours does not maintain a standing army. Our young men are not compelled to do military duty as are those of foreign nations. We can well afford to be liberal in our pension laws. The amount is large because our Army was large; it required a great army in order to win that renowned victory which shed luster upon the soldiery of this great Republic. And in voting for this bill we are simply doing our duty. There is no occasion for drawing any fine line between the Sulloway bill and the Sherwood bill. Each has merits.

We boast of the greatness of our country—$127,000,000,000 in wealth, so fabulous as to be beyond human conception, and expressed only by a row of figures. Eight billion dollars for our farm crop of a single year! We are so large that the area of Belgium, Holland, and Greece does not equal that of Michigan. The greatest engineering feat known to science, the Panama Canal, is apparently an easy task for American enterprise and American talent. Our vast area of fertile plains awaits but the magic touch of the husbandman to pour untold wealth into the lap of the Nation. We are rich in mineral and all natural resources, and now in the pride and strength of our national infancy let us do our duty by our veteran soldiers who did their share in building up our splendid citizenship, playing their part in the maintenance of this great Republic, and doing their part even now in paying the Nation's debt and obligation.

We are a Nation of nearly 100,000,000 people. We doubled our population in the short space of three decades. Soon we will be 200,000,000 people.

Let us be just to the heroes of the Civil War. They, in a short time, will pass away, but the memory of that terrible strife will be rehearsed and recounted by our children's children, to whom they bequeath so proud a heritage—a Republic where we must keep the fire of patriotism forever burning upon the altar of liberty and freedom.

[Mr. ANDERSON of Ohio addressed the committee. See Appendix.]

Mr. McGUIRE of Oklahoma. Mr. Chairman and gentlemen of the committee, there is only one feature of this bill to which I desire to address myself for a few minutes. I have always been in favor of pension legislation. [Applause.] I believe in the tribute just paid to the defenders of our country by the gentleman from Ohio [Mr. ANDERSON] who preceded me. I indorse every word of that sentiment. Believing as I do in the men who saved this Republic and gave us all we have to-day, since I have been in the American Congress I have never failed to vote for any measure and every measure that would give those defenders more money, those defenders who are in need at this time, gentlemen, and badly in need. We ought to do what we can to secure them all the comforts possible in their declining years. If I had my way, however, I should amend this bill materially. As it now provides it is my honest and candid judgment that tens and hundreds of thousands of dollars which should go to the old soldiers will go to clerks and to expenses of the Pension Department. I can not reconcile myself to section 3 of this bill. For instance, take an old soldier who served one year. We will say he has an income of $950 net. I do not know that I understand just what the word "net" means in this case, but, I take it, over and above the running expenses of his business. He will draw under this bill $30 a month. I take another old soldier who was side by side with him in that service, who shared with him the hardships of the service, and he has an income of $1,000 a year. As provided by this bill, he is precluded from drawing one dollar pension. I can not reconcile myself to that sort of a provision. I want to say to you, gentlemen, it may take more money to eliminate this section, it may require greater expenditure upon the part of the Government of the United States to eliminate this section, but in justice to the defenders of the country it ought to be eliminated by this House. This is only a part of a comparison that might be made. Take, for instance, two men who served four years and underwent the hardships incident to the life that they endured. One of them has an income, we will say, of $900 to $950 a year. The man who fought by his side has an income of $1,000. Under the provision of section 3 of this bill one draws a pension of $30 a month and the other is precluded from any pension whatever.

Can you reconcile yourselves, gentlemen, to that sort of a provision in this bill? It undoubtedly ought to be eliminated. But let us go a little further with that comparison. Take the man who served one year, and he has a net income, we will say, of $900 a year. Another man has served four years, and he has a net income of $100 more per annum, or $1,000 a year. The soldier who served one year is entitled to $30 a month under this bill and the soldier who served four years of the best days of his life is precluded from the possibility of a pension under this provision. It seems to me that some one was ill advised when that section was placed in the bill. You can not pass that and do the square thing for the fellows who saved this Republic and gave us all that we have to-day.

I would go a little further. If necessary, I would cut out a few battleships, much as I believe in a strong navy. I would go a little further, and if necessary I would reduce the rivers and harbors appropriation bill in order that these men who followed that flag to victory and gave us the greatest country that God's sun ever shone upon could have what they ought to have in the last days of their lives. I would eliminate appropriations in other departments of the Government, and I would eliminate section 3 of this bill and give them that which every man in this House feels from the bottom of his heart they justly deserve. [Applause.]

Another thought. At what is it to be decided whether the applicant is entitled to a pension? That is, we will suppose he has an income of a thousand dollars a year now and an income of less than a thousand dollars within a short time, or, on the other hand, suppose his income now is less than a thousand dollars and within a short time after he draws his pension, by reason of some good fortune, he draws an income greater than a thousand dollars a year. Is it proposed under the provisions of this act to deprive him of his pension under such circumstances? The gentleman who proposed this section of the bill must have been deluded into believing that the country was in grave danger of being inflicted with another Democratic administration, and naturally and properly concluded that under such circumstances every Civil War veteran would draw a pension under these provisions. For whoever heard of anybody having an income of more than a thousand dollars a year under a Democratic administration? There are other features of the bill to which I can not reconcile myself.

Section 2 provides that any person who served in the Civil War, received an honorable discharge, was wounded in battle or in line of duty and is now unfit for manual labor, whether his present unfitness is due to the gunshot wound or some entirely different cause, shall receive $30 per month, the maximum under this bill, regardless of his length of service. That is a just provision, and I am in favor of it.

But the same section provides that one who served during the Civil War and received an honorable discharge, and who was discharged because of disease or other disabilities, other than gunshot wounds, shall receive $30 per month only in case the disabilities received in the service now totally unfit them for the performance of manual labor. This provision is pure buncombe. Under the general law that has been in operation for years if the soldier has a disability incurred in service that unfits him for manual labor he receives $30 per month, and this bill grants him no relief whatever. If he has a disability that nearly unfits—one that he incurred in service—that caused his discharge from the service in less than 90 days—one from which he has suffered through all the years since the close of the war—he does not, under this bill, receive a cent of pension. On the other hand, if he served but 60 days—and during that time re-

ceived a flesh wound from which he suffered but a few days—the bill gives him $30 per month.

I will read section 2. Note the discrimination against those who incurred disease or other disabilities while serving their country:

SEC. 2. That any person who served in the Civil War and received an honorable discharge, and who was wounded in battle or in line of duty and is now unfit for manual labor, through causes not due to his own vicious habits, or who from disease or other causes incurred in line of duty resulting in his disability now to perform manual labor, shall be paid the maximum pension under this act, to wit, $30 per month, without regard to length of service.

The part of the section relative to diseases and similar disabilities is valueless, for it does not enlarge the benefits of the present general law. I have a letter from A. M. Current, an old soldier at Guthrie, Okla., received to-day, in which he says:

I think you ought to oppose the Sherwood bill and work for the Sulloway bill. There are soldiers who served a few months and were discharged for disability incurred in the service and were never able to get back in the service, who were just as patriotic and suffered just as much for their country as the soldier who served more than a year. For they did all their health, impaired in the service, would permit.

His objection is good and the bill should be remedied in this respect. Let me make a comparison. One man served 60 days and during that time received a flesh wound from which he suffered only a few days. In recent years he became rheumatic and can not now perform manual labor. He gets $30 under this bill. Another man enlisted for three years, but in 80 days was discharged because he had contracted in the service stomach trouble of so severe a nature as to render him unfit for service. He continued to suffer from this disability for years after his discharge, but is now cured or relieved of this disability. Even though he should now be blind, deaf, consumptive, and paralyzed, and be entirely without means of support, under this bill he would receive nothing, for his present disabilities were not the ones incurred in line of duty. He was just as patriotic, suffered just as much, and is as needy as hundreds of other soldiers, but gets nothing. Is not this discrimination unjust?

Why not give the man now disabled, who was honorably discharged after a short service because of disease contracted in the service, the highest pension under this act, as you do the soldier who received a gunshot wound?

The bill in its general provisions is too extravagant. It means too many clerks, too many investigations, and too many complications. A general pension act should provide safeguards against fraud, but this is not a general pension act. It specifies and includes only those who served the Government of the United States during the Civil War, and every man who comes within the range of the provisions of this bill is to-day a man of advanced years, and the cases of attempted fraud would be the rare exception and not the rule.

This bill should be written in the plainest English and in the simplest form with the view of reducing the number of clerks in the Department of Pensions, and of eliminating examining physicians, and of reducing the number of field inspectors to a minimum. I would take the money given under the provisions of this bill to unlimited numbers of these clerks, physicians, and field inspectors and pay it direct to the old soldiers.

Another feature of pension legislation has been overlooked by the gentleman in charge of this measure. There is not one word about the widows of the soldiers of the Civil War. Under the present law widows can draw but $12 a month. As a general rule, they are less able to earn a sum sufficient to maintain them than the soldiers themselves. They have been just as patriotic, just as devoted to their country, and in tens of thousands of cases the hardships experienced by them far exceeded those of their husbands. And I regard it as absolutely inexcusable that they have not been better provided for. And it is a matter of profound regret to me that this bill does not contain a provision increasing their pensions.

I also call your attention to a provision of the present law. The widow of a veteran of the Civil War is precluded from drawing a pension if she married the soldier subsequent to 1890. For 20 years and more she has been his faithful wife, she has helped him to rear a family, has devoted her life to him and nursed him in his declining years, is left at his death with a dependent family, and there is no provision for her pension. This bill should remedy that unfortunate condition, but it does not.

I have in mind a number of cases where veterans of the Civil War served slightly less than 90 days. By their very act of enlistment they demonstrated their patriotism. In hundreds of cases their service, though short, was of immeasurable value to their country. They should not be omitted from the provisions of this bill, and in every case where the State Militia was used by the Government for a period of 60 days or more they should have a pensionable status.

I should prefer to see this bill amended so as to reach all cases which I have enumerated, and I expect at the proper time to offer or vote for amendments which will cover these cases, which, I regret to say, have been omitted in this bill.

We should not stand upon the question of expense, and no Member of this House should permit his apprehension of a Treasury deficit to influence his vote. This bill, when amended as it should be, should receive the sanction of every patriotic American citizen. It matters little to me who gets the credit. We owe a debt to the defenders of this Nation, not so much for their service as for their patriotism, and the time is now come when we should do our full duty. I have no fear but that the American people will stand by the Congress and the President when we shall have liberally rewarded these great American patriots.

No soldier of the Civil War has ever thrown a bomb or made an incendiary speech. His energies have for more than 50 years been directed to the building of a Republic rather than to the destroying of one. He is seldom guilty of an infraction of the law, but always sustains it. He has never assailed the Constitution or the Republic, but has given his best days and his best blood in support of them. He gave heroic service to his country and a lasting example of patriotism to the world. He made the Declaration of Independence mean what it says—that all men are created equal before the law. He dispelled the lowering cloud of slavery which had so long threatened this country with destruction. He lifted our standard of civilization and perpetuated this Republic.

I do not know how others view his services, but as for myself I prefer to minimize the expenditures in every department of the Government in order to express my appreciation by a liberal pension for every man who took part in that great conflict, and to leave it to an unprejudiced constituency as to whether I have done my full duty.

The CHAIRMAN (Mr. Cox of Ohio). The time of the gentleman has expired.

Mr. POWERS. Mr. Chairman and gentlemen, I have no prepared or set speech, and I shall therefore ask your kind indulgence to permit me to express to you whatever thoughts the inspiration of the moment may give me for utterance and in whatever language, good or bad, that may come to my lips for expression.

I have the honor to represent a district which has within its confines 310,000 population. Possibly no Member on the floor of this House represents more of the veterans of the Civil War than I do. I feel I would be derelict in my duty to them and those interested in their welfare if I did not offer a few observations on the provisions of this bill, which reads as follows:

A bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War.

Be it enacted, etc., That any person who served in the military or naval service of the United States during the late Civil War, and who has been honorably discharged therefrom, shall, upon making proof of such facts according to such rules and regulations as the Secretary of the Interior may provide, be placed on the pension roll and be entitled to receive a pension as follows:

For a service of 90 days or more and less than 6 months, $15 per month; for a service of 6 months or more and less than 9 months, $20 per month; for a service of 9 months or more and less than 1 year, $25 per month; for a service of 1 year or more, $30 per month: *Provided*, That no one who shall be in receipt of a pension of $25 or more per month under this act shall be entitled to admission or residence in the National Home for Disabled Volunteer Soldiers; and no State or Territorial home for disabled soldiers and sailors shall receive any aid from the General Government on account of any person who shall be in receipt of a pension of $25 per month or more under this act.

SEC. 2. That any person who served in the Civil War and received an honorable discharge and who was wounded in battle or in line of duty and is now unfit for manual labor, through causes not due to his own vicious habits, or who from disease or other causes incurred in line of duty resulting in his disability now to perform manual labor, shall be paid the maximum pension under this act, to wit, $30 per month, without regard to his length of service.

SEC. 3. That no one shall be entitled to pension under this act who is in receipt of an annual net income of $1,000 or more, exclusive of any pension he may receive.

SEC. 4. That no person shall receive a pension under any other law at the same time or for the same period he is receiving a pension under the provisions of this act.

SEC. 5. That rank in the service shall not be considered in applications filed hereunder.

SEC. 6. That pensions under this act shall commence from the date of filing the application in the Bureau of Pensions after the approval of this act.

In the outset, Mr. Chairman, I desire to say that I expect to give this bill my hearty support. It is true that it does not contain all the provisions that I would like to see incorporated into it. I would like to see the widows of the veterans of the late war cared for by a provision in this bill. I would like to see the Mexican War veterans, the Spanish War soldiers, the home guard, the State militia, the telegraphers, the teamsters, and, in fact, everyone who contributed their share toward the preservation of this great Union, in days of its peril, included in this bill and amply cared for by its provisions. But we have assurances from the committee having charge of this bill that

if it is loaded down with these amendments it can not pass the Senate, and therefore can not become a law. So far as I am individually concerned, then, I am opposed to the incorporation into this bill of any amendment which, in my judgment, will defeat its final passage.

The distinguished gentleman from the State of Illinois, the leader of the minority, in his speech on Saturday afternoon made a plausible and, in my judgment, a dangerous argument. He said that it was the duty of this House to put into this bill all the relief which all are entitled to who helped save this Union, and if the Senate failed to pass it, let it assume the responsibility therefor. If a bill with all these amendments could pass the Senate, I would say well and good, and it would receive my warm and hearty support. [Applause.]

But if a physician is called to see a patient, what would you think of his skill, if he should devote his time to inquiring into whether the man had his leg broken in falling from the roof of a house or falling on a sidewalk, thereby trying to place the responsibility on some one, or somewhere, instead of devoting his energies in relieving the suffering of the injured patient? The thing the patient needs is results and relief; and the thing this House wants is to get results in legislation, and relief for the old soldier, and not merely to place the responsibility upon the shoulders of anybody for the lack of legislation or the lack of relief.

If this bill, or something similar to it, is not passed within a short time, there is no need to pass any additional legislation in behalf of the veterans of the late war. They are now treading on the icy brinks of death, and will soon be beyond the power of the country they saved to either serve or help. Favorable action ought to be taken on this bill here, and at once. If the widows' bill is a meritorious measure, and, in my judgment, it is, in all probability it is the part of wisdom to incorporate it into another measure, introduce it in this body, pass it, and send it to the Senate for its consideration. Do the same thing for the Mexican War veterans, the Spanish-American War soldiers, the Home Guard, the State Militia, the telegraphers, the teamsters, and others. Put each class in a separate bill. Pass them through this House and let each of them, in the United States Senate, stand or fall on its merits there. In my judgment, this House believes that many of these bills ought to be enacted into law. The Senate, however, may feel differently about it. The House may feel differently on some of these measures. This House might not pass this bill, now before us for consideration and known as the Sherwood bill, if all these measures of which I have spoken were incorporated into it and made one bill.

Why, then, risk the chance and opportunity of defeating this measure by loading it down with a raft of amendments. Is it a safe policy to carry all the eggs in one basket? Might we not lose for the old soldier what we are able to get for him by striving after the impossible? Besides, if these other measures can pass the House and Senate in one measure they can pass them in separate bills.

From what I have seen here for the last few days I believe that a majority of this House thinks that the old soldier ought to have additional relief—and I believe that a majority of the Senate will take the same view—but I fear that a majority of this House does not believe that all the other classes I have mentioned should be cared for through pension legislation. It seems, therefore, that the wise thing for the friends of pension legislation to do is to present separate measures here for all those who, in our judgment, ought to be pensioned, and pass as many of them as we can; and by so doing we will not defeat those measures which can pass, if left to stand or fall on their own merits.

Taking that view of it, I introduced at the special session of Congress separate bills looking to the relief of the widows of the Civil War veterans, the Mexican War veterans, the State Militia, and others, and those bills are now in the hands of the Invalid Pensions Committee for consideration. And we have had promises and assurances from members of that committee here on the floor of this House within the last few days that separate bills on a number of these classes of cases shall be forthcoming, and shall pass the House. This is gladsome news, and I hope nothing will interfere with those plans and purposes. I gather it, too, that it is the purpose of the Invalid Pensions Committee to pass this bill for the benefit of the old soldiers, and not to pass any special acts for their benefit, believing that enough has been done for the old soldiers when this bill has been passed. This may work a hardship in some cases, but I am ready to concede that you have already done much to bless and benefit the old soldier when you pass this bill.

I offered the following bill at the special session of Congress:

Granting pensions to all enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico.

Be it enacted, etc., That any person who served 90 days or more in the military or naval service of the United States during the late Civil War, or 60 days in the War with Mexico, and who has been honorably discharged therefrom, and who is now or may hereafter be placed upon the pension rolls of the United States at a less rate than $1 per day, shall, after the passage of this act, be placed on the pension roll at the rate of $1 per day: *Provided, however*, That any person now drawing a pension of more than $1 per day shall not be affected by this act.

I would like to see it pass. In many respects it is a better bill than the Sherwood bill. I would like to see it pass, but I am ready to concede that the Sherwood bill is a pretty fair measure, except in two particulars.

There are two provisions in it, and I speak as a friend and not as a foe to this measure, which, in my judgment, ought by all means to be taken out of it. Then, and not till then, will it be a good measure. I hope that the committee having it in charge will eliminate section 3. I believe I will take the time to read that provision again, although I am sure it is familiar to everyone here. It is as follows:

SEC. 3. No one shall be entitled to a pension under this act who is in receipt of an annual net income of $1,000 or more, exclusive of any pension he may receive.

So far as my own district is concerned, this provision will not affect the pension drawn by a single soldier within its confines. I want to state it as my deliberate judgment that there is not a soldier in my district who has a net income of $1,000 a year, exclusive of whatever pension money he may be drawing. From that viewpoint, then, it will not affect the soldiers in the district I have the honor to represent; but from another standpoint it will affect them very materially.

What does this provision mean? It means delay. It means expense, if left in the bill. It means endless trouble in readjusting the pension legislation of this country. According to the report of this committee, there are now about half a million soldiers who are on the pension roll. About 63,000 of these now draw a pension above the amount specified here in section 3, and therefore will not be affected by it. But there are 446,000 soldiers in our country that will be affected by this provision. In other words, before any of these 446,000 soldiers now on the pension roll can get relief under section 3 and other provisions in this bill, proof will have to be made to the Interior Department, governed by whatever rules and regulations it may see fit to prescribe, showing, first, that these people get a net income of less than $1,000 a year. Every one of these 446,000 soldiers will have to make proof of that proposition. And what is a net income? That question will come up for consideration. It will involve the necessity of looking into the private affairs and the private business of every old soldier in the land. And, besides, this is a pension bill based upon service; and if it is a pension bill based on service, let us not put into it a provision which contradicts its name and contradicts its alleged purpose. [Applause.]

This provision of the bill is an insult to every prosperous and well-to-do soldier in the land and advertises to the world the unfortunate condition of every other one. It punishes thrift and enterprise and rewards profligacy and shiftlessness. After each war it says to every young man who has served his country: "Sit down. Take life easy. If you will do that and have no means of support Uncle Sam will pension you. But if you are industrious, hard-working, and a successful man, the Government will not recognize you."

Gentlemen, this policy will not do. And besides that, don't you know it is going to cost this Government more to administer this provision of the bill and adjust the pension claims under it than it will to leave it out and pension the few old soldiers who have a net income of $1,000 per year, exclusive of any pension they may receive? It will take an army of pension clerks, inspectors, and other Government employees to readjust the 446,000 pension claims now on the pension rolls. Better pay this money to the old soldiers. Not over 2 per cent of them would be financially affected by this provision of the bill. Delay and hardships are inevitable under this provision of the bill as it now stands.

The Secretary of the Interior, in whose department all these matters will be adjusted, has this to say of it:

"The provision relative to incomes would necessarily require evidence in each claim as to the income of the applicant. This would, no doubt, lead to a large amount of correspondence and consequent delay in the adjustment of the claims filed. The claims filed the first year and not adjudicated until the second and third years after the passage of such a bill would carry arrears from the date of filing," etc. It is admitted here by the man best able to judge, that these claims can not be adjudicated for years. While the process is going on the old

soldier is dying—dying at the rate of 36,000 a year—3,000 a month. One hundred less of them see the light of day every time the sun comes up in the morning. Why promise the old battle-scarred veteran something in a pension bill, and then place something in the way of his getting it? This provision of the bill must be eliminated.

And there is a part of another provision, which ought to go. That part of section 2 which says:

That no one who shall be in receipt of a pension of $25 or more per month, under this act, shall be entitled to admission or residence in the National Home for Disabled Volunteer Soldiers.

There are 10 National soldiers' homes and 30 State soldiers' homes in this country. There are 25,000 soldiers in the National homes and 20,000 in the State homes. These homes are already built at State and Government expense. Whether this provision becomes a law or not, those homes will still have to be maintained at State and Government expense. All the old soldiers will certainly not leave the homes. All of them can not leave the homes. Many of them can not dress themselves or feed themselves. The average age of the soldiers now living is between 70 and 71 years. They will not be with us long. You know it and they know it. Let us neither banish them from the homes nor punish them if they can not go.

With this provision of this measure, and the $1,000 a year income provision taken from it, it will then receive my hearty support. I can not believe that either provision will be permitted to pass this House. [The House later rejected both of these provisions.] It is true that this Government pays out in pensions each year $160,000,000; and that this bill (with the two provisions to which I most seriously object taken out of it) will cost this Government $45,000,000 more each year. Those opposing the bill strongly urge that this Government is already paying out too much money in pensions and that this bill righteously deserves overwhelming defeat.

It is also said that the old soldier has been petted and spoiled; that it has come to the point where he believes that his Congressman has got nothing to do except answer his letters, look after his pension claim, and chase around to the departments in his interest, and to the neglect of the business of all the other people in the district and country. It is said that he is insistent and persistent in his demands; that he never stops writing to his Congressman; that he is never satisfied with what he has got and is always wanting more; that greed and graft have driven from the altars of his heart the fires of patriotism; that he now wants his Congressman to help him loot the Treasury of the country he fought to save; and that he is satisfied with his services as a Congressman if he does and dissatisfied with them if he does not.

It is said, too, that the Confederate soldiers after the war expected nothing from the Government, went home and went to work, and that the average Confederate soldier is now better off than the average Union soldier; that the Union soldier has become idle and shiftless and worthless and depends upon the Government to give him enough money in the way of pensions to keep him up.

These are serious charges, and I hope that no old soldier in my district, or elsewhere, ever has been or ever will be guilty of them. I hope that those who feel that way on this subject will not forget the fact that the old soldier did help to save this Union. That much can neither be doubted nor denied. That much, at least, of his life and motives are secure from truthful attack. That he displayed valor and patriotism, fortitude and courage no honest man conversant with the facts will ever dispute.

As a result of his privations and hardships, lofty patriotism and Spartan-like valor, we have one flag and one country, which is a marvel to all the world in its wonderful achievements and an inspiration to all mankind in its love of liberty, lofty ideals, and high resolves.

The war is over. Its passions and its bitterness should be buried with its dead.

Possibly not all the right was on the one side nor all the wrong on the other. Each side believed in the justice of its cause and fought courageously to maintain it. No stain was left on American manhood by reason of that sanguinary struggle; no blot upon the valor of American arms. [Applause.]

Mr. UNDERHILL. Mr. Chairman, I will not take the time of the House long in a discussion of this bill, but I feel that I would be derelict in my duty to my constituents if I did not raise my voice in its behalf. I am one of those who can recollect nothing of the Civil War. I was born several months after Fort Sumter was fired upon, and those stirring times which are mentioned with so much eloquence by the survivors of the exciting and thrilling days of 1861–1865 are not even a memory to me.

My understanding of the agreement made by the authorities of our country in the day when they needed brave men to defend and protect the Union is that it was a matter of patriotism, not of purely financial consideration. When men were urged to enlist they were told that they would be taken care of if alive, or their survivors and dependents would be in case they never returned alive.

I believe a good deal in common honesty myself. I care little what creed a man may believe or whether he affiliates with any denominational church. If he is an honest man and does what he contracts to do in a willing manner, he can generally be found among good and desirable citizens. I want this Government to live up to what I have always been told was their agreement with the men who braved the shot and shell and saved the Union from disruption.

I have the honor to represent a district which has the reputation of having contributed as many soldiers to the Civil War in proportion to its population at that time as any in the Union. At the beginning of the war my native county was one of the strong Democratic counties of the Empire State, but that did not interfere with Steuben County sending many a soldier to the front to defend our country's flag. The politics of the district have been so one-sided since that I am the first Member of the Democratic Party to be sent to the National House of Representatives since the tidal Democratic year of 1882. I was not chosen by voters of my own party alone. I had the support of many in the opposite political ranks, and I attribute my election, in part at least, to the issuance of a personal platform, on which I ran, and in which I agreed to represent the thirty-third district of the State of New York according to the principles therein laid down, and also to endeavor in other matters to represent the honest views of the people of the district. The subject of pensions was not dwelt upon in that platform, but I am so sure that the Sherwood bill meets with the approval of my constituents that I am going to support it.

I am not in favor of section 3. I am in favor of eliminating that from the bill for the reason that I do not think that thrift should be punished by discrimination, and further, I believe that it would cost more to inquire into the financial standing of every applicant than it would cost to pay the additional pensions to veterans who are fortunate enough to enjoy an income of $1,000 or more.

I sent a copy of this bill to every Grand Army post in my district, 22 in number. They were read in the post meetings, and in nearly every case I received an official communication from the proper officer stating that it was a satisfactory measure, and that the post wished to see it become a law.

I am aware that the survivors of the Civil War are a small proportion of our present population, but I have found few men who did not believe in liberal treatment to the old veteran and in smoothing his declining years, which at the best are comparatively few.

I am glad to see that this great question is not being discussed from a sectional or party viewpoint, but is being considered on this floor in a broad and patriotic manner. This is not a question of charity. It is a question of justice. In the town where I reside there is a home for soldiers and sailors, erected by the efforts of the Grand Army of the State of New York. It was built originally by subscriptions, and a goodly part of the first $100,000 was contributions of the people of the churches of the State of New York, regardless of creed, and the gifts of the citizens of Bath. The home was later turned over to the State of New York as the best method to secure the benefits intended. I can remember as a young man when the home first opened. If my recollection serves me right, it was about Christmas Day, and the first veterans to be sheltered within this home were unfortunate invalids and cripples who were that day removed from the county almshouse. To-day there are from 2,000 to 2,200 veterans within the protecting walls of this noble institution.

I favor this bill and believe it will pass. If it were done by a unanimous vote it would show the deep and lasting gratitude of a thankful people.

Mr. ANDERSON of Ohio. Mr. Chairman, I ask unanimous consent to extend and revise my remarks.

The CHAIRMAN. The gentleman from Ohio [Mr. ANDERSON] asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. ADAIR. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FOSTER of Illinois, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill

(H. R. 1) granting a service pension to certain defined veterans of the Civil War and had come to no resolution thereon.

HOLIDAY ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I desire to call up a privileged resolution. I move the adoption of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Alabama moves the adoption of the resolution which he sends to the Clerk's desk. The Clerk will report the resolution.

The Clerk read as follows:

House concurrent resolution 21.

Resolved, That when the two Houses adjourn on Thursday, December 21, they stand adjourned until 12 o'clock m. on Wednesday, January 3, 1912.

The SPEAKER. The question is on the adoption of the resolution.

The question was taken, and the resolution was agreed to.

ORDER OF BUSINESS.

Mr. ADAIR. Mr. Speaker, I would like to ask unanimous consent that when the House meets to-morrow and goes into Committee of the Whole House on the state of the Union for the further consideration of the Sherwood bill, general debate be limited to 1 hour and 40 minutes; 30 minutes to be occupied by the gentleman from Illinois [Mr. CANNON], 40 minutes by the gentleman from New York [Mr. FITZGERALD], who is opposed to the bill, and 30 minutes by the gentleman from Indiana, Judge CULLOP.

The SPEAKER. The gentleman from Indiana [Mr. ADAIR] asks unanimous consent that when the House resolves into Committee of the Whole House on the state of the Union to-morrow for the consideration of House bill No. 1, general debate be limited to 1 hour and 40 minutes; 30 minutes of it to be occupied by the gentleman from Illinois [Mr. CANNON], 40 minutes by the gentleman from New York [Mr. FITZGERALD], and 30 minutes by the gentleman from Indiana [Mr. CULLOP]. Is there objection? The Chair hears none, and it is so ordered.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 44 minutes p. m.) the House adjourned until to-morrow, Tuesday, December 12, 1911, at 12 o'clock m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with letter of the Chief of Engineers, report of a preliminary examination of Jupiter Inlet, Fla. (H. Doc. No. 257); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with letter of the Chief of Engineers, report of a preliminary examination of Winthrop Beach, Boston Harbor, Mass. (H. Doc. No. 258); to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with letter of the Chief of Engineers, report of a preliminary examination of Thames River, Conn. (H. Doc. No. 260); to the Committee on Rivers and Harbors and ordered to be printed.

4. A letter from the Secretary of War, transmitting, with letter of the Chief of Engineers, report of a preliminary examination of Ridley River, Pa. (H. Doc. No. 259); to the Committee on Rivers and Harbors and ordered to be printed.

5. A letter from the Secretary of War, transmitting, with letter of the Chief of Engineers, report of a preliminary examination of Escambia and Conecuh Rivers, Fla. and Ala. (H. Doc. No. 261); to the Committee on Rivers and Harbors and ordered to be printed.

6. A letter from the Secretary of War, transmitting, with letter of the Chief of Engineers, report of a preliminary examination of Delaware River at Bordentown, N. J. (H. Doc. No. 262); to the Committee on Rivers and Harbors and ordered to be printed.

7. A letter from the Secretary of War, transmitting, with letter of the Chief of Engineers, report of a preliminary examination of Yalobusha River, Miss. (H. Doc. No. 263); to the Committee on Rivers and Harbors and ordered to be printed.

8. A letter from the Secretary of War, transmitting, with letter of the Chief of Engineers, report of a preliminary examination of Sakonnet Harbor, R. I. (H. Doc. No. 264); to the Committee on Rivers and Harbors and ordered to be printed.

9. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on examination and survey of Hoquiam River, Wash. (H. Doc. No. 268); to the Committee on Rivers and Harbors and ordered to be printed.

10. A letter from the Secretary of War, transmitting, with letter of the Chief of Engineers, report of a preliminary examination of Chandlers River, Me. (H. Doc. No. 265); to the Committee on Rivers and Harbors and ordered to be printed.

11. A letter from the Secretary of War, transmitting, with letter of the Chief of Engineers, report of a preliminary examination of Darby River, Pa. (H. Doc. No. 266); to the Committee on Rivers and Harbors and ordered to be printed.

12. A letter from the Secretary of War, transmitting, with letter of the Chief of Engineers, report of a preliminary examination of Los Angeles (San Pedro) Outer Harbor, Cal. (H. Doc. No. 267); to the Committee on Rivers and Harbors and ordered to be printed.

13. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on examination of Broad Creek, Md., a waterway connecting Pocomoke Sound and Little Annemessex River, with plan and estimate of cost of improvement (H. Doc. No. 269); to the Committee on Rivers and Harbors and ordered to be printed.

14. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on examination and survey of Pamlico and Tar Rivers, with a view to obtaining greater depth and width as far up as Tarboro, N. C. (H. Doc. No. 270); to the Committee on Rivers and Harbors and ordered to be printed.

15. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Manatee River, Fla., with a view to securing a depth of 13 feet from the mouth to Palmetto and Bradentown, and thence such depth to Ellenton and Rye as commerce may demand (H. Doc. No. 271); to the Committee on Rivers and Harbors and ordered to be printed.

16. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination of South Channel of Mystic River and South Bay, with a view to securing increased depth, and examination and survey of Chelsea Creek between the Meridian Street Bridge and the Old East Boston Bridge, Boston Harbor, Mass. (H. Doc. No. 272); to the Committee on Rivers and Harbors and ordered to be printed.

17. A letter from the Secretary of War, transmitting twenty-first report of the Board of Ordnance and Fortification for fiscal year ended June 30, 1911 (H. Doc. No. 130); to the Committee on Appropriations and ordered to be printed.

18. A letter from the Secretary of War, transmitting report of expenditures on account of appropriations for contingencies of the Army for fiscal year ended June 30, 1911 (H. Doc. No. 273); to the Committee on Expenditures in the War Department and ordered to be printed.

19. A letter from the Secretary of War, transmitting report of expenditures on account of appropriations for contingent expenses of the War Department for the fiscal year ended June 30, 1911 (H. Doc. No. 274); to the Committee on Expenditures in the War Department and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 6246) granting a pension to John H. Caldwell; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10731) granting a pension to Guilbert Allen (now Peace); Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14877) granting an increase of pension to William Tucker; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DENVER: A bill (H. R. 15351) to provide for the purchase of a site and the erection of a public building at Hillsboro, Ohio; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 15352) to provide for the purchase of a site and the erection of a public building at Wilmington, Ohio; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 15353) to provide for the purchase of a site and the erection of a public building at Lebanon, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. GUERNSEY: A bill (H. R. 15354) providing for the construction of a steam fog signal at the entrance to Cutler

Harbor, Washington County, Me.; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: A bill (H. R. 15355) to amend section 429 of the Revised Statutes of the United States, relating to publications admitted to the second class of mail matter; to the Committee on the Post Office and Post Roads.

By Mr. NEEDHAM: A bill (H. R. 15356) providing for the purchase of a site and the erection of a public building thereon at Modesto, State of California; to the Committee on Public Buildings and Grounds.

By Mr. ALEXANDER: A bill (H. R. 15357) to regulate radiocommunication; to the Committee on the Merchant Marine and Fisheries.

By Mr. JOHNSON of Kentucky (by request of the Commissioners of the District of Columbia): A bill (H. R. 15358) to transfer jurisdiction of the Washington Aqueduct, the filtration plant, and appurtenances to the Commissioners of the District of Columbia; to the Committee on the District of Columbia.

By Mr. STEENERSON: A bill (H. R. 15359) extending the time for certain homesteaders to establish residence upon their lands; to the Committee on the Public Lands.

By Mr. LEVY: A bill (H. R. 15360) to regulate the rank of certain officers in the Army; to the Committee on Military Affairs.

By Mr. CANDLER: A bill (H. R. 15361) to correct an error in the record of the supplemental treaty of September 28, 1830, made with the Choctaw Indians, and for other purposes; to the Committee on the Public Lands.

By Mr. SPARKMAN: A bill (H. R. 15362) to provide for a site and public building at Arcadia, Fla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 15363) to provide for a site and public building at Lakeland, Fla.; to the Committee on Public Buildings and Grounds.

By Mr. CARTER: A bill (H. R. 15364) to create an Indian code commission, codify the law relating to Indians taxed and not taxed, and to define more exactly the privileges and disabilities of the several classes of Indians in the United States; to the Committee on Indian Affairs.

Also, a bill (H. R. 15365) authorizing the Secretary of the Interior to make changes in coal leases in the State of Oklahoma; to the Committee on Indian Affairs.

By Mr. DODDS: A bill (H. R. 15449) for the construction of a gymnasium and manual-training building combined, with equipment, for the Mount Pleasant Indian School, at Mount Pleasant, Mich.; to the Committee on Indian Affairs.

By Mr. OLDFIELD: Joint resolution (H. J. Res. 177) authorizing the Director of the Census to publish statistics of the domestic and foreign consumption of cotton, the surplus held by cotton manufacturers of the United States, and the number of bales exported; to the Committee on the Census.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 15366) granting an increase of pension to David A. Davidson; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 15367) granting a pension to Catharine Klinglesmith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15368) granting a pension to Josephine Harris; to the Committee on Invalid Pensions.

By Mr. BATES: A bill (H. R. 15369) granting an increase of pension to Amelia W. Brooks; to the Committee on Pensions.

By Mr. BOEHNE: A bill (H. R. 15370) granting an increase of pension to Daniel A. Bohannon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15371) granting an increase of pension to Cineas Ryman; to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 15372) granting a pension to Walter Thomas; to the Committee on Pensions.

By Mr. BYRNES of South Carolina: A bill (H. R. 15373) for the relief of the legal representatives of Julia R. Speaks, deceased; to the Committee on War Claims.

Also, a bill (H. R. 15374) for the relief of the legal representative of Elizabeth Youmans, deceased; to the Committee on War Claims.

By Mr. CARY: A bill (H. R. 15375) granting an increase of pension to Libbie B. Smith; to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R. 15376) for the relief of William Mickler; to the Committee on Claims.

By Mr. CLARK of Missouri: A bill (H. R. 15377) for the relief of Mary Jones Smith, daughter of Jonathan L. Jones, deceased; to the Committee on Claims.

By Mr. CULLOP: A bill (H. R. 15378) granting a pension to Pereuta J. Campbell; to the Committee on Pensions.

Also, a bill (H. R. 15379) granting an increase of pension to Jacob M. Neely; to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia: A bill (H. R. 15380) for the relief of the county court of Marion County, W. Va.; to the Committee on Claims.

Also, a bill (H. R. 15381) for the relief of Alfred McMasters; to the Committee on Military Affairs.

Also, a bill (H. R. 15382) for the relief of Anthony C. Moore; to the Committee on Military Affairs.

Also, a bill (H. R. 15383) for the relief of Sanford Wood; to the Committee on Military Affairs.

By Mr. DENVER: A bill (H. R. 15384) granting an increase of pension to Samuel J. Scott; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 15385) for the relief of Dewitt C. Blanchard; to the Committee on Military Affairs.

By Mr. DRAPER: A bill (H. R. 15386) granting a pension to Patrick J. Hanrahan; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 15387) granting an increase of pension to Frederick Bonnet; to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 15388) granting a pension to William Mendenhall; to the Committee on Pensions.

By Mr. FULLER: A bill (H. R. 15389) granting an increase of pension to Albert Spicer; to the Committee on Invalid Pensions.

By Mr. GOOD: A bill (H. R. 15390) granting an increase of pension to Benjamin White; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 15391) granting an increase of pension to Isaac W. Sanborn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15392) granting an increase of pension to Ira Barnes; to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: A bill (H. R. 15393) granting an increase of pension to Buel Wolcott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15394) granting an increase of pension to Daniel D. Krebbs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15395) granting a pension to Margaret E. Carrick; to the Committee on Invalid Pensions.

By Mr. HARTMAN: A bill (H. R. 15396) granting a pension to Stacey Hoon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15397) granting an increase of pension to Lydia A. Benton; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 15398) granting an increase of pension to Hayes Butler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15399) granting an increase of pension to James Allen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15400) granting an increase of pension to George Nell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15401) granting an increase of pension to Samuel M. James; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15402) granting an increase of pension to C. W. Brown; to the Committee on Invalid Pensions.

By Mr. LEE of Georgia: A bill (H. R. 15403) for the relief of the heirs of George Winfrey, deceased; to the Committee on War Claims.

Also, a bill (H. R. 15404) for the relief of the heirs of Noah Fugate, deceased; to the Committee on War Claims.

Also, a bill (H. R. 15405) for the relief of the estate of John McCullough, deceased; to the Committee on War Claims.

Also, a bill (H. R. 15406) for the relief of the estate of Ira W. McCutchen; to the Committee on War Claims.

Also, a bill (H. R. 15407) for the relief of the estate of Howell Tatum, deceased; to the Committee on War Claims.

Also, a bill (H. R. 15408) for the relief of David E. Tatum; to the Committee on War Claims.

Also, a bill (H. R. 15409) for the relief of Wellborn Echols; to the Committee on War Claims.

Also, a bill (H. R. 15410) for the relief of the estate of John Tittle, deceased; to the Committee on War Claims.

Also, a bill (H. R. 15411) for the relief of the heirs of John W. Gilliam; to the Committee on War Claims.

By Mr. LEE of Pennsylvania: A bill (H. R. 15412) granting an increase of pension to William Galligan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15413) granting an increase of pension to Charles Oswald; to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 15414) for the relief of Joseph Welch; to the Committee on Military Affairs.

By Mr. MORRISON: A bill (H. R. 15415) granting an increase of pension to Robert Chandler; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 15416) granting an increase of pension to Elizabeth Robertson; to the Committee on Invalid Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 15417) granting an increase of pension to John C. Rote; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15418) granting an increase of pension to James Starn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15419) granting an increase of pension to Thomas McKelvey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15420) granting an increase of pension to Milton S. Lawhead; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 15421) granting a pension to F. Byron Ridgely; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15422) granting a pension to George W. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15423) granting a pension to Annie E. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15424) granting an increase of pension to Anthony M. Carson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15425) granting a pension to Harry M. Haaga; to the Committee on Invalid Pensions.

By Mr. PRINCE: A bill (H. R. 15426) granting a pension to Julia E. Baldwin; to the Committee on Pensions.

By Mr. RUSSELL: A bill (H. R. 15427) granting a pension to Elizabeth Adams; to the Committee on Pensions.

Also, a bill (H. R. 15428) granting a pension to Delia M. Yocum; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15429) granting a pension to Emma B. Mitchell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15430) granting a pension to Jefferson Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15431) granting an increase of pension to Robert B. Coy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15432) granting an increase of pension to John Painter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15433) granting an increase of pension to James R. Power; to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 15434) for the relief of W. P. Doran; to the Committee on War Claims.

By Mr. SMALL: A bill (H. R. 15435) granting an increase of pension to William N. Berkley; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 15436) to correct the military record of Erastus Coyle; to the Committee on Military Affairs.

By Mr. SPARKMAN: A bill (H. R. 15437) granting an increase of pension to Charlotte Atkinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15438) granting an increase of pension to George W. Lyons; to the Committee on Pensions.

Also, a bill (H. R. 15439) granting an increase of pension to Sarah Knepley; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 15440) granting an increase of pension to Joseph Enderlin; to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 15441) granting an increase of pension to Joseph C. Martin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15442) granting an increase of pension to Milo Paden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15443) granting an increase of pension to John C. Lewis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15444) granting an increase of pension to Samuel N. Mathews; to the Committee on Invalid Pensions.

By Mr. TOWNSEND: A bill (H. R. 15445) for the relief of Bayard T. Garrabrant; to the Committee on War Claims.

By Mr. WILLIS: A bill (H. R. 15446) granting an increase of pension to Samuel B. Price; to the Committee on Invalid Pensions.

By Mr. McKELLAR: A bill (H. R. 15447) for the relief of the estate of James A. Robinson, deceased; to the Committee on War Claims.

By Mr. AMES: A bill (H. R. 15448) granting an increase of pension to Richard Monahan; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petitions of Samuel A. Almes, of Apollo, Pa., and Henry Rauch, of Minneapolis, Minn., in favor of reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. ALEXANDER: Papers to accompany a bill granting an increase of pension to David A. Davidson; to the Committee on Invalid Pensions.

By Mr. AMES: Papers to accompany bill for an increase of pension to Richard Monahan; to the Committee on Invalid Pensions.

By Mr. ANSBERRY: Petition of Leffler Bros., of Leipsic, Ohio, favoring a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. ASHBROOK: Resolutions adopted by the Seventh-day Adventist Church of New Philadelphia, Ohio, protesting against the passage of Senate bill 237; to the Committee on the Post Office and Post Roads.

Also, petition of E. J. Portz and 30 prominent farmers of Newcomerstown, Ohio, favoring the immediate enactment of the Sulzer parcels-post bill (H. R. 14); to the Committee on the Post Office and Post Roads.

By Mr. BATES: Petition of Axtell J. Byles, of Titusville, Pa., favoring Lincoln memorial road; to the Committee on Appropriations.

By Mr. BURKE of South Dakota: Memorial of Black Hills Hebrew congregation, Deadwood, S. Dak., urging abrogation of Russian treaty of 1832; to the Committee on Foreign Affairs.

By Mr. BURKE of Wisconsin: Memorial of congregation of Beth Israel, of Milwaukee, Wis., urging the termination of the American-Russian treaty of 1832; to the Committee on Foreign Affairs.

Also, memorial of Milwaukee Branch, Lake Seamen's Union, in favor of House bill 11372; to the Committee on the Merchant Marine and Fisheries.

Also, papers to accompany House bill 15292; to the Committee on Military Affairs.

By Mr. CANTRILL: Papers to accompany House bill 14756; to the Committee on Invalid Pensions.

By Mr. CARY: Memorial of Milwaukee (Wis.) Feeders, Helpers, and Job Pressmen's Union, No. 27, indorsing House bill 11372; to the Committee on the Merchant Marine and Fisheries.

By Mr. DALZELL: Petition of sundry citizens of McKeesport, Pa., in favor of reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. DE FOREST: Petitions of the Stables Co. and L. W. Killen, of Schenectady, N. Y., favoring a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. DICKINSON: Memorial of Rockville (Mo.) Seventh-day Adventist Church, against the passage of House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. DYER: Papers in support of House bill 14532; to the Committee on Invalid Pensions.

By Mr. FORNES: Petition of the Keystone Manufacturing Co., of Buffalo, N. Y.; of Sibley, Lindsay & Curr Co. and Defender Photo Supply Co., of Rochester, N. Y.; and of New York Leather Belting Co., of New York City, in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of William A. Pinn, of New York City, protesting against H. R. 11023; to the Committee on Military Affairs.

By Mr. FRANCIS: Memorial of B'nai Jacob Lodge, No. 130, Grand Lodge of the Independent Western Star Order, of Bellaire, Ohio, in regard to abolition of Russian passports unless dignity of United States is maintained; to the Committee on Foreign Affairs.

By Mr. FULLER: Petition of the American Protective Tariff League, concerning the revision of the tariff, etc.; to the Committee on Ways and Means.

Also, petition of Hod Carriers and Building Laborers' Union, Local No. 134, of Ottawa, Ill., in favor of the Booher bill (H. R. 5601); to the Committee on Interstate and Foreign Commerce.

Also, petition of Manufacturing Chemists' Association of the United States, in favor of the maintenance of the Tariff Board; to the Committee on Ways and Means.

Also, petition of Avery Co., of Peoria, Ill., in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, papers to accompany bill for relief of Albert Spicer; to the Committee on Invalid Pensions.

By Mr. GALLAGHER: Memorial of Lodge No. 13, Independent Western Star Order, urging abrogation of Russian treaty; to the Committee on Foreign Affairs.

By Mr. GOLDFOGLE: Memorials of William Schreiber Lodge, No. 628, Independent Order B'rith Abraham; of First Bottoschan American Sick Benefit Association; and of Isaac Elchonon Independent Benefit Lodge, all of New York City, favoring the abrogation of the Russian treaty of 1832 and requesting Congress to adopt the Harrison-Goldfogle-Sulzer resolutions (H. J. Res. 5 and 40); to the Committee on Foreign Affairs.

By Mr. HARRISON of New York: Memorial of Nathan Marcus Lodge, No. 72, Independent Order Free Sons of Judah, urging the abrogation of the Russian treaty; to the Committee on Foreign Affairs.

By Mr. HILL: Memorial of Acheduth Club, of Hartford, Conn., urging abrogation of treaty with Russia; to the Committee on Foreign Affairs.

By Mr. HUGHES of New Jersey; Memorial of Silk City Lodge, Independent Order B'rith Abraham, of Paterson, N. J., urging abrogation of treaty with Russia; to the Committee on Foreign Affairs.

By Mr. HUMPHREY of Washington: Memorial of Ferndale (Wash.) Seventh-day Adventist Church, against the passage of House bill 9433; to the Committee on the Post Office and Post Roads.

Also, petition of E. W. Swanson and 16 other prominent business men of Ferndale, Wash., protesting against the enactment by Congress of any legislation for the extension of the parcels-post service; to the Committee on the Post Office and Post Roads.

By Mr. KINDRED: Memorial of Lodge No. 38, Independent Order Ahawas Israel, urging abrogation of treaty with Russia; to the Committee on Foreign Affairs.

Also, memorial of Congressional Committee of Equal Rights Association of Kentucky, relative to proposed amendment to Federal Constitution; to the Committee on Election of President, Vice President, and Representatives in Congress.

Also, memorial of Supreme Council, United Commercial Travelers Association, relative to efficiency of Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

By Mr. KOPP: Petition of citizens of Grant County, Wis., relative to Russian passports; to the Committee on Foreign Affairs.

By Mr. McKINLEY: Memorial of Presbyterian, Methodist, Baptist, Disciple, and Congregational churches, of Champaign, Ill., favoring ratification of the arbitration treaties with England and France; to the Committee on Foreign Affairs.

By Mr. MAHER: Memorial of National League for Medical Freedom, urging that medical practice in Panama Canal Zone be not limited to any one school of medicine; to the Committee on Railways and Canals.

Also, memorial of Lodge No. 580, Independent Order B'rith Abraham, urging abrogation of the treaty with Russia; to the Committee on Foreign Affairs.

By Mr. NEEDHAM: Memorial of California State Federation of Labor, urging that a battleship be constructed at the Mare Island Navy Yard, during the Panama Exposition; to the Committee on Naval Affairs.

Also, memorial of Shipowners' Association of the Pacific Coast, urging appointment of John K. Bulger as supervising inspector, first district, Steamboat-Inspection Service of the United States; also the appointment of Joseph P. Dolan to position of local inspector at San Francisco, Cal.; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of California State Federation of Labor, urging extension and enlargement of the Chinese-exclusion act; to the Committee on Immigration and Naturalization.

Also, memorial of the Presbytery of Los Angeles, Synod of California, relative to use of the Bible in the public schools of the Philippine Islands; to the Committee on Insular Affairs.

By Mr. O'SHAUNESSY: Memorial of the Providence Board of Trade, urging necessity of suitable landing place and properly lighted harbor at Point Judith, R. I.; to the Committee on Rivers and Harbors.

Also, petitions of some citizens of Rhode Island, to have duty on raw and refined sugars reduced; to the Committee on Ways and Means.

By Mr. PARRAN: Papers to accompany House bill 14426, granting an increase of pension to Alfred K. Young; to the Committee on Invalid Pensions.

By Mr. REILLY: Memorials of Congregation Ados Israel, of Hartford, Conn.; of Ararat Lodge, No. 13, Independent Order of B'nai B'rith; and of the Acheduth Club, favoring the abrogation of the Russian treaty; to the Committee on Foreign Affairs.

Also, memorial of Sarah Rogers Chapter, Daughters of the American Revolution, in favor of Federal children's bureau; to the Committee on Interstate and Foreign Commerce.

By Mr. SABATH: Resolutions of the Trans-Mississippi Congress, against the proposed establishment of a parcels post; to the Committee on the Post Office and Post Roads.

Also, memorial of Cook County Lodge, No. 266, Order B'rith Abraham, urging termination of treaty with Russia; to the Committee on Foreign Affairs.

By Mr. SULZER: Petition of 275 medical men, urging passage of House bill 30, for the reestablishment of the canteen in the Army of the United States; to the Committee on Military Affairs.

Also, petition of First Baptist Church of Riverside, Cal., in favor of arbitration treaties with Great Britain and France; to the Committee on Foreign Affairs.

Also, petitions of Louisville Commercial Club and the Manufacturers' Association of Racine, Wis., urging expenditure of first $500,000 as authorized by House bill 3088, Sixty-first Congress, at City of Mexico, Rio de Janeiro, and Tokyo; to the Committee on Appropriations.

Also, memorials of Socialer Turn Verein, consisting of 360 members, urging investigation of the administration of the immigration office at Ellis Island; to the Committee on Immigration and Naturalization.

By Mr. TILSON: Memorial of Lodge No. 479, Order B'rith Abraham, urging abrogation of treaty with Russia; to the Committee on Foreign Affairs.

By Mr. WHITACRE: Petition of New Berlin Literary Club, of New Berlin, Ohio, for repeal of tax on oleomargarine; to the Committee on Agriculture.

Also, petition of Local Union No. 31, National Brotherhood of Operative Potters, in favor of House bill 5601; to the Committee on Interstate and Foreign Commerce.

Also, petitions of L. M. Barth Co.; Local Union No. 42, National Brotherhood of Operative Potters; and Watchcase Engravers' International Association of America, urging repeal of tax on oleomargarine; to the Committee on Agriculture.

Also, memorials urging abrogation of treaty with Russia; to the Committee on Foreign Affairs.

By Mr. WEEKS: Papers to accompany a bill granting a pension to Arthur G. Brown; to the Committee on Pensions.

By Mr. WILLIS: Petitions of C. W. Deeds, of Rawson, Ohio; Dr. B. F. Kearney, of Delaware, Ohio; and A. H. Henkle, of West Liberty, Ohio, asking for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, papers to accompany House bill 15250, granting an increase of pension to Isaac H. Young; to the Committee on Invalid Pensions.

SENATE.

TUESDAY, *December 12, 1911.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The VICE PRESIDENT resumed the chair.

The Journal of yesterday's proceedings was read and approved.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

Mary A. Curran, executrix of the estate of John J. Curran, deceased, late claimant in his own right and as sole heir of Murty Curran, deceased, *v.* United States (S. Doc. No. 146);

W. J. Goodwin *v.* United States (S. Doc. No. 147); and

Ada E. Much, widow of George W. Much, deceased; William W. Nalley; James M. O'Neill; Henry S. Walker, administrator of Adam L. Rose, deceased; and Joseph Thompson *v.* United States (S. Doc. No. 145).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 8619. An act to amend "An act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes," approved May 7, 1906; and

H. R. 13041. An act to provide for the support and maintenance of bastards in the District of Columbia.

The message also announced that the House had passed the bill (S. 1081) to provide for punishment for larceny of public property from the workhouse and the reformatory of the District of Columbia with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a concurrent resolution (No. 21) providing that when the two Houses adjourned on Thursday, December 21, they stand adjourned until 12 o'clock m. Wednesday, January 3, 1912, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of Company C, Illinois National Guard, praying for the enactment of legislation providing for the pay of members of the National Guard, which was referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of Illinois, Pennsylvania, Kentucky, New York, Colorado, Rhode Island, Arkansas, Tennessee, Minnesota, and Missouri, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of Warsaw, Rockton, and Chicago, all in the State of Illinois, remonstrating against the extension of the parcels-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the congregation of the Second Presbyterian Church of Evanston, Ill., praying for the enactment of legislation to prohibit the transportation of intoxicating liquors into prohibition districts, which was referred to the Committee on the Judiciary.

He also presented a memorial of the congregation of the First Seventh-day Adventist Church of Springfield, Ill., remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of Local Lodge No. 199, Switchmen's Union, of Chicago, Ill., praying for the enactment of legislation regulating the number of men to be assigned to railway locomotives engaged in handling interstate commerce, which was referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Chicago, Ill., praying for the abrogation of the treaty between the United States and Russia, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Manufacturers' Association, of Racine, Wis., praying that an appropriation be made for the purchase of suitable homes for American representatives abroad, which was referred to the Committee on Foreign Relations.

Mr. WARREN presented a petition of sundry members of the Wyoming National Guard and sundry taxpayers of Park County, Wyo., praying for the enactment of legislation providing for the pay of members of the National Guard, which was referred to the Committee on Military Affairs.

Mr. GALLINGER presented memorials of the congregations of the Free Baptist Church and the A. C. Church, of East Rochester, N. H., remonstrating against the enactment of legislation providing for the interstate transportation of intoxicating liquors into prohibition districts, which were referred to the Committee on Interstate Commerce.

Mr. BRANDEGEE presented petitions of sundry members of the Acheduth Club, of Hartford; the Council of Jewish Women, of Hartford; the Julia Herzel of Ararat Lodge, No. 13, Independent Order of B'nai B'rith, of Hartford; of Stamford Lodge, No. 221, Independent Western Star Order, of Stamford; and of the Congregation Ados Israel, of Hartford, all in the State of Connecticut, praying for the abrogation of the treaty between the United States and Russia, which were referred to the Committee on Foreign Relations.

He also presented petitions of the General Conference of Congregational Churches of Connecticut; of the Brotherhood of the Broadway Congregational Church, of Norwich; of the Methodist Preachers' Union of Housatonic Valley; of the Central Congregational Club, of Connecticut; and of the congregations of the King's Highway Congregational Church, of Bridgeport; the Congregational Church of Rocky Hill; and the Methodist Church of High Ridge and Sellecks Corners, all in the State of Connecticut, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of the German-American Alliance of Connecticut, praying that an investigation be made into the conditions at Ellis Island, which was referred to the Committee on Immigration.

He also presented a memorial of the congregation of the Seventh-day Adventist Church of Willimantic, Conn., remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of the Retail Butchers and Grocers' Association of Meriden, Conn., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. CRAWFORD presented a memorial of the Black Hills Hebrew Congregation, of Deadwood, S. Dak., praying for the abrogation of the treaty of 1832 between the United States and Russia, which was referred to the Committee on Foreign Relations.

He also presented memorials of the Delaware Peace Society; the Publicity Club, of Minneapolis, Minn.; of the congregations of the Baptist, Methodist, and Presbyterian Churches of Sturgis, S. Dak.; and of the Trinity Episcopal and First Methodist Churches and sundry citizens of Watertown, S. Dak., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. BURNHAM presented a memorial of the International Reform Bureau, of Washington, D. C., remonstrating against the sale of intoxicating liquors in the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico.

Mr. WORKS presented resolutions adopted by the California State Federation of Labor, which were referred to the Committee on Immigration and ordered to be printed in the RECORD, as follows:

Whereas the menace of Chinese labor, now greatly allayed by the passage and enforcement of the Chinese exclusion act, has been succeeded by an evil similar in its general character, but much more threatening in its possibilities, to wit: The emigration to the United States and its insular territory of large and increasing numbers of Japanese, Koreans, Hindus, and other races of natives of Asia; and

Whereas the American public sentiment against the immigration of Chinese labor, as expressed and crystallized in the enactment of the Chinese exclusion act, finds still stronger justification in the demanding of prompt and adequate measures of protection against the immigration of Japanese, Koreans, and Hindus and other races native of Asia on the grounds (1) that the wage and living standard of such labor are dangerous to, and must, if granted recognition in the United States, prove destructive of the American standards in these essential respects; (2) that the racial incompatibility as between the peoples of the Orient and the United States present a problem of race preservation which it is our imperative duty to solve in our own favor, and which can only be thus solved by a policy of exclusion; and

Whereas the systematic colonization by the orientals of our insular territory in the Pacific, and the threatened and partly accomplished extension of that system to the Pacific coast and other western localities of the United States, constitutes a standing danger not only to the domestic peace, but to the continuance of friendly relations between the nations concerned: Therefore be it

Resolved by the California State Federation of Labor, in twelfth annual convention assembled this 4th day of October, 1911, That if the terms of the Chinese exclusion act should be enlarged and extended so as to permanently exclude from the United States and its insular territory all races native of Asia and other than those exempted by the present terms of that act; therefore be it further

Resolved, That these resolutions be submitted through the proper channels to the Congress of the United States, with a request for favorable consideration and action by that body.

Mr. WORKS presented a resolution adopted by the California State Federation of Labor, which was referred to the Committee on Naval Affairs and ordered to be printed in the RECORD, as follows:

Whereas the ever-increasing number of mechanics are crowding to the Pacific coast in search of employment, thereby causing hardships through an oversupply of labor; and

Whereas during the next three years a great many more men will come to the Pacific coast to assist in erecting the Panama Exposition buildings and equipments; and

Whereas the United States Government has situated at Mare Island, Cal., a large naval station, at which they are able to build the largest of battleships at a fair cost of construction and under good working conditions; and

Whereas a battleship under way of construction at Mare Island, situated within two hours' ride of San Francisco, would be an exhibit of educational benefit and of great interest to visitors to the Pacific coast during exposition and would also be an additional strength to our Navy as well as an exhibit; and

Whereas the building of battleships at this time would assist greatly in relieving the unemployed problem which will follow the closing of the Panama Exposition: Therefore be it

Resolved, That the California State Federation of Labor in convention assembled urge our national Senators and Congressmen to use their best efforts toward having Congress enact legislation for the building of a battleship, complete, at Mare Island Navy Yard, which shall be under course of construction during the life of the Panama Exposition.

Mr. TOWNSEND presented a memorial of the congregation of the Warren Avenue Presbyterian Church, of Saginaw, Mich., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside liquor dealers, which was referred to the Committee on the Judiciary.

Mr. KERN presented memorials of the Baptist Ministerial Association of Indianapolis, Ind., and of the Literary Club of

Terre Haute, Ind., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table

He also presented a memorial of Messing Lodge, Order of B'rith Abraham, of Indianapolis, Ind., praying for the abrogation of the treaty of 1832 between the United States and Russia, which was referred to the Committee on Foreign Relations.

He also presented memorials of sundry merchants of Stonesville and Mulberry, in the State of Indiana, remonstrating against the extension of the parcels-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of the congregations of the Seventh-day Adventist Churches of Indianapolis, Noblesville, and Linton, all in the State of Indiana, remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a memorial of the Beacon Lights Literary Society, of Goshen, Ind., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Taylor Post, No. 475, Department of Indiana, Grand Army of the Republic, of Lafayette, Ind., remonstrating against the enactment of legislation to incorporate the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented a memorial of Local Union No. 14, Journeymen Barbers, of Fort Wayne, Ind., praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which was referred to the Committee on Agriculture and Forestry.

Mr. MARTINE of New Jersey presented petitions of the congregations of the Montgomery Street Methodist Episcopal Church, of Newark; and the Baptist Church of Quinton; of the Friends Society of Medford; the General Conference of Friends of Mount Holly; the Reformed Church of Harlingen; the First Presbyterian Church of Hamburg; and of the Methodist Episcopal Church of Beverly; and of M. L. Butler, of Glen Ridge, all in the State of New Jersey, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented petitions of the congregation of the Temple of Israel, of Hoboken; of Local Lodges No. 233 and No. 438, of Newark; of Local Lodge No. 169, of Woodbine; of the Independent Order of B'rith Abraham; and of sundry Jewish residents of Bayonne, all in the State of New Jersey, praying for the abrogation of the treaty between the United States and Russia, which were referred to the Committee on Foreign Relations.

He also presented a memorial of Local Division No. 4, Ancient Order of Hibernians, of Plainfield, N. J., remonstrating against the ratification of the proposed arbitration treaties between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a memorial of Typographical Union No. 94, of Jersey City, N. J., remonstrating against the passing of that part of the so-called Smoot printing bill which proposes to abolish the hand-roller process of manufacturing paper currency, which was referred to the Committee on Printing.

He also presented petitions of the congregations of the First Presbyterian Church of Jersey City, and of the Centenary Methodist Episcopal Church, of Lambertville; of Rev. Thomas S. Brock, William H. Lynch, Dr. M. Williams, Dr. Peter M. Gill, G. W. English, James G. Petrie, and J. H. Fretz, of Lambertville, all in the State of New Jersey, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. JOHNSON of Maine presented a memorial of Local Grange No. 12, Patrons of Husbandry, of Farmington, Me., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. CULBERSON. I present a petition of the Dallas Presbytery of the Presbyterian Church of Texas, which I ask be referred to the Committee on the Judiciary and printed in the RECORD.

There being no objection, the petition was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

To United States Senate, care of Senator Charles A. Culberson:

Whereas by due process of law in many communities of this State and in some whole States the citizens of the State are forbidden to sell intoxicating liquors, but liquor sellers residing outside of the State are protected by the Federal shield of interstate commerce in sending intoxicating liquors into "dry" communities, which is a direct contradiction of the purpose of the National Constitution in giving to citizens of another State privileges denied to citizens of that State; and

Whereas protest against this nullification of State liquor laws has been made in vain to Congress for a dozen years: Therefore

Resolved, That we indignantly protest against this outrage and appeal to our Congressman and Senators to use their utmost endeavors to secure the passage early in the winter session of Congress of an effective interstate liquor law, giving to the defenders of State liquor laws the benefit of the doubt, if there be a doubt, of its constitutionality, and leaving that question, when the best possible bill has been devised, to be settled by the Supreme Court, where it properly belongs.

The above preamble and resolution were substantially adopted by Dallas Presbytery of Presbyterian Church, United States of America, of 14 counties in State of Texas, this 3d day of October, 1911, and undersigned was authorized to so attest.

R. W. BENGE,
Athens, Tex., Stated Clerk.

Mr. BRISTOW presented a petition of sundry citizens of Ottawa, Kans., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside liquor dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of the congregation of the Seventh-day Adventist Church of Shaffer, Kans., remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of Severance Post, No. 191, Department of Kansas, Grand Army of the Republic, of Severance, Kans., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

Mr. WETMORE presented a petition of Local Union No. 166, International Union United Brewery Workmen of America, of Providence, R. I., and a petition of the Women's Club of Coventry, R. I., praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which were referred to the Committee on Agriculture and Forestry.

He also presented memorials of local lodges, Independent Order B'rith Abraham, of Providence; of local lodges, Independent Order B'rith Sholom, of Woonsocket and Providence; and of Morris Gorin Lodge, Independent Western Star Order, of Providence, all in the State of Rhode Island, remonstrating against the treatment accorded American citizens by the Government of Russia, which were referred to the Committee on Foreign Relations.

Mr. BURTON presented memorials of sundry citizens of Cincinnati, Dayton, Lorain, and Youngstown, in the State of Ohio; and of sundry citizens of Boston, Mass.; of the Publicity Club of Minneapolis, Minn.; the Chamber of Commerce of Boston, Mass.; the Delaware Peace Society; and the International Reform Bureau of Washington, D. C., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented memorials of the Hebrew Tailors' Benevolent Association and Local Lodge No. 406, B'nai Israel, of Columbus; of Local Lodge No. 459, Order of B'rith Abraham, of Cincinnati; of Local Lodges No. 52 and No. 110, Order of B'rith Abraham; Local Lodge No. 177, Independent Order of B'rith Sholom; of Ohio Lodge, No. 185, Progressive Order of the West, of Cleveland; and of Grand Lodge, No. 131, Independent Western Star Order, of Steubenville, all in the State of Ohio, praying for the abrogation of the treaty of 1832 between the United States and Russia, which were referred to the Committee on Foreign Relations.

He also presented memorials of the executive committee of the National Guard Association of the United States, of sundry members of the Ohio National Guard of Portsmouth, Pomeroy, and Ashland, and of sundry citizens of Cleveland and Middleport, all in the State of Ohio, praying for the enactment of legislation providing pay for the Organized Militia, which were referred to the Committee on Military Affairs.

Mr. PERKINS presented petitions of sundry citizens of Berkeley, Cal., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a memorial of the Chamber of Commerce of San Francisco, Cal., remonstrating against the repeal of the present coastwise navigation laws, which was referred to the Committee on Commerce.

Mr. CURTIS presented a memorial of Stone River Post, No. 74, Department of Kansas, Grand Army of the Republic, of Sedan, Kans., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented memorials of the congregations of the Presbyterian churches of Kip and Burrton, in the State of Kansas, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Clearwater, St. Francis, and Neosho Rapids, all in the State of Kansas,

remonstrating against the extension of the parcels-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also present petitions of the congregations of the Church of Christ, the First Presbyterian, the First Baptist, and the First Methodist Episcopal Churches, of Lawrence, Kans., and of sundry churches of McPherson, Kans., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside liquor dealers, which were referred to the Committee on the Judiciary.

Mr. TILLMAN presented a memorial of the congregation of the Seventh-day Adventist Church, of Campolullo, S. C., remonstrating against the enactment of legislation for the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. SMITH of Michigan presented a petition of the congregation of the First Presbyterian Church of Port Huron, Mich., praying for the enactment of legislation to prohibit the transportation of intoxicating liquors into prohibition districts, which was referred to the Committee on the Judiciary.

Mr. STONE presented a petition of the Central Trades and Labor Council of St. Louis, Mo., praying for the enactment of legislation providing that membership in any association or organization for the purpose of improving the conditions of labor shall not constitute grounds for the removal of civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented petitions of the Ministers' Alliance and Church Federation, of Kansas City, and of sundry citizens of Carthage and Unionville, all in the State of Missouri, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of sundry veterans of the Civil War of Clinton, Mo., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented a memoral of the Allied Printing Trades Council of Kansas City, Mo., remonstrating against the passage of the so-called Smoot printing bill, which was referred to the Committee on Printing.

He also presented a petition of Local Lodge No. 37, Switchmen's Union, of St. Louis, Mo., praying for the enactment of legislation regulating the number of men to be assigned to railway locomotives engaged in handling interstate commerce, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Congregation Shaare Shalem, of St. Joseph, Mo., praying for the abrogation of the treaty of 1832 between the United States and Russia, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Allied Printing Trades Council of Kansas City, Mo., praying for the enactment of legislation to further regulate interstate commerce in convict-made goods, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the congregation of the Seventh-day Adventist Church of Clinton, Mo., and a memorial of the congregation of the First Seventh-day Adventist Church of Nevada, Mo., remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. OLIVER presented petitions of the Presbyterian Ministers' Association of Pittsburgh, the Ministers' Association of Clinton City and Pottstown, the Business Men's Bible Class of the Central Presbyterian Church of Erie, of the congregations of the Central Methodist Church of Wilkes-Barre, the First Presbyterian Church of Beaver Falls, the First Presbyterian Church of Warren, and the First Methodist Episcopal Church of Pottstown, all in the State of Pennsylvania, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside liquor dealers, which were referred to the Committee on the Judiciary.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRIGGS:

A bill (S. 3694) to provide for the erection of a public building at Morristown, N. J.; to the Committee on Public Buildings and Grounds.

A bill (S. 3695) granting an increase of pension to Ellen B. Woodbury; and

A bill (S. 3696) granting an increase of pension to John Tredo (with accompanying paper); to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 3697) to compensate the commissioners to revise the statutes relating to patents, trade and other marks, and trade and commercial names, for services rendered (with accompanying paper); to the Committee on Patents.

By Mr. BRANDEGEE:

A bill (S. 3698) granting an increase of pension to Susan E. Miller; and

A bill (S. 3699) granting a pension to Kate N. Foote; to the Committee on Pensions.

By Mr. WETMORE:

A bill (S. 3700) to amend an act entitled "An act for the widening of Benning Road, and for other purposes," approved May 16, 1908; to the Committee on the District of Columbia.

By Mr. JOHNSON of Maine:

A bill (S. 3701) to amend section 22 of the act of Congress approved February 4, 1887, entitled "An act to regulate commerce," as amended by the acts of Congress of March 2, 1889, and February 8, 1895; to the Committee on Interstate Commerce.

A bill (S. 3702) granting a pension to Fred Lajoie;

A bill (S. 3703) granting an increase of pension to John Dow (with accompanying papers);

A bill (S. 3704) granting an increase of pension to Moses E. Kimball (with accompanying papers);

A bill (S. 3705) granting an increase of pension to Henry H. Bailey (with accompanying papers);

A bill (S. 3706) granting an increase of pension to James L. Lane (with accompanying paper);

A bill (S. 3707) granting an increase of pension to Aaron Page (with accompanying papers);

A bill (S. 3708) granting an increase of pension to Sylvester Abbott (with accompanying papers); and

A bill (S. 3709) granting a pension to Melvin F. Wyman; to the Committee on Pensions.

By Mr. GAMBLE:

A bill (S. 3711) granting an increase of pension to Henry D. Lockwood (with accompanying papers); to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 3712) to regulate the practice of dentistry in the District of Columbia; to the Committee on the District of Columbia.

By Mr. WILLIAMS:

A bill (S. 3713) to increase the limit of cost of the public building at Laurel, Miss.; to the Committee on Public Buildings and Grounds.

By Mr. BRADLEY:

A bill (S. 3714) granting an increase of pension to Taranndocty Owens (with accompanying papers); and

A bill (S. 3715) granting an increase of pension to Tivis C. Simmons (with accompanying papers); to the Committee on Pensions.

By Mr. SUTHERLAND:

A bill (S. 3716) for the erection of a public building at St. George, Utah; to the Committee on Public Buildings and Grounds.

A bill (S. 3717) granting an increase of pension to Diana Christy; to the Committee on Pensions.

By Mr. BOURNE:

A bill (S. 3718) granting an increase of pension to William E. Flesher (with accompanying papers); to the Committee on Pensions.

By Mr. STONE:

A bill (S. 3719) for the relief of Julia L. Paxon; to the Committee on Claims.

A bill (S. 3720) granting an increase of pension to Florida Kennerly;

A bill (S. 3721) granting a pension to Irvin M. Smith;

A bill (S. 3722) granting an increase of pension to Jacob S. Young (with accompanying papers);

A bill (S. 3723) granting an increase of pension to Henry V. Leach (with accompanying papers);

A bill (S. 3724) granting an increase of pension to James H. Cowan (with accompanying papers); and

A bill (S. 3725) granting an increase of pension to John A. Pierson (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 3726) granting an increase of pension to Calvin R. Lockhart (with accompanying papers); to the Committee on Pensions.

INTERSTATE ALCOHOLIC LIQUOR TRAFFIC.

Mr. CULBERSON. Mr. President, on April 13, 1908, the report known as Report No. 499, Sixtieth Congress, first session,

was made from the Committee on the Judiciary on the general subject of the regulation of interstate commerce in intoxicating liquors. I presented my views as a member of that committee in a separate bill, attached to the report. I desire to introduce that bill and have it referred to the Committee on the Judiciary.

The bill (S. 3710) to regulate interstate commerce in spirituous, vinous, malt, and other intoxicating liquors, and for other purposes, was read twice by its title and referred to the Committee on the Judiciary.

DEPARTMENT OF HEALTH.

Mr. OWEN submitted an amendment intended to be proposed by him to the bill (S. 1) to establish a department of health, and for other purposes, which was referred to the Committee on Public Health and National Quarantine and ordered to be printed.

PERSONAL PRIVILEGE.

Mr. PERCY. Mr. President, the leading article in the Cosmopolitan Magazine for November, 1911, written by one George Creel, is entitled "What are you going to do about it—The carnival of corruption in Mississippi."

The first paragraph of the article reads:

When Senator WILLIAM LORIMER looks across to the Democratic side, where Senator LE ROY PERCY sits in undisturbed respectability, a wave of resentment must surge up in his throat, for while both are equally tarred out of the same barrel, the Mississippi Member is not called upon to suffer any of the disgrace that has been so thickly piled upon the Illinois man. The identical powers that decreed LORIMER'S election in Springfield, in 1909, ordered PERCY'S election in Jackson, in 1910, and there was likewise identity in method and purpose. If anything, the PERCY affair was even more shameful than the LORIMER election, for Mississippi's legislators were debauched as well as corrupted.

This indicates the tone of the article, which purports to give an account of my election to the Senate by the Legislature of Mississippi in February, 1910, to fill a term expiring in March, 1913, and my defeat in the Democratic primary election, held in Mississippi in August, 1911, to name a Senator to be elected by the legislature which convenes in January, 1912, for the full term following such unexpired term.

Every honest man in public life who feels called upon to make answer to calumny and slander, which has found its way into the public press, must experience not only a feeling of bitter indignation at the brutal wrong done, but of helplessness arising from the knowledge that the lie will forever outspeed the refutation of it, and creep into a thousand places from which, by ignorance, prejudice, or indifference, truth will be barred—he is face to face with the tragic side of public life in our country. Yet, for the sake of the friends who believe in a man, and for the sake of those who come after him and will bear his name, it would seem meet and proper that he should keep the record straight. Still, I would be sorely tempted to leave the vindication of my character to time and to the testimony of those who know me and to permit to pass without notice the article of an obscure, venal, and characterless muckraking magazine writer, inspired by no loftier motive than the earning of a few pitiful dollars, written in reckless criminal disregard of truth and proven facts, if such article reflected upon me alone and was vouched for only by its unknown author. There are two facts contained in the article, one, that I was elected to the Senate by the Legislature of Mississippi; the other, that in the race to succeed myself I was overwhelmingly defeated in a popular primary. Around these two facts are gathered a mass of falsehoods and slanders which did not even tax the inventive power of the author, for they are simply the stringing together—a rehash—of campaign lies denounced on every stump in Mississippi, the falsity of which had been proven by legislative investigation and court decision, yet the article is prefaced by the following remarkable editorial note:

For years the great State of Mississippi has been under the vicious ban of political and legislative corruption. The "interests"—the Lumber Trust, Oil-Mill Trust, and the rest—have had their will. They have bribed the legislature, selected their own representatives in State and Congress, debauched the Government. Money, whisky, women—women with more legislative "influence" than scruples—have been their ready tools. To-day the people are beginning to wake up. The shackles are snapping. The first fight in the open is won. The story of it is a vivid object lesson to every American community whose political life is at the mercy of corrupt money.

This note is not only an editorial indorsement of the article which follows and which deals almost exclusively with my election, but is a wholesale defamation of the State of my birth and which I have the honor in part to represent here—a State whose politics have been so singularly free from any corruption by money or domination by improper influences, that it has been a matter of pride to her people that while they have had bitter political contests there has never been in her entire history the charge made or the suspicion entertained by anyone that in any single instance the election of a Representative or Senator had been brought about by corrupt influence or that any Senator or Representative, when chosen, had ever been in the slightest particular disloyal to the people who had elected him. Mississippi has sent to the Halls of Congress many men that the Nation has called great; she has never sent one whose official honesty and loyalty have ever been questioned by his bitterest enemy. Money has had no place in her politics, except that the possession of wealth by a candidate has always militated against him. In all her political history the name of no Mississippi legislator was ever connected with the word "bribery" until the present lieutenant-governor-elect entered the arena of politics and became known as a bribe taker, and Bilbo's name, linked with that infamy, will be remembered long after Mississippi has outlived the shame of having had him for her lieutenant governor.

Mr. President, until the editor of the Cosmopolitan penned this note, there had never been found a muckraking writer so vile, so base, so utterly mendacious as to suggest or charge corruption where there existed absolutely no shadow of a foundation for such suggestion or charge.

In the face of this malignant and wanton defamation of a proud State, silence on my part might be misunderstood. While my State has crowned me with no laurel wreaths of victory, but put upon me the cross of defeat, it shall never be said that I remained silent when her honor was assailed. The Cosmopolitan magazine is commonly reputed to be under the control of William Randolph Hearst, than whom there is no more radical reformer in private life, although his name is associated, while a Member of Congress, with no reform measure, or, for that matter, with no measure of any kind. As a statesman he is without a record—as a mendacious muckraker he is without a peer. He has achieved the distinction or the infamy, according to the viewpoint, of having done more to undermine and destroy the confidence of the American people in their public men and in their institutions than any living man; has done more than any other to build up that sentiment which holds every prosperous man to be "a suspect"—every public man to be deserving of convict stripes. Eagerly contending for an advanced place in connection with every reform supposed to be popular, he continually embarrasses honest men engaged in earnest work for what they believe to be needed reforms, by presenting to them the alternative of either cooperating with a known disreputable ally or incurring the hostility of a powerful influence. But, in reckoning the advantages and disadvantages of such an alliance, it should never be forgotten that the bitter, malignant, and incendiary utterances of this man caused him to be held by the country morally responsible for the shots that were fired into the body of William McKinley.

This article seems to be one of a series in which this reformer proposes to convince the American people of the necessity for the election of Senators by a direct vote of the people, by demonstrating to them that every Senator elected in any other way has been corruptly and dishonestly elected, and this without the slightest regard to the facts in any particular case. The moral must be drawn. The appetite of the public for the sensational must be fed, although in doing it facts are distorted, reputations destroyed, and cruel injustice inflicted upon honest men.

Again, this article which holds up the State of Mississippi as an object lesson in debauchery and corruption, which places the brand of infamy upon her present and past political history, making of her a thing to be despised and spat upon by honest men, is eagerly indorsed and vouched for in its entirety by James K. Vardaman, Senator-elect from Mississippi, if I may use that term to designate him, although it is not technically accurate as he is still only the nominee of the Democratic Party for that position.

The article is indorsed editorially by The Issue, a small paper which he edits as his personal organ in Mississippi, in the following language:

The Cosmopolitan Magazine for November, just issued, has a general write-up of the late secret caucus in Mississippi, which is illustrated with the principals in that memorable event. The article is well gotten up and calls things by their right name, dealing with the entire affair just as it was. The article should be read by every man in Mississippi.

However humble may be the authorship of the article, being godfathered by two such eminent publicists, I trust that the Senate will not feel that I am improperly trespassing upon its time in briefly discussing it. One of the crimes charged against me in the article, and which was possibly reiterated oftener than any other in the recent campaign in Mississippi, is that I made common cause with other aspirants for the Senate against Vardaman. As there is a modicum of truth in the charge, I will advert to it, although it might be dismissed with the statement that it has ever been the custom of the weaker candidates for a position to make common cause against the leading candidate. But there was a deeper significance in my willingness

to make common cause against the election of Vardaman. Upon the death of A. J. McLaurin, in December, 1909, Mr. Vardaman who had been a seeker for public office for many years, having campaigned Mississippi three times for governor and once for United States Senator, and having for four years been governor of Mississippi, was recognized as the strongest candidate to succeed McLaurin. He was known to the people of the State and to the country at large for his foul utterances in regard to public men and by his negro propaganda. I use the word "foul" advisedly, and from many utterances more deserving of that description I will only select three as showing that I am well within the bounds of moderation in the use of the word.

Including our present Chief Executive, each of the last three Presidents has made tours, visiting every section of the country—tours not for strictly political purposes, for each of them came South, and no Republican President ever came to Dixie's Land looking for votes, but they were made for the purpose of meeting the people of the country, studying the conditions of the country, and helping the people to realize that they were a reunited people, who, with sectional lines obliterated, sectional bitterness forgotten, were marching on to a higher destiny and a greater country. Wherever they went they were received by the people among whom they were with courtesy and hospitality, and nowhere was this more marked than in the South. There was not a discordant note in the welcome accorded from ocean to ocean in this broad land except in the State of Mississippi, and that, I am thankful to say, only sounded by the now Senator elect from that State. The first that came was William McKinley, the gentlest and best-beloved President that has been in the White House in a quarter of a century, and who had peculiarly endeared himself to the people of the South by being the first to advocate that the Federal Government should care for the graves of the Confederate dead. He was to pass through the State of Mississippi, and the governor of that State, regretting that he was not stopping within her borders and wishing to extend to him some act of courtesy, invited him to pass through the State in the daytime, so that he could see and be seen by the people of Mississippi. Mr. Vardaman was then editing a paper in the State and, in the columns of his paper, expressed the wish that Mr. McKinley "would pass through the State on an August night in a box car filled with sweaty negroes, with the crevices stopped up so that the effluvia from the negroes might not escape."

Again, when President Taft was to be the guest of the citizens of Mississippi at a banquet held in the capital of that State, on the day before the banquet was to occur Mr. Vardaman, in his personal organ, described the President, their guest, for the benefit of the people of Mississippi, in the following language:

> He is addicted to golf, guff, and gab. He has a face with a smile which is his largest political asset and which he has cultivated until it has become as fast set as the grin about the mouth of a defunct feline. He has little, twinkling, porcine eyes and a dewlap under his chin.

Again, Mr. Roosevelt as a private citizen recently visited many parts of the Old World, and wherever he went, whether among the barbarous tribes of darkest Africa or among the monarchies of civilized Europe, he was received with hospitality and a degree of consideration shown him which appealed to the American people because this hospitality and consideration were extended to him as an ex-President and an American citizen. Yet when as President he came as a guest of our people to the State of Mississippi Mr. Vardaman in his paper referred to him and to the mother who bore him, a southern woman, in language so utterly vile and obscene that I do not repeat it because I am unwilling to have it spread upon the pages of the CONGRESSIONAL RECORD, but which caused the hot blush of shame to mantle the brow of every worthy son of Mississippi.

By these and a thousand similar utterances in regard to men high in church and state, for no calling, however sacred, no character, however noble, protected his victim from the assaults of this high priest of denunciation and vituperation; he revealed a perverted moral and mentally impoverished nature, recklessly struggling after the picturesque and spectacular in language, and proclaimed himself, not a statesman, but a common demagogue and coarse vulgarian. Right or wrong, I believed that these intemperate utterances had impaired if not destroyed his power to efficiently serve the people of Mississippi in the United States Senate. I differed radically from him in regard to the best method of handling the race question, he contending on the stump, on the lecture platform, and in his paper, called The Issue, that the South should continually advocate the repeal of the fifteenth amendment and the modification of the fourteenth amendment to the Constitution; that this should be made the paramount issue, should be perpetually agitated, and every other question subordinated to it. I believed the agitation for the repeal of the fifteenth amendment by the South senseless, because of its utter futility, and vicious because of the train of evil consequences attendant upon such agitation. I believed that if such agitation should be taken seriously by Congress it would divide the country again on sectional lines, arraying the balance of the country against the South and leaving her in a hopeless minority, helpless and shorn of influence in the council chambers of the Nation. Taken as it was, the mere fad of a demagogue, advocated to secure political advantage, it brought ridicule and contempt upon the people of my State. I knew that within the State this agitation, carried on by the vivid portrayal through fervid oratory to popular audiences, of the details of every rape of a white woman by a black man, had left behind it a trail of blood and was breeding discord, hatred, and dissension between those two races, which, under the fiat of an Almighty God, must work out their fate on Mississippi soil.

I knew that this agitation rendered ever more difficult the task of the conservative thinking people of the South, more difficult the problem of dealing in fairness and in justice with the two races, so utterly different but whose fates are so indissolubly linked together. For these reasons, wisely or unwisely, I deemed the election of Mr. Vardaman to the United States Senate more fraught with evil to my State than the election for that position of any other white man within her borders, and so feeling, I would have been recreant to every duty of citizenship if I had not been willing to cooperate in any honorable way with men entertaining the same views to secure his defeat. Therefore, animated by this motive, while I had never cared for and never held public office of any kind, I went before the Legislature of Mississippi and took part in the senatorial fight, and while I had induced no man, directly or indirectly, to enter the race, it was known of all men there that I stood ready at any time to withdraw from the race if any one of the opposition candidates could concentrate upon himself the opposition vote. Upon convening the legislature resolved itself into a Democratic caucus and some six candidates were placed in nomination, who, in short speeches, stated their positions on public questions, I telling my opposition to Mr. Vardaman's election just as I have stated it here, except more in detail.

The fight which followed was a bitter and protracted one, but after seven weeks of balloting, on the fifty-eighth ballot I received the nomination by a vote of 87 to Mr. Vardaman's 82, and on the next day was unanimously elected by the legislature, receiving every single vote cast in the senate and in the house. No political victory was ever more fairly won. I brought to the United Senate as clean a commission as was ever sent to this body by sovereign State. I came on to Washington, and weeks after the election, the legislature still being in session, it began to be whispered in Jackson that the caucus nomination had been improperly won. To use the language of the magazine article, that "whisky, women, money, Federal and State patronage had been used to influence the votes," and my friend, L. C. Dulaney, was indicted by the grand jury of Hinds County for bribery upon the testimony of Theodore G. Bilbo that he had accepted a bribe from Dulaney to vote for me, accepting it as a detective, and thereafter casting his vote for Vardaman. The legislature of Mississippi was stung to the quick at the suggestion that for the first time in her history a Senator had through corruption secured his election, and, regardless of factional lines, they determined to make every effort to probe to the bottom and ascertain the truth of the charges made. The senate resolved itself into an investigating committee and the house appointed a committee to investigate all charges in regard to the election. For weeks these two bodies prosecuted the most searching investigation known to the political history of Mississippi. Every man who knew a fact or entertained a suspicion was given the opportunity to testify, and the investigation did not close until there was not a single witness within the borders of the State to be examined. The committee of the house examined 69 witnesses, and their testimony, printed in volumes for distribution, covers 402 pages. The senate examined 98 witnesses, and their testimony covers 500 pages. At the close of this investigation the following resolution was introduced in the senate:

> *Resolved by the senate*, That after hearing and considering all the testimony in reference to the Bilbo-Dulaney bribery charge it is the judgment of the senate that such testimony demonstrates that Senator T. G. Bilbo is unworthy of belief, and he is therefore hereby expelled from membership in the body.

This resolution of expulsion failed by one of receiving the needed two-thirds vote, the vote being 28 to 15.

The following resolution was then introduced:

> *Resolved*, That Theodore G. Bilbo claims to have played the rôle of decoy bribe taker and informer by prearrangement with prominent friends of ex-Gov. Vardaman, and claims in this rôle to have secured complete evidence of bribery weeks before the senatorial nomination,

but admits that he failed to disclose the information he is alleged to have obtained to ex-Gov. Vardaman or to any of the Vardaman leaders until weeks after the nomination had been made and a Senator had been elected. This conduct on his part is utterly unexplained.

Resolved, In view of the unexplained inconsistencies and inherent improbabilities in the testimony of Senator Theodore G. Bilbo, his established bad character and lack of credibility, and his failure to corroborate his statement on any material point by any of the reputable witnesses introduced by him, that the Senate of Mississippi does hereby condemn his entire bribery charge and his statement of the rôle played by himself as detective and decoy as a trumped-up falsehood, unworthy of belief.

Resolved further, That as the result of the conduct of Theodore G. Bilbo in this matter and the testimony introduced in this investigation the Senate of Mississippi pronounces the said Bilbo as unfit to sit with honest, upright men in a respectable legislative body, and he is hereby asked to resign.

This resolution was passed by a vote of 28 to 1.

No word of evidence was offered before senate or house committee that a single one of the 87 votes cast for me had been improperly influenced, the only testimony as to bribery being that of Bilbo—that he had under the most improbable circumstances accepted $645 to vote for me and then had voted against me.

The reference to the unexplained delay of Bilbo in springing the bribery story will be understood when it is realized that there was not an hour during the caucus when this story with the production of the money would not have elected the man in whose behalf Bilbo claimed to have been acting as detective, and even after the nomination the story, corroborated by the production of the money, would have defeated my election, because no caucus nomination is binding when it is shown that it is procured through fraud.

The following resolution, at the close of the entire investigation, was introduced in both the senate and house, being introduced in the house by one of the most partisan of Mr. Vardaman's supporters, Mr. Emmett Cavitt, representative from Noxubee County:

In view of the scandalous rumors which have been circulated touching the recent senatorial contest, the house of representatives takes pleasure in saying to the people of Mississippi that we are convinced that the conduct of every candidate in the senatorial contest was dignified and honorable and upright, and that no vote in the caucus nomination was procured by any improper means or corrupt influence, and that the election of Senator PERCY is free from fraud or corruption. And regardless of whether we have supported Senator PERCY in the recent contest or will support him in the approaching primary, we record with pleasure our confidence in his chivalrous honor and personal and political integrity, and our desire to hold up his hands in the performance of his high duties as a representative of this great Commonwealth in the Senate of the United States.

Notwithstanding the long and bitter fight in which 82 members of the legislature had seen their chosen leader go down in defeat, notwithstanding the factional lines and high partisan feeling resulting therefrom, this resolution passed the house and senate unanimously. No single vote was cast against it.

The charge of bribery against Dulaney was thereafter tried in the circuit court of Yazoo County, the court being presided over by as competent and as honest a jurist as Mississippi can boast of, and after a trial, which consumed a week, the jury within 18 minutes returned the verdict "Not guilty." Subsequently, it being claimed that the verdict had been due to the partisan organization of the jury, the jury issued the following certificate:

YAZOO CITY, MISS., *December 8, 1910.*

We, the jury who rendered the verdict in the trial of the case of the State of Mississippi *v.* L. C. Dulaney, No. 1207, on the charge of bribing Senator T. G. Bilbo in the legislature of said State at its session of 1910, to change his vote from J. K. Vardaman to LE ROY PERCY for United States Senator, do hereby certify that our choice at the time we were selected to sit as jurors in the said trial was as follows:

For Vardaman: B. M. R. Mobley, Walter Selby, E. S. Barksdale, W. R. Vaughan, Boyd Gunn, J. J. Mize.

For PERCY: S. R. Upshaw, T. L. Smith, G. A. Gary, T. C. Bunch.

For Alexander: S. F. Waterer, J. T. Day.

It will be noted that this jury was drawn from the country where, in the intense partisan condition existing in regard to the senatorial race, the predilection of each member was known and no one of them would have dared make a statement as to his political bias different from what his neighbors knew it to be.

In reply to a campaign charge that the acquittal had been upon a technicality, the jury issued the following statement:

YAZOO CITY, MISS., *December 8, 1910.*

We, the jury who rendered the verdict in the trial of the case of the State of Mississippi *v.* L. C. Dulaney, No. 1207, in the circuit court of Yazoo County on December 3, 1910, on the charge of bribing Senator T. G. Bilbo, of the Mississippi Legislature, at its session of 1910, to change his vote from J. K. Vardaman to LE ROY PERCY for United States Senator, do hereby certify that our verdict was unanimous on the first ballot, and was based upon the fact that each of us, after hearing Mr. Bilbo's testimony, under oath, and all of the testimony in the case, believed Mr. Bilbo's statement to be untrue, and that he had not received any money from Mr. Dulaney and his charge to be a "frame up" and pure fabrication.

This statement is made in justice to all parties connected with the trial of the case, so that the public may know that we were not misled in any respect, nor Mr. Dulaney acquitted on any so-called legal technicality, but upon the testimony as given by all witnesses, under oath.

J. J. Mize, J. T. Day, B. M. R. Mobley, T. C. Bunch, G. A. Gary, S. R. Upshaw, E. S. Barksdale, S. F. Waterer, Boyd Gunn, T. L. Smith, W. R. Vaughan, Walter Selby.

The result of the trial can scarcely be wondered at when it is known, in addition to the almost unbelievable improbability of his story that the chief prosecuting witness testified that the $645 exhibited by him to the grand jury of Hinds County and upon this testimony the indictment was predicated, was the identical money which he had received from Dulaney, and upon trial it was shown that a large part of this money had not in fact been issued from the Treasury at the time when the witness claimed that he had received it.

Before the legislature adjourned, after it had completed its investigation, I appealed to it to call upon the State executive committee to order the senatorial primary for November, 1910, instead of waiting until August, 1911, giving as a reason therefor that the contest would be a bitter one and if protracted into 1911 it would leave factional lines in Mississippi which would be hard to obliterate, and the election of Senator would improperly enter into and influence the election of the various State officers to be elected at the 1911 primary, and as an inducement to my opponent to agree to this, for the extraordinary primary could only be held by such consent, I offered to resign my term in the Senate if I should be defeated in this primary of 1910. The executive committee ordered the primary upon condition that those who would enter it would agree to participate in joint debates before the people of the State, on the ground that the shortness of the campaign would necessitate joint debates in order that the issues involved might be understood by the people. My opponent was unwilling to meet in joint debate and the proposition for the extraordinary primary failed for that reason.

The charge of improper influence of any kind having been used to secure my election had been investigated and ascertained to be absolutely false by the legislature and by the court, by every method known to our system of government, yet in the campaign which followed these charges were vociferated from every stump; and while on every stump they were denounced as false and their falsity proven, yet everywhere the lie outstripped the truth. The people were in a receptive frame of mind, prepared to willingly believe that those filling high offices were corrupt. The result was an overwhelming victory for Mr. Vardaman in the August primary. I not only acquiesced in the verdict rendered at the polls, but feeling that I had made the best fight I could for clean government and decent politics, that the fight had been made upon the clean-cut proposition that the people of Mississippi should indorse the principles for which I stood or the principles for which my opponent stood, and they had chosen to indorse him and what he stood for, I did not believe that it was my duty to stand between the majority of the people and what they wanted, and I had no desire to do so. Further, I believed that the bitter factional feeling which prevailed over my State, to a degree unknown in States where there are two parties, was seriously detrimental to the prosperity of Mississippi and that my retiring from public life would tend to lessen factional strife, therefore in a signed interview which I ask leave to incorporate in the RECORD I indicated my purpose of resigning to the session of the Mississippi Legislature which convenes in January, 1912:

To the people of Mississippi:

The returns from the senatorial election are decisive. In no uncertain manner the voters have indorsed Vardaman and all that he stands for in Mississippi. The result calls for no comment or criticism, certainly no complaint, from me. That the people of Mississippi deserve the consequences which will flow from this election I am unwilling to say. An indictment so severe I would draw against no people; but believing in a government of majorities, I have no desire to thwart their expressed will.

Honorably elected to the Senate by the legislature, I have served with such ability as I possessed and with an eye single to the welfare of the State. I went before the last legislature, and later before the State executive committee, and urged that the primary be ordered for 1910, in order to avoid the bitter and protracted fight which would result from the postponement of it until August, 1911. I then stated that the commission of Senator was of no value to me unless it received the indorsement of the people of the State at the polls, and that I was willing to lay it at their feet, and if they should say by the primary of that year that they preferred to have another serve them, I would resign at the first session of the legislature held thereafter, so that the place might be filled by the man of their choice. While the proposition when made applied to a primary to be held in 1910 and was coupled with a provision requiring joint debate, and while the proposition is in no sense obligatory upon me now, yet the reasons given then still seem potential to me.

I entered the senatorial race through no personal ambition, seeking only the most effective method of preventing the triumph of Vardamanism. I have held the office at the sacrifice of personal fortune and inclination. The result of this election entirely absolves me from the duty of acting as a temporary buffer between the people of the State and that which they have chosen for themselves.

I purpose upon the convening of the next legislature to hand in my resignation, thereby empowering it to name my successor for the unexpired as well as the full term. Despite any temporary disappointment, I feel that this course will meet with the ultimate approval of my friends. As much as I respect their opinions and wishes, I can not be moved by their appeals, though from this course I might be swerved by the calumny and abuse of my foes.

In conclusion I wish to say that words can not express my appreciation of the loyal and patriotic support that I have had in this contest. I can only voice my sincere and grateful thanks for those who held up my hands while contending for the honor and the true interests of the State. Together we have fought a clean fight for the right as God has given us to see the right, and we are better men for having made the fight; this should rob defeat of its sting.

I ask that this paragraph be noted, namely:

I feel that this course will meet with the ultimate approval of my friends. As much as I respect their opinions and wishes, I can not be moved by their appeals, though from this course I might be swerved by the calumny and abuse of my foes.

I felt that my vindication from the charges made against me in the heat of the campaign and circulated within the borders of my State might be left to time and the sober judgment of the people of Mississippi.

In November there appeared the article in the Cosmopolitan magazine. Though published 18 months after my election, it contains no single solitary allegation of corrupt influence used in regard to that election which had not been thoroughly probed into, examined, and stamped as false by legislative investigation and judicial decision. No single new circumstance is mentioned—the name of no single additional witness suggested. The disproven charges are simply stated as facts and legislative investigation and judicial decision ignored. There are a few statements made, not bearing upon my election, intended merely to color the article and to make it a better seller. I would call attention to just a few of these, simply to illustrate the reckless mendacity of the writer.

The very picture of the grand jury which returned the indictment against Dulaney is in itself a lie, being a picture not of that grand jury, but of one that convened six months later.

As illustrative of Mr. Vardaman's wonderful hold upon the people, he is said to have been the State's unanimous choice for governor in 1903, when, in fact, it required a second primary to determine the nominee, and in that the result was close.

Referring to my opponent, the article states that:

He stands convicted of negrophobia in the public prints because he insists the negro is not qualified to be a voter, but it is nevertheless a fact that not a single black was lynched or burned during his administration. Not once, but many times, he stepped in between a mob and its victim, risking death and, what is worse to the public man, popular displeasure.

This statement is a simple child of the writer's imagination. Unfortunately while Mr. Vardaman was governor many lynchings occurred, notoriously one that shocked the entire State, where a man and woman were burned at the stake and their charred remains distributed as mementoes among the mob. He never on a single occasion risked his life to protect a prisoner, and on one or two occasions, when the State militia was called out, and, accompanied by it and newspaper reporters, a spectacular rescue from an imaginary danger was made, the incurring of the displeasure of the mob was always avoided by the earnest assurance of the governor that if he was not governor he would be one of the mob.

Again, as illustrating the utter disregard of truth which permeates each and every line of the article in order to emphasize my demerits, it is stated:

Senator PERCY took the oath of office March 15, 1910, and instantly allied himself with the Bailey group. He accepted the leadership of the Standard Oil bellwether and voted against the direct election of United States Senators, the Commerce Court, and the Tariff Board. Somewhat unimportant services, it may be, but enough to prove to the system that it had not bought a gold brick.

A casual reading of the CONGRESSIONAL RECORD would have revealed the falsity of this statement, but it was a statement that it was thought would serve the purpose, and therefore was to be made whether it was true or false. If I was prone to hunt leadership, there is no Democrat in the Senate whom I would follow sooner than the gifted Senator from Texas, for the bane of American politics is the cowardice of public men, and he has both the courage of his convictions and the ability to defend them; but it happens that on not one of the measures named did we vote together. I voted against the direct election of Senators with the Sutherland amendment of the Bristow substitute added to it. Senator BAILEY voted for it. I voted against the Tariff Board, 22 Democrats so voting, and 5 for it. Senator BAILEY refused to vote. I voted against the railroad bill with the Commerce Court a part of it. Senator BAILEY did not vote. Yet there is not a statement made in the article which has not in it just as much truth as the statement in regard to these votes, and the falsity of them was just as easily ascertained as were the facts in regard to these votes from the CONGRESSIONAL RECORD.

This article, appearing in a widely circulated magazine, gives national publicity to these false and disproved slanderous statements, and this, together with the avid and gloating indorsement given to the article by the Senator-elect from Mississippi, renders it impossible for me to pursue the course in regard to resignation which I had contemplated. If I resigned in the face of an article which holds up to the scorn of good people not only myself but the legislature which elected me and the State which honored me, I would be untrue to that legislature, to the friends who supported me, and to myself. If I am as corrupt a thing as I am painted to be in this article, I should not be permitted to resign. I should be branded with infamy and driven in shame out of public life to a prison cell. If these charges are false, the man who has vouched for their truth is unworthy to represent Mississippi in the Senate. If the charges are true, I am too bad a man to be permitted to resign. If the charges are false, he is too dishonest a man for me to assume the odium and responsibility of inducting him into the Senate before the time fixed by law. How is the truth or falsity of the charges to be determined? There is but one tribunal qualified to pass on them, and that is this Senate. Yet I demand no investigation at the hands of the Senate. For me to do so would, in my judgment, not only dignify beyond its merits a muckraking magazine article but would reflect upon the Legislature of Mississippi, which investigated and passed upon these charges, and upon the court of my State, which found them to be false. Fortunately, my failure to demand such an investigation does not in any way preclude it.

A great majority of the Mississippi Legislature which convenes in January was swept in on the same tidal wave which landed Mr. Vardaman in the Senate, and by the active and industrious dissemination on their part of the identical falsehoods contained in this article they are bitterly hostile to me politically and intense partisans of Mr. Vardaman. The senate of that legislature will be presided over, as lieutenant governor of Mississippi, by Theo. G. Bilbo, pronounced by the last senate to be too dishonest a man to be permitted to associate with honest men and found by the jury of Yazoo County to be a false witness and perjured scoundrel. The Senator-elect will dominate that legislature. If there is anyone who places any credence in these charges, it is the duty of that legislature to demand by resolution at the hands of this Senate an investigation into the charges. I invite them to do so, and if they pass the resolution asking for the investigation I will present it to the Senate and urge favorable action on it and an early hearing. If they dare accept the invitation, the investigation will show that the charges are utterly false; that no single one of the 87 votes cast for me was improperly influenced, and will thereby show that the Senator-elect conducted a campaign of slander and falsehood, upon which he was elected. If that legislature, so organized, so controlled, and so dominated, fails to demand this investigation, it will be a confession of guilt on the part of the Senator-elect that he willfully and knowingly conducted a campaign of falsehood, no part of which he is able to substantiate, and it will be so understood by the people of Mississippi.

If the Senator elect believes that I won my election dishonestly, I would not have legislative inaction balk his desire for an investigation; and if he will, by letter, advise me that any one of these 87 votes cast for me was improperly influenced in my behalf, and he desires an investigation by the United States Senate into my election, as he will not be able here to speak for himself, I, in his behalf, will introduce a resolution requesting such investigation and urge its favorable consideration.

There is but one suggestion that I would make to that legislature if it sees fit to request an investigation; that is, that while actuated by the patriotic purpose of securing a clean Senator for Mississippi, it make the request for investigation broad enough to cover the fitness of the Senator elect, against whom there is now pending in the chancery court of Hinds County, in that State, a bill, filed long after the heat of the campaign had subsided, in the name of the State of Mississippi, by the attorney general of that State, neither a partisan nor a supporter of mine, charging that the Senator elect, while governor, embezzled various trust funds committed to his custody. If the allegations of the bill are sustained, that, under the constitution of Mississippi, disqualifies the Senator elect from holding any State office and should disqualify him from holding a seat in the Senate.

Mr. President, if it be thought that the language used by me has been harsh, I would plead in justification that the provocation has been great. This is the culmination of a campaign of slander and detraction, prosecuted with unparalleled bitterness from the moment of my election, in which it has been sought to scourge me out of public life, robbed of good name and stripped of character. If it be thought that I am unfair in so

referring to one who has no opportunity to answer on the floor of this Senate, I would say that the opportunity will soon be his; and further, that for 18 months I have been ceaselessly attacked through the columns of his paper without having an opportunity to reply; and more than that, for 18 months by invitation, challenge, and taunt, I have endeavored to have him meet me before the people of Mississippi in joint debate, according to the custom in that State, and make his charges to my face, so that I could answer them, but he, ignoring invitation, challenge, and taunt during that time, I have seen only the back of my distinguished opponent.

If it be thought that my language in regard to him is severe, I would plead guilty to the charge. To use the words spoken by one of Mississippi's most illustrious sons on the floor of this Senate Chamber, "It is very severe. It is such as no good man would deserve and no brave man would wear."

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on the District of Columbia:

H. R. 8619. An act to amend "An act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes," approved May 7, 1906; and

H. R. 13041. An act to provide for the support and maintenance of bastards in the District of Columbia.

DISTRICT WORKHOUSE AND REFORMATORY.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1081) to provide for punishment for larceny of public property from the workhouse and reformatory of the District of Columbia, which was to strike out all after the enacting clause and insert:

That Subchapter II, Chapter XIX, of the Code of Law for the District of Columbia be, and the same is hereby, amended by adding thereto a new section, to be known as section 836a, which shall read as follows:

"SEC. 836a. Any person who by the commission outside of the District of Columbia of any act which, if committed within the District of Columbia, would be a criminal offense under the laws of said District, thereby obtains any property or other thing of value, and is afterwards found with any such property or other such thing of value in his possession in said District, or who brings any such property or other such thing of value into said District, shall, upon conviction, be punished in the same manner as if said act had been committed wholly within said District."

And to amend the title so as to read:

"An act providing for the punishment of persons in possession of stolen property in the District of Columbia, having stolen the same in any other State or Territory."

Mr. GALLINGER. Mr. President, I have examined the amendment. I move that the Senate concur in the amendment made by the House of Representatives.

The motion was agreed to.

HOLIDAY RECESS.

The VICE PRESIDENT laid before the Senate the following concurrent resolution (No. 21) from the House of Representatives, which was read and referred to the Committee on Appropriations:

Resolved, That when the two Houses adjourn on Thursday, December 21, they stand adjourned until 12 o'clock m. on Wednesday, January 3, 1912.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 12 minutes spent in executive session the doors were reopened, and (at 3 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, December 13, 1911, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate December 12, 1911.

POSTMASTERS.

ALABAMA.

Cicero A. Ross to be postmaster at Good Water, Ala., in place of Cicero A. Ross. Incumbent's commission expired December 11, 1911.

CALIFORNIA.

Catherine T. Ryan to be postmaster at Gilroy, Cal., in place of Catherine T. Ryan. Incumbent's commission expired December 10, 1911.

Frank A. Smith to be postmaster at Arcata, Cal., in place of Frank A. Smith. Incumbent's commission expired December 10, 1911.

COLORADO.

Charles Creglow to be postmaster at Burlington, Colo., in place of Charles Creglow. Incumbent's commission expired December 11, 1911.

Charles T. Wade to be postmaster at Buena Vista, Colo., in place of Charles T. Wade. Incumbent's commission expired December 11, 1911.

CONNECTICUT.

George W. Fairgrieve to be postmaster at Bantam, Conn. Office became presidential July 1, 1911.

GEORGIA.

John A. Crawford to be postmaster at Dalton, Ga., in place of John A. Crawford. Incumbent's commission expires January 14, 1912.

John B. Crawford to be postmaster at Cairo, Ga., in place of John B. Crawford. Incumbent's commission expired January 22, 1911.

Chester L. Elliot to be postmaster at Brunswick, Ga., in place of Albert M. Smith, resigned.

IDAHO.

Waller E. Babcock to be postmaster at Parma, Idaho, in place of Waller E. Babcock. Incumbent's commission expires January 16, 1912.

ILLINOIS.

George W. Coughanowr to be postmaster at Dongola, Ill., in place of George W. Coughanowr. Incumbent's commission expired December 11, 1911.

Frank Morrell to be postmaster at Pawnee, Ill., in place of Frank Morrell. Incumbent's commission expired December 11, 1911.

INDIANA.

Charles C. Weingart to be postmaster at Kendallville, Ind., in place of Charles C. Weingart. Incumbent's commission expired December 11, 1911.

IOWA.

Leroy D. Curtis to be postmaster at Adair, Iowa, in place of Leroy D. Curtis. Incumbent's commission expired December 9, 1911.

Bruce R. Mills to be postmaster at Woodbine, Iowa, in place of Bruce R. Mills. Incumbent's commission expired December 9, 1911.

Jennie Schroeder to be postmaster at Guttenberg, Iowa, in place of Jennie Schroeder. Incumbent's commission expired December 11, 1911.

KENTUCKY.

Carl Henderson to be postmaster at Marion, Ky., in place of George M. Crider. Incumbent's commission expired May 9, 1910.

LOUISIANA.

Thomas F. Sheahan to be postmaster at Fullerton, La. Office became presidential October 1, 1911.

Thomas S. Scanlan to be postmaster at Natalbany, La. Office became presidential July 1, 1911.

Alexander Latil to be postmaster at Arabi, La., in place of Alexander Latil. Incumbent's commission expires December 12, 1911.

MAINE.

George O. Carr to be postmaster at Norridgewock, Me., in place of George O. Carr. Incumbent's commission expired December 10, 1911.

Charles H. Dunning to be postmaster at Brownville, Me., in place of Charles H. Dunning. Incumbent's commission expired December 10, 1911.

George R. Foster to be postmaster at Lisbon Falls, Me., in place of George R. Foster. Incumbent's commission expired December 11, 1911.

Arthur C. Hinckley to be postmaster at Blue Hill, Me., in place of Arthur C. Hinckley. Incumbent's commission expired December 10, 1911.

Frank E. Monroe to be postmaster at Milo, Me., in place of Frank E. Monroe. Incumbent's commission expired December 10, 1911.

Everett W. Ober to be postmaster at Northeast Harbor, Me., in place of Everett W. Ober. Incumbent's commission expired December 10, 1911.

MARYLAND.

Albert N. Vannort to be postmaster at Port Deposit, Md., in place of William T. Coulson. Incumbent's commission expires December 12, 1911.

MASSACHUSETTS.

Charles F. Hammond to be postmaster at Nantucket, Mass., in place of Charles F. Hammond. Incumbent's commission expires January 13, 1912.

MICHIGAN.

Hutson B. Colman to be postmaster at Kalamazoo, Mich., in place of Hutson B. Colman. Incumbent's commission expired December 9, 1911.

Thomas C. Hance to be postmaster at Niles, Mich., in place of Carmi R. Smith. Incumbent's commission expires January 9, 1912.

Ralph D. Harris to be postmaster at Almont, Mich., in place of Ralph D. Harris. Incumbent's commission expires January 9, 1912.

Mark H. Ladd to be postmaster at Plymouth, Mich., in place of Mark H. Ladd. Incumbent's commission expired December 11, 1911.

Thomas McLaren to be postmaster at Hesperia, Mich., in place of Orlando D. Hawley. Incumbent's commission expired December 11, 1911.

Henry H. Pulver to be postmaster at Laingsburg, Mich., in place of Henry H. Pulver. Incumbent's commission expired December 11, 1911.

James K. Train to be postmaster at Edmore, Mich., in place of James K. Train. Incumbent's commission expired December 11, 1911.

MINNESOTA.

John Frisch to be postmaster at St. Charles, Minn., in place of John Frisch. Incumbent's commission expired December 11, 1911.

Peter Schaefer to be postmaster at Ely, Minn., in place of Peter Schaefer. Incumbent's commission expired December 9, 1911.

MISSISSIPPI.

Eugene E. Robertson to be postmaster at Collins, Miss., in place of Eugene E. Robertson. Incumbent's commission expired May 18, 1910.

Beatrice Williams to be postmaster at Houston, Miss., in place of Beatrice Williams. Incumbent's commission expires December 16, 1911.

MONTANA.

George W. Harden to be postmaster at White Sulphur Springs, Mont., in place of George W. Harden. Incumbent's commission expired December 11, 1911.

L. W. Katzenstein to be postmaster at Forsyth, Mont., in place of Clarence R. Lane. Incumbent's commission expired December 11, 1911.

John C. Sorenson to be postmaster at Glendive, Mont., in place of John C. Sorenson. Incumbent's commission expired February 13, 1911.

NEBRASKA.

Robert J. Marsh to be postmaster at O'Neill, Nebr., in place of Robert J. Marsh. Incumbent's commission expired December 9, 1911.

Seth W. Wilson to be postmaster at Wood River, Nebr., in place of Seth W. Wilson. Incumbent's commission expired December 11, 1911.

NEW JERSEY.

Henry W. Edsall to be postmaster at Hamburg, N. J., in place of Henry W. Edsall. Incumbent's commission expired December 11, 1911.

NEW YORK.

Edward M. Morgan to be postmaster at New York, N. Y., in place of Edward M. Morgan. Incumbent's commission expired December 10, 1911.

Frank Bloomingdale to be postmaster at Voorheesville, N. Y. Office became presidential October 1, 1911.

Walter N. Pike to be postmaster at Floral Park, N. Y., in place of Walter N. Pike. Incumbent's commission expired December 11, 1911.

NORTH DAKOTA.

John McC. McMaster to be postmaster at Lakota, N. Dak., in place of John McC. McMaster. Incumbent's commission expired December 9, 1911.

Merton W. Woodworth to be postmaster at Wilton, N. Dak., in place of Merton W. Woodworth. Incumbent's commission expired December 9, 1911.

OKLAHOMA.

H. G. Eastman to be postmaster at Oklahoma, Okla., in place of Elmer E. Brown. Incumbent's commission expired January 22, 1911.

PENNSYLVANIA.

Jacob H. Rowe to be postmaster at Millersburg, Pa., in place of Jacob H. Rowe. Incumbent's commission expires January 29, 1912.

Albert W. Schrecongost to be postmaster at Dayton, Pa., in place of Albert W. Schrecongost. Incumbent's commission expired December 11, 1911.

SOUTH DAKOTA.

Porter E. Rugg to be postmaster at Artesian, S. Dak., in place of Porter E. Rugg. Incumbent's commission expired March 1, 1911.

TEXAS.

Hallie Knight to be postmaster at Sterling City, Tex. Office became presidential October 1, 1911.

WEST VIRGINIA.

Simeon S. Buzzerd to be postmaster at Berkeley Springs, W. Va., in place of Simeon S. Buzzerd. Incumbent's commission expired December 9, 1911.

John O. Huey to be postmaster at Mannington, W. Va., in place of John O. Huey. Incumbent's commission expired February 19, 1910.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 12, 1911.

INTERSTATE COMMERCE COMMISSIONER.

James S. Harlan, to be an Interstate Commerce Commissioner.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

First Lieut. of Engineers Nathaniel Edward Cutchin to be senior engineer in the Revenue-Cutter Service.

PROMOTIONS IN THE PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Asst. Surg. James R. Hurley to be passed assistant surgeon in the Public Health and Marine-Hospital Service.

Asst. Surg. Emil Krulish to be passed assistant surgeon in the Public Health and Marine-Hospital Service.

Robert H. Heterick, of Ohio, to be assistant surgeon in the Public Health and Marine-Hospital Service.

REAPPOINTMENT IN THE ARMY.

PAY DEPARTMENT.

Brig. Gen. Charles H. Whipple, Paymaster General, to be Paymaster General.

APPOINTMENT IN THE ARMY.

COAST ARTILLERY CORPS.

Levin Hicks Campbell, jr., to be second lieutenant.

PROMOTIONS IN THE NAVY.

Capt. George B. Ransom to be a rear admiral.
Capt. John R. Edwards to be a rear admiral.
Capt. James M. Helm to be a rear admiral.
Capt. Cameron McR. Winslow to be a rear admiral.
Capt. Nathaniel R. Usher to be a rear admiral.
Capt. Frank F. Fletcher to be a rear admiral.
Commander Edwin A. Anderson to be a captain.
Commander Clarence S. Williams to be a captain.
Commander John D. McDonald to be a captain.
Commander Hilary P. Jones to be a captain.
Commander William R. Shoemaker to be a captain.
Lieut. Commander John R. Y. Blakely to be a commander.
Lieut. Commander Leon S. Thompson to be a commander.
Lieut. Commander Frederick A. Traut to be a commander.
Lieut. Charles P. Snyder to be a lieutenant commander.
Lieut. William F. Bricker to be a lieutenant commander.
Lieut. (Junior Grade) George S. Bryan to be a lieutenant.
Lieut. (Junion Grade) August C. Wilhelm to be a lieutenant.

The following-named midshipmen to be ensigns in the Navy from the 5th day of June, 1911, to fill vacancies:

Theodore S. Wilkinson, jr.,
Sherman S. Kennedy,
Chauncey A. Lucas,
Lemuel E. Lindsay,
Henry G. Cooper, jr.,
Frank H. Weaver,
Roy H. Davis,
Frank S. Carter,
Arthur Barney,
Alger H. Dresel, and
Archibald McGlasson.

Medical Inspector John M. Edgar to be a medical director.
Surg. George B. Wilson to be a medical inspector.
Surg. Edward R. Stitt to be a medical inspector.
Passed Asst. Surg. Jesse W. Backus to be a surgeon.
Charles L. Beeching to be an assistant surgeon.
Passed Asst. Paymaster John R. Hornberger to be a paymaster.
Asst. Paymaster Dallas B. Wainwright, jr., to be a passed assistant paymaster.

The following-named citizens to be assistant paymasters in the Navy from the 3d day of November, 1911, to fill vacancies:

Arthur H. Mayo,
William J. Gower, and
Thomas Cochran.

Lieut. Roy L. Lowman to be a lieutenant.
Lieut. (Junior Grade) Russell Willson to be a lieutenant.

Lieut. (Junior Grade) Douglas L. Howard to be a lieutenant.
Lieut. (Junior Grade) Milo F. Draemel to be a lieutenant.
Lieut. Thomas Withers, jr., to be a lieutenant.
Lieut. (Junior Grade) Isaac C. Bogart to be a lieutenant.
Lieut. (Junior Grade) Isaac C. Shute to be a lieutenant.
Lieut. (Junior Grade) Owen Bartlett to be a lieutenant.
Lieut. (Junior Grade) Walter F. Jacobs to be a lieutenant.
Lieut. (Junior Grade) Leo F. Welch to be a lieutenant.
Chief Boatswain John Winn to be a chief boatswain.
Lieut. Col. Joseph H. Pendleton to be a colonel.
Maj. Laurence H. Moses to be a lieutenant colonel.
Capt. Carl Gamborg-Andresen to be a major.
Capt. Charles B. Hatch to be a major.
First Lieut. Elias R. Beadle to be a captain.
Capt. Arthur B. Owens to be a captain.
First Lieut. Eugene P. Fortson to be a captain.
Capt. Robert O. Underwood to be a captain.
First Lieut. Jesse F. Dyer to be a captain.
First Lieut. Clarence S. Owen to be a captain.
First Lieut. James J. Meade to be a captain.
First Lieut. Richard B. Creecy to be a captain.
Second Lieut. John Marston, 3d, to be a first lieutenant.
Second Lieut. Clarke H. Wells to be a first lieutenant.
Second Lieut. Wilbur Thing to be a first lieutenant.
Second Lieut. Edwin H. Brainard to be a first lieutenant.
Second Lieut. Alfred A. Cunningham to be a first lieutenant.
Second Lieut. Alley D. Rorex to be a first lieutenant.
Second Lieut. Samuel M. Harrington to be a first lieutenant.
Second Lieut. Harold L. Parsons to be a first lieutenant.
Second Lieut. Chester L. Gawne to be a first lieutenant.
Second Lieut. Dwight F. Smith to be a first lieutenant.
Capt. Albert B. Willits to be a rear admiral.

POSTMASTERS.

ARIZONA.

Charles L. Fowler, Nogales.

CONNECTICUT.

Levi O. Chittenden, Guilford.
H. Raymond Norton, Madison.
Edgar C. Page, Sandy Hook.
Charles A. Potter, Danielson.

FLORIDA.

Wesley Herrick, Daytona Beach.
Richard J. Mays, Monticello.

IDAHO.

Harry G. Stanton, Kendrick.

INDIANA.

Rufus H. Barnett, Owensville.
Charles E. Hampton, Fowler.
Arthur A. McCain, Crawfordsville.
Melvin J. Stinchfield, Valparaiso.
David H. Williams, Rosedale.

ILLINOIS.

John McCauly, Port Byron.
Fred More, Charleston.
Caleb T. Reeder, Stewardson.
George E. Swanson, Woodhull.
James W. Vallentyne, Glenellyn.

KANSAS.

Esther E. Abbott, Le Roy.
Thomas B. Evans, Scammon.
Harvey S. Hogue, Highland.
W. E. McGhie, Columbus.
Richard L. Musson, Elk City.

LOUISIANA.

John B. Hays, jr., Monroe.
Gustave A. Morse, Oil City.

MAINE.

William W. Brown, Bowdoinham.
Irving W. Case, Lubec.
Sidney G. Haley, Phillips.
Roland A. Scribner, National Soldiers' Home.
Watson M. Simpson, Boothbay Harbor.
William I. Wood, Corinna.

MASSACHUSETTS.

Edgar H. Andrews, Sharon.
William C. Coffin, Newburyport.
Jeremiah B. Daniels, Millis.
George T. Durfee, Fall River.
Frank A. Fales, Norwood.
Stephen C. Luce, Vineyard Haven.
John F. Phipps, Hopkinton.
Joseph F. Smith, East Walpole.
George A. Wales, Stoughton.
Charles H. Walker, North Dighton.
James H. Whetton, Needham Heights.
Daniel S. Woodman, West Medway.

MICHIGAN.

Robert B. Ferris, Burr Oak.
Alfred V. Hiscock, Montrose.
William Hunter, Capac.
John C. Ketcham, Hastings.
Hamilton A. Macklem, Marlette.

MINNESOTA.

Ole O. Holmen, Slayton.
Andrew Lind, New York Mills.

MISSISSIPPI.

Robert W. Magruder, Port Gibson.
William L. Rice, Clinton.
John H. Willett, Seminary.

MONTANA.

T. E. Crandell, Ismay.
Malcolm Gillis, Butte.
Fred B. Gladden, Hardin.
Albert W. Huxsol, Culbertson.

NEBRASKA.

George W. Anderson, Havelock.
Cecil R. Boughn, Walthill.
Herbert M. Crane, Bloomington.
Julian F. Fannon, Clearwater.
Edgar F. Fassett, Arlington.
John T. McIntosh, Sidney.
Wallace T. Morse, Friend.
Castillo M. Reynolds, Sutherland.
Asbury T. Rowe, Oakdale.
Webster L. Whitla, Battle Creek.

NEW HAMPSHIRE.

Clarence N. Garvin, Derry.
Alice M. Sloan, Conway.

NEW JERSEY.

Robert L. Barber, Camden.
James B. Pownall, Jamesburg.
Israel T. Woolson, Holly Beach.

NEW MEXICO.

John T. Bolton, Carlsbad.
Don H. Kedzie, Lordsburg.
Piedad Medina, Wagon Mound.

NORTH DAKOTA.

Anna Bergman, Kulm.
Minnie M. Luce, Hope.
George B. Mansfield, McHenry.
Margaret Reese, Max.

OHIO.

Ralph M. Harrison, Oakharbor.
Albert L. Moffitt, Mineral City.
Olive O. Price, Bowerston.
Leon H. Wadsworth, Wellington.

PENNSYLVANIA.

Franklin A. Bailiet, Coplay.
Joseph W. Culbert, Collegeville.
Henry B. Freed, Souderton.
John H. Fuellhart, Youngsville.
Ellwood W. Minster, Bristol.
Fred B. Reed, Schuylkill Haven.
John E. Thomas, Union Dale.

RHODE ISLAND.

Ernest M. Spencer, North Scituate.

SOUTH CAROLINA.

Joseph P. Ouzts, Edgefield.

TEXAS.

Edwin A. Armstrong, Asherton.
Otis T. Bacon, Wichita Falls.
John O. Cowan, Lewisville.
Robert Dempster, Hitchcock.
C. W. Frick, Mission.
Guido R. Goldbeck, Uvalde.
James W. Griffin, West.
Andrew A. Grob, Naples.
Bertha Hearte, Oakwood.
William H. Hoffmann, Waco.

John A. Hyland, Round Rock.
Adolph Lohmann, Eldorado.
William T. Mann, Post.
Charles S. Seiber, Miami.
Robert T. Stagner, Crystal City.
John S. Wells, Bowie.
Lillie Wilson, Hutto.
Hugh B. Wooldridge, Groveton.

VERMONT.

Martha W. Arnold, Bethel.
Henry J. Fisher, Morrisville.
Charles E. Hall, Swanton.
Charles E. Holden, Proctor.
Edward J. Tyler, Enosburg Falls.

WEST VIRGINIA.

Romeo H. Freer, Harrisville.

WYOMING.

Harvey A. Bucher, Lander.
Wilbur P. Keayes, Buffalo.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December 12, 1911.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Bend low, O God, our heavenly Father, and hold us close in Thine all-loving embrace, that we wander not from the paths of rectitude and duty, but as valiant soldiers, fighting under the banner of righteousness, truth, and justice, we may follow the lead of the great Captain of our salvation, looking forward with faith and confidence to the final victory of good over evil; and Thine be the praise forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

PENSIONS.

Mr. ADAIR. Mr. Speaker, I ask unanimous consent that all Members who have spoken on the Sherwood bill, or who may speak on the bill, have the right to extend their remarks in the RECORD, and that all who do not speak on the bill have five legislative days, if they so desire, in which to print remarks.

The SPEAKER. The gentleman from Indiana [Mr. ADAIR] asks unanimous consent that all gentlemen who have spoken or who may speak on this bill have the right to extend their remarks in the RECORD, and that all Members have the right to print speeches for five legislative days.

Mr. SAMUEL W. SMITH. Mr. Speaker, I should like to ask the gentleman——

The SPEAKER. Does the gentleman from Indiana yield to the gentleman from Michigan?

Mr. ADAIR. I do.

Mr. SAMUEL W. SMITH. How much time have those who speak in which to print their remarks? I understand the gentleman to make a distinction.

Mr. ADAIR. Under the rules of the House they have as many days as they want. There is no limit to that, I think, except the length of the session of Congress.

The SPEAKER. Is there objection?

There was no objection.

Mr. ADAIR. Mr. Speaker, we have two members of the Invalid Pensions Committee who desire to speak upon this bill, and who made to me a statement to that effect, I being in charge of the bill; but I had forgotten the matter. I ask unanimous consent that the gentleman from New York [Mr. BRADLEY], who is a member of the committee, and the gentleman from Wisconsin [Mr. BURKE], who is also a member of the committee, may each have 15 minutes for general debate, in addition to the 1 hour and 40 minutes granted to others on yesterday.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the order made yesterday providing for 1 hour and 40 minutes' general debate to-day on the Sherwood pension bill be modified so as to give the gentleman from New York [Mr. BRADLEY] 15 minutes and the gentleman from Wisconsin [Mr. BURKE] 15 minutes, in addition to the 1 hour and 40 minutes already fixed. Is there objection?

There was no objection.

Mr. ADAIR. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of House bill No. 1, known as the Sherwood pension bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War, with Mr. FOSTER of Illinois in the chair.

The CHAIRMAN. The Chair will state that general debate on this bill is closed except as provided in the unanimous-consent orders made yesterday and to-day at the request of the gentleman from Indiana [Mr. ADAIR]. The Chair recognizes the gentleman from New York [Mr. BRADLEY] for 15 minutes.

Mr. BRADLEY. Mr. Chairman, the House of Representatives in the Sixty-first Congress, a Republican House, passed the Sulloway bill, a proposition to materially increase Mexican and Civil War pensions on a basis of age.

This House of Representatives, a Democratic House, is likely to pass the Sherwood bill, designed to very materially increase Civil War pensions on a basis of service. As both the great parties, as represented in this House, are seemingly committed to a belief that pensions ought to be increased, it is advisable to now amend and perfect the pending bill so that whichever measure is passed into law it may stand as the last general enactment pertaining to Civil War pensions and prove lastingly acceptable to all persons entitled to its benefits.

The general act of 1861, granting pensions for disabilities of service origin only, contains no limitation as to age or length of service. Under this law the men of Gen. Hovey's brigade, referred to by the distinguished chairman of the Committee on Invalid Pensions, did have on the date named and always have had equal rights with veterans of longer service; for under this law a service of 4 minutes obtains equal recognition with a service of 4 years or more. The law of June 27, 1890, grants to men of 3 months' service the same benefits as to veterans of 50 months' of active service. This condition prevails in the age law and in the Sulloway bill.

To base pension rates on age alone is absolutely unfair and unjust to a large body of most deserving long-service veterans of the Civil War.

One illustration of thousands similar may suffice: A man at 30 years enters the service with bone and muscle matured. His regiment was never in danger during its full 4 months of service. This short-service man is hale and robust at 75. A youth of 18 enlists for 3 years, reenlists, and serves to the end. His service was in field and battle with no hospital term of record. At 66 he is an invalid, unable to perform any kind of labor. He gets $12 under the age act. The robust, short-term man gets $20. Mr. Speaker, there is a wide difference between a service of 3 months, 6 months, 9 months, or the campaign of a year, when compared with the nerve-breaking, debilitating strain of service throughout many campaigns extending over a series of years.

This youth of 18 became aged in body long before his time, because he went in at Big Bethel and served via Malvern Hill, Antietam, Fredericksburg, Chancellorsville, Gettysburg, the Wilderness, Spotsylvania, Cold Harbor, Petersburg, and Five Forks to Appomattox, where, with other veterans of the Army of the Potomac, he sought, with filled haversack, the opposing line to share hard bread and coffee with the almost famished, always courageous, veterans of the Army of Northern Virginia. It is sad to relate, but in no pension law, save in the special acts through which Congress so generously relieves acute distress, is any special consideration whatever shown for long years of enduring and heroic service.

Even the pending bill defines 3 months' service at $15, 6 months at $20, 9 months at $25, and 12 months at $30, lumping the 2, 3, and 4 year veterans in the same pocket as the 1-year men. Why are not the 6 months and 9 months men pocketed with the 90-day men? Do the short-term survivors outnumber the veteran survivors of long service? Certainly, and quite naturally so. Because of the nerve strain of many campaigns and the shock of many battles, long-service veterans break down earlier and pass away more rapidly than do the short-service men. Why is it that memory has defined no special grade for them in this bill? Memories! Ah, the scene that rises clear as a moving picture. It is the dawn before the rose-light flashes tell of the coming of a lovely day in May. In the darkness a thousand little fires tell of a great army astir, preparing the morning meal and furbishing war-worn, storm-stained uniforms and equipment in readiness for the last review.

Early they move the 12 or 15 miles to the river, across the Long Bridge, over the east plaza, swinging into the great Avenue by division front from curb to curb, sweeping on and on all the livelong day, passing the White House in sorrow that Lincoln is no more. Yet, on through Georgetown, over the Virginia hills, and through the dusk of evening, to their camps once more. Again the fires burn in the darkness, the

evening meal is taken, "taps" ring out sweetly for miles around, and all is still. The great Army of the Potomac sleeps in peace and dreams of "Home Again."

The average age of these 90,000 men on review is less than 22 years. The greater part are veterans of three and four years and more of strenuous service. You note the strain of it all in the fixed and serious look on their lean, bronzed faces.

Most of them, at 16, 17, 18, 19, and 20 years of age, "with thoughts of love upon their beardless lips," consecrated themselves to the defense of the flag, determined to emulate, as they did afterwards emulate, the deeds of seasoned warriors. As with this army so it was with the Army of the Tennessee, of the Cumberland, and all other armies of the Union. It is for all long-service veterans I make appeal for at least one special definite division in section 1 of the pending bill. There are but few of them, comparatively. Based on the total death rate of 35,000 during the past fiscal year, and a fair estimate that 45,000 may pass over during the current year, and 55,000 during the first year of adjudication under the bill, should it become a law, it is quite probable the claims of not more than 16,000 Civil War veterans of four years and more of service and 78,000 of three years of service can receive final adjudication.

To give these 94,000 long-service veterans a special service division in section 1 and $5 per month increase over one-year men will add $2,400,000 the first year and reach $5,640,000 the second or third year. This may be objected to because of added cost. Well, let us consider seriously what the probable increase under this bill may be. The aggregate increase for the first year is variously estimated at $18,000,000 to $32,000,000 and $30,000,000 to $75,000,000 the second or third year. My own estimate is $25,600,000 for the first year, reaching $53,800,000 the second or third year.

Now, as we are dealing in many millions so easily, and this bill, unamended, is unfair and unjust at $25,600,000 for the first year and $53,800,000 for the second or third year, why not make it a square-deal proposition, even though in so doing we do add a few millions more?

The people, quick to resent injustice, may safely be relied upon to approve that which is just and equitable.

It is my purpose to amend section 1, page 2, line 4, as follows: "For a service of two years and six months or more, $35 per month," and strike out the proviso relative to inmates of soldiers' homes. While it is my conviction the rates named in the bill for six-month, nine-month, and one-year men are too high, proportionately, I shall not seek to change them. In demanding simple justice for veterans of long service I have no desire to detract in any way from the credit of anyone who has followed the flag.

Section 2 simply repeats a portion of the act of March 3, 1883. It adds no benefit, but would give a pensioner the privilege of changing from the general law under this provision, without injury, should this bill become a law and he prefer one to the other; but no pensioner in his senses, rates and rulings being the same, would prefer this to the general law.

Section 3 ought to be eliminated. In addition to certain personal opinions the distinguished chairman of Invalid Pensions so kindly permitted me to inject into his speech of Friday last, I quote the words of Massachusetts's greatest Democratic orator:

> A single instance of affluence, or a few cases where want does not tread close on those who are themselves treading on the borders of the grave, does not affect the general propriety and necessity of the measure.
>
> [Applause.]

Mr. Chairman, I ask unanimous consent to insert in the RECORD, at the end of my remarks, the clipping I now send to the Clerk's desk; and because of the beauty of the language in which a noble and patriotic sentiment is expressed I beg the Clerk may now read the entire paragraph.

The Clerk read as follows:

> Daniel Webster, in the United States Senate, on the act of Congress providing retired pay for the survivors of the Revolutionary Army, said: "I for one would most gladly support such a measure as should at once consult their services, their years, their necessities, and the delicacy of their feelings. I would gladly give with promptitude and grace, with gratitude and delicacy, that which merit has earned and necessity demands. How we shall treat them, it behooves us to consider, not only for their sake, but for our own sake also, and for the honor of our country. What we do will not be done in a corner; our constituents will see it; the people will see it; the world will see it. * * * A single instance of affluence or a few cases where want does not tread close on those who are themselves treading on the borders of the grave, does not affect the general propriety and necessity of the measure. We all know that it exists, and we may, I think, safely rest upon it without so discussing it as to wound the feelings which education inspires, the habits of military life cherished, and a just self-respect is desirous to maintain. I confess that I meet this claim not only with a desire to do something in favor of these officers, but to do it in a manner indicative not only of decorum, but of deep respect, that respect which years, age, public service, patriotism, and broken fortune command to spring up in every manly breast. * * * Mr. President, allow me to repeat that neither the subject nor the occasion is an ordinary one. Our fellow citizens do not so consider it; the world does not so regard it. That was a civil war. It was sustained by every sacrifice on the great ground of civil liberty. They fought bravely and bled freely; the cause succeeded, the country triumphed. That army faithfully served and saved the country, and to the country is now referred its claim. It laid aside its arms with alacrity; it mingled with the mass of the community and has waited until, in better times, its services may be rewarded and the promises made to it may be fulfilled. This example is worth more, far more, to the cause of civil liberty than this bill will cost us. We can not refer to it too often, nor dwell upon it too much, for the honor of our country and its defenders."

Mr. BURKE of Wisconsin. Mr. Chairman and gentlemen of the committee, in view of the able discussions which have taken place in this body in relation to the Sherwood pension bill and pension subjects in general, it was not my intention to take up the time of the House in adding my humble remarks upon this important subject. I had considered it unnecessary until I listened to the eloquent address last Saturday of the distinguished Representative from New York [Mr. CONNELL]. He told us that his predecessor was an able and worthy Union veteran of the Civil War; that he always disagreed with and opposed the views of his predecessor in everything excepting his views upon the pension question; that upon that great question he was in full accord with the gentleman whom he succeeds, and took pleasure in advocating a liberal pension bill and policy. His situation in that respect forcibly recalled to me that I am also situated under similar circumstances. My conscience reminded me that I too owed a duty not only to my soldier constituents, but to one of my soldier predecessors.

I have the honor of representing a district that previous to 1887 for many terms was most ably represented by one of the most distinguished Union veterans of the Civil War. During that war and since he has been loved and admired by his comrades in arms both as a Member of this House and as a private citizen. He spoke for, worked for, and advanced the welfare of the old soldier as faithfully and loyally as he fought for the Stars and Stripes and the Union. He was and is loved and admired for the enemies he made in the cause of the soldiers. By the veterans (and I use this word in its legal and technical sense) he was loved, admired, and adored for his splendid record as a soldier. I know that if he were here he would have no patience with the captious and flimsy arguments advanced by some of our colleagues in criticizing the grammar and punctuation of this bill. I know that he would treat with scorn and sarcasm the arguments and views of the gentleman from Texas, who is afraid that if this bill, or some similar pension bill, is passed in behalf of the old soldiers that the sugar schedule can not be reduced so as to cheapen the sweetening of the tea and coffee of his constituents. If he were here, I know that he would in the most eloquent terms hold up to scorn and ridicule the contentions of those of our colleagues who pretend to claim that a short-term soldier of even one day's service is entitled to the same amount of pension as the veteran who for four long years, in a strange country, far distant from home, endured in the open and in camp the sufferings and distress of storm, heat, thirst, hunger, the roar of the enemy's cannon, the whistling of his bullets, the falling of his companions into the arms of death, and the shrieking and moaning of his wounded comrades, or the horrors of prison life. If he were here, he would tell us in no uncertain terms the difference between an age pension and one based upon service, and his information would be based upon the experience of a valiant soldier. I refer with pleasure and pride to that faithful representative of the people, that loyal citizen, and that gallant general, Gen. Edward S. Bragg, commander of the Iron Brigade. [Applause.] It was of him I thought as the gentleman from New York was speaking of his predecessor.

A constituency that was honored by being represented in this body for so many years by such a gallant soldier demands of its present humble Representative that he show his colors and loyalty to the surviving veterans by pleading for the Sherwood service-pension bill, however ineffective and humble his efforts may be.

The distinguished gentleman from Illinois [Mr. EVANS] has urged upon us the defeat of this bill or its re-reference for future consideration. He gives as his reasons that parts of the bill are not grammatical; that the punctuation is wrong; that a sentence in the report submitted in support of this bill is meaningless on account of a printer's blunder; and that no pension bill should be passed until there be a codification of the pension laws; and because he thinks there is a loophole by which Confederate soldiers might be pensioned; and because he thinks it unfair to discriminate between the soldier receiving a net income of $1,000 or more per year exclusive of any pension he may receive. Others have attacked the bill because it contains a provision in section 1 that no one who shall receive a pension of $25 or more per month, under this act, shall be entitled to admission to the National and State homes for disabled soldiers

and sailors, and others have criticized it as not being as liberal for the short-term soldier as for the long-term soldier. The time at my command is too brief to permit me to answer in detail the various criticisms.

I admit that the bill might easily have been drawn with greater precision of language. I admit that the captious critic can truthfully find fault with its wording. I submit, however, that the language in the provisions of this bill is not ambiguous; that its wording is so plain that he who runs can read. No department nor officers having the enforcement of this bill, if it becomes a law, will have any trouble in ascertaining its meaning at any point. Gen. SHERWOOD and the gentleman from Indiana, who has charge of this bill upon the floor, have told us that the officers of the Pension Department informed them that the language used was plain, clear, and in proper and usual form. They ought to know, for many of them have been administering the pension laws for years and are familiar with the phrases, words, and sentences used in the different pension laws. A more captious and flimsy reason for defeating or delaying this bill could not be imagined than that it is poor in grammar and wrong in punctuation.

When the fate of our country hung in the balance in the dark days of 1861 to 1865 and the call for volunteers was made, and the boys came flocking to the recruiting stations, no questions were then asked of them as to their knowledge of grammar or punctuation. No notice was taken of the broken English used by the sons of Germany, Scandinavia, Poland, and other countries. Even the native of Ireland, whose accent and brogue did not accord with the Queen's English, was welcomed. At that time our officers did not say to them, "Wait a few months, boys, until we can codify the recruiting laws and revise the Army discipline." There was no fault found with their grammar or with their punctuation. Oh, no. Then the cry was, "Hurry up, boys; come along. You can not come too fast." [Laughter and applause.] I not only believe as the distinguished gentleman from Illinois [Mr. FOWLER] does, that the money power of the country is against the passage of the pension bill under consideration and against any other liberal pension bill, but it also seems to me that even the grammarians of the country are against the old soldier. Let me say to my friends who pride themselves upon their knowledge of grammar and punctuation that if it had not been for the work of the old soldier in saving this Nation thousands of you who now pride yourself upon your knowledge of those subjects would be ignorant of the same, because instead of attending for years as you did, colleges and universities, you would probably have spent the same time as conscript soldiers guarding the boundary line between the North and Dixie's Land.

It is contended that the language used in section 2 is broad enough to permit the granting of pensions thereunder to Confederate soldiers as well as Union soldiers who served in the Civil War. This contention is absolutely without foundation. Every lawyer of experience knows that every court and every department or other tribunal that has the duty of construing laws is guided by the well-established general rule of construction—that in construing a law the whole body of the law must be taken into consideration. Let us apply that rule. Turning, then, to section 1 we find the following language, to wit:

That any person who served in the military or naval service of the United States during the Civil War, and who has been honorably discharged therefrom, shall, etc.

This language is as clear as crystal. There is no doubt or ambiguity about it. It means Union soldiers with honorable discharges. It is of them that the bill is treating. It is to them that all parts of the bill refer. It is their relief that is proposed by the bill. So, when we come to section 2 and find this language:

That any person who served in the Civil War and received an honorable discharge and who was wounded in battle or in line of duty, etc.

We construe these words in section 2 with the words quoted in section 1. Everyone, excepting those captious critics, will understand that section 2 refers to Union soldiers with honorable discharges. Under the pension policy of our Government how can a person who served in the Civil War have an honorable discharge unless he served in the Union Army? With the honorable discharges of Confederate soldiers by Confederate departments and officers our Pension Department has nothing to do. The policy and traditions of our laws and departments would confine the language and construction of section 2 to Union soldiers with honorable discharges, as well as would the general rule of construction which prevails in all such cases. Let no one hesitate or refuse to vote for this bill because of such criticism, for such criticism is not founded upon common sense or reason and is not deserving of any attention. Besides, we have the assurance of the Bureau of Pensions that this language is sufficient to guard the Treasury and to guide the pension officers.

Section 1 of the Sherwood bill contains the following provision:

Provided, That no one who shall be in receipt of a pension of $25 or more per month under this act shall be entitled to admission or residence in either a State or National home.

The able and distinguished Representative from New Hampshire [Mr. SULLOWAY], for whom I entertain the highest sentiments of respect, feels seriously aggrieved by this provision. He has denounced the same in vigorous terms and urges its elimination from the bill. It is queer how people will differ. In my humble opinion it is a very wise provision to have incorporated in the bill. In fact, it demonstrates conclusively that the author of this bill carefully considered the same in all its different phases.

There are now about 25,000 soldiers in the 10 national homes and nearly 20,000 soldiers in the 30 State soldiers' homes. It is costing the Government now $219.18 for every soldier in a national home, and all these soldiers are paid a pension. The Government is also paying pensions to all of the members of the 30 State homes, and is paying to each of the States which maintains such a home $100 per year for each member.

Gen. SHERWOOD, the author of this bill, has declared upon his honor upon the floor of this House that during the past four years he has received petitions and letters from some 7,000 soldiers residing in National and State homes, in which the petitioners stated that they will abandon these homes and go to their own homes, families, and the friends of their early manhood if paid a pension of $1 a day. It is true that thousands of the soldiers residing in State and National homes have no other homes or families to go to, and others, through sickness and decrepitude, are unable to leave these homes and necessarily must remain in the same. But it is safe to say that the greater portion of those who are within easy reach of their homes, their families, and the scenes of their youth will gladly avail themselves of this provision upon receipt of the pension provided by this bill. By so doing, the different State and National homes which they leave will be relieved of the cost of their support. We all know how tender are the ties of affection which draw us to the scenes of our early youth and to the homes of our early manhood. The old soldiers are imbued with these feelings to the same extent as the rest of the human family. It is safe to assume that many an old soldier residing in these State and national homes has hummed over and over again the first four lines of the song entitled "The Old Oaken Bucket":

How dear to my heart are the scenes of my childhood,
When fond recollections present them to view;
The orchard, the meadow, the green tangled wildwood,
And all the loved scenes which my infancy knew.

If only 10,000 of the 25,000 soldiers in the National homes availed themselves of the $25 and $30 pension provided in the Sherwood bill and go to their families and homes, this will be a saving of over $2,190,000 per year, or just so much more money to distribute among the needy veterans. If only one-third of the soldiers in State homes took advantage of the benefits of this bill, when passed, it means a saving to the Government of $666,000 per year, as well as a very large saving to every State that now maintains a soldiers' home—probably over $200 per capita per year. Thus we have an annual saving to the Government of $2,850,000 per year. Every old soldier not physically disabled, receiving $1 a day, will be enabled to spend his few remaining years on earth with more comfort and satisfaction with his family and among his friends.

But my distinguished friend from New Hampshire urges with great emphasis and eloquence the wrong that would be done the old soldier by depriving him of the right to remain in the State and National soldiers' homes after receiving a pension under this bill of from $25 or $30 per month. He has painted a word picture that is clear to the vision of the helpless condition of many old soldiers who are maimed, crippled, paralyzed, and otherwise so afflicted as to be helpless and to need the constant attention of a nurse or personal attendant. The old soldier in that dependent and terrible condition is indeed entitled to our deepest and most sincere sympathy and consideration. He is the object of our pity and for him we must tenderly provide. Yet I wish to say to the distinguished gentleman, and to those who may have been carried away with his view of the situation and with his criticism of this provision, that there is nothing in this bill which would prevent an old soldier who is in that condition from enjoying all the comforts afforded by such homes. It must be borne clearly in mind that this bill neither repeals nor amends any other pension law. The veteran or soldier who would fare better under existing pension laws is at liberty to continue in the enjoyment of the same. The veteran or soldier entitled to a residence in these homes has

something that a mere money pension can not provide for him. It is a well-known fact that the hospitals in connection with the several State and National homes are the most sanitary and comfortable to be found in the Nation; that the best obtainable services of physicians and nurses and attendants are provided. The record of the hospital services in these homes is unexcelled by similar services in any private or other public institutions. In these homes, besides lodging, food, and clothing, the soldier has at his command and without price all of these hospital services and attendants at any hour of the day or night. Many of them who are in this crippled and decrepit condition so vividly described by the gentleman from New Hampshire, receive services the value of which estimated in dollars and cents will be worth $100 to $150 per month. Why, there is no old soldier residing in these homes who is receiving $25 or $30 per month who will accept of the provisions of this law. If he is receiving under the present law any pension in excess of $30 per month there will be no profit or reason for him to turn back and place himself under the provisions of this law. If he is, by the present law, receiving from $25 to $30 per month he will stay under that law and enjoy the right to maintain his residence in these homes or right to enter them.

The point with reference to these homes and their use by the old soldier is here: A large class of these soldiers honestly believe that if they are paid $25 or $30 per month that they can leave the homes and go to their homes and families and maintain themselves on that pension, while another large class, having neither homes nor families or being so physically disabled as to be incapable of proper care anywhere else, will remain in these State and National homes so as to enjoy the care and comforts provided therein. This Sherwood pension bill is so arranged as to provide for each class and at the same time save to the Government the cost of maintaining in the several homes those who choose to go to their homes and families. So I contend that these provisions in section 1 instead of being a defect in the bill are, to my mind, conclusive proof of the care and wisdom with which the author of this bill drew the same.

Much objection has been made to this proviso as to residence in soldiers' homes, but most of such objection, I firmly believe, has been founded in misapprehension.

I appreciate the importance of these homes. I know that their worth to many of their occupants is incalculable, and this is chiefly and superlatively true as to those soldiers who are altogether helpless or who are in need of constant medical attendance or frequent surgical aid. The hospitals connected with these homes are properly described as superb, not so much as to their outward appearance, but in the splendid service they render to the maimed, halt, and blind, the sick and bedridden, the paralytic and helpless. It is probable that the service rendered in such cases could not be secured by a patient in a private hospital for a hundred dollars a month—perhaps not for a hundred and fifty.

What does this bill propose as to the members of such homes? Just this: That if a man be in receipt of $25 or more per month under this act—under this act, mind you—he shall not reside in a soldiers' home. What if he be pensioned at $15 under this act, or at $20 or less under the "age" act, or at $6 or $17 or $30 or $72 or $100 under the general law for disabilities incurred in the service? Will anyone here assert that in such case he would, under this proviso, be denied admission to the home? Clearly he would not be so denied. And if a residence in a home were worth to him more than $25 per month, is there anything in this provision to prevent his electing a residence in the home and foregoing the pension? Assuredly not. If he prefers a benefit offered by residence in a home, fairly to be estimated as worth $30 or $100 per month, to a pension of $25 per month, he is at liberty to accept the former and at the same time avail himself of any of the minor rates of pension provided by the act of June 27, 1890, or the act of February 6, 1907, or even of the very ample rates provided by the general law for disabilities incurred in the service.

This proviso is indeed very harmless. To be quite candid, it is not equitable that a soldier, who is furnished by the Government a home and everything else necessary to his physical comfort, should receive at the same time a pension of exactly the same amount as a soldier who enjoys no such advantages. But it is clear that this proviso will deprive hardly a single individual of all pension whatever, and this because this act does not provide a pension for anyone except those already entitled to some rate of pension under other laws, except possibly the soldier, if any such there be, who is not 62 years of age and who suffers from no disability which would warrant the allowance of a pension under the act of June 27, 1890. And let me say again that the proviso in question as to soldiers' homes would have no bearing whatever on any pension granted under any other act than this, and exactly the same is true as to the question of payments by the General Government in aid of State or Territorial homes, and the same arguments apply to this branch of the proviso as to the question of admission to the national homes.

SECTION 2.

The provisions of section 2 can be understood only when considered in connection with the already existing law. Stated briefly, this would give to any soldier who was wounded in line of duty and who is now entirely disabled for manual labor from any cause not due to "vicious habits" a pension of $30 per month though he served even less than 90 days. The general law would give him a pension for the same wound varying from $6 to a possible rate of $72 per month, according to the degree of disability caused by said wound. As to the other provision of the section, allowing a rate of $30 for disease or other causes incurred in line of duty and causing disability for manual labor, I may say that in my humble judgment this does not add to nor take from the present provision of existing law, for it must be remembered that the "general law" does not take the length of service into consideration at all, and it does provide a rate of $30 for disabilities chargeable to service and causing total incapacity for the performance of any manual labor.

SECTION 3.

The provision under section 3, that no one shall be entitled to pension under this act who is in receipt of a net annual income of $1,000 or more (exclusive of any pension he may receive), discloses its inherent merit and disarms hasty criticism when considered in connection with existing laws.

And, again, as in the proviso as to soldiers' homes, let me emphasize the fact that this property or income limitation has bearing solely on the question of allowances under this act, and does not in any way affect the many millions of dollars of pension allowances made or to be made under the general law, ranging from $6 to $100 per month, or under the age act, ranging from $12 to $20 per month. This limitation does not affect a single pension rate now already allowed and being paid, nor a single pension hereafter to be allowed under laws that are now already in force. It affects solely the right to an increased allowance under this pending bill if it shall become a law. And why should we not, in considering the allowance of increased and additional payments under this new enactment, give some thought to the question whether the possible recipients have any actual need for such increased benefactions? Surely our vast appropriations for pensions are not made simply as a matter of complement to the recipients. If that were the purpose of a pension, a small rate would be as effectual as a large one. We can not ignore the fact, and should not, that pensions of whatever character are and ought to be designed for the relief of temporal needs; and here again failure to discriminate between those in affluence and those who are needy is an unjust discrimination against the needy. As I have said, the idea of granting a pension as a recognition of service solely is in a large degree met by the act of February 6, 1907, and no distinction is there made between rich and poor. The purpose of this bill is to give added recognition to long or meritorious service, but it does not follow that this is to be done by taking money provided through taxation by the poor as well as the affluent and giving it to those whose worldly lot is so fortunate that they have less need of it than do the vast majority of those who paid this money into the Treasury. Will you tell me why a man who is now in receipt of a net income of $1,000 per year should be given a higher rate of pension than he is already receiving under present laws? Is giving it to him entirely fair to the man receiving the same rate of pension and who has nothing else in the world besides?

This idea of a limitation based on the need of the applicant is by no means new in our pension system. It is at least as old as the act of March 18, 1818 (Stat. L., vol. 3, p. 410), which provided for the soldier—

who is or hereafter by reason of his reduced circumstances in life shall be in need of assistance from his country for support.

It was recognized in the act of June 27, 1890, granting pension to the—

widow without other means of support than her daily labor.

And in the act of May 9, 1900, providing for the—

widow without other means of support than her daily labor and an actual net income not exceeding $250 per year.

But the idea of excluding from the benefit of an act only those possessed of the comfortable net income of $1,000 per year is indeed a new one, and if it be subject to criticism at all it would seem to be on the ground that the figure is fixed too high rather than on any other ground.

About the only proper objection to a property or income limitation of pension is the difficulty of its administration,

but this objection can have but little force where the limit is placed at so high a figure as $1,000 per annum. The actually needy claimant whose yearly income is nothing or very little will have no difficulty in establishing that fact by the testimony of two reliable witnesses, and it may not be unreasonable to suppose that but few, if any, persons of independent means will apply for a pension to which they are clearly not entitled.

It is said that certain well-to-do pensioners use the money so received for some meritorious purpose. Doubtless there are such individual instances, but they have no real bearing on the question in hand, and indeed such a course on the part of a man well able to contribute to charity from his own means is not a proper basis for much boasting.

It is of no weight at all to say that the declining to give a pension increase to a man who has no need of it is "penalizing thrift."

Sections 4, 5, and 6 are such as are usually embodied in pension statutes of this character and need not be discussed at length.

I would ask those of you who are opposed to any future increase of pensions for any reason whether, as a matter of fact, if a considerable addition to the yearly pension expenditure is to be made regardless of your wishes or against your judgment, you do not honestly believe that the method proposed in this bill, namely, to give distinctive recognition to the longer and more valuable service, is the most just, equitable, reasonable, and proper method which has been presented to this House from any source?

It seems to me that the discussion of this bill has not been given the earnest and serious attention which its importance warrants. The pension question is not a simple matter, but, on the contrary, exceedingly complex, and it demands consideration from many different points of view. In this discussion I wish to be understood as dealing chiefly with the pensions allowed on account of the Civil War as distinguished from the wars prior to 1861, or the "old wars," pensions for which, in the main, are provided by a set of enactments differing widely from the legislation concerning the Civil War, and exemplifying, usually, somewhat different basic principles. It may be necessary to allude to the earlier enactments relating to the "old wars," but, so far as practicable, this will be limited to references necessary to a clearer understanding of the laws growing out of the great Civil War, for a discussion of our national pension system from its inception, though interesting, would be endless.

Different persons hold widely divergent opinions as to what is at bottom the proper purpose of and justification for a pension system. Some look upon a pension as a right, as a recognition of direct and binding obligation, while others regard it as a mere gratuity, an amiable allowance bestowed by the public at large upon the beneficiary. Some hold to the opinion that a pension may properly be granted to those who have rendered military or naval service only as a recompense for diminished bread-earning capacity directly chargeable to causes originating in and growing out of such service. This is a "disability" pension, and is what is granted to soldiers of the Civil War by the act of July 14, 1862, commonly referred to as the old law or general law.

Some appear to look upon a pension as a money consideration properly payable to all soldiers who may be subject to any physical infirmity, almost wholly regardless of the extent or merit of their services or of their pecuniary needs. And such a pension is provided by the act of June 27, 1890, often improperly or inadequately termed the "dependent" pension act.

Others again apparently regard a pension as a money benefit, properly payable out of the Public Treasury chiefly as a recognition of meritorious action, or as a badge of honor won by the fact of serving as a soldier, and without any particular reference to the nature or extent of such service or the physical or pecuniary necessities of the beneficiary; and such pension, approximately, is granted by the act of February, 1907, known as the "age act," or McCumber bill.

What various shadings or modifications or combinations of the three above-mentioned ideas might be regarded as an ideal system, or might satisfy the whim of every individual, it is difficult to conceive and impossible to enumerate. There is, however, a fourth idea as to a proper basis for granting pensions which has not as yet found a place upon our statute books, namely, a pension which attempts to discriminate, in some degree, as to the nature, value, and extent of the service rendered by the beneficiary, and it is this idea which it is the purpose of House bill No. 1, at this late day, in some slight measure to exemplify.

Is it not a strange thing that in all these 50 years of legislating in regard to pensions for the Civil War, this idea of relative recompense for varying services, which underlies our entire social and business structure, should never, apparently, until now have been given any serious consideration by the framers of our pension laws? Is there no inherent or essential difference in the deserts of the soldier who was a member of a military organization for 90 days in the early part of 1861, when the seriousness of the struggle then beginning was nowhere realized, or in the summer of 1865, after the war was practically, though not technically, ended, and the veteran who served one, two, three, four years in the valley of Virginia, the Peninsular campaign, Antietam, Fredericksburg, Chancellorsville, Gettysburg, the Wilderness, and Appomattox, or Shiloh, Port Hudson, Vicksburg, Chickamauga, and Atlanta?

The debate upon this bill has already indicated that the objections to it arise from two entirely opposite quarters—from those, on the one hand, who regard it as too liberal and those, on the other, who regard it as not liberal enough. The fact that these opposite views are urged gives me a comforting sensation that probably the bill is just about right.

Most of the scattering shots that have been aimed at this bill seem to have been fired by gunners who quite overlooked the fact that this bill does not purport to be in itself an entire pension system; that it does not annul, repeal, or abrogate any of the existing laws under which nearly a million pensioners are already enjoying the munificence of our unprecedented pension system. It merely seeks to enlarge, add to, and round out that system. I have mentioned the three legs on which this structure stands at present—the "disability" law of 1862, the "dependent" law of 1890, and the "age act" of 1907. We now propose to supply the fourth leg, upon which, with the other three, the broad tablet of the pension roll may rest secure, four square, firm, and unshakable.

While this bill gives preference to certain classes of soldiers, it does not in the least impair the preference already shown to certain other classes whose claims to preference, I think I may properly say, rest upon a less substantial foundation than do the claims of the beneficiaries of this pending bill.

Men's opinions are of course somewhat colored by their own interests. The soldier who is pensioned at $12 per month under the general law on account of a gunshot wound through a limb or through the body, and who served, perhaps, for two or three years, is not likely to regard it as equitable that another man who served for only 90 days at a State rendezvous or in a summer camp, who is barely 62 years of age and in sound health, should receive precisely the same pension under the "age act." And this latter man, who receives $12 per month, if he be in great need, is not always well satisfied that another man who served just as he did and who may be possessed of independent means or even wealth should receive the same rate, or even a rate of $15 if he happens to be 70 years of age or $20 if he be 75.

A soldier who receives $12 or $17 per month and who labors daily to support his family does not always view with complacence his fellow who lives in comfort at a soldiers' home, at no expense whatever, and yet receives in addition exactly the same amount of pension as the laboring man. We may agree, then, that it is quite hopeless to plan a pension law which will be regarded by every soldier or every pensioner as exactly equitable, and I urge upon every Member of this House to bear in mind in the consideration of this bill that, as I have already intimated, it is designed to effect a particular purpose, to provide an increased compensation in certain particularly meritorious cases, and not provide a pension system or to interfere in any way with the liberal enactments heretofore made in behalf of those who would not enjoy the benefits of this proposed enactment. This consideration has been, I think, almost entirely lost sight of by those who have criticized this bill. I do not wish that I myself, or the majority members of the Invalid Pensions Committee or the majority of this House, be put in the attitude of vying or competing with the opposite party as to which can formulate the more liberal or more expensive pension legislation. The public declarations of both parties in national platforms and elsewhere have been sufficiently crystallized into legislation by both Democratic and Republican votes ever since the war to render such a competition useless, undesirable, and, in fact, impracticable for either party. But I do ask that Members on both sides of this House give this bill a fair, impartial consideration on its merits and in full view of the pension provisions already on the statute books; and I do urgently request that the question before us be not clouded or confused by questions of additional legislation of a different character, such as increase of pensions for soldiers of the Mexican War, or for widows of soldiers, or kindred subjects, which ought to be considered in their own time and on their own merits.

THE RATES PROVIDED.

Now, as to the rates provided by this bill—$15 per month for 90 days' service, $20 for 6 months' service, $25 for 9 months' service, and $30 for 1 year or more—there seems to be so little objection that I need hardly consume time in discussing them. You will observe that the first effect of this bill is to give $15 per month to all men who served 90 days; to those who are less than 70 years of age, and who are thus entitled to only $12 per month under act of 1907, this will give an increase of $3 per month; those over 70 it will not benefit, nor, on the other hand, will it interfere in the least with the right of those 75 years of age to secure a pension of $20 per month under the act of 1907. The only persons other than those now pensioned at $12 who will be benefited are those who served for longer terms than 90 days, as already stated. The equity of this is so obvious that I hesitate to enlarge upon it.

To differentiate between persons whose services rendered are entirely different is not unjust discrimination, but to fail to discriminate between situations entirely different is unjust discrimination. Is there a difference in merit between serving three months and serving three years? Is the giving of exactly the same consideration to one as to the other even-handed justice? Surely it is unjust discrimination in that it seeks to make equal things that are not equal. Can the 90-day man, who is given $3 per month additional by this bill, say that he is affronted by this bill because, forsooth, his neighbor who served six months is given $8 additional per month? Certainly not, if a pension is a payment of a just due or obligation. Certainly not, if a pension is a gratuity or honorary token of meritorious conduct. Reflection leads to wonder that such a recognition of long and arduous service has not long since been accorded to the veteran soldiers.

LEGISLATION OF RECENT YEARS.

What has Congress been doing in regard to pensions since 1862? Well, for the first half of that time it was engaged chiefly in increasing the rates of pensions allowed to soldiers for various degrees of disability, due to causes incurred in the service, for you must remember that not until 1890 was any other basis for a pension for soldiers of the Civil War recognized at all. In 1862 the highest rate for a private soldier was $8; increased rates were provided for in 1864, 1872, 1874, 1877, 1878, 1879, 1880, 1883, 1885, 1886, 1888, and 1889, when a rate of $100 per month for certain disabilities was established.

ACT OF JUNE 27, 1890.

In 1890 the act was passed pensioning all soldiers who served 90 days and who were disabled by any cause, whenever arising, not due to their own vicious habits, at rates varying from $6 to $12 per month. This was, as intimated, a new and wide departure from previously accepted notions, and it remained in very active operation until February 6, 1907, when the "age act," another wide departure, was placed among the statutes, and the act of June 27, 1890, is of course still in force, though now well-nigh obsolete in practice, because few soldiers are now less than 62 years of age.

But Congress passed other laws than those of 1890 and 1907. In 1888 and 1889, 1891, 1892, 1895, and 1900 laws were passed providing for removal of charges of desertion in certain cases, the ultimate purpose of which was to give a pension to soldiers with doubtful or discreditable records.

In 1875, 1879, 1881, and 1887 pensions were granted to members of certain State militia organizations and persons who were not actually in the service of the United States. On August 1, 1882, an act repealed, for certain purposes, a pre-existing provision that no pension should be paid to any person who had aided or abetted the Rebellion against the authority of the United States.

In 1895 the provisions of the act of June 27, 1890, were extended to certain Missouri militia organizations.

On July 1, 1902, a wide-reaching law was enacted for the purpose of giving pensions to certain persons who had served in the Confederate Army or otherwise aided and abetted the Rebellion and afterwards served in the Union Army or Navy, and to those who had deserted the service of the United States and subsequently rendered honorable service. As early as March 4, 1907, an act was passed to extend the benefits of the act of February 6, 1907, to certain soldiers who had been deserters or who had aided the Confederacy. Most of these enactments and very many more not here mentioned can be readily found in the pamphlet of pension laws issued by the Pension Bureau. I have called particular attention to the very many acts showing solicitude for the pecuniary welfare of those who had been at some time disloyal to the Union and favored the Confederacy, those who had deserted the service of the United States, and those who, though they had rendered some supposed meritorious service, were not technically soldiers or sailors of the United States, not for the purpose of criticizing such enactments, but for the purpose of emphasizing the thought that the time has surely arrived when some discriminating consideration should be given to the genuine, bona fide, through and through soldiers who rendered actual, long-continued, and effective service in the preservation of our Nation, the grandest and most glorious on earth, grander and more glorious than any nation in history.

The laws to benefit those who were disloyal or who had deserted may have been well considered and may have brought relief in some worthy cases; it is not the time or place now to discuss that question. The men who rendered only 90 days' service may have been worthy, and in their limited sphere doubtless were useful and effective, but their merit or their service is not seriously to be compared with those of the men who served twice as long, three or four times as long, or, as in the case of men who served four years, sixteen times as long. It is a well-known fact that many men who were borne on the Army rolls for 90 days rendered no actual, effective, or meritorious service whatever in a military sense. This could hardly be said, however, of men who had served for 6 months or longer, and, as said before, to fail to discriminate where deserts and merits differ is in itself unfair discrimination. [Applause.]

Mr. CANNON. Mr. Chairman, it is a matter of regret to me that gentlemen in charge of the bill and members of the committee have not seen proper to place their speeches in the RECORD. There are nearly 400 of us not charged with the preparation of pension legislation, and we are left at a disadvantage when we are compelled to depend upon recollection as to statements made by those in charge of the bill during this somewhat extended debate. But we will have to do the best we can without them.

I am going to try and talk directly to the bill, and by way of clearing away the underbrush a little and not in a captious spirit, I want to say that in the heat of political campaign, party platforms, especially those framed by the party formerly in the minority, were made to embrace such extravagant promises that when the minority of the last Congress became the majority of the present Congress, and were called upon to keep the pledges in their party platforms, they found it not practicable to do so. You have been—and I say it courteously—excusing yourselves from one standpoint and another for not keeping those pledges.

Your platform is very brief. You pledged a dollar a day in that platform to every man who had an honorable discharge, without regard to service, whether it was one day or four years. I live in Illinois, on the border near the Indiana line. At the time of the last campaign the Republicans had a nominal majority. I have a large soldier constituency, as has Indiana, and when challenged I spoke my views and said we would have to do the best we could, having regard to the expenditures of the Government and the revenue. But the Indiana orators came over into my State and tore passion to tatters. The campaign pension letters written in many States were remarkable. I have copies of some of them yet, but I do not propose to read them, and shall only refer to them in general terms. Some advocated giving to those who served in the militia in Missouri, Kentucky, or West Virginia a pensionable status which they do not have now. Others favored a dollar-a-day pension, and stated that the then Speaker of the House was a czar and would not allow the committees to report and would not grant recognition to pass the bill. [Laughter.] It was always in the power of the majority of this House to consider under the rules of the House, in any orderly manner, any bill they choose to consider. I am not going to retort in kind. The Democratic majority are doing the best they can, but they are not entirely frank about the matter. So much for that.

I now come to the bill which has been reported and discussed at length. I think it was hastily drawn and prepared without proper consideration.

Some portions of it I believe will be amended, particularly the portion respecting soldiers' homes. In national soldiers' homes in 1910 the average number present was 19,569. The average number, present and absent, was 26,514. In State soldiers' homes the average present was 12,402. The Federal Government pays $100 a year for each member cared for toward the maintenance of the State soldiers' homes. There is complete equipment for the care of members of the homes, but under the provisions of this bill any soldier who draws a pension of $25 a month or more shall not be eligible for admission. Last year there was an average of 2,989 in the hospitals and nearly 2,000 sick in quarters. If this bill should pass in its present form none of those sick men receiving a pension of $25 per month or over could remain there, although many of them

are senile, many of them are bedfast, and they need nurses to care for them. I trust the gentleman from Ohio [Mr. SHERWOOD], who fathers this bill, on sober second thought will not insist upon turning those soldiers out, as they will be turned out unless they refuse the pension provided by this bill. Many of these old veterans have others dependent upon them. I know some now in the hospital, and drawing a small pension, whose old wives, married to them during the war, are without property and compelled to take in washing for a living. How small the saving will be in contrast to the misery that provision will cause! I believe that section of the bill will go out, as it ought to go out.

Again, no man who has a net income of $1,000 shall be the recipient of a pension under the provisions of the bill. I hardly know the exact definition of the words "net income." I suppose a net income is the amount a man has left after he has conducted his business, or, in another case, the salary he receives; but, mind you, he has to live out of that. I know many commercial travelers who served in the war and who in their old age are drawing from twelve to fifteen hundred dollars a year for their services. That is all they get, and yet they can not be recipients of pensions under the provisions of this bill on account of that net income. That is not the only objectionable feature of this provision. No claim under this bill could be passed upon by the Pension Office without evidence as to income. The burden is placed upon the claimant in every case to show that he has an income of less than $1,000. I asked the Commissioner of Pensions, "How many claims can you adjudicate under the provisions of this bill?" He replied it was impossible to tell; but that if the bill passed and the Pension Bureau should attempt to adjudicate anywhere near 200,000 claims in the initial year of its operation the first thing he would have to do would be to increase by 300 the number of clerks in the Pension Office.

All that is to be done for what? To find out whether there is a man here or there who has a net income of a thousand dollars a year or over. Some one may say, "We will take the man's affidavit." That will not suffice; you will have to have special agents to examine each case to ascertain whether frauds are attempted. I am satisfied that the committee itself will abandon that provision, so I will pass it by and refer to other matters.

I have been asked many times what this bill will cost. The best answer I can give is the official statement of the Secretary of the Interior, made last April upon the basis of the pension roll at the close of the fiscal year ending June 30, 1910. In addition to that, I can show from the report of the Commissioner of Pensions that during the fiscal year which ended on the 30th of June last there were in round numbers 35,000 deaths among those whose names were borne on the pension roll. As to the ages of those who died I can give you no accurate information, but taking the number who died last year, and presuming that the death rate has continued the same, half of 35,000 have died during the six months of the present year, making a total of about 50,000 deaths since June 30, 1910.

Just how much that would decrease the amount of the official estimate made by the Secretary of the Interior as of the 30th of June, 1910, I do not know, but, after careful examination, I believe those deaths would decrease it by a sum in the neighborhood of $10,000,000. I think I have not understated the decrease. Now, what will be the cost of this bill? I hold in my hand a copy of a letter signed by Walter Fisher, the Secretary of the Interior. The figures in it may not be strictly accurate, but it is all we have. It has not yet been placed in the RECORD, and I will therefore incorporate it in connection with my remarks. Let us take the one-year men, who, if this bill passes, will get $30 a month.

On June 30, 1910, there were on the pension roll 200,279 one-year men drawing $12 per month. If all their claims under this bill were adjudicated the increase of pension paid to them would amount to $43,260,264. There were on the same date 7,370 one-year men getting $14 a month. The increase they would get under the pending bill would amount to $1,415,040. Then there were 73,280 one-year men drawing $15 a month. The increase they would receive would aggregate $13,190,400. The number of one-year men receiving $17 a month on June 30, 1910, was 20,165. The increased amount paid to them under this bill would be $3,145,740. In addition there were 47,349 one-year men drawing $20 a month who would receive an increase under this bill amounting to $5,681,880, and 17,451 one-year men drawing $24 a month who would receive an increase amounting to $1,256,472. By adding these figures we have a total increase paid to one-year men amounting to $67,949,796, taking the number on the pension roll on June 30, 1910, as a basis for the calculation.

Including the 90-day men and the 6-month men the total would be $75,671,880, from which, as I have already stated, may be deducted, say, $10,000,000, on account of the decrease in the number of survivors caused by death since June 30, 1910.

It may be said that this great sum will not have to be paid the first year. If the net income provision remains in the bill, I prophesy here and now that the Commissioner of Pensions will not be able to adjudicate 100,000 claims the first year, but they will drag along interminably.

Now, I want to be fair with both sides of the House. When Members of this body come to legislate and assume responsibility, they should—and I think they do—take into account the public revenues, ascertain the charge to be made upon them, and then determine how far it is possible to go to meet public sentiment and to do justice in their old age to the survivors of the grand army of 2,200,000 who left their homes in answer to the Nation's call of distress. Their average age, as near as I can ascertain, is 70. It is so stated in the report of the Commissioner of Pensions.

I said I could conclude in 10 minutes, but I want to keep track of time. How much time have I consumed?

Mr. BURKE of South Dakota. Eighteen or nineteen minutes.

The CHAIRMAN (Mr. BARNHART). The gentleman has 11 minutes remaining.

Mr. CANNON. The death rate among men who have reached the age of 70 is very great. I glanced at the American table of mortality, and oh, it distressed me to learn how rapidly the percentage of death increases after that age. I had a notion, after looking at those tables—I have not time to read them—that I had better get absolution and set my house in order [laughter and applause], because I have lived to be 75. If in the first and second years 200,000 claims should be disposed of under this bill, if it becomes a law, it will cost $32,000,000.

If 200,000 cases were disposed of under the so-called Sulloway bill, if it should be substituted for the pending measure, as I hope it may, the cost, in round numbers, would be $20,000,000. In the last Congress, taking into consideration its cost and the condition of the Treasury, I voted for the Sulloway bill. In my opinion it is a much better measure than the pending bill, less expensive, more equitable, and devoid of the discriminations, some of which I have attempted to point out, and which, in my judgment, are unwise. I trust the Sulloway bill may receive sufficient support to substitute it for this bill; but, if not, then I shall deem it my duty to vote for the bill now under consideration as the best that can be obtained from the present House, constituted as it is.

The theory of present legislation on the statute books is that age is evidence of disability, and in the general run of cases that is true. While some old men—I was going to say some old men like myself—may live to be 100, after all, according to the mortality tables and according to our knowledge, their time is short. The Sulloway bill, if all the claims under it could have been adjudicated on the basis of the number of pensioners on the roll in 1910, would have cost, in round numbers, $45,000,000; but in all probability not more than 200,000 cases could be adjudicated the first year, so that the cost would have been, say, $20,000,000.

Have we got the wherewith to pay for increased pensions? Hastily examining anew this morning the Treasury statement, I find that under the revenue laws of the country, in spite of the appropriations made by the last Congress, which gentlemen on the other side say were extravagant, we had a surplus of over $47,000,000—that much to the good. Then there is a great sum of money which under the law is reimbursable, having been advanced from the ordinary revenues of the country for the construction of the Panama Canal. Some gentlemen exclaim, "Oh, what a terrible sum of money is involved in the proposed legislation; it sounds in the millions." I answer that, considering the growth of our population—and it has increased from 30,000,000 to 92,000,000 since the sixties—considering the earning capacity of our people, their prosperity, and the wealth and resources of the Government we are far more able to pay the pensions under either the Sulloway bill or the pending measure than were our fathers to pay the pensions growing out of the Revolutionary War. [Applause.]

Many men who denounce these bills and the great metropolitan press which denounces them favor civil pensions. Why, it is in the air. Some people are advocating old-age pensions. I trust it will be a long time before we take up the policy of granting civil pensions. I suppose there are seven or eight hundred thousand officials of the United States, and I see in the public press that the Secretary of War and the Postmaster General, in their annual reports, recommend civil pensions for employees of their departments. I think we had better not enter upon that field. If we are not paying Government em-

ployees sufficient salaries, we had better increase their pay; because if we enter upon the policy of civil pensions we can not tell where it will stop.

Gentlemen, some of you haggle about the great amount involved in the pending legislation. I have here a statement as to pensions paid under Federal law to policemen and firemen and their widows in the District of Columbia, and permanently provided for. Monthly pensioners above the class of privates, of whom there are five, receive in all $435, the average monthly pension being $87. There are 80 pensioners of the class of privates, and their average monthly pension is $42.29. One hundred and seven widows are pensioners, with an average monthly pension of $26.47. The average pension to children is $8.98. And so I might go on.

In the case of firemen of the District of Columbia—and, mind you, we legislate for the District of Columbia—there are 23 pensioners above the rank of private who receive a monthly average pension of $52.83; 23 privates who receive a monthly average of $45.83; 36 widows who receive a monthly average of $35.97; and 10 children who receive a monthly average of $7.50.

I am not attacking the payment of these pensions. In our wisdom we have authorized them by law, on account of the hazardous nature of the occupation of policeman and fireman. I believe in all great cities such pensions are given, and I am not offering any criticism of the principle involved.

Now, I want to say one more word. Most of the metropolitan press oppose this bill and some magazines tear passion to tatters in denouncing it. The great aggregation of population is in the cities. As I said once before, and I repeat, the real abiding place of sentiment, of gratitude, and of appreciation for the men who fought the great Civil War and brought it to a successful close is in the smaller communities. I for one shall not be frightened by the fulminations of the metropolitan press and the magazines.

Mr. LONGWORTH. Will the gentleman yield for a very brief question?

Mr. CANNON. Certainly.

Mr. LONGWORTH. In confirmation of the gentleman's statement that the condition of the Treasury is better able to stand the pension bill now than it was at the time the pension bill was up last year, I desire to quote a statement made by the Secretary of the Treasury.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. CANNON] has expired.

Mr. LONGWORTH. May I ask that the gentleman be allowed to continue for five minutes?

The CHAIRMAN. The gentleman from Ohio [Mr. LONGWORTH] asks unanimous consent that the gentleman from Illinois may continue for five minutes.

Mr. FITZGERALD. Does that come out of the time allotted to me? I have no objection to the gentleman from Illinois having additional time, but the time for general debate has been fixed. If the time be extended, will it come out of any other time?

The CHAIRMAN. The Chair holds that the House has fixed the time for closing general debate and must adhere to that agreement.

Mr. FITZGERALD. How much time does the gentleman want?

Mr. CANNON. I am not asking time. The gentleman from Ohio desired to ask a question.

Mr. FITZGERALD. He can do that under the five-minute debate.

Mr. LONGWORTH. I simply desired to ask it at this time because the gentleman from Illinois has made a remark that leads up to it.

Mr. FITZGERALD. I need all of my time. I might yield a moment to the gentleman from Illinois, but not to allow anybody else to inject something into his speech.

Mr. CANNON. I will ask at the proper time that the gentleman's time be extended. Or it can be done in committee, if there is no objection.

Mr. LONGWORTH. At about the time the Sulloway bill was before the House last year the Secretary of the Treasury appeared before the Committee on Ways and Means with reference to the Panama Canal bond issue, and, having made a statement as to the state of the revenue, he was asked this question:

> If this Congress should pass any sort of legislation which would involve an additional charge of $50,000,000 on the revenues, what, in your judgment, would be the condition of the Treasury?

To which the Secretary replied:

> We simply could not meet it without a bond issue or without additional taxation, whichever you choose.

Now, that was before the corporation tax had been held to be constitutional. That was the condition at that time. The gentleman from Illinois has stated that it is substantially different now and that we can afford to pass some pension legislation. [Applause.]

Mr. CANNON. Mr. Chairman, I would like to have the privilege of revising my remarks. I have no manuscript.

The CHAIRMAN. That privilege has already been granted by the House to those who speak on the bill.

Mr. CANNON. I append to my remarks the letter of the Secretary of the Interior, Hon. Walter L. Fisher, covering the cost of this bill if enacted into law:

DEPARTMENT OF THE INTERIOR,
Washington, April 11, 1911.

Hon. ISAAC R. SHERWOOD,
Chairman Committee on Invalid Pensions,
House of Representatives.

SIR: In response to your inquiry of the 3d instant, received on the 4th, submitting a bill granting a pension, under certain conditions, at the rate of $15 per month to any person who served in the military service for 90 days and less than 6 months, $20 per month for a service of 6 months and less than 1 year, and $30 per month for a service of 1 year or over, and requesting an estimate of the cost thereof for the first year, if enacted into law, I have the honor to submit such estimate, as follows:

Length of service.	Number of pensioners.	Present rate per month.	Proposed rate per month.	Increase per month per pensioner.	Increase per year per pensioner.	Total increase per year.
90 days	22,253	$12.00	$15.00	$3.00	$36.00	$801,108.00
6 months	55,633	12.00	20.00	8.00	96.00	5,340,768.00
1 year	200,279	12.00	30.00	18.00	216.00	43,260,264.00
90 days	819	14.00	15.00	1.00	12.00	9,828.00
6 months	2,047	14.00	20.00	6.00	72.00	147,384.00
1 year	7,370	14.00	30.00	16.00	192.00	1,415,040.00
6 months	20,356	15.00	20.00	5.00	60.00	1,221,360.00
1 year	73,280	15.00	30.00	15.00	180.00	13,190,400.00
6 months	5,601	17.00	20.00	3.00	36.00	201,636.00
1 year	20,165	17.00	30.00	13.00	156.00	3,145,740.00
1 year	47,349	20.00	30.00	10.00	120.00	5,681,880.00
1 year	17,451	24.00	30.00	6.00	72.00	1,256,472.00
Total						75,671,880.00

The estimate as submitted gives the actual increase in the annual value of the pension roll to which those pensioners on the roll June 30, 1910, would be entitled if such a bill should become a law. However, the increase in the disbursements for the first year after the passage of such a law is much more difficult to determine. The provision relative to income would necessarily require evidence in each claim as to the income of the applicant. This would, no doubt, lead to a large amount of correspondence and consequent delay in the adjudication of the claims filed. It is possible that not more than 200,000 claims could be adjudicated during the first fiscal year following the enactment of the bill. If this should be the case, the actual increase in the disbursements for the first year would probably not exceed $32,000,000, as the average increase per annum in each case is $160. The claims filed the first year and not adjudicated until the second and third years after the passage of such a bill would carry arrears from the date of filing, and thus very largely increase the disbursements during these years.

This estimate is based upon the pension roll as it existed June 30, 1910. The statistics relative to the number of pensioners at the various rates are collected once each year for publication in the annual report of the Commissioner of Pensions. No later data is therefore available than that to the close of the last fiscal year.

The number of persons who would be entitled to the benefits of such a bill, as given in these estimates, includes those who served in the Navy and Marine Corps during the Civil War, as well as those who were in the military service. It is assumed that it was intended to include also those who served in the Navy and Marine Corps.

There is no data available in regard to the number of survivors of the Civil War who are now on the pension roll on account of wounds received in the service, and it is therefore impossible to give any estimate of those who would be entitled to $30 per month regardless of length of service as provided in this bill. The number of survivors of the Civil War on the pension roll June 30, 1910, on account of wounds and other disabilities due to the service was 121,581. However, a large number of those who have heretofore been granted pensions on account of wounds received or disabilities contracted in the service have been transferred to the act of February 6, 1907, such pensioners being entitled to a higher rate under that act on account of age than they had previously been receiving under the general law.

No deduction has been made in this estimate in regard to those who are inmates of the National Home for Disabled Volunteer Soldiers.

No data is available as to the number of survivors of the Civil War whose income is $1,000 per year or over, as the question of income has never been a factor in the adjudication of claims of survivors of the Civil War under any legislation heretofore enacted. No deduction has, therefore, been made on account of those whose income is $1,000 per annum or over.

Very respectfully,
WALTER L. FISHER, *Secretary.*

Mr. FITZGERALD rose.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] is recognized for 40 minutes.

Mr. FITZGERALD. Mr. Chairman, the country is justly proud of its volunteer soldiers. To them, whose services made possible the perpetuation of our Government, the people are under a lasting obligation. It is one of our most cherished beliefs that adequate provision should be made by the Government for such men in their declining years when their circumstances are such that they are likely, without the intervention of the Government, to be deprived of the necessities of life, or to be compelled to eke out a pitiable existence. While enter-

taining such views I am unable to agree with those who advocate the pending bill. I am aware that to voice opposition to it is likely to arouse resentment in some quarters, misrepresentation in others, and condemnation from many good men. Yet, Mr. Chairman, in the discharge of public duties in this House it is impossible to avoid criticism and denunciation, if that course be followed which is dictated by a determination to discharge fearlessly the obligations incurred by membership in this House rather than be dominated by the pleas of those vitally interested in pending legislation.

It is not my belief that the people of this country have been niggardly, or ungenerous, or unsympathetic with those who have served the country in time of peril. The sums expended by us for pensions contrasted with similar expenditures by other peoples justify this statement.

Neither do I assent to the proposition advanced by so many that those who serve the country in war obtain a vested interest in the public funds and have earned any right to pecuniary reward. I still love to think of those who suffered hardships and privations and incurred death itself in the service of the country as having been actuated by a patriotism unrivaled in history; that they fought to preserve for themselves and for their children a Government believed by them to be unsurpassed in its guaranties of liberty and of opportunity, and that they would resent any imputation that their action was dictated by the hope or expectation of personal pecuniary advantage. I know, Mr. Chairman, such to have been the attitude of those who fought in the great war; I believe it to be the sentiment of those who now survive.

The pending bill is advocated as providing just pensions to the survivors of the Civil War. It is asserted by its advocates that not only is it just to the proposed beneficiaries, but that its enactment will impose no unnecessary or unfair burdens upon the people. Most of those who have criticized it do so upon the ground that it does not go sufficiently far in alleviating the necessities of those proposed to be benefited.

I oppose it for entirely different reasons. There are many men whose pensions at present are inadequate, whose circumstances and condition demand more liberal consideration by the Government. At the same time there is a widespread belief that before comprehensive legislation of the character proposed is enacted, that the entire subject of Federal pensions to the survivors of our military conflicts should be thoroughly investigated and ventilated, so that if there be any undeserving now pensioned they may be eliminated and adequate provision may be made for those justly entitled thereto.

The report submitted with this bill fixes the increase in the amount of pensions at $37,000,000. An arbitrary reduction of 22 per cent is made of this sum, and it is asserted that the result of this legislation will be to increase the pension appropriations by $28,858,000 annually. Attention is also called to the statement of the Pension Bureau that with the existing organization not to exceed 200,000 cases can be handled in a year, so that there would be taken from the Treasury the first year the law would be in effect about $15,718,000.

Statements have been made by the advocates of the bill that not to exceed $20,000,000, in any event, would be required the first year as the result of this legislation.

There has been printed in the RECORD—and the gentleman from Illinois [Mr. CANNON] has referred to it—the statement of the Secretary of the Interior that $75,000,000 would be required to meet the obligations imposed by this legislation. Saturday last the Commissioner of Pensions stated to the Committee on Appropriations that such an estimate had been prepared in April last for the Committee on Invalid Pensions. The Commissioner believes that the estimate is accurate. It is true, as has been repeatedly asserted, that the survivors of the war are rapidly passing away. More than 35,000 die every year.

The present force in the Pension Bureau, according to the Commissioner of Pensions, can adjust about 400 cases a day, or 120,000 a year. Without any increase in the force, it would take at least four years to pass upon all of the claims likely to be presented under the law. It will require 300 additional clerks for one year, at a cost of $360,000, to handle the claims which will arise under this bill if it becomes a law, regardless of the $1,000 limitation fixed in the bill now, which so many Members declare should be eliminated.

Mr. ADAIR. Mr. Chairman, will the gentleman yield for a question there?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Indiana?

Mr. FITZGERALD. Yes; I yield.

Mr. ADAIR. I would like to ask the gentleman if he knows how long it took the department to adjudicate the claims under the McCumber bill, which affected a very large part of all the soldiers in the country at that time, when there were many thousands more than there are now, and whether or not it was necessary to increase the force to take care of those cases, as he says it will be necessary to increase it to take care of these cases?

Mr. FITZGERALD. Mr. Chairman, I do not recall and I am not familiar with what happened in the Pension Office at that time. There has been since that law was enacted a very substantial reduction in the force of clerks employed in the Pension Office. More than 300 of those clerks are pensioners. They are old men—men who served in the Civil War—and they are not capable of rendering the efficient service that younger men could render. The estimate of the number of additional clerks required is made by the Commissioner of Pensions himself, who is the best-informed man as to the efficiency and capacity of his present force, and he knows better than anyone else just what would be required to meet the obligations of this law.

Since the survivors of the Civil War are dying so rapidly, unless provision be made for such an additional force more than 100,000 of the proposed beneficiaries will pass away before their claims are allowed and the benefits obtained.

No advocate of this bill can urge the inability of the Pension Bureau to handle these cases sufficiently fast to enable the proposed beneficiaries to have the increase contemplated as an argument in its favor; and no opponent of the bill, should it become a law, would stand in the way of the benefits being paid while those entitled to participate are still alive. If this bill becomes a law, I shall take it as a direction from the Congress that the beneficiaries are to obtain the benefits promptly, and I propose to exert every effort to provide such force in the Pension Bureau as will enable the beneficiaries to obtain the advantages of the law without reliance upon the favor or caprice of those who administer it. [Applause.]

The Members who favor this legislation should not attempt to minimize the results of the legislation nor support it upon the theory that it will be impossible for the beneficiaries to have their claims adjudicated and obtain what they are entitled to under the law before they pass away.

Estimates of the sums required to meet the obligations of such legislation are usually understated by its proponents. In 1879 the so-called arrears of pension act was passed. It became a law in January. In March a 15-months limitation of the time within which claims might be presented was fixed. The advocates of that legislation asserted that it would not impose an obligation of more than from $7,000,000 to $13,000,000. The first estimate under it was for $25,000,000. The fact is that it has taken more than $300,000,000.

The result in that instance has not been different from similar estimates upon other proposed legislation.

Mr. Chairman, it is pertinent to inquire just what the country has done in the way of pension appropriations. From July 1, 1790, to June 30, 1865, there was disbursed for pensions $96,445,444.23. Since 1866 to and including the fiscal year 1911, for pensions and the maintenance of the pension system, there has been paid out $4,254,816,147.67, and for the current fiscal year the appropriations are $153,686,500, making a total since 1866 of $4,408,502,647.67.

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Illinois?

Mr. FITZGERALD. Yes.

Mr. FOWLER. Does the gentleman know how much has been paid as interest on the debt which was created during the war since the Civil War began?

Mr. FITZGERALD. No; I do not. But it is immaterial to this discussion. I am not going into a discussion of the public debt now. I may discuss that later during this Congress, and I hope that the attitude of the gentleman from Illinois will then be very different from his attitude in the discussion of this bill.

This bill was called up for consideration last Friday, the 8th day of December. By a singular coincidence the pension appropriation bill was taken up for consideration on the same day in 1876, exactly 35 years ago. That bill carried $28,533,000.

In the discussion upon the bill Mr. Garfield, later President, said:

> My idea is, if the gentleman will allow me, that we have reached and perhaps passed the summit of appropriations for this object; that it took a number of years to develop, to get through with the regular form of laws to admit to the rolls the persons entitled to pensions, and that the time must necessarily come when we shall pass the climax and begin to go downward. I suppose we have already passed the maximum.

To which Mr. Atkins, who was in charge of the bill, replied:

> We reached the maximum two years ago. We appropriated last year $500,000 less than the year previous, and we appropriate this year a million less than the appropriation in the previous pension bill.

Yet since then, Mr. Chairman, the pension appropriation bill has grown to a sum never dreamed possible in those day by able men who had actively participated in the war. Since 1890 the pension bill has been in excess of $100,000,000 annually; since 1908 in excess of $150,000,000 annually. In 1909 it carried $164,000,000. For the next fiscal year more than $152,000,000 is asked, and if this bill becomes a law more than $200,000,000—indeed, more than $225,000,000—will be required to meet the pension obligations of the Government in the fiscal year 1913.

And I might at this time emphasize the fact that the gentleman from Ohio [Mr. SHERWOOD] has referred to the fact that last year there were paid for Civil War pensions only $101,000,000, a sum $5,000,000 in excess of all the moneys paid for pensions from the beginning of the Government down to the end of the fiscal year 1865.

The conduct of other nations has never appealed to me as conclusive as to the propriety or necessity or wisdom of any action by us. Yet an examination of the sums paid by other nations in pensions furnishes an interesting basis for comparison.

For 1910 our expenditures on account of pensions were		$162,631,729.94
In the same year:		
Great Britain expended—		
Army pensions	$18,666,710.00	
Navy pensions	10,730,558.00	
Total		29,397,268.00
France expended—		
Army pensions	23,373,265.00	
Navy pensions	8,587,342.00	
Total		31,960,607.00
German Empire, military pensions		40,805,814.00
Austria, military pensions		20,531,668.00
Hungary, military pensions		6,498,737.00
Total		129,194,094.00
All combined, $33,000,000 less than the United States.		
From 1881 to 1911 Great Britain expended:		
Military pensions		$448,307,988.00
Navy pensions		312,690,515.00
Total		760,998,503.00
During the same period the United States expended for pensions		3,755,731,152.00
An excess of		2,994,732,649.00
From 1870 to 1908 France expended:		
Military pensions		639,365,983.00
Naval pensions		152,683,872.00
Total		791,949,855.00
During the same period the United States expended for pensions		3,677,650,057.12
An excess of		2,885,700,202.12
From 1882 to 1909 Austria expended for pensions		240,591,743.00
During the same period the United States expended for pensions		3,699,951,744.75
An excess of		3,459,360,001.75
From 1885 to 1909 the German Empire expended for pensions		332,034,276.00
During the same period the United States expended for pensions		3,253,710,936.83
An excess of		2,921,676,660.83

And I might remark here, Mr. Chairman, that these military and naval pensions paid by the continental governments form, as I am informed, a part of the enlistment contract. These men, required to serve in the military departments of their countries, receive as a part of the compensation fixed certain payments later in life in the form of pension.

These figures serve to indicate that our policy has been otherwise than niggardly; it has been generous, if not lavish.

Little consideration, if any, Mr. Chairman, has been given during this discussion to the effect of this legislation upon the country's finances.

Mr. JACKSON. In this connection, will the gentleman permit a question on this part of his argument before he passes from it?

Mr. FITZGERALD. Yes.

Mr. JACKSON. Would it not be fair, in the argument that the gentleman has just made concerning the amounts paid by other nations, to take into consideration the ability of our Government to levy taxes without oppressing the people, as compared with the ability of the governments to which the gentleman refers?

Mr. FITZGERALD. Mr. Chairman, it is apparent that the gentleman, seated as he is on the other side of the aisle, has not yet awakened to the fact that the country is groaning under the iniquitous taxes from which it is at present suffering. [Applause on the Democratic side.]

Mr. JACKSON. Another question, then. Does not the gentleman believe that if he was left alone for 15 minutes he could so change the internal-revenue laws of the country that this additional sum could be raised, and no one would feel the burdens of the additional taxation?

Mr. FITZGERALD. Mr. Chairman, we can obtain through taxation all the money that the Congress determines must be expended. I have no doubt about that. I do not care to have that question injected into this discussion. It is somewhat foreign to it.

Mr. JACKSON. Will the gentleman yield for another question?

Mr. FITZGERALD. Not on that line. I will yield to the gentleman from Indiana [Mr. ADAIR].

Mr. ADAIR. The gentleman has stated that the report of the Secretary of the Interior has shown that the cost of this bill would be $75,000,000. I want to ask the gentleman if he is not aware of the fact that that statement was based upon the number of pensioners on the roll——

Mr. FITZGERALD. My time is expiring. I understand the gentleman's question. It is based on the number of pensioners who were on the roll on the 30th of June, 1910.

Mr. ADAIR. And no account is taken in that statement——

Mr. FITZGERALD. My time is limited. Since that time some 35,000 of them have died, and probably 35,000 more will die this year; and if the payments under this bill are not to go to those whom it is intended shall benefit, before the time it will take the present force to adjust all the claims 100,000 more will have died; so that the estimate will be erroneous for that reason. But I assume that those who favor the legislation desire the proposed beneficiaries to obtain it while they are alive.

Mr. ADAIR. And that estimate does not take into account the reduction because of the number in soldiers' homes, or the reduction on account of those whose incomes amount to $1,000 a year.

Mr. FITZGERALD. No; but if the temper of the House is to be judged from the discussion that has taken place the bill will include those in the soldiers' homes before it passes this House. [Applause on the Democratic side.]

One advocate of the bill, I believe the gentleman from Indiana [Mr. ADAIR], himself stated that the bill would impose no burden upon the country. In his opinion not more than $20,000,000 would be required the first year, and that by reason of the policy of retrenchment adopted by this Democratic House an equal sum would be saved in the administration of the Government as a result of enforced economies.

Let no idle dream of the condition of the Treasury induce gentlemen to support this bill. I have obtained from the Secretary of the Treasury his estimate of the revenues during the next ensuing fiscal year. An analysis of his estimate and a comparison with the estimate of moneys required to maintain the Government heretofore submitted demonstrates that unless additional revenues can be obtained or very radical reductions made in the appropriations, there will be a deficit for the fiscal year 1913 regardless of the burdens to be imposed by this bill.

The Secretary of the Treasury estimates:

The ordinary receipts for 1913 at	$667,000,000.00
The postal receipts	260,938,463.00
Total	927,938,463.00
Estimated ordinary expenditures	685,184,563.55
Postal	260,938,463.00
Sinking fund requirements	60,650,000.00
Total	1,006,773,026.55

In an analysis of the estimates of appropriations made a few days ago I pointed out that $13,000,000 additional to the amount asked would be required for public buildings, so that the total

estimated appropriations for 1913 are $1,019,773,026.55, the estimated receipts are $927,938,463, and the prospective deficit $91,834,563.55.

Even if the proceeds of Panama Canal bonds to the amount of $47,263,760.20 are eliminated, as suggested by the Secretary of the Treasury, from the total expenditures, it will leave a deficit of $44,570,803.33.

In justice to the Secretary of the Treasury, as I have been furnished with these figures in advance of publication, I should state that he estimates a surplus of $29,079,196.65 in ordinary receipts and expenditures and a deficit of $18,184,563.55, by including the estimates for the Panama Canal; but he does so by eliminating from consideration $60,650,000 which under the requirements of the sinking-fund act must be applied to the discharge of the public debt.

The gentleman from Illinois [Mr. CANNON] called attention to the fact that at the end of the fiscal year 1911 there was an excess of ordinary receipts over ordinary disbursements of $47,234,377.10. Including the Panama Canal receipts and disbursements and the receipts and disbursements on account of the public debt, the excess of receipts was $33,282,250.46. If provision was made for the reduction of the public debt, however, as required by the provisions of the sinking-fund act, the deficit was about $27,000,000. If no heed is to be given to the command of the law that certain customs receipts be applied to the reduction of the public debt, it is easy to report yearly surpluses in Treasury operations.

To add at this time the obligations which this bill will impose is to deny the country that retrenchment which it expects from a Democratic House. There is but one way to reduce the enormous expenditures of our Government, and that is to stop opening wider the channels through which the golden stream passes. [Applause.]

Mr. Chairman, the growth of our Federal expenditures is justly causing alarm throughout the country. This is an era of extravagance. In Nation, in States, and in the many municipalities of the land the unchecked growth of expenses from the extension of governmental activities is heaping up monumental burdens more oppressive to the people than the universal military burdens of Europe. If relief is to come, it can come only as the result of heroic effort. There are sacrifices demanded in peace from the people in nowise less burdensome than those resulting from war.

Retrenchment and economy will not result merely from idle phrases. There must be earnest work done to effect any reform. Throughout the land there is a widespread demand for increased expenditures for many objects, some legitimately within the proper province of Federal activities, many borne of a desire to shift burdens to the Federal Treasury that properly belong elsewhere. It will take resolution and courage to resist successfully these demands. Together with them is the well-known universal complaint against the iniquitous taxes from which the country suffers. It would be a pleasant task to pour out the public funds to satisfy every demand and to gratify every whim, and at the same time abolish many oppressive taxes; but these things can not be done if the expectations of the country are to be realized and if the Democratic Party is to keep its faith with the people. [Applause.]

In 1887 President Cleveland, in vetoing the general service pension bill, said:

> If this bill should become a law, with its tremendous addition to our pension obligations, I am thoroughly convinced that further efforts to reduce the Federal revenue and restore some part of it to the people will, and perhaps should be, seriously questioned.

It was a prophetic utterance. The same can with equal propriety be said of this bill. Its enactment sounds the death knell of the hopes of the Democratic Party successfully to reduce expenditures and to lower substantially tariff taxes.

I am not indifferent to the influences urging this legislation, but the obligation to do that which is just to all of the people compels me to withhold my support from this bill. [Loud applause.]

Mr. CULLOP. Mr. Chairman, on account of the limited time allotted me I will not be able to present the merits of this bill as completely as I desire, and also to fully answer all the objections urged against the measure, but it is sufficient to say it is the fulfillment of a duty the country owes the men who saved the Union when it was assailed. I desire to take advantage of this opportunity to pay a deserved compliment to the author of this bill, the gentleman from Ohio [Gen. SHERWOOD], who has done noble work in the drafting of this measure and prosecuting it to final passage in this House. He has earned great distinction as a general of the Civil War, as a private citizen, and as a Member of this House, and by his assiduous work in securing the passage of this measure he is manifesting his affection and true regard for the survivors of the brave men who followed with him the the flag through the perils of battle, planted it on the parapets of victory, and secured the restoration of peace. [Applause.]

On behalf of the 40,000 surviving veterans in Indiana, I desire to extend their congratulations to my colleague from Indiana [Mr. ADAIR], who has had charge of this bill on the floor of the House, for his able, faithful, and untiring service in their behalf, and assure him his zealous devotion to their interests will never be forgotten by them. [Applause.]

For 16 years the old soldiers of the Civil War have been appealing to the Republican Party to keep its promises to them for the enactment of pension legislation, and it refused to comply. It had the power in both branches of Congress to enact any legislation it desired, but it failed and refused to act on this important question until after it had been defeated in this House; and then in the short session, as it was retiring from power, it proposed the Sulloway bill, which was passed by the cooperation of both parties and sent to a Republican Senate, where it was promptly killed. [Applause.]

The appeal is now made by surviving veterans of the Civil War to the majority of this House to pass adequate legislation attesting our appreciation of their splendid services in behalf of the Union. We are here now to respond to that appeal and enact the best pension measure ever known in the history of pension legislation as a fitting tribute to the unselfish sacrifice of these heroes of a great war. [Applause.]

The gentleman from New York [Mr. FITZGERALD], who has just taken his seat, opposed this measure on the ground of economy. It is a false economy that withholds from the people of a country any expenditure which the public requires and a sound public policy upholds.

Such is the legislation now under consideration. Both public policy and patriotism demand its enactment as conducive to the public good. A vast majority of the American people approve this legislation and have so declared through the medium of the ballot box.

Allusion has been made here by the gentleman from Illinois [Mr. CANNON] to the Democratic platform in Indiana as indorsing a dollar-a-day pension for old soldiers. I am here to say to him it did indorse such legislation, and the people of Indiana, by a large majority, said by their ballots they approved that declaration, and 12 Democrats from Indiana are here to-day ready to vote for the complete fulfillment of that pledge, both in spirit and in letter. [Applause.]

Again, I have heard it said that $10,000,000 annually of pension money is paid to the old veterans in Indiana. That is true, and they deserve it. When the Civil War broke out Indiana had a population of approximately 800,000, and yet it sent to the war in defense of the Union more than 260,000 men. What a splendid tribute to its patriotism! Can any State in the Union beat such a record as that? I am proud of it, and every citizen living within its borders points to it with enviable pride. [Applause.]

Again, I have heard in this debate the charge made as a reason why this legislation should not be passed that we are more generous to our old soldiers than any other nation in the world. I hope that charge is true; it ought to be true; it would reflect on us as a Nation if it were not true. We lead the nations of the earth in everything else. We are the richest and most powerful Nation in the world, and out of the abundance of our riches we ought to surpass all other people with a generous regard for the men who saved the Union—restored it to life when it lingered in the throes of death. [Applause.] To-day our wealth is approximated at over $130,000,000,000, and our population at over 93,000,000 people enjoying the most marvelous progress the history of all time has ever witnessed. We would exhibit a spirit of parsimony and a want of liberal patriotism if we did not manifest true Americanism in our liberality in the administration of our pension policy; and hence in this, as in all other things, we must lead every other people to assist in making the pathway of our heroes as smooth as possible as they march on to a boundless eternity. Age and disease have robbed them of the powers they exhibited on the fields of carnage as they fought for the continuance of the priceless heritage devised to us by the patriots who founded out of the victories of the Revolution the greatest Government ever known in the annals of time. We must not shirk that duty now or lower the standard of our national glory. [Applause.]

It has also been contended here by the opponents of this measure that the Sulloway bill was a better and cheaper measure than this, the Sherwood bill. I deny both propositions and shall meet and refute them both by facts and figures. But if it is, then let me say to our Republican friends who assert it is that if they really desired to enact it into law, why did they not report and pass it earlier in the last Congress and send it to the Senate and demand its passage through that body? They had the power in both bodies to do it. [Applause.]

If the Sulloway bill is not a law to-day, who is to blame for it? Not the Democratic Party, but the Republican Party. When it was called up in the Senate for consideration, who objected to its consideration, and by so doing killed it? Not a Democratic Senator, but a Republican Senator, as the country well knows, and upon that party alone the responsibility rests for its defeat. [Applause on the Democratic side.]

I voted in this House for the Sulloway bill and so did a large majority of my Democratic colleagues. It seems to be the policy of the Republicans in this House that the Sulloway bill should be again passed instead of this bill. Why should that be done? We know the Senate defeated the Sulloway bill because it would cost much more than the country could afford. If that was the objection nine months ago to it, that objection obtains just as much now as it did then. What evidence is there that a change of opinion has occurred on that subject? None whatever; hence if we were to pass it, then the same result would again occur in that body and all pension legislation would again be defeated. It would, therefore, be folly to adopt that course, and we all know it, or at least should know it. The logical conclusion, then, is properly drawn that those who advocate such a course do not favor any legislation on this subject. That is just what it means, and the people will not be deceived. [Applause.]

Again, the gentleman from Tennessee [Mr. SIMS] said the other day that the operation of the pension law was local and its benefits did not flow to all sections of the country. An examination of the disbursements of pensions will furnish a sufficient answer to refute such a statement. Like the generous dews of a kind Heaven, it falls upon all.

I have taken from the department the figures of the distribution in 12 States, embracing the territory from which he comes. They are authentic, and I here submit them for the information of the country as the correct number of Federal soldiers receiving pensions and the amount disbursed in the States named last year, as follows:

	Number of pensioners.	Amount paid.
Alabama	8,648	$596,445.74
Arkansas	10,567	1,642,005.50
Florida	4,747	815,836.37
Georgia	3,386	543,382.41
Kentucky	23,701	4,157,678.90
Louisiana	6,309	1,024,613.60
Mississippi	4,606	724,961.82
North Carolina	3,897	654,072.49
South Carolina	1,924	302,562.44
Tennessee	17,311	3,190,810.87
Texas	8,142	1,504,251.66
Virginia	8,313	1,490,352.80
Total	97,612	16,646,756.11

This clearly disposes of the claim that its disbursement is only made in a few localities of the Union. The truth is, this distribution of bounty goes into every locality of the country from ocean to ocean and from the Lakes to the Gulf. [Applause.]

Now, it is contended by every advocate of the Sulloway bill that it will not cost the people of the country as much as will this bill, and opposition to this bill is thereby for this reason expected to be aroused. This contention is not correct, and it is my purpose to demonstrate that fact so that no person will be misled upon that hypothesis.

It is conceded by the author of the Sulloway bill and its friends that it will cost the country from the start $45,000,000. Accepting this admission as true, we will compare the cost of the two bills and determine the correctness of the charge. I declare now and here that the Sherwood bill will cost at its highest tide $11,000,000 per year less than the Sulloway bill, and I challenge successful contradiction of this statement from any authentic source.

In the first place, the Sulloway bill for several years will increase in amount per year because the increase in numbers by age will largely exceed the number of deaths occurring per year. The deaths last year were 6 per cent of the survivors, but the entire remainder advanced one year in age. The average of the more than 528,000 was 70 years. This fact can not be overlooked. Under the Sherwood bill each year from the start the amount will be reduced by the death of old soldiers. This proposition no one can deny. Again, the entire estimates for the Sulloway bill are based on the report of the Commissioner of Pensions for the fiscal year ending June 30, 1910, nearly two years ago, which alone makes the estimates misleading and incorrect. Then the average age of the old veterans was 68 years; now it is 70 years, and this fact alone would add several millions to the cost of the Sulloway bill at this time.

Again, the basis of such estimates were all made, as an analysis of them will show, on an examination of the Pension Office made several years ago, which then disclosed the fact that at that time 71 per cent of all soldiers on the roll had served one year and over and 29 per cent had served less than one year, but the report for the fiscal year ending June 30, 1911, upon which the calculations for the Sherwood bill are based, shows that only 63 per cent on the roll served one year and over, while 37 per cent served less than one year, clearly demonstrating the difference in cost between the two bills as being in favor of the Sherwood bill.

Now, as a further demonstration of the cost of the Sherwood bill, I desire to invite your attention to the following statement, which, in my opinion, is practically correct, at least as near so as can be ascertained.

THE SHERWOOD BILL.

The number of pensioners on the roll who served 90 days or more, as shown by the commissioner's report June 30, 1911, page 18, 528,294. From this deduct the number on the roll at $25 and $30 per month and who will not be affected by this bill, as shown by the report of the committee on the bill, 63,000. Also deduct the number in the national homes not affected by this bill, 25,000. It is also proper to deduct the number in the State homes for the reason that if they take the benefit of this bill the Government will no longer pay the State $100 for each inmate and the $100 thus saved will more than equal the difference in their pensions, 20,000. There should be deducted also the number who have died and will die from June 30, 1911, up to the time this bill can be put into operation, which would be (a conservative estimate), 30,000. Total number not affected by this bill on the account of death, soldiers' homes, and those already on the rolls at $25 to $30, 138,000. Deduct this from the total number of pensioners now on the rolls who served 90 days or more and you have remaining 390,294. From this deduct the number excluded by the $1,000 clause, which, without doubt, will reach 22 per cent, based on the best information obtainable, 22 per cent of the remaining 390,294, which amounts to 85,864. Leaving a balance affected by this bill 304,430.

On page 18 of the commissioner's report we find a table based on an investigation of several years ago, when most all soldiers on the rolls were long-service men, and which shows that 71 per cent of the 304,430 would be entitled to $360 per year and 29 per cent to an average of $210 per year. Seventy-one per cent of 304,430 equal 216,145, and this number would receive $360 per year under the bill, which would amount to $77,812,200. The balance of the 304,430 would be 88,285, and this number would receive $210 per year, which would amount to $18,539,850. Total paid to all affected by this bill, $96,352,050. Deduct from this amount the sum now drawn by the 304,430 pensioners affected by this bill, which is (estimate of $187.30 each), $57,202,397. This leaves a balance of $39,149,653.

This calculation is based on the ratio 71 to 29, but this ratio should be 63 to 37, which would largely decrease the cost of the Sherwood bill.

In addition to this there will be saved each year, in the administration of the pension laws, the sum of at least $2,000,000, due to the fact that thousands of examinations will be unnecessary, and the army of special examiners can be dismissed. It is therefore fair to say that the entire cost of the Sherwood bill, including the disability clause, will not exceed $34,000,000, and as the Pension Bureau estimates that only 200,000 cases can be handled the first year it will only require about 15 or 19 million dollars to pay pensions under this bill the first year in addition to the regular appropriations.

It therefore must clearly appear to every candid man on this floor that the highest cost of the Sherwood bill, which will be the second year after it goes into effect, will be at least $11,000,000 less than the Sulloway bill at the start. From the second year on the amount required to pay the Sherwood bill will decrease because of death, and because of advancing age for a number of years the Sulloway bill will increase in amount. No man on this floor can deny this proposition, and hence those who are seeking the least expensive measure should support the Sherwood bill. This undoubtedly meets and answers the charge completely as to the cost of the two bills. Now, much stress has been placed on the letter of Secretary Fisher, as to the cost of this measure. I do not know what motive prompted it, but I do know it is incorrect. There is left out of it all consideration of the nine months' clause in the Sherwood bill, a most important factor in determining its cost. There will be affected by that clause 107,566 men, which makes a difference of $5 per month, or $60 per year each, which amounts to $6,463,960 as a reduction of his estimate. I am charitable enough to assume this mistake was an oversight. Again, he does not deduct the deaths which will occur before the bill

becomes a law. It is sufficient to call attention to this one serious mistake to challenge its correctness, which I now do.

The passage of this measure will bring relief to thousands who have given to the service of their country the best years of their lives, and because of this to-day they are suffering and many of them in need of the common comforts of life. We owe them a debt of gratitude, and let us now gracefully discharge that obligation. [Applause.]

During the last Congress we passed 9,623 private pension bills, but by such legislation we can not reach all the deserving men who are entitled to and need our consideration. Pass this measure and we will do justice to men who otherwise would be unable to have justice done them. [Applause.] The passage of this measure will reduce the cost of administering the pension department at least $2,000,000 per year by dismissing clerks, special examiners, medical boards, and a number of other employees, and the amount used to pay them can be applied to the payment of pensions, a much more desirable purpose. [Applause.]

Back at our homes anxious hearts await the result of our action to-day. A message bearing the news of the passage of this measure will be hailed with delight and received with joy, showing them our appreciation of their sacrifice and our loyalty to patriotism.

To defer action much longer would make action unnecessary, as this band of patriots is rapidly passing from among us, and soon the last of their number will answer the call to bivouac on the boundless camping ground of an endless eternity. [Applause.] To-day, awaiting our action with anxiety in the result, a committee of the Grand Army of the Republic sojourns in the corridors of this Capitol as the representatives of the greatest army ever marshaled on the fields of battle, imploring us to pass this measure, indorsing it as the best ever offered for consideration, because it is based on merit and justice, and its passage will relieve thousands and thousands of their comrades who are in distress. [Loud applause.]

To-day is a most appropriate time for the consideration of this measure, while the world is aroused for the adoption of a treaty of universal peace, in order that war, with all its terrible and disastrous consequences, may never occur again; that human blood shall never be shed any more in deadly conflict; that human life may not be taken in hostile action for the settlement of national differences; that a tribunal may be constituted for the adjudication of national disputes, in order that peace may prevail throughout the length and breadth of the civilized world and higher ideals may guide the destiny of the human race in its marvelous achievements and its splendid triumphs. Hasten the hour of its adoption and enforcement throughout the world, in order that the scourge of war—desolating homes, destroying life and property, paralizing industrial and commercial activities—may cease forever and the dream of the poet may be realized when he sang the inspired words which thrilled the world with universal delight:

When the war drums throb no longer
And the battle flags are furled
In the parliament of man,
The federation of the world.

[Loud and continued applause.]

Mr. FULLER. Mr. Chairman, I understand that all time has expired for general debate?

The CHAIRMAN. All the time for general debate has expired.

Mr. FULLER. Representing the minority of the Committee on Invalid Pensions, I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman from Illinois will state it.

Mr. FULLER. The question is this: The minority of the committee desire to have a substitute for this bill offered and voted upon. That substitute will be, in substance, the Sulloway bill—that is, to strike out all after the enacting clause of this bill and substitute the so-called Sulloway bill. I wish to ask when it will be proper to offer that substitute.

The CHAIRMAN. The Chair will state to the gentleman from Illinois in answer to his parliamentary inquiry that it will be in order to offer a substitute by way of amendment to this bill at the close of the reading of the bill under the five-minute rule, for the reason that the committee and the friends of the bill have a right under the rule to perfect their own bill.

Mr. FULLER. Then, Mr. Chairman, I wish to ask unanimous consent now to offer the substitute and have it reported to the House, to be voted upon after the consideration of the bill, or the perfection of the bill, is completed.

The CHAIRMAN. The gentleman from Illinois [Mr. FULLER] asks unanimous consent that he be permitted to offer an amendment which is a substitute for the present bill, and have it pending, to be voted upon at the close of the reading of the present bill.

Mr. MANN. I take it that if it is offered and pending until the bill itself is perfected, it would still be subject to amendment?

The CHAIRMAN. Certainly. Is there objection?

Mr. ADAIR. I have no objection.

The CHAIRMAN. The Chair hears no objection.

Mr. FULLER. I ask to have a substitute reported so that the committee may know precisely what the matter is.

The CHAIRMAN. The Clerk will report the substitute.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following:

"That any person who served 90 days or more in the military or naval service of the United States during the late Civil War, or 60 days in the War with Mexico, and who has been honorably discharged therefrom, and who has reached the age of 62 years or over, shall, upon making proof of such facts according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the pension roll and be entitled to receive a pension as follows: In case such person has reached the age of 62 years, $15 per month; 65 years, $20 per month; 70 years, $25 per month; 75 years or over, $30 per month; and such pension shall commence from the date of the filing of the application in the Bureau of Pensions after the passage and approval of this act: *Provided*, That pensioners who are 62 years of age or over, and who are now receiving pensions under existing laws, or whose claims are pending in the Bureau of Pensions, may, by application to the Commissioner of Pensions, in such form as he may prescribe, receive the benefits of this act; and nothing herein contained shall prevent any pensioner or person entitled to a pension from prosecuting his claim and receiving a pension under any other general or special act: *Provided further*, That no person shall receive a pension under any other law at the same time or for the same period that he is receiving a pension under the provisions of this act: *And provided further*, That no person who is now receiving or shall hereafter receive a greater pension under any other general or special law than he would be entitled to receive under the provisions herein shall be pensionable under this act.

"SEC. 2. That the benefits of this act shall include any person who served the period of time therein specified during the late Civil War or in the War with Mexico, and who is now or may hereafter become entitled to pension under the acts of June 27, 1890, and February 15, 1895, and the joint resolutions of July 1, 1902, and June 28, 1906, or the acts of January 29, 1887, March 3, 1891, February 17, 1897, February 6, 1907, and March 4, 1907.

"SEC. 3. That rank in the service shall not be considered in applications filed hereunder.

"SEC. 4. That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in presenting any claim to the Bureau of Pensions or securing any pension under this act."

The CHAIRMAN. The gentleman from Illinois offers the amendment which has been read at the Clerk's desk, and it will be pending as a substitute and will be taken up at the close of the reading of the bill under the five-minute rule. The Clerk will now proceed with the reading of the bill.

The Clerk read as follows:

Be it enacted, etc., That any person who served in the military or naval service of the United States during the late Civil War, and who has been honorably discharged therefrom, shall, upon making proof of such facts according to such rules and regulations as the Secretary of the Interior may provide, be placed on the pension roll and be entitled to receive a pension as follows: For a service of 90 days or more and less than 6 months, $15 per month; for a service of 6 months or more and less than 9 months, $20 per month; for a service of 9 months or more and less than 1 year, $25 per month; for a service of 1 year or more, $30 per month: *Provided*, That no one who shall be in receipt of a pension of $25 or more per month under this act shall be entitled to admission or residence in the National Home for Disabled Volunteer Soldiers; and no State or Territorial home for disabled soldiers and sailors shall receive any aid from the General Government on account of any person who shall be in receipt of a pension of $25 per month or more under this act.

Mr. KENDALL. Mr. Chairman, I rise to make a parliamentary inquiry. Was it the ruling of the Chair that only amendments offered by members of the committee should be first considered?

Mr. RUSSELL. Mr. Chairman, I have a committee amendment which I desire to offer, and which I send to the Clerk's desk.

Mr. KENDALL. That is an amendment by the committee?

Mr. RUSSELL. It is an amendment by the committee.

Mr. KENDALL. I desire to ask whether this is a committee amendment or an amendment offered by the gentleman as a member of the committee?

The CHAIRMAN. The gentleman stated it was by the committee.

Mr. RUSSELL. Not all the members of the committee, but by a majority of the committee.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Missouri [Mr. RUSSELL].

The Clerk read as follows:

Amend by adding, after the word "therefrom," in line 5, page 1, the following:

"And all members of State organizations that are now pensionable under existing law."

Mr. RUSSELL. Mr. Chairman, the purpose of that amendment is simply to make the provisions of this bill more certain. I have believed, and the chairman of this committee has believed, that the bill as now written includes everybody to-day upon the pension rolls, but some have expressed doubt upon that

question. There are in a number of States of the Union, and, among others, the State of Missouri, certain provisional militia or State organizations that were in some way mustered into the Union service and recognized as a part of the Union Army, and have been made pensionable by law. The purpose of this amendment is to make it certain that they are not to be disregarded under the provisions of this bill.

This amendment does not add to the pension rolls one single name. Its purpose is simply to prevent the removing of the names of those now on the rolls and denying to them the benefits of this bill. [Cries of "Vote!"]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri [Mr. RUSSELL].

The question was taken; and on a division (demanded by Mr. FULLER) there were—ayes 116, noes 0.

So the amendment was agreed to.

Mr. ANDERSON of Ohio rose.

Mr. RAUCH. Mr. Chairman, I now offer an amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Indiana [Mr. RAUCH].

The Clerk read as follows:

Amend by striking out, in line 4, page 2, the word "*Provided*" and all thereafter down to and including line 12.

Mr. RAUCH. Mr. Chairman, this amendment proposes to strike out that provision in the bill which excludes soldiers drawing under this bill from admission to the National Military Home and membership therein. [Applause.] I have agreed with the gentleman from Ohio [Mr. COX], who represents a district in which one of these national homes is located, that if we could do so under the rules of the House it would be offered by us jointly.

I am in sympathy, Mr. Chairman, with the statements made by the members of the committee in charge of this bill on the floor—that it should not be so amended as to change its character. But I believe this amendment cures a defect in the Sherwood bill, and I am very anxious to have that defect cured, because I believe the bill will be enacted into law. I expect to give it my support.

I am in favor of liberal pensions as a policy which finds its greatest reward, perhaps, in a citizenship which has an abiding faith in our country, believing that when they have given all they have in its defense they will not be forgotten when the disasters of war are past. It is the feeling everywhere, all over the world, that our citizens are cared for that causes the breast of an American to swell with pride. It has been charged against the proposed action of the House to-day——

Mr. FINLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from South Carolina?

Mr. RAUCH. No; I decline to yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. RAUCH. It has been said against the proposed action of the House to-day that it is being taken, in response to a demand on the part of the soldiers, for the purpose of getting their votes. For one I do not believe that that charge is correct. If it is true, Mr. Chairman, then my appeal to you to-day may be in vain, because I am speaking in behalf of a set of men who are confined in the hospital wards in soldiers' homes; men who, on account of their enfeebled condition, are unable to go to the polls and vote and who are so weak that in the matter of influence they can not make themselves heard.

Mr. Chairman, many of these men have families depending upon them for support. Under the law as it now is the management of the different homes is authorized to prescribe rules and regulations governing the admission of men to the homes. Abuses under the law as it now is are, in my opinion, sufficiently guarded against, and I trust the amendment will be adopted. We propose to do a big thing to-day, and I for one am in sympathy with these men in their condition in these hospital wards.

I do not want, when the information of the action of the House goes out in Christmas greetings, to see a picture delineating the expression on the faces of those men when they are told that the American Congress has once more recognized——

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAUCH. Mr. Chairman, I ask unanimous consent to proceed for one minute.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. RAUCH. I was about to say, Mr. Chairman, that I did not want these men, when they receive the knowledge of the action of the American House of Representatives, once more recognizing the services which they rendered their country, to realize that they have been excluded from the provisions and the benefits of this law because they are in such a condition that they are confined to their sick beds and unable to leave the soldiers' homes. Let them know, by striking out this provision, that they are not excluded from the benefits of this bill. Let them know that all members in all the homes are entitled to come under its provisions.

Mr. SHERWOOD. Mr. Chairman, I rise to oppose this amendment. I believe this is one of the most meritorious features of this bill. Since this dollar-a-day pension bill has been before the country I have received more than 6,000 names of soldiers in soldiers' homes, and largely in the national soldiers' homes, who say, "If you will give us a dollar a day, we will go home to our families or friends, where we can be independent and escape from these military prisons known as soldiers' homes." I have here a night letter received this morning from Los Angeles, Cal., which says:

LOS ANGELES, CAL., *December 9, 1911.*

Hon. ISAAC R. SHERWOOD,
House of Representatives, Washington, D. C.:

Passage of Sherwood pension bill would no longer necessitate present expensive national soldiers' homes that now carry 30,000 inmates who could then live more comfortably outside their gates in California climate, thus saving the country several million annually and returning to citizenship this trusty old guard of proven worth.

JOHN Q. A. WALKER.

According to the estimate of the Interior Department, it is costing the Government $219.70 for every soldier in a soldiers' home, and to strike out this clause will add very largely to the aggregate cost of this bill. It is all right for my friend [Mr. RAUCH], who represents a district in which is located one of the national homes, to offer this amendment. I have here the report of a Grand Army post located in a soldiers' home that unanimously indorsed this bill with this provision:

BATH, N. Y., *December 10, 1911.*

Gen. SHERWOOD.

SIR: I hope you will move the earth and pass your bill at all hazards. It will do this:

Let a lot of old men home to spend the balance of their days with their wives or with their children, and those that haven't either can live outside the homes and feel more independent.

It will save the Government money, for there are many in the homes drawing $30 or more for whom the Government is paying $100 per year to the States.

It will deplete membership of the State homes to a degree that they will be closed up, and all those that did not serve long enough to be eligible for the larger pensions could go to the national homes and be better off.

It will not let in any chippies or peroxide blonds as so-called soldiers' widows. I remain, dear sir,

Yours, very respectfully,

J. M. SWAIN,
55 Belfast Street, Bath, N. Y.

P. S.—Late Seventh New York Independent Battery Light Artillery and Regular Engineer Battalion.

Here is one from the Ohio National Home at Dayton:

DAYTON, OHIO, *December 9, 1911.*

Hon. I. R. SHERWOOD.

DEAR SIR: I express almost the unanimous sentiments of the members of this Central Branch, National Military Home, in saying we are in favor of your pension bill and respectfully urge your support of it to the last minute. Should your bill pass it will enable thousands to leave the various homes and save the Government a great amount of money, as several of the homes could be closed.

We appreciate your efforts in our behalf and thank you for what you have done for us. Kindly mail to me CONGRESSIONAL RECORD.

Very respectfully,

TRUMAN FERGUSON,
National Military Home, Ohio.

Here is one from Port Orchard, in the State of Washington:

SCHOFIELD POST, No. 126, G. A. R.,
DEPARTMENT OF WASHINGTON AND ALASKA,
WASHINGTON VETERANS' HOME,
Port Orchard, Wash., December 5, 1911.

Hon. ISAAC R. SHERWOOD,
Washington, D. C.

DEAR COMRADE: In behalf of our post, also in behalf of Washington Veterans' Home, I write to urge you to press your pension bill at this Congress. We feel that those comrades who were of mature age when they enlisted are no more entitled to $1 per day than are those who enlisted when only young boys. To give $1 per day, as per your bill, bar all from soldiers' homes who apply for $1 per day, and bar all comrades who are now rich men, who do not need a pension, and let what they receive help pay the others. We look to you to do something good for us, and that soon. You can show this to our Representative and oblige,

Yours, in friendship, charity, and loyalty,

W. G. SIMPSON, *Adjutant.*

Mr. NORRIS. I should like to ask the gentleman if he has any such communication from any soldier or soldiers' home in which particular attention is called to this special provision of the bill?

Mr. SHERWOOD. They all had copies of it.

Mr. NORRIS. I understand; but those are general indorsements. There is nothing in there that says they are in favor of this part of the bill or that they would not be in favor of striking out this provision.

Mr. SHERWOOD. They are in favor of the bill with that provision in it.

Mr. NORRIS. Yes; but those are general indorsements.

Mr. SHERWOOD. There are 7,000 petitions in favor of the bill.

Mr. ANDERSON of Ohio. Will the gentleman yield?

Mr. SHERWOOD. I do not wish to yield until the conclusion of my remarks. How much more time have I?

The CHAIRMAN. Thirty seconds.

Mr. SHERWOOD. I want to say to gentlemen on both sides of this Chamber, in verification of what I said on Friday last on this floor, that the Grand Army of the Republic of all the States and the District of Columbia are in favor of my bill. We have here the chairman of the committee at the national encampment, Gen. Torrance, a very eminent citizen and distinguished soldier; and I learn that the national pension committee are in favor of my bill.

Mr. COX of Ohio. Mr. Chairman, while it is my purpose to address the committee in support of the amendment offered by the gentleman from Indiana [Mr. RAUCH], which means the changing of this bill in a slight particular, I want to say at the outset that I am in favor of the Sherwood bill. [Applause.] I am in favor of it because I believe it is the nearest approach to an equitable measure upon this great subject.

Objection has been urged to this bill because of its cost. I would reply to the statement of the distinguished gentleman from New York, the chairman of the Appropriations Committee, that it would doubtless be better to buy fewer battleships and inaugurate a different policy in the Philippines. If this were done there would be no difficulty whatever in saving enough money to meet the increased cost of pensions. The financial burden which this bill will carry is overestimated at any rate, because the soldiers are dying at an enormous rate each year. The law of compensation is as proper in its exactions as the law of nature, and one of its rules demands from us returns commensurate with what we receive. This generation has been contributed to immeasurably by the generation which we are succeeding, made up in a large part by the soldiers of the Civil War. We should contribute to them in their last days proportionately to what they have given to us.

I want to give expression to the pride and satisfaction felt by Gen. SHERWOOD's colleagues from the State of Ohio in having his name adorn the first distinctively service pension bill passed by a grateful country in behalf of its defenders. [Applause.] It would seem that it was honor enough for one man, who entered that great conflict as a private, to emerge from it as a brigadier general because of conspicuous and meritorious service rendered in 42 battles of that great conflict. And now to have his name adorn this great pension measure is, it seems to me, the crowning laurel to a distinguished career. [Applause.]

But, Mr. Chairman, I want to oppose, with all the emphasis in my being and all of the earnestness in my heart, the proposition to close the gates of the national soldiers' homes to these old men. [Applause.] It is significant in this connection that not a single member of the Committee on Invalid Pensions has a national military home in his district. The statement is made here that the man who has the benefit of a home in these national institutions should not be given as large a pension as those who live outside the homes. At first blush it would appear that that is sound in theory and in equity. But I ask my colleagues to go with me, if you please, to one of these institutions, to one of the saddest and most pathetic scenes in our American life.

Five thousand men, approximately speaking, are now lying upon their backs in the hospitals, and it should be stated, in this connection, that a few days ago I consulted with the surgeon general of the national military homes, and he said that in five years the national military homes would be nothing more nor less than a hospital. This is a significant phase of this whole question and situation. The average age of the men in the homes is 72 years. The average age of death in the homes is almost 71 years—the life line 72; the death line 71. Speaking relatively, and measuring the unit of time, these men now living are so close to the borders of another world that they live every day within its shadow. Every hope and ambition is behind them. Two thoughts only are in their minds—one a resignation to the decree of death which will soon remove them, and the other is the hope and expectation that their wives will be comfortable and above want.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. COX of Ohio. Mr. Chairman, I ask unanimous consent for an extension of two minutes.

Mr. KENDALL. Mr. Chairman, I would like to inquire of the gentleman in charge of the bill if it is his purpose to complete the consideration of the bill to-day?

Mr. ADAIR. It is.

Mr. KENDALL. Then, Mr. Chairman, I shall object to any extension of time, but I shall not apply it to the gentleman from Ohio, but in the future.

Mr. COX of Ohio. I thank the gentleman for his consideration. Mr. Chairman, this will be the effect of this bill. If a man in the home is drawing $25 a month at the present time, lying upon a sick bed in the hospital, too sick to be taken from it, he must, if he remains in the home, give up his pension. His wife living outside of the home, if he should return to the old law—which I may say in the minds of good lawyers is questionable—will draw less than other soldiers living outside the homes. So that the circumstance which works a discrimination against his wife on the outside is that of his own affliction.

I want to remind you, gentlemen, that these soldiers are sending a good part of their pension to the outside. Last year, in a formal and in an official way, they sent through the officials of the home or through the home treasury department $1,000,000 of their pensions to their wives and their families. It is fair to assume that that does not represent one-half of the sums which went on the outside to their families.

I want to say this one closing word to the men of the South. It was in these national institutions that the spirit on behalf of a reunited country and a universal brotherhood of man as between Americans first took effect. I asked an old one-armed patriot in the Dayton Home within the last two weeks why this was. He took out of his pocket this paper, yellow and stained with age, and he said, "This is my answer," and he read the dying words of Lee, in which he said, "Remember we are but one country. Teach your children against sectional hate, and teach them above all things to be Americans." [Applause.]

And then this paper contains also the words of the peerless Grady in the remarkable speech made by him at Boston but a short time prior to his death, in which he paid his tribute, now historic, to Lincoln. The old patriot also had written on his paper the last words of Gordon, the old Georgian Confederate commander, in which he urged his people to rally around the common flag and remain a part of an unbroken brotherhood from sea to sea. That is the sort of doctrine which has taken hold in the North. Those three great speeches of Lee, Grady, and Gordon have played their part in winning the hearts of the soldiers in the northern homes. In proof of this I want to remind my colleagues that recently in the completion of the Confederate soldiers' home at Richmond, Va., one of the apartments was furnished by the Dayton Grand Army of the Republic, an organization whose membership is made up in part of members of the National Military Home near that city. Now, I appeal to you men of the South, famous for your chivalry and noted for the creditable part which the heart plays in the affairs and minds of men, to send back by your votes a message of appreciation to the veterans in the soldiers' homes.

Mr. NORRIS. Mr. Chairman, the gentleman from Ohio [Mr. SHERWOOD] opposes this motion to strike this provision out of the bill, and bases his argument entirely upon the proposition that he has received indorsements of this bill from practically all of the old soldiers' organizations of the country.

Mr. SHERWOOD. I did not say that—not from all of them.

Mr. NORRIS. A great many of them—thousands of soldiers.

Mr. SHERWOOD. Let me make this statement.

Mr. NORRIS. I yield to the gentleman, but I hope that he will be brief.

Mr. SHERWOOD. Several Grand Army posts have opposed my bill, notably one at Huron, Ohio, and every member of that post, 79 of them, except 1, the commander of the post, served one year. That class of men all opposed the bill.

Mr. NORRIS. I understand that, but that does not controvert the assertion that I have made. I wanted to call the gentleman's attention to the fact that he has nowhere produced as yet any evidence from any organization of soldiers or any Grand Army post in which they express an opinion on this particular provision of the bill. I can see how a man might favor the bill, and I will say to the gentleman that I myself, unless I can get it amended or can get a better bill in its place, expect to vote for the bill. At the same time we ought to strike out this provision; and I make this assertion, that I do not believe you can get anywhere in this country from any organization of soldiers any expression that will be favorable to leaving this particular provision in the bill. They will be unanimous for taking it out.

Mr. SHERWOOD. Will the gentleman yield?

Mr. NORRIS. I yield to the gentleman.

Mr. SHERWOOD. I want to say to the gentleman that at the national encampment at Rochester in August, 1911, this bill as it stands to-day was before that encampment, and the national encampment did not ask that this provision be stricken out.

Mr. NORRIS. I understand that, and they indorsed the bill. The gentleman is taking up my time and not producing anything that I would like to see produced, if it exists.

Mr. ANDERSON of Ohio. Will the gentleman from Nebraska yield?

Mr. NORRIS. I yield to the gentleman from Ohio.

Mr. ANDERSON of Ohio. I might say that I represent a district in Ohio in which there is a State soldiers' home.

Mr. NORRIS. This applies to them as well.

Mr. ANDERSON of Ohio. Yes; and I have visited that home within the past six months, visited every cottage, and there are seventeen hundred inmates, and I do not think ten in that home are in favor of voting themselves out of the home.

Mr. NORRIS. I understand that.

Mr. ANDERSON of Ohio. Or of not benefiting by the Sherwood bill.

Mr. NORRIS. Exactly. That bears out exactly what I have stated.

Mr. SHERWOOD. The Sherwood bill does not affect them in the State homes one particle.

Mr. NORRIS. I want to make the assertion again that nowhere from one ocean to the other can you produce an expression from an old soldiers' organization in favor of this provision of the bill. All old soldiers are in favor of striking it out. We ought not require a soldier to give up his pension in order to get into the home. There will be nothing in the bill that will prohibit a man from leaving a soldiers' home if he wants to. Old soldiers do not go to the homes from their own choice. They would rather live at home under their own roofs and in their own localities and with their own families than to be put in a home, and if you are going to accede to the sentiment of the old soldiers on the proposition, there is no reason why we should not strike this provision out of the bill. In State homes they often have a provision that if the soldier asking for admission is getting a pension above a certain amount, a certain per cent of the excess above that amount fixed by their rule or their law should be given to the home when he is admitted. The striking out of this would not interfere with any State regulation that might be made under any State law, but at the same time I do not want the chairman of the committee to give out the impression that the old soldiers of the country are in favor of retaining this provision in the bill, even though they indorse the bill as a whole. I am in favor also of striking out section 3 of the bill, which makes a property qualification. I am opposed to this section because it makes the old soldier prove himself a pauper before he can qualify himself to draw the pension which is provided. Besides, it would require more money to enforce this section in the payment of extra clerks and special investigators and inspectors than would be required to pay the few more pensions that would be allowed if the section were stricken out. Save the money that we would pay clerks and employees and let the soldier have it as a pension.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. MURDOCK. Mr. Chairman, I think it is not only important that the committee blast this provision out of this bill, but that we blast it out by such an overwhelming majority that it will not creep back into the bill at any subsequent stage of its history. [Applause.] For this proviso punishes ill health, penalizes misfortune. Within my observation no veteran of the Civil War goes happily to a soldiers' home. That moment in his life is usually one of reluctance, often of sorrow, sometimes of tragedy.

There is no warrant for this provision in the bill, whether it puts the soldier out of the home when he draws a pension or puts before him the alternative of the home or a pension. We have heard here to-day the statement that the life line is at 72, the death line at 71. Pension legislation is a tribute that our generation, unused to the hardships and hazards of war, pays to a generation which passed through them, a tribute paid to men who have come at last to a little, narrow ridge of one year, a ridge made more narrow by misfortune, decrepitude, and sickness. I think that this House and this committee ought, without further debate, to emphasize its attitude by putting this provision down and out. We should come to the soldiers of the war with a tribute commensurate, full-handed. In that connection I want to read a telegram I have received this morning from a notable soldier of the Civil War and a notable friend of the Civil War soldier for the last 40 years. It is as follows:

Stand by the Sulloway bill. Tens of thousands who were too young at the beginning to enlist entered the Army as soon as eligible toward the close, when their country greatly needed their service. It is not a question of length of service, but a question of coming to the relief of the old soldier in the hour of his great necessity.

[Applause.]

The soldier who served but 90 days gets just as hungry as the one who served 4 years. Don't turn the short-term soldier away on half rations.

JOHN P. ST. JOHN, *Olathe, Kans.*

[Applause.]

Mr. HARRISON of New York. Mr. Chairman, I am opposed to this amendment because it adds to the expense of the bill. But I go further than that, and am opposed to the bill itself. I do not question the motives of any gentleman upon this floor in voting for the bill and ask that no gentleman question my motives in opposing the bill. This Democratic Congress was sent here to reduce the burdens of taxation, not to make them greater. [Applause.] We were sent here, if possible, to reduce the cost of living, not to add to it. How can gentlemen, who since the special session of Congress have gone to their districts and made speeches about Democratic economy, vote for the pending measure? How can gentlemen who have boasted to their constituents that we have reduced the rolls of the House by $186,000 now appeal to their constituents after voting for a measure which adds $75,000,000 to the annual appropriations? But my principal opposition, Mr. Chairman, is because I think that a measure such as this would make impossible the performance of Democratic promises for tariff reduction. How are you going to take the tariff off raw wool and give the people of this country decent clothes to wear? How are you going to take the tariff off raw sugar and put the people of this country on the same footing as to their breakfast table as the people of other countries? How are you going to reduce the tariff when we add $75,000,000 to the burden of the annual appropriations? Mr. Chairman, it can not be done; it makes a farce of all Democratic protestations for tariff reduction if the very first move we make in the regular session of Congress is to add to the burden of Government at the rate of $75,000,000 a year. Do gentlemen believe that if we had a direct system of taxation in this country such a bill as this could pass? Do you suppose that if the Federal tax collector were to go to each man and tell him that he had to pay $20 a year more in order to increase the pensions, which are already being paid at the rate of $160,000,000 a year, so that his neighbor across the road might have a larger pension, do you believe the citizens of the United States would stand for that? And yet when we are asked to adopt a measure which will appreciably increase the cost of living, block our plans of tariff reform, make ridiculous our protestations of economy, we find a large number of Democrats falling over one another in their efforts to vote for it. Gentlemen should not make a partisan measure out of this thing. You Republicans had control of all branches of the Government for 16 years, and did not do a thing. This is not a partisan measure, but it is, unfortunately, a measure which flouts in the face of the people all the protestations made by the Democratic Party in the last campaign. [Applause.]

Mr. MANN. Mr. Chairman, if I am correctly informed the soldiers are not now admitted to the soldiers' homes who receive a pension as high as $25 a month, under ordinary conditions. It is only under extraordinary conditions that soldiers in receipt of so large a pension are admitted to the soldiers' homes. Those extraordinary conditions may arise, and usually do, on account of the physical condition of the soldier. I would not be a party to a proposition which would say that this great country, maintaining soldiers' homes as it does, shall not be able to give to the governors of the homes the right under extraordinary conditions to admit an old, crippled veteran, whose money goes to support his wife on the outside, into a hospital maintained at the expense of the Government. [Applause.] [Cries of "Vote!" "Vote!"]

[Mr. ADAIR addressed the committee. See Appendix.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. RAUCH].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. RAUCH, Mr. MANN, and others demanded a division.

The committee divided; and there were—ayes 127, noes 109.

Mr. ADAIR. Tellers, Mr. Chairman.

Tellers were ordered, and Mr. RAUCH and Mr. ADAIR took their places as tellers.

The committee again divided; and the tellers reported—ayes 143, noes 127.

So the amendment was agreed to.

Mr. MANN, Mr. KENDALL, and Mr. GRAY rose.

The CHAIRMAN. The Chair will first recognize the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend page 1, line 4, by inserting after the word "war" the words "or the War with Mexico."

Mr. MANN. Mr. Chairman, this amendment would make this act apply to the veterans of the War with Mexico as well as to the veterans of the Civil War. If the amendment be agreed to, I shall offer a further amendment, if the 90-day clause remains in as to the Civil War veterans, fixing the period of service at 60 days as to the Mexican War veterans. [Cries of "Vote!"]

Mr. RICHARDSON. Mr. Chairman, as I understand the amendment offered by the gentleman from Illinois, it includes the Mexican War soldiers?

The CHAIRMAN. The gentleman is correct.

Mr. RICHARDSON. Is it right and proper for me to ask a separation of those two classes in that amendment? It says the "soldiers of the Civil War and the Mexican War." I make a point of order, Mr. Chairman, against the amendment.

The CHAIRMAN. The Chair will state to the gentleman from Alabama that discussion having already been had on this amendment, it is now too late to make the point of order. That should have been done before the discussion was begun by the gentleman from Illinois, who offered the amendment.

Mr. RICHARDSON. I made the point of order promptly and just as soon as the gentleman from Illinois took his seat. I was first and promptly up, Mr. Chairman, before any discussion had occurred.

The CHAIRMAN. The Chair will state to the gentleman from Alabama that the point of order should have been made before the gentleman from Illinois commenced to speak, when the amendment was first read from the desk. The rule is that after discussion is had upon an amendment it is then too late to make a point of order against it.

Mr. RICHARDSON. I made it, Mr. Chairman, as promptly as I could. I did not want to interrupt the gentleman in his remarks before he took his seat.

The CHAIRMAN. It is always in order to interrupt a Member to make a point of order.

Mr. RICHARDSON. But I am still permitted to speak about the amendment, am I not?

The CHAIRMAN. Certainly. There is no reason why the gentleman should not.

Mr. RICHARDSON. I intended to make the point of order, Mr. Chairman, that the Committee on Invalid Pensions has no jurisdiction of this amendment to the bill. The amendment offered by the gentleman from Illinois [Mr. MANN] might just as well have included the Spanish-American War soldiers or the Indian war soldiers as the Mexican War soldiers. That question had been referred to the Committee on Pensions of the House; and relative to Mexican War soldiers a bill has been prepared and will be submitted, and I hope and believe it will be favorably acted upon to-morrow by the Committee on Pensions and will come in here drawn to include both the Indian war soldiers and the Mexican War soldiers, so that I do not see any occasion to link in that amendment offered by the gentleman from Illinois the Mexican War soldiers with the Civil War soldiers. The gentleman from Illinois is always very correct and particular, as he ought to be, about the jurisdiction of the different committees. There is no doubt in the world that the Committee on Invalid Pensions has no jurisdiction over the pensions of any soldiers except those connected with the Civil War. Nobody doubts that. No authority has ever been given to the Committee on Invalid Pensions to pass upon the claims of Mexican War soldiers, and I insist that the gentleman from Illinois should withdraw that part of his amendment.

Mr. SAMUEL W. SMITH. Mr. Chairman, I would like to ask the gentleman what it would cost.

Mr. RICHARDSON. I can give the gentleman accurately the cost—not right now at this moment, but it is prepared in my office, and I can give it to him.

Mr. SAMUEL W. SMITH. In round numbers, please.

Mr. RICHARDSON. The number of Mexican War soldiers that are entitled to pensions under this bill will be a little over 1,426, I believe, carrying those also that are drawing special pension running between $30 and $35, carrying about $350,000.

Mr. LANGLEY. The gentleman speaks of a conflict of jurisdiction between committees. That question is not up now. The Committee on Invalid Pensions is not proposing to take jurisdiction of the matter, but the House in Committee of the Whole House on the state of the Union is proposing, by the amendment of the gentleman from Illinois, to take up the question.

Mr. RICHARDSON. Well, the Chair ruled that I was not up in time.

Mr. MANN. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Illinois?

Mr. RICHARDSON. Certainly, I will.

Mr. MANN. Is the gentleman in favor of giving to the veterans of the Mexican War as great a pension as is given to the Civil War veterans?

Mr. RICHARDSON. I am. I can further answer that by saying that I voted for the Sulloway bill, which gave $36 a month to the Mexican War soldiers, more than the bill under discussion gives, as it did to the Civil War soldiers; and the bill I have prepared, which will come before the Committee on Pensions to-morrow, provides that the Mexican War soldiers shall receive the highest pension that is allowed—and I think properly so—to Civil War soldiers in this present bill.

Mr. MANN. But the gentleman's bill, as reported by his committee, will not be a privileged bill.

Mr. RICHARDSON. I understand that.

Mr. MANN. This, however, is a privileged bill, and it is right that it should be amended. If we see fit to give the Mexican War veterans as much as the Civil War veterans, this is the bill to do it in. Nobody is opposed to it.

Mr. RICHARDSON. I assure the gentleman that nobody is less opposed to pensioning the surviving Mexican War soldiers of this country than I am. The statistics show that none of these 1,426 men that I referred to is under 75 years of age, and for that reason, Mr. Chairman, I hope this amendment will be voted down and leave it where it properly belongs, to the jurisdiction of the Pension Committee. A separate bill providing for the Mexican War soldiers will in all probability not meet any opposition from any source, while this bill may not fare so well.

Mr. MACON. Mr. Chairman, I am in favor of the adoption of this amendment right now. I have the highest regard for the chairman of the Committee on Pensions [Mr. RICHARDSON], and I would like to see him have his way about almost any matter ordinarily. But I want to say to the House that these old Mexican War soldiers are dying every day, and hence that this is not the time or place to allow our regard for anyone, no matter how exalted, to control our vote upon this amendment if it is our purpose or desire to do what we can to relieve the condition of these old patriots during the expiring hours of their illustrious lives.

A few years ago when we passed what is known as the McCumber bill, which included both Mexican and Civil War soldiers, there were about 4,500 of those dear old souls living, and to-day there are about 1,400 who still tarry with us upon the earth. On yesterday evening I received a letter from the son of an old Mexican soldier who said his father was 85 years of age; that he was lying on a sick bed, dying of cancer; and that he was in need of an attendant all the time, but did not have the means to secure one. Since I have been a Member of the House I have had the honor to pass a special bill for him, increasing his pension from $12 to $20 a month, but he is in need of an attendant every hour of the day, and $20 will not provide one and satisfy the other necessary demands of this old soldier. If we were to wait until the bill mentioned by the gentleman from Alabama came into the House increasing the pension of the Mexican soldier, this dear old fellow will, perhaps, have gone to his final rest and have incurred considerable expense before he goes because the Government had not come to his aid before it was too late.

Now, what I have said of this old soldier can be said practically of every Mexican soldier. They are all over 80 years of age, all too old to work; they have but little income, and yet the chairman of the Committee on Pensions would ask this House to stop and wait until he can bring in a bill to meet the pressing conditions that have, unfortunately, overtaken these old warriors. Mr. Chairman, I hope the amendment will be adopted without the loss of a single vote. The same flag that floated over those who fought in the Civil War floated over those who fought as Mexican War soldiers. We are proud of them. God bless the old fellows; they do the best they can for themselves in their old age, and we ought to give them a little additional help before they are called hence. [Applause.]

Mr. HOBSON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOBSON. Would the Chair kindly state the amendment again.

The CHAIRMAN. That is hardly a parliamentary inquiry. The gentleman from Alabama asks unanimous consent that the amendment may be again reported.

There was no objection, and the amendment was again reported.

Mr. GRAHAM. Mr. Chairman, the amendment offered by my colleague [Mr. MANN] would entirely destroy the plan on which this bill has been prepared. On page 2 of the bill, and it is not necessary to read it, as Members will remember that there is one provision in it for those who served 90 days, an-

other provision for those who served 6 months, another for those who served 9 months, and still another for those who served 1 year——

Mr. CULLOP. Mr. Chairman, I would like to ask the gentleman from Illinois a question?

Mr. GRAHAM. I have hardly got far enough to make a foundation for a question.

Mr. CULLOP. I want to ask the gentleman if this amendment was adopted would it give these men, or nearly all of them, a pension of $15 a month? They ought to have a higher pension than that.

Mr. MANN. Adopt this amendment, and I will offer another amendment giving them a higher pension.

Mr. GRAHAM. Mr. Chairman, I decline to give up my five minutes of time in this way. The Sherwood bill is a service pension bill. I ask, gentlemen, in all sincerity, how can you make a service pension bill apply to the Mexican War soldiers? You can not do it. You can not divide them into classes as having served 90 days, or 6 months, or 9 months, or 12 months. The provisions which apply here have no application in the case of the Mexican soldiers at all. They are in a different class and should be treated in a different way.

Again, the discussion to-day up to this time makes it very clear that we ought to keep the expenses paid for pensions to Union soldiers in a class by itself. The country wants to know what the expenses in connection with the Union soldiers amount to, and if it is to be mixed up with the Mexican War soldiers, of course it would be difficult to do that.

Mr. KENDALL. There would be no confusion about that.

Mr. GRAHAM. There will be no confusion whatever if this amendment is not adopted. I reiterate what I said a few days ago, the Pension Committee has some rights, and the chairman of that committee will report a bill providing for pensions for Mexican War veterans, and even if it be not privileged there is no reason in the world why the House could not pass the bill during this session. Let us stick to the text. Let us keep to the bill before us. Let us not inject into this bill amendments which entirely and utterly destroy its character and require the reframing of it on a different theory.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman——

The CHAIRMAN. Unless some Member who has not spoken shall claim the floor, the gentleman from Illinois has the right to close the debate on this amendment.

Mr. MANN. Mr. Chairman, if this amendment be agreed to, I propose, at the proper time, to offer an amendment making the time of service 60 days and the minimum pension $30 a month. [Applause.] I have heard a great deal of personal history related during this debate. My father was a Mexican War veteran and a Civil War veteran. He fought in both wars. I would not have this House, much less this Congress, even temporarily make a distinction against those men who fought in the Mexican War and gave us the entire of Texas and the far West. Many of them are survivors of the Confederate Army. I think the time has come in our country when, at least as to these men, we can say we should give them the same rights that we give to our own soldiers of the Civil War. I care not for the petty strife between two committees as to which has jurisdiction. There is no such strife at the other end of the Capitol, because there is only one committee that has jurisdiction at all.

While I should have preferred to have my honored and beloved friend from Alabama [Mr. RICHARDSON] offer this amendment himself as chairman of the Committee on Pensions, I think the House ought to be big enough to say, "We will give to the ex-Confederate soldiers who fought in the Mexican War as high pensions as we give to the veterans who fought in the Civil War. [Applause and cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. MANN].

The question being taken, on a division (demanded by Mr. RUSSELL and Mr. RICHARDSON) there were—ayes 159, noes 45.

Accordingly the amendment was agreed to.

Mr. GRAY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert after the word "served" in line 3 on page 1, the following: "90 days or more."

Strike out, beginning with and inclusive of the words "as follows" in line 8, and all of lines 9 and 10 on page 1, and all of lines 1, 2, and 3, and line 4 to and inclusive of the word "month" on page 2, and insert in lieu thereof the following: "at the rate of $30 per month."

Mr. OLMSTED. Mr. Chairman, I make the point of order that that amendment proposes to strike out the amendment which the committee has just voted into the bill.

Mr. GRAY. I think the gentleman is mistaken upon that proposition.

Mr. MANN. I ask unanimous consent that the amendment be again reported, and I suggest to the Clerk that he read, first, the page and line.

The amendment was again reported.

Mr. FULLER. I move an amendment to the amendment.

The CHAIRMAN. The gentleman is not in order at the present time. There is a point of order pending.

Mr. GRAY. Mr. Chairman, if the House desires a separate vote on those amendments to strike out, I am willing that a separate vote should be had; but I want them all considered together.

The CHAIRMAN. Will the gentleman from Indiana defer his remarks, as there is pending a point of order made by the gentleman from Pennsylvania [Mr. OLMSTED]? [Cries of "Vote!" "Vote!"]

Mr. MANN. Mr. Chairman, what is the point of order that is made against the amendment?

Mr. OLMSTED. Mr. Chairman, if the Chair will permit me, the point of order is that the amendment proposed by the gentleman from Indiana seeks to strike out of the bill the very amendment which the committee has just adopted concerning Mexican soldiers.

Mr. GRAY. The gentleman is mistaken about that.

The CHAIRMAN. On an examination of the amendment, the Chair will say to the gentleman from Pennsylvania that he is mistaken. The amendment does not seek to strike out what the committee has just put into the bill.

Mr. OLMSTED. Then I misunderstood the reading of the amendment, and for that reason withdraw the point of order.

Mr. KENDALL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KENDALL. I want to inquire of the gentleman from Indiana, the author of the amendment, if this amendment is not substantially a provision for a straight dollar-a-day pension?

The CHAIRMAN. That is hardly a parliamentary inquiry.

Mr. GRAY. Mr. Chairman, I answer the gentleman from Iowa that this is a straight dollar-a-day amendment.

Mr. Chairman, the sincerity of men is measured not by what they say they favor before they are in office, nor by what they declare for after they are out of power, but by what they do and carry out while they are clothed with authority. [Applause.] The sincerity of you gentlemen on the Republican side will be measured by what laws you enacted while you held full legislative control of the Government and dominated the House, the Senate, and the Executive, and not by what you say you favor and stand for to-day [applause]; and the sincerity of the Democratic side will be measured not by what we say we believe the Senate will pass or the President will approve, but by what we pass and approve ourselves. [Applause.]

During the course of this debate the gentleman from Texas [Mr. DIES] has taken occasion to make certain statements concerning the congressional districts of Indiana, impugning the motives of the Indiana delegation in their support of pension legislation. Indiana is a great State, and I am proud of it. It is a loyal State, and I am proud of it. [Applause.] Indiana is a Democratic State, and I am proud of that, too [Applause and cheers on the Democratic side.] Indiana sent more soldiers to the Civil War to preserve this Union than any other State of like area and population, and I am proud that I am enrolled here as a Member of the House from that State.

Two years ago both the Democratic and the Republican State conventions of Indiana declared for a dollar-a-day pension for the surviving soldiers of the Civil War, and one year ago the Democratic convention which gave me the nomination as candidate for membership in this House pledged my support for a dollar-a-day pension law. I respect that pledge to the people of my district, and I would rather suffer the loss of my right hand than to violate or disregard this promise to my constituents. [Applause.]

The Indiana delegation, instead of being coerced by a minority of old and disabled soldiers, as the gentleman from Texas charges, are representing here, in supporting increased pensions, a majority in their districts and in the whole State. Granting the statement is true that there are 4,000 soldiers to each congressional district in Indiana—and it is with pride we concede it—yet there are more than 40,000 voters in every district. It is not the soldier alone asking this pension, but nine-tenths of the people of the State believe it is justly due them and are in favor of this amendment.

In Indiana the people appreciate the blessings of free institutions and realize their duty and obligation for their perpetuation. In Indiana the people cherish the liberty and the religious and political freedom guaranteed to every citizen by

this great Nation. In Indiana the people of all parties alike believe that the services of the soldier in preserving the Union of the States is worth at least a common support in old age. If these sentiments do not prevail in Texas, I only deplore and regret it.

Indiana has been loyal to Texas. Indiana has done her part toward Texas. Indiana did her part in attending the birth of Texas as a State. [Applause.] Indiana did her part in admitting Texas into the Union and in protecting her boundaries from Mexican invasion, and the bones of Indiana soldiers now bleaching on the battle fields of Palo Alto and Buena Vista attest the loyalty of Indiana to Texas. Indiana did her part in placing the "Lone Star" in the great constellation of the States, and, later on, Indiana did her part in keeping it there [applause], and I am proud of it—not so much of Texas, but of Indiana.

But let it be said to the honor and credit of the Confederate soldiers for their generosity and magnanimity that they are not opposing this pension. I have heard Confederate soldiers say of the Union soldiers that they were entitled to a pension, and I have heard Union soldiers say that they regretted that the policy of nations forbids a pension to the aged and disabled Confederate soldiers. The broad charity of the soldiers of both the North and South is fast overcoming the prejudice long dividing the States, erasing sectional lines, and is bringing the people closer together for a better understanding of their mutual welfare and a better realization of their duties and obligations to each other. It is their influence which has softened the spirit of animosity dividing the two sections, and which has brought the day when there is no North, no South, no East, no West, but one united country supported alike and loved and cherished by all.

I shall enter upon no review of the services of the soldiers. Eulogies are for the dead. The demand upon us here is for support for the living. There will yet be a time for flowers, and it will too soon come. The boy soldiers of '61 and the youthful volunteers of the Civil War, now bent with years and gray with age, are waiting around the cold ashes of a dying camp fire for the Nation they defended to sound the call for rations and supplies.

The average age of the Union soldier is now past 70. His allotment of threescore years and ten has more than expired. He is standing on the verge of the grave, listening for the bugle of time to call him for the march to the great beyond. Already within the fast-falling shadows of life's twilight, waiting for a summons which is even past due, the soldiers of the Civil War are asking of the Union they preserved and of the people who to-day enjoy the blessings of peace, for which they sacrificed their health and shed their blood, to allow them for this brief remaining time a sum only sufficient to provide them the common necessaries—a pension of a dollar a day. But the answer that comes back tells them that the Nation they defended can not raise the money for a $1 a day pension and the people who enjoy the peace they purchased can not afford to pay it. My reply is that the Government can raise the money and the people can not afford to turn a deaf ear to this last appeal from these aged soldiers. If it be true that this pension would call for appropriations beyond the power of the Government to provide for, both political parties ought to have made this discovery before the election. It is now too late to begin exploration for new facts and pension data. [Applause.]

Neither age nor time of service furnish a just basis for the equalization of pensions. The soldier less advanced in years may be suffering from greater disability incurred in service and the veteran serving the longer term may have never stood on the firing line nor have done more than picket duty, yet upon the respective basis of age and time the older would receive more than the younger soldier who suffers aggravated disability from service, and the soldier serving the longer term would receive more than the soldier serving less time but who had braved exposure in the front ranks and endured all the horrors of war. But if the value of such services could be measured by age or time of service, it would be unavailing. Such a debt could not be paid by the Nation nor such services compensated for in a money value.

Pension laws are not enacted upon the principle of assuming full payment or adequate compensation to the soldiers. The policy of pensions is not that of payment or full compensation, but of relief from age and disability. In the very nature of things—upon any basis, under any law—some would receive support who are suffering less from disability or impairment from old age or whose financial condition may not call for relief. But no general pension law can or ever will be drafted to equalize pensions unerringly to all. It is true that the cost of support will vary, and no fixed sum will furnish an absolutely true measure of relief in every case. Yet the common necessaries required to support life do not differ greatly with individuals, and the principle of support will furnish a basis for the equalization of pensions less liable to work inequalities in its application than either age or time of service. Support not only furnishes the only standard to which the Government can conform, but it fulfills the spirit of gratitude of a nation toward its defenders. Support providing only for the vital necessaries of life calls for not less than $1 a day.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GRAHAM. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes.

Mr. MANN. I hope that request will not be objected to.

Mr. KENDALL. I desire to know if the request is made sympathetically? Is the gentleman in sympathy with the amendment proposed?

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Indiana be extended for five minutes. Is there objection?

There was no objection.

Mr. GRAY. The report of the Commissioner of Pensions shows that of the more than 2,000,000 soldiers engaged in the Civil War there are surviving to-day less than one-fourth of that number, or, in round numbers, 500,000; that the average pension now paid is not less than $15 per month; that the average age of these surviving soldiers is past 70 years, and mortality tables show the expectancy of life at this age to be of short duration; and that this pension if granted would call for decreasing appropriations with each expiring year, and in not to exceed an average of eight years all appropriations would cease to be called for, and this legislation would be only a matter of national pride to be pointed to in history.

Our Nation has appropriated and is appropriating money for other purposes, and it can appropriate the money to pay this pension to the soldiers. This Government has appropriated $400,000,000 for the construction of the Panama Canal, but as important as is this great undertaking to the convenience of trade, it is not more important to this Nation, to this Government, and the preservation of this Union and the perpetuation of free institutions than the care of our aged and infirm soldiers. We have appropriated directly and indirectly vast sums of money for the purchase of the Philippine Islands, 10,000 miles across the sea, and to subjugate a liberty-loving people abiding there, and to crush out the spirit of self-government and free institutions which arose in that far-off land in imitation of our own example. [Applause.] In atonement, alone, for this imperial policy, in violation of human rights, as measured by the Declaration of Independence, we ought to be willing to expend a like sum in providing the soldiers, who have defended this Union, securing our freedom and liberty here, with the comforts of life during their few remaining years. [Applause.]

We have appropriated hundreds of thousands of dollars annually to improve rivers and harbors, and at some places where there is very little if any navigation. [Laughter and applause.] We have appropriated hundreds of thousands of dollars to carry out "pork-barrel" legislation, and to build public buildings in towns where there was little or no necessity for their construction. [Applause.] We have appropriated hundreds of thousands of dollars to promote irrigation projects where private interests were more conserved than the public welfare. The President is to-day advocating a ship-subsidy law, which, if passed, would eventually call for appropriations of from $10,000,000 to $40,000,000 annually. If such sums can be appropriated to pay the shipowners a gratis fee for no service we can appropriate money to pay the soldier for the highest service known to the standard of men. [Applause.]

During the Civil War the bondholders loaned the Nation paper money, and the Nation paid the same money to the soldier for his service on the battlefield. After the war was over and the credit of the Government had been established by the victories won by our soldiers as solid as the Rock of Gibraltar, Congress passed the Public Credit Strengthening Act, changing the contract and making the bonds, which were payable in currency, payable in coin, increasing the debt and obligations of the Government hundreds of millions of dollars. If Congress can appropriate hundreds of millions of dollars to strengthen the credit of the Government with the bondholders, it can appropriate a like sum to strengthen the credit of the Government with its real and true defenders, the soldiers. [Applause.]

But, more, Mr. Chairman, this bill would effect a great saving to this country. It would dispense with all or a part of the pension agencies now costing the Government $500,000 annually; it would dispense with all or a part of the examining boards now costing the Government $700,000 annually; it would dispense with one-third of the office force at the General Pension Office and reduce the cost of the administration of that bureau

hundreds of thousands of dollars annually. But more than all it would enable us to cut down our expenditures for the Army and Navy, now, in time of peace, costing the Government in round numbers $300,000,000 annually, and by a policy of liberal pensions enable us to depend upon volunteers, who in every war have proven our bravest defenders and most valiant soldiers. [Applause.]

By this policy we can save more than enough to pay every surviving soldier of the Civil War a dollar a day for the rest of his life. [Applause.] But still more. We have now 20,000 soldiers cared for in State soldiers' homes drawing $100 each a year from the Government, and we have 25,000 soldiers quartered in national soldiers' homes costing the Government more than $200 each. These men are not there from choice but from dire necessity. Although housed in palatial residences, surrounded by gorgeous architecture, spacious lawns and grounds, and imposing sculpture and statuary, yet, amid all this, these men are lonesome and disconsolate and are looking back with a longing gaze to home, sweet home. They would rather go back to live in a log hut without a floor and sleep on a bed of straw, to be with their children and with their friends and old-time neighbors, to die and be buried in their home churchyard. [Loud applause.] And many will go back if they are given this pension. If only 10,000 of the soldiers in national homes avail themselves of a dollar a day to go back home it would save the Government over $2,000,000. If one-half of the soldiers in both State and National homes left to support and care for themselves it would effect a saving to the Nation of $3,000,000 annually.

Mr. BUCHANAN. Mr. Chairman, I ask unanimous consent that the gentleman be granted 10 minutes' additional time.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. LEE] offers an amendment to the amendment offered by the gentleman from Indiana, which the Clerk will report.

The Clerk read as follows:

Amend the amendment by striking out the words "90 days" and insert in lieu thereof the words "1 day."

Mr. LEE of Pennsylvania. Mr. Chairman, in submitting this amendment for the consideration of the House, I am prompted by the belief that any person who enlisted in the military or naval service of the United States during the late Civil War, and who was honorably discharged therefrom, should be placed upon the pension roll without regard to whether that service was for one day or for one year.

A man who is patriot enough to enlist in a cause and who has been honorably relieved of that duty is justly entitled to the recognition of his country. [Applause.] And personally I know of no good reason why our pension laws should provide for a service of at least 90 days, and thus ignore the honest duty of many loyal soldiers who for various good reasons did not serve the full 90 days.

Of the district that I have the honor to represent—Schuylkill County—I may with pride refer to the fact that it furnished between 13,000 and 14,000 men to the Union cause, as many men in proportion to its population as any section of the North.

And I can recall to-day the stories that I heard in my early childhood of the devotion, self-sacrifice, and patriotism of the men of the Washington Artillerists and the National Light Infantry, who left my native town of Pottsville on April 17, 1861, and who, with three other companies from my own great State, were the first troops to reach Washington and bring cheer to the saddened heart of the immortal Lincoln. These troops arrived at 6 o'clock on the evening of the 18th of April, 1861, and by order of the Secretary of War were escorted to the National Capitol. The next day the old musket was exchanged for the Springfield rifle, the distribution of the new arms being made in the presence of the President of the United States, the Secretary of State, and the Secretary of War; and this prompt response of these companies proves beyond question the loyalty and fidelity of the men of Pennsylvania. The march of these brave patriots—538 in all—was the vanguard of a mighty army that followed during the four succeeding years, and that finally brought glorious victory to the cause of the Union.

As a mark of the Nation's gratitude the House of Representatives of the United States, on July 22, 1861, passed a resolution of thanks to these brave soldiers of Pennsylvania, who were the first to arrive for the defense of the Capitol.

These troops are known as the First Defenders, and within one week from the commencement of the war Schuylkill County sent to the front 1,795 men.

If some of those brave and true men were mustered out of the service before the expiration of 90 days for causes beyond their control, is it right, I ask you, that such men should be excluded from the benefits of this pension bill?

Of the many splendid regiments which the old Keystone State furnished to the Union Army nothing need be said at this time. Their deeds of valor are written on the pages of history, and their place on the honor roll of the Nation is secure.

But I would not be true to myself if I were to permit this opportunity to pass without making special mention of the gallant war records of the fighting Forty-eighth and Ninety-sixth Regiments of Pennsylvania Infantry and the Seventh Pennsylvania Cavalry, all three of which were made up almost entirely of men from the county of Schuylkill. These famous regiments were in active service during the entire Civil War, participating in most of the great battles, and thus contributing their full share toward the success of the Federal forces. I am glad to know that the men of those regiments are to be provided for under this the best pension measure that has yet been proposed, and that they will receive the maximum amount in every case.

But, Mr. Chairman, I have in mind several companies of infantry that were recruited within the confines of my county, and assigned to regiments, known as "emergency men."

These men were sworn into the service of the United States Government for an indefinite period to repel the invasion into Pennsylvania of that illustrious southern leader, Robert E. Lee. [Applause.]

These emergency men were mustered out of the service before the expiration of 90 days. What of these soldiers? Are their services, their loyalty to country, to be disregarded because they had not been enrolled for a certain defined time? How are we to measure the patriotism of a man? Here is an instance of men sworn into the military service of the Government for an indefinite period, who rendered great and timely service to their country, and yet in all the years that have elapsed since the termination of the war they have received no recognition, no recompense, for a duty that was not entered upon for a certain term, but for so long a time as their services might be required.

I say, therefore, in all fairness, in all justice, that this pension bill should be so amended as to embrace every soldier and every sailor sworn into the service of the United States during the late Civil War who can show an honorable discharge from that service.

While it is true our present pension laws are liberal, yet there are many worthy cases they do not cover. There are thousands of deserving old soldiers living in various parts of this country, aged, decrepit, and dependent, who are not yet provided for under our laws.

And I also feel that a generous provision should be made for the widows of such soldiers and sailors as would be entitled to pensions under this act. The women who were obliged to make sacrifices for their country's welfare, and who spent the best days of their lives in caring for and nursing their soldier husbands, should not be forgotten. To my mind such widows should be paid the service pension that their husbands, if living, would be entitled to under the bill.

Let us not think of the expense at this time. There is a question of duty involved this day. Let us rise to the occasion and meet our obligations of duty.

Mr. Chairman, our Democratic national platforms have repeatedly declared for liberal pensions, and I urge that this platform mandate be carried out by the Democratic Members of this House.

Coming from a district in that great Northern State of Pennsylvania, I appeal to the Members of this House from every part of the Union, and especially to you, my good friends and colleagues from the Southland, to aid us now in this worthy cause and show the men of the North that you are not unmindful of their patriotism and love of country. [Applause.]

Mr. THOMAS. Mr. Chairman, I desire to offer an amendment which I send to the Clerk's desk.

The CHAIRMAN. The Chair will state to the gentleman from Kentucky that there is already an amendment to the amendment, so that no more amendments are in order now.

Mr. THOMAS. It is not an amendment to that amendment.

The CHAIRMAN. It would not be in order at this time.

Mr. KENDALL. Mr. Chairman, I desire to make a parliamentary inquiry as to whether a substitute proposed to the amendment of the gentleman from Indiana, as it is proposed to amend it by the amendment of the gentleman from Pennsylvania [Mr. LEE], would be in order.

The CHAIRMAN. There is already an amendment pending.

Mr. FULLER. Mr. Chairman, I desire to offer, if it is in order, a substitute for the other amendment, covering that question.

The CHAIRMAN. Does the gentleman from Illinois [Mr. FULLER] desire to offer a substitute?

Mr. FULLER. A substitute for the pending amendment.

The CHAIRMAN. The gentleman has a right to do that.

Mr. KENDALL. Upon what principle is that permissible now?

Mr. RODDENBERY. Mr. Chairman, I desire to be heard on the pending amendment and the amendment to the amendment.

The CHAIRMAN. The Clerk has not reported the substitute offered by the gentleman from Illinois [Mr. FULLER].

Mr. RODDENBERY. I was not aware that a substitute was offered.

The CHAIRMAN. The Clerk will report the substitute.

The Clerk read as follows:

Amend section 1 as follows:

"Strike out all of lines 9 and 10 on page 1, and lines 1, 2, and 3, and line 4 to the word '*Provided*,' on page 2, and insert in lieu thereof as follows:"

"'In case such person has reached the age of 62 years, $15 per month; at the age of 65 years, $20 per month; at the age of 70 years, $30 per month, provided such person shall have served at least 90 days prior to his discharge.'"

Mr. FULLER. That substitute, if adopted, would simply provide for the age limit in place of the service limit for pension, and, in effect, the dollar-a-day bill, whenever the soldier arrives at the age of 70 years. That is all there is to it.

Mr. GRAHAM. Will the gentleman yield to a question?

Mr. FULLER. Yes.

Mr. GRAHAM. The bill as now amended includes the Mexican veterans. Under that provision the maximum pension for them would be $30 per month.

Mr. FULLER. The maximum pension would be $30 a month; yes. Perhaps, as to the Mexican pensioners, it would be advisable to further amend by fixing a 60-day limit instead of a 90-day limit, which I understand my colleague from Illinois will offer before the bill is perfected.

Mr. GRAHAM. Then your amendment, as I understand it, is only tentative and depends upon another one yet to be offered?

Mr. FULLER. Oh, we can not offer any amendment now that will cover the whole question. This simply substitutes the age limit instead of the length of service as the basis for the pension.

Mr. GRAHAM. But should not the amendment when offered be such a one as could stand on its own legs?

Mr. FULLER. It does.

Mr. GRAHAM. I understand you to say it does not, but that it leans on the legs of the amendment yet to be offered by our colleague from Illinois.

Mr. MANN. You can not amend different parts of the bill at the same time.

Mr. FULLER. I am not offering a substitute for the whole bill. It is only for this amendment now pending on this one question.

Mr. GRAHAM. But it would apply to the Mexican soldier.

Mr. FULLER. Not unless there was a further amendment. There should be a further amendment, I think, limiting the service of the Mexican soldier to the 60 days instead of 90.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Pennsylvania [Mr. LEE]. Without objection, the Clerk will again report the amendment to the amendment.

The Clerk read as follows:

Amend the amendment by striking out the words "90 days" and insert in lieu thereof the words "1 day."

The CHAIRMAN. The question is on the amendment to the amendment.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question is on agreeing to the substitute offered by the gentleman from Illinois [Mr. FULLER] to the amendment offered by the gentleman from Indiana [Mr. GRAY].

The question was taken, and the substitute was rejected.

The CHAIRMAN. The question now is on agreeing to the amendment offered by the gentleman from Indiana [Mr. GRAY].

The question being taken, on a division (demanded by Mr. GRAY) there were—ayes 84, noes 121.

So the amendment was rejected.

Mr. THOMAS. Mr. Chairman, I offer an amendment which I send to the Clerk's desk and ask to have read.

The CHAIRMAN. The gentleman from Kentucky [Mr. THOMAS] offers an amendment, which the Clerk will report.

The Clerk read as follows:

After the word "laws," in section 1 of the amendment offered by Mr. RUSSELL, add the following:

"And the members of State organizations who were mustered into the State service and served 90 days or more in the War of the Rebellion."

Mr. THOMAS. Mr. Chairman, the object of my amendment is simply to place State troops who served in the War of the Rebellion upon an equality with other troops. In the State of Kentucky, and I think also in the State of Missouri and some other border States, there were a number of men who were sworn into the State service who were officered and commanded by United States Army officers during the war, and who were never mustered into the service of the United States and have never been able to secure a place upon the pension roll. In my own State there were four or five thousand of these militiamen. Numbers of them served during the Civil War for 12 months and over. They were not mustered into the service of the United States. They were mustered into the service of the State, and they performed worthy service.

Mr. HAMMOND. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Minnesota?

Mr. THOMAS. Yes, sir; with pleasure.

Mr. HAMMOND. Were these men whom the gentleman says were not mustered into the military service discharged from the United States service?

Mr. THOMAS. They could not have been discharged from the United States service, because they never were mustered into it.

Mr. HAMMOND. Then would not the gentleman's amendment, as it stands and as it has been read, be an idle and useless piece of legislation unless it were further amended?

Mr. THOMAS. I think not. I will take my chances as to that.

Mr. HAMMOND. I want to call the gentleman's attention to line 5. It seems to me it limits the giving of pensions to men who served in those wars and who were honorably discharged, and it occurred to me that unless that part of the bill is perfected the gentleman's amendment does not accomplish, and will not accomplish, the purpose he has in mind.

Mr. THOMAS. I think not. My amendment simply provides that soldiers who were in State service and were mustered into the State service and served 90 days or more shall be entitled to all the provisions of this act.

Mr. HAMMOND. I did not understand it so.

Mr. NORRIS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Nebraska?

Mr. THOMAS. With great pleasure.

Mr. NORRIS. As I understand the gentleman's amendment, it would apply to Confederate soldiers as well as to Federal soldiers.

Mr. THOMAS. I think not.

Mr. NORRIS. Of course, I know the gentleman did not intend that; but, judging from the reading of it, the gentleman's amendment does not confine its scope to those who were in the United States service.

Mr. THOMAS. I will not object if the gentleman wants to construe it that way and the department wants to construe it that way. My father was a Federal soldier. [Applause.] I think the war is over. I will vote any day in this House for all the pensions that Federal soldiers want, and will vote any day to pension Confederate soldiers. [Applause.] If the Democratic Party and the Republican would recognize the fact that the war is over the statues of Grant and Lee would stand side by side in Statuary Hall. [Applause.] No man can stand on the floor of this House and give any reason why any man who served in the Federal Army and was mustered into the State service should not be put upon a pensionable footing along with the men who were mustered into the service of the United States. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. LANGLEY. Mr. Chairman, ever since I became a member of this body I have been doing everything in my power to induce Congress to enact some legislation which will give a pensionable status to the class of soldiers to whom the gentleman from Kentucky [Mr. THOMAS] has referred, and especially to that portion of them who cooperated with Federal troops under the command of Federal officers and aided in the suppression of the rebellion. I did not quite catch the exact language of the gentleman's amendment, and I am not certain that his proposition coincides with my views upon the question. But I am satisfied, from previous conversations I have had with him, that we are both seeking to accomplish the same end, and therefore I shall vote for his amendment. I want to say, however, in justice to myself, that I have not offered a similar amendment, for the reason that after a conference with my associates on the Committee on Invalid Pensions, and with other gentlemen of this House who represent constituencies interested, as mine are, in such legislation, and they are of the opinion that if we ever succeed in getting such legislation through Congress, it will be in the shape of a separate bill which has been thoroughly digested and reported by a committee and considered fully on its own merits by both Houses.

Gentlemen who are just as deeply interested as I am in this subject have insisted that the adoption of such an amendment to this bill would endanger the passage of the bill itself, and that it would be stricken out in another body if adopted here, because of the general opinion that it ought to be considered as a separate proposition; and they have contended also that to offer it here and have it defeated would injure rather than aid the cause of the militiamen. I yielded regretfully and most reluctantly to these arguments and agreed not to offer the amendment, but it was with the distinct understanding with the chairman of the committee and other members of it that we are to have a full and fair hearing on this militia proposition before the committee, where a bill introduced by myself is pending, along with several similar bills introduced by other Members. I know personally that a number of the members of our committee are favorable to some conservative legislation of this character, and I happen to know also that practically every member of the committee will oppose such an amendment to this bill.

I am saying this much to my friend from Kentucky [Mr. THOMAS] and to other friends in the House with whom I have discussed this militia question so many times, that they may understand why I, as a member of the committee, decided not to offer the amendment myself, and also in order that the militiamen and their friends in my district may know why I did not do so. However, if Congress should decide to amend this bill by including the militiamen, I think I would be the happiest man in this House; and if it does not do so, as I fear it will not, I want to say that I hope, before the Sixty-second Congress adjourns, a measure of that kind will be enacted.

Time and again while the party to which I belong had control of the House I appealed to them for favorable consideration of this measure, but I appealed in vain. Now, you gentlemen on the other side are in control, and I am going to appeal to you to do these old militiamen justice; and if you pass such a bill, Republican as I am, I will take off my hat to you and give you full credit for your action. [Applause.]

I have spoken so often on this question since I have been a Member of this House that I hesitate to take up your time in an attempt to go into the matter fully now. In the Sixty-first Congress, on March 21, 1910, when the pension appropriation bill was pending, I took occasion to discuss this subject pretty fully, and I am going to take advantage of the privilege which has been granted me, by inserting in the RECORD a portion of my remarks at that time, together with colloquies which I had with other Members. These quotations present the case as fully and clearly as I could do it now. I do this in the hope that it will serve to call to the attention of Members, and particularly new Members, to the great injustice which has been done these militiamen who aided in the suppression of the Rebellion. The quotations are as follows:

Aside from the question of increasing the pensions of those whose cases are covered by existing law, I want to call attention to some elements of injustice that the existing law contains—to some discriminations that ought to be remedied. On two occasions since I have been a Member of this body I have urged upon it the passage of a bill that will extend the provisions of the pension laws to that loyal, patriotic body of men who were never mustered into the service of the United States, but who rendered just as heroic, just as effective, and just as valuable service in the suppression of the rebellion as those who were mustered in, and who, in fact, did much more to that end, and under more arduous conditions, than thousands who are now on the pension rolls. [Applause.] I know that there are many Members of this House, including my distinguished friend from New Hampshire, the chairman of the Committee on Invalid Pensions, who look askance whenever the subject of pensioning the militia is broached. They seem to think that it is a proposition to put everybody on the pension roll who happened to belong to a State militia organization, whether the members of it actually did service or were merely organized for local purposes, and possibly for meeting the enemy, whose coming may have been rumored, but who, in fact, never came. Let me disabuse your minds of that impression, so far as my contention is concerned.

I am asking relief only for that class of men like those in Kentucky, West Virginia, Missouri, Kansas, Indiana, Pennsylvania, and perhaps two or three other States who acted with the armed military forces of the United States, and in many cases armed and equipped by it, and who rendered actual and valuable service in the suppression of the rebellion. The whole history of pension legislation shows that the dominant thought in the minds of those who advocated and passed these measures was to give recognition to service rendered to the Government. That has always been the primary consideration.

In the very beginning President Washington urged the granting of a pension to all classes of soldiers, including the militia, who had rendered actual and loyal service against the enemy. This class of soldiers was expressly recognized by the act of March 16, 1802, and by various acts subsequent to that date and prior to the Civil War. The Missouri Home Guards were provided for by the act of 1862, and by more recent legislation the Enrolled and Provisional Missouri Militia, the Texas Rangers, and an organization of Tennessee militia were given a pensionable status. I contend that the service rendered by the Kentucky militia and by the militia of some of the other States during the Civil War was equally as meritorious and equally as important to the Union, and that their military status was such that they are just as much entitled to a pension as are the members of those organizations already recognized.

Mr. GARDNER of Michigan. I notice the gentleman did not include Ohio in the list of States that had furnished militia. The State of Ohio furnished militia, and recently paid them for their services out of the State treasury.

Mr. LANGLEY. If I did not mention Ohio, it was an oversight, because Ohio is always in the forefront and ought to be in my mind. I said "and two or three other States."

Mr. LEVER. Has the gentleman any statistics as to the number of those militiamen?

Mr. LANGLEY. If the gentleman will just wait a moment, I am coming to that point.

Mr. GARRETT. Has the gentleman time to yield to me for a question?

Mr. LANGLEY. For a question, certainly.

Mr. GARRETT. The gentleman throughout his speech speaks of the War of the Rebellion. I just wanted to ask the gentleman if he had noticed in the last general pension legislation the change of language used, in which it refers to the Civil War rather than the War of the Rebellion?

Mr. LANGLEY. I think the gentleman, if he will read my speech, will find that I used the term "Civil War" in the opening of my remarks; and if I used the other term later, I desire to correct it.

Mr. GARRETT. Correct it in the RECORD.

Mr. GARDNER of Michigan. From force of habit.

Mr. HAMLIN. I wish to ask the gentleman if he can explain how it happened that so many of the Missouri State Militia were left off the list of Government troops? For instance, the gentleman has just mentioned the home guards of Missouri. They unquestionably, from the record, were no more a part of the United States troops than were a number of other State militia organizations. Can the gentleman explain how that happens?

Mr. LANGLEY. At this moment I do not think I can answer the gentleman's question, if I understand the purport of it. I am not sure that I quite understand his question.

Mr. HAMLIN. There were any number of State militia organizations in Missouri, so called.

Mr. LANGLEY. Yes.

Mr. HAMLIN. And they served not only 90 days, but many of them served 2 years and many of them 3 years. But they have no pensionable status to-day, because they are not carried on the records of the War Department as Government troops.

Mr. LANGLEY. They were not mustered into the service of the United States.

Mr. HAMLIN. They were under the jurisdiction and orders of officers of the Federal Government.

Mr. LANGLEY. So were the Kentucky troops.

Mr. HAMLIN. And I want to know if the gentleman can explain how it happens that they have no pensionable status to-day? They fought side by side with others who have a pensionable status

Mr. LANGLEY. I am endeavoring now to show that Congress has been remiss in its duty by not making the pension law broad enough to cover the class of men to whom I think the gentleman refers.

Mr. HAMLIN. If the gentleman will permit me, I hold no brief for the chairman of the Invalid Pensions Committee, but I think he is perhaps misinformed as to that gentleman's position on this proposition. I think he is inclined to believe that these people are entitled to a pensionable status.

Mr. LANGLEY. I have been laboring for a long time to convince him that they are entitled to it.

Mr. GOULDEN. Mr. Chairman, I see the gentleman alluded to [Mr. SULLOWAY] is present, and he is big enough and handsome enough to take his own part.

Mr. LANGLEY. I shall certainly be delighted to yield to him.

Mr. SULLOWAY. I have no desire to interrupt the gentleman from Kentucky, or inject anything into his speech. I suppose the gentleman from Missouri [Mr. HAMLIN] well remembers that the question as to which of the Missouri militia organizations were entitled to be considered in the service was settled by a commission long ago.

Mr. LANGLEY. That was the Hawkins-Taylor commission.

Mr. SULLOWAY. Yes; that was the name of it.

Mr. HAMLIN. That is correct.

Mr. SULLOWAY. Under the findings of that commission certain Missouri militia organizations were included and others were not, as not having been regularly in the service.

Mr. HAMLIN. If the gentleman from Kentucky will permit me, I am perfectly aware of that fact; but the question I want to ask is, if the gentleman knows upon what basis the Hawkins-Taylor commission operated in order to reach the conclusion that other State militia organizations ought not to be placed on an equality with the home guard?

Mr. LANGLEY. At one time I was entirely familiar with that matter, but I have been so busy recently in looking after the interests of the Kentucky troops that I have become somewhat rusty as to the status of matters in Missouri. As a member of the board of pension appeals, a good many years ago, I participated in the preparation of a decision that covers that fully. That decision is in the printed volumes published by the Department of the Interior.

Mr. FOSTER of Illinois. I think the Missouri State Militia who received pay from the National Government at that time were placed on the pension rolls, and those that did not have not been taken in under that resolution.

Mr. LANGLEY. If the gentleman will permit me to go ahead now, I think I will develop in a moment what he is getting at. The Senate Committee on Pensions recently prepared and had published as a Senate document a very interesting and exhaustive history of these various organizations. In the very outset of that document I find this statement:

"There were, as is well known, many persons engaged in some sense in the War of the Rebellion as members of State militia, home guards, and other State military organizations, who were not regularly enlisted and mustered into the military service of the United States. They were called out and served in various emergencies during the war. Some of these rendered very valuable service, fighting in battle and incurring wounds and injuries, while the service of others was of a minor and trivial character. The border States principally, and the Northern States, in which hostilities actually occurred, were the scenes of their operations, and their services were called for by the governors of such States for general and special service therein, though at times the service rendered became incidentally of a national character.

* * * * * * * * *

"In the border States numerous State militia and home-guard organizations were maintained. This was notably so in Missouri and Kentucky, States in which many raids and invasions by the enemy occurred. West Virginia maintained a body of militia, as also did Indiana, and they were called into service in times of various emergencies, especially in cavalry raids made by the enemy into loyal territory; and other States called into their service emergency troops at various critical times, their service being rendered in part in defense of the States

wherein organized, and in part in defense of the interests of the Federal Government.

"In the border States the militia and home guards were frequently engaged in most terrible warfare, and their services in many instances in the protection of their own and the adjacent territory from assaults of guerrillas was rendered under conditions which tested to the utmost their faith in and loyalty to the General Government.

* * * * * * *

"That the State militia, State military organizations, and home guards on many occasions rendered valuable and efficient service to the United States and to the States in which they were organized, sometimes within the limits of those States and again beyond their borders, is undoubted, and there is abundant evidence thereof. In Missouri and Kentucky, for instance, it may safely be said that the holding of those States in the Union was due to their success in crushing out the disloyal and secession sentiment then prevailing in many localities. In some cases there was but little fighting, but they were often used as guards at various points, relieving troops of the Union Army and enabling the latter to proceed to the front.

Mr. THISTLEWOOD. Will the gentleman yield?

Mr. LANGLEY. I will yield to the gentleman.

Mr. THISTLEWOOD. I want to ask the gentleman if it is not a fact that these home guards, this militia, served entirely within the limits of the State and did not go beyond the borders of the State?

Mr. LANGLEY. Oh, not at all. The gentleman is mistaken in that. The Adjutant General's report shows the contrary. I know that in my own State of Kentucky there were some of these militia organizations that went beyond the borders of the State. For example, I have a letter from a member of the North Cumberland Battalion giving in detail the services of that organization and showing that they went entirely out of the State sometimes, and so did others. But, as the gentleman well knows, there are many regular soldiers now on the pension rolls who never did render service outside their own States. That ought not to figure in it, however.

Mr. THISTLEWOOD. Let me ask the gentleman this further question: If those who served beyond the borders of the State were engaged in any battle or engagement, are they now entitled to a pension?

Mr. LANGLEY. I did not quite understand the gentleman's question.

Mr. THISTLEWOOD. If there were those who served within the State only, they are excluded from the pension rolls. We all understand that. But those who went beyond the border and were engaged in battle, are they entitled to a pension?

Mr. LANGLEY. No; but even if that were the law, it would practically exclude the large part of the militia to whom I am referring. The point I am seeking to get at is that these men who rendered service in the suppression of the rebellion—the same character of service as those who were mustered into the United States service—are as justly entitled to pension as anyone else.

Mr. THISTLEWOOD. I do not question the justice of it; I wanted to get at the facts. There are some in my State who came from Missouri. They served in the State Militia and are not pensionable under the law. I thought that the line was drawn somewhere and that that line was when they went beyond the borders of a State.

Mr. LANGLEY. I do not recollect that there is any provision in the pension law which includes the class to which the gentleman refers.

Mr. GOULDEN. Mr. Chairman, will the gentleman yield to me for a question?

Mr. LANGLEY. I will yield to the gentleman from New York with pleasure.

Mr. GOULDEN. I should like to ask if it is not the judgment of the gentleman that men who did service 90 days or more in the manner he describes, whether they remained within the State or out of it, who were under command of Regular officers or Volunteer officers regularly sworn in, ought to have some legislation entitling them to a pension?

Mr. LANGLEY. The gentleman puts the case exactly. I unhesitatingly answer yes. The whole history of pension legislation, as I have already said, shows that the primary consideration has been the service rendered the Government.

Mr. SULLOWAY. But they must have been in the Government service.

Mr. LANGLEY. Ah, that is the point. I say it ought not to make any difference whether they were regularly in the service or not. I know men who served in Kentucky who enlisted with the understanding that they were to go into the service of the United States, but they were not mustered in for one reason or another. Kentucky's quota was filled before many of them had a chance.

Mr. GOULDEN. Never regularly enrolled.

Mr. LANGLEY. Never regularly enrolled, and others believed that they were regularly enrolled, and some of them have told me they did not know until long after the war that they were not. Still others tried in vain to get in, and, failing, went right on serving the Union cause anyhow.

As bearing upon the question of the character and importance of the service rendered by some of these organizations in the suppression of the rebellion, I ask your indulgence while I read a short extract from the work of William F. Fox, entitled "Regimental Losses in the American Civil War," pages 536–537:

"While the more Northern States were confronted with the questions of a war, the border States had to deal with the additional and more serious ones arising from a civil war—a strife in which brother would be arrayed against brother, neighbor against neighbor, and which would be characterized by all the terrible and distracting scenes engendered by such a contest. They were slave-holding States, but they resisted all importunities to join the Confederacy and remained loyal to the Union, although they knew full well that such action would transfer the war to their own fields. Missouri knew that by remaining in the Union her counties would be overrun by guerrilla bands and predatory invasions; Kentucky sturdily refused all overtures from the Confederacy, although it was plain that the State would thus become once more 'the dark and bloody battle ground' of history; Maryland remained steadfast, and her fields resounded with the tread of armies and the roar of battle; and in West Virginia loyal regiments were formed of refugees who had left their homes, their fields, and barns in the hands of a ruthless enemy. It meant something to be loyal on the border.

"And yet these States responded promptly to the calls of the National Government for troops, one of them surpassing all others in its lavish supply of men and money, while the others filled their quotas and did it without a bounty or a draft. The slave-holding States of Delaware, Maryland, West Virginia, District of Columbia, Kentucky, and Missouri not only remain true to the old flag, but furnish 301,062 men for the loyal support of an administration that receives scarcely a vote within all their borders."

And more could be said upon the same subject without telling the whole story. In my own State of Kentucky it was the invincible valor of these men, who not only stood loyally to the cause of the Union but went into battle with the Regular troops, which saved the old Commonwealth to the Union [applause]; and when we consider what might have been the effect on adjacent territory, and even on the cause of the Union itself, but for these men and what they did, I would like to see some gentleman rise on this floor and give a good reason why they and those in other States who rendered similar service should not be given title to pension if it can be shown that they rendered such service for the same length of time which entitles those who happened to be mustered into the service to be placed upon the pension rolls. But more than that can be shown for some of these organizations.

Mr. CLINE. Mr. Chairman, will the gentleman yield to me for an inquiry just there, a very brief one?

Mr. LANGLEY. Yes.

Mr. CLINE. I understand from the gentleman's argument, to which I am not raising any objection, that he is in favor of pensioning militiamen who served and incurred injuries in the service, and put them on the same footing with the regularly mustered soldier.

Mr. LANGLEY. I am contending that they ought to have a pension if they rendered the character of service I have described.

Mr. CLINE. Take, for instance, the militiamen of Indiana. They did not serve, if I remember correctly, outside of their own State. Would the gentleman not be in favor of extending these same rights to the militiamen of Indiana who served in their own State and yet under the State organization?

Mr. LANGLEY. If they cooperated with the armed military forces of the United States, I would. The bill which I have proposed, and which is now pending before the Committee on Invalid Pensions, is limited to that class who cooperated with the armed forces of the United States and rendered valuable service in the suppression of the rebellion.

Mr. CLINE. I want to understand the gentleman's position, whether he makes it a necessary element to secure a pension for those men who have engaged with the regular military forces?

Mr. LANGLEY. Oh, yes; I think so, or, at least, who cooperated with them, because otherwise we would have to include the large body of State militia who really did not render any appreciable service in the suppression of the rebellion, and some of them none at all.

The Frankfort, Paducah, and Sandy Valley battalions, which constituted the Capitol Guard Regiment, were organized for the purpose of aiding and assisting the Federal troops. They were raised by order of the governor of Kentucky, under the sanction of an order dated July 11, 1864, and signed by Edwin M. Stanton, Secretary of War. Other Kentucky battalions, such as the Threeforks, North Cumberland, and Frankfort battalions, were raised under the act of the Kentucky Legislature of July 26, 1864, entitled "An act empowering the governor to raise a force for the defense of the State," while still other organizations were raised under the militia laws of the State. Most of these organizations rendered the same character of service in the State of Kentucky, and some of them outside of it, as was required of United States troops. So important did the Federal Government regard their services that a claim against the United States for reimbursement of the expenses incurred in raising these organizations was allowed and paid by the United States Government to the amount of $3,504,466.77, which was a greater amount than was paid to any other State, except Missouri, New York, and Illinois.

Kentucky, of course, had other State military organizations that did not render any considerable service to the Union cause, their operations and service being purely local; but the men to whom I am referring served the Union cause for a considerable time, some of them for several months and some for at least a year. They underwent all of the hardships and privations of war. They not only cooperated with the forces of the United States, but were subject to the orders of United States officers.

Gen. John M. Palmer, afterwards governor of Illinois and United States Senator from that State, was department commander of Kentucky, and a good many years ago, when the question of pensioning these men was up in Congress, he made this statement:

"The Kentucky State troops, as a rule, were under my command in the Department of Kentucky, and I treated them as troops subject to my command. Some of the organizations performed valuable service and ought to be provided for by the pension laws."

I desire to add, for the information of the House, that about 18 years ago the Committee on Invalid Pensions reported favorably a bill extending the provisions of the act of June 27, 1890, to these men, but this bill failed of passage. The committee in its report used certain language which I commend to the consideration of that distinguished body of men now presided over by my friend from New Hampshire, who, I am glad to observe, is honoring me with his presence and attention. The report said:

"Having directly sanctioned the organization of some of these troops and having accepted the services of all of them, they having been subject to the orders of the commander of the Department of Kentucky, and having reimbursed Kentucky for all expenses incurred in their organization and maintenance, it seems that the General Government, so far as its military, executive, and ministerial officials had power so to do, have regarded the organizations mentioned in the bill as if they had been mustered into the United States service for all practical purposes. And that being true, it would be fair dealing to place them, as far as this bill can do so, upon an equal footing with the same class of troops furnished by the States of Missouri and Pennsylvania, which have been placed under the provisions of the pension laws."

I concur in the suggestions contained in the Senate document to which I have already referred and which are expressed in the following language:

"It would seem that if any legislation of this character is enacted, such legislation should be extended to include all such troops, instead of giving a pensionable status to some particular company or organization."

That, Mr. Chairman, is what should have been done long ago, instead of covering the subject by piecemeal, as Congress has done, by yielding from time to time to the pressure in behalf of particular organizations which, however deserving, are no more so than those Kentucky troops and the troops of other States who rendered a like service to the Union cause.

It has been contended that these men should not be given a pension because they declined the opportunity which they had to get into the service of the United States; but that contention is based upon an erroneous statement of facts. Repeating what I said a while ago, it is a matter of history that some of these organizations sought in vain to get mustered into the service of the United States. Kentucky's quota had been filled before many of them had an opportunity to be mustered in. Most of them went into the State service with the understanding that they were to be mustered into the service of the United States, and I know personally that many of them from my own section of the State thought that they were mustered in and were never dis-

abused of that impression until long after the war, when they applied for admission to the pension roll.

I have had many of them tell me that it was a bitter disappointment to them when they found that they could not be mustered in. Moreover, I say that such a contention is an unwarranted reflection upon those brave and loyal mountaineers who rallied so gloriously to the defense of the Union cause and who did so much for its preservation. At the time the bill for the relief of the Kentucky Militia, to which I have referred, was favorably reported by the Committee on Invalid Pensions, it was estimated that only about 2,500 of them would be given a pensionable status by the provisions of the bill, and I doubt very much if half that number survives to-day.

Mr. SULLOWAY. How many are there in Kentucky?

Mr. LANGLEY. Two thousand five hundred in Kentucky at that time, but not nearly so many now. The amount of money that Kentucky soldiers would get in a year under a bill of this kind would not equal what is expended on the erection of a single lock and dam on a river. It would hardly build a turret of a first-class battleship. It would not equal the amount of money that is paid every day in the construction of the Panama Canal to foreigners, who hardly know the American flag when they see it, and have not the remotest conception of what it stands for. And yet gentlemen who vote, day after day, for these expenditures raise the cry of too much pension appropriation when it is proposed to give this scant and tardy recognition to men who rendered such vital services in the preservation of the Union.

I am speaking more particularly of the Kentucky troops, because I am more familiar with their history. But I agree with the Senate Committee on Pensions that we ought not to single out certain organizations in giving this relief, but that we ought to pass a bill which will apply to all the militiamen of all the States that rendered this character of service. The bill which I have proposed, and which I prepared after a most thorough investigation of the whole question, merely provides that where it is shown that a militia soldier rendered valuable service in the suppression of the rebellion, and was disabled while so serving, he shall be entitled to pension because of that disability, and his widow and dependents to pension in the event of his death from that disability; and that where he rendered such service for a period of 90 days or more he and his widow and dependents shall have the same title to pension as is now given in the cases of regular soldiers who rendered similar service and who happened to be mustered into the service of the United States. And mark my prediction: This Congress may not pass such a bill, but if the question is properly agitated—and it will be—the sense of justice of the American people will compel their Representatives in Congress to pass it sooner or later. [Applause.] The sad fact about it is, however, that these old militiamen are fast falling before the scythe of Time, just as are the old pensioners, and unless you do justice to them soon it will be too late.

I was in earnest when I introduced the bill in their behalf, and I am just as earnest about it now as I was then. I am only one of nearly 400 Members of Congress, but whatever power that one vote and voice can wield, I propose to wield in their behalf so long as I remain here.

My bill is still pending before the Committee on Invalid Pensions. I have discussed it many times with the distinguished chairman and other members of the committee, but, of course, as all of you who are interested in the measure know, the majority of that committee as at present constituted is opposed to it. I have, however, succeeded in having the bill referred to the Adjutant General, United States Army, for a report as to what the records of his office show with regard to the organizations in question, and for an approximate estimate of the number of survivors who rendered service in the suppression of the rebellion for a period of 90 days or more, and the probable increase in the annual pension appropriation that would result from the passage of the bill. The reply of that official contains some interesting information, and I ask unanimous consent to insert it in the RECORD as a part of my remarks.

The CHAIRMAN. The Chair hears no objection.

The letter is as follows:

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, February 25, 1910.

Hon. C. A. SULLOWAY,
Chairman Committee on Invalid Pensions,
House of Representatives.

DEAR SIR: Referring to the bill H. R. 13461, received by your reference on the 23d instant, proposing to extend the provisions of title 4 of the Revised Statutes of the United States to the cases of officers and enlisted men of the military organizations of certain States "who, while cooperating with the armed forces of the United States, under the command of United States officers, rendered actual and valuable service to the cause of the Union during the War of the Rebellion and aided in its suppression"; and to extend the provisions of the acts of June 27, 1890, and February 6, 1907, to the cases of the members of State military organizations who rendered the service indicated for a period of 90 days or more, and answering your request for a statement as to what the records on file in this office show with regard to the service of the organizations of the character set forth in that bill; for an approximate estimate of the number of survivors of those military organizations who rendered service for a period of 90 days or more; and for the probable increase in the annual pension appropriation that would result from the passage of the bill, I beg leave to advise you as follows:

It is understood that the forces referred to in the pending bill (H. R. 13461) are the militia and the home guards and other irregular organizations which, though not mustered into the service of the United States, served in cooperation with the United States forces, under the command of United States officers, at various times during the war, notably in the Antietam and Gettysburg campaigns in the East, the Kirby Smith raid in Kentucky, the Morgan raid in Indiana and Ohio, and the Price raid in Missouri.

The troops of the classes referred to, not having been mustered into the service of the United States, there are no rolls or other records on file in the War Department from which their number can be ascertained, but a conservative estimate, based upon reports of adjutants general of States and other official sources of information, places the number of such troops called into active service in some of the States, under United States officers, for various periods of time, as follows: Indiana, 50,000; Kansas, 16,000; Kentucky, 8,700; Missouri, 70,000; New Jersey, 750; Ohio, 72,500; Pennsylvania, 45,000; Vermont, 2,200; West Virginia, 5,000; total, 270,150.

This total (270,150) does not include the local troops, whose numbers can not be stated even approximately, called into service in the State of Tennessee at different times during the progress of the war, or the troops from other States not specifically mentioned, that may have rendered service that would give them a pensionable status under the proposed legislation. The number of such troops is not known, but, if known, it would, no doubt, add considerably to the aggregate stated above.

As the total number of members of military organizations that would be affected by the proposed legislation is unknown, an estimate of the total number of surviving members of those organizations can not be made. However, assuming that the ages and other conditions of the 270,150 men accounted for above were the same as those of the men who were regularly mustered into the service and served in the armies of the United States during the Civil War, it is estimated that the survivors of that 270,150 men on June 30, 1910, will number approximately 76,434 men.

Because of the fact that there are no rolls or other records of these militia organizations on file in the War Department that department can not ascertain from its records whether the service of any individual member of any of those organizations is such as would entitle him to the benefits of the proposed legislation. The official records may, and in many cases undoubtedly do, show that a particular organization served under the conditions stated in the bill under consideration, but there is no means of ascertaining from the records of the War Department whether any particular member was or was not present with his organization during all or any part of its service under these conditions. Such information, if obtainable from any records, must necessarily be obtained from the place where the records of the organizations are filed, probably the offices of the adjutants general of the States concerned.

For the same reason data concerning the periods of service of the members of the organizations in question can not be obtained from the records of the War Department. In many cases the members of those organizations were not actively on duty during the entire period of service shown by the records of the War Department. In other cases, as in that of the Pennsylvania Militia called out in 1862 and again in 1863, militia organizations served for comparatively short periods at different times, but it is impossible to determine from the records of the War Department whether or not some of the men served in these organizations at different times a sufficient length of time to give them a total of 90 days' or more service. Consequently it is impossible to make any estimate of the number of men who were members of the militia organizations of the class described in the bill under consideration and who had 90 days or more of active service so as to bring them within the provisions of sections 2 and 3 of that bill.

In this connection it is thought proper to remark that Senate Document No. 378, Sixty-first Congress, second session, contains a history, prepared by the Committee on Pensions of the Senate, of "certain Federal troops which, by reason of short or disputed service, have no pensionable status, and State militia which were actively engaged in the Civil War for different periods of time, but which were never mustered into the service, and which therefore have no pensionable status." You may be interested in that publication in connection with the bill now under consideration in your committee.

Very respectfully,

F. C. AINSWORTH,
The Adjutant General.

Mr. LANGLEY. I contend that, on the whole, this report confirms, in all essential particulars, the contentions I have made on this question ever since I have been a Member of the House, not only as to the character of service that these men rendered, but likewise as to the practicability of proving that service by records and other competent evidence. Of course reliance would have to be had upon State reports for much of this record evidence, but with the record in the War Department of the fact of the cooperation of the organizations with the Federal forces, which the Adjutant General concedes to exist, it will not be contended, I take it, that this State record evidence would not be entirely competent and satisfactory. Not only that, but parole testimony as to the fact of service by a soldier who belonged to one of these organizations ought to be just as competent and satisfactory to prove the service of that soldier as is such testimony in proving title to pension under existing law. The estimate of the Adjutant General of the number of survivors of those organizations who rendered some service of the character described in the bill appears rather large, it is true, but I insist, as I have heretofore, that only a comparatively small percentage of them rendered the character of service required by this bill.

A large percentage of those who rendered such service have since died, and the number who would be benefited by the bill is further reduced by the fact that many of those who belonged to these State organizations afterwards enlisted and were regularly mustered into the service of the United States and are therefore pensionable under the existing law. Some authorities have estimated that from 40 to 50 per cent of them afterwards went into the regular service through an independent enlistment.

Consequently the passage of my bill would not result in such a large increase in the pension appropriation as some gentlemen seem to think; and even if it did result in a large increase in that appropriation, I would still be in favor of it, because this Government owes it to these men for the service they have rendered it.

I have heard satirical references made to the service rendered by these militiamen, but no sincere man would indulge in that with respect to these men in the border States if they were as familiar as I am with the history of their arduous and heroic service to the Union cause.

It is true that the present law recognizes their service in a slight degree, since it contains the grim provision that they may have monuments erected over their graves. If that monument is intended to in any sense represent the gratitude that this Government owes to them, then it should not be the modest little marble slab which is now provided.

I would like to see over the grave of every old soldier, whether he was mustered into the service of the United States or not, a monument imposing enough to properly symbolize the service he rendered the country, and for that matter I would like to see the same tribute of respect paid to the Confederate dead. We could not in a more appropriate manner illustrate the spirit of reunion and fraternity which now cements all sections of our country. [Applause.]

Mr. ANDERSON of Ohio. I want to say to my friend from Kentucky that as a member of the Committee on Invalid Pensions I have observed his activity in support of more liberal pension legislation, and especially the interest he has taken in the movement to pension soldiers at the rate of a dollar a day, and I am heartily with him on that proposition.

Mr. LANGLEY. I am glad to hear that statement, and I hope the gentleman will join with me and others in trying to get the committee to also report some bill for the relief of these militiamen who helped to suppress the rebellion.

Mr. ANDERSON of Ohio. I have not investigated this question thoroughly, but after having talked the matter over with you personally heretofore, and after listening to your argument here to-day, I am con-

vinced that your contention that these militiamen who aided in the suppression of the rebellion and rendered valuable service to the Union cause ought to be pensioned, and, as I understand it, you are to be given another hearing at an early date, and I will be glad to cooperate with you with a view to have the militiamen secure a pension.

Mr. LANGLEY. I did not quite finish with the subject of pensioning the State militiamen, although I think I have clearly shown already that Congress has delayed too long the legislation for their relief to which their services entitle them. I have had occasion to examine the records in the cases of a number of men who were regularly mustered into the service of the United States and who received an honorable discharge therefrom, and who, therefore, have a pensionable status under existing law It is not my purpose, as I have already said, to question the title to pension of anyone who is now receiving it. Ninety days' service has been fixed as the minimum amount of service that will give a pensionable status to regularly enlisted men under the present law, except, of course, where the pension is for disability shown to have been of service origin. I have no fault to find with that limit, except that I would like to see it even smaller than that, because I know, of my own personal knowledge, of many cases where the service was much less than 90 days in which there ought to be a pension granted. The point I have been seeking to make is that, assuming that these men, many of whom rendered less than 100 days' service and ofttimes without ever going out of their State, are entitled to all the pension they are getting and even to more than they are getting, then certainly a pension ought not to be denied to these State militiamen, many of whom frequently served outside of their State and who rendered service for a longer period and, in many instances, of greater value in the suppression of the rebellion.

Let me appeal to you again, gentlemen, in behalf of these men—militiamen and all. Let us get together and work unitedly. Let us not only erect a suitable monument over the graves of our soldier dead, but let us do our utmost to get proper recognition of the services of those who are yet living and while they can live to enjoy it. If we will do this, I am sure we will have the gratification of seeing at least some of these proposed laws written upon our statute books at no distant day. We must do it soon, however, or the opportunity to do it will have passed.

Mr. CLINE. I would like to ask the gentleman if he is in favor of the straight dollar-a-day bill?

Mr. LANGLEY. Yes; I am in favor of the straight dollar-a-day bill for all of the old soldiers. Of course in cases where they are already getting more than that, or are entitled to more under existing law, I would not interfere with that.

Now, Mr. Chairman, I hope gentlemen will desist from interrupting me further, as I have not very much time left and there are two or three other questions that I am particularly anxious to discuss before I take my seat.

I am personally acquainted with many of these old militiamen in Kentucky and have listened many times with deep interest and sympathy to the story of their service, and have been compelled to remain silent when they told me that the great Government which they served has failed to do its duty to them.

A striking illustration of these cases where conspicuous service was rendered to the Union cause in Kentucky, and yet where no pensionable status has been conferred because of lack of a regular military status, is that of Capt. Daniel D. Hurst, now of Breathitt County, Ky., a member of that well-known family of Hursts in the mountains of Kentucky, all of whom were stalwart supporters of the Union and now rank among our leading citizens there, who for eight months belonged to Burnside's scouts. Capt. Hurst was armed, equipped, and paid by the Federal Government, and rendered most valuable and exceedingly dangerous service to the Union while connected with this organization. Following that service he was deputy provost marshal for more than 16 months, and in this capacity he was also exposed to great danger. Another service which he rendered was the enlistment of more than 300 colored troops into the Union Army. This of itself was a very perilous duty in Kentucky in those days.

It appears from the record that this man rendered a total service of more than two years, and I undertake to say that there was not a braver or more patriotic soldier of the Union than he was, and no one will deny that his service was more arduous, more effective, and more valuable than that of many men who have been granted pensions who happened to be regularly mustered into the service of the United States. And yet he is to this day denied a pension because the pension law has been framed so as to include only service rendered by those regularly enlisted, when, as a matter of fact, the purpose of the early pension laws, as I have heretofore shown, was to give recognition for service actually rendered the Nation as a soldier, whether regularly enlisted in the United States service or not.

I have in mind dozens of other cases in Kentucky that I could mention which are equally as meritorious as that of Capt. Hurst.

Gentlemen, this is an unjust discrimination which the pension law imposes, and you owe it to these men to remedy the injustice by equalizing the benefits of our pension laws. I am not contending that a single man who was regularly in the service, and who is now on the pension rolls, ought not to be there. On the contrary, I am glad that they are; but what I do say is, as the distinguished gentleman from Illinois [Mr. MADDEN] stated, that wherever it appears that a man served his country faithfully and risked his health and life in its cause he ought to be rewarded by this Government for that service, whether he was regularly mustered or not.

Mr. Chairman, when the Civil War began most of the militia of the border States was nominally under the control of the State organizations, but their situation was different from the militia of other States. They were not only exposed to dangers affecting their health and life, as were the regularly enlisted men, but they were often treated as spies and traitors by the Confederate troops who infested those sections, and their homes were frequently destroyed and their property carried away because of their enlistment in these State organizations. Their services as guides, scouts, skirmishers, and messengers were invaluable to the regular forces, and they were at all times subjected to special and unusual dangers, more so in many cases than the regular troops were. When they were captured they were sent to Confederate prisons and received even less consideration, as a rule, than did the regular troops. I know of cases where scouts were captured and compelled to make forced marches with insufficient food, and were then put into damp jails and fever-infected prison grounds until, with health destroyed, they were turned loose, without exchange, to find their way home as best they could. All this was endured by them for the cause of the Union, and it is a travesty upon justice to say to them now, notwithstanding such service and such hardship, that they can not receive a pension because their names do not happen to be on the regular rolls of the Army.

There were still other classes of men who were not in the regular service and yet who are just as much entitled to a pension as any man who fought under the flag. I refer to teamsters, whose lot during the war was an especially hard one. They had to battle their way through the cold and stormy weather of winter, furnishing their own horses and wagons, driving over rough mountain roads and fording deep streams, and running all the risks of capture and imprisonment. Indeed, they were, as a rule, subjected to more exposure, because of their isolated duties, than the regular troops, and I know of many cases where their health was entirely destroyed and some where they were crippled for life while engaged in the performance of these arduous duties. There are not many of them, it is true, but the few who are still living ought to be provided for by this great Government.

Let me repeat that gentlemen are mistaken when they imagine that we are seeking to get all of that great body of militia in all the States, many of whom underwent no hardship and rendered no service to the Union cause, put upon the pension rolls. This is not the case. I do not know just how many names what I am contending for would result in adding to the pension rolls, but I am quite sure that there are only a few hundred of them left in Kentucky, and I am told by gentlemen from Missouri and other States where like conditions existed that the enactment of such a law would not result in any considerable increase in the pension appropriation.

I am glad of the opportunity of voting for these bills to increase the pensions of the men who are already on the pension rolls, because I think we can never pay the debt of gratitude we owe them; but every time I cast such a vote and every time I vote for the pension appropriation bill there comes irresistably into my mind the cases of these old militiamen and teamsters and telegraphers and the other men who did so much for the Union cause and endured so much hardship in the fierce warfare that infested the border States, and I am scarcely ever able to restrain myself from crying out in protest against the injustice which this Government is doing them by failing to recognize the debt of gratitude it owes them. I am going to do my share of the work to bring their cases fully to the attention of every Member of Congress, and I call upon their friends all over the country to get busy at once and write to their Members of Congress and to the Committee on Invalid Pensions, and thus aid in the movement which has been inaugurated in their behalf and which I am still hopeful will result in legislation for their relief during the Sixty-second Congress.

Before I conclude I want to call attention to still another injustice which I think existing law does to a most deserving class of soldiers. I refer to those cases, particularly in the border States, where soldiers were charged, and are still charged, with desertion, when as a matter of fact the conditions which surrounded them were such that the charge should never have been made.

I have in mind now dozens of cases I have investigated in which, after years of fruitless effort to get the charge removed, facts are developed which show that the charge should never have been entered. In some of these cases the soldier has already passed across the river, leaving this world with the consciousness that the Government for which he rendered such faithful service refused to do him justice. I had a case not long ago before the War Department in which the widow was denied a pension at the Pension Office, her claim having

been rejected, and the rejection adhered to for many years, because the soldier was shown by the records of the War Department to have been a deserter; and I finally succeeded in unearthing records in that department showing that the soldier, who was charged with desertion because he did not return to his command from scouting duty upon which he had been detailed, had failed to return for the reason that he was killed in line of duty while on that detail.

I have another case in my district, and this, too, happens to be a case where the soldier has passed away, and whose widow has been denied a pension. He was charged with mutinous conduct, in that he threatened to tear down a post to which soldiers who were guilty of some infraction of discipline were tied as a matter of punishment, and it was alleged that he called on the boys to help him tear down the post. It was shown that he himself was never punished in that way, but that other members of the regiment had been.

A court-martial gravely sat upon the case and decided that he had been mutinous, and sentenced him to reduction to the ranks as a private—he having been promoted for meritorious service to the position of corporal in his company—and to be confined at hard labor at Fort Jefferson, Dry Tortugas, Fla., for one year. It appears that he served four months of this sentence, and then the officers of his regiment, being aware of the injustice that had been done him, addressed a petition to the prisoners' commission of the Department of the Gulf, stating that he had not made any attempt to tear down the post; that up to the time of this occurrence he had been a good and dutiful soldier, never having had any charge whatever preferred against him; that he was a brave, honorable young man, and had fought bravely in 14 engagements with his company, having been promoted for valiant conduct on the field of battle; that he had served nearly three years; and that for these reasons they asked that he be discharged from his confinement and from the service of the United States. Upon this petition the prisoners' commission reported that they had learned upon investigation that his offense was a trivial one, committed entirely in sport; that he was tried more for example than for anything else; that no trial would have been asked if the officers had known he would have been sent away from his regiment; and therefore they recommended that the balance of his sentence be remitted and that he be returned to his company and permitted to resume his place. He was thereupon released, but it was found that his company and regiment had already been mustered out, and consequently he was discharged; and because a pen mark was by some one run through the word "honorable" in his discharge certificate it was held that he was not honorably discharged from the service, and therefore his widow was denied, and is to this day denied, a pension.

I have heard of a number of cases in the mountains of Kentucky which illustrate the injustice which was frequently done by these charges of desertion. Men were sent home on furlough and were taken sick after they got home and were unable to return, and they were marked as deserters; and because they can not prove that the disability which prevented their return was contracted in line of duty, the charge of desertion stands and bars them and their dependents from the pension roll. In many cases the disability did not originate in the service, but after they were granted a furlough, and hence it is impossible to comply with the statute. There are still other cases where the soldier after going home was cut off from his command, and the guerrilla warfare that was going on in that section made it utterly impossible for him to get back to his command, and he would have been courting certain death if he had made the attempt. In all cases of this kind there is no remedy under the present law, because the War Department holds that before it can remove the charge the soldier must prove that his failure to return was due to physical disability and that such disability was contracted in the service and line of duty. Even if it could be shown that the soldier could not return because he was a prisoner of war, it would make no difference, because the terms of the statute do not cover such a case. When we undertake to bring these cases up before the proper committee of this House, with a view to getting special legislation for their relief, gentlemen from other sections of the country where they had entirely different conditions during the war, and who have not the faintest conception of the conditions that existed in States like Kentucky, Tennessee, and North Carolina, hold up their hands in holy horror at the idea of granting a pension to deserters!

There is an old soldier living in one of the counties of my district whose name is John F. Rudd, and a braver, truer soldier never fought for the flag. He served out his entire period of enlistment and reenlisted as a veteran volunteer. He was one among the first soldiers that scaled the heights of Lookout Mountain. His total service aggregated nearly three years. He was granted a furlough to go home and see his family, and while on that furlough disease of eyes developed and so affected his vision that it was impossible for him to return. He can not prove that this disease was contracted in line of duty, because it was not, but was due to exposure on the trip home. Is there any man on this floor who would contend that this man deserves to be charged with desertion and kept off the pension roll because he can not comply with the arbitrary statutory requirement which is utterly absurd when applied to a case of this kind? And is there anyone who would contend that this man, brave soldier as he had showed himself to be, after serving out his original enlistment and going through some of the fiercest battles of the war and reenlisting as a veteran volunteer, would show the white feather and become a deserter. Such a contention would be ridiculous, and this case shows that the law is defective and unjust and that its administration perverts the purpose of Congress. I have been trying almost ever since I became a Member of this body to get the Committee on Military Affairs to report a special bill granting him a discharge, which he justly deserves, but up to this good hour I have been unable to get such a bill passed. Mr. Rudd is now an old man and in miserable health, and unless relief is given him very soon it will be too late to help him. I shall make another appeal at this session in his behalf.

These are only some of the inequalities and unjust features that exist in our pension system and that ought to be remedied.

I realize that no great system of laws like the pension system, enacted by so many different Congresses, so differently constituted, and covering so many phases of the subject, could be perfect or free from inequalities; but what I do contend is that the cases which I have cited involve such a degree of injustice that it is the duty of Congress to provide a remedy, and I, for one, do not believe that the great people of this country will complain if in providing that remedy there results some temporary increase in our annual expenditures. If they would begrudge the money that would be necessary to do justice to these men, who did so much for their country, then I greatly overestimate the generosity and patriotism of the American people. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. THOMAS].

Mr. BURKE of Pennsylvania. I offer an amendment to the amendment.

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Amend the amendment by striking out the words "War of the Rebellion" and inserting the words "Civil War."

[Applause.]

Mr. THOMAS. I accept that amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, I am inclined to support the amendment offered by the gentleman from Kentucky [Mr. THOMAS]. I had thought the other gentleman from Kentucky [Mr. LANGLEY], who was on his feet a moment ago, being well versed in pension matters, might be able to tell us how many of these militiamen would have to be considered if an amendment of this kind should pass. It would enter very seriously, I assume, into the calculations of this House, so far as the financial end of the question is concerned. There were many of these militiamen throughout the country who did not have the opportunity to be mustered in, but who did enter the service of the country as earnestly and quite as valiantly as did the volunteers and those of the Regular Army. In the Commonwealth of Pennsylvania we have many of them, who came from their homes and firesides at the call of the governor upon the urgent request of President Lincoln.

They were called to repel the invasion of the State during Lee's march upon Gettysburg, and by helping to repel that invasion they very materially aided the success of the war, as it was gauged by the result of the Battle of Gettysburg. It seems to me these men ought to be considered by this House if we propose by this bill to wipe out the inequalities that have existed heretofore and to establish general legislation that will provide for all of the old soldiers.

Mr. LANGLEY. I will say to my friend from Pennsylvania that I will give him the information as to Kentucky if I can, and when he reaches the point in his remarks where he desires it. I was sorry I could not yield to him when I had the floor. I intended to, but my time expired.

Mr. MOORE of Pennsylvania. In addition to that, I desire to say, in support of the proposition of the gentleman from Kentucky [Mr. THOMAS], that the Government itself, through this Congress, has recognized these men as soldiers of the United States by refunding to the various States sums of money appropriated by those States for the support of these militiamen

during their service. Many of the largest States in this Union applied to the Federal Government for the return of the money with which they paid these militiamen. The men should be treated equally as well as were the States.

The State of Illinois was one, New York was another, Indiana was another, and, I think, there were quite a number of others, including the Commonwealth of Pennsylvania. So that a tacit recognition has been given—in fact, it seemed a legal recognition—of the valor and worth of these men of the militia who served their country, but did not have the opportunity to be mustered in as regular troops of the United States.

I now want to ask my friend from Kentucky [Mr. LANGLEY] to what extent the passage of this amendment would affect the sum total of the bill with regard to the men and the means necessary to pay them?

Mr. LANGLEY. As I stated a while ago, I did not catch the exact language of the gentleman's amendment, but my contention has been that all of these State militiamen, and especially those who were armed and equipped by the Federal Government, who aided in the suppression of the rebellion, served under the command of Federal officers, cooperated with the Federal troops, and rendered service for a period of 90 days, so that in every respect they are on all fours with the regular troops, with the exception of the fact that they were not mustered into the United States service, all of which is true of these Kentucky troops, should be given title to pension the same as the regular troops. Many of these Kentucky troops volunteered in response to the proclamation of President Lincoln and were assigned to the Department of Kentucky. Some served a year and some more. Many of them were in a number of battles, and I know of a number of instances where the men rendered much more arduous service than many of the regular troops. I do not think there are more than a thousand or so of such troops now living in Kentucky. I do not know how many there are in the whole country.

Mr. MOORE of Pennsylvania. Did they not stand on all fours with the other United States soldiers?

Mr. LANGLEY. They did.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania to the amendment of the gentleman from Kentucky.

Mr. NORRIS. Mr. Chairman, I want to say a word on this proposition. As I understand the amendment pending, and as I heard it read, it will apply to the Confederate soldiers just the same as it does to Union soldiers?

Mr. LANGLEY. My bill does not apply to Confederate soldiers.

Mr. NORRIS. I have no doubt the gentleman's bill is all right, but we are not considering his bill.

Mr. LANGLEY. My colleague said that it was not the purpose of his amendment to have it apply to Confederate soldiers.

Mr. NORRIS. Perhaps not; but he said it would be all right, in his opinion, if it did.

Mr. MOORE of Pennsylvania. I do not understand the amendment to include the Confederate soldiers. Mr. Chairman, may we not have the amendment reported again?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania to the amendment of the gentleman from Kentucky.

The question was taken, and the amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment of the gentleman from Kentucky as amended.

The question was taken, and the amendment was rejected.

Mr. BRADLEY. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

In line 4, page 2, strike out the comma and insert as follows: "And less than two years and six months," change the colon to semicolon and insert as follows: "For a service of two years and six months or more, $35 per month," so as to read: "For a service of one year or more and less than two years and six months, $30 per month; for a service of two years and six months or more, $35 per month."

Mr. BRADLEY. Mr. Chairman, of the survivors of the Civil War is a small body of a few thousand men who followed the eagles of the Union from the first Manassas in 1861 until the close of the great conflict. There is a larger body but a minor number compared with the aggregate total of survivors who endured with heroic fortitude and devotion the trials and vicissitudes of every campaign from the discouraging days of early 1862 until the brighter days of the spring of 1865. These men are of the imperial guard of the Union Army and are entitled to the special recognition of the American Congress.

The committee in making up this bill began with 90 days, with a special designation for men who served three months more, still another special designation for men who served still three months more, and a special designation for men of still three months more of service. Why is there no special designation for the men who served three and four years and more? During the Civil War it was a long and weary journey from the end of one year to the end of the fourth year. This amendment strikes a fair and equal division between the one-year men and the four-year men, who are the real veterans and entitled to a special designation at a moderate increase in rate in any bill that is termed a service-pension bill. I hope the amendment may be agreed to. [Applause.]

Mr. JACKSON. Mr. Chairman, I offer the following amendment to the amendment offered by the gentleman from New York, which I send to the desk and ask to have read.

The Clerk read as follows:

Add to the end of the amendment offered by the gentleman from New York [Mr. BRADLEY] the following:

"The period of service of any applicant in the Mexican War shall be added to his period of service in the Army or Navy of the United States during the Civil War for the purpose of determining the rate of pension of the applicant under this law."

Mr. JACKSON. Mr. Chairman, I realize that anything that I may say, following the fervid speeches that have been made here, will seem commonplace; but it seems to me that the Government since the Mexican War has never done justice to the Mexican veterans. In addition to that, Mr. Chairman, whatever attempt has been made to do justice to the Mexican War veterans has always placed the men who served in the Confederate service and the men who served in the Union service upon the same footing. Here is an opportunity now of giving the veteran who served in both wars a premium for his patriotism and his service, and certainly there can be no more appropriate place to do it than in a service pension bill.

I am in favor of this bill. I am in favor of every amendment to it that will give the Union soldier or any other soldier who served the United States Government an additional and more just pension.

I think the most contemptible argument that has been made in this debate is the argument based on economy. I am in favor of economy. I am in favor of economy in cutting down the expenses of this Government in any of its departments, except that economy which seeks to cut down and keep from the old soldier the pension that is due him as one of the just debts of this Government. In support of that proposition I want to introduce into the RECORD here the statement which the gentleman from New York [Mr. FITZGERALD] would not allow to be inserted as a part of his remarks.

I say that any proposition of economy touching this bill which objects to an appropriation anywhere from $20,000,000 to $75,000,000 per annum is trivial, because in 15 minutes we can increase the revenues under the internal-revenue laws that amount, and no one will feel it. I have here the statement of the collector of internal revenue, which shows that in 1898, when the tax was $1 a barrel upon beer, for the most of the year the revenues of the Government from that source were $38,000,000. In 1899, when the tax was increased to $2, the revenues were increased to $67,000,000, and in 1900 the revenues were $72,000,000, or an increase of nearly $40,000,000 made by increasing the tax $1 per barrel upon beer. The amount of beer consumed in this country at this time exceeds 50,000,000 barrels, so that by increasing the tax from 25 to 50 cents per barrel the entire amount of increase that is proposed by this bill and any amendment thereto may be raised.

Mr. BARTHOLDT. Will the gentleman yield for a question?

Mr. JACKSON. Just one moment, and for fear that my friend from St. Louis, who scents here a temperance argument, may not be disturbed, I want to say to him that by increasing just in a slight degree the tax upon cigars or by putting a stamp tax of one-half a cent upon chewing gum the entire amount that is proposed to be expended by this bill, which this Government owes to these old men, may be raised. The brewers of the country can stand this tax and be in no worse condition than they were before the passage of the Payne-Aldrich bill, which favored them by a reduction of the tariff on malt.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTHOLDT. Mr. Chairman, I rise for the purpose of asking my friend from Kansas a question. If he succeeds in increasing the tax on liquor, will the people of Kansas bear their fair share of the burden? [Laughter.]

Mr. JACKSON. Mr. Chairman, I desire to say to the gentleman that if the arguments which have been sent out from his district in the State of Missouri are true, the State of Kansas already pays more tax than any other State, by reason of her prohibition law. [Laughter.] If that is not true, then the gentleman may adopt the same law in his State.

The statement referred to is as follows:

TREASURY DEPARTMENT,
Washington, April 21, 1911.

HON. F. S. JACKSON,
House of Representatives, Washington, D. C.

SIR: I have the honor to inform you that the internal-revenue receipts from fermented liquors during the fiscal years 1898, 1899, 1900 were as follows:

RECEIPTS AT $2 PER GALLON.

1898	$38,885,151.63
1899	67,673,301.31
1900	72,762,070.56

The tax on fermented liquors during the Spanish-American War was at the rate of $1 during a part of the fiscal year 1898, and was increased to $2 the latter part of said year.

The rate of tax on fermented liquors at present is $1 per barrel of not more than 31 gallons. The law fixing this rate was passed April 12, 1902. (32 Stat., p. 96.)

Respectfully,
R. E. CABELL, *Commissioner.*

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Kansas.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

Mr. OLMSTED. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 1, line 9, after the word "of," strike out the words "90 days or more," so that it will read "for a service of less than 6 months, $15 per month."

Mr. OLMSTED. Mr. Chairman, the gentleman from New York [Mr. HARRISON], a member of the Ways and Means Committee, in his remarks opposing this bill declared that if it should pass it would be impossible to make any reduction in tariff duties. As it is practically certain of passing by a large majority of the votes upon either side of the Chamber I suppose we may assume that there will be no further attempt at tariff tinkering; that we will have a very short session and may soon return to our families. The gentleman seemed particularly disturbed about sugar. Mr. Chairman, I would prefer to go without sugar rather than that any deserving soldier should lack for food. [Applause.] I supported the Sulloway pension bill. I am in favor of this so-called Sherwood pension bill. It has my support, whatever that is worth. I have at all times favored liberal pensions. This amendment, as has been seen, proposes to do away with the 90-day limit. It has gone over this country that, without regard to length of service, every man who served the country in the Civil War will receive a pension. There is great hardship in many cases by reason of this 90-day limit.

I happen to know an old soldier, a very deserving man, very aged, very decrepit, and very poor, who served 89 days. Should not he have some pension when the man who served just 1 day longer gets $15 per month? I happen to know of quite a number of men, a hundred or more, who were serving in the employ of the Pennsylvania Railroad Co. They quit their trains, left their families, enlisted, and went forth at the call of the President. It happened that the Assistant Secretary of War at that time soon found that he needed the service of experienced railroad men in moving troops to the seat of war. Those men did not desire to be mustered out, they did not ask to be mustered out, but they were mustered out against their will by the order of the War Department and were taken back into the railroad service and used where their services were needed in conveying troops to the South. Why should those men, old, infirm, poor, and needy, be denied any pension while men who served 2 or 3 or 10 days longer get a liberal pension?

I do not care to speak further upon this amendment. Its purpose is perfectly well understood. I simply submit that in the interest of justice the men whose patriotic impulses were just as great, who left home under just as trying circumstances—many of them enlisting for three years, willing and expecting to serve three years, but were mustered out earlier—I say it is unjust to deprive them of all pension while paying quite a liberal pension to those who served just a few days longer. This bill as it stands gives a pension of $15 per month to one who served 90 days, $20 to one who served 6 months, $25 to one who served 9 months, and $30 to all who served 1 year or more. I am in favor of all those increases; but this bill provides no pension whatever for a man who served 89 days or any other number less than 90. He was just as patriotic, he made just as much of a sacrifice in leaving his family and his farm or his business, he is just as old, just as infirm, just as hungry, and just as much in need of clothing and all the necessities of life, but because he was mustered out a few hours or a few days earlier than his brother soldier he gets no pension. That is an unfair discrimination. I hope this amendment will pass. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the Chair announced that the noes appeared to have it.

Mr. OLMSTED. Mr. Chairman, I think I will ask for a division. [Cries of "Too late!"]

The committee divided; and there were—ayes 82, noes 116.

So the amendment was rejected.

Mr. BOWMAN. Mr. Chairman, I send an amendment to the desk, which I will ask the Clerk to please read.

The Clerk read as follows:

Page 1, line 9, after the word "of," strike out the words "90 days" and insert the words "1 day."

Mr. BOWMAN. Mr. Chairman, service can not be measured——

Mr. FERRIS. Mr. Chairman, I make a point of order against the amendment.

Mr. MANN. There is no point of order against the amendment, Mr. Chairman.

The CHAIRMAN. But the gentleman from Oklahoma did make the point of order and he has the right to do so.

Mr. MANN. I was attempting to argue the point of order. A similar amendment was offered awhile ago as an amendment to an amendment and voted down as an amendment to an amendment. That has nothing whatever to do with the question of the amendment being in order now to strike out the word "ninety" from the bill and insert "one."

Mr. FERRIS. Well, Mr. Chairman, I only made the point of order from recollection, but I think Members of this House well remember the gentleman from Pennsylvania [Mr. LEE], if not in verbatim language surely in substance, asked that this portion be stricken out and a 1-day provision be substituted for the 90-day provision, which is virtually the same.

Mr. MANN. If the gentleman will pardon me, the amendment offered by the gentleman from Pennsylvania [Mr. LEE], or whoever offered that amendment, was to insert in line 3, after the word "served," "90 days," and an amendment was offered to the amendment. This was an amendment to line 9.

Mr. FERRIS. I am perfectly willing it leave it to the Chairman.

The CHAIRMAN. The Chair is ready to rule. The Chair thinks the amendment offered before was an amendment to the amendment and that this amendment is in order. [Cries of "Vote!" "Vote!"]

Mr. BOWMAN. Mr. Chairman, service can not wholly be measured by time. A man by the act of enlistment may have offered a greater sacrifice and performed a greater service than one who served from the first day of the war to the last. This great Government can afford to pay for service, and I think this House can congratulate itself that it now has before it a pension bill based upon service and not upon charity. This is a great country, and the people are generous and willing to pay for any service rendered to it. There is not a Member here that, as an individual, would not be willing to pay for a service equivalent to the offering of a life. As a legislative body we should be no less just to those who offered their lives upon the altar of their country because circumstances may have limited the length of the service.

Mr. Chairman, I trust this amendment will prevail. There were regiments who went to the war and served only a few days which lost a greater number of their members than many regiments that served from the first day of the war to the last. Such service should not go unrewarded. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. BOWMAN].

The question was taken, and the amendment was rejected.

Mr. SLOAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend section 1, page 1, by inserting in line 9, after the word "of" and before "ninety," the following:
"Any period less than 90 days, $10 per month; for a service of."

Mr. SLOAN. Mr. Chairman, the purpose of that amendment is twofold, one to do justice to the soldier and the other to add to the symmetry of the bill. I recognize the fact that probably this bill will be the one passed by this House. I prefer another bill, the Sulloway bill, but this bill if carried to its logical conclusion would certainly meet my hearty approval.

Mr. Chairman, the House will notice that the draftsman of this bill fixed a line at one year, above which every Union soldier would be entitled to $30 a month. Below that it divides

time into definite periods and has two distinct differentials, one as to time and the other as to amount. For a reduction from the $30 period of 90 days, $5 is reduced; for a second reduction of 90 days another $5 is reduced; for a third reduction of 90 days a third $5 is reduced, leaving it $15 for the period from 90 days to 6 months. If we follow the purpose of the draftsman and make the bill symmetrical and logical we will take the further step for the fourth period and make the allowance for a period of 90 days or under, $10.

It ought to appeal to the sponsors of this bill that these men broke into the war when they were young, through zeal or craft or patriotic perjury in a great many cases, and they went into the war at a time when the North was needing them; and the impact of that force of young men was felt in the South, because it impressed upon the South the inexhaustible resources of the North, against which their efforts were desperate and vain. And because these men added their impact and force to the Union forces already there, it shortened the war and diminished the vast expenditure of life on both sides and a vast expenditure of treasure, which would inevitably have had to be expended if the war had continued, far in excess of the amount I now ask for them; and it should not be to their discredit, but rather to their credit, that the war was closed as early as it was.

The logic of leaving this bill as it is and neglecting the short-term men would indicate that in any future wars it would be a mighty good thing for the soldiers to have a walking delegate to see that they did not do too much fighting on any day and therefore close the war too soon, and thereby get their just deserts. These young men entered the service, and they risked their future. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Nebraska [Mr. SLOAN].

The question being taken, on a division (demanded by Mr. SLOAN) there were—ayes 68, noes [illegible].

So the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk and ask to have read.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. MANN].

The Clerk read as follows:

Amend page 1, line 9, by striking out the word "ninety" and inserting in lieu thereof the word "sixty."

Mr. MANN. Mr. Chairman, this amendment proposes to reduce the length of service required—90 days, which is the existing law and the time named in the bill—to 60 days. The 90-day provision was first enacted in 1890, more than 20 years ago, and it seems to me if 90 days' service at that time was sufficient to entitle the veterans to a pension, that after the lapse of 20 years, those years being added to the age of these veterans, the men who entered into the war in its closing hours, we might fairly reduce the length of service required to 60 days at this time and pay them the minimum pension provided by the bill. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN].

The question being taken, on a division (demanded by Mr. MANN) there were—ayes 88, noes 128.

So the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer a further amendment, which I send to the Clerk's desk and ask to have read.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] offers the further amendment, which the Clerk will report.

The Clerk read as follows:

Amend page 1, line 9, by inserting after the word "more" the following: "in the Civil War, or 60 days or more in the War with Mexico."

Mr. MANN. Mr. Chairman, the effect of this would be to make the length of service 90 days, as fixed in the bill, for the Civil War and 60 days for the Mexican War. If the amendment is agreed to—and that part of the bill simply describes the character of the persons who are entitled to the benefits of the act—I propose to offer an amendment at the end of the section, as follows:

Provided, That any such person who served in the War with Mexico shall be paid the maximum pension under this act, to wit, $30 per month.

Mr. ADAIR. That is 90 days for Civil War soldiers and 60 days for Mexican War soldiers?

Mr. MANN. Yes.

Mr. ADAIR. I accept that amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I offer another amendment, which I send to the Clerk's desk and ask to have read.

The CHAIRMAN. The Clerk will report the additional amendment offered by the gentleman from Illinois [Mr. MANN].

The Clerk read as follows:

Amend page 2, line 4, by adding after the word "month" the following: "*Provided*, That any such person who served in the War with Mexico shall be paid the maximum pension under the act, to wit, $30 per month."

[Cries of "Vote!"]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken, and the amendment was agreed to.

[Cries of "Read!" "Read!"]

Mr. BURKE of Pennsylvania. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BURKE] offers the following amendment, which the Clerk will read.

The Clerk read as follows:

On page 2, line 6, after the word "admission," insert the word "to."

Mr. KENDALL. Mr. Chairman, that is already stricken from the bill, is it not?

The CHAIRMAN. The gentleman from Iowa is right. That has been stricken from the bill.

Mr. MANN. That has been stricken out.

Mr. Chairman, I offer an amendment, as a new section, to come in after section 1.

Mr. KENDALL. Mr. Chairman, I wanted to ask if the Clerk might report section 1 as it appears now. I ask unanimous consent that that be done.

The CHAIRMAN. The gentleman from Iowa [Mr. KENDALL] asks unanimous consent that the first section as it stands now be read. Without objection, that will be done.

Mr. KENDALL. If it involves delaying the committee, I will withdraw the request.

The CHAIRMAN. The gentleman withdraws his request.

Mr. MANN. If there is no further amendment to section 1, I offer an amendment by way of a new section.

Mr. WILLIS. I desire to offer an amendment to the first section.

Mr. CULLOP. A point of order. We have gone beyond section 1.

Mr. OLMSTED. Oh, no; we have not.

Mr. MANN. I call the attention of the Chair to the fact that the amendment I offered has not yet been reported. The gentleman from Ohio has a right to offer an amendment to section 1, and that right is not cut off by my offering an amendment to come in as a new section.

The CHAIRMAN. The Chair thinks the gentleman is correct. The Clerk will report the amendment of the gentleman from Ohio.

The Clerk read as follows:

At the end of line 4, on page 2, at the end of section 1, add: "*Provided*, That any person who served 90 days or more in the Military or Naval Service of the United States during the late Civil War, or 60 days in the War with Mexico, and who has been honorably discharged therefrom, and who has reached the age of 75 years or over, shall be paid the maximum pension under this act, to wit, $30 per month, without regard to his length of service."

Mr. WILLIS. Mr. Chairman, I have said on this floor a number of times that I expected to vote for this bill introduced by that distinguished soldier, the chairman of this committee [Mr. SHERWOOD], but I have also said that it seemed to me that one or two amendments could be offered that would improve the bill.

Like other members of this committee, I have received many letters from old soldiers and from Grand Army posts, indorsing the Sherwood bill and indorsing the idea of a service pension bill. I have also received many letters from the same sources indorsing some sort of an age pension bill, such as the Sulloway bill or the bill introduced by myself.

My desire in offering this amendment is to combine what seem to me to be the best features of both bills. The idea of a service pension as set forth in the pending bill is not touched, but that other idea is recognized that is back of the Sulloway bill and the other age pension bills that have been introduced, viz, that there comes a time in the life of a man who served his country beneath the flag, when, without respect to the number of days or weeks or months he served, because of the effects of advancing years, that man should have a pension. Therefore this amendment simply provides that service pensions shall be granted, just as they are in the bill. I repeat that that idea is not touched; but this says that when a soldier who served 90 days in the Civil War in the forces of the United States, or who served 60 days in the War with Mexico, reaches the age of 75 years, without regard to the time of service, he shall receive the maximum pension allowed by this bill, to wit, $30 a month. In the interest of the old soldiers I ask you to adopt this amendment. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. WILLIS].

The question being taken, on a division (demanded by Mr. WILLIS) there were—ayes 114, noes 137.

Accordingly the amendment was rejected.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

SEC. —. That all persons who served 90 days or more in the military or naval service of the United States during the Civil War or the War with Mexico, and who have been honorably discharged therefrom, and who are now or who may hereafter become totally blind (such condition of total blindness not being the result of their own vicious habits), shall, upon making due proof of the fact according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the pension roll and be entitled to receive a pension of not less than $50 per month; and such pension shall commence from the date of the filing of the application in the Pension Office, after the passage of this act, upon proof that the total or partial blindness then existed, and shall continue during the same: *Provided*, That persons who are now receiving pensions under existing laws or whose claims are pending in the Pension Office, may, by application to the Commissioner of Pensions, in such form as he may prescribe, showing themselves entitled thereto, receive the benefits of this act; and nothing herein contained shall be so construed as to prevent any pensioner thereunder from prosecuting his claim and receiving his pension under any other general or special act: *Provided, however*, That no person shall receive more than one pension for the same period: *And provided further*, That rank in the service shall not be considered in applications filed under this act.

Mr. MANN. Mr. Chairman, I offer another amendment as a new section.

The Clerk read as follows:

SEC. —. That from and after the passage of this act all persons on the pension roll, and all persons hereafter granted a pension, who, while in the military or naval service of the United States and in line of duty, shall have lost one eye, or who have become totally blind in one eye from causes occurring in the line of duty in the military or naval service of the United States, shall receive a pension at the rate of $30 a month: *Provided, however*, That this section shall not be so construed as to reduce any pension under any act, public or private.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer another amendment as a new section.

The Clerk read as follows:

SEC. —. That from and after the passage of this act all persons entitled to pension on account of loss of hearing occasioned by causes originating in the military or naval service of the United States between the 1st day of April, 1861, and the 1st day of August, 1865, shall receive, in lieu of the amount now paid as pension for such disability, in cases of total deafness $60 per month, in cases of nearly total deafness $40 per month, and in cases of partial deafness such proportion of the amount herein allowed for total deafness as the Secretary of the Interior may deem equitable, to be determined by the records of the Pension Bureau.

Mr. MANN. Mr. Chairman, this amendment provides an apparatus to aid the veteran in hearing. This bill was introduced by the very distinguished gentleman from Ohio, the author of the pending bill before the House, Gen. SHERWOOD. I believe that his knowledge in reference to the needs of the old soldier in regard to deafness ought to be respected, and that we can well afford at this time, at a cost which is practically nothing, to provide these deaf veterans with apparatus which will permit them to hear. I only wish that we could provide apparatus which would make the other side of the House hear the justice of these claims.

Mr. SHERWOOD. Mr. Chairman, I will say to my distinguished friend from Illinois that I introduced that bill by request. It will be duly considered by our committee, and if it is meritorious it will be reported favorably.

Mr. MANN. I did not suppose the gentleman's committee would report a bill unless it had merit.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer the following amendment as a new section.

The Clerk read as follows:

SEC. —. That every person who is now pensioned or may hereafter be pensioned on account of total or nearly total deafness contracted in the military or naval service of the United States shall be entitled to a modern device for hearing, which shall not cost more than $75.

That said instrument shall be furnished by the Surgeon General of the Army upon application of the pensioner and proof that he is pensioned for deafness and that his deafness is of such a degree that he has difficulty in hearing ordinary conversation without the aid of artificial means.

That once in five years said pensioner may return to the Surgeon General the instrument which has been furnished him and have a new one furnished in case the old one has become unserviceable.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer the following amendment as a new section.

The Clerk read as follows:

SEC. —. That the provisions of the acts of June 27, 1890, and of February 6, 1907, be, and are hereby, extended to include the officers and enlisted men of the Enrolled Missouri Militia organized under General Orders. No. 19, issued by Brig. Gen. John M. Schofield, of the United States Army, dated July 22, 1862; the six-months militia organized under proclamation of August 24, 1861, issued by Gov. Gamble, of the State of Missouri; the Provisional Enrolled Militia organized under General Orders, No. 107, issued by Gen. Rosecrans, of the United States Army, dated June 28, 1864; the Missouri Militia organized under General Orders, No. 3, dated January 30, 1865, and each and every other company and militia organization, by whatsoever name known, organized for the defense of the Union in the State of Missouri during the War of the Rebellion and cooperated with the military or naval forces of the United States in suppressing the War of the Rebellion, who served 90 days or more in any of said militia organizations in said war and were honorably discharged therefrom or relieved from duty under orders of a military officer of the United States or by legislative act of the State of Missouri, and that a certificate of discharge from such service from either the authority of the State of Missouri or the United States authority shall be conclusive evidence of such service, and to the widows and minor children of such persons: *Provided*, That no person, his widow or minor children, shall be entitled to benefits of said act unless the company organization in which he served was organized under the order of some commanding officer of the United States Army, or served under the authority of an officer of the United States, or cooperated with the United States forces, or was paid or maintained by or performed service for the United States during his service in said militia, or was paid by or maintained by the State of Missouri, and such State was reimbursed for same by the United States Government.

Mr. MANN. Mr. Chairman, this amendment which I offer is a bill, changed so that it will conform to the provisions of this measure, introduced by the distinguished gentleman from Missouri [Mr. ALEXANDER]. A bill just like it was introduced by the distinguished gentleman from Missouri [Mr. RUCKER], and a bill just like it was also introduced by the distinguished gentleman from Missouri [Mr. DICKINSON]. The bill pending before the House comes from the committee which brings in this privileged bill and report now pending. Gentlemen who desire to favor these bills as independent bills can neither fool the country, the House, nor their constituents by saying that they are in favor of the proposition, but at some other time. [Applause on the Republican side.] The time to be in favor of a proposition is when it is presented. [Applause on the Republican side.] For years we have been told that if these bills could only be brought before the House that justice would require their adoption. They are now before the House. Let the justice of them speak for itself. It is immaterial to me whether the amendment is agreed to or disagreed to; but if these gentlemen on the other side of the aisle are in favor of pensioning the Old Guard of Missouri and similar regiments of Kentucky and Tennessee and Pennsylvania, because propositions will be presented here as amendments that cover them all, let them vote for it now or forever after hold their peace. [Applause on the Republican side.]

Mr. BARTHOLDT. Mr. Chairman, I hope this amendment will prevail. For 20 years Members of this House from Missouri, both on the Democratic side and on the Republican side, have endeavored to secure legislation by which a pensionable status might be given to the members of the Missouri Militia who in every respect have rendered service as important and as patriotic as was the service of those regularly enlisted in the United States Army. In fact, these militiamen along the border States, such as Missouri, were really serving under orders of the United States Government. They were commanded by United States officers, and it is only a technicality which has kept them from being recognized heretofore by Congress.

Mr. BUTLER. Mr. Chairman, will the gentleman from Missouri yield?

Mr. BARTHOLDT. Certainly.

Mr. BUTLER. How long did these men serve?

Mr. BARTHOLDT. They served 60 days, 70 days, 80 days, 90 days, as the case may be.

Mr. MCGUIRE of Oklahoma. And some of them served for several months.

Mr. BARTHOLDT. And I want to say that most of them participated in the first battles of the Civil War upon the soil of the State of Missouri. They left their homes. They were not merely home guards. At that time it meant something in Missouri to shoulder a musket for the cause of the Union. [Applause.]

Mr. BUTLER. As I recollect, there had been repeated attempts made to have these measures passed.

Mr. BARTHOLDT. In every Congress we appeared before the Committee on Invalid Pensions, and every time we were assured by nearly every member of that committee that this act of tardy justice should be done these men, but the bill has never been placed upon the calendar of the House. This is the opportunity to-day to do justice to these men, and I hope my friends from Missouri, my colleagues on the other side of the aisle, will join hands with me and with this side to do justice to these militiamen of Missouri.

Mr. LANGLEY. Mr. Chairman, I just want to say to the gentleman from Missouri that I think the chances are better now than they ever were before to get a favorable report upon this proposition from the Committee on Invalid Pensions, and I hope he will come before that committee with this measure.

Mr. BARTHOLDT. Why should that be necessary when we have a chance to put this legislation on the statute books now?

Mr. LANGLEY. Oh, I shall vote for the proposition—not only to extend it to Missouri, but to Kentucky and to all of the other States. I am going to vote for it, certainly.

Mr. ALEXANDER. Mr. Chairman, this is a day I long have sought and mourned because I found it not. Ever since I became a Member of this body I have tried to get recognition for the Enrolled Missouri Militia. In the Sixtieth and Sixty-first Congresses, when the party of which the gentleman from Illinois [Mr. MANN] is now the leader, was in control of this House, in connection with all the Members from Missouri, both Republicans and Democrats, I tried to get recognition for the Enrolled Missouri Militia, but without success. There has been no partisanship between us in this effort. We all recognized the justice of the claims of these men and labored to have them placed on the pension rolls, and I shall be only too happy if this House to-day will adopt this amendment. [Applause.]

President Lincoln recognized the service of these men and said that if it had not been for them it would have been necessary to send other troops from the front into the State of Missouri. They served not only 60 and 90 and 100 days, but many of them served 1 year or more. Many of them are now old, infirm, and poor.

Time and again we have offered bills in this House to give them recognition. This effort has been made for the last 25 years, both by Democratic and Republican Members of Congress from Missouri. If this amendment is agreed to it will be tardy recognition. These men deserve your support of this measure, and I hope that it was offered in good faith by the gentleman from Illinois [Mr. MANN], and I hope it will be voted for in good faith by all those on that side of the House. I challenge you to vote for it. I want the amendment incorporated in the bill, and it will be giving tardy recognition to not many, because most of these men have gone over the river.

Mr. SHERWOOD. How many of these men are there?

Mr. ALEXANDER. Many years ago it was estimated by the adjutant general of Missouri, I understand, that there were about 12,000 of them, but my candid opinion is that at this time the number will not exceed from five to six thousand in the State of Missouri. Of course, as to that I have no accurate knowledge.

Mr. LENROOT. Mr. Chairman, I am afraid there is danger that we will lose sight of the interest of the old soldier for the sake of a chance to play a little politics in the State of Missouri. [Applause.] This is neither the time nor the place, Mr. Chairman, to consider a question of this kind. This bill relates to a certain class of persons; as to whether another class of persons should be given a pensionable status is a question that should be considered by itself. If this amendment shall prevail with reference to the State of Missouri, then I can readily see that there are a great many States which ought to come in equally as well, and I can see, and Members upon this side of the House can also see, that if we carry this to its logical conclusion for the sake of putting some Members upon that side of the House in a hole, we will endanger this whole bill [applause] before the Executive, who must pass upon it before it becomes a law. I refuse, Mr. Chairman, to consider this matter from a merely political standpoint rather than in the interest of the defenders of this country. [Applause.]

Mr. POWERS. I want to say, Mr. Chairman, that I do not know the motives which actuated the speech of the gentleman from Missouri [Mr. ALEXANDER] in advocating pensions for certain battalions in that Commonwealth, but I have this to say: That the State of Kentucky has the Three Forks Battalion, the South Cumberland Battalion, and other battalions of State militia exactly in the same condition as those in the State of Missouri; and in reply to the distinguished gentleman from the State of Wisconsin [Mr. LENROOT] in attacking the motives of the the gentleman from Missouri, I desire to say this, that it is not a matter of politics, as he alleges, but it is a matter of justice, of right, that those men should be pensioned. [Applause.] As stated by the gentleman from Missouri, for the last quarter of a century these men have been knocking at the doors of Congress for recognition along pension lines. They are as much entitled to it as those of their neighbors who are now drawing pensions from the Government, and I for one will cast my vote in favor of the amendment granting them pensions. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the Chair announced the noes seemed to have it.

Mr. CLARK of Missouri. Division, Mr. Chairman.

The committee divided; and there were—ayes 91, noes 132.

So the amendment was rejected.

Mr. HOBSON. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Alabama.

The Clerk read as follows:

Amend by inserting as a new section the following:

"When in any fiscal year the sum total of all expenditures for pensions shall reach the sum of $175,000,000, then further expenditures under the provisions of this act shall be suspended until the end of that fiscal year."

Mr. HOBSON. Mr. Chairman, there are certain principles which should underlie the adoption of a measure of this character, carrying, as it would, such large expenditures, estimated by its best friends at about $20,000,000 and by others upward to $75,000,000 or $100,000,000 of increase in the pensions of the United States. The first principle is that of gratitude. In my judgment, future generations unborn will recognize that the Civil War even more than the Revolutionary War determined the character of the American Government and its people and that in proportion as American destiny is to bless all mankind until the end of time, just so will the debt of gratitude be great that we and all who follow us owe to those who fought in the Civil War. [Applause.] Along with gratitude comes the virtue of generosity.

The practice of bond issues, the principle of passing legislation which would call on others who come after to participate in bearing the expenditures of measures of this kind when those are beneficiaries as well as ourselves are sound. The gratitude of a people should be reflected in a generosity proportioned to their resources. American resources are now almost boundless, and therefore our generosity should be very large.

But there is another principle involved, the principle of responsibility of lawmakers to the taxpayers who must pay the bills.

This amendment would enable us to meet the requirements and fulfill the demands of all three principles. The limit of $175,000,000 total for pensions would permit all expenditures under this bill if those expenditures do not exceed the estimate which the committee places upon them. But it would prevent alarming expenditures in an unknown degree if the added expenditures should be what many believe they would be.

Mr. Chairman, there is a legitimate limit in money expenditure for pensions. Gratitude and generosity ought to be expressed in our being true to our duty to our country and legislating here in accord with the principles of free government, to be generous, but also to be careful, and to realize our duty to the taxpayers of to-day as well as generosity to the soldiers of the past. [Applause.] The time has come in the history of pension legislation in America when there should be a maximum limit placed upon expenditures drawn from the Treasury of the United States.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. HOBSON. Mr. Chairman, I ask unanimous consent for five minutes more.

Mr. MANN. Mr. Chairman, reserving the right to object, may I ask the gentleman in charge of the bill whether it is the intention that he will proceed this evening until the bill is disposed of?

Mr. ADAIR. I will say to the gentleman it is the intention to complete the bill this evening.

Mr. MANN. I do not object. I can stay here as long as anybody.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama? [After a pause.] The Chair hears none.

Mr. HOBSON. At the time when the great Democratic Party takes control of the affairs of this Government, when it comes to legislate on questions of pension policies the legislation ought to be sound, it ought to embody principles, it ought to be constructive, it ought to be careful, it ought to represent not only gratitude and generosity, but a real conscientious consideration for the American people. If this amendment were found to operate to curtail expenditures, a careful revision, which should be made anyhow, and a careful codification of all existing pension legislation, by curtailing expenditures in other directions and eliminating unworthy cases, would soon enable all benefits of this bill to be received. This is a good bill in itself, but such a pity that it has to be raised on top of less meritorious measures now aggregating over $150,000,000 annually.

I do not see the necessity for too much precipitation in the matter of pension legislation. I can understand the feelings of the gentlemen who are so strongly advocating this bill. I am in sympathy with them, but I believe Democratic policies should be constructive. It is a pity when this bill came in it did not come in as part of a general measure to revise, codify, and remove all abuses in existing laws. This bill itself is the most meritorious pension measure that has ever been drawn up, at least since I can remember, and I only wish we were not compelled here to put this bill on top of $150,000,000 of existing pension expenditure. I wish that I could vote for this bill without respect to other bills. I wish that all of us could. I wish there might be no division between Republicans and Democrats.

If we adopt a strong, constructive, careful, generous, and yet at the same time legitimate measure in regard to pensions, the whole country will indorse us. Both sides should get together on this bill by placing a limit, and then permit us not to go beyond that limit, but to give these veterans year by year the true value that they ought to receive for their services—the principle involved in this measure. I wish the committee might accept my amendment. It is simply taking them at their word that there will be only twenty-odd millions of dollars of additional expenditure. If they are straightforward in believing that only twenty-odd millions of dollars will be added, then not a dollar will be cut off by this amendment.

Mr. JACKSON. Mr. Chairman——

The CHAIRMAN. Will the gentleman from Alabama [Mr. HOBSON] yield to the gentleman from Kansas [Mr. JACKSON]?

Mr. JACKSON. Will the gentleman permit one question?

Mr. HOBSON. Certainly.

Mr. JACKSON. Does not the gentleman believe it would be more patriotic and sounder, if we should run short on revenues, to suspend work on new battleships or cut off one battleship rather than to make the old soldier wait for his pension to the end of the year?

Mr. HOBSON. I am very glad to answer the gentleman and say that the main source of gratitude in the generations unborn will be that the American Nation has put her ships on the seas and established that equilibrium by which they could back the open-door policies and other policies that will bring about peace in the world. Then we will have the true basis of gratitude.

The CHAIRMAN. The time of the gentleman has expired. The question is on agreeing to the amendment offered by the gentleman from Alabama [Mr. HOBSON].

The question was taken, and the amendment was rejected.

Mr. WILLIS. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Ohio [Mr. WILLIS].

The Clerk read as follows:

Add after section 1 a new section, as follows:

"That an act entitled 'An act granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico,' approved February 6, 1907, be, and the same is hereby, amended to read as follows:

"'That any person who served 90 days or more in the military or naval service of the United States during the late Civil War, or 60 days in the War with Mexico, and who has been honorably discharged therefrom, and who has reached the age of 60 years or over, shall, upon making proof of such facts according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the pension roll and be entitled to receive a pension as follows: In case that such person has reached the age of 60 years, $14 per month; 62 years, $16 per month; 64 years, $18 per month; 66 years, $20 per month; 68 years, $22 per month; 70 years, $25 per month; 72 years, $30 per month; 75 years, $35 per month; and such pension shall commence from the date of the filing of the application in the Bureau of Pensions after the passage and approval of this act.'"

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio [Mr. WILLIS].

The question was taken, and the amendment was rejected.

Mr. STERLING. Mr. Chairman, I offer the following amendment as a new section.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. STERLING].

The Clerk read as follows:

Add as a new section, after section 1, the following:

"That if any officer or enlisted man who served 90 days or more in the Army or Navy of the United States during the late Civil War and who has been honorably discharged therefrom has died or shall hereafter die, leaving a widow, such widow shall, upon due proof of her husband's death, without proving his death to be the result of his Army or Navy service, be placed on the pension roll from the date of the filing of her application therefor under this act at the rate of $12 per month during her widowhood, provided that said widow shall have married said soldier or sailor prior to the passage of this act; and the benefits of this section shall include those widows whose husbands if living would have a pensionable status under the joint resolutions of February 15, 1895, July 1, 1902, and June 28, 1906."

[Cries of "Vote!" "Vote!"]

Mr. STERLING. Mr. Chairman, just a word, explaining the purposes of this amendment. Under the present law women who married soldiers after June 27, 1890, are not, when the soldiers die, entitled to a pension. This simply changes the existing law by an amendment to the effect that women who married soldiers prior to the passage of this act are entitled to pensions.

Now, there are a good many very meritorious cases where the marriages occurred after June 27, 1890, and there is no reason, there is no justice, in fixing that arbitrary date as to the time of marriage in determining whether or not the soldier's widow ought to have a pension. This amendment will not cost the Government very much more, but it will do justice to a few widows of old soldiers in worthy cases. They are entitled to justice, and I trust the amendment may be adopted. [Cries of "Vote!"]

Mr. SAMUEL W. SMITH. I would like to ask the gentleman a question. Does the gentleman's amendment bring it down to the present time?

Mr. STERLING. Yes; down to the passage of this act. The only change is that it strikes out the words "June 27, 1890," and inserts the words "after the passage of this act."

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Illinois [Mr. STERLING].

The question being taken, on a division (demanded by Mr. STERLING and Mr. AUSTIN) there were—ayes 69, noes 128.

So the amendment was rejected.

Mr. KOPP. Mr. Chairman, I offer as a new section the following amendment, which I send to the Clerk's desk and ask to have read.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wisconsin [Mr. KOPP].

The Clerk read as follows:

Add as a new section the following:

"That if any officer or enlisted man who served 90 days or more in the Army or Navy of the United States during the late Civil War or 60 days in the War with Mexico and who has been honorably discharged therefrom has died or shall hereafter die, leaving a widow, such widow shall, upon due proof of her husband's death, without proving his death to be the result of his Army or Navy service, be placed upon the pension roll from the date of the filing of her application therefor under this act at the rate of $12 per month during her widowhood: *Provided*, That said widow shall have married said soldier or sailor at least 10 years prior to his death and the widow shall have lived and cohabited with such soldier or sailor continuously from the date of such marriage, if subsequent to June 26, 1890, to the date of his death."

Mr. AUSTIN. Mr. Chairman, I wish to be heard on that amendment. [Cries of "Vote!" "Vote!"] Gentlemen, you can not vote until I have an opportunity to talk on this proposed amendment. I believe I have voted for every amendment to this bill that has been adopted; but here is a proposition which I think ought to appeal to every Member of the House. We have had in the pension laws of this country for 20 years a provision which, in my judgment, is not only unjust and unfair but is a reflection on every woman who has married an ex-Union soldier in the last 20 years. That provision of law was written upon the statute books in the belief that these women married the soldiers for the purpose of securing pensions after their husbands' deaths.

I submit to every man of conscience, to every Member of this House who respects and loves woman and who reveres the name of mother and wife, to pause and consider this proposition for a moment. I know I am given to sympathy and sentiment and feeling in these matters, but beyond and coupled with this sentiment, feeling, and sympathy underlie what I believe to be absolute justice and fairness. If we rob this House of Representatives of feeling, of sympathy, of sentiment, and of justice we do ourselves no credit or honor. Neither do we represent the best sentiment of the districts that sent us here. I say this provision of law is a direct reflection upon the honor and good name of every woman who has married a Union soldier during the last 20 years, and I appeal to every man, not on one side of this Chamber or the other, but to every man who loves and reveres the name of wife or mother to consider this matter seriously.

There are not many people affected by this proposed amendment, but they are women, and poor and worthy women, and their honor and reputations are just as precious to them as the honor and reputation of the wife of any man in this House.

I hope this amendment will be adopted by a unanimous vote, which would be an honor to every man in this House. [Applause.]

Mr. RODDENBERY. Mr. Chairman, it is not my purpose at this juncture to discuss particularly the merits of the proposition to which the gentleman from Tennessee [Mr. AUSTIN] has just addressed himself. He proposes to extend pensions to widows of soldiers, although they may have but recently been

married to him. It is not for me to say what are the motives of many of the women who marry old soldiers, but in this connection I desire to read a word of caution communicated to Congress by the President of the United States, Mr. Taft, in a message of not very late date.

The message reads as follows:

But while we should be actuated by this spirit to the old soldier himself, care should be exercised not to go to absurd lengths or distribute the bounty of the Government to classes of persons who may at this late day, from a mere mercenary motive, seek to obtain some legal relation with the old veteran now tottering on the brink of the grave.

If that is the opinion of your President on this subject, I think Members of Congress may well be cautious before they increase the burdens of taxation by undertaking to legislate on this point without reasonable limitation. [Applause.]

I am opposed to this amendment and opposed to the passage of this pension bill. Since 1861 pensions have been increased year by year until they now exceed $157,000,000 per annum. The time has come to stop it.

My friend the distinguished gentleman from Pennsylvania [Mr. LEE] remarked in his closing words that he trusted that the Members, especially from the South, would vote for his amendment to enlarge and increase these pensions, in order to display their loyalty to the country and to the Union soldier. I submit to the House that it is not necessary that gentlemen from any section of this country should vote for burdening the taxpayers with reckless appropriations for any cause, in order to demonstrate their loyalty either to the Civil War veteran or to the Republic.

For 40 years the loyal, honest, and patriotic people of my section of the country have been paying their just and full proportion of taxes, without complaint, for pensions to veterans of the Civil War.

The sum total of the entire amount for which the country has been burdened now reaches the appalling sum of $4,000,000,000. There is no parallel to it in history. The pending bill for which we are asked to vote increases the pension of 200,000 pensioners from $12 a month to $30 a month. Overdoubling the present law, which is now excessive. The pending bill also increases the pensions of 73,000 Civil War veterans from $15 to $30 a month, and, if the words of gentlemen from New York and Illinois are to be taken as true, much of this increase will go to men whose estates are valued at millions of dollars. The enormous pension roll is already overburdening the people. I submit that neither the South nor any other section should have its humble citizens taxed to pay pensions to men who are living in wealth, whose income exceeds $1,000 a year, $10,000 a year, and $20,000 a year. Gentlemen propose to so shape this bill as to open wide the Treasury of the Government to pensioning the rich soldier at the expense of those who labor and toil. It is not justice, it is not patriotism, it is not loyalty to the Union soldier to pass such legislation. I protest against it here and now. We have sat here for six long hours and seen the Civil War veterans made the football of politics on either side of this Chamber. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. RODDENBERY. I ask unanimous consent for two minutes more.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that his time be extended two minutes. Is there objection?

There was no objection.

Mr. RODDENBERY. Mr. Chairman, during this day's session we have seen Members submit amendments and submit substitutes and amendments to amendments and deliver a few words on these amendments so as to get into the RECORD at the expense of the soldier sentiment, at the expense of the country's veneration for the veteran soldiers, apparently having no other motive than to make a record that would enable them to go before their constituents successfully at the next election. That is not service to the country, nor is it generosity to the Civil War veteran, nor is it—if I may say so—calculated to protect the Public Treasury against demands which will force the country to bear additional taxation.

The people of my section are willing to contribute their just, fair proportion of taxation for a reasonable pension for the veterans of the Civil War, but when you undertake to increase at one stroke the appropriation for this cause $100,000,000, to be paid alike to the deserving soldier and to the man who does not need it, I protest against it. In behalf of the loyal people who sent me here, and in their interest as well as in the interest of the common country, I oppose this whole proposition and shall vote against it. I submit to you that it is not disloyalty for me to utter these sentiments in opposition to this bill, nor is it disloyal to the needy soldiers of the country for me to cast my vote against it. [Applause.]

This Government has been generous in the exercise of the pensioning power. I call the attention of the House to the astounding growth of the pension appropriations. In 1866 the appropriation for Federal pensions was $15,800,000; 20 years later, in 1886, it rose to $64,000,000. In 1906 it had grown to $139,000,000, while in 1911, 45 years after the war has ended, the people are taxed $157,000,000 to meet the pension roll. As appalling as this record is, it is now proposed to add $75,000,000 more. Mr. Chairman, when will the end come and where will the limit be? In the name of justice and a long-suffering people I oppose this legislation.

Mr. SULZER. Mr. Chairman, I shall vote for Gen. SHERWOOD's bill. I want to do justice to the soldiers who saved the Union. I want to reward them while they live. Nobody can ever say that during the years I have been a Member of this House I ever voted against a just bill in the interests of the soldiers and sailors who saved the Union. This is a rich country; this is the land of liberty; this is the grand Republic; and it is all so, to a large extent, on account of what the gallant men who marched from the North did in the great struggle for the Union.

There is no gift in the Republic too great for the men who saved the Republic. We should be grateful to the brave soldiers who fought that great war to a successful end. I can not bring my ideas regarding this bill down to the level of mere dollars and cents. I place my vote for it on higher ground. I want this bill to pass for patriotism—the noblest sentiment that animates the soul of man.

Let me say again what I have often said before, that I am now, ever have been, and always expect to be the friend of the men who saved our country in the greatest hour of its peril. We owe them a debt we can never pay. They are entitled to our everlasting gratitude, and gratitude is the fairest flower that sheds its perfume in the human heart. Let us be grateful lest we forget. My sympathy will always be with the heroic sailors and soldiers of the Union who went to the front in the greatest crisis in all our marvelous history.

Mr. EDWARDS. Mr. Chairman, it is my information that the Government paid out last year the sum of $157,200,000 for pensions to Union soldiers. The Sherwood bill, now under consideration, proposes to increase this amount by adding to it $75,671,880.

There is a broad difference of opinion as to the amount carried in the Sherwood bill. The estimates range from $30,000,000 to upward of $75,000,000.

We have the statement of the Secretary of the Department of the Interior to the effect that it carries $75,671,880.

While there is some question as to the amount this bill carries, it is generally agreed that it does not repeal or reduce any existing pension laws. Assuming that the estimate of the Secretary of the Interior is correct, the amount provided for under existing laws and the amount provided for in the bill under consideration aggregate the sum of $232,871,880 to be paid yearly out of the Treasury for pensions to Union soldiers.

At the beginning of this Congress the Democrats established a policy of economy, and announced to the world that we proposed to retrench national expenditures in every possible way, yet the Democratic committee having this bill in charge has made a favorable report upon it.

It may not be the popular thing here for a Member of the House to register a protest against pension extravagance, because there seems to be an overwhelming sentiment in the House in favor of this pension legislation. It is not what I think is the popular thing for me to do, but is what I think is the right thing for me to do, which moves me to oppose this bill.

I am opposed to this bill, or any other legislation, that increases the already stupendous sum that we are paying annually for pensions.

President Grant is given credit with having made a statement, over 30 years ago, that pensions had reached their maximum, yet to-day the fixed charge of $157,200,000 is more than double the amount that was being paid at that time.

To see how much money we can appropriate for pensions and for other purposes is not wise statesmanship. To the contrary, we should see how little we can run the Government with so as to lighten the burdens of taxation upon the people.

It is my opinion that if the enormous sum of $157,200,000 that we are paying to-day for pensions to the Union soldiers was properly, honestly, and judiciously expended there could be no need for an increase. Notwithstanding the fact that the Union soldiers are dying off approximately at the rate of 100 a day, aggregating upward of 35,000 a year, the appropriations for pensions increase annually. Where and when will it stop?

The American people can not understand why this should be. Such facts tend to strengthen the general belief that the money

appropriated for pensions is encroached upon by other hands than those for whom it is intended.

The war is long since ended. We are a reunited people, and never again will there be a division of this great country.

At this date, so far removed from the bloody scenes of the sixties, there should be no feeling against the men who wore the blue or the men who wore the gray. Both sides fought for what they thought was right. I shall not stop here to discuss the question as to who was right. It is my earnest conviction that the Southern States had a right to secede, and having that right they fought to maintain it.

When a gentleman opposes pension legislation on the floor of the House some one is ready to charge that such opposition springs from the fact that he has no Union soldiers in his district. I do not know, nor do I care, how many I have in the district which I represent. That does not affect me in the least. I am opposed to this legislation because I believe it is time that a halt was being called in this high-handed pension extravagance.

Those of us who are opposed to such legislation can use the argument, if we cared to do so, that the gentlemen who favor it do so because they have a great number of Union soldiers in their districts. I make no such charge, because I am frank enough and honest enough to concede to the opposition what I would like to have conceded to me, and that is honesty of conviction. I realize that those in favor of this legislation have a right to their convictions, and it is their right to favor this legislation if they wish to do so, and it is my right to oppose it if I wish to do so.

The people are told that they should not kick against the high cost of living, which is largely due to the levying of a high tariff, because, as our Republican friends tell them, it is necessary to levy a high tariff in order that we may meet the expenses of our Government, and especially to raise funds with which to pay pensions to the Union soldiers.

If we can follow out a wise and conservative policy of economy, and cut down as far as possible not only the amount we are annually paying for pensions but the large amounts that we are paying in other directions, the national expense would be greatly reduced, and there would not exist as great a reason for levying taxes upon the people of this country.

Many, if not all, of the Southern States have systems of paying pensions to the needy and worthy Confederate soldiers.

The pensions that the Southern States are paying are usually small, and they are paid only to those Confederate soldiers and widows who are actually in need. In addition to paying these Confederate soldiers and widows their pensions, the Southern States are likewise bearing their respective parts of the revenues that are collected for the payment of pensions to Union soldiers. There would not be so much cause for complaint against the present system of national pensions if only those who are needy and worthy were provided for. If Congress would devise some scheme by which only this class would be provided for, there would not come a word of complaint from any section of this country, and it would not take so much money to carry it into effect.

Only on Saturday, in talking with a gentleman about this pension question, he stated to me that he knew of a case, and had no doubt there were many other similar cases, where a man was drawing a pension as a Union soldier, a pension as a Spanish-American War veteran, and holding a Government job besides. It is not so much the "use as the abuse" against which thousands of Americans are complaining.

There is a growing feeling that there is something radically wrong with our national pension system. It is hinted on every hand that there is a great deal of useless expense and foolish extravagance incurred in the handling and payment of pensions.

It seems to me that if there is to be a national pension policy for Union soldiers, it should be so adjusted that it would be easily understood and operated, as well as economically administered. There should always be the strongest restrictions and protections thrown around this fund to prevent misappropriation or misuse, as well as to prevent any and all extravagance in its handling and administration.

The people of this country have been groaning under the high cost of living, which is due largely to the extravagance of the last few Republican administrations we have had, through which a high protective tariff has been fastened upon the American people. To meet the enormous expenditures of the Government our Republican friends have thought it necessary to raise the revenues by levying high tariffs.

We owe a duty to the whole American people, and they are looking to us to cut off the millions of money that is now being extravagantly wasted, and thereby relieve the necessaries of life of the taxes that are now levied upon them.

We are told by many of our friends supporting this pension legislation that the Government can not afford to refund to the people of the South the taxes that were illegally levied upon cotton during and just after the war, which amounts to but a few million dollars. We are also told by some of these same gentlemen that the Treasury will not stand the payment of the southern war claims, yet they advocate pension legislation that will entail an annual expenditure of $232,871,880 for pensions to Union soldiers.

The South was left desolate and its people were impoverished by the war. She is gradually rising from the ashes of her ruins and is coming into her own. The eyes of every section of this country are turning to the South. During her period of poverty and desolation the Federal taxgatherers came to her ruined fields and homes and levied heavy tribute upon the southern people, much of which went to Union soldiers in bounties and pensions.

No protests came from the South. Each year the people of the South have patiently watched the pension bills climb into higher and more staggering proportions until to-day the enormous sum of $232,871,880 is proposed and will be fastened upon the American people if this bill becomes a law.

Our people ask only a square deal. If they are to be taxed for the payment of pensions to Union soldiers, then, in the name of fairness and justice, give back to those people the amounts of which they have been robbed. Refund to them the cotton tax as well as pay their war claims that have been pending for lo these many years.

It is far from my intention to utter a single sentence that would sow seeds of bitterness or would keep alive the feeling of hate that once existed between certain sections of this country. It is simply in the interest of economy and to help safeguard the Treasury of the United States, which is the property of all Americans, against what I believe to be expensive and extravagant legislation, that I have spoken; and I hope that this bill, together with all other bills of similar character, will fail of passage.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was rejected.

Mr. OLMSTED. Mr. Chairman, I offer the following amendment as a new section.

The Clerk read as follows:

Add as a new section, to follow section 1:

"That all persons who performed honorable service in the War of the Rebellion and Indian wars from 1861 to 1865, inclusive, for a period of 90 days or more as teamsters, and were not regularly mustered as soldiers, shall be entitled to pensions under the existing conditions of section 2 of the act of June 27, 1890: *Provided*, That if any such teamster has died, his widow and minor children shall be entitled to pensions under the provisions of section 3 of the act of June 27, 1890."

Mr. OLMSTED. Mr. Chairman, I have offered this in response to a written petition numerously signed by very good people. I do not, however, claim credit for its paternity. It is an exact copy of bill H. R. 7272, introduced in this present session by my distinguished friend from Illinois [Mr. GRAHAM], whose attention I would like to have. I can not in the period of five minutes say all I would like to say touching the merits of this proposition, but I will give way, Mr. Chairman, in order that my distinguished friend from Illinois may speak in favor of his favorite measure, which he will of course support not only with his vote, but as well with his usual forceful and convincing eloquence.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer the following amendment as a new section.

The Clerk read as follows:

Add as a new section the following:

"That all members of the Missouri Home Guards who served not less than 60 days during the late Rebellion, and who have honorable discharges, shall be entitled to pensions; and that all such soldiers, their widows, and minor children shall have the benefit of and are hereby placed under the provisions of the act of February 6, 1907, entitled 'An act granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico.'"

Mr. MANN. Mr. Chairman, this is a bill, changed into the form of an amendment, originally introduced into the House by my distinguished friend from Missouri, Judge RUSSELL, and referred to the Committee on Invalid Pensions.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer the following amendment as a new section, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert as a new section the following:

"SEC. —. That the provisions of the act of February 6, 1907, entitled 'An act granting pensions to certain enlisted men, soldiers

and officers, who served in the Civil War and the War with Mexico,' be, and the same are hereby, extended to and made to include all persons who served not less than 90 days in the Enrolled Missouri Militia during the late War of the Rebellion and who were honorably discharged, and to the widows and minor children of such persons."

Mr. MANN. Mr. Chairman, like the amendment which I offered a few moments ago and which was voted down by the Democratic House, this amendment in the form of a bill was also prepared and introduced by the distinguished gentleman from Missouri, a member of the Committee on Invalid Pensions, my friend Judge RUSSELL. I hoped a moment ago that the amendment which I then offered providing for a service of 60 days would be adopted. When my friend from Missouri introduced that as a bill he was not certain that the House or Congress would be willing to grant a pension for a service of 60 days, so practically at the same time he introduced another bill based upon a 90 days' service. I hope that having disposed unfavorably of the 60-day proposition, the House will now clasp to its bosom the 90-day proposition, which I have offered as an amendment.

Mr. RUSSELL. Mr. Chairman, some time during this debate some one said that we are all cowards. I propose to demonstrate to you that I am not a coward. I introduced this bill in good faith and I am going to try to get the Committee on Invalid Pensions to report a bill of that sort. I tried to do that in the Sixtieth Congress, but I found the leaders here then in the Republican Party were opposed to that sort of a bill and we could not get the bill reported to the House for its action. I am going to try to get it reported to this House at this session, but I am going to vote against this amendment now, although it is my bill and expresses what I believe to be right and just, because I believe, as the gentleman from Wisconsin [Mr. LENROOT] has stated to you, that is that he fears if this proposition were incorporated as an amendment to this bill, the bill would be defeated. I am going to vote against this amendment because I want this bill to become a law. [Applause on the Democratic side.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer the following amendment in the form of a new section, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert as a new section:

"SEC. —. That the provisions of the pension acts of June 27, 1890, and of February 6, 1907, be, and are hereby, extended to include the officers and enlisted men of the State militia and other organizations of the several States of the Union that were organized for the defense of the Union and cooperated with the military and naval forces of the United States in the suppression of the Rebellion, who served 90 days or more in the said military organizations during the said war and were honorably discharged therefrom or otherwise relieved from duty under orders from a military or naval officer of the United States, and that a certificate of discharge from such service from either State or United States authority shall be conclusive proof of such service, and to the widows, minor children, and dependent mothers and fathers of such persons: *Provided*, That no person, his widow or minor children, shall be entitled to the benefits of said acts unless the company or organization in which he served was organized under orders of a commanding officer of the military or naval forces of the United States, or cooperated with the military or naval forces of the United States in the suppression of the Rebellion, and was paid and maintained by the several States, and such States were reimbursed by the United States Government."

Mr. MANN. Mr. Chairman, this amendment which I have now offered was introduced into the House during this Congress as a bill by the distinguished gentleman from Missouri [Mr. RUBEY]. A moment ago it was stated on the floor of the House that the adoption of amendments like this would defeat the bill. The gentleman who made the statement certainly does not mean it. No amendment which will be adopted to this bill will defeat it in this House, and no provision put in the bill in this House will have anything whatever to do with its consideration in the Senate of the United States. When matters of this sort go to the other body they are considered as original propositions, and if this bill comes back from the Senate, as it doubtless will, it will probably come back with all after the enacting clause stricken out and a substitute prepared in the Senate inserted in lieu thereof, and when the bill is finally written it will be written in conference; and no gentleman on the floor of this House can fairly escape his responsibility as to every amendment offered by saying he fears it will defeat the bill. Members here must vote upon the merits of the propositions which are presented to them. If they are agreed to in this House, they must be considered in the other body when a report comes from a conference committee. That is the only time when we can force action. I have heard gentlemen declaim repeatedly on the floor of this House in favor of having rules whereby you could offer amendments, and to-day, when the amendments are offered, I have heard the same gentlemen declaim against voting upon them on their merits. [Applause on the Republican side.]

Mr. RUBEY. Mr. Chairman, I had not expected to take part in these debates, but after sitting in my seat here for six hours and a half, after witnessing, as I have witnessed, the introduction of amendment after amendment to this bill for the single and sole purpose of embarrassing Members upon this side of the House, I have decided to say just a few words at this time. I introduced the bill which the gentleman from Illinois [Mr. MANN] has just offered here as an amendment, and at the proper time I expect to do all I can to secure its passage.

I am strongly in favor of passing a bill that will recognize the various militia organizations which did service in the Civil War.

A little while ago, when the gentleman offered his first amendment embodying the bill of Mr. ALEXANDER upon the same subject, I voted for it, along with the other Missourians. When the vote was taken, a division was called for by Mr. CLARK of Missouri and the vote stood 91 for the amendment and 132 against the amendment. Since then the gentleman has offered the bills of other Missouri Members as amendments to this bill, and it is plainly evident that he is merely seeking to embarrass us.

A little less than a year ago this House passed what is known as the Sulloway bill. I was not then fortunate enough to be a Member of this body. Had I been, it would have received my hearty support. I remember well, after the passage of this bill through the House, with what anxiety the old soldiers of my immediate vicinity watched for the action of the Senate upon the question. Day after day while the bill was pending in the Senate I saw old soldiers of my town meet at the post office in the morning, and with eager eyes they scanned the pages of the daily papers to read the result of the preceding day's work. From the lips of every one of them fell the question "Has the Senate acted upon the Sulloway bill?" And when, after days and weeks of delay the bill was finally defeated in the Republican Senate by a point of order made by one Republican Senator, I saw the look of disappointment and grief upon the faces of these soldiers. I made up my mind then that in future legislation I would seek in every way for the passage of a bill through the House which would meet with the least possible objection upon the part of the Senate and one which would be passed and approved by the President with the least possible delay. [Applause.]

All important legislation, Mr. Chairman, is the result of compromise. In the early days of this country, when our forefathers adopted the Constitution of the United States, that instrument itself was the result of compromise. Almost every important section of that instrument was debated pro and con, and in its final writing was a compromise. When the instrument itself was completed and submitted to the people of the colonies for ratification, quite a number of those who assisted in its framing opposed its adoption. Yet notwithstanding all this debate and compromise, this instrument to-day stands as the greatest of its character in all the history of the world.

It is absolutely impossible to frame and pass a bill in this body that will satisfy every Member of it. It is equally impossible to pass a bill that will satisfy and meet the wants and actual needs of every soldier. I venture to say that if every Member of this body were to submit a bill embodying his ideas upon the subject no two bills would be alike. I favor a bill that will bring the greatest good to the greatest number, so far as its application is concerned, to the old soldier, for whose immediate relief and benefit the bill is to be passed. I know that the members of the Pension Committee are sincere in their efforts in behalf of the old soldier. This bill is the result of careful study and investigation upon their part. In framing this bill I am satisfied that the committee has sought to bring forth the best bill which, in its opinion, has the best chance to receive the approval, not only of this body, but of the Senate of the United States, as well as the President. [Applause.]

Mr. Chairman, I favor this bill for additional reasons. In the first place, it is acceptable to the soldiers whose services to the country we are seeking to reward. On the 15th of last November I mailed out to the soldiers of my district more than a thousand letters. I called attention in that letter to the provisions of the Sherwood bill, and I asked them to give me their opinion upon the question. Since then I have had a great many replies, and I am safe in saying that 9 out of 10 of those who replied favor the Sherwood bill, and a very large number of them stated in their letters to me that in their opinion it was the best bill that had ever been presented to the Congress of the United States. In addition to these letters a great many of the Grand Army Posts throughout my district have passed resolutions indorsing it, and have memorialized me to use my best efforts to secure its passage. And further

than this, I beg to say that I have received petitions and other communications, many of which I would like to incorporate in my remarks if time would permit. In August last more than 200 veterans met in their annual association, and during the reunion took action upon this bill, and I submit the following and give it as a fair sample of other communications I have received upon the subject:

To the Hon. THOMAS L. RUBEY, *Washington, D. C.*

DEAR SIR: At the annual reunion of the Dallas County Association of the Veterans of the War, held at Buffalo, Dallas County, in August, 1911, there were present 200 veterans. A vote was taken, and the Sherwood bill was unanimously indorsed, and we were requested to notify you to that effect and to urge you to do all in your power to secure its passage. We are well acquainted with all the ex-soldiers in this and adjoining counties, and find that it is the sentiment of all. We have waited patiently for our services to be acknowledged by this great Government of ours that we spent the best years of our lives to keep together, and now in our old age give us enough to make us comfortable the balance of our time here on earth; and for this we will ever pray.

Respectfully submitted.

F. M. CLAYTON,
Commander Dallas County Veteran Association.

Attested:
Col. L. T. HARRISON, *Adjutant.*

Another reason, Mr. Chairman, I have for supporting this measure is that it is acceptable to the people. I have discussed this question with a great many people in my own congressional district, and I believe that I am safe in saying that the enactment of the Sherwood bill into a law will receive the hearty approval of a large majority of the people not only in my district but throughout the entire country.

I am opposed, Mr. Chairman, to the maintenance of a large standing army. In every war in which this country has been engaged it has been the volunteer soldier who has won the battles and who has enabled us to march to victory. From that day way back yonder when old Putnam left his plow standing in the field and went forth to join his brethren in the Revolutionary struggle for liberty, down through all the years to that day in 1898 when, in response to the call of the President, thousands of men came from the farm and shop to offer their services to this Government to take part in the Spanish-American War, it has been the volunteer soldier upon whom we have had to depend for our victories. And, Mr. Chairman, thus it will ever be and thus it should be. If on to-morrow morning a foreign foe should make its appearance and the clouds of war should settle over this great land, in response to the President's proclamation, from off the farm and out of the mines, from behind the counter and from out the shops would come the men who would defend our country and who would bring triumph and victory to our flag.

Under these circumstances is it not the duty of the Government to reward the soldier and to see that in his old age he is taken care of and kept, so far as possible, from care and want? This bill is for the relief of those who fought in the great Civil War. It will fill every patriotic American's heart full of gratitude and joy to know that here upon this floor this measure is receiving the support of the Confederate soldier as well as the support of the Federal soldier.

Mr. Chairman, every soldier of the North and every soldier of the South holds in blessed memory and will transmit to posterity the glorious fact that in that great struggle each fought for the principles which he conscientiously believed to be just and right. When at Appomatox Gen. Grant received from that gallant southern soldier, Gen. Lee, his sword and at the same instant returned it to him, he did a noble deed, one which was but the beginning of that great union of North and South, which has resulted in the building up of a nation unexcelled in all the world. That was indeed at that time a sad day for all the Southland. Clouds of sorrow and disappointment hung over all that country; but those clouds have been lifted and dispelled, and to-day, after a lapse of all these years, it is the universal opinion of all men everywhere, whether from the South or from the North, that Appomatox will go down in history as the brightest day in all the history of this country.

After the close of that struggle the soldiers returned to their homes; they took up their usual vocations of life, and for many years they followed their pursuits. These men belong to that great class of men who earn their bread by the sweat of their brows. After years of honest toil the hardships incident to years of exposure in the war have told upon them and to-day thousands of them are old and feeble and absolutely unable to support themselves. Is it not time that the Government should come to their relief and give to them that which will enable them to pass their last years in some degree of comfort and ease?

Our friends upon the other side of this question have spoken of the cost of this bill to the American people. In my opinion, and in the opinion of the committee itself, the estimate of the cost of the bill has been greatly exaggerated. I am satisfied that the enactment of this law and the putting of it into effect will not cost the Government anything like the sum of money claimed by those who oppose it. The gentleman from Texas, in his speech last Saturday, in a very dramatic manner asked, "When will this thing cease?" Let me say to him that he need not worry about that question; almost with the ticking of yonder clock goes out the life of some old soldier, and in a very short time every one of them will have gone to reap his reward across the Great River, and it will no longer be in the province of this Government to take care of him.

I would call the attention of my Democratic brethren to the fact that the Democratic platform adopted at Denver in 1908 declares that we favor liberal pensions to the soldier. I would call their attention to the further fact that this is the first opportunity that we have had to put into effect the provisions of that platform.

In conclusion, Mr. Chairman, I will say that if benefit is to come to the soldiers of our country, it must come speedily and without delay. I am for the best measure that can pass this House and for the one that can be most speedily put into operation, and in my humble opinion the Sherwood bill is the bill to pass and this the day upon which to pass it. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Chairman, I desire to offer the following amendment——

Mr. FINLEY. Mr. Chairman, I offer the following amendment to strike out——

The CHAIRMAN. Will the gentleman from South Carolina please send his amendment to the Clerk's desk?

Mr. MANN. I submit, Mr. Chairman, that it is not in order to strike out anything while a motion is made to insert something as a new section.

Mr. FINLEY. Mr. Chairman, I move to strike out all after the enacting clause.

The CHAIRMAN. The Chair will state to the gentleman from South Carolina that we have passed the first section of the bill.

Mr. FINLEY. I understood we were still working on the first section.

The CHAIRMAN. No; we have passed the first section.

Mr. CULLOP. Mr. Chairman, I make the point of order against the amendment.

Mr. FINLEY. I inquired before I offered the amendment——

The CHAIRMAN. The Chair will state to the gentleman from South Carolina we have passed the first section and these are new paragraphs being offered after the first section.

Mr. FINLEY. Then I was misinformed.

Mr. MANN. Mr. Chairman, I offer an amendment as a new section.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert as a new section:

"SEC. —. That the provisions of the pension acts of June 27, 1890, and of February 6, 1907, be, and are hereby, extended to include the officers and enlisted men of the State militia and other organizations of the several States of the Union that were organized for the defense of the Union and cooperated with the military and naval forces of the United States in suppressing the War of the Rebellion, who served 90 days or more in any of said military organizations during the said war and were honorably discharged therefrom or otherwise relieved from duty under orders of a military or naval officer of the United States, and that a certificate of discharge from such service from either State or United States authority shall be conclusive proof of such service, and to the widows, minor children, and dependent mothers and fathers of such persons: *Provided*, That no person, his widow or minor children, shall be entitled to the benefits of said acts unless the company or organization in which he served was organized under orders of a commanding officer of the military or naval forces of the United States, or served under authority of a military or naval officer of the United States, or cooperated with the military or naval forces of the United States in the suppression of the War of the Rebellion, and was paid or maintained by the United States during his service in said militia or other organization, or was paid or maintained by the several States, and such States were reimbursed by the United States Government."

Mr. MANN. Mr. Chairman—— [Cries of "Vote!" "Vote!"] I am not in a hurry, I will wait; I never was hollered down by a Democratic crowd, and I presume I will not commence now. Mr. Chairman, the amendment which I have offered is the substance of a bill introduced in this Congress by the distinguished gentleman from Missouri [Mr. HENSLEY]. A similar bill was introduced in the House at this session by the gentleman from Missouri [Mr. BORLAND]. I submit them to the consideration of the House.

Mr. HENSLEY. Mr. Chairman, I desire to say that there is a maxim of equity that says when a man comes into a court of equity he must come with clean hands. [Applause.] I introduced the bill the gentleman from Illinois now offers as an amendment, fully intending to appear before the committee and

use every effort in my power to have it favorably reported, placed upon the calendar, and enacted into law by this Congress. I do not see in this proposition what some gentlemen in their speeches claim to see in it. I firmly believe that whether a man served in the State militia or in the regular Union Army, if he rendered real service, if he actually served his country under her flag, he is entitled to a pensionable status and ought to receive a pension from the United States. It is only just and proper that he should. But, Mr. Chairman, if the distinguished gentleman from Illinois had been as vigorous and industrious in trying to place these militiamen upon a pensionable status heretofore when the party of which he is now the leader on this floor was in a majority in this House and also in the Senate, they should have received pensions long ago. That the State militia should be pensionable has been the contention of distinguished gentlemen on this side of this Hall for many years. If he had been as industrious then as now it would have been done. It occurs to me that he is acting in bad faith. [Applause on the Democratic side.] And for this reason I shall not vote for this amendment, notwithstanding the fact that it is the bill I introduced, but I shall stand with Gen. SHERWOOD and this committee in supporting this measure, which I think is just and proper in the premises. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the Chair announced the noes seemed to have it.

Mr. RUCKER of Missouri. Division, Mr. Chairman.

The committee divided; and there were—ayes 51, noes 107.

So the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert as a new section:

"SEC. —. That any officer or enlisted man of a State military organization who, during the War of the Rebellion, cooperated with the armed forces of the United States, under the command of United States officers, and rendered actual and valuable service in the suppression of the rebellion, and who is disabled by reason of injury received or disease contracted in the line of duty while rendering such service, shall be entitled to the benefits of the provisions of this act in the same manner and to the same extent as though having been in the military service of the United States during the Civil War. The Secretary of the Interior shall prescribe rules and regulations governing the character of evidence necessary to prove the service herein set forth: *Provided*, That a certificate of the adjutant general of the State to which the military organizations belonged, showing the date of discharge therefrom, shall be accepted in lieu of the honorable discharge otherwise required: *Provided further*, That the provisions of this section shall not apply to the case of any officer or enlisted man in which the evidence discloses any fact that would have barred him from an honorable discharge had he been in the military service of the United States at the date of his discharge from such State military organization."

Mr. MANN. Mr. Chairman, the amendment which I have offered is practically the bill introduced by the gentleman from Kentucky [Mr. LANGLEY] for the purpose of bringing all of these State regiments and other organizations under the pension laws, so far as this act is concerned.

Mr. Chairman, a few moments ago a gentleman said that the offering of an amendment which was a bill which he had introduced was in bad faith. I leave it to the country to determine whether a gentleman exercises bad faith who offers an amendment under the rules of the House or when he says he is in favor of a proposition and votes against it. [Applause on the Republican side.]

I noticed awhile ago with great and distinct pleasure, when I offered the first amendment, upon which a division was had, in reference to the Missouri militia, where this side of the House substantially voted unanimously for it, and that side of the House, the Democratic, substantially voted against it, the distinguished Speaker of this House stood by his colors and voted for the proposition. [Applause.] Did he exhibit bad faith in voting for an amendment that for years he has advocated when the opportunity was presented to vote for it, or does the gentleman from Missouri [Mr. HENSLEY], who introduced the bill and favors it until it comes to a vote and then votes against it, exhibit bad faith? [Applause.] I prefer to take the example of the distinguished Speaker as a proper criterion of good and bad faith. [Applause on the Republican side.]

Mr. FERRIS. Mr. Speaker, I am not a member of the Pension Committee. I am not from Missouri recently, although I was born there, but I think it is but fair to say that the great Republican Party, under the leadership of the gentleman from Illinois, when the real issue is this afternoon "To help the Civil War veterans," should feel a little ill at ease when their leader constantly keeps piling straw on the flame and heaping a heavier load on the soldier, who is now in the legislative mire seeking relief.

The committee and this side of the House at least are trying to get some legislation through this House for their relief. I can not but think that when the Sulloway bill, which I voted for, was under consideration, the Grand Old Party, this afternoon being led by the gentleman from Illinois, did not offer these amendments. [Applause on the Democratic side.] I can not but think we ought to pause and observe that though the grand old Republican Party for 16 long years had been in full control of this Government they did not help these enrolled Missouri militiamen, and that at this eleventh hour, when it is 20 minutes to 7, after the gentleman from Illinois [Mr. MANN] has offered 30 or 40 amendments almost identical in form, the soldiers of this country will conclude in their own minds as to his good or bad faith, and that their conclusion will be more binding than any utterance of good faith or bad faith that he may utter on this occasion. [Applause on the Democratic side.]

I again repeat that the fate of this bill means nothing to me personally. The political complexion of my district is such that I do not have to oppose or support this amendment. The same is true as to the bill itself; but both political parties, in national platform, on the stump, and elsewhere, have pledged themselves to do full justice to the Civil War soldiers. I have enough patriotism in me to vote for their interests, and not vote to load this bill down with amendments that will kill it, as I believe your side of the House hope to do. [Applause on the Democratic side.] We well know that this is not the last day this bill will see. It has to run the gantlet of the Senate Republican in form, and it will have to pass the White House, Republican in form. [Laughter and applause.] And it has a long race to run in both Houses, in my judgment; and the man who is really the friend of this bill better take from it than add to it, if he hopes to get it by those two Republican forums. [Applause on the Democratic side.]

Mr. LANGLEY. Mr. Chairman, the gentleman from Illinois [Mr. MANN] states that the amendment which he has just offered is in effect the same as the bill I have introduced in this Congress for the relief of the militiamen of all of the States who aided in the suppression of the Rebellion. His statement is true, if I correctly understood the Clerk who read it. Judging from what I have witnessed here this afternoon, I think the gentleman has offered some amendments embodying bills that have been introduced and advocated by Members, not so much for the purpose of perfecting the pending bill as to embarrass the authors of the bills covered by his amendments.

I do not know, of course, what his purpose was in offering my militia bill as an amendment to the Sherwood bill, but if he thought it would embarrass me he was very much mistaken. I have been perfectly frank with the House and with our committee on this militia question. I was in good faith when I introduced and urged the passage of that bill in the Sixtieth Congress and in the Sixty-first Congress and still again in the present Congress. Time and again I have appealed to the committee and to the House to do justice to these old men who sacrificed so much for the country. Time and again I have been met with failure. Many men who are listening to me now have worked just as I have to get a pensionable status conferred on these old militiamen. They know, just as I do, why we have not succeeded. There is a well-defined fear that the country will not stand for such an enlargement of our pension roll. I think their conception of the extent of the list is greatly exaggerated, but the idea and the opposition exist, nevertheless, and block our progress. I have the utmost faith in the justice of their cause, and when Congress and the country fully understand the very limited scope of the proposition I believe that opposition will melt away. But we who are the special friends of these militiamen must get together and organize and work in harmony and for a common end. In that way, and that way alone, can we hope to succeed. We can not hope to succeed by tacking a new and undigested proposition on this bill, adding a new class of pensioners to the rolls. It must be handled through and by the committee in the usual channel. That is the only way we can ever hope to get it through. It must stand or fall alone on its own merits. I have talked with the true friends of the militiamen on both sides of the House, and they all agree to this view, and that any other course will injure rather than help their cause. No one can fool them by presenting amendments that have no earthly chance of passing, and then cease their efforts there. Let us keep working in the right way until something is done.

The distinguished chairman and other members of the committee have assured me that at a very early date—in fact, whenever we are ready—we shall have a full and fair hearing before that committee. That is why I agreed not to offer this amendment, and why I have not done so, although it is so meritorious that I shall vote for it every chance I get, even

though I know it is not offered in good faith, because I have not the conscience to vote against it.

I served four years as an examiner in the Pension Office. I served for nearly five years on the board of pension appeals. During that long service I ought to have acquired, and I think I did acquire, considerable knowledge of pension subjects, and I utilized to the best of my ability that knowledge in the preparation of my bill which is designed not merely to benefit the Kentucky militia, but the militia in all the States where they rendered similar service in the suppression of the Rebellion. and I hope I may be pardoned for saying that I think this is the best and most conservative bill which has ever been presented to this House on that question, and one which the friends of the militiamen of all the States can stand upon. I do not wish to jeopardize the measure now pending before the House by seeking to load it down with amendments that can not become law now. The bill itself means too much to too many of the old soldiers to take any chances in that way.

I fear, Mr. Chairman, that the authors of some of the amendments that have been offered to the bill do not have due regard for that probable effect. I want to see some sort of a measure enacted into law that will give more recognition to the old soldiers and sailors of the country, and I want to see it done as speedily as possible. [Applause.] This is our opportunity, and let us do it now. [Applause.] I am going to vote for the amendment offered by the gentleman because it is right, even though I know it can not pass, but I feel, Mr. Chairman, that in justice to myself and to my constituents who are interested in the bill it is my duty to make this explanation to the committee. [Applause.]

I want to say that it is a source of deep regret to me that I am forced to admit that these old militiamen will have to wait until another general pension bill is enacted before their cases will be passed upon by Congress. It is a serious question with them, Mr. Chairman, and if gentlemen knew with what solicitude these old men will read this debate, and how vitally it affects their future, I think some Members would have treated the matter with more seriousness than has been manifested here to-day. Just as soon as this Sherwood measure is out of the way those of us who are sincere and earnest in our determination to get something done for the militiamen should get together and renew our efforts in their behalf, and not desist until their rights are recognized. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer a further amendment as a new section.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] offers a further amendment, which the Clerk will report.

The Clerk read as follows:

Insert as a new section:

"SEC. —. That any person who served in the military or naval service of the United States, or in any military or naval State militia organization, or in any other military or naval organization by whatsoever name known, including Union military telegraphers, Army nurses, teamsters, scouts, guides, dispatch carriers, pilots, bridge constructors, and all other persons actually serving in connection with said Federal, State, or other military or naval forces, cooperating or acting in concert with the United States military or naval forces during the Civil War, and were honorably discharged therefrom, or otherwise honorably relieved from such duty, upon making proof of such facts according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the pension roll and be entitled to receive a pension as follows: In case such person has served 1 day or more and less than 10 days, $2 per month; 10 days or more and less than 20 days, $3 per month; 20 days or more and less than 30 days, $4 per month; 30 days or more and less than 90 days, $5 per month; 90 days or over, $6 per month: *Provided*, That the rolls of enlistments or muster rolls or pay rolls of the several States or the United States, showing that such person was paid or maintained by either State or United States authority, or that such State was reimbursed by the United States Government for such service or maintenance, or a certificate of discharge from such service from either State or United States authority shall be conclusive proof of such service to entitle such person to receive a pension under the provisions of this section: *Provided further*, That upon application and proof of death of the person entitled to receive a pension for such service rendered under the provisions of this section, his widow, dependent father or mother shall be entitled to receive the same pension, and each minor child of such deceased person shall be entitled to receive $2 per month until such minor arrives at the age of 16 years: *Provided further*, That no person, his widow, minor children, dependent father or mother shall be entitled to the benefits of this section unless the company or organization in which such person served was in the military or naval service of the United States, or was organized under orders of a commanding officer of the military or naval forces of the United States, or served under authority of a military or naval officer of the United States, or cooperated or acted in concert with the military or naval forces of the United States during the Civil War, or was paid or maintained by the United States for such service, or was paid or maintained by the several States and such States were reimbursed for the same by the United States Government: *Provided further*, That pensioners who are now receiving pensions under existing laws, or whose claims are pending in the Bureau of Pensions, may, by application to the Commissioner of Pensions in such form as he may prescribe, receive the benefits of this section, and nothing herein contained shall prevent any pensioner or person entitled to receive a pension from prosecuting his claim and receiving a pension under any other general or special act or other provisions of this act: *Provided further*, That no person shall receive a pension under any other law at the same time or for the same period that such person is receiving a pension under the provisions of this section: *And provided further*, That no person who is now receiving or shall hereafter receive a greater pension under any other general or special law than such person would be entitled to receive under the provisions herein shall be pensionable under this section."

The CHAIRMAN. The question is on agreeing to the amendmen offered by the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, this amendment is also in the form of a bill that was introduced by the distinguished gentleman from Missouri [Mr. HENSLEY], who probably thinks it is now offered in bad faith. There has been a great deal of talk in the country about pensioning these men. You gentlemen might as well understand at one time as another that when you vote upon the proposition now, you vote upon it for the last time during this Congress.

It is true that, owing to the persistent efforts of this side of the House during the special session of Congress to have committee-discharge days reached and to have the pension bill on the calendar and the motion reached to discharge the committee from that bill, we forced the other side of the House finally to report this bill.

It is true, perhaps, that the offering of these amendments relating to Missouri will force the Committee on Invalid Pensions to do something upon that subject, though I doubt it. But it is quite certain that on this proposition there will be no further opportunity in this House during this Congress to vote upon the merits of the bill offered by my distinguished friend from Missouri.

Mr. RUCKER of Missouri. Suppose the bill is reported by the committee, will the gentleman vote for it, or does he mean that he will filibuster it to death?

Mr. MANN. I will not say what I will do when it comes before the House in some other form. I know what the provision is now. Will the gentleman from Missouri determine now what he will do now? [Applause on the Republican side.] I find some men always wanting to determine what they will do next year. I endeavor to determine what I will do when the occasion presents itself. I am not making promises to anybody about any future thing at any time.

Mr. RUCKER of Missouri. Mr. Chairman, I will tell the gentleman from Illinois [Mr. MANN] what I am going to do. I am going to vote my honest conviction on each and every proposition presented. Some gentlemen may not do that. Will he? He has amused himself and detained the House by offering as amendments several bills introduced by various Members to grant pensionable status to soldiers who served their country in State organizations. Was he acting in good faith? I just asked him in the presence of this committee if he would support one of these bills giving recognition to members of State organizations, which rendered brave and valuable service to the Government, and his answer was evasive. For an hour he has indulged in a farcical play, suggesting a sympathy which he does not feel for men who served their country with valor and heroism, whose claims have been ignored and repudiated by his political party; and when asked if he would support a bill for their relief he is forced to reply, in effect, "I will determine my action when the time comes; I make no promises." Of course he will not.

I used to read a book with which the gentleman from Illinois [Mr. MANN] is familiar, in which many good characters are presented as well as some very objectionable ones. Sometime, somewhere, I have come in contact with men who remind me of some of Shakespeare's characters. The Duke of Gloster, in King Richard the Third, is depicted as one of the meanest of men. His every thought is a lie, his every act a crime. When burdened and oppressed with a guilty recollection of the many deceptions he had practiced and the innumerable wrongs he had committed, the great author makes him utter this confession:

> And thus I clothe my naked villainy
> With old odd ends stolen out of Holy Writ,
> And seem a saint when most I play the devil.

[Laughter.]

This quotation is applicable. The gentleman from Illinois [Mr. MANN] delves into the archives of this Capitol and parades in spectacular procession bill after bill introduced by Democrats for the purpose, as he hopes, of making political capital out of the charge that we do not support our bills. The gentleman from Kentucky [Mr. LANGLEY]—and, I am glad to say in passing, that Kentucky has shown signs of returning to safe and sane political conditions—the gentleman from Kentucky, whom I know to be an honest man, a few moments ago told us that he consulted with friends of the old soldier on the Republican side of this House and they, in common with friends of the old soldier on this side, concurred in the judg-

ment that this was not an opportune time to press the consideration of bills for the relief of members of State organizations. In justice to the gentleman from Kentucky [Mr. LANGLEY] I want to say further that he is one of the stanchest and best friends in this House of the veterans of the Civil and Spanish Wars, including those who served in State militia organizations and aided in suppressing the rebellion, and in my opinion has done more to secure favorable legislation for these militia soldiers than all the Republican Members of the House combined.

Mr. LANGLEY. I thank my good friend from Missouri for his very complimentary reference to my service in this House in behalf of the soldiers of the country. I have done all I could for them.

Mr. RUCKER of Missouri. Evidently the distinguished gentleman from Kentucky, who is a real friend to the soldier, did not consult his leader [Mr. MANN], because his leader has proven to me, and I think to the House, that he is opposed to the relief which we intend to give to the old soldiers of this country, who thus far have been denied recognition by the Government they served so valiantly and well. [Applause.]

Mr. Chairman, does anybody believe that anyone in this country is such a darned fool as to believe that the gentleman from Illinois [Mr. MANN] offered these amendments in good faith? You know he did not. [Applause on the Democratic side.] And it seems to me that a gentleman so honored by his party ought to have more regard for this House and more compassion for the reading public than to consume the time of Congress in offering amendments which he does not favor for the purposes of concealing his real attitude and injecting his name into every page of the CONGRESSIONAL RECORD. O God, how can the people continue to read the RECORD with MANN on every page of it. [Applause and laughter.] He is a most affable gentleman and the best leader the Republican Party can possibly have, because he is the greatest filibusterer and obstructor that ever reigned since the time the devils in hell met in conclave to oppose and filibuster against the righteous decrees of Almighty God. [Laughter.] I may not get my Milton quite right, but my Shakespeare is pretty nearly right. [Laughter and applause.]

Mr. Chairman, we on this side intend in good faith to keep every promise. If we fail, it will be on account of Republican opposition. We say to the gentleman from Illinois [Mr. MANN] that we mean what we have said, and if he will quit his eternal filibustering, his objectionable, distasteful, disgusting, and indefensible filibuster, and let us pass this bill, the electric wires before midnight will carry the glad tidings to hundreds and thousands of veterans that this House has discharged a long-delayed duty. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from Missouri have two minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. RUCKER of Missouri. Mr. Chairman, I would be ungrateful and unappreciative, when the gentleman solicits the House to give me an opportunity to address it, if I did not give him proper credit. I have great admiration for the Republican minority leader. The fact of it is, out through the country where I live people who read the CONGRESSIONAL RECORD—and they all read it, especially the old soldiers—say, "Who in the devil is this Hon. JAMES R. MANN, who kicks up so many rows?" [Laughter.] I tell them that when the tyranny and despotism of Uncle Joe has failed, when the persuasion of the distinguished gentleman from New York [Mr. PAYNE] proves unsuccessful, when all the Republican statesmen have failed, then the old Republican Party calls on the Hon. JAMES R. MANN, the distinguished gentleman from Illinois, to block the game of progress and to wrong the old veterans of the Civil War. [Laughter and applause.]

Mr. Chairman, let me say again—and there can be no misunderstanding between the gentleman from Illinois [Mr. MANN] and me, because I am not one of those that has to be interpreted—that the gentleman has not in good faith offered a single one of these bills to pension the State militia. If he had, every Member of the House who believes the Government owes a duty, too long deferred, to those brave men who composed the State organizations would have supported the amendments. But we believe his purpose is to defeat legislation in behalf of State militiamen, not secure it. So far as I am concerned, I voted with him once to-night, but if God Almighty will forgive me for it I will not do it again. [Laughter.] I am heartily in favor of granting pensionable status to soldiers who served in State organizations, but I say now that we Democrats in the Sixty-second Congress and in all the Congresses hereafter to come are going to determine the time and the manner of legislating and pursue the course which seems wise and patriotic to us without consulting the gentleman from Illinois. [Applause on the Democratic side.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. CAMPBELL. Mr. Chairman, I offer the following amendment as a new section.

The Clerk read as follows:

That any person who served 90 days or more in the military or naval service of the United States during the late Civil War, or 60 days in the War with Mexico, and who has been honorably discharged therefrom, and who has reached the age of 62 years or over, shall, upon making proof of such facts according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the pension roll and be entitled to receive a pension as follows: In case such person has reached the age of 62 years, $15 per month; 65 years, $20 per month; 70 years, $30 per month; 75 years or over, $36 per month; and such pension shall commence from the date of the filing of the application in the Bureau of Pensions after the passage and approval of this act: *Provided*, That pensioners who are 62 years of age or over, and who are now receiving pensions under existing laws, or whose claims are pending in the Bureau of Pensions, may, by application to the Commissioner of Pensions, in such form as he may prescribe, receive the benefits of this act; and nothing herein contained shall prevent any pensioner or person entitled to a pension from prosecuting his claim and receiving a pension under any other general or special act: *Provided*, That no person shall receive a pension under any other law at the same time or for the same period that he is receiving a pension under the provisions of this act: *Provided further*, That no person who is now receiving or shall hereafter receive a greater pension under any other general or special law than he would be entitled to receive under the provisions herein shall be pensionable under this act.

SEC. 2. That rank in the service shall not be considered in applications filed hereunder.

SEC. 3. That the clauses in the acts of June 27, 1890, May 9, 1900, and April 19, 1908, denying pensions to widows of soldiers, sailors, and marines who married their husbands subsequent to June 27, 1890, are hereby repealed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas.

The question was taken, and the amendment was rejected.

Mr. BERGER. Mr. Chairman, I offer the following amendment as a new section.

The Clerk read as follows:

That every person who makes satisfactory proof before the authorities hereinafter designated that he (or she)—

(*a*) Has reached the age of 60 years;

(*b*) Has been a citizen of the United States for 16 consecutive years;

(*c*) If a husband, has not without just cause failed to provide with adequate maintenance his wife and such of his children as are under 16 years of age; or if a wife, has not deserted any of her children under 16 years of age; and

(*d*) Is not in receipt of an income from any source, exclusive of the pension herein provided for, which, for the 12 months previous to the filing of his application, has averaged $6 a week—

Shall be placed upon the pension roll of the United States and be entitled to receive until death a pension from the United States Government provided by an annual appropriation by the Congress. Such pensions shall be graded according to the following schedule:

When the average weekly means of the pensioner as calculated under the act do not exceed $6, 4 per week; exceed $6, but do not exceed $6.75, $3.25 per week; exceed $6.75, but do not exceed $7.50, $2.50 per week; exceed $7.50, but do not exceed $8.25, $1.75 per week; exceed $8.25, but do not exceed $9, $1 per week.

SEC. 2. That every person claiming a pension under this act shall file with the Department of the Interior an affidavit containing such statements as may be prescribed by the Secretary of the Interior, who shall also make such rules and regulations as are necessary to carry out the provisions of this act.

SEC. 3. That in computing the term of residence above required, such periods of absence from the boundaries of the United States as have been undergone by the claimant while in the service abroad, either civil or military, of the United States, or of any State or Territory thereof, shall be counted as though the claimant had then lived within the United States.

SEC. 4. That in ascertaining the income above mentioned account shall be taken—

(*a*) Of any pension which claimant is already receiving from this or any other Government.

(*b*) Of the yearly income which might be expected to be derived from any property belonging to that person, which, though capable of investment or profitable use, is not so invested or profitably used by him.

(*c*) Of the yearly value of any advantage accruing to that person from the ownership or use of any property which is personally used or enjoyed by him.

(*d*) Of the yearly value of any benefit or privilege enjoyed by such person.

SEC. 5. That in calculating the means of a person being one of a married couple living together the means shall not in any case be taken to be less than one-half the total means of the couple: *Provided*, That when both husband and wife are pensioners, except where they are living apart pursuant to any decree, judgment, order, or deed of separation, the rate of pension for each shall be three-fourths of the rate given in the above schedule.

SEC. 6. That the pension hereunder may be increased or decreased every 12 months, whenever the pensioner's income decreases or increases according to the terms of the schedule; and the Secretary of the Interior shall make all needful regulations for providing for this change of rating.

SEC. 7. That this act is amendatory of, and supplemental to, all existing statutes touching pensions, and all such statutes in all respects are hereby declared to apply to and to protect claimant under this act, precisely as though they had been in form incorporated herein.

SEC. 8. That the said pension shall be paid in 13 installments in each year in advance. It shall begin on the date when the claim is filed, and the arrears from that time to the time of allowance shall, if the claimant be then living, but not otherwise, be paid in a lump sum.

SEC. 9. That in case any person entitled hereunder is an incompetent or is incapable under the law where such person resides, the claim for the pension of such person may be made and the pension may be collected for such person by any person or persons appointed under the local law as guardian, conservator, tutor, or the like, of such claimant.

SEC. 10. That this act shall be liberally administered to effect its purpose, which is to provide, out of the public purse, sufficient income for the old to enable them to enjoy the last remaining years of their lives in such freedom from the fear of want as they have earned by a long service for society as citizens of the Republic.

SEC. 11. That in accord with paragraph 2, section 2, Article III of the Constitution, and of the precedent established by the act passed over the President's veto March 27, 1868, the exercise of jurisdiction by any of the Federal courts upon the validity of this act is hereby expressly forbidden.

Mr. BARTLETT. Mr. Chairman, I make the point of order, which I will reserve, that the amendment has been read far enough to develop the fact that it is not germane to this bill.

Mr. MANN. Would there be any objection to inserting the remainder of the amendment in the RECORD and allow the gentleman from Wisconsin to have five minutes to speak on it?

Mr. BARTLETT. None whatever.

Mr. MANN. Then, Mr. Chairman, I ask unanimous consent that the amendment may be considered as read in full and printed in the RECORD, and that the gentleman from Wisconsin [Mr. BERGER] have five minutes, with the point of order pending.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the amendment as proposed by the gentleman from Wisconsin [Mr. BERGER] be printed in the RECORD, and that he be permitted to address the committee for five minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Georgia reserves the point of order upon the amendment.

Mr. BERGER. Mr. Chairman and gentlemen, I yield to no one in my respect for and devotion to the old soldier as the man who saved the Union and freed the slaves. In a sense our party is going to do the same thing for the white man—we want to free the white man. However, this country has been very liberal toward the old soldier. Forty-six years after the close of the war we are still paying $175,000,000 annually in pensions, and it is now proposed to add from fifty to seventy-five million dollars more. Altogether we have paid over $4,000,000,000. I do not begrudge the old soldier one cent. He is entitled to all he can get. I shall vote for the bill.

But everybody understands why an old soldier is entitled to a pension. It is because he has done service for his country on the field of battle—service which was dangerous to life and limb.

In that connection I desire to call the attention of this House to another class of citizens who are daily rendering service to this Nation even more necessary than that of a soldier. It is service dangerous to life and limb, and they are doing such service every day in the year and every hour of the day. You have read about the 200 men who were entombed in Tennessee—I believe it was on last Saturday—and mining is not the only dangerous work. Few people know that there are more men killed and maimed every year in the mines, the factories, and on the railroads than were killed and wounded in any one year of the Civil War. In addition, we also should consider the number of men and women who are subject to diseases contracted because of their occupations, and who become total or partial invalids by the hundreds and thousands every year. I understand perfectly that the amendment that I propose may not be germane, as the point of order suggests, but I say that the soldiers of industry are as necessary and as much entitled to a pension as the soldiers of our late war. I was not here in 1860. I was born in 1860, and born across the pond.

I love the old veterans because they fought and bled for an ideal. However, this does not minimize the fact that the veterans of our industries are entitled to pensions as much as the veterans of the war. The work of the soldier of industry is infinitely more necessary and must be performed every day or our civilization cease. Just imagine the workingmen of this country stopping work for one week! Imagine that every working man and working woman should stop just for one week, and even this House would have to stop its sessions. You would have to go home; you would have to walk home. You could not deliberate any longer.

Mr. LOBECK. We could stay here.

Mr. BERGER. Maybe you would have to stay here and starve.

Mr. LOBECK. Oh, no.

Mr. BERGER. The average wage of a workingman in 1910 was $476. He can not save enough for old age out of that sum. Every working man and woman who has worked in this country for 20 years has created more wealth than any pension can ever repay. Therefore he has even a better claim for support in his old age than the old soldier. That is the reason I offer my amendment and the reason that I introduced my bill. Let us have a pension law that will do justice to all—to the Blue and the Gray, and particularly the gray—those with gray hair. I want to pension everybody who has done useful work and is in need in old age. I would pension everybody who has worked and has become old and has not enough laid by to live upon—every person who at the age of 60 has an income of less than $500. And those who believe as I do will accept this amendment.

The CHAIRMAN. The time of the gentleman has expired. Does the gentleman from Georgia make the point of order?

Mr. BARTLETT. I make the point of order that the amendment is not germane to the bill or to any provision of it.

The CHAIRMAN. Does the gentleman from Wisconsin desire to be heard on the point of order?

Mr. BERGER. Mr. Chairman, I admit that under a strict construction the amendment is not germane.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. Mr. Chairman, I offer as a new section the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert as a new section the following:

"SEC. —. That all persons placed upon the roll of military telegraph operators under the provisions of an act approved January 26, 1897, entitled 'An act for the relief of telegraph operators who served in the War of the Rebellion,' and who have been granted suitable certificates of honorable service as provided in said act, are hereby declared to have been a part of the Army of the United States, and the provisions of all laws granting pensions to the officers and enlisted men who served in the War of the Rebellion, their widows, minor children, and dependent relatives, are hereby extended so as to apply to the said persons: *Provided*, That the rates of pension hereunder shall be the same as that granted to private soldiers."

Mr. MANN. Mr. Chairman, there has been a very strong effort at different times, continuing throughout the country, to place the military telegraphers upon the pension rolls, and that has been done in part. The amendment that I have offered proposes to give to the military telegraphers the same rights under this bill that soldiers have. I think that is the policy which has been adopted by Congress, and it seems to me eminently just.

Some gentlemen upon the other side of the House seem to think that the ostrich by sticking its head in the sand really is hidden, and that they can avoid responsibility for their acts and their votes in the House by stating that what I do is not done in good faith. Why, my faith in the matter has nothing to do with it. I do not determine what the majority of this House does in voting upon an amendment. The House is responsible for its own acts. I present an amendment. Whether it is presented in good faith or bad faith has nothing to do with the merits of the case. The amendment speaks for itself, and gentlemen who seek to hide their responsibility by claiming that the amendment is not offered in good faith make a very good example for the ostrich to follow.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the Chair announced the noes appeared to have it.

Mr. MANN. Mr. Chairman, I ask for a division; we are for the military telegraphers.

The committee divided; and there were—ayes 41, noes 86.

So the amendment was rejected.

The Clerk read as follows:

SEC. 2. That any person who served in the Civil War and received an honorable discharge and who was wounded in battle or on duty, and who was thereby disabled and is now unfit for manual labor, or who from disease or other causes incurred in line of duty resulting in his disability now to perform manual labor, shall be paid the maximum pension under this act, to wit, $30 per month, without regard to his length of service.

Mr. ADAIR. Mr. Chairman, I offer a committee amendment——

The CHAIRMAN. The Clerk will first report the committee amendments to this section.

The Clerk read as follows:

In line 15 strike out the word "on" and insert the words "in line of," and strike out in the same line the words "and who were thereby disabled." In line 16, after the word "labor," insert the words "through causes not due to his own vicious habits."

The question was taken, and the committee amendments were adopted.

Mr. ADAIR. Mr. Chairman, I offer the following committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend page 2, line 13, by inserting after the word "in" the following: "the military or naval services of the United States during."

The question was taken, and the amendment was agreed to.

Mr. MARTIN of Colorado. Mr. Chairman, I wish to offer an amendment which does not require to be stated in writing. I wish to move to strike out, on page 2, in line 16, the first word, "and," and substitute therefor the word "or."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out, in line 16, the first word, "and," and insert in lieu thereof the word "or."

Mr. MARTIN of Colorado. Mr. Chairman, after all the time of this House that has been wasted here this afternoon in buncombe amendments, I feel almost like apologizing for taking up a moment of your time further. But I want to congratulate my colleagues upon this side of the House, some of whom feel—and I think justly—that an attempt has been made to put them in a hole; that there is so much buncombe in the amendments which have been introduced here this afternoon that the only defense that will ever be required on account of the position that they have taken here to-day against these amendments is the CONGRESSIONAL RECORD of this day's proceedings, containing all of the hairbrained pension schemes which were ever cooked up in the mind of a Member of Congress [applause], a record which upon the face of it will refute even a suspicion of good faith in the making of it. Now, I believe I have offered the shortest amendment which has been presented to you to-day, but if it is an important amendment that fact itself indicates an important lack in this bill as now framed. My amendment in effect by the change of this word "and" to "or" will grant a pension of $30 a month to every honorably discharged soldier of the Civil War who is now unfit for manual labor through no fault of his own, regardless of his age or length of service.

Mr. KENDALL. Will the gentleman yield?

Mr. MARTIN of Colorado. For a question.

Mr. KENDALL. Without respect to how his disability was incurred?

Mr. MARTIN of Colorado. Without respect to how his disability was incurred, provided it was incurred through no misconduct upon his own part.

Mr. KENDALL. Through no vicious fault of his own.

Mr. MANN. Will the gentleman yield?

Mr. MARTIN of Colorado. Yes.

Mr. MANN. And without respect to length of service in the Army?

Mr. MARTIN of Colorado. Without respect to his age or length of service. If he is honorably discharged from the Union Army in the Civil War and is now unfit for manual labor through no fault of his own he shall be granted the maximum rate of this bill, $30 per month.

Now, then, Mr. Chairman, if the gentleman will just permit me for a moment.

Mr. DYER. Will the gentleman yield for a question?

Mr. MARTIN of Colorado. I will.

Mr. DYER. I would like to ask the gentleman if he does not think, if his amendment is agreed to, it would have the effect of putting all these persons on $30 instead of part of them on $15 and part of them on $20?

Mr. MARTIN of Colorado. It will unquestionably put all of them under the $30 rate who are now unfit for manual labor because of their physical condition, and that, I may say to the gentleman, is the express purpose and intent of the amendment. [Applause.]

Now, if the gentleman will just permit me for a moment, I wish to say that much has been said here by the supporters of this bill, which is based upon length of service, in criticism of the Sulloway bill, the rates in which are based upon age, because the Sulloway bill does not recognize merit in the granting of a pension, and at the same time leaves a needy and deserving class of soldiers inadequately provided for.

Much has been said by the supporters of the Sulloway bill in criticism of the Sherwood bill on the ground that this bill leaves a needy and deserving class of soldiers unprovided for. And I want to say that it is my judgment, based upon my actual, personal experience in pension work, the criticisms from both sides are in a measure true, and that there is a needy and deserving class of soldiers of the Civil War who will fall between the stools, so to speak, of the two conflicting methods of pensioning provided for in these bills, and will not be adequately provided for by either of them.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MARTIN of Colorado. I would like five minutes more.

Mr. LOBECK. Mr. Chairman, I ask that the gentleman from Colorado be given five minutes more.

The CHAIRMAN. Is there objection?

Mr. BARTLETT. The effect of your amendment is not only to put those who were wounded and disabled on the same footing, but to make it apply to anybody, whether wounded or not or disabled by wound?

Mr. MARTIN of Colorado. Exactly; if he is an honorably discharged soldier and unable to support himself by manual labor. And I will say to the gentleman, if I had time I think I could justify this amendment.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent that the gentleman from Colorado may proceed for five minutes more. Is there objection?

Mr. BARTLETT. I thought he had permission to proceed.

The CHAIRMAN (after a pause). The Chair hears no objection.

Mr. MARTIN of Colorado. Mr. Chairman, let me make a statement before I am interrupted so much. I did not participate at all in the general debate on this bill, because I would rather have one minute under the five-minute rule than to have one hour in general debate.

While I am a Democrat who has not paraded his record before this House, I have an interest in such legislation as this from a patriotic and sentimental standpoint that might not be suspected by every gentleman on that side of the House; and I take pride in the fact that both my father and father-in-law carried a gun from 1861 to 1865 in defense of the flag, and both of them wear upon their lapels the little bronze button than which, in my judgment, there is no greater badge of honor in this country. The only thing in the world that can be said in derogation of their records is that which can be said of myself, namely, that they vote the Democratic ticket. [Applause on the Democratic side.]

Let me make a statement or two now. When I say that I believe the criticism against these two bills is well taken to a certain extent, I want to go further and say I believe that criticism lies more heavily against the Sulloway than against the Sherwood bill, because under the former bill a soldier must be 70 years of age in order to receive a pension of more than $20 a month, and I personally know and have a number of pension bills pending for special pensions for the relief of old soldiers who are physically and financially down and out through no fault of their own, and yet who are not 70 years of age; and some of them will not live to be 70 years of age.

On the other hand I know old soldiers, and have pension bills pending for them, who are physically and financially down and out who, under the Sherwood bill, will never receive a pension of more than $15 or $20 a month. That is all they are entitled to under the bill. I want to put the concrete question to the Invalid Pension Committee on this proposition. I want to ask you gentlemen, if you had an old soldier constituent who was receiving $15 or $20 a month, all he is entitled to under the Sherwood bill, and who was blind or paralyzed, or otherwise entirely disabled, and who had a feeble, tottering old wife depending upon him for support—and I have such cases, gentlemen, in my mind's eye, and their names are on my tongue's end, and there are bills pending by dozens before this committee for them—would you say that was all he ought to have? No; you would not.

Your answer to that condition would be a special pension bill to give that old soldier, regardless of this act, a pension at the rate of $30, and your committee is grinding out special bills under such conditions as those by the score every day, and has been doing it for years, and will continue to do it in the future unless you pass some such amendment as this that I have suggested.

And every Member here present, if he will only refer to his own special pension acts now pending, if he will only refer to his own files, will ascertain that he has bills pending for old soldiers and pension claims on hand in the Bureau of Pensions for old soldiers who would be suitably provided for neither in the Sulloway bill nor in the Sherwood bill.

Every possible objection that could be raised to my amendment is answered to the satisfaction of my own mind when I say that if there are not many soldiers who would be benefited by it, if there are not many soldiers who served less than one year in the Union Army and who are now in a down-and-out condition through no fault of their own, this amendment will not cost much; and if there are many such soldiers then this amendment should be adopted, no matter what it would cost. [Applause.]

I take it that the great consideration underlying military pensions is not politics nor charity, but justice, and justice done gratefully. The soldier, at the risk of his own life, saves the life of the State and then when the soldier has become feeble and the State strong, it reaches forth its sustaining hand and helps him a little in return for the all that he gave. And by the State so doing it does more. It says to the youth of the Nation, by example, that if war comes again, threatening the security, the honor, and the life of the State, and you will forsake your homes and your families and your careers and offer up your lives and your health and your fortunes for the

preservation of the State, it will come to your aid in the hour of adversity, and it will in the future, as it has in the past, care for its soldier saviors when they are no longer able to care for themselves.

Why, Mr. Chairman, this report on the Sherwood bill calls attention to the helpless condition of the Gettysburg emergency men under the age pension bills, and it says:

The emergency men who in the terrible crisis which confronted the Union arms in the decisive Battle of Gettysburg can not get a dollar of pension under the 90-day age-pension bills, and there are thousands of worthy and needy and deserving soldiers who did valuable emergency service and were disabled in that service, who will be paid pensions by House bill 1, who are barred out by all the so-called age-pension bills.

But I call attention to the fact that none of these emergency men will be pensionable under the Sherwood bill unless wounded in the Battle of Gettysburg, or now disabled to perform manual labor as the result of disease contracted in that engagement, a thing which the soldier could not now prove unless he is already on the pension list.

The soldier who served at Gettysburg and was not wounded, may now be as unfit for manual labor and as much in need of a pension as the soldier who was wounded, but unless my amendment or some similar provision is incorporated into this bill he will not get a pension. Since the bill as drawn does not require that disability result from the wound, a very slight wound resulting in no disability on its own account would determine whether an emergency man in the Battle of Gettysburg will get $30 per month or whether he will get nothing. It strikes me as too big a difference to hinge upon accidents.

What is wanted and what is just and what will settle this question for many years to come and what will relieve the special pension work of the Members of Congress, which in itself is a rank injustice and works a rank discrimination against thousands of deserving soldiers, is to adopt a provision which every Member must know from his own experience to be the only way of reaching every class of men who are deserving of and need pensions, but who will not get a sufficient pension under the bill as it now stands.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERWOOD. Mr. Chairman, this is a very important amendment. This section 2 will take care of the emergency men, like the men who fought at the battle of Gettysburg, who were wounded in battle or who were injured in line of duty and are thereby disabled. They shall be pensioned without regard to length of service.

Now, what does this amendment do? The average age of Civil War soldiers in the United States to-day is 70 years. This amendment to the bill if adopted will pension every soldier on the roll who is disqualified for manual labor at the rate of $30 a month, even if they served only one day. Do you want to vote for such a proposition as that? I am right about that proposition. By changing the word "and" to "or" it makes every soldier in the United States who is available to pension and is unfit for manual labor, even if he served only one day, entitled to $30 a month. I think you understand that, and I do not want to occupy your time. It would cost probably $100,000,000 to change that word "and" to "or"; perhaps not in one year, but eventually.

Mr. KENDALL. The gentleman means in the aggregate?

Mr. SHERWOOD. Yes. [Cries of "Vote!"]

Mr. MANN. Mr. Chairman, the gentleman from Colorado [Mr. MARTIN], after introducing the most buncombe amendment which I have ever seen introduced on the floor of the House, says there have been buncombe amendments introduced this afternoon and he proposes to introduce a serious one.

I would not characterize any amendment as "buncombe" if I were not using the language of the gentleman from Colorado himself. One of the buncombe amendments that the gentleman from Colorado voted against was to reduce the period of service from 90 days to 60 days. Another buncombe amendment which the gentleman from Colorado voted against was to reduce the period of service from 90 days to a less period than 60 days. And yet he offers an amendment to absolutely wipe out any period of service and to pay a man $30 a month who enlisted and was discharged within an interval of 10 minutes.

Mr. MARTIN of Colorado. Mr. Chairman, will the gentleman permit an interruption?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Colorado?

Mr. MANN. I will not. If the gentleman will give me the time, I will yield for a question, if that is what the gentleman wants.

Mr. MARTIN of Colorado. I will ask the gentleman a question. I ask the gentleman if I did not attach a condition to my amendment to pay a man $30 a month, a condition that was not attached to the gentleman's proposition, namely, that the soldier is unable to perform manual labor?

Mr. MANN. No. Already the Pension Department has determined whether a man is unable to perform manual labor at a certain age, and most of these soldiers have now reached that age. That was the ruling of the department. These soldiers would now come under the rule of inability to perform manual labor for age, and certainly age can not be charged against them as a result due to their own vicious habits. Even the buncombe amendment of my friend would not say that age was the result of vicious habits. [Laughter.]

The gentleman introduces an amendment without knowing what it means, and then undertakes to describe other amendments as buncombe. This is, pure and simple, a buncombe amendment, which no one is justified in voting for. [Cries of "Vote!"]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Colorado [Mr. MARTIN].

The question was taken, and the amendment was rejected.

Mr. MARTIN of Colorado. Mr. Chairman, I offer another amendment, which I send to the Clerk's desk and ask to have read.

The CHAIRMAN. The Clerk will report the further amendment offered by the gentleman from Colorado [Mr. MARTIN].

Mr. MARTIN of Colorado. This amendment is to effect the same result by recasting the section. It strikes out section 2 as it is now in the bill and inserts new language.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out section 2 and insert:

"SEC. 2. That any person who served in the Civil War and received an honorable discharge, and who is now unfit for manual labor, through causes not due to his own vicious habits, shall be paid the maximum pension under this act, to wit, $30 per month, without regard to his length of service."

Mr. KENDALL. You do not say on which side the soldiers served.

Mr. MARTIN of Colorado. That goes in the same as the language that is in the bill now.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Colorado [Mr. MARTIN].

The question was taken, and the amendment was rejected.

Mr. DONOHOE. Mr. Chairman, I am in favor of the pending bill as a reasonable and, I hope, a satisfactory pension measure. We should not be niggardly in our treatment of those veterans who in their day of strength rendered priceless service to our country. Most of them are far advanced in life's evening, and it is but fair that their few remaining days or months or years shall be gladdened by the thought that those of the generation that has since arisen are not unmindful of the sufferings they endured and the sacrifices they made. Nor should we, in our reunited and happy country, be swayed by any sectional feeling in the consideration of this bill.

The old bitterness that did exist, and that was but a natural outcome of the desperate fratricidal struggle, is now almost, if not entirely, a thing of the past. Assuredly, the men on both sides played the part of true patriots. The Pennsylvanians who responded to the call to arms would in all probability have thrown in their lot with the Confederacy had they lived in old Virginia, and the gallant sons of the South would no doubt have "rallied 'round the flag" had they lived in northern States. Of the rank and file on both sides it may be said with equal truth that it was—

Theirs not to reason why,
Theirs but to do and die.

And so we may hope that our generous action here to-day will remove the last vestige of misunderstanding and serve to perfect those bonds of mutual advantage that bind our several sovereign States in one great Nation.

I am hopeful that the day is near when pensions shall not be confined to those who have rendered military service to the Nation. I believe we shall see the time when liberal pensions shall be provided for needy industrial veterans in their declining years. Their toil and sweat made possible the Nation's wealth, and certainly that wealth should return in some form enough to keep from want the men and the women who were the real producers of it.

It may be right, as it undoubtedly is legal, for a man to have an income of a million dollars per month, but it is not right that those whose work made possible such incomes should be without the very necessities of life. The man whose income is large should be thankful that circumstances have enabled him to contribute something to the comfort of those less fortunate.

Mr. Chairman, I will vote for the measure now before the committee, not merely because it will bring much-needed relief

to those who well deserve it, but because right and justice and the Nation's gratitude are involved in it. [Applause.]

Mr. DAVIDSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by striking out all of section 2 and inserting the following:
"That any person who served in the military or naval service of the United States during the Civil War or the War with Mexico and was discharged because of disability incurred in battle or in line of duty shall be paid the maximum pension under this act, to wit, $30 per month, without regard to his length of service."

Mr. MANN. Mr. Chairman, I offer an amendment to perfect the text. The gentleman offers his as a substitute.

The CHAIRMAN. The gentleman from Illinois offers an amendment to perfect the text, which he has a right to do. The Clerk will report the amendment.

The Clerk read as follows:

Amend page 2, line 14, by inserting before the word "and" where it first occurs in the line the words "or War with Spain or the Philippine insurrection."

Mr. MANN. Mr. Chairman, this would simply take in the soldiers of the War with Spain or the Philippine insurrection who were wounded in battle or in line of duty and discharged for that cause, or who from disease incurred in line of duty are disabled. Those men ought to receive this pension. This is not a service-pension proposition.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

The question being taken, the amendment was rejected.

Mr. ADAIR. Mr. Chairman, I offer an amendment to perfect the section.

The amendment was read as follows:

In line 18, page 2, after the word "disability" insert the word "is"; and in the same line, after the word "now," insert the word "unable," so that it will read:
"Incurred in line of duty resulting in his disability, is now unable."

Mr. COOPER. I should like to ask the gentleman from Indiana [Mr. ADAIR] a question. What is intended by the language in lines 14, 15, and 16:

And received an honorable discharge and who was wounded in battle or in line of duty and is now unfit for manual labor.

Does that mean that the wound which the soldier suffered in the war brought on the disability which will give him the pension?

Mr. ADAIR. Not necessarily. That provides that if he was wounded during the war and is now unable to perform manual labor——

Mr. COOPER. I was just about to say that a man might have received the merest flesh wound, which at the time he received it might not have incapacitated him for one day or one hour. Nevertheless it was a wound in battle. And if since that time he has been injured in a railroad accident he gets a pension because the accident incapacitates him for manual labor. I do not understand why that language is used in that connection. Lines 17 and 18 provide as follows:

Or who from disease or other causes incurred in line of duty resulting in his disability.

The disease or the other cause incurred in line of duty must result in the disability which gives him the pension; but, as to a wound, the language in the other part of the section is as follows:

That any person who served in the Civil War and received an honorable discharge and who was wounded in battle or in line of duty—

No matter how slightly wounded—

and is now unfit for manual labor—

Will receive a pension. That does not seem to me the phraseology that ought to be employed; and until the gentleman from Indiana [Mr. ADAIR] announced the intention of the committee I had supposed that its intention was to pension a soldier at $30 a month when, as the result of a wound received in the service, he is now unfit for manual labor, or when, as the result of disease contracted in the military service, he is incapacitated for manual labor.

Mr. ADAIR. Mr. Chairman, I will say that it was the intention of the committee to pension all those wounded in the service in line of duty or in battle at $30 a month, whether they were disabled from performing manual labor or not. The language means exactly what the committee intended it to mean.

The CHAIRMAN. The question is on the committee amendment.

The question was taken, and the amendment was agreed to.

Mr. WILLIS. Mr. Chairman, I offer the following amendment.

Mr. DAVIDSON. Mr. Chairman, what has become of my amendment?

The CHAIRMAN. The amendment of the gentleman from Wisconsin is to strike out the section. Under the rule all the amendments to perfect the text of the section are first in order. The Clerk will report the amendment offered by the gentleman from Ohio.

The Clerk read as follows:

Line 10, page 2, after the comma, insert the following: "or who shall have reached the age of 75 years or over."

Mr. WILLIS. Mr. Chairman, I do not desire to take any time on this amendment, only to say that I think any Union soldier who served in the Civil War and received an honorable discharge and was wounded in the line of duty ought to receive the maximum pension when he has attained the age of 75 years.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was rejected.

Mr. McGUIRE of Oklahoma. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Substitute for section 2 the following——

The CHAIRMAN. That is not in order at this time, as there is a substitute already pending.

Mr. DAVIDSON. Mr. Chairman, if I understand section 2 correctly——

Mr. MANN. Mr. Chairman, may we have the substitute read?

The CHAIRMAN. The Clerk will read the substitute offered by the gentleman from Wisconsin [Mr. DAVIDSON].

The Clerk read as follows:

Strike out all of section 2 and insert the following:
"That any person who served in the military or naval service of the United States during the Civil War or the War with Mexico and was discharged because of disability incurred in battle or in line of duty, shall be paid the maximum pension under this act, to wit, $30 per month, without regard to his length of service."

Mr. DAVIDSON. Now, Mr. Chairman, under section 1 you propose to pension soldiers who served 90 days or more and less than a year, although they may never have been in battle, never received a wound, never contracted a disease. I have no objection to that. But under section 2, if I understand it correctly, you take away from those who were disabled in battle or line of duty the privilege given under section 1, and say they are not entitled to anything under this law unless they are disabled from manual labor, a condition that is not imposed in the first section.

Suppose a soldier enlisted for 3 years and in the first 30 days he was wounded, was incapacitated, and was discharged. Is not that man entitled to recognition under this bill in some form without coupling with it the condition that he must now be unfit to perform manual labor? Why not give him the benefit? He enlisted for the purpose of serving and was prevented by a wound or by a disease which he contracted in the service. You propose to give $30 a month to a man who served a year, and he may never have seen a battle, and yet refuse to give $30 a month to a man who enlisted and who was deprived from service because he was wounded in battle.

Mr. DYER. I will ask the gentleman if that section 2 does not now take care of the amendment that he suggests?

Mr. DAVIDSON. I do not understand that it does.

Mr. DYER. I think it does take care of it now.

Mr. DAVIDSON. Under an amendment?

Mr. ADAIR. Yes.

Mr. DAVIDSON. Then I withdraw the amendment on the assurance of the gentleman from Indiana [Mr. ADAIR] that my proposition is already provided for. I did not so understand it.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

Mr. McGUIRE of Oklahoma. Mr. Chairman, I offer the following amendment in the nature of a substitute, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Substitute for section 2 the following:
"SEC. 2. That any person who served in the Civil War and received an honorable discharge, and who was wounded in battle or in line of duty and is now unfit for manual labor, through causes not due to his own vicious habits, or who was discharged because of disease or from other causes not due to his own vicious habits, and is now unfit for manual labor, shall be paid the maximum pension under this act, to wit, $30 per month, without regard to his length of service."

Mr. McGUIRE of Oklahoma. Mr. Chairman, the purpose of this amendment is to put the soldier who was discharged by reason of sickness or disability upon the same footing as the soldier who was discharged by reason of being wounded while in the service. The bill as it now reads provides, as was said by the gentleman from Wisconsin [Mr. COOPER], that a soldier may have received the slightest wound, and under the provisions

of this bill he will get a maximum of $30 a month, whether his present disability has anything to do with the disability or the wound received in line of duty. A man may have been for years disabled and have recovered, and be again disabled, but if he is unable to connect his present disability with his affliction at the time of his discharge, he can not draw the maximum under this bill.

Mr. KENDALL. Why should there be any distinction?

Mr. McGUIRE of Oklahoma. There ought not to be any distinction between the man who received a wound and the man who was disabled in other ways at the time of his discharge from the Army. A man may have received a wound and have been discharged, and be entirely recovered, and at the present time because of advanced years be unable to support himself, and he might have had an affliction in the Army, a serious one, that was with him for years, but from which he ultimately recovered and be now disabled, and you can not connect the two, and that man can not draw under this bill. I say that it is unfair to the man who was discharged for reasons other than wounds.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was rejected.

Mr. NORRIS. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Add as a new section the following:

"Any widow whose name has been placed on the pension roll of the United States because she was the widow of a soldier and whose name has been dropped therefrom on account of her remarriage shall be entitled to restoration to the pension roll upon proof of the termination of such remarriage, either by divorce or the death of the husband."

Mr. GARRETT. Mr. Chairman, I make the point of order against that amendment that it is not germane. I will reserve the point of order.

Mr. NORRIS. Mr. Chairman, I do not think the amendment is subject to a point of order. I believe there would be no question but that this amendment would receive the vote of every man in the House if he understood the legal disability that it seeks to cure. The widow draws a pension because she is the widow of a Union soldier. When she marries her pension ceases. In due time, let us say, the second husband dies. She desires to be restored to the pension roll. In order to do so she must, in addition to what she had to prove when she originally obtained her pension, prove two things—one, that she was the wife of the soldier during at least a part of his service in the war, and, second, that the soldier, the first husband, died as a result of wounds received or disease contracted in the service. It strikes me that neither one of these two propositions is reasonable or ought to be required. The Government in the case I mentioned and in the cases which this amendment would cure, and they are only few in number, has been relieved of the payment of the widow's pension during the time that she lived with her second husband and is the gainer through the marriage of the widow. When her second husband dies, if she is entitled to restoration at all, it ought to be without regard to the cause of the death of her first husband.

I want to give you an actual case, the case of a widow who was married to a soldier before he went to the war. He served through the whole war. He contracted disabilities from which he was suffering and for which he obtained a pension under the general law, due to disability incurred in the service, a pension of $30 a month, but he was not able on account of his inability to perform manual labor to lay up any money. He lived along on his pension and his wife cared for him like a child, and he died finally as the result of a runaway accident, a team running away with the vehicle in which he happened to be riding. Now, the widow married again. She lived with her next husband about 10 years, and he died. She could not be restored to the pension roll and is not drawing a pension to-day on account of the fact that she could not prove that her husband died as the result of Army service, as his death was due to an accident. A lady across the street where these people used to live, or within the next block, the widow of another man, a banker of wealth, who was worth from $50,000 to $75,000, he being an old soldier who had contracted a disease in the Army——

The CHAIRMAN. The time of the gentleman has expired.

Mr. NORRIS. Mr. Chairman, I would like to ask for two minutes additional.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that the gentleman from Nebraska be given two minutes additional.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none, and the gentleman from Nebraska is recognized for two minutes.

Mr. NORRIS. Now, the banker died as the result of his Army service, although his affliction was not near as severe as the other soldier I have been telling you about. His widow married again, and after a few years the second husband died. She was able to have her pension restored because her first husband died from a disease contracted in the service, and she is drawing a pension of $12 per month to-day.

I want to call attention to these two cases, each actually existing now on account of this law that requires a widow when she wants to be restored to the pension roll to prove that her husband died as a result of his Army service. This will not increase the appropriation much. There are not many cases like this and it would not apply to very many cases, but to every case where it will apply it is a case of absolute justice, and, it seems to me, it must appeal to the patriotism as well as to the sense of justice of every man who is called upon to cast his vote upon this proposition. This amendment will cure this unjust, this cruel, unreasonable, and harsh provision of the present law. It is well for us to remember the old soldier and to pension him liberally, but, in the name of common justice and fairness, let us deal squarely and honorably with his poor and destitute widow. The wife many times suffered as severely as the soldier. She has often nursed him through many years of affliction and poverty, and devoted the best years of her life in a patriotic attempt to comfort him in his declining years. She is entitled to this act of justice at our hands the same as though she served on the field of battle. We should care for the soldier by giving him a liberal pension while he lives, but we should be just as careful to protect his widow after he has passed away. It is our sacred, patriotic duty to correct this technical error by which many worthy soldiers' widows have been deprived—yes, robbed—of a pension to which they are honorably entitled.

Mr. GARRETT. Mr. Chairman, the last 15 or 18 amendments have been subject to the point of order. I do not desire to be ungracious about this point; it is no more important than various other points of order——

Mr. NORRIS. I can not hear the gentleman, and I think I ought to know what the gentleman is speaking about. Is the gentleman making a point of order?

Mr. GARRETT. I understood the gentleman to concede the point of order.

Mr. NORRIS. Oh, no; I did not concede the point of order.

Mr. GARRETT. The gentleman did not address himself to the point of order, but to the merits of the amendment.

Mr. NORRIS. I said, in my judgment, I did not think it was subject to the point of order.

Mr. GARRETT. I did not understand the gentleman. I do not wish to be ungracious about points of order. There have been 15 or 18 amendments during the afternoon and——

Mr. NORRIS. But I understood the gentleman——

Mr. GARRETT. If the gentleman will pardon me a moment, that stood precisely upon the basis that the amendment offered by the gentleman stands.

Mr. NORRIS. No; the gentleman is misinformed. There has not been another amendment offered on this proposition.

Mr. GARRETT. Not to this proposition, but as a parliamentary proposition there have been 15 or 18 amendments which were subject to the same point of order, resting upon the same principle on which the gentleman's amendment rests.

Mr. NORRIS. I concede that if this is subject to the point of order they were——

Mr. GARRETT. If the gentleman will pardon me for a moment, I do not want to be discourteous to the gentleman, but I do think it is time that amendments which are clearly subject to the point of order ought to stop. I do not intend to press the point of order, but I do think that it is time these amendmens that are clearly subject to the point of order should stop.

Mr. NORRIS. It is not subject to the point of order.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Nebraska.

The question was taken, and the amendment was rejected.

Mr. ADAIR. Mr. Chairman, I move that general debate on this section and all amendments thereto close in 10 minutes.

Mr. MANN. A parliamentary inquiry. What is taking place down in front?

The CHAIRMAN. The Chair will state to the gentleman from Illinois and the gentleman from Indiana that the section has been passed and a new section has been offered, so the Chair was just about ready to ask the Clerk to proceed with the reading of the bill.

Mr. ADAIR. Very well.

The Clerk read as follows:

SEC. 3. That no one shall be entitled to pension under this act who is in receipt of an annual income of $1,000 or more.

Mr. RUCKER of Colorado, Mr. ASHBROOK, Mr. DYER, Mr. FULLER, and Mr. DE FOREST rose.

The CHAIRMAN. The Chair will state that there are some committee amendments necessary to consider, which the Clerk will report.

The Clerk read as follows:

Page 2, line 23, insert the word "net" between the words "annual" and "income."

Page 2, lines 24 and 25, after the word "more," in line 24, insert "exclusive of any pension he may receive."

The CHAIRMAN. The question is on the committee amendment.

Mr. MANN. Mr. Chairman, I object to putting the two amendments together. The Chair did not ask unanimous consent for that purpose. I desire to have the amendments voted upon separately.

The CHAIRMAN. The Clerk will report the first amendment.

The amendment was again read.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The amendment was again read.

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. MANN. Mr. Chairman, this section with the amendment proposes to make the limitation $1,000 exclusive of any pension the claimant may receive. What is the effect if that be adopted? The claimant who is in receipt of an income of $50 less than $1,000 is treated upon an entirely different basis than the one who is in receipt of an income of $1 or $50 more than $1,000. Under this amendment the claimant in receipt of an income of $975 gets a pension of $30 a month, but the claimant who is in receipt of $1,000, only $25 more, does not get the pension. That is absolutely unjust. You propose to fix it so that the man receives $300 or $400 more than the one you refuse it to, and if it is the desire to keep this section in the bill it ought to be amended by increasing the amount and making it include the pension. I hope this amendment will not be agreed to.

Mr. MADDEN. I am very reluctant to take the time of the committee on this question, but it seems to me that if you adopt the amendment offered by the committee you are complicating the situation and making it more difficult for men to receive pensions than under the bill as presented by the committee originally. There is no reason why there should be any limit placed on a man's income who has served his country in its time of greatest need. To receive the pension as a result of service is considered a badge of honor by men who fought to save the Union, and when you place an embargo on these men and make conditions which render it impossible for them to receive a pension at all, then you are doing that which is a great injustice to them.

This section should be stricken out, and I move you, Mr. Chairman, that the amendment be so amended as to strike it out.

The CHAIRMAN. I will say to the gentleman from Illinois that the motion is not now in order.

Mr. MADDEN. Then, Mr. Chairman, I sincerely hope that the amendment offered by the committee will not prevail. Let us be square with these old soldiers. If we are going to grant them a pension, let us grant it without any condition, except the condition which their service justifies. Grant it without saying that a man who has been frugal all his life shall not be entitled to consideration at the hands of the Government. Grant it because he is entitled to it; grant it because he rendered the service; grant it because the Government is grateful for the service rendered, and do not attempt to place conditions around the offer of a pension to the old soldier with which he is unable to comply. [Applause.]

[Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. MADDEN. Division, Mr. Chairman.

The committee divided; and there were—ayes 94, noes 77.

So the amendment was agreed to.

Mr. MADDEN. Mr. Chairman, I move to strike out section 3 now.

Mr. RUCKER of Colorado. Mr. Chairman——

The CHAIRMAN. The gentleman from Colorado is recognized.

Mr. RUCKER of Colorado. Mr. Chairman, I move to strike out all of section 3. [Applause.]

Mr. MANN. Mr. Chairman, I offer a preferential amendment.

The CHAIRMAN. The gentleman from Illinois has a right to offer a preferential amendment to perfect the text. The gentleman from Colorado [Mr. RUCKER] will withhold for a moment. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. MANN].

The Clerk read as follows:

Amend by inserting as a substitute for section 3 of the bill the following:

"SEC. 3. That no one shall be entitled to a pension under this act who does not file in connection with his application an affidavit under oath stating that at the time of the making of his application he is in receipt of an annual net income of less than $1,000, exclusive of any pension he may then be receiving."

Mr. MANN. Mr. Chairman, while I am of the opinion that in the present temper of the House it is the intention to strike out section 3, yet I have offered the substitute which, if it can be agreed to and kept in the bill, would accomplish the purpose sought by the committee and yet not embarrass the claimants. There are some rich people in the country who would not be willing to make an affidavit in connection with their claims to the effect that they are in receipt of less than $1,000. If such a section remains in the bill at all, it ought not to be in the form that requires special examination and the employment of special inspectors to go over the accounts of the claimants. It is certainly sufficient in any case to take the affidavit of the claimant as to the amount of his income at the time of filing the claim. Therefore I offer the amendment which I have presented.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken, and the amendment was rejected.

Mr. LONGWORTH. Mr. Chairman, I desire to offer an amendment in the nature of a substitute.

The CHAIRMAN. The gentleman from Colorado [Mr. RUCKER] has an amendment pending to strike out the section. The Clerk will first report the amendment offered by the gentleman from Ohio [Mr. LONGWORTH].

The Clerk read as follows:

Substitute for section 3 the following:

No person shall be entitled to a pension under this act who is in receipt of an annual income of $1,000 or more, exclusive of any pension he may receive. Included in the application for pension under this act there shall be a certificate of service performed, to be sworn to by the applicant, who shall also make affidavit, under oath, that his income is less than $1,000 per annum.

Such income shall include the gains or profits received in the preceding calendar year, whether said gains or profits be derived from any kind of property, rent, interest, dividends, or salaries, or from any profession, trade, employment, or vocation carried on in the United States or elsewhere, or from any other source whatever.

Mr. LONGWORTH. Mr. Chairman, I desire to say just one word. This amendment was prepared by the gentleman from Massachusetts [Mr. WEEKS], who has been called from the Chamber and is unavoidably absent. I submit it in order that it may be voted upon.

Now, Mr. Chairman, as I understand it, this amendment corrects the bill.

Mr. SHERWOOD. We accept the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio [Mr. LONGWORTH].

The question being taken, on a division (demanded by Mr. LONGWORTH) there were—ayes 101, noes 57.

So the amendment was agreed to.

Mr. RUCKER of Colorado. Mr. Chairman, I ask that the amendment I offered be read.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Colorado [Mr. RUCKER].

The Clerk read as follows:

On page 2, strike out all of section 3.

[Applause.]

Mr. RUCKER of Colorado. Mr. Chairman, the force of circumstances relieves me from indulging in any apoplectic, grandiloquent, vainglorious, or peripatetic protestations of friendship, yea, of affection, for the beneficiaries of this bill. I rise now to give notice that I shall at the proper time offer an amendment striking out all that portion of the bill which denies to any pensioner who is to receive the sum of $25 per month under the bill the benefits and advantages of either a national or State home; also proposing to strike from the bill the whole of section 3, which provides that anyone whose net income amounts annually to the sum of $1,000, exclusive of his pension, shall not participate in any of its benefits.

It is scarcely possible to discriminate between the two provisions mentioned as respects their viciousness and injustice, and in my judgment they should both be eliminated. [Applause.]

First, with regard to the provision denying the privileges of the homes to those who are the recipients of as much as $25 per month. This is peculiarly objectionable because of the fact

that the sentimental appeal made to those old men whose feebleness of body involving impairment of judgment and the natural longing for their old homes, the sacred memories attaching to them and the accompanying hope of being able to spend their declining years midst friends, keeping unbroken the few remaining family ties, will doubtless be potential in determining their choice. They may not, at the moment, fully realize the benefits and advantages of proper medical care and nursing which they would receive at the homes, and will not, in all probability, give due consideration to their inability to revoke their choice in the future. They may not foresee the time when physical disability will, with advancing years and attendant bodily ailments, beset them, requiring adequate medical attendance and efficient nursing, and too late they will come to a realizing sense of the fact that the dollar they are receiving as pension has in the last few years diminished in its purchasing power about 40 per cent of its face value.

Then, too, many of these old soldiers have wives and other dependents who rely entirely upon their small pension for support and their domiciling at home will add that much more to the domestic burden and intensify the struggle to render less distinct the voice of the wolf at the door. [Applause.]

It is claimed by the proponents of this provision of the bill that the Government will save something approximating two million and a half dollars by the election of these pensioners to move to their domestic homes, and it is also claimed that such a course would be largely instrumental in the abolishment of soldiers' homes throughout the country, and that within a few years the Government would be further relieved of a burden by others not entering those institutions, but accepting the pensions in preference to availing themselves of the homes.

Mr. Chairman, this seems to me to be a specious speculation in the possibilities of indecision on the part of these old pensioners, as well as an absence of frankness and fairness in their treatment.

I desire to remind my southern friends who are possibly opposing this bill because the Confederate soldier has not been accorded the benefits of pension that it remained for the State of Colorado, which I have the honor in part to represent on this floor, through a law passed at the last session of its legislature at the instance of an ex-Federal soldier (Representative Allen of Denver), to admit to the State Soldiers' Home ex-Confederate soldiers upon the same terms and conditions as an ex-Federal soldier, the ex-Confederate soldier receiving his proportionate part of the $100 per annum which is allowed for each ex-Federal soldier inmate. And in this connection I wish to say the bill was passed without a dissenting vote. I believe it is only necessary to make the suggestion to this House to cause each Member to exercise his influence at home to bring about the enactment of a law such as the one in this regard now in operation in Colorado. [Applause.]

Now, as to the other proposed amendment, namely, the striking out of the clause denying to anyone who has a net income of $1,000 a year his proper status as a pensioner, I have this to say: I believe I am safe in asserting that I personally know as many as 500 of my constituents whose financial condition brings them within this provision and whose pensions would be denied. These men from the beginning have generously devoted the sums of money thus received to charitable purposes, and quite frequently to ex-soldiers and their families who badly need assistance.

In addition to that, permit me to invite your attention to this observation: It is imperative that an accurate account shall be given every time a pension is sought to be drawn. You gentlemen of the East and North are, I am sure, unfamiliar with the attendant annoyances of governmental interference in your private affairs. If we in the great West turn an animal out to graze; if we seek to impound waters for irrigation or electrical purposes, for the growing of our crops or the grinding of our grain, for light by which we read or by the assistance of which our children may study their lessons; or to mine coal to warm our hearthstones; or if the prospector buffeting the wintry blast on our mountain tops in search of the precious metals to add to the world's storehouses; or the home seeker undertakes to locate an habitation in the valleys or on the plains—there is ever present at his heels the omnipresent Federal inspector to ascertain whether in some small degree he is not technically violating some antiquated provision of law or some new and unreasonable rule of a Federal department.

The pensioner must furnish the Government with perfectly satisfying and convincing proof that he has not more than the $1,000 net income, as I have said, not only at the time he receives his pension under this act, but at every recurring period when his pension is due. If he seeks an accommodation at the bank, the first question asked him is whether or not he is a pensioner. If he answers yes, the negotiation for the accommodation is abruptly terminated. One side of his certificate represents a roll of honor; upon the reverse side, with stinging inconsistency, is emblazoned the opprobrious word "pauper." He is encouraged to suppress the evidence of his patriotism when his Government was in need in order to escape the humiliating espionage of a Federal inspector and many other vexatious and painfully retarding results of his truthful disclosure. [Applause.]

Adopt this provision and in the event of another war you provide a premium upon drones or those so unworthy that they may be compelled to place their property in the hands of their wives or make some other disposition of it to the end that it may not be charged against them for the purpose of making them nonpensionable.

I am actually ashamed, Mr. Chairman, to be compelled to appeal to the parsimonious, but I feel impelled to say to that class that from the examination I have made of this subject I am convinced that the Government, by engaging in this fictitious economy, will lose two dollars by reason of the necessary additional bookkeeping, employment of detectives, and engaging in lawsuits, where it saves one dollar from the pittance it would otherwise give to the pensioner who was the unfortunate possessor of a net income of $1,000 per annum. [Applause.]

It will be observed that section 3 reads:

> That no one shall be entitled to pension under this act who is in receipt of an annual net income of $1,000 or more, exclusive of any pension he may receive.

The vexing question first arises, What is a net income? I take it that it means the amount left after the expenditure of the money necessarily expended in the business in which the pensioner is engaged, through and by which he makes this $1,000. He can not deduct from his receipts such items as money expended for doctors' bills, medicine, nurse hire, expenditures for charitable purposes, nor for funeral expenses on the death of any of his family, and many other expenses of like character. All matters of this sort he would be compelled to thrash out with the Government officer whose business it is to scan his account.

In addition to this crowning evil, of which I have endeavored to give some intimation, such conduct on the part of the American Government in invoking unwise, unnecessary, and illiberal restrictions upon its defenders is a direct reflection upon their business capacity, patriotism, and integrity.

It is not inapt at this juncture to call the attention of the House to the fact that this identical situation was brought to the attention of Congress when pensions were allowed to those who served in the Revolutionary War, and I ask to quote briefly from that peerless orator and statesman from Massachusetts, Daniel Webster, who on that occasion said:

> A single instance of affluence, or a few cases where want does not tread close on those who are themselves treading on the borders of the grave, does not affect the general propriety and necessity of the measure.

[Applause.]

Besides, Mr. Chairman, why magnify the importance of saving a few dollars to the American Treasury when we reflect that the worthy objects of these small bounties are rapidly passing beyond the reach of human aid. It is estimated that in the flight of time the progress of the hand of the dial one-quarter of its circumference each hour records the passing to their final reward of one of these hoary, battle-scarred veterans. On June 30, 1911, there were 525,294 of them on the Government's roll, the average age now being 70 years. In other words, 3,000 of them die every month, or upward of 35,000 every year. Soon indeed shall we meet and miss them all.

It is said that the increase of expenditures of the Government as a result of the passage of this bill will amount to the sum of $75,000,000 per annum, but in view of what I have just said it will be readily appreciated that this outlay will not continue for any great length of time in the dispensation of Providence. It is urged that this expenditure is too great a strain upon the Treasury at this time, and we must begin to evolve some method of raising the additional revenue to meet it.

Mr. Chairman, we have not far to look. Diamonds, those precious luxuries, are now practically free. Raw silk is entirely free; tea and coffee likewise. Hides are entirely free. The internal revenue is not large enough. The importation of the vagabond labor of Europe could be made to pay it. Dry up the fountains of grief of those whose dead, as ballasts, are disembarked from every returning transport from the far-off Philippine Archipelago; bring them back alive. Bank up that supergorged river through whose channels is ever flowing so much of our material wealth that a larger Army and Navy entails. Suspend for two years the building of *Dreadnoughts*, whose bulky movements often disable them from getting out of their own way. Let us all listen to the fluttering music made by that Dove of Peace a better civilization has brought

within the range of our hearing. Let us pay off the present war debt before preparing for wars imaginary, the anticipation of which brings but the modicum of anxiety to the most eligible and formidable candidate for the longest tenure in the madhouse.

I would tax diamonds higher, as well as silk, raise the internal revenue upon tobacco and liquors, increase the revenue upon the higher grades of coffee and tea and kindred luxuries, and lastly I would not overlook the fact that when we removed the duty from hides we promised the country that the people would have cheaper manufactured leather goods, and yet the price went the other way. I would increase the duty upon wool in the interest of the American grower, and there are many effective means whereby we could raise this small sum without injury to anyone and open an avenue for the disbursement of cash that would reach every nook and corner of the land.

Mr. Chairman, I feel honored that I have been recognized for the purpose of speaking to these amendments, and especially so in view of the fact that I am an ex-Confederate soldier and have as keen an appreciation of our duty here, I believe, as any Member of this House. I can assure my southern Democratic friends—and I am glad to know that there are but few who are opposed to an increase in pensions—that I have often wondered to what party they would have claimed allegiance had we Confederates succeeded in licking those Yankees, for you are aware ours is known as a party for a tariff for revenue only. I fear that if the fortunes of war had gone the other way the drafts would have been so large upon the Federal Treasury to meet a pension appropriation that we would have been denominated, with equal propriety, a party for tariff for revenue. [Applause.]

Mr. Chairman, I do not rise on this occasion merely because I have been solicited by the Grand Army of the Republic organization of my State, both in person before I reached the Capital and by numerous telegrams and letters since I arrived, for it may not be out of place to say, and I hope it may not be surprising to the Members on this side, that in some places we Confederates are welcomed to the camp fires of the old Federal soldiers. They welcome me now everywhere, and especially in Colorado, not, I am forced to believe, with the same feelings and motives which actuated them during the war, when my society was so cordially desired for other purposes, but now, in striking contrast, I enjoy a most gratifying liberty of action and withdraw from their hospitable gatherings and direct my footsteps homeward with as much facility and with as little unnecessary ceremony and power of locomotion as the festivities of the occasion permits.

When I subscribed to the oath of allegiance to the Confederate cause and pledged my honor in arms throughout the war I severed many ties of boyhood playfellowship and young manhood's birth, many of my fellows entering the Union Army. When I laid down my gun and took a similar oath of allegiance to this Government and turned my tired feet to paths of peace, as they did, that war was over between those early friends and myself. [Applause.] We have gone down the aisle of time together, each doing his mightiest to build up a common country. After the war those friendships became reunited and to-day the frost upon our heads is no whiter than the friendship or affection between us is sincere. [Applause.] That war was inevitable. Its seeds were sown in the Constitution of our country. In the great debates in the constitutional convention our forefathers, though bringing to bear upon it their great talents fortified by the loftiest sentiments of patriotism, could not eradicate the germs there planted, and they blossomed into full fruition in 1861. It was as inevitable also that one or the other of those contending forces should go down to defeat. The cause of our defeat it would be as idle to discuss as it would be useless for us to close our eyes to historical traditions, decreeing that in all times to the victors belongs something. The Acropolis, the Pyramids, the Colosseum, the Appian Way, and all the great amphitheaters and wonders of the Old World were built by prisoners of war made slaves. Nation after nation since then and in modern times have been bankrupted in payment of tributes because of wars. It remained for our country, the genius of our institutions, the patriotism of our statesmen to bring to the attention of the world and bring into practice a different system of rewarding victors and dealing with the vexed question of compensation, because here the burden is placed upon those who sympathized with the one cause and the other alike, and it rests equally in the way of taxation upon even the common soldiery. [Applause.]

Mr. Chairman, if anyone in this Chamber is entitled to have embedded in his heart any bitterness on account of the Civil War I think that person is myself. With 26 other comrades in arms, before the close of that great struggle, as a prisoner of war I entered as loathsome and pestilential a northern prison as any there ever was in the South. I owe my life to-day to the fact that I was a rugged youth and thus was enabled to procure the fresh air and exercise incident to the digging of graves, for with my own hands I helped to dig the graves and plant beneath the sod 24 of those who entered with me that prison door on that fatal day.

I entertain not the slightest animosity or resentment toward anyone for this. It has been truly said that "affliction's sons are brothers in distress," and the afflictions of that war, from like causes to those of the other army, not only reunited my youthful friendships but gained for me many more enduring and affectionate friendships among my former foes. At the termination of that awful struggle we interchanged mutual forgiveness and migrated, many of us, to the great West, substituting for the camp military the camp industrial; and to-day I owe my erstwhile foes, but now my devoted friends, a debt of lasting gratitude for their confidence, as manifested by their votes, that I would endeavor at all times to do them justice in the Halls of Congress. Indeed, had it not been for this fact I should not now, possibly, be addressing this House, for in both my first and second campaigns 80 per cent of the votes of the ex-Federal soldiers were cast for me, and that, too, in the absence of any promise or specific assurance to them other than what was incumbent upon me as their Representative. My obligation to them is measured by my patriotism, devotion to my duty, love and respect for them. Their confidence in my ability to lessen their hardships in some degree whenever occasion will permit is my reward.

Mr. Chairman, between this and the Sulloway bill there is but little difference after my amendments have prevailed. The Sulloway bill was introduced in this House on December 13, 1910—one year ago to-morrow. It was reported back on the 15th—two days thereafter. Thirty-five thousand of those needy old veterans have since closed their eyes in final sleep. It came from the committee without a minority report. It was supported in the House by every member of the committee. It passed the House on the 10th of January, 1911, with only 62 dissenting votes. It was defeated in the Senate on March 4. Nine months and nine days, therefore, have gone by, carrying with them to the grave more than 30,000 intended beneficiaries.

Some have said this was a partisan move upon the part of both political parties represented on this floor. However that may be, 30,000 and more stone shafts point to Heaven as an accusing finger to the parsimony of the Government against those who gave the best of their youth for its defense and whose moldering remains rest under the sod where these fingers are planted. Each man must be his own judge both as to whether they deserved the treatment and as to fixing the responsibility where it belongs.

Mr. Chairman, it is a melancholy fact that "the paths of glory lead but to the grave"; but let us remember that those paths have nearly been trod and that it is our manifest duty to support the faltering feet that now wearily approach the end in fitting testimonial of a countrys' gratitude and appreciation.

I trust that both this and yon patriotic body of lawmakers will not allow the next anniversary of that day which we rejoice to commemorate as the birth of Him who first saw the light of day from His manger pallet and who gave to the world that divine injunction "As ye would that men should do unto you, do ye even so unto them," to come and go without bringing to the hearthstone of each of these veterans then surviving that Christmas greeting which was denied our 30,000 comrades, since departed, one year ago. [Applause.]

Mr. ADAIR. Mr. Chairman, I move that all debate on this section close in 10 minutes.

Mr. MANN. Oh, make it a little longer than that.

Mr. ADAIR. I move that all debate on this section and amendments thereto close in 15 minutes.

The CHAIRMAN. The gentleman from Indiana moves that all debate on this section and amendments thereto close in 15 minutes.

The motion was agreed to.

Mr. FOWLER. Mr. Chairman, section 3, in my opinion, is a load upon this bill. [Applause.] It closes the door of hope to the old war veteran whose frugality and industry since the war have given him an annual income of a thousand dollars or more. In effect, it is a punishment to him because of his thrift since the war, rather than a reward because of his faithful servitude to his country during the dark days of the Civil War. It is an unjust discrimination which ought not to be made, and one which this House can not afford to sanction.

Mr. Chairman, I do not believe that any man who is in favor of giving to the old soldier real and substantial relief will come in here with disreputable amendments for the purpose of loading down this bill in order to prevent its passage. [Applause.]

I seek rather to unload the bill of whatever weight it may be carrying now. [Applause.] The true friend of the soldiers is the man who stands for the framing of a meritorious bill upon the broad basis of relief to the men whose services blotted out the Mason and Dixon line, made certain the Union of these States, and sealed forever the destiny of this Republic, and after such a bill is drafted, works industriously for its early passage. Mr. Chairman, I am glad to say that this House bristles with such men on both sides of this Chamber—men whose hearts are earnestly enlisted in a most noble cause.

Mr. Chairman, nearly 2,000 years ago the greatest Lawgiver since the foundation of the world gave an interpretation of the greatest service which man can render. In that interpretation He neither required length of time nor income in order to be great. The only thing that was required in that exposition of the law of reward by our Savior was sincerity of purpose and devotion to the cause of the Master. I am not in favor of withholding relief from any old soldier who gave his services to the cause of this Republic when it was most in need. I am in favor of giving a pension to the soldier, whether he entered the service during the morning of the sixties or whether he came in at the eleventh hour of the rebellion. [Applause.]

Mr. Chairman, I believe that his purpose and intentions ought to be the standard by which his services are measured and his reward given. [Applause.] The only question that I am anxious about is as to whether he was truly in the fight to save the union of these States and that he never left his post of duty. I want to say, Mr. Chairman, that I believe that this House can do itself no greater honor than to vote for the motion to strike out section 3 of this bill. [Applause.]

Mr. DYER. Mr. Chairman, in rising to address the House a few moments ago, it was for the purpose of offering an amendment to this bill. The amendment was to strike out all of section 3. Section 3 provides as follows:

> That no part of the appropriation for pension under this act shall be paid to any soldier whose annual income is $1,000 or over.

When I arose to offer the above amendment to this bill to strike out that abominable section to an otherwise reasonably good bill, I noticed the gentleman from Colorado [Mr. RUCKER] seeking recognition for the same purpose, and I gladly gave way to him that he might offer the amendment, which he did. The gentleman from Colorado [Mr. RUCKER] served for four years in the Confederate Army, and when he moves to amend this bill by striking out that section of this bill, which is generally condemned by the veterans of the Union Army in all parts of the country, it shows the utter absence of any feeling of the Confederate veterans against the Union veterans. It shows that the whole country, regardless of the great conflict of 1861 to 1865 is of the unanimous opinion that the veterans of the Union Army, they who saved the Union, and thereby gave to us the great country that we have to-day, is agreed that they should be liberally compensated, taken care of, and honored by the Government in their old age. It shows also that no one wants the pension based on the ground that these old veterans are paupers, but on the broader and more noble ground of patriotism and the debt that we as a Nation owe to them for their valor and services to this country in the hour of its greatest need. This Government can never pay those men what we owe them, and in passing a bill to increase their pensions, it should be only with the idea that we do it to honor them and help them and not for the purpose of degrading them. That section ought to be and it will be eliminated from this bill, because it is most unjust, most unfair, and is a reflection on their honor, frugality, and thrift.

Mr. Chairman, I represent here a great many of the old veterans of the Civil War, and while I am anxious to do them honor and to assist them in their old age, it would be to me great sorrow to have to vote for a bill that has in it a section like this one, a section that says in effect that they must be near starving, before this Government will do them the honor and the justice that they fully deserve at its hands. [Applause.] This bill is but a small recompense for them in their old age, and it should not be said in this bill that before they can receive the dollar a day pension herein provided they must show that they are men of less than $1,000 annual income. [Applause.]

Mr. Chairman, in speaking as I do upon this section of this bill, I am giving to the Members of this House the views of the veterans of the Grand Army of the Republic, who live in my district, and have membership in such splendid Grand Army posts of St. Louis as the following: Frank P. Blair, No. 1; General Lyon, No. 2; Colonel Hassendeubel, No. 13; Harry P. Harding, No. 107; Ransom, No. 131; Colonel Shaw, No. 343; and Colonel Meumann, No. 496.

And, Mr. Chairman, citizens of St. Louis and of Missouri, who did valiant service for the cause of the Union in those trying days are entitled to great consideration, because the foes of the Union at that time were not only without and in adjoining States to Missouri, but countless enemies of the Union and friends and sympathizers of the Confederacy were, in great numbers, within the city of St. Louis and the State of Missouri. Men and officials, occupying high posts in Missouri at that time, were unfriendly to the Union, and great efforts were made to have that great State secede from the Union and join the Confederacy. I am glad, however, Mr. Chairman, that that effort was not successful, its failure being caused through the valor and patriotism of the majority of the people of our great State.

Mr. Chairman, there is one other matter that I wish to call attention to. It is the amendment which was offered by the gentleman from Illinois [Mr. MANN] to include as beneficiaries of this bill officers and enlisted men of the Missouri Enrolled Militia, organized under General Orders, No. 19, issued by Brig. Gen. John M. Schofield, of the United States Army, dated July 22, 1862, and so forth. The men mentioned in that amendment of the gentleman from Illinois [Mr. MANN] served with great credit and did valiant service for the Union. Some of them served 60, 90, and 100 days, and many served a year or more. While the amendment referred to was disagreed to by this House a few minutes ago, I sincerely hope that during this Congress a bill will be enacted into law that will give to them the recognition and recompense that they have so long waited for. They are in every way deserving of this consideration, and in my judgment Congress has failed in a duty they owe to these men. The following is a statement sent me by one of my constituents who saw service in the Missouri Enrolled Militia. It tells their story well, and ought to awaken this House to its duty to these men. It is as follows:

PENSION CLAIM.

I enlisted in Capt. Murphy's company of the Missouri Enrolled Militia, of the Civil War, for a term of 12 months, at the early age of 14 years. I served until the close of the war, about or nearly half the time for which I enlisted.

We did the service of regular soldiers, regular drill duty, all kinds of guard duty, stage escort, and scouting service; were subject to any call in the State of Missouri and were often in imminent danger.

One of our scouts engaged with an overwhelming number of rebel bushwhackers and about half of our boys were killed in that bloody battle.

I was the youngest boy in the company, but little Charles R. Scott—only about a year older, as I remember—was being shot down in that awful engagement, while just at that time I was laying in a lonely cabin half a mile from camp with a bad case of smallpox. I lay there all alone, day after day, until I recovered. A soldier, badly pock-marked, from another company, was detailed to wait on me, but he would not stay in daytime. He would only sleep there at night and leave me alone all day every day.

The boys did not all have horses, but those that did rode their own horses and saddles from home—I for one—and those that did have mounts had the service to do, scouting, stage escorting, carrying messages, etc.

I received about $30 for the entire service. The service of my horse was worth more than that.

Now, I was well acquainted with Capt. Monk's company of the Missouri State Militia as with the company to which I belonged.

The Government furnished their horses and saddles, they received regular soldier's pay, were properly discharged, and have been drawing pensions at the rate of $96 a year for about 20 years.

They never lost a man. We lost a number in battle and one by accident. So it is easy to see that we sacrificed more and suffered more, and this for the preservation and benefit of the greatest and richest Nation the world has ever known.

We did it for nothing. We haven't been paid, but are ignored and held in oblivion until this day.

Our call came at the time of Missouri's most grievous need and deepest distress. Price's raid had literally covered her soil and made it alive with marauding, incendiary, murderous rebel bushwhackers, and something had to be done about it. Missouri's able-bodied loyalty was beyond her borders fighting the battles of other States and the Nation, and when her call came for soldiers to protect her own homes and defend her own soil there were but four to respond, and little boys in their early teens were welcomed to shoulder arms, go forth to face the dangers of war, do the service of veterans, hazard and give their lives.

Now, in view of the above facts and the further consideration that it has always been the policy of our Government to remember her defenders in time of need with pensions, land grants, soldiers' homes, and other considerations and remuneration, we think it not saying too much that we are shamefully ignored.

So long as I was able to do full work I thought but little about pension, but now that I am 60 years old and have nothing but my two hands, the impaired strength of my back, and three children in their teens, homeless and helpless, our day of need has come and we would gladly accept help from any just, equitable, and honorable claim.

I believe that I should have a pension equal to, retroactive, and commensurate with the pensions of the Missouri State Militia, as of the members of Capt. Monk's company, so I make this effort to appeal to Congress for just and due consideration.

J. A. TATE,
4326 Hunt Avenue, St. Louis, Mo.

Mr. FINLEY. Mr. Chairman, I shall not take much of the time of the committee at this late hour. The motion is to strike out section 3, which denies a pension under this bill to anyone in receipt of an annual net income of $1,000 or more. Why, may I ask, should a person with an income of $1,000 be entitled to a

pension? The reasons why he should not be are too obvious to demand more than passing mention. The right to a pension, properly speaking, should rest upon age and financial condition, or physical condition and financial condition. There may be an occasional exception to this rule, but the exceptions are few. All governments have recognized the necessity for pensioning the men who fought their wars, and to a large extent their pensions have been paid upon a basis of the disabilities above named. It would not be the wish of any patriotic American citizen that this country should be remiss in her duty along this line. Nor do the facts bear out the statement that she has been. On the contrary, this country has been most liberal to the Civil War soldier.

The United States pays out annually more for pensions than any other three countries in the world, as may be shown by the following figures taken from the official yearbooks of France, Germany, and England:

Pensions paid in 1910:	
By France	$31,960,607
By Germany	40,805,814
By England	29,397,268
Total	102,163,689
Paid by United States in 1910, as given by the Commissioner of Pensions	162,631,729

Thus it will be seen that the pension policy pursued by this Government as compared with the policies of other countries has been most liberal in its provisions. In particular has this Government discriminated in favor of the Federal pensioners of the Civil War. Perhaps because of the magnitude of the war and the great number of men involved it is natural that the number of pensioners should be large. On the Federal side no less than 2,200,000 men were engaged and considerably less than half this number on the Confederate side; the actual money cost of the war on the Federal side exceeded $3,000,000,000, and the loss of life and destruction of property made this probably the greatest war since civilization began. Yet even in view of all these facts the pension policy of this Government toward the Federal veterans of the Civil War has been extremely liberal. This country has gone too far in the matter of pensions. We find that there have been paid to Federal veterans of the Civil War in the way of pensions $3,985,719,836.93, and to the pensioners of all other wars since the foundation of this Government $244,061,893.23. The total amount of pensions paid by the United States from July 1, 1790, to June 30, 1865, a period of 75 years, for the War of the Revolution, the War of 1812, Indian wars, and the War with Mexico was $96,445,444.23. The average amount paid per year was less than $1,290,000. Up to a few years ago the Mexican War veterans received the pitiful sum of $8 per month, a little later on $12 per month, and now, when there are only 1,639 of them living, $20 per month. The following table, taken from the report of the Commissioner of Pensions for the fiscal year ending June 30, 1911, abundantly proves these statements:

PENSIONS OF THE SEVERAL WARS AND OF THE PEACE ESTABLISHMENT.

The amounts that have been paid for pensions to soldiers, sailors, and marines, their widows, minor children, and dependent relatives, on account of military and naval service in the several wars and in the regular service since the foundation of the Government to June 30, 1911, are as follows:

War of the Revolution (estimate)	$70,000,000.00
War of 1812 (service pension)	45,853,024.19
Indian wars (service pension)	11,192,205.52
War with Mexico (service pension)	45,279,686.83
Civil War	3,985,719,836.93
War with Spain and insurrection in Philippine Islands	34,142,976.37
Regular establishment	21,705,852.33
Unclassified	16,488,147.99
Total disbursements for pensions	4,230,381,730.16

The only question involved here is the necessity for a service pension law, by which would be paid to the Federal veterans of the Civil War about $75,000,000 in addition to what they are now receiving. The following table is taken from a letter of the Secretary of the Interior to the Hon. ISAAC R. SHERWOOD, chairman of the Committee on Invalid Pensions, House of Representatives, dated April 11, 1911, showing to what extent pensions will be increased under the pending bill:

DEPARTMENT OF THE INTERIOR,
Washington, April 11, 1911.

Hon. ISAAC R. SHERWOOD,
Chairman Committee on Invalid Pensions,
House of Representatives.

SIR: In response to your inquiry of the 3d instant, received on the 4th, submitting a bill granting a pension, under certain conditions, at the rate of $15 per month to any person who served in the military service for 90 days and less than 6 months, $20 per month for a service of 6 months and less than 1 year, and $30 per month for a service of 1 year or over, and requesting an estimate of the cost thereof for the first year, if enacted into law, I have the honor to submit such estimate as follows:

Length of service.	Number of pensioners.	Present rate per month.	Proposed rate per month.	Increase per month per pensioner.	Increase per year per pensioner.	Total increase per year.
90 days	22,253	$12.00	$15.00	$3.00	$36.00	$801,108.00
6 months	55,633	12.00	20.00	8.00	96.00	5,340,768.00
1 year	200,279	12.00	30.00	18.00	216.00	43,260,264.00
90 days	819	14.00	15.00	1.00	12.00	9,828.00
6 months	2,047	14.00	20.00	6.00	72.00	147,384.00
1 year	7,370	14.00	30.00	16.00	192.00	1,415,040.00
6 months	20,356	15.00	20.00	5.00	60.00	1,221,360.00
1 year	73,280	15.00	30.00	15.00	180.00	13,190,400.00
6 months	5,601	17.00	20.00	3.00	36.00	201,636.00
1 year	20,165	17.00	30.00	13.00	156.00	3,145,740.00
1 year	47,349	20.00	30.00	10.00	120.00	5,681,880.00
1 year	17,451	24.00	30.00	6.00	72.00	1,256,472.00
Total						75,671,880.00

From this table it will be seen that the increase exceeds $75,000,000. This, of course, is an estimate, but it is one made by a Government official who is in a better position than anyone else to make a correct estimate.

If the bill under consideration be enacted into law, the amount annually paid by this Government in pensions will be increased from about $160,000,000 a year to approximately $235,000,000 a year. At present the annual expenditure for pensions is equal to a tax of about $1.77 on each man, woman, and child in the United States. If the proposed bill becomes a law this burden will be increased to a tax of $2.55 per capita.

The country at present is groaning under the burden of taxation. It has already been shown from the figures given above that not only adequate but most liberal provision has been made for the Federal soldiers of the Civil War. The proposed addition of $75,000,000 to the taxes of this country is unnecessary, and this House can ill afford to impose it at this time. The Democratic Party was returned to power in this House by the country for the express purpose of reducing taxation. To economize is the very purpose for which we are here, and how can a policy of economy be carried out when our very first move is to place a new burden of $75,000,000 on the taxpayers of this country? It is an extravagant and short-sighted policy. It is opposed to the promises of economy on which the Democratic Party was returned to power, and which have for their inspiration the best interests of this country. The last congressional election gave to the Democratic Party a majority of 65 in the House. Prior to the election we charged the Republican Party with extravagance in the expenditure of the public money. We also charged them with imposing unnecessary taxation on the people of this country. We have promised to reduce taxes and to cut down the expenses of the Government. The enactment of this bill into law will make these promises well-nigh impossible of fulfillment. I am opposed to the bill, and will vote against its passage.

Mr. BRADLEY. Mr. Chairman, I want to say to this House that the men who would be shut out by this section, in my judgment, contribute more every year to the relief of the indigent and suffering old soldier, to his wife and helpless children, than can be saved by leaving the section in. [Applause.]

It is a picayune small piece of business to proscribe the men who succeed. This purports to be a service pension bill, and that means a bill to honor the Union soldier—the men of the service who have been unfortunate and also the men who have won out in professional and mercantile life. Why do you set one group apart from their fellows? You ask any of the Union veterans throughout the United States whether they would have this provision in the bill and they would scorn to leave it in. [Applause.]

Mr. BARNHART. Mr. Chairman, the most objectionable feature of this section of the bill, as I see it, is the fact that it places an embargo against thrift and frugality. [Applause.] It says to every man who shall hereafter enlist in the service of the United States, "Young man, after you quit the service you must be financially unfortunate or delinquent or the Government will never grant you a reward for your services like your comrades receive." [Applause.]

On the other hand, I believe it is the duty of this legislative body to encourage thrift and frugality. Another thing, this is not a dependent pension bill; if it were, this section would be entirely proper. On the other hand, it is a service pension bill, and the man who has an income of $1,000 a year is entitled to the same recognition from his Government as the man who receives $999. Under the amendment we have just adopted, as ably set forth by the gentleman from Illinois, a man who has

an income of $999 a year is given a pension of $360 a year in addition. That makes a total of $1,359. But the man who happens to receive $1,000—$1 more than the man who was not quite so fortunate in his investments—would be entitled to only $1,000 per year, while the Government helps the other man to an income of $1,350 per year. That is not right. I hope the motion will prevail. [Applause.]

Mr. MANN. Mr. Chairman, I am opposed to putting in a pension bill any provision which brands the receivers of the pensions as paupers. [Applause.] I hope when they receive their pensions that they will receive them feeling like rich princes, and that they will spend them as though they had the Treasury behind them. In their old age let them understand that the money that is given to them is given for service rendered in the past [applause], and let them spend it as they please, for we should not make every one of them, when he signs his pension receipt, advertise to the world that he has been unfortunate or unsuccessful or that he is a pauper. Let us strike that out of the bill and leave nothing in it to harass the claimants when their claims are filed. The Commissioner of Pensions told me the other day that in his judgment it would cost more to enforce this provision of the law than it would to strike it out. I am in favor of striking it out.

Mr. GRAHAM. Mr. Chairman, I shall be very brief in what I have to say, but I do want to go on record as being in favor of the motion to strike out section 3 of the bill. [Applause.] I feel that this section would be a great injustice. It not only discriminates against the man who has been saving and industrious, but it brands the pension given to those who have less than a thousand dollars a year income by telling them, in effect, that the money is given them as charity. It is for that reason more particularly that I object to it. It has been said during the debate, Mr. Chairman, that we Democrats must be economical. I believe in economy. I am for economy, but economy does not mean merely spending a small amount of money. One of the most discriminating gentlemen in this House, the chairman of the Committee on Appropriations, to-day called attention to the fact that the Democrats started out by reducing the expenses of the House itself $183,000 a year, and that we must keep on reducing expenses. I believe in that kind of economy, because that meant lopping off unnecessary expenditures. The service of the House has been just as good since that expense has been cut out as it was before; but when economy is extended so far as to deprive the people of something they ought to have and can afford to have, I am not in favor of it.

I am not in favor of economizing along this line. I am not in favor of cutting down the pensions which the Union soldiers ought to have simply because it takes some money to pay those pensions. That, in my judgment, is not economy; it is ingratitude; it is cheeseparing. I am not for that kind of saving. Either the soldiers are entitled to this pension or they are not. If they are entitled to it, they ought to get it, even though it costs money to give it to them and even though some who have means get part of it, but whenever economy strikes expenditures that are unnecessary, that are excessive, when money is paid out to employees who are not needed in the Government service, or too much is paid to those who are in its service, then I say economize and cut down. This is not the case here. We are not giving a cent that is not richly deserved by those who are to get it. The additional amount of money needed will be trifling, indeed, when collected from 93,000,000 of people with $125,000,000,000 of national wealth. It is but a tardy payment of a debt long due, and I object to branding the pensioner as an object of charity by keeping this section in the bill. I therefore favor the motion to strike it out, and I trust the motion will prevail.

Mr. HUGHES of West Virginia. Mr. Chairman, I do not want to take the time of the committee more than a minute. I merely wish to make the point that in talking with the Commissioner of Pensions with reference to this bill he said it would take more to enforce this section of the bill than it would cost to pay these old soldiers that now have an income of over $1,000 a year. The only object the committee would have in putting in the section would be in economy, and as there will be no economy or saving, I hope they will drop it, and allow it to be taken out of the bill.

The CHAIRMAN. Debate on this section and all amendments thereto is closed.

Mr. DE FOREST. Mr. Chairman, I ask for two minutes.

Mr. KENDALL. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The committee has closed debate. The question is on the amendment offered by the gentleman from Colorado to strike out section 3.

The question was taken.

Mr. MANN. Mr. Chairman, in order to show the vote I ask for a division.

The committee divided; and there were—ayes 157, noes 93.

So the amendment was agreed to.

The Clerk read as follows:

SEC. 6. That pensions under this act shall commence from the date of filing the application in the Bureau of Pensions after the approval of this act.

Mr. ADAIR. Mr. Chairman, I move to change the number of these sections.

Mr. MANN. Mr. Chairman, I desire to offer an amendment to section 6, and I can say to the gentleman from Indiana that a motion is not required to change the numbers of the sections. The Clerk will do that.

Mr. ADAIR. After this motion prevails, I have an amendment here which provides that attorneys shall make no charge, and so forth, that I was going to offer.

Mr. MANN. I have an amendment which I desire to offer to the section of the bill that is under consideration. I move to strike out on page 2, line 8, the words "approval of" and to insert after the word "act" the words "takes effect," so that it will read, "application in the Bureau of Pensions after this act takes effect." Mr. Chairman, of course the reading of the bill is, "after the approval of this act." I prefer to have it, "after this act takes effect," for what seems to me to be a very obvious reason. The ordinary language in reference to a bill is, "after the passage of the act," although it is quite common to say, "after the approval of the act," which would not put the act in effect at all if it happened to be vetoed and passed by a two-thirds vote in each body.

Mr. ADAIR. Mr. Chairman, I accept the amendment.

The question was taken, and the amendment was agreed to.

Mr. ADAIR. I offer the following amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Section 7——

Mr. ADAIR. It will be section 6 with section 3 out.

The Clerk read as follows:

SEC. 6. That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in presenting any claim to the Bureau of Pensions or securing any pension under this act.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now is upon the amendment offered by way of a substitute by the gentleman from Illinois [Mr. FULLER]. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert as follows:

"That any person who served 90 days or more in the military or naval service of the United States during the late Civil War, or 60 days in the War with Mexico, and who has been honorably discharged therefrom, and who has reached the age of 62 years or over, shall, upon making proof of such facts according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the pension roll and be entitled to receive a pension as follows: In case such person has reached the age of 62 years, $15 per month; 65 years, $20 per month; 70 years, $25 per month; 75 years or over, $36 per month; and such pension shall commence from the date of the filing of the application in the Bureau of Pensions after the passage and approval of this act: *Provided*, That pensioners who are 62 years of age or over, and who are now receiving pensions under existing laws, or whose claims are pending in the Bureau of Pensions, may, by application to the Commissioner of Pensions, in such form as he may prescribe, receive the benefits of this act; and nothing herein contained shall prevent any pensioner or person entitled to a pension from prosecuting his claim and receiving a pension under any other general or special act: *Provided further*, That no person shall receive a pension under any other law at the same time or for the same period that he is receiving a pension under the provisions of this act: *And provided further*, That no person who is now receiving or shall hereafter receive a greater pension under any other general or special law than he would be entitled to receive under the provisions herein shall be pensionable under this act.

"SEC. 2. That the benefits of this act shall include any person who served the period of time therein specified during the late Civil War or in the War with Mexico, and who is now or may hereafter become entitled to pension under the acts of June 27, 1890, February 15, 1895, and the joint resolutions of July 1, 1902, and June 28, 1906, or the acts of January 29, 1887, March 3, 1891, February 17, 1897, February 6, 1907, and March 4, 1907.

"SEC. 3. That rank in the service shall not be considered in applications filed hereunder.

"SEC. 4. That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in presenting any claim to the Bureau of Pensions or securing any pension under this act."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. FULLER].

Mr. FULLER. Mr. Chairman, I do not care at this stage of the case to take any considerable time in discussing this substitute. Every Member of the House understands precisely what it is. It is the bill, word for word, that passed this House almost unanimously in the Sixty-first Congress known as the Sulloway bill. That bill was carefully considered by the Committee on Invalid Pensions, was submitted to, corrected and approved by,

and put in shape by the best pension expert in this country, Mr. Herman Gauss, who was then the examiner for that committee. The bill has been approved and indorsed by the legislatures of 28 States, representing a population of more than 55,000,000 people, and also representing 680,000 pensioners out of a total number of 886,000 on the rolls in the several States and Territories of the United States on the 30th day of June, 1911. This is the bill that is desired by a great majority of the old soldiers of the country, and I think it has been shown here and demonstrated to the House that the cost would be less than the cost of the Sherwood bill. However, I wish to say now, Mr. Chairman, that the Sherwood bill is a much better bill than it was this morning before it was amended by striking out the most obnoxious provisions. [Applause.] I am more in favor of it than I was and can cheerfully vote for it, but I am still more in favor of the Sulloway bill, because, on the whole, I consider it the better bill. It does not matter, Mr. Chairman, whose bill it is nor whose name is attached to it. There is honor enough for both the grand old soldier from Ohio, Gen. SHERWOOD, and for the grand old friend of the soldier from New Hampshire, Mr. SULLOWAY, so that both of their names will go down to posterity honored and revered throughout all time for their labors for and devotion to the cause of the soldiers of the Union and the position they have taken upon this question of adequate pensions to provide the necessities and comforts of life to the survivors of the fast-vanishing Army of the Union.

Mr. Chairman, I hope the Sulloway bill, which passed the House in the last Congress, may be substituted here and passed as the matured judgment of this House, and I hope it will become a law, because that will satisfy all the old soldiers, and the Sherwood bill will not. There will be many who, under the Sherwood bill, would receive no material benefit unless they are able to show that they are totally and absolutely disabled. The man who served less than a year may in his old age be as helpless, as hungry, and as much in need of a pension as the man who served more than a year, and I would treat them all alike. But if I can not have my way—if the majority of this House prefers the Sherwood bill to the Sulloway bill—I will cheerfully give it my support and vote. [Applause.]

The CHAIRMAN. The gentleman's time has expired.

Mr. SHERWOOD. Mr. Chairman [applause], I am unalterably opposed to the substitution of an age-pension bill for a service-pension bill. I do not want it to be said in the future that a Secretary of the Treasury can go to Philadelphia or any other city in this country and say that the pension roll is not a roll of honor. And your Secretary of Treasury said that in Philadelphia just after the Sulloway bill had passed the House. Why? Because it is based upon age and not based upon service.

I am in favor of making the pension roll a roll of honor. [Applause.] As I said a while ago, the Grand Army of the Republic to-day is behind the service-pension bill. The committee which is here, appointed by the national encampment, told me so this morning, and that they are in favor of a bill based upon service and not based upon age. And I have an extract from a letter from the commander in chief of the Grand Army of the Republic, Gen. Trimble, of Illinois, which I will read:

> That all pensions should be based on service, in such manner as would be just and equitable as between those who served in the Army for longer or shorter periods, can hardly be denied when fairly considered.

Another member of the Pension Committee, Gen. Burdette, also a gallant soldier and an ex-Member of Congress, said before our committee on May 22, 1911:

> If you send over to the Senate a bill like the Sulloway bill, it means there will be no pension legislation, because no such bill can be passed.

Besides these indorsements I have the indorsements of the Union Veterans Legion and the Union Veterans Union and all of the veteran organizations of the United States, without a single exception, all composed of men who saw hard service at the front. And every veteran regiment in the United States that has recently passed upon that question is in line with the resolutions that were adopted by the veteran regiment, the Forty-ninth Indiana, indorsing the bill unanimously. That was only last week.

Let me call you attention to some of the features of the Sulloway bill. I will give you illustrations that have come under my observation. I have 500 letters in my possession, which I had on my desk here on Friday last, of just such cases as these; and these cases are no exception. Here is Samuel Barnhart, Company C, Forty-sixth Ohio, who enlisted in 1862, when 16 years old, for three years, and served in 20 battles. He was mustered out June 4, 1865. Here is another soldier, David Gillespie, One hundred and seventy-seventh Ohio Volunteer Infantry, who enlisted for 100 days in August, 1864, at the age of 28 years. Barnhart is now 65 years old, and under the proposed age-pension bill would draw a pension of $20 per month; while the 100-day soldier, who saw no service, was never at the front, and is now 75 years old, would draw $36 a month. The inevitable result of the age-pension system is as follows: Samuel Barnhart, three years' service, 20 battles, gets $20 per month; David Gillespie, service 90 days in home camp, gets $36 per month. Paying a three-year veteran of 20 battles $20 per month and a 100-day man of no battles $36 per month is an outrageous inequality and injustice that no respecting patriotic Member of Congress can afford to vote for.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. SHERWOOD. Mr. Chairman, I ask for a little more time.

Mr. HUGHES of New Jersey. Mr. Chairman, I ask unanimous consent that the gentleman from Ohio be given five minutes more.

The CHAIRMAN. The gentleman from New Jersey [Mr. HUGHES] asks unanimous consent that the gentleman from Ohio [Mr. SHERWOOD] be allowed five minutes more. Is there objection?

There was no objection.

Mr. SHERWOOD. Now, I have, I think, 500 letters like this one from an old soldier in a soldiers' home in California—the Veterans' Home at Napa, Cal. I will read you what he says here:

> John Ticknor was 30 years old in the fall of 1864. He had a farm and raised a big crop of corn and wheat in Illinois, and got it harvested and in market. In November, 1864, about the 10th, he volunteered for 100 days and got $600 bounty. He was sent down South with his regiment, and they relieved a three-year regiment that was guarding the railroad between Louisville and Nashville. The three-year regiment went to Nashville and was in the battle. The regiment Ticknor was in never got as far south as Nashville, and he got home the last of February, 1865, and put in a crop, and never missed the time he was in the service, and now is getting $20 a month, and under the Sulloway bill he would get $30, while of the men that his regiment relieved, two-thirds of them that are living are not getting that much and the half that are living will be dead before they could get $30.

They would get only $12 or $15 a month. Now, if you want to vote for such a proposition as that, do it. I will not speak further.

Mr. COX of Ohio. Mr. Chairman, I want to assure the committee that I have no disposition to tax their patience at this hour, but I want to address myself particularly to this side of the House. Students of the Sulloway bill and of the Sherwood bill disagree very little with reference to the main principles of this legislation. Either bill is good, and no one seriously denies that the Sherwood bill carries a large measure of equity to the soldiers of the Civil War.

But there is one consideration which should transcend all others on this side of the House, and that is this: We as Democrats owe it to ourselves and our party to stand by the first Union general of note who has taken a position on the Democratic side of this House in many years. [Applause on the Democratic side.] Going into the war as a private, he participated in 42 battles and came out a brigadier general. He bears now a mark of disability received by the bursting of a shell in one of the great battles of the war. He came into this legislative body 31 years ago and made for himself a name as a legislator of ability. He then went back to his people in the State of Ohio and made for himself a distinguished place in journalism. Later he returned to the scene of his former legislative labors, by so doing carrying a large Republican district, and he has repeated that two successive times.

SEVERAL MEMBERS. Three times.

Mr. COX of Ohio. Two times succeeding the first victory.

He is one man in Ohio largely responsible for the circumstance of 16 Democratic Congressmen from that State sitting on this side of the aisle. [Applause on the Democratic side.] That man is ISAAC R. SHERWOOD [applause], and I insist that the men on this side of the House owe it to this old hero and patriot to support him by voting down the Sulloway amendment and putting upon the statute books this bill not only because of its merit, but by reason of its carrying with it the name of ISAAC R. SHERWOOD. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. [Cries of "Vote!"]

Mr. MARTIN of South Dakota. Mr. Chairman, I desire to be recognized in support of the amendment. We have already devoted several hours to the consideration of this bill under the five-minute rule, but the time has been well spent. The amendments that have been made have immensely improved this legislation. The Mexican soldier has been brought under the protection of this measure. The provisions of the bill excluding the members of our national and State homes from the beneficent protection of the proposed act, and the section excluding veterans who have an income of $1,000 or more have

been stricken from the bill, to the credit of this legislative body and to the honor of the country. Both of these provisions in the bill as reported by the committee would have been badges of parsimony and a blight upon this honorable and meritorious legislation. The bill as now amended is a most excellent service-pension bill.

The only serious subject of debate at this time is which form of legislation it is best to pass under the present circumstances—a service or an age pension. I believe that an age-pension bill at this time, now nearly a half century since the close of the war, would be most likely to give to the Union veterans one case with another the liberal assistance of which they stand in so great need. I therefore favor, first, the Sulloway measure, but, that failing, shall most cordially support the Sherwood bill as now amended.

If we were legislating not more than 25 years after the war, much could be said in favor of a service pension, which would emphasize length of service and particularly honor those who had spent the longest time in the field of the conflict. But now every participant in that conflict is an old man; time has smoothed out the differences of rank and achievement, and the list of membership in loyal Union forces, whether for a long or a short period, is a roll of honor. A pension bill at this late date can not overlook the necessities of every soldier as one of the primal reasons for this legislation. The average age of the survivors of the Civil War is 70 years. Soon the average will be 75 years. They are all old men. Their necessities are increasing with age. Our laws should automatically provide for these increasing needs.

Under the Sherwood bill a man 75 years old who served 5 months and 29 days would draw $15 per month. That sum would remain the same until his death.

If he had served one year his pension would be $30, and that amount would remain unchanged. The loyalty of one may have been as genuine as the loyalty of the other, and their necessities equal, and yet the assistance that we propose to provide in this bill is but half as much in the one case as the other. In the proposed amendment now pending each of these soldiers would receive $36 per month, and each veteran now of fewer years would receive the larger amount when he would reach the older age. The Sherwood bill is stationary, unchanging in its provisions. The Sulloway age pension bill, embraced in the proposed amendment, is elastic and adaptable, increasing the pension with the increased needs of the soldier. I believe, therefore, that it is the better measure, and would in the end bring the greatest good to the greatest number of our honored survivors of the war for the preservation of the Nation.

Mr. ADAIR. Mr. Chairman, I move that all debate on this amendment close in five minutes. [Applause.]

The CHAIRMAN. The gentleman from Indiana [Mr. ADAIR] moves that all debate on this amendment close in five minutes. The question is on agreeing to that motion.

The motion was agreed to.

Mr. ANDERSON of Ohio. Mr. Chairman, as I consumed about two hours in general debate yesterday, I will not take more than a minute or two of the time of the committee at this hour.

I said on the floor of the House yesterday, as a member of the Committee on Invalid Pensions, that if the restrictions and limitations contained in the Sherwood bill were stricken from it I should consider it a good bill. I want to say to you here to-night that the reason I stood for the Anderson bill was because it was indorsed by the Grand Army of the Republic Encampment in Ohio. I have a copy of the resolutions here, and a telegram from the department commander, stating that fact; but that indorsement was given for my bill when those restrictions and limitations were contained in the Sherwood bill (H. R. 1). I want to say to you that I now consider this a good bill, and I expect to vote for it. [Applause.]

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. FULLER].

The question being taken, on a division (demanded by Mr. MANN) there were—ayes 94, noes 151.

Accordingly the amendment was rejected.

[The announcement of the result of the vote was received with applause on the Democratic side.]

Mr. ADAIR. Mr. Chairman, I move that the committee do now rise and report the bill with amendments back to the House, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. FOSTER of Illinois, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War, and had directed him to report the same back to the House with sundry amendments, and with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. ADAIR. Mr. Speaker, I move the previous question on the bill and amendments to the final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, they will be voted on in gross.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The question being taken, on a division (demanded by Mr. FITZGERALD) there were—ayes 206, noes 83.

Accordingly the bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. FITZGERALD. Mr. Speaker, I move to recommit the bill to the Committee on Invalid Pensions, and upon that motion I demand the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit the bill to the Committee on Invalid Pensions.

The question being taken, the motion was rejected.

The SPEAKER. The question is, Shall the bill pass?

Mr. FITZGERALD. On that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken and there were—yeas 229, nays 93, answered "present" 6, not voting 61, as follows:

YEAS—229.

Adair	Donohoe	Lafean	Reyburn
Ainey	Draper	Lafferty	Roberts, Mass.
Akin, N. Y.	Dwight	La Follette	Roberts, Nev.
Alexander	Dyer	Langham	Rodenberg
Allen	Farr	Langley	Rothermel
Anderson, Minn.	Ferris	Lee, Pa.	Rubey
Anderson, Ohio	Floyd, Ark.	Lenroot	Rucker, Colo.
Ansberry	Focht	Landbergh	Lucker, Mo.
Anthony	Fordney	Linthicum	Russell
Ashbrook	Fornes	Littlepage	Scully
Austin	Foss	Lloyd	Sells
Barchfeld	Foster, Ill.	Lobeck	Shackleford
Barnhart	Foster, Vt.	Longworth	Sharp
Bartholdt	Fowler	McDermott	Sherwood
Bates	Francis	McGillicuddy	Slemp
Bathrick	French	McGuire, Okla.	Sloan
Berger	Fuller	McHenry	Smith, J. M. C.
Boehne	Gallagher	McKenzie	Smith, Saml. W.
Booher	Gardner, N. J.	McKinley	Smith, N. Y.
Bowman	Goeke	McKinney	Sparkman
Bradley	Good	McMorran	Speer
Brown	Gould	Madden	Stack
Browning	Graham	Maguire, Nebr.	Stephens, Cal.
Buchanan	Gray	Maher	Stephens, Nebr.
Bulkley	Green, Iowa	Malby	Sterling
Burke, S. Dak.	Greene, Mass.	Mann	Stone
Burke, Wis.	Gregg, Pa.	Martin, Colo.	Sulloway
Butler	Griest	Martin, S. Dak.	Sulzer
Calder	Gudger	Matthews	Sweet
Campbell	Guernsey	Mondell	Switzer
Cannon	Hamill	Moon, Tenn.	Taggart
Cary	Hamilton, W. Va.	Moore, Pa.	Talbott, Md.
Catlin	Hammond	Morgan	Taylor, Colo.
Clark, Fla.	Hanna	Morrison	Taylor, Ohio
Claypool	Harris	Morse, Wis.	Thayer
Cline	Hartman	Moss, Ind.	Thistlewood
Connell	Haugen	Mott	Thomas
Conry	Hawley	Murdock	Tilson
Cooper	Heald	Murray	Towner
Copley	Helgesen	Needham	Underhill
Cox, Ohio	Hensley	Nelson	Volstead
Crago	Higgins	Norris	Vreeland
Crumpacker	Hinds	O'Shaunessy	Warburton
Cullop	Howell	Palmer	Wedemeyer
Curley	Howland	Patton, Pa.	Whitacre
Dalzell	Hubbard	Pepper	White
Danforth	Hughes, W. Va.	Pickett	Wilder
Daugherty	Humphrey, Wash.	Plumley	Willis
Davenport	Jackson	Porter	Wilson, Ill.
Davidson	Kahn	Post	Wilson, Pa.
Davis, Minn.	Kendall	Powers	Wood, N. J.
Davis, W. Va.	Kennedy	Pray	Woods, Iowa
De Forest	Kinkaid, Nebr.	Prince	Young, Kans.
Denver	Kinkead, N. J.	Prouty	Young, Mich.
Dickinson	Knowland	Raker	The Speaker
Difenderfer	Konop	Rauch	
Dixon, Ind.	Kopp	Rees	
Dodds	Korbly	Reilly	

NAYS—93.

Aiken, S. C.	Dent	Glass	Hull
Bartlett	Dickson, Miss.	Godwin, N. C.	Humphreys, Miss.
Beall, Tex.	Dies	Goodwin, Ark.	Jacoway
Blackmon	Doughton	Gregg, Tex.	Johnson, S. C.
Brantley	Dupre	Hardy	Jones
Burgess	Edwards	Harrison, Miss.	Kent
Burleson	Ellerbe	Harrison, N. Y.	Kitchin
Burnett	Evans	Hay	Lamb
Byrnes, S. C.	Finley	Heflin	Lee, Ga.
Byrns, Tenn.	Fitzgerald	Henry, Tex.	Lever
Callaway	Flood, Va.	Hill	Levy
Candler	Gardner, Mass.	Holland	Littleton
Cantrill	Garner	Houston	McCall
Carlin	Garrett	Howard	McCoy
Clayton	George	Hughes, Ga.	McCreary
Collier	Gillett	Hughes, N. J.	McKellar

Macon	Redfield	Smith, Tex.	Watkins
Mays	Robinson	Stedman	Wickliffe
Oldfield	Roddenbery	Stephens, Miss.	Wilson, N. Y.
Padgett	Saunders	Townsend	Witherspoon
Page	Sheppard	Turnbull	Young, Tex.
Payne	Sisson	Tuttle	
Peters	Slayden	Underwood	
Randell, Tex.	Small	Utter	

ANSWERED "PRESENT"—6.

Ayres	Helm	Richardson	Taylor, Ala.
Faison	Kindred		

NOT VOTING—61.

Adamson	Esch	Lewis	Rouse
Ames	Estopinal	Lindsay	Sabath
Andrus	Fairchild	Loud	Sherley
Bell, Ga.	Fields	McLaughlin	Simmons
Bingham	Goldfogle	Miller	Sims
Borland	Hamilton, Mich.	Moon, Pa.	Stanley
Broussard	Hamlin	Moore, Tex.	Steenerson
Burke, Pa.	Hardwick	Nye	Stephens, Tex.
Carter	Hayes	Olmsted	Stevens, Minn.
Covington	Henry, Conn.	Parran	Talcott, N. Y.
Cox, Ind.	Hobson	Patten, N. Y.	Tribble
Cravens	James	Pou	Webb
Currier	Johnson, Ky.	Pujo	Weeks
Doremus	Konig	Rainey	
Driscoll, D. A.	Lawrence	Ransdell, La.	
Driscoll, M. E.	Legare	Riordan	

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he voted yea, as above recorded.

So the bill was passed.

The following pairs were announced:

On this vote:

Mr. SIMMONS for the bill with Mr. AMES against.

Mr. LEWIS for the bill with Mr. STANLEY against.

Mr. ROUSE for the bill with Mr. HELM against.

Mr. RAINEY for the bill with Mr. WEBB against.

Mr. HAMLIN for the bill with Mr. FAISON against.

For to-day:

Mr. BELL of Georgia with Mr. LAWRENCE.

Mr. AYRES with Mr. FAIRCHILD.

Until further notice:

Mr. SHERLEY with Mr. MILLER.

Mr. BORLAND with Mr. BINGHAM.

Mr. RANSDELL of Louisiana with Mr. CURRIER.

Mr. DOREMUS for the bill with Mr. TRIBBLE against.

Mr. GOLDFOGLE with Mr. BURKE of Pennsylvania.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. KINDRED in favor with Mr. HOBSON against, from December 9 until further notice.

Mr. PATTEN of New York against the bill with Mr. COX of Indiana in favor.

Mr. STEENERSON in favor with Mr. WEEKS against.

Mr. CARTER against with Mr. ESTOPINAL for the bill.

Mr. HARDWICK aganist with Mr. MCLAUGHLIN for the bill.

Mr. JAMES with Mr. OLMSTED from December 8, ending Thursday, December 14.

Mr. SABATH with Mr. MICHAEL E. DRISCOLL, ending after holidays.

Mr. LEGARE with Mr. LOUD from December 5, ending holiday recess.

Mr. STEPHENS of Texas against with Mr. HAMILTON for the bill.

Mr. SIMS with Mr. ESCH from Friday, December 9, until further notice.

For the session:

Mr. RIORDAN with Mr. ANDRUS.

The result of the vote was then announced as above recorded.

Mr. ADAIR. Mr. Speaker, I move that the title be amended so as to read: "A bill granting a service pension to certain defined veterans of the Civil War and the War with Mexico."

The motion was agreed to.

On motion of Mr. ADAIR, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent that there be printed 10,000 copies of the bill as it passed, to be distributed from the document room.

Mr. MANN. Mr. Speaker—reserving the right to object—a bill passed by the House goes to the Senate and is ordered printed. There is no objection to having 10,000 copies, but there ought not to be two prints of the bill.

Mr. RUSSELL. I do not care how it is brought about, but there ought to be at least 10,000 copies.

Mr. KENDALL. Mr. Speaker, I suggest to the gentleman from Missouri [Mr. RUSSELL] that he include a further request that the bill as it has passed the House be printed in full in the RECORD of to-day.

Mr. RUSSELL. I will include that as a part of my request, Mr. Speaker.

The SPEAKER. The gentleman from Missouri asks unanimous consent that 10,000 copies of the bill be printed, to be distributed through the document room, and that it be also printed in full in the CONGRESSIONAL RECORD. Is there objection?

There was no objection.

The bill as it passed the House is as follows:

An act (H. R. 1) granting a service pension to certain defined veterans of the Civil War and the War with Mexico.

Be it enacted, etc., That any person who served in the military or naval service of the United States during the late Civil War or the War with Mexico, and who has been honorably discharged therefrom, and all members of State organizations that are now pensionable under existing law, shall, upon making proof of such facts according to such rules and regulations as the Secretary of the Interior may provide, be placed on the pension roll and be entitled to receive a pension as follows: For a service of 90 days or more in the Civil War, or 60 days or more in the War with Mexico, and less than 6 months, $15 per month; for a service of 6 months or more and less than 9 months, $20 per month; for a service of 9 months or more and less than 1 year, $25 per month; for a service of 1 year or more, $30 per month: *Provided*, That any such person who served in the War with Mexico shall be paid the maximum pension under this act, to wit, $30 per month.

SEC. 2. That any person who served in the military or naval service of the United States during the Civil War and received an honorable discharge and who was wounded in battle or in line of duty, and is now unfit for manual labor, through causes not due to his own vicious habits, or who from disease or other causes incurred in line of duty resulting in his disability is now unable to perform manual labor, shall be paid the maximum pension under this act, to wit, $30 per month, without regard to his length of service.

SEC. 3. That no person shall receive a pension under any other law at the same time or for the same period he is receiving a pension under the provisions of this act.

SEC. 4. That rank in the service shall not be considered in applications filed hereunder.

SEC. 5. That pensions under this act shall commence from the date of filing the application in the Bureau of Pensions after this act takes effect.

SEC. 6. That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in presenting any claim to the Bureau of Pensions, or securing any pension, under this act.

ADJOURNMENT.

Then, on motion of Mr. UNDERWOOD (at 9 o'clock and 52 minutes p. m.), the House adjourned until Wednesday, December 13, 1911, at 12 o'clock m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with letter of the Chief of Engineers, report of a preliminary examination of Winchester Harbor, Md. (H. Doc. No. 275); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with letter of the Chief of Engineers, report of a preliminary examination of Umpqua River, Oreg. (H. Doc. No. 276); to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with letter of the Chief of Engineers, report of a preliminary examination of Darien Harbor, Ga. (H. Doc. No. 277); to the Committee on Rivers and Harbors and ordered to be printed.

4. A letter from the Secretary of War, transmitting, with letter of the Chief of Engineers, report of a preliminary examination of Winyah Bay, S. C. (H. Doc. No. 278); to the Committee on Rivers and Harbors and ordered to be printed.

5. A letter from the Secretary of War, transmitting, with letter of the Chief of Engineers, report of a preliminary examination of Swift Creek, N. C. (H. Doc. No. 279); to the Committee on Rivers and Harbors and ordered to be printed.

6. A letter from the Secretary of War, transmitting, with letter of the Chief of Engineers, report of a preliminary examination of Brazos River at Jupiter Cut, Tex. (H. Doc. No. 280); to the Committee on Rivers and Harbors and ordered to be printed.

7. A letter from the Secretary of War, transmitting, with letter of the Chief of Engineers, report of a preliminary examination of St. Johns River, Fla., from Jacksonville to Palatka (H. Doc. No. 281); to the Committee on Rivers and Harbors and ordered to be printed.

8. A letter from the Secretary of War, transmitting, with letter of the Chief of Engineers, report of a preliminary examination of Mississippi River near Pine Knoll, Minn. (H. Doc. No. 282); to the Committee on Rivers and Harbors and ordered to be printed.

9. A letter from the Secretary of War, transmitting, with letter of the Chief of Engineers, report of a preliminary examination of Vermilion Harbor, Ohio (H. Doc. No. 283); to the Committee on Rivers and Harbors and ordered to be printed.

10. A letter from the Secretary of War, transmitting, with letter of the Chief of Engineers, report of a preliminary exami-

nation of Coos Bay and entrance, Oregon (H. Doc. No. 284); to the Committee on Rivers and Harbors and ordered to be printed.

11. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on examination and survey of Twitch Cove and Big Thoroughfare River, connecting Tylers River with Tangier Sound, in Chesapeake Bay, Md. (H. Doc. No. 285); to the Committee on Rivers and Harbors and ordered to be printed.

12. A letter from the assistant clerk of Court of Claims, transmitting certified copy of the finding of the court in the case of J. A. Reagan *v.* The United States (H. Doc. No. 290); to the Committee on War Claims and ordered to be printed.

13. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of preliminary examination of Niagara River, N. Y., with a view to securing a depth of 18 feet from Black Rock Harbor to the foot of Sugar Street, Niagara Falls, N. Y. (H. Doc. No. 286); to the Committee on Rivers and Harbors and ordered to be printed.

14. A letter from the Secretary of the Treasury, submitting deficiency estimate on account of two revenue cutters provided for by act of April 21, 1911 (H. Doc. No. 289); to the Committee on Appropriations and ordered to be printed.

15. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on examination and survey of Cape Fear River at and below Wilmington, N. C., with a view to obtaining a suitable depth and width (H. Doc. No. 287); to the Committee on Rivers and Harbors and ordered to be printed.

16. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and plan and estimate of cost of improvement of Charleston Harbor, S. C., with a view to securing a depth of 30 feet (H. Doc. No. 288); to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SULZER, from the Committee on Foreign Affairs, to which was referred the joint resolution (H. J. Res. 166) providing for the termination of the treaty of 1832 between the United States and Russia, reported the same without amendment, accompanied by a report (No. 179), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 14276) granting an increase of pension to Ralph A. Anderson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8416) granting an increase of pension to Jacob Heffler; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15140) granting a pension to Nancy Morrel; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HINDS: A bill (H. R. 15450) to fix the time for holding the regular terms of the United States district court in the district of Maine; to the Committee on the Judiciary.

By Mr. MARTIN of Colorado: A bill (H. R. 15451) to appropriate money to investigate and eradicate disease of sugar beets; to the Committee on Agriculture.

Also, a bill (H. R. 15452) to provide for the erection of a public building in the city of Durango and State of Colorado; to the Committee on Public Buildings and Grounds.

By Mr. AYRES: A bill (H. R. 15453) for erecting a suitable memorial to Peletiah Webster; to the Committee on the Library.

By Mr. SHEPPARD: A bill (H. R. 15454) for the insurance of deposits in national banks; to the Committee on Banking and Currency.

By Mr. PRAY: A bill (H. R. 15455) to amend sections 1 and 2 of the act of Congress of June 22, 1910, entitled "An act to provide for agricultural entries on coal lands," so as to include State land selections, indemnity school, and educational lands; to the Committee on the Public Lands.

By Mr. POST: A bill (H. R. 15456) to abolish certain pension agencies and to provide for the payment of pensions; to the Committee on Invalid Pensions.

By Mr. PRINCE: A bill (H. R. 15457) for the erection of a post-office building at Geneseo, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. GODWIN of North Carolina: A bill (H. R. 15458) to cooperate with the States in encouraging instruction in agriculture, the trades and industries, and home economics in secondary schools; in maintaining instruction in these vocational subjects in State normal schools; in maintaining extension departments in State colleges of agriculture and mechanic arts; and to appropriate money and regulate its expenditure; to the Committee on Agriculture.

Also, a bill (H. R. 15459) to increase the appropriation for the purchase of a site and the erection of a customhouse at Wilmington, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. RUCKER of Colorado: A bill (H. R. 15460) to provide for the erection of a public building at Fort Morgan, in the State of Colorado; to the Committee on Public Buildings and Grounds.

By Mr. HOWLAND: A bill (H. R. 15461) to authorize the change of the name of the steamer *Henry A. Hawgood*, owned by the Hubbard Steamship Co.; to the Committee on the Merchant Marine and Fisheries.

By Mr. DYER: A bill (H. R. 15462) to amend section 91 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. HUGHES of Georgia: A bill (H. R. 15463) for the erection of a public building at Fitzgerald, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. ROBINSON: A bill (H. R. 15464) appropriating money for improvement, extension, and repair of the Army and Navy Hospital at Hot Springs, Ark.; to the Committee on the Public Lands.

Also, a bill (H. R. 15465) authorizing and directing the Secretary of the Interior to cause to be made certain improvements on the Government reservation at Hot Springs, Ark.; to the Committee on the Public Lands.

By Mr. WEBB: A bill (H. R. 15466) to regulate the practice of dentistry in the District of Columbia; to the Committee on the District of Columbia.

By Mr. BROWNING: A bill (H. R. 15467) for the erection of a public building at the city of Salem, in the State of New Jersey; to the Committee on Public Buildings and Grounds.

By Mr. REILLY: A bill (H. R. 15468) to define the hours of labor of letter carriers in the City Delivery Service and clerks in first and second class post offices; to the Committee on the Post Office and Post Roads.

By Mr. MAYS: A bill (H. R. 15469) to provide for the improvement, repair, and maintenance and the preservation of the public works on the rivers and harbors and for the improvement and dredging of the Holmes River from Vernon to its mouth, in the State of Florida, and to meet the demands of commerce, both present and prospective; to the Committee on Rivers and Harbors.

By Mr. ANDERSON of Ohio: A bill (H. R. 15470) for the purchase of a site and the erection thereon of a public building at Bucyrus, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. BATES: A bill (H. R. 15471) making appropriation for repair, preservation, and exhibition of the trophy flags now in store at Naval Academy, Annapolis, Md.; to the Committee on Naval Affairs.

By Mr. RUSSELL: A bill (H. R. 15472) providing for the appropriation of money for the construction of State and interstate highways, and for other purposes; to the Committee on Agriculture.

By Mr. KAHN: A bill (H. R. 15473) to confer jurisdiction upon the District Court of the United States for the Northern District of California to determine in equity the rights of American citizens under the award of the Bering Sea arbitration of Paris and to render judgment thereon; to the Committee on the Judiciary.

By Mr. LITTLETON: A bill (H. R. 15611) directing the Secretary of War to cause a survey to be made of the channel between Great Peconic Bay and Little Peconic Bay, Long Island, N. Y.; to the Committee on Rivers and Harbors.

By Mr. LEVY: Resolution (H. Res. 336) directing the Secretary of State to report to the House the status of W. Morgan Shuster; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were inroduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 15474) granting an increase of pension to John W. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15475) granting an increase of pension to Mary L. Marpe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15476) granting an increase of pension to Louis Hahn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15477) granting an increase of pension to Dudley W. Dye; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15478) granting an increase of pension to Theodore L. Trew; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 15479) granting an increase of pension to Jacob Skiles; to the Committee on Invalid Pensions.

By Mr. BARCHFELD: A bill (H. R. 15480) for the relief of Lieut. S. M. Rock, United States Revenue-Cutter Service; to the Committee on Claims.

By Mr. BARTLETT: A bill (H. R. 15481) for the relief of the heirs of Daniel Donovan; to the Committee on the District of Columbia.

By Mr. BURKE of South Dakota: A bill (H. R. 15482) granting a pension to Roland J. Patrick; to the Committee on Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 15483) for the relief of the estate of Dennis Mahoney; to the Committee on War Claims.

By Mr. CARLIN: A bill (H. R. 15484) for the relief of the estate of John Milburn, deceased; to the Committee on War Claims.

Also, a bill (H. R. 15485) for the relief of the estate of James P. Yancy, deceased; to the Committee on War Claims.

Also, a bill (H. R. 15486) to correct the military record of Ralph S. Keyser; to the Committee on Naval Affairs.

By Mr. CARY: A bill (H. R. 15487) granting an increase of pension to James M. Pollock; to the Committee on Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 15488) granting a pension to Mary Followill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15489) granting an increase of pension to C. W. Roberts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15490) granting an increase of pension to Finley Branstetter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15491) granting an increase of pension to James C. Rule; to the Committee on Invalid Pensions.

By Mr. CLINE: A bill (H. R. 15492) for the redemption of lost United States bond in favor of heirs of J. Calvin Kinney; to the Committee on Claims.

By Mr. COPLEY: A bill (H. R. 15493) for the relief of Andrew W. Sears, deceased; to the Committee on Military Affairs.

Also, a bill (H. R. 15494) granting a pension to Kate M. Leach; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15495) granting an increase of pension to James A. Palmer; to the Committee on Invalid Pensions.

My Mr. CULLOP: A bill (H. R. 15496) granting an increase of pension to John McMillen; to the Committee on Invalid Pensions.

By Mr. DENVER: A bill (H. R. 15497) granting a pension to Sarah J. McMahon; to the Committee on Invalid Pensions.

Also, A bill (H. R. 15498) granting a pension to Mary L. Nash; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15499) granting an increase of pension to John Snively; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15500) granting an increase of pension to James F. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15501) granting an increase of pension to Greenberry Carr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15502) granting an increase of pension to James C. Rigdon; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 15503) granting a pension to Sarah Biesecker; to the Committee on Pensions.

Also, a bill (H. R. 15504) granting an increase of pension to George W. Gans; to the Committee on Invalid Pensions.

By Mr. FORNES: A bill (H. R. 15505) granting an increase of pension to John Jenkinson; to the Committee on Pensions.

Also, a bill (H. R. 15506) granting an increase of pension to John Fogarty; to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 15507) granting a pension to William Mendenhall; to the Committee on Pensions.

By Mr. GRAHAM: A bill (H. R. 15508) granting a pension to Antony Folee; to the Committee on Invalid Pensions.

By Mr. GREENE of Massachusetts: A bill (H. R. 15509) to authorize the construction and maintenance of a sewer pipe upon and across the Fort Rodman Military Reservation, at New Bedford, Mass.; to the Committee on Military Affairs.

By Mr. GRIEST: A bill (H. R. 15510) granting a pension to Ida Newcomer; to the Committee on Invalid Pensions.

By Mr. GILLETT: A bill (H. R. 15511) granting a pension to Sylvia L. Bartlett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15512) granting an increase of pension to Simon B. Parker; to the Committee on Invalid Pensions.

By Mr. HARTMAN: A bill (H. R. 15513) granting an increase of pension to Jennie M. Metz; to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 15514) granting a pension to Alice Downing; to the Committee on Pensions.

By Mr. HULL: A bill (H. R. 15515) granting a pension to Ofa Johnson; to the Committee on Pensions.

Also, a bill (H. R. 15516) granting a pension to John R. Hamilton; to the Committee on Pensions.

Also, a bill (H. R. 15517) granting a pension to Louis E. Clayburn; to the Committee on Pensions.

Also, a bill (H. R. 15518) granting an increase of pension to Frances A. Fisher; to the Committee on Invalid Pensions.

By Mr. KORBLY: A bill (H. R. 15519) granting a pension to Francis Carre; to the Committee on Pensions.

Also, a bill (H. R. 15520) granting a pension to Adeline S. Bohannon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15521) granting an increase of pension to William F. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15522) granting a pension to Francis M. Huls; to the Committee on Pensions.

Also, a bill (H. R. 15523) granting an increase of pension to John M. Baxter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15524) granting an increase of pension to Lemuel V. Oliver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15525) granting an increase of pension to George T. Pollard; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 15526) granting a pension to Ellen E. Harget; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15527) granting an increase of pension to Peter A. Kipp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15528) granting an increase of pension to Uriah J. M. Baughman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15529) granting an increase of pension to Emanuel Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15530) to correct the military record of Daniel M. Witmyer; to the Committee on Military Affairs.

By Mr. LEE of Georgia: A bill (H. R. 15531) for the relief of the trustees of the First Baptist Church, La Fayette, Ga.; to the Committee on War Claims.

By Mr. LEE of Pennsylvania: A bill (H. R. 15532) granting an increase of pension to John Higgins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15533) granting an increase of pension to William B. Heinbach; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 15534) to remove the charge of desertion against Arthur J. Steele; to the Committee on Military Affairs.

By Mr. LINDSAY: A bill (H. R. 15535) granting an increase of pension to William Leudemann; to the Committee on Pensions.

By Mr. LLOYD: A bill (H. R. 15536) granting an increase of pension to George Goulty; to the Committee on Invalid Pensions.

By Mr. McHENRY: A bill (H. R. 15537) granting a pension to William G. Yeager; to the Committee on Pensions.

Also, a bill (H. R. 15538) granting an increase of pension to Samuel C. Rhoat; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15539) granting a pension to Harvey E. Teets; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15540) granting a pension to Anna Danisiewicz; to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 15541) granting an increase of pension to George S. Bristol; to the Committee on Invalid Pensions.

By Mr. MARTIN of Colorado: A bill (H. R. 15542) granting a pension to Ann Carney; to the Committee on Invalid Pensions.

By Mr. MATTHEWS: A bill (H. R. 15543) granting a pension to Oliver C. C. Pollock, alias John E. Douglass; to the Committee on Pensions.

By Mr. MORRISON: A bill (H. R. 15544) granting an increase of pension to Henry Miller; to the Committee on Invalid Pensions.

By Mr. NORRIS: A bill (H. R. 15545) granting an increase of pension to William L. Saum; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15546) granting an increase of pension to Jerome Bachus; to the Committee on Invalid Pensions.

By Mr. NYE: A bill (H. R. 15547) granting an increase of pension to Nelson Sutton; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 15548) granting an increase of pension to Rebecca Simmons; to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 15549) granting an increase of pension to Daniel Stout; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15550) granting an increase of pension to John H. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15551) granting an increase of pension to Allen Fornwalt; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 15552) granting a pension to John P. Coughlin; to the Committee on Pensions.

Also, a bill (H. R. 15553) granting a pension to Josephine Tucker; to the Committee on Pensions.

Also, a bill (H. R. 15554) granting an increase of pension to Joseph Garriety; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15555) granting an increase of pension to Margaret Minkler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15556) granting an increase of pension to Cornelius Chapman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15557) granting an increase of pension to Oscar F. Towne; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15558) granting an increase of pension to Maria L. Westgate; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15559) granting an increase of pension to Emma S. Woodcock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15560) granting an increase of pension to Hannah E. Petteplace; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15561) granting an increase of pension to Bernard Farrell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15562) granting an increase of pension to James E. Briggs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15563) granting an increase of pension to Elizabeth A. Vose; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15564) granting an increase of pension to Anna A. Dillon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15565) granting an increase of pension to William L. Collins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15566) granting an increase of pension to Frank J. Oakley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15567) granting an increase of pension to Caroline M. Lindsey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15568) granting an increase of pension to Mary J. Gilmore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15569) granting an increase of pension to Hannah Keefe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15570) granting an increase of pension to Joshua Marsh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15571) granting an increase of pension to Edward W. Hale; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15572) granting an honorable discharge to John Healey; to the Committee on Military Affairs.

By Mr. PEPPER: A bill (H. R. 15573) granting an increase of pension to Hannah Kelley; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 15574) granting a pension to Robert Strong; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15575) granting an increase of pension to George P. Stone; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15576) granting an increase of pension to George P. Stone; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15577) granting an increase of pension to Merinda Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15578) to remove the charge of desertion from the military record of Thomas J. Wells; to the Committee on Military Affairs.

By Mr. RODENBERG: A bill (H. R. 15579) granting an increase of pension to Frederick Ahloers; to the Committee on Invalid Pensions.

By Mr. RUCKER of Missouri: A bill (H. R. 15580) granting an increase of pension to Frederick M. Haymaker; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 15581) granting an increase of pension to Christopher S. Alvord; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 15582) for the relief of the estate of Lucy C. White; to the Committee on War Claims.

By Mr. TAYLOR of Colorado: A bill (H. R. 15583) granting a pension to Alice B. Stowe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15584) granting a pension to James M. Pauley; to the Committee on Pensions.

Also, a bill (H. R. 15585) to remove the record of dishonorable discharge from the record of Francis A. Land; to the Committee on Military Affairs.

By Mr. TAYLOR of Ohio: A bill (H. R. 15586) granting an increase of pension to George M. Fix; to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 15587) granting an increase of pension to Charles R. Stuart; to the Committee on Invalid Pensions.

By Mr. TOWNSEND: A bill (H. R. 15588) granting an increase of pension to Martha Summerhayes; to the Committee on Pensions.

By Mr. WHITE: A bill (H. R. 15589) for the relief of Theodore D. McCaddon; to the Committee on Military Affairs.

Also, a bill (H. R. 15590) granting an increase of pension to William R. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15591) granting an increase of pension to George H. Boetcher; to the Committee on Invalid Pensions.

By Mr. WILLIS: A bill (H. R. 15592) granting an increase of pension to Joseph C. Laney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15593) granting an increase of pension to John H. Downey; to the Committee on Invalid Pensions.

By Mr. WILSON of New York: A bill (H. R. 15594) for the relief of the heirs of those killed by the explosion at Fort Lafayette February 19, 1903; to the Committee on Claims.

By Mr. SELLS: A bill (H. R. 15595) granting a pension to Thomas Sloan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15596) granting a pension to Melvina A. Argenbright; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15597) granting an increase of pension to Ubert C. Ricker; to the Committee on Pensions.

Also, a bill (H. R. 15598) granting an increase of pension to William A. Charles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15599) granting an increase of pension to Alfred T. Moreland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15600) granting a pension to Serina C. Dodd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15601) granting a pension to the heirs of Isaac W. Grindstaff; to the Committee on Pensions.

Also, a bill (H. R. 15602) granting an increase of pension to Joseph Netherland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15603) granting an increase of pension to Calloway Roberts; to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 15604) granting a pension to Frank Pace; to the Committee on Pensions.

Also, a bill (H. R. 15605) granting a pension to Olga H. Updegraff; to the Committee on Invalid Pensions.

By Mr. KNOWLAND: A bill (H. R. 15606) granting a pension to Albert Perkins Noble; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15607) for the relief of Rear Admiral J. B. Milton, United States Navy, retired; to the Committee on Naval Affairs.

By Mr. BYRNES of South Carolina: A bill (H. R. 15608) for the relief of Abram Gilchrist; to the Committee on War Claims.

By Mr. PLUMLEY: A bill (H. R. 15609) granting an increase of pension to Ira S. Drew; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15610) granting an increase of pension to Jason Johnson; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petitions of W. F. Long, P. M. Long, C. H. Weeks, and B. F. Davis, of Walnut Hill, La., favoring the reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petitions of Local No. 2791, Carriage and Wagon Workers' International Union, American Federation of Labor, and Local No. 81, Stone Masons, in favor of House bill 11732; to the Committee on the Merchant Marine and Fisheries.

By Mr. ALLEN: Memorial of Lodge No. 367, Independent Order B'rith Abraham, praying for the abrogation of the treaty between the United States and Russia; to the Committee on Foreign Affairs.

By Mr. ASHBROOK: Petition of Mating & Opp Co., of Cincinnati, Ohio, in favor of House bill 12827; to the Committee on Military Affairs.

Also, petition of Parsons & Parsons Co., of Cleveland, Ohio, favoring 1-cent postage; to the Committee on the Post Office and Post Roads.

By Mr. AYRES: Memorials of Jewish Young Men's League, the Young Men's Hebrew Association, and Lodge No. 409, Independent Order B'rith Abraham, urging abrogation of treaty with Russia; to the Committee on Foreign Affairs.

Also, memorial of committee of Chamber of Commerce of New York City, relative to amending corporation-tax law; to the Committee on Ways and Means.

By Mr. BARCHFELD: Petitions of the Allegheny River Boatmen's Association and citizens of New Kensington, for improvement of the Allegheny River between Springdale and Oil City, Pa.; to the Committee of Rivers and Harbors.

Also, petition of the Allegheny River Boatmen's Association of New Kensington, Pa., protesting against the unreasonable obstruction of navigation by low bridges and narrow channel spans on the Allegheny River; to the Committee on Rivers and Harbors.

Also, petition of Typographical Union No. 7, of Pittsburgh, Pa., for the repeal of tax on oleomargarine; to the Committee on Agriculture.

Also, memorials of Michael Rosenbloom Lodge, No. 114, Independent Western Star Order, of Pittsburgh; of Iron City Lodge, No. 217, and Hope Lodge, No. 210, Order B'rith Abraham, of Pittsburgh; Lodge No. 437, Independent Order B'rith Abraham, of Homestead, all of the State of Pennsylvania, praying for the abrogation of the Russian-American treaty; to the Committee on Foreign Affairs.

Also, petition of the S. B. Neff Lodge, No. 225, of the Brotherhood of Railroad Trainmen, of Pittsburgh, Pa., favoring the Booher bill (H. R. 5601), relating to contract prison labor; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Allegheny County Association of Union ex-Prisoners of War, of Pennsylvania, urging the passage of House bill 1340, for the relief of ex-prisoners of the Civil War; to the Committee on Invalid Pensions.

By Mr. BATES: Resolutions of Central Labor Union, of Erie, Pa., favoring House bill 11372; to the Committee on the Merchant Marine and Fisheries.

Also, petition of E. O. Emerson, jr., of Titusville, Pa., favoring Lincoln memorial road; to the Committee on Appropriations.

Also, petition of H. D. Prow, of Titusville, Pa., opposing proposed repeal of nine-hour law for railroad telegraph operators; to the Committee on the Judiciary.

Also, memorial of Seventh-day Adventist Church of Erie, Pa., opposing bill for the observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

By Mr. BOOHER: Papers to accompany House bill 15372, granting a pension to Walter Thomas; to the Committee on Pensions.

By Mr. BYRNS of Tennessee: Papers to accompany bill for the relief of the estate of Dennie Mahoney; to the Committee on War Claims.

By Mr. CALDER: Memorials of Jewish Young Men's League, of New York, and the Young Folks' League of Temple Emanuel of Borough Park, of Brooklyn, urging the abrogation of the Russian treaty; to the Committee on Foreign Affairs.

Also, resolution of Winchester Post, Department of New York, Grand Army of the Republic, protesting against the incorporation of the Grand Army of the Republic; to the Committee on Military Affairs.

By Mr. CARLIN: Papers to accompany bill for the relief of James P. Yancey; to the Committee on War Claims.

By Mr. CARY: Resolutions of the Wisconsin Retail Grocers and General Merchants' Association, protesting against the establishment of a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. CLINE: Memorial of Bromand Post, Grand Army of the Republic, urging passage of general pension bill; to the Committee on Invalid Pensions.

Also, memorial of Forty-ninth Indiana Regimental Association, in favor of House bill 1; to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of Washington County (Cal.) Pomona Grange, for parcels post; to the Committee on the Post Office and Post Roads.

Also, memorial of Lodge No. 238, Independent Western Star Order, for termination of treaty with Russia; to the Committee on Foreign Affairs.

Also, memorial of Massachusetts Association of Volunteer Officers of the Civil War, in favor of a retired list pension bill; to the Committee on Invalid Pensions.

By Mr. DYER: Memorial of Massachusetts Association of Volunteer Officers of the Civil War, in favor of a retired list pension bill; to the Committee on Invalid Pensions.

Also, resolutions of the Central Trades and Labor Council of St. Louis, Mo., indorsing House bill 5970, relating to the removal of employees of the Government in the classified civil service; to the Committee on Reform in the Civil Service.

By Mr. FOCHT: Papers to accompany House bills 5406 and 15017; to the Committee on Invalid Pensions.

By Mr. FORNES: Petition of the Rochester Stamping Co., in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, papers to accompany bill granting an increase of pension to John Jenkinson; to the Committee on Pensions.

Also, papers to accompany bill granting an increase of pension to John Jenkinson; to the Committee on Invalid Pensions.

By Mr. FOSS: Resolution of Carriage and Wagon Workers' International Union, of Chicago, Ill., favoring House bill 11372; to the Committee on the Merchant Marine and Fisheries.

By Mr. FULLER: Petition of Rockton Hardware Co. and others, of Rockton, Ill., against parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of Richards-Wilcox Manufacturing Co., of Aurora, Ill., in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of General Thomas A. Smyth Post, Grand Army of the Republic, in favor of placing on the pension roll the survivors of the Fifth and Sixth Delaware Regiments, etc.; to the Committee on Invalid Pensions.

Also, petition of Switchmen's Union of North America, Lodge No. 199, of Chicago, Ill., in favor of the passage of the Sherwood bill (H. R. 13911) providing for the least number of men to be assigned to each locomotive engaged in handling cars used in interstate commerce; to the Committee on Interstate and Foreign Commerce.

Also, petition of Society of the United States Military Telegraph Corps, in favor of the passage of House bill 2920, for the relief of persons who served in the Military Telegraph Corps of the United States Army during the Civil War; to the Committee on Invalid Pensions.

By Mr. GALLAGHER: Resolutions of Carriage and Wagon Workers' International Union of Chicago, Ill., favoring House bill 11372; to the Committee on the Merchant Marine and Fisheries.

By Mr. GOLDFOGLE: Resolutions of Don Abarbanel Lodge, No. 2; Marcowitz Lodge, No. 472; Jacob Isenberg Lodge, No. 256; America Lodge, No. 167; and Kunstler Lodge, No. 362, all of the Order of B'rith Abraham; of Har Moriah Lodge, No. 608, and Petofi Sandor Lodge, No. 496, Independent Order of B'rith Abraham; of Brisk De Litau Lodge, No. 153, Independent Order Ahawas Israel; of Keidaner Association, Jewish Young Men's League; Novaridoker Brothers' Association; and Congregation Tiphereth Israel, all of New York City, favoring the abrogation of the Russian treaty of 1832 and requesting Congress to adopt the Harrison-Goldfogle-Sulzer resolutions (H. J. Res. 5 and 40); to the Committee on Foreign Affairs.

By Mr. GRAHAM: Petition of the Pana (Ill.) Commercial Club, asking for a reduction of the tariff duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. GRIEST: Petitions of citizens of Lancaster County, Pa., favoring the construction of Lincoln memorial highway; to the Committee on Appropriations.

Also, memorial of George H. Thomas Post, Grand Army of the Republic, opposing incorporation of Grand Army of the Republic; to the Committee on Military Affairs.

By Mr. HANNA: Petition of officers and members of Company M, North Dakota National Guard, favoring House bill 8141; to the Committee on Military Affairs.

Also, petition of C. F. Miller, of Harmon, N. Dak., favoring the reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, memorial of the Zenith (N. Dak.) Seventh-day Adventist Church, opposing House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. HARRISON of New York: Memorials of the Collegiate Zionist League and the Jewish Young Men's League, New York, N. Y., urging abrogation of treaty with Russia; to the Committee on Foreign Affairs.

By Mr. HARTMAN: Resolution of Yesruel Schloma Lodge, No. 149, Independent Western Star Order, of Johnstown, Pa., favoring the abrogation of the Russian treaty of 1832; to the Committee on Foreign Affairs.

By Mr. HAY: Papers to accompany bill granting a pension to Alice Downing; to the Committee on Invalid Pensions.

By Mr. HILL: Resolutions of the Congregation Ados Israel, of Hartford, Conn., with reference to the Russian treaty; to the Committee on Foreign Affairs.

By Mr. HUGHES of New Jersey: Resolutions of the Woman's Christian Temperance Unions of Closter and Oradell, N. J., favoring passage by Congress of an interstate-commerce law that will furnish just and adequate provision for the protection of prohibition territory from the nullification of its laws through interstate shipment of liquor; to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: Petition of Local No. 26, Steam Laundry Workers' Union, of San Francisco, Cal., in favor of House bill 5601; to the Committee on Interstate and Foreign Commerce.

Also, petitions of California & Hawaiian Sugar Refining Co., Dunham, Carrigan & Hayden Co., John A. Roebling's Sons Co., and Henry C. Schaertzer, all of San Francisco, Cal., in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, memorial of Fairbanks (Alaska) Commercial Club, relative to mail routes in Alaska; to the Committee on Military Affairs.

Also, petitions of H. W. Furlong, J. R. Hanify, and Pacific Motor Car Co., all of San Francisco, Cal., in favor of Lincoln memorial road from Washington to Gettysburg; to the Committee on Appropriations.

Also, memorial of Lodge No. 166, Order B'rith Abraham, praying for the abrogation of the treaty between the United States and Russia; to the Committee on Foreign Affairs.

Also, memorial of San Francisco (Cal.) Chamber of Commerce, against suspension of coastwise navigation law; to the Committee on the Merchant Marine and Fisheries.

Also, petition of G. X. Wendling, of San Francisco, Cal., in favor of a Federal incorporation act; to the Committee on the Judiciary.

Also, petition of Chamber of Commerce of San Jose, Cal., in favor of permitting American ships to pass through Panama Canal free of tolls; to the Committee on Interstate and Foreign Commerce.

By Mr. KENDALL: Petition of G. F. Hartman and others, of Eddyville, Iowa, opposing extension of parcels post; to the Committee on the Post Office and Post Roads.

By Mr. KINDRED: Memorial of numerous civic bodies of the State of Washington, asking that no tolls be collected on American ships through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. KORBLY: Petitions of George W. Mitchell and William H. Tarlton, both of Ancon, Canal Zone, in favor of House resolution 287; to the Committee on Rules.

Also, papers to accompany bill granting a pension to Francis M. Huls; to the Committee on Invalid Pensions.

Also, resolutions of the Forty-ninth Indiana Regimental Association, favoring the Sherwood graded service pension bill; to the Committee on Invalid Pensions.

Also, memorial of Rev. M. Messing Lodge, No. 137, of Indianapolis, Ind., remonstrating against the treatment accorded American citizens by Russia; to the Committee on Foreign Affairs.

By Mr. LAFFAN: Paper to accompany House bill 449, granting an increase of pension to D. W. Crider; to the Committee on Invalid Pensions.

Also, papers to accompany bill granting an increase of pension to Uriah J. M. Baughman; to the Committee on Invalid Pensions.

Also, paper to accompany bill to correct the military record of Daniel M. Witmyer; to the Committee on Military Affairs.

Also, resolution of Central Pennsylvania Grand Army of the Republic Association, urging the passage of the Sulloway pension bill or a similar measure; to the Committee on Invalid Pensions.

Also, papers to accompany bill granting an increase of pension to Peter A. Kipp; to the Committee on Invalid Pensions.

By Mr. LEWIS: Petition of R. J. Roberts and others, of Westernport, Md., urging an investigation of the causes responsible for the recent advance in the price of coffee; to the Committee on Rules.

Also, memorial of Ministerial Association of Cumberland, Md., urging abrogation of treaty with Russia; to the Committee on Foreign Affairs.

Also, petition of Roland B. Simpson, of Libertytown, Md., urging passage of Webb interstate liquor bill; to the Committee on Interstate and Foreign Commerce.

Also, petitions of P. T. Garthright, of Mount Lake Park, Md., and 19 others, praying a reduction in duties on raw and refined sugars; to the Committee on Ways and Means.

By Mr. LEVY: Petition of National Academy of Design, relative to Lincoln Memorial; to the Committee on the Library.

Also, memorial of Lodge No. 251, Order B'rith Abraham, for abrogation of treaty with Russia; to the Committee on Foreign Affairs.

Also, petition of Star Expansion Bolt Co., of New York City, requesting 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, memorial of Barker, Rose & Clinton Co., of Elmira, N. Y., requesting Congress to reduce letter postage from 2 to 1 cent; to the Committee on the Post Office and Post Roads.

By Mr. LINDSAY: Petition of the School of Biblical Instruction, of Brooklyn, N. Y., and of the Jewish Young Men's League, of New York City, favoring abrogation of the treaty with Russia; to the Committee on Foreign Affairs.

By Mr. McGILLICUDDY: Memorials of Bosworth Post, No. 2, Grand Army of the Republic, of Portland, Me., and Thatcher Post, No. 111, Grand Army of the Republic, favoring House bill 1340; to the Committee on Invalid Pensions.

By Mr. McHENRY: Resolution of Lodge No. 133, Independent Order B'rith Sholom, of Shamokin, Pa., urging abrogation of the Russian treaty; to the Committee on Foreign Affairs.

Also, resolutions of the Sullivan County Pomona Grange, Colley, Pa., condemning the conservation policy of the Government in closing to settlers a vast area of our public lands, amounting to nearly 300,000,000 acres, believing it would be more economical to keep these lands open to settlers; also pertaining to other matters; to the Committee on the Territories.

By Mr. MANN: Petition of Lodge No. 199, Switchmen's Union of North America, located at Chicago, Ill., favoring House bill 13911, known as full-crew bill; to the Committee on Interstate and Foreign Commerce.

Also, resolution of Lodge No. 199, Switchmen's Union, favoring removal of tax on oleomargarine; to the Committee on Agriculture.

Also, petition of Israel Greenwald Lodge, No. 155, Independent Western Star Order, of Chicago, Ill., favoring the abrogation of the Russian treaty of 1832; to the Committee on Foreign Affairs.

By Mr. MATTHEWS: Papers in the case of O. C. C. Pollock; to the Committee on Pensions.

By Mr. MOORE of Pennsylvania: Memorial of Lodges Nos. 179 and 213, Independent Western Star Order, remonstrating against the treatment accorded American citizens by the Government of Russia; to the Committee on Foreign Affairs.

By Mr. MOTT: Memorial of Massachusetts Association of Union Volunteer Officers of the Civil War, in favor of the Civil War volunteer officers' retired-list bill; to the Committee on Military Affairs.

Also, petitions of W. H. Slater and others, of Bernhards Bay, N. Y., urging reduction of duties on raw and refined sugars; to the Committee on Ways and Means.

By Mr. NEEDHAM: Memorial of South Pasadena Chamber of Commerce, of South Pasadena, Cal., praying for the enactment of legislation providing for the fortification of the Los Angeles Harbor in that State; to the Committee on Rivers and Harbors.

Also, memorial of San Francisco (Cal.) Chamber of Commerce, opposing suspension of coastwise navigation law; to the Committee on the Merchant Marine and Fisheries.

By Mr. PICKETT: Papers to accompanying House bill 4607, a bill granting an increase of pension to Albert Woodruff; to the Committee on Invalid Pensions.

By Mr. RAINEY: Petition of Carrollton (Ill.) Commercial Club, remonstrating against the extension of the parcels-post system beyond its present limitations; to the Committee on the Post Office and Post Roads.

Also, memorial of Culver Post, No. 512, Grand Army of the Republic, indorsing Sherwood pension bill; to the Committee on Invalid Pensions.

By Mr. REDFIELD: Memorials of Collegiate Zionist League and Jewish Young Men's League, of New York City, praying for the abrogation of the Russian treaty; to the Committee on Foreign Affairs.

By Mr. RUCKER of Colorado: Memorial of Lodge No. 343, Independent Order B'rith Abraham, praying for the abrogation of the treaty between the United States and Russia; to the Committee on Foreign Affairs.

By Mr. STEENERSON: Petitions of sundry citizens of Crookston and Fisher, Minn., in favor of reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. STEPHENS of California: Petitions and memorial of Congregation Beth Israel, Abraham Lipkin, and others, of Los Angeles, Cal., urging the termination of treaty with Russia; to the Committee on Foreign Affairs.

By Mr. SULZER: Memorials of Central Turnverein and the Socialer Turnverein, both of Chicago, Ill., urging investigation of administration of the immigration office at Ellis Island; to the Committee on Immigration and Naturalization.

Also, memorials of Jewish Young Men's League; Lodge No. 256, Order B'rith Abraham; and Lodge No. 496, Independent

Order B'rith Abraham, urging abrogation of treaty with Russia; to the Committee on Foreign Affairs.

Also, petition of Portland Chamber of Commerce, requesting that first $500,000 annual expenditure for embassies abroad be expended at cities of Mexico, Rio de Janeiro, and Tokyo; to the Committee on Appropriations.

Also, resolutions of the Federation of Jewish Farmers of America, favoring the abrogation of the Russian treaty of 1832; to the Committee on Foreign Affairs.

Also, memorials of Board of Trade of Erie, Pa., and the Retail Merchants' Protective Association, of Mount Carmel, Pa., approving the request of the American Embassy Association to have the first $500,000 annual expenditure under the Lowden bill for the acquiring in foreign countries such sites and buildings as may be appropriated for by Congress for the use of the diplomatic and consular establishments of the United States made at the cities of Mexico, Rio de Janeiro, and Tokyo; to the Committee on Foreign Affairs.

Also, petitions of John Birnie, of Hoboken, N. J., and Joseph M. Price, of New York City, favoring parcels post bill (H. R. 14); to the Committee on the Post Office and Post Roads.

By Mr. TAYLOR of Ohio: Resolution of the Ohio State Board of Commerce, of Columbus, Ohio, urging an amendment of the present incorporation tax law; to the Committee on Ways and Means.

Also, resolution of Franklin Lodge, No. 15, O. K. O. J., in regard to treaties now existing between the United States and Russia; to the Committee on Foreign Affairs.

By Mr. THISTLEWOOD: Petitions of citizens of Cairo, Coulterville, and Marion, Ill., opposing parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Marion, Ill., favoring Senate bill 3776; to the Committee on Interstate and Foreign Commerce.

By Mr. TILSON: Memorial of Jewish citizens of Danbury, Conn., praying for the abrogation of the Russian treaty; to the Committee on Foreign Affairs.

By Mr. UNDERHILL: Memorial of National Founders' Association, on present business condition of the country; to the Committee on Ways and Means.

Also, memorial of Trans-Mississippi Congress, against parcels post; to the Committee on the Post Office and Post Roads.

Also, memorial of National Federation Retail Merchants, for 1-cent postage on first-class mail; to the Committee on the Post Office and Post Roads.

Also, memorial of Massachusetts Association of Union Volunteer Officers of Civil War, for officers' retired-list pension bill; to the Committee on Invalid Pensions.

Also, petition of 275 medical men throughout the United States, for restoration of the Army canteen; to the Committee on Military Affairs.

Also, petition of the Syracuse Supply Co. and the Star Expansion Bolt Co., of New York City, in favor of 1-cent letter postage; to the Committee on Ways and Means.

Also, memorial of the Elmira (N. Y.) Seventh-day Adventist Church, against the passage of House bill 9433; to the Committee on the Post Office and Post Roads.

Also, petition of members of the First Methodist Episcopal Church of Corning, N. Y., to prohibit the shipment of liquor into prohibition States, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. UTTER: Resolutions of the Board of Trade of Providence, R. I., favoring suitable lights and a landing place in Point Judith Harbor of Refuge, R. I.; to the Committee on Interstate and Foreign Commerce.

Also, petition of Charles H. Fryer, of Providence, R. I., favoring the Lincoln Memorial Road; to the Committee on Appropriations.

By Mr. WILLIS: Papers to accompany House bill 15446; to the Committee on Invalid Pensions.

By Mr. WILSON of New York: Petition of Massachusetts Association of Union Volunteer Officers of the Civil War, favoring passage of volunteer Union officers' retired-list bill; to the Committee on Invalid Pensions.

Also, memorial of National Academy of Design, favoring the site selected for proposed Lincoln memorial; to the Committee on the Library.

Also, petition of 275 medical men throughout the United States, favoring restoration of the Army canteen; to the Committee on Military Affairs.

Also, memorials of Zionist League of New York; Jewish Young Men's League; Congregation Chev Sholom; Hebrew Free School Association; and the P. F. Lynch Regular Democratic Association, all of Brooklyn, N. Y., remonstrating against the treatment accorded American citizens by the Government of Russia; to the Committee on Foreign Affairs.

SENATE.

WEDNESDAY, *December 13, 1911.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

COURT OF CUSTOMS APPEALS (H. DOC. NO. 301).

The VICE PRESIDENT laid before the Senate a communication from the Attorney General, transmitting, pursuant to law, a statement of the expenditures of the appropriation for the maintenance of the United States Court of Customs Appeals for the fiscal year ended June 30, 1911, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

INTERNATIONAL INSTITUTE OF AGRICULTURE (H. DOC. NO. 303).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting a report of the delegates of the United States to the General Assembly of the International Institute of Agriculture at Rome in May, 1911, which, with the accompanying paper, was referred to the Committee on Foreign Relations and ordered to be printed.

FRENCH SPOLIATION CLAIMS.

The VICE PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting findings of fact and conclusions of law and opinion filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court in the following causes:

The vessels brig *Fanny* and brig *Hope*, John Gould, master (H. Doc. No. 292);

The vessel schooner *Nantasket*, Asa Higgins, master (H. Doc. No. 300);

The vessel schooner *Vandeput*, George Fitzhugh, master (H. Doc. No. 299);

The vessel sloop *Nancy*, William Hackett, master (H. Doc. No. 297);

The vessel brig *Success*, James Stone, master (H. Doc. No. 295);

The vessel ship *William Penn*, James Josiah, master (H. Doc. No. 291);

The vessel brig *Dolphin*, Samuel Topliff, master (H. Doc. No. 296);

The vessel brig *Nymph*, Charles Hardy, master (H. Doc. No. 294); and

The vessel schooner *Nancy*, John Lawson, master (H. Doc. No. 298).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 2877) to amend section 67 of the act approved March 3, 1911, to codify, revise, and amend the laws relating to the judiciary.

The message also announced that the House had pased a bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War and the War with Mexico, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a communication from the deputy secretary of state of the State of Connecticut, transmitting a certified copy of a resolution adopted by the legislature of that State favoring the adoption of an amendment to the Constitution providing for the election of Senators by the people, which, with the accompanying paper, was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

STATE OF CONNECTICUT,
SECRETARY'S OFFICE,
Hartford, December 12, 1911.

Hon. JAMES S. SHERMAN,
President of the Senate, Washington, D. C.

DEAR SIR: I inclose herewith certified copy of resolution "Requesting Congress to propose an amendment to the Constitution providing for election of Senators by the people," passed by the General Assembly of Connecticut at its January session, 1911.

Yours, very truly,

MATTHEW H. ROGERS, *Secretary.*
R. J. DWYER, *Deputy Secretary.*

STATE OF CONNECTICUT,
OFFICE OF THE SECRETARY,
General Assembly, January Session, A. D. 1911.

Requesting Congress to propose an amendment to the Constitution providing for election of Senators by the people.

Resolved by this assembly, That the Congress of the United States is hereby requested to propose an amendment to the Constitution providing for the election of Senators by direct vote of the people.

Approved, June 28, 1911.

STATE OF CONNECTICUT, *Office of the Secretary, ss:*

I, Matthew H. Rogers, secretary of the State of Connecticut and keeper of the seal thereof and of the original records of the acts and resolutions of the general assembly of said State, do hereby certify that I have compared the annexed copy of the resolution requesting Congress to propose an amendment to the Constitution providing for election of Senators by the people with the original record of the same now remaining in this office, and have found the said copy to be a correct and complete transcript thereof.

And I further certify that the said original record is a public record of the said State of Connecticut now remaining in this office.

In testimony whereof I have hereunto set my hand and affixed the seal of said State at Hartford, this 12th day of December, 1911.

[SEAL.] MATTHEW H. ROGERS, *Secretary.*

Mr. WATSON presented a petition of J. C. Caldwell Post, Grand Army of the Republic, Department of West Virginia, of Moundsville, W. Va., and a petition of Kelly Post, No. 111, Grand Army of the Republic, Department of West Virginia, of Preston County, W. Va., praying for the passage of the so-called dollar-a-day pension bill, which were referred to the Committee on Pensions.

He also presented a petition of the Coal Operators' Association of Kanawha, W. Va., praying that an appropriation be made for the improvement of the Great Kanawha River in that State, which was referred to the Committee on Commerce.

Mr. MYERS presented a petition of sundry citizens of Heggesville, Mont., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. GAMBLE presented a petition of the Black Hills Hebrew Congregation, of Deadwood, S. Dak., praying for the abrogation of the treaty of 1832 between the United States and Russia, which was referred to the Committee on Foreign Relations.

Mr. SMITH of Michigan presented a resolution adopted by Local Lodges Nos. 3, 38, 92, and 181, United Brewery Workers' Union, of Detroit, Mich., praying for the enactment of legislation to better the condition of American seamen, which was referred to the Committee on Commerce.

He also presented a petition of Local Lodge No. 80, Switchmen's Union of North America, of Grand Rapids, Mich., and a petition of Local Lodge No. 75, Switchmen's Union of North America, of Ludington, Mich., praying for the enactment of legislation to limit the number of men assigned to locomotives engaged in interstate traffic, which were referred to the Committee on Commerce.

He also presented a petition of the Retail Grocers and Butchers' Association of Lansing, Mich., and a petition of Local Lodge No. 75, Switchmen's Union of North America, of Ludington, Mich., praying for the repeal of the present oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Board of Trade of Saginaw, Mich., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented petitions of Local Lodge No. 139, Order of B'rith Abraham, of Detroit; of Local Lodge No. 118, Independent Western Star Order, of Detroit; and of sundry citizens of Frankfort, all in the State of Michigan, praying for the abrogation of the treaty of 1832 between the United States and Russia, which were referred to the Committee on Foreign Relations.

He also presented memorials of the congregations of the Seventh-day Adventist Churches of Fremont, Ola, St. Louis, and Coopersville, all in the State of Michigan, remonstrating against the enactment of legislation authorizing the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. WETMORE presented a petition of the Board of Trade of Westerly, R. I., and a petition of the congregation of Roger Williams Baptist Church, of Providence, R. I., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. SHIVELY presented a resolution adopted by the Commercial Club, of Terre Haute, Ind., praying for the ratification of unlimited treaties of arbitration between the United States and the other nations of the world, which was ordered to lie on the table.

He also presented memorials of Williams Post, No. 78, of Muncie; Marsh B. Taylor Post, No. 475, of La Fayette; Joseph R. Gordon Post, No. 281, of Indianapolis; and of John C. Fremont Post, No. 4, of Indianapolis, all of the Grand Army of the Republic, Department of Indiana, in the State of Indiana, remonstrating against the enactment of legislation to incorporate the Grand Army of the Republic, which were referred to the Committee on the District of Columbia.

He also presented a memorial of the congregation of the Seventh-day Adventist Church of Peru, Ind., remonstrating against the enactment of legislation authorizing the observance of Sunday as a day of rest in post offices, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the congregation of the Seventh-day Adventist Church of Peru, Ind., remonstrating against the enactment of legislation authorizing the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented petitions of the Baptist Young People's Union of the Sparta Baptist Church, of Moores Hill, Ind., and a petition of the congregation of the Mennonite Church of Berne, Ind., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a resolution adopted by the Association of the Seventy-fifth and One hundred and first Regiments Indiana Volunteer Infantry, at Kokomo, Ind., remonstrating against the removal of the markers and monuments upon Missionary Ridge, made by the Commission of the Chickamauga and Chattanooga National Park, and praying that this matter be thoroughly and fully investigated, that the truth of the history of this most remarkable charge shall be properly and correctly indicated by an accurate location of the markers and monuments, which was referred to the Committee on Military Affairs.

Mr. KERN presented a memorial of the congregation of the Seventh-day Adventist Church of Elnora, Ind., remonstrating against the enactment of legislation authorizing the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of Williams Post, No. 78, Grand Army of the Republic, Department of Indiana, of Muncie, Ind., remonstrating against the enactment of legislation providing for the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Commercial Club of Terre Haute, Ind., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. NELSON presented a petition of the congregation of the First Baptist Church of St. Paul, Minn., and a petition of the congregation of the Presbyterian Church of Kasson, Minn., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of the Washington Presbytery, of Washington, D. C., and a petition of the International Reform Bureau, of Washington, D. C., praying for the enactment of legislation to prohibit the interstate transmission of race-gambling bets, which were referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented a resolution adopted by the Legislature of Connecticut, which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

STATE OF CONNECTICUT,
OFFICE OF THE SECRETARY,
General Assembly, January Session, A. D. 1911.

Requesting Congress to propose an amendment to the Constitution providing for election of Senators by the people.

Resolved by this assembly, That the Congress of the United States is hereby requested to propose an amendment to the Constitution providing for the election of Senators by direct vote of the people.

Approved, June 28, 1911.

STATE OF CONNECTICUT, *Office of the Secretary, ss:*

I, Matthew H. Rogers, secretary of the State of Connecticut, and keeper of the seal thereof, and of the original record of the acts and resolutions of the general assembly of said State, do hereby certify that I have compared the annexed copy of the resolution requesting Congress to propose an amendment to the Constitution providing for election of Senators by the people with the original record of the same now remaining in this office, and have found the said copy to be a correct and complete transcript thereof.

And I further certify that the said original record is a public record of the said State of Connecticut, now remaining in this office.

In testimony whereof I have hereunto set my hand and affixed the seal of said State, at Hartford, this 12th day of December, 1911.

[SEAL.] MATTHEW H. ROGERS, *Secretary.*

Mr. BRANDEGEE presented petitions of sundry citizens of New Haven, Conn., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. PERKINS presented a resolution adopted by the congregations of the Methodist Episcopal, the Congregational, and the Presbyterian Churches of San Rafael, Cal., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a petition of the Board of Trade of Huntington Beach, Cal., praying that an appropriation be made for

the fortification of the harbor at Los Angeles, in that State, which was referred to the Committee on Commerce.

He also presented a memorial of the Chamber of Commerce of San Jose, Cal., remonstrating against the imposition of tolls on American vessels passing through the Panama Canal, which was referred to the Committee on Interoceanic Canals.

He also presented a petition of sundry members of the Fifth Regiment of the National Guard of California, praying for the enactment of legislation providing pay for the Organized Militia, which was referred to the Committee on Military Affairs.

He also presented a petition of Encampment No. 162, Union Veteran Legion, of San Jose, Cal., praying for the passage of the so-called dollar-a-day pension bill, which was referred to the Committee on Pensions.

Mr. FLETCHER presented a petition of the Board of Trade of St. Petersburg, Fla., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

HOLIDAY RECESS.

Mr. WARREN, from the Committee on Appropriations, to which was referred concurrent resolution No. 21 from the House of Representatives, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That when the two Houses adjourn on Thursday, December 21, they stand adjourned until 12 o'clock m. on Wednesday, January 3, 1912.

COURTHOUSE AT HELENA, ARK.

Mr. SMOOT. From the Committee on Public Lands I report back favorably, without amendment, the bill (S. 3436) granting to Phillips County, Ark., certain lots in the city of Helena for a site for a county courthouse, and I submit a report (No. 144) thereon. I ask for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. SMOOT. I would also like to have the report which I send to the desk printed in the RECORD.

There being no objection, the report this day submitted by Mr. SMOOT was ordered to be printed in the RECORD, as follows:

The Committee on Public Lands, to whom was referred S. 3436, beg leave to report as follows:

The purpose of this bill is to grant to the county of Phillips, in the State of Arkansas, lots 136, 137, and the north half of 138, in that part of the city of Helena known as old Helena, for the purpose of erecting thereon a county courthouse. The equity upon which the application for this grant is based is that in the year 1889 the citizens of Phillips County caused the owners of the lots named, together with the other half of 138 and lots 139 and 140, constituting an entire block in the city of Helena, to offer the same to the Government as the site for a post-office building at a greatly reduced price. That is to say, the Government paid $3,750 and the citizens paid $2,500 of the purchase price.

In the estimated value of the several lots constituting the block the amount paid by the Government was no greater than the value of the lots now reserved to her as the premises upon which the post-office building has been erected. This will appear from the communications of the Assistant Secretary of the Treasury, which are made a part of this report. It further appears that in consequence of threatened caving banks of the Mississippi River in front of the city of Helena the county courthouse was placed some distance back from the river, and at a point that has grown to be wholly inconvenient in view of the present development and growth of that city. The post-office building at Helena occupies the south end of the block composed of the lots in question. The north end thereof is wholly unoccupied. The erection of a county courthouse on the north end of the block will not only greatly improve the architectural attractiveness of the vicinity in which the post-office building is located, but it will result in greatly improving the streets, paving, and sanitary surroundings of the post-office building. The Government having been donated an interest in the block greater than it is now proposed to reconvey to the citizens of Phillips County, she will part with nothing which has cost her value if this grant is made, and as it is the purpose to devote the same to the erection of a public building fairly in keeping in cost and style with that of the post-office building, it is deemed to be a fair exercise of governmental generosity to return this parcel of land to the county for the purpose indicated, and the passage of the bill is accordingly recommended.

The matter of making this grant has been submitted to the departmental officers in charge of such matters, and the following letters have been written on the subject:

TREASURY DEPARTMENT,
Washington, November 7, 1911.

MY DEAR SENATOR: I hand you herewith a memorandum from the Supervising Architect discussing the situation at Helena, Ark., with respect to the land owned by the United States Government, which is self-explanatory.

I believe, with the Supervising Architect, that there is no need for sending an agent to Helena to report on the situation, as all necessary facts seem to be in hand here.

Respectfully,
R. O. BAILEY.

HON JAMES P. CLARKE, *Little Rock, Ark.*

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TREASURY DEPARTMENT,
November 7, 1911.

Hon. R. O. BAILEY,
Assistant Secretary, Treasury Department.

MY DEAR MR. BAILEY: In reply to your note of the 6th, relative to and accompanying letter of the 2d from Senator CLARKE in regard to the site for the Government building in Helena, Ark., I have to advise you as follows:

First. The property was not donated, the Government paying $3,928.85 for the property in 1889.

Second. The property is 131.6 by 330.5 feet in size, with streets on two short sides and on one long side, and with a 24-foot alley on the other long side.

The present building occupies a space of 70 feet from the south side of lot and the full width. If one-half of the property was disposed of to the city it would leave a piece of property 131.6 by 165 feet, and this would permit of an addition to the present building of 55 by 100 feet, which would very nearly double the size of the building as at present constructed and still retain the 40 feet fire limit.

The population of the city was 5,189 in 1890, 5,550 in 1900, and 8,772 in 1910, or an average growth for 20 years of approximately 1,500 per decade.

There has never been any demand for more space in this town, and it would therefore seem that a provision of space that would allow twice the present area would be sufficient to provide for all the future requirements of Helena, and that the Government might very properly interpose no objection to the disposal of the north half of the property.

Third. I see no reason or necessity for an inspector visiting Helena, as all of the data are on the files in this office.

Respectfully,
JAMES KNOX TAYLOR,
Supervising Architect.

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TREASURY DEPARTMENT,
Washington, November 17, 1911.

Hon. JAMES P. CLARKE,
Little Rock, Ark.

SIR: This department has the honor to acknowledge receipt of your letter of the 10th instant, regarding the proposed transfer of the north half of the block forming the Federal building site in Helena, Ark., to the city for a courthouse site.

Upon the receipt of your statement as to the strength of your recollection that some contribution had been made by the citizens of Helena toward reducing the cost of the Federal building site to the Government, I caused an examination to be made of the department's files touching this property for the period during which the site was acquired. It is found that the block was originally offered for a total of $7,250. No action having been taken by the department upon these proposals, a modified proposal was submitted through Mr. C. R. Coolidge, of Helena, to accept $3,750 for said block; the price to be divided as follows:

Jacks Real Estate Co., lot 140	$1,500
B. R. Fitzpatrick, lots 136 and 137	750
Mary Lou Saint and John P. Moore, lot 138	750
C. P. Hanley and John P. Moore, two-thirds of lot 139	500
J. M. Oates, east one-third of lot 139	250

This offer was accepted and payment made for the several interests as above itemized. The balance of the amount heretofore stated as the cost of the site was expended for incidental expenses, such as traveling, advertising, recording deeds, etc.

The tabulation of cost of sites as published in the back of the Supervising Architect's annual report, from which the information sent you on the 7th instant was taken, is not sufficiently in detail to show whether the cost of a given site to the Government was to any extent reduced by a contribution from citizens. The examination of the correspondence however, discovered the following letter from Mr. James C. Tappan, attorney at law:

HELENA, ARK., *August 24, 1889.*

Hon. C. C. WATERS,
United States District Attorney, Little Rock, Ark.

DEAR SIR: Acting for the parties who offer to sell their lots in this town to the Government for a public building, it would be proper to state that the price agreed upon by them in gross is $6,250, of which $3,750 are to be paid by the Government, as the deeds show. The balance ($2,500) has been paid as a bonus by citizens, and is now deposited in bank (for which I hold the certificate) and will be paid over upon the Government accepting the deeds. These citizens are satisfied that the title is correct, and put up their money upon legal advice. I would add that within the last six months real estate has nearly doubled its value here. These lots would readily command at least $10,000 at this time.

Yours, truly,
J. C. TAPPAN.

This letter contains all the information the department has been able to find concerning said contribution. From this communication it would appear that the original (aggregate) net price of $7,250 was reduced to $6,250, whereupon certain citizens (names not given) contributed $2,500, and the owners then subscribed a further amended offer to sell the whole block to the Government for $3,750, which last offer was accepted.

It is noted that you appreciate that the transfer of any portion of this site to the city is a matter for congressional action, and the department trusts that this letter gives you the information you desire.

Respectfully,
R. O. BAILEY,
Assistant Secretary.

From these letters it would appear that after these lots have been granted to the county of Phillips, that ample space will be reserved to the Government for their present and future wants.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WATSON:

A bill (S. 3727) granting a pension to Sarah J. Allen;

A bill (S. 3728) granting an increase of pension to Monroe McVicker;

A bill (S. 3729) granting an increase of pension to John W. Caplinger;

A bill (S. 3730) granting a pension to Taylor Hyre;

A bill (S. 3731) granting an increase of pension to William H. Chapman;

A bill (S. 3732) granting an increase of pension to Hillery A. McVicker;

A bill (S. 3733) granting an increase of pension to Jefferson Long;

A bill (S. 3734) granting an increase of pension to Albert Scroggins, sr.;

A bill (S. 3735) granting an increase of pension to Warner P. Price;

A bill (S. 3736) granting a pension to Ephrim Leasure;

A bill (S. 3737) granting an increase of pension to David W. Sowards;

A bill (S. 3738) granting an increase of pension to Andrew K. Spemer;

A bill (S. 3739) granting an increase of pension to William Lawson;

A bill (S. 3740) granting an increase of pension to Henry Stahl;

A bill (S. 3741) granting an increase of pension to Isrnel Dunlap; and

A bill (S. 3742) granting an increase of pension to Daniel Tracy; to the Committee on Pensions.

A bill (S. 3743) providing for the honorable discharge of Thomas B. Kirk; to the Committee on Military Affairs.

By Mr. KERN:

A bill (S. 3744) granting an increase of pension to Jacob Bowser (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 3746) granting an increase of pension to Christopher Miller (with accompanying paper); and

A bill (S. 3747) granting an increase of pension to Robert W. Cook (with accompanying papers); to the Committee on Pensions.

By Mr. GAMBLE:

A bill (S. 3748) granting an increase of pension to Daniel H. Grove; to the Committee on Pensions.

By Mr. NELSON:

(By request.) A bill (S. 3749) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The VICE PRESIDENT. The bill will be referred to the Committee on the Revision of the Laws.

Mr. HEYBURN. There is no Committee on the Revision of the Laws. The standing committee——

The VICE PRESIDENT. The bill will be referred to the Committee on the Judiciary.

Mr. HEYBURN. I merely make the suggestion for the RECORD. The standing committee was abolished, relying upon the joint committee. The Senate took action for continuing the joint committee, but that action has not been considered by the House.

The VICE PRESIDENT. The reference of the bill, therefore, will be to the Committee on the Judiciary.

By Mr. NELSON:

(By request.) A bill (S. 3750) relating to procedure in United States courts; to the Committee on the Judiciary.

A bill (S. 3751) granting an increase of pension to Andrew Torguson; to the Committee on Pensions.

By Mr. PERKINS:

A bill (S. 3752) directing that the charge of desertion standing against the name of George F. Stedman be removed (with accompanying papers); and

A bill (S. 3753) for the relief of Rear Admiral J. B. Milton, United States Navy, retired (with accompanying paper); to the Committee on Naval Affairs.

A bill (S. 3754) granting a pension to Albert Perkins Noble;

A bill (S. 3755) granting an increase of pension to Bertha B. Byrne; and

A bill (S. 3756) granting an increase of pension to Hannah F. Quartman; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 3757) for the relief of the Eldredge Bros. Live Stock Co., a corporation; to the Committee on Finance.

By Mr. OLIVER:

A bill (S. 3758) for the relief of Paul G. Morgan (with accompanying papers); to the Committee on Claims.

A bill (S. 3759) granting an increase of pension to Braden Zeigler (with accompanying papers);

A bill (S. 3760) granting an increase of pension to John T. Creeks (with accompanying papers); and

A bill (S. 3761) granting an increase of pension to John McQuown (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 3762) making an appropriation for the payment to the State of Oregon of an amount allowed by the Court of Claims in settlement of its claim for expenses incurred in raising volunteers for service in the Indian wars from 1862 to 1867, audited by the Secretary of the Treasury under the act of June 28, 1910; to the Committee on Appropriations.

A bill (S. 3763) granting a pension to Charles W. Clarke; to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 3764) to correct the military record of David S. Sink; to the Committee on Military Affairs.

A bill (S. 3765) for the relief of acting (volunteer) officers of the United States Navy in the Civil War; to the Committee on Naval Affairs.

A bill (S. 3766) granting a pension to Emma W. Paye (with accompanying papers);

A bill (S. 3767) granting a pension to Ethalinda Stewart;

A bill (S. 3768) granting an increase of pension to Cerelle Shattuck;

A bill (S. 3769) granting a pension to Sarah Ann Bradford;

A bill (S. 3770) granting an increase of pension to Andrew Reese;

A bill (S. 3771) granting an increase of pension to Eliza J. Noble;

A bill (S. 3772) granting an increase of pension to E. A. Whitney;

A bill (S. 3773) granting an increase of pension to Augustus G. Winslow;

A bill (S. 3774) to pension certain soldiers and nonenlisted men who served in the War of the Rebellion; and

A bill (S. 3775) granting an increase of pension to H. C. Ulman (with accompanying paper); to the Committee on Pensions.

By Mr. DIXON:

A bill (S. 3776) permitting the board of county commissioners of Lincoln County, State of Montana, to construct, maintain, and operate three bridges across the Kootenai River, in the State of Montana; to the Committee on Commerce.

By Mr. CURTIS:

A bill (S. 3777) granting an increase of pension to William B. Livingston;

A bill (S. 3778) granting a pension to John W. McAndraws (with accompanying papers);

A bill (S. 3779) granting an increase of pension to Daniel B. Waggoner (with accompanying papers);

A bill (S. 3780) granting an increase of pension to Rufus F. Thorne (with accompanying papers);

A bill (S. 3781) granting an increase of pension to James J. Williams (with accompanying papers);

A bill (S. 3782) granting a pension to Charles Pallard (with accompanying papers);

A bill (S. 3783) granting an increase of pension to John V. D. Price (with accompanying papers);

A bill (S. 3784) granting an increase of pension to Henry C. Fairchild (with accompanying papers);

A bill (S. 3785) granting an increase of pension to Henry Basemann (with accompanying papers);

A bill (S. 3786) granting an increase of pension to Gustavus A. Kindblade (with accompanying paper);

A bill (S. 3787) granting an increase of pension to Allen N. Perry (with accompanying papers);

A bill (S. 3788) granting an increase of pension to Thomas E. McMillan (with accompanying paper);

A bill (S. 3789) granting an increase of pension to Elmer Joseph (with accompanying papers); and

A bill (S. 3790) granting an increase of pension to Lorenzo Birch (with accompanying papers); to the Committee on Pensions.

By Mr. LA FOLLETTE:

A bill (S. 3791) granting an increase of pension to Frank Fischer;

A bill (S. 3792) granting an increase of pension to William A. Pierce;

A bill (S. 3793) granting an increase of pension to Levi J. Silverthorn;

A bill (S. 3794) granting an increase of pension to Willard M. Walker;

A bill (S. 3795) granting an increase of pension to John Ghastin; and

A bill (S. 3796) granting an increase of pension to Charles Hallbauer; to the Committee on Pensions.

By Mr. LEA:

A joint resolution (S. J. Res. 63) for the relief of the sufferers of the Briceville mine disaster; to the Committee on Appropriations.

TERMS OF DISTRICT COURT OF MAINE.

Mr. JOHNSON of Maine introduced a bill (S. 3745) to fix the time for holding the regular terms of the United States district court in the district of Maine, which was read the first time by its title.

Mr. JOHNSON of Maine. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The bill was read the second time at length, as follows:

Be it enacted, etc., That after January 1, 1912, the regular terms of the United States district court in the district of Maine shall be held at the times and places following: At Portland, on the first Tuesday in April, on the third Tuesday in September, and on the second Tuesday in December; at Bangor, on the first Tuesday in June.

SEC. 2. That all acts and parts of acts inconsistent with this act are hereby repealed.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. SMOOT. Mr. President, I have no objection whatever to the provisions of the bill, but I suggest to the Senator from Maine that when a bill is first introduced it is always referred to a committee. In my experience in the Senate I have never known a bill to be considered without reference to a committee. I do not think it will delay the bill very long if it is referred to the Judiciary Committee. It is upon that ground, Mr. President, that I object to its consideration, and only upon that ground.

Mr. JOHNSON of Maine. Very well; let the bill be referred to the Committee on the Judiciary.

The VICE PRESIDENT. The bill will be referred to the Committee on the Judiciary.

RESTRAINTS AND MONOPOLIES IN INTERSTATE TRADE.

Mr. LA FOLLETTE submitted sundry amendments intended to be proposed by him to the bill (S. 3276) to further protect trade and commerce against unlawful restraints and monopolies, which were referred to the Committee on Interstate Commerce and ordered to be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. NELSON submitted an amendment proposing to appropriate $125 a month for pay of the superintendent of the Arlington (Va.) National Cemetery, etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate $360 to increase the salary of Alanson D. Gaston, messenger in charge of the President's room, United States Senate, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

OREGON AVENUE, CITY OF WASHINGTON.

Mr. BACON. I submit a Senate resolution for which I ask present consideration.

The resolution (S. Res. 165) was read, as follows:

Resolved, That the Committee on the District of Columbia be instructed to inquire and report to the Senate what authority of law, if any, exists under which the Commissioners of the District have undertaken to change the name of the street in the city of Washington heretofore known as Oregon Avenue, and to make in said report such recommendation as may be deemed proper in regard thereto.

Mr. BACON. Mr. President, I simply desire to say that I have conferred with the Senator from New Hampshire [Mr. GALLINGER], the chairman of the Committee on the District of Columbia, and the resolution meets with his approval.

Mr. GALLINGER. I will ask the Senator from Georgia if he will kindly withdraw the resolution until after I have had a little further interview with him on the subject.

Mr. BACON. Very well; I will let it lie on the table for the present.

Mr. GALLINGER. I meant to see the Senator this morning, but failed to do so.

The VICE PRESIDENT. Without objection, the resolution will lie on the table.

Mr. BACON subsequently said: After a conference with the Senator from New Hampshire, I will again ask for the present consideration of the resolution submitted by me.

The VICE PRESIDENT. The Secretary will read the resolution by title, it having been read in full.

The SECRETARY. A resolution relative to a change of name of the avenue known as Oregon Avenue, in the city of Washington.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent and agreed to.

MALAMBO FIRE CLAIMS (S. DOC. NO. 148).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a letter addressed to me by the Secretary of War, dated December 9, 1911, with accompanying papers, in reference to the Malambo fire claims. This letter is self-explanatory, and the facts regarding these claims are fully set forth in Senate Document No. 858, Sixty-first Congress, third session.

I renew the recommendation contained in my message to the Congress dated March 3, 1911, that an appropriation of $53,000 be made to settle these claims.

WM. H. TAFT.

THE WHITE HOUSE, *December 13, 1911.*

LAWS OF THE PHILIPPINE ISLANDS (S. DOC. NO. 149).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on the Philippines and ordered to be printed:

To the Senate and House of Representatives:

As required by section 86 of the act of Congress approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," I transmit herewith copies of the laws enacted at the first session of the Second Philippine Legislature, and certain laws enacted by the Philippine Commission.

WM. H. TAFT.

THE WHITE HOUSE, *December 13, 1911.*

HOUSE BILL REFERRED.

H. R. 1. An act granting a service pension to certain defined veterans of the Civil War and the War with Mexico was read twice by its title and referred to the Committee on Pensions.

COMMITTEE SERVICE.

Mr. DILLINGHAM was, on his own motion, excused from further service upon the Committee on Conservation of National Resources.

Mr. CRANE was, on his own motion, excused from further service upon the Committees on Cuban Relations and Public Health and National Quarantine.

THE AMERICAN TOBACCO CO. ET AL.

Mr. CUMMINS. Mr. President, my reason, and my only reason, for asking the indulgence of the Senate at this time is that the measure which I have proposed, or any other measure to accomplish the same object, to be effective must be passed within a very short period.

I do not intend to enter upon the details of the bill which I have introduced and which has been referred to the Committee on the Judiciary. Its form and its validity will be considered by that committee, and in both these respects, if it receives the approval of the committee, will be under consideration by the Senate on some future day. I confine myself to the general subject embraced by the bill. The thing sought to be accomplished is the review of the decree lately entered by the Circuit Court of the United States for the Southern District of New York approving the plan of reorganization or re-creation of the American Tobacco Co. by the Supreme Court of the United States.

The proposition which I shall hope to establish is that the welfare of the people of the country, the stability of the business of the country, and the needs of Congress imperatively require that this decree shall be reviewed by the Supreme Court of the United States in order that we may know definitely and finally whether with the antitrust law applied to the affairs of the American Tobacco Co. this decree is all that it will do for the people of the United States. It goes without saying that until the questions which are involved in it are considered by and determined by the final tribunal of the Nation there will continue to be that uncertainty with respect to the application of the law to business concerns that has heretofore vexed the minds of so many thoughtful men.

I will not—may I say in the beginning—decline to yield to any interruption, but I must be permitted to say that if I am not interrupted I will be very brief; if I am interrupted, no one can tell when I shall finish.

Every fact upon which I shall found my argument, every fact which I shall present as material to the consideration of this matter, is drawn either from the opinion of the Supreme Court of the United States in deciding the case originally or from the decree of the Circuit Court of the United States for the Southern District of New York and the plan of reorganization which became a part of that decree. I will not enter upon any disputed region of fact respecting these matters.

In July, 1907, the United States brought a suit in equity in the Circuit Court for the Southern District of New York against 29 individuals and 69 corporations, charging a violation, on the part of the individuals and the corporations, of both the first and the second sections of the antitrust law. That is to say, they were charged with having conspired and combined to effect a restraint of trade and to create a monopoly or with the attempt to create a monopoly.

You all understand that I must do this in a very general way, that I can only aver the general accuracy of my statements, because if I were to detain you to go into all the details of this vast aggregation, I would trespass upon your patience much longer than I intend to do.

The American Tobacco Co. owned a controlling interest in the voting stock of each of the following corporations: The American Snuff Co., the American Cigar Co., the American Stogie Co., MacAndrews & Forbes, and the Conley Foil Co. The corporations just named are the accessory defendants, as termed in the opinion of the Supreme Court of the United States. Either the American Tobacco Co. or the 5 companies named, which were controlled by the American Tobacco Co. through the ownership of stock, controlled 59 of the remaining corporations defendant and many other companies not named as defendants.

There were two foreign corporations made defendants. One of them, the British-American Tobacco Co., was owned almost entirely by the American Tobacco Co.; another, the Imperial Tobacco Co., with a very large capital, organized, I think, under the laws of Great Britain, with a part of its stock in the control or in the ownership of the American Tobacco Co., but less than a half of it.

The 29 individuals who were named as party defendants owned, at the time the suit was brought, a little more than one-half of the common stock of the American Tobacco Co. and were the chief men in the various enterprises of which the American Tobacco Co. was composed.

The beginning of this world-wide, tremendous combination was in 1890, when five establishments which manufactured practically nothing but cigarettes and smoking tobacco—95 per cent of the domestic output of the former and only 8 per cent of the output of the latter—formed the old American Tobacco Co.

I do not intend to trace the wonderful and mysterious path of these original incorporators into the aggregation which came before the courts in the case to which I have referred. I content myself with saying that in 1911 this combination or aggregation controlled and did the business of this country in the proportions which I shall read: Of the cigars, it did 13 per cent; of the cigarettes, 80 per cent; of the smoking tobacco, 75 per cent; of the plug tobacco, 80 per cent; of the fine-cut tobacco, 79 per cent; of snuff, 90 per cent; of little cigars, 93 per cent; of licorice paste—which is a necessary ingredient in plug tobacco—90 per cent; of tin foil, a proportion not disclosed accurately in the record, but a very large percentage. It had enlarged its business so that its net profits were more than $30,000,000 per year. All this, mark you now, was controlled by the common stock or the common-stock holders of the American Tobacco Co., there being in its latter days about $40,000,000 of stock known as common or voting stock.

It was this tremendous, almost inconceivably large, concern, with all its ramifications and relations, which the Supreme Court of the United States condemned as in violation of both the first and the second sections of the antitrust law. The condemnation is all summed up in one sentence of the opinion, which I shall ask the privilege of reading in your hearing. It is found on page 187 of volume 221 of the United States Reports:

> Under these circumstances, taking into mind the complexity of the situation in all of its aspects and giving weight to the many-sided considerations which must control our judgment, we think, so far as the permanent relief to be awarded is concerned, we should decree as follows:
>
> "First. That the combination in and of itself, as well as each and all of the elements composing it, whether corporate or individual, whether considered collectively or separately, be decreed to be in restraint of trade and an attempt to monopolize and a monopolization within the first and second sections of the antitrust act."

It was condemned, first, because this business, to the extent which I have described, was owned, controlled, managed, and operated through a single ownership or through the influence and power of the stockholders of the American Tobacco Co The Supreme Court held that many of these subordinate, subsidiary, or, as some of them are termed, accessory companies, were also in and of themselves in violation of both sections of the antitrust law. That being the holding of the Supreme Court of the United States, the decree of the court below, namely, the circuit court in New York, was reversed. I intend now to read, so that you may have it freshly in your minds, the direction which the Supreme Court of the United States gave to the court below as a guide to the manner in which its mandate should be executed, as to what should be done with this great aggregation thus brought together in the course of these years.

I pause here a moment, and a moment only, to say that while I do not complain of this assumption of authority upon the part of the Supreme Court of the United States, I am not in sympathy with it. I do not believe that it is any part of the proper jurisdiction and power of the courts of this country to enter upon a reorganization or re-creation of a corporation adjudged to be a criminal before the law. I hope, Mr. President, that the time is far distant when our courts, high as they are now in the confidence of the people, will undertake to manage or arrange the business affairs of the people of the land in advance and give those arrangements the stamp of their approval in the way in which it is suggested here; but, nevertheless, the Supreme Court of the United States did make the direction which I am about to read, and, as a good citizen, I bow to that direction as the final exposition of the law of the land.

That the court below—

I now read from the mandate of the Supreme Court—

> That the court below, in order to give effective force to our decree in this regard, be directed to hear the parties, by evidence or otherwise, as it may be deemed proper, for the purpose of ascertaining and determining upon some plan or method of dissolving the combination and of re-creating, out of the elements now composing it, a new condition which shall be honestly in harmony with, and not repugnant to, the law.

I need read no more of the mandate, because it is this paragraph which the court below has attempted to execute, and it is the only part thereof with which we are at the present moment concerned.

The circuit court of New York again assumed jurisdiction of the case. It received evidence, as I am advised, and there was presented to it finally by the defendant corporations and individuals a plan of reorganization, and, with certain modifications, some of which were proposed by the Attorney General of the United States and were exceedingly wise and helpful, this decree was entered and the plan as thus modified was approved.

In order, Mr. President, that the opinions of the Circuit Court of the United States for the Southern District of New York approving the plan and making it the judicial expression of the reorganization of this combination, and in order that the plan itself may be of easy access to every Senator, I ask that these opinions and the plan which they approve be printed as a part of my remarks upon the subject.

The VICE PRESIDENT. In the absence of objection permission is granted.

[The matter referred to will be found at the end of Mr. CUMMINS'S speech.]

Mr. CUMMINS. It would serve no useful purpose if I were to enter into a long explanation of the details of this reorganization, but I can tell, I think, in a very few minutes what it really accomplishes. There are very many objections to the plan which I do not intend to mention, because I do not think they are so fundamental that they would require the somewhat unusual action which I propose.

This plan creates 5 new corporations and keeps alive 9 old corporations, so that the business formerly done and the property formerly owned by the aggregation to which I have referred, pass into the hands of 14 corporations. Eleven of those corporations are small affairs, comparatively. The great proportion of the business of the company and the great proportion of all of its assets pass into the hands of 3 immense corporations: First, the American Tobacco Co. itself, which is perpetuated but shorn of a portion of its property and with its capital stock diminished by the distribution of a part of the property to other corporations; second, the Liggett & Myers Tobacco Co.; and, third, the P. Lorillard Tobacco Co.

I want Senators to understand just what proportion of the business and of the property of the company falls into the hands of these three concerns, for while the others bear the same relation to the entire enterprise that the three do, yet they are rather obscure on account of the magnitude of the three which I have mentioned.

Remember, now, that the capitalization of the American Tobacco Co. when prosecuted by the United States was, I think, $223,168,250. That was the entire capitalization at par of the American Tobacco Co. and which represented all of the property so combined and which the United States has, through its highest tribunal, condemned as in violation of law.

Now, let us see how it is divided. The American Tobacco Co. retains assets—that is, manufacturing properties—of the value of $98,432,473.83; the Liggett & Myers Co. is to acquire property of the value of $67,447,499; and the P. Lorillard Co. is to acquire property of the value of $47,552,501, in the aggregate, $213,432,473.83—about $10,000,000 less than the entire

capitalization of the American Tobacco Co. at the time it was proceeded against by the United States.

Now, let us look for just a moment at the manner of the creation of these two new companies, because these are two of the new companies, and their relation to the American Tobacco Co. These two new companies, after having been invested with the title to the properties which I have described only in amount and not in terms, issue their preferred stock—I will not now deal with bonds—and their common stock to the American Tobacco Co. for the purchase price. The holders of the preferred stock of the American Tobacco Co. take the preferred stock, if they will, of the two new companies, and they take that stock in the same proportion in which they held the stock of the American Tobacco Co. The holders of the common stock of the American Tobacco Co. take the common stock issued by these two new companies in consideration of or as the purchase price of the property, and they take that common stock in the same proportion in which they held the stock of the American Tobacco Co. When this operation is complete, when it is all over, the stockholders—and I am now making no discrimination between preferred stockholders and common stockholders, for the preferred stockholders are given the right to vote in this reorganization—the preferred stockholders and the common stockholders of the American Tobacco Co. will hold the preferred stock and the common stock of the Liggett & Myers Tobacco Co. and the preferred stock and the common stock of the Lorillard Tobacco Co., and the men who now own the entire business will own these three companies and they will own these three companies in exactly the same proportion in which they now own the American Tobacco Co. There will be the same community of interest and the same proportion of ownership.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I do.

Mr. BORAH. I desire to ask the Senator a question. If the state of facts which the Senator has presented exists, these four corporations would be carrying on business in violation of the Sherman law, would they not?

Mr. CUMMINS. The Circuit Court for the Southern District of New York says they will not exist in violation of the Sherman law. That is just the point of it all. I think they will.

Mr. BORAH. I was going to ask further what effect would the decree of the circuit court of New York have in case action should be brought against these four companies under the Sherman law? Would this decree be available as a defense?

Mr. CUMMINS. If the Senator from Idaho will permit me, I will not answer that question. I am inclined to think that it is one upon which lawyers will differ. I may suggest, however, that the Supreme Court said to the Circuit Court of the Southern District of New York: Take this great aggregation of properties and companies and re-create out of them all a series of corporations or of enterprises or of conditions that will be in harmony with the antitrust law. The circuit court of New York takes the properties and creates or approves the creation of a series of corporations which it adjudges to be in harmony with or a fulfillment of the decree of the Supreme Court.

Now, if the Supreme Court of the United States had jurisdiction to authorize the Circuit Court of the Southern District of New York to pass judicially upon the innocence or the guilt of the corporations thus created or re-created, it would seem to follow that its decree would be an adjudication as against the United States upon that point. But if the Supreme Court of the United States did not have jurisdiction to make an order of that sort—in other words, if it was rather an administrative duty that it was trying to perform than a judicial one—then the decree of the circuit court of New York would be no protection whatsoever against any subsequent prosecution. I do not want, however, if I can avoid it, to go into that subject, because to me it is with reluctance that I confront the possibility that our courts will enter upon such inquiries and attempt such reorganizations and re-creations as are found in this record.

I come back to my point. Here are three companies which will own and operate $213,000,000 of property out of a total capitalization of the American Tobacco Co. of $223,000,000. These companies are owned by exactly the same persons who now own the American Tobacco Co., and they will be owned in precisely the same proportionate interest. If it was unlawful for the American Tobacco Co., through these same men, guided by the same hand, directed by the same mind, to collect and concentrate the business of this country to the extent that it was so collected and concentrated, then it is manifest that to give the people three corporations controlled by the same hands, directed by the same minds, moved by the same purposes, is giving them a stone when they ask for bread. It is keeping the word of promise to the ear and breaking it to the hope.

I do not want to be understood as unduly criticizing the decree of the Circuit Court of the United States for the Southern District of New York. I know there is a view held by very great men that such an organization as I have described is an innocent one and is not in contravention of the antitrust law. But that, I think, is not the opinion held by most students of the subject, and certainly not the opinion of the great mass of the people, who desire to be protected against just such power as resides in this sort of consolidation.

I go one step further. I have shown you what 3 of these companies are. There are 11 other companies. The interests which the American Tobacco Co. had in all the properties which are retained, and are to be operated by these 11 other companies, are divided also among the stockholders of the American Tobacco Co; and these stockholders, sometimes including the preferred stockholders and sometimes not, will control, will manage and direct, the affairs of the 11 other companies precisely as they can and do and will manage the affairs of the American Tobacco Co. or the 3 large aggregations of which I have spoken. There is no separation of interest. The same people own the business who owned it before, and the only difference—I care not how it is analyzed, how it is arranged—is that it will be a little more inconvenient to achieve certain common results through the cooperation of 14 companies as they are now to be managed than as it was under the management of the American Tobacco Co.

It is true that there is the possibility that these stockholders may die, and their stock may go into hands that have not been intimate with or associated with the old management of the American Tobacco Co.; it is true they may sell their stock to other persons; some stockholders of the Liggett & Myers Co. may sell their stock to persons who have no interest in the American Tobacco Co. or the Lorillard Co.; but these are mere possibilities; and, if I understand the opinion of the Supreme Court and what it really intended should be done, it was that there should be such a separation, such a disintegration of these vast properties as would reasonably restore competition among the various parts into which it is to be disintegrated or separated, because it is the unreasonable—to use the word of the Supreme Court, and I do not quarrel with it—it is the unreasonable restraint of competition which the Supreme Court held to be the restraint of trade prohibited by the statute.

I do not want anybody to assume that I have any want of confidence in the Circuit Court of the United States for the Southern District of New York; I have no doubt this represents the real economic view of its members, and I have no doubt that the court believes its decree to be in harmony with or in pursuance of the mandate of the Supreme Court of the United States; but there is such a wide difference of opinion upon that point that it seems to me it would have been a great service to the American people if the Attorney General, instead of expressing his content with the plan thus adopted by the circuit court in its decree, had appealed from that decision to the Supreme Court of the United States in order that all of us might know, and know once for all, whether that plan is an embodiment of the remedy which the antitrust law gives to the people of this country against monopolies and restraints of trade.

I have no hostile feeling whatever against the Attorney General. I have no doubt that this decree represents his view of what the antitrust law does for the people. But he knows, and the whole Department of Justice knows, that we are looking to this case and its sister case—that of the Standard Oil Co.—as illustrations of what this famous law will do for the people of this country, and we are looking to the application of its provisions to the actual affairs of business in order to determine ourselves whether any additional legislation is necessary or is desirable. There is, as I think, an imperious demand for an appeal from this decree to the Supreme Court of the United States in order that it may look upon the plan and determine whether it is such a plan as it outlined in its mandate in reversing the case, for if it is, if the court of last resort tells the people of this country that the outcome of this case against the American Tobacco Co. is the outcome, and all the outcome, of the antitrust law as directed against trusts and monopolies, you will have no doubt whatsoever of the demand of the people that it be so amended that it will accomplish the high purpose its authors had in view when they submitted it to the country as their remedy for the evils then foreshadowed, but now fully understood and experienced.

Let us see now what happened. When this plan received some publicity in the newspapers the independent tobacco people all over the United States, in a dozen different States, became active and through their boards of trade and their commercial

organizations, through the attorneys general of Virginia, West Virginia, North Carolina, South Carolina, and I think Kentucky—I have the list here but may not remember it accurately—and through the governor of the State of Wisconsin came before the circuit court and said: "We object to this decree; that is, we ask leave to object to this plan, because it will not furnish us the deliverance that we believed would come from the application of the antitrust law to the American Tobacco Co." The court very graciously gave to these organizations, to these attorneys general and to the governor of the State of Wisconsin, as amici curiæ, leave to be heard. They were heard, and they presented both in brief and in oral argument very many objections to the decree which I have not mentioned at all, and could not mention within the limits that I have imposed upon myself.

It might be said that the Attorney General of the United States did not sympathize with most of the objections which were presented by these independent producers and manufacturers through these several agencies—at least he did not join them in making the objections.

Finally the court accepted some of the modifications proposed by the Attorney General and entered the decree. These people asked the circuit court in a variety of ways for the privilege of intervening, first, because they were pecuniarily interested in a broad way in the outcome; second, because the controversy involved so intimately and fundamentally the public welfare.

The circuit court declined to give them a right to intervene, and I think it did right in that respect. I do not believe that under the procedure as now recognized or provided by the statute these persons and organizations could legally intervene or that the court could give them the right to intervene in the proceeding.

Therefore, having been excluded from the circuit court of New York, and having been advised by the Attorney General publicly, because he published a statement throughout the borders of the United States defending this decree, this plan, and announcing his purpose not to appeal, but to allow it to stand as the final application of the antitrust law to the affairs of the American Tobacco Co., they came here and they presented to the Supreme Court of the United States a petition for leave to present an application for a writ of certiorari or mandamus or some other proper writ to bring the record of the circuit court to the final tribunal for review. The Supreme Court of the United States rejected the petition, and very properly. No one can criticize that court for refusing to allow these independents, through these agencies, to appear, for whatever may be the opinion of my brothers in the profession, I believe that the law as it now is affords no opportunity for these producers and manufacturers to intervene and bring the record to the Supreme Court upon appeal. And now, with this great fundamental, vital question decided by the circuit court of the State of New York, decided in a case which has everywhere been regarded as one of the landmarks in the administration and interpretation of the law, one of the cases by which we might be guided both in legislation and in the conduct of our business affairs, we have the question at rest, legally speaking, and we find ourselves utterly unable to secure the opinion of the Supreme Court of the United States, which all the people will accept as the interpretation of the law and proceed both in legislation and in business accordingly.

Mr. BACON rose.

Mr. CUMMINS. I can not understand why the Attorney General is not willing that somebody shall use the United States as a party complainant for the purpose of appealing, but for good and sufficient reasons undoubtedly to him he is not willing. I yield to the Senator from Georgia.

Mr. BACON. Mr. President, I do not desire to interrupt the Senator from Iowa unless he is at a part in his argument where he can be interrupted without too much disturbing the thread of his thought.

As I understand the Senator's bill, it is to secure the right of appeal to third parties, and it is that he is now discussing. It occurs to me that there is a question of a more serious character than that. It was suggested by the Senator from Idaho [Mr. BORAH], and in further elaborating the thought which was expressed in that suggestion, if the Senator will pardon me just a moment, I will state it probably with a little more detail.

If the court had directed that the court below should dissolve the corporation and that it should divide and distribute itself or the property it had in such a manner that there might be organizations which would not be in violation of the law, the defendants in thus themselves making the distribution of the property and in the reorganization of subsidiary or independent separate corporations would have done so at their own risk. In other words, if they had made separate corporations which did not harmonize with the spirit and letter of the antitrust law they could have been subsequently proceeded against, either one of them or all of them, as the case might be.

But, as suggested by the inquiry of the Senator from Idaho, when the Supreme Court directs the court below to itself supervise and approve of organizations which will be the result of the distribution of this property and of these various stocks, and so forth, and the organizations are thus perfected, it seems to me that they are outside of the power of the Government thereafter to proceed against them for the violation of the antitrust law, because they have the sanction of the court to an organization and a decree of the court to the effect, as to each corporation, that it is not an organization in violation of the law.

While I, of course, do not desire to criticize the wisdom of the Supreme Court, or to doubt it, it seems to me, if the direction has been given, as contended here, that it presents a very grave question, one superior to the question of the policy of permitting other parties to appeal in order that they may take part in the discussion of the question whether this, that, or the other plan of reorganization may be a proper plan. In that case it is of vital importance that such legislation shall be had, if it shall hereafter develop that one of these organizations is in itself in violation of the antitrust law by reason of that organization, that that decree of the court shall not be a barrier to the processes hereafter sought to be invoked for the purpose of the dissolution of the corporation thus organized and which may thus be found to be in violation of the antitrust law.

I thought I would take the liberty of suggesting to the Senator, in view of the very great importance of this matter, that either by an amendment to this bill or some other that particular point ought to be guarded and secured. If the bill introduced by the Senator should be enacted into law, it would simply give the opportunity for a greater number of parties to contribute their wisdom in the effort to solve the problem in the distribution of this property and of these various stocks into other corporations which would not be in violation of the law; but after they had so done and the Supreme Court had approved it there would still be the same difficulty—that here would be organizations made under a decree of the court that they were not in violation of the law, but that they were in harmony with the law—and, as we all know, in the evolution of the business of these corporations and in their management and the methods they might pursue, it would be utterly impossible to anticipate whether such organizations would or would not thereafter prove to be in violation practically of the antitrust law.

Therefore I think that the important thing to do—though I am not prepared now to say how far the legislation may go in such a direction—is to so guard it that even though a corporation is organized by a decree of the court that organization can thereafter be attacked and dissolved if it shall prove to be in violation of the antitrust law. I am not sure that legislation could reach the evil after such a decree of approval by the court.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I do.

Mr. BORAH. I do not think it is fair to say, as often said in popular parlance, that the Supreme Court has authorized the creation of corporations, and I do not believe it is fair to say that it authorized much to be done which was done by the court below.

I want to read again, although the Senator has read the decree, that portion of the decree directing the action of the court below:

> That the court below, in order to give effective force to our decree in this regard, be directed to hear the parties, by evidence or otherwise, as it may be deemed proper, for the purpose of ascertaining and determining upon some plan or method of dissolving the corporation—

Now, that much of the decree is not an unusual decree at all. I apprehend you can find such a decree as that quite often in courts of equity; that is, the same principle and the same general direction.

> And of re-creating, out of the elements now composing it, a new condition, which shall be honestly in harmony with and not repugnant to the law.

The Supreme Court does not intimate that they shall enter upon the work of creating corporations or sanctioning the existence of corporations, but they are to bring about a "condition" which is in harmony with the decision which the court has rendered; a thing which is very often directed to be done.

Mr. CUMMINS. Mr. President, pursuing the suggestion just made by the Senator from Idaho, I hope that no one has re-

ceived the impression that I believe the circuit court has carried out the direction or the mandate of the Supreme Court of the United States. On the contrary, I believe that the Circuit Court of the United States for the Southern District of New York has disregarded and has nullified the order of the Supreme Court of the United States.

I agree with the Senator from Idaho perfectly that there is nothing here which authorizes the circuit court in New York to do what it has done; and it is for the very purpose of having an opportunity to set aside what has been done in New York that I desire some one shall be given the opportunity to appeal from the decree. But if there be no appeal, then for all time to come this re-creation must stand as the application of the antitrust law to the affairs of this country.

I do not know whether, the circuit court having jurisdiction of the subject matter, on account of a mere departure of that kind from what I regard as the rule laid down by the Supreme Court, there would be any protection to this new, and I think still more vicious, combination or not. But I do not want to run the chance of any such thing as that. I can easily see how, if this company should proceed with an organization approved by the circuit court of the United States for that State, there would be very much reluctance on the part of any Attorney General or any other officer of the law to disturb it.

But passing all those questions, it does seem to me that the people of this country have a right—a high, sacred, imperious right—to the opinion of the Supreme Court of the United States upon this application of its mandate, and that the satisfaction expressed by the Attorney General in the decree that has been rendered ought not to be allowed to stand in the way of the right which I believe is possessed by the great body of the country. Therefore the bill which I have introduced and which is now before the Committee on the Judiciary asks Congress not to criticize the court in the least degree but to permit these independent producers, whose existence has been threatened and oftentimes imperiled by the power of this combination, to intervene, appeal, and ask the Supreme Court whether that decree is in harmony with its opinion.

Mr. BACON. Mr. President, before the Senator from Iowa takes his seat I should like to ask him a final question.

Suppose that is done, and, as necessarily must be the case, the Supreme Court comes finally to the conclusion that a certain form of organization, or a certain organization, if you please, is a legal organization and not in conflict with the antitrust law, the question I want to ask the Senator is this: Can the question of the legality of that organization ever thereafter be attacked, and can that organization thereafter ever be dissolved upon the ground that it is in conflict with the antitrust law?

Mr. CUMMINS. Mr. President, I will answer the question as best I can. I believe that the re-created or reorganized new combinations out of the aggregation known as the American Tobacco Co. do not present a judicial subject. I doubt whether any court, however high may be its station, has the power to approve or disapprove corporations or combinations growing out of this aggregation of the American Tobacco Co.; and if it were to attempt to approve or disapprove it might be true that if subsequently the re-created combination were proceeded against, and if it were to attempt to plead adjudication, the reply might be that the decree was without jurisdiction or authority; but, granting the subject matter is within the jurisdiction of the court, then I think the decree would estop the Government against any prosecution of the thing approved in the decree.

Mr. BACON. Mr. President, I quite agree with the Senator, but I want to call his attention to one difficulty, and that is this: The Senator says, in the first sugggestion made by him, that the organization would not have the protection of the law and of the decree from the fact that a decree approving the organization would be the exercise of an unwarranted jurisdiction; but the trouble about that is that in this case, as I understand it, if the organization should be approved by the Supreme Court, when the propriety of that approval is to be tested, the very court which would assume that it is within its jurisdiction would be the court which would have to pass upon the question which challenged that jurisdiction.

Mr. CUMMINS. Precisely. We meet that trouble a great many times and in a great many ways. I want to say to the Senator from Georgia that I am wholly in sympathy with him with regard to the wisdom of any such procedure, and I will very gladly join him at any time in any appropriate legislation that will prevent our courts from exercising jurisdiction of that character.

Mr. President, I have submitted in this—I was about to say, brief way, but that might not be agreed to upon all sides—but in this rather meager way my views upon this subject. I have done it solely that Senators may bear it in mind, may study what has been done, so that when the Judiciary Committee shall report upon the matter we may be better ready than we otherwise would be to take the subject up and dispose of it.

Mr. BACON. I should like to ask the Senator, who has given the matter careful investigation, if he understands that the Government did not appeal from the decree of the Circuit Court for the Southern District of New York, because those representing the Government were satisfied with the decree of the court in making this disposition?

Mr. CUMMINS. I can not quote his exact language, but in his public announcement the Attorney General says in substance that the decree of the circuit court approved this plan as wise; that the plan does consist with and is in harmony with the antitrust law; that when carried into execution it will create competition; and that it will bring about a condition that will be for the welfare of the people of the United States. In all that, of course, I disagree with him utterly, but that is the reason he gives for refusing to take an appeal to the Supreme Court.

APPENDIX.

[In the Circuit Court of the United States for the Southern District of New York. United States of America *v.* The American Tobacco Co. and others.]

OPINIONS OF THE COURT AND DECREE IN THE UNITED STATES *v.* THE AMERICAN TOBACCO CO. AND OTHERS, BEFORE LACOMBE, COXE, WARD, AND NOYES, CIRCUIT JUDGES.

OPINION OF CIRCUIT JUDGE LACOMBE.

In compliance with the directions of the Supreme Court we have heard the parties upon a plan proposed by the American Tobacco Co. for "dissolving the combination and for re-creating out of the elements now composing it a new condition which shall honestly be in harmony with and not repugnant to the law." The proposed plan was filed two weeks before this hearing, at which not only the parties but any persons interested who might wish to express their views as friends of the court were given opportunity so to do.

While the plan is correctly described as the proposed plan of the American Tobacco Co., since that corporation and the other defendants offer to carry it out, it should be remembered that in its present form the plan is the fruit of much discussion. For upward of two months successive conferences, in the presence of two or more members of the court, were had between the Attorney General and the counsel and representatives of the Tobacco Co. Objections of the Attorney General were followed by modifications of the plan, some of its most drastic provisions being inserted in order to meet or avoid his criticisms. When a point was reached where such adjustment of differences ceased to be practicable, a time was fixed for a hearing before the whole court upon the matters remaining in dispute. It was in the course of these conferences that a very material reduction of the holdings of the American Tobacco Co. was brought about. According to the plan as originally proposed it was to retain in its treasury, in addition to its working capital, sufficient to pay the outstanding bonds when they matured, about $104,000,000. To this the Attorney General at once objected, insisting that the possession of this enormous amount of money over and above its capital invested in the tobacco business was fraught with possibilities of evil use, that it would be a standing menace to all competitors, and could not be tolerated. While not fully conceding the justice of this criticism, counsel for defendants promptly stated that they would undertake to eliminate it. After discussion of two different methods of so doing, which themselves presented other difficulties, defendants at the last conference submitted the present scheme, whereby half of the outstanding bonds would be bought up (and canceled) at a price in excess of their present value, thus insuring a willing surrender of them by present holders, and for the other half securities of the new companies would be offered on a basis of exchange which would insure acceptance of the offer. Since the plan was filed the market reports have given quotations of such bonds of the new companies "if and when." While such reports are possibly not competent evidence in the trial of a cause, they seem to indicate that if the present plan be approved a very brief period will suffice for the disappearance of substantially all the old bonds and the elimination from the treasury of the American Co. of the money or securities required to make them good at maturity. Thus the menace of holding an enormous amount of money, additional to what is legitimately used in the business of the American Co., will disappear. Upon the hearing committees representing a majority of the holders of both issues of bonds appeared and requested the court to approve the plan. Out of the entire two issues, amounting to over $100,000,000, one holder only of ten 4 per cent bonds appeared to object on the ground that the terms offered for sale and exchange were not satisfactory to him. Inasmuch as he is under no obligation to accept the offer if it does not please him, and the security for his bonds, if the plan be carried out, will be ample, no modification of the plan is necessary to protect him or others similarly situated. A committee representing a majority of the preferred-stock holders also asked that the proposed plan be approved.

The plan contains very many provisions, necessarily so because of the intricate nature of the combination of corporations about to be disrupted. It would unreasonably extend this opinion to undertake to epitomize these provisions. An admirably clear summary of them has been filed by the proponents and may be considered as in the nature of a recital to this opinion. Besides distributing among its common-stock holders a large amount of the stock it now holds in other companies, the American Tobacco Co. will be split into three companies, which, with a fourth set free of control by the American Co. through such distribution of stock, will divide between themselves the property now owned and the business now done by the American Co. Each of these four companies will thus have a business which, in every branch of it, will fall materially below a percentage sufficient to control. There are similar disruptions among the accessory companies, for the details of which the plan or the summary may be consulted.

Some of those who have been heard in opposition insist that no plan is practicable; that in conformity with the statute as construed by the Supreme Court the only thing for this court to do is to seize the property through receivership and proceed to sell it. This proposition need not be discussed. Evidently the Supreme Court believed some plan was

practicable, or it would not have directed this court to inquire into the matter.

Upon the hearing other plans for dissolving and re-creating were submitted, plans not merely suggesting modifications of the one proposed, but differing widely from it in form and scope. One of them calls for a division into upward of 60 different companies. Others for a distribution of properties by specific allotments, as in the case of a partition of real estate. No time need be given to a consideration of any of these, since there is no suggestion that the defendants will adopt them. On the contrary, counsel for the defendants expressly stated on the argument that they would not undertake to carry them out. Presumably they think they might better take their chances at receiver's sale. This court has neither authority nor power to carry out and enforce any plan of readjustment without the cooperation of the owners of the property, the holders of these stocks and bonds. It would be a sheer waste of time, therefore, to consider any plan radically different from the one now before us. If we find this plan would not create the condition defined in the opinion of the Supreme Court, or if such modifications as we may require as a condition of giving our approval are not accepted by defendants, we must obey the mandate of that court, must seize the property and sell it at public auction, in appropriate and convenient lots, applying the proceeds of the sale to the payment of the debts, including the mortgages, or of such dividend thereon as the proceeds may allow, turning over the surplus, if any, to the owners of the equity.

The main objection to the proposed plan, an objection found in every document filed by those who were given permission to be heard and which seemed to be principally relied on by those who spoke, is what is referred to as "common-stock holding." For instance, under the plan two new companies, "Lorillard" and "Liggett & Myers," will be formed out of the American, which will itself, thus reduced in size, continue in existence. The same individuals, the present 1,800 or more common-stock holders of the American, will hold the entire common stock of each of the other two companies. A similar condition will exist with some, at least, of the other companies. It is contended that, although under such circumstances there may be potential competition, no real competition can exist. With this argument, or the reply to it, it seems to me this court is not concerned. In two recent cases (the Northern Securities and the Standard Oil) the Supreme Court found a combination of corporations to have offended against the antitrust act. As a result of such finding there was a disintegration of the combination. In each case the disintegration left the stock of the separate entities into which the group was split in the hands of the same body of individual stockholders. Since there was no disapproval of this method of disintegration indicated in either opinion, it would seem that the question whether or no common-stock holding is "repugnant to the law"—that is, repugnant to the antitrust act—has been settled for this court by controlling authority.

It is true that the Supreme Court did not enter into any discussion of this question of "common ownership," but its existence in both cases was so plainly manifest that it is difficult to understand how the court could have approved of the new arrangement unless it was satisfied that such arrangement did not contain the same vice as the old one which they held must be terminated. If this be so, discussion here of the question whether or not common ownership is within the prohibition of the statute would seem to be academic. This also seems to be the view of the Government, which does not discuss common-stock holding.

The next objection presented by those not parties who have been heard is directed to the size of the companies. As an illustration, it appears from the statistics submitted that of the total smoking-tobacco business of the country four companies will have the following percentages: American, 33.08; Liggett & Myers, 20.05; Lorillard, 22.82; Reynolds, 2.66. It is insisted that those large companies should be still further disintegrated. The plan is further criticized because each of these companies is described as "completely equipped for the conduct of a large tobacco business," whereas existing independent concerns are none of them so equipped; and it is argued that there can be no effective competition until the several concerns which are to carry forward the business of the trust are put into the same condition as to size and equipment as now prevails among existing independent concerns. It is further contended that no company engaged in the plug-tobacco business should be allowed to take over any cigarette or cigar business; that a company taking a cigarette business should not take over any smoking-tobacco, plug, or cigar business, and so on. That there should be a rearrangement of factories and brands, an intricate subject, which is fully discussed in a report from the Bureau of Corporations filed at the hearing. Manifestly, the minuter the fragments into which the old combination is split and the more they are prohibited from conducting business as other companies are free to conduct it, the less will be their ability to compete with such other companies. This whole line of argument deals with the economics of the tobacco business. No doubt the novel problem presented to this court is connected with questions of economics as well as with questions of law. But this is a court of law, not a commerce commission, and the legal side of the proposition would seem to be the controlling one. The true way to state the problem, as I understand it, is this: Assume that a group of corporations engaged in some business which comes within the domain of interstate commerce is charged before the Supreme Court with violation of the antitrust act. Assume that they are organized as the companies provided for in this plan will be, that they are similarly capitalized, that the business they do is similar in amount and similarly distributed, that their stock is similarly held, with the natural temptation to cooperate which such common-stock holding may be calculated to induce but are also curbed and restrained from yielding to such temptation as these companies will be by the injunction which will accompany our approval of this plan—a permanent injunction binding all defendants in this suit and their privies and all new companies created under the plan and their privies. Would the Supreme Court hold that the condition thus presented was "repugnant to the law"; that is, repugnant to the antitrust statute? A long and careful study of the last two deliverances of that court (in the Standard Oil case and in this case) has convinced me that its answer to that question would be in the negative. I may be wrong in interpretation of its deliverances—if so, it will not be for the first time—but since such is my conviction there would seem to be no necessity for discussing, on its economic side, a question already settled by controlling authority.

Leaving for the moment the objections and suggestions of persons not parties, those of the Attorney General may be next considered. He does not attack the general features of the proposed plan, with its division of the business controlled by the old company among 14 companies, nor does he contend that "common-stock holding" is in and by itself an infraction of the antitrust statute. His suggested modifications are directed mainly toward providing such safeguards for the future that the 14 companies may not so conduct their operations as to violate the provisions of the statute. He requests that the following conditions to any approval of the plan submitted be imposed. Presumably the more convenient way to impose most of such restrictions would be by injunctive provisions incorporated in the final decree.

1. That during a period of not less than five years no one of the corporations among which the properties and businesses now in the combination are to be distributed shall have any officer or director who is also an officer or director in any other of such corporations. This suggestion is approved.

2. That the plan be so modified that the principal company shall dispose of and, when the disintegration is complete, shall not retain any of the stocks of any of the accessory companies, and each of the accessory companies shall dispose of all of the stocks held by it of the principal and of each of the other accessory companies held by it.

The general proposition here advanced is sound and is approved, but the last clause seems to be already provided for and there is probably an exception or two necessary to be made in the first clause, by reason of the rights of outstanding stockholders not connected with the American Tobacco Co. Counsel can probably agree as to a phraseology which will conform more especially to the facts.

3. That no one of the corporations among which the property and businesses now in the combination are to be distributed shall, during the same period, retain or employ the same agency for the purchase of tobacco leaf or other raw material, or for the sale of tobacco or other products, as that of any other of such corporations.

There should be a change of phraseology in this and some of the other requests. It is not entirely clear whether the prohibition is directed to all the 14 companies or only to a part of them; it should apply to all. After the words "agency for the purchase" there should be added the words "in the United States." This request, with such modifications is approved, and counsel may agree on a phraseology which will cover any possible exceptions arising from the allotments in the plan.

4. That no one of the corporations among which the property and businesses now in the combination are to be distributed shall retain or employ the same clerical or other organization, or occupy the same office or offices as any other of the said corporations.

This is approved, with modifications similar to those indicated as to the request next above.

5. That no one of the corporations among which the properties and businesses now in the combination are to be distributed shall retain and hold capital stock in any other corporation, any part of whose stock is also retained and held by any of the other of the corporations among which such properties and businesses are to be distributed, or shall purchase or acquire any stock in any other of such corporations.

This is approved, but should contain an exception, upon which it is understood counsel are in accord in the single case of the Porto Rican Leaf Tobacco Co. Counsel may agree upon the phraseology to be inserted in the decree.

6. That no one of the corporations among which the properties and businesses now in the combination are to be distributed shall, during a period of five years, directly or indirectly acquire any stock in any one of the others of said corporations, or purchase or acquire the property or business, or both, of any other of said corporations.

With a change of phraseology which will make this applicable to all the 14 companies this request is approved. A similar request is found among those submitted by other objectors, with an additional clause forbidding any one of these 14 companies "from making loans or otherwise extending credit to any of the others." This suggestion is a proper one, and may be embodied in the Attorney General's request.

7. To the end that the 29 individual defendants in this suit shall not increase their control over any of the corporations among which the properties and businesses now in the combination are to be distributed, pursuant to the plan, that such defendants be severally enjoined from, at any time within five years from the date of the decree, acquiring, directly or indirectly, the legal or equitable ownership of any amount of stock in any one of said corporations in addition to the amounts which they will respectively hold if and when the plan shall have been carried out as proposed.

This is approved, but the phraseology should be modified, as already indicated.

Upon the argument the Attorney General stated that he would be willing to substitute "three years" for "five years." Such change seems desirable; it would probably result in a more rapid distribution of present holdings. There should also be a proviso excepting from the operation of this prohibition any and all sales and purchases by these 29 individuals inter sese, the phraseology of which counsel may agree upon.

It may not be a wise public policy to make it easy for foreigners to take over the control of the British American Co., with its large and growing business in foreign countries, notably in South Africa and the Far East, now in American hands. That is what would probably happen if the 29 defendants be prohibited from increasing their holdings of that stock. We do not undertake to determine this question of public policy, which is one for the consideration of the executive branch of the Government. It is sufficient to say that a further exception of the shares of that company from the operation of this paragraph would not, in our opinion, make the plan repugnant to the law.

8. That the preferred stock of the American Cigar Co., aggregating in book value $2,530,216.69, held by the American Snuff Co., and the stock and bonds of American Tobacco Co., held by the American Snuff Co., referred to on page 11 of the plan (footnote A) (see decree, p. 43 hereof), be sold or otherwise disposed of within one year instead of three years, as proposed in the plan, with leave to defendants to apply to the court to extend such period for not more than two years.

There seems to be no good reason for modifying the plan in this particular.

9. That in the distribution of the properties and businesses now held in the combination pursuant to the plan of disintegration, no corporation shall be allowed to acquire property, tangible or intangible, which would invest it with as much as 40 per cent in volume or in value of any particular line of the tobacco business.

This is substantially what the plan now provides. The few instances in which the 40 per cent limitation is exceeded result from inherent difficulties of distribution, which it seems impracticable to eliminate. These instances are so few and the excess in each instance so small as to be fairly negligible. The request is denied.

10. That the stock of the Liggett & Myers Tobacco Co. and P. Lorillard Co., provided to be in accordance with the plan, be deposited with the Guaranty Trust Co. of New York, as the agent or depository of this court in this cause, for the purposes specified in the plan, and that at the end of the period designated the court make an order for their further disposition. That in the meantime no voting right with respect

to such stock shall be exercised, except as the court may from time to time order.

All of this is already sufficiently provided for in the plan.

11. That all covenants in any way restricting the right of any company or individual in the combination to buy, manufacture, or sell tobacco or its products should be rescinded by the affirmative action of the respective parties thereto who are parties to this suit.

This is approved, except that there should be a proviso excepting certain foreign business, the phraseology of which counsel may agree upon.

12. That the action proposed in subdivision C of the plan on page 6 (see decree, p. 38 hereof) terminating certain covenants be amplified so as to include like action with respect to all covenants not only concerning the tobacco business, but any other business which is in any way embraced in the combination.

This is approved. We understand the proposed plan as so providing in spirit if not in letter.

13. That all contracts or covenants between the American Tobacco Co., or any other companies in the combination, and the British-American Tobacco Co., giving to the latter company the exclusive right to manufacture or sell brands belonging to any of the companies in the combination be rescinded or otherwise terminated.

The brands thus sold passed to the purchaser for a valuable consideration under an executed contract. The request is denied.

The fourteenth request deals with the United Cigar Co., a subject which will be treated separately infra.

The Attorney General further asks for a comprehensive injunction to be incorporated in the final decree providing—

"That the defendants named in the petition, their respective officers, directors, agents, servants, and employees, be forever enjoined and prohibited from continuing or carrying into further effect the combination adjudged illegal by the Supreme Court, and from entering into or forming any like combination or conspiracy, the effect of which is or will be to restrain commerce in tobacco or its products or in articles used in connection with the manufacture and trade in tobacco and its products, among the States or in the Territories or with foreign nations, or to prolong the unlawful monopoly of such commerce obtained and possessed by the defendants, as adjudged herein in violation of the act of Congress approved July 2, 1890, either—

"1. By causing the conveyance of the physical property and business of any of the corporations among which the properties and businesses now in the combination are to be distributed to any other of said corporations; by placing the stocks or any one or more of said corporations in the hands of voting trustees or controlling the voting power of such stocks by any similar device; or

"2. By making any express or implied agreement or arrangements together or one with another like those adjudged illegal by the Supreme Court in this cause relative to the control or management of any of said corporations, or the price or terms of purchase, or of sale, of tobacco or any of its products, or the supplies of other product dealt with in connection with the tobacco business, or relative to the purchase, sale, transportation, or manufacture of tobacco, or its product or supplies or other product dealt with as aforesaid, by any of the parties hereto, which will have a like effect in restraint of commerce among the States, in the Territories, and with foreign nations to that of the combination, the operation of which is enjoined in this cause; or by making any agreement or arrangement of any kind with any other of such corporations under which trade or business is apportioned between such corporations, in respect either to customers or localities; or by any of such corporations doing business directly or indirectly, under any other than their own corporate respective names; by refusing to sell to any jobber any brands of any tobacco product manufactured by it except upon condition that such jobber shall purchase from the vendor some other brand or product also manufactured and sold by it; or

"3. By the British-American Co. and the Imperial Co. employing a common agent for the purchase of leaf tobacco in the United States, or by either of said two companies uniting with any of the corporations among which the properties and business now in the combination are to be distributed, in the employment of a common agent for the purchase of tobacco leaf."

The clause in the latter part of subdivision 2 as to each company doing business under its own corporate name should be made more specific, especially in view of the requests of other objectors that tobacco products should be sold only under the name of the owner. There should be nothing in the decree destroying the value of a brand or altering the classification of products in the records of the Internal-Revenue Bureau. Counsel may agree upon a modified phraseology to avoid any such difficulty, leaving the 14 companies to pursue all ordinary methods prevailing in the tobacco business.

The clause as to refusing to sell to any jobber should be reconstructed so as not to prohibit any of the 14 companies from methods of business which are open to and practiced by all their competitors. Counsel may agree to a phraseology which will formulate this expression of opinion.

Clause 3 should be amended by adding the words "within the United States."

With these modifications, the entire section providing for injunctions is approved.

Returning, now, to the requests of the various other objectors, we find that nearly all of them are covered by those of the Attorney General or have been already disposed of by the discussion of the general features of the plan. Among those not so disposed of are noted requests that the 14 companies be enjoined—

A. From giving away or selling at or below the cost of manufacture and distribution any of its products; from giving rebates, allowances, or other special inducements to purchasers or users; and from refusing to sell to any jobber any special brand he may require.

The record in this case shows that these are the common methods of the tobacco business, practiced by all alike. It is only by giving away samples or by offering on favorable terms, irrespective of cost, that new brands of tobacco products can be introduced or old brands extended into new territory. All other companies are free to employ these methods, which are obnoxious to no statute, and there is no reason why the 14 companies should be forbidden to do so. This request is denied.

B. From espionage on the business of any competitor, from bribery of employees of such competitors, and from obtaining information from any United States revenue official.

Why any one individual or corporation engaged in this business may not acquire such information as he or it can legitimately obtain from private or public sources as to the business of a competitor we fail to see. When illegitimate methods are proved they may be dealt with. This request is denied.

C. That every independent or other person interested should, in the event of any alleged violation of the injunction, have liberty to apply to the court for protection and for such action as may appear to be appropriate.

The result of such a provision would be to overwhelm the court with a multitude of applications, mainly frivolous. Anyone who feels aggrieved should take his complaint to the Attorney General, who will winnow the wheat from the chaff. If he finds substance in any allegation he can bring it before the court. This request is denied.

D. It is requested that the majority stock of the Lippfert Scales Co., now owned by the R. J. Reynolds Tobacco Co., be sold, "with an injunction against any present stockholder in the Reynolds Co., in the American Co., or any of the allied companies, from purchasing at such sale." A similar request for a sale, under like restrictions, is made as to the stock of five other companies now owned by the American Tobacco Co.

This request is denied for reasons set forth infra in discussing the disposition of the stock of the United Cigar Stores Co.

E. The attorney general of the State of New York suggests that the proposed plan may violate the antimonopoly laws of this State. He does not indicate in what respect it will do so.

We think it unnecessary to make any investigation on the line suggested. Our approval of this plan will not secure to these 14 companies immunity for violation of the laws of this or of any other State.

Referring next to the defendant, the Imperial Tobacco Co., the Attorney General asks that the plan shall include provisions terminating all executory contracts or agreements between the Imperial Tobacco Co., on the one hand, and the American Tobacco Co. and the British-American Tobacco Co. and each and every of the corporations parties defendant hereto, on the other; and also a provision enjoining the said American Tobacco Co. from uniting with the British-American Co. in the employment of a common agent for the purchase of leaf tobacco in the United States, and from uniting with any of the corporations among which the properties and business now in the combination are to be distributed, in the employment of a common agent for the purchase of leaf tobacco or any of the products of tobacco.

These provisions, of course, should be restricted to such as affect trade or commerce between the States or between the United States and foreign countries. We understand that the proposed plan in substance so provides; but if there be any doubt as to its doing so, counsel may agree on the form of amendments which will insert these provisions.

The disposition of the United Cigar Stores Co. has been discussed by most of the objectors. Those who represent the independents insist that it shall be split up into separate concerns "preferably 10."

It is not one of the so-called accessory companies, and the Supreme Court has not directed that it be disintegrated. Upon the trial much testimony was taken as to this company, and the question whether or not it was a combination obnoxious to the provisions of the antitrust act was carefully examined. We reached the conclusion unanimously that it was not. A succinct statement of our reasons for reaching that conclusion will be found in Judge Coxe's opinion (164 F. R., 700).

We therefore dismissed the bill as to that company. The Supreme Court, however, held that we erred in so doing, solely because the American Tobacco Co. had bought and held two-thirds of its capital stock, which brought it into the general combination. Under the proposed plan all this stock held by the American Tobacco Co. is to be distributed to its own common stockholders, and the sole ground upon which the Supreme Court reversed this court is thus removed. The situation will then stand, as to all other grounds, as it did before, and we see no reason to change the opinion expressed on the original hearing. No new evidence is offered, except to the fact that it has, in the interim, largely increased the number of its stores. Such increase, however, leaves it in control of less than 4 per cent of the entire business in which it is engaged. The request to disintegrate it is denied.

The Attorney General does not ask that is be disintegrated. He has, however, argued at length and with much earnestness that the continued growth of this enterprise affects the small retail dealer, who is without capital to compete with it, and applies to the Government to protect him. There may come a time when the growth of this company or the methods by which such growth is stimulated may bring it within the prohibition of the statute. But that time has not yet come, and the only request the Attorney General, in response to appeals for aid, has formulated is this:

That the stock of the United Cigar Stores Co. be sold and distributed to parties other than the 29 individual defendants or others of the common stockholders of the American Tobacco Co., to the end that the corporation be entirely separated from any connection with the corporations to which the properties and businesses now in the combination are to be distributed.

We have no power to grant any such request. The antitrust act carefully enumerates the penalties for a violation of its provisions—fines, imprisonment, injunction against continuing to transact interstate business, treble damages to all persons injured by an unlawful combination, seizure, and forfeiture of property in course of interstate transportation. These are certainly ample to enforce obedience. By confiscation of property in transit and injunction against continuance in interstate business an offender may be put out of active existence into a state of paralysis as helpless as dissolution. It might be said that to these penalties the Supreme Court has added another, a qualified confiscation of property not in transit by receivership and forced sale.

Nowhere, however, is there any authority for the proposition that this court may seize the property of private persons, who may have offended against the statute and sell it under conditions which would preclude the holder of the title or the owner of the equity from bidding at the sale so as to compel the purchaser to pay a reasonable price for it, or from buying it himself if no one else will pay full value for it. That is confiscation; none the less so because the proceeds of such a sale, after paying outstanding debts and expenses, are to be turned over to the owner. Until Congress shall expressly give such power to this court, or until some obscure language in its grant of power shall be construed by the Supreme Court as in effect conveying such power, this court is not prepared to assume that it possesses any such authority. The request is denied.

The Ludington Cigarette Machine Co., which has a decree for an accounting against the Anargyros Co., has applied for relief. The stock of the last-named company is by the plan to be transferred to P. Lorillard Co. The Ludington Co. asks for the insertion of a provision which will secure it against any resulting difficulty on such accounting.

Provision should be made in carrying out the plan for keeping intact the books and records of the American Tobacco Co., its present constituents, and branches, so that they shall be available and subject to examination to the same extent as at present in suits for accounting and other existing litigation.

The Attorney General further requests that there should be reserved to the Government the right at any time within five years from date

of entry, to apply to the court for other and further relief upon a showing that, as a matter of fact, such plan has not resulted in creating a new condition which shall be honestly in harmony with and not repugnant to the law.

It is not apparent that this court has the power so to do. Had it not been for the mandate of the Supreme Court, it might be questioned whether a Circuit Court of the United States had any jurisdiction to re-create a new group of corporations out of the elements into which a preexisting group of corporations had been split or to formulate a plan or method according to which individuals, natural or corporate, were to be invited to invest money and embark in business. All such questions are, of course, resolved for us by the decision of the court of last resort. But neither in its mandate nor in its opinion is there any warrant for the conclusion that this court is to prescribe the temporary terms of a modus vivendi, with power to reassemble five years hence—ourselves or our successors and survivors—and modify those terms, while in the interim by purchase or exchange of these bonds upward of $100,000,000 worth of property shall have changed hands irrevocably. The only function assigned to us is to consider any proposed plan—which responsible parties engaged to carry out—and approve or reject it. In the event of rejection the only alternative is injunction, receivership, and sale. The time limit fixed in the mandate, six months and possibly two more, precludes any other construction of its terms.

Circuit Judge Ward concurs.

OPINION OF CIRCUIT JUDGE COXE.

I approve of the proposed plan, not because I think it perfect but because it is the best plan attainable. Perfection is impossible. The condition existing before the illegal combination was formed can not be restored; it has gone beyond the hope of recall. The plan which we have sanctioned eliminates the objectionable features prohibited by the antitrust act and permits no unreasonable or unlawful restraint of trade. In short, were the various corporations which the plan authorizes organized for the first time to-day, they would not be within the letter or the mischief of the statute. We have endeavored, while punishing the guilty defendants—corporations and individuals—to remember that the rights of many innocent bondholders and shareholders are at stake and should be protected as far as is consistent with a complete compliance with the requirements of the law. The plan disintegrates the combination, destroys the monopoly, and liberates trade, but it accomplishes all this without a wanton destruction of property.

I have been impressed with the evident intention of counsel representing the various defendants to accept without reservation the result of the litigation and faithfully to carry out the plan, not only in letter but in spirit as well. Many suggestions have been advanced by counsel representing persons not parties to the suit which from an economic or ethical viewpoint are important. When, however, it is remembered that we are acting only under the command of the Supreme Court, limited as to scope and time, it will be seen how powerless we are to make conditions favorable to the so-called "independents" when we can exact no reciprocal obligations from them. We are to ascertain and determine upon "some plan or method of dissolving the combination and of re-creating out of the elements now composing it a new condition which shall be honestly in harmony with and not repugnant to the law." This we can do, and when it is done our commission ends. The consideration which has the greatest weight with me is that no one has proposed a better plan, the only alternative offered being the appointment of a receiver—a receiver for corporations solvent and prosperous. I agree with the Attorney General that such a calamity should be avoided, except as a last resort. It is impossible to forecast the disaster which would follow such a step. It would wreck a flourishing business upon which an army of employees are depending for a livelihood. it would unsettle trade, and it would punish with equal severity the innocent and the guilty. More than this, I am by no means convinced that it would not produce the very evil which this action was instituted to destroy. A receiver can dispose of the property in his hands only by a judicial sale to the highest bidder, who will take title sanctioned by a decree of the court creating the receivership. In the present case the men best equipped to make this bid are the very men who now control the condemned corporations. It is surely possible, if not probable, that the property might thus come under their control with a title which will render them immune from further prosecution. For these reasons, thus briefly stated, I think that the plan, with the amendments directed by this court, should be adopted.

OPINION OF CIRCUIT JUDGE NOYES (CONCURRING).

The Supreme Court of the United States, after finding the illegality of this combination, placed the duty upon this court of hearing the parties "for the purpose of ascertaining and determining upon some plan or method of dissolving the combination and of re-creating out of the elements now composing it a new condition which shall be honestly in harmony with and not repugnant to the law."

And the Supreme Court added these words:

"In view of the considerations which we have stated, we leave the matter to the court below to work out a compliance with the law without unnecessary injury to the public or the rights of private property."

By these directions this court is required to enter into the examination of questions economical as well as legal, and to depart from the function of determining existing controversies to the decision of the legality of future proposed action. The duty imposed is extraordinary, because the Supreme Court in imposing it was dealing with an extraordinary situation.

The question was as to the relief to be afforded. A decree forbidding corporate stockholding would have been inadequate, because the combination was largely based upon property ownership. Original conditions could not be restored. Immediate extreme measures would have inflicted irreparable injury upon innocent interests. It was necessary to provide a method for determining in advance whether a proposed plan of disintegration would harmonize with the law, and hence the direction to this court.

The magnitude and varied nature of the assets of the combination, the extent of its liabilities, the ramifications of its business, and the complexity of its affairs would make our duty difficult if we were required merely to apply rules of dissolution and re-creation prescribed by the Supreme Court. But from the very intricacy of the case there are no rules. We are left without a guide to turn a condition in violation of the law into a condition honestly in harmony with it. The only measure of the extent of rehabilitation required is the object to be attained. The evils found to exist alone indicate the measures required to meet them.

If, then, we approach the performance of our duty without an appreciation of the complexity of the problem and of the difficulties under which the formulators of any plan must labor, we will not go far. If we are not satisfied with a substantial compliance with the law, if we strain after the ideal and put aside the practicable, it will be easy to bring on a receivership with its attendant losses to innocent investors. But that result was what the Supreme Court was solicitous of avoiding, and I think it intended that we should recognize the problem presented to us as a very practical one to be disposed of in a practical way. Moreover, in the performance of our duty we owe much to the Attorney General, who, while always insisting upon the rights of the public, and by such insistence bringing the plan into its present shape, has, nevertheless—as it has seemed to me—felt that he, too, owed a duty to protect innocent interests and not to cause ruin and disaster by forcing extreme measures which might, even from the public point of view, in the end produce no better results than those at hand, and possibly infinitely worse.

Taking up the plan, we know at the outset that it is an honest one. It has been built up almost in our presence, and, whatever question there may be as to its merits, there is none of the good faith of its authors nor of the ability and conscientiousness with which they have performed their tasks.

The present combination has vast capitalization and assets. The corporations of the plan will have large capitalization and assets. Whether that is an objection should be considered.

The Supreme Court did not condemn the combination on account of the great amount of property which it had acquired. Indeed, it must now be accepted that magnitude of business in and of itself does not constitute unlawful monopoly, at least up to the point where economy of production and management are thereby promoted. There must be something more—some unlawful or oppressive act or purpose in acquiring the business or after its acquisition—to come within the condemnation of the statute. But it can not be denied that there is an enormous inherent and collateral power incident to the holding by a single corporation of vast assets which no group of individuals, although having similar possessions, could obtain. There is such a potentiality of monopolization that a court in striving to bring about a condition in harmony with the law should hesitate to approve the existence of a producing corporation having vast assets not necessary for the work of production. Consequently, when it appeared in the formulation of this plan that the American Tobacco Co. was to receive from the other corporations over a hundred million dollars in cash and securities which it was required to hold to meet its indebtedness, but which it did not need in its business, the plan, notwithstanding many valuable features, seemed unacceptable. But, meeting the objections of the Attorney General, a way was found, as shown in the plan, of appropriating those funds to the payment of debts so that the readjusted American Co.—still the largest of all—will possess some one hundred millions of property, mostly working assets and brand values, as compared with the three hundred millions it formerly held. In view of modern commercial conditions, I think that the court should make no objection to the mere size of the corporations of the plan.

Taking up the question, then, whether the plan gives effect to the statute, the answer, as we have seen, depends upon whether it remedies the conditions found to violate the statute, and it is necessary to turn to the decision of the Supreme Court to find out those conditions.

Without examining the decision in detail, it is sufficient here to say that the court found, broadly, the combination to be in restraint of trade within the first section and an attempt to monopolize and a monopolization within the second section, of the statute. In particular, the court found among the bases for its conclusions (*a*) covenants of venders and others binding themselves for long periods not to compete with the combination; (*b*) the absorption of the control of corporations supplying the elements essential to the manufacture of tobacco products and other corporate stock holding; (*c*) the existence of controlling "power in the hands of the few"; (*d*) the obtaining of control of the tobacco trade by wrongful and oppressive acts, agreements, and arrangements.

Obviously the evil of restrictive covenants must be met by the termination of such covenants, and that is accomplished by the plan. It provides for the abrogation of all covenants made by vendor corporations, partnerships, or individuals not to engage in the tobacco business and for the termination of foreign restrictive covenants.

The evil of controlling the production of the elements essential to tobacco manufacture must be met by requiring the tobacco manufacturing corporations to be disconnected from the production of such elements. This seems to be fairly accomplished by the plan. The shares held by the combination in the corporation manufacturing tin foil and the voting shares held in the corporation manufacturing licorice are to be distributed. When that is done none of the tobacco manufacturing companies of the plan will have any legal domination over the production of those essentials. So the evil of corporate stock holding is met by divesting the American Co. of any interest in the snuff business, in the retail cigar business, and of its shares in other important corporations.

The evils pointed out by the Supreme Court growing out of the existence of power in the hands of a few to control the combination must be met by the destruction of such power. This power had its basis in the holding of a majority of the voting shares of the American Co. by the individual defendants in this suit. It is proposed to destroy this power by giving the preferred stock of the American Co., which has heretofore had no voting rights, full voting power, by creating voting rights in the preferred shares of other corporations and by so distributing shares that, in the language of the petition:

"No small group of men, nor even the 29 individual defendants in the aggregate, will own the control of any of the principal, accessory, or subsidiary companies defendant, and the control of the American Tobacco Co. itself and of the new companies to be formed will be vested in a body of more than 6,000 stockholders."

In addition to these provisions this court, at the instance of the Attorney General, will guard against the acquisition by the defendants of control in the future by enjoining them from increasing their aggregate share holdings.

With this additional provision I think the requirement that power of control be taken out of the hands of the individual defendants sufficiently met. It is true that while shorn of legal control they will own substantial minority interests in the different corporations, and that in the practical workings of the affairs of a corporation a minority interest, through the inaction of the majority, may often control it. But the control of a corporation lies in the majority of its shares, and if we see that the legal control of these corporations is placed in other hands than those of the defendants, I think that we go far enough. In my opinion we are not called upon to guard against the possible failure of the majority to exercise its power.

The next inquiry is whether the plan fairly meets the evil of obtaining control of the tobacco trade by oppressive tactics as well as the broad conclusion of illegality. And my opinion is that it does in case, but only in case, the state of monopoly found to exist is ended by a

division of business and a state of reasonably competitive conditions established.

This is the state of monopoly which now exists: The American Co., either directly or through its ownership of stock in other corporations, controls the manufacture of 75 per cent of the smoking tobacco manufactured in the United States; 80 per cent of the plug tobacco; 79 per cent of the fine cut; 80 per cent of the cigarettes; 13 per cent of the cigars; 90 per cent of the snuff; and 93 per cent of the little cigars.

Broadly speaking, the proposed plan of disintegration is to divide the tobacco business among four corporations, no one of which is to have a controlling interest therein. When the disintegration is accomplished the business will be so distributed that no company will have substantially over 40 per cent in volume or value of any particular line. Furthermore, I am satisfied that there is to be a fair distribution of brands as well as of business.

Without examining the details of the plan, it is enough to say that careful study of it has convinced me that in so far as the distribution of business is concerned, sufficient has been done to end the state of monopoly and to establish reasonable competitive conditions. If practicable, it might have been more desirable to divide the business into a greater number of parts. But as the plan stands it can not, in my opinion, be said that any one of the corporations will have such preponderating influence in the tobacco industry as to give it power to control the market either as manufacturer, seller, or purchaser. The possibility of future acts of oppression is to be guarded against by a comprehensive injunction.

This brings us to the final question, which is whether the fact of common-stock holding is a material objection to the plan.

Obviously common ownership in the shares of the various corporations can not well be avoided. Each stockholder of the American Co. has an undivided interest in its property remaining after the payment of its debts. When its assets are distributed among stockholders, each is entitled to his proportionate share. When such distribution takes the shape of corporate shares, the necessary result is a common ownership of stock in different corporations. I am not convinced that in the absence of statutory authority any division by valuation and allotment could be effected, and if legally possible it is evident that the complicated conditions which would necessarily arise in carrying it out would render it impracticable within the time prescribed by the Supreme Court for the disintegration of this combination.

The objection to mutual stock holding is not that competition is eliminated in principle. Potential competition necessarily exists. The same conditions do not continue indefinitely. Stockholders die and estates are divided. Differences of opinion upon values lead to sales and exchanges. Potential competition with an open market must fairly end in real competition. But the objection is to present and not future conditions, and from an economic point of view I have always thought it entitled to serious consideration. Manifest difficulties must attend the establishment of real competition between different corporations having the same body of stockholders. In the case of small corporations having few stockholders who directly participate in their management they would be perhaps insuperable. They would decrease in proportion to the increase in the size of the corporations and the separation of the stockholders from the active management of their affairs until, as I view it, in the case of the disintegration of a corporation having vast assets and a very large number of scattered stockholders they would be so minimized as hardly to warrant consideration even from an economic standpoint.

That which has made me pause in the present case is the concentrated common-stock holding of the individual defendants, but after careful consideration I have reached the conclusion that the objection should not operate to prevent the acceptance of the plan, but should call for most rigorous measures of injunctive relief to keep the various corporations apart, independent and free from connections or arrangements to prevent competition. In reaching this conclusion I am influenced by the proposition stated at the outset, that we should take care that we do not by seeking the ideal reject the practicable and put in peril innocent property interests, and I am controlled, as I view it, by the decisions of the Supreme Court in the Northern Securities and Standard Oil cases. It is impossible for me to read those decisions without being convinced that the Supreme Court in remanding this case to us did not intend that we should reject a plan upon the ground of pro rata distribution. I am also influenced, if not controlled, by the position taken by the Attorney General, the representative of the party plaintiff in the cause.

So, taking the plan as a whole, with the essential measure of injunctive relief proposed by the Attorney General, I think that it meets the principal evils pointed out in the opinion of the Supreme Court, that it brings about a condition fairly in harmony with the law, and that it is the duty of this court to approve it as the best solution possible under all the circumstances of a very difficult practical problem.

In conclusion: The extent to which it has been necessary to tear apart this combination and force it into new forms, with the attendant burdens, ought to demonstrate that the Federal antitrust statute is a drastic statute which accomplishes effective results; which, so long as it stands on the statute books, must be obeyed, and which can not be disobeyed without incurring far-reaching penalties. And, on the other hand, the successful reconstruction of this organization should teach that the effect of enforcing this statute against industrial combinations is not to destroy, but to reconstruct; not to demolish, but to re-create in accordance with the conditions which the Congress has declared shall exist among the people of the United States.

I concur in the opinion of Judge Lacombe, and fully approve his disposition of the subjects not considered in this opinion.

[In the Circuit Court of the United States for the Southern District of New York.]

THE UNITED STATES OF AMERICA, PLAINTIFF, v. THE AMERICAN TOBACCO CO. AND OTHERS, DEFENDANTS.

DECREE.

Appeals having been taken by the plaintiff and certain defendants in this cause from the decree entered by this court on the 15th day of December, 1908, the Supreme Court of the United States reversed said degree and issued its mandate filed herein on the 30th day of June, 1911, by which the said cause was remanded to this court with directions to enter a decree in conformity with the opinion of the Supreme Court of the United States, and to take such further steps as might be necessary to fully carry out said directions. By the said opinion of the Supreme Court of the United States this court was directed to "hear the parties by evidence or otherwise as it may deem proper, for the purpose of ascertaining and determining upon some plan or method of dissolving the combination and of re-creating out of the elements now composing it a new condition, which shall be honestly in harmony with and not repugnant to the law, but without unnecessary injury to the public or the rights of private property." And this cause having come on to be finally heard pursuant to the order or decree of this court, made and entered herein on August 3, 1911, on the mandate of the Supreme Court of the United States as aforesaid, the American Tobacco Co. and the other defendants herein (except United Cigar Stores Co., the Imperial Tobacco Co. (of Great Britain and Ireland Ltd.), and R. P. Richardson, Jr., & Co., Inc.), filed in this court on October 16, 1911, a petition proposing and embodying a plan or method of dissolving the combination, and of re-creating out of the elements now composing it a new condition in harmony with and not repugnant to the law. Due notice was given to the parties hereto that the hearing on the said petition would be had on October 30, 1911, in room 124 of the Federal Building, in New York City; and thereafter, to wit, on the 19th day of October, 1911, the Imperial Tobacco Co. (of Great Britain and Ireland, Ltd.) filed a petition.

At the time and place aforesaid, the plaintiff filed answers to the said petitions, embodying proposed modifications of and additions to the plan proposed in said petition of the American Tobacco Co. and other defendants. The parties having been heard by counsel, and certain of the modifications of said plan included in the answer of the plaintiff not being opposed by the proponents of said plan, and others of said modifications included in said answer having been disposed of by this court in its opinions delivered after said hearing;

Now, it is ordered, adjudged, and decreed that all the defendants—except Welford C. Reed, who died before the final hearing—heretofore became parties to and engaged in the combination assailed in the pleadings, which "in and of itself, as well as each and all of the elements composing it, whether corporate or individual, whether considered collectively or separately," is "in restraint of trade and an attempt to monopolize, and a monopolization within the first and second sections of the antitrust act," and which should be dissolved and a new condition brought about in harmony with and not repugnant to the law, either as a consequence of the action of this court in determining an issue or in accepting a plan agreed upon.

And it is further ordered, adjudged, and decreed that said plan, as modified by the consent of the parties or through the action of this court as aforesaid, is as follows, to wit:

A.—DISSOLUTION OF AMSTERDAM SUPPLY CO.

Amsterdam Supply Co. is a company engaged in the business of purchasing, for a commission or brokerage, supplies, other than leaf tobacco, its principal customers being defendant corporations herein. It has $235,000 at par of stock, all held in varying amounts by certain corporation defendants, one or the other of your petitioners, and a surplus of $127,058.74.

It is proposed that Amsterdam Supply Co. be dissolved, converting its assets into cash and distributing them to its stockholders.

B.—ABROGATION OF FOREIGN RESTRICTIVE COVENANTS.

Under the contracts of September 27, 1902, the Imperial Tobacco Co. (of Great Britain and Ireland, Ltd.) and certain of its directors agreed not to engage in the business of manufacturing or selling tobacco in the United States; the American Tobacco Co. and American Cigar Co. and certain of their directors agreed not to engage in the business of manufacturing or selling tobacco in Great Britain and Ireland; and the American Tobacco Co., American Cigar Co., and the Imperial Tobacco Co. agreed not to engage in the business of manufacturing or selling tobacco in countries other than Great Britain and Ireland and the United States. Under the provisions of these contracts British-American Tobacco Co. (Ltd.) was organized and took over the export businesses of the American Tobacco Co. and the Imperial Tobacco Co., with factories, materials, and supplies.

It is proposed that the covenants herein just described, as well as all covenants restricting the right of any company or individual in the combination to buy, manufacture, or sell tobacco or its products, be rescinded by the affirmative action of the respective parties thereto who are parties to this suit, except such of said covenants, whether or not contained in the contracts of September 27, 1902, as (*a*) relate wholly to business in foreign countries and are covenants the benefit whereof has been assigned or transferred to other parties; or (*b*) are covenants exclusively between foreign corporations and relating wholly to business in or between foreign countries; and that the said contracts of September 27, 1902, be altogether terminated so far as they impose any obligations upon any of the parties thereto to furnish or to refrain from furnishing manufactured tobaccos to any party, each company to treat as its own, but only to the extent provided for in said contracts, all brands and trade-marks which by said contracts it was given the right to manufacture and sell, the said rights having been perpetual and constituting in effect a conveyance of the brands and trade-marks used for the countries in which they were so used by each of said companies as aforesaid.

C.—ABROGATION OF DOMESTIC RESTRICTIVE COVENANTS.

It is proposed that covenants given by vendor corporations, partnerships, or individuals, or by stockholders of vendor corporations, to vendee corporations defendants herein, not to engage in the tobacco business or any other business in any way embraced in the combination, be terminated so that all such covenanters shall be at liberty to engage in the business of buying, manufacturing, and dealing in tobacco and its products just as if such covenants had not been made.

D.—DISINTEGRATION OF ACCESSORY COMPANIES.

(1) The Conley Foil Co.: The Conley Foil Co. has a capital stock of $825,000 at par, all of one class, of which the American Tobacco Co. owns $495,000 at par, the balance being held by persons not defendants nor connected with defendants. It is engaged in the business of manufacturing tin foil, a product used largely by tobacco manufacturers, but having other uses as well. The Conley Foil Co. has a plant in New York City, and it owns all the stock and bonds of the Johnston Tin Foil & Metal Co., which has a plant in St. Louis. The value of the output for the year 1910 of the Conley Foil Co. was $1,780,526.85, with a net profit of $273,299.82, and the Johnston Tin Foil & Metal Co. had an output for the year 1910 of the value of $676,520.05 and net profits of $66,255.16. On December 31, 1910, the Conley Foil Co. had tangible assets (excluding its securities of the Johnston Tin Foil & Metal Co.) of $1,215,321, and the Johnston Tin Foil & Metal Co. had assets of the value of $379,802.11. The Conley Foil Co. has a surplus exceeding the value of the securities of the Johnston Tin Foil & Metal Co.

It is proposed that the Conley Foil Co. cancel the bonds of the Johnston Tin Foil & Metal Co. held by it, to wit, $100,000 par value, and distribute to its stockholders its holdings of stock of the Johnston Tin Foil & Metal Co., to wit, 3,000 shares, all of one class.

The American Tobacco Co., being a stockholder of the Conley Foil Co., will participate in this distribution, and will in turn distribute its dividend, as well as its stock in the Conley Foil Co., to its common-stock holders as hereinafter set forth.

(2) MacAndrews & Forbes Co.: MacAndrews & Forbes Co. is a company having a common capital stock of $3,000,000 at par, of which the American Tobacco Co. owns $2,112,900 at par, the balance being held by persons not defendants nor connected with defendants (except less than 3½ per cent of the common stock held by R. J. Reynolds Tobacco Co.), and $3,758,300 at par of 6 per cent nonvoting preferred stock, of which the American Tobacco Co. holds $750,000 at par, the balance being held by persons not defendants nor connected with defendants. It is engaged in the production of licorice paste, with two plants—one at Camden, N. J., and the other at Baltimore, Md. It had tangible assets December 31, 1910, of the value of $5,683,824.89 (including $2,118,448.36 licorice root, with plants for its collection in foreign countries), and its sales for the year 1910 were of the value of $4,427,023.44. MacAndrews & Forbes Co. succeeded to the business of MacAndrews & Forbes, a partnership, who were pioneers in this country in the production of licorice paste, and who had, for many years before any acquisitions of other business and before they had any connection with the other defendants herein, more than 50 per cent of all the licorice-paste business of the United States.

It is proposed that a new corporation be organized, called the J. S. Young Co., and that it shall acquire the Baltimore plant of MacAndrews & Forbes Co., with the assets used therein and in connection therewith, of a total value of $1,000,000, and the brands of licorice paste manufactured in said Baltimore plant; that it issue in payment therefor, with the good will connected therewith, $1,000,000 at par of 7 per cent preferred nonvoting stock and $1,000,000 at par of common stock; that MacAndrews & Forbes Co. distribute the common stock of the J. S. Young Co. as a dividend to its common-stock holders, charging the amount thereof to its surplus account; that MacAndrews & Forbes Co. offer to its preferred-stock holders proportionately to exchange the 7 per cent preferred stock of the J. S. Young Co. at par for their preferred stock of MacAndrews & Forbes Co.; that so far as the preferred stock of MacAndrews & Forbes Co. is thus exchanged, it be retired; that so far as this preferred stock of the J. S. Young Co. is not forthwith thus exchanged, MacAndrews & Forbes Co. be enjoined from using it to exercise, or otherwise exercising or attempting to exercise, influence or control over the J. S. Young Co.; and with the further provision that on or before January 1, 1915, the whole of this preferred stock of the J. S. Young Co., not theretofore taken out of the treasury of MacAndrews & Forbes Co. by exchange as aforesaid, be disposed of by MacAndrews & Forbes Co.

This would give to MacAndrews & Forbes Co. a licorice business, including Spanish licorice and powdered goods, of the net selling value, based upon the year 1910, of $2,514,184.64, of which $2,214,127.51 arise from sales of one brand, to wit, the old "Ship" brand. The J. S. Young Co., upon the basis of the business for the year 1910, would have an output of the net selling value of $1,201,109.86.

The American Tobacco Co., being a holder of the common stock of MacAndrews & Forbes Co., will participate in the distribution above provided and will in turn distribute its dividend, as well as its stock in MacAndrews & Forbes Co., to its common-stock holders as hereinafter set forth.

(3) American Snuff Co.: American Snuff Co. is a manufacturer of snuff. It holds all of the stock of De Voe Snuff Co., to wit, $50,000 at par, and one-half, to wit, $26,000 at par, of the stock of National Snuff Co. It owns no other interest in any company manufacturing or selling snuff.

It is proposed that there be organized two new snuff companies, one to be called the George W. Helme Co. and the other Weyman-Bruton Co., and that American Snuff Co. convey to these two companies, respectively, factories, with the brands manufactured in them, as follows: To the George W. Helme Co. the factories at Helmetta, N. J., and Yorklyn, Del., except factory No. 5; to Weyman-Bruton Co. the factories at Chicago and Nashville, also all the stock of De Voe Snuff Co., and the one-half of the stock of National Snuff Co. held by American Snuff Co. Based upon the business for the year 1910 and the assets at the end of the year, with proper provision for leaf, materials, cash and book accounts for the two vendee companies, this would leave the three companies equipped as follows:

Tangible manufacturing assets.

American Snuff Co	[1] $5,075,969.72
George W. Helme Co	4,909,000.40
Weyman-Bruton Co	3,691,588.20

Sales value during 1910.

American Snuff Co	$5,520,422.15
George W. Helme Co	4,494,556.66
Weyman-Bruton Co	4,297,486.71

Net income.

American Snuff Co	[1] $1,591,280.49
George W. Helme Co	1,259,280.98
Weyman-Bruton Co	1,293,759.39

Each of these vendee corporations will pay for the property and business conveyed to it by the issue of $4,000,000 at par of 7 per cent voting preferred stock and $4,000,000 at par of common stock. American Snuff Co. will thus receive the $16,000,000 at par of these stocks into its treasury, and will distribute to its common-stock holders, as a dividend, the common stock aggregating $8,000,000, to be charged to its surplus account. American Snuff Co. will offer to its preferred-stock holders proportionately to exchange these 7 per cent preferred stocks of the George W. Helme Co. and the Weyman-Bruton Co. for their preferred stock of American Snuff Co. at par. So much of the preferred stock of American Snuff Co. as is thus exchanged will be retired. As to so much of the preferred stocks of the George W. Helme Co. and the Weyman-Bruton Co. as is not forthwith thus exchanged, American Snuff Co. to be enjoined from voting it, or using it to exercise, or otherwise exercising or attempting to exercise, influence, or control over the George W. Helme Co. or the Weyman-Bruton Co.; and on or before January 1, 1915, all of these preferred stocks of the George W. Helme Co. and the Weyman-Bruton Co. not theretofore taken out of the treasury of American Snuff Co. by exchange as aforesaid to be disposed of by American Snuff Co.

[1] American Snuff Co. holds securities not connected with the snuff business, to wit: Stock and bonds of the American Tobacco Co., preferred stock of American Cigar Co., aggregating in book value $2,530,216.69, upon which American Snuff Co. received in interest and dividends during the year 1910, $176,680. It is proposed that American Snuff Co. sell or otherwise dispose of these securities within three years, and that in the meantime they be held under an injunction as is provided in this paragraph with respect to securities of the George W. Helme Co. and Weyman-Bruton Co. to be temporarily held by it. It also owns all, to wit, $100,000 at par, of the stock of Garrett Real Estate Co., which will be dissolved and liquidated.

The American Tobacco Co., being a holder of the common stock of American Snuff Co., will participate in the distribution above provided, and will, in turn, distribute its dividends as well as its stock in American Snuff Co., including that to be acquired from P. Lorillard Co., to its common-stock holders as hereinafter set forth.

(4) American Stogie Co.: American Stogie Co. is a corporation whose only asset is all of the issued stock of Union-American Cigar Co., which latter company has cigar factories located at Pittsburgh, Allegheny, Lancaster, and Newark. Its total production, based upon business for the year 1910, is only 1.58 per cent of the entire production of cigars in the United States in volume, and, as these petitioners believe, about the same percentage in value. American Stogie Co. has $976,000 at par of 7 per cent cumulative preferred stock, of which American Cigar Co. owns $40,000 at par, and none of the other defendants own any; it has $10,879,000 at par of common stock, of which American Cigar Co. owns $7,303,775 at par, and none of the other defendants own any. There are accumulated and unpaid dividends on the preferred stock to the amount of $399,000 as of December 31, 1910.

It is proposed that American Stogie Co. dissolve, with leave granted to the trustees in dissolution to either convert the assets into cash, and distribute them among the stockholders according to their rights, or to effect such reorganization as they may be able to effect, provided that in either event there shall be a separation into at least two different ownerships of the factories and businesses now owned and operated by Union-American Cigar Co. If the dissolution is followed by a conversion of the assets of American Stogie Co. into cash, American Cigar Co. will take such cash as it may receive into its treasury; if it receives upon such dissolution securities of cigar-manufacturing concerns, it will distribute such as a dividend to its common-stock holders, to be charged to its surplus as hereinafter set forth.

(5) American Cigar Co.: American Cigar Co. is a manufacturer of cigars. It has various factories of its own, and it owns all or a part of the stock of several companies engaged in the manufacture of cigars, all of which companies have been organized by it and which have received from it conveyances of part of its business, operating in this way as separate corporations for trade purposes. Among these companies is Federal Cigar Co.

American Cigar Co. also owns a part of the stock of Havana Tobacco Co., which controls factories manufacturing cigars in Habana; and a part of the stock of Porto Rican-American Tobacco Co., engaged in the manufacture of cigars and cigarettes in Porto Rico; and half of the stock of Porto Rican Leaf Tobacco Co., engaged in growing tobacco in Porto Rico. American Cigar Co. itself uses large quantities of Porto Rican grown leaf. Neither American Cigar Co. nor any of the companies in which it is interested, except Havana Tobacco Co. and Porto Rican-American Tobacco Co., is engaged in the manufacture of cigars outside of the United States.

American Cigar Co., including with its production the production of companies of which it owns in whole or in part the stock, has, in volume, based on the business for the year 1910, 13.36 per cent of the cigar business of the United States, and in value, as your petitioners believe, substantially the same percentage. Havana Tobacco Co. has, directly or indirectly, control of 24.06 per cent of the total production of cigars in Cuba, 46 per cent of the total exportation of cigars from Cuba to all countries of the world, including the United States, and 38.15 per cent of the total exportation of cigars from Cuba to the United States.

It is proposed that American Cigar Co. dispose of properties belonging to it, and thus disintegrate its business, as follows:

(*a*) That it sell to the American Tobacco Co. for cash its stock, being all thereof, of Federal Cigar Co., at a fair price, to wit, $3,965,616.05.

(*b*) That it sell to the American Tobacco Co. for cash the stock it owns of Porto Rican-American Tobacco Co., to wit, $657,600 at par, at a fair price, to wit, $350 per share, or $2,301,600.

(*c*) That American Cigar Co. dispose of any interest in American Stogie Co. by receiving cash proceeds of its stock in dissolution thereof, if American Stogie Co. upon dissolution converts its assets into cash; or by distributing as a dividend to its common-stock holders out of its surplus the securities which it receives upon the dissolution of American Stogie Co., if it receives such.

All stocks thus to be acquired by the American Tobacco Co. from American Cigar Co. are to be disposed of by the American Tobacco Co. as hereinafter set out.

E.—DISTRIBUTION BY THE AMERICAN TOBACCO CO. OF STOCKS OWNED OR TO BE ACQUIRED BY IT.

(1) *Immediate distribution of stocks:* The American Tobacco Co. will buy from P. Lorillard Co., for cash at par, the 11,247 shares of the preferred stock of American Snuff Co. held by P. Lorillard Co., and will receive, as the sole common-stock holder of P. Lorillard Co. and by way of dividends, 34,594 shares of the common stock of American Snuff Co. held by P. Lorillard Co.

The American Tobacco Co. will distribute among its common-stock holders by way of dividends, and to be charged to its surplus, all of its securities of the following-described classes, whether now owned by it or bought by it from American Cigar Co., as hereinbefore set forth, or bought by it from P. Lorillard Co., as just hereinbefore set forth, or received by it by way of dividends from any of the accessory companies defendant, as hereinbefore set forth, to wit: American Snuff Co. common stock; American Snuff Co. preferred stock; George W. Helme Co. common stock; Weyman-Bruton Co. common stock; MacAndrews & Forbes Co. common stock; J. S. Young Co. common stock; the Conley Foil Co. stock; the Johnston Tin Foil & Metal Co. stock; R. J. Reynolds Tobacco Co. stock; Corporation of United Cigar Stores stock; British-American Tobacco Co. (Ltd.) ordinary shares; Porto Rican-American Tobacco Co. stock; American Stogie Co. stock (or what is received by way of dividends from American Cigar Co. upon dissolution of American Stogie Co.).

Including the amount to be paid to American Cigar Co. and P. Lorillard Co. for such of these securities as are to be acquired by the American Tobacco Co. from them, respectively, and excluding those to be acquired by way of dividends, and which therefore do not affect the surplus of the American Tobacco Co., never having been set up on its books, these securities had a book value as of December 31, 1910, of $35,011,865.03. The earning capacity of all the above securities thus to be distributed, based upon the results of the year 1910, is $9,860,410.76, though not all thereof was distributed as dividends.

(2) Deferred disposition of stocks: The American Tobacco Co. will sell or otherwise dispose of, or distribute by way of dividends to its common-stock holders out of its surplus at the time existing, before January 1, 1915, all of its holdings of the following securities: British-American Tobacco Co. (Ltd.) nonvoting preference shares; the Imperial Tobacco Co., of Great Britain and Ireland (Ltd.), ordinary

shares; Corporation of United Cigar Stores bonds; MacAndrews & Forbes Co. nonvoting preferred stock.

During the time these securities are left in the treasury of the American Tobacco Co. the American Tobacco Co. to be enjoined from voting any thereof that under the terms thereof might be voted, or using any thereof to exercise, or otherwise exercising or attempting to exercise, influence or control over the said companies which issued the said securities, respectively, and from gaining possession of any of the said companies by buying in at a foreclosure had under any of the securities for any default with respect thereto or otherwise.

F—SALE BY THE AMERICAN TOBACCO CO. OF MANUFACTURING ASSETS AND BUSINESS TO COMPANIES TO BE FORMED.

(1) There will be organized a new corporation called Liggett & Myers Tobacco Co. and a new corporation called P. Lorillard Co., and the American Tobacco Co. will sell, assign, and convey to these two companies factories, plants, brands, and businesses and capital stocks of tobacco-manufacturing corporations, as follows:

TO LIGGETT & MYERS TOBACCO CO.

Liggett & Myers branch of the American Tobacco Co., engaged in the manufacture of plug tobacco at St. Louis, with the brands connected therewith.

Spaulding & Merrick, a company of which the American Tobacco Co. owns and has always owned all the stock, engaged in Chicago in the manufacture of fine-cut tobacco and smoking tobacco.

Allen & Ginter branch of the American Tobacco Co., engaged in the manufacture of cigarettes, at Richmond, Va., and the brands connected therewith (this does not include the brand "Sweet Caporal," made partly there and partly at New York).

Chicago branch of the American Tobacco Co., a factory at Chicago engaged in the manufacture of smoking tobacco, with the brands connected therewith.

Catlin branch of the American Tobacco Co., a factory at St. Louis engaged in the manufacture of smoking tobacco, with the brands connected therewith.

Nall & Williams Tobacco Co., a company of which the American Tobacco Co. owns all the stock, engaged in the manufacture of plug and smoking tobacco at Louisville, Ky.

The John Bollman Co., a company engaged in the manufacture of cigarettes at San Francisco; of this corporation the American Tobacco Co. owns 90 per cent of the stock, which it is proposed to turn over to the Liggett & Myers Tobacco Co.

Pinkerton Tobacco Co., a corporation engaged in the manufacture of scrap tobacco (a kind of smoking tobacco) at Toledo, Ohio; of this corporation the American Tobacco Co. owns 77½ per cent of the stock, which it is proposed to turn over to the Liggett & Myers Tobacco Co.

W. R. Irby branch of the American Tobacco Co., at New Orleans, engaged in the manufacture of cigarettes and smoking tobacco, the principal brands being "Home Run" and "King Bee."

The Duke-Durham branch of the American Tobacco Co., engaged in the manufacture of cigarettes and smoking tobacco at Durham, N. C.; principal cigarette brands, "Piedmont" and "American Beauty"; principal smoking tobacco brand, "Duke's Mixture."

Two little cigar factories located, the one at Philadelphia and the other at Baltimore, branches of the American Tobacco Co.; principal brand, "Recruits."

TO P. LORILLARD CO.

All the rights of the American Tobacco Co. in the present P. Lorillard Co., to wit: All the common stock and $1,596,100 at par out of a total issue of $2,000,000 of 8 per cent preferred stock; it is contemplated that as a part of these reorganizations the Lorillard Co., as at present constituted, be wound up and the new company be organized, taking over assets of the P. Lorillard Co.

S. Anargyros, a company engaged in the manufacture of cigarettes, in which the American Tobacco Co. owns all the stock, and of which it has always owned all the stock.

Luhrman & Wilbern Tobacco Co., a company engaged in the manufacture of scrap tobacco (a kind of smoking tobacco), of which the American Tobacco Co. owns, and has for many years owned, all the stock.

Philadelphia branch B, at Philadelphia, Wilmington branch B, at Wilmington, Penn Street branch, at Brooklyn, Danville branch B, at Danville, and Ellis branch B, at Baltimore, branches of the American Tobacco Co., manufacturing little cigars, the principal brand being "Between the Acts."

Federal Cigar Co., a company all of whose stock is, and has always been, owned by American Cigar Co., but which, as hereinbefore provided, is to be purchased for cash by the American Tobacco Co.

Each of these conveyances to include proper and adequate storage houses, leaf tobacco, and other materials and supplies, provision for book accounts, including in each case a ratable proportion of the cash held by the American Tobacco Co. on December 31, 1910, so that each of the new corporations will be fully equipped for the conduct of the business of manufacturing and dealing in tobacco.

(2) Resources and capitalization of companies and provisions for exchanging and retiring securities of American Tobacco Co The American Tobacco Co. has securities issued and outstanding as follows:

6 per cent bonds	$52,822,650
4 per cent bonds (including outstanding 4 per cent bonds of Consolidated Tobacco Co.)	51,354,100
6 per cent preferred stock	78,689,100
Common stock	40,242,400

The American Tobacco Co., in October, 1904, immediately after the merger, had an outstanding issue of its own 4 per cent bonds and the Consolidated Tobacco Co. 4 per cent bonds, which it assumed, amounting to $78,689,100, but it has purchased on the market and retired $27,335,000 at par of these 4 per cent bonds, charging the amount thus expended to surplus. The 6 per cent bonds and 4 per cent bonds aforesaid are what are ordinarily known as debenture bonds, and are issued under a trust indenture which imposes a general charge on the property, income, and earnings of the company in favor, first, of the 6 per cent bonds, and, second, of the 4 per cent bonds. The American Tobacco Co., after the reduction of the surplus through the acquisition by it of 4 per cent bonds aforesaid, had on December 31, 1910, a surplus of $61,119,991.63, which will be increased by the surplus earnings of the current year. The distribution of securities herein provided for to be forthwith made would diminish the said surplus by $35,011,865.03, the book value of securities to be so distributed. This book value is less than actual value, but in view of the fact that none of the assets of the American Tobacco Co. are overvalued, the advance of the book value of the securities to be distributed as hereinbefore set forth to their actual value would operate at the same time to increase the surplus of the company, and so its surplus, after such distribution, would remain just the same as though the advance to actual value had not been made on the books of the company.

The properties to be conveyed to the Liggett & Myers Tobacco Co. and P. Lorillard Co., based upon conditions as of December 31, 1910, the last completed year, including in such conveyances the proper and proportionate storage houses, leaf tobacco, supplies and materials, and cash, but without anything for value of brands, trade-marks, formulæ, recipes, and good will, but including stocks of companies, are of the value of $30,607,261.96 to Liggett & Myers Tobacco Co. and $28,091,748.86 to P. Lorillard Co. So far as these conditions shall be changed before the day of the conveyance, any deficiency is to be made good in cash, so that these two companies will have said amounts in tangible assets as aforesaid, useful, and such as have been used, in the manufacture of the brands to be conveyed to them, respectively, and cash. The American Tobacco Co. will be left with tangible assets, including stocks of companies employed in manufacturing tobacco and its products, cash, and bills and accounts receivable of the value of $53,408,498.94 as of December 31, 1910. The profits earned during the year 1910 on the brands and businesses to be conveyed by the American Tobacco Co. to Liggett & Myers Tobacco Co. amounted to $7,468,172.02, and the profits on the brands and businesses to be conveyed by the American Tobacco Co. to P. Lorillard Co. amounted to $5,264,729.38.

It is proposed that the value of the brands, trade-marks, recipes, formulæ, and good will to be sold to each of these companies be determined by their earning capacity, based upon the results for the year 1910, so that each shall have an earning capacity of 11.02 per cent per annum upon its total property, including both tangible property and brand value and good will. Upon this basis the consideration to be paid by the Liggett & Myers Tobacco Co. will be $30,607,261.96, value of tangible assets as above stated, and $36,840,237.04, value of brands, trade-marks, recipes, formulæ, and good will, making a total of $67,447,499; and the consideration to be paid by the P. Lorillard Co. will be $28,091,748.86, value of tangible assets as above stated, and $19,460,752.14, value of brands, trade-marks, recipes, formulæ, and good will, making a total of $47,552,501. The brands, trade-marks, recipes, formulæ, and good will of the American Tobacco Co. on December 31, 1910, were of the book value of $101,324,964.07. The payments for brand value, etc., to the American Tobacco Co. to be made by Liggett & Myers Tobacco Co. and P. Lorillard Co., as aforesaid, makes an aggregate of $56,300,989.18, and would thus leave the book value of brands, trade-marks, recipes, formulæ, and good will retained by the American Tobacco Co. at $45,023,974.89, which, added to the $53,408,498.94 of tangible manufacturing assets to be retained by the American Tobacco Co., will make the total book value of manufacturing property to be retained by that company $98,432,473.83, upon which its earnings, based upon the results for the year 1910, would be $11,369,809.82, or 11.55 per cent.

The Liggett & Myers Tobacco Co. and the P. Lorillard Co. would pay for these conveyances, therefore, the aggregate as aforesaid, to wit:

Liggett & Myers Tobacco Co	$67,447,499
P. Lorillard Co	47,552,501
Aggregating	115,000,000

or each with its earnings on the business for the year 1910 so capitalized that said earnings represent 11.02 per cent upon the capital.

Liggett & Myers Tobacco Co. and P. Lorillard Co. will issue securities to cover such capitalization in the aggregate as follows: To an amount equal to one-half of the outstanding 6 per cent bonds of the American Tobacco Co., that is, $26,441,325 at par in 7 per cent bonds; to an amount equal to one-half of the outstanding 4 per cent bonds of the American Tobacco Co., that is, $25,677,050 at par in 5 per cent bonds; to an amount equal to one-third of the outstanding preferred stock of the American Tobacco Co., that is, $26,229,700 at par in 7 per cent cumulative voting preferred stock, which, upon liquidation of the company, shall be paid at par with accrued unpaid dividends before any amount shall be paid to common stock, with balance of assets distributable ratably to the common stock, and the balance of said $115,000,000, that is, $36,651,925 in common stock. The 7 per cent bonds and the 5 per cent bonds to mature at the time fixed, respectively, for the maturity of the 6 per cent bonds and the 4 per cent bonds of the American Tobacco Co. now outstanding and to be issued under an indenture of substantially like tenor and terms with the present indenture of the American Tobacco Co. under which its 6 per cent bonds and 4 per cent bonds were issued. The 7 per cent bonds to have priority in charge over the 5 per cent bonds in the same way that the 6 per cent bonds of the American Tobacco Co. have priority of charge over the 4 per cent bonds. Thus the capitalization of the Liggett & Myers Tobacco Co. and P. Lorillard Co. will be as follows:

	Liggett & Myers.	Lorillard.	Total.
7 per cent bonds	$15,507,837	$10,933,488	$26,441,325
5 per cent bonds	15,059,589	10,617,461	25,677,050
7 per cent preferred stock	15,383,719	10,845,981	26,229,700
Common stock	21,496,354	15,155,571	36,651,925
Total	67,447,499	47,552,501	115,000,000

All of these securities of the Liggett & Myers Tobacco Co. and the P. Lorillard Co. to be turned over to the American Tobacco Co. in payment of the purchase price for the factories, plants, brands, and businesses and capital stock of tobacco manufacturing corporations so to be conveyed to Liggett & Myers Tobacco Co. and P. Lorillard Co., respectively, as hereinbefore set out.

These securities will be disposed of by the American Tobacco Co. as follows:

The common stock will be offered for cash at par to the holders of the common stock of the American Tobacco Co. in proportion to their holdings, and any not purchased by the person thus entitled thereto shall be sold to persons other than the individual defendants, to the end that such offer of common stock of the two new companies to the common-stock holders of the American Tobacco Co. shall not be used by the individual defendants to increase their ownership therein beyond the proportion of their holdings of the common stock of the American Tobacco Co.

To each holder of the 6 per cent bonds of the American Tobacco Co. an offer shall be made to acquire his bonds for cancellation and to give in exchange therefor, as to one-half thereof, new 7 per cent bonds of Liggett & Myers Tobacco Co. and P. Lorillard Co. at par, and in payment for the other half thereof cash at the rate of $120 and accrued interest for each $100 face value of the bonds.

To each holder of the 4 per cent bonds of the American Tobacco Co. an offer shall be made to acquire his bonds for cancellation, and to give

in exchange therefor, as to one-half thereof, new 5 per cent bonds of Liggett & Myers Tobacco Co. and P. Lorillard Co. at par, and in payment for the other half thereof cash at the rate of $96 and accrued interest for each $100 face value of the bonds.

To each holder of the preferred stock of the American Tobacco Co. an offer shall be made to acquire one-third of his stock for cancellation in exchange for an equal amount at par of Liggett & Myers Tobacco Co. and P. Lorillard Co.

On account of the larger capitalization of the Liggett & Myers Tobacco Co., as compared with the P. Lorillard Co., each class of the new securities will issue in the proportion of 58.65 per cent thereof of Liggett & Myers Tobacco Co. securities and 41.35 per cent thereof of P. Lorillard Co. securities. The stocks will be issued in shares of $100, and coupon bonds in denominations of $1,000, and registered bonds in larger denominations, and in denominations of $100 and $50, and in actual issue fractions will be eliminated.

The common stocks of the two companies aforesaid are to be sold as above set out prior to March 1, 1912, with three years to be allowed for the retirement of the bonds and preferred stock of the American Tobacco Co., as above set out. Pending such, the said 7 per cent bonds, 5 per cent bonds, and 7 per cent preferred stocks of the Liggett & Myers Tobacco Co. and the P. Lorillard Co., together with an amount in cash, or in securities owned by the American Tobacco Co., at their book value, or partly in cash and partly in such securities, equal to the amounts required if all such sales and exchanges are made, will be deposited with the Guaranty Trust Co. of New York, the trustee in the indenture under which the 6 per cent bonds and the 4 per cent bonds of the American Tobacco Co. are issued, as the agency to effect the purchase and exchange. Such deposit will be made, not to secure nor create a trust fund for the bonds, but for the purpose of sequestrating and taking from the control of the American Tobacco Co. the securities and cash so deposited. During the time of such deposit the securities shall be in the name of as well as in the custody of said trust company, with any voting rights attaching thereto, but the American Tobacco Co. shall receive from the trust company all dividends and interest collected by it on account of such securities; and the American Tobacco Co. shall have the right at any time and from time to time to sell, at such price as it may determine, and direct the delivery of any of such securities (except the securities of Liggett & Myers Tobacco Co. and P. Lorillard Co.), the consideration therefor to go into the hands of said trust company; or to withdraw any of such securities (except the securities of Liggett & Myers Tobacco Co. and P. Lorillard Co.) for the purpose of distribution among its common-stock holders, if its surplus at the time permits; or to substitute other securities of like book value for the securities so deposited (except as to the securities of Liggett & Myers Tobacco Co. and P. Lorillard Co.); or to alter the relative proportion of cash and securities, it being the intent of this provision that there shall be sequestrated from the control of the American Tobacco Co. all the securities of the Liggett & Myers Tobacco Co. and P. Lorillard Co., and an additional amount of cash or other securities equal, upon the purchase basis aforesaid, to the value of the 4 per cent bonds and the 6 per cent bonds of the American Tobacco Co. at the time outstanding. At the end of the three years, if there are any of such securities of the Liggett & Myers Tobacco Co. or P. Lorillard Co. in the hands of such trust company undisposed of by such exchange as aforesaid, then the American Tobacco Co. shall apply to this court for an order as to the disposition thereof. Nothing contained in this provision, and nothing done under this provision, shall be construed as providing for the creation of, or as creating, any lien or security on anything deposited with the trust company in favor of the 6 per cent bonds or the 4 per cent bonds of the American Tobacco Co., outstanding or otherwise.

G.—VOTING RIGHTS TO PREFERRED STOCK.

By proper amendment of the certificate of incorporation of the American Tobacco Co. the preferred stock will be given full voting rights.

H.—CERTAIN INCIDENTAL PROVISIONS.

(1) P. Lorillard Co. is a New Jersey company with $3,000,000 of common stock, all of which is owned by the American Tobacco Co., and $2,000,000 of 8 per cent preferred stock. Of this preferred stock the American Tobacco Co. holds $1,596,100 at par, and there is held by others $403,900 at par. Under the laws of New Jersey the present P. Lorillard Co. may be dissolved by the holders of two-thirds of the outstanding stock, and upon such dissolution the preferred stock is entitled to be paid at par, the balance of the assets going to the common stock. In view of the fact, however, that the preferred stock of the present P. Lorillard Co. is an 8 per cent preferred stock with abundant assets and earnings to make the principal and income secure, it is deemed fair to the holders of this outstanding $403,900 of preferred stock that they be given an opportunity to take at their option, either cash at par, which they are legally entitled to, or the 7 per cent preferred stock of the proposed new P. Lorillard Co. As the preferred stock of the new P. Lorillard Co. is to be a 7 per cent preferred stock, the holders of said $403,900 of said present preferred stock will be offered stock of the new company at the rate of $114.25 for each share. It is therefore proposed that the new P. Lorillard Co. provide for an additional amount of preferred stock sufficient to take care of $403,900 preferred stock on that basis, to wit, $114.25 in new 7 per cent preferred stock for each $100 of said stock, amounting to $461,600 at par of preferred stock in addition to that set out hereinbefore. In view of the fact that in the statements hereinbefore made as to earnings of the P. Lorillard Co. there is included only such part of the earnings of the present P. Lorillard Co. as accrued to the proportion of its stock held by the American Tobacco Co., this increase of preferred stock would increase proportionately the profits of the P. Lorillard Co., and does not derange any of the figures hereinbefore given or given in any of the exhibits hereto and hereinafter referred to.

(2) American Snuff Co. manufactures and sells a brand of snuff called "Garrett," which has a large sale in the southern and southwestern sections of the country. Originally this brand was manufactured at Yorklyn, Del., and in part packed in Philadelphia. Several years ago American Snuff Co. determined, on account of freight-rate conditions, to manufacture this brand at Clarksville, Tenn., and to pack it at Memphis, Tenn., and that the factories at Yorklyn, Del., should be given up to the manufacture of other brands. It has yet, though, been unable to produce in Clarksville, Tenn., goods similar to the goods heretofore and now made by it at Yorklyn, Del., although the experiment is still in progress, and with hope of success. Under the plan hereinbefore outlined the brand "Garrett" snuff is allotted to American Snuff Co., and the factories other than one factory at Yorklyn, Del., are allotted to George W. Helme Co. Your petitioners pray that in the approval and adoption by this court of this plan American Snuff Co. and George W. Helme Co. be permitted to manufacture brands the one for the other for a period not exceeding one year from March 1, 1912, each company paying to the other as consideration for such manufacture the cost thereof plus 5 per cent. The necessity of paying 5 per cent above cost is sufficient inducement to each company to manufacture its own goods as soon as American Snuff Co. is able to manufacture "Garrett" snuff of the requisite character and kind in its Clarksville factory, thus leaving the Yorklyn factories, other than No. 5, for the manufacture by the George W. Helme Co. of its own brands.

This court having heard the parties as directed by the Supreme Court of the United States, it is further ascertained and determined, and ordered, adjudged, and decreed that said plan hereinbefore set forth is a plan or method which, taken with the injunctive provisions hereinafter set forth, will dissolve the combination heretofore adjudged to be illegal in this cause, and will re-create out of the elements now composing it a new condition which will be honestly in harmony with and not repugnant to the law and without unnecessary injury to the public or the rights of private property.

It is further ordered, adjudged, and decreed that the said plan as hereinabove set forth be, and it is hereby, approved by this court, and the defendants herein are respectively directed to proceed forthwith to carry the same into effect.

The necessities of the situation, in the judgment of this court, require the extension of the period for carrying into execution said plan to a further time not to exceed 60 days from December 30, 1911.

It is further ordered, adjudged, and decreed that the defendants be allowed until February 28, 1912, to carry said plan into execution.

It is further ordered, adjudged, and decreed that the defendants, their officers, directors, servants, agents, and employees be, and they are hereby, severally enjoined and restrained as follows:

From continuing or carrying into further effect the combination adjudged illegal in this cause, and from entering into or forming any like combination or conspiracy, the effect of which is or will be to restrain commerce in tobacco or its products or in articles used in connection with the manufacture and trade in tobacco and its products among the States or in the Territories or with foreign nations, or to prolong the unlawful monopoly of such commerce obtained and possessed by the defendants as adjudged herein in violation of the act of Congress approved July 2, 1890, either:

1. By causing the conveyance of the factories, plants, brands, or business of any of the 14 corporations among which the properties and businesses now in the combination are to be distributed, to wit, The American Tobacco Co., Liggett & Myers Tobacco Co., P. Lorillard Co., American Snuff Co., George W. Helme Co., Weyman-Bruton Co., R. J. Reynolds Tobacco Co., British-American Tobacco Co. (Ltd.), Porto Rican-American Tobacco Co., Mac Andrews & Forbes Co., J. S. Young Co., The Conley Foil Co., The Johnston Tin Foil & Metal Co., and United Cigar Stores Co., to any other of said corporations, by placing the stocks of any one or more of said corporations in the hands of voting trustees or controlling the voting power of such stocks by any similar device; or

2. By making any express or implied agreement or arrangement together or one with another like those adjudged illegal in this cause relative to the control or management of any of said 14 corporations, or the price or terms of purchase or of sale of tobacco or any of its products or the supplies or other products dealt with in connection with the tobacco business, or relative to the purchase, sale, transportation, or manufacture of tobacco or its products or supplies or other products dealt with as aforesaid by any of the parties hereto which will have a like effect in restraint of commerce among the States, in the Territories, and with foreign nations to that of the combination, the operation of which is enjoined in this cause, or by making any agreement or arrangement of any kind with any other of such corporations under which trade or business is apportioned between such corporations in respect either to customers or localities.

3. By any of said 14 corporations retaining or employing the same clerical organization, or keeping the same office or offices, as any other of said corporations.

4. By any of said 14 corporations retaining or holding capital stock in any other corporation any part of whose stock is also retained and held by any other of said corporations: *Provided, however,* That this prohibition shall not apply to the holding by the Porto Rican-American Tobacco Co. and American Cigar Co. of stock in Porto Rican Leaf Tobacco Co., nor shall it apply to the holding of stock of the National Snuff Co. (Ltd.), by Weyman-Bruton Co., and British-American Tobacco Co. (Ltd.).

5. By any of said 14 corporations doing business directly or indirectly under any other than its own corporate name or the name of a subsidiary corporation controlled by it: *Provided, however,* That in case of a subsidiary corporation the controlling corporation shall cause the products of such subsidiary corporation which are sold in the United States and bear the name of the manufacturer, to bear also a statement indicating the fact of such control.

6. By any of said 14 corporations refusing to sell to any jobber any brand of any tobacco product manufactured by it except upon condition that such jobber shall purchase from the vendor some other brand or product also manufactured and sold by it: *Provided, however,* That this prohibition shall not be construed to apply to what are known as "combination orders" under which some brand or product may be offered to a jobber or dealer at a reduced price on condition that he purchase a given quantity of some other brand or product.

It is further ordered, adjudged, and decreed that during a period of five years from the date hereof, each of said 14 corporations hereinbefore named, its officers, directors, agents, servants, and employees, are hereby enjoined and restrained, as follows:

1. None of the said 14 corporations shall have any officer or director who is also an officer or director in any other of said corporations.

2. None of said 14 corporations shall retain or employ the same agent or agents for the purchase in the United States of tobacco leaf or other raw material, or for the sale in the United States of tobacco or other products, as that of any other of said corporations.

3. None of said 14 corporations shall directly or indirectly acquire any stock in any other of said corporations, or purchase or acquire any of the factories, plants, brands, or business of any other of said corporations, or make loans or otherwise extend financial aid to any other of said corporations.

The provisions of this decree shall apply only to trade and commerce in or between the several States and Territories and the District of Columbia, and trade and commerce between the United States and foreign nations.

It is further ordered, adjudged, and decreed that British-American Tobacco Co. (Ltd.) and the Imperial Tobacco Co. (of Great Britain and Ireland, Ltd.) shall not act as agent for each other, nor employ a common agent, for the purchase of leaf tobacco in the United States, and neither of said two companies shall unite with any of the said 14 corporations among which the properties and businesses now in the com-

bination are to be distributed, in the employment of a common agent for the purchase of tobacco leaf in the United States.

It is further ordered, adjudged, and decreed that each of the 29 individual defendants in this suit be enjoined and restrained from at any time within three years from the date of this decree, acquiring, owning, or holding, directly or indirectly, any stock, or any legal or equitable interest in any stock in any one of said 14 corporations, except British-American Tobacco Co. (Ltd.), in excess of the amount to which he will be entitled under the provisions of the plan when the same shall have been carried out as proposed as the present owner of the amount of stocks in said several companies shown by the affidavits of said several defendants filed herein on the 16th day of November, 1911: *Provided, however,* That any of said defendants may, notwithstanding this prohibition, acquire from any other or others of said defendants, or in case of death from their estates, any of the stock held by such other defendant or defendants in any of said corporations.

It is further ordered, adjudged, and decreed that the new companies whose organization is provided for in the plan hereinabove set forth, to wit: Liggett & Myers Tobacco Co., P. Lorillard Co., George W. Helme Co., Weyman-Bruton Co., and J. S. Young Co., shall, after their formation and by appropriate proceeding, be made parties defendant to this cause and subject to the provisions of this decree and bound by the injunctions herein granted

It is further ordered, adjudged, and decreed that any party hereto may make application to the court for such orders and directions as may be necessary or proper in relation to the carrying out of said plan, and the provisions of this decree.

It is further ordered, adjudged, and decreed that the costs of this action shall be paid by the defendants other than R. P. Richardson, jr., & Co. (Inc.), as to whom the suit has heretofore been dismissed, and the payment by the defendant, the American Tobacco Co., of the reasonable costs and counsel fees of the committees organized for the protection of the 6 per cent bonds, 4 per cent bonds, and preferred stock of the American Tobacco Co. is hereby approved.

It is further ordered, adjudged, and decreed that the defendants, the American Tobacco Co., MacAndrews & Forbes Co., American Snuff Co., and each of them and their and each of their officers, directors, servants, agents, and employees, be severally enjoined and restrained, as in said plan set forth, from voting stocks, exercising influence or control over other companies or gaining possession of other companies through the use of securities temporarily held by them, respectively, under said plan in each and every case in which it is provided in and by the said plan that any of said three last-named defendants shall be so enjoined.

It is further ordered, adjudged, and decreed that such books and papers of the defendants, the American Tobacco Co. and S. Anargyros, or either of them, as relate to the suit of the Ludington Cigarette Machine Co. *v.* S. Anargyros and the American Tobacco Co., or the subject matter thereof or any part thereof, be preserved by the said defendants, respectively, until after the accounting, if any shall take place in said suit, and said suit be finally determined and ended.

It is further ordered, adjudged, and decreed that jurisdiction of this cause is retained by this court for the purpose of making such other and further orders and decrees, if any, as may become necessary for carrying out the mandate of the Supreme Court.

November, 16, 1911.

E. HENRY LACOMBE,
Circuit Judge.
ALFRED C. COXE,
Circuit Judge.
H. G. WARD,
Circuit Judge.
WALTER C. NOYES,
Circuit Judge.

Mr. HEYBURN. Mr. President, I do not intend to enter upon any extended consideration of the question of the right of appeal to the Supreme Court of the United States from such an order of the court below, refusing to permit an intervention, but the bill which the Senator from Iowa [Mr. CUMMINS] has presented seems to move upon the assumption that the Supreme Court of the United States denied its jurisdiction to allow a review of this decision. I think that assumption is not well founded. The United States Supreme Court did not deny its jurisdiction; it refused to exercise it.

The judicial power vested in the Supreme Court is defined in section 2 of Article III of the Constitution of the United States. That power Congress has no authority to deal with; it can neither add to it nor take from it. Congress, however, is authorized by the terms of that section to confer certain appellate jurisdiction upon the Supreme Court of the United States, both as to law and fact, with such exceptions and under such regulations as Congress shall make.

I am not in sympathy with the manner in which the Tobacco case was disposed of; but when we are asked to enact a law authorizing parties specifically named to appeal who have not the right of appeal prior to the enactment of that law, we open a very dangerous field, for Congress might be continually importuned to allow parties not parties to a proceeding to exercise a right which they might not exercise under the law as it existed at the time of the rendering of the decree or the decision by the Supreme Court. That would be dangerous. We would probably be annoyed throughout future years by applications of this kind. No special legislation should ever be enacted that would be retroactive in its effect. If any persons were unfortunately in a position to be injuriously affected by a decision of the Supreme Court of the United States because of the condition of the law at the time the question arose, that is a condition over which Congress should not attempt to exercise any jurisdiction.

We legislate for the future; it may be five minutes in the future or a number of years; but we can not legislate so as to affect the rights of property as they exist under the law five minutes before the changing of the law. I think the courts would hold we have not the power to enact the provisions of this bill. The judgment has become final under the law as it existed at the time the judgment was rendered and under the law as it exists now. A court of equity is invested with the right to allow parties to interpose in litigation where their interests are to be affected by the result of that litigation, but you can not compel them to exercise that equitable discretion in any particular manner. They have exercised it in this case, not in accordance with the views of the Senator from Iowa and perhaps not in accordance with the views of a great many others, but, having exercised it, it is not competent for Congress to enact a law now conferring a status upon those parties whose rights have already been passed upon.

The Supreme Court says, in conformity with a principle so well established as not to be open to controversy, that the parties now seeking the right to come into court were not parties to the action. Congress is now asked to establish a status for parties who were not parties to the proceedings. If those persons have been injured in their property rights, Congress can not either add to or take away those rights, but the courts are open to them. Merely because a certain officer of the Government declines to act, does not prohibit these parties from obtaining the redress to which they may be entitled under the law; but we can not pass a law that would give them any greater rights than they had when that judgment was rendered. We can not pass a law that will compel the chancellor to exercise his equitable jurisdiction or his conscience in any particular way. It has been exercised; the court has spoken; and it happens to be the court of last resort. I do not think it is within the power of Congress to enact such a bill.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to, and (at 3 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Thursday, December 14, 1911, at 2 o'clock p. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December 13, 1911.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal and ever-living God, our heavenly Father, to whom we are indebted for life and all things and to whom we are responsible for all our acts, hear our petition and look down upon us with compassion, and pardon, we beseech Thee, our sins of commission and omission which are without number; create within us clean hearts and a right spirit that we may strive earnestly henceforth and forever to do Thy will as revealed in the life and character of the world's great Exemplar, our Lord and Master. Amen.

The journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. HUGHES of West Virginia. Mr. Speaker, I desire to submit a request for unanimous consent for the present consideration of the following order, setting aside a day for eulogies on the late Senator STEPHEN B. ELKINS.

Mr. ROBINSON. Mr. Speaker, I will ask the gentleman from West Virginia to withhold that for a moment, as I desire to request unanimous consent for a change of reference of three bills—the bill H. R. 252, the bill H. R. 45, and the bill H. R. 4112—which have all been referred to the Committee on Public Lands, when, as a matter of fact, the Committee on Indian Affairs has jurisdiction of them.

Mr. MANN. Mr. Speaker, I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. This being Calendar Wednesday, is it in order to ask unanimous consent for the consideration of anything except the call of the calendar, unless the House has dispensed with Calendar Wednesday under the rule?

The SPEAKER. The gentleman from Illinois is correct. The only thing that can intervene is a privileged matter.

Mr. HUGHES of West Virginia. Mr. Speaker, I will state for the information of the gentleman from Illinois that I simply desire an order to be made fixing a day for eulogies on the late Senator STEPHEN B. ELKINS.

Mr. ROBINSON. Mr. Speaker, I desire that the change of reference to which I referred shall be made.

The SPEAKER. That will be made. Did the gentleman from Illinois reply to the request of the gentleman from West Virginia?

Mr. MANN. Mr. Speaker, I shall not make any objection if the Chair desires to entertain the request, but it seems to me that under the order we should proceed with the consideration of business in order on Calendar Wednesday.

BEQUEST OF GERTRUDE M. HUBBARD.

The SPEAKER. This is Calendar Wednesday, and the business in order is the consideration of bill H. R. 9833, to accept and fund the bequest of Gertrude M. Hubbard. When the House adjourned on last Wednesday the question was on ordering the previous question on the bill and amendments thereto to final passage. The question will be taken on ordering the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put the amendments in gross. [After a pause.] The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question now is on the passage of the bill.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. SLAYDEN. Mr. Speaker, I demand a division.

The House proceeded to divide.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and twenty-one Members are present—not a quorum.

Mr. MANN. Mr. Speaker, I take it that under the rule, the question being submitted, we should now proceed to a call of the roll on the passage of the bill.

Mr. SLAYDEN. Mr. Speaker, I move a call of the House.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. The Chair had put the question to the House and a viva voce vote had been taken when I made the point of no quorum; and, as I recall the rule, it provides for a vote on a roll call.

Mr. SLAYDEN. On the passage of the bill.

The SPEAKER. Let us see what the situation was; the Chair has almost forgotten. On the aye-and-no vote the Chair announced that the noes seemed to have it, and the gentleman from Texas [Mr. SLAYDEN] demanded a division. The call of the House goes without any motion. The doors will be closed, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

Mr. FULLER. Mr. Speaker, many of us here do not understand what this bill is, and I ask to have it reported by title.

The SPEAKER. This is a call of the House, and the vote is taken on the bill (H. R. 9833) to accept and fund the bequest of Gertrude M. Hubbard. This is the bill which the gentleman from Texas [Mr. SLAYDEN] had up last Wednesday.

The question was taken; and there were—yeas 181, nays 132, answered "present" 4, not voting 71, as follows:

YEAS—181.

Adair	Copley	Garrett	Hughes, W. Va.
Aiken, S. C.	Cox, Ohio	Gillett	Humphrey, Wash.
Ainey	Crago	Godwin, N. C.	Humphreys, Miss.
Ansberry	Crumpacker	Goeke	Jackson
Anthony	Cullop	Goldfogle	Kahn
Ashbrook	Curley	Good	Kennedy
Austin	Dalzell	Graham	Kent
Ayres	Danforth	Green, Iowa	Kindred
Bartlett	Davidson	Greene, Mass.	Kinkaid, Nebr.
Bates	De Forest	Gregg, Pa.	Kinkead, N. J.
Blackmon	Dent	Gregg, Tex.	Kitchin
Bowman	Difenderfer	Guernsey	Knowland
Brantley	Dodds	Hamill	Konig
Brown	Donohoe	Hamilton, W. Va.	Lafferty
Browning	Draper	Hammond	Lamb
Buchanan	Dupre	Hanna	Langham
Burke, Pa.	Dwight	Harrison, Miss.	Langley
Burke, S. Dak.	Dyer	Harrison, N. Y.	Lee, Pa.
Burleson	Ellerbe	Hartman	Lever
Butler	Estopinal	Hawley	Linthicum
Byrnes, S. C.	Evans	Hay	Littlepage
Calder	Farr	Heald	Littleton
Cannon	Finley	Heflin	Lobeck
Cantrill	Flood, Va.	Henry, Conn.	Longworth
Carlin	Fordney	Henry, Tex.	McCall
Carter	Foss	Higgins	McCoy
Cary	French	Hinds	McGillicuddy
Clark, Fla.	Fuller	Holland	McHenry
Clayton	Gardner, Mass.	Howland	Mann
Connell	Gardner, N. J.	Hughes, Ga.	Martin, S. Dak.
Conry	Garner	Hughes, N. J.	Moon, Tenn.
Morgan	Redfield	Smith, J. M. C.	Tuttle
Mott	Rees	Smith, Tex.	Underhill
Murdock	Reyburn	Sparkman	Underwood
Murray	Richardson	Stanley	Utter
Needham	Roberts, Mass.	Steenerson	Wedemeyer
O'Shaunessy	Roberts, Nev.	Sulzer	Whitacre
Parran	Rodenberg	Sweet	White
Patten, N. Y.	Rothermel	Talbott, Md.	Wickliffe
Patton, Pa.	Rucker, Colo.	Talcott, N. Y.	Wilder
Payne	Scully	Taylor, Ohio	Wilson, N. Y.
Peters	Sells	Thayer	Wood, N. J.
Pickett	Sharp	Thistlewood	Young, Mich.
Plumley	Slayden	Tilson	
Porter	Slemp	Towner	
Pray	Sloan	Turnbull	

NAYS—132.

Akin, N. Y.	Faison	Lenroot	Reilly
Alexander	Ferris	Lindbergh	Robinson
Allen	Fitzgerald	Lloyd	Roddenbery
Anderson, Minn.	Floyd, Ark.	McGuire, Okla.	Rubey
Barnhart	Foster, Ill.	McKellar	Rucker, Mo.
Bathrick	Fowler	McKenzie	Russell
Beall, Tex.	Francis	McKinley	Saunders
Bell, Ga.	Gallagher	McKinney	Shackleford
Bingham	George	McMorran	Sheppard
Boehne	Glass	Macon	Sherwood
Booher	Goodwin, Ark.	Madden	Sisson
Bulkley	Gray	Maguire, Nebr.	Small
Burgess	Griest	Malby	Smith, Saml. W.
Burke, Wis.	Gudger	Martin, Colo.	Speer
Burnett	Hardy	Matthews	Stedman
Byrns, Tenn.	Harris	Mays	Stephens, Nebr.
Callaway	Haugen	Moore, Pa.	Stephens, Miss.
Campbell	Helgesen	Morrison	Sterling
Candler	Helm	Morse, Wis.	Stone
Catlin	Hensley	Moss, Ind.	Sulloway
Claypool	Houston	Nelson	Switzer
Cline	Howard	Norris	Taylor, Ala.
Collier	Hubbard	Nye	Taylor, Colo.
Cooper	Hull	Oldfield	Thomas
Daugherty	Jacoway	Padgett	Volstead
Davenport	Johnson, S. C.	Page	Webb
Denver	Jones	Palmer	Willis
Dickinson	Kendall	Pepper	Wilson, Ill.
Dickson, Miss.	Konop	Post	Wilson, Pa.
Dies	Kopp	Prouty	Witherspoon
Dixon, Ind.	Korbly	Raker	Woods, Iowa
Doughton	La Follette	Randell, Tex.	Young, Kans.
Edwards	Lee, Ga.	Rauch	Young, Tex.

ANSWERED "PRESENT"—4.

Fornes	Legare	Levy	Olmsted

NOT VOTING—71.

Adamson	Driscoll, M. E.	Lewis	Rouse
Ames	Esch	Lindsay	Sabath
Anderson, Ohio	Fairchild	Loud	Sherley
Andrus	Fields	McCreary	Simmons
Barchfeld	Focht	McDermott	Sims
Bartholdt	Foster, Vt.	McLaughlin	Smith, N. Y.
Berger	Gould	Maher	Stack
Borland	Hamilton, Mich.	Miller	Stephens, Cal.
Bradley	Hamlin	Mondell	Stephens, Tex.
Broussard	Hardwick	Moon, Pa.	Stevens, Minn.
Covington	Hayes	Moore, Tex.	Taggart
Cox, Ind.	Hill	Pou	Townsend
Cravens	Hobson	Powers	Tribble
Currier	Howell	Prince	Vreeland
Davis, Minn.	James	Pujo	Warburton
Davis, W. Va.	Johnson, Ky.	Rainey	Watkins
Doremus	Lafean	Ransdell, La.	Weeks
Driscoll, D. A.	Lawrence	Riordan	

So the bill was passed.

The Clerk announced the following pairs:

Until December 14:

Mr. JAMES with Mr. OLMSTED.

Until after holiday recess:

Mr. STEPHENS of Texas with Mr. MILLER.

Mr. LEGARE with Mr. LOUD.

Mr. RAINEY with Mr. FAIRCHILD.

Mr. SABATH with Mr. MICHAEL E. DRISCOLL.

Mr. HARDWICK with Mr. MCLAUGHLIN.

Mr. BORLAND with Mr. HAMILTON of Michigan.

Mr. DOREMUS with Mr. SIMMONS.

Until further notice:

Mr. SIMS with Mr. ESCH.

Mr. LINDSAY with Mr. LAWRENCE.

Mr. DAVIS of West Virginia with Mr. LAFEAN.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. RANSDELL of Louisiana with Mr. CURRIER.

Mr. ANDERSON of Ohio with Mr. AMES.

Mr. COVINGTON with Mr. BARCHFELD.

Mr. HAMLIN with Mr. BARTHOLDT.

Mr. COX of Indiana with Mr. FOCHT.

Mr. FIELDS with Mr. DAVIS of Minnesota.

Mr. HOBSON with Mr. FOSTER of Vermont.

Mr. MCDERMOTT with Mr. WARBURTON.

Mr. SHERLEY with Mr. HILL.

Mr. SMITH of New York with Mr. VREELAND.

Mr. POU with Mr. WEEKS.

Mr. MOORE of Texas with Mr. MOON of Pennsylvania.

Mr. TOWNSEND with Mr. HAYES.

Mr. WATKINS with Mr. MCCREARY.

Mr. ROUSE with Mr. MONDELL.
Mr. LEWIS with Mr. PRINCE.
Mr. DANIEL A. DRISCOLL with Mr. HOWELL.
For the session:
Mr. FORNES with Mr. BRADLEY.
Mr. RIORDAN with Mr. ANDRUS.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum having appeared further proceedings under the call are dispensed with and the Doorkeeper will open the doors. This is Calendar Wednesday and the Clerk will call the roll of committees, beginning with the Committee on the Library.

CALENDAR WEDNESDAY.

The Clerk proceeded with the call of the committees.

POSITIONS IN CIRCUIT COURT.

Mr. CLAYTON (when the Committee on the Judiciary was called). Mr. Speaker, I desire to call up the bill S. 2877.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 2877) amending section 67 of the act approved March 3, 1911, to codify, revise, and amend the laws relating to the judiciary.

Be it enacted, etc., That section 67 of the act approved March 3, 1911, to codify, revise, and amend the laws relating to the judiciary be amended by adding at the end of said section the following:

"*Provided*, That no such person at present holding a position or employment in a circuit court shall be debarred from similar appointment or employment in the district court succeeding to such circuit court jurisdiction."

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] is entitled to one hour.

Mr. CLAYTON. Mr. Speaker, this bill passed the Senate without objection and comes to the House with the unanimous support of the Committee on the Judiciary. It adds a proviso to section 67 of the act approved March 3, 1911. I have not a copy of that section before me, but the code, which will go into effect January 1 next, stipulates that no person related in certain degree of consanguinity or affinity to the judge shall be appointed clerk. Of course, we know that under this judiciary act, effective January 1, all the circuit courts are abolished and the district courts succeed them. Clerks will have to be appointed for the district courts. The code which will then be in operation, without amendment, would prevent any man who is related within certain degree by affinity or consanguinity to the district judge from being appointed clerk. This proviso says:

Provided, That no such person at present holding a position or employment in a circuit court shall be debarred from similar appointment or employment in the district court succeeding to such circuit-court jurisdiction.

It so happens that it has been called to the attention of the committee that there are two cases, at least, and maybe no more, in the United States—one in Georgia and one in Florida—where the clerk of the circuit court has filled the position long and acceptably, and in nowise owes his appointment as circuit clerk to the district judge, and yet the clerk is related in a prohibitive degree to the district judge. For instance, the attention of the committee was called to the condition in Georgia by the gentleman from Georgia [Mr. BARTLETT] and the other gentleman from Georgia [Mr. BRANTLEY]. The clerk of that court was appointed many years ago by Circuit Judge Pardee, and the clerk will now be legislated out of office on the 1st day of January, unless this proviso is added to section 67 of the act of March 3, 1911. He is ineligible, unless the section of the code referred to in the bill is amended, because he is related, as I have said, in the prohibitive degree, by affinity, to Judge Speer, the district judge there. The bar, and many people of the district where this circuit clerk resides, and of which he is circuit clerk, desire his reappointment or appointment as clerk of the district court as it will be constituted after January 1. I am told that a similar case exists in Jacksonville, Fla., where the clerk is related to District Judge Locke, who did not make the appointment, and under the general law, without this provision, he would be ineligible to appointment, and the public who are concerned in this matter directly desire the reappointment of that clerk under the new order of things on January 1.

Mr. SULZER. Will the gentleman yield?

Mr. CLAYTON. Certainly.

Mr. SULZER. I understand this bill has already passed the Senate unanimously, and that it has an unanimous report from the Committee on the Judiciary of the House?

Mr. CLAYTON. It has. And the gentleman from Georgia [Mr. BARTLETT] can make any further explanation if it is so desired.

Mr. MOORE of Pennsylvania. Mr. Speaker——

The SPEAKER. Does the gentleman from Alabama [Mr. CLAYTON] yield to the gentleman from Pennsylvania [Mr. MOORE]?

Mr. CLAYTON. I do.

Mr. MOORE of Pennsylvania. Would the passage of this amendment involve extra compensation to the district clerk serving in the capacity of circuit clerk?

Mr. CLAYTON. Not at all. It would merely relieve the ineligibility of two men, I believe, and permit their appointment.

Mr. MOORE of Pennsylvania. I am in favor of the bill, but wanted to know if it involved additional expense.

Mr. CLAYTON. It involves no additional expense whatever. It permits those who now hold the office and who are related to the judges in the prohibited degree to be appointed by the district judge after the 1st of January. But it would not make any man eligible for appointment who comes within the prohibited degree who is not now a clerk.

Mr. BARTLETT. Mr. Speaker, will the gentleman yield?

Mr. CLAYTON. Yes; I yield to the gentleman from Georgia.

Mr. BARTLETT. Just a minute or two.

Mr. CLAYTON. As much time as the gentleman may desire to use—five minutes or more, if the gentleman likes. I yield five minutes to the gentleman from Georgia, Mr. Speaker.

The SPEAKER. The gentleman from Georgia [Mr. BARTLETT] is recognized for five minutes.

Mr. BARTLETT. Mr. Speaker, this is a Senate bill, which passed at the last session of Congress by unanimous vote and has been unanimously reported by the Committee on the Judiciary to this House. Section 67, if I recall the number aright, of the bill to revise and codify the laws of the United States—the "Judiciary Title"—which was passed at the last session of the last Congress, provided that no person should be appointed to any office in the courts of the United States who was related to the judge thereof by affinity or consanguinity in the degree of first cousin. I do not recall how the section was placed in the bill, whether by amendment offered on the floor of the House or whether it was in the bill as reported from the Committee on Revision of the Laws; but I think it was offered as an amendment. Without suggesting that the provision in its policy is not wise, but rather concurring in the suggestion that the provision is a wise one for the future, it happens that there were probably two instances called to the attention of Congress since the passage of that bill which were not called to its attention at the time the bill was adopted. If they had been called to the attention of Congress, in all probability the exception would have been made which is provided by this bill; at least an effort to make an exception would have been made at the time.

There have been two cases to which my attention has been called and directed—I know of but two positively—where the clerk of the United States court is related to the district judge. I am not familiar with the facts except in connection with the case in my own judicial district, the southern district of Georgia. When attention was called to it an effort was made to remedy it, so as to enable the judge hereafter not to appoint anybody related to him in the degree named, but wherever a case exists to permit a clerk already in office, not to be appointed, but to be eligible to appointment.

Now, to refer to the case that exists in my own judicial district, I may say that we have a clerk there who has been in office for 22 years, the brother-in-law to the district judge. That clerk does not owe his appointment, and never did owe it, to his brother-in-law, the district judge, but was appointed clerk by the circuit judge, Judge Pardee; and I do not exaggerate when I say, from personal knowledge and from the almost unanimous indorsement of the bar of that district and the unanimous indorsement of the bar of the city where the gentleman resides and where he is familiarly known, that he has been as efficient, faithful, and as polite and courteous an official and clerk as I have known. So far as I am concerned, I bear testimony here to the official efficiency and high personal character and integrity of that clerk. I also have in my possession, some of which I will incorporate in the RECORD, a great number of testimonials, letters, and indorsements of the members of the bar and of business men and of ministers of various denominations in that city who know him.

Now, I have, as I said, no personal interest in the matter. My interest is to endeavor to prevent an injustice being done to a worthy gentleman and an experienced and efficient officer.

Mr. HARDY. Mr. Speaker, will the gentleman permit an interruption?

The SPEAKER. Does the gentleman from Georgia yield to the gentleman from Texas?

Mr. BARTLETT. Yes; in a minute.

So far as I am concerned, I am anxious to see that no injustice shall be done to this clerk or to others similarly situated, not to say that he shall continue in his office; that is not the bill; but the bill is simply the prohibition of this section which prohibits his appointment on account of his relationship to the

present judge shall not prevent his appointment as clerk of the new district court.

Mr. HARDY. The question I wanted to ask the gentleman is this: This bill as it stands does not select any particular locality?

Mr. BARTLETT. No; it does not.

Mr. HARDY. Then it is in the line of antinepotism generally, is it not?

Mr. BARTLETT. I did not catch the gentleman's question.

Mr. HARDY. That is, it opposes the appointment of relatives by public officials?

Mr. BARTLETT. The original section, I apprehend, had that purpose in view.

Mr. HARDY. Is not that the substance and effect of this bill?

The SPEAKER. The time of the gentleman has expired.

Mr. CLAYTON. Does the gentleman desire to occupy further time? If so, I yield five minutes more to the gentleman from Georgia.

Mr. BARTLETT. I thank the gentleman. Mr. Speaker, I do not desire to say anything further, except that this bill is not in the interest of nepotism, but simply permits these men to hold their offices in the event they are appointed. That is all. It is not only fair and just, but in the interest of the public, in that it will secure the continuation of the services of a tried, experienced, and faithful clerk who has so discharged his duties as to merit the approval of the bar of the court in which he has long acted as clerk and of the citizens amongst whom he has resided. I present the following of the many letters indorsing this bill:

MACON, GA., *November 4, 1911.*

Hon. C. L. BARTLETT, *Macon, Ga.*

DEAR SIR: It has been called to our attention that our fellow citizen, Mr. Cecil Morgan, is liable to lose his position with the United States courts simply because of his being the brother-in-law of Judge Emory Speer.

While we understand from others that he is thoroughly qualified to hold his position, we have personal knowledge of his many sterling qualities as a private citizen connected with many of our leading business enterprises.

We respectfully but earnestly urge you to exercise your best efforts toward securing the passage of such congressional legislation as will insure the retention of this valuable citizen in his present official employment.

Respectfully,

Rev. THOS. D. MADDEN, S. J.,
Pastor St. Joseph's Catholic Church.
Rev. JOHN S. BUNTING,
Rector Christ Church.
Rev. P. W. ELLIS,
Pastor Centenary Methodist Episcopal Church, South.
Rev. RUTHERFORD E. DOUGLAS,
Pastor First Presbyterian Church.
Rev. E. C. DARGAN,
Pastor First Baptist Church.

MACON, GA., *June 2, 1911.*

Hon. CHARLES L. BARTLETT,
Washington, D. C.

MY DEAR BARTLETT: Cecil Morgan tells me that he has written you about protecting the present incumbents in the clerk's department in the United States courts where they are efficient and satisfactory. He has shown me the suggested amendment to the judiciary act, which will give such protection.

I simply send you this brief letter to say that I know Morgan intimately, both in his official work and personally. I have found him to be a man of independent character and absolutely incorruptible. He is besides both prompt and capable. I do not know a better clerk in any of the courts, State or Federal. He is my neighbor, as you know, and I am very fond of him.

As I recall all past legislation where changes have been made in offices and matters of that sort, we have always tried to protect the satisfactory incumbents. I think Morgan is entitled to this protection, for he fully deserves it, and I hope you will be able to help him.

Faithfully, yours,

A. L. MILLER.

The writer was for years judge of the superior court of the Macon circuit and a prominent attorney and practitioner in the courts.

MACON, GA., *June 5, 1911.*

Hon. CHARLES L. BARTLETT,
House of Representatives, Washington.

DEAR JUDGE: Mr. Cecil Morgan has requested me to write you in regard to the matter about which he has been communicating with you as to amending the new civil code so as not to debar him from holding office on account of his relationship to the judge. Mr. Morgan is, as you know, a most efficient officer, and I should very much dislike to see his connection with the court severed, and if an amendment can be drafted which will allow him to retain his connection with the clerk's office I am quite sure it will give general pleasure to all those who have dealings with the court.

However, I wish to add that I think provision 67 of the act is a most valuable one, and I would not lend my indorsement to have anything done which would weaken or strike from the act this very wise provision.

Most sincerely, yours,

T. S. FELDER.

The writer is at present the attorney general of the State of Georgia.

CENTRAL OF GEORGIA RAILWAY COMPANY,
Macon, Ga., November 24, 1911.

Hon. C. L. BARTLETT, *Macon, Ga.*

DEAR SIR: It has been called to my attention that due to a recent bill introduced and passing Congress one of our fellow citizens, Mr. Cecil Morgan, is liable to lose his position with the United States courts, one that he has filled for over 22 years; and from the best information I can get from those that are in position to know, his services have been entirely satisfactory to both the court and others who have come in contact with him, and he is thoroughly qualified to hold this position.

I also learn that through the efforts of Senator BACON an amendment has been introduced, providing that no such person at present holding a position or employment in a circuit court shall be debarred from similar appointment or employment in the district court succeeding to such circuit-court jurisdiction, and that it now remains for this amendment to pass the House.

I respectfully, but earnestly, urge you to exercise your best efforts toward securing the passage of such congressional legislation as will insure this valuable citizen the retention of his present official employment, and I feel safe in saying that this will meet the hearty approval of your many railroad friends.

Yours, respectfully,

W. H. FETNER.

Mr. CLAYTON. Does the gentleman from Illinois [Mr. MANN] desire some time?

Mr. MANN. Will the gentleman yield to me 10 minutes?

Mr. CLAYTON. Certainly. I ask the gentleman to wait one minute, to let me make a brief statement, then I will yield to him.

Mr. MANN. Certainly.

Mr. CLAYTON. Section 67, which this bill proposes to amend, is in the following language:

No person shall be appointed to or employed in any office or duty in any court who is related by affinity or consanguinity within the degree of first cousin to the judge of such court.

The proviso which this bill carries adds to that section this language:

Provided, That no such person at present holding a position or employment in a circuit court shall be debarred from similar appointment or employment in the district court succeeding to such circuit court or jurisdiction.

The bill changes the section of the code which I have just read by permitting such a person at present employed—that is, a person within the prohibited degree of affinity or consanguinity in his relationship to the judge—to be appointed clerk of the district court under the reorganization, if I may so term it, of the Federal courts. Now, I yield to the gentleman from Illinois 10 minutes.

Mr. MANN. Mr. Speaker, this bill ought to be entitled "A bill declaring that Congress is in favor of enacting laws but against enforcing them."

Here is a proposition, adopted less than a year ago, providing that the judge of the Federal court shall not be permitted to appoint his first cousin an officer of the court. It seems to me a wise and salutary provision, adopted because of the abuses which had crept in. It is now proposed to relieve these abuses from the prohibition of this salutary provision by a special enactment. If, in the opinion of Congress, it is improper for the Federal judge to appoint his first cousin to be clerk of his court, why should we turn right around and say that he may do so as to those who are now benefiting by the abuse which existed in the past? If this is not a wise and salutary provision, then we ought to repeal the section which prohibits the appointment of first cousins. If we are opposed to a Federal judge appointing his first cousin a clerk of his court, then we ought to enforce the law.

I suppose the distinguished Judiciary Committee will soon be bringing in some antitrust legislation making strong restrictions, but followed up by a provision, "This shall not apply to any existing evil or any existing trust." If the evil exists, let us enforce the law. If there is no evil, then repeal this provision of the law. No one can justify the passage of a law to prohibit a thing as wrong and then the exemption of those who are now benefited by the wrong.

I accept in good faith the statement of my distinguished friend from Georgia [Mr. BARTLETT] as to the character of one of the men who would be benefited by this act. I have no doubt that the cousin of a Federal judge anywhere in the country can obtain the indorsement of a great many people in his locality urging his appointment; but if for reasons which seem to be manifest it is the policy of the law that the Federal judge shall not be permitted to be biased in the selection of the employees of his court, and if we maintain a law prohibiting the appointment of first cousins of judges at all, then I am in favor of applying the law to the evil that now exists, if it be an evil. I do not know how many this would affect. Nobody else knows. Two have made it known that it would affect them. Doubtless all the employees in the courts of the country have not been canvassed to see whether they are first cousins of judges. Federal judges are human, like other people. They are just as apt to make appointments for personal reasons of favoritism as we would be.

It should be the policy of the country to uphold the dignity of the Federal bench, to guard against the possibility of favoritism on the part of the judges because of close kinship. I am opposed to declaring in one breath that the Federal bench

shall be preserved from the charge of this favoritism and in the next breath declaring that they may exercise it in particular cases.

Mr. CLAYTON. Mr. Speaker, unless somebody else desires to say something I will ask for a vote.

The SPEAKER. The question is on the third reading of the Senate bill.

The question was taken; the bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question now is, Shall the bill pass?

The question was taken; and on a division (demanded by Mr. MANN) there were 63 ayes and 34 noes.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. There is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. All those in favor of the passage of the bill will say "aye" and those opposed will say "no."

The question was taken; and there were—yeas 194, nays 89, answered "present" 4, not voting 101, as follows:

YEAS—194.

Adair	Evans	Kindred	Raker
Aiken, S. C.	Faison	Kinkaid, Nebr.	Rauch
Alexander	Ferris	Kinkead, N. J.	Redfield
Allen	Finley	Kitchin	Rees
Ansberry	Fitzgerald	Knowland	Reilly
Ashbrook	Flood, Va.	Konig	Richardson
Austin	Floyd, Ark.	Konop	Roberts, Mass.
Ayres	Foss	Korbly	Robinson
Bartlett	Foster, Ill.	Lafean	Roddenbery
Beall, Tex.	Fowler	Lafferty	Rothermel
Berger	Francis	Langley	Rubey
Booher	French	Lee, Ga.	Rucker, Colo.
Brantley	Gallagher	Lee, Pa.	Rucker, Mo.
Brown	Gardner, N. J.	Lever	Scully
Bulkley	Garner	Linthicum	Slayden
Burgess	George	Littlepage	Slemp
Burke, Pa.	Glass	Lobeck	Small
Burke, Wis.	Godwin, N. C.	Longworth	Smith, N. Y.
Burnett	Goeke	McCall	Sparkman
Butler	Goldfogle	McCoy	Stephens, Nebr.
Byrnes, S. C.	Graham	McDermott	Sterling
Byrns, Tenn.	Gray	McGuire, Okla.	Sulloway
Calder	Gregg, Pa.	McHenry	Sweet
Campbell	Gudger	McKellar	Taggart
Candler	Hamill	McMorran	Talbott, Md.
Cantrill	Hamilton, W. Va.	Macon	Talcott, N. Y.
Carlin	Hammond	Maguire, Nebr.	Taylor, Ala.
Carter	Harrison, Miss.	Martin, Colo.	Taylor, Ohio
Clark, Fla.	Harrison, N. Y.	Mays	Thayer
Claypool	Hay	Mondell	Tilson
Clayton	Heald	Moon, Pa.	Turnbull
Collier	Heflin	Morgan	Tuttle
Conry	Henry, Tex.	Morrison	Underhill
Cox, Ohio	Hensley	Moss, Ind.	Underwood
Cullop	Higgins	Murray	Utter
Curley	Hinds	Needham	Vreeland
Dalzell	Hobson	Nye	Watkins
Daugherty	Holland	Oldfield	Webb
Davis, W. Va.	Houston	O'Shaunessy	Wedemeyer
Dent	Howland	Padgett	Weeks
Dickinson	Hubbard	Page	Whitacre
Dixon, Ind.	Hughes, Ga.	Palmer	White
Dodds	Hughes, N. J.	Parran	Wickliffe
Donohoe	Hughes, W. Va.	Patten, N. Y.	Wilson, N. Y.
Doughton	Hull	Pepper	Wilson, Pa.
Dupre	Humphreys, Miss.	Peters	Young, Mich.
Edwards	Jacoway	Pickett	Young, Tex.
Ellerbe	Jones	Plumley	
Estopinal	Kendall	Porter	

NAYS—89.

Ainey	Focht	Langham	Sisson
Akin, N. Y.	Fordney	Lenroot	Sloan
Anderson, Minn.	Fuller	Lindbergh	Smith, J. M. C.
Anderson, Ohio	Gardner, Mass.	McKenzie	Smith, Tex.
Anthony	Good	McKinley	Stedman
Barnhart	Green, Iowa	McKinney	Steenerson
Bathrick	Greene, Mass.	Madden	Stephens, Cal.
Bowman	Griest	Maiby	Stephens, Miss.
Browning	Hanna	Mann	Stone
Buchanan	Hardy	Martin, S. Dak.	Sulzer
Burke, S. Dak.	Harris	Morse, Wis.	Taylor, Colo.
Burleson	Hartman	Mott	Thomas
Callaway	Haugen	Nelson	Towner
Cary	Helgesen	Patton, Pa.	Volstead
Catlin	Helm	Prince	Wilder
Cooper	Henry, Conn.	Prouty	Willis
Davidson	Hill	Reyburn	Witherspoon
De Forest	Humphrey, Wash.	Roberts, Nev.	Wood, N. J.
Denver	Jackson	Rodenberg	Woods, Iowa
Dies	Kahn	Russell	Young, Kans.
Draper	Kennedy	Sells	
Dwight	Kopp	Shackleford	
Dyer	La Follette	Sherwood	

ANSWERED "PRESENT"—4.

Fornes	Legare	Olmsted	Sharp

NOT VOTING—101.

Adamson	Bell, Ga.	Broussard	Cox, Ind.
Ames	Bingham	Cannon	Crago
Andrus	Blackmon	Cline	Cravens
Barchfeld	Boehne	Connell	Crumpacker
Bartholdt	Borland	Copley	Currier
Bates	Bradley	Covington	Danforth
Davenport	Hardwick	Maher	Saunders
Davis, Minn.	Hawley	Matthews	Sheppard
Dickson, Miss.	Hayes	Miller	Sherley
Difenderfer	Howard	Moon, Tenn.	Simmons
Doremus	Howell	Moore, Pa.	Sims
Driscoll, D. A.	James	Moore, Tex.	Smith, Saml. W.
Driscoll, M. E.	Johnson, Ky.	Murdock	Speer
Esch	Johnson, S. C.	Norris	Stack
Fairchild	Kent	Payne	Stanley
Farr	Lamb	Post	Stephens, Tex.
Fields	Lawrence	Pou	Stevens, Minn.
Foster, Vt.	Levy	Powers	Switzer
Garrett	Lewis	Pray	Thistlewood
Gillett	Lindsay	Pujo	Townsend
Goodwin, Ark.	Littleton	Rainey	Tribble
Gould	Lloyd	Randell, Tex.	Warburton
Gregg, Tex.	Loud	Ransdell, La.	Wilson, Ill.
Guernsey	McCreary	Riordan	
Hamilton, Mich.	McGillicuddy	Rouse	
Hamlin	McLaughlin	Sabath	

So the bill was passed.

The Clerk announced the following additional pairs:

On this vote:

Mr. MOORE of Texas with Mr. MOORE of Pennsylvania.

Mr. BELL of Georgia with Mr. CANNON.

Until further notice:

Mr. POU with Mr. MURDOCK.

Mr. SAUNDERS with Mr. SPEER.

Mr. STANLEY with Mr. NORRIS.

Mr. RANDELL of Texas with Mr. PRAY.

Mr. SHEPPARD with Mr. SAMUEL W. SMITH.

Mr. SHERLEY with Mr. PAYNE.

Mr. POST with Mr. SWITZER.

Mr. MCGILLICUDDY with Mr. THISTLEWOOD.

Mr. LLOYD with Mr. MATTHEWS.

Mr. LITTLETON with Mr. MCCREARY.

Mr. LAMB with Mr. HAWLEY.

Mr. JOHNSON of South Carolina with Mr. GUERNSEY.

Mr. HOWARD with Mr. GILLETT.

Mr. GOODWIN of Arkansas with Mr. KENT.

Mr. GARRETT with Mr. FOSTER of Vermont.

Mr. COX of Indiana with Mr. CRUMPACKER.

Mr. DICKSON of Mississippi with Mr. FARR.

Mr. CONNELL with Mr. COPLEY.

Mr. CLINE with Mr. BINGHAM.

Mr. BOEHNE with Mr. BATES.

Mr. BLACKMON with Mr. AMES.

Mr. ROUSE with Mr. CRAGO.

Mr. MOON of Tennessee with Mr. WILSON of Illinois.

The SPEAKER. On this question the yeas are 193, noes 90, present 3. The yeas have it, and the bill is passed. A quorum is present, and the Doorkeeper will open the doors.

On motion of Mr. SLAYDEN, a motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. STEPHENS of California for eight days, on account of trip to Panama.

The SPEAKER. The Clerk will proceed with the call of committees.

TREATY BETWEEN RUSSIA AND THE UNITED STATES.

Mr. SULZER (when the Committee on Foreign Affairs was called). Mr. Speaker, I call up House joint resolution 166, providing for the termination of the treaty of 1832 between the United States and Russia, which I send to the desk and ask to have read.

The Clerk read as follows:

House joint resolution 166, providing for the termination of the treaty of 1832 between the United States and Russia.

Resolved, etc., That the people of the United States assert as a fundamental principle that the rights of its citizens shall not be impaired at home or abroad because of race or religion; that the Government of the United States concludes its treaties for the equal protection of all classes of its citizens, without regard to race or religion; that the Government of the United States will not be a party to any treaty which discriminates, or which by one of the parties thereto is so construed as to discriminate, between American citizens on the ground of race or religion; that the Government of Russia has violated the treaty between the United States and Russia, concluded at St. Petersburg December 18, 1832, refusing to honor American passports duly issued to American citizens, on account of race and religion; that in the judgment of the Congress the said treaty, for the reasons aforesaid, ought to be terminated at the earliest possible time; that for the aforesaid reasons the said treaty is hereby declared to be terminated and of no further force and effect from the expiration of one year after the date of notification to the Government of Russia of the terms of this resolution, and that to this end the President is hereby charged with the duty of communicating such notice to the Government of Russia.

Mr. SULZER. Mr. Speaker, the joint resolution just read by the Clerk of the House of Representatives speaks for itself and demands the abrogation of the Russian treaty concluded in St. Petersburg in 1832, because for nearly half a century Russia has persistently refused to abide by its terms and recognize passports of American citizens without discrimination.

Treaties between nations should be free from ambiguity regarding the rights of their respective citizens to visit and sojourn in the country of each other, and should admit of no discrimination in favor of some citizens and against other citizens of either of the high contracting parties. It is customary among the nations of the world to recognize without discrimination the passports of each, when duly issued and authenticated, to their respective citizens who desire to travel in other countries.

The question now before the Congress of the United States regarding this "Russian passport question" resolves itself into this: Has Russia by the treaty of 1832 agreed to recognize American passports without discrimination?

To determine the matter it is necessary to read the provision in the treaty of 1832 between the United States and Russia. Article 1 of that treaty reads as follows:

> There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation. The inhabitants of their respective States shall mutually have liberty to enter the ports, places, and rivers of the territories of each party wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories, in order to attend to their affairs, and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside.

This provision of the treaty seems to be plain and clear, and gives citizens of the United States—

> the right to sojourn and reside in all parts of Russia in order to attend to their affairs, and they shall enjoy the same security and protection as natives of the country wherein they reside.

A treaty is the supreme law of the land, and Mr. Justice Field, of the United States Supreme Court, laid down the construction of treaties in Geofroy *v.* Riggs (133 U. S., 271), in which he said:

> It is a general principle of construction with respect to treaties that they shall be liberally construed, so as to carry out the apparent intent of the parties to secure equality and reciprocity between them. As they are contracts between independent nations, in their construction, words are to be taken in their ordinary meaning, as understood in the public law of nations, and not in any artificial or special sense impressed upon them by local law, unless such restricted sense is clearly intended. And it has been held by this court that where a treaty admits of two constructions, one restrictive of rights that may be claimed under it and the other favorable to them, the latter is to be preferred.

The treaty with Russia regarding the rights of our people to travel and sojourn in Russia is clear and explicit. By virtue of its terms I am certain that no discrimination can be made against any American citizen desiring to visit Russia on account of race or religion; and when Russia makes this discrimination she violates the treaty and perpetrates an act unfriendly to the people of the United States. We can not tolerate this injustice to some of our citizens, this violation of treaty stipulations, this race prejudice, and this religious discrimination. It is foreign to the fundamental principles of our free institutions and contrary to everything for which civilization stands at the dawn of the twentieth century.

We assert that the Government of the United States has carefully lived up to its treaty obligations with Russia. We have granted to every Russian coming to this country all the rights stipulated in the treaty, irrespective of race or religion. That is our construction of the treaty of 1832 and demonstrates the intention of the United States Government in its conclusion.

American citizens should have the same rights to visit and sojourn in Russia that Russian citizens have to visit and sojourn in the United States. If they do not, then the treaty is violated and it ought to be abrogated.

The refusal of Russia to recognize American passports on account of race and religion is a clear violation, in my judgment, of the treaty, and the remaining question is one of remedy only.

The first duty of our Government is to protect the rights of its citizens at home and abroad. All that is required on the part of the United States is a firm determination to do its duty to all its citizens, to do it at all times, and to do it in all places. The seal of the United States on a certificate of citizenship should render it valid and make it acceptable by all countries at its face value throughout the entire world. Our guarantee should be good.

All argument based on the possible financial injury that may be done to those Americans who have business interests in Russia dwindles into mere nothingness when we consider that human rights and national honor are at stake. It is confidently believed that American citizens will not listen with equanimity to any suggestion which places the dollar above the man. Who can be patient when, under existing conditions, we are compelled to record the ignominious fact that during the past summer the proprietor of one of the most influential Jewish newspapers published in New York, who expressed a desire to go to Russia, was refused visé of his passport by the Russian consul at New York, but had no difficulty in procuring such visé from the Russian consul in London?

Diplomacy of the highest order has been employed in vain to bring about a change of policy on the part of the Russian Government. Both of the great political parties of this country, ever since 1904, in their national platforms declared that it is the unquestioned duty of the Government to procure for all our citizens, without distinction, the rights of travel and sojourn in friendly countries, and have pledged themselves to insist upon the just and equal protection of all of our citizens abroad, and have declared themselves in favor of all efforts tending to that end. They have further pledged themselves to insist upon the just and lawful protection of our citizens at home and abroad and to use all proper measures to secure for them, whether native born or naturalized and without distinction of race or creed, the equal protection of our laws and the enjoyment of all rights and privileges open to them under the covenants of our treaties of friendship and commerce.

On October 19, 1908, Senator ROOT, then Secretary of State, in a letter to Mr. Jacob H. Schiff, referring to the same subject, declared that our Government had never varied in its insistence upon equality of treatment for all American citizens who seek to enter Russia with passports, without regard to creed or origin, and that the administration had repeatedly brought the matter to the attention of the Russian Government and urged the making of a new treaty for the purpose of regulating the subject. The communication concludes:

> We have but very recently received an unfavorable reply to this proposal, and we have now communicated to Russia an expression of the desire of this Government for the complete revision and amendment of the treaty of 1832, which provides for reciprocal rights of residence and travel on the part of the citizens of the two countries. We have expressed our views that such a course would be preferable to the complete termination of the treaty, subjecting both countries to the possibility of being left without any reciprocal rights whatever, owing to the delay in the making of a new treaty.

Seven years have passed since both political parties have made these declarations of principle; three years have passed since this pointed statement of our State Department, and yet conditions are exactly the same as they were 40 years ago, there has been absolutely no progress in negotiation, the efforts of diplomacy have proven futile, and the same discrimination among our citizens continues.

There has thus been inflicted, and continues to be inflicted, a shameless affront upon the honor of our country and upon the integrity of American citizenship. The insult is not upon the individuals as to whom there has been discrimination, but against the entire body of American citizens, because a wrong done to one in his capacity as a citizen is a wrong inflicted upon every citizen.

Our Government has been extremely patient and remarkably resourceful, yet there is nothing to indicate that anything can be accomplished by a continuance of the methods thus far employed. Russia believes that our Government has not been serious and that its efforts have been ceremonial rather than real. The time has come at last when more decisive action is required, otherwise there will be good reasons for asserting that certain classes of our citizens who have been singled out by Russia are under civil disabilities with the implied sanction of our Government.

From a careful and an unprejudiced investigation of all the circumstances in this controversy, it seems evident to me, and it must be apparent to every sensible and fair-minded person, that when the treaty with Russia was concluded it was the intention of Russia and the United States that the rights granted by Article I of that treaty should extend equally to every citizen of this country without discrimination of any kind whatsoever.

This being so, it is self-evident from the record in the case that Russia has for years continually violated this provision of the treaty by refusing to recognize passports granted to American citizens on account of race or religion.

This is not a Jewish question. It is an American question. It involves a great principle. It affects the rights of all American citizens. Russia not only refuses to recognize American passports held by Jews on account of their race or their religion but she also refuses, when she sees fit, to recognize American passports held by Baptist missionaries, Catholic priests, and Presbyterian divines, on account of their religious belief.

The Government of the United States declares as a fundamental principle that all men are equal before the law regardless of race or religion, and makes no distinction based on the creeds or the birthplaces of its citizens in this connection, nor can it consistently permit such distinctions to be made by a foreign power. We solemnly assert, and must maintain, that the rights of our citizens at home or abroad shall not be impaired on account of race or religion.

Not the religion, nor the race of a man, but his American citizenship is the true test of the treatment he shall receive and the rights he shall enjoy under the law at home and abroad. This is fundamental. We must adhere to it tenaciously.

Freedom of religious belief—the right to worship our Maker according to the dictates of our conscience—is one of the corner stones of our broad institutions, and so jealous of this liberty were the fathers that they wrote in the Federal Constitution:

Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof.

We must maintain this great principle of religious freedom inviolate forever.

Mr. Speaker, what action should the Congress of the United States take in this matter? I have given much thought to this inquiry and have finally concluded that the best thing we can do to remedy this injustice to American citizens is to serve the usual official notice of 12 months on Russia that we desire to abrogate the treaty of 1832, and that at the expiration of the notice, given in accordance with the terms of the treaty, it shall be null and void.

We must be true to the great principles of justice and freedom and equality on which our Government is founded. We must not connive at the discrimination of any American citizen on account of his race or his religion or permit any foreign power to discriminate against him for these reasons. To do so belittles our dignity, is an insult to every American, and makes our boast of equal rights to all a hollow mockery.

Russia must recognize American passports without discrimination on account of race or religion, or the Russian treaty should be abrogated. Our self-respect demands it. The memories of the past dictate it; our hope for the future commands it. No other course is open to the United States, and for this Government to submit longer to the violation by Russia of the treaty is a humiliation to our sense of justice and to our love for our fellow man that merits the condemnation of every patriotic citizen in America.

We are a patient and a long-suffering people where the question involved does not touch us on our tenderest spot—our pocketbooks; but the patriotic awakening has come at last, and with it a keen realization of the affronts we have suffered for years at the hands of a Government notorious for its lack of human sympathy.

This is not a partisan question. It is an American matter. In a dignified way we say to Russia we give you the official notice provided for in the treaty to abrogate the same, because you have violated it—because it is obsolete—and we want to negotiate a new treaty with you in harmony with the spirit of the times; and we say to all the world in calmness and in deliberation, the Government of the United States puts human rights above commercial gain in writing treaty contracts with the powers of the earth.

Mr. Speaker, this joint resolution introduced by me has been unanimously reported from the Committee on Foreign Affairs of this House, and I congratulate my colleagues on the committee for their expedition and their broad-minded patriotism in the matter. Behind this resolution is an overwhelming case of treaty violation, as conclusive in its details as it is incontrovertible in its proofs.

Nevertheless, in adopting to-day this resolution to abrogate the Russian treaty we but follow precedent. We do nothing new, nothing startling, nothing offensive. We assert a fundamental principle, act advisedly on a vested privilege, declare that human rights are more important than commercial rights for the welfare of a free and a progressive people, and invoke the impartial judgment of every liberty-loving and right-thinking citizen in our country on the justification of our action in the premises.

The press and the pulpit, the bench and the bar, the Jew and the Gentile, the poor and the rich, the weak and the powerful, the Catholic and the Protestant throughout patriotic America demand that the Russian treaty be abrogated. The people are aroused about the matter as they never have been before over the question, and the time for action by the Congress has come.

There can be no arbitration of this elemental principle of our Government; there must be no more delay; the matter must be settled now and for all time, and a new treaty hereafter negotiated in which Russia can find no loophole to enable her in the future to discriminate against any American citizen on account of race or religion; a new treaty that will be up to date; that will be in harmony with the twentieth century; that will be in sympathy with human rights; that will not override our Federal Constitution; that will not violate our national ideals; and that will not dishonor the virtue and the integrity of the passports of our splendid and intelligent and patriotic American citizenship. [Long and loud applause.]

Mr. Speaker, I ask unanimous consent to print in the RECORD a few letters from distinguished citizens, which I intended to read, but could not for lack of time.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The letters follow:

133 EAST THIRTY-FIFTH STREET,
New York City, December 7, 1911.

Hon. WILLIAM SULZER,
Chairman Committee on Foreign Affairs,
House of Representatives, Washington, D. C.

MY DEAR MR. SULZER: It is impossible for me to accept the invitation you tender me to come to Washington and be present at the hearing before the Committee on Foreign Affairs next Monday. Even were I to come there is little that I could say. It has all been said and said repeatedly and effectively.

The resolution which you have introduced seems to me to go directly to the point, with no waste of words, no disjointedness in argument, and no disguise of purpose.

The question is not at all a racial one, although projected by Russia's racial discrimination. It is of no present significance whose passports it is that Russia fails to honor or how many or how few of such dishonored passports there may be. One such, issued in due form, if unrecognized by her, and persistently unrecognized, is a breach of international contract and an insult not only to the United States Government, but to every individual citizen under that Government. It is to this individual sense of wrong that is due the intense feeling that now prevails. Our national dignity suffers by our indefinite submission to Russia's pertinacious discourtesy and contumely. There is a point at which national forbearance not only ceases to be a virtue but commences to become a condition of self-stultification, and at that point we seem to have already arrived.

The present situation affords us the opportunity to teach Russia a lesson in the art of modern civilization, and it is her ignorance and inappreciation of that art that renders appropriate a more decisive and drastic method of dealing with her than might be allowable were she standing at a level with the more advanced nations with whom such terms as treaty, compact, probity, and honor carry a significance of which Russia appears to be altogether inappreciative.

I believe, sir, that the adoption of the resolution introduced by you, looking to the abrogation of the existing treaty with Russia, will afford immense satisfaction not only to our Jewish friends but to the great mass of American citizens.

Yours, respectfully,

C. H. PARKHURST.

—

NEW YORK, *December 8, 1911.*

Hon. WILLIAM SULZER,
Chairman of the Committee on Foreign Affairs,
House of Representatives, Washington, D. C.

MY DEAR MR. SULZER: I am unfortunately unable to go to Washington and be present at the hearing which your committee will grant, on the 11th instant, on the resolution which you have introduced to abrogate the Russian treaty.

I sincerely trust that joint resolution No. 166, providing for the termination of the treaty of 1832 between our country and Russia, will be unanimously approved by your committee. In my opinion, it is absolutely useless to temporize any longer over the passport question. For the past 40 years Russia has ignored the protests of our State Department, and the time has now arrived when all American citizens who are proud of their citizenship should rise up and force Russia either at once to recognize the provisions of the treaty of 1832 or that the Government of the United States give summary notice of its abrogation. It does not appear to me to be a religious question, but an American question, and one of right, honesty, and patriotism. It is abhorrent to the true American doctrine of equality that any country should discriminate against any class of American citizenship, and all the more shameful in view of that explicit protection afforded under the terms of the treaty. All the efforts of diplomacy and the vigorous protests heretofore made have been of no avail. American citizenship must now be vindicated and notice given to Russia that we will no longer permit the violation of our treaty obligations. The present situation is disgraceful, and as an American citizen—not only as a Jew—I appeal to all members of the Committee on Foreign Affairs and to our honored House of Representatives for justice. Let us not place material interests above those of fair dealing, righteousness, and justice.

It appears to me that the suggestion offered to submit the question at issue to an international court of arbitration would be humiliating to the dignity and honor of our country. There is nothing to arbitrate; it is a question of enforcement of the treaty or of its abrogation.

I take this opportunity of thanking you for the noble and persistent fight which you have made on behalf of all loyal citizens. I feel convinced that your committee will favorably report the resolution and that the bill will pass both Houses of Congress.

Very truly, yours,

ISAAC N. SELIGMAN.

—

1822 GLENWOOD ROAD,
Flatbush, N. Y., December 9, 1911.

Hon. WILLIAM SULZER,
Chairman Committee on Foreign Affairs,
Washington, D. C.

MY DEAR MR. SULZER: I am sorry that I can not appear in person before your committee to speak in favor of the resolution providing for the termination of the treaty of 1832 between the United States and Russia. Thirteen years ago I first published my book, Justice to the Jew. I believe I was the first Gentile voice, in my profession at least, to make a plea for justice to the Jew. There is no new argument that can be made at this late day against the passage of your resolution. My contention has always been that this is not a Jewish but an American question. All we ask is that Russia shall do for all our citizens what we are doing for all theirs—justice and a square deal. The American people justly demand as much and consistently can not, will not, be satisfied with less.

Very sincerely, yours,

MADISON C. PETERS.

—

CHICAGO, *December 9, 1911.*

Hon. WILLIAM SULZER,
House of Representatives, Washington, D. C.

MY DEAR MR. SULZER: Replying to your letter of the 6th instant, I wired you as follows:

"I regret my inability to comply with your request to appear before Committee on Foreign Affairs next Monday.

"All I would say will doubtless be far more ably presented by others who will attend.

"A vital principle is at stake, in which every self-respecting American citizen is deeply interested.

"I earnestly hope the resolution will pass."

The foregoing message is by no means formal or perfunctory, since I do, indeed, regret my inability to be there, even though I could not and did not add a word or thought to the able presentation of the question which will surely then be made.

My law partner, Mr. Adolf Kraus, president of the Independent Order of B'nai B'rith, returned this morning from a visit to Washington and New York, and said that while he found it impossible for him to remain, Mr. Louis Marshall, of New York, is expected to express the sentiments of this order or, perhaps more particularly, those of its president.

I very much appreciate the deep interest you take in this question. It should bring you the lasting gratitude of not only citizens of Jewish extraction, but citizens of all classes, whatever their origin, who believe that American citizenship is something more than an idle abstraction.

I thank you for your very kind and flattering letter, and with assurance of highest esteem, I am, as ever,

Very sincerely, yours, SAMUEL ALSCHULER.

—

HON. WILLIAM SULZER,
Chairman Committee on Foreign Affairs.

MY DEAR SULZER: I had expected to be at the hearing Monday, but am detained in New York by an unexpected lawsuit. I am very sorry. As a former member of the Foreign Affairs Committee, may I express the hope that the abrogation resolution will be promptly reported? We have waited long enough for justice from Russia.

Yours, very truly,

WILLIAM S. BENNET.

—

MEN'S CLUB, ST. PETER'S CHURCH,
Niagara Falls, N. Y., December 5, 1911.

HON. WILLIAM SULZER.

DEAR SIR: At a meeting of the men of St. Peter's parish, held December 4, 1911, the resolution concerning the treaty with Russia was presented and unanimously passed in the words which your committee suggested in your communication dated November 29.

Yours, most truly,

REV. PHILIP W. MOSHER.

—

COLLEGIATE ZIONIST LEAGUE.

Resolution.

The following resolution was unanimously adopted at the meeting of the Collegiate Zionist League, held at 1578 Lexington Avenue, New York City, N. Y., on December 3, 1911:

Whereas for more than a generation passports issued by our Government to American citizens have been openly and continually disregarded and discredited by Russia in violation of its treaty obligations and the usage of civilized nations.

During all that time administration after administration, irrespective of party, has protested against this insult and humiliation, and Congress has on repeated occasions given emphatic expression to its resentment of the strain imposed upon our national honor. Diplomacy has exhausted itself in ineffectual effort to bring relief, for which a new generation is impatiently waiting.

The citizenship of every American who loves his country has in consequence been subjected to degradation, and it has become a matter of such serious import to the people of the United States, as an entirety, that this condition can no longer be tolerated. Be it therefore

Resolved, That as a body of citizens having at heart the preservation of the honor of the Nation, joining in generous emulation with all other citizens to elevate its moral and political standards and to stimulate an abiding consciousness of its ideal mission among the nations of the earth, that our Representatives in Congress give their support to the resolution now pending in Congress, introduced by Mr. SULZER, of New York, providing for the termination of the treaty of 1832 now existing between the United States and Russia, to the end that if treaty relations are to exist between the two nations it shall be upon such conditions and guaranties only as shall be consonant with the dignity of the American people. Be it further

Resolved, That a copy of this resolution be forwarded to the Congressmen of our respective districts and the Senators of our State.

E. M. FRIEDMAN, *President*
ISAAC ROSENGARTEN, *Secretary.*

—

NATIONAL GERMAN-AMERICAN ALLIANCE
OF THE UNITED STATES OF AMERICA,
Philadelphia, Pa., December 2, 1911.

To the Hon. WILLIAM SULZER,
House of Representatives, Washington, D. C.

DEAR SIR: Protesting against the action of the Russian Government in not recognizing the passports of American citizens of the Jewish persuasion, the convention of the National German-American Alliance, held at Washington, D. C., October 6–10, 1911, decided to request Congress to declare null and void the treaty of this country with Russia of 1832.

The following resolution was adopted unanimously:

Resolved, That the nonrecognition of the American passport by the Russian Government on account of the religion of the holder thereof is violative of the treaty of 1832, and therefore Congress be petitioned to pass the Sulzer resolution to abrogate said treaty.

Respectfully submitted.

ADOLPH TIMM, *Secretary.*

—

CHICAGO, *December 5, 1911.*

Congressman SULZER,
House Committee on Foreign Affairs,
Washington, D. C.

MY DEAR MR. SULZER: Your efforts to secure the protection of American citizens when abroad is most commendable, and all good citizens earnestly wish they may be richly successful.

It is not our Jewish citizens alone, however, who need protection while in foreign lands, as it is not an uncommon thing to read of a naturalized American citizen's arrest and detention and subjection to indignities from his failure to render military service in foreign countries. Indeed, I have a case in point just now of a young man brought from France when about 4 years old, and now an American citizen by virtue of his father's naturalization, as he claims, who has been deterred of making a business trip to France by the threat of the French consul to have him arrested and detained for military duty unless he pays the sum of about $160 to purchase his release; and the Secretary of State and the President each recognize the position of the French representative as lawful and proper. This is nothing more than laying down the principle that a foreigner must purchase his right to become an American citizen from his previous sovereign, or purchase the right to protection as an American citizen while in foreign lands. Both as an American citizen and as a lawyer I have been protesting against this position and its recognition, and I sincerely trust that the House and Senate Committees on Foreign Affairs will take the question of the protection of American citizens everywhere up and require our officials to see that American citizenship is an unpurchasable right and a guaranty of freedom from attack or insult and protection in liberty wherever God's sunshine falls upon him.

While the abrogation of the treaty with Russia is being considered the rejection of the proposed treaty with France, because of her refusal to recognize American naturalization, should also be considered.

For your information I will say that I have heretofore called the attention of Senator CULLOM, chairman of the Senate committee, to this case, and am assured that he is disposed to take any appropriate action to accomplish the desired end.

Thanking you in anticipation for your attentions, I am, with great respect,

Very truly, yours, JOHN GIBSON HALE.

Mr. SULZER. Mr. Speaker, I ask unanimous consent that the House take a vote at 5 o'clock this afternoon.

The SPEAKER pro tempore (Mr. LEVY in the chair). The gentleman from New York [Mr. SULZER] asks unanimous consent that the House take a vote upon this resolution at 5 o'clock this afternoon.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask what the suggestion is as to the division of time between now and 5 o'clock and whether we will have any right to amend the bill?

Mr. SULZER. I would say to the gentleman from Illinois that I would be very glad to divide the time. There are a number of gentlemen on that side and this side of the House who desire to be heard. I think we can get through by 5 o'clock this afternoon. I have no objection to the gentleman offering amendments at that time.

Mr. MANN. Well, how much time has the gentleman consumed now?

The SPEAKER pro tempore. The gentleman has consumed 20 minutes.

Mr. MANN. Then that would mean the two hours and a half until 5 o'clock, counting from now. That would be three hours altogether, including the time consumed by the gentleman from New York. Does the gentleman want to give us one hour and a half on this side?

Mr. SULZER. I would be very glad to.

Mr. MANN. I would prefer to have some one on our side from the Committee on Foreign Affairs control the time on this side.

Mr. KENDALL. I favor the resolution.

Mr. MANN. That does not make any difference.

Mr. SULZER. I propose to divide the time with the gentleman from Iowa.

Mr. KENDALL. The senior Republican member of the Committee on Foreign Affairs is not here now. What is the proposition of the gentleman from New York?

Mr. SULZER. That we divide the time equally between the two sides, an hour and a half on each side.

Mr. MANN. At the end of that time amendments may be offered without further consideration?

Mr. SULZER. There is no objection to that.

Mr. KENDALL. That will be satisfactory. I suggested, Mr. Speaker, that I am in favor of the resolution for this reason, that——

Mr. SULZER. That makes no difference——

Mr. KENDALL (continuing). If there are gentlemen on this side or on the other who are opposed to the resolution, it seems to me to be right that they should have some time.

Mr. MANN. Of course it is understood why the gentlemen on the two political sides of the House should have control of time in that way. But on a matter of this kind all parties should receive fair consideration. I know that will be the case with the gentleman from Iowa.

Mr. McCALL. Mr. Speaker, I do not know how I shall vote on this resolution. It will depend on developments in the course of debate. But it seems to me there should be some latitude allowed in discussing the resolution from different points of view. I am willing, however, to trust the gentleman to give fair recognition.

Mr. KENDALL. If I have control of the time, I will undertake to give the gentleman from Massachusetts a fair opportunity.

The SPEAKER pro tempore. The gentleman from New York [Mr. SULZER] asks unanimous consent that general debate be limited to three hours, one-half to be controlled by the gentleman from New York and one-half controlled by the gentleman from Iowa [Mr. KENDALL], and that at the end of that time a vote be taken.

Mr. MANN. And that at the end of that time it shall be in order to offer amendments.

Mr. SISSON. Mr. Speaker, reserving the right to object, I want to know whether or not the time the gentleman from New York [Mr. SULZER] has consumed shall be counted in that three hours? Does he mean the debate shall run three hours from now?

The SPEAKER pro tempore. Three hours from now.

Mr. SISSON. I have no objection if it is three hours from now.

Mr. MANN. The gentleman himself would not ask for 20 minutes more time for his side than he would be willing to accord to this side. I am perfectly willing to give to anybody all the time he desires, as much so as anybody else is.

Mr. SISSON. Of course the gentleman always is. I have no objection to the arrangement if it means three hours from this time.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. SULZER. Mr. Speaker, I ask unanimous consent that all Members may have leave to print on the pending joint resolution for a period of five legislative days.

Mr. MANN. For the present I shall object to that request.

Mr. KENDALL. Does the gentleman from New York mean that those who speak on this resolution shall have five legislative days in which to print, or those who want to speak?

Mr. MANN. Everybody.

The SPEAKER pro tempore. Objection is made.

Mr. SULZER. Mr. Speaker, I will renew the request a little later on. Now I yield five minutes to the gentleman from Arkansas [Mr. ROBINSON].

Mr. ROBINSON. Mr. Speaker, the persistent refusal of Russia to recognize American passports borne by Jews violates the spirit of the treaty of 1832, by which the United States and Russia each guaranteed the citizens of the other reciprocal rights of travel and sojourn.

Regardless of treaty relations, in this day of advancement and enlightenment religious persecution of American citizens should not be acquiesced in by the United States. Equality of rights and privileges for all law-abiding American citizens should be demanded and secured by our Government from every nation from which amicable relations are obtained. If existing treaties are in the way or prevent the consummation of this end, the treaties should be speedily abrogated. Genius and energy are rapidly breaking down the barriers of distance, languages, and customs. They are dispelling the shadows of ignorance and intolerance which have darkened the pathway of humanity through all the ages. The ends of earth are being drawn together. The age of oppression has passed. Liberty is the birthright of every American.

The treaty of 1832 guaranteed to American citizens the same rights while traveling or stopping in Russia as the Russians themselves enjoy. This guaranty runs to all American citizens and does not warrant the exclusion of anyone under local Russian regulations. Our Government recognizes neither caste nor class among law-abiding citizens. Notwithstanding the provisions of the treaty, every American who wishes to enter Russia is asked by the Russian consul in this country, "What is your religion?" If the answer discloses that the citizen is a Jew, or if he declines to state his religion, his passport is dishonored. This is especially reprehensible in view of the treaty of 1832, designed primarily to promote commerce between the two countries. The United States has always honorably complied with our part of the compact. Russia has not done so during the last 40 years, but has refused to recognize her treaty obligations, and has denied to Jewish-American citizens, no matter how honorable, how distinguished, or how useful they may be, recognition as American citizens. This is true, even though the Jew is American born and has never lived in Russia or owed allegiance to her authority.

With the oppression of Jewish citizens of Russia the United States is not directly concerned, and we can only interest ourselves from a humanitarian standpoint. We may well wish that the oppressions and persecutions which have long characterized Russia's treatment of her Jewish citizens might be terminated. Concerning citizens of the United States our attitude must be one of dignified resentment when any nation seeks to oppress or dishonor them. The sublime doctrine of equality under the law lies at the basis of all that is glorious in our history. The preservation of our institutions requires that we maintain this principle inviolate.

If Russia discriminates against an American citizen because he is a Baptist, a Methodist, a Presbyterian, or a Catholic, our indignation is augmented. Our Government should not submit to it. Russia's course is emphatically a discrimination on account of religion. It is a continuance of the age-long persecution of the Jewish race, and arises only from prejudice and intolerance. The United States Government owes the obligation, not to the Jews alone, but to every American citizen, to promptly redress the wrongs inflicted by Russia in disregarding the equal rights of Jews as American citizens. Diplomacy has failed in this, as it is failing in many other things.

DIPLOMACY

as we comprehend it is antiquated and well-nigh useless. It is, in part at least, a relic of the period when means of communication were few and when the knowledge of events was transmitted slowly and imperfectly. A special ambassador charged to negotiate immediately a new treaty emphatically recognizing the rights of Jews to travel and sojourn in Russia on equal terms with all other American citizens should be dispatched at once to the Russian Government. If this effort proves unavailing, all relations should be discontinued as a rebuke to the intolerance and injustice with which the Russian Government has insulted us. For 40 years we have submitted to indignities; for 40 years we have satisfied ourselves with complaints. For more than a generation we have awaited patiently the slow-moving hand of the diplomat.

I am not unmindful of the importance of thus rebuking Russia; neither do I overlook the difficulties that arise. It is desirable, of course, to maintain amicable relations with all nations of the earth. We do not contemplate or invite warfare. Nothing of the kind can result from the passage of this resolution. We have the right to terminate the treaty under its terms. It is also true that, Russia having refused to observe her obligation under the treaty, we may justly abrogate or rescind it, even if the treaty contained no such provision. Russia needs our cooperation more than we need hers. Keeping in mind every event in American history with which Russia has been connected and recognizing her efforts to aid us in times of need, it must not be forgotten that we have paid our every obligation in good faith. The first duty of this Government is to preserve its honor and to protect its citizens. Diplomacy has wasted half a century and accomplished nothing. The modern diplomat is chiefly a representative of commercialism, inspired by the spirit of the trader rather than by that of the patriot. He is the representative of a quasi aristocracy which finds little recognition in our institutions. Commercial considerations are of importance, but they are secondary to the principles of patriotism.

THE JEWISH RACE.

When I contemplate the history of the Jews and their achievements I am both amazed and inspired. Centuries ago persecution ostracized them, scattered them over the face of the earth, and made them a people without a country. The Jews have become citizens of the world. How potent their moral influence! In every age and in every land they have stood for liberty, law, order, loyalty, progress, and patriotism. Endurance of hardships and the practice of temperance have given the Jews a physical vigor unequaled perhaps by that enjoyed by another people. Their obedience to the law and respect for the customs of society are proverbial. Homicides and other crimes of violence are rare among them. If success in trade has too frequently attended them and the desire for gain has been unduly developed, may it not be due to the prejudice and persecution which has denied them opportunity in many spheres of activity?

They are an example of a people whose vital racial characteristics have remained unaltered by an everchanging environment. What hardships have they not experienced. How persistently have they faced oppression and endured outrages. How certainly have they carried into every climate their tireless activity and ceaseless toil. How definitely have they borne the visage, the mental astuteness, and enjoyed the commercial prosperity that characterized their great ancestor, Abraham.

Wars have destroyed their temples; persecution has ridden close behind them in every land. In spite of it all their synagogues have arisen in every habitable locality. The incense of sacrifice burns continually on their altars. The Jews are a mighty force for progress and commercialism.

The obligation of our Government to protect its citizens in the enjoyment of their rights is as great to the humblest as to the most exalted. This is the primary principle always to be remembered. The time has come when we must act decisively. We must teach Russia the value of her own contract and the sacred right of every American citizen to equal security wherever he bears the evidence of his citizenship. The American passport will thus become a badge of honor. [Applause.]

Mr. SULZER. I yield five minutes to the gentleman from Ohio [Mr. SHARP].

Mr. SHARP. Mr. Speaker—

I have long believed that this day must come and rejoice that I have lived to see it. My hope is that it will prove the dawning day of a great act of international justice.

At two different periods, extending somewhat over three years in all, I have resided at the Russian capital—first in the years 1854 and 1855 and last during the years 1892, 1893, and 1894. I have had occasion to observe the growth of a system in that country which has inflicted, and continues to inflict, upon the United States not only injustice but dishonor.

By the treaty of 1832 between the United States and Russia equal rights were guaranteed fully and explicitly to all Russian subjects by the United States and to all American citizens by Russia, without distinction of race or religion; yet for nearly half a century this solemn guaranty has been violated by Russia constantly and, indeed, I think I may say without exaggeration, contemptuously. Jews and Christians have both suffered from this; it has borne at times as severely, though never so frequently, upon American and Christian ministers as upon Jews in general.

Mr. Speaker, these words were uttered by the Hon. Andrew D. White, former ambassador from this country to Russia, one who has stood preeminently high in both the political and educational affairs of this country. I submit that such words would not idly fall from the lips of such a great man and experienced diplomat without due and careful consideration.

I may say further that the same sentiments were echoed by many other distinguished men of the country who spoke with him at the great Carnegie Hall mass meeting recently held in New York under the auspices of the National Citizens Committee. There was a general consensus of opinion that the time for action was now. It seems to me—and I regret very much that the time of debate is so limited that I can not go more extensively into the subject, but can merely mention some of the salient points—it seems to me the situation is quite beyond the point of argument. Briefly stated, the whole case must resolve itself into two questions—first, as to how best to act in this emergency; second, what effect will it have when we do act?

I do not know how I can give better expression as to the manner in which we should act than to quote briefly from a former American minister to Turkey, one of the nationality that has been so bitterly persecuted in Russian lands, Mr. Oscar Straus, our former most honored representative to Turkey. I regret very much that I have not before me a copy of the hearings that we had before our Committee on Foreign Affairs a few days ago. They are not yet printed, and I will have to take the liberty of quoting from memory as well as I can. Let me narrate in substance a very interesting incident, which made a great impression not only upon my mind, but, I think, as well upon the minds of the other committeemen present. Mr. Straus told of a scene that took place one day during his second mission in Constantinople, when, by the fiat of the Turkish Government, a number of Americans—teachers, I believe, in American schools and colleges—and with them, also, a number of British subjects, had been denied internal passports enabling them to return to their former posts, schools, and so forth, in the interior. Without such passports they could not have the protection of that Government en route and would be in danger of their lives. They naturally made an appeal to the only representative of the United States present, Ambassador Straus. He hearkened to their appeals, and in that true and manly spirit that ought to characterize and actuate every American citizen he promptly said to the Sultan: "If the Turkish Government will not consent to their safety here I will, and I will give them an order of safe passport to any part of the Empire that they may wish to enter, and they may return to their former dwelling places in peace and out of danger. If any harm comes to them you will have to answer to my Government for the consequences."

That was a bold stand to take, and the authority of it was immediately questioned by the Turkish Government; Russia's attitude in similar cases was cited as a precedent to uphold their contention, but without avail. At half past 1 or 2 o'clock the following morning Mr. Straus was awakened in his room to receive a message hurriedly sent to him from the Sublime Porte, which stated in substance that at a council of the Turkish ministers just held late that evening they had unanimously agreed to what Mr. Straus had ordered, and that every possible protection would be given to the Americans. [Applause.]

We have there a concrete illustration of how the strong, manly, and forceful stand of our representative compelled the full recognition of the rights of American citizenship abroad, and if this House and the Senate will adopt the same course in reference to dealing with Russia I believe the result will work out in identically the same manner. All we wish to do with the Russian Government to-day is to let it know that we mean business, and there will be no trouble whatever. If we temporize in this matter, if we further await the dilatory and indecisive tactics of a diplomacy which, no matter how willing it may be, has not yet during the past 30 years produced any tangible results, we shall accomplish nothing. I do not desire for a moment to indulge in unjust or harsh criticism of our Government, but I believe thoroughly that if we are to secure the rights not only of Jewish but of every other American citizen nothing will be half so potent as to pass this resolution to-day by such an overwhelming vote that it will be notice to the world that the rights of an American citizen must be respected, no matter on what part of the earth he may dwell. [Applause.]

Not in many years has our Government had such an opportunity to assert—yes, and protect, if necessary—the inviolability of American citizenship, no matter in what country those rights are threatened, as it now has in its dealings with the Russian Government. Not since the beginning of our national existence will the refusal of this Government to insist upon the full observance of those rights be considered so lacking in courage.

Recognizing the achievements, the patriotism, and commendable domestic character of the Jewish people in our land, it is incredible to me how a civilized nation could deny to such people the fullest measure of political rights and freedom. How many pages descriptive of the industrial and financial development of our great American cities would have to filled with the part played in such work by its Jewish people if a faithful narrative of their achievements were recorded? What part in the helpful and effective work of our charitable organizations, our civic improvements, and our commercial advancement has this class of our citizens played in the past?

Indeed, the work of this class of men in such varied fields of enterprise as journalism, banking, and humanitarianism may well furnish an inspiration for the American youth of whatever creed or nationality.

As to the other phase of the problem—what effect will the passage of this resolution have upon the Jewish people now living in Russia—let me say that some of the ablest and most thoughtful men who have been championing this measure—some of them former Russian subjects—have been questioned, and they have all agreed that whereas the conditions could not be any worse on the Jewish subjects now residing in Russia—and there are 5,000,000 of them—they believed that the moral effect of such action by the greatest Government on the face of the earth at this time would be widespread and of potent effect. We know that other foreign powers to-day are in very much the same position in regard to Russia as our own Government in securing recognition for their citizens sojourning in that country. Our cause maintained would at once be their cause, and a world-wide sentiment would demand a better treatment of Russia's Jewish people. So I believe the best way to bring about this remedy, not only for the Jew abroad, but our own citizens, is the passage of this resolution, for which I will most cheerfully vote. [Applause.]

Mr. GOLDFOGLE, as Speaker pro tempore, assumed the chair.

Mr. SULZER. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Mr. Speaker, my sincere desire is that this resolution may pass this House without a dissenting vote. In making this statement I presume that I have as little direct political interest in the resolution as any man on the floor of the House, because there are very few Jews who live in my district.

But this question is broader than the question whether a man is or not a Jew. This question involves the right of an American citizen to travel into any country and feel that he has the absolute protection of the Government of the United States. If we shall continue this policy of not permitting our citizens to feel that when they shall leave the United States to travel into any country they will not have that entire protection that every other citizen of the United States is entitled to, then the guaranty of equality of citizenship under our Constitution is sounding brass and tinkling cymbals.

I do not believe that the Russian Government, under the strict terms of this treaty, although they have so construed it, have the right to exclude a Jew as such, because the treaty itself, while not as broad, perhaps, as it ought to be, in express terms requires a very strained construction to reach the conclusion under the treaty that is reached by the Russian Government and by their representatives here in Washington.

I recall that a few months ago I went to the Russian Legation to get a passport of a cotton merchant who was a Jew, in my district, viséed so that he might transact business in Russia. After a good deal of delay I was shown to one higher in authority than the one who usually grants the passport, and I was positively declined the permission on the ground that the merchant was a Jew. I called his attention to the fact that under the treaty itself, putting the strictest construction upon it or as broad as you please, that this man was a merchant that had clients in Russia and desired to transact the business with them; and after a good deal of hesitation the passport was finally viséed.

This is the first experience I have had in going to a consul or any party who has the right to pass upon passports to get

permission for an American citizen to travel, because every other nation in the world would honor the passport without its being viséed.

But the fact that the Russian Government denies this right to Jews who are citizens of the United States should cause every man in the Government to pledge himself to the extent of his property or his life to guarantee to the humblest citizen of any race equal rights wherever civilization has planted its staff. [Applause.] No citizen of the United States ought to feel the humiliation that these people must feel when they make application for permission to travel in foreign countries. [Applause.]

If that rule had applied to the Anglo-Saxon, if it had applied to the Irish, or any other people than to the Jew, it would long since have been decided that an American, irrespective of his religion, would either have the right to travel without question or that right denied to all Americans; there would have been some understanding between the United States and the Government of Russia of a definite kind.

My view of the matter is that since these American citizens, who are Jews, are being persecuted purely on account of their religion, it is our duty to guarantee to every citizen the right to travel freely and worship God according to the dictates of his own conscience, as it was intended from the foundation of our Government. [Applause.] Our policy should be that when an American has the right to travel in a country, all Americans should enjoy that right equally. The American Jew is simply asking for himself what Russia gives to all other Americans. He is asking simple justice. Nothing more. I shall vote to give it to him. An American citizen who does not give his entire and hearty support to this resolution, it seems to me, falls far short of that duty which every citizen owes to another under the Constitution and under the flag. [Applause.]

Mr. SULZER. Mr. Speaker, I yield to the gentleman from South Carolina [Mr. LEGARE], my colleague on the committee.

Mr. LEGARE. Mr. Speaker, if I were asked which of all my worldly possessions I treasured most I would say my right of American citizenship. If asked the greatest humiliation that could befall me, I would say the deprivation of that right. When, therefore, 5,000,000 of the citizenship of my country, through their chosen representatives and through memorials and otherwise, say to me, "We are being deprived of this right guaranteed to us by the fundamental laws of our land," my every sympathy is theirs, and my every sense of justice demands of me that I aid in righting the wrong from which they are suffering. If it were possible to accomplish the desired end, to achieve success through diplomatic channels and without severing the cordial relations existing between this country and Russia for nearly 80 years, it would be far form my desire that this House should exercise its power of abrogating a treaty. But for more than 40 years eight Presidents and a greater number of Secretaries of State have tried and failed. Not only have they tried in vain, but in trying they have merely accomplished the undesirable result of forcing Russia into a position from which she can not now recede without reversing her position absolutely.

Let us understand the situation fully. In 1832, after considerable negotiation and mainly through the aid of Count Nesselrode, without whose assistance no agreement could ever have been reached, we entered into an agreement with Russia, known as a treaty of commerce and navigation. This treaty was broad in its provisions, and we find in it the following reciprocal clause:

> There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation. The inhabitants of their respective States shall mutually have liberty to enter the ports, places, and rivers of the territories of each party wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories, in order to attend to their affairs; and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce.

It was a treaty of commerce and navigation, but I shall confine myself to this one article or clause, inasmuch as it is the only one violated by our foreign neighbor and the one specific article that brings this resolution into the House for your consideration, except to say that, in my opinion, if any other clause of the treaty relating purely and solely to commerce or to navigation had been violated to our detriment, either Russia would have made prompt amend or the then presiding Executive of our country would have promptly abrogated the treaty with the assistance of this House.

For, strange as it may seem, we have fallen into the mercenary habit of placing the rights of property above human rights and the rights of citizenship. For more than 30 years Russia fulfilled all her obligations and lived up to the letter and spirit of this agreement. But when the domestic policy of the Empire became one of oppression and hardship and cruel wrong to its Jewish subjects, and these subjects began in vast numbers to seek new homes in this land of liberty and freedom, she became alarmed and began the passage and enforcement of laws against expatriation. They wanted to stop this tide of immigration. They adopted every manner and means at their command, and finally this subterfuge in regard to the treaty in question.

What, then, is their manner of evading and violating the treaty? It is this: Under the terms of the agreement inhabitants of this country may visit Russia, may sojourn and reside in all parts of her territory and enjoy the same security and protection as natives of that country, "on condition of their submitting to the laws and ordinances there prevailing." Now, then, because of this language it is contended that Jews are subject to the laws of Russia governing those of the Jewish faith and must submit to the laws and ordinances prevailing as to Jews. And, by the way, this also applies to Catholic priests and missionaries. We—that is to say, those of us who are in favor of the passage of this resolution—contend that he enters Russia not as a Jew but as an American citizen. He goes there stripped of all impediment, and not as Jew, gentile, or Greek, but clothed with the sacred rights of citizenship awarded him by the most humane and liberty-loving country on the face of the globe. They have no right or authority for this humiliating inquisition as to religious beliefs, for the language of the treaty clearly states he shall enjoy the same security and protection as the native of Russia, meaning, of course, the security and protection given to all her citizens, and not to any one class or creed.

Let me say to you that in effecting this treaty we were represented by James Buchanan; it was sent to the Senate by President Jackson, and confirmed by the unanimous vote of 40 Senators. Do you suppose for a single instant that so great a statesman and diplomat as Buchanan would have placed in a treaty anything which would differentiate between the citizens of this country? Can you believe it possible that a President like Jackson and 40 Senators of the old school, men whose every utterance proclaimed them believers of absolute freedom, who loved the very name of liberty and regarded the rights of citizenship as sacred and inviolable; is it possible, I say, that these men could have recognized that citizenship was composed of many parts and that there should be a distinction between the Jew and the Catholic and the Protestant? I think not. But hear what Buchanan himself has said upon this subject, and I read to you upon his utterances, using his exact language on several occasions. In 1845, while Secretary of State, in a letter to Mr. Rosset, he says:

> The fact of your having become a citizen of the United States has the effect of entitling you to the same protection from this Government that a native citizen would receive.

On another occasion we find the following statement made by him:

> The Government of the United States affords equal protection to all our citizens, whether naturalized or native, and this department makes no distinction between the one and the other in granting passports.

But it is contended by Russia that she denies to her Jewish citizens the right of expatriation; that once a Russian he is always a Russian; and that when he returns to Russia, in spite of his American passport, he is still a Russian subject, and therefore subject to her laws. Let us, then, consider this phase of it. Let us see what our Government has to say about it; let me read to you what Congress had to say about expatriation, what this body has guaranteed to the citizens of our making, whether they come from Russia, Germany, France, or elsewhere—I read to you from the Revised Statutes of the United States, sections 1999, 2000, and 2001:

> SEC. 1999. Whereas the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness; and whereas in the recognition of this principle this Government has freely received emigrants from all nations, and invested them with the rights of citizenship; and whereas it is claimed that such American citizens, with their descendants, are subjects of foreign states, owing allegiance to the governments thereof; and whereas it is necessary to the maintenance of public peace that this claim of foreign allegiance should be promptly and finally disallowed: Therefore, any declaration, instruction, opinion, order, or decision of any officer of the United States, which denies, restricts, impairs, or questions the right of expatriation, is declared inconsistent with the fundamental principles of the Republic.
>
> SEC. 2000. All naturalized citizens of the United States, while in foreign countries, are entitled to and shall receive from this Government the same protection of persons and property which is accorded to native-born citizens.
>
> SEC. 2001. Whenever it is made known to the President that any citizen of the United States has been unjustly deprived of his liberty by or under the authority of any foreign government, it shall be the duty of the President forthwith to demand of that government the reasons of such imprisonment; and if it appears to be wrongful and in violation of the rights of American citizenship, the President shall forthwith demand the release of such citizen, and if the release so demanded is unreasonably delayed or refused, the President shall use such means, not amounting to acts of war, as he may think necessary and proper

to obtain or effectuate the release; and all the facts and proceedings relative thereto shall, as soon as practicable, be communicated by the President to Congress.

When Congress in the exercise of its lawmaking power spoke that language, it advertised to all the world there should be no differentiation of her citizens at home or abroad, and it is for us to make good to-day the guaranty of freedom and equality of citizenship contained in those words. Clearly have I shown you that when Russia differentiates between the citizens of this Republic because they were formerly her subjects, she violates the treaty. The next question is, Does she do this? The answer is, Yes. She not only refuses the right of entry to foreign-born citizens, but refuses it to those immigrating to our shores from other countries and who have never been within her borders. She refuses it to our native-born citizens of the Jewish faith, and she refuses it to Catholic priests and missionaries, whether native or foreign born. And, most humiliating of all, she honors and visés the passport of a citizen of other powers, like Germany or England, regardless of religious faith, while she refuses to honor ours. Every passport issued by our State Department is accompanied by a circular calling attention to Russia's attitude in regard to Jews, and when the citizen of Jewish faith takes his passport to the office of the Russian ambassador for visé he has placed before him a printed list of questions, among them, "What is your religion?" Think, gentlemen of the House! Here in this land of liberty and freedom, where we know no difference in the grade of citizenship, where we heed no cry of creed or faith, where all men are supposed to be born free and equal, here within sight of the dome of the Capitol of our country, our citizenship is subjected to this humiliating inquisition by the representative of this benurocratic government and in direct violation of the solemn and sacred treaty rights obtained 80 years ago. One Harry Cutler applied for a passport. Let me say to you that Mr. Cutler is one of the leading citizens of the State of Rhode Island. He is in every respect a man. I would call him a typical American citizen. Big hearted, big brained; morally, mentally, and physically perfect. Rhode Island honored herself by making him a member of her house of representatives. The militia of that State did credit to itself by electing him lieutenant colonel of the National Guard.

The mayor of his city acted wisely in appointing him commissioner to visit foreign municipalities for the purpose of making investigation as to municipal forms of government. He received his passport from the Secretary of State's office, also the usual notice as to Jews. Cutler went to the Russian embassador, asked for a visé, and was handed the usual blank form which he filled out in all particulars save the answer as to his religious belief. He was too proud to submit to the humiliation. He was one of our leading business men; he held offices of trust awarded him by his fellow citizens of this land of his adoption, and above all else he was an American citizen, and he refused to submit to the degradation and consequently never got his visé. But that is not all—Cutler did not come here of his own accord. While yet a lad in Russia there came to his family rumors of a pending massacre of Jews. Christian friends placed emblems of Christian faith on the Cutler home and offered to hide the family in cellars in their fields until the massacre was over. The elder Cutler kissed his wife and little ones good-bye and went away to his place of business never to be seen again by any member of his family. Was he imprisoned in the wilds of Siberia? They do not know. Was he massacred? They do not know. Is he alive? Still they do not know. This they do know, he never escaped, because he was a loving husband and a devoted father, and he would have come back to them. And they also know they were hurried out of the country and forced to flee to America. He reached here 27 years ago. He was still a lad. He gained the goal of his ambition, namely, citizenship, when he became of age, and he has reached other goals and attained other distinctions. But what is citizenship worth if it is coupled with humiliations. How can a man be proud of being an American citizen if he is not as good as a Russian Cossack? I mention this particular case, although there are hundreds, because I wish to impress upon you the true condition of affairs. Here is a man driven from the Russian Empire in his infancy; fleeing from the maddened Russian mob, from fire and rapine and torture and murder, with the bayonet and torch and bloody massacre in his rear, and freedom, liberty, and peace in front of him. He comes to this country, attains his citizenship only to be told by Russia that he can not come back because he had no right to leave there, but should have remained in the face of persecution and hardship. That they still regard him as a subject of Russia in spite of the fact that he is one of the foremost citizens of our land. That he can not go back to Russia in spite of his being an American citizen and holding the passport of these United States. How long. Oh! how long will we permit this humiliating dignity to be perpetrated upon our citizens?

To me one of the darkest features of this question is the stand which our Government has taken. It "dissents" but practically admits its helplessness. It complains feebly and yet informs every humble citizen applying for passport that it is powerless to protect his rights. If I am correct in my contention, then our Government, in acquiescing quietly to the outrage, is practically aiding and abetting Russia in this atrocity; is particeps criminis to the wrong being done her own citizens.

Would Great Britain permit it? Would the German Empire tolerate it? Not in a single instance. If Russia is correct, then we are bound by treaty to a doctrine inconsistent with every principle and policy of our own republican form of government. A doctrine founded on a false interpretation of our Constitution and in dire contrast to the history of American diplomacy. She is either right or wrong. If wrong, then there can be no question as to the rectitude of our position when we terminate all treaty relations. If right, then there is all the more reason and necessity of ridding ourselves of a relationship so radically repugnant to our principles of government and so obnoxious and unjust to a large portion of our people.

Some say it is a grave matter and we should go slowly. It is a grave matter, one of vital importance; but the real gravity of the situation is the slowness with which we have gone about it. Is not 40 years a sufficient time for even Russian diplomacy? Many a man against whom this treaty operated has lived out his time and been gathered to his reward while waiting. Children have grown to manhood and womanhood, and young men have grown old since the first date of this contention, and a new generation of men have grown up and are at the helm of Government, and still these people are waiting patiently for the rights that are theirs. Yes; waiting patiently to have you take from their necks this yoke of humiliation and degradation. They have waited with all the patience of the traditions of their people. How long do you suppose this condition would have lasted if it had applied to Presbyterians, Baptists, and Methodists and this form of Russian hatred and animosity had been directed against these denominations? How long if it had been directed against the German Americans of these United States? Did you ever stop to consider the fine qualities of Jewish citizenship? Did you know that they have large associations formed expressly for the purpose of taking the Jewish emigrant in charge immediately upon his entrance into this country and teaching him to read and to write and to speak the English language, and at the same time indelibly impress upon him all the best there is of American ideas and principles and laws, or, in short, to make a citizen of him? Do you know that they have large societies operating in every part of the Union—societies whose sole purpose it is to see that none of their race become charges upon the public? How many Jews have you ever seen begging alms on the streets? Is it not true that you rarely ever see a Jewish criminal?

Did you ever stop to think that the major portion of the Holy Bible, that greatest of all law books, was recorded by Jews? That Saul of Tarsas, afterwards known as Paul, he whom Almighty God in His omnipotent wisdom saw fit to strike down on his way to Damascus and to make temporarily blind that He might use him to spread the gospel throughout the land—that he, the greatest preacher the world has ever known and whose name and teachings and preachings reverberate from every pulpit in every civilized country to-day—did you ever stop to think that he was a Jew? David, the mighty King of Israel, successful as a warrior and successful as a ruler; in fact, one of the greatest rulers ever known to man, was a Jew. Solomon, considered to be the wisest man the world has ever known, was a Jew. Moses, who led his people out of captivity and laid down upon tablets of stone those Ten Commandments which are beacon lights to the rectitude of our conduct and steer us to the goal of the hereafter, and which are the fundamental principles on which all the laws of civilized nations are founded, was a Jew. And so, too, in this day of modern civilization. Many of our greatest judges, and lawyers, and doctors, and teachers, and merchants, and preachers, and legislators, are Jews. But why belittle the question? Why discuss this feature which should have no bearing upon the issue? The very foundation stone of American citizenship is that principle which places us all upon the plane of equality and knows no creed. We look to the man and not to his creed and nationality. The sole question for consideration is, Shall we wait longer? Shall we abide our time and await further action on the part of our Government? Listen! In 1908 the Republican Party placed the following plank in its platform:

We commend the vigorous efforts made by the administration to protect American citizens in foreign lands, and pledge ourselves to insist upon the just and equal protection of all our citizens abroad. It is the unquestioned duty of the Government to procure for all our citizens, without distinction, the rights of travel and sojourn in friendly coun-

tries, and we declare ourselves in favor of all proper efforts tending to that end.

In accepting his nomination for the Presidency, Mr. Taft, among other things, said:

The position which our country has won under Republican administrations before the world should inure to the benefit of everyone, even the humblest of those entitled to look to the American flag for protection, without regard to race, creed, or color, and whether he is a citizen of the United States or of any of our dependencies. In some countries with which we are on friendly terms distinctions are made in respect to the treatment of our citizens traveling abroad and having passports of our Executive, based on considerations that are repugnant to the principles of our Government and civilization. The Republican Party and administration will continue to make every proper endeavor to secure the abolition of such distinctions, which in our eyes are both needless and opprobrious.

And again in August of the same year he wrote the following letter to Mr. Jacob Schiff, of New York City:

HOT SPRINGS, VA., *August 11, 1908.*

MY DEAR MR. SCHIFF: I have your kind letter of August 3, and thank you for your congratulations upon my speech of acceptance. You can count on my giving special attention to the passport business should I be intrusted with the mandate of power.

* * * * * * *

Very sincerely, yours,

WM. H. TAFT.

In a speech made at Brooklyn the same year he used the following language:

No American passport should be subject to investigation beyond the certificate itself as to citizenship. I wish to say that nothing will appeal to me if I am elected more than the duty of devising ways and means to make an American passport cover every American citizen the world over. But you must not misunderstand me. I promise to use every effort on my part. How far I can succeed depends upon the future. Every effort is being made now, and what I desire to emphasize is the sincerity of the promise in the Republican platform.

Just two weeks after this, in New York City, he said:

But that national prestige must be used not only for the benefit of the world at large, but for the benefit of our own citizenship, and therefore as we gain in international prestige we ought to assert our insistence that our passports certifying our citizenship should secure to every man, without regard to creed or race, the same treatment, the same equality of opportunity, in every nation on the globe. Now, this is not a matter with respect to which promises of immediate accomplishment can be made, but of this you can be certain—that if you commend the administration of Theodore Roosevelt by electing a Republican administration to succeed his, that administration will continue to press that question until the certificate contained in an American passport shall have the effect that it ought to have.

And once more did the President, during his carefully prepared inaugural address, reiterate these promises which had been made by his party and himself before the election. Now, I presume these promises were honestly made and in good faith, and, such being the case, I must conclude every possible effort has been made to carry them out, and that after three years of honest effort, aided by the very able and distinguished Secretary of State, it has all resulted in failure. It seems to me, therefore, there is nothing left for Congress to do, and it is incumbent upon us to act and act promptly, decisively, and unanimously.

Have we the power? Undoubtedly.

The precedents are there in plenty.

As early as 1798 Congress abrogated treaties with France. A treaty with Belgium was terminated in 1858, and another was terminated with the same country in 1875. The treaty with Brazil was terminated in 1841, with Chile in 1850, and another with Great Britain terminated in 1871—and also with Mexico, "Ottoman Porte," Peru, Venezuela, and other countries.

In fact, there can be no question of our power to abrogate. Our courts have held, and properly so, that treaties are merely contracts and may be amended, modified, or annulled at any time. In the Head Money cases (112 U. S. Stat., 598) the court used the following language:

In short, we are of opinion that, so far as a treaty made by the United States with any foreign nation can become the subject of judicial cognizance in the courts of this country, it is subject to such acts as Congress may pass for its enforcement, modification, or repeal.

Now, then, I have shown you that this treaty, entered into with good faith by our Government, is being violated; that we have done all in our power to enforce its terms; that we have plead in vain; that there is nothing left but abrogation; and that Congress has the power to abrogate. Is there any reason why we should longer continue in this attitude of submission and humiliation? It has been suggested it would injure us commercially, and we should not rudely cast away our Russian business. I can best answer this question by quoting from a letter of Judge Sulzberger to President Roosevelt upon this subject. He said:

The commercial disadvantage to us of the expiry of the treaty of 1832 is not appalling. International trade, like all trade, is not in its bulk based on favoritism but on mutual interest. We can not sell what Russia does not want, nor do we buy what we do not expect to use advantageously for ourselves. The laws of commerce will in the end prevail over mere fancies or momentary estrangements.

But suppose we do lose Russian trade by our action in this matter; what does the few millions of trade with Russia amount to when considered in connection with the vast number of millions represented by the earning capacity of the Jewish population of this country? And, after all, what does any or all of it amount to when considered in connection with the honor, integrity, and dignity of these United States? Let us abrogate this treaty. Let us teach Russia that an American citizen is to be respected the world over, and at the same time advertise to the world that we know no difference in our citizenship, but still cling to the traditions of our fathers and revere all of those old principles of theirs, which place us upon a plane of equality regardless of birth and creed.

Mr. SULZER. Mr. Speaker, I yield to the gentleman from North Carolina [Mr. STEDMAN].

Mr. STEDMAN. Mr. Speaker, to preserve inviolate the obligations imposed by a treaty, to sacredly carry out engagements honestly made and entered into, regardless of the result, is the code of morality of all governments in this age of civilization. In truth, in every age the observance of the sanctity of treaties has been confined to no one nation or people. Few governments have been willing to defend a violation of good faith. For what rights will be held inviolate if truth and the honor of one's country are sacrificed to policy, self-interest, and gain? It would justly and properly be offensive to the Members of this House if a suggestion should be made which contemplated the violation in spirit of any treaty entered into by this Republic, whose life depends upon the education, morality, integrity, and virtue of all its people.

May the day never come when this Government shall forget its plighted faith to any nation. So mighty is the force of public opinion that the instances have been rare where any people holding an honorable position among the nations of the world have deliberately violated the sanctity of a treaty.

I can recall no instance of more flagrant and inexcusable breach of the terms of a treaty by one of the contracting parties than will be brought to the attention of this House by the resolution now pending.

During the administration of Andrew Jackson, James Buchanan was sent as United States minister to Russia. On December 18, 1832, the treaty which is now under consideration was signed by Buchanan representing this country and by Nesselrode representing Russia. On February 22, 1833, it was forwarded by President Jackson to the Senate and five days thereafter was agreed to by a unanimous vote. On May 11, 1833, ratifications of the treaty were exchanged. Until after 1865 no serious question was ever raised as to the true interpretation of the treaty, when Russia claimed such a construction of the first article of the treaty as could be recognized by no citizen of this country who values its institutions and loves its renown.

Article 1 of the treaty of 1832 with Russia reads as follows:

There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation. The inhabitants of their respective States shall mutually have liberty to enter the ports, places, and rivers of the territories of each party wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories in order to attend to their affairs, and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce.

Russia has violated the treaty by construing that part of article 1 which says that the inhabitants of the respective States—

Shall be at liberty to sojourn and reside in all parts whatsoever of said territories in order to attend to their affairs, and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce—

to mean that American citizens of Jewish faith are subject in Russia to the same restrictions that Russia imposes upon Russian inhabitants of Jewish faith, by declining to permit American citizens of Jewish faith to sojourn and reside in Russia in order to attend to their affairs and to enjoy the same security and protection as non-Jewish native Russians, and by refusing to honor American passports issued to American citizens of Jewish faith.

In accordance with this construction Russia has required its consuls within the jurisdiction of the United States to interrogate American citizens as to their race and religious faith and has denied to Jews authentication of passports to be used in Russia. For more than a third of a century Russia has followed a policy based upon this construction of the treaty, a construction which utterly ignores a fundamental right of American citizenship, a construction which, so long as it is tolerated and acquiesced in, is an insult not only to every Jew who dwells within the borders of this Republic and claims by

right of citizenship its privileges and blessings, but to each and every one of its citizens regardless of his race, his ancestry, his blood, or his religion, a construction which disregards the right of freedom of religious belief, a fundamental doctrine to which this Government is pledged, and which it will never surrender so long as its Constitution is respected and obeyed and the admonitions of our fathers revered.

Where can authority be found for such a construction of the treaty? It will be found alone in the selfish policy of Russia, which has characterized that Government in its official intercourse with other nations, and which has become both historic and infamous.

In the Constitution of the United States, paragraph 3, Article VI, it is provided:

> The Senators and Representatives before mentioned and the members of the several State legislatures and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution, but no religious test shall ever be required as a qualification to any office or public trust under the United States.

Then an amendment to the Constitution provided that—

> Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

The rule of interpretation of treaties has been distinctly and clearly set forth by the Supreme Court of the United States in Geofroy *v.* Riggs, 133 U. S., 271:

> It is a general principle of construction with respect to treaties that they shall be liberally construed so as to carry out the apparent intention of the parties to secure equality and reciprocity between them. As they are contracts between independent nations, in their construction words are to be taken in their ordinary meaning as understood in the public law of nations, and not in any artificial or special sense impressed upon them by local law, unless such restricted sense is clearly intended. And it has been held by this court that where a treaty admits of two constructions, one restrictive of rights that may be claimed under it and the other favorable to them, the latter is to be preferred.

There is no rule of interpretation applicable to treaties or to private contracts which would authorize either of the parties thereto to make exception by construction. None such can be found. Society for Propagation of Gospel *v.* New Haven, 8 Wheaton, 464, 488, 489. Rhode Island *v.* Massachusetts, 12 Peters, 722. These authorities were cited by Louis Marshall, Esq., in an admirable address delivered before the Council of American Hebrew Congregations, in New York, January 15, 1911. Others to the same effect could be readily presented for your consideration.

In no line or word of the treaty can be found warrant for the belief that it was ever intended that discrimination should be permitted against any class of American citizens.

In construing the treaty due regard must be had for surrounding conditions at the time of its execution. The strict letter of our Constitution and the spirit of our institutions were well known to both contracting parties, and it is impossible to conclude that they supposed or intended that the privileges of the treaty could be denied to the citizens of either country because their religious faith was not acceptable to the country which they desired to enter.

In Kent's Commentaries this language is used with reference to the construction of treaties:

> Treaties of every kind are to receive a fair and liberal interpretation according to the intention of the contracting parties, and are to be kept with the most scrupulous good faith. Their meaning is to be ascertained by the same rules of construction and course of reasoning which we apply to the interpretation of private contracts.

It is past belief that the United States would give to all Russian citizens the right to travel and sojourn in our territory, whereas American citizens of a certain religious faith were denied the right to travel and sojourn in Russia. Who will say that James Buchanan, our minister at St. Petersburg, ever negotiated a treaty with an exception in it which deprived those of Jewish faith of the rights accorded by the treaty to all other classes of American citizens? What think you Gen. Andrew Jackson, the President, would have said to such a proposition? His remarks would have doubtless been entertaining, if not gentle and polite. The history of the negotiation with reference to this treaty will show conclusively that the question of the Jewish faith, afterwards interjected by Russia, was a mere pretext, and at the time the treaty was executed was not in the minds of either of the contracting parties. Any official of this Government connected with the negotiation of this treaty who should have been so derelict in his duty as to have allowed just cause for such a misconstruction as is now and has been for nearly 40 years placed upon it by Russia would have merited and received the universal scorn and contempt of his countrymen.

The proper construction of this treaty, and one from which this Government has never deviated, was declared by the Committee on Foreign Affairs of this House in 1892—in words which find a responsive echo in the hearts of the entire American people:

> Our Government can make no distinction based on creeds or birthplaces of its citizens, nor can it permit such distinction to be made by foreign powers. Not the religion nor race of a person but his American citizenship is the grand test of the treatment he shall receive and the rights he shall enjoy in other countries.

The practical construction placed upon this treaty by both parties from the time it was executed for a period of nearly 30 years, affords the highest evidence of their intention and removes any doubt as to the meaning of its terms, if any honest doubt ever actually existed.

From 1832 to 1860, except in a few sporadic cases, no question was raised by Russia as to the validity of American passports given to Jews, and legal ingenuity will search in vain for any justification of the violation of the treaty such as has existed notoriously since 1865.

In 1881, Hon. James G. Blaine, Secretary of State, addressed a letter to Mr. Foster, our minister to Russia, explaining the views of the American Government in the following language:

> It would be, in the judgment of this Government, absolutely inadmissible that a domestic law restraining native Hebrews from residence in certain parts of the Empire might operate to hinder an American citizen, whether alleged or known to profess the Hebrew faith, from disposing of his property or taking possession thereof for himself (subject only to the laws of alien inheritance) or being heard in person by the courts which, under Russian law, may be called upon to decide matters to which he is necessarily a party. The case would clearly be one in which the obligation of a treaty is supreme, and where the local law must yield. These questions of the conflict of local law and international treaty stipulations are among the most common which have engaged the attention of publicists, and it is their confirmed judgment that where a treaty creates a privilege for aliens in expressed terms it can not be limited by the operation of domestic laws without a serious breach of good faith which governs the intercourse of nations. So long as such a conventional engagement in favor of the citizens of another State exists, the law governing natives in like cases is manifestly inapplicable.

In the case of Kutner, concerning whose religious faith the Russian Government made inquiry, Mr. Blaine's already great reputation was advanced by the following statement made by him:

> In reply, the representative of the United States was instructed that in conveying the inquiry of the imperial office to Mr. Kutner the Department of State found itself unable to interrogate him as to the religion professed by him, inasmuch as the Constitution of the United States prohibits the application of any religious test whatever in respect to our citizens. In dealing with all this class of cases the department has scrupulously abstained from taking official cognizance of the religious faith of any citizen. It can not inquire into it as a fact and it can neither affirm or deny that an individual holds a particular creed.

This statement, so admirable in sentiment and so in accord with the genius of our institutions, together with his letter to Mr. Foster, was worthy of his great ability. Neither has ever been successfully answered by the Russian Government and never can be.

Every Secretary of State since 1860 has repudiated and disavowed in unmistakable language and terms the construction placed upon the treaty by Russia, and has declared that it was the intention of the United States that all its citizens should receive equal treatment without any discrimination.

To one and the same effect have been the statements made by Mr. Cassius M. Clay, our minister to Russia, in 1867, by Messrs. Evarts, Bayard, and Olney, Secretaries of State.

Time and again has this House passed resolutions expressive of its views in favor of equal treatment of all its citizens under the treaty of 1832 with Russia. In 1909 both Houses of Congress passed the following resolution:

> *Resolved, etc.,* That the President of the United States be, and is hereby, directed to renew negotiations with the Government of Russia to secure, by treaty or otherwise, uniformity of treatment and protection to American citizens holding passports duly issued by the authorities of the United States, in order that all American citizens shall have equal freedom of travel and sojourn in such country without regard to race, creed, or religious faith, including a provision that the honoring or viséing of passports when duly issued and held by citizens of the United States shall not be withheld because or on account of the race, creed, or religious faith of their holders.

Nor has public sentiment been quiet under the monstrous wrong which for so many years has been perpetrated against one class of our people on account of their religious faith. In response to popular sentiment, which has been deeply aroused by the insolent and unwarranted conduct of Russia toward American citizenship in connection with this treaty, both the great political parties of this country have spoken in no uncertain terms.

In 1904 the Republican national convention embodied in its platform these words:

> We commend the vigorous efforts made by the administration to protect American citizens in foreign lands, and pledge ourselves to insist upon the just and equal protection of all our citizens abroad. It is the unquestioned duty of the Government to procure for all our citizens, without distinction, the rights of travel and sojourn in friendly countries, and we declare ourselves in favor of all efforts tending to that end.

In 1904 the Democratic Party, in its national convention, declared in part as follows:

We demand that all over the world a duly authenticated passport issued by the Government of the United States to an American citizen shall be proof of the fact that he is an American citizen and shall entitle him to the treatment due him as such.

Memorable words, worthy to be read in the platform of the great party which is now and forever will be ready to maintain inviolate the honor and glory of American citizenship.

Why stand we here idle? How long shall our patience be abused? How long shall a fundamental principle of this Republic—a star of hope, of rest, of promise to the weary in many lands—be ignored and trampled upon by Russia under the hideous pretext afforded by a false, illegal, and unwarranted construction of a treaty so plain in its terms that he who runs may read?

The day and the hour have come when this burlesque should be ended. Too long already, far too long, has the affront to our Government, to its self-respect, to its dignity, to its honor, been allowed.

This House owes a duty to the whole American people, not to the Jew alone, for it is not a Jewish but an American question. The resolution should pass promptly, without a dissenting voice. When the honor of our country is at stake, when the integrity of its citizenship is assailed, we are neither Democrats nor Republicans; we are all Americans, and forget for awhile questions of party strife and party advantage.

The treaty of 1832 with Russia should be denounced, put an end to, and in pursuance of that purpose the 12 months' notice which is required should be immediately given.

Speaking for myself, I would go further. The treaty of 1887 should be denounced also, and the six months' notice required for ending that agreement, which refers to extradition, which is of benefit to Russia and of little or no interest to us, be also immediately given. Let Russia—and not alone Russia, but the entire world—know that no nation from the rising to the setting sun can negotiate or have a subsisting treaty with this Government which fails to give all its citizens the same rights and privileges, regardless of their religious faith.

I have seen it stated that the denunciation of the treaty of 1832 with Russia would cause some financial loss to this country. I am informed that our exports to Russian and imports from Russia for the year 1910 aggregated less than $40,000,000. If the figures given be correct, it is safe to say that the profits derived from this traffic would not exceed $5,000,000. Suppose the profits were $500,000,000. Is any American citizen willing to barter the blessings of this free land, which belong to all of its children alike, for any price sufficient even to satisfy the dream of avarice?

But it has been said by some that the contention with reference to passports as involved in the treaty of 1832 is a question which involves the rights of Jews alone. It is not true. It involves American citizenship and all that it implies in its broadest sense. If, however, it were a Jewish question alone, who can be found to say that our duty to denounce this treaty is in the slightest degree less imperative as a question of national honor? When American citizenship is assailed by an unjust, illegal, and unwarranted denial of rights under a treaty to any class of citizens on account of their religious faith, what is the difference whether the religious faith thus assailed be that of the Presbyterian, the Methodist, the Catholic, or the Jew?

Who is this Jew whose rights as a citizen we are asked to ignore and disregard? Amongst our people he has ever been a conservative force. He has never attempted to disturb existing conditions. His influence has been healthful, and his life has been distinguished for charity, benevolence, and philanthropy.

His record compares well with any other class anywhere. The history of no race of men, from the early dawn of time, is so full of wonderful events; is so connected with the advance of civilization; is so gilded with strange romance; is so blessed with heroic memories; is more closely allied with the highest truths of science. No race has contributed more to the civilization, prosperity, and happiness of humanity or has survived so much suffering without a surrender of manhood.

Persecution and oppression have enobled the character of this people, and they have been led thereby toward greater efforts for moral and intellectual growth. Suffering is necessary to purify both individuals and nations. No man or woman ever reached the high degree of excellence to which their nature might aspire unless exalted by sacrificial fire, and these people, more than any other in the world's history, have exemplified this great truth.

Forty centuries have witnessed their struggle. In spite of dispersion and oppression, which robbed them of the simplest rights of man, the very right to live, the development of their intellectual life has been continuous, and has preserved for other nations the foundation and basis of morality. They have furnished names renowned as philosophers, musicians, sculptors, and scientific physicians.

They have preserved a community of faith and ideas founded on an intellectual and moral life, which has ever distinguished them and has made them an example for the civilized world. If there be heroism in endurance, in patient fulfilment of duty, in earnest endeavor for good, then Jews have lived heroic lives. In our own land they have proved themselves worthy of American citizenship in its broadest sense and all that it implies. Nor shall they be robbed of its blessings unless this Congress forgets its duty and fails to uphold one of the fundamental principles of government which is the glory of our common country.

Has Congress the legal right and power to enforce the provisions of the pending resolution? No respectable lawyer, who has given careful investigation to the question, will say to the contrary.

But it is suggested that the condition of the Jews who live in Russia might be made worse. Impossible. The Jew has fought for his existence against the Egyptians, Assyrians, Babylonians, and Romans, but through all the dreary ages of his wandering and his suffering he has never met brutality and cruelty so completely personified as in his Russian tormentor. Or, again, the American Jew might never be allowed in the future to visit Russia. The Jew who has any great desire to enjoy the hospitality of Russia and its people, ought to have but one home—the lunatic asylum.

What, then, is the benefit to be derived from the abrogation of the treaty of 1832 with Russia? The everlasting joy and happiness which come to all who dare to do right and keep faith with their conscience. The enthusiastic fervor which will rejoice the heart of every patriot who loves the institutions of his country when he knows that national honor and integrity have been sustained and have triumphed after a long fight against the wiles and strategems of cunning and duplicity.

The adoption of the Sulzer resolution is demanded by the highest sense of duty. The treaty of 1832 with Russia should be abrogated at once, unhesitatingly, joyously, and gladly by the united vote of all. Such action will ring like an electric shock around the world, carrying to every American citizen, whether Jew or Gentile, wherever he may be, on land or sea, the glad tidings that the Republic still lives with the glory of its citizenship undimmed, unstained, unrivaled, and without a price. [Applause.]

Mr. SULZER. Mr. Speaker, I yield to the gentleman from New York [Mr. LEVY].

Mr. LEVY. Mr. Speaker, the question at issue in the resolution before the House is not a new question. It is a question upon which so much has been written and said that there is probably no Member of the House who is not familiar with its every detail or who needs either information or advice regarding it. For a generation liberty-loving American citizens have been protesting in vain against a situation which to every man who loves America and who believes in her greatness, has been intolerable. I do not therefore propose to make a long and detailed statement of the situation in all its historical phases, but simply wish to express as fully and as deeply as I can the feelings of one American citizen to whom this question is a deep, vital, and, if I may be permitted to say so, a personal question.

Mr. Speaker, I know of no greater honor that can be bestowed upon any man in the whole wide world than the honor of being an American citizen. Thousands of angry bayonets; thousands of precious lives; hundreds of bloody battle fields have wrested the priceless boon of equal citizenship from the jealousy and power of despotism, and if to-day we are not obliged to fight for citizenship, we are at least obligated to retain that citizenship in all its original power and glory. It is this citizenship, Mr. Speaker, that has been, is, and unless some strong measure be adopted, will continue to be menaced by the action against which we so earnestly and solemnly protest. Unless the American citizen shall be accorded the absolute protection of his country wherever he may travel his standing as a citizen must be impaired even in his own country.

It has been the policy of the United States of America from the very beginning of her existence as a Nation to confer the right of citizenship, with all its privileges and powers, not only upon those who were born within her borders, but to any and all who may come from far-off lands to seek protection under the Stars and Stripes. They have come to us, the oppressed and downtrodden, the poor as well as the wealthy and intelligent when they felt a longing to live in a country where, in the words of the immortal Jefferson, "all men are created free and

equal," and under the inspiring influence of our social and political life they have been amalgamated into a citizenship which is equal, aye, superior to that of the proudest cities and states that history knows.

Upon this principle of equality and liberty—a principle as firm as the Rock of Ages—our country has endured for over a century, increasing in power and prosperity, while throughout the world thrones have fallen, dynasties have died, and nations have been eliminated from the map of the world. The right to naturalize foreign-born citizens, Mr. Speaker, was never granted willingly to this country, but was paid for by the expenditure of priceless blood and treasure. The bloody War of 1812 with Great Britain was largely the result of England's refusal to consider the rights of naturalized British subjects, but the principle triumphed, and in every civilized country of the globe, but one, it has come to be recognized that section 1999 of the Revised Statutes of the United States is, in deed and in fact, good and sound international law. We plead to-day, Mr. Speaker, that the principle shall continue to prevail; that the brave tars who fought under Commodore Perry at Lake Erie, the gallant followers of Jackson at New Orleans, and the countless heroes who bled and died shall not have died in vain.

PASSPORTS.

In glancing over the passport question it sometimes appears strange that, although the treaty between Russia and this country was made in 1832, it was not until 1865 that any question arose between the United States and Russia as to the interpretation of the terms of the first article of the treaty. But by that time the attitude of the Russian Government in Russia itself had changed toward her Jewish subjects, and because, forsooth, Russia changed her attitude generally toward a large number of her own subjects, she, with an entire disregard of every possible dictum of international law, insisted that a friendly country, who had no sympathy with such a policy, change its entire attitude to suit her internal policy.

After 1865, for 12 years or so, a few cases came up, probably only a few, because it was not so general for people to travel abroad in those days. But in 1880 the question became acute, and after that time there was a long series of protests by brilliant Secretaries of State of both political parties, among them James G. Blaine, Thomas F. Bayard, Richard Olney, and others, who protested vehemently against Russia's iniquities. Numerous resolutions in both branches of Congress of the United States show plainly that the temper of the American people was being aroused to this intolerable situation, and it has finally culminated in the resolution which is before the House to-day. It is difficult to understand how there can be, or ever could have been, any question as to the right or the justice of the protest we voice to-day in the matter.

And while it is not my intention to reflect upon the patriotism or statesmanship of anyone who has reached the high honor of being Secretary of State, it is still a fact that in recent years little has practically been done through the channels of diplomacy to impress the Russian Government with the importance of this question, and I fear very much that if it had not been for the persistent resolution and patriotic endeavors of the large and influential body of American citizens nothing would have been accomplished. I wish I had the time to go deeply into the history of the many iniquities that Russia has practiced in this matter, but I believe that to most people who have studied the question at all, the record is so well understood and Russia's guilt so well established that it is hardly necessary to call witnesses to prove the case.

I am loath to believe, Mr. Speaker, nor am I ever ready at any time to impugn the motives of any man or set of men, and I would dislike to believe, what has been said more than once, that "commercial interests are back of any opposition to the proposed abrogation of our treaty with Russia." We are a commercial nation; we are a nation of business people, and we are striving and will keep on striving to conquer the markets of the world.

But, Mr. Speaker, deep in the hearts of every American citizen there is a sentiment stronger than any business sentiment, and I believe I voice the sentiment, not only of every man in this House, but of the majority of the men of America, when I say that in any question of public policy our Americans are never ready to place the dollar above the man.

Even if it were a fact that the only ones who had suffered were Americans who belonged to the Jewish race it would still be a vital question for all America. For, while the Anglo-Saxons, Irishmen, Frenchmen, Germans, and Scotchmen, and all the other races have helped to make this country the great and glorious country that it is, I certainly feel safe in saying what no fair-minded man can gainsay who has studied the history of his country, that the Jew has contributed his full share toward the development of this country and the fulfillment of its imperial destiny, and, Mr. Speaker, that history goes very far back.

There is a picture on the Senate side of the Capitol Building illustrating the recall of Columbus to the court of Ferdinand and Isabella from whence he had gone discouraged and disheartened at the cool reception he had received. His recall to the court was made at the suggestion of a Spanish Jew, and the expedition that discovered America was financed by Jewish gold. The first white man who stepped upon the soil of the New World was a Jewish sailor. Through all the history of our colonies we find evidences of the thrifty, industrious, and intelligent Jew. One of the first great merchants of the eighteenth century was Aser Levy, who traded with the Indians and of whom it may be proudly said by his descendants that he was actually worshiped by the red men for his fair and just dealings with them. As soon as the bright spirit of liberty dawned on the New World among the first to join the ranks of the liberty-loving men of 1776 were hundreds of American Jews. The nonimportation act of 1765, which was really the first organized movement in the agitation for separation from England and was the forerunner of the glorious Declaration of Independence, contained 10 Jewish names, amongst which I may be pardoned for stating with some pride was that of a great-grandfather of mine. The list may be extended, Mr. Speaker, until the mere mention of the names would take too long. But in every walk of life, in every State in the Union, there are Jewish names that shine with the luster of a patriotic honor and dignity unexcelled by any other race.

Soldiers whose valor was tested on many a bloody battle field; statesmen whose wisdom has helped to build many an important enactment; judges and jurists of unparalleled legal ability; merchants of unimpeachable integrity; scholars and artists; and above all the large number of Jews in humble walks of life; millions of law-abiding, industrious, thrifty, and moral citizens who rear their families, take care of their poor, honor their parents, and love and venerate the flag under which they live. And it is these people, Mr. Speaker, against whom a prejudiced despotism has for years directed its injustice.

It makes no difference to them whether the man was born here or whether he was naturalized. Colleagues of mine on the floor of this House, men whom large constituencies of intelligent American citizens have sent to represent them in the greatest legislative body in the world; judges who have been elevated by the votes of American citizens to that exalted position on the bench; these are the people who Russia treats almost as though they were criminals and outcasts.

I believe, Mr. Speaker, the day of these iniquities has almost passed. I believe that to-day it is not alone the four or five million people of the Jewish blood in this country, but that back of them are 90,000,000 sturdy American citizens who are ready to say in no uncertain tones to the whole world, and to Russia in particular, that an American citizen is an American citizen wherever he may go, from the North to the South Pole and all the way around the Equator, absolutely certain that in all his journeys the protecting folds of the Stars and Stripes are a better armor and a stronger breastplate than ever before to shield him from injustice.

Believing this, Mr. Speaker, we cheerfully submit our case to the sense of justice and patriotism of the American people as they are represented here to-day in the House of Representatives of the United States. [Applause.]

Mr. SULZER. Mr. Speaker, I yield five minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Speaker, the resolution for the abrogation of our treaty with Russia, which comes before us for adoption, is one in which many citizens of the city of Baltimore in particular and the State of Maryland in general are largely interested.

We have with us in the city of Baltimore many Jewish citizens who are men of great prominence, men of great ability, men of great wealth, who are great artisans, toilers, and workers, which has been of wonderful and material help in making Baltimore one of the leading cities of the Atlantic seaboard. Not only are our Jewish citizens successful people in business, financial, and commercial lines, but we find them interested in all charities, in all works, in all enterprises, regardless of creed or race, tending to the uplift of our people and the upbuilding of our city.

We do not, however, in the city of Baltimore and in the State of Maryland, look upon this question as a Jewish question; we look upon it in the broader sense as an American question—as a question which involves one of the very principles upon which our Government is founded. Not only does Russia refuse to those of Jewish extraction visé to the passports issued by

this Government, but Catholic priests, clergymen of other denominations, missionaries, and persons of that class are likewise discriminated against.

In Maryland we pride ourselves upon religious freedom. It was in that Commonwealth that religious freedom, the right to worship God according to the dictates of one's own conscience, was first declared, and its promulgation on the banks of the St. Marys River, not far from this, the capital of our country, is a matter of history. That declaration of religious freedom permeates all parts of this country, and, I might say, the very remotest corners of the globe. So to Maryland and its citizens the question of religious freedom is one of vital importance. Baltimore has been for many years the home of that great premier American cardinal and the head city of the Catholic Church. Likewise it has been the home of many clergymen and teachers of other denominations, all of whom are firm believers in that early principle of religious toleration enunciated when the State was but a small province.

America is regarded by the world at large as a country of great resources; not only the resources of wealth and property, but resources of brain, muscle, inventive genius, and the like, and it seems to me un-American that we should stand by idly and see any of our citizens refused the visé of their passports by a Government which has entered into a treaty with the United States, the terms of which are so plain that they admit of no other construction than that our citizens and inhabitants shall have equal right to travel and sojourn in Russia without regard to race or creed and with a full guaranty of protection under the law.

I hope to see the day when a man bearing the passport of our Government can proudly boast that he is an American citizen, and will receive the same consideration and scrupulous respect for his rights given in olden days to the man who could with pride declare, "I am a Roman citizen." When we fail to insist upon that protection to which every American citizen, regardless of his race or creed, is properly entitled, we are not living up to the principles enunciated in that great and hallowed document known as the Constitution of the United States, under whose extended wings the oppressed from every nation of this world have sought protection and reared their homes. [Applause.]

Mr. Speaker, it has been my pleasure to travel through the various countries of Europe, including Russia. On one of these journeys I met a gentleman of the Jewish race who hailed from Philadelphia. We formed quite a friendship, becoming of mutual assistance to one another, particularly so as he spoke several languages. When we reached the city of Stockholm, not thinking of his race or creed, I said: "Why do you not go on to Russia?" "I do not know that I would be admitted there," was the reply.

My own passport had been viséed in London, my race and creed being satisfactory to the Russian consul, but there at Stockholm I was compelled to part from my American friend, a man who was as much entitled to the protection of this country and who had as much right, as an American citizen, to be allowed to travel and sojourn in Russia as I had. [Applause.]

And so I say, Mr. Speaker, since Russia has for more than 40 years, under one pretext or another, discriminated against certain classes of our citizens and has persisted and still persists, despite our repeated and vigorous protests, in refusing them equal rights under this treaty, which is the law of the land, it is now the bounden duty of Congress to pass this resolution giving notice of our intention to abrogate the treaty of 1832, and I sincerely hope that this resolution will pass.

The SPEAKER. The time of the gentleman has expired.

Mr. SULZER. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. ALLEN].

Mr. ALLEN. Mr. Speaker, I have listened to this debate with profound interest. Certain classes of native-born and naturalized citizens of the United States are denied by Russia the right to sojourn and travel within her borders.

Does anyone for a moment question the fact that our people would never have entered into this treaty had Russia openly avowed at the time of the making thereof the construction which she now places upon the treaty? Under no circumstances would we to-day make with Russia, or with any other country, a treaty which avowedly permitted such discriminations as Russia now makes and claims she has the right to make against certain classes of our citizens. This being the case, the treaty, as misconstrued by Russia, should, and of right ought to be, terminated.

It has been said that if the treaty is abrogated our commercial relations with Russia will be affected. But our commerce with Russia is insignificant compared to the great volume of our trade with the rest of the world. Russia only furnishes 1½ per cent, I think it was stated before the committee.

But, Mr. Speaker, I shall vote in favor of this resolution because I do not think that the question is, "How much will it cost us in dollars and cents to do what is right," but rather "How much will it cost us if we fail to adhere to the principles upon which this Government was established."

This age is given over largely to commercialism, but I do not think that we have lost entirely the higher and patriotic sentiments handed down to us by our forefathers. [Applause.]

I want to read here a paragraph from the able address of Hon. Rufus B. Smith, president of the Cincinnati Bar Association, delivered recently on this subject:

> The question is whether we propose to be true to one of the great principles of this Government, or whether we are to barter it away for a mess of pottage? Are we to place the dollar above the man? Are we to consent to a stigma being placed on American citizenship if only we can make a few dollars out of it, or are we to say to the world that every citizen of honest character and good report shall receive equal treatment at the hands of foreign nations, and that an insult to one class is an insult to all?
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> Every great movement in the world has been led by some man or men or by some people or nation who placed principle above material considerations. This very Nation grew out of a revolution which refused to pay a small stamp tax because its payment involved a great principle.
>
> Emerson has somewhere said that in the course of time the whole world moves around to the man who stands true. If this aphorism is true of men, it is true of nations, which are but aggregations of men. But whether true or not, let us be true to ourselves and our principles, and true to those among us upon whom it is sought to place an undeserved stigma, and let the consequences take care of themselves.
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> The passport question to Russia is generally regarded as a Jewish question, but it is not entirely so. For not only the Jew, but also Catholic priests and Protestant missionaries are excluded from Russia.

This, therefore, is not solely a Jewish question, for the Jews are not the only people who are discriminated against. Clergy of all denominations are discriminated against and have been for the past 30 years. A Catholic bishop, of Scranton, Pa., was, only a few years ago, prohibited from entering Russia for only a two days' visit.

But, Mr. Speaker, I do not urge this action on the ground that it is a Jewish or a Catholic or a Protestant question. I make the appeal for the reason that here is involved a question of American citizenship. I make the appeal on the ground that Russia, in violation of and by misconstruction of the treaty, discriminates against some American citizens.

I say, let the treaty be abrogated. Let the notice issue—and if, as a result of such notice, Russia declines to enter into a supplemental treaty by which the rights of all American citizens are recognized without regard to their religious beliefs, then, I say, every consideration that should appeal to an American demands that this treaty be terminated.

If such a course is followed, its moral effect can not be estimated, for, quoting again from Judge Smith, "no nation can afford to affront the enlightened moral sentiment of the world." [Applause.]

Mr. KENDALL. Mr. Speaker, I hope I do not underestimate the serious importance of the action which the House, by this resolution, is invited to adopt this afternoon. It always is a grave matter when one great State considers the termination of friendly connections with another, and I think that in this exigency we would not be justified in calculating the advantage or disadvantage, the propriety or impropriety of severing our relations with Russia if the circumstances were not so persuasive as they are.

But unless the Government of the United States has alienated all the virility which it possessed at its organization it will compel Russia to discontinue her discriminations against American citizens of Jewish extraction or it will summarily suspend all treaty relations with the Empire of the Czar. The situation we are assembled to consider is aggravated beyond endurance and its adjustment can not be further postponed without a confession of our own utter impotency. We have forborne until forbearance has ceased to be a virtue. We have delayed until dilatoriness has come to be a crime. The indignities of which we complain are not embraced in a single outrage perpetrated in an isolated instance. They constitute a series of humiliations extending through a period of nearly two score years, which, when thoroughly comprehended, have been generally condemned. The legislatures of 19 sovereign States have urged that the national authority be asserted. The pulpit, the press, the platform, all the influential organs of public opinion in our land have insisted that the dignity of the Republic be maintained. The people themselves, with undivided voice, from ocean to ocean, have decreed that American citizenship shall be vindicated in the exercise of all its constitutional prerogatives, here and everywhere. Both the great political parties have spoken on the subject. The Republican national convention at Chicago in 1908 announced:

> We commend the vigorous efforts made by the administration to protect American citizens in foreign lands, and pledge ourselves to insist upon the just and equal protection of all our citizens abroad. It is the

unquestioned duty of the Government to procure for all our citizens, without distinction, the rights of travel and sojourn in friendly countries, and we declare ourselves in favor of all proper efforts tending to that end.

The Democratic national convention at Denver in the same year declared:

We pledge ourselves to insist upon the just and lawful protection of citizens at home and abroad and to use all proper methods to secure for them, whether native born or naturalized, and without distinction of race or creed, the equal protection of law and the enjoyment of all rights and privileges open to them under our treaties; and if, under existing conditions, the right to travel and sojourn is denied to American citizens, or recognition is withheld from American passports on the ground of race or creed, we favor prompt negotiations with the Governments of such countries to secure the removal of these unjust discriminations. We demand that all over the world a duly authorized passport, issued by the Government of the United States to an American citizen, shall be proof of the fact that he is an American citizen and shall entitle him to the treatment due him as such.

But more than three years have elapsed, and no substantial redress has been accomplished. We have petitioned, and our petitions have been answered by evasion. We have remonstrated, and our remonstrances have been defeated by subterfuge. We have protested, and our protests have been avoided by deception. The time for petition is gone. The day for remonstrance is past. The hour for protest is ended. The moment for decisive action has arrived, and we are here to register the ultimatum of an aroused electorate that simple justice shall be enforced from Russia in her attitude toward the American Jew. [Applause.]

In 1832 we entered into a solemn convention with Russia, containing, among others, the following stipulation:

There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation. The inhabitants of their respective States shall mutually have liberty to enter the ports, places, and rivers of the territories of each party, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories, in order to attend to their affairs, and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce.

For half a century that provision was faithfully observed by the Russian Government, but since 1882 it has been persistently, notoriously, and defiantly violated by the autocracy of the North. For 30 years that Government has refused to recognize official passports issued by our State Department when presented by a Jew, no matter how successful in business, no matter how celebrated in literature, no matter how distinguished in affairs, no matter how eminent in citizenship he may have been. And this is an infamy to which we will not further submit.

Of course, Mr. Speaker, we in this country recognize no distinction in respect to race or creed or religion.

Mr. MOORE of Pennsylvania. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman from Iowa yield to the gentleman from Pennsylvania?

Mr. KENDALL. Well, I yield for a question, but I am going to be limited in time, I think.

Mr. MOORE of Pennsylvania. Will the gentleman tell the House something of the evidence presented before the Committee on Foreign Affairs in regard to the failure of Russia to observe its treaty obligations with respect to the Jews?

Mr. KENDALL. The difficulty is that Russia insists upon a construction of the present treaty that no American citizen with any pride in his citizenship can assent to. Now, the gentleman, I think, is inquiring about concrete instances of exclusion.

Mr. MOORE of Pennsylvania. I thought the gentleman might tell us what the evidence was—what information the committee had before it as a basis for bringing in the resolution.

Mr. OLMSTED. If the gentleman will permit me to ask him a question before answering that——

Mr. KENDALL. I yield.

Mr. OLMSTED. That is, whether, in your judgment, as a result of the hearings by your committee there has been a plain, willful, intentional, and manifest violation of the treaty by Russia, or a misconstruction of it?

Mr. MOORE of Pennsylvania. I think, in answer to that question, we may all have our belief in regard to it, but we have not had a concrete statement from the committee.

Mr. KENDALL. I will give a concrete instance. If this treaty means that an American citizen of Jewish or Catholic or Protestant faith shall be guaranteed the right to enter the territory of Russia, then Russia has been guilty of a palpable violation of its provisions.

If it means that Russia may reserve to herself the authority to exclude a certain class of citizens and admit a certain other class, and that in pursuance of that right Russia has excluded Jews, Presbyterian divines, Catholic priests, and Baptist missionaries, then Russia's construction of that treaty has been correct and she is not in default. Now I go to the question suggested by the gentleman from Pennsylvania, and it is a very pertinent question. Has there been in fact an exclusion? Has Russia insisted upon this discrimination against Jews because they are Jews? The record in this case as submitted by the Committee on Foreign Affairs is full of information and enlightenment on that subject. This is not a new question which confronts the Congress at this hour. The State Department has been in correspondence with the department of foreign affairs in Russia for 30 years in an effort to induce that department to promulgate an order which would relieve the Jews of this country from the discrimination which has prevailed. Here is one instance of abuse: We had before the Committee on Foreign Affairs Mr. Harry Cutler, of Providence, R. I. He is a gentleman of Jewish extraction. He is now a manufacturer in the city of Providence; has been, I think, for three terms a member of the General Assembly of the State of Rhode Island; and is a lieutenant colonel on the governor's staff. I assume he is a man of standing and responsibility and credit in the community in which he resides. About a year ago the governor of Rhode Island appointed him as an agent of that State to travel through European countries with the representatives of the Boston Chamber of Commerce for the purpose of soliciting business and establishing friendly commercial relations with the traders of the Old World. Mr. Cutler concluded, in pursuit of his appointment, to visit Russia, although that was not in the itinerary of the proposed junket. He applied to the State Department and secured a passport under the authenticity of the United States Government.

Now, when an American citizen applies for a passport he must furnish his age, his height, his weight, and other certain personal characteristics of himself, but no interrogatory is submitted to him in reference to his creed or his religion. And so a passport in proper character was issued to Mr. Cutler, this manufacturer, this American citizen, this responsible business man in the city of Providence. He went to New York City, because it is a rule of the Russian Government that no passport from any country will be recognized until it is viséed by a Russian consul. So Mr. Cutler, armed with his passport, approached the consul at New York City and presented it, and the consul asked him his name, his age, his religion, and upon Mr. Cutler's refusal to disclose the fact that he was a Jew the consul refused to visé his passport. It developed in the inquiry before the Committee on Foreign Affairs that Mr. Cutler's father had disappeared at the time of the Russian massacres; that he, with his mother, had escaped to this country when he was of the age of 9 years; and that he has grown to manhood in this country. He has become a naturalized American citizen, and I take it a very creditable one, too, from his appearance and from his history. The consul general at New York City informed Mr. Cutler that since he had not obtained permission from the Russian Government to expatriate himself he was still amenable to the regulations Russia imposes upon her subjects——

Mr. FOWLER rose.

The SPEAKER pro tempore. Does the gentleman from Iowa [Mr. KENDALL] yield to the gentleman from Illinois?

Mr. KENDALL. I will yield for a question.

Mr. FOWLER. Is that the first instance in which the question of religion had been demanded?

Mr. KENDALL. That is one of the most recent instances.

The men who secured our independence, the men who adopted our Constitution, the men who established our nationality, understood that a free government permanently to survive must guarantee to every citizen acknowledging allegiance to its flag all the rights, privileges, and immunities enjoyed by any other citizen, irrespective of race or religion. Auxiliary to that proposition, it has become fundamental with us that a loyal citizen of the Republic is entitled to its beneficent protection abroad as well as at home, and that, too, whether he be Catholic or Protestant, Jew or Gentile, Christian or Atheist. These salutary principles were embodied in the treaty to which I have referred in language so unmistakable that its import is not susceptible of misconstruction. But Russia for three decades has arrogated to herself the right to exclude from her territory certain citizens of our country solely because of their Jewish faith. This condition is intolerable, and a mere recital of the facts ought to be sufficient to command immediate action. Our Hebrew fellow countrymen are vitally interested in the matter; but, after all, it is not so much a Jewish question as it is an American question. When a citizen of the great Republic, fortified with a passport issued by his Government, and intent upon a legitimate mission, is impudently denied entrance into the domain of the Czar simply because he is a Hebrew, not merely the 2,000,000 worthy, intelligent, and patriotic Jews of America are affronted, but every citizen of the Commonwealth is insulted. [Applause.]

A passport issued by our Government to one of its citizens, authorizing him to enter a foreign country, is silent as to his race or sect or creed, because our Constitution prohibits all religious tests. But under an international usage, which has been observed for many years, this passport must be approved by the consular officers of the country to be visited. When such document is submitted to a representative of the Cossack Government, whether in Boston, or Chicago, or New York, or Washington, his first inquiry is, "What is your religion?" If the answer discloses that the prospective traveler is a Jew, he is insolently disallowed admission into the territory of Russia. When the attention of the United States was first directed to this mischievous inquisition the indignation of our Government expressed itself in no uncertain terms. As long ago as 1893, upon the refusal of a Russian consul general to indorse the passport of Mrs. Minnie Lerin on the ground that she was of the Jewish faith, our Secretary of State communicated with the Russian minister of foreign affairs as follows:

His Majesty's Government surely can not expect the United States to acquiesce in the assumption of a religious inquisitorial function within our borders, by a foreign agency, in a manner so repugnant to the national sense. I can not but surmise that some strange misapprehension exists in that regard in the mind of his Majesty's Government.

This was a noble declaration, for it implied that our Government would resist to the uttermost the unwarranted action of the Russian official. But Russia replied in the following brief and conclusive note:

The consul general acted in accordance with instructions from his government.

And from that day to this the Russian Government has continued its ignominious examination into the religious opinions of American citizens desiring to sojourn temporarily within its domain. If we tolerate this iniquity longer we can not escape the responsibility of an acquiescent partnership in every recurring outrage as it is inflicted in the presence of the world. [Applause.]

Mr. FOWLER. Will the gentleman yield?

Mr. KENDALL. For one more question.

Mr. FOWLER. Did Russia comply with the terms of the treaty at about the time or some time afterwards, or has she always made this discrimination?

Mr. KENDALL. I think there was no disagreement with Russia as to what this treaty imported until the massacres began, in about 1880, and since that time the whole attitude of the Russian Government has modified itself. There is a very interesting, philosophical speculation concerning the reasons for that, which I have not time to enter into now, but it is bottomed upon the proposition that in 1832 Russia had the hope that a federation of European States might be effected, of which she should be the paramount power, and at that time she had no design to persecute any part of her citizenship.

Now, this Cutler case and the Levin case are only two of scores that are available.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman let me call his attention to a case?

Mr. KENDALL. How much time have I occupied, Mr. Speaker?

Mr. MOORE of Pennsylvania. I am sure if the gentleman will give us one or two or three of these concrete cases he will thereby convince the House more quickly than in any other way. Is he familiar with the case of Louis J. Horowitz?

Mr. KENDALL. That is not the case I had in mind. I will be glad if the gentleman will cite that case when he takes the floor in his own time.

Now, there is in New York City a Jewish paper published by a gentleman whose name I have forgotten, and I am not certain I could pronounce it even if somebody suggested it to me; but all the people whom I have heard speak of him testify to his high standing and responsibility. I believe it is said that the Jewish paper of which he is the proprietor has the largest circulation of any paper in the world. This man undertook to go to Russia. He procured his passports and presented them and the Russian consul general here in the city of Washington—in the very shadow of this Capitol—refused to visé his credentials on the ground that he was a Jew. Well, he appealed—as, of course, he ought to have done—to Congressman SULZER, and that gentleman took the matter to the State Department, and the President of the United States, as I understand it, interested himself in the matter; and still all the splendid authority of this Government cooperating was not able to extort from the Russian bureaucracy the admission of that Jew into Russian territory. He was not excluded because he was a bad man or a vicious man or an immoral man, but because on account of the accident of birth he happened to be a Jew. He is an American citizen and is proud of his citizenship. [Applause.]

This discrimination, however, is not confined to Jews. The Russian Government has assumed to extend its inquisitorial power against Catholic priests, and we had an instance of it before the committee the other day. Father Hogan, of Scranton——

Mr. BOWMAN. H-o-b-a-n, of Scranton, one of the most distinguished and exemplary——

Mr. KENDALL. Prelates—"prelates" is the word—in the country. [Laughter.] And he undertook to procure passports and visit Russia, but was denied admission to that country because he was a Catholic priest.

The Rev. Dr. McLeod the other day, when he was before the Committee on Foreign Affairs, recited numerous instances—or it may have been while he was speaking in private conversation—where Presbyterian divines who desired to visit Russia for the purpose of prosecuting their missionary work have been denied admission to that territory. They are American citizens. If this treaty does give them the right of entrance into Russia and Russia has refused to recognize that right, then this treaty ought to be revoked and abrogated. If the treaty does not give them the right, then it still ought to be revoked and abrogated.

Mr. SMALL. Mr. Speaker, will the gentleman answer this question? I find on page 6 of the report——

The SPEAKER pro tempore. Does the gentleman from Iowa yield to the gentleman from North Carolina?

Mr. KENDALL. I will yield, but I will not undertake to answer the question unless I can.

Mr. SMALL. On page 6 of the report is what purports to be a quotation from article 1. I have not heard it read to the House, and therefore I will read it. It says:

On condition of their submitting to the laws and ordinances there prevailing, and particularly the regulations in force concerning commerce.

Mr. KENDALL. Oh, yes.

Mr. SMALL. I desire to ask if the Government of Russia contends that her action in excluding these citizens is justified by that condition in the article of the treaty?

Mr. KENDALL. Russia originally advanced that proposition, but when Mr. Bayard was Secretary of State he so completely demolished that contention that it has not been insisted upon lately.

Mr. FERRIS. Will the gentleman yield for a short question?

Mr. KENDALL. I will.

Mr. FERRIS. In the judgment of the gentleman, has the State Department exhausted every resource within its power to accomplish the patching up of this affair?

Mr. KENDALL. The State Department, through administrations of the party to which the gentleman belongs and through administrations of the party to which I belong, has worked for 40 years, and the last information we had from the State Department was that the subject was being given "careful and serious consideration."

Mr. DIFENDERFER. By a commission.

Mr. KENDALL. The Russian Government claimed for awhile that the controversy had been submitted to a commission, but upon inquiry it developed that the commission which had been considering the matter had gone out of existence about six years ago without any report having been made and without any results having been reached.

It is said that we are liable to lose something of profit in the way of commerce if we terminate this treaty, but our trade with Russia amounts to only 1.02 per cent of our foreign commerce. It is unthinkable that a great power like Russia will submit to be isolated among the nations of the world because she establishes religious creed or belief as one of the conditions upon which she admits people into her territory. Consequently no difficulty will be experienced in negotiating another treaty. While I am not a prophet, I make this prediction: That if the United States Government proceeds to abrogate this treaty, she will be joined by England, France, and Germany, and the other enlightened nations of Europe, because the conduct of Russia has become a reproach to the humanity of the world. [Applause.] Mr. Speaker, we have exhausted our resources.

Cleveland and Roosevelt and Taft have not succeeded by diplomatic intercourse in exacting from the Czar's Government the consideration to which our people are obviously entitled. We must now resort to the only weapon remaining in our arsenal. As a member of the House Committee on Foreign Affairs, I have studied the subject as diligently as I am capable of doing, and I have arrived at the conclusion that if we can not compel a correction of the sinister injustice which I have described we must terminate at once all amicable relations with the Russian Government.

We do not demand relief for the Jew because he is a Jew, but because he is an American citizen whom we are under

the most imperative obligations to protect equally in Brooklyn and in St. Petersburg. I do not recapitulate the contribution he has rendered to the civilization of the world. His career in every avenue of activity has been resplendent beyond comparison. In art, in music, in science, in literature, in philosophy, and in statesmanship his achievements have been phenomenal. Wherever he has established his domicile he has performed his full duty as son, brother, father, neighbor, soldier, and citizen. [Applause.] He is moral, industrious, and law-abiding. He has been execrated and persecuted and banished, but he will not surrender the faith of his fathers. He has been the victim of prejudice, ignorance, and brutality, but he will not recant his ancient beliefs. In our own country, with equal opportunities, he has challenged his gentile brother to a fair field with no favors, and he has distinguished himself at the bar and in the cabinet, on the bench and in the legislature. In trade and commerce, in finance and industry, he is almost dominant. In education, in journalism, in philanthropy, his record is magnificently creditable. In every variety of useful and honorable endeavor he has attained a distinction which can not be disputed or disparaged. He appreciates the incomparable advantages of American citizenship and is devotedly attached to our Government. In every conflict in which the Republic has engaged he has enlisted at the beginning, and has been discharged only after every armed enemy of his country has unconditionally capitulated. [Applause.] What is the duty of the American Republic in this emergency? In my judgment, it is to abrogate the treaty with Russia at once. [Applause.] Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has consumed 32 minutes.

Mr. FOWLER. Mr. Speaker, I would like to ask the gentleman from Iowa one more question.

Mr. KENDALL. Very well; although I do not like to occupy all the time.

Mr. FOWLER. I want to ask if Russia has offered any other reason for this discrimination other than the religious creed?

Mr. KENDALL. I will say that Russia is reticent about advancing any reason for her discrimination, but the judgment of civilized mankind is that religion is the only reason she could assign. [Applause.]

I now yield to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Speaker, the questions put by me to the gentleman from Iowa [Mr. KENDALL] a moment ago were intended to draw out what I believed to be the crux of this entire situation. What is the cause for the revocation of the treaty of 1832? The report of the committee is interesting as a literary and historical document. The statement of the chairman of the committee, the gentleman from New York [Mr. SULZER], was extremely eloquent and took high ground, but what were the concrete reasons that actuated the committee in framing this report and proposing to pass a resolution so drastic in its effect?

I inquired about the case of Mr. Cutler, of Providence, R. I. It happens that I know that gentleman full well and understand his story. It is substantially, with some of the harrowing details left out, just as the gentleman from Iowa narrated it. I called attention to the case of Mr. Horowitz, and the gentleman from Iowa was not prepared to tell in full about that case; but I have it before me in a letter addressed by one of the most eminent Jews in the United States, Judge Mayer Sulzberger, of Philadelphia, president of the American Jewish Committee, to the Secretary of State, the Hon. ELIHU ROOT, in June, 1908. Information was called for by the State Department upon this very point. The Secretary of State, who had been in diplomatic relations with Russia, desired to have a cause for the action contemplated, and asked for the reason for the revocation of the treaty. In his reply to that request Judge Sulzberger gave concrete examples, and the Horowitz case was one. In my time I intend to read what Judge Sulzberger told the Secretary about this case. This will help the committee to understand what actuated the committee's report. In this letter Judge Sulzberger said:

Mr. Louis J. Horowitz came to this country at the age of 15, about 18 years ago, and is a citizen of the United States. He is the vice president of the Thompson-Starrett Co., the corporation which built the great station of the Pennsylvania Railroad Co. at Washington, D. C. During the past four years he has been actively connected with the said company and is now the virtual head of its business department.

On March 30, 1908, being about to go to England on business, he determined to visit his birthplace in Russia, and at the same time to go to St. Petersburg for the purpose of investigating various matters connected with the proposed contract between the Russian Government and his company regarding the construction of a passenger depot. Having sailed for England on March 31, 1908, in a hurry, he requested the company's local manager at Washington to secure his passport and mail it to him. His representative learned that there were difficulties, and therefore retained Messrs. Penfield & Penfield to attend to the securing and validating of the passport.

On April 1, 1908, Judge Penfield presented the passport at the Russian Embassy at Washington, was asked whether Mr. Horowitz was a Jew, replied in the affirmative, and the visé was refused.

In consequence of this refusal Mr. Horowitz returned home without visiting Russia.

It should be explained that Judge Penfield, to whom reference has just been made, was for a long time Solicitor of the State Department. He had been the adviser of the Secretary of State upon these very questions. He was known to the diplomatic service. Therefore, when he made the application on behalf of Mr. Horowitz and was refused by the Russian Embassy, it would seem conclusive that the Russian Government itself was responsible. The query in this and other cases, we are informed, was substantially this: "Is he a Jew?" And the answer is, "If he is a Jew, he can not be admitted to Russia." I do not think we can stand for this religious discrimination in the United States. [Applause.]

I am sorry my five minutes will not permit me to go more fully into the subject, but before closing I desire to say that those of us who are familiar with the progress made by Russian Jews who come to the United States have every desire to see them fairly treated and to have them enjoy all the privileges of American citizenship. It is certainly not just that we should permit any foreign nation to discriminate against them merely because of their religion. They came flocking into this country, many of them in fear and in terror, because of oppression elsewhere. They are industrious, and in the second generation broaden out into useful, energetic citizens. In fact, there is no class of our people who seize with more avidity the opportunities offered by the common schools than the Russian Jew. I would have been glad if the committee had been able to give us more concrete examples of the abuse to which the Russian treaty has been subjected, but I am willing to take their word for it that the evidence warranting a revocation of the treaty is sufficient, more especially as it comes with the indorsement of such eminent Jewish Americans as the former Secretary of Commerce and Labor, Mr. Oscar S. Straus; Judge Mayer Sulzberger, of Philadelphia, president of the American Jewish committee; Mr. Louis Marshall, of New York; and others. Their statements, as well as the conclusions of the committee, are borne out by the information which comes to me from many citizens of Philadelphia, who have no desire that we shall become embroiled in any controversy with Russia, but who believe that we should regard humanity and the rights of man as superior to whatever commercial advantages we may have with a foreign power. [Applause.]

Mr. KENDALL. Mr. Speaker, I yield 10 minutes to the gentleman from Wisconsin [Mr. COOPER], a member of the committee.

Mr. COOPER. Mr. Speaker, gentlemen have asked me, in conversation within the last 15 minutes, why some administration of our National Government within the last 40 years has not abrogated this treaty, evidently supposing that as a President begins the negotiations which end in a treaty, he or any succeeding President would have power to abrogate the treaty. In reply to such inquiries it is necessary only to call attention to the following provision of Article VI of the Constitution of the United States:

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land.

As by the Constitution a treaty becomes a law, and not only a law but a supreme law, it can not with reason be claimed that the President—an executive—has any authority to abrogate such a law. Do gentlemen believe that any President is at fault because this treaty has not been abrogated? For 40 years Presidents have been in vain endeavoring to induce Russia to do justice to American citizens under the treaty; but will any gentleman now assert that a President of the United States has concentrated in him such power as that, in his discretion, he can repeal what the Constitution of the United States declares to be the supreme law of the land?

In addition to the specific instances of wrongdoing toward citizens of the United States cited by the gentleman from Pennsylvania [Mr. MOORE] and the gentleman from Iowa [Mr. KENDALL], I have here a statement of another, which occurred as long ago as the year 1880, when these outrages first really began to attract attention in this country and throughout the world. This was the case of a Hebrew of the name of Pinkos, a merchant in St. Petersburg, who was expelled from Russia for no other reason than that he was a Jew.

Strong official protest was made by William M. Evarts, one of the most distinguished men who ever served the Nation as

Secretary of State. June 28, 1880, in a letter to our minister, John W. Foster, Secretary Evarts said:

In reply I have to observe that in the presence of this fact, that an American citizen has been ordered to leave Russia on no other ground than that he is the professor of a particular creed or the holder of certain religious views, it becomes the duty of the Government of the United States, which impartially seeks to protect all its citizens, of whatever origin or faith, solemnly, but with all respect to the Government of His Majesty, to protest.

Again he said, in 1880, in another letter:

If the meaning of this is that a citizen of the United States has been broken up in his business at St. Petersburg simply for the reason that he is a Jew, rather than a believer in any other creed, then it is certainly time for this Government to express itself as set forth in the instruction above mentioned. It should be made clear to the Government of Russia that in the view of this Government the religion professed by one of its citizens has no relation whatever to that citizen's right to the protection of the United States, and that in the eye of this Government an injury officially dealt to Mr. Pinkos in St. Petersburg, on the sole ground that he is a Jew, presents the same aspect that an injury officially done to a citizen of Russia in New York, for the reason that he attends any particular church there, would to the view of His Majesty's Government.

This doctrine was reasserted and that protest supplemented in a communication by one of the ablest men the public life of the United States has ever known, James G. Blaine. When Secretary of State, that illustrious man, on July 29, 1881, in a letter to Mr. Foster made vigorous reference to the treatment of Jews in Russia, and what he said furnishes a complete answer to another question put to me in conversation within the last few minutes, and also suggested here on the floor. I refer to the suggestion that as the local law of Russia discriminates against Jews who are inhabitants of that country, that therefore Russia has the right, regardless of the treaty of 1832 with the United States, to discriminate against Jews who are American citizens. See how Secretary Blaine disposes of this contention:

These questions of the conflict of local law and international treaty stipulations are among the most common which have engaged the attention of publicists, and it is their concurrent judgment that where a treaty creates a privilege for aliens in express terms, it can not be limited by the operation of domestic law without a serious breach of the good faith which governs the intercourse of nations.

A treaty is only a contract between two great aggregations of individuals called nations. If two private individuals enter into a contract with each other and one of the conditions of the contract is that it may be terminated upon notice given by either of the contracting parties, the giving of such notice terminates the contract, and the other party has no ground of complaint. This is true also as to treaties and the parties to them. Moreover, it is not to be tolerated that while the contract is in existence one party shall so construe its provisions as to work an outrage upon the other. Here we have a treaty between the United States and Russia which Russia so construes as to shock the feelings and the sense of justice of every true American and to violate one of the fundamental, vital principles upon which the Republic of the United States of America is established.

As Americans we declare that a Baptist may be an American citizen, a Catholic may be an American citizen, a Presbyterian may be an American citizen, a Quaker may be an American citizen, a Jew may be an American citizen, and yet Russia says that she has a treaty with this Nation which, properly construed, gives her the right, in her discretion, to exclude from her domain any American citizen merely because he is a Baptist, a Quaker, a Catholic, a Presbyterian, or a Jew.

Mr. Speaker, while this is not a subject to be considered with passion, it is one nevertheless that we are in honor bound to treat with firmness and in the true spirit of American liberty. So long as the Congress of the United States tolerates this shameful discrimination against one class of our citizens because of their religious faith, the Congress itself is a party to the discrimination, and a party to it for one of only two possible reasons—either because we have grown indifferent to the great question of human rights or because, fearing a possible loss of trade, we have decided to put the dollar before the man.

But there will be no serious loss of trade. It appeared from testimony before the Committee on Foreign Affairs, the witness being a man of large intelligence and high character, Mr. Strauss, former minister to Turkey and earlier a member of President Roosevelt's Cabinet, that our annual trade with Russia is only about 1.2 per cent of our total foreign trade. Are we willing to have any nation deny to American citizens, because of their religious faith, the right to be respected as American citizens lest we lose a little trade? Are we so sordid as that?

But Russia will not stop her trade with us if we do away with the present treaty. This Government abrogated a treaty with Belgium, as it did also treaties with other countries, and there was no ensuing loss of trade or lessening of friendship. This treaty of 1832 expressly provides that the United States may give a year's notice and abrogate it——

Mr. MOORE of Pennsylvania. Will the gentleman permit a question?

Mr. COOPER. Yes.

Mr. MOORE of Pennsylvania. The gentleman is well versed in these matters by reason of his long service upon this committee. Will he kindly tell us whether it is his opinion that the treaty——

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has expired.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent that I may put this question to the gentleman from Wisconsin.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has expired.

Mr. KENDALL. Mr. Speaker, I yield a minute to the gentleman to enable him to answer the question.

Mr. MOORE of Pennsylvania. I thank the gentleman. I want the opinion of the gentleman from Wisconsin on this point, and I know by reason of his long experience upon the committee that the House will respect it—whether the treaty of 1832 is just as binding upon Russia as it is upon the United States in regard to religious beliefs?

Mr. COOPER. I have no doubt of it.

Mr. MOORE of Pennsylvania. Then, the gentleman thinks this contract is just as binding to-day upon Russia as it is upon the United States?

Mr. COOPER. Why, certainly.

Mr. KENDALL. Mr. Speaker, I yield seven minutes to the gentleman from Massachusetts [Mr. McCALL].

Mr. McCALL. Mr. Speaker, it is a very important question that is presented by the pending resolution, and I regret that I do not bring to its decision that degree of information which its importance deserves. It is certainly a question which every Member of this House should approach with an open mind. I have only just had a chance to read the very able report made by the chairman of the Committee on Foreign Affairs, but I have had no opportunity to know the position of Russia upon the questions that are raised by the resolution. The contention in favor of the abrogation of the treaty was very ably presented to the committee by one of the best lawyers at the American bar, Mr. Marshall, of New York. The other side was not represented and we can only conjecture what might have been said in that regard.

The debate up to this point has presented two grounds for abrogating the treaty. One ground is that it should be abrogated as a matter of policy, that it should be abrogated in the exercise of the right which was reserved by the treaty itself. The other ground is based in the resolution in terms upon the statement that Russia has violated the treaty.

Those two questions are very distinct. I am of the opinion that if the treaty means what gentlemen say it means, it should be abrogated as a matter of policy if it can not be amended, and up to this time diplomacy has not availed to do that. But thus far I do not think that a case has been clearly made out in the debate that Russia has been guilty of violating the treaty.

I followed with great care the eloquent speech of the gentleman from Iowa [Mr. KENDALL], and I did not understand him to assert that Russia had violated the treaty. It occurred to me that there is a question whether these two high contracting parties, the United States and Russia, did not reserve the rights of exclusion by general immigration laws. We certainly have exercised that right in this country. All inhabitants of Russia can not come here freely under the treaty, according to the construction which you place upon it against Russia, for our laws exclude some of them undoubtedly.

I think we should be very careful about asserting in this resolution that we are abrogating it because Russia has violated the treaty, unless it is fairly and openly shown that she has violated it.

Russia is a great and powerful nation. She has always been friendly to this country. We are by this resolution entering the domain of international politics, and we should hesitate to express in the Congress of the United States the decision that Russia has violated the treaty unless it is clear that she has done so.

I believe if the proposed abrogation is to be based upon the proposition that Russia has violated the treaty, the question presents a fair subject for international arbitration. The report of the gentleman from New York [Mr. SULZER], as I said, is a very able one, but it has in it something of the old spirit which would not brook any other method than war in the settlement of international disputes. It seems to me at

this particular crisis, when our country is embarking upon one of the great policies of all time, when we see her taking the lead in attempting to settle differences between nations by international arbitration, we should invoke that method in a case like the present one. If we propose to base our action on the bad faith of Russia, or on her failure to live up to this ancient agreement, we should propose that she go into a high court of justice where she may be heard. It is a question of the performance of a contract between two nations, and if arbitration can not be resorted to in such a case when can we ever invoke it?

Mr. KENDALL. Will the gentleman yield?

Mr. McCALL. I will yield.

Mr. KENDALL. Does the gentleman from Massachusetts think that the United States Government could afford to submit the question involved here to arbitration?

Mr. McCALL. I say that the United States Government can afford to submit to arbitration the question whether Russia has violated her contract with us.

Mr. Chairman, the cry of the jingo from the time of the Roman Empire down to the present day has been the loud-swelling phrase "Civis Romanus sum"—"I am a Roman citizen." I am an American citizen, as if the terror of our name, as if the greatness of our power should determine the rights of individual citizens. If you approach these international questions in such a spirit, you will never have arbitration whenever the rights of an American citizen are concerned. We shall come before the world in the arrogance of our strength and declare that it is beneath the dignity of America to arbitrate questions concerning rights which her citizens may have under treaties. If we are to lead the nations in the paths of peace, we are beginning badly.

If we propose arbitration and Russia refuses, the moral victory will be with us and we can still abrogate. If she accepts, and gentlemen are right, the decision will be ours and there will come to this persecuted race the glory of having caused a signal triumph for international justice. And if the court decides that our construction of the treaty is not correct, we may then proceed to give the required notice and terminate it.

Mr. COOPER. Will the gentleman yield?

Mr. McCALL. Certainly.

Mr. COOPER. Suppose that Russia has properly construed the treaty, and under it she has a right to exclude American citizens on the ground of their religious faith, whatever it may be, is the gentleman from Massachusetts willing that that treaty should remain?

Mr. McCALL. I think I stated I believed in that case that the treaty should be abrogated. I divided the discussion into these two parts. Let me now read from the report of the committee upon the point I was just discussing:

> Let there be no parleying about arbitration. There is nothing to arbitrate. We can not permit the subjects of monarchies, whose concepts, traditions, and prejudices, whose political interests and alliances, whose fundamental views as to citizenship vary from ours, to interpret that treaty.

That same difficulty will arise as to any question affecting the United States. We will have to submit it to arbitration by subjects of monarchies, and there would, therefore, be no international arbitration to which we could be a party upon the principle laid down in the report.

Mr. Speaker, my sympathies are with this brilliant race. Centuries ago its nationality was destroyed in Palestine. It was dispersed over the face of the globe. The laws of almost all nations have discriminated against it; and yet it has shown such marvelous vitality that it has made for itself a proud place. It is to-day one of the most powerful elements in great States in this Union. I should be willing to take any steps in reason to protect the rights of such a people.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts [Mr. McCALL] has expired.

Mr. McCALL. My conclusion is, that I think this is a fair case to be submitted to arbitration, and I regret that the committee has not made provision for it.

Mr. KENDALL. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. LONGWORTH].

The SPEAKER pro tempore. The gentleman from Ohio [Mr. LONGWORTH] is recognized for five minutes.

Mr. LONGWORTH. Mr. Speaker, any statement that the gentleman from Massachusetts [Mr. McCALL] makes upon this floor, any opinion that he may advance, is entitled to the highest consideration. But, in spite of what he has said, I am convinced that upon this question the time for arbitration has gone by and the time for action come. [Applause.]

I fully realize that this is a heroic remedy that we are about to adopt. But it ought not to be considered that what we may do is intended in any way as an affront to Russia. Russia has been for more than half a century a good and valued friend of this Republic. We are by no means unmindful of that, but this question is above and beyond friendship. It is a question of national honor. We can not continue to bear with equanimity a condition under which any nation, no matter how greatly we may esteem her, shall persist in discriminating between American citizens who bear their country's credentials. It is repugnant to the very principles upon which our Government rests that a man's religious beliefs should determine whether or not he may visit or sojourn temporarily within the bounds of any friendly country. Yet this condition now exists, and the question is whether we are justified in neglecting any means, however drastic, to correct it. Apparently we have exhausted every other method but the one we now propose. Diplomacy has been pushed to the extreme limits and without success. We have been patient, Mr. Speaker, but patience has ceased to be a virtue. We can no longer continue to plead. We must act.

I fully realize the seriousness of this step, but I, for one, am prepared to take it, because I believe that the question involved is above dollars and cents, above political expediency. It is above all other considerations, except only human rights and national honor. [Applause.]

Mr. KENDALL. Mr. Speaker, how much time did the gentleman consume?

The SPEAKER pro tempore. The gentleman from Ohio used four minutes.

Mr. LONGWORTH. I yield back to the gentleman the balance of my time.

Mr. KENDALL. Mr. Speaker, I yield five minutes to the gentleman from Minnesota [Mr. NYE].

Mr. NYE. I would like to have that additional minute.

Mr. KENDALL. I have promised it to another.

Mr. NYE. Mr. Speaker, the gentleman who has taken his seat says that diplomacy has completed its work, and there is nothing further that can be done. I should be inclined to question that. I am afraid that our Government has too much in the foreground the questions of commerce, trade, material prosperity, and power, rather than humanity and the rights of the oppressed and the poor who are under our flag and deserve protection wherever they go. This may be true or not. I would, however, put this resolution upon the ground of policy, as the gentleman from Massachusetts [Mr. McCALL] suggests. It seems to me that by the terms of the treaty either party can terminate it upon one year's notice, and it seems to me it would be more diplomatic, and more in keeping with the spirit of good will and friendship that we seek to cultivate in this country and show forth to the world, simply to say to Russia that we are compelled to give this notice; not asserting—for I do not think it would accomplish anything—that Russia has violated it, but putting it upon the ground that we are unable to give the treaty the same interpretation, and in view of the persistent interpretation given by Russia we feel compelled to give the notice and to abrogate the treaty. That would seem to me to be the wiser and the better course for a great Nation like this.

I will not undertake to say, and do not know, whether there has been an actual violation of the treaty or not. I know that for many years we have been complaining of the outrageous treatment which our citizens have received in their attempts to travel abroad and sojourn in that country. It seems to me, Mr. Speaker, that while we should be firm, and should make this remonstrance one that would be heard all over the world, at the same time we may frame our language more diplomatically, and thus leave less occasion for a breach between these two great powers. I, therefore, think there should be some modification of the language of the resolution. With the spirit and the purpose of it I am in most hearty accord. I believe that this is an age in which humanity, in which sympathy, in which brotherhood, should be placed always to the front; that we speak to-day for people who have been outraged and wronged; and we want to speak in a spirit that will be effective. It is not always the spirit of aggression, it is not always the spirit of combativeness, that wins in these great fights. For myself, if it were alone a question of whether the treaty has been violated or not, I believe that it might well be submitted to arbitration, as the gentleman from Massachusetts [Mr. McCALL] suggests.

But this is unnecessary. We have the right to serve notice on Russia that we will no longer submit to her interpretation of the treaty, and that the rights of our citizens shall be defended and protected wherever they may be. [Applause.]

Mr. KENDALL. Mr. Speaker, I yield one minute to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. Mr. Chairman, I should like to have read from the Clerk's desk, for information, an amendment which I shall offer at the proper time.

The SPEAKER pro tempore. The Clerk will read it for the information of the House.

The Clerk read as follows:

Page 1, line 12, after the word "religion," strike out all of lines 12 and 13, page 1, and lines 1, 2, and 3, page 2, and insert in lieu thereof the following:

"That the Government of Russia, by refusing, on account of race or religion, to honor American passports duly issued to American citizens, has placed upon the treaty between the United States and Russia, concluded at St. Petersburg, December 18, 1832, a construction at variance with the principle herein declared."

[Applause.]

Mr. OLMSTED. Mr. Speaker, the object of that amendment is to eliminate the charge contained in the resolution of the violation of the treaty. It is unnecessary for us to charge a violation of the treaty of 1832 with Russia, for we have the right, under the treaty, to give notice of our intention to abrogate it, and of that I am heartily in favor.

My honored friend from Massachusetts [Mr. McCALL] has argued that the question as to the violation of the treaty is one that may well be submitted to international arbitration. If the correctness of that proposition be conceded, nevertheless there is no necessity to submit to arbitration the question of abrogating the treaty of 1832 with the Government of Russia. By the very terms of Article XII it may be abrogated upon one year's notice. This resolution gives that notice. I shall vote in favor of the resolution. An American citizen is an American citizen, whether he be Jew or Gentile, Presbyterian or Methodist, Roman Catholic or Episcopalian, black or white. We can not consent that any American citizen shall be discriminated against because of race or religion. It is unquestioned that the Russian Government does so construe the treaty of 1832 as to permit of such discrimination. This resolution says that the—

Government of the United States will not be a party to any treaty which discriminates, or which by one of the parties thereto is so construed as to discriminate, between American citizens on the ground of race or religion.

I am in accord with that sentiment. My amendment proposes that we shall abrogate the treaty, because Russia has so construed the treaty by refusing to honor American passports duly issued to American citizens of the Jewish faith. It is charged also that similar discrimination has been made against Presbyterian and Methodist ministers and Roman Catholic priests. We abhor such discrimination between American citizens, and therefore propose abrogating the treaty. It is unnecessary to charge a violation of the treaty. Whether or not the treaty has been violated is a question of construction. As the treaty is construed by able lawyers it has been violated. It is, however, not essential to make in this resolution any charge concerning which there can possibly be any difference of opinion. We all agree that we do not like the construction put upon it by the Government of Russia in refusing, on account of race or religion, to honor American passports issued to American citizens.

It is clearly within our authority to abrogate the treaty upon one year's notice, and that, either with or without my amendment, this resolution proposes to do. It makes it the duty of the President to forthwith give the Government of Russia the requisite notice. I had hoped that through the ordinary channels of diplomacy Russia might have been brought to see that we could not countenance such discrimination against any class of American citizens, and agree to its discontinuance. I still hope that within the period of notice an amicable adjustment may be reached, but, if not, then the effect of this resolution will be to abrogate the treaty entirely, and, whether my amendment prevails or not, the resolution will have my vote.

Mr. KENDALL. Will the gentleman from New York [Mr. SULZER] use some of his time now?

Mr. SULZER. Yes. I yield to the gentleman from Massachusetts [Mr. MURRAY].

Mr. MURRAY. Mr. Speaker, I sincerely hope that the amendment offered by the gentleman from Pennsylvania [Mr. OLMSTED] to change the language of the unanimous report that comes to us from the Foreign Affairs Committee will not be adopted, because I do not believe it is wise that we should have any mistake about the purpose that is actuating the Members of this House in the adoption of this resolution. I believe we are going to vote for it. I know that I am going to vote for it, because we want to terminate the treaty; not because of any considerations of policy, but because some of us, and a vast majority I believe, have come to the deliberate conclusion that there have been violations of this treaty by the Russian Government; and I am sorry, indeed, that the only voice that has been raised on this floor in this debate against the proposition that there have been such violations is the voice of the venerable Member from Massachusetts, my colleague [Mr. McCALL]. I realize full well the force of the compliment made by the Member from Ohio [Mr. LONGWORTH] that the House listens when Mr. McCALL speaks, and I join in that compliment; but I regret, indeed, that he has raised his voice against the proposition that there have been violations of the treaty. I have read the report of the hearings before the Committee on Foreign Affairs, and I suppose he has done so. If he has read that report and has read there the words of the gentleman from New York [Mr. GOLDFOGLE], who is now in the chair as the Speaker pro tempore of the House, he must have come to the conclusion that that gentleman, who has given much of time, thought, and study to this matter for nearly 10 years, has presented such evidence of violations that no open mind could refrain from indorsing the wisdom of a termination of the Russian treaty.

If he has considered, too, the words of the chairman of the Foreign Affairs Committee, who has presented this report to this House, he must conclude that the evidence contributed by that gentleman [Mr. SULZER] is almost overwhelming. The gentleman from Massachusetts [Mr. McCALL] has on more than one occasion during my brief membership here paid splendid compliment to his colleague on the Ways and Means Committee, Mr. FRANCIS BURTON HARRISON of New York. He has styled Mr. HARRISON a Member whose words might well be considered by men regardless of party ideas or party differences, and I join in that compliment. Let me call the attention of the gentleman from Massachusetts [Mr. McCALL] to page 101 of the report of the hearing. He will find there the statement of the gentleman from New York [Mr. HARRISON], who tells that committee, not what somebody told him, but tells the committee, as I hope he will tell this House, the experiences that he had in Russia, and the instances of violations of the treaty that he himself witnessed and learned about during his sojourn in that country.

Mr. Speaker, I sincerely hope there may be no mistake as to the position of the Commonwealth of Massachusetts on this matter. I should hesitate, indeed, to take issue with my colleague on most propositions as to what the sentiment of the State might be, but let me remind this House that during the session last summer I introduced for consideration a memorial sent by both branches of our legislature, memorializing Congress on this very proposition, and expressing as the sentiment of Massachusetts that action should be taken in this matter by this Congress.

Let me remind my colleague that a meeting is to be held in Boston, originally scheduled to take place in Faneuil Hall tonight, but has been postponed for a fortnight, when the governor of Massachusetts, the mayor of the metropolitan city of Boston, a former Member of this body, and a number of eminent citizens will gather together in that old temple of liberty to give expression anew to the principles fought for so conspicuously by the early citizens, and I have no doubt that we shall be memorialized again by those who may attend this meeting that we may take speedy action.

The gentleman refers to jingoes and jingoism. Russia has refused to recognize passports of this country, issued to certain citizens, for 40 years, according to the evidence presented to the Committee on Foreign Affairs. The matter has been before Congress since 1902, when Judge GOLDFOGLE first introduced a resolution requesting information about it. The Committee on Foreign Affairs presents without dissent the pending resolution, and I submit that the unanimous committee report ought not to be styled the work of jingoes. Oh, no; those of us who advocate the abrogation of this treaty simply insist that American passports shall not be dishonored in the future as they have been in the past. We are not jingoes, but rather are we reminded of the words of the poet:

A man convinced against his will
Is of the same opinion still.

We insist that the case has been made out by the proponents of the legislation, and we insist further that the only reason that no evidence was presented to the committee against the proposition was because there was no word that could be spoken by a true American in opposition to the alternative proposition of "national honor or immediate abrogation," contained in the resolution reported to-day by Chairman SULZER. [Applause.]

[Mr. MURRAY asked and obtained leave to extend his remarks in the RECORD.]

Mr. SULZER. Mr. Speaker, I yield to the gentleman from Connecticut [Mr. REILLY].

Mr. REILLY. Mr. Speaker, when a man learns positively that an agreement or contract made by him with another man

is being constantly broken by the other man he does not debate long as to the abrogation of that agreement. He generally acts without hesitation when convinced that the other fellow is not keeping his word.

When a nation that has made a treaty with another country learns on proof positive that the other country is breaking the provisions of that treaty it should not hesitate to take steps to have the abuses promptly corrected or the treaty abrogated.

The United States and Russia have had a treaty for years in regard to passports. This country has faithfully lived up to that treaty; Russia has not. It has discriminated against the passports of certain American citizens who have attempted to visit Russia, and that discrimination has been on account of racial and religious prejudices. This country has sat supinely for nearly half a century and allowed its citizens and its own dignity as a great nation to be insulted by the bureaucrats of the Czar.

It has made protests that have been futile. They have been thrown into the diplomatic wastebasket with as little consideration and ceremony as thousands of men and women have been thrown into Siberian cells by the same power.

The abuse has continued, and because it has been allowed to go on Russia has become more arrogant in its treatment of visiting Americans. It is time the Russian bear was given a jolt that will make it realize that Uncle Sam is in training, has at last been aroused, and proposes to stand up for the rights of his people. If that is jingoism, make the most of it.

This matter is not one that concerns American citizens of any particular race or creed. It is not a matter of Jew or gentile. It is a matter that has to do with American citizenship, which has been discredited by Russia. Patience has long since been exhausted and longer submission to the insolence is unbearable. [Applause.]

In the name of American manhood; in the name of national honor and dignity, outraged by the treatment to which citizens of this country have been subjected, this treaty should be abrogated and Russia and all other countries shown that the great American Republic can be aroused to the defense of its citizens at home and abroad.

The time for talking to and palavering with Russia on this matter is passed. There has been too much talk and palaver. Now is the time for action, and that action should be this abrogation to prove to Russia that we mean business. [Applause.]

Mr. KENDALL. Mr. Speaker, suppose we have an arrangement that any Member who speaks on the question may be granted leave to extend his remarks in the RECORD without his getting consent of the House each time.

Mr. SULZER. Mr. Speaker, this is a very important matter, and the time is limited. A number of gentlemen have asked me if I would not ask unanimous consent that all Members may have leave for five legislative days to print upon the proposition. I trust the gentleman from Illinois will not object.

Mr. MANN. Mr. Speaker, we have not limited the time. I am perfectly willing to sit here and discuss the proposition the rest of the week.

The SPEAKER. Is there objection to the request that every Member have five legislative days within which to print on this proposition?

Mr. MANN. Mr. Speaker, for the present I object.

The SPEAKER. The gentleman from Iowa [Mr. KENDALL] asks unanimous consent that all Members who speak or have spoken on this proposition have leave to extend their remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. GRAHAM. Mr. Speaker, I think it is a great blot on our national escutcheon that we should have a treaty with any nation administered in such a way as to recognize a distinction between American citizens on the ground of their religious belief. It seems to me a gross inconsistency. The Constitution of the United States recognizes and provides for an absolute equality of all citizens before the law, and it denies Congress the right to enact any legislation preferring one religion to another. This provision of the Constitution is given practical application at home, and it is recognized, as far as I am aware, by every nation except Russia.

It is claimed by that country that our treaty with them accords to American Jews only such rights as Russia accords to its own citizens of that faith.

Under that interpretation of the treaty, American citizens of Jewish faith are denied rights which are conceded to other American citizens and are practically prohibited from visiting or traveling in Russia.

If the treaty really means what Russia contends that it does, if it discriminates between the rights of American citizens, giving to some rights which are denied to others, then it ought to be promptly abrogated.

If, on the other hand, it means what we contend it does—that is, that it provides equal rights for all American citizens—and Russia will not consent to fairly carry out such provisions, in that event also, it ought to be promptly abrogated. We can not compel Russia to accept a fair interpretation of the language of the treaty, but we can and ought to decline to continue the treaty relation with her, unless she will give fair construction to its terms and discontinue her attempt to force us into the position of violating our own fundamental law.

Our diplomats have repeatedly endeavored to induce the Russian Government to abandon their contention that the treaty was originally intended to discriminate against Americans who were Jews or members of some other religious body.

What hope is there for any change in the attitude of the Russian Government in the premises? There certainly appears to be none, and if there is no hope in that regard, what is our duty? Should we give our assent to the continuance of an international agreement which puts us in the ridiculous attitude of violating a most important provision of the Constitution of the United States? Shall we, by assisting in the enforcement of this treaty, admit that we recognize a difference in the rights of American citizens because of their religious opinions? Surely we can not afford to do that. We can not afford to admit that any class of citizens are beyond the pale of the Constitution and are not entitled to its protection, and if we can not induce Russia to consent to the granting of equal rights to all American citizens who happen to sojourn in that country, we can at least save our self-respect by withdrawing from the treaty arrangement, thus putting on the same plane all of our citizens regardless of distinction.

It is quite unnecessary, Mr. Speaker, indeed it is beside the question, to remind you that men of the Jewish faith constitute a very considerable and a very important element in our population, and that in the professions, in law, in medicine, in art, in science, in literature, in business, and indeed in all lines of activity they reach the highest eminence. But it is not alone the prominent and the successful the Constitution was ordained to protect; it was intended to cover the poor and the lowly as well as the rich and the powerful, and if it is to continue a living, vital force it must protect all its children alike. It may be true that the Jews who are citizens of Russia are not as enlightened as might be desired, but it is also probably true that the Jews of to-day in Russia have much to complain of, just as the Jews in the rest of Europe had just ground for complaint in the centuries that have passed. Like other races, Jews have faults, but they have also virtues, many virtues, as a race. To the discredit of the Gentile world, it may be said that many of their faults, nay most of them, can be attributed to the treatment they received from their Gentile brothers. Some of them sometimes exhibit traits of character which are not desirable, but most of these, if not all of them, have been developed by centuries of Gentile persecution. How eloquently does Sir Walter Scott express this thought through the mouth of the Jewish maiden, Rebecca, one of the grandest feminine characters in all fiction, in her reply to the Templar, Bois-Guilbert, when he cast reflections upon her race:

"Thou hast spoken the Jew," said Rebecca, "as the persecution of such as thou art has made him. Heaven in ire has driven him from his country, but industry has opened to him the only road to power and to influence which oppression has left unbarred. Read the ancient history of the people of God, and tell me if those by whom Jehovah wrought such marvels among the nations were then a people of misers and usurers? And know, proud knight, we number names amongst us to which your boasted northern nobility is as the gourd compared with the cedar—names that ascend far back to those high times when the Divine Presence shook the mercy seat between the cherubim and which derive their splendor from no earthly prince, but from the awful Voice which bade their fathers be nearest of the congregation to the Vision. Such were the princes of the house of Jacob; such were the princes of Judah; now such no more! They are trampled down like the shorn grass and mixed with the mire of the ways."

If the Jewish people of Russia are not as enlightened and elevated as they might be, their condition is not chargeable to themselves, but to their oppressors. If they are poor and illiterate, it does not lie in the mouths of those who made them so to taunt them with their poverty and illiteracy.

But in the Jews who live in Russia we have only a humanitarian interest. In people of that faith who are American citizens we have a present, active, and abiding interest, for they are our people. Their rights are as sacred as our own and are necessarily bound up with our own. That man who is willing to see his neighbor's rights ignored and trampled on can not hope to long preserve his own, and this matter involves not merely the right of the Jew, or the right of the Catholic, or the right of the Methodist, or of any other body; it involves the right of every American citizen under the Constitution.

From whatever aspect I look at this question I reach the same conclusion, and that is that every day this treaty remains in force we continue guilty of a base violation of our organic law and that we can only save our self-respect by its prompt abrogation.

Mr. SULZER. Mr. Speaker, I yield two minutes to the gentleman from Mississippi [Mr. CANDLER].

Mr. CANDLER. Mr. Speaker, I am heartily in favor of the resolution which is now pending before the House, which I believe is in response to the demand not only from the people directly interested, but in response to the sentiment which exists and pulsates in the heart of every American citizen. The fundamental principles upon which this great Government was founded were equal rights to all of her citizens and that each should have the same opportunity before the law and that his rights should be upheld. Therefore, whenever there is any discrimination, no matter what it may be, as to our citizenship by any foreign country, it should appeal and does appeal to every American heart to see that the wrong perpetrated upon that citizen should be promptly corrected. We know well that the citizens especially involved in this matter are among those citizens who are patriotic, who are progressive, and who in every community in which they live stand for law and order and for the sentiments for which America is honored and beloved. Therefore, they should not be excluded from any country when they simply stand up and contend for their conscientious convictions as I contend for mine and as you contend for yours. Whether it be Baptists, Presbyterians, Methodists, Catholics, Jews, or others who are excluded, nobody feels a greater wrong is done one than the other, because in this country, thank God, every man can worship the Creator under his own vine and fig tree in accordance with the dictates of his own conscience [applause], and whenever you take that right away from the American citizen you take away from him a right which was secured to him by the forefathers at the foundation of the Government. [Applause.] The resolution ought to be, and I hope will be, unanimously adopted.

Mr. SULZER. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. HAMILL].

[Mr. HAMILL addressed the House. See Appendix.]

Mr. PETERS. Mr. Speaker, the resolution now before the House touches on a matter of so great importance, and one on which the situation so urgently demands immediate action, that I rise to add my voice to those who demand its prompt passage, and urge that this House, in no uncertain terms, show its approval of the resolution which the Foreign Affairs Committee has now introduced, with its favorable recommendation, for our consideration.

The resolution itself, after affirming that it is a fundamental principle that the rights of the citizens of this country shall not be impaired because of race or religion, expresses the belief that the present treaty with Russia should be terminated at the earliest possible time, and declares that the treaty shall be of no further force and effect after the expiration of one year from the date of the notification of the passage of this resolution, and charges the President with the responsibility of communicating such notice to the Russian Government.

TREATY OF 1832.

This treaty, negotiated with Russia in 1832, is in existence to-day, and, though no previous steps have been taken to abrogate its terms, for over 40 years the United States Government has protested against practices of the Russian Government under it, and could its interpretation by that Government have been anticipated the sturdy patriots who negotiated it would have been the last to have assented to its terms.

During the first 30 years of the treaty there arose between the United States and Russia no question as to the interpretation of the first article of this treaty. The comparatively favorable attitude of the Russian Government toward its Jewish subjects, however, changed about 1865, and with that change there was read into the terms of this agreement by the Russian Government modifications which it is safe to say never entered the minds of either of the parties to the original agreement.

Up to 1880 occasional cases furnished opportunity for vigorous protests by various Secretaries of State against the interpretation which Russia had placed on the treaty, but since that time the situation has been modified and is now even less in accord with our views. The rights of American citizens were most energetically stated by Mr. Blaine at the time he was Secretary of State, and the point he then made was vigorously pressed during the administrations of President Cleveland by both Mr. Bayard and Mr. Olney, as well as by our minister to Russia, Mr. Breckenridge. The practice of subjecting to a religious inquisition all Americans bearing American passports, the Russian Government was informed, was not to be tolerated by our institutions, and "the continuance in such a course, after our views had been clearly but considerately made known, may trench upon the just limits of consideration."

The views presented by Mr. Blaine and sturdily maintained by Mr. Cleveland's administration were adhered to by all succeeding Secretaries until the year 1905, and that these views were supported by public approval is verified by many resolutions and reports of committees from 1879 to 1909, particularly the report of the Foreign Affairs Committee to the House of Representatives given on April 6, 1892.

Following the accession to office of Mr. Root there seemed to be a much less vigorous position taken by this country, and it is perhaps to this apparent slackening of our interest that we owe the uniform lack of attention which the Russian Government has given to our protest.

AMERICAN PASSPORTS REFUSED.

The facts before the committee have admitted of no question. An American citizen is obliged to submit his passport to the Russian consul, and he is then required to state his place of birth, whether or not he has been a subject of any other country, and what is his religion. Not only has Russia refused to recognize American passports held by Jews on account of their race, but also has refused to recognize American passports held by Catholic priests, Baptist missionaries, and Presbyterian divines on account of their religious beliefs.

The situation as it is presented shows that the United States is not only justified, but, to be consistent with its own national traditions, it is required to terminate this treaty with Russia. There can be no question that Russia has interpreted the treaty in a manner to which we can not assent. Article I of the treaty gives by its own terms to the citizens of the United States the right "to sojourn and reside in all parts of Russia in order to attend to their affairs, and they shall enjoy the same security and protection as natives of the country wherein they reside."

TREATY SUPREME LAW OF THE LAND.

A treaty becomes a supreme law of the land, and it is beyond question determined that it should be interpreted as tending to carry out the intent of the contracting parties. The United States Supreme Court says, in Geofroy *v.* Riggs (133 U. S., 271), in an opinion of Mr. Justice Field:

> It is a general principle of construction with respect to treaties that they shall be liberally construed, so as to carry out the apparent intent of the parties to secure equality and reciprocity between them. As they are contracts between independent nations, in their construction words are to be taken in their ordinary meaning, as understood in the public law of nations, and not in any artificial or special sense impressed upon them by local law, unless such restricted sense is clearly intended. And it has been held by this court that where a treaty admits of two constructions, one restrictive of rights that may be claimed under it and the other favorable to them, the latter is to be preferred.

The action to be taken by this country should be immediate. Although this question was first raised in 1865 and although our country has pursued its representations since 1880, we have failed to gain any consideration for them. The Russian Government apparently takes our representations with little seriousness, and it is only by this more vigorous action that we can impress on them the necessity for immediate consideration of this subject.

There can be no question that we have a perfect right to end the treaty, and that Congress has the right to do so has been long established by precedent. As early as 1798 Congress abrogated treaties with France. Both in 1858 and in 1875 treaties with Belgium were terminated, as well as treaties with Brazil in 1841, Chile in 1850, and at various dates with Great Britain, Mexico, Turkey, Venezuela, and other countries.

PUBLIC SENTIMENT.

Both political parties in our country in their last platforms have planks asserting in unmistakable words the demand "for our Government to procure for all our citizens, without distinction, the rights of travel and sojourn in friendly countries" and the responsibility for the United States "to use all proper methods to secure for them, whether native born or naturalized, and without distinction of race or creed, the equal protection of law and the enjoyment of all rights and privileges open to them under our treaty."

This question is not Jewish; it is American. A great principle is involved in it. The fundamental principle of our Government is to guarantee to all our citizens, whatever may have been their birthplace or whatever may be their religion, absolute equality. Russia, in seeking to segregate them, starts an inquisition in this country into the subject of religion and pro-

poses on American soil to ask such a question and on the answer to make a distinction in the treatment of American citizens.

JEWISH RACE.

The history of the Jewish race is one of wonderful achievement. By their perseverance they have stemmed a tide of persecution which would have annihilated any of less vigorous nationality. Now the protection of the United States guarantees them a field for unmolested development. I have many friends among the Jewish people, friends many of whom I have never met and may never know; but I am not speaking in this case from individual friendship, but from a sense of justice and patriotic duty due to every citizen of our Nation. Many of my friends spring from different races and differ in their religious views, and I trust never to see a question raised in this country based on race or based on religion. Whether Catholic, Protestant, or Jew, I find them no less loyal to me as friends and no less loyal as citizens in their affection for our common country. We are one and all a united people—united by the strongest bonds of citizenship and national love—and as such we should stand equally for every American citizen and allow no limitation of respect or of rights on account of religion to be shown by a foreign country to any American fellow citizen.

The voice of Massachusetts has never failed to be raised for the oppressed. Last spring her legislature passed a memorial on the subject of this resolution, and I presented it to Congress. No longer ago than the commencement of this session of Congress a committee from the city of Boston came to Washington to urge on us this action. Public opinion demands full respect for our citizenship.

The act we especially object to in this instance is that an American citizen on American soil can be subjected to an inquisition by any foreign official on the subject of his religion, an inquisition absolutely against the principles of American liberty, and which would not be tolerated for a moment by any official of our own country. Can one imagine the indignation which would arise in this country if anyone should seek to limit the rights of our citizens on account of religious belief? Can one, then, tamely permit the officials of another country to question our American citizens on this subject and for this and no other reason limit their privileges?

We have waited patiently, too patiently, perhaps, for Russia to give heed to our demands. It is from no act of unfriendliness to the Russian people, but to be true to our own traditions that we now take the only step left to us to bring for our rights immediate consideration, and, acting entirely within our rights, we propose to end a treaty where it is impossible for us to accept its attempted interpretation. [Applause.]

Mr. KONIG. Mr. Speaker and gentlemen of the House, the resolution now before us presents a broad and fundamental and yet a most simple and a most thoroughly established principle of American policy.

We are not concerned with Jew or Gentile, but we are concerned wholly and solely with the rights and privileges of American citizens. A Pole, a Bohemian, an Italian, a German, an Irishman, a Jew, when once he swears allegiance to our Constitution and renounces the land of his birth becomes thenceforth an American citizen; he is no longer a Pole, a Bohemian, an Italian, a German, an Irishman, or a Jew, but he is an American citizen, and as such he is entitled to all the rights and privileges of American citizenship. The most fundamental right of an American citizen is the right to worship his God as he sees fit. Take this from him and you take from him the very essence of his citizenship. Infringe on the Jewish American's right to complete religious liberty and you rob him of his Americanism. Permit that right to be infringed upon and you are recreant to the one mission which above all others this great Nation of ours has to perform.

Whenever a foreign power may see fit to respect and recognize the American citizen as such it must be made to understand that it can only do so upon the condition that it shall respect and recognize that inherent right of American citizenship—the right to religious liberty. There can be no such thing as a recognition of American citizenship and an insistence upon racial or religious distinctions. Wherever there is such an insistence there is a refusal to recognize the most essential of all the attributes of American citizenship. If a man's religious liberty be questioned, his Americanism is questioned.

The resolution before this House calls for the abrogation of the treaty of 1832 with Russia. By that treaty Russia bound herself to give full faith and credit to passports in the hands of American citizens. The treaty makes no mention, and being a treaty to which the United States is a party it could make no mention, of religious distinctions. The evidence is conclusive that Russia has refused and now refuses to honor passports in the hands of Jewish Americans. Russia has violated its treaty obligations. Through long drawn out diplomatic negotiations, carried on most patiently for many years, our State Department has tried by every fair, honorable, and honest means to have Russia comply with the treaty and to honor, as under the treaty it is bound to honor, the passports of any and all Americans, whether they be Jew or Gentile. But she has refused and still refuses to recognize the passport when in the hands of a Jewish American.

Diplomacy has failed and failed miserably. Are we powerless? Are we, my friends, without remedy? Turn back the pages of American history and you may read what has been the remedy in other times when the national honor has been at stake and diplomacy has failed to provide a remedy.

How did John Adams, in the very infancy of our country, answer the insolent demand of the French commissioners for a bribe? He met it by calling George Washington back from private life and placing him in command of the American Army.

What, in Jefferson's time, was the answer to the Tripolitan pirates' demand for more tribute? "Millions for defense, but not one cent for tribute."

How to enforce the rights of the American citizen abroad was shown to us by the Martin Koszta incident in Franklin Pierce's administration. A Hungarian who fled to America when he failed in the attempt to have Hungary separated from Austria, declared his intention of becoming an American citizen; he returned to Turkey on private business and was there seized by the crew of an Austrian vessel lying in the Turkish port. His release was demanded and refused, whereupon the captain of the sloop of war *St. Louis*, which was then in the Turkish port, demanded his release by 4 o'clock in the afternoon, threatening to open fire if it were not granted, and he was released by 4 o'clock. To the complaints of the Austrian and Turkish Governments our Secretary of State Marcy answered that the captain had done the only right and proper thing possible under the circumstances.

What Harrison was ready to do in the Samoan Island troubles, what Cleveland was ready to do in the dispute over the Venezuelan boundary to uphold the honor and dignity of our Government, is fresh in the memory of all of us.

My friends, in the past no nation has been too big, and none has been too small, for us to leave pass unchallenged any affront by it to our national honor and dignity. Though America has not strutted about among the nations of the earth like a bully with a chip upon his shoulder, it has never failed to notice an intended insult to its national honor, and, noticing the insult, it has never failed to procure satisfaction. An individual wanting in self-respect were better dead and a nation wanting in self-respect were better numbered among the nations whose histories have been written and forgotten. Our fathers have taught us to hold most sacred and inviolate our national honor. From them we have received an unsullied fame, and ours is the duty to maintain that fame and to transmit it in all its glory to our posterity. America has ever been ready to arbitrate its difficulties, but when the language of diplomacy has failed and the national honor has been involved it has not feared to use language more forcible than can come from the mouth of man.

The intelligence, the patriotism, the Americanism of the American people demand that the Jew shall receive every right and privilege guaranteed him by our Constitution and our laws. Before our law the Jew and the Gentile is neither Jew nor Gentile, but he is an American citizen; and, as such, whether he be Jew or Gentile, he can claim, and it is our duty to see that he shall receive, every right and privilege that goes with American citizenship.

By every principle and tradition of our Government we would be barred from being a party to a treaty which involved religious distinctions; and if in the first instance we would be barred from being a party to such a treaty, so we are likewise barred from continuing to remain a party to a treaty after the other party to it persists in making such distinctions under it. Russia, in violation of the treaty of 1832, has discriminated against the Jewish American because of his religion; and it is therefore the right of the humblest Jew in our land to demand that Russia shall be made to observe that treaty, and if she will not observe it, then that the treaty shall be annuled. And in this just, proper, and American demand he shall have my vote. Mr. Speaker, I shall vote for the resolution without amendment. [Applause.]

Mr. SULZER. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. McCOY].

Mr. McCOY. Mr. Speaker, when one views the history of this question of the treatment of our passports by Russia it is a matter of astonishment that the situation should have been allowed to remain unchanged through all these years.

Where to place the blame for the long delay in bringing the matter to a climax one can not clearly determine, perhaps, and

it is not necessary that we should. The question is not who is to blame for what has happened, but who will be to blame if the present intolerable condition is allowed to continue, and that blame will fall in part on this House if we do not act now.

As is natural, there is considerable discussion as to whether Russia is right in the construction of the treaty upon which it bases its action. For one I am not concerned to discuss the legal proposition at this time, but content myself with saying that if that construction is a proper one it affords a conclusive reason why we should now ask for the abrogation of our treaty with Russia.

I am willing to look upon this question as a Jewish question, or largely a Jewish question, and that we should base our action on that ground.

There are many Jews in Essex County, N. J., of which county the district that I have the honor to represent is a part. I count many of them as my friends. I know that they are an orderly, law-abiding, peace-loving people, and most useful citizens, and I believe that this people has everywhere exhibited these traits.

So if Russians in any negotiations that may follow upon what I believe will be the action of this Congress shall insist that this is a Jewish question with them, I hope this country will take up the issue on that basis and that we shall have no treaty unless all American citizens bearing passports shall be admitted into Russia as freely as any American citizen is so admitted. [Applause.]

Mr. FERRIS. Mr. Speaker and gentlemen, the resolution under consideration provides for the cancellation of the passport treaty relations with Russia, and it is my belief that it should have been done long ago. We have for 80 years been under solemn treaty relations with Russia to allow the citizens of both countries to travel and sojourn in either of the two countries. For the last 30 years the Russian Government has been constantly breaking that treaty and shamefully abusing a portion of our Jewish American citizens. For 30 years, I say, since the massacres in 1882 and thereafter, they have placed some feigned construction on the existing treaty, which construction has excluded our Jewish Americans from their country, even though they were full American citizens holding American passports.

Now, this does not happen to be solely a Jewish question. It is a question of American citizenship. When a Jew becomes an American citizen he ceases to be a Jew and at once becomes an American of Jewish religious faith. It is also true that he is usually a good American. I am sure good Americans are entitled to the same protection at our hands, of whatsoever creed or faith. It should be so; it is so. I hope it may never be otherwise.

It has been well suggested here that we should not treat lightly the relationship between two great countries, but while I am not in favor of treating the relation lightly, I am opposed to sitting supinely by and allowing for a longer period of time than the 30 years just preceding us of massacres and outrages upon our people. The time for protest, waiting, and delay has passed; it is now time for action.

I rejoice that it befell the lot of a Democratic House to right this tardy wrong. I regret that a wrong so patent should have been neglected by the Republican Party so long. They have been in full control of the Government in every branch for 16 years and in full control most of the time for 40 years, and yet up until this good day no action has been taken.

I think it will be admitted the treaty is now and has been in full force and full effect all these years. Again I am sure that the outrages committed on our citizens and on our Jewish citizens and Catholics will bring an admission that the treaty has been broken by Russia practically all of the time for the last 30 years. We shall wait in amazement to see with what grace the Jewish people will meet the Republican Party for refusing to act so long. We shall all stand in amazement and bewilderment together to observe the excuses and apologies that will be heard from the stump and in the campaign books of the Republican Party. They can not lay it onto the State Department for it has been without power to act. They can not lay in onto the President for he is without power to act. It is simply another case of their inactivity, when they should be active, silent when they should speak, a simple case of withholding justice when the entire subject is pregnant with justice and right.

It has been suggested that it might bring strained relations between two powerful countries. I do not believe it. I would much prefer to believe that it will prevent strained relations, for the prolonged unfairness and boldness of the Russian Government will sooner or later bring grief to them and this word of warning will but steer them clear of the rocks that will administer to them their undoing. It is merely a stitch in time and as the adage runs it will save nine.

It would be unfair and an element of weakness in our contention if we were not willing to debate the effect of what we do in this body. I meet the issue squarely and feel free to predict that wholesome results will follow.

In the first place, when the Russian Government realizes our action in discontinuing our treaty relations with them it is my opinion that they will abandon their race hatred and treat every citizen that enters their borders from the American Government as an American citizen whether he be Jew or gentile.

Again, it is my belief that as soon as this Government has blazed the way Germany, England, and all the powers will make similar demands of them until Russia will have to accede to their demands as well as our own. I say I am proud to see this sisterhood of States lead in this, as she does in everything else. The good we accomplish on this day will not, in my judgment, be confined to America and to Russia, but will benefit their attitude toward every nation where Jewish people reside.

I might, and we all might together, dwell in eulogy of and concerning these most successful, most peaceable, most useful, and most delightful people. History is replete with their achievements, but this is not their fight. I might, with rapture and delight, one by one, call the roll of their great men and their great achivements, but it would be but the applause and patriotic feeling one American has for another. We might all in unison and in accord tell of our affection for a people who have done so much for this Union and the upbuilding of this Republic, but it would be self-praise, for they are our people; our own true Americans.

Let this resolution pass, not in the future but now. Let it now become the law of the land, though tardy it be. Let it pass and the passport of an American citizen will be a badge of protection and honor, whether it be on Jew or Gentile. We may, of the Gentile faith, differ with them in religion, but we agree with them in all else. They may differ with us in religion, but they agree with us and love us in all things else. The work of the fathers in molding our Constitution said there should be no class distinctions in our religious belief, and who is here who does not thank the God of the universe that it is so? No one would repeal it if they could. No one could if they would.

The very hope of the Republic is that every American citizen shall look alike in the courthouse, in the congresses, and wherever an American citizen may tread. The emblem of American citizenship is dear to me. I would not allow it to be tarnished by one ignoble deed.

Russia is clearly wrong in her contention that she will not admit our Jewish Americans. This resolution corrects that wrong. There is no chance to make a mistake. Let us pass it by one unanimous vote that will put the question to rest as long as the tide of time shall stand.

Mr. SULZER. Mr. Speaker, I yield to the gentleman from New York [Mr. GOLDFOGLE]. [Applause.]

Mr. GOLDFOGLE. Mr. Speaker, the brief time yielded to me will not permit of an extended discussion of the subject under consideration. America has for the last 40 years tolerated Russia's offensive and insulting conduct toward our citizens. Russia has turned our passports aside with scorn; treated them with contempt; humiliated our citizens and unwarrantably made inquisitions into their religious belief when they presented American passports to her for visé. She has based her refusal upon the ground that the holders of the passports were Jews.

During this debate some one suggested a doubt on that subject. I state that of my knowledge to the House. I know it from the large experience I have had, having frequently been sought to obtain for those who desired to visit Russia a visé of their passports. I know it from interviews I have had with two Russian ambassadors to this country, and a former Russian consul general at New York.

From time to time applications were made to the Russian authorities to honor the passports of American citizens—reputable, law-abiding American citizens—but they happening to be Jews the passports were discredited and dishonored. Such conduct on Russia's part is not alone an affront to the citizen who bears our passport but constitutes an insult to the American Nation that issues the passport. [Applause.]

How much longer shall America stand by and allow itself to be temporized with by the Government of Russia? Russia has sorely tried our patience, and we have reached a point where we must cry a halt to maintain our national honor and make good our national boast that all our citizens are equal before the law, and that they shall have equal protection of our Government whether abroad or at home.

It can not be said that this is the first time Russia has been threatened with abrogation of the treaty. I urged it in 1909 and incorporated a provision for it in the resolution I then introduced. The treaty should have been abrogated then.

But Congress deemed it best to pass that part of my resolution which called upon the President to renew negotiations to secure the removal by Russia of her unjust and bigoted restrictions, or else new definite treaty stipulations under which no misconstruction as to the rights of American citizens to have the right to travel and sojourn in Russia could arise. Indeed, before the introduction of that resolution Russia had received warning from our Government that the time would come when, unless Russia altered her course and changed her attitude toward our citizens of Jewish faith, serious steps would have to be taken which might cause a severance of treaty relations in order to uphold American honor and vindicate American citizenship.

Mr. Speaker, in 1904 a resolution was passed by this House calling on the President to take steps to secure from Russia the honoring of our passports uniformly and secure equal treatment for our citizens seeking entrance to her territory. I introduced that resolution. It was conveyed to the Government of the Czar by our ambassador at St. Petersburg. In the able communication which conveyed the resolution the ambassador, among other things, said:

> The resolution voices not only the feelings of the American people, but a principle that lies at the foundation of our Government. It is for this reason that the question has been, is, and always will be a live one with us—

And mark you the language—

> and liable to become acute and be brought forward at some time in such a way as to seriously disturb the friendly relations which have always existed between Russia and the United States.

These were courageous words; these words truly voiced the sentiment of all America; these were prophetic words, and the prophecy is about to be made good.

Diplomatic negotiations long ago begun, and from time to time renewed, to obtain from Russia equal treatment for our citizens have proven unavailing. Repeatedly during almost a half century we interceded with Russia to have her recede from her false and unwarranted construction of the treaty. We have pleaded with her; we have implored her; we have demanded of her the performance of her treaty stipulations. She has treated our passports as so much worthless paper. She has unheeded our intercessions and denied our appeals. To our demands she has turned a deaf ear.

Her frequent promises for better treatment of our citizens have been broken as often as they have been made.

Mr. Speaker, the consciousness of the American people on this important question is aroused. We can no longer permit Russia to continue her insolent course nor bid us defiance. The hour is at hand when America, to vindicate her honor, when, to maintain the integrity of its citizenship and uphold her national dignity and her national self-respect, must take decided action, and that action is found provided in the resolution now before the House—the abrogation of the treaty now and at once. [Applause.]

On the opening day of this Congress, April 4, 1911, there was introduced in this House by both Mr. HARRISON and myself a joint resolution to abrogate the treaty. Other similar resolutions were then introduced, among them that of the chairman of the Foreign Affairs Committee. I have no pride of authorship. It matters not whose resolution was first introduced or how similar one may be to the other. Enough it is that a purpose of deep concern to American freemen is to be served. With heart intensely enlisted in the cause I look to the aim to be attained and the object to be achieved.

Mr. Speaker, the first article of the treaty of 1832 provides:

> There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation. The inhabitants of their respective States shall mutually have liberty to enter the ports, places, and rivers of the territories of each party, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories in order to attend to their affairs, and they shall enjoy to that effect the same security and protection as natives of the country wherein they reside on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce.

It could not have been in the contemplation of our country when we made the treaty in 1832 that any of our law-observing citizens might be denied entrance into Russia because of their religion.

Neither the then President nor James Buchanan, our St. Petersburg representative, who negotiated the treaty, would have entertained for a moment the idea that the language employed in the treaty would permit Russia to discriminate on religious ground between our citizens seeking entrance to her territory for travel or sojourn. It was utterly repugnant to their sense of right and their conception of American equality. Nor is it at all likely that Russia entertained in 1832 the idea which is now professed by her that she may discriminate between our citizens on religious ground. She no more entertained that idea then than she possibly could have conceived that we ever would discriminate against any of her subjects seeking to travel and sojourn within our land. Both nations entered into the treaty doubtless assuming that, so far at least as travel and sojourn are concerned, the privileges, the rights, and immunities should be perfectly reciprocal.

With change of conditions, however, and the enforcement of proscriptive policies adopted by Russia, she later undertook to interpret the treaty to mean that she could admit whom she pleased of American citizens, exclude whom she liked, and following out her proscriptive policy to exclude particularly the Jews and in some instances priests and missionaries of other faiths, though they be provided with our passports.

The clause of the treaty to which attention has been called admits of no such narrow, technical, restricted interpretation as Russia places upon it.

In 1881 our then Secretary of State, James G. Blaine, in his letter of instructions to our minister at St. Petersburg, said:

> It may be necessary at some future time to discuss the question it involves, but just now I am concerned with a different class of cases, namely, those of American citizens visiting Russia for private business or for pleasure and travel and duly provided with the passports of this Government authenticating their national character and their consequent right to all the specific guaranties of our treaty.

And again:

> Upon a case arising, this Government would hold that the treaty conferred specific rights on all American citizens in the matter of the disposition of their personal property, irrespective of any condition save those which the article itself expressly creates; that their actual presence when necessary to protect or assert their interests, is absolutely guaranteed whenever and for whatever time it may be needful; and that this international engagement supersedes any municipal rule or regulation which might interfere with the free action of such individuals.

And further on:

> I need hardly enlarge on the point that the Government of the United States concludes its treaties with foreign States for the equal protection of all classes of American citizens. It can make absolutely no discrimination between them, whatever be their origin or creed. So that they abide by the laws at home or abroad, it must give them due protection and expect like protection for them. Any unfriendly or discriminatory act against them on the part of a foreign power with which we are at peace would call for our earnest remonstrance, whether a treaty existed or not. The friendliness of our relations with foreign nations is emphasized by the treaties we have concluded with them. We have been moved to enter into international compacts by considerations of mutual benefit and reciprocity, by the same considerations, in short, which have animated the Russian Government from the time of the noble and tolerant declarations of the Empress Catherine in 1784 to those of the ukase of 1860. We have looked to the spirit rather than to the letter of those engagements, and believe that they should be interpreted in the broadest way, and it is therefore a source of unfeigned regret to us when a government to which we are allied by so many historical ties as to that of Russia shows a disposition in its dealings with us to take advantages of technicalities, to appeal to the rigid letter and not to the reciprocal motive of its international engagements, in justification of the expulsion from its territories of peaceable American citizens resorting thither under the good faith of treaties and accused of no wrongdoing or of no violation of the commercial code of the land, but of the simple adherence to the faith of their fathers.

In the diplomatic correspondence that for years passed between the two Governments the United States protested and insisted that she could not acquiesce in Russia's interpretation.

With Russia's severe proscriptive treatment of her Jewish subjects within her own territory we, of course, can not interfere. We seek not to intermeddle with her internal affairs. But we do imperatively ask that she observe the obligations of the treaty; that she receive our citizens presenting American passports, regardless of their religion or creed.

Russia's treatment of the Jews in her land unfortunately and sadly presents a painful story. It is a story of religious hate, of race prejudice, of bitter persecution, and grievous intolerance. Within Russian domain the Jew has been the subject of oppressive laws; has been subjected to unequal burdens; has been the victim of harsh brutality, and suffered inhumanities that have at times shocked mankind. Russia's treatment of the Jew, whose only offense has been loyalty to conscience and fidelity to faith, has stained the pages of her history and has shamed the civilization of the age.

But, sir, we are not considering Russia's treatment of the Jew within her Empire, but as Americans we will not tolerate her offensive conduct to our citizens, whether they be Jew or Gentile. We are most deeply concerned with the manner in which she treats them, native or naturalized, when they seek entrance to her domain. We can not without a surrendering of principles fail to take such decided action as may secure for our citizens, without distinction of creed, a decent respect for our passports, which is the certificate of honorable citizenship.

It is needless to prolong the discussion with citations of individual instances with which I am acquainted where Russia has over and over again refused to honor passports issued to

most highly reputable and much respected citizens of Jewish faith. Cases are numerous. On occasions heretofore when I occupied the floor in previous Congresses I called attention to some of them. I think the Members of this House clearly understand that Russian consular officers will not, as a general rule, visé the passport of a Jew, nor will the passport be honored until the holder of it, whoever he may be, answers inquiries as to his religion. That answer is imperatively insisted upon before the Russian authorities will grant a visé in any case.

Let it be clearly borne in mind that the restrictions Russia imposes apply equally to the native and the naturalized citizens. I have known of cases of American citizens of Russian birth whose wish was to return to their native land to visit the sickbed of a parent to minister to his need or to comfort him even in his or her dying hour; to revisit scenes of early childhood, going there on errands of kindness or of charity or to renew friendships of old; to reverentially go to the grave of a departed parent or a departed child and there breathe a silent prayer; and yet when the passport of that citizen was offered for visé, though the reason for the contemplated journey to Russia was stated to the Russian consular officer, the visé was withheld and the passport regarded as so much worthless paper. Surely, to most of our citizens who have met with Russia's refusal on the presentation of their passports, it must be as astonishing as it is sorely humiliating to be advised by a circular of our American Department of State that though an American citizen, but formerly having been a subject of Russia, on returning to that country he places himself within the jurisdiction of Russian law and can not expect immunity from its operations.

And this, Mr. Speaker, in face of the statute of this country that recognizes the doctrine of expatriation and holds out a guaranty of protection to every naturalized citizen.

The United States Revised Statutes provide:

SEC. 1999. Whereas the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness; and whereas in the recognition of this principle this Government has freely received emigrants from all nations and invested them with the rights of citizenship; and whereas it is claimed that such American citizens, with their descendants, are subjects of foreign states, owing allegiance to the governments thereof; and whereas it is necessary to the maintenance of public peace that this claim of foreign allegiance should be promptly and finally disallowed: Therefore, any declaration, instruction, opinion, order, or decision of any officer of the United States which denies, restricts, impairs, or questions the right of expatriation is declared inconsistent with the fundamental principles of the Republic.

SEC. 2000. All naturalized citizens of the United States, while in foreign countries, are entitled to and shall receive from this Government the same protection of persons and property which is accorded to native-born citizens.

SEC. 2001. Whenever it is made known to the President that any citizen of the United States has been unjustly deprived of his liberty by or under the authority of any foreign government, it shall be the duty of the President forthwith to demand of that government the reasons of such imprisonment; and if it appears to be wrongful and in violation of the rights of American citizenship the President shall forthwith demand the release of such citizen, and if the release so demanded is unreasonably delayed or refused the President shall use such means, not amounting to acts of war, as he may think necessary and proper to obtain or effectuate the release; and all the facts and proceedings relative thereto shall, as soon as practicable, be communicated by the President to Congress.

True, Russia denies the right of expatriation, and insists that her subject who has become a naturalized American citizen will still be regarded by Russia as subject to her jurisdiction should he ever again enter her territory, and be amenable to the severe penalties of her law after having left the Empire without her consent.

Such a claim of subjection is so utterly inconsistent with our fundamental principles of government, so utterly inconsistent with the statutory declaration to which I have called attention, so completely at war with every principle of American equality, that we can not afford, with any self-respect, to continue in operation a treaty upon which Russia insists placing an interpretation which sets at defiance our Government's demand for equal treatment of our citizens.

Every diplomatic agency that has been so far employed has failed to secure the correction of the grievance. It is regretable that commercial considerations have weighed in the hesitation of administrations to take steps to abrogate the treaty. If we desire to preserve our national dignity, we can not afford to allow these commercial considerations to stand in the way. Human rights and the adherence to the fundamental principles upon which our Government rests are of far greater importance than mere commercial gain that may result from treaty relations with Russia. After all, the commercial interests with that country are comparatively small compared with our other foreign trade.

I refrain, however, from discussing that phase of the question. The twelfth article of the treaty reserves unto each Government the right and the privilege to terminate the treaty on giving unto the other one year's notice. When the treaty was made each nation must have contemplated that conditions might at some time arise which would make it advisable to terminate the treaty through the simple means of giving notice to arrest its operation. We have many precedents for terminating treaties by notice and through means of congressional action. It is unnecessary to cite them again. They have been sufficiently referred to. I quote, however, from section 384 of Butler's work on the treaty-making power of the United States. There it is said:

SEC. 384. Abrogation of treaties, various methods.—In the cases cited which have involved treaty stipulations and Federal statutes, treaties have either been, or have not been, carried into effect by subsequent legislation of Congress; or statutes subsequently passed in conflict with treaties have been held to be constitutional, and to have superseded or modified the treaty, although in many instances clearly in violation of the stipulations therein contained. There are other instances, however, in which the court has held that the treaty is not superseded or modified, but is clearly abrogated and ceases to bind either nation or the citizens and inhabitants thereof. Treaties which expressly so provide may expire by limitation of time, determined by the treaty itself; they may also be abrogated, so far as the United States is concerned by congressional action in several different methods.

First. Either by a formal resolution or act of both Houses of Congress, approved by the President, or, in case of his refusal to approve it, passed over his veto by two-thirds of both Houses, in which case it becomes the latest expression of the legislative department of the Govment and therefore the supreme law of the land, and the executive department is bound to carry out the wishes of the legislature in express terms.

Second. By legislation, not abrogating the treaty in terms, but terminating the relations existing thereunder, or rendering them impossible of continuance, by enacting legislation hostile thereto or conflicting therewith, and which may supersede the treaty as to the special stipulations affected, or, in effect, abrogate it altogether.

Third. By legislation which, while it does not directly in terms abrogate the treaty, either in whole or in part, or by direct words suspend the operation of any of the provisions, so conflicts therewith that the doctrine of repeal by implication applies thereto as it would to statutory provisions similarly affected, it having been held by the Supreme Court that when a statute can not be rationally construed without repealing conflicting clauses of a previously existing treaty, the treaty must fall and the statute must remain as the latest expression of the legislative will.

The instances given in the footnotes hereto, in which these various methods of abrogating treaties in whole or in part have been adopted, are only a few instances, but they illustrate the practical application of each rule.

The effect of the abrogation of a treaty on private rights created or affected by the treaty is a matter of judicial determination.

SEC. 385. Direct abrogation by congressional action: Congress has on more than one occasion exerted its legislative power to abrogate treaties and terminate the relations established thereby. Several instances are given in the notes to this section, one of the earliest cases being in 1800, when the treaties with France were abrogated on account of the unfriendly treatment of our merchant vessels by that power. In 1883, after the payment of the Halifax award, already referred to in this chapter, Congress, by resolution, directed the abrogation of those clauses of the treaty of Washington of 1871 with Great Britain which related to fisheries and exportation and importation of fish products. In this case there was an undoubted right to abrogate the treaties, as no permanent relations or vested interests were involved or affected.

It has been the proud boast of America that we accord to our people the fullest measure of civil and religious liberty. Civil and religious liberty has been the great ideal of our country. It has been the chief corner stone of the Republic. In the exercise of civil and religious liberty our country has flourished and prospered; through its means we strengthened the ties of our common citizenship, banished prejudice, and instilled in the minds of our people in every section of our land the highest aspirations and noblest ambitions. Civil and religious liberty, which was consecrated by the suffering and martyrdom of our Revolutionary fathers, has ever been guarded jealously throughout our Nation's history and our Nation's trials. It has been the great factor that has served to uplift humanity and bring enlightenment and a better understanding of the brotherhood of man to all the people of America.

If we desire to remain true to the teachings of civil and religious liberty, and stand up for the guaranties which the Constitution of the land and the enactments of our Congress and the traditions of the Republic hold out to our citizens, we must take decided action. What avail all our protests and protestations in diplomatic correspondence and all dissents expressed in polite diplomatic terms if our Government remains supine and not take action which the resolution before us contemplates in vindication of our citizenshp?

I trust, therefore, Mr. Speaker, that the pending resolution will receive the unanimous vote of this House. [Applause.]

Mr. SULZER. Mr. Speaker, I would ask the gentleman from Iowa [Mr. KENDALL] to use some of his time.

Mr. KENDALL. Mr. Speaker, I yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, we are all of us influenced more or less by personal sentiment and personal consideration. Probably few on the floor of the House have supposed what I have always believed, that any success which may have come to me was largely because of the Jewish blood that flows in my veins. My grandfather was Mordecai Abraham, and I take after that branch of the family. [Applause.] I have always

felt in my heart and mind not only the warmest sympathy but the profoundest admiration for the Jewish people and the Jewish race. [Applause.] Whatever form this resolution in the end may take, I shall vote for it.

I wish to call to the attention of the House something in the resolution which seems to me is entirely separate from the proposition which is really involved. This resolution provides that the people of the United States assert as a fundamental principle that the rights of its citizens shall not be impaired at home or abroad because of race or religion.

And again:

That the Government of the United States will not be a party to any treaty which discriminates, or which by one of the parties thereto is so construed as to discriminate, between American citizens on the ground of race or religion.

I am not prepared to lay it down as a fundamental proposition that we shall assert that American citizens must under all conditions, as a proposition of itself, obtain treatment abroad which we are not willing to concede as a fundamental proposition to foreign citizens coming to this country, and I am not prepared to say that the United States is willing to make no discrimination because of race, either in the admission of citizenship or of foreign citizens to our shores. I maintain that our country has the right, and that it will exercise that right, to keep from our shores citizens of the Far East on account of race, whether they be Chinese, or perhaps people from East India, or perhaps even from Japan.

Only a few months ago that side of the House and many Members on this side of this House were insisting not only upon the right, but the exercise of the right, to prohibit the coming in of Japanese citizens on account of race. In my judgment the time is not far distant when much of China may have been divided between other powers of the world, and perhaps those Chinese citizens may have been declared to be citizens of France or of Germany or of Great Britain or other European powers. I care not what nation they may be citizens of; I am opposed to laying down the fundamental proposition that we can not forbid their entrance to our shores, and I would not, if possible, so stultify myself as to declare that we assert a fundamental proposition when it is in our favor, but are unwilling to stand by it when it is in favor of the other fellow.

Mr. GOLDFOGLE. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from New York?

Mr. MANN. For a very short question. I have not limited the time of debate, and I desire to occupy the time allotted to me.

Mr. GOLDFOGLE. Does the gentleman from Illinois dissent from the views expressed by Secretary Blaine when he said——

Mr. MANN. Oh, you might as well ask me if my grandfather was a monkey. I will not discuss the question.

Mr. GOLDFOGLE. No; I am asking the gentleman if he dissents from the views of that great international lawyer and great leader of his party, James G. Blaine?

Mr. MANN. The gentleman ought to have the courage of courtesy at least.

The SPEAKER. The gentleman from Illinois declines to yield.

Mr. MANN. I think, Mr. Speaker, the recitals in this resolution ought to be stricken out. I do not think it is within our province to declare that Russia has violated the treaty. I think it is proper for us to say that, in our opinion, from the standpoint of the United States the treaty has been violated, and then to provide that it shall be abrogated under the terms of the treaty.

It was a wise provision in the Constitution—put there by our fathers—which did not confide to this House jurisdiction over foreign affairs, and the wisdom of the fathers was never more exemplified than on this day, when gentlemen rise in their seats with written speeches, from the chairman of the committee down, declaring many things which, if we had the real power, might quickly provoke war.

Here is a body which in ordinary times desires the peace of the world. We have undertaken to say in this country that we will endeavor to provide for universal peace, and yet the expressions which have been made by gentlemen on this floor to-day, if uttered in another parliament against the United States, might bring about such a resentment as would provoke war. In our dealings with foreign countries we should be at least respectful. We have the right to abrogate the treaty.

I think we ought to exercise the right and pass the resolution in this House, here at least, in the hope that with the expression of opinion by this body of the position it takes on this subject, Russia will see fit to yield to our contention, but with the firm determination that if Russia does not yield, we will not yield our honor.

Gentlemen, however, have talked here as though the passage of this resolution would permit American Jews to go to Russia. Not at all. The passage of this resolution will not admit Jew or Gentile into the realms of Russia. They go there now under the protection of a treaty. We may abrogate the treaty, but that does not admit anybody into Russia.

Mr. KENDALL. And it does not exclude anybody, either. The gentleman will concede that.

Mr. MURRAY. What will be the practical effect, in the opinion of the gentleman from Illinois, of the passage of the resolution?

Mr. MANN. If the resolution passes and the treaty is abrogated and Russia so chooses, she may shut out all American citizens.

Mr. MURRAY. And whether she shall choose or not——

Mr. MANN. Mr. Speaker, I do not yield.

The SPEAKER. The gentleman declines to yield.

Mr. MANN. We can assert our right with the rifle and the cannon and overcome Russia if we desire.

It means when you enter upon a course you can not back down from it. If we say we are determined that American citizens shall go into Russia, we can only enforce that demand by conquering at the end of a war. We can assert our honor, we can protect our integrity and our reputation as liberty-loving citizens, proud of our honor, by abrogating the treaty; but that has no further effect in the world, in adding to the rights of our citizens. I hope at least that this resolution will be amended, if the recitals are to remain in it, by asserting our right, when we choose, to exclude foreigners from our shores on account of race; and I hope gentlemen are willing to concede that we only declare that in our opinion, from our standpoint, Russia has violated the treaty and therefore we abrogate it. [Applause.]

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. SULZER. I yield to the gentleman from New York [Mr. HARRISON]. [Applause.]

Mr. HARRISON of New York. Mr. Speaker, the gentleman from Illinois [Mr. MANN] is in accord with all the rest of us in desiring this resolution to pass, but he has confused the issue in the minds of some gentlemen upon this floor. He asserts that he would amend this resolution so that there should be in it an express declaration of the right of the United States, if it so desires, to exclude people because of their race. We have the right to exclude from the United States any race of people whom we wish to exclude unless treaty rights interfere, and it will not strengthen that right to declare it in this resolution. But Russia can not claim to have any right to exclude any Americans, least of all on account of religion or race. The gentleman from Illinois forgets that when a Jew becomes an American citizen he becomes an American, and is no longer of any race other than any of the rest of us. [Applause.] When he gets to a Russian port, he gets there as an American citizen and not as a Jew. We have a treaty with Russia which calls upon her to admit us all alike into the ports of that Empire. Under that treaty we are entitled, whatever our religious beliefs may be, to enter Russia because we are Americans. Russia can not admit some Americans and exclude others; she must admit us all or exclude us all. But the gentleman from Illinois [Mr. MANN] seems to cast some shadow upon our position in this matter by reference to the peoples of the Orient. He argues that the Chinese do not enjoy the right to come into our country. The gentleman must remember that the Chinese are excluded from this country by the express stipulations of a treaty with China, and that, on the contrary, Americans are admitted to Russia by the express stipulations of a treaty.

Mr. KAHN and Mr. GREEN of Iowa arose.

Mr. HARRISON of New York. I have only a few minutes, and I can not yield.

The SPEAKER. The gentleman declines to yield.

Mr. HARRISON of New York. The Chinese are excluded by treaty provisions, and the people of America are admitted to Russia by treaty rights. But, even so, we do not exclude Chinese who wish to travel and sojourn in this country, and that is all that our citizens want in Russia. That is precisely the right given us by this treaty. However, no gentleman who has ever studied this chapter of our history can doubt for a moment that Russia has again and again violated that treaty by denying the right of American citizens to enter her country on account of religious discrimination; and the American people, in the assertion of the American principle of religious equality, have for the past 30 years demanded that this discrimination cease and have made that demand in vain. We have too long entrusted to diplomatic channels the assertion of our national rights. The time has come, if the treaty under which these exclusions are practiced gives to Russia any technical argument

in behalf of that exclusion, to destroy that treaty and take away from Russia any excuse for her actions.

Americans need not be afraid to abrogate this treaty. They have abrogated many treaties in the past. We abrogated, in behalf of property rights, a treaty that we had with France, treaties that we had with Belgium, a treaty with Chile, treaties that we had with other countries, and I place upon a higher plane than any property rights the assertion of the principle of religious equality between all American citizens. [Applause.] If Americans in the past have not hesitated to denounce treaties on account of property disqualifications, shall they now hesitate to abrogate this treaty in the assertion to Russia that the most fundamental of all American principles must be maintained? [Applause.]

Mr. SMALL. Mr. Speaker, I favor the abrogation of the treaty of 1832 between Russia and the United States, or of any other existing treaty between the two countries, because Russia has violated a fundamental doctrine of this Republic. We believe that life, liberty, and the pursuit of happiness is the inalienable right of every citizen, and we guarantee the enjoyment of these rights in every section of our country. We recognize the right of every man to entertain such religious belief as may be dictated by his own conscience, and that no discrimination should be practiced against any citizen or alien on account of his religious belief.

At the same time we insist that every other country with whom we entertain amicable relations by treaty shall accord the same treatment to every American citizen within their borders. Because Russia has discriminated against American citizens on account of their religious belief, and has not accorded due recognition to passports issued by our Government, and has not permitted American citizens to sojourn and reside in that country under the terms of the treaty, as we construe the same, I believe we should denounce this treaty in the most positive manner.

However, I do not concede that the present resolution seeking to accomplish that end is appropriately or courteously phrased. Every Government assumes the right to manage its own internal affairs free from external control. While we may contend that under a proper construction of the existing treaty the rights of citizens of our country have been violated, we must concede that the Government of Russia makes a contrary contention. Without regard to which Government is right in its construction of the treaty, I would not be in favor of entertaining treaty relation with any government which denied a basic right to any American citizen.

The language of the resolution is undiplomatic and discourteous. No matter how great the provocation may be, we should preserve our dignity and express our intention in the language which one nation usually employs in its official intercourse with another. In this resolution we directly charge that the Government of Russia has deliberately violated the treaty in question. I believe this particular language to be unnecessarily offensive. What we wish is not to offend Russia, but by subsequent negotiations to obtain a recognition of the rights of our citizens while sojourning in Russia such as we accord to Russian subjects while sojourning in the United States. It would be the height of folly to abrogate this treaty in such a manner as to wound and offend the sensibilities of those intrusted with the government of Russia, and thereby handicap our future efforts to secure a recognition of the rights which have been ignored.

I believe the resolution should in simple and dignified language give notice of our intention to abrogate this treaty within the year limited by its terms. While I shall vote for the resolution in its present form, yet I sincerely hope, in the interest of international amity and for the success of future negotiations, that it will be substantially amended before it shall be put upon its passage.

Mr. BYRNS of Tennessee. Mr. Speaker, in the short time at my disposal I can do little more than express my hearty sympathy with the purpose and object of this resolution and register the hope that it will pass unamended and by the unanimous vote of the House. This great Nation can not, either with national honor or dignity, permit any other nation on earth to discriminate unjustly for or against any class of American citizens. The individual who has the right to claim citizenship under our flag is entitled to its protection and to all the privileges which it guarantees to a citizen of our Republic. Russia has no more right to discriminate against the American citizen of Jewish faith than she has to discriminate against the American citizen of any other religious faith or belief. Hence I say, Mr. Speaker, that this resolution involves not only the question of whether this Government is going to insist upon her citizens being accorded just and fair treatment by the other nations of the earth, but it also carries with it a question of national honor. The refusal of the Russian Government to recognize American passports issued to citizens who profess Jewish faith is nothing more nor less than an insult to the nationality of citizens of the United States. Hence I repeat, we are confronted to-day, not with a Jewish question, but with an American question of the first magnitude.

The treaty made in 1832 between the United States and Russia provides that the citizens of the respective States—

> shall be at liberty to sojourn and reside in all parts whatsoever of said territories in order to attend to their affairs, and they shall enjoy to that effect the same security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce.

The terms of this treaty are broad enough to apply to every American citizen, of whatever creed or to whatever race he may belong. Russia has no right, either legally or morally, to give it one construction as applied to the American citizen of Jewish faith and another construction as applied to the American citizen of another faith. All must be treated alike. If not, then this Government should promptly abrogate the treaty. We can do no less if we wish to maintain our national honor.

It has been said that we should not act hastily. Mr. Speaker, for more than 40 years our Government has been attempting to correct this discrimination through diplomatic channels. Yet to-day Russia shows no greater inclination to do justice in the matter than she showed at the beginning of the negotiations. Congress should act, and act now, and thus declare to Russia and to the world its firm intention to protect the law-abiding American citizen, no matter what may be his creed. On April 21, 1911, I introduced a resolution similar to the one reported by the gentleman from New York, the distinguished chairman of the Committee on Foreign Affairs, and I congratulate him and his committee on the fact that they have so promptly reported his resolution and brought the question before the House. Only recently in my own city a prominent Jewish citizen, who has been in this country for many years and by honest effort has become one of our prominent citizens, possessing the confidence and esteem of all, desired to visit the scenes of his childhood, but could not do so.

Another citizen, also respected and esteemed by all who know him, desired to return to Russia for a visit to his aged parents whom he had not seen for many years. Although a full-fledged American citizen and armed with an American passport, he was compelled to stop at the border and send for his aged parents to come across and see him. I say that such a condition of affairs is a reflection upon our Government and upon the nationality of our citizens.

The Jews are among our best citizens. They are energetic, thrifty, law-abiding, patriotic, and liberty loving. They are devoted to our institutions. As loyal citizens of our Republic they are entitled to its protection and support in the same manner and degree that it is given to other American citizens. Let us pass this resolution, thereby doing what we can to secure to the American citizen of Jewish faith a long-delayed justice, adding a new meaning and value to an American passport and a new dignity to the exalted privilege of being an American citizen.

The SPEAKER. The gentleman's time has expired.

Mr. CURLEY. Mr. Speaker, for over a generation, by a vacillating policy, the United States Government has demanded of the Russian Empire the faithful observance of the plain terms of the treaty between the nations, as negotiated by the convention of St. Petersburg in 1832, and in answer the Russian Government has with brazen and cynical disregard violated the diplomatic usage of civilized nations.

The treaty between the nations provides that every American citizen shall have the right to reside or sojourn in all parts of Russia, just as the subjects of the domain of Czar Nicholas enjoy the equal right and privilege in all parts of the United States.

America to-day, as this Nation has ever done, lives up to the full measure and the faithful observance of the terms of the treaty of Buchanan and Nesselrode, but Russia excludes, except where special permission may be given, a very large element of the citizens of this country.

And during all these more than 30 years the policy of the Russian monarchy has been to deceive this country, and with empty platitudes promise to determine the question by means of a commission or the pressing of legislation before the Duma. The insincerity of such promise has been at all times so patent as to form little less than a flagrant and continued insult to the intelligence of the American people.

When Russia refuses to recognize American passports issued to citizens of the Jewish faith because of the long and dreary years of religious intolerance that have made the land of the

Czar a disgrace to the civilization of the age, not only is the dignity and honor of American citizenship grieviously affronted, but a wanton insult is paid the American flag.

Russia's policy of state has been a continual and brazen denial of the rights of this country under the existing treaty, combined at home with a shameless story of rapine and savagery, of death and unspeakable barbarity and suffering. The bestiality of the Russian Crown has repelled the civilized nations, and the rule of fire and sword and brutal assassination has appalled the world.

Either the rights of every American citizen, regardless of race, creed, color, or condition, should be recognized by Russia as other countries of the civilized world recognize them or the Russian Government held up to the light of civilization as a nation with a fraudulent policy of state and determined to break its treaties at will.

President Taft has already assured a committee of representative Jewish citizens that the State Department is wholly unable to persuade the Russian nation to withdraw from its untenable position upon the question of granting or denying the treaty rights of American citizens, and, with this confession of helplessness and hopelessness, nothing remains but to abrogate the Russian treaty as a means of respect at least to the citizenship of the United States.

The mocking procrastination of the Russian Government, marshaled by the bigotry of the tyrant Empire and the stagnant Russian bureaucracy, leaves the American Nation with no course open, if it is to retain its self-respect, but to abrogate our treaty with Russia.

The argument that has been issued from certain Republican sources that the State Department should first take the initintive and Congress should then support the present Chief Executive is as dust in the balance when one considers the honor and dignity of this Nation and the pressing demand of the hour

Every resource of diplomacy has been exhausted by this country, and the time has come to pass when we can no longer maintain treaty relations with a foreign power which discriminates against American citizens upon religious grounds. The protection of its citizens is to-day and has ever been the first axiom of American Government.

It has remained for Mr. Marshall, the distinguished American advocate and eminent constitutional lawyer, to give to the world a most ringing message upon this question, and one which every American with the red blood of courage in his veins should read with utmost care.

Mr. Marshall says:

For more than 30 years the declared policy of the Russian Government has been the same. Its discrimination against our citizens has been persistently and constantly avowed and acted upon. Men of every class have suffered the same ignominy and contumely. No man within the hearing of my voice who professes to be a Jew, however eloquent in true Americanism his life has been, can venture within the walls which Russia has erected against the outside world, even though accredited by a passport from our Government, without having his credentials figuratively torn into shreds and cast defiantly into his face.

As a Jew he might look down upon his persecutors with pity and contempt and suffer in silence, as his ancestors did for centuries. But he is now more than a Jew, he is also an American citizen; and the hand that smites him inflicts a stain on his citizenship. It is not the Jew who is insulted, it is the American people. And the finding of a proper remedy against this degradation is not a Jewish but an American question.

Congress has the sole power to abrogate the treaties of this Nation, and I assure you, my friends, that in this crucial hour the responsibility is ours. If this country is to be true to its best estate, if it is to safeguard its immortal Constitution, then it must at all hazards regard the welfare and the safety of its native citizens not one bit less than it does the welfare and the safety of its naturalized citizens.

The duty of the hour is manifest. There must be no equivocation or surrender to the hollow protest of the representatives of American and Russian tradesmen. The United States must act, and act bravely and without delay, for the protection of its own citizenship and the welfare and happiness of hundreds of thousands of our fellow Americans.

The whole world looks to America, to the sons of this peerless Republic, to take the initial step that shall break down the walls of the Czar and the autocracy of State, for Great Britain, France, Germany, and Austria, with similar insult paid to their citizens of the Jewish faith, are as silent in the hour of their contumely as the tomb of the Capulets.

This country suffers not from the military and dynastic aggrandizement that at times paralyzes the government of the monarchies of Europe; it is a free and resolute Republic, and its national strength depends upon its courage and its character in defending American citizenship throughout the world.

As Jefferson so well defined the international policy of the United States when in letters to Jay and Maury he declared:

It is an obligation of every Government to yield protection to its citizens as the consideration of their obedience.

* * * * * * *

The first foundations of the social compact would be broken up, were we definitely to refuse to its members the protection of their persons and property while in their lawful pursuits.

* * * * * * *

The persons and property of our citizens are entitled to the protection of our Government in all places where they may lawfully go.

The laws of this Nation leave absolutely no alternative in this question, for the Revised Statutes of the United States in sections 1999, 2000, and 2001 declare:

Whereas the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness; and

Whereas in the recognition of this principle this Government has freely received emigrants from all nations, and invested them with the rights of citizenship; and

Whereas it is claimed that such American citizens, with their descendants, are subjects of foreign States, owing allegiance to the governments thereof; and

Whereas it is necessary to the maintenance of public peace that this claim of foreign allegiance should be promptly and finally disallowed:

Therefore any declaration, instruction, opinion, order, or decision of any officer of the United States, which denies, restricts, impairs, or questions the right of expatriation, is declared inconsistent with the fundamental principles of the Republic.

SEC. 2000. All naturalized citizens of the United States, while in foreign countries, are entitled to and shall receive from this Government the same protection of persons and property which is accorded to native-born citizens.

SEC. 2001. Whenever it is made known to the President that any citizen of the United States has been unjustly deprived of his liberty by or under the authority of any foreign Government, it shall be the duty of the President forthwith to demand of that Government the reason of such imprisonment; and if it appears to be wrongful and in violation of the rights of American citizenship, the President shall forthwith demand the release of such citizen, and if the release so demanded is unreasonably delayed or refused, the President shall use such means, not amounting to acts of war, as he may think necessary and proper, to obtain or effectuate the release; and all the facts and proceedings relative thereto shall, as soon as practicable, be communicated by the President to Congress.

And the purpose of the law is as plain as the sunlight of the morning—no discrimination must be shown and no distinction tolerated among our fellow citizens or we are false to the oath we bear as the Representatives of the Sixty-second Congress.

The brutality of a great monarchy to our citizens must summarily end. If Russia desires to stand for the rouble as against the man, she must stand for it alone.

If Russia desires another century of rapine and savagery of the most desperate revolutionist party the world has ever known, if her tyranny of her subjects is to continue a stench in the nostrils of the world, that is her affair; but the American people must not for one moment allow the lust of the gold of empire and shallow appeals not to disturb the current of mercantile affairs to prevail for one moment, nor the slightest deviation of this country from the path of duty and of right for the protection of every class of citizens upon our shores.

As the late James G. Blaine most well and truly said:

We do not submit any suggestions touching the laws and customs of the Russian Empire except where those laws and customs conflict with and destroy the rights of American citizens as secured by treaty obligations.

Let us give to the world a ringing message for justice; let there be no rest upon our part until the rights of every citizen of these United States, no matter how humble his circumstance, is recognized by the Russian Empire in the same manner that they are recognized by the other nations of the earth.

Let there be no backward step in the path of human progress. Let there be no further menace to the full power of civilization exacted by this Republic for every one of its people and from every nation of the earth.

Let us demand once and for all time to come the full integrity of American citizenship.

Let the seal of this country's approval upon American passports carry with it the full measure of this country's defense, and stand no longer as the amusement of diplomatic sycophants.

This Nation has the power to speak to Russia with authority. Its voice must be heard in behalf of over 2,000,000 American citizens of the Jewish faith now living in this country.

This question can not be settled until the American Nation changes its entire international policy relative to the Russian monarchy and protects its citizens as well.

In storm and stress the system of representative government for which the fathers of the land made every sacrifice of blood and treasure has endured. Let the flag of this country and the Constitution which protects it spread its divine fold over and about the oppressed of every land—the downtrodden and the suffering overburdened by the yoke of monarchy, despotism, and the injustice of the rule of kings.

Let us reveal to the world once again that the corner stone laid by the fathers of this Republic has been liberty, justice, and equality for all men before the law and held together by the cement of a wise patriotism which shall endure forever for the protection and well-being of our people. [Applause.]

[Mr. COX of Ohio addressed the House. See Appendix.]

Mr. SULZER. Mr. Speaker, I yield to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Speaker, I did not intend to participate in this debate, but the gentleman from Illinois [Mr. MANN] has made the statement that we exclude the orientals on account of race, and so I deem it my duty to reply to that assertion. I represent on this floor a community in which there are more orientals than in any other city in the United States, and I am quite familiar with exclusion legislation. The people of the Orient are not excluded on account of race. Chinese merchants, Chinese students, Chinese who desire to travel for pleasure are allowed to come into this country without limitation. [Applause.] The laborers of the Orient—the so-called coolie class—are excluded from this country because American labor can not compete with the cheap labor of the Orient. [Applause.] That is the ground upon which the oriental laborer or coolie is excluded. The question of race has nothing to do with it. Japan has agreed with us that she will exclude her laborers from this country, and therefore she does not give them permits to come. But her merchants, her students, and her travelers come here freely and constantly. China agreed by treaty that we might exclude her laborers from coming to our shores, and, in consonance with that treaty, the Congress of the United States passed a law prohibiting the coming to this country of Chinese laborers. But in no law that has been enacted by the Congress of the United States has there been any attempt to limit the coming into the United States of merchants, students, travelers, or professional people from the Orient. Therefore my friend from Illinois [Mr. MANN] was entirely in error when he said that we have adopted the principle that we have the right to exclude people from our shores on account of their race. [Applause.]

But the question of the recognition of a passport, such as our Government issues to its citizens who desire to travel abroad, is not involved in our Asiatic exclusion laws. The coolies who are now excluded under these laws were wont to come here and settle and compete with American labor. They were really Asiatic immigrants. They worked for wages so low that the American laborer and mechanic was unable to compete with them, and it was upon the demand of the working people of this country that Congress finally passed the exclusion laws against the oriental coolies.

The refusal of Russia to honor American passports is an entirely different matter. The passport itself indicates that its possessor does not intend to emigrate to another country. On the contrary, its purpose is to secure safe conduct for the citizen of the United States, in whose name it is issued, during the brief period this citizen desires to sojourn in any foreign land. The life of the passport is only two years, and under congressional enactment, if its holder be a naturalized citizen who should reside continuously for two years in the foreign country whose allegiance he had foresworn at the time of his naturalization, he promptly forfeits his American citizenship. He can no longer claim the protection of this Government. Russia is one of the few countries in the civilized world which still demands a passport from the visitor to her territory. She and Turkey and one or two of the Balkan states are the only European countries that insist upon the inspection of the passport the moment the traveler crosses the border.

Russia sets up a religious test as to whether she will admit American citizens to travel or sojourn within her confines. That is in direct violation of the treaty of 1832. She excludes not alone American citizens of the Jewish faith but also Roman Catholic priests and Protestant ministers, especially missionaries. The religion of Russia is Greek Catholic. The Czar is the spiritual head of the church; he is the "Little Father" of his subjects in their spiritual relationship to his Government. And when his ministers set up the claim that our Government also "excludes undesirables" they endeavor to confuse the issue. I do not recall that our Government has ever denied admission to a traveler from a foreign land who came to our shores with a passport from his home government.

It is inconceivable that any Jew would want to emigrate from this land of freedom and opportunity, where he can worship the God of his fathers without fear of persecution, where he enjoys all the privileges of American citizenship and receives the full protection of the laws of the land, to make his future home in Russia.

Michael Davitt, in his "Within the Pale," has painted the picture of the life of the Russian Jew in the dominion of the Czar most admirably. He says:

> He is under the obligations of citizenship, military and otherwise, without its privileges or full protection. Special taxes are imposed upon him. He is confined by law within a kind of economic concentration camp. The legal difficulties put in the way of the full exercise of his industrial capacities are both the source of his poverty and of his oppression. He can not own land within the Pale or work it, but he must live. * * * His faith is assailed by almost every form of human temptation, including the terrorism of such periodical crimes as those perpetrated a few weeks ago (the Kishineff massacres). And the very fidelity which enables him to resist both the powers of proselytism and of persecution only adds one more prejudiced ground to the many which appeal against him to the religious side of an autocratic regime which decrees that an invulnerable heterodoxy is one of the worst of crimes in Russia. * * * In every Royal School or Gymnasium to which a Jewish youth is admitted the number must never exceed 10 per cent of the whole attendance—in some schools not 5 per cent.

The Russian Jew is a comparatively recent immigrant to these shores. The first influx came in the early eighties, after the promulgation in Russia of the drastic and inhuman laws of May 3, 1882, commonly referred to in contemporaneous history as the "May laws." Nearly a decade later, in 1891, occurred a series of outrages and massacres that caused another great migration to the United States. Later "pograms," as the massacres are termed, and especially the massacres at Kishineff on April 19 and 20, 1903, drove still other thousands to this land of freedom. Does anyone seriously believe that these unfortunates want to return to that land of terror for the purpose of permanent settlement there? Of course not. The desire of the Russian Jew to revisit the land of his birth is altogether a matter of sentiment. In all likelihood his parents are buried in the little cemetery of his native village. He longs to breathe a silent prayer over the graves of his beloved father and mother before he, too, passes to the great beyond. He may have relatives there, too old to take up the burden of life in the New World, and he wants to provide for their comfort in their declining years. He usually makes contributions to the local charities, and those who were the playmates of his youth and who have not met with the success that has come to him are kindly remembered with gifts of money, generously bestowed, without ostentation, and in such a manner as to spare the recipient the humiliation of accepting charity. Having accomplished these or similar purposes, he spends a few weeks in travel and gladly returns to the United States, a better citizen of his adopted country than ever before.

Mr. Speaker, at this juncture it may not be amiss to state a few facts of history to show the important part played by the Jew in the discovery of the American continent, for I believe that few of my countrymen are conversant with these facts.

In the east gallery of the Senate wing of the Nation's Capitol there is a painting which depicts the "Recall of Columbus." Dismissed from the Spanish court without having accomplished his purpose, the great navigator had reached the Bridge of Pines on his way to France, when he was overtaken by the royal courier with orders for his return. After the unsatisfactory termination of his audience with Ferdinand and Isabella at Santa Fe, the King's chancellor, Luis de Santangel, pleaded with the Queen to recall Columbus. He and his kinsman, Gabriel Sanchez, were zealous patrons of the great Genoese explorer, and they were largely instrumental in having him summoned back. There is now but little doubt that Santangel supplied the funds out of his own pocket for the expedition. In his original account books, extending from 1491 to 1493, preserved in the *Archivo de Indias* in Seville, Santangel is credited with an item of 1,140,000 maravedis, which were given by him to the Bishop of Avila, who subsequently became the Archbishop of Granada, for Columbus's expedition. In another account book is an entry to show that this sum was later on repaid to Santangel for "money which he advanced to equip the caravels ordered by their Majesties for the expedition to the Indies, and to pay Christopher Columbus, the admiral of that fleet." Columbus, in grateful remembrance of the man who had furnished the funds for the voyage, wrote a letter to Santangel from near the Azores or Canaries on February 15, 1493, detailing the result of this first expedition. And this Luis de Santangel was a converted Jew.

Nor was he the only one of the Jewish faith who was identified with the expedition. The complete list of those who accompanied the admiral on his first voyage has been lost, but among the names that have come down to us is that of Luis de Torres. He was also a converted Jew, or Marano, and, being familiar with the Hebrew, Chaldaic, and Arabic languages, was selected to act as interpreter between Columbus and the monarchs of India. For Columbus to the day of his death was ignorant of the fact that he had discovered a new world, and believed only that he had discovered a new route to India. It was this Luis

de Torres who was sent by Columbus into the interior of Cuba on an exploring expedition, and who first saw tobacco used by the Indians.

The ship physician, Maestre Bernal, and the surgeon, Marco, were likewise of Jewish ancestry. The latter had undergone public penance in October, 1490, at Valencia, at the same time that Solomon Adret and Isabel, his wife, were burned in an auto-da-fé.

As the years rolled on and settlers began to populate the shores of America the first Jewish colonists arrived at New Amsterdam in the year 1654, 257 years ago. They had to give assurances "that the poor among them shall not become a burden to the company nor to the community, but be supported by their own nation." And to this day the Jews of New York generously take care of the poor among them.

At the outbreak of the American Revolution there were several thousand Jews in the Colonies. They contributed liberally toward the cause of independence. Among the signers of the bills of credit for the Continental Congress in 1776 were Benjamin Levy, of Philadelphia, and Benjamin Jacobs, of New York. Samuel Lyon, of New York, performed a similar service in 1779. Isaac Moses, of Philadelphia, was a contributor to the Colonial Treasury to the extent of $15,000, while Herman Levy, of the same city, repeatedly advanced large sums for the support of the Continental Army in the field.

Manuel Mordecai Noah, of South Carolina, served on the staffs of Gens. Washington and Marion as an officer of the Army and gave $100,000 for the cause of the colonists. Mordecai Sheftall, of Savannah, Ga., was another prominent Jew of that epoch who rendered most valiant services to the struggling patriots. Charleston, S. C., at that period had among its inhabitants 600 Jews, and it is a historic fact that there was not a single Tory among them.

But the man who contributed more than any of his coreligionists, probably more than any other single individual in the Colonies, during the struggle for independence, was Haym Salomon, "a little Jew broker" of Philadelphia. He was the friend of many of the Revolutionary heroes. Dr. Madison C. Peters, a non-Jewish divine of New York City, has told the story of this patriotic citizen in an interesting little volume entitled "Haym Salomon, the Financier of the American Revolution."

Mr. Speaker, one word in conclusion. I can remember the first great influx of Russian Jews to this country in 1882–83. A large number came to the Pacific coast. Many of these were colonized upon agricultural lands and have become thrifty farmers. Others settled in our cities and have prospered. They are devoted to the land of their adoption. They have shown themselves ready, if need be, to die for their country. When President McKinley issued his call for volunteers at the outbreak of the Spanish-American War there was a ready response from every section of these United States. Among the regiments that were mustered into the volunteer service was the First California Volunteer Infantry. The records of that organization disclose the fact that there were 100 Jews on the roster of the regiment, and the first American to lay down his life in defense of Old Glory in the distant Philippines was Sergt. Maurice Justh, of the First California Volunteer Infantry—the son of a Russian Jew.

Mr. SULZER. I yield to the gentleman from Virginia [Mr. FLOOD].

[Mr. FLOOD of Virginia addressed the House. See Appendix.]

Mr. SULZER. Mr. Speaker, I now yield to the gentleman from New York [Mr. KINDRED].

Mr. KINDRED. Mr. Speaker, the questions at issue, in this vastly important matter, as to whether or not we shall to-day take such congressional action as will abrogate and cancel the existing treaty between the United States and Russia, are fundamentally questions of patriotism and self-respect, both individually and nationally.

Let us examine briefly the facts about treaties and the words of the treaty itself as justification for the conclusion that the pending resolution declaring this treaty's abrogation should be unanimously approved by Congress.

In the first place, there is no plainer truth than that a mutual agreement or reciprocal treaty between nations, as between individuals, should be sacredly regarded and in good faith strictly carried out in its every provision. If a great nation is to maintain its high standing and integrity among the righteous and proud nations of the world it should, in common decency, keep to the spirit of the agreement entered into with other nations, or, as a penalty for violations of its pledges, sacrifice its honor in the eyes of other nations, especially when the other contracting party to the treaty acts entirely in good faith, as the United States has in the case with the present treaty with Russia, negotiated in 1832, or 79 years ago on the 18th day of this present month.

Reference to the first article of this treaty leaves no doubt that it was the intention of Russia, both in the letter and spirit, to guarantee to all American citizens (in the words of the treaty)—

> the right to sojourn and reside in all parts of Russia in order to attend to their affairs, and that they shall enjoy the same security and protection as natives of the country wherein they reside—

And so forth.

As has been so ably stated by the author of the pending resolution, the distinguished gentleman from New York [Mr. SULZER], it has been held by Mr. Justice Field, of the United States Supreme Court, that it is the—

> general principle of construction with respect to treaties that they shall be liberally construed so as to carry out the apparent intent of the parties to equality and reciprocity between them—

And so forth.

Since there is the highest authority, based both on the opinion of Justice Field and on common sense, that the construction of the language of the treaty, as quoted, shall be liberally construed, so as to carry out the apparent intent of the contracting parties, Russia has clearly, as a rule, by the refusal of its consuls to visé the passports of certain classes of naturalized or native citizens of this country, particularly those of the Jewish faith, been guilty of discrimination against these citizens in having excluded them from her territory, and in thus denying to them the rights specifically granted in the treaty to inhabitants of the respective States to mutually have liberty to enter and sojourn in the ports and places of her territory in order to attend to their affairs and to enjoy to that effect "the same security and protection as natives of the country wherein they reside." She has therefore not only literally and grossly violated the word and spirit of her agreement for over 40 years, but she has done so flagrantly, despite the earnest protests of our diplomatic and other agencies during this time. In other words, Russia has trifled with our national honor and defied us in having so long trampled under foot the principles so dear to every citizen of our Republic, which hold that all men are born equal and, in the language of the fourteenth and fifteenth amendments to the Constitution, to the effect that there shall be no discrimination against any citizen because of race, color, or previous condition of servitude.

Into our Government and free institutions are firmly interwoven these bulwarks of human liberty and inalienable rights, and we should not, as a matter of diplomacy or as a principle of right, allow Russia or any other country to violate with impunity any treaty involving the sacred rights of our Nation and its citizens.

As has been said, this is not a Jewish question, but an American question, that has already brought out most able but fruitless efforts in constant endeavors to honorably settle it on the part of our Presidents, from Cleveland to Taft, and notably of our ambassadors to Russia, from Cassius Clay to Andrew D. White and our present ambassador to that court.

Jews who have been largely persecuted and discriminated against by Russia simply because of their race and religion are not alone the victims of the unjustified Russian interpretation of our treaty relations, but Roman Catholic priests and Baptist and Presbyterian ministers have also been treated with such indignity as to cause them and all true American citizens to blush with shame and join in the demand to merge their claims for protection under our flag with the national outcry against such affronts to the integrity of our citizenship, both individually and collectively.

To be an American citizen, either native or naturalized, should and does mean a proud privilege, and in order to put ourselves on record as the representatives of the true sentiment of the grand old Democratic Party in this country, and of practically the whole country, we should, with one accord, to-day vote solidly as unflinchingly supporting the Jeffersonian sublime doctrine of equality under the law, as the underlying basis of all that is glorious in our history, and that the preservation of our institutions require that we maintain this principle inviolate.

The discrimination by any foreign country against any class of citizen, especially such worthy classes as are represented by Baptists and Presbyterian ministers and our best Jewish population, is offensive and unbearable to us, and this feeling is emphasized by the fact that the reason for the discrimination on Russia's part is one based on race and religion, this fact being known from a personal knowledge of nearly every Member of this House, whose attention must have been called to instances of this kind, where Russian authorities have persistently refused admission not only to naturalized American Jews, born

in Russia, but also to native Jews of the highest possible standing and responsibility.

In conclusion, Mr. Speaker, I most earnestly support the pending resolution for the abrogation of the existing treaty between the United States and Russia, on the grounds that I have already mentioned, and in doing so, desire to reaffirm the undying proposition that the Government of the United States declares as a fundamental principle, that all men are equal before the law, regardless of race or religion, and that it makes no distinction, based either on religion or the birthplace of its citizens, and that it will not allow such distinctions to be made by any foreign power.

Mr. SULZER. Mr. Speaker, I yield to the gentleman from North Carolina [Mr. GUDGER].

[Mr. GUDGER addressed the House. See Appendix.]

Mr. SULZER. Mr. Speaker, I yield to the gentleman from Illinois [Mr. BUCHANAN].

Mr. BUCHANAN. Mr. Speaker, In supporting the resolution now before us for consideration it is meet and proper that we understand just what it means. When men are associated together, no matter how few or how many, there must be some law for the orderliness of their association. For ages the great problem of mankind has been to discover the best way of securing laws governing this association. Governments of almost every conceivable form have been tried, and the relation that one man bears to another man and to the great group constituting the nation is always fixed by the laws of that nation of which the individual is a component part. When these groups of men in different parts of the world organize governments the status of an individual can not be fixed by his government in the society of another government. The only way that this relationship can be fixed is by treaties with other nations for the purpose of establishing the status of its citizens. These treaties are, or at least should be, as binding upon the one as upon the other; in fact, if they are not as binding upon one as upon the other, then the treaty is a nullity.

Our Government entered into a treaty with Russia in 1832 for the purpose of establishing the status of our citizens when in Russia and the status of Russian citizens when in our country. This treaty was negotiated by one of the greatest diplomats of our Nation, a man whom our people honored with the Presidency in after years, James Buchanan. This treaty bore all the obligations of a contract on the part of Russia and also on the part of the United States, to keep inviolate all of its terms. The words of this treaty, bearing upon the status of the citizens of the two nations, are as follows:

> There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation. The inhabitants of their respective States shall mutually have liberty to enter ports, places, and rivers of the territories of each party, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories, in order to attend to their affairs, and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce.

From the foregoing it will be observed that the citizens of Russia have the right to enter into, sojourn, and reside in all parts of the United States, and it will also be observed that the citizens of the United States have the right to enter into, sojourn, and reside in all parts of Russia.

The latter, as yet, has never charged the United States with having broken its part of this contract, for this treaty is in all essentials a contract, but let us now turn to the conduct of Russia, under the terms of this treaty, and see whether or not she has kept her part of the agreement. When a citizen of the United States desires to travel or sojourn in Russia, he makes application to the Secretary of State for a passport, which, upon being presented to the proper representative of the Russian Government, is viséed by said representative, and then the party to whom the passport was issued is entitled to travel or sojourn in Russian territory and is entitled to the protection of the Russian Government. Whenever the holder of a passport presents the same to the representative of the Russian Government, he is asked to fill out a blank, as follows:

> Name ———. Where born ———. Religion ———. Business or tourist ———. Have you been a citizen or subject of any other country ———.
>
> Signature ——— ———.
>
> New York ———.

It will be observed that the third blank calls for his religious belief. In this country we make no discrimination whatever as to the religion of any of our citizens, but Russia does not recognize this fact, and immediately upon the applicant designating his religious belief as that of Jew, his passport is not viséed, and he is refused admission into Russian territory.

Nothing can represent the operation of this arbitrary act of Russia better than a concrete example. The Hon. Harry Cutler, of Providence, R. I., member of the house of representatives of his State, desiring to go to Russia this year, after having resided in this country about 27 years, was refused admission into Russian territory. It appears that Mr. Cutler, when about 9 years of age, came to America. Just a little personal history of Mr. Cutler will show the attitude of Russia toward these citizens of ours. Mr. Cutler, in speaking of the massacres of 1882, says:

> My father was a merchant in the city of Elizabethgrad, and was in partners with a Christian friend. His partner came to us on the night of the massacre, and our Christian neighbors offered to hide us in the cellar upon the fields—not in their house, but in the cellar upon the fields—and our friend had placed Christian emblems upon the doors and windows of his home, such as crucifixes and ikons and pictures of the Madonna, to mislead the rabble and the Cossacks. My father armed himself, kissed us good-by, and went to defend his place of business. That was the last I have ever seen of my father. Naturally, subsequently followed the emigration to this country.

Mr. Cutler was not naturalized until after he was 21 years of age, and during all this time never returned to his native land; but this year, desiring to return, he was asked his religion, and upon refusing to answer his passport was not viséed.

This is only one of many such cases that might be cited. This is not a Russian-Jewish question, for no matter where the applicant was born, even under the folds of the Stars and Stripes, in our own land, just as soon as he announces his faith to be that of the great Jewish race his passport becomes as waste paper in his hands, so far as protection is concerned in the territory of the Czar.

But, sir, Russia discriminates against certain of our citizens. When a citizen of the United States desires to travel or sojourn in Russia, he is always asked his religious faith. Such a distinction is not known or tolerated in this country. When the passport of the United States is issued to a citizen of the United States, that of itself ought to be sufficient guarantee of the character of the bearer, and no nation ever ought to ask, or be permitted to ask, his religion when preparing to travel in another country, much less be refused admission on religious grounds.

In course of time many Russians have come to America; children have been born to these immigrants; if they are of the Jewish faith they may never return to the land of their father's birth on either business or pleasure, yet no one, by any process of reasoning, could find any ground for such a distinction. If this continues, and it has been going on since the early sixties, and continues to this hour, and Russia sees fit to refuse a citizen of the United States because he is a Jew, and can do this arbitrarily and we calmly submit to such a violation of the treaty, how long will it be, if some advantage is thought possible because of such discrimination, until the passport of some American will be refused because the holder thereof is a banker or a merchant or a lawyer, and what will prevent the final rejection of all American citizens, no matter who they are or what their belief or occupation?

If the treaty by any interpretation gives to Russia the right to discriminate on account of religious belief, then the treaty is in direct contravention of the very spirit of American institutions and should be abrogated; if, on the other hand, it does not give such right to Russia and she persits in violating the treaty by such discriminations, then by all means abrogate the treaty, just as any man or set of men would abrogate any contract when one of the contracting parties violates its terms.

Mr. SULZER. Mr. Speaker, I yield one minute to the gentleman from Florida [Mr. CLARK].

Mr. CLARK of Florida. Mr. Speaker, I shall vote for this resolution without the elimination or the addition of one word. I am not frightened by the specter raised by the gentleman from Illinois [Mr. MANN] that if we should abrogate this treaty Russia might close her doors to us. I believe that this Republic is great enough and strong enough and powerful enough, while seeking amity with every nation on earth, to get along without any of them; and if Russia proceeds to shut us out, we can live without Russia. It is not desirable for us to live upon terms of amity with any nation on earth, if they are terms of dishonor. We have no better class of citizens within the domain of this great Republic than the American Jews. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. SULZER. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. DONOHOE.]

[Mr. DONOHOE addressed the House. See Appendix.]

Mr. KENDALL. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. CALDER].

Mr. CALDER. Mr. Speaker, in the beginning it was ordained that this country should be the haven of the oppressed of all the world, and so when our fathers adopted the Constitution of the United States, which is the fundamental law of the land, it was determined then that in this country freedom of religion would

be guaranteed to every one of our citizens. We have passed through 135 years of our history, and with every year we have shown increased solicitude as to the rights of our people in this connection.

It was my privilege on the opening day of the first session of this Congress to introduce a joint resolution in the House of Representatives directing the President of the United States to abrogate the treaty entered into with Russia on December 18, 1832, unless Russia immediately complied with her agreement.

The pending resolution is on the same lines as the one introduced by me.

In the discussion this afternoon a question was raised by the gentleman from Massachusetts [Mr. McCALL] and the gentleman from Minnesota [Mr. NYE] as to whether we were proceeding with undue haste in this matter and whether our Government had called this question properly to the attention of the Russian Government. I have in my hand a report of the hearings held before the Committee on Foreign Relations at the last Congress on this very subject and note the reference there to the fact that on April 30, 1902, a resolution was passed by the House of Representatives requesting the Secretary of State to inform the House whether American citizens of the Jewish faith holding passports issued by this Government are barred or excluded from entering the territory of the Empire of Russia. On April 24, 1904, the House of Representatives also passed a resolution, introduced by my colleague, Mr. GOLDFOGLE, that the President be requested to renew negotiations with the Governments of countries where discrimination is made against American citizens on the ground of religious faith or belief. Again, on March 4, 1909, the President of the United States signed a resolution, passed by both Houses of Congress, relative to this same subject. It seems to me, therefore, with all of these acts of Congress, sufficient notice has been given to the Empire of Russia that we are in earnest in the matter.

Article 1 of our treaty of commerce and navigation with Russia, made in 1832, reads as follows:

> There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation. The inhabitants of their respective states shall mutually have liberty to enter the ports, places, and rivers of the territories of each party wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories in order to attend to their affairs, and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce.

Russia has not, however, granted the reciprocal rights that article calls for. Treaties should be liberally construed, as said by Mr. Justice Field in Geofroy *v.* Riggs (133 U. S., 271) in the following words:

> It is a general principle of construction with respect to treaties that they shall be liberally construed, so as to carry out the apparent intention of the parties to secure equality and reciprocity between them. As they are contracts between independent nations, in their construction words are to be taken in their ordinary meaning, as understood in the public law of nations, and not in any artificial or special sense impressed upon them by local law, unless such restricted sense is clearly intended. And it has been held by this court that where a treaty admits of two constructions, one restrictive of rights that may be claimed under it and the other favorable to them, the latter is to be preferred.

Russia excludes American Jews—all American Jews, irrespective of their nativity. She does not confine her exclusion to American Jews who were born in Russia. She excludes American Jews wherever born. The State Department grants them passports, but the Russian officials will not visé them, and consequently they can not enter Russia.

The attention of the House has already been called to the case of Louis J. Horowitz. I have known Mr. Horowitz for a number of years. He is president of the Thompson-Starret Co., the corporation which built the Union Station in Washington and is at present constructing the new Municipal Building in New York City. His case was referred to in a letter dated June 17, 1908, addressed by Judge Sulzberger to Senator ROOT, then Secretary of State. It appears in this letter that—

> On March 30, 1908, being about to go to England on business, he determined to visit his birthplace in Russia and at the same time to go to St. Petersburg for the purpose of investigating various matters connected with the proposed contract between the Russian Government and his company regarding the construction of a passenger depot. Having sailed for England on March 31, 1908, in a hurry, he requested the company's local manager at Washington to secure his passport and mail it to him. His representative learned that there were difficulties and therefore retained Messrs. Penfield & Penfield to attend to the securing and validating of the passport.
>
> On April 1, 1908, Judge Penfield presented the passport at the Russian Embassy at Washington, was asked whether Mr. Horowitz was a Jew, replied in the affirmative, and the visé was refused.
>
> In consequence of this refusal Mr. Horowitz returned home without visiting Russia.
>
> We do not think that the ambassador's subsequent departure for Russia is at all relevant; nor would his previous departure have been taken. The embassy was, in Mr. Horowitz's case, consistently violating the treaty of 1832, as it had done for decades, certainly since 1866.

The first discrimination that Russia made against the American Jews occurred in 1867. Our Government then protested and has continued to protest ever since. This House has repeatedly passed resolutions calling for information as to the treatment of American Jews in Russia and, latterly, requesting or directing that negotiations be had to terminate the treaty.

Nothing has been accomplished, despite the earnest efforts that have been made, including those of the present administration. We are still tied to a treaty that is obnoxious to our fundamental principles. As has been repeatedly said, it is a fundamental principle of this Nation that the rights of its citizens shall not be impaired, at home or abroad, on the ground of religious belief. All treaties should be concluded for the equal protection of all classes of American citizens, without regard to religious belief. In the hope that the termination of this treaty will lead to a new treaty which will be admitted by Russia to prescribe that all Americans shall be admitted to travel, sojourn, and reside in that country without regard to religious belief, the treaty should be terminated.

The treaty should also be terminated, in order that we shall prove ourselves true to our cardinal principles of religious toleration and equal rights of American citizens without regard to their religious belief. So long as we remain tied to a treaty that the other party construes to permit it to discriminate against Americans on the ground of their religious belief we are not faithful, but faithless, to those cardinal principles.

Russia has so construed the treaty that by internal laws she can exclude any American, as she does exclude American Protestant missionaries and American Catholic clergymen. Her own internal laws will determine in the future, as they practically determine now, what classes of American citizens may have their passports viséed and travel or reside there, but unless she desires to take the position of a nation wholly uncivilized, the travel that is now permitted will probably continue to be permitted.

So far as commercial relations are concerned, the maximum clause of the Payne tariff law, which can be imposed upon Russia's imports into this country, amounting to about $10,000,000, is a more effective weapon than any obligation that could be imposed upon Russia by a treaty, one of the obligations of which she has by misconstruction relieved herself of for so many years.

Because American citizenship must be respected and because we intend to stand for our principle of religious toleration and the rights of American citizens, without regard to their religious belief, the treaty should be terminated and the resolution accordingly should be adopted.

Mr. KENDALL. Mr. Speaker, I yield to the gentleman from Missouri [Mr. DYER].

Mr. DYER. Mr. Speaker, this great American House of Representatives nobly, intelligently, and patriotically will respond to this great question of American citizenship, as it has always done, when questions of national honor, integrity, and the protection of its citizens have been at stake. No greater honor can be claimed by any man than that he is an American citizen. It is our solemn and sworn duty, as representatives of the people, to protect the citizens of our country in the enjoyment of their rights of citizenship, at home or abroad. Those citizenship rights of many of our countrymen have been unjustly assailed by Russia, resulting in this resolution. I expect to vote for the passage of same, as I expect to do my full duty as a Member of this House in every instance where the honor of my fellow citizens is at issue. In voting for this resolution my only regret is that I did not have an opportunity to do so years ago. We have waited too long without taking this contemplated action. As representatives of American citizens it is our duty to give more consideration to the rights of one citizen than to all of Russia. Of course it matters not as to our action here when we find that American citizens have been insulted by the Government of Russia, whether they be Jews or Gentiles, rich or poor, great or strong. The only question is: Are they American citizens. Among our citizens that have been insulted by Russia, and that calls for this action by this House, are my neighbors, my friends, and of as good as there is in the political, social, and business life of the great city of St. Louis which I in part represent in this House. They are of that same high character and standing all over the land.

Mr. Speaker, I voice not only my own judgment in this matter, but I speak the wishes of the people of my district regardless of religion or race. On the 10th of this month there was held in my city a great mass meeting of its citizens to protest against the action of Russia on this passport question. Elias Michael, the chairman of that meeting, and one of the most splendid citizens that St. Louis has ever had, has sent me in reference to this meeting the following telegram:

Hon. L. C. DYER,
Member of Congress, Washington, D. C.

Great mass meeting here yesterday to protest against Russia arbitrarily construing the treaty with the United States was attended by citizens of all shades or religious thought. Many unable to obtain

admission and had to be turned away. The meeting was addressed by Rev. E. Duckworth, of the Episcopal Church; George S. Johns, editor of the Post-Dispatch; and Rabbi Leon Harrison, of Temple Israel. Will you please convey to the House Foreign Affairs Committee the sentiments there expressed for Russia either to conform to the treaty or that it be abrogated. Papers containing full particulars mailed to you this evening.

ELIAS MICHAEL.

From the daily press of my city I find that this great meeting was addressed by distinguished men in various walks of life. Among others, an address was made by Rev. Dr. Edmund Duckworth, rector of the Church of the Redeemer. He said, in part, as follows:

This is not a Jewish question. This is not a Russian question. It is question of humanity. The termination of the Russian treaty on her refusal to obey the terms of her contract with the United States will mean the end of her atrocities toward the Jews now within her borders. When we obtain the former, the latter must follow and the day is not far removed. The atrocities of Russia is an ugly corner in our modern civilization.

The central idea of this Government is equality—equality before the law. This is the dominant thought of this Republic. If this fails, our very life fails. The emblem of our national life knows no Jew, no Gentile. It does not know men as Methodists or Baptists or Roman Catholics. It only knows American citizens, and it knows him as an American citizen wherever he may be, whether in Russia or Africa or England. The treaty has been in existence for nearly 75 years, and by its terms every American citizen is entitled to live in Russia and to engage in business there. And yet for half of that time our Hebrew citizens have been denied that right. Let us insist that our treaty with Russia be observed with equal respect for Gentiles and Jews.

If she will not grant this righteous demand, then there is no option but to terminate the treaty.

The St. Louis Post-Dispatch, on December 11, made reference to this meeting in the following editorial:

THE AMERICAN QUESTION.

In his address at the Temple Israel protest meeting, Rabbi Harrison said the enforcement of our rights in the Russian treaty had a profound interest for Jews beyond its immediate effect, because it might lead to the bringing of American public opinion and governmental influence effectually to bear against Russian persecution of the Jews. That is true. The influence of the American people should always be exerted strongly for humanity.

But our present submission to Russia's insolent treaty-breaking discrimination against Jewish citizens has a far-reaching effect in the opposite direction. When we accept this discrimination on account of race and religion we permit Russia to instill into our treaty, our Constitution, our laws, her own religious intolerances and race hatreds. We tacitly approve the savage medievalism, the bitter persecution, and the brutal outrages which disgrace Russia and shock the civilized world. We accept the engrafting of the barbaric policies of inhuman despotism on our democracy.

More than this, Russia's course is an attack on a fundamental American principle. Equality of rights is guaranteed by the Constitution to every American citizen. It recognizes no distinctions of race or religions.

Shall we permit Russia to read into our treaty citizenship distinctions nowhere recognized in our Constitution, laws, or treaties? Shall we permit Russia to enforce a discrimination in American citizenship obnoxious to her principles and institutions? This is the American question.

If one treaty may be violated with impunity, all treaties are subject to violation. If one American citizen may safely be discriminated against, all are liable to discrimination.

We have wasted half a century in polite and ineffectual protest. We should now enforce our rights. We should make Russia understand that the price of American friendship and treaty relations is fidelity to treaty obligations and justice to American citizens. If Russia will not pay this just price we should abrogate the Russian treaties.

Through our action in the Russian matter we should make it clear to all nations, that whatever their religious bigotries, race prejudices, and class injustices, they can not inflict them upon us; they can not, on account of race or religion, discriminate and put the badge of inferiority or the brand of dishonor on any American citizen.

These statements fairly express the public opinion of my constituents upon this question.

The distinguished gentleman from Massachusetts [Mr. MCCALL] a few moments ago in his address in this House stated that the United States Government can afford to submit to arbitration the question whether Russia has violated her contract with us. But, Mr. Speaker, you can not arbitrate when there is nothing to arbitrate. Let me insert here an editorial from the St. Louis Globe-Democrat of the 10th instant as a full and complete answer to the statement of the gentleman from Massachusetts. The editorial is as follows:

ABROGATING A TREATY.

Andrew D. White, in speaking at the Carnegie Hall meeting in New York, called to demand the abrogation of the Buchanan treaty with Russia, in the interest of our Jewish fellow citizens, gave some new illustrations of the operation of the purely scholastic mind. There are now in this country about 2,000,000 Jews who, having become naturalized, are entitled to all of the protection, and all of the immunities American citizenship can confer upon any class of men. Russia has long been denying the validity of their passports as American citizens, when presented by them on returning there. It is not for us to inquire the validity of the Russian reasons for this course of action. The action in itself constitutes a violation of existing treaty arrangements. These men are entitled to the protection of the United States. The Government owes it to itself, more than to them, to see to it that the treaty rights of any class of its citizens, in any part of the world where they are protected by treaty shall not be violated with impunity.

The logic of the situation is a demand for the abrogation of the existing treaty, Russia having long persisted in its systematic violation as affecting the Jews. But Mr. White insisted that the entire question shall be submitted to the arbitration of The Hague tribunal. Does he mean that The Hague tribunal shall be called to pass upon the validity of the Russian reasons for failure to recognize the passports of American citizens under its treaty obligations with us? It is entirely within the range of possibility that arbitrators might decide that this class of citizens not being within the purview of the treaty at the time Russia entered into it, Russia is now warranted in making a new interpretation of it to suit her own convenience in meeting new situations. After such an arbitration we would be just where we are now—confronted with the necessity of abrogating a treaty which discriminates against a large class of our citizens. We could do nothing else after such a decision. On the other hand, should arbitration result in affirming the right of our Jewish fellow citizens abroad to have their American passports recognized in Russia, Russia could do nothing more than she can do now, if so disposed, in giving these passports full effect and recognition under the plain terms of the treaty.

In all probability Russia will not, under the circumstances, seriously object to the abrogation of the treaty. Her long disregard of it indicates an indifference. Mr. White sought to avoid war. There is no possibility of war between the United States and Russia from such a cause, and the abrogation of a useless treaty may lead to the adoption of one which will be workable. The Carnegie Hall meeting voted down arbitration, of course. Here at least is one case in which there is nothing to arbitrate.

Mr. Speaker, no further evidence is needed as to the wish and desire of the people of my district that I should vote to abrogate this treaty, but I have received many prayerful petitions, letters, and telegrams from Jewish citizens of my district, American citizens in every sense of the word, calling my attention to special instances where they and their friends have been ignominiously and disgracefully treated and insulted. I can mention only a few of these petitioners, but among them that come to my mind now are the following:

B. Frank, grand master of the Progressive Order of the West, an organization composed of thousands of our good citizenship; also, Lodge 62, Independent Western Star Order; Lodges 88, 93, 87, and 165, Independent Order B'rith Abraham; Lodge 228, Independent Order B'rith Sholom; and Lodges 46 and 378, Order of B'rith Abraham; all of which have large and representative membership in my district.

So, Mr. Speaker, responding to my own judgment and sense of justice and right, I take my stand in favor of the immediate abrogation of this treaty of 1832 with Russia, and in doing so I voice the unanimous wish of all that is good, righteous, and patriotic in the great twelfth district of Missouri. [Applause.]

Mr. KENDALL. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. GREGG].

Mr. GREGG of Pennsylvania. Mr. Speaker, this morning I presented to this House five different memorials from the citizens of Greensburg, Latrobe, Mount Pleasant, Jeannette, and Irwin, all located within the bounds of Westmoreland County, one of the counties of my district. These memorials were signed by men of all creeds and beliefs, and embraced the names of those most interested in the welfare of their various communities. These memorials requested the United States Congress to abrogate the treaty of 1832 with Russia. The signatures of these memorials numbered in the hundreds. In this morning's mail I received a letter from one of the most prominent Hebrews in my town, a tradesman, a man distinguished for his honor and integrity, who was refused a passport to Russia by the Russian Government. This letter is as follows:

GREENSBURG, PA., *December 12, 1911.*

Hon. CURTIS H. GREGG,
Washington, D. C.

DEAR SIR: I note in the daily papers that there will be a hearing before Congressman SULZER, chairman of the House Committee on Foreign Affairs. I take the liberty to inform you of some of my experiences.

Acting under instructions given to me by the Department of State in their letters dated February 24 and March 3, 1909, I forwarded on March 20, 1909, to the Russian minister of the interior (1) my certificate of naturalization, issued to me by the court of Westmoreland County—the same was authenticated at Harrisburg under the seal of the State of Pennsylvania and further authenticated at Washington under the seal of the Department of State; (2) a petition written in the Russian language to the Russian minister of the interior asking to be permitted to enter Russia as an American citizen. An English translation of the petition was forwarded to the Department of State. All of this was in vain. After five months—about August 24, 1909—I received an answer from the Russian department of the interior, dated July 27, 1909, No. 17732, stating that if I returned to Russia I would be subject to their criminal code, part 1, section 325.

If you think that this information may be of any use to the investigation you are respectfully requested to hand same to the proper department.

Very respectfully, I. KAHANOWITZ.

This man is a citizen of the United States; his passport was duly issued, authenticated and was in accordance with the treaty with Russia, and should have been recognized without discrimination. The Jewish people know that he was refused because he was a Jew, and that act was in contravention to the treaty of 1832. As has been well said upon the floor of this House, this is not a Jewish question. This is an American question and involves great principles. It affects the rights of all American citizens. The uncontradicted testimony taken before the House Committee on Foreign Affairs establishes the fact beyond all question that the action of Russia in refusing a passport duly

issued by this Government was not confined to one particular class. Russia has violated the treaty and should be told in no uncertain terms that the people and the Congress of the United States will not under any circumstances stand for such action. In conclusion let me say that the refusal of the Russian Government to honor passports of the Government of the United States is an insult to every American citizen, and I know this insult will be resented by the greatest representative body in the world—the American House of Representatives. [Applause.]

Mr. KENDALL. Mr. Speaker, I yield two minutes to the gentleman from Pennsylvania [Mr. FARR].

Mr. FARR. Mr. Speaker, I shall vote for the passage of this resolution as a protest against the humiliating and outrageous treatment by Russia of American citizens with the sincere hope that it will result in redressing these great wrongs.

We certainly have been a most forbearing people in our tolerance of the injustices that have been heaped upon us by Russia.

Discrimination against one class or several classes of our citizens is a wrong and an affront to our entire citizenship.

It is humiliating for a people so free and so broad as ours on the question of race and religion to have a treaty agreement with a country which permits that country to maintain consular agents in our own midst with the power to interrogate American citizens as to their religious beliefs and to refuse to honor passports because of those beliefs. A distinguished and able Catholic prelate, Bishop Hoban, of the district I have the honor to represent, was refused admission to Russia because of his expressed belief.

Diplomacy, through years of patient effort, has failed to stop this harassing and ignominious treatment, and our dignity and pride compel the radical action of abrogating treaty relations with Russia rather than longer suffer her bigoted and unprogressive discrimination.

As to the Jews, they need no defense or eulogy from us. The world's history tells the story of their wonderful progress and achievements. As Americans, they occupy a place of dignity, usefulness, and splendid citizenship. [Applause.]

[Mr. LOBECK addressed the House. See Appendix.]

[Mr. MORGAN addressed the House. See Appendix.]

Mr. KENDALL. Mr. Speaker, I yield two minutes to the gentleman from Maine [Mr. HINDS].

Mr. HINDS. Mr. Speaker, I shall vote for the resolution to abrogate this treaty, because it seems to me that in no other way within our reach can we impress upon Russia the fact that this country is in earnest in the representations which have been made to her so long. It does not seem to me that by doing this we necessarily or even probably run into any danger of war. If the Jewish citizens of this country were so numerous and so many of them desired to return to Russia that their going back to that country might disturb her labor market or economic and business conditions, she might then go to extreme lengths. But I know many of the Jewish citizens in my own home. I know that they are peacefully, happily, and prosperously established in the United States, and will not go back to Russia to reside permanently. They will only go back for errands, called there by relationship or by some business incidental to their former residence. Many of them came away driven by conditions of despotism; they have by industry and wisdom won their places in the confidence and esteem of our community, and they do not care to live again in Russia. Therefore, it seems to me, when the officials of Russia find out that this country is really in earnest they will come around speedily to a reasonable treaty in conformity with the traditions of the United States. [Applause.]

Mr. SULZER. Mr. Speaker, I yield to the gentleman from South Carolina [Mr. FINLEY].

Mr. FINLEY. Mr. Speaker, Russia has violated her treaty with the United States by refusing to honor passports issued by this country to citizens of the United States to travel in Russia. A treaty is a solemn agreement between two countries and is mutual. The treaty of 1832 between the United States and Russia provides, as to the citizens of each country, that—

> The inhabitants of their respective states shall mutually have liberty to enter the ports, places, and rivers of the territories of each party. Wherever foreign commerce is permitted they shall be at liberty to sojourn and reside in all parts whatsoever of said territories in order to attend to their respective affairs, and they shall enjoy to that extent the same security and protection as natives of the country wherein they reside.

Russia refuses to permit American citizens of the Jewish race to visit Russia. This is a clear, palpable, and outrageous violation of the treaty of 1832 between this country and Russia. The fact that a citizen of the United States is a Jew is the reason Russia gives for violating a part of the treaty of 1832. The treaty must stand as a whole, and if Russia will not live up to every part of the treaty, including the right given to American citizens to travel in Russia, then the treaty should be abrogated and the matter ended. I shall vote for the resolution without amendment. It should receive the unanimous vote of this House.

The Hebrew race from the days of Abraham to this time have been most prominent in the history of the world. Millions of Jews are citizens of the United States. They are entitled to every right and consideration from foreign countries having treaty obligations with the United States that other citizens of this country have.

South Carolina, I believe, was the first of the American colonies to grant full, civil, and political rights to the Jews. I would be recreant to my obligations as a citizen of the United States and a Representative from the great Commonwealth of South Carolina if I did not insist that the treaty of 1832 between the United States and Russia should be respected by Russia or the treaty abrogated. I shall vote for the pending resolution. The chairman of the Committee on Foreign Affairs, the Hon. WILLIAM SULZER, is entitled to the highest credit for his zealous, able, and patriotic efforts in support of the resolution.

Mr. SULZER. Mr. Speaker, I yield half a minute to the gentleman from New York [Mr. PATTEN].

[Mr. PATTEN of New York addressed the House. See Appendix.]

Mr. SULZER. Mr. Speaker, I yield to the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS. Mr. Speaker, Russia's treatment of her Jewish subjects has attracted attention and aroused indignation throughout the civilized world.

So long, however, as her barbarities are confined to her own dominions, and practiced upon her own subjects, however revolting they may be to the sentiment of the Christian world, they constitute no breach of the international law. She is in a position to decline, and has declined, to receive from us even a memorial against those horrid practices.

The pogrom with its attendant horrors, is a domestic institution which no nation has been disposed to treat as a casus belli. But in her attitude of hostility to the members of the Jewish race, Russia does not stop at the oppression of her own subjects. She imposes contumelious restrictions upon members of that race seeking admission into her dominions. The Jew is the one stranger she will not admit within her gates, even when bearing the passport of another country, and clothed with the rights of entry afforded by the stipulations of a solemn treaty which includes him within the benefits of its provisions. Vainly has the public opinion of this country, expressed in various forms, sought to induce a change in the Russian attitude toward American citizens of the Jewish race. Protest after protest, remonstrance after remonstrance, has been forwarded to St. Petersburg, insisting that all classes of American citizens must be treated alike, so long as they come within the benefits of existing treaties. To no purpose. Impervious to remonstrance, deaf to reason, the authorities of the Russian Government have pursued their stolid way, fortifying themselves in their attitude by an interpretation of the treaty terms which is an insult to common reason. At last we have come to the parting of the ways. The period of protest and remonstrance has expired. The time of definite and positive action has arrived.

The purpose of the pending resolution is to terminate the treaty negotiated in 1832, between Russia and the United States. This treaty provided, along with other things, for reciprocal rights of entry, travel and sojourn, on the part of the subjects of the contracting sovereignties. From the time that this compact was ratified until 1865, no controversy arose between the two countries over the interpretation of the terms. This was doubtless due to the fact that during this period, Russia's attitude toward her Jewish subjects was continuously favorable. Subsequent however to 1865 that attitude began to change, finally culminating in one of exceeding and unreasonable hostility. Coincident with this change of attitude, Russia began to read into the treaty ideas that were never entertained by the representatives of the two countries that negotiated it, and which are at variance with the fundamental rights of expatriation, and religious freedom.

This country has written into its statute law that the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness, and that all naturalized citizens of the United States while in foreign countries, are entitled to, and shall receive from this Government, the same protection of persons and property which is accorded to native-born citizens.

Russia however has never admitted the right of expatriation on the part of its subjects, but has constantly maintained that a Russian subject who becomes a citizen of another country without the consent of the Russian Government, is deemed to

have "committed an offense for which he is liable to arrest and punishment, if he returns without having previously obtained the permission of the Russian Government."

One view is the view of despotism, the view of a country which has never realized that the citizen has any inherent and inalienable rights; the other is the view of a country which is the sturdiest champion, and the most conspicuous exponent of these rights.

That portion of the treaty which determines the reciprocal rights of intercourse of the citizens of the signatory countries, is in the following terms:

> There shall be between the territories of the high contracting parties, a reciprocal liberty of commerce and navigation. The inhabitants of the respective States shall mutually have liberty to enter the ports, places, and rivers of the territories of each party, wherever commerce is permitted. They shall be at liberty to sojourn, and reside in all parts whatsoever of said territories, in order to attend to their affairs, and they shall enjoy to that effect, the same security and protection as natives of the countries wherein they reside, on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force touching commerce.

This language is so clear, explicit, and unambiguous, that it is difficult to see how any question could ever arise as to its meaning. But in the practical operation of the treaty, Russian subjects holding the passports of their officials, are freely admitted into this country, while Jewish citizens of the United States, whether native born, or Russian born, are not admitted into the Russian Empire on an American passport. This is an intolerable condition of affairs, and in plain violation of the treaty stipulations.

For years our ministers to Russia and various Secretaries of State, have protested with indignation against the utterly unwarranted interpretation which Russia has placed upon Article I of the treaty of 1832.

As far back as 1881 Mr. Blaine, then Secretary of State, penned a vehement and masterly dispatch on this subject. Subsequently Russia's conduct became even more objectionable, for her representatives on American soil undertook to inquire into the religious beliefs of American citizens bearing the passports of the United States, and if the bearers of these passports were ascertained to be Jews, to refuse to give them their visés. A notable instance of this character, was the case of Mr. Lewis J. Horowitz, who came to this country from Russia when he was 15, and for over 18 years has been a citizen of the United States. He is a vice president of the corporation which built the great Union Station at Washington, and is the virtual head of its business department. Understanding that the Russian Government proposed to build a new station at St. Petersburg to rival the one at Washington, he determined to visit his native country, and if possible, to secure some portion of the contract for the proposed station.

He obtained his American passport, and it was presented at the Russian Embassy in Washington, to secure the necessary visé, or approval. Upon ascertainment that Mr. Horowitz was a Jew, the visé was denied. Many other cases equally flagrant, and equally objectionable, might be cited.

This inquiry into religious belief practiced in other cases, before that of Mr. Horowitz, was made the subject of pointed objection on the part of Secretaries Bayard, and Olney, and of our minister to Russia, Mr. Clifton R. Breckenridge. The Russian Government was informed in distinct terms that her course in subjecting to a religious inquisition American citizens, whatever their race, when bearing American passports, and asking to have the same visèed, was one not to be tolerated by the genius of our institutions, and that the continuance of such a course, after our views had been clearly and considerately made known, might trench upon the just limits of consideration, and lead to the withdrawal of the exequaturs of such consuls as continued this practice.

It has been well said that it is the distinctive mission of the United States to stand for certain fundamental doctrines among mankind, and in particular for the principle of freedom of religious belief. The first amendment to the Constitution provides that Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

It is intolerable that in this country where the widest measure of religious freedom has been secured by fundamental guaranties, so that no religious test can ever be required as a qualification for any office, or public trust under the United States, the representative of a foreign despotism, should deny to an American citizen, rights solemnly guaranteed by treaty stipulations, placing this denial solely on the ground that the applicant holds to the traditions of his fathers, and avows the Jewish faith. Russia has pursued her course in this matter unshaken by the protests of diplomacy.

Our Jewish compatriots do not rest their complaint upon the ground of race, or faith, but upon their rights as American citizens, and justly so. The Constitution knows neither Jew, nor Gentile, but casts the full mantle of its protection about every man who is entitled to say: I am an American citizen. The language of the treaty is sweeping and comprehensive. There is no reservation as to race, or faith. It provides that the inhabitants of the respective States shall mutually have the liberty to enter any portion of the territory of each party, whenever commerce is permitted, and to sojourn, and reside in all parts whatsoever of said territory, in order to attend to their affairs. The right of entry is not only given in the broadest possible terms, but it is a mutual right. The same right that a citizen of Russia, whether Slav, or Tartar, enjoys to enter the territory of the United States, under the authority of a Russian passport, is conferred upon a citizen of America, seeking admission to Russia. Without regard to race, he is entitled to enter that country when he bears an American passport. If this be not true, then there is no mutuality. It is a reproach to this Republic that we have so long passively acquiesced in the Russian interpretation of this treaty, and allowed the citizens of the United States to be put into two classes, one within, and the other without, the benefits, and provisions of the compact of 1832. Are our guaranties of equal rights under the laws, a sham and a mockery? Is there one law for Jew, and one for Gentile?

It is appropriate that a Democratic House should pass this resolution, for the Democratic Party has at all times concerned itself to maintain, and enforce the fundamental, and constitutional rights of the citizen, without regard to creed or race.

The platform of this party declares that:

> We demand that all over the world a duly authenticated passport, issued by the Government of the United States to an American citizen, shall be proof of the fact that he is an American citizen, and shall entitle him to the treatment due him as such.
>
> We pledge ourselves to insist upon the just and lawful protection of our citizens at home, and abroad, and to use all proper methods to secure for them whether native-born, or naturalized, and without distinction of race, or creed, the equal protection of law, and the enjoyment of all rights, and privileges open to them under our treaties.

Russia insists that the treaty of 1832 means that "American Jews shall have such rights only in Russia as are accorded by that Government to its own citizens of that faith." Even if the terms of the treaty were ambiguous, it is inconceivable that this Government would ever consent to an interpretation of its language which would deny to one class of our citizens rights freely accorded to others, who rest their claim to the privileges conferred by the treaty, solely on the fact that they are American citizens.

Apparently the Russian Government holds to the view that it can unilaterally annul this compact, and in the full enjoyment of its benefits on their part, deny to a portion of our citizens the reciprocal rights which the plain terms of the instrument affords. It is time for this Government to impress upon the Emperor of all the Russias, the fundamental fact that "the Jewish citizens of this country, under our Constitution, laws, treaties, and actual practice, are the equals of all other citizens," and enjoy the fullest protection of our laws—that our treaties are the supreme law of the land, and are made for the benefit of all the people, Jew and Gentile alike.

A treaty is primarily a compact between independent nations. It depends for the enforcement of its provisions on the interest, and the honor of the government which are parties to it. (112 U. S., 598.)

Russia insists upon the right to make an exception to her general treatment of the beneficiaries of the treaty of 1832, upon the ground of her domestic policy toward a portion of her citizens. "But there is no rule of interpretation applicable to treaties, or for that matter to private contracts, which authorizes either of the parties, to make exceptions by construction, where the parties have not thought proper to make them." (8 Wharton, 464, 488, 489. 12 Peters, 722.)

It may be true as stated elsewhere, that "Russia is free to govern her native Jews, by exceptional laws, to pen them within certain defined territories, and prevent them from entering numerous professions, from becoming landowners, and having access to schools." These acts evince a narrow, intolerant and unwholesome spirit, productive of certain mischief, and internal disorder, but they are within the rights of the Russian Government, and are matters of domestic regulations. As to such a policy, we may reserve our opinions, or even give expression to them in emphatic form, but we have no right to object. The shoe does not pinch us. But this country will never admit the right of Russia, or of any other nation, to limit the treaty rights of our citizens, the more especially when the asserted right of limitation rests upon a narrow, and distorted view of the language of the treaty under consideration.

It is a general principle of construction with respect to treaties, that they shall be liberally construed, so as to carry

out the apparent intention of the parties to secure equality, and reciprocity between them. As they are contracts between independent nations, in their construction words are to be taken in their ordinary meaning, as understood in the public law of nations, and not in any artificial, or restricted sense impressed upon them by local law, unless such restricted sense is clearly intended.

It has been held by this court, that where a treaty admits of two constructions, one restrictive of rights that may be claimed under it, and the other favorable to them, the latter is to be preferred. (Geofroy *v.* Riggs, 133 U. S., 271.)

Apply these principles to article 1 of the treaty of 1832. "There is no exception, express or implied in the first, or any other article of the treaty. Its terms are of universal application. They include not some, but all of the inhabitants of the high contracting parties. They give the liberty to sojourn and reside within the territories of the respective nations, not to some but to all of their citizens. There is no distinction of race, or color, or creed or sex. No discrimination is contemplated, or permitted. All Russians are to be admitted here. All Americans are to be admitted there."

This country would stand aghast if Russia insisted upon the right to exclude Presbyterians, Catholics, Methodists, or the members of any other religious denomination, from entry into her dominions. Our indignation would find speedy and emphatic vent, should that country undertake to say that the citizens of California would be admitted into her territory, while the citizens of New York would be excluded. Such action would be treated almost as a just casus belli. Yet her right to insist upon such a discrimination would be no more absurd than her present contention, nay could be equally as well defended.

In a large sense this discrimination practiced upon our Jewish fellow citizens, is not a Jewish, but an American question. It is an affront to American citizenship, on the part of a nation which apparently does not hesitate to break its compacts, and flout its obligations. Treaties, declares Chancellor Kent, should be kept with the most scrupulous good faith. They are solemn engagements entered into between contracting nations to advance their mutual interests, secure peace, promote amity, remove friction, and avoid war. These results are not obtained, when one nation insists upon an interpretation of a treaty which nullifies its universal effect, and renders the privileges which are enjoyed by the favored beneficiaries, a matter of grace, and not of right. Such a course does not promote amity. It begets friction and provokes irritation. I agree with the proposition that from the standpoint of the Nation's honor, the refusal to admit an ambassador of this country, would be no greater wrong, than the refusal to honor the Nation's passport given to one of its humblest citizens. The very basis of the treaty of 1832 is that the citizens of the respective States, shall mutually have liberty to enter the territories of each party, and sojourn in all parts whatsoever of said territories, in order to attend to their affairs.

Language means nothing if this language can be construed to mean that the citizens of one faith in a country which knows no distinctions of faith shall have permission to enter the territory of Russia, while, other citizens holding a different faith, shall by reason of that faith be excluded. And if the language used is clear, and the rights conferred are manifest, how much greater the affront to this country is the refusal of Russia to honor our passports! What action then should we take? Protest. We have protested, lo these many years.

Great mass meetings have adopted resolutions of the most vigorous and pointed character. All the political parties have deemed the situation of sufficient importance to treat of it in their national platforms. Candidates for high offices, have committed themselves unreservedly to the movement to induce Russia to recognize her obligations under the treaty. As late as 1908 President Taft declared that our national prestige must be used not only for the benefit of the world at large, but for the benefit of our own citizenship; and that as we gain in international prestige, we ought to assert our insistence that our passports certifying our citizenship, shall secure to every man without regard to creed or race, the same treatment, and the same equality of opportunity, in every nation of the globe. But President Taft thus far has failed to secure this equality, and apparently has been content to pursue the methods of tedious and ineffective diplomacy.

Abrogate this treaty. No other course is consistent with our self-respect, or our duty to all the citizens of the Republic. Does this course mean war? Not at all. The abrogation of a commercial treaty is not a sufficient casus belli. But will this action injure our trade with Russia? Possibly, for a time. But we can not afford to put dollars before men. A great principle is at stake, and nations like individuals must tread the path that honor indicates. It is not imperative that our people should visit Russia, and in the absence of treaties, our relations with that country will be governed by the familiar principles of international law. Our action in abrogating this treaty, will bring a moral pressure upon Russia that it will be difficult for her to withstand. It will evince our unshaken purpose to insist upon equality of treatment for our citizens, and establish the sincerity of our declarations that our laws are for the equal benefit of all the people, without regard to race or creed. There is to-day a liberal movement in progress in Russia that seeks to bring her domestic policies into harmony with modern progressive thought. This country is the great exemplar of that thought. Even Russia can not withstand the pressure of universal public opinion, and undoubtedly she occupies a position of undesirable isolation in her present attitude toward her Jewish subjects. Speaking for myself, I have no question that Russia values the friendship of this country, and the good opinion of the world, far too much to insist upon her present attitude, when she finds that the United States is in earnest at last, and resolved at all hazard of commercial loss, to insist that every citizen of the United States "shall be put upon a basis of equality," and receive all the benefits plainly intended to be provided by the treaty of 1832.

The world is steadily advancing toward a "higher justice, and a more enlightened public opinion." The force of such a public opinion will in time be felt even in Russia, and compel a change of attitude toward her Jewish subjects. When that time arrives, she will freely accord without a treaty, the right of entry which we now demand for our citizens by virtue of our treaty rights. But we are not content to wait for the slow processes of time to leaven the public thought of Russia, and effect a change in her attitude toward a situation in which we are not dependents on her favor. Our action will hasten the day of coming of that change of attitude. If the treaty of 1832 is of so little value to Russia that she prefers to relinquish its benefits, rather than honor American passports in the hands of Jewish citizens, surely the benefits of that treaty are of even less consequence to this country. As matters stand, Russia gains all and surrenders nothing, while the United States waives her insistence upon equality of treatment for American citizens, and receives in return a mess of pottage. Too long have we tamely acquiesced in a policy of discrimination which affixes an unmerited stigma upon the members of a race which has contributed in abundant measure to the prosperity and the glory of this Nation. The financier of the American Revolution was a Jew. Many Jews fought in the ranks of the armies of the Revolution, rendering gallant and effective service. A Jew was a distinguished member of Gen. Washington's staff, and made a princely contribution to the cause of the colonists. I call these things to mind lest we forget the debt we owe to members of that race. American citizenship is a goal for the struggling, and oppressed in all lands, and a prize worthy to be attained by the way of bitter travail, but it will cease to be a sacred thing, if it has one value for the Jew, and another and larger value for the Christian. The Jew has a just pride of race, and well may he glory in his antecedents, and the achievements of his people in every field of human endeavor, but our fellow citizens of that faith, have a still greater pride in their American citizenship. The action of Russia in dishonoring American passports in their hands, touches them in the latter respect. They feel that this country has not attained the ideal standard which should prevail in this land of liberty and equality, or thrilled to a sense of its high responsibility, when it fails to maintain the integrity of American citizenship, even at the cost of dissevered relationship with a mighty power. This country will never be "respected by mankind, beloved of its sons, and the asylum of the poor and oppressed of all lands, and religions," so long as it is merely content to blazon under the "Eagle's folded wings," the declaration: Equality of justice and right for every citizen of the Republic. A promise requires fulfillment. When occasion arises this declaration must be translated into achievement, otherwise the most comforting assurance of aid, will be as sounding brass and a tinkling cymbal. The action of Russia though directed at the Jewish citizens of this Republic, is not an insult to the Jew. It is an insult to American citizenship, and as such this country should resent it.

The Jew does not ask to be admitted to Russia as a Jew, but "panoplied with the armor and shield of American citizenship," he seeks admission as a matter of right. Should we fail to assert ourselves on his demand, and neither secure for him equality of treatment, nor abrogate a treaty which has failed to accomplish its manifest purpose, we render ourselves a well-deserved mark for the finger of scorn. Our Jewish brethren ask neither grace, nor favor, but justice, that justice "for which all places are a temple, and all seasons summer."

Mr. SULZER. Mr. Speaker, I yield one minute to the gentleman from Tennessee [Mr. AUSTIN].

Mr. KENDALL. Mr. Speaker, I also yield one minute to the gentleman from Tennessee. [Applause.]

Mr. AUSTIN. Mr. Speaker, all Americans look alike to me, and I am going to vote for this resolution. It is a gratifying fact, too, that while we have partisan politics in this House, when it comes to the question of maintaining American citizenship and American rights abroad this House is a unit for the American citizen, regardless of his race, religion, or original nationality.

We are a world power. I hope we are strong enough to maintain the rights of the American citizen until every nation on the face of the earth will respect and honor an American passport, whether presented in Russia, China, or any other country. Our Hebrew citizen is law-abiding; he is industrious; he is patriotic; and well does it become the American Congress to stand as a unit for sustaining the just cause of the American Hebrew citizen in Russia or wherever the sun shines.

We have waited too long; we have submitted too long to the violation of our treaty rights on the part of Russia. I am here to congratulate the able chairman of the Committee on Foreign Affairs [Mr. SULZER, of New York] and the other members for bringing this matter to the prompt attention of Congress, and I hope there will not be a dissenting vote on either side of the Chamber. [Applause.]

Mr. SULZER. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. TUTTLE].

Mr. TUTTLE. Mr. Speaker, I accept this remarkable unanimity of sentiment as expressing the judgment of patriotic Americans that there must be strict adherence to the letter and spirit of solemn treaty obligations, whether it be on the part of Russia or any other nation on earth. Russia's treatment of the Hebrew citizens of the United States has been resentful, brutal, and of long standing, but it is not because of nationality that we protest, but because the offense violates the rights and privileges of American citizenship. It is not the protest of visitors and tourists, but the protest of a serious people demanding every right of business and pleasure guaranteed by mutual treaty obligation.

I am not enamored of the play of professional nationality, and yet the occasion seems a proper one to pay tribute to the conspicuous characteristics of our Jewish fellow citizens. The world knows of their struggles, their thrift, their strength of character, and their achievements. No other nationality maintains such extensive and splendid benevolences. As a people they care for their own, and seldom, if ever, do you hear of a Jew becoming a public burden. Their leaders are conspicuous in the world of business and finance, and the world of art and literature has felt the touch of their genius. I am speaking of the Hebrew as I meet him and know him in my own activities.

It has been asserted that business is vitally interested in maintaining the present treaty relations with Russia, but it may also be asserted that large business interests have been adversely affected by the abuses that are complained of. I may cite the protest of one large manufacturing concern in my own district, the American Saw Mill Machinery Co., at Hackettstown, N. J., doing a large export trade, made to me before this complaint reached its present acute stage. Under date of June 26, 1911, the president of that company wrote:

> The manager of our export department, Mr. H. H. Hirschfeld, whose headquarters is at our office, 50 Church Street, New York City, will sail for Europe on the 29th of July. It was his purpose to go to St. Petersburg and several other points in Russia in the interest of our company, but because of the refusal of the Russian consul to visé his passports it will be impossible for him to make this business trip for us. You can see, therefore, that it is not only a matter between the Russian Government and the Jewish people, but it is a direct invasion of our commercial rights, and it seems to us that the time has come when our Government should have sufficient backbone to go at this thing in the proper way and bring Russia to terms.

The answer of the Russian Government will be, perhaps, a protest against the language of this resolution, and the answer to that is that for 40 years we have depended upon the polite language of diplomacy to have the rights of our citizens respected without results. This resolution may not be polite, but it is understandable, and that is the present tendency of diplomacy. There are many characteristics of the Jewish people which excite our admiration and arouse our sympathies, and while these developments of character arouse admiration and interest our protest is on broader and impersonal grounds. We have not in haste and anger created a situation that threatens the friendly relations that have existed and ought to exist between the two nations. We have simply but emphatically said that a condition of unfair and unfriendly discrimination exists, winked at if not fostered by official Russia, that defies solemn treaty pact, and this can no longer be tolerated. We recognize neither Jew nor Gentile; we ignore religious beliefs and demand for all the full rights of American citizenship.

Mr. SULZER. Mr. Speaker, I yield to the gentleman from Louisiana [Mr. DUPRE].

Mr. DUPRE. Mr. Speaker, there appears to be such unanimity of sentiment on this measure that it is likely no record vote will be had thereon. I therefore avail myself of the brief time accorded me to express in this affirmative manner my hearty support of the pending resolution.

I am not a jingo, and try not to be a demagogue. I have no more desire to hear the American eagle scream than to listen to the growl of the Russian bear, but even at the risk of helping to make yellow journals a deeper ocher and of arousing the resentment of the Romanoff bureaucrats I am of opinion that the resolution introduced into this House by the chairman of the Committee on Foreign Affairs abrogating the treaty of 1832 between Russia and the United States should pass. That treaty unquestionably granted to American citizens the right of peaceable sojourn in the Empire of Russia and vice versa. That it has been openly, wantonly, and repeatedly violated is a matter beyond dispute. The hearings before the committee make ample proof of that fact and show that the violation is of long standing. The instances personally cited by the gentleman from New York [Mr. GOLDFOGLE] as to his own experience with a Russian ambassador and with a Russian consul general at New York are specific examples of the small respect with which American passports are regarded by the representatives of the Czar. Patience has ceased to be a virtue. Representation after representation has been made to the Russian Government on this subject. We have exhausted every friendly means of having our rights respected and upheld. But one recourse remains, namely, the complete abrogation of the treaty of 1832, and I shall vote accordingly.

I do not find it necessary to extend these remarks by any eulogy of the American Jew. He has earned for himself a high place in American civilization. The important phase presented by this matter is that every citizen of this great country, without regard to religion, should have the protection of the Government, so that any man admitted to citizenship in the United States may boast of same in the simple and yet proud manner of the Roman of old when he said, "Civis Romanus sum."

Mr. SULZER. Mr. Speaker, I yield to the gentleman from Ohio [Mr. FRANCIS].

Mr. FRANCIS. Mr. Speaker, I certainly feel indebted to Mr. SULZER and the House for the short time allotted to me, so that I may express my approval of this bill. The committee has spared no pains to make this bill to fit the exact situation now existing between our country and Russia, and I therefore urge that it be passed by this House as nearly unanimous as possible and without amendment, so that Russia may know in no uncertain language the true American sentiment on this question. [Applause.]

Mr. Speaker, resolving the question before us into its most simplified form, let us inquire, Are our Israelitish American citizens discriminated against by the Russian Government in violation of the treaty of 1832; and if so, what good reason is there for our Government tolerating such treatment, which amounts to the greatest hardships to them and is an insult to the dignity of our Nation?

These are the people who trace their lineage not alone in America and Europe but around the world and in antiquity, back to Abraham. "They are God's chosen people," the sons of the fulfillment of prophecy who shall finally be gathered at Jerusalem.

What relation do these people bear to our Government? If they are citizens, and especially good citizens, working as we work, building as we build, in all our institutions and in the forward march of American progress, then they should be protected at home and abroad and their passports should be honored in every country on earth, and if they should not be equally protected with every other citizen, then the strong arm of the American Government should reach to their assistance and forbearance must cease to be a national virtue.

Our treaty with Russia is not subject to be performed at its pleasure and to satisfy its whims, so that in part it will be applied only to those who bear a certain brand of religion agreeable to the Czar's liking, but should apply to the Jew and Gentile alike and without discrimination.

There are few persons in our country who know what a passport means to one traveling in the Czar's realm. No subject of a foreign country exists there without a passport. When taken from him he is not alive in a civil sense, every personal privilege before possessed by him is suspended. He can appeal to no one. If the official who bears the uniform of the Russian Government has a whim to satisfy, he may be sent westward to

the civilized nations bounding the Atlantic, but more often will he be sent eastward to that gulf of oblivion from which no traveler scarcely ever returns—the penal colony of Siberia. This is and has been the fate of the Jew by reason of his faith, a faith guaranteed to him by our Constitution.

Can our Nation, which boasts its world power and of being the mistress of the seas, maintain its dignity and allow this barrier longer to exist in violation of our treaty rights and against a particular denomination who have chosen the Stars and Stripes as their protection and have made a home where they can worship God according to the dictates of their own consciences?

These people have not brought a burden to our country; theirs is the lowest percentage of pauperism and the lowest percentage of criminality and among the highest in literature and thrift. These people stand in the forefront in every civilized nation of the earth in science, letters, literature, law, music, and art. They stand at the forefront in our legislative halls, in our judicial and executive departments of government. They stand in the forefront of the business and commercial world; they represent the civilian and citizen of whom we have a right to be proud, and represent of our population near 2,000,000 souls. They were found fighting for our independence on the battle fields of the Revolution, fighting for our flag in the War of 1812, of the Mexican and Civil Wars, and of the Spanish-American War. Their patriotism will be noted when I show that the first volunteer in that war was a Jew. And after our Navy entered Manila Bay and with one blast wiped the Spanish Armada off the face of the seas, and when our Army attacked Manila the first man to fall in the attack was a Jew, Sergt. Maurice Justh. There went to the front in this struggle to take the fortunes of war, from my own district, Capt. William Freudenberger, of Steubenville, Ohio. In this war there was that distinguished official who enlisted from the city of Wheeling, W. Va., in my immediate vicinity, and was known for his loyalty, Col. Horkheimer, a Jew.

So it can not be on account of lack of patriotism or of loyalty to our institutions that these people are not accorded equal protection under this treaty.

The principle which reverberated throughout the 13 American Colonies, and from a mere spark was kindled into a raging flame of revolution against Great Britain, began with the Jewish people.

One Thomas Payne, who possessed that high sense of justice which afterwards made him the champion of equal civil rights and religious liberty in America, however much we may disagree with his religious views, when scarcely out of his teens was chosen excise collector in the city of London. It was his duty to collect this tax from the Israelitish people, and to do so he was obliged to take from the counters of their stores and sell their goods, wares, and merchandise. These people there had no citizenship nor civil rights under the English law.

Payne, smarting under his unpleasant task, wrote an article and had it published in a leading journal of the day, pointing out the injustice of taxing these persons without according to them representation. This cost him his job and would have cost him his liberty had he not fled to America. But here he could and did hurl back at the English Government the same principle which was imposed upon the Colonies, and taxation without representation became the slogan which resulted in our liberties.

It is true the Jew has aided human existence, enlarged the scope of living, its worth, its pleasures, and its splendor. Let us recount a few of their great men and their achievements at home and abroad.

In this country, William Cohen, of New York, and Myer Sulzberger, of Philadelphia, might head the list of the many masters of law in this country, while Judah P. Benjamin's name is inscribed in the race of honor both here and in England. England has her Benjamin Disraeli, premier of Great Britain in his time, while in Denmark Dr. Edward Brandes has recently been appointed minister of finance, and in Holland E. E. Van Raalte is minister of justice. But let us come home, and here we find that venerable patriot, Mr. Oscar Straus, who once filled the office of Secretary of Commerce and Labor and whose work was of the highest efficiency.

When we pass to the realm of music, out of its many composers and musicians we need only to mention the names of Mendelssohn and Rubenstein.

In medical research we find Robert Koch; through the inquiry of F. Cohn the tubercle bacillus was discovered; and Cesar Lombroso discovered the etiology of "pellagra" and has for the last 50 years been the greatest European expert on insanity.

These are just a meager few of the great multitude of Israelitish people who have stood preeminent as benefactors of humanity and have left to posterity their works for the good of mankind.

And yet another might be named who raised and maintained the dignity of American popular journalism and at his death bequeathed an endowment to be used in support of a school of journalism; I refer to the late lamented Joseph Pulitzer, of the New York World.

But let us refer to a living example of this people whose patriotism, philanthropy, and great worth in our National Capital and country has endeared him to all the people. I name Simon Wolf, of this city.

The high object of our Government should be the universal brotherhood of man, and not the doctrine of hate, and all citizens should have equal protection under its laws at home and abroad. There is one flag for Jew and Gentile alike, and it should not be said that there is one flag for the Gentile and none for the Jew.

We must not forget that there was a time in this Government "that tried men's souls," and also tried their purses. We must not forget the day when Haymen Soloman, that noted Jew champion of the Revolution, contributed the sum of $565,000 to the cause of liberty, not a dollar of which was ever returned to him by this Government, and he died and left his family in comparative penury. He stood shoulder to shoulder with Robert Morris and made the success of the American arms possible. And that great monument at Bunker Hill, which commemorates the beginning of that struggle, was financed by a Gentile and Jew—Amos Lawrence and Judah Turo.

> Amos and Judah, venerated names,
> Patriarch and prophet, press their equal claims;
> Like generous coursers running neck and neck,
> Each aids the work by giving it a check.
> Christian and Jew, they carry out one plan,
> For, though of different faiths, each is in heart a man.

Mr. SULZER. Mr. Speaker, I yield to the gentleman from New York [Mr. WILSON].

Mr. WILSON of New York. Mr. Speaker, after listening to the arguments in favor of this resolution, and none against it, I am more than ever convinced that the position taken by me some ten years ago on this question was correct, and therefore I shall vote for this resolution.

Mr. SULZER. Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. CARY].

Mr. CARY. Mr. Speaker, the resolution we are to vote upon, having for its object the abrogation of the treaty of 1832 between the United States and Russia, should be passed without delay. I believe that although the discrimination which has been shown by the Russian Government in refusing to recognize American passports has, in fact, affected only certain classes of Americans, in particular the Jews and missionary clergy, yet it indirectly affects every American citizen, be he Jew, Pole, Bohemian, Slavonian, Greek, Armenian, Dane, Norwegian, French, Swede, English, Italian, German, Scotch, Irish, or of any other birth or descent.

This protest against the Russian treaty commenced about 40 years ago, and every Secretary of State since Blaine has officially protested to the Russian Government that American citizens should be accorded the same rights in Russia under the treaty as are accorded to Russian citizens traveling in this country. It has been insisted by the Russian Government that American passports in Russia should be governed by the law of Russia, and there is considerable discrimination resulting from this interpretation. This discrimination is a violation of the treaty. If it is within the treaty, then the treaty itself is unconstitutional, because it violates one of the paramount inalienable rights guaranteed to all American citizens under the Declaration of Independence and the Constitution—that all men are free and equal. I firmly maintain that this Government has the right to place such a construction on this treaty, which is only fair and reasonable as contrasted with the harsh and undemocratic interpretation placed upon it by the Russian Government.

The Russian Government has received sufficient notice of the attitude of this country upon its actions in connection with this treaty, and it has had plenty of opportunity to accede to these demands and carry out with impartiality the letter and spirit of this international contract.

It will be recalled that one of the causes of the War of 1812, was the fact that England insisted on kidnaping our sailors, claiming that they were subjects of her Government because they were born under the British flag. It was a flagrant violation of the treaty then existing between us, but our Government demonstrated at that time that it was not to be trifled with.

Why should the United States, to-day, when it is among the most powerful nations of the world from every viewpoint, re-

sources, military strength, and wealth, submit to these actions of the Russian Government any longer? We certainly have been fair to its citizens and accorded them every privilege they could wish or desire. We are entitled to reciprocally the same privileges as long as we are American citizens, whether we be Jews or Gentiles, clergymen or laymen. It is one of the fundamental rights which every American citizen should enjoy under the republican form of government, and the Government, acting through one of its three branches, legislative, executive, or judicial, should see that it is adhered to. This country is too great to continue to permit any country to disregard passports of any of our citizens in times of peace. It not only invites a continuance of these practices by Russia but holds open to the entire world a right to disregard our treaties, and offers for an excuse this precedent we are now setting in tolerating the violations of this particular agreement which are being carried on daily, and this very minute.

Patriotism is one of the highest ideals of American citizenship, and it is on such an occasion as this when a class of our citizens is being subjected to an unwarranted treatment at the hands of another Government that the Nation in its entirety should give its unanimous support to the protection of those offended, and that each citizen should be inspired with patriotic devotion to the Stars and Stripes and the desire to see the principles of a free government carried out to the very letter.

The resolution reads as follows:

Joint resolution (H. J. Res. 166) providing for the termination of the treaty of 1832 between the United States and Russia.

Resolved, That the people of the United States assert as a fundamental principle that the rights of its citizens shall not be impaired at home or abroad because of race or religion; that the Government of the United States concludes its treaties for the equal protection of all classes of its citizens, without regard to race or religion; that the Government of the United States will not be a party to any treaty which discriminates, or which by one of the parties thereto is so construed as to discriminate, between American citizens on the ground of race or religion; that the Government of Russia has violated the treaty between the United States and Russia, concluded at St. Petersburg December 18, 1832, refusing to honor American passports duly issued to American citizens, on account of race and religion; that in the judgment of the Congress the said treaty, for the reasons aforesaid, ought to be terminated at the earliest possible time; that for the aforesaid reasons the said treaty is hereby declared to be terminated and of no further force and effect from the expiration of one year after the date of notification to the Government of Russia of the terms of this resolution, and that to this end the President is hereby charged with the duty of communicating such notice to the Government of Russia.

The only objection I can make is that it is not worded strongly enough. But I shall not oppose it merely on account of form; it is the results that are sought which interest us most. But let our intentions and our wishes be expressed plainly without hesitancy and fear.

While, as I said before, it is a question affecting all of our citizens, yet the Jews in particular are protesting against the treatment they receive in Russia. The protest is a justifiable one, and one which should be commended. There are other classes of our citizens who have been subjected to this discrimination, but it is the Jews who have brought about this marked agitation for the abrogation of this treaty, and it is very gratifying that they are so persistent in insisting that their rights be held inviolate. It is their duty to protest against a flagrant violation such as this is, and they have done it; they deserve every bit of credit for their activity in bringing it to the attention of this branch of the legislature of the Federal Government. During the past few months I have been receiving many petitions from Jewish societies and organizations appealing to Congress for relief, which I placed before the Committee on Foreign Affairs. They knew that their rights had been infringed upon; that they are entitled to redress; and if they had not gone after it in the way they did the matter would have been passed without any notice whatever. It is a mark of their caliber of Americanism. We should foster such a spirit whenever the opportunity presents itself to bring closer the bonds of diverse religions and blood toward one common goal of the maintenance of the principle of equality for all.

The Jews are one of the best classes of citizens we have. Thrifty, methodical, and of regular habits, they have demonstrated their value to our country; they have entered into the commercial world here without a foundation and to-day occupy an important place in many great enterprises. As upright, honest, and conscientious people they stand high. All these things are in line with the whole idea of this Government and should be fostered. We can have no better opportunity to do it than by passing this resolution.

Mr. SULZER. Mr. Speaker, I yield to the gentleman from Indiana [Mr. ADAIR].

Mr. ADAIR. Mr. Speaker, I thank the distinguished gentleman from New York [Mr. SULZER] for yielding time to me in order that I may discuss, briefly, the pending resolution. I shall not, however, enter into a detailed discussion of the passport question, but I desire to express my hearty and sincere sympathy with the purpose and object of this resolution and express the hope that it will pass without opposition. For 40 years Russia has offered offensive and insulting conduct toward citizens of the United States of Jewish faith. Such conduct this Nation can not either with dignity or national honor permit. We should allow no nation on earth to discriminate against an American citizen because of race or religion. The individual, whether native or foreign born, who lives under our flag is entitled to its protection and should be denied none of the privileges which it guarantees to an American citizen either at home or abroad. The conduct of the Russian Government toward our citizens of Jewish faith is intolerable and unjustifiable. It is an insult to each and every American citizen regardless of his religious belief, and national honor demands immediate action. Many of my good friends are Jewish people, and I have always had in my heart the warmest sympathy and the profoundest admiration for the Jewish race. They are honest, industrious, progressive, law-abiding, liberty-loving, patriotic people devoted to our institutions, and are entitled to and must have all the rights accorded other American citizens. This question is not a Jewish question alone. It is an American question and involves the entire citizenship of the United States. Not only has Russia discriminated against Jewish citizens, but Catholic priests, Presbyterian divines, and Baptist missionaries have been excluded. For years the United States Government through our State Department has put forth every possible effort to come to some agreement with the Russian Government whereby this discrimination may cease, but up to this time all efforts have been fruitless. We have petitioned and our petitions have fallen on deaf ears. We have protested, but our protests have been ignored. We have remonstrated, but our remonstrances have been treated in silence. Russia has continually and persistently refused us a hearing, and now the time has come for action. The American Government must waste no more time in petitions, in protests, or remonstrances, but issue our ultimatum at once through the passage of this resolution, and serve notice on the Russian Government that at the end of one year the treaty of 1832 will be abrogated. This action will be indorsed by the American people and will be a complete fulfillment of our platform pledge adopted at Denver, when we declared:

We pledge ourselves to insist upon the just and lawful protection of citizens at home and abroad and to use all proper methods to secure for them, whether native born or naturalized, and without distinction of race or creed, the equal protection of law and the enjoyment of all rights and privileges open to them under our treaties; and if, under existing conditions, the right to travel and sojourn is denied to American citizens, or recognition is withheld from American passports on the ground of race or creed, we favor prompt negotiations with the Governments of such countries to secure the removal of these unjust discriminations. We demand that all over the world a duly authorized passport, issued by the Government of the United States to an American citizen, shall be proof of the fact that he is an American citizen and shall entitle him to the treatment due him as such.

Mr. Speaker, I am one of those who believe platform pledges should be carried out to the letter, and I would be ashamed of the party to which I claim allegiance if this Democratic House did not pass the pending resolution, thereby redeeming a promise made to the people in our national platform. A glance at the treaty of 1832 will satisfy anyone that our rights have been ignored, and that a great injustice has been done to certain of our citizens. The treaty referred to contains the following stipulations:

There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation. The inhabitants of their respective States shall mutually have liberty to enter the ports, places, and rivers of the territories of each party, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories, in order to attend to their affairs, and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce.

Mr. Speaker, for 40 years the Russian Government lived up to this provision, but during the past 40 years it has been willfully, persistently, and defiantly violated. During all these years Russia has refused to honor passports issued by our Government when presented by a Jew, and in some cases when presented by a Catholic priest, Presbyterian divine, or Baptist missionary, and such refusal is not only a violation of the provisions of the treaty, but is a direct insult to the American Government.

Mr. Speaker, I insist that every citizen owing and acknowledging allegiance to the United States is entitled to its protection, here or elsewhere, regardless of whether he be a Jew or a Gentile, Protestant or Catholic. I heard it intimated that the passage of this resolution might bring about strained relations between the two Governments. This I do not concede. I believe our action to-day will awaken the Russian Government to a sense of duty, and at the end of one year a new treaty

will be agreed to which will be respected by both Governments. The question has been asked, if we abrogate this treaty, what will be our relations with Russia? In reply I would say that neither commercial nor diplomatic relations are dependent upon the existence of a treaty between them. If this treaty is abrogated we will occupy the same position with Russia that we did prior to 1832. It has been well stated by another that a liberal treaty tends to foster commercial relations between two countries, and an illiberal treaty to interfere with them. But no one can doubt that if we have anything to sell which Russia wants she will buy from us; and if she has anything to sell which we are willing to buy she will sell it to us. Compared to our vast commerce of imports and exports, those with Russia are comparatively insignificant. The total imports are about $18,000,000, and the exports about $17,000,000. These figures, of course, do not represent profits. They merely represent the aggregate of purchase and sales. The profits in all probability would not exceed 10 per cent of the aggregate amount, which would be about $3,500,000. But the question involved is a much greater one than any business question. The question is whether we propose to be true to one of the great principles of this Government, or whether we are to barter it away for a mess of pottage? Are we to place the dollar above the man? Are we to consent to a stigma being placed on American citizenship, if only we can make a few dollars out of it, or are we to say to the world that every citizen of honest character and good report shall receive equal treatment at the hands of foreign nations, and that an insult to one class is an insult to all?

Mr. Speaker, I am not asking the passage of this resolution for the relief of the Jew, because he is a Jew, but I am asking it because he is entitled, as an American citizen, to all the rights, privileges, and protection belonging to each and every citizen owing allegiance to our Government and our flag. The Jewish people comprise a large part of our enormous population and have contributed much to our growth and development. Their intelligence, integrity, and ability have been demonstrated in the various fields of activity. Their contributions to art, science, music, literature, and statesmanship have attracted the attention and won the admiration of all our people. They are devoted to our country, loyal to our flag, and deserve equal treatment with every other American citizen the world over. Let us abrogate the treaty and show to the Russian Government that an insult to the American Jew is an insult to all the American people.

Mr. SULZER. Mr. Speaker, I yield to the gentleman from Illinois [Mr. STONE].

Mr. STONE. Mr. Speaker, it is apparent that the sentiment of the House is overwhelmingly in favor of the abrogation of the treaty which this country entered into with Russia in 1832. This evident preponderance of sentiment in favor of the termination of the treaty makes it improbable that a roll call will be demanded upon the passage of the pending resolution. In order that no question can be raised hereafter as to my position, I take this opportunity to state that the pending resolution has my hearty and sincere support.

It is to be regretted that this course has become necessary, but it has been demonstrated that milder means availeth naught. Congress in 1882, 1883, 1884, 1886, 1892, 1894, 1897, 1902, 1904, 1908, and 1909 passed resolutions protesting against the policy of the Russian Government to discriminate against our Jewish fellow citizens in the acceptance of passports, but these resolutions failed to accomplish their purpose. Evarts, Blaine, Bayard, Olney, Hay, ROOT, and KNOX—an illustrious succession of Secretaries of State—have exerted their skill in diplomacy but without success. After 40 years of protest and diplomatic effort Russia still violates her compact continuously and defiantly.

The time for halfway measures has passed. Delay can no longer be excused. Dilatory tactics will serve merely to intensify the belief now entertained by Russia that our declarations and demands are not serious and sincere. If we are to secure for all American citizens, regardless of the religious faith they profess, the fundamental rights guaranteed by the Federal Constitution, there should be prompt and positive action. The passage of this resolution will announce our refusal to sanction in our international relations a discrimination between our citizens expressly discountenanced by our organic law, and will make clear our intention to square our policies with our principles.

In the success of this cause the interests of all Americans who love right and justice are identical. It is not a Jewish question but an American question. Its solution will give to the title "American citizen" a higher and a nobler place, and the bright rainbow which spans our future will then bear its message of hope and promise to all humanity.

Mr. SULZER. Mr. Speaker, I yield to the gentleman from California [Mr. RAKER].

[Mr. RAKER addressed the House. See Appendix.]

Mr. SULZER. Mr. Speaker, I yield to the gentleman from New York [Mr. CONRY].

[Mr. CONRY addressed the House. See Appendix.]

Mr. SULZER. Mr. Speaker, I yield to the gentleman from Illinois [Mr. GALLAGHER].

[Mr. GALLAGHER addressed the House. See Appendix.]

Mr. KENDALL. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER of Massachusetts. Mr. Speaker, I have very much hoped that diplomatic negotiations or some friendly arrangement would before now have settled this passport question.

Unfortunately, as it appears to-day, but two courses are open to us—either placidly to submit to Russia's disregard or denial of our rights under the treaty of 1832 or else to adopt this resolution calling for the abrogation of the treaty itself.

Of the two courses, I much prefer the latter, and therefore I shall vote for this resolution.

I confess that I have some misgivings as to the situation which may arise if the treaty shall be abrogated, and yet, I still cling to the presentment that Russia will find some way of yielding to our requirements when once she realizes our earnestness. If, however, Russia shall fail to meet our views, in that event we must not turn back now that we have once put our hand to the plow.

Some of you gentlemen, if I may judge from your speeches, gaily and enthusiastically have welcomed this opportunity to snap your fingers in the face of a European nation. Others of you have reluctantly come to the conclusion that we are faced by a situation which has been trifled with too long and that national self-respect requires us firmly, but as courteously as possible, to take a position from which we shall not recede. I feel that those of you who meet this situation with sober, regretful earnestness are by far the more likely steadfastly to adhere to the path which we to-day shall mark out.

Mr. KENDALL. Mr. Speaker, I am inclined to believe that the important issue before the House this afternoon is not the particular phraseology of the resolution which we are considering. The vital and consequential thing is, What action shall the House take as respects the Russian treaty? Shall we profit by the experience of 40 long and weary years? Shall we learn the lesson that those years ought to have imparted to us, or shall we continue the dreary diplomatic bickering and controversy in which we have so long been engaged?

I do not care what this resolution may recite as our opinion with reference to the Russian construction of this treaty. I do not care if we say, "In our humble judgment Russia is wrong and we are right," so long as we announce our determination to take definite and decisive action to revoke this treaty. That is the important thing that is before this House this afternoon. There is no danger of war. The gentleman from Illinois [Mr. MANN], I think, is unduly solicitous lest some remark uttered on this floor may provoke that great power to resentment. We are here as American citizens, asserting rights that are fundamental to us under our Constitution, and we are not to be deterred from that expression by the apprehension of unfortunate consequences. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. SULZER. Mr. Speaker, I yield to the gentleman from Georgia [Mr. EDWARDS].

Mr. EDWARDS. This is a serious matter. It is of great national as well as international importance.

For many years Russia has been a great friend to the United States, a fact which is appreciated by all Americans. But for the fact that the friendliest relations have so long existed between these two nations, this country would not have so long tolerated the treatment some of our citizens have been subjected to in Russia.

The very principle upon which this Government was founded was that of "religious liberty." To every American citizen under our Constitution and laws is guaranteed the right to follow the dictates of his own conscience as to his religious belief.

That Russia has continually violated the terms of the treaty of 1832 there is no doubt.

The report of the Committee on Foreign Affairs shows that the committee has gone into the matter carefully and ably. That report shows that Russia has violated her treaty with this country. The committee report also recommends the adoption of the Sulzer resolution, which provides for the termination of that treaty.

Mainly Russia has discriminated against many of our citizens and disregarded our passports because of the religious belief of those citizens. If we permit such discriminations, wherein does the declaration of religious liberty benefit our citizens?

The point here is not that there has been discriminations against Jews, but discriminations against American citizens whose religion happened to be that of the Hebrews. If a power cared to do so, they could make the same point on any other sect, creed, or faith. It should no longer be tolerated by our country. If these insults to our national honor and dignity are overlooked and these gross discriminations continue, then Russia or some other power would no doubt discriminate against our citizens because they were Methodist, Baptist, Catholic, or members of some other denomination. The fact that a man has the proper credentials of this country, traveling with the official passport of the United States of America, should entitle him to that treatment and consideration which is guaranteed to all our citizens. An insult or discrimination against one of our citizens, whether for religious reasons or for other causes, so long as that citizen, acting as an American should deport himself, is a discrimination not against the man but against our country.

Our citizens of the Jewish faith, as much as citizens of any other faith, have patiently hoped that through the diplomatic representatives of Russia and our country terms could be agreed upon whereby this evil of long standing could be remedied. Russia has made no concessions. This country has been patient in the matter until patience has ceased to be a virtue.

If we are to maintain our national honor and self-respect, we must now act, for it seems that all pleading has been useless.

It is my opinion that Russia will wake up to the gravity of the situation, and I hope that through the termination of this treaty a new one will be agreed upon by which better and more friendly relations will continue between the two countries. But regardless of what may or may not happen as the result of the termination of this treaty, it is my opinion that the time is here when our national honor demands, in justice to our citizens, whom the Government should at all times protect, the termination of this treaty. I hope the resolution will pass and to that end I shall vote for its passage. [Applause.]

Mr. SULZER. Mr. Speaker, I now yield to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. Mr. Speaker, when the limit for debate on this resolution was fixed and the time allotted I was in my committee room assisting in the preparation of the Army appropriation bill. Upon learning that this resolution was under consideration I came to the Chamber, but have been unable to secure time in which to discuss it. I am therefore indebted to the courtesy of my friend, the distinguished gentleman from New York [Mr. SULZER], for this permission to thus express briefly my sentiments on the Russian passport question.

Among my own people my views on this subject are already well known. My interest in the matter antedates my membership in this body, and ever since I have been a Member of this House it has been for me a subject of constant study and attention. What we shall do here to-day will be easily accomplished, for we are all of one accord so far as the merits of the case are concerned. It has been more difficult for some of us who have given the question some thought to refrain thus far from urging action of this kind.

And yet we were aware that the President and the State Department were bending their every effort toward the proper settlement of the question through diplomatic negotiations. We have continued to hope that these efforts would be successful, with the usual result of hope long deferred. So we come to-day to voice the long-pent-up feelings of the American people. There is no division among us. Party lines have disappeared, so that when this resolution passes it will not be the work of a party, but of a great people. We may differ as to the wording of the resolution, but not as to its merits. To me it seems that we should use the firm and positive, but dignified and polite, language properly adapted to diplomatic relations. We gain nothing for ourselves and lose much in the estimation of others by employing in speech or resolution the language of the braggart and the bully. Bear baiting may commend itself to some as an exciting pastime, but it does not readily lend itself to the solution of international difficulties. I shall favor for this resolution that language which will in a dignified, respectful manner, as befits a great and serious matter, most forcefully embody the thought we all have in mind. After all, our contest here concerns only the question of phraseology. We all agree that too long we have submitted to this indignity.

To all the many good things said here to-day concerning the Jewish people I heartily subscribe. Too little rather than too much has been said of their unique history and their great deeds as recorded in the annals of all nations and climes. The part they have already played in our own brief history is an enviable one, and the end is not yet. But this is not a Jewish question. It is an American question. We are not seeking to confer a favor upon the Jew or upon the adherent of any faith or religion. We are simply taking a stand for American citizenship and declaring by our action here to-day that, so far as this House is concerned, all citizens of this great Nation, pledged in its organic law to the doctrine of religious liberty, shall be accorded equal rights by all other nations, regardless of their religion. We trust that what we shall do here to-day may aid in bringing this to pass.

The SPEAKER. The time of the gentleman has expired. All the time has expired.

Mr. OLMSTED. Mr. Speaker, I ask for the reading of the amendment which I formerly sent to the Clerk's desk.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Pennsylvania [Mr. OLMSTED].

The Clerk read as follows:

On page 1, line 12, after the word "religion," strike out all of lines 12 and 13, and lines 1, 2, and 3, on page 2, and insert in lieu thereof the following——

Mr. OLMSTED. Mr. Speaker, one moment. After a conference with the gentleman from North Carolina, and in view of a suggestion he has made, I would like to change that amendment to what I send up now.

The SPEAKER. Does the amendment which the gentleman now sends up take the place of what the Clerk has read?

Mr. OLMSTED. It is to follow what the Clerk has read and to that extent take the place of the original amendment I sent up.

The SPEAKER. The Clerk will report the modified amendment.

The Clerk read as follows:

Insert in lieu thereof the following:

"That the Government of Russia, by refusing, on account of race or religion, to honor American passports duly issued to American citizens, has so construed the treaty between the United States and Russia, concluded at St. Petersburg December 18, 1832."

Mr. OLMSTED. That is all.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. Just one moment, Mr. Speaker.

Mr. KENDALL. Mr. Speaker——

The SPEAKER. The debate is closed.

Mr. OLMSTED. Strike out, also, line 4, on page 2. That is to be stricken out. Just one word, Mr. Speaker.

Mr. SULZER. Mr. Speaker, I make the point of order that no debate is in order.

The SPEAKER. Debate is closed.

Mr. OLMSTED. General debate; yes; but——

The SPEAKER. There is not any such thing as debate under the five-minute rule in the House.

Mr. OLMSTED. Mr. Speaker, I ask unanimous consent to address the House for four minutes.

The SPEAKER. The gentleman from Pennsylvania [Mr. OLMSTED] asks unanimous consent to address the House for four minutes. Is there objection?

There was no objection.

Mr. OLMSTED. Mr. Speaker, this resolution as it now reads contains this language:

That the Government of the United States will not be a party to any treaty which discriminates, or which by one of the parties thereto is so construed as to discriminate, between American citizens on the ground of race or religion.

It then proceeds:

That the Government of Russia has violated the treaty between the United States and Russia, concluded at St. Petersburg December 18, 1832.

My amendment means simply this: Instead of saying that Russia has violated the treaty agreement of 1832, it says, referring to what the resolution already declares, that we will not be a party to any treaty that is so construed as to discriminate against American citizens on account of race or religion. My amendment declares that the Government of Russia, in refusing to honor passports issued to Jewish citizens, has so construed the treaty, and therefore we vote to abrogate it. [Cries of "Vote!"]

It omits the charge of violation of the treaty—a charge which, whether just or unjust, is unnecessary, and would simply tend to make rougher the pathway of diplomatic negotiation by which it is greatly to be hoped some honorable and satisfactory adjustment may yet be reached. The treaty of 1832 is a treaty of commerce and navigation. It is satisfactory and important, except as construed by Russia in the matter of passports. We can not agree to that construction, and rather than do so will give up every commercial advantage under the treaty and abro-

gate it entirely. But if within the period of notice an amicable settlement can be reached, whereby the rights of all our citizens can be protected and assured, surely it is greatly to be desired. If not, then by the operation of this resolution the treaty will be annulled. My amendment, while not quite so harsh in terms, accomplishes that result and notifies Russia that this Government will not tolerate discrimination against any of her citizens on account of race or religion.

The SPEAKER. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. OLMSTED].

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. SULZER. Division, Mr. Speaker.

The House divided; and there were—ayes 119, noes 114.

Mr. SULZER. Mr. Speaker, I call for the yeas and nays.

Mr. LAFFERTY. I ask for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The question is on agreeing to the amendment of the gentleman from Pennsylvania. Those in favor of the amendment will, as their names are called, answer "aye," and those opposed will answer "no."

Mr. O'SHAUNESSY. Mr. Speaker, I ask to have the amendment read.

The SPEAKER. If there be no objection, the amendment will be again reported.

The amendment was again read.

Mr. LONGWORTH. Mr. Speaker, I understood the clerk to read "lines 12 and 13." There is no line 13.

Mr. OLMSTED. Mr. Speaker, there seems to be so much misunderstanding that I ask unanimous consent to have the entire resolution read as it would read with the amendment.

The SPEAKER. The Chair calls the attention of the gentleman from Pennsylvania to the suggestion of the gentleman from Ohio [Mr. LONGWORTH] that there is no such thing as line 13 on page 1.

Mr. OLMSTED. There are two prints of the bill. One has a line 13 and the other has not. I ask unanimous consent to have the resolution read as it will read if this amendment is adopted.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to have the resolution read with the amendment. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the resolution as it would read if amended.

The Clerk read as follows:

That the people of the United States assert as a fundamental principle that the rights of its citizens shall not be impaired at home or abroad because of race or religion; that the Government of the United States concludes its treaties for the equal protection of all classes of its citizens, without regard to race or religion; that the Government of the United States will not be a party to any treaty which discriminates, or which by one of the parties thereto is so construed as to discriminate, between American citizens on the ground of race or religion; that the Government of Russia, by refusing, on account of race or religion, to honor American passports duly issued to American citizens, has so construed the treaty between the United States and Russia, concluded at St. Petersburg December 18, 1832, that in the judgment of the Congress the said treaty, for the reasons aforesaid, ought to be terminated at the earliest possible time; that for the aforesaid reasons the said treaty is hereby declared to be terminated and of no further force and effect from the expiration of one year after the date of notification to the Government of Russia of the terms of this resolution, and that to this end the President is hereby charged with the duty of communicating such notice to the Government of Russia.

The SPEAKER. The Clerk will call the roll, and those in favor of the amendment of the gentleman from Pennsylvania [Mr. OLMSTED] will, when their names are called, answer aye, and those opposed will answer no.

The question was taken; and there were—yeas 115, nays 183, answered "present" 1, not voting 89, as follows:

YEAS—115.

Ainey	Danforth	Hawley	McKinley
Alexander	Davidson	Helgesen	McKinney
Anderson, Minn.	De Forest	Henry, Conn.	Madden
Anthony	Dodds	Higgins	Malby
Barchfeld	Dwight	Hill	Martin, S. Dak.
Bartholdt	Dyer	Hinds	Matthews
Bates	Evans	Howell	Moon, Pa.
Bowman	Farr	Howland	Moore, Pa.
Brantley	Fordney	Hubbard	Morrison
Burke, S. Dak.	Foss	Humphrey, Wash.	Morse, Wis.
Butler	Foster, Vt.	Jackson	Needham
Calder	French	Kennedy	Nelson
Campbell	Gardner, Mass.	Kinkaid, Nebr.	Norris
Cannon	Gardner, N. J.	Knowland	Nye
Catlin	Green, Iowa	Kopp	Padgett
Claypool	Greene, Mass.	Lafean	Page
Cooper	Gregg, Tex.	La Follette	Patton, Pa.
Copley	Griest	Langham	Payne
Crago	Harris	Longworth	Pickett
Crumpacker	Hartman	McCall	Porter
Dalzell	Haugen	McKenzie	Prince
Prouty	Smith, Saml. W.	Taylor, Ohio	White
Rees	Speer	Tilson	Wilder
Reyburn	Sterling	Towner	Willis
Rodenberg	Sulloway	Utter	Wilson, Ill.
Saunders	Sweet	Volstead	Wood, N. J.
Slemp	Switzer	Vreeland	Woods, Iowa
Sloan	Talcott, N. Y.	Wedemeyer	Young, Kans.
Small	Taylor, Colo.	Weeks	

NAYS—183.

Adair	Dies	Jacoway	Pray
Aiken, S. C.	Difenderfer	James	Raker
Akin, N. Y.	Dixon, Ind.	Johnson, S. C.	Rauch
Allen	Donohoe	Jones	Redfield
Anderson, Ohio	Doughton	Kahn	Reilly
Ansberry	Dupre	Kendall	Roberts, Mass.
Ashbrook	Edwards	Kindred	Roberts, Nev.
Austin	Ellerbe	Kinkead, N. J.	Robinson
Ayres	Faison	Kitchin	Roddenbery
Barnhart	Ferris	Konig	Rothermel
Bartlett	Finley	Konop	Rubey
Bathrick	Fitzgerald	Korbly	Rucker, Mo.
Beall, Tex.	Flood, Va.	Lafferty	Russell
Berger	Floyd, Ark.	Lamb	Scully
Blackmon	Foster, Ill.	Lee, Ga.	Shackleford
Boehne	Fowler	Lee, Pa.	Sharp
Booher	Francis	Lever	Sheppard
Brown	Gallagher	Levy	Sherwood
Browning	Garrett	Lindbergh	Sisson
Buchanan	George	Linthicum	Slayden
Bulkley	Glass	Littlepage	Smith, J. M. C.
Burke, Wis.	Godwin, N. C.	Lloyd	Smith, N. Y.
Burnett	Goeke	Lobeck	Smith, Tex.
Byrnes, S. C.	Goldfogle	McCoy	Sparkman
Byrns, Tenn.	Goodwin, Ark.	McHenry	Stack
Callaway	Gray	McKellar	Stanley
Candler	Gregg, Pa.	Macon	Stedman
Cantrill	Gudger	Maguire, Nebr.	Stephens, Nebr.
Carlin	Hamill	Maher	Stephens, Miss.
Carter	Hamilton, W. Va.	Martin, Colo.	Stone
Cary	Hammond	Mays	Sulzer
Clark, Fla.	Hardy	Moon, Tenn.	Taggart
Clayton	Harrison, Miss.	Morgan	Thayer
Collier	Harrison, N. Y.	Moss, Ind.	Thomas
Connell	Hay	Mott	Turnbull
Conry	Heflin	Murdock	Tuttle
Cox, Ohio	Helm	Murray	Underhill
Cullop	Hensley	Oldfield	Warburton
Curley	Hobson	Olmsted	Watkins
Daugherty	Holland	O'Shaunessy	Whitacre
Davenport	Houston	Palmer	Wickliffe
Davis, Minn.	Howard	Parran	Wilson, N. Y.
Davis, W. Va.	Hughes, Ga.	Patten, N. Y.	Wilson, Pa.
Dent	Hughes, N. J.	Peters	Witherspoon
Denver	Hull	Post	Young, Tex.
Dickinson	Humphreys, Miss.	Powers	

ANSWERED "PRESENT"—1.

Mann

NOT VOTING—89.

Adamson	Fairchild	Legare	Riordan
Ames	Fields	Lenroot	Rouse
Andrus	Focht	Lewis	Rucker, Colo.
Bell, Ga.	Fornes	Lindsay	Sabath
Bingham	Fuller	Littleton	Sells
Borland	Garner	Loud	Sherley
Bradley	Gillett	McCreary	Simmons
Broussard	Good	McDermott	Sims
Burgess	Gould	McGillicuddy	Steenerson
Burke, Pa.	Graham	McGuire, Okla.	Stephens, Cal.
Burleson	Guernsey	McLaughlin	Stephens, Tex.
Cline	Hamilton, Mich.	McMorran	Stevens, Minn.
Covington	Hamlin	Miller	Talbott, Md.
Cox, Ind.	Hanna	Mondell	Taylor, Ala.
Cravens	Hardwick	Moore, Tex.	Thistlewood
Currier	Hayes	Pepper	Townsend
Dickson, Miss.	Heald	Plumley	Tribble
Doremus	Henry, Tex.	Pou	Underwood
Draper	Hughes, W. Va.	Pujo	Webb
Driscoll, D. A.	Johnson, Ky.	Rainey	Young, Mich.
Driscoll, M. E.	Kent	Randell, Tex.	
Esch	Langley	Ransdell, La.	
Estopinal	Lawrence	Richardson	

So the amendment was lost.

The following additional pairs were announced:

On this vote:

Mr. MCDERMOTT with Mr. BURKE of Pennsylvania.

For to-day:

Mr. BELL of Georgia with Mr. AMES.

Until further notice:

Mr. RANDELL of Texas with Mr. HANNA.

Mr. LEWIS with Mr. LANGLEY.

Mr. JOHNSON of Kentucky with Mr. HUGHES of West Virginia.

Mr. HENRY of Texas with Mr. HEALD.

Mr. BROUSSARD with Mr. GILLETT.

Mr. FIELDS with Mr. FULLER.

Mr. COVINGTON with Mr. FOCHT.

Mr. PUJO with Mr. MCMORRAN.

Mr. UNDERWOOD with Mr. MANN.

Mr. MANN. Mr. Speaker, I am paired with the gentleman from Alabama, Mr. UNDERWOOD, who was called from the House on account of illness in his family. I voted "aye," and I wish to withdraw that vote and answer "present."

The Clerk called the name of Mr. MANN, and he answered "Present," as above recorded.

The result of the vote was then announced as above recorded.

Mr. SULZER. Mr. Speaker, I move the previous question on the adoption of the resolution.

Mr. MANN. Mr. Speaker, I have an amendment to offer.

The SPEAKER. Ordinarily the motion of the gentleman from New York would be all right, but the Chair understands that the agreement was that after debate was had there should be the right of amendment; that agreement would have all the force of a rule.

Mr. SULZER. But there has been an amendment, and it has been voted down. Do I understand the gentleman from Illinois has an amendment by way of substitute?

Mr. MANN. I have some amendments beside. I do not intend to detain the House a great while.

Mr. SULZER. Mr. Speaker, I will withdraw the motion for the previous question.

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend page 1, line 5, by inserting after the word "religion" the following:

"Reserving, however, the right at all times of refusing citizenship on account of race."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend page 1, line 12, by inserting after the word "religion" the following:

"Still insisting, however, upon the right by treaty and law to exclude from American shores citizens of other countries on the ground of race."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Speaker, I offer as a substitute for the resolution the following, which I send to the desk and ask to have read.

The Clerk read as follows:

Strike out all after the resolving clause and insert:

"That the Government of Russia has, in the judgment of the United States, violated the treaty between the United States and Russia, concluded at St. Petersburg December 18, 1832, by making a discrimination between citizens of the United States, which the United States itself does not make, and that in the judgment of the Congress the said treaty ought to be terminated at the earliest possible time; that for the aforesaid reasons the said treaty is hereby declared to be terminated and of no further force and effect from the expiration of one year after the date of notification to the Government of Russia of the terms of this resolution, and that to this end the President is hereby charged with the duty of communicating such notice to the Government of Russia."

The SPEAKER. The question is on agreeing to the amendment in the nature of a substitute.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 67, noes 186.

So the amendment in the nature of a substitute was rejected.

Mr. FOWLER. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend the treaty on page 2, in line 3, after the word "thirty-two," by inserting the word "by."

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. MARTIN of South Dakota. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend line 12, page 1, by inserting after the word "that" the words "we believe."

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from South Dakota.

The question was taken, and the amendment was rejected.

The SPEAKER. The question now is on the engrossment and third reading of the joint resolution.

The question was taken, and the joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question now is on the passage of the joint resolution.

Mr. SULZER. On that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 301, nays 1, not voting 87, as follows:

YEAS—301.

Adair	Dupre	Kinkead, N. J.	Reilly
Aiken, S. C.	Dwight	Kitchin	Reyburn
Alney	Dyer	Knowland	Roberts, Mass.
Akin, N. Y.	Edwards	Konig	Roberts, Nev.
Alexander	Ellerbe	Konop	Robinson
Allen	Evans	Kopp	Roddenbery
Anderson, Minn.	Faison	Korbly	Rodenberg
Anderson, Ohio	Farr	Lafferty	Rothermel
Ansberry	Ferris	La Follette	Rubey
Anthony	Finley	Lamb	Rucker, Mo.
Ashbrook	Fitzgerald	Langham	Russell
Austin	Flood, Va.	Lee, Ga.	Saunders
Ayres	Floyd, Ark.	Lee, Pa.	Scully
Barchfeld	Foster, Ill.	Lever	Shackleford
Barnhart	Fowler	Levy	Sharp
Bartholdt	Francis	Lewis	Sheppard
Bartlett	French	Lindbergh	Sherwood
Bates	Gallagher	Linthicum	Sisson
Bathrick	Gardner, Mass.	Littlepage	Slayden
Beall, Tex.	Gardner, N. J.	Lloyd	Slemp
Berger	Garner	Lobeck	Sloan
Blackmon	Garrett	Longworth	Small
Boehne	George	McCoy	Smith, J. M. C.
Booher	Glass	McDermott	Smith, Saml. W.
Bowman	Godwin, N. C.	McGillicuddy	Smith, N. Y.
Brantley	Goeke	McHenry	Smith, Tex.
Brown	Goldfogle	McKellar	Sparkman
Browning	Good	McKenzie	Speer
Buchanan	Goodwin, Ark.	McKinley	Stack
Bulkley	Gray	McKinney	Stanley
Burke, Pa.	Green, Iowa	Macon	Stedman
Burke, S. Dak.	Greene, Mass.	Madden	Stephens, Cal.
Burke, Wis.	Gregg, Pa.	Maguire, Nebr.	Stephens, Miss.
Burnett	Gregg, Tex.	Maher	Stephens, Nebr.
Butler	Griest	Mann	Sterling
Byrnes, S. C.	Gudger	Martin, Colo.	Stone
Byrns, Tenn.	Hamill	Martin, S. Dak.	Sulloway
Calder	Hamilton, W. Va.	Matthews	Sulzer
Callaway	Hammond	Mays	Sweet
Campbell	Hardy	Moon, Pa.	Switzer
Candler	Harris	Moon, Tenn.	Taggart
Cannon	Harrison, Miss.	Moore, Pa.	Talcott, N. Y.
Cantrill	Harrison, N. Y.	Morgan	Taylor, Colo.
Carlin	Hartman	Morrison	Taylor, Ohio.
Carter	Haugen	Morse, Wis.	Thayer
Cary	Hawley	Moss, Ind.	Thistlewood
Catlin	Hay	Mott	Thomas
Clark, Fla.	Heflin	Murdock	Tilson
Claypool	Helgesen	Murray	Towner
Clayton	Helm	Needham	Turnbull
Collier	Henry, Conn.	Nelson	Tuttle
Connell	Hensley	Norris	Underhill
Conry	Higgins	Nye	Utter
Cooper	Hill	Oldfield	Volstead
Copley	Hinds	Olmsted	Vreeland
Cox, Ohio	Hobson	O'Shaunessy	Warburton
Crago	Holland	Padgett	Watkins
Cullop	Houston	Page	Wedemeyer
Curley	Howard	Palmer	Weeks
Dalzell	Howell	Parran	Whitacre
Danforth	Howland	Patten, N. Y.	White
Daugherty	Hubbard	Patton, Pa.	Wickliffe
Davenport	Hughes, Ga.	Payne	Wilder
Davidson	Hughes, N. J.	Peters	Willis
Davis, Minn.	Hull	Pickett	Wilson, Ill.
Davis, W. Va.	Humphrey, Wash.	Porter	Wilson, N. Y.
De Forest	Humphreys, Miss.	Post	Wilson, Pa.
Dent	Jacoway	Powers	Witherspoon
Denver	James	Pray	Wood, N. J.
Dickinson	Johnson, S. C.	Prince	Woods, Iowa
Dies	Jones	Prouty	Young, Kans.
Difenderfer	Kahn	Raker	Young, Tex.
Dixon, Ind.	Kendall	Randell, Tex.	The Speaker
Dodds	Kennedy	Rauch	
Donohoe	Kindred	Redfield	
Doughton	Kinkaid, Nebr.	Rees	

NAYS—1.

Malby

NOT VOTING—87.

Adamson	Estopinal	Johnson, Ky.	Rainey
Ames	Fairchild	Kent	Ransdell, La.
Andrus	Fields	Lafean	Richardson
Bell, Ga.	Focht	Langley	Riordan
Bingham	Fordney	Lawrence	Rouse
Borland	Fornes	Legare	Rucker, Colo.
Bradley	Foss	Lenroot	Sabath
Broussard	Foster, Vt.	Lindsay	Sells
Burgess	Fuller	Littleton	Shirley
Burleson	Gillett	Loud	Simmons
Cline	Gould	McCall	Sims
Covington	Graham	McCreary	Steenerson
Cox, Ind.	Guernsey	McGuire, Okla.	Stephens, Tex.
Cravens	Hamilton, Mich.	McLaughlin	Stevens, Minn.
Crumpacker	Hamlin	McMorran	Talbott, Md.
Currier	Hanna	Miller	Taylor, Ala.
Dickson, Miss.	Hardwick	Mondell	Townsend
Doremus	Hayes	Moore, Tex.	Tribble
Draper	Heald	Pepper	Underwood
Driscoll, D. A.	Henry, Tex.	Plumley	Webb
Driscoll, M. E.	Hughes, W. Va.	Pou	Young, Mich.
Esch	Jackson	Pujo	

So the joint resolution was passed.

The Clerk announced the following additional pairs:

On this vote:

Mr. BURGESS with Mr. FOSS.

Until further notice:
Mr. POU with Mr. PLUMLEY.
Mr. WEBB with Mr. YOUNG of Michigan.
Mr. RUCKER of Colorado with Mr. SELLS.
Mr. BURLESON with Mr. FORDNEY.

Mr. PARRAN. Mr. Speaker, I rise to inquire if the gentleman from Maryland, Mr. TALBOTT, voted on this proposition?

The SPEAKER. He did not vote.

Mr. PARRAN. I desire to say I have a general pair with the gentleman from Maryland and we had an understanding to-day that that pair would not be binding on this vote because he stated to me he would vote "aye" if he were present, and therefore I took the liberty of voting.

The SPEAKER. Did the gentleman himself vote?

Mr. PARRAN. I voted "aye."

Mr. MANN. Mr. Speaker, I had a general pair with the gentleman from Alabama, Mr. UNDERWOOD, who was called out of the House this afternoon on account of illness in his family. As he and I would both vote "aye," I leave my vote stand "aye," having already voted.

The result of the vote was announced as above recorded.

On motion of Mr. SULZER, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. Latta, one of his secretaries.

CIVIL GOVERNMENT IN THE PHILIPPINE ISLANDS (S. DOC. NO. 149).

The SPEAKER. The Chair lays before the House the following message from the President of the United States.

The Clerk read as follows:

To the Senate and House of Representatives:

As required by section 86 of the act of Congress approved July, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," I transmit herewith copies of the laws enacted at the first session of the Second Philippine Legislature and certain laws enacted by the Philippine Commission.

WM. H. TAFT.

THE WHITE HOUSE, *December 13, 1911.*

The SPEAKER. Ordered to be printed and referred to the Committee on Insular Affairs.

MALAMBO FIRE CLAIMS (S. DOC. NO. 148).

The SPEAKER. The Chair also lays before the House another message from the President.

The Clerk read as follows:

To the Senate and House of Representatives:

I transmit herewith a letter addressed to me by the Secretary of War, dated December 9, 1911, with the accompanying papers, in reference to the Malambo fire claims. This letter is self-explanatory and the facts regarding these claims are fully set forth in Senate Document No. 858, Sixty-first Congress, third session.

I renew the recommendation contained in my message to the Congress dated March 3, 1911, that an appropriation of $53,000 be made to settle these claims.

WM. H. TAFT.

THE WHITE HOUSE, *December 13, 1911.*

The SPEAKER. Ordered to be printed and referred to the Committee on Appropriations.

Mr. MANN. Mr. Speaker, is that the proper reference? Are these for the payment of claims? Does this go to the Committee on Appropriations?

The SPEAKER. The message recommended an appropriation.

Mr. MANN. But the Committee on Appropriations has no jurisdiction——

The SPEAKER. Well, the Chair will refer it to the Committee on Interstate and Foreign Commerce——

Mr. MANN. No; that certainly would not have. I am not sure whether it ought to go to the Committee on Claims or the Committee on Insular Affairs.

The SPEAKER. The Clerk will read the message again.

The Clerk reread the message.

The SPEAKER. The accompanying letter that is supposed to be with this message is not with it. The letter and papers were sent to the Senate, so the Chair has no personal information as to what there is in this matter. Now, if any gentleman has a suggestion to make——

Mr. SULZER. Mr. Speaker, I suggest this matter be referred to the Committee on Insular Affairs.

The SPEAKER. No; clearly the Committee on Insular Affairs has nothing to do with this subject.

Mr. FINLEY. Mr. Speaker, I suggest if the matter has been legislated and the amount is fixed by existing law that it would go to the Committee on Appropriations; otherwise I think it would go to the Committee on Claims.

The SPEAKER. Well, the Chair will refer it to the Committee on Claims and if it turns out on investigation that is not proper we will change it.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment the following House concurrent resolution:

House concurrent resolution 21.

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Thursday, December 21, they stand adjourned until 12 o'clock meridian on Wednesday, January 3, 1912.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 1081) to provide for punishment for larceny of public property from the workhouse and the reformatory of the District of Columbia.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. No. 1081. An act providing for the punishment of persons in possession of stolen property in the District of Columbia, having stolen the same in any other State or Territory.

CONTRIBUTIONS OF THE HEBREW RACE TO HUMAN ADVANCEMENT.

Mr. GOLDFOGLE. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. GOLDFOGLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing in the RECORD a speech delivered by Mr. MORRIS SHEPPARD on the contributions of the Hebrew race to human advancement.

The SPEAKER. The gentleman from New York asks leave to extend his remarks by printing a speech by Mr. SHEPPARD of Texas. Is there objection? [After a pause.] The Chair hears none.

Mr. GOLDFOGLE. Mr. Speaker, by leave now granted I present, for the purpose of having it printed in the RECORD, the able, eloquent, and masterful address delivered by the Hon. MORRIS SHEPPARD, of Texas, before the Young Men and Women's Culture Society of the Temple Rodeph Sholom, of New York City. It is a highly interesting production and forms a valuable contribution to the literature of this country.

AN ADDRESS DELIVERED BEFORE THE YOUNG MEN AND WOMEN'S CULTURE SOCIETY OF TEMPLE RODEPH SHOLOM, NEW YORK CITY, APRIL 25, 1909.

(By Hon. MORRIS SHEPPARD, Member of Congress from Texas.)

* * * "To me the speech was a labor of love. I have been passionately interested for years in the subject on which I spoke. One of my life's dearest hopes is to see the breaking of the day when the entire world will recognize its indebtedness to the Jewish people and abandon all the prejudices of the past." (Extract from letter of Mr. SHEPPARD to the Culture Society.)

CONTRIBUTIONS OF THE HEBREW PEOPLE TO HUMAN ADVANCEMENT.

I am to speak on this occasion of the contributions of the Judaic people to human advancement. It is a subject of especial interest and inspiration not only to the Hebraic young men and women who compose the society before which I have the honor now to appear, but also to every friend of truth and justice regardless of religion and nationality. Although of another belief and creed, I approach the subject of Judaic achievement with an appreciation of its immensity and sublimity, a consciousness of my incapacity properly to portray it, and with emotions of reverence and wonder. Although of another belief and creed, I address you not as an alien or as a stranger, but as a brother, friend, and fellow-countryman whose life is interlinked with yours in a changeless allegiance to the American flag—a flag representing the justice and the law which descended from God through your progenitors multiplied centuries ago—the flag emblemizing the first government since the destruction of the Jewish nation by the Romans under which your people exercised complete and permanent prerogatives of citizenship. I address you as compatriots who form a fundamental element in the development of American institutions and the growth of American ideals. Your ancestors were among the first to join the pilgrimage which sought upon these shores a refuge from intolerance and tyranny. In the life of the Colonies, in the progress of the Revolution, in the formation and advancement of the Republic they have been of such conspicuous service as to transmit to you the true blood royal of American citizenship. Among the peoples of the American Republic a kinship arises from the fact that a common desire to escape oppression and to establish religious and civil liberty led them to this virgin hemisphere. In this fellowship you have an especial right to share, because the difficulties from which your fathers fled infinitely surpassed in severity and duration the miseries of all other peoples combined.

When the American Republic was establish in 1789, it is doubtful whether in any other country the Jewish people were admitted to unrestricted citizenship. During the 1,700 years that had elapsed since

the close of their independent national existence and the final dispersion they had been the objects of oppression and plunder. In France, although the constituent assembly had in 1791 decided to admit them to citizenship, and although the Sanhedrin summoned by Napoleon had proclaimed the abolition of all discrimination, it was not until the revocation of the oath more judaico in 1839 that they secured complete political and civil privileges. In the Netherlands, although they had enjoyed important concessions and extensive rights since the sixteenth century, they were not entirely disenthralled until 1815. In Austria, although partly emancipated by the toleration edict of Joseph II in 1785, they did not become citizens without restriction until 1867. In Germany they did not attain full citizenship until the adoption of the constitution of 1849, nor in Italy until the collapse of the temporal power of the Pope in 1870. Not until 1848 were they clothed with unqualified citizenship in Greece, Sweden, Denmark, and other European states. Not until 1860 did they reach complete equality in England, nor until 1867 in Hungary. In eastern Europe, notably in Russia and Roumania, they are still subjected to murderous prejudices and barbarous limitations. Thus it is hardly to be conceived that with all its modern enlightenment the world is yet sufficiently advanced to appreciate and to acknowledge its indebtedness to a people to whom during the greater part of history it has given darkness in exchange for light, the fagot and the scourge of persecution in exchange for the torch and scepter of knowledge.

It is neither necessary to the development of the subject nor possible within the limits of this address to trace the history of the Jewish people in detail. The history of the Jews is the history of the world in the largest sense. Of no other people can this be said. Every nation in existence when Abraham founded Israel has perished. No other people of that age remains. Succeeding cycles have witnessed the rise of empires that overran the earth, but these empires and their peoples have departed. Languages, religions, customs, nations, races, wars have thronged the centuries and with the centuries vanished. Yet to-day the Hebrew people form an important part of almost every nation in the world and have an identity as distinct as when Moses legislated and Samuel taught over 3,000 years ago. Not only are they a prominent element in almost every modern nation, but they have also figured eminently in the life of almost every nation of the past. In the great movements of history they have formed notable and frequently commanding features. And yet they have never exceeded in numbers the smallest proportion, perhaps not more than 1 per cent, of the world's population. In addition to this they have been continuously ostracized and outraged beyond all belief. What gave such vitality, such influence, such cosmopolitanism, to the Jewish people? The answer involves an inquiry into the cause, the character, and the extent of their contributions to human advancement.

The primary contribution of the Hebraic people to the elevation of mankind was Abraham's proclamation of the one, the living, personal, and omnipotent God. Wonderful and fundamental as have been the material and political changes that have swept through the 4,000 years of subsequent history, this conception has never been questioned by the highest and purest thought nor shaken by pagan or infidel philosophy. To-day civilization acknowledges and adopts it. The significance of this conception was due to its purely spiritual character. Abraham, the founder of the Hebrew nation, was born in an age of kings and idols. Government was despotic and religion was material. Amid such surroundings he lifted the standard of the spirit and taught the idea of a spiritual God. He supported this conception with a faith unquestioning and sublime, a faith that was necessarily as spiritual as the invisible God in whom it was reposed. In this teaching was the germ of human liberty. The God of the spirit was the only rightful king. The spiritual fatherhood of God led inevitably to the spiritual brotherhood of man. It was but a short step from spiritual to political equality. Under the leadership of Moses the religion of the spirit was given expression in the laws and customs of Israel. The Mosaic system contained a moral and legal code which is to-day the basis of enlightened civilization and government, a code which entered largely into the code of Theodosius, the laws of Charlemagne, of Ina, and of Alfred. This system ordained and taught the elevation of woman, the love of home, the sanctity of property and life, the observance of the Sabbath, charity, fraternity, representative government, systematic education, contempt for luxury and extravagance, equal rights, and rigid justice. The prophets and sages who followed Moses elaborated these principles, teaching the beauty of truth and nature, the glory of righteousness, the disastrous consequences of sin, the vanity of riches and material power, the supremacy of the spirit, the value of knowledge, universal progress, and universal peace. The schools founded by Samuel were the most ancient prototypes of the universities and public schools of modern times. As was said by Leroy-Beaulieu, the Jewish children "learned to read in the rolls of Thorah before the Latin alphabet was fixed, long before Cyril and Methodus had given an alphabet to the Slavs, before Runic inscriptions were known to the Germanic races of the north." Agriculture was the chief occupation, love of home and liberty and knowledge the chief characteristic, spiritual development the chief aspiration of the Jewish people, a people whose principles and fortunes were embalmed in a literature which in the form of the old Bible is to-day universally revered as an immemorial repository of divine inspiration and of the deepest philosophy and wisdom. This high degree of spiritual and political advancement was attained hundreds of centuries before the advent of classic antiquity. Thus the Jews, beside whom "the oldest of old European nations are youthful," were the pioneers of history, literature, monotheistic religion, spirituality, and liberty. Thus the faith of Abraham was the fountain of human happiness, the foundation of human right. Thus the nation he established became the world's first self-governing commonwealth, a commonwealth which embodied the highest religious and civic ideals six centuries before Greece knew an alphabet and more than a thousand years before the Latins founded Rome.

In many of the upward movements of the world, the reformations, awakenings, revolutions, the Hebrew commonwealth has figured as a model and a light. Especially is this true with reference to the American Revolution. The Colonial governments of New England, the home of the written Constitution, were constructed on Mosaic lines, the criminal codes being taken almost bodily from the Pentateuch. As Mr. Straus so happily puts it, "Through the windows of the Puritan churches of New England the New West looked back to the Old East." From pulpit and platform throughout the Colonies the Hebrew nation was lauded as the ideal republic. Arguments in behalf of independence and against all the doctrines of despotism were freely drawn from Judaic history and teaching. One of the most dramatic passages in Patrick Henry's immortal speech on American liberty—"Gentlemen may cry peace, peace, but there is no peace"—came almost literally from the sixth chapter of Jeremiah. When on the day of the declaration of American independence the Continental Congress appointed Franklin, Adams, and Jefferson to prepare a seal for the United States, they selected for a device a representation of Moses watching the Red Sea as it enveloped Pharaoh, beneath the picture appearing the words, "Resistance to tyrants is obedience to God." The example of the Hebrew government was undoubtedly one of the chief sources of the sentiment which inspired the American Revolution and made possible the formation of the United States. Indeed, the American Republic, in the spirit underlying its institutions, resembles the Israelitish commonwealth more closely than does any other nation in history.

We have seen that the intellect and the soul were the dominant elements in the original Hebraic character, and that spiritual devotion to a spiritual God was reflected in a commonwealth whose chief pillars were liberty and learning. These characteristics made the Jewish people essentially the messengers and disciples of the spirit and enabled them to attain a mental and spiritual development which contemporary peoples could neither understand nor approach. It is true that certain philosophers and priests of other nations may have conceived the idea of one God before they knew of the Jewish teaching. But they did not permit this idea to reach and to uplift the debased and ignorant masses. So extensive was the culture and so universal the faith of the Hebrew people that every Jew, whatever his position or occupation, was a custodian and a disseminator of Hebraic principles. To the worship of the spirit he added a loyalty to the Hebraic laws and customs in which it found institutional expression. This devotion to the spirit and the law gave an identity and vitality to the Hebraic people which enabled them to survive captivities, devastations, national subversion, and ages of agony and massacre. The consciousness of the indestructibility of the spirit made them superior to the tortures of the flesh. It made them gentle in peace and terrible in war. Their subjection was the most difficult task the legions of Rome ever attempted, it being necessary for the Roman Empire to employ against them, small as they were in numbers, greater forces than against any other people. It is the philosophy of the spirit and the culture inseparable from it that explain the immeasurable influence of the Jews on human progress.

When the Phœnicians, who were the immediate neighbors of the Jews and of the same Semitic origin, became the colonizers, navigators, and commercial intermediaries of the ancient world, the Israelitish tribes of Asher, Zebulun and Dan were their companions and emulators. These early mariners and traders established colonies throughout the known world. Although the life of the main body of the Hebrew people had been agricultural and domestic for many centuries, still as wars multiplied, as Palestine became more and more the battle ground of the nations, and as captivities befell them, they began migrations to these Semitic colonies, especially to the settlements of their own bold tribesmen. A hundred years before the final destruction of Jerusalem Jewish communities were flourishing in almost every country. It is probable that with the Phœnicians they preceded the Hellenes themselves in Greece. The Jews founded colonies in Gaul in the days of the Roman Republic. They settled on the northern shores of the Black and Caspian Seas centuries before the Christian era and more than a thousand years before the Slavic clans laid the first foundations of Russia. They were so far in advance of the peoples by whom they were surrounded in religion and culture that they encountered prejudice and hostility from the beginning. The idolatrous masses, lost in the abysses of ignorance and bigotry and superstition, could not grasp the sublime conception of a single deity. Thus the Hebrew people became the object of unreasoning hatred and unjust discrimination. They faltered not, however, in a sincere endeavor to advance the welfare of the countries in which they resided. They established schools for the study of religion and philosophy and law. At Alexandria the Hellenist Jews took a prominent part in the intellectual movement which made that city the successor of Athens as the world capital of literature and thought and culture. They assisted in the revelation of Greek philosophy to the Roman world through the Neo-Platonic school, one of whose foremost representatives was the Jewish thinker, Philo. Grammarian, rhetorician, musician, mathematician, scientist, litterateur, philosopher, patriot, he was at once accomplished and profound. So familiar was he with Platonic thought that Suidas speaks of Philo as platonizing and Plato as philonizing. He was intensely loyal to his people, and announced that the mission of the Jews was to teach a flawless conception of God and God's justice and to serve as the priests and prophets of humanity.

We are now in position to observe that, when the Jewish nation was finally destroyed in the year 70 A. D. and the Jewish people were dispersed throughout the world, they readily found homes and friends among their compatriots who had already established communities in almost every country. We are in position to note that their superior culture and spirituality aroused everywhere the enmity of peoples of different training, customs, and beliefs. As the barbarian invasions submerged civilization and the world sank into the shadows of the Middle Ages, this enmity assumed the form of the severest legal restriction and the most violent persecution. The hostile attitude of mankind as well as the spiritual character of his belief and his devotion to the laws of Israel isolated the Jew, concentrated his life and aspiration within himself, and intensified the unity of the Jewish people. Thus the Jewish people, though scattered over the earth, remained in constant touch and preserved a wonderful uniformity in spiritual and intellectual development. The pressure of circumstance drove them to commerce and finance. Confiscation perpetually menaced their possessions, and the only property they could safely own was that which could most easily be removed. The superb mental equipment resulting from centuries of study soon gave them the mastery as traders and financiers. Thus the people who for more than 20 centuries had been anchored to the soil, and had developed the highest standards of morality, religion, and philosophy, whose prophets had taught the disregard of riches—a people composed of students, thinkers, metaphysicians, and agriculturists—became by a curious turn of fortune the chief cosmopolitans of the world and the principal representatives of its most material forces. Thus the spiritual and the material were combined in the Hebrew people who had now become not only the custodians of lofty standards of conduct and faith, and of the highest intellectual culture, but also the guardians and sponsors of economic progress. In both capacities they have been of the very greatest service to mankind.

During the Middle Ages, when Europe was engulfed in unlettered darkness, when violence and tyranny were predominant and the masses were strangers both to liberty and to knowledge, the Jewish people, despite unutterable difficulties, maintained a continuous spiritual, intellectual, and economic development, and preserved from extinction the highest elements of civilization. They established great schools, many of which attracted Christian clergymen and many of which became the foundations of Christian universities. Notable among the Hebrew schools were those at Cordova, Toledo, and Granada, in Spain; at Beaucaire, Lunel, and Narbonne, in France; at Mantua, Genoa, and Rome, in Italy; at Pumbaditia, Sura, and Bagdad, in the East. With

reference to Jewish influence in the East we may here recall the assertion of Schleiden, a scholar of great prominence and ability, to the effect that what was best in the Koran was derived from the Jews. In illustration of the loftiness of the Hebraic character let it be said that the teachers of these innumerable schools, attended in many instances by thousands of pupils from points both far and near, rarely accepted fees, but on the other hand frequently supported their pupils. Furthermore, these teachers were generally proficient in some commercial avocation. Civilization owes an infinite debt to the proficiency of the Jews in the study of languages. Having spread throughout the world at an early period, having maintained constant communication among widely separated settlements, they became familiar with every tongue.

In the darkest period of the Middle Ages there were few Jews, however poor or humble, who did not understand at least two languages, and many knew from five to seven. Their intense devotion to the spiritual ideals of Jewish life and thought led them critically to study and faithfully to preserve the original Hebrew in which their ancient philosophers and prophets had spoken. It was Juda Ben Koreish who demonstrated that Hebrew, Arabic, and Chaldean were of the same linguistic origin. The original Hebrew script had no definite vowel signs and was so difficult to read that it began to fall into disuse. The invention of a system of vowel symbols by the Assyrian Jews about 550 A. D. revitalized the Hebrew language, and all subsequent study of the original Hebrew text of the Old Bible has been based on the text arranged in accordance with this system. The Jews alone knew the oriental languages, the ancient Greek, and the western tongues at the same time. They were the founders of philology, one of the most important branches of science—a study that has thrown a flood of light on primitive history. The Septuagint, the original Greek translation of the Old Testament, was the work of Alexandrian Jews. This was the version used by Christ and the Apostles. The Jews translated Aristotle and the other Greek philosophers into Latin and thus introduced the culture of Greece into the western world. Many of the most celebrated scholastics, notably Albertus Magnus and St. Thomas Aquinas, studied Aristotle and doubtless the other Greek philosophers in Latin versions based on the Hebrew translations. The original Hebrew text of the Old Bible was one of the most significant and necessary factors in the Reformation. It is probable that Martin Luther obtained the chief inspiration of the Reformation from the study of the Hebrew Bible under Nicholas de Lyra, one of the closest students of Jewish literature. When the peoples of Europe had advanced sufficiently to appreciate the higher phases of existence, the Jews laid before them the intellectual and spiritual treasures of all the past. The Renaissance and the Reformation, two of the most beneficent eras in human history, followed. But for the translations of the Jews and the influence of their teachings the awakening of humanity might have been delayed for centuries. It is not surprising that the present century should number the Jewish scholars Benfey, Ollendorf, Breal, and Oppert among its most noted philologists. In poetry and philosophy the Jews continued through the gloomy ages to make a marvelous advancement, which culminated as to the first in Gebirol and Halevi in the eleventh, and as to the second in Maimonides in the twelfth century. Gebirol was a leader of independent thought. His principal work, The Source of Life, was copied in many languages and influenced the learning of the time in no small degree. Of Halevi, Schleiden has said that he was not surpassed by Milton. Heine, who 800 years afterwards succeeded to the fadeless purple of Halevi's genius, cried in ecstasy:

Ah! he was the greatest poet,
Torch and starlight to his age,
Beacon light unto his people.
Such a mighty and a wondrous
Pillar of poetic fire,
Led the caravan of sorrow
Of his people Israel
Through the desert of their exile.

Halevi believed that God had scattered Israel through the world to proclaim the gospel of the spirit and that the long agony of the ages was a splendid martyrdom. Maimonides, the Jewish Aristotle, was the greatest philosopher of the twelfth century, and among the greatest of all time. Of his "Guide of the Erring" Scaliger has said that it could not be praised too highly. His writings were the basis of scholastic philosophy and the chief reliance of Spinoza. In medicine and natural science, which were not disassociated until after the seventeenth century, the Jews were unrivaled. Until the advent of Europe's earliest medical schools, Salerno and Montpelier, in the establishment of which they were mainly instrumental, the Jews were practically the only physicians in Europe. It was a most remarkable fact that princes who robbed, nobles who murdered, and popes who excommunicated the Jews and even forbade them to practice medicine, would have no other than Jewish physicians. The Jews were prominent in early exploration and astronomy. About the year 800 Tabari discovered the refraction of light and made the first Arabic translation of Ptolemaus. In the twelfth century John of Savilla wrote an arithmetic, in which for the first time appeared the use of decimal fractions, and they were probably original with him. In the thirteenth century the book Sohar taught "the revolution of the earth about its axis as the cause of night and day long before Copernicus." The astronomical tables of Alphonse X, so long the practical guide of astronomers, were compiled under the direction of the Jewish Ben Sid about the middle of the thirteenth century. It was at this time that Hakohen divided the stars into the 48 star pictures. Ribeyra de Santos has said: "We owe to the Jews, more than to anybody, our first knowledge of philosophy, of botany, of medicine, of astronomy, of cosmography, as well as the elements of grammar and of the sacred languages, as well as nearly all studies of Biblical literature." The Jews were among the first to take advantage of the printing press. They fostered all the more important industries, preserving the art of silk culture, of dyeing, and of weaving. In commerce and finance they laid the foundations of modern political economy. In diplomacy and statesmanship they frequently rose by sheer ability to commanding spheres. The discovery of America was largely due to their assistance. The Jews Santangel and Sanches supplied Columbus with the necessary funds, relieving Isabella, who had already done so much to make the project a success and without whose cooperation it would have failed long before, of the necessity of pawning her jewels. (In a recent speech in Congress the speaker repeated in good faith the popular error that Isabella had pawned her jewels to defray the cost of the expedition of Columbus. The part really played by Isabella, however, was sufficiently fundamental to justify the position the speaker was then assuming.)

The maps used by Columbus were made by Cresques, a celebrated Jewish astronomer and geographer, whose inventions alone made it possible for such a voyage to be undertaken. Bernal, the ship physician, and Marco, the surgeon, who accompanied the little fleet, were Jews. It was a Jew, Rodrigo de Triano, who was the first of that immortal company to see land, and it was a Jew, Luis de Torres, an accomplished linguist, who in the capacity of interpreter went ashore to meet, as Columbus supposed, the Grand Kahn of India, and who had the distinction of being the first of that memorable expedition to tread American soil. There was a dramatic significance in the part played by the Jews in the discovery of America. The decree expelling the Jews from Spain and the authorization of the project of Columbus were signed by Ferdinand and Isabella on the same day. And as the fragile squadron of Columbus, challenging the distance and the deep, began the bravest journey that sea or shore had ever known a vessel passed laden with Jewish exiles who were leaving their homes in Spain forever. Little did these expatriated sufferers dream that at the very moment when earth's injustice seemed severest their brethren with Columbus were about to unlock the gates of another world, where the Jewish people were destined to realize in perfect peace and freedom their proudest ambitions and purest ideals.

By this time the malevolence of mankind toward the Jews had assumed a diabolic aspect. Edicts of expulsion were registered against them in almost all countries, and in those where there was no official expatriation they were loaded with restrictions. Confiscation and death perpetually threatened them. They had no rights which men or governments respected, not even the rights of life and property. They could not call their own the homes and other belongings they had acquired; these were deemed also the possessions of noble, bishop, king, and lord. They could be taxed without limit. They were serfs and outcasts. They were the objects of insult and persecution. As a rule, they were excluded from military and political service, although when opportunity offered they demonstrated a wonderful capacity for both. Frequently they were massacred by hundreds and by thousands. The enginery of the Inquisition was turned in merciless fury against them. In certain places in England, Italy, Poland, France, Moravia, Austria, Spain, they were exterminated; in Strasburg, Mayence, and Troyes many were burned. They were blamed and punished for many of the great panics, famines, and epidemics. In many cities they were confined in ghetto walls and locked and barred at night like criminals. In 1648 persecutions began in Russia, which have continued with accumulating horror until the present time. Thus the world with one hand accepted the torch of progress from the Jew and with the other savagely assaulted him. The causes of this treatment, though originally religious, were finally economic and political. As long as this hostility was purely religious it did not assume so pronounced and general a form of physical barbarity. As mankind ascended from mediæval gloom into higher spheres and a more complex civilization large classes became traders and financiers. They found the Jews their forerunners and their superiors and they invoked the enmity of governments and peoples for assistance in a competition in which they would have been otherwise at a disadvantage. It was a favorite habit with states and principalities to reimburse exhausted treasuries by extortion from the Jews through both threats and deeds of violence, confiscation, and expulsion. Thus it was not Jewish greed for the gold of others that excited so much hostility, as has long been popularly supposed, and as Shakespeare intimates in his erroneous portrayal of Shylock, but the greed of others for the gold of the Jews.

The excellence of the Jew in the avocations most immediately connected with money was literally forced by the fact that all other avenues were practically closed and the fact that money was the only weapon with which he could maintain even a precarious security of property and life. The political character of these persecutions was due to the desire of rulers to divert popular attention from their own despotism and misgovernment. This was largely the case with the recent massacres in Russia, the only country with the single exception of Roumania that has not yet abolished the mediæval restrictions and outgrown the mediæval attitude with reference to the Jews. The cause of the common people of Russia is equally the cause of the Christian, the Jew, and of believers of all other sects and creeds. It is the cause of universal liberty. The recent massacres were evidently plotted by a corrupt and pitiless autocracy in order to blind the people to the real sources of the nation's misery, to keep the Russian masses divided and oppressed, and thus to strengthen the autocracy's tottering power. If it be said that they were apparently religious let it be remembered that the Russian church is inseparably united with autocratic government. These massacres would shame mediæval assassins and they will inevitably evoke the anger of civilization and the chastisement of God.

The fact that despite such difficulties the Jewish people remained throughout the dark centuries the chief conservators of learning and made such mighty contributions to civilization is a remarkable tribute to their spiritual vitality. Nor is it surprising that in later times, as oppressions and persecutions multiplied, as the ghetto and the pale developed, millions lost the outer semblance of culture and surrendered to distressing conditions. We have seen that not till within the last 125 years have they obtained complete freedom of citizenship and association in the nations outside of Russia and Roumania, and that in these two countries they still suffer unendurable oppression. The rapidity with which they have entered the highest life of every country in which they have been emancipated and restored, the influence which they have exercised on the world's recent progress, demonstrates how imperishable is their hereditary and fundamental culture. They contributed through Spinoza and Moses Mendelssohn and Heine—Heine, who easily takes rank with Goethe and Schiller, to the development of German idealism, the chief ornament of modern thought and literature. They were prominent in the political and philosophical upheavals of the eighteenth and nineteenth centuries. In war they have been no less conspicuous. Soult and Massena, the Jewish marshals of Napoleon, recalled on hundreds of historic fields the military genius of David and Judas Maccabeus. Without the assistance of Haym Solomon, of Philadelphia, who gave $600,000 to the American cause and rendered other forms of service, it is doubtful whether Robert Morris could successfully have financed the American revolution. Manuel Noah and Isaac Franks were colonels on the staff of Washington and served with distinction throughout the Revolution. Maj. Nones rose from the ranks under Pulaski to head a legion under De Kalb. Judah Touro, of New Orleans, was of material aid to Andrew Jackson in the defense of that city.

In the Mexican War Gen. David de Leon made so splendid a record that he was twice thanked by Congress, and Lieut. Seeligson was praised by Gen. Taylor for valorous conduct at Monterey. At his death in 1862 Commodore Phillips Levy was the highest ranking officer in the American Navy, and the following is written on his tomb at Cypress Hills: "He was the father of the law for the abolition of the barbarous practice of corporal punishment in the United States Navy." In the Civil War the Jews served on both sides with marked gallantry and credit. Frederick Kneffler enlisted as a private in the Seventy-ninth Indiana Volunteer Infantry, rose rapidly to the rank of brigadier general, and was made brevet major general for bravery at Chickamauga.

In the Spanish-American War there were over 4,000 Jewish soldiers. Of these Sergt. Justh was the first man to die in the attack on Manila. According to Roosevelt himself the Jews among his Rough Riders were of the bravest of that celebrated band, one becoming a lieutenant. They were in the Astor Battery, and 15 went down with the *Maine*. They took part in every engagement, and the quality of their service is shown by the number of Jewish names on the lists of the wounded and the dead.

Never have the versatility and value of the Hebraic genius been more brilliantly demonstrated than in the last 100 years. In politics we find Lasalle breathing the German social democracy into existence and rivaling Bismarck. We find Lasker, the author-statesman, inaugurating the German Liberal Party and leading it in the Reichstag. We find Bamberger, the economist-historian, assisting in the formation of modern Germany. We find Mannheimer, president of the Austrian Diet, and Treier, the speaker of the Danish House of Commons. In Turkey we find Pasha, a vice admiral of the imperial navy, and his brother the first dragoman of the imperial palace. In Italy we find Maurogonato among the foremost senators and lawyers; Luzzatti, a conspicuous member of various cabinets; Wollemborg, Victor Emanuel's first minister of finance; Artom, an illustrious diplomat, the friend and counselor of Cavour. In France we find Benavrides one of the highest magistrates; Cremieux, a famous minister and legislator; Fould, four times a minister of finance under Louis Napoleon; See, a champion of woman's education. In England we find Disraeli rising from the humblest surroundings to become for 25 years one of the most powerful figures in the world, and Lord Herschel twice lord high chancellor under Gladstone. In the United States we find Judah P. Benjamin declining a Supreme Justiceship on account of his immense private practice, representing Louisiana with rare ability in the Federal Senate, serving in the cabinet of the Confederacy, and after the failure of the southern cause reaching England with shattered fortune at the age of 51 to become a leader of the English bar and to write a work on the law of sales that ranks as permanent authority. Benjamin once appeared against Webster in the United States Supreme Court. Webster occupied 3 hours. Then came Benjamin, physically small and insignificant, who spoke in a thin, low voice for 20 minutes, when the Chief Justice whispered to one of his colleagues: "Great heavens, that little man has stated Webster out of court in 20 minutes."

We find ISADOR RAYNER, a worthy successor of Benjamin, in the present United States Senate. In the National House of Representatives we find our own incomparable Mr. GOLDFOGLE, MEYER, LITTAUER, and KAHN. We find Franklin Moses chief justice of the Supreme Court of California, and Newburger, Cohen, Leventritt, Greenbaum, Steckler, and others on the bench in New York.

In other avenues we find the modern Jew preeminent. In poetry we may point to Drachmann, whom competent critics have ranked with Tennyson and Byron; in fiction to Auerbach, to Bernstein, and to Zangwill; in dramatic literature to Klein, Miliaud, Halevy, Schlesinger, Von Weilen, Rosenfeld, Belasco, and Martha Morton; in dramatic art to Sonnenthal—the idol of Vienna—to Barnay, Braham, Rachel, and to Bernhardt, the "queen of attitude"; in song to Calvé, Lehmann, and Marcella; in music to Mendelssohn—grandson of the great philosopher, Moses Mendelssohn—Meyerbeer, Strauss, the Damroseches, Rubinstein, and Hoffman; in painting to Israels, Solomon J. Solomon, Ulmann, Meyerheim, Lazarus, and Ben Austrian; in sculpture to Ezekiel and Antokalski; in writers of history to Edersheim, Herzberg, Rowanin, and Geiger; in political economy to Ricardo, Marx, Lasalle, and de Bloch; in criminology to Max Nordau; in mathematics to Sylvester, who, with Cayley, founded modern higher algebra; in exploration to Emin Pasha; in astronomy to the Herschels, to Goldschmidt, who discovered 14 asteroids and thousands of new stars, and to Beer, who has been called the first cartographist of the moon; in medicine to Koller, discoverer of cocaine, to Virchow and Koch, the renowned specialists in tuberculosis; in botany to Cohn and Pringsheim, who are among the first botanists of Germany; in finance to the Rothschilds, who perfected modern finance and popularized national loans; to Poliakoff and Pereres, the great Russian and French railways owners; in journalism to Pulitzer, to Rosewater, and Ochs; in diplomacy to Oscar Straus and Solomon Hirsch; in charity to Montefiore, to Baron and Baroness de Hirsch, Schiff, Nathan Straus, and Mrs. Esther Hermann. It may be seen from this all too brief enumeration how few of these great names are connected with finance. The Jewish people retain in all its original vigor the spirituality of old Israel. They are still devoted to the things of the spirit, and scholarship, philosophy, art—in fact, all intellectual studies—are still their favorite and fundamental form of energy. Let it be said to civilization's shame that of the 11,000,000 Jews in the world more than half this number are still subjected in Russia and Roumania to the infamous restrictions and oppressions of the dark ages.

In this brief and necessarily incomplete discussion I have tried to outline the principal contributions of the Jewish people to human advancement. A complete description of their achievements would involve a review of the history of almost every important nation both of the present and the past and of the world itself. They have been patriots in the countries of their exile and adoption and cosmopolitans in almost every age. In the great transition periods, the movements for human elevation, they have played fundamental parts. They have been the messengers of an idealism from which have flowered purity in religion, loftiness in morals, equality in society, and majesty in law. In philosophy, science, literature, finance, in general culture, in domestic virtue, in patriotism and philanthropy they have been world pioneers, world counselors. In the preservation of their identity, vitality, and refinement through centuries of cruelty and oppression they have established an example which will give new strength and hope to inhumanity's victims everywhere. Recalling their marvelous record, a record fairly glittering with blessings for mankind, it seems unthinkable that death and torture and exclusion should have been their fortune through so many ages and that to-day they suffer the most ferocious and inexorable discriminations in eastern Europe. This last condition is the foulest stain on our civilization, the darkest indictment of our time. If Protestants were wronged in eastern Europe as are the Jews—and I, a Protestant, make the assertion—protests would be thundered from the leading powers and peoples of the earth, protests which unheeded would be reenforced with battleships. How proud the heritage of the Jewish young men and women! How inspiring the task which confronts them! With what purity and culture must they fill their souls and lives in order to keep unfurled and spotless the banners of the spirit! With what courage must they defend the principles of equality and justice; with what devotion must they take up the cause of their bleeding brethren of the Russian and Roumanian captivities! May they continue to promote with every energy the welfare of the respective nations of their allegiance, to spread the teachings and ideals of intellectual and political freedom, of fraternity among republics and empires as well as men, and thus bring nearer to humanity the realization of Isaiah's dream of universal peace.

NEW YORK HARBOR DEVELOPMENT.

Mr. HAMILL. Mr. Speaker, if unanimous consent is in order I would like to have the permission of the House to insert in the RECORD a very able article on the subject of New York Harbor development delivered by Mr. John C. Payne, the engineer of the New Jersey riparian commission.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to print in the RECORD a paper by Mr. John C. Payne.

Mr. MANN. Mr. Speaker, I have no objection to having the paper presented to the Committee on Rivers and Harbors, but I object to lumbering up the RECORD with anything relating to rivers and harbors.

The SPEAKER. The gentleman from Illinois objects.

ADJOURNMENT.

Mr. SULZER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 46 minutes) the House adjourned to meet to-morrow, Thursday, December 14, 1911, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of law and of fact in the French spoliation cases relating to the vessel brig *Nymph*, Charles Hardy, master (H. Doc. No. 294); to the Committee on Claims and ordered to be printed.

2. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of law and of fact in the French spoliation cases relating to the vessel schooner *Nantasket*, Asa Higgins, master (H. Doc. No. 300); to the Committee on Claims and ordered to be printed.

3. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of law and of fact in the French spoliation cases relating to the vessel brig *Hope*, John Gould, master (H. Doc. No. 293); to the Committee on Claims and ordered to be printed.

4. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of law and of fact in the French spoliation cases relating to the vessels brig *Fanny* and brig *Hope*, John Gould, master (H. Doc. No. 292); to the Committee on Claims and ordered to be printed.

5. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of law and of fact in the French spoliation cases relating to the vessel ship *William Penn*, James Josiah, master (H. Doc. No. 291); to the Committee on Claims and ordered to be printed.

6. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of law and of fact in the French spoliation cases relating to the vessel sloop *Nancy*, William Hackett, master (H. Doc. No. 297); to the Committee on Claims and ordered to be printed.

7. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of law and of fact in the French spoliation cases relating to the vessel brig *Success*, James Stone, master (H. Doc. No. 295); to the Committee on Claims and ordered to be printed.

8. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of law and of fact in the French spoliation cases relating to the vessel brig *Dolphin*, Samuel Topliff, master (H. Doc. No. 296); to the Committee on Claims and ordered to be printed.

9. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of law and of fact in the French spoliation cases relating to the vessel schooner *Vandeput*, George Fitzhugh, master (H. Doc. No. 299); to the Committee on Claims and ordered to be printed.

10. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of law and of fact in the French spoliation cases relating to the vessel schooner *Nancy*, John Lawson, master (H. Doc. No. 298); to the Committee on Claims and ordered to be printed.

11. A letter from the Attorney General of the United States, transmitting statement of expenditures for the United States Court of Customs Appeals for the year ended June 30, 1911 (H. Doc. No. 301); to the Committee on Expenditures in the Department of Justice and ordered to be printed.

12. A letter from the Secretary of State, transmitting a report of the delegation of the United States to the General As-

sembly of the International Institute of Agriculture (H. Doc. No. 303); to the Committee on Agriculture and ordered to be printed.

13. A letter from the Secretary of the Treasury, transmitting copy of a letter from the Secretary of Commerce and Labor submitting deficiency estimate of appropriations required by the Department of Commerce and Labor for the fiscal year ending June 30, 1912 (H. Doc. No. 304); to the Committee on Appropriations and ordered to be printed.

14. A letter from the Secretary of the Treasury, transmitting copy of a letter from the Secretary of War submitting supplemental estimate of an appropriation required by the War Department for the fiscal year ending June 30, 1913, for the Coast Artillery Reserves of the Organized Militia (H. Doc. No. 305); to the Committee on Appropriations and ordered to be printed.

15. A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting deficiency estimate of an appropriation required for the Alaska service for the current fiscal year (H. Doc. No. 306); to the Committee on Appropriations and ordered to be printed.

16. A letter from the Secretary of the Treasury, transmitting copy of a letter from the Secretary of the Interior submitting an urgent deficiency estimate for an appropriation for the Land Office for the current fiscal year (H. Doc. No. 307); to the Committee on Appropriations and ordered to be printed.

17. A letter from the Secretary of the Treasury, submitting urgent deficiency estimate of appropriations required by the Treasury Department for the current fiscal year (H. Doc. No. 308); to the Committee on Appropriations and ordered to be printed.

18. A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Acting Surgeon General submitting an additional estimate for an appropriation for the Public Health and Marine-Hospital Service for the current fiscal year (H. Doc. No. 309); to the Committee on Appropriations and ordered to be printed.

19. A letter from the Secretary of the Interior, submitting a deficiency appropriation for repairs of buildings, Interior Department (H. Doc. No. 302); to the Committee on Appropriations and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 15330) granting an increase of pension to Hans Garseg; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15377) for the relief of Mary Jones Smith, daughter of Johnathan L. Jones, deceased; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 15398) granting an increase of pension to Hayse Butler; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 45) affecting the town sites of Timber Lake and Dupree, S. Dak.; Committee on the Public Lands discharged, and referred to the Committee on Indian Affairs.

A bill (H. R. 4112) authorizing the Secretary of the Interior to approve allotments to Joseph Ellis, jr., and Lydia Irene Simmons; Committee on the Public Lands discharged, and referred to the Committee on Indian Affairs.

A bill (H. R. 252) authorizing the cancellation of the allotment of Peter Rousseau; Committee on the Public Lands discharged, and referred to the Committee on Indian Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CLINE: A bill (H. R. 15612) for the purchase of a site and the erection thereon of a public building at Kendallville, Ind.; to the Committee on Public Buildings and Grounds.

By Mr. ROBINSON: A bill (H. R. 15613) authorizing the construction of a post-office building at Fordyce, Dallas County, Ark.; to the Committee on Public Buildings and Grounds.

By Mr. ALLEN: A bill (H. R. 15614) to regulate the payment of salaries of post-office clerks and letter carriers in the City Delivery Service; to the Committee on the Post Office and Post Roads.

By Mr. MOON of Pennsylvania: A bill (H. R. 15615) to make competent as evidence in civil and criminal cases the proved or admitted signature or handwriting of persons; to the Committee on the Judiciary.

Also, a bill (H. R. 15616) to make competent as witnesses persons convicted of crime; to the Committee on the Judiciary.

By Mr. HANNA: A bill (H. R. 15617) providing for the purchase of a suitable site and for the erection of a public building thereon at Fargo, N. Dak.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 15618) to define the words "refuse or neglect" as used in subdivision 8 of section 38 of the tariff act of 1909; to the Committee on Ways and Means.

Also, a bill (H. R. 15619) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891; to the Committee on Indian Affairs.

By Mr. ROTHERMEL: A bill (H. R. 15620) to amend section 4764 of the Revised Statutes, relating to the payment of pensions; to the Committee on Invalid Pensions.

By Mr. HOLLAND: A bill (H. R. 15621) to provide for acquisition, by purchase or condemnation, of lands at Cape Henry, Va., for the purpose of fortification and coast defense; to the Committee on Appropriations.

By Mr. PRINCE: A bill (H. R. 15622) for the erection of a post-office building at Rushville, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. REILLY: A bill (H. R. 15623) to exempt from internal-revenue tax cigars supplied employees by the manufacturers thereof; to the Committee on Ways and Means.

By Mr. PADGETT: A bill (H. R. 15624) to provide for the disposal of the present Federal building site at Pulaski, Tenn., and for the purchase of a new site for such building; to the Committee on Public Buildings and Grounds.

By Mr. CARTER: A bill (H. R. 15625) to settle the landsuit controversy in the eastern judicial district, Oklahoma; to the Committee on Indian Affairs.

By Mr. JOHNSON of Kentucky: A bill (H. R. 15626) to provide for the proper deed of conveyance to real estate in the District of Columbia when the United States contributes to its purchase or condemnation; to the Committee on the District of Columbia.

By Mr. BLACKMON: Joint resolution (H. J. Res. 178) creating a commission to investigate and report on the advisability of the establishment of a permanent maneuvering grounds, camp of inspection, rifle and artillery ranges for troops of the United States at or near the city of Anniston, county of Calhoun, State of Alabama, and to likewise report as to certain lands in and around the city of Anniston, county of Calhoun, State of Alabama, proposed to be donated to the United States for said purposes; to the Committee on Military Affairs.

By Mr. PAGE: Resolution (H. Res. 337) requesting the Secretary of the Treasury to furnish information concerning the findings of employees assigned to investigate methods of auditing, accounting, etc.; to the Committee on Expenditures in the Treasury Department.

By Mr. REILLY: Memorial from the General Assembly of Connecticut, requesting Congress to propose an amendment to the Constitution providing for the election of United States Senators by the people; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. HIGGINS: Memorial from the General Assembly of Connecticut, requesting Congress to propose an amendment to the Constitution providing for the election of United States Senators by the people; to the Committee on Election of President, Vice President, and Representatives in Congress.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 15627) granting an increase of pension to Thomas McCullough; to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 15628) granting a pension to Louisa J. Honaker; to the Committee on Invalid Pensions.

By Mr. BURKE of Wisconsin: A bill (H. R. 15629) granting a pension to Rosette M. J. Fischer; to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 15630) granting a pension to Adelia Converse; to the Committee on Invalid Pensions.

By Mr. TUTTLE: A bill (H. R. 15631) granting an increase of pension to John B. Clark; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 15632) granting an increase of pension to Richard Le Graff; to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 15633) for the relief of Mary McCullough; to the Committee on Claims.

By Mr. CLARK of Missouri: A bill (H. R. 15634) granting an increase of pension to Worcester H. Morse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15635) granting an increase of pension to Thomas D. Orr; to the Committee on Invalid Pensions.

By Mr. CLINE: A bill (H. R. 15636) granting a pension to Leon C. Gray; to the Committee on Pensions.

By Mr. COX of Ohio: A bill (H. R. 15637) for the relief of the estate of James Lloyd, deceased; to the Committee on War Claims.

Also, a bill (H. R. 15638) to remove the charge of desertion against Lewis Copp; to the Committee on Military Affairs.

Also, a bill (H. R. 15639) granting a pension to Mrs. William H. Earley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15640) granting a pension to Lucinda Harris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15641) granting a pension to Charles F. Pandorf; to the Committee on Pensions.

Also, a bill (H. R. 15642) granting a pension to Hettie H. Burt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15643) granting an increase of pension to Daniel Weaver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15644) granting an increase of pension to James M. Lynch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15645) granting an increase of pension to Charles P. Lewis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15646) granting an increase of pension to George Friend; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15647) granting an increase of pension to William Boore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15648) granting an increase of pension to Peter Cummings; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15649) granting an increase of pension to Frank J. Lamb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15650) granting an increase of pension to Silenus A. Simons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15651) granting an increase of pension to Andrew J. Burleigh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15652) granting an increase of pension to L. D. Brusman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15653) granting an increase of pension to John W. A. Gillespie; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15654) granting an increase of pension to John Sipple; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15655) granting an increase of pension to William W. Wolf; to the Committee on Invalid Pensions.

By Mr. DAUGHERTY: A bill (H. R. 15656) granting a pension to Lora Sims; to the Committee on Pensions.

Also, a bill (H. R. 15657) granting an increase of pension to Sarah J. Bird; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15658) granting an increase of pension to Hugh L. Freeman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15659) granting an increase of pension to Daniel W. Hickman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15660) granting an extension of letters patent to John E. Putman; to the Committee on Patents.

By Mr. DAVIDSON: A bill (H. R. 15661) granting a pension to Harriet E. Cantwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15662) granting an increase of pension to Joel L. Stewart; to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia: A bill (H. R. 15663) granting a pension to Thomas J. Boord; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15664) granting a pension to James Davis, alias Robert J. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15665) granting an increase of pension to James H. Fountain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15666) granting an increase of pension to James E. Crim; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15667) granting an increase of pension to J. N. Conely; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15668) granting an increase of pension to Barnwell Olmstead; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15669) granting an increase of pension to E. B. Silcott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15670) granting an increase of pension to Oliver C. Stringer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15671) granting an increase of pension to R. S. Wells; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15672) granting an increase of pension to John L. Morgan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15673) granting an increase of pension to B. A. McNemar; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15674) for the relief of Henry Foust; to the Committee on War Claims.

Also, a bill (H. R. 15675) providing for the relief of the heirs of Nathan Reger; to the Committee on War Claims.

By Mr. DIXON of Indiana: A bill (H. R. 15676) granting a pension to Charles A. Means; to the Committee on Pensions

Also, a bill (H. R. 15677) granting a pension to Elizabeth Broadhead; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15678) granting an increase of pension to Robert McGill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15679) granting an increase of pension to Sarah E. Thompson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15680) granting a pension to George D. Wellons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15681) granting an increase of pension to Frederick Kuhlenbeck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15682) granting an increase of pension to Mahlon Bailey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15683) granting an increase of pension to Philip W. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15684) granting an increase of pension to Thomas R. Browning; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15685) granting an increase of pension to Robert Blaine; to the Committee on Pensions.

Also, a bill (H. R. 15686) granting an increase of pension to William Arbuckle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15687) granting an increase of pension to Henry Becker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15688) granting an increase of pension to Emeline Everhart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15689) granting an increase of pension to Griffin Stradly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15690) granting an increase of pension to Joseph H. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15691) granting an increase of pension to Abner S. Kellenberger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15692) granting an increase of pension to Jacob F. Pancake; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15693) granting an increase of pension to Norval G. Sparks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15694) granting an increase of pension to Robert L. Foster; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15695) granting an increase of pension to Leroy M. Manis; to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 15696) granting an increase of pension to Stephen N. Leach; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15697) granting a pension to Phaon F. Gerhard; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 15698) granting an increase of pension to Samuel P. Hartman; to the Committee on Invalid Pensions.

By Mr. FORNES: A bill (H. R. 15699) granting a pension to J. J. Newton; to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 15700) granting an increase of pension to William A. McHaney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15701) granting an increase of pension to Jonathan J. Boyer; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 15702) granting a pension to Catherine Milan; to the Committee on Invalid Pensions.

By Mr. HANNA: A bill (H. R. 15703) granting an increase of pension to Stephen D. Taber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15704) granting an increase of pension to Daniel Wilson; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 15705) granting an increase of pension to Benjamin Blackburn; to the Committee on Pensions.

Also, a bill (H. R. 15706) granting an increase of pension to Samuel Hawkins; to the Committee on Pensions.

Also, a bill (H. R. 15707) granting an increase of pension to Peter S. Engart; to the Committee on Pensions.

Also, a bill (H. R. 15708) granting an increase of pension to Jennings Smith; to the Committee on Pensions.

Also, a bill (H. R. 15709) granting an increase of pension to Charles Settler; to the Committee on Pensions.

Also, a bill (H. R. 15710) granting an increase of pension to Isaac Van Dorn; to the Committee on Pensions.

Also, a bill (H. R. 15711) granting an increase of pension to Elbert Bishop; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15712) granting an increase of pension to Elizabeth La Flesh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15713) granting an increase of pension to Sylvanus J. Haviland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15714) granting an increase of pension to Ephriam V. Nye; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15715) granting an increase of pension to James Batchelor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15716) granting an increase of pension to Daniel G. Parker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15717) granting an increase of pension to James K. P. Barrett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15718) granting an increase of pension to Marvin R. Brown; to the Committee on Invalid Pensions.

By Mr. HOWLAND: A bill (H. R. 15719) granting an increase of pension to Jesse Everts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15720) to validate and extend letters patent No. 793064 to Sarah Goodrich, as executrix of the estate of James E. Goodrich, deceased; to the Committee on Patents.

By Mr. HUGHES of West Virginia: A bill (H. R. 15721) granting an increase of pension to Charles E. Fry; to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 15722) granting a pension to John B. Buckley; to the Committee on Pensions.

Also, a bill (H. R. 15723) granting a pension to William H. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15724) granting an increase of pension to Louis C. Lame; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15725) granting an increase of pension to William T. Prescott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15726) granting an increase of pension to Freeman Burly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15727) granting an increase of pension to Edward H. Dackendorff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15728) granting an increase of pension to Jacob Ripley; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 15729) granting an increase of pension to Caroline Barbee; to the Committee on Invalid Pensions.

By Mr. KINKAID of Nebraska: A bill (H. R. 15730) granting an increase of pension to Robert Buckner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15731) granting an increase of pension to Reuben S. Manning; to the Committee on Invalid Pensions.

By Mr. KONOP: A bill (H. R. 15732) granting a pension to John Dardis; to the Committee on Pensions.

By Mr. KOPP: A bill (H. R. 15733) granting an increase of pension to Lewis G. Murray; to the Committee on Pensions.

Also, a bill (H. R. 15734) granting an increase of pension to Edward Kraemer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15735) granting an increase of pension to Henry E. Pettit; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15736) granting an increase of pension to Zachariah W. Kidd; to the Committee on Invalid Pensions.

By Mr. LAMB: A bill (H. R. 15737) for the relief of Frederic William Scott; to the Committee on Claims.

By Mr. LANGHAM: A bill (H. R. 15738) granting an increase of pension to Cornelius Shields; to the Committee on Invalid Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 15739) to correct the military record of John Berger; to the Committee on Military Affairs.

Also, a bill (H. R. 15740) granting an increase of pension to Thomas Edwards; to the Committee on Invalid Pensions.

By Mr. McGILLICUDDY: A bill (H. R. 15741) to remove the charge of desertion from the record of Octave Moussette; to the Committee on Military Affairs.

By Mr. McHENRY: A bill (H. R. 15742) granting an increase of pension to Josiah Stewart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15743) granting a pension to Wilson J. Zerby; to the Committee on Pensions.

By Mr. MACON: A bill (H. R. 15744) granting to Phillips County, Ark., certain lots in the city of Helena for a site for a county courthouse; to the Committee on the Public Lands.

By Mr. MALBY: A bill (H. R. 15745) granting an increase of pension to Robert R. Cook; to the Committee on Invalid Pensions.

By Mr. MORRISON: A bill (H. R. 15746) for the relief of George W. Kiger; to the Committee on Military Affairs.

By Mr. MURDOCK: A bill (H. R. 15747) granting an increase of pension to George E. Kirkpatrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15748) granting an increase of pension to Thomas Overstreet; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15749) granting an increase of pension to William Ramsay; to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 15750) for the relief of Mary J. Sullivan, formerly Mary J. Hooper; to the Committee on War Claims.

By Mr. PALMER: A bill (H. R. 15751) for the relief of William J. Williams; to the Committee on Military Affairs.

By Mr. PARRAN: A bill (H. R. 15752) for the relief of Mrs. Thomas S. Farral; to the Committee on War Claims.

Also, a bill (H. R. 15753) granting an increase of pension to John T. Stansbury; to the Committee on Invalid Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 15754) granting an increase of pension to Peter Pifer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15755) granting a pension to Ellen J. Lanning; to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 15756) for the relief of John Daniel; to the Committee on Claims.

Also, a bill (H. R. 15757) for the relief of William W. Stewart; to the Committee on Claims.

Also, a bill (H. R. 15758) granting a pension to Pierce O'Connell; to the Committee on Invalid Pensions.

By Mr. REDFIELD: A bill (H. R. 15759) granting an increase of pension to Samuel H. Law; to the Committee on Invalid Pensions.

By Mr. ROBINSON: A bill (H. R. 15760) granting a pension to Albert Moore; to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 15761) granting an increase of pension to Charles Held; to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 15762) to execute the findings of the Court of Claims in the case of Sarah B. Hatch, widow of Davis W. Hatch; to the Committee on War Claims.

By Mr. J. M. C. SMITH: A bill (H. R. 15763) granting a pension to Francis A. Blinston; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 15764) to execute the findings of the Court of Claims in the case of Sylvannus Cobble; to the Committee on War Claims.

By Mr. WEEKS: A bill (H. R. 15765) granting an increase of pension to Evelyn Barnette; to the Committee on Invalid Pensions.

By Mr. WHITE: A bill (H. R. 15766) granting a pension to Mary P. Morris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15767) to correct the military record of John W. Mercer; to the Committee on Military Affairs.

By Mr. WILSON of New York: A bill (H. R. 15768) granting a pension to Nancy Gallagher; to the Committee on Pensions.

By Mr. YOUNG of Michigan: A bill (H. R. 15769) granting an increase of pension to Henry Lavine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15770) granting a pension to Albert Pepin; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: A bill (H. R. 15771) granting an increase of pension to Joshua Westbrook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15772) granting an increase of pension to William H. Dayton; to the Committee on Invalid Pensions.

By Mr. KORBLY: A bill (H. R. 15773) for the relief of Charles E. H. Braley; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of Local No. 239, in favor of House bill 11372; to the Committee on the Merchant Marine and Fisheries.

Also, petitions of several citizens of Pennsylvania, urging reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, resolution of the German-American Alliance of the State of Connecticut, urging investigation of the administration of the immigration office at Ellis Island; to the Committee on Immigration and Naturalization.

Also, petition of numerous homesteaders of Tipton, N. Mex., in favor of reducing the time of the homesteader's residence (in making final proof) from five to three years, etc.; to the Committee on the Public Lands.

Also, petition of certain business men of St. Clair and Sullivan, Mo., protesting against a further extension of the parcels post; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Petition of C. H. Rosebrough and 20 other Spanish War veterans, favoring the enactment of the Pepper militia bill; to the Committee on Military Affairs.

Also, petition of G. W. Sauers and other merchants of Kirkersville, Ohio, in opposition to parcels-post legislation; to the Committee on the Post Office and Post Roads.

Also, papers to accompany private pension bill for the relief of Thomas McCullough; to the Committee on Invalid Pensions.

By Mr. AYRES: Memorial of American Group Société des Architectes, in relation to Lincoln national memorial; to the Committee on the Library.

Also, memorial of Collegiate Zionist League, of New York, in relation to Russian passports; to the Committee on Foreign Affairs.

Also, memorial of citizens of Missouri, in favor of House bill 5601; to the Committee on Interstate and Foreign Commerce.

By Mr. BOOHER: Memorials of Congregation Shaare Sholom, of St. Joseph, Mo.; Lodge No. 179, Order B'rith Abraham; and Lodge No. 315, Independent Order B'rith Abraham, urging abrogation of treaty with Russia; to the Committee on Foreign Affairs.

By Mr. BOWMAN: Petitions of S. Reese, of Plymouth; White Haven Silk Co., of White Haven; B. F. Conner, Frank G. Dartz, T. B. Harris, F. M. Kirby & Co., J. K. Weitzenkorn, and the Wilkes-Barre Automobile Club, all of Wilkes-Barre, Pa., in favor of Lincoln memorial road; to the Committee on Appropriations.

By Mr. BURLESON. Resolutions, petitions, etc., of the Alliance Retail Grocers' Association, Alliance, Ohio; Retail Grocers' Association, Salem, Ohio; the Denver Retail Grocers' Association, Denver, Colo.; Cincinnati Retail Grocers' Association, Cincinnati, Ohio; Retail Merchants' Association of Durant, Okla.; Hayward Retail Dealers' Association, Hayward, Wis.; Retail Grocers' Association, Cleveland, Ohio; Columbus Retail Grocers' Association, Columbus, Ohio; Hamilton Retail Grocers' Association, Hamilton, Ohio; Retail Merchants' Protective Association, Lebanon, Pa.; Retail Merchants' Protective Association, Scranton, Pa.; Retail Grocers' Association, St. Paul, Minn.; the Chicago Grocers and Butchers' Association, Chicago, Ill.; Watertown Retail Grocers' Association, Watertown, Wis.; Glass Bottle Blowers' Association, Branch No. 52, 273 Ainslie Street, Brooklyn, N. Y.; Fortnightly Club, New Brighton, Pa.; Switchmen's Union, Lodge No. 79, Chicago, Ill.; Switchmen's Union, Lodge No. 15, Covington, Ky.; Branch No. 47, G. B. B. A. of United States and Canada, Sheffield, Pa.; Brotherhood of Locomotive Firemen and Enginemen, Lodge No. 483, Crookston, Minn.; Switchmen's Union, Lodge No. 24, Mandan, N. Dak.; Fort Worth Cotton Oil Co., Fort Worth, Tex.; Beacon Light Club, Goshen, Ind.; Switchmen's Union, Lodge No. 217, R. Y. Estes, secretary, 410 Choctaw Avenue, Chickasha, Okla.; Switchmen's Union, Lodge No. 58, W. J. Sweeney, secretary, 1141 Richmond Street, Chicago, Ill.; Switchmen's Union, Lodge No. 57, W. W. Zimmerman, Sandusky, Ohio; Amalgamated Association of Clothing Cutters and Trimmers of New York, E. Kaufman, business agent, 41–43 University Place, New York, N. Y.; International Association of Machinists, Beardstown Lodge, No. 498, George Preston, general secretary, McGill Building, Washington, D. C.; Locomotive Firemen and Enginemen, Pikes Peak Lodge, No. 218, L. L. Crawford, secretary, 9 South Sixteenth Street, Colorado Springs, Colo.; York Local, No. 5, National Print Cutters' Association, Fred H. Vorhees, secretary, 23 Dewey Street, West York, Pa.; and Switchmen's Union, Lodge No. 5, Harry J. Haverly, 1527 South Sixteenth Street, Omaha, Nebr., urging Congress to pass the bill to repeal the 10-cent tax on oleomargarine, etc.; to the Committee on Agriculture.

Also, resolutions, petitions, letters, etc., of Consumers' League of Western Pennsylvania, Pittsburgh, Pa.; Local Union No. 848, Painters, Decorators, and Paperhangers of America, New York, N. Y.; Current Topics Club, Lancaster, Mass.; Hull House Woman's Club, 1430 Astor Place, Chicago, Ill.; Coventry Woman's Club, Washington, R. I.; Lake Seamen's Union, Milwaukee, Wis.; Every Saturday Club, 725 Piedmont Avenue, Atlanta, Ga.; William Shakespeare Club, Marinette, Wis.; the Woman's Club, Butler, Pa.; Waterbury Central Labor Union, Waterbury, Conn.; Local No. 166, United Brewery Workmen, Providence, R. I.; the Woman's Educational and Industrial Union, Rochester, N. Y.; Glass Bottle Blowers' Association of United States and Canada, Brooklyn, N. Y.; and Beacon Light Club, Goshen, Ind., urging Congress to investigate the diseases communicated to human beings through the contamination of dairy products, etc.; to the Committee on Agriculture.

By Mr. BURKE of Wisconsin: Papers to accompany bill granting a pension to Rosette M. J. Fischer; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 3300, granting a pension to Oscar Arnold; to the Committee on Pensions.

By Mr. BYRNS of Tennessee: Papers to accompany bill to increase the pension of Richard Le Graff; to the Committee on Invalid Pensions.

By Mr. CALDER: Memorial of Collegiate Zionist League, urging abrogation of treaty with Russia; to the Committee on Foreign Affairs.

Also, memorial of Massachusetts Association of Union Volunteer Officers of Civil War, in favor of officers' retired-list bill; to the Committee on Invalid Pensions.

By Mr. CLINE: Papers to accompany House bill 11488, granting a pension to Wilson Decker; to the Committee on Pensions.

Also, papers to accompany bill granting a pension to Leon C. Gray; to the Committee on Pensions.

Also, resolution of Journeymen Barbers' Union, No. 14, of Fort Wayne, Ind., favoring Federal inspection of dairy products; to the Committee on Agriculture.

By Mr. COLLIER: Resolutions of the people of Mississippi, urging the abrogation of the treaty with Russia; to the Committee on Foreign Affairs.

By Mr. COX of Ohio: Resolution of Carpenters' Local Union, No. 637, of Hamilton, Ohio, favoring the repeal of the tax on oleomargarine; to the Committee on Agriculture.

By Mr. CURLEY: Memorial of Warren Lodge, No. 378, Independent Order B'rith Abraham, and of Lodge No. 34, Independent Order United Hebrews, of Boston, Mass., praying for the abrogation of the Russian treaty; to the Committee on Foreign Affairs.

By Mr. DANFORTH: Memorials of Lodge No. 781, Order B'rith Abraham, and of Unity Camp, No. 12790, Modern Woodmen of America, urging abrogation of treaty with Russia; to the Committee on Foreign Affairs.

Also, petitions of Keystone Manufacturing Co., of Buffalo, and the Rochester Stamping Co., of Rochester, N. Y., for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. DICKINSON: Petition of certain citizens of Clinton, Mo., against the passage of the bill (S. 237) for the proper observance of Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

By Mr. DRAPER: Petitions of citizens of Berlin, N. Y., for reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. DWIGHT: Petition of Herbert L. Tucker and other citizens of Norwich, N. Y., praying for the reduction of the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. FOCHT: Papers to accompany House bill 15006; to the Committee on Invalid Pensions.

By Mr. FOWLER: Papers to accompany bills for the relief of Jonathan J. Boyer and William A. McHaney; to the Committee on Invalid Pensions.

By Mr. FORNES: Papers to accompany a bill for the relief of J. J. Newton; to the Committee on Invalid Pensions.

Also, memorial of Jewish Young Men's League, of New York City, urging abrogation of the treaty with Russia; to the Committee on Foreign Affairs.

Also, memorial of Groupe Americain Société des Architectes, in approval of site selected for Lincoln memorial; to the Committee on the Library.

By Mr. FULLER: Petition of National Federation of Retail Merchants and of the Trans-Mississippi Congress in opposition to proposed establishment of a parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of Stephens-Adamson Manufacturing Co., of Aurora, Ill., in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Josiah Hardy, of Waterman, Ill., opposed to passage of Senate bill 18, for the incorporation of the Grand Army of the Republic; to the Committee on Military Affairs.

Also, petition of Julia C. Lathrop, Hull House, Chicago, Ill., favoring the passage of the Esch phosphorus bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Rev. James G. Butler, of Oswego, Ill., favoring the adoption of the Sulzer resolution to abrogate the treaty of 1832 with Russia; to the Committee on Foreign Affairs.

Also, petition of Amos D. Curran, of Bristol, Ill., in favor of the passage of the Sulloway bill; to the Committee on Invalid Pensions.

By Mr. GARDNER of New Jersey: Papers to accompany House bill 8916; to the Committee on Pensions.

By Mr. GREGG of Pennsylvania: Petitions of numerous citizens of Pennsylvania, urging abrogation of treaty with Russia; to the Committee on Foreign Affairs.

By Mr. HAMILL: Memorial of Temple Emanuel and Hebrew Institute of Union, of town of Union, N. J., and of Linath Hazedeck, praying for the abrogation of the Russia treaty; to the Committee on Foreign Affairs.

By Mr. HOUSTON: Petition of citizens of Manchester, Tenn., protesting against a further extension of parcels post; to the Committee on the Post Office and Post Roads.

By Mr. HUGHES of New Jersey: Petition of sundry citizens of Ridgefield Park, N. J., in favor of arbitration treaties between the United States and Great Britain and France; to the Committee on Foreign Affairs.

By Mr. HUMPHREY of Washington: Memorial of Seventh-day Adventist Church of Whatcom, Wash., in opposition to House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. KAHN: Petition of Fifth Regiment of Infantry, of Hayward, Cal., in favor of militia pay bill; to the Committee on Military Affairs.

Also, petitions of Board of Trade and McLaren, Goode & Co., of San Francisco, Cal., for amendment to corporation-tax law; to the Committee on Ways and Means.

By Mr. KONOP: Letters and petitions of citizens of Wisconsin, in favor of the Lincoln memorial road; to the Committee on Appropriations.

Also, letters and petitions of citizens of Wisconsin, asking reduction in postage on first-class mail matter from 2 cents to 1 cent; to the Committee on the Post Office and Post Roads.

Also, petition of James Sorensen and others, of Gillett, Wis., asking for reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of Appleton Retail Grocers' Association and other citizens of Appleton, Wis., asking for reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. LAMB: Petition of W. E. Woodcock, jr., of Dumbarton, Va., favoring reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. LINDSAY: Petition of the Brotherly Aid Association of Brooklyn, N. Y., favoring abrogation of treaty with Russia; to the Committee on Foreign Affairs.

By Mr. McCOY: Memorial of Lodge No. 233, Independent Order B'rith Sholom, favoring the abrogation of the treaty between the United States and Russia; to the Committee on Foreign Affairs.

By Mr. McKELLAR: Papers to accompany House bill 15447; to the Committee on War Claims.

By Mr. McKINNEY: Memorial of Aledo (Ill.) Seventh-day Adventist Church, in opposition to House bill 9433, for the observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

By Mr. MOORE of Pennsylvania: Memorial of Roumanian Workingmen's Benefit Association and of Lodge No. 193, Independent Western Star Order, urging abrogation of treaty with Russia; to the Committee on Foreign Affairs.

By Mr. MOTT: Petition of Société des Architectes Diplômes par le Gouvernement Français, regarding the Lincoln memorial; to the Committee on the Library.

Also, petition of the New York State Prohibition Party executive committee, in favor of an interstate liquor law; to the Committee on Interstate and Foreign Commerce.

By Mr. MURDOCK: Resolutions of the Wichita Retail Grocers' Association, for a reduction of the tax on oleomargarine; to the Committee on Agriculture.

Also, memorial of Seventh-day Adventist Church of Wellington, Kans., in opposition to House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. PARRAN: Papers in support of House bills 14424 and 14428; to the Committee on Invalid Pensions.

By Mr. PATTON of Pennsylvania: Memorial of the Clearfield (Pa.) Seventh-day Adventist Church, protecting against the passage of House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Petition of James W. McLean, in relation to the post office at Seattle, Wash., and urging an investigation of the conduct of the postmaster thereof; to the Committee on the Post Office and Post Roads.

Also, memorial of Automobile Club of Southern California, urging the building of good roads into the Yosemite National Park in California, and to permit automobiles to enter the Yosemite National Park; to the Committee on Agriculture.

Also, memorial of Mr. Atkinson, in relation to the Post Office Department; to the Committee on the Post Office and Post Roads.

Also, memorial of the Anti-Imperialist League of Boston, urging the early passage of a resolution granting the Filipinos independence; to the Committee on Insular Affairs.

Also, memorial of the National League of Medical Freedom, urging the President to modify his order relating to the health board of the Canal Zone; to the Committee on Insular Affairs.

By Mr. REDFIELD: Petition of Temple Emanuel, of Brooklyn, N. Y., urging abrogation of treaty with Russia; to the Committee on Foreign Affairs.

Also, memorial of Groupe Américain Société des Architectes, in approval of proposed site for Lincoln memorial; to the Committee on the Library.

By Mr. ROBERTS of Nevada: Memorial of Eastern Nevada Wool Growers' Association, protesting against any reduction in the tariff on wool; to the Committee on Ways and Means.

By Mr. RUCKER of Colorado: Resolution of the Valverde Presbyterian Church, of Denver, Colo., relative to the shipment of liquor into prohibition territory; to the Committee on Interstate and Foreign Commerce.

By Mr. SIMMONS: Memorial of Seventh-day Adventist Church, of Lockport, N. Y., opposing House bill 9433, for the observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

By Mr. J. M. C. SMITH: Papers to accompany bill granting pension to Francis A. Blinston; to the Committee on Invalid Pensions.

By Mr. SULZER: Petition of the Keystone Manufacturing Co., of Buffalo, N. Y., for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, memorial of National Academy of Design, of New York, relative to Lincoln memorial; to the Committee on the Library.

Also, memorials of Lodge No. 143, Independent Order Free Sons of Judah, and the Cantors' Association of America, urging abrogation of treaty with Russia; to the Committee on Foreign Affairs.

Also, petitions of numerous business associations of Kansas City, St. Joseph, and St. Louis, Mo., relative to regulation of interstate commerce in prison-made goods; to the Committee on Interstate and Foreign Commerce.

Also, memorials of Central Turn Verein, of Chicago, Ill., and the Deutscher Kriegerbund von Nord Amerika, urging investigation of administration of immigration office at Ellis Island; to the Committee on Immigration and Naturalization.

By Mr. TILSON: Petition of Andrew Bracken, of New Haven, Conn., for reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. TUTTLE: Petitions of numerous citizens of Butler, Dover, Phillipsburg, Washington, Blairstown, and Summit, N. J., against parcels post; to the Committee on the Post Office and Post Roads.

By Mr. UNDERHILL: Petitions of numerous citizens of Owego and Watkins, N. Y., and of John James and others, of Cameron Mills, N. Y., in favor of the reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of the Keystone Manufacturing Co., of Buffalo, N. Y., in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, resolutions of Groupe Américain Société des Architectes Diplômes par le Gouvernement Français, recommending placing of Lincoln memorial on the Potomac Park site at the western end of the Mall, in the city of Washington; to the Committee on the Library.

By Mr. WILSON of New York: Memorial of Groupe Américain Société des Architectes, of New York City, favoring the proposed site for the Lincoln memorial at Washington; to the Committee on the Library.

SENATE.

THURSDAY, *December 14, 1911.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

NOBEL PEACE PRIZE (S. DOC. NO. 156).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting certain information relative to the distribution of the Nobel peace prize for the year 1912 and inclosing a circular issued by the Nobel committee of the Norwegian Parliament on the subject, which, with the accompanying paper, was referred to the Committee on Foreign Relations and ordered to be printed.

ANNUAL REPORT OF THE ATTORNEY GENERAL (H. DOC. NO. 117).

The VICE PRESIDENT laid before the Senate the annual report of the Attorney General for the fiscal year ended June 30, 1911, which was referred to the Committee on the Judiciary and ordered to be printed.

THE COMMERCE COURT (H. DOC. NO. 311).

The VICE PRESIDENT laid before the Senate a communication from the Attorney General transmitting, pursuant to law, a statement of the expenditures of the appropriation for the maintenance of the United States Commerce Court for the fiscal year ended June 30, 1911, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims transmitting findings of fact and conclusions of law filed by the court in the following causes:

Nathan F. Amee and sundry subnumbered cases *v.* United States (S. Doc. No. 152);

Alfred D. Bullock and sundry subnumbered cases *v.* United States (S. Doc. No. 151);

Sylvester L. Backus and sundry subnumbered cases *v.* United States (S. Doc. No. 153);

Mary A. F. Barry, widow of Daniel S. Barry, deceased, and sundry subnumbered cases *v.* United States (S. Doc. No. 150);

John P. Capell and sundry subnumbered cases *v.* United States (S. Doc. No. 155); and

William A. Ashe and sundry subnumbered cases *v.* United States (S. Doc. No. 154).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the International Association for Labor Legislation, praying for the enactment of legislation for the relief of persons engaged in the manufacture of phosphorous matches, which was referred to the Committee on Finance.

Mr. CULLOM presented a petition of Alexander Sympson Post, No. 455, Department of Illinois, Grand Army of the Republic, of Carthage, Ill., and a petition of the Fiftieth Regiment Illinois Veteran Volunteer Infantry Reunion Association, praying for the passage of the so-called dollar-a-day pension bill, which were referred to the Committee on Pensions.

He also presented a memorial of Local Post No. 463, Department of Illinois, Grand Army of the Republic, of Shabbina, Ill., remonstrating against the enactment of legislation to incorporate the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented memorials of sundry citizens of Illinois, remonstrating against the extension of the parcels-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Lodge No. 79, Switchmen's Union of North America, of Chicago, Ill., praying for the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented memorials of the congregations of the Seventh-day Adventist Church, of Aledo, Farmington, and Dequoin, all in the State of Illinois, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Illinois, Indiana, Colorado, Connecticut, Florida, and Rhode Island, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented petitions of local lodges, Independent Western Star Order, of Chicago and Peoria, in the State of Illinois, praying for the abrogation of the treaty of 1832 between the United States and Russia, which were referred to the Committee on Foreign Relations.

Mr. GAMBLE presented a petition of the congregation of the Swan Lake Lutheran Church, of Viborg, S. Dak., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. GALLINGER presented a petition of the Central Labor Union of Lebanon, N. H., remonstrating against the abolishment of the hand-roller process of manufacturing paper currency, which was referred to the Committee on Printing.

He also presented petitions of the congregations of the Protestant churches of Pembroke and Meridith, N. H., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of J. E. Henry & Sons Co., of Lincoln, N. H., praying for the passage of the so-called Miller-Curtis bill, providing for the regulation of the liquor traffic, which was referred to the Committee on the Judiciary.

He also presented a memorial of the congregation of the Bethany Methodist Episcopal Church, of Rochester, N. H., remonstrating against the interstate transportation of intoxicating liquors into prohibition districts, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the citizens' associations of Brightwood Park, Petworth, and Potomac Park, all in the District of Columbia, praying for the enactment of legislation providing for the appointment of a public-utilities commission, which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Citizens' Association of Georgetown, D. C., remonstrating against a through-car service being granted over the Georgetown & Tennallytown Railway Co. and the Washington Railway & Electric Co. tracks, which was referred to the Committee on the District of Columbia.

Mr. KERN presented a petition of the congregation of the Presbyterian Church of Greencastle, Ind., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Quaker, Ind., remonstrating against the extension of the parcels-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. BRISTOW presented a petition of the Retail Grocers' Association of Wichita, Kans., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Chamber of Commerce of New York City, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a memorial of the congregation of the Seventh-day Adventist Church of Horace, Kans., remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of New York City, praying for the ratification of the proposed commercial treaties between the United States, Honduras, and Nicaragua, which was referred to the Committee on Foreign Relations.

Mr. SHIVELY presented a petition of the congregations of the Prairie Street Mennonite Church, of Elkhart, and the Baptist Church of Valparaiso, in the State of Indiana, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. PENROSE presented memorials of local lodges, Independent Order B'rith Abraham, of Philadelphia and Scranton; of Local Lodge, Independent Order Free Sons of Judah, of Philadelphia; of Local Lodge, Independent Order Ahawas Israel, of Pittsburgh; of Local Lodge, Independent Order B'rith Sholom, of Chester; and of Local Lodge, Independent Western Star Order, of Philadelphia, all in the State of Pennsylvania, remonstrating against the treatment accorded American citizens by the Government of Russia, which were referred to the Committee on Foreign Relations.

He also presented petitions of the Methodist Episcopal Churches of Moosic and Tunkhannock, in the State of Pennsylvania, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a memorial of George H. Thomas Post, No. 84, Grand Army of the Republic, Department of Pennsylvania, of Lancaster, Pa., remonstrating against the enactment of legislation providing for the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

Mr. LODGE presented a paper to accompany the bill (S. 1150) to amend an act to codify, revise, and amend the laws relating to the judiciary, which was referred to the Committee on the Judiciary.

Mr. McLEAN presented a resolution adopted by the Legislature of Connecticut, which was referred to the Committee on

the Judiciary and ordered to be printed in the RECORD, as follows:

STATE OF CONNECTICUT,
OFFICE OF THE SECRETARY,
General Assembly, January Session, A. D. 1911.

Requesting Congress to propose an amendment to the Constitution providing for election of Senators by the people.

Resolved by this assembly, That the Congress of the United States is hereby requested to propose an amendment to the Constitution providing for the election of Senators by direct vote of the people.

Approved, June 28, 1911.

STATE OF CONNECTICUT, *Office of the Secretary, ss:*

I, Matthew H. Rogers, secretary of the State of Connecticut, and keeper of the seal thereof, and of the original record of the acts and resolutions of the general assembly of said State, do hereby certify that I have compared the annexed copy of the resolution requesting Congress to propose an amendment to the Constitution providing for election of Senators by the people with the original record of the same now remaining in this office, and have found the said copy to be a correct and complete transcript thereof.

And I further certify that the said original record is a public record of the said State of Connecticut, now remaining in this office.

In testimony whereof I have hereunto set my hand and affixed the seal of said State, at Hartford, this 12th day of December, 1911.

[SEAL.] MATTHEW H. ROGERS, *Secretary.*

Mr. McLEAN presented a petition of 889 members of the faculty and students of Yale University, New Haven, Conn., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Stamford, Conn., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. DU PONT presented petitions of sundry citizens of Wilmington and Newark, in the State of Delaware, praying for the construction of a highway from Washington, D. C., to Gettysburg, Pa., as a memorial to Abraham Lincoln, which were referred to the Committee on Appropriations.

He also presented a memorial of the congregation of the First Seventh-day Adventist Church of Wilmington, Del., remonstrating against the enactment of legislation authorizing the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a petition of the Delaware Peace Society, of Wilmington, Del., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. SWANSON presented petitions of local lodges, Order of B'rith Abraham, Order of B'rith Sholom, Order of Heptasophs, Western Star Order, Council of Jewish Women, and the Hebrew Aid Society, of Richmond, Norfolk, Newport News, Lynchburg, and Portsmouth, all in the State of Virginia, praying for the abrogation of the treaty of 1832 between the United States and Russia, which were referred to the Committee on Foreign Relations.

Mr. RAYNER presented a petition of Company E, First Infantry Maryland National Guard, of Elkton, Md., praying for the enactment of legislation providing for the pay of members of the National Guard, which was referred to the Committee on Military Affairs.

Mr. NIXON presented a petition of Montezuma Chapter, Daughters of the American Revolution, of Goldfield, Nev., praying for the enactment of legislation providing for the establishment of a children's bureau in the Department of the Interior, which was ordered to lie on the table.

He also presented a memorial of the Eastern Nevada Wool Growers' Association, remonstrating against any reduction of the present duty on wool, which was referred to the Committee on Finance.

Mr. OLIVER presented petitions of the congregations of the Grave Evangelical Lutheran Church, of Pittsburgh; the Calvary Lutheran Church, of Wilkinsburg; the John Raymond Memorial Church, of Scranton; the Methodist Episcopal Church of Wannamie; and the Methodist Episcopal Church of Pittston, all in the State of Pensylvania, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of the Central Labor Union of Erie, Pa., praying for the enactment of legislation to better the conditions of American seamen, etc., which was referred to the Committee on Commerce.

He also presented petitions of the Delaware County Hebrew Republican Club; of the congregation of the Washington Street Synagogue, of Pittsburgh; of Local Lodge No. 222, Order of B'rith Sholom, of Chester; of Local Lodge No. 1120, of Pittsburgh; of Local Lodge No. 149, of Johnstown; and of Local Lodge No. 193, of Philadelphia, all of the Independent Western Star Order, in the State of Pennsylvania, praying for the abrogation of the treaty of 1832 between the United States and Russia, which were referred to the Committee on Foreign Relations.

He also presented petitions of the Central Labor Union of Erie, the Woman's Club of Butler, and the Consumers' League of Western Pennsylvania, all in the State of Pennsylvania, praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which were referred to the Committee on Agriculture and Forestry.

He also presented memorials of Local Branch No. 95, of Brackenridge; and of Local Branch No. 48, of Wilcox, Glass Bottle Blowers' Association of the United States and Canada; of Local Union No. 1441, United Mine Workers of America, of Tyler; and of the Central Labor Union of Erie, all in the State of Pennsylvania, remonstrating against the abolishment of the hand-roller process of manufacturing paper currency, which were referred to the Committee on Printing.

He also presented memorials of George H. Thomas Post, No. 84, of Lancaster, and George Smith Post, No. 79, of Conshocken, of the Grand Army of the Republic, Department of Pennsylvania, in the State of Pennsylvania, remonstrating against the enactment of legislation providing for the incorporation of the Grand Army of the Republic, which were referred to the Committee on the District of Columbia.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMITH of Michigan:

A bill (S. 3797) to remove the charge of desertion from the military record of Lemon Barnes; to the Committee on Military Affairs.

A bill (S. 3798) granting an increase of pension to Patrick Gibbons;

A bill (S. 3799) granting a pension to Theron Lambertson; and

A bill (S. 3800) granting a pension to Mary E. Hathaway; to the Committee on Pensions.

By Mr. TOWNSEND:

(By request.) A bill (S. 3801) for adjudication and determination of the rights and equities of the widow and family of Marcus P. Norton and the heirs at law, assigns, legatees, or legal representatives of others; to the Committee on Post Offices and Post Roads.

A bill (S. 3802) granting a pension to Joseph H. Peterson; to the Committee on Pensions.

By Mr. GAMBLE:

A bill (S. 3803) for the relief of F. C. Boucher; to the Committee on Indian Affairs.

By Mr. CULLOM:

A bill (S. 3804) to increase the salary of the clerk of the United States District Court for the Northern District of Illinois; to the Committee on the Judiciary.

A bill (S. 3805) granting an increase of pension to Hattie A. Vaughan (with accompanying paper); to the Committee on Pensions.

By Mr. KERN:

A bill (S. 3806) granting an increase of pension to Henry T. Stuart (with accompanying papers); to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 3807) granting an increase of pension to Robert Johnson (with accompanying paper);

A bill (S. 3808) granting an increase of pension to Mary E. Lincoln Bradburn (with accompanying paper);

A bill (S. 3809) granting an increase of pension to John Lay (with accompanying paper); and

A bill (S. 3810) granting an increase of pension to Samuel Black (with accompanying paper); to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 3811) granting an increase of pension to Haivor Paulsen (with accompanying paper); to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 3812) to regulate public utilities in the District of Columbia and to confer upon the Commissioners of the District of Columbia the duties and powers of a public utilities commission; to the Committee on the District of Columbia.

Mr. GALLINGER. On the 8th day of June last I introduced a bill, known as Senate bill 2674, with a similar title to the bill just introduced. It was referred to the Committee on the District of Columbia. I ask that that committee be discharged from its further consideration and that the bill be indefinitely postponed.

The VICE PRESIDENT. Without objection, an order in compliance with the request is granted.

Mr. GALLINGER. I introduce a companion bill to the one which was read and referred to the Committee on the District of Columbia.

The bill (S. 3813) to require all street railroad companies in the District of Columbia to issue free transfers, interchangeable from the lines of one company to those of another, and for other purposes, was read twice by its title and referred to the Committee on the District of Columbia.

By Mr. MARTIN of Virginia:

A bill (S. 3814) for the construction of a memorial and mortuary chapel in the Arlington National Cemetery; to the Committe on Military Affairs.

Mr. HITCHCOCK. I introduce a bill, and in introducing it I wish to say that I do it because attention has recently been called to the fact that vessels equipped with wireless telegraphy are not at all times ready to receive messages from others in distress for the reason that the present law requires the employment of only one operator. Upon a recent trip in southern waters a vessel was wrecked, and among the passengers was Mr. W. J. Bryan with his family. He has called public attention to the great need of so amending the law as to require all vessels to employ at least two operators, so that one may be on duty at all hours. This bill is introduced for that purpose. I ask that it be referred to the Committee on Commerce.

The bill (S. 3815) to amend an act entitled "An act to require apparatus and operators for radiocommunication on certain ocean steamers," approved June 24, 1910, was read twice by its title and referred to the Committee on Commerce.

By Mr. PENROSE:

(By request.) A bill (S. 3816) to place certain soldiers on the pension roll;

A bill (S. 3817) granting an increase of pension to William Ryan; and

A bill (S. 3818) granting an increase of pension to Emma L. Moore; to the Committee on Pensions.

By Mr. DILLINGHAM:

A bill (S. 3819) granting an increase of pension to Eri S. Gunnison (with accompanying papers); and

A bill (S. 3820) granting an increase of pension to Joseph La Rock (with accompanying papers); to the Committee on Pensions.

By Mr. BROWN:

A bill (S. 3821) granting an increase of pension to George A. Wilcox;

A bill (S. 3822) granting an increase of pension to Allison Orlenger;

A bill (S. 3823) granting an increase of pension to Joseph Harbaugh;

A bill (S. 3824) granting an increase of pension to John Thompson;

A bill (S. 3825) granting an increase of pension to Perry L. Sargent; and

A bill (S. 3826) granting an increase of pension to Silas M. Clark (with accompanying papers); to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 3827) to purchase a painting of the several ships of the United States Navy known as the "Squadron of Evolution" and entitled "Peace"; to the Committee on the Library.

By Mr. OLIVER:

A bill (S. 3828) granting an increase of pension to Joseph A. Olewine (with accompanying papers); to the Committee on Pensions.

By Mr. CRAWFORD:

A bill (S. 3829) to provide for the erection of a public building at Madison, in the State of South Dakota; to the Committee on Public Buildings and Grounds.

By Mr. JONES:

A bill (S. 3830) granting an increase of pension to Lewis C. Lame; to the Committee on Pensions.

By Mr. BAILEY:

A bill (S. 3831) to provide for the purchase of a site and the erection of a public building thereon at Denton, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. STONE:

A bill (S. 3832) granting an increase of pension to Bluford S. Jones (with accompanying papers);

A bill (S. 3833) granting an increase of pension to Henry Bucholz (with accompanying papers);

A bill (S. 3834) granting an increase of pension to Marsina R. Clark (with accompanying papers); and

A bill (S. 3835) granting an increase of pension to Thomas Hayward (with accompanying papers); to the Committee on Pensions.

By Mr. WETMORE:

A bill (S. 3836) granting an increase of pension to Theresia Meyer; to the Committee on Pensions.

By Mr. GARDNER:

A bill (S. 3837) granting an increase of pension to Ira W. Wheeler;

A bill (S. 3838) granting an increase of pension to John F. Arnold (with accompanying paper);

A bill (S. 3839) granting an increase of pension to William H. Coleman (with accompanying paper);

A bill (S. 3840) granting an increase of pension to Gustavus H. Mann (with accompanying paper); and

A bill (S. 3841) granting an increase of pension to Gilman A. Whitman (with accompanying paper); to the Committee on Pensions.

WITHDRAWAL OF PAPERS—JOHN F. LEWIS.

On motion of Mr. BRISTOW, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of John F. Lewis, which are filed with the bill S. 1000, Sixty-first Congress, there having been no adverse report thereon.

WRECK OF BATTLESHIP "MAINE" (H. DOC. NO. 310).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Naval Affairs and ordered to be printed:

To the Senate and House of Representatives:

A board of naval officers, of which Admiral Vreeland was the senior member and of which Col. William M. Black, of the Corps of Engineers of the Army, was also a member, by order of the Secretary of the Navy, was convened at Habana on November 20, 1911, to inspect the wreck of the *Maine* and to make a report thereon.

The board finds that the injuries to the bottom of the *Maine*, as described in the report, were caused by the explosion of a charge of a low form of explosive exterior to the ship between frames 28 and 31, strake B, port side. This resulted in igniting and exploding the contents of the 6-inch reserve magazine, A–14–M, said contents including a large quantity of black powder. The more or less complete explosion of the contents of the remaining forward magazines followed. The magazine explosions resulted in the destruction of the vessel.

I have the honor to transmit herewith the full text of the report.

WM. H. TAFT.

THE WHITE HOUSE, *December 14, 1911.*

(Report accompanied similar message to the House of Representatives.)

NATIONAL SOLDIERS' HOME, SANTA MONICA, CAL.

Mr. WORKS. Mr. President, I have offered a resolution calling for an investigation of the National Soldiers' Home in Los Angeles County, Cal. It is founded on well-authenticated charges of oppression, negligence, and a most alarming state of indifference to the welfare and comfort of the old soldiers in this one Government institution. I do not know and have no definite or reliable information about the several other like institutions maintained by the National Government. I am going to assume for the purposes of what I am about to say that the California Soldiers' Home is typical of the others, no better, no worse. If they are all like this one, they need a thorough and searching investigation. The abuses and neglect that are making the lives of these veterans one of charity, discomfort, and misery should be speedily corrected.

Mr. President, while my resolution goes only to one of these institutions, I desire to make it the occasion for some general observation upon the duty and obligation of the Government to the surviving veterans of the Civil War. I know that the people of this country have recognized this duty and have expended millions of dollars in pensions and for the establishment of homes for the old and helpless veterans. The recipients of these benefits can not complain that their Government has in this respect been ungrateful or illiberal. But as time has gone on, when the few remaining members of the once great army of these veterans are needing more the care and support of the Government than ever before, there is an evident tendency to forget the great obligation the country owes them and to treat them as mere objects of charity.

The most convincing evidence of this will be found in a comparison of the Soldiers Homes maintained by the Government and the home for the soldiers of the Regular Army here in Washington, supported and maintained by the soldiers themselves. This is a great Nation, with almost unlimited means. Its affairs have been so conducted that a few of its citizens have been able to amass colossal fortunes, out of which any

one of them alone could support the remaining war veterans in comfort without missing the money thus expended. They can donate $25,000,000 here $10,000,000 there for the advancement of learning, for scientific research, and the advancement of higher education. Their giving of a small portion of their fabulous wealth is just as selfish as was their accumulation of it. To be rid of it is to be relieved of a part of a great burden. It is almost always heralded as a public benefaction, but it is used as a means of personal aggrandizement in almost every instance. The library built with this surplus of wealth or the institution founded with the money that is worse than useless to the donor must bear his name and herald to the world this seeming act of beneficence. There are conspicuous and honorable exceptions to this rule. Some of the wealthy men and women of the country are using a part of their surplus wealth for really practical and needed beneficences. They seem to have forgotten the injunction "let not thy left hand know what thy right hand doeth." Let us be truly thankful for this much.

Of late years, as a people, we have been engaged in one continuous struggle for material greatness, a mad striving for wealth. The strong have trodden down the weak, and the chasm between the rich and the poor has grown wider and deeper as time has gone on. We have more multimillionaires now than we had people who, judged by present standards of wealth, were in what is called easy circumstances a quarter of a century ago. The increase in the number of idle rich has become one of the great perils of this free Republic, and money has had greater power than principle in the control of public affairs. The 400 lavishes its superfluous wealth on the perishable and useless things of life, while the deserving poor are forgotten and go hungry. The Nation is keeping pace with private citizens in its lavish expenditure of money, though not for things so useless or demoralizing. It has spent millions upon millions of dollars in magnificent and costly buildings and other millions in improving and beautifying the National Capital. Its Army and Navy costs it fabulous sums, to say nothing of the vast amounts expended every year for internal improvements, many of them for political purposes and without just cause or reason.

I might extend these remarks almost without limit in recounting the enormous expenditures of money that are being made in this country by the Government and by private individuals, many of them useless and not a few even worse. But it is unnecessary. Every thinking man understands the situation and appreciates the evils of this sort of extravagance in public and private life.

I do not complain of legitimate expenditures by the Government in building up and beautifying its Capital or for needed improvements. This should be made a city worthy of this great Nation. It should be a most beautiful city; clean and wholesome materially, socially, and morally. It is the useless waste of money, whether in public or private life, that all good citizens deprecate.

In the midst of this garish and often vulgar display of wealth and wild and unreasoning extravagance, what is being done for the old soldier, whose sacrifices, together with those of his comrades in arms who have gone to their rest, made the accumulation of great private fortunes possible and preserved the country and made it the greatest and most powerful nation on earth? Some people complain that they are being paid the pitiful sums allowed as pensions, often not enough to keep soul and body together and protect them from want. When they become old, friendless, and diseased to such an extent that they can no longer care for themselves with or without pensions, the Government that they helped to save furnishes them an asylum called a home, treats them as an object of charity, and feeds and clothes them much as a pauper would be fed and clothed if he were an inmate of an almshouse, and with all its humiliations. It is not a pleasant condition for an American citizen to contemplate, much less to talk about in this presence.

But this Government owes a debt to these veterans of the Civil War that it has not yet paid and can not pay in dollars and cents. It owes them the best of care and attention in their declining years. This debt can never be repaid by supplying them with the bare necessities of life. It is a common thing to attempt to excuse the Government for the alleged niggardly way it provides for these old and dependent men by charging them with being worthless citizens, men of bad habits, and altogether unworthy of sympathy or support. A very short time ago, at a banquet given by the coast towns in Los Angeles County to the admirals and officers of the Pacific Fleet of the Navy, the governor of the soldiers' home, being called upon to respond to a toast, spent much of the time allotted to him in expatiating upon the habits of drunkenness of the men under his charge. It aroused the just indignation of some who heard him. But suppose some of the men do get drunk, is that any reason why the Government should not care for them? Many of them went into the Army mere boys. They met temptations of all kinds. Many of them, victims of the drink habit, were made such by the temptations to which they were subjected as soldiers. In many cases not only their physical health, but their morals as well were wrecked. With such the Government and the officers who have these men in charge should deal leniently and with charitable consideration.

The officer who could speak lightly or in terms of condemnation of them in a public gathering should meet with severe condemnation and be promptly removed from office.

Mr. President, I do not intend at this time to enter into the details of the alleged mismanagement of this or other soldiers' homes. A proper investigation should disclose the true conditions. It may disprove some of the charges that have been made and establish others. What should be had is a thorough investigation by disinterested men, who will have in mind the protection and sympathy due to these wards of the Government and the preservation of the credit and good name of the Nation and its people. I have here an article that appeared lately in the West Coast Magazine, published in Los Angeles, Cal., giving a clear and apparently unbiased account of conditions existing in the soldiers' home in that State. I have seen and talked with the writer of this article. I have said to him that if the facts stated by him could be proved an investigation by Congress should be ordered, and that speedily. The article is as follows:

"A nation's disgrace," by John S. McGroarty. "Greater love hath no man than this—that a man lay down his life for his friends."

I desire to tell the story of many hundreds of men who fought in the armies of the Republic between the years 1861 and 1865 for the preservation of the Union and the freedom from slavery of 4,000,000 human beings of the black race. These men to whom I refer are at present members of the Pacific Branch, National Home for Disabled Volunteer Soldiers, located at Sawtelle, Los Angeles County, Cal.

They were once the flower of the earth. They formed companies, regiments, battalions, and brigades in the greatest army the world has ever seen. Their valor, their achievements, and, above all, the sufferings which they endured are without parallel in the history of war. The result which they accomplished was to save from destruction the one true and real Republic that ever existed, thus also saving from destruction the hopes of all humanity.

It would seem that the Nation they saved, and which is now the most powerful and the richest Nation on the face of the earth, or that ever was on the face of the earth, could consistently and legitimately go to any imaginable length to prove its gratitude to these men; that nothing in the way of comfort, or luxury even, that the mind can imagine or that money can buy would be too good for them.

Yet what does the Nation do for the disabled and incapacitated veterans of the Civil War who are forced to depend on its gratitude?

The answer is that the Nation treats the men to whom it owes its life no better and, in some instances, somewhat worse than many a county throughout the States of the Union treats its paupers in almshouses.

Terrible as this accusation may appear, I am prepared to state that it is absolutely true.

As far as they go, the buildings on the county poor farm of Los Angeles County and on the poor farms of many other counties in the United States which I have seen are as handsome and as good as the buildings comprising the soldiers' home at Sawtelle; the hospital service at the poor farms is as good as the same service at the soldiers' home; the meals served to the inmates of the poor farms are equal to, and in some instances better, than the meals served at Sawtelle; the beds on which the paupers sleep are the same little iron cots, pitifully cheap and plain, upon which the aged, sick, and often-wounded veterans of the Grand Army of the Republic sleep in the soldiers' home. But infinitely and inexpressibly worse than all this—and it is a thing that makes the heart sick with shame—there is at the soldiers' home the same unspeakable atmosphere of pauperism that is found in the pauper almshouses of the country. The men who dwell in the soldiers' home are called "members," while those who live in the almshouses are called "inmates." You may go to both the one and the other and you shall come away forced to regard the veteran of the Nation's wars and the inmates of the poorhouse in the same light.

I am sure the only reason that this shameful condition of affairs exists is that the American people are not aware of it. The purpose of this article is to inform the people. If swift and summary action does not result, then I shall confess that my countrymen and countrywomen have not the hearts and souls I have always believed them to have.

But, to begin with, I want it to be clearly understood that I am in no sense laying the blame of the situation which exists on either the governor of the soldiers' home at Sawtelle or on any other officer or official connected with that institution. The governor and his subordinates are doing no better or no worse than any other coterie of officers would or could do under the circumstances. They are not empowered with the authority to discriminate. They are bound by ironclad rules and are prohibited from exercising their personal judgment in the conduct of the affairs of the home.

The blame must be placed where it belongs—on the Nation itself. It is a saying that republics are ungrateful. That this Republic makes the saying true you have only to visit the soldiers' home at Sawtelle to be most painfully convinced.

I have traveled far, and I have seen many things that filled me with indignation, but I have never in all my life or in all my wanderings beheld anything that so filled by soul with resentment and my heart with shame as the insidious yet awful pauperization of these veterans of the great war, who laid down more than life—not once, but thousands of times—for you and for me, for the flag, and for the Nation, that they might not perish from the face of the earth.

Forth they went in the flower and strength of their beautiful youth in the days of the long ago. Not for the fame, not for glory, nor yet for gain did they leave the plow to rust in the furrow; not for these things did they desert their occupations in field and shop and tear themselves from the firesides of home. No; they made that stupendous

sacrifice for their country and their country's flag. They were no Hessian hirelings, but Americans, free-born and inviolate.

Back from the bloodiest and the most cruel war in all the annals of time they came, maimed and crippled and diseased, the sorry sacrifices of a cause. And, but for them, the Nation were dead and destroyed. Their reward is that they topple down to quiet graves quite forgotten and lacking most pitifully the essential happiness of life. They for whom the Nation can not possibly do enough sit day by day in their dreary barracks and eat no better than a pauper's meal, sometimes pitied but more frequently ignored by the Nation that would have been, save for them, nothing now but the memory of a blackened and a broken dream.

In outward show the soldiers' home at Sawtelle is an exceptionally beautiful place. The grounds comprise some 650 acres of land that overlook the sunset sea, not far from the Bay of Santa Monica. These grounds have been subjected to the highest skill of the landscape gardener. Summer and winter alike, the spot is aflame with flowers of every hue. Great, splendid trees are there, and shrubs and palms. Shaded walks invite the veterans to rest from the heat of the summer day, and sunny stretches of pathways are there for their feet in the sparkling radiance of the gentle California winter. The buildings are large and handsome; there is a theater building, a church building, a library, and a recreation building, and many other edifices used for one purpose or another.

The tourist or the visitor from the neighboring towns, cities, and villages alight from the trolley cars at Sawtelle for the pleasure of a visit to the Soldiers' Home. He sees all this natural and artificial beauty which I have described. He sees the veterans seated on the benches or going in and out of the fine building. And then he departs, saying: "What a Paradise on earth this place is for these old fellows. How happy they are here. How well the Nation cares for them; and how thankful they ought to be."

Maybe the tourist or visitor is an old soldier himself and a member of the Grand Army of the Republic, and that is all he knows about it. I wish some of the smug and wealthy Grand Army men of the country were compelled to spend just one half year in the Soldiers' Home at Sawtelle. I should like to hear them "roar" as they sat down to their dinner of hog and hominy, their cold soup, and sloppy coffee, and sour bread. I should like to see them sleeping on the iron cots in a barracks occupied by 50 querulous and restless old men; ordered to bed at 9 o'clock in the evening in the dark and routed out at 5.30 in the morning, and otherwise to live there a life which would drive the average man of intelligence into a case of nerves in less than six months.

Let me tell you how the men who fought through the blood-drenched battles from Sumter to Appomattox live and have their being in the Soldiers' Home at Sawtelle, even as they live and have their being, I naturally suppose, in all the other soldiers' homes scattered throughout the United States.

To begin with, almost the same rules that govern the Regular Army in barracks—the Regular Army in which no man over 45 years of age enlists—governs the veterans in the soldiers' homes. And let us remember—let us remember it, as we love the dear old people at our own firesides—that these veterans in the homes are all old men, not a few of them octogenarians, some past the century mark, and hardly any of them under 60. Feeble, querulous, tottering old men they are, wrecked in health and sometimes in morals by the terrible lives of cruelty and hardships and wounds they led while in the Army.

At the unearthly hour of 5.30 in the morning the reveille is sounded. Even in California it is still dark in winter at this hour and the outside air is likely to be rasping cold. And it is out into this cold and darkness that these poor old men tumble for breakfast. If they fail to appear in the mess room not later than 7 o'clock they must go without breakfast. There is no kindly pantry into which the poor old sleepyhead who takes a morning nap after a restless and sleepless night may go for a bite to eat or a warm cup of coffee to drink.

Bear now in mind that I am entering upon no maudlin sentimentality. I am writing of the men of Shiloh and of the Wilderness and Gettysburg. I am telling the story of the men who gave soul and body to the Nation that the Nation might live.

There is the most appalling monotony about the meals, the cooking is of the knockdown and drag-out order, and the service is rough and squalid. Not to speak of anything else, it is sufficient to say that not one single little refinement of life is in evidence at the tables of the Sawtelle Soldiers' Home. And the men who sit down to eat at those tables number among them a vast majority who have known better days. Men are there who have known refined and even elegant homes of their own in the past, before misfortune, loss, and old age overtook them and an unkindly fate cast them out from home and family upon the cold charity of the Nation.

Moreover, these men, now grown old, are not well and their stomachs are no longer of the best. But they are not treated to delicacies that might tempt a whimsical and sadly worn palate. A man would not need to be judged finical about his eating to sicken of the "grub" at the Sawtelle Home the second day of his existence there.

The dining room is a great bare barn of a room, totally barren of comfort except that it is warmed. At the noon hour, for instance, the men gather in big crowds, waiting for the doors to open. First come first served is the rule, without regard to the physical condition or need of one man more than another. In fact, the members of the home are treated in bulk. There is no attempt made at individualization.

There is a first and a second table, which is to say that all men can not be served at a first sitting. There are usually about 2,000 men at the home.

The chairs are cheap contrivances, that can probably be bought at 75 cents each. The tables are rude, long affairs, supported by iron standards similar to the supports of students' desks in the public schools. The tops are plain wood, clean enough as a rule, but pathetically common. There are no tablecloths, not even an oilcloth. There are no napkins.

Before the men are admitted to the dining room a corps of women waiters set the tables with the full meal as it is to be served. A meal served in courses would prove a dangerous innovation to the members of the home, so long used to its lumber-camp ideals. They would drop dead with astonishment.

By the time the members are admitted to the tables everything has grown either stone cold or sickeningly lukewarm. The dinner generally consists—one monotonous day after another—of soup, hog and hominy, bread, oleomargarine, and coffee.

Quite consistently, as it seemed to me, no blessing was asked as the old lions of Chantilly and the eagles of Seven Pines fell to at the tables. The women waiters arrayed themselves against the walls and every man started in to help himself, and the devil take the hindmost. The half-chilled soup stood in big tureens on the tables, and each man helped himself with a big copper ladle. The dishes are made of heavy, crude iron chinaware. The soup disposed of, the hog and hominy was attacked as it lay in vast platters handy to the reach.

There is no change of dishes to meet the demand of the hog and hominy, or second course of the alleged "dinner." Into the same plate from which each "member" had eaten his soup he dumped his hog and hominy, spearing a cube of oleomargarine onto the flange of the plate.

The veterans of the great war who stormed Lookout Mountain with Fighting Joe Hooker, who marched with Sherman to the sea, and stood the brunt of that wild charge with Thomas at Chickamauga, are not given butter for their bread at Sawtelle. They get instead oleomargarine, which the Government buys at 13 cents a pound.

Nor is a second helping of oleomargarine permitted. If it happen, as it sometimes does, that the men at the table use up the entire stingy amount of oleomargarine served to them when they sit down, that settles it. They can have no more. They must then eat their bread without the oleo.

It may be a small thing to make a fuss about, but does it not seem to you that the United States Government can afford to give its old war victims a little good cow's butter now and then to spread on good bread instead of gagging them with refined axle grease to spread on bread guaranteed to give a prize fighter dyspepsia at the end of a week?

The curse of the place is that these old war-worn and world-worn men are treated now in their infirmities with almost the same rigor as they were treated in camp and field in the days of their lusty youth, between 1861 and 1865.

But let us finish the dinner at the "home." There is nothing now left to it but the coffee. Drink it down, O heroes of a hundred battles! There are no teaspoons, and the stuff is sloppy and cold, but drink it down from your iron mush bowls. It is the best you'll get. If you object you must be set down as "kickers." You are to bear in mind that for an unimportant and unhazarded and trifling service, such as saving a Nation, you should thank your stars that you have anything at all to eat.

The governor of the "home," whoever he may happen to be now or at another time, lives as an old soldier ought to live. Yet he is a member of the home on the same idea that the men in the barracks are members. But the Government furnishes the governor with a handsome private house in which to live; he is allowed to buy at cost the choice cuts of meat when it comes to the institution; he has a cozy office. At the same time he is usually a man with a record in the service far less distinguished than the records borne by hundreds of the men in the bare barracks, who fill their empty soup dishes with hog and hominy at the uncovered wooden tables in the common mess. The noncommissioned officers, by paying the magnificent sum of $2 a month each, also have their own private mess, with good food and napery.

The governor gets no more than he deserves; likewise the "noncoms." But they deserve no more and are by no manner of reasoning or analysis entitled to fare better in any way than the men who are now in the barracks, but who should not be there and should never have been there.

Man for man, one the same as the other, the veterans of the great war, whom misfortune has cast on the mercy of the Government, are entitled by every rule of God and man to the best the Nation can give them.

Far be it from me to attempt to create discontent in the soldiers' homes. It were impossible for me to increase the discontent that is already there. There is not a man in the place who would not be glad to leave it to-morrow were he able to do so. All that I am endeavoring to do is to arouse the hearts and consciences of the American people to a sense of duty and to incite them, if I can, to take this shameful business in hand. The old gray men of the battle in those homes are past all strength to fight for themselves. Once they were the flower of fighting men, but now they are old and feeble and worn; and it is you and I who must fight for them, even as they fought for us through the red days of slaughter, when life for them was young.

The arrangement by which the men are formed into companies of, say, 50 men, and assigned to a barrack is an arrangement which I consider nothing less than inhuman.

Picture to yourself a great, open room, without partitions of any kind, in which 50 old men sleep, write their letters, play cards or other games. The hour of 9 o'clock at night arrives and taps are sounded. Every light must be extinguished. Every man must be in the barrack to which he is assigned. It does not matter at all that one or more of the men may have no desire to retire at that hour. It may be that one or more of them would like to remain awake longer to read, to write, to smoke, or, perhaps, just to think. But to bed they must go, just the same.

Is this not the refinement of cruelty? There is no such thing as privacy at the home. There is not one room in all that vast place in which one of these veterans can go to be by himself. Asleep or awake, he is herded with a crowd, and oftentimes with men who are not only uncongenial to him, but positively distasteful.

Everything dear to old age is denied them, one and all, except the few who have been fortunate enough to secure some petty appointment from the governor.

It must be a fearful thing to be condemned to these barracks. Suppose it were your fate to be there and the night comes when you are restless and not well and desirous to sleep. A comrade walks the floor, another spends the night racking the room with a cough, another snores, and still another raves in the nightmares of dreams. Think of the torture your nerves must undergo. Yet this is the fate of the men to whom our country owes its life.

Another and a worse feature of this barrack life is the fact that from 9 o'clock at night until 5.30 o'clock in the morning these old men are left entirely to themselves. No watchman, no nurse ever looks in upon them to see whether or not they are suffering or in need of anything, or, indeed, whether they are living or dead.

And remember that they are very old and feeble. One or all of them—the entire 50 in that one room—are not at all unlikely to pass from life to death in one night. Yet were they to do so, the governor and the officers of the home would become aware of it only by the fact that they would fail to appear for breakfast in the morning.

When they are sick—and they are all more or less sick all the time, because of their age and enfeebled condition—they get none of the little delicacies that they ought to have. There is the crude, coarse breakfast and the lumberjack's dinner of hog and hominy and oleomargarine and sloppy coffee awaiting them. If they do not like that they can go without.

There is one common bathtub for 50 men in each barrack. I do not know what a man too old and feeble does when he needs a bath.

I can see a supercilious smile of amusement pass over the faces of those who are in control of soldiers' homes throughout the country as they read this statement. I can see also the smile of weary disgust

on the faces of other old soldiers whose good fortune it is not to be condemned to a life in these homes.

What would you have, they ask; a private room for each of the members of the home, and all these things which they have not?

And I answer, yes; in God's name, yes!

Let us suppose that a man went forth and faced death and a thousand hardships; that he fought in battles and slept out in the rain and the snow, taking his life in his hands and making a wreck of himself to save a rich man's life and property, returning home with bitter wounds upon his body, suffering from chronic disease, all of which he underwent for the rich man's sake. Suppose, then, that the rich man, because of the sacrifices made for him by the man who stood between him and death and the destruction of his property, were to reward his savior by sending him to end his days in an institution that is simply on a par with an almshouse. What would you think of the rich man, and what would you say of him?

There would be no words in any language capable of expressing the indignation you would feel.

Well, the manner in which the Government of the United States treats its disabled veterans of the Civil War and of other wars in the soldiers' homes of the country is exactly a parallel case.

Let us get the right point of view. It must be acknowledged that the United States as a Nation would have been utterly destroyed had not these veterans, now at Sawtelle and other soldiers' homes, answered the call of Abraham Lincoln and fought the armies of the Confederacy all the way through from Sumter to Appomattox. In other words, this Nation, which is the richest and the most powerful nation on earth, would not now be in existence but for these men.

It is not enough to say that we owe them "something." We owe them everything. The Nation owes them its life.

I have seen in the homes one of the two last survivors of the *Monitor*. I have seen the men who were in all the great battles of the great war. I have seen them there with empty sleeves, suffering from old wounds and diseases contracted in the war. I have seen them in their pathetic senility, many of them enfeebled in mind and all of them enfeebled in body. And my thoughts went back to the days when, in the strength of their youth, they sacrificed everything that a man holds dear for their country and its flag—for my country and my flag, and for your country and your flag.

And I saw them treated like paupers by the Nation they saved. It is a wonder, almost, that a curse does not fall on the Nation that can be so ungrateful and so mean.

I went to the soldiers' home prepared to be proud of my country's treatment of its veteran soldiers. I came away ashamed—ashamed and sick at heart.

The present method of conducting both the mess rooms and the barrack rooms at our soldiers' home is such as to degrade the men, not to speak of the sufferings it imposes on them. The man who is compelled day after day to eat his meals without a single vestige of refinement in evidence at his table and to sleep in a barrack will retrograde and not advance in the scale.

That these men should have all the comforts that any other decent man in the Nation has is not a question of charity, but of justice.

Charity is what the pauper in the almshouse receives. The veterans of the great war can find charity without entering a soldiers' home.

In all the soldiers' homes of the country there are comparatively only a few men. At Sawtelle a veteran dies every day. Soon there will be but a mere handful left. The day is not far distant when taps will sound above the green churchyard mound wherein shall lie the dust of the last man who wore the blue in the most stupendous war of modern times.

Surely, then, this great Nation, which enriches politicians, which feeds and fattens parasites without number, that has limitless lands and inexhaustible wealth, can afford to make it possible for these fast-disappearing old heroes, to whom we owe our all, to live as decently and with the same refined and comfortable surroundings as the average civilian lives, who never struck a blow in the Nation's defense.

Every member of a soldiers' home should have a clean, comfortable room to himself; he should eat at a table provided with excellent food, excellently served; the table should be cleanly and nicely appointed, with white napery and good chinaware, and all the appurtenances should be at least equal to that which graces the table of the average American citizen.

There should be less stringency in the rules. The members of the homes should be allowed to go to bed when they please and to rise when they please, just as you allow your own old father to do who is a dweller in your own home.

There will be many to say that I am suggesting impossibilities. The national board which governs soldiers' homes will be likely to say that I am an irresponsible dreamer, without an ounce of common sense in my head.

But it is just as easy for the Government of the United States to do all that I say should be done as it would be for any individual citizen of the country to do as much for his own aged father.

If your father is a member of your household, and he is old and feeble and a little hard to care for, do you send him to a poorhouse or do you provide a room for him wherein he can be comfortable and have privacy and pretty much his own way all around? Do you feed him with the rough grub that his poor old stomach balks at, or do you see that he gets the little delicacies he needs? Do you rout him out of bed at 5.30 o'clock in the morning and hunt him to bed at 9 o'clock in the evening whether this arrangement is agreeable to him or not? And if he rises late, do you make him wait for the next meal or see to it that he gets a cup of coffee or whatever he needs at the moment?

Certainly you would not treat your aged father in that brutal and inhuman manner. Were you to do so you would be the scandal of your neighborhood.

Well, if you will take the trouble to think a moment your common sense and intelligence will tell you that the United States Government can treat all the members of all the soldiers' homes just as well as you would treat your aged father in your home, and with vastly less inconvenience.

And the Government is bound fully by the same justice to do for the disabled veterans what you would be bound to do were your father to become helpless and old and poor and a charge upon you.

The man or the set of men who say to the contrary are either purposely ignorant or the truth is not in them. And I would be sorry for the American who does not wish these brave old survivors of the great war all that I here ask for them, and more.

Whose shall be the strong voice to speak from the seats of the mighty in behalf of the Nation's saviors? This plea shall go forth where sit those who govern and who are in power. This magazine containing this article shall be sent to every official of the Federal Government who has a voice in this matter, from the President himself down the long line of comfortable statesmen and politicians.

What blessing may our Nation hope to have if this bitter wrong be not righted? Patriotic men and women of America, have you no word to say?

Mr. President, I do not vouch for the truth of the facts stated in this article. The author of it is a reliable gentleman. He assured me that proof of the truth of them would be furnished if opportunity were given. But I submit that it makes no difference, for present purposes, whether they are true or false. They are made as charges against the management of the home by a responsible citizen and have been made public. They are of a serious nature and affect the good name of the country. If they are false, this should be demonstrated in an authoritative way, that the management may be relieved of the stigma thus placed upon it. If they are true, this should be speedily known and justice be done to the old soldiers living in the home.

And I submit, Mr. President, that if any investigation of these conditions is ordered it should not be referred to the officers of the home or to anyone connected with it. Such an investigation would be worse than useless. It has been tried before. With their ideas of the way in which members of these homes should be treated, as shown by the way in which the home is being conducted, any determination reached by them would not redound to the credit of the Nation or satisfy the public.

I agree thoroughly with the author of the article as to the kind of treatment these old soldiers receive at the hands of the Government. If they are treated as he says they are, he is entirely justified in characterizing it as a nation's disgrace. I maintain that this country should not be content to furnish these veterans with the mere necessaries of life and no more. They should be supplied with the comforts of a home, given separate rooms, and maintained as far as possible in that condition of peace, quiet, and contentment that is naturally and justly due to old age.

Mr. President, if I had my way this country would go further than that. It would not only maintain the veterans of the Federal Army in peace and comfort, but it would extend this same beneficence to the old and helpless Confederate veterans as well. Nothing could do more than this to obliterate sectional lines, restore good will between the North and the South, and soften the bitter memories of the war. I know the cry will be raised that this would be to encourage treason and reward disloyalty to the country. But do the people who raise this cry forget that the war was nearly a half century ago? Do they overlook the fact that the people of the South have again come under the folds of the old flag and are now our people? Have our people of the North lost all sense of charity and forgiveness?

Some say let the South take care of her own. But if the giving of help to these old soldiers of the Confederacy by the Government as a whole would be a reward of treason, the same thing done by the Southern States, a part of the Government, might well be called treason itself. Such a doctrine carried to its logical conclusion would leave these old men to starve. Besides, we are not content to leave to the South the burden of caring for her own dependent ex-soldiers, but insist that they must also bear their share of the heavy burden of pensioning and caring for the survivors of the Federal Army. Does not the Senate, do not the patriotic and just-minded people of the whole country think the time has come to treat all of these old veterans as our loyal sons, entitled to the care and support of the whole country?

Thousands of graves in the Sunny South, many of them unknown graves, bear mute witness to the bravery of her sons and their loyalty and fidelity to the cause they believed to be just. There are other fresh-made graves that speak for the loyalty of the later generation of the South to the old flag, the graves of the young men who generously offered and gave up their lives when this country was confronted in war by a foreign nation.

Taking our own view of the war and the issues it involved, which were vindicated as right at the point of the sword, still with most of these men of the South their act was a mistake and not a crime. The South has suffered bitterly for this mistake. If it were a crime and one that cost many lives the offense has been expiated by long suffering, and to forgive would honor the Nation and the memory of the sons of the North who gave up their lives on the altar of their country. The homes of that portion of our disunited country were devastated and made desolate. The flower of its youth gave up their lives to the cause that was lost. Hearts still bleed for these losses. Although nearly 50 years have passed, the deep scars of that sanguinary conflict have not been erased and the memory of those fearful years of war and bloodshed remain with us still. Shall we, notwithstanding all this, maintain our

attitude of treasuring up against these old veterans of the Confederacy a spirit of unrelenting censure and unforgiveness?

Mr. President, I have the honor to be myself a veteran of the Civil War. I gave up 18 months of my boyhood life to the service of my country as a private soldier. That service was almost as nothing to the service and sacrifices of thousands of my comrades in arms. The country owes me but little compared with its debt to others. The best return it could make to me now would be to extend full forgiveness to the remnant left of the gallant Confederate Army that confronted us in those dark days of the Civil War.

I would like to clasp hands with those old soldiers of the Confederate Army and welcome them back to full fellowship with us, and to see this Government in the spirit of true charity, forgiveness, and beneficence extend to them the same care and protection that it affords the veterans of the victorious Army of the North. I know, Mr. President, that these sentiments are not popular with many of the people of the North, including some of my old comrades in arms. I know this to be so, because some remarks made by me at the last session of Congress in support of a resolution providing for an appropriation for a Confederate monument at Vicksburg was sharply criticized by some of my very good friends. I said on that occasion:

> Mr. President, I join in the hope expressed by the Senator from Iowa [Mr. CUMMINS] that this bill may pass. I had the honor when a mere boy to render some modest and inconspicuous service to my country as a private soldier in the Union Army. I am always pleased and gratified to hear of the reunions that are held between the boys in blue and the boys in gray. I should like very much to see these reunions exemplified and typified in the monuments that are proposed to be erected if this bill shall pass.
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> To my mind there is no question here as to whether the people of the South in those dark days were right or wrong. The battle has been fought, this country has been reunited, and we are here as a body representing the whole country, North and South. The Senators from the South have joined time and again in passing laws appropriating money for the purpose of commemorating the acts and deeds of the soldiers of the Union Army.
>
> I think in the minds of the Union soldiers there is no animosity left for the soldiers of the Confederate Army. They mean just what they say, good will to the boys in gray, when they hold these reunions. There is no reason, it seems to me, why the Government might not commemorate in this way not the fact that these men were right, but that they were brave, courageous men, fighting, as I believe, for what they believed to be right.

Notwithstanding these criticisms passed upon them, I still maintain the sentiments then expressed, and I hope the time may never come when I will be constrained to abandon or conceal my real and true sentiments or convictions because others may disagree with me.

I appeal to the Senate and to the country for justice to the veterans of the Federal Army and for charity and forgiveness for the old soldiers of the army of the Confederacy.

I hope an investigation will be made, and made promptly, that will determine beyond question just what treatment members of soldiers' homes are now receiving at the hands of the Government.

It is not my purpose now to consider the question of pensions. I desire to say, however, in a general way that I think the time has come when this question of pensions should be definitely settled once for all. One of the things devoutly to be hoped is that Congress will put an end to the granting of pensions by special bills and put all claimants on an equal and just footing by one general act that will be not only just but generous in its terms.

During the delivery of Mr. WORKS's speech,

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 9833. An act to accept and fund the bequest of Gertrude M. Hubbard; and

H. J. Res. 166. Joint resolution providing for the termination of the treaty of 1832 between the United States and Russia.

TREATY OF 1832 BETWEEN THE UNITED STATES AND RUSSIA.

The VICE PRESIDENT. With the permission of the Senator from California [Mr. WORKS], the Chair will lay before the Senate a joint resolution which has just been received from the House of Representatives.

The joint resolution (H. J. Res. 166) providing for the termination of the treaty of 1832 between the United States and Russia was read the first time by its title.

Mr. CULBERSON. Mr. President——

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Texas?

Mr. WORKS. Certainly.

Mr. CULBERSON. I do not want to interrupt the Senator from California in his address, but I should like to have House joint resolution No. 166 lie on the table for the present, so that I may submit an observation or two about it at the conclusion of the remarks of the Senator from California.

The VICE PRESIDENT. The joint resolution will lie upon the table for the present.

After the conclusion of Mr. WORKS's speech,

ADJOURNMENT TO MONDAY.

Mr. GALLINGER. Mr. President, I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

HOUSE BILL REFERRED.

H. R. 9833. An act to accept and fund the bequest of Gertrude M. Hubbard was read twice by its title and referred to the Committee on the Library.

TREATY OF 1832 BETWEEN THE UNITED STATES AND RUSSIA.

The joint resolution (H. J. Res. 166) providing for the termination of the treaty of 1832 between the United States and Russia was read the second time by its title.

Mr. CULBERSON. Mr. President, the ordinary motion, I presume, will be made with reference to this joint resolution, namely, that it be referred to the Committee on Foreign Relations. It is not my purpose at this time to discuss the merits of the joint resolution, but I desire to invite the attention of the honorable chairman of the Committee on Foreign Relations to a certain view of the question with reference to expediting a decision in the matter by the Senate.

Both Houses of the Congress have adopted a resolution to adjourn on the 21st of this month until the 3d day of January, 1912. The Senate a few moments ago adopted a motion made by the Senator from New Hampshire [Mr. GALLINGER] that when it adjourns to-day it be to meet on Monday next.

The twelfth article of the treaty of 1832 with Russia, which is under consideration, and which is sought to be terminated by the joint resolution now on the table, having passed the other body yesterday, reads this way:

> The present treaty, of which the effect shall extend in like manner to the Kingdom of Poland, so far as the same may be applicable thereto, shall continue in force until the 1st day of January, in the year of our Lord 1839, and if, one year before that day, one of the high contracting parties shall not have announced to the other, by an official notification, its intention to arrest the operation thereof, this treaty shall remain obligatory one year beyond that day, and so on until the expiration of the year which shall commence after the date of a similar notification.

Mr. President, the construction of that article is not entirely clear. It is not clear that the termination of the treaty, if a notice is given, will be one year after the date of the notice or one year from the next succeeding 1st day of January. But to my mind there is ground for the contention that the latter is the proper interpretation of the article.

Mr. LODGE. Will the Senator allow me?

Mr. CULBERSON. Certainly.

Mr. LODGE. I have been examining that clause with the utmost care, and I am sorry to say that I think it is perfectly clear the year is from the 1st of January next following; that is, if we should not pass the joint resolution until after the 1st of January it will mean that the notice will not take effect until the 1st of January, 1914.

Mr. CULBERSON. I have expressed my impression, Mr. President, without having absolutely made up my mind upon the question, that that was my interpretation of the article—that is to say, the notice now, for instance, must be given before the 1st of January, 1912, or the year will date from the 1st of January, 1913.

I call the attention publicly not only of the honorable chairman of the committee having this important joint resolution in charge but of the Senate to the fact that if something is not done before the Senate takes a recess on the 21st of December, and subsequently passes the joint resolution, the termination of the treaty will not take place until the 1st of January, 1914, practically two years instead of one as provided in article 12 of the treaty.

In view of that fact, Mr. President, as I have indicated, I invite the attention of the chairman of the committee, as well as of the Senate and the country, to this matter and ask if the chairman of the committee and the committee are not willing that the joint resolution shall be taken up by the Senate on Monday next and be considered in the Senate without a formal reference of it to the Committee on Foreign Relations?

Mr. President, I have made that suggestion with some reluctance, bearing in mind the usual course in such cases to refer, but I do it in view not only of the importance of the question involved, the question of time, but I do it, in addition, because the Committee on Foreign Relations have had this general subject before it for six months in the form of a Senate resolution introduced by myself expressing the sense of the Senate that this treaty ought to be abrogated, and also because, with a some-

what full representation of the committee, although all were not present, this matter was on yesterday considered by it.

I ask the chairman of the committee if he is not willing to have the joint resolution considered next Monday by the Senate without a reference to the Committee on Foreign Relations?

Mr. CULLOM. I think it ought to be referred to the committee. The committee will take it up at once and consider it and report it back.

Mr. CULBERSON. I do not care, Mr. President, to put the Senator from Illinois in the attitude of objecting to a proposed agreement. I am appealing to him in the public interest to see if we can not reach an agreement and consider the joint resolution on Monday without a reference to the committee. I do not wish to put him in the attitude of formally objecting under the rules of the Senate.

Mr. CULLOM. Let it go to the committee, and let the committee report it back when it acts on it.

Mr. CULBERSON. Will the Senator assure the Senate that there will be a report of the committee by Monday?

Mr. CULLOM. I have no doubt about that, so far as I am concerned.

Mr. LODGE. I should think there would be no difficulty in the committee considering it Monday morning and reporting it to the Senate on that day and the Senate disposing of it.

Mr. RAYNER. Mr. President, I wish to say just a word on this proposition. I doubt very much whether we can report it back on Monday. I am in favor of having it up for discussion on Monday without a report, as there is a difference of opinion.

Mr. CULLOM. Let it go to the committee.

SEVERAL SENATORS. Let us consider it now.

Mr. LODGE. That can not be done. One objection throws it over now.

Mr. RAYNER. The Senator from Massachusetts says it can be reported by Monday, but I find there is a difference of opinion now about the joint resolution. I am in favor of the House resolution, but I find a difference of opinion about the phraseology of the House resolution. If there is a difference of opinion in committee, it is very doubtful whether we can get it here on Monday.

Mr. LODGE. There will be no trouble about that. I do not see exactly why the Committee on Foreign Relations should be run over quite so rapidly. I think it ought, at least, to have the opportunity of considering the joint resolution. As far as I am personally concerned, I am ready to say that we will meet on Monday and bring it in on Monday. I say that, if I have anything to do with it, as far as one vote is concerned.

Mr. CULBERSON. The joint resolution passed by the other body is identical with the joint resolution now pending before the Senate committee on the same subject, and it is nothing more in effect than what has been pending before that committee for six months in the form of a Senate resolution.

Mr. LODGE. I think it can be brought in Monday and disposed of, which, I take it, will satisfy the Senator.

Mr. CULBERSON. The Senator from Illinois will not agree to take it up without a reference to the committee?

Mr. CULLOM. I do not. I think it ought to be referred to the committee, and the committee ought to consider it and bring it back to the Senate as early as possible. We can then dispose of it at once, if we want to do so.

Mr. RAYNER. Mr. President, I do not intend at this time to deliver any address at all upon this subject. It is not the proper time nor occasion to do it. When the occasion arises I will be prepared to do so, as I have done frequently before on similar resolutions that started in the House of Representatives a quarter of a century ago. These transactions have been going on now for 40 years, and the time has come for a determination one way or the other.

In my judgment, the merits of the controversy are all one way. This treaty has been flagrantly violated. The time has arrived for the United States to take some action on it, whether you call it a termination of the treaty or whether you call it an abrogation of the treaty. You can terminate the treaty without abrogating it. You can abrogate it without literally terminating it, according to its terms. I would be practically in favor of the abrogation of it, but the House resolution calls for the termination of it.

I am a member of the Committee on Foreign Relations and, of course, I must yield to what the opinion of the committee is on the subject, but whatever is done ought to be done quickly. There ought to be a report in the Senate here no later than Monday, because I am perfectly well satisfied that the construction the Senator from Massachusetts places on the treaty is the correct one. I do not think there is any doubt about it. There is no ambiguity about it. If we do not act within a given time it goes over for two years more, until 1914.

Mr. BACON. I wish to say a word to the Senator. I do not know whether my opinion is worth anything to him or not.

Mr. RAYNER. It is worth a great deal. I do not say that the Senator's opinion is not worth anything. I do not know why the Senator said it.

Mr. BACON. In a sense of modesty. [Laughter.]

Mr. RAYNER. No one's opinion is worth more. I did not think the Senator was so modest.

Mr. BACON. I accept the Senator's commendation.

Mr. President, I simply want to say that I do not agree with the Senator as to the meaning of the line providing for the termination of the treaty. The spirit and intention of the treaty is that before it shall be terminated there shall be a year's notice. That is the meaning of it, and if the language is ambiguous, the spirit, of course, will be used to interpret and determine what it shall be. The whole intention is that there shall be at least a year's notice given before it can be terminated, and that intention is carried out whenever it is terminated one year after the date of the notification. I say undoubtedly the intention is carried out whenever it is terminated one year after the date of notification.

Now, the language being ambiguous, as we all concede, the spirit will control the interpretation. I think that is a correct view of construction recognized by all courts and all lawyers.

Mr. RAYNER. Mr. President, I am very sorry I can not agree with the Senator from Georgia. At least, it leaves open a technicality which might possibly render the notice null and void, and we had better not take any risk upon that question. I think a safer course to pursue is to let the committee report it within a time in connection with a time in which there can not be any question about the sufficiency of the notice.

Mr. CULLOM. It can be reported back on Monday and acted on within the time.

Mr. RAYNER. It is all that can be reasonably expected if the report is made on Monday.

Mr. LODGE. Mr. President, I agree with the Senator from Maryland that the time has come to terminate this treaty by notice, in accordance with the provisions of the treaty. I should be sorry to see it abrogated, because that is simply the destruction of the treaty, not in accordance with its terms. It provides for its own termination.

I do not care to go into details, but I think it ought to be terminated for the simple reason that it has become, it seems to me, intolerable that we should go on observing a treaty which the other party to the treaty entirely disregards in one important clause. I do not think it is consonant with the dignity of this country or in justice to all its citizens that that condition should longer continue.

But, Mr. President, to terminate a treaty with another great power is a very serious and important governmental act, and I do not think we ought to take a resolution from the House which no committee has considered and pass it through as if it were simply some small bill to meet a deficiency in the revenues, or something of that kind. I think it ought to go through the regular channel and be referred to the committee. The committee can meet on Monday morning and report it on Monday, and, if no objection is made, the Senate can dispose of it on that day, as I hope they will.

Mr. CULBERSON. I will remind the Senator from Massachusetts that this identical resolution is before the Committee on Foreign Relations and has been considered by it.

Mr. LODGE. The other day, as the Senator knows, we had only a hearing, and we have not taken up the resolution and considered it with a view to its report. I think it ought to be considered. There is one phrase in it which, in view of the twelfth article to which the Senator has alluded, will have to be modified, because I do not think that the treaty provides for its termination one year after notice. I think it provides for the termination of the treaty one year from the 1st of January following the notice. The terms of the resolution are on the interpretation which the Senator from Georgia says, perhaps very justly, is the intention of the treaty. Now, I think we ought to have it conform to the terms.

I have no doubt myself as to the construction of that clause. It seems to me we ought to act now, because if we allow it to go to the 2d of January, on my interpretation, it means postponing it for two years instead of one year practically. Therefore I think if action is to be taken it must be taken now; I am strongly in favor of it; and as long as there is a doubt that is a sufficient reason for taking action now. But I do think the House resolution ought to go to the committee and be reported back in the usual manner, and especially in a transaction of such great importance.

Mr. CLARKE of Arkansas. Mr. President, I would agree with the Senator from Massachusetts if it was the intention

to refer the matter to the Committee on Foreign Relations, with jurisdiction in that committee to institute an inquiry and consider the aspects of the question not only as to the text of the particular convention under consideration but its general relationship to the international affairs of this country. That would be an exceedingly proper course; but to send a matter of this magnitude to the committee and direct a report at a certain time and inferentially to report in a certain way, just a few hours in advance, is of no practical value and strikes me as sacrificing substance to a mere idle ceremonial.

If this matter has to come back on Monday with a favorable report, it can be taken up this evening and passed. There is not any reason why that should not be done, if it can be done on Monday, with 15 or 20 minutes consideration by the committee, and done in a certain way in order to satisfy a sentiment which is dominating everyone. Why go through the idle ceremony of delaying until that time? No good can come of it.

Mr. CULLOM. Mr. President——

Mr. CLARKE of Arkansas. I yield to the Senator from Illinois.

Mr. CULLOM. It seems to me the Senator is presuming a little. What I want is that the joint resolution shall go to the committee and that the committee shall meet and seriously consider and determine whether it is right or not. If it is not right, we can amend it and report it back.

Mr. CLARKE of Arkansas. But you do that under the coercion of the demand of the country to report it back on Monday. If we meet at 11 o'clock on Monday and devote all the intervening time, we have but three hours for the purpose.

There are many aspects to be considered—the attitude of the State Department, the diplomatic history of the question. All those things have not yet been exploited in an official way. If we are going to take notice of the common knowledge in dealing with this matter and deal independently of the diplomatic branch of the Government and that particular department which has charge of our international affairs, we are as well prepared this afternoon as we will be next Monday. If, on the other hand, it is our purpose to investigate with a view of vindicating the fidelity and wisdom of our State Department, the matter ought to be somewhat more elaborately considered. It ought not to be left standing with the implication that our State Department has been so indifferent to the pride of our citizenship that for 20 years they have permitted a Government with which we maintain contractual relations to habitually disregard the obligations which they officially assumed without making a single outcry or producing a single question that called for decisive action upon our part. If, on the other hand, the officials in charge of the matter have been acting with fidelity and promptness, in good faith, it is due to them that they should have an opportunity to make that manifest.

There are two methods. One is the direct official manner of investigationg any official aspect as it is reflected by the records in our State Department. The other is to do as has been done in the House and is being done by the country to-day, by indirection to express a want of confidence in that department and take up the question independently, and by the exercise of the power that resides here deal with it regardless of what they think about it or what they have done.

So far as I am concerned I see no urgency whatever at this time. I think it is due to our own State Department to ascertain exactly what has been done, what effort has been made with a view of mitigating the indignation that sweeps over the country at the conduct of Russia, and with a view of showing that no responsible department of our Government has been indifferent to the conditions as they have existed and as they continue to exist. The State Department is on trial as well as other persons relating to this controversy. As far as I am concerned, I should like to hear such explanation as may be officially made as to why this matter has not attained the same importance in the State Department that it attained before the country and the committees of Congress. I should like to know what efforts have been made to correct the evil that everybody knows to exist. I should like to know what notice has been taken of the things that Russia has been doing within the knowledge of the merest tyro in State affairs. If, on the other hand, it appears they have been connived at by our State Department in advance of the public opinion of this country I should like to have that fact known.

My own opinion is that there is one of two courses to pursue. If we are going to deal with it as a matter of public notoriety, then we are as well prepared this afternoon as we will be on Monday next. If it is the intention to institute a full, comprehensive investigation into the attitude of the State Department, more time than that will be required. As between the two I prefer the more orderly method. Rather than send the matter to the Committee on Foreign Relations with a direction to bring it back by Monday next with a report in favor of the passage of the resolution, for that is what it amounts to, I am prepared to vote on it this evening, and to vote "Yea."

Mr. LODGE. Mr. President, I do not in the least regard the State Department as on trial in this matter. Certainly, in the months that the resolution of the Senator from Texas has been before the committee it must have been made very apparent, I think, to every member of the committee what the attitude of the State Department has been for many years. The State Department has never allowed the matter to rest. The correspondence is endless—one case after another. Every Secretary of State, whether Democrat or Republican, has taken up this question in the strongest possible manner with the Russian Government. Every ambassador or minister we have had at St. Petersburg has done the same. And we have been refused and put off until it is perfectly obvious to anyone who has examined the correspondence that, while our Government has failed in no respect to press our views upon the Russian Government, their efforts through ordinary diplomatic channels have failed, and through no fault of the department or of any President, Secretary, or ambassador concerned in it.

We have had the resolution before us for some time. We gave some consideration to it last summer. I think, so far as the general principle involved is concerned, the committee was pretty thoroughly informed as to the bearing of the resolution, the correspondence which preceded its introduction, and the result, so far as they can estimate it. The committee has not considered the actual wording of the resolution, and I think it would be well that the resolution should go before the committee. If necessary, we can meet to-morrow, if it is thought more time will be needed, and make the report on Monday.

I am sorry to differ with the Senator from Arkansas, but I do not think it is a vain ceremonial. I think, in a case like this, it is very desirable to proceed in the usual and orderly fashion in dealing with such questions. That is all I want to bring about. I think on the main issue the committee and the Senate are pretty well agreed.

Mr. CULBERSON. Mr. President, there has been no disposition in what I have said to-day to extort from the chairman of the committee or the committee itself any obligation or promise with reference to the consideration and report of the joint resolution. After examining article 12 of the treaty it occurred to me to be of enough importance to call the attention of the Senate publicly to my construction of it, and the possible correct construction of the article, with a view to action at once on the part of the committee.

I said time and again in the observations I made a while ago that I would not think of putting the chairman of the committee in the attitude of making a formal objection to any suggestion of mine under the rules of the Senate, but I desired to know, in view of the urgency of the situation, if the committee could take the matter up and dispose of it Monday. With no more than that mere suggestion on my part, the chairman of the committee suggested in reply that he thought the matter could be considered and a report made on the joint resolution by Monday next, which was satisfactory to me.

Now, a word or so more, Mr. President. After introducing at the last session the resolution expressing the sense of the Senate that this treaty ought to be abrogated, I called the attention of the State Department to a joint resolution, passed on the 4th of March, 1909, requesting the President to institute diplomatic negotiations in order to see if this Russian situation could not be improved by treaty or otherwise; requested the State Department to inform me what action, if any, had been taken with reference to the matter by that department, and what the situation was with regard to success or failure.

On the 27th of July, 1911—my recollection is that I submitted to the Committee on Foreign Relations the letter I am about to read—I received a letter from Mr. Knox, or on his behalf, signed for him by the Assistant Secretary of State, which reiterates what every Secretary of State since 1882 has said on the subject—that it has been impossible by diplomatic methods to remedy this situation. I take the liberty of reading this letter to the Senate, which is addressed to myself, and dated, as I have stated, July 27, 1911:

DEPARTMENT OF STATE,
Washington.

SIR: I have the honor to acknowledge the receipt this morning of the letter of yesterday's date in which you ask to be informed whether efforts have been made to carry out the joint resolution approved March 4, 1909, requesting that the President renew negotiations with the Government of Russia to secure, by treaty or otherwise, uniformity of treatment and protection to American citizens holding passports duly issued by the authorities of the United States. Your letter also asks what are the probabilities with reference to the success of such negotiations.

In reply to these inquiries I hasten to inform you that this department has been and still is urging upon the Russian Government the views which actuated the joint resolution in question. The Russian Government has shown a disposition to adjust amicably and satisfactorily to us whenever possible under its laws such cases as have been brought to its attention by the representatives of this Government, although it has not yet been possible to secure by treaty or otherwise the amendments of the Russian law necessary to obviate the conflict between it and the construction placed by the joint resolution upon the treaty of commerce and navigation of 1832. I regret that the negotiations and informal discussions with the Russian authorities with this end in view could not well be made public without detriment to their chances of success. I have the honor to be, sir,

Your obedient servant,

HUNTINGTON WILSON,
For Mr. KNOX.

Mr. RAYNER. What is the date of that letter?

Mr. CULBERSON. It is dated July 27, 1911.

So I say again, Mr. President, that instead of there being any disposition here, as intimated by the Senator from Arkansas, to put the State Department on trial for its attitude upon this question now or during any period since 1882, I simply accept the situation as stated by that department, that it has been unable by diplomacy to remedy the situation.

Mr. CLARKE of Arkansas. Mr. President, I must be distinctly understood to mean that neither the State Department, speaking in any authoritative way, nor the President, have made known to the country the fact that a stage has been reached in the negotiations with Russia where a further consideration of this question is undesirable. There have been answers to individual inquiries by Senators and others entitled to such courtesies at the hands of the State Department which furnish concrete facts from which certain deductions may be drawn. What I say is, that the present agitation and the present condition of sentiment in the lower House and in this Chamber is not due to information derived from the State Department nor from our diplomatic representatives, but is rather a taking notice of conditions by the public generally. It is the result of aroused public opinion, which has acted independently and, one might say, in opposition to the attitude of the State Department.

I have not thought poorly enough of the State Department to believe that the matter ought to be foreclosed in that condition. I believe that our State Department can make a showing that will convince the intelligent and discriminating public opinion of this country that they have not been idle nor indifferent; that there are records there fit to be made public which will disclose the fact that whilst they have not been quite as energetic as public opinion demanded, they, nevertheless, have not been idle. I am not assailing the department any further than the facts will justify, but I do say that there never emanated from the President nor from the Secretary of State any such authoritative announcement as has justified the present condition of public opinion on this particular question. It has come about independently, not only as the result of agitation set on foot by those most directly and immediately interested, but by taking notice of facts, fragmentarily collected from one transaction in one period to another, until a volume of information has been collected and grouped that has rivoted a conviction upon the public mind of this country that a reserve power should be brought into existence; that the President and his Secretary of State have not made known to the Senate nor to the country the fact that they had, to use a homely phrase, reached their row's end.

If we are to take up this matter in committee we ought to have such time and opportunity and latitude as will enable us to do it with fair justice, not only to our own citizens, but to our own official representatives, and we ought, when we make deliverance upon the subject, to be able to say that public opinion has simply run a little in advance of our direct representatives and that they have not been culpably negligent.

Mr. CULLOM. Mr. President——

Mr. CLARKE of Arkansas. I will hear from my friend from Illinois with pleasure.

Mr. CULLOM. I simply want to say that only a few days ago the President himself sent a message here containing a paragraph stating that he was at work on this question and would have something to say upon it immediately after the Christmas holidays. In addition to that, if the Senator from Arkansas will yield to me for a moment further, I have had several conversations with the Secretary of State, and I will venture to say that he has done more work in trying to bring about a better condition of affairs in connection with the subject than has any other Secretary of State for many years. He is at work on it now. He is engaged with the ambassador from Russia to this country, and he told me the other day that he believed he was about to accomplish something that would be valuable to our country.

Mr. CLARKE of Arkansas. If anything that I have said indicates to the contrary, I desire an opportunity to withdraw it, because I have attempted to show all along that I did not believe that the Secretary of State has been indifferent, nor had he been idle; but if this matter is disposed of in the manner proposed, it implies that we do not desire to hear officially from our representatives in the State Department as to what has been done. The Secretary of State may tell the Senator from Illinois personally what is being done; he may write or cause one of his subordinates to write to the Senator from Texas, but there is no issue joined officially and authoritatively before the country.

Mr. CULLOM. There is a letter now on file with the Committee on Foreign Relations from the Secretary of State on this subject.

Mr. CLARKE of Arkansas. That is not the way by which the public opinion of the country is advised as to what is transpiring in connection with great international questions. There is a method of communication with the two branches of Congress, furnished by the Constitution itself, which has not been availed of. The public generally do not examine the files of the Committee on Foreign Relations nor those of any other committee. What I am complaining about is that the governmental attitude as it has been evolved and as it exists has not been, as it should be, authoritatively declared by those in a position to do it and make the issue on that proposition.

If, on the other hand, we are going to ignore the State Department, its attitude, and its history, then the thing to do is to deal with the question from the standpoint of the situation created by public opinion in the country—pass the joint resolution and put the responsibility upon the public, upon the Representatives and Senators who deal with it, leaving out of view what has been done by the State Department.

If at a subsequent time, or contemporaneously, those officials feel called upon to declare or to make known what they have been doing in this connection, they have a perfect right to do so; and I am very sure they have ample opportunity to do so.

Now, a word about the suggestion of the Senator from Massachusetts [Mr. LODGE] that our ambassadors and our Secretaries of State and Assistant Secretaries of State have from time to time addressed communications to the Russian Government indicating in diplomatic language a spirit of dissatisfaction with the course that was being adopted. I am sure that has been done, that it has been frequently done, and has been just as frequently dropped, and as soon as the heat and feeling of the particular transaction which invoked the correspondence has died out of the public memory interest in the question has died out, until all of a sudden it rose up here in front of Congress in such proportions that either a sense of pride or a sense of safety induced them to take notice of it and they have dealt with it.

There is one of two ways to do it: Either send the joint resolution to the Committee on Foreign Relations with directions to investigate it according to its merits, and to the utmost limit, and to justify before the country the attitude of the State Department and of the President—and not only the present administration, but those that have gone before—and to show that they have not been idle and have not been indifferent; or to rest the responsibility where it seems to rest, and that is upon the public opinion of the country, and to dispose of the joint resolution by passing it just as it lies upon the table, without the formality of a mere reference, so limited both as to the character of the report and the time within which it is to be made as to absolutely forecast its character.

Mr. RAYNER. Mr. President, I merely want to call the attention of the Senate to the fact, with which they are perfectly familiar, I suppose, that in 1909 both Houses of Congress passed the following joint resolution:

Resolved, etc., That the President of the United States be, and is hereby, directed to renew negotiations with the Government of Russia to secure, by treaty or otherwise, uniformity of treatment and protection to American citizens holding passports duly issued by the authorities of the United States, in order that all American citizens shall have equal freedom of travel and sojourn in such country without regard to race, creed, or religious faith, including a provision that the honoring or viséing of passports when duly issued and held by citizens of the United States shall not be withheld because or on account of the race, creed, or religious faith of their holders.

Now, our proposition is that the time for negotiation has passed and the time for action has arrived.

Mr. BACON. Mr. President, without assuming to take issue with the last statement of the learned Senator from Maryland [Mr. RAYNER], as he has read the resolution adopted by both Houses of Congress, possibly a fact stated by me may relieve the State Department and the President from any possible imputation of not being diligent in the performance of the duty prescribed by that resolution. I myself within the past two months saw the ambassador from the United States to Russia and had a conversation with him about this particular subject matter. He told me in that conversation—we had quite a discussion in regard to the progress of negotiations—that he was then engaged in the effort to bring about an agreement between

the two countries which would secure the result mentioned in the resolution which the Senator from Maryland has read, and that he was doing so under the instructions of the State Department. I simply mention that as evidence of the fact that, however futile those efforts may be, the State Department has not been negligent in the effort to bring about the desired result.

The VICE PRESIDENT. Without objection, the joint resolution will be referred to the Committee on Foreign Relations.

PRIMARY ELECTIONS IN THE DISTRICT OF COLUMBIA.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois withhold his motion?

Mr. CULLOM. I do.

Mr. BRISTOW. Some time last session I introduced a bill providing for a primary election in the District of Columbia, whereby those living within the District might elect their delegates to a national convention and instruct them how to vote in regard to nominations for President and Vice President and member of the national committee. The bill was referred to the Committee on the District of Columbia, and I should like to inquire of the chairman of that committee if there will probably soon be a report upon the bill, either favorably or adversely?

Mr. GALLINGER. Mr. President, I regret that the Senator from Kansas did not interrogate me in my committee room. I could have then answered him more definitely. I have a very vague recollection of the bill to which he refers. I think it was sent to the Commissioners of the District of Columbia, as are all bills that come to my committee; but I am not at all sure whether the commissioners have reported upon it. I will simply say to the Senator that my enforced absence from the city, commencing last July and continuing until only a few days ago, has made me somewhat out of touch with the details of the work of the committee. I will, however, look into the matter and inform the Senator at an early day of the status of the bill.

Mr. BRISTOW. I shall appreciate it very much if the Senator will do so. I realize the difficulty under which the Senator has been laboring.

EXECUTIVE SESSION.

Mr. CULLOM. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 3 o'clock and 40 minutes p. m.) the Senate adjourned until Monday, December 18, 1911, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate December 14, 1911.

CONSULS.

Robert S. S. Bergh, of North Dakota, now consul at Belgrade, to be consul of the United States of America at Bursiem, England, vice Edward B. Walker, resigned.

elta Hanna, of California, now consul at Iquique, to be consul of the United States of America at Georgetown, Guiana, vice George B. McGoogan, deceased.

Milo A. Jewett, of Massachusetts, now consul at Trebizond, to be consul of the United States of America at Kehl, Germany, vice Frank S. Hannah, resigned.

Marion Letcher, of Georgia, now consul at Progreso, to be consul of the United States of America at Chihuahua, Mexico, vice Maddin Summers, nominated to be consul at Belgrade.

Dean B. Mason, of Ohio, now a consular assistant, to be consul of the United States of America at Algiers, Algeria, vice Albert W. Robert.

Maddin Summers, of Tennessee, now consul at Chihuahua, to be consul of the United States of America at Belgrade, Servia, vice Robert S. S. Bergh, nominated to be consul at Bursiem.

COLLECTOR OF CUSTOMS.

Judson La Moure, jr., of North Dakota, to be collector of customs for the district of North Dakota and South Dakota. (Reappointment.)

UNITED STATES MARSHALS.

Henry W. Mayo, of Maine, to be United States marshal for the district of Maine. (A reappointment, his term expiring Dec. 9, 1911.)

Horace W. Bailey, of Vermont, to be United States marshal for the district of Vermont. (A reappointment, his term having expired Dec. 9, 1911.)

APPOINTMENTS IN THE ARMY.

CAVALRY ARM.

Malcolm Wheeler-Nicholson, of Washington, to be second lieutenant of Cavalry, with rank from October 6, 1911.

INFANTRY ARM.

Gerald Ellis Cronin, of New York, to be second lieutenant of Infantry, with rank from October 7, 1911.

PROMOTION IN THE ARMY.

SUBSISTENCE DEPARTMENT.

Capt. William R. Grove, commissary, to be commissary with the rank of major from December 10, 1911, vice Maj. Arthur M. Edwards, retired from active service December 9, 1911.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 14, 1911.

MINISTER.

John W. Garrett to be envoy extraordinary and minister plenipotentiary to Argentina.

SUPERVISING INSPECTOR, STEAMBOAT-INSPECTION SERVICE.

John K. Bulger to be supervising inspector, first district, Steamboat-Inspection Service.

PROMOTION IN THE NAVY.

Lieut. (Junior Grade) Wolcott E. Hall to be a lieutenant.

POSTMASTERS.

CALIFORNIA.

Sarah B. Anthony, Williams.
John C. Dickson, Sierra Madre.
Thomas Edwards, Crockett.
Claude O. Gillett, Hemet.
Harry J. Lawton, Fellows.
Edgar W. Loyd, Portersville.
A. P. May, Oilfields.
Mary S. Rutherford, Truckee.
Joseph R. Wilson, Cedarville.
George William Wentner, Weed.

GEORGIA.

Chester L. Elliot, Brunswick.

INDIANA.

Juanita Bond, Oaktown.

KENTUCKY.

Carl Henderson, Marion.

LOUISIANA.

Joseph T. Labit, Abbeville.

MINNESOTA.

William T. Callahan, Long Prairie.

MONTANA.

Raymond E. Northey, Sidney.

NEW JERSEY.

Lewis A. Waters, Madison.

NEW YORK.

Edward M. Morgan, New York.
Hiram Tate, Warwick.

PENNSYLVANIA.

Harry W. Fabian, Economy.
Pearl T. Feist, White Haven.
Mertie T. Gillies, Devon.
Frank R. Hammond, Bolivar.
William V. Marshall, Berlin.
William E. Moody, Tremont.
Joseph F. Naugle, Meyersdale.
Thomas K. Pullin, Confluence.

WASHINGTON.

William R. Day, Asotin.
Arthur B. Foley, Wilbur.
Ira S. King, Selah.
Charles L. Olsen, Concrete.
James W. Patterson, Chewelah.

WEST VIRGINIA.

Henry N. Bradley, Charles Town.
Thad T. Huffman, Keyser.
Ernest L. Love, Grafton.
Josephine B. Marks, Walton.
Thomas E. Pownall, Romney.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December 14, 1911.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., delivered the following prayer:

Blessed be the name of the Lord our God, whose infinite wisdom, power, and goodness are everywhere apparent in the wonderful adaptation of means to ends; in the overruling of His providence in the affairs of men; in the deep convictions of our souls which lift us to the realms of higher thought and action. Strengthen, we beseech Thee, our faith, quicken our convictions, "till we all come in the unity of the faith and of the knowledge of the Son of God, unto a perfect man, unto the measure of the stature of the fullness of Christ." Amen.

The Journal of the proceedings of yesterday was read and approved.

MANUAL AND DIGEST.

Mr. HENRY of Texas. Mr. Speaker, I offer the resolution which I send to the Clerk's desk, and ask unanimous consent for the present consideration of the same.

The SPEAKER. The gentleman from Texas asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

House resolution 338.

Resolved, That there be printed 2,000 copies of the Manual and Digest of the Rules and Practice of the House of Representatives for the second session of the Sixty-second Congress, the same to be bound and distributed under the direction of the Speaker and the Clerk of the House.

The SPEAKER. Is there objection to the consideration of the resolution? [After a pause.] The Chair hears none. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

THE LATE SENATOR STEPHEN B. ELKINS.

Mr. HUGHES of West Virginia. Mr. Speaker, I ask unanimous consent for the consideration of the following order, which I send to the Clerk's desk.

The SPEAKER. The gentleman from West Virginia asks unanimous consent for the consideration of the following order, which the Clerk will report.

The Clerk read as follows:

House Order No. 11.

Ordered, That Sunday, the 7th day of January, 1912, at 12 o'clock m., be set apart for addresses on the life, character, and public services of the Hon. STEPHEN B. ELKINS, late a United States Senator from the State of West Virginia.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the order.

The question was taken, and the order was agreed to.

NOBEL PEACE PRIZE.

The SPEAKER. The Clerk will read the following communication received by the Speaker from the Acting Secretary of State.

The Clerk read as follows:

DECEMBER 13, 1911.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: At the request of the secretary of the Nobel committee of the Norwegian Parliament, I have the honor to transmit for the information of the House of Representatives a copy of a circular issued by the Nobel committee, furnishing information as to the distribution of the Nobel peace prize for the year 1912. I have the honor to be, sir,

Your obedient servant,

HUNTINGTON WILSON,
Acting Secretary of State.

DET NORSKE STORTINGS NOBELKOMITÉ. NOBEL COMMITTEE OF THE NORWEGIAN PARLIAMENT.

NOBEL PEACE PRIZE.

All proposals of candidates for the Nobel peace prize, which is to be distributed December 10, 1912, must, in order to be taken into consideration, be laid before the Nobel Committee of the Norwegian Parliament by a duly qualified person before the 1st of February of the same year.

Any one of the following persons is held to be duly qualified: (a) Members and late members of the Nobel Committee of the Norwegian Parliament, as well as the advisers appointed at the Norwegian Nobel Institute; (b) members of Parliament and members of government of the different States, as well as members of the Interparliamentary Union; (c) members of the International Arbitration Court at The Hague; (d) members of the commission of the Permanent International Peace Bureau; (e) members and associates of the Institute of International Law; (f) university professors of political science and of law, of history, and of philosophy; and (g) persons who have received the Nobel peace prize.

The Nobel peace prize may also be accorded to institutions or associations.

According to the Code of Statutes, section 8, the grounds upon which any proposal is made must be stated and handed in along with such papers and other documents as may therein be referred to.

According to section 3, every written work, to qualify for a prize, must have appeared in print.

For particulars, qualified persons are requested to apply to the office of the Nobel Committee of the Norwegian Parliament, Drammensvei 19, Christiania.

LEAVE OF ABSENCE.

Mr. SHERWOOD, by unanimous consent, was granted leave of absence for five days, on account of important business.

PARLIAMENTARY PROCEDURE.

Mr. LANGLEY. Mr. Speaker, I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LANGLEY. It is this: If a Member feels that his privileges in the matter of freedom of debate have been improperly curtailed as a result of the ruling of the Chair in Committee of the Whole, is there not some parliamentary procedure whereby he can bring that question before the regular presiding officer of the House, chosen by its Members, presumably, because of his expert knowledge of such matters, to interpret the rules and decide these questions of order, so that the question may be authoritatively determined?

Let me add, Mr. Speaker, that, of course, I take it the Member could at the time have appealed from the decision of the Chair, but he may have refrained from doing so, either because he was in doubt at the moment as to whether his privileges had been erroneously limited or because he knew an appeal would not avail anything with the Members then in attendance.

Mr. OLMSTED. Mr. Speaker, just one moment. I understand from a private conversation with the gentleman from Kentucky [Mr. LANGLEY] that his parliamentary inquiry touches the insertion of something in the RECORD, which would, perhaps, bring it within the jurisdiction of the Speaker.

Mr. LANGLEY. As indicated by the gentleman from Pennsylvania, it does involve the question of what it is permissible to put in the RECORD, but the matter which prompted the parliamentary inquiry I have just made arose in general debate on the Sherwood pension bill and while I had the floor. It had been argued during the debate that the President had induced his personal representatives in the Senate to prevent the Sulloway pension bill from passing that body, and that the Republicans of the Senate were solely responsible for the failure of the bill to pass there. I was controverting these arguments, and was proceeding to quote from the Senate records of the last Congress, citing the pages in the RECORD where Democratic Senators are shown to have objected to the consideration of the bill, and where roll calls were had upon the question of taking up the bill, and to point out the party alignment on these votes, when I was interrupted by a member of the committee with a point of order that it was in violation of the rules to discuss Senate proceedings. I contended that the rule did not apply to the mere citation of facts shown by the proceedings of a prior Congress, but the gentleman who had been momentarily called to the chair during the absence of the regular Chairman, sustained the point of order without comment. The ruling was based, not upon any rule of this House, but upon a general parliamentary rule relating to such matters.

The SPEAKER. It seems to the Chair at first blush—of course, the present occupant of the chair has no settled opinion about it, because he has not examined into it—but it seems to the Chair that the remedy of the gentleman who thinks he has been deprived of a privilege by the Chairman of the Committee of the Whole is to appeal from the decision then and there. The present occupant of the chair does not understand that the Speaker sits as a court of appeals from the decision of the Chairman of the Committee of the Whole House. That would involve the whole proceedings in an everlasting mix up. [Laughter.]

Mr. LANGLEY. That is undoubtedly correct. It would have that effect, and I am not contending that such a practice would be advisable or practicable. Indeed, I concede that it would be neither. The Chair will observe that my question was whether there is any parliamentary method of getting such a matter as this before the House, so that the Speaker himself may settle it. If the rule is correct, then Members are violating it almost every day, because upon hurried examination of the RECORDS of this and preceding Congresses I find almost innumerable instances where Members have gone further even than I was going into the Senate proceedings when the point of order cut me off. The brief debate on the point of order indicates that there is a wide difference of opinion among Members of the House on the point, and involving, as it does, the question of freedom of debate—a question so important that it is touched upon in the Constitution—I am anxious to see it settled, and I am sure other Members are. If the Chair will permit me, perhaps this will bring it before the present presiding officer: I was authorized by order of the House to extend and revise

my remarks upon the bill which I was discussing at the time the point of order was sustained. Now, I am in doubt as to just what is the extent of the application of the rule governing reference in debate in the House to Senate proceedings, although I do not believe they apply to the remarks I was making at the time. It is not my desire to violate the rules of the House in exercising the privilege of extension of my remarks in the RECORD, which the House has accorded me, and in order to avoid it I have prepared a few sentences which cover the point I was seeking to bring out in the debate, and which I desire to insert in the RECORD as the conclusion of my remarks on the subject, to follow the point where the ruling of the chairman intervened. If the Chair will permit the Clerk to read this, I think we can settle the question now so that there will be no further difficulty about it.

The SPEAKER. The Chair thinks that is not the way to get at it.

Mr. CANNON. Mr. Speaker, I am aware of the ruling of the Chair in the Committee of the Whole. In my judgment, the ruling is in error. I suggest to the Chair, or the gentleman from Kentucky [Mr. LANGLEY], that if the gentleman extends his remarks under leave to print the matter could come up if somebody moved that it should be excluded from the RECORD.

The SPEAKER. That was the suggestion the Chair was going to make.

Mr. LANGLEY. I was desirous of avoiding that very sort of controversy. I did not wish to be put in the attitude of having anything I inserted in the RECORD stricken out, and that was why I raised the question. I do not want to put anything in the RECORD that ought not go there, although if this ruling is correct I would have distinguished company. What I want to put in the RECORD relates, I will say to the Chair, to certain records of the Senate—not by way of comment on the proceedings of the Senate, but merely a statement of what those records show with regard to action taken in previous Congresses—a mere matter of history. In my judgment, it does not come within any of the cases cited in Hinds' Precedents, wherein such points of order were sustained. I have examined these carefully, and each has some phase coupled with it, upon which the decision turned, differing from this case. If there is such a rule it is archaic and has no foundation in logic or common sense.

Mr. MANN rose.

The SPEAKER. Does the gentleman from Illinois desire to be heard?

Mr. MANN. I would like to inquire, Mr. Speaker, what is pending before the House?

The SPEAKER. The matter that was disposed of was a parliamentary inquiry as to whether the Speaker should undertake to act as a court of appeals, really, to revise the decisions of the Chairman of the Committee of the Whole House. [Laughter.]

Mr. MANN. I do not think that will require any discussion, Mr. Speaker.

The SPEAKER. It did not, but it drifted into a kind of interlocutory conversation. [Laughter.] Nobody objected. The way to reach the object in view, the Chair suggests, is to print whatever one pleases in the RECORD, and then if any gentleman wants to raise a point of order let him move to strike it out, and then it will come before the Chair; although the Chair will state, incidentally, that when the gentleman from New York [Mr. PAYNE] was in the chair on one occasion he rendered an opinion that would cut out everything that was ever said in the United States Senate from the foundation of the Government. [Laughter.]

Mr. LANGLEY. Even the statement of the result of a roll call?

The SPEAKER. Yes.

Mr. NORRIS. I am not sure, Mr. Speaker, but that it would be a good thing. [Laughter.]

Mr. PAYNE. I suggest that the Chair have that decision read.

The SPEAKER. We will have it read. The Hon. John J. Lentz, of Ohio, was making a speech and undertook to quote something from the Senate, and the gentleman from New York [Mr. PAYNE] ruled him out of order, whereupon Mr. Bland, of Missouri, made a point of order on the suggestion that the matter that Mr. Lentz was quoting was "ancient history" in the Senate, and, therefore, that Mr. Lentz had a right to read it. Here is what the Chair ruled. It is a very broad and comprehensive opinion. The Chairman said:

It can not be done in that way. The rule is to prevent the reading of what any Senator has said, and, to prevent a misunderstanding between the two Houses, or to quote from any Member of the House. * * * The subject matter and the matter, the gentleman states, is to disprove what was said by the gentleman from Iowa, and is right on that subject matter. * * * This is not new. It has been ruled in a good many times during the time that the gentleman from Missouri and the Chair have been Members of the House. * * * The object of the rule is to prevent misunderstanding between the two Houses. * * * The Chair is very clear that the gentleman from Ohio can not read from that speech under the rules of the House. * * * The gentleman from Ohio himself stated that he read from what a certain Senator said in the Senate, and did it for the purpose of disproving the remarks of the gentleman from Iowa. In fact, he said the gentleman from Ohio had been the only man who had made any such reflection.

Mr. LANGLEY. Mr. Speaker, I ask unanimous consent that a brief ruling on the same point by Mr. Carlisle, of Kentucky, when acting as Chairman of the Committee of the Whole House, may be read in order that an authority on the other side may be presented to the House along with the one just read. It will only take half a minute and is clear and directly in point.

The SPEAKER. The gentleman from Kentucky will understand that the Chair is not passing on this question.

Mr. LANGLEY. I understand that, but I have great confidence in and respect for the judgment and impartiality of the present occupant of the chair, and I wish we had his decision on the question.

The SPEAKER. The Chair is not going to cross any bridges until he comes to them.

Mr. FITZGERALD. Mr. Speaker, what is before the House?

The SPEAKER. There is no question whatever before the House.

Mr. MANN. The gentleman from Kentucky has asked unanimous consent to have something read.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to have one of Speaker Carlisle's decisions read. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 5099. It is permissible in debate to refer to proceedings of the other House, provided such reference be within the prohibitions of the rules. On March 18, 1882, the House was in Committee of the Whole House on the state of the Union, and during the debate Mr. Charles O'Neill, of Pennsylvania, referred to secret sessions of the Senate, stating that the appointment of a certain official was confirmed unanimously, and giving as his authority for knowing this the fact that Members of the House knew of all that occurred in executive sessions of the Senate relative to confirmations.

Mr. William M. Springer, of Illinois, made the point of order that the gentleman had no right to refer to proceedings of the Senate, and especially to proceedings of the Senate in executive session, which were secret.

The Chairman (Mr. Carlisle) ruled:

The Chair does not understand there is any rule of the House or any rule of parliamentary law which prevents the gentleman from referring to proceedings at the other end of the Capitol, although he is prevented from criticising or calling in question the proceedings there or alluding by name to the gentlemen who participated in those proceedings. The proceedings of the other branch are constantly alluded to in this House.

Mr. LANGLEY. That is all, Mr. Speaker; I will follow the suggestion of the Chair.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representativs was requested:

S. 3436. An act granting to Phillips County, Ark., certain lots in the city of Helena for a site for a country courthouse.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 3436. An act granting to Phillips County, Ark., certain lots in the city of Helena for a site for a county courthouse; to the Committee on Public Lands.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 2877. An act amending section 67 of the act approved March 3, 1911, to codify, revise, and to amend the laws relating to the judiciary.

CALL OF COMMITTEES.

The SPEAKER. The Clerk will call the roll of the committees.

EIGHT-HOUR BILL.

Mr. WILSON of Pennsylvania (when the Committee on Labor was called). Mr. Speaker, I desire to call up H. R. 9061, the eight-hour bill.

The SPEAKER. The gentleman from Pennsylvania calls up a bill which the Clerk will report.

The Clerk read the bill (H. R. 9061) limiting the hours of daily service of laborers and mechanics employed upon work

done for the United States, or for any Territory, or for the District of Columbia, and for other purposes, as follows:

Be it enacted, etc., That every contract hereafter made to which the United States, any Territory, or the District of Columbia is a party, and every such contract made for or on behalf of the United States, or any Territory, or said District, which may require or involve the employment of laborers or mechanics shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day upon such work; and every such contract shall stipulate a penalty for each violation of such provision in such contract of $5 for each laborer or mechanic for every calendar day in which he shall be required or permitted to labor more than eight hours upon said work; and any officer or person designated as inspector of the work to be performed under any such contract, or to aid in enforcing the fulfillment thereof, shall, upon observation or investigation, forthwith report to the proper officer of the United States, or of any Territory, or of the District of Columbia, all violations of the provisions of this act directed to be made in every such contract, together with the name of each laborer or mechanic who has been required or permitted to labor in violation of such stipulation and the day of such violation, and the amount of the penalties imposed according to the stipulation in any such contract shall be directed to be withheld by the officer or person whose duty it shall be to approve the payment of the moneys due under such contract, whether the violation of the provisions of such contract is by the contractor or any subcontractor. Any contractor or subcontractor aggrieved by the withholding of any penalty as hereinbefore provided shall have the right to appeal to the head of the department making the contract, or in the case of a contract made by the District of Columbia to the commissioners thereof, who shall have power to review the action imposing the penalty, and from such final order whereby a contractor or subcontractor may be aggrieved by the imposition of the penalty hereinbefore provided such contractor or subcontractor may appeal to the Court of Claims, which shall have jurisdiction to hear and decide the matter in like manner as in other cases before said court.

SEC. 2. That nothing in this act shall apply to contracts for transportation by land or water, or for the transmission of intelligence, or for such materials or articles as may usually be bought in open market, whether made to conform to particular specifications or not, or for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not: *Provided*, That all classes of work now being performed by the Government shall, when done by contract or otherwise, by individuals, firms, or corporations, be performed in accordance with the terms and provisions of this act. The President, by Executive order, may waive the provisions and stipulations in this act as to any specific contract or contracts during time of war or a time when war is imminent. No penalties shall be imposed for any violation of such provision in such contract due to any emergency caused by fire, famine, or flood, by danger to life or to property, or by other extraordinary event or condition which the President shall subsequently declare to have been justifiable. Nothing in this act shall be construed to repeal or modify chapter 352 of the laws of the Fifty-second Congress, approved August 1, 1892.

With the following committee amendments:

On page 2, line 15, after the word "withheld," insert the words "for the use and benefit of the United States, the District of Columbia, or the Territory contracting."

On page 2, line 21, after the word "right," insert the words "within six months thereafter."

On page 2, line 22, after the word "contract," insert the words "on behalf of the United States and the Territories."

On page 2, line 22, after the word "contract," strike out the word "or" and insert the word "and."

On page 2, line 25, after the word "and," insert the words "in all such appeals."

On page 3, line 3, after the word "may," insert the words "within six months thereafter."

On page 3, line 4, after the word "have," insert the word "final."

On page 3, line 9, after the comma following the word "market," insert the words "except armor and armor plate."

On page 3, line 13, after the word "work," strike out the words "now being" and insert the words "which have been, are now, or may hereafter be."

On page 3, line 14, after the comma following the word "shall," strike out the word "when" and insert the words "if the same shall be."

On page 3, line 23, after the word "condition," insert the words "on account of."

On page 3, line 24, after the word "declare," insert the words "the violation."

On page 4, line 3, after the word "ninety-two," insert comma and the words "or to apply to work done under contract made prior to the approval of this act."

Mr. MANN. Mr. Speaker, I make the point of order that this bill should be on the Union Calendar. In making the point of order I will say that, so far as I am concerned, I have no objection whatever to the consideration of the bill to-day by unanimous consent, if it be ruled to belong on the Union Calendar.

The SPEAKER. The gentleman will please state his reasons.

Mr. MANN. The first section of the bill relates wholly to provisions to be inserted in a contract. I will not say whether that would make the bill subject to a point of order or not.

The second section of the bill relates to all work performed by the Government—

Provided, That all classes of work performed by the Government shall, when done by contract or otherwise, by individuals, firms, or corporations, be performed in accordance with the terms and provisions of this act.

That necessarily affects the amount of expenditures by the Government for the payment for work.

The bill in the second section goes so far that it would take in any work performed by individuals for the Government, meaning all kinds of work not now required to be under the eight-hour provision, and, necessarily, therefore, affecting the amount of expenditures for the work. The difference, of course, between being on the House Calendar and the Union Calendar is that on the Union Calendar the bill must be read for amendments under the five-minute rule and amendments are in order. That is the only reason I make the point of order.

Mr. FITZGERALD. Mr. Speaker, under the rules of the House it must appear from the face of the bill that it does directly or indirectly appropriate money, and the decisions are that it must not be a matter of speculation.

Mr. MANN. This is not a matter of speculation.

Mr. FITZGERALD. It is only speculative that the action of the eight-hour law will add anything whatever to the cost of Government work.

Mr. MANN. Oh, but it affects the amount paid by the Government.

The SPEAKER. How does it do that?

Mr. MANN. It provides a different method of computation entirely. Suppose the bill proposed to fix absolutely in the Post Office appropriation bill or any other that employees should only work one hour a day. Would anyone say that that would not affect the expenditures by the Government? It is not confined to contracts or provisions in contracts, but it affects the amount directly paid by the Government for the work.

Mr. WILSON of Pennsylvania. Mr. Speaker——

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Pennsylvania?

Mr. MANN. Certainly.

Mr. WILSON of Pennsylvania. There is nothing in section 2 that specifically relates to the compensation that shall be paid to employees. It simply relates to the hours of labor, and not the compensation, and consequently does not affect the appropriations.

Mr. MANN. The compensation is now fixed by law in many cases where this act would take effect.

The SPEAKER. The Chair would ask the gentleman from Illinois where is the language in the bill that changes the compensation?

Mr. MANN. It does not change the compensation. The compensation per day would be the same, but when you say, in the Post Office Department, for instance, that you change the hours of labor, that necessarily affects the expense to the Government. It affects the expenditures by the Government.

Mr. MURRAY. Mr. Speaker, may I ask the gentleman from Illinois a question?

Mr. MANN. Certainly.

Mr. MURRAY. Does not the gentleman believe that the shortening of hours would result in increased efficiency? If the passage of this bill were followed by such increased efficiency, it would not mean an increase in expenditure.

Mr. MANN. It affects the expenditure; that is a matter of opinion. I am not opposed to an eight-hour law.

Mr. FITZGERALD. Mr. Speaker, the bill on its face must directly or indirectly appropriate money or property to make it necessary to be considered in Committee of the Whole.

Mr. MANN. It does not have to make an appropriation; it may make provisions that make a charge on the Treasury.

Mr. MURRAY. Not necessarily an increased charge.

Mr. FITZGERALD. Mr. Speaker, I will read the rule:

Second. A House Calendar, to which shall be referred all bills of a public character not raising revenue nor directly or indirectly appropriating money or property.

There are a number of bills that provide for additional terms of court in different places, and the point has been made that that would add to the expense of holding the court. Of course it would require additional officers, marshals, and other expenditures, and the decisions have been that that did not directly appropriate money, that there was no way of determining it, and that it was merely a matter of speculation. We can not say that working eight hours a day instead of nine hours a day will increase expense.

Mr. MANN. I do not think it is a matter of whether it will increase the expense at all.

Mr. DALZELL. Mr. Speaker, if the gentleman will yield, I find in the Digest a reference to volume 4, paragraph 4827, Hinds' Precedents, which I think may have some bearing on the subject. To what extent it is applicable I am unable to tell from the brief paragraph in the Manual. It says:

But where a bill sets in motion a train of circumstances destined ultimately to involve certain expenditures, it must be considered in Committee of the Whole.

The SPEAKER. The rule under which this point of order is made is found on page 413 of the Manual, third subdivision of Rule XXIII:

All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriations to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or prop-

erty, or referring any claim to the Court of Claims, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

In a note under that at the bottom of the page, section 844, Speaker Henderson rendered the following opinion:

To require consideration in Committee of the Whole, a bill must show on its face that it falls within the requirements of the rule (IV, 4811–4817), but where the expenditure is a mere matter of speculation (IV, 4818–4821), or where the bill might involve a charge, but does not necessarily do so (IV, 4809, 4810), the rule does not apply.

Now, you can speculate what effect this eight-hour business would be, but it does not seem to the Chair it comes within that rule. The Chair knows it has been contended that people do more work in 8 hours a day than in 10. The Chair does not know whether that is true or not, but the point of order is overruled.

Mr. HEFLIN. Mr. Speaker, I have just conferred with the gentleman from Pennsylvania [Mr. WILSON] and I desire to ask unanimous consent to address the House for 40 minutes upon the subject of cotton and to reply to an editorial which reflects upon the South and southern Members in a paper yesterday morning, and that immediately after that time they proceed with the bill.

Mr. NORRIS. Mr. Speaker, I would like to suggest to the Chair that the committee amendments to this bill have not yet been read by the Clerk.

The SPEAKER. That is true.

Mr. WILSON of Pennsylvania. Mr. Speaker, I have no objection to the arrangement made by the gentleman from Alabama, provided immediately after he closes we may proceed with the consideration of this bill without prejudice.

The SPEAKER. Neither the Chair nor the gentleman from Pennsylvania nor anybody else can keep any Member from making a motion to adjourn whenever he takes the notion.

Mr. MANN. Mr. Speaker, reserving the right to object, may I ask the gentleman from Pennsylvania what is his intention in reference to general debate on the bill or amendments to the bill?

Mr. WILSON of Pennsylvania. Mr. Speaker, I do not know how many gentlemen desire to be heard upon the bill either for or against it. I had in mind that possibly debate might be limited to two or three hours.

Mr. MANN. Personally I do not know of any one who desires to speak on the bill. I desire to offer some amendments to the bill if I have the opportunity.

Mr. WILSON of Pennsylvania. So far as that is concerned, if there is any opposition I have no objection to a full, reasonable time for consideration of the bill.

Mr. MANN. I do not object.

The SPEAKER. The Chair will put the request of the gentleman from Alabama.

Mr. CAMPBELL. Mr. Speaker, I suggest that at this time, while there is a good attendance in the House, that the time be fixed for voting upon this bill, if that can be agreed to.

The SPEAKER. If the gentleman from Kansas will suspend for a minute the Chair will put the request of the gentleman from Alabama and that will throw some light upon when this bill can be voted on. The gentleman from Alabama asks unanimous consent to address the House for 40 minutes. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. CAMPBELL. Can not the gentleman from Pennsylvania give the Members of the House some idea as to when we can reach a vote on the bill?

Mr. WILSON of Pennsylvania. I will make my own ideas conform to the desires of the House, whatever they may be.

Mr. CAMPBELL. Is there to be any general debate upon the bill?

Mr. WILSON of Pennsylvania. I presume there will be, and I suggest 5 o'clock or 4 o'clock.

Mr. MANN. I suggest we may possibly be able to pass upon the question later on, and I do not think we ought to fix the time now.

Mr. KENDALL. I want to suggest to the gentleman from Pennsylvania——

Mr. WILSON of Pennsylvania. Let me make a suggestion——

The SPEAKER. The gentleman from Pennsylvania has the floor.

Mr. WILSON of Pennsylvania. I desire to make this suggestion, that during the debate upon the bill we will then have some idea as to how long it is going to take to consider it, and at that time I will be perfectly willing to enter into an arrangement in regard to the time to vote upon the bill.

Mr. KENDALL. I was going to suggest to the gentleman that we proceed with the consideration of the bill, and it may be that during the consideration it will develop how much time will be required to reach a vote.

Mr. WILSON of Pennsylvania. I made that suggestion.

The SPEAKER. Have gentlemen come to any agreement about time?

Mr. WILSON of Pennsylvania. The only understanding that has been arrived at, Mr. Speaker, is that we should proceed with general debate and at some time during the general debate, within the hour, as I understand, we may come to some arrangement as to when a vote should be taken.

Mr. CAMPBELL. Does the gentleman from Pennsylvania know or have some idea as to how much time will be consumed in general debate?

Mr. WILSON of Pennsylvania. I have not, because I have not as yet learned of how much opposition there may be to the bill, and having no knowledge as to how much opposition there will be to the bill I have no knowledge as to how long the general debate may last.

Mr. CAMPBELL. How much time has been asked for by the gentleman from Pennsylvania [Mr. WILSON]?

Mr. WILSON of Pennsylvania. There has been no time asked for, because of the fact that it was not generally known that the bill would be called up to-day under the call of the committee.

Mr. MANN. If you can not agree upon a time, I shall object.

The SPEAKER. Has any gentleman any definite proposition to suggest about this debate? If not, the gentleman from Alabama [Mr. HEFLIN] is recognized for 40 minutes. [Applause.]

Mr. HEFLIN. Mr. Speaker and gentlemen of the House, I appreciate the kindness that you have done me in granting unanimous consent for me to speak at this time. An editorial in the Washington Post yesterday morning, entitled "The cotton crop in politics," is responsible for my desire to speak on this occasion. That editorial contains a number of misleading statements and undertakes to belittle the efforts of Members of Congress from the South who have sought to aid the farmer in securing a reasonable price for cotton.

After insinuating that the southern farmer had tried to deceive the public as to the productive prospects of this cotton crop, the editorial says that this "tactical mistake was inspired by the southern delegations" meaning, of course, Members of Congress from the South. Then the editorial concludes with this statement:

They are back in Washington now, after the signal failure of their plans to boost cotton prices, preparing to renew the campaign to depress the value of northern products.

Mr. Speaker, there is no excuse for that statement. It is untrue and absolutely unwarranted. As a Member of this House I have always voted for the agricultural interests of the North. As a member of the Committee on Agriculture—and I have the honor to be a member of that committee now—I have done what I could to aid the northern farmer. My southern associates upon that committee have done likewise, and southern Members upon this floor, without a single exception, so far as I know, have cheerfully supported measures that looked to the welfare of the northern farmer. I am surprised and astounded that the Post should publish such a statement as that contained in this editorial.

Bear gamblers and market manipulators have taken advantage of an unprecedented condition in the South and they have employed every means possible to reduce the price of cotton; and they have succeeded in reducing the price of cotton to such a low level that the farmer can not afford to produce it.

Thousands of acres that produced cotton this year have already been planted in oats and wheat and thousands more will be planted in corn next year. In my judgment a short cotton crop next year is an absolute certainty.

To-day the southern farmer is losing $30 per bale.

Last year for 10 bales of cotton he received $725. This year for 16 bales he receives $5 less than he received for 10 bales last year. So it must now be clear to the Post that our contention was correct when we said that a small crop brought the farmer more money than a large crop. If we produce 14,800,000 bales this year, as the Department of Agriculture has estimated the amount would be, we will lack $228,500,000 receiving as much for them as we did for 12,200,000 bales last year.

Mr. Speaker, these figures disclose a fearful loss to our farmers, and as a result of the destructive prices that have obtained this season, the condition of thousands of cotton producers in the South would, I believe, excite even the sympathy of the man who wrote this editorial in the Post criticizing southern Members for joining in the demand for a fair and reasonable price for cotton. It cost more to produce this cotton crop than it cost to produce the crop of 1910. It cost a great

deal more to gather this crop than it did to gather the crop of 1910—and yet we are receiving more than $200,000,000 less for it than we received for a smaller crop last year.

If the southern farmer can obtain more for a 12,000,000-bale crop than he can for a 14,000,000-bale crop is it not the part of wisdom for him to reduce his cotton acreage, to plant corn, sow wheat and oats, and produce his own meat and live stock?

I want to say to my friends from the West that so long as we received a fair price for our cotton we made no complaint about the prices that we paid you for meat and grain and live stock. For these items, when we received a good price for cotton, you have received annually from us millions of dollars. So, Mr. Speaker, the great meat-producing, stock-raising, and grain-growing West has profited when we have received a good price for cotton. We buy from the East, the North, and the West, and when we obtain a good price for our cotton we are prosperous, our purchasing power is greater, and every section of our common country shares in the prosperity that good prices for cotton produce. But when cotton sells at such prices as now obtain it demoralizes business in the South, upsets the plans of the farmer, depriving him of his debt-paying and purchasing power, and all other sections suffer from the evil and depressing influences of low-price cotton.

The price of western corn and mules will be injuriously affected by the low price now obtaining for cotton.

The southern farmer's failure to receive a reasonable price for his cotton up to this time has driven him to the determination to cut down his cotton acreage and to plant more corn and wheat and oats than ever before.

Our farmers a few years ago, when the cost of living was not so high and the cost of labor and live stock was not so high as now, could better afford to sell cotton at 7 cents per pound than they can afford to sell now for 10½ and 11 cents per pound.

If we produce 14,800,000 bales, as estimated by the Department of Agriculture, at a loss of $30 per bale as compared with the price that obtained for the last two crops, southern farmers will lose on this crop $444,000,000.

Mr. Speaker, is it at all strange that southern Members of Congress should urge southern farmers not to sell cotton at the ruinous prices that have obtained this season—prices that entail a loss on a single crop of nearly $500,000,000? Is it possible now that the writer of the editorial in the Post can not understand why we advised the cotton producer not to sell until he could obtain a reasonable price?

When we urged the cotton producer to quit selling until the price advanced to a reasonable figure, were we not advising him for his own good? When we urged him to sell his cotton sparingly, so as to keep the market keen and hungry, were we not advising him to pursue the wisest and most beneficial course possible for him to pursue? But the Post editorial says that we told the southern farmer "Keep your cotton at home and wait for the mills to come to your views." Mr. Speaker, if the southern farmer had been able in September and October to have "kept his cotton at home," cotton would now be bringing above 12 cents per pound. Unfortunately many farmers were not able to hold. They were forced to sell. The market was crowded, and the price went down and down. I asked a cotton spinner of my own State if the producers had refused to sell any cotton during the month of September, what effect their holding would have had on the price, and he replied, "Why, cotton would never have gone below 12 or 12½ cents per pound"; and then he added: "It ought not to have gone below that price."

But, Mr. Speaker, it has gone below that price, and the men who, at great expense and labor, have produced this crop are now being robbed by a band of bear gamblers on the New York Cotton Exchange. The Attorney General of the United States, who last year prosecuted those who bought actual cotton and held it until they could receive a better price than they paid for it, now sits silent in his great office and permits the bear speculator to reduce the price $30 per bale, and this to the great injury of the farmers of the South. [Applause.] When my friend AIKEN of South Carolina a few months ago took this matter up with the Attorney General with a view of prosecuting the bears the Attorney General, so active in his prosecution of those who helped the farmer to receive a better price for cotton, pleaded that he did not understand how a "bear pool" would operate. What a pity that he can understand a "bull pool" so well and can not understand a "bear pool." The average man knows what a bear pool is. Every cotton producer in the South knows to his sorrow what a "bear pool" is, but the Attorney General only knows what a "bull pool" is.

Right in the home State of the Attorney General—in the New York Cotton Exchange—the most damnable "bear pool" that was ever operated has been operated this season. It has oppressed and greatly injured the southern farmer, destroyed property values, and with sales of a fictitious stuff called cotton has beat down the price of real cotton. Through a combination entered into by bear speculators cotton prices have been slaughtered right under the nose of the Attorney General of the United States. Men who do not own cotton and who do not expect to own any sell in unlimited quantities that which they are pleased to call cotton. Their purpose is to beat down the price of cotton. If they succeed in reducing the price, they make money. They sell, and if the price goes lower the man to whom they sell pays them the difference in money. Mind you, no cotton passes from the one to the other—it is purely a speculative deal. For instance, the bear sells 100,000 bales of this fictitious stuff that he calls cotton, say, at 14 cents per pound; then he sells, or offers to sell, hundreds of thousands more bales to beat down the price. If he succeeds in reducing it to 9 cents, as was the case this year, he has made $2,500,000 on his sale of 100,000 bales of stuff that he calls cotton. Real cotton did not figure in the transaction. The settlement was had with money, and yet the property rights of the cotton producer have been injured, the price of real cotton greatly reduced, and the cotton producer is left to the tender mercies of the bear gamblers of New York. [Applause.]

The New York Cotton Exchange, as conducted to-day, is the deadliest enemy of the southern cotton farmer. That exchange uses in its demoralizing business 28 different grades of cotton. From stuff that is unfit to spin on through grades but little better up to a decent grade, these 28 different grades run. And if a man buys 500 bales of strict middling cotton and demands the cotton, under the rules of the New York Cotton Exchange, they can refuse to give him strict middling cotton and compel him to take either one or some of all of the 28 different grades. This low-grade stuff is used to make the delivery of actual cotton unpopular, and 9 times out of 10 the buyer, when he sees cotton coming from some one or more of these 28 grades, prefers to let the seller keep the cotton and settle with him with money. So in this way millions of bales of cotton are sold on the exchange and never a pound is delivered. So in this way a lot of dog-tailed cotton, unfit to spin, is used to beat down the price of actual cotton, and men are permitted to sell a hundred million bales of fictitious stuff called cotton, and they never call on the farmer for a bale with which to fill their contracts.

All the cotton exchanges in the United States, except the New York Cotton Exchange, I understand have adopted the standard for the different grades of cotton as required by an act of Congress. These grades described in the law are nine in number and classified as follows: "Middling fair, strict good middling, good middling, strict middling, middling, strict low middling, low middling, strict good ordinary, and good ordinary." Running through grades unfit for any use by the spinner on up to a spinable grade, the New York Cotton Exchange employs 28 different grades and the dirty stuff that they keep on hand for speculative purposes is "dummy cotton," not to be delivered, but kept to operate on in the exchange, and sales of this stuff over and over again are used to beat down the price of real cotton, and the cotton producer is greatly injured by these operations. When the man on the exchange sells cotton and calls on the farmer for cotton with which to fill the contract the exchange is performing a legitimate and helpful function and the producer becomes a factor in the matter of fixing prices.

Mr. Speaker, these bear speculators have not only sold in unlimited quantities stuff they call cotton, but they have deliberately deceived the public by advertising their bear sales on the exchange as sales of actual cotton. That was done for the purpose of creating the impression that a tremendous crop was being made and that the farmer was selling freely—that nobody was holding cotton. It did create that impression, and, coupled with the sales of actual cotton, it deceived the public and frightened the farmer in Alabama, in Georgia, and in Texas, and so on, into believing that the sales reported referred to the movement of actual cotton and that the farmers in the other States were selling freely.

For instance, the bear speculator would send in his order from some place in the South to sell 2,500 bales for him on the New York Exchange. If that order went up from Montgomery, Ala., the bear gamblers would report that 2,500 bales of cotton were sold on that day in Montgomery, and it may be that less than 300 bales of cotton were sold in Montgomery on that day.

But if 500 bales were sold that amount would be added to the 2,500 bales of stuff sold on the exchange, and the public was deceived into believing that 3,000 bales had been sold in Montgomery on that day, and so on through the South. These false reports deceived the farmer and in thousands of instances induced him to sell his cotton at destructive prices,

when if he had had the truth of the sales of real cotton he would have held for a better price.

And I submit to this House that when the bear speculator employed these false means for the purpose of inducing the farmer to sell his cotton he was guilty of obtaining the farmer's property under false pretenses.

I am going to introduce a bill at this session of Congress which will require the published notices of sales of cotton to state whether the sale is that of cotton futures for speculative purposes or whether it is a sale of actual cotton. By requiring a distinction to be made in notices of sales of actual cotton and fictitious stuff the farmer will keep himself informed as to the movement and sales of actual cotton during the selling season.

And if the farmer should decide to hold for a better price, newspaper notices of actual sales as distinguished from sales of futures would inform him whether or not the holding movement was general throughout the cotton belt. Then he would know, as he should know, just how the cotton crop was being marketed.

Mr. Speaker, for two years the spinners of the world have paid us 14¼ and 15 cents per pound for cotton, and they have based their operations—sales of cotton goods—upon that basis this year. In a bulletin sent to Members of Congress in June this year by the National Cotton Manufacturers' Association there was a statement intended to induce Members to believe that the spinners would pay 15 cents per pound for this crop, and I believe that they expected to pay that price for it. But the unprecedented condition that confronted us in September was seized upon by bear speculators, and conditions that were not really bearish, if the facts were known, were paraded in such a way as to depress the price of cotton, and the bears were successful in raiding the market and beating down the price.

What was that unprecedented condition? Mr. Speaker, no other crop in the history of cotton production ever matured as early as did the cotton crop of this year. Heretofore cotton opened through the months of September, October, November, and December, and you rarely ever saw as much as one-third of it open at once, but this year nearly all of it opened in September, and the fields were white.

The people traveling through the cotton belt at that time would remark that they never saw as much cotton in the fields at that season, and that was true. They saw cotton fields where ordinarily it required four pickings during three or four months now open all at once and ready to be gathered at one picking. The report of cotton ginned for the month of September broke all previous records, and again the bear speculators took advantage of the extraordinary appearance of things in the cotton belt and again deceived the public as to the real productive prospects of the cotton crop, and the bears succeeded in beating the price still lower. Those who did not know that the gin reports for September had told the story of the final yield in many sections, that every pound had been picked out in thousands of fields by October 1, were deceived into believing that the crop would be much larger than the facts warranted.

The unprecedented condition that existed in the early fall was exaggerated and used by the bears to deceive the public into believing that a tremendous crop was being made. Now, Mr. Speaker, that crop has been made, and the price has been reduced so low that the cotton growers in some sections are offering cotton pickers half of every bale that they will pick. Labor is so scarce in many sections and cotton is selling so cheaply that further effort to gather the crop has been abandoned and stock have been turned into many of the cotton fields of the South. Ask the Members of this House who come from the South, and they will tell you that thousands of bales will remain in the fields. My friend ELLERBE, of South Carolina, himself a farmer and one who is now offering to give anyone half of every bale that he will pick, says that at least 500,000 bales will never be gathered. The Department of Agriculture has estimated this crop to be 14,800,000 bales.

I have never believed that we would produce that much. I do not believe it now. But suppose we do, and 500,000 bales remain in the field, that will reduce the crop to 14,300,000 bales. I have contended that a 15,000,000-bale crop this year would not be more than the world would take from us. Last year the Department of Commerce and Labor said in a bulletin that the American cotton crop should be at least 13,500,000 bales in order to prevent a further reduction in the already low supply of raw cotton in the world. Then, speaking of the cotton crop of 1909, the Department of Commerce and Labor said:

> The short crop of that year brought the spinning industry of the world into the most acute situation in which it has been since the period immediately following the Civil War.

Remember that we lacked a million and a quarter bales producing last year what the Department of Commerce and Labor said was necessary for us to produce in order to prevent a further reduction in the already low supply of raw cotton.

Mr. Speaker, the spinners of the world have now the smallest supply of old cotton that they have had in 40 years, and the cotton crop of India and all the Old World is short, and I repeat that in view of these conditions a 15,000,000-bale crop is not a big crop, and every bale of it should bring 15 cents per pound. [Applause.]

If we should gin after December 1, 1,500,000 bales, it would make this crop 14,300,000 bales. I do not believe that we will gin that much. Nearly all of this crop has been ginned. Our cotton opening all at once presented a serious labor question. Cotton pickers who could gather the crop under ordinary conditions, when only a fourth of it opened at a time, found themselves unequal to the task when all the fields were white at the same time. While one of our northern friends was down in Mississippi talking to a southern farmer he said, "Why don't you people teach the monkeys to pick cotton; the little, nimble-fingered fellows would run around the stalks and pick out the fluffy stuff and throw it in the baskets." "Yes," said the farmer, "that's right; but we wouldn't more than get 'em organized before you durn Yankees would come down here and free 'em." [Laughter and applause.]

So, Mr. Speaker, gathering the cotton crop has been a serious and an expensive problem with us this year. In our consular and trade reports for September 22 it was stated that the people of India expected a short cotton crop and that a newspaper over there had expressed the opinion that cotton would go higher than it did last year, even if a big crop should be made in America.

The question as to how to increase the supply of raw cotton has been discussed recently in the British Parliament, and the advisability of buying lands in the cotton belt of the United States engaged their attention at the same time, and the Manufacturers' Record tells us that the English cotton manufacturers have recently put $3,000,000 into the purchase of cotton lands in the Mississippi Delta. I make the prediction now that the world's supply of cotton this year will not be sufficient to meet the world's demands.

There is another situation to be reckoned with, and that is that many farmers are now holding cotton, and that there will be at least 3,000,000 bales of this crop that will never go upon the market while cotton is below 12½ cents, and some of it will not be sold for less than 14 or 15 cents. The Washington Post can put that in its pipe and smoke it. [Applause.] It was hard to get our farmers to stand together in the holding movement. They were stampeded during the early fall, but at last they have started to holding cotton, and if you will go through Mississippi, Alabama, and Texas you will see that this holding movement is on in earnest, and it is on in such a way that even the Attorney General of the United States can not disturb them in their efforts to obtain a reasonable price for their cotton. [Applause.]

You know people when you get them stampeded are sometimes like sheep. When they get started they are hard to stop. A teacher once asked a boy this question: "If there are 12 sheep in a pen and 7 of them jump out, how many sheep will be left?" The boy scratched his head and was silent. The teacher said, "Can't you figure? There would be five left, would there not?" The boy said: "No, sir; there would not be any left." The teacher said, "Why, there would certainly be five left in the pen." The boy said: "Professor, you may understand arithmetic, but you don't understand sheep." [Laughter.] "If one jumped out, every one would jump out." [Laughter and applause.]

Sometimes cotton farmers get stampeded, and the early opening of the cotton crop in the early fall stampeded them this year, and many who were unable to hold sold quite freely, but now they are borrowing money on their cotton and some are able to hold, anyway, and the holding movement is on at last. I am reminded of the story of old Uncle Johnny. His friend said, "Uncle Johnny, they are going to build a railroad through this settlement," and Uncle Johnny said, "My judgment is they will never build it." But his friend said, "They are surveying now just a few miles from here." Then Uncle Johnny observed: "There is a sight of difference between road surveying and road building."

"Well," said his friend, "they are digging dirt over on the hill now," and Uncle Johnny replied, "Dirt digging and road completing are two powerful different propositions." [Laughter.] Finally his friend said, "Uncle Johnny, they have got the road done; they have completed the track and the train has arrived; the engine is out there on the track now; go and

look at it." Uncle Johnny went out and looked at it, cold and lifeless, the engine stood; and when asked, "What do you think of it now, Uncle Johnny?" He said, "They'll never budge 'er." [Laughter.] "Why," he says, "I don't see any traces or singletrees, and besides that it aint a fit track for mules, no how." "Why," his friend said, "they are going to run it with steam. They will unite the forces of wood and water and fire and send it down the track pulsing like a thing of life." Uncle Johnny said, "They'll never budge her." [Laughter.] Finally, when they warmed her up, she went down the track whistle blowing and sparks aflying. "Well, Uncle Johnny," said the man, "what do you say now?" And he replied, "By golly they'll never stop her." [Laughter and applause.]

So, Mr. Speaker, there were those who did not believe that the farmers could be induced to hold their cotton. They said you can never get them started to holding. But at last they have started, and as long as low prices obtain they will never stop them. [Applause.]

Mr. Speaker, it will pay our farmers to sow oats and wheat and plant corn and raise stock and keep what cotton they have, even through another year, rather than produce another crop and sacrifice it at the present price. I am satisfied that 3,000,000 bales of this crop will never see the market unless the price goes above 12½ cents.

Five hundred thousand bales to be left in the fields and 3,000,000 held for better prices, then where is the big crop of 1911? Eleven million bales is all the world will ever see of this crop unless the price gets better. I believe that that is all that will be sold. The other will be held.

Here is what a Montgomery (Ala.) paper has to say about cotton:

> Very little cotton is being received by wagon, and hardly any is being offered for sale.

Here is another notice, published some days ago, from Alabama:

> Fifty thousand bales of cotton are now stored in the seven warehouses of Montgomery, and never before in the history of the cotton business in this city has so much cotton been held in storage at this season of the year by the farmers and planters of this section.
>
> The farmers are holding with a strong grip, and they show no indication of releasing it.

Now, here is a notice from the great State of Texas, saying that the holding movement has become general:

> Farmers are determined to hold their cotton until the price advances much higher than at present.

Then here is a message from Meridian, Miss., saying that a cotton corporation has been organized in that State for the purpose of holding cotton for a better price.

Then I have here a special from Columbus, Ga., to the Atlanta Constitution, of date November 21, saying that 25,000 bales of cotton are stored in the warehouses of Columbus and only 1,500 bales are for sale, the remainder being held for an advance in the price. It is believed by cotton men here that after Christmas prices will advance much higher.

Three years ago, when Brazil made a large coffee crop, the speculators beat down the price below the cost of production. Did the coffee producers rush their coffee on the market at the ruinous prices then obtaining? No, Mr. Speaker, Brazil held 10,000,000 bags of coffee, and for the last three years she has sold 1,000,000 bags of old coffee with the incoming crop, and the price of coffee has advanced materially; and our cotton farmers have as much intelligence and courage as the coffee farmers of Brazil. [Applause.]

This holding movement is bound to advance the price of cotton just as soon as the world realizes the magnitude of the movement. But we are told that our cotton mills have consumed a few bales less this year than last year. That is true, but it was because they did not have the cotton to spin. They consumed more cotton from October 1 last year to March 24 this year than ever in the history of cotton spinning in this country. They could not run full time all the year because they did not have the cotton to spin. They did consume a few thousand bales less than they consumed the year before, but foreign countries consumed 1,500,000 bales more of American cotton than they consumed the year before. Japan is building up a great cotton-mill industry, and Japan consumes a considerable amount of American cotton now. She established an agency at Austin, Tex., this year, a hundred-thousand-dollar corporation, for the purpose of sending American cotton throughout the Orient. In 1906 we produced 13,500,000 bales, and cotton never went below 9⅞ cents, and sold as high as 13¾, and for the last six years, at some time during the selling season, cotton has sold above 12 cents. We produced 13,500,000 bales in 1906, and since that time the automobile and cement industries have developed marvelously, and they now consume, it is said, nearly 500,000 bales a year in the manufacture of tops and tires and cotton sacks. An expert says that it will require 200,000 bales to make cotton sacks enough to hold the cement which will be used in completing the Panama Canal. The consumption of cotton has greatly increased.

As I said a while ago, the cotton crop of 1906 was 13,500,000 bales. Well, Mr. Speaker, according to the official report of the Eighth International Congress of Delegated Representatives of Master Cotton Spinners and Manufacturers' Associations, held at Barcelona, Spain, in May, 1911, we had in the world, in 1907, 87,000,000 cotton spindles, and in 1911 over half a hundred million more—nearly 141,000,000 spindles. In the face of the real facts of the cotton world, I state again, without fear of contradiction, that the cotton crop this year will not be sufficient to meet the world's demands.

The Agricultural Department has urged us to make two blades of grass to grow where only one grew before and to make two bales of cotton grow where only one grew before; and yet $750 for 10 bales of cotton and $615 for 15 bales of cotton is the reward that we receive. Is the Washington Post surprised that we are active in the interest of the cotton farmer and are urging him to cease selling cotton at the low prices now obtaining?

I must hasten on. How much time have I left, Mr. Speaker?

The SPEAKER pro tempore (Mr. BYRNS of Tennessee). Ten minutes.

Mr. HEFLIN. Now, Mr. Speaker, in September and October every gin in the South was crowded, and in thousands of instances men had to haul their cotton back home because they had no place to put it at the ginhouse. But, Mr. Speaker, that scene has long since passed away, and by December 1 you could haul your cotton to a gin and they would take it right off the wagon—no longer crowded. The cotton of my section has nearly all been ginned, and you will not see, in my judgment, 1,500,000 bales ginned after December 1, 1911. I do not expect to see a crop of over 14,000,000 bales. I want to read you what the Department of Commerce and Labor said about cotton:

> The rise in the cost of the raw material has been more the result of natural rather than of artificial causes. There has been a material advance in practically all commodities, and cotton has shared in this.
>
> But in the case of cotton this advance has also been furthered by a constantly broadening demand for this fiber in old and well as new channels. Cotton is now relied upon in practically all of the textile manufactures, either as a primary or a secondary material, and it is utilized in an increasing number in all other manufacturing industries.

Then the department closes with this statement:

> The ease and rapidity with which the cotton fiber is transformed into yarn and its adaptability for all forms of woven fabrics are responsible for the manner in which it has outstripped all other fibers and for its expensive and increasing use.

[Applause.]

Cotton is being substituted for wool, silk, and linen. No one of these is substituted for cotton. Cotton is a great product, and the Government says it is being used more than any other fiber because of its adaptability for all forms of woven fabrics. It has been put to multiplied uses since the crop of 1906, and, Mr. Speaker, there is no earthly reason for this crop to sell for less than 14 cents and 15 cents per pound. [Applause.]

But there is the bear gambler in this performance that reminds me of the two fellows who were walking across the prairie. They heard a noise, looked around, and saw that a buffalo bull was coming upon them. They ran for their lives. One went up in the shell of an old tree and the other one went into a hole in the ground. The buffalo hooked at him and passed on. Then he looked back and saw him standing by the hole and turned and charged at him again. Again he went into the hole, and when he came out the buffalo went at him again. The fellow in the tree said, "Why don't you get in the hole and stay in there?" [Laughter.] But in and out he went until the buffalo bull wore himself out and went bellowing across the field. Then the fellow in the tree came down and said to his friend, "John, why in thunder didn't you get in the hole and stay in there?" And John replied, "I knowed you didn't understand the situation. There was a bear in that hole a durn sight bigger than the buffalo on the outside." [Laughter and applause.]

So, my friends, there is a bear speculator in the New York Cotton Exchange doing more devilment and injuring the cotton producer more than all the cold cotton facts extant in the cotton world. [Applause.]

Now, Mr. Speaker, in conclusion, have you ever observed the cotton plant at the fruiting time? Millions of people are interested in its growth and development. More eyes scrutinize this plant at that season than any other plant under the sun. Look at it, as it stands there with outstretched limbs laden with squares. In the heart of every tiny green square is a beautiful blossom, pure and white as the driven snow. This invisible blos-

som is pulsing and throbbing with life and yearns for the sunlight of Dixie. [Applause.] The gentle breezes are calling it to come forth to light and air, and now they announce its advent. This beautiful white blossom nods and smiles, with a dewdrop laughing on its lily crest and a honeybee humming to its heart. Solomon in all his glory was not arrayed like one of these. [Applause.] Mr. Speaker, the cotton blossom, conscious of its fast approaching demise, weaves its own winding sheet, whispers to its o'er fraught heart, and bids it break and bleed. Once white, now red with its own blood, it bleeding dies. In the order of things it must die. It is the John the Baptist, the forerunner, of the prince of American products. It must prepare the way for the coming of that blessed fiber that carries comfort and happiness to millions of beings whom God has with His image blessed. [Applause.] And from the lips of every dying red blossom there comes the prayer that those who toiled and produced it shall be amply rewarded for their labor. [Applause.] And when the blossom dies a little green boll appears.

There in the heart of that dark green sphere is the substance to which 141,000,000 spindles must look. There, shut out from light and air, it lingers and listens to the shuttle's song. What is that glorious substance? It is the prince of American products—the product that brings to America the balance of trade, that blessed fiber that must ultimately clothe the world. [Applause.]

I plead in conclusion for a fair deal for those who produce it; for an open market, where competitive buying establishes the price, and not where a band of gamblers in New York can beat down the price of this great product, worth so much to our country and of so much importance to those who produce it. [Loud applause.]

Mr. HEFLIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore (Mr. BYRNS of Tennessee). The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The Clerk will report the committee amendment now pending.

Mr. MANN. Mr. Speaker, I wish to ask that the Clerk will not attempt to read until there is order. I have been waiting patiently.

The SPEAKER pro tempore. The Clerk has been directed to report the amendment.

Mr. MANN. The Chair will pardon me. I see the Clerk has in his hand the report of the committee which reported the amendments. I suggest that the Clerk report the amendments from the reported bill, because the text of the amendments as reported by the committee is not always correct.

The SPEAKER pro tempore. The Clerk will read.

The Clerk read as follows:

On page 2, lines 18, 19, and 20, insert after the word "withheld," in line 18, the following: "for the use and benefit of the United States, the District of Columbia, or the Territory contracting."

On page 3, line 1, insert after the word "right" and before the word "to" the words "within six months thereafter."

In lines 2 and 3, on page 3, insert, in line 2, after the word "contract," the words "on behalf of the United States and the Territories."

In line 3, page 3, strike out the word "or" and insert the word "and."

In line 6 of page 3, insert, after the word "and," the words "in all such appeals."

In line 9 of page 3, insert, after the word "may," the words "within six months thereafter."

In lines 16 and 17 of page 3, between the word "market," on line 16, and the word "whether," on line 17, the words "except armor and armor plate."

In line 21 of page 3, strike out, at the beginning of the line, the words "now being" and insert the words "which have been, are now, or hereafter may be."

On page 4, line 6, after the word "condition" insert the words "on account of."

In line 8 of page 4, insert, at the beginning of the line, the words "the violation."

At the end of line 11 of page 4, insert the words "or to apply to work done under contract made prior to the approval of this act."

The SPEAKER. The gentleman from Pennsylvania [Mr. WILSON] is recognized for one hour.

Mr. WILSON of Pennsylvania. Mr. Speaker, the purpose of this bill is to require that all contracts made, to which the United States, any Territory, or the District of Columbia is a party, shall contain a proviso or requirement of an eight-hour workday for laborers and mechanics. In section 2 it provides that nothing in this act shall apply to contracts for transportation by land or water, or for the transmission of intelligence, or for such materials or articles as may usually be bought in the open market, except armor and armor plate, whether made to conform to particular specifications or not.

Under the act of 1892 an eight-hour workday is made to apply to all work done on public works of the United States, and the interpretation which has been placed upon the language used in the act of 1892 is entirely different from that which was intended by the lawmaking body in this respect, that it was intended to apply to all work performed for the United States, whether done through contractors or subcontractors, whether the work was performed on property owned by the United States or not; and the interpretation of the Attorney General placed a different construction upon it, so that it applied only to that part of the public work which was performed on property of the United States, the Attorney General holding that it required that to constitute public works.

The purpose of this measure is to make the eight-hour workday apply to all classes of work performed for the United States, whether performed upon the property of the United States or otherwise, and to all contracts made by the United States, the Territories, and the District of Columbia, except contracts for transportation by land and water and the transmission of intelligence and to those things which can usually be bought in the open market.

Mr. MADDEN. Mr. Speaker, will the gentleman yield for a question there?

The SPEAKER pro tempore. Does the gentleman from Pennsylvania yield to the gentleman from Illinois?

Mr. WILSON of Pennsylvania. Certainly.

Mr. MADDEN. Will the gentleman be kind enough to explain what the phrase "usually obtained in the open market" would mean, as he understands it?

Mr. WILSON of Pennsylvania. Mr. Speaker, the term must of necessity be indefinite in order to accomplish the purpose and to leave as a matter of administration the accomplishment of that purpose. In the purchase of supplies, for instance, contracts for which the Government enters into, it is an impossibility to follow those things back to the original source of their production in many cases and yet they may usually be bought in the open market. It would be difficult to specify in a bill just the number of articles and the kind of articles that would be included in that kind of a condition, and it can only be left as a matter of administration, unless you propose to include the production of all supplies in an eight-hour proviso, which is not the intent or purpose of the committee.

Mr. MADDEN. Let me put a concrete question to the gentleman and ask him to explain it. Suppose that the gentleman himself entered into a contract with the Government of the United States to build any kind of a structure, say, and in the course of the erection of the structure which he entered into a contract to erect he required the use of a large amount of lumber. Would the purchase of that lumber be permitted under this contract unless the lumber was produced under the eight-hour day?

Mr. WILSON of Pennsylvania. In my judgment that matter would be left purely as a question of administration. It is not specifically provided in this measure that it should include the lumber, as suggested by the gentleman from Illinois. It would be a matter that would be determined by the administration in making its contract.

Mr. MADDEN. Would not that lead to controversy, if the matter was left in doubt as to whether or not you could make a purchase, and it had to be left to the determination of the head of the department having jurisdiction over the contract?

Mr. WILSON of Pennsylvania. Just as all matters of discretion vested anywhere may lead to discussions and differences of opinion as to the policy that should be pursued.

Mr. DALZELL. Will the gentleman yield to a question?

Mr. WILSON of Pennsylvania. Certainly.

Mr. DALZELL. We already have on the statute books one or more eight-hour laws. Will the gentleman point out in what respect this law enlarges the already existing eight-hour legislation?

Mr. WILSON of Pennsylvania. It enlarges it in this respect, that it would carry the eight-hour workday to ships built for the Government under contract, to armor and armor plate, to any work done for the Government under contract, except those things which may be bought usually in the open market. Existing law requires that certain ships built for the Government by contract shall be built under an eight-hour workday, but that has been provided as a result of a restriction clause in an appropriation bill, and only applies to the particular appropriation that makes the proviso, and is not general.

Mr. DALZELL. Has this provision which prohibits the making of contracts to work more than eight hours been the subject of judicial decisions?

Mr. WILSON of Pennsylvania. So far as I know, it has not. I have no knowledge of its having been the subject of judicial decisions. It may have been, however. I make no pretensions to an extended knowledge in that direction.

Mr. CANNON. Will the gentleman allow me, on that matter, to ask in good faith, for information, what this legislation will accomplish? I see that the gentleman, or his committee, in section 2 proposes an amendment:

> That nothing in this act shall apply to contracts for transportation by land or water, or for the transmission of intelligence, or for such materials or articles as may usually be bought in open market, except armor and armor plate.

They propose as to armor and armor plate that in all respects the labor that enters into the making of that armor plate shall be under the eight-hour law.

Mr. WILSON of Pennsylvania. Yes; and the reason for our proposing the amendment is this: There arose in the minds of the members of the committee the question whether armor and armor plate might not be construed to be something which could be bought in the open market, made according to certain specifications. Armor and armor plate are articles that the Government is buying or contracting for in large quantities, and we felt that the eight-hour workday ought to apply to the men engaged in the manufacture of armor and armor plate; hence the inclusion of this exception from those things that it did not apply to.

Mr. CANNON. I so understood from the reading of the proposed amendment, but I wanted to see how far the law would apply in the production of armor and armor plate. In the first place, it is made of iron. In the second place, the iron is produced from iron ore.

That involves the labor of producing the ore; then the coal or the coke, or perchance the charcoal; that involves labor that goes into the armor plate. Then the furnace in which the armor plate is constructed, so far as the furnace is used, and the furnace itself is built of fire brick. Now, what I want to ask is whether, in all the factors that enter into the production of armor plate, the 8-hour provision as proposed by the bill would be subject to the control of the 8-hour labor provision?

Mr. WILSON of Pennsylvania. Mr. Speaker, what the committee had in mind in the amendment which they offer was the actual assembling and making at the place of manufacture of the armor plate and not the carrying back to the point of production of the constituent elements in the making of the armor plate.

Mr. CANNON. The gentleman is satisfied that that would be the construction?

Mr. WILSON of Pennsylvania. I think so.

Mr. CANNON. I am led to make this inquiry from the fact that perhaps the most prominent labor leader in labor organizations, Mr. Gompers, at the head of the Federation of Labor, some years ago, in an examination touching the 8-hour law, said:

> This agitation will not cease until there is a universal labor law touching all production which shall be governed by legislation.

Of course that laid in my mind and in the minds of others—that when you come to the farm at a certain season of the year the production of cotton, which enters into the manufacture of powder, the production of wheat and corn would be well-nigh impossible if at the harvest season the 8-hour law prevailed, because at certain seasons there are 12 and 16 hours' labor. At other seasons there are shorter hours, 2 or 4 hours, as the case may be, according to the necessities of production.

But I judge from the remarks of the gentleman that it is not proposed by this legislation to do anything more than to regulate the 8-hour labor where the materials are assembled in the actual production of armor plate.

Mr. WILSON of Pennsylvania. That is what is intended.

Mr. CANNON. Now, I will ask the gentleman in perfect good faith, because I am in sympathy with the shortening of hours of labor wherever it can be done in justice to the great mass of all the people—here is a contract for a public building which involves the use of brick, of stone, of steel structure ordinarily. Now, under the gentleman's bill, suppose the steel beams were required, or suppose slate or tile is required to cover the building. A man takes a contract for the building and lets the contract for the brick or the steel to somebody who works 10-hour labor or 9-hour labor. Would such production be prohibited under the terms of this bill unless the material was produced by 8-hour labor?

Mr. WILSON of Pennsylvania. I presume that a part of it might come within the provisions of this bill and a part would not. The things being bought in the open market would not come within it.

Mr. CANNON. Now, just at that point. The bill reads "except armor and armor plate." Then this language occurs, "whether made and forming a part of the specifications or not." Would not this bill, if enacted, as to the matters I refer to, brick, stone, and steel beams, and so forth, be excepted from this act by these provisions?

Mr. WILSON of Pennsylvania. The things the gentleman has enumerated would be excepted from the act, because they are materials that can usually be bought in the open market.

Mr. MADDEN. If the gentleman will pardon me, I presume that what the gentleman intends to have the bill provide is, that if stone is manufactured after it is produced from the quarry that would be material which could not be bought in the open market, and the manufacture of such stone would be required to be made by eight-hour labor. Is not that correct?

Mr. WILSON of Pennsylvania. No; it would not be required to be made by union labor or nonunion, but made under the eight-hour workday.

Mr. MADDEN. That is the same thing.

Mr. KENDALL. There is a vast difference in the proposition.

Mr. MADDEN. Made by union labor working eight hours a day.

Mr. WILSON of Pennsylvania. Some not belonging to the union receive the benefits coming as the result of the union workday.

Mr. MADDEN. I take it the intention is that raw material which enters into the construction of a building would be considered as materials which could be bought on the open market.

Mr. WILSON of Pennsylvania. In a general way that would be my construction.

Mr. MADDEN. And finished material made from the raw material would be required to be made under the provisions of this bill.

Mr. WILSON of Pennsylvania. I did not quite catch that.

Mr. MADDEN. Finished materials, materials which would require mechanical work after the raw material had been purchased, would not enter into the construction of a building at all except under this bill.

Mr. WILSON of Pennsylvania. I should judge so.

Mr. MADDEN. Suppose, for example, a man had a contract to construct a building which would require a lot of rough stone or brick and also a lot of cut stone finished. He could go out in the open market, or anybody could, and buy the raw material, and he could get it in the open market, but he could not go into the market and buy the finished material, the dressed material, because dressed material would have to be made in accordance with the provisions of the specifications under the contract; so that I take it that the bill would require the finished material to be made in accordance with the provisions of this law, while the rough material which might enter into the construction of a building would not be so required.

Mr. WILSON of Pennsylvania. My judgment is that finished material would be simply material they have bought in the open market under certain specifications, and it would be exempt from the operation under this clause of the bill.

Mr. DAVIDSON. I want to ask the gentleman whether material that was constructed in accordance with specifications furnished would be construed as being in the open market. For instance, referring to cut stone for a building. Take a public building to be treated with doors and windows. Door and window sashes are articles to be bought in the open market, and yet for that particular building the doors might have to be of certain dimensions. The window sash might have to be of certain dimensions and there might not be in the open market those dimensions carried in the general stock, but they would have to be manufactured to fit those particular places. Now, if that were the case and contract was issued with specifications, would that come under this eight-hour law?

Mr. WILSON of Pennsylvania. Those would have to be things not usually bought in the open market. Where things usually bought in the open market conform to specifications——

Mr. DAVIDSON. If the article was a stock article which could be bought upon the open market, but if it required that article to be of different dimensions, then, you see, it could not be bought in the open market.

Mr. WILSON of Pennsylvania. If it were something that could not be usually bought in the open market, then the work in making that article would come under the provisions of this act; but if it could be usually bought in the open market, then it would not be required to conform to this act, but in the very nature of the exception there is some latitude that must be allowed to administration.

Mr. CANNON. If the gentleman will allow me. In view of his explanations I either do not understand them or I do not understand the bill. Except armor and armor plate, whether made to conform to particular specifications or not, or for the purchase of supplies for the Government, whether manufactured to conform to particular specifications or not. Now, as I understand it, under the provisions of the bill the doors of a public building, the cornices, the tiling that would cover it, might conform to particular specifications and not be subject to the eight-

hour law, if I understand the provisions of the bill. Am I right?

Mr. WILSON of Pennsylvania. If they are of that nature that they could usually be bought in the open market, then they would not be required to conform to this eight-hour proviso, but if they are of the nature that they can not usually be bought in the open market, then they would be required to comply with the provisions of the law.

Mr. HUGHES of New Jersey. Will the gentleman from Pennsylvania [Mr. WILSON] yield to me a minute or two? I have had some experience with this legislation. I have listened to hours of discussion on the merits of this very exception. In the nature of things it is very difficult to legislate along these lines. When you say that any work that is to be done by the Government shall be done according to an eight-hour day, then you enter upon a field which is absolutely amazing in its scope. The Government has stationery made for it, has pencils made for it, and purchases pens, chairs, carpets, cuspidors—practically everything that anybody purchases. It became obvious to the friends of this legislation that some sort of a limitation must be put on the application of this law so far as the purchases by the Government are concerned. That particular exception was drawn, as I recollect it now, by a gentleman named Andrew Furuseth, and, as I read it and as I think its author intended it, it excepts practically everything that is of such a character as to make the application of the law to it impossible. By putting a limitation on the exception itself they have taken from without the exception armor plate. I think that anything practically that the Government ordinarily buys can be bought in the open market and made to conform to particular specifications, and does not come within the provisions of this law. In other words——

Mr. GARDNER of New Jersey. Will the gentleman yield?

Mr. HUGHES of New Jersey. I yield to my colleague. I was trying to answer the gentleman from Illinois, though.

Mr. GARDNER of New Jersey. The language of this bill in section 2 reads thus:

> Nothing in this act shall apply to contracts for transportation by land or water, or for the transmission of intelligence, or for such materials or articles as may usually be bought in the open market.

That language is by the president of the Seaman's Union, recasting a provision of the bill which went out.

Mr. HUGHES of New Jersey. That is what I said.

Mr. GARDNER of New Jersey. There is incorporated in this amendment, right straight along in the text:

> Whether made to conform to particular specifications or not.

That is an entirely separate amendment formulated by a United States Senator and injected in the bill over there, and has now been incorporated with the Furuseth amendment, but was originally no part of it. On the contrary, it was a separate or independent provision brought forward by the Senate.

Mr. HUGHES of New Jersey. The experience of the gentleman from New Jersey [Mr. GARDNER] dates back further than mine with reference to these matters. When I first came across the exception my recollection is that it was as it is now. Great objection was made by gentlemen coming before the committee that if this law was to apply to the purchase of supplies the Government could not buy canned tomatoes or canned peaches or pears for its soldiers, unless the tomatoes, peaches, and pears had been canned under the eight-hour law; that the Government could not purchase uniforms for soldiers unless the cloth had been manufactured under the terms and provisions of the eight-hour law. And the friends of the legislation realized that such interpretations, which perhaps were correct interpretations, of the proposed language, would make the law ridiculous. And they realized that this law in order to operate at all must be made to operate within very narrow limits. As I say, when they put this exception in the bill it practically shut off from the operations of the act nearly everything that the Government is called upon ordinarily to purchase. However, they retained the right to have this law apply to armor plate, and, in my judgment, with the exception of armor plate, battle ships, and things of that character, there is nothing that the Government can purchase and apply the operation of this law to in that section.

Mr. CANNON. Or a subcontractor, in the making of brick or doors or tile, can make them without violating the law.

Mr. HUGHES of New Jersey. Exactly. Made to conform to particular specification.

Mr. CANNON. Made to conform to particular specification. Now, I am glad to have the information proposed by the gentleman. Will the gentleman indulge me for a single sentence——

Mr. WILSON of Pennsylvania. I yield to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON (continuing). For the benefit of union labor. I will not vote for any class legislation. In other words, all legislation should apply to all the people, whether they do or do not belong to any organization. This legislation would apply to all labor?

Mr. WILSON of Pennsylvania. If the gentleman will permit me, the injection of the term "union labor" was not by myself. It came from other sources. I fully realize that this applies not to union labor alone, but to all labor, whether union or nonunion, that may be employed under the provisions of this proposed law.

Mr. CANNON. That is as it ought to be if the law is to be enacted. It should be universal, otherwise it would be class legislation.

Mr. WILSON of Pennsylvania. Mr. Speaker, I was somewhat surprised to learn that the gentleman from Illinois [Mr. CANNON] had formed the impression that the head of the American Federation of Labor, Mr. Gompers, is in favor of, and believes that it will ultimately obtain, legislation fixing an eight-hour workday for all classes of workmen in the United States. I happen to be intimately acquainted with the head of the American Federation of Labor, and I know that his viewpoint is this: That the United States Government should make the regulations relative to work done by it or for it, but that it has no power and should have no power to regulate the hours of labor between private employers and their employees; that that is a matter that should be determined between the employer and his employees, as he believes, the employees acting collectively.

Mr. CANNON. Will the gentleman yield further?

The SPEAKER pro tempore. Does the gentleman from Pennsylvania yield to the gentleman from Illinois?

Mr. WILSON of Pennsylvania. Yes.

Mr. CANNON. If the gentleman will allow me, I would say that I did not intend to attack Mr. Gompers, nor did I intend to say that by an act of Congress a universal eight-hour law could come in upon farms and everywhere else. My inquiry was based on an expression of Mr. Gompers that might be called academic, and probably was—an expression contained in a hearing before the Committee on Labor, as I recollect it, in a colloquy or conversation between him and the late Lewis E. Payson, now dead, when Mr. Gompers said, in substance, that this agitation for an eight-hour law would not cease and ought not to cease until it applied to all productions of all kinds in the United States. I should not have referred to it had it not been for that declaration, in view of this particular legislation and in view of the law as it is, with which I am not as familiar as I ought to be, and but for the fact that this proposed bill changes the law. I made the inquiries in the best of faith, without seeking to reflect upon any citizen of the country.

Mr. BERGER. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Will the gentleman from Pennsylvania yield to the gentleman from Wisconsin?

Mr. BERGER. For a question.

Mr. WILSON of Pennsylvania. I will yield to the gentleman for a question.

Mr. BERGER. Does the gentleman from Pennsylvania agree with the view of Mr. Gompers that Government has no right to fix the hours of labor—I really do not mean the Government; I mean Congress, the legislative part of our Government. Does the gentleman from Pennsylvania agree with Mr. Gompers that Congress has no right to fix the hours of labor or the conditions of labor in private concerns? Does the gentleman share that view?

Mr. WILSON of Pennsylvania. I share the view under our existing form of government, and I also share the view, though the gentleman from Wisconsin might contend to the contrary, that as long as the right of private property is recognized the question of the terms of employment between the owner of that private property on which the labor is performed and those who are performing the labor must be left to the owner of the property and the employees seeking the employment.

Mr. BERGER. Will the gentleman kindly answer another question? According to this view, the legislature of a State has no right to fix either the hours or conditions for the work of women and children.

Mr. WILSON of Pennsylvania. Mr. Speaker, that is an entirely different proposition.

Mr. BERGER. Why is it different?

Mr. WILSON of Pennsylvania. Because of this fact, that women and children have from time immemorial been considered as the wards of State and under the protection of the State, while men have been considered as being a part of the State, and there is a very distinct difference.

Mr. BERGER. Mr. Speaker, may I submit one further question?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. WILSON of Pennsylvania. Yes.

Mr. BERGER. Does the gentleman from Pennsylvania know that legislation affecting the working hours of women and children had not been initiated, even in England, before 1820, and that all labor legislation, no matter of what type, necessarily involves the interference of the legislative body in private business—necessarily so?

Mr. WILSON of Pennsylvania. Mr. Speaker, that is true. All government in itself is based upon the principle that it is necessary to have a certain amount of regulation in order to protect the community at large or, in other words, to restrain certain individuals in the performance of certain actions in order that the welfare of the community may be promoted.

Mr. CANNON. Under the police powers of the State?

Mr. WILSON of Pennsylvania. Certainly.

Mr. McCALL. Will the gentleman tell us whether the expression in section 2—

> Such materials or articles as may usually be bought in open market—

would include patented articles that are sold by one man, that are not sold in the open market, except perhaps as they may be sold in stores, but the market for which would really be closed and in the hands of the maker of the patented articles?

Mr. WILSON of Pennsylvania. I think it would, because while those articles may not be made in the open market, they would be sold in the open market.

Mr. McCALL. Then the gentleman thinks it would include articles of that kind?

Mr. WILSON of Pennsylvania. Yes; I do. Relative to the general proposition of an eight-hour workday, I had not intended to discuss that feature, because I think the principle is almost universally accepted, but I want to quote the following figures, prepared by the Secretary of the American Federation of Labor from information in the offices of that organization, relative to the number of workmen in different callings which are at the present time securing an eight-hour workday by mutual arrangement between themselves and their employers:

NUMBER OF PERSONS WORKING AN EIGHT-HOUR DAY, CLASSIFIED UNDER INDUSTRIES, DECEMBER, 1911.

Building trades	550,000
Glass and pottery industries	40,000
Metal-trade industries	30,000
Mining and quarrying	500,000
Printing, binding, engraving, and paper making	102,000
Miscellaneous trades	150,000
Federal employees	375,000
State, county and municipal employees	100,000
Total	1,847,000

This shows that it is a generally accepted principle that wherever industrial conditions warrant it, wherever the productivity of man has increased to the point where he is sufficiently efficient, the workday should be reduced to an eight-hour basis.

Now, I will yield to the gentleman from Pennsylvania [Mr. GREGG].

Mr. SAMUEL W. SMITH. Before the gentleman does that, may I ask the gentleman if he has stated substantially all the material points wherein this bill differs from existing law?

Mr. WILSON of Pennsylvania. I think the discussion has brought that out.

Mr. GREGG of Pennsylvania. Mr. Speaker, there can be no question that the tendency of the day is toward the betterment of social conditions. Modern civilization is the agency that has brought this change about. The work in the last 20 years accomplished by civic societies, by philanthropic organizations, by the great newspapers and magazines in their advocacy of measures to alleviate the sufferings of humanity, and the humanitarian efforts exerted by the thousands of good men and women among the poor is this modern civilization. Through the efforts of these agencies came the shortening of the hours of labor. With the march of time which marked the introduction of labor-saving devices into the industrial and commercial life of our Nation came the demand—in fact, the necessity—for decreased hours of labor. Increased productivity materially suggested to the worker that he should secure some of the rewards of his labor.

Without entering into a general discussion of the merits of the bill, suffice it to say that the passage of this bill will be only following the general trend of legislation throughout the States of the Union, besides enlarging the scope of work to be performed for the United States Government.

My only object in rising to-day is to suggest that an affirmative action on this bill by the Congress of the United States will have such a moral effect upon the industrial and moral life of the world, to say nothing of the social life, as to bring to all trades and occupations similar humane and beneficent results. The object lesson that will be given by the enactment of this measure can not at this time be estimated. [Applause.]

Mr. WILSON of Pennsylvania. I yield five minutes to the gentleman from Wisconsin [Mr. BERGER].

Mr. BERGER. Mr. Speaker, I prefer to address the House later, after other gentlemen have spoken.

Mr. WILSON of Pennsylvania. There may be no time left. I yield five minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. I am very glad that the Committee on Labor have reported a bill so reasonable in its terms. The time has come when nearly everybody who works feels that he ought to have the fewest working hours possible in a day. The line of business in which I am engaged was the first that gave an eight-hour day in this country. That was in 1869. An eight-hour day is long enough for any man who works for a living to be employed. This bill does not seek to prevent the employment of labor for 10 hours in the production of materials which enter into the construction of governmental work, except in so far as it relates to armor plate, and that is made almost exclusively for the Government of the United States. The materials which enter into the construction of armor plate may be produced under a day of any length, and the provisions of this bill only apply to the manufacture of the armor plate in the factories or the mills. The man who cuts the tree in the forest or saws the lumber from the log is not required to work under an eight-hour day in order to be able to sell his material for Government construction. The man who makes brick and tile, or who cuts stone, or who makes structural iron may work his men any number of hours that he can contract for between himself and his employees.

This bill really leaves the widest latitude for men engaged in every line of endeavor under such agreements as can be made between employer and employee.

Mr. NORRIS. Will the gentleman yield for a question?

Mr. MADDEN. Certainly.

Mr. NORRIS. I think what the gentleman has said is well borne out by the text of the bill in section 2, unless it is modified by the proviso to which I want to call the gentleman's attention. After saying it shall not apply to certain contracts and to materials and articles usually bought in open market, whether made to conform to specifications or not, it has this proviso:

> All classes of work which have been, are now, or may hereafter be performed by the Government shall, when done by contract or otherwise, by individuals, firms, or corporations, be performed in accordance with the terms of this act.

I would like to know whether that proviso does not conflict, and if it does not nullify section 2?

Mr. MADDEN. It is my opinion that the proviso does not change the exceptions in any particular. I am decidedly of the opinion that this bill works no hardship on the employer of labor anywhere in this country, and that it is the most reasonable labor bill that can be presented to this Congress. The provisions are such as anyone can comply with who is willing to be fair to the men he employs and, as a large employer of labor, I am heartily in favor of the enactment of the provisions of this bill into law.

I believe that wherever we can, wherever the conditions under which men are employed will allow, we ought to do it. I think there is a tendency among employers of labor to-day all over the country to make better working conditions, and to the extent of the ability of the employer where he can do so he does make better conditions. Competition is the only thing that forces many employers to put conditions on men which otherwise would not prevail. I am glad that this bill has been reported and I shall vote for it. [Applause.]

Mr. WILSON of Pennsylvania. Mr. Speaker, I reserve the balance of my time.

Mr. HUGHES of New Jersey. Mr. Speaker——

The SPEAKER pro tempore. The gentleman from New Jersey is recognized for one hour.

Mr. HUGHES of New Jersey. Mr. Speaker, I shall not use the hour, but I desire to say a few words in explanation of this bill. The President of the United States, in his message of December 6, 1910, sets out fairly and clearly the situation in regard to this legislation. I shall read a part of that message into my remarks.

The President says:

> Since 1868 it has been the declared purpose of this Government to favor the movement for an eight-hour day by a provision of law that none of the employees employed by or on behalf of the Government

should work longer than 8 hours in every 24. The first declaration of this view was not accompanied with any penal clause or with any provision for its enforcement, and, though President Grant by a proclamation twice attempted to give it his sanction and to require the officers of the Government to cary it out, the purpose of the framers of the law was ultimately defeated by a decision of the Supreme Court holding that the statute as drawn was merely a direction of the Government to its agents and did not invalidate a contract made in behalf of the Government which provided in the contract for labor for a day of longer hours than 8. Thereafter, in 1892, the present eight-hour law was passed, which provides that the services and employment of all laborers and mechanics who are now or may hereafter be employed by the Government of the United States, by the District of Columbia, or by any contractor or subcontractor on any of the public works of the United States and of the said District of Columbia is hereby restricted to 8 hours in any one calendar day. This law has been construed to limit the application of the requirement to those who are directly employed by the Government or to those who are employed upon public works situate upon land owned by the United States. This construction prevented its application to Government battleships and other vessels built in private shipyards and to heavy guns and armor plate contracted for and made at private establishments.

The President then takes up the pending bill, which is not the present bill, and says:

The proposed act provides that no laborer or mechanic doing any part of the work contemplated by a contract with the United States in the employ of the contractor or any subcontractor shall be required or permitted to work more than eight hours a day in any one calendar day.

It seems to me from the past history that the Government has been committed to a policy of encouraging the limitation of the day's work to eight hours in all works of construction initiated by itself, and it seems to me illogical to maintain a difference between Government work done on Government soil and Government work done in a private establishment, when the work is of such large dimensions and involves the expenditure of much labor for a considerable period, so that the private manufacturer may adjust himself and his establishment to the special terms of employment that he must make with his workmen for this particular job. To require, however, that every small contract of manufacture entered into by the Government should be carried out by the contractor with men working at eight hours would be to impose an intolerable burden upon the Government by limiting its sources of supply and excluding altogether the great majority of those who would otherwise compete for its business.

Mr. KENDALL. Will the gentleman yield for a question?

Mr. HUGHES of New Jersey. Certainly.

Mr. KENDALL. These are exceptions which the President has stated are incorporated in the bill.

Mr. HUGHES of New Jersey. These are the exceptions that have been in all proposed labor bills since I have been in Congress.

Mr. KENDALL. And they are now at present in this bill?

Mr. HUGHES of New Jersey. They are at present in this bill. Mr. Speaker, I do not think there is any legislation upon which this House is called upon to act that presents more difficulties than the present legislation.

Mr. NORRIS. Will the gentleman from New Jersey yield?

Mr. HUGHES of New Jersey. Yes.

Mr. NORRIS. I would like to ask the gentleman if, in his opinion, there is not a material conflict between the first part of section 2, the exception just read, and the proviso which follows it?

Mr. HUGHES of New Jersey. Except armor or armor plate?

Mr. NORRIS. No; I am not referring to armor plate. It is the proviso, "*Provided*, That all classes of work," and so forth, shall be performed under this bill. Does it not nullify or conflict with the language where the exception is put in with regard to materials that can be purchased in the open market?

Mr. HUGHES of New Jersey. That is the intent, to take from out of the exception all classes of work which have been, are now, or may hereafter be performed by the Government.

Mr. NORRIS. I want to call the gentleman's attention, and I am doing so simply for the purpose of getting information——

Mr. HUGHES of New Jersey. I understand.

Mr. NORRIS. I am favorable to the legislation, but I do not want to get a confliction in here if it can be avoided. Now, the gentleman said awhile ago when he was talking about these exceptions that if the Government wanted to buy clothing for its soldiers it would not need to make any inquiry as to whether the work had been done by men who are working more than eight hours. In other words, that that did not come within these exceptions. Now, would it not come within the proviso here where it says that all classes of work which have been now or may hereafter be performed by the Government shall, when done by contract or otherwise—by individuals, firms, or corporations—be performed in accordance with the terms and provisions of this act.

Mr. HUGHES of New Jersey. That is the intent of the framers of the act.

Mr. NORRIS. Would not that take it from the exception?

Mr. HUGHES of New Jersey. Of course it would; that is the intention.

Mr. MANN. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman from New Jersey yield to the gentleman from Illinois?

Mr. NORRIS. He has yielded to me, as I understand it.

The SPEAKER pro tempore. The gentleman from Illinois desires to interrogate the gentleman from Nebraska.

Mr. NORRIS. On this same point? The gentleman from Illinois does not want to ask me anything; if he does I will yield to him, but I take it he does not want to do it until I finish my question, which was not completed.

Mr. MANN. I did not want to interrupt the gentleman at all. I have a note in my copy of the bill on the same subject, and while I do not think it will make any difference, it could be covered by an amendment by inserting, after the word "shall," page 2, line 22, the words in parentheses "except as herein otherwise provided." I think that would cover any possible question in regard to it.

Mr. NORRIS. Possibly it would.

Mr. MANN. Unquestionably it would. I think myself it is not subject to the point, and yet if somebody raised it it might just as well be covered.

Mr. NORRIS. I do not see why it should not be covered, because the proviso specifically says that if something is made for the Government by contract it shall be controlled by this act, and I take it by this act does not mean by the exceptions to the act. That is the ordinary construction to be put upon a statute.

Mr. MANN. One of the provisions says that materials bought in the open market are not covered by the act——

Mr. NORRIS. But there is a proviso here in the act, and I take it that any court would say that the proviso was intended to keep out of the exceptions all classes which are mentioned in the proviso, and if that be true it seems to me it covers everything that is put in, because——

Mr. MANN. Of course we want to make it safe, but no court would construe two provisions as being diametrically opposed to each other. I think there can be possibly no objection.

Mr. HUGHES of New Jersey. Let us see if we understand each other. We took out of the exceptions all classes of work which are now being performed or hereafter may be performed or have been performed by the Government. Does the gentleman think that that includes as large a field——

Mr. NORRIS. I will say to the gentleman, if he is asking me, I do not think we would. I do not think there would be any confliction, if you stop there. But if you go on further, it seems to me you do include some things you have already excluded at the beginning of the section.

Mr. HUGHES of New Jersey. Where?

Mr. NORRIS. Where it says:

When done by contract or otherwise, by individuals, firms, or corporations.

In other words, I want to use the illustration which the gentleman used. If the Government contracted with some one to make clothes for the soldiers, now that would be a kind of a contract, because clothing could be purchased in the open market and would come within the terms of the exception at the beginning of section 2. Would it not also be covered by the contracts mentioned in the proviso?

Mr. HUGHES of New Jersey. No; clearly it would not, because it is not a class of work which is now being done by the Government. It is not a class of work which has ever been done by the Government.

Mr. NORRIS. Yes; but this includes work done by others as well as the Government.

Mr. HUGHES of New Jersey. No. It says:

All classes of work which have been, are now, or may hereafter be performed by the Government.

Mr. NORRIS. And:

By contract or otherwise, by individuals, firms, or corporations.

Mr. HUGHES of New Jersey. Yes. Whenever the Government is engaged in a certain class of work and attempts to have a part of that work done by a private individual or contractor, they will come under the operation of the eight-hour law.

Mr. NORRIS. Now, the Government has made a great many times, I think, clothing for its soldiers.

Mr. HUGHES of New Jersey. I think not.

Mr. NORRIS. It would be perfectly competent for the Government to make clothing for its soldiers.

Mr. HUGHES of New Jersey. Yes; but it does not. We are trying to arrive at a practical classification.

Mr. NORRIS. That is what I want to reach.

Mr. HUGHES of New Jersey. The nature of the work the Government is now engaged in. And we know just what different classes of work will come within the operation of this act. It is the most difficult thing in the world to arrive at a classification.

Mr. NORRIS. I know it is difficult, and that is the reason I want to get it right.

Mr. HUGHES of New Jersey. I want to say frankly to the gentleman from Illinois [Mr. MANN] and the gentleman from Nebraska [Mr. NORRIS] that I have some doubt myself as to these three words, "which have been," because that opens up a field with which I am not familiar, and I am not responsible for that language, I will say.

Mr. NORRIS. It will be dangerous language anyway, because if a bid were advertised for, and this law was in effect 20 years from now, and your construction is right, every bidder would have to look it up specifically and particularly before he could intelligently bid, to see just what at the time this law was passed this Government was making.

Mr. HUGHES of New Jersey. That would not be the situation. The situation would be this, that the Government officer who was letting the contract must determine in advance whether he was to let the contract under the terms of this act or not.

Mr. NORRIS. Yes; but it would be his duty to let it under the contract. He would have to determine what kind of things the Government was actually making.

Mr. HUGHES of New Jersey. The Government officer would have to do that.

Mr. MANN. Will the gentleman from New Jersey [Mr. HUGHES] allow a suggestion on that?

Mr. HUGHES of New Jersey. I would be glad to have a suggestion.

Mr. MANN. As I understand, the objection raised by the gentleman from Nebraska [Mr. NORRIS] now is hardly tenable, for the reason that the bill is designed to cover every contract that is made by the Government, except as to those materials which may usually be purchased in the open market. So the bidder would not have to go back at all. He knows when he makes a contract, unless it is an article which may be usually purchased in the open market, that this law applies.

Mr. NORRIS. Will the gentleman permit me there to interrupt the gentleman from Illinois?

Mr. HUGHES of New Jersey. Yes.

Mr. NORRIS. My objection, to which the gentleman from Illinois refers, was called out from what was said by the gentleman from New Jersey [Mr. HUGHES]. It was not my objection. The gentleman from New Jersey said these words printed in italics, and which constitute a committee amendment, namely:

Which have been, are now, and may hereafter be performed by the Government—

Were of such a character that it showed that we all knew just what the Government was making for itself, and therefore they limited the proviso to the things that were now being made by the Government.

Mr. MANN. The inquiry made by the gentleman from Nebraska [Mr. NORRIS] is very natural in the light of the statement made by the gentleman from New Jersey [Mr. HUGHES], but that would not be so unless the words "or otherwise" remain in the bill.

Now, if the gentleman will pardon me, I understand the purpose of that proviso is that, as to material which may not be purchased in the open market, wherever a contract is made by the Government it shall provide for eight-hour labor?

Mr. HUGHES of New Jersey. No; I do not agree with the gentleman on that.

Mr. MANN. I think the gentleman agrees with me to that extent that he desires to have it done so.

Mr. HUGHES of New Jersey. I think this bill attempts to go further than that. I will be frank with the gentleman.

Mr. MANN. That is what I wanted to ask the gentleman. To that extent we agree.

Mr. HUGHES of New Jersey. Yes.

Mr. MANN. Now, it does not attempt to have all the work and labor performed by the Government done on an eight-hour basis regardless of existing law on that point?

Mr. HUGHES of New Jersey. Oh, no; not in this bill.

Mr. MANN. For instance, is it intended to have the railway mail clerks work under an eight-hour law?

Mr. HUGHES of New Jersey. I do not think the gentleman understands what is being attempted.

Mr. MANN. I am in sympathy with what is being attempted, but I am inquiring as to what is being done now.

Mr. HUGHES of New Jersey. I will suggest to the gentleman that I am in favor of having the words "or otherwise" stricken from the bill.

Mr. MANN. That will make it of more value.

Mr. HUGHES of New Jersey. But, at the same time, this proviso means to say to the Government that work that already falls under an eight-hour classification and is now being done by the Government under an eight-hour law shall be done under the eight-hour law by contract; work which the Government is now engaged upon and activities of various kinds, such as building guns, constructing battleships, manufacturing powder, and doing river and harbor work, doing it all under the eight-hour law. Now, if the Government attempts to have that work done by a private individual or a contractor, under the provisions of this act we insist that it shall be done under those conditions, too.

Mr. MANN. The gentleman will pardon me further. The forepart of section 2, having provided for the purchase of supplies by the Government and stipulated what it is to be required to perform under the act, then the gentleman wants to provide, as I understand—and I am in sympathy with him on that—that if the Government undertakes in its work to purchase supplies not in the open market, but by contract, it must be on the eight-hour basis?

Mr. HUGHES of New Jersey. Yes.

Mr. MANN. In other words, it is now proposed that where the Government does work now under the eight-hour law, it shall not evade that by entering into a contract with a private contractor?

Mr. HUGHES of New Jersey. Yes; that is the extent to which I want to go.

Mr. MANN. Then it seems to me we should strike out the words "or otherwise." That would nullify the law.

Mr. HUGHES of New Jersey. I am inclined to agree with the gentleman that the words "or otherwise" should go out.

Mr. GREEN of Iowa. Will the gentleman permit me to submit another question?

Mr. HUGHES of New Jersey. Certainly.

Mr. GREEN of Iowa. In section 2, in line 17, after the words "armor plate," should there not be a comma? There is no comma in the copy I have.

Mr. HUGHES of New Jersey. There is no comma in the copy I have, either.

Mr. GREEN of Iowa. It is a parenthetical clause and, therefore, there should be a comma there.

Mr. HUGHES of New Jersey. I think the gentleman is correct. I hope the gentleman will call my attention to it or else call it to the attention of somebody else who is interested in the conduct of the bill.

Mr. KINDRED. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER pro tempore. Does the gentleman from New Jersey yield to the gentleman from New York?

Mr. HUGHES of New Jersey. In just a moment. Mr. Speaker, I ask unanimous consent that at this stage we insert a comma after the word "plate," in line 17 of page 3.

The SPEAKER pro tempore. Without objection, that will be done.

Mr. KINDRED. Does not the gentleman think that the provisions of this most excellent bill would be more adequately carried out if the violations described in the first section, in lines 1, 2, 3, and 4, were met by a penalty twice as heavy, or three times as heavy, as that prescribed here?

Mr. HUGHES of New Jersey. I do not think the penalty has much to do with it. The chief difficulty that the people who are interested in this class of legislation have had to contend with is unfriendly interpretation, and I have no doubt that every officer of the Government now, in the face of the passage of an act of this kind, will come definitely to the conclusion, as the President states in his message, that so far as the United States Government enters into the field of an employer, it proposes to be an eight-hour employer.

Mr. KINDRED. The gentleman believes, then, I will ask further, that this will carry out these provisions and meet violations as efficiently as any other provision that could be put into the bill?

Mr. HUGHES of New Jersey. I think so. I do not doubt at all that if this bill is passed and becomes a law, the Government agents and officials will have no excuse for acting as they have heretofore acted in this matter.

Mr. KINDRED. I call the gentleman's attention to what he fully knows, that the penalty prescribed is exceedingly small—$5.

Mr. HUGHES of New Jersey. Five dollars for each man.

Mr. NORRIS. Five dollars for each man for each day. The gentleman will find that is not very small.

Mr. DALZELL. I do not know what the gentleman from New York [Mr. KINDRED] was talking about, because I could not hear him, but I want to call the attention of the gentleman from New Jersey [Mr. HUGHES] to a provision in the first section of the bill, and to ask him whether he believes it is within the power of Congress or any other legislative body to penalize a man for working more than eight hours a day?

Mr. HUGHES of New Jersey. I think it is in the power of Congress to say that it will not permit the employment on its

own work, for which it is paying, of any man for more than eight hours a day, except in emergencies which are provided for in the act.

Mr. DALZELL. I understand, of course, that is the plain meaning of the bill as it is written, but in the last analysis it is the man employed who has to pay the penalty.

Mr. HUGHES of New Jersey. Oh, no.

Mr. DALZELL. I doubt whether the bill gains any strength from that provision.

Mr. HUGHES of New Jersey. It is the contractor who is penalized.

Mr. DALZELL. It is the contractor in the first instance, but the man who works in the last instance.

Mr. HUGHES of New Jersey. You do not make a criminal out of the man who works nine hours a day. It is the contractor who pays the fine.

Mr. DALZELL. The contractor pays it in the first instance, but the man pays it in the last analysis, or else he is excluded from working on the job more than eight hours a day.

Mr. HUGHES of New Jersey. I do not think there is anything unconstitutional in that provision, and I have given it some study.

Mr. DALZELL. Other bills have been passed which did not contain that provision.

Mr. HUGHES of New Jersey. There have been bills without it, but they have not been successful. One of the first eight-hour laws which was passed had no penalty, and it was persistently ignored by the Federal officials. That is the reason why this bill contains a penalty.

Mr. BATHRICK. In that connection I wish to ask the gentleman from New Jersey whether this bill, in line 11, page 2, sufficiently defines the place where violations of this act are to be reported? It says "to the proper officer." Would it not be better to name the officer to whom these violations should be reported?

Mr. HUGHES of New Jersey. It might be difficult to name those officers in this legislation.

Mr. MANN. You can not name them.

Mr. BATHRICK. The district attorney.

Mr. HUGHES of New Jersey. I do not think it would be the district attorney. I do not think we could improve upon the language of the bill in that regard.

Mr. FOWLER. I desire to ask one question for information. Is it not a fact that on all public works the Government has a man employed who is called an inspector of that work?

Mr. HUGHES of New Jersey. Yes.

Mr. FOWLER. And this bill seeks to give the information to that inspector when there is a violation?

Mr. HUGHES of New Jersey. To the proper officer.

Mr. NORRIS. The inspector is the man who furnishes the information.

Mr. HUGHES of New Jersey. The inspector is the man who is supposed to discover the violation and report it.

Mr. FOWLER. That is what I mean.

Mr. HUGHES of New Jersey. I think we can leave it to the inspector to know who the proper officer is.

Mr. KENDALL. Certainly he would know if anybody would.

Mr. HUGHES of New Jersey. Further on in the bill we have departed from former bills in a feature which caused a great deal of discussion and aroused a great deal of opposition. I remember an experience I had, for instance, back in 1904. The District of Columbia was building a tremendous filtration plant here. I do not know what it cost, but I understand it was some three or four million dollars. I was then a member of the Committee on Labor, and a gentleman who was interested in such matters came to me and asked what my information was as to the application of the 8-hour law with reference to work of this kind. I said, "Surely, so far as work of that kind is concerned, actual work being done in the District of Columbia on property owned by the Government, the 8-hour law undoubtedly applies." "Well," he said, "it does not apply, and if you will come with me to-morrow morning I will show you that it does not." I went with him, walked up to my ankles in red mud all around the filtration plant, talked to the men at work upon it, and learned, to my amazement, that they were working two 10-hour shifts a day. As I recollect it, I took it up with the proper officer and finally got to the President of the United States in the matter. He informed me that he did not know that there was any violation of the law; that he did not even know that a filtration plant was being built. I assured him that it was being built, that I had been over there and had seen them building it, and that they were building it under a 10-hour-a-day labor. I asked him if he did not think it came under the provisions of the 8-hour law and asked him to examine into it.

I received a great bunch of correspondence afterwards from the President, containing letters from the heads of various departments, but, to sum the matter up, they said it was an emergency proposition, although, as I pointed out later in a speech, if it had been an emergency there was nothing to prevent them from having three 8-hour shifts working 24 hours instead of two 10-hour shifts working only 20 hours a day, a part of the work having to be done by electric light in either case. So, you see, the officers and agents of the Government have been unfriendly to this legislation—unfriendly to the point of entering into a deliberate evasion and violation of the law, which afterwards received the approval of the President of the United States, in so glaring and indefensible a case as that.

Mr. MANN. That was not the present President of the United States.

Mr. HUGHES of New Jersey. No; I gave the time so that gentlemen can identify the individual, if they so desire.

This work was declared to be an emergency by some absolutely unknown and unidentifiable man. At some stage of the work he had declared this to be an emergency. So far as I am concerned, I do not remember the name of the man who was able to sweep aside this law. So in this bill we provide that under certain circumstances this law may be nullified, but that some man shall be responsible for its nullification; and we meet the other objection that used to be made when men came before the Committee on Labor and said, "Suppose a sudden emergency arose; suppose, for instance, the Capitol should take fire, and the fire department and volunteers were rushed out to fight the flames, are you going to stop them at the end of eight hours and let it burn down?"

Of course, that was not the intention of the committee, but these were the arguments we had to meet and the questions we had to answer in former legislation. So we have provided that the President can at any time say that the provisions of this act shall not apply if war is imminent or some extracrdinary occasion in his judgment warrants his acting.

Again, we say that if such emergency arises and it is impossible, in the nature of the case, to get the President to consent to waive the provisions of the act, the individual may act on his own judgment and proceed in violation of this law to meet and handle the emergency, but he must afterwards, if he seeks to escape the penalties imposed, be able to convince the President of the United States that he was acting properly and that the emergency was of such a character that he was justified in doing what he did.

Mr. NORRIS. Will the gentleman yield?

Mr. HUGHES of New Jersey. Yes.

Mr. NORRIS. It seems to me that in that particular respect, the last one the gentleman has mentioned, there is danger. I concede and agree to all that he has said up to the last proposition, which is that in case of an emergency when it is impossible to see the President in advance to get his judgment on it a man can go on his own judgment, but afterwards he must secure the judgment of the President that he was justified in so acting.

It seems to me when you leave that to the President in a case of that kind you make it very difficult if not dangerous for a man to exercise his judgment under these conditions. If I was facing that kind of an emergency and the eight hours a day expired I might not be willing to risk the President on it when I would be perfectly willing to go before a court and a jury if I was arrested and explain what I had done. I would rather rest my case there than to put it up to one man. It seems to me that is a dangerous thing.

Mr. HUGHES of New Jersey. What is the alternative? Then you must repose discretion in an irresponsible man and perhaps have him set up a defense of emergency in every possible case, as they set up a defense in this case where they built the filtration plant.

Mr. NORRIS. It seems to me the gentleman has met that emergency, but it seems to me he ought to have a limitation where it is caused by fire or flood or something of that kind that of necessity comes suddenly, which no man can provide for in advance.

Mr. HUGHES of New Jersey. That is what we have done.

Mr. NORRIS. Yes; but he must even then run the risk of having the President approve his conduct subsequent to the time that he takes the initiative and acts on his own judgment.

Mr. HUGHES of New Jersey. I do not see any practical difficulty in the operation of that section.

Mr. GREEN of Iowa. I think the gentleman from Nebraska misconstrues the provision of the bill. It reads as follows:

No penalty shall be imposed for any violation of such provision or such contract due to any emergency caused by fire, famine, or flood, by danger to life or to property, or by any other extraordinary event or condition which the President shall subsequently declare to have been justifiable.

Mr. HUGHES of New Jersey. The gentleman has refreshed my mind. I remember we discussed that in the committee, and we intended to get that very result, just as the gentleman has suggested it, so in these cases of fire, flood, and so forth, the man is entitled to act without any fear of anybody passing upon his conduct afterwards, but in any other extraordinary event he must receive the approval of the President.

Mr. NORRIS. I think the gentleman from Iowa has placed the proper construction on it. I based my question on what the gentleman from New Jersey had stated and not from reading the provision in the bill. I am perfectly satisfied with it as it is and think it is all right.

Mr. HUGHES of New Jersey. I will say to the gentleman I had no notion this morning that this bill was going to be called up when I came in, and it was about to be discussed, and I would have refreshed my recollection about it if I had any intimation that it was going to be discussed this morning. I am familiar with it, and have been for a number of years. I have followed the hearings and discussions, and I have it generally fresh in my mind, but some of the details of this particular bill have faded from my memory. Now, generally speaking, this act will do what nine men out of ten in the United States believe is being done now. The average Member of Congress thinks that the Government, so far as it itself is an employer, is an eight-hour-a-day employer. Certainly every time this House has had an opportunity to pass upon this question it has voted overwhelmingly in favor of it, and every time the other body has had an opportunity to pass upon it it has approved of it overwhelmingly by its vote. Practically every President of the United States, in my recollection, has gone on record in favor of this proposition. The trouble has been to frame a law upon this difficult subject which will not be so drastic as to render it ridiculous or, on the other hand, to make it so vague and indefinite as to enable officers and agents of the Government unfriendly to it to nullify its provisions. I do not say we have quite succeeded in this legislation, because the subject is so tremendously difficult. I claim credit only for the fact that we have aimed to get a classification which would work, and I think we now have such a classification. I think that if we have gone that far we have gone a long way toward the goal in the direction of which we have been traveling for so many years. I think this is a bill for which every Member of this House who is in favor of eight-hour legislation, who believes that the Government should be an eight-hour employer, can honestly and conscientiously vote. I think it is due to the labor men of this country who are making this fight that they should have the Government not come in competition with them, so as to drive employers out of the eight-hour class, but that the United States Government should become an eight-hour employer to encourage other employers to come into the eight-hour class. These men are not asking you to pass ridiculous or outrageous legislation. They have displayed as much forbearance, tact, and patience, in view of the many and vexatious delays they were compelled to endure, as any class of citizens that we have in our country.

I can not forbear to contrast their attitude before our committee, although for years and years they received practically no consideration, with the attitude of the men who opposed the bill—men who were intolerant and arrogant and not ready to accord even proper motives to men who are in favor of legislation of this kind. I think that this is going to be an eight-hour country. I think that in a short time the wealth and resources that this country commands and can call upon and control will make it possible for it to be an eight-hour country. We have employers in this country now who have seen the wisdom of this system and have instituted this kind of a day. The ranks of those employers are being added to month by month and year by year, and by this bill I hope the United States Government will join that body of eight-hour employers, so that men who have joined that body will not be penalized by the conduct of our Government.

I reserve the balance of my time.

Mr. COOPER. I would like to ask the gentleman a question.

Mr. HUGHES of New Jersey. Yes.

Mr. COOPER. On page 2 it says they shall—

Forthwith report to the proper officer of the United States.

That is very specific. It does not say "a" proper officer, but "the" proper officer. As I understand it, an officer of the United States is one appointed by the President or by the head of a department authorized to make appointments. And it might trouble a man way off in a Territory to know just who the proper officer is.

Mr. HUGHES of New Jersey. The inspector ought to know.

Mr. COOPER. I do not know whether an inspector would know or not.

Mr. MANN. Whoever has charge of the contract on the part of the Government would be the proper officer.

Mr. COOPER. Is he an officer of the Government? A deputy marshal is not appointed by the President nor is he appointed by the head of a department.

Mr. MANN. I think he is an officer of the Government.

Mr. COOPER. I remember well the decision that an officer of the Government is one who is appointed by the President or by the head of a department authorized to make appointments.

Mr. MANN. I think the gentleman probably refers to the provision of the Constitution which authorizes Congress to authorize heads of departments to make appointments.

Mr. COOPER. A decision in the One hundred and twenty-fourth United States—I think that is the volume—holds that only those are officers of the United States who are appointed by the President or by the head of a department authorized to make appointments.

Mr. HUGHES of New Jersey. I reserve the balance of my time.

[Mr. MURRAY addressed the House. See Appendix.]

The SPEAKER pro tempore (Mr. SPARKMAN). The gentleman from Wisconsin [Mr. BERGER] is recognized.

Mr. BERGER. Mr. Speaker and gentlemen, I must congratulate my Democratic friends on the way they are playing politics. For the first time in 50 years they are playing good politics, but it is playing politics. Day before yesterday they tried to rake in the soldiers' vote; yesterday they tried to get the Hebrew vote, and to-day they are trying to get the labor vote. [Laughter.]

Mr. Speaker, I do not begrudge any vote to them that they get in an honorable way. I only want to say that the first 8-hour bill was passed in this Congress in 1848. Since then Congress has passed about half a dozen more, and I am afraid we shall pass a dozen more, before we get a law that will hold water in the courts. I would suggest that instead of lawyers, who write sentences about 10 inches long, you would get a bricklayer to write the law and have it looked over by a newspaper man. Then you would have a law that would be plain, a law which everybody would understand.

I can not understand the wording of this bill, and I do not know how the judges will construe it when it gets into the court. Our laws nowadays are made by lawyers for lawyers—and three lawyers usually have four opinions on almost any subject.

However, I am glad to see that this law is going to pass unanimously. It ought to pass unanimously. It is too late to oppose an 8-hour day in the year 1911. In Australia they are now trying to pass a 6-hour law. I believe 8 hours a day for factory work is really too long. And I say this, although I do not hate work, for I work 14 hours every day.

But I want to explain that 8 hours a day is too much for manufacturing purposes—it is too long a day for wageworkers in general.

The introduction of labor-saving machinery has very largely increased the productivity of labor. One man at a machine can produce, in some instances, a thousand times as much as a man without a machine could produce 50 years ago, or, for that matter, now without a machine. The use of machinery has increased the productivity of human efforts a hundredfold.

However, all the benefits of these labor-saving machines and of the application of steam, electricity, and water power now go to a small class, to the class which owns the machinery, controls the water power and the other means of production. The workmen get very little as their share. I may say that the workingman at the end of the year nowadays is about as rich as the workingman was 50 years ago; that at the end of the year he has very little or nothing left.

The average wages nowadays, taking, for example, the year 1910, were $476 a year. These are not my figures. These are not Socialistic figures. These are the figures of your labor bureau. The value of the product every worker produces annually is about $1,150 a year. In other words, the capitalist class makes $674 every year of every man, woman, and child employed. This is not what every employer makes of every employee; that is the average sum the capitalist class makes as a class in profit—cent and interest—of the working class per capita. That is the surplus value produced by the workers.

Under these conditions, of course, it is not surprising that the small class which controls the production of our country is getting richer all the time and that the great working class is getting poorer in comparison. There is also another drawback. The introduction of machinery has largely increased "season work"—that is, manufacturers employ workers during a short season of a few months and then lay them off. This circum-

stance has increased the insecurity of labor to a greater degree at the present time than in any other period in the history of the world. In order to improve on that condition we must cut down the hours of labor. I do not believe that an eight-hour day is really short enough. In fact, we ought to have a six-hour day.

Mr. MANN. Why not make it a six-hour day?

Mr. BERGER. Prof. Theodore Hertzka, not a Socialist, but a student of social conditions and one of the great economists of Europe, stated that two and one-half hours a day would be sufficient for our civilization if every man worked and if we used all the machinery at our disposal now. We could in two and one-half hours produce everything in plenty. I am sure the gentleman from Illinois [Mr. MANN] would be willing to add his share of daily work for two and one-half hours and enjoy leisure the rest of the day.

Mr. KENDALL. Will the gentleman yield for a question?

The SPEAKER pro tempore. Does the gentleman from Wisconsin yield to the gentleman from Iowa?

Mr. BERGER. With pleasure.

Mr. KENDALL. Is it not the idea of the gentleman—it is an idea that seems to be exploited by a great many responsible sociologists—that if the same progress is made in the next 300 years in the productivity of labor as has been made in the last 300 years that four and one-half hours will be an ample working day?

Mr. BERGER. I think two and one-half hours will be sufficient in 50 years' time. I agree with Prof. Hertzka. He figured out in 1891 that with the machinery and means of production at our disposal two and one-half hours would be sufficient to give everybody more than he needed and a chance for leisure and culture besides.

Mr. ANDERSON of Ohio. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Wisconsin yield to the gentleman from Ohio?

Mr. BERGER. Gladly.

Mr. ANDERSON of Ohio. I understood the gentleman to say that the Democratic Party in this House had been playing politics in passing legislation favorable to the old soldiers, to the Jews, and to the laboring men. Is it not true that the gentleman voted for the Sherwood pension bill?

Mr. BERGER. I did.

Mr. ANDERSON of Ohio. And did not the gentleman vote also for the Sulzer resolution?

Mr. BERGER. I did.

Mr. ANDERSON of Ohio. And the gentleman expects to vote for this bill?

Mr. BERGER. Yes; I do. I said you were "playing" good politics. [Laughter and applause.] And I hope you Democrats will also bring in a bill to help the colored men. I shall vote for that, too. [Laughter.]

Mr. KENDALL. Will the gentleman allow me another suggestion?

The SPEAKER pro tempore. Does the gentleman from Wisconsin yield again to the gentleman from Iowa?

Mr. BERGER. Yes.

Mr. KENDALL. I was curious to know upon what theory the gentleman attributed the passage of the pension bill to the Democratic Party, when 132 Republicans voted for it and only 30 did not, whereas only 97 Democrats voted for it and 130 did not.

Mr. BERGER. The Democrats initiated the bill. They are responsible for legislation in this House. [Applause.] Give the devil his due. [Laughter.] I always do that and always shall. But remember this House has passed half a dozen eight-hour bills in the past.

Mr. KENDALL. With that explanation I am content.

Mr. ANDERSON of Ohio. The gentleman from Wisconsin was looking at the other side when he spoke of giving the devil his due. [Laughter.]

Mr. BERGER. I was looking first at one side and then at the other. [Laughter.] You see, gentlemen, I personally am in a peculiar position. The speeches on this side and on the other side hardly change a vote of a Democrat or a Republican. You always—or, at least, as a rule—know beforehand how you are going to vote on everything that comes up. I am the only man who is open to the arguments of either side. [Laughter.]

Mr. Speaker, I take issue with the gentleman from Pennsylvania [Mr. WILSON] when he says, agreeing with Mr. Gompers, that Congress has no right to interfere with conditions in private enterprises. I disagree with him, for the reason that we are interfering with private business all the time; that this bill, which his committee reports favorably, is interfering with the enterprise of private contractors, with private employers. We do so all the time. In a Congress before I came here you fixed hours for railroad employees. Railroads are private enterprises; they are privately owned.

Mr. HILL. But they are engaged in interstate commerce.

Mr. BERGER. They are not owned by the Government. We have regulated the hours of labor in mining in some States. We have regulated the employment of sailors on privately owned ships. We are regulating the business of private contractors in this bill. We are doing such things all the time. In fact, I can not imagine a government existing without doing so.

I shall vote for this bill with pleasure, although, as I say, in principle I am for a six-hour working day. I do not know whether this bill is going to hold water in the courts. I hope it will. The gentleman from New Jersey [Mr. HUGHES], who is a bright lawyer, a well-meaning man, and a fine fellow all around, was engaged in its preparation. [Applause.]

I have not prepared a speech because I did not know this bill was coming up to-day. I have been a newspaper man for a good many years, and I believe I understand the English language. However, when I read this bill I was not quite clear as to what some of its provisions mean. I hope the committee will be willing to accept amendments, especially some of the amendments suggested by the gentleman from Illinois [Mr. MANN].

I know this bill is going to have hard sledding; not in the House and not in the Senate. It is going to pass both Houses almost unanimously, and I have no doubt the President will sign it as quickly as he possibly can. But the great question is how it will fare in the courts. When we have a Socialist Supreme Court then labor measures and all other laws passed will be safe, but I am quite sure we shall not then need an eight-hour law. [Applause.]

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized for one hour.

Mr. MANN. Which time I shall not consume. [Applause.] I take the floor primarily for the purpose of offering some amendments to the bill, which amendments I think will not be objected to. Just one word. I was a member of the city council of Chicago a good many years ago. I put through an ordinance which seemed to me to be the proper way to reach it, providing that all contracts entered into should contain a provision for eight hours work; a provision very similar to section 1 of this bill. The gentleman from Wisconsin [Mr. BERGER] need not fear at all the construction of the courts on section 1. We have a right to say that we will enter into no contract without a provision in it that the contractor shall not employ any person more than eight hours, and with a penalty in it, not penal in its nature, but a penalty made a part of the contract, to be taken out of the contract if the contractor does not obey its terms.

I have a habit of working in a garden occasionally, and sometimes when I go home a little fresh from relaxation from that character of work, I may feel inclined to labor more than 8 hours in a day; but after handling a spade or a hoe for a while I come to the conclusion that 8 hours are long enough for any man to work in 24 hours, at ordinary hard labor. [Applause.] If I had my way about it, I would forbid any person employing labor for more than 8 hours in 24. We will gradually come to that. I think the gentleman from Pennsylvania [Mr. WILSON] hardly stated his real opinion and belief when he intimated that the Government could not interfere between the employer and employee.

Mr. WILSON of Pennsylvania. Will the gentleman permit?

Mr. MANN. Certainly. I want the gentleman to set himself right.

Mr. WILSON of Pennsylvania. I stated, or at least attempted to state, that the position of the president of the American Federation of Labor, Mr. Gompers, was that the Federal Government had no power and no right to interfere between a private employer and employees on the question of hours of labor, and, I might add, wages as well. And if I did not state it that way, I intended to so state it. I may say that I concur in that position, although when it comes down to the question of sanitation or safety, and those things that are included generally in police regulations, I think the Government, State or Federal, as the case may be, has the right to interfere.

Mr. MANN. Of course it is perfectly true—and I think that that is as far the gentleman or Mr. Gompers goes—that under our dual form of government the Federal Government has no control over the manufacturing business of the State. It is also true that under the commerce clause of the Constitution we do have the right, in certain cases, to interfere; a right which I am glad to say we have recognized as to railroad employees, telegraph and telephone operators, and other classes of employees.

However, Mr. Speaker, I did not rise for the purpose of discussing the merits of the proposition. I desire to offer an

amendment, which I send to the Clerk's desk, to perfect the language of the bill.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend page 3, line 10, by striking out the words "appeal to" and insert in lieu thereof the following: "file a claim in."

Mr. WILSON of Pennsylvania. Mr. Speaker, we are perfectly willing to accept the amendment offered by the gentleman from Illinois.

The SPEAKER. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr Speaker, I offer the following amendment.

The Clerk read as follows:

Amend page 3, lines 22 and 23, by striking out the words "or otherwise."

The SPEAKER. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Amend page 4, line 9, by inserting after the word "modify" the following: "The act entitled 'An act relating to the limitation of the hours of daily service of laborers and mechanics employed on the public works of the United States and of the District of Columbia,' being."

Mr. MANN. Mr. Speaker, the bill provides that nothing in this act shall be construed to repeal or modify chapter 352 of the laws of the Fifty-second Congress, approved August 1, 1892. I offer this amendment to insert the title of the act. Ordinarily we do not have the number of the act and the special Congress in the book. This identifies it so that anyone who has a supplement of the Revised Statutes can tell what the act is.

Mr. WILSON of Pennsylvania. Mr. Speaker, that amendment is acceptable to us.

The SPEAKER. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. MANN. Now, Mr. Speaker, I have two amendments to the committee amendments, which I desire to offer at the proper time. The gentleman from Nebraska [Mr. NORRIS] asked about the provisions of section 2, and whether or not the proviso would not nullify it. I have an amendment, to insert after the word "shall," in line 22, the words "except as herein otherwise provided," so that it would read:

That all classes of work which have been, are now, or may hereafter be performed by the Government shall, except as herein otherwise provided, when done by contract or otherwise, by individuals, firms, or corporations, be performed in accordance with the terms and provisions of this act.

Mr. HUGHES of New Jersey. I should prefer that the gentleman from Illinois would not offer that amendment.

Mr. NORRIS. I want to say that while I am very firm in the belief that the gentleman from New Jersey makes a mistake in not accepting this amendment, I did not offer it, because I said to the gentleman privately that I would not without his consent, because I know that he is earnest and sincere. I do think, however, that he makes a mistake in leaving it out. I think the construction that I pointed out is liable to be put on the law, and it is in the best faith that I make it.

Mr. HUGHES of New Jersey. I know that both the gentleman from Illinois and the gentleman from Nebraska are acting in absolutely good faith.

I do not want to be responsible for this amendment to a bill which has given the committee more trouble than any other bill. I prefer to let the language stand as it is, because I can not see now hurriedly what the effect of the proposed amendment will be. I would rather stand by the language of the committee.

Mr. MANN. I will say I went over the bill in the first instance, which was some time ago, and marked that amendment in my copy of the bill, having the same idea in mind that the gentleman from Nebraska had. Upon further reflection and study I concluded myself it was not necessary, hence I did not prepare an amendment.

Mr. NORRIS. That is just one reason, it seems to me, if it does not hurt, and I have not had anybody point out where it would, why such amendment ought to be adopted. The gentleman from Illinois had that idea himself and I did, and some court may have that idea later on if it is enacted into law, and if some court that passes upon it later on does have that idea, it will put a construction upon the law which will pretty near nullify it.

Mr. MANN. I do not think any court would construe it that way.

Mr. COOPER. I would like to ask the gentleman from Illinois—I have not been in during all of the discussion—if, after the word "corporations," in line 23, page 3, there ought not to be inserted the words "for or on behalf of the United States or any Territory or said District," so that the proviso would read:

Provided, That all classes of work which have been, are now, or may hereafter be performed by the Government shall, when done by contract or otherwise, by individuals, firms, or corporations, for or on behalf of the United States, any Territory, or said District, be performed in accordance with the terms and provisions of this act.

As it is now the proviso requires a private corporation doing any work, whether for the Government or not, which the Government has heretofore done, to do it in accordance with the provisions of this act.

Mr. MANN. The gentleman from Wisconsin is certainly correct in this regard, that if those words are not in there you have to read them in in your mind or in the construction of the act.

Mr. COOPER. Mr. Speaker, I move to amend—I ask unanimous consent to offer this amendment: To insert, after the word "corporations," in line 23, page 3, the words "for or on behalf of the United States or any Territory or said District," so that the proviso will read as follows:

Provided, That all classes of work which have been, are now, or may hereafter be performed by the Government shall, when done by contract or otherwise, by individuals, firms, or corporations, for or on behalf of the United States, any Territory, or said District, be performed in accordance with the terms and provisions of this act.

The SPEAKER pro tempore (Mr. GARRETT). The gentleman from Wisconsin offers an amendment, which the Clerk will report.

Mr. WILSON of Pennsylvania. Mr. Speaker, I think the amendment perfects the bill in that particular, and I will accept it.

The Clerk read as follows:

In line 23, page 3, after the word "corporations," insert the words "for or on behalf of the United States, any Territory, or said District."

Mr. COOPER. Mr. Speaker, I understood the gentleman from Pennsylvania to accept the amendment.

Mr. WILSON of Pennsylvania. Mr. Speaker, the amendment is acceptable, as it perfects the bill.

Mr. LENROOT. Will the gentleman from Wisconsin permit me to ask him whether he thinks that language will be broad enough to include a subcontract as well as the principal contract?

Mr. COOPER. I should say so.

Mr. LENROOT. It is a contract for or on behalf of the United States.

Mr. COOPER. It would cover it if it be a contract to be performed by individuals, firms, or corporations——

Mr. LENROOT. But not necessarily for the United States.

Mr. COOPER (continuing). For or on behalf of the United States. Mr. Speaker, I used that language because it is the exact phraseology of line 6, section 1, page 1, which provides that—

Every such contract made for or on behalf of the United States, or any Territory, or said District—

And so forth——

Mr. MANN. Let me ask the gentleman in reference to that.

Mr. COOPER. Will the gentleman permit me to continue a moment?

Mr. MANN. Certainly.

Mr. COOPER. Section 1 of the bill provides also that all contracts—

which may require or involve the employment of laborers or mechanics shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor for any part of said work contemplated—

And so forth.

It will be observed that by section 1 the contract itself is required to contain a provision respecting subcontractors, and therefore my amendment is sufficiently broad.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Wisconsin [Mr. COOPER].

The question was taken, and the amendment was agreed to.

Mr. MANN. I yield to the gentleman from Oregon [Mr. LAFFERTY].

Mr. LAFFERTY. Mr. Speaker, I desire to go on record in favor of labor unions and in favor of the great work organized labor has done for humanity. This bill fixes eight hours as the standard for a day's labor on all Government work. The measure was introduced in this House by the able Member from New Jersey [Mr. HUGHES], who is himself a holder of a card in a labor union. The bill was referred to the Committee on Labor, of which the able Member from Pennsylvania [Mr. WILSON], also the holder of a union card, has the honor to be chairman. I am glad to say that there are 13 other Members of this House who hold union cards, and we find them all here on the floor this afternoon working for the passage of this bill.

FRUITS OF ORGANIZED LABOR.

If union labor had done nothing more than to give us the bill now under consideration, it would be entitled to the lasting gratitude of the country. This bill sets the standard at eight hours for a full day's work, with a full day's pay, for all laborers and mechanics. No private employer can hereafter say that the demands of his employees for an eight-hour day is unreasonable, when the Government has said by this bill, which we are going to pass, that it is reasonable. We are also indebted to organized labor for most of the laws heretofore passed looking to the health, comfort, and safety of employees.

UNITED STATES MONEY MAD.

The mad rush to obtain money in the United States has been the greatest obstacle in the way of a full and complete enjoyment by our people of the blessings of a free republic. It is high time that a sharp halt was being called. It was written of old: "For what is a man profited, if he shall gain the whole world, and lose his own soul?"

We might also stop and consider how little we have gained if we obtain wealth and lose health and happiness. No laboring man can be healthy and happy who does not take all the sleep that nature requires, or who does not also have a reasonable amount of time for wholesome relaxation and pleasure during his waking hours. No decent employer of labor can be happy who does not see to it that his employees have sufficient time off from their work to obtain these things. But we must not trust to the will of employers in this matter. One selfish employer, by fixing long hours, may afford an excuse to his competitors to do likewise. Therefore we must, by appropriate laws, provide for a day's work of reasonable length, not only in the Nation, but in all public work in the several States.

FARMERS' WORKDAY NO CRITERION.

It has been said that the farmers work long hours and that they will oppose this bill. I left the farm only a few years ago, and I ought to know something about the work of a farmer. The farmer does get up early and work late during the growing season, but during the long winter months his work slackens and he has much time for relaxation. Besides, the work of the farmer is out of doors, much of it in the open field, and while performing his duties he gets the sunshine and pure air that the shop or factory worker can only get while off duty.

When I was a farmer I used to work 12 hours a day, but the work often consisted in riding a sulky cultivator through a field of waving green corn, while the gentle zephyrs that fanned my cheeks also brought to my ears the song of the meadow lark and the blackbird and wafted to my nostrils the fresh perfume of crab-apple blossoms. But the work of the city youth or the city man is different. They must have more hours for rest and relaxation.

CANADA AN OBJECT LESSON.

Our cousins across the line in Canada take life much easier than we do, and I for one am willing to compliment them upon their good sense in this regard. They take time to eat their meals and enjoy them. In Vancouver and Victoria, British Columbia, they open the stores at 9 in the morning and close them at 5 in the afternoon. This gives the employees a chance to play golf, tennis, and other outdoor games, and to go swimming, rowing, and sailing. That same system should be adopted throughout the civilized world. Everyone would make just as much money under such a system and all would get much more out of life.

THE GREAT MAJORITY WORK.

This is a country of, by, and for the people. The great majority of the people work for a living. Why, in heaven's name, should not the people have laws passed for their own benefit? Why should the people go ahead mistreating themselves in order that a few old, sallow-complexioned misers may rake together a few more dollars. It is ridiculous when we stop to think of it.

CONDITIONS GROWING BETTER.

That conditions are growing better is shown by the fact that we are passing this bill this afternoon. The people are rapidly coming to realize that Lincoln's definition meant something, and that this country is for the people. If the people will send men to Congress, regardless of their politics, who are not under obligations to the special interests, we will in a few short years make this country one of, by, and for the people. Country life is being made better by the rural delivery. Both city and country life will be improved by a parcels-post law, which all progressives are working for.

FOR PROGRESSIVE PROGRAM.

The progressive program also includes the establishment of a public-service commission in each State in the Union, to control monopolies doing business wholly within the States, and the creation of a national public-service commission to control rates and prices of monopolies doing an interstate business. I am for this program. When we put this program into execution equality of opportunity in all lines will be guaranteed. The cost of living will be reduced to every householder at least $200 per year. Then every man who works will be able to take a vacation of 30 days each year, and he will be able to lay by a little for his old age besides. Laws to bring about this result will be passed in this Republic inside of four years, or I am badly mistaken in the intelligence of the average voter.

Mr. GARDNER of New Jersey. Mr. Speaker, I merely want to suggest to the gentleman from Illinois that while he is perfecting this section he had better change the words "have" and "are" in line 21 to "has" and "is."

Mr. MANN. Where is that?

Mr. GARDNER of New Jersey. Line 21, section 2. "Have" and "are" should be "has" and "is."

Mr. MANN. Where it says:

All classes of work which have been, are now—

I should say "classes" was the subject there. The word "work" is not in the nominative case.

May I ask whether anyone desires to occupy further time in general debate?

Mr. KENDALL. Mr. Speaker, I was about to make a suggestion.

Mr. MANN. I was going, otherwise, to ask unanimous consent that we might get to the reading of the bill.

Mr. KENDALL. I was about to make this suggestion, Mr. Speaker: There seems to be a very general acquiescence now in the opinion that this bill will pass without delay, and I ask unanimous consent that everybody who desires to do so may be allowed to extend his remarks in the RECORD for five legislative days who occupied the attention of the House this afternoon in speaking upon the subject, if that is agreeable to the gentleman from Pennsylvania [Mr. WILSON].

Mr. WILSON of Pennsylvania. Mr. Speaker, I join in the request for unanimous consent.

Mr. MANN. Not to extend remarks, but for leave to print.

Mr. KENDALL. Very well.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. KENDALL] asks unanimous consent that all gentlemen who desire may be permitted to have leave to print for five legislative days on this bill. Is there objection?

There was no objection.

Mr. MANN. Now, Mr. Speaker, can we reach an agreement about closing the debate? I prefer not to use the balance of my time.

Mr. WILSON of Pennsylvania. Just before we reach that, I should like to ask if we can have unanimous consent to insert a comma after the word "plate," in line 17, page 3?

The SPEAKER pro tempore. The Chair was unable to catch the request.

Mr. WILSON of Pennsylvania. I am asking unanimous consent to amend by inserting a comma after the word "plate," in line 17, page 3.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent for the adoption of an amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, line 17, insert a comma after the word "plate."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Speaker, I ask unanimous consent that all general debate on this bill be now closed, and that the bill be read in the House as in the Committee of the Whole for amendment under the five-minute rule.

Mr. BUCHANAN. Reserving the right to object, I would like to ask if the unanimous consent to print means that anyone can print who has not had the floor?

Mr. MANN. It means anyone who is a Member of the House.

Mr. CARY. I do not wish to object at all, but the gentleman from Pennsylvania [Mr WILSON] agreed to give me one minute.

Mr. MANN. You can get it under the five-minute rule.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the general debate on this bill be closed and that it be considered in the House as in the Committee of the Whole, which includes the five-minute rule and the reading of the bill by sections for the purpose of amendment. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That every contract hereafter made to which the United States, any Territory, or the District of Columbia is a party, and every such contract made for or on behalf of the United States, or any Territory, or said District, which may require or involve the employment of laborers or mechanics shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the

contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day upon such work; and every such contract shall stipulate a penalty for each violation of such provision in such contract of $5 for each laborer or mechanic for every calendar day in which he shall be required or permitted to labor more than eight hours upon said work; and any officer or person designated as inspector of the work to be performed under any such contract, or to aid in enforcing the fulfillment thereof, shall, upon observation or investigation, forthwith report to the proper officer of the United States, or of any Territory, or of the District of Columbia, all violations of the provisions of this act directed to be made in every such contract, together with the name of each laborer or mechanic who has been required or permitted to labor in violation of such stipulation and the day of such violation, and the amount of the penalties imposed according to the stipulation in any such contract shall be directed to be withheld by the officer or person whose duty it shall be to approve the payment of the moneys due under such contract, whether the violation of the provisions of such contract is by the contractor or any subcontractor. Any contractor or subcontractor aggrieved by the withholding of any penalty as hereinbefore provided shall have the right to appeal to the head of the department making the contract, or in the case of a contract made by the District of Columbia to the Commissioners thereof who shall have power to review the action imposing the penalty, and from such final order whereby a contractor or subcontractor may be aggrieved by the imposition of the penalty hereinbefore provided such contractor or subcontractor may appeal to the Court of Claims, which shall have jurisdiction to hear and decide the matter in like manner as in other cases before said court.

Mr. WILSON of Pennsylvania rose.

The SPEAKER. The gentleman from Pennsylvania is recognized for five minutes.

Mr. MANN. I call for the reading of the committee amendments.

The SPEAKER. The committee amendments, under the procedure of the House, should be voted on first. Has the gentleman any committee amendment?

Mr. WILSON of Pennsylvania. It was a committee amendment that I desired to call attention to.

The SPEAKER. The Clerk will report the first committee amendment.

The Clerk read as follows:

On page 2, line 18, after the word "withheld," insert the words "for the use and benefit of the United States, the District of Columbia, or the Territory contracting."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. Mr. Speaker, I would like to ask to have separated from the other amendment the amendment on page 3, line 9.

Mr. FOSTER of Illinois. We have not reached that yet.

The SPEAKER. The Clerk will report the second committee amendment. When he comes to that the gentleman from Illinois [Mr. MANN] will observe it.

The Clerk read as follows:

On page 3, line 1, after the word "right," at the beginning of the line, insert the words "within six months thereafter."

The SPEAKER. The question is on agreeing to the amendment.

Mr. MANN. Mr. Speaker, that is the amendment I referred to. I offer an amendment to the committee amendment.

The SPEAKER. The Clerk will report the amendment which the gentleman from Illinois [Mr. MANN] offers to the committee amendment.

The Clerk read as follows:

Amend the amendment on page 3, line 1——

Mr. OLMSTED. Mr. Speaker, we have not reached the amendment referred to by the gentleman from Illinois [Mr. MANN].

The SPEAKER. I will ask the gentleman from Illinois if his amendment is not an amendment to the amendment in line 1?

Mr. MANN. It is in line 9.

The SPEAKER. The question is on agreeing to the committee amendment to page 3, line 1.

The amendment was agreed to.

The SPEAKER. The Clerk will report the third amendment.

The Clerk read as follows:

On page 3, lines 2 and 3, after the word "contract," in line 2, insert the words "on behalf of the United States and the Territories."
In line 3 strike out the word "or" and insert the word "and."

Mr. OLMSTED. Mr. Speaker, I wish to suggest to my colleague from Pennsylvania [Mr. WILSON] that that could be improved if it were made to read "on behalf of the United States or any Territory." There is no one department making one contract on behalf of the United States and the Territories.

The SPEAKER. What is the amendment that the gentleman from Pennsylvania suggests?

Mr. OLMSTED. I suggest changing the words "and the Territories" to read "or any of the Territories."

Mr. MANN. "Or the Territory."

Mr. OLMSTED. Yes; "or the Territory."

The SPEAKER. Is the amendment of the gentleman from Pennsylvania [Mr. OLMSTED] simply to strike out the word "and" and insert the word "or"?

Mr. OLMSTED. It is to strike out the word "and" where it appears and insert the word "or," and to change the word "Territories" to the word "Territory."

Mr. WILSON of Pennsylvania. Mr. Speaker, do I understand the amendment to be to strike out the words "and the Territories" and insert the words "or the Territory"?

Mr. OLMSTED. Yes.

Mr. MANN. If you simply change the word "Territories" to "Territory" it would be perfect. The contract is made in behalf of the United States or the Territory.

Mr. OLMSTED. I want it to read as follows:

The head of the department making the contract on behalf of the United States or the Territory.

Mr. MANN. It refers to a contract already made.

Mr. COOPER. I would like to ask the gentleman from Pennsylvania if he does not recognize the difference between the words "any territory" and the words "or the Territory"? A Territory is an entity and has a government, but the territory of the United States might include lower California.

Mr. OLMSTED. It refers to the Territory named in the contract. It is spelled with a capital T.

The SPEAKER. The Clerk will report the modified amendment.

The Clerk read as follows:

On page 3, line 3, strike out the word "and," the second word in the line, and insert the word "or"; strike out "ies" in the word "Territories" and insert a "y."

Mr. OLMSTED. That is right.

Mr. MANN. Let us hear that reported in the way it will read.

Mr. WILSON of Pennsylvania. I have no objection to that amendment.

The SPEAKER. The Clerk will report the amendment as it will read if the amendment of the gentleman from Pennsylvania [Mr. OLMSTED] should be adopted.

The Clerk read as follows:

On behalf of the United States or the Territory.

The SPEAKER. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

On page 3, line 3, strike out the word "or" and insert the word "and."

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

On page 3, line 6, after the word "and," insert the words "in all such appeals."

Mr. OLMSTED. I suggest to the gentleman from New Jersey [Mr. HUGHES] and the gentleman from Pennsylvania [Mr. WILSON] that that amendment is hardly necessary, and I am afraid it confuses things a little. Leaving that out, it would read:

And from such final order whereby a contractor or subcontractor may be aggrieved * * * such contractor or subcontractor may, within six months thereafter, appeal—

And so forth. But this provides that in all such appeals he may appeal.

Mr. MANN. I will say to the gentleman that we have already changed that and provided for the filing of a claim in the Court of Claims, and I have an amendment to perfect that.

Mr. WILSON of Pennsylvania. There is an amendment which has already been accepted in the House, providing that in all such appeals claims may be filed in the Court of Claims.

Mr. OLMSTED. As the section was read it did not include that amendment.

Mr. WILSON of Pennsylvania. It was not read as amended.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

On page 3, line 9, after the word "may," insert the words "within six months thereafter."

Mr. MANN. I offer an amendment to the amendment, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the amendment of the gentleman from Illinois.

The Clerk read as follows:

Amend the amendment on page 3, line 9, by striking out the word "thereafter" and inserting in lieu thereof the following:
"After decision by such head of a department or the Commissioners of the District of Columbia."

Mr. MANN. Mr. Speaker, the word "thereafter" is not quite plain as to the date to which it refers, and the gentleman from Pennsylvania [Mr. WILSON] and others stated that the intention was to give six months to file in the Court of Claims after the decision by the head of a department. I offer this amendment accordingly, so as to make it plain what it means.

The SPEAKER. The question is on the amendment to the amendment proposed by the gentleman from Illinois [Mr. MANN].

The amendment to the amendment was agreed to.

The SPEAKER. The question is on the amendment as amended.

The amendment as amended was agreed to.

The Clerk began the reading of section 2.

Mr. BATHRICK. Mr. Speaker, I desire to offer an amendment to section 1. Am I too late?

The SPEAKER. No; the gentleman will send up his amendment. The Clerk will report the amendment of the gentleman from Ohio.

The Clerk read as follows:

On page 2, in lines 11 and 12, strike out the words "proper officer of the United States or any Territory or of the District of Columbia" and insert the words: "district attorney having jurisdiction where the work is performed, or the official who made the contract for and on behalf of the United States or any Territory or the District of Columbia."

Mr. BATHRICK. Mr. Speaker, I wish to announce myself a cordial and sincere friend of this bill, and in offering this amendment I do not intend in any manner to reflect upon the arduous and intelligent service of this committee in drawing this bill. I only wish to strengthen the bill. My amendment refers principally to and hinges upon the word "proper" in line 11, page 2. In other words, by going back two or three lines before line 11, we find that—

Any officer or person designated as inspector of the work to be performed under any such contract—

is the one to report violations of this act. Now the question is, to whom shall he report? The law as it now stands says "the proper officer." I believe in the operation of this law it is easy to imagine how difficult it would be for an inspector in charge of the work to select this proper officer. If he went to one officer, that officer might easily state that the matter did not come under his jurisdiction, and penalties for violations of this act would be delayed and perhaps entirely nullified.

For that reason I desire in my amendment to make plain whoever the proper officer is to whom the report shall be made namely, the district attorney of that judicial district or the officer or person who, on behalf of the Government, made the contract. I believe unless that is particularly specified that when the first cases are taken to the courts a long delay will ensue before this act can be enforced and put in operation—that litigation will be materially and seriously hindered. Therefore I ask that the amendment be accepted.

Mr. MANN. Will the gentleman yield for a question?

Mr. BATHRICK. Certainely.

Mr. MANN. What could the district attorney do with the reported violation of the law?

Mr. BATHRICK. If necessary, we must go further and state what he must do with it. If the gentleman desires to offer an amendment to that effect——

Mr. MANN. I do not desire to offer an amendment to that effect.

Mr. BATHRICK. We only desire to bring it up to the proper official and that he shall be named.

Mr. MANN. This is not a criminal statue.

Mr. BATHRICK. There is a penalty for its violation.

Mr. MANN. None that can be enforced in court.

Mr. BATHRICK. I think the law as it stands——

Mr. MANN. I think the gentleman does not appreciate what the provision is. Here is a provision that shall put in the contract that there shall be no one working over eight hours a day, and if they do employ labor over eight hours a day it shall be reported, as here provided, to the person who makes the contract for the Government, and he shall take $5 a day for every violation for each person out of the contract. Now, the district attorney could not enforce that.

You report to the district attorney, and he files the report away in the archives of the district attorney's office, or he sends it on to the Department of Justice, and meanwhile the accounting officers of the Government have paid the contractor the full amount, and there is no recourse. The proper officer is plain enough; he is the man who has charge of the contract on behalf of the Government. It may be an engineer in the field, it may be some one constructing a public building out in Montana, who is in charge of the public building. It may be some one doing other work for the Government, but he is representing the Government, and he is the one to receive the notice of the violation of the contract, so that he can see that the money is taken out of the pay of the contractor.

Mr. BATHRICK. But the bill says that he shall report to some one else.

Mr. MANN. Not at all.

Mr. BATHRICK. It says:

Any officer or person designated as inspector of the work to be performed under any such contract, or to aid in enforcing the fulfillment thereof, shall, upon observation or investigation, forthwith report to the "proper" officer of the United States or any Territory—

And so forth.

Mr. MANN. The inspector reports to the man who, on behalf of the Government, is charged with the passing upon or the issuance of the voucher.

Mr. BATHRICK. But the bill does not say so. Therein lies my complaint. I desire the law enforced.

Mr. MANN. There is no other way of describing the proper officer. It may be that it goes to the auditor, it may be that it goes to the comptroller on appeal, it may be the head of a department—whoever is responsible upon the part of the Government for the issuance of the voucher must come into the possession of this report, so that he can take it out of the money; otherwise the money might be paid to the contractor in full, and there would be no recovering it back.

Mr. BATHRICK. Who is the man who shall take the money out of the contract price, if it is not the man who, on behalf of the Government, has made the contract? That is why my amendment attempts to specify.

Mr. MANN. The man who really takes it out is probably the auditor. For instance, here is an engineer having construction of river and harbor works under contract for the Government. He has to O. K. the application upon which the voucher is issued. He is the man ordinarily on that kind of work, if he has charge of it, to whom this report will first be made. Of course he afterwards, with other papers, sends it along the line, and they come finally into the hands of the auditor or perhaps the comptroller, but there is no other way to do it than the way in which it is described here.

Mr. BATHRICK. If the gentleman will permit me, he has specified numerous officials to whom the report is to be made. I seek to determine in the amendment which one, that it may be made definite. If not to the district attorney, then it shall be made to the man who, on behalf of the Government, made the contract.

Mr. HUGHES of New Jersey. But how are you going to describe him?

Mr. MANN. Another man may have been substituted for the one who made the contract.

Mr. COOPER. Will the gentleman yield?

Mr. BATHRICK. Certainly.

Mr. COOPER. I will say to the gentleman that it seems to me that the difficulty can be solved if he will refer to line 20, page 2, or beginning back to line 7.

In line 7, page 2, it says:

And any officer or person designated as inspector of the work to be performed under any such contract, or to aid in enforcing the fulfillment thereof, shall, upon observation or investigation, forthwith report to the proper officer of the United States or of any Territory or of the District of Columbia all violations of the provisions of this act directed to be made in every such contract, together with the name of each laborer or mechanic who has been required or permitted to labor in violation of such stipulation and the day of such violation, and the amount of the penalties imposed according to the stipulation in any such contract shall be directed to be withheld for the use and benefit of the United States, the District of Columbia, or the Territory contracting by the officer or person whose duty it shall be to approve the payment of the moneys due under such contract.

Now, it is very evident from that that the proper officer to whom the inspector ought to report a violation of the contract is the person designated in line 20 who is authorized to withhold the penalties, to wit, "the officer or person whose duty it shall be to approve the payment of the moneys due under such contract." That would make it read, beginning with line 7—

Any officer or person designated as inspector of the work to be performed under any such contract, or to aid in enforcing the fulfillment thereof, shall, upon observation or investigation, forthwith report to the officer or person whose duty it shall be to approve the payment of the moneys due under such contract.

Mr. BATHRICK. Mr. Speaker, I suggest that the gentleman from Wisconsin offer an amendment to my amendment to that effect.

The SPEAKER. The Clerk will report the substitute.

The Clerk read as follows:

Page 2, line 11, strike out the words "the proper officer of the United States" and insert the words "the officer or person whose duty it shall be to approve the payment of the moneys due under such contract."

Mr. COOPER. Mr. Speaker, I move to strike out the words "proper officer of the United States," in line 11, page 2, and in lieu thereof to insert the words to be found in the beginning

of line 20, "the officer or person whose duty it shall be to approve the payment of the moneys due under such contract."

The SPEAKER. Does the gentleman from Wisconsin offer that as an amendment to the amendment offered by the gentleman from Ohio?

Mr. COOPER. As a substitute for his amendment.

Mr. WILSON of Pennsylvania. Mr. Speaker, it seems to me that the purpose sought by the gentleman from Wisconsin is not obtained by the amendment which the gentleman offers, and the language that should be there is the language that is there. If you insert the language of the amendment, then you make the officer whose duty it is to approve the payment of moneys due under such contract the sole officer to determine whether or not this penalty should be retained, while the proper officer who should accept that responsibility may be some other one. I believe the language as it is in the original bill is better than it is in the amendment proposed by the gentleman from Wisconsin.

Mr. BATHRICK. May I suggest the same objection prevails that you do not specify whose duty it is.

Mr. WILSON of Pennsylvania. Because of the fact you can not specify the same objection obtains to the amendment offered by the gentleman. The amendment might have been in order if this bill had been based upon the idea that violations of it were to be prosecuted in the courts. Then it might be proper to have those words in there, but instead of providing a penalty that way it provides a penalty by retaining a certain amount of the contract price agreed upon by the Government, and the only manner in which it can come into court is in the Court of Claims, if the contractor feels he is aggrieved and seeks to recover the amount that has been detained by the proper officer.

Mr. FOWLER. Mr. Speaker, this bill seeks to make more certain the enforcement of the eight-hour law on public works. I understand that some men in the past, who have had contracts to do certain work on behalf of the United States, have not always complied with the requirements of this law. This bill provides that $5 a day may be retained by the Government from any money due such contractor for every violation of the eight-hour law, so that each person laboring on such public works may be properly protected and remunerated for any extra work he may have been required to do by such contractor. It makes it the duty of the proper officer in charge of such public works to report each violation of the law to the person who made the contract on behalf of the Government, thereby giving him an opportunity to withhold the $5 per day for each person who has been injured by such violation of the law.

The proposed amendment names the district attorney having jurisdiction in the district where the work is performed as the person who shall make this report. I am inclined to believe that the gentleman from Ohio [Mr. BATHRICK], who offered this amendment, did so on the assumption that the bill if enacted into law will be a criminal statute. If so, he is in error, for there is no provision in it which makes it a crime to violate the eight-hour law, but, on the other hand, it only gives the person acting for the Government the right to withhold the $5 per day as a protection to those who may become laborers on such public works, and to show the good faith on the part of the Government in carrying out the spirit of the law. The district attorney would not be interested in the violation of a civil law, and it would not be right to burden him with this duty which is only ministerial in its nature. I therefore, Mr. Speaker, desire to register my protest against the amendment, because of the fact that I think it will confuse rather than clear up anything that is called a mystery here. I am a friend to this bill and want it to be known that I intend to vote for it when put on its passage whether the vote be taken by a yea-and-nay vote or in some other way, because I believe, Mr. Speaker, that the labor of this country is entitled to a fair consideration in legislation at the hands of this Congress. [Applause.]

Ever since Adam was driven from the Garden of Eden on account of his transgressions and the Judge of Judges passed the following sentence upon him, "In the sweat of thy face shalt thou eat bread," mankind has been tied to the wheels of toil and compelled to labor for his own maintenance and subsistence. I believe that that divine edict was intended to be universal in its application and enjoined upon all men the duty of engaging in some kind of manual labor in order that human wants might be well supplied and that the wealth of nature might become the property of man and used by him as a wonderful instrument to aid him in his struggle for social, mental, and moral development. "Six days shalt thou labor and do all thy work." But whatever might have been the intent of the Divine Mind, it has been revealed that from the earliest dawn of civilization certain classes of men have sought to maintain themselves without doing any physical labor—the tramp, by begging; the thief, by stealing; the strong and powerful by usurpation and confiscation.

As labor is practically the source of all creative wealth, and as the income from labor above the daily expenditures for the necessaries of life constitutes the sum total of profits, it would seem, by all rules of justice and right, that he who is the most industrious and the most successful in the creation of profits ought to be the most prosperous, but not so. It was early discovered that the accumulation of wealth was the easiest way to escape toil; so by some means, whether fair or unfair, right or wrong, property has been accumulating in the hands of the few, until to-day we find not only the few in the possession of the great majority of the wealth of the country, but they are the owners of the great money-making enterprises and business institutions of the country and that the many are the servants for that few in the management and operation of these mammoth business enterprises, annually yielding untold millions as dividends or profits to be divided among these few. This being true, the profits of labor are not enjoyed by labor. The business and commercial world is so circumscribed that the owners thereof can fix the price of labor, and there is no appeal from their decision, for those who labor are compelled to sell their labor daily in order to supply themselves and families with the necessaries of life. This places labor at a wonderful disadvantage, and deprives it of its just right to share in the profits of its own toil.

Until recent years labor has been compelled by those in authority and those who have control of the wealth and the business to toil for long hours per day. In order to relieve labor from these unjust and cruel burdens and give it an opportunity for culture, the civilized countries generally have passed laws shortening the number of hours per day. I am glad to say that the United States has taken a most advanced and pronounced stand in favor of labor upon this question. I am inclined to think that many valuable improvements can be made by wise amendments to our laws, such as is proposed by this bill. Mr. Speaker, former bills which have been passed for the benefit of labor have, to a greater or less extent, been evaded because of the construction placed thereon by men who were unfavorable to short hours of labor. This bill seeks to clear up that difficulty and give to the laborer the benefit of the laws which have been passed heretofore by the different Congresses of these United States. I am, therefore, Mr. Speaker, in favor of this bill as it comes from the hands of this honorable committee and as it has been amended up to this time. [Applause.]

Mr. CALDER. Mr. Speaker, the pending measure limits the working day to eight hours on all Government work, and should be passed by a unanimous vote.

Congress has passed a number of bills dealing with this subject. It first received legislative attention nearly 50 years ago, and in 1892 the act fixing eight hours as a legal day's work on all Government undertakings was passed. This act was construed as applying only to work performed on Government property, and fell far short of accomplishing the results anticipated by its authors. This bill is more complete and comprehensive, and ought to fully cover the matter.

I have been for a number of years an employer of labor and am familiar with the conditions of its employment in a number of industries. The eight-hour workday under competent direction of labor is economically sound. The development of citizenship is equally as important as the development of industry. The passage of this bill will result in the extending to thousands of men an opportunity for moral and intellectual development which they do not now enjoy.

This measure is now in proper form, and substantially complies with the recommendations of our Republican President as communicated to Congress in his message of December 6, 1910, in which he said:

EIGHT-HOUR LAW.

Since 1868 it has been the declared purpose of this Government to favor the movement for an eight-hour day by a provision of law that none of the employees employed by or on behalf of the Government should work longer than 8 hours in every 24. The first declaration of this view was not accompanied with any penal clause or with any provision for its enforcement, and, though President Grant by a proclamation twice attempted to give it his sanction and to require the officers of the Government to carry it out, the purpose of the framers of the law was ultimately defeated by a decision of the Supreme Court holding that the statute as drawn was merely a direction of the Government to its agents and did not invalidate a contract made in behalf of the Government which provided in the contract for labor for a day of longer hours than 8. Thereafter, in 1892, the present 8-hour law was passed, which provides that the services and employment of all laborers and mechanics who are now or may hereafter be employed by the Government of the United States, by the District of Columbia, or by any contractor or subcontractor on any of the public works of the United States and of the said District of Columbia is hereby restricted to 8 hours in any one calendar day. This law has been construed to limit the application of the requirement to those who are directly employed by the Government or to those who are employed upon public

works situate upon land owned by the United States. This construction prevented its application to Government battleships and other vessels built in private shipyards and to heavy guns and armor plate contracted for and made at private establishments.

PENDING BILL.

The proposed act provides that no laborer or mechanic doing any part of the work contemplated by a contract with the United States in the employ of the contractor or any subcontractor shall be required or permitted to work more than 8 hours a day in any one calendar day.

It seems to me from the past history that the Government has been committed to a policy of encouraging the limitation of the day's work to 8 hours in all works of construction initiated by itself, and it seems to me illogical to maintain a difference between Government work done on Government soil and Government work done in a private establishment, when the work is of such large dimensions and involves the expenditure of much labor for a considerable period, so that the private manufacturer may adjust himself and his establishment to the special terms of employment that he must make with his workmen for this particular job. To require, however, that every small contract of manufacture entered into by the Government should be carried out by the contractor with men working at 8 hours would be to impose an intolerable burden upon the Government by limiting its sources of supply and excluding altogether the great majority of those who would otherwise compete for its business.

The proposed act recognizes this in the exceptions which it makes to contracts "for transportation by land or water, for the transmission of intelligence, and for such materials or articles as may usually be bought in the open market, whether made to conform to particular specifications or not, or for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not."

SUBSTITUTE FOR PENDING BILL.

I recommend that instead of enacting the proposed bill, the meaning of which is not clear and definite and might be given a construction embarrassing to the public interest, the present act be enlarged by providing that public works shall be construed to include not only buildings and work upon public ground, but also ships, armor, and large guns when manufactured in private yards or factories.

PROVISION FOR SUSPENSION IN EMERGENCIES BY PRESIDENT.

One of the great difficulties in enforcing this 8-hour law is that its application under certain emergencies becomes exceedingly oppressive and there is a great temptation to subordinate officials to evade it. I think that it would be wiser to allow the President, by Executive order, to declare an emergency in special instances in which the limitation might not apply, and in such cases to permit the payment by the Government of extra compensation for the time worked each day in excess of 8 hours. I may add that my suggestions in respect to this legislation have the full concurrence of the Commissioner of Labor.

WORKMEN'S COMPENSATION.

In view of the keen, widespread interest now felt in the United States in a system of compensation for industrial accidents to supplant our present thoroughly unsatisfactory system of employers' liability (a subject the importance of which Congress has already recognized by the appointment of a commission), I recommend that the International Congress on Industrial Insurance be invited to hold its meeting in 1913 in Washington, and that an appropriation of $10,000 be made to cover the necessary expenses of organizing and carrying on the meeting.

Mr. CARY. Mr. Speaker, I only wish to say that I am heartily in favor of this bill, as I have been in favor of every other labor eight-hour bill brought in this House since I have been in Congress.

I am a workingman myself, being an old-time telegrapher, and I know what it means to work long hours, as many times have I fallen asleep at the key. I realize that this bill is proper, not only for the man in the Government employ, but it should apply to every man who works in this country. Eight hours out of 24 is not too little for a man to work. I believe that the 24 hours are said to be divided into three parts—8 hours for work, 8 hours for sleep, and 8 hours for recreation for yourself and with your family. I believe that every man who has worked for a living understands what long hours are and how tedious at times it was to keep going. I have seen men in the telegraph offices fall from their chairs because they were unable to stand the pressure. Their nerves gave out. I have not only seen men but I have seen women in these offices faint at their desk because of the fact that they were being overworked. You can trace the greater part of the railroad wrecks from head-on collisions and rear-end collisions to the telegrapher who has been overworked and who has fallen asleep at his post. The loss of life was so great on railroads that Congress passed laws regulating the hours. I was glad to vote for the railroad nine-hour bill, and I would vote for an eight-hour railroad bill if I could; and I would vote for any bill in this House which would provide eight hours for the laboring man, not only when employed by the Government, but anywhere in the country.

I recall very distinctly the last time when a measure similar to this—affecting the interests of labor—came before this House. This was in February, when Congress considered and adopted the eight-hour law with regard to certain battleships, the appropriations therefor being authorized.

There are many measures slumbering in the committees which are very meritorious from the standpoint of labor and would be beneficial to the whole country which ought to be taken up and passed as soon as possible.

The workingman is entitled to more consideration at the hands of the legislative bodies of this Government than he has been receiving in the past. The laboring class comprises a very large percentage of the population; it therefore ought to share in like proportion the time consumed by Congress in legislating for the country and be given adequate attention by this body in preserving its welfare.

The laboring class commences to work earlier in life; but I am glad that the States are doing good work in the passage of acts prohibiting and restricting child labor; this principle ought to be adopted universally and enforced rigidly, severely punishing those who violate its provisions.

The laboring class has long working hours and never less than 10 hours a day; this should be cut down to not more than 8 hours a day in every trade, whether it be Government or private work. It is a necessary thing, to promote progress of individuality, stimulate ambition, arouse patriotism, that each man, regardless of his employment, be guaranteed the right to have some time for recreation and for devotion to his family. This intolerable state of affairs—of millions of men, women, and children, in veritable slavery, plodding along laboriously year after year in sweatshops, insanitary and unhealthy factories, in mines, and other objectionable places of employment, without a ray of hope ahead—did not exist a hundred years ago in this country, and it is to be regretted that those in charge of the country's administration did not check this stagnation of the laboring man's rights and afford him the opportunities to which he is justly entitled.

The laboring class performs such a character of work that this in itself makes the argument of shorter hours still more plausible. A person who has worked eight hours at a machine, with dust flying thick, or one who has labored eight hours at a tanning vat, or one who has done duty for eight hours during a day at any of the innumerable forms of employment into which modern invention has divided the method of production, is certainly entitled to relief for the balance of the day; more so than the man who does lighter work and whose lungs are not filled with foul and impure air and whose every muscle is not aching from the continual strain.

The laboring class receives remuneration entirely too little for the energy expended. I am sure that relief in this direction will follow after the eight-hour law has been adopted in its ideal, which I hope will not be far off. With better wages a workingman's spare time can be devoted to enlightening vocations; it will give him an opportunity to branch out educationally, physically, and morally.

The laboring class usually has the added burden of a large family to take care of, and which is, in my opinion, an element of courage in bearing the cares incidental to eking out an existence under adverse conditions. Our public-school system is probably the greatest of all institutions in this country when we consider the benefits which it reaps for the poor man's family. The expansion of our public-school system ought to be encouraged by the Federal Government.

There are many more considerations that could be dwelt upon which are very important in the consideration of the bill before us. I have tried to express my opinion of a few of the chief considerations.

Evidently anticipating the passage of this bill, or knowing that it would certainly be passed by the House, I want to add a telegram in the RECORD which I just received:

BROOKLYN, N. Y.

WILLIAM J. CARY, *Washington, D. C.:*

Glad the eight-hour measure will pass the House. Remember the record of February the 4th. That was the start of it. Don't forget that.

RUDOLPH HANTUSCH, Jr.

The sender of this telegram is connected with the Central Labor Union of Brooklyn, N. Y., and was here in Washington last winter working in the interests of labor in connection with the bill which placed the eight-hour clause on battleships and authorized the building to be done by the Government itself. At that time I gave him all the cooperation possible, and this telegram shows that he is on the job in all matters affecting the labor question, and that his interest was not a prejudicial one merely because the battleship question affected his particular union. Such men as these labor wants for her standard bearers—on the job every minute.

Mr. LENROOT. Mr. Speaker, with reference to the amendment in the form of a substitute submitted by my colleague [Mr. COOPER], I am fearful if it is adopted in that form it will necessitate a further amendment; that the section itself will not be harmonious. If adopted in that form it will read: That the report shall be made to the officer or person whose duty it shall be to approve the payment, and that it will be that officer's duty to direct the officer or person whose duty it shall be to approve the payment to withhold the payment—a direction by the officer to direct himself.

Mr. COOPER. I just commented on that myself, and proposed to offer another amendment if that was adopted.

Mr. LENROOT. I want to ask the gentleman from Wisconsin whether this would not subserve the purpose and, perhaps, meet

it in a better way. The term "officer," whose duty it shall be to approve the payment, may have a technical construction—the officer charged by law with the duty to approve the payment, located here in Washington; but, actually, the man who in the first instance approves the payment may be the officer actually in charge of the work, such as the engineer in charge of a district on rivers and harbors. My suggestion would be—and I do not offer it as an amendment, as the substitute now pending is not subject to amendment—that this inspector shall report to his superior officer, whoever he may be; and would not that accomplish everything that needs to be accomplished to make plain the section?

Mr. MANN. That would not do it.

Mr. HUGHES of New Jersey. Mr. Speaker, I move that all debate on the section and the amendment thereto be now closed.

The motion was agreed to.

The SPEAKER. The Clerk will report the substitute by the gentleman from Wisconsin [Mr. COOPER].

The Clerk read as follows:

Page 2, line 11, strike out "the proper officer of the United States" and insert in lieu thereof the following: "The officer or person whose duty it shall be to approve the payment of the moneys due under such contract."

[Cries of "Vote!"]

The SPEAKER. It is a substitute offered by the gentleman from Wisconsin [Mr. COOPER] for the amendment offered by the gentleman from Ohio [Mr. BATHRICK]. The question is on agreeing to the substitute.

The question was taken, and the substitute was rejected.

The SPEAKER. The question is now on the amendment of the gentleman from Ohio [Mr. BATHRICK], which the Clerk will report.

The Clerk read as follows:

On page 2, lines 11 and 12, strike out the words "proper officer of the United States, or of any Territory, or of the District of Columbia," and insert the words "district attorney having jurisdiction where the work is performed, or the official who made the contract for and on behalf of the United States or any Territory or the District of Columbia."

Mr. GARDNER of New Jersey rose.

The SPEAKER. For what purpose does the gentleman from New Jersey rise?

Mr. GARDNER of New Jersey. I rose to inquire if the motion just agreed to closes the debate on the amendment just read?

The SPEAKER. Yes; it closes the debate on the amendment just read and on the entire section. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

SEC. 2. That nothing in this act shall apply to contracts for transportation by land or water, or for the transmission of intelligence, or for such materials or articles as may usually be bought in open market, whether made to conform to particular specifications or not, or for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not: *Provided*, That all classes of work now being performed by the Government shall, when done by contract or otherwise, by individuals, firms, or corporations, be performed in accordance with the terms and provisions of this act. The President, by Executive order, may waive the provisions and stipulations in this act as to any specific contract or contracts during time of war or a time when war is imminent. No penalties shall be imposed for any violation of such provision in such contract due to any emergency caused by fire, famine, or flood, by danger to life or to property, or by other extraordinary event or condition which the President shall subsequently declare to have been justifiable. Nothing in this act shall be construed to repeal or modify chapter 352 of the laws of the Fifty-second Congress, approved August 1, 1892.

Mr. MANN. Mr. Speaker, I notice the Clerk did not read section 2 as it has already been amended. I suppose the amendments already agreed to remain in?

The SPEAKER. As to section 2 the amendments have not been agreed to.

Mr. MANN. But we did agree to some amendments when the Speaker was not in the chair.

The SPEAKER. Of course the amendments agreed to will stay in. The Clerk will report the amendment.

The Clerk read as follows:

On page 3, lines 16 and 17, after the word "market," insert the words "except armor and armor plate."

Mr. HUGHES of New Jersey. With a comma, Mr. Speaker.

The SPEAKER. Without objection, the modification will be agreed to. The question is on agreeing to the amendment as modified.

The modified amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

On page 3, line 21, strike out the words "now being" and insert the words "which have been, are now, or may hereafter be."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

On page 4, lines 6 and 7, insert after the word "condition," on line 6, the words "on account of."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

On page 4, at the beginning of line 8, insert the words "the violation."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will read the next amendment.

The Clerk read as follows:

On page 4, line 11, after the words "ninety-two," insert the words "or to apply to work done under contract made prior to the approval of this act."

Mr. MANN. Mr. Speaker, I offer an amendment to the amendment.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. MANN] to the amendment.

The Clerk read as follows:

Amend page 4, line 13, by striking out the word "approval" and inserting in lieu thereof the word "passage."

Mr. WILSON of Pennsylvania. Mr. Speaker, I agree to that.

The SPEAKER. The question is on agreeing to the amendment to the committee amendment.

The amendment to the committee amendment was agreed to.

Mr. HUGHES of New Jersey. Mr. Speaker, I desire to offer a further amendment to the committee amendment. I desire to add a letter "s" to the word "contract," on line 12 of page 4.

The SPEAKER. The Clerk will read the amendment offered by the gentleman from New Jersey [Mr. HUGHES].

The Clerk read as follows:

On page 4, line 12, add the letter "s" to the word "contract."

The SPEAKER. The question is on agreeing to this amendment to the committee amendment.

The amendment to the committee amendment was agreed to.

The SPEAKER. The question is on agreeing to the committee amendment as amended.

The committee amendment as amended was agreed to.

The SPEAKER. The question is on the engrossment of the amended bill.

The question was taken, and the bill as amended was ordered to be engrossed; and, being engrossed, it was accordingly read the third time and passed.

On motion of Mr. WILSON of Pennsylvania, a motion to reconsider the vote by which the bill was passed was laid on the table.

RECESS.

The SPEAKER. Gentlemen of the House of Representatives, there is no provision in the rules for what the Speaker is about to say or do, but I am certain that every Member of the House will indorse it. There is present on the floor of the House the Hon. S. E. Ancona, who served in the Thirty-seventh, the Thirty-eighth, and the Thirty-ninth Congresses, and was present at the celebrated extraordinary session of Congress that was called on the 4th of July, 1861, and, as I understand, he is the only man living who was in that House. He came from the celebrated Berks district of Pennsylvania [applause], one of the most famous districts in America, now represented by the Hon. JOHN H. ROTHERMEL, and I am certain that the Members of the House will be glad to welcome him. [Applause.]

Mr. ROTHERMEL. Mr. Speaker, I move that the House do now take a recess of 5 minutes, in order to meet my distinguished and honored predecessor.

The SPEAKER. Make it 10 minutes.

Mr. ROTHERMEL. Yes; 10 minutes.

The SPEAKER. The gentleman from Pennsylvania [Mr. ROTHERMEL] moves that the House do now take a recess for 10 minutes to meet the distinguished gentleman referred to.

The motion was agreed to.

Thereupon (at 4 o'clock and 26 minutes p. m.) the House stood in recess until 4 o'clock and 36 minutes p. m.

AFTER RECESS.

At the expiration of the recess the House resumed its session.

DESTRUCTION OF THE BATTLESHIP "MAINE" (H. DOC. NO. 310).

The SPEAKER laid before the House the following message from the President, which, with the accompanying documents, was ordered to be printed and referred to the Committee on Naval Affairs.

LETTER OF TRANSMITTAL.

To the Senate and House of Representatives:

A board of naval officers, of which Admiral Vreeland was the senior member, and of which Col. William M. Black, of the Corps of Engineers of the Army, was also a member, by order of the Secretary of the Navy, was convened at Habana on November 20, 1911, to inspect the wreck of the *Maine* and to make a report thereon.

The board finds that the injuries to the bottom of the *Maine*, as described in the report, were caused by the explosion of a charge of a low form of explosion exterior to the ship between frames 28 and 31, strake B, port side. This resulted in igniting and exploding the contents of the 6-inch reserve magazine, A-14-M, said contents including a large quantity of black powder. The more or less complete explosion of the contents of the remaining forward magazines followed. The magazine explosions resulted in the destruction of the vessel.

I have the honor to transmit herewith the full text of the report.

WM. H. TAFT.

THE WHITE HOUSE, *December 14, 1911.*

WRECK OF THE "MAINE."

PLAZA HOTEL,
Habana, Cuba, December 1, 1911.

1. In obedience to the Navy Department's order, No. 3875-79, dated November 10, 1911 (copy appended hereto marked "Exhibit A"), the board appointed for the purpose of inspecting and reporting upon the wreck of the U. S. S. *Maine* (old), reports as follows:

2. The board met at the board room, Plaza Hotel, Habana, Cuba, at 4 p. m., Monday, November 20, 1911.

Present: Rear Admiral Charles E. Vreeland, United States Navy, senior member; Chief Constructor Richard M. Watt, United States Navy, member; Col. William M. Black, Corps of Engineers, United States Army, member; Commander Joseph Strauss, United States Navy, member; Commander Charles F. Hughes, United States Navy, member and recorder.

3. The board met daily, except Sunday, according to the record of proceedings appended hereto, marked "Exhibit B."

4. The wreck of the *Maine* having been unwatered and a large amount of the mud removed, the board was enabled to inspect generally the interior of the wreck. Mud was removed from under the vessel at such points as the board considered could furnish information in regard to the condition of the damaged structure. Mud was also removed from the interior as requested, and the board made an exhaustive examination of the wreck. The board found the destruction of the vessel far more extensive than had been anticipated.

5. The *Maine* was an armored vessel, 324 feet long, 57 feet beam, load draft 21 feet 6 inches, load displacement 6,650 tons. She carried four 10-inch guns, six 6-inch guns, and four torpedo tubes, besides a smaller battery.

6. The *Maine* "arrived in the harbor of Habana, Cuba, on the 25th day of January, 1898, and was taken to buoy No. 4, in from 5½ to 6 fathoms of water, by the regular Government pilot."

* * * * * * *

7. "The destruction of the *Maine* occurred at 9.40 p. m., on the 15th day of February, 1898, in the harbor of Habana, Cuba, she being at the time moored to the same buoy to which she had been taken upon her arrival. There were two explosions of a distinctly different character * * *." Two officers and two hundred and sixty-four of her crew perished.

8. In accordance with the usual procedure, a naval court of inquiry was at once organized for the purpose of inquiring into the circumstances connected with the loss by explosion of the *Maine*, and the quotations in paragraphs 6, 7, and 8 are taken from the report of the court of inquiry. The evidence as to the condition of the wreck upon which the court of inquiry reported was obtained principally from divers, and it was not possible to form any "definite conclusion as to the condition of the wreck."

9. By an act of Congress, approved May 9, 1910, the Secretary of War and the Chief of Engineers were authorized and directed to provide with all convenient speed for the raising or the removal of the wreck of the U. S. battleship *Maine* from the harbor of Habana, Cuba, and for the proper interment of the bodies therein in Arlington Cemetery; and an appropriation on account of the work was authorized. A board was appointed, charged with the work of raising or removing the wreck of the *Maine* from Habana Harbor. In order to lay bare the wreck to permit a careful examination to be made before disturbing any parts which might indicate the cause of the disaster, that board proceeded to build a cofferdam around the wreck.

10. Before the unwatering of the cofferdam was started a representative of the Navy Department was ordered to Habana for the collection of data and identification of exposed wreckage for submission to a board of investigation when ordered. Later a second representative of the Navy Department was sent to verify the identification of certain wreckage prior to its necessary removal to permit the work of the War Department to proceed. The representative of the Navy Department first ordered to Habana has been continuously on duty with the wreck, and upon the convening of this board reported to the senior member for duty in attendance upon the board. Under his direction a careful record was made of all parts of wreckage as exposed; photographs were taken illustrating the progress of the work; plans were prepared on which were plotted, as exposed, the actual positions in which the principal displaced portions of the *Maine* were found; and models were prepared to illustrate damaged areas.

11. The Navy Department was informed as to the progress of the work of exposing the wreck, and on November 10, 1911, appointed a board, as stated in paragraph 1, for the purpose of inspecting and reporting upon the wreck of the U. S. S. *Maine* (old). This board was notified that on November 20, 1911, the wreck would be ready for examination, and, as stated in paragraph 2, organized in Habana, Cuba, on that date.

12. From a large number of photographs taken prior to its arrival in Habana, the board has selected certain views to illustrate the nature of the wreckage, Exhibits C 1, C 2, C 3, C 4, C 5, C 6, C 7.

13. Under the direction of the board, photographs, Exhibits D 1, D 2, D 3, D 4, D 5, D 6, D 7, D 8, D 9, D 10, D 11, D 12, D 13, were taken to illustrate the wreck as viewed by the board.

14. The plans which accompany this report, Exhibits E, F, G, H, J, K, were generally verified by the board. These plans do not show intact portions as a rule, but do show the positions of the principal displaced portions of the ship, the general direction of transition of various parts, and the approximate distance of their displacements from original locations.

15. Exhibit E is a plan view of the wreck as exposed, damaged displaced parts only shown.

16. Exhibit F is a side elevation or profile view, in outline only, of the keel and present limit of the sides of the ship; it also shows in outline the present shape of several important sections.

17. Exhibit G is of the outer bottom developed, showing the exact location and extent of visible breaks and bends in same.

18. Exhibit H shows the visible breaks and bends in the inner bottom.

19. Exhibit J shows the same for protective deck at top of armor, and Exhibit K for protective deck forward of transverse armor.

20. Exhibit L is a plan showing borings to wreckage around the forward half of the vessel; Exhibit M is a section taken about 25½, illustrating above borings.

21. Exhibit N is a model prepared to scale (one forty-eighth full size), showing wreckage.

22. *Description of the wreck.*—For convenience of description the *Maine* wreck may be considered in four portions.

23. (*a*) *Forward portion, from the bow to about frame 17 or 18, a length of about 60 feet.*—This portion has the shape and semblance of the forward portion of a ship with outer skin practically intact as high up as the armored berth deck. The starboard side of the armored berth deck is in position, while the port side is displaced irregularly, parting as shown on the deck plan, Exhibit K. Transverse bulkhead 12, below the armored berth deck, is displaced and dished forward, parts attached to the sides being folded forward. This bow portion is pointed nose down in the mud, to port, and is lying on its starboard side. If the foremast were in place relative to the deck, it would point below the horizontal. The ram at bow has traveled, relative to the plane of frame 18, through the arc of a circle of about 110 degrees. The line of intersection of vertical keel and outer flat keel, originally practically horizontal, is now 113 degrees to port of the vertical plane of the intact vertical keel of the ship, and inclined downward 35 degrees from a horizontal plane. The highest point of the outer flat keel, approximately frame 18, is 31 feet above the prolongation of the keel of the after intact portion of the ship as she now lies.

24. (*b*) *Portion in vicinity of forward magazines, from frame 18 to about frame 30, a length of about 48 feet.*—The upper part of this area, including the starboard 10-inch turret and guns, is entirely swept away. There is left in position only about half of the bottom, nearly all of which is of the starboard side of the ship. The ship as built had transverse bulkheads on frames 18, 21, 24, and 30, and in the hold had two fore-and-aft bulkheads between frames 18 and 24 and four fore-and-aft bulkheads between frames 24 and 30. Of these bulkheads bounding magazine spaces, only one is still attached to the intact portion of the ship, namely, the fore-and-aft bulkhead on starboard side separating the 10-inch magazine from coal bunker outboard of magazine. This bulkhead is turned down to starboard against the inner bottom. The section of transverse bulkhead 21 between storerooms on the starboard side is still attached to the ship's side, while a part of this bulkhead 21 between the magazines was found inverted and at frame 28. All side armor and all side plating above armor shelf are missing. The keel line of this portion, beginning at highest part given above, frame 18, is inclined vertically downward for about 15 feet, frames 18 to 22, then the slope decreases to 15 degrees from the horizontal until it reaches the prolongation of after intact keel (about frame 35). The outer flat keel plate remains unbroken throughout; the vertical keel and flat keelson are broken at frames 18, 21½, and 30, and flat keelson at frame 27. The upper decks of this portion of the ship were displaced upward and forward or aft from the breaks, as shown on plans, Exhibits E, J, K.

25. (*c*) *Forward boiler-room portion, from frame 30 to frame 41, a length of 44 feet.*—The upper part of this portion, including side armor, was swept away. The protective deck is broken in several places, displaced upward and mainly to starboard. The decks above protective deck are displaced upward and aft, pivoting generally about 41. The conning tower attached to main deck, superstructure deck, and bridge between frames 30 to 32 described the arc of a half circle, up and aft and down, landing on main deck starboard side about frame 52—now being about 85 feet aft, inverted, and to starboard of original position. The weight of the conning tower alone is about 50 tons. The four forward boilers, A, B, C, and D are intact, but are displaced aft through distances varying from 5 to 10 feet and somewhat to starboard, rolling through angles varying from 16 to 70 degrees, as shown by Exhibit O. The coal-bunker bulkheads, outboard of the boilers in this portion, are practically intact as far forward as frame 35; the parts forward of 35 to 30 both sides are still attached to the bottom plating but displaced aft and curled to starboard.

26. (*d*) *After half of ship, from frame 41 to the stern, a length of 172 feet.*—This portion of the ship has a list to port of 6½ degrees, with a slight trim by the stern. The underwater structure and underwater shell are intact abaft frame 41, and the upper works are intact abaft frame 54. The four after boilers are intact and in their original positions. The four outer strakes of the port side of protective deck, for a length of at least 36 feet, are rolled up aft and to port under the main deck about an axis from frame 48 on the inboard end to frame 46 outboard. The end of this section of the armored deck which was originally forward is now buried in the mud beyond the ship's side. This movement of the armored deck lifted the main deck, and the main deck at port side forward of the barbette is now fully 2 feet above its original position. The ship's side plating between the main and protective decks forward of the port barbette is broken out. The upper decks are badly wrecked or distorted locally between frames 41 and 54, but are still in place.

27. From Exhibit G, showing outer bottom plating, it will be noted that the starboard half of plating within the worst damaged area in vicinity of forward magazines, frames 18 to 30, is still practically intact as far up as armor shelf, except for the irregular diagonal break forward, frame spaces 17 to 24. The outer flat keel is practically in position with reference to adjacent parts of bottom.

28. The port outer bottom plating, between frames 18 and 32, is displaced and distorted, either in or out, as given below.

29. All of this plating, below armor shelf, is exposed to view except a section above the bilge keel forward of frame 30 to 29, which is

attached in part at least to other bottom plating in sight farther forward, as shown by soundings where the visible part enters the mud at its frame No. 20, or thereabouts, being inclined downward in the same direction as the bow of the ship is pointed and flat against the bow, as shown by photograph marked "Exhibit D 9."

30. The remaining bottom plating in question, port side, between garboard strake and bilge keel, consists of four strakes, B, C, D, and E. Plates in these strakes are each 20 feet long and vary in width from 3 to 4 feet. The length of the area in question is about 56 feet, each strake therefore having three or more lengths of plate in it. In this area there are several breaks and tears, along seams, across butts, and three lines of breaks across plates. The extent of the breaks along seams and butts, the rivets generally failing, is seen from plan of bottom plating, Exhibit G. In general, the breaks resulted in separating the adjacent plating into four distinct sections, which are still attached to the ship at their ends farthest from the breaks separating them from each other. The sections may be bounded by their breaks or tears and their direction of motion briefly analyzed as follows:

31. Section No. 1: Formed by parting the rivets of the inboard seam of garboard or A strake from frame 31 forward to the butt at 30½, across the butt-strap at 30½, forward along the inboard seam of B strake to 27½, across the butt-strap of B strake at 27½, aft along the outboard seam of B strake to about 28, irregularly and diagonally across C strake from frame 28 to 29, and aft along the outer seam of C strake as far as frame 33. This section of plating of B and C strakes as just described, an area of approximately 100 square feet, *was displaced upward, inward, and to starboard through approximately 180°*, having swung about an axis of about 45° from about 30½ inboard and forward to about 31½ outboard and aft. The transverse floor plates between the outer skin plating above described and the inner bottom were crumpled; that part of the inner bottom plating directly over this section of outside plating *was displaced inward and aft* and crumpled in numerous folds. The longitudinal directly over the center of B strake tore about frame 28, was twisted, the forward end *displaced upward* and left approximately 6 feet above its original position. This plating is shown in detail on photographs, Exhibits D 1, D 2, D 3. The wreckage of longitudinal and inner bottom shown in the foreground, Exhibit D 1, was cut away, and Exhibits D 2 and D 3 were taken later to give an unobstructed view of this plating.

A special model of this vicinity accompanies this report, marked "Exhibit P."

A perspective sketch of this plating is appended hereto, marked "Exhibit Q."

32. The condition of the plating described herein as section No. 1 was noted by divers in 1898. See the printed report of the court of inquiry: Witness, Gunner's Mate Olsen: Page 71, fourth answer from bottom; page 72, second and fourth answers; page 74, third answer. Witness, Gunner's Mate Thomas Smith: Page 78, second answer, also answer at bottom; page 79, second and fifth answers. Witness, Gunner's Mate Rundquist: From the middle of page 90 to the bottom of page 92.

33. Section No. 2: Outboard of section No. 1 and somewhat similar in shape. Formed by parting the rivets along the inboard seam of D strake beginning about frame 33 and extending forward to about frame 29, then by a diagonal tear across C strake from frame 29 to frame 28, forward by parting the rivets along the inboard seam of C strake to 26½, tearing transversely across C strake, parting the rivets in the butt strap of D strake at 26½, aft along the outboard edge of D strake to 27½, and by a tear irregularly across E strake about 27½, then by parting rivets aft along the outboard edge of E strake to about 29, beyond which there is a series of tears across plating all the way up to the armor shelf. This section was displaced downward and outward about a fore-and-aft axis near the bilge keel (on F strake).

34. Section No. 3: Directly forward of original location of section No. 2. Formed by parting the rivets along the inboard edge of B strake from 18 aft to 22½, across butt strap of B strake at 22½, aft along the inboard edge of C strake to 26½, tearing transversely across C strake at 26½, across butt strap of D strake at 26½, aft along inboard seam of E strake to 27½, irregularly across E strake abaft 27, and forward along outboard edge of E strake to frame 15. This section was displaced outward, pivoted about 17, and is now flat against the bow, with its original inside now outside.

35. Section No. 4: Originally adjacent to and above section No. 3. The portion now exposed includes all the side plating above the outboard seam of E strake (parted from frame 15 aft to where it disappears in the mud about 22). It is impossible to fix definitely the after boundary of this section, as the extreme end is still in the mud. This section was displaced similarly to section No. 3, out and forward about an axis across frame 15. It is now lying flat against the forward intact portion, after end pointed downward, with the original inner side now outside.

36. The debris of 1-pounder, 6-pounder, 6-inch, and 10-inch ammunition was found widely scattered throughout the wreck, as far forward as the collision bulkhead and as far aft as the boiler spaces. The location of much of this material bore little relation to its original stowage position. Powder tanks were torn asunder or crushed and flattened. But few broken shell were found.

37. The condition of the vertical keel and flat keel at frame 18 was ascribed by the court of inquiry of 1898 to the direct effect of an explosion exterior to the ship in that vicinity. Because of its better opportunity for a detailed examination of this wreckage, now fully exposed, the board concludes that the external explosion was not in the vicinity of frame 18. The board believes that the condition of the wreckage, other than that of B and C strakes from 27½ to 33 described hereafter, can be accounted for by the action of gases of low explosives such as the black and brown powders with which the forward magazines were stored. The protective deck and hull of the ship formed a closed chamber, in which the gases were generated and partially expanded before rupture.

FINDING.

38. The port garboard strake between 27½ and 31 was *dished upward* along its outboard edge as much as 24 inches from a straight line between 27½ and 31 (see Exhibit D 3), the dish disappearing about 31. At a buttstrap in this garboard strake midway between frames 30 and 31 the after plate and strap were found pulled away from the forward plate and upward fully 6 inches farther than the after end of the forward plate, having been torn loose from the flat keel plate by parting the rivets on the seam between 30½ and 31.

39. B strake was reenforced for its entire length by a continuous longitudinal. This B plate parted the rivets along its inboard seam from 30½ forward to 27½, across the buttstrap at 27½ and aft along its outboard seam to 28.

40. The next plate outboard, C strake, was torn irregularly from 28 inboard to 29 outboard, and parted the rivets along the outboard seam as far aft as frame 33, remaining attached to B strake along its inboard seam from frame 28 aft. This plating, formed of B and C plates as just described, an area of approximately 100 square feet, *was displaced upward, inward, and to starboard through approximately 180°*, having swung about an axis from about 30½ inboard and forward to about 31½ outboard and aft. (See Exhibits D 2, D 3, D 5, D 7.)

41. The transverse floor plates between the outer skin plating, above described, and the inner bottom plating were crumpled. The part of the inner bottom plating directly over this section of outside plating *was displaced inward and aft*, and crumbled in numerous folds. (See Exhibit D 4, folds marked "X.")

42. The longitudinal directly over the center of B plate parted its fastenings, broke about frame 28, was twisted, the forward end *was displaced upward* and left approximately 6 feet above its original position. (See Exhibit D 1, longitudinal marked "X.")

43. *The board finds that the injuries to the bottom of the Maine, above described, were caused by the explosion of a charge of a low form of explosive exterior to the ship between frames 28 and 31, strake B, port side. This resulted in igniting and exploding the contents of the 6-inch reserve magazine, A–14–M, said contents including a large quantity of black powder. The more or less complete explosion of the contents of the remaining forward magazines followed. The magazine explosions resulted in the destruction of the vessel.*

C. E. VREELAND,
Rear Admiral, U. S. Navy, Senior Member.
R. M. WATT,
Chief Constructor, U. S. Navy, Member.
W. M. BLACK,
Colonel, Corps of Engineers, U. S. Army, Member.
JOS. STRAUSS,
Commander, U. S. Navy, Member.
C. F. HUGHES,
Commander, U. S. Navy, Member and Recorder.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 40 minutes p. m.) the House adjourned until to-morrow, Friday, December 15, 1911, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting reports of inspections of disbursements and transfers by officers of the Army for the fiscal year ended June 30, 1911; to the Committee on Expenditures in the War Department and ordered to be printed.

2. A letter from the Attorney General of the United States, transmitting to Congress his annual report for the fiscal year ended June 30, 1911 (H. Doc. No. 117); to the Committee on the Judiciary and ordered to be printed.

3. A letter from the Attorney General of the United States, transmitting statement of expenditures of appropriations for the United States Commerce Court for the fiscal year ended June 30, 1911 (H. Doc. No. 311); to the Committee on Expenditures in the Department of Justice and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. WEBB, from the Committee on the Judiciary, to which was referred the bill (H. R. 15450) to fix the time for holding the regular terms of the United States district court in the district of Maine, reported the same without amendment, accompanied by a report (No. 180), which said bill and report were referred to the House Calendar.

Mr. DAVIS of West Virginia, from the Committee on the Judiciary, to which was referred the bill (H. R. 11824) to amend section 113 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, reported the same without amendment, accompanied by a report (No. 181), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 13231) granting a pension to Ryan Smith, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DE FOREST: A bill (H. R. 15774) providing for the purchase of a site and erection of a public building at Watervliet, N. Y.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 15775) providing for the purchase of a site and erection of a public building at Cohoes, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. WOODS of Iowa: A bill (H. R. 15776) for the acquisition of a site and the erection of a building thereon at Carroll, Iowa; to the Committee on Public Buildings and Grounds.

By Mr. POST: A bill (H. R. 15777) to increase the limit of cost of public building at Piqua, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. HENRY of Connecticut: A bill (H. R. 15778) for the erection of a public building at Rockville, Conn.; to the Committee on Public Buildings and Grounds.

By Mr. BATES: A bill (H. R. 15779) to provide for site and public building at Union City, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 15780) to provide additional land for public building in Erie, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. GARNER: A bill (H. R. 15781) to authorize the Aransas Harbor Terminal Railway to construct a bridge across Morris and Cummings Channel; to the Committee on Interstate and Foreign Commerce.

By Mr. OLDFIELD: A bill (H. R. 15782) to refund the cotton tax; to the Committee on War Claims.

By Mr. CARY: A bill (H. R. 15783) to amend section 715 of the Revised Statutes as amended by act of Congress of March 3, 1905; to the Committee on the Judiciary.

By Mr. PALMER: A bill (H. R. 15784) to amend an act approved May 16, 1910, entitled "An act to establish in the Department of the Interior a Bureau of Mines"; to the Committee on Mines and Mining.

By Mr. DRAPER: A bill (H. R. 15785) for the adjudication and determination of the claims arising under joint resolution of July 14, 1870, authorizing the Postmaster General to continue to use in the postal service Marcus P. Norton's combined postmarking and stamp-canceling hand stamps, and directing him to determine upon a fair, just, and equitable compensation for the use of the said invention; to the Committee on the Post Office and Post Roads.

By Mr. SHERWOOD: A bill (H. R. 15786) to repeal an act approved June 9, 1910; to the Committee on the Merchant Marine and Fisheries.

By Mr. GREGG of Texas: A bill (H. R. 15787) for the preservation and retention of the fill of the Fort Crockett Military Reservation at Galveston, Tex., including the acquisition of such land as may be necessary for such purposes; to the Committee on Appropriations.

By Mr. HIGGINS: A bill (H. R. 15788) authorizing and directing the Secretary of War to make a survey of New London Harbor (Conn.) and its approaches; to the Committee on Rivers and Harbors.

By Mr. AUSTIN: Joint resolution (H. J. Res. 179) for the relief of the sufferers from mine explosion at Briceville, Tenn.; to the Committee on Appropriations.

By Mr. HILL: Memorial from the General Assembly of Connecticut, with reference to the election of United States Senators by the people; to the Committee on Election of President, Vice President, and Representatives in Congress.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 15789) granting an increase of pension to Barton Dawson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15790) granting an increase of pension to David Nighswander; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15791) granting an increase of pension to Dallas H. Walker; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 15792) granting a pension to Leah A. Jackson; to the Committee on Invalid Pensions.

By Mr. BARCHFELD: A bill (H. R. 15793) granting a pension to Nettie Metzgar; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15794) granting an increase of pension to John King; to the Committee on Invalid Pensions.

By Mr. BROWNING: A bill (H. R. 15795) granting an increase of pension to John G. Sprague; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 15796) granting a pension to Oliver Hall; to the Committee on Pensions.

Also, a bill (H. R. 15797) granting a pension to Cyrus Kern; to the Committee on Pensions.

Also, a bill (H. R. 15798) granting a pension to Cynthelia J. Henderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15799) granting a pension to James H. Swallum; to the Committee on Pensions.

Also, a bill (H. R. 15800) granting an increase of pension to Michael Mathias; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15801) granting an increase of pension to Richard Colemere; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15802) granting an increase of pension to William Kaericher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15803) granting an increase of pension to Nathan Goff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15804) granting an increase of pension to Edward Trumble; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15805) granting an increase of pension to John C. Wiant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15806) granting an increase of pension to William V. Doan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15807) granting an increase of pension to Benson Martin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15808) granting an increase of pension to Vinal S. Aye; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15809) granting an increase of pension to Morris B. Evans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15810) granting an increase of pension to Henry Purtill; to the Committee on Invalid Pensions.

By Mr. CLINE: A bill (H. R. 15811) granting a pension to Francis A. Ginther; to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 15812) granting a pension to Harriet A. Savage; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15813) granting a pension to Malora A. Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15814) granting an increase of pension to Andrew J. Sargent; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15815) granting an increase of pension to Franklin H. Clough; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15816) granting an increase of pension to Bradley W. Hill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15817) granting an increase of pension to William Norris, jr.; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15818) granting an increase of pension to Alonzo L. Timothy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15819) granting an increase of pension to Charles M. Pond; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15820) granting an increase of pension to Henry Moody; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15821) granting an increase of pension to Warren Morrill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15822) granting an increase of pension to George W. Morrison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15823) granting an increase of pension to Joseph Carter, jr.; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15824) granting an increase of pension to Joseph W. Cummings; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15825) granting an increase of pension to Antipus H. Curtis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15826) granting an increase of pension to Jason Densmore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15827) granting an increase of pension to George F. Edmunds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15828) granting an increase of pension to James Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15829) granting an increase of pension to Walter E. Jaquith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15830) granting an increase of pension to Patrick L. Kennedy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15831) granting an increase of pension to John D. Morse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15832) granting an increase of pension to Charles H. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15833) granting an increase of pension to Lyman M. Ramsay; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15834) granting an increase of pension to John L. Webster; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15835) granting an increase of pension to Charles W. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15836) to correct the military record of Joseph Lower; to the Committee on Military Affairs.

By Mr. DENVER: A bill (H. R. 15837) granting a pension to Susan Henderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15838) granting an increase of pension to Elections J. Jenkins; to the Committee on Invalid Pensions.

By Mr. FLOOD of Virginia: A bill (H. R. 15839) for the relief of the estate of Peter Sheets, deceased; to the Committee on War Claims.

By Mr. FOSS: A bill (H. R. 15840) granting an increase of pension to Mary L. Brown; to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 15841) granting an increase of pension to Riley Shrigley; to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 15842) granting a pension to Elizabeth Tripp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15843) granting an increase of pension to Robert A. Barnes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15844) granting an increase of pension to Achilles Edwards; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 15845) granting an increase of pension to Madison B. Hayman; to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 15846) granting an increase of pension to George W. Foster; to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 15847) for the relief of the heirs of Joseph F. Payne, deceased; to the Committee on War Claims.

By Mr. HOUSTON: A bill (H. R. 15848) for the relief of Soule College, of Murfreesboro, Tenn.; to the Committee on War Claims.

By Mr. LANGHAM: A bill (H. R. 15849) granting a pension to Susie Faith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15850) granting an increase of pension to T. B. Galbraith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15851) granting an increase of pension to Adam Mohney; to the Committee on Invalid Pensions.

By Mr. LINDSAY: A bill (H. R. 15852) granting an increase of pension to William Creelman; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 15853) granting an increase of pension to Presley V. Reynolds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15854) granting an increase of pension to Andrew J. Jones; to the Committee on Pensions.

Also, a bill (H. R. 15855) granting an increase of pension to James Morrison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15856) granting an increase of pension to Frederick Carel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15857) granting a pension to Taylor Hyre; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15858) granting a pension to G. W. Tyler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15859) granting a pension to Charles M. McGraw; to the Committee on Pensions.

By Mr. LLOYD: A bill (H. R. 15860) granting a pension to Christiann Hohmann; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15861) granting a pension to Gottlieb Dralle; to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 15862) granting a pension to Margaret Snell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15863) granting a pension to Emma Evers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15864) granting a pension to Sarah Garber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15865) granting an increase of pension to Henry W. Wilson; to the Committee on Invalid Pensions.

By Mr. McCREARY: A bill (H. R. 15866) for the relief of Sylvester Bonnaffon, jr.; to the Committee on Claims.

By Mr. McHENRY: A bill (H. R. 15867) granting an increase of pension to Samuel M. Wate; to the Committee on Invalid Pensions.

By Mr. McKENZIE: A bill (H. R. 15868) granting an increase of pension to George A. Held; to the Committee on Invalid Pensions.

By Mr. MACON: A bill (H. R. 15869) granting an increase of pension to Altas P. Hammond; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15870) granting an increase of pension to William Strang; to the Committee on Invalid Pensions.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 15871) granting an increase of pension to David A. March; to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 15872) to execute the findings of the Court of Claims in the case of William L. Thompson, Ada A. Thompson, Andrew Thompson, M. B. Thompson, and Jessie D. Guthrie, heirs at law of William H. Stringer, deceased; to the Committee on War Claims.

By Mr. MOSS of Indiana: A bill (H. R. 15873) for the relief of William H. Reeves; to the Committee on Military Affairs.

By Mr. OLDFIELD: A bill (H. R. 15874) for the relief of the estate of John Richards, deceased; to the Committee on War Claims.

By Mr. O'SHAUNESSY: A bill (H. R. 15875) granting an increase of pension to Eleanor Briggs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15876) granting an increase of pension to J. H. Tourjee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15877) granting an increase of pension to Hannah E. Skinner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15878) to grant an honorable discharge to Charles Kenyon; to the Committee on Military Affairs.

By Mr. PARRAN: A bill (H. R. 15879) granting a pension to John Ayres; to the Committee on Pensions.

Also, a bill (H. R. 15880) granting an increase of pension to Henry Watts; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 15881) granting an increase of pension to Frederick Markgraff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15882) granting an increase of pension to Mary L. Coleman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15883) to remove the charge of desertion from the record of Benjamin Day; to the Committee on Military Affairs.

By Mr. POWERS: A bill (H. R. 15884) granting an increase of pension to Joseph L. Beck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15885) granting an increase of pension to Hugh Valentine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15886) granting an increase of pension to John M. Peters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15887) to remove the charge of desertion from the military record of J. W. Hardwick; to the Committee on Military Affairs.

By Mr. ROTHERMEL: A bill (H. R. 15888) for the relief of the children and heirs of Elizabeth Haak, Michael Haak, and Sarah Haak, all deceased; to the Committee on War Claims.

By Mr. RUSSELL: A bill (H. R. 15889) granting a pension to John Mahan, sr.; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15890) granting an increase of pension to James McDaniel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15891) granting an increase of pension to Simon Lakey; to the Committee on Invalid Pensions.

By Mr. REDFIELD: A bill (H. R. 15892) granting an increase of pension to Samuel H. Law; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15893) granting an increase of pension to James Daly; to the Committee on Invalid Pensions.

By Mr. SPEER: A bill (H. R. 15894) granting an increase of pension to Wells C. Sherrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15895) granting an increase of pension to John B. Painter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15896) granting an increase of pension to Benjamin F. Feit; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 15897) granting a pension to William A. Stuchell; to the Committee on Invalid Pensions.

By Mr. SULZER: A bill (H. R. 15898) for the relief of the survivors of the *General Slocum* disaster; to the Committee on Appropriations.

By Mr. TAYLOR of Colorado: A bill (H. R. 15899) granting an increase of pension to Patrick Meehan; to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 15900) granting an increase of pension to Henry C. Rathbone; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15901) granting a pension to David W. Duncan; to the Committee on Pensions.

By Mr. WILLIS: A bill (H. R. 15902) for the relief of Ira Gwynn; to the Committee on Military Affairs.

By Mr. WOODS of Iowa: A bill (H. R. 15903) granting a pension to George V. Cleveland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15904) granting an increase of pension to Columbus J. Rose; to the Committee on Invalid Pensions.

By Mr. YOUNG of Kansas: A bill (H. R. 15905) granting an increase of pension to Samuel J. Eply; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Resolution of New Haven Division, No. 29, indorsing House bill 11372; to the Committee on the Merchant Marine and Fisheries.

By Mr. ANSBERRY: Memorial of the council of the city of Cleveland, Ohio, for the coinage of coins of the value of 3 cents; to the Committee on Coinage, Weights, and Measures.

By Mr. ASHBROOK: Petition of Frank Phillips and 40 other farmers of Black Run, Ohio, and vicinity, favoring the passage of the Sulzer bill (H. R. 14); to the Committee on the Post Office and Post Roads.

Also, petition of Franklin Grange, No. 1797, Licking County, Ohio, favoring the Sulzer parcels-post bill (H. R. 14); to the Committee on the Post Office and Post Roads.

By Mr. AYRES: Memorial of Rochester (N. Y.) Chamber of Commerce, in relation to amendment of corporation-tax law; to the Committee on Ways and Means.

By Mr. BARCHFELD: Petition of the General Alex. Hays Post, No. 3, Grand Army of the Republic, of Pittsburgh, Pa., protesting against Senate bill 18, to incorporate the Grand Army of the Republic; to the Committee on Military Affairs.

Also, papers to accompany bill granting an increase of pension to John King; to the Committee on Invalid Pensions.

Also, papers to accompany bill granting a pension to Nettie Metzgar; to the Committee on Invalid Pensions.

By Mr. BATES: Petition of Central Labor Union of Erie, Pa., for more strict governmental inspection of dairy products; to the Committee on Agriculture.

Also, petition of J. F. Schuknecht, elder Seventh-day Adventist Church, Union City, Pa., opposing House bill 9433, for the observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

Also, petition of Erie Central Labor Union, opposing the Smoot bill (S. 2564); to the Committee on Printing.

Also, petition of C. Churchill, secretary Painters and Decorators' Local Union No. 549, opposing the Smoot bill (S. 2564); to the Committee on Printing.

Also, petition of M. H. Mizener, of Erie, Pa., urging passage of Federal pay bill for the National Guard; to the Committee on Military Affairs.

By Mr. CANNON: Petition of Varnum Post, No. 471, Department of Illinois, Grand Army of the Republic, praying for the enactment of the so-called Sulloway pension bill; to the Committee on Invalid Pensions.

Also, petitions of Irville Kirkland, Artie Davis, John Davis, Daniel Reed, Thomas Morrow, Charles O. Turl, and Oscar Perkins, of Casey, Ill., praying for the enactment of House bill 8141; to the Committee on Military Affairs.

Also, memorial of Seventh-day Adventist Church of Onargo, Ill., opposing bill for the observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

Also, petitions of D. Friedman and sundry other citizens of St. Anne, and E. A. Dell and sundry other citizens of Wellington, Ill., protesting against a further extension of the parcels post; to the Committee on the Post Office and Post Roads.

By Mr. CARY: Resolution of Local No. 35, Coopers' International Union, Milwaukee, Wis., protesting against Senate bill 2564, installing power presses in the Bureau of Engraving and Printing; to the Committee on Printing.

By Mr. CLINE: Papers to accompany bill granting a pension to Frances A. Ginther; to the Committee on Invalid Pensions.

By Mr. DICKINSON: Memorial of Seventh-day Adventist Church of Rich Hill, Mo., in opposition to House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. DRAPER: Resolution of the Rochester (N. Y.) Chamber of Commerce, urging the amendment of the corporation-tax law to allow corporations to make their returns as of the close of their fiscal year; to the Committee on Ways and Means.

By Mr. FITZGERALD: Memorials of National Federation Retail Merchants and Trans-Mississippi Congress, against parcels post; to the Committee on the Post Office and Post Roads.

Also, memorial of American Grange, of the Société des Architectes, approving site for Lincoln Memorial; to the Committee on the Library.

Also, memorial of Massachusetts Association of Union Volunteer Officers of Civil War, favoring retirement-list bill; to the Committee on Invalid Pensions.

Also, memorials of Lodge No. 558, Independent Order of B'rith Abraham; Collegiate Zionist League; Jewish Young Men's League, of New York; and congregation B'rith Israel Anshei Emes, urging abrogation of treaty with Russia; to the Committee on Foreign Affairs.

By Mr. FOCHT: Papers to accompany House bill 15013; to the Committee on Invalid Pensions.

Also, petition of R. B. Rodgers and others, of Pennsylvania, asking that the duty on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. FOSS: Resolutions of Fiftieth Regiment Veteran Infantry Volunteer Association of Illinois, indorsing the Sherwood bill; to the Committee on Invalid Pensions.

Also, resolution of District Council, United Brotherhood of Carpenters and Joiners, of Chicago, Ill., favoring House bill 11372, relating to laws governing seamen; to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the Switchmen's Union of North America, Lodge No. 199, of Chicago, Ill., in support of House bill 13911, governing the number of men to be employed on locomotive engines engaged in interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of Bowles Live Stock Commission Co., of Chicago, Ill., in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of John S. Brittian Dry Goods Co., of St. Joseph, Mo., and others, favoring the passage of the Booher bill (H. R. 5601); to the Committee on Interstate and Foreign Commerce.

Also, petition of the National League for Medical Freedom, in relation to Executive order as to medical practice in Panama Canal Zone; to the Committee on Interstate and Foreign Commerce.

Also, petition of Chicago District Council, Switchmen's Union of North America, of Chicago, Ill., in favor of the Sherwood bill (H. R. 13911) providing for the least number of men to be assigned to each engine engaged in handling cars, etc.; to the Committee on Interstate and Foreign Commerce.

Also, petition of John N. Stewart, past vice commander, Department of Illinois, Grand Army of the Republic, of Chicago, Ill., in favor of passage of House bill 2920, concerning the Military Telegraph Corps; to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: Resolutions adopted at a meeting held in Waltham, Mass., favoring the ratification of the proposed arbitration treaties between the United States and Great Britain and France; to the Committee on Foreign Affairs.

By Mr. GRAHAM: Petition of retail merchants of Gillespie, Ill., asking for the reduction of the tariff duty on raw and refined sugars; to the Committee on Ways and Means.

Also, memorial of First Seventh-day Adventist Church, of Springfield, Ill., against the enactment into law of House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. HAMMOND: Memorial of Seventh-day Adventist Church, of Mankato, Minn., opposing House bill 9433, for the observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

By Mr. HENRY of Connecticut: Memorial of First Aust Lodge, No. 42, and Dreifuss Lodge, No. 123, Independent Order B'rith Sholom, of Hartford; of Charter Oak Lodge, No. 610, Independent Order B'rith Abraham, of Hartford; of Brass City Lodge, No. 240, Independent Order B'rith Abraham, of Waterbury; and of Hartford Progressive League, No. 162, Independent Order B'rith Sholom, all of the State of Connecticut, favoring the abrogation of the treaty between the United States and Russia; to the Committee on Foreign Affairs.

By Mr. HOUSTON: Paper to accompany House bill 5239, for the relief of John H. Hubbard; to the Committee on Invalid Pensions.

Also, petition of citizens of Rutherford County, Tenn., in favor of a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. KENDALL: Petition of citizens of Agency, Iowa, protesting against parcels post; to the Committee on the Post Office and Post Roads.

By Mr. LA FOLLETTE: Petitions of Spokane Sectional Central Labor Council, Spokane; North Yakima Trades and Labor Council, North Yakima; Walla Walla Trades and Labor Council, Walla Walla; Musicians' Association No. 105, Spokane; Local 485, Bartenders' International League of America, Spokane; Central Labor Council, Seattle, all in the State of Washington, favoring passage of House bill 5601 (the Booher bill); to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Washington State Chapter of Architects, opposing plan for Lincoln memorial highway and urging that suitable memorial be in harmony with accepted plan for development of Washington City; to the Committee on the Library.

Also, resolutions of Seventh-day Adventist Churches of North Yakima and Wenatchee, Wash., protesting against House bill 9433, for observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

By Mr. LANGHAM: Petitions of several citizens of Pennsylvania, urging reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. MAHER: Memorial of Congregation Tiphereth Israel, of Brooklyn, N. Y., praying for the abrogation of the Russian treaty; to the Committee on Foreign Affairs.

By Mr. MOTT: Petition of Chamber of Commerce of Rochester, N. Y., for amendment to corporation-tax law; to the Committee on Ways and Means.

By Mr. O'SHAUNESSY: Memorials of Lodges Nos. 176 and 351, Order B'rith Abraham; Lodge No. 99, Order B'rith Sholom; and Lodge No. 216, Independent Western Star Order, urging abrogation of treaty with Russia; to the Committee on Foreign Affairs.

Also, memorial of numerous medical men throughout the United States, for restoration of Army canteen; to the Committee on Military Affairs.

Also, memorial of Massachusetts Association, Union Volunteer Officers of Civil War, for retirement bill; to the Committee on Invalid Pensions.

Also, petition of Charles H. Fryer, Providence, R. I., in favor of Lincoln memorial road; to the Committee on Appropriations.

Also, memorials of Painters, Decorators, and Paperhangers' Union and Providence Retail Grocers and Marketmen's Association, of Providence, R. I., for reduction of tax on oleomargarine; to the Committee on Agriculture.

Also, memorials of Coventry Woman's Club, of Anthony, R. I., and the United Brewery Workmen, Local Union No. 106, of Providence, R. I., asking investigation of the disease in dairy products; to the Committee on Agriculture.

Also, memorial of Westerly (R. I.) Board of Trade, relative to Weeks forestry law; to the Committee on Agriculture.

By Mr. ROBERTS of Nevada: Memorial of Seventh-day Adventist Church of Reno, Nev., in opposition to House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. SIMMONS: Resolution of Chamber of Commerce of Rochester, N. Y., urging amendment to corporation-tax law; to the Committee on Ways and Means.

By Mr. SULZER: Memorial of Austro-Hungarian Zionists, of New York, praying for the abrogation of the treaty between the United States and Russia; to the Committee on Foreign Affairs.

Also, memorial of Deutscher Kriegerbund, urging investigation of administration of immigration office at Ellis Island; to the Committee on Immigration and Naturalization.

Also, petition of Rochester Chamber of Commerce, urging amendment to corporation-tax law; to the Committee on Ways and Means.

Also, memorial of Manufacturers' Association, of New York, in approval of House bill 30888, Sixty-first Congress; to the Committee on Foreign Affairs.

By Mr. TUTTLE: Memorial of Holche Yosher Congregation, of Elizabeth, N. J., praying for the abrogation of the Russian treaty; to the Committee on Foreign Affairs.

By Mr. UNDERWOOD: Petition of citizens of Seward, Alaska, urging that Alaska be opened to development; to the Committee on the Territories.

Also, memorial of members of the congressional committee of the Equal Suffrage Association, of Birmingham, Ala., relative to suffrage; to the Committee on the Judiciary.

By Mr. UTTER: Petition of the Coventry Woman's Club of Rhode Island, urging thorough inspection of dairy products in order to insure their purity; to the Committee on Agriculture.

Also, resolution of the Board of Trade, of Westerly, R. I., urging reappropriation of the amount unexpended to carry out the provisions of the Weeks forestry law; to the Committee on Agriculture.

Also, resolutions of the Providence (R. I.) Retail Grocers and Market Men's Association, urging reduction of the tax on oleomargarine, etc.; to the Committee on Agriculture.

Also, resolutions of Hebrew Standard Lodge, No. 351, Independent Order B'rith Abraham; Mendel Karmann Lodge, No. 99, Independent Order B'rith Sholom; The Star of Rhode Island Lodge, No. 330, Order B'rith Abraham; New England Lodge, No. 292, Independent Order B'rith Abraham; Woonsocket Lodge, No. 118, Independent Order B'rith Sholom; Maccabee Lodge, No. 176, Order B'rith Abraham; and Morris Gorin Lodge, No. 216, Independent Western Star Order, all of Rhode Island, urging the termination of treaties between the United States and Russia because of the disregard of the latter nation of passports issued by the United States Government to American citizens; to the Committee on Foreign Affairs.

By Mr. WEBB: Petition of citizens of Gaston County, N. C., asking for the passage of the National Guard pay bill; to the Committee on Military Affairs.

By Mr. WILLIS: Papers to accompany House bill 15592, granting an increase of pension to Joseph C. Laney; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 15593, granting an increase of pension to John H. Downey; to the Committee on Invalid Pensions.

By Mr. WILSON of New York: Resolutions of Rochester (N. Y.) Chamber of Commerce, favoring change in the corporation-tax law to permit corporations to make returns at the end of their individual fiscal year; to the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES.

FRIDAY, *December 15, 1911.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who hast ever been our refuge and strength, a very present help in trouble, make us strong of mind, pure of heart, wise in our predilections, firm in our convictions, with ever a helping hand for the weak, full of that charity which suffereth long and is kind; that we may march onward and upward with unfaltering steps toward the high calling of God in Christ Jesus our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

COURTHOUSE, PHILLIPS COUNTY, ARK.

Mr. NORRIS. Mr. Speaker, I think perhaps the clerk made a mistake in reading the title of Senate bill 3436, referring to a county courthouse in Phillips County, Ark. I should like to have the title read again.

The Clerk read as follows:

S. 3436. An act granting to Phillips County, Ark., certain lots in the city of Helena for a site for a country courthouse.

The SPEAKER. It should be "county courthouse."

Mr. NORRIS. Yes.

The SPEAKER. If there be no objection, the title will be corrected.

There was no objection.

Mr. MACON. Mr. Speaker, with reference to that bill, I ask that it lie on the Speaker's table temporarily. There is a similar House bill pending before the Committee on Public Lands, and I would like for the Senate bill to lie on the Speaker's table until the committee takes action upon the House bill.

The SPEAKER. The Senate bill has already been referred to the Committee on the Public Lands.

Mr. MACON. I thought Senate bills always remained upon the Speaker's table for a certain length of time before being referred to a House committee unless a reference was requested by a Member interested in it.

The SPEAKER. These bills, when they come in, are referred by the Speaker as a matter of routine.

Mr. MACON. I thought the practice was to allow them to remain on the Speaker's table for a certain length of time.

The SPEAKER. If the request is made in advance, the Speaker will comply with it; but as a matter of fact, these bills come in, and they are referred as a matter of routine unless there is a request for some other action.

Mr. MACON. I ask unanimous consent that the Speaker's order in referring the bill be vacated and that it be allowed to remain on the Speaker's table temporarily.

The SPEAKER. The gentleman from Arkansas [Mr. MACON] asks unanimous consent that the order of the Speaker referring this particular bill be vacated and that the bill be allowed to lie on the table.

Mr. MANN. Reserving the right to object, I should like to ask what good that will do?

Mr. MACON. I would not ask it unless there was a reason. A similar House bill is before the Committee on the Public Lands.

Mr. MANN. It has not yet been reported, and under the rule such a bill must be reported before the Senate bill comes in.

Mr. MACON. Will the gentleman allow me to finish my statement? A question of the jurisdiction of committees was raised before the committee in regard to the House bill, and it may be that this particular bill will have to go to a different committee. That is why I ask that it be allowed to remain on the Speaker's table for the time being, until we can ascertain which committee will have jurisdiction of it. Then I will ask for a reference of it.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I wish to suggest that the gentleman would have no control over the reference.

The SPEAKER. None whatever.

Mr. MANN. The reference of a Senate bill is made by the Speaker; and if any committee wishes to question that reference it has the right, under the rule, to direct its chairman to make a motion for a change of reference. Leaving the bill on the Speaker's table would not help it at all.

Mr. MACON. I am simply asking unanimous consent that it be allowed to remain on the Speaker's table temporarily. I have a good reason for making the request, or I would not make it.

Mr. MANN. It has already gone from the hands of the Speaker, and is in the hands of the committee.

Mr. MACON. I ask that the order referring it to the committee be vacated.

Mr. MANN. That would not bring the bill back to the House. It is in the hands of a committee, and the only way to get it out of the hands of the committee is by a motion made under the rules to take it out of the hands of the committee. It would not help the gentleman any if that request were granted.

Mr. MACON. Mr. Speaker, I can not see how there can be any objection offered by anyone to the simple matter of vacating the order, recalling the bill, and allowing it to lie on the Speaker's table for the time being until the question of jurisdiction is settled, and then it can go to the proper committee.

Mr. SULZER. What is the bill?

Mr. MACON. It is a bill granting certain lots in the town of Helena, Ark., to the county of Phillips for the purpose of erecting a courthouse upon them.

Mr. SULZER. It is a local bill?

Mr. MACON. Yes.

The SPEAKER. The Chair will ask the gentleman of what avail it will be if the request is granted? We can not take the bill away from the committee.

Mr. NORRIS. I would like to ask, if unanimous consent was granted, if it would not be of the same effect as the motion, and would not the bill be brought back to the Speaker's table to await the action of the Speaker of the House?

The SPEAKER. The Chair will not decide that, but will put the question for unanimous consent.

Mr. MANN. Mr. Speaker, I think it would involve us in inextricable difficulty in the end if we undertake, after a bill is referred to a committee, to bring it back by unanimous consent.

Mr. NORRIS. Would that be any different than if the gentleman from Arkansas made a motion to change the reference? Would not that motion be in order?

Mr. MANN. There is a motion in order under the rule that a committee, either the committee to which the bill is referred or a committee that claims jurisdiction, may at any time immediately after the reading of the Journal, or in the morning hour, make a motion to that effect.

Mr. NORRIS. Does not this request for unanimous consent have the same effect?

Mr. MANN. Not at all; the bill is not on the Speaker's table. I think if the request was granted it would leave the bill in the air.

Mr. MACON. We all know that the House by unanimous consent can do as it pleases about matters of this kind. My request is that the order of the Speaker referring the bill to a particular committee be vacated, the bill recalled and permitted to lie on the Speaker's table temporarily. That seems to me to be simple, and I do not see how that would bring us into any difficulty whatever in regard to this or any future bill. I can not see how any Member can object to a request of that kind.

Mr. MANN. Suppose every Member who introduced a bill into the House, of which reference is made, rises and asks unanimous consent that the reference be changed, that the bill go again to the Speaker's table to determine what committee it shall be again referred to? What will be the end of that?

Mr. NORRIS. Would not the same thing happen by a motion to change the reference?

Mr. MANN. The motion can only be made by direction of the committee.

Mr. NORRIS. Well, the committees might make the motion.

Mr. MACON. Mr. Speaker, I move that the Committee on Public Lands be discharged from the further consideration of the bill and that it lie on the Speaker's table.

Mr. MANN. That motion is not in order.

Mr. MACON. I ask unanimous consent, then, that the Committee on Public Lands be discharged from the further consideration of the bill, and that it lie on the Speaker's table.

Mr. MANN. Mr. Speaker, as far as I am concerned I shall not object to the last request of the gentleman from Arkansas, but I give fair warning that if such a request is made in the future I shall object.

The SPEAKER. The gentleman from Arkansas asks unanimous consent that the Committee on Public Lands be discharged from the further consideration of this particular bill, and that it lie on the Speaker's table.

Mr. MANN. Subject to further reference.

The SPEAKER. Subject to further reference. Is there objection? [After a pause.] The Chair hears none.

The Chair desires to say this to the House in regard to these bills: Already there have been introduced into this Congress over 20,000 bills. Now, theoretically, the Speaker makes all these references, but, as a matter of fact, the parliamentary clerk makes them, and it comprises a very large part of his business. Now, if this process is to be gone through with on every bill that comes up, we will not do anything else this Congress except change references.

LEAVE TO SIT DURING SESSIONS OF THE HOUSE, ETC.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 339.

Resolved, That the Committee on the Judiciary be authorized to sit during the sessions of the House and during the recess of Congress.

Mr. CLAYTON. Mr. Speaker, I ask the adoption of the resolution.

The SPEAKER. Is there objection to the consideration of the resolution? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

ADJOURNMENT OVER.

Mr. UNDERWOOD. Mr. Speaker, I move that when the House adjourns to-day it adjourn to meet on Monday next.

The SPEAKER. The gentleman from Alabama moves that when the House adjourns to-day it adjourn to meet on Monday.

The question was taken, and the motion was agreed to.

ORDER OF BUSINESS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that I may be permitted to address the House for 35 minutes.

The SPEAKER. Before the Chair puts that request the Chair would like to state to the House that this is Friday, and is Private Calendar day. The way the rule runs is that—

On every Friday, except the second and fourth Fridays, the House shall give preference to the consideration of bills reported from the Committee on Claims and the Committee on War Claims, alternating between the two committees.

As a matter of fact, there is no claims bill on the calendar and but one war-claims bill. The Chair simply desires to state that as a matter of information.

Mr. UNDERWOOD. I understood the Speaker to state——

The SPEAKER. There is one bill on the war-claims calendar.

Mr. UNDERWOOD. I will ask the gentleman from Wyoming to withhold his request until the calendar is disposed of.

The SPEAKER. The Chair could not hear what the gentleman from Alabama stated.

Mr. UNDERWOOD. I asked the gentleman from Wyoming to withhold his request until the matters that are in order to-day have been called up and disposed of, if there are any.

Mr. MONDELL. Mr. Speaker, I shall be glad to do that.

The SPEAKER. The Clerk will call the calendar.

Mr. MANN. The only motion that could be made is a motion to go into the Committee of the Whole, and I understand it is not desired to make that motion, and to call up the only bill which is on the calendar in the absence——

The SPEAKER. If nobody desires to make the motion to go into the Committee of the Whole to discuss this bill, that is the end of it.

Mr. UNDERWOOD. I understand the chairman of the committee does not desire to call up the bill now; I thought he did.

Mr. MANN. The chairman of the committee is in Panama and has a very good excuse for not calling up the bill.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to address the House for 35 minutes. Is there objection? [After a pause.] The Chair hears none, and the gentleman from Wyoming is recognized for 35 minutes.

THE TRUST QUESTION.

Mr. MONDELL. Mr. Speaker, during my service in this body I have not trespassed upon the time of the House to any considerable extent in the discussion of the so-called trust question.

I have not because, first, I have felt that there are many Members of the House perfectly willing and better qualified than I to conduct such discussion as might be profitable, and, further, other matters of immediate and pressing importance to the people whom I represent have taken all of my time. I feel, however, that we have reached a period in the history of the trust problems so critical and crucial that it becomes the duty of every man who seeks a proper solution of them to challenge the attention of the country to the situation that confronts us.

The situation in the country to-day has some features that lead me back into ancient and sacred history for an illustration. We are told in Holy Writ that in the latter days of his life Joshua, doughty old warrior-prophet, called all the tribes of Israel to Shechem for the great council that was to be the crowning and closing event of his long and strenuous life.

Addressing the multitude of Israel, gathered from far and near, Joshua recalled to their minds the successive steps of their journeyings for 40 years in the wilderness. Of the giving of the law amid the thunders of Sinai. He reminded them how, by divine guidance and under his leadership, they had crossed the waters of Jordan and in a brilliant series of campaigns had established themselves in the land of the Canaanites and of the Amorites, where they now dwelt in peace, plenty, and prosperity. Having thus recounted how they had passed from the days of doubt and uncertainty to conditions of comparative repose, in which their duties and their obligations were clearly defined by the Mosaic law, having reminded them that every promise made in the name of the Lord had been fulfilled, there rang from the lips of the hardy old warrior this challenge, which has come down to us through the ages as the supreme call to duty, "Choose you this day whom ye will serve"; and following that the declaration which has been the rallying cry of the faithful through all the generations: "As for me and my house, we will serve the Lord."

Why the necessity of this ringing challenge and this clear declaration? Had not the uncertainty of the days of the wilderness been succeeded by the certainty of the law? Had not the waters of Jordan divided, the walls of Jericho fallen? Could they not say with truth—

> The might of the gentile unsmote by the sword
> Hath melted like snow at the glance of the Lord.

Were they not now, for the first time since the beginning of the bondage in Egypt, safe and secure for the present, with an unerring guide for the future?

With all these things fresh in the minds of the Israelites, why was it necessary for Joshua to say to them:

> And if it seem evil unto you to serve the Lord, choose you this day whom ye will serve; whether the gods of the Amorites in whose land ye dwell.

In other words, do you propose to serve the Lord of righteousness and justice or the oppression-justifying, crime-condoning gods of the Amorites?

A deliverance and a legacy such as no other people had ever experienced or enjoyed was theirs, and they dwelt securely, but they dwelt on the land of the Amorites, not all of whom had been put to the sword, and who can doubt but what the easy-going and thoughtless, as well as the wickedly designing among them, had in this condition of security begun to reason it out, in a way satisfactory to their several consciences and in harmony with their various purposes, that after all it might not be necessary to follow the stern rule of the law; it would, in fact, be oftentimes more comfortable to fall into the easy way of the Amorites; besides, after all, said they, the Amorites are not such bad fellows. It is true we have had to conquer them. It is necessary now to keep them in submission or they would overpower and enslave us, but nevertheless let us not carry things too far; it might help us in the planting and reaping of our fields, in the care and the disposition of our herds and flocks, to compromise things with them. It might be better for business; and, anyway, the rules of the law are severe and uncomfortable at times to conform to.

Against this rising tide of sophistry, against this easy philosophy born of indifference, timidity, cupidity, avarice, or downright cussedness, rang out the thunder tones of him who on another day had successfully pitted his sublime faith against the sun in its course, the ringing challenge, "Choose you this day whom ye will serve—the Lord or the gods of the Amorites."

Twenty-one years ago there was placed upon the statute books of this Nation a law, the product of the master legal minds of their day, intended to meet and correct certain evils, then just beginning to be clearly understood, arising out of the power which combination of capital creates. For years there was much of uncertainty relative to the scope of this great measure. Much difference of opinion as to its practicability and effectiveness, as to its proper interpretation, differences reflected somewhat in judicial decisions; but even more apparent in the indifference bordering on contempt with which some officials charged with its enforcement viewed it. Gradually, however, the clouds broke, the waters of our Jordan divided, the hosts of the confederated and embattled kings of industry "who knew not the law" were vanquished, and finally the walls of the mightiest citadels ever erected in restraint of trade and commerce fell as prone and as disintegrated before the law as in that other day fell the walls of Jericho at the sound of the trumpets of the Lord. [Applause.]

And now that it has been made plain that there is a God in Israel; now that the power of the people to demolish the trust citadels from which they have been harassed and plundered has been demonstrated; now that, after all these years, the doubt and uncertainty as to our ability to abate and control the plunderbunds, organized to levy tribute upon us, has been cleared in decisions so plain that he who runs may read, we find the same backsliding, the same caution born of self-interest, the same carpings originating in personal or political ambitions, and the same suggestions, open or covert, that we renounce the hard rule of the law and adopt the morals and philosophy of the trust Amorites, that were heard in the days of Joshua.

No doubt in these old days at Shechem there were those of whom it was remembered that in the days of doubt and before the enemy's citadels fell they lustily beat upon their bucklers, waved frantically their broadswords, and in seeming frenzy for the fray bawled dreadful maledictions on the Amorites; but who now, that the victory was won, with naught but verbal aid from them, deprecated the trade-disturbing rigors of the law, and though loud in protestations of superior virtue, gave voice and tongue to the desires and views of the Amorites.

In that olden time there were no doubt those who, having formerly, on every occasion when the onward march toward victory had been temporarily checked, voiced the frenzied demand that they be allowed to lead progressively, who now sought to prove that progress lay along the backward trail to regions of further doubt, uncertainty, and confusion.

Our former champions of eat-'em-alive trust busting first sang a doleful dirge over the alleged emasculation of the Sherman law in the Standard Oil decisions, but now that the law, cleared of ambiguity and freed from uncertainty, hangs like a sword of Damocles over the trusts, they are no longer the roaring lions seeking trusts to devour, but, like Bottom the Weaver, they are but the similitude of lions and can roar as mildly as any sucking dove of the desirability of "sane administration of the law" and of the propriety, now we have conquered the trust Amorites, of giving them their freedom to plunder us again while we wander in a wilderness of debate over weird substitutes they propose for the Sherman law.

But we have some new classes of backsliders which Israel may not have had—those who utter the contempt felt by the trust Amorites for fair competition and who voice the intolerance, common to all champions of autocracy and absolutism, of the deliberations and determinations of judges and courts.

As none of the sophistries or excuses uttered on the Plain of Shechem deceived the warrior prophet, so none such will deceive the American people in their contest to establish their power to prevent the formation and perpetuation of combinations of oppression and plunder. Let no man deceive himself into believing he can fool the people when he aids and abets the criminal trusts on the pretense that he desires only to protect honest business. Honest business is in no danger whatever from the enforcement of the Sherman antitrust law, and that is true no matter how big honest business may be. [Applause.]

Neither do gentlemen impress us with a high regard for their sincerity or intelligence who complain that it is impossible for business men to determine whether the operations they contemplate, or are engaged in, are in unreasonable restraint of trade or constitute a conspiracy to monopolize industry. One need not be learned in the law to realize that no intelligent man or body of men ever restrained trade to the hurt of honest competitors and loss and injury to the people without knowing it.

I am no trust baiter and have never believed that anything is gained by calling people hard names, but I am of the opinion that the organization of every one of the great combinations which have been, are now being, and are likely to be prosecuted by the Government under the Sherman law was with the intent and for the purpose of gaining advantages and reaping profits not possible through any organization, no matter how large, which dealt squarely by its competitors and fairly by the people. [Applause.] In other words, they were organized to oppress and in willful violation of the moral law, as well as of every statute intended to prevent the despoiling of the people.

But we must restrain our hands, say the political, economic, and social apologists for the trusts, for forsooth to swat them spells disturbance to business. Let no honest but timid soul be deceived by any such gammon. In the face of a suit against the Steel Trust which is likely to lead to the disintegration of that great organization the iron and steel industries show more hopeful indications of reviving trade than for several years past.

Did the consumption of tobacco fall off by a pipeful on account of the decision in the case of the American Tobacco Co.? Has or will the breaking up of the Standard Oil Co. put out a

lamp anywhere or reduce the consumption of oil by a single gallon?

The consumption of the cash of the gullible public through the sale of the watered securities of these and other plunderbunds may be largely reduced by these decisions under the Sherman law, but that will be the only line of "industry" injuriously affected. [Applause.]

I heard a very worthy gentleman a short time ago voice his regret that we were to lose the benefit of the efficiency and the economies of very large aggregations of capital if the Sherman law was enforced. I have never been able to find ground for any such fear in anything the courts have said or done in connection with the statute. It is true that I have never been a very enthusiastic subscriber to the doctrine that very large aggregations of capital are necessarily calculated in theory or in fact to produce greater economy or efficiency than smaller units. The general verdict of history in a fair field, in my opinion, has been and will be to the contrary. But however that may be, it is entirely possible to conceive of an organization grown large enough through efficiency and economy and character of service to largely occupy the entire field in a single line of industry without in any way coming within the prohibition of the Sherman antitrust law.

But in my opinion we shall see few such, for human genius and aptitude and industry will seldom, if ever, be found combined in one organization sufficiently to overcome the never-ending inroads of the rivalry of like qualities in a free field of action. In fact, the defenders and apologists for the trusts, which now curiously includes some who have recently been most loudly vociferating against them, unconsciously admit that no aggregation of wealth can for long maintain the domination of an industrial field against the assaults of fair competition, for they are now decrying the natural law of competition and would substitute for it a weird plan whereby some beneficent despot shall have the power to say who shall do business and how.

The law of competition, like all other laws of nature, sometimes does harm, but in the main it must rule in the affairs of trade unless we shall conclude to abandon it for the rule of socialism. Are those who cry down fair competition in trade ready to adopt socialism? If not, there is no logic in their position. Unfair competition should, of course, be as sternly repressed as any other form of restraint of trade, and a statute defining and punishing forms of competition which are in fact and effect the most pernicious restraints of trade would be a most useful and beneficial supplement to a great and beneficent law.

No words of mine can as clearly and aptly state the present situation as President Taft has done in his message of December 5. I shall quote only the closing paragraphs:

IMPORTANCE OF THE ANTITRUST ACT.

The antitrust act is the expression of the effort of a freedom-loving people to preserve equality of opportunity. It is the result of the confident determination of such a people to maintain their future growth by preserving uncontrolled and unrestricted the enterprise of the individual, his industry, his ingenuity, his intelligence, and his independent courage.

For 20 years or more this statute has been upon the statute book. All knew its general purpose and approved. Many of its violators were cynical over its assumed impotence. It seemed impossible of enforcement. Slowly the mills of the courts ground, and only gradually did the majesty of the law assert itself. Many of its statesmen-authors died before it became a living force, and they and others saw the evil grow which they had hoped to destroy. Now its efficacy is seen; now its power is heavy; now its object is near achievement. Now we hear the call for its repeal, on the plea that it interferes with business prosperity, and we are advised, in most general terms, how by some other statute and in some other way the evil we are just stamping out can be cured if we only abandon this work of 20 years and try another experiment for another term of years.

It is said that the act has not done good. Can this be said in the face of the effect of the Northern Securities decree? That decree was in no way so drastic or inhibitive in detail as either the Standard Oil decree or the Tobacco decree; but did it not stop for all time the then powerful movement toward the control of all the railroads of the country in a single hand? Such a one-man power could not have been a healthful influence in the Republic, even though exercised under the general supervision of an interstate commission.

Do we desire to make such ruthless combinations and monopolies lawful? When all energies are directed not toward the reduction of the cost of production for the public benefit by a healthful competition, but toward new ways and means for making permanent in a few hands the absolute control of the conditions and prices prevailing in the whole field of industry, then individual enterprise and effort will be paralyzed and the spirit of commercial freedom will be dead.

The hosts are again gathering at Shechem, and among them the apologists and defenders of the recently proud and haughty but now humbled trust Amorites, those who lend them aid and comfort directly and indirectly, and the question is as pertinent now as in that olden day, Whom will you serve? Are you going to uphold and defend the men, the party, and the administration which has fought and practically won the antitrust battle, or are you proposing, by direction and indirection, by open attack and covert thrust, to discredit and discourage them? Is it your purpose to stand by the President and his advisers who have, without mud slinging or malice, riot or rancor, steadfastly fought the battles of the people against intrenched privilege and oppression, or will you, through one pusillanimous excuse or another, desert them and the people's cause in the supreme hour when the results of 21 years of struggle are seen in the triumph of the people through the law?

"Choose you this day whom ye will serve"—the people or the trusts; and remember the people will not be deceived. [Loud applause on Republican side.]

THE SHERMAN ANTITRUST LAW.

Mr. FOSTER of Vermont. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. The gentleman from Vermont asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. FOSTER of Vermont. Mr. Speaker, the author of the Sherman antitrust law, as is now well known, was former Senator George F. Edmunds, of Vermont. A recent issue of the North American Review contains an article by him upon this subject. It is so illuminating, so informing, so opportune at this moment after the instructive address of the gentleman from Wyoming that I ask unanimous consent to print it in the RECORD as a part of my remarks.

The SPEAKER. The gentleman from Vermont asks unanimous consent to print the article by Judge Edmunds as a part of his remarks. Is there objection?

There was no objection.

The article is as follows:

The Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes. (Article I, section 8, clause 3, Constitution of the United States.)

In the great stream of human progress, often retarded by eddies and sand bars or broken by floods or cataracts, governmental institutions of varying kinds and characters have developed; and, on the whole, the fittest have survived. Monarchies purely absolute have become, in the light of increasing civilization and intelligence, nearly or quite extinct. Experiments of pure democracies, or of those nearly so, have been tried, and have failed somewhat in proportion to their radical purity, and have been too often succeeded by dictators and they by absolutism. "The tumults of the times disconsolate to inarticulate murmurs die away while the eternal ages watch and wait." At last in this age the intrinsic equal civil—and generally the political—rights of man have become recognized and established by written constitutions, unchangeable without full time for passions to cool, excitement to subside, and deliberate consideration and reflection to have sway.

It was in this state of the history and experience of civilized peoples and governments that the founders of our national institutions took up in 1787 their great and most serious work. So far as it regards the subject of this article, their chief concern was the commercial relations of the thirteen independent States among one another and with foreign States. A painful and almost destructive experience had demonstrated to them the bitter truth that for the equal safety and welfare of every State and its people the intercourse of trade and commerce must be carried on and regulated under one law, to be made by all and enforced by the government of all. Commercial war already existed between several of the States, and the thirteen sister States, which had so recently established their common independence and liberty at so great cost, were steadily drifting into anarchy at home and contempt abroad.

In this most perilous state of things the Convention of 1787 established the Constitution of the United States and created a Nation. Among its provisions was the one standing at the head of this article. Its great and fundamental design and principle was to make the trade of the people of each State with the people of every other State free and equal, as much so as if, for these purposes, the whole United States were a single sovereignty; therefore it was provided that Congress should have power to "regulate" it "with" foreign nations and "among" the several States, the former of which, under other provisions of the Constitution, it could destroy if, in its judgment, the public interest should require such extreme action.

The productions of industry and the disposal of them through trade and commerce alone create and increase the wealth of a nation. Without these the great objects of civilization—the welfare and happiness of all peoples—would fail of attainment. These observations are commonplace; this truth is familiar to every student of history and to every thinking man of common sense; but as the constitution of the first State admitted to the Union stated, "A frequent recurrence to fundamental principles" is essential to the safety and happiness of a people, and they furnish the light and give true life to the words of the Constitution and to the act of 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies."

What, then, is it to "regulate" commerce among the several States and with foreign nations? It is to provide such means and measures for its existence, protection, and true growth as shall best promote the great and beneficent ends of civilization, among which are equal rights and opportunities under law and order and the protection of the weak against the strong. This power and implied duty was deposited with Congress; and thus the commercial "war between the States," which was leading them to destruction, was, by force of the Constitution itself, made impossible. Population, production, education, and wealth increased more and more, until within three-quarters of a century there came the temptation to enlarge and combine operations in production and commerce, respectively, in order to obtain a predominating and monopolistic power in the field of interstate and foreign commerce as well as within the States. Trusts, compacts, and combinations under many names began to be formed and to increase until soon many of the smaller and far more numerous and, on the whole, more useful enterprises were cramped, stifled, and finally ruined by all the various devices that unscrupulous ingenuity, sustained by the greater wealth of these combinations, could devise and put in practice.

It was in the nineteenth century the recall of "the good old rule, the simple plan, that he may get who has the power and he may keep who can." Many conspicuous instances of this character are known to

the public generally. One in Ohio doubtless led Senator Sherman, of that State, in 1888, to introduce a bill intended to cure the evil, and, as the "courtesy of the Senate" usually permitted, he had it referred to the Committee on Finance, of which he was the chairman. It was not considered in that Congress. On the meeting of the next Congress he again introduced it or a similar bill and had it referred to the same committee; and Senator George, of Mississippi, on the same day introduced a bill on the same subject, which was referred to the same committee. Later on the same day Mr. Reagan, of Texas, introduced a bill on the same subject, which was referred to the Committee on the Judiciary.

On February 14, 1890, Mr. Sherman's bill, which had been reported by him some time before, was first taken up, but stood along without consideration until February, when Mr. George delivered a speech thereon. The bill then stood over without further action until March 20, when it was again taken up and was further discussed, when Mr. Sherman, from the Finance Committee, reported on March 21 a substitute for the bill and Mr. Reagan submitted an amendment to the substitute. Mr. Sherman then delivered a speech upon the subject, and it was further debated, and Mr. Ingalls gave notice of another substitute to be proposed by him, and the original bill was, by unanimous consent, abandoned, and the substitute reported by Mr. Sherman, from the Finance Committee, was treated as the original then before the Senate, with the amendment proposed by Mr. Reagan and Mr. Ingalls pending; the subject was further discussed by Mr. Sherman, Mr. Vest, and others, involving a variety of conflicting views as to the constitutionality and other difficulties of the three schemes of legislation then before the Senate, and others. The bill went over until the 24th of March, when the subject was further discussed by sundry Senators and an additional amendment was proposed by Mr. Reagan, and a bill introduced by Mr. Reagan on the first day of the session and which had been referred to the Committee on the Judiciary, as above mentioned, and was then still under consideration by a subcommittee which had not yet found itself able to report to the whole committee, was referred to. The debate went on, much like some of the battles of the Civil War, facing every way in the darkness.

The bill then stood over until the next day, March 25, when it was again considered, and a bill on the subject reported by the Finance Committee in 1888 was drawn into discussion, and, finally, on that day the motion which Mr. George had submitted to refer the whole matter to the Committee on the Judiciary (the Judiciary Committee consisted of Messrs. Edmunds (chairman), Ingalls, Hoar, Wilson of Iowa, Evarts, Pugh, Coke, Vest, and George) was considered, and it was proposed that the committee should be directed to report within 20 days. Mr. Sherman opposed a reference to the Committee on the Judiciary, complaining that it had had a bill of Mr. Reagan's on the same subject for a long time and had not reported it. Mr. Vest explained that a subcommittee had the subject under consideration, but that the illness of the chairman had delayed final action upon it, and that the bill of Mr. Sherman having been reported from the Finance Committee and being under consideration, the Judiciary Committee had not taken final action. Mr. Pugh greatly feared that there would be differences of opinion in the Judiciary Committee upon many of the aspects of Mr. Sherman's bill in respect of its constitutionality, etc. Mr. Platt favored the reference, and said that Mr. Sherman had so often changed his propositions that the matter was wholly in confusion, and that the last of his proposals was worse than the first. Mr. Morgan said that Mr. Sherman's bill was nothing but a "Brutum fulmen." Mr. Vance opposed the reference and complained of the destruction which the Judiciary Committee had brought upon a favorite bill of his. The motion to refer was lost, Mr. George voting in its favor, Mr. Hoar, Mr. Pugh, and Mr. Reagan voting against it. The other members of the Judiciary Committee did not vote, and the question recurred on the amendment which had been proposed by Mr. Reagan as an addition to the Sherman bill. This amendment was agreed to.

Mr. Sherman then proposed an amendment in the nature of a proviso declaring that the act should not apply to certain labor combinations or to persons engaged in horticulture, etc., which amendment was agreed to without the yeas and nays. Mr. Reagan offered an amendment providing for private suits by persons injured by violations of the act, which was modified and agreed to without the yeas and nays. Mr. Ingalls proposed an amendment defining the words "options" and "futures" in the bill and enumerating many agricultural products as the subjects to be included, which amendment was agreed to without the yeas and nays. Mr. Coke moved an amendment as an addition defining a trust and forbidding it, etc. Mr. Sherman moved to lay that amendment upon the table as inconsistent with the bill. Mr. Stewart proposed an amendment to include the subject of the value of money; which amendment Mr. Hoar moved to amend by adding the words gold and silver.

Night terminated the debate, and the matter went over until the next day, March 26, when it was again taken up.

Mr. Sherman moved sundry verbal amendments, which were agreed to, and various amendments were proposed by other Senators, which were all agreed to.

Then a long debate arose, going over all the aspects of the subject and drawing into the mêlée the ever-ready matter of the tariff and the orthodoxy of some of the Democratic Senators, as between themselves, on the subject.

Some further amendments were then agreed to, and many others were proposed, enumerating all sorts of things as the subjects of the operation of the bill, including in the section speaking of agricultural products, stocks and bonds, steel rails, boots and shoes, whisky, and other intoxicating drinks; which amendment was agreed to. Finally, Mr. Gorman moved that the bill be referred to the Committee on the Judiciary with a request that it be reported within 20 days. Mr. Sherman again opposed the reference to the Committee on the Judiciary. Mr. Gorman withdrew his motion to refer. After further debate by Mr. Sherman, Mr. Butler and Mr. Gray proposed to strike out the whole bill and insert a substitute providing, among other things, that, when the President of the United States should be satisfied that any trust, contract, etc., made with a view of preventing competition had been formed and that as a consequence prices had been enhanced, he should suspend the collection of all customs duties, etc., for 90 days, and, if then satisfied that such enhancement had ceased, withdraw the proclamation.

After further amendments had been proposed to the Sherman bill and to the substitute of Mr. Gray, Mr. CULLOM, a member of the Committee on Finance, moved to recommit the bill to that committee; and after further debate the motion was lost. Mr. Hawley then moved to refer the bill with all its amendments to the Committee on the Judiciary with instructions to report within a fortnight; which motion was disagreed to on a division—yeas 24, nays 29. Further amendments were proposed, and then the question recurred on the amendment of Mr. Gray, which was disagreed to—yeas 18, nays 26. Mr. Gray then moved another amendment, giving the President of the United States the power of suspending the customs duties as before referred to, which on the yeas and nays was rejected, 21 to 25. After further debate the bill was reported to the Senate, and all the amendments were reserved for separate votes, and the Senate, after some discussion, went into executive session, then adjourning until the next day, March 27, when the bill was again considered, and the amendments were taken up in their order and further debated, and various motions for amendment were proposed and debated, including principally the constitutionality of the bill and its amendments as they then stood. Mr. Walthall then moved that the bill and amendments be referred to the Committee on the Judiciary, with instructions to report within 20 days; and the yeas and nays, having been demanded by Mr. Sherman, were taken and the motion was agreed to—yeas 31, nays 28—Messrs. Reagan and Vest voting in the affirmative, and Messrs. Edmunds, Hoar, Ingalls, and Pugh voting in the negative.

The subject was immediately considered in the Judiciary Committee, and on the 2d of April, six days after its reference, the chairman of the committee reported a substitute to strike out the whole Sherman bill and insert the substitute, and to strike out the title and insert the one which with the substitute is now the law.

The chairman in reporting it said that the report was unanimous, although he thought that the seventh section went further than it ought, and that Mr. Vest thought the same section did not go far enough. Mr. George thought that further steps ought to be taken under other clauses of the Constitution to put down the evil, but favored the substitute as reported, and Mr. Coke held the same view.

On the 8th of April the bill was taken up for consideration in the Senate, and Mr. Sherman having stated that, though the bill was not precisely what he wished for, he should vote for it as reported, Mr. Vest stated that, though he thought that one section ought to be further extended, he was satisfied that the public interests demanded the passage of the bill as it came from the committee. Thereupon the committee substitute was agreed to without a division. The bill was then reported from the Committee of the Whole to the Senate. Mr. Reagan then moved to amend section 7 by providing that the courts of the States should also have jurisdiction of cases arising under the proposed law, pending which Mr. George proposed a further amendment providing that all persons complaining of injuries might unite in bringing or come into any pending suit to obtain redress. These amendments were discussed by Mr. Reagan, Mr. Vest, Mr. Hoar, Mr. Edmunds, Mr. George, and Mr. Morgan. The question was taken on the amendment proposed by Mr. Reagan, which was disagreed to on the yeas and nays, 13 to 36. The question was then taken on the amendment proposed by Mr. George, which was disagreed to without a division. Mr. Reagan moved another amendment of detail, which was rejected without a division. Mr. Gray then moved to amend by striking out the words "monopolize or attempt to monopolize" in section 2, which, after debate, was disagreed to. The committee's substitute for the Sherman bill was then agreed to, and the question on the passage of the bill was submitted, and on the yeas and nays the bill was passed—yeas 52 nays 1 (Mr. Blodgett of New Jersey)—and the title was amended to stand as it now appears in the statutes.

The bill then went to the House of Representatives and was reported favorably by Mr. CULBERSON on the 25th of April. On May 1 the House amended the bill, inserting a provision forbidding contracts, etc., "entered into for the purpose of preventing competition, etc.," and passed it with that amendment. The bill with the amendment was returned to the Senate, and on the 2d of May Mr. Sherman moved that the Senate concur, pending which the bill was referred to the Committee on the Judiciary, and on the 12th of May Mr. Hoar reported the bill from the committee, proposing that the Senate concur in the House amendment with an amendment and that a conference be asked.

The amendment consisted in striking out from the House amendment words relating to competition and striking out a proviso in the House amendment.

Pending this question the matter went over until May 13, when the bill with the amendments was recommitted to the Committee on the Judiciary.

On the 16th of May Mr. Edmunds reported the bill from the Judiciary Committee, with an amendment to the House amendment. The amendment was agreed to and a conference asked for. On the 17th the House disagreed to the Senate amendment and asked for a conference. On the 11th of June the bill was reported to the House by the conference committee, recommending that the House recede from its disagreement to the Senate amendment and agree to the same, modified; pending which the matter went over until the next day, when the House rejected the conference report and asked for a second conference. On the 18th of June the Senate agreed to a further conference, and on the 18th Mr. Edmunds submitted a report from the conference recommending that both Houses recede from their respective amendments, and the report was concurred in without a division, and on the 20th of June the House, by a unanimous vote of 242 on the yeas and nays, concurred in the same report made in the Senate.

Thus the bill was passed in the precise form in which it had originally been reported by the Committee on the Judiciary of the Senate, and was approved by the President on the 2d of July.

This condensed chronological history is given in order that it may be seen that after months of both public and private discussion of the whole subject in all its aspects, and weeks of consideration and criticism of the bill as it passed the Senate and was sent to the House, and of experimental amendments proposed, both Houses of Congress unanimously (with the exception of one vote in the Senate) agreed that to secure freedom and equality and protection for the commerce that the Constitution had authorized Congress to regulate, the safest and surest way was to denounce disturbance of it in the simplest and all embracing terms, without qualification or exception; fair play and justice for all, favors for none, as follows:

"AN ACT TO PROTECT TRADE AND COMMERCE AGAINST UNLAWFUL RESTRAINTS AND MONOPOLIES."

(The names of the writers of the various sections, as established in the foreword, are appended by the editor.)

"*Be it enacted, etc.*, Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal.

"Every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court." (Edmunds, except

the words "in the form of trust or otherwise," which were interjected by Senator Evarts.)

"SEC. 2. Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons to monopolize, any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court." (Edmunds.)

"SEC. 3. Every contract, combination in form of trust or otherwise, or conspiracy, in restraint of trade or commerce in any Territory of the United States or of the District of Columbia, or in restraint of trade or commerce between any such Territory and another, or between any such Territory or Territories and any State or States or the District of Columbia, or with foreign nations, or between the District of Columbia and any State or States or foreign nations, is hereby declared illegal.

"Every person who shall make any such contract or engage in any such combination or conspiracy, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court." (Edmunds.)

"SEC. 4. The several circuit courts of the United States are hereby invested with jurisdiction to prevent and restrain violations of this act; and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain such violations.

"Such proceedings may be by way of petition setting forth the case and praying that such violation shall be enjoined or otherwise prohibited. When the parties complained of shall have been duly notified of such petition the court shall proceed, as soon as may be, to the hearing and determination of the case; and pending such petition and before final decree, the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises." (George, rewritten from Senator Sherman's original draft.)

"SEC. 5. Whenever it shall appear to the court before which any proceeding under section 4 of this act may be pending that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned, whether they reside in the district in which the court is held or not; and subpœnas to that end may be served in any district by the marshal thereof." (Edmunds.)

"SEC. 6. Any property owned under any contract or by any combination, or pursuant to any conspiracy (and being the subject thereof) mentioned in section 1 of this act, and being in the course of transportation from one State to another, or to a foreign country, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for their forfeiture, seizure, and condemnation of property imported into the United States contrary to law." (Edmunds.)

"SEC. 7. Any person who shall be injured in his business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful by this act may sue therefor in any circuit court of the United States in the district in which the defendant resides or is found, without respect to the amount in controversy, and shall recover threefold the damages by him sustained, and the costs of suit, including a reasonable attorney's fee." (Hoar, rewritten from Senator Sherman's original draft.)

"SEC. 8. That the word 'person' or 'persons,' wherever used in this act, shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States, the laws of any of the Territories, the laws of any State, or the laws of any foreign country." (Ingalls.)

Thus there came into force on the 2d of July, 1890, an act exercising, for the first time broadly, the power and duty to protect and defend all interstate and foreign trade and commerce by prohibiting and punishing all contracts, etc., in restraint or monopoly thereof. After most careful and earnest consideration by the Judiciary Committee of the Senate it was agreed by every member that it was quite impracticable to include by specific descriptions all the acts which should come within the meaning and purposes of the words "trade" and "commerce" or "trust," or the words "restraint" or "monopolize," by precise and all-inclusive definitions; and that these were truly matters for judicial consideration.

The principles of universal jurisprudence coming to us, through increasing civilization, from the Roman law to the so-called common law of England—although it ought to be said that at one time it was considered that it was improper to cite the Roman law in the common-law courts as authority, but only as "ornaments to discourse," applying to the scope and construction of laws—were assumed to be within the judicial knowledge.

And so the first three sections of the act were framed to read as they appear therein. The other sections of the act provided for its full enforcement by executive and judicial proceedings.

The broad and just policy of the framers of the Constitution was to provide for the protection of trade and commerce with foreign nations and among the several States, and monopolies thereof, etc., against the evils that had afflicted the people in the experience of civilized mankind in hydra-headed forms. The Judiciary Committee believed that the well-known principles guiding the courts in the application and construction of statutes would lead them to give the words of the act a beneficial and remedial rather than an injurious and technical one hurtful to any honest trade, as well as out of harmony with the beneficent spirit and policy of the whole act. It was believed that the time-honored maxim of the law, "Haeret in littera, haeret in cortice," and the Holy Scripture, "For the letter killeth, but the spirit giveth life," would aid the executive and judicial authorities in construing and applying the statute justly in all cases as they should arise. The committee recognized the perfect soundness of the proposition laid down by a very eminent scholar and theologian that "When we find a document asserting or implying certain universal and fundamental principles, and at the same time making statements apparently or really in contradiction with the same, it is plain that our choice must be in favor of the more universal and fundamental principles; that ambiguous statements must be interpreted in agreement with them; that contradictory statements must be quietly ignored."

That belief has now, on the whole, been realized. It is believed that no case founded on the act has been finally decided by the courts adversely to the contracts or conduct of parties accused in which such contract or conduct did not offend against both the letter and the spirit of the act, as well as against the sound public policy underlying both the provisions of the Constitution and the act of Congress touching the subject, while the reserved rights of the several States have been preserved, and aggressions of powerful combinations in various forms and various ways upon weaker enterprises have been denounced, although, unhappily, not yet fully prevented. It is to be hoped that hereafter the penal provisions of the act will be brought into full exercise as well as those of a civil character. The fear that some literal construction of the words "restraint of trade" in the act might lead to the sacrifice of some just, fair, and wholesome business arrangements may be safely dismissed, for if the principle and purpose of the Constitution and act have any foundation at all there can be no such restraint, because such conduct is not restraining, but is promotive of and beneficial to the public interest.

If in a particular community there be two gristmills grinding the grain brought by surrounding farmers and each does it well, but the supply of grain will permit the mills to run only half time, the owners, in order to pay their employees fair wages and make a living profit, are compelled to charge the farmers too high prices for grinding, or else fail. They contract to combine forces and do all the grinding in one of the mills and use the other for sawing lumber, and thus save the farmers from excessive tolls, pay the employees full wages, and make a fair profit themselves. Is that a contract in restraint of trade? Common sense says no. Public policy says no. Both say that it is the reverse, and that it helps business, labor, and the public.

And so of trade and commerce and so-called monopoly, if the party concerned can show (and it is for him to show) that his contract or act promotes and benefits trade and is consistent with the general and equal welfare of the whole people, and thus recognized by the public policy stated in an earlier part of this article, it is not any restraint of the trade or the creation or the attempt to create the monopoly prohibited by the act. It is the contracting or conspiring and the monopoly that are vicious, and not the subjects of them, as the recent decisions of the Supreme Court indicated.

The expansion of business of every sort and the dangerous combinations that have attempted (in many instances too successfully) to absorb the business of the country into their own hands, to crush out fair and useful competition, and so dominate and monopolize the industries and trade of the Republic, have been so great that the result is the unnatural and unequal distribution of wealth and power, which the experience of centuries has shown to be among the great evils that affect civilization and true progress. The act of 1890 was designed and framed to check and, so far as possible, prevent these great and growing evils. But, like all laws enacted to punish and prevent selfish disturbance of social order and equal rights, the act would fall into "innocuous desuetude" without the vigilant and persistent exertions of the executive department, for, of course, the courts can not act without cases properly brought before them. For several years following the passage of the act it seemed as if the Department of Justice doubted its constitutionality or was unable to find evidence of constant and increasing violations of it. Those engaged in, and profiting by, schemes to dominate and monopolize trade went boldly on. Others followed the bad example until much of almost every variety of the business of the country came to be carried on and controlled by combinations making war upon those who could not or would not come into the conspiracies, and fixing prices destructive of fair competition, and putting small traders and all consumers in bondage. Civil suits for redress by persons specially injured by these combinations could not be carried on, in most instances, for want of means to contend against such great power and wealth; and in one case (Knight's) instituted by the Department of Justice the complaint so imperfectly stated the fundamental facts, and which the prosecution did not prove, although the evidence was known to everybody, that the suit failed in the Supreme Court, and the evil trusts and monopolies continued to grow and thrive. Times have changed, and the greatest of the lawbreakers have found that the hand of justice is too strong for them.

It may be truly said that within the last 10 years, with one or two exceptions, the Department of Justice has been with ability and earnestness prosecuting on the equity side of the United States courts prominent cases of violations of the act in various parts of the country with much success, as also some criminal prosecutions; but so long as the penal provisions of the act remain generally in abeyance and the consequences of the violations of it fall entirely or chiefly upon the stockholders in corporations and the common funds of those interested in such enterprises, there is great probability that the mischief will not be suppressed, and trustees, directors, and managers may grow rich, while stockholders and trusting investors, as well as great numbers of independent and fair traders, grow poor.

It is to be hoped, and may be confidently expected, that with a clearer realization of the power and duty of those intrusted with the execution of the laws, every one of the remedial clauses of the act—equity, injunctions, interdicts and mandates, fines, forfeitures, and imprisonments—will be brought into full exercise without fear or favor. The evils are great and the remedies must be applied. But it is said that in doing this the business operations and interests of the country will be disturbed and upset. Well? If the "business interests" of the great and widespread combinations, as now carried on, are crushing out smaller enterprises and monopolizing industries that should be fairly and equally open to all, and controlling and enhancing the prices of almost everything needed in every household, must suffer from the enforcement of equal laws necessary to the welfare of the whole people, it is the consequence of their evil doing, and must be borne, and every honest and fair enterprise will survive for the good of all. Wealth and power justly used are a beneficence to all. Capital is essential to the beginnings and conduct of large enterprises, but it is absolutely useless without the cooperation of willing labor, while without it labor can have little employment and little compensation. Neither can prosper without the other. Coordination and cooperation and good will are equally necessary to both; without them neither socialism, nor the initiative, nor the referendum, nor the recall will help anybody except the "politician" and the "bosses" and the agitators who agitate for selfish ends; and of such there always have been and always will be plenty. Business of every civilized country in a condition of peaceful and stable order will always, or at least generally, adjust itself to the capacities and necessities of the people; in short, to the laws of demand and supply, which are permanent and supreme. If it is conducted under circumstances of relative equity and of fair dealing, there will be healthful competition and finally cooperation in production, manufactures, commerce, and finance, and for the industrious labor that moves them all. Large operations need not destroy the small, and real progress and prosperity will bless the Commonwealth. The cynic will say that this is visionary; but if so, it has been at some periods a fact. It can be made so again by patience, persistence, and justice.

GEORGE F. EDMUNDS.

CLERKS TO COMMITTEES ON EXPENDITURES.

Mr. LLOYD. Mr. Speaker, I present a privileged resolution from the Committee on Accounts.

The Clerk read as follows:

House resolution 340 (H. Rept. 182).

Resolved, That there shall be paid out of the contingent fund of the House, for services of a clerk to each of the following-named committees, compensation at the rate of $125 per month during the second session of the Sixty-second Congress, to wit:

Committee on Expenditures in the State Department;
Committee on Expenditures in the Treasury Department;
Committee on Expenditures in the War Department;
Committee on Expenditures in the Navy Department;
Committee on Expenditures in the Post Office Department;
Committee on Expenditures on Public Buildings;
Committee on Expenditures in the Interior Department;
Committee on Expenditures in the Department of Agriculture;
Committee on Expenditures in the Department of Commerce and Labor; and
Committee on Expenditures in the Department of Justice.

And there shall also be paid out of the contingent fund of the House compensation at the rate of $60 per month each, during the second session of the Sixty-second Congress, for the services of two messengers to be appointed by the Doorkeeper, who shall perform messenger-janitor duty in the rooms of said committees on expenditures in the several departments.

Mr. MANN. Will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Illinois?

Mr. LLOYD. I will.

Mr. MANN. At the last special session we had some discussion over matters similar to this, or exactly like them for all I know, and the House determined then its policy. I would ask the gentleman if this is simply to provide this session what the House did provide for at the special session?

Mr. LLOYD. It is the same and nothing more.

Mr. GILLETT. Mr. Speaker, may I ask the gentleman from Missouri a question?

Mr. LLOYD. Yes.

Mr. GILLETT. I did not understand exactly from the reading what this does. Are not these men part of the force which, in the report of the committee on economy from the gentleman's side, was supposed to be permanently cut off?

Mr. LLOYD. No; these are expenditures committees. This resolution provides clerks for the expenditures committees at the rate of $125 per month during this session of Congress.

Mr. GILLETT. And in the reported $180,000 reduction this was not part of that reduction?

Mr. LLOYD. No.

The question was taken, and the resolution was agreed to.

SPECIAL COMMITTEE TO INVESTIGATE TAYLOR SYSTEM.

Mr. LLOYD. Mr. Speaker, I ask for the present consideration of the privileged resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 328 (H. Rept. 183).

Resolved, That the special committee created under the provisions of House resolution 90, passed August 21, 1911, be, and is hereby, authorized to have such printing and binding done as may be necessary for the transaction of its business; that it be authorized to sit during the sessions of the House and at such places as it may deem necessary, and that the expenses of said committee shall be paid out of the contingent fund of the House of Representatives to an amount not exceeding $10,000, on vouchers ordered by said committee, signed by the chairman thereof, and approved by the Committee on Accounts.

Mr. LLOYD. Mr. Speaker, this was a special committee that was selected at the last session of Congress to investigate the Taylor system. They have not yet completed their work. The committee is composed of Mr. WILSON, of Pennsylvania; Mr. REDFIELD, of New York; and Mr. TILSON, of Connecticut. These gentlemen have not yet completed their work. They find it necessary in the discharge of the duties imposed upon them to visit two cities—the city of Philadelphia, in Pennsylvania, and the city of Stamford, in Connecticut—in order to fully investigate this system, and that makes it necessary for them to leave the city of Washington, and it is necessary also that they have additional hearings. Because of that they ask permission to hold hearings here in the city or at other places, if they desire, and that they be authorized to draw on the contingent fund as these other committees have done.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. LLOYD. Certainly.

Mr. FITZGERALD. Does the gentleman think it proper to authorize committees to sit outside of Washington during the sessions of Congress?

Mr. LLOYD. Ordinarily, no.

Mr. FITZGERALD. There should be some very pressing reason why Members should not be present in the House.

Mr. MANN. Mr. Speaker, if the gentleman will pardon me, this committee or commission was appointed in the closing days of the last Congress as a result of a compromise upon a measure which was pending before the House, and they were ordered to report the 1st of December. Unfortunately, there was no provision made in the hastily prepared compromise which was passed providing for their expenses. My information is that the chairman of the committee and the other members of the committee did hold meetings during the time between the special session of Congress and the regular session of Congress. The other day they obtained the passage of a resolution authorizing them to make their report, I think some time before some day in February——

Mr. WILSON of Pennsylvania. March 10.

Mr. MANN. March 10—extending the time in which the work was to be performed. The expenses which they have already been put to have not been provided for as they ought to be. The investigation they are carrying on is of considerable value and it can not be carried on unless they go away. If it was permanently to authorize a committee to sit away from here, why, it might be of importance, but there are only three members of the committee, and their leave to sit would not extend beyond the time within which they could bring in a report, and I can not see any possible objection to the passage of the resolution.

The question was taken, and the resolution was agreed to.

DECEMBER SALARY OF EMPLOYEES.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House joint resolution 185.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Senate and Clerk of the House of Representatives be, and they are hereby, authorized and instructed to pay the officers and employees of the Senate and House of Representatives, including the Capitol police, their respective salaries for the month of December, 1911, on the 20th day of said month.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none. The question is on agreeing to the resolution.

The question was taken, and the resolution was passed.

ORDER OF BUSINESS.

Mr. UNDERWOOD. Mr. Speaker, I understand from the gentleman from New York [Mr. FITZGERALD], the chairman of the Committee on Appropriations, that he desires to report an urgent deficiency bill to the House this afternoon and pass it to-morrow. I was not advised of this fact when I made the motion some time ago that when we adjourned to-day we adjourn to meet on Monday next. This deficiency bill, I understand, carries an appropriation for the continuance of the work on the battleship *Maine* in Habana Harbor and some other urgent matters that it is necessary to get through before the Christmas holidays. Unless the bill is passed to-morrow, I understand it can not be gotten through before the time the money is needed. Therefore, I ask unanimous consent to set aside the motion which I made some time ago.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent to set aside the order to adjourn until Monday when the House adjourns to-day.

Mr. MANN. Reserving the right to object, I would like to ask the gentleman from New York a question. As I understood him, unless the urgent deficiency bill was passed before the holidays the work of raising or taking care of the battleship *Maine* would have to cease and it would break up the organization?

Mr. FITZGERALD. The information before the committee is to the effect that they have sufficient money to last until the 20th of December. If the bill does not pass in the House this week it can not be taken up Monday, because it is unanimous-consent day, and the day for the discharge of committees. So it will have to be considered to-day. The two Houses have agreed to the resolution adjourning on Thursday next, and it will be impossible to get the bill to the Senate and have the committee act unless it is taken up to-day, and there are some other matters sufficiently urgent, to carry out existing obligations, to make this desirable.

Mr. MANN. My information from some source is that unless the appropriation is made before the holidays for the battleship *Maine*, which appropriation expires on the 20th day of this month, the work can not proceed any further and will be very badly disorganized.

Mr. FITZGERALD. My understanding is that the work would be suspended.

The SPEAKER. Is there objection to the request of the gentleman from Alabama? [After a pause.] The Chair hears none, and it is so ordered.

LEAVE OF ABSENCE.

Mr. GREGG of Pennsylvania, by unanimous consent, was granted leave of absence for five days, on account of important business.

RECESS.

Mr. UNDERWOOD. Now, Mr. Speaker, I understand from the chairman of the Committee on Appropriations that he wants to take a recess until 4.30 p. m., so that he may have opportunity to report this urgent deficiency bill at that time. I therefore move that the House take a recess until 4.30 o'clock this afternoon.

Mr. FITZGERALD. Mr. Speaker, I wish to give notice to the House that to-morrow we expect to take up for consideration the urgent deficiency bill.

The SPEAKER. Immediately after the reading of the Journal?

Mr. FITZGERALD. Immediately after the reading of the Journal.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] gives notice that to-morrow, immediately after the reading of the Journal, he will call up the urgent deficiency bill. The question is on the motion to take a recess until 4.30 o'clock p. m.

The motion was agreed to.

Accordingly the House stood in recess until 4.30 p. m.

AFTER RECESS.

The recess having expired, the House was called to order by the Speaker.

RECESS.

Mr. HARRISON of New York. Mr. Speaker, I move that the House take a further recess for 10 minutes.

The SPEAKER. The gentleman from New York moves a further recess of 10 minutes. The question is on agreeing to that motion.

The question was taken, and the motion was agreed to.

Thereupon (at 4 o'clock and 31 minutes p. m.) the House took a further recess until 4 o'clock and 41 minutes p. m.

AFTER RECESS.

The recess having expired, the House was called to order by the Speaker.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. FITZGERALD, by direction of the Committee on Appropriations, reported the bill (H. R. 15930) making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1912, and for other purposes, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report (No. 184), ordered to be printed.

Mr. MACON, Mr. MANN, and Mr. GILLETT reserved all points of order on the bill.

Mr. FITZGERALD. Mr. Speaker, I give notice that I shall call up the bill to-morrow morning.

BANKING AND CURRENCY REFORM.

Mr. PADGETT. Mr. Speaker, I desire to ask unanimous consent to print in the RECORD a speech delivered by myself in New Orleans at the recent convention of the American Bankers' Association.

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] asks unanimous consent to print in the RECORD some remarks on the subject of currency reform. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Following is the speech referred to:

"President WATTS. Gentlemen, the State of Tennessee has in the past furnished to the country citizens of strong convictions, and the type is not extinct in Tennessee. There is a man on the National Monetary Commission from Tennessee, a man whom no force could cause to act other than in accordance with his honest convictions, a rugged Tennesseean, and he will present to you a subject which, to my mind, is a most practical one, and upon its final solution depends the enactment of this legislation. I present to you the Hon. L. P. PADGETT, member of the National Monetary Commission and Congressman from the seventh congressional district of Tennessee. [Applause.]

"ADDRESS BY HON. L. P. PADGETT.

"Mr. PRESIDENT; GENTLEMEN OF THE CONVENTION: To me has been assigned the subject 'Keeping the National Reserve Association apart from partisan politics and special control.'

"You will observe that this subject does not embrace a discussion of the intrinsic merits of the association itself, but rather the importance of the line of procedure and collateral questions. I deem it hardly necessary to call your attention to the fact that those who have preceded me have cut such large slices out of my subject, or, rather, I should say that they have so ably and so much more eloquently than I will be able to do so, made contributions on this discussion of the subject assigned to me that the apology that I shall make to you for attempting to discuss further the question is the position in which the minister was who accepted a call to a certain church and announced his text and preached his first sermon. On the following Sunday he announced the same text and preached the same sermon, and on the next succeeding Sunday he again announced the same text and preached the same sermon. His elders went to him complaining of the repetition, and he said, 'Gentlemen, have you performed and done and kept all the things which I have enjoined upon you?' They said, 'No.' 'Well,' he said, 'when you do and perform all of these things, then I will preach another sermon and give you something else to do.' [Laughter and applause.] So I feel that the overpowering importance of this question will justify even a repetition or a recalling to our attention of some matters even that have been mentioned before.

"Legitimately and properly there is no more politics in a dollar than in a bag of turnips. [Applause.] A dollar, money, is cosmopolitan. To-day it is mine; to-morrow it is yours. To-day it belongs to a Democrat; to-morrow it is the property of a Republican, and the next day it may belong to an educational institution or to a church or to some great benevolent organization intended for the amelioration of mankind. It is a medium of exchange; it is a measure of value; it is a storehouse—if we may use that expression—of future values. So that it has no partisan limitations; it is not intended or designed to accomplish partisan purposes.

"The institutions which we call banks exist and are constituted for the purpose of making money more useful. They exist for the purpose of gathering together the money of the country—in many instances the idle, unused money of the country—and to bring it together that it may serve the objects and purposes for which it exists and may contribute the more to the usefulness of the people and the upbuilding and the prosperity of the country and its people. Therefore there should be no politics in the banks of the country, nor should there be politics in the discussion of any question which involves the promotion and the betterment of those institutions.

"Your attention has time and again been called to the necessity for a new and better system of banking and currency in this country; and, at the risk of repeating, I want to emphasize the overwhelming necessity, a necessity which everybody recognizes and admits and which no one denies. It is never a question that our existing system of banking and currency is essentially and materially deficient and defective. We all know that it is largely a patchwork of legislation and that it has been, in a large measure, thrown together haphazard as occasion would demand. And we know further that many of the requirements, many of the principles which run through and permeate and govern our existing system of banking and currency were placed in it, not for the promotion of banking and currency, but for other purposes, such as the support and credit of the Government and to afford a market for Government securities.

"The necessity for a new and better system is manifested by the repeated failures and breaking down of our system. Whenever a strain comes upon it it gives away. Whenever an extraordinary demand is made upon it it fails to respond. We have had in the past so many breakdowns of credit, so many prostrations of industry, so many instances in which labor has been thrown out of employment, the injury, the destitution, and the suffering brought upon the great mass of the people have been repeated so many times in years that have gone by that it is a saying upon the streets to-day that we scarcely get out of one panic than we are preparing to go into another. The bankers of the country are interested in having a new system, but, in my judgment, the bankers are not nearly so much interested in having a better system as are the farmers, the manufacturers, the producers, and the laborers of this country. [Applause.] The banker is prepared to forefend himself against the calamity; the laborer is thrown out of employment—loses his all, perhaps—and the suffering is entailed upon his wife and children and he is utterly broken down in his manhood and is left a beggar upon the community. Gentlemen, the pride and ambition of the American people ought not to tolerate a system that places the laborers of this country in a condition where periodically they may be converted into beggars. [Applause.]

"The great manufacturing centers of the East, the manufacturers who employ labor, who have to get up their pay rolls weekly or monthly or semimonthly, as may be, are interested in a better system. The farmers of the South, with their great crops of corn and cotton and wheat and live stock, are interested in having an institution in which they can convert their wealth

into usable and liquid condition. [Applause.] The great grain fields of the West, with their hundreds of millions of bushels of wheat and corn, and the mining products of the country that challenge the admiration and wonder of the world by their immensity and by the grandeur of their achievements, are interested and demand a better, a safer, and a sounder system of banking and currency.

"As I have recited to you these conditions that call for a change, the thought has occurred to you and you have anticipated the advantages that will accrue to the country from a safe and sound system, and I need not detain you to recall the many advantages that will accrue to the manufacturers, the farmers, the laborers, and the whole industrial community in its national and international relations from the inauguration of a system that will stop these panics, prevent these prostrations of industry, cease tying up hundreds of millions of dollars in the banks of the country, and maintain conditions in a normal business situation.

"I wish to call your attention just here to one statement that I regard as fundamental and which overshadows every other consideration. That is, that a scientific system only will be the final solution of this problem. [Applause.] We can not compromise it. A compromise with truth, in so far as the truth is compromised, just so far falsity exists. [Applause.] Just so far as the right is compromised wrong prevails. [Applause.] We might discuss forever as an issue the law of gravitation, but unhindered the falling apple will pursue a straight course to the ground, and just so far as it is hindered or interfered with, so far the falling apple will be deflected from a straight course. No discussion can change that law. There is no subject within my observation or reading that has been so much experimented with in the world's history as banking and currency. Every nation for centuries past has experimented with it with one result—that is, as erroneous systems were adopted and as right principles were compromised, calamity, destitution, and injury were the result.

"We can only settle this question along scientific lines, and out of these experiments, out of the trials that have been made, it has been demonstrated that there are certain great fundamental principles according to which banking must be conducted if success is to follow; and we, as a people, interested in this great question, interested in the success of the movement, interested in the happiness of ourselves and our neighbors, interested in the upbuilding and prosperity and glory of our people and our country, must realize it and come to the determination that, in so far as in us lies the ability and the knowledge, we will stand for truth and the right of this proposition. [Applause.]

"I want to say to you, gentleman, that it is the sincere desire of the National Monetary Commission to present a plan, based on correct principles, adapted to the varying conditions of the country and responsive to the economic demands of every section of the country. [Applause.] We have been studying these questions for three years. We realize that there are varying conditions in this country. England and its financial system have been referred to, but when you remember that you can place England and Scotland inside the State of Texas and have New England left on its border; that you can place the whole of France inside the State of Texas and have a margin left; that you can place Germany in the State of Texas and have a margin—when we come to compare the conditions and to consider the conditions in this country we must remember the magnitude of our territory; we must remember the varying conditions of our country; we must remember that in one section it is manufacturing and the employment of labor; in another section it is the growing and production of certain farm products; and in another section it is mining—and then the great interests of transportation, moving all these products. And let us not forget—let it be a living and burning truth—that there is no essential conflict between these interests. [Applause.] We are one people and one country, and what is for the interest of one in the final analysis is the interest of everybody. [Applause.] When we come to deal with this question the commission also has to bear in mind that we have a different governmental situation than is to be found in other countries. We have a different social condition existing in this country from those existing in the Old World. All these conditions—geographical, social, and governmental—have to be considered in order that we may report a plan that will be in harmony with the conditions that exist in our country and which will meet the economic demands of every section. And I want to repeat that it is the sincere and honest desire and intention of the commission, so far as it has the ability to do so, to present a plan that shall be adapted to the varying conditions and which shall be responsive to the economic demands of all sections of the country and of all classes of the people. [Applause.]

"I wish to call your attention, if you please, to another thought. To accomplish this, the institution must be so organized and constructed that it will be free from political, local, and special control. [Applause.] The fundamental construction of the institution, whatever it may be, must be such. The American people will not tolerate an institution that does not in its organic construction commend itself to the honest integrity of the American people. It must be such from its internal construction and management that fairness and squareness will be dealt out to every citizen. [Applause.] That is our purpose and our aim.

"I want to say to this assemblage and through the instrumentalities and agency of this great association that there is another influence to which I wish to appeal and to address myself—that is, to the public sentiment of the American people. We must build up, and we must have in this country, a public sentiment which will demand that the institution shall be free from political, local, and special control. When the commission was abroad, three years ago, studying and investigating this subject, I found among Englishmen a respect and a reverence for the Bank of England second only to the respect and reverence for the Crown. They looked upon it as a great institution designed and existing for the protection of the industries and the institutions of their land and the preservation of the solvency of their people. And they would no more attack the Bank of England than they would attack the Crown of England. And we found in France and in Germany a similar spirit among the people. My friends, may we not cherish the hope, may we not harbor in our innermost souls the expectation that there will be an institution in this country that shall command the respect, the confidence, and the love of the American people, to which they shall look as a shelter in times of financial storm? [Applause.]

"I want to call your attention next to the fact that partisan politics can not prevent the recurrence of the evils and disasters of a faulty system. I care not how much we may discuss in a partisan way this condition or any institution that may be suggested; we may let our partisanship run riot, if you please; we may grow bitter; but, with the unerring certainty of the law of gravitation, the disasters of a faulty system will continue to visit the people notwithstanding.

"In conclusion I want to say that now is the time, and this is the opportunity, for wise statesmanship and noble patriotism. May we not rise above petty jealousies? Can we not stand on a plane higher than sectional disputes? Can we not appeal to the intelligence, the integrity, and the patriotism of the American people? May we not call forth the love of country, those high and noble principles that underlie the movements and the conduct of the American people, and beseech them to place those principles first in the consideration of this great question?

"It is my purpose to appeal to the best thought of the American people, and I think that when they have considered these questions seriously and intelligently—as they will—that in time right will prevail and a remedy will be devised.

"This morning, as I sat in the audience and listened to the concluding remarks of that splendid man, Mr. George M. Reynolds, as he referred so feelingly to his visit to the tomb of Abraham Lincoln, I could not, I would not, suppress the gentle and tender emotions that vibrated in my heart and soul. I thought of Lincoln as a poor boy, born in the direst poverty and raised under the most trying hardships, and how in devotion to duty he had established himself forever in the esteem and affection of the American people. As I walked along the way between here and my hotel I saw that lofty shaft with the heroic figure erected by the people of this State to the memory and honor of Robert E. Lee, and I remembered that he was the son of a wealthy and aristocratic family, surrounded by all the influences and all the advantages that wealth and social position could give; how there came a time in his history when the conditions of this country were such that his duty stood before him, and he was willing to sacrifice position, property, and even life itself, if necessary, to maintain what he believed to be right. And then this thought came to me, that in the last analysis Lincoln and Lee live in the honor and the glory and the love of their country because each of them believed and proved in his life that 'life was more than meat and the body more than raiment.' [Applause.]

"In the consideration of this question we want to lift it out of the mire of partisan politics. We want to realize that whoever contributes materially to the consummation of the purpose to relieve the country from the conditions under which the people live, will erect for himself a monument more lasting and more honorable than an engagement in political disputes. This is a great country of ours. I have traveled over it from the iced lakes of the North until I find myself to-day on the flower-

lined Gulf coast. From the Atlantic to the Pacific I have seen the extent of its territory, the magnitude of its enterprises, the heroism of its people. I have stood at the foot of a great mountain that seemed to lift its head into the very blue of heaven, and I have said, 'How grand is the mountain.' I have looked out over the valley with its fields and farms, running streams and homes and flowers, and I have said, 'How beautiful are the valleys.' But, my countrymen, let us not forget that our country's manhood is grander than its mountains; its womanhood is more beautiful than its valleys; and its patriotism is sweeter than the fragrance of flowers. [Applause.]

"To this manhood, to this patriotism, enlightened, intelligent, and honorable, the commission intends to submit the result of its labors. [Prolonged applause.]"

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 43 minutes p. m) the House adjourned until to-morrow, Saturday, December 16, 1911, at 12 o'clock m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of Commerce and Labor, recommending legislation authorizing the establishment of post-lantern lights on the St. Croix River, including Lake St. Croix, Wis.-Minn. (H. Doc. No. 312); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

2. A letter from the Secretary of War, submitting claims of J. Randazzo, the Rathbun Co., F. H. & A. H. Chappell Co., Frygoe Jolstad, Kruse & Banks, Columbia River Packers' Association, Johnson & Hamilton, and W. G. Downie, the Morse Dry Dock & Repair Co., and the John N. Robins Co. (H. Doc. No. 313); to the Committee on Appropriations and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 14187) granting an increase of pension to Benjamin J. Oswald, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. JOHNSON of Kentucky: A bill (H. R. 15906) providing for the approval by Congress of the location and price paid for real estate toward the purchase of which the United States contributes; to the Committee on the District of Columbia.

By Mr. HENRY of Connecticut: A bill (H. R. 15907) for the erection of a public building at Manchester, Conn.; to the Committee on Public Buildings and Grounds.

By Mr. DAVIS of West Virginia: A bill (H. R. 15908) for the purchase of a site for a post office and public building at New Martinsville, Wetzel County, W. Va., and making appropriation therefor; to the Committee on Public Buildings and Grounds.

By Mr. STEPHENS of Nebraska: A bill (H. R. 15909) to acquire a site for a public building at Albion, Nebr.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 15910) to acquire a site for a public building at Hartington, Nebr.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 15911) to acquire a site for a public building at Tekamah, Nebr.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 15912) to acquire a site for a public building at Schuyler, Nebr.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 15913) to acquire a site for a public building at Wayne, Nebr.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 15914) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863; to the Committee on Indian Affairs.

Also, a bill (H. R. 15915) authorizing the Ponca Tribe of Indians to submit claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. MOON of Pennsylvania: A bill (H. R. 15916) to regulate procedure in United States courts in certain cases; to the Committee on the Judiciary.

By Mr. BRADLEY: A bill (H. R. 15917) to provide for the purchase of a site and the erection of a public building at Walden, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. YOUNG of Texas: A bill (H. R. 15918) to provide for a public building at Gilmer, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. HAMMOND: A bill (H. R. 15919) for the erection of a public building at Pipestone, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. STEENERSON: A bill (H. R. 15920) to authorize the board of county commissioners for Beltrami County, Minn., to construct a bridge across the Mississippi River; to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of Nebraska: A bill (H. R. 15921) to acquire a site for a public building at West Point, Nebr.; to the Committee on Public Buildings and Grounds.

By Mr. BARCHFELD: A bill (H. R. 15922) to provide for the purchase of a site and the erection of a public building thereon at Duquesne, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. WEBB: A bill (H. R. 15923) to increase the limit of cost for the construction of the Federal building at Gastonia, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. HUGHES of New Jersey: A bill (H. R. 15924) to increase the efficiency of the Internal-Revenue Service by fixing the official status of deputy collectors; to the Committee on Reform in the Civil Service.

By Mr. FOSS: A bill (H. R. 15925) for the permanent improvement of the Consular and Diplomatic Services; to the Committee on Foreign Affairs.

By Mr. LENROOT: A bill (H. R. 15926) to further protect trade and commerce against unlawful restraints and monopolies; to the Committee on the Judiciary.

By Mr. DIFENDERFER: A bill (H. R. 15927) for the erection of a public building in the borough of Pottstown, State of Pennsylvania; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 15928) to provide for the purchase of a site and the erection of a public building thereon at Doylestown, in the State of Pennsylvania; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 15929) providing for the erection of a suitable monument to Gen. Winfield Scott Hancock at Norristown, in the State of Pennsylvania; to the Committee on the Library.

By Mr. FITZGERALD: A bill (H. R. 15930) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1912, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. ANDERSON of Minnesota: A bill (H. R. 15931) to provide for the construction of a national railroad in the Territory of Alaska; to the Committee on the Territories.

By Mr. TILSON: Memorial by the General Assembly of Connecticut, requesting Congress to propose an amendment to the Constitution providing for election of United States Senators by the people; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. BEALL of Texas: Resolution (H. Res. 341) providing that clerks of the Committees on Expenditures in the Departments of the Interior, Agriculture, and Justice shall receive compensation at the rate of $125 per month from August 22, 1911; to the Committee on Accounts.

By Mr. DAVIS of West Virginia: Joint resolution (H. J. Res. 180) authorizing the President to give certain former cadets of the United States Military Academy the benefit of a recent amendment of the law relative to hazing at that institution; to the Committee on Military Affairs.

By Mr. CLARK of Florida: Joint resolution (H. J. Res. 181) for a survey of Jupiter Inlet, in the State of Florida; to the Committee on Rivers and Harbors.

Also, joint resolution (H. J. Res. 182) for a survey of Lake Worth Inlet, in the State of Florida; to the Committee on Rivers and Harbors.

Also, joint resolution (H. J. Res. 183) for a survey of New River, in the State of Florida; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AINEY: A bill (H. R. 15932) granting a pension to Mary Ann Hembury; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15933) granting a pension to Wealthy J. Larrabee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15934) granting a pension to Susan C. Carey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15935) granting a pension to Margaret Price; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15936) granting an increase of pension to Asa H. Patrey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15937) granting an increase of pension to Wilson Murphy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15938) granting an increase of pension to William H. Crane; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15939) granting an increase of pension to Watson Boyden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15940) granting an increase of pension to Benjamin W. Clark; to the Committee on Pensions.

Also, a bill (H. R. 15941) granting an increase of pension to John Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15942) granting an increase of pension to Samson Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15943) to remove the charge of desertion from the record of David Leonard; to the Committee on Military Affairs.

Also, a bill (H. R. 15944) to remove the charge of desertion from the record of Edward Lane; to the Committee on Military Affairs.

Also, a bill (H. R. 15945) to remove the charge of desertion from the record of Archibald Nuras; to the Committee on Military Affairs.

By Mr. ANDERSON of Ohio: A bill (H. R. 15946) granting an increase of pension to Elhanan Conant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15947) granting an increase of pension to Theodore E. Smith; to the Committee on Pensions.

Also, a bill (H. R. 15948) granting a pension to Rachel Myers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15949) granting an increase of pension to George H. Gross; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 15950) granting an increase of pension to David W. Everett; to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 15951) granting an increase of pension to Berthold Falkenhainer; to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 15952) granting an increase of pension to Charles A. McCoy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15953) granting an increase of pension to John G. Milliken; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 15954) granting an increase of pension to Lauranah A. Ebert; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 15955) granting a pension to Phebe La Motte; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15956) granting a pension to Louis Ledbetter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15957) granting a pension to William H. Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15958) granting an increase of pension to James H. Hogue; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15959) granting an increase of pension to George W. Finlay; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15960) granting an increase of pension to Timothy Lynch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15961) granting an increase of pension to Francis W. McClellan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15962) granting an increase of pension to Zachariah P. Murray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15963) granting an increase of pension to William L. Kessler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15964) for the relief of Martha J. Wharton; to the Committee on War Claims.

By Mr. COPLEY: A bill (H. R. 15965) granting an increase of pension to James A. Palmer; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 15966) granting a pension to William D. Daniels; to the Committee on Pensions.

By Mr. CURRIER: A bill (H. R. 15967) granting a pension to Mary C. Gaines; to the Committee on Pensions.

Also, a bill (H. R. 15968) restoring to the pension roll the name of Eliza E. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15969) to correct the military record of William H. Coy; to the Committee on Military Affairs.

By Mr. DAVIS of West Virginia: A bill (H. R. 15970) granting an increase of pension to R. S. Wells; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15971) to execute the findings of the Court of Claims in the case of William Erskine, administrator of John M. Doddridge, deceased; to the Committee on Claims.

By Mr. DRAPER: A bill (H. R. 15972) granting an increase of pension to Jane Murphy; to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 15973) granting a pension to Eunice Carter; to the Committee on Pensions.

Also, a bill (H. R. 15974) granting a pension to Elizabeth Hallstead; to the Committee on Pensions.

Also, a bill (H. R. 15975) granting an increase of pension to Charles W. Ingersoll; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15976) granting an increase of pension to Joseph La Point; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15977) granting an increase of pension to James W. Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15978) granting an increase of pension to John E. Goewey; to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 15979) granting an increase of pension to William F. Loring; to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 15980) granting a pension to Alberta Duncan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15981) granting a pension to Bertha White; to the Committee on Pensions.

Also, a bill (H. R. 15982) granting a pension to Essie Crichton; to the Committee on Pensions.

Also, a bill (H. R. 15983) granting an increase of pension to George W. Vreeland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15984) granting an increase of pension to John Q. Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15985) granting an increase of pension to Edward Case; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 15986) for the relief of John M. Herman; to the Committee on Military Affairs.

Also, a bill (H. R. 15987) granting an increase of pension to Lissette M. Minden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15988) granting an increase of pension to Samuel T. Chambers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15989) granting an increase of pension to Ralph C. Watson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15990) granting an increase of pension to George I. Martin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15991) granting an increase of pension to James P. Rush; to the Committee on Invalid Pensions.

By Mr. GILLETT: A bill (H. R. 15992) for the relief of Francis M. Atherton; to the Committee on Military Affairs.

By Mr. HARTMAN: A bill (H. R. 15993) granting an increase of pension to John A. Watkins; to the Committee on Invalid Pensions.

By Mr. HUGHES of New Jersey: A bill (H. R. 15994) granting a pension to John E. Tevendale; to the Committee on Pensions.

Also, a bill (H. R. 15995) granting an increase of pension to John R. English; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 15996) granting an increase of pension to George W. Rouse; to the Committee on Invalid Pensions.

By Mr. KENNEDY: A bill (H. R. 15997) granting a pension to Jonah B. Eaton; to the Committee on Invalid Pensions.

By Mr. LAMB: A bill (H. R. 15998) granting a pension to Isidore Cohen; to the Committee on Pensions.

By Mr. LEGARE: A bill (H. R. 15999) for the relief of John P. Daly and others, heirs at law of Benjamin Chaplin, sr., deceased; to the Committee on War Claims.

Also, a bill (H. R. 16000) granting a pension to Robert S. Simons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16001) granting a pension to Rolf Sisson; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 16002) to correct the military record of George W. Miller; to the Committee on Military Affairs.

Also, a bill (H. R. 16003) to correct the military record of Adam Akers; to the Committee on Military Affairs.

By Mr. McCOY: A bill (H. R. 16004) for the relief of John R. Riley; to the Committee on Military Affairs.

Also, a bill (H. R. 16005) for the relief of Henry S. Winner; to the Committee on Military Affairs.

Also, a bill (H. R. 16006) granting a pension to Alexander Jaudel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16007) to amend the record of Frederick W. Dunker; to the Committee on Military Affairs.

By Mr. McCREARY: A bill (H. R. 16008) granting an increase of pension to Caroline M. Kierans; to the Committee on Invalid Pensions.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 16009) granting a pension to Mary J. Boone; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16010) granting an increase of pension to Samuel F. Garrett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16011) granting an increase of pension to Martin L. McNabb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16012) granting an increase of pension to William T. Hyten; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16013) granting an honorable discharge to Lucius Osterhout; to the Committee on Military Affairs.

By Mr. McKINLEY: A bill (H. R. 16014) authorizing the appointment of Capt. James H. Sands, United States Army, retired, to the rank and grade of major on the retired list of the Army; to the Committee on Military Affairs.

Also, a bill (H. R. 16015) granting a pension to Stella Welsh; to the Committee on Pensions.

Also, a bill (H. R. 16016) granting a pension to Fred McCloud; to the Committee on Pensions.

Also, a bill (H. R. 16017) granting an increase of pension to Jacob Mansfield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16018) granting an increase of pension to Joseph Riggs; to the Committee on Invalid Pensions.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 16019) granting an increase of pension to Jackson Fairley; to the Committee on Invalid Pensions.

By Mr. MAHER: A bill (H. R. 16020) granting an increase of pension to James Perry; to the Committee on Invalid Pensions.

By Mr. NORRIS: A bill (H. R. 16021) granting an increase of pension to M. F. Martin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16022) granting an increase of pension to Thomas P. Landon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16023) granting an increase of pension to James Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16024) granting an increase of pension to Jason O. Keeney; to the Committee on Invalid Pensions.

By Mr. NYE: A bill (H. R. 16025) granting a pension to Alice J. Sanborn; to the Committee on Military Affairs.

By Mr. RAUCH: A bill (H. R. 16026) for the relief of I. S. Shideler; to the Committee on Claims.

Also, a bill (H. R. 16027) granting an increase of pension to Charles Mason; to the Committee on Invalid Pensions.

By Mr. SHARP: A bill (H. R. 16028) granting an increase of pension to James T. Williams; to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 16029) for the relief of the heirs of T. S. Sneed, deceased; to the Committee on War Claims.

By Mr. J. M. C. SMITH: A bill (H. R. 16030) granting a pension to John Walters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16031) granting a pension to Jennie Dickinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16032) granting a pension to Loretta Strouse; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 16033) for the relief of C. Person's Sons; to the Committee on Claims.

By Mr. SPEER: A bill (H. R. 16034) granting an increase of pension to Adam Lindy; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Nebraska: A bill (H. R. 16035) granting a pension to D. R. Curas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16036) granting a pension to James D. Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16037) granting an increase of pension to Harvey W. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16038) granting an increase of pension to Joseph Allbery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16039) granting an increase of pension to George Franks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16040) granting an increase of pension to George W. Pate; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16041) granting an increase of pension to Henry Rogers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16042) granting an increase of pension to Andre C. Chamberlin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16043) granting an increase of pension to Jeptha Pierson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16044) granting an increase of pension to James W. Dunn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16045) granting an increase of pension to Nathan Addington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16046) granting an increase of pension to Jacob P. Maple; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16047) granting an increase of pension to John Keeler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16048) granting an increase of pension to Thomas L. Curas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16049) granting an increase of pension to James R. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16050) granting an increase of pension to Frank H. Galbraith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16051) granting an increase of pension to Joseph H. Barker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16052) granting an increase of pension to Elijah Tuttle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16053) granting an increase of pension to William H. Strain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16054) granting an increase of pension to Hans H. Moeller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16055) granting an increase of pension to John H. Austin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16056) granting an increase of pension to Chauncey Cronk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16057) granting an increase of pension to Benton O. Lewis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16058) granting an increase of pension to William F. Ramsey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16059) granting an increase of pension to Abraham D. Rose; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16060) granting an increase of pension to Isaac T. Schriver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16061) granting an increase of pension to Frederick Reahm; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16062) granting an increase of pension to Thomas B. Butt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16063) granting an increase of pension to John Dineen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16064) granting an increase of pension to John Dineen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16065) granting an increase of pension to J. R. McCartney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16066) to correct the military record of William McCormick; to the Committee on Military Affairs.

Also, a bill (H. R. 16067) to correct the military record of John M. Keeney; to the Committee on Military Affairs.

Also, a bill (H. R. 16068) granting an increase of pension to Albert Kinnear; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16069) granting an increase of pension to William H. Livingston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16070) granting an increase of pension to Frank A. Barnes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16071) granting an increase of pension to George B. Priestly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16072) granting an increase of pension to John Coonrod; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16073) granting an increase of pension to James W. Mackey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16074) granting an increase of pension to John Mullin; to the Committee on Invalid Pensions.

By Mr. SWITZER: A bill (H. R. 16075) granting a pension to David A. Poindexter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16076) for the relief of J. F. McLaughlin, for the use of additional rooms for postal purposes; to the Committee on Claims.

By Mr. TAGGART: A bill (H. R. 16077) granting an increase of pension to William T. Miller; to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 16078) granting a pension to Virginia E. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16079) granting an increase of pension to Joshua F. Lemmon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16080) granting an increase of pension to Alexander Oliver; to the Committee on Invalid Pensions.

By Mr. TOWNER: A bill (H. R. 16081) granting an increase of pension to Harrison T. Fleenor; to the Committee on Invalid Pensions.

By Mr. WHITE: A bill (H. R. 16082) granting a pension to Frances I. Hildebrand; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16083) granting a pension to Mary A. Ball; to the Committee on Pensions.

By Mr. WOODS of Iowa: A bill (H. R. 16084) granting an increase of pension to Hamilton H. Westcott; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petitions of Joseph Crouch, of Nashville, Ind., and certain citizens of Columbia, Ind., favoring reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, memorial of Washington Secular League, urging termination of treaty with Russia; to the Committee on Foreign Affairs.

Also, petition of National Christian Temperance Union, for reimbursement of the Ellen M. Stone ransom; to the Committee on Claims.

Also, petition of Brotherhood of Painters, Decorators, and Paperhangers of America, urging reduction of tax on oleomargarine; to the Committee on Agriculture.

Also, petition of International Association for Labor Legislation, to prohibit use of phosphorus in the manufacture of matches; to the Committee on Ways and Means.

Also, petitions of Trades and Labor Council of Ogdensburg, N. Y., in favor of House bill 11372; to the Committee on the Merchant Marine and Fisheries.

By Mr. AKIN of New York: Petitions of L. D. Hillman and 11 other citizens of Minaville, N. Y., favoring reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. ASHBROOK: Petition of Dennis White, of Newark, Ohio, favoring the construction of Lincoln memorial highway; to the Committee on Appropriations.

Also, petition of Simon J. Schlabach and others, of Millersburg, Ohio, and vicinity, favoring the passage of the Sulzer parcels-post bill (H. R. 14); to the Committee on the Post Office and Post Roads.

By Mr. CARY: Memorial of Milwaukee Branch, Lake Seamen's Union, for investigation of diseases of dairy products; to the Committee on Agriculture.

Also, resolution of Wisconsin Natural History Society, indorsing House bill 12311 and Senate bill 2870, to regulate the importation and interstate transportation of nursery stock; to the Committee on Agriculture.

By Mr. CLARK of Florida: Resolutions of Seventh-day Adventist Church of Formosa, Fla., protesting against House bill 9433, for observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

By Mr. DICKINSON: Petitions of certain merchants of Collins, Lowry City, Osceola, Greenfield, Lockwood, Amoret, Merwin, Foster, Creighton, Worland, Drexel, Humansville, Brownington, Urich, and Deepwater, Mo., against the passage of parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. DRAPER: Petition of National Woman's Christian Temperance Union, urging the reimbursement of the Ellen M. Stone ransom; to the Committee on Claims.

Also, memorial of Society of the Army of the Cumberland, for erecting monument in Arlington Cemetery to Maj. Gen. Rosecrans; to the Committee on Military Affairs.

By Mr. DYER: Memorial of the Society of the Army of the Cumberland, favoring the erection of a monument to the memory of Maj. Gen. Rosecrans; to the Committee on Military Affairs.

Also, memorial of National Indian War Veterans, favoring House bill 779; to the Committee on Pensions.

Also, petition of R. E. James, in favor of House resolution 287; to the Committee on Rules.

Also, petition of National Woman's Christian Temperance Union, for reimbursement of Ellen M. Stone ransom; to the Committee on Claims.

Also, petitions of numerous business men of Kansas City, St. Joseph, and St. Louis, Mo., in favor of House bill 5601; to the Committee on Interstate and Foreign Commerce.

By Mr. FOSS: Petitions of citizens in Chicago and Evanston, Ill., for reduction in duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. FRENCH: Memorials of Seventh-day Adventist churches of Viola, Blackfoot, Mountain Home, and Rathdrum, Idaho, against the enactment into law of House bill 9433; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Malad and Nez Perce, Idaho, against parcels post; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of Armstrong Paint & Varnish Works, of Chicago, Ill., in favor of the passage of the Sulzer parcels-post bill (H. R. 14); to the Committee on the Post Office and Post Roads.

Also, petition of Fiftieth Regiment Illinois Veteran Volunteer Infantry, in favor of Sherwood bill (H. R. 1.), but with amendments recommended by the National Encampment, Grand Army of the Republic; to the Committee on Invalid Pensions.

Also, petition of R. Herschel Manufacturing Co., of Peoria, Ill., in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. GARNER: Petitions of numerous citizens of Texas, asking that a channel be excavated from the harbor of Aransas Pass to the town of Aransas Pass, Tex.; to the Committee on Rivers and Harbors.

By Mr. HIGGINS: Petition of Union No. 491, Brotherhood of Painters, Decorators, and Paperhangers of America, of Waterbury, Conn., for reduction of tax on oleomargarine; to the Committee on Agriculture.

By Mr. HILL: Resolutions and protest of Local Union No. 15, United Hatters of North America, South Norwalk, Conn., with reference to Senate bill 2564; to the Committee on Printing.

Also, resolutions of New Haven Division, No. 29, Order of Railway Telegraphers, with reference to House bill 11372; to the Committee on the Merchant Marine and Fisheries.

By Mr. HOWLAND: Petitions of Charles L. Brown and sundry citizens of Bedford, Ohio; of W. H. Barrows and sundry citizens of Chagrin Falls, Ohio; of L. R. Adams and sundry citizens of Willoughby, Ohio; of W. H. Toop and sundry citizens of Madison, Ohio; and of John L. Lockwood and sundry citizens of Painesville, Ohio, protesting against parcels post; to the Committee on the Post Office and Post Roads.

By Mr. HUGHES of New Jersey: Petitions of numerous citizens of Sussex County, N. J., in opposition to parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. KENDALL: Resolution of Vorhis Post, No. 73, Department of Iowa, Grand Army of the Republic, of Eldon, Iowa, approving the Sherwood bill; to the Committee on Invalid Pensions.

By Mr. KINDRED: Memorial of the National Academy of Design, favoring the site recommended by the Washington Park Commission for the proposed Lincoln memorial; to the Committee on the Library.

Also, memorial of American Group of the Société des Architectes Diplômés par le Gouvernement Français, approving site for Lincoln memorial; to the Committee on the Library.

By Mr. MANN: Petitions of citizens of Chicago, favoring reduction of duty on raw sugar, etc.; to the Committee on Ways and Means.

Also, petition of Carpenters' Union No. 434, Chicago, favoring House bill 11372, relating to seamen and safety of life at sea; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Carpenters' District Council of Chicago, favoring House bill 11372, relating to laws governing seamen; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Local No. 4, Carriage, Wagon, and Auto Builders, Chicago, Ill., favoring House bill 11372, relating to laws governing seamen; to the Committee on the Merchant Marine and Fisheries.

By Mr. MOTT: Petition of Ministerial Union of Protestant Ministers, of Jefferson County, N. Y., for the passage of an effective interstate liquor bill to remove the Federal shield of interstate commerce from liquors imported into dry territory from outside the State; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Society of the Army of the Cumberland, favoring an appropriation for a monument in memory of Maj. Gen. Rosecrans; to the Committee on Military Affairs.

Also, memorial of the National Woman's Christian Temperance Union, in favor of refunding the ransom of Miss Ellen M. Stone; to the Committee on Claims.

By Mr. NORRIS: Memorial of Seventh-day Adventist Church of Wilsonville, Nebr., against the passage of House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. NYE: Memorial of Local No. 10, International Alliance Bill Posters and Billers of America, against Senate bill 2564; to the Committee on Printing.

Also, memorial of Seventh-day Adventist Church of Minneapolis, Minn., against House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. O'SHAUNESSY: Memorial of Providence Liberty Lodge, No. 248, Independent Western Star Order, praying for the abrogation of the Russian treaty; to the Committee on Foreign Affairs.

Also, memorial of the National Woman's Christian Temperance Union, for Congress to reimburse those who contributed to the ransom of Ellen M. Stone; to the Committee on Claims.

By Mr. PICKETT: Petitions of retail merchants of Dubuque, Iowa, and of the Federation of Iowa Retail Merchants, pro-

testing against the parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of Rev. W. O. Ruston, D. D., stated clerk, Synod of Iowa, against shipment of liquor into prohibition territory; to the Committee on Interstate and Foreign Commerce.

By Mr. POST: Memorial of the National Woman's Christian Temperance Union, for Congress to reimburse those who contributed to the ransom of Ellen M. Stone; to the Committee on Claims.

Also, memorial of the Society of the Army of the Cumberland, to erect a monument to Maj. Gen. Rosecrans; to the Committee on Military Affairs.

By Mr. REILLY: Petitions of Morton C. Tibbals and others of Milford, Conn., for reduction in duty on raw and refined sugar; to the Committee on Ways and Means.

Also, petition of New Haven County Pomona Grange, in favor of parcels post; to the Committee on the Post Office and Post Roads.

Also, memorial of New Haven Division, Order Railroad Telegraphers, in favor of House bill 11372; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of Union No. 491, Brotherhood of Painters, Decorators, and Paperhangers of America, for reduction of tax on oleomargarine; to the Committee on Agriculture.

By Mr. REYBURN: Memorial of Square Club, of Philadelphia, Pa., indorsing Lincoln memorial as suggested by Washington Park Commission; to the Committee on the Library.

Also, petition of Southwestern State Normal School, California, Pa., in favor of Senate bill 3; to the Committee on Agriculture.

By Mr. J. M. C. SMITH: Papers to accompany bill granting a pension to Jennie Dickinson; to the Committee on Invalid Pensions.

Also, papers to accompany bill granting a pension to Loretta Strouse; to the Committee on Invalid Pensions.

By Mr. SPEER: Papers to accompany House bills 9409, 11955, and 15896; to the Committee on Invalid Pensions.

By Mr. STEENERSON: Memorial of the Fergus Falls (Minn.) Seventh-day Adventist Church, against the passage of House bill 9433; to the Committee on the Post Office and Post Roads.

Also, petitions of Thief River Grocery Co. and others, of Thief River Falls, Minn., requesting a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petitions of certain citizens of Climax, Minn., asking for a reduction of the tariff duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. STEPHENS of Texas: Petitions of sundry merchants of Vernon, Tex., asking Congress to reduce the tariff on sugar; to the Committee on Ways and Means.

By Mr. SULZER: Memorials of National Federation Retail Merchants and Trans-Mississippi Congress, against parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of Barker, Rose & Clinton Co., of Elmira, N. Y., for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Short Line Railroad Association, relative to certain bills affecting equipment, etc., of railroads; to the Committee on Interstate and Foreign Commerce.

Also, memorials of Deutscher Kriegerbund, urging investigation of the administration of immigration office at Ellis Island; to the Committee on Immigration and Naturalization.

Also, memorial of Société des Architectes, in approval of Lincoln memorial plan; to the Committee on the Library.

Also, petition of Edward J. Parker, president State Savings, Loan & Trust Co., of Quincy, Ill., asking that the first annual appropriation for embassy buildings abroad be expended at cities of Mexico, Rio de Janeiro, and Tokyo; to the Committee on Foreign Affairs.

By Mr. TALCOTT of New York: Memorial of Seventh-day Adventist Church of Williamstown, N. Y., in opposition to House bill 9433, for the observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

Also, memorial of National Woman's Christian Temperance Union, praying that Congress pass the bill making an appropriation of $66,000 with which to reimburse those contributing to the ransom of Miss Ellen M. Stone, an American citizen who was held captive by brigands in Macedonia, Turkey in Europe, September 3, 1901, to February 23, 1902; to the Committee on Appropriations.

By Mr. TAYLOR of Ohio: Resolution of Seventeenth Ohio Veteran Volunteer Infantry Association, of Clarksville, Ohio, favoring a full investigation of the location of the monuments on Missionary Ridge, etc.; to the Committee on Military Affairs.

By Mr. THAYER: Petitions of numerous citizens of Massachusetts, favoring the establishment of a national health department; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Massachusetts Civic League, favoring the site selected for proposed Lincoln memorial; to the Committee on the Library.

Also, petitions of Gustav Manke and others, of Webster, Mass., asking for the adoption of House resolution 106; to the Committee on Immigration and Naturalization.

Also, petitions of citizens of Worcester, Mass., in favor of Lincoln Memorial Road; to the Committee on Appropriations.

By Mr. TILSON: Memorial of New Haven County Pomona Grange, in favor of parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of John E. Neil, of New Haven, Conn., for reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, memorial of Achedutb Club, of Hartford, Conn., urging termination of treaty with Russia; to the Committee on Foreign Affairs.

By Mr. WHITE: Memorials of divers citizens of Guernsey, Morgan, and Noble Counties, Ohio, protesting against the enactment of any parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. WILLIS: Petition of S. A. Moore and 50 other citizens of Delaware County, Ohio, urging passage of House bill 12323; to the Committee on Invalid Pensions.

Also, petition of Aaron E. Chamberlin, of Degraff, Ohio, in favor of a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, memorial of Seventh-day Adventist Church of Delaware, Ohio, in opposition to House bill 9433; to the Committee on the Post Office and Post Roads.

HOUSE OF REPRESENTATIVES.

SATURDAY, *December 16, 1911.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite and eternal Spirit, our God and our Father, author of all good, and never far from any of Thy children, we would draw near to Thee that by the contact we may receive of Thy spirit and hallow Thy name in all that we do in private or in public this day; for Thine is the kingdom, and the power, and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. HELM. Mr. Speaker, I ask unanimous consent that after the final disposition by the House of the urgent deficiency bill to-day I be permitted to address the House.

The SPEAKER. The Chair would inquire for how long a time; indefinitely?

Mr. HELM. Not exceeding 30 minutes.

The SPEAKER. The gentleman from Kentucky [Mr. HELM] asks unanimous consent that after the conclusion of the consideration of the urgent deficiency bill he be allowed to address the House for 30 minutes. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I suggest to the gentleman from Kentucky that he will have the opportunity to address the Committee of the Whole in general debate on the urgent deficiency bill, and Members will be here to hear him. That will be far better than the request which he makes.

Mr. HELM. Mr. Speaker, I understand there will not be any general debate on the urgent deficiency bill.

Mr. MANN. I think there will be. There will be no escape from it if the gentleman desires to address the committee. I will guarantee it to him if he desires the time.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. MANN. I object. I want the Members of the House to be here.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 15980) making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1912, and for other purposes.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] moves that the House resolve itself into the Committee

of the Whole House on the state of the Union for the consideration of the urgent deficiency bill. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. HUGHES of New Jersey in the chair.

The CHAIRMAN. The House is now in the Committee of the Whole House on the state of the Union for the purpose of considering the bill (H. R. 15930) making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1912, and for other purposes, which the Clerk will report.

The Clerk read as follows:

Union Calendar, No. 50; H. R. 15930: A bill making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1912, and for other purposes.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to dispense with the first reading of the bill. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. FITZGERALD. Mr. Chairman, this bill is to provide for deficiencies in appropriations for the current and preceding fiscal years of an urgent character. The amount carried by the bill is $2,269,756.56. The committee had before it estimates purporting to be deficiency estimates aggregating $3,350,325.44.

The items in this bill are largely of two kinds—first, those necessitated by the action of the departments in submitting to the Congress estimates for the public service for the current fiscal year for sums which were inadequate properly to carry on the public service, and the other class consisting of appropriations to fulfill obligations under existing contracts.

There were two courses left open for the committee. One was for the committee to refuse moneys imperatively demanded in order that the public service might be properly discharged by the respective departments of the Government, because of the previous action of the respective departments in radically reducing the estimates submitted to Congress; and the other course was to ignore the action of the departments in so proceeding and to provide the moneys essential to the proper transaction of the public business.

In an effort, Mr. Chairman, to retrench the expenditures of the Government, which were believed to have reached a sum that can properly be reduced, the Committee on Appropriations believes that the proper course to be followed is to recommend appropriations for every function of the public service where the money is legitimately required for its maintenance, and to do so regardless of any action on the part of any department in submitting improper or inadequate estimates for the public service.

In preparing and reporting this bill the committee have adopted that policy, believing that it is not in the interest either of good and efficient government or of a proper policy of reform to cripple any branch of the public service because of the dereliction of officials in submitting estimates to Congress. These estimates, which it appears upon examination were improperly cut, apply to the Treasury Department in the sum of $427,000, money required in order to furnish for the business and commercial demands of the country an adequate supply of Treasury notes; for the Public Health and Marine-Hospital Service the sum of $99,000, to meet obligations, for pay of compensation of officers and other employees and properly to maintain marine hospitals and to provide medical examinations for the proper care of seamen; $200,000 to meet the proper demands upon the Treasury in the payment of arrears of pay of two and three year volunteer soldiers in the Civil War, arrears of bounty claims; $500,000 for the Census Office; to meet and pay commissions earned by architects during the fiscal year 1911, amounts now due and outstanding obligations of the Government, $65,578.

Two revenue cutters authorized by Congress, the limit of cost being $250,000 on each, and $150,000 having been appropriated on account thereof, now under construction and to be completed within the current fiscal year, require $350,000 additional.

There is a building authorized for the Bureau of Standards at a cost not to exceed $200,000, on account of which $50,000 was appropriated. The building will be completed during the current fiscal year and the balance of the authorization, $150,000, is required to meet the contract obligation.

In addition to these items, there is $250,000 to complete the work of removing the wreck of the battleship *Maine* from the harbor of Habana. The sum of $5,700 is required to replace records in the land office at Coeur d'Alene, Idaho, which was destroyed by fire in October.

The sum of $47,000 is required to supply a deficiency in an appropriation for freight in the Post Office Department in the fiscal year 1911, this sum having been earned, the appropriation having been inadequate for the service, and it having been somewhat difficult, if not impossible, to estimate accurately, because the service was new.

In addition, there is $262,000 for purposes connected with the House and Senate, which can be explained when the items are reached in the bill. These items, in the opinion of the committee, are all essential to the proper conduct of the public business and are recommended by the committee.

Mr. MADDEN. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Illinois?

Mr. FITZGERALD. Yes.

Mr. MADDEN. I wish the gentleman from New York would be kind enough to explain the item at the bottom of page 8, which reads:

For miscellaneous items and expenses of special and select committees, exclusive of salaries and labor, unless specifically ordered by the House of Representatives, $50,000.

What I want to know is what the word "labor" means in connection with this appropriation; whether it is labor for which no salaries are paid or whether salaries are paid for which no labor is done.

Mr. FITZGERALD. The appropriation is made in the language of the current law, and that language is what has been carried in these items for many years. This is to supply a deficiency in one of the several items of the contingent fund of the House. It is the miscellaneous item. So far as I have been able to ascertain no compensation has been paid out of the contingent fund of the House during this session of Congress for which adequate return has not been made in services, whatever may have been the practice in the past.

Mr. MADDEN. What I want to know is how much is for salaries and labor and how much is for items exclusive of salaries and labor.

Mr. FITZGERALD. It says:

For miscellaneous items and expenses of special and select committees, exclusive of salaries and labor.

Salaries and labor are appropriated for under other items, and there is no deficiency submitted in any of the other items.

Mr. MADDEN. I should like to know whether the gentleman has an itemized statement of the expenses for which the appropriation is made?

Mr. FITZGERALD. I have, and I shall be glad to submit it when we reach that item.

Mr. MADDEN. Would not it be fair to have the items furnished the membership of the House so that every Member might have the information?

Mr. FITZGERALD. Yes; and before we reach the provision, if the gentleman will come here, I shall furnish him with the items so that he can be prepared on it before the item is reached.

Mr. MADDEN. I want to know whether it is the custom of the committee, or the intention of the Committee on Appropriations, or any other committee, to come in here with items that give no information to the membership of the House, with the only information in existence in the possession of the membership of the committee, while the Members of the House, as such, are called upon to act upon a thing about which they know absolutely nothing. It seems to me the items should be furnished to the Members of the House when the bill is presented.

Mr. FITZGERALD. Full information will be furnished upon every item in the bill about which information is desired. I do not know whether Members of the House act on the items without information or not. My impression is that in the consideration of these bills, and my experience has been, that they demand very complete information. The practice will be no different in this session than it has been in other sessions, to submit the fullest information about these items. I desire to say, after a service of six years on the Committee on Appropriations, that the committee at this session of Congress insisted on fuller information before recommending this particular appropriation than the committee ever obtained before in my experience. [Applause.]

Mr. ADAIR. Will the gentleman yield for a question?

Mr. FITZGERALD. Certainly.

Mr. ADAIR. I want to ask the gentleman how much has heretofore been appropriated for raising the battleship *Maine*.

Mr. FITZGERALD. Six hundred and fifty thousand dollars.

Mr. SHARP. Will the gentleman from New York yield for a question?

Mr. FITZGERALD. I will.

Mr. SHARP. I notice on page 2, under public buildings, there is a comparatively small appropriation of money made of something like $65,000. On account of the smallness of that appropriation I assume that it does not include the appropriations for unfinished public buildings in current appropriations of last year.

Mr. FITZGERALD. This item is to enable the Treasury Department to pay commissions of architects employed under the so-called Tarsney Act which were earned during the fiscal year of 1911.

Mr. SHARP. The reason I ask the question is for the purpose of inquiring if it is the plan of this committee to bring in another bill that shall make appropriations to take care of some of the deficiencies in former appropriations provided for by the Committee on Public Buildings and Grounds.

Mr. FITZGERALD. We have no other deficiency estimate before the committee at this time from the Treasury Department but one. During the last session of Congress the Treasury Department submitted a deficiency estimate of $200,000 for general office expenses of the department in connection with the Supervising Architect's Office. The committee at that time believed that it was unnecessary in the proper administration of the office, that its work could be conducted without the additional $200,000. It refused during the extra session of Congress to report that item for the $200,000.

When Congress adjourned without making the appropriation the Treasury Department so adjusted the work of the Supervising Architect's Office as to enable it to do all that was contemplated with the $200,000 without getting the money. The result has been that the work will be as promptly and efficiently done under the appropriation for the current year, which was the amount estimated, without the additional money which it was believed would be required during the month of August.

If the gentleman from Ohio has in mind appropriations to continue work on the public buildings that are now authorized and for which additional money will be required, I desire to say that these appropriations are carried in the sundry civil appropriation bill, and that if there be any emergency by which additional money would be required for any particular building under contract during the current fiscal year the item would be carried in the general deficiency bill later in the session.

Mr. SHARP. I think that will answer the question, only I have a specific case where there was a mistake in the original estimate in acquiring a post-office site. It will require an additional amount to acquire the site.

Mr. FITZGERALD The practice in cases referred to by the gentleman from Ohio has been cared for in this way: Where through some error or some peculiar condition the authorization for a site for a public building is believed to be insufficient, that matter is submitted to the Congress. The Committee on Appropriations has never incorporated any provision authorizing a change in the law unless requested to do so by the Committee on Public Buildings and Grounds. It insists that the Committee on Public Buildings and Grounds shall make its examination, and if a change be imperative and proper shall so certify to the Committee on Appropriations before any provision would be recommended authorizing an increase in the cost of the site, or an increase in the cost of the building.

Mr. ADAIR. Will the gentleman from New York yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Indiana?

Mr. FITZGERALD. I yield.

Mr. ADAIR. The question I desire to ask the gentleman is this: If such an item should be included in a general deficiency bill, whether or not that item would be subject to a point of order in view of the fact it had not been authorized by the Congress?

Mr. GARNER. But it had been authorized.

Mr. FITZGERALD. All such items have been subject to points of order when incorporated in such bills, but my experience has been that the circumstances surrounding the particular cases have been such that no Member has ever felt called upon to insist upon the point of order.

Mr. GARNER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Texas?

Mr. FITZGERALD. I yield to the gentleman from Texas.

Mr. GARNER. I want to make some inquiry with reference to the law authorizing commissions to architects. Will the gentleman kindly explain that provision of the statute, as he is probably familiar with it; I am not familiar with it, and I do not know whether the other Members of the committee are or are not. I desire to know whether there is an unlimited authorization to the Treasury Department to pay commissions and what the law is.

Mr. FITZGERALD. Under what is known as the Tarsney Act, passed some 20 years ago, the Secretary of the Treasury is authorized to employ outside architects for the preparation of plans and superintendence and construction of public buildings. My recollection is that he has unlimited authority, but the department has a rule by which it does not employ outside architects to design public buildings unless the building is to cost at least $500,000.

Mr. GARNER. What is the compensation? Is there any limit as to what they shall pay them; and if so, what is the limit?

Mr. FITZGERALD. Unless the limit be fixed by the Congress my recollection is they pay the fee fixed by the American Institute of Architects, which, if I recall correctly, is 6 per cent. It was 5 per cent, but within the past two or three years it has been raised to 6 per cent.

Mr. GARNER. Now, in that connection, what does it cost, if the gentleman knows, in the Treasury Department for the plans and specifications as drawn and prepared by the force there now—what proportion of the appropriation?

Mr. FITZGERALD. It had been the practice for many years to take the expense of this work out of the amount limited for the cost of the building. Congress changed that practice. The appropriation for the Supervising Architect's Office is in the neighborhood of $900,000, and out of that is paid not only the expense of preparing plans for new buildings, superintendence of work upon new buildings, but also the work in connection with the upkeep, repair, and preservation of existing public buildings. An effort has been made on a number of occasions to ascertain just what per cent of the cost of the building is expended in the Supervising Architect's Office for the preparation of plans and supervision of new buildings. My recollection is that the result of the attempts has never been very satisfactory. The members of the committee contending it has been costing from 7 to 8 per cent and the Supervising Architect contending it is costing much less, but there has never been sufficient definite information to justify a positive conclusion one way or the other.

Mr. GARNER. May I ask the gentleman further? If this lump-sum appropriation for the maintenance of the Architect's Office in the Treasury Department is $900,000 for the year, can the gentleman give me the reason why they turn out, say, 15 buildings in one month, the first portion of the year, and then 10 buildings a month the latter portion of the year?

Mr. FITZGERALD. That is not my understanding. My understanding is that that office is so organized that the output is the same every month in the year, and it must be if the law be observed.

Mr. GARNER. Well, the gentleman is misinformed or the law is not being observed, for the Supervising Architect told me himself that the rate of turning out last winter was some six or seven buildings less than it was a year before.

Mr. FITZGERALD. The gentleman's information is inaccurate, and the statement of the Supervising Architect was not correct. There was a statement made that unless $200,000 additional was appropriated for the Supervising Architect's office the output of the office would be cut in half during this fiscal year because of the inadequate funds placed at the disposal of the office. A hearing was held during the last session of this Congress. It was shown that the Supervising Architect had submitted an estimate, that the amount of his estimate had been allowed, and that he had stated that his office would continue to turn out the same amount of work during the current fiscal year as it had during the fiscal year 1911. When the estimate for the additional $200,000 was submitted the Supervising Architect tried to explain that he had not meant what he said, and that unless the additional money was appropriated he would have to curtail the output of his office. The committee refused to give the additional money. The Secretary of the Treasury took the matter up with the Supervising Architect. It was ascertained that there were in the Supervising Architect's office plans for over 700 buildings which had been prepared under authority of Congress; that it had been the practice there every time a building was authorized to have new plans prepared for the building. The Secretary of the Treasury thought it was time there should be some standardization of the work in the office, and he compelled the Supervising Architect to utilize many of these plans that had been used for a single building for some of the buildings already authorized and for which plans were to be gotten out. They are now following the practice of reusing once the plans heretofore used for one building, and the result is that the Secretary of the Treasury

has said that he did not need this additional money now, and that he would continue to turn out an equal amount of work from the office.

Mr. GARNER. Has that been done?

Mr. FITZGERALD. It was preposterous when Congress was authorizing a number of buildings to cost exactly the same sum, to accommodate exactly the same number of public officials, to have entirely new plans prepared for each building instead of utilizing those already in existence. With this new policy there will be a considerable saving effected without any detriment whatever to the public service.

Mr. GARNER. Will there be any increase? Will the plans and specifications be prepared and the buildings constructed under the authorization of Congress any faster than they have been in the past? And, in that connection, is it not a fact that they are now two and one-half years behind?

Mr. FITZGERALD. Yes; and it is a fact, also, that during the past 10 years Congress authorized as many public buildings in the United States as had been authorized during the entire history of the Government up to that time, and, in my opinion, it has greatly overdone the public-building work. [Applause.]

Mr. BARTHOLDT. Will the gentleman yield?

Mr. FITZGERALD. I yield to the gentleman from Missouri.

Mr. BARTHOLDT. The gentleman from New York, according to my information, has made a correct statement of the case; that is, the money which was asked for last fall is not going to be asked for now, because they are using old plans for the new buildings. But the fact is, nevertheless, that the force has been reduced about one-third, and that consequently we may expect within the next four or five months that the rate of progress with respect to the 200 buildings which are yet to be completed may not be quite as rapid as it has been during the last year or two. As to the statement that the Supervising Architect is behind with his work, I think that is probably an unjust reflection. The fact is that we passed three big omnibus public-building acts in three successive Congresses, and since the Supervising Architect was unable to increase his force sufficiently to cope with that large amount of work, it might appear—and, in fact, it has often been said—that he had gotten behind. But it is an unfair statement to make. The truth is that we dumped so much more work upon that office that it was impossible, without doubling or trebling the force, to keep up with the procession.

Mr. FITZGERALD. In order that there may be no misunderstanding, I will read a statement made on the 16th of the present month by the Secretary of the Treasury.

Mr. BARTHOLDT. Will the gentleman allow me to finish my statement?

Mr. FITZGERALD. I beg the gentleman's pardon. I thought he had finished.

Mr. BARTHOLDT. I will say that if in the last 10 years as many public buildings were erected in this country as were in existence theretofore I think that is a matter of pride for the party in power. [Applause.]

Mr. FITZGERALD. Mr. Chairman, I asked the Assistant Secretary of the Treasury the following questions in discussing this item:

The CHAIRMAN. So far as the present appropriations are concerned you will continue to turn out at the same rate?

Mr. BAILEY. Yes; we will get out the program.

The CHAIRMAN. It was stated that the output of the office would be cut 50 per cent, at least that is my recollection.

Mr. BAILEY. And it would have been if they had operated in the same manner as formerly.

The CHAIRMAN. You have effected changes there that have enabled you to do the additional work with the same amount of money?

Mr. BAILEY. Yes, sir.

There is no justification for the statement that the output of the office will be curtailed unless somebody interested in the employment of additional employees has circulated inaccurate information as to the conditions of the Supervising Architect's Office.

Now, Mr. Chairman, I yield to the gentleman from Ohio [Mr. COX].

Mr. COX of Ohio. The $65,000 item is covered by what is known as the Tarsney Act, I believe?

Mr. FITZGERALD. It is.

Mr. COX of Ohio. At this juncture I think the committee would be very much interested to know what, in the judgment of the chairman of the Committee on Appropriations, should be done with respect to continuing the Tarsney Act—whether it should be repealed or continued.

Mr. FITZGERALD. Mr. Chairman, the Supervising Architect is of the opinion that his office at present is capable of turning out satisfactory plans of public buildings the cost of which does not exceed $500,000. Buildings to cost in excess of that, in his opinion, should have the services of outside architects. The Supervising Architect is in a very peculiar position. He is at the head of the office of the Government which has control of the construction of public buildings, and he is also a member of the American Institute of Architects and is associated with the men who look hungrily upon this very lucrative employment by the Government.

I am of opinion, Mr. Chairman, that a wise reform would be effected if the Tarsney Act were repealed and the Treasury Department should have no authority to employ outside architects on public buildings unless Congress specifically authorizes their employment in the act authorizing the building. I am not certain but that if the men employed in the Supervising Architect's Office were given the opportunity to submit designs upon buildings costing over $500,000, in view of the number that have been built and in view of their experience, we would develop in that office very speedily a much higher grade of men than we have now. There would not be the same temptation for the best men to leave the service of the Government and to go out to outside employment. The opportunity to have their names associated with buildings somewhat monumental in character would be in itself a sufficient inducement to lead them to remain in the service of the Government long enough for the Government to get the benefit of their very great ability.

I yield to the gentleman from Indiana.

Mr. CULLOP. Are not the fees allowed to some of these architects selected for buildings enormous in some of them which have been constructed?

Mr. FITZGERALD. Well, the gentleman can figure it out. If a building costs $3,000,000 the architect gets 6 per cent, and if the building costs $1,000,000 he gets only one-third as much.

Mr. CULLOP. Yes. Would it not be a better policy for the Government to employ sufficient architects for its own work than to employ outside architects at the enormous fees that are paid? Everyone must concede that the payment of them by the Government in such instances is enormous and unreasonable. Would it not be better economy to increase the force in the architect's office and let the Government do that work with its own employees?

Mr. FITZGERALD. I have expressed my opinion that it would be better.

Mr. CULLOP. This grows out of the operation of the so-called Tarsney Act?

Mr. FITZGERALD. Yes.

Mr. CULLOP. I think the sooner that is repealed by Congress the better.

Mr. FITZGERALD. The item in this bill, I will say to the gentleman from Indiana, is to meet obligations already incurred. These commissions were earned during the fiscal year 1911, and the money is owed by the Government and should be paid.

Mr. GARNER. May I ask the gentleman another question concerning the commissions to the disbursing agents?

Mr. FITZGERALD. Yes.

Mr. GARNER. How much of that appropriation is carried—about how much? Does the gentleman know?

Mr. FITZGERALD. Let me say to the gentleman from Texas that at the last regular session of Congress the law authorizing the designation of these disbursing agents was repealed.

Mr. GARNER. I am glad to know that. That is what I wanted to call to the attention of the gentleman.

Mr. FITZGERALD. Very little of this item is to take care of that—only a little over $12,000.

Mr. GARNER. As I understand the gentleman, we will have no more deficiencies hereafter along this line?

Mr. FITZGERALD. No. Under the practice which heretofore existed, when a public building was to be erected a cashier or a teller or some other official of a bank in the community was designated as a disbursing agent. My recollection is he received a commission of three-eighths of 1 per cent. When a certain amount was certified as due under the contract a warrant was sent by the Treasury Department to the disbursing agent and deposited in his bank, and he issued a check against his bank to the contractor, and for such services he was paid a commission of three-eighths of 1 per cent. At the last regular session of Congress, this matter having been developed more fully than it had been developed prior thereto, that provision was repealed, and provision was made for the payment of these contractors through public officers located in various parts of the country—collectors of customs and officers of that character.

Mr. GARNER. And they are glad to do that without any compensation.

Mr. BARNHART. I want to inquire of the gentleman from New York: Some three or four months ago the Supervising Architect from the Treasury appeared before the Committee on Public Buildings and Grounds with the information that the number of buildings that his office would be able to get out plans and specifications for during the year would have to

be cut down under the appropriation. Within this week the Secretary of the Treasury, in person, was before the committee and advised us that they would not only be able to get out plans and specifications for the same number of buildings that had been furnished heretofore by the Supervising Architect, but that a different system had been adopted, whereby the same amount of work would now be done for $800,000 that heretofore cost the department $1,000,000. What does the gentleman know about that change in the system that enables them to do that?

Mr. FITZGERALD. Probably the gentleman was not present when I explained that. At the last session of Congress an attempt was made to stampede the Committee on Appropriations into giving $200,000 additional for the Supervising Architect's office. I happened to remember something about the hearing on the estimate, and upon investigation the committee refused to give the appropriation.

Mr. BARNHART. This was last June.

Mr. BARTLETT. We have had hearings since then.

Mr. FITZGERALD. It was in August, right after the fiscal year commenced, and the committee refused to give the appropriation. When the department had no additional money, the Secretary of the Treasury compelled the Supervising Architect's office to be placed upon such a basis that the law would be obeyed and the work done without the appropriation. The Secretary of the Treasury did reorganize the office and the work was kept up, as I have already said, by compelling them to utilize some of the 700 or 800 plans of buildings which have hitherto been prepared in that office, instead of preparing a new plan every time a building was to be erected. The information that has come to the committee during the present week is that the work will be done without the additional money.

Mr. BARNHART. That it will be $200,000 cheaper.

Mr. NELSON. I should like to ask the gentleman, for information, if he does not think we ought to change the system of authorizing buildings three or four years before they can possibly be constructed? We have had the Supervising Architect before the Committee on Public Buildings and Grounds, and have asked him the reason why they were thus delayed. He said it was due in part to the lack of force, but largely due to the fact that Congress was authorizing more than the income of the Government would permit, and that we would have to see the Secretary of the Treasury as to the amount of appropriations that he thought safe to expend annually for such purposes. We sent for the Secretary, and he said, in effect, that the delay was not chargeable to him, that Congress would control, but that the Committee on Appropriations had not made the appropriations. Now, we desire to know whether the responsibility for this delay rests with the Secretary of the Treasury or with the Committee on Appropriations.

Mr. FITZGERALD. This is the situation, and if it is wrong, the gentleman's party is to blame for it; and if the practice is indulged in further, this side of the House will be to blame for it, and it ought to suffer the consequences. Public buildings have been authorized far in excess of what could be constructed within reasonable time limits. The authorizations were so great and the amount that would be required was so enormous that the Secretary of the Treasury organized the Supervising Architect's office upon a basis that would enable the expenditure of $12,000,000 annually in carrying out these authorizations. The Supervising Architect's office is organized on that basis. The Secretary asks for next year $3,000,000 to continue the construction of these buildings, and to have all the appropriations now available for public buildings thrown into a common fund, so that the Treasury Department can determine upon what particular buildings the money shall be used.

That same proposition was made at the last session of the Sixty-first Congress, and the committee and Congress refused to accede to it and appropriated specifically for the various buildings under contract. It will take not $3,000,000, but $13,000,000, for appropriations at this session of Congress to enable the department to carry out the building program to the extent heretofore determined.

We are facing in the next fiscal year not only a demand for $13,000,000 for public buildings, but a deficit of $18,000,000. Ten million dollars additional must be given, so that we are facing a deficit of $28,000 000. Every new authorization made by Congress, every appropriation made for which an estimate has not been made, increases the prospective deficit, and the result will be that if Congress does not wake up and emphatically stop new authorizations and new expenditures this House will not be devoting its attention later in the session to legislation to reduce the burdens of taxation, but it must provide new sources of revenue for the Government.

If the building program is to be raised above the $12,000,000 limit, then so much additional revenue must be obtained, and, in my opinion, the Secretary of the Treasury was wise when he limited the expenditure for public buildings to $12,000,000 a year. I have never criticized it, and Congress has approved it. The statement has been made time and again that that would be the effect of the appropriations made for the Supervising Architect's Office, and Congress in acquiescing in the recommendation for that office places its approval on the program that would take not to exceed $12,000,000 a year.

Mr. NELSON. I want to ask the chairman if he wishes it to be understood by the Committee on Public Buildings and Grounds that the delay is chargeable to the Treasury Department?

Mr. FITZGERALD. No; it is chargeable to Congress.

Mr. NELSON. Congress has authorized the money.

Mr. FITZGERALD. No; it has not. I do not know whether the gentleman was here or not, but the gentleman from Missouri was chairman of the committee at the time that the last public-building bill passed through Congress, and there was a distinct understanding that not a dollar of the appropriation would be carried for the authorizations in that bill. There is a difference between authorizations and appropriations. Congress authorizes by legislation many things that will take money from the Public Treasury and frequently refuses to make the appropriation to carry them out.

Mr. BARTHOLDT. If the gentleman will allow me——

Mr. FITZGERALD. I will yield to the gentleman.

Mr. BARTHOLDT. The last public-building bill was enacted with the express understanding that for about two years the Supervising Architect's Office would be unable to reach any one of the buildings therein authorized.

Mr. FITZGERALD. That was the understanding.

Mr. MANN. Understanding by whom?

Mr. FITZGERALD. The Committee on Public Buildings and Grounds and those in their confidence.

Mr. MANN. But a secret understanding does not bind this House.

Mr. FOSTER of Illinois. I want to say that if there was no understanding, it was a matter of history and fact before the House.

Mr. FITZGERALD. It was a notorious fact that the authorizations carried in that bill could not possibly be taken up for several years after the people were deluded into the belief that some one had got a public building for his district.

Mr. BARTHOLDT. Will the gentleman allow me to conclude my statement?

Mr. FITZGERALD. I will yield to the gentleman.

Mr. BARTHOLDT. Permit me to say that there was no secret understanding. Every Member of the House of Representatives understood that it would be impossible for two years to come to touch any one of the building authorizations contained in the last public-building bill. Consequently, we were quite justified in stating on the floor here that for that particular session of Congress no appropriations would be required for the buildings. The appropriations are made upon the strength of the authorizations contained in the public-building bill. Appropriations are made by the Committee on Appropriations at the request of the Treasury Department.

Mr. FITZGERALD. Yes; the gentleman knows that the Committee on Appropriations appropriates all the money that the department says can be used for the fiscal year.

Mr. BARTHOLDT. I was just going to say that. The department says for the next fiscal year we shall require so much money. We have buildings on hand costing $40,000,000 or $50,000,000, but for the next fiscal year we can not spend more than $10,000,000 or $12,000,000. Consequently the Secretary of the Treasury sends an estimate to Congress for $10,000,000 or $12,000,000 for that fiscal year.

Now, in connection with the new plan by which the force has been reduced, and yet the same amount of building is to be turned out every month, let me call your attention to a circumstance which I think ought to be known to the Members of the House. It is the fact that the Supervising Architect's Office has been singled out of all the offices under the Treasury Department and under all other departments in Washington as the one office in which the working day has been increased to eight hours.

In other words, the employees of the Supervising Architect's Office work from 8 o'clock in the morning until 5 o'clock in the evening, one full hour longer than any other department employees. Mind you, these employees are mostly professional men; they are designers and architects who are doing brain work, and therefore should really have shorter working hours than ordinary employees who are doing mere mechanical work. I suppose, of course, that this is only a temporary arrangement, for to make it permanent would involve an injustice and an unfair discrimination against a most deserving class of Government employees. But I mention it merely to show how

anxious the department is to satisfy Congressmen who are clamoring for the completion of their buildings and to meet any possible criticism.

Mr. FITZGERALD. It would not hurt the employees in the other departments if they worked the other hour.

Mr. BARTHOLDT. If you make it uniform it is all right, but it is unjust to single out one set of employees and make them work longer than others, and I am sure the House, while appreciating the zeal of the department, will make provision to obviate the necessity of such an unjust exaction, say, after January 1.

Mr. NELSON. Mr. Chairman, I would like to ask the former chairman of the Committee on Public Buildings and Grounds if he does not think it would be wise to quit deceiving ourselves and our constituents. We authorize a great number of buildings and then some one—the Secretary or the Committee on Appropriations—says we can only expend for buildings the sum of $12,000,000 a year. Why not authorize, appropriate for, and erect the buildings and not mislead our constituents?

Mr. AUSTIN. I desire to ask the gentleman from New York a question.

Mr. FITZGERALD. I yield to the gentleman from Tennessee.

Mr. AUSTIN. The gentleman stated a moment ago that we were facing a deficit.

Mr. FITZGERALD. That is the statement of the Secretary of the Treasury——

Mr. AUSTIN. The Secretary of the Treasury stated——

Mr. FITZGERALD (continuing). And he is required by law to submit the estimated revenues and expenditures.

Mr. AUSTIN. The Secretary of the Treasury stated to the Committee on Public Buildings and Grounds this week that his estimate for the present fiscal year ending June 30 next was there would be a surplus of $10,000,000, and his estimate for the fiscal year ending June 30, 1913, would be about $29,000,000.

Mr. FITZGERALD. There is no misunderstanding about it, because if you leave out enough you can make a surplus up to $100,000,000. In what the Secretary of the Treasury designates as the ordinary receipts and expenditures there will be a surplus of $29,000,000, but if the Panama construction, in addition to the amount that can be paid from the sale of bonds, be taken into account, a sufficient sum of money will be required which will turn that apparent surplus into a deficit of $18,000,000. In addition to the sums requested, $10,000,000 additional for public buildings brings the prospective deficit up to $28,000,000. In addition, under the sinking-fund act, there must be applied out of the customs receipts, first, $61,000,000 toward the reduction of the public debt. That is left entirely out of consideration by the Secretary of the Treasury in the estimates as to whether there will be a surplus or a deficit. Instead of being a surplus of $29,000,000, if the law be obeyed, there will be a deficit in the neighborhood of $90,000,000.

Mr. AUSTIN. I wish to say to the gentleman that the Secretary of the Treasury, in bringing this statement to our committee, included his usual estimate of $12,000,000 per annum for public buildings.

Mr. FITZGERALD. But the gentleman must either misconstrue the Secretary's statement, or else the Secretary's printed report, the advance sheets of which he furnished me this week, for the purpose of debate on the pension bill, is entirely erroneous. I think I have given sufficient attention to an analysis of estimates of revenues and expenditures to know that I have not misunderstood the Secretary's statement, and I am confirmed in that belief from the fact that I have discussed them with one of the Assistant Secretaries of the Treasury, and he and I are entirely in accord in regard to my conclusion.

Mr. AUSTIN. I desire to say to the gentleman from New York, in order to round this matter up, that my statement here, made in the presence of this committee, is confirmed by other Members here upon the Committee on Public Buildings and Grounds, who were present and heard the verbal statement of the Secretary of the Treasury.

Mr. FITZGERALD. But the gentleman can take the CONGRESSIONAL RECORD of Tuesday and he will see the figures that will appear in the Secretary's report, and there can be no misunderstanding. I rely upon his statement; I took the figures from the estimate of the printed report, and I know what I am talking about.

Mr. AUSTIN. I desire to put one further question to the chairman of the Committee on Appropriations. If the gentleman's statement about the deficit be true, why should the usual appropriation of $12,000,000 for the public buildings of this country be reduced? Why not take it off of some other appropriation?

Mr. FITZGERALD. I am not asking to reduce it; I am stating that the Secretary asked in the annual estimates for public buildings an appropriation of $3,000,000 when $13,000,000 will be required, thus increasing the prospective deficit.

I am not proposing to reduce that sum. I assume that the Congress desires that much appropriated to carry on the work of the Treasury Department, and I do not believe it would consent to lump the moneys now available, and make the progress of buildings dependent upon the caprice of some officials.

Mr. GARNER. Will the gentleman yield for a question?

Mr. FITZGERALD. Yes.

Mr. GARNER. As I understand, the sum and substance of the gentleman's statement in reference to the policy of the Treasury Department concerning public buildings was to the effect that Congress had appropriated more money than the Government ought to spend for public buildings, and I agree with that conclusion.

Mr. FITZGERALD. I have not put it in that way.

Mr. GARNER. More than it ought to spend.

Mr. FITZGERALD. I think they have authorized more public buildings than it was possible either to turn out or to pay for within a year or two, or as Members imagined was going to be done.

Mr. GARNER. Just a moment. What does the gentleman think about the policy of this Government when an executive department says to the Congress, "You are appropriating more money than you ought to for certain purposes, and therefore we are going to outline a program and hold your program back by one arranged by ourselves"? Does the gentleman know of any other branch of the Government which is carrying out this policy?

Mr. FITZGERALD. The department did not do it, but Congress did.

Mr. GARNER. Did the Treasurer estimate for the Architect's Office sufficient money to carry out the requirements of the Congress?

Mr. FITZGERALD. Congress authorized a sum for the Supervising Architect's Office which would enable that office to conduct a building program which would take about $12,000,000 annually. It fixed the program at that sum, because to increase it would not have been in the interests of efficient and economic administration of the Supervising Architect's Office. It would have required an increase in the Supervising Architect's force all out of proportion to the results to be obtained. Those facts are well known. They were stated on this floor when the recommendation was made for the appropriation for the Supervising Architect's Office. The House approved the recommendation by passing the bill, and the Congress is responsible for fixing that limitation upon the recommendation of the department.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. FITZGERALD. I yield to the gentleman.

Mr. MANN. Is it not quite within the power of the House, on consideration of the sundry civil appropriation bill or the general deficiency appropriation bill, to insert an item enlarging the Architect's Office, or the money appropriated for, and making an appropriation for, every public building that has already been authorized?

Mr. FITZGERALD. Undoubtedly.

Mr. MANN. So that the responsibility primarily rests, not with the Supervising Architect's Office or the Treasury, but with the House itself?

Mr. FITZGERALD. That is undoubtedly true, and we should not try either to shirk any responsibility or shift it to anyone else. We might as well face the fact in order to know what the situation is.

If there be no other questions, and unless the gentleman from Illinois [Mr. CANNON] wishes to use time in general debate, I ask that we may go into the consideration of the bill under the five-minute rule.

Mr. CULLOP. I would like to ask the gentleman a question. I have heard it stated that the Secretary of the Treasury has adopted a policy of permitting to be expended in any one year only 25 per cent of the appropriation or amount for the erection of any public building. Is that correct?

Mr. FITZGERALD. I think not. I think that once a building is put under contract the Secretary of the Treasury submits to Congress an estimate of all the money that it would be possible to expend under that contract for the fiscal year.

Mr. CULLOP. Yes; but I understand the Secretary of the Treasury has become a law unto himself——

Mr. FITZGERALD. The gentleman is mistaken. We have just discussed that.

Mr. CULLOP (continuing). And only permits the expenditure of 25 per cent of the amount appropriated in any single year.

Mr. FITZGERALD. The gentleman is entirely mistaken. The department endeavors to have expended every dollar that is appropriated for the public buildings, and there is a good business reason for it. If we are erecting a public building, the more quickly it is finished the more quickly the Government gets whatever public benefit there may come from the use of the building.

Mr. CULLOP. That is the exact point I was going to make with regard to the policy adopted.

Mr. FITZGERALD. But the gentleman is mistaken in his other statement.

Mr. CANNON. Mr. Chairman, I do not propose to talk more than a minute or two touching this bill. I am satisfied that every item in the bill ought to be there. This is the urgent deficiency bill that is usually passed before the holidays. The bill is subject to criticism, in my opinion, only for what it does not contain. It goes to the Senate, and I do not know what the Senate may do by way of amendment to it. The minority members of the Committee on Appropriations did not file a report, nor did any member of the minority file a report touching the items that ought to be in this emergency bill. Inasmuch as this is Saturday and we adjourn on the 21st, I do not know that it is politic to move amendments touching those items to which I have reference. They are not many in number. What the Senate may do with respect to them I do not know. It is possible that some of the items referred to may come back here by way of Senate amendments to the action of the House.

There is a $500,000 item in this bill for the census; for the continuation of current work particularly, but more broadly for work touching the decennial census. That item ought to be amended. If it is not amended, it will permit the carrying on of the work until only about the 1st of May, and then we shall have to have, in my judgment, an additional appropriation, either in the regular deficiency bill or in another urgent deficiency bill. A majority of the committee thought it was wise at this time to recommend only $500,000. That recommendation is, so far as it goes, entirely correct.

There are one or two other items—four of them, for that matter—that ought to be in the bill. If we were considering the regular general deficiency bill I would move, when the bill is read, at the appropriate place, an amendment, and take the sense of the House touching these items.

Mr. Chairman, I reserve the remainder of my time.

Mr. HAMMOND. Mr. Chairman, I wish to ask the minority member of the committee a question.

Mr. CANNON. I will yield time to the gentleman for his question.

Mr. HAMMOND. In relation to the appropriation of $500,000 in connection with the expenses of the Thirteenth Census, is that an additional amount to the regular appropriation for this work, or is it an amount for work that has become necessary in the preparation of the census and it is not included in the general appropriation?

Mr. CANNON. Both. The Census Bureau is doing annual work that constantly grows, for the reason that Congress frequently requires additional investigations. That has been going on for several years past. Of course, the gathering of statistics costs money.

However, answering the gentleman further, the appropriation of $500,000 by way of deficiency is not, in my judgment, sufficient. The amount should be $1,000,000. I do not care to go into it further than to call attention to it at this time. It is largely, if not entirely, on account of the completion of the Thirteenth Census—for printing and for work in the office and work in the field.

Mr. HAMMOND. The gentleman states that he thinks it ought to be a million dollars instead of $500,000?

Mr. CANNON. I have no doubt of it.

Mr. HAMMOND. Then is it apparent now that there is work now to be done for which there is no means of paying?

Mr. CANNON. I will say to the gentleman that an examination shows that on the 1st of February the appropriation will be exhausted, and then, if there should be no appropriation made, in order to come within the amount appropriated all the temporary employees would have to be discharged, together with a portion of the permanent employees, because there would not be enough money left except to keep house in a very modest way. But this $500,000 that is recommended, if it should be granted, would provide for two months in addition. That would be March and April, down to May.

Mr. HAMMOND. For the temporary force in the Census?

Mr. CANNON. For all the force.

Mr. HAMMOND. What proportion of this money, if the gentleman knows, would be devoted to maintaining the temporary force for two months?

Mr. CANNON. We had quite extensive hearings upon that subject, and if they were printed they would show; but just how many temporary people and just how many permanent people would be dropped out I do not know.

Mr. HAMMOND. But a portion of this $500,000 is to maintain the temporary force in the Census Office for two months longer?

Mr. CANNON. A portion of the temporary force. The temporary force is already greatly reduced and will be further reduced as the work approaches completion.

Mr. HAMMOND. I am aware of that.

Mr. CANNON. But the most of the temporary force, if not all of those employees who have not been discharged heretofore, would be continued, probably, for the remainder of the fiscal year, because their continuance is necessary if this work is to be done.

Mr. HAMMOND. And to continue that temporary force from the 1st of May through the fiscal year would require the additional $500,000 that the gentleman refers to?

Mr. CANNON. By no manner of means. There is printing. There is the permanent force. My statement was that the money would be exhausted on the 1st of February if no appropriation was made; that the cost of running the office is about $250,000 a month, and at the end of this month there will be about the amount that would cover January. That brings the necessity for this $500,000; and I only want to call attention to the fact that this appropriation would care for that office, in my judgment, until the 1st of May; and then, unless Congress in its wisdom passed another deficiency appropriation, the work would have to be curtailed.

Mr. HAMMOND. One more question. If, then, Congress should not pass this appropriation, it would require the dismissal of a large part of the temporary force?

Mr. CANNON. Of all of it, I understand, and a part of the permanent force.

Mr. HAMMOND. The work of the permanent force of the Census Bureau would continue under the appropriation already made and available.

Mr. CANNON. I do not understand that to be the case.

Mr. HAMMOND. Does the gentleman understand that all the appropriations for the Census Department are practically exhausted?

Mr. CANNON. Substantially, on the 1st of February.

Mr. BARTLETT. I call the attention of the gentleman from Illinois to the fact that the Director of the Census, when he was before the committee, said they had on hand about $580,000 of their appropriation now, and that the expenses are at the rate of about $275,000 a month.

Mr. CANNON. I think about $250,000.

Mr. BARTLETT. I have before me the testimony of the director. He says:

> As to the absolute necessity of the appropriation I can say that we are now in December and have $580,000 of our appropriation, and our expenditures are at the rate of about $275,000 a month, so we have hardly enough to run us to the 1st of February. After the 1st of February our expenditures will be somewhat reduced, but will average fully $200,000 a month for the remaining months of the decennial census period. After that our expenses will be very, very much lower during the entire year of 1913.
>
> Mr. BARTLETT. Beginning with July 1, 1912?
>
> Mr. DURAND. Yes, sir; our expenses will be very much lower per month than we are incurring now. In other words, we are now working on the decennial census, and at that time we will have finished it.
>
> The CHAIRMAN. Your estimate for the work of the Thirteenth Census and the compiling of information is about $3,000,000 more than the original estimate?
>
> Mr. DURAND. I think not.
>
> The CHAIRMAN. The original estimate was $14,100,000?
>
> Mr. DURAND. And this is $15,500,000.

Mr. CANNON. Oh, there was an extended hearing, and if you will pick out an item here and an item there, it would mislead people who do not read all of the hearing.

I merely want to repeat that in my judgment this item should be $1,000,000 instead of $500,000, and if it is not increased to $1,000,000, then in May next, or prior to May next, the matter will again have to come to the attention of the House.

Mr. MANN. Mr. Chairman, in passing I should like to suggest, inasmuch as this bill carries a deficiency appropriation for the raising of the battleship *Maine*, that the work of raising that wreck has already much more than justified Congress in providing for it, and the method of raising it has justified the change which was made in the bill on the floor of the House, which committed the work to the office of the engineers of the Army.

If I may have the attention of my distinguished friend [Mr. FITZGERALD], chairman of the Committee on Appropriations, in passing again I desire to congratulate the House that they have so able a member as chairman of the Committee on Appropriations as the gentleman from New York [Mr. FITZGERALD]. [Applause.]

I would like to direct his attention to the item under the House of Representatives "for $50,000 additional for expenses

of special and select committees." If I recall correctly, two years ago, after the special session of Congress which passed the Payne tariff bill, there was no item in the urgent deficiency bill at the regular session of Congress for these expenses, but before the end of the fiscal year 1910 we did make an additional appropriation of $35,000. If I recall correctly, for 1911 we made a deficiency appropriation under this item, or different appropriations, amounting to $30,000.

Mr. BARTLETT. Thirty-two thousand dollars.

Mr. MANN. As I recall, it was $30,000, but the gentleman from Georgia may be correct. Now, I have no doubt whatever that there has been laid before the committee sufficient information to justify it in reporting this deficiency appropriation of $50,000; but it will be interesting to Members on both sides of the House to know how this money is being expended, and to gather, if we can, whether it is to be wisely expended in the future. I have no doubt myself that this is another item which will require another deficiency appropriation, but I beg to ask my friend what are the specific reasons given to the committee for making this unusual deficiency appropriation for the running of the House of Representatives?

Mr. FITZGERALD. The appropriation for the fiscal year 1908 was $50,000, and there was a deficiency appropriation of $120,000, making $170,000 for the fiscal year. In 1909 the appropriation was $75,000 and a deficiency appropriation of $40,000, making an expenditure of $115,000. In 1910 the appropriation was $75,000 and a deficiency appropriation of $40,000, making an expenditure of $115,000. In 1911 the appropriation was $75,000; $20,000 additional was given at the third session of the Sixty-first Congress and $12,850 appropriated at the extraordinary session of the present Congress, making an expenditure for the last fiscal year of $107,850.

The appropriation for the current year was $75,000, and the additional $50,000 will give about the same that has been expended in prior years, excepting the year 1908.

The necessity for it comes about, the Committee on Appropriations is informed, in this way: Six Members of Congress died since Congress adjourned in the summer, and the expenditure connected with their funerals made one inroad on the contingent fund. The House abolished a number of positions carrying a monthly compensation of more than $2,000—positions which were provided for in the legislative bill for the current year—and substituted in their place seven positions, at an expenditure of $833 a month, so that this expenditure of $833 a month, resulting in a saving of $1,200 a month, is charged against the contingent fund, while the appropriation which is available under the legislative bill is not utilized, but will be covered back into the Treasury.

The Stanley committee is costing about $2,700 a month.

Mr. MANN. What?

Mr. FITZGERALD. The information is that the Stanley steel committee is costing $2,700 a month.

Mr. MANN. Three thousand dollars a month is quite an expense.

Mr. FITZGERALD. It is under the authorization of the House, which authorized the committee to incur expenditures not to exceed $25,000. The vouchers are passed upon by the Committee on Accounts. The so-called Ashbrook committee, which is investigating certain matters connected with the Post Office Department, is costing about $325 a month. I do not know that any limit was put upon the expense of that committee. The Hardwick committee, which is investigating the Sugar Trust, is costing about $200 a month.

Mr. MANN. That speaks well for the gentleman from Georgia.

Mr. FITZGERALD. The District of Columbia Committee, authorized to employ an accountant for the purpose of making certain investigations in the District of Columbia and to expend not in excess of $25,000, is expending $450 a month.

In addition, the expenditure committees actively at work have been provided clerks at $125 a month, and the cost of these clerks is $1,175 a month; they are being paid out of the contingent fund, as has been the practice in other years. In addition, special stenographic services in connection with the work of various committees of the House is involving an expenditure of about $2,000 a month. In reference to this expense, I am of the opinion that it probably is extravagant, in view of the statements that have been made as to the compensation paid for the service.

Mr. DYER. Two thousand dollars a month?

Mr. FITZGERALD. Two thousand dollars a month. I understand that when stenographers are required in addition to the regular committee stenographers they are obtained at an expense of 25 cents a folio. I know that a bid was put in by a reputable concern to the Stanley and Hardwick committees to do the work at 2 cents a folio. It was done under the impression that there would be a very large demand for stenographic reports of the work of those committees. Whether the estimate or bid was considered or not I do not know. I do know that in the city of New York the regular fee for law reporting, for stenographers competent to report testimony or hearings, is 25 cents a page, which contain about two and a half folios, and I am inclined to think that it would be wise economy to increase the force of committee stenographers, unless some different arrangement can be made for the stenographic services that are obtained from outside sources.

Mr. MANN. Mr. Chairman, on that point——

Mr. FITZGERALD. Of course, so far as the Committee on Appropriations is concerned, it has no control over the arrangements or the sums paid. The arrangements are made upon authority of the House. The vouchers must be approved by the Committee on Accounts. The only obligation on the part of the Committee on Appropriations is to see that the money is appropriated to meet the obligations incurred.

Mr. MANN. Mr. Chairman, on the last item to which the gentleman was referring I might suggest that I think the Committee on Appropriations has never yet failed in getting one of the committee stenographers, hence that committee probably does not realize the fact that there are other committees which need stenographers. I have frequently, when I was chairman of a committee and a member of the Committee on Interstate and Foreign Commerce, known the committee clerk to telephone for a committee stenographer. The committee stenographers were all busy, and they notified some one here who lives in the town to appear before the committee. The gentleman comes before the committee and probably no testimony is taken at all. They receive no allowance, as I recall it, except for the testimony which is transcribed. I do not know, but the gentleman from New York says they pay 25 cents a page in New York. In my own city they pay an amount for transcription and, in addition, they pay for attendance, and I think they do in New York and every other place, nearly.

Mr. BARTLETT. Will the gentleman permit me for a moment?

Mr. MANN. Certainly.

Mr. BARTLETT. I will state that when the committee on investigation of the Steel Corporation was in New York I was informed by Mr. Blumenberg, the head of the corps of committee stenographers, that they had to pay more in New York than in Washington for the same work.

Mr. MANN. Well, this committee on the steel investigation, so far as any sessions that they have held up to date, ought to have been reported by the committee stenographers. There has been no committee stenographer of the House who has had anything to do since this House was organized.

Mr. FITZGERALD. Mr. Chairman, since the House has been organized?

Mr. MANN. I said since the House was organized.

Mr. FITZGERALD. Well, that is hardly an accurate statement.

Mr. MANN. Well, what committees have been in session?

Mr. FITZGERALD. The Committee on Appropriations has been.

Mr. MANN. They have had an urgent deficiency bill that took a few minutes or so to prepare and——

Mr. FITZGERALD. If the gentleman will allow me to state what the Committee on Appropriations has been doing, I think——

Mr. MANN. I have been keeping track of what the Committee on Appropriations has been doing.

Mr. FITZGERALD. The Committee on Appropriations has had under way the preparation of the District of Columbia appropriation bill and has completed its hearings on the pensions appropriation bill, and it has been continuously in session this week endeavoring to hear the various departments which sent in estimates for deficiencies.

Mr. MANN. For the last two weeks some committees may have been busy, but that leaves a long hiatus between the organization of the House. Why were not the committee stenographers used by these investigating committees prior to the meeting of this session of Congress?

Mr. FITZGERALD. In addition to that, if the gentleman will permit me to finish this——

Mr. MANN. If I permit the gentleman, I am only asking to be permitted to finish my statement.

Mr. FITZGERALD. So if the gentleman has any criticism to make, he can make it on a proper basis. The Committee on Appropriations took two of the committee stenographers to Panama for the purpose of taking hearings there, and they were engaged in that work during the month of November. How the others were used during the rest of the time I have no means of knowing.

Mr. MANN. Well, the gentleman from New York and I both know that the committee stenographers could well have been used in these investigations, and I do not see why they were not used.

My experience with them has been that they have been very efficient and very willing when called upon to do the work.

Mr. BARTLETT. May I say to the gentleman that I know the committee stenographers were the ones that took the testimony in the steel investigation committee at the time I was present. Whether anybody else took it, I do not know.

Mr. GARNER. May I interrupt the gentleman from Illinois?

Mr. MANN. Certainly.

Mr. GARNER. I want to say to the gentleman, in the first instance, that the Committee on Accounts on yesterday or day before yesterday had occasion to consider this matter for the first time since I have been a member of that committee. It came to their attention through some accounts sent in by the committee stenographers. The gentleman from Illinois is in error with reference to the number of committee stenographers. There are only four.

Mr. MANN. You abolished one, did you not?

Mr. GARNER. I do not know about that. I am not as familiar as the gentleman from Illinois is with reference to the abolishment.

Mr. MANN. There were five before, and I am not sure but there were six.

Mr. GARNER. I assume the gentleman knows what he is talking about when he makes the statement that one was abolished. With the five that the gentleman had during his administration, if I may term it such, the expense of the special reporting of committees was over $25,000 last year.

Mr. MANN. I was defending the item in this bill, and stated that I thought it was a proper one, and the gentleman from New York [Mr. FITZGERALD] thinks it is not. Now, the gentleman from Texas [Mr. GARNER] undertakes to criticize me for criticizing the item in the bill, when, as a matter of fact, he and I are in accord.

Mr. GARNER. I want to make a statement for the purpose of giving the gentleman some information, namely, that these committee stenographers are called for by the chairmen of the different committees.

Mr. MANN. The gentleman is not giving me any information on that subject.

Mr. GARNER. The gentleman talked a minute ago as though the steel committee had selected somebody on the outside to report these hearings. They call upon the committee stenographers for some one to report these hearings of the different committees. If the committee stenographers are there, they come and do the reporting. If they are not there, they select the outside stenographers, who do make the report. These committee stenographers are under the Speaker of the House, but the Speaker of the House is not called upon to furnish this additional help.

Mr. MANN. The gentleman has repeated the statement that I made when I took the floor, as to how these stenographers are used. I think it would be interesting to know, if the gentleman can tell us, what is the highest pay being received by anybody under these special investigating committees.

Mr. FITZGERALD. I do not know.

Mr. MANN. Did not the committee make inquiry upon this subject at all?

Mr. FITZGERALD. It did not. Under the resolution of the House authorizing these investigations they were authorized to employ various persons, and the compensation was to be fixed and paid on certificate of the chairmen of the committees, approved by the Committee on Accounts.

Mr. MANN. Perhaps my genial friend from Texas can tell us. He is an efficient member of the Committee on Accounts.

Mr. FITZGERALD. An accountant employed by the Committee on the District of Columbia is paid $15 a day.

Mr. CANNON. Mr. Chairman, if the committee will allow me, there was a statement from the Clerk of the House touching the expenditures being made by these various committees. My recollection is that the statement is not as yet in print. It was taken yesterday, and I think yesterday's hearing before the Appropriations Committee has not as yet come to the House in print. My recollection is that there was one accountant employed by the steel committee at $50 a day, with traveling expenses and subsistence at $5 a day, and I think there was an assistant accountant, and so on. I am not prepared to criticize at this time that expenditure.

I think there was also a statement as to the monthly expenditures or daily expenditures, possibly both, of several of the investigating committees. But my own view was that except to convey information the matter was not important at this time, but probably will be later.

Mr. MANN. Mr. Chairman, I have heard a number of rumors in reference to some of the employees of these investigating committees, which very likely may not be true, but which, if they have any foundation in fact at all, come far from reflecting credit upon this House of Representatives. I am inclined to think, before we get through, that we shall insist on this side of the House that we have an investigation of the employees who have been employed by some of these investigating committees. I have a great deal of confidence in the chairmen of those committees, but the best of men are sometimes imposed upon, and if it be true that some one has been employed as an accountant at a high salary without any experience as an accountant it is something that ought to be ascertained.

Mr. CANNON. I do not know that the statement I gave from recollection is entirely correct, and I want to be perfectly just. I think the Clerk said that the charge of $50 a day was for an accountant.

Mr. MANN. I was not referring to what my colleague has said, but to what I heard from the outside. Oftentimes you hear rumors floating around that have not any foundation in fact, and sometimes it is just as necessary to clean and clear the air of those as it is to clear it from any other cause.

Mr. Chairman, I have not the slightest doubt that this deficiency appropriation for this purpose is to be followed by another one before this session of Congress expires. I have no doubt that, including this, the item of expenses for these committees exceeds the amount for the last year or the preceding year. For the first time we have an urgent deficiency bill carrying this item in the first month of the first regular session of Congress. The amount is cut down. It is not sufficient to provide for the expenses now in sight until the end of the year, and if, as it unfortunately may happen, death occurs in this or the other Chamber this item must cover the expenses connected with the final ceremonies, and no computation of that possibility is made in reference to this deficiency item, although that is largely what the original $75,000 was appropriated for. I hope that Members on that side of the House will feel it their duty to maintain a real position of economy, and not be satisfied with their expression of opinion in their caucus at the beginning of the special session of Congress and then pay no attention to it when it comes to the actual appropriations. What a hungry crowd there was this morning when you were talking about appropriations for public buildings! An appetite was then exhibited which a seasoned drunkard does not possess. [Laughter.]

Mr. Chairman, I yield 30 minutes to the gentleman from Kentucky [Mr. HELM].

Mr. HELM. Mr. Chairman, I observe that this bill carries an appropriation for the War Department. The Committee on Expenditures in the War Department had several sittings during the last special session of Congress. It obtained much information of importance concerning the appropriations for this department, some of which I shall, in the short time allotted to me, state to the House. At the very outset, in view of the criticism that has just been indulged in about these investigating committees, I desire to say that this committee, of which I have the honor to be the chairman, has imposed no expense on the Government other than the printing and binding of about 500 pages of hearings and a session clerk which, as I understand, is no new thing for these committees to have. For several sessions of Congress, during Republican control of the House, these expenditure committees have been allowed clerks.

Of course, the committee has had to have a stenographer. But we were under the impression that these official stenographers had been for years paid a salary of $5,000 a year by the House and that any committee had a right to demand their services at these hearings.

This Committee on Expenditures has gone forward in a quiet, unostentatious way [applause] and examined into the workings of the War Department. I believe that the result of that work will be a benefit and advantage to the Government. In fact, Gen. Aleshire, before these hearings were concluded, inserted a comparative statement for current requirements for 1913, showing a net reduction of $1,205,227.22 less than 1912 in the Quartermaster's Division, which is only one of the many divisions of the Military Establishment. As a result of its investigation the committee, instead of finding, as was to be expected, a well-organized business policy running with clock-like precision obtaining and prevailing in what may be termed the very household of the department, discovered the very opposite condition. In other words, the more the committee investigated the less of business method it discovered in the War Department. Control of detail is a prime essential in Army organization, and it applies as well to the business side of the establishment as to the military side, for the money appropri-

ated for its maintenance is the very life current of the entire establishment and should be expended judiciously and economically that the military burden may be as light as possible.

There has been no one before this committee, no officer connected with the War Department, who will assert that prior to the appropriations for 1909–10 there was anything approaching a system of business methods in the department. As a matter of fact it would appear to have been all but chaotic. I wish to read from the hearings, at page 306, the following extract, for the purpose of showing how far from accurate these appropriations have been. Gen. Aleshire, of the Quartermaster General's Department, being before the committee and the committee inquiring into the expenditures for regular supplies and incidental expenses in his division of the department, stated:

The cost record of this office does not show the amount expended for repairs and the amount expended for maintenance separately, and it is therefore not practicable to state the amount expended for each.

The CHAIRMAN. Have you perfect confidence in your method of making estimates, or do you think you have reached the accurate method, General.

Gen. ALESHIRE. I think from now on we will have. We have had three years of cost keeping. From now on, basing our estimates of preceding years——

The CHAIRMAN (interposing). At any time in the past have you had a perfect method? You are developing a method now?

Gen. ALESHIRE. Yes, sir.

The CHAIRMAN. Is there not a large element of guesswork in many of these appropriations?

Gen. ALESHIRE. I think necessarily so. But in the amount expended in the last few years annually the amount has been expended under each item, and we can tell.

There are other statements of like import throughout the hearings.

Mr. Chairman, I have stated that organization and system are the very life forces of any army, and that it was reasonable to expect that we would have found some such organization and systematic business methods in the department.

But as yet the committee has not had any officer connected with the department who will even apologize for, much less defend, the methods that have heretofore prevailed in the department; it is difficult to resist the presumption that this lack of proper organization and system may not permeate the entire Military Establishment. It is my opinion that the department is annually costing the Government sums that are staggering as compared to the cost of armies of other nations. I believe that from $10,000,000 to $30,000,000 could have been saved in this department alone annually for the past 16 years that this Government and this department have been under the control of the Republican Party, and that the extravagance and waste that is incident to this department is due to the faulty system of buying, cost keeping, loose business methods, excessive pay for and allowance to officers, to the housing of the Army in absurdly scattered posts and barracks, and to additional causes that I shall hereafter refer to.

At the very beginning of its work the committee discovered that there is absolutely no check on the acts of the officials who are connected with, and the canal commission that is engaged in, the construction of the Isthmian Canal; and while the work was originally by act of Congress placed under the control of the President, he, by Executive order, deputized the Secretary of War to control and supervise the construction of the canal. The authority for so doing does not clearly appear to me. This work was to be performed through the instrumentality of the Isthmian Canal Commission, and it is my opinion that if there was authority to deputize the supervision of the work that had been assigned to the President of the United States to do, the same authority or the same order would carry with it the instrument by which the work was to have been done and is being done. The committee has had before it the chief officer of the commission at the Washington office, and discovered at once that it was his contention that the construction of the canal—or more aptly stated, the Isthmian Canal Commission—was not under the regulations, supervision, or jurisdiction of the War Department. Although the work that the act of Congress had assigned to the President to do had, by Executive order, been transferred from him to the Secretary of War, yet the chief of the Washington office insisted that neither the work nor the control of the canal commission was under the rules and regulations, jurisdiction, or supervision of the War Department. This convenient decision of the departmental officials, upon which he relied, gave the canal commission a free hand, and was no doubt very satisfactory to the canal commission.

Mr. SHERLEY. Will the gentleman permit a question?

Mr. HELM. With pleasure.

Mr. SHERLEY. Does the gentleman mean that it was not under the jurisdiction of the Secretary of War or of some other official of the War Department?

Mr. HELM. The contention of Capt. Boggs, who was before the committee, was that although the President had by Executive order transferred and assigned everything that the President, under the act of Congress, was required to do in connection with the construction of the Isthmian Canal to the Secretary of War—had deputized the Secretary of War to do what the act required him to do through the instrumentality of the canal commission—yet the Isthmian Canal Commission itself was a separate, independent organization and entirely separate and apart from the War Department.

Mr. MANN. That is correct. There is no possible question about it. We created the Isthmian Canal Commission.

Mr. HELM. We also empowered and conferred the authority on the President to construct the canal, through the instrumentality of the Isthmian Canal Commission; and if the power that was conferred upon the President by the act of Congress was transferred by the President's order to the Secretary of War, then the instrument with which the President was to construct the canal necessarily followed the person who is to do the work. It results that neither the President, the officials of the War Department, nor the Auditor for the War Department have any authority or right of supervision over the expenditures of the Canal Commission or its purchasing officer, and none of them is of the opinion that it is within the province of this committee, which has jurisdiction to examine the expenditures in the War Department, to examine into the expenditures on the canal. The Secretary of War is only required to report to the President, who transmits this report to Congress.

Every Member of the House is aware of the lack of attention given such reports, and I submit that the law has been wholly inefficient, considering the stupendous outlay of public money. There should be some one somewhere whose duty it should be to closely inspect the accounts of those in charge of construction.

As the gentleman from Illinois [Mr. MANN] said a few moments ago, in discussing the question of the allowances made to the special investigating committees, that it was the part of wisdom to supervise, to inspect, and look closely into expenditures, no matter by whom they are made.

I am aware of the fact that the canal is a pet enterprise of this Government, and that we are all enthusiastically in favor of the construction of the canal; but the point I want to insist on is that, having as much confidence as anyone in the men who are at the head of the construction, it is a loose, lax, haphazard, unbusinesslike proposition to be spending $375,000,000 of the people's money in the construction of this pet project, even though it be the favorite enterprise of the Government, without there being lodged somewhere, with somebody, the right to investigate and examine its accounts and workings.

It is true that under the act the commission is to report to the President, and the President is required to report to Congress the sums of money received and the sums of money expended; but I submit to this House that that report or that requirement of law would be satisfied by reporting the lump sum received and the lump sum expended. I make the charge that the party that has been in control of the Congress since this work began has been grossly derelict in its failure to provide a proper check and accounting of the money expended on the canal.

Mr. MANN. Will the gentleman yield?

Mr. HELM. Certainly.

Mr. MANN. I will say to the gentleman that the statute requires a report in detail.

Mr. HELM. I think if the gentleman will examine the statute——

Mr. MANN. I know, for I drew it.

Mr. HELM. I have the statute before me, and if the gentleman will point out to me where it requires a report in detail, I would be obliged to him.

Mr. MANN. I will if the gentleman has the right statute.

Mr. SHERLEY. Will the gentleman yield?

Mr. HELM. Certainly.

Mr. SHERLEY. I am not willing to let one of the inferences made by the gentleman go unchallenged, because, in some sense, I have, along with other members of the committee, been responsible for the work on the Panama Canal.

Mr. HELM. I want to say that it is far from me to make any statement that I do not believe I am fortified in making on the floor.

Mr. MANN. If the gentleman from Kentucky will pardon me, I want to say that the statute that the gentleman has shown me is a copy of the Spooner Act. That is not the provision to which I referred. The provision to which I referred is in one of the appropriation acts making appropriations for the Panama Canal, one of the original acts. The provision was inserted, taken from a bill which I had introduced and reported from the Committee on Interstate and Foreign Commerce, requiring the President to report in detail all expenditures, and, as I

now recall, although I am not sure of it, the receipts. That is done, I assure the gentleman.

Mr. HELM. I am glad to receive the information from the gentleman from Illinois, but at this point, if the gentleman from Kentucky will bear with me, I am reading from the act which, among other things, says that "full and complete reports of all their acts and doings and of all moneys received and expended in the construction of said work and performance of duties in connection therewith, which said report shall be by the President transmitted to Congress."

Mr. MANN. That is the Spooner Act, the original act.

Mr. HELM. Conceding that the gentleman from Illinois is correct in his statement that they are required to report to Congress in detail, then if this commission has the free hand, or rather I should have said, first, that even if a report of that kind is required by some act to be sent to Congress it would receive scant, if any, attention from any Member of the House, and it is strange that the officer before the committee did not refer to it and file it in the hearing along with the other acts and decisions relating to the canal. I submit and insist that there ought to be somewhere some committee vested with the authority to look into the workings and expenditures of this commission as the committees that have the right and authority to look into the expenditures made by the several executive departments of this Government.

Now I will yield to the gentleman from Kentucky.

Mr. SHERLEY. If the gentleman will now permit, I desire to say I have no quarrel with the conclusion that he has just stated, but I do not want to let the impression that his statement made go unchallenged that there had been no sort of supervision over the expenditures of money by the Panama Canal Commission. It has been my duty as one of the members of the subcommittee on the sundry civil bill to pay some detailed attention to the expenditures made by the canal commission, and with the experience of some nine years in Congress I can say to the gentleman that I know of no work that has been watched closer or checked as frequently by the Committee on Appropriations as the work of digging the Panama Canal. Now, it necessarily follows that an appropriations committee should not be expected to and can not in detail go into expenditures except as they are incident to additional appropriations asked, but the committee has gone, and the hearings will bear out this statement, with a detail into the expenditures to a degree that has been unusual in any other work of similar character of which I know. I feel it is only fair to the country and the committee to say this.

Mr. MANN. Before the gentleman answers that—and he can cover both at the same time—the Committee on Interstate and Foreign Commerce of the House has legislative jurisdiction over the Panama Canal and both claims and has exercised the power of investigating prices, expenditures, or anything else in connection with the canal or the Panama Canal Commission.

Mr. HELM. Now, Mr. Chairman, I want to say, in answering the gentleman from Kentucky [Mr. SHERLEY], that it is far from me to undertake to reflect upon any committee of this House that has to deal with the construction of this canal, which answer may also apply to the statement of the gentleman from Illinois [Mr. MANN]. But I will say from my study of the work of former Committees on Military Affairs—which committee controls the appropriations for the military establishment—that their work has been far from thorough; yet I have not the least doubt that the Military Affairs Committee would have insisted, as these gentlemen do, that it had been. But the officers as well as myself state that it has not. I find this act—section 230 of the Revised Statutes:

> Whenever the Secretary of War invites proposals for any works, or any materials, or labor for any works, he shall report to Congress, at its next session, all bids therefor, with the names of the bidders.

That section was intended to be a safeguard in just such enterprises or projects as this. The officer before the committee stated very frankly that it had not been complied with. It was stated in the Executive order deputizing the supervision of the canal to the Secretary of War that this authority was conferred on him because the War Department is in control of and has supervision of the river and harbor projects, because of the similarity of the work, and it is my conclusion, notwithstanding the contention of the officials of the Isthmian Canal Commission, that this commission is as much under the rules, regulations, and supervision of the War Department as is the river and harbor work. There is another section of the Revised Statutes—section 3744—which requires that where these bids have been received in the manner prescribed by section 230 a copy of them shall be lodged in what is known as the file clerk's office, which is a public office, where the public has the right to go and inspect the contracts that have been made and where the contractor can see how he has fared with contending bidders on propositions and projects of this character. This section 3744 has not been complied with, and if the House should agree with the contention of the chief official of the Washington office of the canal—that none of the investigating committees of the House have the right to investigate the contracts or prices that are paid for material, work, and so forth, that is being purchased and done in the construction of the canal—then I think that it is time for the House to take action and confer that authority on this committee.

Now, in regard to the statement made by the gentleman from Kentucky [Mr. SHERLEY] and the statement made by the gentleman from Illinois [Mr. MANN], who are members of committees that deal with the canal, as to the thoroughness of the work of their committees, I believe that the Committee on Military Affairs, that carries the appropriations for the military establishment, endeavored to be as conscientious in the discharge of its duty as any other committee dealing with matters of this kind in the House, yet I know enough about the workings and methods by which these appropriations were made to know and to state to the House—and I have the proof here to back these statements up—that appropriations were made that were extravagant, and I will say lacking due consideration, ill advised, and "guesswork," as admitted by Gen. Aleshire. For like reasons I have not the least doubt that an investigation of the work on the canal will disclose similar conditions. I say that with no reflection upon the committees, but I know I can show you by the hearings that have been had before this committee that there have been extravagant and wasteful expenditures that have escaped the attention of the Committees on Military Affairs. I want to say that it strikes or should strike any thinking man that it is ridiculously absurd for the Government of the United States to be spending approximately $100,000,000 annually for the support of a mere skeleton of an army, and I have the statement at hand to show, and it is supported by the statement in the last report of the Secretary of War, which fact was first developed in the hearings before this committee, that it is costing this Government per enlisted man in the Army of the United States from $1,000 to $1,200 per annum, while it is only costing Germany and France from $250 to $275 per enlisted man per annum. Now, it necessarily follows that there has been waste and extravagance somewhere along the line that has escaped the watchfulness and attention of the Committee on Military Affairs.

It may be possible that something may have escaped the attention of the gentleman from Kentucky and the gentleman from Illinois in the deliberations of the committees of which they are members and which deal with the construction of the canal. This wide difference in cost per soldier in the Army of the United States and the European armies mentioned is evidence sufficient to convince any thinking man that there is either waste, extravagance, or negligence somewhere in the handling of these funds. It is furthermore conceded that our Army as a fighting machine lacks organization, lacks discipline, and lacks efficiency, while the European armies referred to are quite efficient. But we have been spending, and will continue to spend, approximately $100,000,000, and are getting very poor results in return for the expenditures which we are making.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. HELM. I would like to have 30 minutes more.

Mr. FITZGERALD. Mr. Chairman, I wish to say this: I have worked pretty hard all this week when I should have been in bed in order to get this bill in the House and get it through this week. I will not stay in session to an undue hour to pass this bill, merely to accommodate men who want to make speeches and who can as well make them at some other time.

Mr. MANN. The gentleman from New York must remember that the chairman of the Committee on Appropriations has to be patient and long suffering with all of us and long suffering himself.

How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] has 10 minutes remaining.

Mr. MANN. I ask unanimous consent that the gentleman from Kentucky may have 20 minutes more.

Mr. FITZGERALD. I shall object——

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the gentleman from Kentucky [Mr. HELM] may be permitted to occupy 20 minutes more. Is there objection?

Mr. FITZGERALD. Mr. Chairman, I wish to serve notice——

Mr. CLARK of Florida. Mr. Chairman, I object.

Mr. SHERLEY. The gentleman from Florida did not rise when he made the objection.

Mr. CLARK of Florida. Then I will rise and say that I object.

Mr. SHERLEY. Then I will take the floor in my own right.

The CHAIRMAN. The gentleman from Kentucky [Mr. SHERLEY] is recognized.

Mr. SHERLEY. Mr. Chairman, I yield to my colleague [Mr. HELM].

Mr. FITZGERALD. Mr Chairman, I move the committee do now rise.

Mr. SHERLEY. Mr. Chairman, I make the point of order that the gentleman from Kentucky [Mr. HELM] has the floor.

Mr. HELM. I have the floor, Mr. Chairman.

Mr. FITZGERALD. The gentleman from Kentucky [Mr. SHERLEY] was recognized and immediately surrendered the floor.

Mr. SHERLEY. And the gentleman from Kentucky [Mr. HELM], my colleague, was recognized.

Mr. HELM. My colleague got recognition from the Chair and yielded to me. I have no disposition to trespass on the patience of the committee.

Mr. FITZGERALD. Mr. Chairman, I withdraw the motion. I will not object.

Mr. HELM. One of the chief reasons, Mr. Chairman, for the prodigious expense connected with the upkeep of the Army is the method that has been in vogue of housing or quartering the Army in widely scattered posts throughout the United States. We have a little Army of about 70,000 enlisted men that require 176 posts to house and quarter them. One of the officers that was before this committee, who was being questioned about the extravagance incident to this method of housing and quartering the Army, was asked if a more expensive method could be devised for doing so, and he said there was no other conceivable way of spending more money, and unnecessarily so, for quartering and housing the Army, except to build more posts. Many of these posts are not capable of housing more than one or two companies; and I want to say that I have a table here showing that there has been expended $94,861,082.20 for the purpose of purchasing the land on which these posts and buildings have been constructed, and that of this sum $37,357,854.95 has been expended since June 30, 1906. It is but fair to state that most of this amount was expended on the coast defense.

The Secretary of War in his report says that the department has been aware of this expensive method of housing and quartering the Army, and that steps have been taken to remedy this unnecessary and wanton expenditure of public money. But I hardly believe that the facts as developed by this committee will sustain that statement. On the 20th of June, 1911, this committee had before it Maj. Cheatham, who is immediately in charge of the construction of this class of work, and he was questioned on that occasion as follows:

Mr. BULKLEY. I do not care about an immediate answer to this question, but I would like to have inserted in the record a reference to any recommendation made by the Secretary of War to Congress, or brought to the attention of Congress in any way through the War Department, looking to the centralization of the Army into larger posts with a view to economies we have already been discussing.

Maj. CHEATHAM. That, I believe, we will be able to find some record of.

Mr. BULKLEY. I think probably you will find some, and I want to be able to refer to it.

Maj. CHEATHAM. Yes, sir. I will furnish that information. I have had a careful search made of the records of the War Department—of the Quartermaster General's Office—but can find no communication or other correspondence which contains any information in connection with the centralization of the Army in larger posts.

The following list of typical posts shows the capacity, total cost of construction, and the cost of repairs on each for the last five years:

Name.	Capacity.	Total cost.	5 years' repairs.
Fort Benjamin Harrison, Ind.	1 regiment of Infantry..	$1,334,169.71	$11,936.62
Fort Bliss, Tex.	4 companies of Infantry.	517,627.24	27,412.11
Boise Barracks, Idaho	4 troops of Cavalry	398,049.73	1,656.30
Fort Brady, Mich.	4 companies of Infantry.	445,104.17	15,650.54
Fort Clark, Tex.	2 squadrons of Cavalry.	138,748.23	7,848.06
Fort Crook, Nebr.	2 battalions of Infantry.	903,391.98	14,816.95
Fort Des Moines, Iowa	1 regiment of Cavalry....	1,491,104.90	26,186.50
Fort Lincoln, Nebr.	4 companies of Infantry.	618,459.27	7,461.70
Fort Logan H. Roots, Ark.	do	428,136.69	5,803.82
Fort McKenzie, Wyo.	8 companies of Infantry.	1,218,906.00	8,379.66
Fort Meade, S. Dak.	Headquarters and 8 troops of Cavalry.	1,225,787.93	24,007.49
Fort Missoula, Mont.	4 companies of Infantry.	593,914.08	29,469.69
Fort Ontario, N. Y.	do	337,037.50	6,186.83
Fort Yellowstone, Wyo.	4 troops of Cavalry.....	806,511.51	5,765.56
Vancouver Barracks, Wash.	1 regiment of Infantry and 2 battalions of Field Artillery.	1,000,546.26	50,904.06
Whipple Barracks, Ariz.	4 companies of Infantry.	602,615.51	7,603.00

On another occasion the committee had Gen. Wood before it for examination. He stated:

Mr. Chairman, when I came here last July—that would be July, 1910—I started in at once on the policy of going over our whole military establishment with a view to concentration. I desired to carry out the same policy I had used the year I was in the Philippines, getting the troops into larger posts.

The point I want to make about this proposition is this: That for years, according to the report of the Secretary of War, it has been known to the War Department that they were annually expending large and extravagant sums of money for the purpose of quartering the Army at places selected without special reference to the market, without reference to the supplies, without reference to transportation. This fact has been known to the War Department for years, according to the report of the Secretary of War. Yet here is a statement from Maj. Cheatham to the effect that a careful examination of the records shows a complete absence of any step ever having been taken by the department to remedy this waste that is going on and that has been going on and prevailing in the department for years. The first intimation that any step was taken, or that anything had been done, is made by the Chief of Staff, Gen. Wood, that it was begun in July, 1910, after $94,000,000 had been expended.

You should bear in mind that $37,000,000 of this sum had been expended since 1906, within a time when the department must have known, according to the last report of the Secretary of War, of the wanton extravagance, I will style it, of maintaining the Army in the manner in which I have stated. There are 176 Army posts, stations, and substations that the total amount for repairs expended within the last five years amounts to $2,051,136.09. Forty-eight of these posts have been established in the last 16 years of Republican control of Congress.

The department officials claim that they have been embarrassed of recent years by extensive and expensive construction, but the department has annually estimated therefor liberal sums. Three hundred thousand dollars has been recently spent at Fort Meade, $250,000 at Boise Barracks, while it requires about $50,000 annually for the upkeep of Fort Wingate, N. Mex., that quarters two troops of cavalry if filled to its capacity. The true condition may be fully understood when it is known that 62 per cent of the mobile Army is quartered at 24 posts and 38 per cent at 53 posts.

One of the other heavy expenditures in a place where I think there is too much money expended is that on the officers of the Army. We have, as I said, a little Army of about 70,000 men. In proportion to the number of men we have an entirely too large army of officers. There are nearly 5,000 officers to handle a little army of 70,000 men. This strikes me as rather a top-heavy arrangement. I want to show and to state to the House how this number of officers has been increasing from year to year. The number of officers in the year 1899—the year after the Spanish-American War—was 2,471. The strength of the Army at that time was 62,258 men. In 1900 there were 2,486 officers. The strength of the Army then was 65,669 men. In 1901 there were 2,940 officers and 78,646 men. In 1909 there were 4,048 officers and 74,665 men. In 1910 there were 4,275 officers and 70,893 enlisted men.

Now, the pay of the Army amounts to about $43,000,000 annually, and of this sum of money the officers of the Army, active and retired, receive about $17,000,000. In other words, you have about 70,000 men receiving about $25,000,000 and (1912) about 5,000 active and 1,009 retired officers receiving $17,000,000.

This does not include their quarters. The Government has expended $17,000,000 for the purpose of constructing quarters for these officers, and has expended over $700,000 for heavy mahogany furniture with which to furnish these quarters, and now, according to the statement of Gen. Wood, or the inference to be drawn from his statement, if not his direct statement, that after having spent, through the quartermaster's division alone, $17,000,000 for quarters for the officers, and approximately a million dollars for furnishing them, the policy to be inaugurated is to allow these officers, instead of requiring them to occupy quarters that have been constructed for them, to receive commutation of quarters and permit them to live in the cities, which is now done in places where there are not quarters provided for them.

There are some other matters that I would like to have referred to, but not wishing to consume an undue amount of the time of the House, I shall close after directing the attention of the House to certain typical items of expense and the manner of making the appropriations that I just referred to. The total cost of automobiles for use of the officers and employees of the Quartermaster's Department alone, from 1906 to 1911, was $113,441.34, the repairs of which cost $35,890.35 and the supplies therefor $30,056.84, making a total cost of $179,388.53.

The officers are allowed from $288 to $1,440 per annum in commutation of quarters, annual commutation of from $24 to $124 for light, $163.96 to $404.64 for heat. The officers go before the Military Affairs Committee, and they estimate that because for the preceding year they have expended so much money for a particular purpose, that therefore they must have for the ensuing year a like sum or a larger sum. I want to give you an instance which I believe is a typical case. There are 103 blacksmith shops maintained for the Army in the Quartermaster's division of the Department, to which division all such shops belong. The hearings show that the cost of a first-class shop is $202.40. Now, there is expended annually about $23,000 for the purpose of buying blacksmith's tools. The statement is made in the hearings that the life of these tools is from three to five years. As a matter of fact, those of you who like myself come from the country know that blacksmith's tools seldom wear out. There are 85 blacksmith shops of the Quartermaster's Department in the United States and 18 in the Philippine Islands. In addition to the foregoing the Quartermaster's Department supplies a small horseshoeing equipment to each Cavalry troop, 180 in number. The first cost of the 103 shops would be $20,847.20. In other words, you are putting in a new stock every year for these shops. This is but a typical case. Estimating the cost of the small equipments, 180 of them for the troops, which is an excessive number, at one-half the cost of a first-class shop, still the expenditure of about $23,000 annually can not be justified.

I select this as a fair type or example as showing how these appropriations are made annually. The same criticism will apply to ranges for cooking purposes, 9,652 of which were purchased at the Jeffersonville depot alone from August, 1903, to June, 1911, at a cost of $426,175.26. These ranges are admitted to have a serviceable life from 15 to 20 years. I regret very much that I have not the time to go into further details. I will, however, state in a general way that this department has been spending annually over $100,000 for telegrams, a like amount for stationery, employs 223 blacksmiths, who receive $180,515 per annum, expends about $140,000 per annum for horseshoes and shoeing the horses in the service other than those in the Cavalry and Artillery.

Now, when you come to the question of buying ranges or stoves, the department has a type of range made that is not to be found in the commercial markets. The reason assigned for this is that it is difficult to obtain the extra parts that may be needed from time to time. This I do not believe to be tenable. This type is more expensive, and, in my opinion, no more efficient or serviceable than the usual type that can be bought on the market. Notwithstanding they say they have cut off the new construction and are going to concentrate the Army into a less number of posts, yet year after year they expend almost precisely the same amount of money for the purchase of ranges and stoves and heating apparatus and laundry stoves, and articles of that kind. In other words, the department seems to go on the theory, "Because we have so much money last year, we must have an equal amount in the ensuing year." I believe, and I make the statement, that if these matters are looked into closely by the Committee on Military Affairs, which appropriates for the military establishment, millions of dollars can be saved annually to the people by a more careful method of buying the articles, by a more perfect method of bookkeeping, and by a more perfect method of inspection.

There is one other item and then I shall close. There is a contingent fund that is carried in the appropriation. I believe it began in 1909 with $15,000. Gen. Bell, when he was before the Committee on Military Affairs, stated that that fund was to be used for the purpose of entertaining distinguished guests at these military posts; but an examination of the report that the Secretary of War is required to make of that fund, which has grown from $15,000 in 1909 to $40,000 for 1911 and $40,000 for 1912, shows that there is not a dollar of this particular fund which has been used for the purpose for which this appropriation was originally made. On the other hand, it seems to be a kind of confidential pin money for the Secretary of War. I would like to have the House know how some of this money has been expended. I have the letter of the Secretary of War bearing directly upon this particular fund. Here are some of the expenditures:

The Pullman Co., sleeping-car service, one person, Washington, D. C., to Wilmington, N. C., and return, $4; photographic supplies, $13.50; sleeping-car service, one person, Washington, D. C., to Kansas City, $7; sleeping-car service from Fort Leavenworth to St. Louis and from St. Louis to Washington, $7; sleeping-car service, Washington, D. C., to Wilmington, N. C., $4; photographic supplies, $86.40. There are a number of items of that type and character.

It is my opinion, Mr. Chairman, that this sum of money ought to be eliminated from that bill. There is another contingent fund which, if you will examine, you will see that money is being expended for precisely the same things for which the Quartermaster General is expending the money placed in his hands. If it is allowed at all it ought to go through his division or department and be controlled by him. I refer to such items as telephone, telegram, provender, and forage paid for and purchased out of funds in the contingent fund and put at the disposal of the Secretary of War, or some of the chief officers in the department. At least a great portion of it is spent for quartermaster supplies, and the Quartermaster General stated that he had nothing to do with these contingent funds.

Mr. AUSTIN. Will the gentleman yield?

Mr. HELM. Yes.

Mr. AUSTIN. Has the gentleman any idea how much he can save if his ideas are adopted?

Mr. HELM. Ten or thirty million dollars can be saved annually.

Mr. AUSTIN. We might put that to building public buildings.

Mr. HELM. I say that amount could be saved if we had a better inspection and a thorough systematic business method adopted by the War Department, a less number of Army posts, the cost-keeping and buying methods reorganized. It is also my opinion that the method of inspection is subject to the severest criticism. These men will come to you confidentially and tell you about abuses that are prevalent—that are known—and yet confess and admit that there is no way of reaching them.

I want to give you, in conclusion, Mr. Chairman, a fair sample of how these apportionments are carried on under the law.

Where Congress makes appropriations for one purpose they can use it for almost an entirely different purpose. A sum of money may be apportioned to put a roof on a house that is represented to be dreadfully in need of repair, and under the law by this transfer system that is in vogue, they can use that money to dig a cellar under the house. It is a fact that in the last bill they appropriated about $500,000 to repair some transports. Either these transports did or did not need that amount of work done upon them. They needed the repairs, which should have been made, or else the money ought not to have been appropriated. Yet that $500,000 was not used for the purpose of repairing the transports, but was used for the purpose of paying in part the expense incident to the Texas mobilization, which, by the way, was admitted to be a failure as a war division. What the Committee on Military Affairs and this House ought to do, especially in time of peace, is to make more specific appropriations. Let the officers come before the committee and say, We want ten or fifty thousand dollars for a specific purpose, and let the act say that the money shall be expended for that specific purpose, and when you have done that you will save annually large sums of money. In this way only will anything resembling a correct system be ultimately reached. Invoices of all supplies on hand at the time the appropriations are made should be before the Committee on Military Affairs.

Under the law and under the practice in the department as it is now, they divide the appropriations up into impersonal accounts. They carry an unapportioned sum of money under the several appropriations. I wish I had the time to show you in detail how it is done, how they can and do shift and transfer these apportionments. They can make an estimate and apportionment, say that they need it for this purpose or that, but before the year is out, if you look into the transfers that are made you will find that many of these apportionments are used for almost an entirely different purpose. The time will never come, under the prevailing method, with this right to shift or transfer from one apportionment, carrying large sums of money, to another, when the Committee on Military Affairs or Congress can ever control the appropriations with any degree of accuracy. I repeat the statement, in order to emphasize it, that the appropriations ought to be more specific and definite [applause] and less latitude and discretion allowed the department in the apportionment of the appropriations.

Mr. AUSTIN. I suggest the gentleman furnish the chairman of the Military Committee, who does not seem to be present, a copy of his speech.

Mr. MANN. Mr. Chairman, I now yield to the gentleman from Missouri [Mr. RUSSELL].

Mr. RUSSELL. Mr. Chairman, 100 years ago to-day the district that I represent was visited by one of the greatest natural disturbances of the earth ever witnessed in this or any other country, and has since that time been designated in history and known throughout the world as the "New Madrid earthquakes of 1811–12."

The territory immediately affected embraced about 30 square miles in Missouri, Tennessee, and Arkansas, but the shocks were distinctly felt over more than a million square miles, ex-

tending from New Orleans to Chicago and from Washington to San Francisco.

From the accounts given by eyewitnesses that have been handed down to us by our ancestors, we have learned that the surface of the earth vibrated, surged, and rolled not unlike the mighty waves of an angry ocean. Large trees waved like weeds in a storm and fell in every direction; great cracks were formed in the earth's surface, and from them were emitted sand, coal, and water. The current of the Mississippi River was changed and for a time boats floated upstream. Great lakes were elevated and became dry land, while in other places in Missouri and Tennessee great lakes were formed that have since been known as the "sunk lands," and have been the hunters' and fishermen's paradise, some of which have, however, in recent years been reclaimed and become a part of the most valuable lands in that fertile region by the adoption and application of modern plans of drainage.

For about six weeks this phenomenal catastrophe continued, to the discomfiture and terror of all those of the inhabitants who were unable to flee from the scenes of its fearful ravages.

This earthquake was regarded as a great national calamity, such as authorized or justified Congress to consider and to grant relief to the sufferers. In 1814 Edward Hempstead, the first Delegate to serve in Congress from west of the Mississippi River, and who represented the territory of which Missouri was then a part, introduced the bill, which was passed in 1815, authorizing the issuance of New Madrid certificates to the landowners who lost their lands, permitting them to select other Government lands. Under them many valuable lands were selected in Missouri, Illinois, and other States; but as the means of transmitting information was not as it is to-day, many of these certificates were purchased by unscrupulous speculators before the actual sufferers were advised of their rights, so that the result of that well-intended act was much litigation, with but little benefit to those for whose relief it was enacted.

I have in my possession an exact copy of an original letter of Mrs. Eliza Bryan, who witnessed these earthquakes, written to an eminent author and divine, Rev. Lorenzo Dow, in 1816, describing the turbulent scenes as she saw them.

This letter was recently published in the Dunklin County Democrat, but so far as I know has never been published in any history, and in order to preserve it for future generations and in the interest of correct history, I ask to insert it in the CONGRESSIONAL RECORD as a part of my remarks:

MRS. BRYAN'S LETTER.

A letter written to Rev. Lorenzo Dow, a noted preacher of the last century, by Mrs. Eliza Bryan, in 1816, gave another description, as follows:

NEW MADRID, TERRITORY OF MISSOURI, *March 22, 1816.*

DEAR SIR: In compliance with your request, I will now give you a history, as full in detail as the limits of a letter will permit, of the late awful visitation of Providence in this place and its vicinity. On the 16th day of December, 1811, about 2 o'clock a. m., we were visited by a violent shock of an earthquake, accompanied by a very awful noise, resembling loud but distant thunder, but more hoarse and vibrating, which was followed in a few minutes by the complete saturation of the atmosphere with sulphurous vapors, causing total darkness.

The screams of the frightened inhabitants running to and fro, not knowing what to do nor where to go, the cries of the fowls and beasts of every species, the cracking of the trees falling and the roaring of the Mississippi, the current of which was retarded a few minutes, owing, as it is supposed, to the interruption in its bed, formed a scene truly horrible.

From that time until about sunrise a number of lighter shocks occurred, at which time one still more violent than the first took place, and the same accompaniments as the first, and the terror which had been excited in every one and indeed in all animal nature was now, if possible, doubled. The inhabitants fled in every direction to the country, supposing (if it can be admitted that their minds were exercised at all) that there was less danger at a distance from than near the river. In one person, a female, the alarm was so great that she fainted and could not be recovered.

There were shocks each day, but lighter than those already mentioned, until the 23d day of January, 1812, when one occurred as violent as the severest of the former ones, accompanied by the same phenomena as the former. From this on until the 4th of February the earth was in continual agitation, visibly waving as a gentle sea. On that day there was another gentle shock nearly as hard as the preceding one. Next day, four such, and on the 7th, about 4 o'clock a. m., a concussion took place so much more violent than those which had preceded it that it was denominated the hard shock.

The awful darkness of the atmosphere, which, as formerly, was saturated with sulphurous vapors, and the violence of the tempestous thundering noise that accompanied it, together with all the other phenomena mentioned as attending the former ones, formed a scene the description of which would require the most fanciful imagination. At first the Mississippi seemed to recede from its banks and its waters gathered up like a mountain, leaving for a moment many boats, which were here on their way to New Orleans, on the bare land, in which time the poor sailors made their escape from them. It then rose 15 or 20 feet perpendicularly and expanding, as it were, at the same moment, the banks were overflowed with a retrograde current rapid as a torrent; the boats, which before had been left on the sand, were torn from their moorings and suddenly driven up the little creek, at the mouth of which they laid, to the distance, in some instances, of nearly a quarter of a mile.

The river falling immediately as rapidly as it had risen receded within its banks again with such violence that it took with it whole groves of young cottonwood trees which ledged its borders. They were broken off with such regularity in some instances that persons who had not witnessed the facts would be with difficulty persuaded that it had not been the work of man.

A great many fish were left on the banks, unable to keep pace with the water. The river was literally covered with wreckage of boats and 'tis said that one was wrecked in which there was a lady and six children, all of whom were lost. In all the hard shocks mentioned the earth was horribly torn to pieces, the surface of hundreds of acres was from time to time covered over of various depths by the sand which issued from the fissures, which were made in great numbers all over this country, some of which closed up immediately after they had vomited forth their sand and water, which, it must be remarked, was generally the matter thrown up.

In some places, however, there was a substance somewhat resembling coal or impure stone coal thrown up with the sand. It is impossible to say what the depths of the fissures or irregular breaks were. We have reason to believe that some of them were of great depth. The site of this town was evidently settled down at least 15 feet, and not more than a half mile below the town there does not appear to be any alteration of the bank of the river, but back from the river a small distance the numerous large ponds or lakes, as they are called, which covered a great part of the country, were nearly all dried up.

The beds of some of these were elevated above their former banks several feet, producing an alteration of 15 or 20 feet from their original state. And lately it has been discovered that a lake was formed on the opposite side of the Mississippi in the Indian country upward of a hundred miles in length and from 1 to 6 miles in width and from the depth of 10 to 50 feet. It has communication with the river at both ends and it is figured that it will not be many years before the principal part, if not the whole, of the Mississippi, will pass that way.

We were constrained by the fear of our houses falling to live 12 or 18 months after the first shock in little light camps made of boards, but we gradually became callous and returned to our home again. Most of those who fled from the country in the time of the hard shocks have returned home. We have felt since their commencement in 1811, and still continue to feel, light shocks occasionally. It is seldom, indeed, that we are more than a week without feeling one, and sometimes there are four in a day.

There were two the past winter much harder than we have felt them for two years before; but since then they appear to be lighter than they have ever been and we begin to hope that ere long they will entirely cease.

I have now, sir, finished my promised description of the earthquake—imperfect, it is true, but just as it occurred to my memory. Most of the truly awful scenes have occurred three or four years ago. They, of course, are not related with that precision which would entitle it to the character of the full and accurate picture. But such as it is, it is with great pleasure in the full confidence that is given a friend. And now, sir, wishing you all good, I must now bid you adieu.

Your humble servant,

ELIZA BRYAN.

To the Rev. LORENZO DOW.

The CHAIRMAN. If there is no further general debate, general debate is closed and the Clerk will read the bill.

The Clerk read as follows:

WAR DEPARTMENT.

Wreck of battleship *Maine:* For additional amount for the raising or the removal of the wreck of the battleship *Maine* from the harbor of Habana, in accordance with the provisions of the act approved May 9, 1910, $250,000, or so much thereof as may be necessary.

Mr. SULZER. Mr. Chairman, I favor this additional appropriation to complete the work of raising the wreck of the *Maine*. I hope it will be the last money required for the purpose. It has cost the taxpayers of the country considerable to do what they desired to be done in this matter, but I know they do not begrudge what it has cost. I do not believe there is a taxpayer in the country so unpatriotic as to object to the completion of the work.

I am the author of the legislation in Congress to raise the wreck of the *Maine*, and its accomplishment now demonstrates beyond peradventure what I asserted many times in the past on this floor, that the battleship *Maine* was destroyed in the harbor of Habana on that memorable night in February, 1898, by an external explosion. The unanimous report of the board of inquiry, now before Congress, is conclusive in the matter. The truth of the matter is worth all that it has cost. History can now be accurately written.

The wreck of the *Maine* will soon be removed from the harbor of Habana, where it is a menace to navigation. We owe it to ourselves and to the maritime nations of the earth that this be done. We could not permit any other nation to do this work. It was incumbent upon us to do it, and its satisfactory completion is worth all that it has cost.

But, sir, more than all this, let me say, there were more than 63 bodies of our heroic sailors entombed in the hulk of that wreck which had never been recovered. As the work progressed I understand that nearly 50 remains have been found and brought back to this country to be buried with their gallant comrades in the national cemetery at Arlington. To recover these bodies was a duty this Government owed to the memory of its defenders and to the sentiment of patriotism alive in the land, which, I trust, will never die in America. All the money it has cost has been well spent and no one in this country, in my judgment, regrets it. Our Government has now done its full duty to the maritime nations of the world, to the memory of our heroic sailors who sacrificed their lives on the altar of their country, and, last, but not least, to the eternal truth of history. The last act in the tragedy of the Spanish-American War is ended. Let the curtain be rung down. [Applause.]

Mr. MACON. Mr. Chairman, I move to strike out the section just read.

The CHAIRMAN. The gentleman from Arkansas moves to strike out the section just read.

Mr. MACON. Mr. Chairman, about two years ago it was proposed for sentimental reasons that the *Maine* should be raised and that the remains of the unfortunate sailors who were lost in that wreck should be brought to Arlington and reinterred, they having been interred in the greatest graveyard on the face of the earth, the ocean, where many thousands, nay millions, of others have been interred before them. For sentimental reasons this House saw fit to appropriate $100,000 for that purpose. They were willing to take $100,000 from the hungry mouths of the many toilers of this country and use it for sentimental purposes, providing they could find the bones of the departed and bring them to the national cemetery at Arlington and inter them there. But it seems that that flame of sentiment has been fanned by some breeze until the Congress has extended the appropriations from time to time until $650,000 have already been buried practically in the deep, wide ocean. Now, after that much money has been absolutely squandered for sentimental purposes, we are asked to appropriate $250,000 more, making a round sum of $900,000. I ask any Member upon the floor of this House, in the name of reason, in the name of justice, in the name of right to those who pay taxes for the purpose of maintaining this Government, be they opulent or be they in the lowest dregs of poverty, I ask you why we should continue to appropriate the people's money for a sentimental purpose like this?

Mr. SAUNDERS. May I ask the gentleman a question?

Mr. MACON. In a moment; yes.

Mr. SAUNDERS. If we do not appropriate this amount for the purpose of completing our work there, what would the gentleman suggest as an alternative? We have a wreck, a costly obstruction, in the harbor of Habana.

Mr. MACON. I was just about to say, Mr. Chairman, when the gentleman from Virginia [Mr. SAUNDERS] asked the question, that I have been advised that there are novelty hunters, novelty seekers, Coney Islandites, or persons of that kind, who will gladly take the old carcass where it is and remove it, and will, in addition thereto, pay to this Government a good round sum for it in order that they may take it to Coney Island or elsewhere and exhibit it for so much per, or so they can break it to pieces and sell it to the sentimental curio hunters of this country at so much per curio. I should think that would be much better, decidedly, when I take into consideration the interests of the people of our country that we represent, than to go on squandering their money upon the work of removing the *Maine*, when we were not responsible in any degree for its destruction or for its interment in Habana Harbor.

Mr. FITZGERALD. Mr. Chairman, I was one of those who originally favored an appropriation to enable the Government of the United States to remove the wreck of the *Maine* from the harbor of Habana. This vessel, lying there, was an obstruction to navigation. This Government would not consent that it should be removed by the Republic of Cuba, and it only could be removed by this Government. There was a threefold purpose in removing the wreck. First, to recover the remains of those who had perished in it; secondly, to ascertain, if possible, the cause of the explosion; thirdly, to remove the obstruction from the harbor.

Since the work has been initiated the remains of 41 persons have been taken from the wreck. The wreck has been uncovered, and a report has been submitted to the President and transmitted by him to the Congress to the effect that the board designated for the purpose of making inquiry has sufficient reason to believe and to say that the cause was due to an outside explosion.

The Republic of Cuba is improving the harbor of Habana to a depth of 37 feet. A cofferdam has been erected in the harbor, completely exposing the wreck, and the purpose is to remove the wreck to a depth of 37 feet below mean low water. At one time a proposition was submitted to the department by some persons who believed it would be possible to raise the wreck of the *Maine* and to have it taken to the United States, possibly under its own power or by some outside assistance, to take what would remain of the wreck from city to city and to exhibit the remains of the vessel for a charge upon the public. In my opinion, the American people would not tolerate making a public show out of the wreck of that vessel. [Applause.]

There are some things that are sacred to a people, and among them are the remains of men and the remains of vessels destroyed in the service of the country. We were under an obligation to remove the wreck or to permit the Republic of Cuba to remove it. In my opinion an obligation rested upon us to ascertain definitely, if possible, the cause of the explosion. There was no reason why this country should fear the truth if the explosion or destruction of the vessel was due to carelessness, or negligence, or some unforeseen cause, on the vessel itself, and it was wise to ascertain, if possible, whether the destruction of the *Maine* was occasioned or not by some outside agency. As the work at present stands, the forward half of the ship is so completely destroyed that it must be taken to pieces in order to be removed. The after half of the ship, it is believed, can be floated by the building of a bulkhead sufficiently long to tow it out to deep water and give it an honorable burial. The War Department never would make a definite estimate as to what it would cost to do the work. It was a work unprecedented in engineering enterprise, and it is now estimated by many who at first had believed the work could be done for a much less sum that if the contract had been given to them to remove it, as they asked, it could never have been done for the amount fixed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, I would like to ask unanimous consent for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FITZGERALD. This money that is now asked will enable the wreck to be entirely removed, the cofferdam, which has been erected in the harbor, to be taken away, and leave the harbor at the point where the wreck was with a depth at mean low water of 37 feet. The Republic of Cuba, by a plant which is placed at our disposal and by other facilities which it afforded us, has saved about $500,000 to the United States in the cost of the work. The President of the Republic of Cuba has requested that some portion of the wreck be donated to Cuba in order to remain part of a permanent memorial in the city of Habana.

Survivors of the *Maine*, relatives of men who lost their lives in it, some municipalities, some naval and military organizations have submitted requests for portions of the wreck, for the purpose either of having mementos of the vessel upon which they served or of the relatives who lost their lives therein, and to erect memorials in various places throughout the country in order to cultivate and develop a healthy and patriotic spirit among the people. The committee is unanimous in the belief that not only should the money be appropriated, but that the authority to make these gifts should be given. I would greatly deplore any suggestion that the United States Government should attempt to make a profit out of the disposition of portions of this wreck merely to gratify the idle curiosity of any of the people of the United States. The wreck has no commercial value whatever for any purpose. It is not a question of disposing of some material that can be utilized profitably in a commercial way, but what is there to be preserved is to be preserved only because of the sacred memories connected therewith. I hope the amendment offered by the gentleman from Arkansas will not prevail.

Mr. PALMER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Pennsylvania?

Mr. FITZGERALD. Yes; I yield to the gentleman from Pennsylvania.

Mr. PALMER. I want to ask the chairman of the committee if any bona fide offer of any particular sum has been made to the Government for the wreck of the *Maine*?

Mr. FITZGERALD. At one time, before the wreck was uncovered, my impression and recollection is that inquiries were made of the department as to the possibility of having entertained a proposition for the sale of the wreck for the purposes I have already indicated—to make a show business of it.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. PALMER. Mr. Chairman, I ask that the time of the gentleman from New York be extended a minute in order to answer my question.

The CHAIRMAN. Unanimous consent is asked by the gentleman from Pennsylvania that the time of the gentleman from New York be extended one minute. Or does the gentleman from Pennsylvania ask for two minutes?

Mr. PALMER. Let it be two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PALMER. I am asking the gentleman from New York if any particular sum was named by any persons who proposed to buy the wreck of the *Maine*.

Mr. FITZGERALD. My recollection is that it was not.

Mr. PALMER: Is it not true that there have been companies or individuals who have suggested that they will be willing to pay as much as $1,000,000 for the wreckage?

Mr. FITZGERALD. I think not. There is no such information. The form in which the matter was submitted was as I have suggested. There were some persons who believed, before it was ascertained how badly the vessel had been wrecked, that it could be restored and taken to the United States and profitably used for exhibition purposes. But the department, not having any authority, was unable to make any statement about that, and it was not in favor of any such proposition. My recollection is that there was no proposition submitted offering any definite sum.

Mr. SISSON. Mr. Chairman——

The CHAIRMAN. The time of the gentleman from New York has expired. Does the gentleman from Mississippi desire to speak on the amendment?

Mr. SISSON. I was going to offer an amendment of my own later on, but at this juncture I wanted to explain to the committee the testimony, as I recollect it, which was obtained during the hearings conducted at Habana. With that in view, I move, Mr. Chairman, to strike out the last word.

When we were examining the witnesses I asked the question myself as to what they could probably get for the remains of the ship. Gen. Bixby was on the stand, and he said they had some correspondence from various concerns in reference to the matter, but that they had not themselves been authorized to enter into any negotiations with any of the parties for the purpose of disposing of the vessel, and they had not entered into the discussion of the reasons why the Government of the United States ought not undertake to sell it. When asked about what he thought he said he remembered there was some tentative correspondence and letters that indicated that for the wreck we might get something like $1,000,000. I shall offer, Mr. Chairman, at the proper place in this bill, an amendment authorizing the Secretary of the Navy to advertise for bids.

Now, Mr. Chairman and gentlemen of the committee, I have as much sentiment as almost anybody, but I have no such sentiment as that in matters of business and in dealing with the public funds that I would deliberately take out to sea and sink the remains of this battleship.

I talked to a number of the captains of certain tugboats, and to the captain who was doing the tugging for those in charge of the raising of the wreck, and he told me that there would be no trouble, when the bulkhead was put into the afterpart of the *Maine*, to reverse ends and tow the ship to any point within the United States. He said it was perfectly practicable, that he could do it himself, that there was no trouble about that; and I do not believe that the Navy Department, or anybody connected with the raising of the *Maine*, will say that this could not be done. From the inquiries I made, I believe that Gen. Bixby was perhaps correct in the mere suggestion that the correspondence indicated that we might be able to secure something like $1,000,000 for the remains of the vessel. I have no earthly objection to a reputable company buying the wreck, if they are willing to pay in the neighborhood of $1,000,000 for it, and let them take it, if they want to, up the Mississippi River and give my children an opportunity to see it. I do not believe this piece of wonderful mechanism, which is the center of a great deal of history, and perhaps the most historic battleship that has ever been built in the Navy, should be towed out to sea and sunk. I have no such sympathy with this sickly sentimentality that I would be unwilling to cover back into the Treasury a million dollars, which would more than pay the expense of raising the *Maine*, building the cofferdam, and then removing it from Habana Harbor and dredging to the depth that the Government feels it is under obligation to dredge for the Cuban Government. We are here representing the taxpayers of the American people. These taxes that we vote out of the Treasury are trust funds, and when we consider the exact condition of the Treasury as it has been depicted to-day, my sympathy goes out for the man who labors and toils in field and factory and mine, and I think the sentiment expressed on this matter on this floor is an erroneous sentiment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. I ask five minutes more, at the end of which time I will offer my amendment.

The CHAIRMAN. The gentleman asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. SISSON. The amendment which I will offer at the proper time is in the following language:

The Secretary of the Navy is ordered and directed to sell all of the remains of the battleship *Maine*, not otherwise disposed of under this bill, including that half or afterpart of the ship which can be floated and towed out of the Habana Harbor, to the highest and best bidder for cash, after advertising for 30 days the time, place, and terms of sale in one newspaper in the District of Columbia and in one newspaper in each of nine States.

Mr. MADDEN. Does the gentleman know that he can not get that amendment into the bill; that it is subject to a point of order; that it is legislation?

Mr. SISSON. I do not think that is true.

Mr. MADDEN. Oh, yes; it is legislation.

Mr. SISSON. It may be legislation; but whatever the rule may have been in former Congresses, anything that tends to save money or reduce appropriations is in order under the Holman rule.

Mr. MADDEN. This does not reduce the appropriation.

Mr. SISSON. It saves a million dollars to the Treasury.

Mr. MADDEN. It has nothing to do with the appropriation.

Mr. MANN. We will reach that when we come to it.

Mr. SISSON. It has been suggested to me by the gentleman from Illinois [Mr. FOSTER] that my amendment would perhaps be in order at this time, because his motion was to strike out the section. My amendment is to perfect the section, and that would perhaps be in order at this time. I do not want to lose any right I have to offer the amendment. I will offer it now and will ask that it be read at the end of my remarks. Gentlemen, I hope that for at least one time in this Democratic Congress the taxpayer and the Federal Treasury may receive some little consideration.

Mr. MADDEN. I make the point of order against the amendment.

Mr. MANN. The amendment has not been offered yet.

Mr. SISSON. I will offer it as soon as I close my remarks. Now, Mr. Chairman, I can not understand how anyone can believe that there is anything gruesome or anything unholy on the part of the American public in the desire to see this historic relic which belongs now to the people of the United States. I would infinitely rather that the Government of the United States would take the sacred relic and put it in some park where the American people could see it. I do not believe I was injured in the least in my love for the devotion of the seamen who lost their lives by that explosion in my going down to look at the wreck. I do not believe I was guilty of any unholy desire when I looked at it or that any member of the committee was.

On the contrary, I feel as I would feel when I looked at the sacred relics at Alexandria connected with Gen. Washington. Among others, they have preserved the very instruments with which Gen. Washington was bled to death. Is it unholy to look at those relics? I have no such heathenish superstition about me as that. The bodies have been removed and will be given a proper burial. The purpose of the Navy Department is to take the hull out to deep water, and there, with a complement of ships, fire a salvo over it, with flags flying, and give it an honorable burial.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. I will now offer my amendment.

The Clerk read as follows:

The Secretary of the Navy is ordered and directed——

Mr. MANN (interrupting the reading). When and where does this amendment come in?

Mr. SISSON. The bill is divided into paragraphs, and this will be a new paragraph in the bill, after line 11, page 5.

Mr. FITZGERALD. If this is offered as a new paragraph, it is not in order at this time.

The CHAIRMAN. The amendment is not in order at this time.

Mr. MANN. Mr. Chairman, I am somewhat surprised that anyone should offer such an amendment as the gentleman states he will offer; and I am more surprised that, having proposed to sell the remains of the battleship *Maine* in order to raise money, he has not included in his proposition the selling of the bones of the seamen who died in the *Maine*. Both would bring large sums of money. I would as soon put up for sale the pennies that rested on my dead mother's eyes as to propose to sell to the highest bidder this sacred relic of the war with Spain. [Applause.]

Mr. SAUNDERS. Mr. Chairman, I wish to say a word in connection with the sum of $250,000 carried in this section. This sum will be required to complete the work of removing the *Maine*, but a considerable proportion of that amount will be returned when the works now in the harbor, are finally and completely removed. What remains to be done, is simply to build a bulkhead across the after part of the wreck, admit the water into the basin in which the ship now reposes, and when she is raised by the force of the rising water, tow her out to the deep sea, and there sink her, with appropriate exercises. When the wreck is removed, the steel piles will be pulled up,

and all earth and stone which has been used for filling and embanking purposes, will be dredged away. We were informed at our inquiry in Habana, that the steel piling which will be recovered, will have a considerable commercial value, so that something like $50,000 will be returned to us from this appropriation of $250,000.

The *Maine* now reposes in a basin formed by driving down interlocking sheet-steel piling over 70 feet long. When a circle of this piling was completed, a cylinder was formed. These cylinders in succession, the one touching the other, formed an elliptical figure including the *Maine*. As soon as these cylinders were constructed after the above fashion they were filled with stone and earth. The same materials were piled against them externally, and internally, thus forming a structure of great strength. The water was then pumped out of the interior, exposing the *Maine* to full view. During the progress of the pumping operations a few of the cylinders sagged inwards, under the enormous pressure of the including waters. Pumping operations were thereupon suspended, until transverse braces were put in place, effectually stopping the sagging tendency.

The *Maine* when exposed, was covered with barnacles, and filled with mud. The latter has been removed, until now it is possible for a visitor to explore every portion of the wreck, and see for himself the awful effects of the explosion which effected the destruction of this proud ship. The forward portion of the vessel is a distorted and twisted mass. Aft the explosion was not so destructive, and the hull of this portion of the vessel is in good condition, in spite of the long immersion in salt water. One turret was blown away, and has never been found. Nothing can be done with the forward portion of the ship, save to reduce it to workable fragments with the oxy-acetylene flame, and then remove these fragments in detail. Amidships, the vessel will be cut in two by means of this flame. After removing all of the fragments of the forward portion, a bulkhead will be built across the after section, or half, and this fragment will then be ready to float. As soon as the work of cutting the vessel in two, and building the bulkhead is completed, the water will be admitted to the basin. When the water rises to the level of the surrounding harbor, what is left of the *Maine* will be towed out to sea, to find its last resting place. The remaining work can be rapidly concluded. The steel piling will be pulled up, and the earth and stone dredged away until a uniform depth of 37 feet is secured. When this is completed, no trace will remain of the unsightly wreck which for so many years has enchained public interest upon Habana, and its fair harbor.

Another word in connection with this appropriation of $250,000 and in response to the suggestion of the gentleman from Arkansas, that we discontinue further operations on the wreck. The cheapest way to dispose of what is left of the *Maine* will be to tow it into deep water and there sink it.

In no other way can the wreck be disposed of so cheaply, as by this plan. Should we undertake to blow up what is now in the basin, by dynamite, or other high explosive, the work of removing the fragments will be tedious, and expensive. The question was put to the engineers in charge of the operations, whether there was any alternative method of removing the wreck, cheaper than that of floating what is left, and towing it to sea. The answer was in the negative. From what I could see of the work, and of the condition of the vessel—and I made a thorough examination of both—I entirely agree with the engineers in this conclusion. In any event, whether the wreck is removed by blasting, or floating, it will be incumbent on this Government to remove the structures which it has reared, and which constitute a far greater interference with navigation in the harbor, than was afforded by the sunken battleship.

It is possible that before we erect the great works, which have made visible the bones of the once majestic *Maine*, now a pathetic and distorted mass of rusty iron, some method of removing the wreck, cheaper than the one pursued, might have been devised, though this did not appear in our inquiry. But we are all agreed that the wisest course, the cheapest course, in fact the only course now open to this Government is to raise the *Maine* by admitting the surrounding waters, and then tow it out of the harbor. When that is done, what of interest that attached to the work will be concluded. All that will remain before the task of the engineers is concluded, will be a simple matter of extracting so many piling, and removing so many cubic yards of loose earth and stone. The amount included in this appropriation will carry the whole work to a conclusion. If there was any other, better, and cheaper way to conclude the work than to go forward with the present plan, I would favor it. But such a way does not present itself. I have already pointed out that about $50,000 will be returned to the Treasury from the sale of the steel piling. It may therefore be fairly said, that the final cost of this work for which an appropriation is urgently required, will be to all intents, something like $200,000. Take the *Maine* to sea, sink her amid salvos of mighty guns. There on old ocean's floor, an appropriate resting place, let her bones remain, until time shall be no more.

Mr. MADDEN. Mr. Chairman, I make the point of order that that amendment is not now in order.

Mr. MACON. Mr. Chairman, I would like to say a word in conclusion as the proponent of the amendment to strike out the paragraph.

The CHAIRMAN. Does the gentleman from Arkansas desire to ask unanimous consent——

Mr. MACON. As I am the proponent of the amendment, I would like to have a few words to say in conclusion.

The CHAIRMAN. Does the gentleman desire to ask unanimous consent to speak again to his amendment?

Mr. MACON. I do.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas, that he be permitted to again debate his amendment? [After a pause.] The Chair hears none.

Mr. MACON. Mr. Chairman, we have been prating about economy, prating about what a Democratic Congress was going to do along economical lines, so much that I thought I would give them a chance to start in with that kind of work by saving to the American people $250,000, which will be practically buried in the sea, because it is proposed to take the wreck of the *Maine* out into deep water and sink her, unless they can break it up into parts and give it to different municipalities or other curio hunters, thereby preventing the sinking of it in deep water. But I knew when I offered the amendment that we would have so-called economists oppose the proposition. I have for nine years been doing my level best to save a few dollars here and there for the people. I have tried to be just, and only struck where I thought we could get along without appropriating a fund, but I have nearly always been opposed by so-called economists for first one reason and then another, all of them inconsistent with economy. Here I know we can get along without appropriating this money, and yet we are asked to spend $250,000 as an emergency fund to remove this wreck that could remain where it is for all time without doing any injury to any material interest in the wide world. I think we had better put this appropriation up to some other Congress——

Mr. SAUNDERS. Will the gentleman yield?

Mr. MACON. In a moment. Because if we proceed along the line we have started in on and squander money as we are proposing to squander it in this instance we will not have another Democratic Congress, in my judgment, for some time to come to pass upon an appropriation bill.

Mr. SAUNDERS. What I desire to say to the gentleman in this connection is, that the works that we have erected in the harbor of Habana in connection with the process of exposing the wreck of the *Maine*, constitute a far greater present obstruction to navigation in that harbor, than ever was the original wreck. Does the gentleman think it is fair on our part to the Republic of Cuba, having put an obstruction to navigation in one of its harbors to stop at that point, instead of proceeding to a finality with our work of removal?

Mr. MACON. Would it cost $250,000 to tear down what they have put up?

Mr. SAUNDERS. Yes; that is practically what is left to be done. The engineers have now reached that point when they need only to build a bulkhead across the after part of the ship, admit enough water into the basin to float her, and then tow the wreck out to sea, and sink it. When this is done, the cofferdam will be pulled up and removed in detail, and the site of this construction dredged to a uniform depth of 37 feet.

Mr. MACON. But, Mr. Chairman, I insist that from what I have heard Members say in private and here upon this floor, that that can all be done at somebody else's expense and not at the expense of the Government.

Mr. SAUNDERS. That involves the proposition of putting the wreck up at auction and selling it.

Mr. MACON. This $250,000 can wait until we see whether or not we are going to do that. The gentleman from Illinois [Mr. MANN], with great gusto, a few moments ago was talking about sentiment. The idea, he said, of selling the wreck of a great ship like that for public exhibition was out of the question. Why, sir, I want to say to you that whenever he or other Members of this Congress expend a million dollars of the people's money for foolishness such as this they are proceeding against the highest degree of sentiment the world has ever known—that of protecting humanity in its helplessness, that of protecting the kind of humanity that is unable to protect itself as against the onslaughts of those who are in

power and who can and do oppress it unmercifully at times. That is the kind of sentiment I love and delight to foster. Mr. Chairman, I insist that we should not expend the peoples' money for purposes of this kind.

The CHAIRMAN. The question is on the amendment of the gentleman from Arkansas [Mr. MACON] to strike out the paragraph.

The question was taken, and the amendment was rejected.

Mr. STANLEY. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. STANLEY. Mr. Chairman, I ask unanimous consent for one minute.

The CHAIRMAN. The gentleman from Kentucky [Mr. STANLEY] asks unanimous consent for one minute. To do what? [Laughter.]

Mr. STANLEY. The Chairman is entirely to blame for this disorder. I understand there have been several inquiries made when I was not on the floor with reference to expenditures by the committee investigating the affairs of the United States Steel Corporation. I regret I was not here. I was detained by other duties. If there is any gentleman who wishes to know about what that money is being expended for, the manner of its expenditure, who is receiving it, or anything else, I will be more than delighted to reply to those inquiries if they are pertinent at this time.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read the next paragraph.

Mr. FOWLER. Mr. Chairman——

Mr. FITZGERALD. For what purpose does the gentleman from Illinois [Mr. FOWLER] interrupt the reading?

Mr. BARTLETT. He can not interrupt the reading of a paragraph.

The Clerk continued the reading of the paragraph.

Mr. FOWLER. Mr. Chairman——

Mr. MANN. Mr. Chairman, I call attention to the fact that my colleague from Illinois was attempting to obtain recognition, but the Clerk went ahead with the reading of the paragraph.

The CHAIRMAN. It is impossible sometimes for the Chair to hear exactly when the reading clerk has finished a section. Does the gentleman from Illinois [Mr. FOWLER] desire recognition at this time?

Mr. FOWLER. Mr. Chairman, I was endeavoring to get recognition at the close of the vote on the amendment to the paragraph relating to the additional appropriation for the raising of the battleship *Maine*.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. FOWLER. I desire to ask unanimous consent to ask the distinguished gentleman who is chairman of this committee a question with reference to the disposition of the wreck of the battleship *Maine*.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois [Mr. FOWLER]?

Mr. FITZGERALD. I ask the gentleman from Illinois to wait until this paragraph is read, and then I will answer the question.

Mr. FOWLER. I have no objection if I can get the opportunity.

The Clerk completed the reading of the following paragraph:

The Secretaries of War and Navy are further authorized to donate any parts of the wreck of the Maine, or of its equipment, or of any property found therein, not needed by the United States, to any municipality of the United States, or to any military or naval association or society in the United States, or to the former officers and crew of the Maine, or their heirs or representatives: *Provided*, That such parts can be recovered and removed from the wreck without interference with the general work of removal now in progress under the War Department: *Provided further*, That all labor and costs of such removal shall be defrayed by the municipality or other body desiring the relic, and that reasonable assurance shall be furnished that the parts so donated will be properly preserved and cared for as memorials and shall not be sold or otherwise disposed of without prior authority of the original donors.

Mr. FOSTER of Illinois. Mr. Chairman, I rise to make a point of order.

The CHAIRMAN. The Chair will ask the gentleman from Illinois [Mr. FOSTER] to withhold his point of order so that the Chair can recognize the gentleman from Illinois [Mr. FOWLER] in order to enable him to propound a question to the gentleman from New York [Mr. FITZGERALD].

Mr. FOSTER of Illinois. This provides that certain parts of the ship shall go to municipalities.

The CHAIRMAN. The Chair will ask the gentleman from Illinois [Mr. FOSTER] to withhold his point of order until his colleague from Illinois [Mr. FOWLER] has propounded his question to the gentleman from New York, the chairman of the committee. The gentleman from Illinois [Mr. FOWLER] is recognized.

Mr. FOWLER. Mr. Chairman, I move to strike out the last word of this paragraph.

Mr. Chairman, it has been said on the floor of this House that it is the object of the United States, after raising the wreck of the *Maine*, to tow it out to the deep sea and there sink it. If that be the proposition, I do not understand the true meaning of the raising of the wreck. I understand the sinking of the *Maine* to be the nucleus around which one of the great historic events of America clusters. If this be true, then that wreck ought to be preserved; and I desire to put myself on record in favor of towing it back to American waters, where it can be preserved for future generations to know, by seeing, that that splendid warship was sunk to the bottom of the harbor of Habana by foul means, and that we may preserve it hereafter as a relic for all future generations [applause] as long as nature, aided by the genius of man, can preserve it. I am not in favor of large appropriations to raise this historic wreck in order that it may be sunk again. It has already been sunk once too often. [Applause.]

Now, Mr. Chairman, I only desired to rise in the first instance to ask the distinguished chairman of this committee if it was the intention on the part of the United States when that wreck is raised to carry it out to deep water and bury it at the bottom of the deep sea? [Applause.]

Mr. FITZGERALD. Mr. Chairman, I have already stated that there were three purposes in view. One was to recover the remains of members of the crew who were interred with the ship.

Mr. FOWLER. I understand that.

Mr. FITZGERALD. The second was to ascertain as definitely as possible the cause of the destruction of the *Maine*, and the third was to remove the obstruction from the harbor of Habana, an obstruction which the United States would not permit the Republic of Cuba to remove itself.

As to the burial of the wreck at sea, perhaps the gentleman does not understand exactly the situation. The entire forward half of the ship has been destroyed. It must be broken into small pieces in order that it might be removed. As to the after half of the ship, the steel hulk, it is believed that by building a bulkhead it can be made water-tight, and by placing on it counterweights to offset the weight of one of the turrets on that part of the ship, sufficient stability would be given it to enable it to be kept afloat long enough to get it out into deep water. If that be not done, the after half of the ship would have to be broken up in order to get rid of it. It is believed that the most economical method of doing the work would be to put a bulkhead in and tow the wreck to sea. It is not an object that could be utilized in any way, either as a relic or as a monument in any part of the world.

Mr. FOWLER. Is it to be sunk? Is that the object in view?

Mr. FITZGERALD. That is the object.

Mr. FOWLER. I ask the gentleman from New York if it would not be cheaper——

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FOWLER. Mr. Chairman, I desire an extension of one minute by unanimous consent.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. FOWLER. I will ask the distinguished chairman of the committee if it would not be cheaper to tow it to America now than for some future Congress to be obliged to make an appropriation to raise it again for that purpose? [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn. The Clerk will report the amendment offered by the gentleman from Mississippi [Mr. SISSON].

[Mr. MURRAY addressed the committee. See Appendix.]

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Mississippi [Mr. SISSON].

Mr. FOSTER of Illinois. Mr. Chairman, I move to strike out the last three words.

Mr. MANN. A parliamentary inquiry, Mr. Chairman. Does my distinguished colleague from Illinois [Mr. FOSTER] desire at the same time to reserve a point of order and strike out the last three words?

Mr. FOSTER of Illinois. Mr. Chairman, I reserve the point of order. I did that for the purpose of getting some information. That was all.

Mr. GARNER. Mr. Chairman, I move to strike out the last word, for the purpose of asking a question.

Mr. MANN. A point of order is already pending on the paragraph.

Mr. FOSTER of Illinois. Mr. Chairman, I wanted to ask the chairman of the Committee on Appropriations one question. This proviso proposes to give to certain municipalities some part of the wreck that they might desire and places the discre-

tion as to where these parts shall go in the Secretary of War and the Secretary of the Navy. I wanted to find out from the chairman of the committee if there is any definite purpose that he knows of now relative to the disposition of portions of this wreck?

Mr. FITZGERALD. The Navy Department or the War Department had a great number of requests for portions of the wreck. Some of the relatives of some of the persons who died on the *Maine* desire a portion of it to erect over their remains at Key West, where they are buried.

In the original act Congress directed that the mast be removed from the ship and be erected over the remains of the deceased men in Arlington Cemetery. Some military and naval associations have submitted requests for the purpose of obtaining portions to erect as memorials in different places. Some of the survivors of the crew and relatives of men who lost their lives have asked for little portions, to be used as trinkets and memorials. This provision was framed in the department so as to cover the classes of cases in which it was believed it would be proper to make such donations.

There was another class included which the committee eliminated. Certain manufacturers who had supplied parts that had been installed in the vessel desired to recover those portions. It appeared that perhaps the purpose for which they desired such portions was to advertise the fact that materials made by them and supplied to the *Maine* had, after 13 years' submersion in sea water, remained in such a condition as demonstrated beyond all question their superiority to other goods. The committee did not believe it desirable to furnish those portions for purely advertising purposes.

Mr. FOSTER of Illinois. I will ask the chairman of the Committee on Appropriations this further question: Is it the intention of the Secretary of War and the Secretary of the Navy to give promiscuously to different municipalities over the United States certain portions of this wreck, or only in these few instances? In other words, is there to be a scramble by municipalities all over the United States to secure portions of this wreck?

Mr. FITZGERALD. I think not. I think the word "municipalities" was suggested by the fact that the President of the Republic of Cuba wrote to the President of the United States, stating that the Republic of Cuba desired some heavy portion of the wreck for the purpose of incorporating it into a memorial in the city of Habana. It may be that some municipality has indicated a desire to erect some memorial. I am not certain about that; but the desire is that these portions, if given at all, shall be used for some proper purpose.

Mr. FOSTER of Illinois. It is understood, then, that the wish is to place them in some municipality that has a historical connection with this wreck?

Mr. FITZGERALD. I think there would have to be some good reason shown to the department in order to obtain the permission. I will ask unanimous consent to insert in the RECORD a letter from the Secretary of the Navy.

The CHAIRMAN. If there be no objection the request will be granted.

Mr. MANN. Mr. Chairman, reserving the right to object, I should like to know what the request is. We on this side were utterly unable to hear it. If gentlemen in charge of the bill want to stay so far over on that side of the House, they must either keep order on that side so we can hear over here, or else we will have to preserve order all over the House.

Mr. FITZGERALD. I assume that the request will be submitted by the Chair. I have a letter from the Secretary of the Navy in reference to the disposition of portions of the *Maine* in accordance with the provisions of the bill, and I ask that it may be inserted in the RECORD.

Mr. MANN. Of course I have no objection to that. I could not hear what the request of the gentleman was.

The CHAIRMAN. If there be no objection, the request of the gentleman from New York to insert the letter in the RECORD will be granted.

There was no objection.

The letter is as follows:

NAVY DEPARTMENT,
Washington, December 15, 1911.

MY DEAR CONGRESSMAN: In accordance with our understanding through the telephone this day relative to suggestions by the Navy Department regarding the disposal of parts of the wreck of the *Maine* and her equipment, I have the honor to recommend that provision be made authorizing the Secretary of the Navy to loan or give to patriotic organizations, soldiers' monument associations, posts of the Grand Army of the Republic, municipal corporations, civic bodies, and States, and the President of the Republic of Cuba such parts of the wreck of the *Maine* and her equipment as may be recovered and can be spared without detriment to the public interests. Such loan or gift should be made subject to rules and regulations issued by the Secretary of the Navy, and the Government should not be at any expense in connection with any such loan or gift, except such as may be sent to the President of Cuba.

The President of the Republic of Cuba made application to the President of the United States to be allowed to have some part of the ship with which to erect a monument, and it is the desire of the President to grant this if it can be legally done.

Owing to the widespread interest in the *Maine* and her unfortunate fate, it is deemed advisable to make distribution of relics of her as general as possible. It is believed that the method provided by this measure is as liberal as would be practicable, and it is requested that such provision receive favorable consideration by the committee.

Faithfully, yours,

G. V. L. MEYER.

Hon. JOHN J. FITZGERALD, M. C.,
House of Representatives, Washington, D. C.

Mr. GARNER. I should like to ask the gentleman from New York a question.

The CHAIRMAN. The gentleman from New York has surrendered the floor.

Mr. GARNER. Then I move to strike out the last two words.

The CHAIRMAN. The gentleman is recognized.

Mr. GARNER. I assume, from the wording of the Sisson amendment, that it is the intention that none of this wreck shall be used for commercial purposes. I call the attention of the chairman to the last six words, on page 5, line 11—

Without prior authority of the original donors.

Does that refer to the Congress, or does it refer to the Secretary of War and the Secretary of the Navy?

If it refers to Congress, is there any necessity for having it in the bill, because it would take action by Congress to have the permission. Would it not be wise to strike it all out?

Mr. FITZGERALD. Without this language I think it is quite apparent that, if the United States or the Secretary of the Navy were to donate, upon application, a portion of this wreck to some municipality or society, after it was donated the society might some time desire to sell it, and unless some limitation was put upon it they would have the right to do so.

Mr. GARNER. Who would be authorized to give them authority?

Mr. FITZGERALD. The way in which this is worded I think it would refer to the Secretary of War or the Secretary of the Navy; and as the sentiment is overwhelmingly against the sale of any of these relics in those departments, I think it would be a safe place to lodge it. It might be possible that some organization would have one of these memorials, and by consolidation or change it might be necessary to convey it to some other organization. It seems to me that it would be proper to rest that discretion in the department from which the authority was obtained.

Mr. GARNER. It would be easy to secure the passage of a bill for that purpose through Congress.

Mr. FITZGERALD. Oh, my experience is that it is pretty difficult to pass any bill through Congress unless it carries a large appropriation. [Laughter.]

Mr. GARNER. It occurs to me that if this is not to be used for commercial purposes, then it ought not to leave that discretion in the Secretary of War or the Secretary of the Navy to sell to anyone, and that this provision in there gives to the Secretary of the Navy or the Secretary of War an opportunity to sell it, and it is not limited to the cases that the gentleman has enumerated. Perhaps the sentiment in the War and Navy Departments may not be strong 10 or 20 years from now.

Mr. FITZGERALD. Oh, there is not likely to be much change in a matter like this. Let me say that it is a difficult matter to frame a provision of this kind that will anticipate all contingencies. Nobody believes that under this provision permission would ever be given anyone to sell any of these relics, and I do not think there is any danger in it.

Mr. GARNER. There is one other suggestion. Would it not be better to use the word "satisfactory" instead of the word "reasonable" in line 8, because then the Secretary of War——

Mr. FITZGERALD. It means the same thing. The discretion is in the same individual; they must give satisfactory assurances to the head of the department; that is merely a play upon words.

Mr. GARNER. I think there is this difference: A municipality or an individual might give reasonable assurance, and yet it would not be satisfactory to the Secretary of War or the Secretary of the Navy.

The CHAIRMAN. The pro forma amendment is withdrawn.

Mr. FOSTER of Illinois. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The Clerk will now read the amendment offered by the gentleman from Mississippi.

The Clerk read as follows:

Amend page 5, line 11, after the word "donors," by adding a new section, as follows:

"The Secretary of the Navy is ordered and directed to sell all of the remains of the battleship *Maine* not otherwise disposed of under this bill, including that half or after part of the ship which can be floated

and towed out of the Habana Harbor, to the highest and best bidder for cash, after advertising for 30 days the time, place, and terms of sale in one newspaper in the District of Columbia and in one newspaper in each of nine States."

Mr. FOSTER of Illinois. Mr. Chairman, I reserve a point of order to that.

Mr. MANN. I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SISSON. Mr. Chairman, I do not think this is subject to a point of order.

The CHAIRMAN. The Chair is not of that opinion.

Mr. SISSON. Well, I do not want to talk to the court after his mind is made up. [Laughter.]

The CHAIRMAN. That is the position the gentleman is in; unless there is a change in the court that is the situation. [Laughter.] The Clerk will read.

The Clerk read as follows:

BACK PAY AND BOUNTY.

For payment of amounts for arrears of pay of two and three year Volunteers, for bounty to Volunteers and their widows and legal heirs, for bounty under the act of July 28, 1866, and for amounts for commutation of rations to prisoners of war in States of the so-called Confederacy, and to soldiers on furlough, that may be certified to be due by the accounting officers of the Treasury during the fiscal year 1912, $200,000.

Mr. SISSON. Mr. Chairman, I move to strike out the last word. I want to state, Mr. Chairman, it had been my intention to ask that the amendment which I offered have a proviso in it that no bid should be received for less than $500,000; but since that matter has gone out, of course I do not desire to discuss it, and the reason I have referred to it is I simply desire the RECORD to show it.

I want to say, Mr. Chairman, that I may be guilty of a great many indiscretions; I may say a great many things; but I trust that I shall never get to be as brutal as the gentleman from Illinois, the minority leader on the floor of this House. That remark that he made a moment ago, in which he wanted to know why I had not put into this amendment a sale of the bones of these soldiers, is absolutely gratuitous. On the contrary, it emanates evidently from a spirit to wound, and not for the purpose of aiding in the discussion of any question. Because I saw fit and proper to differ with the gentleman from Illinois in reference to the policy of this Government in dealing with the remains of the battleship *Maine*, after all the bodies had been taken out, he should not subject a Member who is endeavoring to perform his duty as he sees it to that sort of an insinuation and that sort of a slur. Now, Mr. Chairman, I have never declined to resent an insult when it is offered. On the contrary, I have always been willing and ready to take care of myself; but the rules of the House will not permit me, perhaps, to do so and say those things that are perhaps necessary to be said in reply. [Applause on the Democratic side.] I want to state that if the gentleman from Illinois has any desire to in any way cast any reflection either upon me or my motives in this matter, then I want to say to him that there are times—but, Mr. Chairman, it would be perhaps better for me not to express just exactly my opinion about that matter, because I might subject myself to a violation of the rules of this House. Mr. Chairman, on numerous occasions he has seen fit and proper, not only by his word but by his manner, to be offensive to Members of this House; and I do not think, Mr. Chairman, that it is at all becoming in the gentleman to make this sort of an insinuation when he is protected by the rules of the House. [Applause on the Democratic side.]

Mr. MANN. I do not ask for any protection by the rules of the House.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last two words. Mr. Chairman, I hope the gentleman from Mississippi, who has just spoken, will not taken any offense when I say that he and the gentleman from Arkansas, who spoke a short time ago, misinterpret the sentiments of this Nation. More than 50 years ago—more than half a century, Mr. Chairman—it was proposed upon the floor of this House to sell, to be broken up for junk, a vessel of the United States Navy whose career had been glorious, but whose remains were less sacred than those of the *Maine*. I refer to the frigate *Constitution*. At that time, as soon as this proposal was noised abroad, a storm of indignation and protest broke over the country, and, rising to the occasion, the poet of the time well said:

Oh, better that her shattered hulk should sink beneath the wave;
Her thunder shook the mighty deep, and there should be her grave.

The *Maine* as a vessel is no more; the ship is gone; nothing but these shattered remains exist. No more proper disposal and none more satisfactory to the Nation could be made than to tow the shapeless mass remaining out to sea and let it there receive an honorable burial, and no one can be found in my district so poor as to begrudge the money which would be his share of the expense so incurred. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

CENSUS OFFICE.

For salaries and necessary expenses for preparing for, taking, compiling, and publishing the Thirteenth Census of the United States, rent of office quarters, for carrying on during the decennial census period all other census work authorized and directed by law, including construction and repair of card-punching, card-sorting, and card-tabulating machinery, and technical and mechanical services in connection therewith, purchase, rental, construction, repair, and exchange of mechanical appliances, $500,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert after the word "dollars," line 4, page 8, a new paragraph, as follows:

"For completing immigration station, Philadelphia, Pa., as authorized by the sundry civil act approved March 4, 1911, $105,000."

Mr. MOORE of Pennsylvania. Mr. Chairman, I realize the misfortune of having to bring up a matter of this importance at the close of the day's session when all Members desire to absent themselves to their homes, but there is a serious reason for presenting this amendment at this time, and it may be necessary that I ask for a few minutes extension in order to state the situation which provokes the amendment.

In February, 1908, this House was good enough to pass a bill providing an appropriation for $250,000 for the construction of an immigrant station at the city of Philadelphia. We had been receiving a larger number of immigrants than formerly. Much of the great influx at the city of New York had been gradually coming over to the city of Philadelphia. The general disposition of the Government officials was to distribute immigration, and those who were coming to our city in larger numbers than formerly were thrown out upon the wharves and into a ramshackle building, and were there detained under conditions to which human beings ought not to be subjected. The House was then fully informed as to the very great stress of the situation. The demand was so urgent and the Department of Commerce and Labor so pressed the matter that the bill was finally passed because of the actual necessity that existed.

Since the passage of the act of 1908, a little over three years ago, the Department of Commerce and Labor found it necessary to increase the plans for receiving the incoming immigrants. The steamship traffic had increased and so had the number of immigrants who came to the port. The department brought this increase to the attention of the old Appropriations Committee, and asked that an additional $105,000 be provided to complete the station for which a site had been selected, as a suitable permanent institution to take care of the human beings who come here and were huddled together in the manner indicated.

I have a letter written a short time ago by the Secretary of Commerce and Labor, and bearing upon the conditions at Philadelphia, which I desire the House to hear:

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, February 10, 1911.

MY DEAR MR. MOORE: I have your letter of the 9th instant, and return the communication from Mr. BARTHOLDT to you. My views upon this subject were expressed in a letter to Mr. Tawney sent the day before yesterday. I send you a copy of it for such use as you may wish to make of it. I am in no position to importune about this business, but it is my right and duty to say that conditions in Philadelphia are subject to very serious criticism. Of course I do not want to be responsible for that criticism, and therefore propose to do what I can to relieve the situation. In the main I imagine the situation must now be left to you because I can not do more than I have done.

Sincerely, yours,
CHARLES NAGEL.

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

Mr. GILLETT. What is the date of that letter?

Mr. MOORE of Pennsylvania. The letter is dated February 10, 1911—the present year. That letter was written because it had been suggested by the old Appropriations Committee, of which Mr. Tawney was chairman, that the matter should properly come before the Committee on Public Buildings and Grounds, and the reference to the gentleman from Missouri [Mr. BARTHOLDT], who was then chairman of the Committee on Public Buildings and Grounds, was made because in the opinion of that gentleman, at the time and under the circumstances, this matter should go to the Committee on Appropriations.

Now, as between this sort of "battledore and shuttlecock," for three years, we have been receiving immigrants in our city in unsatisfactory quarters. The city itself has made appropriations and expenditures to provide temporary stations for them.

But the number of immigrants has been increasing constantly; six new steamship lines have been established and are landing their immigrants, and we have no permanent Government controlled place to put them. This, therefore, it seems to me, is a question of the greatest possible urgency. I want to show the committee exactly what the conditions are.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent that my time be extended at least five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. In the year 1910 there were received at the port of Boston 62,075 immigrants; at Philadelphia, 39,671; at Baltimore, 31,245. In 1911 Boston received 54,288; Philadelphia increased to 46,294; and Baltimore received 23,459. For July and August of the present fiscal year the situation stood as follows: Boston, 5,739; Philadelphia, 6,173; Baltimore, 2,016. Since the conditions at Philadelphia have been most deplorable, the urgency of an early completion of the new immigration station is apparent.

The Secretary of Commerce and Labor brought to the attention of the Secretary of the Treasury the necessity for hastening the work, and even the President was appealed to in behalf of those who had been so indifferently received on our shores.

In the sundry civil bill approved March 4 of this year, at the special instance of the Secretary of Commerce and Labor, authorization was made for the additional $105,000 that we now desire appropriated in this bill, and it seemed that relief was in sight. The matter was laid before the present Committee on Appropriations and came with all the force and earnestness the Secretary of Commerce and Labor could display. We wanted to make effective the appropriation authorized by the act of March 4, 1911.

I understood up until yesterday that provision would be made in this urgent deficiency bill to meet this situation, but overnight was informed it had been left out of the bill. I now appeal to the committee as strongly as I know how to relieve the pressure at the port of Philadelphia and permit this amendment to pass. The $105,000 it carries is to complete the structures already commenced under the old appropriation. If completion is further delayed, it means financial loss on work already done and distress to many worthy immigrants. More than 50,000 now annually come to our port. They have been huddled in unsatisfactory quarters at the landing, and, so far as those who are detained for sickness or for other cause are concerned, their accommodations are unfit for humane treatment.

Mr. Chairman, we had a house of detention three years ago, when the original bill was passed, along the river front, and the immigrants on disembarking from the vessels were kept directly from the wharf. They were there stood up, gentlemen, like sardines in a box. It should be explained that these quarters were under the control of the railroads and steamship companies interested in bringing immigrants into the United States.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to be allowed five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] asks unanimous consent to speak five minutes more. Is there objection?

There was no objection.

Mr. MANN. Can we not have an agreement, Mr. Chairman, as to how long the debate will run?

Mr. MOORE of Pennsylvania. I want only five minutes. It is a short time, but I want to do all I can for those who are suffering for better conditions.

Mr. GILLETT. Is it not a fact that this has already been authorized and that all it needs now is an appropriation?

Mr. MOORE of Pennsylvania. Yes; that is all it needs. I am glad the gentleman from Massachusetts has asked that question. Congress has sanctioned this appropriation, but the appropriation itself has not been made. There is nothing more urgent than this duty of taking care of suffering humanity. I know that it is not altogether in touch with the action of the majority of the Appropriations Committee, but I believe the committee itself will yield to an appeal in behalf of humanity and permit this amendment to be made to the bill.

I said a moment ago, Mr. Chairman, that three years ago those who came to our shores by way of our city were obliged to be crowded into a building controlled by the railroad and steamship companies. Detained immigrants are still kept in a building of that kind, both those awaiting examination and those awaiting deportation, as well as those who are sick. And those who are now landed and detained at our port must be carried through the streets of the city in wagons and omnibuses—carried through a residential section, a thickly populated section, where disease, if they should be infected, would spread like wildfire. They are taken away beyond the wharf line, through the very heart of the old city, to be there deposited in a building which was once a sort of museum, and they are required to remain there until they are examined by the officials and released or sent back. I can not conceive of anything more urgent than the relief we ask, and I trust that the chairman of the Committee on Appropriations, who represents a district where the greatest immigration to this country concentrates, will yield in this particular, and that he and his colleagues upon the committee will permit this amendment to go through, if for no other purpose than that of serving humanity.

Mr. FITZGERALD. Mr. Chairman, it would be very unfortunate if committees recommended appropriations merely to aid humanity in such situations. Three years ago, if I recollect aright, authority was given to provide an immigration station in the city of Philadelphia at a cost of $250,000. There was considerable bickering and trouble and difficulty about a site; but eventually a site was purchased for $100,000—a site on which was a very substantial mansion, at Gloucester, N. J.—and that left insufficient funds to provide the other buildings that were required. Moreover, the site was so located that the building of a very expensive wharf was necessary in order to provide landing facilities for the immigrants at that place.

In the last sundry civil appropriation act, approved on the 4th of March, 1911, the limit of cost of the immigration station was increased by $105,000. On the 13th of December of this year an estimate was submitted to Congress for an appropriation of $105,000 to carry on the additional work.

Apparently it was not such an important matter as to awaken the department to its necessities until the Committee on Appropriations had about completed its work upon the urgent deficiency bill. The department was unable to give satisfactory information as to the manner in which the money was to be expended. It appeared that it had authority to enter into contracts for the work; and if it had done so and it had the information and it was apparent that the money should have been made available at this time, for this fiscal year, the committee would have recommended the appropriation. But in view of the inability of the department to furnish the information to the committee as to the manner in which the money was to be expended, and of its failure to make the contracts which it had authority to make, and which would call for the expenditure of the money, the committee felt that this item could very easily wait until the general deficiency bill was taken up, when, perhaps, the department could satisfy the committee as to the necessity for the appropriation. There is one thing that will not be done in this Congress—that is, appropriations will not be recommended at the request of the departments merely because they are authorized. The departments must be prepared to show in detail, and to satisfy the committee, that the money is not only actually needed, but that its expenditure will be made in a proper way. Therefore I hope this amendment will not be agreed to.

Mr. CANNON. Mr. Chairman, I move to strike out the last word. I will not take the five minutes. We had hearings on this item. The original appropriation was $250,000. That was increased by law by $105,000. Substantially all of the money has been expended except the $105,000. The site that was obtained was across the Delaware River, and while the buildings are substantially complete, they are of no use until the pier is built. If the money is appropriated now it can be occupied by the 1st of July, but just as long as we defer the appropriation the work will not be done. It did seem to me as one member of the committee that the money ought to be appropriated.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question being taken, on a division (demanded by Mr. MOORE of Pennsylvania), there were—ayes 46, noes 96.

Accordingly the amendment was rejected.

The Clerk read as follows:

SENATE.

For mileage of Senators for the second session of the Sixty-second Congress, $47,000.

Mr. PALMER. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Strike out "$47,000," in line 18, page 8, and insert "$23,500; and hereafter mileage shall be allowed at the rate of 10 cents a mile each way by the route usually traveled from the place of residence of the Member."

Mr. MANN. Mr. Chairman, in order to have a ruling, I make a point of order against the amendment, although I am not sure that it is subject to a point of order under the new rule. I want to show the efficacy of the new rule to obtain economy, especially at the expense of Members.

The CHAIRMAN. The Chair will be glad to hear the gentleman from Illinois on the point of order.

Mr. MANN. I do not care to be heard on the point of order.

The CHAIRMAN. The Chair overrules the point of order.

Mr. PALMER. Mr. Chairman, of course it goes without saying, but I will say it at the start, in order to relieve the minds of Members, that while this amendment which is now pending applies only to Members of the other body of this Congress, I shall follow it up with an amendment of the same character applying to Members of this body.

Mr. FITZGERALD. Will the gentleman yield for a moment so that I may submit a request for unanimous consent that both amendments be offered and considered at the same time? The gentleman proposes to offer a similar amendment affecting the Members of the House. We might as well dispose of the two together.

Mr. MANN. I think probably it would be better to vote on them separately. Therefore, I object.

Mr. PALMER. Mr. Chairman, I have long been of the opinion that the amount of mileage which has been carried in our several appropriation bills, and provided for in the statute, does not jibe with the theory upon which that mileage was originally allowed. I recognize perfectly well that I am pressing this amendment at rather an inopportune time of the year, when the shops in Washington are filled with articles of beauty and great expense, appealing to Members of the House to be purchased for Christmas presents for their families and others, but there never has been a proper opportunity heretofore to raise this question.

The theory on which mileage has been allowed to Members of the House under the statute has been that a Member was entitled to the expense of transportation from his home when summoned by the President or by the law to a session of Congress, and that he was entitled to transportation back home when the session adjourns. If this rate which is now carried in the statute covered that compensation and nothing else, there could be no earthly objection to it because, in theory, that allowance is absolutely correct.

But the fact is that the mileage now allowed to Members runs from three to seven and eight times as much as the actual expense to the Members for their transportation to and from Washington, and to the amount of the excess of that compensation it does seem to me that Members are taking money from the Public Treasury to which they are not entitled in morals, although in law they are now allowed that sum.

It is the same in every man's case, but in my own it happens that I get about $103 for every session in mileage, and it costs me $10.30 to come from my home to the city of Washington and return.

Mr. MURRAY. May I ask the gentleman a question?

Mr. PALMER. Certainly.

Mr. MURRAY. May I ask the gentleman whether he makes the 1 trip or 10 trips during the session?

Mr. PALMER. I make 10 trips, and sometimes more.

Mr. MURRAY. And whether he comes out ahead or behind in the total expenditure as compared with the total amount of mileage.

Mr. PALMER. I come out behind—that is, I spend more money in traveling expenses than my mileage amounts to; but when I go home during a session, in some cases it is for the purpose of taking care of my business, and I ought to pay the expenses of such trips out of my own pocket.

Mr. MANN. The gentleman ought not to go home to attend to his private business when he is being paid by the Government. [Applause.]

Mr. PALMER. I think that is true, but I offend at times in that matter, as does every other Member of the House, and I am perfectly willing to answer to my people.

Mr. CLARK of Florida. May I ask the gentleman a question?

Mr. PALMER. I will yield to the gentleman.

Mr. CLARK of Florida. The gentleman says that he goes home during the session to attend to his own business.

Mr. PALMER. I said that at times I did.

Mr. CLARK of Florida. I want to ask if when he goes home during a session to attend to his own business it is not for the purpose of making money out of it, and if a Member who lives 1,000 or 2,000 miles can not go home to attend to his private business and thus make extra money?

Mr. PALMER. The fact is that a Member who lives a long distance off does not go home as does the Member who lives near the city, and consequently the Members that live long distances from Washington get a lot of extra money for mileage that the others do not.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. PALMER. Mr. Chairman, I ask for five minutes more.

Mr. FITZGERALD. Mr. Chairman, I ask that the time of the gentleman from Pennsylvania be extended five minutes.

The CHAIRMAN. Is there objection?

Mr. WARBURTON. I object.

Mr. HUMPHREY of Washington. Mr. Chairman, it is not necessary to read the Congressional Directory to know that the gentleman who has just taken his seat [Mr. PALMER] lives near the Capitol. Since I have been a Member of this House I have been greatly impressed with the desire of certain gentlemen to be patriotic at the expense of somebody else. Now, if the gentleman really means what he says, why does he not offer an amendment of some kind to reduce our salary, so that he will suffer along with the rest of the Members and place us all on an equality?

He admits that he goes home to attend to his business, and says that other Members of the House do the same thing. He is mistaken. Since I have been in this House, almost 10 years, I have never been home during a session of Congress.

I do not even attempt to attend to business during the time I am home. I give what talent I have and my time, since I have been elected a Member of Congress, entirely to my duty. Now let us see how unjust the gentleman's position is. Take the case of myself. I admit I receive more mileage than I pay for railway transportation, because I have no family except a wife. But you take my colleague, Mr. LA FOLLETTE. Now, at this very session Mr. LA FOLLETTE has paid between $400 and $600 more in railroad fare to bring his family here than he receives in mileage. I am not guessing; I am speaking exactly what I know. Now, does the gentleman propose to penalize Members of this House who bring their families here? Does he propose to penalize Members who have large families? I say that any man who wants to come to Washington City and leave his family at home is not fit to be a Member of this House [applause], and any man who wants to penalize another Member of this House because he has a large family for bringing them to Washington is unfit to be a Member of this House. [Applause.] The gentleman is making a mistake when he thinks his attitude is popular. He does not deceive anybody. All of his constituents and everybody else knows it is mere buncombe—this proposition to reduce the mileage. The people think a great deal more of a man who stands up and tells the truth about it, and takes his mileage because he is entitled to it and ought to have it, than of some one who lives in the shadow of the Capitol who wants to reduce it for political purposes. [Applause.] [Cries of "Vote!"]

Mr. BYRNES of South Carolina. Mr. Chairman, I desire to offer a substitute amendment and ask to have it reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out of line 18, page 8, the words "forty-seven thousand dollars" and insert in lieu thereof the words "$11,740, and hereafter mileage shall be allowed at the rate of 5 cents a mile for each mile traveled."

Mr. BYRNES of South Carolina. Mr. Chairman and gentlemen of the House——

Mr. MANN. A parliamentary inquiry.

The CHAIRMAN. The gentleman from South Carolina will suspend. The Chair is of the opinion that the gentleman's amendment is not in order at this time.

Mr. BYRNES of South Carolina. I offer it as a substitute for the amendment offered by the gentleman from Pennsylvania.

The CHAIRMAN. The Clerk will report the substitute.

The Clerk read as follows:

Strike out, in line 18, page 8, the words "forty-seven thousand" and insert in lieu thereof the words "$11,740, and hereafter mileage shall be allowed at the rate of 5 cents a mile for each mile traveled."

The CHAIRMAN. In the opinion of the Chair that amendment is not in order. The Chair does not think it brings about what the gentleman is trying to bring about.

Mr. BYRNES of South Carolina. Mr. Chairman, I offer an amendment to the amendment by substituting "$11,750" for the words "twenty-three thousand five hundred dollars" in the amendment offered by the gentleman from Pennsylvania.

The CHAIRMAN. Does the gentleman from South Carolina desire to be heard on his amendment?

Mr. BYRNES of South Carolina. I do, for this reason, Mr. Chairman and gentlemen of the House, that if there is any objection to the payment of mileage at the rate of 20 cents a mile the same objection would lie against the amendment offered by the gentleman from Pennsylvania at the rate of 10 cents a mile [applause and cries of "Right!"], because it is not the actual expense incurred in traveling. If it be the in-

tention of this House to place itself on record as paying Members for actual mileage traveled, certainly the gentleman from Pennsylvania and every Member of this House will agree with me that 5 cents a mile will come nearer it, so let us not go half measures while we are at it. I would vote to pay the actual expense for the mileage traveled, but I am told that would not be in order, because no amount would be appropriated. I ask the gentleman from Pennsylvania whether he will vote for my amendment for 5 cents a mile from his home in Pennsylvania to Washington and back? I ask the gentleman, who as chairman of the special committee which came in here in the beginning of the special session and cut $180,000 from the pay rolls of the employees, whether he is willing to reduce the mileage from 10 cents a mile as provided in the amendment he has offered to 5 cents a mile for every mile traveled by Members coming to and from this House?

Mr. CANNON. Why not make it 2 cents a mile?

Mr. PALMER. I am opposed to the amendment offered by the gentleman from South Carolina [Mr. BYRNES], because I am convinced, taking the average of Members all over the country, that about the fairest figure that can be arrived at as actual compensation for transportation to Washington and back would be 10 cents each way, or half of what it is at present. I want to say this especially to the gentlemen on this side of the House, that when we came into power in the Sixty-second Congress we determined that we would put forward a program of economy. We took the first step in that program on the first day of the session; yea, before the session opened, when in the caucus we passed a resolution cutting out all of the useless jobs, all of the petty graft, all of the waste and extravagance of which this House had been guilty for many years.

Mr. CARTER. Will the gentleman yield?

Mr. PALMER. Not now. This waste and extravagance which we cut out was a system that had grown up under the Republican rule in the House for the past 16 years, and it included the practice of allowing an extra month's pay for every clerk and employee of the House at the end of each session. That item amounted in recent Congresses to as much as $204,000. It was said it was in lieu of mileage. We believed, and this House by a vote of 181 to 4 subsequently ratified that action, it was a pure waste and pure extravagance in the expenditure of the public money; that it was taking money out of the Treasury for which the people were receiving nothing in return.

Mr. CARTER. Mr. Chairman——

Mr. PALMER. I say to you now, we can not be consistent with ourselves, and we can not prove our sincerity in that economy program in this House, unless we take out of the money we have heretofore received under the name of mileage, allowance for travel expenses, every cent that looks like graft or extravagance. [Applause.]

Mr. CALLAWAY. Do you think that you are going to get the people of this country to believe in your sincerity in the face of that appropriation last Tuesday?

Mr. PALMER. Let me say to the gentleman that the people who know me do believe in my sincerity, and I do not care what the gentleman from Texas may think about it.

Mr. CALLAWAY. Do you think that the people of this country believe in the sincerity of men who cut down appropriations in this House in the face of the $75,000,000 appropriation last Tuesday?

Mr. PALMER. I repeat that, having gone thus far in ridding this House of the extravagance and waste of the public money which has been rampant for many years, we must go to the end, and we must take out of the expense of the operation of this House every dollar that can be honestly spared.

Oh, I know that gentlemen say that the party has already voted for bills which will cost the Treasury a good deal of money. I know that statements are being made that other legislation will come from committees which will also cost a great deal of money. But if I understand the temper of this House aright it is absolutely sincere on this side in its effort to stop waste and extravagance wherever it is found, in every department of the Government. [Applause.] Unless we stop it in this House, our mouths will be absolutely closed when any effort is made by any man on the floor to cut down appropriations for any other department of the Government. If you insist on taking this little money to yourselves, money to which you are not in morals entitled, I repeat—you will be in no place to criticize any other officer of the Government who takes money in excess of what he believes should be a fair compensation.

Mr. BYRNS of Tennessee. Mr. Chairman, I favor the amendment offered by the gentleman from South Carolina as a substitute for the amendment offered by the gentleman from Pennsylvania [Mr. PALMER]. I would much prefer to vote for an amendment which provided only for the actual expenses for transportation of Members of Congress to and from their homes once each session. But I realize the fact that at this time we have not accurate data which will enable us to make an exact appropriation, and I am for the substitute because it is the nearest thing to it. I do not believe it is right for Members of Congress to draw an amount in mileage in excess of the amount actually expended by them for transportation.

Now, Mr. Chairman, in making that statement——

Mr. SWITZER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Tennessee [Mr. BYRNS] yield to the gentleman from Ohio [Mr. SWITZER]?

Mr. BYRNS of Tennessee. In just a moment. I do not believe it is morally wrong to draw the mileage, since the law authorizes it, but I say, Mr. Chairman, the law ought to be changed, and if salaries are to be increased it ought to be done directly and not in an indirect manner. The gentleman from Washington made the point that Members who lived at a great distance from the city of Washington ought to have this mileage in order to increase their salary.

Mr. HUMPHREY of Washington. I beg your pardon; I said nothing of the kind. I did not intimate anything of that kind.

Mr. BYRNS of Tennessee. The gentleman said that Members near Washington could attend to private business and increase their salaries in that way, and Members living at a distance from the city of Washington had no such opportunity. I think the inference I have drawn from the statement is correct. I say to the gentleman from Washington [Mr. HUMPHREY], who has denounced the amendment of the gentleman from Pennsylvania [Mr. PALMER] as buncombe and will, I presume, characterize anything any man may offer in behalf of it as buncombe, that if he desires to increase his salary, or feels that he is entitled to more money than he is now drawing as a Representative in this House, he ought to present a bill in Congress directly increasing his salary so that the people of this country may know exactly what the Members of Congress are drawing. It is wrong in principle to draw under the head of mileage more money than is needed for that purpose. In addition, it works an injustice and inequality in that Members who live a considerable distance thereby receive in many instances considerably more compensation than Members who live near Washington.

Now, Mr. Chairman, Members of Congress——

Mr. HUMPHREY of Washington. How about their families? Does the gentleman want a man who brings his family to Washington to pay extra because he has a large family?

Mr. BYRNS of Tennessee. I will say to the gentleman from Washington that I thoroughly agree with him in his statement that every Member of Congress ought to bring his family here with him. I bring my family here. But, Mr. Chairman, I do not believe the people of the United States ought to be taxed to bring a man's family to Washington. That is a matter of no concern to the people, and if a Member brings his family here, as he should do, he ought to be willing to pay the expenses and not charge it up to the people.

Mr. HUMPHREY of Washington. Then would the gentleman place a premium on old bachelors? Would he? [Laughter.]

Mr. BYRNS of Tennessee. No; I would not place a premium on old bachelors. I would much rather tax them, so they would know their best interest and get married.

Now, Mr. Chairman, as I was about to say, this mileage is being drawn under an old law that was passed many years ago, when it cost a great deal of money to come to Washington and to return home. I have no doubt that at that time it cost a man 20 cents a mile to come here, because transportation was not only slow, but it was also expensive. But in this day it is different, and if we believe in economy, if Democrats on this side of the House intend to exercise economy, we ought to begin at home, and we ought to reduce this mileage to actual expenses. We ought not to be increasing our salaries indirectly under the head of mileage, and I hope the amendment will be adopted. [Applause and cries of "Vote!"]

Mr. MANN. Mr. Chairman, I believe the laborer is worthy of his hire. Mileage is part of the compensation provided for Members of Congress, and it is so denominated in the law providing for mileage. While it is very easy for gentlemen who live as near as Pennsylvania is to Washington to propose to cut off mileage, and while it would not be difficult for a Member who lives as near as Chicago to propose to cut off mileage, I have often noticed that most of us desire to cut off something of very little concern to us but of great use to somebody else. Most of us desire to economize at the expense of our neighbor. [Laughter and applause.]

Mr. SHERLEY. Mr. Chairman, will the gentleman permit an inquiry?

Mr. MANN. In just a moment.

Now, my distinguished friend from Pennsylvania [Mr. PALMER] has had an opportunity recently to sign his receipt for mileage. I would like to inquire of him whether he has signed that receipt for mileage at this session of Congress?

Mr. PALMER. I will be perfectly frank with the gentleman. I was approached by a clerk from the Sergeant at Arms' office [laughter], who said that the Sergeant at Arms' office was assuming that the law would pass and that receipts in advance were always required to facilitate the work of the office. I stated then that I would oppose it, and that I did not believe it was proper, but for the convenience of the Sergeant at Arms' office I would sign it, and did so; and if the gentleman from Illinois [Mr. MANN] can find any argument in that kind of talk, he is entirely welcome to it. [Applause.]

Mr. MANN. I am exceedingly sorry that the clerk was too much for my friend from Pennsylvania, or that the Sergeant at Arms' office was too much for him. [Applause.]

It was said by the gentleman from Washington [Mr. HUMPHREY] that it was to the interest of the Government that Members of Congress who came to Washington should come here to live during the session, and that it would be to the interest of the Government if it were so arranged that the Pennsylvania Members would bring their families to Washington and live here instead of constantly running home—some of them—to attend to their private business.

Mr. MOORE of Pennsylvania rose.

Mr. GARNER. Mr. Chairman, will the gentleman yield for a question?

Mr. MANN. I make no reflection on the gentleman from Pennsylvania [Mr. PALMER] in saying that.

Mr. PALMER. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. PALMER. I want to say to the gentleman that if he is talking about me, he is entirely mistaken, for I bring my entire family here at the beginning of the session, and I keep them here during the entire session, and close my house at home. I agree with the gentleman that that is what every Member ought to do, but I disagree with him when he thinks that the Government of the United States ought to pay the traveling expenses of my family.

Mr. MANN. When I used the expression, "gentlemen from Pennsylvania," a while ago, I used the term in the plural.

Mr. MOORE of Pennsylvania. That is the reason I rose to ask a question. [Laughter.] This plural question is just what I want to ask about.

Mr. MANN. If I have the time I will yield to every member of the Pennsylvania delegation to make a confession and avoidance.

Mr. MOORE of Pennsylvania. How would it be with the gentleman from Chicago, if he lived in Pennsylvania, only 90 miles away, and had eight children, and had to go up against the high cost of living?

Mr. MANN. I probably would be under the same temptation that the Members from Pennsylvania are now, to leave here very often on Friday night and return not earlier than Tuesday morning. [Laughter.] Now, I do not propose to criticize those gentlemen. Probably we would all yield to the same temptation; but I say it is to the interest of the Government, in transacting the public business, that Members should be induced to come to Washington for the winter and bring their families here; and when gentlemen say they can not do it at public expense, they can not do it at anybody's expense, unless they are wealthy. I am not wealthy. [Applause on the Republican side.]

Mr. FITZGERALD. Mr. Chairman, it ought to be possible to discuss this question of mileage of Members without leading to bloodshed on the floor of the House. [Laughter.] This bill proposes to make appropriations to supply deficiencies in the appropriations for certain purposes. Under the law as it exists to-day Members are entitled to mileage at 20 cents a mile going to and returning from the Capital. The committee did not feel free to incorporate in this bill what some Members thought might be a proper change in the amount of mileage, since the Members have under the law become entitled to the amount of mileage carried in the bill.

I think I can speak somewhat dispassionately upon this subject, as I am one of the Members receiving the smallest amount of mileage. My mileage amounts to $92 a session. At every session of Congress until this one I have had in Washington my wife and children. I happen to have six children. [Applause.] By the time I have paid the expense of bringing my family and whatever help is required, not merely paying railroad fares, but paying the expenses incidental to travel, I believe I have expended practically all my allowance. This year I am so unfortunately situated that because of illness in my family they are not able to be here.

I am absolutely indifferent to the amount of money obtained for mileage, because it would not affect the presence of my family here, nor would it prevent my returning to see them whenever the exigencies of the public business would permit. I might, posing as desirous to effect economies in the administration of the Government, very easily advocate a reduction of the amount paid in mileage. It would hurt me so little that I could easily reconcile myself to support such reduction. I am frank to say that, in my own opinion, it is difficult now to justify mileage at the rate of 20 cents a mile. Yet I have spoken with many Members who live at a distance from Washington and who assure me that the expenses incident to coming here accompanied by their families, not merely railroad fare, but expenses that are justifiable, take so much money that there is little, if anything, left. It is a matter peculiarly affecting the Members of the House themselves. A Member of the House who lives at a very great distance from the Capital and who receives, I am informed, perhaps one of the largest sums paid in mileage, informed me to-day that in order to be a candidate for reelection next fall it is necessary that he shall return to his home and be registered officially upon the books.

Unless he is registered he can not, under the law of his State, become a candidate, and to do so he must go home within a month. He would not do so unless to protect himself in the event that he desired to be a candidate again. If he goes home and returns, then the expense will have been in excess of the amount allowed him for mileage.

It seems to me the Members of the House should be able dispassionately to discuss this question and determine it in a manner that will not only do justice to the people of the country, but will provide proper recompense to the Members for whatever legitimate traveling expenses may be incurred.

I have been somewhat reluctant myself to make any suggestion, because, as I have said, as the amount paid to me is less than $100, it is so immaterial that it makes no difference whether I receive it or not. I do not wish to do injustice to other Members of the House, either by attributing to them an improper motive or expressing the opinion that they desire to obtain money to which they are not entitled. Under the law they are now entitled to the amount carried in this bill. I can only add that in this bill, whatever may be the opinion of Members, the committee was justified in reporting this particular provision, because it is to supply deficiencies in the mileage appropriation which, under the law as it exists, is due to-day.

Mr. SHERLEY. Mr. Chairman, when it shall become in order I shall offer the following as a proviso:

Provided, That no part of this sum shall be paid to any Senator which shall exceed a sum sufficient to pay the actual railroad, Pullman, and steamship fare of himself and immediate members of his family in coming once from his home to Washington and returning thereto, as certified by him to the Secretary of the Senate.

And I shall offer a similar proposition with reference to the provision for Members of the House. I agree thoroughly with the gentleman from New York that it ought not to be necessary to impugn the motives of men, but in passing I may be pardoned for saying it might be a sufficient answer to the statement of the gentleman from Illinois that those who seem to be most urgent in this matter are living close at hand to suggest that those most opposed to the policy live far from hand.

It seems to me that the whole wrong of mileage as it now exists lies in the fact that it does create inequality of pay to the Members of the House. [Applause.] Now, I was one of the men when we increased salaries who was willing to increase the salary to $10,000 and cut off all sorts of perquisites. I have not had any narrow opinion as to the value of the services of men in this House, but I can not bring my mind to a justification of a condition of affairs that does give, over and above the actual expenses of coming here, to some men $400 or $500, to some $1,000, and to some only a little.

I come from a district where the mileage is about $240, a district very similar, perhaps, to that of a majority of the Members here. There is not the slightest reason why I should have a penny more as mileage than what it costs me actually to bring my family and myself here and take us back again. That cost for each person would be $16 on the Chesapeake & Ohio and $4 for Pullman fare. There is no reason why the difference between that sum and the amount I get should be added to my salary, as against the gentleman from Baltimore, who gets only a few cents. Neither is there any reason why the gentleman from Washington should have several hundred dollars more than I as the difference between his actual traveling expenses from the State of Washington to the city of Washington.

Now, the statement that men who are far away are at a disadvantage could be offset by many of the advantages that accrue to them by being a long distance from home. The truth of it is, explain it away as you please, there can be no proper

theory that will allow a man more than one trip with the immediate members of his family to Washington during a session of Congress and their return home again.

Therefore, believing that, without any desire to impugn the motives of any man, I feel that the amendment I shall propose ought to be adopted. Some of the things that are hurting the House of Representatives, that are bringing it into disrepute, are these little bits of matters that do not amount to a row of pins, yet which enable the critics of the House to constantly slur it and its personnel, and I would like to see the House rise above the mere dollars and cents in the thing and look at the plain proposition that you ought not to be paid an expense that you do not incur. [Applause.]

Mr. HARRISON of New York. Mr. Chairman, I believe, as does the chairman of the committee, that we should be able to approach a discussion of this subject in the same calm, dispassionate manner as we do the consideration of reducing appropriations for the people; and I am inclined to believe that the best way to convince the people of our sincerity in reducing appropriations is to reduce some of our own emoluments when they seem to us to be larger than they should be. The law fixing the mileage at 20 cents a mile was adopted in 1866 at the time that the salary of Members was raised from $3,000 to $5,000. There were at the time the same complaints of inequalities of payment, and in consequence they cut down the mileage from 40 cents a mile to 20 cents a mile. Now, when we raised our salaries here a few years ago to $7,500 we did not cut down the mileage proportionately as was done on the previous occasion, although it is safe to say that the reduction in the cost of railroad travel in the last period covered between the year 1866 and the year 1906 was certainly as great as had occurred in the years previous to 1866. People think we are getting more than we ought to get and that we are not getting it frankly in the open, but in the guise of mileage. Now, Members like the gentleman from Washington can not appeal to this House upon the personal ground of a fancied hardship upon himself or his colleagues. We are not discussing the effect of this upon individuals, but the principles involved. But I have taken the pains to secure from a Member of this House, a Representative from California, an actual statement of the amount it costs him to come here from San Francisco to Washington each session. The fare is $90, $20 for Pullman berth, and he charges up $15 for meals. That adds up to $125 and multiplying it by two for coming and going it makes $250, and the amount he actually receives in mileage is $1,280. Now, that is just about the story I could tell if I recounted the amount of railroad fare and Pullman fare——

Mr. WARBURTON. Will the gentleman yield?

Mr. HARRISON of New York. I regret I can not——

Mr. WARBURTON. I would just like to ask——

Mr. HARRISON of New York. I prefer not to yield. That is about the same story that I could tell if I gave the traveling expenses of a trip from New York to Washington and the Pullman seat and dinner on the car. The amount of mileage allowed by the Government, as is known by every Member of the House, is greatly in excess of what we are due under that account; and inasmuch as we have only recently raised our salaries ourselves and as we are now engaged upon a campaign inviting the support of the people of the United States on the ground of economy, it strikes me that the least Representatives could do would be to put these figures somewhere near where they ought to be. Now, whether the House chooses to accept the amendment offered by the gentleman from Kentucky [Mr. SHERLEY], which will fix the mileage at the actual amount expended, or whether they will choose to accept the amendment offered by the gentleman from South Carolina [Mr. BYRNES], which fixes the figure at 5 cents a mile, or whether they choose the figures of the gentleman from Pennsylvania, at 10 cents a mile, every Member of this House knows and the public knows that the actual cost of railroad transportation to-day is somewhere in the neighborhood of 2 or 3 cents a mile; and, I believe, in recognition of that fact, we can afford to conform our appropriations to the actual facts of the situation. [Applause.]

Mr. FITZGERALD. Mr. Chairman, I move that all debate on this paragraph and amendments thereto be closed in 10 minutes.

The CHAIRMAN. The gentleman from New York moves that all debate on the paragraph and amendments thereto be closed in 10 minutes.

The question was taken, and the motion was agreed to.

Mr. FOWLER. Mr. Chairman, I desire to offer an amendment in the nature of a substitute——

Mr. NELSON. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Wisconsin rise?

Mr. NELSON. To speak upon the amendment. Mr. Chairman, during the six years I have served in this House I have never questioned anyone's motive, and I ask that no one question my motive, but this subject has been pressed rather keenly upon my attention in the past. I will not now take the time to relate how, but I have had occasion to investigate this subject with painstaking care. I agree with the gentleman here that it costs the average Member of Congress much more than he gets. I have a family here of seven, and when I get through I will have nothing left of this mileage. But there is another side to it. I believe we should vote for our salaries in the open. I believe it is true that the present practice is unfair to those who live near by. And, moreover, I believe we have received our mileage for this session. The law as it reads says, "Every regular session." This is the regular session, but we have received our mileage during the special session. And, according to the rulings of the Comptroller of the Treasury, you can not interpret the law so as to cover every session, special and regular. I know the precedents are to the contrary in the House, but that is the ruling of the comptroller, as I recollect it. I believe it is much better to cut off these perquisites and to pay salaries in the open. Therefore I shall support this amendment.

Mr. BARTLETT. While you have stated one part of the law, the law also provides not only at the regular session but every subsequent session they shall receive that amount.

Mr. NELSON. I will say to the gentleman that I looked at the time through Hinds' Precedents, and what the gentleman says is quite correct, so far as the interpretation placed upon the law by various chairmen who have ruled on the subject, but the Comptroller of the Treasury holds that we are entitled to mileage only for regular sessions.

Mr. BARTLETT. I would refer the gentleman to the Statutes of the United States, volume 11, page 267, which uses the words "any subsequent session."

Mr. NELSON. I have the comptroller's letter and can produce it, but I do not have it here now.

Mr. FITZGERALD. The rulings are that the Members are entitled to it as part of their compensation at every session of Congress.

Mr. NELSON. Such are the rulings in the House, but in a letter to me, in reply to a direct inquiry, the comptroller justified mileage for a special session on the ground that it had been appropriated for by Congress, but intimated very strongly—in fact, stated—that the mileage was for the regular session only under the law.

Mr. CANDLER. Mr. Chairman, I shall vote for the amendment of the gentleman from Pennsylvania for the reduction to 10 cents, if that is the best that can be done, but prefer the reduction to 5 cents, as offered by the amendment of the gentleman from South Carolina [Mr. BYRNES], and I shall vote for that. I believe, so far as I am personally concerned, if any allowance is to be made for mileage at all, it should be actual expenses and the actual expenses of the Member himself, and no more, because he knows, when he is a candidate for Congress, when he is elected that he must come here; he knows what family he has; he can bring them here if he sees proper, and he ought to do so, but the expenses of his family should be paid out of his own pocket and not out of the Public Treasury of the United States.

In the courts where witnesses receive a per diem and mileage they simply receive pay for the days they attend and the mileage going to and returning from their homes. The members of the legislature of the various States are paid in the same way. Why should the Members of Congress be paid more mileage for the expenses of their family and thus be paid differently from the way in which our representatives in the State legislatures are paid?

I am one of the Members—and I say it with no egotism—who stays here and attends the sessions of Congress. I have seen the gavel go up at the beginning of every session and I have seen it go down at the close of every session since I have been a Member of this House, and I say that the RECORD will show that I am one of the number who stay here and vote and attend to public business. [Applause.]

I have not voted to put a dollar increase in my own pockets since I have been here, and I do not intend to vote for one for myself as long as I stay here. If we receive reimbursement for the actual money we pay out in coming here and returning home, that is all we ought to want or expect to receive. I really favor no mileage at all. Repeal the law for mileage and you would then have a uniform salary for all the Members. As the law stands now, making the mileage "additional compensation" for each Member, the salaries are far from uniform. This should be corrected and each Member should receive the same salary, and this can be accomplished by repealing the

statute as to mileage, and it ought to be done, and I would cheerfully vote to do it. Let us at least reduce the mileage, if you will not repeal the provision altogether. [Applause.]

Mr. FOWLER. Mr. Chairman—— [Cries of "Vote! Vote!"]

The CHAIRMAN. For what purpose does the gentleman from Illinois [Mr. FOWLER] rise?

Mr. FOWLER. I rise to offer a substitute for all the amendments and the amendments thereto.

The CHAIRMAN. The gentleman from Illinois offers a substitute for all the amendments, which the Clerk will report.

The Clerk read as follows:

Amend the bill by striking out lines 17 to 25, inclusive, on page 8 and lines 1 and 2 on page 9.

Mr. FITZGERALD. Mr. Chairman, I make the point of order that it amends sections of the bill that have not yet been read.

The CHAIRMAN. The Chair sustains the point of order. That was what the Chair was about to say. The vote will be taken on the amendment of the gentleman from South Carolina [Mr. BYRNES] to the amendment offered by the gentleman from Pennsylvania [Mr. PALMER], which the Clerk will report.

The Clerk read as follows:

On page 8, line 18, strike out the words "forty-seven thousand dollars" and insert in lieu thereof the following: "$11,740; and hereafter mileage shall be allowed at the rate of 5 cents a mile for each mile traveled."

[Cries of "Vote!"]

The CHAIRMAN. The Chair will state that the Chair is of opinion that the amendment has been reported incorrectly, although it was due to no fault of the reading clerk. The Chair understood that the gentleman from South Carolina desired the amendment to read so as to bring about a reduction of this amount to $23,000.

Mr. BYRNES of South Carolina. No, Mr. Chairman; to $11,700.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from South Carolina [Mr. BYRNES] to the amendment offered by the gentleman from Pennsylvania [Mr. PALMER].

Mr. MANN. The gentleman from Pennsylvania [Mr. PALMER] offered an amendment fixing the amount at $23,000, with a legislative provision. The amendment reported as offered by the gentleman from South Carolina [Mr. BYRNES] was to reduce the amount to $11,000 and the rate to 5 cents per mile.

Mr. SAUNDERS. That is right. That is one-fourth of the present rate.

Mr. MANN. Mr. Chairman, we ought to have the amendment properly reported. The Clerk read the amendment as though it were already incorporated.

The CHAIRMAN. The Clerk will again report the amendment offered by the gentleman from South Carolina [Mr. BYRNES].

The Clerk read as follows:

Strike out, in line 18 of page 8, the words "twenty-three thousand five hundred dollars" and insert in lieu thereof the words "$11,740; and hereafter mileage shall be allowed at the rate of 5 cents a mile for each mile traveled."

Mr. RANDELL of Texas. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Texas will state it.

Mr. RANDELL of Texas. The amendment about to be put is an amendment to the amendment of the gentleman from Pennsylvania.

The CHAIRMAN. That has already been stated by the Chair.

Mr. GARNER. But as reported, Mr. Chairman, it purports to be an amendment to the bill.

The CHAIRMAN. No. It purports to be an amendment to the amendment offered by the gentleman from Pennsylvania [Mr. PALMER].

Mr. MANN. It has not been so reported.

The CHAIRMAN. That is unfortunate, but the Chair is not responsible for it. The question is on agreeing to the amendment of the gentleman from South Carolina [Mr. BYRNES] to the amendment offered by the gentleman from Pennsylvania [Mr. PALMER].

Mr. SHERLEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Kentucky will state it.

Mr. SHERLEY. Is a substitute in order, since the Chair does not hold this to be a substitute?

The CHAIRMAN. A substitute, in the opinion of the Chair, would be in order, although there are two amendments pending.

Mr. SHERLEY. Then I offer the following substitute, which I send to the desk and ask to have read.

The CHAIRMAN. The Clerk will report the substitute offered by the gentleman from Kentucky [Mr. SHERLEY].

Mr. FOWLER. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. FOWLER. The point of order is that I offered a substitute to the amendment as proposed to be amended by the gentleman from South Carolina.

The CHAIRMAN. A point of order was made against the gentleman's substitute, and the Chair sustained the point of order.

Mr. FOWLER. I rise, then, Mr. Chairman, to a parliamentary inquiry.

The CHAIRMAN. The gentleman from Illinois rises to a parliamentary inquiry. The gentleman will state it.

Mr. FOWLER. The question is, Why the substitute for the amendment as amended was ruled out?

The CHAIRMAN. Because the gentleman's amendment was not germane. The Clerk will read.

The Clerk read as follows:

Strike out, in line 22 of page 8, the words——

Mr. MANN. Mr. Chairman, I make the point of order that we have not reached that paragraph yet.

Mr. SHERLEY. The Clerk was reading the wrong amendment.

The CHAIRMAN. The Clerk will report the substitute offered by the gentleman from Kentucky [Mr. SHERLEY].

The Clerk read as follows:

In line 18, page 8, strike out the word "forty-seven" and insert the word "twenty-five"; and after the word "dollars," in line 18, add the following: "*Provided*, That no part of this sum shall be paid to any Senator which shall exceed a sum sufficient to pay the actual railway, Pullman, and steamship fares of himself and the immediate members of his family in coming once from his home to Washington and returning therefrom, as certified by him to the Secretary of the Senate."

[Cries of "Vote!"]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Carolina [Mr. BYRNES] to the amendment offered by the gentleman from Pennsylvania [Mr. PALMER].

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the Chair announced that the ayes seemed to have it.

SEVERAL MEMBERS. Division!

Mr. PALMER. Mr. Chairman, a parliamentary inquiry. Is the vote to be taken on the amendment which I offered?

The CHAIRMAN. The vote is to be taken on the amendment offered by the gentleman from Pennsylvania.

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. The question the Chair put was upon the Palmer amendment; but that vote should not be taken until the substitute of the gentleman from Kentucky [Mr. SHERLEY] has been disposed of.

The CHAIRMAN. The bill should be perfected before the substitute is in order.

Mr. MANN. This is not a substitute for the paragraph of the bill. It is a substitute for the amendment, and neither one covers the entire paragraph.

Mr. FITZGERALD. The vote comes on the substitute first.

Mr. MANN. If the Chair will pardon me, both the amendment offered by the gentleman from Pennsylvania [Mr. PALMER] and the substitute offered by the gentleman from Kentucky [Mr. SHERLEY] are to perfect the paragraph of the bill, and both commence after the word "Congress" in line 18 of page 8. The committee has voted upon the amendment to the amendment, which of course came first. That was to perfect the amendment. I take it that the next vote is upon the substitute offered by the gentleman from Kentucky [Mr. SHERLEY] to the amendment offered by the gentleman from Pennsylvania [Mr. PALMER].

The CHAIRMAN. In the opinion of the Chair the position of the gentleman from Illinois is correct. The vote will be upon the substitute offered by the gentleman from Kentucky [Mr. SHERLEY] for the amendment.

Mr. TALCOTT of New York. Mr. Chairman, I ask for the reading of the substitute.

The CHAIRMAN. The Clerk will report the substitute.

The Clerk read as follows:

In line 18, page 8, strike out the word "forty-seven" and insert the word "twenty-five"; and after the word "dollars," in line 18, add the following:

"*Provided*, That no part of this sum shall be paid to any Senator which shall exceed a sum sufficient to pay the actual railroad, Pullman, and steamship fares of himself and immediate members of his family in coming once from his home to Washington and returning therefrom, as certified by him to the Secretary of the Senate."

The question being taken, on a division (demanded by Mr. SHERLEY) there were—ayes 53, noes 125.

Accordingly the substitute was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. PALMER].

The question being taken, on a division (demanded by Mr. PALMER) there were—ayes 56, noes 138.

Accordingly the amendment was rejected.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES.

For mileage of Representatives and Delegates, and expenses of Resident Commissioners, for the second session of the Sixty-second Congress, $154,000.

Mr. PALMER. I offer the following amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 22, page 8, strike out "$154,000" and insert "$77,000, and hereafter mileage shall be allowed at the rate of 10 cents a mile each way by the route usually traveled from the place of residence of the Member."

The CHAIRMAN. The question is on the amendment of the gentleman from Pennsylvania [Mr. PALMER].

The question being taken, on a division (demanded by Mr. PALMER) there were—ayes 55, noes 139.

Accordingly the amendment was rejected.

Mr. GARNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

The appropriation of $11,340, made in the legislative, executive, and judicial appropriation act for the fiscal year 1912, for pay of nine clerks to committees of the House of Representatives, at $6 per day each during the session, or so much thereof as may be necessary, is made available for the payment of not exceeding eight clerks to committees, at the rate of $125 per month, from the date of their assignment by order of the House until the close of the present session of Congress.

Mr. MANN. I will reserve a point of order on the amendment.

Mr. GARNER. I do not care to discuss the amendment if it is not in order.

Mr. MANN. Then I will make the point of order.

Mr. GARNER. What is the point of order?

Mr. MANN. The amendment is a legislative proposition to change the existing law in a current appropriation act. It has no relation whatever to any item in this bill. It is a pure change of law without reducing any expenditure, without making a reduction in the appropriation in any way whatever. Now, if the Chair, or the powers that be in this House, desire to say that an amendment proposing to reduce expenditures is in order on a bill without any regard whatever to any item in the bill, let us know it now, so that we may be prepared when the appropriation bills come before the House. This is different from the last amendment. The gentleman from Pennsylvania offered an amendment reducing a proposed expenditure in this bill and coupled with that a legislative proposition. I have examined as many precedents under the Holman rule as I have been able to get hold of, and in no case have I found an amendment held in order under that rule except one coupled with a proposed reduction of the amount appropriated in the bill under consideration. But if it is proposed to hold that anyone can offer an amendment to an appropriation bill not related to any item in the bill which, in the opinion of the Chair, will make expenditures less, I want to get that ruling from the Chair, because I will have plenty to do when the appropriation bills come before the House.

The CHAIRMAN. Does the gentleman from Texas desire to be heard on the point of order?

Mr. GARNER. Mr. Chairman, I am a little bit surprised at the gentleman from Illinois making a point of order against this amendment. I understood the gentleman that he was in favor of every economy in the House that was proper. I also understand from his statement that any amendment is in order that seeks to reduce the expenses or to cut down the number of employees.

I refer the Chair to Rule XXI, clause 2, of the rules of the House. It reads as follows:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States.

Mr. CANNON. May I ask the gentleman a question? Are these clerks that the amendment proposes to appropriate for at the rate of $125 a month now authorized by law?

Mr. GARNER. They are.

Mr. CANNON. Where is the law?

Mr. GARNER. In the legislative and executive appropriation bill of last session. There are nine clerks authorized at $6 a day, and this proposes to change that to eight clerks who shall receive $125 a month.

Mr. MANN. This does not simply propose a reduction, but it proposes a change of a law already passed—not a matter before the House at all.

Mr. GARNER. It is before the House, because it comes under the rule.

Mr. MANN. The gentleman brings it before the House by the amendment; but the law provides that the clerks shall receive $6 a day. I do not see how the House can change that. This proposition has no relation to any matter in the bill or any appropriation in the bill. I am not interested in it; it is immaterial to me whether the clerks get $6 a day or 5 cents a day. I expect some of them earn it and some do not.

Mr. CANNON. It is not germane.

Mr. MANN. I think not.

Mr. FITZGERALD. Mr. Chairman, before the Chair rules I wish to make a brief statement. The legislative bill provided nine clerks, if I recall correctly, to committees, at $6 a day for the session, the length of the session being fixed in the act. The Committee on Accounts adopted a resolution requesting the Committee on Appropriations to incorporate in this bill a provision modifying the compensation of these clerks, so as to make them clerks at $125 a month instead of $6 a day. On the day that the resolution from the Committee on Accounts reached the Committee on Appropriations the Committee on Accounts passed through the House a resolution assigning these committee clerks at $6 a day. The Committee on Appropriations declined, after the House had assigned those clerks at a fixed compensation, to recommend any legislation changing the compensation. Mr. Chairman, this amendment is offered under what is known as the Holman rule. It is a very important matter that Members should not only understand the rule but that the ruling made at this time be accurate. In the second session of the Fifty-second Congress Mr. Crutchfield, who at that time was parliamentary clerk of the House, inserted in the Digest what appears to be the only intelligent and proper construction of the rule, and that is that such amendment proposed to a bill must not only be germane to the bill itself but it must be germane to the provision of the bill to which it is offered as an amendment. As this particular amendment is offered as a new paragraph, I am unable to see after having examined the precedents, some 20 years old, how the amendment is in order. While I am not so much interested in this particular amendment one way or another, I am vitally interested in not having an improper ruling made at this time which may very greatly embarrass the House in its work later on in the consideration of the regular appropriation bills. I sent the note to the chairman's desk for examination, so that the ruling may be made in accordance with the previous decision.

Mr. GARNER. Mr. Chairman, just one word. I am more interested myself in the ruling on the new amendment to the rules as passed by this House than I am in this amendment. This amendment has been offered by myself at the request of the Committee on Accounts. The Committee on Accounts having thrashed this matter out passed a resolution directing the chairman of that committee to notify the chairman of the Committee on Appropriations that it was their judgment that these committee clerks should receive a salary of $125 a month instead of $6 per day. In other words, there are now 11 committees of the House whose clerks are drawing $125 a month, whereas those committee clerks do not do as much work and are not of as much importance, in my judgment, as the others, some of them at least, who will draw $6 a day. For that reason the Committee on Accounts thought it was nothing but just to the other committees that the committees of the House which should have clerks should have them at the rate of $125 a month, and they directed the chairman of that committee to prepare and submit this amendment to the House at this time. It is immaterial to me whether the amendment is adopted or not. I am simply carrying out the instructions of the committee, the chairman of the committee being unable to present the amendment, and I was directed to do so.

Mr. MANN. Will the gentleman permit?

Mr. GARNER. Certainly.

Mr. MANN. Is not, after all, the main question with reference to what the Committee on Appropriations of the House will do when they bring in the legislative bill in the ensuing year?

Mr. GARNER. Yes; I anticipate the Committee on Appropriations will have their attention called to this and that the next appropriation bill at least will have some uniformity of

salaries for the clerks assigned to the different committees which only have session clerks.

The CHAIRMAN. The Chair is ready to rule. The part of the rule upon which the gentleman from Texas relies reads as follows:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of the amounts of money covered by the bill.

The Chair assumes that the gentleman relies upon the second classification. In the opinion of the Chair, however, amendments such as proposed by the gentleman from Texas [Mr. GARNER] must not only show on their face to be an attempt to reduce expenditures or to retrench, but must also be germane to some provision in the bill. In the opinion of the Chair, this amendment, offered as it is, as a separate paragraph to the urgent deficiency bill, is not germane. Therefore, the Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

For furnishings for House Office Building, including steel cases for new stationery room and for renewal of locks on doors of Members' offices, $11,047, under the direction and supervision of the House Office Building Commission.

Mr. BRANTLEY. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 9, at the end of line 7, by adding as a new paragraph, the following:

"The time in which the commission to investigate the matter of employers' liability and workmen's compensation, created under joint resolution approved June 25, 1910, shall be required to report through the President to Congress is hereby extended to and including the 1st day of March, 1912."

Mr. MANN. Mr. Chairman, I reserve a point of order on the amendment. I think it is too late in the day to take up anything of that kind. Let the gentleman bring it before the House properly.

Mr. BRANTLEY. Let me make a little statement of the matter.

Mr. MANN. Some day in the House I will not object to the proposition, but inasmuch as it is five minutes of 6 o'clock I will object now to taking it up.

Mr. BRANTLEY. There is not a dollar called for. They have to report on the 1st of January.

Mr. MANN. Take it up Tuesday. Nobody will object to it.

The CHAIRMAN. The Chair sustains the point of order of the gentleman from Illinois [Mr. MANN].

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise and report the bill to the House.

The motion was agreed to.

Accordingly the committee rose; and Mr. HULL having assumed the chair as Speaker pro tempore, Mr. HUGHES of New Jersey, the Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill H. R. 15930, and had instructed him to report the same to the House with the recommendation that the bill do pass.

Mr. FITZGERALD. Mr. Speaker, I move the previous question on the bill to its final passage.

The SPEAKER pro tempore. The gentleman from New York moves the previous question on the bill to its final passage.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the engrossment and the third reading of the bill.

Mr. MADDEN. I move to recommit the bill, Mr. Speaker.

Mr. PALMER. Mr. Speaker——

The SPEAKER pro tempore. The Chair has not as yet announced the result.

Mr. PALMER. I move to recommit the bill and ask the previous question on that motion.

The SPEAKER pro tempore. The ayes have it, and the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

Mr. PALMER. Mr. Speaker——

Mr. MADDEN. Mr. Speaker, I demand the previous question.

Mr. PALMER. Mr. Speaker, I move to recommit the bill to the Committee on Appropriations, with instructions to report the same forthwith with an amendment reducing the appropriation for mileage to Members of the Senate and House to one-half the amount now carried in the bill, and providing for the payment of mileage hereafter at the rate of 10 cents a mile each way by the route usually traveled from the place of residence of the Member.

Mr. MANN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MANN. Mr. Speaker, the Chair did not recognize the gentleman from Illinois [Mr. MADDEN] or the gentleman from Pennsylvania [Mr. PALMER]. The parliamentary inquiry I wish to submit is, whether, on a motion to recommit a bill in the Democratic House, it is considered by the Speaker the proper thing in the first instance to recognize a gentleman on the majority side to make a motion to recommit or a gentleman on the minority side to make a motion to recommit?

Mr. FITZGERALD. Under the rule the Speaker must recognize the opponent of the bill.

Mr. MANN. The Speaker made no such inquiry, and did not recognize either gentleman.

Mr. GARRETT. The gentleman from Illinois [Mr. MADDEN] rose before the proper time and asked for recognition.

Mr. MANN. They were both on their feet and both talking.

Mr. PALMER. Mr. Speaker, on my motion I demand the yeas and nays.

Mr. MANN. Mr. Speaker, I would like an answer to the parliamentary inquiry.

The SPEAKER pro tempore. The Chair will state, in reply to the parliamentary inquiry of the gentleman from Illinois, that the gentleman from Pennsylvania [Mr. PALMER] and the gentleman from Illinois [Mr. MADDEN] were both seeking recognition——

Mr. MANN. Yes.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MADDEN] made some allusion to a desire on his part to make a motion.

Mr. MADDEN. Mr. Speaker, I made the motion, and I demanded the previous question.

The SPEAKER pro tempore. At that time the Chair had not announced the result of the vote on the motion then being voted upon.

Mr. MANN. But my colleague from Illinois [Mr. MADDEN] made the motion before.

The SPEAKER pro tempore. Before the result was announced the gentleman from Pennsylvania [Mr. PALMER]——

Mr. MANN. The question I have propounded, Mr. Speaker, is important enough to warrant a demand for its determination right here. A great deal of criticism was made under the old rules because——

Mr. SHERLEY. Mr. Speaker, I make the point of order that the inquiry of the gentleman from Illinois [Mr. MANN] is not a parliamentary inquiry, and I demand the regular order.

Mr. MANN. It is a parliamentary inquiry. A great deal of criticism was made under the old rules because a Member on the majority side was recognized to make the motion to recommit a bill, and the rule introduced by the gentleman from New York [Mr. FITZGERALD] was intended to protect the minority's rights and to allow a member of the minority to make the motion to recommit.

The SPEAKER pro tempore. The Chair will state that the Chair was aware of the position of the gentleman from Pennsylvania [Mr. PALMER] on the bill, but was not aware of the position of the gentleman from Illinois [Mr. MADDEN] thereon.

Mr. MANN. It was an easy matter for the Chair to ascertain that by putting the question. We are trying to get a fair understanding with the Chair.

The SPEAKER pro tempore. The Chair will state to the gentleman that the Chair had already acted.

Mr. MANN. I understand that; but I was making an inquiry of the Chair as to his position on that point.

Mr. SHERLEY. Mr. Speaker, I make the point of order that it is not a parliamentary inquiry to inquire as to the future action of the Chair.

Mr. MANN. The Chair did not recognize anybody, as a matter of fact.

The SPEAKER pro tempore. The Chair will call attention to the rule, which is very plain:

One motion to recommit shall be in order, and the Speaker shall give preference in recognition for such purpose to a Member who is opposed to the bill or joint resolution.

In this case the gentleman from Pennsylvania [Mr. PALMER] was opposed to the bill.

Mr. MANN. Very well. But the Speaker pro tempore was not informed as to whether the gentleman from Illinois [Mr. MADDEN] was opposed to the bill, and the Chair had a right, or it was the duty of the Chair, to ask a question to determine that point. Now, as between gentlemen on the two sides of the House who are opposed to a proposition, under the rule and under the spirit of the rule the minority side has the right to make the motion.

Mr. PALMER. I demand the regular order, Mr. Speaker.

The SPEAKER pro tempore. On the motion of the gentleman from Pennsylvania [Mr. PALMER], the previous question is demanded.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Pennsylvania to recommit the bill.

Mr. PALMER. And on that motion, Mr. Speaker, I call for the yeas and nays.

The SPEAKER pro tempore. The yeas and nays are demanded. [After counting.] Forty-two gentlemen have arisen—not a sufficient number.

SEVERAL MEMBERS. Count the other side.

The SPEAKER pro tempore (after counting). One hundred and twenty-nine gentlemen have arisen. One-fifth having arisen, the yeas and nays are ordered. As many as favor the motion to recommit will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 98, nays 126, answered "present" 5, not voting 159, as follows:

YEAS—98.

Adair	Flood, Va.	Kitchin	Prouty
Ainey	Foster, Ill.	Konop	Rauch
Allen	Fowler	Korbly	Redfield
Ashbrook	Francis	Lafferty	Russell
Austin	Garner	Lamb	Saunders
Barnhart	Garrett	Lindbergh	Sharp
Bartlett	George	Lloyd	Sheppard
Bathrick	Goodwin, Ark.	McCoy	Sherley
Beall, Tex.	Graham	McCreary	Sisson
Burke, Wis.	Gray	McKellar	Small
Byrnes, S. C.	Gudger	McKenzie	Stedman
Byrns, Tenn.	Harrison, N. Y.	McKinney	Stone
Candler	Haugen	Macon	Sulzer
Carlin	Hay	Madden	Sweet
Cline	Helm	Maguire, Nebr.	Talcott, N. Y.
Collier	Hensley	Mays	Thomas
Cooper	Holland	Moore, Tex.	Turnbull
Cullop	Houston	Morgan	Watkins
Davis, W. Va.	Hughes, N. J.	Morrison	Webb
Denver	Hull	Nelson	Wedemeyer
Dickinson	Jacoway	Norris	White
Dixon, Ind.	Johnson, S. C.	Oldfield	Willis
Doughton	Jones	Padgett	Young, Kans.
Faison	Kendall	Page	
Finley	Kinkaid, Nebr.	Palmer	

NAYS—126.

Aiken, S. C.	Driscoll, D. A.	Hughes, Ga.	Rucker, Mo.
Akin, N. Y.	Dupre	Humphrey, Wash.	Simmons
Alexander	Dwight	Humphreys, Miss.	Slayden
Anderson, Minn.	Dyer	Jackson	Sloan
Bartholdt	Edwards	Kennedy	Smith, J. M. C.
Bates	Ellerbe	Kopp	Smith, Saml. W.
Berger	Estopinal	La Follette	Smith, Tex.
Blackmon	Ferris	Lee, Ga.	Sparkman
Booher	Floyd, Ark.	Lenroot	Stack
Brantley	Focht	Lever	Stanley
Buchanan	Foss	Littlepage	Stephens, Miss.
Bulkley	French	Lobeck	Sterling
Burgess	Gallagher	Longworth	Sulloway
Burke, S. Dak.	Gardner, N. J.	Malby	Switzer
Burleson	Gillett	Mondell	Taylor, Ala.
Burnett	Good	Moore, Pa.	Taylor, Colo.
Callaway	Green, Iowa	Morse, Wis.	Taylor, Ohio
Campbell	Greene, Mass.	Mott	Thayer
Cannon	Gregg, Tex.	Nye	Thistlewood
Cantrill	Guernsey	Payne	Tilson
Carter	Hammond	Pepper	Towner
Catlin	Hanna	Pickett	Underhill
Clark, Fla.	Hardy	Pray	Volstead
Claypool	Hawley	Raker	Warburton
Connell	Hayes	Randell, Tex.	Wickliffe
Daugherty	Heflin	Rees	Wilson, Pa.
Davenport	Henry, Tex.	Reyburn	Witherspoon
Davidson	Higgins	Roberts, Mass.	Woods, Iowa
Davis, Minn.	Hinds	Roberts, Nev.	Young, Mich.
Dies	Howell	Robinson	Young, Tex.
Dodds	Howland	Rodenberg	
Draper	Hubbard	Rubey	

ANSWERED "PRESENT"—5.

Andrus	Langley	Mann	Murray
Fitzgerald			

NOT VOTING—159.

Adamson	Cox, Ohio	Glass	Kent
Ames	Crago	Godwin, N. C.	Kindred
Anderson, Ohio	Cravens	Goeke	Kinkead, N. J.
Ansberry	Crumpacker	Goldfogle	Knowland
Anthony	Curley	Gould	Konig
Ayres	Currier	Gregg, Pa.	Lafean
Barchfeld	Dalzell	Griest	Langham
Bell, Ga.	Danforth	Hamill	Lawrence
Bingham	De Forest	Hamilton, Mich.	Lee, Pa.
Boehne	Dent	Hamilton, W. Va.	Legare
Borland	Dickson, Miss.	Hamlin	Levy
Bowman	Difenderfer	Hardwick	Lewis
Bradley	Donohoe	Harris	Lindsay
Broussard	Doremus	Harrison, Miss.	Linthicum
Brown	Driscoll, M. E.	Hartman	Littleton
Browning	Esch	Heald	Loud
Burke, Pa.	Evans	Helgesen	McCall
Butler	Fairchild	Henry, Conn.	McDermott
Calder	Farr	Hill	McGillicuddy
Cary	Fields	Hobson	McGuire, Okla.
Clayton	Fordney	Howard	McHenry
Conry	Fornes	Hughes, W. Va.	McKinley
Copley	Foster, Vt.	James	McLaughlin
Covington	Fuller	Johnson, Ky.	McMorran
Cox, Ind.	Gardner, Mass.	Kahn	Maher
Martin, Colo.	Plumley	Rucker, Colo.	Taggart
Martin, S. Dak.	Porter	Sabath	Talbott, Md.
Matthews	Post	Scully	Townsend
Miller	Pou	Sells	Tribble
Moon, Pa.	Powers	Shackleford	Tuttle
Moon, Tenn.	Prince	Sherwood	Underwood
Moss, Ind.	Pujo	Sims	Utter
Murdock	Rainey	Slemp	Vreeland
Needham	Ransdell, La.	Smith, N. Y.	Weeks
Olmsted	Reilly	Speer	Whitacre
O'Shaunessy	Richardson	Steenerson	Wilder
Parran	Riordan	Stephens, Cal.	Wilson, Ill.
Patten, N. Y.	Roddenbery	Stephens, Nebr.	Wilson, N. Y.
Patton, Pa.	Rothermel	Stephens, Tex.	Wood, N. J.
Peters	Rouse	Stevens, Minn.	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. MURRAY (against) with Mr. RODDENBERY (in favor).

For the day:

Mr. ROTHERMEL with Mr. GRIEST.

Mr. CLAYTON with Mr. CURRIER.

Mr. BELL of Georgia with Mr. WILSON of Illinois.

Mr. GODWIN of North Carolina with Mr. COPLEY.

Until Monday noon:

Mr. Moss of Indiana with Mr. SPEER.

Until Tuesday:

Mr. DONOHOE with Mr. LAFEAN.

Until Monday night:

Mr. HOBSON with Mr. MOON of Pennsylvania.

From December 14 until close of session Saturday:

Mr. JAMES with Mr. MCCALL.

From December 14 until January 3:

Mr. GLASS with Mr. HILL.

Until January 9:

Mr. BURGESS with Mr. WEEKS.

From December 15 until January 5:

Mr. BOEHNE with Mr. SELLS.

Until after the holidays:

Mr. GREGG of Pennsylvania with Mr. FARR.

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. HARRISON of Mississippi with Mr. CALDER.

Mr. HARDWICK with Mr. MCLAUGHLIN.

Mr. SABATH with Mr. MICHAEL E. DRISCOLL.

Mr. BORLAND with Mr. HAMILTON of Michigan.

Mr. CURLEY with Mr. HARRIS.

Mr. STEPHENS of Texas with Mr. MILLER.

Mr. LEGARE with Mr. LOUD.

Mr. RAINEY with Mr. FAIRCHILD.

Mr. MARTIN of Colorado with Mr. KNOWLAND.

Mr. BROWN with Mr. PROUTY.

Mr. POST with Mr. HARTMAN.

Mr. SHERWOOD with Mr. LANGHAM.

Mr. DOREMUS with Mr. DE FOREST.

Until further notice:

Mr. O'SHAUNESSY with Mr. SLEMP.

Mr. JOHNSON of Kentucky with Mr. ANTHONY.

Mr. HOWARD with Mr. BARCHFELD.

Mr. UNDERWOOD with Mr. MANN.

Mr. SIMS with Mr. ESCH.

Mr. FITZGERALD with Mr. VREELAND.

Mr. LINDSAY with Mr. LAWRENCE.

Mr. MCHENRY with Mr. MCKINLEY.

Mr. ANDERSON of Ohio with Mr. AMES.

Mr. ANSBERRY with Mr. BINGHAM.

Mr. AYRES with Mr. BOWMAN.

Mr. CONRY with Mr. BROWNING.

Mr. COVINGTON with Mr. BURKE of Pennsylvania.

Mr. COX of Indiana with Mr. BUTLER.

Mr. DICKSON of Mississippi with Mr. CARY.

Mr. COX of Ohio with Mr. CRAGO.

Mr. DIFENDERFER with Mr. CRUMPACKER.

Mr. EVANS with Mr. DALZELL.

Mr. GOEKE with Mr. DANFORTH.

Mr. GOLDFOGLE with Mr. DENT.

Mr. HAMILL with Mr. FORDNEY.

Mr. HAMLIN with Mr. FOSTER of Vermont.

Mr. KINDRED with Mr. FULLER.

Mr. KINKEAD of New Jersey with Mr. GARDNER of Massachusetts.

Mr. LEVY with Mr. HEALD.

Mr. LEE of Pennsylvania with Mr. HELGESEN.

Mr. LEWIS with Mr. KAHN.

Mr. LINTHICUM with Mr. HUGHES of West Virginia.

Mr. LITTLETON with Mr. HENRY of Connecticut.

Mr. MCDERMOTT with Mr. KENT.

Mr. FIELDS with Mr. LANGLEY.

Mr. PUJO with Mr. MCMORRAN.

Mr. MAHER with Mr. MCGUIRE of Oklahoma.

Mr. MOON of Tennessee with Mr. MARTIN of South Dakota.
Mr. PATTEN of New York with Mr. MATTHEWS.
Mr. POU with Mr. MOON of Pennsylvania.
Mr. RANSDELL of Louisiana with Mr. MURDOCK.
Mr. RICHARDSON with Mr. NEEDHAM.
Mr. RUCKER of Colorado with Mr. OLMSTED.
Mr. ROUSE with Mr. PATTON of Pennsylvania.
Mr. SCULLY with Mr. PLUMLEY.
Mr. SHACKLEFORD with Mr. PRINCE.
Mr. SMITH of New York with Mr. STEPHENS of California.
Mr. TOWNSEND with Mr. WILDER.
Mr. TUTTLE with Mr. WOOD of New Jersey.
Mr. WILSON of New York with Mr. UTTER.
For the session:
Mr. RIORDAN with Mr. ANDRUS.
Mr. FORNES with Mr. BRADLEY.

Mr. MANN. Mr. Speaker, may I inquire if the gentleman from Alabama, Mr. UNDERWOOD, is recorded?

The SPEAKER pro tempore. The gentleman from Alabama, Mr. UNDERWOOD, is not recorded.

Mr. MANN. I have a general pair with the gentleman from Alabama. I voted "no." I desire to withdraw my vote and to be recorded "present."

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The motion to recommit is lost. The question is, Shall the bill pass?

The question being taken, the bill was passed.

On motion of Mr. FITZGERALD, the motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BOEHNE, for five days, on account of important business.

To Mr. SHACKLEFORD, indefinitely, on account of sickness.

ADJOURNMENT.

Mr. FITZGERALD. I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 35 minutes p. m.) the House adjourned until Monday, December 18, 1911, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Interior, reporting the amount expended during fiscal year ending June 30, 1911, for survey of lands within the limits of railroad grants (H. Doc. No. 315); to the Committee on Expenditures in the Interior Department and ordered to be printed.

2. A letter from the Acting Secretary of the Interior, submitting a list of claims allowed and disallowed on account of condemned buildings formerly located on Hot Springs Mountain Reservation, pursuant to act approved March 3, 1901 (H. Doc. No. 316); to the Committee on Expenditures in the Department of the Interior and ordered to be printed.

3. A letter from the Secretary of the Interior, transmitting the Tenth Annual Report of the Reclamation Service (H. Doc. No. 133); to the Committee on Irrigation of Arid Lands and ordered to be printed.

4. A letter from the Secretary of the Interior, submitting a report of lands withdrawn from settlement under act of June 25, 1910 (H. Doc. No. 317); to the Committee on the Public Lands and ordered to be printed.

5. A letter from the Secretary of the Interior, transmitting a statement showing what officers and employees of the department traveled outside of the District of Columbia on official business during the fiscal year ending June 30, 1911 (H. Doc. No. 318); to the Committee on Expenditures in the Department of the Interior and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MARTIN of South Dakota: A bill (H. R. 16085) authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. AINEY: A bill (H. R. 16086) to provide for the erection of a suitable memorial to Galusha A. Grow, at Montrose, Susquehanna County, Pa.; to the Committee on the Library.

Mr. SULZER: A bill (H. R. 16087) granting an annuity equivalent to $75 per month to officers and enlisted men of the United States Army, Navy, and Marine Corps who have attained the age of 60 years and have been, or may hereafter be, awarded medals of honor for gallantry and heroism involving great personal peril, and authorizing the President of the United States to make rules and regulations for carrying the act into effect; to the Committee on Military Affairs.

By Mr. AYRES: A bill (H. R. 16088) providing for the completion of the acquisition of a site for, and for the preparation of plans for, a public building in the Borough of the Bronx, New York City, in the State of New York; to the Committee on Public Buildings and Grounds.

By Mr. AINEY: A bill (H. R. 16089) to provide for the erection of a suitable memorial to David Wilmot at Towanda, Bradford County, Pa.; to the Committee on the Library.

By Mr. DAVIDSON: A bill (H. R. 16090) to establish a bureau of national parks, and for other purposes; to the Committee on the Public Lands.

By Mr. WILSON of Pennsylvania: A bill (H. R. 16091) to amend an act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1908, and for other purposes," approved March 2, 1907; to the Committee on the Post Office and Post Roads.

By Mr. AUSTIN: A bill (H. R. 16092) to provide for a memorial amphitheater at the national cemetery at Arlington, Va.; to the Committee on Public Buildings and Grounds.

By Mr. THISTLEWOOD: A bill (H. R. 16093) to provide for the improvement of the Cairo (Ill.) Harbor; to the Committee on Rivers and Harbors.

By Mr. ROBERTS of Nevada: A bill (H. R. 16094) fixing and regulating the hours of labor of all clerks and other employees of the Government of the United States and the District of Columbia, and providing a penalty for a violation thereof; to the Committee on Labor.

Also, a bill (H. R. 16095) prohibiting the collection of tolls from vessels flying the American flag for passing through the Panama Canal engaged in coastwise traffic of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. McKELLAR: A bill (H. R. 16096) to create a national post roads commission, to define its powers, and to fix its duties; to the Committee on Agriculture.

By Mr. PROUTY: A bill (H. R. 16097) to provide for Federal aid for the construction of post roads and making an appropriation therefor, and the licensing of automobiles used in interstate travel; to the Committee on Agriculture.

By Mr. HUBBARD: A bill (H. R. 16098) for the erection of a public building at Cherokee, Iowa; to the Committee on Public Buildings and Grounds.

By Mr. TUTTLE: A bill (H. R. 16099) to increase the limit of cost of public building at Morristown, N. J.; to the Committee on Public Buildings and Grounds.

By Mr. PEPPER: A bill (H. R. 16100) granting pensions to soldiers, sailors, and marines who were confined in Confederate prisons; to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 16101) providing for patents to homesteads on the ceded portion of the Wind River Reservation, in Wyoming; to the Committee on Indian Affairs.

By Mr. HOUSTON: A bill (H. R. 16102) to increase the amount fixed as the limit of cost of site and building at Fayetteville, Tenn.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16103) to increase the amount fixed as the limit of cost of site and building at Shelbyville, Tenn.; to the Committee on Public Buildings and Grounds.

By Mr. KITCHIN: A bill (H. R. 16104) to increase the limit of cost of the public building for Kinston, N. C.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16105) to increase the limit of cost of the public building for Rocky Mount, N. C.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16106) to increase the limit of cost of the public building for Tarboro, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. STANLEY: Resolution (H. Res. 342) appropriating $10,000 for an investigation to ascertain whether there have been violations of the antitrust and other acts by the United States Steel and other corporations; to the Committee on Accounts.

By Mr. BULKLEY: Resolution (H. Res. 343) requesting the Secretary of War to furnish information concerning alleged needless expense of maintaining the Army; to the Committee on Expenditures in the War Department.

By Mr. BARTLETT: Joint resolution (H. J. Res. 184) authorizing the Secretary of War to loan certain tents for the use of the Confederate veterans' reunion, to be held at Macon, Ga., in May, 1912; to the Committee on Military Affairs.

By Mr. BRANTLEY: Concurrent resolution (H. Con. Res. 23) to print 55,000 copies of the special consular reports on cotton tare; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 16107) granting an increase of pension to Lydia E. Seidomridge; to the Committee on Invalid Pensions.

By Mr. AINEY: A bill (H. R. 16108) granting an increase of pension to Mahlon Bostwick; to the Committee on Invalid Pensions.

By Mr. ANDRUS: A bill (H. R. 16109) granting an increase of pension to Charles Jans; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 16110) to remove the charge of desertion from the military record of George Lightner; to the Committee on Military Affairs.

By Mr. AYRES: A bill (H. R. 16111) for the relief of Clarence T. Birkett; to the Committee on Claims.

By Mr. BOWMAN: A bill (H. R. 16112) granting a pension to Rebecca Eldridge; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 16113) granting a pension to George L. Kingsland; to the Committee on Pensions.

Also, a bill (H. R. 16114) granting a pension to Charles H. Bunge; to the Committee on Pensions.

Also, a bill (H. R. 16115) granting a pension to Marie A. Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16116) granting an increase of pension to Calvin B. Costelo; to the Committee on Invalid Pensions.

By Mr. COOPER: A bill (H. R. 16117) granting a pension to Will F. Bauchle; to the Committee on Pensions.

Also, a bill (H. R. 16118) granting a pension to Mary A. Noble; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16119) granting an increase of pension to Andrew P. Van Matre; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16120) granting an increase of pension to Robert D. Cresson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16121) granting an increase of pension to Marion McDonald; to the Committee on Invalid Pensions.

By Mr. COPLEY: A bill (H. R. 16122) granting an increase of pension to Jacob Miller; to the Committee on Invalid Pensions.

By Mr. CRAVENS: A bill (H. R. 16123) granting a pension to Eugene P. Twiford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16124) granting a pension to Henry M. Forgay; to the Committee on Invalid Pensions.

By Mr. DAUGHERTY: A bill (H. R. 16125) granting an increase of pension to Nathan T. Moore; to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 16126) granting a pension to Emma L. Annis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16127) for the relief of William Kaiser; to the Committee on Claims.

By Mr. DAVIS of West Virginia: A bill (H. R. 16128) granting a pension to James Davis, alias Robert J. Smith; to the Committee on Invalid Pensions.

By Mr. DENVER: A bill (H. R. 16129) granting a pension to Oliver C. Penewit; to the Committee on Pensions.

By Mr. DICKINSON: A bill (H. R. 16130) granting an increase of pension to Joseph B. Stevenson; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 16131) granting an increase of pension to David W. Corson; to the Committee on Pensions.

Also, a bill (H. R. 16132) granting an increase of pension to Jacob Auman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16133) granting an increase of pension to Amos Musser; to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 16134) granting a pension to Jane A. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16135) granting an increase of pension to Amos Sawyer; to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 16136) granting an increase of pension to Otto Puhlmann; to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 16137) granting an increase of pension to James M. Dudley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16138) for the relief of the estate of Alexander Beaty; to the Committee on War Claims.

By Mr. FRANCIS: A bill (H. R. 16139) granting an increase of pension to Jesse Davidson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16140) granting an increase of pension to John Roberts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16141) granting an increase of pension to Joseph W. Prince; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16142) granting an increase of pension to John Finch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16143) granting an increase of pension to William J. Johnson; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 16144) granting an increase of pension to Gurden Reed; to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 16145) granting a pension to Cora Edith Tanner; to the Committee on Invalid Pensions.

By Mr. HANNA: A bill (H. R. 16146) granting an increase of pension to John T. Hunt; to the Committee on Invalid Pensions.

By Mr. HIGGINS: A bill (H. R. 16147) for the relief of John W. Barlow; to the Committee on War Claims.

By Mr. HOBSON: A bill (H. R. 16148) granting an increase of pension to Zoe D. Norris; to the Committee on Pensions.

By Mr. HOUSTON: A bill (H. R. 16149) for the relief of Charles Lowe; to the Committee on Military Affairs.

Also, a bill (H. R. 16150) for the relief of Joseph B. McGee; to the Committee on Military Affairs.

Also, a bill (H. R. 16151) for the relief of the legal heirs of John G. Burrus, deceased; to the Committee on War Claims.

By Mr. HUGHES of New Jersey: A bill (H. R. 16152) granting a pension to Joseph L. Herron; to the Committee on Pensions.

By Mr. HULL: A bill (H. R. 16153) granting a pension to Cornelia Morris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16154) granting a pension to James W. Carr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16155) granting an increase of pension to James N. Davis; to the Committee on Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 16156) granting a pension to Claude J. Sprigg; to the Committee on Pensions.

Also, a bill (H. R. 16157) granting an increase of pension to James R. Constant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16158) granting an increase of pension to John F. Woods; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16159) granting an increase of pension to Daniel Russman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16160) for the relief of the estate of Thomas H. Ditto, deceased; to the Committee on War Claims.

Also, a bill (H. R. 16161) for the relief of the estate of J. R. Claybrooke, deceased; to the Committee on War Claims.

By Mr. LINDBERGH: A bill (H. R. 16162) granting a pension to Charles A. Berry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16163) granting a pension to John P. Peterson; to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 16164) to correct the military record of William A. Viles; to the Committee on Military Affairs.

Also, a bill (H. R. 16165) granting a pension to James A. Rector; to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 16166) granting an increase of pension to Henry L. Ketcham; to the Committee on Invalid Pensions.

By Mr. MORRISON: A bill (H. R. 16167) granting a pension to Ella Hawkins; to the Committee on Invalid Pensions.

By Mr. MOSS of Indiana: A bill (H. R. 16168) granting an increase of pension to David Phillips; to the Committee on Invalid Pensions.

By Mr. NORRIS: A bill (H. R. 16169) granting an increase of pension to Charles A. Littel; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 16170) granting an increase of pension to Elizabeth Isaacs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16171) to correct the military record of Jonathan A. Martin; to the Committee on Military Affairs.

Also, a bill (H. R. 16172) to execute the findings of the Court of Claims in the matter of the estate of Laura J. Dills, deceased; to the Committee on War Claims.

By Mr. PADGETT: A bill (H. R. 16173) granting a pension to Callie Mabry; to the Committee on Pensions.

By Mr. PETERS: A bill (H. R. 16174) granting an increase of pension to Richard Lavery; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 16175) granting an increase of pension to William C. Hopper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16176) granting an increase of pension to John Collier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16177) granting an increase of pension to George Polson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16178) to remove the charge of desertion from the military record of John Thacker; to the Committee on Military Affairs.

Also, a bill (H. R. 16179) to remove the charge of desertion from the military record of James M. Cook; to the Committee on Military Affairs.

By Mr. PROUTY: A bill (H. R. 16180) granting a pension to Fannie L. McVey; to the Committee on Invalid Pensions.

By Mr. REDFIELD: A bill (H. R. 16181) granting a pension to Priscilla J. Raisbick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16182) to correct the military record of Philip A. Hertz; to the Committee on Military Affairs.

By Mr. RODDENBERY: A bill (H. R. 16183) granting a pension to Harry Hirschensohn; to the Committee on Pensions.

By Mr. RUCKER of Colorado: A bill (H. R. 16184) granting a pension to Lillian Landberg; to the Committee on Pensions.

Also, a bill (H. R. 16185) granting an increase of pension to Hezekiah Elliott; to the Committee on Pensions.

By Mr. RUSSELL: A bill (H. R. 16186) granting an increase of pension to Frank D. Lefler; to the Committee on Pensions.

Also, a bill (H. R. 16187) granting an increase of pension to William C. Young; to the Committee on Invalid Pensions.

By Mr. SIMMONS: A bill (H. R. 16188) granting an increase of pension to Elliott P. Halbert; to the Committee on Pensions.

By Mr. J. M. C. SMITH: A bill (H. R. 16189) granting a pension to Emma M. Leonard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16190) to correct the military record of Henry S. Hunter; to the Committee on Military Affairs.

Also, a bill (H. R. 16191) to convey certain real estate in the village of Jonesville, Hillsdale County, Mich; to the Committee on the Public Lands.

By Mr. STEPHENS of Mississippi: A bill (H. R. 16192) to carry into effect the findings of the Court of Claims in case of the Presbyterian Church of Batesville, Panola County, Miss.; to the Committee on War Claims.

By Mr. STEPHENS of Nebraska: A bill (H. R. 16193) granting an increase of pension to Isaac Chamberlain; to the Committee on Invalid Pensions.

By Mr. SULZER: A bill (H. R. 16194) granting an increase of pension to Harry Landau; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 16195) granting a pension to Alva F. Bloss; to the Committee on Pensions.

Also, a bill (H. R. 16196) granting an increase of pension to Whitaker Jayne; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 16197) granting an increase of pension to Edward E. Day; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16198) for the relief of Warren G. Jones; to the Committee on Military Affairs.

By Mr. THAYER: A bill (H. R. 16199) granting a pension to Edith B. Hamblin; to the Committee on Pensions.

Also, a bill (H. R. 16200) to correct the military record of Owen Smith; to the Committee on Military Affairs.

By Mr. THISTLEWOOD: A bill (H. R. 16201) granting an increase of pension to James P. Farmer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16202) granting an increase of pension to William J. Sneed; to the Committee on Invalid Pensions.

By Mr. TUTTLE: A bill (H. R. 16203) granting an increase of pension to Frances T. Gaddis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16204) to correct the military record of Henry W. Angleman; to the Committee on Military Affairs.

By Mr. WILSON of Pennsylvania: A bill (H. R. 16205) granting an increase of pension to Henry Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16206) granting an increase of pension to Charles Roller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16207) granting an increase of pension to Emer A. Irons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16208) granting an increase of pension to Henry C. Holter; to the Committee on Invalid Pensions.

By Mr. BATES: A bill (H. R. 16209) granting a pension to Cora M. Kemp; to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 16210) reimbursing H. P. Warfield for money paid on account of loss by fire of a registered package; to the Committee on Claims.

By Mr. HANNA: A bill (H. R. 16211) granting an increase of pension to Abram Baizner; to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 16212) for the relief of the estate of James Blake; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of Trans-Mississippi Commercial Congress, urging certain legislation; to the Committee on Ways and Means.

Also, petitions of numerous citizens of Missouri and Pennsylvania, in favor of reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, memorial of Local No. 1359, urging the passage of House bill 11372; to the Committee on the Merchant Marine and Fisheries.

By Mr. ANSBERRY: Memorial of Seventh-day Adventist Church of Hicksville, Ohio, in opposition to House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Petition of Capt. C. V. Priest and others, of Newark, Ohio, in favor of House bill 8141; to the Committee on Military Affairs.

By Mr. AYRES: Petition of National Woman's Christian Temperance Union, urging the reimbursement of the Ellen M. Stone ransom; to the Committee on Claims.

By Mr. BARNHART: Petitions of numerous citizens of Indiana, against extension of parcels post; to the Committee on the Post Office and Post Roads.

By Mr. BURLESON: Resolutions of Albany County Woman's Christian Temperance Union, Albany, N. Y.; Cigar Makers' International Union, No. 16, Binghamton, N. Y.; Clio Club, Haverstraw, N. Y.; Ladies' Reading Club, Northfield, Vt.; United Brewery Workers, Detroit, Mich.; and Women's Club, Ridley Park, Pa., to investigate diseases in dairy products, etc.; to the Committee on Agriculture.

Also, resolution, petitions, etc., of Friends in Council Club, Berlin, Wis.; Athena Club, Berlin, Wis.; Switchmen's Union, Dolton, Cook County, Ill.; Pensa Club, Brooklyn, N. Y.; Twentieth Century Club, Kosciusko, Miss.; Women's Club, Ridley Park, Pa.; Painters, Decorators, and Paperhangers of America, Local Union No. 491, Waterbury, Conn.; Cigar Makers' Union of America, Local Union No. 1, Baltimore, Md.; International Association of Machinists, Lodge No. 399, Big Springs, Tex.; and Federation of Railway Employees, De Soto, Mo., urging Congress to repeal the 10-cent tax on colored oleomargarine; to the Committee on Agriculture.

By Mr. COLLIER: Petition of Kate Price, heir of Llewellyn Price, of Warren County, Miss., praying reference of her claim to the Court of Claims under the provisions of the Bowman Act; to the Committee on War Claims.

By Mr. COOPER: Memorial of Seventh-day Adventist Church of Racine, Wis., against the passage of House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. COX of Ohio: Memorial of Seventh-day Adventist Church of Hamilton, Ohio, against the passage of House bill 9433; to the Committee on the Post Office and Post Roads.

Also, petition of the Weakley & Worman Co., of Dayton, Ohio, asking for reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, resolutions of United Trades and Labor Council of Dayton, Ohio, protesting against Senate bill 2564, repealing the law of Congress of 1898 which provides that the paper money, bonds, and checks of the United States shall be manufactured by what is known as the hand-roller process; to the Committee on Printing.

By Mr. CRAVENS: Papers to accompany bills granting pensions to Eugene P. Twiford and Henry M. Forgay; to the Committee on Invalid Pensions.

By Mr. DANFORTH: Petition of the Woman's Educational and Industrial Union of Rochester, N. Y., urging investigation of disease in dairy products; to the Committee on Agriculture.

Also, petition of Rochester Chamber of Commerce, urging amendment to corporation-tax law; to the Committee on Ways and Means.

Also, petition of American Fruit Product Co., Rochester, N. Y., asking for reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of Max Lowenthal & Bro., of Rochester, N. Y., remonstrating against the extension of the parcels-post system beyond its present limitations; to the Committee on the Post Office and Post Roads.

By Mr. DAVIS of Minnesota: Petitions of R. H. Bord and others, of Red Wing, Minn., asking for reduction of duties on raw and refined sugars; to the Committee on Ways and Means.

Also, petitions of P. J. Runhol and others, of Farmington, and of Lambert Lumber Co. and others, of Lesueur Center, Minn., against parcels-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of enlisted men of Company B, Second Regiment Minnesota National Guard, Faribault, Minn., favoring militia pay bill; to the Committee on Military Affairs.

By Mr. DAVIS of West Virginia: Petition of residents of Ohio County, W. Va., in reference to old-age pension bill; to the Committee on Pensions.

Also, petitions of numerous residents of Weston, W. Va., in favor of reduction of the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. DICKINSON: Petition of the Christian Church of Harrisonville, Mo., in favor of the passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. EVANS: Petition of National Woman's Christian Temperance Union, urging the reimbursement of the Ellen M. Stone ransom; to the Committee on Claims.

By Mr. FOCHT: Papers to accompany House bill 15504; to the Committee on Invalid Pensions.

By Mr. FOSS: Petitions of certain citizens of Chicago, Ill., in favor of a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. FRENCH: Petitions of Charles E. and E. M. Pickett, of Twin Falls, Idaho, in favor of reduction in the duties on raw and refined sugars; to the Committee on Ways and Means.

By Mr. FULLER: Petition of Millers' National Insurance Co., of Chicago, Ill., in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Peterson & Nelson, of Rockford, Ill., in favor of reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of New York State Society of Certified Public Accountants, in relation to employment of chartered accountants; to the Committee on Expenditures in the Navy Department.

Also, petition of Lodge No. 173, of Switchmen's Union of North America, of La Salle, Ill., in favor of Sherwood bill (H. R. 13911) providing for the least number of men to be assigned to each engine engaged in handling cars, etc.; to the Committee on Interstate and Foreign Commerce.

Also, papers to accompany bill for the relief of Gurden Reed; to the Committee on Invalid Pensions.

By Mr. HANNA: Memorial of Minot (N. Dak.) Commercial Club, asking that the erection of the Federal building at that place be commenced in the early part of the year 1912; to the Committee on Public Buildings and Grounds.

Also, memorial of Larimore (N. Dak.) Commercial Club, in favor of bill for agricultural colleges; to the Committee on Agriculture.

Also, memorial of the Society of the Army of the Cumberland, favoring an appropriation for a monument in memory of Maj. Gen. Rosecrans; to the Committee on Military Affairs.

Also, memorial of Seventh-day Adventist Church of Stanley, N. Dak., against House bill 9433; to the Committee on the Post Office and Post Roads.

Also, petition of D. B. Gore, of Harmon, N. Dak., favoring the reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, memorial of the National Woman's Christian Temperance Union, in favor of refunding the ransom of Miss Ellen M. Stone; to the Committee on Claims.

By Mr. HAMMOND: Memorial of Seventh-day Adventist Church of Pipestone, Minn., in opposition to House bill 9433, for the observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

By Mr. HIGGINS: Memorial of Congregation Ados Israel, Hartford, Conn., praying for the abrogation of the Russian-American treaty; to the Committee on Foreign Affairs.

Also, memorial of joint railroad legislative committee of Connecticut, in favor of House bill 11372; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Sarah Rogers Chapter, Daughters of the American Revolution, indorsing bill for Federal children's bureau; to the Committee on Interstate and Foreign Commerce.

Also, petitions of Robert Graham and Fred T. Greener, of Panama Canal Zone, in favor of House resolution 287; to the Committee on Rules.

By Mr. HUGHES of New Jersey: Memorial of Woman's Christian Temperance Union of Rutherford, N. J., remonstrating against the shipment of liquor into prohibition territory; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Woman's Association of Ridgefield Park, N. J., urging an investigation of disease of dairy products; to the Committee on Agriculture.

By Mr. KAHN: Petition of Gantner & Mattern Co., of San Francisco, Cal., in favor of Lincoln memorial road; to the Committee on Appropriations.

By Mr. MATTHEWS: Petition of numerous firms of Pennsylvania, favoring reduction of letter postage; to the Committee on the Post Office and Post Roads.

Also, petitions of Lodge No. 154, A. A. of I. S. and T. W., of Washington, Pa.; of New Castle Division, No. 89, A. A. of S. and E. R. E. of A., of New Castle, Pa.; of Local Union No. 1372, United Mine Workers of America, of Coal Bluff, Pa.; and of numerous citizens of St. Joseph, St. Louis, and Kansas City, Mo., favoring passage of the Booher bill (H. R. 5601); to the Committee on Interstate and Foreign Commerce.

Also, petitions of sundry citizens of Pennsylvania in favor of a Lincoln memorial highway from Gettysburg, Pa., to the White House, Washington, D. C.; to the Committee on Appropriations.

By Mr. MOTT: Memorial of Chamber of Commerce of Denver, Colo., favoring the ratification of the proposed arbitration treaties between the United States, Great Britain, and France; to the Committee on Foreign Affairs.

By Mr. NELSON: Petitions of numerous business men of Madison and Mazomanie, Wis., protesting against the enactment by Congress of any legislation for the extension of the parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. OLDFIELD: Papers to accompany House bill 14591, granting an increase of pension to Joseph E. Sutherland; to the Committee on Invalid Pensions.

By Mr. PADGETT: Papers to accompany House bill 16173, for the relief of Callie Mabry; to the Committee on Pensions.

By Mr. PARRAN: Paper to accompany House bill 14425, granting an increase of pension to Alexander Shaney; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 14423, granting an increase of pension to Dominick Roach; to the Committee on Invalid Pensions.

By Mr. PORTER: Petition of the Southwestern State Normal School, of California, Pa., indorsing Senate bill No. 3, to cooperate with the States in encouraging instruction in agriculture, the trades and industries, and home economics in secondary schools; in maintaining instruction in these vocational subjects in State normal schools; in maintaining extension departments in States colleges of agriculture and mechanic arts; and to appropriate money and regulate its expenditure; to the Committee on Agriculture.

Also, petition of the Glass Blowers' Association, Branch No. 95, of Brackenridge, Pa., protesting against the repeal of the law of Congress of 1898 which provides that paper money shall be made by what is known as the hand-roller process; to the Committee on Printing.

Also, petition of the North Side Merchants' Association of North Side, Pittsburgh, Pa., favoring the repeal of the 10-cent tax on oleomargarine; to the Committee on Agriculture.

Also, petition of the Glass Blowers' Association of the United States and Canada, Branch No. 95, of Brackenridge, Pa., favoring the repeal of the 10-cent tax on oleomargarine; to the Committee on Agriculture.

Also, petition of the Lawrenceville Board of Trade, of Pittsburgh, Pa., requesting the Government of the United States to take such steps and make such plans that will fulfill the requirements laid down by the act of Congress with reference to locating the post-office workshop between Fifteenth and Sixteenth Streets, on Pennsylvania Avenue and Liberty Avenue, Pittsburgh, Pa.; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Papers to accompany House bill 7573; to the Committee on Military Affairs.

By Mr. J. M. C. SMITH: Papers to accompany bill conveying real estate in Jonesville, Mich., to Milo D. Bacon; to the Committee on the Public Lands.

By Mr. SAMUEL W. SMITH: Petitions of numerous citizens of Pontiac, Mich., in favor of recognition by Russia of passports of American citizens without regard to religion or race; to the Committee on Foreign Affairs.

By Mr. SMITH of New York: Resolution of the Rochester (N. Y.) Chamber of Commerce, urging amendment to corporation-tax law; to the Committee on Ways and Means.

By Mr. STEENERSON: Petitions of numerous citizens of Audubon, Detroit, Lake Park, and Richville, Minn., against parcels post; to the Committee on the Post Office and Post Roads.

By Mr. SULZER: Memorial of Salida (Colo.) Commercial Club, in approval of arbitration treaties between the United States, Great Britain, and France; to the Committee on Foreign Affairs.

Also, petition of New York State Society of Certified Public Accountants, against the employment of chartered accountants

to the exclusion of certified public accountants; to the Committee on Expenditures in the Navy Department.

Also, petition of N. Nilsen, Isthmus of Panama, in favor of House resolution 287; to the Committee on Rules.

Also, petition of Maunsell B. Field, New York, N. Y., urging that a monument be erected to the memory of Gen. Robert Anderson; to the Committee on the Library.

Also, petition of National Indian War Veterans, in favor of House bill 779; to the Committee on Pensions.

Also, memorial of the National Woman's Christian Temperance Union, for Congress to reimburse those who contributed to the ransom of Ellen M. Stone; to the Committee on Claims.

Also, resolutions of Hamburger Club, of Chicago, Ill., and of Deutscher Kriegerbund, of New York City, urging investigation of administration of the immigration office at Ellis Island; to the Committee on Immigration and Naturalization.

Also, memorial of Lowy Lodge, No. 484, Order B'rith Abraham, praying for the abrogation of the Russian treaty; to the Committee on Foreign Affairs.

By Mr. TAYLOR of Colorado: Petition of citizens of Nucla, Montrose County, Colo., for enactment of law for the retirement of the superannuated employees of the United States Government; to the Committee on Reform in the Civil Service.

Also, petition of First Avenue Presbyterian Church, of Denver, Colo., for the passage of an effective interstate liquor traffic prohibitory law; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Colorado & Wyoming Lumber Dealers' Association, remonstrating against the extension of the parcels-post system beyond its present limitations; to the Committee on the Post Office and Post Roads.

By Mr. TILSON: Memorial of Joint Railroad Legislative Committee of Connecticut, in favor of House bill 11372; to the Committee on the Merchant Marine and Fisheries.

By Mr. UNDERHILL: Memorial of National Woman's Christian Temperance Union, praying that Congress pass the bill making an appropriation of $66,000 with which to reimburse those contributing to the ransom of Miss Ellen M. Stone, an American citizen who was held captive by brigands in Macedonia, Turkey in Europe, September 3, 1901, to February 23, 1902; to the Committee on Claims.

Also, memorial of the Chamber of Commerce of Denver, Colo., indorsing arbitration treaties between the United States, Great Britain, and France; to the Committee on Foreign Affairs.

Also, memorial of the Society of the Army of the Cumberland, to erect a monument to Maj. Gen. Rosecrans; to the Committee on Military Affairs.

By Mr. VOLSTEAD: Petition of citizens of Wabasso and Wheaton, Minn., against parcels post; to the Committee on the Post Office and Post Roads.

Also, memorial of Seventh-day Adventist Churches of Brookville and Gilchrist, Minn., against the passage of House bill 9433; to the Committee on the Post Office and Post Roads.

Also, petitions of numerous citizens of Minnesota, asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

SENATE.

MONDAY, *December 18, 1911.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of the proceedings of Thursday last was read and approved.

ANNUAL REPORT OF THE SECRETARY OF THE TREASURY (H. DOC. NO. 115).

The VICE PRESIDENT laid before the Senate the annual report of the Secretary of the Treasury on the state of the finances for the fiscal year ended June 30, 1911, which was referred to the Committee on Finance and ordered to be printed.

ESTIMATES OF APPROPRIATIONS (S. DOC. NO. 158).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of State, submitting estimates of deficiencies in appropriations required by the Department of State to be included in the urgent deficiency appropriation bill, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

HOT SPRINGS, ARK.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report on the value of certain condemned property located at the Hot Springs, Ark., which was referred to the Committee on Public Lands.

RAILROAD LAND GRANTS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, certain information relative to the expenditure of $9,239.99 for surveys of the lands lying within the limits of railroad grants, which was referred to the Committee on Public Lands.

WITHDRAWAL OF PUBLIC LANDS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report on lands withdrawn from settlement, location, sale, or entry, which was referred to the Committee on Public Lands.

THE RECLAMATION SERVICE.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, the tenth annual report of the Reclamation Service, which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting findings of fact and conclusions of law filed by the court in the following causes:

Jacob M. Davis and sundry subnumbered cases *v.* United States (S. Doc. No. 185);

John C. Brooks *v.* United States (S. Doc. No. 175);

Trustees of the Catholic Church at Dalton, Ga., *v.* United States (S. Doc. No. 188);

Flora O. Janes, administratrix of Leroy S. Janes, deceased, *v.* United States (S. Doc. No. 165);

Oliver Schwartzenburg, administrator of the estate of John Schwartzenburg, deceased, *v.* United States (S. Doc. No. 172);

Trustees of the Presbyterian Church of Bunker Hill, W. Va., *v.* United States (S. Doc. No. 189);

Wilbur H. Thomas, administrator of the estate of Archeles Stanley, deceased, *v.* United States (S. Doc. No. 170);

B. Klucny *v.* United States (S. Doc. No. 171);

William F. Norris *v.* United States (S. Doc. No. 173);

Annie Fraser Wood, administratrix of the estate of Lafayette B. Wood, *v.* United States (S. Doc. No. 166);

The Washington Loan & Trust Co., administrator of the estate of Alfred Pleasanton, *v.* United States (S. Doc. No. 187);

Campbell T. Hamilton, administrator of the estate of John Hamilton, *v.* United States (S. Doc. No. 164);

Ulrica Dahlgren Pierce, administratrix of the estate of Vinton A. Goddard, *v.* United States (S. Doc. No. 176);

Virginia Forse, administratrix of the estate of Albert Callatin Forse, *v.* United States (S. Doc. No. 168);

Fidelity Trust Co., executor of the estate of Joseph Roberts, deceased, *v.* United States (S. Doc. No. 186);

Amanda T. Belknap, widow of William W. Belknap, deceased, *v.* United States (S. Doc. No. 167);

George C. Wooley *v.* United States (S. Doc. No. 169);

Carrie M. Draper, widow of Edwin A. Draper, deceased, *v.* United States (S. Doc. No. 174);

John Dolson *v.* United States (S. Doc. No. 177);

Garret Dayton, administrator of William M. Dayton, deceased, *v.* United States (S. Doc. No. 178);

William S. Crowell *v.* United States (S. Doc. No. 184);

Eva C. Nail, administratrix of Cincinnatus Condict, deceased, *v.* United States (S. Doc. No. 181);

Leonard S. Carter *v.* United States (S. Doc. No. 183);

James R. Bruner *v.* United States (S. Doc. No. 180);

Daniel W. Brown *v.* United States (S. Doc. No. 182); and

Oliver H. P. Bailey *v.* United States (S. Doc. No. 179).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 9061. An act limiting the hours of daily service of laborers and mechanics employed upon work done for the United States or for any Territory or for the District of Columbia, and for other purposes; and

H. R. 15930. An act making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1912, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 1081. An act providing for the punishment of persons in possession of stolen property in the District of Colum-

bia, having stolen the same in any other State or Territory; and

S. 2877. An act amending section 67 of the act approved March 3, 1911, to codify, revise, and amend the laws relating to the judiciary.

HOUSE BILLS REFERRED.

H. R. 15930. An act making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1912, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

H. R. 9061. An act limiting the hours of daily service of laborers and mechanics employed upon work done for the United States or for any Territory or for the District of Columbia, and for other purposes, was read twice by its title and referred to the Committee on Education and Labor.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the congregation of St. Paul's Methodist Episcopal Church, of Denver, Colo., and a petition of the clerk of the Society of Friends for Pennsylvania, New Jersey, and Delaware, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of the Washington Secular League, of the District of Columbia, praying for the abrogation of the treaty of 1832 between the United States and Russia, which was ordered to lie on the table.

He also presented a memorial of the legal representatives of the Pokagon Tribe of Potawatomi Indians of Michigan and Indiana, remonstrating against any appropriation being made for the construction of a breakwater in Lake Michigan near Chicago, Ill., which was referred to the Committee on Commerce.

He also presented a petition of the Trans-Mississippi Commercial Congress, praying for the adoption of the currency system as suggested by the Monetary Commission, which was referred to the Committee on Finance.

He also presented a memorial of the Glass Blowers' Association of Ravenswood, N. Y., remonstrating against the passage of the so-called Smoot printing bill, which was referred to the Committee on Printing.

Mr. CHAMBERLAIN presented memorials of sundry citizens of Portland, Oreg., remonstrating against certain treatment accorded American citizens by the Russian Government, which were ordered to lie on the table.

Mr. O'GORMAN presented petitions adopted by the union Thanksgiving services of Broadalbin and Newark Valley, of the congregations of the First Congregational Church of Christ of Ithaca, the Grace Methodist Episcopal Church, of Albany, and the East Side Presbyterian Church, of Rochester; of the Men's Bible Class of the First Presbyterian Church of Owego; the Classis of Schlorie of the Reformed Church at Middleburg; and of the Woman's Home Companion Club of Darien, all in the State of New York, and of the General Conference of Friends' Associations held at Mount Holly, N. J., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented petitions of Local Lodges, Order B'rith Abraham, of New York, Brooklyn, Rochester, and Kingston; of Local Lodge No. 143, Independent Order Free Sons of Judah; of the Jewish Young Men's League; and of the Keidaner Society of New York City; the Jewish Aid Society of Brooklyn; and of sundry Hebrew congregations of New York City and Brooklyn, all in the State of New York, praying for the abrogation of the treaty of 1832 between the United States and Russia, which were ordered to lie on the table.

He also presented a petition of sundry citizens of New Rochelle, N. Y., praying for the establishment of a parcels-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Ausable Forks, N. Y., remonstrating against the extension of the parcels-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. POMERENE presented petitions of Victor Abraham, of Cincinnati; Edwin I. Baer, of Canton; E. R. Booth, of Cincinnati; W. D. Chamberlain, of Dayton; J. L. Corley, of Canton; Fred W. Dearness, of Cincinnati; H. L. Eby, of Alliance; Jesse Edgerton, of Damascus; C. A. Gates, of Massillon; J. W. Grimmer, of Rockland; C. A. Hackenberg, of Norwood; John Haiman, of Youngstown; Joseph Hall, of Salem; Bernard P. Hanstra, of Norwood; Charles M. Hartshorn, of Marietta; Rev. W. C. Heyl, of Oberlin; Herman M. Houston, of Cincinnati; Miss Nellie Shaw Houston, of Cincinnati; Seasame B. Howard, of Cincinnati; Rev. A. E. Huntington, of Amelia; A. W. Inman, of Massillon; Rev. J. M. Keck, of Macedonia; C. P. L. McLain, of Massillon; Jacob W. Kapp, of Cincinnati; Dan McCarthy, jr., of Cincinnati; Finley Hutton, of Salem; J. Franklin Lamborn, of Sebring; J. A. Leighton, of Columbus; Joseph E. Myers, of Barnesville; of the West Branch Quarterly Meeting of Friends, of Ludlow Falls; of the Diocese of Southern Ohio (Episcopal) and Cincinnati; of the Pilgrim Church, of Cleveland; of the Trades and Labor Assembly of Marietta; of the Religious Society of Friends of Emerson; of the Peace Society of Cleveland; of the congregation of the First United Presbyterian Church of Findlay; of the St. Clairesville Presbytery, of Bellaire; of the Elmwood Place Methodist Episcopal Church, of Cincinnati; of the Woman's Club of Cincinnati; of the First Methodist Episcopal Church of Norwood; of the Muskingum Presbytery of the United Presbyterian Church, of Byesville; of the Trinity Methodist Episcopal Church, of Lima; of the Second Presbyterian Church, of Massillon; of the American Tract Society, of Cincinnati; of the four Congregational Churches of Washington County; of the Fisher Bible Class of the First Methodist Episcopal Church, of Bellefontaine; of the Methodist Episcopal Church of Deersville; of the Trenton Presbyterian Church, of Condit; of the Westminster Presbyterian Church, of Hamilton; of the Council of Women of Toledo; of the Christ Episcopal Church, of Dayton; of the Putnam Presbyterian Church, of Zanesville; of the First Methodist Episcopal Church of St. Paris; of the First Methodist Episcopal Church of Lorain; of the Union Meeting of Wauseon; of the Baptist Church of Piqua; of the First Unitarian Church of Marietta; of the Religious Society of Friends of Cadiz; of the Evergreen Presbyterian Church, of Youngstown; of the Methodist Church of Loudenville; of the First Baptist Church of Cambridge; of the Friends' Annual Meeting, representing 3,000 people, of Wilmington; of the board of trustees of Toledo Board of Commerce, of Toledo; of eight Protestant Churches of Youngstown; of Washington Street Congregational Church, of Toledo, all in the State of Ohio, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and Russia, which were ordered to lie on the table.

He also presented petitions of sundry citizens and business organizations of Columbus, Springfield, Cincinnati, Conneaut, Steubenville, Cleveland, Canton, Dayton, Athens, and Kenton, all in the State of Ohio, praying for the construction of a highway from Washington, D. C., to Gettysburg, Pa., as a memorial to Abraham Lincoln, which were referred to the Committee on Appropriations.

He also presented memorials of sundry citizens of Columbus, Sunbury, Dayton, Cincinnati, Jackson, Quaker City, Millersburg, Youngstown, Hamilton, Lima, Cleveland, East Liverpool, Akron, Kirkersville, and Toledo, all in the State of Ohio, remonstrating against the extension of the parcels-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry United German-American and United Irish-American societies and lodges, Ancient Order of Hibernians, of Youngstown, Cincinnati, Pleasant Ridge, Chillicothe, Lima, Cleveland, Martins Ferry, Dayton, Springfield, and London, all in the State of Ohio, remonstrating against the ratification of the proposed treaties of arbitration between the United States and Great Britain, which were ordered to lie on the table.

He also presented petitions of Hirsch Hoffert Lodge, No. 367, of Cincinnati; Akron Lodge, No. 138, Independent Order B'rith Abraham, of Akron; Columbus B'nai Israel Lodge, No. 406, of Columbus; Congregation Beth Jacob, of Columbus; Oscar Weimer Lodge, No. 110, of Cleveland; Lorain Lodge, No. 502, of Lorain; Cincinnati Lodge, No. 141, of Cincinnati; Federal Lodge, No. 170, Independent Order B'rith Sholom, of Youngstown; Toledo Lodge, No. 419, Order B'rith Abraham, of Toledo; Franklin Lodge, No. 15, Order Knights of Joseph, of Columbus; McKinley Lodge, No. 64, Independent Order B'rith Sholom, of Columbus; Forest City Lodge, No. 187, Independent Order B'rith Abraham, of Cleveland; Abraham Lincoln Lodge, No. 52, Order B'rith Abraham, of Cleveland; Mahoning Lodge, No. 339, Independent Order B'nai B'rith, of Youngstown; Abraham Hershberg Lodge, No. 177, Independent Order B'rith Sholom, of Cleveland; B'nai Jacob Lodge, No. 130, of Bellaire; Montefiore Lodge, No. 256, Independent Order B'rith Sholom, of Cincinnati; Cincinnati Lodge, No. 459, Order B'rith Abraham, of Cincinnati; Admiral Dewey Lodge, No. 236, Order B'rith Abraham, of Cleveland; Canton Lodge, No. 258, Independent Order B'rith Sholom, of Canton; Ben Moses Lodge, No. 209, Order B'rith Abraham, of Youngstown; Montefiore Lodge, No. 13, Order B'rith Abraham, of Cleveland, all in the State of Ohio;

of Bela Tokaji, president of the National Progressive Republican League, of New York City; of Miss Lilly R. Stark, president of the Council of Jewish Women, Cincinnati, Ohio; of the congregation of the Shara Thora, of Canton, Ohio; of H. F. Levine, president of the Progressive Order of the West, of Cleveland, Ohio; of Mrs. Myer Hess, secretary of the Council of Jewish Women, of Marion, Ohio; of Ohio Lodge, No. 185; of Columbus Hebrew Tailors' Benevolent Association, of Columbus, Ohio; of Joseph C. Bloch, supreme commander, Order Knights of Joseph, of Cleveland, Ohio; and of District Grand Lodge No. 2, Independent Order B'nai B'rith, in convention assembled at Denver, Colo., praying for the abrogation of the treaty of 1832 between the United States and Russia, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Youngstown, Chillicothe, New Richmond, Pettisville, Glenford, Hibbetts, Albany, Columbus, Shelby, Lewisburg, Shepard, Hamilton, Cincinnati, Carrollton, and Kenton, all in the State of Ohio, praying for the establishment of a parcels-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens and business firms of Cleveland, Toledo, Vermilion, Columbus, Bellaire, Cincinnati, Youngstown, Bellevue, Kenton, Chagrin Falls, Ashtabula, Steubenville, and Ashland, all of the State of Ohio, praying for the reduction of the postage on first-class mail matter to 1 cent an ounce, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the First Methodist Episcopal Sunday School of Kenton, Ohio, praying for the enactment of legislation to prohibit the exportation of intoxicating liquors to missionary lands, which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented petitions of the congregations of the Congregational Church of Tilton; the Free Baptist Church of New Hampton; of the Rockingham County Woman's Christian Temperance Union, of Exeter; of the Women's Relief Corps of Derry; of W. B. Knight Post, Department of New Hampshire, Grand Army of the Republic, all in the State of New Hampshire, and of the Society of Friends for Pennsylvania, New Jersey, and Delaware, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of the Citizens' Association of Chevy Chase, D. C., praying for the enactment of legislation providing for the creation of a public utilities commission, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Board of Trade of Washington, D. C., praying that an appropriation be made for the construction of suitable buildings for the Girls' Reform School, in the District, which was referred to the Committee on the District of Columbia.

He also presented a petition of Encampment No. 162, Union Veteran Legion, of San Jose, Cal., praying for the passage of the so-called dollar-a-day pension bill, which was referred to the Committee on Pensions.

Mr. WARREN presented a petition of sundry citizens of Douglas, Wyo., praying for the enactment of legislation to increase the efficiency of Army bands, which was referred to the Committee on Military Affairs.

Mr. BROWN presented petitions of sundry citizens of Wayne; of the McCabe Methodist Episcopal Church, of Omaha; and of the Presbyterian Church of Scottsbluff, all in the State of Nebraska, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a memorial of Geary Post, No. 81, Department of Nebraska, Grand Army of the Republic, remonstrating against any appropriation being made for the construction of a Confederate national monument in the Vicksburg National Military Park, which was referred to the Committee on Military Affairs.

He also presented a memorial of the Central Labor Union of Lincoln, Nebr., remonstrating against the passage of the so-called Smoot printing bill, which was referred to the Committee on Printing.

He also presented sundry affidavits in support of the bill (S. 53) granting an increase of pension to W. H. Wyatt, which were referred to the Committee on Pensions.

Mr. CRAWFORD presented memorials of sundry citizens of Langford, S. Dak., remonstrating against certain treatment accorded American citizens by the Government of Russia, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Springfield, S. Dak., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a petition of the congregation of the First Methodist Episcopal Church of Sioux Falls, S. Dak., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside liquor dealers, which was referred to the Committee on the Judiciary.

Mr. BURNHAM presented petitions of the Society of Friends for Pennsylvania, New Jersey, and Delaware; of the Woman's Relief Corps of Derry; of the congregations of the Free Baptist Church of New Hampton, of the Congregational Church of Tilton, of the Unitarian, Methodist, Baptist, Free Baptist, Christian, and Congregational Churches of Franklin, in the State of New Hampshire, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. NIXON presented resolutions adopted by the railroad commission of Nevada, which were referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

RAILROAD COMMISSION OF NEVADA,
Carson City, Nev., December 11, 1911.

To our Representatives in Congress, Hon. Francis G. Newlands, United States Senator; Hon. George S. Nixon, United States Senator; Hon. E. E. Roberts, United States Congressman.

GENTLEMEN: The railroad commission of Nevada hereby respectfully petitions its honorable Senators and Representative in Congress to use their influence in support of the so-called Sims bill, which, it is reported, will be introduced in Congress at an early date, for the abolition of the Commerce Court, with such amendments as will eliminate the jurisdiction of all Federal courts, except the Supreme Court, in interstate-commerce cases.

You are also asked to take immediate steps looking to the enactment of a law by which cases arising under the railroad-commission and public-service laws of the several States shall be given precedence for consideration in the Federal courts over other civil cases.

In support of this petition your attention is urgently invited to the following reasons:

The Commerce Court is a wholly unnecessary tribunal. Its jurisdiction being confined to cases arising in the Interstate Commerce Commission, the court is practically nothing more or less than a second commission—something which is not needed. If it confirms an order of the Interstate Commerce Commission, nothing is gained, while much valuable time is lost. In any event, in cases of importance neither side of the controversy will ever be satisfied with anything less than a final determination by the United States Supreme Court, and nothing will be gained by having the case carried through an intermediate court. If the court holds invalid an order of the commission, in a great majority of cases it is morally certain that the court will be wrong and the commission right.

The court is composed of five lawyers, and doubtless good ones; but in their practice they have covered the whole field of jurisprudence and, except as to one member, making no specialty of the questions involved in the regulation of railroads. Their natural disposition is to decide the cases presented to them upon technical legal grounds rather than upon the real merits.

Having jurisdiction of interstate-commerce cases only, the court is almost certain to be measurably, at least, antagonistic to the commission. If it merely sustains the orders of the commission, the work of the court is one of supererogation, and the query at once arises, "What is the need of it?" Therefore, in the very nature of the situation, the court, for its own preservation, will feel bound to take issue with the commission wherever there is any reason, however slight, for so doing.

This is not intended as a disparagement of the personnel of the court. It is simply a recognition of the fact that no man is perfect, whether he be clothed in judicial ermine or be engaged in some other vocation.

The Interstate Commerce Commission as now constituted consists of five lawyers and two railroad and economic experts. The legal members by their long experience have become experts, while the purely expert members have in like manner become good lawyers within the field of railroad regulation. When such a body has fairly and fully investigated a matter within its jurisdiction it is absurd in all cases, and rank injustice in many, to require its action to run the gauntlet of two courts before the question is finally decided.

The legal machinery for the settlement of all cases covered by the interstate-commerce law should be the Interstate Commerce Commission and the Supreme Court of the United States. This means that the final action of the commission should be subject to review only in the supreme judicial tribunal of the land.

In any event, it will be the decision of the Supreme Court that will finally control, and it is not apparent how the intervention of the Commerce Court or any other trial court between the commission and the Supreme Court can be productive of any result other than delay.

Delays in the final settlement of interstate-commerce cases are and have been a crying evil and have been made the subject of more complaint than all things else combined in the work of regulating railroads. Every question taken up by the commission should be settled as quickly as possible, because transportation conditions change rapidly and new adjustments are frequently necessary.

The elimination of the inferior courts from jurisdiction of commerce cases will not only greatly expedite effective regulation, but will also have the effect of requiring the railroads to make a full presentation of their case before the commission—a body thoroughly competent to treat such matters intelligently—instead of as at present, often presenting only a skeleton of their case before the commission and reserving the strongest part of it for an attack upon the commission's order in some court of inferior jurisdiction, with the prospect in view of not only enjoining and delaying the relief granted by the commission, but also of changing the presumption in favor of the commission's order to the court's decree.

On appeal to the United States Supreme Court the presumption being reversed is in many cases an undue and unwarranted advantage. This is borne out in a number of cases wherein the United States Supreme Court has reversed the lower courts and sustained the order of the commission.

A case in point which covers and very forcefully sets forth the conditions complained of in the foregoing is that popularly known as

Burnham-Hanna-Munger Dry Goods Co., of Kansas City, Mo., v. Chicago, Rock Island & Pacific Railway Co. (14 I. C. C. Repts., 299; 171 Fed., 680; 218 U. S., 88), which, after proceedings before the commission and in the courts lasting more than three years, was finally disposed of by the commission in an able opinion by Commissioner Clark, November 6, 1911.

The following quotation from the said opinion shows clearly and conclusively the urgent necessity of further amplification and enlargement of our much-boasted system of effective regulation in order to prevent such absurd and unwarranted delays in the enforcement of a reasonable regulation after it is prescribed by the commission:

"In Burnham-Hanna-Munger Dry Goods Co. v. Chicago, Rock Island & Pacific Railway Co. (14 I. C. C. Rept., 299) complaint was made that the through rates in the first five classes from Atlantic seaboard territory to the Missouri River cities were unreasonable in and of themselves and unjustly discriminatory against the Missouri River cities and in favor of St. Paul and Minneapolis. The complaint of unjust discrimination was not sustained, but the rates complained of were found to be unreasonable per se. We held that the through rates were unreasonable, because those portions thereof applying between the Mississippi River and the Missouri River were unreasonable, and an order was entered reducing those portions.

"That order was enjoined by the United States Circuit Court at Chicago, and in the proceedings before that court additional carriers were permitted to intervene, and defendant submitted a large volume of testimony, much or most of which was of a nature and along lines that had not been tendered or suggested in the proceedings before the commission. The circuit court permanently enjoined our order. (C., R. I. & P. Ry. v. Interstate Commerce Commission, 171 Fed. Rept., 680.)

"On appeal the Supreme Court of the United States reversed the findings of the circuit court (Interstate Commerce Commission v. C., R. I. & P. Ry. Co., 218 U. S., 88) and defendants thereupon published, effective October 20, 1910, the rates prescribed by the commission.

"But for the injunction proceedings the order of the commission would have become effective November 10, 1908, and would have continued in force until November 10, 1910. The order was therefore not complied with until a few days before the date upon which it would expire. Immediately upon the expiration of the two-year period specified in our order defendants filed increased rates, applicable to this traffic, reestablishing the rates which had been condemned. These proposed increases were complained of and vigorously protested against, and, acting under the authority of section 15 of the act, the commission suspended the proposed increases and proceeded to an investigation with relation thereto."

It may be stated that the application for authority to increase the rates to the old basis was denied and that substantially the same scale of rates as those formerly prescribed by the commission were ordered effective for the future.

The history of this case is typical of practically every case which is carried into the courts and stubbornly contested by the railroads. When it is considered that in making up and presenting a case of State or Nation wide importance to the Interstate Commerce Commission approximately one year must elapse before a decision granting relief can be rendered by that body, and with the prospect of two years or more in fighting the case through the courts ahead of the people, it is apparent that our scheme of railroad regulation will be little, if anything, less than a failure. Unless relief from these intolerable conditions is provided the result will be an irresistible movement for the Government ownership of railroads.

In further support of our request for the elimination of the inferior courts from jurisdiction over commerce cases, we submit that there is not to our knowledge a single instance since the creation of the commission where freights and fares have been found excessive and in lieu thereof just and reasonable rates have been prescribed which have been held by any court to be confiscatory.

Numerous cases exist, however, where the orders of the commission have been unjustly and unnecessarily delayed as a result of the issuance of temporary injunctions unsupported by anything other than ex parte affidavits that the orders in question were confiscatory.

In view of the foregoing, it is remarkable indeed that favorable presumption has not been indulged by the courts toward the orders of the Interstate Commerce Commission.

The people have full and abiding confidence in the integrity, general ability, and special qualifications of the present membership of the Interstate Commerce Commission, and there is no reason to doubt that its high standing and character will be fully preserved as future appointments are made. The decisions of such a tribunal, subject only to review by the greatest court of this or any other country, should by every canon of sound reasoning and the necessities of the situation be made final.

Your attention is further directed to the fact that the delays complained of mark in equal degree the final decision of the courts in cases involving the validity of the orders of State commissions.

State laws almost invariably provide that all such cases shall have precedence over other civil suits in the State courts. Practically, though, these provisions are rendered nugatory through the interposition of the Federal trial courts. Either upon the ground of diverse citizenship or of some Federal question, real or imaginary, being involved, these cases are almost invariably tried in some Federal court where no such law or rule is in force. There the cases are dragged out through months and even years, making effective regulation well-nigh impossible. In these cases the procedure is both strange and objectionable in the highest degree.

The railroads, as a rule, make but a skeleton showing before the commissions, and then at the trial seek to overthrow the order made by an immense mass of technical testimony, both oral and documentary, which takes the commissions completely by surprise and which they are ill prepared at the time to meet.

Many courts refer these cases to irresponsible but ambitious masters in chancery, who, having been educated (?) by the trained experts and counsel in the particular case before him, sets up his opinion against that of the commission making the order, and the court, instead of indulging the presumption that the order is right, presumes that the master is right, both in his findings of fact and conclusions of law.

This is productive of untold evil, not only in the decision of the particular case but in other ways. In the Minnesota rate case the master actually found a higher valuation for the railroad property than was claimed by the railroads themselves.

This case is now on appeal to the United States Supreme Court and probably will not be determined for some time, but it is singular indeed that this increased valuation as found by the master finds a prominent place in the annual financial report of the president of the Northern Pacific Railway Co. for the year ending June 30, 1911, wherein it is adverted to for other than rate and revenue purposes—i. e., in an attempt to make it appear that the company's capitalization is conservative.

The quotation is as follows:

"The Northern Pacific is comparatively lightly capitalized. This point was especially emphasized in the finding of the special master in the Minnesota rate case, in which he placed a much higher value on the property than the amount of the company's total outstanding securities."

The people of the various States, in their railroad-commission and public-service laws, having shown their strong desire to expedite these classes of cases, are most unwilling to have their wishes defeated by the simple expedient of carrying cases into the Federal courts. Hence there should be an expediting act passed by Congress giving such cases precedence in the United States courts, even though it may thereby become necessary to appoint additional judges for districts where the business is large and the courts hard pressed to transact it.

The reasons herein given for the legislation desired might be greatly extended and the argument made much more elaborate, but it is believed that the foregoing clearly emphasize and show the necessity of the enactment of the legislation asked for.

Trusting that this petition will receive your prompt and favorable consideration, we are,

Very respectfully,

RAILROAD COMMISSION OF NEVADA,
By H. F. BARTINE,
Chief Commissioner.
J. F. SHAUGHNESSY,
First Associate Commissioner.
W. H. SIMMONS,
Second Associate Commissioner.

Attest:
E. H. WALKER, *Secretary.*

Mr. PERKINS presented a petition of the Merchants' Association of Vallejo, Cal., praying for the enactment of legislation providing for the construction of a dry dock in San Francisco Bay, which was referred to the Committee on Naval Affairs.

He also presented a memorial of the Chamber of Commerce of Sacramento, Cal., remonstrating against the levying of tolls on American vessels passing through the Panama Canal, which was referred to the Committee on Interoceanic Canals.

He also presented a petition of the National Woman's Christian Temperance Union, praying that an appropriation of $66,000 be made to reimburse those who contributed to the ransom of Miss Ellen M. Stone, which was referred to the Committee on Appropriations.

He also presented memorials of sundry citizens of San Luis Obispo and Lodi, in the State of California, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a memorial of Encampment No. 162, Union Veteran Legion, of San Jose, Cal., remonstrating against the passage of the so-called dollar-a-day pension bill, which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Bakersfield, San Jose, Santa Barbara, and Oakland, all in the State of California, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a memorial of the board of supervisors of San Francisco, Cal., remonstrating against certain treatment accorded American citizens by the Government of Russia, which was referred to the Committee on Foreign Relations.

Mr. TOWNSEND presented petitions of sundry citizens of Grand Rapids, Detroit, and Cheboygan, all in the State of Michigan, praying for the enactment of legislation providing for the pay of the National Guard, which were referred to the Committee on Military Affairs.

He also presented petitions of the Local Chapter, Institute of Architects, and of Robert Kuhn, of Detroit, Mich., praying for the construction of a highway from Washington, D. C., to Gettysburg, Pa., as a national memorial to Abraham Lincoln, which were referred to the Committee on Appropriations.

He also presented a petition of the Retail Butchers and Grocers' Association of Bay City, Mich., praying for the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented memorials of sundry citizens of Battle Creek, Salina, and Adrian, all in the State of Michigan, remonstrating against the extension of the parcels-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of local lodges, Independent Western Star Order of Detroit and Grand Rapids, in the State of Michigan, remonstrating against certain treatment accorded American citizens by the Government of Russia, which were referred to the Committee on Foreign Relations.

Mr. McCUMBER presented a petition of the Commercial Club of Larimore, N. Dak., praying that an appropriation be made for the endowment and support of agricultural colleges in the several States, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of North Dakota, praying for the enactment of legislation providing pay

for the members of the Organized Militia, which was referred to the Committee on Military Affairs.

Mr. KENYON presented petitions of sundry citizens of Crawford County; of the congregations of the Olivet Presbyterian Church, of Cedar Rapids; and the Presbyterian Church of Fairfield; of the Quarterly Meeting of Friends of Marshalltown; and the congregations of the Protestant Churches of Churdan, all in the State of Iowa, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of Local Lodge No. 159, Order of B'rith Abraham, of Des Moines, Iowa, praying for the abrogation of the treaty of 1832 between the United States and Russia, which was ordered to lie on the table.

He also presented a petition of S. L. Dows Camp, No. 4, United Spanish War Veterans, of Iowa, praying for the enactment of legislation providing pay for members of the Organized Militia, which was referred to the Committee on Military Affairs.

He also presented memorials of sundry citizens of Dubuque, Dyersville, Iowa City, Independence, Johnson County, Plainfield, and West Point, all in the State of Iowa, remonstrating against the extension of the parcels-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the Synod of the Presbyterian Church, and of sundry citizens of Fayette County, in the State of Iowa, praying for the enactment of legislation to prohibit the transportation of intoxicating liquors into prohibition districts, which were referred to the Committee on the Judiciary.

Mr. KERN presented petitions of Local Lodges, Western Star Order, of East Chicago and Indianapolis, in the State of Indiana, praying for the abrogation of the treaty of 1832 between the United States and Russia, which were ordered to lie on the table.

He also presented a petition of sundry members of the Emmet Club, of Indianapolis, Ind., praying for the adoption of an amendment to the proposed treaties of arbitration between the United States, Great Britain, and France, so as to safeguard the Monroe doctrine and preserve the constitutional treaty-making powers of the Senate, which was ordered to lie on the table.

Mr. LORIMER presented a memorial of Local Union No. 4, Amalgamated Wood Workers of America, of Chicago, Ill., remonstrating against any change being made in the hand-roller process of making paper currency, which was referred to the Committee on Printing.

Mr. POINDEXTER presented a petition of Local Lodge No. 460, Order of B'rith Abraham, of Seattle, Wash., praying for the abrogation of the treaty of 1832 between the United States and Russia, which was ordered to lie on the table.

He also presented a petition of the Sunshine Society, of Bremerton, Wash., praying for the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of the Federation of Women's Clubs, of Seattle; of the congregation of the First Congregational Church of Blaine; and of sundry citizens of Hatton, all in the State of Washington, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of the congregation of the Trinity Methodist Episcopal Church, of Bellingham, Wash., praying for the enactment of an interstate liquor law to prevent the nullification of State laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented memorials of the congregations of the Seventh-day Adventist Churches, of Aberdeen, Centralia, Colville, Deming, Montesano, and Wenatchee, all in the State of Washington, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. PENROSE presented a petition of the Young Roumanian Benefit Association, of Philadelphia, Pa.; praying for the abrogation of the treaty of 1832 between the United States and Russia, which was ordered to lie on the table.

Mr. GRONNA presented a memorial of sundry citizens of Fairmount, N. Dak., remonstrating against the extension of the parcels-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the congregations of sundry churches of Cavalier and of the First Methodist Episcopal Church of Center, in the State of North Dakota, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented memorials of the congregations of the Seventh-day Adventist Churches of Squires and Stanley, in the State of North Dakota, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a petition of the Commercial Club of Larimore, N. Dak., praying that an appropriation be made for the endowment and support of agricultural colleges in the several States, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of members of the North Dakota National Guard, praying for the enactment of legislation providing pay for the members of the Organized Militia, which was referred to the Committee on Military Affairs.

He also presented a petition of the National Women's Christian Temperance Union, praying that an appropriation be made to reimburse those who contributed to the ransom of Miss Ellen M. Stone, which was referred to the Committee on Foreign Relations.

Mr. RAYNER presented a petition of the National Women's Christian Temperance Union, praying that an appropriation be made to reimburse those who contributed to the ransom of Miss Ellen M. Stone, which was referred to the Committee on Foreign Relations.

He also presented petitions of the congregations of the St. Paul's Evangelical Lutheran Church, of Burkittsville, and the Trinity Evangelical Lutheran Church, of Knoxville, in the State of Maryland, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a memorial of the congregation of the Seventh-day Adventist Church of Churchill, Md., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented memorials of local lodges, Independent Order of B'rith Sholom; Independent Order of Ahawas Israel; Independent Order of B'rith Abraham, of Baltimore; of the Hebrew Young Men's Sick Relief Association; of the faculty of Johns Hopkins University; and of the Ministers' Union of Baltimore, all in the State of Maryland, remonstrating against certain treatment accorded American citizens by the Government of Russia, which were ordered to lie on the table.

Mr. NELSON presented memorials of sundry citizens of Dent, Lake Park, Audubon, Richville, Ulen, and Detroit, all in the State of Minnesota, remonstrating against the extension of the parcels-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Men's Club of the Presbyterian Church of Pipestone, Minn., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. BRISTOW presented sundry affidavits in support of the bill (S. 3606) granting an increase of pension to John Clopine, which were referred to the Committee on Pensions.

He also presented a memorial of sundry citizens of Alton, Kans., remonstrating against certain treatment accorded American citizens by the Government of Russia, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Alton, Kans., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Herndon, Kans., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Emporia, Kans., and of the Kansas State Horticultural Society, remonstrating against the extension of the so-called parcels-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Atchison, Kans., praying for the passage of the so-called dollar-a-day pension bill, which was referred to the Committee on Pensions.

He also presented a memorial of Joe Hooker Post, No. 17, Grand Army of the Republic, Department of Kansas, of Hutch-

inson, Kans., remonstrating against the enactment of legislation providing for the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented a petition of Local Grange No. 748, Patrons of Husbandry, of Manhattan, Kans., praying for a reduction in the duty on raw and refined sugars, which was referred to the Committee on Finance.

He also presented a petition of the congregation of the Metropolitan Presbyterian Church, Washington, D. C., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. CRANE presented memorials of Local Lodges, Independent Order B'rith Abraham, of Taunton and Boston; of Local Lodge, Independent Order United Hebrews, of Chelsea; and of the Local Lodge, Sons of Zion, of Holyoke, all in the State of Massachusetts, remonstrating against certain treatment accorded American citizens by the Government of Russia, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Northeastern Natick and Westfield, in the State of Massachusetts; of sundry citizens of Chicago, Ill.; and of the board of directors of the American Peace Society, praying for the ratification of the proposed treaties of arbitration between the United States and Great Britain, which were ordered to lie on the table.

Mr. SHIVELY presented a memorial of Local Lodge, Independent Western Star Order, of Indianapolis, Ind., remonstrating against certain treatment accorded American citizens by the Government of Russia, which was ordered to lie on the table.

Mr. WETMORE presented a memorial of Local Lodge, Independent Western Star Order, of Providence, R. I., remonstrating against certain treatment accorded American citizens by the Government of Russia, which was ordered to lie on the table.

Mr. GAMBLE presented petitions of sundry citizens of Langford and Springfield, in the State of South Dakota, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

NORTH AMERICAN INDIANS.

Mr. MYERS. I present a memorial of the Brotherhood of North American Indians, which I ask may be printed as a document and referred to the Committee on Indian Affairs.

The VICE PRESIDENT. The memorial will be referred to the Committee on Indian Affairs and, if there be no objection, an order to print it as a document will be entered.

Mr. SMOOT subsequently said: Mr. President, I should like to call the attention of the Senator from Montana to the request he has just made for the printing of a certain memorial as a public document. I suggest to the Senator that my attention has been called to the memorial, and, if he does not object, I should like to have it referred to the Committee on Printing, and then I will take up with him the advisability of its being printed.

Mr. MYERS. Certainly; I do not object to that.

The VICE PRESIDENT. Without objection, the memorial will be referred to the Committee on Printing, and the order to print will be suspended.

TREATY OF 1832 BETWEEN THE UNITED STATES AND RUSSIA (S. DOC. NO. 161).

A message from the President of the United States by M. C. Latta, one of his secretaries, communicated to the Senate sundry messages in writing.

Mr. CULLOM. Mr. President, I ask that the executive message which has just come from the President may be read. It is supposed to be an executive message, but I think under the circumstances it is not necessary to have it read in executive session.

The VICE PRESIDENT. Without objection, the Chair will lay before the Senate in open session a message from the President of the United States, which will be read.

The Secretary read the message, as follows:

To the Senate:

By instructions, which I caused the Secretary of State to transmit to the American ambassador at St. Petersburg on the 15th day of December, 1911, there was given to the Imperial Russian Government, under date of the 17th day of December, 1911, official notification on behalf of this Government of intention to terminate the operation of the treaty of commerce and navigation of December 18, 1832, between the United States and Russia upon the expiration of the year commencing on the 1st of January, 1912, the notification contemplated by Article XII of the existing treaty having been embodied in the following note addressed by the ambassador to the minister for foreign affairs:

"Under instructions from my Government, and in pursuance of conversations held by the Secretary of State with the Russian ambassador at Washington, I have now the honor to give to the Imperial Russian Government, on behalf of the United States, the official notification contemplated by Article XII of the treaty of 1832, whereby the operation of the said treaty will terminate, in accordance with its terms, on January 1, 1913.

"Your excellency will recall that pourparlers between the two Governments during the last three years have fully recognized the fact that this ancient treaty, as is quite natural, is no longer fully responsive in various respects to the needs of the political and material relations of the two countries, which grow constantly more important. The treaty has also given rise from time to time to certain controversies equally regretted by both Governments.

"In conveying the present formal notification to your excellency, I am instructed to express the desire of my Government, meanwhile, to renew the effort to negotiate a modern treaty of friendship, commerce, and navigation upon bases more perfectly responsive to the interests of both Governments. I am directed by the President at the same time to emphasize the great value attached by the Government of the United States to the historic relations between the two countries and the desire of my Government to spare no effort to make the outcome of the proposed negotiations contribute still further to the strength and cordiality of these relations.

"I avail myself of this occasion to offer to your excellency the renewed assurance of my highest consideration."

I now communicate this action to the Senate, as a part of the treaty-making power of this Government, with a view to its ratification and approval.

WM. H. TAFT.

THE WHITE HOUSE, *December 18, 1911.*

Mr. LODGE. From the Committee on Foreign Relations I report favorably the accompanying resolution as a substitute for House joint resolution 166, and ask for its present consideration.

The VICE PRESIDENT. The Chair thinks the message should be disposed of first. It should be referred to the Committee on Foreign Relations.

Mr. LODGE. The Committee on Foreign Relations has already dealt with the message. So it may lie on the table.

The VICE PRESIDENT. The message will be printed and lie on the table.

Mr. LODGE. From the Committee on Foreign Relations I report a joint resolution as a substitute for the joint resolution (H. J. Res. 166) providing for the termination of the treaty of 1832 between the United States and Russia, and ask for its present consideration.

The VICE PRESIDENT. Without objection, the Senator from Massachusetts makes a report, for which he asks present consideration. The substitute reported by him will be read.

The SECRETARY. The Committee on Foreign Relations report to strike out all after the resolving clause and insert:

Whereas the treaty of commerce and navigation between the United States and Russia, concluded on the 18th day of December, 1832, provides in Article XII thereof that it "shall continue in force until the first day of January in the year of our Lord one thousand eight hundred and thirty-nine, and if one year before that day one of the high contracting parties shall not have announced to the other by an official notification its intention to arrest the operation thereof, this treaty shall remain obligatory one year beyond that day, and so on until the expiration of the year which shall commence after the date of a similar notification"; and

Whereas on the 17th day of December, 1911, the President caused to be delivered to the Imperial Russian Government by the American ambassador at St. Petersburg an official notification on behalf of the Government of the United States announcing intention to terminate the operation of this treaty upon the expiration of the year commencing on the 1st day of January, 1912; and

Whereas said treaty is no longer responsive in various respects to the political principles and commercial needs of the two countries; and

Whereas the constructions placed thereon by the respective contracting parties differ upon matters of fundamental importance and interest to each: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the notice thus given by the President of the United States to the Government of the Empire of Russia to terminate said treaty in accordance with the terms of the treaty is hereby adopted and ratified.

The VICE PRESIDENT. The Senator from Massachusetts asks unanimous consent for the present consideration of the joint resolution.

Mr. CULBERSON. Mr. President, before consent is given or withheld I should like to ask the Senator from Massachu-

setts if this is the unanimous report of the Committee on Foreign Relations?

Mr. LODGE. It is, Mr. President. There was no adverse vote. There was one vote withheld, as I recall it.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

Mr. HEYBURN. Mr. President, I think the RECORD should contain something to indicate the reason for departing in this case from the rule in regard to the making of treaties. Whatever opinion Senators may entertain in regard to that question, the RECORD should show something as to the consideration given the question on this occasion.

A treaty may be abrogated by an act of Congress. If the power is given in the original treaty for it to terminate upon a proclamation of the President then the President must act, and we have instances in which such action has been taken.

It is my opinion, I may be alone in entertaining it, that discussion, consideration, and action upon this treaty should be in executive session, as in the case of other treaties. Any change in a treaty is the making of a treaty. The change of a phrase or the abrogation of a single provision is the making of a treaty. It is the custom of the Senate to consider those matters in executive session. Now, whether we are going so to consider this is a matter that should not pass without some expression in the RECORD showing that consideration was given to that question.

It has been suggested that a joint resolution is equivalent to legislation, is legislation that meets the requirements of the organic law of the land. I have doubt on that subject. As I say again, I may be alone in that. I have not sought opportunity to confer in regard to it. We do know one thing, that whether considered in open or in secret session, this matter should not be determined without some consideration that will leave a record which will always mark the views of the Senate in regard to such matters.

I am not out of sympathy with the purpose to be accomplished, nor am I unmindful of the fact that this action will involve commercial relations amounting to about $30,000,000. I would not necessarily weigh a question of humanity against individual commercial interests, but the making of a treaty which results in the building up of commercial interests is a governmental contract in the interest of those who may be affected by a change or an abrogation of the treaty.

I have no way of judging the sentiment of the Senate in regard to the disposition of this question. I did not vote yesterday in the newspapers on this question. I understand that the question before the Senate is whether or not this amended resolution shall be put to a vote for final determination. I think it would be unseemly for the Senate to deal with a question of this magnitude in such an off-handed way. It is quite certain from the RECORD which I find upon my desk this morning that the questions involved are not simple in form at least. The material that has been printed as a report for our consideration is voluminous and intricate. I think it would almost be disorderly for the Senate to vote upon such a resolution without that complete and thorough explanation in the RECORD which would fully advise the people of all of this country of the questions involved, how they arose, and the personnel of those whose interests are being adjudged. It looks too much like what is called in newspaper parlance "the steam-roller process" to bring a resolution of this kind into the Senate and anticipate the message from the other House and the message from the President and move for its present consideration.

I speak in the interests of conservative action. It is not my intention to attempt to enter upon a discussion of the merits of the action so sharply criticized in the House resolution; it is not my intention to enter into the cases wherein it is charged that the Russian Government has violated the treaty with this country. Many things have occurred since the making of that treaty. The Russian Government is practically a new government as compared with its condition at that time; its methods of government have been changed; great, world-wide crises have arisen and passed into history in which that Government has taken a part and in which this Government was very much interested. Whether or not at a moment's notice we should now deal with this question as we would with a question involving the payment of mileage is one that rather staggers me.

There has not been that comparison of views among Senators that should precede such responsible action. It looks too much like haste, prompted by sentiment rather than by conservative judgment. It is what is called a popular demand that we should act. Why, we were even called upon yesterday over the telephone to vote in the newspapers. The stability and the safety of this Government warn us against such action—admonish us to be as temperate and conservative in a question of this kind as though it involved the original making of this treaty—for the unmaking of a treaty that has stood for 80 years—or almost that—is certainly a very serious matter.

I do not intend by this expression to be classed among those who would not act upon this question or among those who would act in a given way, or among those who are opposed to accomplishing a result which, as I have already said, appeals to me as one worthy of accomplishment. When great nations deal one with another in regard to such questions as affect the rights of their respective citizenship they take time to deliberate. All those who must vote and act participate in the deliberation—deliberation that shall be so thorough and patient and conservative as to insure against the possible consequences that may be fraught with such danger and difficulty.

Can any Senator say with confidence to-day what will be the result of the action proposed by this resolution? Can any Senator say how vast individual interests, lawful in their purpose and execution, belonging to our citizens, will be affected? Can any Senator say, in this hour of discontent among the nations of a part of the earth, what spirit will be engendered—what results will flow therefrom? Will the men who are anxious to act without deliberation in this matter shoulder the responsibility and, if need be, the musket to make good this action?

I am no prophet of evil, but I, with others, have paid some attention to the history of the world and of its wars. Here we are, each with a dove upon his shoulder, talking about perpetual peace, talking about entering into treaties that shall tie our hands—tie the hand that would be raised in defense of the principles of our Government and the rights of our people—and yet we fling ourselves into this question as though it contained no possible element affecting the peace of the world.

I am speaking now for neither party, if there be parties; I am speaking in defense of a conservative line of action—that the Senate of the United States shall consider this as it considers other treaties, in the deliberate, quiet, undisturbed, and—well, I will not say what I was about to say—but in a spirit of conservative wisdom. That will cover it. That is the way it should be considered. The first question to be determined is, Shall it be considered? Then comes the question of the manner of consideration and of determination.

Mr. President, I object to the present consideration of the resolution.

Mr. LODGE, Mr. RAYNER, and Mr. CULBERSON addressed the Chair.

The VICE PRESIDENT. Objection is made to the present consideration of the resolution.

Mr. LODGE. An objection, of course, carries the resolution over until to-morrow.

The VICE PRESIDENT. The Senator from Maryland.

Mr. RAYNER. I understand the objection carries the resolution over until to-morrow, Mr. President.

The VICE PRESIDENT. Objection is made to the present consideration of the resolution, which carries it over.

HOUR OF MEETING TO-MORROW.

Mr. LODGE. I move that when the Senate adjourns to-day it adjourn to meet to-morrow at 12 o'clock meridian.

The motion was agreed to.

ASSISTANT CLERK PUBLIC LANDS COMMITTEE—TREATY WITH RUSSIA.

Mr. BRIGGS. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution No. 154, submitted by the Senator from Utah [Mr. SMOOT] on the 5th instant, to report it favorably. I ask unanimous consent for the present consideration of the resolution.

The VICE PRESIDENT. The resolution will be read for the information of the Senate.

The Secretary read the resolution, as follows:

Resolved, That the Committee on Public Lands be, and it is hereby, authorized to employ an assistant clerk, at a salary of $1,800 per annum, said salary to be paid out of the contingent fund of the Senate until otherwise provided by law.

Mr. CULBERSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Texas object to the present consideration of the resolution?

Mr. CULBERSON. I do not object; I rise to discuss the resolution.

The VICE PRESIDENT. The resolution is before the Senate for consideration.

Mr. CULBERSON. Mr. President, I merely enter——

Mr. BRIGGS. Will the Senator from Texas allow me to interrupt him?

Mr. CULBERSON. Certainly.

Mr. BRIGGS. I will say that this resolution simply provides for the transfer of an assistant clerk from the Committee on Printing to the Committee on Public Lands.

Mr. CULBERSON. I speak merely formally to the resolution; I desire to make a statement on another subject.

Mr. President, on the 4th of December, 1911, a joint resolution was introduced in the House of Representatives to terminate the treaty of 1832 between Russia and the United States. On the next day I introduced an identical joint resolution in the Senate, and on the seventh or eighth day of the month my resolution was referred to the Committee on Foreign Relations, where it has since been. On the 7th of December the President sent to the Congress a message, in which he used this language:

> By direction of the State Department, our ambassador to Russia has recently been having a series of conferences with the minister of foreign affairs of Russia, with a view to securing a clearer understanding and construction of the treaty of 1832 between Russia and the United States and the modification of any existing Russian regulations which may be found to interfere in any way with the full recognition of the rights of American citizens under this treaty. I believe that the Government of Russia is addressing itself seriously to the need of changing the present practice under the treaty and that sufficient progress has been made to warrant the continuance of these conferences in the hope that there may soon be removed any justification of the complaints of treaty violation now prevalent in this country.
>
> I expect that immediately after the Christmas recess I shall be able to make a further communication to Congress on this subject.

Subsequently, on December 13, the House of Representatives passed joint resolution No. 166, terminating that treaty, sent it to this body, and it was referred to the Senate Committee on Foreign Relations, and has been pending before that committee for its attention and consideration.

Now, Mr. President, there was a joint resolution sent to the Senate by the House of Representatives terminating this treaty by joint action of the two Houses. That resolution was referred to the Senate Committee on Foreign Relations and was being considered by the committee when the President informs us this morning by message that he has taken this question out of the consideration of the House, that he has placed it by his act in the category of treaty action by the President and the Senate alone, and asks the Senate, in effect, to affront the House of Representatives and act upon this important question as if the House had taken no action on the subject and has no concern with it. Here is the closing paragraph of his message of to-day, after stating that on the 15th instant he had given Russia notice that this treaty was terminated:

> I now communicate this action to the Senate as a part of the treaty-making power of this Government, with a view to its ratification and approval.

I did not rise for the purpose of doing more just now than to call attention to this anomalous condition of affairs, reserving to myself the privilege of speaking further upon the merits of the question if I see proper; and I do not now stop to inquire why the President suddenly undertook to exercise the authority claimed by him when for three years, since he has been President of the United States, he has been clothed with the same authority with which he is now clothed and has heretofore declined to act upon it, but I do submit to the Senate that a decent regard for the House of Representatives, a decent respect to a coordinate branch of this Government, ought to impel the Senate not to act alone upon what the President has sent here, but it ought to take up the joint resolution which has come to the Senate from the House of Representatives and act upon it as it has been presented and not upon the message of the Executive alone.

Mr. President, the President asks the Senate, not the Senate and House—the message is sent to the Senate alone and not to the two coordinate branches of the Congress—to ratify his act, as he claims to be acting under the treaty-making power of the Constitution, and leave the House of Representatives alone and without consideration at all. The joint resolution as reported by the Senator from Massachusetts concludes with the paragraph I shall read.

The resolution as amended by the committee is not even responsive to the message. It is not in accordance with the recommendation of the President. He does not want the House to consider the question at all. He asks the Senate, as a part of the treaty-making power, to ratify his action and leave the House alone; and yet the Senate committee presents a joint resolution in lieu of that presented by the House, in which it is said:

> *Be it resolved, etc.*, That the notice thus given by the President of the United States to the Government of the Empire of Russia to terminate said treaty in accordance with the terms of the treaty is hereby adopted and ratified.

Mr. President, that is all I care to say now. I wanted to invite attention to this singular and anomalous condition of affairs, that the President of the United States, strangely to me at least, has undertaken hurriedly to act, to strip the House of Representatives of its authority under the Constitution, and asks the Senate to disregard what has been done by the House, and has undertaken to take this matter out of the consideration of the two Houses of the Congress and place it in the hands of himself and a partisan branch of the Congress.

Mr. LODGE. Mr. President, I did not suppose, after an objection carried the matter over, that we were to enter upon a debate on this subject. But this much I should like to say. I do not care to discuss it at length.

The President, in giving notice to a foreign government of the termination of a treaty, only did what has been done by his predecessors on more than one occasion. Mr. Lincoln in 1864 notified England of the intention of the United States to terminate the Rush-Bagot treaty of 1817——

Mr. CULBERSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Texas?

Mr. LODGE. Let me finish my sentence.

After he had done it the two Houses approved his action.

Mr. McKinley, in 1899, notified the Swiss Government of the termination of certain clauses in our treaty with Switzerland, and those clauses were terminated. He never asked for the approval of Congress at all, and he never received it, and Switzerland accepted the notice as final.

Mr. CULBERSON. Mr. President——

The VICE PRESIDENT. Now will the Senator from Massachusetts yield to the Senator from Texas?

Mr. CULBERSON. I ask the question rather reluctantly in view of the apparent disposition not to yield. Still I will ask it.

Mr. LODGE. I merely wanted to finish my sentence; that is all.

Mr. CULBERSON. Can the Senator point to an instance similar to this, where after one House had acted upon it the President took the matter out of the hands of Congress?

Mr. LODGE. In the case of the Rush-Bagot treaty the House passed a resolution in the year before, 1863, demanding the termination of the treaty. No attention was paid to it either by the Senate or by the President. The following year, the House having done that, the President, without preliminary authority from either House, gave the notice, and then both Houses approved it. Subsequently Mr. Lincoln withdrew the notice without reference to either House, and that treaty is the law of the land to-day.

The President has entire authority to give that notice and to ask for the approval of Congress or the approval of the Senate. He takes the view, which is held by very many of the best judges, that the treaty-making power is entirely able to terminate a treaty which carries with it no legislation, and the President did nothing unusual in this action.

The House having passed a joint resolution, and the joint resolution being before the Senate and before the committee by reference, the committee felt that it was a matter of courtesy and comity to the House which had acted to act upon the joint resolution, and the committee have accordingly done so.

I do not care, Mr. President, to go further into this matter now, because it is not properly before the Senate. I deeply regretted that any objection was made and that the matter should be thrown over for a day, because this is a question of haste. We are approaching very near the 1st of January, and if that notice is not effective before January 1 it throws the termination of the treaty over for two years. Therefore it is of the utmost importance that we should act now, if we desire to terminate the treaty, as we all do; and when we are drawing so near to the new year, at which the time limit expires, it is not well to waste any time in taking action.

The matter has been thoroughly considered. As the Senator from Texas said, his joint resolution came before the Committee on Foreign Relations last spring. We considered it then. We have been considering it since. There is no question to which the Committee on Foreign Relations has given deeper or more thorough attention, and it has not acted without due consideration. It has acted unitedly; and whatever differences there may be as to questions of form, there is no difference as to the opinion that the treaty ought to be terminated, and to terminate it we must act, and act promptly. I give notice now that to-morrow, immediately after the routine morning business, I shall move to proceed to the consideration of the joint resolution of the committee, and I will defer until that time what I desire to say in regard to the action of the committee.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution reported by the Senator from New Jersey [Mr. BRIGGS]? The Chair hears none. The question is on agreeing to the resolution.

The resolution was agreed to.

COMMITTEE ON INTEROCEANIC CANALS.

Mr. BRIGGS. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate to report, with an amendment, Senate resolution No. 155, submitted by the Senator from Connecticut [Mr. BRANDEGEE] on the 5th instant, and I ask unanimous consent for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment of the committee was in line 4, before the word "printed" to insert "with diagrams and exhibits," so as to make the resolution read:

Resolved, That the Committee on Interoceanic Canals is hereby authorized to have the testimony taken by members of said committee upon the Isthmus of Panama during the recess of Congress, with diagrams and exhibits, printed for the use of the Senate, and that the necessary expense of the same and the necessary traveling expenses of the members of said committee who took said testimony, from their homes to the steamboat and return, and the necessary expense of the stenographers who took said testimony, shall be paid out of the contingent fund of the Senate.

The amendment was agreed to.

The resolution as amended was agreed to.

REPORTS OF COMMITTEES.

Mr. WARREN, from the Committee on Appropriations, to which was referred the bill (H. R. 15930) making appropriations to supply urgent deficiences in appropriations for the fiscal year 1912, and for other purposes, reported it with amendments and submitted a report (No. 145) thereon.

Mr. SUTHERLAND, from the Committee on the Judiciary, to which was referred the bill (S. 2750) to amend sections 90, 99, 105, and 186 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, reported it without amendment.

Mr. CHILTON, from the Committee on the Judiciary, to which was referred the bill (S. 1772) to amend section 839 of the Revised Statutes, reported it with amendments and submitted a report (No. 146) thereon.

Mr. BROWN, from the Committee on Patents, to which was referred the bill (S. 3697) to compensate the commissioners to revise the statutes relating to patents, trade and other marks, and trade and commercial names, for services rendered, asked to be discharged from its further consideration and that it be referred to the Committee on Appropriations, which was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. OWEN:

A bill (S. 3842) to amend and reenact paragraph 24 of section 24 of chapter 2 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

A bill (S. 3843) granting to the coal-mining companies in the State of Oklahoma the right to acquire additional acreage adjoining their mine leases, and for other purposes; to the Committee on Indian Affairs.

A bill (S. 3844) for the relief of Charles A. Davidson and Charles M. Campbell; to the Committee on Claims.

By Mr. KERN:

A bill (S. 3845) granting an increase of pension to Charles M. Baughman (with accompanying papers); to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 3846) to authorize a waiver of trial by jury in the district courts of the United States; to the Committee on the Judiciary.

A bill (S. 3847) for the relief of the Hurricane Baptist Church, Hurricane, W. Va.; to the Committee on Claims.

A bill (S. 3848) granting a pension to Mary R. McGwigan; to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 3849) for the relief of the legal representatives of Paul McNeil, deceased; to the Committee on Claims.

By Mr. LODGE:

A bill (S. 3850) to promote efficiency and economy in the administration of the Navy Department; to the Committee on Naval Affairs.

By Mr. LORIMER:

A bill (S. 3851) for the relief of James W. Kingon; to the Committee on Military Affairs.

A bill (S. 3852) granting a pension to Melissa J. King; to the Committee on Pensions.

By Mr. GRONNA:

A bill (S. 3853) granting a pension to Ursilla G. Underwood; to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 3854) granting an increase of pension to Thomas M. Jackson (with accompanying papers); to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 3855) granting an increase of pension to Joseph S. Spencer (with accompanying papers); to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 3856) relative to the establishment of post-lantern lights on the St. Croix River, including Lake St. Croix, Wis. and Minn.; to the Committee on Commerce.

A bill (S. 3857) granting an increase of pension to John Vanderhorck (with accompanying papers); to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 3858) for the relief of Jacob M. Cooper; to the Committee on Claims.

A bill (S. 3859) for the relief of Jacob M. Cooper; to the Committee on Military Affairs.

A bill (S. 3860) granting an increase of pension to Taylor Vance; to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 3861) granting an increase of pension to Mary A. Heflin (with accompanying papers);

A bill (S. 3862) granting an increase of pension to Elijah Cox (with accompanying papers); and

A bill (S. 3863) granting an increase of pension to Isaac R. Stone (with accompanying papers); to the Committee on Pensions.

By Mr. BRIGGS:

A bill (S. 3864) for the relief of Quincy O'Maher Gillmore; to the Committee on Military Affairs.

A bill (S. 3865) granting an increase of pension to Ellen Fish Biddle; to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 3866) for the relief of Anton W. Stumpe; to the Committee on Military Affairs.

By Mr. SWANSON:

A bill (S. 3867) for the relief of the estate of Meredith W. Lane (with accompanying papers); to the Committee on Claims.

A bill (S. 3868) granting a pension to Rose V. Stoops (with accompanying paper); to the Committee on Pensions.

By Mr. BURTON:

A bill (S. 3869) to grant authority to the Inland Steamship Co., of Indiana Harbor, Ind., to change the name of the steamer *W. R. Woodford* to *N. F. Leopold;* and

A bill (S. 3870) to grant authority to the Inland Steamship Co., of Indiana Harbor, Ind., to change the name of the steamer *Arthur H. Hawgood* to *Joseph Block;* to the Committee on Commerce.

By Mr. CRANE:

A bill (S. 3871) granting an increase of pension to A. T. Hodge; and

A bill (S. 3872) granting a pension to Georgianna Jennings (with accompanying papers); to the Committee on Pensions.

A bill (S. 3873) for the relief of Lewis F. Walsh; to the Committee on Military Affairs.

By Mr. DU PONT:

A bill (S. 3874) granting an increase of pension to George A. Coverdale;

A bill (S. 3875) granting an increase of pension to Gladys E. Rodney; and

A bill (S. 3876) granting an increase of pension to Benjamin B. D. Derickson; to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 3877) granting an increase of pension to Thomas M. Williams (with accompanying papers);

A bill (S. 3878) granting an increase of pension to Thomas Riley (with accompanying papers); and

A bill (S. 3879) granting an increase of pension to James H. Barrelle (with accompanying papers); to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 3880) granting a pension to Adoniram C. Harper (with accompanying papers); to the Committee on Pensions.

By Mr. BOURNE:

A bill (S. 3881) granting an increase of pension to George M. Jones (with accompanying papers); to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 3882) for the relief of the legal representatives of Jennie M. Hunt, deceased; and

A bill (S. 3883) for the relief of William H. Hayden; to the Committee on Claims.

A bill (S. 3884) granting a pension to George F. Wallet (with accompanying papers); to the Committee on Pensions.

By Mr. BURNHAM:

A bill (S. 3885) for the relief of Daniel B. Roberts; to the Committee on Military Affairs.

A bill (S. 3886) to authorize the adjustment of the accounts of Army officers in certain cases, and for other purposes; to the Committee on Claims.

A bill (S. 3887) granting an increase of pension to Charles A. Fernald;

A bill (S. 3888) granting an increase of pension to Lewis Childs;

A bill (S. 3889) granting an increase of pension to Sylvester D. Loveland;

A bill (S. 3890) granting an increase of pension to John S. Sullivan; and

A bill (S. 3891) granting an increase of pension to Charles W. Holmes; to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 3892) granting an honorable discharge to James Wallace; to the Committee on Military Affairs.

A bill (S. 3893) to define the hours of labor of letter carriers in the City Delivery Service and clerks in first and second class post offices (with accompanying paper); to the Committee on Post Offices and Post Roads.

A bill (S. 3894) making appropriation for the repair, preservation, and exhibition of the trophy flags now in store at the Naval Academy, Annapolis, Md. (with accompanying papers); to the Committee on Naval Affairs.

A bill (S. 3895) granting an increase of pension to C. F. Cooken;

A bill (S. 3896) granting a pension to Eliza Wilson;

A bill (S. 3897) to increase the pensions of the blind who served in the War with Mexico and the Civil War;

A bill (S. 3898) granting a pension to Mary Irvin;

A bill (S. 3899) granting an increase of pension to Amos Snyder;

A bill (S. 3900) granting a pension to Charles Snyder;

A bill (S. 3901) granting an increase of pension to Alexander Duncan;

A bill (S. 3902) granting a pension to Abby Eggleston;

A bill (S. 3903) granting an increase of pension to George N. McDowell;

A bill (S. 3904) granting an increase of pension to Johnston R. Lambright; and

A bill (S. 3905) granting an increase of pension to John L. Reno (with accompanying paper); to the Committee on Pensions.

A bill (S. 3906) for the relief of John E. Frymier; to the Committee on Claims.

By Mr. CUMMINS:

A bill (S. 3907) granting an increase of pension to Aaron H. Thatcher (with accompanying papers); to the Committee on Pensions.

By Mr. CRAWFORD:

A bill (S. 3908) to regulate the filing and hearing of protests filed by agents of the United States against the acceptance of proofs of residence and cultivation made by and the issuance of patents thereon to homestead entrymen; to the Committee on Public Lands.

A bill (S. 3909) for the relief of John O. Nelson (with accompanying papers); to the Committee on Claims.

By Mr. TOWNSEND:

A bill (S. 3910) granting an increase of pension to Eli K. Simonds; to the Committee on Pensions.

By Mr. LA FOLLETTE:

A bill (S. 3911) granting an increase of pension to Harrison Buchanan;

A bill (S. 3912) granting an increase of pension to Isaac O. Bowman;

A bill (S. 3913) granting an increase of pension to Cornwell M. Brill;

A bill (S. 3914) granting an increase of pension to Charles Schafer;

A bill (S. 3915) granting an increase of pension to Anton Nedvidek; and

A bill (S. 3916) granting an increase of pension to William Bordwell; to the Committee on Pensions.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. McCUMBER submitted an amendment proposing to pay the officers and employees of the Senate and the House of Representatives borne on the annual and session rolls on the 1st day of July, 1911, a sum equal to one month's pay, etc., intended to be proposed by him to the urgent deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PENROSE submitted an amendment proposing to appropriate $105,000 for completing the immigration station at Philadelphia, Pa., intended to be proposed by him to the urgent deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

TERMS OF DISTRICT COURT OF MAINE.

Mr. JOHNSON of Maine submitted an amendment intended to be proposed by him to the bill (S. 3745) to fix the time for holding the regular terms of the United States district court in the district of Maine, which was referred to the Committee on the Judiciary and ordered to be printed.

ROSE H. COLLINS.

Mr. MARTIN of Virginia submitted the following resolution (S. Res. 166), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Rose H. Collins, widow of Walter F. Collins, late assistant in folding room, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

BEVERLY HUDUELL.

Mr. CURTIS submitted the following resolution (S. Res. 167), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized to pay from the contingent fund of the Senate the undertaker's bill, the doctor's bill, and the nurse's bill, incurred on account of the sickness and death of Beverly Huduell, late laborer in charge of private passage, not to exceed $380, and to be in lieu of all other allowances and expenses.

TREATY OF 1832 BETWEEN THE UNITED STATES AND RUSSIA.

Mr. HITCHCOCK. I offer a substitute for the joint resolution in relation to the treaty of 1832 between the United States and Russia, reported by the Committee on Foreign Relations, and I ask to have it read and lie on the table.

The VICE PRESIDENT. The Secretary will read the substitute intended to be offered.

The SECRETARY. It is proposed to strike out all after the resolving clause and insert:

Resolved, etc., That the people of the United States assert as a fundamental principle that the rights of its citizens shall not be impaired at home or abroad because of religion; that the Government of the United States concludes its treaties for the equal protection of all classes of its citizens, without regard to religion; that the Government of the United States should not be a party to any treaty which discriminates, or which by one of the parties thereto is so construed as to discriminate, between American citizens on the ground of religion; that the Government of Russia has so construed the treaty between the United States and Russia, concluded at St. Petersburg, December 18, 1832, as entitling Russia to refuse on account of religion to honor American passports duly issued to American citizens; that in the judgment of the Congress the said treaty, for the reasons aforesaid, and for others, ought to be terminated at the earliest possible time; that for the aforesaid reasons the said treaty is hereby declared to be terminated and of no further force and effect from the expiration of one year following January 1 after the date of notification by the President to the Government of Russia.

The VICE PRESIDENT. The proposed substitute will be printed and lie on the table.

INTERNATIONAL EXPOSITION AT GHENT (S. DOC. NO. 162).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and the House of Representatives:

I transmit for the consideration of the Congress, and with a view to the determination by it of the question of acceptance, an invitation from the Belgian Government asking the Government of the United States to take part in an international exposition which is to be held at Ghent from April to October, 1913.

The accompanying report of the Secretary of State points out that an appropriation of $25,000 will be necessary for this Government to make proper representation at the exposition.

WM. H. TAFT.

THE WHITE HOUSE, *December 18, 1911.*

REPORT ON FERTILIZER RESOURCES (S. DOC. NO. 190).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers and illustrations, referred to the Committee on Agriculture and Forestry and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, a communication from the Secretary of Agriculture, accompanying a preliminary report on the fertilizer resources of the

United States. This report carries valuable data and information of great public interest, and I am in hearty accord with the recommendation of the Secretary that this work receive all the support which Congress in its wisdom may find expedient to give to it.

WM. H. TAFT.

THE WHITE HOUSE, *December 18, 1911.*

EXECUTIVE SESSION.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 8 minutes spent in executive session the doors were reopened and (at 3 o'clock and 11 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, December 19, 1911, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 18, 1911.

COINER OF THE MINT.

John C. Wells, of Colorado, to be coiner of the mint of the United States at Denver, Colo., in place of Jabin B. Baldwin, deceased.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from December 15, 1911.

Fred Houdlett Albee, of New York.
George Corwin Beach, jr., of Indiana.
Stillwell Corson Burns, of Pennsylvania.
William Joseph Cassidy, of Michigan.
Edward Baldwin Gleason, of Pennsylvania.
Wilfrid Haughey, of Michigan.
William Clarence Hollopeter, of Pennsylvania.
Edward Blanchard Hodge, of Pennsylvania.
Herbert Matteson Rich, of Michigan.
John Stewart Rodman, of Pennsylvania.
William Hersey Thomas, of Pennsylvania.

INFANTRY ARM.

Samuel Humes Houston, of Maryland, to be second lieutenant of Infantry with rank from October 7, 1911.

PROMOTIONS IN THE NAVY.

Lieut. Commander William D. Brotherton to be a commander in the Navy from the 1st day of July, 1911, to fill a vacancy.

Lieut. Carleton R. Kear to be a lieutenant commander in the Navy from the 1st day of July, 1911, to fill a vacancy.

Second Lieut. Thomas E. Thrasher, jr., to be a first lieutenant in the Marine Corps from the 14th day of December, 1911, to fill a vacancy.

POSTMASTER.

KENTUCKY.

Coleman C. Wallace to be postmaster at Richmond, Ky., in place of Coleman C. Wallace. Incumbent's commission expires December 18, 1911.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 18, 1911.

CONSUL.

Dean B. Mason at Algiers, Algeria.

UNITED STATES MARSHALS.

James M. Yeager to be United States marshal for the middle district of Pennsylvania.

Horace W. Bailey to be United States marshal for the district of Vermont.

Eugene P. Nute to be United States marshal for the district of New Hampshire.

MUNICIPAL COURT, DISTRICT OF COLUMBIA.

George C. Aukam to be a judge of the municipal court of the District of Columbia.

PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Alfred C. Reed to be assistant surgeon.
John A. Watkins to be assistant surgeon.

AGENT, ALASKA SALMON FISHERIES.

Frederic M. Chamberlain to be agent, Alaska salmon fisheries.

PROMOTION IN THE NAVY.

Commander Philip Andrews to be Chief of the Bureau of Navigation with the rank of rear admiral.

APPOINTMENTS IN THE ARMY.

CAVALRY ARM.

To be second lieutenants.

Eric Lamar Ellington.
Herbert Elliott Taylor.
William Middleton Grimes.
Henry Joseph Moody Smith.
Alexander Reed Cocke.
Alexander Le Roy Podwinctz Johnson.
Dexter Cleveland Rumsey.
Walter Ferrell Winton.
Henry Lawrence Cullen Jones.
Edwin O'Connor.
Eugene Alexander Lohman.
Kenneth Prince Lord.
Edward Alexander Millar, jr.
Clyde James McConkey.
Augustin Goelet Rudd.
Harold Clifford Lutz.
John Moore Thompson.
Sergt. Robert Currier Brady.

FIELD ARTILLERY ARM.

To be second lieutenants.

Vincent Meyer.
Edward Harold Hicks.
Alfred Gale Thomason.
Robert Whipple Wilson.
Norman Potter Morrow.
Carl Moser Deakin.
Lloyd Edmonstone Jones.
Newton Napoleon Polk.
Private Frank Bloom.
Second Lieut. John Everard Hatch (by transfer).

COAST ARTILLERY CORPS.

To be second lieutenants.

Walter Smith.
Hugh Johnston Knerr.
George Frederick Humbert.
Arthur Woodfin Ford.
Reuben Noel Perley.
Joseph Ray Cygon.
John Holmes Birdsall.
Frank Robert Sessions.
Harold Gordon Douglas.

INFANTRY ARM.

To be second lieutenants.

John Page Edgerly.
Lindsay McDonald Silvester.
Herbert Marshall Pool.
Leonard Townsend Gerow.
George Derry Murphey.
Norman Whittemore Peek.
Mord Perea Short.
William Clayton Rose.
Wesley Frost Ayer.
George Crawford Elsey.
James Ambrose O'Brien.
George Abel Sanford.
Maxon Spafford Lough.
Ford Richardson.
Lester Maple Wheeler.
William Roland Van Sant.
John Taylor Rhett.
Livingston Watrous.
Lester Gehman.
Thomas Cochran.
John Pendleton Wilson.
Charles Stanley Little.
George Matthew Halloran.
William Edward Brougher.
Sumner Waite.
Albert Monmouth Jones.
John Edward Creed.
Leopold Julius Heinrich Herwig.
Harrison McAlpine.
James Raymond Alfonte.
Glenn Perrine Wilhelm.
Robert Sherman Barr.
Andrew Goolsby Gardner.

Albert Simon Kuegle.
Sergt. Edward Lincoln Hoffman.
Sergt. Casper Ball Rucker.

MEDICAL RESERVE CORPS.

To be first lieutenants.

William Burton De Garmo.
Joseph Henry Durrett.
Waldemar Edward Fischer.
Howard Fox.
Johnston Burnside Kennedy.
James Henry McCall.
Arthur Jackson Markley.
John Greene Martin.
Henry Edward Miller.
Clarence Maurice Nicholson.
Bret Nottingham.
James Milton Robb.
Percy Hypes Swahlen.
Isaac Walton Thorne.
Clarence Edgar Yount.
James Ernest Baylis.
Raymond Whitcomb Bliss.
Sidney Moore Bunker.
Charles Ruby Castleo.
Michael Andrew Dailey.
Johnson Francis Hammond.
William Bertram Meister.
John Henry Hedley Scudder.
Leeson Oren Tarleton.
Adna Godfrey Wilde.
John Donnington Bartlett.
Frederick Waldo Belknap.
Frederic Atwood Besley.
Albert Irving Bouffleur.
William Sohier Bryant.
Archibald Church.
Thomas Levi Dagg.
Herbert Hazeltine Frothingham.
Harold Goodman Goldberg.
Reuben Johnson Held.
William Hessert.
Allen Buckner Kanavel.
Ellis Kirk Kerr.
Henry Foster Lewis.
John McPherson Lowrey.
Charles Hugh McLean.
Henry Covington Macy.
Samuel Thomas Millard.
James Albert Morgan.
Guy Lincoln Noyes.
Orange Garrett Pfaff.
William Whitall Requardt.
William Nicholas Senn.
Alexander Meiklejohn Stirling.
George Lane Taneyhill, jr.
William McIlwain Thompson.
Roger Throop Vaughan.
George Waters.
George Barrow Worthington.
Howard Elmer Ashbury.
George Melick Boyd.
Seneca Egbert.
Walter Lloyd Finton.
William Burrows Hudson.
Carleton Buel McCulloch.
Charles Jefferson Miller.
Thomas Knox Mullins.
William Everett Musgrave.
Miller Edwin Preston.
Joseph Sailer.
Laurel Bough Sandall.
Robert Launcelot Tebbitt.
Benjamin Franklin Van Meter.
John Van Rensselaer.
Dayton Carroll Wiggin.
Ross Arlington Woolsey.
Sidney Lovett Chappell.
John Shelley Saurman.
Bertram Foster Duckwall.

PORTO RICO REGIMENT OF INFANTRY.

To be second lieutenants.

Serafin Manuel Montesinos.
Pedro Angel Hernandez.

PROMOTIONS IN THE ARMY.

QUARTERMASTER'S DEPARTMENT.

Lieut. Col. Carroll A. Devol to be assistant quartermaster general.

Maj. Richmond McA. Schofield to be a deputy quartermaster general.

SUBSISTENCE DEPARTMENT.

Capt. Frank H. Lawton to be commissary, with the rank of major.

MEDICAL CORPS.

First Lieut. William L. Hart to be a captain.

CORPS OF ENGINEERS.

Capt. Earl I. Brown to be a major.
First Lieut. Charles R. Pettis to be a captain.

ORDNANCE DEPARTMENT.

Maj. George Montgomery to be a lieutenant colonel.

CAVALRY ARM.

Lieut. Col. Loyd S. McCormick to be a colonel.
Capt. John D. L. Hartman to be a major.
Capt. Robert L. Howze to be a major.
First Lieut. Arthur Poillon to be a captain.
First Lieut. Gordon N. Kimball to be a captain.
First Lieut. George A. Purington to be a captain.
Second Lieut. Charles L. Scott to be a first lieutenant.
Second Lieut. James H. Dickey to be a first lieutenant.
Second Lieut. Ralph Talbot, jr., to be a first lieutenant.
Second Lieut. William N. Hensley, jr., to be a first lieutenant.
Second Lieut. Berkeley T. Merchant to be a first lieutenant.

FIELD ARTILLERY ARM.

Lieut. Col. George W. Van Deusen to be a colonel.
Maj. T. Bentley Mott to be a lieutenant colonel.
Lieut. Col. Edward A. Millar to be a colonel.
Maj. Ernest Hinds to be a lieutenant colonel.
Capt. Brooke Payne to be a major.
Capt. William S. Guignard to be a major.
First Lieut. Charles M. Allen to be a captain.
First Lieut. Joseph E. Myers to be a captain.
First Lieut. William S. Wood to be a captain.
First Lieut. Samuel Frankenberger to be a captain.

COAST ARTILLERY CORPS.

Lieut. Col. George T. Bartlett to be a colonel.
Lieut. Col. Charles A. Bennett to be a colonel.
Lieut. Col. Stephen M. Foote to be a colonel.
Maj. Alfred M. Hunter to be a lieutenant colonel.
Maj. John L. Hayden to be a lieutenant colonel.
Lieut. Col. John C. W. Brooks to be a colonel.
Lieut. Col. Henry C. Davis to be a colonel.
Maj. Eugene T. Wilson to be a lieutenant colonel.
Maj. Edmund M. Blake to be a lieutenant colonel.
Maj. William G. Haan to be a lieutenant colonel.
Maj. Sidney S. Jordan to be a lieutenant colonel.
Capt. Roderick L. Carmichael to be a major.
Capt. Sam F. Bottoms to be a major.
Capt. Harold E. Cloke to be a major.
Capt. Samuel C. Vestal to be a major.
Capt. Philip R. Ward to be a major.
Capt. Andrew Moses to be a major.
Capt. Thomas Q. Ashburn to be a major.
First Lieut. Wilford J. Hawkins to be a captain.
First Lieut. Louis C. Brinton, jr., to be a captain.
First Lieut. Paul D. Bunker to be a captain.
First Lieut. Quinn Gray to be a captain.
First Lieut. Louis R. Dice to be a captain.
First Lieut. William M. Colvin to be a captain.
First Lieut. Francis M. Hinkle to be a captain.
First Lieut. Henry W. Bunn to be a captain.
Second Lieut. John K. Jemison, to be a first lieutenant.
Second Lieut. Townsend F. Dodd to be a first lieutenant.
Second Lieut. Furman E. McCammon to be a first lieutenant.
Second Lieut. James R. Campbell to be a first lieutenant.
Second Lieut. Raymond E. Lee to be a first lieutenant.
Second Lieut. Louis B. Bender to be a first lieutenant.

INFANTRY ARM.

Lieut. Col. James B. Jackson to be a colonel.
Lieut. Col. Daniel A. Frederick to be a colonel.
Lieut. Col. James A. Maney to be a colonel.
Lieut. Col. John C. F. Tillson to be a colonel.
Lieut. Col. Colville P. Terrett to be a colonel.
Lieut. Col. Reuben B. Turner to be a colonel.
Maj. Edwin A. Root to be a lieutenant colonel.

Maj. Harry C. Hale to be a lieutenant colonel.
Maj. Elmore F. Taggart to be a lieutenant colonel.
Maj. Samson L. Faison to be a lieutenant colonel.
Maj. Alfred Hasbrouck to be a lieutenant colonel.
Maj. Jacob F. Kreps to be a lieutenant colonel.
Capt. John W. Heavey to be a major.
Capt. Harry J. Hirsch to be a major.
Capt. Truman O. Murphy to be a major.
Capt. William H. Bertsch to be a major.
Capt. Ross L. Bush to be a major.
Capt. John B. Bennet to be a major.
Capt. Melville S. Jarvis to be a major.
First Lieut. Davis C. Anderson to be a captain.
First Lieut. Robert D. Carter to be a captain.
First Lieut. Douglas Potts to be a captain.
First Lieut. Stephen O. Fuqua to be a captain.
First Lieut. Vincent M. Elmore to be a captain.
First Lieut. Benjamin R. Wade to be a captain.
First Lieut. George E. Goodrich to be a captain.
First Lieut. Charles W. Barber to be a captain.
First Lieut. Edwin S. Hartshorn to be a captain.
First Lieut. Clark R. Elliott to be a captain.
First Lieut. William P. Screws to be a captain.
First Lieut. Ralph B. Lister to be a captain.
First Lieut. Harry E. Comstock to be a captain.
First Lieut. William R. Standiford to be a captain.
First Lieut. Frederick S. Young to be a captain.
First Lieut. Thomas S. Moorman to be a captain.
First Lieut. Charles H. Morrow to be a captain.
First Lieut. Lorenzo D. Gasser to be a captain.
First Lieut. Brady G. Ruttencutter to be a captain.
First Lieut. Jennings B. Wilson to be a captain.
First Lieut. Charles B. Stone, jr., to be a captain.
First Lieut. Howard G. Davids to be a captain.
First Lieut. Augustus H. Bishop to be a captain.
First Lieut. William O. Smith to be a captain.
First Lieut. Clarence K. La Motte to be a captain.
First Lieut. George M. Holley to be a captain.
First Lieut. Edgar S. Stayer to be a captain.
First Lieut. Charles H. Errington to be a captain.
First Lieut. George C. Shaw to be a captain.
First Lieut. Charles E. Reese to be a captain.
First Lieut. Robert S. Knox to be a captain.
First Lieut. William A. Castle to be a captain.
First Lieut. Harry D. Blasland to be a captain.
First Lieut. Charles C. Allen to be a captain.
First Lieut. Edward H. Andres to be a captain.
First Lieut. Thomas J. Rogers to be a captain.
First Lieut. Edwin J. Bracken to be a captain.
First Lieut. George W. England to be a captain.
First Lieut. Edwin J. Nowlen to be a captain.
First Lieut. Clyde B. Parker to be a captain.
First Lieut. Alvin C. Voris to be a captain.
First Lieut. Frank R. Curtis to be a captain.
First Lieut. Charles J. Nelson to be a captain.
First Lieut. Fred L. Davidson to be a captain.
First Lieut. George E. Kumpe to be a captain.
First Lieut. Milo C. Corey to be a captain.
First Lieut. Arthur M. Ferguson to be a captain.
First Lieut. De Witt W. Chamberlin to be a captain.
First Lieut. Walter H. Johnson to be a captain.
First Lieut. Robert G. Rutherford, jr., to be a captain.
First Lieut. Robert E. Grinstead to be a captain.
First Lieut. Albert S. Williams to be a captain.
First Lieut. William B. Graham to be a captain.
First Lieut. E. Alexis Jeunet to be a captain.
First Lieut. Charles H. Danforth to be a captain.
First Lieut. Gideon H. Williams to be a captain.
First Lieut. Fred W. Bugbee to be a captain.
First Lieut. William M. Goodale to be a captain.
First Lieut. Leonard T. Baker to be a captain.
First Lieut. Charles S. Frank to be a captain.
First Lieut. Franklin S. Leisenring to be a captain.
First Lieut. William S. Faulkner to be a captain.
First Lieut. Charles F. Andrews to be a captain.
First Lieut. Allan L. Briggs to be a captain.
First Lieut. James M. Petty to be a captain.
First Lieut. Charles G. Lawrence to be a captain.
First Lieut. Frederic G. Kellond to be a captain.
First Lieut. William P. Kitts to be a captain.
First Lieut. Henry M. Fales to be a captain.
First Lieut. Martin Novak to be a captain.
First Lieut. John B. Shuman to be a captain.
Second Lieut. Napoleon W. Riley to be a first lieutenant.
Second Lieut. Otto L. Brunzell to be a first lieutenant.
Second Lieut. George C. Lawrason to be a first lieutenant.
Second Lieut. Robert P. Harbold to be a first lieutenant.
Second Lieut. James B. Woolnough to be a first lieutenant.
Second Lieut. Walter S. Fulton to be a first lieutenant.
Second Lieut. Sherburne Whipple to be a first lieutenant.
Second Lieut. Harry Hawley to be a first lieutenant.
Second Lieut. Thomas N. Gimperling to be a first lieutenant.
Second Lieut. Hugh L. Walthall to be a first lieutenant.
Second Lieut. John B. Richardson to be a first lieutenant.
Second Lieut. Anton C. Cron to be a first lieutenant.
Second Lieut. George W. Edgerly to be a first lieutenant.
Second Lieut. Oscar W. Hoop to be a first lieutenant.
Second Lieut. John C. Moore to be a first lieutenant.
Second Lieut. William F. Pearson to be a first lieutenant.
Second Lieut. James A. Ulio to be a first lieutenant.
Second Lieut. Frank Moorman to be a first lieutenant.
Second Lieut. Harry H. Bissell to be a first lieutenant.
Second Lieut. Charles B. Elliott to be a first lieutenant.
Second Lieut. John B. Corbly to be a first lieutenant.
Second Lieut. Fitzhugh L. Minnigerode to be a first lieutenant.
Second Lieut. Joseph L. Topham, jr., to be a first lieutenant.
Second Lieut. Charles L. Sampson to be a first lieutenant.
Second Lieut. John M. True to be a first lieutenant.
Second Lieut. Bruce R. Campbell to be a first lieutenant.
Second Lieut. John C. French to be a first lieutenant.
Second Lieut. Benjamin B. McCroskey to be a first lieutenant.
Second Lieut. James H. Van Horn to be a first lieutenant.
Second Lieut. John B. De Lancey to be a first lieutenant.
Second Lieut. Cassius M. Dowell to be a first lieutenant.
Second Lieut. Marvin E. Malloy to be a first lieutenant.
Second Lieut. Albert B. Kaempfer to be a first lieutenant.
Second Lieut. Forrest E. Overholser to be a first lieutenant.
Second Lieut. Charles W. Mason, jr., to be a first lieutenant.
Second Lieut. Allan R. Williams to be a first lieutenant.
Second Lieut. Loren C. Grieves to be a first lieutenant.
Second Lieut. Aristides Moreno to be a first lieutenant.
Second Lieut. Richard D. La Garde to be a first lieutenant.
Second Lieut. William L. Patterson to be a first lieutenant.
Second Lieut. Charles W. McClure to be a first lieutenant.
Second Lieut. Ambrose R. Emery to be a first lieutenant.
Second Lieut. Edmund C. Waddill to be a first lieutenant.
Second Lieut. Rolland W. Case to be a first lieutenant.
Second Lieut. Charles S. Donavin to be a first lieutenant.
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Second Lieut. De Witt C. T. Grubbs to be a first lieutenant.
Second Lieut. Thomas W. Hammond to be a first lieutenant.
Second Lieut. Calvin P. Titus to be a first lieutenant.
Second Lieut. William C. Miller to be a first lieutenant.
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Second Lieut. Frederic C. Test to be a first lieutenant.
Second Lieut. Owen S. Albright to be a first lieutenant.
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Second Lieut. Clifford C. Early to be a first lieutenant.
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Second Lieut. Allan Rutherford to be a first lieutenant.
Second Lieut. William S. Weeks to be a first lieutenant.
Second Lieut. Avery D. Cummings to be a first lieutenant.
Second Lieut. Charles S. Caffery to be a first lieutenant.
Second Lieut. Allen W. Gullion to be a first lieutenant.
Second Lieut. Louis A. Kunzig to be a first lieutenant.
Second Lieut. John P. Bubb to be a first lieutenant.
Second Lieut. Joseph E. Barzynski to be a first lieutenant.
Second Lieut. Ben W. Feild to be a first lieutenant.
Second Lieut. Bloxham Ward to be a first lieutenant.
Second Lieut. Paul H. Clark to be a first lieutenant.
Second Lieut. Thomas H. Lowe to be a first lieutenant.
Second Lieut. Torrey B. Maghee to be a first lieutenant.
Second Lieut. George W. Maddox to be a first lieutenant.
Second Lieut. Walter E. Pridgen to be a first lieutenant.
Second Lieut. James W. H. Reisinger, jr., to be a first lieutenant.
Second Lieut. Rupert A. Dunford to be a first lieutenant.
Second Lieut. Charles C. Bankhead to be a first lieutenant.
Second Lieut. John P. Adams to be a first lieutenant.
Second Lieut. Ira Longanecker to be a first lieutenant.
Second Lieut. William C. Whitener to be a first lieutenant.
Second Lieut. Frederick J. Ostermann to be a first lieutenant.
Second Lieut. William J. Connolly to be a first lieutenant.
Second Lieut. Everett D. Barlow, jr., to be a first lieutenant.
Second Lieut. Lawrence E. Hohl to be a first lieutenant.
Second Lieut. James G. Boswell to be a first lieutenant.
Second Lieut. Arthur D. Minick to be a first lieutenant.
Second Lieut. Charles A. Lewis to be a first lieutenant.
Second Lieut. Paul R. Manchester to be a first lieutenant.
Second Lieut. Byard Sneed to be a first lieutenant.

Second Lieut. Oscar Westover to be a first lieutenant.
Second Lieut. Martyn H. Shute to be a first lieutenant.
Second Lieut. Fred A. Cook to be a first lieutenant.
Second Lieut. George G. Bartlett to be a first lieutenant.
Second Lieut. Henry B. Clagett to be a first lieutenant.
Second Lieut. Clyde R. Abraham to be a first lieutenant.
Second Lieut. Richard H. Jacob to be a first lieutenant.
Second Lieut. Ralph A. Jones to be a first lieutenant.
Second Lieut. Calvert L. Davenport to be a first lieutenant.
Second Lieut. Hugo D. Schultz to be a first lieutenant.
Second Lieut. Max A. Elser to be a first lieutenant.
Second Lieut. George R. Byrd to be a first lieutenant.
Second Lieut. William T. MacMillan to be a first lieutenant.
Second Lieut. Jacob E. Fickel to be a first lieutenant.
Second Lieut. Jesse W. Boyd to be a first lieutenant.
Second Lieut. Ebenezer G. Beuret to be a first lieutenant.
Second Lieut. Rush B. Lincoln to be a first lieutenant.
Second Lieut. Walter F. L. Hartigan to be a first lieutenant.
Second Lieut. Bruce Magruder to be a first lieutenant.
Second Lieut. George H. Huddleson to be a first lieutenant.
Second Lieut. George C. Keleher to be a first lieutenant.
Second Lieut. Harry H. Pritchett to be a first lieutenant.
Second Lieut. Edgar L. Field to be a first lieutenant.
Second Lieut. Earl C. Buck to be a first lieutenant.
Second Lieut. Jere Baxter to be a first lieutenant.
Second Lieut. Russell James to be a first lieutenant.
Second Lieut. Lloyd R. Fredendall to be a first lieutenant.
Second Lieut. Rowan P. Lemley to be a first lieutenant.
Second Lieut. A. Ellicott Brown to be a first lieutenant.
Second Lieut. James M. Lockett to be a first lieutenant.
Second Lieut. Eugene Robinson to be a first lieutenant.
Second Lieut. Clyde L. Eastman to be a first lieutenant.
Second Lieut. Jesse C. Drain to be a first lieutenant.
Second Lieut. Wiley E. Dawson to be a first lieutenant.
Second Lieut. Alexander W. Chilton to be a first lieutenant.

POSTMASTERS.

CALIFORNIA.

Catherine T. Ryan, Gilroy.
Frank A. Smith, Arcata.

CONNECTICUT.

George W. Fairgrieve, Bantam.

DELAWARE.

John W. Brown, Newark.

GEORGIA.

Celia A. E. Strickland, Austell.
L. P. Trimble, Bremen.

IDAHO.

Walter E. Babcock, Parma.

ILLINOIS.

David F. Wilcox, Quincy.

KENTUCKY.

Sherman Gullett, Salt Lick.
Emery E. Trivette, Pikeville.

LOUISIANA.

Alexander Latil, Arabi.
Thomas S. Scanlan, Natalbany.
Thomas F. Sheahan, Fullerton.

MAINE.

George O. Carr, Norridgewock.
Charles H. Dunning, Brownville.
Malcolm B. Folsom, Greenville.
George R. Foster, Lisbon Falls.
Arthur C. Hinckley, Blue Hill.
Frank E. Monroe, Milo.
Everett W. Ober, Northeast Harbor.
Ellery W. Wentworth, Winthrop.

MARYLAND.

William B. Cutshall, Woodsboro.
Albert N. Vannort, Port Deposit.

MASSACHUSETTS.

George Bliss, West Warren.
Alfred G. Cone, Haydenville.
Richard J. Considine, Whitman.
Frank W. Goodwin, Marblehead.
Charles F. Hammond, Nantucket.

MONTANA.

George W. Harden, White Sulphur Springs.
L. W. Katzenstein, Forsyth.
John C. Sorenson, Glendive.

NEVADA.

Charles L. Broy, Eureka.
James C. Doughty, Elko.
Michael J. Moore, Rhyolite.

NEW HAMPSHIRE.

Lewis W. Davis, East Jaffrey.
Alpheus Lester Faunce, Somersworth.
Andrew J. Hook, Warner.

NEW YORK.

William J. Ackerman, Hartsdale.
George S. Allen, Clyde.
William H. Bain, Canajoharie.
Frank Bloomingdale, Voorheesville.
C. Sacket Chellborg, Sea Cliff.
George H. Hager, Stamford.
Florence L. Johnson, Elmsford.
Henry C. Lyman, Sherburne.
John Mable, Peekskill.
Elbert E. Makepeace, Alexandria Bay.
Charles R. Matthews, Bombay.
Daniel R. Montgomery, Dryden.
Hiram J. Moses, Petersburg.
Ernest H. Palmer, South Glens Falls.
Walter N. Pike, Floral Park.
Warren Salisbury, Blasdell.
Myron E. Stephens, Gardiner.
Charles Talbot, Crown Point.
Lee Waddell, North Creek.
Walter W. Welch, Gowanda.

NORTH DAKOTA.

John McC. McMaster, Lakota.
Merton W. Woodworth, Wilton.

OKLAHOMA.

H. G. Eastman, Oklahoma.
Ora E. McCague, Ralston.
James G. Traylor, Coyle.
Charles W. Waters, Westville.

PENNSYLVANIA.

Charles S. Brodhead, Moosic.
Ward B. Parker, Clarks Summit.
Jacob H. Rowe, Millersburg.
Albert W. Schrecongost, Dayton.

HOUSE OF REPRESENTATIVES.

MONDAY, *December 18, 1911.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Teach us, O Lord God, our heavenly Father, how to justly estimate our intellectual, moral, and spiritual status as individuals that we may get the beam out of our own eye before attempting to extract the mote from our brother's eye, and give us the grace to do unto others as we would be done by, that Thy kingdom may come in our own hearts and Thy will be done; in the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of Saturday last was read and approved.

PURCHASE PRICE OF A CERTAIN TRACT OF LAND.

The Clerk called the first bill on the calendar, H. R. 2853, extending the time for payment of balance due on purchase price of a certain tract of land.

The SPEAKER. The Clerk will read the bill.

The Clerk read the bill, as follows:

A bill (H. R. 2853) extending the time for payment of balance due on purchase price of a certain tract of land.

Whereas, under the act approved January 31, 1910 (Public, No. 29), the Grand Lodge of Ancient Free and Accepted Masons of the State of Oklahoma purchased a certain tract of land described in said act, and paid on the purchase price thereof a cash payment of $25,000, as required by said act, and also $25,129.65, the amount of the first of the two annual payments required under the terms of said act: Therefore

Be it enacted, etc., That the balance due the United States for the land purchased by the Grand Lodge of Ancient Free and Accepted Masons of the State of Oklahoma, under the provisions of said act approved January 31, 1910 (Public, No. 29), may be paid in five equal annual installments, beginning at the time the second annual payment, under the original purchase, shall become due, with interest at 5 per cent per annum.

The committee amendment was read as follows:

Strike out the preamble of said bill.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MANN. Reserving the right to object, I would like to hear from gentlemen what the bill is.

Mr. MORGAN. Mr. Speaker, the chairman of the Committee on Indian Affairs is absent at the present time, but I have phoned to the gentleman from Oklahoma [Mr. FERRIS], the ranking member and acting chairman. I will state that the Senate has passed a bill exactly similar to this, word for word. The Committee on Indian Affairs has that bill in its possession. The Committee on Indian Affairs talked this matter over and decided to recommend the passage of this bill, with the understanding that when the bill came up in the House the Senate bill would be substituted, and that is what I would like to do.

Mr. MANN. The Senate bill is not here, is it?

Mr. MORGAN. As I understand the rule, it is necessary for the Committee on Indian Affairs to have the Senate bill in the House, to have physical possession of it, in order to make the substitution.

Mr. MADDEN. Will the gentleman yield?

Mr. MORGAN. I will.

Mr. MADDEN. I recollect when the original bill was passed, but I do not recollect the terms. What were the terms of payment under that bill?

Mr. MORGAN. I can read them to the gentleman in a minute.

Mr. GARRETT. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Oklahoma yield to the gentleman from Tennessee, or to whom does he yield?

Mr. MORGAN. I yield to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, I was just asking the gentleman a question, and he was looking it up. I wanted to know what the terms of payment were under the original law?

Mr. MORGAN. Three payments—one-third cash, one-third in one year, and one-third in two years.

Mr. MADDEN. And the two first payments have been made?

Mr. MORGAN. Yes.

Mr. MADDEN. How much is there yet to pay?

Mr. MORGAN. About $25,000.

Mr. MADDEN. And the bill provides that the time for the payment of the $25,000 shall be extended over three more years?

Mr. MORGAN. Five more years.

Mr. MADDEN. With additional annual payments of $5,000 a year?

Mr. MORGAN. Yes.

Mr. MADDEN. At 5 per cent interest?

Mr. MORGAN. Five per cent interest.

Mr. MADDEN. And that is all there is in the bill?

Mr. MORGAN. Yes.

Mr. MADDEN. Then of course it ought to pass.

Mr. GARRETT. Mr. Speaker, I would like to ask the gentleman if this bill comes with a unanimous report from the Committee on Indian Affairs.

Mr. MORGAN. It does.

Mr. MANN. Mr. Speaker, what is the object of passing this bill? The Committee on Indian Affairs has before it a Senate bill to accomplish the same purpose. It has simply to substitute the Senate bill for the House bill. There is no advantage in passing the House bill. Why not wait until the Committee reports the Senate bill and put that on the Unanimous Consent Calendar?

Mr. MORGAN. Mr. Speaker, I have in my possession the Senate bill, just delivered to me by a member of the Committee on Indian Affairs, as it passed the Senate. I now ask unanimous consent that the Committee on Indian Affairs be discharged from the further consideration of the bill S. 2355 and that that bill be substituted for the House bill now under consideration, being identical, word for word, and that the bill be passed.

Mr. MANN. Mr. Speaker, let the Senate bill be read as a part of the request. If it is identical it needs to be changed.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the balance due the United States for the land purchased by the Grand Lodge of Ancient Free and Accepted Masons of the State of Oklahoma, under the provisions of said act approved January 31, 1910 (Public, No. 20), may be paid in five equal annual installments, beginning at the time the second annual payment, under the original purchase, shall become due, with interest at 5 per cent per annum.

Mr. MANN. Mr. Speaker, it seems rather a small matter, but I notice that the Senate bill refers to "said act approved January 31, 1910." Perhaps that is a sufficient identification, yet it is extremely bad usage of language, because there is no act referred to prior to that. Originally there was a preamble referring to the act. That preamble has been striken out of the House bill, and somebody failed to suggest that they ought to make the rest of the section comply. I do not know that I have any objection to Congress using bad rhetoric, still, if I were doing it myself, I would put it in in proper form and strike out the word "said," even for the benefit of the Senate, and insert the word "the."

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the House Committee on Indian Affairs be discharged from further consideration of the bill S. 2355; that said Senate bill be substituted for an identical House bill, H. R. 2853; that the House bill do lie on the table; and further asks unanimous consent for the present consideration of the Senate bill. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. MORGAN. Mr. Speaker, if it is thought necessary, I will move to amend the Senate bill by striking out, in line 6, the word "said" and inserting in lieu thereof the word "the."

Mr. CANNON. But, Mr. Speaker, that will send the bill back to the Senate.

Mr. MORGAN. I presume they will concur in the amendment without any objection.

Mr. MANN. They will concur in it to-day, I have no doubt.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on the third reading of the Senate bill as amended.

The bill was ordered to be read a third time, was read the third time and passed.

On motion of Mr. MORGAN, a motion to reconsider the last vote was laid on the table.

DATE OF SITTINGS AT UNITED STATES COURT AT PHILIPPI, ADDISON, AND LEWISBURG, W. VA.

The SPEAKER. The Clerk will call the next bill on the Unanimous Consent Calendar.

The Clerk read as follows:

A bill (H. R. 11824) to amend section 113 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911.

Be it enacted, etc., That section 113 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, be amended and reenacted so as to read as follows:

"SEC. 113. The State of West Virginia is divided into two districts, to be known as the northern and southern districts of West Virginia. The northern district shall include the territory embraced, on the first day of July, 1910, in the counties of Hancock, Brooke, Ohio, Marshall, Tyler, Pleasants, Wood, Wirt, Ritchie, Doddridge, Wetzel, Monongalia, Marion, Harrison, Lewis, Gilmer, Calhoun, Upshur, Barbour, Taylor, Preston, Tucker, Randolph, Pendleton, Hardy, Grant, Mineral, Hampshire, Morgan, Berkeley, and Jefferson, with the waters thereof. Terms of the district court for the northern district shall be held at Martinsburg on the first Tuesday of April and the third Tuesday of September; at Clarksburg on the second Tuesday of April and the first Tuesday of October; at Wheeling on the first Tuesday of May and the third Tuesday of October; at Philippi on the fourth Tuesday of May and the second Tuesday of November; and at Parkersburg on the second Tuesday of January and the second Tuesday of June: *Provided*, That a place for holding court at Philippi shall be furnished free of cost to the United States by Barbour County until other provision is made therefor by law. The southern district shall include the territory embraced, on the first day of July, 1910, in the counties of Jackson, Roane, Clay, Braxton, Webster, Nicholas, Pocahontas, Greenbrier, Fayette, Boone, Kanawha, Putnam, Mason, Cabell, Wayne, Lincoln, Logan, Mingo, Raleigh, Wyoming, McDowell, Mercer, Summers, and Monroe, with the waters thereof. Terms of the district court for the southern district shall be held at Charleston on the first Tuesday in June and the third Tuesday in November; at Huntington on the first Tuesday in April and the first Tuesday after the third Monday in September; at Bluefield on the first Tuesday in May and the third Tuesday in October; at Addison on the first Tuesday in September; and at Lewisburg on the second Tuesday in July: *Provided*, That a place for holding court at Addison shall be furnished free of cost to the United States."

The SPEAKER. Is there objection?

Mr. MADDEN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects.

Mr. MADDEN. I object for the reason I think it is too important a business to be considered by unanimous consent.

The SPEAKER. Does the gentleman from Illinois withhold his objection?

Mr. MADDEN. No——

The SPEAKER. The gentleman from Illinois [Mr. MADDEN] objects——

Mr. FITZGERALD. Let the gentleman from West Virginia make his statement.

Mr. MADDEN. I will withhold the objection if the gentleman from West Virginia wishes to make a statement in connection with it.

Mr. DAVIS of West Virginia. Mr. Speaker, the sole purpose of this bill is to suit the convenience of the bench and bar with reference to the times of holding court in the northern and southern districts of West Virginia, changing the time for one session and one term in the northern district and the time of two sessions and two terms in the southern district. The change is immaterial except to those who are directly interested. It has the unanimous recommendation of the judges

and officials of both courts and of the bar practicing there, and is unanimously reported by the committee by which it was considered. I can see no reason for the gentleman's objection, and I hope he will be prevailed upon to withdraw it.

Mr. MADDEN. I object, Mr. Speaker.

The SPEAKER. The gentleman from Illinois adheres to his objection, and that is the end of it. The Clerk will report the next bill on the Unanimous Consent Calendar.

UNITED STATES DISTRICT COURT, MAINE.

The Clerk read as follows:

A bill (H. R. 15450) to fix the time for holding the regular terms of the United States district court in the district of Maine.

Be it enacted, etc., That after January 1, 1912, the regular terms of the United States district court in the district of Maine shall be held at the times and places following: At Portland, on the first Tuesday in April, on the third Tuesday in September, and on the second Tuesday in December; at Bangor, on the first Tuesday in June.

SEC. 2. That all acts and parts of acts inconsistent with this act are hereby repealed.

Mr. CULLOP. Mr. Speaker, I reserve the right to object until the gentleman from Maine explains the bill.

Mr. BUCHANAN. Mr. Speaker, I object to the consideration of the bill.

The SPEAKER. The gentleman from Illinois [Mr. BUCHANAN] objects.

Mr. BUCHANAN. If anybody desires to speak to the bill, I will reserve the objection.

The SPEAKER. The gentleman reserves the right to object.

Mr. HINDS. Mr. Speaker, in reply to the gentleman from Indiana [Mr. CULLOP] I will say that the first enactment of the new code, which will go into effect on the 1st day of January, throws upon the district court of Maine a large amount of new and original jurisdiction. Portland is the most convenient place for the general sessions of that court, but for many years one session in the year has been held farther east on the coast—in earlier times at Wiscasset, and since 1862 at Bath. With the general changes in the wooden-ship building business of Maine that region, which formerly furnished a large number of cases of a maritime nature, has ceased to furnish any essential amount of business for a session of the court at Bath, and it will be for the convenience of the jurisdiction of that court to have the sessions which have formerly been held at Bath held now in Portland. The judge, the district attorney, and those having business with the court, agree in desiring this legislation. I will also say that my colleague from the second district in Maine [Mr. MCGILLICUDDY] has consulted attorneys who live in the region which is nearest to Bath, and they have said to him that they have no objection to this.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Maine yield to the gentleman from Illinois?

Mr. HINDS. Assuredly.

Mr. MANN. First, I desire to ask the gentleman, is there any additional expense to the Government by reason of the change?

Mr. HINDS. There is no additional expense whatever.

Mr. MANN. And probably will be less expense?

Mr. HINDS. There will be less expense to the litigants undoubtedly—yes; somewhat less expense to the Government, because when they go to Bath they pay fees to the local sheriff and other court officers to act in the United States court, as I understand it, and that expense will be saved.

Mr. MANN. If the gentleman will yield further. The bill that was reported from the Judiciary Committee and was on the Unanimous Consent Calendar just ahead of this proposed to amend the title of the judicial title bill that we passed in the last Congress and which becomes a law on the 1st of January. That law sets out the districts and the time for holding court, and is uniform throughout. There have been several bills introduced proposing to amend that law. The bill that the gentleman has now introduced does not purport to amend that law, although, in fact, it does change that law, and therefore would it not be better form to put in a provision "that section so and so of that law be, and the same is hereby, made to read as follows," so that when it is printed hereafter this change of time will appear in the law as amended?

Mr. PAYNE. If the gentleman will yield to me just a moment, I want to suggest to the gentleman from Illinois that because that former act was set out in full in reference to the act for West Virginia it probably gave rise to the impression in the minds of Members that there was more in the bill than there really was.

Mr. MANN. Of course no one who knew what the former bill was would object.

Mr. HINDS. I will say, Mr. Speaker, that the section which this bill would amend, if the bill were changed, is a very brief section, dealing solely with the district court for Maine and its sessions; and the section of an amendment which I would offer to meet the objection of the gentleman from Illinois will speak for itself, if it is necessary, and I am given the opportunity to read it.

Mr. MANN. If the gentleman has an amendment which will meet that objection, would he not have it read for information?

Mr. HINDS. Yes; I will have it read for information. Mr. Speaker, I send up an amendment and ask that it be read for information.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Maine [Mr. HINDS]. Is there objection to the consideration of this bill?

Mr. BUCHANAN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois [Mr. BUCHANAN] objects.

Mr. HINDS. I hope the gentleman will withhold his objection at least until the amendment is read.

Mr. BUCHANAN. I will reserve the objection, Mr. Speaker.

The SPEAKER. The gentleman reserves his objection until the amendment is reported. The Clerk will report the amendment.

The Clerk read as follows:

Amend the bill H. R. 15450 by striking out all after the enacting clause and inserting:

"That section 85 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, be, and hereby is, amended to read as follows:

"'SEC. 85. The State of Maine shall constitute one judicial district, to be known as the district of Maine. Terms of court shall be held at the times and places following: At Portland on the first Tuesday in April, on the third Tuesday in September, and on the second Tuesday in December; at Bangor on the first Tuesday in June.'"

Amend the title so as to read: "To amend section 85 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911."

Mr. HINDS. I understand, Mr. Speaker, that that amendment will make the legislation more harmonious with the code bill, which takes effect also on January 1.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BUCHANAN. I object, Mr. Speaker.

The SPEAKER. The gentleman from Illinois [Mr. BUCHANAN] objects.

Mr. HINDS. Mr. Speaker, is a motion to suspend the rules now in order?

The SPEAKER. It is.

Mr. HENRY of Texas. Mr. Speaker——

The SPEAKER. But the Chair will state to the gentleman from Maine that the next order of business is the Discharge Calendar.

Mr. HINDS. Yes; I understand that.

The SPEAKER. The Chair will state that a motion to call up bills on the Discharge Calendar takes precedence of a motion to suspend the rules.

Mr. HENRY of Texas. Mr. Speaker, I would like to be heard for a moment.

The SPEAKER. The gentleman from Illinois [Mr. BUCHANAN] objects to the consideration of this bill.

Mr. HENRY of Texas. I understand he desires to withhold his objection for a moment.

Mr. MADDEN. Mr. Speaker, I will withdraw my objection to the bill called up by the gentleman from West Virginia [Mr. DAVIS] if my colleague [Mr. BUCHANAN] will withdraw his objection in this case.

Mr. BUCHANAN. Mr. Speaker, if my colleague withdraws his objection from the other bill, I will withdraw mine from this.

Mr. MANN. Mr. Speaker, I object to the practice of one man withdrawing an objection to a bill on condition that another man on the other side of the House withdraws his objection to another bill. In view of the fact that both of these bills can be passed to-morrow under the call of committees, I will object to any arrangement that is in the nature of a trade.

Mr. HENRY of Texas. There is no arrangement in the nature of a trade in this case. If the gentleman would wait a moment he would see that there is just a misunderstanding.

ORDER OF BUSINESS.

The SPEAKER. The next order of business is the consideration of bills on the Discharge Calendar.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

Mr. BARTHOLDT. Mr. Speaker, pending that motion, I would like to submit a request for unanimous consent.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] moves that the House do now adjourn.

Mr. FITZGERALD. Mr. Speaker, I will withhold the motion until the gentleman from Missouri [Mr. BARTHOLDT] submits his request.

Mr. BARTHOLDT. Mr. Speaker, I ask unanimous consent to be allowed to address the House for 20 minutes.

The SPEAKER. Is there any gentleman in the House who wishes to call up a motion on the Discharge Calendar?

Mr. MADDEN. I do, Mr. Speaker.

Mr. AUSTIN. I do.

Mr. MANN. Mr. Speaker, did the gentleman from Missouri [Mr. BARTHOLDT] submit a request for unanimous consent?

The SPEAKER. Yes. The Chair thinks it is in order to submit a request for unanimous consent.

Mr. BARTHOLDT. Mr. Speaker, I renew my request.

The SPEAKER. The gentleman from Missouri asks unanimous consent to be allowed to address the House for 20 minutes.

Mr. HENRY of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Texas will state it.

Mr. HENRY of Texas. Would the request of the gentleman from Missouri [Mr. BARTHOLDT] take precedence over the motion of the gentleman from Illinois who is now recognized to present a motion to discharge a committee?

Mr. MANN. This would take unanimous consent.

Mr. HENRY of Texas. I was asking the Speaker about that.

The SPEAKER. Anything can be done by unanimous consent, except for a Member to ask unanimous consent for somebody to come on the floor who is not entitled to the privilege of the floor. The gentleman from Missouri [Mr. BARTHOLDT] asks unanimous consent to address the House for 20 minutes. Is there objection?

Mr. HENRY of Texas. Mr. Speaker, I understand the gentleman from Illinois [Mr. MADDEN] is recognized to present a motion to discharge a committee.

Mr. MADDEN. I do not care to call it up now.

Mr. HENRY of Texas. Then, Mr. Speaker, I object to the request.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; whereupon (at 12 o'clock and 39 minutes p. m.) the House adjourned until to-morrow, Tuesday, December 19, 1911, at 12 m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Treasury submitting urgent deficiency appropriations required by the Navy Department for the current fiscal year (H. Doc. No. 319); to the Committee on Appropriations and ordered to be printed.

2. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Margaret M. Ward, administratrix of Daniel Madden, deceased, *v.* The United States (H. Doc. No. 320); to the Committee on War Claims and ordered to be printed.

3. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Thomas L. Porter, administrator of Nimrod Porter, deceased, *v.* The United States (H. Doc. No. 321); to the Committee on War Claims and ordered to be printed.

4. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Lizzie T. Carpenter, executrix of Gilbert S. Carpenter, deceased, *v.* The United States (H. Doc. No. 322); to the Committee on War Claims and ordered to be printed.

5. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Lewis D. Williams, administrator of Lewis W. Williams, deceased, *v.* The United States (H. Doc. No. 323); to the Committee on War Claims and ordered to be printed.

6. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Mary Foreman, widow of Jacob J. Foreman, deceased, *v.* The United States (H. Doc. No. 324); to the Committee on War Claims and ordered to be printed.

7. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Thomas Fahey *v.* The United States (H. Doc. No. 325); to the Committee on War Claims and ordered to be printed.

8. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Frank D. Johns, son and sole heir at law of William Brooke Johns, deceased, *v.* The United States (H. Doc. No. 326); to the Committee on War Claims and ordered to be printed.

9. A letter from the Secretary of the Treasury, recommending that control of the old post-office building in Charleston, S. C., now used by the officials of the Sixth Lighthouse District, be transferred to the Department of Commerce and Labor (H. Doc. No. 327); to the Committee on Public Buildings and Grounds and ordered to be printed.

10. A letter from the Secretary of the Treasury, transmitting annual report of the Secretary of the Treasury on the state of the finances for the fiscal year ended June 30, 1911 (H. Doc. No. 115); to the Committee on Ways and Means and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BULKLEY, from the Committee on Expenditures in the War Department, to which was referred the resolution (H. Res. 343) requesting the Secretary of War to furnish information concerning alleged needless expense of maintaining the Army, reported the same without amendment, accompanied by a report (No. 185), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 11682) granting an increase of pension to John B. Peters; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15656) granting a pension to Lora Sims; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16025) granting a pension to Alice J. Sanborn; Committee on Military Affairs discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LONGWORTH: A bill (H. R. 16213) to amend section 10 of chapter 161, volume 35, Public Statutes at Large; to the Committee on the Judiciary.

By Mr. SHEPPARD: A bill (H. R. 16214) to prohibit interstate commerce in intoxicating liquors in certain cases; to the Committee on the Judiciary.

By Mr. RUBEY: A bill (H. R. 16215) to fix the mileage of Senators, Representatives, and Delegates in Congress; to the Committee on Mileage.

By Mr. TAGGART: A bill (H. R. 16216) to extend the provisions of the pension laws to include the Eighteenth and Nineteenth Regiments Kansas Volunteer Cavalry; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 16217) to prevent the sale or transportation in interstate or foreign commerce of articles of food held in cold storage for more than the time herein specified, and for regulating traffic therein, and for other purposes; to the Committee on Agriculture.

By Mr. KNOWLAND: A bill (H. R. 16218) granting an increase of pensions to survivors of the Indian wars under the acts of July 27, 1892, and June 27, 1902; to the Committee on Pensions.

By Mr. McKENZIE: A bill (H. R. 16219) for the erection of a public building at Savanna, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. MARTIN of South Dakota: A bill (H. R. 16220) to establish mining experiment stations to aid in the development of the mineral resources of the United States, and for other purposes; to the Committee on Mines and Mining.

By Mr. CLARK of Florida: Joint resolution (H. J. Res. 186) for a survey to determine the feasibility, advisability, and cost of a suitable canal to connect the waters of Haw Creek and Tomoka River, in the State of Florida; to the Committee on Rivers and Harbors.

By Mr. CARY: Joint resolution (H. J. Res. 187) providing for an increase of pay to the charwomen employed in the House Office Building; to the Committee on Appropriations.

Also, joint resolution (H. J. Res. 188) providing for an increase of pay to the custodian employees of the Treasury Department; to the Committee on Appropriations.

By Mr. TALBOTT of Maryland: Resolution (H. Res. 344) authorizing a messenger to Joint Select Committee on Disposi-

tion of Useless Executive Papers for the session; to the Committee on Accounts.

By Mr. SULZER: Resolution (H. Res. 345) providing for the printing of 10,000 copies of the hearings before the Committee on Foreign Affairs on House joint resolution 166; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 16221) granting an increase of pension to Margaret Hook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16222) granting an increase of pension to Annie G. Loeffler; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 16223) for the relief of the estate of A. J. Tynes, deceased; to the Committee on War Claims.

Also, a bill (H. R. 16224) granting a pension to Clarence F. Moore; to the Committee on Pensions.

By Mr. DENVER: A bill (H. R. 16225) granting an increase of pension to John Sullivan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16226) granting an increase of pension to James Rayburn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16227) granting an increase of pension to Thomas B. Howard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16228) granting an increase of pension to Oliver P. Allen; to the Committee on Pensions.

Also, a bill (H. R. 16229) granting an increase of pension to John W. Arthur; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16230) granting an increase of pension to Isaac Krise; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16231) granting an increase of pension to Thompson W. Dye; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16232) granting an increase of pension to Dale Treadway; to the Committee on Invalid Pensions.

By Mr. FLOYD of Arkansas: A bill (H. R. 16233) granting a pension to Charles W. Reeves; to the Committee on Pensions.

Also, a bill (H. R. 16234) granting an increase of pension to Stephen J. Still; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16235) granting an increase of pension to Gordon F. Stamps; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16236) granting an increase of pension to Samuel L. Riley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16237) granting an increase of pension to James Henson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16238) granting an increase of pension to John R. Lakin; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 16239) granting an increase of pension to Erasmus D. Loing; to the Committee on Invalid Pensions.

By Mr. HAMILTON of West Virginia: A bill (H. R. 16240) granting an increase of pension to Joab Martin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16241) granting an increase of Pension to William Palmer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16242) granting an increase of pension to Thomas J. Harris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16243) granting an increase of pension to Norman D. McCown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16244) granting an increase of pension to Daniel Tracy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16245) granting an increase of pension to Ivan E. Dye; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16246) granting an increase of pension to James R. Reeder; to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 16247) for the relief of the claimants to the Coppinger grant, in the county of San Mateo, State of California, and all other persons claiming title to portions of said grant by mesne conveyances from Juan Coppinger; to the Committee on the Public Lands.

By Mr. HUGHES of New Jersey: A bill (H. R. 16248) granting an increase of pension to Horace E. Hamilton; to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 16249) granting a pension to Mary L. Brent; to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 16250) granting an increase of pension to James Kubicek; to the Committee on Invalid Pensions.

By Mr. MOORE of Texas: A bill (H. R. 16251) for the relief of Martin & Co.; to the Committee on Claims.

By Mr. NORRIS: A bill (H. R. 16252) to correct the military record of Aaron S. Winner; to the Committee on Military Affairs.

By Mr. O'SHAUNESSY: A bill (H. R. 16253) granting a pension to Mary Westcott; to the Committee on Pensions.

Also, a bill (H. R. 16254) granting a pension to Elizabeth Kenyon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16255) granting an increase of pension to Edward Karrigan; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 16256) granting a pension to Joseph Stonerock; to the Committee on Invalid Pensions.

By Mr. SIMMONS: A bill (H. R. 16257) granting an increase of pension to Hector M. Stocum; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16258) granting an increase of pension to Charles Mullin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16259) granting an increase of pension to Edward A. Spaulding; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16260) granting an increase of pension to Francis P. Goodwin; to the Committee on Pensions.

Also, a bill (H. R. 16261) granting an increase of pension to Sharp Hagerty; to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 16262) for the relief of the estate of John Magee, deceased; to the Committee on War Claims.

By Mr. SULLOWAY: A bill (H. R. 16263) granting an increase of pension to Charles L. Taber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16264) granting an increase of pension to Owen Sullivan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16265) granting an increase of pension to Sarah C. Smart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16266) granting an increase of pension to Charles Joslyn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16267) granting an increase of pension to Charles D. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16268) granting an increase of pension to Isaac F. Jenness; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16269) granting an increase of pension to Charles G. Jenness; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16270) granting an increase of pension to John Harrington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16271) granting an increase of pension to Edmund F. Goodwin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16272) granting an increase of pension to Michael Fitts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16273) granting an increase of pension to Jotham Emery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16274) granting an increase of pension to Clarence W. Gray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16275) granting an increase of pension to Ransom Coburn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16276) granting an increase of pension to Charles A. Allen; to the Committee on Invalid Pensions.

By Mr. TALBOTT of Maryland: A bill (H. R. 16277) granting a pension to Daniel W. Huntsman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16278) granting a pension to Charles Boppe; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 16279) granting a pension to C. E. Jones; to the Committee on Pensions.

By Mr. TILSON: A bill (H. R. 16280) granting an increase of pension to George A. Barrett; to the Committee on Invalid Pensions.

By Mr. WARBURTON: A bill (H. R. 16281) for the relief of the estate of the late Edward Lynch; to the Committee on War Claims.

By Mr. DAVENPORT: A bill (H. R. 16282) to amend and reenact paragraph 24 of section 24 of chapter 2 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of representatives of the remaining Pokagon Tribe of Potawatomi Indians of Michigan and Indiana, protesting against an appropriation calling for $3,600,000 to build a breakwater in Lake Michigan located east of and adjacent to the city of Chicago, Ill.; to the Committee on Rivers and Harbors.

Also (by request), petition of J. B. Duke and others, of Lackney, Quay County, N. Mex., favoring the passage of Senator Borah's bill reducing the time of the homesteader's residence (in making final proof) from five to three years, etc.; to the Committee on the Public Lands.

Also, petition of the National Wafer Co., of Boston, Mass., asking for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. ASHBROOK: Paper to accompanying House bill 15287, for the relief of Katherine Rogers; to the Committee on Pensions.

Also, petition of the Massachusetts Association of Volunteer Officers of the Civil War, asking for the passage of the Civil War volunteer officers retired list bill; to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: Petition of board of directors of Merchants Exchange of St. Louis, Mo., in favor of embassy buildings at Mexico, Rio de Janeiro, and Tokyo; to the Committee on Foreign Affairs.

Also, petition of Central Trades and Labor Union, of St. Louis, Mo., in favor of House bill 5970; to the Committee on the Post Office and Post Roads.

Also, petition of Simmons Hardware Co. and other citizens of St. Louis, Mo., in favor of legislation to impose corporation tax in accordance with the fiscal year of corporations; to the Committee on Ways and Means.

Also, petitions of Louis Rosen and others, of St. Louis, Mo., in favor of reduction of tax on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of Prof. Raymond Weeks, in favor of an international phonetic conference; to the Committee on Education.

Also, petition of Patternmakers' Association of St. Louis, Mo., in favor of reduction of tax on oleomargarine; to the Committee on Agriculture.

Also, petitions of certain business houses of St. Louis, Kansas City, and St. Joseph, Mo.; also of Pattern Workers' Association of St. Louis, Mo., in favor of House bill 5601; to the Committee on Interstate and Foreign Commerce.

Also, petition of National Women's Auxiliary of Railway Mail Association, praying for legislation in favor of railway mail employees; to the Committee on the Post Office and Post Roads.

Also, petition of Civil Service Retirement Association of Jasper County, Mo., in favor of pensioning superannuated employees; to the Committee on Reform in the Civil Service.

Also, petition of Kaken Barber Supply Co., of St. Louis, and Ingham Lumber Co., of Kansas City, Mo., in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. BATES: Petition of Southwestern State Normal School, California, Pa., favoring Senate bill 3, introduced by Senator PAGE; to the Committee on Agriculture.

Also, memorial of Retail Merchants' Association of Erie, Pa., against parcels post; to the Committee on the Post Office and Post Roads.

By Mr. CARY: Resolutions of Plumbers' Union No. 75, indorsing House bill 11372, relating to laws governing seamen; to the Committee on the Merchant Marine and Fisheries.

Also, communication from Local No. 18, International Alliance, Theatrical Stage Employees, Milwaukee, Wis., protesting against any bill to provide for the use of a cheaper grade of paper in the manufacture of currency; to the Committee on Printing.

By Mr. DENVER: Petition of Walter S. Gray and other citizens of Blanchester, Ohio, protesting against an extension of parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of C. S. and E. H. Heizer and other citizens of Higginsport, Ohio, advocating a measure giving the regulation of express companies and other common carriers, their rates and classifications, to the Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

Also, petition of C. S. and E. H. Heizer and other citizens of Higginsport, Ohio, protesting against an extension of parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of E. B. Scott & Son and other citizens of Batavia, Ohio, advocating a measure giving the regulation of express companies and other common carriers, their rates and classifications, to the Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

Also, petition of Liggett & Buchanan and other citizens of Ripley, Ohio, advocating a measure giving the regulation of express companies and other common carriers, their rates and classifications, to the Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

Also, petition of J. W. Hayden and other citizens of Felicity, Ohio, protesting against an extension of parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of J. W. Hayden and other citizens of Felicity, Ohio, advocating a measure giving the regulation of express companies and other common carriers, their rates and classifications, to the Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

Also, petition of Charles F. Davis and other citizens of Bethel, Ohio, advocating a measure giving the regulation of express companies and other common carriers, their rates and classifications, to the Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

Also, petition of Charles F. Davis and other citizens of Bethel, Ohio, protesting against an extension of parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of Liggett & Buchanan and other citizens of Ripley, Ohio, protesting against an extension of parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of E. B. Scott & Son and other citizens of Batavia, Ohio, protesting against an extension of parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of C. E. Bates, captain Fourth Ohio Infantry, commanding Company L, and other enlisted men of said organization, of Blanchester, Ohio, urging the passage of the National Guard pay bill; to the Committee on Military Affairs.

By Mr. DYER: Papers to accompany House bill 15000; to the Committee on Pensions.

Also, petition of Simmons Hardware Co., of St. Louis, Mo., to permit corporations to make their returns at end of fiscal year; to the Committee on Ways and Means.

By Mr. FLOYD of Arkansas: Petitions of citizens of Arkansas and Oklahoma, for reduction of duties on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of L. C. Crouch and others, of Bentonville, Ark., for the reduction of the duties on raw and refined sugars; to the Committee on Ways and Means.

Also, papers to accompany House bill 9801, for the relief of James L. Moss; to the Committee on Invalid Pensions.

Also, memorial of Seventh-day Adventist Church of Springdale, Ark., protesting against House bill 9433, for observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

Also, papers to accompany bill for the relief of Charles W. Reeves; to the Committee on Pensions.

Also, papers to accompany bills for the relief of James Henson, Samuel L. Riley, Stephen J. Still, and Gordon F. Stamps; to the Committee on Invalid Pensions.

By Mr. FULLER: Papers to accompany a bill for the relief of Erasmus D. Loing; to the Committee on Invalid Pensions.

Also, petition of Edwin R. Wright, president of the Illinois State Federation of Labor, of Springfield, Ill., favoring the diversion of immigration from Illinois, etc.; to the Committee on Immigration and Naturalization.

Also, petition of Tuthill Spring Co., of Chicago, Ill., in favor of 1-cent letter postage on first-class mail; to the Committee on the Post Office and Post Roads.

By Mr. GRIEST: Resolutions of the Board of Principals of the State Normal Schools of Pennsylvania, indorsing legislation proposed by Senate bill 3; to the Committee on Agriculture.

Also, resolution of the Society of the Army of the Cumberland, favoring a Federal appropriation of funds for the purpose of erecting a monument to the memory of Maj. Gen. Rosecrans in Arlington Cemetery, Va.; to the Committee on Military Affairs.

By Mr. HAMILTON of West Virginia: Petition of F. E. De Vol and other citizens of Parkersburg, W. Va., urging a thorough investigation into the causes responsible for the enormous advance that has recently taken place in the price of coffee; to the Committee on Rules.

Also, petitions of W. E. Evans and others, of Jackson County, W. Va., asking for a reduction in duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petitions of O. C. Beckner and others, of Ritchie County, W. Va., favoring a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of William Carmichael and others, of Parkersburg, W. Va., asking for a parcels post and indorsing House resolution 14; to the Committee on the Post Office and Post Roads.

By Mr. HIGGINS: Memorial of congregation of the United Brothers, of Norwich, Conn., urging the abrogation of the Russian treaty; to the Committee on Foreign Affairs.

By Mr. LINDSAY: Petitions of the Cigarmakers' Local Union, No. 132, of Brooklyn, N. Y., and of Central Union Label Council, of Greater New York, in favor of the Booher bill (H. R. 5601); to the Committee on Interstate and Foreign Commerce.

Also, petition of the Keystone Manufacturing Co., of Buffalo, N. Y., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. McDERMOTT: Resolutions of Local Union No. 4, Amalgamated Wood Workers' International Union, of Chicago, Ill., protesting against cheap paper money; to the Committee on Printing.

By Mr. NEEDHAM: Petition relative to tax on oleomargarine; to the Committee on Agriculture.

Also, petition of Merchants' Association of Vallejo, Cal., urging building of dry docks at Mare Island Navy Yard; to the Committee on Naval Affairs.

Also, memorial of Chamber of Commerce of Sacramento, Cal., urging that no tolls be charged American ships through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. PATTON of Pennsylvania: Memorial of Lodge No. 145, Independent Western Star Order, of Bradford, Pa., urging the abrogation of the Russian treaty; to the Committee on Foreign Affairs.

Also, memorial of John S. Melvin Post, No. 141, Department of Pennsylvania, Grand Army of the Republic, opposing incorporation of Grand Army of the Republic; to the Committee on Military Affairs.

By Mr. SHACKLEFORD: Papers to accompany House bill 16029, for the relief of the heirs of T. S. Sneed, deceased; to the Committee on War Claims.

By Mr. SULZER: Petition of Chamber of Commerce of Sacramento, Cal., in favor of embassy buildings at Mexico, Rio de Janeiro, and Tokyo; to the Committee on Foreign Affairs.

Also, petition of Merchants' Exchange of St. Louis, Mo., in favor of embassy buildings at Mexico, Rio de Janeiro, and Tokyo; to the Committee on Foreign Affairs.

Also, memorials of Hamburger Club and of Deutscher Kriegerbund, of New York City, urging investigation of administration of the immigration office at Ellis Island; to the Committee on Immigration and Naturalization.

By Mr. TILSON: Memorial of Hartford Ministers' Meeting, urging the abrogation of the Russian treaty; to the Committee on Foreign Affairs.

Also, memorial of the National Woman's Christian Temperance Union, for Congress to reimburse those who contributed to the ransom of Ellen M. Stone; to the Committee on Claims.

By Mr. WILLIS: Papers to accompany House bill 7591; to the Committee on Invalid Pensions.

Also, petitions of Hugh L. Runkle and Walter T. Johnson, of Benton, Ohio, and Isaac Ellis, of De Graff, Ohio, in favor of reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. WILSON of New York: Memorial of National Woman's Christian Temperance Union, favoring an appropriation of $66,000 to reimburse those contributing to the ransom fund of Miss Ellen M. Stone, held captive by brigands in Macedonia in 1901–2; to the Committee on Claims.

SENATE.

TUESDAY, *December 19, 1911.*

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULLOM and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ESTIMATES OF APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Acting Secretary of the Interior, submitting an urgent estimate of deficiency in the appropriation for investigating mine accidents, Bureau of Mines, for the fiscal year 1912, $50,000, to be included in the urgent deficiency appropriation bill, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of State, submitting estimates of deficiencies in appropriations required by the Department of State for rent of buildings, etc., to be included in the urgent deficiency appropriation bill, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Attorney General, submitting estimates of deficiencies in appropriations required by the Department of Justice for payment of special assistant attorneys, etc., to be included in the urgent deficiency appropriation bill, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Postmaster General submitting estimates of deficiencies in appropriations for the postal service for the fiscal years 1911 and 1912, payable from the postal revenues, $103,106, to be included in the urgent deficiency appropriation bill, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 2353) extending the time for payment of balance due on purchase price of a certain tract of land with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a joint resolution (H. J. Res. 185) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1911, on the 20th day of said month, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented petitions of sundry citizens of Illinois, Massachusetts, New Jersey, Montana, Oklahoma, California, Ohio, Missouri, Colorado, Pennsylvania, New York, and the District of Columbia, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of the State Art Commission of Illinois and a petition of the City Parks' Association, of Philadelphia, Pa., praying that the west end of the Mall, in the District of Columbia, be selected for the site of the proposed Lincoln Memorial, which were referred to the Committee on Appropriations.

He also presented a memorial of sundry citizens of Omaha, Ill., remonstrating against the extension of the parcels-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the congregation of the Seventh-day Adventist Church of Carterville, Ill., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of Elder William Brewster Chapter, No. 519, Daughters of the American Revolution, of Freeport, Ill., praying for the enactment of legislation providing for the establishment of a children's bureau in the Department of the Interior, which was ordered to lie on the table.

He also presented a petition of the Tricity Central Trades Council, of Granite City, Madison, and Venice, all in the State of Illinois, praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which was referred to the Committee on Agriculture and Forestry.

He also presented memorials of Local Lodge No. 3, Stove Mounters' International Union, of Quincy; of the Tricity Central Trades Council, of Granite City, Madison, and Venice; of Local Union No. 243, United Garment Workers of America, of Galesburg; and of Iron Molders' Local Union No. 178, of Peoria, all in the State of Illinois, remonstrating against the abolishment of the hand-roller process of manufacturing paper currency, which were referred to the Committee on Printing.

He also presented petitions of Joe Hanne Post, Grand Army of the Republic, Department of Illinois, of Pekin, Ill.; of sundry veterans of the Civil War, residents of Payson, Ill.; and of Encampment No. 162, Union Veteran Legion, of San Jose, Cal., praying for the passage of the so-called dollar-a-day pension bill, which were referred to the Committee on Pensions.

He also presented resolutions adopted by the Commercial Club of Albuquerque, N. Mex., favoring an appropriation for the establishment of a national roads commission, which were referred to the Committee on Post Offices and Post Roads.

Mr. McCUMBER presented a petition of the International Reform Bureau of Washington, D. C., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings and ships, which was referred to the Committee on the Judiciary.

Mr. BURTON. I present telegrams and resolutions from sundry organizations of Ohio relative to the abrogation of the treaty of 1832 with Russia. I ask that the telegrams and resolutions lie on the table and be printed in the RECORD.

There being no objection, the telegrams and resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

(Resolutions.)

Whereas a certain resolution is now pending in the Congress of the United States of America to abrogate the so-called treaty of 1832 with Russia; and

Whereas in the darkest hours of our Civil War the Russian people and the Russian Government rendered eminent service to our country by effectively and openly proving their friendship and sympathy for the cause of the Union; and

Whereas at all times the people of these United States and the Russian people, together with their respective Governments, have maintained the friendliest relations; and

Whereas these friendly relations have redounded to the great material advantage of the people of these United States, and upon their future maintenance will depend in a great measure the development of our growing commerce with Russia, and which will further aid in acquiring for our people the great markets of the Far East and in solving the problems which will continue to confront us with an ever-increasing importunity in our island possessions of the Pacific and in our commercial relations with the Orient in general, the successful administration of which will bring added blessing and prosperity to the people of these United States; and

Whereas we do not deem any misunderstanding or difficulty which a few of our fellow citizens may have had with Russian officials in respect to their passports of sufficient importance or seriousness to terminate the aforesaid treaty with Russia in an uncouth and offensive manner without first exhausting every possible means in arriving at an amicable understanding; and

Whereas by the abrogation of said treaty in such offensive manner this friendship of long standing and the future welfare and interests of all of the people of the United States might be sacrificed upon the altar of racial retribution; and

Whereas the opportunity to all of the citizens of these United States has not been afforded to indicate to the President and the Congress of the United States the sentiment of those who may disapprove of the summary and impolitic abrogation of the aforesaid treaty: Now therefore it is unanimously

Resolved, By Garfield Assembly of the National Slavonic Society of the United States of America, in meeting assembled, this 17th day of December, 1911, at Cleveland, Ohio, the said assembly having 539 members, and being the largest in said order, that we, the members thereof and citizens of the United States, protest against the summary abrogation of the aforesaid treaty; and it is further

Resolved, That we appeal to the President and the Congress of the United States to use their kindly offices to adjust any misunderstanding which may exist in the matter of said passports, and we further appeal to the Senate of the United States to defer action upon any resolution to abrogate said treaty until such efforts at an amicable settlement may be fully exhausted and until a reasonable time has been afforded the people of the United States to voice their disapproval of any summary abrogation of said treaty; and it is further

Resolved, That a copy of this resolution be transmitted to the Senate and to the President, the Hon. William H. Taft, and to the Hon. THEODORE E. BURTON and the Hon. ATLEE POMERENE, Senators from Ohio.

On behalf of Garfield Assembly of the National Slavonic Society.

STEFAN V. KNOTEK,
President.

[SEAL.]

M. MALUCKY,
Secretary.

VEN SVARC,
A. MALUCKY,
STEFAN KUBARAK,
CHAS. DUBOSH,
JOSEPH PAMULA,
Committee.

DAYTON, OHIO, *December 17, 1911.*

Hon. THEODORE E. BURTON,
Washington, D. C.:

The Young Men's Hebrew Club of Dayton, Ohio, respectfully requests you to vote for the Sulzer bill without any modifications or amendments whatsoever.

YOUNG MEN'S HEBREW CLUB,
JOHN MATUSUFF, *President.*

YOUNGSTOWN, OHIO, *December 17, 1911.*

T. E. BURTON,
Senator of Ohio, Washington, D. C.:

Youngstown Lodge, No. 130, Independent Western Star Order, representing 285 citizens of Youngstown, Ohio, requests you to vote for the abrogation of the Russian treaty of 1832 and vote against referring this matter to the Committee on Foreign Relations.

L. C. BERGEMAN, *President.*
DAVID STEINER, *Secretary.*

YOUNGSTOWN, OHIO, *December 17, 1911.*

Hon. THEODORE E. BURTON,
United States Senate, Washington, D. C.:

At a meeting held this day it was unanimously resolved to urge you to refuse to refer the Russian passport question and treaty to the Committee on Foreign Affairs, but to stand firmly for its entire abrogation at once.

B. FRIEDMAN,
Secretary Federal Lodge, No. 170,
Independent Order B'rith Sholom.

Mr. BRISTOW presented a memorial of sundry citizens of Chanute, Kans., remonstrating against the extension of the parcels-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of McLouth, Kans., praying for the reduction of the duty on raw and refined sugars, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Jackson, Kans., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. WETMORE presented a petition of the congregation of the Congregational Church of Riverpoint, R. I., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. OLIVER presented memorials of Dyers and Mercerizers' Union No. 1, of Philadelphia; of Local Union No. 1186, United Brotherhood of Carpenters and Joiners of America, of Pittsburgh; and of Cigar Makers' Local Union No. 257, of Lancaster, all in the State of Pennsylvania, remonstrating against the abolishment of the hand-roller process of manufacturing paper currency, which were referred to the Committee on Printing.

He also presented a petition of the "T" Square Club of Philadelphia, Pa., praying that an appropriation be made for the construction of a highway from Washington, D. C., to Gettysburg, Pa., as a memorial to Abraham Lincoln, which was referred to the Committee on Appropriations.

He also presented a petition of the Woman's Club of Ridley Park, Pa., praying for the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Woman's Club of Ridley Park, Pa., praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of John S. Melvin Post, No. 141, Grand Army of the Republic, Department of Pennsylvania, of Bradford, Pa., remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented petitions of the congregations of the Mifflin Avenue Methodist Episcopal Church, the Second United Presbyterian Church, and the United Brethren Church, all of Wilkinsburg, in the State of Pennsylvania, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of William Penn Lodge, No. 145, Independent Western Star Order, of Bradford, Pa., and a petition of Noflim Lodge, No. 190, Independent Order of B'rith Sholom, of Altoona, Pa., praying for the abrogation of the treaty of 1832 between the United States and Russia, which were ordered to lie on the table.

He also presented petitions of the faculty and students of Susquehanna University, Selinsgrove; of the Woman's Club of Ardmore, of the congregations of the First Methodist Episcopal Church of Towanda, the Chartiers United Presbyterian Church of Canonsburg, the Universalist Church of the Good Shepherd of Linesville, the Central Presbyterian Church of Newcastle, and of the Lutheran Church of the Redeemer of Pittsburgh, all in the State of Pennsylvania, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. JOHNSON of Maine presented petitions of the congregations of the Congregational and Methodist Episcopal Churches of New Sharon and of the Methodist Episcopal Church of Strong, all in the State of Maine, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of the Young Men's Hebrew Association of Portland, Me., praying for the abrogation of the treaty of 1832 between the United States and Russia, which was ordered to lie on the table.

Mr. LODGE. I present resolutions adopted at a mass meeting of citizens of Boston, held in Faneuil Hall, December 17. They relate to the Jewish passport treaty. I ask that the resolutions lie on the table and be printed in the RECORD.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

Whereas passports issued by the United States Government to its citizens have for many years been disregarded and discredited by the Government of Russia, in violation of the provisions of the treaty of 1832 between our Government and Russia; and

Whereas during all this time administration after administration, irrespective of party, have protested against the conduct of the Government of Russia in this regard, and for many years efforts have been made through diplomatic channels to induce the Russian Government to change its policy in regard to the construction of the provisions of this treaty; and

Whereas all our protests have passed unheeded: Be it

Resolved as follows, That it is the sense of the citizens of Boston, in mass meeting in Faneuil Hall assembled, on December 17, 1911, having at heart the interest of our beloved country and the preservation of its honor, that the United States can no longer occupy a posi-

tion in which it appears to consent to a discrimination against American citizens because of their religious belief, and that the Congress of the United States, the President of the United States, and the Department of State be respectfully and earnestly requested to take such immediate measures as will insure the protection of American citizens to the end that the treaty now existing be terminated and the present condition of affairs brought to an end; and be it further

Resolved, That a copy of this resolution be forwarded to the President of the United States, the Senators from the Commonwealth of Massachusetts, and to the Department of State.

ISAAC HELLER, *Chairman*.
CHARLES E. BARNETT, *Secretary*.

Mr. NELSON presented a petition of the congregation of the First Presbyterian Church of St. Cloud, Minn., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Hawley, Hitterdal, Ottertail, and Winger, all in the State of Minnesota, remonstrating against the enactment of any legislation relative to parcels post, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of St. Paul, Minn., praying for the abrogation of the treaty of 1832 between the United States and Russia, which was ordered to lie on the table.

Mr. McLEAN presented a petition of the Men's League of the First Universalist Church of New Haven, Conn., praying for the abrogation of the treaty of 1832 between the United States and Russia, which was ordered to lie on the table.

He also presented a resolution adopted at a ministers' meeting held in Hartford, Conn., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a memorial of the congregation of the First Seventh-day Adventist Church of Hebron, Conn., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of Pomona Grange, No. 5, Patrons of Husbandry, of New Haven County, Conn., remonstrating against the extension of the parcels-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. BRANDEGEE presented a petition of Local Division No. 29, Order of Railroad Telegraphers, of New Haven, Conn., praying for the enactment of legislation to better the condition of American seamen, which was referred to the Committee on Commerce.

He also presented a memorial of Local Union No. 15, United Hatters of North America, of South Norwalk, Conn., remonstrating against the abolishment of the hand-roller process of manufacturing paper currency, which was referred to the Committee on Printing.

He also presented petitions of Silver City Lodge, No. 152, Independent Order of B'rith Abraham, of Meriden; of Columbus Lodge, No. 61, Independent Order of B'rith Abraham, of New Haven; and resolutions adopted at a ministers' meeting held in Hartford, all in the State of Connecticut, praying for the abrogation of the treaty of 1832 between the United States and Russia, which were ordered to lie on the table.

He also presented a petition of Local Union No. 491, Brotherhood of Painters, Decorators and Paperhangers, of Waterbury, Conn., praying for the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. SMITH of Michigan presented petitions of the Baptist Young People's Union of Middleville, the Union Thanksgiving Service of Plymouth, and the executive board of the Christian Endeavor Union, all in the State of Michigan, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of the Woman's Club of Greenville, Mich., praying for the establishment of a parcels-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Kent County Volunteer Retired List Club, of Grand Rapids, Mich., praying for the enactment of legislation providing for the creation of a retired list of the volunteer officers of the Civil War, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry veterans of the Civil War, residents of Benton Harbor, Mich., praying for the passage of the so-called dollar-a-day pension bill, which was referred to the Committee on Pensions.

Mr. KERN presented a petition of the congregation of the Baptist Church of Valparaiso, Ind., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. SUTHERLAND presented a petition of the Young People's Branch, Woman's Christian Temperance Union, of Green River, Utah, praying for the enactment of an interstate law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. SIMMONS presented memorials of Thomas Frisbee, of Hot Springs; the Retail Merchants' Association of Morehead City; of the Hot Springs Supply Co.; and of sundry citizens of Davidson, all in the State of North Carolina, remonstrating against the extension of the parcels-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the Greater Charlotte Club, of Charlotte; of the congregation of Grace Church, of Waynesville; and of sundry citizens of Brevard, all in the State of North Carolina, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of Local Lodge No. 664, Order of B'nai B'rith, of Durham, N. C., praying for the abrogation of the treaty of 1832 between the United States and Russia, which was ordered to lie on the table.

He also presented a petition of the Retail Merchants' Association of Morehead City, N. C., praying for the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. SHIVELY presented a petition of Bluma Lodge, No. 86, Independent Western Star Order, of East Chicago, Ind., praying for the abrogation of the treaty of 1832 between the United States and Russia, which was ordered to lie on the table.

He also presented the petition and statement of Col. John C. Scantling, of Washington, D. C., in support of Senate bill 1171, to remedy in the line of the Army the inequalities in rank due to the past system of regimental promotion, which was referred to the Committee on Military Affairs.

Mr. CRANE presented a petition of sundry veterans of the Civil War, residents of Lynn, Mass., praying for the enactment of legislation providing for the creation of a Civil War volunteer officers' retired list, which was referred to the Committee on Military Affairs.

Mr. POMERENE presented petitions of local lodges, Independent Order B'rith Abraham, of the Voliner Unterstützungs Verein, and of the Independent Western Star Order, of Cincinnati, Cleveland, and Canton, all in the State of Ohio, praying for the abrogation of the treaty of 1832 between the United States and Russia, which were ordered to lie on the table.

INDIAN ALLOTMENTS.

Mr. CLARK of Wyoming. From the Committee on the Judiciary I report back with an amendment the bill (S. 3842) to amend and reenact paragraph 24 of section 24 of chapter 2 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and I submit a report (No. 147) thereon. The judicial code goes into effect the 1st of January, and it is necessary to have this bill passed. At the request of the committee, I ask for its immediate consideration.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary proceeded to read the bill.

Mr. LODGE. What is being read?

The VICE PRESIDENT. A bill reported from the Committee on the Judiciary, for which present consideration is asked.

Mr. CLARK of Wyoming. It is a very important matter and affects only the procedure.

The reading of the bill was resumed and concluded.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on the Judiciary was to strike out all after the words "as follows," at the end of line 7, page 1, and to insert:

Of all actions, suits, or proceedings involving the right of any person, in whole or in part of Indian blood or descent, to any allotment of land under any law or treaty.

And the judgment or decree of any such court in favor of any claimant to an allotment of land shall have the same effect, when properly certified to the Secretary of the Interior, as if such allotment had been allowed and approved by him; but this provision shall not apply to any lands now or heretofore held by either of the Five Civilized Tribes nor to any of the lands within the Quapaw Indian Agency: *Provided*, That the right of appeal shall be allowed to either party as in other cases.

Mr. CHAMBERLAIN. I should like to know from the chairman of the Judiciary Committee just the purpose of the bill and to what extent it modifies the present law.

Mr. CLARK of Wyoming. It does not modify the present law in any particular, but the judicial code which we adopted does modify the present law, it is thought inadvertently. This is to restore the law as it now is. The judicial code that goes into effect the 1st of January woud change the law, and it is not desirable in any respect to change it. At least, if the code would not change the law it would give rise to serious contention.

Mr. HEYBURN. Mr. President, the committee did not intend to change existing law, and the construction placed upon the provision sought to be amended by the committee was in accord with the effect of this bill. There should be no objection to such legislation as would remove any controversy.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SNAKE RIVER BRIDGE, WASHINGTON.

Mr. MARTIN of Virginia, from the Committee on Commerce, to which was referred the bill (S. 3484) to authorize the construction of a bridge across the Snake River between Walla Walla and Franklin Counties, in the State of Washington, by the Oregon-Washington Railroad & Navigation Co., reported it without amendment and submitted a report (No. 148) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LODGE:

A bill (S. 3917) for the retirement of Henry R. Drake, captain, Philippine Scouts (with accompanying paper); to the Committee on Military Affairs.

By Mr. CULLOM:

A bill (S. 3918) granting an increase of pension to William S. Turley (with accompanying paper); and

A bill (S. 3919) granting an increase of pension to Daniel Van Syckel (with accompanying paper); to the Committee on Pensions.

By Mr. CUMMINS:

A bill (S. 3920) granting a pension to Albert J. Wallace (with accompanying paper); to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 3921) to correct the military record of John Berrisford; to the Committee on Military Affairs.

A bill (S. 3922) granting an increase of pension to John G. Ward; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 3923) granting a pension to John B. Hines (with accompanying papers); to the Committee on Pensions.

By Mr. BRISTOW:

A bill (S. 3924) authorizing the appointment of R. O. Lappin as a captain in the United States Army; to the Committee on Military Affairs.

By Mr. NIXON:

A bill (S. 3925) providing for an increase of salary of the United States marshal for the district of Nevada; to the Committee on the Judiciary.

By Mr. KENYON:

A bill (S. 3926) granting an increase of pension to Edward Kendall; and

A bill (S. 3927) granting a pension to persons who have lost their hearing from causes originating in the military service of the United States; to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 3928) for the adjudication and determination of the claims arising under joint resolution of July 14, 1870, authorizing the Postmaster General to continue to use in the postal service Marcus P. Norton's combined postmarking and stamp-canceling hand-stamp patents, and directing him to determine upon a fair, just, and equitable compensation for the use of said inventions; to the Committee on Post Offices and Post Roads.

By Mr. JOHNSON of Maine:

A bill (S. 3929) for the relief of Charles P. Ryan; to the Committee on Military Affairs.

A bill (S. 3930) granting a pension to Ernest H. Robbins; to the Committee on Pensions.

By Mr. SIMMONS:

A bill (S. 3931) granting a pension to Puss Stevens (with accompanying paper);

A bill (S. 3932) granting an increase of pension to James B. Waters (with accompanying papers);

A bill (S. 3933) granting an increase of pension to James Gosnell (with accompanying paper);

A bill (S. 3934) granting an increase of pension to Ephraim Hensley (with accompanying paper);

A bill (S. 3935) granting an increase of pension to Joseph Lewis (with accompanying paper); and

A bill (S. 3936) granting an increase of pension to Stephen M. Buckner (with accompanying paper); to the Committee on Pensions.

By Mr. DIXON:

A bill (S. 3937) to protect the birds and animals in Glacier National Park, and to punish crimes in said park, and for other purposes (with accompanying paper); to the Committee on Conservation of National Resources.

A bill (S. 3938) granting an increase of pension to George A. Pease (with accompanying papers); to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 3939) granting an increase of pension to Leander Brown; and

A bill (S. 3940) granting an increase of pension to William Gates; to the Committee on Pensions.

By Mr. BURNHAM:

A bill (S. 3941) for the relief of Samuel C. Rowe (with accompanying paper); to the Committee on Military Affairs.

By Mr. SMITH of Michigan:

A bill (S. 3942) for the relief of Elizabeth S. Lewerenz; to the Committee on Claims.

A bill (S. 3943) granting an increase of pension to Elizabeth S. Lewerenz; and

A bill (S. 3944) granting an increase of pension to James McPherson; to the Committee on Pensions.

By Mr. BROWN:

A bill (S. 3945) granting a pension to Anna A. Yule; and

A bill (S. 3946) granting an increase of pension to Charles H. Sargent (with accompanying papers); to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 3947) to provide for a bridge across Snake River, in Jackson Hole, Wyo.; to the Committee on Irrigation and Reclamation of Arid Lands.

A bill (S. 3948) authorizing the creation of a game reserve in the State of Wyoming; to the Committee on Forest Reservations and the Protection of Game.

By Mr. MARTIN of Virginia:

A bill (S. 3949) for the correction of the military record of Capt. Dorsey Cullen; to the Committee on Military Affairs.

A bill (S. 3950) granting an increase of pension to Sherwood C. Bowers; to the Committee on Pensions.

A bill (S. 3951) granting permission to the Lynnhaven Terminal Corporation to improve the lower Chesapeake and Lynnhaven Bay by the construction of a breakwater; to the Committee on Commerce.

By Mr. CURTIS:

A bill (S. 3952) for the purpose of repealing so much of an act making appropriations for the current and contingent expenses of the Indian Department for fulfilling treaty stipulations with various Indians located in Kansas City, Kans., providing for the sale of a tract of land located in Kansas City, Kans., reserved for a public burial ground under a treaty made and concluded with the Wyandotte Tribe of Indians on the 31st day of January, 1855, said section of said act relating to the sale of said land, be, and the same is hereby, repealed; and

A bill (S. 3953) providing for the erection of an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Indian Affairs.

A bill (S. 3954) for the relief of the enlisted men of the Eighteenth and Nineteenth Regiments Kansas Volunteer Cavalry; to the Committee on Pensions.

By Mr. RAYNER (by request):

A bill (S. 3955) for the relief of Polly Jackson; and

A bill (S. 3956) for the relief of the heirs of Jasper M. Jackson and Anna D. Jackson, deceased; to the Committee on Claims.

By Mr. DIXON:

A bill (S. 3957) granting a pension to Maria Hinchcliff (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 3958) providing an old-age pension for honorably discharged soldiers, sailors, and marines, regulars or volunteers;

A bill (S. 3959) to provide for the disposition of pensions due inmates of the naval home;

A bill (S. 3960) granting an increase of pension to Chalmers Wilson;

A bill (S. 3961) granting an increase of pension to Mary B. Keller;

A bill (S. 3962) granting an increase of pension to John M. Hillard;

A bill (S. 3963) granting a pension to Theo. S. Fenn;

A bill (S. 3964) granting a pension to Sarah E. Burns;

A bill (S. 3965) granting a pension to George W. Painter (with accompanying papers); and

A bill (S. 3966) granting a service pension to all officers and enlisted men of the United States Army, Navy, and Marine Corps, both Regular and Volunteer, who have been awarded medals of honor or who may hereafter be awarded such medals, under acts of Congress approved December 21, 1861, July 12 and 16, 1862, and March 3, 1863, and any other act or acts amendatory thereof or supplemental thereto; to the Committee on Pensions.

By Mr. MARTIN of Virginia:

A bill (S. 3967) for the relief of the legal representatives of the estate of Charles E. Mix; to the Committee on Claims.

By Mr. CULLOM:

A joint resolution (S. J. Res. 64) providing for the change of date of the annual meeting of the American National Red Cross; to the Committee on Foreign Relations.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment proposing to appropriate $7,156 for the pro rata share of the United States in the administrative expenses of the Permanent International Council for the Exploration of the Sea, etc., intended to be proposed by him to the diplomatic and consular appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PENROSE submitted an amendment relative to the retirement of certain officers of the Army, etc., intended to be proposed by him to the Army appropriation bill, which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Military Affairs.

ARMY VOLUNTEERS.

Mr. DU PONT submitted an amendment intended to be proposed by him to the bill (S. 2518) to provide for raising the volunteer forces of the United States in time of actual or threatened war, which was referred to the Committee on Military Affairs and ordered to be printed.

NATIONAL WATERWAYS COMMISSION.

Mr. BURTON submitted the following resolution (S. Res. 168), which was read and referred to the Committee on Printing:

Resolved, That there be printed as a Senate document 1,000 copies of the hearings on the subject of water power, held before the United States National Waterways Commission, November 21 to 24, 1911.

COMMISSION OF FINE ARTS (S. DOC. NO. 192).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on the Library and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the consideration of the Congress, the report of the Commission of Fine Arts for the fiscal year ended June 30, 1911.

WM. H. TAFT.

THE WHITE HOUSE, *December 19, 1911.*

LAND IN OKLAHOMA.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2355) extending the time for payment of balance due on purchase price of a certain tract of land, which was, on page 1, line 6, to strike out "said" and insert "the."

Mr. GORE. I move that the Senate concur in the House amendment.

The motion was agreed to.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. WARREN. I ask the Senate to take up House bill 15930, the urgent deficiency appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15930) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1912, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. WARREN. I ask that the formal reading of the bill be dispensed with and that the bill be read for action on the committee amendments.

The VICE PRESIDENT. Without objection, the formal reading of the bill will be dispensed with, and the committee amendments will be acted upon as they are reached in the reading.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, on page 2, line 4, after the word "thousand," to strike out the comma, so as to read "$57,320."

The amendment was agreed to.

The next amendment was, under the head of "War Department," subhead "Back pay and bounty," on page 5, line 22, before the word "claim," to strike out "That no" and insert "No," so as to read:

No claim for arrears of pay, bounty, or other allowances growing out of the service of Volunteers who served in the Army of the United States during the Civil War shall be received or considered by the accounting officers of the Treasury unless filed in the office of the Auditor for the War Department on or before December 31, 1912.

The amendment was agreed to.

The next amendment was, under the subhead "Back pay and bounty," on page 6, line 6, after the word "services," to insert "during the Civil War," so as to make the proviso read:

Provided, That hereafter no agent or attorney shall demand or accept, for his services in connection with the prosecution of claims for arrears of pay, bounty, or other allowances due on account of services during the Civil War of an officer or enlisted man of the Regular or Volunteer Armies of the United States, filed after the passage of this act, any fee for any services rendered in connection therewith. Whoever shall violate this provision upon conviction shall be punished by a fine of not exceeding $500 or imprisonment for a period not exceeding six months, or both, and shall be disbarred from practice before the Treasury Department.

The amendment was agreed to.

The next amendment was, on page 6, line 22, before the word "claim," to strike out "That no" and insert "No," so as to make the clause read:

No claim for arrears of pay, bounty, or other allowances growing out of the service of Volunteers who served in the Army of the United States during the War with Spain shall be received or considered by the accounting officers of the Treasury unless filed in the office of the Auditor for the War Department on or before December 31, 1914.

The amendment was agreed to.

The next amendment was, on page 7, after line 4, to insert:

For unveiling and dedicating the Columbus Memorial, and for each and every purpose connected therewith, including erecting and taking down stands, and placing the grounds in sightly condition, to be available until expended, $2,500.

The amendment was agreed to.

The next amendment was, under the head of "Interior Department," on page 7, after line 21, to insert:

PUBLIC BUILDINGS.

Authority is hereby given to expend from the appropriation of $30,000 for repairs of Interior Department and Pension Buildings, and of the Old Post Office Department Building, occupied by the Interior Department, including preservation and repair of steam-heating and electric-lighting plants and elevators, made in the sundry civil act for the fiscal year 1912, the sum of not exceeding $10,000 for day labor, except for work done by contract.

The amendment was agreed to.

The next amendment was, under the head of "Department of Commerce and Labor," subhead "Census Office," on page 8, line 19, before the word "dollars," to strike out "five hundred thousand" and insert "one million," so as to make the clause read:

For salaries and necessary expenses for preparing for, taking, compiling, and publishing the Thirteenth Census of the United States, rent of office quarters, for carrying on during the decennial census period all other census work authorized and directed by law, including construction and repair of card-punching, card-sorting, and card-tabulating machinery, and technical and mechanical services in connection therewith, purchase, rental, construction, repair, and exchange of mechanical appliances, $1,000,000.

The amendment was agreed to.

The next amendment was, at the top of page 9, to insert:

BUREAU OF LABOR.

For rent, clerical assistance, printing, postage, stationery, and all other necessary expenses incidental to the organizing and the carrying on of the meetings of the International Congress on Industrial Insurance, to be held in Washington, D. C., to be expended under the direction of the Secretary of Commerce and Labor, $10,000.

The amendment was agreed to.

The next amendment was, on page 9, after line 8, to insert:

For per diem, in lieu of subsistence, of special agents and employees while traveling on duty away from their homes and outside of the District of Columbia, at a rate not to exceed $3 per day, and for their transportation, and for employment of experts and temporary assistance, and for traveling expenses of officers and employees, and for the purchase of reports and materials for the reports and bulletins of the Bureau of Labor, and for subvention to International Association for Labour Legislation, and necessary expenses connected with representation of the United States Government therein, $20,000.

The amendment was agreed to.

The next amendment was, under the head of "Legislative," subhead "Senate," on page 10, after line 4, to insert:

The Secretary of the Senate is hereby authorized and directed to pay Morris K. Harralson, clerk to the Hon. HOKE SMITH, of Georgia, from November 19 to December 3, 1911; and William M. Tripp, clerk to the Hon. OBADIAH GARDNER, of Maine, from October 5 to December 4, 1911, for clerical services rendered, from the appropriation for salaries to clerks, messengers, and others in the service of the Senate, for the fiscal year 1912.

The amendment was agreed to.

The next amendment was, on page 10, after line 14, to insert:

For repairs to Maltby Building, $500.

The amendment was agreed to.

The next amendment was, on page 10, after line 15, to insert:

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding $1.25 per printed page, $25,000.

The reading of the bill was concluded.

Mr. WARREN. There are certain amendments which I wish to offer on behalf of the committee. I now send the first of these amendments to the desk.

The VICE PRESIDENT. The Senator from Wyoming offers certain amendments on behalf of the committee, the first of which will now be stated.

The SECRETARY. After line 7, on page 1, it is proposed to insert:

DEPARTMENT OF STATE.

For the expenses of the arbitration of outstanding pecuniary claims between the United States and Great Britain, in accordance with the special agreement concluded for that purpose August 18, 1910, and the schedules of claims thereunder, including office rent in the District of Columbia, and the compensation of arbitrator, umpire, agent, counsel, clerical and other assistants, to be expended under the direction of the Secretary of State, to continue available until expended, $25,000.

For additional amount required for rent of a suitable building or buildings in the District of Columbia, from January 1 to June 30, 1912, for offices of the solicitor and other bureaus, $1,250.

For additional amount necessary for participation by the United States in the adjourned meeting at The Hague, in 1911, of the International Congress for the purpose of promoting uniform legislation concerning letters of exchange, including the compensation of an expert delegate and actual and necessary traveling and subsistence expenses of such expert delegate, and necessary miscellaneous expenses connected with the work of the congress, to be immediately available and remain available during the fiscal year 1913, together with the unexpended balance of the appropriation of $3,000 made by Congress in the sundry civil act approved March 4, 1911, $2,000.

The amendment was agreed to.

Mr. WARREN. I also offer on behalf of the committee the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Wyoming will be stated.

The SECRETARY. On page 7, after line 9, it is proposed to insert the following:

NAVAL ESTABLISHMENT.

To supply a deficiency in the appropriation "Medical Department," including all objects mentioned under this title of appropriation in the Naval appropriation act for the fiscal year 1912, $110,000.

For the completion of the marine barracks, navy yard, Charleston, S. C., $6,000.

For the erection and completion of two buildings, including toilet appurtenances, marine barracks, navy yard, Mare Island, Cal., $10,000.

The amendment was agreed to.

Mr. WARREN. I also offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 8, after line 7, it is proposed to insert:

For the continuation of the investigation as to the causes of mine explosions, methods of mining especially in relation to the safety of miners, the appliances best adapted to prevent accidents, the possible improvement of conditions under which mining operations are carried on, the use of explosives and electricity, the prevention of accidents, and other inquiries and technologic investigations pertinent to the mining industry, $50,000.

The amendment was agreed to.

Mr. WARREN. I also offer an amendment relative to the Department of Justice, to follow immediately after the last amendment agreed to.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. After the amendment just agreed to it is proposed to insert:

For the reimbursement of the appropriation entitled "Protecting public lands, timber, etc., 1912," covering the costs of abstracts required in the proposed suits in California involving lands valuable for mineral, which were patented to the Southern Pacific Railroad Co., $3,000.

For the court of appeals building, one bailiff, who shall act as mechanician, from January to June, 1912, inclusive, at the rate of $1,200 per annum, one-half of which shall be paid from the revenues of the District of Columbia, $600.

The amendment was agreed to.

Mr. WARREN. I also offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 9, after line 25, it is proposed to insert the following:

For advertising for the Post Office Department and postal service, $3,600.

For actual and necessary expenses, division superintendents, assistant division superintendents, and chief clerks, Railway Mail Service, and railway postal clerks, while actually traveling on business of the Post Office Department and away from their several designated headquarters, $35,421.

For inland transportation by star routes, fiscal year 1911, $17,000.

The amendment was agreed to.

Mr. WARREN. I offer the amendment which I send to the desk, to come in at the end of the Senate items.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. At the end of the items for the Senate it is proposed to insert the following:

That the time in which the commission to investigate the matter of employers' liability and workmen's compensation, created under joint resolution approved June 25, 1910, shall be required to report through the President to Congress is hereby extended to and including the 1st day of March, 1912.

Mr. SHIVELY. I make the point of order that that amendment is general legislation.

Mr. WARREN. I hardly think it can be called general legislation. It simply extends the time in which the commission shall submit its report. Of course, the commission is already authorized by statute.

Mr. SHIVELY. The amendment changes existing law, does it not?

Mr. SUTHERLAND. Mr. President, I hope the Senator will not insist upon the point of order. This commission is required to report under the law as it is now on the 1st day of January. Its hearings are still proceeding; it will be impossible to make the report at that time, and unless provision for the extension of time can be made in this bill I fear we will be unable to pass a resolution to take care of the matter.

Mr. SHIVELY. What is the length of the extension of time proposed?

Mr. SUTHERLAND. Two months.

Mr. SMOOT. There is no extra cost.

Mr. SUTHERLAND. There is no extra appropriation.

Mr. SHIVELY. I withdraw the point of order.

The VICE PRESIDENT. The point of order is withdrawn. Without objection, the amendment is agreed to. Are there further amendments to be offered to the bill?

Mr. McCUMBER. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 10, after line 22, under the heading "House of Representatives," it is proposed to insert the following:

That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby, authorized and directed to pay to the officers and employees of the Senate and House of Representatives, borne on the annual and session rolls on the 1st day of July, 1911, including the official reporters of the Senate and House of Representatives, W. A. Smith, CONGRESSIONAL RECORD clerk, and the Capitol police, a sum equal to one month's pay at the compensation then paid them by law, as reimbursement for mileage and expenses in going to and returning from the first session of the Sixty-second Congress, the same to be immediately available out of any money in the Treasury not otherwise appropriated.

Mr. WARREN. Mr. President, that amendment pertains to the expenses of both the House and the Senate. The committee is advised as fully as it can be unofficially that it is useless for us to consider it, and I feel, under the circumstances, I must make the point of order against it as directed by the committee. It is general legislation. There is no authorization for that expenditure.

The VICE PRESIDENT. The Chair does not think it is general legislation.

Mr. WARREN. There is no law that provides for the expenditure, and there is no estimate from any quarter that requires its recognition.

The VICE PRESIDENT. The Chair will submit the matter to the Senate. The Chair does not think that it could be called general legislation.

Mr. WARREN. I will relieve the Chair of the necessity of putting the point of order to a vote by withdrawing my objection.

Mr. GALLINGER. Mr. President, before the amendment goes in—if it does go in—I move to amend it by striking out, in lines 9, 10, and 11, the words "as reimbursement for mileage and expenses in going to and returning from the first session of the Sixty-second Congress." A great many of these people never go anywhere outside of Washington unless they go on a pleasure trip. We ought to be accurate in the language used.

Mr. McCUMBER. I consent to the amendment.

The VICE PRESIDENT. The Senator from North Dakota modifies his amendment in conformity with the suggestion of

the Senator from New Hampshire. Without objection, the amendment as modified is agreed to.

Mr. BRANDEGEE. Mr. President, I received this morning in my mail an inquiry which I think refers to the proviso on page 6 of the bill, and I ask the Secretary to read that proviso, from line 3 to line 9, inclusive.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

Provided, That hereafter no agent or attorney shall demand or accept for his services in connection with the prosecution of claims for arrears of pay, bounty, or other allowances due on account of the services during the Civil War of an officer or enlisted man of the Regular or Volunteer Armies of the United States, filed after the passage of this act, any fee for any services rendered in connection therewith. Whoever shall violate this provision upon conviction shall be punished by a fine of not exceeding $500 or imprisonment for a period not exceeding six months, or both, and shall be disbarred from practice before the Treasury Department.

Mr. BRANDEGEE. I simply want to ask the chairman of the committee whether that proviso changes existing law, and, if so, what the reason for the change may be?

Mr. WARREN. I will say to the Senator from Connecticut that, with the exception of an amendment which the Senate has inserted, which makes it apply only to Civil War matters, the language of the paragraph is as it came from the House; and it provides a restriction on the attorneys who practice before the Treasury Department in a way something like that heretofore provided in the matter of pensions.

There is no question but that it is new law. However, it comes to us from the House, and if it had been permitted to go as the House sent it over, in the opinion of the committee, it would have disbarred all attorneys from practicing before the Treasury Department on all subjects pertaining to arrears of pay, bounty, or other allowances of the Army. Because of the amendment we have now put on it is subject to consideration in conference.

Mr. SHIVELY. I desire to call the attention of the Senator who has charge of the bill to the language preceding that which was just read to him from the desk at the request of the Senator from Connecticut [Mr. BRANDEGEE]. It begins on page 5, line 22, fixing limitations within which any claim for arrears of pay, bounty, and so forth, must be presented. I assume that that is new legislation.

Mr. WARREN. It is.

Mr. SHIVELY. It was in the bill as it came from the House?

Mr. WARREN. It was.

Mr. SHIVELY. I presume that fact would preclude the making of a point of order against it here?

Mr. WARREN. It does, as I understand it.

Mr. SHIVELY. I desire to ask the Senator whether he approves of the fixing of a hard limitation on those claims?

Mr. WARREN. That subject had attention by the committee, and it was its opinion that on such of those claims as are now some 50 or more years old another year would be time enough in which to adjudicate all remaining claims. The Senator will observe that in the Spanish War claims the term is made December 31, 1914, which gives three years.

I would say to the Senator that while we can make no promises, and we ought not, perhaps, to speak of our weaknesses, nevertheless Congress has repeatedly in the past, after designating a time beyond which no claim of a certain class could be called up, extended the time.

The committee assumed it was perfectly safe, in consideration of the precedents, to leave the dates as they are in the bill as the House sent it over to us. It gives a little over a year with respect to one class of cases and three years in the other class.

Mr. SHIVELY. I can see wisdom in fixing a limitation of time within which claims are to be presented, but I think it is a very salutary rule that discourages general legislation on appropriation bills. That kind of legislation does not receive the attention it should receive and which it does receive when coming up as an independent proposition.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PAY OF EMPLOYEES.

Mr. WARREN. I am directed by the Committee on Appropriations, to which was referred the joint resolution of the House of Representatives, No. 185, relating to the payment of the December salaries of employees of the Senate and House, to report it with an amendment in the nature of a substitute. There is an accompanying report, Report 149.

I ask unanimous consent for the present consideration of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The VICE PRESIDENT. The amendment in the nature of a substitute will be read.

The Secretary read as follows:

That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby, authorized and instructed to pay the officers and employees of the Senate and House of Representatives, including the Capitol police, their respective salaries for the month of December, 1911, on the 20th day of said month.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

Mr. WARREN. I move to insert what I send to the desk as a title.

The Secretary read as follows:

A joint resolution to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1911, on the 20th day of said month.

The amendment was agreed to.

TREATY OF 1832 BETWEEN THE UNITED STATES AND RUSSIA.

Mr. LODGE. I desire to call up the joint resolution which was reported from the Committee on Foreign Relations yesterday.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. J. Res. 166) providing for the termination of the treaty of 1832 between the United States and Russia.

Mr. LODGE. Mr. President, I yield to the Senator from Maryland [Mr. RAYNER], who, I understand, desires to leave the Senate at an early hour.

Mr. RAYNER. Mr. President, I do not propose at this stage of the controversy to discuss the various joint resolutions. The discussion upon the pending joint resolution ought to be commenced by the senior Senator from Massachusetts [Mr. LODGE], who has charge of it, and I do not intend now to say anything at all about the resolutions. There is a joint resolution from our committee; there is a House joint resolution; there is a joint resolution either offered or contemplated to be offered by the Senator from Nebraska [Mr. HITCHCOCK]; and there will be, perhaps, other resolutions, and these various resolutions, I suppose, will be discussed and voted upon.

I might say in passing that, in my judgment, after a thorough examination of the precedents and authorities, diplomatic and international, I have come to the conclusion that whatever resolution is passed ought to be passed by the Senate and the House of Representatives.

Mr. President, I propose to discuss the treaty, and for this reason, because I am satisfied that the discussion of this treaty is expected in the Senate. It was debated in the House, and the mere form of the joint resolution sinks into utter insignificance with me when placed alongside the object and the purpose that we have in view in abrogating this treaty.

After my presentation takes place perhaps some little light may be thrown upon the subject as to which one of the joint resolutions is the better or the best resolution to pass in this body. What I want to do now is to bring to the attention of this body some of the salient points in this treaty, so that we may know what we are doing, no matter what joint resolution we pass.

I can speak of it, because it is not a talent at all, but for years and years I have tried to study the art of condensation, and I shall put it to use in my remarks now, because they will be as brief as I can make them. If I were to go over all of the ground that is before me, it would be almost interminable, and I must therefore select the principal points at issue between the Government of the United States and the Government of Russia and bring them as best I can to the attention and consideration of this body; and when that is done, then this body in its wisdom and discretion will determine what kind of a resolution we shall send to the House of Representatives, because it is my judgment that a joint resolution must be passed by this body and by the House of Representatives before it becomes effective. A treaty is the supreme law of the land under the language of the Constitution, and the supreme law of the land ought not to be set aside except by legislative action of both Houses.

Now, Mr. President, to the treaty. Article 1 of the treaty of 1832 with Russia reads as follows:

There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation. The inhabitants of their respective States shall, mutually, have liberty to enter their ports, places, and rivers of the territories of each party, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories in order to attend to their affairs, and they shall enjoy, to that effect, the same security and

protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce.

Mr. President, the Russian Government, until the year 1865, never placed upon this treaty the interpretation it does now. This treaty was negotiated by Mr. Buchanan in 1832. From 1832 to 1865, 33 years of acquiescence in the terms of this treaty, no such interpretation was placed upon it as the Government of Russia places upon it at this hour.

What is that interpretation? That when a Russian subject who has become a naturalized citizen of the United States returns to the land of his birth, no longer a Russian subject, but as an American citizen, he is subject not to the laws of Russia but to the laws passed by the Russian Government that appertain only to a segregated proportion of the Russian population, and that if he has left Russia without the consent of the Government he is liable to imprisonment or exile.

I will give you a few lines of one of the provisions of the Russian law. I read from the Russian Penal Code, chapter 7, article 325. No one would suppose such a penal code was in existence at this hour among the civilized nations of the earth:

Whoever, leaving his country, enters a foreign service without permission of the Government, or takes the oath of allegiance to a foreign power, for this transgression of duty of a loyal subject and of his oath is liable to the loss of all social rights and perpetual banishment from the territory of the Empire, or, in case of his unauthorized return to Russia, to deportation to and settlement in Siberia.

This is the present law of Russia. So if a Russian subject has left the Empire without the consent of the Russian Government and becomes a naturalized citizen of the United States and for any purpose whatever returns to Russia, he immediately becomes subject to the penal code, which strips him of his social rights and banishes him to Siberia.

I want to show you by article 26 of the Russian code what deportation to Siberia means. We know what it means generally. I read from article 26:

Deportation to Siberia entails the loss of all family and property rights.

Whatever property or estate he may have is gone and his family rights and ties are severed and dissolved. If you were to read a story like this upon the pages of fiction, you would suppose it was exaggerated, but here it is, an article of the code of Russia. Article 27 reads:

The loss of family rights consists in the termination of paternal authority over the children born prior to the condemnation—

What has the convict done? The convict has been convicted of becoming a naturalized citizen of the United States. That is the crime of which he has been found guilty—

if the children of the convict have not followed him into deportation or if they left him afterwards.

That is the doctrine—once a Russian subject always a Russian subject.

Russia clings to the principle that may possibly have been in vogue in 1832 of indefeasible allegiance, or perpetual allegiance, as it is more properly called. It does not recognize the right of any Russian subject to leave the Government of Russia. It does not recognize the right of the Russian subject to become a naturalized citizen of any other country.

I shall not now discuss whether or not this doctrine of indefeasible allegiance, called by the authorities perpetual allegiance, existed in 1832. I have heard what the learned senior Senator from New York [Mr. ROOT] has said upon this subject, and with great deference to his views, because he has had large experience in this matter, I can not accede to the proposition, though there is a conflict of authorities upon the point, that even in 1832 the United States of America recognized the doctrine of indefeasible allegiance except as to property rights. I should like to read a few lines from what Mr. Bayard has said upon this branch of the discussion:

His Imperial Majesty may "prevent" Russians from coming to the United States, but when they have come, and have acquired American citizenship, they are entitled to the privileges conferred by the article. The Prussian treaty—

Mr. Bayard continues—

was accepted by Mr. Buchanan and Count Nesselrode, the negotiators, as a standard; and the Russian treaty is to be taken with the construction which the Prussian treaty rightfully bears.

It was never contended by Prussia, nor subsequently by Germany, that the validity of the naturalization of a Prussian or German in the United States was, under this article, to be conditioned upon his having emigrated with his sovereign's consent.

I am willing to admit that the preponderance of authority leans the way the Senator from New York has construed this treaty, that in 1832 the doctrine of perpetual allegiance obtained at least with the continental countries of Europe. But what has that to do with this discussion? I want to know how that doctrine stands in 1911, at the hour in which we are discussing it? We have a statute upon the subject. We have proclaimed to the world the principle of expatriation in no uncertain language and with no ambiguous terms. That statute has been in force ever since 1868, and not one word of protest has gone forth from the Russian Government against that enactment. Let me read it to you. I read from the Revised Statutes of the United States, sections 1999, 2000, and 2001, and I invite the strict attention of this body to this law:

SEC. 1999. Whereas the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness; and whereas in the recognition of this principle this Government has freely received emigrants from all nations, and invested them with the rights of citizenship; and whereas it is claimed that such American citizens, with their descendants, are subjects of foreign states, owing allegiance to the governments thereof; and whereas it is necessary to the maintenance of public peace that this claim of foreign allegiance should be promptly and finally disallowed: Therefore, any declaration, instruction, opinion, order, or decision of any officer of the United States, which denies, restricts, impairs, or questions the right of expatriation, is declared inconsistent with the fundamental principles of the Republic.

SEC. 2000. All naturalized citizens of the United States, while in foreign countries, are entitled to and shall receive from this Government the same protection of persons and property which is accorded to native-born citizens.

SEC. 2001. Whenever it is made known to the President that any citizen of the United States has been unjustly deprived of his liberty by or under the authority of any foreign government, it shall be the duty of the President forthwith to demand of that government the reasons of such imprisonment; and if it appears to be wrongful and in violation of the rights of American citizenship, the President shall forthwith demand the release of such citizen, and if the release so demanded is unreasonably delayed or refused, the President shall use such means, not amounting to acts of war, as he may think necessary and proper to obtain or effectuate the release; and all the facts and proceedings relative thereto shall, as soon as practicable, be communicated by the President to Congress.

The authorities, without quoting them, assert that the local laws of Russia can not override the obligations of a treaty. If this treaty gives the right of entry, if this treaty gives the right of travel and sojourn and residence, no local law of Russia is paramount to the treaty made between Russia and the Government of the United States. We have that decided in case after case. Let me read just a few lines from Mr. Blaine on this subject when he was Secretary of State, because he asserts it as strongly as it could possibly be put:

It would be, in the judgment of this Government, absolutely inadmissible that a domestic law restraining native Hebrews from residence in certain parts of the Empire might operate to hinder an American citizen, whether alleged or known to profess the Hebrew faith, from disposing of his property or taking possession thereof for himself (subject only to the laws of alien inheritance) or being heard in person by the courts which, under Russian law, may be called upon to decide matters to which he is necessarily a party. The case would clearly be one in which the obligation of a treaty is supreme, and where the local law must yield. These questions of the conflict of local law and international treaty stipulations are among the most common which have engaged the attention of publicists, and it is their confirmed judgment that where a treaty creates a privilege for aliens in expressed terms it can not be limited by the operation of domestic laws without a serious breach of good faith which governs the intercourse of nations. So long as such a conventional engagement in favor of the citizens of another State exists, the law governing natives in like cases is manifestly inapplicable.

But, Mr. President, this law does not affect Russian subjects alone. Let me call the attention of the Senate to this proposition. It affects every American Hebrew, whether he was born in Russia or whether he was born in the United States. There is no distinction here.

If an American Hebrew, now mind you, not a naturalized Hebrew—and what applies to Hebrews applies to Protestant missionaries and Catholic priests and other denominations—this is no longer a denominational question; it is a question of justice and religious freedom—if an American citizen proposes to go to Russia to-day, the first thing asked of him is, What is your religion? It is asked of everybody, What is your religion?

Mr. ROOT. Mr. President——

The PRESIDING OFFICER (Mr. POINDEXTER in the chair). Does the Senator from Maryland yield to the Senator from New York?

Mr. RAYNER. Yes, sir.

Mr. ROOT. I am sure the Senator from Maryland does not mean to be understood as saying that there is any question about anyone's religion in the passport issued by the Government of the United States.

Mr. RAYNER. I know that. In what portion of the papers does the question occur, What is your religion? Where does it occur? I saw the phrase.

Mr. ROOT. But it asks no question about religion.

Mr. RAYNER. One moment. There will not be any controversy about this. The paper was before us. I read the words, "What is your religion?"

Mr. SHIVELY. It was from the Russian consul.

Mr. RAYNER. Exactly; that only makes it so much the worse. It is from the Russian consul or the Russian embassy that the question is asked, What is your religion?

Mr. SHIVELY. The only point that I want to suggest is that it is not asked by the State Department.

Mr. RAYNER. I am not so sure about that.

Mr. ROOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield further to the Senator from New York?

Mr. RAYNER. I do.

Mr. ROOT. I did not rise to discuss any question with the Senator from Maryland, but because I perceived that what he said would be liable to a misconstruction, which I was sure he would retract, as it might be understood as meaning that the paper issued by the Government of the United States referred in any way to the religion of anyone.

Mr. RAYNER. I admit that.

Mr. ROOT. The Senator disclaims that, and I am satisfied.

Mr. RAYNER. That is a mere form. I am after the substance. But in this connection, if the Senator will allow me, without commenting upon the Senator at all——

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Texas?

Mr. RAYNER. I do.

Mr. CULBERSON. I call the attention of the Senator from Maryland to the fact that when the State Department issues a passport to a citizen of the United States, and that passport is submitted at a foreign consulate to be viséed, if it is submitted to a Russian consulate, a question asked, among others, is, "What is your religion?"

Mr. RAYNER. That is perfectly right. I saw the words "What is your religion," but the paper was not handed to me upon which the words were written.

I will put it exactly accurate; but before I do that I want to read the circular issued by the Senator from New York when he was Secretary of State. I hope the Senator will understand that I do it without the slightest criticism, and I do it because I know that he thought then he was acting in accordance with the law on the subject. This is the circular:

Under Russian law a Russian subject who becomes a citizen of another country without the consent of the Russian Government is deemed to have committed an offense for which he is liable to arrest and punishment if he returns without previously obtaining the permission of the Russian Government.

This Government dissents from this provision of Russian law, but an American citizen, formerly a subject of Russia, who returns to that country places himself within the jurisdiction of Russian law and can not expect immunity from its operations.

No one is admitted to Russia unless his passport has been viséed or indorsed by a Russian diplomatic or consular representative.

Mr. ROOT. May I ask the Senator from Maryland whether——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from New York?

Mr. RAYNER. I do.

Mr. ROOT. I ask the Senator whether he disputes the fact that that was a correct statement of the effect of this treaty and of Russian law?

Mr. RAYNER. I think the statement of the Russian law correct. But I am also satisfied that the circular was withdrawn, and that the Senator from New York issued another circular, which I will read now.

Mr. ROOT. I will tell the Senator from Maryland why it was withdrawn, and I would be glad to have the Senator from Maryland state in what particular it is incorrect.

Mr. RAYNER. I am not criticizing the action of the Senator from New York when he was Secretary of State. If the Senator will just permit me a minute, I will then yield to him.

There was a letter addressed to Mr. ROOT, Secretary of State, by Mr. Louis Marshall and by Mr. Edward Lauterbach, and objections were made in the House by Representatives GOLDFOGLE and HARRISON. I may say in passing that no one knows more about the history of these transactions than Mr. Louis Marshall, one of the most eminent members of the American bar. He says in this letter he addressed to Mr. ROOT:

To declare that immunity can not be expected by an American citizen formerly a subject of Russia, under these circumstances, is a tacit recognition of the contention of the Russian Government, which is at war with our fundamental principles, and is an implied invitation to that Government, not only to violate the rights of American citizenship, but also to disregard the obligations of the treaty of 1832 solemnized between the United States and Russia.

That circular was withdraw afterwards and another circular was issued in its place. This was the circular that was issued:

NOTICE TO AMERICAN CITIZENS FORMERLY SUBJECTS OF RUSSIA WHO CONTEMPLATE RETURNING TO THAT COUNTRY.

Under Russian law a Russian subject who becomes a citizen of another country without the consent of the Russian Government is deemed to have committed an offense for which he is liable to arrest and punishment if he returns without previously obtaining the permission of the Russian Government.

This Government dissents from this provision of Russian law, but *an American citizen formerly a subject of Russia who returns to that country places himself within the jurisdiction of Russian law and can not expect immunity from its operations.*

No one is admitted to Russia unless his passport has been viséed, or indorsed, by a Russian diplomatic or consular representative.

ELIHU ROOT.

The objectionable language in this second circular was also afterwards withdrawn.

Now, I have read these circulars not for the purpose of commenting upon what the Secretary of State did, because I have too high an estimate of his character and ability to imagine for a moment that he would have taken any step in these matters that he did not feel to be right and proper.

No one is admitted to Russia without a passport, which must be viséed or indorsed by a Russian diplomatic or consular representative.

What is the practice? You get your passport; you go before the Russian consulate or Russian ambassador, and one of the questions asked by the consulate or by the ambassador is, "What is your religion?" That is the question, and if the applicant answers that he is a Hebrew, a Jew, they refuse to recognize the passport. It is printed among the questions, "What is your religion?" and whether he has been a subject of Russia or a native-born citizen of the United States makes not a particle of difference. There is not a Hebrew in the United States to-day, no matter where he was born, as a rule, who can cross the frontier of Russia for any purpose. There may be exceptions to the rule, but the very exceptions prove the rule.

If he has come over here under age to escape the Russian massacres, as one of the applicants did when his father was massacred in Russia, and applies, as he did, to go back to Russia to visit the home of his birth and that of his family, he is denied admission; his passport is denied recognition.

That is the state of the law. Still we are asked, in language that is circumspect and guarded, to express our sentiments to Russia as to what religious freedom really means.

Let me give you one or two instances—I can give you many of them—in support of my assertion. I might say here what those of us are after who are speaking here in the cause of religious freedom is not so much the form of the resolution; it is not so much a question whether the President had the right to issue the notice or not, because I am clearly of the opinion that the President has no right to give notice, unless with the consent of the Senate and House of Representatives; but the ultimate proposition is to have this resolution passed so that notice can be given and the treaty may be terminated.

In the case of Kutner, concerning whose religious faith the Russian Government made inquiry, Mr. Blaine said:

The representative of the United States is instructed that in conveying the inquiry of the imperial office to Mr. Kutner the Department of State found itself unable to interrogate him as to the religion professed by him, inasmuch as the Constitution of the United States prohibits the application of any religious test whatever in respect to our citizens.

That is the way to state it.

In dealing with all this class of cases the department has scrupulously abstained from taking official cognizance of the religious faith of any citizen. It can not inquire into it as a fact and it can neither affirm or deny that an individual holds a particular creed.

Now, let me get to the case of Mr. Cutler. He is a gentleman of Jewish extraction. He is now a manufacturer in the city of Providence; for three terms a member of the General Assembly of the State of Rhode Island. About a year ago the governor of Rhode Island appointed him as an agent of that State to travel through European countries with the representatives of the Boston Chamber of Commerce for the purpose of soliciting business and establishing friendly commercial relations with the traders of the Old World. Mr. Cutler concluded to visit Russia. He applied to the State Department and secured a passport. He went to New York City, because it is a rule of the Russian Government that no passport from any country will be recognized until it is viséed by a Russian consul. So Mr. Cutler, armed with his passport, approached the consul at New York City and presented it, and the consul asked him his name, his age, his religion, and upon Mr. Cutler's refusal to disclose the fact that he was a Jew the consul refused to visé his passport. It developed in the inquiry before the Committee on Foreign Affairs that Mr. Cutler's father had disappeared at the time of the Russian massacres; that he, with his mother, had escaped to this country when he was of the age of 9 years; and that he has grown to manhood in this country. He has become a naturalized American citizen. The consul general at New York City informed Mr. Cutler that since he had not obtained permission from the Russian Government to expatriate himself he was still amenable to the regulations Russia imposes upon her subjects. I have read the history of this case from a statement made in the House of Representatives.

There is so much that can be said upon this subject that it is impossible to cover the field fully, and I merely want to give one more instance. Here is the case of Mr. Horowitz, one of the foremost citizens of his State:

On March 30, 1908, being about to go to England on business, he determined to visit his birthplace in Russia, and at the same time to go to St. Petersburg for the purpose of investigating various matters con-

nected with the proposed contract between the Russian Government and his company regarding the construction of a passenger depot. Having sailed for England on March 31, 1908, in a hurry, he requested the company's local manager at Washington to secure his passport and mail it to him. His representative learned that there were difficulties, and therefore retained Messrs. Penfield & Penfield to attend to the securing and validating of the passport.

On April 1, 1908, Judge Penfield presented the passport at the Russian Embassy at Washington, was asked whether Mr. Horowitz was a Jew, replied in the affirmative, and the visé was refused.

In consequence of this refusal Mr. Horowitz returned home without visiting Russia.

A prominent and distinguished Member of the House of Representatives, Mr. LONGWORTH, informed me the other day that when he sought a passport for a well-known citizen, I think of Cincinnati, the Russian consul or the Russian ambassador—I do not recollect which—observed that the name of the gentleman's wife was Rebecca, and knowing that Rebecca was a scriptural name he came to the conclusion that she was a Jewess, and he declined to visé the passport until Mr. LONGWORTH satisfied him that, although her name was Rebecca, she was a member of the Christian faith.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Nevada?

Mr. RAYNER. I do.

Mr. NEWLANDS. May I ask whether there are instances of the exclusion of Jews from Russia who were not natives of Russia?

Mr. RAYNER. There are.

Mr. NEWLANDS. If the Senator will permit me, the reason I asked the question was that the instances which he has thus far given seem to be instances of Jews who were natives of Russia.

Mr. RAYNER. I presume the reason for that is that very few American citizens who have any sense desire to go to Russia. [Laughter.] I suppose if there was some very prominent man who wanted to visit Russia and the Senate of the United States would pass and the President of the United States would sign a resolution asking that he be allowed to go to Russia, perhaps the Russian Government would grant the request. I am not asserting that there may not be some exceptional cases, made so because of political or diplomatic influence, but I know of no such case. I know some years ago one of the most celebrated divines in this country, a Hebrew, a man of great intelligence and learning, exerted all the influence he could to have his passport visèed. He was not, I believe, a Russian subject. He wanted to go to Russia for the very purpose of laying this matter before some of the authorities there. His errand was an errand of peace, but he was refused a passport and he could not go there. No man is going to answer a Russian consul what his religion is. What business is it of a Russian consul or of a Russian minister or the Russian Government what my religion is in the United States of America?

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Idaho?

Mr. RAYNER. I do.

Mr. HEYBURN. I want to ask a question. I should like to inquire if the Senator has investigated the question as to whether these prohibitions are expressed in the law or in the regulations affecting immigration? Has the Senator investigated that question? I should like, also, to inquire how long the prohibitions have existed?

Mr. RAYNER. The Russian Government construes this treaty as meaning that an American Hebrew who goes to Russia is subject not to the laws of Russia, but is subject to the laws that apply to the Hebrew population of Russia. In the Russian code there is provision after provision that debar the Hebrews of Russia from exercising the same rights and privileges that the remainder of the population of Russia enjoy.

Mr. HEYBURN. Are they found entirely in the code, or are there additional regulations in regard to the matter?

Mr. RAYNER. There are no treaty regulations.

Mr. HEYBURN. No; but regulations by the Russian Government in regard to immigration to that country.

Mr. RAYNER. I know of no regulation regarding immigration. There are only two things—the Russian treaty and the Russian code. I know of nothing outside of the Russian treaty. If the Senator from Idaho knows of some such provision, I am not familiar with it.

Mr. HEYBURN. Has the Senator investigated whether that law existed at the time of the making of the treaty? I ask that question in view of this language, which has not been referred to—that they may enjoy these rights, and so forth, "on condition of their submitting to the laws and ordinances there prevailing." That is part of our contract. I should like to know whether or not those laws that are now held to be objectionable existed at the time of the making of that treaty.

Mr. RAYNER. They did not, I think, and the construction that we have placed and that our Secretaries of State have placed upon the phrase "on condition of their submitting to the laws and ordinances there prevailing" is that it means the laws and ordinances of Russia, and not the laws and ordinances that simply pertain to the nine Hebrew Provinces, the inhabitants of which, I might say in passing, became subjects of Russia not through choice, but through involuntary servitude upon the partition of Poland.

Mr. HEYBURN. The nine Provinces were originally a part of Poland?

Mr. RAYNER. They were.

Mr. HEYBURN. At the time of the making of this treaty Poland claimed to be independent, and it was not until after the treaty was made that that question was settled. Poland had a Government——

Mr. RAYNER. I understand that fully.

Mr. HEYBURN. And was seeking to maintain it, and did not admit that she was any part of Russia at that time.

Mr. RAYNER. I can not give the Senator the date of the adoption of the laws in question.

Mr. HEYBURN. I know the date. The revolution of 1831 was then in progress.

Mr. RAYNER. I suppose it really does not make any difference when these laws were adopted. There they are.

Mr. HEYBURN. I am not going to make an argument, but I merely wanted to know, inasmuch as the Senator said he had investigated the matter, whether any such laws of exclusion existed then and could have been contemplated by this treaty in its reference to the observance of the laws referred to.

Mr. LODGE. If the Senator from Maryland will allow me.

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Massachusetts?

Mr. RAYNER. Yes.

Mr. LODGE. The treaty in its last clause covers the Kingdom of Poland by name.

Mr. HEYBURN. I merely thought that the Senator might give us that information, if it is obtainable, as to what laws were referred to in the treaty where it employs the expression "on condition of their submitting to the laws and ordinances there prevailing."

Mr. RAYNER. I think that is a rather important question, and I will be glad to look it up. The Senator from Idaho never asks a question that has not significance. I can not carry all these dates in my mind.

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Texas?

Mr. RAYNER. I yield to the Senator from Texas.

Mr. CULBERSON. I call the attention of the Senator from Maryland to the note of the Secretary of State, Mr. Blaine, in 1881, in which he stated that, from his investigation of the matter, from 1817 down to 1860 none of these laws and regulations to which objection has been made were in existence in Russia. The time covered by Mr. Blaine's investigation was between 1817 and 1881, and the treaty having been made in 1831, of course it excludes the idea that there were any laws of that kind in existence.

Mr. RAYNER. I simply want to give one more case and then I will finish that branch of the discussion. As long ago as 1893, upon the refusal of a Russian consul general to indorse the passport of Mrs. Minnie Lerin on the ground that she was of the Jewish faith, our Secretary of State—that was Secretary Gresham—communicated with the Russian minister of foreign affairs as follows:

His Majesty's Government surely can not expect the United States to acquiesce in the assumption of a religious inquisitorial function within our borders, by a foreign agency, in a manner so repugnant to the national sense. I can not but surmise that some strange misapprehension exists in that regard in the mind of His Majesty's Government.

But Russia replied:

The consul general acted in accordance with instructions from his Government.

Mr. SWANSON. Mr. President, if the Senator from Maryland will permit me——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Virginia?

Mr. RAYNER. Certainly.

Mr. SWANSON. I will give him an instance that came under my own observation as to the treatment by Russia of Hebrew citizens of the United States. Last year there was a very reputable merchant in Roanoke who left Russia when he was a child and came to this country. By character, by economy, and by perseverance he became one of the most prominent and

respectable citizens of Roanoke city. He had scarcely a recollection of his old father, who is now nearly 90 years old. He had frequently visited Europe, on the outskirts of Russia. At times he was almost persuaded to take the risk of returning to Russia to bid his father good-by, but was afraid of the oppression and the methods and system of the Russian Government and desisted. Last year he came to me and asked me to prefer a request that he should be permitted to go to Russia, if only for 10 days, for a visit to his father, to tell him good-by before he died. He promised to give every assurance that he would obey the laws there and return to this country. Immediately that request was presented by the State Department of this Government to the Russian representatives here. It was then cabled to the secretary of the interior in Russia, and it was positively forbidden that he should go there and tell his old father good-by.

We who know the strength of the family ties of the Jewish race can realize fully the feeling of helplessness of that Hebrew when that privilege was denied him as an American citizen, naturalized, honored, and respected in his community. I think numerous cases like that can be cited, where the request of this Government for the ordinary respect of family ties has been rejected by the Russian Government when presented by our State Department.

Mr. RAYNER. Now, Mr. President, let me give the Senate an instance of what was done by one of our diplomatic officers not accredited to Russia but to Turkey, himself an American Hebrew, a man of high distinction in this country, and who to-day could not have his passport viséed, I suppose, if he intended to enter Russian territory. I refer to Mr. Oscar Straus, who was in Turkey at the time the Sultan declined to permit American teachers, educators, and missionaries to travel through the country. There, besides a passport from your own country, you must have an internal passport. The Sublime Porte announced that the Turkish Government would not permit missionaries to travel through Turkey and would not give them a passport. The reply of our minister ought to ring through the land and ought to be emblazoned upon the walls of every diplomatic embassy in the world. He had the courage to do what no minister to Russia up to date has had the courage to do. He was not the slave and serf of the Turkish court; he represented American principles. Listen to his declaration:

> If the Turkish Government will not consent to their safety here I will, and I will give them an order of safe passport to any part of the Empire that they may wish to enter, and they may return to their former dwelling places in peace and out of danger. If any harm comes to them you will have to answer to my Government for the consequences.

If a proclamation of this character had long ago been issued by our ambassadors to Russia this question would long ago have been settled. What was the result of it? They cited the Russian precedent, but the next morning, at half past 1 o'clock, Mr. Straus was awakened from his slumbers and was told that there had been a hurried meeting of the Turkish Council, and they had consented to agree to the proposition; and these missionaries and teachers went to their respective places of destination.

Let me give you another incident. No country would stand what this country has stood for years. It is only a few lines, but let me give you one which took place in the French Chamber of Deputies, and then I will have practically finished:

> M. HIPPOLYTE LAROCHE. Gentlemen, on two occasions the Russian Government has made treaties of commerce with France, the fundamental intent of which it has later totally declined to regard.
>
> In the presence of the minister of foreign affairs I shall call the attention of the Chamber to the disregard of obligations involving acts which this Chamber has approved—a disregard in consequence of which the interests and rights of numerous French travelers are sacrificed by an interpretation unacceptable to us.
>
> * * * * * * *
>
> Nevertheless, the treaty once concluded, the Russian Government draws a distinction between different classes of the French people to whom it undertakes to close its frontiers, namely, members of the clergy, freethinkers, and Jews.

Then he says:

> We have gained the point that no account will be taken of religion; and we have declared that France will never put her signature at the bottom of a treaty which makes any difference of treatment among her travelers.

Mr. President, I shall now conclude. I could say a great deal more, but I have covered the main points of this controversy. You ask me, Is there any other remedy except abrogation? No; there is no other remedy.

There is no remedy except the abrogation of this treaty. The ingenuity of man can not suggest another remedy. We have been negotiating now for 40 years with Russia, and no remedy has been proposed. We must surrender or give notice to terminate. It would be cowardly to surrender. The night of barbarism must close, so far as we are concerned. This is the land of religious liberty, so ordained by the wisdom of God and so created by the genius of man. We can not permit any autocratic government to visit this iniquity upon our citizens. The day of religious inquisition is over. It is useless to talk of negotiation. The Russian Government can not be negotiated with. Without criticizing the State Department or anyone else, I can not understand why this Government has not long ago demanded of those in authority in this despotic land that if they do not amend their code of religious persecution and become proselytes at the altars of reason and humanity they will no longer be tolerated to retain friendly contact and intercourse with our free institutions.

What is the cause of this intolerance? Have these people committed any crime against the laws or institutions of Russia? Yes; they have. They have committed the same crime which their forefathers committed and which their posterity will continue to commit to the remotest generation. They have worshiped God according to the traditions of their faith and the dictates of their conscience. Just think of it; here is a people who for centuries have been persecuted but who have torn asunder their chains and have arisen purified from the fires of persecution, until now, as the result of their restless and untiring energy of purpose, they not only occupy a commanding position in all the marts of trade and commerce, but without attempting to make a convert, they are in silence exercising a most tremendous influence upon the destinies of the spiritual world, in every place and quarter of the globe, except in this benighted land where a code of laws has been promulgated against them that has despoiled their homes, driven them from their temples, and sent them forth as outlaws from shore to shore until, weary and exhausted, they come to us and ask us that, as a free people, we protest in unmeasured terms against this wrong.

In order to become more fully acquainted with the system that prevails in Russia I have read its Draconian code. It has now been translated into every language of the living for the edification of mankind; it has been circulated in every library of Europe, and what wounds me to the heart is that this Iliad of a people's woes, echoing from place to place, has never yet struck a responsive chord upon any of the highways and centers of civilization. Read these enactments, directed not against the subjects of Russia but against the faith and worship of this race, who, by no fault of their own, have been planted upon its soil, and you will agree with me that since the night of Egyptian bondage no ban has ever been pronounced by priest or king that ever carried with it such a train of disaster.

It has been said in extenuation of the policy that the Emperor of Russia is pursuing against them that he is influenced by the very best intentions, and that his acts are not inspired by any malevolent purpose. This I believe. Religious persecutors, as a rule, are always influenced by the best intentions, and their motives are generally of the highest and purest character. A celebrated historian has said it is the very ardor of their sincerity that warms them into persecution. It is the holy zeal by which they are fired that quickens their fanaticism into a deadly activity. I humbly pray Heaven in its mercy may mitigate his zeal and weaken his sincerity, for whenever that takes place, then, perhaps, Hebrew villages will no longer be consigned to the torch of the marauder, and the home of the heretic and the honor of his fireside will no longer be considered the lawful prey of the Russian soldiery.

It is also said that there is an easy escape from all these hardships if the victims of this persecution will only embrace the established religion of the Empire, as provided for by law. This proposition is absolutely true. In reference to the suggestion, I desire to say that if the Emperor of Russia, who is at the head of the ecclesiastical church of the realm, by some supreme act of inhumanity directed against these prostrate victims of his intolerance will offer them the alternative of either accepting the faith of their persecutors or the imposition of an additional servitude, I think I know what the result will be—they will never abandon the altars of their fathers. For centuries their ancestors spurned the fagot and the flame, and these people, emulating their heroic fortitude, will bear up under affliction, will submit to the sundering of domestic ties and to the agonies of separation; they will defy imprisonment and they will proceed to the inhospitable shores of exile rather than compromise with their tormentors or abandon one article of that immortal creed which during all the generations "in the pastoral tents of the shepherd, in the sumptuous palaces of the kings, and among the broken pillars and arches of the temple has always maintained its inviolable simplicity."

Senators, take this as you will, it is nothing but religious persecution directed against citizens of the United States. You ask for other methods of relief. There is no other method of relief. Tell me what other methods there are. Do we propose to keep treaties and allow other governments with whom we

have made them to break them at their will? No other civilized nation on this earth would assume such a humiliating position. This treaty has been broken in its organic and most vital part. The heart of this compact has been pierced, and raising as it does with us the question of religious freedom, its most sensitive feature has been mutilated and trampled upon. We deserve the contempt of mankind if we reel at the blow and submit to this degrading indignity. There is no way out of it except the termination, the rescission, or the abrogation of this treaty. Call it what you will. I care not what a man's religious belief may be, if he is an American citizen he is entitled, under an American passport, to the privileges of the world. These helpless victims of religious intolerance are American citizens. For 40 years their pleading voice has gone across the water asking for their rights. It has all been in vain. Now this Government is behind them, the land of their adoption and their choice; to us they look, as their ancestors in 40 years in the wilderness looked to the cloud by day and the pillar of fire by night—to lead them to their deliverance.

Senators, in the name of justice, in the name of humanity, and, above all, in the name of religious freedom, I ask, whatever form it may assume, for the speedy passage of this joint resolution.

Mr. SHIVELY. Permit me to call to the attention of the Senator from Maryland an additional fact in connection with the incident he has narrated of the service rendered by Oscar Straus, then our minister to the Sublime Porte. The Senator may recall that at the time the American teachers and missionaries were detained on the borders of Turkey and refused inland passports, there were at the same time certain British subjects detained with them and denied the right of entry and sojourn. Then it was that the splendidly courageous manner in which Mr. Straus asserted the rights of these American citizens was such that those British subjects upon the border gathered courage, joined the Americans, entered with them without passports from the Turkish Government, proceeded unhindered to their destination, and Turkey never protested against the course adopted nor interfered against the beneficiaries of it.

Mr. LODGE. Mr. President, this matter was brought to the attention of the Senate at the last session by a resolution offered by the Senator from Texas [Mr. CULBERSON]. That resolution went to the Committee on Foreign Relations. The Senator from Texas appeared before the committee and addressed the committee in its behalf. The committee gave the matter very careful consideration at that time, but took no action then, hoping that the results which we all desired might still be attained by negotiations.

The President, in his message in regard to foreign relations of the 7th of December, stated that conferences were being carried on in regard to this matter, and that after the holidays he would communicate further with the Congress in regard to it. The intention obviously of the President's message was that he hoped renewed conferences might have result, but that if they did not, he would remit the matter to Congress for action looking to the termination of the treaty.

Without waiting for the time asked by the President, the House passed a joint resolution, which has since come to the Senate, and I think that if, as was stated here yesterday, the President disregarded the House in his last message the House disregarded the President's request in his former message, and that it is perhaps not worth while to enter upon a comparison of courtesies or discourtesies in that respect.

The House joint resolution came over to the Senate and was referred on Thursday last to the Committee on Foreign Relations. Yesterday the President informed the Senate that he had given notice to Russia of the termination of the treaty, and he asked from the Senate a resolution of approval of his action in giving that notice. The Committee on Foreign Relations has reported a joint resolution ratifying the President's action, and that resolution is now before the Senate.

Before discussing the resolution I wish, Mr. President, to review very briefly the precedents in regard to a matter of this character. The French treaties, which we hear constantly referred to in this connection, have no relation to the present case. We had three treaties with France—a treaty of commerce and navigation, the famous treaty of alliance, and the secret treaty providing for the admission of Spain to that alliance. Those three treaties were all the work of the Continental Congress and took place during our Revolution. They—none of them—contained any provision for termination by notice. They were final in their character. There was no way of getting rid of those treaties except by superseding them with new treaties or by abrogating or denouncing them. The term "abrogation" does not apply properly to such a transaction as that in which we are now engaged, and the distinction is neither a technical nor an idle one.

In 1798 we were at war, practically, with France—not declared war, but actual war. France was seizing our vessels. We had two frigate actions with French vessels of war. Under those conditions the Congress of the United States passed a resolution abrogating the French treaties, which was signed by the President. That act had no relation to such an act as the present one now proposed, because this treaty is one of the cases of termination by notice under a provision of the treaty. There have been six such cases in our history.

President Polk asked for authority to give notice of the termination of the agreement of 1827 with Great Britain, relating to the occupation of the Oregon territory. That joint resolution was passed and President Polk duly gave notice of the termination of the agreement of 1827. But before that notice took effect in the termination of the treaty it was superseded by a new treaty which was ratified by the Senate.

The resolution which President Polk asked for and which was passed in response to his request contained no reasons, no language, which could possibly give offense, although the question of the Oregon boundary, as we all know, was a very acute one at that time.

President Pierce asked for authority to terminate by notice that article of the treaty with Denmark which related to the payment of dues in the Sound. The Senate passed a resolution similar to that asked for by President Polk. No resolution was passed by the House. Acting upon the resolution of the Senate, President Pierce gave the notice and terminated that article in the Danish treaty.

That was on the 3d of March, 1855. Mr. Sumner raised the point afterwards, in the following session, that the Senate and President alone could not terminate a treaty by notice. The matter was referred to a committee, and their report, which I have here, entirely sustains the position that the President and the Senate alone as the treaty-making power could terminate by notice a treaty which had required no legislative action.

The members of the Foreign Relations Committee who made that report were Senator Mason, of Virginia; Senator Clayton, of Delaware, who had been Secretary of State; Senator Fish, of New York, who was subsequently Secretary of State; Mr. Slidell, of Louisiana; Stephen A. Douglas, of Illinois; and Senator Weller, of California; a remarkably able committee. They brought in a resolution sustaining that position, but no action was taken upon it.

In the case of the treaty of June 5, 1854, known as the Elgin treaty, which was the treaty of reciprocity with Canada, notice was given in 1866 for its termination on a joint resolution passed by both Houses. It is needless to say that that was a treaty which had required extensive legislation. The resolution for termination emanated from the House. I have found no recommendation from the President, but the President signed the resolution and the treaty was terminated under that notice.

Crandall in his book refers to a treaty of 1858 with Belgium, but I find on examination that the Belgian treaty was terminated by notice given by Belgium and not by us.

The fishery articles of the treaty of Washington, of 1871, were terminated on notice and by joint resolution. Those fishery articles again had required legislation, and the termination of those articles was proclaimed on the 31st of January, 1885.

On November 3, 1864, Mr. Lincoln gave notice to England of the termination of the Rush-Bagot treaty of 1817, referring to vessels upon the Lakes. In the previous year the House had passed a resolution favoring the termination of that treaty, but no consideration was given to it in the Senate. Mr. Lincoln acted without any resolution from Congress. He having given the notice of termination, resolutions were then passed by both Houses approving what he had done.

The resolution now pending is in the precise form of the resolution then adopted by Congress in support of Mr. Lincoln's action. The situation, curiously enough, was precisely the same. The House had passed a resolution a year before, and Mr. Lincoln acted without reference to that resolution or to any action by Congress apparently, and then both Houses supported his action, and a resolution approving it, which was simply a resolution of approval, without giving reasons, was passed on the 9th of February, 1865.

Subsequent to the notice and before the termination of the treaty Mr. Lincoln withdrew the notice without reference to anybody and without any consultation with the Senate or anyone else. He withdrew the notice, and the treaty of 1817 is the supreme law of the land to-day.

President McKinley gave notice to Switzerland terminating certain reciprocity clauses of the treaty of 1855. He gave the notice on the 23d of March, 1899. He asked for no resolutions from Congress whatever, and none were passed. Switzerland

accepted the notice as complete, and those clauses were terminated on the notice of the President alone.

I have given the six cases which have occurred because I think it is not without interest to see the variety of forms which have been followed in the termination of treaties by notice. In four cases the President took the initiative. He either asked Congress to pass resolutions or he acted and asked to have his action approved or he acted and did not ask to have his action approved. In two cases the termination was initiated by joint resolution of Congress, both treaties involving a great deal of legislation. Of these notices three were given by the President to Congress, one by the President and Senate, one by the President alone, approved subsequently by Congress, and one by the President alone without subsequent approval by Congress.

Those are the precedents of action in regard to the termination of treaties by notice. The termination of a treaty by notice is, of course, in no sense an abrogation or a denunciation. It is carrying out the terms of the treaty, and not only is not in violation of the treaty, it is in accord with its provisions.

My own belief is very well settled that in cases where treaties have involved no legislation the power of the Senate and the President to terminate a treaty by notice, or to arrest its operation, if we use the more technical phrase, is absolute, because in making such a treaty the Senate and the President represent the high contracting party.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Mississippi?

Mr. LODGE. Certainly.

Mr. WILLIAMS. I take it the Senator from Massachusetts is of that opinion because the Senate and the President constitute the treaty-making power and therefore the treaty-unmaking power. Now, if that be the reason of his conviction, I would ask him whether he does not think that a two-thirds vote in the Senate concurring with the President would be requisite in order to give the notice?

Mr. LODGE. Certainly. A two-thirds vote was given in the Denmark case. A two-thirds vote would be required in any such case where the President and Senate act alone. This resolution is a joint resolution and requires, of course, only a majority.

The Senate and the President alone can end an existing treaty by simply agreeing to a new one; they can do it without any consultation with any other body, and certainly where no legislation is involved it seems to me that those who represented the high contracting party in the making of the treaty are capable of representing the high contracting party in its unmaking.

But I have no desire, Mr. President, to enter upon that wide field of discussion or to elaborate this point at this time, for the simple reason that in this particular case the Committee on Foreign Relations decided that the House having already acted it was a matter of comity and courtesy on the part of the Senate to unite with the House and not to proceed independently. But I agree, Mr. President, with the view set forth by the Committee on Foreign Relations in 1856, whose names I have given, when they say:

> Whilst, therefore, the committee are clear in the opinion that the right to give the notice in question pertains to the treaty-making power, they see nothing in the fact that, in the case with England, the House of Representatives acted with it, from which it is necessarily to be inferred that such union was then considered necessary to perfect the authority. But if it were so intended the committee would not yield to the precedent. They consider the reasoning irrefragable which establishes the right to give this notice in the treaty-making power, and in their judgment it should ever be so maintained.

I do not wish to let this point pass without making this definite statement of my opinion.

Mr. CULBERSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Texas?

Mr. LODGE. Certainly.

Mr. CULBERSON. Would the Senator object to my stating just there that Senator Mason, who made the report, made numerous efforts to have it considered, and on July 22, 1856, his motion to proceed to the consideration of his resolution and report was defeated in the Senate by a vote of 16 to 20?

Mr. LODGE. I was aware of that. I stated it substantially already. I said, I think, that the Senate refused consideration. If I did not, I meant to state it. I certainly said that the matter never went any further; that the resolution was never adopted. As a matter of fact, it was refused consideration, as the Senator has stated. The resolution did not become the act of the Senate. But I do not think that invalidates the opinion of the very eminent Senators who joined in the report.

Mr. CULBERSON. I did not understand that the Senator had made the statement to which I called attention.

Mr. LODGE. I intended to, and I am obliged to the Senator for making it explicit. There is no doubt of the fact.

Mr. CULBERSON. I think, however, the Senator left the impression that the committee was unanimous and therefore the Senate was.

Mr. LODGE. I did not intend to leave any such impression. I thought I said the resolution was never adopted by the Senate. I intended to, certainly.

Mr. President, I have no desire to argue the question as to what portion of the Government possesses the power to terminate a treaty by a notice. It is not essential in this case, because here it is agreed that the matter shall be dealt with by joint resolution, and action here approves the action of the President, who has followed a well-established precedent in giving notice and then asking for the approval of Congress. Of course, Congress can disapprove his action; and then, I take it, the notice fails, for a notice in that form must certainly fail if Congress does not give to the President the support which he asks.

Now, Mr. President, it being unnecessary to enter upon the constitutional questions as to the method of bringing about this termination by notice, I desire to ask the attention of the Senate to what seems to me of the utmost importance. Under the terms of the twelfth article of this treaty, which provides for its termination by notice, it is so arranged that when the notice is given it is to take effect not one year from the day upon which it is given, but one year from the 1st of January following. In other words, if this goes over to the 1st of January next, it means that this treaty will remain in force for two years longer.

That, Mr. President, I regard as most undesirable. I think this treaty should be terminated, and terminated as speedily as possible. My own belief is that article 1 has been violated by Russia while it has been observed by the United States. I think it is intolerable that we should longer permit that condition of affairs to continue. I think it has been violated in such a way as to discriminate against a large and important body of American citizens. Those to whom admission has been refused upon American passports by its violation are numerous, and their exclusion constitutes a grievance the seriousness of which can not well be overestimated.

But there is a much broader aspect than that of any injustice occurring to individuals. The refusal of the Russian Government to observe Article I as I believe it should be observed has led practically to putting a large and important body of American citizens in a most humiliating position, to which this Government ought no longer to submit. Every administration, without regard to party, has made effort after effort to modify the Russian action under that treaty, and has labored in vain. We have been patient to the point where patience ceases to be a virtue.

Then, Mr. President, in addition, the treaty of 1832 recognizes the doctrine of indefeasible allegiance. It recognizes it in the plainest language in the closing sentence of Article X. It is not necessary at this time and in this connection to go into the question of how far we then recognized it ourselves. I think when the Supreme Court said in the Shank's case, in 1830, that the general doctrine of that day was that a man could not abandon his allegiance, that they came pretty close to giving the adhesion of the United States to that doctrine at that time. But whether that was our doctrine in 1832 or not matters not. We certainly recognized that doctrine when we signed that treaty.

In 1848 began the American movement to overthrow the doctrine of perpetual or indefeasible allegiance. There were fluctuations; there were returns to the old attitude; but finally that became the settled American policy. It was put into the statute of 1868, which has been read here to-day. We have pressed it steadily, constantly, urgently, on one nation after another. We have been the unwearied champion of the right of expatriation. The old mediæval doctrine has disappeared in our relations with England; it has disappeared among the Scandinavian powers; it has disappeared first from the North German Confederation and now from Germany; it has gone from every civilized nation and lingers alone in Russia, China, and Turkey.

Now, this treaty of 1832, as it stands, recognizes that doctrine, and this treaty having been brought forward as it has been, I feel very strongly that wholly apart from the violations of Article I, to which I attach personally great importance, we can not any longer be parties to a treaty which recognizes a doctrine that we have done more than any other nation in the world to overthrow.

For those reasons I think the treaty should be terminated, and I have pointed out the need of immediate action. I should like the Senate to realize that we are on the very edge of the

time which may throw this whole matter over for two years, and those who are most interested in it would have the right to call us to account if that should take place.

But it is well for the Senate and for Congress also to remember that it does not lie in our hands alone to give this notice to a foreign Government. We can not give the notice. The only organ of this Government recognized by foreign Governments is the Executive—the President of the United States. If he does not give the notice, it will not be given. He must give the notice in conformity with what he believes to be right. If he should consider that any language used by us impaired friendly relations which we hold with any other great power, it would be his duty, he would have no choice but to refuse to communicate a notice in terms which the other power considered offensive. If that should come to pass, this whole treaty will go over.

I wish, Mr. President, to terminate the treaty. It makes very little difference to me in what language it is put. The language of the resolution which I had the honor to report is not my language. It is not perhaps the kind of resolution that I should have drawn. I think if I had drawn it entirely it would have been different. But, Mr. President, I care very little for the form as long as I secure the substance. We must not run the risk which is involved in injecting into this notice of termination language which the other party to the treaty can not accept in a friendly spirit. No party to a treaty which contains the power of terminating by notice can object to the notice of termination, and no country would.

But it is well to remember that language which the individual may use, which the newspaper may use, a Government can disregard, but when we speak in the name of the whole Government and of the United States, then the language which we employ takes on a totally different character. It may be a matter of total indifference—it probably is—to the Russian Government what is said here or said elsewhere by Senators or Representatives as to her action. What may be said by individual members of the Duma in regard to our action or any criticism on their part of anything American would be of great indifference to us, but the moment you make that criticism the official language of the Government then you put it in an entirely different aspect.

Let me point out to the Senate that we ought to be very careful if we desire to terminate this treaty, as I desire to terminate it, not to use language which it will be impossible for the President of the United States in the execution of his duty to transmit to a foreign and a friendly power.

Therefore, Mr. President, the form becomes of great importance. One can hear at any time, especially at times like these, sneers about the language of diplomacy. Mr. President, the language of diplomacy is a very important matter in the conduct of business between two nations. What one individual says of another nation is of no consequence, or what a newspaper says, but when one nation speaks to another it is well that they should use the language which long custom and tradition have assigned for that purpose. The language of diplomacy is the language of peace. If nations did not use the language of diplomacy, if they were not guarded in speaking to each other, it would foster troubles and cause bitterness between nations. It would lead in the direction of war and not in the direction of peace.

There can be no doubt, Mr. President, of what the principles are upon which we act in terminating this treaty. Everybody knows them. We give this notice because we decline longer to continue a treaty by which we seem to recognize a violation of those principles of religious freedom so dear to every American. We object longer to maintain a treaty by which we seem to recognize distinctions of race or creed. Those are the principles which lead us to take this action, and all the world knows it.

Moreover, we are doing what, in our judgment, no other country would do in behalf of those great principles violated in the persons of a large and important and valuable body of our citizenship. We are prepared to make sacrifices of a material and commercial kind which may, very possibly, be serious. No one, then, can question the principles upon which we act.

Therefore, if we terminate the treaty, and thus do what we all desire, is it worth while to endanger immediate action by placing among those resolutions words which the other nation would regard as insulting and offensive? We wish not only to terminate this treaty, but we wish to leave a situation in which it may be possible to make a further arrangement with Russia in the interest of the very people who have been outraged by her interpretation of the existing treaty.

Mr. President, I know that it is a pleasant thing to praise virtue and denounce vice, vice having few friends in public at least. I know that it is a most pleasing exercise to praise the right and denounce the wrong, especially if the wrong has no votes. It is always agreeable to denounce something which it is very popular to denounce, and it is a pleasure in which we all indulge, but it is hardly worth while to indulge in that pleasant and most agreeable occupation of announcing our own admirable beliefs if thereby we endanger the very objects we have set out to gain.

With our noble view of religious freedom it is highly agreeable to assert it strongly in a resolution with Russia and point out how far short she falls of our principle. No doubt it would be equally agreeable to criticize Russia for her race prejudices and point out our own freedom from any such unfortunate quality; but is it not better, Mr. President, not to put all this into the serious language which we are addressing to a foreign nation?

This is a great international transaction. It should be conducted on that plane, on a plane becoming the dignity of the United States.

As I have said, Mr. President, the language of the joint resolution is not mine, and not that which I should have chosen, very likely, but I do not think we want to confront a foreign nation on a question like this with a domestic broil behind us. When we confront a foreign nation, let us subordinate party and personal feelings, if we have them, or any personal or party advantage that we may hope to gain. Let us subordinate them to the feeling that what we want most to do is to serve the United States to the very best advantage in the great forum of nations. We are engaged, as I have said, in a great international transaction—not one to be treated lightly and irresponsibly, as if it were a platform speech. We are putting an end to a treaty; we are leaving ourselves in relations with one of the great powers of the world without any treaty at all, where nothing will remain, unless a new treaty is made satisfactory to us, but the comity of nations. Is it not for the advantage of mankind, for the advantage of peace, to leave those relations, after we have terminated this treaty, as friendly as possible?

It requires no courage, Mr. President, to denounce Russia; it is the easiest thing in the world to do. It requires no courage to put bitter reflections upon her conduct into the resolution that we pass to-day. It means nothing to any of us; none of us will be hurt by it; but if we use expressions in dealing officially with another great government, which that government and her people, whether rightly or wrongly, consider to be an insult, you may inflame passions in that vast empire which had better not be roused.

If mischief is to come from intemperate or incautious expressions used in this joint resolution, it is not upon us that they will recoil, but upon those unhappy people now persecuted in Russia, whose friends and relatives, as citizens of the United States, we are now trying to vindicate and to uphold. We do not want to abandon the position in which we may be of service to those oppressed people. We would fain retain all the influence which we now possess so that we may be able to stretch out our arm to shield and help them.

This, I again say, is a great transaction. If we are to do it, let us do it fittingly. You remember the words of Brutus to the conspirators:

> Let's kill him boldly, but not wrathfully;
> Let's carve him as a dish fit for the gods,
> Not hew him as a carcass fit for hounds.

Let us perform this act in a manner becoming to the United States; let us all do it together—President and Congress. There should be no parties beyond the water's edge. What does the form of words matter? What consequence is it whether my views or somebody else's views about the conduct of Russia are injected into that resolution? It is of less than no importance. What we wish to do is to terminate that treaty—terminate it in a great and dignified way; terminate it so that we shall be accorded the good opinion of the rest of the world; for, as Mr. Jefferson said, it is well that we should act with respect to the opinion of mankind. We ought to make our standing before the world as strong as possible. We desire, if we can, to put an end, not only by terminating this treaty, but forever, to these discriminations against any of our citizens on the ground of race or religion. Can we do that best by putting in these resolutions words that will inflame, that will anger, or by allowing it to go forth in the calm language of diplomacy, obtaining our complete result, and leaving a situation of which we shall be proud and not ashamed, and from which we shall be able to draw great benefits not only for those whose cause we to-day espouse, but for all mankind, in the interest of peace and harmony between the peoples of the earth? [Applause in the galleries.]

The VICE PRESIDENT. Occupants of the galleries will refrain from demonstrations, which are a violation of the rules of the Senate.

Mr. SMITH of Maryland. Mr. President, although I have my preference as to the kind of resolution that should be passed by this body in reference to this matter, I shall not speak for any special resolution. I desire to say that I am in hearty accord and sympathy with the spirit and purpose of a resolution abrogating the treaty between the United States and Russia.

The time has come when there should not remain the least doubt in the mind of any Senator that the treaty made by and between the Government of the United States and Russia ought to be terminated in the legal and orderly way provided by the treaty itself. It is as easy to do as it is to terminate an ordinary lease. It only remains for our Government, as one of the high contracting parties, to notify the Russian Government before January 1, 1912, of our desire to retire from the compact, and on December 31, 1912, the treaty, by its own terms, will thereafter cease to bind either party.

It is best that this action be taken at once. The experience of the past 30 years must convince everyone familiar with the facts that diplomatic efforts to induce Russia to respect our construction of that treaty, and the only proper construction of which the terms of the treaty are, in my humble judgment, susceptible, must fail.

The only section of the treaty of 1832 in dispute ought to be perfectly clear to all. It provides that—

> There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation. The inhabitants of these respective States shall mutually have liberty to enter the ports, places, or rivers of the territories of each party wherever commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatever of said territories in order to attend to their affairs, and they shall enjoy to that effect the same security and protection as natives of the country where they reside, on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce.

Every Secretary of State since 1880 knows that the enforcement of the rights secured to American citizens by that treaty, whether native-born or naturalized citizens, has been resisted by Russia in those cases where American citizens of the Jewish faith particularly and also American missionaries, Protestant and Catholic, have asked for passports to enter Russian territory.

The Russian Government has persistently refused and still refuses to admit such American citizens within the boundaries of the Empire for even a temporary sojourn, whether on business or for pleasure or for social and family reasons, and this exclusion is practiced and professedly based solely and simply on account of the religious beliefs of those of our citizens who are in the classes objectionable to the Russian Government.

It is equally true that every Secretary of State since 1880 has endeavored through the usual diplomatic channels to secure from Russia a full and fair recognition and acceptance of the rights written in the treaty of 1832 for all our law-abiding, law-loving citizens who, for some proper and legitimate reason, have occasion to visit the Russian Empire.

The result convinces us of the hopelessness of our efforts and the futility of further diplomatic negotiations, especially when we reflect that all the genius and energy of Mr. Evarts, Mr. Blaine, Mr. Bayard, and Mr. Hay, all of them now gone, and also of our living Secretaries of State for the United States have failed, after 30 years' trial, to convince the Russian Government that the religion of an American citizen has no relation to his civil rights; and further, that his religion must not be used as a reason or pretext to deprive him of the equal protection of every law enforceable by our Government.

If it be that the mere presence of Jews from these United States within the Russian borders can in any way prove detrimental to the established internal domestic order there, foment discord and disorder, or is contrary to any indispensable domestic regulation, ordinance, or policy, or is in the judgment of the governing authority of the Russian Empire calculated to destroy or disturb the country's political equilibrium, Russia might—without being placed in the invidious and untenable position of apparently seeking to avoid or evade a solemn compact with a friendly nation—have avoided internal dangers and foreign criticism by an open announcement of her desire to terminate this treaty in a perfectly legal and regular way. Such was her remedy, and such will be ours. The worst that can happen by reason of abolishing the treaty is simply to reduce the citizens of Russia and of the United States alike, so far as the respective rights of visiting the land of one by the other is concerned, to whatever primal rights or privileges exist under the usages of civilized nations. Such a status has at least the merit of being equal and reciprocal—an improvement over existing conditions.

It is extremely hard for us to understand the social and political conditions existing in Russia, or perhaps to realize the necessity, much less the justification, for many Russian laws and regulations. It is inappropriate to advert to them in detail now.

We have no established church and leave men the utmost liberty of conscience, taking no cognizance as a Government of any man's sect or creed. We encounter no complications such as inevitably arise to embarrass a country having an established religion, particularly when the relations between the established Government and the established church are inextricably interwoven, so that the effect upon one is felt by the other, and to weaken one is to impair the vigor of the other, as in the case of the relation between the church and the state in Russia. As a rule, nations are governed in the way and form best adapted to their habits, environment, and necessities. Therefore we can not assume that the Russian people are not satisfied with the existing order, including the close interdependent relations of church and state. We can not deny the authority of the Russian Government, in the absence of a contract in the form of a treaty to the contrary, to exclude from the land those whose presence or teachings the Government regards as a source of danger; but they have a contract with us, and they have no right to annul that contract by their laws.

As a Nation we do the same thing. Liberal though we are to foreign visitors and emigrants, we promptly exclude those who, according to our own theory and standard, are undesirables. Our standard no doubt is regarded as cruel, unjust, and arbitrary by the people and nations barred from our shores by it, but in treaties with those countries those conditions are stipulated.

And while, as a Presbyterian myself, I am utterly unable to understand how the presence of missionaries teaching the doctrine of my faith can be anything other than an inestimable benefit to any people, still I am obliged to concede the right of the Russian people to disagree with me and claim the superiority of their church; and also I must concede them the right to determine, believing the doctrines of John Calvin to be heresies and their teaching subversive of the peace and established domestic order of their land, to prohibit such preaching and teaching. But just so long as the treaty of 1832 is in force I can not concede any right whatsoever existing in the Russian Government, in the light of that contract, to exclude any citizen of the United States because he is a Presbyterian minister, a Catholic priest, or a Jewish rabbi.

There seems to me to be overwhelming reasons for adopting a resolution abrogating this treaty promptly and no satisfactory reason for delay or doubt.

The resolution in no way commits us to a policy of unrestricted immigration. It will in no way embarrass us in enforcing the exclusion of individuals and races whose presence on our shores is a menace to our domestic tranquillity and national welfare. It commits us to no new rule or principle; it merely applies a common-sense remedy to an intolerable condition, vindicates a principle as old as our national existence, and proclaims the truth that we will not be bound as a Nation by a compact the other party thereto does not respect in spirit or in letter.

To adopt a resolution abrogating this treaty is to define this national policy honestly and openly, without evasion of any kind, that the obligations of that treaty must be observed or the treaty abolished.

We have, I feel, too long temporized with the question. We have humiliated ourselves too long by remaining unduly passive and acquiescent, encouraged, it is true, by the hope of securing in time some proper recognition by Russia of our conception of the clear meaning of the treaty, while our citizens have borne for many years hardships and humiliations unjustly imposed.

When one of our citizens goes abroad, in our eyes and according to our theory it is a matter of no concern what his religious beliefs may be. He goes not as a Catholic, Protestant, or Jew, but as an American, and so long as he behaves and keeps the law, regardless of his religion, he is entitled to the equal benefit and protection of our laws. And his rights when visiting Russia are particularly ascertained and strengthened by the express terms of this treaty of 1832. And yet for 30 years we have tamely allowed a very large share of our best, most useful, and eminent people to be subjected to an absolute denial of their rights as secured under the law expressed in the treaty of 1832 solely because of their religion. This is a shameful fact. We can not as a Nation indorse by silence and inaction a national wrong without national shame. It is equally certain we can not as a Nation accept a grudging or a partial compliance with the most important provisions of our treaty with Russia—and how much less a denial—in full satisfaction of our contractual and legal rights, without exposing our citizens, Jews, Catholics, or Protestants, to

any domestic regulation the Russian Government may hereafter adopt, no matter how unjust, burdensome, or capricious it may be.

This is a large question and one which has been carefully considered, and a remedy urged as long ago as the administration of President Arthur in one of his messages to Congress. It has been debated in Congress on many occasions for years and years.

It is by no means a new question; and by no means a new remedy that is proposed.

The national conventions of both the leading political parties have adopted resolutions calling for action.

The State Department has made the subject of the enforcement of this treaty its concern and study for 30 years.

The pulpit and press have expounded and explained it.

Intelligent people of every creed from one end of our land to the other know the record, and wonder at the tardy application by our Government of an obviously easy remedy.

No charge of undue haste, no charge of ill-considered, impatient action can be laid at the door of Congress even though a resolution is adopted at once.

No reasonable objection can be urged by Russia to our act in giving notice of our desire to terminate this treaty according to its own terms for any reason we judge sufficient. Russia has the same privilege. It was, of course, anticipated when the treaty was made that it might at some time be peacefully terminated on proper notice.

Every recourse available to secure the continued existence of the treaty, and at the same time the continued existence of our national self-respect, has been exhausted. We do not know Russia's domestic conditions, which perhaps dim the sight of the Russian people to the provisions of this treaty or else inspire the reasons for their refusal to agree with our construction of its terms, clothed as they are in clear, unmistakable words.

Such considerations do not involve us in the least and do not relieve us of any responsibility to our own citizens. Hence whatever the internal complications in Russia, they are not entitled to retard our action in this Chamber, or to cloud our way to give our people the only possible remedy consistent with the preservation of peace and of our national honor, by adopting a resolution ending this treaty, which is better terminated than broken.

Mr. ROOT. Mr. President, were it not for the references made by the senior Senator from Maryland [Mr. RAYNER] in his very eloquent address this morning to some statements made and positions taken by me I should not venture to detain the Senate from a vote on these resolutions by any observations of mine. What the Senator from Maryland referred to was a brief statement which I made in the Committee on Foreign Relations both as to my position and as to the reasons which led to it. Of course, the remarks made in the committee have vanished in thin air and enter into no record; and accordingly the very brief and partial observations of the Senator from Maryland alone remain. I will endeavor to state substantially what I stated in the committee.

I am clearly of the opinion that the United States ought to terminate the treaty of 1832 with Russia. I do not think, however, that the House resolution which was addressed to that end contains an adequate statement of the reasons why we ought to terminate the treaty, and I do think that the language of that House resolution is in some respects unfortunate.

If the treaty, Mr. President, properly construed, construed as we think it should be construed, would be adequate to meet the needs of our people and would be in conformity to the political principles which we profess, then I should say that instead of abrogating the treaty it would be appropriate to assert our construction and to call upon Russia as a cosignatory with us of The Hague conventions regarding the peaceable settlement of international differences to submit the true construction of the treaty to arbitration, and then, if the decision was against us, we could take whatever course appeared to be wise at that time.

The trouble with taking any such course, however, is that no matter how this treaty is construed, no matter how any real question of difference between us and Russia regarding the construction is resolved, the treaty is and must always remain an unsatisfactory and injurious instrument for us to continue by our assent.

During the 80 years which have elapsed since the making of the treaty there has been a very momentous change in the attitude of the greater part of the civilized world toward the subject matter of the treaty, and we have shared in that change.

The treaty in its first article provides that the inhabitants of the respective States shall have liberty to go into each other's territories on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce; and the tenth article of the treaty concludes with this paragraph:

> But this article shall not derogate in any manner from the force of the laws already published, or which may hereafter be published by His Majesty the Emperor of all the Russians, to prevent the emigration of his subjects.

There is what appears to be and is generally considered to be a clear recognition on the part of the United States of the right of Russia to prohibit the emigration of her subjects.

In 1832, when this treaty was made, the United States equally with Russia maintained the doctrine of indefeasible allegiance. But shortly before, in the year 1797, the Supreme Court of the United States had asserted that doctrine in the famous Williams case.

Williams was a native American citizen. He had left our country. He had gone to France. He had become naturalized as a French citizen. He had entered into the military or naval forces of France and taken part in conflicts between France and Great Britain. The course that he followed was a course that was forbidden by the laws of the United States to American citizens; and sometime afterwards, returning to this country upon a visit, Williams was arrested, indicted, and tried for a violation of those laws. He pleaded and undertook to prove that he had renounced his allegiance to the United States and had become a French citizen, and that evidence was excluded; and the exclusion was sustained by the Supreme Court of the United States upon the ground that he could not divest himself of his allegiance to his native country and become a citizen of another country.

In 1830, immediately before the negotiation of this treaty, there came up in the Supreme Court of the United States the case of Shank *v.* Dupont, which turned upon the question whether a citizen could divest himself of citizenship and acquire citizenship in another country. The Supreme Court of the United States, Mr. Justice Story delivering the opinion, said:

> The general doctrine is that no persons can, by any act of their own, without the consent of the Government, put off their allegiance and become aliens.

And the case was decided on that ground.

In that same year Mr. Kent, in his Commentaries, which were published from 1826 to 1830, declared the general rule maintained by the United States to be the rule of the common law of England of indefeasible allegiance.

So, when this treaty was made and we gave our express recognition of the right of the Emperor of Russia to make laws to prevent the emigration of his subjects, it was a treaty between two powers both of which maintained that no subject or citizen of theirs could ever emigrate to the other country and become a citizen of the other country without the express assent of his native land.

That, sir, was the universal doctrine of the civilized world at that time. We held to that doctrine for many years, until, in 1848, James Buchanan—to his eternal credit be it said—as Secretary of State of the United States, first announced the repudiation by the Government of the United States of that theory and declared the inalienable right of man to change his domicile and to change his allegiance at his own will.

There were varying views expressed. After Mr. Buchanan, with views reverting to the old doctrine, came Webster and Everett and Marcy, until Buchanan became President, and then he again asserted his view, and so effectively that it has never been departed from by the United States. It was asserted by Buchanan as President. It was reasoned out by Jeremiah Black as Attorney General of the United States, in dealing with the Ernst case, that arose regarding the effect of the naturalization here of a citizen of Hanover. In that case, by the action of these great statesmen, to whom sufficient honor has never been given for the firmness and constancy with which they asserted that view—in that case the position of the United States was irrevocably changed, repudiating the view she had taken at the time this treaty was made and repudiating the view under which she gave in this treaty her assent to the right of the Emperor of Russia to prevent the emigration of his subjects.

Of course, sir, this change had come along with a change in conditions. When this treaty was made, the great tide of immigration to this country had not begun. It came first after the famine in Ireland in 1843. It was swelled by a stream from a different source after the political troubles on the Continent in 1848. It was still increased through the continual succession of wars in which Europe was engaged for the quarter of a century beginning with the Crimean war in 1853.

In the meantime, whereas the greatest number of immigrants that ever came to these shores, prior to 1832, was found in the immigration, I think, of 1830, of 27,382, and whereas the first

year when the immigration passed a hundred thousand was in 1842, when it reached 104,565, this stream swelled still year after year until hundreds of thousands grew to millions, and a very large part of our people came to be composed either of emigrants or the children of emigrants; and our repudiation of the old doctrine of indefeasible allegiance was a repudiation based upon that clearer view which came from an immediate contact with the living needs of mankind as exhibited by those who came to us from their old homes.

This process, Mr. President, greatly accelerated by the active interest excited in the Warren and Costello cases with Great Britain in 1866, culminated and found its comprehensive and effective declaration on the part of Congress in the statute of July 27, 1868, which has been referred to by both the Senator from Maryland [Mr. RAYNER] and the Senator from Massachusetts [Mr. LODGE]. That statute recites:

Whereas the right of expatriation is a natural and inherent right of all people.

And then it proceeds to use terms which are pointed directly at and are designed to completely do away with the effect of all the expressions to which I have referred during the period of time in which the United States maintained the doctrine of indefeasible allegiance. It was the clear intention of Congress in passing that statute not to deny that we had ever maintained the doctrine, but to give clear notice that we wiped out the past and took a new departure, for the statute says:

Any declaration, instruction, opinion, order, or decision of any officers of this Government which denies, restricts, impairs, or questions the right of expatriation is hereby declared inconsistent with the fundamental principles of this Government.

That comes very near, Mr. President, the repeal of this treaty which gives assent to the right of the Emperor of all the Russias to prevent by law the emigration of his subjects. It clearly establishes a position on the part of the United States wholly inconsistent with the treaty in that respect.

With this radical change in position, sir, the representatives of the United States in its foreign policy began upon a process which I think has rarely been equaled in the records of any nation—a process most creditable to the good sense and wisdom of the American people and of their representatives, and which, by steady, temperate, and judicious representation and appeal to friendship, to reason, to justice, to the desire for good-fellowship and friendly relations, has, step by step, brought nearly all the governments of the civilized nations of the earth to leave the old position and to stand by the side of the United States in the new.

By the Bancroft treaties of 1868, the year in which this statute was passed, the adhesion of the North German Confederation and substantially all of the States which now make up the German Empire was secured to the doctrine of the right of expatriation and change of allegiance. By the treaty of May 26, 1869, with Sweden and Norway, and of July 20, 1872, with Denmark, the adhesion of the Scandinavian States to the same doctrine of international human freedom was secured. By the treaty of May 13, 1870, Great Britain was brought to abandon the immemorial rule of her common law, whence we derived our doctrine of indefeasible allegiance and to adhesion to the new rule. By the treaty of November 16, 1868, Belgium adhered; by the treaty of September 20, 1870, Austria-Hungary came into the same category.

So you will perceive, Mr. President, that step by step we secured the adoption of the new rule answering to the successive waves of immigration to our shores from different countries. The Irish immigration was set free by the treaty with England; the Scandinavian immigration was set free by the treaties with Sweden and Norway and Denmark; the German immigration was set free by the Bancroft treaties with the German States. The Hungarian immigration was cared for, together with the immigration of Croats and Slavs and other Austrian peoples, by the treaty with Austria-Hungary. France and Italy in their treaties of commerce and navigation with us omitted the last clause as contained in Article X of the Russian treaty, and in their laws have recognized the right of emigration and naturalization.

The position to which the world was brought by this long course of diplomatic effort and achievement is well stated by a very celebrated Russian publicist, Mr. Frederick de Martens, in his recent work entitled "Traité de Droit International." I translate from the French. He says:

With the exception of Russia, all the civilized contemporaneous States are imbued with the conviction that the right of emigration is one of the inalienable rights pertaining to each citizen, and that every individual is free to change his nationality. This modificaton has taken place, thanks above all to the profound transformaton which has followed in the present century the old political order. Liberty of emigration is the direct consequence of the new social and political order which has for its basis respect for the human personality and for the interests which surround it.

So, Mr. President, the maintenance of this treaty is wholly inconsistent with the solemnly declared principles of the United States. It is a part of an old condition of things long since passed away. It is inconsistent with the view taken by the greater part of the civilized world, and I consider that the first and great reason for ending the treaty is that we may set ourselves right with our own principles and no longer occupy the false position of consenting to that negation of our principles which is involved in the assent to the prevention by the Emperor of Russia of the emigration of his own subjects.

And, Mr. President, no change in construction of the treaty that we can expect, that we can look forward to from diplomacy or from the result of an arbitration, could possibly change this characteristic of the treaty. The time has clearly come—I think the time had come when we passed that statute in 1868, but the time has clearly come now—when consistency and regard for our own principles require us to do what the treaty contemplated—to say that the change of conditions calls upon us to give the notice provided for its termination.

Mr. President, that characteristic of the treaty covers really the great part; it covers the greater part of the field. While it is doubtless true that some native-born Americans have been excluded from Russia when they ought not to have been excluded under the treaty, while it is doubtless true that Russia puts upon the treaty a construction differing from ours as to the nature of the regulations which she is entitled to impose upon American citizens who are Jews when they come into her territory, still the number of such people is comparatively small, and the great field is the field which affects these millions of new arrivals here who have intimate and direct relations with the country from which they came and from which they are cut off by virtue of the necessary construction of this treaty and by virtue of the severe statutes which the Senator from Maryland has read.

Mr. BAILEY. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Texas?

Mr. ROOT. Certainly.

Mr. BAILEY. If it would not interrupt the Senator from New York just now, I should like to ask him how he reconciles the declaration that the right of expatriation is both a natural and a political right with our Chinese policy. If a Chinaman has a natural and political right to come to this country, then we can have no right to forbid his coming; and wholly independent of the question now under consideration I would not like to commit myself to the extent of conceding that.

Mr. ROOT. Mr. President, the Senator from Texas has given to the declaration of the right of expatriation a meaning which goes further than I think is warranted.

I have planted myself upon the declaration of the statute of 1868, which I think is the final and authoritative declaration of the policy and the view of this country. The right of expatriation is the right of a man to leave his country and go to another, but it carries no right on his part to force himself into any other country that chooses to reject him.

Mr. BAILEY. But, Mr. President, if the Senator will permit me, the right to leave your own country is a barren one unless you can go into some other country. If every country on the globe would adopt our policy against Chinese immigration, then the Chinaman would have a right to leave his country, but there would be no country to which he could go, and his right would be an utterly barren one.

Mr. ROOT. I think entirely so.

Mr. BAILEY. I can hardly bring myself to think that logically there is a natural right which can be defeated by the action of other people. I will say to the Senator from New York if the Chinese question had been as vital then as it is now I very seriously doubt if the statute of 1868 would have been quite as broad as it is.

Mr. ROOT. That may be. I am not going to discuss the Chinese question further than to take advantage of the attention called to it by the Senator from Texas to say that it behooves us to be quite conservative and cautious in the official use of language about this Russian treaty, lest we find ourselves in a moment of enthusiasm or irritation betrayed into an assertion of propositions which will come back to plague us when they are turned the other way.

One very good reason, Mr. President, for giving the notice to terminate this treaty in simple terms and without undertaking to specify reasons is that there are many, I suppose millions, of subjects of Russia of Mongolian birth whom we would not admit to our country, treaty or no treaty, and we had better not undertake to specify reasons which will involve us in making nice discriminations in regard to the difference between Russia admitting American citizens there and our admitting

Russan subjects here in advance of thorough and careful consideration of the true meaning and effect of what we say.

There is one other reason, Mr. President, why this treaty is not satisfactory, and that is, it is exceedingly limited in its scope. The construction generally put upon it is that it applies to entering Russia only for commercial purposes. I do not know that that can be successfully contested. So the treaty itself and all questions regarding the proper enforcement and construction of the treaty covers but a small corner of the real difficulty. The only way to solve the difficulty is to get rid of the treaty and begin anew. In doing that, sir, we will avoid one very serious objection which now exists to our relations with Russia.

When the treaty has been terminated, if no new treaty is made in its place, nobody from the United States will have a right to enter Russia. In that event the effect will not be to admit to Russia the people who have been denied entrance there, but it will be to exclude from Russia all other Americans.

That in some respects would be unfortunate, but, Mr. President, it would be better than the present. It is better that there should not be any discrimination which constitutes two sharply separated classes of our citizens. I would rather have one great body of American citizens who have no right to enter a foreign land than to have two bodies of American citizens one of which has the right under our treaties to enter and the other of which has no right.

So, while I hope that a new treaty will be made which will give the right of entry to those who have not had it hitherto, and I think it is the duty of our Government to bend every effort toward bringing that about, still, if we must go with no treaty, I shall be better satisfied than to have this treaty of discrimination continued.

Now, a word, Mr. President, regarding the terms that we are to use. Of course there is occasion to be more guarded in language between sovereign states, which have over them nobody to control their action, than there is between men, who can be obliged to keep the peace by police officers and the law. The peace of the world rests upon the observance of studied and careful courtesy in the relations between nations.

Mr. President, among men there are more quarrels, there are more assaults, there are more murders brought about by insults, by wounded feelings, and injured honor than there are by the deprivation of property or injury to pecuniary rights. Among nations it is doubly so, because a jealous regard for independence and national honor are the part of patriotism the world over. No one can respect a man who does not resent an insult to his country. No people on earth are quicker to resent it than the people of the United States.

It is difficult for men in one country to realize how their words will be understood and received in another country. You and I are in the habit of thinking alike, talking alike. We are in the same surroundings. We can understand what impulses and feelings move each other. When we are using words which relate to people far away, on the other side of the earth, we can know but little of the weight, stress, and effect which will be produced in those far distant and alien lands. Different conditions may give new and different meanings to the words.

So it is that for the peace of the world, that nations may so conduct their affairs as to enable their people to live in peace and prosperity, it has come to be the universal custom to use especially guarded and courteous terms in diplomatic intercourse. It is not frill and nonsense; it is not fancy or fad; it is the teaching of the universal experience of civilization.

I am most anxious that in adopting a resolution to put an end to this treaty we should do it in accordance with that obligation of courtesy and respect which the peace and dignity of mankind requires.

Mr. President, accusations of violations of duty, imputations, insinuations, all controversial matter should be excluded from a resolution like this. If we assert our adherence to a great principle of acknowledged right as a reason for putting an end to this treaty we imply that Russia is opposed to it. We can not vaunt ourselves, our principles, our virtues, our love of freedom in this resolution without implying a charge against Russia that she is without them.

Mr. President, were it true, what would be the effect of a charge made expressly or by implication but to begin a controversy? Are we desirous to end this treaty and to secure a better one, or are we desirous to begin a controversy that will end we can not tell where?

Mr. President, let me say one further thing. If in this resolution we depart from that dignified and courteous treatment which the customs of international intercourse throughout the world require, the sympathy of every civilized people on the face of the earth will be with the nation that has been offended, and the tremendous power of the public opinion of mankind will be behind a refusal of all the efforts of our diplomacy to secure a new arrangement which may benefit our fellow citizens with whose woes we sympathize so deeply.

It not only will affect us in this particular case, but it will affect the position, the prestige, the good name, and credit of our country in all its foreign relations. It will leave a condition of feeling between us and Russia, our traditional friend, which it would take generations to do away, and it will leave us in all the countries of the world lower in credit and less esteemed than we have been hitherto.

Mr. STONE. Mr. President, as a member of the Committee on Foreign Relations I took part in the preparation of the resolution reported from that committee and now pending before the Senate. In committee I voted to report the resolution in the form in which it now stands before the Senate. The whole question at issue was carefully and fully considered by the committee, and its action was deliberate.

As has been already stated, every member of that committee voted to report the resolution in its present form, with one exception. The Senator from Massachusetts [Mr. LODGE] has advised the Senate that the Senator from Nebraska [Mr. HITCHCOCK] withheld his vote. That Senator seemed unwilling to commit himself one way or the other to the resolution as prepared and presented, and declared that he preferred not to vote at all.

Because of my relation to the committee and to the resolution, I feel that I should, with reasonable brevity, state my position with respect to the resolution and the reasons influencing my action.

At the outstart let me refer to a question that has been raised as to whether in a case like that now before the Senate, where a treaty may be terminated under the authority and in pursuance of a notice provided for in the treaty itself, the preliminary action should be taken by the President with the joint sanction of the two Houses of Congress or whether it should be taken by the President with the approval of the Senate alone. In other words, the question is whether the annulment of a treaty of the exact character of the one in question is a function requiring the joint action of the two Houses and the President or whether that function is devolved by our Constitution and practices upon the President and the Senate alone. This is a question about which at this moment I am not prepared to express a definite or satisfactory opinion. I have examined into it as far as time and opportunity have permitted, and at this time I am inclined to the opinion that, inasmuch as a treaty is a part of the supreme law of the land, the obligation of our own people to obey it can only be removed by an act of Congress. It may be that, so far as the international relation and obligation as between the sovereignties who are parties to the compact are concerned, the treaty may be terminated and the international obligation ended by the action of the President and the Senate; but as a law of this land, operating on our own citizens, I question whether its authority as a law can be taken away except through the action of the entire lawmaking power. I have examined numerous authorities bearing upon this subject, and if I cared to become discursive and enter upon a discussion of no immediate practical moment I might contribute something to this phase of this debate. But, Mr. President, I make it a rule when I rise to debate any question to confine myself as far as possible to the real issues involved, without consuming time on issues wholly collateral, even though in themselves of more or less importance. It is sufficient for this occasion to say that because of the wide divergence of opinion held by Senators here to-day, and a like divergence of opinion among distinguished and able men who in the past have served in both Houses of Congress, I apprehend that if the Senate had followed the suggestion of the President and had ignored the House and acted on this grave matter without reference to the House it would have left the whole question, as well as our people and the Government of Russia, in a state of uncertainty as to whether the treaty had been constitutionally and lawfully terminated. That, of course, might have left the whole question for a final determination through some form of judicial action. The House of Representatives took the legislative initiative in this matter, passed a resolution, and sent it to the Senate, which resolution in turn was referred, in due course, to the Committee on Foreign Relations. In the interval between the passage of the House resolution on Wednesday last and the meeting of the Senate on yesterday—that is, on Friday last—the President directed the American ambassador at St. Petersburg to deliver to the Russian minister for foreign affairs a note, in due form, advising him of the intention of the United States to terminate the treaty in question, in accordance with its terms, in one year after January 1, 1912. On yesterday the President sent a message to the Senate notifying the Senate of his action and asking the Senate to ratify his action independ-

ent of and without reference to the House of Representatives. As I have said, I gravely doubt, in the circumstances of this case, whether the proceeding advised by the President would have been sufficient to accomplish the end at which he aimed. Anyhow, I know that the termination or abrogation of treaties has usually been brought about by the joint action of the two Houses of Congress. There are one or two exceptions to that rule, but the usual practice has been for both Houses to proceed jointly. Hence I came to the conclusion that as a matter both of legislative prudence and courtesy the House should not be ignored, but that the resolution of the House referred to the Senate committee should be made the basis of whatever action the Senate might take, and that is the course the Senate committee adopted when it determined to report the resolution now before the Senate. The Senate resolution is merely an amendment in the nature of a substitute for the House resolution.

Mr. President, what is the difference between the House resolution and the resolution reported by the Senate Committee on Foreign Relations? Each resolution is preceded by a preamble or recitation of facts giving reasons for the resolution itself. Passing these preambles or recitations by for the moment, let us see what the difference is in the substance of the two propositions—that is, in the two resolutions themselves. The House resolution declares that for the reasons recited the treaty ought to be terminated at the earliest possible moment, and declared that the same shall be terminated from and after the expiration of one year after the date of notification to the Government of Russia, and charging the President with the duty of giving due notice to the Government of Russia. The resolution reported by the Senate committee, after declaring that the treaty should be terminated, proceeds to ratify and confirm the action of the President taken on Friday in giving notice to the Russian Government of the intention of this Government to terminate the treaty, in accordance with its terms, in one year after January 1, 1912. In other words, the House resolution called upon the President to give this notice; after that the President gave the notice before the Senate had acted on the House resolution, and so the Senate amended the House resolution by ratifying and confirming the action of the President. Inasmuch as the President had already acted before the Senate committee had a chance to consider and report upon the House resolution, it was thought that it would be a useless and somewhat silly thing to do to pass a resolution charging the President with the duty of doing something he had already done, and of which the Senate committee had been officially notified. The thing the House sought to do was to have the Russian Government formally and duly notified through the President of the United States of the intention of this Government to terminate the treaty of 1832. That the President has already done, and clearly it would be useless for him to do it again. The ratification of his act by Congress serves every useful purpose and accomplishes the thing desired. It is said that inasmuch as the House had acted and its resolution was pending before the Senate committee the President should have waited until the Senate acted and then proceeded under the authority of Congress given to him in advance. But that raises a question of no practical moment, and I pass it by. It is said that for political considerations the President was moved to this hasty and somewhat precipitate course, and that may be true. It is said that the President was driven to give this notice by the bold stand of the Democratic House of Representatives, and that he hoped in that way to share in the credit the country at large was disposed to give to the House for its action, and that may be true. It is said that the President and his advisers are playing politics, and that may be true. No doubt the stress of the times makes it necessary for them to "play politics." However, these are considerations I am not disposed to enter upon at length. It must be manifest to all that the President would not on Friday last have given the notice of the intention on the part of this Government to terminate this treaty except for the passage by the House of the resolution denouncing the treaty and calling upon him to take the action he did take. Manifestly that resolution was the spur that goaded the administration into taking this timely action, delay in taking which had aroused a strong feeling of resentment throughout the country. This triumph of the House should be glory enough for Democrats. This should be enough to satisfy even that splendid and distinguished New York Democrat who in the House so ably led this fight for freedom and humanity, and enough to satisfy our great Democratic House itself. On this subject of politics I have just this to say, and no more:

Senators on this side know I am a tolerably sturdy partisan, but I think in dealing with a grave international question like this the best politics we can play is to act on a high plane with an eye single to the public weal. The Democratic Party has now a splendid prospect of being called to power and put into the control of the Government. In a sense our party is on trial. Let us do nothing to impair public confidence in our sagacity and our ability to wisely administer the great affairs of the Republic. Let us be careful to do nothing that would justify an accusation that we ourselves are merely playing politics in a case where mere politics ought not to enter into the game. We can not fool the Jews or the Christian clergy, and above all remember that what we do will be critically weighed by the sound, conservative judgment and common sense of the American people.

A word now as to the preambles or recitations of fact set forth in these two resolutions. The recitations in the House resolution were curt, drastic, and rasping. In effect they charged the Russian Government with violating their solemn contract and ignoring their international obligations. This has always been accounted a serious thing for one nation to do with respect to another. Mr. Sumner once said in this Senate:

> The abrogation of a treaty may be the prelude of war; indeed, it may practically amount to a declaration of war. * * * By the law of nations, in the absence of any express stipulation, a treaty is of perpetual obligation on both parties; to be abrogated only by a new treaty having the assent of both parties, or by the act of one party, alleging the bad faith or hostile intent of the other, and on this account declaring before the civilized world a release from all its obligations. Such an act not only operates upon the other party in invitum, but it is also offensive in its character.

Mr. Mason, of Virginia, at that time chairman of the Committee on Foreign Relations, said in the Senate:

> * * * We know very well that to violate a treaty in any of its provisions—far more to cancel the whole treaty—is a cause of war; it is so admitted by all the publicists. A treaty is a contract—a contract between two governments—by which both are bound, and bound in perpetuo, unless there be something in the treaty itself to affect it otherwise. If either party to a contract of that character violates the contract, or undertakes to cancel it without the assent of the other party, it is an act of hostility; it is esteemed by all the publicists as a cause of war.

Numerous quotations of like kind could be made.

Thus it will be seen that a declaration like that embodied in the House resolution might involve us in serious complications with Russia. In fact, in has been said that the Russian ambassador at Washington has stated that such a resolution, containing such declarations, would be extremely offensive; indeed, would amount to an insult to the Russian Government. Upon due consideration the Senate committee unanimously determined that the offensive clauses or parts of the House resolution ought to be eliminated and superseded by a more conservative statement of our attitude. I believe that action of the Senate committee was wisely taken. Russia is a great power, exercising domain over a vast territory and sovereignty over a great many millions of people. It is not only a great European power, but a great Asiatic power. Russia and Japan are the two dominant foreign powers in Manchuria, and I might well say throughout China. Above all others we stand for the "open door" in China, and we have an ever-growing commerce in that vast region of the Orient. Moreover, we have a commerce of considerable dimensions in European Russia and with different parts of her Asiatic possessions. We have many people aside from Jews, Catholic priests, and Protestant ministers, who have large interests within the Russian domain. All these are entitled to our thoughtful consideration and care. Of course, where the integrity, honor, and rights of American citizens are involved business and commercial considerations must stand aside and wait upon the settlement of these greater and higher things which concern the personal rights of American men and women. Still at the beginning of this real effort of our Government and people to bring about a more satisfactory condition in our relations with the Empire of the Czar, I submit that we should keep in mind and under our eye the whole field; embracing all the great interests of our people, and as far as possible conserve the well-being of all.

Now, there are two things in our relations with Russia that are especially objectionable. One is the insistence on the part of Russia on the old, antiquated doctrine of the indefeasible allegiance of all persons born in that Empire and once subject to her sovereignty, and the other is the unwillingness and refusal of the Russian Government to recognize American passports when held by American citizens, without discrimination as to nativity or religion.

When that treaty was made, 80 years ago, the doctrine of indefeasible allegiance was recognized by practically all the governments of the world, and by most of them enforced. I may add that in 1832, when this treaty was made, and before that and for some time afterwards, the same doctrine was recognized and enforced in the United States. Since then we have progressed onward and upward until we are far beyond that point. We have long ago repudiated that old medieval notion and by solemn statutory enactment announced a very different doctrine as the policy of the United States. Under the leader-

ship of the United States most of the European nations have come to recognize the right of their citizens or subjects to emigrate and take on allegiance to another power. Under our policy, embodied in the statutes of this country, we recognize the right of an American to expatriate himself, and we hold that when one who is foreign born immigrates to this country and is duly naturalized under our law he is entitled at home and abroad to the same protection of life, liberty, and property that a native-born citizen is entitled to. Against that doctrine, among all of the great European powers, Russia alone stands opposed. Russia still adheres to the doctrine that a man being once a Russian subject is always a Russian subject unless the Russian Government formally consents to his expatriation. Unfortunately, in the treaty of 1832 the United States acceded to that claim of Russia. But since then we have gone so far in the other direction that we ought not longer to abide by a treaty so at variance with our political principles and international policy.

As to the question of passports, we have an acute grievance and a strong ground for grave complaint. I will not stop now to discuss at length whether under the terms of the treaty of 1832 an American citizen has a right to go into Russia except to attend to some commercial business. The treaty is a treaty of navigation and commerce, and I am bound to say that it is fairly open to the interpretation that it confers no legal right upon an American to go into Russia merely for travel, study, or pleasure, and that in cases where an American does enter Russia for any such purposes and is permitted to remain he remains there not as a matter of right, but of courtesy extended by the Russian Government under that general comity which ordinarily obtains among civilized nations. I say this treaty may well bear this interpretation, and I am inclined to the opinion that that interpretation is justified by the language and the purpose of the treaty. On the other hand, however, citizens of the United States have an absolute legal right under the very terms of the treaty to enter and sojourn in Russia on commercial business so that they may "attend to their affairs." Now, it so happens that on various occasions the Russian Government or Russian officials have refused to honor American passports granted to American citizens who either went to Russia or sought to go there wholly on legitimate commercial business. In every such case as that I think Russia clearly violated the express terms of the treaty. No distinction in or classification of American citizenship is made in the treaty, but the treaty confers a common right to all American citizens without distinction to go to Russia and sojourn there for the purpose of engaging in and conducting legitimate commercial affairs. I know that Russia assumes to construe the treaty so as to divide American citizens into classes and to say that she accords to each class of Americans the same treatment she accords to the like class of her own subjects. But as a matter of fact she does not treat all of our Jewish citizens alike. Sometimes American passports issued to Jewish citizens are honored and respected, while in other cases recognition of them is refused; and this is not done with any apparent good reason or under the operation of any established rule, but is done in an arbitrary way by Russian officials to whom the passports are presented to be viséed. Some very exasperating instances have been cited where this arbitrary refusal of Russian diplomatic and consular officers to honor our passports have been called to public attention. Moreover, we have nothing to do with the internal policy of Russia in separating her people into classes and defining the rights of those belonging to the respective classes. That is a matter which belongs alone to Russia, except in so far as we may express our opinion regarding it as a great moral question involving the rights of human beings. But when under this treaty an American enters or attempts to enter Russia under an American passport on commercial business any attempt on the part of Russia to discriminate against or to exclude an American because of his origin, creed, or faith, is to do something we are bound to hold is hostile to our principles of government and wholly inadmissible under the very terms of our international agreement with that Empire. It is impossible that we should accept the interpretation Russia places upon this treaty in this respect, and it is intolerable that we should longer continue it in force under that interpretation. And so, Mr. President, these two reasons to which I have adverted, even if there were no other, are all sufficient to justify and impel this Government to the course it has taken to terminate this treaty at the earliest possible moment.

A word more, Mr. President, and I am done. The people who have been sufferers from this Russian practice of dishonoring our passports are Jews, Catholic priests, and Protestant ministers of the Gospel. All these have been humiliated by this discriminating practice of the Russian Government—the Jews, undoubtedly, far more than others. The Russian Government has opposed the entrance into its dominion of Catholic priests and Protestant ministers chiefly because of the antagonism of the Greek Church to other forms of the Christian faith, and because the Czar, being the head of the church as well as the state, it is the policy of the Russians to maintain the Greek Church and as far as possible to exclude competition with its ecclesiastical authority within the domain of the Empire. Hence it is that Baptists and Presbyterian missionaries and Catholic priests have not been permitted to sojourn in Russia. The hostility of Russia to the Hebrew people is upon a different ground. I will not stop to trace, even in a cursory way, what is known as the Jewish question in Russia. Suffice it to say that for economic reasons, even more than for religious reasons, there has grown up a most lamentable semirace question between the Slavic and Jewish peoples of Russia. The Jews, of course, are the victims of this hostility and its principal sufferers. The history of this frightful contest is written in wrath, rapine, and blood. It constitutes one of the most monstrous chapters in human history. Why Russia and Russians should so disparage and persecute the Jews in this enlightened age of the world; why Russia, alone of all the great Christian powers, should so stubbornly adhere to this cruel policy, so frightfully illustrating "man's inhumanity to man," surpasses the power of our people here in the Western Hemisphere to comprehend. The Jews are a wonderful people, with a romantic and wonderful history. Once a nation of great power and wide influence—in fact in the day of their supremacy the most enlightened and influential nation of the world—the Jews now for more than 20 centuries have been under the ban of disfavor, ostracism, and persecution. The country, once ruled by King Solomon and King David, passed centuries ago from the control of the Jewish people. Over Jerusalem the eagles of Rome have spread their wings, and over it a Moslem crescent has gleamed for years as an emblem of power and sovereignty. The Jews have been scattered the wide world over. The people of practically every other nation which played a part in the world's history of that far-off time when Judea was in her glory has disappeared, or, at least have ceased to maintain their individual national traits as a distinct race of people, but the Jews have maintained themselves through all the adverse mutuations of time. They have exercised, and are to-day exercising, a great, potential influence on the social, industrial, political, and civic life of nations. They have achieved high and influential stations in all the fields of human endeavor. In literature, art, commerce, politics, statecraft—in every direction whether in peace or war—they have wrought and achieved in a wonderful way unsurpassed by any other type or class of human beings. They are good citizens, industrious, self-sustaining, law-abiding, enterprising, and patriotic. We behold daily what Jews can do, and what they do accomplish, under institutions of government where they enjoy the freedom of thought and action enjoyed by others. It is amazing to us that Russia or any other country should stand out and persist in pursuing a policy so cruel and indefensible against these people. It is abhorrent to every American citizen, as I believe it is to the great body of men and women in all the enlightened nations of the earth. The course of Russia in this behalf is a source of profound regret to me, as it is to all of us; and I hope the day is not distant when the Russian policy with reference to her Jewish subjects will be lifted to a plane far higher and more humane.

However, Mr. President, we can not compel Russia to change her internal policy with reference to her own people, nor can we compel Russia to admit our people to her territory. All we can now do is to abrogate this treaty. When that is done, the way is open for negotiations between the two Governments to conclude a treaty more modern in its terms and more consonant with the prevailing sentiment throughout Christendom in favor of a broader humanity, a more universal brotherhood among men, and a more general diffusion of the blessings of liberty. To me it is personally clear that we ought not in the formal action our Government is about to take to do anything that would put an obstacle in the way of bringing about a more desirable understanding with Russia. Russia is a great, powerful, and proud nation, and we can not promote the ends so much desired by offending Russia at the very outstart. That would be the acme of diplomatic madness. Neither the Jews, the Catholic priesthood, nor the Protestant clergy have asked us or desire us to denounce Russia, but have asked us only to denounce this treaty. Mr. Marshall, himself a very able and distinguished Jew, appeared before the Senate Committee on Foreign Relations and before the House Committee on Foreign Affairs, representing numerous Jewish organizations, and stated on his own behalf, and on behalf of those he represented, that he did not wish Congress to denounce Russia, but to abrogate

this treaty. He further said that he greatly hoped that a new and better treaty could be negotiated between the two countries, eliminating the objectionable features of the existing compact. If we expect to secure a more satisfactory agreement with Russia, we must not approach the question in an offensive attitude or in a spirit that may be well interpreted as hostile. As I have already said, we have great interests, present and future, at stake, and it would be most unwise and foolish to imperil any important interest unless it is necessary to vindicate and enforce some other greater and more vital thing. But there is no such necessity confronting us. How can we promote any interest now at stake by an open breach with Russia? No, Mr. President, it is clearly the part of wisdom for us to proceed calmly, dispassionately, and with due courtesy to bring about the ultimate ends we seek to accomplish. I think the resolution reported by the Senate committee is sufficient for all purposes and that it ought to be adopted. If this resolution could have the unanimous support of both Houses of Congress, it would, I believe, go a long way toward reaching the end we aim at and toward which we are moving.

Mr. HEYBURN. Mr. President, the proceedings in the Senate to-day would seem to justify the delayed action resulting from the objection to the consideration of the joint resolution yesterday. When it goes to the country now it will go accompanied by the arguments of Senators who have spoken from the different viewpoints of the situation, and the public will know in this generation and in the next what considerations moved Senators in their action.

The Senator from Massachusetts made liberal reference to the views expressed by Senators of several generations past as the basis of his conclusions to-day. Let us give the future generations an opportunity to consider our reasons.

Now, it is with me a question as to how this purpose should be accomplished. My mind is easy in regard to the purpose, but the question is how to accomplish it. I think, had the message of the President, which we received yesterday, proposed, in the language of the treaty, the arrest of the operation of this single article, it would have accomplished the purpose, and that immediate action on the part of Congress would not have been necessary to give effect to that proclamation or notice. Article 12 of the treaty provides—I read the affirmative—that either of the high contracting parties may give notice or announce to the other its intention to arrest the operation thereof.

Now, that notice has been given. We received official notice yesterday from the President, a copy of which is in the CONGRESSIONAL RECORD, at page 454, that he had, through the Secretary of State, communicated to the representative of the Russian Government the intention of the United States Government to suspend the operation of the treaty. The President uses the word "terminate"; perhaps he should have used the word "suspend."

I am unable to understand why, in order that we may demand the abrogation of article 1, we should necessarily include in that demand the abrogation of the entire treaty. When we dealt with the treaty of 1824, I think it was, with Denmark, we dealt with only one article of that treaty, and it was held competent so to do.

If the motive behind this is merely to procure redress against the evils arising under article 1, why is it necessary to attack the whole treaty? We have 12 treaties with Russia covering the entire scope of treaty relations with other nations. If it is necessary to go beyond article 1 and abrogate the other articles of the treaty under consideration, why not abrogate all of the treaties? It shows a spirit of international temper that, in my judgment, is not consistent with deliberate and conservative action. I am assuming that we have the same power to select a provision of this treaty as that which we exercised in dealing with the treaty with Denmark.

Now, I think we are undertaking to use too large a weapon to secure that which may be conceded to be desirable. It was in order that such questions may be investigated and considered that yesterday I appealed to the Senate not to take hasty action. It is entirely probable that Russia would be glad to have us abrogate this one article and allow the other articles of the treaty to stand. Both nations must recognize the importance to our commercial relations of the other provisions of this treaty outside of article 1.

I have had that thought in my mind from the beginning—that there was some evidence of a spirit of resentment rather than the spirit which should actuate us in dealing with other nations, one expressing a desire only to remedy an evil.

I think should the Senate reopen this matter for more serious consideration it might find some other way to deal with the question, which is all contained in article 1, and allow our treaty relations, so far as they affect the commerce and the comity between the two nations, to stand. But if we repeal this entire treaty merely to get rid of article 1, and do it in the spirit of resentment, then we had better abrogate the 12 treaties.

Mr. SMITH of Michigan. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Michigan?

Mr. HEYBURN. Certainly.

Mr. SMITH of Michigan. If it will not disturb the Senator from Idaho, I desire to make a suggestion on that point.

I noticed in his remarks yesterday that the Senator very wisely deplored any interference with the commercial relations between the two countries. The commercial aspect of the treaty which we are about to nullify concerns, among other things, the attitude of this Government toward Russia under the favored-nation clause; and I desire to suggest to the Senator that section 2 of the Payne tariff bill providing maximum and minimum rates will still apply to Russia. Under that section the President has proclaimed that Russia is entitled to the minimum rates under our tariff law, which she is now enjoying. Now, then, if that is true—and I assert it as a fact, having examined the question closely—then the abrogation of this treaty will not interfere in the slightest particular with our attitude toward Russia in matters of commerce. Every right which that Empire has under the treaty of 1832 by reason of the favored-nation clause is hers under the maximum and minimum provisions of our customs laws, according to the proclamation of the President of the United States, issued in July last year, and I have no doubt whatever that Russia will continue to enjoy the same commercial privileges in the ports of the United States if this treaty is nullified as she would enjoy with this treaty still in existence.

Mr. HEYBURN. The Senator from Michigan is acting on the assumption that we are not going to repeal the shipping provisions regulating commerce between the two countries, but he will find that whatever rights we have in the ports of Russia or whatever rights they have here are under the provisions of this treaty which is to be nullified.

Mr. SMITH of Michigan. Yes; our customs laws remain the same.

Mr. HEYBURN. Then what difference will it make about the maximum and minimum rates, if you have destroyed the provisions under which commerce can exist at all?

Mr. SMITH of Michigan. I was speaking with especial particularity about our relations to Russia. Our ports are open and they will continue to be open, and our custom laws will continue to be administered in a spirit of fairness and impartiality upon the products of Russia coming to this country; but of course that Empire may burden our commerce if it desires, in which event our maximum rates will apply—a situation which I do not believe Russia will encourage.

Mr. President, I beg the Senator's pardon for intruding upon his time. He is always so lucid and interesting and instructive that I dislike to interrupt the thread of his discourse, and yet, in view of his statement yesterday and its reiteration to-day—that our commerce was to be affected by this action—I thought it timely to suggest that section 2 of the tariff law, so far as our Government is concerned, is still the law of our land, and Russia may come here with her products without discrimination and without hindrance except upon the terms laid down in the act of Congress.

Mr. HEYBURN. Where would we go with our products with the ports of Russia closed to us? Our balance of trade with Russia is largely in our favor.

Mr. SMITH of Michigan. The question of the Senator does him credit, as his questions always do, but I was speaking of our attitude toward the Empire and not her attitude toward us. If Russia should, after the nullification of this treaty, inhibit our commerce in any particular not satisfactory to the President of the United States, he may withdraw his proclamation and the minimum rates that they are now receiving in our ports will not be applied to her products. Until she discriminates against us our relations with Russia commercially would still be unimpaired, although our voice in negotiations of diplomacy has been for the time being silenced.

Mr. HEYBURN. There is not a port in the world that can be entered by the vessels of anyone except the nation to which the port belongs without some provision of law protecting that nation, and the ports of Russia could not be entered by our vessels in the absence of some treaty authorizing them to enter.

Now, the present and existing treaty under which we enter the ports of Russia is proposed to be repealed. If you repeal the treaty, under what authority could our vessels enter those ports?

I merely make a suggestion. It is not the main subject I desire to consider. But in any event is it not fair to assume

that there will be some retaliation on the part of the Russian Government if we abrogate this treaty? They probably will abrogate all the treaties.

Mr. SMITH of Michigan. I favor the denouncement of this old treaty for many reasons, but we can not regulate her course. It would not surprise me at all if there were some resentment manifested by the Russian Empire toward the United States if we deliberately go out of our way and unnecessarily affront them in the manner of abrogation of this treaty. I do not, however, believe the resolution of the Senate Committee on Foreign Relations does that. It is respectful but emphatic, and meets the demands of our countrymen who have found its terms burdensome and unjust. I do not believe it to be offensive, but I insist that it shall be effective. I would not vote for it in offensive language, much as I despise the conduct of Russia toward our Jewish citizens. This is an international controversy, and we must so conduct ourselves as to command the confidence of our own people and the respect of the world.

Mr. HEYBURN. I regret that this question has been interjected into the remarks that it was my intention to make. Any intelligent consideration of the question of the commerce between the two countries should include a statement as to the laws contained in the treaties and a comparison of them and a more accurate statement than I am prepared to make at this time. It is not my intention to go into that question in an imperfect way. It is one worthy of consideration. Should Russia abrogate the treaty with us that we do not deal with, then she would be to us no man's land. There would be nothing to regulate the transactions of citizens of either country on the sea or on the land.

But I do not intend to consider that question at this time. We may, and doubtless will, have an opportunity, perhaps a burden resting upon us, to consider it at some other time. I only wanted to deal with the question whether or not we could not confine the effect of this resolution to the article that is held to be obnoxious; and I know of no reason why we could not. We could at least propose it. The President of the United States duly authorized or by virtue of his inherent power, might have said to Russia that because of the misunderstanding as to the construction of article 1 difficulties had arisen which were embarrassing to this country, and therefore he gave notice, under the provisions of the treaty itself, that the operation of that article should be, in the language of the treaty, arrested. That would hold it in abeyance until Congress or the President, or the President and Congress together, could act upon that article, and if Russia should concede that she was content to have eliminated from the treaty article 1, it would save a great deal of unnecessary and apprehensive difficulty.

I think that I, dealing with this subject on my own responsibility, would first have made an effort to confine the abrogation of the terms of the treaty to article 1. We should then have been freed from the consideration of the commercial question—the commercial relations between the two countries would have been freed from any apprehension, whether justified or not, upon the part of the people as to what result might flow from the action we are about to take in this matter.

In my judgment Russia would probably receive kindly and give due consideration to that proposition, because it is the only real question in controversy. There is no controversy between the Russian Government and our Government, or any part of our people, in regard to any other article in this treaty.

Now, I have felt that we were hastening the consideration of the joint resolution unduly, because we do not have all the wisdom on a question of this kind at the first consideration I desire this suggestion to go into the RECORD in connection with this matter. At the time of this treaty Poland, within which geographically all these questions arise, was recognized by Russia as a separate nation. She had her own laws. We do not need to go any further in proof of that than to article 12 of this treaty, which recites the existence of the Kingdom of Poland. It says:

> The present treaty, of which the effect shall extend, in like manner, to the Kingdom of Poland, so far as the same may be applicable thereto, shall continue in force until the 1st day of January, in the year of our Lord 1839.

Now, there is a clear recognition of the existence at that time of the Kingdom of Poland. It was terminated shortly afterwards; that is to say, the question was settled. It has been opened and reopened, but at that time Russia considered that Poland was a separate and independent Kingdom.

Under the law—I think under both national and international law—the subsequent acquirement of Poland, or of dominion over it by Russia, would not extend the laws of Russia to Poland. That is a rule of general application, I think. It has always been true among nations. But I merely give out that suggestion in passing, because a suggestion was made to-day that would seem to be based upon the assumption that this was always—that is to say, that the territory and the people affected by this treaty were always and at the time were within the Russian jurisdiction. It is not so.

I regret that it will probably be impossible to have the Committee on Foreign Relations consider the proposition of confining this denouncement to article 1 and thus obviate a great deal of objection to the proposed measure. I am unqualifiedly in favor of taking such steps as will accomplish the solution of this difficulty of the exclusion of American citizens from Russia, and I am going to vote for the best measure that can be secured to accomplish that purpose. I have no sympathy with a nation that excludes the people of other countries from visiting it because of the church to which they belong. I would take as kindly to the old New England idea that a man could not hold office or vote unless he belonged to a church. They have grown wise enough to abandon that idea. But the proposition stated either way is offensive to me—either that a man shall or shall not entertain any particular religious belief. It should not be made the basis of the exercise of his individual privileges or rights.

I am inclined to think that were this case submitted to an international tribunal, such as is contemplated by the proposed legislation for the establishment of such a tribunal through the treaties under consideration, the verdict would be against us, because we would be reminded of the fact that we exercise the same power over other people, who, doubtless, in the eyes of these people and of the Russian Government, are as civilized as we are. I presume that the Russian Government considers the Manchurians and those nationalities that we term of the Orient as quite our equals in intelligence and civilization, if not in accomplishments; and if a court was made up as is provided by the terms of these peace treaties, the chances are the verdict would be against us on that question. But the peace treaties have not yet been agreed to.

Mr. President, I am entirely satisfied with the language of the joint resolution reported by the Senator from Massachusetts, if we are going to pass a resolution. I am entirely satisfied with it, because I think the language is moderate and it is respectful and appropriate. I would not take kindly to any harsh criticism by innuendo or inference as to the conduct of these people. They are entitled to the presumption that they are acting conscientiously and that they are interpreting their laws and their rules and their customs according to their intelligence and their conscience, and we must give them credit for it. They are entitled to it. Merely because we do not look at the question in the same light that they do is not argument conclusive in our favor.

So I say I should like to have had the question go to the committee upon the proposition of narrowing the scope of it to this single article, but if that is not possible, I shall vote for the joint resolution reported by the committee of the Senate.

Mr. HITCHCOCK. Mr. President, it seems to me that this is no time to discuss the merits of the controversies which have been of long standing between the United States and Russia. The treaty is an old one, and the controversy is almost as old as the treaty.

Beginning in a small way, there began in this country a movement to secure from Russia a recognition of American passports without regard to religion. The movement was weak at first. It has gathered strength year by year. It has taken the form of resolutions adopted by the House of Representatives and of joint resolutions adopted by the Senate and House of Representatives, urging the President of the United States, through the Secretary of State, to secure from Russia a modification of her arbitrary position.

I am sorry to say, Mr. President, that since I have been in Washington, first in the House of Representatives and later here, the movement among the people and the sentiment in Congress has not found a proper response at the White House nor in our Department of State. In order to secure a strong statement of the American doctrine by our State Department it is necessary to go back a good many years. So far as I know, there is not on record anywhere any evidence that our Department of State has made any serious or effective effort to carry out the will of the American people and to assert the national determination to vindicate American citizenship.

Indeed, Mr. President, it developed not long ago that our Department of State was violating not merely the spirit but the letter of the act of 1868, which prohibited any officer of the United States from conceding the doctrine asserted by Russia. So indifferent to American sentiment and so blind to the law was the administration at that time that it issued a circular,

in plain violation of the act of 1868 and practically denying to Jews the protection of the passport. Since that time, although there have been professions that the State Department was doing what it could to secure some concession from Russia, the real truth has been that obstruction rather than cooperation has been the policy in administrative circles.

Finally, however, this movement to vindicate American citizenship, gathering strength year by year, has expressed itself in such unmistakable language and with such remarkable unanimity in the House at the other end of the Capitol that the administration has suddenly felt called upon to act. Thus we have reached a situation in which not only the House of Representatives has declared for the abrogation of this treaty by a joint resolution, but in which the Senate also is about to do so, all opposition having apparently disappeared. But, most surprising of all, the President of the United States has himself taken the responsibility of running ahead somewhat of legislative action, which he saw was certain, and has already notified Russia of the proposed abrogation of the treaty.

So I say, Mr. President, it is not now a question whether the treaty shall be abrogated or not. Abrogation has been forced upon this administration by the popular demand for it, and abrogation is at hand.

There is, however, a great question, Mr. President, with which we are confronted. Shall the Congress of the United States, when it takes action by joint resolution, merely adopt a meaningless jumble of glittering generalities, or shall it state plainly, in unequivocal English, the reason why this treaty is abrogated? The reason has been stated in a hundred meetings. It has been stated over and over again at the other end of the Capitol in the House of Representatives. It has been stated repeatedly in public documents. It has been stated upon the floor of the Senate to-day in glorious passages of eloquence from Senators. Why should we not set forth those reasons plainly in the joint resolution which we propose to adopt, so that 5 years from now, or 10 years from now, when the resolution is examined to see why the treaty was abrogated, the reason may be apparent upon its face?

Mr. President, I do not believe in affronting Russia. I do not believe that the Congress of the United States should enact a joint resolution which will insult Russia; but I do think, in consideration of our own dignity, of our own character as a Nation, we should not be afraid to state in plain language why we abrogated the treaty.

For that reason, Mr. President, I have already presented, and later, at the proper time, I shall offer, a substitute for the resolution reported by the Committee on Foreign Relations. I was the only member not voting for the committee report, which I regard as inadequate and meaningless. In place of it I shall offer my substitute, which is much stronger, but which neither insults nor attacks Russia.

Mr. RAYNER. Will the Senator allow me to ask him a question?

Mr. HITCHCOCK. Certainly.

Mr. RAYNER. Does the last line of his resolution mean the notice the President has given or does it refer to the notice the President shall give after the resolution is passed?

Mr. HITCHCOCK. It covers the notice he has already given.

Mr. RAYNER. And dates the year from the notice he has given?

Mr. HITCHCOCK. It does. My resolution reads:

Resolved, etc., That the people of the United States assert as a fundamental principle that the rights of its citizens shall not be impaired at home or abroad because of religion.

Is not that true, Mr. President? Is not that what we are asserting? Is not that exactly what our State Department should have been asserting if it was doing its duty? It is the absolute truth. Is there any insult to Russia because the United States chooses to assert that its citizens shall not, under one of its treaties, be discriminated against when they bear American passports? I can see no insult intended or implied in the assertion of that doctrine.

Let me read further:

That the Government of the United States concludes its treaties for the equal protection of all classes of its citizens, without regard to religion—

Will anyone take the negative of that proposition? Is it not a fact, as stated there, that we do conclude such treaties for that very purpose?

That the Government of the United States should not be a party to any treaty which discriminates, or which by one of the parties thereto is so construed as to discriminate, between American citizens on the ground of religion.

That is exactly what we have all agreed. We are proceeding to put an end to this treaty because one of the parties to it has so construed it as to permit it to discriminate against our citizens on the ground of religion. Is there any insult, expressed or implied, in that language?

That the Government of Russia has so construed the treaty between the United States and Russia, concluded at St. Petersburg December 18, 1832, as entitling Russia to refuse on account of religion to honor American passports duly issued to American citizens.

That is not only the truth, but Russia will admit it. All the diplomatic correspondence shows it to be a fact. Russia has so construed that treaty and insists upon the construction. Is there any insult, intended or implied, when we withdraw from the treaty for that reason?

That in the judgment of the Congress the said treaty, for the reasons aforesaid and for others, ought to be terminated at the earliest possible time.

And so forth.

Mr. President, I object to the resolution which the Committee on Foreign Relations has reported by way of amendment to the House resolution because the committee resolution does not state the truth, because it conceals the truth, and I think in an act of the dignity of a joint resolution to be passed by the two Houses of Congress and signed by the President the truth should be stated in plain language, even if it must be offensive. Here are the reasons stated in the joint resolution as proposed by the committee:

Whereas said treaty is no longer responsive in various respects to the political principles and commercial needs of the two countries.

It may be that, by a long series of argument, contention may be made that there is some truth in that as far as the United States is concerned, but it is not true as far as Russia is concerned at all. That ancient treaty is exactly responsive in the case of Russia to the political principles and commercial needs. Yet for the purpose of concealing the real fact this preamble is inserted here as an ostensible reason for the abrogation of the treaty:

Whereas the constructions placed thereon by the respective contracting parties differ upon matters of fundamental importance and interest to each.

Mr. President, I think that language is blind and unmeaning, and I think it is unworthy the dignity of a great legislative body that proposes to state its reasons. It would be better to state no reasons at all and to confine the resolution to the simple words of enactment without any reason than in this blind way, in this misleading way, to pretend to tell the world why this act is done.

Moreover, I object to this joint resolution, because it approves the form of the notification of the President of the United States to Russia.

Let me call your attention to the language used by the President of the United States in his instructions to the ambassador. He directs him to deliver the following to the Russian minister of foreign affairs:

Your excellency will recall that pour parlers between the two Governments during the last three years have fully recognized the fact that this ancient treaty, as is quite natural, is no longer fully responsive, in various respects, to the needs of the political and material relations of the two countries, which grow constantly more important. The treaty has also given rise, from time to time, to certain controversies equally regretted by both Governments.

I think it would have been more dignified on the part of the President of the United States if he had used plain language rather than clouded his meaning in such a combination of words.

I should like to go back to the time, for instance, when James G. Blaine, as Secretary of State, sent his instructions to the American ambassador in Russia upon this same subject. I infer there was no insult intended to Russia in Blaine's language, and I infer that there was no cause for insult; but here is what James G. Blaine said in that document:

You can further advise him—

That is, the minister of foreign affairs of Russia—

that we can make no new treaty with Russia nor accept any construction of our existing treaty which shall discriminate against any class of American citizens on account of their religious faith.

I think, Mr. President, the world would have thought better of the United States and would think better of the United States if, in the abrogation of this treaty, instead of making brilliant speeches denouncing the action of Russia, we incorporated in the cold language of the resolution a plain statement of the reason why we are abrogating the treaty, so that a man 10 years from now examining the resolution could know why it was adopted.

Has the United States been afraid in the past to use plain language? I think it was in 1895, when Grover Cleveland was President of the United States and Richard Olney was Secretary of State, that a very plainly worded, easily understood message was sent to Congress for Great Britain's enlightenment. It was not mildly diplomatic, but it did the work; and England, while she was somewhat shocked, took no offense, although it was a

matter which related to England's relations to one of the South American countries and not to our own, strictly speaking. It was the plain assertion of the Monroe doctrine and the application of it to the Venezuelan controversy.

I can see no reason why we at this time in enacting this joint resolution should not tell the world plainly that we stand for the equality of American citizenship and that we will not enter into nor continue treaty relations with a country which denies to our passports recognition when they are held by a citizen whose religious faith may be obnoxious to that country.

Mr. President, I have never been a diplomatist. I have never been in the diplomatic service. Possibly if I had I might have a higher respect for the language that is used to conceal meaning. But I want to call the attention of the Senate to this fact: This is not a diplomatic message. It is to be an act of Congress. Is it not possible for us in this act of Congress to speak as plainly as Congress spoke in 1868 when it enacted the legislation which has been referred to here to-day? Let me repeat a little of that language. I think it is refreshing. This was said to all the world; not to one country. It was said to a number of countries who were denying the doctrine that we asserted.

It was said after a number of our public officials and some of our courts had admitted the European doctrine of indefeasible allegiance. Congress went on record and, as will be found in section 1999 of the Revised Statutes, it declared:

SEC. 1999. Whereas the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness; and whereas in the recognition of this principle this Government has freely received emigrants from all nations and invested them with the rights of citizenship; and whereas it is claimed that such American citizens, with their descendants, are subjects of foreign states, owing all allegiance to the governments thereof; and whereas it is necessary to the maintenance of public peace that this claim of foreign allegiance should be promptly and finally disavowed: Therefore, any declaration, instruction, opinion, order, or decision of any officer of the United States which denies, restricts, impairs, or questions the right of expatriation is declared inconsistent with the fundamental principles of the Republic.

And yet, in very recent years, here in Washington, our State Department has issued such a document, which did impair and restrict that right. I refer to the famous Jew circular of 1907 notifying Hebrews, whether Russian born or American born, that they could not have passport protection.

SEC. 2000. All naturalized citizens of the United States, while in foreign countries, are entitled to and shall receive from this Government the same protection of person and property which is accorded to native-born citizens.

Is this not the proper time, Mr. President, when we are taking steps to end this treaty, for us to state plainly that we are ending it out of further adherence to the doctrine here laid down, that our naturalized citizens are entitled to the same protection that our native-born citizens are entitled to, and that no country of Europe—neither Russia nor any other country—has the right to discriminate between our citizens bearing our passports, or, at least, if any country asserts that right, that we will not continue further treaty relations with it?

Mr. LODGE. I do not know how many more Senators desire to speak on the joint resolution, but if the Senate is ready to vote, I have nothing to say.

The PRESIDING OFFICER (Mr. CURTIS in the chair). The Chair will state that notice has been given that five Senators yet desire to speak.

Mr. LODGE. Mr. President, I simply desire to say that this joint resolution must be returned to the other House and that we must get it there by to-morrow, as that will be the last day before the holiday recess. The time for adjournment for the holidays has been fixed for Thursday. If we do not send the joint resolution over there to-night, we run great risk of its failure to pass the two Houses simply from lack of time.

Moreover, many Senators have spoken to me who are anxious to leave Washington to-night, as they have made their arrangements to go. I promised them that, so far as I had the power, I should urge the Senate to remain in session. It is of the utmost importance that action should be taken, and I ask unanimous consent that a vote be taken on the joint resolution and all amendments at 7 o'clock.

Mr. CULBERSON. I did not understand the request of the Senator.

Mr. LODGE. I asked unanimous consent that the vote might be taken without further debate on the joint resolution and all amendments now pending or to be offered at 7 o'clock.

Mr. RAYNER. Or before.

Mr. LODGE. Or before then.

The PRESIDING OFFICER. Not later than 7 o'clock, the Chair would suggest.

Mr. LODGE. Not later than 7 o'clock.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. CULBERSON. Mr. President, I had expected, in view of apparent opposition to the passage of a joint resolution of this character, to speak fully upon it at some stage of the proceedings. Under the circumstances, however, there being evident unanimity with respect to the passage of the joint resolution in some form, and in view of the situation as to time, to which attention has been called by the Senator from Massachusetts [Mr. LODGE], as well as by others, I shall content myself with referring to one or two phases of this question, and asking that certain matters which elucidate those questions may be printed in the RECORD without reading.

However they may ramify, the fundamental bases of our free institutions are political equality and religious freedom. Both are involved in this controversy. The first permeates every fiber of our Government and is woven into the warp and woof of our governmental affairs. The Constitution of the United States, as originally drafted and adopted, contained a declaration that no religious test should ever be required as a qualification to any office or public trust under the United States. But this was not enough. Jefferson and others of those times demanded that the organic law should go beyond the qualification of officeholding, and so the first amendment was adopted declaring that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof. The Russian construction of this treaty is subversive of the political equality of our citizens and prohibitive of the free exercise of religion by them; and except in defiance of the vital principles of our Government, the situation can not be further tolerated. It has been suggested, not only in the public prints, but in debates, that the acts on the part of Russia in refusing to honor passports of the United States when held by citizens of Jewish faith may not have been the acts of the Russian Government itself—not the official acts of Russia—but were the acts of some consular official or minister or ambassador, who perhaps represented individual views rather than the views of the Government of their country.

Now, Mr. President, I direct the attention of the Senate to official documents which will be found printed in the hearings before the Committee on Foreign Affairs of the House of Representatives on Monday, December 11, 1911, which not only establish what I claim, that these several acts did not only represent individual views of consular officials, ministers, and diplomats of Russia, but expressed the view of the Russian Government itself, that no Jew, whether native born or naturalized, including women, holding a passport of the United States could enter the territory of Russia; and agreeing with several Members of the Senate who have spoken, that the proceedings ought to state the reasons, whether we put them in this joint resolution or not, why this treaty is terminated, I ask the indulgence of the Senate to call attention to a few of these papers and ask that the remainder be printed without reading.

The PRESIDING OFFICER. Without objection, the matters referred to by the Senator from Texas will be printed in the RECORD as a part of his remarks.

(The quotations referred to will be found as an appendix to Mr. CULBERSON's remarks.)

Mr. CULBERSON. I shall first read a note of Mr. Foster, the Secretary of State at the time, addressed to Prince Cantacuzene. Mr. Foster stated:

Mr. Foster to Prince Cantacuzene.

DEPARTMENT OF STATE,
Washington, February 16, 1893.

MY DEAR SIR: The department is advised that the consul of Russia at New York has peremptorily refused to visé a passport, No. 46250, issued on the 6th instant to Mannie Lerin, a duly naturalized citizen of the United States, born at Odessa, Russia. Miss Lerin explains that she desires to visit her parents in Russia, and the action of the consul, of course, precludes all possibility of her doing so.

It is inferred that the consul bases his action upon the general instructions of his Government, allowing him to decline to visé a passport of a former subject of Russia who had left his native land without permission to escape military service. If this theory is correct, it is not perceived how this condition can apply to a woman, and I shall be glad to learn, if you please, the reason of the consul's action in this particular instance.

Awaiting, etc.,
JOHN W. FOSTER.

(Foreign Relations, 1893, p. 547.)

The answer to that from the Russian Legation at Washington by the Russian representative is as follows:

Prince Cantacuzene to Mr. Adee.

LEGATION OF RUSSIA,
Washington, February 20, 1893.

DEAR SIR: In reply to your note of February 16, concerning the refusal of our consul general in New York to visé the passport of Mrs. (not Miss) Mannie Lerin, a naturalized citizen of the United States, I beg to say that it appears from the information I just received from our consul general that the said Mrs. Lerin declared herself to be a Jewess.

In the present circumstance Mr. Olarovosky acted according to the instructions of his Government interdicting to visé passports of foreign Jews, with the exception of certain cases, under which Mrs. Lerin can not be placed.

Accept, etc., CANTACUZENE.

(Foreign Relations, 1893, p. 548.)

Mr. President, what I desire to emphasize is that this policy on the part of Russia was the settled policy—not isolated cases; not the acts of ministers and consuls and diplomats alone—of the Russian Government itself.

Is that all? They were not content with making the examination of persons holding American passports on the frontier of Russia, but they held examinations within the territory of the United States, on our own soil, and inquired of these people, under instructions from the Russian Government, what was their religion. If they answered that they were Jews and professed the Hebrew faith they were told that the passports which they held from the Government of the United States were discredited and dishonored and that they could not enter Russian territory.

I have asked, Mr. President—and I believe permission has been granted—that this correspondence, a note of which I will furnish the Reporter, shall be printed in the RECORD without reading, illustrating throughout that it was not in individual cases alone, but that it was the fixed policy of the Russian Government to examine in American territory people with respect to their religion, and when they answered that it was the Jewish religion they were denied the right to enter Russian territory as authorized by the passport of the United States and provided for by the treaty.

Another matter I want to emphasize is this: We have been told in the public press and otherwise that we shall interfere with vast and important commercial relations between the two Governments if we see proper to terminate this treaty. At the recent hearings before the Senate Committee on Foreign Relations, at which I was present, though not a member of the committee, it was stated, without contradiction, that this trade amounts to the very extraordinary sum of 1½ per cent of our foreign commerce, or only about $35,000,000 annually on both sides of the ledger, imports and exports, with a balance in our favor of about $450,000, or, further, as stated by one of the gentlemen before the committee, about equal to the annual business of the department store of John Wanamaker in the city of New York.

There was also said in these hearings and elsewhere something to the effect that American capital had invaded Russia, and for that reason the State Department and the administration were somewhat hesitating on the proposition to take these matters up for consideration at this time, and there was something mentioned about the Singer Sewing Machine Co., the International Harvester Co., the proposed banking business of J. Pierpont Morgan & Co. in Russia, and, finally, that John Hays Hammond, whose chief distinction lately is that he represented the President at the crowning of the King of Great Britain and Ireland, was proposing to finance a proposition of $300,000,000 to irrigate in Russo-Turkestan for the purpose of growing cotton, which would come in competition with the cotton growers of the Southern States. Whether there be much or little in this, to show that it is not a dream merely, I will ask that there be inserted in the RECORD at this point, without reading, extracts from the daily reports of our consuls in Russia on these subjects, comprising 4 pages, which I shall not now stop to read.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The matter referred to is as follows:

RUSSIAN CENTRAL ASIA.

[From Consul Jacob E. Conner, St. Petersburg.]

Public interest is rapidly growing in central Asia, its climate, products, people, and future. The Russian Government is contemplating the development of the agricultural possibilities of Turkestan, especially for the production of cotton, which, though still inferior to American cotton in quality and yield, promises much improvement under cultivation. To this end and for the production of other crops, extensive irrigation systems are being planned and American capital and engineering ability are becoming interested.

RESOURCES AND DEVELOPMENT OF THE REGION.

An article translated from the Revue Contemporaine, St. Petersburg, January, 1911, has this to say:

"Our large Asiatic valleys cover almost 1,500,000 square versts (nearly 600,000 square miles or two and one-half times the size of Texas), reaching the summits of Hindu Koosh and Thian Shan, where the atmospheric precipitations result in a great number of rivers and rivulets, which unite to form two of the largest rivers of central Asia, viz. the Amu-Daria and the Syr-Daria, scarcely inferior in size to the largest European rivers. These rivers, as well as a network of small rivulets of central Asia, render its soil fertile and capable of producing a flora of rare plants. Moreover, they form the Aral Sea, the third largest sea of the southern part of the Russian Empire. This sea is rich in fish of various kinds and is navigable, as are also the two above-mentioned rivers, forming a system of great economic importance for the country.

"The Aral Sea, together with its islands, covers an area of 64,490 square kilometers (24,899 square miles) and is from 6 to 61 meters (1 meter=3.28 feet) deep. A great part, i. e., 35 per cent, is from 10 to 20 meters deep, showing that this sea, while shallower than most seas, is deep enough to permit the navigation of boats of 16 poods (577 pounds).

"In its superior part, traversing the rich valley of Ferghana, the Syr-Daria is used for irrigation purposes. The chief canals constructed by inhabitants of the country begin at Kara-Daria for the left shore and the Naryn for the right shore. Their numerous branches form a network irrigating the cotton fields and gardens of Ferghana.

"In its central part the Syr-Daria furnishes water to the new irrigation system constructed by Russian engineers for the large "Colony" steppes, allowing them to be covered with a splendid vegetation. In its inferior part the Daria waters large areas of land where cereals are cultivated.

"The Amu-Daria takes its source from the heights called the 'Roof of the World,' in the Pamir knot from Lake Gari-Koul. Its total length is 1,557 miles. This river is navigable 648 miles from its estuary in the Aral Sea. Steamers are now plying from Noukous to Pataghisar.

"From the north of Afghanistan, a number of roads leads by caravans to Kerk, Kelife, and Termiz, transporting products of Afghanistan, especially wool, cotton, silk, spices, vegetable dyes, rugs, etc. A part of these goods, amounting to over 2,000,000 poods (36,110 short tons), goes by water from Tchardjou, on Khivian rafts, the rest by boats of the Amu-Daria fleet. The above-mentioned places in Afghanistan receive Russian products in cotton, cloth, iron, naphtha, etc. Tchardjou receives chiefly cotton from Khiva, also leather, wool, lucern, etc. A part of the above merchandise is exported from Afghanistan, as well as from Khiva. Owing to this a Government steamship line has been established on the Amu-Daria. The products of fisheries are chiefly carp, sandre, bream, pike, and sheatfish.

"Commercial activity began around the Aral Sea only about five years ago and is growing steadily. It is to be observed that all progress obtained in this direction is due only to energetic private initiative, which has not yet received any support from the Government."

The writer concludes that this recent commercial development is the best proof of the profitableness of further irrigation, and he lays down a plan which he commends to the Government. It is known that in the recent visit of *Mr. John Hays Hammond* to this city irrigation projects were under consideration.

AMERICAN CAPITAL IN RUSSIA.

[From Consul Jacob E. Conner, St. Petersburg.]

An official of the Azov-Don Bank has just confirmed the report that appeared in the St. Petersburg papers, namely, that a Russian, an English, a French, and an American group of capitalists are about to undertake jointly the exploitation of several promising enterprises in Russia. These groups are: *First*, the International Russian Corporation (Ltd.), including the Azov-Don Bank, the Russian Bank of Trade and Industry, J. W. Junker & Co., G. Wawelberg, Djamgarov Bros., and the Russian Mining Corporation; *second*, the English, Lazard Bros.; *third*, the French, Arthur Schnitzer, director of the "Société Générale"; Louis Dreifuss, Eugene & Albert Mott, and Giraud & Louchard; *fourth*, the American, *J. Pierpont Morgan & Co.*

Each group is to contribute its part of $2,060,000 as an initial venture, and if everything is favorable these groups will continue to participate in the same ratio. The three projects are: First, the establishment of a refrigerator-car service; second, the development of the irrigation system of Russian Turkestan; and, third, the construction of the Moscow-Serghieve railway.

The first and second of these are enormous undertakings and will demand large investments of capital and enterprise. Russian meats, eggs, butter, and fruits are finding a ready market in western Europe and with better means of inland transportation will undoubtedly be sold in steadily increasing quantities. Food products are probably higher in St. Petersburg than in any other European city, and yet in the southern and eastern parts of the country some of these products go begging. Thus, pears retail here at 5 to 30 cents each, according to quality, while in the south they can be bought at astonishingly low rates. All this is due to inadequate inland transportation, not only the lack of refrigerator cars, but the lack of rapid transit, the delays at way stations, and the loss from deterioration of product and other causes.

The irrigation of Turkestan is of especial interest in view of the cotton-raising industry in that region.

AMERICAN BANK OPENING IN RUSSIA.

[From Consul General John H. Snodgrass, Moscow.]

In reply to a commercial inquiry, consequent on my report in Daily Consular and Trade Reports of August 6, on banking in Russia, the following additional information is given as to the location of the proposed American bank in Russia and the advantages of its immediate establishment:

Moscow is much better situated than St. Petersburg for the site of the proposed American bank, for the reason that it is the center of the Empire, is the leading commercial city, is the center of the textile industry, and has many other factories, *such as the International Harvester Co.'s works, the Singer Sewing Machine Co.'s plant, etc.* It is also in direct communication with *Siberia, which is just opening up, and central Asia, where $50,000,000 worth of cotton is now being raised every year, and where immense irrigation enterprises are starting.* Moscow is also the railroad as well as the geographical center of Russia.

A British syndicate recently purchased on most favorable terms bonds issued by the city of Moscow amounting to $12,000,000 and bearing 4½ per cent interest. This simply illustrates what an American bank could do, if it were on the ground. It is rumored that British and Continental interests are seeking to purchase or establish banking houses in Russia. In order to obtain the best results, American banking interests should take prompt advantage of this relatively new field.

A French banking organization has already secured control of the Private Commercial Bank, in St. Petersburg, through the purchase of $4,000,000 of the stock. The offer of the English syndicate was not accepted.

[Mr. Snodgrass also forwards copies of two letters received by him from prominent business men of Moscow, giving their views on the subject of an American bank in Russia. They discuss in a very practical way the situation there and what sources of revenue could be ex-

pected. One of the letters is from a man already in the banking business, the other from one of the managers of a department store which does a business of $3,000,000 a year. Copies of both letters may be obtained by American financial interests from the Bureau of Manufactures.]

AMERICAN AGRICULTURAL-IMPLEMENT FACTORY IN RUSSIA.

[From Vice Consul General Ripley Wilson, Moscow, Russia, October 26, 1911.]

The new factories of the International Harvester Co. of America, located at Lubertsy, in the Moscow Government, were recently formally opened and dedicated.

These factories have been under construction a little over one year and a half, and when running full force will employ about 1,100 men. There are six new buildings in all, and they will be devoted principally to the manufacture of mowing machines and other agricultural implements.

The equipment of the shops was obtained almost entirely in the United States, and the general manager as well as a number of his assistants are American citizens. Steam and gas engines supply the power for the works, and all the machines are fitted with modern safety appliances.

The company plans to do much for the social and economic betterment of its employees, expecting thus to build up a more highly efficient working organization. A hospital with all modern appliances and large enough to accommodate 30 beds is under construction, and the workmen on certain days have the privileges of a clubhouse, with reading rooms and billiard tables. On the day of the opening each employee was presented with a day's wages and the foremen and assistant foremen were given double the amount.

It is stated that owing to the numerous holidays in Russia not more than 260 full working days can be counted on in each year.

Mr. CULBERSON. Mr. President, with that I will not detain the Senate longer, except to say that I agree absolutely and thoroughly with the Senator from Nebraska [Mr. HITCHCOCK] in what he has said with reference to the language of this joint resolution, and I intend to vote for the amendment proposed by him. I do not believe in offending gratuitously, either in private life or in official life, and there is no purpose on my part in my vote to offend Russia, yet we ought to have the courage of our convictions and we ought to be candid enough and courageous enough to state them frankly, so that the generations to come may know the reasons which impelled us to this course.

Reference has been made—the newspapers have been full of it for the last few days—to threats by Russia as to war and rumors of war with that country. When we can not have a war with Russia, according to these reports on this subject, it is said there will be an alliance between Russia and Japan by which the Philippines will be taken from us. Well, Mr. President, we acquired the Philippines in derogation of national honor, and I ask the Senate if it is willing to hold those islands at a constant sacrifice of the courage and the self-respect of the Nation. No one believes that there is any danger of war with Russia or with Japan.

It is a myth, a shadow with which it is sought to frighten the American people, who abhor war. We can well exclaim with one of the Kings of England—

> Shadows to-night
> Have struck more terror to the soul of Richard
> Than can the substance of ten thousand soldiers.

APPENDIX.

Mr. Foster to Prince Cantacuzene.

DEPARTMENT OF STATE,
Washington, February 16, 1893.

MY DEAR SIR: The department is advised that the consul of Russia at New York has peremptorily refused to visé a passport, No. 46250, issued on the 6th instant to Mannie Lerin, a duly naturalized citizen of the United States, born at Odessa, Russia. Miss Lerin explains that she desires to visit her parents in Russia, and the action of the consul, of course, precludes all possibility of her doing so.

It is inferred that the consul bases his action upon the general instructions of his Government, allowing him to decline to visé a passport of a former subject of Russia who had left his native land without permission to escape military service. If this theory is correct, it is not perceived how this condition can apply to a woman, and I shall be glad to learn, if you please, the reason of the consul's action in this particular instance.

Awaiting, etc.,
JOHN W. FOSTER.

(Foreign Relations, 1893, p. 547.)

Prince Cantacuzene to Mr. Adee.

LEGATION OF RUSSIA,
Washington, February 20, 1893.

DEAR SIR: In reply to your note of February 16, concerning the refusal of our consul general in New York to visé the passport of Mrs. (not Miss) Mannie Lerin, a naturalized citizen of the United States, I beg to say that it appears from the information I just received from our consul general that the said Mrs. Lerin declared herself to be a Jewess.

In the present circumstance Mr. Olarovsky acted according to the instructions of his Government interdicting to visé passports of foreign Jews, with the exception of certain cases, under which Mrs. Lerin can not be placed.

Accept, etc.,
CANTACUZENE.

(Foreign Relations, 1893, p. 548.)

Mr. Wharton to Prince Cantacuzene.

DEPARTMENT OF STATE,
Washington, February 28, 1893.

SIR: I have had the honor to receive your note of the 20th instant, in reply to Mr. Foster's of the 16th, concerning the refusal of the Russian consul general at New York to visé the United States passport of Mrs. Minnie Lerin.

In view of your statement that the visé in question was refused because Mrs. Lerin declared herself to be a "Jewess," and in accordance with the instructions of the Imperial Government "interdicting to visé passports of foreign Jews, with the exception of certain cases under which Mrs. Lerin can not be placed," I limit myself for the present to acknowledge your communication under the reserve necessarily imposed upon the Government by its Constitution and laws and by its just expectation that its certification of the character of American citizenship will be respected.

Accept, sir, etc.,
WILLIAM F. WHARTON,
Acting Secretary.

(Foreign Relations, 1893, p. 548.)

Mr. Gresham to Mr. Breckinridge.

DEPARTMENT OF STATE,
Washington, April 15, 1895.

SIR: Your attention is called to the department's No. 60, of February 28, 1893, to your predecessor, Mr. White, and to his reply of April 11, 1893, No. 81 (see Foreign Relations, 1893).

The subject thereof, viz, the refusal of the Russian consulate general at New York, under instructions from his Government, to visé passports issued by this department to persons of the Jewish faith, has again come up for consideration.

You are desired, unless good reason to the contrary occurs to you, to present to the Russian Government the views of this Government as contained in the dispatch of February 28, 1893, above referred to.

I am, etc.,
W. Q. GRESHAM.

(Foreign Relations, 1895, p. 1056.)

Mr. Breckinridge to Mr. Gresham.

LEGATION OF THE UNITED STATES,
St. Petersburg, May 17, 1895.

SIR: I have to acknowledge the receipt of your No. 46, of April 15, relating to the refusal of the Russian consul at New York, under instructions from his Government, to visé passports issued by the department to persons of Jewish faith, and instructing me, unless good reasons to the contrary should occur to me, to present to the Russian Government the views of our Government as contained in the department's No. 60 of February 28, 1893.

After consulting the dispatch above referred to, and the references it contained, and carefully considering the matter, I concluded to address a note to Prince Lobanow upon the subject, a copy of which, of this date, is herewith inclosed.

The records of this legation have not disclosed, after a careful search, the reply of the Russian Government to the position taken by our Government in the dispatch referred to. From long absence, however, of further complaint, I presume the objectionable practice was discontinued. Its resumption or continuation after the most earnest representations of our Government, and knowing how obnoxious such an extraterritorial step, especially concerning religious liberty, must be to the United States, seemed to make it impolitic and unjust to be silent, and useless to speak in any terms but the plainest, though of course in a spirit of courtesy and kindness, which conclusion and course I respectfully submit.

In this connection I may add that soon after writing this note to Prince Lobanow I was handed by our consul general two applications from Mr. Armand de Potter, a tourist agent of New York, to secure the visé of the passports of Hebrew families.

These I simply transmitted, calling attention to my previous note.

I have, etc.,
CLIFTON R. BRECKINRIDGE.

(Foreign Relations, 1895, p. 1056.)

[Inclosure in No. 71.]

Mr. Breckinridge to Prince Lobanow.

LEGATION OF THE UNITED STATES,
St. Petersburg, May 5–17, 1895.

YOUR EXCELLENCY: I am directed by my Government to bring to the attention of the Imperial Government the refusal of the Russian consul of New York to visé passports issued by the United States to its citizens if they are of the Jewish faith.

As your excellency is aware, it has long been a matter of deep regret and concern to the United States that any of its citizens should be discriminated against for religious reasons while peacefully sojourning in this country, or that any restraint should be imposed upon their coming and going. Painful as this policy toward a class of our citizens is to my Government, repugnant to our constitutional duty to afford them in every possible way equal protection and privileges and to our sense of their treaty rights, yet it is even more repugnant to our laws and the national sense for a foreign official, located within the jurisdiction of the United States, to there apply a religious test to any of our citizens or the impairment of his rights as an American citizen or in derogation of the certificate of our Government to the fact of such citizenship.

It is not constitutionally within the power of the United States Government, or any of its authorities, to apply a religious test in qualification of equal rights of all citizens of the United States, and no law or principle is more warmly cherished by the American people. It is therefore impossible for my Government to acquiesce in any manner in the application of such a test within its jurisdiction by the agents of a foreign power.

When this matter was the subject of correspondence between my Government and the Imperial representative at Washington, as shown by Prince Cantacuzene's note of February 20/8, 1893, such action by the Russian consul at New York was shown to be "according to the instructions of his Government."

I can sincerely assure you that the continuation of this practice is as embarrassing as it is painful to my Government, especially when it is on the part of a nation for whose Government and people such intimate friendship has so long been manifested by the United States.

I am happy that in this spirit I can frankly submit the matter to your excellency with the sincere hope that assurance can be given that such practices will be henceforth interdicted on the part of Russian officials located within the jurisdiction of the United States.

I avail, etc.,

CLIFTON R. BRECKINRIDGE.

(Foreign Relations, 1895, p. 1057.)

Mr. Uhl to Mr. Pierce.

DEPARTMENT OF STATE,
Washington, June 3, 1895.

SIR: I have received Mr. Breckinridge's No. 71, of the 17th ultimo, inclosing copy of his note to the Russian foreign office in regard to the refusal of the Russian consul general at New York, to visé passports for American citizens of Jewish faith.

His note is approved.

I am, etc., EDWIN F. UHL, *Acting Secretary.*

(Foreign Relations, 1895, p. 1058.)

Mr. Pierce to Mr. Uhl.

LEGATION OF THE UNITED STATES,
St Petersburg, June 13, 1895.

SIR: Referring to your No. 46, of April 26, and to Mr. Breckinridge's reply thereto, No. 71, of May 17, in which he inclosed a copy of his note to Prince Lobanow on the subject of the refusal of the Russian consul at New York to visé the passports of Israelites, I have the honor to say that in a recent conversation which I have had with the prince, the subject being referred to, I took occasion to call his excellency's attention to the importance of the Hebrews as a class in the United States, referring to their numbers, condition, and influence in the community as potential factors in a country governed, as is ours, by the will of the people. Prince Lobanow expressed himself as impressed with its importance, and, making a note of the matter, said he would consult with the minister of the interior on the subject at an early day.

Since then I have had occasion to call several times on Baron Osten-Sacken, to whom all questions in the foreign office relating to Israelites have been intrusted. In the course of the inquiries as to whether the two gentlemen of Hebrew faith referred to in Mr. Breckinridge's dispatch above mentioned would be permitted to enter Russia, the matter of visé of passports has come up, and Baron Osten-Sacken has informed me that he received Mr. Breckinridge's note from Prince Lobanow, accompanied by a memorandum calling special attention to the subject.

Regarding the entry of foreign Jews into Russia, Baron Osten-Sacken states the position of Russia to be that she looks upon their presence in the Empire as prejudicial to the Russian people; that certain numbers of them being here, she must take care of them, and that she proposes to do in her own way and according to her own views as to the best interests of all Russian subjects. That viewing the Jewish question as she does, as one of race and not of religion, but in which the two questions are inseparable, so far as her purposes are concerned, she refuses to permit foreign Jews of any nationality to enter her borders and swell the number already here. For this reason the Government has instructed all Russian consuls in all countries to refuse the visé of passports of foreign Jews. On the other hand, and speaking of his own opinion, as the real purpose of the laws forbidding foreign Jews to enter Russia is to prevent their settlement here and their engaging in trade in Russian territory, and not to prevent the entrance of tourists, temporary sojourners, or Jews whose purpose in coming is not of an objectionable nature to the Government, Baron Osten-Sacken said that in his opinion there should be a change in the present practice regarding the admission of foreign Jews.

I expressed the hope that the Imperial Government would find it compatible with its policy to admit American citizens into Russia without inquiry as to their religious opinions or race upon presentation of their passports. That with us the Hebrews had proved themselves to be good and law-abiding citizens, who prospered without preying upon others, but that whatever might be the opinion of the Imperial Government on this question, the interpretation and application of the Federal laws discourage citizens of the United States of all creeds taking up permanent residence in a foreign country and continuing to claim the protection of our country as such citizens; that such citizenship involves certain obligations which require a residence in our country, and therefore it is unlikely that Hebrews bearing American passports would become permanently settled in Russia. This Baron Osten-Sacken admitted was a forcible argument, and he expressed himself as hopeful that it would be possible to bring about a satisfactory revision of Russian practice as regards the admission of American Jews into the Empire.

At the same time, he said that were an answer to Mr. Breckinridge's note demanded, the reply could not be favorable; that the laws of Russia are framed with regard to her own views of her own good. I took occasion to point out to the Baron that the purport of Mr. Breckinridge's note was to protest against the extraterritorial act of an agent of a foreign government, upon our soil, applying a religious test to citizens of the United States, an act not constitutionally within the power of any officer of the Government to perform, and not to criticise the Russian laws.

Under these circumstances, presenting a hopeful prospect of securing a more satisfactory condition of affairs in this vexed question, and as pressing for the principle seemed to endanger complications, I felt that the discretionary clause in your No. 46 should deter me from taking the responsibility of insisting on a reply to the note in question at the present juncture. I therefore requested Baron Osten-Sacken to hold the note in abeyance for the present. To this he assented and agreed to hold it as a memorandum of the case.

HERBERT H. D. PIERCE,
Chargé d'Affaires ad interim.

(Foreign Relations, 1895, p. 1058.)

Mr. Adee to Mr. Pierce.

DEPARTMENT OF STATE,
Washington, July 5, 1895.

SIR: I received your No. 91 of the 13th ultimo, reporting your interviews at the Russian foreign office in the matter of the refusal of the Russian consular officers in the United States to visé the passports issued by this Government to its citizens of Jewish faith.

Your conclusion that it is inexpedient to press the complaint to a formal answer at present appears to be discreet, but the department must express its deep regret that you have encountered in the foreign office a reluctance to consider the matter in the light in which this Government has presented it. The Russian Government can not expect that its course in asserting inquisitorial authority in the United States over citizens of the United States as to their religious or civil status can ever be acceptable or even tolerable to such a Government as ours, and continuance in such a course after our views have been clearly but considerately made known may trench upon the limits of consideration.

I must, however, caution you against any suggestion of retaliatory or resentful action on our part. A due sense of national dignity constrains this Government to avoid all appearance of a miniatory policy in its dealings with other powers. In this matter, especially, it is to be borne in mind that each Government is the judge for itself of the extent to which foreign consuls may be permitted to act under their own laws within its territories, and that such permission is determined by the corresponding exequatur.

The United States conspicuously illustrate their convictions on this subject in relation to their own consuls. The custom laws of the United States require the administration of a consular oath to exporters presenting manifests of goods for certification; but upon the representations of certain European Governments, among them Great Britain and Germany, that the administration of such an oath by a foreign consul to a subject of the country is an invasion of the judicial independence thereof, our consuls have been enjoined to refrain from the act complained of in all cases affecting a subject of a sovereign of the country where they reside. It might, however, have been deemed entirely competent for the Governments of Great Britain and Germany to insert in the consular exequatur an express inhibition of the obnoxious act.

I am, etc., ALVEY A. ADEE,
Acting Secretary.

(Foreign Relations, 1895, p. 1059.)

Mr. Adee to Mr. Breckinridge.

DEPARTMENT OF STATE,
Washington, July 19, 1895.

SIR: Referring to the department's No. 46 of April 15 last and No. 92 of the 5th instant, in regard to the refusal of Russian consular officers in the United States to visé the passports of American citizens of Jewish faith, I send you a copy of a letter addressed by the Russian consul general in New York to a citizen of the United States who had presented a department passport. It illustrates the inquisitorial function assumed in regard to the religious faith of our citizens by Russian agents within our domestic jurisdiction.

I am, etc., ALVEY A. ADEE,
Acting Secretary.

(Foreign Relations, 1895, p. 1060.)

Mr. Peterson to Mr. Waix.

IMPERIAL RUSSIAN CONSULATE GENERAL,
New York, June 27, 1895.

DEAR SIR: In reply to your letter of June 26, inclosing passport and $1.20, I would inform you that before your passport can be visèed you must inform me where you were born and what your religion is—if Christian or Jew.

I shall retain your passport and fee until receipt of your answer.

Respectfully,

C. G. PETERSON, *Vice Consul*
For the Consul General).

(Foreign Relations, 1895, p. 1061.)

Mr. Olarowsky to Mr. Waix.

IMPERIAL RUSSIAN CONSULATE GENERAL,
New York, July 1, 1895.

DEAR SIR: I have the honor to acknowledge receipt of your letter of 28th ultimo, and desire to inform you that I can not visé your passport. You must get permission from the ministry of the interior at St. Petersburg to visit Russia before I can visé your passport.

Herewith passport and postal note.

Respectfully,

A. E. OLAROWSKY.
Consul General.

(Foreign Relations, 1895, p. 1061.)

Mr. Waix to Mr. Olney.

BOSTON, *July 15, 1895.*

SIR: As I am a citizen of the United States of America and would like to go for a short time on some business to Russia, and as I have sent my passport, signed by your honor the 18th of last June, No. 654, to the consul general of Russia, A. E. Olarowsky, in New York, to visé it, and as you will please see from the answers of the consuls, certified copies inclosed, he refused to visé it (my passport) on account that I am a Jew by religion, therefore I have the honor to ask you to advise me how shall I do, as without the visé of the consul they won't let me pass the frontier of Russia.

Your obedient servant,

MAIOR WAIX.

(Foreign Relations, 1895, p. 1061.)

Mr. Breckinridge to Mr. Olney.

No. 116.] LEGATION OF THE UNITED STATES,
St. Petersburg, July 24, 1895.
(Received Aug. 13.)

SIR: Referring to Mr. Pierce's No. 91, of June 13, 1895, relating to the distinction made by the Russian consul at New York against Hebrew citizens of the United States in visèing passports issued by our Government, I have now to submit the case to you for further instructions. In this connection I inclose herewith copy and translation of Prince Lobanow's note of July 18 in reply to my note of May 17 presenting the matter to the Russian Government. Copy of my first note was sent to the department with the legation's No. 71, of May 17.

In the present inclosure referred to Prince Lobanow stated the case from the Russian standpoint quite fully and with great kindness and moderation of spirit, and he expresses the hope that his explanation will prove satisfactory to the United States.

I inclose also copy of my reply to the above note. In my reply I express no opinion, of course, as to the sufficiency of Prince Lobanow's response, but confine myself to a statement of the case as it appears to me to be presented at the present time; state that I submit the matter

to my Government, reciprocate the kind sentiments expressed, and ask for a copy of the law and regulations requiring consuls to make this distinction, in order that I may forward them in connection with the case. This request was prompted by the fact that while Prince Lobanow makes the interesting declaration that the Russian practice is not because of religious faith, yet he does not say what else it is. I will transmit these papers as soon as they can be obtained.

In addition to the foregoing correspondence, I have conferred quite fully with both Prince Lobanow and Baron Osten-Sacken, the latter having special charge of Hebrew matters. These conferences further revealed the difficulty that even the most enlightened Russians have in realizing the nature of our institutions and in separating a question of extraterritoriality from questions internal to themselves. I am happy to say, however, that both of these gentlemen discussed the matter in a spirit of the utmost good will and consideration for the United States, and I am sure that they fully reciprocate our desire to settle this matter in a way alike honorable and considerate to both countries.

In discussing the relative gravity and importance of the issue Baron Osten-Sacken asked me to give him the language of our organic law in regard to religious liberty. I tried to make our position in this regard plain to him in my note of June 25, copy of which is inclosed. It may not be improper to add that of course this does not pretend to represent any language or instruction from the department upon this point; but it is simply a statement of my own belief as expressed in the scope of conversational discussion. Baron Osten-Sacken laid some stress upon the customary latitude which he claims is granted to consuls by other nations in viséing passports, saying that even Great Britain does not object to the practice of which we complain. I replied that I had no information upon that point, and consequently could say nothing about it; that doubtless, if he was correct, there was some sufficient reason for it in the institutions of Great Britain, but that with us the case was certainly different; that our course would be the same with any nation, and that in such a matter I did not see how we could accept the practice of other powers as a guide for ourselves.

At this point I will remark that Mr. Adee's No. 92, of July 3, relating to the subject of this dispatch, the receipt of which I now acknowledge, alluded to the limitations upon consuls and instanced our receding from certain requirements upon the objection of the British Government that "the administration of an oath by a foreign consul to a subject of the country is an invasion of the judicial independence thereof."

As this dispatch was received, however, after the receipt of Prince Lobanow's present note, I have not used this interesting point, the stage having been reached for submitting the whole business to the department to be passed upon in the connection in which that argument would apply.

The first and chief difficulty so far experienced has been to get the Russian Government to consider this question separately and simply as it is presented by the United States apart from any collateral question.

As the record shows, former discussion has largely involved the general Jewish question, particularly as presented by the internal policy of Russia. So long as an ulterior purpose of this character is in any degree suspected, the Russian Government will consider that to be the real issue it has to meet, and will politely but consistently refuse to amend its ways.

The next difficulty has been to secure a due apprehension of the real nature and importance of the matter, even after it has been separately considered. It is quite difficult for Russians to consider it as more than an administrative regulation pitted against their regulations, changeable at the will of some high official, and meant only to serve purposes of convenience.

I have politely but consistently refused to enter into any discussion in this connection except upon the precise proposition submitted by the department, and I have iterated and reiterated that proposition, to the exclusion of all others, as clearly and as pointedly as I could.

In case Prince Lobanow's statement is not deemed a sufficient answer to the demands of the United States, I think a reply to that effect will find the Russian Government ready, in good faith, to seek some other adjustment. This may be on instructions to their consuls in the United States to visé all passports issued by the department or it may be a proposition to instruct them to visé none. I have discussed both of these propositions with Baron Osten-Sacken, urging the safety to Russia, in dealing with our class of Hebrews, of the former course, and expressing the hope that the latter proposal would not be deemed necessary.

In the foregoing I have tried to put you in possession of every phase of this matter as it now stands, and I respectfully request your further instruction at your convenience.

I have, etc., CLIFTON R. BRECKINRIDGE.

(Foreign Relations, 1895, p. 1061.)

Mr. Breckinridge to Baron Osten-Sacken.

LEGATION OF THE UNITED STATES,
St. Petersburg, June 25, 1895.

YOUR EXCELLENCY: Referring to our recent conversation upon the subject of the exercise of consular or foreign jurisdiction within the limits of the United States upon matters respecting a religious establishment or belief, I now comply with your request for a statement of the language of our Constitution with reference to the power of the United States Government itself to exercise such jurisdiction.

I will just call your attention to the peculiar character of our constitutional requirements.

The States existed separately and independently before the General Government existed. They created the General Government. It is true that many new States have been admitted into the Union since the original States created the Government, but this has been out of territory originally ceded to the General Government by the States—land which at that time lay beyond the settled zone—or out of land since acquired by the General Government by purchase or conquest, and in a way originally provided for.

So when the States created the General Government they "granted" and "delegated" certain powers to it, as enumerated in the Constitution, and they retained all the other powers themselves. Our Government has very great powers. It is supreme within the limits of those powers, but the point is that it can lawfully do nothing unless the power to do so has been granted to it.

It is a very serious matter to us, then, when our Government is desired to conform to a policy, if the power to do so has not been delegated to it. It can not assume the power or get it in any other way except by a change of the Constitution granting the Government that power.

The very great difficulty of effecting a change in the Constitution will be readily seen when it is stated that it takes two thirds of both branches of Congress or two-thirds of the States to propose an amendment, and after it is proposed it requires a majority vote in three-fourths of the States to adopt it. Such is the difficulty that no changes have been made except at two periods of our history. The first was the period, just after the formation of our Government, ending in 1804. Then there was no change until 1865, at the close of the Civil War, when certain changes were made as the result of that great war.

Although Article IX of the amendment of 1790 says: "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people," and Article X of the same group of amendments says, "The powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States, respectively, or to the people," yet in the face of all this, although Congress has not been granted any power in regard to religious matters, so great was the fear of the States and the people that Congress might upon pretext attempt such legislation that the first of all the amendments, Article I, says, "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

Thus, you will see, my Government is prohibited in the most positive manner by the very law of its existence from even attempting to put any form of limitation upon any of its citizens by reason of his religious belief. How, then, can we permit this to be done by others? To say that they can thereby be discriminated against by foreign governments and are only safeguarded against their own would be a remarkable position for us to occupy.

Fortunately we approach this matter in a spirit of friendship and reciprocal consideration and respect which has always marked the intercourse of our countries, and I am happy to say that it grows with time. I need not say that it will afford me the greatest pleasure to respond to any further requests with which I may be honored; and I do not doubt for a moment that upon full consideration an adjustment will be found alike consistent, honorable, and fully satisfactory to both of our Governments.

I avail, etc., CLIFTON R. BRECKINRIDGE.

(Foreign Relations, 1895, p. 1063.)

Prince Lobanow to Mr. Breckinridge.

ST. PETERSBURG, *June 26, 1895.*

MR. MINISTER: I have not failed to devote the most serious attention to the contents of the note which you have had the goodness to address to me, under date of May 5 last, on the subject of the difficulties which the visé of passports, by the Russian consulate general at New York, of people of the Jewish faith under American jurisdiction encounters.

You are good enough to express the opinion that the refusal interposed by the Russian consular authority to the request for a visé is contrary to the American Constitution, which does not allow that a citizen of the United States should be deprived of his rights by reason of the faith he professes. I desire first and foremost to make this distinction, that the refusal to visé, which has been given in certain cases by our consular authorities, is in nowise founded on objections properly religious. Indeed, if it was at all the fact of belonging to the Jewish religion which was an obstacle for certain foreigners to be admitted into Russia, the law would extend this interdiction to all the members of that religion.

Now, on the contrary, it recognizes formally the right of whole categories of Israelites to enter Russia, and the selection which it has made of these very categories proves that it has been guided in this question solely by considerations of an internal administrative character which have nothing in common with a religious point of view. It is not necessary for me to say to you, Mr. Minister, that the broadest spirit of toleration for all cults forms the very basis of Russian laws; the Jewish religion is no more prohibited in Russia than in the United States; it is even legally recognized here and enjoys here certain privileges.

But when, for motives of internal order, Russian law raises obstacles to the entrance of certain categories of foreigners upon our territory, the Russian consuls, who can neither be ignorant of nor overlook the law, are in the necessity of refusing the visé to persons whom they know belong in these categories.

I will add, even, that in forewarning on the spot the persons who address themselves to obtain visés they save them from difficulties and dangers which they would encounter later if they had not been advised.

It is a question, moreover, of a general legislative measure, which applies to certain categories of Israelites of all countries whatsoever.

As to the American Constitution, I must confess that it seems to me to be here beside the question. The article of the Constitution which you were good enough to mention, and which prescribes that no religion is prohibited in the United States, is, by the very nature of things, placed outside all prejudice by the consular authority. He has neither to prohibit nor authorize the exercise in America of any cult; and the fact of his visé being accorded or refused does not encroach upon the article in question. The refusal of the visé is not at all an attack upon any established religion; it is the consequence of a foreign law, which only has its effect outside of the territory of the Union.

I enjoy the hope, Mr. Minister, that the preceding considerations will be accepted by your Government in the spirit which inspires them, and that the just respect which is held in the United States for the precepts of the laws will make it understood that the Russian consular authorities have acted in this matter as they have from necessity. The frank and complete exposition which I have the honor to make of our point of view in this question appears to me to accord the better with the relations of close friendship which exist between the two Governments and the two countries—relations to which in your note, Mr. Minister, you pay a respect so merited, and to which we also, for our part, attach the highest value.

Receive, Mr. Minister, etc., LOBANOW.

(Foreign Relations, 1895, p. 1064.)

Mr. Breckinridge to Prince Lobanow.

LEGATION OF THE UNITED STATES,
St. Petersburg, July 8, 1895.

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of your note of June 26 in regard to the distinction made by the Russian consul at New York in viséing passports against Hebrew citizens of the United States.

As your excellency is aware, this practice of making such distinctions within the jurisdiction of the United States has long been considered by my Government as an exercise of authority within our country in plain violation of our institutions and laws, and that as such it has been the subject of respectful but most earnest protests.

The basis of this distinction has always been considered by my Government to be the religious faith of this class of our citizens, and in this form it has been presented and considered.

In your excellency's present note you state that this distinction is in nowise founded on objections of a religious character; that certain classes of Jews are permitted to enter the Empire; that it is for the purposes of internal order that the Russian law places obstacles to the entrance of certain categories of foreigners; that Russian consuls can not overlook the law; that its administration upon the spot saves the applicant greater difficulties at a subsequent period; that the question is one of general legislation, applicable to certain categories of Israelites in all countries; that the article of our Constitution relating to religious liberty does not seem to apply to the case; that the Russian consul does not authorize or prohibit the exercise of any religion in America; that the refusal of a visé does not militate against any established religion, it being the consequence of a foreign law of an administrative character, which has no effect except outside of the territory of the Union.

Your excellency further has the goodness to express the hope that your considerations stated will be acceptable to my Government, citing the foregoing as a full statement of the point of view of the Imperial Government and accompanying the whole with friendly sentiments, thoroughly reciprocal of our own, and which I beg to assure you is the spirit in which my Government sincerely desires to consider these and all differences with the Imperial Government.

I have thus attempted to recite particularly and accurately the points in your excellency's note, for in this difference—so radical, springing from institutions so different and embarrassed somewhat by differences of speech—I have realized the obstacles to a complete mutual understanding of the issue.

I transmit your excellency's note to my Government.

In this note, therefore, I do not attempt to reply to your note as a response to the position and protests of my Government; but I have confined myself to a statement of the case as it presents itself to me at this time that any obscurities, if they exist, may be cleared away, and I wish further to respectfully call attention to a seeming misconception of my note of June 13, which followed my note of May 5, submitting this case.

The latter note was written in compliance with a request which I had the honor to receive from Baron Osten-Sacken to state and explain the language of our organic (constitutional) law upon the subject of legislation by the United States affecting the free exercise of religious belief.

Our constitution does not say that Congress shall not make a law simply prohibiting our authorizing a religious exercise or belief, as your excellency seems to understand; it says that "Congress shall make no law respecting an establishment of religion nor prohibiting the free exercise thereof." Certainly, if the law deprives any people or person of a certain faith, because of that faith, of all or of any part of the rights, privileges, and immunities enjoyed by other citizens or class of citizens, it is made "respecting" that religion and it militates against "the free exercise thereof" as much as if the sect had been mentioned in the title of the act and the consequences had been named as pains and penalties for the conscientious belief and observances entertained and practiced.

This is the opinion I tried to make perfectly clear, but your excellency now states that religion is not the basis of the distinction made in our country against certain classes of our citizens.

That the case may be fully submitted to my Government I will, in conclusion, ask your excellency to kindly have me supplied with a copy of the laws and regulations relating to this distinction, for, while the supposed basis is disavowed, the actual basis is not stated.

I avail myself, etc.,

CLIFTON R. BRECKINRIDGE.

(Foreign Relations, 1895, p. 1066.)

Mr. Adee to Mr. Breckinridge.

No. 107.] DEPARTMENT OF STATE,
Washington, August 22, 1895.

SIR: I have received your No. 116, of the 24th ultimo, giving the correspondence between yourself and the Russian foreign office on the subject of the viséing by Russian consuls in this country of passports issued to American citizens of Jewish faith. Your presentation of this Government's view of that question meets with the approval of this department.

Apart from the constitutional objections to the discrimination made by Russian consular officers against American Jews, this Government can never consent that a class embracing many of its most honored and valuable citizens shall within its own territory be subjected to invidious and disparaging distinctions of the character implied in refusing to visé their passports. For, notwithstanding Prince Lobanow's suggestion that his Government's consular regulation upon the subject under consideration does not apply to all Israelites and therefore can not be regarded as a discrimination against them on religious grounds, the fact remains that the interrogatories propounded to applicants for the consular visé relate to religious faith and upon the response depends the consul's actions.

Viewed in the light of an invidious discrimination tending to discredit and humiliate American Jews in the eyes of their fellow citizens, it is plain that the action of Russian consular officers does produce its effect within American territory, and not exclusively in Russian jurisdiction.

But the Russian discrimination against American Jews is not confined simply to the matter of viséing passports. This department was informed a few years since by the Russian minister here that Russian consuls in this country would refuse authentication to legal documents for use in Russia when Jews are ascertained to be interested. This is not merely an unjust and invidious discrimination against Jews, but would seem to be plainly a violation of the spirit of Article X of the treaty of 1832 between this country and Russia in respect of the property rights of American citizens in that country.

Since you have received my instruction No. 92 of July 5 you may incorporate the substance of that, together with the views herein expressed, in your next note to the Russian Government upon this subject. The text of the Russian law, of which you have very properly requested a copy, is awaited with interest here, but it is not deemed probable that the question, viewed in the light in which I have just considered it, will be affected by any municipal legislation of the Empire.

I am, etc., ALVEY A. ADEE, *Acting Secretary.*

(Foreign Relations, 1895, p. 1067.)

Prince Lobanow to Mr. Breckinridge.

IMPERIAL MINISTRY OF FOREIGN AFFAIRS,
DEPARTMENT OF INTERNAL RELATIONS,
St. Petersburg, August 12, 1895.

MR. MINISTER: Answering the request which you have had the goodness to express in your note of July 8 last, I have the honor to transmit to you herewith a translation, from the most recent authentic texts, of the Russian laws governing the conditions of entrance and establishment of foreign Israelites upon the territory of the Empire.

Since you have had the goodness to refer to it, and in conformance with what I have had the honor to explain to you in my preceding note, the Russian law places certain restrictions on the entrance of Israelites in question on our territory; but these restrictions are far from implying an absolute interdiction, and they have their source in considerations of a kind essentially administrative and economic.

The Imperial Government, having already many millions of Jewish subjects, only admits their cogeners of foreign allegiance when they seem to present a guaranty that they will not be a charge and a parasitic element in the State, but will be able, on the contrary, to be useful to the internal development of the country. It is because he had it in view to protect himself from an influx of a proletariat of this nature that the Russian legislator has established clearly the categories of Israelites of whom entrance on our territory can be admitted.

Receive, Mr. Minister, etc.,

LOBANOW.

(Foreign Relations, 1895, p. 1068.)

Mr. Breckinridge to Mr. Olney.

LEGATION OF THE UNITED STATES,
St. Petersburg, August 28, 1895.

SIR: Referring to my No. 116, of July 24, in regard to the refusal of the Russian consul at New York to visé the passports of American citizens of Jewish descent, I now have to inclose copy and translation of a note, dated August 12, from Prince Lobanow, in response to my request for a copy of the laws and regulations bearing upon the administration of foreign Jews.

I also inclose copy and translation of the laws in question.

I have, etc.,

CLIFTON R. BRECKINRIDGE.

(Foreign Relations, 1895, p. 1068.)

[The Russian laws relative to the entry of foreign Israelites.]

1. Foreign Israelites, and especially those who are agents of important foreign commercial houses, are permitted to visit the manufacturing and commercial localities of Russia, known as such, and to reside there a certain length of time, according to the circumstances of the case. It is the province of the ministry of the interior to authorize the requests presented to this end by the Israelites in question. But in the case of a banker or chief of a commercial house of known importance the legations and consulates may, even without previous authorization from the ministry of the interior, issue and visé passports for them to enter Russia, according to the same regulations which apply to all foreigners who come upon Russian territory, but under the condition of informing the ministry of the interior of every passport granted or visèed for an Israelite of that category. (Art. 289, T. XIV of Res. of Laws, edit. of 1890.)

2. Foreign Israelites are not permitted to establish themselves in Russia nor to become Russian subjects.

REMARK.—Exception to this rule is made in favor of Israelites native of central Asia without distinction as to the subjection to which they belong. These Israelites, on presentation by them of a certificate of good conduct in due form, may receive from the ministry of the interior and from the respective governors general authorization to become Russian subjects, being included in the rolls of the population of the frontier towns of the Province of Orenburg or of Turkestan, under condition of their entering the merchant guilds and being admitted to the enjoyment of the rights conferred on Jewish Russian subjects. (Art. 992, T. IX of Res. of Laws, edit. 1890.)

3. Among foreign Israelites there are permitted to establish themselves in a permanent manner in the regions where Israelites enjoy the right of permanent establishment only the following categories:

First. Those whom the Government judge necessary to exercise the functions of rabbi.

Second. Physicians whom the Government can employ in the administration of the war and navy.

Third. Those who come to Russia for the purpose of founding factories or works, except brandy distilleries, and who furnish proof that they provide a capital for that purpose of at least 15,000 rubles. These Israelites on entering Russia must engage, in writing, to found these establishments within three years. In default of this engagement they will be expelled from the territory of the Empire. If this engagement has been fulfilled, they may become Russian subjects on matriculating for this purpose according to law.

Fourth. Operatives whom the Jewish manufacturers bring to work in the factories. They are admitted on presentation, first, of their passports; second of certificates of Russian legations or consulates containing statements of their condition, of their former occupation, of their trade, of the name of the person who brought them, and of the purpose for which they are destined.

These operatives are admitted to live permanently in the regions where Jews have the right to establish themselves permanently and can take oath for the purpose of being received into Russian subjection after not less than five years of sojourn in the factories after they have received from their patrons and from local authority a certificate of good habits and industry. (Art. 290, T. XIV of Res. of Laws, edit. 1890.)

4. Foreigners are authorized to take out patents for engaging in commerce (certificates of guilds) and trade and enjoy all the rights pertaining to the possession of these patents on the same footing as persons born in the subjection of the Empire.

REMARK.—With regard to Jewish foreign subjects, the following rules are established: It is permitted to foreign Jews coming to Russia and who are favorably known for their social position and for the extent of their commercial business—and this each time in virtue of a special authorization granted on agreement to that effect between the ministers of finance, of the interior, and of foreign affairs—to engage in commerce in the Empire and to establish in it banking offices, on being furnished with a patent of commerce of the first guild for that purpose. It is permitted equally to these Israelites to establish factories, to acquire and hold or lease real estate, except land inhabited in the country, observing the provisions of the laws relative to civil conditions.

Those Israelites who come into Russia to buy Russian products and export them may receive equally commercial patents of the first guild,

after an agreement has been established to that effect each time between the ministers of finance, of the interior, and of foreign affairs. Foreign Israelites, especially those who are agents of important commercial houses, can visit the manufacturing and commercial localities known as such in Russia, in virtue of the provisions prescribed in the regulations of passports. (Art. 1001, T. IX of Res. of Laws, edit. of 1890.)

(Foreign Relations, 1895, p. 1069.)

Mr. Pierce to Mr. Olney.

LEGATION OF THE UNITED STATES,
St. Petersburg, October 4, 1895.

SIR: I have the honor to acknowledge the receipt of Mr. Adee's No. 107, of August 22, relating to the viséing of passports issued to American citizens of Jewish faith by Russian consuls in the United States.

Upon consultation with the minister, before taking his leave of absence, it was thought it would be more prudent to await your reply to the legation's No. 133, of August 28, inclosing copy of Prince Lobanow's note of August 24 and of the Russian laws bearing upon the question of admission of Jews into the Empire, before addressing the Imperial Government again upon the subject.

The views expressed both in Mr. Adee's No. 107, of August 22, and No. 92, of July 5, have been attentively read and will be carefully borne in mind for future action at an early date upon this important question.

HERBERT H. D. PIERCE.

(Foreign Relations, 1895, p. 1070.)

Mr. Uhl to Mr. Pierce.

No 130.] DEPARTMENT OF STATE,
Washington, October 23, 1895.

SIR: Your No. 148 of the 4th instant has been received. You therein state that upon consultation with Minister Breckinridge, before he took his leave of absence, it was thought that it would be more prudent to await the department's reply to the legation's No. 133, of August 28 last, inclosing a copy of Prince Lobanow's note of August 24 and of the Russian laws bearing upon the question of the admission of Jews into the Empire, before again addressing the Imperial Government pursuant to Mr. Adee's instruction No. 107, of August 22, upon the subject of the withholdment of the visés to passports of American citizens of Jewish faith by Russian consuls in the United States.

Mr. Breckinridge's No. 133 has been examined attentively and marked for eventual publication in the printed volumes of diplomatic correspondence. Its inclosure did not directly deal with the question presented in the department's previous instructions. The prohibition of a visé to the passports of American Jews by Russian consuls in the United States does not distinctly appear therein, although its existence in some form may be inferred from a footnote stating that in virtue of an imperial order of March 14, 1891, Russian legations and consulates may, without the previous authorization of the minister of the interior, issue passports and visés to Jews who are bankers and chiefs of important commercial houses, and that this distinction is extended also to visés of passports to commercial travelers, representatives, clerks, and agents of such commercial houses when the bearers are duly certified by the principal thereof and the consul has knowledge of the standing of the house.

This does not touch the essential question to which the department's previous instructions have invited attention, namely, the assumption by the agents of Russia in the United States of inquisitorial functions touching the religious faith of applicants for passports. If anything, it presents the subject in a still more unfavorable light, for it seems that those Russian agents in a foreign territory may, in their discretion, inquire into the business standing of the principal of the commercial house employing a Hebrew agent and act favorably or unfavorably according to their judgment of its "importance."

The question is not whether the Russian Government by imperial order or ministerial regulation has directed its consuls to make such inquiries in respect to the religious faith or business transactions of American citizens, but whether the Imperial Government has any right to make such inquisition in a foreign territory when the effect may be to disregard the Government's certification of the fact of citizenship; or, assuming for the argument's sake, but not by way of admission, that such a right may technically exist, the question remains whether the assumption to exercise it in the face of the temperate but earnest remonstrance of this Government against foreign interference with the private concerns of its citizens is in accordance with those courteous principles of comity which this Government is so anxious to observe in all its relations with foreign States, and which it naturally expects from them in return.

I am, etc.,

EDWIN F. UHL,
Acting Secretary.

(Foreign Relations, 1895, p. 1070.)

Mr. Breckinridge to Mr. Olney.

No. 181.] LEGATION OF THE UNITED STATES,
St. Petersburg, December 8, 1895,
(Received Dec. 23.)

SIR: Referring to Mr. Uhl's No. 130, of October 23, regarding the refusal of Russian consuls in the United States to visé the passports of certain American citizens of Jewish descent, and to the proceedings had in connection therewith, I now have to inclose a copy of my note of this date to Prince Lobanow upon the subject.

In the same connection reference should be had to Mr. Adee's No. 107, of August 22, and No. 92, of July 5.

I wish to call attention to certain changes which have taken place, in the form, at least, of this controversy as it has progressed.

The first distinction in this particular point in our long and varied controversies with the Russian Government about the rights of our citizens of Hebrew descent and the expression to which most frequent reference has been made was Mr. Wharton's dispatch No. 60, of February 28, 1893, to my predecessor, Mr. White. But in that dispatch the issue was largely colored by the religious feature which seems to give rise to this objectionable policy, as is shown by such expressions as "a religious inquisitorial function," "a religious test," "Jewish faith," etc.

The correspondence has reflected and to quite an extent has been limited by this aspect of the question until the position of the department was made broader and clearer by the dispatches of Mr. Uhl and Mr. Adee, previously referred to.

I have incorporated the substance of these dispatches in my present note to Prince Lobanow. In my brief reference therein to our treaty rights I have been guided chiefly by Mr. Blaine's dispatch No. 87, of July 29, 1881, to Mr. Foster, in which those rights are fully discussed.

Referring to the inclosed copy of my note to Prince Lobanow, I will only add that while I have sought, of course, to reflect accurately the position and sentiments of the Government, and in an entirely respectful manner, yet I have not deemed it wise or proper, in the exercise of such discretion as may rest with me, to present the case with any less distinctness and vigor than my instructions justify.

I have, etc.,

CLIFTON R. BRECKINRIDGE.

(Foreign Relations, 1895, p. 1071.)

[Inclosure in No. 181.]

Mr. Breckinridge to Prince Lobanow.

LEGATION OF THE UNITED STATES,
St. Petersburg, December 6, 1895.

YOUR EXCELLENCY: Referring to your note of August 12–24, and also to your former note of June 26–July 8, both relating to the refusal of Russian consuls in the United States to visé the passports of certain classes of American citizens of Jewish descent, and previously acknowledged, I now have the honor to communicate with you further upon the subject.

I did not fail to transmit to my Government the very careful and temperate arguments in which your excellency stated the position of the Imperial Government in this matter and defended the law under which its officials act.

Your excellency has the goodness to say that the practice is not based upon the religious faith of the persons immediately concerned. I beg to reply that while this may alter the appearance, yet it does not change the nature of the case. The religious feature was merely the strong incident which seemed to give rise to the erection of tribunals within the territory of the United States empowered to accept some and to reject others of the certifications of their Government and to make inquisition into the faith of their citizens. It is equally obnoxious to the institutions and derogatory to the dignity of the United States that their certifications should thus be discriminated against from any other cause or that their citizens should be subjected, upon their own soil, to inquiries relating to their race, wealth, business pursuits, or to any other intrusion upon their rights and into their personal and private affairs.

Painful as it is to my Government that such discrimination should be made by the imperial officials anywhere against its certifications and against any of its citizens innocent of crime, and violative as this is believed to be of both their natural and treaty rights, yet it is still more objectionable when practiced by foreign tribunals erected within our own jurisdiction, guided by an elaborate system of practice against the United States and their citizens, and clothed with power to act favorably or unfavorably, according to their own judgment of the importance of the case. Whatever may be the purpose, this is the effect of such regulations and practices, and it is my duty to say to your excellency that they can not be acquiesced in by the United States.

It seems to my Government that it should not be necessary to go to the length to which it has been compelled to go in order to demonstrate entirely to the satisfaction of the Imperial Government the correctness of its contention in this matter, and to secure the prompt cessation of this practice in the United States, for it is not believed that any Government will seriously contest that every sovereign State is and must be the judge for itself of the extent to which foreign consuls may be permitted to act under their own laws within its territory, and that such permission may be determined by the corresponding exequatur. If there be an exception to this, it must be with respect to countries justly held in much less estimation than does or should obtain between the United States and Russia.

The United States conspicuously illustrate their convictions on this subject in respect to their own consuls. Our custom laws require the administration of a consular oath to exporters presenting manifests of goods for certification; but upon the representation of certain European governments, among them Great Britain and Germany, that the administration of such an oath by a foreign consul to a subject of the country is an invasion of the judicial independence thereof, our consuls were enjoined to refrain from the act complained of in all cases affecting a subject of the sovereign of the country where they reside. Such governments were fully competent to insert in the consular exequatur an express inhibition of the obnoxious act; but that fact only lends additional legal and moral force to any subsequent protest against acts of this character not foreseen.

I trust that I have been able to make clear to your excellency that my Government never can and never should consent to these practices. They humiliate within its own territory, by invidious and disparaging distinctions, a class embracing many of its most honored and valuable citizens, though in such a cause it would contend with equal zeal for a single, though the humblest, citizen in the land.

I am happy to believe that it is in the justice of this claim and in the persuasive power of a friendly nation that the strength of this contention lies. My Government feels that it has carefully observed in all its earnest but disregarded protests about this matter the principles of comity which it is scrupulous to observe, and it feels that it is entitled to a better return than it has received. It does not desire this difference to trench upon the just limits of consideration.

If I have spoken plainly, it is yet with the greatest respect, and because plain but respectful words seem to me the best way to remove differences between Governments jealous of their dignity and rights, and yet moved, as I am sure both are, by a sincere desire to do justice and to preserve and increase the honorable friendship which has so long subsisted between them. It is in this spirit that I express the hope that this protracted and irritating difference may come to a speedy end.

I avail myself, etc.,

CLIFTON R. BRECKINRIDGE.

(Foreign Relations, 1895, p. 1072.)

Mr. Olney to Mr. Breckinridge.

No. 156.] DEPARTMENT OF STATE,
Washington, December 27, 1895.

SIR: I have received your No. 181, of the 6th instant, and have to approve your note to Prince Lobanow of that date in regard to the visé of American passports.

I am, etc.,

RICHARD OLNEY.

(Foreign Relations, 1895, p. 1074.)

Mr. Hay to Mr. McCormick.

DEPARTMENT OF STATE,
Washington, July 1, 1904.

SIR: On the 21st of April last the House of Representatives of the United States adopted a resolution in the following words:

"*Resolved*, That the President be requested to renew negotiations with the Governments of countries where discrimination is made between American citizens on the ground of religious faith or belief to secure by treaty or otherwise uniformity of treatment and protection to American citizens holding passports duly issued by the authorities of the United States, in order that all American citizens shall have equal freedom of travel and sojourn in those countries, without regard to race, creed, or religious faith."

The subject to which this resolution relates has heretofore been the occasion of friendly but sincerely earnest representations to the Russian Government on the part of that of the United States. The instructions on file in your office and the correspondence had by your predecessors with the imperial foreign office leaves no doubt as to the feeling of the United States in regard to what it has constantly believed to be a needlessly repressive treatment of many of the most reputable and honored citizens of the United States. Similar views have been expressed by my predecessors as well as by myself in conference with the representatives of Russia at this Capital. That these friendly representations have not hitherto produced the results so befitting the close intimacy of the relations of the two countries for more than a century and so much in harmony with their traditional amity and mutual regard is not, in the President's judgment, ground for relaxing endeavors to bring about a better understanding, if only on the score of expediency and reciprocal convenience.

I have therefore to instruct you to inform Count Lamsdorff that the text of the foregoing resolution has been sent to you for your information and for your guidance in interpreting this expression of the feeling of the people of this country, through their direct representatives, as to the treatment of the citizens in question. You will make known to his excellency the views of this Government as to the expediency of putting an end to such discriminations between different classes of American citizens on account of their religious faith when seeking to avail themselves of the common privilege of civilized peoples to visit other friendly countries for business or travel.

That such discriminatory treatment is naturally a matter of much concern to this Government is a proposition which his excellency will readily comprehend without dissent. In no other country in the world is a class discrimination applied to our visiting citizens. That the benefits accruing to Russia are sufficient to counterbalance the inconveniences involved is open to question from the practical standpoint. In the view of the President it is not easy to discern the compensating advantage to the Russian Government in the exclusion of a class of tourists and men of business whose character and position in life are such as to afford in most cases a guaranty against any abuse of the hospitality of Russia and whose intelligence and sterling moral qualities fit them to be typical representatives of our people and entitle them to win for themselves abroad no less degree of esteem than they enjoy in their own land.

I have, etc.,

JOHN HAY.

(Foreign Relations, 1904, p. 790.)

Mr. McCormick to Count Lamsdorff.

AMERICAN EMBASSY,
St. Petersburg, August 22, 1904.

YOUR EXCELLENCY: Under instructions from my Government which I found awaiting me on my return from Carlsbad, I have the honor to bring before you for consideration at this time a subject which has been the occasion from time to time of friendly but sincerely earnest representations to the Russian Government on the part of that of the United States.

The feeling of the people of the United States, which is deep and widespread with reference to this subject, found expression in a resolution adopted on the 21st of April last by the House of Representatives.

I assume that your excellency's attention was called to this resolution at the time of its adoption by His Excellency Count Cassini, His Imperial Majesty's ambassador at Washington, and that a copy of the resolution was transmitted to you for your information. As your excellency doubtless noted at the time, this resolution is conceived in a friendly spirit and expressed in moderate terms, such as to recommend its reception in a similar spirit as well as the consideration of the subject which it brings forward.

The text of this resolution was sent me for my information in interpreting this expression of the feeling of the American people as to the treatment of the citizens in question, and I beg to insert the resolution as placing that expression on record, although, as above indicated, a copy of the resolution has already been transmitted to you by Count Cassini.

[Fifty-eighth Congress, second session.]

CONGRESS OF THE UNITED STATES,
IN THE HOUSE OF REPRESENTATIVES,
April 21, 1904.

Resolved, That the President be requested to renew negotiations with the Governments of countries where discrimination is made between American citizens on the ground of religious faith or belief, to secure by treaty or otherwise uniformity of treatment and protection to American citizens holding passports duly issued by the authorities of the United States, in order that all American citizens shall have equal freedom of travel and sojourn in those countries without regard to race, creed, or religious faith.

This resolution voices not only the feelings of the people, but also a principle which lies at the foundation of our Government. It is for this reason that the question has been, is, and always will be a live question with us, and liable to become acute and be brought forward at sometime in such a way as to seriously disturb the friendly relations which have always existed between Russia and the United States.

Aside from the belief that the treatment accorded by Russia to many of our most reputable and honored citizens is needlessly repressive, public opinion, as your excellency knows, plays a large part in the foreign relations as well as domestic affairs with us, and when underneath this public opinion there lies an important principle, as is the case in the United States, it can not be left out of account by those who have maintained the close relations which it is desired by my Government to see maintained with this great Empire and her august ruler.

"That friendly representations," as set forth in my instructions, "have not hitherto produced results befitting the close intimacy of the relations of the two countries for more than a century, and so much in harmony with their traditional amity and mutual regard, is not, in the President's judgment, ground for relaxing endeavors to bring about a better understanding, if only on the score of expediency and reciprocal convenience."

Moreover, in no other country in the world is class discrimination applied to our visiting citizens, nor can it be seen from the practical standpoint that the benefits accruing to Russia are sufficient to counterbalance the inconvenience involved. In the view of the President, "it is not easy to discern the compensating advantage to the Russian Government in the exclusion of a class of tourists and men of business whose character and position in life are such as to offer in most cases a guaranty against any abuse of the hospitality of Russia and whose intelligence and sterling moral qualities fit them to be typical representatives of our people and to win for themselves abroad a no less degree of esteem than they enjoy in their own land."

It seems to me that there are higher grounds to which to appeal and to which it is opportune to appeal at this present time than those of expediency and reciprocal convenience, evidences of the influences of which have manifested themselves in steps already taken toward the alleviation of the condition of the representatives of the race referred to within the Empire.

At this time, too, when the world is extending its congratulations to His Majesty on an event which has brought happiness to himself and gratification to his friends; when he is extending the imperial clemency to some justly under the ban of the law, it would seem fitting to take under consideration this larger question, a solution of which would not only tend to draw closer the relations between this great Empire and the United States, but also to arouse a responsive feeling of good will throughout the world.

The railway and the telegraph are breaking down the barriers of distance which have until now kept apart the peoples of the various nations of the earth; Russia has made a notable contribution to this object in the great system of railways constructed within the Empire, which are operated in close connection and harmony with those of the outside world. To throw this great railway system open more fully to those who would avail themselves of it for legitimate purposes, is but to dedicate it to a use which would be of the greatest good to the Empire and the world at large.

Events have proven that no artificial barrier can keep out those who come with hostile intent or who from without seek to circulate ideas of a hostile character. Is there any reason, therefore, why at least serious consideration should not be given to the views of my Government as to the expediency of putting an end to such discriminations as now exist in Russia between different classes of American citizens on account of their religious faith when seeking to avail themselves of the common privilege of civilized peoples to visit other friendly countries for business or for travel?

In transmitting the views of my Government at this length and personally adding some reasons for favorable action which seem to me to be cogent, I have been actuated by the desire, as your excellency will appreciate, to contribute something toward those friendly relations which have marked the past and which I value. For this reason I lend myself most earnestly to the work of carrying out my Government's instructions, in the hope that the result will be such as to contribute to the removal of one question of disturbing character from the realm of discussion by a mutually satisfactory understanding concerning it.

I take this occasion to renew to your excellency the assurance of my high consideration.

ROBERT S. MCCORMICK.

(Foreign Relations, 1904, p. 791.)

Mr. McCormick to Mr. Hay.

AMERICAN EMBASSY,
St. Petersburg, October 7, 1904.

SIR: I have the honor to trasmit to you herewith a copy and translation of a note received from Count Lamsdorff, imperial minister for foreign affairs, in reply to mine of August 22 last, relating to the resolution adopted by the House of Representatives of the United States on April 21 last, concerning "the freedom of travel and sojourn in Russia, without regard to race, creed, or religious faith," of all American citizens, which was transmitted to me in your dispatch No. 127, of July 1 last.

I have, etc.,

ROBERT S. MCCORMICK.

(Foreign Relations, 1904, p. 793.)

Count Lamsdorff to Mr. McCormick.

MINISTRY OF FOREIGN AFFAIRS,
St. Petersburg, October 4, 1904.

MR. AMBASSADOR: It is with special interest that I have become acquainted with the consideration expressed by your excellency in your note of August 9–22, relative to certain facilities to be granted to American citizens of the Hebrew faith, with regard to their entry into Russia. In this connection I have the honor to inform you that a special commission has been instituted by supreme order on December 17, 1903, with the ministry of the interior, in view of generally revising the passport regulations actually in force.

The imperial ministry of foreign affairs having appointed a representative with this commission, I shall not fail to bring, through his intermediary, to the knowledge of that commission your views on the subject and the desire of the Federal Government, of which your excellency has been the interpreter.

I avail, etc.,

LAMSDORFF.

(Foreign Relations, 1904, p. 793.)

Ambassador Meyer to the Secretary of State.

AMERICAN EMBASSY,
St. Petersburg, May 5, 1905.

SIR: I beg leave to report that the ukase issued by the Tsar on the Russian Easter Sunday (Apr. 30) makes religious freedom to all Russian sects, except the Jews, an accomplished fact. * * *

If the ukase is carried out in all its completeness, it will be the greatest concession of individual liberty since the liberation of the serfs, and may be the first step toward a separation of church and state.

I have, etc.,

G. V. L. MEYER.

(Foreign Relations, 1905, p. 767.)

Mr. SHIVELY. Mr. President, appreciating the fact that time has become the essence of the situation in relation to the pending resolution, and though I am a member of the committee who reported it to the Senate, I shall detain the Senate but a few minutes in the discussion of it. In his message of the 7th

instant the President of the United States stated that certain negotiations were in progress between our Government and that of Russia in reference to the subject of passports. The President concluded his observations in that message on this question with these words:

I expect that immediately after the Christmas recess I shall be able to make a further communication to Congress on this subject.

It is clear, Mr. President, that to have postponed action until after the Christmas recess was to postpone the termination of the treaty of 1832 between the United States and Russia one year longer than if action were taken before the Christmas recess. On the 13th instant the House of Representatives adopted a joint resolution terminating the treaty. On the 15th instant the President caused our ambassador at St. Petersburg to be instructed to give notice to the Russian Government, under date of the 17th instant, of the termination of the treaty. On the 18th instant the President sent a message, not to Congress, but to the Senate exclusively, informing this body of the notification to the Russian Government and asking ratification of his action. Now, whatever comment is suggested by the strange mixture of Executive hesitancy and haste, the important fact is that the whole question is before us in the pending joint resolution and, in so far as the Senate is concerned, will be disposed of within the next two hours.

The right of a nation to determine for itself questions of alien travel, sojourn, and residence within its borders is fundamental to its sovereignty. To us this right is too vital and we have acted too long on this theory to doubt it. The right has been asserted in acts of national legislation in which the privilege of alien entry, sojourn, and residence has been given or denied. It has been asserted in the negotiation of treaties by which we grant rights of alien entry, sojourn, and residence in the United States in exchange for like concessions to American citizens within the territory of the other party to the treaty. It is a national sovereign right, whether it is exerted by legislative act, by treaty, or by way of international comity.

In the exercise of this right the United States entered into a treaty with Russia in 1832 in which, by the language of the first article, the "high contracting parties" provided in behalf of the "inhabitants of their respective States" for "reciprocal liberty of commerce and navigation"; for "liberty to enter the ports, places, and rivers of the territories of each party, wherever foreign commerce is permitted"; and "liberty to sojourn and reside in all parts whatsoever of said territories in order to attend to their affairs," subject to the local laws and ordinances "there prevailing."

For 40 years this article has been the subject of diplomatic controversy between the two Governments. A passport issued by our Government to a citizen of the United States is not honored by Russia unless first approved by a Russian official in this country. True, the treaty is entitled one of "commerce and navigation." But in addition to any examination the applicant for approval of his passport is subjected to on other subjects, he is interrogated by the Russian officials as to his religion. As shown by a series of actual cases cited in the course of this debate, if the applicant answers that he is a Jew, admission to Russia is denied him, though the purpose of his visit appears to be purely commercial and clearly within the letter and spirit of the treaty.

Now, Mr. President, if it be true that much of the friction attending the administration of the treaty of 1832 has arisen out of the renunciation by one of the parties to the treaty of the doctrine of indefeasible allegiance, then so much the worse for the treaty. This doctrine is one of the oldest darlings of absolutism in government. It roots back into an antiquity when man was regarded as existing for government, not government for man; when government engrossed the whole field of human activity; when art, literature, religion, industry, and trade were all controlled by government, and devoted only to giving splendor to a court and glory to a name. It comes from a period whose history is but a record of the rise, progress, and fall of dynasties; the birth, reign, and death of kings; the exploits of great military chieftains; and that leaves to silence and oblivion the great struggling multitude of workers whose unrequited toil fed the armies in the field and the magnificence of power in the palace.

The rule of indefeasibility of allegiance was the accepted rule among nations at the end of the eighteenth century; its shadow was projected into the nineteenth century. Our United States Supreme Court recognized it in the Williams case in 1797 and in the case of Shank *v.* du Pont as late as 1830. But while our courts accepted and applied the old common-law rule, the doctrine became increasingly repugnant to the spirit of the country. The principles declared in the Declaration of Independence were a challenge to the spirit of the doctrine. It remained for James Buchanan, in 1848, in his capacity as Secretary of State, to officially challenge the doctrine in all its length and breadth and to declare that the right of expatriation is a natural right; that the right of the citizen or subject to leave his country and change his allegiance is not a mere civil or conventional privilege, to be granted or denied at the will of the sovereign, but an inherent right, to be exercised at his own will. Afterwards, as President of the United States, James Buchanan pressed the subject with untiring persistence, and in 1868 the right of expatriation was asserted by express act of Congress, and is the settled law of the land. Since then one European country after another has by treaty with us or national law abandoned the principle of indefeasible allegiance, save only Russia and Turkey.

The question before the Senate is not a Jewish question. It is a question affecting the dignity of American citizenship, regardless of race or religion. The founders of this Republic established here a great secular state within which religion was to remain sacred from the touch of political power. Under this system religion, disenthralled of sordid connection with political power, went forward in increasing grace, beauty, strength, and spirituality to new victories and wider achievement. It is not competent for any official of the United States in his official capacity to question any citizen of the United States as to his religion. That a Russian official should, on our own soil, subject an American citizen to inquisition on his religion and to classify our citizens for rights or favors on the basis of religion is obnoxious to the spirit and policy of the country and concerns the whole body of its citizenship.

The Jew needs no defense here. A people who gave to the world the statesmanship of Moses and to its literature the book of Job has reared memorials which speak for themselves. A people who has contributed so enormously to the material, intellectual, and moral progress of this country needs no credentials other than the history of the country. Whether Russian policy sounds in deliberate preference or fancied necessity, discrimination against any class of our citizens is invidious. The obligations of the treaty of 1832 run in favor of the "inhabitants of the respective States" for all the purposes of the treaty and are not special to a class of such inhabitants. If such inhabitants are to be classified by one of the parties to the treaty and a certain class excluded from the benefits of the treaty, the sooner the treaty is terminated the better. The pending resolution terminates the treaty in a manner agreeable to its own terms. With this treaty out of the way, the relations of the two Governments on the subjects to which the treaty relates will rest only in comity between the two countries. The privilege of entry, sojourn, and residence in Russia may still be denied, but such denial will no longer be in the face of an apparent treaty obligation. The cancellation of this treaty will leave the way open to the negotiation of another in the light of changed conditions. If no further treaty should be agreed on, the situation still will be more tolerable than the present. I favor the termination of the treaty of 1832 because with the interpretations placed upon its provisions it is more conducive to misunderstanding and mischief than promotive of friendly intercourse and reciprocal advantage.

Mr. POINDEXTER. Mr. President, the evident agreement upon this question makes debate unnecessary. The main purpose, it seems to me, to be accomplished by any expression of opinion is the effect which the debate in this body may have upon the development of future relations between the United States and Russia, the bearing which it may have upon negotiations for a new treaty and the objects and purposes which should guide the representatives of the United States in framing a new treaty, and the language in which it should be framed.

Of course there could not be an agreement such as this, apparently unanimously in favor of abrogating the treaty existing between this country and Russia, unless there had been long-standing wrongs. It is the culmination of a generation of injustice and indignity heaped upon this country by one of our treaty relations.

It is not necessary to cite the facts in this case. They have been cited; and it is the impression which the accumulation of facts in the case have made upon the country that has resulted in the vote in the House of Representatives and the unanimous expression of opinion in this body.

I do not think it is essential whether the form of the resolution presented by the Committee on Foreign Relations or the amendment offered by the Senator from Nebraska [Mr. HITCHCOCK] should be adopted. I think that the concluding paragraph of the resolution proposed by the Committee on Foreign

Relations as an amendment to the joint resolution which was passed by the House of Representatives includes, in what is called diplomatic language, everything that is included in the form of the resolution proposed by the Senator from Nebraska.

> Whereas the constructions placed thereon by the respective contracting parties differ upon matters of fundamental importance and interest to each: Therefore be it resolved

Of course, there is no expression there as to the reasons for this remarkable action on the part of the United States. No information is given to Russia as to our grievances; but I am satisfied that Russia will be informed of what is meant by that language. If it accomplishes no other purpose, the proceedings in this matter up to the present time, even though they should take a different form upon final disposition, have accomplished the great purpose of informing Russia, informing our own people, and informing the world of the basis of this contention. It is necessary and proper that that information should be made public to all the world if any good is to grow in the future out of this controversy and out of the abrogation of the pending treaty.

It is said that it is very desirable to use diplomatic language in this resolution. It has been well said, I think, by the Senator from Nebraska that this is not a diplomatic proceeding. This is not a diplomatic body. We are not treating with a foreign country through the channels of diplomacy, and there is no occasion nor is there anything in the rules or ethics of diplomacy controlling the language, or which ought to control or afford a reason for framing a peculiar form of resolution in action by this body.

But supposing that it were, conceding that as a legislative body—what is impossible, as a matter of fact, to conceive—that we are engaged in a diplomatic negotiation with a foreign country, it is very questionable, in my mind, whether it would not be much better to make what a great Secretary of State in this country in a former phase and period of this controversy instructed our representative at St. Petersburg to make—a plain, simple, unvarnished, frank, open statement of the wrongs which we conceive have been done to our citizens under this treaty and of the differences which exist, as recited in the concluding paragraph of the resolutions, between this country and Russia in the construction of it.

Mr. James G. Blaine, when Secretary of State, used some very interesting language upon this phase of the controversy in his letter to the representative of the United States at St. Petersburg, who at that time was Mr. John W. Foster. It is rather peculiar language. He said:

> I have observed that in your conferences on this subject heretofore—

This language between Mr. Blaine and Mr. Foster I think is a very good specimen of diplomatic language—

> I have observed that in your conferences on this subject heretofore with the minister of foreign affairs, as reported in your dispatches, you have on some occasions given discreet expression to the feelings of sympathy and gratification with which this Government and people regard any steps taken in foreign countries in the direction of a liberal tolerance analogous to that which forms the fundamental principle of our national existence. Such expressions were natural on your part and reflected a sentiment which we all feel. But in making the President's views known to the minister I desire that you will carefully subordinate such sentiments to the simple consideration of what is conscientiously believed to be due to our citizens in foreign lands. You will distinctly impress upon him that, regardful of the sovereignty of Russia, we do not submit any suggestions touching the laws and customs of the Empire except where those laws and customs conflict with and destroy the rights of American citizens as assured by treaty obligations.

There was a rebuke from a man who undoubtedly is entitled to be considered an authority in matters of diplomacy, at least from an American standpoint, to a minister who was failing to accomplish the purpose of the negotiation by too many diplomatic expressions of gratification, too many expressions of sympathy. It seems to me it is open to very serious consideration whether the purpose of the abrogation of this treaty will not very largely lose its force if we do not in polite but clear and simple language state the grounds upon which we are taking this action.

Those grounds, as I said, are covered in both resolutions substantially, and it amounts to this, that the Empire of Russia undertakes to determine what constitutes an American citizen and to apply its construction and its determination of who is an American citizen in disposing of questions arising under a treaty with this country. I understand that their contention is that there can be no expatriation; that a Russian subject who leaves that country and takes up his residence in the United States and complies with our laws and becomes an American citizen, is still a Russian subject, claimed as such, and that they refuse to recognize him as an American citizen.

On the other hand, the United States must in the very nature of things contend that he is an American citizen. He is an American citizen. So the question recurs in any controversy under this treaty between the United States and Russia in regard to American citizenship, Whether or not that citizenship is to be determined by the laws of this country or whether it shall be determined by the laws or by the officials of Russia. That is the question, and upon such a statement of it there can be no argument. We must insist upon the right to determine what constitutes citizenship in this country in questions where that citizenship is involved in a dispute with a foreign country.

There could have been no other possible purpose or meaning in the language used in this treaty. It is needless to say that this entire contention which brings about this unanimous expression of opinion is based solely upon our treaty obligations.

I do not contend, I do not think anyone else contends, however much we may be opposed to, however much we may be shocked at, the domestic laws of Russia directed to a certain class of its subjects, that we have any right to interfere with them. We are not undertaking to do so. We are not undertaking to say to Russia that Russian subjects shall be allowed to migrate from that country. We are not undertaking to dictate to Russia what construction she shall place upon a treaty with this country. We are not undertaking to construe any law of Russia. We do not propose to interfere with any domestic regulation, however inhuman or however much it may smack of medievalism, however much it may be lacking in that progress with which the rest of the world apparently, with the sole exception—at least among the great nations—of Russia, have moved forward in religious liberty. The fact of the case is that Russia has moved backward.

I am not going to detain these proceedings more than a moment. I only want to say that Russia instead of progressing has distinctly retrograded. In 1784 the decrees of the great Russian Empress Catharine were of the most liberal nature toward all her subjects of whatever race and of whatever religion. It was not until 1860, long after the negotiation of the treaty of 1832, that this code of repressive and restrictive legislation against the Jewish population was adopted, and not for 20 years after its adoption, in the neighborhood of 1880, was any attempt made by Russia to enforce its provisions. Since that time they have not only been enforced, but free bent has been given to the rapacity, the bigotry, and the lust of those among the Russian subjects who had the power and the desire to persecute the Jews. Instead of her conditions being improved with the enlightenment that has come to the rest of the world since 1784, Russia then began with an enlightened code of religion which has come down the scale until now she has the most unenlightened, from our standpoint the most impossible attitude toward questions of religion among her subjects.

But to revert to the proposition which I was making, notwithstanding our distaste, notwithstanding our repugnance for that condition, all that we say is this, as I understand it, that those regulations do not apply to American citizens, whether an American citizen be Jew in religion or Hebrew in race or of any other nationality or sect—notwithstanding there may be a domestic code applicable to them in Russia—by reason of becoming American citizens, the United States reserving necessarily the right to determine who is an American citizen. They then make a distinct class and are entitled to all the privileges and the protection of every other American citizen which have been provided for in this treaty.

I want to cite only one other remark or statement and collation of authorities by Mr. Blaine upon the proposition of the relative position of the domestic code of Russia and the treaty between Russia and the United States, and which one is to prevail. Of course, when they are in conflict, as they are in this case, it is very important to determine that. Necessarily the position taken by Russia is that her domestic regulations are superior to her treaty provisions; that we must interpret and construe the treaty in the light of all her domestic regulations. If that were the case, the treaty might as well never have been framed. It would amount absolutely to a nullity, because it concedes the power on the part of Russia to enact any domestic law, without consultation with the United States, which would nullify and abrogate in effect all its provisions. If they can make repressive laws against the entrance of Jews to-day they can make the same law against the entrance of Irishmen to-morrow. There is no more right in the one case than there is in the other. Mr. Blaine says:

> It would be, in the judgment of this Government, absolutely inadmissible that a domestic law restraining native Hebrews from residence in certain parts of the Empire might operate to hinder an American citizen, whether alleged or known to profess the Hebrew faith, from disposing of his property or taking possession thereof for himself (subject only to the laws of alien inheritance) or being heard in person by the courts, which under Russian law may be called upon to decide matters to which he is necessarily a party. The case would clearly be one in which the obligation of a treaty is supreme and where the local law must yield. These questions of the conflict of local law and international treaty stipulations are among the most common which have engaged the attention of publicists, and it is their concurrent judgment

that where a treaty creates a privilege for aliens in excess terms it can not be limited by the operations of domestic law without a serious breach of the good faith which governs the intercourse of nations. So long as such a conventional engagement in favor of the citizens in another State exists, the law governing natives in like cases is manifestly inapplicable.

In conclusion, Mr. President, I would say that the only matter of difference that exists, apparently, in Congress is as to the form which these proceedings shall take and the only importance as to the form that they shall take consists in their bearing upon the establishment of future relations with Russia—a form which will not admit of controversy as to the position of the United States with reference to the recognition of American passports. There ought not to be left room for doubt in case another treaty should be negotiated, and if that doubt can not be removed, then no treaty should be negotiated, that neither Jews nor American citizens of any other religious faith are not to be discriminated against.

These proceedings ought to impress upon those who have charge of such negotiations that in express terms provision should be made dealing with the question of Russian subjects who have become American citizens, so that no question can arise whether or not a particular class of American citizens are to be included within the treaty. Express provision should be made for it, and, for one, I desire to go on record to the effect that the question can not be settled, that no good can come out of the controversy, unless such express provision is made and such definite and specific terms are expressed in any future treaty between this country and Russia that will deal with the particular matters which are referred to in the resolution of the Senator from Nebraska, and, while not referred to, are included in the resolution of the committee.

Mr. O'GORMAN. Mr. President, the lateness of the hour admonishes me to be brief. Happily there appears to be no difference of opinion respecting the merits of the controversy. We are all agreed that the treaty with Russia should be terminated; apparently we are all agreed as to the cause that impels us to this conclusion. We have concluded that it is intolerable that any foreign nation should attempt to exercise a power of discrimination respecting our citizens that our Government itself is incapable of exercising. The only matter that seems at this hour to be subject to dispute or contention is as to whether the joint resolution which we shall adopt shall truly state the cause that leads us to this action.

I am sure that I do not misrepresent the sentiment of Senators when I declare that the true reason why we insist upon the abrogation of this treaty is that we can not permit any foreign government to discriminate between American citizens because of the religion which they profess, and yet there are those who would advise us not to state that as the cause.

Mr. President, when the fathers achieved their independence and established a nation, they declared the equality of all men before the law and guaranteed absolute freedom to every form of religious belief. With those principles embedded in the Constitution the fathers made a stride in human progress never before attempted by any people in any land in any period of recorded history. For the first time in fourteen centuries church and state, religion and government, were severed and kept separate. The crowning glory of our Republic is the absolute guaranty to every citizen of freedom in his profession of his religious belief. Are we now, a nation of 90,000,000 of people, loath to avow our adherence to that fundamental principle of our Government?

The joint resolution reported by the Committee on Foreign Relations may not misrepresent the facts, but I say, in all courtesy, that it does not disclose the truth. The statement is made as a reason why this treaty should be abrogated, ancient as it is, that it is not now responsive to the needs of both Governments. Who has ever heard Russia offer any remonstrance respecting the operation of the treaty? Russia has construed it in a manner that is distasteful to our Republic, and for 40 years we have, without avail, made protests against the unreasonable attitude of Russia until there has come a time—and it is with us now—when we believe the resources of diplomacy have been exhausted; that the only means left open to us to vindicate our country and to vindicate our course is to terminate the treaty, and to terminate it because we believe we can not yield to the right of any foreign government to discriminate against our countrymen because of the religion they profess. That, sirs, is one of the fundamental principles of our Government. I, as an American, would blush if this great body of United States Senators should hesitate to tell even Russia that we can not approve of that policy; that we can not permit Russia, that we can not permit any government in the world with which we maintain treaty relations, to discriminate against our citizens on that ground.

I speak as a friend of Russia. I have not forgotten the fraternal and traditional ties that bind Russia to the United States. Russia, if we consult her pleasure—and we may not be entirely indifferent to it—will, I imagine, think far more of the Congress of the United States if it states in explicit and unambiguous language the reason which impels us to this course rather than resort to a subterfuge and to phraseology which conceals the truth.

Mr. President, I shall vote for the amendment proposed by the Senator from Nebraska [Mr. HITCHCOCK].

Mr. CULLOM. Mr. President, I only wish to say a few words. I have been sitting here for some time listening to the speeches made on both sides of the Chamber, and have been very much interested in them.

I wish to state that for many years I have felt that the treaty of 1832 with Russia ought to be terminated by some means or other. It is high time that it was done, and, in my judgment, it ought to have been done years ago. Since I have been chairman of the Committee on Foreign Relations I have labored with the Secretary of State, he and I acting together, trying to bring about a settlement, but it seemed impossible. Therefore we have come to a point where we are now going to terminate the treaty.

I have been very anxious to-day lest there should be too much speech making and that we should not get the joint resolution passed by this body before the adjournment for the holidays, thereby endangering action. We must get the joint resolution through before we take a recess, or else the abrogation of the treaty will be delayed for another year.

I do not propose now to consume more of the time of the Senate. I have merely made these remarks because I have not to-day previously participated in the debate.

Mr. BACON. Mr. President, I shall occupy but a moment. I desire to say that, so far as the amendment offered by the Senator from Nebraska [Mr. HITCHCOCK] is concerned, I fully approve of the expressions contained therein and indorse all the sentiments and all the principles therein announced. If the matter were before the Senate as an independent proposition, I would certainly vote in favor of it. It contains what I think to be the proper expression of the political and public sentiment of this country; but for reasons which have already been stated and which I shall not undertake now to repeat, and some others which I might add if time warranted, I shall not vote for it as an amendment to the joint resolution reported by the Committee on Foreign Relations. That is all I desire to say on that subject. I make that statement simply that the fact that I vote in the negative may not be construed as hostility on my part to the principles announced in the proposed amendment.

There is one other matter, Mr. President, upon which I desire simply to say a word without discussing it, because if now silent my failure to say anything might hereafter be misconstrued. It is entirely a moot question in this present discussion whether or not the Senate, in conjunction with the President, has the power to terminate a treaty, because there is no issue made here now upon that question. The Committee on Foreign Relations has reported an amendment in the shape of a joint resolution which shall take the place of the joint resolution which came from the other House in case of its adoption by the Senate. Therefore there is now no issue as regards that; but as the question is raised and failure to at least express an opinion might be misconstrued, I desire to say that so far as my judgment goes—and it is not a hasty judgment, but one formed after having, not on the present occasion but several years since, made a somewhat careful examination of the question—I have no doubt in my mind that under the Constitution of the United States the President of the United States and the Senate of the United States, speaking by a two-thirds vote, have the power and the authority to terminate a treaty in a case where the treaty itself provides that upon a certain notice given it may be terminated at a stated time. I do not desire to discuss that question and shall not now do so, because it would be improper at this late hour, but I was unwilling that to-day's session of the Senate should close and a vote be taken on this question without the expression of my judgment upon that matter. If the time shall come in the future when it shall be open for discussion and become material, I shall be prepared to give my reasons for that judgment. I only give utterance to the expression now in order that failure to do so may not be the cause of misconstruction.

I wish to say one further word in regard to the report on this question of the Committee on Foreign Relations in 1856, which was discussed to-day by the Senator from Massachusetts [Mr. LODGE]. A very careful report it is, and, I think, a very strong presentation of that question, although I am very frank

to say that there are other arguments which appeal to me still more strongly than those which are given by that committee. Allusion has been made in this debate to-day to the fact that that report was not acted upon by the Senate, but that by a majority vote the Senate declined to take it up for action. The fact should be stated in that connection—I have the Congressional Globe before me, containing the proceedings at the time the vote was taken—that upon the motion to take it up it was antagonized by a river and harbor bill, and the reason given by Senators why it should not be taken up at that time was that it was important to then act upon the river and harbor bill. Senators expressed their personal interest in that river and harbor bill, and it is not surprising that they should have voted that they would not then consider that report. The discussion occupied less than a third of a page, and no mention or comment was made therein by any Senator, either pro or con, as to the merits or demerits of the report or as to the conclusion reached by the committee. Senators will readily understand the influences which caused the Senate to then vote against taking up the report and why the river and harbor bill was then taken up for consideration and action. The brief discussion on the motion to take up the report is found in the Congressional Globe of July 22, 1856.

The important fact in connection with that report which should be noted is this: It was a question originally whether or not a treaty with Denmark should be terminated, and the Senate by a two-thirds vote had previously advised the President that, in the opinion of the Senate, it should be terminated. In accordance with that two-thirds vote and that advice from the Senate thus given, the President had previously given the notification, and the treaty had been previously terminated thereby. After that was done the question was raised in the Senate whether or not any further legislation was necessary in order to make that action determinate and final. That question was submitted by resolution of the Senate to the Committee on Foreign Relations, and that is the question upon which the report was made. Action already having been taken by the President upon the advice of two-thirds of the Senate which was given to him, the treaty had been terminated, and the committee reported that, in the opinion of the committee, no further legislation was required, and presented an argument in support of legality of the action by the President and Senate. So that was the sole question involved—to wit, whether further legislation by Congress was needed—and the failure of the Senate to act on the report was in fact and in practical effect a carrying out of the opinion of the committee. There was thereafter no further legislation on the subject. The action of the President, begun under the advice of two-thirds of the Senate, was final, and the treaty was thus terminated, no further legislation being had. The committee had recommended that there be no further legislation, and there was none in fact; and that fact was not changed by the failure of the Senate to take up and consider the report of the committee.

I thought it proper, Mr. President, to make that statement, and I am going to ask that as an appendix to my remarks, or a part thereof, the report which is found in the eighth volume of the Reports of the Committee on Foreign Relations of the Senate may be printed in the RECORD. It is not very long, and as the subject will probably be one of some consideration in the future, I desire that it shall appear in the RECORD, where it will be convenient of access to all. It was made by Senators Mason, Douglas, Slidell, Clayton, Weller, and Fish, then composing the Senate Committee on Foreign Relations.

The VICE PRESIDENT: Without objection, permission is granted to insert the report in the RECORD.

The report referred to is as follows:

Thirty-fourth Congress, first session, April 7, 1856.

[Senate Report No. 97.]

The Committee on Foreign Relations, to whom was referred the resolution of the Senate which is annexed, have had the same under consideration and now report:

The resolution is as follows:

Resolved, That the Committee on Foreign Relations be directed to consider the expediency of some act of legislation having the concurrence of both Houses of Congress, by which the treaty with Denmark regulating the payment of Sound dues may be effectively abrogated in conformity with the requirements of the Constitution under which every treaty is a part of "the supreme law of the land," and in conformity with the practice of the Government in such cases, and especially to consider whether there be any defect in the notice which has been given which such legislation may be necessary to remedy.

The Senate, in executive session, on the 3d day of March last adopted the following resolution, as to which the injunction of secrecy has been removed, viz:

Whereas by the fifth article of the general convention of friendship, commerce, and navigation between the United States of America and His Majesty the King of Denmark, concluded at Washington on the 26th day of April, 1826, it is provided that—

"Neither the vessels of the United States nor their cargoes shall, when they pass the Sound or the Belts, pay higher or other duties than those which are or may be paid by the most favored nation."

Which article has been construed into a concession on the part of the United States of the right on the part of the Government of Denmark to levy duties or tolls on such ships and cargoes burdensome and oppressive to the commerce of the United States in the Baltic Sea and in derogation of common right to the free navigation of open seas.

And it being provided by the eleventh article of the said convention that after 10 years from the date thereof either of the contracting parties should be at liberty to give notice to the other of its intention to terminate the same in the manner therein provided:

With a view, therefore, to relieve the commerce of the United States in the Baltic Sea from the duties or tolls aforesaid:

Resolved, That the President of the United States be, and he is hereby, authorized, at his discretion, to give to the Government of Denmark the notice required by the eleventh article of said general convention of the 26th day of April, 1826, for the termination of the same.

And the President, in his annual message at the commencement of the present session, informed Congress that—

In pursuance of the authority conferred by a resolution of the Senate of the United States passed on the 3d of March last, notice was given to Denmark on the 14th of April of the intention of this Government to avail itself of the stipulation of the subsisting convention of friendship, commerce, and navigation between that Kingdom and the United States, whereby either party might after 10 years terminate the same at the expiration of 1 year from the date of notice for that purpose.

The convention spoken of in the message of the President and referred to in the resolution of the Senate is the "general convention of friendship, commerce, and navigation between the United States and His Majesty the King of Denmark," concluded at Washington on the 26th day of April, 1826, and promulgated by proclamation of the President on the 14th of October following. It is, as its title imports, a convention affecting commerce and navigation only between the two countries. No legislation was necessary to carry it into effect nor has any been had.

The eleventh article of the convention is in the following words:

The present convention shall be in force for 10 years from the date hereof, and further until the end of 1 year after either of the contracting parties shall have given notice to the other of its intention to terminate the same, each of the contracting parties reserving to itself the right of giving such notice to the other at the end of said term of 10 years; and it is hereby agreed between them that on the expiration of 1 year after such notice shall have been received by either from the other party this convention and all the provisions thereof shall altogether cease and determine.

The resolution of the Senate directing the committee to consider "the expediency of some act of legislation" by which the convention with Denmark may be "effectively abrogated in conformity with the requirements of the Constitution under which every treaty is a part of the 'supreme law of the land'" would seem to direct this inquiry as interesting only to this Government or to its citizens. That is to say, the resolution is construed to assume that the notice which has been given is effectual to terminate the convention as between the two Governments when the period limited for such termination shall expire, and requires the committee to consider, as a domestic question, whether this convention, although abrogated, so far as Denmark is concerned, by the notice which has been given, yet, being "the supreme law of the land," some act of legislation by Congress may not be necessary to repeal or to annul it as such law. At least such is the construction placed by the committee on the resolution—that whether such legislation be necessary or no, as to Denmark the treaty is at an end when the time limited by the notice shall expire.

But as to this convention, and all others of like character, the committee are clear in the opinion that it is competent for the President and Senate, acting together, to terminate it in the manner prescribed by the eleventh article without the aid or intervention of legislation by Congress, and that when so terminated it is at an end to every intent, both as a contract between the Governments and as a law of the land.

By the Constitution of the United States the whole power to make treaties is vested in the President and Senate. In Article II, section 2, granting power to the President, it provides that—

"He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur."

The question then presented by the resolution is, after a treaty is so made, where power is reserved by it to either party to terminate it on notice, Can the treaty-making power give such notice, or is it such an exercise of political power as to require the concurrence of the House of Representatives through the forms of legislation?

A treaty between nations has its sanction, by international law, in the good faith of the contracting parties, added to which, in this country, it becomes "the supreme law of the land," and thus to our own citizens it is further clothed with the obligations of domestic law.

To violate a treaty, it is agreed among civilized nations, is the highest breach of national faith, which is national honor, and is justly declared to be sufficient cause of war; or if a treaty be violated or disregarded by one of the parties the other may hold itself released from its obligation and act accordingly.

There is, of course, no provision to be found in the Constitution assigning power to any department of the Government to abrogate or annul existing treaties; and yet occasions may arise where the national honor as well as safety may require the Government to hold itself and its citizens released from treaty obligations by declaring such treaties null. Such an occasion was presented in our relations with France in 1798, and it was then determined that Congress, by law, could, for the reasons assigned in the preamble to this act, declare the treaties with that power at an end.

It was a hostile act, as the preamble shows, and was looked upon at the time as the precursor of war, if not an act of war itself. There was no provision in the treaties with France to terminate them at the will of the contracting parties, and hence, as well to preserve the honor of the country as to resent the injurious conduct of France, there was no alternative but to declare war or to declare the treaties null.

So far as "the practice of the Government in such cases" (in the language of the resolution) is concerned, the committee can find but two instances in which treaties have been annulled or abrogated.

The first is the case referred to of the treaties with France, annulled in 1798.

The second is the case of the convention with England of August, 1827, annulled by notice provided for in the convention itself, similar to that in the treaty with Denmark, now under consideration.

The mode in which the Government acted would, in both cases, seem to have been the same, inasmuch as both have the sanction of law—that is to say, in the case with France the treaties were, by law, declared no longer "legally obligatory on the Government or citizens of the United States;" and in the case with England, Congress, by law, authorized the President to give the notice for the termination of the convention—yet the committee see the most clear and palpable distinction in the character of the two acts, though both are in the forms of legislation.

The treaties with France contained no reservation of right, to either party, to terminate them at their discretion. The convention with England did contain such reservation.

And whether it be competent or not to the President and Senate, as the treaty-making power, to abrogate treaties where no such right is reserved (a question not necessary to be brought into discussion here) the committee entertain no doubt that where the right to terminate a treaty at discretion is reserved in the treaty itself such discretion resides in the President and Senate.

The distinction in the character of the acts, in the one class of treaties and in the other, consists in this: That in the first class, as in the treaties with France in 1798, they were annulled as to the other contracting party, se invito.

In the second, the case with England, they became null with the assent of that power previously given.

The committee do not consider it necessary to review "the practice of the Government," so far as it was evinced in the case of the French treaties, further than to show that it can not be invoked as a precedent in the matter now before them.

The relations between France and the United States were, at that time, of the most unfriendly character, as both the contemporaneous legislation and history show; the act annulling the treaties was one of a series of laws, passed at the same session, of hostile import. It was made to rest on the principle of universal law, that where a contract is violated by one party the other is at liberty to regard it at an end as to both.

That act, with its preamble, is as follows:

Whereas the treaties concluded between the United States and France have been repeatedly violated on the part of the French Government, and the just claims of the United States for reparation of the injuries so committed have been refused, and their attempts to negotiate an amicable adjustment of all complaints between the two nations have been repelled with indignity; and

Whereas, under authority of the French Government, there is yet pursued against the United States a system of predatory violence infracting the said treaties, and hostile to the rights of a free and independent nation: Therefore

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That the United States are of right freed and exonerated from the stipulations of the treaties and the consular convention heretofore concluded between the United States and France, and that the same shall not henceforth be regarded as legally obligatory on the Government or citizens of the United States.

It is thus manifested that the power here exercised was outside of any treaty stipulation, and while the committee are not called on to decide whether the President and Senate might not, by their independent action, have annulled these treaties, yet, as a power inherent in all governments to protect themselves from aggression and wrong, or as one of a series of measures projected and carried into execution to disable an adversary and place him in the wrong in anticipation of war, the committee can well justify the action of the Government in the case cited, as a rightful exercise of the war power without viewing it in any manner as a precedent established in Congress alone and, under any circumstances, the power to annul a treaty.

But, however this may be where the power annulling a treaty is exercised violentur or against a contracting party se invito, the case is very different where by original stipulation the treaty is to terminate by consent.

To avoid occasions of rupture it has been prudently stipulated in most of our later treaties that after a certain period fixed by the treaty either party should have power to terminate them on reasonable notice to the other.

Such were the provisions in the convention with England in 1827 providing for the joint occupation of Oregon by the subjects and citizens of the two powers and in the treaty with Denmark now under consideration.

In the case with England the notice to terminate the treaty was given by President Polk, pursuant to the provisions of a law passed at his recommendation, and it remains to be considered whether this is to be taken as evidence of a practice in the Government inconsistent with the power assumed by the President and the Senate in the case with Denmark.

The third article of the convention with England and the eleventh article of that with Denmark (which has been cited above) are substantially the same, and what is affirmed of the one may be affirmed of the other.

The committee consider that the legal effect of the eleventh article of the treaty with Denmark is that it remains a treaty of perfect obligation for a period of 10 years; after that it becomes a treaty at will, subject to the condition only of 12 months' notice to terminate it. Who is to exercise this will on the part of the United States?

The Constitution determines this. The whole power to bind the Government by treaty is vested in the President and Senate, two thirds of the Senators present concurring. The treaty in question was created by the will of the treaty-making power, and it contained a reservation by which that will should be revoked or its exercise cease on a stipulated notice. It is thus the will of the treaty-making power which is the subject of revocation, and it follows that the revocation is incident to the will.

The President and Senate could certainly terminate this treaty, or any other, with the consent of the opposite contracting party, by the negotiation of a new treaty in terms annulling it. And what is the present case but such consent, providing in advance for its termination on a contingency and without new negotiations?

The committee are thus satisfied that the notice authorized by the Senate, and given by the President to Denmark, was a proper exercise of the right reserved in the treaty, and that its effect will be to annul the treaty at the expiration of the time limited, both as regards the two Governments and the citizens and subjects of either.

Nor do the committee see that there is anything inconsistent with this in the exercise of a like power in the case of the convention with England concerning the joint occupation of Oregon pursuant to the authority of a law having the concurrence of the House of Representatives instead of an authority derived from the President and Senate alone. Although it be true, as an exercise of constitutional power, that the advice of the Senate alone is sufficient to enable the President to give the notice, it does not follow that the joint assent of the Senate and House of Representatives involves a denial of the separate power of the Senate.

In the case of the Oregon treaty, President Polk recommended that both Houses should unite in authorizing the notice. It had become imperiously necessary, to prevent collisions between the citizens and subjects of the two powers who were settled in that country and which might involve their respective Governments, that the boundary should be determined. All efforts to adjust this by negotiation had failed whilst the joint occupation endured. And, in wise diplomacy, the President thought the minds of the two Governments would be more earnestly directed to this end if such joint occupation were terminated. To do this with the assent of both Houses of Congress was certainly calculated to make the act more impressive upon England than if authorized by the Senate alone, and especially as it was known that on the policy of giving the notice at all, the Senate was by no means united. The result showed the wisdom of the course pursued by the President.

Instructions modifying the pretensions of the British Government and acceptable to ours, as the basis of a new treaty, were dispatched from England to the British minister at Washington after the notice was received in England, but before it had been delivered to that Government.

Whilst, therefore, the committee are clear in the opinion that the right to give the notice in question pertains to the treaty-making power, they see nothing in the fact that, in the case with England, the House of Representatives acted with it, from which it is necessarily to be inferred that such union was then considered necessary to perfect the authority. But if it were so intended the committee would not yield to the precedent. They consider the reason irrefragable which establishes the right to give this notice in the treaty-making power, and in their judgment it should ever be so maintained.

Then as to the inquiry whether, conceding the notice effectual to terminate the treaty so far as our relations with Denmark are concerned, legislation is not necessary to repeal or annul it as a part of the "law of the land."

By the sixth article of the Constitution it is declared that—

"This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding."

The latter clause of this article is the key to the meaning of the antecedent. Treaties are laws to the nations contracting them. Nor was it intended by this provision to ascribe to them on the part of this Government any greater or higher obligation as between the contracting parties than they imported under the law of nations.

From the peculiar structure of the Federal Government, however, in its relations to the State governments, it was deemed proper and necessary to declare the paramount authority of a treaty, if at any time in conflict with a State constitution or laws, a necessity that extended equally to the Federal Constitution and the Federal laws; and accordingly having classed them together, the latter clause of the article declared them also "supreme," and bound the State judges so to administer them, "anything in the constitution or laws of any State to the contrary notwithstanding."

It may also have been considered as more conducive to the peace of the country by placing them, for domestic purposes, on the general footing of "laws," to make them as such obligatory on the citizen. They are thus brought practically, for domestic purposes, immediately within reach of judicial exposition, and to be enforced directly, as other laws, against the citizen. But it were a capital error to suppose that it is under this provision of the Constitution that a treaty can be abrogated or annulled by law of Congress.

Treaties are contracts resulting from the faith which all civilized nations must, for the peace of the world, repose in each other. To violate them, except on grave and proper consideration and for adequate cause, is not only utterly dishonoring to the offending party, but may be taken as cause of war. No statesman would venture to justify before a foreign power the abrogation of a treaty by quoting a supposed right to do so reserved in this article of the Constitution.

In the instance cited, that of the act of 1798, declaring the treaties with France no longer obligatory on the United States, no reference was had to this article of the Constitution. But, on the contrary, those treaties were so declared null exclusively on the ground that they had "been repeatedly violated on the part of the French Government," and that "the French Government yet pursued against the United States a system of predatory violence infracting the said treaties."

The committee, on the whole, conclude that so far as the "practice of the Government" is concerned, there is nothing to question the sufficiency of the notice that has been given to Denmark to terminate the treaty, and they recommend the adoption of the following resolution:

Resolved, That the notice which has been given by the President to Denmark, pursuant to the resolution of the Senate of March 3, 1855, to terminate the treaty with that power of the 26th of April, in the year 1826, is sufficient to cause such treaty to terminate and be annulled to all intents whatsoever, pursuant to the eleventh article thereof; and that no other or further act of legislation is necessary to put an end to said treaty as part of the law of the land.

Mr. ROOT. Mr. President, before this subject is dismissed I wish to make a statement of fact regarding the circular referred to by the Senator from Nebraska [Mr. HITCHCOCK].

Many years ago it was found that, through ignorance of the provisions of the treaty which we have been discussing, many poor people were led into serious difficulty, and it was considered in the State Department—I do not know how long ago, but I think long before Mr. Hay's time; certainly long before my time—it was considered but kind and indeed obligatory to inform them what the terms of the treaty were, and at some time in the distant past a circular was prepared, which did, as the Senator from Maryland [Mr. RAYNER] stated to-day, contain an accurate, truthful statement of the terms of the treaty. That circular conveyed that information, and did no more. Until the Senator from Nebraska so decided to-day I had never heard of it being a violation of law to make a truthful statement of the contents of an existing treaty.

Some years ago Mr. Louis Marshall, to whom the Senator from Maryland has referred, on his own behalf and that of some of his friends objected to one of the clauses in that circular, and the clause was eliminated because it was objected to by the very people for whose benefit the circular was prepared and sent out.

Mr. BORAH obtained the floor.

Mr. HITCHCOCK. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. BORAH. I do.

Mr. HITCHCOCK. Before the Senator from New York takes his seat, I should like to call his attention to the language of the circular which, it seems to me, goes far beyond the terms of the treaty. That language is:

Jews, whether they were formerly Russian subjects or not, are not admitted to Russia unless they obtain special permission in advance from the Russian Government, and this department will not issue passports to former Russian subjects or to Jews who intend going to Russian territory unless it has assurance that the Russian Government will consent to their admission.

Now, I think the Senator from New York will not contend that there is anything in the treaty of 1832 which gives Russia any right to reject any American-born Jew, even though that treaty may be construed to give Russia the right to reject a former subject of Russia who has become a citizen of the United States. It was to that portion of this circular that I especially referred when I made my remarks.

Mr. ROOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from New York?

Mr. BORAH. I yield to the Senator from New York.

Mr. ROOT. That portion of the circular—it was not the circular to which I supposed the Senator referred; it is a different circular, apparently, from that to which the Senator from Maryland referred—is a perfectly self-respecting statement on the part of the State Department, declining to permit the passport of the Government of the United States to be put into a position where it would be dishonored; and it is the natural and the legitimate result of the interpretation put upon the treaty by the Russian Government.

Mr. BORAH. Mr. President, I do not rise to discuss this matter at this late hour, but the letter of Mr. Blaine has been referred to a number of times to-day very briefly, and I rise for the sole purpose of asking that the letter be inserted in full in the RECORD. I have it and will furnish it to the reporter.

The VICE PRESIDENT. Without objection, the letter will be inserted in the RECORD. The Chair hears no objection.

The letter referred to is as follows:

Mr. Blaine to Mr. Foster.

[Extract.]

DEPARTMENT OF STATE,
Washington, July 29, 1881.

SIR:

* * * * * * *

From a careful examination of the cases of grievance heretofore reported by your legation it appears that the action of the Russian authorities toward American citizens alleged to be Israelites and visiting Russia has been of two kinds:

First. Absolute prohibition of residence in St. Petersburg and in other cities of the Empire, on the ground that the Russian law permits no native Jews to reside there and that the treaty between Russia and the United States gives to our citizens in Russian jurisdiction no other rights or privileges than those accorded to native Russians. The case of Henry Pinkos may be taken as a type of this class.

Second. Permission of residence and commerce, conditionally on belonging to the first guild of Russian merchants and taking out a license. The case of Rosenstrauss is in point.

The apparent contradiction between these two classes of actions becomes more and more evident as the question is traced backward. The department has rarely had presented to it any subject of inquiry in which a connected understanding of the facts has proved more difficult. For every allegation, on the one hand, that native laws in force at the time the treaty of 1832 was signed prohibited or limited the sojourn of foreign Jews in the cities of Russia I find, on the other hand, special invitation to alien Hebrews of good repute to domicile themselves in Russia, to pursue their business calling under appropriate license, to establish factories there, and to purchase and lease real estate. Moreover, going back beyond 1832, the date of our treaty, I observe that the imperial ukases concerning the admission of foreigners into Russia are silent on all questions of faith, proper passports duly visèed being the essential requisite. And further back still, in the time of the Empress Catherine, I discover explicit tolernance of all foreign religions laid down as a fundamental policy of the Empire.

Before examining the issues directly before us it may not be out of place to give a brief review of these historical data.

The ukase of the Empress Catherine of February 22, 1784, although concerning only the establishment of commercial relations with the new possessions of Russia on the Black Sea, contains the following notable declaration:

"That Sebastopol, Kharson, and Theodocia be opened to all the nations friendly to our Empire for the advantage of their commerce with our faithful subjects; * * * that the said nations may come to these cities in all safety and freedom. * * * Each individual of such nation, whomsoever he may be, as long as he shall remain in the said cities by reason of his business or of his own pleasure, shall enjoy the free exercise of his religion, according to the praiseworthy precepts handed down to us by the sovereigns, our predecessors, and which we have again received and confirmed, 'that all the various nationalities established in Russia shall praise God, the All Powerful, each one after the worship and religion of his ancestors,' * * * and we promise, upon our imperial word, to accord to all foreigners in these three cities the same advantages which they already enjoy in our capital and seaport, St. Petersburg," etc.

The full text of this ukase, which breathes a spirit of large and enlightened tolerance in advance of the policy of those days, is well worthy of perusal and may be consulted in volume 4 of Marten's Recueil des Traites, first edition, Gottingen, 1795, pages 455–457.

The imperial ordinance of the Czar Alexander I of 13th August, 1807, decrees a rigid system of passports for foreigners entering Russia and is applicable to "all foreigners, of whatsoever nationality," but intimates no restriction on travel or sojourn in Russia by reason of race or faith. This ordinance was modified and amplified by the ukase of 25th February, 1817, but still without any manner of religious prescription or restriction.

From this time down to 1860 I can find no trace of the enforcement, especially against American citizens, of the restrictions against Jewish travel and residence which are stated to have existed when our treaty with Russia was signed. It is a significant circumstance that the acknowledged authorities on private international law, writing during this period upon the legislation of all Europe as affecting the rights of persons and aliens, make no reference to such disabilities. Even the painstaking Foelix is silent on this point, although devoting much space to the treatment and rights of aliens in Russia. I do not desire to be here understood as arguing that the asserted disabilities did not exist at that time. The domestic history of the Russian Empire shows plainly the restrictions placed upon the native Hebrews, and especially those of Polish origin, the efforts to confine them to certain parts of the Empire, and the penalties sought to be imposed to deter them from mingling with the Christian subjects of the Czar. But the same history shows the gradual relaxation of these measures, until, in the capital itself, the native Israelite population is said to number some 30,000 souls, with their synagogues and sectarian schools, while a special ukase of the late Czar distinctly recognizes to foreign Hebrews every privilege of residence and trade in a certain guild which native Christian subjects possess.

The ukase of the Emperor Alexander II of 7th June, 1860, after premising that the need of commercial development and the principles of international reciprocity make it proper to concede "to foreigners dwelling in Russia the same rights as those which our subjects enjoy already in the principal countries of Europe," proceeds to permit all aliens to enter any of the trading guilds on the same footing as natives and to thereupon enjoy all the commercial privileges which these guilds confer upon native Russian traders, with the following qualification:

"*First remark.*—Foreign Hebrew subjects known by reason of their social position and the wide extent of their commercial operations, who come from foreign lands, may, after the established formalities—that is to say, upon a special authorization, issued in each case by the ministers of finance, of the interior, and of foreign affairs—trade in the Empire and establish banking houses therein, upon procuring the license of a merchant of the first guild. It is likewise permitted to these same Israelites to establish factories, to acquire and to lease real estate conformably to the prescriptions of the present ukase."

This provision, it will be observed, extends to the whole territory of the Empire. If, as I understood the response of the Russian ministry in the case of Henry Pinkos, native Israelites are forbidden by law from residing or trading in the capital, then this ukase places all foreign Jews (whether belonging to treaty powers or not) on a more favored footing. But if native Hebrews, as a fact, are permitted to reside in St. Petersburg and engage in trade in other guilds than the so-called "first guild," there may then well be question whether such restriction to a particular guild in the case of an American Israelite is consonant with the express opinions of the treaty of 1832, article 1. This point was in fact raised in the case of Theodore Rosenstrauss, at Kharkoff, which is narrated at length, with all the correspondence therein exchanged, in Mr. Jewell's dispatch No. 20, of December 15, 1873; but it does not seem to have been then exhaustively considered whether the complainant received, under the treaty, the like treatment with the native Hebrews of Kharkoff, or whether he was constrained to obey the ukase of 1860, which, as I have above remarked, is framed for general application to all aliens irrespective of treaty rights. It is not, however, my present purpose to reargue this old case, but simply to call attention to the fact that the Russian law may, and possibly does, modify and restrict treaty rights. The Rosenstrauss case was special in its nature and concerned commercial privileges under a promulgated license law of the Empire. It may be necessary, at some future time, to discuss the question it involves, but just now I am concerned with a different class of cases, namely, those of American citizens visiting Russia for private business or for pleasure and travel and duly provided with the passports of this Government authenticating their national character and their consequent right to all the specific guaranties of our treaty.

This brings me again to the cases of Pinkos and Wilczynski. It is unnecessary here to recapitulate the facts therein, as they are amply presented by the files of your legation and by the correspondence had with the Russian foreign office. It is sufficient to characterise them as instances of the notified expulsion from St. Petersburg, by the police or military authorities, of American citizens, not because of any alleged failure to comply with the ukase of 1860 or with the Russian commercial code, but simply on the allegation, unsupported by proof, that they professed the Israelitish faith, and that the law forbade the sojourn of native Israelites in the imperial capital. On this brief formulation of the case this Government believes that, under its treaty with Russia, and in view of its treatment of Russian subjects resorting under like circumstances to the United States, it has just ground for complaint and expectancy of better treatment from the Government of Russia.

The provisions of our treaty of 1832 with Russia governing the commercial privileges of the citizens and subjects of the two countries is as follows:

"ARTICLE 1. There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation.

"The inhabitants of their respective states shall mutually have liberty to enter the ports, places, and rivers of each party wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories, in order to attend to their affairs; and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside in all parts whatsoever of the said territories, in order to attend to their affairs; and they shall enjoy to that effect the same security and protection as natives of the country wherein they reside, on condition of submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce."

Article 10 confers specific personal rights reciprocally. In respect of this article an infringement alike of the letter and the spirit of the treaty is not only possible but probable, under the rigid interpretation of the Jewish laws, upon which Russia seems disposed to insist. Its stipulations concern the right to dispose of personal property owned by or falling to American citizens, who may receive and dispose of inheritances and have recourse to the courts in settlement of cases arising thereunder. It certainly could not be seriously claimed or justly admitted that an American Hebrew coming within the provisions of this article is to be treated as a candidate for commercial privileges and required to take out a license as a trader of the first guild, subject to the approval of his application by the ministries of finance, interior, and foreign affairs. A personal right, not a mercantile privilege, is conferred. To bar an American citizen whose rights may be so concerned from personal appearance in protection of those rights would be a distinct departure from the engagement of the treaty, while to suppose that his case might come under the discretional authority of the police or military power, which might refuse his sojourn in any part of the Empire, or allow it under conditions pending their good will, is to suppose a submission of the guaranties of the treaty to a tribunal never contemplated by its framers.

Upon a case arising, this Government would hold that the treaty conferred specific rights on all American citizens in the matter of the disposition of their personal property, irrespective of any conditions save those which the article itself expressly create; that their actual presence when necessary to protect or assert their interests is absolutely guaranteed whenever and for whatever time it may be needed; and that this international engagement supersedes any municipal rule or regulation which might interfere with the free action of such individuals.

It would be, in the judgment of this Government, absolutely inadmissible that a domestic law restraining native Hebrews from residence in certain parts of the Empire might operate to hinder an American citizen, whether alleged or known to profess the Hebrew faith, from disposing of his property or taking possession thereof for himself (subject only to the laws of alien inheritance) or being heard in person by the courts, which under Russian law may be called upon to decide matters to which he is necessarily a party. The case would clearly be one in which the obligation of a treaty is supreme and where the local law must yield. These questions of the conflict of local law and international treaty stipulations are among the most common which have engaged the attention of publicists, and it is their concurrent judgment that where a treaty creates a privilege for aliens in express terms it can not be limited by the operations of domestic law without a serious breach of the good faith which governs the intercourse of nations. So long as such a conventional engagement in favor of the citizens in another state exists, the law governing natives in like cases is manifestly inapplicable.

I need hardly enlarge on the point that the Government of the United States concludes its treaties with foreign States for the equal protection of all classes of American citizens. It can make absolutely no discrimination between them, whatever be their origin or creed. So that they abide by the laws at home or abroad, it must give them due protection and expect like protection for them. Any unfriendly or discriminatory act against them on the part of a foreign power with which we are at peace would call for our earnest remonstrance, whether a treaty existed or not. The friendliness of our relations with foreign nations is emphasized by the treaties we have concluded with them. We have been moved to enter into international compacts by considerations of mutual benefit and reciprocity, by the same considerations, in short, which have animated the Russian Government from the time of the noble and tolerant declarations of the Empress Catherine in 1784 to those of the ukase of 1860. We have looked to the spirit rather than to the letter of those engagements, and believe that they should be interpreted in the broadest way; and it is therefore a source of unfeigned regret to us when a Government to which we are allied by so many historical ties as to that of Russia shows a disposition in its dealings with us to take advantage of technicalities, to appeal to the rigid letter and not to the reciprocal motive of its international engagements in justification of the expulsion from its territories of peaceable American citizens resorting thither under the good faith of treaties and accused of no wrongdoing or of no violation of the commercial code of the land, but of the simple adherence to the faith of their fathers.

That the two American citizens whose unfortunate cases have brought about this discussion were not definitely expelled from St. Petersburg, but were allotted by the military authorities a brief time to arrange their private affairs, said to coincide with the usual time during which any foreigner may remain in the Empire under his original passport, does not alter the matter as it appears to our eyes. The motive alleged remains the same, and the principle involved is one recognized neither by our fundamental laws nor by any of the conventions we have concluded with foreign States.

It must not be forgotten that this issue of the banishment of our citizens from a friendly territory by reason of their alleged religion is a new one in our international relations. From the time when the treaty of 1832 was signed down to within a very recent period there has been nothing in our relations with Russia to lead to a supposition that our flag did not carry with it equal protection to every American within the dominions of the Empire. Even in questions of citizenship affecting the interests of naturalized citizens of Russian origin the good disposition of the Imperial Government has been on several occasions shown in a most exemplary manner, and I am sure the actual counselors of His Majesty can not but contemplate with satisfaction the near approach made in 1874 to the arrangement of negotiations for a treaty of naturalization between the two countries. On that occasion it will be seen by consulting Mr. Jewell's No. 62, of April 22, 1874, the only remaining obstacle lay in the statutes of the Empire touching the conferment and the loss of citizenship, of which the examining commission and the consultative council of state recommended the modification in a sense compatible with the modern usage of nations.

I can readily conceive that statutes bristling with difficulties remain unrepealed in the volumes of the law of Russia as well as of other nations. Even we ourselves have our obsolete "blue laws," and their literal enforcement, if such a thing were possible, might to-day subject a Russian of free-thinking proclivities, in Maryland or Delaware, to the penalty of having his tongue bored through with a red-hot iron for blasphemy. Happily, the spirit of progress is of higher authority than the letter of outworn laws, and statutory enactments are not so inelastic but that they relax and change with the general advancement of peoples in the path of tolerance.

The simple fact that thousands of Israelites to-day pursue their callings unmolested in St. Petersburg, under the shadow of ancient proscriptive laws, is in itself an eloquent testimony to the spirit of progress. And so, too, in Spain, where the persecution and expulsion of Jews is one of the most notable and deplorable facts in history, and where the edicts of the earlier sovereigns remain unrepealed, we see to-day an offer of protection and assured right of domicile made to Israelites of every race.

I leave out of consideration in the present instruction the question whether the citizens or subjects of other nations are more or less favored than our own in this regard. I have not, however, failed to notice the statement made to you by Mr. de Giers, in one of your reported conversations with him, that German and Austrian Jews are subjected to the proscriptions in question, and that the implications therefrom that if the Governments of Germany and Austria do not complain there is no reason why we should.

It is not for me to examine or conjecture the reciprocal motives of policy or of international convention which may govern in these instances. Neither have I failed to remark the seeming uncertainty with which the British Government has approached the case of the English Israelite, Mr. Lewisohn, who was recently required to quit St. Petersburg, notwithstanding that the personal guaranties of the Anglo-Russian treaty of January 12, 1859, in its eleventh, twelfth, and thirteenth articles, are more particular than in our own treaty, and were presumably, like our own stipulations, framed with the intent of securing impartial rights and protection in Russia. I am perfectly willing to rest my argument on the moral weight of our treaty of 1832, although, of course, not averse to availing myself of any support which may come from any other quarter to fortify what we conceive to have been our clear purpose in executing that instrument. And under no circumstances would I in the name of this Government be willing to accept a less measure of impartial privilege for a citizen of the United States visiting or sojourning in Russian territory than is assured to aliens in the like case by any stipulation with or usage toward any other nation on the part of Russia.

I had the honor in my letter of the 20th ultimo to Mr. Bartholomei to acquaint him with the general views of the President in relation to this matter.

I can not better bring this instruction to a close than by repeating and amplifying those views which the President so firmly holds, and which he so anxiously desires to have recognized and responded to by the Russian Government.

He conceives that the intention of the United States in negotiating the treaty of December 18, 1832, and the distinct and enlightened reciprocal engagements then entered into with the Government of Russia, gives us moral ground to expect careful attention to our opinions as to its rational interpretation in the broadest and most impartial sense; that he would deeply regret, in view of the gratifying friendliness of the relations of the two countries which he is so desirous to maintain, to find that this large national sentiment fails to control the present issue, or that a narrow and rigid limitation of the construction possible to the treaty stipulation between the two countries is likely to be adhered to; and if, after a frank comparison of the views of the two Governments, in the most amicable spirit and with the most earnest desire to reach a mutually agreeable conclusion, the treaty stipulations between the United States and Russia are found insufficient to determine questions of nationality and tolerance of individual faith, or to secure to American citizens in Russia the treatment which Russians receive in the United States, it is simply due to the good relations of the two countries that the stipulations should be made sufficient in these regards; and we can look for no clearer evidence of the good will which Russia professes toward us than a frank declaration of her readiness to come to a distinct agreement with us on these points in an earnest and generous spirit.

I have observed that in your conferences on this subject heretofore with the minister of foreign affairs, as reported in your dispatches, you have on some occasions given discreet expression to the feelings of sympathy and gratification with which this Government and people regard any steps taken in foreign countries in the direction of a liberal tolerance analogous to that which forms the fundamental principle of our national existence. Such expressions were natural on your part and reflected a sentiment which we all feel. But in making the Presidents' views known to the minister I desire that you will carefully subordinate such sentiments to the simple consideration of what is conscientiously believed to be due to our citizens in foreign lands. You will distinctly impress upon him that, regardful of the sovereignty of Russia, we do not submit any suggestions touching the laws and customs of the Empire, except where those laws and customs conflict with and destroy the rights of American citizens as assured by treaty obligations.

You can further advise him that we can make no new treaty with Russia nor accept any construction of our existing treaty which shall discriminate against any class of American citizens on account of their religious faith.

I can not but feel assured that this earnest presentation of the views of this Government will accord with the sense of justice and equity of that of Russia and that the questions at issue will soon find their natural solution in harmony with the noble spirit of tolerance which pervaded the ukase of the Empress Catherine a century ago and with the statesman-like declaration of the principle of reciprocity found in the late decree of the Czar Alexander II in 1860.

You may read this dispatch to the minister for foreign affairs, and should he desire a copy you will give it to him.

JAMES G. BLAINE.

(Foreign Relations, 1881, p. 1030.)

The VICE PRESIDENT. The question is on agreeing to the amendment to the joint resolution.

Mr. HITCHCOCK. I desire at this time to ask unanimous consent to amend my substitute by adding the words I have inserted in the last line.

The VICE PRESIDENT. It requires no consent. The substitute has not yet been offered. The Senator can offer it.

Mr. HITCHCOCK. Then I offer the substitute as amended in pencil.

The VICE PRESIDENT. The Senator from Nebraska offers an amendment in the nature of a substitute, which will be read.

The SECRETARY. In lieu of the words proposed to be inserted by the Committee on Foreign Relations it is proposed to insert:

That the people of the United States assert as a fundamental principle that the rights of its citizens shall not be impaired at home or abroad because of religion; that the Government of the United States concludes its treaties for the equal protection of all classes of its citizens, without regard to religion; that the Government of the United States should not be a party to any treaty which discriminates, or

which by one of the parties thereto is so construed as to discriminate, between American citizens on the ground of religion; that the Government of Russia has so construed the treaty between the United States and Russia, concluded at St. Petersburg December 18, 1832, as entitling Russia to refuse on account of religion to honor American passports duly issued to American citizens; that in the judgment of the Congress the said treaty, for the reasons aforesaid and for others, ought to be terminated at the earliest possible time; that for the aforesaid reasons the said treaty is hereby declared to be terminated and of no further force and effect from the expiration of one year following January 1 after the date of notification by the President to the Government of Russia, which is hereby ratified.

The VICE PRESIDENT. The question is on agreeing to the substitute proposed by the Senator from Nebraska [Mr. HITCHCOCK].

Mr. SMITH of Michigan. Mr. President, the notice given by the Secretary of State to the Russian Government will, in my opinion, be nullified and superseded by the adoption of the amendment of the Senator from Nebraska. This resolution, if adopted, will go to the President for his signature, and if he fails to sign it the initiative already taken by him will be at an end. I would avoid delay, if possible. Action must be taken to-night or to-morrow, as we adjourn Thursday; and if that amendment is to supersede and control the character of notice given by the Executive, then the notice he has already given has failed of its purpose.

I agree with much of the graphic recital in this amendment, and if we were to take up the matter, de novo, I am not so sure but that I might subscribe to each one of those charges. But I am unwilling to hamper the Executive at this stage by an attempt to recast the notice already given, which, in my opinion, answers the purpose for which Senators on both sides of the Chamber are contending, namely, the first step in the nullification of this treaty.

Mr. O'GORMAN. Mr. President, I wish to say but a word. It is apparent that the Senator from Michigan is not familiar with the closing line of the amendment offered by the Senator from Nebraska, because in express, unequivocal language the notification already sent by the President is ratified by that resolution.

Mr. SMITH of Michigan. Yes; I listened attentively to the reading, but, Mr. President, if the Senator from New York will permit me, it is absolutely contradictory. It says it approves his course, but gives different reasons for legislative action, which the President did not suggest in his notice.

Mr. O'GORMAN. I should be glad to have the Senator point out any contradiction in the draft of the resolution submitted by the Senator from Nebraska.

Mr. SMITH of Michigan. This amendment, if adopted here and passed by the House and signed by the Executive, becomes the supreme law; and is it contended for a moment that it will not be the duty of the Executive to communicate that resolution to Russia? And if it is to be communicated to Russia, it is to take the place of the incomplete notice heretofore given by the Secretary of State.

I think it is confusing, contradictory, and, in a sense, condemnatory of the President's course.

Mr. O'GORMAN. I can not believe that any Senator reading the resolution offered by the Senator from Nebraska can discover any ambiguous phrase which will cause any confusion. It is clear and explicit and expresses a ratification of the unauthorized act, as suggested by some, of the President a few days ago. It makes that act valid. Its validity is secured by the adoption of this resolution.

Mr. RAYNER. May I ask the Senator from New York a question?

Mr. O'GORMAN. Certainly.

Mr. RAYNER. The ratification of an act is, in legal effect, precisely the same as an authorization.

Mr. O'GORMAN. Undoubtedly.

Mr. RAYNER. It is the same thing as if we authorized it so far as the legal effect is concerned.

Mr. SMITH of Michigan. Mr. President, if the President should deem it to be inconsistent with the notice hitherto given and should return it with his objections, then our action will nullify his notice and this entire matter will go over for two years instead of one.

I merely suggest that as a possibility, not that I know what his attitude will be, but having given the notice several days ago in the language already employed by the State Department, I do not believe he will give further notice in the language of the amendment proposed by the Senator from Nebraska.

Mr. RAYNER. I do not think there is any trouble at all about the President signing this resolution if it passes. I do not believe we ought to have any uneasiness on that subject.

Mr. WILLIAMS. Mr. President, I think the Senator from Michigan [Mr. SMITH] failed to catch the last sentence of this resolution. The President of the United States has already given the notice of the termination of this treaty. In giving it, he gave his reasons—the reasons which he chose to give. This resolution ratifies the act of the President but gives the reasons which, if adopted, Congress chooses to give. Now, skipping the reasons, it concludes in this way:

that in the judgment of the Congress the said treaty, for the reasons aforesaid and for others, ought to be terminated at the earliest possible time; that for the aforesaid reasons the said treaty is hereby declared to be terminated and of no further force and effect from the expiration of one year following January 1 after the date of notification by the President to the Government of Russia, which is hereby ratified.

What is hereby ratified? The notice given by the President. The reasons are not ratified, nor are the reasons a part of the act.

Mr. STONE. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Missouri?

Mr. WILLIAMS. Certainly.

Mr. STONE. I should like to ask the Senator from Mississippi if he does not think that if the resolution proposed by the Senator from Nebraska should be agreed to here, and should then be concurred in by the House and be signed by the President, it would not in effect and in fact be an abrogation of this treaty by legislative action rather than a termination of it by notice under the provisions of the treaty itself?

Mr. WILLIAMS. No; I do not.

Mr. STONE. For this resolution provides that this treaty shall cease and determine and end at a date named in the resolution.

Mr. WILLIAMS. At a date named by the President in the notification given to Russia, "which is hereby ratified."

Mr. STONE. But the resolution says it shall be terminated within one year after the 1st day of January. If the Congress passes that and the President signs it, it is an act of Congress which terminates the treaty, and the resolution merely indorses and affirms and consents to the action of the President.

Mr. WILLIAMS. That is what the President has asked.

Mr. STONE. But the Congress by an act of its own will abrogate the treaty whether the President gives the notice or not?

Mr. WILLIAMS. No.

Mr. SMITH of Michigan. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Michigan?

Mr. WILLIAMS. One word, and then I shall take my seat.

As far as the termination of the treaty is concerned, the President of the United States, the Chief Executive of the country, has given a notice to Russia. The only part of the Government of the United States that Russia or any other country knows or deals with officially, in an international sense, is the President of the United States. If Congress did not act at all concerning this matter, so far as Russia is concerned, the notice of the President of the United States would be accepted as a termination of the treaty.

Now, the President, in performing this act, has given a reason. The Congress of the United States ratifies the act, but gives its own reason for ratifying it. The President, in the diplomatic correspondence gave his reason for giving the notice. The Congress here gives its reason for ratifying the act of the President, to wit, the act of notification.

Mr. SMITH of Michigan. Mr. President——

Mr. WILLIAMS. I now yield to the Senator from Michigan.

Mr. SMITH of Michigan. I desire to ask the Senator from Mississippi what would be the effect of the President's refusing to sign this resolution after it had been passed by Congress—whether there would be any legal notice of the abrogation of this treaty that a foreign Government would be bound to respect?

Mr. WILLIAMS. So far as the nations of the world are concerned, the notice of the President of the United States given for the termination of a treaty will be accepted by any other power. It is true that if the President assumed power which he did not possess Congress might deal with him by the method of impeachment or otherwise, but so far as the termination of this treaty is concerned, it would be terminated if neither the House nor the Senate passed a line.

Now, the question is simply this: Shall the Congress of the United States give any reasons at all or shall it simply adopt the reasons given by the President or shall it give a reason of its own? It might simply ratify the act without any reasons at all, but if it gives any reasons, ought not those reasons to be rather the reasons which Congress would give than merely a repetition of the reasons which the President has given?

It is suggested that the objection which the Senator from Michigan has just made would apply to the other resolution just as much as to this.

Mr. SMITH of Michigan. Certainly; but the committee resolution approves his course and is not calculated to excite his hostility; this amendment goes further and employs broader language and is of wider scope.

Mr. STONE. No.

Mr. WILLIAMS. Wait a moment.

If it can be supposed that the President would veto the other one, then we would be left just as we would be left if he vetoed this. That is to say, the international status would be the same. But my contention is that the international status would be that of the termination of the treaty.

Mr. STONE. Mr. President, I wish to make this observation for the thoughtful consideration of the Senate. If the resolution proposed by the Senator from Nebraska be concurred in by the House and be signed by the President it becomes a law of the land, and notice to Russia would be unnecessary. But there is no need of notice; there is no need of ratifying the act of the President in notifying Russia, because by an act of Congress we abrogate the treaty. It ends by virtue of the fact that we make a supreme law declaring that at a certain time the treaty shall no longer be a law. We repeal it in effect.

But a Senator says aside, "It can not hurt." Maybe it does not hurt; but we are not abrogating or terminating this treaty in pursuance of the treaty itself, by notice. The Congress of the United States, without reference to Russia, without notifying Russia, because this notice becomes in a sense ineffective, abrogates the treaty of its own motion.

Mr. WILLIAMS. Will the Senator from Missouri pardon an interruption?

Mr. STONE. Certainly.

Mr. WILLIAMS. The observation just made by the Senator from Missouri would be absolutely correct but for one fact, and that is that the resolution itself refers to the notification already given and ratifies it, and therefore——

Mr. STONE. But the notice——

Mr. WILLIAMS. Wait a moment.

Mr. STONE. We do not need the notice.

Mr. WILLIAMS. Therefore it does not terminate the treaty merely by act of Congress, but by an act of Congress ratifying a notice given under the treaty and in accordance with the provisions of the treaty.

The VICE PRESIDENT. The hour of 7 o'clock having arrived, debate, by the order of the Senate, is closed. The question is on agreeing to the substitute offered by the Senator from Nebraska, being an amendment to the amendment reported by the Committee on Foreign Relations.

Mr. HITCHCOCK. On that question I ask for a roll call.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I transfer the general pair I have with the senior Senator from South Carolina [Mr. TILLMAN] to the Senator from Montana [Mr. DIXON] and vote "nay."

Mr. THORNTON (when Mr. FOSTER's name was called). My colleague [Mr. FOSTER] is necessarily absent from the city. He has a general pair with the senior Senator from Wyoming [Mr. WARREN].

Mr. GALLINGER (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. DAVIS]. If permitted to vote, I would vote "nay."

Mr. JOHNSON of Maine (when Mr. GARDNER's name was called). My colleague [Mr. GARDNER] is necessarily absent from the city. He has a general pair with the junior Senator from Delaware [Mr. RICHARDSON]. If my colleague were present, he would vote "yea."

Mr. GUGGENHEIM (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. PAYNTER], who is unavoidably detained, and withhold my vote.

Mr. McCUMBER (when his name was called). I am paired with the senior Senator from Mississippi [Mr. PERCY]. I transfer that pair to the senior Senator from Iowa [Mr. CUMMINS] and vote "nay."

Mr. DU PONT (when Mr. RICHARDSON's name was called). My colleague [Mr. RICHARDSON] is necessarily absent. He is paired with the junior Senator from Maine [Mr. GARDNER]. If my colleague were present and at liberty to vote, he would vote "nay."

Mr. SMITH of Michigan (when his name was called). I am paired with the junior Senator from Missouri [Mr. REED]. I desire to transfer that pair to the senior Senator from Washington [Mr. JONES] and vote. I vote "nay."

Mr. SMOOT (when Mr. STEPHENSON's name was called). I desire to announce that the junior Senator from Wisconsin [Mr. STEPHENSON] is paired with the junior Senator from South Carolina [Mr. SMITH].

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Louisiana [Mr. FOSTER], and therefore withhold my vote.

The roll call was concluded.

Mr. STONE. My colleague [Mr. REED] has telegraphed that he is unavoidably detained from the Senate, and wishes to have it stated that if present he would oppose any amendment to the Sulzer resolution as it passed the House, but that if an amendment is passed simply modifying the language but reserving the spirit of the resolution he desires to be recorded in favor of the amendment. It is a little difficult for me to determine just what statement to make under the circumstances, but I think I will say for my colleague, interpreting his instructions as well as I can, that if present he would vote for the substitute proposed by the Senator from Nebraska.

Mr. POINDEXTER. My colleague [Mr. JONES] is necessarily absent from the city.

Mr. MARTIN of Virginia. I desire to state that the Senator from Ohio [Mr. POMERENE] was unexpectedly called from the Senate about 30 minutes ago. He requested me to state that he is in favor of the abrogation of this treaty. He did not tell me how he would vote as between the substitute resolution offered by the Senator from Nebraska and the resolution reported from the committee. I am, therefore, unable to state how he would vote on this question, but he is in favor of the abrogation of the treaty.

Mr. FLETCHER. I desire to state that my colleague [Mr. BRYAN] is necessarily absent.

Mr. GORE. I desire to announce that my colleague [Mr. OWEN] is necessarily absent from the Senate. He is in favor of the abrogation of the treaty, but I am unable to announce his choice as between the Hitchcock amendment and the committee amendment.

Mr. JOHNSTON of Alabama. I wish to state that my colleague [Mr. BANKHEAD] is absent. If present he would vote in favor of the abrogation of the treaty, but I do not know how he would vote on this question.

The result was announced—yeas 16, nays 54, as follows:

YEAS—16.

Chilton	Johnson, Me.	Myers	Smith, Md.
Clapp	Kern	O'Gorman	Taylor
Culberson	Lea	Poindexter	Watson
Hitchcock	Martine, N. J.	Rayner	Williams

NAYS—54.

Bacon	Crawford	Lodge	Shively
Borah	Cullom	Lorimer	Simmons
Bourne	Curtis	McCumber	Smith, Ga.
Bradley	Dillingham	McLean	Smith, Mich.
Brandegee	du Pont	Martin, Va.	Smoot
Briggs	Fletcher	Nelson	Stone
Bristow	Gamble	Newlands	Sutherland
Brown	Gore	Nixon	Swanson
Burnham	Gronna	Oliver	Thornton
Burton	Heyburn	Overman	Townsend
Chamberlain	Johnston, Ala.	Page	Wetmore
Clark, Wyo.	Kenyon	Penrose	Works
Clarke, Ark.	La Follette	Perkins	
Crane	Lippitt	Root	

NOT VOTING—21.

Bailey	Foster	Paynter	Stephenson
Bankhead	Gallinger	Percy	Tillman
Bryan	Gardner	Pomerene	Warren
Cummins	Guggenheim	Reed	
Davis	Jones	Richardson	
Dixon	Owen	Smith, S. C.	

So Mr. HITCHCOCK's amendment to the amendment of the committee was rejected.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

Mr. MARTIN of Virginia and Mr. LODGE. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. NEWLANDS. I offer a substitute for the committee amendment. It contains the recital in the resolution of the Senator from Nebraska [Mr. HITCHCOCK] and leaves out the provision terminating the treaty, substituting simply a ratification of the notice.

The VICE PRESIDENT. The amendment proposed by the Senator from Nevada as a substitute for the amendment of the committee will be read.

The SECRETARY. It is proposed to strike out the preamble and all after the resolving clause and to insert:

That the people of the United States assert as a fundamental principle that the rights of its citizens shall not be impaired at home or abroad because of religion; that the Government of the United States concludes its treaties for the equal protection of all classes of its citizens, without regard to religion; that the Government of the United States should not be a party to any treaty which discriminates, or which by one of the parties thereto is so construed as to discriminate, between American citizens on the ground of religion; that the Government of Russia has so construed the treaty between the United States

and Russia, concluded at St. Petersburg December 18, 1832, as entitling Russia to refuse on account of religion to honor American passports duly issued to American citizens; that in the judgment of the Congress the said treaty, for the reasons aforesaid and for others, ought to be terminated at the earliest possible time; and therefore the notice given by the President of the United States to the Government of the Empire of Russia to terminate said treaty in accordance with the terms of the treaty is hereby adopted and ratified.

The VICE PRESIDENT. The question is on agreeing to the substitute proposed by the Senator from Nevada [Mr. NEWLANDS].

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the committee amendment, on which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). Again announcing my pair with the senior Senator from South Carolina [Mr. TILLMAN] and the transfer of that pair to the Senator from Montana [Mr. DIXON], I vote "yea."

Mr. THORNTON (when Mr. FOSTER's name was called). I again announce the necessary absence from Washington of my colleague [Mr. FOSTER]. He has a general pair with the senior Senator from Wyoming [Mr. WARREN].

Mr. JOHNSON of Maine (when Mr. GARDNER's name was called). My colleague [Mr. GARDNER] is necessarily absent from the city. He has a general pair with the Senator from Delaware [Mr. RICHARDSON]. If my colleague were present, I am instructed to announce that he would vote "yea."

Mr. GUGGENHEIM (when his name was called). I understand that the Senator from Kentucky [Mr. PAYNTER], with whom I have a general pair, would vote for the substitute resolution. Therefore I shall vote. I vote "yea."

Mr. McCUMBER (when his name was called). I understand that my pair, the senior Senator from Mississippi [Mr. PERCY], would vote in favor of the substitute resolution. I therefore desire to record my vote. I vote "yea."

Mr. MARTIN of Virginia (when Mr. POMERENE's name was called). The Senator from Ohio [Mr. POMERENE] is unavoidably absent. If present, he would vote "yea."

Mr. DU PONT (when Mr. RICHARDSON's name was called). I again announce the pair of my colleague [Mr. RICHARDSON] with the junior Senator from Maine [Mr. GARDNER]. If my colleague were present and at liberty to vote, he would vote "yea."

Mr. STONE (when Mr. REED's name was called). My colleague [Mr. REED] is paired with the Senator from Michigan [Mr. SMITH]. If my colleague were present, he would vote "yea."

Mr. SMITH of Michigan (when his name was called). I again announce my pair with the Senator from Missouri [Mr. REED], and transfer it to the Senator from Washington [Mr. JONES] and vote. I vote "yea."

Mr. SMOOT (when Mr. STEPHENSON's name was called). I again announce the pair of the senior Senator from Wisconsin [Mr. STEPHENSON] with the junior Senator from South Carolina [Mr. SMITH].

Mr. WARREN (when his name was called). I again announce my pair with the senior Senator from Louisiana [Mr. FOSTER].

The roll call was concluded.

Mr. GALLINGER. In view of the unanimity of this vote, Mr. President, I feel at liberty to disregard my pair with the Senator from Arkansas [Mr. DAVIS], and vote "yea."

Mr. JOHNSTON of Alabama. I wish to announce that my colleague [Mr. BANKHEAD] if present would vote "yea." He is necessarily detained from the Senate.

Mr. FLETCHER. I desire to state that my colleague [Mr. BRYAN] is necessarily absent. If present, he would vote "yea."

Mr. WILLIAMS. I wish to make the same announcement concerning my colleague [Mr. PERCY].

Mr. GORE. I desire to make a similar announcement in reference to my colleague [Mr. OWEN].

Mr. POINDEXTER. I should like to repeat the same statement in regard to my colleague [Mr. JONES] that I made on the former vote.

The result was announced—yeas 72, nays 0, as follows:

YEAS—72.

Bacon	Clapp	Gamble	Lippitt
Borah	Clark, Wyo.	Gore	Lodge
Bourne	Clarke, Ark.	Gronna	Lorimer
Bradley	Crane	Guggenheim	McCumber
Brandegee	Crawford	Heyburn	McLean
Briggs	Culberson	Hitchcock	Martin, Va.
Bristow	Cullom	Johnson, Me.	Martine, N. J.
Brown	Curtis	Johnston, Ala.	Myers
Burnham	Dillingham	Kenyon	Nelson
Burton	du Pont	Kern	Newlands
Chamberlain	Fletcher	La Follette	Nixon
Chilton	Gallinger	Lea	O'Gorman
Oliver	Rayner	Smith, Mich.	Thornton
Overman	Root	Smoot	Townsend
Page	Shively	Stone	Watson
Penrose	Simmons	Sutherland	Wetmore
Perkins	Smith, Ga.	Swanson	Williams
Poindexter	Smith, Md.	Taylor	Works

NOT VOTING—19.

Bailey	Dixon	Paynter	Smith, S. C.
Bankhead	Foster	Percy	Stephenson
Bryan	Gardner	Pomerene	Tillman
Cummins	Jones	Reed	Warren.
Davis	Owen	Richardson	

So the amendment reported by the Committee on Foreign Relations as a substitute was agreed to.

The VICE PRESIDENT. If there be no further amendments the joint resolution will be reported to the Senate.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

The VICE PRESIDENT. Without objection the preamble is agreed to.

EXECUTIVE SESSION.

Mr. CULLOM. I think we ought to have a 5 or 10 minutes' executive session. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 5 minutes spent in executive session the doors were reopened, and (at 7 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, December 20, 1911, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate December 19, 1911.

UNITED STATES ATTORNEY.

Hilliard S. Ridgely, of Wyoming, to be United States attorney, district of Wyoming, vice Timothy F. Burke, whose term has expired.

UNITED STATES MARSHAL.

William H. Grimshaw, of Minnesota, to be United States marshal, district of Minnesota. (A reappointment, his term having expired.)

APPOINTMENTS, BY TRANSFER, IN THE ARMY.

CAVALRY ARM.

Second Lieut. Francis R. Hunter, Twelfth Infantry, to be second lieutenant of Cavalry, with rank from June 11, 1909.

INFANTRY ARM.

Second Lieut. John Pullman, Second Cavalry, to be second lieutenant of Infantry, with rank from June 11, 1909.

PROMOTION IN THE ARMY.

COAST ARTILLERY CORPS.

Second Lieut. Augustus Norton, Coast Artillery Corps, to be first lieutenant from December 16, 1911, vice First Lieut. Basil G. Moon, resigned December 15, 1911.

PROMOTION IN THE NAVY.

Lieut. (Junior Grade) Harvey Delano to be a lieutenant in the Navy from the 20th day of October, 1911, to fill a vacancy.

POSTMASTERS.

ALABAMA.

John F. Sutterer to be postmaster at Cullman, Ala., in place of William A. Heck. Incumbent's commission expired December 19, 1909.

CALIFORNIA.

Thomas E. Byrnes to be postmaster at San Mateo, Cal., in place of Thomas E. Byrnes. Incumbent's commission expired February 12, 1911.

Nettie L. Hefton to be postmaster at Coalinga, Cal., in place of Nettie L. Hefton. Incumbent's commission expired December 10, 1911.

Margaret Dorothy Royce to be postmaster at Pittsburg, Cal., in place of Nora Buchanan, resigned.

COLORADO.

Milton E. Basher to be postmaster at Ordway, Colo., in place of Milton E. Basher. Incumbent's commission expires January 9, 1912.

Michael J. Guerin to be postmaster at Salida, Colo., in place of Michael J. Guerin. Incumbent's commission expires January 23, 1912.

Frank H. Miller to be postmaster at Edgewater, Colo., in place of Frank H. Miller. Incumbent's commission expired December 11, 1911.

Thomas J. Stanley to be postmaster at Manzanola, Colo., in place of Thomas J. Stanley. Incumbent's commission expires January 23, 1912.

David F. Strain to be postmaster at Palisades, Colo., in place of David F. Strain. Incumbent's commission expired December 11, 1911.

Charles L. Todd to be postmaster at Rifle, Colo., in place of Charles L. Todd. Incumbent's commission expired December 11, 1911.

CONNECTICUT.

James F. Holden to be postmaster at Forestville, Conn., in place of James F. Holden. Incumbent's commission expired December 11, 1911.

Marjorie Moore to be postmaster at Kensington, Conn., in place of Marjorie Moore. Incumbent's commission expired December 11, 1911.

George A. Warner to be postmaster at Bristol, Conn., in place of George A. Warner. Incumbent's commission expired December 18, 1911.

IDAHO.

Albert Langdon to be postmaster at Juliaetta, Idaho. Office became presidential October 1, 1911.

John M. Repass to be postmaster at Rathdrum, Idaho, in place of John M. Repass. Incumbent's commission expired December 11, 1911.

Edward Waring to be postmaster at Emmett, Idaho, in place of Edward Waring. Incumbent's commission expired December 11, 1911.

ILLINOIS.

August J. Beger to be postmaster at Nauvoo, Ill., in place of August J. Beger. Incumbent's commission expires January 22, 1912.

Daniel A. Campbell to be postmaster at Chicago, Ill., in place of Daniel A. Campbell. Incumbent's commission expired December 11, 1911.

John G. Carson to be postmaster at Melrose Park, Ill., in place of John G. Carson. Incumbent's commission expired December 11, 1911.

William Clemans to be postmaster at Mansfield, Ill., in place of William Clemans. Incumbent's commission expires January 13, 1912.

Andrew M. Corbus to be postmaster at Oglesby, Ill., in place of Josiah R. Bent, resigned.

William A. Hutchinson to be postmaster at Oak Park, Ill., in place of William A. Hutchinson. Incumbent's commission expired December 11, 1911.

August Kalbitz to be postmaster at Red Bud, Ill., in place of August Kalbitz. Incumbent's commission expired December 11, 1911.

Joseph B. Messick to be postmaster at East St. Louis, Ill., in place of Joseph B. Messick. Incumbent's commission expired December 11, 1911.

Earle D. Riddle to be postmaster at Le Roy, Ill., in place of John Haig, resigned.

Thomas D. Shipton to be postmaster at Hanover, Ill., in place of Thomas D. Shipton. Incumbent's commission expires January 23, 1912.

Harry E. Spear to be postmaster at Polo, Ill., in place of Harry E. Spear. Incumbent's commission expires January 13, 1912.

Allen H. Webster to be postmaster at Cuba, Ill., in place of Allen H. Webster. Incumbent's commission expires January 29, 1912.

George P. Wilson to be postmaster at Orion, Ill., in place of George P. Wilson. Incumbent's commission expires January 31, 1912.

INDIANA.

Henry T. Hardie to be postmaster at Anderson, Ind., in place of Thomas L. Dehority. Incumbent's commission expired December 11, 1911.

Albert G. Lundquist to be postmaster at Indiana Harbor, Ind., in place of Albert G. Lundquist. Incumbent's commission expires January 27, 1912.

Elery B. McDonald to be postmaster at Lagrange, Ind., in place of Elery B. McDonald. Incumbent's commission expired December 11, 1911.

James Pickering to be postmaster at Oxford, Ind., in place of James Pickering. Incumbent's commission expires January 12, 1912.

IOWA.

Charles W. Briggs to be postmaster at Sutherland, Iowa, in place of Charles W. Briggs. Incumbent's commission expired December 9, 1911.

Eric P. Dalander to be postmaster at Madrid, Iowa, in place of Eric P. Dalander. Incumbent's commission expired December 18, 1911.

James Ellickson to be postmaster at Thompson, Iowa. Office became presidential October 1, 1911.

Charles A. Reynolds to be postmaster at Harlan, Iowa, in place of Charles A. Reynolds. Incumbent's commission expired January 31, 1911.

Caleb H. Wickersham to be postmaster at West Branch, Iowa, in place of Caleb H. Wickersham. Incumbent's commission expires January 22, 1912.

KANSAS.

George H. Leisenring to be postmaster at Ellis, Kans., in place of George H. Leisenring. Incumbent's commission expires January 22, 1912.

J. Frank Smith to be postmaster at Pleasanton, Kans., in place of J. Frank Smith. Incumbent's commission expired December 11, 1911.

LOUISIANA.

Mary Nixon Allen to be postmaster at Franklin, La., in place of Mary Nixon Allen. Incumbent's commission expired December 12, 1911.

George W. Whitworth to be postmaster at Jeanerette, La., in place of George W. Whitworth. Incumbent's commission expired February 7, 1911.

MAINE.

George L. Thompson to be postmaster at Brunswick, Me., in place of George L. Thompson. Incumbent's commission expires January 29, 1912.

Forest L. Waterman to be postmaster at Mechanic Falls, Me., in place of Forest L. Waterman. Incumbent's commission expired December 18, 1911.

MASSACHUSETTS.

Paul R. Bridgman to be postmaster at Ware, Mass., in place of Paul R. Bridgman. Incumbent's commission expires January 13, 1912.

Clara S. Hill to be postmaster at Amherst, Mass., in place of Clara S. Hill. Incumbent's commission expires January 20, 1912.

Thomas A. Hill to be postmaster at Georgetown, Mass., in place of Thomas A. Hill. Incumbent's commission expired December 10, 1911.

Lester E. Libby to be postmaster at South Hamilton, Mass., in place of Lester E. Libby. Incumbent's commission expired December 10, 1911.

Charles Newhall to be postmaster at Danvers, Mass., in place of Charles Newhall. Incumbent's commission expires January 20, 1912.

Agnes J. Smith to be postmaster at Stockbridge, Mass., in place of Agnes J. Smith. Incumbent's commission expires January 20, 1912.

Ella M. Ward to be postmaster at Millers Falls, Mass., in place of Ella M. Ward. Incumbent's commission expired December 10, 1911.

Edwin F. Wyer to be postmaster at Woburn, Mass., in place of Edwin F. Wyer. Incumbent's commission expires January 29, 1912.

MICHIGAN.

Charles Bidwell, jr., to be postmaster at Tecumseh, Mich., in place of Charles Bidwell, jr. Incumbent's commission expires January 9, 1912.

Charles L. Doyle to be postmaster at Marine City, Mich., in place of Charles L. Doyle. Incumbent's commission expired December 11, 1911.

Colin C. McGregor to be postmaster at Carsonville, Mich., in place of Colin C. McGregor. Incumbent's commission expired December 18, 1911.

George Preston to be postmaster at Grass Lake, Mich., in place of George Preston. Incumbent's commission expires January 20, 1912.

MINNESOTA.

William Kaiser to be postmaster at Faribault, Minn., in place of William Kaiser. Incumbent's commission expired December 11, 1911.

Thomas Kingston to be postmaster at Bovey, Minn., in place of Loren D. Lammon. Incumbent's commission expired December 9, 1911.

Charles H. Latterell to be postmaster at Foley, Minn., in place of Charles H. Latterell. Incumbent's commission expires January 23, 1912.

Henry C. Miller to be postmaster at St. Peter, Minn., in place of Henry C. Miller. Incumbent's commission expired December 11, 1911.

Henry Olson to be postmaster at Battle Lake, Minn., in place of Henry Olson. Incumbent's commission expired December 11, 1911.

Seth J. Swanson to be postmaster at Cokato, Minn., in place of Seth J. Swanson. Incumbent's commission expires January 9, 1912.

William H. Towle to be postmaster at Annandale, Minn., in place of William H. Towle. Incumbent's commission expires January 9, 1912.

MISSISSIPPI.

Urithon B. Parker to be postmaster at Wiggins, Miss., in place of Urithon B. Parker. Incumbent's commission expired December 16, 1911.

MISSOURI.

George H. Allen to be postmaster at Oregon, Mo., in place of George H. Allen. Incumbent's commission expired December 11, 1911.

Isaac N. Barnett to be postmaster at Piedmont, Mo., in place of Isaac N. Barnett. Incumbent's commission expires January 13, 1912.

Charles Casper to be postmaster at Belton, Mo., in place of Charles Casper. Incumbent's commission expired December 11, 1911.

John W. S. Dillon to be postmaster at Grant City, Mo., in place of John W. S. Dillon. Incumbent's commission expires January 13, 1912.

William J. Godt to be postmaster at New Haven, Mo., in place of William J. Godt. Incumbent's commission expires January 13, 1912.

August P. Mairens to be postmaster at La Plata, Mo., in place of Leo W. McDavitt, resigned.

George A. Mayo to be postmaster at Huntsville, Mo., in place of Enoch T. Stark, removed.

NEBRASKA.

George A. Allen to be postmaster at Clay Center, Nebr., in place of George A. Allen. Incumbent's commission expires January 16, 1912.

Henry Kleven to be postmaster at Culbertson, Nebr., in place of Henry Kleven. Incumbent's commission expires January 16, 1912.

Hattie A. Little to be postmaster at Geneva, Nebr., in place of Hattie A. Little. Incumbent's commission expired December 11, 1911.

Henry J. Matzke to be postmaster at Milford, Nebr., in place of Henry J. Matzke. Incumbent's commission expired December 11, 1911.

H. L. Peck to be postmaster at Randolph, Nebr., in place of Frank R. Stewart. Incumbent's commission expired December 11, 1911.

Francis M. Pfrimmer to be postmaster at Stratton, Nebr., in place of Francis M. Pfrimmer. Incumbent's commission expires January 16, 1912.

Erick P. Reichardt to be postmaster at Oxford, Nebr., in place of Erick P. Reichardt. Incumbent's commission expires January 16, 1912.

NEVADA.

William S. Johnson to be postmaster at Manhattan, Nev., in place of William S. Johnson. Incumbent's commission expired December 11, 1911.

James W. Stewart to be postmaster at Tonopah, Nev., in place of James W. Stewart. Incumbent's commission expired December 11, 1911.

NEW HAMPSHIRE.

Lilla B. Sargent to be postmaster at Canaan, N. H., in place of Lilla B. Sargent. Incumbent's commission expired December 4, 1911.

George D. Stevens to be postmaster at Durham, N. H., in place of George D. Stevens. Incumbent's commission expires January 20, 1912.

NEW JERSEY.

William A. Birkhead to be postmaster at Beverly, N. J., in place of William A. Birkhead. Incumbent's commission expired December 10, 1911.

George C. Kessler to be postmaster at Millburn, N. J., in place of George C. Kessler. Incumbent's commission expired December 10, 1911.

James E. Taylor to be postmaster at Cape May, N. J., in place of James E. Taylor. Incumbent's commission expired December 10, 1911.

NEW MEXICO.

John M. Hawkins to be postmaster at Alamogordo, N. Mex., in place of John M. Hawkins. Incumbent's commission expires January 9, 1912.

NEW YORK.

Fred A. Edwards to be postmaster at Holley, N. Y., in place Fred A. Edwards. Incumbent's commission expired December 18, 1910.

Henry O. Elkins to be postmaster at Bath, N. Y., in place of Orlando W. Sutton. Incumbent's commission expired December 17, 1911.

Harry C. Holcomb to be postmaster at Portville, N. Y., in place of Harry C. Holcomb. Incumbent's commission expired December 18, 1911.

William Ingleby to be postmaster at Belfast, N. Y., in place of William Ingleby. Incumbent's commission expired December 10, 1911.

Orson F. Jones to be postmaster at Red Creek, N. Y., in place of Orson F. Jones. Incumbent's commission expired December 11, 1911.

Niles I. McKeel to be postmaster at Yorktown Heights, N. Y. Office became presidential October 1, 1911.

John W. Prichard to be postmaster at Remsen, N. Y., in place of John O. Prichard. Incumbent's commission expired December 10, 1911.

Nelson E. Ransom to be postmaster at Little Falls, N. Y., in place of Harry L. Becker. Incumbent's commission expired December 10, 1911.

James B. Rich to be postmaster at Hobart, N. Y., in place of James B. Rich. Incumbent's commission expired December 10, 1911.

Blanche M. Smith to be postmaster at Franklinville, N. Y., in place of Blanche M. Smith. Incumbent's commission expired December 10, 1911.

NORTH DAKOTA.

G. O. Haugen to be postmaster at Maddock, N. Dak., in place of Hartwick C. Westby, resigned.

Lewis J. Ransier to be postmaster at Cando, N. Dak., in place of Lewis J. Ransier. Incumbent's commission expired December 9, 1911.

OHIO.

Charles R. Austin to be postmaster at Byesville, Ohio, in place of Charles R. Austin. Incumbent's commission expired December 16, 1911.

Alexander C. Branum to be postmaster at Bridgeport, Ohio, in place of Alexander C. Branum. Incumbent's commission expired December 12, 1911.

Charles H. Bryson to be postmaster at Athens, Ohio, in place of Charles H. Bryson. Incumbent's commission expires January 14, 1912.

Charles W. Dean to be postmaster at Mingo Junction, Ohio, in place of Charles W. Dean. Incumbent's commission expired December 16, 1911.

Charles C. Laws to be postmaster at Bethesda, Ohio, in place of Charles C. Laws. Incumbent's commission expired December 16, 1911.

John F. Orr to be postmaster at Xenia, Ohio, in place of John F. Orr. Incumbent's commission expires January 31, 1912.

Robert C. Stewart to be postmaster at Toronto, Ohio, in place of Robert C. Stewart. Incumbent's commission expired December 12, 1911.

OKLAHOMA.

Rolland D. Barnes to be postmaster at Eldorado, Okla., in place of Rolland D. Barnes. Incumbent's commission expired February 13, 1911.

Elsworth A. Olmstead to be postmaster at Butler, Okla. Office became presidential October 1, 1911.

Charles L. Watson to be postmaster at Perry, Okla., in place of Charles L. Watson. Incumbent's commission expired December 11, 1911.

Richard Wynn to be postmaster at Ochelata, Okla. Office became presidential January 1, 1911.

OREGON.

George W. Donnell to be postmaster at Grants Pass, Oreg., in place of George W. Donnell. Incumbent's commission expires January 9, 1912.

Charles E. Hazard to be postmaster at Drain, Oreg., in place of Charles E. Hazard. Incumbent's commission expired December 11, 1911.

Hervey M. Hoskins to be postmaster at McMinnville, Oreg., in place of Hervey M. Hoskins. Incumbent's commission expires January 9, 1912.

PENNSYLVANIA.

Alexander C. Alton to be postmaster at Fayette City, Pa., in place of Alexander C. Alton. Incumbent's commission expired December 10, 1911.

Robert Campbell to be postmaster at Eddystone, Pa., in place of Robert Campbell. Incumbent's commission expired December 11, 1911.

Edward B. Farr to be postmaster at Tunkhannock, Pa., in place of Edward B. Farr. Incumbent's commission expired December 10, 1911.

Thomas F. Heffernan to be postmaster at Wilkes-Barre, Pa., in place of Thomas F. Heffernan. Incumbent's commission expired December 10, 1911.

John H. Jackson to be postmaster at Pen Argyl, Pa., in place of John H. Jackson. Incumbent's commission expired December 16, 1911.

Thomas A. Keller to be postmaster at Lapark, Pa. Office became presidential October 1, 1911.

A. T. Litch to be postmaster at Lititz, Pa., in place of Samuel C. Senber, resigned.

William W. McQuown to be postmaster at Mahaffey, Pa., in place of William W. McQuown. Incumbent's commission expired December 11, 1911.

Harvey W. Marburger to be postmaster at Denver, Pa., in place of Harvey W. Marburger. Incumbent's commission expires January 29, 1912.

Clayton F. Miller to be postmaster at North Girard, Pa., in place of Clayton F. Miller. Incumbent's commission expires January 13, 1912.

George S. Mullin to be postmaster at Hyndman, Pa., in place of George S. Mullin. Incumbent's commission expires January 13, 1912.

Robert F. Schaeffer to be postmaster at Bangor, Pa., in place of Robert F. Schaeffer. Incumbent's commission expired December 16, 1911.

William C. Steele to be postmaster at Brownsville, Pa., in place of William C. Steele. Incumbent's commission expired December 10, 1911.

Emil C. Starke to be postmaster at Tarentum, Pa., in place of James M. Esler. Incumbent's commission expires December 21, 1911.

Harry Z. Wampole to be postmaster at Telford, Pa., in place of Harry Z. Wampole. Incumbent's commission expired December 10, 1911.

Norris S. Woodruff to be postmaster at North East, Pa., in place of Norris S. Woodruff. Incumbent's commission expired December 17, 1911.

RHODE ISLAND.

John W. Little to be postmaster at Pawtucket, R. I., in place of J. Milton Payne, resigned.

Harry E. Tennant to be postmaster at Natick, R. I., in place of Harry E. Tennant. Incumbent's commission expired December 11, 1911.

SOUTH CAROLINA.

George H. Huggins to be postmaster at Columbia, S. C., in place of George H. Huggins. Incumbent's commission expires January 28, 1912.

SOUTH DAKOTA.

George J. Hamilton to be postmaster at McIntosh, S. Dak. Office became presidential July 1, 1911.

Willard C. Lusk to be postmaster at Yankton, S. Dak., in place of Edward G. Edgerton. Incumbent's commission expired June 18, 1910.

TENNESSEE.

W. S. Latta to be postmaster at Somerville, Tenn., in place of John D. McCarley. Incumbent's commission expired January 19, 1907.

TEXAS.

William J. Scott to be postmaster at Denison, Tex., in place of William J. Scott. Incumbent's commission expired December 16, 1911.

VERMONT.

Thomas Mack to be postmaster at Vergennes, Vt., in place of Thomas Mack. Incumbent's commission expires January 28, 1912.

WASHINGTON.

Anna Arnold to be postmaster at Waitsburg, Wash., in place of Emmett R. Henderson, resigned.

John L. Gruber to be postmaster at Winlock, Wash., in place of John L. Gruber. Incumbent's commission expired December 11, 1911.

WEST VIRGINIA.

J. Howard Coleman to be postmaster at Farmington, W. Va., in place of James F. Campbell. Incumbent's commission expired December 9, 1911.

Robert B. Watson to be postmaster at Cameron, W. Va., in place of Robert B. Watson. Incumbent's commission expired January 23, 1910.

WISCONSIN.

Myra W. Blanding to be postmaster at St. Croix Falls, Wis., in place of Myra W. Blanding. Incumbent's commission expired December 9, 1911.

George W. Burchard to be postmaster at Fort Atkinson, Wis., in place of George W. Burchard. Incumbent's commission expired December 11, 1911.

John R. Davies to be postmaster at Cambria, Wis., in place of John R. Davies. Incumbent's commission expires January 27, 1912.

Daniel E. Frost to be postmaster at Stevens Point, Wis., in place of Daniel E. Frost. Incumbent's commission expires January 7, 1912.

Henry Kreutzer to be postmaster at Athens, Wis., in place of Henry Kreutzer. Incumbent's commission expires January 27, 1912.

John A. Kropp to be postmaster at Hilbert, Wis., in place of John A. Kropp. Incumbent's commission expires January 27, 1912.

Duncan McLennan to be postmaster at Rib Lake, Wis., in place of Duncan McLennan. Incumbent's commission expires January 27, 1912.

Benjamin T. Prideaux to be postmaster at Mineral Point, Wis., in place of Benjamin T. Prideaux. Incumbent's commission expired December 11, 1911.

Frank H. Smith to be postmaster at Pardoeville, Wis., in place of Frank H. Smith. Incumbent's commission expires January 27, 1912.

Albert C. Wagner to be postmaster at Edgar, Wis., in place of Albert C. Wagner. Incumbent's commission expires January 27, 1912.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 19, 1911.

COINER OF THE MINT.

John C. Wells to be coiner of the mint of the United States at Denver, Colo.

UNITED STATES MARSHALS.

William H. Grimshaw to be United States marshal for the district of Minnesota.

Henry W. Mayo to be United States marshal for the district of Maine.

UNITED STATES ATTORNEY.

Hilliard S. Ridgely to be United States attorney for the district of Wyoming.

POSTMASTERS.

CONNECTICUT.

James F. Holden, Forestville.
Marjorie Moore, Kensington.
George A. Warner, Bristol.

GEORGIA.

John B. Crawford, Cairo.

ILLINOIS.

August J. Berger, Nauvoo.
John G. Carson, Melrose Park.
William Clemans, Mansfield.
Andrew M. Corbus, Oglesby.
William A. Hutchinson, Oak Park.
August Kalbitz, Red Bud.
Joseph B. Messick, East St. Louis.
Earle D. Riddle, Le Roy.
Thomas D. Shipton, Hanover.
Harry E. Spear, Polo.
Allen H. Webster, Cuba.
George P. Wilson, Orion.

KENTUCKY.

Coleman C. Wallace, Richmond.

MICHIGAN.

Charles Bidwell, jr., Tecumseh.
George Preston, Grass Lake.

NEBRASKA.

H. L. Peck, Randolph.

NEW YORK.

Henry O. Elkins, Bath.
John W. Pritchard, Remsen.
Nelson E. Ransom, Little Falls.

SOUTH DAKOTA.

Willard C. Lusk, Yankton.

WITHDRAWALS.

The following withdrawals were received:

The nomination sent to the Senate on December 11, 1911, of Theodore F. Tompkins to be postmaster at Yorktown Heights, in the State of New York.

The nomination sent to the Senate on December 7, 1911, of James A. Norwood to be postmaster at Redmond, in the State of Oregon.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December 19, 1911.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty God, our heavenly Father, in whom all our longings, hopes, and aspirations are centered, fill our minds with wisdom, our hearts with grace, that we may do noble deeds and work out our appointed destiny with perfect urbanity, and when the silver cord shall be loosed and the golden bowl be broken we shall have left behind us something worth while, having builded for ourselves a character worthy of emulation, passing on with brave and manly hearts to one of our Father's many mansions, ready for whatever duties await us there; and Thine be the praise through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

PERSONAL EXPLANATION.

Mr. MOORE of Pennsylvania. Mr. Speaker, on Saturday last I voted on the mileage question, overlooking the fact that I was paired with the gentleman from Alabama, Mr. HOBSON. I voted "no." In fairness to the gentleman from Alabama, as well as to myself, I now ask that I may be permitted to withdraw that vote and to be recorded "present."

Mr. MANN. Mr. Speaker, I suggest to the gentleman that his statement covers the case, without a request to withdraw his vote at this time.

The SPEAKER. The Chair will state that this question has arisen twice, and it seems to the Chair that it would be an extremely dangerous precedent to set, to allow a Member, after two or three days, to come in and change a roll call.

Mr. MOORE of Pennsylvania. I am entirely satisfied to let it stand with my statement, and believe my explanation will be satisfactory to the gentleman from Alabama.

The SPEAKER. The gentleman's statement will appear in the RECORD.

PRINTING OF CERTAIN WAR DEPARTMENT VOUCHERS.

Mr. FINLEY. Mr. Speaker, on December 14 a letter was received by the Speaker from the Secretary of War, transmitting 1,750 reports of inspections of disbursements and transfers by officers of the Army received in the office of the Inspector General during the fiscal year ended June 30, 1911.

This transmittal was in accordance with section 2 of the act of Congress of April 20, 1874. When this letter was received, accompanied by these 1,750 statements, it was referred to the Committee on Expenditures in the War Department and inadvertently ordered to be printed. I ask unanimous consent that so much of the reference as orders the printing be vacated.

Mr. HELM. Mr. Speaker——

Mr. MANN. Mr. Speaker, reserving the right to object——

The SPEAKER. The gentleman from Kentucky.

Mr. HELM. I should like to understand from the gentleman from South Carolina just exactly what this report consists of.

Mr. FINLEY. The report consists of 1,750 sheets of statements of accounts, without any detailed statement—just simply a statement of moneys paid in bulk, without showing to whom, for what purpose, or anything of that sort. These reports give no information as to the items for which the money was paid. If there was any information in the reports there might be some reason for printing them, but there is absolutely none; and, in my opinion, the act of April 20, 1874, does not require the printing of these reports. They have not been printed heretofore. They have simply been referred to the Committee on Expenditures in the War Department. I have an estimate here that the printing of these reports will cost the Government $20,000. In my opinion that expenditure would serve no good purpose.

Mr. HELM. Do I understand the gentleman to say that these sheets show inspections of disbursements and transfers?

Mr. FINLEY. They simply show disbursements and transfers.

Mr. HELM. Mr. Speaker, I will ask the gentleman from South Carolina to let this go over for a day or so, in order that I may have an opportunity to look a little more closely into this matter.

The SPEAKER. The Chair will suggest to the gentleman from Kentucky that he should make his examination before we adjourn for the holidays, because if this printing goes on, the expense will amount to a good deal.

Mr. FINLEY. I will say to the gentleman from Kentucky that I have requested that the printing be held up at the Government Printing Office. I will say further to the gentleman that these 1,750 reports are before his committee. The gentleman can take any one of them and send to the War Department and get an itemized statement covering the expenditure of the money referred to in each of these reports, so there can be no purpose in printing these statements.

Mr. HELM. I would like to inquire if these are the originals.

Mr. FINLEY. These are copies; they are all before the Committee on Expenditures in the War Department.

Mr. HELM. Mr. Speaker, in view of the fact that the gentleman from South Carolina states that the cost of printing of these papers will amount to $20,000, I have no disposition to insist upon the order made by the House to require them to be printed.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and that part of the reference ordering them printed is revoked.

CLERKS TO COMMITTEES ON EXPENDITURES.

Mr. LLOYD. Mr. Speaker, I offer the following privileged resolution from the Committee on Accounts.

The Clerk read as follows:

House resolution 346 (H. Rept. 190).

Resolved, That there shall be paid out of the contingent fund of the House the sum of $416.66 each to David H. Snepp, clerk of the Committee on Expenditures in the Department of Agriculture; John F. McCarron, clerk of the Committee on Expenditures in the Department of the Interior; and John E. Hollingsworth, clerk of the Committee on Expenditures in the Department of Justice, for three and one-third months' services rendered said committees from August 22, 1911, to December 2, 1911; that there be paid out of said fund the sum of $291.66 to Edward G. Smith, clerk of the Committee on Expenditures in the Department of Commerce and Labor, for two and one-third months' services rendered said committee during said above-named period; and that $194 be paid out of said fund to Samuel C. Neale for services rendered as clerk of the Committee on Expenditures in the State Department from the 15th day of October, 1911, to the 2d day of December, 1911.

Mr. LLOYD. Mr. Speaker, this resolution provides for the payment of clerks to expenditure committees who rendered service during vacation between the 22d of August and the beginning of this session. It gives no compensation unless services were actually rendered. This could not have been provided for before the adjournment of Congress, because we could not tell in advance what services they would render.

Mr. FITZGERALD. Will the gentleman yield?

Mr. LLOYD. Certainly.

Mr. FITZGERALD. Have these clerks been employed without any authority?

Mr. LLOYD. In a sense they were employed without authority; they were not authorized by the House.

Mr. FITZGERALD. In a sense they were employed without authority by the House?

Mr. LLOYD. Yes; without any direct authority by the House.

Mr. FITZGERALD. Is it customary to permit committees to employ clerks in vacation without authority?

Mr. LLOYD. No; this is a very unusual condition.

Mr. FITZGERALD. It must be.

Mr. LLOYD. These committees rendered services in vacation, and that is not usually done by expenditure committees. They had no clerks during the vacation. They have clerks while the House is in session, but they used these men during the vacation. These clerks rendered the services, and it seems to me that it is nothing but right that the individuals should have pay for services actually rendered to the committees that were rendering service to the House.

Mr. FITZGERALD. I do not desire to deprive anybody of compensation for services rendered, but I do dissent emphatically from the position that any committee can employ clerks without authority of the House and then, on the plea that they have rendered services, obtain compensation from the contingent fund or any other source. If it is the desire for the committees to have clerks employed during the vacation, they should be duly authorized.

Mr. LLOYD. We could not give them general authority to employ them, because we did not know how much time they might be employed. Some of the expenditure committees did not sit at all and have no expense. Others did sit through vacation. The clerks performed the services, and it is only fair to these clerks that performed the services that they should receive a compensation.

Mr. CANNON. Will the gentleman yield for a question?

Mr. LLOYD. I will.

Mr. CANNON. I want to ask a question of the gentleman from New York [Mr. FITZGERALD]. Does the law that prohibits services where appropriations have not been made apply to the House?

Mr. FITZGERALD. No committee has authority to employ anybody without the authority of the House. My recollection is that these committees were given session clerks.

Mr. LLOYD. They were during the session.

Mr. FITZGERALD. And after Congress adjourned some of them continued the clerks in their employment.

Mr. CANNON. I am under the impression, however, that under the leadership of the gentleman from New York [Mr. FITZGERALD] and the former Representative from Minnesota, Mr. Tawney, legislation was enacted that prohibited services for the Government in the absence of authority of law or appropriation.

If I am correct in that impression, was the law broad enough to prohibit an employment of this kind? In other words, while I am not opposing this resolution, are we proposing to have a law that will apply to the public service and not apply to the service of committees in the House?

Mr. FITZGERALD. That appears to be what it intended.

Mr. MANN. Mr. Speaker, if my colleague will permit, I desire to say I had the subject looked up the other day in connection with another matter, and while I would not wish to express a decided opinion about it, the impression I formed at that time was that the law did not apply to the committees of Congress, being so worded as to apply to the departments of the Government only.

Mr. LLOYD. Mr. Speaker, I think there can be no question of the fact that the House has the right to control its own expenditures.

Mr. CANNON. Absolutely, unless it is something that is prohibited by law.

Mr. MANN. Of course this is a very unusual proceeding, as I understand. A few years ago we did not provide expenditure committees with a clerk; then we commenced to give them session clerks. This amounts practically to giving them annual clerks—that is, those committees that work. I do not say that it is improper, but it is a matter that ought to receive consideration, and doubtless it has received consideration by the Committee on Accounts. Is the committee satisfied that these gentlemen who acted as clerks were really doing work as clerks of these committees?

Mr. LLOYD. Mr. Speaker, we had hearings before the Committee on Accounts. The several chairmen and several clerks appeared, and we have the testimony of both the chairmen and the clerks of the committees as to the service rendered.

Mr. MANN. Can the gentleman say whether he is prepared to advise the House that these committees ought to have annual clerks?

Mr. LLOYD. I would say not. I am pretty well satisfied that these committees ought not to have annual clerks, and they ought not to have clerks at any time in vacation unless they actually render service. We are asking compensation for services actually rendered.

Mr. BURKE of South Dakota. Will the gentleman yield for a question, Mr. Speaker?

Mr. LLOYD. Certainly.

Mr. BURKE of South Dakota. I would like to ask the gentleman why, if a clerk to an expenditure committee rendered valuable service during a session of Congress, he should not appear on the annual rolls the same as clerks of other committees?

Mr. LLOYD. The service rendered to these expenditure committees, or that has been rendered in the past, is a service that is rendered only during the session, as a rule, and no use is had for the clerk during the vacation.

Mr. BURKE of South Dakota. Is that not true in the case of a great many of the committees of the House?

Mr. LLOYD. There are several other committees, 8 other committees, that have session clerks. There are altogether about 18 committees that have session clerks, and session clerks only. The rest of the committees have annual clerks.

Mr. BURKE of South Dakota. To get efficient service, is it not desirable to keep the same clerk, and in order to do that must we not have him on the annual roll and not be compelled to change clerks every session?

Mr. LLOYD. I hardly think that is necessary. As far as we know, the session clerks that have been employed have been efficient men, and I know of no reason to complain on account of failure to get efficient service from the individuals employed as session clerks.

Mr. BURKE of South Dakota. Then I understand the position of the gentleman is that service may be rendered here at the instance of committees without any authority, and that later a bill may be presented to remunerate that service?

Mr. LLOYD. If the House sees fit to grant it, of course it may be done. There is no obligation on the part of the House to do it, except to do the thing that is right.

Mr. BURKE of South Dakota. In other words, we permit committees or chairmen of committees to do the things that are prohibited in the departments of the Government.

Mr. LLOYD. Not exactly, because this is an entirely different situation. The departments of the Government have their work laid out and they know what it is in advance. There assignments are made for specific work. Here, where a work is unusual, something that does not occur ordinarily, but since it has occurred, and the service has been rendered, and the individual has performed the service, it seems to me nothing but right that the House should compensate the individual.

Mr. BURKE of South Dakota. Does not the gentleman appreciate the fact that oftentimes matters arise where it is very important and essential that some department of the Government shall have some extra service and yet does not have authority to employ it?

Mr. LLOYD. And whenever that happens I think those departments come in and ask for an appropriation.

Mr. BURKE of South Dakota. Yes; but they can not do it for services they have rendered. We have absolutely prohibited the employment of any volunteer services and have made a penalty to the extent of fine and imprisonment and removal from office of the official who accepts any volunteer service.

Mr. LLOYD. That is true; but before the end of the year any department may come in through its proper representative and present to the Appropriations Committee a statement of facts showing that they have not sufficient money to meet the demands made upon the Government up to the end of the fiscal year, and the result of it is a deficiency bill. We have a deficiency bill every session of Congress.

Mr. BURKE of South Dakota. Yes; but the deficiency you propose now is not exactly the same——

Mr. LLOYD. Yes; in this department we have a deficiency bill.

Mr. BURKE of South Dakota. What I want to impress upon the gentleman is this: In my opinion, a committee that has a clerk, and ought to have one, ought to have an annual one, and he should be upon the pay roll; and that the gentleman, by his action now, is simply giving a demonstration of what we will have continuously in the future in trying to practice economy along this line. I think we ought to give annual clerks to these committees.

Mr. HILL. I want to ask the gentleman whether these committees were in session in Washington or elsewhere during the time for which these clerks' services were used.

Mr. LLOYD. Some of these committees held sessions—a part of them.

Mr. HILL. Which part?

Mr. LLOYD. The one I remember was the Committee on Expenditures in the State Department.

Mr. HILL. How many sessions did that committee hold?

Mr. LLOYD. I do not know.

Mr. HILL. And the others did not hold any sessions. I would like to ask what was the character of the work performed by these clerks, for which they now ask to be paid, during the recess, when no committee meetings were held.

Mr. LLOYD. I can not answer that fully.

Mr. HILL. Then the chairman of the Committee on Accounts does not know what is the service that was rendered for which he asks compensation?

Mr. LLOYD. I know in part. We are assured by the chairmen, who appeared before the committee, that it was more in the nature of investigation work—searching of records and work of that kind—incident to an investigation. They did all kinds of work except the actual hearings.

Mr. HILL. The reason I asked that question is this, Mr. Speaker, that as chairman of one of the committees on expenditures under Republican control of the House of Representatives, with several of the chairmen of those committees, I went to the Committee on Accounts and tried to demonstrate, as we thought we could, that the services of a clerk were more important during the recess, when they had more time for that particular kind of work, than when Congress was in session, and therefore those clerks should be placed upon the annual roll rather than upon the session roll; but the ideas of economy which pervaded under a Republican administration seemed to far transcend the ideas which now prevail under Democratic control of this House, and we were turned down, and turned down emphatically. Now, Mr. Speaker, I am a believer in hav-

ing annual clerks for these committees, for I believe if they are of any use at all—and if they are not they ought to be abolished—good, competent clerks to these committees on expenditures can render far more effective services when the committees are not in session in preparing work and laying the groundwork for the work of the committee when Congress itself comes into session. But I think it should be done by authority of the House and not at the option of the chairman of the committee; and while I shall vote to pay this bill, I hope it will be the last bill of that kind that comes in under this Democratic control.

Mr. LLOYD. I agree with the gentleman, Mr. Speaker, so far as the last expression is concerned. I hope it will be the last, too.

Mr. CANNON. Mr. Speaker, will the gentleman yield to me?

Mr. LLOYD. Certainly.

Mr. CANNON. I would like to have two or three minutes.

Mr. LLOYD. I will yield five minutes to the gentleman from Illinois.

Mr. CANNON. I think I shall not require that much time. I hold in my hand the act of February 27, 1906, which is as follows, so far as it affects this matter:

No executive department or other Government establishment of the United States shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year or involve the Government in any contract or other obligation for the future payment of money in excess of such appropriations unless such contract or obligation is authorized by law. Nor shall any department or any officer of the Government accept voluntary service for the Government or employ personal service in excess of that authorized by law.

Now, the penalty:

Any person violating any provision of this section shall be summarily removed from office and may also be punished by a fine of not less than $100 or by imprisonment, etc.

Now, on a careful reading of this statute I am inclined to think that a prosecution would not lie in this case, because I think as penal statutes are strictly construed this would apply to services aliunde the House or the Senate. But in spirit it does apply.

Now, I merely want to make one additional remark. The Committee on Accounts has the right to report at any time privileged matters. I do not believe this is a privileged matter, because it is not authorized by law and is clearly in violation of the spirit of the law that is on the statute book. And yet the point of order was not made that it was not privileged, and it is now too late to make the point of order. I am not discussing the question as to whether this was good service or bad service. I am not criticizing. I merely call attention to the condition.

Mr. LLOYD. I ask for a vote, Mr. Speaker.

The SPEAKER. The question is on the adoption of the resolution.

The question was taken, and the resolution was agreed to.

MESSENGER TO JOINT SELECT COMMITTEE ON DISPOSITION OF USELESS EXECUTIVE PAPERS.

Mr. LLOYD. Mr. Speaker, I ask for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 344 (H. Rept. 187).

Resolved, That the chairman of the Joint Select Committee on Disposition of Useless Executive Papers be, and he is hereby, authorized to appoint a messenger to said committee, who shall be paid out of the contingent fund of the House at the rate of $60 per month for this session.

Mr. LLOYD. Mr. Speaker——

Mr. MANN. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Illinois?

Mr. LLOYD. Yes.

Mr. MANN. This is not in addition to the janitor?

Mr. LLOYD. This is the usual janitor.

Mr. MANN. This is the usual janitor, is it?

Mr. LLOYD. Yes; it is the usual janitor.

The SPEAKER. The question is on the adoption of the resolution.

The question was taken, and the resolution was agreed to.

CLERK AND JANITOR TO CONFERENCE MINORITY.

Mr. LLOYD. Mr. Speaker, I ask for the present consideration of House resolution 325.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 325 (H. Rept. 186).

Resolved, That the chairman of the conference minority is hereby authorized to appoint a clerk at the rate of $1,200 per annum and a janitor at the rate of $1,000 per annum, to be paid out of the contingent fund of the House, payable monthly until otherwise provided by law, such appointment to date from December 1, 1911, and to be in lieu of one clerk now provided for at the rate of $1,800 per annum.

Mr. LLOYD. Mr. Speaker, at the present time the minority conference room, or the minority leader, is entitled to have a clerk with a salary of $2,000 a year and an assistant clerk with a salary of $1,800 a year. He has no janitor or messenger. This resolution is intended to give to the minority leader a janitor and messenger. It also cuts down the salary of his assistant clerk from $1,800 a year to $1,200 a year. This is asked for by the minority, and, as far as the majority are concerned, I think there will be no question raised about it.

Mr. FITZGERALD. Mr. Speaker, is this intended to increase the efficiency of the minority leader?

Mr. LLOYD. I suppose so.

The question being taken, the resolution was agreed to.

CLERK TO COMMITTEE ON ENROLLED BILLS.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution, which is presented from the Committee on Accounts.

The SPEAKER. The clerk will report the resolution.

The Clerk read as follows:

House resolution 347.

Resolved, That a clerk be assigned to the Committee on Enrolled Bills for the present session of Congress, under the provisions of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1912.

Mr. MANN. Is this something already provided for?

Mr. GARNER. Yes; already provided for.

Mr. LLOYD. We have assigned eight of these clerks, and the law provides that we may assign nine. This assigns a clerk to the Committee on Enrolled Bills.

Mr. MANN. This is the other $6 a day clerk not already assigned?

Mr. LLOYD. Yes.

Mr. MANN. Is it customary for the Committee on Enrolled Bills to get that clerk?

Mr. LLOYD. No; some other committee has had him; I do not know what committee. This has always been paid out of the contingent fund, and this resolution transfers it.

Mr. MANN. Does the Committee on Enrolled Bills have need for the clerk?

Mr. LLOYD. Yes; the committee always has a clerk.

Mr. MANN. Does this provide more help than has been customarily given to the Committee on Enrolled Bills at this time in the session?

Mr. LLOYD. The Committee on Enrolled Bills always has an annual clerk and a session clerk, and then, in addition to that, such help as it may need from time to time.

Mr. MANN. Of course in the future there will come times when that committee will need more help?

Mr. LLOYD. Yes.

The SPEAKER. The gentleman from Missouri asks unanimous consent for the present consideration of this resolution. Is there objection?

There was no objection.

The question being taken, the resolution was agreed to.

DECEMBER COMPENSATION OF CLERKS TO MEMBERS.

Mr. SISSON. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution.

The SPEAKER. The gentleman from Mississippi asks unanimous consent for the present consideration of the following resolution, which the Clerk will report.

The Clerk read as follows:

Joint resolution (H. J. Res. 189) to pay Members, Delegates, and Resident Commissioners their allowance for clerk hire for December, 1911, on the 20th day of that month.

Resolved, etc., That the Clerk of the House of Representatives is authorized and directed to pay to Members, Delegates, and Resident Commissioners their clerk hire for the month of December, 1911, on the 20th day of said month.

Mr. MANN. What is the date fixed in the gentleman's resolution?

Mr. SISSON. The 20th. That will be to-morrow.

Mr. MANN. The gentleman understands that the President must sign this before it can become a law. I infer from what the newspapers say that the President will not be here until Thursday.

Mr. SISSON. Then I will ask that the resolution be amended so as to read the 21st.

The SPEAKER. If there be no objection the resolution will be modified by changing the word "twentieth" to the words "twenty-first." Is there objection?

Mr. LLOYD. Mr. Speaker, I am informed by the disbursing clerk that he has prepared the receipts for the 20th, and if it is possible to have this on the 20th, it is desirable.

Mr. FITZGERALD. The President will not be back until Thursday.

Mr. SISSON. I am just informed that the President is out of the city, and, of course, it is necessary for the President to sign this joint resolution. If the newspapers are correct, it can not be presented to the President before the 21st.

The SPEAKER. Is there objection to the present consideration of this resolution?

There was no objection.

The joint resolution was agreed to.

On motion of Mr. SISSON, a motion to reconsider the vote whereby the joint resolution was agreed to was laid on the table.

WITHDRAWAL OF PAPERS.

Mr. HUGHES of Georgia, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, papers in the case of Clarice B. Dunaway, Fifty-ninth Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

Mr. SHERLEY. Mr. Speaker, I would like to ask leave of absence for my colleague, Mr. FIELDS, who has been ill in an infirmary in Kentucky for some time.

The SPEAKER. The Chair thinks that that leave of absence has already been given, but the Chair will put the request. Is there objection?

There was no objection.

Mr. HARRISON of Mississippi, by unanimous consent, was given leave of absence until after the holidays, on account of illness in family.

TRUSTS.

Mr. JACKSON. Mr. Speaker, I ask unanimous consent to address the House for 25 minutes on the subject of trusts.

The SPEAKER. The gentleman from Kansas asks unanimous consent to address the House for 25 minutes on the subject of trusts. Is there objection?

There was no objection.

Mr. WEBB took the chair as Speaker pro tempore.

Mr. JACKSON. Mr. Speaker, I realize that I owe an apology to the House for undertaking to consume its time, being one of the babies of the House, so far as time of service is concerned, but not as to physical size.

My only excuse is the importance of this subject and the probability of its consuming considerable time of the House in the next few months. I want to say that I shall attempt to discuss this question not from the standpoint of a partisan—and I claim to hold no brief for any party or any faction of a party—but shall attempt to give a few thoughts that I have had as the result of several years' earnest contest with some very stubborn octopi in the central part of our country. This is my only apology for attempting to consume your time for a few minutes this morning.

THE TRUST QUESTION.

The object to be attained is not merely "busting" of trusts nor imprisonment of trust barons, but it is the preservation of true economic competition.

The trust question will not be solved until the National Government really destroys the present trusts, punishes the trust makers, and does something to prevent the formation of new combinations. So far, the much-boasted trust busting by Federal authority has amounted to nothing more than a slap on the wrist of the offenders and a polite request for better conduct in the future. At the same time the courts in the name of good business have been careful to leave uninterrupted all the opportunities and means for the continuance of old combinations and the formation of new ones. In spite of the lamentations of certain business men and statesmen that the Sherman law threatens honest business, it is gradually becoming apparent that monopoly has little to fear from Government prosecution.

The Standard Oil creation has been 50 years in growing. It has several times been "dissolved," but each time its dissolution, as will probably occur in the present case, has amounted to enough only to loosen the soil around the roots of the upas tree and give it greater growth.

Standard Oil and Tobacco stock suffered little, if any, drop in the market price by reason of the dissolution, and steel yields slightly to a few blows of the Government's genteelly padded club, but the market is responding and will soon, no doubt, again assure the holders of watered stock a full 100 cents on the dollar.

This is not intended as a criticism of the present administration in its efforts to enforce the law, nor of the administration of the law in general. It is only intended to draw attention to the fact that we are making no progress in curbing the trusts.

After 20 years of experience with antitrust legislation, we find ourselves forced to admit that every great interstate industry of the country is trust controlled and monopoly burdened. The startling thing about this is that it is true only of the commerce controlled by the Federal Government of the United States. Every other great commercial nation, even to the colonies of Great Britain, have monopoly under control, and the State governments have succeeded fairly well where not hindered by the interstate-commerce clause of the United States Constitution in destroying local combines. Are we not warranted, then, in stopping to inquire if the Federal Government's theory of legislation on this subject has not been wrong or inadequate from the first? Are we not, right now in the discussions going on over the country, misconceiving our real problem? It is not merely how to bust the trusts nor how to jail trust barons; it is rather how reasonable competition—the competition which best serves society—may be protected and maintained.

Is there any relation between the "rule of reason" of the recent trust decision and this reasonable competition? Perhaps not much, but it is true that these cases serve to show that the trend of modern thought is toward regulation of competition. From some of the discussions of the opinions in these cases one would think that the theory of restricted or controlled competition is something newly discovered, and that prior to these decisions the whole commercial world has been delving along in the darkness, governed by unrestricted and fiercest competition. Of course everyone who has given the matter any attention knows that quite the contrary is true, and that the only one who can consistently preach the doctrine of unrestricted competition is the philosophical anarchist who believes that the lion has the right to devour the lamb unless restrained by the truly Christian spirit of brotherly love. [Applause.]

The fact is that had society been conducted on the plan of unrestricted competition, first the giant of physical strength and then the giant militarism and lastly the giant of financial power would have dominated society and owned the most of us even now under an industrial serfdom that would have shamed the liege condition of fifteenth-century Europe. Every principle of our Government and every rule of law has been framed with the view of securing to the ordinary man an equal opportunity with the richest, strongest, and most-favored citizen, and hence the rule of nature, "the survival of the fittest," must be interpreted in the light of the saner rule of society, "that he is best entitled to survive who is of the greatest benefit to society." This attempt at academic discussion is indulged in only to bring out the fact that the wisdom of controlling competition lies at the basis of all our antitrust legislation.

Dropping now into the shop tactics of the attorney, in brief making, I shall wish to cite several authorities and one on this question of "What constitutes economic competition?" Dr. Richard T. Ely, the well-known author and professor of political economy in the University of Wisconsin, in his Study in the Evolution of Industrial Society, says:

> But if it is not every struggle of conflicting interests that is to be denominated competition, we see at once that competition is a struggle which has its metes and bounds. I think we must say that the competitive struggle is limited by constitutional and statute law. It is a framework of which we live and move and exercise our faculties in the pursuit of a livelihood. When we bear this qualification in mind, simple and obvious as it is, many difficulties begin to vanish like fog before the rising sun. Many a man, when competition is mentioned, thinks of wild beasts, tearing and rending each other in a death struggle for an insufficient supply of food. But such is only an incomplete and imperfect picture of the struggle for life, even among the brutes, and does not at all describe the struggle of competition among civilized men.

Again, speaking of the evolution of competition, Dr. Ely says:

> A former president of this association, in one of its early publications (Henry C. Adams, "The relation of the State to industrial action"), declared that one of the functions of government is to raise the ethical level of competition. He was himself surprised to find the impression that the phrase produced. It produced that profound impression precisely because it is so pregnant with meaning. The phrase is a key, opening mysteries and revealing reconciliations of science and humanity.

Is it not clear, then, that the first remedial legislation on the trust question should have proceeded on the theory of the old adage, "An ounce of prevention is worth a pound of cure"? The Sherman antitrust law in effect seeks to prevent monopoly only by inflicting punishment on those engaged in it sufficient to warn others not to attempt the same thing.

Millions of men are now shouting for jail sentences for trust magnates. All very well; but, overlooking the practical difficulty of securing and presenting to a jury under the strict rules of criminal evidence in America the testimony necessary to convict, but little good has been accomplished when a conviction has been secured. In most cases little, if any, change will be made in the business thus attacked. Competition will not be restored nor injured trade recompensed for the wrongs it has suffered.

If Theodore Roosevelt were Emperor Absolute and should commission W. J. Bryan to try every monopolist under military

law and sentence the guilty ones to imprisonment for life, there is little doubt that there would be found plenty of men to take the place of the convicted ones and continue the unholy business under hope of escaping detection, although it may be conceded that men would believe that had these statesmen such power such an order would be cheerfully given and faithfully executed over and over again. [Applause.]

It was well recognized by the common law that certain offenses, such as nuisances or the creation of a corner or purpresture of trade, were crimes which could not be adequately punished by the criminal law, and the Crown was given the power of suits and the prerogative writs, injunction, mandamus, quo warranto, and prohibition to prevent the wrong and restore where possible the normal conditions of trade. In other words, where the lifeblood currents of commerce were stopped or hindered it became a matter of public concern and, therefore, of governmental control. And here must be found the principle upon which rest all attempts to control the prices and practices of trusts, of which we hear so much of late. Transportation, telephones, gas and water service, and things of this kind are public businesses, because they are natural monopolies, and not natural monopolies because they are public businesses. The power of government over such monopolies, whether they are such as are termed "natural monopolies" or those created by the commercial acts of the citizen, is sufficient to regulate such businesses or blot them out of existence. This was first forcibly called to the attention of the American public in the famous case of Munn *v.* Illinois (94 U. S., 113), where the court declared the grain-elevator business a public business, largely because monopoly existed therein, and used the oft-quoted words of Lord Hale:

> For now (when) the wharf, crane, and other conveniences are affected with a public interest, and they cease to be juris privatis only; as if a man set out a street in new building on his own land, it is now no longer bare private interest but is affected by a public interest.

Again, in Budd *v.* New York (143 U. S., 517), the court held the elevator business a public business on the same theory and held that the governmental power of control extended even to fixing the wages of laborers who served such elevators.

Fire insurance was held to be a public business and subject to regulation to prevent monopoly in the German Alliance Insurance Co. *v.* Hall (Jan. 6, 1911, 219 U. S. Rep., 507). In the German Alliance Fire Insurance Co. *v.* Barnes, superintendent of insurance of Kansas (189 Fed. Rep., 769) it was held that the State had authority to fix fire-insurance rates for the purpose of regulating competition among insurance companies. In at least one State, the new State of Oklahoma, there is a statute which enables the board of corporation control to fix the rates and practices of any business found to be conducted in violation of the trust laws or to have a virtual monopoly in the sale or production of any commodity. Here is governmental regulation founded upon common law and the Constitution. We are here face to face with the proposition as to what kind of regulation and how much of it we want.

Mr. Gary, of the Steel Trust, and many of his conferee trust builders are for regulation, they say, but they want the regulation which will recognize the right of private monopoly and provide for Government regulation of rates. The Socialist is for regulation of Government-owned monopolies. After all, is there any substantial difference between what they and Mr. Gary want? If the Government owned the trusts, in spite of any civil-service law yet discovered by the ingenuity of man, the men who run the trusts would own the Government—trusts and all. And if the Government regulated legalized private monopoly, the monopoly would still run the Government, and Garyism and Socialism are equal to each other and therefore the same thing.

Is there an alternative for both Garyism and Socialism? We believe there is in that regulation of trusts which regulates to eradicate the trusts and restore economic competition. The Government should be provided with legal procedure which would take hold of the illegal business with less formality than is required in a receivership of the courts and control the trust until it can be destroyed, the trust makers punished, and other business firms given an opportunity to take its place in the business world.

A method can be easily provided similar to that in use in Oklahoma which will enable the Government to do this without injury to lawful business, and by means perfectly in accord with our present competitive system and constitutional law.

If the advantages to our foreign and domestic trade of the modern big business institutions are what they are asserted to be, may not such institutions be brought within the principle of honest and normal contracts, such as partnerships, corporations, purchase and sale, and therefore of proper Government control, where the monopoly is threatened? Such cases would be so rare as to affect but little our present industrial system, but would diminish greatly the number of iniquitous trusts.

What effect would the so-called new rule of reasonable restraint of trade have upon such a plan of control? Is it too much to say that if there is harm in this rule such control would cure it, and if there is good in it such control would afford an opportunity to give effect to the beneficial principle?

Probably no decision since the Dred Scott case has been so widely discussed, and none in the history of the court has been so generally misunderstood, as the Standard Oil and Tobacco opinions. Everyone much interested in trust prosecutions understood that the terms "restraint of trade" and "monopoly" in the antitrust laws were adopted from the common law, and must be construed according to their meaning at common law. It was a familiar rule of that law (a) that "any conspiracy having for its purpose restraint of trade was illegal and void." (b) "That any normal contract which restrained trade only as an incident of a lawful purpose, and only to the extent necessary to sustain that purpose, would be held to be legal." No more apt application or statement of this rule can be found than that of President Taft in the Addyston Pipe and Steel case made in 1898, an opinion which, all unknown to the writer, was to become a virile campaign document for his elevation to the Presidency. President, then Judge, Taft said:

> This very statement of the rule implies that the contract must be one in which there is a main purpose to which the covenant in restraint of trade is merely ancillary. The covenant is inserted only to protect one of the parties from the injury which, in the execution of the contract or enjoyment of its fruits, he may suffer from the unrestrained competition of the other. The main purpose of the contract suggests the measure of profection needed, and furnishes a sufficiently uniform standard by which the validity of such restraints may be judicially determined. In such a case, if the restraint exceeds the necessity presented by the main purpose of the contract, it is void for two reasons: First, because it oppresses the covenantor without any corresponding benefit to the covenantee; and, second, because it tends to a monopoly. But where the sole object of both parties in making the contract as expressed therein is merely to restrain competition and enhance or maintain prices, it would seem that there was nothing to justify or excuse the restraint, that it would necessarily have a tendency to monopoly, and therefore would be void. (29 C. C. A., 151–152.)

The United States Supreme Court, in affirming the case, said:

> We think the case now before us involves contracts of the nature last above mentioned, not incidentally or collaterally but as a direct and immediate result of the combination engaged in by the defendants. (175 U. S. Rep., 240.)

The Supreme Court in the recent Tobacco case, summing up all that had been said up to that time by all the court, said:

> It was therefore pointed out that the statute did not forold or restrain the power to make normal and usual contracts to further trade by resorting to all normal methods, whether by agreement or otherwise, to accomplish such purpose.

It will thus be seen that the court left the rule of reason just where Judge Taft had found it 13 years ago, and that it means simply that the statutes do not intend to infringe upon the rights of citizens to make reasonable normal contracts, even if some restraint of trade should result as incident of such contracts.

Before examining a plan of control more in detail based on this principle, let us consider if there is any way in which trusts may be prevented—and this from two points of attack, first, the matter of discrimination in prices; and, second, the effect of the tariff:

Monopolies and combinations in restraint of trade are simply aggregations of smaller commercial sins—smaller acts which fair tradesmen do not practice upon their competitors and do not permit to be inflicted upon their customers. But when a combination of men are left to follow these practices unrestrained by law or custom the result is an oppressive monopoly. No more concise and comprehensive résumé of these things has been made than is contained in Senator La Follette's new trust bill, which seeks, when a combination has been shown to exist, to make the existence of any one of these acts presumptive evidence of "unreasonable restraint of trade." Among the acts enumerated by him are (1) exclusive contracts, (2) division of territory, (3) unjust discrimination. This is a meritorious and ingenious measure, which will add force to the criminal features of the law, and it should be passed. There are some of these acts, however, which are so injurious to trade and point so certainly to an effort to monopolize that each act should be made an offense regardless of the proof of combination or conspiracy. I refer first of all to discriminations or "dumping," as it is called in England. Discrimination has been referred to by many of our courts as the "mother of trusts." It was the first practice on the part of the Railroad Trust to be attacked by Congress, and it is well known that many of the big monopolies were built by the enjoyment of discriminating railroad rates. The Industrial Commission, the most learned and impartial investigation which has ever been made of our industrial affairs, set well to the front of all its legislative recommendations a law forbidding discriminations in prices and

favoritism in interstate trade. Its recommendation was as follows:

That stringent laws be enacted by the Congress and the several State legislatures making both penal and criminal the vicious practice of discrimination between customers and cutting rates or prices in one locality below those which prevail generally for the purpose of destroying local competition, and that such laws should give to any person damaged the right to sue for and recover prescribed penalties, and make it the duty of prosecuting officers to proceed against the offenders. (Industrial Com. Rept., vol. 19, p. 650.)

No effort has been made to enact this principle into law by Congress except this proposal of Senator LA FOLLETTE and the proposal of President Taft's administration to make it a part of a Federal incorporation law and the bill introduced by my colleague, mentioned hereafter. In the first measure it would be a part of the proof in trust cases; in the second it would apply only to corporations organized under the Federal law. It should apply to all persons, firms, as well as corporations, engaged in interstate trade. Mr. Phillips, of the Industrial Commission, on this subject says:

Next to railway discrimination the most powerful weapon of the trusts may be designated as "destructive competition." By this is meant the reduction of prices in places where there is competition while recouping losses by high prices elsewhere. In this way a strong established industry uses its power to crush a rival instead of meeting it fairly and reducing prices everywhere equally. It is often urged that the strongest defense of a protective tariff is that it enables a promising but infant industry to get a start. There is certainly greater need for defending the beginnings of competition from the ruthless attacks of giant combinations in our own country than for similar defense against foreign combinations no greater and thousands of miles more distant. Competition is a struggle, but the whole tendency of civilization is to raise the plane and equalize the conditions of competiton.

Mr. George Gunton, who is a strong advocate of trusts, declares:

It is obvious that if a large concern, no matter in what industry, puts its price in one vicinity at 10 and in another vicinity, where the cost of transportation is substantially the same, at 5, that is not competition, that is not economics, that is not business; that is persecution, and ought to be prohibited. (19 Ind. Com. Rept., 660–661.)

Five or six of the States have this law, and in every case it is working with great success. In at least three of these States the Supreme Court has sustained the law as constitutional. If a strong law of this kind were placed on the statutes of the Nation, five-sixths of the trusts would be crushed in incubation, and nine-tenths of the oppression of which they are now guilty could be prevented without long drawn out prosecutions.

[The time of Mr. JACKSON having expired, by unanimous consent he was granted five minutes more]

Another of these practices has grown up through the cooperation of certain banking firms and banking institutions. I refer to the granting or refusal of credit. It is this influence which led to the expression of Woodrow Wilson and prominent Members of this House concerning the Money Trust. It was the same thing which a few years ago prompted the remarkable magazine articles of Thomas W. Lawson, productions remarkable in many of their revelations concerning the secret workings of the so-called "system." But this influence in our industrial system, and especially in its effect upon the so-called trust question, is more substantial than is indicated by the fact that it has been discussed by candidates for office and agitators. The insurance investigation in New York was due in a large measure to the misuse of surplus and reserve funds by the banking institutions of that great commercial center.

The Industrial Commission already referred to also found important considerations in its study of the relation of credit to the trusts. It said:

The plan most commonly followed is to issue preferred stock to an amount equal to the tangible assets, and at least an equal amount of common stock, which was broadly said to represent good will and opportunity. Good will, in the language of the corporation promoter, represents two entirely different things: (1) Value derived from patents, trade-marks, and business connections; (2) value of earning capacity of the establishments and the hopes of the promoter as to savings and profits, either from economics or through the power of the combination to secure monopoly prices. Within limits, this last consideration is really a capitalization of monopoly.

I have therefore placed a section in the bill I have introduced aimed at this wrong, discriminations in credit, and the building of trusts through the granting of credit.

For the purpose of establishing a base for the proposal as to the relation of the tariff to trusts, I shall only reproduce what the Industrial Commission said on this subject. The fact that 10 years have elapsed since the statement was made, enables the people of the country to appreciate the force and truth of what was there recorded. The statement follows:

So far as combination adds any new feature to an old issue, if it can be shown that any important evil or menace to the public results from the tariff which could be prevented or diminished by a reduction of duties without resulting in other and greater evils, the changes should be made. Such an instance would present a strong suggestion for a reciprocal trade arrangement.

To recapitulate, then, legislation to preserve the kind of competition our present industrial development demands should embody all of the ideas I have mentioned. I shall hope that an administration measure of Federal incorporation will be enacted at the coming session, and that Senator LA FOLLETTE's amendments to the Sherman law will also be passed. In addition to these, I shall by a bill introduced to-day ask Congress to enact the following measures:

First. To make discrimination in prices and all other favoritism in interstate trade a criminal offense, and to provide that any person injured by such discriminations shall have the right to recover civil damages to the same extent and in the same manner as is provided for the recovery of damages under the trust law. I have been informed that my colleague [Mr. CAMPBELL] has introduced such a bill at several sessions of Congress, and I hope it will be passed.

Second. To establish procedure by which any citizen injured by a monopoly or combination in restraint of trade may upon complaint made under oath have such monopoly or combination investigated in a summary manner by a board of arbitrators chosen in part each by the complainant, defendant, and the court, and to extend Government control over all industries so investigated when the preliminary report finds the existence of the restraint of trade or a monopoly and such report is approved by the court. Such control shall continue as provided in the next paragraph.

Third. To make every combination in restraint of trade or virtual monopoly in the production or sale of any commodity subject to control as to all its prices and practices by the Interstate Commerce Commission or by the United States district court of the proper district, as shall be ordered by the court trying the case, until it shall be decreed by a competent court that such combination or monopoly has been dissolved.

Fourth. The district attorney, under the direction of the Attorney General, shall prosecute criminally all persons connected with the organization or maintenance of any trust, monopoly, or combination revealed by such investigation, and shall institute and prosecute suits in addition to the proceedings provided for in paragraph 2, if necessary to dissolve the trust or monopoly.

Fifth. To provide for an investigation by the President of the effect of custom duties in maintaining unreasonable prices or in tending to monopoly in the commodities produced or sold by any firm found guilty in a preliminary report provided for in paragraph 2, and authorizing the President, if he finds such duties assist such firm in maintaining unreasonable prices, or higher prices at home than in foreign markets, or in promoting a monopoly, to suspend the collection of such duties and open competition with all the commerce of the world in such commodities. The President should also immediately report his acts under the authority of this trust law and his recommendations to Congress.

Finally, then, what effect will the so-called new rule of reasonable restraint of trade have on such a plan of control?

If a combination, trust, or business of any kind tending to monopoly is ever found which results as a mere incident of a lawful and normal contract undertaken by the parties to it with legal intent—for such was the definition of reasonable restraint of trade set forth by the court—for goodness sake, let us preserve it under proper governmental care and control, for it would be the most notable commercial phenomenon of the century.

The plan of control I suggest would not destroy such restraint of trade, but it would control "good" and bad trusts until the courts determined their legality. [Loud applause.]

CALL OF COMMITTEES.

The SPEAKER. The Clerk will call the roll of the committees.

INFORMATION CONCERNING ARMY POSTS.

Mr. BULKLEY (when the Committee on Expenditures in the War Department was called). Mr. Speaker, I am instructed by the Committee on Expenditures in the War Department to call up House resolution 343, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 343.

Resolved, That the Secretary of War be, and he is hereby, requested to send to the House of Representatives full information relative to certain statements made in his annual report for the year 1911 concerning the distribution of the mobile Army of the United States in such manner as to involve needless expense, and concerning the location and construction of any Army posts in such manner as to involve unnecessary initial cost and unnecessary cost of maintenance, said information to cover specifically the following facts:

First. The names of all Army posts which have been located in their present situations for reasons which are now totally obsolete.

Second. The names of all Army posts which have been located in their present situations for reasons which were from the beginning purely local.

Third. The names of all Army posts which were originally placed where they are with reference to possible Indian troubles, and the names of such of these as may be placed where such troubles are now no longer possible.

Fourth. The names of all Army posts which are situated in positions suited to meet the strategic needs of national action or defense.

Fifth. The names of all posts which have been constructed and the names of all posts where any construction work has been carried on during the 10 years ending June 30, 1911, upon a plan which involved maximum initial cost of construction and maximum cost of maintenance in money and men; the amounts expended on such posts, respectively, for construction purposes during the said period; the names of all Army officers or officials of the War Department who have recommended such expenditures and approved such plans; and the names of all Army officers and officials of the War Department who have protested against such expenditures and plans.

Sixth. The specific steps taken by the several Secretaries of War during the period of 10 years ending June 30, 1911, to prevent unnecessary expenditures and impairment of efficiency caused by ill-advised location and construction of posts and inefficient distribution of the mobile Army, and the reasons, so far as they can be assigned, why the successive heads of the War Department have been unsuccessful in preventing unnecessary expenditures and impairment of efficiency.

Seventh. The present intention of the War Department with respect to recommending legislation with a view to putting an end to the present extravagant distribution of the Army, and the steps, if any, already taken or now being taken by the department in preparing such recommendations.

Eighth. A full statement of the serious difficulties anticipated by the department in carrying out the policies of economy and efficiency in respect to the subject matter of this inquiry.

Ninth. The number and cost of Army posts which have been abandoned during the 10 years ending June 30, 1911, and the names and cost of all Army posts which would have to be abandoned in order to put an end to the extravagance and inefficiency resulting from improper distribution of the mobile Army.

Tenth. The estimated annual saving in money which would follow an efficient and economical distribution of the mobile Army, assuming said Army to remain at its present size, and the estimated increase in number of officers and men which could efficiently be made in the mobile Army were it properly distributed within the present annual cost of maintaining the Army.

Mr. BULKLEY. Mr. Speaker, I am glad to be able to say to the House that in the consideration of this resolution in the committee party lines were not drawn and the resolution is favorably reported, with but one dissenting vote.

If we are to practice true economy in administering the affairs of the Government, we shall have to do more than lop off certain items of appropriations and trim down certain other items. We shall have to make an earnest study of the business administration of the Government with a view to determining how expenditures may be made in such a manner as to give the people the greatest value for their money. The Committee on Expenditures in the War Department has had this broad idea in mind in the course of its investigations, and has found that there is strong reason to believe that the present scattered distribution of the mobile Army results in the annual expenditure of large sums of money in an uneconomic manner.

At a hearing before the committee on June 20 last Maj. B. F. Cheatham, quartermaster in charge of the construction and repair division of the Quartermaster General's Office, testified to the extravagance of the present method of distributing the Army. He was asked by the chairman of the committee:

No more expensive method could be devised than the present method of distributing the Army into 100 posts. Could there be any possible way of expending more money or incurring greater cost than by the present method?

The major answered:

None unless the number of posts was increased. That is the only way that I can see.

On June 26 last the Chief of Staff testified before the committee as follows:

The present method of quartering troops and officers is an exceedingly expensive one. I believe that the expense is unnecessarily great; that it is due very largely to the small number of isolated posts, their remoteness from the centers of supply, which makes it necessary to expend large sums for the transportation of all kinds of supplies and equipment.

This opinion is fully substantiated by the recent annual report of the Secretary of War in the following language:

Nearly all of these posts have been located in their present situations for reasons which are either now totally obsolete or which were from the beginning purely local. Most of them were originally placed where they are with reference to possible Indian troubles during times when such troubles were possible. Comparatively few of them are in positions suited to meet the strategic needs of national action or defense.

Again the Secretary says:

We have scattered our Army over the country as if it were merely groups of local constabulary instead of a national organization. The result is an Army which is extraordinarily expensive to maintain, and one whose efficiency, for the main purpose of its existence, has been nullified so far as geographical location can nullify it.

Mr. Speaker, if these statements of the Chief of Staff and Secretary of War are well founded, a situation exists which demands the earnest consideration of this body. We ought to be put at once in possession of all the facts bearing on this situation.

Two things apparently stand in the way of correcting this uneconomic distribution of the Army; first, the reticence of the War Department in recommending the abandonment of posts on which large sums of money have been recently spent; and, second, the pressure of local interests in the localities where posts are improperly located.

This statement need not rest upon my say so. The Chief of Staff, on June 26 last, testified before the committee:

I think we can cut the number of our mobile army stations almost in two. But the embarrassment arises from the fact that in recent years there has been such extensive and expensive construction at many places that it is really hard work to justify abandoning them.

Again he said:

We dislike to come before Congress with a request for money to build new barracks and quarters when there is perhaps a fairly well-built and complete establishment standing in a place where we believe it never should have been put originally, but still it is there.

And the Secretary of War, in his report, says:

A thorough reorganization of our military establishment to remedy the foregoing defects would involve much legislation and would encounter many most serious difficulties. Upward of $94,000,000 have been spent upon our existing posts. Ineffective and expensive to maintain as this system is, it nevertheless represents an investment which can not be easily changed nor abandoned.

I can well understand the reticence of the War Department in this respect. But, Mr. Speaker, if we have made a bad investment in Army posts, it can not be remedied by concealment and by refusing to face the situation openly. The Secretary of War has, in my judgment, done the right and patriotic thing in frankly calling attention to this matter in his annual report, and I believe it is our duty to show our interest in the subject by asking for further details.

Now as to the opposition of local interests. The Chief of Staff cited an instance of local protest in connection with the abandonment of Fort Wingate. He said:

We have cut out Fort Wingate; we have just gotten out of it. Fort Wingate is near the mining town of Gallup, N. Mex., which is filled with hardy miners, but they make a strong representation as to the danger from the Navajo Indians. We have taken away the garrison there, and they put up quite a strong fight on that proposition.

In answer to further questions on the subject, he said:

I was just using the mining region as an illustration. Here is a region strong enough in men to wipe the Navajos off the face of the earth. Of course, the only real objection is that the trade of two companies of Cavalry and of this little post is being lost to that section That is really the reason that is at the bottom of it.

And the Secretary of War, in his report, says:

The source of profit which each post furnishes to neighboring communities causes a local prejudice against any change in location and brings constant influence to bear toward further expenditures in that locality.

Now, I know as well as anyone that these local protests are only natural, and I blame no community for using any honest influence in this connection. I blame no Member of Congress for his honest support of his constituents in these efforts to retain trade; but I insist that the Congress should know and the people should know how much of their money is being squandered and how much of the efficiency of their Army is being lost in order to bolster up the trade of certain post towns. Let us get the facts and figures before us and decide whether it is really worth while.

The Secretary of War and the Chief of Staff both state that they are already commencing a policy of concentration into larger posts. I fully believe in their absolute good faith and sincerity in this matter. But I believe that if such a policy is to be carried out it should be done by direction of Congress, this body being first put in possession of all the facts, so that the situation may be handled consistently and in an open manner. If this is not done, I greatly fear that the selection of posts for abandonment is in danger of being influenced by the relative strength of the protests emanating from the post towns rather than by the relative military advantages of the geographical locations. In saying this I want it clearly understood that it is furthest from my thought to impute any improper motive to the Secretary of War or the Chief of Staff; but they have both testified that they do feel local pressure and that they do wish to avoid local trouble and protest, the Chief of Staff having gone so far as to say:

If we make any announcement of policy now, except to you gentlemen confidentially, there will be such an everlasting uproar that it will embarrass every move we make.

These gentlemen are not to be blamed for wishing to accomplish a reform with as little friction as possible. It is, however, the judgment of your committee that we should turn on the light, let all conflicting interests appear in the open, and let this great question be determined, after fair hearing to everyone concerned, with a view to military efficiency and the best interests of the whole people.

Mr. MONDELL. Mr. Speaker, I desire to be heard in opposition to this resolution.

The SPEAKER. Does the gentleman from Ohio yield to the gentleman from Wyoming?

Mr. BULKLEY. Mr. Speaker, I will be very glad to yield to the gentleman from Wyoming a little later.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. BULKLEY. Certainly.

Mr. MANN. Does the gentleman intend to offer an amendment to strike out the language at the bottom of page 2 in reference to furnishing the names of Army officers, et cetera?

Mr. BULKLEY. Mr. Speaker, I understand that such an amendment will be offered, and personally I have no objection to it.

Mr. Speaker, I now yield 10 minutes to the gentleman from Kentucky [Mr. HELM], the chairman of the committee.

Mr. HELM. Mr. Speaker, I think that this resolution ought to commend itself from every point of view to the favorable consideration of the House. On last Saturday I addressed the House, and among other things stated that we had an Army of about 70,000 men which is quartered in 176 posts or substations. That statement alone, at first glance, should convince everyone that there are an unnecessary and superfluous number of quarters for so small an army. The cost of these 176 posts up to date amounts to over $94,000,000. Deducting from these $94,000,000 $17,000,000 that have been expended for the construction of quarters for the officers of the Army, there is left about $77,000,000 which have been expended in the construction of what may be termed Army posts, subposts, Coast Artillery posts, and so forth. Conceding that there are 77,000 men enlisted in the Army, you have an average cost of $1,000 per soldier for quartering the soldiers, and that statement, it occurs to me, ought to strike the membership of this House as an unbusinesslike proposition.

But the worst of this entire situation is the staggering, stupendous expense that results by reason of keeping an Army in these widely scattered posts throughout the United States. For instance, on the transportation of the Army we expend annually $11,000,000 or more. How much of that $11,000,000 is spent by reason of these widely scattered posts no Member of Congress, and I doubt whether any officer in the department, can tell; but we spend $11,000,000 annually for the transportation of the Army, and $600,000 for the traveling expenses of the officers of the Army, and it ought to strike the plain, common sense of any man that these are extravagant sums, and that those posts, scattered from Maine to California, in many instances with the capacity of only two, three, or four companies of Infantry, is a proposition that deserves the serious consideration of the House. In addition to that, there was expended, or rather estimated, for 1912 for roads and walks $260,597; for water and sewers—you will understand that much of these Army posts represent, as it were, a little town, in that it has a heating plant, a lighting plant, a water system, sewerage, roads and walks, and everything that tends to make up the utilities, as I term it, of a little town. Now, you have 176 little towns, so to speak; and you are maintaining—the department is shifting these troops from one post to another continually. Congress is appropriating annually for walks and roads at these posts and other similar establishments in the United States about $260,000. I believe that also includes the Philippines.

Mr. MONDELL. Will the gentleman yield to me for a question?

Mr. HELM. In a moment, just as soon as I get through with this. For the purpose of installing, maintaining, and repairing water and sewerage systems at these 176 posts the estimate for 1912 was $2,200,203.22, and the estimate for heating in 1912—I do not state that all of this particular sum of money was used in the heating of these Army posts—but the estimate for 1912 for heating amounted to $2,187,850. The estimate for lighting amounted to $1,305,652.57. I undertake to say that at least three-fourths of these two last-mentioned items were expended on these Army posts.

These are a few of the elements of cost which enter into the present method and the method that has been in vogue and has prevailed up to this time, and these figures ought to convince every Member of this House that it is of the greatest importance to put a stop to this useless waste of the public money. The testimony that the committee has had on this subject from Gen. Wood and from Maj. Cheatham—the latter has charge of the construction of these Army posts—ought to convince the House of the merits of this resolution, the purpose of which is to cut down these unnecessary expenses. At page 90 of the hearings had before the Committee on Expenditures in the War Department is found this evidence, the committee having the matter of Army posts up for investigation:

The CHAIRMAN. Perhaps it could be expressed in this way: A no more expensive method could be devised than the present method of distributing the Army in the 160 different posts—there are in fact 176. Could there be any possible way to expend more money or incur a greater cost than by the present method?

Maj. CHEATHAM. None; unless the number of posts are increased; that is the only way I can see.

The CHAIRMAN. The upkeep of the post, and the equipment for lighting, heating, the water supply, the transportation of officers and men, all conspire to make it the most expensive method conceivable?

Maj. CHEATHAM. And I think it might be added that the cost of administration would be materially diminished if these posts could be more concentrated.

That is the testimony of Maj. Cheatham, in the Quartermaster's Department, who stated that it is a part of his duty to examine and supervise the construction of these posts.

Mr. MONDELL. Now, will the gentleman yield for a question?

Mr. HELM. I will yield to the gentleman from Wyoming.

Mr. MONDELL. Mr. Speaker, I desire to ask the gentleman from Kentucky if he knows how many of the 176 posts referred to were inland posts and how many of them were merely posts connected with coast fortifications?

Mr. HELM. I can not give an accurate answer, but I will say this: That the coast-defense policy was established in the last few years, and in the last 16 years there have been 48 of these posts—I do not mean inland posts or posts for the mobile Army—but 48 in all, including Coast Artillery posts and mobile Army posts, of which, according to the statement in the hearings, 9 were for the mobile Army, and I would infer from that that 39 of these posts were coast-artillery posts.

Mr. MONDELL. Is not it true that a great majority of the 176 posts are located at coast-defense points?

Mr. HELM. Certainly. I am not discussing and I am not making any complaint about the coast-defense proposition. I am talking about these inland posts or mobile Army posts more particularly.

Mr. MONDELL. But the gentleman mentioned the number as 176?

Mr. HELM. Yes. I have a table here that will show it.

Mr. MONDELL. That includes, as I understand it, all Army posts, including all coast-fortification posts?

Mr. HELM. It does.

The House may be interested to know how this amazing extravagance originated and why it is tolerated. This committee had before it Maj. B. F. Cheatham, in charge of Construction and Repairs Division. At page 73 he was questioned as follows:

Mr. BULKLEY. Then, you would never have the general location of the post under charge?

Maj. CHEATHAM. No, sir.

Mr. BULKLEY. Who would do that?

Maj. CHEATHAM. It would be done by order of the Secretary of War.

Mr. BULKLEY. I appreciate the fact that he issues the order, but whom would he rely upon?

Maj. CHEATHAM. The Chief of Staff.

Mr. BULKLEY. Would he decide it by a conference with the staff, or how would he decide it? What I am trying to get at is who is really at the beginning of it. Does the Chief of Staff receive recommendations from other people?

Maj. CHEATHAM. The recommendations can come from a variety of sources. They may submit the matter to a board of officers, designated for that purpose, or recommendations may come from combinations of citizens.

Just why and how a combination of citizens could control a proposition of this kind is a mystery to me. Indeed, it would appear that the entire proposition might as well have been turned over to the citizens instead of Congress and the War Department, from the way it has been managed. At page 74, I find this statement in regard to Fort Harrison:

Mr. MARTIN. The establishment of that post was authorized by Congress?

Maj. CHEATHAM. Yes, sir; and that is the one way, as I understand it, in which a post can be established.

Mr. MARTIN. Is that a brigade post?

Maj. CHEATHAM. No, sir; it is a regimental post.

Mr. MARTIN. It has not, then, the number of men and the dignity of the D. A. Russell post?

Maj. CHEATHAM. No, sir.

Mr. MARTIN. Was the creation of the brigade post at Fort D. A. Russell authorized by an act of Congress?

Maj. CHEATHAM. Fort D. A. Russell was increased to its present size by authority of the Secretary of War.

From which it would appear that it takes an act of Congress to establish a small post, while an order of the Secretary of War is sufficient to convert a small post into a brigade post. This demands legislation.

The committee sometimes finds it difficult to obtain an expression of opinion on important matters, for example:

Mr. MARTIN. You would not like to state whether, if it was left to you to select a point in the United States at which this complete brigade post should be established, you would select Fort D. A. Russell?

Maj. CHEATHAM. I would rather be excused from answering that question, if you do not mind.

Mr. MARTIN. I will not insist on an answer, although that is one of the things I propose to find out.

Mr. SHERLEY. Will the gentleman yield for an inquiry?

The SPEAKER. Does the gentleman yield to his colleague from Kentucky?

Mr. HELM. With the greatest pleasure.

Mr. SHERLEY. Does the gentleman know what is the relative cost of upkeeping the Coast Artillery posts as compared with that of the large interior posts? Is it not a fact that in many instances the Coast Artillery posts have very little expense connected with their upkeep as compared with the large posts of the mobile Army?

Mr. HELM. I regret to say——

The SPEAKER. The time of the gentleman has expired.

Mr. HELM. I would like to have two minutes more.

Mr. BULKLEY. Mr. Speaker, I yield five minutes more to the gentleman.

The SPEAKER. The gentleman from Kentucky is recognized for five minutes more.

Mr. HELM. As further fortifying the position that the committee has taken on this resolution——

Mr. SHERLEY. If the gentleman will permit, I would like to have him answer my question.

Mr. HELM. I beg the gentleman's pardon. I regret I am not in possession of enough accurate information in regard to the expense connected with the Coast Artillery posts to enable me to answer the question with any degree of satisfaction to myself or to what I believe would be the satisfaction of my colleague from Kentucky.

Further fortifying and justifying the favorable consideration of this resolution by the House, I want to read, at page 133 of the hearings taken before the Committee on Expenditures in the War Department, a few extracts from the testimony of the Chief of Staff, Gen. Wood:

The CHAIRMAN. Gen. Wood, we have had Maj. Cheatham with us, and have been interrogating him along the line of the garrison posts and substations. He expressed the opinion before the committee that the present method or system of housing or quartering the Army in the 160 and some odd posts was the most expensive method that could be devised, and I would like to know whether you concur with him in that opinion and agree with him in the statement or not.

Gen. WOOD. The present method of quartering troops and officers is an exceedingly expensive one. I believe that the expense is unnecessarily great; that it is due very largely to the small number of isolated posts, their remoteness from the centers of supply, which makes it necessary to expend large sums for the transportation of all kinds of supplies and equipment. The method of sheltering officers and men is also expensive, in that the posts are generally so located as to render it necessary to build quarters for all officers rather than rent them, as could be done to a large extent if the posts were near large towns or cities. The method of post construction is also unnecessarily expensive, in that both the barracks for the men and the quarters for officers are unnecessarily scattered about and cover altogether too much land, necessitating a large amount of road, sidewalk, sewer, and water construction, and requiring an unduly large proportion of the labor of the troops to keep them in good condition. Many of the small stations have long since ceased to have any military utility. They were originally built in Indian times as rendezvous and as outposts of civilization.

I want to say in that connection, however, that there are about 50 of these small Army posts, which, of course, include the Coast Artillery posts east of what may be termed the old frontier line. There are small posts of the mobile Army in New York and in Michigan and in several of the States east of the Mississippi. In 1890 a post was built at a cost of over $600,000 in Kentucky, just across the Ohio River from Cincinnati, and the testimony here in these hearings of Maj. Cheatham is that they have no need for that post and the post has been abandoned.

I mention that to the House as a type of posts which since 1890 have been constructed at great expense. Here was a post constructed at an expense of over $600,000, and there are others like it no nearer the frontier line or the Indians than Kentucky was in 1890; and there was no more necessity for the construction of many of these other posts than there was for the construction of this post in Kentucky to which I have referred.

Further reading from the same testimony:

The CHAIRMAN. Besides being the most expensive method possible, is it not true also that the least efficiency is obtainable by this method?

Gen. WOOD. The system is excessively and, I believe, unnecessarily expensive, and the location of many of our garrisons is such as to render it impracticable to properly assemble the different arms in proper proportions for instruction. In other words, the present system tends to inefficiency rather than to efficiency.

The CHAIRMAN. Was this apparent at the recent mobilization in Texas, General?

Gen. WOOD. It was apparent in this way, sir: Troops had to be brougnt from a good many stations rather than a few, and at each station we had to leave a certain number of people as caretakers; we had to assemble troops from remote points and in very small units. The scattered condition of our Army has rendered instruction by officers in command of large bodies of troops practically impossible, except on the rare occasions of joint maneuvers with the militia. The great objection to the small post, from an economical standpoint, is that it requires practically the same machinery as a large post, and from a military standpoint it is undesirable, as it tends to inefficiency because of the small size of the garrison.

The SPEAKER pro tempore (Mr. GALLAGHER). The time of the gentleman has expired.

Mr. HELM. Mr. Speaker, I ask for two minutes longer.

Mr. BULKLEY. I yield two minutes more to the gentleman.

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. HELM] is recognized for two minutes more.

Mr. HELM. I read further:

A relatively large percentage of the men are occupied in what we call police work—that is, the repairing of roads, walks, the general cleaning up of the posts, and duties incident to the preservation of grounds and buildings—and the detachment of a large percentage of the men from each organization for this work, thereby reducing the number present for practical military instruction, is not only discouraging to the officers but discouraging to the men.

Mr. Speaker, I should like to extend my remarks in the RECORD. I will not read further.

Mr. CONNELL. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER pro tempore. Does the gentleman from Kentucky yield to the gentleman from New York for a question?

Mr. HELM. With pleasure.

Mr. CONNELL. I have not heard this made clear: In case these 176 posts are abandoned by the Government, what will be done with them, with their electric-light plants and other equipment?

Mr. HELM. Not posing as an expert by any manner of means in such a matter, it would be my suggestion, as a good, plain business proposition, to dispose of many of these Army posts. And I would like to read a list of these posts to the House, where they spend a million dollars to house a regiment of soldiers and three or four or five hundred thousand dollars to quarter a few troops. One little post—Fort Wingate, N. Mex.—that has a capacity of only two troops of Cavalry requires an upkeep amounting to $50,000 per annum.

Now, the best thing to do with posts of that type is to dispose of them. One of the most recent posts, Fort Sill, which, I understand, is in Oklahoma, cost over $1,000,000. At that post they had to spend $250,000 to get a water supply. This mistake has been made in more than one instance. It certainly could have been possible to have located these large posts at places where the heavy outlay for water would not have been necessary.

To give you another instance: Fort D. A. Russell, in Wyoming, cost over $4,000,000, and up until a very recent date they have been short of water and have had to spend $400,000 to get a supply of water. I submit to the judgment of this House whether it has been good, practical Army sense to expend these millions of dollars in places where there is not sufficient water supply and where these enormous expenses must be incurred in order to secure it.

I believe the testimony shows that one of these forts is out in a semiarid or desert country, with very limited railroad facilities, and not close to a large base of supplies. As I started out to say, my suggestion is to dispose of these smaller Army posts, wherever it is possible to dispose of them, to the State for institutions that are continually being required by the State, and use the money so obtained from the proceeds of the sales to enlarge those posts that have suitable railroad facilities and competitive transportation, both by rail and water, as affecting transportation rates, markets, supplies, and items of that kind. By such means and others, as I said last Saturday, the expenses of the Army can be reduced $10,000,000 to $30,000,000 annually.

Mr. CONNELL. I thank the gentleman for that answer, because it is very satisfactory.

Mr. BULKLEY. I yield five minutes to the gentleman from Pennsylvania [Mr. SPEER], who desires to speak in opposition to the resolution.

Mr. SPEER. Mr. Speaker, the gentleman from Ohio [Mr. BULKLEY] is somewhat mistaken as to the position I am going to take in reference to the resolution.

It is true that I voted against the reporting of this resolution to the House, for the reason that it was my opinion the committee could obtain this information for itself, and, after reviewing it and properly digesting it, would then be in a position to report its conclusions to the House. It seemed to me that that was the orderly and logical way to go about the matter. But the majority of the committee were of the opinion that the subject matter was of so much importance that it should have some additional publicity, and that it was proper for the Members of this House to learn these facts in advance. I am willing to yield my personal views to their judgment, because I am heartily in favor of obtaining all the information possible to obtain upon this subject.

The resolution is based upon the report of the Secretary of War to the effect that the maintenance of many of our Army posts in the West is too expensive. That does not necessarily lead us to conclude that some one has been derelict in duty in the establishment or maintenance of these posts in the past. It simply indicates to me that the conditions of the country have so changed as to the necessity for these scattered posts,

and consequently their maintenance is no longer necessary, and is against the development of the proper efficiency of the Army.

As was said by the gentleman from Ohio [Mr. BULKLEY] the discussion of this matter in our committee did not develop the least partisan spirit. In fact, I want to say that in all the investigations which this committee have carried on there has not been the least partisan feeling. We all feel that the Army of the United States is not Republican, is not Democratic, and is not Socialistic. It is the American Army, and we ought to act together in everything that will bring about its greater efficiency, as well as economy in its management.

The situation is a great deal like that in which many business men find themselves in reference to manufacturing plants which they have established at places believed by them to be suitable and sufficient. A few years afterwards they find that their buildings are not large enough for the growing needs of their business. They find that their plant is not modern; that methods of construction have changed. They find that their machinery has become absolete and antiquated and expensive to maintain and operate. The question then comes up for the owners to determine whether they will continue to operate the plant in that condition at an additional expense or whether they will expend money in making necessary changes that in the end will produce economy.

And so it often happens that the wisest and ablest business men decide to tear down and wipe out what they have already built, throw out the obsolete machinery and replace it by modern, and sometimes, when conditions have changed, move the manufacturing plant to another location, where they will be able to operate more cheaply. That is as I understand the situation.

Mr. RAKER. Will the gentleman yield?

Mr. SPEER. Certainly.

Mr. RAKER. In the investigation by this committee, do I understand that the committee has gone into the expense per capita of the soldiers at each of these forts?

Mr. SPEER. The committee has not gone into that matter fully. As I said before, I thought it would have been wiser for us to go into the matter first.

Mr. RAKER. As I understand, the committee has taken no stand on the question whether or not any of these posts should be abandoned and that they have no testimony to show that they should be abandoned—whether or not the smaller posts cost more than the larger ones, according to the number of men in each one. What the committee is after is to seek all the information governing the subject, so that they may come back to the House and that the House may determine what course shall be pursued.

Mr. SPEER. That is what I understand is the object of the resolution. We ask for the facts, fully and in detail, with the recommendation of the War Department, for the information of the Members of the House as well as for the committee. What shall be reported or done upon that information is a matter for future consideration.

Mr. BULKLEY. Mr. Speaker, I wish to thank the gentleman from Pennsylvania for his statement and to corroborate what he has said to the effect that the hearings of the committee have been free at all times from any partisanship or prejudice, and the gentleman's dissent to the committee report I do not think was actuated by any partisan motive whatever. It is a mere difference of opinion as to procedure which might have been held by a Democrat as well as a Republican. Now, Mr. Speaker, I yield to the gentleman from Wyoming 10 minutes.

Mr. MONDELL. Mr. Speaker, I am sure that no Member of the House has any objection to securing from the Secretary of War all of the information that may be obtainable relative to the number, the location, the character, or cost of construction and of maintenance of the military posts of the country. If that is what the resolution proposed, I should heartily favor it.

But what the resolution proposes is this: That the War Department shall be called upon to give its opinion to the House as to what class of military posts should be built and maintained, as to the conditions under which our mobile army shall be housed in time of peace. There is no rule laid down in the resolution as to what constitutes extravagant construction or extravagant maintenance. But the Secretary is called upon to give an estimate of the annual saving in money which would follow an "efficient and economical distribution of the mobile army, assuming said army to remain at its present size, and the estimated increase in the number of officers and men which could efficiently be made in the mobile army were it properly distributed, on the present annual cost of maintaining the Army."

Were it "properly," were it "economically" distributed? According to whose standard and in whose opinion? The gentlemen of the committee could have cut out all of the resolution and simply called upon the War Department for a report as to its view, if that should be considered necessary, as to how we should now house and maintain the Army. We already have that information. Gen. Wood has suggested that we should not have Army posts, that we should take the Army into the great cities, into the congested centers of population, that we should there rent private buildings for the men and officers.

Speaking generally, the officers of the Army have always been opposed to having posts scattered throughout the country; the officers prefer to live in large posts near the great cities.

The committee has been especially unfortunate in its illustrations relative to the necessity for seeking this information. It has referred to the case of Fort D. A. Russell, in my State, the largest Army post in the Union, and therefore not one of the "small isolated posts" in regard to which it is assumed it is seeking information. It is in the center of the continent, on the line of the main transcontinental railway in the United States.

Mr. HELM. Mr. Speaker, will the gentleman from Wyoming yield?

Mr. MONDELL. In a moment. The suggestion has been made that that post has been expensive in the matter of water supply, when as a matter of fact the committee has just heard from the officials of the Army to the effect that the water supply of Fort D. A. Russell is the cheapest in the Union, except Fort Mackenzie, also in Wyoming; that it costs something like 3 cents a thousand gallons, while the average cost is 8 or 9 cents. I did not hear the testimony, did not attend the meeting at the time the testimony was given, but I understand that that is essentially what was said in regard to that situation.

Mr. HELM. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. I yield.

Mr. HELM. At page 78 of the hearings——

Mr. MONDELL. O Mr. Speaker I can not yield for a considerable reference. If I am not correct in what I say, the gentleman can correct me.

Mr. HELM. I read from page 78 of the hearings:

> The water system at Fort D. A. Russell has been more expensive to install than at any other post. This is due to the fact that it is the largest post in the Army and it is situated in a dry, arid country, where water is not very plentiful.

Mr. MONDELL. That is all true, Mr. Speaker; but it does not prove anything except that it costs more to get a large water supply than a small one, and if the gentleman will go further in the testimony I think he will find what I said as to relative cost to be correct. His complaint seems to be that it costs more to furnish water where there are 4,000 or 5,000 men than it does for a post where there are but 200 or 300 men.

Mr. SHERLEY. Will the gentleman yield for a question?

Mr. MONDELL. But the fact remains that the same official stated, and it appears in the hearings, that the cost of the water and the water supply at Fort D. A. Russell per thousand gallons is cheaper than at any other Army post in the Union except one, and that is also in Wyoming. What more than that does the gentleman want?

Mr. HELM. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. I yield to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker, can the gentleman tell the House how many men it was necessary to leave at Fort D. A. Russell to look after the property of the Government there when the troops were ordered to Mexico?

Mr. MONDELL. Mr. Speaker, I do not know. I think there were very few men left at Fort D. A. Russell, but I assume that wherever you quarter men, wherever people live, be they soldiers or civilians, it will be necessary to have caretakers when the property is not occupied. That will be the same, whether the post be located in Wyoming or be located in the blue-grass region of Kentucky.

Mr. SHERLEY. Mr. Speaker, the gentleman's inference is hardly warranted, in face of the fact that finding a post in Kentucky that was not needed, and which was abandoned, the Kentucky delegation has not used any effort to have it maintanied at the expense of the rest of the country. We commend the example of Kentucky to the gentleman from Wyoming.

Mr. MONDELL. Mr. Speaker, I know of no delegation that has made any special effort to have Army posts maintained where they should not be maintained. I desire to disabuse the mind of my friend from any such inference, so far as I am concerned, because we have never had any difficulty at all in Wyoming in proving the wisdom of maintaining the two posts we have there, or rather, the three posts, counting the small post in the Yellowstone Park, which of course the gentleman from Kentucky will admit is necessary for the care of that

great national pleasure ground. So that, Mr. Speaker, there is no question——

Mr. HELM. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Mr. Speaker, there is no question with regard to the posts in Wyoming.

The SPEAKER. Does the gentleman from Wyoming yield to the gentleman from Kentucky?

Mr. MONDELL. Certainly.

Mr. HELM. I know that the gentleman from Wyoming wants to be accurate in his statements to the House.

Mr. MONDELL. I am.

Mr. HELM. I hardly think he will be supported by the testimony of the officer who was sent to Fort D. A. Russell for the express purpose of reporting on the very matter about which the gentleman is talking, and who made the report that it was the most expensive water proposition of any post in the Army. I would like to ask the gentleman one more question. What are the transportation facilities at Fort D. A. Russell? How large a city is it near?

Mr. MONDELL. Mr. Chairman, first let me remind the gentleman that the fact that the Fort D. A. Russell water supply was expensive is not material at all. The question is how much did it cost to supply that post per man, per thousand gallons of water, and the testimony is that the supply is the cheapest in the Union save one, which, for fear the gentleman should forget it, I repeat again is also in Wyoming.

Mr. SHERLEY. Does the gentleman include the cost of the investment?

Mr. MONDELL. How does the gentleman expect to secure greater economy than the greatest economy we are now securing anywhere? But, Mr. Speaker, I did not get into this discussion for the purpose of defending Fort D. A. Russell. It requires no defense. It is the finest and the largest and the best-located Army post in the United States. We are not worried about Fort D. A. Russell. Now, the gentleman asked me as to its railway transportation.

The SPEAKER. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Speaker, I ask for five minutes more.

Mr. BULKLEY. How much more time have we?

The SPEAKER. There are 20 minutes left.

Mr. BULKLEY. I yield five minutes to the gentleman.

Mr. MONDELL. Fort D. A. Russell is on the main line of the Union Pacific Railway east and west. It is on the main line of the Chicago, Burlington & Quincy system now being completed north and south. In addition to that there is another line from the east——

Mr. DIFENDERFER. Will the gentleman yield?

Mr. MONDELL. In just a moment. So there is no more central location in the United States than Fort D. A. Russell. By the same token it is a post that any report you may receive from the War Department under this resolution will prove to be the best located and the most cheaply maintained, everything considered, of any post in the United States; so we have nothing to fear with regard to this report. What I object to is this: Personally I am not of the same view as are some Army officers in regard to Army posts. I think it is very easy to overdo Army posts in matter of size. I think it is not wise to place large bodies of troops in big cities. I think it is a very good thing to fairly scatter the Army of the United States throughout the States of the Union. I do not think it is a bad idea to familiarize our people with the American soldier wearing the American uniform, and it is also true that it does not cost per man very much, if any, more to maintain troops at the smaller posts than it does at the larger posts. So far as cavalry are concerned, there is better opportunity for forage. Our Wyoming posts, with very large reservations, afford pastures, with every opportunity to care for the horses as well as for maneuvers. What the committee proposes to do by this resolution is to ask the War Department what their opinion is as to the policy we should pursue with respect to the housing of our Army. That can be done without a resolution. The 170 posts which have been referred to include a number of purchase depots. There are small tracts of land here and there owned by the Federal Government where no considerable troops are kept, and there may be good reasons why the Government ought not to give that land away or sell it. The number of posts actually occupied is not large, and the number in the interior of the country actually occupied is quite small. We have down here in Rhode Island, Massachusetts, and Connecticut, and I have no doubt in Kentucky and elsewhere, a number of small tracts of land where a few men are kept and where the Government owns some old buildings and some ground, and it may be that some of them ought to be sold. The committee can easily determine as to that, and I would prefer to take the judgment of a committee of the House on this subject rather than the judgment of the generals of the Army, who view these matters entirely from a military standpoint, while we view it from the broader standpoint of citizens of a free country, having due regard to the best interests of the armed force that it is necessary for us to maintain.

The SPEAKER. The time of the gentleman from Wyoming has expired.

Mr. BULKLEY. Mr. Speaker, I yield two minutes to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Speaker, this resolution provides for an investigation, and will doubtless bring to light certain facts, to which I have no objection. There has, however, crept into the debate some issues which were perhaps foreign to the resolution and some matters perhaps personal to certain posts. The chairman of the committee suggested in the hearings it developed that at Fort Sill, Okla., we have had great trouble with the water supply, and it was unable to get a water supply. That at the time the gentleman testified what he stated was true, but at this time, however, it is very untrue, and I feel sure Maj. Cheatham would say the same thing if he were now interrogated on the subject. I feel I can not well let that statement pass without notice and denial. I wish to state that there has now been erected a dam 50 feet high in a mountain pass that now floods 1,600 acres, and by raising it 45 feet higher will flood 2,500 acres of ground, from which is obtained a water supply which has been ample at all times since its completion and will be ample, in the judgment of our best engineers, always, and they now get a water supply cheaper than any other place in the United States. I merely wanted to say that.

Mr. HELM. Will the gentleman yield for a question?

Mr. FERRIS. I have only two minutes, but I would be glad to yield to the gentleman. I have said practically all I cared to say.

Mr. HELM. Is it not a fact that after an expenditure of over a million dollars at Fort Sill there was not a sufficient supply of water on hand?

Mr. FERRIS. Oh, not at all. They expended over $1,200,000 in post construction, but they have undoubtedly the best supply of water to-day that is had anywhere in that country, pure mountain water. They have a mountain pass there the dam across which will creat a basin covering 2,500 acres of ground with water ranging from 50 feet deep down to a shallow depth in the outlying areas.

Mr. HELM. Is it not a fact that from the first inception of the project there was not a sufficient supply of water there, which the gentleman says they have now on hand? Was there not a scarcity of water?

Mr. FERRIS. The fort has been there for 50 years, and they have always had a large supply of water. The necessity for a further supply was created by the enlargement of the fort, which has been amply supplied by the dam above mentioned.

Mr. BULKLEY. Mr. Speaker, I now yield to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, I had not thought of speaking on this resolution. It calls for information which the gentleman says exists. I can not see any objection to supplying the information. From what I have gathered from the reading, it seems to be based on the exact language used by the Secretary of War in his report to Congress. Of course, if there is any condition existing that makes an unnecessary and unjust charge upon the Treasury, that condition ought to be corrected. I assume that the War Department is advised of all the facts pertaining to those conditions, and therefore, I repeat, I can see no objection to the passage of the resolution.

But there is one small amendment that I shall offer, or which, at least, I shall ask the gentleman who reported the resolution to accept, and perhaps offer himself, and that is a change of language in lines 21, 22, 23, 24, and 25, on page 2 of the resolution. The bill as reported reads:

> The names of all Army officers or officials of the War Department who have recommended such expenditures and approved such plans; and the names of all Army officers and officials of the War Department who have protested against such expenditures and plans.

Mr. Speaker, I take it it will hardly be possible for the War Department to give an answer to that resolution in the shape in which it is drawn here, and therefore I shall ask the gentleman to amend his bill by substituting these words:

> Amend by striking out all after the semicolon in line 21 down to and inclusive of lines 22, 23, 24, and 25 and to substitute this language: "And what military necessity, if any, suggested the construction of such posts."

By "such posts" I mean those declared to be of no value strategically nor of advantage to the Army.

The SPEAKER. The Chair would like to inquire of the gentleman if he is offering the amendment for consideration now, or just giving notice that he will offer it?

Mr. SLAYDEN. Giving notice, Mr. Speaker, that it will be offered.

Mr. MANN. What is the gentleman's amendment?

Mr. SLAYDEN. Strike out all after the semicolon in line 21 and insert——

Mr. MANN. Yes; I caught what the gentleman's amendment was.

Mr. SLAYDEN. That is all I care to say, Mr. Speaker, about the amendment. I will just turn it over to the gentleman who reported the bill. I understand he is ready to accept it. I yield back the balance of my time.

Mr. BULKLEY. Mr. Speaker, in order to expedite the passage of this resolution, I will offer the amendment suggested by the gentleman and ask that it be read.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 2, line 21, strike out all after the semicolon following the word "period" in lines 21, 22, 23, 24, and 25, and insert in lieu thereof the words "and what military necessity, if any, suggested the construction of such posts."

Mr. BULKLEY. Mr. Speaker, on that I move the previous question on the resolution and amendment to its final passage.

The SPEAKER. The gentleman from Ohio [Mr. BULKLEY] moves the previous question on the resolution and amendment to its final passage.

The previous question was ordered.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

On motion of Mr. BULKLEY, a motion to reconsider the last vote was laid on the table.

The SPEAKER. The Clerk will proceed with the call of committees.

Mr. GRAHAM (when the Committee on Expenditures in the Interior Department was called). Mr. Speaker, I ask unanimous consent that that committee be passed without prejudice.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the Committee on Expenditures in the Interior Department be passed without prejudice.

Mr. MANN. Reserving the right to object, I suggest to the gentleman that he do not make that request. The committee will undoubtedly be reached again very soon on the regular call. My colleague can very readily see the situation we shall be in if we start in to pass every committee without prejudice. I suppose that would pass it beyond the next call and would authorize any committee, on any day when the Speaker chose to recognize the chairman, to call up any bill on the calendar. If we give the right to one committee it is very difficult to refuse the next request, and we shall soon get so no one in the House will have any idea what bills may be called up on the call of committees. We can go through the entire call of committees to-day and go through it again to-morrow if the gentleman desires.

The SPEAKER. The Chair will take occasion to say to the House that he intends to have this call of committees every day when there is nothing else to do, so that by using every day now we shall shorten the session that much next summer.

Mr. GRAHAM. At the suggestion of my colleague [Mr. MANN] I withdraw my request.

The SPEAKER. The Clerk will proceed with the call.

Mr. HINDS (when the Committee on Expenditures in the Department of Commerce and Labor was called). Mr. Speaker, I ask unanimous consent that the Clerk be not required to call the remainder of the committees on the list before beginning at the head of the list again. There is no bill on the calendar for any committee coming after those already called, and by beginning at the head of the list we will save a little time.

Mr. MANN. Oh, well——

Mr. HINDS. As the gentleman from Illinois seems inclined to object, I withdraw the request.

TERMS OF UNITED STATES DISTRICT COURT IN MAINE.

Mr. HENRY of Texas (when the Committee on the Judiciary was called). Mr. Speaker, I desire to call up the bill S. 3745, by direction of the Committee on the Judiciary.

Mr. HINDS. I will say to the gentleman from Texas that the bill on the calendar is H. R. 15450, and the bill S. 3745 is to be proposed as an amendment to it. I made a mistake in the bill which I gave to the gentleman.

Mr. HENRY of Texas. The gentleman gave me the wrong bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

A bill (H. R. 15450) to fix the time for holding the regular terms of the United States district court in the district of Maine.

Be it enacted, etc., That after January 1, 1912, the regular terms of the United States district court in the district of Maine shall be held at the times and places following: At Portland, on the first Tuesday in April, on the third Tuesday in September, and on the second Tuesday in December; at Bangor, on the first Tuesday in June.

SEC. 2. That all acts and parts of acts inconsistent with this act are hereby repealed.

Mr. CLAYTON rose.

Mr. HINDS. Mr. Speaker, will the gentleman from Alabama yield to me before the amendment is read?

Mr. CLAYTON. Certainly. I will say before the amendment is read that had it been suggested to the committee the committee would have reported the amendment, and there is no objection to it.

Mr. HINDS. Mr. Speaker, instead of the amendment which I offered yesterday, I should like to offer it in a slightly different form, to meet a suggestion made on behalf of Judge Putnam.

Mr. FITZGERALD. I suggest that the committee amendment be reported to the House.

Mr. HINDS. It is not a committee amendment. It is one I offered yesterday to meet an objection of the gentleman from Illinois [Mr. MANN].

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Maine [Mr. HINDS].

The Clerk read as follows:

Strike out all after the enacting clause and insert the following:

"That section 85 of the 'Act to codify, revise, and amend the laws relating to the judiciary,' approved March 3, 1911, be, and hereby is, amended to read as follows:

"SEC. 85. The State of Maine shall constitute one judicial district, to be known as the district of Maine. Terms of the district court shall be held at the times and places following: At Portland, on the first Tuesday in April, on the third Tuesday in September, and on the second Tuesday in December; at Bangor, on the first Tuesday in June: *Provided, however*, That in the year 1912 a session shall also be held at Portland on the first Tuesday in February."

The SPEAKER pro tempore (Mr. TALBOTT of Maryland). The question is on the amendment offered by the gentleman from Maine.

The amendment was considered and agreed to.

The SPEAKER pro tempore. The question now is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The Clerk read the following amendment to the title:

Amend the title so as to read:

"A bill to amend section 85 of the act to codify, revise, and amend the law relating to the judiciary, approved March 3, 1911."

The amendment to the title was agreed to.

On motion of Mr. CLAYTON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

DATES OF SITTINGS OF UNITED STATES COURT IN WEST VIRGINIA.

Mr. CLAYTON. Mr. Speaker, by direction of the Committee on the Judiciary, I call up the bill (H. R. 11824) to amend section 113 of the act to codify, revise, and amend the law relating to the judiciary, approved March 3, 1911.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 113 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, be amended and reenacted so as to read as follows:

"SEC. 113. The State of West Virginia is divided into two districts to be known as the northern and southern districts of West Virginia. The northern district shall include the territory embraced, on the 1st day of July, 1910, in the counties of Hancock, Brooke, Ohio, Marshall, Tyler, Pleasants, Wood, Wirt, Ritchie, Doddridge, Wetzel, Monongalia, Marion, Harrison, Lewis, Gilmer, Calhoun, Upshur, Barbour, Taylor, Preston, Tucker, Randolph, Pendleton, Hardy, Grant, Mineral, Hampshire, Morgan, Berkeley, and Jefferson, with the waters thereof. Terms of the district court for the northern district shall be held at Martinsburg on the first Tuesday of April and the third Tuesday of September; at Clarksburg on the second Tuesday of April and the first Tuesday of October; at Wheeling on the first Tuesday of May and the third Tuesday of October; at Philippi on the fourth Tuesday of May and the second Tuesday of November; and at Parkersburg on the second Tuesday of January and the second Tuesday of June: *Provided*, That a place for holding court at Philippi shall be furnished free of cost to the United States by Barbour County until other provision is made therefor by law. The southern district shall include the territory embraced, on the 1st day of July, 1910, in the counties of Jackson, Roane, Clay, Braxton, Webster, Nicholas, Pocahontas, Greenbrier, Fayette, Boone, Kanawha, Putnam, Mason, Cabell, Wayne, Lincoln, Logan, Mingo, Raleigh, Wyoming, McDowell, Mercer, Summers, and Monroe, with the waters thereof. Terms of the district court for the southern district shall be held at Charleston on the first Tuesday in June and the third Tuesday in November; at Huntington on the first Tuesday in April and the first Tuesday after the third Monday in September; at Bluefield on the first Tuesday in May and the third Tuesday in October; at Addison on the first Tuesday in September; and at Lewisburg on the second Tuesday in July: *Provided*, That a place for holding court at Addison shall be furnished free of cost to the United States."

The following committee amendments were read:

Amend by striking out the words "and reenacted" after the word "amended," in line 5, and before the word "so," in line 6, page 1.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CLAYTON, the motion to reconsider the vote whereby the bill was passed was laid on the table.

The Clerk continued the call of committees.

RIGHT OF WAY ACROSS COLVILLE INDIAN RESERVATION.

Mr. ROBINSON (when the Committee on the Public Lands was called). Mr. Speaker, by direction of the Committee on the Public Lands, I call up House joint resolution 142, to declare and make certain the authority of the Attorney General to begin and maintain and of the circuit court to entertain and decide a suit or suits for the purpose of having judicially declared a forfeiture of the rights granted by the act entitled "An act granting to the Washington Improvement & Development Co. a right of way through the Colville Indian Reservation, in the State of Washington," approved June 4, 1898.

The Clerk read the joint resolution, as follows:

Whereas in a suit brought by the Attorney General in the eastern district of Washington against the Washington Improvement & Development Co. and others for the purpose of having judicially declared a forfeiture of a grant of a right of way, and other rights made upon certain conditions, to the Washington Improvement & Development Co. and it assigns by the act entitled "An act granting to the Washington Improvement & Development Co. a right of way through the Colville Indian Reservation, in the State of Washington," approved June 4, 1898, it was recently held by the court that further legislation is necessary to authorize the Attorney General to begin and the courts to entertain such proceedings to forfeit the said grant and rights, because of the alleged breaches in the conditions specified in the said granting act: Therefore be it

Resolved, etc., That the Attorney General be, and he hereby is, authorized to maintain any suit or suits in equity in and before the said court for the purpose of ascertaining and having declared a forfeiture for breaches of the conditions and requirements of said act of any and all rights thereby granted or thereunder arising.

SEC. 2. That this resolution shall be taken as in confirmation of the power of the Attorney General to institute and of the said court to entertain, under the said act, a proceeding or proceedings for the purpose of declaring judicially such aforesaid forfeiture.

SEC. 3. That beginning or resumption of construction work upon the part of the said company or its assigns shall not operate to cure or condone any forfeiture heretofore incurred.

Mr. ROBINSON. Mr. Speaker, the preamble of the resolution states with a fair degree of accuracy the necessity for the passage of the resolution. The resolution was prepared by the Department of Justice. I observe that it provides that the circuit court may maintain the suit contemplated in the resolution. In all probability that should now be amended by saying that any court of competent jurisdiction may entertain, and so forth.

I also notice, on page 2 of the bill, that there is a typographical error requiring the letter "s" to be inserted or appended to the word "it," so as to make it read "its assigns."

Congress passed, in 1898, an act granting a right of way across this reservation—the Colville Indian Reservation—to the Washington Improvement & Development Co. Section 5 of that act provides that—

The right herein granted shall be forfeited by said company unless at least 25 miles of said railway shall be constructed through said reservation within two years after the passage of this act.

Another provision required the filing with the Secretary of the Interior of maps of definite location and required the company to commence grading within six months after the filing of the maps. Some maps of location were filed, but no work whatever had ever been done on the roadbed until the suit was instituted by the Department of Justice under section 5 of the act to declare the forfeiture of the right of way. But the court in that case held that the terms of the act of June 4, 1898, were not sufficient to authorize the court to entertain such a forfeiture, notwithstanding the provisions of section 5 of the act, and sustained a demurrer to the bill filed by the Government on that ground. It is therefore necessary that the legislation be adopted or the Government will be compelled to appeal from that decision to the Supreme Court, and even in that event the legislation may be necessary.

Unless some gentleman desires to discuss the resolution, I shall ask for a vote upon the amendments which I shall propose.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. ROBINSON. I yield with pleasure to the gentleman from Illinois.

Mr. MANN. I understand from the gentleman's statement that the resolution was prepared in the Attorney General's office?

Mr. ROBINSON. It was.

Mr. MANN. I should like to suggest to the gentleman that it is never safe to rely on what a department prepares in the way of a legislative proposition. The gentleman from Arkansas calls attention to the fact that this resolution says "circuit court." I call attention to the fact that in no place does it say "circuit court" except in the title. There is no reference to what court it is except in the title—not even in the "whereases," much less in the resolution itself. That shows how the department officials who endeavored to prepare the resolutions are not only incompetent, but use sloppy language.

Mr. ROBINSON. The resolution does, however, refer to "said court." That would relate back to the circuit court, which term is used in the title. I accept the suggestion of the gentleman from Illinois with a good deal of pleasure and will be very glad to have the gentleman lecture the department.

Mr. MANN. Of course, it is the universal rule that you do not have to refer to the title to find out what is in a bill or resolution, but in this case, if you read the resolution, you would be no wiser unless you read the title. I have not made a hypercritical criticism of the department, for of all places you would suppose that the Department of Justice of the United States would have somebody in it competent to prepare a proper form of resolution.

However, I notice from the gentleman's statement that this is for the purpose of conferring power upon the court to try this case. I see by section 3 that the resolution goes much beyond that and endeavors to determine the rights of the parties. Section 3 provides as follows:

SEC. 3. That beginning or resumption of contruction work upon the part of the said company or its assigns shall not operate to cure or condone any forfeiture heretofore incurred.

If the company has begun work and has acquired rights by the beginning of work, it is not within the power of Congress to take those rights away from the company. If they have not acquired rights by beginning work, then it is the duty of the court to so declare, and it requires no congressional action. Would not the gentleman be willing to strike out section 3, which undertakes to have Congress determine what it is proposed by the resolution the courts shall determine.

Mr. ROBINSON. Mr. Speaker, in reply to the inquiry of the gentleman from Illinois, I will state that after this suit was instituted, and, if my information is correct, just before the decision of the demurrer was made by the court, an assignee of the original grantee in the right-of-way act did begin and perform some work. I am inclined to think that the suggestion of the gentleman from Illinois is a proper one; that there should be no attempt on the part of Congress to legislate anyone out of a vested right, and, so far as I am concerned, I have no objection to such an amendment. That matter was never suggested in the commiitee, and no reason for attaching that clause to the resolution was assigned by the Department of Justice. The gentleman from Washington [Mr. LA FOLLETTE] in whose district this reservation is situated may have some views upon that subject, and, if he has, I should be glad to have him express them before I consent to the amendment. When that has been done I shall offer the amendments which I myself have suggested to improve the form of the bill.

I yield to the gentleman from Washington for five minutes.

Mr. LA FOLLETTE. Mr. Speaker, I simply gather that the Attorney General, when he prepared this resolution, wanted Congress to give this railroad to understand that if they had already forfeited under the act of 1898 they could not, by virtue of having started work after this suit was commenced, acquire any right under this act.

Mr. MANN. Is that not a matter for the court to determine? If they have acquired any right, then they have not; and if they have acquired any right we can not take it away.

Mr. LA FOLLETTE. Judging from what the Attorney General here has said, the only trouble with the court is that the court does not seem to think that Congress can really pass a measure that states a plain proposition. According to the idea of the Attorney General, the provision in this act, in the first place, for forfeiture was plain enough, but the trial judge said that it would take another act of Congress before he would have jurisdiction to declare forfeiture.

Mr. MANN. It is never very safe to put in a bill a provision which you know to be unconstitutional.

Mr. LA FOLLETTE. If that is unconstitutional, it ought not to be there.

Mr. MANN. The gentleman himself will know that if this act has operated to cure a forfeiture, so that there is no forfeiture there, we can not declare it otherwise, that that is a matter for the court to determine. The act conferring upon the court jurisdiction to determine the case, it seems to me, is as far as Congress can go, and that it is not safe to insert anything else in the bill.

Mr. LA FOLLETTE. You may be right; I was just giving my idea of the reason why that provision has been made there.

Mr. MANN. Well, ordinarily I would consider the Department of Justice had reason for it, but when I see how sloppily

this resolution was prepared I imagine they did not have much reason for this particular provision. I think it would be safer to strike that out.

Mr. NORRIS. Mr. Speaker, I would like to ask the gentleman a question. The enactment of section 3 would not do anything more, would it, than be really a statement of a fair proposition of law? If that is true, what harm can it do?

Mr. MANN. But it is not our business to state a fair proposition of law; that is a matter for the courts. But it purports to go further than that. I do not know what the facts are; personally I am not informed——

Mr. NORRIS. I do not know, either.

Mr. MANN. I do not know whether the attempted forfeiture under the act may have been cured by the beginning or resumption of work, but if it has been cured it is not within the power of Congress to forfeit it. If it has not been cured, then it does not need this provision, because the forfeiture stands. I think the gentleman and I would readily agree upon those two propositions.

Mr. NORRIS. I do not think there is any doubt about that proposition, but it seems to me a question of wisdom—if there is some debate between the court and the Attorney General as to what the law was—it seems to me it might be a hint to the court that it is an assertion of what is nothing but a proposition of law——

Mr. MANN. But it may not be a proposition of law.

Mr. NORRIS. I do not see what else it is.

Mr. MANN. It is an attempt to apply a proposition of law to the facts of the case without knowledge of what the facts are. I do not know whether it would be cured or not as a matter of law. If it is not cured as a matter of law, then it is not required in the bill, but, as a rule, we do not enact propositions of law just for the enlightenment of the courts. They are supposed to know, but they may not always know.

Mr. NORRIS. I think we do sometimes.

Mr. LA FOLLETTE. There is a memorandum here from the Department of Justice giving a full history of the prosecution.

Mr. MANN. I have not read that since the report was filed at the special session.

Mr. ROBINSON. Mr. Speaker——

Mr. NORRIS. I understood the gentleman to yield five minutes to the gentleman from Washington.

The SPEAKER. Yes; but the five minutes have expired.

Mr. NORRIS. That is all right.

Mr. ROBINSON. Mr. Speaker, the statement of facts furnished by the Department of Justice show that, notwithstanding the fact a great many years had passed after the expiration of the period authorized in the act within which work must have been commenced, no work whatever was done until after this suit was brought, and then that some work was done in fact for the purpose of attempting to prevent the forfeiture, and under that statement of facts I am inclined to think that the bill should carry the provision in section 3. I am inclined to think that Congress should, with the knowledge of these facts before it, legislate upon the subject and say, which it unquestionably has the power to say, that the effort to prevent the forfeiture by commencing work after the forfeiture had been attempted by the Government should in no sense be condoned. That is all this section provides for, and I have reached the conclusion that the amendment would not be proper, and I shall resist it if it is offered. I now yield five minutes to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Speaker, the chairman of the committee has almost stated all that I desire to utter. However, I desire to say this: For 13 long years the railroad company which acquired the right of way across this Colville Indian Reservation in Washington utterly failed to comply with any of the terms of the grant. Along comes the Federal Government, through the Department of Justice, and seeks to divest their claim so as to make it void, and the railroad by some of its assignees—I believe an assignee of two steps removed—comes in and seeks to rehabilitate their lost rights by beginning some kind of artificial operations. Now, I have had little to do with this resolution and know little about it. I was not present when it was reported from the committee, but it seems to me section 3 does not pursue any greater course or any more remarkable course than we did last year when we passed the withdrawal bill. Now, we have done more remarkable things than we are doing in this regard, and, so far as I am personally concerned, I am willing to let this original suggestion made by the Department of Justice stand and let them avail themselves of it as they may, which evidently was in their minds when they prepared and gave it to us; so far as I am concerned I hope it will be incorporated in it. The aggravated set of circumstances accompanying this case is quite remarkable. Thirteen years ago they acquired this grant, providing in specific terms that within two years they must construct at least 25 miles of railroad across this reservation. They have not as yet constructed anything. There is much to be said on the question that we should not by this resolution include something of a legislative suggestion on matters which the court will probably take action upon. But so far as I am personally concerned I am willing to let the Federal Government and the Indians on that reservation have the benefit of the doubt, and I am in favor of section 3 remaining in the resolution. [Cries of "Vote!"]

Mr. ROBINSON. Mr. Speaker, I wish to offer an amendment to perfect or improve the form of the resolution. On page 1, line 2, of the preamble strike out the words, "the circuit court"——

Mr. MANN. The gentleman means the title.

Mr. ROBINSON. Yes; the title instead of the preamble, and insert in lieu thereof the words "any court of competent jurisdiction." And on page 2, line 3, of the resolution, strike out the words "and before the said court," and insert in lieu thereof the words "any court of competent jurisdiction." And on page 2 add to the word "it" the letter "s."

The SPEAKER. Is the gentleman offering that amendment now or simply submitting it for information?

Mr. ROBINSON. I am offering the amendment now.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Arkansas [Mr. ROBINSON].

The Clerk read as follows:

On page 1, line 2, strike out the words "the circuit court" and insert the words "any court of competent jurisdiction."

On page 2, line 1, insert after the word "it" the letter "s."

In line 4, page 2, after the word "before," strike out the words "the said court" and insert "any court of competent jurisdiction."

Mr. MANN. There is no such word on page 2, line 4. Where is that?

Mr. ROBINSON. The word "said" occurs at the end of line 4, and the word "court" occurs at the beginning of line 5, page 2.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution as amended.

The joint resolution was ordered to be engrossed and read the third time, was read the third time, and passed.

The title of the joint resolution was amended so as to read, as follows: "Joint resolution to declare and make certain the authority of the Attorney General to begin and maintain and of any court of competent jurisdiction to entertain and decide a suit or suits for the purpose of having judicially declared a forfeiture of the rights granted by the act entitled 'An act granting to the Washington Improvement & Development Co. a right of way through the Colville Indian Reservation, in the State of Washington,' approved June 4, 1898."

The SPEAKER. The Clerk will continue the call of committees.

The Clerk proceeded with and concluded the call of committees.

Mr. CANDLER. Mr. Speaker, I ask unanimous consent to address the House for 30 minutes.

The SPEAKER. The gentleman from Mississippi [Mr. CANDLER] asks unanimous consent to address the House for 30 minutes. Is there objection?

There was no objection.

The SPEAKER. The Chair will ask the gentleman from Mississippi to suspend until the Chair submits a personal request and lays before the House some messages from the President.

LEAVE OF ABSENCE.

Mr. BURKE of Wisconsin, by unanimous consent, obtained leave of absence for two days, on account of important business.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. Latta, one of his secretaries.

REPORT OF COMMISSION OF FINE ARTS (S. DOC. NO. 192).

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on the Library and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the consideration of the Congress, the report of the Commission of Fine Arts for the fiscal year ended June 30, 1911.

WM. H. TAFT.

THE WHITE HOUSE, *December 19, 1911.*

FERTILIZER RESOURCES OF THE UNITED STATES (S. DOC. NO. 190).

The SPEAKER laid before the House the following message from the President, which, with the accompanying documents, was ordered to be printed and referred to the Committee on Agriculture:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, a communication from the Secretary of Agriculture accompanying a Preliminary Report on the Fertilizer Resources of the United States. This report carries valuable data and information of great public interest, and I am in hearty accord with the recommendation of the Secretary that this work receive all the support which Congress in its wisdom may find it expedient to give to it.

WM. H. TAFT.

THE WHITE HOUSE, *December 18, 1911.*

INTERNATIONAL EXPOSITION AT GHENT, 1913 (S. DOC. NO. 162).

The SPEAKER laid before the House the following message from the President of the United States, which, with the accompanying documents, was ordered to be printed and referred to the Committee on Foreign Affairs:

To the Senate and the House of Representatives:

I transmit for the consideration of the Congress, and with a view to the determination by it of the question of acceptance, an invitation from the Belgian Government, asking the Government of the United States to take part in an international exposition which is to be held at Ghent from April to October, 1913.

The accompanying report of the Secretary of State points out that an appropriation of $25,000 will be necessary for this Government to make proper representation at the exposition.

WM. H. TAFT.

THE WHITE HOUSE, *December 18, 1911.*

The SPEAKER. There was a note accompanying each of these messages, saying that the papers in the case had gone to the Senate, with similar messages.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, the Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 3436. An act granting to Phillips County, Ark., certain lots in the city of Helena for a site for a county courthouse—to the Committee on Public Lands.

ROAD IMPROVEMENTS.

The SPEAKER pro tempore (Mr. MURRAY). The gentleman from Mississippi [Mr. CANDLER] is recognized for 30 minutes. [Applause.]

Mr. CANDLER. Mr. Speaker, at the recent meeting in this city of the National Rivers and Harbors Congress the statement was made by one of the high officials of that organization that it would require an annual appropriation of not less than $50,000,000 for 20 years to complete certain great river improvements, embracing several States. This would mean $1,000,000,000 from the National Treasury in the period of two decades. These are staggering figures, and one might hesitate to consider such an outlay were it not for the thought that the ultimate benefits to be derived therefrom by the commerce of the country are expected to compensate for the temporary sacrifice.

The policy of improving harbors and interior waterways is coeval with the existence of our Government. In its cruder form it was open to more or less objection, but within the last five or six years it has been systematized, and few appropriations are made to-day unless based upon the recommendations of the Army engineers. I have favored reasonable and necessary river and harbor improvements, believing they are of service to every section of the country.

The sum total of these appropriations for the past 125 years—or, to be quite accurate, from the time the first appropriation of this kind was made—to July 1, 1911, is $693,914,237.68.

In striking contrast to the wise and liberal policy of our Government in this regard has been its incomprehensible indifference to the equally vital subject of good roads, and it is to this especially that I propose to address myself at this time. It is true that in the first 50 or 60 years after the foundation of the Government something like $14,000,000 was appropriated for the building and maintenance of public highways, the construction of the Cumberland Road being a distinguished example. But almost from the very beginning of the railway era appropriations for public highways became conspicuous by their absence. It seems as if the lawmakers of the Nation and States had harbored a conviction that with the advent of railroads there would be no further use for any other kind. That idea appears to have been ingrained in the legislative mind—at least until a comparatively recent time—for since the early fifties no appropriation has been made by the United States Government for public-highway construction, and the majority of the States have adopted the policy only within the last quarter of a century. To the honor and credit, however, of each and every one of them be it said that in the fiscal year 1911 alone the aggregate of authorized appropriations and expenditures in the States for public roads has been nearly $150,000,000—a magnificent showing, indeed—and I am most happy to be able to say that in this grand total my own State of Mississippi figures with $3,130,000. The annexed table, prepared by the Office of Public Roads of the Department of Agriculture, shows in detail the different forms of State aid:

Approximate road expenditures, 1911.

States.	State aid.	Local bond issues.[1]	Local revenues.[2]	Total.
Alabama	$154,000.00	$2,330,000.00	$1,000,000.00	$3,484,000.00
Arizona	150,000.00		175,000.00	325,000.00
Arkansas			2,450,000.00	2,450,000.00
California	[3] 2,067,500.00	1,500,000.00	3,500,000.00	7,067,500.00
Colorado	162,000.00		1,000,000.00	1,162,000.00
Connecticut	[3] 2,000,000.00		2,275,000.00	4,275,000.00
Delaware	30,000.00	300,000.00	100,000.00	430,000.00
Florida		755,000.00	750,000.00	1,505,000.00
Georgia			2,500,000.00	2,500,000.00
Idaho	53,000.00		500,000.00	553,000.00
Illinois	65,000.00		5,000,000.00	5,065,000.00
Indiana			4,500,000.00	4,500,000.00
Iowa			3,500,000.00	3,500,000.00
Kansas	6,500.00	93,356.00	1,500,000.00	1,599,856.00
Kentucky			2,500,000.00	2,500,000.00
Louisiana	132,354.00		1,000,000.00	1,985,419.50
Maine	250,000.00		2,000,000.00	2,250,000.00
Maryland	1,250,000.00		1,000,000.00	2,250,000.00
Massachusetts	1,000,000.00		2,500,000.00	3,500,000.00
Michigan	250,000.00	2,216,000.00	3,500,000.00	5,966,000.00
Minnesota	79,300.00		2,000,000.00	2,079,300.00
Mississippi		1,130,000.00	2,000,000.00	3,130,000.00
Missouri	300,000.00		2,500,000.00	2,800,000.00
Montana			500,000.00	500,000.00
Nebraska			1,000,000.00	1,000,000.00
Nevada			50,000.00	50,000.00
New Hampshire	375,000.00		1,000,000.00	1,375,000.00
New Jersey	500,000.00		4,500,000.00	5,000,000.00
New Mexico	[1] 100,000.00		200,000.00	300,000.00
New York	[1] 5,000,000.00		7,000,000.00	12,000,000.00
North Carolina	5,000.00	2,500,000.00	2,000,000.00	4,505,000.00
North Dakota			1,000,000.00	1,000,000.00
Ohio	600,365.00		6,000,000.00	6,600,365.00
Oklahoma	5,000.00		1,500,000.00	1,505,000.00
Oregon		1,500,000.00	2,000,000.00	3,500,000.00
Pennsylvania	4,000,000.00		7,500,000.00	11,500,000.00
Rhode Island	97,000.00		500,000.00	597,000.00
South Carolina		100,000.00	1,000,000.00	1,100,000.00
South Dakota			500,000.00	500,000.00
Tennessee		1,400,000.00	2,500,000.00	3,900,000.00
Texas		1,600,000.00	6,000,000.00	7,600,000.00
Utah	355,750.00		500,000.00	855,750.00
Vermont	450,000.00		1,000,000.00	1,450,000.00
Virginia	300,000.00	2,454,000.00	1,250,000.00	4,004,000.00
Washington	[1] 900,000.00		2,000,000.00	2,000,000.00
West Virginia		625,000.00	1,000,000.00	1,625,000.00
Wisconsin	390,000.00		3,000,000.00	3,390,000.00
Wyoming	10,000.00		500,000.00	510,000.00
Total	21,037,769.00	18,503,356.00	101,750,000.00	142,144,190.50

[1] Other local bond issues, but information lacking.
[2] Estimated.
[3] Just begun expenditure of $18,000,000 State bond issue for constructing State roads.

It is within reasonable limits to estimate the total of State aid for public roads since the opening of the present century at above a half billion dollars, and perhaps the amount may reach much higher.

The Office of Public Roads in the Department of Agriculture is of comparatively recent origin. It has been in operation about 15 years, and the sum total of appropriations for it is less than a million dollars. The first appropriation, I believe, was only $5,000. The function of this bureau is altogether advisory, with an admixture of experimentation, upon which are based its valuable suggestions and advice to road builders in various localities throughout the Union. It has done wonderfully well with little means and must be given credit for a considerable share in the stimulation of interest in the building of good roads. It has performed excellent work in the South, and it affords me pleasure to be able to testify thus publicly to its usefulness. The people of the country would do well to insist upon an enlargement of the scope of the work and an increase in the resources of this bureau.

Repeated efforts have been made in Congress to secure legislation providing adequate appropriations from the National Treasury to aid in the construction of public highways in the different States. What are known as the Brownlow and Latimer bills—introduced, respectively, by the late Representative

Brownlow, of Tennessee, and the late Senator Latimer, of South Carolina—were until recently probably the most comprehensive measures of this character, and extensive hearings were had before the Committee on Agriculture of this House with reference to one or both of them. Both, however, failed of action. During this Congress a number of bills have been introduced. I have introduced two bills myself. One of my bills provides for an appropriation of $100,000,000, of which $20,000,000 annually are to be expended, under the supervision of the Director of the Office of Public Roads and the local State authorities, for the construction of public highways in any State or county that shall contribute for this work an amount equal to that to be allotted to such State, according to the stipulations embraced in the bill. When we consider that, as I have already shown, the States in 1911 have expended something like $150,000,000 in road construction, the annual appropriation proposed by this bill is not exorbitant.

It will be understood, of course, that the cost of good public roads would not stop with the building of them, but that their proper maintenance would constitute a continuing annual expense; and as these highways would in a measure promote the better service in the matter of rural-mail delivery and be beneficial otherwise, a proportionate share of the cost of such maintenance ought to be borne by the General Government. If the principle and practice of Federal aid in the construction of public roads is once established, these minor details, however, could be arranged without difficulty.

It has been epigrammatically and truthfully said that the United States has the finest railways and the poorest highways in the world. Why? Because the farmers, who have the greatest immediate interest in having good roads, possibly have not exerted the necessary pressure to get them. The American farmer pays more for hauling his produce from his farm to the nearest market town or railway station than the farmer of any other country in the world. According to statistics prepared by the Department of Agriculture a few years ago it costs the American farmer 19 cents per ton-mile to haul his hay to market; the same amount for cereals; 20 cents for tobacco; 22 cents for wool and potatoes; and 27 cents for cotton. In France the haulage per ton-mile is about 11½ cents; in England, 12 cents; in Italy, 9 cents; in Germany, from 4½ to 12 cents; in Belgium, a fraction over 10 cents. These figures show that the American farmer pays from 40 to 75 per cent more for hauling than the farmers of the European countries I have named. Here is another comparison no less startling: Steamship transportation on our Great Lakes costs $1.25 per ton for 1,000 miles; by steam railway it costs that for a distance of 250 miles; by electric power that amount is consumed in 25 miles, and by horsepower over the average country road the $1.25 is eaten up in every 5 miles. These are facts that every farmer in this broad land ought to study deeply. [Applause.]

We have in the United States about 2,200,000 miles of country highways, and only about 10 per cent of these have been improved. Here is something to which we can not "point with pride"; but there is encouragement, there is hope of better things in the awakening that has come to our people of late years. The States, the counties, and even the municipalities are doing their share. The National Government, however, thus far lags ingloriously in the rear. Is it fair to the farmer that rivers are made navigable and harbors more spacious if he can not bring his product to the landing, save at an enormous cost of haulage? What good does it do him that the railway station is but a few miles away if half or even more of his profits is eaten up by transporting either his grain or his hay or his cotton? And though the nearest market town be but a few miles distant, how does that advantage him if the roads over which he must carry his product are such that his wagon goes axle deep into the mire and his horses or mules are all but dead when they get back to their stables? The Government has been more than liberal in aiding in the building of railroads and in improving the rivers and harbors. Now let it be at least approximately as generous in helping to build good public roads and thus help the farmers, from whose pockets have come a good many of the millions that have gone to the improvement of the railroads and rivers. [Applause.]

It is an historical axiom that no nation can be called truly great until it has become a road builder. The Greece of Alcibiades, the Egypt of the Pharaohs, the Rome of the Cæsars, have crumbled into dust, but they have left imperishable mementoes of their greatness in the magnificent highways they built. Rome was the greatest of them all in this respect. For more than 2,000 years millions upon millions of feet have trod the Appian Way, and it is to-day as superb a road as when the imperial legions passed over it. In England, in our day, every now and then vestiges are found of the splendid roads the Romans built wherever they set foot. In France, Cæsar and the consuls that succeeded him built roads such as these, and in Italy you can hardly scratch the soil anywhere but you find them. Shall the historian of the future be able to say that the United States of America, greatest of all republics the world has known, was derelict in this essential? We can not plead lack of experience, for we have passed out of the youthful stage and have reached a lusty manhood. We can not plead lack of means, for our boast is that ours is the world's richest country. A Nation that pierces a continent in order to give the world a waterway from ocean to ocean, that cheefully expends four or even five hundred million dollars in such an enterprise—one that will write its name high upon the honor roll of the world's great achievements—such a Nation can not afford longer to bear the reproach of parsimony in the matter of public highways for its own people. [Applause.]

Mr. HUMPHREYS of Mississippi. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman from Mississippi yield to his colleague?

Mr. CANDLER. I do.

Mr. HUMPHREYS of Mississippi. I understand my colleague to state that the bill he has introduced contemplates the expenditure of $20,000,000 a year. I want to suggest, in connection with his remark about parsimony, that a tax of 1 cent a gallon on beer, at the rate at which it was consumed in the United States last year, would more than raise the $20,000,000.

Mr. CANDLER. I thank my colleague for that suggestion, and I will cheerfully vote for that 1 cent a gallon on beer in order to raise the fund from which we might pay for public roads all over this country.

Mr. BUTLER. Would not that be likely to develop bad habits? [Laughter.]

Mr. KENDALL. A nominal increase in the tobacco tax would have the same effect.

Mr. CANDLER. A nominal increase upon any of the luxuries that are consumed by the people of this country would produce a fund entirely sufficient to meet the demands of the bill which I have introduced and to meet the appropriations provided for in other similar bills which have been introduced and under which this great development would be not only begun but consummated, to the everlasting benefit of the American people. [Applause.]

Mr. KENDALL. The tax could be limited to hurtful luxuries.

Mr. JACKSON. Will the gentleman give his views as to the constitutionality and propriety of a tax on automobiles?

Mr. CANDLER. I am not prepared to express an opinion as to its constitutionality. As far as the people are concerned, I think many of them would greatly favor it.

The economic interest which the American farmers have in good roads is augmented in our day by the variety of vehicles which are rapidly coming into use in the rural districts both for business and pleasure. On good roads these improved vehicles are a joy and a comfort; on bad roads they are often useless. The farmer and his wife, the farmer's son and his best girl, the farmer's daughter and her beau all like to go occasionally to the not far distant city for a day of sightseeing or shopping, and with modern and comfortable vehicles at their command these trips would be delightful were there but roads without gullies and without all the other obstacles to their satisfying progress. This brings me to the very important social and moral question involved for the farmer in the matter of good roads.

An eminent citizen of St. Louis, Mr. W. H. Moore, at one time president of the State and Interstate Good Roads and Public Improvements Association, some years ago wrote a highly interesting article on "The social, commercial, and economic phases of the road subject," which was published by the Department of Agriculture, and from which I take the liberty to make the following extracts:

> The highest type of mental and moral culture and development can not be attained without the means of easy and rapid communication between all parts and sections of the country. The railway and telegraph lines are the great modern civilizers of the world, but they are limited in their spheres of usefulness, because they do not reach the farm, the home, the country schoolhouse and church. The common road is the connecting link between these, and without it the progress of a widespread civilization must of necessity be greatly retarded. They are the foundation stones upon which the superstructure of society is erected and upon which its symmetry, beauty, and stability must rest.
>
> It has been stated by eminent writers that railway and telegraph lines, with the wonderful commercial enterprises they make possible, are in the end detrimental to a country that has no proportionately adequate system of common highways, because of their tendency to congest the population by drawing the intelligent and ambitious portion of the country youths to the cities and centers of commercial enterprise, until the avenues of that class of labor are overcrowded, the wages of labor decreased by undue and unnatural competition, and the surplus set adrift without the means of a livelihood, to become beggars or criminals, instead of delving in the soil, from which the primary wealth of the world is secured, and in which avocation there has never yet been a surplus of labor. * * *

Neighborhoods, counties, and States, separated from each other by the barriers of practically impassable roads, in their loneliness degenerate into a condition of stagnation, from which it is difficult to arouse them to a common and mutual interest and understanding.

President Roosevelt in 1903 delivered an address before the National Good Roads Convention at St. Louis, in which he said:

It is a fine thing to see our cities build up, but not at the expense of the country districts. * * * We can not expect the ablest, the most eager, the most ambitious young men to stay in the country, to stay on the farm, unless they have certain advantages. Farm life is in too many cases a life of isolation, a life in which it is a matter of great and real difficulty for one to communicate with his neighbor. You can rest assured that, unless this is changed, there will be a tendency to leave the farms on the part of those very people whom we should most wish to see stay there.

What the gentlemen said whom I have quoted is true. It is true within the experience of every man on this floor who represents a farming constituency. In rural sections where the roads are bad, social communication is spasmodic, conditioned by wind and weather, lacking the spontaneity and continuity which are its very life. In the very nature of things it can not be otherwise. The exodus of young men from the farm to the city has had a significant growth for several years which has caused no little alarm to thoughtful observers. In a somewhat less degree this is true also so far as the daughters of farmers are concerned. It would be unjust to ascribe this migration entirely to the fascination which the gayer life of the city exercises upon the imagination of these young people, though admittedly this is the moving cause in the case of not a few of them, but the chief reason for these migrations must be sought and will be found in the lonesome life on the farm, due in a large measure to the isolation which is the result of bad roads.

These facts—and facts they are—furnish food for serious contemplation, for they go to the very foundation of not only rural life, but of the whole of society in our country. With the farmer it is a personal matter; for the sociologist and philanthropist it is a matter for serious study. There has been a great cry of late: "Back to the farm." Primarily it is expressive, of course, of the conviction that agriculture is the foundation rock of the country's prosperity. But if it is also intended as a slogan to stimulate the return of those who left the farm for the city, then one of the needs to bring about this happy consummation is such a change in the social aspect of rural life as will offer at least partial compensation for the things that make city life attractive. The perfect country road would go far toward working such a change, in that it would afford opportunity for that social visiting and communication which under present conditions is exceptional.

There is, however, another point to be made—an economic one, to be sure—which not only will appeal to the farmer, but to all the people. Good roads will increase the money value of every farm, just as an electric trolley line has the same effect in both city and country. The price per acre of a farm, the only outlet from or access to which to-day is an unimproved dirt road, will jump 25 per cent the minute a good macadamized road passes by its confines. This is not a mere assertion; the statement is based upon the experience of men whose farms have been benefited by the construction of good public highways.

Mr. KENDALL. Mr. Speaker, will the gentleman yield?

Mr. CANDLER. Certainly.

Mr. KENDALL. I would state to the gentleman that there is a county in Iowa, and in my district, in which the board of supervisors, with the authority of the voters, have constructed a splendid highway 20 miles in length, and I have it from very reliable authority that the real estate not merely contiguous to that highway but in the neighborhood through which it runs has advanced from 25 to 40 per cent in value as a direct result of the establishment of that good road. [Applause.]

Mr. CANDLER. Mr. Speaker, the statement of the gentleman from Iowa is in accord with the facts as they exist everywhere that good roads have been built. In Madison County, Tenn., which is near where I live, real estate advanced proportionately about 25 to 50 per cent immediately upon the construction of good roads in that county, and wherever they have been constructed in any county, anywhere, so far as I have been able to investigate, that has been the result. I thank the gentleman from Iowa for this information, which establishes the point that I was attempting to make. So that on this score, too, equity demands liberality on the part of the Government through whose appropriations for public buildings property values in cities so favored have greatly increased.

I hope, Mr. Speaker, I have made it clear that Government aid in the systematic construction of public highways would be an eminently wise, patriotic, and profitable proceeding. And in this connection I want to say that I would consider an appropriation of $1,000,000 or $2,000,000 a year as absolutely inadequate to afford the aid so urgently needed. Some bills have been introduced in this House and in the Senate, also, in which appropriations of such amount are proposed. How far would a million dollars a year go if any number of States were to apply for a share proportionate to their population or proportionate to the amount appropriated by each State for road improvement?

The money would be divided up in mere driblets and would be of little practical use. Let us do the thing right. Twenty million dollars a year is none too much. The river and harbor bill, which will probably be one of the appropriation bills to be passed this session, will, it is said, carry not less than $30,000,000. We can well afford to devote one hundred millions, in annual installments of twenty millions, to the construction of public highways, and at the end of five years provide another hundred millions, and continue this until from one end of this country to the other there shall be highways equal to the best in the world.

It costs our farmers, according to the reports of the Secretary of Agriculture, something like $800,000,000 a year to market their products over the present dirt roads. If good roads were substituted for these this cost would be cut down, it is believed, at least one-half. Think of such a boon to the farmers of the country. They, however, are not the only ones to benefit by such improvement; the people generally—the ultimate consumer, if you please—would also share in these benefits, for whatever taxes the farmer constitutes a tax on the consuming public. I have an idea, Mr. Speaker, that if there had always been more friends of the people in this House the policy I have advocated might long since have been entered upon; and I should not be surprised, sir, to see the farmers' and people's friends increase on this floor if their evident wants are ignored much longer and their oft-repeated requests are allowed to continue unheeded. [Applause.]

The time is ripe for action in this field. Our farmers are constitutionally patient, but it is not to be expected that they will permit that patience to be abused. They have a right to look for equitable treatment, for a proper consideration of their vast interests, at the hands of the Government, to whose greatness and wealth they are the largest contributors. In 1908 the value of agricultural products was $7,848,000,000.

This year the estimated aggregate value is $8,417,000,000. An industry yielding such wealth ought not to go begging at the portals of the Government for means for adequate transportation to markets or points of shipment. It should be granted cheerfully, promptly, ungrudgingly, just as it has been granted to the other undertakings of great national importance.

Mr. Speaker, we have made possible transportation along great water highways of this country. The Government in instances has provided means whereby great railways have traversed this country from one end to the other. Let us now commence the building of good roads throughout the Republic, which will contribute to the happiness of the people who live in the country. [Applause.]

If the Sixty-second Congress would perfect adequate legislation for the construction of a system of the best possible public highways, it would establish its claim to be regarded as one of the most progressive in the annals of our national history, and in the future we, who compose its membership, could well congratulate ourselves and rejoice in having conferred upon the people a great benefit which would increase as the years come and go. Help me, my friends, in this great work and thereby bless and help the people. They stand by you; will you aid them? I leave this great question for your earnest consideration. I thank you for your attention. [Loud applause.]

RECESS.

Mr. CANDLER. Mr. Speaker, I move that the House take a recess for 10 minutes.

The motion was agreed to; accordingly (at 3 o'clock and 24 minutes p. m.) the House stood in recess for 10 minutes.

AFTER RECESS.

At 3 o'clock and 34 minutes p. m., the recess having expired, the House was called to order by the Speaker.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. HOWARD for two days on account of illness.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I will say that the urgent deficiency appropriation bill can not come from the Printing Office until between 4.30 o'clock and 5 o'clock this afternoon, and there would be no possibility of getting it into conference until to-morrow morning. I therefore move that the House do now adjourn.

The motion was agreed to; and accordingly (at 3 o'clock and 38 minutes p. m.) the House adjourned until Wednesday, December 20, 1911, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey, with maps and plans of survey, for roads and trails in Crater Lake National Park, Oreg. (H. Doc. No. 328); to the Committee on the Public Lands and ordered to be printed, with illustrations.

2. A letter from the Secretary of the Treasury, submitting, with favorable recommendation, draft of a bill to extend the authority to receive certified checks drawn on national and State banks and trust companies in payment of all public dues (H. Doc. No. 329); to the Committee on Ways and Means and ordered to be printed.

3. A letter from the Secretary of the Treasury, submitting draft of a bill, with favorable recommendation, to provide for the administering of certain oaths by public officers (H. Doc. No. 330); to the Committee on the Judiciary and ordered to be printed.

4. A letter from the Secretary of the Treasury, calling attention to former recommendations of the department for legislation relative to the sinking fund and again recommending such legislation (H. Doc. No. 331); to the Committee on Ways and Means and ordered to be printed.

5. A letter from the Secretary of State, transmitting a statement of expenses incurred by officers and employees of the State Department for travel when in discharge of their duties outside the District of Columbia (H. Doc. No. 332); to the Committee on Expenditures in the State Department and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill (H. R. 14664) authorizing the Secretary of the Interior to grant further extension of time in which to make proof on desert-land entries in Weld and Larimer Counties, Colo., reported the same with amendment, accompanied by a report (No. 192), which said bill and report were referred to the House Calendar.

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill (H. R. 13196) to amend section 3 of the act of Congress approved March 7, 1908, entitled "An act to provide for circuit and district courts of the United States at Dothan, Ala.," reported the same with amendment, accompanied by a report (No. 191), which said bill and report were referred to the House Calendar.

Mr. RUCKER of Missouri, from the Committee on the Judiciary, to which was referred the bill (H. R. 15462) to amend section 91 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, reported the same with amendment, accompanied by a report (No. 188), which said bill and report were referred to the House Calendar.

Mr. FLOOD of Virginia, from the Committee on the Territories, to which was referred the bill (H. R. 11628) authorizing John T. McCrosson and associates to construct an irrigation ditch on the island of Hawaii, Territory of Hawaii, reported the same with amendment, accompanied by a report (No. 189), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 16083) granting a pension to Mary A. Ball; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15859) granting a pension to Charles M. McGraw; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15854) granting an increase of pension to Andrew J. Jones; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15868) granting an increase of pension to George A. Held; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15028) granting a pension to John P. Hickel; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CANDLER: A bill (H. R. 16283) to distribute the surplus in the Treasury of the United States to the several States, Territories, and the District of Columbia for the purpose of improving the roads therein; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 16284) to provide for the construction, maintenance, and improvement of public roads and rural delivery routes through the cooperation and joint action of the National Government and the several States or counties in which such public roads or rural delivery routes may be established; to the Committee on Agriculture.

By Mr. JACKSON: A bill (H. R. 16285) to prevent combinations in restraint of trade and monopolies and to secure the better enforcement of the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies"; to the Committee on the Judiciary.

By Mr. HAYES: A bill (H. R. 16286) to regulate the officering and manning of vessels subject to the inspection laws of the United States; to the Committee on the Merchant Marine and Fisheries.

By Mr. POWERS: A bill (H. R. 16287) to establish a mine-rescue station; to the Committee on Mines and Mining.

Also, a bill (H. R. 16288) to provide for the erection and completion of a public building at Middlesboro, in the State of Kentucky; to the Committee on Public Buildings and Grounds.

By Mr. SISSON: A bill (H. R. 16289) ordering and authorizing the sale of the remains of the wreck of the battleship *Maine;* to the Committee on Appropriations.

By Mr. POWERS: A bill (H. R. 16290) to provide for the erection of a public building at Barbourville, in the State of Kentucky; to the Committee on Public Buildings and Grounds.

By Mr. BYRNS of Tennessee: A bill (H. R. 16291) to authorize the Secretary of War to complete the erection of locks and dams B and C and to put same into operation, and to erect and put in operation locks and dams D, E, and F, to be located in the Cumberland River below Nashville, State of Tennessee, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. BATHRICK: A bill (H. R. 16292) to repeal chapter 146, laws of the United States, entitled "An act authorizing the Secretary of the Treasury to obtain plans and specifications for public buildings to be erected under the supervision of the Treasury Department, and providing for local supervision of the construction of the same," approved February 20, 1893; to the Committee on Public Buildings and Grounds.

By Mr. STONE: A bill (H. R. 16293) to confer upon the United States Court of Claims jurisdiction to hear and adjudicate claims against the United States for damages arising out of the construction, use, and management of the Illinois & Mississippi Canal; to the Committee on Claims.

By Mr. LAWRENCE: A bill (H. R. 16294) to establish a library post; to the Committee on the Post Office and Post Roads.

By Mr. KINKEAD of New Jersey: A bill (H. R. 16295) to amend section 4477 of the Revised Statutes of the United States; to the Committee on the Merchant Marine and Fisheries.

By Mr. KORBLY: A bill (H. R. 16296) granting relief to persons who served in the Military Telegraph Corps of the Army during the Civil War; to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R. 16297) to establish a fish-cultural station on the Indian River, in the State of Florida; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 16298) to establish a fish-hatching and fish-cultural station on the Miami River, in the State of Florida; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 16299) to establish a fish-hatching and fish-cultural station on New River, in the State of Florida; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 16300) to establish a fish-hatching and fish-cultural station on Lake Okeechobee, in the State of Florida; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 16301) to establish a fish-hatching and fish-cultural station on the St. Lucie River, in the State of Florida; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 16302) to establish a fish-hatching and fish-cultural station on Lake Tohopekaliga, in the State of Florida; to the Committee on the Merchant Marine and Fisheries.

By Mr. ANTHONY: A bill (H. R. 16303) to extend the benefits of the act of June 27, 1890 (as amended by the act of May 9, 1900), granting pensions to soldiers and sailors who served in

the military or naval forces of the United States, their widows, minor children, or dependent parents, and the act of February 6, 1907, granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16304) for the erection of a public building at Holton, Kans.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16305) for the erection of a public building at Hiawatha, Kans.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16306) to provide for the use of the American National Red Cross in aid of the land and naval forces in time of actual or threatened war; to the Committee on Foreign Affairs.

By Mr. ROBERTS of Massachusetts: A bill (H. R. 16307) making appropriation for the construction of suitable consulate buildings at Yokohama, Empire of Japan; to the Committee on Foreign Affairs.

By Mr. CARY: A bill (H. R. 16308) to amend the act of June 30, 1906, wherein $3,000,000 was permanently set aside yearly to defray the expenses of the Bureau of Animal Industry in the inspection of cattle, sheep, swine, and goats; to the Committee on Agriculture.

By Mr. HOWLAND: A bill (H. R. 16309) to grant authority to the Inland Steamship Co., of Indiana Harbor, Ind., to change the name of the steamer *W. R. Woodford* to *N. F. Leopold*, and to change the name of the steamer *Arthur H. Hawgood* to *Joseph Block;* to the Committee on the Merchant Marine and Fisheries.

By Mr. BEALL of Texas: A bill (H. R. 16310) to establish in the Department of Agriculture a bureau of markets; to the Committee on Agriculture.

By Mr. JACOWAY: A bill (H. R. 16311) to provide for a site and a public building at Russellville, Ark.; to the Committee on Public Buildings and Grounds.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 16312) to create a delta division for the northern district of Mississippi; to the Committee on the Judiciary.

By Mr. CARTER (by request): A bill (H. R. 16313) providing for the erection of an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. WATKINS: A bill (H. R. 16314) to amend section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911; to the Committee on Revision of the Laws.

By Mr. KORBLY: A bill (H. R. 16315) granting relief to persons who served as civilian pilots in the United States Navy during the Civil War; to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 16316) granting to all Indians or tribes the right to sue in the Court of Claims, and for other purposes; to the Committee on Indian Affairs.

By Mr. PALMER (by request): A bill (H. R. 16317) granting pensions to soldiers who served 90 or more days in the Philippines and were honorably discharged for disability; to the Committee on Pensions.

By Mr. RICHARDSON: A bill (H. R. 16318) to make it unlawful for certain Federal officeholders to serve as delegates in a convention called to nominate a President of the United States or other elective United States officers; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. ANDREWS: A bill (H. R. 16319) to extend and widen Western Avenue NW., in the District of Columbia; to the Committee on the District of Columbia.

By Mr. ANDERSON of Ohio: A bill (H. R. 16320) for the erection of a public building at the city of Upper Sandusky, in the State of Ohio, and appropriating moneys therefor; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16321) for the erection of a public building at the city of Bellevue, in the State of Ohio, and appropriating money therefor; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16322) for the erection of a public building at the city of Fremont, in the State of Ohio, and appropriating moneys therefor; to the Committee on Public Buildings and Grounds.

By Mr. RAKER: Resolution (H. Res. 348) for an investigation by the Committee on the Public Lands of the administration of the public lands and the public land laws; to the Committee on Rules.

By Mr. CANDLER: Resolution (H. Res. 349) directing the Secretary of the Treasury to furnish information relative to sales of cotton to the Confederate States Government; to the Committee on Expenditures in the Treasury Department.

By Mr. SHEPPARD: Resolution (H. Res. 350) to amend section 21, Rule XI, rules of House of Representatives; to the Committee on Rules.

By Mr. HOBSON: Resolution (H. Res. 351) of inquiry into the conditions of the health and morals of the naval stations and military posts; to the Committee on Naval Affairs.

By Mr. SULZER: Resolution (H. Res. 352) providing for the change of date of the annual meeting of the American National Red Cross; to the Committee on Foreign Affairs.

By Mr. OLDFIELD: Joint resolution (H. J. Res. 190) to authorize the President of the United States to take measures for the delivery of possession, control, and government of the Philippine Islands to the Filipino people, and to promote their future independence by treaties of neutrality; to the Committee on Insular Affairs.

By Mr. SLAYDEN: Joint resolution (H. J. Res. 191) requesting and empowering the President to communicate with Russia and Persia and to urge them to refer differences between them to the Permanent Court of Arbitration at The Hague; to the Committee on Foreign Affairs.

By Mr. HAYES: Memorial from Legislature of California, asking for an appropriation of $600,000 to build a breakwater in Monterey Bay, Cal.; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 16323) granting an increase of pension to Ronald B. Veach; to the Committee on Pensions.

Also, a bill (H. R. 16324) granting an increase of pension to Thomas F. Dotson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16325) granting an increase of pension to James S. Sisson; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 16326) granting a pension to Mary Robson; to the Committee on Pensions.

Also, a bill (H. R. 16327) granting an increase of pension to John Hower; to the Committee on Pensions.

By Mr. BATHRICK: A bill (H. R. 16328) to correct the military record of Benjamin F. Lovett; to the Committee on Military Affairs.

By Mr. BOOHER: A bill (H. R. 16329) granting an increase of pension to Herbert Thayer; to the Committee on Pensions.

By Mr. BROWN: A bill (H. R. 16330) granting an increase of pension to Elizabeth R. Nelson; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 16331) for the relief of the estate of James M. Dunn; to the Committee on Claims.

Also, a bill (H. R. 16332) for the relief of the estate of William Jasper Taylor; to the Committee on War Claims.

Also, a bill (H. R. 16333) to carry into effect the findings of the Court of Claims in the case of Jimmie A. Elliott, sole beneficiary of the estate of Adaline Elliott, deceased; to the Committee on War Claims.

Also, a bill (H. R. 16334) to carry into effect the findings of the Court of Claims in the case of Jimmie A. Elliott, sole legatee of Thomas A. Elliott, deceased; to the Committee on War Claims.

By Mr. CALDER: A bill (H. R. 16335) providing for the refund of certain duties incorrectly collected on wild celery seed; to the Committee on Claims.

By Mr. CARY: A bill (H. R. 16336) granting an increase of pension to Kate C. Egan; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 16337) granting a pension to E. R. Westbrook; to the Committee on Pensions.

By Mr. CRAVENS: A bill (H. R. 16338) granting an increase of pension to George W. Wooten; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16339) granting a pension to Rachel Gaun; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16340) granting an increase of pension to James E. Hooks; to the Committee on Pensions.

By Mr. DAVENPORT: A bill (H. R. 16341) for the relief of the heirs of Daniel M. Reinhardt; to the Committee on War Claims.

By Mr. DIXON of Indiana: A bill (H. R. 16342) granting a pension to Esther Ames; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16343) granting a pension to Maggie Ransdell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16344) granting a pension to Sarah E. Adams; to the Committee on Pensions.

Also, a bill (H. R. 16345) granting a pension to Martha A. Pearson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16346) granting an increase of pension to Ezekiel C. Wetzel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16347) granting an increase of pension to Jefferson Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16348) granting an increase of pension to John F. Coffman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16349) granting an increase of pension to Griffin Mosley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16350) granting an increase of pension to Samuel B. Lewis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16351) granting an increase of pension to John Stobo; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16352) granting a pension to Ola Coler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16353) granting an increase of pension to Lucas Covert, jr.; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16354) granting an increase of pension to Joshua Simms; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16355) granting an increase of pension to George R. May; to the Committee on Invalid Pensions.

By Mr. DUPRE: A bill (H. R. 16356) to restore the endowment of the Judah Touro Almshouse, of New Orleans, La.; to the Committee on War Claims.

By Mr. FOCHT: A bill (H. R. 16357) granting a pension to Edward Hoffman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16358) granting an increase of pension to Henry S. Rider; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16359) granting an increase of pension to George Benfer; to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 16360) granting an increase of pension to George W. Campbell, alias Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16361) granting an increase of pension to Warren Martin; to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 16362) granting a pension to Amelia Coupot; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16363) granting a pension to Sarah S. Sherman; to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 16364) for the relief of the estate of Moses M. Bane, deceased; to the Committee on Claims.

Also, a bill (H. R. 16365) granting an increase of pension to John Klein; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16366) granting an increase of pension to Henry H. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16367) granting an increase of pension to Jacob C. Bloodworth; to the Committee on Invalid Pensions.

By Mr. FRANCIS: A bill (H. R. 16368) granting a pension to Viola Phillips; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16369) granting an increase of pension to Robert Lauthers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16370) granting an increase of pension to Wilson S. Venham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16371) granting an increase of pension to Isaac P. Hines; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16372) granting an increase of pension to James McKelvey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16373) granting an increase of pension to David Martin Howell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16374) granting an increase of pension to George Hibbits; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16375) granting a pension to Ithamer Pugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16376) granting an increase of pension to Elizabeth Graham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16377) granting an increase of pension to Samuel Polen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16378) granting an increase of pension to William T. Beckett; to the Committee on Invalid Pensions.

By Mr. GALLAGHER: A bill (H. R. 16379) granting an increase of pension to Charles T. Garrard; to the Committee on Invalid Pensions.

By Mr. HAMILTON of West Virginia: A bill (H. R. 16380) granting an increase of pension to Samuel K. Harris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16381) granting an increase of pension to Joseph L. Buckley; to the Committee on Invalid Pensions.

By Mr. HAMMOND: A bill (H. R. 16382) granting an increase of pension to Elizabeth Bailey; to the Committee on Invalid Pensions.

By Mr. HANNA: A bill (H. R. 16383) granting an increase of pension to Jefferson Stanley; to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 16384) granting a pension to Thomas Ingles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16385) granting a pension to Stephen Woodson; to the Committee on Pensions.

Also, a bill (H. R. 16386) granting a pension to George L. Gillmer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16387) granting a pension to Henrietta Dinegan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16388) granting a pension to Monroe Gunter; to the Committee on Invalid Pensions.

By Mr. HELM: A bill (H. R. 16389) granting an increase of pension to G. W. Stanley; to the Committee on Pensions.

By Mr. KORBLY: A bill (H. R. 16390) for the relief of William Allen; to the Committee on Military Affairs.

Also, a bill (H. R. 16391) for the relief of George Fling; to the Committee on Military Affairs.

Also, a bill (H. R. 16392) granting a pension to Lewis Wildey; to the Committee on Pensions.

Also, a bill (H. R. 16393) granting a pension to Julia A. Ragland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16394) granting an increase of pension to Martin Gross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16395) granting an increase of pension to Julia Gordon; to the Committee on Pensions.

Also, a bill (H. R. 16396) granting an increase of pension to Michael Shuppert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16397) to provide compensation for injuries received by George F. O'Hair; to the Committee on Claims.

By Mr. LEWIS: A bill (H. R. 16398) for the relief of Polly Jackson; to the Committee on War Claims.

Also, a bill (H. R. 16399) for the relief of Agnes Berry Crawford, sole heir of Otho Williams, deceased; to the Committee on War Claims.

Also, a bill (H. R. 16400) for the relief of the heirs of Benjamin Smith, deceased; to the Committee on War Claims.

Also, a bill (H. R. 16401) for the relief of the heirs of Jasper M. and Ann D. Jackson, deceased; to the Committee on War Claims.

By Mr. LINDBERGH: A bill (H. R. 16402) to remove the charge of desertion from the military record of Nathan Stewart and grant to him an honorable discharge; to the Committee on Military Affairs.

By Mr. McHENRY: A bill (H. R. 16403) granting an increase of pension to Alexander J. Frick; to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 16404) granting an increase of pension to Steward P. Powers; to the Committee on Invalid Pensions.

By Mr. MORRISON: A bill (H. R. 16405) granting an increase of pension to Sylvester C. Peters; to the Committee on Invalid Pensions.

By Mr. MOSS of Indiana: A bill (H. R. 16406) granting an increase of pension to John W. Stoker; to the Committee on Invalid Pensions.

By Mr. NYE: A bill (H. R. 16407) granting a pension to Margaret J. Yolkley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16408) for the relief of the heirs of Thomas English, deceased; to the Committee on War Claims.

By Mr. PADGETT: A bill (H. R. 16409) granting an increase of pension to Jane R. Adams; to the Committee on Pensions.

Also, a bill (H. R. 16410) granting an increase of pension to Joseph M. Douglass; to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 16411) granting an increase of pension to Margaret A. G. Macnamara; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 16412) granting a pension to Hannah E. Carroll; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16413) granting an increase of pension to John P. Godley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16414) to remove the charge of desertion from the military record of William Smith; to the Committee on Military Affairs.

Also, a bill (H. R. 16415) to remove the charge of desertion from the military record of Hyram Stevenson; to the Committee on Military Affairs.

By Mr. RUBEY: A bill (H. R. 16416) granting a pension to Thomas Mooney; to the Committee on Pensions.

By Mr. RUCKER of Missouri: A bill (H. R. 16417) granting an increase of pension to Joseph S. Bogle; to the Committee on Invalid Pensions.

By Mr. SLOAN: A bill (H. R. 16418) granting an increase of pension to John G. Ells; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16419) granting an increase of pension to Clayton Bargar; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16420) granting an increase of pension to Oliver Freel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16421) granting an increase of pension to Jackson Gossard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16422) granting an increase of pension to Daniel Carey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16423) granting an increase of pension to Nathaniel D. T. Willey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16424) granting an increase of pension to Ole Richardson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16425) granting a pension to Julia A. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16426) granting an increase of pension to Oscar E. Bartlett; to the Committee on Pensions.

Also, a bill (H. R. 16427) granting a pension to Charity Alward Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16428) granting an increase of pension to Michael Killean; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16429) granting an increase of pension to Nelson M. Ferguson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16430) granting an increase of pension to Thomas H. Goodwin; to the Committee on Invalid Pensions.

By Mr. SMITH of Texas: A bill (H. R. 16431) for the relief of the heirs of Benjamin Clark, deceased; to the Committee on War Claims.

By Mr. SPARKMAN: A bill (H. R. 16432) for the relief of Squire Simes; to the Committee on War Claims.

By Mr. STEPHENS of Texas: A bill (H. R. 16433) granting a pension to Forrest M. Spencer; to the Committee on Pensions.

By Mr. STONE: A bill (H. R. 16434) to correct the military record of Charles D. Ward; to the Committee on Military Affairs.

By Mr. TOWNER: A bill (H. R. 16435) granting a pension to G. S. Jenkins; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Cablegram from Jewish members of Austrian Parliament, thanking Congress for protection of Jews against Russian Government in regard to passports; to the Committee on Foreign Affairs.

Also, memorial of Brewery Engineers and Firemen's Union of Seattle, Wash., for repeal of tax on oleomargarine; to the Committee on Agriculture.

By Mr. ASHBROOK: Petition of Vergil O. Eberly, of Panama Canal Zone, asking for the passage of House resolution 287; to the Committee on Rules.

Also, petition of the Troy Laundering Co., of Columbus, Ohio, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. BRADLEY: Petition of citizens of Middletown, N. Y., praying for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. BUTLER: Memorial of Dr. L. S. Dunn Lodge, No. 222, Independent Order B'rith Sholom, of Chester, Pa., urging the abrogation of the Russian treaty; to the Committee on Foreign Affairs.

Also, resolutions of the Delaware County Hebrew Republican Club, of Chester, Pa., urging abrogation of the Russian treaty; to the Committee on Foreign Affairs.

By Mr. CAMPBELL: Petition of Frank Costa and other citizens of Kansas, in favor of old-age pensions; to the Committee on Pensions.

Also, petitions of numerous citizens of Frontenac and Pittsburg, Kans., in favor of old-age pensions; to the Committee on Pensions.

Also, petition of Chanute (Kans.) Retailers, protesting against the extension of the parcels post; to the Committee on the Post Office and Post Roads.

By Mr. CALDER: Memorial of Groupe Américain, Société des Architectes, approving proposed Lincoln memorial; to the Committee on the Library.

Also, petition of National Woman's Christian Temperance Union, urging the reimbursement of the Ellen M. Stone ransom; to the Committee on Claims.

Also, memorial of Rochester (N. Y.) Chamber of Commerce, in favor of amending corporation-tax law; to the Committee on Ways and Means.

Also, memorial of Congregation Beth El, of Borough Park, N. Y., urging termination of treaty with Russia; to the Committee on Foreign Affairs.

By Mr. CLAYTON: Petition of International Reform Bureau, of Washington, D. C., for a bill to prohibit United States attorneys engaging in private practice; to the Committee on the Judiciary.

Also, petitions of International Reform Bureau and the Washington Presbytery, Washington, D. C., for an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. CLINE: Petitions of Clifford F. Archer and Michael A. Griby, of Panama Canal Zone, in favor of House resolution 287; to the Committee on Rules.

Also, memorial of Post Q, Travelers' Protective Association, against parcels post; to the Committee on the Post Office and Post Roads.

Also, petitions of numerous citizens of Dunfee and Wanaka, Ind., in favor of a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. COOPER: Petitions of Monson Bros. and others, of Blanchardville, Wis., and of Perkins Bros., of Kenosha, Wis., asking for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. CRAVENS: Papers to accompany bill granting an increase of pension to James C. Hooks; to the Committee on Pensions.

Also, papers to accompany a bill granting an increase of pension to Rachel Gann; to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: Petitions of George I. Winans and 184 others, of Columbus, and the Commercial Club of Greensburg, Ind., for reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, memorial of Seventh-day Adventist Church of Summan, Ind., against House bill 9433, for the observance of Sunday by post offices; to the Committee on the Post Office and Post Roads.

By Mr. FOSTER of Vermont: Petitions of M. B. Cummings and others, of Burlington, Vt., asking for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. FRANCIS: Petition of Local Union No. 30, National Brotherhood of Operative Potters, of Steubenville, Ohio, against so-called Smoot printing bill; to the Committee on Printing.

By Mr. FULLER: Petition of William Mahlburg and others, of International Iron Molders' Union, of Rockford, Ill., in favor of the passage of the Booher bill (H. R. 5601), concerning contract prison labor; to the Committee on Interstate and Foreign Commerce.

Also, petition of C. M. Turns, of Dana, Ill., in favor of the reduction of the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of L. B. Rex, of Meriden, Ill., in favor of the passage of the Sulloway bill; to the Committee on Invalid Pensions.

Also, petition of Rockford Poultry and Pet Stock Association, of Rockford, Ill., in favor of the passage of Sulzer bill (H. R. 14) to create a parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of Electric Appliance Co., of Chicago, Ill., favoring legislation for the reduction of the rate of postage on first-class mail matter; to the Committee on the Post Office and Post Roads.

By Mr. GARNER: Petition of G. H. Allen and other citizens of Texas, in favor of old-age pensions; to the Committee on Pensions.

By Mr. HANNA: Petition of Company D, First Infantry, North Dakota National Guard, Minot, N. Dak., in favor of House bill 8141; to the Committee on Military Affairs.

Also, memorial of Seventh-day Adventist Church of Bowman, N. Dak., against the passage of House bill 9433, for the observance of Sunday by post offices; to the Committee on the Post Office and Post Roads.

Also, petition of numerous citizens of North Dakota against the extension of the parcels post; to the Committee on the Post Office and Post Roads.

By Mr. HAMMOND: Memorial of Seventh-day Adventist Church of Good Thunder, Minn., against the passage of House bill 9433, for the observance of Sunday by post offices; to the Committee on the Post Office and Post Roads.

By Mr. HAWLEY: Memorials of Seventh-day Adventist Churches of Cornelius, Albany, Scio, Gravel Ford, Medford, Cottage Grove, Toledo, Roseburg, near Cottage Grove, and New-

berg, all in the State of Oregon, against the passage of House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. HAYES: Papers to accompany bills for increase of pensions to Henrietta Dinegan, George L. Gilmer, Monroe Gunter, and Stephen Woodson; to the Committee on Invalid Pensions.

Also, petition of San Jose (Cal.) Chamber of Commerce, urging that no tolls be charged American ships through the Panama Canal, etc.; to the Committee on Interstate and Foreign Commerce.

Also, memorial of San Jose (Cal.) Chamber of Commerce, in favor of new dry dock in San Francisco Bay; to the Committee on Naval Affairs.

By Mr. HENRY of Connecticut: Petition of Manchester Business Men's Association, South Manchester, Conn., favoring the Weeks forestry bill; to the Committee on Agriculture.

Also, memorial of Hartford ministers' meeting, Hartford, Conn., against refusal of Russian Government to recognize United States passports; to the Committee on Foreign Affairs.

By Mr. HOWELL: Resolutions adopted by Lodge No. 119, Switchmen's Union, of Salt Lake City, Utah, asking for a reduction of the tax and license on oleomargarine; to the Committee on Agriculture.

Also, petition of members of the Seventh-day Adventist Church of Logan, Utah, opposing House bill 9433, for observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

By Mr. HILL: Resolutions of Local Union No. 491, Painters, Decorators, and Paperhangers of America, of Waterbury, Conn., with reference to the tax on oleomargarine; to the Committee on Agriculture.

By Mr. HUGHES of New Jersey: Memorial of Fifteenth Regiment New Jersey Volunteers, requesting retention in office of comrades holding positions not included in the civil service; to the Committee on Accounts.

Also, memorial of Post No. 86, Department of New Jersey, Grand Army of the Republic, of Boonton, N. J., regarding the retention in office of veterans; to the Committee on Accounts.

By Mr. KINDRED: Petition of civic bodies of Seattle, Wash., etc., urging that no tolls be charged American ships passing through Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Jewish Young Men's League of New York, protesting against treatment of American citizens by Russian Government; to the Committee on Foreign Affairs.

Also, memorial of First German Seventh-day Adventist Church, of Brooklyn, N. Y., in opposition to House bill 9433, for observance of Sunday by post offices; to the Committee on the Post Office and Post Roads.

By Mr. KORBLY: Petitions of P. E. Taylor, Ed. M. Austin, and A. N. Naylor, of Panama Canal Zone, in favor of House resolution 287; to the Committee on Rules.

Also, resolutions of Lodge No. 49, Independent Western Star Order, urging abrogation of Russian treaty; to the Committee on Foreign Affairs.

Also, petitions of Michael Finn and other citizens of Indianapolis, Ind., and of W. E. Pruitt, of New Augusta, Ind., favoring reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of National Woman's Christian Temperance Union, urging the reimbursement of the Ellen M. Stone ransom; to the Committee on Claims.

Also, memorial of the East Side Seventh-day Adventist Church, of Indianapolis, Ind., against the passage of House bill 9433; to the Committee on the Post Office and Post Roads.

Also, petition of Stewart Dry Goods Co. and citizens of Logansport, Ind., remonstrating against the extension of the parcels-post system beyond its present limitations; to the Committee on the Post Office and Post Roads.

Also, resolutions of Post Q, Indiana Division, Travelers' Protective Association, of New Albany, Ind., against parcels post; to the Committee on the Post Office and Post Roads.

Also, resolution of Joseph R. Gordon Post, No. 281, Department of Indiana, Grand Army of the Republic, opposing incorporation of the Grand Army of the Republic; to the Committee on Military Affairs.

By Mr. LEWIS: Petitions of Charles T. Butcher and Samuel H. Rosenstock, of Frederick City, Md., in favor of reduction in duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. LINDBERGH: Petition of Happe Bros., of Maple Lake, Minn., in favor of reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petitions of numerous business firms of St. Louis, Kansas City, and St. Joseph, Mo., urging passage of House bill 5601; to the Committee on Interstate and Foreign Commerce.

By Mr. MANN: Papers to accompany House bill 14403, for the relief of Thomas H. Thorp; to the Committee on Military Affairs.

By Mr. MARTIN of South Dakota: Memorial of Stevens Post, Grand Army of the Republic, protesting against calling the Civil War "War between the States" instead of "War of the Rebellion"; to the Committee on Military Affairs.

By Mr. MONDELL: Petitions of members of Third Infantry, Wyoming National Guard, and taxpayers of Park County, Wyo., in favor of House bill 8141; to the Committee on Military Affairs.

Also, petition of residents of Douglas, Converse County, Wyo., in favor of House bill 11657, for the pay of Army musicians; to the Committee on Military Affairs.

Also, memorials of Seventh-day Adventist Churches of Cheyenne and Sheldon, Wyo., against the passage of House bill 9433, for the observance of Sunday by the post offices; to the Committee on the Post Office and Post Roads.

By Mr. MOORE of Pennsylvania: Memorial of T-Square Club, of Philadelphia, and City Park Association, of Philadelphia, Pa., urging the selection of site at end of Mall in Washington, D. C., as location for Lincoln memorial; to the Committee on the Library.

Also, memorial of Lodge No. 78, Independent Order Ahawas Israel, urging the abrogation of treaties between this country and Russia; to the Committee on Foreign Affairs.

Also, memorial of principals of the Southwestern State Normay School, of California, Pa., indorsing Senate bill 3; to the Committee on Agriculture.

By Mr. PADGETT: Papers to accompany bill granting an increase of pension to Jane R. Adams; to the Committee on Pensions.

Also, papers to accompany bill granting an increase of pension to Joseph M. Douglass; to the Committee on Invalid Pensions.

By Mr. PALMER: Memorial of T-Square Club, of Philadelphia, Pa., protesting against Lincoln memorial road; to the Committee on Appropriations.

By Mr. PATTON of Pennsylvania: Petitions of F. M. Jack, T. D. Wood, and Alfred J. Bond, of Bradford, Pa.; of A. Brady, of Emporium, Pa.; and of B. M. Marlin, W. H. Cannon, and J. G. Ulreis, of Dubois, Pa., favoring Lincoln memorial road from Washington to Gettysburg; to the Committee on Appropriations.

By Mr. PICKETT: Petition of Elder George McDowell, of Parkersburg, Iowa, protesting against the passage of House bill 9433; to the Committee on the Post Office and Post Roads.

Also, petitions of John Freyman and 35 other citizens of Dyersville, Iowa, and W. A. Tidball, president of the Retail Merchants' Association, Independence, Iowa, protesting against extension of parcels post; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Memorial of Seventh-day Adventist Church of Redding, Cal., against the passage of House bill 9433; to the Committee on the Post Office and Post Roads.

Also, memorial of H. W. A. Page, of New York City, relating to the supreme and other courts of the State of New York; to the Committee on the Judiciary.

Also, memorials of Board of Trade; Stauffer Chemical Co. and 14 other companies; Pacific Fruit Produce Co.; J. B. Inderrieden Co.; Griffen & Skelly Co.; Central California Canneries; the Hyde-Shane Co.; William A. Curtis Co.; O. W. Lehman, superintendent Y. V. R. R., and the Atchison, Topeka & Santa Fe Railroad, urging amendment to corporation-tax law; to the Committee on Ways and Means.

Also, petitions of I. Maguire & Co.; Commercial National Bank; Dunham, Carrigan & Hayden Co.; John A. Roebling's Sons Co.; Henry C. Schaertzer, and the Thomas-Diggs Co., of Los Angeles, Sacramento, and San Francisco, Cal., in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of James Willett and other citizens of Eubanks and Castella, Cal., in favor of parcels post; to the Committee on the Post Office and Post Roads.

Also, memorial of Encampment No. 162, Union Veteran Legion, San Jose, Cal., in favor of the Civil War volunteer officers' retired list bill, etc.; to the Committee on Military Affairs.

Also, petition of San Francisco (Cal.) Labor Council, in favor of House bill 13500, to regulate the immigration of aliens into the United States; to the Committee on Immigration and Naturalization.

Also, petition of the Transportation Bureau of the Seattle (Wash.) Chamber of Commerce and 11 commercial bodies of the State of Washington, favoring no tolls for American

vessels through Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. ROUSE: Papers to accompany House bills 2767, 2805, 2809, 14431, 14432, 15104, and 15106; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: Memorial of Buffalo Chapter, American Institute of Architects, protesting against building Lincoln memorial road; to the Committee on Appropriations.

By Mr. SPEER: Papers to accompany House bill 16034, granting an increase of pension to Adam Lindy; to the Committee on Invalid Pensions.

By Mr. SULZER: Memorial of Hamburger Club, of Chicago, Ill., urging investigation of the administration of the immigration office at Ellis Island; to the Committee on Immigration and Naturalization.

Also, petition of Business Men's Association of Cohoes, N. Y., in favor of embassy buildings at Mexico, Rio de Janeiro, and Tokyo; to the Committee on Foreign Affairs.

Also, petition of American Automobile Association, urging Federal aid in improving main public highways; to the Committee on Agriculture.

By Mr. TAYLOR of Colorado: Resolution of the Arkansas, Rio Grande, Gunnison, and Grand River Highway Association of Colorado, indorsing the Taylor bill for the setting aside and sale of public lands, the proceeds thereof to be used in the construction of a transcontinental highway through Colorado; to the Committee on the Public Lands.

Also, resolution of the Arkansas, Rio Grande, Gunnison, and Grand River Highway Association, of Colorado, requesting that the United States Forest Service be instructed to spend $15,000 on the roads through forest reserves over the Tennessee, Monarch, and Cochetopa Passes, across the Great Divide, in that State; to the Committee on Agriculture.

Also, resolution of Credit Men's Association of Fort Collins, Colo., against parcels post; to the Committee on the Post Office and Post Roads.

By Mr. TILSON: Resolutions of Congregation Ados Israel, of Hartford, Conn., urging the abrogation of the Russian treaty; to the Committee on Foreign Affairs.

By Mr. TUTTLE: Petition of business men of Hackettstown, N. J., against the parcels post; to the Committee on the Post Office and Post Roads.

Also, memorial of John Hill Post, Grand Army of the Republic, asking that veterans of Civil War now holding positions under the Federal Government be retained in those positions; to the Committee on Military Affairs.

Also, petitions of Mothers' Association and the Parent-Teachers' Association, of Plainfield, N. J., in favor of childrens' bureau; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITACRE: Petitions of Local Union No. 204, International Union of the United Brewery Workmen; of Fairview Lodge, No. 40, A. A. of I. S. and T. W. of N. A., of Youngstown; of Trades and Labor Council, of East Liverpool; of Local Lodge No. 22, International Association of Machinists, of Alliance; and of Local Union No. 10, National Brotherhood of Operative Potters, of East Liverpool, all in the State of Ohio, protesting against Senate bill 2564, relative to installation of power presses in the Bureau of Engraving and Printing; to the Committee on Printing.

Also, memorial of Lodge No. 136, Independent Western Star Order, of Youngstown, Ohio, and of Lodge No. 129, Independent Western Star Order, of Canton, Ohio, urging the abrogation of the Russian treaty; to the Committee on Foreign Affairs.

Also, memorial of General Lyon Post, No. 44, Department of Ohio, Grand Army of the Republic, in favor of Sulloway bill; to the Committee on Invalid Pensions.

Also, petition of Youngstown Section, Council of Jewish Women, of Youngstown, Ohio, urging abrogation of the treaty with Russia of 1832; to the Committee on Foreign Affairs.

Also, petition of Local Union No. 10, National Brotherhood of Operative Potters, of East Liverpool, Ohio, in favor of House bill 5601; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITE: Memorial of Second United Presbyterian Church of New Concord, Ohio, in favor of an effective interstate-liquor law; to the Committee on the Judiciary.

By Mr. WILLIS: Petitions of C. S. Simpson, W. F. Strahm, and 35 other citizens of Hardin County, Ohio, asking for a reduction of the duties on raw and refined sugars; to the Committee on Ways and Means.

Also, protest of J. W. Strine and 25 other citizens of Ashley, Ohio, against the enactment of any legislation for the extension of parcels post; to the Committee on the Post Office and Post Roads.

SENATE.

WEDNESDAY, *December 20, 1911.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

JAMES A. REED, a Senator from the State of Missouri, appeared in his seat to-day.

The Journal of yesterday's proceedings was read and approved.

ANNUAL REPORT OF THE INTERSTATE COMMERCE COMMISSION (H. DOC. NO. 149).

The VICE PRESIDENT laid before the Senate the twenty-fifth annual report of the Interstate Commerce Commission, which was referred to the Committee on Interstate Commerce and ordered to be printed.

VESSEL SHIP "SALLY" (H. DOC. NO. 337).

The VICE PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the findings of fact and conclusion of law filed under the act of January 20, 1885, in the French spoliation claims, set out in the annexed findings by the court relating to the vessel ship *Sally*, Seth Webber, master, which, with the accompanying papers, was referred to the Committee on Claims and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

W. W. Huffman, administrator de bonis non of the estate of Jacob Hufty, deceased, *v.* United States (S. Doc. No. 201);

Commonwealth Title Insurance & Trust Co., administrator de bonis non cum testamento annexo of the estate of Daniel Egbert, deceased, *v.* United States (S. Doc. No. 207);

Martha Singleton, widow of Edward B. J. Singleton, *v.* United States (S. Doc. No. 197);

Sarah Elizabeth Clarkson and sundry nephews and nieces, sole heirs at law of Thomas Pinder, deceased, *v.* United States (S. Doc. No. 193);

Mary B. Hunt, executrix of the estate of Henry J. Hunt, *v.* United States (S. Doc. No. 195);

Hugh T. Reed *v.* United States (S. Doc. No. 203);

The Washington Loan & Trust Co., administrator of the estate of Rufus Saxton, deceased, *v.* United States (S. Doc. No. 208);

Jacob Ford Kent *v.* United States (S. Doc. No. 204);

Henry M. Lazelle *v.* United States (S. Doc. No. 196);

John Paul Earnest, administrator of Sebree Smith, deceased, *v.* United States (S. Doc. No. 194);

American Security & Trust Co., administrator de bonis non of the estate of Charles R. Woods, deceased, *v.* United States (S. Doc. No. 209);

Georgie R. Ricketts, widow of Augustus Ricketts, deceased, and sundry subnumbered cases, *v.* United States (S. Doc. No. 205);

George W. Brown and sundry subnumbered cases *v.* United States (S. Doc. No. 198);

Mary E. Alcorn, widow of John Alcorn, deceased, and sundry subnumbered cases, *v.* United States (S. Doc. No. 199);

Robert Dugan and sundry subnumbered cases *v.* United States (S. Doc. No. 200);

John W. Knight and sundry subnumbered cases *v.* United States (S. Doc. No. 206); and

William W. Langley and sundry subnumbered cases *v.* United States (S. Doc. No. 202).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the joint resolution (H. J. Res. 185) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1911, on the 20th day of said month with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate.

H. R. 11824. An act to amend section 113 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911;

H. R. 15450. An act to amend section 85 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911;

H. J. Res. 142. Joint resolution to declare and make certain the authority of the Attorney General to begin and maintain and of any court of competent jurisdiction to entertain and decide a suit or suits for the purposes of having judicially declared a forfeiture of the rights granted by the act entitled "An act granting to the Washington Improvement and Development Co. a right of way through the Colville Indian Reservation, in the State of Washington," approved June 4, 1898; and

H. J. Res. 189. Joint resolution to pay Members, Delegates, and Resident Commissioners their allowance for clerk hire for December, 1911, on the 21st day of that month.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H. R. 11824. An act to amend section 113 of the act to codify, revise, and amend the laws relating to the judiciary; and

H. R. 15450. An act to amend section 85 of the act to codify, revise, and amend the laws relating to the judiciary.

H. J. Res. 142. A joint resolution to declare and make certain the authority of the Attorney General to begin and maintain and of any court of competent jurisdiction to entertain and decide a suit or suits for the purposes of having judicially declared a forfeiture of the rights granted by the act entitled "An act granting to the Washington Improvement and Development Co. a right of way through the Colville Indian Reservation, in the State of Washington," approved June 4, 1898, was read twice by its title and referred to the Committee on Indian Affairs.

H. J. Res. 189. A joint resolution to pay Members, Delegates, and Resident Commissioners their allowance for clerk hire for December, 1911, on the 21st day of that month was read twice by its title and referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of the Citizens' National Committee of New York City, N. Y., of the Pennsylvania State Arbitration Conference, and of sundry citizens of Oakland, Cal., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a memorial of the Trades and Labor Assembly of Aurora, Ill., remonstrating against the abolishment of the hand-roller process of manufacturing paper currency, which was referred to the Committee on Printing.

Mr. PERKINS. I present a joint resolution adopted by the Legislature of California, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the joint resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

(Telegram.)

SACRAMENTO, CAL., *December 19, 1911.*

HON. GEORGE C. PERKINS,
United States Senate, Washington, D. C.

Pursuant to a resolution introduced and adopted by both branches of the Legislature of California, I am herewith forwarding to you a copy of said joint resolution: "Senate joint resolution No. 2, proposed by Senator Wolfe December 2, 1911, relating to the action of the Russian Government in discriminating against the admission of certain classes of American citizens into that country.

"Whereas, under the treaty of 1832 between the Government of the United States and the Government of Russia, it was agreed that all American citizens, without regard to race or religion, should be entitled to admission and protection to the territory of Russia; and

"Whereas the Russian Government has continually violated the terms of the treaty in refusing admission into its territory of American citizens duly accredited as such by passports properly issued by the American Government because of their religious belief; and

"Whereas the Government of the United States has lived up to its agreement with Russia under said treaty of 1832 by recognizing all Russian passports; and

"Whereas the time has arrived when the United States Government should insist in no uncertain terms upon the rights of all its citizens under said treaty: Therefore be it

"*Resolved*, That our Senators be instructed to forthwith urge such action by the Senate of the United States as will bring about the abrogation of the treaty of 1832 between this Government and the Russian Government unless said Russian Government shall at once notify the proper authority in Washington of their immediate intention to respect the provisions of said treaty."

WALTER N. PARRISH,
Secretary of Senate.

Mr. BURTON presented a petition of the Ministers' Union of Toledo, Ohio, praying that an appropriation be made to celebrate the semicentennial of the Emancipation Proclamation, which was referred to the Committee on Education and Labor.

Mr. WATSON presented a petition of the Ohio County Grange, Patrons of Husbandry, of West Virginia, praying for the establishment of a parcels-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Ohio County Grange, Patrons of Husbandry, of West Virginia, remonstrating against the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of West Virginia, praying for the abrogation of the treaty of 1832 between the United States and Russia, which was ordered to lie on the table.

Mr. ROOT. I present a declaration of a mass meeting of citizens of New York City, urging the ratification of the treaties of arbitration between the United States, Great Britain, and France. I move that the declaration lie on the table.

The motion was agreed to.

Mr. CULLOM presented petitions of sundry citizens of Illinois, Washington, Ohio, Pennsylvania, New Jersey, Vermont, and Indiana, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of Local Lodge No. 173, Independent Order of B'rith Sholom, of Washington, D. C., praying for the abrogation of the treaty of 1832 between the United States and Russia, which was ordered to lie on the table.

He also presented a petition of sundry veterans of the Civil War, residents of Meeker, Okla., praying for the passage of the so-called dollar-a-day pension bill, which was referred to the Committee on Pensions.

He also presented a memorial of the Trades and Labor Assembly of Kewanee, Ill., remonstrating against the abolishment of the hand-roller process of manufacturing paper currency, which was referred to the Committee on Printing.

He also presented a petition of the Trades and Labor Assembly of Aurora, Ill., praying for the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Local Union No. 893, United Mine Workers of America, of Canton, Ill., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Illinois, New York, Pennsylvania, California, and Iowa, praying that an appropriation be made for the purchase of suitable homes for American representatives abroad, which were referred to the Committee on Foreign Relations.

Mr. KENYON presented memorials of local lodges, Carpenters and Joiners of America, of Omaha, Nebr., Mason City, Iowa, and Sioux City, Iowa, and of Local Division No. 410, Order of Railway Conductors, of Belle Plaine, Iowa, remonstrating against the abolishment of the hand-roller process of manufacturing paper currency, which were referred to the Committee on Printing.

He also presented a petition of Fred Willier Camp, No. 11, Department of Iowa, United Spanish War Veterans, of Waterloo, Iowa, praying for the enactment of legislation providing for the pay of the members of the Organized Militia, which was referred to the Committee on Military Affairs.

He also presented petitions of the Woman's Club of Marshalltown, the congregations of the First Congregational Churches of Creston and Newton, and of sundry citizens of Oskaloosa, all in the State of Iowa, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a memorial of the Federation of Retail Merchants of Cedar Rapids, Iowa, remonstrating against the enactment of any further parcels-post legislation, which was referred to the Committee on Post Offices and Post Roads.

Mr. O'GORMAN presented a petition of the Ministerial Union of Jefferson County, N. Y., and a petition of the congregation of the First Presbyterian Church of Jamestown, N. Y., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside liquor dealers, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry labor organizations in the State of New York, praying for the enactment of legislation for the betterment of American seamen, which were referred to the Committee on Commerce.

He also presented a resolution adopted at the national encampment of the Grand Army of the Republic, praying for the passage of the so-called dollar-a-day pension bill, which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of New York City, Little Falls, and Poughkeepsie, all in the State of New York, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. CURTIS presented petitions of sundry citizens of Winchester, Chanute, and Emporia, all in the State of Kansas, remonstrating against the extension of the parcels-post system

beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

Mr. MARTIN of Virginia presented a petition of the faculty of the College of William and Mary, Williamsburg, Va., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. LODGE presented a memorial of the Copley Society, of Boston, Mass., remonstrating against the construction of a highway from Washington, D. C., to Gettysburg, Pa., as a memorial to Abraham Lincoln, which was referred to the Committee on Appropriations.

Mr. GRONNA presented a petition of the Society of Friends of Pennsylvania, New Jersey, and Delaware, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a petition of sundry members of Company D, North Dakota National Guard, of Minot, N. Dak., praying for the enactment of legislation providing for the pay of members of the Organized Militia, which was referred to the Committee on Military Affairs.

He also presented a memorial of the congregation of the Seventh-day Adventist Church of Gackle, N. Dak., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. STONE presented a memorial of sundry citizens of Appleton City, Mo., remonstrating against the extension of the parcels-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the principals of the public schools of Kansas City; the Cosmos Club, of Carthage; and of the Merchants' Exchange of St. Louis, all in the State of Missouri, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of the Merchants' Exchange of St. Louis, Mo., praying that an appropriation be made for the construction of diplomatic and consular buildings at Mexico, Rio Janeiro, and Tokyo, which was referred to the Committee on Foreign Relations.

He also presented petitions of F. J. Heron Post, of Buffalo; Captain John Matthews Post, of Springfield; and of Windsor Post, of Windsor, Grand Army of the Republic, Department of Missouri, praying for the passage of the so-called dollar-a-day pension bill, which were referred to the Committee on Pensions.

Mr. BURNHAM presented a petition of Fred M. Edgell Post, No. 76, Grand Army of the Republic, Department of New Hampshire, of Orford, N. H., praying for the passage of the so-called dollar-a-day pension bill, which was referred to the Committee on Pensions.

Mr. KERN presented a memorial of the Musicians' Protective Association of Indianapolis, Ind., and a memorial of the Trades and Labor Council of Kokomo, Ind., remonstrating against the abolishment of the hand-roller process of manufacturing paper currency, which were referred to the Committee on Printing.

He also presented a petition of the Quarterly Meeting of Friends of Fairmount, Ind., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a memorial of Chapman Post, No. 209, Department of Indiana, Grand Army of the Republic, of Indianapolis, Ind., remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented a resolution adopted by the Art Club of Anderson, Ind., favoring the selection of the site in the Mall for the proposed Lincoln Memorial, in the District of Columbia, which was referred to the Committee on Appropriations.

CHIEFS OF BUREAUS IN THE NAVY DEPARTMENT.

Mr. LODGE. I report back favorably, without amendment, from the Committee on Naval Affairs, the bill (S. 3850) to promote efficiency and economy in the administration of the Navy Department, and ask for its present consideration.

The VICE PRESIDENT. The bill will be read for information.

The Secretary read the bill, as follows:

Be it enacted, etc., That the portion of the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1911, and for other purposes," approved June 24, 1910, which reads as follows:

"The pay and allowances of chiefs of bureaus of the Navy Department shall be the highest shore-duty pay and allowances of the rear admiral of the lower nine, and all officers of the Navy who are now serving or who shall hereafter serve as chief of bureau in the Navy Department, and are eligible for retirement after 30 years' service, shall have, while on the active list, the rank, title, and emoluments of a chief of bureau, in the same manner as is already provided by statute law for such officers upon retirement by reason of age or length of service, and such officers, after 30 years' service, shall be entitled to and shall receive new commissions in accordance with the rank and title hereby conferred."

be, and the same is hereby, repealed.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. STONE. I should like to ask the Senator from Massachusetts to give a little explanation of the bill. Does it increase——

Mr. LODGE. It repeals what has been done. What was read was the portion of the act repealed.

Mr. STONE. What is the effect?

Mr. LODGE. I will tell the Senator just what the effect is. In the appropriation act of 1910 there was a clause somewhat blind, I think I may say, in character, the result of which was to give an officer who was made a chief of bureau the rank and pay of an admiral permanently. Under the law heretofore existing an officer who was appointed chief of a bureau received the rank and pay of admiral while he held a position as chief of bureau. That has always been the practice. The clause in the appropriation act changed it and made it permanent in the case of an officer who had served 30 years.

I do not know that it is necessary for me to go into all the results of that enactment, but we confirmed an officer the other day whose 30 years will be reached in September, and if the law remains as it is, although he is the last on the captains' list, he will be permanently an admiral, with an admiral's pay, although his name may remain on the captains' list.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. WARREN. I do not wish to object, but I should like to ask for a little further information. Would this admiral be of the junior or senior class?

Mr. LODGE. The clause in the appropriation act which the bill repeals made him admiral of the lower class. The bill leaves the law just as it was before the act of 1910. While they hold the bureau they have the title of admiral and the pay. When they leave the bureau, they return to their old place on the list. That is the only way it ought ever to have been.

Mr. HITCHCOCK. Mr. President, I have not understood from the Senator from Massachusetts exactly what the bill provides for.

Mr. LODGE. The bill repeals the clause which I have attempted to describe. The clause was put in an appropriation act in 1910.

Mr. HITCHCOCK. What was the effect of that clause?

Mr. LODGE. The effect of the clause was to extend the privilege granted under existing law, which had always existed, that when an officer was made a chief of bureau he should have the title and pay of an admiral while he was in the bureau. The clause in the appropriation act, which this bill repeals, made that permanent for any officer who was appointed to a bureau, the effect of which would be, if he was an officer low down on the list, to lift him over the heads of everybody above him for all time. It never had been done in either service before and it ought never to have been done. It is necessary that an officer at the head of a bureau should have that rank while occupying the position of chief of bureau, and he has always been given the pay during that period. Then when his term of service in the bureau expires he goes back to his rank and pay on the list. This is to restore the old arrangement.

Mr. CULBERSON. Mr. President, my attention was diverted for a moment and I did not hear what was said by the chairman of the Committee on Appropriations. It is a clause in a bill reported by the committee of which he is chairman that, I understand, is intended to be repealed.

Mr. LODGE. It is a provision in the naval appropriation act of 1910.

Mr. CULBERSON. I misunderstood the Senator. I thought it was in a regular appropriation bill from the Committee on Appropriations; but it came from the Committee on Naval Affairs.

Mr. LODGE. It was in an appropriation bill. It was in a bill reported from the Naval Committee making appropriations from July 1, 1910, to the 30th of June, 1911.

Mr. CULBERSON. The matter did not go to the Committee on Appropriations?

Mr. LODGE. Certainly not.

Mr. WARREN. As I understand this matter, it came in the regular naval appropriation bill, which provides each year for the supplies of the Naval Establishment. From the statement made by the Senator from Massachusetts, I think the bill ought to pass.

Mr. CULBERSON. I simply wanted to understand before I gave, as far as I am concerned, consent for present consideration, how the matter struck the chairman of the Committee on Appropriations. I misunderstood the situation.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DUTY ON WOOL—SCHEDULE K.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read:

To the Senate and House of Representatives:

In my annual message to Congress, December, 1909, I stated that under section 2 of the act of August 5, 1909, I had appointed a Tariff Board of three members to cooperate with the State Department in the administration of the maximum and minimum clause of that act, to make a glossary or encyclopedia of the existing tariff so as to render its terms intelligible to the ordinary reader, and then to investigate industrial conditions and costs of production at home and abroad with a view to determining to what extent existing tariff rates actually exemplify the protective principle, viz, that duties should be made adequate, and only adequate, to equalize the difference in cost of production at home and abroad.

I further stated that I believed these investigations would be of great value as a basis for accurate legislation, and that I should from time to time recommend to Congress the revision of certain schedules in accordance with the findings of the board.

In the last session of the Sixty-first Congress a bill creating a permanent Tariff Board of five members, of whom not more than three should be of the same political party, passed each House, but failed of enactment because of slight differences on which agreement was not reached before adjournment. An appropriation act provided that the permanent Tariff Board, if created by statute, should report to Congress on Schedule K in December, 1911.

Therefore, to carry out, so far as lay within my power, the purposes of this bill for a permanent Tariff Board, I appointed in March, 1911, a board of five, adding two members of such party affiliation as would have fulfilled the statutory requirement, and directed them to make a report to me on Schedule K of the tariff act in December of this year.

In my message of August 17, 1911, accompanying the veto of the wool bill, I said that in my judgment Schedule K should be revised and the rates reduced. My veto was based on the ground that, since the Tariff Board would make, in December, a detailed report on wool and wool manufactures, with special reference to the relation of the existing rates of duties to relative costs here and abroad, public policy and a fair regard to the interests of the producers and the manufacturers on the one hand and of the consumers on the other demanded that legislation should not be hastily enacted in the absence of such information; that I was not myself possessed at that time of adequate knowledge of the facts to determine whether or not the proposed act was in accordance with my pledge to support a fair and reasonable protective policy; that such legislation might prove only temporary and inflict upon a great industry the evils of continued uncertainty.

I now herewith submit a report of the Tariff Board on Schedule K. The board is unanimous in its findings. On the basis of these findings I now recommend that the Congress proceed to a consideration of this schedule with a view to its revision and a general reduction of its rates.

The report shows that the present method of assessing the duty on raw wool—that is, by a specific rate on the grease pound (i. e., unscoured)—operates to exclude wools of high shrinkage in scouring but fine quality from the American market and thereby lessens the range of wools available to the domestic manufacturer; that the duty on scoured wool of 33 cents per pound is prohibitory and operates to exclude the importation of clean, low-priced foreign wools of inferior grades, which are nevertheless valuable material for manufacturing, and which can not be imported in the grease because of their heavy shrinkage. Such wools, if imported, might be used to displace the cheap substitutes now in use.

To make the preceding paragraph a little plainer, take the instance of a hundred pounds of first-class wool imported under the present duty, which is 11 cents a pound. That would make the duty on the hundred pounds $11. The merchantable part of the wool thus imported is the weight of the wool of this hundred pounds after scouring. If the wool shrinks 80 per cent, as some wools do, then the duty in such a case would amount to $11 on 20 pounds of scoured wool. This, of course, would be prohibitory. If the wool shrinks only 50 per cent, it would be $11 on 50 pounds of wool, and this is near to the average of the great bulk of wools that are imported from Australia, which is the principal source of our imported wool.

These discriminations could be overcome by assessing a duty in ad valorem terms, but this method is open to the objection, first, that it increases administrative difficulties and tends to decrease revenue through undervaluation; and, second, that as prices advance, the ad valorem rate increases the duty per pound at the time when the consumer most needs relief and the producer can best stand competition; while if prices decline the duty is decreased at the time when the consumer is least burdened by the price and the producer most needs protection.

Another method of meeting the difficulty of taxing the grease pound is to assess a specific duty on grease wool in terms of its scoured content. This obviates the chief evil of the present system, namely, the discrimination due to different shrinkages, and thereby tends greatly to equalize the duty. The board reports that this method is feasible in practice and could be administered without great expense. The scoured content of the wool is the basis on which users of wool make their calculations, and a duty of this kind would fit the usages of the trade. One effect of this method of assessment would be that, regardless of the rate of duty, there would be an increase in the supply and variety of wool by making available to the American market wools of both low and fine quality now excluded.

The report shows in detail the difficulties involved in attempting to state in categorical terms the cost of wool production and the great differences in cost as between different regions and different types of wool. It is found, however, that, taking all varieties in account, the average cost of production for the whole American clip is higher than the cost in the chief competing country by an amount somewhat less than the present duty.

The report shows that the duties on noils, wool wastes, and shoddy, which are adjusted to the rate of 33 cents on scoured wool, are prohibitory in the same measure that the duty on scoured wool is prohibitory. In general, they are assessed at rates as high as, or higher than, the duties paid on the clean content of wools actually imported. They should be reduced and so adjusted to the rate on wool as to bear their proper proportion to the real rate levied on the actual wool imports.

The duties on many classes of wool manufacture are prohibitory and greatly in excess of the difference in cost of production here and abroad.

This is true of tops, of yarns (with the exception of worsted yarns of a very high grade), and of low and medium grade cloth of heavy weight.

On tops up to 52 cents a pound in value, and on yarns of 65 cents in value, the rate is 100 per cent, with correspondingly higher rates for lower values. On cheap and medium grade cloths the existing rates frequently run to 150 per cent and on some cheap goods to over 200 per cent. This is largely due to that part of the duty which is levied ostensibly to compensate the manufacturer for the enhanced cost of his raw material due to the duty on wool. As a matter of fact, this compensatory duty for numerous classes of goods is much in excess of the amount needed for strict compensation.

On the other hand, the findings show that the duties which run to such high ad valorem equivalents are prohibitory, since the goods are not imported, but that the prices of domestic fabrics are not raised by the full amount of duty. On a set of 1-yard samples of 16 English fabrics, which are completely excluded by the present tariff rates, it was found that the total foreign value was $41.84; the duties which would have been assessed had these fabrics been imported, $76.90; the foreign value plus the amount of the duty, $118.74, or a nominal duty of 183 per cent. In fact, however, practically identical fabrics of domestic make sold at the same time at $69.75, showing an enhanced price over the foreign market value of but 67 per cent.

Although these duties do not increase prices of domestic goods by anything like their full amount, it is none the less true that such prohibitive duties eliminate the possibility of foreign competition, even in time of scarcity; that they form a temptation to monopoly and conspiracies to control domestic prices; that they are much in excess of the difference in cost of production here and abroad, and that they should be reduced to a point which accords with this principle.

The findings of the board show that in this industry the actual manufacturing cost, aside from the question of the price of materials, is much higher in this country than it is abroad; that in the making of yarn and cloth the domestic woolen or

worsted manufacturer has in general no advantage in the form of superior machinery or more efficient labor to offset the higher wages paid in this country. The findings show that the cost of turning wool into yarn in this country is about double that in the leading competing country, and that the cost of turning yarn into cloth is somewhat more than double. Under the protective policy a great industry, involving the welfare of hundreds of thousands of people, has been established despite these handicaps.

In recommending revision and reduction I therefore urge that action be taken with these facts in mind, to the end that an important and established industry may not be jeopardized.

The Tariff Board reports that no equitable method has been found to levy purely specific duties on woolen and worsted fabrics and that, excepting for a compensatory duty, the rate must be ad valorem on such manufactures. It is important to realize, however, that no flat ad valorem rate on such fabrics can be made to work fairly and effectively. Any single rate which is high enough to equalize the difference in manufacturing cost at home and abroad on highly finished goods involving such labor would be prohibitory on cheaper goods, in which the labor cost is a smaller proportion of the total value. Conversely, a rate only adequate to equalize this difference on cheaper goods would remove protection from the fine-goods manufacture, the increase in which has been one of the striking features of the trade's development in recent years. I therefore recommend that in any revision the importance of a graduated scale of ad valorem duties on cloths be carefully considered and applied.

I venture to say that no legislative body has ever had presented to it a more complete and exhaustive report than this on so difficult and complicated a subject as the relative costs of wool and woolens the world over. It is a monument to the thoroughness, industry, impartiality, and accuracy of the men engaged in its making. They were chosen from both political parties, but have allowed no partisan spirit to prompt or control their inquiries. They are unanimous in their findings. I feel sure that after the report has been printed and studied the value of such a compendium of exact knowledge in respect to this schedule of the tariff will convince all of the wisdom of making such a board permanent in order that it may treat each schedule of the tariff as it has treated this, and then keep its bureau of information up to date with current changes in the economic world.

It is no part of the function of the Tariff Board to propose rates of duty. Their function is merely to present findings of fact on which rates of duty may be fairly determined in the light of adequate knowledge in accord with the economic policy to be followed. This is what the present report does.

The findings of fact by the board show ample reason for the revision downward of Schedule K, in accord with the protective principle, and present the data as to relative costs and prices from which may be determined what rates will fairly equalize the difference in production costs. I recommend that such revision be proceeded with at once.

WM. H. TAFT.

THE WHITE HOUSE, *December 20, 1911.*

The VICE PRESIDENT. The message will be printed and referred to the Committee on Finance.

Mr. PENROSE. Mr. President, I desire to state for the information of the Senate that the report of the Tariff Board is a very voluminous document, embracing, I am informed, some seven volumes. Acting under a resolution passed at the beginning of the present Congress authorizing the Finance Committee to have certain printing done, an order has been made for the printing of a thousand copies of the message of the President, including the report of the Tariff Board. That will, of course, be available to every Member of the Senate on application. Later on, when it can be ascertained how extensive will be the demand for this publication, and to what extent it will be published by the House of Representatives, it will be for the Senate to authorize another edition which will meet any demand for this very important communication.

Mr. WARREN. Mr. President, I hope the Senator will, at an early date, proceed in some manner to provide for a larger number of copies, because the requests already in will more than exhaust, in my opinion, the number which the Senator has mentioned as about to be printed.

Mr. PENROSE. I have already suggested, Mr. President, that later on another edition would doubtless be authorized, perhaps by the Senate itself, but in the meanwhile it is desirable to ascertain the cost of the printing, and it may be that amendments and alterations will be necessary in the first edition of the publication.

Mr. BURTON. Mr. President, may I ask the Senator——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Ohio?

Mr. PENROSE. Yes.

Mr. BURTON. May I ask the Senator from Pennsylvania how soon this report will be printed and available for distribution?

Mr. PENROSE. The order was issued this morning, and the chairman of the Committee on Printing informs me that within four or five days the report ought to be printed and available.

Mr. SMOOT. Mr. President, I should like to ask if the report of the Tariff Board came over with the message?

The VICE PRESIDENT. The present occupant of the chair happened to be in the House of Representatives when the message was there received and saw the various documents left with that body. Accompanying the message to the Senate is a note reading:

NOTE.—Report accompanied similar message to the House of Representatives.

Mr. SMOOT. I will say, further, Mr. President, that the message of the President of the United States is a small document, and the Joint Committee on Printing can order whatever number of copies Senators may desire; but the report, as stated by the Senator from Pennsylvania, will take about four or five days to be printed, as there will be six or seven volumes of it. There can be a reprint, of course, by resolution of the Senate.

Mr. GALLINGER. Mr. President, does the Senator think that that report, consisting of seven volumes, will be printed and indexed in four or five days?

Mr. SMOOT. I believe, Mr. President, that the report can be printed within that time.

Mr. GALLINGER. And has it been indexed, I will ask the Senator?

Mr. SMOOT. I hardly think it has been indexed.

Mr. GALLINGER. The report will be utterly valueless unless there is a proper index made. We have had experience heretofore in such matters.

Mr. SMOOT. Whatever extra time will be required to prepare an index will, of course, be added to the estimate which is suggested here.

Mr. PENROSE. A separate volume can be printed at any time containing an index, I take it. The great thing is to have some copies of this report now available for distribution.

Mr. GALLINGER. Yes; but does the Senator think there is anyone in this country who would read through those seven volumes unless he had an index to guide him to the points that he wished to consult?

Mr. PENROSE. Of course an index ought to be furnished as promptly as possible. Mr. President, I would suggest to the Senator from Utah the propriety of having this message printed as a Senate document.

Mr. SMOOT. It is a document already, but, as chairman of the Joint Committee on Printing, I can order 30,000, or more if required, and that I shall be glad to do.

Mr. WARREN. Mr. President, I trust the Senator will order immediately the printing of as many copies of the message as can be done without joint action. There are only about two or three hundred that will be supplied for the document room, unless the Senator will move in the matter, and I suggest that he have an extra number printed.

Mr. SMOOT. I will promise the Senator that I shall order printed the number of copies of the message of the President as required within the limit of cost of $200.

REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on Naval Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 3640. To amend certain sections of the Revised Statutes of the United States, and to provide for the designation of fleet staff officers in the Navy (Rept. No. 150);

S. 3643. An act to provide for the examination for promotion of officers of the Navy by a single examining board, and for other purposes (Rept. No. 151); and

S. 3646. An act to amend an act entitled "An act to promote the administration of justice in the Navy," to amend section 1624 of the Revised Statutes, and for other purposes (Rept. No. 152).

He also, from the same committee, to which was referred the bill (S. 3211) authorizing that commission of ensign be given midshipmen upon graduation from the Naval Academy, reported it without amendment.

Mr. PERKINS, from the Committee on Naval Affairs, to which was referred the bill (S. 290) to authorize the appoint-

ment of dental surgeons in the United States Navy, reported it without amendment and submitted a report (No. 153) thereon.

Mr. MARTIN of Virginia, from the Committee on Commerce, to which was referred the bill (S. 3373) authorizing the construction of a bridge across the Connecticut River, in the State of Connecticut, between the towns of East Haddam and Haddam, reported it without amendment and submitted a report (No. 154) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CULLOM:

A bill (S. 3968) granting an increase of pension to Minnie B. Thompson (with accompanying papers); to the Committee on Pensions.

By Mr. TAYLOR:

A bill (S. 3969) for the relief of the city of Nashville, Tenn. (with accompanying papers); and

A bill (S. 3970) for the relief of Davidson County, Tenn. (with accompanying papers); to the Committee on Claims.

A bill (S. 3971) for the adjudication and determination of the claims arising under joint resolution of July 14, 1870, authorizing the Postmaster General to continue to use in the postal service Marcus P. Norton's combined postmarking and stamp-canceling hand stamp, and directing him to determine upon a fair, just, and equitable compensation for the use of the said inventions; to the Committee on Post Offices and Post Roads.

A bill (S. 3972) granting an increase of pension to William Riddle (with accompanying papers); to the Committee on Pensions.

By Mr. GUGGENHEIM:

A bill (S. 3973) to increase the limit of cost of the United States public building at Grand Junction, Colo.;

A bill (S. 3974) to increase the limit of cost of the United States public building at Denver, Colo.; and

A bill (S. 3975) to acquire a site for a public building at Monte Vista, Colo.; to the Committee on Public Buildings and Grounds.

A bill (S. 3976) granting an increase of pension to Frederick H. Williams;

A bill (S. 3977) granting an increase of pension to John W. Weeks (with accompanying papers);

A bill (S. 3978) granting an increase of pension to John Weaver (with accompanying papers);

A bill (S. 3979) granting an increase of pension to Martha A. Shute (with accompanying papers);

A bill (S. 3980) granting an increase of pension to William Robertson (with accompanying papers);

A bill (S. 3981) granting an increase of pension to Matthew L. Richmond (with accompanying papers);

A bill (S. 3982) granting an increase of pension to Titus S. Rector (with accompanying papers);

A bill (S. 3983) granting an increase of pension to William D. Otis (with accompanying papers);

A bill (S. 3984) granting a pension to Mary M. Keistler (with accompanying papers);

A bill (S. 3985) granting an increase of pension to Lizzie B. Nelson (with accompanying papers);

A bill (S. 3986) granting a pension to Charles V. Harris (with accompanying paper);

A bill (S. 3987) granting an increase of pension to George C. Brinkerhuff (with accompanying paper);

A bill (S. 3988) granting a pension to Edward B. Cloud (with accompanying papers);

A bill (S. 3989) granting an increase of pension to Miller A. Bell (with accompanying paper);

A bill (S. 3990) granting an increase of pension to Miles J. Burns (with accompanying paper);

A bill (S. 3991) granting an increase of pension to Raphael Cake (with accompanying paper);

A bill (S. 3992) granting an increase of pension to Mary A. Clark (with accompanying paper);

A bill (S. 3993) granting an increase of pension to Charlotte R. Coe (with accompanying paper);

A bill (S. 3994) granting an increase of pension to George Ebert (with accompanying papers);

A bill (S. 3995) granting an increase of pension to Julian Espinoza (with accompanying paper);

A bill (S. 3996) granting an increase of pension to J. A. Funk (with accompanying paper);

A bill (S. 3997) granting an increase of pension to Alwin Hoff (with accompanying paper);

A bill (S. 3998) granting an increase of pension to George W. Leslie (with accompanying paper); and

A bill (S. 3999) granting an increase of pension to Loomis Near (with accompanying paper); to the Committee on Pensions.

By Mr. WETMORE:

A bill (S. 4000) granting an increase of pension to Patia A. Downing (with accompanying paper); to the Committee on Pensions.

By Mr. BROWN:

A bill (S. 4001) granting an increase of pension to Manning Abbott; to the Committee on Pensions.

By Mr. NIXON:

A bill (S. 4002) defining the manner in which deposits of borax, borate of lime, borate of soda, and borate material may be acquired; to the Committee on Mines and Mining.

By Mr. KENYON:

A bill (S. 4003) to amend section 17, chapter 296, Fourteenth Statutes at Large; to the Committee on the Judiciary.

By Mr. GAMBLE:

A bill (S. 4004) to authorize the use of the funds of certain Northern Cheyenne Indians; and

A bill (S. 4005) authorizing the Secretary of the Interior to dispose of the merchantable timber on the unallotted lands within the Bad River Indian Reservation in the State of Wisconsin, and for other purposes; to the Committee on Indian Affairs.

By Mr. STONE:

A bill (S. 4006) to amend an act entitled "An act to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri," approved July 3, 1884; to the Committee on Commerce.

Mr. STONE. Mr. President, I have a bill which I desire to introduce for the relief of the J. Kennard & Sons' Carpet Co., of St. Louis, the object of which is to have returned to that company certain customs penalties imposed on imports. I ask that the bill be referred to the Committee on Finance.

The VICE PRESIDENT. The Chair thinks that is the proper reference.

The bill (S. 4007) for the relief of the J. Kennard & Sons' Carpet Co., was read twice by its title and referred to the Committee on Finance.

By Mr. KERN:

A bill (S. 4008) granting an increase of pension to Marie Parker Devor (with accompanying paper); to the Committee on Pensions.

By Mr. DILLINGHAM:

A bill (S. 4009) granting a pension to Nathan R. Moody (with accompanying paper); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 4010) granting an increase of pension to Samuel G. Whitley (with accompanying papers);

A bill (S. 4011) granting an increase of pension to Julia M. Gordon (with accompanying paper);

A bill (S. 4012) granting an increase of pension to William H. Weber (with accompanying papers);

A bill (S. 4013) granting an increase of pension to Richard S. Robbins (with accompanying papers);

A bill (S. 4014) granting an increase of pension to George Kelzler (with accompanying papers);

A bill (S. 4015) granting an increase of pension to B. F. Hudson (with accompanying papers);

A bill (S. 4016) granting an increase of pension to James S. Evans (with accompanying papers);

A bill (S. 4017) granting an increase of pension to James F. Seacord (with accompanying papers);

A bill (S. 4018) granting an increase of pension to George Berry (with accompanying papers);

A bill (S. 4019) granting an increase of pension to Franklin Fordyce (with accompanying papers);

A bill (S. 4020) granting an increase of pension to August Schurman (with accompanying papers); and

A bill (S. 4021) granting an increase of pension to Samuel J. Riley (with accompanying papers); to the Committee on Pensions.

A bill (S. 4022) for the relief of George F. McClelland for losses sustained while postmaster at Frederick, Kans. (with accompanying paper); to the Committee on Post Offices and Post Roads.

A bill (S. 4023) for the purchase of the Oldroyd collection of Lincoln relics, and for other purposes; to the Committee on the Library.

A bill (S. 4024) providing for a military highway between Forts Leavenworth and Riley by way of Topeka, Kans.; to the Committee on Military Affairs.

By Mr. PENROSE:

A bill (S. 4025) granting an increase of pension to William A. Haddan (with accompanying papers); to the Committee on Pensions.

By Mr. BURNHAM:

A bill (S. 4026) granting an increase of pension to Richard F. Murphy; and

A bill (S. 4027) granting an increase of pension to Joseph C. Kilburn; to the Committee on Pensions.

HEARINGS BEFORE THE COMMITTEE ON FOREIGN RELATIONS.

Mr. CULLOM submitted the following resolution (S. Res. 169), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Foreign Relations be, and is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee and to have the same printed for its use, and that such stenographer be paid out of the contingent fund of the Senate.

ASSISTANT CLERK TO THE COMMITTEE ON THE PHILIPPINES.

Mr. GUGGENHEIM submitted the following resolution (S. Res. 170), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the Philippines be, and it is hereby, authorized to employ an assistant clerk, at a salary of $900 per annum, said salary to be paid out of the contingent fund of the Senate until otherwise provided by law.

SERVICE OF CERTAIN LINE OFFICERS OF THE ARMY.

Mr. DU PONT submitted the following resolution (S. Res. 171), which was read and referred to the Committee on Military Affairs:

Resolved, That the Secretary of War be, and he is hereby, directed to furnish the Senate with a statement showing the names, rank, and organizations of all officers of the line of the Army who, during the six years ending July 31, 1911, had not served four years in the organizations in which they were respectively commissioned and who, on November 30, 1911, were still absent from said organizations, also showing in the case of each officer so absent the nature and duration of all of his detached service as a commissioned officer, the total amount of such detached service, and the total length of his commissioned service.

SENATE BARBER SHOP AND BATHROOMS.

Mr. KENYON submitted the following resolution (S. Res. 172), which was read and referred to the Committee on Rules:

Resolved, That the free Senate barber shop and bathrooms be abolished or a plan be arranged by the proper committee so that compensation will be paid for service by those to whom service is rendered.

ASSISTANT CLERK TO THE COMMITTEE ON INTERSTATE COMMERCE.

Mr. CLAPP submitted the following resolution (S. Res. 173), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Interstate Commerce be, and it is hereby, authorized to employ an assistant clerk, at a salary of $2,000 per annum, said salary to be paid out of the contingent fund of the Senate until otherwise provided by law.

HOUR OF MEETING THURSDAY.

Mr. GALLINGER. Mr. President, to accommodate Senators who have mentioned the matter to me, I move that when the Senate adjourns to-day it be to meet at 12 o'clock to-morrow.

The motion was agreed to.

SNAKE RIVER BRIDGE, WASHINGTON.

Mr. POINDEXTER. I ask unanimous consent for the present consideration of the bill (S. 3484) to authorize the construction of a bridge across the Snake River between Walla Walla and Franklin Counties, in the State of Washington, by the Oregon-Washington Railroad & Navigation Co.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COMPENSATION OF DISTRICT COURT CLERKS.

Mr. CHILTON. I ask unanimous consent to call up the bill (S. 1772) to amend section 839 of the Revised Statutes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments.

The amendments were, on page 1, line 3, after the word "assembled," to insert: "That section 839 of the Revised Statutes be, and the same is hereby, amended and reenacted"; and in line 7, after the words "Attorney General," to strike out "except as provided in the next section and in section 842," so as to make the bill read:

Be it enacted, etc., That section 839 of the Revised Statutes be, and the same is hereby, amended and reenacted so as to read as follows:

"That no clerk of the district court shall be allowed by the Attorney General to retain of the fees and emoluments of his office, for his personal compensation, over and above his necessary office expenses, including necessary clerk hire, to be audited and allowed by the proper accounting officers of the Treasury, a sum exceeding $5,000 a year for any such district clerk, or exceeding that rate for any time less than a year."

SEC. 2. That this act shall take effect and be in force on and after January 1, 1912.

The amendments were agreed to.

Mr. HEYBURN. I should like to make an inquiry. I observe that the committee has stricken out the words "except as provided in the next section and in section 842," after the provision "that no clerk of the district court shall be allowed by the Attorney General." It seems to me that "allowed by the Attorney General" is an inappropriate term.

The statute provides for the designation and the manner of the designation of clerks of the United States courts, and it is not by allowance by the Attorney General. It seems to me that this will result in a change in the manner of appointing or designating these clerks. I ask the Senator from West Virginia whether consideration has been given to that question?

Mr. CHILTON. I will say to the Senator from Idaho that the only amendment to section 839 is striking out the amount "$3,500" and inserting "$5,000." The bill is exactly in the language of the former law. The Senator's understanding is not in accordance with the statute as it now is.

Mr. HEYBURN. I can not hear the Senator from West Virginia plainly.

Mr. CHILTON. I say the words "allowed by the Attorney General" are in the law as it is now. The Senator is mistaken.

Mr. HEYBURN. I will say to the Senator they are there in connection with the general provisions as to the manner of the designation of these officers. This would make it seem as though that was the only method for the appointment of those officers. They do not hold their office by virtue of a designation by the Attorney General.

Mr. CHILTON. This does not refer to the appointment of the clerks. It refers to the pay of the clerks.

Mr. HEYBURN. I have no objections to urge against any change in the compensation to be paid these officers. I merely do not want any misapprehension as to the application of the first part of that section.

Mr. CLARK of Wyoming and Mr. BROWN addressed the Chair.

The VICE PRESIDENT. The Senator from Idaho has the floor. Various Senators wish the Senator to yield. To whom does the Senator from Idaho yield?

Mr. HEYBURN. I yield to the Senator from Nebraska.

Mr. BROWN. I desire to call the attention of the Senator from West Virginia to the fact that the Senator from Iowa [Mr. CUMMINS] expressed a desire to be heard on this bill, to which he has objections. If I am not mistaken, this is the bill.

Mr. NELSON. Mr. President——

Mr. CHILTON. I did not understand the Senator from Nebraska.

The VICE PRESIDENT. The Senator from Idaho has the floor. Does he yield to the Senator from Minnesota?

Mr. HEYBURN. Yes; I will yield. I want information.

Mr. NELSON. The bill here uses the exact language of the statute. I will read the section proposed to be amended:

SEC. 839. No clerk of a district court or clerk of a circuit court shall be allowed by the Attorney General, except as provided in the next section and in section 842, to retain of the fees and emoluments—

and so forth.

The amended bill uses the exact language of the statute.

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. Yes.

Mr. CLARK of Wyoming. If the Senator from Idaho will read the bill carefully, he will see that it is very plain in its terms and very accurate in its grammatical construction. It is that no clerk shall be allowed by the Attorney General a compensation in excess of so much. The word "allowed" refers to the compensation and to that alone, and it is so in the old law, and the old law is copied exactly into the new, except as to the amount of compensation.

The bill as it reads and as it is presented to the Senate for action is as follows:

That no clerk of the district court shall be allowed by the Attorney General to retain of the fees and emoluments of his office, for his personal compensation, over and above his necessary office expenses * * *, a sum exceeding $5,000.

It seems to me that the language is perfectly plain, good English, and can not be misunderstood. The reference is not to the appointment of the clerk, but to the allowance by the Attorney General of his compensation.

Mr. HEYBURN. I was not intending to criticize the construction either from an artistic or a grammatical standpoint.

I was dealing with another phase of this question. The new law goes into effect on January 1, and we are naturally put on notice as to what changes may be made in the law at this particular time. I think all amendatory measures should go over until the new law goes into effect. We should not be amending the old law at this time. We should wait until the new law is in effect, so that the references may be to the new statute.

Mr. CHILTON. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from West Virginia?

Mr. HEYBURN. I yield to the Senator from West Virginia.

Mr. CHILTON. I want to say that when I called up this bill I was not aware that the Senator from Iowa [Mr. CUMMINS] desired to be heard upon it or had any serious objection to it. I thought he had stated his objections in the Judiciary Committee hearings. But since I have learned that possibly the Senator from Iowa will want to be heard upon this matter, I ask that the bill go over, as suggested by the Senator from Nebraska.

The VICE PRESIDENT. The Senator from West Virginia withdraws the request for the present consideration of the bill, and the bill will remain upon the calendar.

Mr. HEYBURN. Mr. President, I have the floor, and I desire to say in connection with the withdrawal of the bill that I sincerely hope all proposed legislation affecting the judiciary title will be deferred until after the new judiciary title goes into effect, which will be on the 1st of January.

Mr. CLARK of Wyoming. Mr. President, I thoroughly sympathize with the views of the Senator from Idaho as a general proposition, but there are some peculiar matters that appear to require action before the time when that code does go into effect, and this is one of them which the Committee on the Judiciary has considered.

If I may be pardoned, although the matter is not before the Senate, I should like to make a statement for the consideration of the Senator from Idaho.

By the new code, which goes into effect the 1st of January, the circuit courts are abolished.

Mr. HEYBURN. That is why they want to hurry this through.

Mr. CLARK of Wyoming. That is exactly why they want to hurry this through, for by that abolishment the office of clerk of the circuit court is abolished, and the work formerly done by the circuit court clerk and the district court clerk must be performed by one man. Under the present rule there are many districts where the two offices are served by the same man. The emoluments of the office up to this time amount sometimes to $3,000, sometimes to $3,500, sometimes to $4,000, $5,000, or $6,000, and the limit of the present law is $7,000—that is, $3,500 for each office.

The new code, going into effect, cuts it down arbitrarily, without reference to the amount of work the clerks have to do and without reference to the amount of fees which the office earns, to $3,500, which is the maximum. It was thought by the Judiciary Committee that that had not been intended by the revision and by the abolition of the circuit court, that it had not, perhaps, even been considered, and they thought it was well at this time to fix the maximum which the clerks might earn at $5,000. That is the purpose of this legislation, and of course if we are going to act along that line, it is quite essential that we do so before the new code goes into effect on the 1st of January.

I merely desired to make this statement. That is exactly what is intended.

Mr. HEYBURN. Mr. President, the question was considered at length. No class of citizens claimed more attention at the hands of the Committee on the Revision of the Laws than did the clerks of the United States courts. The correspondence was voluminous and the personal petitions were numerous. The committee think the difficulty suggested by the Senator from Wyoming can be readily met and overcome.

This is an attempt—and I say it without any intention of disrespect—to anchor certain clerks in their positions, so that they will have a position more advantageous than other clerks after the law goes into effect. It is like putting them on a pension list. If Senators could see the correspondence on this subject and the varying and various views that have been expressed, each one wanting that which would be directed only to a particular office, they would understand under what pressure the committee acted in framing the existing law. It is the law. That is, it is not operative until the 1st of January, but it has received the approval of Congress and the signature of the President.

Now, if we go into this particular class of clerks, then there is another class which is just as important in their demands. We had the question thoroughly thrashed out. There is ample power, through the means of deputies appointed under the provisions of law, to provide for these persons who will be out of office because of the abolishment of the United States circuit courts. There will be no difficulty in providing for them. I am thoroughly in favor of an increase in the pay of the clerk of the court. His duties will be somewhat increased, but he will have more help, and it was supposed that, out of consideration of the fact that these men had been appointed without any reason to expect they would be legislated out of office, provision had been made for taking care of them as deputies whichever way it may work.

The principal clerk will be the clerk of the district court, and the clerk of the circuit court will be out of office, but he may be the assistant, as a deputy, to the clerk of the district court. We can not undertake, either by indirection or by direct legislation, to maintain an entire circuit-court force of clerks after the circuit court is abolished, and we ought not to try it.

This question is worthy of more consideration than it can be given under existing circumstances, and I am glad it has gone over.

The VICE PRESIDENT. In order that the record may be straight, before the objection of the Senator from Idaho, the amendments reported by the committee had been agreed to. The Chair then announced that the request of the Senator from West Virginia for the present consideration of the bill had been withdrawn. The Chair thinks the record should show that the Senate has reconsidered its action in passing upon the amendments. If there be no objection, the record will so show.

Mr. CHILTON. Mr. President, I do not want to have the statement appear upon the record that I am in favor of anchoring any lot of people in a permanent position. On the contrary, I am opposed to life positions, and I would vote at any time to put the clerks of the United States courts upon a term rather than have them for life.

I further want to say to the Senate that this measure was recommended by the Attorney General. It was recommended by every Federal judge who corresponded with the committee upon the subject. My only purpose in introducing the bill, and the purpose of the committee in reporting it favorably was stated by the chairman of the committee, the Senator from Wyoming. I have no personal interest in the bill whatever. I simply wanted to straighten up the law and have it so that all these clerks would be upon a basis when the law went into effect on the 1st of January.

PAY OF EMPLOYEES.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the amendment of the Senate to the joint resolution (H. J. Res. 185) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1911, on the 20th day of said month, which was, in line 6, to strike out "twentieth" and insert "twenty-first," and to amend the title by striking out, in the third line, "twentieth" and inserting "twenty-first."

Mr. WARREN. I move the concurrence of the Senate in the amendment of the House to the amendment of the Senate to the joint resolution.

The motion was agreed to.

PAY OF CERTAIN EMPLOYEES.

Mr. WARREN. I am directed by the Committee on Appropriations, to which was referred the joint resolution (H. J. Res. 189) to pay Members, Delegates, and Resident Commissioners their allowance for clerk hire for December, 1911, on the 21st day of that month, to report it favorably without amendment, and I ask for its present consideration. This is of the same nature as House joint resolution 185, and applies to the clerks of Members of Congress.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

The VICE PRESIDENT. The calendar is in order under Rule VIII.

Mr. CULLOM. I believe we shall have to have a little executive session to-day, and I move——

Mr. LODGE. I hope the Senator will withhold the motion a moment.

Mr. CULLOM. I will do so.

Mr. LODGE. I merely desire to say that I am informed the House has concurred in the amendment of the Senate to the joint resolution relating to the treaty of 1832 with Russia, and it will be necessary for the Senate to remain in session so that

the joint resolution may receive the signature of the Presiding Officer. If we are to go into executive session now, I want to have it understood that we shall return to legislative session.

Mr. CULLOM. Mr. President, I will not move the executive session at this time, but will wait.

AMERICAN ACADEMY IN ROME.

Mr. ROOT. I ask unanimous consent to call up the bill (S. 125) to permit the American Academy in Rome to enlarge its purposes, and for other purposes.

The VICE PRESIDENT. The bill will be read for information.

The Secretary read the bill, as follows:

Be it enacted, etc., That the American Academy in Rome, incorporated by the act of Congress approved March 3, 1905, may, by a resolution of its board of trustees, enlarge its purposes so as to include the study and investigation of the archæology, literature, and history of the classical and later periods; and that the said corporation may take and hold real and personal property to an amount not exceeding $3,000,000.

Mr. BAILEY. Mr. President——

Mr. ROOT. There is a very brief report, which I will ask to have read.

Mr. BAILEY. Is the matter before the Senate on a request for unanimous consent?

The VICE PRESIDENT. It is before the Senate on a request for present consideration.

Mr. BAILEY. Pending that request, I desire to ask if the corporation whose charter it amends is limited to the District of Columbia. If so, I have no objection to it.

Mr. ROOT. It is a corporation of the District of Columbia.

The VICE PRESIDENT. Is there objection to the present consideration of the bill? The chair hears none, and the bill is before the Senate as in Committee of the Whole.

Mr. BAILEY. Let the Secretary read the title.

The SECRETARY. A bill (S. 125) to permit the American Academy in Rome to enlarge its purposes, and for other purposes.

Mr. BAILEY. Mr. President, that is the American Academy in Rome. I do not quite understand how that is a District of Columbia corporation; but I am sure it is, because the Senator from New York says it is.

Mr. ROOT. That is my understanding of it. It was incorporated under an act of Congress of March 3, 1905.

Mr. BAILEY. I understand; but is it incorporated as a District of Columbia corporation?

Mr. ROOT. Yes; that is my understanding.

Mr. BAILEY. Of course, the description would be immaterial if the law makes it a District of Columbia corporation.

Mr. ROOT. It is a District of Columbia corporation, authorized to maintain this school in Rome, which is designed to take pupils from all over the United States, upon competition, for the purpose of giving them instruction in the fine arts at first hand. There is a very brief report. I suggest that the Secretary read the report.

The VICE PRESIDENT. The Secretary will read the report.

The Secretary read the report submitted by Mr. ROOT August 4, 1911, as follows:

The Committee on the Library, to whom was referred the bill (S. 125) to permit the American Academy in Rome to enlarge its purposes, and for other purposes, have had the same under consideration and report it back without amendment.

The American Academy in Rome was created as a corporation of the District of Columbia by the special act of Congress approved March 3, 1905.

The object of the incorporation was—

"for the purpose of establishing and maintaining an institution to promote the study and practice of the fine arts and to aid and stimulate the education and training of architects, painters, sculptors, and other artists, by enabling such citizens of the United States as shall be selected by competition from among those who have passed with honor through leading technical schools or have been equally well qualified by private instruction or study to develop their powers and complete their training under the most favorable conditions of direction and surroundings."

The limit of property which the corporation was authorized to hold was fixed, at the suggestion of the incorporators, at $1,000,000. The purpose of the incorporators was to raise an endowment fund of that amount. About $800,000 was raised very shortly after the incorporation, and the balance of the million-dollar fund is now practically assured, partly by a bequest made by Mr. Charles F. McKim in his will and partly by additional subscriptions.

The school is in active operation, occupying a villa in Rome which it hires for the purpose.

Mrs. Clara J. Heyland, an American woman who recently died in Rome, has now devised to the academy a valuable piece of real estate known as the Villa Aurelia, well adapted to make a permanent home for the school. Following is an extract from Mrs. Heyland's will:

"XII. It is my wish and intention, and I do hereby declare, that I bequeath my Villa Aurelia, with the piece of land (a triangle in shape) situate in Rome, Italy (the first on the Via Garibaldi and the second on the Via Angelo Massimo), to the trustees of the present 'American Academy,' now situated in the Via Nomentana, Rome, Italy, in order that it may become the permanent home of 'the Academy of America' (here note change of manner in name of academy, which I also stipulate shall eventually take place as soon as conveniently can be).

"This gift to America, the land of my birth, is to take the form of a memorial in memory of my parents, Alfred du Pont Jessup and Matilda Nagle, either on the decease of my said husband, Alexander S. Heyland, or at any time he may direct during his lifetime, when I also bequeath its—the villa's—contents, contents of gardens, etc., for the use and enjoyment of the academy. At such time, also, I bequeath to the academy the contents, such as fixtures, furniture, pictures, works of art, curiosities, books, bric-a-brac, carpets, curtains, etc., in the hope that the larger and more valuable pieces may be left, as much as possible, where they now stand, and that they may be the beginning of that collection of works of art and gifts which I hope will be given from time to time hereafter by my countrymen for the enrichment and embellishment in a suitable manner of the academy."

The property is valued at between $200,000 and $300,000, and this gift, together with the endowment fund, would bring the property of the academy above the limit fixed in the statute. It is primarily to enable the academy to receive and use the Villa Aurelia that the change is desired.

The enlarged accommodations of the academy will permit it to take in another American school in Rome long existing under the name of American School of Classical Studies in Rome, and the change in statement of purpose contained in the bill is to make that possible.

Mr. BAILEY. Mr. President, without intending to be the least offensive in the statement, I am compelled to say that the pretense of creating this corporation for District of Columbia purposes is obviously a false pretense. That academy was not created for the purpose of operating in the District of Columbia. That academy, I judge from this report, and particularly from the excerpt taken from the will, which has just been read at the desk, is never intended to perform any of its functions in the District of Columbia.

Just exactly how the Federal Government derives the power to create a corporation for the purpose of promoting educational institutions at Rome is beyond my understanding. Of course, under the modern theory that the Government has the power to do whatever it chooses to do, I suppose the Senator from New York is not required to enlighten me on that point; but I still entertain the old-fashioned and obsolete opinion that the Congress of the United States must find some provision in the Constitution to which it can refer every bill it passes.

I perfectly understand that Congress has been given a power to promote the progress of science and the useful arts, but the Constitution limited its power in that respect to the grant of patents and copyrights, and beyond the power to issue copyrights and patents to authors and inventors I do not believe that this Government possesses any power to take any substantive action looking to the promotion of art or science or learning outside of the District of Columbia or the Territories of the United States.

If we have the power to create a corporation to establish an academy at Rome, then I can see no limit on our power, because that power, if it exists at all, must spring simply from the nature and character of the Government and can not be traced to any provision of the Constitution.

Mr. President, I believe in promoting education, although I am very free to say that until every hill in America is crowned with a public-school house I am not disposed to encourage the extravagance which would donate millions to educate our countrymen in a foreign land. After a man has acquired sufficient education or has obtained skill in painting or other arts sufficient to take him to Rome to pursue his studies he has passed the point where such things are essential to his good citizenship. It is upon the millions who struggle far beneath that point upon whose education this Government may well bestow its solicitude; and until those millions have struggled up to a point where they can see this light of knowledge I am not very anxious to promote these contributions, first limited to a million, now proposed to be extended to three millions, and, as indicated in that will, all this simply the forerunner of greater donations yet to be made by American citizens to beautify an academy in a foreign country.

Mr. President, it is ungracious, I suppose, to object to these contributions by the dead, and it subjects a man to the imputation of narrowness and even of ignorance to protest against the establishment of any kind of an institution devoted to science and to the useful arts. If the rich see fit to dispose of their fortunes in that way, that is their concern, not mine. If, forgetting the youth of our own land, many of whom are denied the priceless blessing of even a common-school education, they choose to devote their fortunes to the higher education of special classes, that is their concern, not mine. But when the Congress of the United States is asked to give its sanction to that procedure, and is asked to sanction it in a way which, I think, is beyond its power, ungracious as it may seem, I feel constrained to protest.

Had I known exactly the character of this measure I should have objected to its present consideration, but as I consented that it should be considered, there is nothing left for me to do except to cast my vote against it.

Mr. ROOT. Mr. President, the original bill, which the Senate is now asked to amend in these not very material matters, was much considered.

It did not pass either House of Congress sub silentio; it was amended in many ways; and was a deliberate and conscious exercise by the Congress of its power as the local legislature for the District of Columbia to create a corporation which should carry on a part, and the major part, of its operations in a foreign land.

Mr. BAILEY. Will the Senator from New York permit me to ask him what part of its operations are carried on in the District of Columbia?

Mr. ROOT. The general business of the corporation—its financial business—and that part of the competitive examination of young Americans which falls naturally within the District. It is a corporation of the District of Columbia which maintains in the city of Rome a school for the benefit of American youth, selected by competition from all parts of the United States, in order, not that the city of Rome may be benefited, not that an institution may be maintained there, but in order that the people of the United States may have of their own sons and daughters an advancement in taste and in the knowledge of those arts which promote so greatly the happiness of mankind; in order that our Americans may not be confined to obtaining their knowledge and education in art at second hand, but may be enabled to go to the fountain source from which the art of the world is so greatly drawn.

Mr. President, my mind goes back to that great court of honor at Chicago, where millions of our people derived a new sense of the beauty and the dignity which could be made to adorn our Republic, and to the birth there of an interest in art and a capacity to derive pleasure from it which has gone all over our land and which is changing and developing our cities and our towns. I for one believed that the American people were ready to show that a sense of art, that a love of beauty, that a desire for what is dignified and stately need not be confined to monarchies or aristocracies, but might have a home in a republic. I believed that the American people were ready to welcome the perfection of their own children in the practice of those noble and beautiful arts, and I hailed the formation of this institution as affording an opportunity which should be welcomed and which we had long needed.

I believe, sir, that after men have eaten all they can and drunken all they can and worn all the clothes they need to keep them warm—after all the material wants are satisfied—there is a great accretion of happiness to be obtained from the cultivation of taste. In believing that I stand with the fathers of the Republic. Washington and Jefferson and the men who made the Republic were devoted to the same principles which have led to the establishment of this institution.

Mr. BAILEY. But they did not have any academy at Rome.

Mr. ROOT. They had no academy at Rome, but they had Thomas Jefferson in Europe to acquire and bring back and urge upon the people of this country the ideas which he acquired there and to go through the very process which we hope these young Americans will go through in their visit to Rome.

Mr. President, I hope that the Senate of the United States is not prepared to turn back in the course of development which the people of our country have entered upon and in which they are making such creditable and commendable progress, and that this slight enlargement of the capacity of this institution to receive this gift, prompted by patriotic sentiment on the part of this lady, will not be prevented.

Mr. BAILEY. Mr. President, of course the Senator from New York has a great advantage over me in matters of this kind. He has felt his soul expand while contemplating those great works of art, and that privilege has been denied me. I am incapable of appreciating all the magnificence of Europe because I have been a little too busy most of my life and too poor the rest of my life to indulge myself in the pleasures and instruction of European travel; but I am somewhat consoled that what I do know I have learned in this country, and up to this time it has been deemed sufficient for all the purposes to which I have applied myself; and it seems to me that if we can prepare ourselves to govern this greatest of all Republics by studies in our own country, we shall not suffer very much if we miss the excellence of European art.

I did not, however, arise so much to say this as I did to say that the statement of the Senator from New York about Mr. Jefferson was not altogether fortunate. The only mistakes Mr. Jefferson ever made in his life touching public and governmental questions were the mistakes that he brought back with him from France, where he unfortunately became imbued for a time with the leveling doctrines that culminated in the French Revolution. I would be almost willing to repeat word for word and as my own creed everything Thomas Jefferson wrote touching the rights of man and the relations of government to the citizens, except that portion of his writings, which I regret to say bears the evidence of his association with European people.

If the European people are so much better than we—and they may be; having no acquaintance with them I am not qualified to speak upon that subject—but if they are so much better than we, and if they can teach us the arts and sciences, perhaps we shall next be asked to receive instruction from them in the greatest of all arts—the art of governing a great country. Until I am persuaded that they know more about these everyday questions than we do, I am not so very anxious to learn more than we now know about these mere matters of ornament and decoration.

I love to see a picture, and I love to see beautiful pictures on the wall of every home, but I would infinitely rather see every family first have a comfortable home—for they are nurseries of good citizenship—than to see great paintings multiplied on the walls of magnificent mansions. I am not able to believe that we are half as much interested in the highest culture of the classes as we are in the average education of the masses. That declaration may surprise those people who are in the habit of calling me a Tory in these evil days, but notwithstanding my political opinions are not always well received in this time, it is still true, Mr. President, that I cling to the old faith and I am willing also to cling to old methods. I never can believe—or at least I do not believe I can ever be educated up to the point that I shall believe—that it is a matter of deep concern to this country or to these people that rich and charitable people shall provide a way to educate us abroad beyond anything afforded to us at home. Consequently I think we belittle our country when we acknowledge the necessity of teaching our children in another country.

Let us not misunderstand what I have said. If any man be able, without Government assistance or Government authority, to send his children to Rome or to France or to England or to Germany to educate them, I shall not challenge his right to do so. I might doubt the wisdom of it; I might think it wiser to educate a man amongst the surroundings where he must live; I might doubt the wisdom of importing foreign ideas in the case of a young man who must spend his life under American conditions, but that is for every man to decide for himself in educating his children, and I would not quarrel with him; I will not even discuss that. I am not in the habit of complaining very much even about the modern and disgraceful practice of swapping American fortunes for European titles. That is largely a matter of taste and, perhaps, somewhat a matter of training. That is none of our concern; but when they ask me to sanction by congressional enactment the idea that we must go abroad to be educated I halt and I refuse to do it.

I believe that any man who desires an education of any kind can obtain one that is good enough to qualify him for all the duties, responsibilities, and obligations of this life here in our own country, and I refuse to sanction the idea that the American Congress must exceed what I conceive to be the constitutional limitations of its power in order to encourage the rich to endow institutions in foreign lands where our children may be educated.

Mr. President, I have never seen a man who spent much time in any other country that was afterwards ever able to love this country as well as I thought he ought to, except the men who spent that time in foreign lands representing this country, where their duties and the very office whose commission they bore required of them a constant guardianship of American affairs, American interests, and American ideals; but for the people who think this country not good enough for them, whose fathers earned great fortunes for their children to waste in idleness, and sometimes in worse dissipation than idleness, in foreign lands, I have nothing but condemnation.

I do not believe that any young man—of course, when I state the rule in that way I recognize that there must be exceptions in order to prove the rule—but, as a general rule, I do not believe that any American citizen is profited by a residence abroad long enough to educate him beyond the American standard.

Mr. ROOT. Mr. President, I am not sufficiently agile intellectually to vault into the attitude of defending the principles of Thomas Jefferson against the Senator from Texas.

Mr. BAILEY. The principles need no defense. It was the variation which arose from his residence in France.

Mr. ROOT. The variations in principle?

Mr. BAILEY. No; the variations from principle.

Mr. ROOT. Then I will not undertake to defend against the Senator from Texas variations from principle of Thomas Jefferson; but I will say that Thomas Jefferson made no mistake when from the store of learning about art, and from the spirit of art with which he became imbued during his residence in Europe, he designed the University of Virginia——

Mr. BAILEY. Without an art department, too.

Mr. ROOT. When he designed Monticello; when he added his share toward the creation of this Capitol and the beautiful

White House; and when he did his great part in the development of that beautiful colonial style of architecture, which is the delight and joy of us all, and all of which found its origin in the art of the Old World, brought here by men who had studied there and who adapted what they had learned to the needs and the spirit of the new community.

Mr. REED. Mr. President, I desire to get a little information from the Senator from New York. As I understand, this bill only authorizes a corporation to increase its holdings and does not take any money from the Public Treasury?

Mr. ROOT. The Senator is correct. The bill merely authorizes the corporation to hold more property given to it by others.

Mr. REED. And am I correct in further understanding that the institution is not run for profit, but purely for the promotion of education in the lines of art?

Mr. ROOT. Precisely.

Mr. REED. That is all I desire to know.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STATUE OF MAJ. GEN. STARK.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 305) for the erection of a statue of Maj. Gen. John Stark in the city of Manchester, N. H. I will say that a bill for this purpose has passed the Senate six or seven times carrying double the appropriation provided in the present bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $20,000 for the erection of a statue of Maj. Gen. John Stark within the limits of the city of Manchester, N. H., and for the proper preparation, grading, and inclosing of the lot and foundation upon which the statue shall be erected, but no part of the money appropriated shall be expended until a design for the statue shall be accepted by the Secretary of War and the Joint Committee on the Library, and until a suitable lot of land in Manchester for the erection of the statue shall be conveyed, with all the right, title, and interest therein of the owner thereof, to the United States, and the deed duly recorded, and the city of Manchester shall have provided for public use an open highway or other satisfactory means of access thereto.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COMMISSIONS TO NAVAL ACADEMY GRADUATES.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill (S. 3211) authorizing that commission of ensign be given midshipmen upon graduation from the Naval Academy, reported to-day from the Committee on Naval Affairs with a unanimous and favorable report.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. LODGE. I ask leave to have printed in the RECORD a letter from the Assistant Secretary of the Navy in regard to the bill.

The VICE PRESIDENT. Without objection, the letter will be printed in the RECORD.

The letter is as follows:

DEPARTMENT OF THE NAVY,
Washington, August 16, 1911.

The CHAIRMAN COMMITTEE ON NAVAL AFFAIRS,
United States Senate.

MY DEAR SENATOR: Referring to the committee's letter of the 12th instant, inclosing copy of a bill (S. 3211) "authorizing that commission of ensign be given midshipmen upon graduation from the Naval Academy," and requesting the opinion of the Department thereon, I have the honor to inform you that the measure is commended to the committee's favorable consideration.

Faithfully, yours,

BEEKMAN WINTHROP,
Acting Secretary of the Navy.

THE CALENDAR—BILLS PASSED OVER.

The VICE PRESIDENT. The Secretary will state the first bill on the calendar under Rule VIII.

The bill (S. 2518) to provide for raising the volunteer forces of the United States in time of actual or threatened war was announced as first in order on the calendar.

The VICE PRESIDENT. The bill was read in full, as in Committee of the Whole, in July last and one amendment was adopted. Another amendment is pending which the Secretary will report.

Mr. WARREN. Do I understand that the Volunteer Army bill is now in order?

The VICE PRESIDENT. It has been reached upon the calendar.

Mr. WARREN. I ask that it be passed over, as I am quite sure the chairman of the committee wishes to be present when it is considered.

The VICE PRESIDENT. Over. The Secretary will report the next bill.

The bill (S. 2925) providing for a Confederate naval monument in the Vicksburg National Military Park was announced as next in order.

Mr. HEYBURN. I ask that it go over, Mr. President.

The VICE PRESIDENT. Over.

The bill (S. 2792) to provide for the support and maintenance of bastards in the District of Columbia was announced as next in order.

Mr. HEYBURN. I ask that it go over.

The VICE PRESIDENT. Over.

Senate resolution (S. Res. 109) providing for a certain program of legislation and for a recess of Congress was announced as the next business in order.

Mr. LODGE. Let it go over, Mr. President.

The VICE PRESIDENT. Over.

Concurrent resolution (S. Con. Res. 4) instructing the Attorney General of the United States to prosecute the Standard Oil Co. and the American Tobacco Co. was announced as next in order.

Mr. GALLINGER and Mr. LODGE. Let it go over.

The VICE PRESIDENT. Over.

MONUMENT IN MEMORY OF PRESIDENT GARFIELD.

The bill (S. 1655) appropriating $10,000 to aid in the erection of a monument in memory of the late President James A. Garfield, at Long Branch, N. J., was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Library with amendments.

The first amendment was, on page 2, line 1, after the words "expenses by," to strike out "said association in erecting and completing in Ocean Park, Long Branch, in the State of New Jersey, a suitable monument, the money to be paid to the association aforesaid under the order of the Secretary of War: *Provided, however*, That the said The Garfield Monument Association shall have raised, prior to the issue of said order, to be expended in the erection of said monument and in the purchase and improvement of the site, at least the sum of $10,000 additional thereto: *And provided further*, That the design for the said monument shall be approved by the Secretary of War, and the sum herein appropriated shall not be available until a contract is made to complete the work" and insert:

The Garfield Monument Association, a corporation created under the laws of the State of New Jersey, under the direction of the Secretary of War, in erecting and completing in Ocean Park, Long Branch, in the State of New Jersey, a monument to the memory of the late President James A. Garfield, who died at that place.

That the sum herein appropriated shall not be payable until there shall have been raised and made available for the erection of said monument an additional sum of at least $10,000 and the design and estimates of cost for said monument shall have been approved by the Secretary of War.

The amendment was agreed to.

The next amendment was to add a new section, as follows:

SEC. 2. That the responsibility for the care and keeping of said monument shall be and remain in the said Garfield Monument Association, it being expressly understood that the United States shall have no responsibility therefor.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The committee reported in favor of striking out the preamble, and it was stricken out.

PROPOSED CHILDREN'S BUREAU.

The bill (S. 252) to establish in the Department of Commerce and Labor a bureau to be known as the children's bureau was announced as the next bill in order.

Mr. WARREN. Let it go over.

The VICE PRESIDENT. Over.

AMENDMENT OF JUDICIARY TITLE.

The bill (S. 2750) to amend sections 90, 99, 105, and 186 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was considered as in Committee of the Whole.

Mr. CLARK of Wyoming. This is a bill which should be passed, and I hope it may now be disposed of.

Mr. BRISTOW. I should like to inquire if it creates a new district in the State of South Carolina?

Mr. CLARK of Wyoming. No. The judiciary title of the code defined the districts and stated that certain counties should be embraced within a given district. Since that time

new counties have been created, and by this bill those counties by name are included within the proper judicial districts.

Mr. BRISTOW. It does not create any additional districts?

Mr. CLARK of Wyoming. It does not.

Mr. HEYBURN. I should like to add a word of explanation. The provisions of the code were framed exactly in conformity with the conditions as they existed at the time, and these amendments only become necessary by reason of subsequent changes.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the joint resolution (H. J. Res. 166) providing for the termination of the treaty of 1832 between the United States and Russia.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 15930) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1912, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FITZGERALD, Mr. BARTLETT, and Mr. GILLETT managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bill and joint resolutions, and they were thereupon signed by the Vice President:

S. 2355. An act extending the time for payment of balance due on purchase price of a certain tract of land;

H. J. Res. 166. Joint resolution providing for the termination of the treaty of 1832 between the United States and Russia;

H. J. Res. 185. Joint resolution to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1911, on the 21st day of said month; and

H. J. Res. 189. Joint resolution to pay Members, Delegates, and Resident Commissioners their allowance for clerk hire for December, 1911, on the 21st day of said month.

URGENT DEFICIENCY APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 15930) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1912, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist upon its amendments and comply with the request of the House for a conference, and that the conferees on the part of the Senate be appointed by the Vice President.

The motion was agreed to; and the Vice President appointed Mr. WARREN, Mr. GAMBLE, and Mr. CULBERSON the conferees on the part of the Senate.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened and (at 4 o'clock and 3 minutes p. m.) the Senate adjourned until to-morrow, Thursday, December 21, 1911, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate December 20, 1911.

POSTMASTERS.

IOWA.

W. C. Bryant to be postmaster at Griswold, Iowa, in place of David H. Scott. Incumbent's commission expired December 11, 1911.

OKLAHOMA.

Lemuel W. Moore to be postmaster at Alva, Okla., in place of Charles H. Eldred. Incumbent's commission expired December 9, 1911.

PENNSYLVANIA.

John Clinton to be postmaster at Natrona, Pa., in place of Samuel P. Ekas. Incumbent's commission expires January 22, 1912.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 20, 1911.

CONSULS.

Robert S. S. Bergh to be consul at Bursiem, England.
Rea Hanna to be consul at Georgetown, Guiana.
Milo A. Jewett to be consul at Kehl, Germany.
Maddin Summers to be consul at Belgrade, Servia.
Ralph J. Totten to be consul at Trieste, Austria.

COLLECTOR OF CUSTOMS.

Judson La Moure, jr., to be collector of customs for the district of North Dakota and South Dakota.

COLLECTOR OF INTERNAL REVENUE.

John B. Hanna to be collector of internal revenue for the district of Maryland.

ASSISTANT APPRAISER OF MERCHANDISE.

William J. Brophy to be assistant appraiser of merchandise in the district of New Orleans, State of Louisiana.

POSTMASTERS.

CALIFORNIA.

Thomas E. Byrnes, San Mateo.
Nettie L. Hefton, Coalinga.
Margaret Dorothy Royce, Pittsburg.

COLORADO.

Milton E. Basher, Ordway.
Lewis F. Botens, Blanca.
Charles Creglow, Burlington.
Michael J. Guerin, Salida.
B. Frank Martin, Gunnison.
Frank H. Miller, Edgewater.
Thomas J. Stanley, Manzanola.
David F. Strain, Palisades.
Charles L. Todd, Rifle.
Charles T. Wade, Buena Vista.

ILLINOIS.

John W. Allen, New Windsor.
George W. Coughanowr, Dongola.
Edwin Drury, Wilmette.
Mary F. Marsh, Bowen.
Frank Morrell, Pawnee.
Isaac Newland, Colchester.

INDIANA.

Charles C. Weingart, Kendallville.

IOWA.

James Beard, Mount Ayr.
Leroy D. Curtis, Adair.
Charlotte G. Graham, Emerson.
William Horsfall, George.
Charles W. Marmon, Mitchellville.
Bruce R. Mills, Woodbine.
Charles H. Read, Avoca.
Jennie Schroeder, Guttenberg.
Herman Ver Steeg, Hull.
William C. Williams, Atlantic.

KANSAS.

George H. Leisenring, Ellis.
J. Frank Smith, Pleasanton.

MASSACHUSETTS.

Paul R. Bridgman, Ware.
Clara S. Hill, Amherst.
Thomas A. Hill, Georgetown.
Lester E. Libby, South Hamilton.
Charles Newhall, Danvers.
Agnes J. Smith, Stockbridge.
Ella M. Ward, Millers Falls.
Edwin F. Wyer, Woburn.

MICHIGAN.

Edwin L. Clapp, Centerville.
Hutson B. Colman, Kalamazoo.
Charles L. Doyle, Marine City.
Thomas C. Hance, Niles.
Ralph D. Harris, Almont.
Peter Johnson, Thompsonville.
Mark H. Ladd, Plymouth.
Colin C. McGregor, Carsonville.
Thomas McLaren, Hesperia.
James Millen, White Cloud.
Harry E. Potter, East Jordan.

Henry H. Pulver, Laingsburg.
James K. Train, Edmore.
Fred Wade, Saugatuck.
Robert J. West, Deckerville.

MINNESOTA.

John Frisch, St. Charles.
Thomas Kingston, Bovey.
Peter Schaefer, Ely.

NEBRASKA.

George A. Allen, Clay Center.
Carl A. Anderson, Wausa.
Ethel Hopkins, Oakland.
Clayton Kellam, Franklin.
Henry Kleven, Culbertson.
Hattie A. Little, Geneva.
Edward H. Mack, Bancroft.
Robert J. Marsh, O'Neill.
Henry J. Matzke, Milford.
Francis M. Pfrimmer, Stratton.
Erick P. Reichardt, Oxford.
Seth W. Wilson, Wood River.

NEVADA.

William S. Johnson, Manhattan.
James W. Stewart, Tonopah.

NEW JERSEY.

Henry W. Edsall, Hamburg.

NEW MEXICO.

John M. Hawkins, Alamogordo.

NORTH DAKOTA.

G. O. Haugen, Maddock.
Lewis J. Ransier, Cando.

OHIO.

Charles R. Austin, Byesville.
Alexander C. Branum, Bridgeport.
Charles H. Bryson, Athens.
John H. Culhan, Washington Courthouse.
Charles W. Dean, Mingo Junction.
Charles C. Laws, Bethesda.
William E. Moulton, Canal Fulton.
John F. Orr, Xenia.
Robert C. Stewart, Toronto.

OREGON.

Edwin S. Abbott, Seaside.
Clyde K. Brandenburg, Klamath Falls.
Demry B. Davidson, Prairie City.
Albert N. Johnson, Estacada.
Marshel E. Merwin, Independence.
Henry B. Steward, Myrtle Point.

PENNSYLVANIA.

Alexander C. Alton, Fayette City.
Robert Campbell, Eddystone.
Frank R. Cyphers, East Pittsburgh (late East Pittsburg).
Edward B. Farr, Tunkhannock.
Thomas F. Heffernan, Wilkes-Barre.
John H. Jackson, Pen Argyl.
Thomas A. Keller, Lapark.
A. T. Litch, Lititz.
William W. McQuown, Mahaffey.
Harvey W. Marburger, Denver.
Robert F. Schaeffer, Bangor.
Emil C. Starke, Tarentum.
William C. Steele, Brownsville.
Harry Z. Wampole, Telford.

SOUTH DAKOTA.

George J. Hamilton, McIntosh.
Fred Huston, Gregory.
Porter E. Rugg, Artesian.

TEXAS.

William Gilford, Thornton.
George H. Griffin, Milford.
Otto Heilig, New Braunfels.
Hallie Knight, Sterling City.
J. S. Noble, Como.
William J. Scott, Denison.
Sloan Simpson, Dallas.
Henry O. Stansbury, Rosebud.
Terrell O. Taylor, Hempstead.

UTAH.

Samuel Judd, St. George.

WASHINGTON.

Alphonso F. Learned, Port Townsend.
Edson S. Phipps, Mount Vernon.
Carey W. Stewart, Quincy.
Maude Volz, Washtucna.
Lewis C. Weik, Odessa.

WEST VIRGINIA.

Simeon S. Buzzerd, Berkeley Springs.
John O. Huey, Mannington.

WISCONSIN.

Herman Anderson, Phillips.
W. N. Daniels, Mosinee.
Samuel W. Everson, Lodi.
Henry C. Gier, Mount Horeb.
P. M. Jacobson, Burlington.
John C. Kinsman, Manawa.
Charles H. Prouty, Genoa Junction.
Bernard F. Schwartz, East Troy.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December 20, 1911.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, our Father in heaven, for the wisdom, strength, and purity which have come down to us out of the past, which make for the betterment of present conditions; "that noble deeds never die," and the way is always open for the strong, the pure, the brave, which leads ever on to the higher and better conditions of life; that selfishness ends in defeat, while nobility of soul leads on to victory. Help us to profit by the past, to live nobly for the now, leaving the results to coming generations. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

The SPEAKER. The Chair will announce that this is Calendar Wednesday.

Mr. FITZGERALD. Mr. Speaker, I move to dispense with business in order under the rule to-day. I might explain the reason for this motion. There has come over from the Senate the general deficiency bill, the resolution to abrogate the treaty with Russia, and a resolution amended by the Senate providing for the payment of the employees of the two Houses before the Christmas holidays. Unless business in order under the rule be dispensed with it would be impossible to take these matters up except by unanimous consent. In addition to that, I understand by the newspapers that the President is to send in his message on the wool question. After these matters have been disposed of, if there is still time remaining, it would be in order to proceed with business under the call of committees. There is no other privileged business.

Mr. MANN. Mr. Speaker, I think under the circumstances the motion is quite proper and ought to prevail. I do not know just where it would leave the House if it desired then to proceed with the call of committees. I am inclined to think that the wording of the rule is so plain, however, that if the call of committees should be had again to-day it would not be a call under the rule relating to Calendar Wednesday, but under the old rule for the morning hour, and would not permit of the consideration of a bill on the Union Calendar.

Mr. FITZGERALD. Until one hour had elapsed.

Mr. MANN. It would not permit the calling up of a bill on the Union Calendar.

Mr. FITZGERALD. Not until after one hour had elapsed.

Mr. MANN. After one hour the gentleman could move to go into Committee of the Whole House on the state of the Union, but he could not call it up.

The SPEAKER. The gentleman from New York moves to dispense with Calendar Wednesday.

The question was taken; and two-thirds having voted in favor thereof, the motion was agreed to.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed, with amendments, bill

and joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

H. J. Res. 185. Joint resolution to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1911, on the 20th day of said month;

H. J. Res. 166. Joint resolution providing for the termination of the treaty of 1832 between the United States and Russia; and

H. R. 15930. An act making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1912, and for other purposes.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 2355) extending the time for payment of balance due on purchase price of a certain tract of land.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3842. An act to amend and reenact paragraph 24 of section 24 of chapter 2 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 2355. An act extending the time for payment of balance due on purchase price of a certain tract of land.

TARIFF ON WOOL.

The SPEAKER laid before the House the following message from the President of the United States, which was read:

To the Senate and House of Representatives:

In my annual message to Congress, December, 1909, I stated that under section 2 of the act of August 5, 1909, I had appointed a Tariff Board of three members to cooperate with the State Department in the administration of the maximum and minimum clause of that act, to make a glossary or encyclopedia of the existing tariff so as to render its terms intelligible to the ordinary reader, and then to investigate industrial conditions and costs of production at home and abroad with a view to determining to what extent existing tariff rates actually exemplify the protective principle, viz, that duties should be made adequate, and only adequate, to equalize the difference in cost of production at home and abroad.

I further stated that I believed these investigations would be of great value as a basis for accurate legislation, and that I should from time to time recommend to Congress the revision of certain schedules in accordance with the findings of the board.

In the last session of the Sixty-first Congress a bill creating a permanent Tariff Board of five members, of whom not more than three should be of the same political party, passed each House, but failed of enactment because of slight differences on which agreement was not reached before adjournment. An appropriation act provided that the permanent Tariff Board, if created by statute, should report to Congress on Schedule K in December, 1911.

Therefore, to carry out so far as lay within my power the purposes of this bill for a permanent Tariff Board, I appointed in March, 1911, a board of five, adding two members of such party affiliation as would have fulfilled the statutory requirement, and directed them to make a report to me on Schedule K of the tariff act in December of this year.

In my message of August 17, 1911, accompanying the veto of the wool bill, I said that, in my judgment, Schedule K should be revised and the rates reduced. My veto was based on the ground that, since the Tariff Board would make, in December, a detailed report on wool and wool manufactures, with special reference to the relation of the existing rates of duties to relative costs here and abroad, public policy and a fair regard to the interests of the producers and the manufacturers on the one hand and of the consumers on the other demanded that legislation should not be hastily enacted in the absence of such information; that I was not myself possessed at that time of adequate knowledge of the facts to determine whether or not the proposed act was in accord with my pledge to support a fair and reasonable protective policy; that such legislation might prove only temporary and inflict upon a great industry the evils of continued uncertainty.

I now herewith submit a report of the Tariff Board on Schedule K. The board is unanimous in its findings. On the basis of these findings I now recommend that the Congress proceed to a consideration of this schedule with a view to its revision and a general reduction of its rates.

The report shows that the present method of assessing the duty on raw wool—this is, by a specific rate on the grease pound, i. e., unscoured—operates to exclude wools of high shrinkage in scouring but fine quality from the American market and thereby lessens the range of wools available to the domestic manufacturer; that the duty on scoured wool of 33 cents per pound is prohibitory and operates to exclude the importation of clean, low-priced foreign wools of inferior grades, which are nevertheless valuable material for manufacturing, and which can not be imported in the grease because of their heavy shrinkage. Such wools, if imported, might be used to displace the cheap substitutes now in use.

To make the preceding paragraph a little plainer, take the instance of a hundred pounds of first-class wool imported under the present duty, which is 11 cents a pound. That would make the duty on the hundred pounds $11. The merchantable part of the wool thus imported is the weight of the wool of this hundred pounds after scouring. If the wool shrinks 80 per cent, as some wools do, then the duty in such a case would amount to $11 on 20 pounds of scoured wool. This, of course, would be prohibitory. If the wool shrinks only 50 per cent, it would be $11 on 50 pounds of wool, and this is near to the average of the great bulk of wools that are imported from Australia, which is the principal source of our imported wool.

These discriminations could be overcome by assessing a duty in ad valorem terms, but this method is open to the objection, first, that it increases administrative difficulties and tends to decrease revenue through undervaluation; and, second, that as prices advance, the ad valorem rate increases the duty per pound at the time when the consumer most needs relief and the producer can best stand competition; while if prices decline the duty is decreased at the time when the consumer is least burdened by the price and the producer most needs protection.

Another method of meeting the difficulty of taxing the grease pound is to assess a specific duty on grease wool in terms of its scoured content. This obviates the chief evil of the present system, namely, the discrimination due to different shrinkages, and thereby tends greatly to equalize the duty. The board reports that this method is feasible in practice and could be administered without great expense. The scoured content of the wool is the basis on which users of wool make their calculations, and a duty of this kind would fit the usages of the trade. One effect of this method of assessment would be that, regardless of the rate of duty, there would be an increase in the supply and variety of wool by making available to the American market wools of both low and fine quality now excluded.

The report shows in detail the difficulties involved in attempting to state in categorical terms the cost of wool production and the great differences in cost as between different regions and different types of wool. It is found, however, that, taking all varieties in account, the average cost of production for the whole American clip is higher than the cost in the chief competing country by an amount somewhat less than the present duty.

The report shows that the duties on noils, wool wastes, and shoddy, which are adjusted to the rate of 33 cents on scoured wool, are prohibitory in the same measure that the duty on scoured wool is prohibitory. In general, they are assessed at rates as high as, or higher than, the duties paid on the clean content of wools actually imported. They should be reduced and so adjusted to the rate of wool as to bear their proper proportion to the real rate levied on the actual wool imports.

The duties on many classes of wool manufacture are prohibitory and greatly in excess of the difference in cost of production here and abroad.

This is true of tops, of yarns (with the exception of worsted yarns of a very high grade), and of low and medium grade cloth of heavy weight.

On tops up to 52 cents a pound in value, and on yarns of 65 cents in value, the rate is 100 per cent, with correspondingly higher rates for lower values. On cheap and medium grade cloths the existing rates frequently run to 150 per cent and on some cheap goods to over 200 per cent. This is largely due to that part of the duty which is levied ostensibly to compensate the manufacturer for the enhanced cost of his raw material due to the duty on wool. As a matter of fact, this compensatory duty, for numerous classes of goods, is much in excess of the amount needed for strict compensation.

On the other hand, the findings show that the duties which run to such high ad valorem equivalents are prohibitory, since the goods are not imported, but that the prices of domestic fabrics are not raised by the full amount of duty. On a set of 1-yard samples of 16 English fabrics, which are completely excluded by the present tariff rates, it was found that the total foreign value was $41.84; the duties which would have been assessed had these fabrics been imported, $76.90; the foreign value plus the amount of the duty, $118.74; or a nominal duty of 183 per cent. In fact, however, practically identical fabrics of domestic make sold at the same time at $69.75, showing an

enhanced price over the foreign market value of but 67 per cent.

Although these duties do not increase prices of domestic goods by anything like their full amount, it is none the less true that such prohibitive duties eliminate the possibility of foreign competition, even in time of scarcity; that they form a temptation to monopoly and conspiracies to control domestic prices; that they are much in excess of the difference in cost of production here and abroad, and that they should be reduced to a point which accords with this principle.

The findings of the board show that in this industry the actual manufacturing cost, aside from the question of the price of materials, is much higher in this country than it is abroad; that in the making of yarn and cloth the domestic woolen or worsted manufacturer has in general no advantage in the form of superior machinery or more efficient labor to offset the higher wages paid in this country. The findings show that the cost of turning wool into yarn in this country is about double that in the leading competing country, and that the cost of turning yarn into cloth is somewhat more than double. Under the protective policy a great industry, involving the welfare of hundreds of thousands of people, has been established despite these handicaps.

In recommending revision and reduction I therefore urge that action be taken with these facts in mind, to the end that an important and established industry may not be jeopardized.

The Tariff Board reports that no equitable method has been found to levy purely specific duties on woolen and worsted fabrics and that, excepting for a compensatory duty, the rate must be ad valorem on such manufactures. It is important to realize, however, that no flat ad valorem rate on such fabrics can be made to work fairly and effectively. Any single rate which is high enough to equalize the difference in manufacturing cost at home and abroad on highly finished goods involving such labor would be prohibitory on cheaper goods, in which the labor cost is a smaller proportion of the total value. Conversely, a rate only adequate to equalize this difference on cheaper goods would remove protection from the fine-goods manufacture, the increase in which has been one of the striking features of the trade's development in recent years. I therefore recommend that in any revision the importance of a graduated scale of ad valorem duties on cloths be carefully considered and applied.

I venture to say that no legislative body has ever had presented to it a more complete and exhaustive report than this on so difficult and complicated a subject as the relative costs of wool and woolens the world over. It is a monument to the thoroughness, industry, impartiality, and accuracy of the men engaged in its making. They were chosen from both political parties, but have allowed no partisan spirit to prompt or control their inquiries. They are unanimous in their findings. I feel sure that after the report has been printed and studied the value of such a compendium of exact knowledge in respect to this schedule of the tariff will convince all of the wisdom of making such a board permanent in order that it may treat each schedule of the tariff as it has treated this, and then keep its bureau of information up to date with current changes in the economic world.

It is no part of the function of the Tariff Board to propose rates of duty. Their function is merely to present findings of fact on which rates of duty may be fairly determined in the light of adequate knowledge in accord with the economic policy to be followed. This is what the present report does.

The findings of fact by the board show ample reason for the revision downward of Schedule K, in accord with the protective principle, and present the data as to relative costs and prices from which may be determined what rates will fairly equalize the difference in production costs. I recommend that such revision be proceeded with at once.

WM. H. TAFT.

THE WHITE HOUSE, *December 20, 1911.*

Mr. RANDELL of Texas. Mr. Speaker, I move that the message of the President be referred to the Committee on Ways and Means and be printed, and that the accompanying report of the Tariff Board be referred to the Committee on Ways and Means.

Mr. PAYNE. What is to be done with the report?

The SPEAKER. The gentleman moves that the President's message be referred to the Committee on Ways and Means and printed, and that the accompanying document be referred to the Ways and Means Committee.

Mr. PAYNE. And not printed? It is quite as important to print the report of the board as it is to print the President's message.

Mr. RANDELL of Texas. We will see about that later.

Mr. PAYNE. I hope the gentleman is not making a motion for the purpose of delay.

Mr. FITZGERALD. Mr. Speaker, I suggest to my colleague that these packages represent the papers that have come here, and it seems to me that the Committee on Ways and Means should first determine whether it is necessary to print them all.

Mr. PAYNE. Of course if they contain exhibits in the shape of wool or cloth those can not be printed, but it seems to me it is important to have the report printed.

Mr. RANDELL of Texas. I will say to the gentleman from New York that we do not desire to make the motion to print the report now, but to have it referred to the Committee on Ways and Means, and that that committee will probably report to the House what they think is best, and then the House can act in the matter.

Mr. PAYNE. I think the rules of the House require the printing of the message and the accompanying document. I think the law requires it.

Mr. MANN. Will the gentleman from Texas yield?

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Illinois?

Mr. RANDELL of Texas. Certainly.

Mr. MANN. I am told that in the packages are a number of samples and things which of course could not be printed. Now, if it is not ordered to be printed now of course we lose the time between now and the convening of Congress after the holiday recess, which will necessarily be rather important.

Mr. RANDELL of Texas. I do not think all these documents will necessarily have to be printed. Of course we want to print everything that should be printed.

The SPEAKER. The House will be in order. This is a matter that may involve a cost of $50,000 for printing.

Mr. MANN. It will not cost any $50,000; it will not in any event be more than four or five volumes, which we do not hesitate to order to be printed at any time. Now, whether gentlemen on that side of the House desire it printed for their use, are not you willing, when we say we desire it printed for our use, to have it printed whether you want it printed or not?

Mr. RANDELL of Texas. I prefer to submit the matter to the Committee on Ways and Means and let the committee act in place of taking the responsibility on myself. The chairman of the committee is not here to-day.

Mr. MANN. I understand; I am not making any question about that were it not for the fact that if it is not ordered printed now nothing can be done about it until after the holiday recess, and I take it that both sides expect that the tariff question will come up as speedily as possible after the recess, and if it is ordered printed now probably the most of it could be printed in time for Members to examine when we reconvene after the recess.

Mr. RANDELL of Texas. I will say to the gentleman from Illinois that I am inclined to think that there is a good deal which accompanied this report which will not be necessary to print, and the Ways and Means Committee might not want to do it and the House might not want to do it on examination.

Mr. HILL. May I interrupt the gentleman? How does the gentleman know——

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Connecticut?

Mr. RANDELL of Texas. Not at present.

Mr. HILL. How does the gentleman know what is in the report, in order to know it is not necessary?

Mr. RANDELL of Texas. Mr. Speaker, I did not yield, but the gentleman from Connecticut [Mr. HILL] does not require permission, because he talks anyway. I want to say to the gentleman from Illinois that I believe it is better to take this course, and we can very easily get a motion passed to have it printed later on in the day if we find it necessary to do so. I do not believe it is necessary, and I prefer to let my motion remain as it is.

Mr. MANN. I hope that the gentleman and members of the Ways and Means Committee will examine the appendixes to the President's message, and if there is something in there that would be useless to print, very well, but on this side of the House we desire to have all information [applause] for our use. [Applause on the Republican side.]

Mr. PALMER. Mr. Speaker——

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Pennsylvania [Mr. PALMER]?

Mr. RANDELL of Texas. I yield to the gentleman from Pennsylvania.

Mr. PALMER. Mr. Speaker, I simply want to say that I think it is perfectly safe that the gentlemen on the other side may be assured that, no matter whether it is printed now or not, everything in this report of the Tariff Board that is printable will be printed for the information of both sides. There is no attempt on our part to suppress any part of this report, but the very bulk of the matter which has been sent

down here is sufficient evidence that there is a large quantity which is not printable. The gentleman from Illinois does not want that put into type, and the purpose of the suggestion of the gentleman from Texas was that that could be weeded out so we would know what was printable. I think we are in a position to assure gentlemen on the other side that everything in the report which is printable will be put into type.

Mr. MANN. Will it be printed in time for us to use it?

Mr. RANDELL of Texas. There is no question about that.

Mr. MANN. I think there is a decided question unless it is ordered before the recess.

Mr. PALMER. I will say in addition that the chairman of the committee will return to the city to-day, and I have no doubt the order to print will be made to-morrow. I think we can assure gentlemen of that, but we are not going to make a general order to print a quantity of matter which we have not seen and of which a large proportion may not be printable.

Mr. MANN. The gentleman will remember that we have a number of investigating committees at work and we are printing a great amount of testimony and exhibits.

Mr. HENRY of Texas. Mr. Speaker, I make the point of order that this discussion is out of order. The rules require that the message of the President shall be referred, under the rules of the House, without discussion.

Mr. LONGWORTH. Mr. Speaker, I would like to ask a question of the gentleman from Texas [Mr. RANDELL].

Mr. RANDELL of Texas. I would like to ask my colleague from Texas to withhold his point of order for a moment.

The SPEAKER. The point of the gentleman from Texas [Mr. HENRY] is well taken. The debate is proceeding by unanimous consent, without anybody asking for unanimous consent.

Mr. LONGWORTH. Mr. Speaker, will the gentleman from Texas [Mr. RANDELL] yield for a question?

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Ohio?

Mr. RANDELL of Texas. I yield to the gentleman from Ohio.

Mr. LONGWORTH. I would like to inquire if the gentleman would be willing, for the present, to couple with his request a request for the printing of the conclusions of the Tariff Board? There is no question but that they are printable, as we understand it.

Mr. FITZGERALD. How about the exhibits and the contents of those packages?

Mr. LONGWORTH. The conclusions of the board are in this report.

Mr. RANDELL of Texas. I would prefer, Mr. Speaker, not to change my motion.

Mr. PALMER. Some of those exhibits can not be put into print.

Mr. HENRY of Texas. Mr. Speaker, I insist on my point of order.

Mr. LONGWORTH. How does the gentleman from Pennsylvania know what is in the packages?

Mr. PALMER. We do not know exactly.

Mr. HINDS. Mr. Speaker, I make a new point of order, if the other one is deemed to be out of the way.

The SPEAKER. The other one has been sustained.

Mr. LENROOT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Wisconsin will state it.

Mr. LENROOT. A motion was made and pending. Has not that motion been discussed? It was recognized by the Chair, and for that reason is it not before the House? There is no point of order pending.

The SPEAKER. The motion is before the House. The Chair decided that the point of order was well taken.

Mr. PAYNE. The Chair is mistaken in saying he sustained the point of order. What he did was to overrule it.

The SPEAKER. The Chair knows what the Chair himself did very well.

Mr. PAYNE. I insist, Mr. Speaker, that under the rule this must be printed as a message of the President with accompanying documents.

Mr. RANDELL of Texas. Under what rule?

The SPEAKER. The Chair would like to ask the gentleman from New York, if he knows of such a rule, to produce it.

Mr. HINDS. Mr. Speaker, there was in the last Congress a rule of this House which provided, as I remember, that documents and papers referred to committees by this House should be printed. When the rules were revised that rule was dropped, for the reason stated in the Manual, on page 451, that the statute on printing covered the matter. Now, I infer from this Manual that that statute covers the point covered by the rule of the last Congress, and it seems to me that before this House decides not to print these accompanying documents, before it decides to depart from a rule in this House that has existed for many years, of printing everything that comes with a communication referred to a committee, it should carefully examine the statutes and determine that its action is not in contravention of this statute, especially in a matter of this great and overwhelming importance.

The SPEAKER. The Chair will state to the gentleman from Maine——

Mr. RANDELL of Texas. Mr. Speaker, would the Chair hear me just a moment on that question?

The SPEAKER. The Chair will suggest to the gentleman from Maine that some days ago the Secretary of War sent a letter to the Speaker, accompanied by a very large mass of papers, and the Chair was under the impression at that time that the rule was as the gentleman from Maine states it. On investigation of that statute the House rescinded the order to print the accompanying documents. That was done either yesterday or the day before.

Mr. BUTLER. Yesterday, by unanimous consent.

Mr. HINDS. I will say, if the Speaker will allow me, that the rules of the House and the usage for many years has been that every matter referred should be printed by virtue of that reference. Now, at the time when I had the honor to hold the position at the right of the Speaker many documents came in, evidently too voluminous to print, and without authority of rule I will acknowledge I used, with the sanction of the Speakers, to take the liberty of leaving off the order to print in order to save unnecessary expense; but I always considered that in the light of a unanimous-consent performance, and if any Member of the House came and asked that that document be printed, it was evident that he had the right to demand it, and I then wrote in the order to print.

The SPEAKER. The Chair would like to inquire of the gentleman from Maine where he got the unanimous consent? [Laughter.]

Mr. HINDS. Where did the Speakers ever get it? Where did anybody ever get it?

The SPEAKER. They got it here in the House.

Mr. HINDS. I got it practically in the same way. And whenever any Member of the House objected, I made the order to print. When I say "I did it," I mean I did it, of course, with the approbation and consent of the Speaker, obtained many years ago.

The SPEAKER. The gentleman will suspend for a moment. The rule that was left out of this new compilation read as follows:

> First, all documents referred to committees or otherwise disposed of shall be printed unless otherwise specially ordered.

Mr. FITZGERALD. Mr. Speaker, I desire to make this statement: There appear here these voluminous packages which accompany the President's message. There are seven packages. One of them is a little over 2 feet square.

Mr. MANN. Oh, no.

Mr. FITZGERALD. I call the gentleman's attention to them as they appear. It evidently contains a vast amount of matter. There is no desire to avoid printing anything that the Committee on Ways and Means may desire to have printed, but in view of the voluminous character of these papers it has been suggested that they be referred to the committee, and that the committee itself will have no difficulty in agreeing upon whether some part may possibly not require to be printed. As I understand, there is no desire to avoid printing any part of these papers that any member of the committee on either side believes it desirable to print, for the information either of the House or of the public.

Mr. COOPER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Wisconsin [Mr. COOPER]?

Mr. FITZGERALD. In a moment. In view of the fact that these papers are so voluminous, I wish to state that there is no desire whatever to prevent any part of them being printed which either the majority or minority members of the committee may desire, but that it is neither an unusual nor unreasonable request to give the members of the committee an opportunity to look at these papers before their printing is ordered.

Mr. COOPER. Mr. Speaker, I ask the gentleman from New York if he considers that any member of the Ways and Means Committee, either upon the majority or the minority side of that committee, has any more interest in the tariff than has any other Member on this floor, or any more right to say whether this report of the Tariff Board shall be printed? [Applause on the Republican side.]

Mr. FITZGERALD. Mr. Speaker, the gentleman from Wisconsin is unduly alarmed. I am not a member of the Committee on Ways and Means, but I have sufficient confidence in the integrity and fairness of members on both sides of that commit-

tee to be willing to give them an opportunity to examine this mass of documents and see whether it is necessary to print them all.

Mr. RANDELL of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Both gentlemen will suspend. The gentleman from Texas rises to a parliamentary inquiry.

Mr. RANDELL of Texas. Mr. Speaker, who has the floor?

The SPEAKER. The gentleman from Texas has the floor.

Mr. GARNER. Mr. Speaker, I make the point of order that this is not debatable.

The SPEAKER. The Chair has ruled on that once, and has ruled that it is not debatable.

Mr. OLMSTED. A parliamentary inquiry, Mr. Speaker. What is the point of order which is pending?

The SPEAKER. There is no point of order pending before the House.

Mr. HILL. Is not an amendment in order?

Mr. HINDS. Mr. Speaker, I have raised the point of order that under the law there was no option in this matter, but that the report must be printed on its reference.

The SPEAKER. If the gentleman from Maine will permit the Chair, the Chair did not understand that the gentleman raised the point of order. The gentleman made some remarks about it.

Mr. HINDS. I intended to do so. It was due to my youth and inexperience probably that I did not. [Laughter.]

The SPEAKER. Will the gentleman state his point of order?

Mr. HINDS. May I say that the rule which the Speaker quoted as the rule of the last Congress did give the House the option at that time to say whether it would print or not; but that rule has been abrogated, and that remits the House to the language of the statute. Now, it seems to me that before we decide not to print this the statute should be thoroughly examined.

Mr. FITZGERALD. Will the gentleman yield for a question? Does the gentleman contend that the statute controls the action of the House in determining what it shall do regarding the printing of documents?

Mr. HINDS. If the House has no rule adopted under its constitutional authority in this Congress which covers the subject, it seems to me that the statute is of that persuasive force that it ought to govern reasonable men in reasonable transactions.

Mr. FITZGERALD. The difficulty with the gentleman's position is that his position was entirely opposite to that when he was at the right of the Speaker.

Mr. HINDS. I think the gentleman is mistaken.

Mr. SHERLEY. Mr. Speaker——

The SPEAKER. Does the gentleman from Texas [Mr. RANDELL] yield to the gentleman from Kentucky [Mr. SHERLEY]?

Mr. RANDELL of Texas. I yield to him for that purpose.

Mr. SHERLEY. I want to suggest that the gentleman from Maine [Mr. HINDS] having cited a statute as controlling, he ought to state what the statute is and what the terms of it are.

Mr. HINDS. I will say to the gentleman from Kentucky that it is in the printing law, and I have not the law before me. It is quite voluminous. For that reason I ask that the matter be examined before the House takes action.

Mr. SHERLEY. I ask the gentleman in good faith, because I have been trying to find the printing law. The gentleman from Maine makes a point of order based on a law that he does not produce, and the burden is on him to state what the law is.

Mr. HINDS. I will be glad to explain it and produce it if possible.

Mr. HARRISON of New York. Will the gentleman from Maine yield for a question?

Mr. HINDS. Surely.

Mr. HARRISON of New York. In discussing the point as it affects the application of the law, how would the gentleman from Maine construe this question when among the bundles that he wants to print are packages labeled "Not for the printer" and possibly contain samples of woolen goods?

Mr. RANDELL of Texas. Mr. Speaker, I would like to change the motion if I may be permitted.

Mr. HINDS. I would like to answer the gentleman from New York if the Speaker will permit.

Mr. RANDELL of Texas. My proposed change might do away with the point of order.

Mr. HINDS. In the many years of referring documents it would sometimes happen that an article of merchandise would get down to the printing office with the copy, but I always found that the immutable nature of things prevented the Public Printer from printing a bale of cloth or anything of that sort. [Laughter.]

Mr. HARRISON of New York. The gentleman evidently himself then decided what was not printable.

Mr. HINDS. Not at all; the exigencies of the laws of physics determined that.

Mr. DALZELL. Mr. Speaker, I move to amend the motion of the gentleman from Texas by adding "and printing."

Mr. SHERLEY. Mr. Speaker, I make the point of order that the gentleman from Pennsylvania has not the floor to offer an amendment.

The SPEAKER. The gentleman from Texas has the floor.

Mr. DALZELL. The gentleman from Texas will have to yield the floor before the question is put unless the previous question is ordered.

Mr. RANDELL of Texas. Mr. Speaker, I wish to change my motion so that the order to print may include the findings of the Tariff Board.

Mr. MANN. Will the gentleman from Texas yield for a suggestion?

Mr. RANDELL of Texas. Yes.

Mr. GARNER. Mr. Speaker, will the gentleman yield to me for a moment?

The SPEAKER. To whom does the gentleman from Texas yield?

Mr. RANDELL of Texas. I yield to the gentleman from Illinois.

Mr. MANN. If these documents are referred to the Committee on Ways and Means, that committee does not have jurisdiction to report a resolution for their printing. Now, I appreciate the desire, which I think is proper for the gentlemen in charge of the House, to see whether there are various papers or otherwise in the appendices that may not be printed. Why will not the gentleman from Texas permit his motion to go over until to-morrow or later in the day, until gentlemen can have the opportunity to examine the papers and see whether there is anything there that they do not wish to have printed?

Mr. FOSTER of Illinois. Mr. Speaker, I want to say that the law governing printing of messages from the President of the United States contains this:

The message of the President without accompanying documents and report shall be printed immediately on receipt by Congress in pamphlet form; 15,000 shall be printed, of which 5,000 shall be for the Senate and 10,000 for the House.

So that under this law all that is required is the printing of the message of the President without the accompanying documents.

Mr. DALZELL. That refers to the annual message.

Mr. RANDELL of Texas. Mr. Speaker, I ask, under the circumtsances, that the matter go over until to-morrow.

The SPEAKER. Is there objection to the request of the gentleman from Texas? [After a pause.] The Chair hears none, and it is so ordered.

PAY OF EMPLOYEES.

The SPEAKER laid before the House joint resolution 185, relating to the payment of the December salaries of the employees of the Senate and House, with Senate amendments.

The Senate amendments were read.

Mr. FITZGERALD. Mr. Speaker, I move that the House concur in the first amendment.

Mr. MANN. I ask to have the amendment again reported.

The Clerk read as follows:

In line 2, before the words "United States," insert the word "the."

The amendment was agreed to.

Mr. FITZGERALD. I move to concur in the second amendment of the Senate, with an amendment, by striking out "twentieth" and inserting "twenty-first."

The motion was agreed to.

The SPEAKER. The Clerk will report the amendment to the title.

The Clerk read as follows:

Before the resolving clause insert as a title:

"To pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1911, on the 20th day of said month."

Mr. FITZGERALD. Mr. Speaker, I move to concur in that amendment with an amendment by striking out the word "twentieth" and inserting the word "twenty-first."

The SPEAKER. The question is on the motion of the gentleman from New York, to concur in the amendment with an amendment.

The question was taken, and the motion was agreed to.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 15930) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1912, and for other purposes, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from New York asks unanimous consent to take the urgent deficiency appropriation bill from the Speaker's table, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. FOSTER of Illinois. Mr. Speaker, reserving the right to object, I desire to ask the gentleman from New York, the chairman of the Committee on Appropriations, a question with reference to one item.

The SPEAKER. Does the gentleman from New York yield?

Mr. FITZGERALD. I yield to the gentleman from Illinois.

Mr. FOSTER of Illinois. Mr. Speaker, there is one item in this bill which has been placed there by the Senate, in reference to a deficiency in the Bureau of Mines, and it is claimed that the rescue work which has been done by this bureau is now such that unless further appropriation is made some part, at least, of this work must stop. I will state that there could be no estimate from the Director of the Bureau of Mines, for the reason that at the time this bill was made up the director was engaged in mine-rescue work at Briceville, Tenn., where there recently occurred a terrific explosion, resulting in the loss of quite a number of lives. It occurs to me that if the work of this bureau is going to be hampered or retarded in the rescue work, or the education of men who are engaged in this work at the mines, there ought to be some additional appropriation made, so that they may go ahead with the work they are now doing. I desire to call the attention of the chairman of the committee and of the conferees on the part of the House to the importance of this work and of doing whatever is necessary that this work might go on. This is not a work of profit; it is simply a work of humanity. It is a work of attempting to save human lives, the lives of those who work in the mines. Before this bill goes to conference I would like, if possible, to have some expression from the chairman of the Committee on Appropriations with reference to what the attitude of the conferees might be on this particular item. I do not ask, and I do not believe, that we ought to insist that anything be appropriated in this bill except what is necessary to go ahead with this work.

Mr. DALZELL. Mr. Speaker, I suggest to the gentleman from Illinois that the House ought to have an opportunity to vote on this amendment at some stage of the proceedings, and this is the proper time, of course, to raise that question. There are a number of gentlemen interested in this question and we desire to be placed in a position where the House will have an opportunity to vote upon it.

Mr. FOSTER of Illinois. Mr. Speaker, I will state this to the gentleman, that I am not here to insist that in an urgent deficiency bill anything should be placed except what is necessary to go ahead with this work. If there are items that are asked for that are unnecessary at this time, I do not believe it wrong to leave them out of this bill, but what I would like to see done is that so much be allowed in this urgent deficiency bill as is necessary to carry on this work—not that the matter may go over for several months when an appropriation might be made in a general deficiency bill, but that we appropriate now what is absolutely necessary to go ahead with what that bureau is doing.

Mr. DALZELL. The House ought to have an opportunity now or at some stage in the proceedings on this bill to ascertain how much of this is necessary, if not all of it, and my purpose is to get that opportunity from the chairman of the committee.

Mr. FITZGERALD. Mr. Speaker, I have very little information about this item. The Director of the Bureau of Mines, after this bill had passed the House, called upon me and stated that he had submitted an estimate to enable him to acquire some additional equipment in the rescue mine work of his bureau. I have since learned that of the $50,000 comprising his estimate, about $12,000 covered this additional equipment.

With the information I have I am unable to state what attitude I shall take regarding the matter or what the attitude of the conferees will be, but I will state this very frankly, that the conferees will require full information about every item incorporated in this bill by the Senate before they will consent to any of them.

Mr. MANN. Will the gentleman yield for a question?

Mr. FITZGERALD. I yield to the gentleman from Illinois.

Mr. MANN. Was there an estimate submitted which came to the House in reference to this bill before the bill was reported?

Mr. FITZGERALD. After the bill passed the House.

Mr. MANN. After the bill passed the House?

Mr. FITZGERALD. Yes.

Mr. MANN. It could not be so very urgent if the chief of the bureau did not discover it until after the bill passed the House.

Mr. FOSTER of Illinois. I will say to the gentleman from Illinois that the chief of the bureau was not in the city and could not be here.

Mr. MANN. It was his business to have some one here to attend to such things.

Mr. FOSTER of Illinois. He and his assistant were at Briceville, Tenn., attempting to rescue men who were entombed in that mine disaster, and could not be here.

Mr. MANN. But he must have known of this long ago.

Mr. GARNER. Mr. Speaker, like the gentleman from Pennsylvania and the gentleman from Illinois, I was anxious to get an opportunity, before some of these items are agreed to on the part of the House, to have a separate vote on them. I would like to ask the gentleman from New York what opportunity will be given to the House, if any, to discuss these various amendments and to vote upon them separately in case the conferees agree to them?

Mr. FITZGERALD. If the conferees agree to amendments and have a complete report in the bill, there will be no opportunity to vote separately on amendments, unless the House first votes down the conference report. Now, Mr. Speaker, I can state what the situation is and the House can do what it deems to be best. There are some items in this bill that should be incorporated into law before the House adjourns for the holiday recess. There are some items in the bill that can very readily go over until after the holidays or go over forever without any detriment to the public service. The two Houses have agreed to adjourn for the holiday recess to-morrow. If this bill is to be finally acted upon and become a law, it is necessary that it be acted upon very speedily.

Mr. FOSTER of Illinois. Mr. Speaker——

The SPEAKER. Does the gentleman from New York yield to the gentleman from Illinois?

Mr. FITZGERALD. I yield to the gentleman.

Mr. FOSTER of Illinois. The question was this: That before the conferees on the part of the House should insist this should go out I think it is proper that the House should have leave to express itself upon this, it seems to me, important amendment.

Mr. FITZGERALD. Mr. Speaker, in view of the fact that the only information about this item in possession of the House is information that some Members may have received privately from some source, I do not see how the House is in a position at this time to discuss the question.

Mr. BARTLETT. Will the gentleman yield?

Mr. FITZGERALD. I yield.

Mr. BARTLETT. I want to say, Mr. Speaker, with reference to these items, some of which have been put on in the Senate, that if the House desires to vote on any of them separately, as far as I am concerned I am willing it should be so. I do not know how they are going to do it without altering the rule, but, so far as I am concerned, I desire, representing the House, to have my action ratified by the House. Now, with reference to this provision for $50,000 for the Bureau of Mines and Mining I had a visit yesterday from the chief, Mr. Holmes, in my office. I have in my possession a copy of the estimates which were furnished the Senate Committee on Appropriations which led to this appropriation being put in the bill, and I was informed by Mr. Holmes that he had not made any estimate for this deficiency when the House met, and when the deficiency bill was considered he had not anticipated making this request for any deficiency; but recently, having visited the scene of the terrible mine disaster in Tennessee, not being here when the Committee on Appropriations had up the consideration of this bill, that the necessity for improving the method for rescuing people from mine disasters and teaching them how to avert them had been so impressed upon his mind and upon the bureau of which he is the chief that they were compelled to ask for this $50,000 additional appropriation, and he gives as a reason why it was not done before that he was absent from the city and had only returned after the bill passed the House. Now, that is the reason submitted. Whether it is a proper one or not I have not investigated, and I do not now know.

Mr. AUSTIN. Mr. Speaker, I would like to ask the chairman of the Committee on Appropriations if we can not have an agreement on a separate vote on this $50,000 item and also the month's extra pay for the employees of the House

Mr. FITZGERALD. I am not in a position, Mr. Speaker, to make any promise about these items.

Mr. AUSTIN. Then, Mr. Speaker, I object.

Mr. FITZGERALD. If this bill does not go into conference to-day it will not be disposed of by the House before the holidays.

Mr. SHERLEY. Mr. Speaker, will the gentleman from New York yield?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Kentucky?

Mr. FITZGERALD. I yield to the gentleman from Kentucky.

Mr. SHERLEY. Mr. Speaker, I simply want to say this to the House: I do not know of any more dangerous habit than the appropriating of money for any purpose, no matter how worthy it may be of itself, without something of record to show why it should be appropriated.

There is a habit growing up in the departments of going over to the other body and there making verbal statements that are not taken down—sometimes in committee, sometimes to individuals merely in a personal way—and having items put in a bill and then coming back expecting this House to agree to them without any knowledge respecting them. I also have had a personal visit from the head of this bureau, and I said to him that I felt that Congress would not be warranted in making any appropriation on a private conversation of heads of departments with Members, and I believe this matter is not so vital that the House need be swept off its feet without knowing anything of the facts that underlie it.

Now, there is opportunity inside of about 15 days for the House to consider matters and pass other bills, and pass urgent deficiency bills if necessary, and the practice I have referred to ought to stop here and now, of having these matters put into bills without having a line on the record to show the need or the purpose of them.

Mr. DALZELL. Let me make a suggestion to the gentleman from Kentucky.

The SPEAKER. Does the gentleman from Kentucky yield to the gentleman from Pennsylvania?

Mr. SHERLEY. Certainly.

Mr. DALZELL. The conferees can examine into this matter, and if a meritorious proposition is considered, the House ought to have an opportunity to indorse it.

Mr. SHERLEY. The gentleman knows that it has never been the practice to have the proceedings before conference committees printed as to the items coming into a bill. It has never been the custom.

Mr. DALZELL. It is a small matter to have them printed. The House ought to have the facts.

Mr. SHERLEY. Yes; but an investigation of this kind should not be an investigation of an hour or two.

Mr. AUSTIN. Mr. Speaker, will the gentleman from New York [Mr. FITZGERALD] yield?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Tennessee?

Mr. FITZGERALD. I yield.

Mr. AUSTIN. This horrible mine disaster mentioned in this discussion occurred in my district, and carried with it a loss of life to 84 miners and left 207 widows and orphan children. There never was a more meritorious item submitted to Congress than this amendment of the Senate. In view of this disaster and the probability of others to follow it, this House, composed of practically 400 Members, ought to have the right to vote on this item. I object to the consideration of this bill unless we have the right to vote upon this amendment, which should appeal to the humanity of every man in this House.

Mr. MANN. Will the gentleman withhold his objection for a moment while I make an inquiry of the gentleman from New York?

The SPEAKER. Does the gentleman from New York [Mr. FITZGERALD] yield to the gentleman from Illinois [Mr. MANN]?

Mr. FITZGERALD. Yes; I yield.

Mr. MANN. I hope the gentleman from Tennessee [Mr. AUSTIN] will not object.

Mr. AUSTIN. I do object, and will object. I demand a separate vote on this item, otherwise this bill shall not be considered. I owe it to my constituency, and I have never failed to stand here in their interest.

Mr. MANN. Will the gentleman withhold his objection for a moment?

Mr. AUSTIN. I will withhold it.

The SPEAKER. The gentleman reserves his objection.

Mr. MANN. I hope the gentleman will not object when the situation is presented to him, for this reason, if I can get the attention of the gentleman from New York [Mr. FITZGERALD]: I know of no way by which this matter can receive a separate vote in the House except by unanimous consent, if the bill is to become a law before the holidays.

It is perfectly patent that if the bill does not go to conference to-day it will not become a law before the holidays. The matter can not be acted upon to-day without unanimous consent. I see my friend the gentleman from New York [Mr. SULZER] is distracting the attention of the gentleman from Tennessee by talking to him. I wish he would not do that.

Mr. SULZER. I think I am convincing the gentleman.

Mr. MANN. What object is there on the part of my friend from Tennessee [Mr. AUSTIN] to object to an appropriation of one sum of money for one purpose, and thereby prevent it, simply because he can not get an appropriation of another sum of money for another purpose at the same time, when that matter can be acted on upon its own merits? There is nothing to prevent the House at any time passing an urgent deficiency bill; but if the gentleman stands upon his rights, as he has the right to do and nobody can complain of it, it simply means that there will be no urgent deficiency bill become a law before the holidays, and that the work of raising the battleship *Maine* will cease, because there is no money to carry it on with.

Mr. NORRIS. And if the gentleman will permit there, he ought to add that the very appropriation which the gentleman from Tennessee [Mr. AUSTIN] seeks will likewise fail at the present time.

Mr. MANN. Oh, certainly. He can not get that; but I imagine that can be taken care of after the holidays.

Mr. AUSTIN. I do not object to a single item in this bill. I will vote for every Senate amendment; but I do think we are entitled to a vote on this amendment, and if I have the power to compel a separate vote on it, I shall exercise that power. If the chairman of the committee [Mr. FITZGERALD] having this bill in charge will give us the privilege now to vote to concur in that Senate amendment on this $50,000 item, this matter can be settled.

Mr. FITZGERALD. Mr. Speaker, such a request as that can not be granted, and I will state the reason. I am supposed to assume some responsibility to this side of the House as to the character of appropriations that are to be made. No information of a reliable character about this item has come to the Committee on Appropriations. I have been shown a statement by some Members since the House met to-day which leads me to believe that the matter requires investigation because of the possible expenditure of the money in violation of law.

The gentleman from Tennessee [Mr. AUSTIN] speaks of his duty to his constituents. Not a dollar carried in this bill is to be utilized in any work in the gentleman's district in connection with this recent mine disaster. He apparently does not appreciate just what the bureau wants. So far as I am concerned, if the gentleman wishes to do it, he can exercise his right and the bill can go over, but I will make no terms of the character suggested, in order to facilitate the transaction of business.

Mr. MOORE of Pennsylvania. Mr. Speaker——

The SPEAKER. Does the gentleman from New York yield to the gentleman from Pennsylvania [Mr. MOORE]?

Mr. FITZGERALD. I yield to the gentleman.

Mr. MOORE of Pennsylvania. I should like to have the attention of the gentleman from Tennessee [Mr. AUSTIN] for a moment.

The SPEAKER. The gentleman from Pennsylvania desires the attention of the gentleman from Tennessee.

Mr. MOORE of Pennsylvania. Mr. Speaker, I think no one in this House admires more than I do the devotion of the gentleman from Tennessee [Mr. AUSTIN] to his constituents. He is perhaps one of the most faithful of all the Representatives upon this floor; but when he speaks of the special interests of his constituents as affected by the provision in this measure, I desire to call his attention to the fact that there are many of us whose constituents are equally interested, but who are also vitally interested in matters not contained in this bill. There was the matter of the Philadelphia immigration station, which I brought to the attention of the House a few days ago. It has been entirely eliminated from the bill, and we have been relegated to another opportunity at another time to provide for the welfare of many human beings who are now suffering for the lack of sufficient hospital accommodations, and particularly down-hearted human beings who should receive a proper welcome when they come into this country.

I have looked over the item referring to mine explosions, contained in this report, and I observe that it has no reference whatever to the mine explosion that happened in the gentleman's State of Tennessee. It comes along following an accident that happened in his State and therefore arouses sympathy, but it is for general investigation, and can not remedy what has happened.

Naturally the gentleman from Tennessee would like to have this matter considered, because it seems urgent to him at the present time, but the gentleman ought to remember that there are others of us who have to suffer inconvenience and delay, and I trust the gentleman will not insist upon his objection.

Mr. CARLIN. Will the gentleman from New York yield?

Mr. FITZGERALD. I will yield to the gentleman from Virginia.

Mr. CARLIN. I would like to ask the gentleman if a solution could not be reached in this way: I am sure the Appropriation Committee does not want to take away from this House the right to consider any item in any appropriation bill. The gentleman's present motion will do that. Can not the gentleman change the motion so as to nonconcur in all the amendments save this one, and concur in this one, and the effect of that would be to let the House consider this amendment?

Mr. FITZGERALD. Let me say this to the gentleman from Virginia: This is the first deficiency appropriation bill, the first bill in this session carrying appropriations for service to the Government. The practice of the House for over 30 years has been invariably to send bills to conference in this way. The time fixed for the adjournment for the holiday recess is to-morrow. I am not personally interested in getting this bill through before the holidays. The public interests, however, demand that it should become a law before the holiday adjournment; but I do not propose, either now or at any other time, to be compelled to enter into bargains in order to do what I believe to be proper in the transaction of the public business. [Applause.] If gentlemen wish to exercise their right to object, let them do it.

Mr. CARLIN. I think the gentleman from New York misunderstands the purpose.

Mr. FITZGERALD. Oh, I understand the purpose. The gentleman wishes me to consent to have a vote on a matter before it is possible for the House to get the information that it should have before it determines it, and I can not consent to such procedure.

Mr. CARLIN. The House can vote it down if it pleases to do so.

Mr. FITZGERALD. Yes; and it could pass it on inadequate information or no information whatever.

Mr. CARLIN. That is for the House to determine for itself.

Mr. MANN. Will the gentleman from New York yield?

Mr. FITZGERALD. I will yield to the gentleman from Illinois.

Mr. MANN. I appreciate the position of the gentleman from New York, and as far as I am concerned, if the matter was presented to the House without information, as I think it would be to-day, I should vote against the proposition. The gentleman has asked unanimous consent to nonconcur in all the Senate amendments. I do not see how it affects the dignity of the Committee on Appropriations, which I think ought to be sustained by the House at all times, to couple with that a provision that one amendment might be voted on in the House without sending the whole thing to the committee.

Mr. FITZGERALD. The situation in this case is entirely different from what it would be if this were a matter considered by the committee and later inserted by the Senate. The House has no information about the matter except what has been privately communicated to Members from those interested in this matter. Several gentlemen here have in their pockets statements provided by the Director of the Bureau of Mines. It may be that there is some special reason why they should be furnished with it and none sent to me or the Committee on Appropriations.

Mr. MANN. I think the gentleman would be secure in submitting it to a vote.

Mr. FITZGERALD. I may be secure, but I prefer to let those who think that they can coerce the committee of the House understand that they will fail, and I shall not make a bargain that will permit this vote to be taken. [Applause.]

The SPEAKER. Is there objection?

Mr. AUSTIN. I object.

The SPEAKER. The bill is referred to the Committee on Appropriations under the rule and ordered printed.

RESIGNATION FROM THE COMMITTEE ON CLAIMS.

The SPEAKER laid before the House the following communication:

HOUSE OF REPRESENTATIVES,
Washington, December 19, 1911.

Hon. CHAMP CLARK,
Speaker House of Representatives, Washington, D. C.

DEAR SIR: I hereby tender to you my resignation as a member of the Committee on Claims and ask the House to accept of my resignation.

Respectfully,

C. A. LINDBERGH.

The SPEAKER. Without objection, the gentleman will be excused from further service on that committee.

Mr. MANN. Mr. Speaker, reserving the right to object, I ask to have the following communication read.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES,
Washington, December 19, 1911.

Hon. JAMES MANN,
Washington, D. C.

DEAR SIR: I can not serve upon the Claims Committee without neglecting matters in which my constituents are especially interested. For that reason I have sent the Speaker my resignation. I want to express to you my appreciation of the fact that I have no complaint to make to you on this. I realize that that is a very good committee, and perhaps no other committee affords better opportunity to meet and become acquainted with the Members in general, but, as I have suggested, I can not give it the time that should be given and be just to my constituents. Therefore I hope you will acquiesce in my resignation.

Respectfully,

C. A. LINDBERGH.

The SPEAKER. Without objection, the resignation of Mr. LINDBERGH from the Committee on Claims will be accepted.

There was no objection.

TREATY BETWEEN RUSSIA AND THE UNITED STATES.

The SPEAKER laid before the House the joint resolution of the House No. 166, with Senate amendments thereto.

The Senate amendments were read.

Mr. SULZER. Mr. Speaker, I now move to concur in the Senate amendments to House joint resolution 166, introduced by me, to terminate the Russian treaty of 1832, and I desire to be heard upon that motion.

The SPEAKER. The gentleman from New York moves to concur in the Senate amendments of House joint resolution 166, and is entitled to one hour under the rule.

Mr. SULZER. Mr. Speaker, on account of the limited time at our disposal ere adjournment for the holiday recess and in view of the fact that a year will be lost in the termination of the treaty of 1832 with Russia unless action be taken on the pending motion to-day, and for more substantial reasons of state, I have moved to concur in the Senate amendments to House joint resolution 166, introduced by me, to terminate the treaty of 1832 with Russia. I hope the House will adopt this motion unanimously, and again prove that it can rise above partisanship and on an occasion of international moment be truly American.

I want to say to the House now, what I have said to individual Members heretofore, that so long as I am the chairman of the Committee on Foreign Affairs of the House of Representatives I shall never stoop to play petty politics with a matter concerning our relations with a foreign government. I put patriotism above party policy; the good of all the people ahead of political expediency.

So in justice to the House I should say that in the framing and the adoption of our resolution to terminate the antiquated Russian treaty of 1832 we cared more for the substance than we did for the mere form. We were not seeking glory but results. We wanted to terminate the Russian treaty, and we went about it in the most direct way by telling the truth as we knew the truth. I believe that truth is mighty and will prevail in every cause, and in this case the results sought certainly have been achieved quicker than we expected.

What are the facts? For 40 years every Secretary of State has wrestled with this Russian passport question and accomplished little. For 40 years every President has endeavored to achieve something in regard to this matter without avail. In four days the House of Representatives accomplished just what was desired. That shows what can be done if you want to do it and know how to do it.

We rise superior to partisanship now that we have won what we wanted and say we will accept the Senate amendments. We are not interested in the technicalities of the words of the resolution, but in the termination of the treaty. We have achieved that. I am content. We should be satisfied with the result; but in justice to the Committee on Foreign Affairs and to the membership of this House, I want to say now, and I measure my words, that Russia made no protest, directly or indirectly, against the adoption of the resolution which passed the House of Representatives last Wednesday by a vote of 300 to 1. [Applause.] We need never apologize for that resolution. No true American will apologize for it.

Mr. HARRISON rose.

The SPEAKER. Does the gentleman from New York yield to his colleague?

Mr. SULZER. Yes; a little later on. I do not care to yield at present. As an evidence of the fact that Russia made no protest, I need only say to those familiar with the customs of diplomacy that the Russian Government would be acting contrary to all precedents to do anything of that character. It would be in violation of all diplomatic usages; and besides, if the Government of Russia had done anything so at variance with polite diplomatic practice, it was the duty of the executive

branch of the Government to communicate it to the legislative branch of the Government, which had the matter under consideration. As a matter of fact, the House resolution was not offensive to Russia, and that Government took no exception to its phraseology.

For the purpose of the record I want to read the resolution of the House. It declared:

That the people of the United States assert as a fundamental principle that the rights of its citizens shall not be impaired at home or abroad because of race or religion; that the Government of the United States concludes its treaties for the equal protection of all classes of its citizens, without regard to race or religion; that the Government of the United States will not be a party to any treaty which discriminates, or which by one of the parties thereto is so construed as to discriminate, between American citizens on the ground of race or religion; that the Government of Russia has violated the treaty between the United States and Russia concluded at St. Petersburg December 18, 1832, refusing to honor American passports duly issued to American citizens, on account of race and religion; that in the judgment of the Congress the said treaty, for the reasons aforesaid, ought to be terminated at the earliest possible time; that for the aforesaid reasons the said treaty is hereby declared to be terminated and of no further force and effect from the expiration of one year after the date of notification to the Government of Russia of the terms of this resolution, and that to this end the President is hereby charged with the duty of communicating such notice to the Government of Russia.

That resolution speaks for itself. As the author of it, I submit no amends; I offer no apologies; but I call the attention of the country to the fact that there is not a line in it requesting the President to communicate the identical resolution to the Russian Government. Some of the newspapers erred about this phase of the question. The resolution said in its last two lines that the Congress terminated the treaty and that—

the President is hereby charged with the duty of communicating such notice to the Government of Russia.

What notice? That the treaty be terminated in accordance with its terms. Therefore I say again that all of the stories in the newspapers, which emanated from a source to which I do not care to refer at the present time, for good and sufficient reasons, regarding the attitude of the Russian Government in opposition to this resolution on account of its form, had no foundation in fact. Suffice it for me to reiterate that the House resolution expressed the overwhelming sentiment of the people of this country, and to the credit of their Representatives be it said that this House responded to that popular sentiment and passed the resolution by a vote of 300 to 1.

Sometimes, Mr. Speaker, it is a good thing for us to pause in our legislative duties regarding trade interests and commercial rights and devote a day or two to human interests and the rights of American citizens at home and abroad. I stand to-day as I always have stood in the past, and as I always hope to stand in the future, in Congress or out of Congress, for equal rights to all and special privileges to none—for the dignity of American citizenship here and everywhere. [Applause.] If I believe in anything, I believe in the doctrine of the great Scotch bard, Bobby Burns:

A man's a man for a' that.

And, sir, I am glad to say that years ago the Congress of the United States said more in a statute than this resolution affirms, when it passed the act of 1868, being sections 1999 and 2000 of the United States Revised Statutes. In order that it may be heard again in this House, and in order that it may go upon the record, I send it to the Clerk's desk and ask to have it read.

The Clerk read as follows:

SEC. 1999. Whereas the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness; and whereas, in the recognition of this principle, this Government has freely received emigrants from all nations and invested them with the rights of citizenship; and whereas it is claimed that such American citizens, with their descendants, are subjects of foreign States, owing allegiance to the Governments thereof; and whereas it is necessary to the maintenance of public peace that this claim of foreign allegiance should be promptly and finally disavowed: Therefore any declaration, instruction, opinion, order, or decision of any officer of the United States which denies, restricts, impairs, or questions the right of expatriation is declared inconsistent with the fundamental principles of the Republic.

SEC. 2000. All naturalized citizens of the United States, while in foreign countries, are entitled to and shall receive from this Government the same protection of persons and property which is accorded to native-born citizens.

Mr. Speaker, that act was passed in 1868. It is the law of the land to-day and the resolution passed by the House simply reaffirmed it. Almost every Government on earth has now recognized our doctrine of expatriation except the Russian Government. By virtue of the treaty of 1832 Russia still adheres to the doctrine of indefeasible allegiance, which means once a Russian subject always a Russian subject. We can not admit that. The time has come when every Government must recognize the American doctrine of expatriation. The law of 1868 means just what it says.

The passage of that act by Congress was substantially a repeal of that portion of the treaty of 1832 with Russia in which the doctrine of indefeasible allegiance is enunciated. So much for that.

Now, let me be fair and just to all and take up a few things in connection with the pending proposition which perhaps need to be cleared up for the truth of history. What are the facts? The House of Representatives on Wednesday, the 13th day of December, passed House joint resolution 166, to terminate the Russian treaty of 1832. On Thursday, the 14th day of December, that resolution was presented to the Senate and was referred by the Vice President to the Committee on Foreign Relations, and the Committee on Foreign Relations had the House resolution under consideration. On the 17th day of December—last Sunday—four days after the House passed the resolution and while it was pending in the Senate, the President sent a cable to the American ambassador at St. Petersburg directing him to present the formal notice, mentioned in the House resolution, to the Russian Government to the effect that the United States desired to terminate the treaty of 1832.

On Monday, the 18th day of December, the President sent to the Senate a message regarding this subject, and in that message says, among other things, that he directed the American ambassador at St. Petersburg to say to the Russian Government that it—

Will recall the fact that this ancient treaty, as is quite natural, is no longer fully responsive in various respects to the needs of the political and material relations of the two countries, which grow constantly more important. The treaty has also given rise from time to time to certain controversies, equally regretted by both Governments.

Before this communication to the Senate on Monday, the 18th instant, was read the Senate Committee on Foreign Relations reported House joint resolution 166 with the amendments which have been read at the Clerk's desk. On Tuesday, the 19th instant, the Senate passed the resolution amended. It is now before us for concurrence. The story is plain. No one will misunderstand its significance. No comment from me is necessary. I do not want to say a word of criticism of any official. This matter is international. It concerns human rights. It rises to the dignity of being above political advantage. I have put it on a higher plane than partisanship. I shall keep it there. I want no glory; I strive for results; but we can not fail to understand the significance of these dates and what they mean.

The people of the country will not fail to understand. They know the House of Representatives, responding to the popular sentiment and the patriotic desire of America, passed on Wednesday, the 13th of December, the resolution to terminate the Russian treaty; that the President on Sunday, December the 17th, acted upon the resolution of the House, ignoring the Senate, which had the matter under consideration; that then the President on Monday, the 18th of December, ignoring the House of Representatives which had passed the resolution, sent a message to the Senate asking that body to ratify his action in sending the official notice to the Russian Government in accordance with the resolution passed by the House; that then the Senate on Monday, December the 18th, ignored the President by reporting the House resolution with an amendment, so that both branches of Congress could ratify the President's sudden action and legally terminate the treaty. I could quote a famous couplet about the President's action—but then what is the use, the House has won and we should be content.

Mr. BERGER. Mr. Speaker——

The SPEAKER. Does the gentleman from New York yield to the gentleman from Wisconsin?

Mr. SULZER. Mr. Speaker, I can not yield until I have finished what I want to say at this time.

The SPEAKER. The gentleman declines to yield.

Mr. BERGER. All right; I will get the floor afterwards.

Mr. SULZER. I will yield to the gentleman in a little while.

Mr. BERGER. Just for a question.

Mr. SULZER. Be patient. I shall yield you time.

The SPEAKER. The gentleman from New York declines to yield at this time.

Mr. SULZER. Mr. Speaker, the record tells the story. The House emerges gracefully and has won triumphantly. The country will understand why the President acted so suddenly in notifying Russia that the United States terminated the treaty of 1832 in accordance with the House resolution, and many will wonder and keep on wondering until the end of the next campaign why, if he had the power to do what he did—and many doubt it—why, I say, did he wait so long to do it? However, let that go. But I want to repeat now what I said before, that I never had any vanity in the authorship of the House resolution which bears my name to terminate the Russian treaty. My friends know I am above little things like that. Nevertheless, I

did have some pride in the phraseology of the resolution, because it stated the truth, and I believe the truth will prevail in every cause. It has in this case, at all events.

No true American is afraid of the truth. Besides, my resolution enunciated great fundamental principles of the rights of citizenship, native and naturalized, at home and abroad, which I believe to be the time-honored policy of our country, and in order that there should never be any question about it in the future I was anxious to have the resolution written upon our statute books. The action of the House in this matter, however, will stand as a landmark for all time to come, and it voiced beyond the peradventure of doubt the overwhelming sentiment of the liberty-loving people of our country.

What has been done by the House of Representatives and the President and the Senate speaks for itself and is now history. The battle for equal rights to all our citizens, at home and abroad, is won. The result the House sought is accomplished. Why quibble? Let us rather rejoice with every friend of freedom in the victory for humanity achieved through the agency of the House of Representatives. The Russian treaty of 1832 will soon be terminated; the dignity of an American passport vindicated; and equality of all American citizens at home and abroad, regardless of race or religion, officially enunciated. [Loud applause.]

Mr. Speaker, this House intended no offense to Russia. None was given. Russia took no offense at anything that this House did. But this matter is one of much graver moment than the termination of the treaty. That is a right no one questions. We not only want to terminate this treaty for all the reasons which have been asserted, but we want to continue friendly relations with the Government of Russia. We want to meet Russia halfway, to negotiate and conclude a new treaty that will be up to date and in harmony with the spirit of the times; and I would be the last man in this House or in this country to put a straw in the way of the distinguished Secretary who graces the State Department to bring about its accomplishment, so devoutly wished by every patriotic citizen in America. [Loud applause.]

Mr. Speaker, I reserve the balance of my time. I now yield to the gentleman from Wisconsin [Mr. BERGER]. How much time does the gentleman desire?

Mr. BERGER. Just enough time to enable me to ask one plain and simple question.

Mr. SULZER. Very well.

Mr. BERGER. Mr. Speaker, does the gentleman from New York believe that the abrogation of the commercial treaty of 1832 with Russia accomplishes the purpose of securing the rights of American Hebrews to travel and do business in Russia? That is a very simple question.

Mr. SULZER. Mr. Speaker, I gladly answer that question, and say that in my judgment the termination of the treaty of 1832 means the conclusion of a new treaty that will be up to date; that will enunciate the doctrine of expatriation; and that will recognise the dignity of American passports regardless of race or religion. I have faith in that. It will surely come.

Mr. BERGER. Mr. Speaker, is the gentleman from New York aware of the fact that we have another treaty with Russia by which we are compelled to extradite so-called criminals, men who have fought for liberty in Russia, and that the termination of that treaty would accomplish the purpose that the gentleman from New York is trying to accomplish much more easily than the the termination of the treaty of 1832, which really hurts our commercial interests a good deal more than it hurts Russia?

Mr. SULZER. The gentleman is somewhat in error about that. The treaty of 1832 relates to travel and sojourn in Russia as well as commerce and navigation.

Mr. BERGER. Well, I am ready to learn.

Mr. HARRISON of New York rose.

Mr. SULZER. How much time does my colleague desire?

Mr. HARRISON of New York. Just time enough for one question.

Mr. SULZER. I yield to my colleague from New York.

Mr. BERGER. But, Mr. Speaker, the gentleman has not answered my question.

Mr. SULZER. Oh, yes——

The SPEAKER. The gentleman has yielded the floor to the gentleman from New York. He does not have to answer unless he wants to. [Laughter.]

Mr. HARRISON of New York. Does the chairman of the committee know who was responsible for giving to the press of the United States the statement, almost unanimously by them published, to the effect that the adoption of the House resolution would be considered an insult by Russia? And does he further know whether that statement was put into the newspapers to have any effect upon the minds of legislators in this country?

Mr. SULZER. In reply to the question of my colleague from New York, I desire to say—and I speak advisedly—that the statement did not emanate from the State Department. The newspapers of the country were deceived. As I said, Russia made no representations concerning the action of the House, formally or informally, directly or indirectly. The matter is all over now, and I am so anxious to help those upon whom the responsibility devolves to conclude a new treaty, that will be just to all, that I do not care to say anything further on the subject. It is a closed incident, so far as I am concerned. It is the duty of Congress now, it seems to me, to make the task of the Secretary of State as easy as possible, and that is one of the reasons I am asking the House to concur in the Senate amendments.

Now, Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. MCCALL] five minutes.

The SPEAKER. The gentleman yields to the gentleman from Massachusetts [Mr. MCCALL] five minutes.

Mr. MCCALL. Mr. Speaker, I believe in the House concurring in the amendment of the Senate. I think that it is in vastly better form than the resolution as it passed the House.

The resolution presented by the chairman of the Committee on Foreign Affairs was a very skillfully drawn resolution. It affirmed various principles in which we all concur, and intertwined that statement of principles with a statement which would not have left us in a condition to continue negotiations with Russia. One could not vote in favor of the resolution without voting for something that would be offensive to the Russian Government, and he could not vote against the resolution without voting against most of the virtues in the Decalogue.

The resolution as it comes to us from the Senate puts the matter in such a form that it can be pursued by diplomatic negotiations. And let me say that I do not think the President of the United States has been guilty of any discourtesy to the House. The gentleman from New York [Mr. SULZER] has recited dates, but he might have also recited another date, and have shown that the week before the House acted the President had stated in a message that he would have something to announce after the holidays in connection with the Russian question; and it seems to me that proper courtesy required that the House should have waited that short time for such action as the President was evidently intending to take.

But the purpose for which I chiefly rose, Mr. Speaker, was to say that I approve of this method of dealing with treaties in abrogating them; that is, by a joint resolution passed by the two Houses of Congress. I do not concur at all in the view that has been advanced in another body, that the power to break treaties resides in the Executive, by and with the advice and consent of the Senate. The Constitution expressly confers upon the President the power to make treaties, with the concurrence of two-thirds of the Senators present. Now, we all know what the making of a treaty is. Jay has said that a treaty is a trade between nations. It requires two or more parties to make a trade; but treaty breaking is a radically different thing. That can be done by one party. It is sometimes a perilous thing to do. It may sometimes lead to war. It may lead to the destruction of the vested rights of millions of people, and it seems to me that it is a very extraordinary construction to put upon the Constitution to hold that the term "making treaties" is so pregnant as to include its opposite.

I have no doubt that the Senate can very wisely exercise this power. It is a great thing for the country to have a body of wise and virtuous men who are conscious of their qualities and are willing in a patriotic way to exercise not merely their own constitutional powers, but whatever other powers may be scattered about under our system of government and which, not being nailed down, can be made to move in their direction. [Applause.]

Let me take, for instance, one power where there was a clear grant to the House. The great compromise of the Constitution was that which gave the representatives of the people a certain jurisdiction over revenue legislation. That was clear and explicit; and yet we see that that has been so construed in practice as to be reduced to the mere shadow of a power, so that the exclusive power of the House amounts to very little.

If it were simply a question as to having these powers exercised in a proper way we might concede the right of the Senate to exercise them, but we have a constitutional Government. We have one body which is made up of representatives of the people, chosen according to population, and it seems to me that when we come to deal with a matter that affects the rights of our

citizens all over the country there is an obvious justice in the proposition that the two representatives of a population which would only be entitled to one-third of a representative in this body should have the same power as the representatives in that body of a population entitled to 40 representatives and having thousands of men interested in this treaty, and having vastly greater interests under it.

Mr. LONGWORTH. Will the gentleman yield for a question?

Mr. McCALL. Certainly.

Mr. LONGWORTH. Does not the gentleman think it would be wise to state in the body of the treaty itself hereafter that it should be broken only by action of the House as well as of the Senate? That would obviate all question.

Mr. McCALL. I assent to that, because it would obviate all question. At the same time a treaty is the law of the land, and after it gets the force of law I do not believe in having another legislative machine perform on it, but that if it is to be repealed it should be done by the two Houses of Congress if the other party does not agree to abrogate in a new treaty.

Mr. KENDALL. That is the effect of this resolution.

Mr. McCALL. This resolution admits that right, and that is one of the reasons why I favor it. I do not concede much force to the precedents that have been advanced where a different course has been pursued. Treaties have usually been abrogated by both Houses of Congress. There are a very few exceptions. There is the exception of the action of Mr. Lincoln, taken during war time, and yet it was thought best in that case to have his action subsequently affirmed by a vote of the two Houses of Congress. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SULZER. Mr. Speaker, I yield to the gentleman from New York [Mr. GOLDFOGLE].

Mr. GOLDFOGLE. Mr. Speaker, I rise to favor the motion to concur in the Senate amendment. It is entirely immaterial to me what form or language is employed to secure the abrogation of the Russian treaty so long as the object sought is accomplished. It is the substance that is sought, and the form is of little consequence. The culmination of the efforts made for many years past to secure equality of treatment for our American citizens by Russia—to put an end to the unfair and unwarranted discrimination made against our citizens because of their creed or, failing in that, to terminate the antiquated treaty of 1832—has happily been reached.

If the ultimate result of the abrogation and the making way for negotiations for a new treaty will result in according to American citizens, regardless of religion or creed, equal and uniform rights and privileges when journeying under the safeguard of an American passport they seek entrance to Russia, I shall be greatly gratified, and that gratification will be shared by my fellow countrymen everywhere throughout the land. [Applause.]

It is a matter of rejoicing that the question, so tremendously fraught with importance to American citizenship, has not been treated in any partisan manner. It evoked the patriotic support of this Congress, and that support with practical unanimity was readily and spontaneously given. The people of my faith, ever deeply appreciative of that liberality of thought and heart and spirit that characterizes the true American and of that religious freedom which has contributed immeasurably to the strength of our Republic, to the perpetuity of American institutions, and the happiness and contentment of our people, will always bear in grateful memory the expressions of my fellow Representatives last Wednesday, during the debate in this body, concerning their character, their standing, and their worth as citizens of this Republic.

The ready and emphatic response given by Congress to the people's demand for the termination of the treaty, the provisions of which for years have been grossly misinterpreted and tortured into false construction by Russia, will be appreciated by millions of American freemen who long have keenly felt the humiliation of Russia's insulting conduct, against which our country so frequently uttered her protests in vain.

Too long has America endured Russia's disrespectful conduct. The treaty should have been abrogated years ago, especially after negotiations utterly failed following the passage of my several resolutions in the past.

On April 4 last—the day the Sixty-second Congress first convened—my colleague, Mr. HARRISON of New York, and I together introduced a joint resolution for the treaty's abrogation. It was introduced at the very moment of the organization of this House, when the Speaker's gavel fell. But I profess no pride of authorship, and unswerving fidelity to the cause for years forbids the consideration of anything else than the result I would see attained. That result—"a consummation devoutly to be wished"—will redound to the honor and the glory of our beloved country.

After abrogation was so frequently urged and earnest endeavors made through interviews with the Executive, in which I took part, to have measures taken to terminate the treaty, I feel I am but giving this House the credit it deserves when I say that its membership is entitled to the distinction of having, by our action Wednesday last, impelled the President to give Russia the notice which by the Senate amendment we are called on to ratify.

With the Senate amendment I am perfectly content. Its adoption means the end of the treaty. The abrogation of that treaty maintains our national dignity, upholds, as befits a great nation, the integrity of our citizenship, fulfills the guaranty of equality, and serves notice on Russia that to maintain treaty relations with us she must accord to all our law-abiding citizens alike when they present the American passport that respectful treatment as is uniformly and hospitably extended to them by the other civilized nations of the world. [Applause.]

The SPEAKER pro tempore (Mr. ROBINSON). The time of the gentleman has expired.

Mr. SULZER. I yield to the gentleman two minutes more.

Mr. GOLDFOGLE. The patriotic action of this body in adopting the measure now before us will furnish another powerful manifestation that whenever any nation seeks to infringe upon the just rights of American citizens, or deny them treaty privileges, or subject them to humiliation, the American people throughout the length and breadth of the land will be found on the side of justice, of righteousness and fair play. [Applause.]

Mr. SULZER. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I desire to congratulate the gentleman from New York [Mr. SULZER] for making the motion to concur in the Senate amendment. He naturally prefers the resolution as he introduced it. The other day there was a division of opinion in this House as to whether that resolution ought to be amended or not, but when it came to a final vote upon the proposition affecting our relations with a foreign country, we were practically unanimous in the House, as the Senate was practically unanimous in the Senate. Now, when the gentleman from New York waives his personal predilections in this matter, in order that both bodies of Congress may present a solid front in connection with a foreign country, in my judgment he is placing patriotism above pride. [Applause.]

We may differ among ourselves as to what we should do at home or abroad. We may have differences and conflicts over legislation affecting our own country or over legislation affecting a foreign country, but, after all, when it comes to dealing directly with a foreign power I hope that we will preserve the idea of maintaining a solid front, wiping out the differences of partisanship, and think only of country, and have the country united, not divided, in its relation with a foreign power. [Applause.]

Mr. MALBY. Mr. Speaker, being the sole member of this House who did not find it possible to vote for the passage of the resolution introduced by my colleague from New York [Mr. SULZER], it is perhaps proper that I should state some of the reasons why.

For more than three-quarters of a century the relations existing between the Government of the United States and that of Russia have been those of great friendship. When a proposition is made to sever those relations we should, in justice to ourselves, as well as Russia, have sufficient cause for so doing, and proceed with care and caution, and approach the consideration of a subject of such international importance with the greatest degree of friendship. We should also bear in mind that this treaty was not originally made between the high contracting parties in any spirit of unfriendliness or animosity toward each other. It was made after this Government had pleaded with the Government of the Czar for at least a quarter of a century. We were the moving party, and not Russia, and when it was entered into it was drawn in exact conformity with the laws of both Russia and of the United States.

In order that this fact may appear beyond all controversy it is proper that I should call your attention to the terms of the treaty itself. In the first article thereof it provides that the inhabitants of the respective States shall have liberty to go into each other's territories "*on condition of their submitting to the laws and ordinances there prevailing,*" and the tenth article of the treaty concludes with this very significant paragraph:

But this article shall not derogate in any manner from the force of the laws already published, or which may hereafter be published, by His Majesty the Emperor of all the Russians to prevent the emigration of his subjects.

Let us inquire what were the laws of Russia at this time to which article 10 refers. I find that by the law of Russia, under

date of March 23 and August 11, 1824, foreign Jews, irrespective of nationality, were prohibited from entering Russia, as well as Russian Jews who emigrated without permission, so that under this law no Jew, whether native or foreign born, could enter Russia without her express permission. Inasmuch as this law was enacted by Russia several years before the treaty was entered into, it must be conceded that those who conducted the negotiations on the part of the United States were at the time advised of those provisions, and by the insertion of the article referred to expressly recognized on the part of the United States the right of Russia not only to prohibit the emigration of her subjects without her consent, but also to regulate the manner in which all Jews should be permitted to visit and sojourn in her territory. In this connection it is also important to observe that at the time that this treaty was concluded between the United States and Russia not only both of the high contracting parties, but the entire civilized world, recognized and maintained the doctrine of "indefeasible allegiance," which doctrine the Russian Government still maintains.

I also desire to call the attention of the House to the fact that as early as 1797 the Supreme Court of the United States expressly asserted this doctrine. In fact, in the year 1830, two years before this treaty was negotiated, the Supreme Court of the United States, in a very able opinion written by Mr. Justice Story, used this language: "*The general doctrine is that no persons can, by any act of their own, without the consent of the Government, put off their allegiance and become aliens.*" In fact, this doctrine was so well recognized that Chancellor Kent, in writing upon the subject in his Commentaries, declared this to be the common-law rule of England, and so when this treaty was negotiated between this Government and Russia it was the well-settled law of both, and of civilized countries generally, that the citizen of a country had no right or authority to expatriate himself. Indeed, this doctrine was never wholly departed from by the United States until a statute was passed July 27, 1868, more than a third of a century after this treaty had been concluded, wherein it was recited that "the right of expatriation is a natural and inherent right of all people."

Hundreds of thousands of people had been coming to our country from all parts of the world, which made necessary this change in our attitude with reference to their status. It was simply a case of necessity in which nearly all foreign countries except Russia almost immediately concurred, and in the principle of which it is hardly necessary for me to say that I most heartily concur. It is briefly referred to here only to show what the conditions were at the time the treaty was concluded and for many years thereafter, and for the further purpose of calling attention to the fact that Russia, in her present attitude toward the citizens of the United States, has violated no portion of the treaty by any refusal on her part to admit certain citizens of the United States to her territory. While the right of expatriation exists on the part of the citizens of most of the countries of the world, I repeat that it does not exist in Russia, and it by no means follows that such citizens as desire to expatriate themselves can demand as a natural or a legal right admission into any other country which they may choose as their future place of residence. Neither can a citizen of one country who desires to change his residence depend wholly upon the exact wording of a treaty existing between his native country and the one of his proposed adoption, for in practice at least the positive terms of a treaty seem to be subject to certain limitations and exceptions, for while this treaty with Russia, and I presume the other treaties which we have heretofore negotiated with European powers, provides for free entry and safe sojourn by the citizens of one country into that of the other without limitation, yet this Government has at different times enacted laws which expressly prohibited certain citizens from other countries not only from taking up their residence here, but from even entering our country at all, and in apparent contravention of the express terms of our treaty obligations. In this connection, permit me to call your attention to the terms of an act approved February 20, 1907, entitled "An act to regulate immigration of aliens into the United States," which by section 2 thereof, among other things, provides:

> That the following classes of aliens shall be excluded from admission in the United States: Paupers; persons likely to become a public charge; professional beggars; persons afflicted with tuberculosis or other loathsome or contagious disease, or who are mentally or physically defective; persons who have committed a felony or other crime or misdemeanor involving moral turpitude; polygamists, anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States or of all government, or of all forms of law, or the assassination of public officials; all immoral persons; contract laborers who have been induced to migrate to this country by agreement, express or implied, skilled or unskilled; all children under the age of 16 years unaccompanied by their parents—

and many other undesirable citizens, and it may be stated in passing that Mongolians are absolutely prohibited from entering this country whatever their nationality may have been at the time of their application to enter and absolutely regardless of the terms and conditions of any treaty whatsoever to the contrary. It is therefore apparent that each country concluding a treaty with another reserves the absolute right to determine for itself the class and character of persons which it will admit from foreign countries, and this of necessity must forever remain so.

Every government owes it to its citizens to provide certain laws and regulations governing the admission of citizens from foreign lands for the protection of itself and its own citizens, and I apprehend that no country will surrender this right, or does surrender it, by any treaty, whatever its terms may be. The right to manage our internal affairs is inherent in our institutions and all treaties made and to be made are subject to these conditions.

I trust that it is now made plain why I could not join the rest of you in voting favorably upon the Sulzer resolution. While I care very little about the preamble, which recites, in substance, those great principles of our Government settled and determined by our Declaration of Independence, yet I scarcely thing it necessary in a State document of this importance to constantly parade those principles. They have been settled for so many years that the civilized world recognizes them, and they are too sacred to be bombastically paraded every time we undertake to impress a foreign country with our importance. It adds nothing to our cause; any reference to them in a document like this serves no useful purpose and may even tend to the giving of offense.

However, it is not for this that I object to the resolution, but it is for the following express statement:

> That the Government of Russia has violated the treaty between the United States and Russia, concluded at St. Petersburg, December 18, 1832, refusing to honor American passports duly issued to American citizens, on account of race and religion; that for the aforesaid reason said treaty is hereby declared to be terminated. * * * To this end the President is hereby charged with the duty of communicating such notice to the Government of Russia.

In other words, the resolution expressly charges Russia with having violated its sacred treaty obligations in that, on account of race and religion it has refused to honor American passports duly issued to American citizens.

In view of the express terms of the treaty, to which I have called your attention, and the laws of Russia at the time the treaty was made, together with the laws of both countries at that time and for many years after, which maintained the doctrine of "indefeasible allegiance," from which Russia has never departed to this day, how can it be said, either in truth or in justice, that she has violated her treaty obligations intentionally or otherwise? On the contrary, is it not true that she has not violated her treaty obligations on account of race or religion, or in any other manner, and to deliberately charge her with having done so contrary to the fact and to assign that as the sole reason for abrogating the treaty is simply an indefensible outrage and would very properly have been regarded by Russia, as it deserved to be, as a national insult.

With all due respect to the learned and able committee of this House which reported this resolution, I can not believe that they gave full consideration to these facts before reporting this resolution. I am also reminded that when our distinguished Senator from New York, Senator ROOT, was Secretary of State he issued a statement calling the attention of the people of this country to the fact that if our citizens returned to Russia without having their passports visèed that they did so at their own risk, as the Government of the United States had no power or authority under the treaty of 1832 to render them the slightest protection. We are to be congratulated, therefore, that the Senate has made discovery in time of these errors to prevent this Government from making a holy spectacle of itself before the civilized world.

The particular form of the resolution, however, while it is of the greatest importance, as it is expressive of the position of this country in relation to the treaty with a friendly power and should be couched in language creditable to each, was not the only reason why I was unable to give my assent to the passage of the Sulzer resolution. I have previously called attention to the fact that the making of this treaty was at our own urgent request. It has served the purpose well of maintaining friendly personal and commercial relations with Russia for nearly a century. During that period of time Russia has given evidence of real friendship when we were in need, and we have reciprocated when Russia was in need. We have had their confidence and they have had ours. It is now proposed to sever those relations. Friendship, whether it exists between individuals or nations, is a sacred matter. It is difficult to find and hard to keep. There should be very grave causes existing to justify its severance, and if it is to be done at all the proposition should be approached in that friendly spirit which will

leave no sores to heal, no angry minds to pacify, and no feeling of insult to be avenged.

We should also have in mind the accomplishment with reasonable certainty of the great object which we have in view, and it should be after every effort has been made through the proper diplomatic channels and has failed to accomplish the end which we have in view before such vigorous action is taken. As we have heretofore seen, there has been no actual violation of the treaty so far as Russia is concerned, and while I concede where the great principle of human liberty and religious freedom is involved that numbers do not count, it is, perhaps, not unimportant to call attention to the fact that during the year 1910 only three Jewish citizens—all naturalized, I think—were denied admission into Russia, and that the United States, during the single month of November, 1911, refused admission to 42 Jewish citizens from various countries. It does indicate, however, that the Russian Government has no monopoly when it comes to the regulation of citizens who are entitled to admission to their country. Neither do I believe that it is possible that the abrogation of this treaty will benefit any living human being, wherever he may reside; but, on the contrary, I fear that it will result in renewed activities of oppression and crime against the very people it is intended to protect in Russia, and by reason of our severed friendship we will be wholly unable even to protest, as heretofore, in the name of humanity and justice against such treatment. Besides, it must be remembered that without a treaty at all no citizen of the United States will be entitled to admission into Russia for any purpose, either of business or pleasure.

It must also be borne in mind that Russia has shown much more consideration for the American Jew than it has its own. The Jewish people of Russia are not permitted to travel generally in all parts of Russia proper, while, on the contrary, by regulations adopted March 27, 1891, Russian consuls were authorized to visé passports of heads of business firms and also their commercial travelers, representatives, and clerks without limitation with respect to admission to the Pale and without even preliminary sanction by the minister of the interior, and that by the same resolution the passports of their Jews are visèed with the sanction of the minister of the interior. They simply reserve to themselves the sovereign right not to admit such persons as they regard as undesirable and who by express provision of the law are not permitted to enter.

In discussing this most important question upon the basis of humanity and religious liberty it is perhaps unimportant and possibly improper to introduce for consideration a purely commercial matter, but inasmuch as this was a treaty of commerce, it may be regarded as proper to refer to the fact that according to Russia's statistics from 1905 to 1910 Russia exported to America $20,500,000 worth of her products and that the United States exported into Russia about $175,000,000 worth of her merchandise; that while America exported into Russia goods and merchandise in 1905 of the value of $21,500,000, we exported more than $36,000,000 during the year 1910.

From every viewpoint, then, are we not making a serious mistake? Is there any ground for assuming that Russia will so far surrender the management of her internal affairs as to grant our contention, and is there the slightest prospect that after the passage of this resolution the President of the United States will be able to negotiate and the Senate concur in a treaty which will insure the fulfillment of the objects and purposes which we have in view by the passage of this resolution?

Mr. SULZER. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. Mr. Speaker, the gentleman from New York [Mr. SULZER] disclaimed any pride of authorship in the resolution which he introduced and which the House passed one week ago to-day, but I think he may well take pride in its form, for it was certainly skillfully and artistically drawn. It did, however, contain one clause which to many of us seemed unwise and indiscreet to enact. The gentleman himself very frankly acknowledges this morning that the abrogation of the treaty of 1832 will be of no benefit to American Jews sojourning or traveling in Russia unless it shall be followed by another treaty which shall give them that privilege. Now, the direct charge in the original resolution that Russia had violated the treaty it seemed to some of us would give unnecessary offense and tend to make very far distant the negotiation of a treaty which should tend to secure the desired object, and therefore I offered an amendment, hastily prepared, striking out the charge of violating the treaty and putting the abrogation of the treaty upon the ground that we could not assent to the construction placed upon it by the Russian Government in that particular.

The Speaker declared that amendment adopted. A division having been demanded and an actual count made, the Speaker again declared it adopted by a vote of 119 for to 115 against. Upon a roll call, when 70 or 80 Members who had not heard the discussion came flocking in from committee rooms, the amendment was defeated. Now, this resolution as proposed by the Senate embodies the substance of my amendment in this language:

> Whereas the constructions placed thereon by the respective contracting parties differ upon matters of fundamental importance and interest to each: Therefore be it
> *Resolved by the Senate and House of Representatives—*

And so forth.

That we ratify and confirm the action of the President of the United States in giving notice of our intention to terminate the treaty. That, it seems to me, can give no offense to a great nation whose friendship to us has been of great value and importance in times past and has been continuous and uniform, I believe, except in this important particular. We all agree that because of this one particular we will pass a resolution abrogating that treaty, or confirming the action of the President of the United States in giving the requisite notice, but we have now had one week to consider the matter, and all desire to aid rather than defeat the negotiation of a treaty which shall respect the rights of all American citizens.

There is no party division upon this subject. All are moving forward toward the same end. We who speak for the American people, while speaking firmly and with all the force and dignity at our command, should speak calmly and with diplomatic courtesy. This resolution in its amended form does that. Its unanimous adoption will give no offense, but will go far to aid the treaty negotiations now understood to be in progress for the accomplishment of the unanimous desire of the American people. I trust that this resolution as amended by the Senate will pass without a dissenting vote. [Applause.] I yield back the balance of my time to the gentleman from New York.

Mr. SULZER. Mr. Speaker, I yield two minutes to the gentleman from California [Mr. KENT].

Mr. KENT. Mr. Speaker, I was one of those unable to vote on the resolution as originally introduced into this House. I believe that the treaty should be terminated, because in its wording, even if not in the way it was construed by various Secretaries of State, it was one which neither party lived up to or could accept. It provided for rights of sojourn and domicile on the part of inhabitants of the other nation equal to those enjoyed by the home population. This was a specific denial of the right to restrict immigration or to discriminate in the matter of immigration. We, on our part, have established regulations whereby those Russians not possessing at least $20 were barred from our shores. Others were barred on account of physical defect. Russia, on her part, barred out certain of our citizens. I could not vote for a resolution so worded as to unnecessarily create bad feeling with a friendly nation.

I am in thorough sympathy with the proposition that all our citizens should be treated in this country without discrimination. It would be agreeable to me if all our citizens were equally treated in foreign nations. Such denial of American passports as has been claimed is a subject for the State Department to handle. It involves questions which can well be discussed and opinions freely expressed in mass meetings or other nonofficial gatherings of our people; but when we come to dealing in our official capacities with questions affecting other nations with whom we hold friendly relations, we, as Members of Congress, can not afford officially to express such opinions. The Congress of the United States is not justified in slapping the face of Russia, even with the Declaration of Independence.

I am in absolute and entire sympathy with the ideas and ideals back of this resolution, but I feel that I should protest against that part of the discussion which has led people to suppose that it lies in the province of our official duty to inflict our own ideals, our own morals, our own sense of right and wrong on another nation. Such procedure carries with it the assumption of our right to force another nation into regulating its internal affairs to our liking. Words carrying such content will come back to curse us whenever we assert our right to regulate immigration as a matter of internal policy and strictly our own business.

To take up specific cases, we have already discriminated against the Japanese and Chinese as immigrants, either by treaty or by obtaining, in the case of Japan, action preventing emigration by the Japanese Government. We know perfectly well that if a deluge of Russian orientals were to threaten us we should discriminate against those races of the Russian people, and should not take it kindly if Russia should set up the equal privilege of all her people to invade our country. I

have no doubt we have a similar treaty with England, and yet we on the Pacific coast are about to ask Congress to discriminate against those British subjects who happen to be of the unassimilable Hindu race. We do not want race problems among us with a resulting stratification that makes democracy impossible.

The SPEAKER. The time of the gentleman has expired.

Mr. KENT. I ask leave, Mr. Speaker, to extend my remarks in the RECORD, in order that my thought may be brought out and developed.

The SPEAKER. The gentleman from California [Mr. KENT] asks leave to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. KENT. I believe that here and now is the time to reiterate, in this public place, what I have been contending for to the best of my ability outside, that the proposed arbitration treaties should not be ratified until there have been definite statements made in the treaties themselves that such questions as those concerning immigration, naturalization, and tenure of lands by aliens are not matters which we will arbitrate or which we will leave to the determination of any tribunal.

The President has stated over and over again that these matters are internal affairs and not justiciable, but I wish to bring to your attention that during this discussion it has more than once been said that we should force Russia to arbitrate as to whether that nation can or can not discriminate against certain of our citizens. It is my belief that Russia has an absolute right to discriminate against any American citizens that it sees fit; that it can bar men who are bald headed, who wear glasses, or who hold official position. I am sure that the Russian Government might bar Congressmen from Russia. We might criticise their taste in such exclusion, but we have no right to make demand on them for official recognition of our views.

This question of demanding arbitration is a most serious matter, because the alternative to arbitration is war. Arbitration is intended to supersede war, and where we can demand arbitration and arbitration is refused war must logically follow. The discussion concerning this resolution has shown the absolute necessity of recognizing the rights of foreign nations to exclude whom they please. All nations recognize this, avowedly or tacitly, as one of their supreme rights, a right which can not be questioned in official circles without leading to danger. A failure to recognize such rights as these and a failure to make them a part of international law by putting them into the arbitration treaties will, to my mind, make those treaties more a danger than a safeguard.

Viewing this question from our own standpoint, I would quote some paragraphs from a statement I made last August concerning the arbitration treaties:

Peace is a state of mind and not a matter of legal enactment. The "Pax Romana," the superficial tranquillity of despotism but yesterday exemplified in the Diaz régime of Mexico, is not peace, but is a temporary restraint of dangerous gases destined to result in explosion.

The noblest effort of our time is the protest against the inhuman crime of war and against the incalculable economic waste of preparing to fight and thereafter fighting. The highest service we may render the world is the inculcation of the Christian doctrine of a peace founded in the realization of justice between men. Thus while there are two states of external tranquillity there is but one state of peace, and in a democracy there can be no tranquillity except in a peace that meets the approval of the people. Just as the government of our States and Nation must rest upon the consent of the governed, thus must international law rest upon conditions satisfactory to the peoples affected.

No law, internal or international, can be self-executing. It must be backed by a police power of state, nation, or international alliance. In entering into treaties we must be prepared to demand that the international law we shall invoke shall be of such a nature as to cause our acquiescence in its enforcement.

We are being asked to subscribe to certain treaties of arbitration intended in all good faith to promote the cause of peace. Before asking our Senate to ratify them it is but judicious that we should consider the form they take and the matters embraced in their scope. If the treaties lead to peace, they are good; if to irritation and war, they are bad. If in the interests of peace they can be amended, amendments should be made.

In questions of international dispute the treaties provide for a commission of two representatives for each of the jarring nations to determine whether the cause of friction is arbitrable. The President appoints our representatives to aid in determining this weighty question, and then if the matter is considered a proper subject for arbitration it goes before an international board that should have the power to enforce its decrees, as otherwise there could be no particular excuse for its existence.

What may be arbitrated? It is obvious that matters that concern only our internal policy can not cause foreign friction, and therefore are negligible. Questions to be arbitrated must have at once a bearing on our internal affairs, and must carry in their content consequences which other nations deem to concern their welfare. Such matters then relate to our foreign policy, whether commercial, personal or military. They concern our tariffs and our customhouses. They concern the immigration of foreign subjects. They concern the treatment to be accorded to foreign subjects on reaching our shores, and therefore questions of naturalization and citizenship. They concern the property rights of aliens among us, and therefore the question of naturalization and citizenship. They concern the treatment that we may ask for our citizens in foreign lands, as, for instance, Russia's attitude toward our citizens of Hebrew race, and the relation of our citizens of German birth to service in the German army. The Jameson raid, the opium trade forced by England upon China, the invasion of territory are not arbitrable, but simply indicate the necessity for arrest and punishment by an international police court. Our dictum in the Monroe doctrine is surely a matter for arbitration unless specifically excluded. Except for questions involving boundary line, international rights upon the ocean, the preservation of the common assets of the world in the neutral territory of the sea, there are few other questions that can be haled before commission or tribunal.

"National honor" has been cited as something that must be vindicated by warlike means, but "national honor" is a vague term at best. Long ago it was determined that questions of "personal honor" between truculent gentlemen should not be settled with rapier or pistol. Even installation in the Ananias Club no longer calls aloud to high heaven for gunshot wounds and antiseptics.

It seems to me that among international questions that may come up to be arbitrated, unless specifically excluded, the most vital to us are those arising in connection with immigration, naturalization, and tenure of land by aliens. It is claimed by the advocates of the proposed treaties that these matters are, by international law, defined as matters of internal policy. But what is international law? It finds no formulation in any definite code or constitution. It is but an ephemeral expression of changing public policy. The high commission that will intervene has its burden and its function in determining and declaring the things to be arbitrated. By its decisions it creates international law, and through power to appoint one-half the commission the President becomes more powerful than all the people in some matters most vitally affecting the Nation. There is no review of the findings. What the commission declares shall be arbitrated goes to the tribunal and the verdict must be enforced. As lovers of peace, as men believing in the inviolability of treaties and in the enforcement of law, domestic and international, we must know what the law is and is to be before we can register our allegiance without reservations, destructive of the whole program.

Under no circumstances can we conceive it good public policy to admit to our country all who choose to come. We limit our hospitality to those capable of self-support and free from criminal record. We recognize the questions of race, for we wish to preserve our democracy, and can realize it only on a population free from permanent stratification. The race problem is too serious to be trifled with. We have one such problem that has bathed our land in blood and tears, that destroyed our people and wasted our substance, that has held back our development and disordered our democracy. We can afford no more such questions, and yet we may have them forced upon us as a result of arbitration.

We can not afford to make treaties with England and with France that ignore this matter of restricting immigration in whatever way we see fit. We do not know how many more white immigrants are desirable for our economic adjustment. We certainly can not accept the subjects of any nation who happen to be members of nonassimilable and irreconcilable races.

We can not make treaties with France and England and then ask for differing treaties with oriental nations, for this would surely be cause for friction and possible strife. If these matters are purely internal affairs, concerning which we have the full, unhampered decision as is claimed by the advocates of the treaties, the time to make such declaration is now and in the treaties themselves. If such is international law, let it be so declared and sanctioned that there shall be no doubt about it. Doubt and suspicion and uncertainty are always provocative of strife. Peace can not rest upon such insecurity.

Every analogy of private life would go to show that these matters should not be arbitrated. No court would entertain the question as to whom we should seat at our tables, whom we should adopt into our families, or to whom we should sell the lot adjoining our own. And yet it is safe to predict that questions of immigration, naturalization, and the tenure of land by those who can not and should not become citizens will be among the first taken up for consideration unless they are specifically declared to be our sole and peculiar business. What is the use of considering the arbitration of matters of such a nature that respecting them we would not and could not abide by an adverse decree.

Word has gone out to the country that the Senate of the United States, jealous of its prerogatives and actuated solely by that consideration, is opposing the treaties. The country cares little about the prerogatives of the Senate, but it is of tremendous moment to the country what the Senate may do at this juncture, that may forever influence the future of the country. The way of peace lies in the avoidance of uncertainty, in a policy of frankness and freedom from procrastination. There are none in all the world to whom we ought not to hold out the hand of friendship and good will. There are many whose advent among us is incompatible with our democracy and our economic welfare. There is nothing but trouble in putting on diplomatic blinders and failing to state our position.

If in his sincere desire for peace the President has entered into negotiations that are apt to be provocative of uncertainty, of misunderstanding, of continuing irritation, and therefore point rather to war than to peace, it is the clear duty of the Senate to see to it that the axioms we hold concerning our foreign relations should be clearly embodied in the treaties, for this is in the interest of peace. Failing to formulate and declare such axioms, it is far better that the questions as to what we are willing to arbitrate should be determined by a body of our own citizens rather than by any commission of an international nature.

Education of the peoples of the world away from the barbaric instinct of strife—this is the greatest movement toward peace, far greater than any dicta of treaty or international law. This education can only progress when freed from interracial antipathies and wide variations of standards of living and of ethics.

There is more hope in the resolution of thousands upon thousands of English and German working people not to fight against each other than in all the treaties ever entered into by the winking, crossed-fingered diplomacy of the past. No citizen of enlightened patriotism would follow his country, "right or wrong," into a war of aggression, nor would he be foreclosed by any treaty against fighting for national preservation and the integrity of the race.

Mr. SULZER. Mr. Speaker, I yield five minutes to the gentleman from Vermont [Mr. FOSTER].

The SPEAKER. The gentleman from Vermont [Mr. FOSTER] is recognized for five minutes.

Mr. FOSTER of Vermont. Mr. Speaker, I am heartily in favor of the motion of the chairman of the Committee on For-

eign Affairs. I certainly hope that his motion on the pending resolution will prevail without any division.

I did not vote for the House resolution when it was before us last Wednesday because of that one phrase in it to which the gentleman from Pennsylvania [Mr. OLMSTED] has just called attention. I voted for the amendment which the gentleman from Pennsylvania offered, and I urged its adoption. If the amendment had been adopted and the phraseology changed the resolution would undoubtedly have passed the House without a division. But as the amendment failed I withheld my vote believing that in the end I would have an opportunity, as I now have, for voting for a resolution that is in all particulars as effective as the House resolution and at the same time entirely free from objectionable phraseology.

We should congratulate ourselves therefore upon the improvement in the resolution. For we owe it to ourselves and to our constituents in dealing with a great international question to dress our legislative acts in phraseology becoming the dignity of the legislative body of a great people. Then, too, we must not forget that the desired end is not reached by abrogating the treaty. Our Government must go further and negotiate if possible a treaty with Russia embodying among others things the desire of the American people respecting the recognition by Russia of American passports. The task which our Government has before it is a difficult and delicate one and it is of the highest importance that this resolution should contain nothing in the way of phraseology that would add to the difficulty of the problem.

I do not sympathize over much with the suggestion which has been made here to-day that we are attempting to interfere in the internal affairs of a sister nation. We do insist that the time has come in this twentieth century of Christian civilization when no nation can afford to deny the citizens of a friendly nation who bring passports from their government the privilege of entering her territory for the purpose of travel or other temporary sojourn. It is the well-nigh universal practice among the modern nations to grant this privilege freely as a matter of international courtesy. With very few exceptions no passports are required. In short here as everywhere else publicity has proved a force making for better international conditions.

So no one desires to interfere with the internal affairs of Russia. We hope to have it said in the not distant future that our citizens have the same privilege of traveling in Russia, of sojourning there temporarily, that they now enjoy in France and Germany and Italy and Great Britain.

The SPEAKER. The time of the gentleman has expired.

Mr. SULZER. I yield three minutes to the gentleman from Wisconsin [Mr. BERGER].

Mr. BERGER. Mr. Speaker, I shall vote for this resolution, although I am quite certain that the object desired will not be attained. The treaty of 1832 is a commercial treaty, as the gentleman from New York [Mr. MALBY] rightly observed. Russia does not care whether we abrogate it or not. Russia buys about four times as much from us as we buy from Russia. The treaty that should be abrogated is the treaty of 1887, which provides for the extraditions of persons charged with crime, and used by Russia to get possession of her political refugees.

In Russia everybody who works for political liberty of any degree is considered a criminal. In Russia everybody who tries to get a government such as we have, a republic, or even only a constitutional monarchy, is considered a criminal. If he escapes to this country then he is charged with all sorts of crimes by the Russian Government in order to have him extradited. The Russian Government is even employing spies to ferret out such refugees, and is exercising undue influence upon our officials.

That is the treaty we ought to abrogate in order to reach the weak spot in the armor of our "great friend," the Russian Czar.

By abrogating the commercial treaty you will not accomplish anything. I am quite sure that even a diplomat like the gentleman from New York [Mr. SULZER], the chairman of the Committee on Foreign Affairs, will not be able to obtain another treaty for the next 10 years to come—surely not one that will in any way safeguard the rights of American citizens traveling in Russia.

Moreover, the abrogation of the treaty of 1832 is not going to help the poor Jews in Russia, nor the former Russian Jews of our country who want to go to Russia to visit their relatives. I again say that if the gentleman from New York [Mr. SULZER] really wants to accomplish something worth while, he should support the resolution which I have introduced to-day, to terminate the treaty signed in 1887 and proclaimed in 1893. [Applause.]

Mr. SULZER. Mr. Speaker, in reply to the gentleman from Wisconsin I want to say that from the inception of this Government down to the present time it has never surrendered a political refugee from a foreign country to this land of liberty.

I yield two minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Speaker, since this Russian treaty matter came before the House it has been evident that it was in the hands of a man who has behind him a united constituency, and it is possible some day they may land him in some high office in his own State. [Applause.]

There are Representatives in the House who may have acquired the devotion and admiration of their constituents, but I question whether any will go home with as much satisfaction to receive the plaudits and acclaim of their friends as will my friend the gentleman from New York [Mr. SULZER], chairman of the Committee on Foreign Affairs. [Applause.] I doubt that it was ever in his mind that we should open up a war with Russia. Surely, he did not want hostilities. There are many Jewish constituents in the district which I have the honor to represent, and some of them are the most representative of their race in this Nation. They have not dreamed of war, but they have sought and hoped for equality and justice. It made little difference to them whether the preamble in Mr. SULZER's resolution which aroused objection was in or out of the resolution. They wanted the result which has finally been achieved in the modified resolution, based on the President's action. We want no war, and I am sure it was not in the mind of any Member upon this floor that there should be war. The situation as it has now resolved itself would seem to bear out that thought. We simply say to Russia, our great sister country, "There is a contract existing between us, dated 1832. By reason of conditions that have arisen we deem it wise to abrogate it. We give you notice that we propose to end or change the contract, and we hope, through our representatives, to hold a conference and frame a new agreement or contract which shall establish equality and just treatment as between our various citizens." [Applause.]

The SPEAKER. The time of the gentleman has expired. All time has expired.

Mr. SULZER. In order to keep my agreement with the Members of the House, I ask unanimous consent that the gentleman from Tennessee [Mr. AUSTIN] have two minutes.

The SPEAKER. The gentleman from New York [Mr. SULZER] asks unanimous consent that the gentleman from Tennessee [Mr. AUSTIN] have two minutes in which to address the House. Is there objection?

There was no objection.

Mr. AUSTIN. Mr. Speaker, this day marks a new epoch in American history. Every country and every land has ascertained that our people are a unit for maintaining the rights of American citizens on foreign shores. There is no politics in this proposition. This action on the part of Congress has met with the united support of both sides of this Chamber. It is demonstrated that patriotism is not confined to any party, but that it permeates all parties. [Applause.] It also proves the fact, Mr. Speaker, that an American citizen has the support, sympathy, and backing of the American Congress, regardless of his nationality or his religion or the place of his birth. [Applause.] I would be remiss in my duty if I did not say that the American people, and especially the American Hebrew citizens, owe a debt of gratitude to the chairman of the House Committee on Foreign Affairs, Mr. SULZER. [Applause.] He has been foremost in the lead in this great movement that has received the unanimous support of the American people, North, South, East, and West.

The gentleman from New York [Mr. SULZER] has focused and aroused public sentiment upon the injustice meted out to our citizens in the despotic land of the Czar, and has aroused American feeling as it has not been stirred since the War with Spain. I extend to him my thanks as a Republican Representative of a Tennessee district, with admiration for his courage, pluck, and patriotism in this successful movement. [Applause.]

The SPEAKER. The time of the gentleman has expired, and all time has expired.

Mr. SULZER. I move to concur in the Senate amendment.

The SPEAKER. The gentleman from New York moves to concur in the Senate amendment.

The motion was agreed to.

CALL OF COMMITTEES.

The SPEAKER. The Clerk will call the committees.

The Clerk proceeded to call the committees.

CODIFICATION OF THE LAWS RELATING TO THE JUDICIARY.

Mr. CLAYTON (when the Committee on the Judiciary was called). Mr. Speaker, by direction of the Committee on the Judiciary, I will call up the bill (H. R. 15462) to amend section 91

of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The Clerk read the bill, as follows:

A bill (H. R. 15462) to amend section 91 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

Be it enacted, etc., That section 91 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended to read as follows:

"SEC. 91. That the State of Missouri is divided into two judicial districts, to be known as the eastern and western districts of Missouri. The eastern district shall include the territory embraced on the first day of July, 1910, in the city of St. Louis and the counties of Audrain, Crawford, Dent, Franklin, Gasconade, Iron, Jefferson, Lincoln, Maries, Montgomery, Phelps, St. Charles, St. Francois, Ste. Genevieve, St. Louis, Warren, and Washington, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Adair, Chariton, Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Pike, Ralls, Randolph, Schuyler, Scotland, and Shelby, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, Scott, Shannon, Stoddard, and Wayne, which shall constitute the southeastern division of said district. Terms of the district court for the eastern division shall be held at St. Louis on the third Mondays in March and September and at Rolla on the second Mondays in January and June: *Provided*, That suitable rooms and accommodations for holding court at Rolla are furnished free of expense to the United States; for the northern division, at Hannibal on the fourth Monday in May and the first Monday in December; and for the southeastern division, at Cape Girardeau on the second Mondays in April and October.

"The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Bates, Caldwell, Carroll, Cass, Clay, Grundy, Henry, Jackson, Johnson, Lafayette, Livingston, Mercer, Putnam, Ray, St. Clair, Saline, and Sullivan, which shall constitute the western division; also the territory embraced on the date last mentioned in the counties of Barton, Barry, Jasper, Lawrence, McDonald, Newton, Stone, and Vernon, which shall constitute the southwestern division; also the territory embraced on the date last mentioned in the counties of Andrew, Atchison, Buchanan, Clinton, Daviess, Dekalb, Gentry, Holt, Harrison, Nodaway, Platte, and Worth, which shall constitute the St. Joseph division; also the territory embraced on the date last mentioned in the counties of Benton, Boone, Callaway, Cooper, Camden, Cole, Hickory, Howard, Miller, Moniteau, Morgan, Osage, and Pettis, which shall constitute the central division; also the territory embraced on the date last mentioned in the counties of Christian, Cedar, Dade, Dallas, Douglas, Greene, Howell, Laclede, Oregon, Ozark, Polk, Pulaski, Taney, Texas, Webster, and Wright, which shall constitute the southern division.

"Terms of the district court for the western division shall be held at Kansas City on the fourth Monday in April and the first Monday in November, and at Chillicothe on the fourth Monday in May and the first Monday in December: *Provided*, That suitable rooms and accommodations for holding court at Chillicothe are furnished free of expense to the United States; for the southwestern division, at Joplin on the second Mondays in June and January; for the St. Joseph division, at St. Joseph on the first Monday in March and the third Monday in September; for the central division, at Jefferson City on the third Mondays in March and October; and for the southern division, at Springfield on the first Mondays in April and October.

"The clerk of the court at St. Louis, in the eastern district, shall maintain an office in charge of himself or a deputy at St. Louis and Hannibal and at such other places of holding court in said district as may be deemed necessary by the judge, which shall be kept open at all times for the transaction of the business of the court.

"The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Kansas City, at Jefferson City, at St. Joseph, at Chillicothe, at Joplin, and at Springfield, which shall be kept open at all times for the transaction of the business of the court.

"The marshal for each district shall also maintain an office in charge of himself or a deputy at each place at which court is now held in his district."

Amend the title so as to read: "A bill to amend and reenact section 91 of an act entitled 'An act to codify, revise, and amend the laws relating to the judiciary,' approved March 3, 1911."

Mr. CLAYTON. Mr. Speaker, in reference to this bill the committee has reported an amendment, in line 6, page 1 of the bill, to insert, after the word "amended," the words "and reenacted."

I move as an amendment that the words "so as" be inserted after the word "amended," in line 6, in lieu of the words "and reenacted," which the committee recommended; so that line 6 when amended will read as follows:

And the same is hereby amended so as to read as follows:

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend the committee amendment by striking out the words "and reenacted" and insert in place thereof the words "so as," so that it will read as follows:

"And the same is hereby amended so as to read as follows:"

The amendment to the committee amendment was agreed to.

The amendment as amended was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. OLMSTED. Mr. Speaker, unless the gentleman from Alabama makes the motion, I move to amend the title by striking out the word "reenacted."

Mr. MANN. That is not in the title.

Mr. CLAYTON. It is not necessary for the title to be amended except as the committee has recommended.

Mr. NORRIS. But, Mr. Speaker, I would like to call attention to the fact of a proposed amendment that ought to be voted down.

The amendment to the title, in order to make the record right, ought to be rejected.

Mr. RUCKER of Missouri. That is the committee amendment?

Mr. NORRIS. Yes.

The SPEAKER. The Chair would inquire if anybody has offered an amendment to the title?

Mr. NORRIS. The committee has.

The SPEAKER. The question is on agreeing to the amendment to the title.

The question was taken, and the amendment was rejected.

On motion of Mr. CLAYTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

UNITED STATES CIRCUIT AND DISTRICT COURTS AT DOTHAN, ALA.

Mr. CLAYTON. Mr. Speaker, by direction of the Committee on the Judiciary I call up the bill (H. R. 13196) to amend section 3 of the act of Congress approved March 7, 1908, entitled "An act to provide for circuit and district courts of the United States at Dothan, Ala.," which I send to the desk and ask to have read.

Mr. NORRIS. Mr. Speaker, I suggest the gentleman from Alabama ask unanimous consent that the amendment in the nature of a substitute be read in lieu of the original bill.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent that the amendment be read in lieu of the original bill.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the substitute be read in lieu of the original bill. Is there objection?

There was no objection.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That all civil causes and proceedings of like nature now pending in either the circuit or the district courts of the United States for the middle district of Alabama which could originally have been instituted or begun in the southern division of the middle district of Alabama, as established in the act approved March 7, 1908, entitled 'An act to provide for circuit and district courts of the United States at Dothan, Ala.,' shall, upon the application of either party, be transferred to the said southern division of the middle district of Alabama for trial and disposition."

Mr. CLAYTON. Mr. Speaker, I offer the following amendment to the amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend the committee amendment by inserting, before the word "that," page 2, line 20, the following: "That section 70 of the act entitled 'An act to codify, revise, and amend the laws relating to the judiciary,' approved March 3, 1909, be amended by adding to said section at the end thereof the following, to wit."

The SPEAKER. The question is on agreeing to the amendment to the substitute.

The amendment to the substitute was agreed to.

The SPEAKER. The question now is on agreeing to the substitute as amended.

The substitute as amended was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the amended bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read: "A bill to amend section 70 of the act entitled 'An act to codify, revise, and amend the laws relating to the judiciary,' approved March 3, 1911."

Mr. CLAYTON moved to reconsider the vote by which the bill was passed, and also moved that the motion to reconsider be laid upon the table. The latter motion was agreed to.

RIGHT OF INDIANS TO PROSECUTE SUITS IN UNITED STATES COURTS.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3842) to amend and reenact paragraph 24 of section 24 of chapter 2 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, unless I am mistaken, that is a bill that has never been reported to the House.

Mr. HENRY of Texas. It was reported to-day.

Mr. CLAYTON. The House bill was reported to-day.

Mr. MANN. I suggest that the gentleman let it lie on the Speaker's table until to-morrow, so that we can have an opportunity of examining the bill.

Mr. CLAYTON. Mr. Speaker, I will ask the gentleman from Illinois to withhold his objection until I may yield to the gentleman from Oklahoma [Mr. DAVENPORT].

Mr. MANN. But the gentleman will not accomplish anything by that. If he lets this lie on the Speaker's table until to-morrow, it might be in order to take it up at that time.

Mr. DAVENPORT. If there is any objection, I wish to say that we have no desire to press it at this time. I only want to say to the gentleman from Illinois that it is a matter important to pass before we adjourn, because the law that it seeks to remedy goes into effect on the 1st of January.

Mr. CARTER. The bill has passed the Senate, and it will be necessary to amend it in the House to make it effective, and we want to get it back to the Senate in time to have it signed and become a law before we adjourn.

Mr. MANN. I suggest to the gentleman that even if that be the case the law will still be subject to amendment after the 1st of January, when the code goes into effect, and it will have precisely the same effect; but I apprehend that any amendment agreed to in the House will be, by some arrangement between Members of the House and the Senate, agreed to in the Senate.

Mr. DAVENPORT. We will call it up the first thing after the House meets to-morrow.

Mr. CLAYTON. Mr. Speaker, I desire to say in this connection that the Committee on the Judiciary to-day reported the bill H. R. 16282 upon this same subject, but the report has not yet been printed.

Of course, it will be printed and be here to-morrow, and the reason that I called the matter up to-day was that it seemed to be of an urgent nature, but I think that very likely the bill can be passed, or the Senate bill in lieu of the House bill can be passed here to-morrow.

The SPEAKER. The bill is of an urgent nature, because the Chair has information aliunde on that subject, and ought to be passed before Congress adjourns, so it can be taken up to-morrow.

The Clerk will proceed with the call of committees.

URGENT DEFICIENCY BILL.

Mr. FITZGERALD. Mr. Speaker, after a conference with some gentlemen of the House, I desire to submit a request for unanimous consent. I ask unanimous consent that the Committee on Appropriations be discharged from the further consideration of Senate amendments to the urgent deficiency bill (H. R. 15930), that the amendments be disagreed to, and a conference asked thereon.

The SPEAKER. The gentleman from New York asks unanimous consent that the Appropriations Committee be discharged from the further consideration of the Senate amendments to the urgent deficiency bill, that the Senate amendments be disagreed to, and a conference asked. Is there objection?

Mr. AUSTIN. Mr. Speaker, I objected to this consent when originally presented in the House, but in the meantime I have had a conference with the chairman of the Committee on Appropriations and I have decided to withdraw my objection.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to suggest that I fear the request comes too late to be of any advantage. A little while ago the Senate informally sent over to inquire of Members of the House whether it would be worth while for the Senate to remain in session in order that it might appoint Senate conferees on this bill, and I think they were informed by Members on both sides of the House that the prospect did not look very illuminating, to say the least, and I apprehend that the Senate has adjourned.

Mr. FITZGERALD. Mr. Speaker, the messenger from the Senate stated that if the House will agree to send the bill to conference very probably the conferees could act informally, and immediately after the Senate formally agrees to a conference to-morrow, if the conferees had been in a position to reach an agreement, a formal meeting could be immediately had. I simply wish to say that the two Houses have on this bill agreed to appropriations aggregating more than $2,000,000, believed to be essential and imperative for the public service of the Government, and it is the desire, if possible, that an agreement be reached, so that the money imperative for the public service be made available.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The Chair appoints the following conferees.

The Clerk read as follows:

Mr. FITZGERALD, Mr. BARTLETT, and Mr. GILLETT.

The SPEAKER. The Clerk will proceed with the call of committees.

Mr. ROBINSON (when the Committee on the Public Lands was called). Mr. Speaker, by direction of the Committee on the Public Lands I call up the bill H. R. 9845, on the Union Calendar, and ask unanimous consent to consider it in the House as in Committee of the Whole House on the state of the Union.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Can the gentleman call up now—Calendar Wednesday having been dispensed with—a bill from the Union Calendar?

The SPEAKER. He can not. The point of order is sustained.

Mr. MANN. Well, I only made a parliamentary inquiry.

Mr. ROBINSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ROBINSON. Has the hour elapsed, and is a motion to resolve the House into the Committee of the Whole House on the state of the Union to consider this bill in order?

The SPEAKER. After the expiration of the 60 minutes or after the call of committees is completed. The Clerk will proceed with the call.

The call of committees was resumed and concluded.

SALE OF BURNT TIMBER ON PUBLIC LANDS.

Mr. ROBINSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the present consideration of the bill H. R. 9845, on the Union Calendar.

The question was taken, and the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9845, with Mr. HULL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 9845) to authorize the sale of burnt timber on the public lands, and for other purposes, which bill will be reported by the Clerk.

The Clerk began the reading of the bill.

Mr. ROBINSON. Mr. Chairman, I ask unanimous consent to dispense with the further first reading of the bill.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to dispense with the further first reading of the bill. Is there objection?

There was no objection.

Mr. ROBINSON. Mr. Chairman, the purpose of this bill is to authorize the sale of burnt or fire-killed or damaged timber on the public lands, both inside of national forests and outside of them. The bill has the approval of both the Forest Service and the Interior Department. The Committee on the Public Lands had hearings on the measure, and in those hearings the facts were developed that last year something like seven and one-half billion feet of timber on the public lands was seriously and permanently damaged by fire. There is no authority of law for the sale of fire-killed or fire-damaged timber on lands outside of national forests. The Forest Service has been selling timber of that character within national forests.

The administrative features of the bill were considered very carefully by the committee, and, the fact of the matter is, they were agreed upon by representatives of the Forest Service and of the Interior Department.

In the consideration of the bill the committee had in view the minimizing, in so far as it was possible, of the expense to be incurred in administering the law. A representative of the Forest Service stated before the committee—and the testimony of other witnesses substantiated the statement—that shortly after timber is burnt or seriously and permanently damaged by fire it begins to deteriorate, and unless it can be sold within a reasonable time it becomes utterly valueless.

In some localities in the Western States vast areas have recently been swept by forest fires, both inside and outside of national forests. In some places the timber was almost all damaged by the fires. This bill carries a provision which will authorize the Secretary of the Interior to sell or to permit claimants on the public lands to sell the timber, fire-killed and damaged, and it also provides for the sale of timber of homestead entrymen and the payment to them of a part of the proceeds of the timber sold, proportionate to the amount earned by residence. When one has earned his patent he will get the whole amount. When the timber on lands of any claimant has been sold under this bill and the claimant has earned his patent, and the Interior Department has certified that he is entitled to a patent, he will then receive the proceeds, which have been reserved in a fund for that purpose. If he fails to secure his patent, or if he abandons his claim, the proceeds of the timber are covered into the Treasury, and where the land is situated inside of a national forest they are applied as are the receipts from the sales of public lands within the forests. That is, I believe, 25 per cent of the proceeds go to the State within which the national forest is situated, for improvement of roads and for school purposes, and the balance is covered into the Federal Treasury.

The amendments reported by the committee are designed to make the bill more specific as to what timber may be sold and

to permit only the sale of timber that is seriously or permanently damaged.

I yield 10 minutes to the gentleman from Montana [Mr. PRAY].

Mr. BURKE of South Dakota. Before the gentleman yields to the gentleman from Montana, I should like to ask him a question.

Mr. ROBINSON. I yield to the gentleman.

Mr. BURKE of South Dakota. I observe that this bill provides for the sale of timber outside of national forests. I think it also provides for the sale of timber inside of national forests, with the cooperation of the Secretary of Agriculture and the Secretary of the Interior.

Mr. ROBINSON. Yes.

Mr. BURKE of South Dakota. I should like to ask the gentleman if he thinks the first section authorizes the Secretary of the Interior to sell timber on lands now in a military reservation? I ask that question for this reason:

We have in the State of South Dakota a military reservation known as Fort Meade. There is some scattering timber upon that reservation. Recently I had a letter from a homestead settler who resides in the vicinity of the reservation, wherein he stated that he desired to obtain some of the dead and down timber for use as fuel, and that he did not know how to proceed to get it. I took the matter up with the War Department, and was informed by letter that there is no regulation by which they can sell the timber; not that there is any objection to their doing it, but that they have not got the authority, as I understand it.

Now, this says that "the Secretary of the Interior may sell upon any lands of the United States outside of forest reserves," and I would like to know if the gentleman thinks that that would grant authority to sell on a military reservation?

Mr. ROBINSON. In reply to the gentleman's question, I think that it would grant that authority. That is my construction of the proposed act, although my attention had not been previously called to it nor was that matter discussed by the committee. The terms of the act are general—"lands of the United States," and that would include all lands of the United States outside of the national forests; at least that is what the bill says.

Mr. BURKE of South Dakota. I presume that the gentleman assumes that under this provision there might be some arrangement made by the Secretary of the Interior with the Secretary of War, and that the timber might be sold?

Mr. ROBINSON. I do not presume anything about it. I think this bill authorizes the sale of that class of timber on a military reservation, because it is "lands of the United States."

Mr. BURKE of South Dakota. That is what I desired to elicit.

Mr. NORRIS. Mr. Chairman, will the gentleman yield to me for a few questions?

The CHAIRMAN. Does the gentleman from Arkansas yield to the gentleman from Nebraska?

Mr. ROBINSON. With pleasure.

Mr. NORRIS. I would like to ask the gentleman why the date was put into the bill, why this particular date was put in—the year 1910—on the first page?

Mr. ROBINSON. It was because serious forest fires had occurred previous to that date, and it was not thought best by the committee to make this a continuing measure or to authorize the sales indefinitely. Otherwise there might be some danger of denuding the public land of its timber by maladministration.

Mr. NORRIS. Do I get the idea from the gentleman that if it were made general there would be danger of people purposely starting fires, so that they could get the opportunity to buy the timber afterwards?

Mr. ROBINSON. Not that so much as the fact that the committee was seeking to meet the present condition and not to anticipate future conditions. The committee thought it best not to make the legislation applicable to fires that might hereafter occur, for several reasons.

Mr. NORRIS. The point I wanted to get at, I will say to the gentleman, was why it would not be advisable to make that authority general? I confess I do not see why, unless——

Mr. ROBINSON. I will give the gentleman my reasons for objecting to that. As I said before, in the administration of the measure, to make the authority general and continuing might encourage the sale of timber on the public lands, and under some conditions, where there might be many persons desiring to purchase timber, the legislation might result in injury to the public domain by the unnecessary sale of timber.

Mr. NORRIS. It would not be unnecessary if the timber were really damaged. I think we would all agree to that.

Mr. ROBINSON. But the committee did not care to take the chance on the administration of the measure indefinitely. The committee was trying to meet an immediate situation—a situation that now exists. We did not think it wise, for example, to say that if fire occurs hereafter and the timber is damaged the departments can go ahead and sell it, because some designing person might become active in causing fires to be started. We thought the better policy to be pursued was to take care of the situation as it now exists and meet the demand for immediate legislation and then take care of future emergencies as they arise.

Mr. NORRIS. I wanted to ask the chairman of the committee if the committee had considered the advisability of permitting the sale of permanently damaged timber where the cause of the damage was from some other source than fire. For instance, a wind might break down and destroy timber. Ought not we to make provision for such timber as well as for timber damaged by fire?

Mr. ROBINSON. Our information was to the effect that there was not a sufficient amount of timber of that character to warrant legislation on the subject, and we did not think it advisable to make it apply to that character of timber. Areas injured by fires were sought to be reached.

Mr. FERRIS. Will the gentleman yield?

Mr. ROBINSON. I will yield to the gentleman from Oklahoma with pleasure.

Mr. FERRIS. I notice that this bill provides for an arrangement between the Secretary of Agriculture and the Secretary of the Interior, that they shall promulgate joint rules or regulations for the disposition of this burnt timber. I want to ask the chairman of the committee how much he thought it would delay the issuance of a patent, a procedure that he will have to go through in order to get the money out of the Treasury and get his proportionate part of it. Before the gentleman answers I would like to suggest that one of the most serious things the homesteader has to contend with is the eternal waiting to get his patent after the proof has been submitted. I wondered if this would not be a cumbersome proposition.

Mr. ROBINSON. In reply to the gentleman from Oklahoma, I will say that this in no way delays the issuance of a patent. It is true that the entryman can not get this fund until after a certificate is issued that he is entitled to a patent, but the existence of a fund will not delay him in the issuance of a patent. The demand for legislation comes wholly, as far as the committee is informed, at least almost entirely, from claimants, persons who are seeking to acquire title to Government lands and whose claims have been damaged by fires.

Mr. FERRIS. The thought that I had was that too often the Commissioner of the Land Office and the Secretary of the Interior refuse to issue a patent—I think it is universally the case—until every blade of grass has been examined and everything has been done, and surely they would not issue a patent until the money had been distributed.

Mr. ROBINSON. This does not affect the issuance of a patent. Before he can get the money that has been deposited in this fund derived from from the proceeds of the sale of the burnt timber there must be a certificate issued that he is entitled to a patent.

Mr. FERRIS. Does the gentleman think that he would go on and issue a patent until it was determined how much money the man should have?

Mr. ROBINSON. Yes; that would have nothing to do with the issuance of a patent.

Mr. FERRIS. Does the gentleman think that the Secretary of the Interior would do it? They do not do it.

Mr. ROBINSON. I do not care to criticize the department in the administration of the land laws.

Mr. FERRIS. I do, as far as the issuance of patents is concerned. The people have suffered from that.

Mr. ROBINSON. But it has nothing to do with the issuance of a patent here.

Mr. FERRIS. It is on that proposition that I am differing with the gentleman, because I am afraid they will place that construction on it.

Mr. ROBINSON. Will the gentleman call my attention to the language of the bill to which he refers?

Mr. FERRIS. In the bill it requires that the money shall all go into a burnt-timber fund, and when a man makes final proof it shall be determined how much money, if any, comes to him as the result of the timber sale from his individual allotment of land.

Mr. ROBINSON. That would in no way delay him in the procuring of a patent so far as the language of the proposed act is concerned. It makes his recovery of the fund depend upon his being entitled to a patent and receiving a certificate. The obtaining of a patent in nowise depends on his getting the fund. That is as clear as I can make it, and if the gentleman thinks I am wrong the issue is square.

Mr. MANN. Will the gentleman yield?

Mr. ROBINSON. With pleasure.

Mr. MANN. Apparently this would give the Secretary of the Interior authority to sell timber on so-called Indian lands. I suppose they are a part of the lands of the United States outside of national forests. Is that the purpose?

Mr. ROBINSON. The language of the bill embraces all the lands of the United States.

Mr. MANN. Neither the gentleman from Arkansas nor myself are experts on the Indian question. Some of these gentlemen who are ought to be able to tell us whether that would include the sale of timber on the Indian lands; and if so, whether, under the provision that this money shall be deposited in the Treasury as other receipts from the sale of public lands, it would be turned over to the irrigation and reclamation service.

Mr. ROBINSON. Mr. Chairman, I do not know whether the gentleman from Illinois [Mr. MANN] is making a speech or asking a question.

Mr. MANN. I asked a question. I am sure the gentleman can distinguish between one of my speeches and a question.

Mr. ROBINSON. It is sometimes difficult to do that, Mr. Chairman, although the gentleman from Illinois asks very difficult questions and makes very valuable speeches. I will yield to the gentleman from Wyoming [Mr. MONDELL], but before doing so I wish to say that the language of the bill is quite general, and it is intended to prevent that waste which will inevitably result if some authority is not given for the sale of this timber. It is of considerable value, and the committee, taking the view of it that the two departments interested in the subject matter take, thought the legislation was desirable, and that it was better that it should go into the improvement of the country than that it should go to waste. It only affects the sale of burnt timber on "lands of the United States."

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. ROBINSON. Certainly.

Mr. RAKER. In speaking about the sale of timber on public lands or in the reserves the general statement goes out as though it meant a general sale; but, as a matter of fact, this refers, as I understand it, to timber that has been killed or seriously and permanently damaged by fire. In other words, any other timber outside of that character is not to be sold, nor is the Secretary of the Interior given permission to sell such timber. Is that correct?

Mr. ROBINSON. Certainly. It relates only to fire-killed or seriously and permanently damaged timber.

Mr. RAKER. In other words, the power of the Secretary of the Interior and the Secretary of Agriculture is particularly restricted to this kind of timber?

Mr. ROBINSON. Certainly. There is no disposition on the part of the committee or anyone else to enter into a general sale of timber on the public lands.

I now yield 10 minutes to the gentleman from Wyoming [Mr. MONDELL.]

Mr. MONDELL. Mr. Chairman, I do not know whether or no the gentleman from Arkansas [Mr. ROBINSON] answered the question of the gentleman from Illinois as to whether this applies to Indian lands; but if he did not, I desire to say that clearly the bill does not authorize the sale of timber from Indian lands, because it is limited to "lands of the United States," and that term could not include Indian lands.

I am sure every member of the committee was favorable to the first two sections of the bill, and it seems to me that every Member of the House should be also favorable to them. These simply provide for the sale of timber that was killed or permanently damaged by certain great forest fires that swept over the country a year ago last summer. The legislation is important. It is imperative that it should be passed promptly. I do, however, sympathize with some suggestions made by the gentleman from Oklahoma [Mr. FERRIS] relative to sections 3, 4, and 5 of the bill. I have some question in my mind as to whether or not the fact that in some cases an entryman may have a considerable sum of money coming to him from the sale of the timber on his land may not have the effect of somewhat delaying the issuance of his patent. I fear that it will. As a matter of fact, so far as the cutting of timber on lands held under claim and entry is concerned, personally I should very much prefer the bill that was passed by the House in the last Congress to this bill. That bill allowed a settler upon the public land, on land containing timber, which timber had been injured as described in the bill, to sell the timber on the land claimed by him and keep the proceeds. In my opinion that is the proper method to pursue. We passed such a bill. It went to the Senate and no action was taken upon it. It is my understanding that it is altogether probable that no favorable action would be taken on such a bill if we were to pass it now, and therefore I now favor these sections of the bill, simply because I think it is the best that we can do, not because it is what in my opinion we ought to do. I think this whole business of having the Federal Government cut timber on the claims of entrymen, constituting a burnt timber fund, and keeping an elaborate set of books and finally turning the money back to the settlers is unnecessarily involved and complicated, and I think it is very questionable legislation; but, as I said, I think it is the only legislation obtainable, and therefore we must accept it by reason of that fact.

Mr. MARTIN of South Dakota. Mr. Chairman——

Mr. FERRIS. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from South Dakota?

Mr. MONDELL. For a question.

Mr. MARTIN of South Dakota. I notice the language of the bill would indicate that sections 2, 3, and 4 have reference only to burnt timber lands within the boundaries of homesteads. I will ask the gentleman if, as a matter of fact, much larger areas in the burnt districts in timber regions are not likely to be embraced within the boundaries of legal mining claims than of homesteads, and why the committee has not made an effort in this legislation to arrange for the disposal of that class of timber as well? Of course, the theory is that the boundaries of legal homesteads will not embrace any valuable timber at all; the law is against it. On the other hand, a man who makes a legal mining claim is entitled to all the timber, valuable or otherwise, within its boundaries, and if before he shall patent his mining claim a fire shall come and injure his timber there is always a controversy as to his right to dispose of the timber and apply its proceeds to his own use. It seems to me there is quite as much or more need of trying to give relief to those areas that have been unfortunately swept by fire and cover legal mining claims, as well as homestead claims.

Mr. MONDELL. Well, I will say to the gentleman that the bill which the House passed in the last session of Congress covered mining claims, and the amendment offered by the gentleman from South Dakota I am now addressing made the provisions of that bill touching mining claims very clear, but that bill failed of passage——

Mr. MARTIN of South Dakota. That bill, in other words, has never become a law?

Mr. MONDELL. That bill failed of passage, but it is the view of the committee that this is the best legislation that we can secure on the subject.

Mr. MARTIN of South Dakota. Let me inquire——

Mr. RAKER. Just one question in that regard in answer to the suggestion which was made. Was it not the statement of the Forest Service and the Secretary of the Interior before the committee and as represented by a gentleman coming from the area where this fire had occurred that they were only the homesteads and there were no other claims involved so far as the survey had gone to the present time?

Mr. MARTIN of South Dakota. This proposed bill is general in its character as to all fires damaging timber or forests prior to December 1, 1910. It does not refer to any particular conflagration that might have been in the minds of particular individual public servants or otherwise, and I would like to ask whether the committee has any objection to an amendment to this pending measure so as to cover lawful mining claims as well as homesteads?

Mr. MONDELL. If the gentleman will read section 4 I think he will find that it covers mining claims, though not as satisfactorily in my opinion as we did in the former bill, but it is as satisfactory a measure as we can secure at this time.

Mr. MARTIN of South Dakota. Section 4 of the copy of the bill which I have specifically mentions homestead claims, but no others.

Mr. MONDELL. It refers to claims of entrymen under any of the public-land laws other than the homestead laws. It says:

SEC. 4. Whenever the Secretary of the Interior shall certify to the Secretary of the Treasury that a right to a patent for the tract from which the timber has been sold under the provisions of this act has been established by any claimant or entryman under any of the public-land laws other than the homestead laws, then the Secretary of the Treasury shall pay to such claimant or entryman from the special fund provided for in section 2 the amount arising from the sale of such timber.

Mr. MARTIN of South Dakota. It is possible that is broad enough to cover the question.

Mr. MONDELL. It clearly covers mining claims, but I do not think it covers them as satisfactorily to either the gentleman from South Dakota or myself as the other provision did, but I believe it is the best legislation obtainable under the circumstances.

Mr. FERRIS. Mr. Chairman, I want to ask the gentleman from Wyoming, who has superior information on public-land

matters, if he had ever attempted to make any computation as to what the probable cost of carrying out the administrative features of this bill would be, and whether or not it would exceed or probably be less than the amount derived from the sale of the timber?

Mr. ROBINSON. Will the gentleman from Oklahoma yield to me to answer that question?

Mr. FERRIS. Yes.

Mr. ROBINSON. In the hearings that inquiry was gone into at some length. The representative of the Forest Service, Mr. Potter, stated to the committee that it would be impossible to tell exactly what the cost of administration would be, but he estimated that it would be between 15 and 30 per cent of the gross proceeds.

Mr. FERRIS. He thought 15 per cent would pay the total expense of administration?

Mr. ROBINSON. Yes; between 15 per cent and 30 per cent. That statement is on page 10 of the hearings.

Now, if the gentleman has concluded, I will yield 10 minutes to the gentleman from Montana [Mr. PRAY].

The CHAIRMAN. The gentleman from Montana [Mr. PRAY] is recognized for 10 minutes.

Mr. PRAY. I do not care to occupy all of 10 minutes at this time.

Mr. BURKE of South Dakota. Before the gentleman from Montana proceeds, I would like to ask the chairman of the committee one question. Do I understand the chairman to say that the expense of administration would be from 15 to 30 per cent of the amount received?

Mr. ROBINSON. I did.

Mr. BURKE of South Dakota. What does the gentleman base that statement upon?

Mr. ROBINSON. On the statement made to the committee by the representative of the Forest Service, Mr. Potter. That statement is found on page 10 of the hearing:

> The CHAIRMAN. Can you state approximately the administrative cost of this if the bill is enacted?
> Mr. POTTER. It is pretty hard to say, because local conditions affect the cost so much. It would vary from 15 to 30 cents per thousand, board feet measure.

Then I asked Mr. Potter what per cent that would be on the sum realized, and he answered, "From 15 to 30 per cent."

Mr. BURKE of South Dakota. I want to say to the gentleman, for his information and for the information of the House, that in our State we have the Black Hills Forest Reserve, and in that reserve the State claims sections 16 to 36. Most of those sections are covered by timber. The commissioner of school and public lands of South Dakota, who has jurisdiction in looking after the school lands of the State, entered into a contract with the Bureau of Forestry, by which the Bureau of Forestry was to attend to the selling of the dead-and down and burned timber and charge up to the State the cost of administration, and then the net proceeds were to go to the State.

After this arrangement had been in operation for something more than one year, perhaps nearly two years, a report was made to the State by the Forestry Service of the results of the arrangement, and my recollection is that the State of South Dakota was indebted to the Forestry Service for a small amount.

Mr. ROBINSON. Does the gentleman mean it cost more to administer it than was received from it?

Mr. BURKE of South Dakota. The cost of administration was greater than the proceeds received from the sale of the timber. I apprehend that is what will happen if this bill becomes a law—that it will cost more than they receive in administration.

Mr. MARTIN of South Dakota. Mr. Chairman, if my colleague will yield to me for the purpose, I wish to state that it is only fair to say that the items referred to by my colleague also cover, according to my impression, some matters relating to the patrol and protection of the school lands, and that the sales were comparatively small in proportion to the general value of the timber protected by the patrol.

Mr. ROBINSON. I apprehend from the gentleman's statement that that case could not form a basis for an estimate under this bill, because the conditions are so radically different.

Now, Mr. Chairman, I yield to the gentleman from Montana [Mr. PRAY].

The CHAIRMAN. The gentleman from Montana [Mr. PRAY] is recognized for 10 minutes.

Mr. PRAY. Mr. Chairman, I regard this a measure of great importance, affecting, as it does, the most vital interests of several thousand homestead entrymen in certain districts of Montana, Idaho, Minnesota, and other Western States, which were devastated by extensive forest fires in the summer and autumn of 1910. This legislation is also important to the Government because it will provide for the utilization of valuable stands of fire-killed timber on all lands, of whatever status, before they become a total loss through deterioration. Therefore, the public generally, as well as individual claimants, are, and ought to be, interested in the favorable consideration of the bill before the committee this afternoon. Before introducing this measure in the House I discussed its provisions with officials of the Agricultural Department and the Department of the Interior, and I believe you will find upon examination a substantial compliance with the recommendations of both departments of the Government. The members of the Public Lands Committee analyzed the several provisions of the bill with the utmost care. Hearings were held at which the Forester and others appeared advocating the passage of the bill. Communications from the departments just mentioned, favorable to the measure, were examined, and the chairman was authorized to present a unanimous report. I can see no good reason why this bill should not be enacted, and with all possible expedition, because time is a most important consideration in this instance. It is an emergency measure and intended to relieve a serious condition existing in the Western States.

The terms are clear and specific and ought to be easily understood. In respect to timber on Government land outside of forest reserves that has been killed or seriously and permanently damaged by forest fires previous to December 1, 1910, the Secretary of the Interior, under such rules as he may adopt, is given authority to sell and dispose of such timber. The sales must be made to the highest bidder at public auction or through sealed bids, and the proceeds are to be paid into the Treasury in the same manner as other receipts from sales or disposition of public lands. The Secretary is further authorized, upon application made by the claimant, to sell or permit the sale of fire-killed timber on Government land embraced within any lawful filing, selection, location, grant, claim, or appropriation subsisting on the 1st day of December, 1910. Where the timber on such lands is within national forests, it is to be disposed of under joint regulations adopted by the Secretary of Agriculture and the Secretary of the Interior. The proceeds must be covered into the Treasury and placed to the credit of a fund to be known as the burnt-timber fund. The bill further provides that any settler or entryman under the homestead laws who has not abandoned his claim at the date of application to sell the timber and who has complied with the laws and regulations prior to the time of the fire shall be paid a sum in proportion to the total amount received from sales of timber from his claim as his residence bears to the total residence required by law. The balance of the money shall be paid whenever the Secretary of the Interior shall certify to the Secretary of the Treasury that the settler or entryman is entitled to a patent for the land from which the timber was sold.

And upon a like certification that a right to patent has been established by any claimant or entryman under any of the public-land laws, other than the homestead laws, the Secretary of the Treasury shall make payment accordingly. If any of these entries should be canceled because of failure to perfect title in accordance with the law under which they were initiated, then the proceeds derived from sales of timber from canceled claims in national forests shall be disposed of in the same manner as in other cases of sales of timber within forest reserves, and where canceled claims are upon the public lands the proceeds from sales of timber therefrom shall be accounted for as other receipts from the sales of public lands.

From a careful review of the provisions of the bill it will be observed that the act contemplated will apply to all lands in the process of alienation from the United States, as recommended by the representatives of the Government under whose directions the provisions will be carried into effect. It was considered inadvisable to make any distinction between different kinds or classes of unperfected claims, selections, grants, locations, or filings, or between such unperfected entries as might hereafter be found valid or invalid. The object to be accomplished in the first instance by this legislation is to make possible the immediate utilization of fire-killed timber before it becomes of no commercial value whatever through deterioration. It is recognized in this measure that the Federal Government has an interest in unperfected claims and locations up to the date of complete alienation, and sales of timber from such lands will be made accordingly and the proceeds paid over in proportion to length of residence in the case of a homestead entryman and in other cases when the right to patent has been established. But the intent is to afford the homestead entryman some relief as speedily as possible and in proportion to the equities in his claim obtained through location and development. While authority to sell or permit the sale of timber is

vested in the department having jurisdiction over the lands, the sales are conditioned upon obtaining the consent of the claimant. To put the law in operation claimant must first make his application to the official named in the bill.

Now, Mr. Chairman, in view of the comprehensive statement made in respect to this measure by the gentleman from Arkansas [Mr. ROBINSON], the chairman of the committee, and in view of the fact that in response to the various inquiries propounded to him he has gone into this matter somewhat in detail, it was not my intention to occupy the time of the committee to the full amount allotted to me. However, there are other features of the bill I should like to touch upon before I conclude my remarks. In my judgment it is a very important measure and will benefit a great many people if it is enacted at this time. If, on the other hand, further delay should be occasioned the benefit will be just that much less in proportion to deterioration of the timber.

Mr. FERRIS. Mr. Chairman, will the gentleman yield to me for a question right there?

The CHAIRMAN. Does the gentleman from Montana yield to the gentleman from Oklahoma?

Mr. PRAY. I do, with pleasure.

Mr. FERRIS. Does the gentleman think it will be more beneficial to the Treasury or more beneficial to the homesteader?

Mr. PRAY. Well, I think it will be beneficial to both. It would be pretty hard to say which would receive the greater benefit. A great many settlers and large areas of land are involved. The settler needs it the most.

Mr. FERRIS. The gentleman thinks it would yield a net profit to the Treasury?

Mr. PRAY. Yes. The cost ought not be more than 20 per cent of the amount realized.

Mr. FERRIS. And the gentleman thinks the homesteaders will accept it as an assistance to them?

Mr. PRAY. Yes; I am sure of that, because many homesteaders have already asked assistance. I have some figures here that will throw light on the gentleman's inquiries. For instance, in the burned district in Montana and Idaho, covering an area embracing 2,895,000 acres, there were 1,762 fires in the summer of 1910, and the market value of the timber fire killed is estimated at $18,000,000. After making the most liberal allowances on account of inaccessibility of some of the timber and cost of cutting and hauling to market it must be apparent to all that large sums will be realized if prompt action can be taken.

In that particular section of the country in which I am most interested there were about 200 homesteaders within the forest reserves burned out, and probably as many more outside of the reserves. They lost everything they had. Furthermore, it was disclosed at the hearings that in the northern part of Minnesota there are two or three thousand homesteaders who were similarly affected. This bill will enable them to apply to the Secretary of the Interior to have the timber cut and disposed of and the proceeds of sales paid over to them.

Mr. MARTIN of South Dakota. Will the gentleman yield for a question?

Mr. PRAY. Certainly.

Mr. MARTIN of South Dakota. I should like to inquire whether it is frequent in those localities for homesteaders to have valuable timber embraced within the boundaries of their claims?

Mr. PRAY. Not those who filed recently, but a great many of these homesteaders—in fact, most of them in this locality—made their entries prior to the creation of the forest reserves, and, consequently, had a good deal of timber on their claims previous to the forest fires. A great many of the homesteaders outside of the forest reserves also had timber.

Mr. MARTIN of South Dakota. Of course under the law a homestead claim, in order to be valid, must be more valuable for agricultural purposes than for any other, and that has generally been interpreted to mean that it prohibited the taking of any considerable quantity of merchantable timber within the boundaries of the homestead claim.

Mr. PRAY. That, of course, is a legal question to be determined when application is made and proof offered. I will say further to the gentleman from South Dakota that this entire matter was gone into quite thoroughly by constituents of mine in Montana and by officials of the Forestry Service and of the Interior Department. It was deemed of great importance, and all agreed that immediate steps should be taken by the enactment of a proper measure to relieve the situation. It was brought to the attention of the Montana Legislature, and very great interest in the subject was manifested by the members of that body. It was found that many homesteaders had been left in a deplorable condition by the great fires that swept over that section of the country and that they would be benefited by the passage of a measure of this character, and the legislature accordingly memorialized Congress to that effect. I therefore conclude from investigations made and facts disclosed that there are a large number of homesteaders who had some timber on their lands prior to the forest fires in Montana, Idaho, Minnesota, and other Western States, but I am reluctant to believe that anybody, at this time, in the face of the calamity that has befallen the settlers in the fire-burnt districts of the West, would undertake to raise a technical question as to whether a homesteader, who barely escaped with his life, had a few more trees on his claim than a literal interpretation of the rules would allow in order to establish his right to the homestead. Persons well informed in such matters frequently disagree, and where a doubt exists as to whether the land is more valuable for forestry than for agricultural purposes it should be resolved in favor of the homesteader.

In some instances that have been brought to my notice it will make no difference to the homesteader whether the decision as to his right to patent is favorable or unfavorable. He remained too long on the ground in a desperate effort to save some of his property.

Inquiries made by two or three gentlemen would seem to indicate that there might be a doubt as to whether these claims were acquired in good faith, and that perhaps other people aside from settlers and homesteaders might be desirous of securing the passage of legislation of this kind, for the purpose of "looting the public domain." In order to dispel any lurking suspicion that might exist in the mind of anyone interested in this debate and not possessed of definite information on the subject, I should like to direct attention to the hearings, page 18, wherein the chairman of the committee [Mr. ROBINSON] made a personal request of officials at the department for specific information in respect to applications for permission to sell fire-killed timber. In reply he was furnished with reports and communications from officials of both departments interested in the subject matter. Agents of the Government in the Interior Department and in the Department of Agriculture, located in the several burnt-over districts, made examinations on the ground and reported conditions to their superiors in Washington. Those reports will be found in the hearings. Also, abundant testimony will be found there proving the merit of this bill. I have examined a large number of photographs, taken by men in the Government service, showing thousands of acres of fire-killed timber, the ruins of homes of settlers and places where men were burned to death. Commissioner Dennett reports that in almost every instance applications for permits to remove fire-killed timber, filed with chiefs of field division and local officers, were made by homesteaders and settlers.

It is to be regretted that there should exist in certain quarters prejudice against matters of legislation affecting the Western States. No section of the country is more greatly in need of remedial legislation. Take the coal withdrawals, for example. Millions of acres were withdrawn from all forms of entry in Montana for classification and appraisement, because it was supposed that they contained valuable deposits of coal. At the time of the passage of the surface-title bill 50,000,000 acres were withdrawn in this manner throughout the West. The bill passed in June, 1910, allowed homestead and desert-land entries on these withdrawn lands, but the homesteader was required to live continuously for five years upon his 160-acre tract and otherwise comply with the stringent provisions of the enlarged homestead law. Entrymen on lands of like character outside of the withdrawn area are given the right to commute in 14 months. Desert entries were reduced to 160 acres. Every patent issued was required to contain a reservation of all coal to the Government. There is no question but that the measure served a beneficient purpose by allowing any kind of an entry upon lands desirable for agricultural development, but now many of the homesteaders are beginning to realize that unfair restrictions have been imposed upon them. The bill was vigorously opposed in the committee and in the House, but finally weathered the storm and became a law. It of course could not have passed at all in the face of such opposition, except for the hidebound restrictions incorporated in the bill. It was undoubtedly the best and the only legislation of that kind that could have passed the House at that time. But now the homesteader should be relieved of the burden requiring him to make proof of compliance with the provisions of the 320-acre act before he can receive a patent. The surface-title act should be amended in several respects. For instance, the State of Montana is not allowed to make selections of school and indemnity lands under the grants on lands withdrawn as containing deposits of coal. I have introduced bills providing amendments as outlined and hope they may be considered and favorably acted upon before the adjournment of Congress.

The bill now under consideration is of the utmost importance to the West. It is an emergency measure and should become a law without further delay.

Mr. STEENERSON. I will say to the gentleman that the part of northern Minnesota that was ravaged by the great forest fires in 1910 is mostly within what are called ceded Indian lands, which were ceded under the act of January 14, 1889. That act provided that the land should be classified in two classes—pine lands and agricultural lands. This land was classified as agricultural land, although it was densely covered with forest, because the forest was not pine. Therefore it is and has been for 20 years subject to homestead entry, and they have taken homesteads there. The forests, however, are not pine. They are cedar, tamarack, spruce, poplar, and various other kinds of timber, which, of course, are valuable now for lumber; and if the homesteader can be permitted to cut this damaged timber he will realize something for it, whereas, if this act is not passed, the timber will go to waste entirely.

Mr. MARTIN of South Dakota. If the gentleman will permit just a word——

Mr. COOPER. Will the gentleman from Montana permit me to ask the gentleman from Minnesota [Mr. STEENERSON] a question?

Mr. PRAY. I will yield to the gentleman.

Mr. COOPER. How is it that in Minnesota land covered with spruce is considered agricultural land? It strikes me as extraordinary that this land in Minnesota should be classified as pine land and agricultural land; that land covered with pine should be called pine land, and land covered with spruce, tamarac, and other timber should be called agricultural land, when, if the land were cleared, no one could raise anything on it. I should suppose that spruce timber would be rather valuable in this day, when the timber supply is growing scarcer all the time.

Mr. STEENERSON. I will state to the gentleman that he is entirely mistaken as to the quality of this soil. The richest soil in the world is right there in the forest-fire area, where the spruce grows.

I will say further that this classification of the land is an arbitrary one, and that it is due to a treaty made with the Chippewa Indians, which treaty provided that all pine lands should be classified as pine land and sold at auction and the money realized should go into the Indian fund, and all other lands should be sold to homesteaders at $1.25 an acre and the money so realized to go to the same fund.

Mr. COOPER. Does the gentleman think that the Indians cared particularly whether they were classified as agricultural lands? They did not know about that feature of the case. I should say that men had a chance to make money there, taking spruce land at $1.25 an acre and calling it agricultural land.

Mr. STEENERSON. There has been lots of that land lying there for 20 years that has not been taken up.

Mr. COOPER. Covered with spruce timber?

Mr. STEENERSON. Yes; and the gentleman could go and take up that land if he wants to.

Mr. NORRIS. I suggest that the gentleman from Wisconsin could not take up that land without giving up his seat in the House, and he could not stand for that.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to the amendments of the Senate to joint resolution (H. J. Res. 185) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1911, on the 21st day of said month.

The message also announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 189. Joint resolution to pay Members, Delegates, and Resident Commissioners their allowance for clerk hire for December, 1911, on the 21st day of that month.

SALE OF BURNT TIMBER ON PUBLIC LANDS.

The committee resumed its session.

Mr. RUCKER of Colorado. Mr. Chairman, I wish to ask the chairman of the committee a question.

Mr. COOPER. Will the gentleman from Colorado permit me to submit a statement?

Mr. ROBINSON. I will yield to the gentleman.

Mr. COOPER. In reply to the gentleman from Minnesota, I desire to say that the gentleman from Illinois [Mr. MANN] says that he has been up in Minnesota and seen some of these agricultural spruce lands which were entered at $1.25 an acre. The spruce is all cut off and the entry has never been completed. I thought that was about it. [Laughter.]

Mr. RUCKER of Colorado. Mr. Chairman, I want to ask the chairman of the committee a question.

Mr. ROBINSON. I will yield.

Mr. RUCKER of Colorado. Why can not the bill be amended for the purpose of providing for the cutting of trees and the removing of the dead trees that were killed otherwise than by fire? I ask that question, because in the State of Colorado the most of our old trees are being killed by beetles, and the older the trees are the more likely they are to be attacked. The older trees are more likely to be struck by lightning. The beetle will not attack a live tree, but when one is in the stage of disintegration, where a limb has been lopped off by a storm or where it has been struck by lightning, they will attack it. The demolition of our forests in Colorado is due more to the destruction by the beetle than it is by forest fires. If this bill was amended to say that through damage by forest fires or otherwise, then it would cover the dead trees that have been killed by the beetle, of which there are a great number and the number growing greater every day.

Mr. RAKER. Will the gentleman yield?

Mr. RUCKER of Colorado. I will.

Mr. RAKER. The very theory that the gentleman suggests would dispose of all the timber in the West. There would not be any more sold, as far as the land was concerned, except the handling of timber, and that is one of the conditions to-day—the handling and disposition of timber on the public lands. Instead of sending men who have had experience in handling and know what timber is, what is merchantable timber, they sell and dispose of that kind of timber to the millman to-day that is not worth handling or disposing of. They are handling that as fast as they can. But now to give liberty to allow the beetles to attack the trees, why, every tree in the West would be attacked by beetles, and they would all be destroyed in a method not contemplated by public law of the land. This was all discussed in the committee. It seems to me that it would be stepping beyond any attempted policy of any committee, or conceived by anyone to the present time, and it would turn over entirely all the forests of the United States that are not now in private ownership to the department to sell. I am afraid that is what the amendment would result in. But this bill is urgent, it is necessary, it is applied for by those who have homesteads and have claims that their timber has been destroyed standing there and going to waste, to permit them now, individually, to go before the department and make their application that the timber be sold. It can be readily disposed of, the fund retained for them and placed in the burnt-timber fund, and as soon as they comply with the law the certificate will be given them that they have complied with the law.

Then and upon that event they are entitled to their money, and they do not have to wait until the patent is issued; but to adopt the other policy, to permit an amendment as suggested by the gentleman from Colorado [Mr. RUCKER], I believe would be unwise. It would be so extended in its character that no one to-day would really know what it would mean or what effect it would have upon the disposition of the public domain.

Mr. ROBINSON. Mr. Chairman, just one word in reply to the inquiry of the gentleman from Colorado [Mr. RUCKER]. In dealing with this question, the committee was attempting to meet a situation that was purely an emergency. The demand for the legislation arose from a condition in a portion of the West, which I described a few moments ago, occasioned by vast forest fires. We have been unable to agree upon a measure which would cover in general terms the features to which he has alluded. I call for the adoption of the committee amendment.

Mr. RUCKER of Colorado. Mr. Chairman, just one moment, if the gentleman will yield.

Mr. ROBINSON. I yield to the gentleman.

Mr. RUCKER of Colorado. Either the gentleman from California [Mr. RAKER] misunderstands my motion or else I do not believe he knows as much about this matter as he ought to learn. The purpose of this is not to create more beetles. [Laughter.] The purpose really is to destroy the beetles. I said that the beetle moves to one tree after it has killed it to another near by. So long as that tree is in process of disintegration, and as long as forest trees that have been destroyed are being cut, why not cut down these trees that have the beetles in them and thus destroy the beetle, so that it will not go on and climb all over the forest as it has done for hundreds of years. Consequently I can not see how it would be handing over any further duty or doing any damage to the forest. On the contrary, it is for the purpose of preserving the forest.

Mr. MANN. Mr. Chairman, just a word or two. I suppose this bill will be agreed to unanimously, reported in its present condition unanimously. The same bill in the same language was passed by the Senate in the last Congress and went through

the same committee of this House and received a unanimous report to strike the most of it out when it came to the House.

Mr. MONDELL. Not exactly the same bill.

Mr. MANN. There were some different members of the committee, but the majority of the committee as now constituted, constituted the majority of the commitee at the time, and because perhaps the bill had originated in the Senate and not in the House the committee unanimously reported to strike out three of the five sections. They now unanimously report to keep those three sections in. That is one thing that attracted my attention to the bill.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. MONDELL. The gentleman will recall that, as one member of the committee, I explained why I now favor the bill which has been presented to the House, which is not, I remind the gentleman, exactly the bill as originally passed by the Senate. I favor the present bill not because I think it is a better bill than the bill that the House passed at the last session. I do not think it is; but I think it is the best legislation that we can obtain on a highly important subject.

Mr. MANN. The gentleman made that statement awhile ago, and it is perfectly true; but it does not controvert in any way the statement that I made in reference to the action taken by the commitee. I agree with the gentleman that the legislation is required and that something ought to be done in reference to it. Yet I recall very well that when the dead and down timber act was in its glory more frauds were perpetrated under it than under any other act that I do recall, and it was repeatedly stated on the floor of this House, and I do not remember that it was ever controverted, that great forests of sound timber had been wiped out under contracts providing for the cutting of dead and down timber.

The same thing is quite possible under the provisions of this bill. This bill, in my judgment, ought to contain a provision for the marking of the trees which are to be cut. It contains no such provision. We are maintaining a Forest Service at great expense to the Government.

Mr. ROBINSON. Will the gentleman yield to me in that connection?

Mr. MANN. Yes.

Mr. ROBINSON. I will state to the gentleman that the committee considered the advisability of undertaking to regulate that matter and decided it would be best to leave to departmental regulation the method of marking and cutting the timber; that those details could not properly be provided for in a bill of this character.

Mr. MANN. The method of marking and cutting the timber can not be provided for in a bill, but the fact that it must be marked can be provided for in a bill. What objection is there to saying that the timber shall be marked before it is cut down? How else are we to know?

Mr. ROBINSON. I desire to say in reply to the gentleman's question, if the gentleman will permit——

Mr. MANN. Certainly.

Mr. ROBINSON. That might occasion unnecessary expense and a much larger force. The committee thought and the department thought that they could work out through their regulations those details better than to carry them in the bill. We wanted to make a workable bill which at the same time was very carefully safeguarded, and the committee is of the opinion that the bill which we have reported is quite carefully safeguarded. Of course, no frauds are possible unless the bill be violated, because the bill only contemplates a cutting and a sale of timber that has been killed or seriously and permanently damaged by fires, and that under regulations and rules——

Mr. MONDELL. And before a certain date.

Mr. ROBINSON. Damaged before December 1, 1910, and then under rules and regulations to be provided by the respective departments. We thought that was the best way to safeguard the matter. To establish regulations might be to preclude the department from making some needful regulations. The departments themselves under the bill have ample authority to see that no frauds are committed, and I hope they will do so.

Mr. MONDELL. If the gentleman from Illinois will allow me, the gentleman is always well informed in regard to legislation before the House, and I am sure he is in regard to this bill, and therefore his suggestion that the old-fashioned frauds under the dead and down timber law might occur under this, of course, was, I assume, just a slip of the tongue.

Mr. MANN. Well, that is an assumption every Member makes from one of these great land States where he wants to let the people grab off the timber.

Mr. MONDELL. Because the bill specifically provides—and I invite the attention of gentlemen who have asked why we did not make this legislation general—that it shall apply to no timber except that which is killed subsequent to a certain date; therefore there can be no temptation for anyone to kill timber now, so they may have the opportunity to buy it. And, further, answering the other suggestion in the form of an insinuation contained in the gentleman's statement about gentlemen from the public-land States who want to have their constituents cut all the timber off the public domain, I want to say in the State I have the honor to represent—100,000 square miles—there is not a stick of timber that will ever be cut under this law, so far as I know——

Mr. MANN. I am glad to know that.

Mr. MONDELL (continuing). So nothing in the gentleman's insinuation applies to me.

Mr. NORRIS. If the gentleman will permit an interruption right in that line, I do not believe the gentleman ought to permit the elimination of these fellows one at a time, because eventually he will catch the guilty ones, and I do not believe the gentleman from Wyoming ought to be permitted to eliminate himself from the general classification.

Mr. MANN. Mr. Chairman, I am sorry that the gentleman has compelled me to refer to some things which otherwise I should not have done. The gentleman from Wyoming says that this bill could not be used, as the dead and down timber act was, because it only applies to timber which was killed by forest fires prior to December 1, 1910, but the gentleman from Wyoming is not nearly as accurate in his statement as he usually is. The bill provides for timber killed or damaged——

Mr. MONDELL. Permanently.

Mr. MANN. No; the bill provides for timber killed and damaged, and the committee reports an amendment, which provides "seriously and permanently" damaged. That is a matter of opinion, that is all, if the timber is not marked. Why, this is no more definite than dead and down timber. Dead timber before meant dead trees; down timber before meant trees which were blown down; and yet under that law they cut great forests until there was such a stench that the practice had to be discontinued. Now, we are maintaining a very expensive Forest Service, or, rather, I will say, we are maintaining a Forest Service at great expense.

Mr. RUCKER of Colorado. I wish the gentleman would let those remarks stay there, because I think he is absolutely correct.

Mr. MANN. And yet here it is proposed to abandon the use of that Forest Service and turn a new forest service loose in the Department of the Interior.

Why, our Forestry Service holds itself open to recommend to private owners of forests what they shall do with the timber, and what timber ought to be cut, and they agree to go into a forest privately owned and mark the timber which they indicate ought to be cut. We pay that Forestry Service for that service, and yet when we propose to cut trees ourselves on our own public lands we do not get the officials of that service to mark them under this bill. I think we ought to.

Now, I was told by some one that this bill was prepared by the Interior Department and the Forestry Service. I do not know whether any gentleman can answer that question or not.

Mr. PRAY. Mr. Chairman, does the gentleman yield to me?

Mr. MANN. Certainly.

Mr. PRAY. I will say that before introducing this bill I consulted with the officials of the department, and I have some letters here in which they made suggestions as to how the bill should be drawn, and I think I have followed them. They believe that the bill is workable, and that there is no danger of any fraud being perpetrated in any manner whatsoever. I may state that they believe that way about it.

Mr. MANN. They believe that way about all the land laws, and yet there has been more fraud perpetrated under the land laws of the United States than under all the other laws of the country, apparently.

Mr. FOSTER of Illinois. Mr. Chairman, will my colleague yield?

Mr. MANN. Yes.

Mr. FOSTER of Illinois. I want to ask the gentleman from Montana [Mr. PRAY] if he consulted the department as to starting a new lot of officials outside of the Forestry Service to do this work out there?

Mr. PRAY. Now, I think, Mr. Chairman, if the gentleman will yield further——

Mr. MANN. Certainly——

Mr. PRAY. I think gentlemen are laboring under a decided misapprehension as to that. I do not take it from the hearings or from any consultations I have had with the department that there is any desire or intent on the part of the department officials to employ anybody outside of the regular force or any need of addition to the regular force. The special agents in the

General Land Office and the men in the Forestry Service are able to attend to the matters provided in this bill. I believe it will not be necessary to employ anybody outside. I think if the gentleman from Illinois [Mr. MANN] could see some of the photographs that have been taken by the Forestry Service out there of this burned and destroyed district he would not say what he has said in regard to frauds that he believes are likely to be perpetrated. I do not see how any frauds can be perpetrated under this bill. I do not think there is anybody in my State who has any desire or intent to perpetrate a fraud under it. Certainly these poor homesteaders, three or four hundred of them in number, who have lost their property, do not intend to defraud the Government. I am satisfied of that. What they want is the relief provided in this bill.

Mr. FOSTER of Illinois. What I was getting at was that my colleague from Illinois [Mr. MANN] has said that they are going to start up another lot of officials here, and it seems to me that is a pretty important matter in this bill.

Mr. MANN. I said that is what the bill authorized. What they intend to do I do not know. I have not been able to find out.

Mr. FOSTER of Illinois. I am like my colleague; I would like to know something about that.

Mr. PRAY. The hearings confirm my statement, I will state to the gentleman.

Mr. MANN. It is a very simple matter to put into this bill a provision something like this: "*Provided*, That no standing trees shall be cut down under the terms of this section unless the same shall have been first marked or otherwise indicated by officials or employees of the Forestry Service, which service is hereby authorized to perform such service."

Mr. RAKER. Mr. Chairman, will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. RAKER. I fully agree with the gentleman's statement there, and it is a very wise proposition. But is it not already in the bill just as plain as you make it by your amendment? Let me ask the gentleman, How could anyone go on the public land and cut a tree, unless it was marked, without committing a crime to-day? How can anybody go on a homestead except the owner unless he commits a crime? And the only trees that an owner can cut are those needed for his own private use or those he needs to have sawed for his own use upon his own land. Taking both cases, are not the rules and regulations specific enough to-day as to marking trees, but does not the criminal statute step in also and prevent anyone from handling this timber unless it is marked and agreed upon as designated by the proper authority?

Mr. MANN. The criminal statute on the subject amounts practically to nothing.

Mr. RAKER. The gentleman ought not to say that. It does amount to something. They are stopping all that kind of work.

Mr. MANN. You could not convict anybody of cutting a tree in a forest, when he could claim it had been injured by a forest fire. There is no way of ascertaining it after the tree is cut down.

Mr. ROBINSON. Will the gentleman yield to me?

Mr. MANN. Certainly.

Mr. ROBINSON. In reply to the gentleman's inquiry as to the necessity for an increase of force, as stated by the gentleman from Montana [Mr. PRAY], it was brought out in the hearings, at page 10 and elsewhere, and the representative of the Forest Service stated that no other than the regular field force would be required. Under the amendment proposed by the gentleman from Illinois, which I construe to mean that the marking would all be required to be done by the Forest Service, an additional force would be required, because it is contemplated now that outside of national forests these matters shall be attended to by representatives of the Interior Department.

Mr. MANN. Are they expert foresters?

Mr. ROBINSON. I have not the pleasure of their acquaintance.

Mr. MANN. Are they timber cruisers?

Mr. ROBINSON. It does not take an expert forester to know when a tree is killed or seriously and permanently injured by fire.

Mr. MANN. It takes a very expert forester. I am sure no one in this House could tell.

Mr. ROBINSON. If the gentleman objects to the further consideration of this measure—the committee have considered it at great length——

Mr. MANN. Object to its further consideration? I am trying to consider it now.

Mr. ROBINSON. There is absolutely no one on this side of the House who has any direct interest in this legislation.

Mr. MANN. Oh, I think the gentleman does not mean that, because we all have a direct interest in the passage of good legislation.

Mr. ROBINSON. I said no direct interest. I think the committee has consumed a fair amount of time in the consideration of the bill, and I will move that the committee do now rise.

Mr. MANN. The gentleman can not take me off the floor for that purpose.

Mr. ROBINSON. I understood the gentleman to yield to me for that purpose. I thought he stated that.

Mr. MANN. I did not. I will yield the floor entirely if the gentleman desires, and when the bill is considered under the five-minute rule I propose to offer some amendments to it.

The CHAIRMAN. The gentleman from Arkansas [Mr. ROBINSON] moves that the committee do now rise.

Mr. MANN. I beg the pardon of the Chair. The gentleman from Arkansas did not have the floor.

The CHAIRMAN. Did not the gentleman from Illinois yield the floor for that purpose?

Mr. ROBINSON. I understood he did, but he states that he did not, and, of course, that settles it.

Mr. MANN. I yielded for a question. I have no desire to delay the committee. I think the gentleman can pass his bill to-night.

Mr. RAKER. Can the gentleman suggest any more feasible plan to protect the trees in the national forests than the plan already in existence? At the present time no man can cut a tree in a forest reserve unless the tree is marked by a ranger. Is not that correct?

Mr. MANN. I could not tell the gentleman. It ought to be so.

Mr. RAKER. There is not a tree permitted to be cut in a public forest unless it is first marked by a ranger, and this matter is fully protected by the rules in force to-day. On homestead, mining, or other claims there must first be an agreement between the claimant and the Land Department, and every tree that is agreed upon must be marked, must it not?

Mr. MANN. That is what I want. Has the gentleman any assurance that it is the intention of the Interior Department to have these trees marked before they are cut?

Mr. RAKER. While I do not remember whether I asked that direct question, yet, in view of the practice and the law governing the subject, I take it for granted that there would not be a tree cut unless it was marked in advance by the proper officers. And I want to say to the gentleman that that is my position on the matter, and I believe the law thoroughly covers it and it will be honestly carried out under the provision.

Mr. MANN. Why not put it in the law? Departments change and officials change.

Mr. MONDELL. Will the gentleman yield?

Mr. MANN. Yes.

Mr. MONDELL. I want to say that these great fires swept for many miles with great fury. Certain areas of timber were absolutely and instantly killed.

Mr. MANN. I know that there are many places where they could not cut any timber that was not dead.

Mr. MONDELL. It would be a useless and unnecessary expense to mark every tree in a region of that kind. I think we can surely trust the department, careful as the Forestry Service is and equally careful as I think the Interior Department is.

Mr. MANN. The Forestry Service has nothing to do with it.

Mr. MONDELL. The Forestry Service has everything to do with it within the forest reservation. The larger proportion of the lands are within the forest reserves. The forestry officers themselves do not care to be charged with the duty of selling the timber on the public lands far removed from the boundaries of their reserves. They prefer to have the work done by the officers of the Interior Department who are in the field. The two departments are entirely agreed in the matter and are satisfied with the provisions of the bill.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted etc., That the Secretary of the Interior be, and he is hereby, authorized, under such rules and regulations as he may prescribe, to sell and dispose of to the highest bidder, at public auction or through sealed bids, timber on lands of the United States, outside of national forests, that may have been killed or damaged by forest fires prior to December 1, 1910, the proceeds of all such sales to be covered into the Treasury, as are other receipts from the public lands.

Mr. RUCKER of Colorado. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The committee amendments pending will be disposed of first. The Clerk will read the committee amendments.

The Clerk read as follows:

Page 1, line 8, insert at the beginning of the line the words "seriously and permanently."

The amendment was agreed to.

The Clerk read as follows:

On page 1, line 11, insert after the word "the" the words "sales or disposition of."

The amendment was agreed to.

Mr. RUCKER of Colorado. Now, Mr. Chairman, my amendment goes to line 8, after the word "fires." Add the words "or by insects."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 8, after the word "fires" insert the words "or by insects."

Mr. ROBINSON. Mr. Chairman, I think the discussion has developed the fact that that amendment ought not to be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado.

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by inserting after the word "land," line 11, page 1, the following: "*Provided*, That no standing trees shall be cut down under the terms of this section unless the same shall have been first marked or otherwise indicated by officials or employees of the Forestry Service, which service is hereby authorized to perform such service."

Mr. ROBINSON. Mr. Chairman, I do not think that amendment should be adopted. If the gentleman from Illinois insists that a specific requirement be adopted that all trees be marked, I shall make no objection to that, although I think these matters can be better done under departmental regulations than by specific requirement in this bill; but I do object to the feature of the amendment requiring that all of this work be done by the Forestry Service, for the reason that it will occasion an enormous amount of expense and require the Forestry Service to send officers to the areas where these fires have occurred where they have no officers in the immediate neighborhood. It would make necessary many new officers or agents of the Forestry Service.

The committee in framing the bill and reporting it, as far as possible, tried to prevent any unnecessary increase in expenses in the number of employees or in the department. Lands outside of the national forests are now under the jurisdiction and supervision of the Interior Department.

Their agents sometimes visit them, and it would be more consistent, it seems to me, to maintain that provision in the bill which authorizes the work to be done by representatives of the Interior Department, outside of the national forest. In this way it will not be necessary, so far as the hearings disclose, to employ new agents. The work can properly be done by the existing force, but if it becomes necessary for the Forest Service to scatter agents all over the public domain of the United States, I say to you now that I myself would doubt the wisdom of the passage of this bill, because the necessary expense of it would, in my judgment, more than consume all the profits from the proceeds of these sales. The number of special agents that the Forest Service would have to employ to go upon the whole public domain would greatly increase the cost.

I have already stated that as the bill is framed the special agents now in the Forest Service can, for the most part at least, look after this matter within the national forest, and the special agents of the Interior Department outside of the national forest can probably attend to the matter.

There is another proposition. Gentlemen must realize, and the gentleman from Illinois [Mr. MANN] well knows, that there have arisen in the past conflicts between certain branches and departments of the Government. Neither your committee nor the departments themselves interested in this bill had any desire or disposition to promote or to encourage any differences between the departments or bureaus. On the other hand, we thought it best for a fair administration of the measure, after these two departments of the present administration had agreed upon these features of the bill, and especially inasmuch as it appeared that their agreement would cheapen the cost of administration, to report it in that form. I ask that the amendment be rejected.

Mr. BUTLER. As I understand, you propose to sell two kinds of trees. A tree that is killed and one that is seriously and permanently damaged. Who will indicate the latter tree?

Mr. ROBINSON. Inside the national forests the representatives of the Forest Service will do it. The exact individual, of course, I can not name.

Mr. BUTLER. I can not expect the gentleman to do that.

Mr. ROBINSON. But the bill provides that inside the national forest its killed or damaged timber shall be sold under rules and regulations agreed upon by the Secretary of Agriculture and the Secretary of the Interior.

Mr. BUTLER. But it will be necessary for some one connected with the Government service to indicate the tree seriously and permanently damaged.

Mr. ROBINSON. Yes.

Mr. BUTLER. Or else the timberman might not perhaps agree with the Government and might cut a tree that was not permanently and seriously damaged. Who will indicate that tree? I only make the inquiry because we are trying to conserve the Government property.

Mr. ROBINSON. Special agents.

Mr. BUTLER. Have they enough special agents in the Interior Department?

Mr. McGUIRE of Oklahoma. And deputy United States marshals, as they do everywhere in every State. The only force the Government had in my State—then a Territory—to look into this matter and provide evidence for prosecutors were deputy United States marshals, and there were hundreds of convictions while I was a subordinate in the United States attorney's office in that Territory based upon the reports of deputy marshals.

Mr. ROBINSON. The question of the gentleman from Pennsylvania [Mr. BUTLER] shows the impropriety of undertaking to regulate these matters by specific provisions in the bill. Under the terms of this bill the departments, under rules and regulations to be adopted by them, can prescribe by whom this work shall be done and the manner in which it shall be performed.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. LENROOT. Mr. Chairman, I offer the following amendment to the amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Add to the end of the paragraph the following:
"*Provided*, That the Forest Service may designate and empower any employee of the Interior Department to perform such marking."

Mr. LENROOT. Mr. Chairman, just a word. I am heartily in accord with the gentleman from Illinois [Mr. MANN] that this marking should be performed, and that it should be under the jurisdiction of the Forest Service.

Mr. SHERLEY. Will the gentleman permit a question?

Mr. LENROOT. Yes.

Mr. SHERLEY. Has the gentleman any information or data as to what it would cost?

Mr. LENROOT. No; I have not.

Mr. SHERLEY. Does the gentleman not think it is rather a foolish thing for this committee, without knowing how much cost it is going to entail, to undertake to require a duty of this kind?

Mr. LENROOT. I would say this, that this is Government-owned property, and the Government ought to designate specifically what property of its own shall be sold.

Mr. SHERLEY. Oh, yes; but there are many ways of designating it specifically without going and marking it.

Mr. LENROOT. It is not necessary under the amendment of the gentleman from Illinois to mark every tree if all of the trees of a given area are burnt, and if they are not burnt I think the gentleman will agree with me they ought to be marked.

Mr. SHERLEY. I am not willing to permit this body this afternoon, with the information they have and the attendance here, to pass legislation that might entail such a cost as may be involved in the amendment suggested.

Mr. LENROOT. I will say to the gentleman from Kentucky that the purpose of my amendment is to reduce expenses, meeting the suggestion of the gentleman from Arkansas. He stated that in many cases—isolated cases—officials, employees of the Interior Department, could perform this service at very much less expense. I think there may be some merit in that, and if they do it while practically under the jurisdiction of the Forest Service they should pass upon the qualifications of the men who are going to do this marking. There are a good many men employed in the Interior Department who do not know an oak tree from a pine tree, perhaps, or whether it is burnt or not.

Mr. MONDELL. The gentlemen from Illinois and Wisconsin are proposing an amendment which would bring on conflicts which the departments desire to avoid. We have with the Forest Service men well qualified for the duties required of them under this law within the reserves. Those men will perform these duties as they now perform similar duties in the general sale of timber on the reserves. Outside the forest reserves in some districts many miles from forest reserves there are areas of burnt timber. Now, the General Land Office has

special agents, some of whom are just as well qualified to determine whether a tree is permanently injured or not as any employee in the Forest Service. The two services are in agreement in the matter. The Forest Service does not desire to get into the domain of the Interior Department. They realize the fact that their bureau is in no way equipped for the work outside and beyond the boundary of the forest reserves; and the committee reporting the bill brings it in in the form it did because both departments, both services, have men qualified and already in the field to perform the duties required in their respective areas. It simply means confusion, conflict, and nobody knows how much additional cost to invite the Agricultural Department into the domain of the Department of the Interior and call upon them to provide a large additional number of officers to do these things which the officials of the Interior Department now in the field are qualified to do and can do, we hope, without considerable additional expense——

Mr. LENROOT. Will the gentleman yield?

Mr. MONDELL. I will be glad to do so.

Mr. LENROOT. Will the gentleman assert that all these special agents are qualified to perform this service?

Mr. MONDELL. Oh, not all; neither do I think the gentleman from Wisconsin would assert, if he is well informed, that all the officials of the Agricultural Department would be well qualified to perform these duties.

Mr. LENROOT. I am willing to assert that all those designated would be.

Mr. MONDELL. I am confident the Forest Service is competent to do the work assigned them by this bill. I also have confidence that the Interior Department has men in its employ who were competent to do their share of this work, and there is no desire in either department to usurp the other's field. Both are disinclined to do the very thing which the gentleman from Wisconsin now insists they shall be called upon to do.

Mr. LENROOT. The purpose of my amendment was to permit these existing men to do that work when they were qualified to do it.

Mr. MONDELL. But the gentleman takes it from the domain of the Interior Department and places it under the Agricultural Department, which is not a very gracious thing to do, to say the least, and then says they can redelegate their authority after having taken charge of those things which are properly under the jurisdiction of the Interior Department.

Mr. SHERLEY. If the gentleman will permit a suggestion, I would like to say that I have spent some little time in the woods, and, although I do not claim to have much woods lore, I do not believe there is an honest man 21 years old anywhere in America of ordinary intelligence who has not intelligence enough to know whether a tree that has been burned is a tree that ought to be cut down or not.

Mr. MONDELL. I would say that within 2 per cent of the trees a man of ordinary intelligence would know one or two years after a fire whether they were dead or permanently injured. These fires occurred nearly two years ago. If the trees were going to die they are dead now; and if they are permanently injured it does not require a man with a scientific education, procured at a forestry school, to be cognizant of that fact.

Mr. NORRIS. The gentleman means that if they were dead two years ago they are still dead?

Mr. MONDELL. Yes.

Mr. LAFFERTY. Mr. Chairman, I dislike very much to disagree with the distinguished members of the Public Lands Committee as to any conclusion that they have reached concerning the merits of this bill; but I will say that I have had a great deal of experience in public-land matters, having served as a special agent myself for a year and a half in several of the Western States and have come in contact with the Forestry Service. I think the Government is pursuing a wise policy in placing its forest lands under the jurisdiction of a department having skilled employees. The amendment offered by the gentleman from Illinois would not create any serious conflict, in my opinion, between the Interior and Agricultural Departments. I do not think any large areas of timber on the public domain should be sold at public auction to private individuals without an officer of the department passing first on the question of whether or not that timber ought to be sold.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Oregon yield to the gentleman from Oklahoma?

Mr. LAFFERTY. Gladly.

Mr. FERRIS. On page 2 of this bill, line 9, there is a proviso that ought to meet the approval both of the gentleman from Oregon and the gentleman from Wisconsin. It reads like this:

Provided, That timber on such lands within the exterior boundaries of national forests shall be disposed of under joint regulations prescribed by the Secretary of Agriculture and the Secretary of the Interior.

Mr. MANN. That has no relation whatever to the timber described in section 1.

Mr. FERRIS. The gentleman wants to put it outside, too?

Mr. MANN. Only on the timber on public lands.

Mr. LAFFERTY. I am speaking of burned-over timber outside the boundaries of the national forests.

Mr. RAKER. Mr. Chairman, will the gentleman from Oregon yield?

The CHAIRMAN. Does the gentleman from Oregon yield to the gentleman from California?

Mr. LAFFERTY. Certainly.

Mr. RAKER. I would like to know if the gentleman from Oregon can suggest any reason, or knows of any reason that has existed heretofore, why the officials under the Secretary of the Interior are not as competent and qualified to determine, as to trees on land that is not in a forest reserve, whether or not a tree is killed, and if not, whether it is seriously and permanently damaged?

Mr. LAFFERTY. The reason for the distinction is this, Mr. Chairman: The general law does not give to the Interior Department jurisdiction over questions of selling timber or burned timber, and, furthermore, the special agents of the General Land Office, under the prevailing practice, are usually lawyers. They deal with legal questions more than they do with questions affecting the character of land and timber.

Mr. RAKER. One more question right there in connection with that. Is it not a fact that in the gentleman's State of Oregon and in the State of Washington and the northern part of California, until within the last few months—the last six months—the Interior Department and its officials have given more attention to this branch than even the Forestry Service, and that their contests and the testimony taken have concerned particularly the timber lands on the public domain that are not within the reserves?

Mr. LAFFERTY. It is true that the contests in the local land offices which arise over the question of the right of a citizen to take a homestead within the boundaries of a forest reserve, although initiated by forest officials, are tried by a special agent of the Land Office for the reason I suggested a while ago, that he is usually a lawyer, skilled in the matter of trying cases, but not skilled in the matter of deciding whether a burned-over area is permanently injured or not.

Mr. RAKER. If the gentleman will yield for one more question, I will then conclude.

Mr. LAFFERTY. I yield to the gentleman.

Mr. RAKER. The gentleman being an attorney, and having resided in Oregon for a number of years, would not yield to any man in his ability to go out into a forest and say, "This tree is killed, and this tree is seriously and permanently injured." The gentleman would not give place to any man in Oregon in his ability to determine that question.

Mr. LAFFERTY. The gentleman is now appealing to my vanity, and I wish to say to him that I have none. [Laughter.]

Mr. RAKER. I am appealing to the gentleman's knowledge.

Mr. LAFFERTY. Well, no man can tell for several months after a forest fire whether the area burned over is permanently injured or not. The forest fires used to occur every year in Oregon, and a great many people there contend that they were beneficial, as they burned the small underbrush and kept the forests free from large quantities of inflammable material which are now permitted to accumulate for years, so that when a fire takes place it is very serious.

The amendment offered by the gentleman from Illinois [Mr. MANN] does not provide that where a large area has been burned over and the trees are dead, every tree shall be marked with the forester's hatchet, but it provides that it may be otherwise indicated. The forest officers could designate by exterior boundaries an entirely killed portion of a forest. I hope the amendment will be agreed to.

While we are on this subject permit me to say that Oregon has 16,000,000 acres of forest reserves. This is a little more than one-fourth of the State's area. The value of the forest reserves in Oregon is placed conservatively at $500,000,000 at the present time. In the future they will be worth more.

Oregon, as well as Massachusetts or any other eastern State, wants these forests preserved forever. We do not want these 16,000,000 acres sold to private corporations. We want this great body of forests within our State preserved as public lands for all time. We do not want to see these lands ruthlessly logged off and the magnificent scenery of Oregon marred thereby.

But we do want Oregon to have the profits to be derived from the sale of ripe timber and grazing privileges. Only the ripe trees should be cut as they mature, so as to let younger trees grow up to take their place, but the profits derived from the cutting of such ripe trees will amount to at least 5 per cent per

annum of the value of the forests. The total value being $16,000,000, the annual profits from the sale of ripe timber would be $2,500,000. This sum ought to go into the Oregon State treasury every year to reduce taxes in that State and to help build roads and sustain our schools and university.

I have a bill pending to bring about this result. It is now before the Committee on the Public Lands, and I hope to get it reported out favorably during my first term here in Congress, for I may not be elected to serve a second term. The bill simply provides that when any State has, through its legislature, created a State board of forestry and a State forestry patrol of sufficient magnitude to handle the forest lands within the State that it may, through its governor and State board of forestry, apply to the Federal Government to have the national forests within such State turned over to the State to be husbanded and cared for under Government supervision. The States shall be given no power to sell an acre of the lands. The States, under my bill, are to be subject at all times to Government supervision and control in the local management of the forests within the State. Even the ripe trees can not be cut except under regulations provided by the National Bureau of Forestry.

The law I have proposed gives both to the East and the West what they are demanding. It gives to the East a guarantee that the natural resources of the West shall not be wasted, as were those of the East, but that the resources of the Western States shall be preserved forever as public property and managed under Government supervision. Even the conveyance in trust to a State provided for in my bill may be revoked at any time by the National Bureau of Forestry if the State fails to make good or is derelict in its duty in properly looking after and caring for the forests. The plan simply is that the States having forest reserves within their borders shall be allowed, under Government supervision, to furnish the men to look after and husband such forests; that the States shall pay all the expense of this work; and that the net profits derived from the sale of ripe timber and grazing privileges shall go into the several State treasuries wherein the forests are located.

I realize that the Committee on the Public Lands will desire to consider for a considerable length of time a bill of the importance of this forestry measure I have introduced. And unless the Forestry Bureau shall agree to the terms of the bill it will require a great deal of work and considerable time to get it passed through both Houses of Congress and signed by the President. But the bill is drawn up on the right theory, and it will eventually be put upon the statute books if the people of the West will demand their rights in the premises.

The very special interests that would like to ruthlessly destroy these forests by private exploitation are now asking my constitutents to discredit me before this House. The same special interests are seeking to steal 2,300,000 acres of other lands in Oregon that Congress said should be sold to actual settlers only, in quantities of not more than 160 acres to any one purchaser and for prices not exceeding $2.50 per acre. I am trying to compel the Oregon & California Railroad Co. to live up to that law. I have a resolution pending here to authorize the Committee on the Public Lands to investigate and keep track of the Government suit pending at Portland against the railroad company, and to report to Congress from time to to time as to its progress.

If I remain a Member of this House the Government suit against the Oregon & California Railroad Co. will be prosecuted in good faith to a decision in the Supreme Court or I shall keep the reason for the delay dangling before the eyes of Congress and the country.

If the interests fighting me shall succeed in getting the people of my own district to discredit me, there will be but little encouragement to my successor to continue the several fights I am making here in my humble way and to the best of my ability for the common people of the United States.

Mr. ROBINSON. I move to strike out the last word. I want to call the attention of the gentleman from Oregon and the gentleman from Illinois and the gentleman from Wisconsin to the fact that this question was raised in the hearings, and the officers of the Forest Service themselves do not favor such provisions in the bill, and they stated their reasons. Particularly referring now to the amendment of the gentleman from Wisconsin, endless confusion would arise if the head of a bureau in one department of the Government had the right to designate employees of another department, with whom I take it he could not of necessity be familiar, to perform duty; and the very object sought to be prevented by the Department of the Interior and by the Forest Service would be brought about, namely, endless confusion and disagreement, which would prevent the proper enforcement of the law.

Mr. LAFFERTY. I should like to ask the distinguished chairman of the committee if he thinks there is any reason why there should be any antagonism between the two departments, when they are both working to the same end, namely, the interests of the United States?

Mr. ROBINSON. O Mr. Chairman, the gentleman's question can have but one answer. There should be no antagonism, but the fact exists that these difficulties in administration arise, and the gentleman's side of the House and his party are responsible for them. Complaints frequently come from that side of the House, and there is no occasion for us to enact legislation which we know in advance will stimulate and encourage antagonisms. The departments do not want it; they have asked us not to pass it, and have said that instead of improving the service it will embarrass it and make it less fruitful of benefits, and I insist that the amendment shall not be agreed to.

Mr. NORRIS. Will the gentleman yield?

Mr. ROBINSON. I yield.

Mr. LENROOT. Does the gentleman think the provision in section 2 providing for a joint service of the Agricultural Department and the Interior Department will result in disagreement and trouble?

Mr. ROBINSON. The Interior Department has charge of the titles and that makes it necessary. The Forestry Service in questions of title would have to cooperate with the Interior Department.

Mr. LAFFERTY. The jurisdiction is not limited.

Mr. ROBINSON. Certainly not.

Mr. LAFFERTY. I would like to ask the gentleman if the jurisdiction of the Forestry Service would not end under this amendment before the jurisdiction of the Interior Department attached, in that the Forestry Service would first go out and specify the areas of trees or trees subject to sale under the law, and then the Interior Department would proceed and sell it. Its jurisdiction would begin after the Forestry Service had performed its duty.

Mr. ROBINSON. I think the gentleman's statement shows the difficulty of administration that it would bring about. The departments have stated that they do not want it, and I can not see the necessity of forcing on them something they do not want and something they are both opposed to.

Mr. MARTIN of South Dakota. Mr. Chairman, this is an emergency measure. What value it may have as a public measure will depend very much on how soon it becomes a law and how soon it can be administered. That offers another serious objection to the amendments offered by the gentleman from Illinois and the gentleman from Wisconsin. Here are large tracts of land which have been swept over by fire. The most recent damage is more than a year old. This timber will be of little use to anybody unless it can be taken and utilized within the next 12 months.

It is claimed that something like 5,000,000,000 feet of damaged timber are involved in this estimate. The larger part of it is within the forest reserves, and therefore under the administration of the Agricultural Department. That department and its ordinary agents, without the employment of a large number of additional men, will have all they can do to administer the portion of that area that is within their bounds without going outside to organize a new force to set aside and dispose of the timber that is injured outside of the forest reservations. Really, the great need of legislation grows out of the fact that there is no law anywhere authorizing the disposition of any timber outside of the forest reserves. I think, as far as the Agricultural Department is concerned, they have sufficient authority to proceed, but it would be impracticable to load onto that service, in addition to all the burnt areas within the forest reserves, such areas as are outside and belong to the administration of the Interior Department. The value of the legislation will depend on keeping near the lines marked out by the Committee on the Public Lands.

Mr. RUCKER of Colorado. I would like to ask the gentleman from South Dakota if he does not know that we have a rule of the department that every head of a family or a homesteader is entitled, free of charge, to $50 worth of timber a year for fuel purposes?

Mr. MARTIN of South Dakota. Outside of the forest reserve.

Mr. RUCKER of Colorado. I think it will apply to forest reserves because it was the rule before they were established, but I do not know if the rule is preserved. Now, Mr. Chairman, if the gentleman from South Dakota is through I would like to be recognized. I want to say to the gentleman from Wisconsin [Mr. LENROOT] that his amendment in some respects appeals to me very strongly for the reason that I believe the forest reserve force, those who are now engaged in the forestry business in the western country, especially in Colorado, have now nothing to do, or will not have very much longer. They have already marked out on

the mountain sides by mountain slices all the timber to be cut, both dead and alive. So far as I am able to discover, none will be left. So that as long as they have nothing further to do in that direction they might very well be employed in the other domain and be allowed to superintend the cutting of the timber from that. We in Colorado are opposed to the cutting of any timber on forest reserves or upon the public domain that is not dead or dying timber.

It is there for the purpose of conserving the waters absolutely needed for irrigation, and every tree that is cut off the side of a mountain, the watershed of a stream, retards that much more the development of our areas in the valleys, and is lessening the value year after year of every acre of our irrigable land because of the shortage of the water caused by the cutting off of this timber. I shall vote against his amendment because the instruments he chooses are too well educated—they are too expert in the use of the ax.

Mr. MANN. Mr. Chairman, just a word in reference to the amendment that I offered. I am satisfied myself that the amendment is in the interest of economy. The Interior Department ought not to have—and, I presume, does not have—any large number of expert foresters. There is no occasion for them to have these foresters. The Forest Service does have a large number of expert foresters or cruisers. It is no very great work to mark or designate these trees, or the space within which the trees may be cut down. It can be done within a reasonably short time if a service is put to work at it. The Forestry Service has the men now who can be devoted to that work, without interfering at all with their duties of next season. Otherwise you must employ men to do the work, so that in the interest of economy we may well put in this provision. If we are to maintain a Forestry Service at all, we are entitled to make use of it. The gentleman from Arkansas [Mr. ROBINSON] said it will produce conflict between the departments. That is what the amendment is offered to obviate, because when Congress by law provides that one department or one service shall do a particular thing, that ends any question of controversy; but without some such provision in the bill there is apt to be controversy. It is only a year or two ago that there arose a controversy between the Forest Service, the Agricultural Department, and the Department of the Interior. That was left open on the request of the gentlemen of the West, as it is proposed to leave this question open; and while it was said to us here in the House that the Interior Department proposed in that case to make use of the Forest Service, there was a change in the sentiment of the officials somewhere, and they were ousted. What the effect was I do not pretend to know, but I think we can afford to make use of a service we maintain when we need it.

The CHAIRMAN. The question is on agreeing to the amendment to the amendment.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent that the amendment to the amendment and the amendment itself be again reported.

The CHAIRMAN. Without objection, the amendment to the amendment and the amendment will be reported.

There was no objection, and the Clerk again reported the amendment to the amendment and the amendment.

The CHAIRMAN. The question is on the amendment to the amendment.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. MANN), there were—ayes 14, noes 24.

So the amendment was rejected.

Mr. NORRIS. Mr. Chairman, I offer an amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 1, line 8, after the word "by," insert the words "storm or."

Mr. NORRIS. Mr. Chairman, I favored the amendment offered by the gentleman from Colorado [Mr. RUCKER] to provide for the sale of timber if it was killed by insects, but the objection was made, and the idea seemed to prevail, that if that amendment were agreed to somebody would go out and scatter insects all through the forest, and in that way they would steal all the timber; so the committee had its way and it was stricken out. That objection can not apply to this amendment. If timber is dead or seriously and permanently injured, why should it be sold only if it has been killed or injured by a fire? Why should not the provision apply to timber that is killed or seriously and permanently injured by a storm?

Mr. RAKER. It is easy to raise a storm any place.

Mr. NORRIS. The kind of storms that the gentleman raises does not kill any timber.

Mr. ROBINSON. Mr. Chairman, will the gentleman yield?

Mr. NORRIS. Yes.

Mr. ROBINSON. I want to interrupt the gentleman to say that this might be a much more important amendment than would at first appear, in so far as the administration of the matter is concerned. It might be construed to require agents to go into the territory where winds have blown down timber and where there have been no fires, and we are seeking now to deal with emergencies that have brought about a condition that is extraordinary.

Mr. NORRIS. Mr. Chairman, I yielded for a question, and I do not want the gentleman to take up my time unless he will give me further time.

It does not make any difference whether the timber is killed by one cause or another if it is killed; and if it was killed two years ago it is still dead, and there is no reason why it should not be sold if we can get anything for it. Now, I want to call the gentleman's attention to this condition of affairs: Suppose a tree in a forest was blown down and a fire came on and burned over that part of the forest and charred this tree. Without the amendment that I have offered here it would be impossible for the gentleman and his experts to go there and tell whether that tree can be sold under the law or whether it can not, because the facts are it has been killed by a cause other than a fire, and yet the probabilities are if the gentleman himself went there he would think that it was killed by a fire. This amendment does not interfere with the administration of that part of the timber that has been killed by fire in any way, as the gentleman would seem to indicate in his suggestion made when he interrupted my remarks.

Mr. RUCKER of Colorado. It is on the ground and deteriorates that much quicker.

Mr. NORRIS. There is no good reason why this amendment should not be adopted that I can see except possibly that which seems to pervade this House this afternoon—that whatever this committee says is gospel and that no man can suggest an amendment or anything that will make an improvement on their work. I ought to apologize for offering the amendment, and I want to say that I have no doubt of the wisdom, ability, and the patriotism of every member of the committee, but they are not omnipotent; and it seems to me, Mr. Chairman, that when a proposition of this kind is offered that relates to something which can not be controlled by man, if you are going to insinuate that all people surrounding the forest are dishonest—they certainly can not bring on a thunder storm or a hurricane. This is an act of God——

Mr. MADDEN. Will the gentleman yield?

Mr. NORRIS. In a moment—and it seems to me no objection can be offered in incorporating this into law.

Mr. MADDEN. I was simply going to suggest this question: That perhaps the statement made by the gentleman from Wyoming this afternoon to the effect that while this law was not satisfactory and the kind of a law he would like to have adopted, it was the best law that could be adopted, and he regretted that he could not modify it in some way; and the suggestion occurred to me that perhaps after all the House was not enacting this into law, but it is being enacted into law by some outside influence.

Mr. NORRIS. I have no doubt the committee has done the best they could, and I think they have done well, and I offer this amendment as a friend of the bill, and I have not heard yet and I do not believe any man can make an objection to this kind of an amendment.

Mr. FERRIS. Permit me to make a suggestion which, I believe, will appeal to the gentleman's sense of fairness. If the gentleman puts in his amendment, which will include everything the gentleman from Colorado spoke of, from bugs down to winds and cyclones, you will not accomplish anything——

Mr. NORRIS. That is as far as I am going to yield now; I am going to answer that before I get anything else put at me. I want to say to the gentleman that his objection will not appeal to any reasonable man. We do not have storms of bugs and——

Mr. FERRIS. The gentleman from Colorado says——

Mr. NORRIS. We have bugs and insects, but they do not come in the shape of storms. A fire might be said to come in the shape of a storm, but not beetles or a flash of lightning that would kill a tree. Now, if the gentleman can not offer any other objection than that, he certainly can not appeal, it seems to me, to a man who wants to improve this legislation and make it as effective as possible.

Mr. SHERLEY. If the gentleman will permit, is not this a fair criticism of his amendment? The bill now would limit the scope to large areas that have been burned over.

Mr. NORRIS. No; they do not limit it.

Mr. SHERLEY. If the gentleman will permit me to state the proposition——

Mr. NORRIS. I think the gentleman has made a statement. It would not limit it. No; it would not limit it to large areas. It would limit it only to places, exclusively to places where timber had been killed by fire.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. Now, if the gentleman will allow me——

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. Mr. Chairman, in my own time I will try to state for the information of the gentleman my entire proposition, and that is this: The bill contemplates the sale of timber where a fire has been over a considerable area. The amendment offered by the gentleman would make necessary the ascertainment of every piece of fallen timber and the sale of it, even though the particular tree or number of trees did not warrant the investigation made.

Mr. ROBINSON. That is the point, exactly. [Cries of "Vote!"]

Mr. NORRIS. Will the gentleman yield the floor for a question?

Mr. SHERLEY. Yes; if the gentleman agrees not to interrupt me further. [Laughter.]

Mr. NORRIS. I will agree not to do that if the gentleman will agree not to interrupt me to ask more than one question at one time. I want to call the gentleman's attention to the fact that the amendment, instead of extending the scope of this work, would do just the same as the original bill does. It would apply to any place where the timber had been ruined by storm, while the bill as it now is would apply to any place where the timber had been ruined by fire. It is just as important to sell one kind of timber as another, without regard to the cost.

Mr. SHERLEY. Now, as the gentleman has finished, I will reply to him that the fact usually is that timber destroyed by fire is spread over a large area and is larger in quantity than that blown down by storms, which may be confined to a very small area and affect very few people.

Mr. NORRIS. Yes; and again it may be in a very large area.

Mr. BUTLER. I understand, Mr. Chairman, that the gentleman proposes to add, after the word "fire," on line 8, the word "wind." [Laughter.]

Mr. NORRIS. No; the gentleman is mistaken. When he finds out that it is "storm" instead of "wind" he will understand it. It is after the words "by storm or."

Mr. BUTLER. Let me ask the gentleman this question, Mr. Chairman: How shall we determine whether the tree has been blown down prior to December 1, 1910? One is likely, of course, to remember a great event like a fire in a forest. But how are you going to determine the date of a wind storm?

Mr. NORRIS. If the gentleman has asked me the question, I expect he intends to yield to me for an answer.

Mr. BUTLER. Yes.

Mr. NORRIS. I will answer the question by asking another: How is the gentleman going to determine, if he looks at a tree that has been burned, whether it was burned before that date or not?

Mr. BUTLER. Well, Mr. Chairman, I am not an authority on burnt wood. [Laughter.]

Mr. NORRIS. Nor am I an authority on wind-blown timber. [Laughter.] The same reason that would apply to the one amendment would apply to the other.

Mr. BUTLER. Mr. Chairman, I am not going to delay the vote or the conclusion, but in justice to myself let me say this: That great forest fires are known and become part of public history, whereas trees blown down here and there are never noticed except by the Master of men who sends the wind.

Mr. NORRIS. Cyclones are known all over the country.

Mr. STEENERSON. I hope, Mr. Chairman, this amendment will not prevail.

I would like to say that last year I appeared before the Committee on Public Lands in advocacy of this bill, because I had constituents who were interested in the matter. They were homesteaders in the northern part of my State. I was very much disappointed when the two Houses could not agree upon a measure, and I did my best to carry messages between the committees of the two Houses to see if some measure could not be agreed upon, because, as has been said by the chairman of the Public Lands Committee, it was an emergency measure. So far as northern Minnesota is concerned, it was a great emergency, and a great many of the people residing there lost their lives in that forest fire of 1910. Many of those who survived had all they owned on earth destroyed—their houses, their homes, and everything they had. Besides that, the land itself, in some instances, was burned up; that is, the top soil in some of these forests was burned even to the very subsoil.

It is a matter of great emergency. I can not share in the levity that has been displayed in the discussion of this measure, because it affects these people most seriously, and if this measure is to be of any relief to them it must be passed very soon. If there are minor faults in the verbiage of the bill, I hope they will be overlooked. The main thing is to get a reasonable bill that can be agreed upon by both Houses, and this is such a bill. Unless it is passed at an early date it will be of very little value, because forests that are burnt very soon become worthless. I hope gentlemen will waive their personal preferences as to administrative details, for, on the whole, it is a measure in which public interests are well guarded, and it ought to be passed now.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Nebraska [Mr. NORRIS].

The question was taken; and on a division (demanded by Mr. NORRIS) there were—ayes 3, noes 25.

Accordingly the amendment was rejected.

The Clerk read as follows:

SEC. 2. That the Secretary of the Interior, under regulations to be prescribed by him, is hereby authorized, upon application by the claimant, to sell or permit the sale of timber killed or damaged by forest fires prior to December 1, 1910, on any lands of the United States embraced within any lawful filing, selection, location, grant, claim, or appropriation subsisting on the 1st day of December, 1910: *Provided*, That timber on such lands within the exterior boundaries of national forests shall be disposed of under joint regulations prescribed by the Secretary of Agriculture and Secretary of the Interior. All moneys arising from sales of timber in accordance with such regulations and coming into the hands of officers or agents of the United States shall be deposited in the Treasury of the United States as a special fund, to be designated the "Burnt timber fund."

The following committee amendment was read:

On page 2, line 4, after the word "or," insert the words "seriously and permanently."

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 4. Whenever the Secretary of the Interior shall certify to the Secretary of the Treasury that a right to a patent for the tract from which the timber has been sold under the provisions of this act has been established by any claimant or entryman under any of the public-land laws other than the homestead laws, then the Secretary of the Treasury shall pay to such claimant or entryman from the special fund provided for in section 2 the amount arising from the sale of such timber.

Mr. SHERLEY. Mr. Chairman, I should like to ask the chairman of the committee whether there ought not to be a limitation put into this bill as to the date within which claims for this special fund shall be allowed? Otherwise the money will be tied up indefinitely, without any reason for it.

Mr. ROBINSON. The claim accrues upon the earning of the patent.

Mr. SHERLEY. But when does the right cease to have the money paid?

Mr. ROBINSON. There is no limitation.

Mr. SHERLEY. Why should there not be a limitation?

Mr. ROBINSON. If the patent is disallowed the right of the homesteader to any of this fund is gone.

Mr. SHERLEY. Under the terms of the bill as it is drawn the man's right to a part of this fund accrues at a certain time, but the claim does not have to be presented within any limit of time. Twenty years from now you may have men coming in and presenting claims under the provisions of this act.

Mr. ROBINSON. Under the provisions of the bill it is the duty of the Secretary of the Treasury to pay to the claimant when he has earned his patent.

Mr. SHERLEY. He is not going to pay it until an application is made.

Mr. ROBINSON. There is no limitation in the bill as to the time when the payment shall be made, other than that it shall be upon the earning of the patent. I know of no objection to amending the bill so as to limit the time when applications for payment shall be made; but the bill does not require that applications shall be made. It contemplates a rather automatic procedure on the part of the Treasury Department.

Mr. SHERLEY. There is no authority for the Treasury Department to pay out a dollar of this money unless the House appropriates it over again.

Mr. ROBINSON. The bill provides that upon the homesteader receiving a certificate that he is entitled to a patent the Secretary of the Treasury shall pay him.

Mr. SHERLEY. That is not sufficient to enable the Secretary of the Treasury to pay him, under the rulings.

Mr. ROBINSON. Probably an appropriation would be required.

Mr. LAFFERTY. If the gentleman will yield to me for a suggestion, I think this section 4 does provide that automatically, at the time the Secretary of the Interior issues the patent the Secretary of the Treasury shall pay the money, because it does not provide that this money shall ever be paid to an assign.

Mr. ROBINSON. It is also provided that the proceeds of the sale shall constitute a special fund from which the money shall be paid, so that no appropriation would be required.

Mr. SHERLEY. If the gentleman will permit me, the fact that you create a fund for this purpose does not create authority to pay it out.

Mr. ROBINSON. This bill gives the authority.

Mr. SHERLEY. I think the gentleman will find that the Comptroller of the Treasury will not honor any drafts to pay it out without a special appropriation of Congress.

Mr. ROBINSON. I presume the Appropriations Committee can look after that.

Mr. SHERLEY. But, even if that be true or untrue, it does not answer the suggestion that I made. Here are certain moneys to be paid——

Mr. ROBINSON. When he has earned his homestead.

Mr. SHERLEY. But it does not say when the claim must be made. Now, it is not, to my mind, good legislation to leave a matter of this kind indefinite for any period of time after evidence may be difficult to obtain as to the rights of a particular claimant.

Mr. ROBINSON. The suggestion made by the gentleman from Kentucky was not discussed in the committee.

Mr. MONDELL. Let me call the attention of the gentleman to the fact that it would be difficult to place a limit at this time unless that limit was placed a considerable number of years ahead, because section 4 refers not to homesteads but to other classes of entries. A mining claimant is not required under the law to prove up his claim. It may take a number of years—5 years, 10 years, or 12 years—for him to do the work and make the necessary discoveries that entitle him to a patent.

Mr. SHERLEY. You could put it a certain length of time after he is entitled to a patent.

Mr. MONDELL. As a matter of fact, he may never apply for a patent, but may continue to enjoy the mineral rights without securing a patent.

Mr. SHERLEY. If you put in the provision, he will. It ought not to be left absolutely loose in this way and have claims running for 20 or 30 years.

Mr. MONDELL. The thought of the committee was that it was difficult to fix a limit at this time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. I ask unanimous consent that I may have five minutes more.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. MONDELL. It occurred to the committee that it would be rather difficult at this time to wisely and intelligently fix a limit of time within which these claims should be filed.

Mr. SHERLEY. Did it occur to the committee to consider that question at all?

Mr. MONDELL. I do not know that all the members of the committee considered it. I do not know that it was generally considered; but I know, as a member of the committee, I considered it, and I will say that in connection with the former bill it was discussed. I do not recall that it was discussed at the time this bill was under consideration, but the gentleman from Kentucky will clearly understand that in the case of a mining claim, where it is not necessary for the claimant to make his proof to secure his patent for a number of years, it is very difficult to fix a date at this time—to limit the time beyond which claims could no longer be filed.

Mr. SHERLEY. I suggest that it would be much easier to fix it now, and if subsequent experience found it to be too short to extend it rather than to undertake after a law has been put in operation to limit it, because we all know the difficulty that happens then. What you are doing is to add another to the long list of claims that are continually being brought up long after they should be presented. There is no reason in the world why there should not be a limitation put in this bill.

Mr. STEENERSON. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. STEENERSON. The gentleman is referring to claims against the United States. These are claims by a man for his own money.

Mr. SHERLEY. I presume that all claims by all persons against the United States are for moneys they think they are entitled to. It is not the nature of the claim but the time that it should be offered. You ought not to have an unlimited time in which these men may come in with these claims.

Mr. STEENERSON. Does the gentleman claim that it would injure the United States to have this money remain in the Treasury?

Mr. SHERLEY. I think it injures any country to have money remain in the treasury that can not be used and is set aside in this way.

Mr. MONDELL. It seems to me that any reasonable limitation would have to be for some length of time. A reasonable limitation could not be less than 10 years.

Mr. SHERLEY. Why 10 years?

Mr. MONDELL. I presume there are mining claims over which timber will be cut where the claimant will not be entitled to a patent within the next 10 years; and let me remind the gentleman that the claimant is to receive his money as soon as the department shall be prepared to issue his patent. The entryman does not apply for payment; it comes to him as a matter of right as soon as the department acts. We can not well hurry the action of the department in issuing patents by a time limit.

Mr. SHERLEY. The probability is, the way the bill is drawn, there will have to be legislation to ever get any money for any of them.

Mr. MONDELL. And if there is any considerable number, the Congress can later fix the time within which the claim for payment is good.

Mr. LAFFERTY. Mr. Chairman, it seems to me that this argument is beside the question, for the reason that section 4 does not contemplate that the patentee shall make any application at all, but it does provide affirmatively that whenever the Secretary of the Interior shall issue the patent he shall certify to the Secretary of the Treasury the fact that he has done so, or is about to do so, and that the Secretary of the Treasury shall send his check to the patentee for the amount of the money the patentee has in this burnt-timber fund at the same time, so that as the chairman of the committee, the gentleman from Arkansas [Mr. ROBINSON], stated originally, this section works automatically. No application is to be made by an entryman at all.

The CHAIRMAN. The time of the gentleman from Kentucky has expired, and the Clerk will read.

The Clerk concluded the reading of the bill.

Mr. ROBINSON. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 9845) to authorize the sale of burnt timber on the public lands, and for other purposes, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. [After a pause.] The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ROBINSON, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 15930) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1912, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. GAMBLE, and Mr. CULBERSON as the conferees on the part of the Senate.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles, when the Speaker signed the same:

H. J. Res. 166. Joint resolution providing for the termination of the treaty of 1832 between the United States and Russia;

H. J. Res. 189. Joint resolution to pay Members, Delegates, and Resident Commissioners their allowance for clerk hire for December, 1911, on the 21st day of said month; and

H. J. Res. 185. Joint resolution to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1911, on the 21st day of said month.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following joint resolutions:

H. J. Res. 185. Joint resolution to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1911, on the 21st day of said month;

H. J. Res. 189. Joint resolution to pay Members, Delegates, and Resident Commissioners their allowance for clerk hire for December, 1911, on the 21st day of said month; and

H. J. Res. 166. Joint resolution providing for the termination of the treaty of 1832 between the United States and Russia.

RIGHT OF INDIANS TO PROSECUTE SUITS IN UNITED STATES COURTS.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3842) to amend and reenact paragraph 24 of section 24 of chapter 2 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and consider the same at this time.

The SPEAKER. The gentleman from Alabama asks unanimous consent to take from the Speaker's table the bill referred to and consider it at the present time. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That paragraph 24 of section 24 of chapter 2 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, is hereby amended so as to read as follows:

"Of all actions, suits, or proceeds involving the right of any person, in whole or in part of Indian blood or descent, to any allotment of land under any law or treaty.

"And the judgment or decree of any such court in favor of any claimant to an allotment of land shall have the same effect, when properly certified to the Secretary of the Interior, as if such allotment had been allowed and approved by him; but this provision shall not apply to any lands now or heretofore held by either of the Five Civilized Tribes nor to any of the lands within the Quapaw Indian Agency: *Provided*, That the right of appeal shall be allowed to either party as in other cases."

Mr. CLAYTON. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by adding the following:

"Page 2, line 4, after the word 'Tribes' insert the words 'the Osage Nation of Indians.'"

The SPEAKER. The question is on agreeing to the amendment.

Mr. CAMPBELL. Mr. Speaker, I would like to know what committee reported this bill.

Mr. CLAYTON. The Committee on the Judiciary.

Mr. CAMPBELL. I see it deals with Indian lands, and I am sure the Committee on Indian Affairs has had nothing to do with the bill.

Mr. CLAYTON. It relates to the administration of the laws, and the Committee on the Judiciary had proper jurisdiction. It is an amendment to the laws as codified and relates to the administration of justice in the courts.

Mr. CAMPBELL. I see it gives jurisdiction over certain lands belonging to certain Indians and eliminates from that jurisdiction certain other Indians and other Indian lands.

Mr. CLAYTON. The gentleman is not exactly accurate in that. I yield to the gentleman from Oklahoma [Mr. DAVENPORT].

Mr. DAVENPORT. Mr. Speaker, I can explain in a few minutes the purport of this amendment. The act of March 3, 1911, in codifying the laws, in section 24, intending to transfer jurisdiction from the United States circuit court to the United States district court, in bringing forward the act that was originally passed on August 15, 1894, brought forward only about five lines of it and left the provision that was in the act of 1894 which excepted the Five Civilized Tribes and the Quapaw Indian Reservation from going into the United States courts where an Indian by blood made a claim to be entitled to an allotment and that right was involved. The act of June 28, 1906, applied the provision of the act of August 15, 1894, to the Osage Indian Nation also, and the reason for that was——

Mr. CAMPBELL. Now you are exempting both of those tribes from the provisions of this act.

Mr. DAVENPORT. The Five Civilized Tribes, the Quapaw Indians, and the Osage Indian Nation. The reason, I can explain in a minute, is because there has been a special forum created, commonly known as the Dawes Commission, to settle those questions, with the right of appeal to the Commissioner of Indian Affairs and then, in turn, to the Secretary of the Interior; and we want to reenact the law as it stood at the time this code passed, March 3, 1911.

Mr. CARTER. Just a moment. There is one thing I would like to say for the benefit of the gentleman from Kansas. He will probably remember that when that act of 1893 was passed it gave the settlement of the entire affairs of the Five Civilized Tribes to the Secretary of the Interior and excluded interference from courts. Now, we have had those matters wound up completely by the Dawes Commission, and this would permit suits to be brought in court about those matters which have already been adjudicated, citizenship cases, claims for enrollment, and so forth.

Mr. CAMPBELL. Will this open up that Pandora's box of citizenship cases that we have had at the door of the Committee on Indian Affairs for several years?

Mr. CARTER. Under the present law it will open it up on the 1st of January, when the new code goes into effect. If this bill amending the new code and reinstating the old law is passed, it will close those matters and we will not have that Pandora's box on our hands.

Mr. CAMPBELL. Then I am in favor of passing this bill.

Mr. DAVENPORT. We are seeking to remedy that now.

Mr. McGUIRE of Oklahoma. Mr. Speaker, I just want to see if I understand the matter clearly. In 1906 Congress passed an allotment act for the Osage Indians. At that time they came within the purview of the statute providing how persons of Indian blood claiming right to allotment might bring their cases in the circuit court and there have those rights adjudicated. That allotment act of 1906 exempted the Osage Tribe from the provisions of the general statute for the reason that their rights had been determined in another way before the Interior Department.

Mr. DAVENPORT. The gentleman is correct.

Mr. McGUIRE of Oklahoma. Now, this simply reasserts the authority of the allotment act of 1906. Am I right?

Mr. DAVENPORT. It puts them back with the same jurisdiction which the act of June 28, 1906, gave them. I am confident that the Senate committee intended to provide that and it was simply an oversight. Senator OWEN, Mr. CARTER, and I took this question up yesterday afternoon with the Solicitor of the Department of Justice, and this morning Mr. Hall and Mr. Williams came to the Committee on the Judiciary of the House and there it was agreed that this was a provision which should be enacted.

Mr. McGUIRE of Oklahoma. I just wanted to see if I was right.

The SPEAKER. The question is on the amendment offered by the gentleman from Alabama.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. CLAYTON, a motion to reconsider the vote was laid on the table.

Mr. CLAYTON. Now, Mr. Speaker, I move to lay on the table the bill H. R. 16282 on the same subject.

The question was taken, and the motion was agreed to.

PRINTING COMMITTEE REPORT.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent to print in the RECORD the report that was made by the House committee on this matter.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The report is as follows:

[House Report No. —. Sixty-second Congress, second session.]

December 20, 1911.—Referred to the House Calendar and ordered to be printed.

Mr. WEBB, from the Committee on the Judiciary, submitted the following report (to accompany H. R. 16282):

The Committee on the Judiciary have had under consideration the bill H. R. 16282, and beg leave to report:

It will be seen that paragraph 24 of section 24 of the act approved March 3, 1911 (Public, No. 475), entitled "An act to codify, revise, and amend the laws relating to the judiciary," reads as follows:

"24. Of all actions, suits, or proceedings involving the right of any person, in whole or in part of Indian blood or descent, to any allotment of land under any law or treaty."

This language unmodified would perhaps lead to greatly involved litigation in Oklahoma, and since the act goes into effect on January 1, 1912, the Oklahoma delegation urgently requested immediate action by the committee for the consideration of Congress.

This paragraph 24 of section 24 was based upon the jurisdiction formerly exercised by the circuit court under the act of August 15, 1894 (28 Stats. L., 305), providing as follows:

"That all persons who are in whole or in part of Indian blood or descent who are entitled to an allotment of land under any law of Congress, or who claim to be so entitled to land under any allotment act or under any grant made by Congress, or who claim to have been unlawfully denied of excluded from any allotment or any parcel of land to which they claim to be lawfully entitled by virtue of any act of Congress, may commence and prosecute or defend any action, suit, or proceeding in relation to their right thereto in the proper circuit court of the United States. And said circuit courts are hereby given jurisdiction to try and determine any action, suit, or proceeding arising within their respective jurisdictions, involving the right of any person, in whole or in part of Indian blood or descent, to any allotment of land

under any law or treaty. And the judgment or decree of any such court in favor of any claimant to an allotment of land shall have the same effect, when properly certified to the Secretary of the Interior, as if such allotment had been allowed or approved by him; but this provision shall not apply to any lands now held by either of the Five Civilized Tribes nor to any of the lands within the Quapaw Indian Agency: *Provided*, That the right of appeal shall be allowed to either party as in other cases."

The plain intention of the original act was to authorize any person claiming to be entitled to receive an allotment to prosecute his claim in the circuit court, whose judgment or decree should have the same effect, when properly certified to the Secretary of the Interior, as if such allotment had been allowed and approved by him.

The original act did not apply to the Five Civilized Tribes of Indians nor the Quapaw Agency, for the reason that the determination of allotments was contemplated to be exercised by the Commission to the Five Civilized Tribes. The claimants for allotments in the Five Civilized Tribes have had abundant opportunity to be heard by the commission, to appeal to the courts and to the Secretary of the Interior, and the citizenship rolls were concluded on March 4, 1907, by act of Congress.

The committee, therefore, recommend that House bill 16282 be amended by inserting in line 7, after the word "amended," the words "and reenacted," and by striking out all after line 7 and inserting in lieu thereof the following:

"Twenty-fourth. Of all actions, suits, or proceedings involving the right of any person, in whole or in part of Indian blood or descent, to receive an allotment of land under any law or treaty, and the judgment or decree of any such court in favor of any claimant to an allotment of land shall have the same effect, when properly certified to the Secretary of the Interior, as if such allotment had been allowed and approved by him; but this paragraph shall not apply to any lands now or heretofore held by either of the Five Civilized Tribes, the Osage Nation of Indians, nor to any lands within the Quapaw Indian Agency: *Provided*, That the right of appeal shall be allowed to either party as in other cases."

The original act of August 15, 1894 (28 Stat. L., 305), was merely intended to authorize an action for an allotment alleged to be unlawfully denied, and was an action exclusively between the individual claimant and the United States.

The obvious intention of the committee and of Congress in passing paragraph 24 was to give to the district court the jurisdiction theretofore exercised by the circuit court. The language used, however, is ambiguous, and might be considered to have an entirely different meaning. The language now recommended by your committee is identical in purpose and scope with the original act of August 15, 1894, and provides a remedy to any claimants for an allotment alleged to be unlawfully denied, except in the Five Civilized Tribes and Quapaw Agency, which was excluded from the scope of the original jurisdiction under the act of 1894 aforesaid, and the amended bill also includes the exception of the Osage Nation of Indians, which was by the act of June 28, 1906, placed in the same category with the Five Civilized Tribes and Quapaw Agency so far as the jurisdiction of the United States courts is concerned.

And your committee recommend that the bill as amended do pass.

PANAMA CANAL.

Mr. LAFFERTY. Mr. Speaker, I ask unanimous consent to be permitted to extend my remarks in the RECORD on the subject of the Panama Canal.

The SPEAKER. Is there objection to the request of the gentleman from Oregon? [After a pause.] The Chair hears none, and it is so ordered.

Mr. LAFFERTY. Mr. Speaker, the President has announced that the Panama Canal will probably be opened for traffic in the fall of 1913. Congress at the present session should prepare the country for that event. The terms upon which ships of all classes are to be permitted to use the canal ought to be definitely fixed.

CHEAPER TRANSPORTATION OBJECT OF CANAL.

In consequence of the opening of the canal the people of this country have the right to expect material reductions in freight, passenger, and express rates. That was our object in building it. The people are to pay the cost, amounting to approximately $400,000,000. This money is being paid now by the consumer every time he buys a dutiable article at the store. Unless the consumer had believed that he would receive benefits through cheaper transportation he would hardly have consented so willingly to this large expenditure of money.

RAILROADS WOULD AVOID COMPETITION.

Now, it comes to pass that the railroads would like to own or control the steamship lines using the canal, and in that way prevent competition. Failing in that, the railroad influence will ask Congress to put high tolls on independent steamship lines, and in that way circumvent such competition as would force substantial reductions in rail rates. The President himself has foreseen this danger, and in a recent public address has declared for laws that will prohibit any owner of railroad stock from owning any interest in any steamship line using the canal, and for free tolls to American ships engaged in our domestic trade. I for one shall use my influence and vote in favor of putting upon the statute books the two provisions recommended by the President. The President has gone further and in a speech at St. Paul suggested that a Government line of steamships from coast to coast may be advisable.

A GOVERNMENT LINE BEST GUARANTY.

There could be no surer way to guarantee to the people that they shall reap the benefits of their hard-earned money spent on the canal than for the people themselves—the Government—to own and operate a line of steamers between our east and west coasts. Do you say this would be radical? I do not think so. But whether radical or conservative, I heartily indorse the plan as one of the Representatives of this Republic. The time is long past due when the burden of exorbitant transportation rates should be lifted from the shoulders of the American people, if it is within the power of Congress to accomplish that result, and it is.

FEASIBILITY SHOWN BY PANAMA LINE.

The practicability of a Government line has already been demonstrated. In building the canal the Government found it expedient to buy the Panama Railroad and to establish in connection with it a line of steamships to New York. Last year the line paid a profit to the Government of 23 per cent after $600,000 had been charged off for depreciation in the vessels in commission. Only 30 per cent of the business handled was for the Government, while 70 per cent was commercial. Canal employees were carried at a nominal rate, and cement was shipped from New York to Colon at $1.25 a barrel. Since the Panama Railroad and steamship line is paying such enormous profits at the very beginning, what reason can be offered against continuing to operate a Government line after the canal shall be finished and extending it to the cities of the Pacific coast? It would make bona fide competition with the railroad companies certain, and such competition can be made certain in no other way.

PRIVATE MONOPOLIES CHARGING EXORBITANT RATES.

The man who doubts that private carriers are charging the public exorbitant rates should be taken gently by the ear and led of into some cool, sequestered nook and tapped for the simples. To send a $2 box of apples by express from Oregon to New York costs $3.50. To ship $12.50 lumber from Portland to Philadelphia in carload lots costs $25 per thousand feet, or double the cost at the mill.

That the owners of these common carriers charge all the traffic will bear and are not governed in fixing their rates by what would be a reasonable profit can be proved to any reasonable man. The telegraph company furnishes the best example. It is paying profits on its actual cash investment of at least 100 per cent per annum, in my opinion. Here is the reason for that belief: The Western Union Telegraph Co. charges the Government for its business from Pacific coast points to Washington and other Atlantic coast points 2 cents a word in daytime and 1 cent a word at nighttime, and it is making a profit on the Government business. It charges the public 7 cents a word for the same service, day or night.

TELEGRAPH COMPANY FEARS GOVERNMENT COMPETITION.

Why does the telegraph company charge Uncle Sam only 1 cent a word for the same service that it charges the public 7 cents a word for? The answer is obvious. The company knows that if it would charge the Government the same rate that it charges the public the Government telegraph bills would become so enormous that Congress would be forced to appropriate money to build a Government line from coast to coast, and it further knows that such Government line would pay for itself inside of one year carrying the Government business alone. A Government message from Portland to Washington of 100 words costs $1, while a commercial message of 100 words costs $7.

MONOPOLIES WANT TO BE LEFT ALONE.

Logically, there ought to be only two political parties to-day—progressives and conservatives. A conservative is one who is inclined to leave things just as they are, for fear a change would "hurt business." The monopolies are willing to spend millions to have things left just as they are. Therefore the monopolies are strong for the conservatives.

Of course, if a progressive turns out to be a real live wire and begins to shoot the current of publicity and the daylight of facts under the rhinoceros hides of the special interests, they are quite willing to support another progressive to get rid of the first. They know that some progressives give up the fight after election and they have no particular objections to that class.

SPECIAL INTERESTS SUPPRESS FACTS.

So long as I remain a Member of Congres I shall avail myself of the advantage the position affords to give information to the public that the special interests would like to have suppressed. I dare say the public has not seen a great deal in the newspapers about the profits the Government has made out of its ownership and operation of the Panama Railroad. That is a class of information that the interests do not care to have disseminated. Nor do the interests want it known that the Western Union Telegraph Co. is charging the public seven times the rate it charges the Government for the same class of business.

Do you wonder why all this information has not appeared in the newspapers many times so that it would now be common information? The reason is that the great newspapers of this country are not such faithful guardians of the public welfare as they would sometimes have us believe.

PARCELS POST ANOTHER RATE REDUCER.

I am in favor of hitting the common-carrier monopolies, and all other monopolies, a rate and price reducing jolt whenever and wherever I can. A parcels post will greatly reduce express rates, and therefore I am in favor of it, and shall vote for it in this House whenever I get a chance.

I also favor a State public service commission in each State in the Union to control rates and prices of monopolies doing business wholly within the States, and I favor a national public service commission to exercise like control over monopolies doing an interstate business. The rates of railroads, express companies, telegraph companies, telephone companies, and electric light companies would then be fixed so as to give those monopolies a reasonable profit and no more.

All political parties are in the habit of declaring in their platforms for the control of monopolies. Let us fulfill those platform promises or quit making them. The only way to control a monopoly is to regulate by some Government tribunal the price it shall exact from the public for its wares or service. Controlling a monopoly does not mean to make it be good or go to Sunday school. It means a regulation of the price. That is the crux of the proposition.

PUBLIC ONLY WANTS JUSTICE.

No man in this country wants any monopoly to give him anything or to sell him anything for less than what it is worth. All the public wants is to be relieved from the payment of unjust and exorbitant profits.

The President and others say break up the monopolies into small competitive companies by prosecutions under the anti-trust law. I favor that wherever it can be done. But all agree that competition can not be restored in the matter of the common-carrier monopolies, and it remains to be demonstrated that bona fide competition can be obtained in the case of industrial monopolies.

It would be just as practical for a national public-service commission to fix a schedule of maximum prices for pig iron, structural steel, and other products sold by the United States Steel Corporation as it is to fix a schedule of transportation rates on lumber, wool, and similar commodities between different points in the United States. No harm could possibly come to the country by giving this power to a national public-service commission. Two remedies would be made available instead of one. Then, if the prosecutions should fail to actually restore competition in the matter of industrial corporations, maximum prices could be fixed by the Government commission.

SCIENCE OF GOVERNMENT SHOULD ADVANCE.

While progress is being made in every other direction, why should the science of government stand still? One invention has followed another, until we now see men sailing through the air, rivaling the eagle in his flight. Why should not laws be invented that will actually guarantee equality of opportunity in this the greatest Republic that has ever been established?

All older republics have gone down under the weight of special privilege. Those are not statesmen who feel that after we have survived as a Nation for 135 years we ought to relax our efforts to attain the ideal of Thomas Jefferson, a Republic with equal rights to all and special privileges to none.

The battle fields of America are enriched with the bones of the best men that ever sacrificed their lives for the liberty of their kind. We shall see to it that their blood was not spilled in vain. We shall solve the industrial problems confronting us in the interest of humanity and against dishonest greed. Those who died to give birth to this Republic could not have expected less from the United States Congress.

HON. JOSEPH N. TEAL AN AUTHORITY ON RATES.

Hon. Joseph N. Teal, of Portland, is one of the best authorities in the country on transportation rates and the effect the Panama Canal will have in regulating the same. The remainder of my speech is adopted almost literally from an address delivered by Mr. Teal before the recent National Rivers and Harbors Congress.

CANAL CONSIDERED FOR CENTURIES.

Nearly four centuries have come and gone since Balboa, forcing his way through the luxuriant vegetation of the Tropics, first gazed upon the Pacific and in the name of his sovereign, the King of Spain, formally took possession of that mighty ocean. From that day to this the idea of a canal to connect the two oceans has persisted, and during that entire period some plan to accomplish that result has been under consideration by some nation.

The realization of what was looked upon by many as a Quixotic fancy was left for this great Republic to bring about, and we are now facing the momentous fact that the dream of Balboa is about to become a reality.

I can not take the time to dwell upon the fascinating history of this great achievement. It is sufficient to say that this Nation, without causing a ripple on the financial sea or disturbing commercial conditions in the slightest, has constructed the greatest engineering work ever undertaken by man. What more convincing evidence of the greatness of the resources of this country could be imagined?

The completed canal, including payments to the French company, the Republic of Panama, for fortifications, and so forth, will cost from $375,000,000 to $400,000,000. After expending so great a sum we are now confronted with the question as to the benefits to be derived.

GENERAL EFFECT OF OPENING OF CANAL.

The opening of the canal will change many currents of the world's commerce. Not only will the Atlantic and Pacific coasts of our own country be brought closer together, but far-away nations will be brought thousands of miles nearer to us and to each other. Indeed, he would be a venturesome prophet who would hazard a prediction as to its ultimate effect commercially with respect to the United States and the world generally and as a factor in our national defense.

Now that this work is approaching completion, people generally are beginning to inquire more and more as to how the business or industry in which they are interested will be affected. They feel unconsciously, but none the less surely, that a powerful influence will be exerted, but how or where?

INFLUENCE UPON THE LUMBER INDUSTRY.

One of the greatest industries in this country, and in some sections the most important, is that of lumber. From the forest to the loading dock hundreds of thousands of men find employment. The greater portion of the forest product is of such a character as to require low rates of freight to enable it to reach markets, and it is generally produced at long distances from the consuming market. The freight rate is the most important factor in its successful manufacture and distribution.

CONSUMER AS WELL AS PRODUCER INTERESTED.

Lumber being a product which can not stand a high rate, it is of just as much importance to the consumer as it is to the producer that cheaper transportation be had. The present impossibility of marketing the cheaper lumber adds to the cost of the higher grades and compels a waste which, as a Nation, we can ill afford.

In considering questions of this character, one should always keep in mind the economic truth that transportation is not measured in miles, but by cost. In the movement of the greater volume of traffic time is not the first consideration. Cost is the controlling factor. It should also be borne in mind that water transportation is the cheapest form yet known.

Everyone will readily accept the statement that throughout the East there is a constant demand for Pacific coast lumber. On the other hand, the Pacific coast needs the eastern hardwoods, the demand for which is constantly growing. What is the situation to-day? The freight rate in both instances is not only retarding but largely preventing movement. In the instance of the eastern hardwood its competitor is the Japanese and Siberian log brought in by water at rates which can not be met except by water. The consequence is that the hard woods of the East are gradually being displaced in Pacific coast markets by the woods of Siberia and Japan.

FREIGHT NOW DOUBLE THE COST AT MILL.

The existing freight rate on lumber from Pacific coast points to the Atlantic coast is 75 cents per 100 pounds, or about $24 to $25 per 1,000 feet. In other words, the freight rate at present prices is about twice the cost of the product at the mill. On hardwoods the freight rate from territory east of Chicago and north of the Ohio River to Pacific coast points is 85 cents per hundred, and from Chicago and points west 75 cents per hundred. The necessary result, so far as the western lumber product is concerned and to a large extent the eastern, is a limitation of markets, with the consequent waste of the lower grades of the raw product. Hence the scrap heap and burner are too much in evidence at the mills. This is not the fault of those conducting these industries. It is a condition, a distasteful fact, which we must face. This condition is causing a great waste of a valuable product that should be conserved. It is causing the use of poorer substitutes by builders and a consequent tendency to a higher price on that which can be marketed.

COMPARATIVE RAIL AND WATER RATES.

At the present time, unless a vessel sailing from coast to coast goes via Magellan or Cape Horn, all freight must be handled

from steamer to rail, by rail across the Isthmus, and from rail to steamer. The breaking of bulk, rehandling, and movement by rail is not only expensive but involves a loss of the steamer's time, with consequent cost. Yet this year steamers handled fir lumber at 40 cents per hundred pounds from Portland, Oreg., to New York via Panama, against a 75-cent rail rate, and wool from Portland to New York via Tehuantepec at 45 cents per hundred pounds against a $1 rail rate, although it is but fair to say the rail rate covers Boston as well.

At the present time the prevailing freight rate by water eastbound on coast productions is $8 per ton, of which the steamer lines on the Pacific side receive 60 per cent, or $4.80 per ton.

For handling freight across Panama to New York the Panama Railroad Co., which owns and operates a line of steamers, receives 40 per cent of the rate, or $3.20. It carries canal employees at greatly reduced rates from New York to Colon. It handles all Government business on the railroad for a lump sum which, I am advised, is unremunerative. It has a contract for transporting cement at $1.25 per ton from New York to Colon, which, under existing conditions, certainly does not pay a profit, yet I am advised it made during the last fiscal year ending June 30, 1911, a net profit of 23 per cent on its capital stock and charged off $600,000 for depreciation on its steamships. Over 70 per cent of its business was commercial, the balance Government business. Yet this is a line owned and operated in every detail by the United States Government.

CANAL WILL LOWER RAIL RATES ONE-HALF OR MORE.

It is, I believe, perfectly safe to assume that present rail rates under fair competitive conditions by the regular liners will be reduced at least one-half, and on many commodities they will not be one-third the present rates.

The importance, as one must see, of independent transportation lines free from the domination of the railroads or other unfavorable influences can not be overestimated.

I have no hesitancy in saying that if the interests which now dominate and control transportation in this country use their power to prevent the establishment of uncontrolled and independent steamship lines, or if established, these interests seek to destroy or control them, the establishment of a Government line from coast to coast is sure to result. I do not believe the people of this country will have this great instrumentality of commerce made a pawn in the hands of those who now control transportation.

FREE TOLLS WILL HELP.

It seems to be generally conceded something should be done and that quickly, else the Panama Canal will, in one of its purposes at least, largely fail of accomplishment. The remedies generally mentioned are:

Free ships.
Changes in navigation laws affecting cost of operation.
Subsidies.
Discriminating duties.
Free tolls.

If I were discussing the restoration of the merchant marine as a topic I would be glad to take up these various propositions and consider them. However, at this time I can only say that the first four remedies involve questions of principle, policy, politics, and prejudices, and as to which there are radical differences of opinion that will require time to solve and reconcile. Therefore I turn to what appears to be the only remedy that promises immediate results, and one, I believe, that should be applied, irrespective of its beneficial effect upon our merchant marine—free tolls for domestic commerce. Regardless of my personal opinion, I would not at this time urge its application in such a way as to involve this country in controversy with any other nation even on debatable grounds.

While many who have studied the Hay-Pauncefote treaty do not think its provisions apply to American ships engaged in foreign trade, others do. On the other hand, there are but few, if any, who thinks its provisions apply to our domestic trade. In other words, there can be no discrimination where there is no competition, and under our laws there can be no foreign competition between domestic ports. For these reasons I stand for free tolls to our own vessels engaged in domestic commerce. This relief may not and probably will not fully compensate the disadvantage we labor under, but it will help. It will be a start in the right direction, and it is a remedy that is available now.

SPECIAL INTERESTS WANT TOLLS.

It is clear that the tolls to be charged is a very important factor entering into the use of the canal. The higher the toll the higher the rate, and, as we have seen, the rate is the all-important factor.

That there are, even now, powerful influences representing special interests at work to maintain high tolls need not be doubted. That these interests will never cease their efforts until Congress finally fixes the rate is certain. That it must be fixed by this Congress, if those who desire to engage in the transportation business are to be given a fair opportunity, is plain. Therefore the issue is upon us, and we must meet it.

The upbuilding of an American merchant marine was a powerful influence affecting our entering on this project. High tolls would certainly not exercise a beneficial influence in this respect.

It should be borne in mind that only American-built vessels can engage in domestic traffic. No foreign vessels can carry traffic between American ports. Hence we will neither have the benefit of competition of foreign ships nor have foreign nations any particular concern as to this traffic.

Our merchant marine is to-day of but little consequence. We did not have enough colliers, Government and private combined, to serve our fleet on its recent trip around the world, and had to rely on our English and German friends for this necessary adjunct to enable the voyage to be made. Indeed, to-day we have not the necessary tonnage to handle traffic now offering.

DOMESTIC TOLLS A BURDEN ON OUR PEOPLE.

Whatever tolls are paid on domestic commerce will be paid by the American people. That is a fundamental fact.

The Outlook of October 7 said:

> Against the policy of making this really an international waterway there has already been felt the influence of special interests. In an editorial on September 20 the New York Times made, in effect, an appeal that the welfare of American railways shall not be overlooked in fixing the toll rates, and intimated, indeed, that the railways used their influence to prevent Congress in its last session from dealing with this important question. The United States might as well not have built the canal at all if it is going to adjust rates with regard to railway interests. Even from a selfish national point of view this would be suicidal. Consideration for the people of the United States alone should make it incumbent upon the Government to use every practical and reasonable means to make transit through the canal simple and cheap. The railways may be depended upon to adjust themselves to such competition as the canal would, under such circumstances, afford. It would be as bad a business policy for the Federal Government to try to protect the railways by the adjustment of canal tolls as it would be for it to try to protect the railways from New York to New Orleans by a tax on ships plying between those two cities.

NATIONAL POLICY FAVORS FREE TOLLS.

As I have said, I do not believe there should be any tolls on domestic commerce; that is, on commerce between the coasts carried in American ships. Our national policy in the improvement of all its waterways has always been to make them free. No charge is made on traffic through the great Soo Canal at the head of the Lakes, nor for the use of our national waterway improvement. All over this country, from the upper Missouri, in North Dakota, to New Orleans, on the Gulf, and from Maine to Oregon, and in far-off Alaska, the Government is improving our rivers and harbors with no thought of charge for their use. Our competitors have the benefit of unrestricted competition as to charters. Why should not we have the benefit of a free canal?

This canal is built on American soil by the American people with American money, and American domestic economy should secure every possible legitimate benefit therefrom.

Mr. STEENERSON. Mr. Speaker, I make a similar request.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

[Mr. STEENERSON addressed the House. See Appendix.]

ADJOURNMENT.

Mr. RANDELL of Texas. Mr. Speaker, I move that the House do now adjourn.

The question was taken, and the motion was agreed to; accordingly (at 5 o'clock and 45 minutes p. m.) the House adjourned to meet to-morrow, Thursday, December 21, 1911, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Maria N. Flint, widow of Francis Foster Flint, deceased, v. The United States (H. Doc. No. 333); to the Committee on War Claims and ordered to be printed.

2. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Auguste Guirard, administrator of Caroline Pierront, deceased, v. The United States (H. Doc. No. 334); to the Committee on War Claims and ordered to be printed.

3. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of the heirs of William A. Ryan, deceased (H. Doc. No.

335); to the Committee on War Claims and ordered to be printed.

4. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of law and of fact in the French spoliation cases relating to the vessel *Sophia*, Ambrose Shirley, master (H. Doc. No. 336); to the Committee on Claims and ordered to be printed.

5. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of law and of fact in the French spoliation cases relating to the vessel ship *Sally*, Seth Webber, master (H. Doc. No. 337); to the Committee on Claims and ordered to be printed.

6. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting a special estimate of an appropriation for the survey of Fort Assiuniboine, Mont., and Fort Grant, Ariz., abandoned military reservations (H. Doc. No. 340); to the Committee on Appropriations and ordered to be printed.

7. A letter from the Secretary of the Treasury, recommending legislation authorizing the sale of certain property acquired by the Government for Federal building sites, some with buildings thereon, no longer needed for the purposes of the Government (H. Doc. No. 338); to the Committee on Public Buildings and Grounds and ordered to be printed.

8. A letter from the Secretary of the Treasury, recommending that the control of the old Marine Hospital Wharf property at Boston be transferred to the Department of Commerce and Labor to be used by the Lighthouse Establishment (H. Doc. No. 339); to the Committee on Public Buildings and Grounds and ordered to be printed.

9. A letter from the chairman of the Interstate Commerce Commission, transmitting to Congress his twenty-fifth annual report (H. Doc. No. 149); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

10. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of State submitting explanations of the new items and changes included in the estimates for foreign intercourse for the fiscal year ending June 30, 1913 (H. Doc. No. 341); to the Committee on Foreign Affairs and ordered to be printed.

11. A letter from the Secretary of the Treasury, transmitting combined statement of the receipts and disbursements of the United States during the fiscal year ending June 30, 1911 (H. Doc. No. 128); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. NORRIS, from the Committee on the Judiciary, to which was referred the bill (H. R. 7712) to amend section 839 of the Revised Statutes, reported the same with amendment, accompanied by a report (No. 193), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ROBINSON, from the Committee on the Public Lands, to which was referred the bill (H. R. 5602) authorizing the Leo N. Levi Memorial Association to occupy and construct buildings for the use of the corporation on lots Nos. 3 and 4, block No. 114, in the city of Hot Springs, Ark., reported the same without amendment, accompanied by a report (No. 194), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 15744) granting to Phillips County, Ark., certain lots in the city of Helena for a site for a county courthouse, reported the same without amendment, accompanied by a report (No. 195), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (S. 3436) granting to Phillips County, Ark., certain lots in the city of Helena for a site for a county courthouse, reported the same without amendment, accompanied by a report (No. 198), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RAKER, from the Committee on the Public Lands, to which was referred the resolution (H. Res. 270) calling for information from the Secretary of the Interior and the Secretary of Agriculture concerning the diversion of the waters of Lake Tahoe, reported the same without amendment, accompanied by a report (No. 196), which said resolution and report were referred to the House Calendar.

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill (S. 2653) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," reported the same with amendment, accompanied by a report (No. 199), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (H. R. 12572) for the relief of the Hydro-Electric Co. of California, reported the same with amendment, accompanied by a report (No. 197), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 15287) granting a pension to Katherine Rogers; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12484) granting a pension to Nancy J. Bryant; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12483) granting an increase of pension to Allen Tyler; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DAVIS of West Virginia: A bill (H. R. 16436) to provide for the erection of a public building at Moundsville, W. Va.; to the Committee on Public Buildings and Grounds.

By Mr. DONOHOE: A bill (H. R. 16437) relating to the mustering into the United States Army of officers and enlisted men during the Civil War; to the Committee on Military Affairs.

By Mr. SULZER: A bill (H. R. 16438) relating to the appointment of receivers in certain cases; to the Committee on the Judiciary.

By Mr. LAFEAN: A bill (H. R. 16439) to increase the limit of cost of the public building authorized to be constructed at Hanover, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. KINKAID of Nebraska: A bill (H. R. 16440) to appropriate $100,000 for the resurvey of public lands in the State of Nebraska; to the Committee on Appropriations.

By Mr. PLUMLEY: A bill (H. R. 16441) to increase the limit of cost for the erection and completion of the United States post-office building at Brattleboro, Vt.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16442) for the acquisition of a site and the erection of a building thereon at St. Johnsbury, Vt.; to the Committee on Public Buildings and Grounds.

By Mr. OLDFIELD: A bill (H. R. 16443) to provide for the construction, maintenance, and improvement of post roads and rural delivery routes through the cooperation and joint action of the National Government and the several States in which such post roads or rural delivery routes may be established; to the Committee on Agriculture.

By Mr. PICKETT: A bill (H. R. 16444) to provide for the erection of a public Weather Bureau observatory at Dubuque, Iowa; to the Committee on Agriculture.

By Mr. HANNA: A bill (H. R. 16445) to provide for the commutation, at the minimum price, of homestead entries for land within railroad limits; to the Committee on the Public Lands.

Also, a bill (H. R. 16446) to extend the provisions of section 2301, Revised Statutes, to certain homestead entries made under the act of June 22, 1910 (36 Stat. L., 583); to the Committee on the Public Lands.

Also, a bill (H. R. 16447) to amend section 2291 of the Revised Statutes; to the Committee on the Public Lands.

Also, a bill (H. R. 16448) to amend an act to provide for agricultural entries on coal lands, approved June 22, 1910 (36 Stat. L., 583); to the Committee on the Public Lands.

By Mr. CARLIN: A bill (H. R. 16449) to reimburse certain employees of the Washington Navy Yard for loss of mechanics' tools by fire; to the Committee on Claims.

Also (by request), a bill (H. R. 16450) to punish the unlawful breaking of seals of railroad cars containing interstate or foreign shipments, the unlawful entering of such cars, the stealing of freight and express packages or baggage or articles therefrom in process of transportation in interstate shipment, and the felonious exportation of such freight or express packages or baggage, or articles therefrom, into another district of

the United States and the felonious reception or possession of the same; to the Committee on the Judiciary.

Also, a bill (H. R. 16451) to provide for the dredging of Potomac Creek in King George County, Va.; to the Committee on Rivers and Harbors.

By Mr. REYBURN: A bill (H. R. 16452) providing for the purchase of a site and the erection of a building to be occupied as a post office, United States courts, and other Government offices in the city of Philadelphia, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. MOORE of Pennsylvania: A bill (H. R. 16453) making appropriation for an enlarged customhouse at Philadelphia, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. DAVIDSON: A bill (H. R. 16454) for the erection of a public building at Neenah, Wis.; to the Committee on Public Buildings and Grounds.

By Mr. ANDERSON of Ohio: A bill (H. R. 16455) for the purchase of a site and the erection thereon of a public building at Galion, Ohio; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16456) for the purchase of a site and the erection thereon of a public building at Crestline, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. GARDNER of Massachusetts: A bill (H. R. 16457) prohibiting the importing and landing of fish caught by beam trawlers; to the Committee on the Merchant Marine and Fisheries.

By Mr. MAHER: A bill (H. R. 16458) to remove all taxes or duties from the following: Beef, mutton, lamb, pork, and all other meats intended for use as human food; to the Committee on Ways and Means.

By Mr. CLAYTON: A bill (H. R. 16459) to amend section 237 of an act approved March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary"; to the Committee on the Judiciary.

Also, a bill (H. R. 16460) to amend the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary"; to the Committee on the Judiciary.

Also, a bill (H. R. 16461) to regulate the judicial procedure of the courts of the United States; to the Committee on the Judiciary.

By Mr. WHITE: A bill (H. R. 16462) to amend section 4877 of the Revised Statutes of the United States; to the Committee on Military Affairs.

By Mr. BERGER: Joint resolution (H. J. Res. 192) providing for the termination of the treaty of 1887 between the United States and Russia; to the Committee on Foreign Affairs.

By Mr. LONGWORTH: Joint resolution (H. J. Res. 193) authorizing the issue of brevet commissions on account of service rendered by certain officers of the Regular and Volunteer Armies during the Civil War; to the Committee on Military Affairs.

By Mr. KAHN: Joint resolution (H. J. Res. 194) granting the temporary use of certain lands in the Presidio of San Francisco and Fort Mason (Cal.) Military Reservations to the Panama-Pacific International Exposition Co.; to the Committee on Military Affairs.

By Mr. HELM: Resolution (H. Res. 353) authorizing the Committee on Expenditures in the War Department to sit and conduct hearings, and allowing the committee an official stenographer, etc.; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AINEY: A bill (H. R. 16463) granting a pension to Henry Dixon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16464) granting an increase of pension to Daniel Younker; to the Committee on Invalid Pensions.

By Mr. ANDERSON of Ohio: A bill (H. R. 16465) granting an increase of pension to Rufus Norton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16466) granting an increase of pension to Rachel Deivert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16467) granting an increase of pension to Charles E. Miner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16468) granting an increase of pension to William Baker; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 16469) granting a pension to Lucien Beaumont; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16470) granting an increase of pension to Sarah A. Lane; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16471) granting an increase of pension to Mary C. King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16472) granting an increase of pension to David Lint; to the Committee on Invalid Pensions.

By Mr. BULKLEY: A bill (H. R. 16473) granting a pension to Jay W. Ducatt; to the Committee on Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 16474) for the relief of the legal representatives of Woods, Yeatman & Co.; to the Committee on War Claims.

Also, a bill (H. R. 16475) to carry into effect the findings of the Court of Claims in favor of Virginia Carter, administratrix of estate of Felix Carter, deceased; to the Committee on War Claims.

By Mr. CAMPBELL: A bill (H. R. 16476) granting an increase of pension to John A. Mason; to the Committee on Invalid Pensions.

By Mr. CANDLER: A bill (H. R. 16477) granting a pension to Walter Hudgins; to the Committee on Pensions.

By Mr. CARLIN: A bill (H. R. 16478) for the relief of the legal representatives of John Shane, deceased; to the Committee on War Claims.

Also, a bill (H. R. 16479) granting an increase of pension to Thomas Lomax; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16480) to execute the findings of the Court of Claims in the case of the heirs of William Pollock, deceased; to the Committee on War Claims.

By Mr. COPLEY: A bill (H. R. 16481) granting an increase of pension to Lyman Cazaley; to the Committee on Invalid Pensions.

By Mr. CRAVENS: A bill (H. R. 16482) granting a pension to Laura L. Cowdry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16483) to correct the military record of James M. Wright; to the Committee on Military Affairs.

By Mr. CRUMPACKER: A bill (H. R. 16484) granting a pension to Oscar W. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16485) granting an increase of pension to Daniel M. Fenton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16486) granting an increase of pension to Louis Stoddard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16487) granting an increase of pension to Walter S. Gibson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16488) granting an increase of pension to Moses G. J. Pratt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16489) granting an increase of pension to John E. Jones; to the Committee on Pensions.

By Mr. DAVIS of West Virginia: A bill (H. R. 16490) for the relief of William P. McKinley; to the Committee on Military Affairs.

By Mr. FRANCIS: A bill (H. R. 16491) granting an increase of pension to Mortimer Manfull; to the Committee on Invalid Pensions.

By Mr. GOLDFOGLE: A bill (H. R. 16492) granting an increase of pension to Alexander Goldvogel; to the Committee on Invalid Pensions.

By Mr. HAMILTON of West Virginia: A bill (H. R. 16493) to correct the military record of William Z. Norman; to the Committee on Military Affairs.

By Mr. HANNA: A bill (H. R. 16494) granting a pension to Louisa Prior; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16495) granting an increase of pension to August Runge; to the Committee on Invalid Pensions.

By Mr. HENSLEY: A bill (H. R. 16496) for the relief of Peter Whistler; to the Committee on Military Affairs.

Also, a bill (H. R. 16497) for the relief of Silas T. Atwater, alias Charles Irving; to the Committee on Military Affairs.

Also, a bill (H. R. 16498) for the relief of George Zahner; to the Committee on Military Affairs.

Also, a bill (H. R. 16499) granting a pension to Sarah M. Owens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16500) granting a pension to Sarah Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16501) granting a pension to Thomas B. Moss; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16502) granting an increase of pension to Joseph A. Hanks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16503) granting an increase of pension to Jeremiah Postlethwait; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16504) granting an increase of pension to William J. Wilkinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16505) granting an increase of pension to Harriet Daniels; to the Committee on Invalid Pensions.

By Mr. HUGHES of New Jersey: A bill (H. R. 16506) granting a pension to George Ihnath; to the Committee on Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 16507) granting an increase of pension to Joseph McDonner; to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 16508) granting an increase of pension to Fredericka B. Trilley; to the Committee on Pensions.

By Mr. KONIG: A bill (H. R. 16509) to pay the claim of the American Towing & Lightering Co. for damages to its tug *Buccaneer;* to the Committee on Claims.

By Mr. LAFEAN: A bill (H. R. 16510) granting a pension to W. Z. Macomber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16511) granting an increase of pension to Robert M. Stewart; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 16512) for the relief of William L. Marshall, brigadier general, United States Army, retired; to the Committee on War Claims.

Also, a bill (H. R. 16513) granting an increase of pension to John Simpkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16514) granting an increase of pension to John H. McGuire; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 16515) granting an increase of pension to David Gilchrist; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16516) granting a pension to Samuel O. Johnson; to the Committee on Pensions.

By Mr. LLOYD: A bill (H. R. 16517) granting a pension to N. B. Warner; to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 16518) for the relief of the Fifth-Third National Bank of Cincinnati, Ohio; to the Committee on Ways and Means.

By Mr. McGILLICUDDY: A bill (H. R. 16519) to remove the charge of desertion from the naval record of Marstin W. Woodman; to the Committee on Naval Affairs.

By Mr. McKINLEY: A bill (H. R. 16520) granting an increase of pension to Lucy Andes; to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 16521) granting an increase of pension to A. M. Courtright; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 16522) granting an increase of pension to George W. Hendrickson; to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 16523) granting a pension to Anna R. Ritner; to the Committee on Invalid Pensions.

By Mr. PEPPER: A bill (H. R. 16524) to remove the charge of desertion against the military record of John P. Risley; to the Committee on Military Affairs.

Also, a bill (H. R. 16525) for the relief of the legal representatives of Robert W. Smoot, deceased; to the Committee on War Claims.

By Mr. PLUMLEY: A bill (H. R. 16526) granting an increase of pension to William Dwyer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16527) granting an increase of pension to William A. Ford; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 16528) granting a pension to Nancy Gavan; to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 16529) for the relief of Walter E. Glover; to the Committee on Claims.

By Mr. STEPHENS of Mississippi: A bill (H. R. 16530) for the relief of the estate of William Joslin, deceased; to the Committee on War Claims.

By Mr. SULLOWAY: A bill (H. R. 16531) granting an increase of pension to Joseph L. Davidson; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 16532) granting a pension to Bridget Agnew; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16533) for the relief of Malinda Johnson; to the Committee on War Claims.

By Mr. TALCOTT of New York: A bill (H. R. 16534) granting a pension to Ellen Kearns; to the Committee on Pensions.

By Mr. UNDERHILL: A bill (H. R. 16535) granting an increase of pension to Jesse Crawford; to the Committee on Pensions.

Also, a bill (H. R. 16536) granting an increase of pension to Thaddeus M. Clarkson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16537) granting an increase of pension to Jennie F. Murray; to the Committee on Invalid Pensions.

By Mr. UTTER: A bill (H. R. 16538) granting an increase of pension to Melinda C. Smith; to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 16539) granting a pension to Carrie Phillips; to the Committee on Invalid Pensions.

By Mr. WARBURTON: A bill (H. R. 16540) granting a pension to Ione D. Bradley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16541) granting an increase of pension to Sharp Hagerty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16542) granting an increase of pension to George W. Tyson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16543) granting an increase of pension to Edward A. Spaulding; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16544) granting an increase of pension to Otho W. Thompson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16545) granting an increase of pension to Charles Mullin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16546) granting an increase of pension to Charles Layton; to the Committee on Pensions.

Also, a bill (H. R. 16547) granting an increase of pension to Francis P. Goodwin; to the Committee on Pensions.

By Mr. WEDEMEYER: A bill (H. R. 16548) granting an increase of pension to Peter Clark; to the Committee on Invalid Pensions.

By Mr. WILSON of Pennsylvania: A bill (H. R. 16549) granting an increase of pension to Mark O'Brien; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16550) granting an increase of pension to Richard Van Dusen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16551) granting an increase of pension to William Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16552) granting an increase of pension to Henry Poust; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16553) granting an increase of pension to John Yost; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16554) granting a pension to Mary E. Calkins; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Painters' District Council, No. 5, Milwaukee, Wis., in favor of House bill 11372; to the Committee on the Merchant Marine and Fisheries.

Also, petitions of trades and labor assemblies, of Aurora, Ill., and Brainerd, Minn., against Smoot printing bill; to the Committee on Printing.

By Mr. BOOHER: Papers to accompany bill for the relief of Herbert Mayer; to the Committee on Pensions.

By Mr. BURKE of South Dakota: Petition of First Methodist Episcopal Church, of Sioux Falls, S. Dak., remonstrating against the shipment of liquor into prohibition territory; to the Committee on Interstate and Foreign Commerce.

By Mr. BURLESON: Resolutions, petitions, etc., of Brotherhood of Railroad Trainmen, Davy Crockett Lodge, No. 369, San Antonio, Tex.; Bridgeport Woman's Club, Bridgeport, Nebr.; Switchmen's Union, Lodge No. 119, Salt Lake City, Utah; Oklahoma Cotton Seed Crushers' Association, Oklahoma City, Okla.; Woman's Club, Beaver Dam, Wis.; Twentieth Century Club, Hawarden, Iowa; and Brewery Engineers and Firemen's Union, Seattle, Wash., urging Congress to repeal the 10-cent tax on oleomargarine, etc.; to the Committee on Agriculture.

Also, resolutions, petitions, etc., of San Jose Printing Pressmen's Union, San Jose, Cal.; Tricity Central Trades Council, Granite City, Ill.; Passaic Typographical Union, Passaic, N. J.; and Woman's Literary Club, Osceola, Nebr., asking Congress to order an investigation of tuberculosis and other diseases communicated to human beings through contamination of dairy products, etc.; to the Committee on Agriculture.

By Mr. BYRNS of Tennessee: Papers to accompany bill for the relief of the legal representatives of Woods, Yeatman & Co.; to the Committee on War Claims.

By Mr. CARLIN: Papers to accompany bill to reimburse certain employees of the Washington Navy Yard for loss of mechanics' tools by fire; to the Committee on Claims.

By Mr. CRAVENS: Papers to accompany bill granting a pension to Laura L. Cowdry; to the Committee on Invalid Pensions.

By Mr. CURRIER: Petition of Young People's Society of Christian Endeavor of Keene, N. H., asking the passage of a bill to remove the Federal shield of interstate commerce from "original packages" of liquors consigned to persons in prohibition territory; to the Committee on Interstate and Foreign Commerce.

By Mr. DALZELL: Resolutions of the Mifflin Avenue Methodist Episcopal Church, United Brethren Church, and Second United Presbyterian Church, all of Wilkinsburg, Pa., favoring legislation to protect local prohibition laws; to the Committee on Interstate and Foreign Commerce.

Also, resolution of Presbyterian Ministers' Association of Pittsburgh, Pa., for the passage of an effective interstate liquor bill; to the Committee on the Judiciary.

Also, resolution of the Grand Lodge, Independent Western Star Order, of McKeesport, Pa., favoring abrogation of the Russian treaty; to the Committee on Foreign Affairs.

Also, resolution of Local Union No. 1186, United Brotherhood of Carpenters and Joiners of America, in favor of retaining hand-roller process in Bureau of Engraving and Printing; to the Committee on Printing.

By Mr. DANFORTH: Petition of Penfield Grange, No. 750, Patrons of Husbandry, of Penfield, N. Y., favoring reduction in

the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. DAVENPORT: Papers to accompany House bill 16341, for the relief of Daniel Reinhardt; to the Committee on War Claims.

By Mr. FITZGERALD: Memorial of the Society of the Army of the Cumberland, favoring an appropriation for a monument in memory of Maj. Gen. Rosecrans; to the Committee on Military Affairs.

Also, memorial of the Brooklyn League, against the removal of New York Navy Yard; to the Committee on Naval Affairs.

Also, petition of a number of residents of Brooklyn, N. Y., urging reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of numerous medical men throughout the United States, urging the restoration of the Army canteen; to the Committee on Military Affairs.

Also, memorial of Rochester (N. Y.) Chamber of Commerce, urging the amendment of the corporation-tax law; to the Committee on Ways and Means.

Also, memorial of National Woman's Christian Temperance Union, urging the reimbursement of the Ellen M. Stone ransom; to the Committee on Claims.

By Mr. FOWLER: Petition for special act of Congress for the relief of John Klein; to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of Miller & Hart, of Chicago, Ill., favoring legislation for the reduction of the rate of postage on first-class mail matter to 1 cent per ounce; to the Committee on the Post Office and Post Roads.

By Mr. GOLDFOGLE: Memorials of United Hebrew Community of New York; Congregation Kapuler Unter; the United Roumanian Palestine Aid Society; Congregation Anshei Smargon; and Independent Warschauer Sick Supporting Society, all of New York City, favoring the abrogation of the Russian treaty of 1832; to the Committee on Foreign Affairs.

Also, memorial of Groupe Americain, Société des Architectes, approving proposed Lincoln Memorial; to the Committee on the Library.

By Mr. HARTMAN: Petition of numerous citizens of Hyndman, Pa., in favor of old-age pensions; to the Committee on Pensions.

By Mr. HAYES: Petitions of citizens of San Mateo, Gilroy, and Milpitas, Cal., against the enactment of a parcels post; to the Committee on the Post Office and Post Roads.

Also, memorials of Chambers of Commerce of Sacramento and Santa Cruz, Cal., asking that no tolls be charged American vessels through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. HENRY of Connecticut: Petition of Hillstown Grange, No. 87, Patrons of Husbandry, Glastonbury, Conn., favoring a reduction in the tax on sugar; to the Committee on Ways and Means.

By Mr. HENRY of Texas: Petitions of numerous citizens of Texas, in favor of old-age pensions; to the Committee on Pensions.

By Mr. HUGHES of New Jersey: Petition of Post No. 24, Grand Army of the Republic, in favor of the retention in office of veterans of the Civil War; to the Committee on the Judiciary.

Also, memorials of Woman's Christian Temperance Unions of Demarest, Hasbrouck Heights, and Midland Park, N. J., urging the passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. JACKSON: Memorial of Seventh-day Adventist Church of Emporia, Kans., against the passage of House bill 9433; to the Committee on the Post Office and Post Roads.

Also, memorial of Joe Hooker Post, No. 17, Grand Army of the Republic, opposing the incorporation of the Grand Army of the Republic; to the Committee on the District of Columbia.

By Mr. KAHN: Petition of Guggenhime & Co., San Francisco, Cal., for amendment to corporation-tax law; to the Committee on Ways and Means.

Also, petition of Metropolitan Redwood Lumber Co. and others, of San Francisco, Cal., in opposition to parcels post; to the Committee on the Post Office and Post Roads.

Also, petitions of California Canneries Co., Cutting Packing Co., Rosenberg Bros. & Co., J. B. Maerrieden Co., Central California Canneries, Griffin & Shelby Co., William A. Curtis Co., Brown, Walker & Simmons Co., and Palmer Union Oil Co., for amendment to corporation-tax law; to the Committee on Ways and Means.

Also, petitions of Labor Council and the Pacific Coast Gazette, of San Francisco, Cal., in favor of law for weights and measures; to the Committee on Coinage, Weights, and Measures.

Also, petition of E. D. Conolley, of San Francisco, Cal., in favor of Lincoln memorial road from Washington to Gettysburg; to the Committee on Appropriations.

Also, petition of Labor Council, San Francisco, Cal., for Esch phosphorus bill, etc.; to the Committee on Ways and Means.

Also, petition of Labor Council, San Francisco, Cal., in favor of House bill 13500, relative to immigration of aliens to the United States; to the Committee on Immigration and Naturalization.

Also, petition of Yosemite Tribe, No. 103, Order of Red Men, San Francisco, Cal., for American Indian memorial museum; to the Committee on Indian Affairs.

By Mr. KINKEAD of New Jersey: Petitions of Department of New Jersey, Grand Army of the Republic, and of New Jersey Volunteers, Eleventh Regiment New Jersey Volunteers, in favor of the retention in office of veterans of the Civil War; to the Committee on the Judiciary.

By Mr. LANGLEY: Papers to accompany a bill for the relief of William L. Marshall, brigadier general, United States Army, retired; to the Committee on War Claims.

By Mr. LINDBERGH: Petition of Paul Bach, of St. Cloud, Minn., in favor of a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, memorial of Retail Grocers' Association of St. Paul, Minn., for repeal of tax on oleomargarine; to the Committee on Agriculture.

By Mr. LINDSAY: Memorial of the Brooklyn League and others, of Brooklyn, N. Y., against removal of New York Navy Yard from Brooklyn; to the Committee on Naval Affairs.

By Mr. LLOYD: Memorial of Seventh-day Adventist Church of Palmyra, Mo., against the passage of House bill 9433; to the Committee on the Post Office and Post Roads.

Also, petitions of numerous citizens of Macon, Mo., in favor of old-age pensions; to the Committee on Pensions.

By Mr. MOTT: Memorial of Seventh-day Adventist Church of Adams Center, N. Y., against the passage of House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. OLMSTED: Petition of citizens of eighteenth congressional district of Pennsylvania, urging the support of legislation looking to the pensioning of teamsters who served in the Civil War without being regularly enlisted; to the Committee on Invalid Pensions.

By Mr. PADGETT: Petition of citizens of Tennessee, urging the passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. PICKETT: Papers to accompany bill granting an increase of pension to Ellen Smith; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 12069, granting an increase of pension to Emily C. Bruner; to the Committee on Invalid Pensions.

Also, petition of Congregational Church of Winthrop, Iowa, for the passage of an effective interstate liquor bill; to the Committee on the Judiciary.

Also, papers to accompany House bill 13146, granting an increase of pension to Asa G. Canfield; to the Committee on Invalid Pensions.

By Mr. PLUMLEY: Papers to accompany bills granting increase of pensions to William Dwyer and William A. Ford; to the Committee on Invalid Pensions.

Also, memorial of Seventh-day Adventist Churches of Townsend and Windham, Vt., against the passage of House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. RAINEY: Petition of the Business Men's Association of Jacksonville, Ill., against the enactment of further parcels-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of 81 citizens of Pearl, Ill., favoring the passage of the Berger old-age pension bill; to the Committee on Pensions.

Also, petition of 16 citizens of the twentieth congressional district of Illinois, favoring a reduction of the tariff on sugar; to the Committee on Ways and Means.

By Mr. SHEPPARD: Petition of Washington Presbytery, of Washington, D. C., for the passage of the Sims antigambling bill; to the Committee on the District of Columbia.

By Mr. J. M. C. SMITH: Petition of A. L. Hejinbach, C. E. Tracy, Adrian A. Stetler, G. H. Prown, W. J. Linally, Roll G. Scheidler, S. A. Wakeman, Frank C. Ball, Rev. James Allen, C. B. Schrantz, W. H. McCarty, and E. C. McElhany, of Coldwater, Mich., asking a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. SULZER: Petition of John Brennan, of New York, in favor of a parcels post; to the Committee on the Post Office and Post Roads.

Also, memorial of International Panama-California Exposition, in favor of embassy buildings at cities of Mexico, Rio de Janeiro, and Tokyo; to the Committee on Foreign Affairs.

Also, petition of J. K. Rhodes, of New York City, urging passage of House bill 14070; to the Committee on Invalid Pensions.

Also, petitions of the Hamburger Club, of Chicago, Ill., approving House resolution 166, providing for an investigation of the administration of the immigration office at Ellis Island; to the Committee on Immigration and Naturalization.

By Mr. THAYER (by request): Petition of Jerome J. Reily, of Worcester, Mass., favoring a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petitions of B. F. Curtis, Fergus A. Easton, and A. H. Inman, of Worcester, Mass., in favor of Lincoln memorial road from Washington to Gettysburg; to the Committee on Appropriations.

By Mr. TILSON: Memorial of Ararat Lodge, No. 13, Independent Order B'nai B'rith, urging abrogation of treaty with Russia; to the Committee on Foreign Affairs.

By Mr. UNDERHILL: Petitions of numerous citizens of Elmira and Avoca, N. Y., in opposition to House bill 9433, for the observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

By Mr. UTTER: Memorial of National Woman's Christian Temperance Union, urging the reimbursement of those who contributed to the ransom of Miss Ellen M. Stone; to the Committee on Claims.

Also, papers to accompany bill granting an increase of pension to Melinda C. Smith; to the Committee on Invalid Pensions.

Also, petition of First Presbyterian Church of Providence and of the Woman's Christian Temperance Union of Portsmouth, R. I., for the passage of an effective interstate liquor bill; to the Committee on the Judiciary.

By Mr. WEBB: Petition of International Reform Bureau, of Washington, D. C., for a bill to provide Sunday rest in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of International Reform Bureau, of Washington, D. C., for a bill to prohibit the sale of liquors in ships and buildings used by the United States Government; to the Committee on the Judiciary.

Also, petition of International Reform Bureau, of Washington, D. C., for a bill to prohibit liquor selling in Hawaii; to the Committee on Insular Affairs.

By Mr. WEDEMEYER: Papers to accompany bill granting an increase of pension to Peter Clark; to the Committee on Invalid Pensions.

By Mr. WHITE: Petition of divers citizens of Morgan County, Ohio, requesting immediate enactment of a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. WILSON of New York: Petition of Ridgewood Board of Trade, of Brooklyn, N. Y., against the proposed removal of the navy yard from Brooklyn, N. Y.; to the Committee on Naval Affairs.

Also, petition of John Bulck, jr., and 51 other residents of the fourth New York congressional district, favoring the passage of House bill 12827; to the Committee on Military Affairs.

SENATE.

THURSDAY, *December 21, 1911.*

The Senate met at 12 o'clock m.

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

Thou Lord, who hath blessed our going out, bless also, we pray Thee, our coming in. And when we part for a season, our Father, grant that as the mountains are around about Jerusalem so Thy providence may be around about us, guarding us from all evil, and bringing us together again to labor one with another, and all to Thy glory. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 3842) to amend and reenact paragraph 24 of section 24, chapter 2, of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 9845. An act to authorize the sale of burnt timber on the public lands, and for other purposes;

H. R. 13196. An act to amend section 70 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and

H. R. 15462. An act to amend section 91 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15930) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1912, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 10, 11, 12, 13, 14, 15, 17, 18, 20, 22, 23, and 29.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, 6, 7, 8, 9, 19, 21, 24, 25, 26, 27, and 28, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In line 9 of said amendment, after the word "State," strike out the words: "to continue available until expended"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: Before the matter inserted by said amendment insert as a headline the following: "Department of Justice"; and the Senate agree to the same.

F. E. WARREN,
R. J. GAMBLE,
C. A. CULBERSON,
Managers on the part of the Senate.

JOHN J. FITZGERALD,
C. L. BARTLETT,
FREDK. H. GILLETT,
Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. GALLINGER. Mr. President, I should like to inquire of the Senator from Wyoming precisely what amendments were agreed to by the House conferees that the Senate incorporated in the bill.

Mr. WARREN. Perhaps I will not be able to enumerate all of them. They agreed to the appropriation of $25,000 for the Department of State for use in carrying into effect the treaty between Great Britain and this country, which includes the financial claims of each against the other.

They also agreed to the appropriation of $2,500 for the unveiling of the Columbian memorial.

They agreed to the appropriation of $20,000 for the Department of Labor to carry on the investigations as to iron and steel, according to a resolution of the Senate.

There were some other items.

Mr. GALLINGER. There was a very small appropriation made by a Senate amendment in reference to readvertising for the carrying of mails. I am somewhat interested in that.

Mr. WARREN. We were not able to sustain the first two amendments. The only one in the Post Office Department that the House conferees agreed to was the one appropriating $17,000 for star routes, but the particular one the Senator alludes to went out.

Mr. GALLINGER. And the appropriations for the Labor Bureau.

Mr. WARREN. The appropriation of $10,000 for the Congress on Industrial Insurance went out, but the appropriation of $20,000 to carry on the other investigations remains in the bill.

Mr. KENYON. I wish to make an inquiry of the Senator from Wyoming. I should like to inquire if on page 7 amendment No. 6 remains in the bill as brought in by the conferees?

Mr. WARREN. I have not the bill before me. Will the Senator read the item?

Mr. KENYON (reading):

No claim for arrears of pay, bounty, or other allowances growing out of the service of volunteers who served in the Army of the United States during the Civil War shall be received or considered by the accounting officers of the Treasury unless filed in the office of the Auditor for the War Department on or before December 31, 1912.

Mr. WARREN. The subject matter of that paragraph was not in conference, it having already been approved by both Houses.

Mr. KENYON. It is in the bill?

Mr. WARREN. It is in the bill.

The VICE PRESIDENT. The question is on agreeing to the report.

The report was agreed to.

JUDICIAL DISTRICT IN MISSOURI.

The bill (H. R. 15462) to amend section 91 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was read the first time by its title.

Mr. CLARK of Wyoming. The Committee on the Judiciary has had under consideration this identical bill, and for the purpose of expediting the matter I ask that the bill from the House be placed on its passage without further reference to the Committee on the Judiciary.

The VICE PRESIDENT. The bill will be read at length.

The bill was read the second time at length, as follows:

Be it enacted, etc., That section 91 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended so as to read as follows:

"SEC. 91. That the State of Missouri is divided into two judicial districts, to be known as the eastern and western districts of Missouri. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the city of St. Louis and the counties of Audrian, Crawford, Dent, Franklin, Gasconade, Iron, Jefferson, Lincoln, Maries, Montgomery, Phelps, St. Charles, St. Francois, Ste. Genevieve, St. Louis, Warren, and Washington, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Adair, Charlton, Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Pike, Ralls, Randolph, Schuyler, Scotland, and Shelby, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, Scott, Shannon, Stoddard, and Wayne, which shall constitute the southeastern division of said district. Terms of the district court for the eastern division shall be held at St. Louis on the third Mondays in March and September and at Rolla on the second Mondays in January and June: *Provided*, That suitable rooms and accommodations for holding court at Rolla are furnished free of expense to the United States; for the northern division, at Hannibal on the fourth Monday in May and the first Monday in December; and for the southeastern division, at Cape Girardeau on the second Mondays in April and October.

"The western district shall include the territory embraced on the first day of July, 1910, in the counties of Bates, Caldwell, Carroll, Cass, Clay, Grundy, Henry, Jackson, Johnson, Lafayette, Livingston, Mercer, Putnam, Ray, St. Clair, Saline, and Sullivan, which shall constitute the western division; also the territory embraced on the date last mentioned in the counties of Barton, Barry, Jasper, Lawrence, McDonald, Newton, Stone, and Vernon, which shall constitute the southwestern division; also the territory embraced on the date last mentioned in the counties of Andrew, Atchison, Buchanan, Clinton, Daviess, Dekalb, Gentry, Holt, Harrison, Nodaway, Platte, and Worth, which shall constitute the St. Joseph division; also the territory embraced on the date last mentioned in the counties of Benton, Boone, Callaway, Cooper, Camden, Cole, Hickory, Howard, Miller, Moniteau, Morgan, Osage, and Pettis, which shall constitute the central division; also the territory embraced on the date last mentioned in the counties of Christian, Cedar, Dade, Dallas, Douglas, Greene, Howell, Laclede, Oregon, Ozark, Polk, Pulaski, Taney, Texas, Webster, and Wright, which shall constitute the southern division.

"Terms of the district court for the western division shall be held at Kansas City on the fourth Monday in April and the first Monday in November, and at Chillicothe on the fourth Monday in May and the first Monday in December: *Provided*, That suitable rooms and accommodations for holding court at Chillicothe are furnished free of expense to the United States; for the southwestern division, at Joplin on the second Mondays in June and January; for the St. Joseph division, at St. Joseph on the first Monday in March and the third Monday in September; for the central division, at Jefferson City on the third Mondays in March and October; and for the southern division, at Springfield on the first Mondays in April and October.

"The clerk of the court at St. Louis, in the eastern district, shall maintain an office in charge of himself or a deputy at St. Louis and Hannibal and at such other places of holding court in said district as may be deemed necessary by the judge, which shall be kept open at all times for the transaction of the business of the court.

"The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Kansas City, at Jefferson City, at St. Joseph, at Chillicothe, at Joplin, and at Springfield, which shall be kept open at all times for the transaction of the business of the court.

"The marshal for each district shall also maintain an office in charge of himself or a deputy at each place at which court is now held in his district."

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

H. R. 9845. An act to authorize the sale of burnt timber on the public lands, and for other purposes, was read twice by its title and referred to the Committee on Public Lands.

H. R. 13196. An act to amend section 70 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was read twice by its title and referred to the Committee on the Judiciary.

INDIAN ALLOTMENTS.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3842) to amend and reenact paragraph 24 of section 24, chapter 2, of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, which was on page 2, line 4, after "tribes," to insert "the Osage Nation of Indians."

Mr. GORE. I move that the Senate concur in the House amendment.

The motion was agreed to.

PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE (H. DOC. NO. 157).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting the annual report of the Surgeon General of the Public Health and Marine-Hospital Service for the fiscal year 1911, which, with the accompanying paper, was referred to the Committee on Public Health and National Quarantine and ordered to be printed.

TRAVEL PAY OF WAR DEPARTMENT EMPLOYEES (S. DOC. NO. 211).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a statement showing in detail the number of officers or employees of the War Department who have traveled on official business from Washington to points outside of the District of Columbia during the fiscal year ended June 30, 1911, etc., which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MARTIN GUILLORY VERSUS UNITED STATES (S. DOC. NO. 212).

The VICE PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions of law filed by the court in the cause of Martin Guillory *v.* United States, which, with accompanying paper, was referred to the Committee on Claims and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a resolution adopted by the Legislature of California, which was referred to the Committee on Pensions and ordered to be printed in the RECORD, as follows:

Assembly joint resolution 3 (introduced by Mr. Bennink Dec. 7, 1911), relative to a bill before Congress, known as the Sulloway bill, for the relief of the veterans of the Civil War.

Whereas there is now pending in the Congress of the United States a bill for the relief of the Civil War veterans known as the Sulloway bill: Therefore be it

Resolved by the Senate and Assembly of the State of California, jointly, That our Senators in Congress be, and they are hereby, instructed and our Representatives requested to support by their vote and voice said Sulloway bill; be it further

Resolved, That a copy of this resolution be transmitted by the chief clerk of the assembly to each of our Senators and Representatives in Congress.

A. H. HEWITT,
Speaker of Assembly.

A correct copy.

L. B. MALLORY,
Chief Clerk of Assembly.

SACRAMENTO, CAL., *December 16, 1911.*

The VICE PRESIDENT presented a resolution adopted by the Legislature of California, which was referred to the Committee on Appropriations and ordered to be printed in the RECORD, as follows:

Assembly joint resolution 1 (introduced by Mr. Clark Dec. 6, 1911), relative to petitioning Congress to appropriate $1,000,000 for the improvement of Yosemite National Park.

Whereas the Yosemite Valley and Mariposa grove of big trees were re-ceded and regranted to the United States of America by the Legislature of the State of California in 1905 on the representation and with the understanding that the Yosemite Valley would be cared for by the Federal Government as was the Yellowstone Park, and that similar appropriations would be made for the improvement of the Yosemite Park; and

Whereas there has in recent years been more than $1,000,000 spent on the Yellowstone Park in annual appropriations of $250,000 each and said park and its road system improved in accordance with a comprehensive plan; and

Whereas the proximity of the Yosemite Valley to San Francisco was one of the strong reasons urged in favor of holding an exposition in San Francisco in 1915; and

Whereas many improvements are required in the Yosemite National Park in order to properly prepare the valley and vicinity to receive the thousands of travelers from all parts of the world who will wish to visit the valley during that year: Therefore be it

Resolved by the Senate and Assembly of the State of California, concurring jointly, That our Senators and Representatives in Congress are hereby requested to use all honorable means to secure an appropriation of $1,000,000 extending over a period of four years, $250,000 to be appropriated by Congress each year, to be expended in the improvement of the Yosemite National Park, such expenditure to be made in pursuance of some comprehensive plan of development; and be it further

Resolved, That a copy of these resolutions be forthwith transmitted by the chief clerk of the assembly to the President of the Senate of

the United States and the Speaker of the House of Representatives of the United States, and a copy hereof to each Member of Congress from the State of California.

A. H. HEWITT,
Speaker of Assembly.

A correct copy.

L. B. MALLORY,
Chief Clerk of Assembly.

SACRAMENTO, CAL., *December 14, 1911.*

The VICE PRESIDENT presented a memorial of the Central Labor Union of South Framingham, Mass., and a memorial of the Trades and Labor Assembly of Brainerd, Minn., remonstrating against the abolishment of the hand-roller process of manufacturing paper currency, which were referred to the Committee on Printing.

He also presented a petition of the Clothiers' Association of New York, praying for the establishment of a permanent international court of justice at The Hague and for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a petition of the State Federation of Labor of Ohio, praying that the hours of labor on Government dredge work be limited to eight hours a day, which was referred to the Committee on Education and Labor.

Mr. BRISTOW presented petitions of the Oak Grange Farmers' Institute, of Shawnee County, Kans., praying for the enactment of legislation to establish a parcels-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Burr Oak and Walnut, Kans., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of the congregation of the Seventh-day Adventist Church of Emporia, Kans., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of Fort Pillow Post, No. 321, Department of Kansas, Grand Army of the Republic, of Topeka, Kans., praying for the passage of the so-called dollar-a-day pension bill, which was referred to the Committee on Pensions.

Mr. PERKINS presented a joint resolution adopted by the Legislature of California, which was referred to the Committee on Public Health and National Quarantine and ordered to be printed in the RECORD, as follows:

Senate joint resolution 10 (introduced by Senator Bills Dec. 12, 1911) relating to the Simmons national quarantine act now before Congress.

Whereas the State of California is now expending more than $1,000,000 annually in combating insect foes, one firm having spent more than $25,000 in a single season in the effort to control a single insect pest; and

Whereas we are confident from our recent experiences that a thorough quarantine during all the past of our horticultural history would have saved to our State a large part of this vast expenditure, as many of the pests now working havoc would not have gained admittance; and

Whereas it is generally conceded that our California quarantine, the best in the country, has saved millions of dollars to other States as well as our own, and so is national in its scope, and should be national in its origin and authority; and

Whereas it is imperative that persons and baggage be searched as well as fruits, plants, or seeds, etc., and this can only be done by consent of the Government, authorized by Congress; and

Whereas we search persons and their effects when we suspect that they carry smuggled diamonds or other illicit valuables, and our fruit interests are of far more value and importance than are diamonds or other precious stones; and

Whereas insects carried by plants, especially such insects as the gypsy and brown-tail moths and the dreaded Mediterranean fruit fly, if transported across the country from port of entry, as from New York to California, or San Francisco to New England, are liable to escape in transit and thus may work irreparable damage; and

Whereas it is imperative to the success of our agricultural interests that strict quarantine be established and rigidly enforced against any region harboring insect pests; and

Whereas it is of exceeding importance to our agricultural interests to establish quarantine and to quarantine at such points as Nogales and El Paso, and also to search baggage and even persons, which can only be done by national permission and authority: Therefore be it

Resolved by the senate and assembly jointly, That we respectfully urge Congress of the United States to pass the Simmons quarantine bill now before Congress, and to include in such bill a passage making the port of entry and not the point of destination the place of inspection and decision, and also a provision permitting a strict quarantine against any district of the United States or any foreign country where insect pests that threaten the safety and welfare of our agricultural interests are known to exist; and it is further

Resolved, That our Senators be instructed and our Representatives in Congress requested to use all honorable means to secure the passage of the Simmons bill, with the two provisions designated above included in the bill; and it is further

Resolved, That the governor of California be, and is hereby, directed to transmit a certified copy of these resolutions to the President and the Speaker, respectively, of the Senate and House of Representatives of the Congress of the United States, and to each of our Senators and Representatives in Congress.

Mr. PERKINS presented a resolution adopted by the Legislature of California, which was referred to the Committee on Appropriations and ordered to be printed in the RECORD, as follows:

Assembly joint resolution 1 (introduced by Mr. Clark Dec. 6, 1911), relative to petitioning Congress to appropriate $1,000,000 for the improvement of Yosemite National Park.

Whereas the Yosemite Valley and Mariposa grove of big trees were receded and regranted to the United States of America by the Legislature of the State of California in 1905 on the representation and with the understanding that the Yosemite Valley would be cared for by the Federal Government as was the Yellowstone Park, and that similar appropriations would be made for the improvement of the Yosemite Park; and

Whereas there has in recent years been more than $1,000,000 spent on the Yellowstone Park in annual appropriations of $250,000 each and said park and its road system improved in accordance with a comprehensive plan; and

Whereas the proximity of the Yosemite Valley to San Francisco was one of the strong reasons urged in favor of holding an exposition in San Francisco in 1915; and

Whereas many improvements are required in the Yosemite National Park in order to properly prepare the valley and vicinity to receive the thousands of travelers from all parts of the world who will wish to visit the valley during that year; Therefore be it

Resolved by the Senate and Assembly of the State of California, concurring jointly, That our Senators and Representatives in Congress are hereby requested to use all honorable means to secure an appropriation of $1,000,000, extending over a period of four years, $250,000 to be appropriated by Congress each year, to be expended in the improvement of the Yosemite National Park, such expenditure to be made in pursuance of some comprehensive plan of development; and be it further

Resolved, That a copy of these resolutions be forthwith transmitted by the chief clerk of the assembly to the President of the Senate of the United States and the Speaker of the House of Representatives of the United States, and a copy hereof to each Member of Congress from the State of California.

A. H. HEWITT,
Speaker of Assembly.

A correct copy.

L. B. MALLORY,
Chief Clerk of Assembly.

SACRAMENTO, CAL., *December 14, 1911.*

Mr. PERKINS presented a resolution adopted by the Legislature of California, which was referred to the Committee on Pensions, and ordered to be printed in the RECORD, as follows:

Assembly joint resolution 3 (introduced by Mr. Bennink Dec. 7, 1911), relative to a bill before Congress, known as the Sulloway bill, for the relief of the veterans of the Civil War.

Whereas there is now pending in the Congress of the United States a bill for the relief of the Civil War veterans, known as the Sulloway bill: Therefore be it

Resolved by the Senate and Assembly of the State of California, jointly, That our Senators in Congress be, and they are hereby, instructed and our Representatives requested to support by their vote and voice said Sulloway bill; be it further

Resolved, That a copy of this resolution be transmitted by the chief clerk of the assembly to each of our Senators and Representatives in Congress.

A. H. HEWITT,
Speaker of Assembly.

A correct copy.

L. B. MALLORY,
Chief Clerk of Assembly.

SACRAMENTO, CAL., *December 16, 1911.*

Mr. PERKINS presented memorials of the congregations of the Seventh-day Adventist Churches of Chico, St. Helena, and Oak Dale, all in the State of California, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented petitions of the congregations of the Presbyterian Churches of Vallejo and San Francisco; of the Chamber of Commerce of Burkley; and of sundry citizens of Oakland, all in the State of California, praying for the ratification of the treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. MARTINE of New Jersey presented a petition of the Woman's Association of Ridgefield Park, N. J., praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of the congregations of the First Presbyterian churches of Vineland, Long Branch, and Verona, of the United Methodist Church and the Reformed Church, of High Bridge, and of Mrs. Grace Nicoll, of Morristown, all in the State of New Jersey, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented petitions of the Holche Yosher Congregation of Elizabeth, the Temple Emanuel and Hebrew Institute of Union, the Benevolent Order Linas Hazedek of West Hoboken, and the Independent Order of King Solomon of Newark, all in the State of New Jersey, praying for the abrogation of the treaty of 1832 between the United States and Russia, which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Orange, N. J., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. GRONNA presented petitions of members of the North Dakota National Guard of Fargo and Williston, in the State of North Dakota, praying for the enactment of legislation providing pay for members of the Organized Militia, which were referred to the Committee on Military Affairs.

Mr. GALLINGER presented petitions of the congregations of the Congregational Churches of Campton and Keene, of the Unitarian Church of Franklin, and of Rev. H. M. Hopkinson, of South Acworth, all in the State of New Hampshire, and of the Clothiers' Association of New York City, N. Y., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a memorial of the Congregation of the Seventh-day Adventist Church, of Washington, D. C., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Keene, N. H., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented the petition of the National Woman's Christian Temperance Union of Evanston, Ill., praying that an appropriation of $66,000 be made to reimburse those persons who subscribed to the fund for the ransom of Miss Helen M. Stone, which was referred to the Committee on Foreign Relations.

Mr. CULLOM presented petitions of the congregation of the First Presbyterian Church and of the Union Thanksgiving Service, of Alton, Ill., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. HITCHCOCK presented the petition of Judge J. W. Kelso, of Bloomington, Nebr., praying for the passage of the so-called dollar-a-day pension bill, which was referred to the Committee on Pensions.

Mr. McLEAN presented a petition of the Executive Board of Federated Churches of Connecticut, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented petitions of the Executive Board of Federated Churches of Connecticut, and of John Hay Lodge, No. 61, Knights of Pythias, of Hartford, Conn., praying for the abrogation of the treaty of 1832 between the United States and Russia, which were ordered to lie on the table.

He also presented a memorial of Local Lodge No. 15, United Hatters of North America, of South Norwalk, Conn., remonstrating against the enactment of legislation to abolish the hand-roller process of manufacturing paper currency, which was referred to the Committee on Printing.

He also presented a petition of Tunxis Grange, No. 13, Patrons of Husbandry, of Bloomfield, Conn., praying for the reduction of the duty on sugar, which was referred to the Committee on Finance.

Mr. SHIVELY presented memorials of Post Q, Indiana Division, Travelers' Protective Association, of New Albany, and of sundry citizens of Ingalls, in the State of Indiana, remonstrating against the extension of the parcels-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the Commercial Club of Connersville; and the congregations of the Central Avenue Methodist Episcopal Church, of Indianapolis; and the First Baptist Church of South Bend, all in the State of Indiana, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of the Quarterly Meeting of the Society of Friends, of Fairmount, Ind., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. CURTIS presented petitions of the Ministerial Alliance of Wamego; the Shawnee County Pomona Grange, Patrons of Husbandry, of Berryton; of the congregation of the Central Congregational Church, of Topeka; and the Union Thanksgiving Service, of Conway Springs, all in the State of Kansas, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of the Oak Grange Farmers' Institute, of Shawnee County, Kans., praying for the establishment of a parcels-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Retailers' Association of Emporia, Kans., remonstrating against the extension of the parcels-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Local Union No. 25, Journeymen Barbers' Association, of Topeka, Kans., remonstrating against the enactment of legislation to abolish the hand-roller process of manufacturing paper currency, which was referred to the Committee on Printing.

He also presented petitions of Fort Pillow Post, No. 321, Department of Kansas, Grand Army of the Republic, of Topeka; and of Post No. 19, Department of Kansas, Grand Army of the Republic, of Lyndon; and of sundry citizens of Pomona and Wakeeney, all in the State of Kansas, praying for the passage of the so-called dollar-a-day pension bill, which were referred to the Committee on Pensions.

Mr. WARREN presented a memorial of Local Union No. 2174, United Mine Workers of America, of Rock Springs, Wyo., remonstrating against the abolishment of the hand-roller process of manufacturing paper currency, which was referred to the Committee on Printing.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts:

On December 21, 1911:

S. 1081. An act providing for the punishment of persons in possession of stolen property in the District of Columbia, having stolen the same in any other State or Territory;

S. 2355. An act extending the time for payment of balance due on purchase price of a certain tract of land; and

S. 2877. An act amending section 67 of the act approved March 3, 1911, to codify, revise, and amend the laws relating to the judiciary.

PRESIDENT'S MESSAGE ON THE FINANCIAL CONDITION OF THE TREASURY, ETC. (H. DOC. NO. 343).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Finance and ordered to be printed:

To the Senate and House of Representatives:

The financial condition of the Government, as shown at the close of the last fiscal year, June 30, 1911, was very satisfactory. The ordinary receipts into the general fund, excluding postal revenues, amounted to $701,372,374.99, and the disbursements from the general fund for current expenses and capital outlays, excluding postal and Panama Canal disbursements, including the interest on the public debt, amounted to $654,137,907.89, leaving a surplus of $47,234,377.10.

The postal revenue receipts amounted to $237,879,823.60, while the payments made for the postal service from the postal revenues amounted to $237,660,705.48, which left a surplus of postal receipts over disbursements of $219,118.12, the first time in 27 years in which a surplus occurred.

The interest-bearing debt of the United States June 30, 1911, amounted to $915,353,190. The debt on which interest had ceased amounted to $1,879,830.26, and the debt bearing no interest, including greenbacks, national bank notes to be redeemed, and fractional currency, amounted to $386,751,917.43, or a total of interest and noninterest bearing debt amounting to $1,303,984,937.69.

The actual disbursements, exclusive of those for the Panama Canal and for the postal service for the year ending June 30, 1911, were $654,137,997.89. The actual disbursements for the year ending June 30, 1910, exclusive of the Panama Canal and the postal service disbursements, were $659,705,391.08, making a decrease of $5,567,393.19 in yearly expenditures in the year 1911 under that of 1910. For the year ending June 30, 1912, the estimated receipts, exclusive of the postal revenues, are $666,000,000, while the total estimates, exclusive of those for the Panama Canal and the postal expenditures payable from the postal revenues, amount to $645,842,799.34. This is a decrease in the 1912 estimates from that of the 1911 estimates of $1,534,367.22.

For the year ending June 30, 1913, the estimated receipts, exclusive of the postal revenues, are $667,000,000, while the total estimated appropriations, exclusive of the Panama Canal and postal disbursements payable from postal revenues, will amount to $637,920,803.35. This is a decrease in the 1913 estimates from that of the 1912 estimates of $7,921,995.99.

As to the postal revenues, the expansion of the business in that department, the normal increase in the Post Office and the extension of the service, will increase the outlay to the sum of $260,938,463; but as the department was self-sustaining

this year the Postmaster General is assured that next year the receipts will at least equal the expenditures, and probably exceed them by more than the surplus of this year. It is fair and equitable, therefore, in determining the economy with which the Government has been run, to exclude the transactions of a department like the Post Office Department, which relies for its support upon its receipts. In calculations heretofore made for comparison of economy in each year, it has been the proper custom only to include in the statement the deficit in the Post Office Department which was paid out of the Treasury.

A calculation of the actual increase in the expenses of Government arising from the increase in the population and the general expansion of governmental functions, except those of the Post Office, for a number of years shows a normal increase of about 4 per cent a year. By directing the exercise of great care to keep down the expenses and the estimates we have succeeded in reducing the total disbursements each year.

THE CREDIT OF THE UNITED STATES.

The credit of this Government was shown to be better than that of any other Government by the sale of the Panama Canal 3 per cent bonds. These bonds did not give their owners the privilege of using them as a basis for bank-note circulation, nor was there any other privilege extended to them which would affect their general market value. Their sale, therefore, measured the credit of the Government. The premium which was realized upon the bonds made the actual interest rate of the transaction 2.909 per cent.

EFFICIENCY AND ECONOMY IN THE TREASURY DEPARTMENT.

In the Treasury Department the efficiency and economy work has been kept steadily up. Provision is made for the elimination of 134 positions during the coming year. Two hundred and sixty-seven statutory positions were eliminated during the last year in the office of the Treasury in Washington, and 141 positions in the year 1910, making an elimination of 542 statutory positions since March 4, 1909; and this has been done without the discharge of anybody, because the normal resignations and deaths have been equal to the elimination of the places, a system of transfers having taken care of the persons whose positions were dropped out. In the field service of the department, too, 1,259 positions have been eliminated down to the present time, making a total net reduction of all Treasury positions to the number of 1,801. Meantime the efficiency of the work of the department has increased.

MONETARY REFORM.

A matter of first importance that will come before Congress for action at this session is monetary reform. The Congress has itself arranged an early introduction of this great question through the report of its Monetary Commission. This commission was appointed to recommend a solution of the banking and currency problems so long confronting the Nation and to furnish the facts and data necessary to enable the Congress to take action. The commission was appointed when an impressive and urgent popular demand for legislative relief suddenly arose out of the distressing situation of the people caused by the deplorable panic of 1907. The Congress decided that while it could not give immediately the relief required, it would provide a commission to furnish the means for prompt action at a later date.

In order to do its work with thoroughness and precision this commission has taken some time to make its report. The country is undoubtedly hoping for as prompt action on the report as the convenience of the Congress can permit. The recognition of the gross imperfections and marked inadequacy of our banking and currency system even in our most quiet financial periods is of long standing; and later there has matured a recognition of the fact that our system is responsible for the extraordinary devastation, waste, and business paralysis of our recurring periods of panic. Though the members of the Monetary Commission have for a considerable time been working in the open, and while large numbers of the people have been openly working with them, and while the press has largely noted and discussed this work as it has proceeded, so that the report of the commission promises to represent a national movement, the details of the report are still being considered. I can not, therefore, do much more at this time than commend the immense importance of monetary reform, urge prompt consideration and action when the commission's report is received, and express my satisfaction that the plan to be proposed promises to embrace main features that, having met the approval of a great preponderance of the practical and professional opinion of the country, are likely to meet equal approval in Congress.

It is exceedingly fortunate that the wise and undisputed policy of maintaining unchanged the main features of our banking system rendered it at once impossible to introduce a central bank; for a central bank would certainly have been resisted, and a plan into which it could have been introduced would probably have been defeated. But as a central bank could not be a part of the only plan discussed or considered, that troublesome question is eliminated. And ingenious and novel as the proposed National Reserve Association appears, it simply is a logical outgrowth of what is best in our present system, and is, in fact, the fulfillment of that system.

Exactly how the management of that association should be organized is a question still open. It seems to be desirable that the banks which would own the association should in the main manage it. It will be an agency of the banks to act for them, and they can be trusted better than anybody else chiefly to conduct it. It is mainly bankers' work. But there must be some form of Government supervision and ultimate control, and I favor a reasonable representation of the Government in the management. I entertain no fear of the introduction of politics or of any undesirable influences from a properly measured Government representation.

I trust that all banks of the country possessing the requisite standards will be placed upon a footing of perfect equality of opportunity. Both the national system and the State system should be fairly recognized, leaving them eventually to coalesce if that shall prove to be their tendency. But such evolution can not develop impartially if the banks of one system are given or permitted any advantages of opportunity over those of the other system. And I trust also that the new legislation will carefully and completely protect and assure the individuality and the independence of each bank, to the end that any tendency there may ever be toward a consolidation of the money or banking power of the Nation shall be defeated.

It will always be possible, of course, to correct any features of the new law which may in practice prove to be unwise; so that while this law is sure to be enacted under conditions of unusual knowledge and authority, it also will include, it is well to remember, the possibility of future amendment.

With the present prospects of this long-awaited reform encouraging us, it would be singularly unfortunate if this monetary question should by any chance become a party issue. And I sincerely hope it will not. The exceeding amount of consideration it has received from the people of the Nation has been wholly nonpartisan; and the Congress set its nonpartisan seal upon it when the Monetary Commission was appointed. In commending the question to the favorable consideration of Congress I speak for, and in the spirit of, the great number of my fellow citizens who, without any thought of party or partisanship feel with remarkable earnestness that this reform is necessary to the interests of all the people.

THE WAR DEPARTMENT.

There is now before Congress a bill, the purpose of which is to increase the efficiency and decrease the expense of the Army. It contains four principal features: First, a consolidation of the General Staff with The Adjutant General's and the Inspector General's Departments; second, a consolidation of the Quartermaster's Department with the Subsistence and the Pay Departments; third, the creation of an Army service corps; and fourth, an extension of the enlistment period from three to five years.

With the establishment of an Army service corps, as proposed in the bill, I am thoroughly in accord and am convinced that the establishment of such a corps will result in a material economy and a very great increase of efficiency in the Army. It has repeatedly been recommended by me and my predecessors. I also believe that a consolidation of the Staff Corps can be made with a resulting increase in efficiency and economy, but not along the lines provided in the bill under consideration.

I am opposed to any plan the result of which would be to break up or interfere with the essential principles of the detail system in the Staff Corps established by the act of February 2, 1901, and I am opposed to any plan the result of which would be to give to the officer selected as Chief of Staff or to any other member of the General Staff Corps greater permanency of office than he now has. Under the existing law neither the Chief of Staff nor any other member of the General Staff Corps can remain in office for a period of more than four years, and there must be an interval of two years between successive tours of duty.

The bill referred to provides that certain persons shall become permanent members of the General Staff Corps, and that certain others are subject to redetail without an interval of two years. Such provision is fraught with danger to the welfare of the Army, and would practically nullify the main purpose of the law creating the General Staff.

In making the consolidations no reduction should be made in the total number of officers of the Army, of whom there are now too few to perform the duties imposed by law. I have in

the past recommended an increase in the number of officers by 600 in order to provide sufficient officers to perform all classes of staff duty and to reduce the number of line officers detached from their commands. Congress at the last session increased the total number of officers by 200, but this is not enough. Promotion in the line of the Army is too slow. Officers do not attain command rank at an age early enough properly to exercise it. It would be a mistake further to retard this already slow promotion by throwing back into the line of the Army a number of high-ranking officers to be absorbed as is provided in the proposed plan of consolidation.

Another feature of the bill which I believe to be a mistake is the proposed increase in the term of enlistment from three to five years. I believe it would be better to enlist men for six years, release them at the end of three years from active service, and put them in reserve for the remaining three years. Reenlistments should be largely confined to the noncommissioned officers and other enlisted men in the skilled grades. This plan, by the payment of a comparatively small compensation during the three years of reserve, would keep a large body of men at the call of the Government, trained and ready for service, and able to meet any exigency.

The Army of the United States is in good condition. It showed itself able to meet an emergency in the successful mobilization of an army division of from 15,000 to 20,000 men, which took place along the border of Mexico during the recent disturbances in that country. The marvelous freedom from the ordinary camp diseases of typhoid fever and measles is referred to in the report of the Secretary of War, and shows such an effectiveness in the sanitary regulations and treatment of the Medical Corps, and in the discipline of the Army itself, as to invoke the highest commendation.

MEMORIAL AMPHITHEATER AT ARLINGTON.

I beg to renew my recommendation of last year that the Congress appropriate for a memorial amphitheater at Arlington, Va., the funds required to construct it upon the plans already approved.

THE PANAMA CANAL.

The very satisfactory progress made on the Panama Canal last year has continued, and there is every reason to believe that the canal will be completed as early as the 1st of July, 1913, unless something unforeseen occurs. This is about 18 months before the time promised by the engineers.

We are now near enough the completion of the canal to make it imperatively necessary that legislation should be enacted to fix the method by which the canal shall be maintained and controlled and the zone governed. The fact is that to-day there is no statutory law by authority of which the President is maintaining the government of the zone. Such authority was given in an amendment to the Spooner Act, which expired by the terms of its own limitation some years ago. Since that time the government has continued, under the advice of the Attorney General that in the absence of action by Congress, there is necessarily an implied authority on the part of the Executive to maintain a government in a territory in which he has to see that the laws are executed. The fact that we have been able thus to get along during the important days of construction without legislation expressly formulating the government of the zone, or delegating the creation of it to the President, is not a reason for supposing that we may continue the same kind of a government after the construction is finished. The implied authority of the President to maintain a civil government in the zone may be derived from the mandatory direction given him in the original Spooner Act, by which he was commanded to build the canal; but certainly, now that the canal is about to be completed and to be put under a permanent management, there ought to be specific statutory authority for its regulation and control and for the government of the zone, which we hold for the chief and main purpose of operating the canal.

I fully concur with the Secretary of War that the problem is simply the management of a great public work, and not the government of a local republic; that every provision must be directed toward the successful maintenance of the canal as an avenue of commerce, and that all provisions for the government of those who live within the zone should be subordinate to the main purpose.

The zone is 40 miles long and 10 miles wide. Now, it has a population of 50,000 or 60,000, but as soon as the work of construction is completed, the towns which make up this population will be deserted, and only comparatively few natives will continue their residence there. The control of them ought to approximate a military government. One judge and two justices of the peace will be sufficient to attend to all the judicial and litigated business there is. With a few fundamental laws of Congress, the zone should be governed by the orders of the President, issued through the War Department, as it is to-day. Provisions can be made for the guaranties of life, liberty, and property, but beyond those, the government should be that of a military reservation, managed in connection with this great highway of trade.

FURNISHING SUPPLIES AND REPAIRS.

In my last annual message I discussed at length the reasons for the Government's assuming the task of furnishing to all ships that use the canal, whether our own naval vessels or others, the supplies of coal and oil and other necessities with which they must be replenished either before or after passing through the canal, together with the dock facilities and repairs of every character. This it is thought wise to do through the Government, because the Government must establish for itself, for its own naval vessels, large depots and dry docks and warehouses, and these may easily be enlarged so as to secure to the world public using the canal reasonable prices and a certainty that there will be no discrimination between those who wish to avail themselves of such facilities.

TOLLS.

I renew my recommendation with respect to the tolls of the canal that within limits which shall seem wise to Congress, the power of fixing tolls be given to the President. In order to arrive at a proper conclusion, there must be some experimenting, and this can not be done if Congress does not delegate the power to one who can act expeditiously.

POWER EXISTS TO RELIEVE AMERICAN SHIPPING.

I am very confident that the United States has the power to relieve from the payment of tolls any part of our shipping that Congress deems wise. We own the canal. It was our money that built it. We have the right to charge tolls for its use. Those tolls must be the same to everyone; but when we are dealing with our own ships, the practice of many governments of subsidizing their own merchant vessels is so well established in general that a subsidy equal to the tolls, an equivalent remission of tolls, can not be held to be a discrimination in the use of the canal. The practice in the Suez Canal makes this clear. The experiment in tolls to be made by the President would doubtless disclose how great a burden of tolls the coastwise trade between the Atlantic and the Pacific coast could bear without preventing its usefulness in competition with the transcontinental railroads. One of the chief reasons for building the canal was to set up this competition and to bring the two shores closer together as a practical trade problem. It may be that the tolls will have to be wholly remitted. I do not think this is the best principle, because I believe that the cost of such a Government work as the Panama Canal ought to be imposed gradually but certainly upon the trade which it creates and makes possible. So far as we can, consistent with the development of the world's trade through the canal, and the benefit which it was intended to secure to the east and west coastwise trade, we ought to labor to secure from the canal tolls a sufficient amount ultimately to meet the debt which we have assumed and to pay the interest.

THE PHILIPPINE ISLANDS.

In respect to the Philippines, I urgently join in the recommendation of the Secretary of War that the act of February 6, 1905, limiting the indebtedness that may be incurred by the Philippine Government for the construction of public works, be increased from $5,000,000 to $15,000,000. The finances of that Government are in excellent condition. The maximum sum mentioned is quite low as compared with the amount of indebtedness of other governments with similar resources, and the success which has attended the expenditure of the $5,000,000 in the useful improvements of the harbors and other places in the islands justifies and requires additional expenditures for like purposes.

NATURALIZATION.

I also join in the recommendation that the Legislature of the Philippine Islands be authorized to provide for the naturalization of Filipinos and others who by the present law are treated as aliens, so as to enable them to become citizens of the Philippine Islands.

FRIARS' LANDS.

Pending an investigation by Congress at its last session, through one of its committees, into the disposition of the friars' lands, Secretary Dickinson directed that the friars' lands should not be sold in excess of the limits fixed for the public lands until Congress should pass upon the subject or should have concluded its investigation. This order has been an obstruction to the disposition of the lands, and I expect to direct the Secretary of War to return to the practice under the opinion of the Attorney General which will enable us to dispose of the lands much more promptly, and to prepare a sinking fund with which to meet the $7,000,000 of bonds issued for the purchase of the lands. I have no doubt whatever that the Attorney General's

construction was a proper one, and that it is in the interest of everyone that the land shall be promptly disposed of. The danger of creating a monopoly of ownership in lands under the statutes as construed is nothing. There are only two tracts of 60,000 acres each, unimproved and in remote Provinces, that are likely to be disposed of in bulk, and the rest of the lands are subject to the limitation that they shall be first offered to the present tenants and lessors who hold them in small tracts.

RIVERS AND HARBORS.

The estimates for the river and harbor improvements reach $32,000,000 for the coming year. I wish to urge that whenever a project has been adopted by Congress as one to be completed, the more money which can be economically expended in its construction in each year the greater the ultimate economy. This has especial application to the improvement of the Mississippi River and its large branches. It seems to me that an increase in the amount of money now being annually expended in the improvement of the Ohio River which has been formally adopted by Congress would be in the interest of the public. A similar change ought to be made during the present Congress in the amount to be appropriated for the Missouri River. The engineers say that the cost of the improvement of the Missouri River from Kansas City to St. Louis, in order to secure 6 feet as a permanent channel, will reach $20,000,000. There have been at least three recommendations from the Chief of Engineers that if the improvement be adopted $2,000,000 should be expended upon it annually. This particular improvement is especially entitled to the attention of Congress, because a company has been organized in Kansas City, with a capital of $1,000,000, which has built steamers and barges, and is actually using the river for transportation in order to show what can be done in the way of affecting rates between Kansas City and St. Louis, and in order to manifest their good faith and confidence in respect of the improvement. I urgently recommend that the appropriation for this improvement be increased from $600,000, as recommended now in the completion of a contract, to $2,000,000 annually, so that the work may be done in 10 years.

WATERWAY FROM THE LAKES TO THE GULF.

The project for a navigable waterway from Lake Michigan to the mouth of the Illinois River, and thence via the Mississippi to the Gulf of Mexico, is one of national importance. In view of the work already accomplished by the Sanitary District of Chicago, an agency of the State of Illinois, which has constructed the most difficult and costly stretch of this waterway and made it an asset of the Nation, and in view of the fact that the people of Illinois have authorized the expenditure of $20,000,000 to carry this waterway 62 miles farther to Utica, I feel that it is fitting that this work should be supplemented by the Government, and that the expenditures recommended by the special board of engineers on the waterway from Utica to the mouth of the Illinois River be made upon lines which while providing a waterway for the Nation should otherwise benefit that State to the fullest extent. I recommend that the term of service of said special board of engineers be continued, and that it be empowered to reopen the question of the treatment of the lower Illinois River, and to negotiate with a properly constituted commission representing the State of Illinois, and to agree upon a plan for the improvement of the lower Illinois River and upon the extent to which the United States may properly cooperate with the State of Illinois in securing the construction of a navigable waterway from Lockport to the mouth of the Illinois River in conjunction with the development of water power by that State between Lockport and Utica.

THE DEPARTMENT OF JUSTICE.

REMOVAL OF CLERKS OF FEDERAL COURTS.

The report of the Attorney General shows that he has subjected to close examination the accounts of the clerks of the Federal courts; that he has found a good many which disclose irregularities or dishonesty, but that he has had considerable difficulty in securing an effective prosecution or removal of the clerks thus derelict. I am certainly not unduly prejudiced against the Federal courts, but the fact is that the long and confidential relations which grow out of the tenure for life on the part of the judge and the practical tenure for life on the part of the clerk are not calculated to secure the strictness of dealing by the judge with the clerk in respect to his fees and accounts which assures in the clerk's conduct a freedom from overcharges and carelessness. The relationship between the judge and the clerk makes it ungracious for members of the bar to complain of the clerk or for department examiners to make charges against him to be heard by the court, and an order of removal of a clerk and a judgment for the recovery of fees are in some cases reluctantly entered by the judge. For this reason I recommend an amendment to the law whereby the President shall be given power to remove the clerks for cause. This provision need not interfere with the right of the judge to appoint his clerk or to remove him.

FRENCH SPOLIATION AWARDS.

In my last message I recommended to Congress that it authorize the payment of the findings or judgments of the Court of Claims in the matter of the French spoliation cases. There has been no appropriation to pay these judgments since 1905. The findings and awards were obtained after a very bitter fight, the Government succeeding in about 75 per cent of the cases. The amount of the awards ought, as a matter of good faith on the part of the Government, to be paid.

EMPLOYERS' LIABILITY AND WORKMEN'S COMPENSATION COMMISSION.

The limitation of the liability of the master to his servant for personal injuries to such as are occasioned by his fault has been abandoned in most civilized countries and provision made whereby the employee injured in the course of his employment is compensated for his loss of working ability irrespective of negligence. The principle upon which such provision proceeds is that accidental injuries to workmen in modern industry, with its vast complexity and inherent dangers arising from complicated machinery and the use of the great forces of steam and electricity, should be regarded as risks of the industry and the loss borne in some equitable proportion by those who for their own profit engage therein. In recognition of this the last Congress authorized the appointment of a commission to investigate the subject of employers' liability and workmen's compensation and to report the result of their investigations, through the President, to Congress. This commission was appointed and has been at work, holding hearings, gathering data, and considering the subject, and it is expected will be able to report by the first of the year, in accordance with the provisions of the law. It is hoped and expected that the commission will suggest legislation which will enable us to put in the place of the present wasteful and sometimes unjust system of employers' liability a plan of compensation which will afford some certain and definite relief to all employees who are injured in the course of their employment in those industries which are subject to the regulating power of Congress.

MEASURES TO PREVENT DELAY AND UNNECESSARY COST OF LITIGATION.

In promotion of the movement for the prevention of delay and unnecessary cost in litigation, I am glad to say that the Supreme Court has taken steps to reform the present equity rules of the Federal courts, and that we may in the near future expect a revision of them which will be a long step in the right direction.

The American Bar Association has recommended to Congress several bills expediting procedure, one of which has already passed the House unanimously, February 6, 1911. This directs that no judgment should be set aside or reversed, or new trial granted, unless it appears to the court, after an examination of the entire cause, that the error complained of has injuriously affected the substantial rights of the parties, and also provides for the submission of issues of fact to a jury, reserving questions of law for subsequent argument and decision. I hope this bill will pass the Senate and become law, for it will simplify the procedure at law.

Another bill to amend chapter 11 of the Judicial Code, in order to avoid errors in pleading, was presented by the same association, and one enlarging the jurisdiction of the Supreme Court so as to permit that court to examine, upon a writ of error, all cases in which any right or title is claimed under the Constitution, or any statute or treaty of the United States, whether the decision in the court below has been against the right or title or in its favor. Both these measures are in the interest of justice and should be passed.

POST OFFICE.

At the beginning of the present administration in 1909 the postal service was in arrears to the extent of $17,479,770.47. It was very much the largest deficit on record. In the brief space of two years this has been turned into a surplus of $220,000, which has been accomplished without curtailment of the postal facilities, as may be seen by the fact that there have been established 3,744 new post offices; delivery by carrier has been added to the service in 186 cities; 2,516 new rural routes have been established, covering 60,000 miles; the force of postal employees has been increased in these two years by more than 8,000, and their average annual salary has had a substantial increase.

POSTAL-SAVINGS SYSTEM.

On January 3, 1911, postal-savings depositories were established experimentally in 48 States and Territories. After three months' successful operation the system was extended as rapidly as feasible to the 7,500 post offices of the first, second, and third classes constituting the presidential grade. By the

end of the year practically all of these will have been designated and then the system will be extended to all fourth-class post offices doing a money-order business.

In selecting post offices for depositories consideration was given to the efficiency of the postmasters, and only those offices where the ratings were satisfactory to the department have been designated. Withholding designation from postmasters with unsatisfactory ratings has had a salutary effect on the service.

The deposits have kept pace with the extension of the system. Amounting to only $60,652 at the end of the first month's operation in the experimental offices, they increased to $679,310 by July, and now after 11 months of operation have reached a total of $11,000,000. This sum is distributed among 2,710 banks and protected under the law by bonds deposited with the Treasurer of the United States.

Under the method adopted for the conduct of the system certificates are issued as evidence of deposits, and accounts with depositors are kept by the post offices instead of by the department. Compared with the practice in other countries of entering deposits in pass books and keeping at the central office a ledger account with each depositor, the use of the certificate has resulted in great economy of administration.

The depositors thus far number approximately 150,000. They include 40 nationalities, native Americans largely predominating and English and Italians coming next.

The first conversion of deposits into United States bonds bearing interest at the rate of 2½ per cent occurred on July 1, 1911, the amount of deposits exchanged being $41,900, or a little more than 6 per cent of the total outstanding certificates of deposit on June 30. Of this issue, bonds to the value of $6,120 were in coupon form and $35,780 in registered form.

PARCEL POST.

Steps should be taken immediately for the establishment of a rural parcel post. In the estimates of appropriations needed for the maintenance of the postal service for the ensuing fiscal year an item of $150,000 has been inserted to cover the preliminary expense of establishing a parcel post on rural mail routes, as well as to cover an investigation having for its object the final establishment of a general parcel post on all railway and steamboat transportation routes. The department believes that after the initial expenses of establishing the system are defrayed and the parcel post is in full operation on the rural routes it will not only bring in sufficient revenue to meet its cost, but also a surplus that can be utilized in paying the expenses of a parcel post in the City Delivery Service.

It is hoped that Congress will authorize the immediate establishment of a limited parcel post on such rural routes as may be selected, providing for the delivery along the routes of parcels not exceeding 11 pounds, which is the weight limit for the international parcel post, or at the post office from which such route emanates, or on another route emanating from the same office. Such preliminary service will prepare the way for the more thorough and comprehensive inquiry contemplated in asking for the appropriation mentioned, enable the department to gain definite information concerning the practical operation of a general system, and at the same time extend the benefit of the service to a class of people who, above all others, are specially in need of it.

The suggestion that we have a general parcel post has awakened great opposition on the part of some who think that it will have the effect to destroy the business of the country storekeeper. Instead of doing this, I think the change will greatly increase business for the benefit of all. The reduction in the cost of living it will bring about ought to make its coming certain.

THE NAVY DEPARTMENT.

On the 2d of November last I reviewed the fighting fleet of battleships and other vessels assembled in New York Harbor, consisting of 24 battleships, 2 armored cruisers, 2 cruisers, 22 destroyers, 12 torpedo boats, 8 submarines, and other attendant vessels, making 98 vessels of all classes, of a tonnage of 576,634 tons. Those who saw the fleet were struck with its preparedness and with its high military efficiency. All Americans should be proud of its personnel.

The fleet was deficient in the number of torpedo destroyers, in cruisers, and in colliers, as well as in large battleship cruisers, which are now becoming a very important feature of foreign navies, notably the British, German, and Japanese.

The building plan for this year contemplates two battleships and two colliers. This is because the other and smaller vessels can be built much more rapidly in case of emergency than the battleships, and we certainly ought to continue the policy of two battleships a year until after the Panama Canal is finished and until in our first line and in our reserve line we can number 40 available vessels of proper armament and size.

The reorganization of the Navy and the appointment of four aids to the Secretary have continued to demonstrate their usefulness. It would be difficult now to administer the affairs of the Navy without the expert counsel and advice of these aids, and I renew the recommendation which I made last year, that the aids be recognized by statute.

It is certain that the Navy, with its present size, should have admirals in active command higher than rear admirals. The recognized grades in order are: Admiral of the fleet, admiral, vice admiral, and rear admiral. Our great battleship fleet is commanded by a rear admiral, with four other rear admirals under his orders. This is not as it should be, and when questions of precedence arise between our naval officers and those of European navies, the American rear admiral, though in command of ten times the force of a foreign vice admiral, must yield precedence to the latter. Such an absurdity ought not to prevail, and it can be avoided by the creation of two or three positions of flag rank above that of rear admiral.

I attended the opening of the new training school at North Chicago, Ill., and am glad to note the opportunity which this gives for drawing upon young men of the country from the interior, from farms, stores, shops, and offices, which insures a high average of intelligence and character among them, and which they showed in the very wonderful improvement in discipline and drill which only a few short weeks' presence at the naval station had made.

I invite your attention to the consideration of the new system of detention and of punishment for Army and Navy enlisted men which has obtained in Great Britain, and which has made greatly for the better control of the men. We should adopt a similar system here.

Like the Treasury Department and the War Department, the Navy Department has given much attention to economy in administration, and has cut down a number of unnecessary expenses and reduced its estimates except for construction and the increase that that involves.

I urge upon Congress the necessity for an immediate increase of 2,000 men in the enlisted strength of the Navy, provided for in the estimates. Four thousand more are now needed to man all the available vessels.

There are in the service to-day about 47,750 enlisted men of all ratings.

Careful computation shows that in April, 1912, 49,166 men will be required for vessels in commission, and 3,000 apprentice seamen should be kept under training at all times.

ABOLITION OF NAVY YARDS.

The Secretary of the Navy has recommended the abolition of certain of the smaller and unnecessary navy yards, and in order to furnish a complete and comprehensive report has referred the question of all navy yards to the joint board of the Army and Navy. This board will shortly make its report and the Secretary of the Navy advises me that his recommendations on the subject will be presented early in the coming year. The measure of economy contained in a proper handling of this subject is so great and so important to the interests of the Nation that I shall present it to Congress as a separate subject apart from my annual message. Concentration of the necessary work for naval vessels in a few navy yards on each coast is a vital necessity if proper economy in Government expenditures is to be attained.

AMALGAMATION OF STAFF CORPS IN THE NAVY.

The Secretary of the Navy is striving to unify the various corps of the Navy to the extent possible and thereby stimulate a Navy spirit as distinguished from a corps spirit. In this he has my warm support.

All officers are to be naval officers first and specialists afterwards. This means that officers will take up at least one specialty, such as ordnance, construction, or engineering. This is practically what is done now, only some of the specialists, like the pay officers and naval constructors, are not of the line. It is proposed to make them all of the line.

All combatant corps should obviously be of the line. This necessitates amalgamating the pay officers and also those engaged in the technical work of producing the finished ship. This is at present the case with the single exception of the naval constructors, whom it is now proposed to amalgamate with the line.

COUNCIL OF NATIONAL DEFENSE.

I urge again upon Congress the desirability of establishing the council of national defense. The bill to establish this council was before Congress last winter, and it is hoped that this legislation will pass during the present session. The purpose

of the council is to determine the general policy of national defense and to recommend to Congress and to the President such measures relating to it as it shall deem necessary and expedient.

No such machinery is now provided by which the readiness of the Army and Navy may be improved and the programs of military and naval requirements shall be coordinated and properly scrutinized with a view to the necessities of the whole Nation rather than of separate departments.

DEPARTMENTS OF AGRICULTURE AND COMMERCE AND LABOR.

For the consideration of matters which are pending or have been disposed of in the Agricultural Department and in the Department of Commerce and Labor, I refer to the very excellent reports of the Secretaries of those departments. I shall not be able to submit to Congress until after the Christmas holidays the question of conservation of our resources arising in Alaska and the West and the question of the rate for second-class mail matter in the Post Office Department.

COMMISSION ON EFFICIENCY AND ECONOMY.

The law does not require the submission of the reports of the Commission on Economy and Efficiency until the 31st of December. I shall therefore not be able to submit a report of the work of that commission until the assembling of Congress after the holidays.

CIVIL RETIREMENT AND CONTRIBUTORY PENSION SYSTEM.

I have already advocated, in my last annual message, the adoption of a civil-service retirement system, with a contributory feature to it so as to reduce to a minimum the cost to the Government of the pensions to be paid. After considerable reflection, I am very much opposed to a pension system that involves no contribution from the employees. I think the experience of other governments justifies this view; but the crying necessity for some such contributory system, with possibly a preliminary governmental outlay, in order to cover the initial cost and to set the system going at once while the contributions are accumulating, is manifest on every side. Nothing will so much promote the economy and efficiency of the Government as such a system.

ELIMINATION OF ALL LOCAL OFFICES FROM POLITICS.

I wish to renew again my recommendation that all the local offices throughout the country, including collectors of internal revenue, collectors of customs, postmasters of all four classes, immigration commissioners and marshals, should be by law covered into the classified service, the necessity for confirmation by the Senate be removed, and the President and the others, whose time is now taken up in distributing this patronage under the custom that has prevailed since the beginning of the Government in accordance with the recommendation of the Senators and Congressmen of the majority party, should be relieved from this burden. I am confident that such a change would greatly reduce the cost of administering the Government, and that it would add greatly to its efficiency. It would take away the power to use the patronage of the Government for political purposes. When officers are recommended by Senators and Congressmen from political motives and for political services rendered, it is impossible to expect that while in office the appointees will not regard their tenure as more or less dependent upon continued political service for their patrons, and no regulations, however stiff or rigid, will prevent this, because such regulations, in view of the method and motive for selection, are plainly inconsistent and deemed hardly worthy of respect.

WM. H. TAFT.

THE WHITE HOUSE, *December 21, 1911.*

JUDICIAL DISTRICT IN MAINE.

Mr. CLARK of Wyoming. From the Committee on the Judiciary I report back favorably without amendment the bill (H. R. 15450) to amend section 85 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, and by direction of the committee I ask for its immediate consideration.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT PORTLAND, OREG.

Mr. BOURNE, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 3327) to provide for the erection of a public building on a site already acquired at Portland, Oreg., reported it without amendment.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ROOT:

A bill (S. 4028) to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the North Pacific Ocean, concluded at Washington July 7, 1911; to the Committee on Foreign Relations.

A bill (S. 4029) to amend chapter 11 of the Judicial Code; to the Committee on the Judiciary.

A bill (S. 4030) for the relief of Sylvester W. Barnes (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 4031) for the relief of Alice Harvey and Winifred Waltz (with accompanying papers);

A bill (S. 4032) for the relief of C. Person's Sons; and

A bill (S. 4033) for the relief of Warren E. Day; to the Committee on Claims.

A bill (S. 4034) granting an increase of pension to Anne Gertrude Robinson (with accompanying papers); to the Committee on Pensions.

By Mr. HEYBURN:

A bill (S. 4035) granting an increase of pension to Milton Green (with accompanying paper); to the Committee on Pensions.

By Mr. GUGGENHEIM:

A bill (S. 4036) to provide for the erection of a United States post-office building in the city of Fort Morgan, in the State of Colorado; to the Committee on Public Buildings and Grounds.

A bill (S. 4037) for the relief of Ellen Sexton; to the Committee on Claims.

By Mr. OVERMAN:

A bill (S. 4038) to increase the limit of cost of the public building for Tarboro, N. C.;

A bill (S. 4039) to increase the limit of cost of the public building for Rocky Mount, N. C.; and

A bill (S. 4040) to increase the limit of cost of the public building for Kinston, N. C.; to the Committee on Public Buildings and Grounds.

A bill (S. 4041) for the relief of Elizabeth Muhleman, widow, and the heirs at law of Samuel A. Muhleman, deceased; to the Committee on Claims.

By Mr. CULBERSON:

A bill (S. 4042) to provide for the erection of a public building at New Braunfels, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. KENYON:

A bill (S. 4043) to prohibit interstate commerce in intoxicating liquors in certain cases; to the Committee on the Judiciary.

By Mr. BURTON:

A bill (S. 4044) for the relief of Lewis M. Miller; to the Committee on Military Affairs.

A bill (S. 4045) granting a pension to Mira M. Danley;

A bill (S. 4046) granting a pension to Mary B. Boyer;

A bill (S. 4047) granting an increase of pension to George F. Wonder; and

A bill (S. 4048) granting an increase of pension to Samuel Heath; to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 4049) granting a pension to Demmie Inman (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 4050) for the relief of Catherine Ratchford; to the Committee on Claims.

A bill (S. 4051) for the relief of Martha J. Wharton (with accompanying paper); to the Committee on Military Affairs.

A bill (S. 4052) granting an increase of pension to Julian E. Duvall;

A bill (S. 4053) granting an increase of pension to William P. McClure;

A bill (S. 4054) granting an increase of pension to John W. Stokes;

A bill (S. 4055) granting a pension to Phebe A. Fuller;

A bill (S. 4056) granting an increase of pension to William P. McClure;

A bill (S. 4057) granting a pension to Rhoda C. Freeman;

A bill (S. 4058) granting an increase of pension to George W. Smith;

A bill (S. 4059) granting an increase of pension to James R. Fent;

A bill (S. 4060) granting a pension to S. J. Reader;

A bill (S. 4061) granting an increase of pension to Mary C. Day;

A bill (S. 4062) granting an increase of pension to Charles J. Strain;

A bill (S. 4063) granting an increase of pension to Martin Parker;

A bill (S. 4064) granting an increase of pension to Washington A. Palmer;

A bill (S. 4065) granting an increase of pension to Sarah C. Burdick;

A bill (S. 4066) granting an increase of pension to Samuel J. Smock;

A bill (S. 4067) granting an increase of pension to Silas Ebersole;

A bill (S. 4068) granting a pension to Andrew P. Duff (with accompanying papers);

A bill (S. 4069) granting a pension to Ann E. Elliott (with accompanying papers);

A bill (S. 4070) granting an increase of pension to Edward Barlow (with accompanying paper);

A bill (S. 4071) granting an increase of pension to Charles Bennett (with accompanying paper);

A bill (S. 4072) granting an increase of pension to B. F. Adams (with accompanying papers);

A bill (S. 4073) granting a pension to W. E. Stone (with accompanying papers);

A bill (S. 4074) granting an increase of pension to John Bigley (with accompanying papers);

A bill (S. 4075) granting an increase of pension to Peter M. V. Underwood (with accompanying paper);

A bill (S. 4076) granting an increase of pension to Samuel K. Rudolph (with accompanying papers);

A bill (S. 4077) granting a pension to Elizabeth A. Jacobs (with accompanying papers);

A bill (S. 4078) granting an increase of pension to Joel A. Stratton (with accompanying papers);

A bill (S. 4079) granting an increase of pension to Charles W. Spawr (with accompanying paper);

A bill (S. 4080) granting an increase of pension to William E. Huestis (with accompanying papers);

A bill (S. 4081) granting an increase of pension to Carlyle Pierce (with accompanying papers);

A bill (S. 4082) granting an increase of pension to Augustus A. Nauman (with accompanying papers);

A bill (S. 4083) granting an increase of pension to Matilda Kidney (with accompanying papers);

A bill (S. 4084) granting a pension to James O. Jones (with accompanying papers);

A bill (S. 4085) granting an increase of pension to Charles Miller (with accompanying papers);

A bill (S. 4086) granting a pension to William Ross Kirkpatrick (with accompanying papers);

A bill (S. 4087) granting an increase of pension to James Grose (with accompanying papers);

A bill (S. 4088) granting an increase of pension to Levi Wilt (with accompanying papers);

A bill (S. 4089) granting an increase of pension to Albert B. Canby (with accompanying papers);

A bill (S. 4090) granting an increase of pension to Hamilton E. Turner (with accompanying papers);

A bill (S. 4091) granting a pension to Amanda Arnold (with accompanying papers); and

A bill (S. 4092) granting an increase of pension to Young S. Ingram (with accompanying papers); to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 4093) to provide for the erection of a public building at Orlando, Fla.; and

A bill (S. 4094) to provide for the erection of a public building at Bartow, Fla.; to the Committee on Public Buildings and Grounds.

ELECTIONS IN THE DISTRICT OF COLUMBIA.

Mr. BRISTOW submitted an amendment intended to be proposed by him to the bill (S. 2234) to provide for a primary nominating election in the District of Columbia, etc., which was referred to the Committee on the District of Columbia and ordered to be printed.

MALAMBO FIRE CLAIMS.

Mr. ROOT submitted an amendment proposing to appropriate $53,800 to pay the allowances made to the Malambo fire claimants, under Article VI of the treaty of November 18, 1903, between the United States and Panama, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Foreign Relations and ordered to be printed.

HARBOR FRONT AT CITY OF WASHINGTON.

On motion of Mr. GALLINGER, it was

Ordered, That leave be granted to the Commissioners of the District of Columbia to withdraw from the files of the Senate the original illustrations accompanying Senate Document No. 519, Sixtieth Congress, first session.

ASSISTANT CLERK TO THE COMMITTEE ON MANUFACTURES.

Mr. HEYBURN submitted the following resolution (S. Res. 174), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Manufactures be, and it is hereby, authorized to employ an assistant clerk at a salary of $1,440 per annum, to be paid from the contingent fund of the Senate until otherwise provided for by law.

DUTY ON WOOL—SCHEDULE K (S. DOC. NO. 210).

Mr. SMOOT. I ask that a synopsis of the report of the Tariff Board on Schedule K, prepared by that board, be printed as a public document.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. SMOOT. I should also like to have it printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

SYNOPSIS OF THE REPORT OF THE TARIFF BOARD ON SCHEDULE K.

The report consists of five parts:

Part I. Analysis and Glossary of Schedule K in the present tariff act, together with a statistical survey of the woolen industry in leading countries.

Part II. Report on raw wool, production and shrinkage.

Part III. Report on manufacturing costs.

Part IV. Report on ready-made clothing and wearing apparel.

Part V. Report on wages and efficiency of labor and machinery in the United States.

GLOSSARY.

In Part I the existing tariff act, as it relates to wool and manufactures of wool, is analyzed paragraph by paragraph. Under each head is a description of the different articles on which duties are levied by the paragraph in question, with a brief explanation of the process of manufacture and the relation of each commodity to the trade; an analysis in detail of the present duties and method of assessment and reduction of duties to ad valorem terms; and statistics as to production, imports, and exports of each commodity, together with a section on the relation of the various branches of wool manufactures to raw materials, and an explanation of the origin and theory of compensatory duties. To this is added a statistical section, which shows the character and localization of the industry in the leading countries of the world and the movement of the world's commerce in wool and manufactures of wool.

RAW WOOL.

Part II. The report on raw wool covers an extended study of the general conditions surrounding the production of raw wools not only in the United States but in Australasia, South America, the South African Cape, Great Britain, and other countries. Relative costs of production have been developed as closely as possible in the case of the leading clips and comparative shrinkages established of the various important varieties of raw wool in the scouring process.

Special agents have gathered full information as to the expenses attaching to sheep farming and ranching at home and abroad. The investigation was begun in 1910 and covered in the United States 173 counties in 10 States. In all nearly 1,200 woolgrowers were visited by the agents of the Tariff Board. Special agents were sent to Australia and South America as well as to England and the Continent.

The board obtained from the books of a large number of mills, both foreign and domestic, the actual yield of clean wool as compared with the grease weights of the more important grades in common use in the woolen and worsted manufacturing industry.

MANUFACTURING COSTS.

Part III. The report on manufacturing costs, includes a study of manufacturing costs in the United States and the leading foreign countries. This section of the report is based upon comprehensive detailed cost figures secured at the mills by the board and its agents.

In this investigation the number of mills from which properly verified information was obtained was 174, and such information was taken by agents of the board. These mills are situated in 20 different States. They represent over 46,000 looms, 1,900,000 producing spindles, and 109,000 employees. They are not only representative of the industry, but comprise in looms and employees two-thirds of the productive capacity of the industry in the United States. The cloth-making mills range in size from a 23-loom establishment to one running 2,700 looms. Of the mills making yarn exclusively, the range was from 4,400 spindles to 46,000.

On tops and worsted yarns actual cost figures for a given period of production were obtained, and a detailed analysis made of items of cost by processes. In the case of cloths a collection of samples was made, representing the chief lines of goods in the market, and careful cost computations were made at the mills, from their records, on individual samples.

Detailed cost schedules were prepared by the board covering each process in manufacturing, and these were filled in by the agents of the board in consultation with the cost experts of the mill. In all cases a detailed statement was taken of "general expenses" and "fixed charges" for a year's period, together with the total pay roll, operating wages for the same period. Overhead expenses were then prorated according to the proportion of this labor. These schedules were accompanied by similar schedules covering tops and yarns, which are filled out in the same manner. The report includes detailed returns of this character on 55 different samples. The European work on wages and cost of production extended to England, France, Germany, Austria, and Belgium. Estimates of the cost of production on specific domestic fabrics taken from the United States were secured from various manufacturers in England, Germany, and France, and the weavers' rates of pay per yard of cloth secured for these countries and for Belgium.

Wage scales covering the piece rates paid weavers, spinners, and other classes of labor were secured from all of the countries visited by agents of the Tariff Board, and these are tabulated or otherwise presented in the report.

Rates, wages, output, or production per machine and per operative were secured for weavers, spinners, carders, and many others.

It is believed that this is the first successful attempt to couple foreign rates of wages and earnings with the real efficiency or speed of work in order to show actual labor costs.

Weavers' rates per yard and the number of yards produced per weaver or per loom are given on all the sample fabrics, and efficiency data furnished for a large amount of other fully described fabrics, showing looms attended, speed of looms, weavers' rates per yard, and yards produced.

READY-MADE CLOTHING.

Part IV. The report on the ready-made clothing industry covers figures representing net annual sales of between $80,000,000 and $90,000,000 and some 60 different establishments. The houses visited were in the five leading centers of this manufacture—New York, Chicago, Philadelphia, Rochester, and Baltimore.

The inquiry went into the question of the manufacturer's costs for his business as a whole, and also for typical garments. The chief aim kept in view was to ascertain the importance of the cost of cloth and of other woolen materials in the manufacture of clothing.

This section of the report traces the wool from the back of the sheep to the back of the consumer, showing the relative increase in cost and price at each stage of the process.

WAGES AND EFFICIENCY.

Part V, the report on wages and efficiency of labor and machinery, includes a study of employees in the woolen and worsted industry, covering country of birth, sex, and age, rates of wages and earnings, efficiency of employees, and efficiency of machinery, including the proportion of foreign-made machinery used in this country, the age of machines in use, and detailed figures on the variations in labor cost per pound in the manufacture of tops and yarns.

For 11,080 looms there was kept under the direction of representatives of the board a loom record for each day of the actual time the weavers were operating the looms and the number of the measured yards of cloth woven during the period for which the record was kept. The speed of each loom and the number of picks per inch in each piece, or cut, woven of each style number, with weight, and complete details of warp and filling yarns, ends, shuttles, and harness were secured for a total of 1,912,681 yards

FINDINGS OF THE INVESTIGATION.

WOOL COSTS.

The result of the raw-wool investigation establishes the fact that it costs more to grow wool in the United States than in any other country; that the merino wools required in such great volume by our mills are the most expensive of all wools produced; that the highest average cost of production of such wool in the world is in the State of Ohio and contiguous territory; and that the lowest average cost on similar wool is in Australia.

It is not possible to state in exact terms the actual cost of producing a pound of wool considered by itself, for the simple reason that wool is but one of two products of the same operation. That is to say, flocks produce both fleeces and mutton—products entirely dissimilar in character and yet produced as the result of the same expenditure for forage and for labor. The only practical method, therefore, of arriving at the approximate cost of the wool is to treat fleeces as the sole product and charge up against their production the entire receipts from other sources. This method gives an accurate result so far as the profits or losses on flock maintenance are concerned; results which are comparable as between various sheep-growing regions.

In order that results from the different sections and from different countries might be more comparable, the item of interest on investment—which varies from 5 per cent in Australia to 10 per cent in our Western States—was left for consideration in connection with profits. For a similar reason the actual production cost of harvested crops fed to flocks was used instead of the market value of same. On this account the expense charges shown are materially lower than those commonly quoted in the industry.

Figured in this manner, the board finds:

That after crediting the flock with receipts from all sources other than wool, the latter product, in the case of the fine merino wools of the United States, is going to market with an average charge against it of not less than 12 cents per pound, not including interest on the investment.

That the fine wools of the Ohio region are sold bearing an average charge for production of 19 cents per pound.

That in the States east of the Missouri River wool production is incidental to general farming. Here producers, with the exception of certain named districts, lay more stress upon the output of the mutton than of wool, and in such cases the receipts from the sale of sheep and lambs ordinarily cover the flock expense, leaving the wool for profit. The position of the fine-wool producers, however, not only of the Ohio region, but of the far West, is radically different.

That in the western part of the United States, where about two-thirds of the sheep of the country are to be found, the "fine" and "fine medium" wools carry an average charge of at least 11 cents per pound, interest not included.

That if account is taken of the entire wool production of the country, including both fine and coarse wools, the average charge against the clip is about 9 cents per pound.

That in South America the corresponding charge is between 4 and 5 cents per pound.

That in New Zealand and on the favorably situated runs of Australia it seems clear that at the present range of values for stock sheep and mutton the receipts from other sources than wool are carrying the total flock expense. So that taking Australasia as a whole it appears that a charge of a very few cents per pound lies against the great clips of that region in the aggregate. While the board can not therefore undertake to name an exact figure in that case, it is certain that the Australasian costs at large fall materially below the South American.

That in the western United States the capitalization per head of sheep (exclusive of land) is $5.30, upon which a gross profit of 6.2 per cent was realized. The interest rate in that region ranges from 8 to 10 per cent per annum.

That the labor, forage, and necessary miscellaneous expense in the western United States exceed $2 per head per annum as against an estimated cost, covering the same elements of expense, of less than $1 in Australia and about $1.15 per head in South America.

WOOL DUTIES.

The board finds that the present method of levying the duties upon raw wool is defective in that it operates, by reason of the varying shrinkages of the different kinds of wool, to prevent the importation of many heavy conditioned sorts which, if imported, would add substantially to the stock of sound staple available for the manufacture of woolen fabrics.

That there is no valid reason for the discrimination that now exists as between the wools of Class I (merino and crossbred) and Class II (English, medium and luster), and that these two classes could properly be consolidated.

That the present duty of 33 cents per pound on scoured wool is prohibitive, preventing effectually the importation of clean, low-priced foreign wools of the lower grades that would be exceedingly useful in the manufacture of woolens in this country, and if so used might displace in large measure the cheap substitutes now so frequently employed in that industry. The fact that such cheap wools are of such heavy shrinkage that they can not be imported in an unscoured state emphasizes all the more the prohibitive character of the present scoured pound duty.

That an ad valorem rate is open to grave difficulties from the point of view of administration and revenue, in the case of a crude, bulky commodity like wool, produced in many remote regions and finding its way into the markets through so many various channels of trade.

That furthermore an ad valorem rate would give a high duty per pound when prices are high; that is, when the consumer most needs relief and the producer is most able to bear competition. With a low price of wool the duty per pound would be low; that is, at the time when the consumer has less need of competing wools and the producer is least able to bear competition.

That the chief objections to the present rate on the grease pound could be met by levying some form of specific duty based on the clean or scoured content of the wool imported.

That the necessary machinery for testing at ports of entry could be installed promptly and cheaply and could be maintained efficiently at small expense.

SHRINKAGES.

The rates of Schedule K are based upon the assumption that wools in the grease shrink an average of 66⅔ per cent. While it is true that considerable quantities of wool do shrink that amount, the average is well below that figure. Certain very heavy wools grown at the South African Cape and in certain districts of Australia, South America, and the Western United States shrink as high as 70 to 75 per cent.

From actual examination of domestic mill records, it is found that the average shrinkage of the fine merino wools now being imported into the United States from Australia and South America is about 48 per cent.

Similar wools from the same countries finding their way to European markets shrink considerably more, which fact reflects the exclusion of the heavier conditioned wools from our markets.

That the average shrinkage of our fine western wools is 67 per cent, the average shrinkage for all the wools of that region being 62 per cent.

That the average shrinkage of Ohio and other fine domestic fleeces is 60 per cent.

That the average shrinkage of the lower grade domestic sorts is about 45 per cent.

That the national average shrinkage would fall between 55 per cent and 60 per cent.

That South American crossbred wools now being imported shrink an average of about 33 per cent and the Australian crossbreds about 30 per cent.

That the Class II (English washed) wools shrink, as a rule, from 18 to 30 per cent.

In this connection it should be borne in mind that the merino and crossbred fleeces now entering our market have been, as a rule, "skirted" or trimmed before shipment, so that their yield of clean wool is higher than would otherwise be the case.

NOILS AND WASTES.

Pratically no wool wastes or shoddy are imported under the present rates, which are, in effect, prohibitory. The same duties are applied to wastes of an entirely different character. No comparison as to the cost of production of such products can be made. Noils and wastes are merely by-products of the worsted industry, and their values bear, in the main, a certain definite relation to the value of the scoured wool from which they come. The present duties on these products are, in theory, adjusted to the actual rates of duty paid on the scoured content of the wools imported, but are not so adjusted in fact.

For example, the duty on soft wastes is nearly half as high again as the duties levied on the scoured content of wools actually imported under present conditions, and the rate of duty on noils is practically equal to the rate of duty actually paid on the scoured content of imported wool.

RAGS AND SHODDY.

The duties on rags and shoddy are practically prohibitory. The duty on shoddy bears no relation to the cost of manufacture. A much lower duty would equalize the difference in cost of production to the shoddy manufacturer. Shoddy, however, competes with wool, and the duty acts as protection to the woolgrower. Although all shoddies except the very finest are of much less value than scoured wool, the present duty is higher than the duty on the scoured content of the wool actually imported. On the other hand, woolen rags are exported very largely from the United States, and American shoddy is imported into Great Britain in considerable quantities.

WOOL MANUFACTURES.

The present duty practically excludes tops from importation and all yarns except worsted yarns of the greatest fineness and value. The same is true of low-grade and medium cloth for men's wear, with the possible exception of very light-weight goods. A considerable quantity of the fine and expensive fabrics are imported. In the fiscal year 1911 these paid a duty amounting to 94.17 per cent ad valorem. These did not constitute 3 per cent of the total consumption of the United States. Women's dress goods, weighing 4 ounces or under per yard, are still imported in large quantities, and these paid in 1911 an average duty of 102 per cent.

On fabrics there are two duties—a specific duty levied on weight and an ad valorem duty. The specific duty theoretically compensates the manufacturer for the extra cost of his raw material due to the duty on wool. This compensatory duty is fixed at a point intended to be adequate to compensate the manufacturer using nothing but foreign wool of 66⅔ per cent shrinkage. Practically no wool of such heavy shrinkage is imported under the present tariff duty. Consequently the specific

duty is more than compensatory for manufacturers using wools of lighter shrinkage.

This is true to a much greater extent in the case of fabrics made partly or wholly of shoddy, wool wastes, and cotton. An attempt to adjust the compensatory duty to the character of the material used in the fabric is made by the present tariff act, which fixes the compensatory duty at 33 cents a pound for goods worth not more than 40 cents a yard as against 44 cents per pound for goods worth more than 40 cents a yard. The lower rate, however, for the cheaper goods is equally in excess of the actual compensation needed as is the higher rate on medium goods. The result is that on low-grade goods a specific duty of 33 or 44 cents is sometimes in excess of the total value of the raw material in this country. Consequently the nominal duty on certain cheap fabrics, if imported—which is impossible under the existing duty—is commonly as high as 150 per cent ad valorem and in some cases even over 200 per cent.

Much of the objection to the present compensatory duty as giving excessive compensation would be removed by putting the duty on wool on the scoured basis instead of on the grease pound. The compensatory duty in that case could be adjusted to the actual wool content in the case of all-wool goods, at least, and would be entirely independent of the disputed point of grease-wool shrinkages. As in the present act, it could be made proportionately lower for goods containing other materials than wool by means of a separation according to value.

On cheap and medium grades of cloth for men's and women's wear, excepting light-weight dress goods, the combined specific and ad valorem duties are much in excess of the difference in the cost of production here and abroad.

RELATIVE PRICES.

On the other hand, prices in this country on the fabrics just referred to are not increased by the full amount of the duty. A collection of representative samples was made in England of goods ranging from those which can not be imported at all to those which are imported continually. These were then matched with a collection of samples of American-made cloths which were fairly comparable, and the mill prices compared for the same date. It is found that on goods entirely excluded the nominal rates of duty would reach an ad valorem rate of 150 or even over 200 per cent, but that the American fabric is actually sold in the market at from only 60 to 80 per cent higher than similar goods sold abroad.

On the 16 samples of foreign goods, for instance, none of which is imported the figures are as follows:

Total of foreign prices	$41.84
Duties which would have been assessed had they been imported	76.90
Foreign price, plus the duty, if imported	118.80
Actual domestic price of similar fabrics	69.75

Thus, though the nominal duties on such fabrics are 184 per cent, the actual excess of the domestic price over the foreign price on similar fabrics of this kind is about 67 per cent. This is the result of domestic competition. At the present time the industry in general is on a competitive basis.

Certain specialties may be produced in limited quantities by particular firms which can not be duplicated successfully by their competitors. This might be the result of secret processes or of some special skill in designing or finishing. This may mean a wide margin of profit per unit of product in individual cases. It should also be noted that even in the case of standard goods the industry is one peculiarly dependent on fashion, and the manufacturer who happens to succeed in anticipating the shifting public demand may sell his goods upon a wide margin over the cost of manufacture and make large profits. Under ordinary circumstances the average manufacturer will find that he can sell a part of his output with a good margin of profit, and that another part which does not meet the public demand will have to be sold close to the cost price or even below.

As to the productive capacity of the country in cloth making to meet the domestic demand, there is at the present time no indication of any lack of adequate equipment. It is true that some years ago a greatly increased demand for worsted fabrics, assisted by the high tariff on worsted goods and their by-products, made the manufacture of such goods very profitable and the investment alluring, but this led to a rapid increase of worsted machinery in this country and the building of great modern mills in rapid succession in various parts of the East. A very considerable part of this increase was due to the inflow of foreign capital and the transfer of experienced cloth manufacturers from other countries. The result has been a great increase in competition.

RELATIVE COSTS.

The cost of manufacturing woolen and worsted yarns and cloth in the United States is much higher than in Europe. The main elements of cost of production are cost of plant, material, and labor.

The cost of erecting and equipping both woolen and worsted mills is much higher in this country than in England. The cost of erecting and equipping a woolen mill is about 45 per cent greater. The same is true of the weaving department of a worsted mill using American machinery.

The excess in cost in the case of worsted spinning is greater, as most of the machinery is imported. This pays a duty of 45 per cent ad valorem, and to this must be added charges for packing, freight, etc., which makes the foreign machine cost 70 per cent more or over in this country than abroad. Nor does this include the cost of erection, as does the price to the English manufacturer. The same is true of weaving machinery, when imported.

The material is increased in price by the duty on raw wool. The manufacturer who imports his wool must pay the full amount of the duty, and this means either additional working capital or an additional interest charge to be paid. Wools grown in the United States are increased in value by the duty, but not by the full extent of the duty.

Wages are much higher in the United States, but wages are in themselves no necessary indication of relative cost of production. Frequently it is found that high wages and low labor costs go together. The question at once arises whether the labor in American woolen and worsted manufacturing is more efficient than such labor abroad, or whether by more efficient management or greater speed in machinery the American manufacturer is able to get a larger product per operative in proportion to the difference in wages.

It appears that this particular industry is one in which the high elements of costs in this country are not in general offset by any particular advantage or by any marked superiority in the efficiency of labor. To a certain extent, European countries have the advantage of us in this latter regard. In the centers of the industry abroad there is an adequate supply of labor which has been trained for generations in this one industry. In the United States a considerable portion of the labor is found to be of unskilled immigrants with no previous experience in manufacture; and in certain centers this population is of a very fluctuating kind, and the manufacturer is obliged continually to break in a new set of inexperienced operatives. The American tendency to secure the maximum output is noticeable in some cases, but comparing this country with England, at least, it may be said that the possibilities of speed have been practically reached in the latter country.

So far as worsted spinning is concerned, the best mills in this country seem to be able to operate with fewer operatives per machine, and to get a greater product per operative, than in some European countries, but if this means a sacrifice of quality of product to output it is not really a decrease in cost. Looms in the Bradford district run, on the whole, at a higher rate of speed than do looms in the United States. Furthermore, there is no superiority in American machinery over foreign machinery. As a matter of fact, a large amount of foreign machinery is used in this country, and in the worsted mills covered by the investigation into machine efficiency 87 per cent of all the machinery, from the scouring of raw wool through to the finished yarn, was imported. Only 22.9 per cent of looms were imported.

It may be said, then, that, taking the industry as a whole, the American manufacturer practically has no advantage in efficiency of labor and equipment over his foreign competitor, although this statement is subject to exceptions in the case of particular processes at particular mills. On certain specialties the largest and most efficient American mills are able by skillful organization materially to reduce the difference in cost.

Detailed figures as to relative costs of production are given in Part III of the report. Roughly summarized they may be expressed as follows:

TOPS.

The difference in the cost of turning wool into tops in this country and England varies with the quality of the top. Considering all grades it may be stated that 30 per cent presents a rough approximation of the excess of the American cost over the English. The charges for commission combing in the two countries vary by about 60 per cent. The reason for the divergence of the cost figures from the commission charges is explained in the report.

This, of course, does not mean 30 per cent of the value of the tops, but merely 30 per cent of the conversion cost. The cost of conversion in the case of tops is in any case but a few cents, and but a small fraction of the total value of the product, including material.

WORSTED YARNS.

The cost of producing yarns varies in different countries according to particular qualities and methods. In England the method of frame spinning is the more common, and on the Continent mule spinning. The latter is the more expensive process. Comparing frame spinning in England with frame spinning in the United States—which is the common method here—it may be said that although there are wide variations in both countries from mill to mill, the conversion cost for the same quality and count of yarns in the United States is about twice that in England. The difference in the cost between the United States and Germany is not so great. This refers to the mere cost of turning tops into yarn and, of course, does not mean that the difference in cost is equal to 100 per cent of the foreign selling value. The foreign conversion cost of yarn from tops, except in the case of the finest yarns, is normally less than 20 per cent of the total market value of the yarn. Care should be taken not to confuse the ratio between manufacturing costs and the ratio between total values, including cost of raw material.

RELATIVE COST OF PRODUCING CLOTH FROM YARN.

The difference in manufacturing cost here and abroad of woolen and worsted fabrics varies greatly according to the character of the fabrics. The main processes included are weaving, finishing, and dyeing. The figures of the board show that the cost of turning yarn into cloth in the United States, compared with England, is all the way from 60 per cent to 170 per cent higher, according to the character of the fabric. For a great variety of fabrics the American conversion cost is from 100 to 150 per cent greater than the English cost. This is further substantiated by the fact that the weaving scales per yard of product in the two countries vary in almost exactly the same proportions. The difference in cost of manufacturing in France and the United States is found to be very close to the difference between England and the United States. On the other hand, the difference in the cost of manufacture in the United States and Germany is somewhat less. Further, it should be pointed out that the statement that the difference in the cost of manufacturing cloth is 100 per cent or more does not mean 100 per cent of the market value of the cloth. It merely means that, given the same yarn, the cost of weaving and finishing in this country is generally somewhat more than double that in England. It is impossible to express this difference in relation to the total value of the product, since the material going into two different articles having the same conversion cost may vary widely in value, while, on the other hand, the material for the production of exactly the same article may vary widely in value at two different periods and the conversion cost remain exactly the same.

METHOD OF ASSESSING DUTIES.

If an ad valorem duty be placed upon raw wool, the duties on manufactures of wool must necessarily be ad valorem duties. If a specific duty should be placed on the scoured content of the raw wool, it would then be possible to levy a specific duty on tops and yarns. The system of specific duties, as is well known, has many advantages for administrative and revenue purposes. It has a further advantage from the point of view of adjusting duties to difference in cost of production at home and abroad. If this policy is to be pursued, the duty can be maintained at a constant and definite figure corresponding to a definite and constant difference in cost of manufacture. Under an ad valorem system the amount of duty varies with every fluctuation in the market value of the raw material, while the difference in the cost of manufacture remains relatively constant. In the case of yarns, which are fairly well standardized, and where the cost varies in a fairly definite relation to the fineness of the spinning, a scale of specific duties graduated to the different sizes of yarn could be readily arranged and administered.

On the other hand, it is probably impracticable to adopt a purely specific system of duties on woven fabrics. These are not standardized in any way and vary widely in material, in construction, and in conversion costs. No feasible scheme of classifying and describing fabrics in terms corresponding to differences in conversion cost has yet been worked out. Consequently, even if the specific system of duties were

adopted for wool and yarn, it would be necessary to combine a specific compensatory duty with an ad valorem rate for woven fabrics. There are grave difficulties, however, in attempting to place a flat ad valorem rate on manufactures of this kind. In certain grades of fabrics the value of the material is a very large proportion of the total value and the cost of manufacture relatively small. In the case of expensive and finely finished goods, on the other hand, the cost of material becomes less important and the labor or conversion cost becomes an increasingly large proportion of the cost. The result is that a flat rate adequate to offset the difference in cost of production on the finer goods must be prohibitive on cheaper goods. Conversely, the rate which merely equalizes the difference in cost of production on cheaper goods would be inadequate to equalize the difference in the cost of finer goods. A fair solution seems to be the adoption of a graduated scale under which the ad valorem rate assessed properly on goods of low value should then increase progressively, according to slight increments of value, up to whatever maximum rate should be fixed.

A single specific compensatory duty, if adequate for all-wool goods made from imported wool, would be excessive for low-grade goods containing cheaper materials. This could be partly offset by a lower ad valorem rate on such goods. Specific compensatory duties could be assessed at two or more rates, according to value.

READY-MADE CLOTHING.

The investigation into the ready-made clothing industry shows that the cloth is the largest single element in the clothing produced and is equal to one-third of the net wholesale selling price. It varies with the grade of clothing produced, being highest relatively in the cheaper garments. The cost of linings is about 5 per cent of the net wholesale selling price. The total cost of cloth and woolen materials, taken as a whole, is equal to about 40 per cent of this price.

In considering the importance of cloth cost to the wearer of clothing, it is necessary to bear in mind the margin between wholesale and retail price. The retail price is usually 50 per cent or more above the net wholesale price. On this basis about 25 per cent of the price paid to the retailer goes to the manufacturer of cloth.

Taking the industry as a whole, the cost of material, labor, and all other expense undergone in converting material into finished garments is 80 per cent of the net wholesale selling price of the finished product. Out of this 20 per cent margin between the total manufacturing cost and the manufacturer's net selling price come selling expense, such general expense as can not be charged directly to manufacturing or selling, and profit. These figures apply particularly to men's clothing, where garments are more standardized and represent costs more easy to secure.

In women's garments the cloth is also the largest single item. In skirts it is equal to 40 per cent of the net wholesale selling price; on most coats equal to between 30 and 35 per cent; on cheap suits it is over 25 per cent; and on more expensive varieties it falls below 20 per cent. To the manufacturer, therefore, cloth is not so important an element of cost in women's clothing as in men's. On the other hand, the labor and manufacturing expense are more important in women's clothing. The margin remaining to the manufacturer of women's garments, over and above the cost of materials and expense of converting them into wearing apparel, is somewhat less than in the men's clothing industry, but selling expenses are considerably lower for these establishments.

There is submitted a detailed statement for an actual standard high-grade suit of all-wool cloth, which traces the relation of costs and prices in detail, for each process of production from the retail price to the cost of the wool on the farm.

THREE-PIECE SUIT.

Regular wholesale price, $16.50; retail price, $23 and up. Cloth, fancy worsted.

CLOTHING MANUFACTURE.

Cost of stock.

Trimmings: Body lining, $0.38¼ per yard; sleeve lining, $0.18 per yard.

Number of yards per suit: (a) Coat, 1.8; (b) pants, 1.35; (c) vest, 0.45; total, 3.6.

Cost of cloth used in suit: (a) Per yard, $1.328; (b) total, $4.78.

	Coat.	Pants.	Vest.
Cost of cloth	$2.39	$1.793	$0.597
Cost of trimmings	1.963	.278	.527
Total	4.353	2.071	1.124
Credit waste	.024	.018	.006
Total cost of stock	4.329	2.053	1.118
Add freight	.025	.019	.006
Total	4.354	2.072	1.124

Conversion cost.

	Coat.	Pants.	Vest.	Suit.
Sponging and examining	$0.040	$0.030	$0.010	$0.08
Cutting	.146	.109	.037	.292
Trimming	.084	.025	.008	.067
Fitting	.055	.010	.030	.095
Operating	.380	.255	.188	.823
Basting	.318	.035	.060	.413
Finishing	.345	.138	.027	.510
Button sewing	.037	.040	.023	.10
Buttonholes	.130		.107	.237
Pressing	.450	.150	.123	.723
Bushelling	.068	.050	.025	.143
Miscellaneous	.210	.008	.005	.223
Examining finished product	.017	.013	.004	.034
Total manufacturing labor	2.230	.863	.647	3.740

Summary.

	Coat.	Pants.	Vest.	Suit.
Total stock cost	$4.354	$2.072	$1.124	$7.550
Conversion cost	2.230	.863	.647	3.740
General expense distributed to each garment on basis of manufacturing labor in each garment	.669	.259	.194	1.122
Total factory cost	7.253	3.194	1.965	12.412
Selling expense distributed to each garment on basis of ratio of total selling expense to total value of output				1.908
Final cost (factory cost plus selling expense)				14.320

Cloth making (fancy worsted suitings).

Number of warp ends to 1 inch	73
Number of picks to 1 inch	64
Width in reed	65½
Width of goods finished	57
Weight of cloth per yard (ounces)	11 7/8
Pounds of cloth to 1,000 yards	693¾

Cost of stock for 1,000 yards.

	Kind of yarn.	Plain, mixed, or colored.	Count of yarn.	Pounds.	Cost of yarn per pound.	Total cost.
Warp:						
2,144 ends	One-half blood	Twist	2/40	212	$1.06	$224.72
1,848 ends	do	Colored	2/40	182.7	1.06	193.66
152 ends	Silk	White	60/2	3.4	3.90	13.26
Total ends, 4,144	Waste 2½%			10		10.60
Weft, 61 picks	One-half blood	Twist	2/40	175.5	1.06	186.03
	do	Colored	2/40	175.5	1.06	186.03
	Waste 2½%			8.8		9.33
Total stock				767.9		823.63

Conversion cost for 1,000 yards.

Productive or direct labor is the actual labor applied to stock in its conversion, including proportion of wages paid to second hands and subforemen properly chargeable to each department.

Nonproductive or indirect labor is indirect labor employed in department, including overseers, foremen, carriers, etc., but not including general repair labor, these being provided for under general expense.

Department materials are materials other than stock, used in department; for example, soap for scouring, oil for oiling stock, dyes and chemicals for dyeing, etc.

	Productive or direct labor.	Nonproductive or indirect labor.	Department materials.	Total cost.
Dressing (including drawing in)	$10.94	$1.56	$6.00	$18.50
Weaving	122.00	38.00	11.20	171.20
Burling	10.00	1.00		11.00
Mending	28.00	1.00		29.00
Remending and specking, etc	4.50	.50		5.00
Wet finishing	40.00			40.00
Dry finishing and inspecting	14.00	1.00		15.00
General expense, including sample, labor, and material				152.00
Total conversion cost	229.44	43.06	17.20	441.70
Cost of stock				823.63
Net manufacturing cost 1,000 yards				1,265.33
Manufacturing cost per yard				$1.265
Selling price per yard			net	1.328

YARN MAKING.

Cost of stock (spinning 1,000 pounds of worsted yarn No. 2/40).

Pounds tops required for manufacture of 1,000 pounds yarn	1,136
Cost of tops per pound	$0.77
Total cost of tops	$874.72

Conversion cost.

	Pounds of material entering each process.	Productive or direct labor.	Nonproductive or indirect labor.	Total cost.
Drawing	1,136	$20.18	$1.62	$21.80
Spinning	1,090	29.31	1.80	31.11
Twisting	1,087	24.54	1.02	25.66
Spooling	1,020	11.37	.75	12.12
Warping on jack spools	1,010	12.51	.75	13.26
General expense				110.08
Total conversion cost		97.91	5.94	213.03
Cost of stock				874.72
				1,088.65
Less credit waste (85 pounds, at $0.37)				31.45
Net manufacturing cost 1,000 pounds				1,057.20

Manufacturing cost per pound, $1.06.

TOP MAKING.

Cost of stock entering manufacture of 1,000 pounds of tops.

	Pounds.	Price per pound.	Total cost.
Raw wool, half-blood Ohio (unwashed)	3,125	$0.25	$781.25
Less credit noils and waste	180	.32	66.10
	50	.17	
Net total			715.15

Conversion cost 1,000 pounds of tops.

	Pounds of material entering each process.	Productive or direct labor.	Nonproductive or indirect labor.	Department materials.	Total cost.
Sorting and blending	3,125				
Scouring	3,125	$7.22	$5.18	$6.56	$18.96
Carding	1,250	3.37	.61		3.98
Combing	1,200	4.88	1.22	2.60	8.70
General expense					23.82
Total conversion cost		15.47	7.01	9.16	55.46
Cost of stock					715.15
Total manufacturing cost 1,000 pounds					770.61

Manufacturing cost per pound, $0.77.

COST OF WOOL IN SAMPLE SUIT.

It is estimated that the half-blood wool grown in the Ohio region during 1910 carried an average flock-expense charge of at least 16 cents a pound. This does not include interest on the investment in the sheep; and all profit above bare production cost of the crops fed to the flock is eliminated. For this wool 23 cents a pound was received by the grower. The cost at the mill was 25 cents a pound. The amount of wool required for each yard of cloth going into this suit is 2.7 pounds. As it requires 3.6 yards of cloth to make the suit, the amount of wool in the whole suit would be 9.7 pounds. At a cost of 16 cents per pound, the total cost of raising the wool for this suit would be $1.55. Out of 25 cents per pound, the price paid by the manufacturer, the woolgrower would receive $2.23, or a margin of 68 cents. While the average Ohio flock covered by the board's investigation, as reported elsewhere, consists of about 200 sheep, shearing an average of 7.6 pounds of wool, the general flock average of the entire State is but 55, and the general shearing average of the State 6.5 pounds per head. Using this as a basis, it appears that at 23 cents per pound selling price there would be a return of $1.49½ per fleece, the actual cost of which was not less than $1.04, leaving an apparent profit of 45½ cents per fleece. This indicates that the owner of 55 average sheep of shearing age in the average flock would receive $25.02 as the proceeds of a year's maintenance.

WAGES AND EFFICIENCY.

The investigation as to wages and efficiency, covering 35,029 persons and 104 separate occupations, shows that the earnings of weavers, based upon actual yardage and piece rates per yard, range from $6 to $18 per week, with an average for worsted weavers of $12.36 for males and $9.54 for females, and for woolen weavers an average of $10.63 for males and $10.54 for females. The weekly earnings are for a week of 55.6 hours, the same as the average hours for the industry in Great Britain.

Of the total of 7,990 scouring, carding, combing, drawing, and spinning machines and 12,337 weaving looms investigated, 78 per cent of all the machines excepting looms, and 87.8 per cent of worsted machinery excepting looms, are of foreign manufacture and 22 per cent of American make. It is asserted by manufacturers that American-made machines can not produce the desired results. Seventy-seven and one-tenth per cent of the looms in use were made in the United States and 22.9 per cent in foreign countries.

Of the 35,029 employees, 36.5 per cent were born in the United States and 63.5 in foreign countries. Thirty-five and one-tenth per cent of all employees were of the newer immigration from Italy, eastern and southeastern Europe. The supervisory class was made up principally of persons born in the United States, the British Isles, and Germany.

Eighty-three and three-tenths per cent of the total employees had no previous experience in the woolen or other manufacturing or mechanical industry before going to work in the woolen mills. Fifty and nine-tenths per cent of these had been at school or at home and 32.04 per cent had been employed in agricultural, transportation, trade, domestic service, and other nonmanufacturing occupations. About one-sixth (16.6 per cent) had been in the industry less than one year and 53.9 per cent less than five years.

Eighty per cent of loom production on worsteds and 70 per cent on woolens, with 20 per cent of loom stoppages on worsted and 30 per cent on woolens, while weaving, are the manufacturers' desired standards of efficiency. The individual records kept by the Tariff Board of weavers operating 11,080 looms show that the weavers operating 4.1 per cent of the worsted looms and 2 per cent of the woolen looms attained a productive efficiency of 90 per cent and over. On 24.7 per cent of worsted and 12.9 of woolen looms the efficiency was 80 but less than 90 per cent. On 30.9 per cent of worsted and 21.6 per cent of woolen looms the efficiency was 70 but less than 80 per cent. On 34.1 per cent of worsted and 45.4 per cent of woolen looms the efficiency was 50 but less than 70 per cent. On 6.2 per cent of worsted and 18 per cent of woolen looms the productive efficiency of the weavers fell below 50 per cent.

Seventy per cent of the weavers were born in the United States, Germany, and the British Isles, and 30 per cent in Italy, eastern and southeastern Europe. Two menders and burlers were employed for every four weavers and nine looms, to correct the imperfections in the woven cloth. Two and eighteen one-hundredths per cent of the yardage produced was still imperfect after mending and was sold as seconds.

The productive efficiency per one-man-hour for machine operatives and machines in the scouring, carding, combing, drawing, and spinning departments, with 168 separate labor costs per pound, show wide differences in efficiency and cost, but indicate in general that the lowest labor costs per pound were in mills paying the highest wages.

PENSIONS TO CIVIL WAR VETERANS.

Mr. BROWN. Mr. President, if the Senate will indulge me, I should like to address myself very briefly to legislation that is now pending. I refer to the pension bill (H. R. 1) recently passed by the House. That bill has now reached the Senate and is in the hands of our Committee on Pensions. I wish that committee could have found it possible to have met and considered and reported the bill before adjournment to-day. Could it have passed the Senate and received Executive approval before the Christmas holidays, as eventually this or a bill substantially like it will, what a fitting and splendid tribute and offering it would have been on Christmas morning to the men who made Appomattox memorable and possible. It ought to have been done, and I beg Senators now to get ready after the recess to give the bill consideration. It is safe to say that it will not be defeated as a bill of a similar character was defeated in the last session—by an objection. It is safe to say that there will be a roll call, and, in my judgment, it will receive the favorable approval and action of the Senate, as it ought, because it is right, it is reasonable, and it is just.

Mr. President, this bill will affect, in round numbers, about 350,000 soldiers, whose average age is about 70 years. These men, now grown old, are the survivors of the great Volunteer Army of this Republic which 50 years ago was in action. At that time they kept step with the music of the Union. Lincoln was their commander; they were volunteers; their work was well done; though their commander fell, the Union stood; it stands to-day. The bitterness and pain of those days is history now; the animosities of that struggle have been laid away to be forgotten.

But, Mr. President, the Nation can not forget its defenders, and if it should it would not be worth defending. The United States has not been forgetful. Up to this time she has been reasonably mindful of her debt to these heroes. She has sustained a reasonably generous policy toward them, but to-day we are confronted with changed conditions. These men are now all old men, most of them feeble men and poor in this world's equipment, and none of them are able to do a full day's work or earn a full day's wage. When old age or sickness or want knocks at the door of an old soldier's home the Government he defended ought to be on the inside. It ought to be there with help, substantial and real. Kind words and sweet phrases are all right in their proper place and time, but help is what these men need now, and help is what we owe them.

It is said this bill will be too heavy a draft on the Treasury. What is the country's Treasury for if it is not to pay the debts of the country? We spend twenty to thirty millions every year on rivers and harbors, with what return? We yearly spend from thirty to fifty millions on battleships in times of profound peace. We spend millions for public buildings; we increase everybody's salary, including our own. Last year we bought a mountain range, the Appalachian Range, so that our children might have trees. This expenditure alone is certain, if the present plan is carried out, to exceed eventually more than $100,000,000. With these vast expenditures authorized and consented to by us, how inconsistent and pretextious becomes our objection to this bill on account of its cost.

Mr. President, every month a roll call is had 3,000 men on the pension list the month before are silent. One year from to-day 50,000—probably a much larger number—pensioners will fail to send vouchers to the Public Treasury. This loss will make next year's pension disbursement $10,000,000 less than this year. In the next three years, in all human probability, the pension pay roll under this new law will not be half as large as it is to-day under the present law. Death is bound in the very near future to wipe out pension appropriations. What is our standard of justice if we delay help when help is needed, knowing full well that delay means a denial of simple justice to thousands? These men, some of them were at Vicksburg; some at Shiloh; some at Gettysburg, and dared to stand in front of Pickett's charge; some at Andersonville; all of them were somewhere and at some time between 1861 and 1865 defended the country's cause when it needed defenders. They have a right to receive now, before it is too late, what is at best only a partial payment of the great debt this Nation owes.

But this bill has more in it than a proposition to pension those men who fought for the Union from 1861 to 1865. While its provisions relate in terms to them and to the Mexican War veterans alone, the bill in fact declares a national policy. If Congress is simply engaged in an ascertainment of how much or how little in dollars and cents the country owes to its defenders, of course Congress can afford to halt and quibble over the amount. For, on the war records of each old soldier—the length of time he served and the character of his service—can be computed the value of his individual service and our exact liability can be fixed. Or, if Congress desires to pension these veterans because they are needy and distressed, Congress can

afford to take the time to investigate and determine just what the distress in each case is, and then as an act of charity hand out to each man the sum his dire necessities require, provided he is still alive at the end of the investigation.

But as I view it there is a much greater issue than either of these questions contained in this measure. The bill does not inaugurate a pension policy at the close of a war. It fixes a pension policy half a century after the war. It is one thing for a nation to pension an army of young men just home from the field of battle; it is another thing to pension old men 50 years after their service ends. The lapse of time in this instance has changed the morality of the entire problem. It is no longer a question alone of calculation and obligation, it is a question of conscience and gratitude. If the United States chooses she can abandon her claim to first place among nations as a just and grateful Republic by forgetting her defenders, but the nation, this or any other nation, that does forget those who builded its foundations or those who defended the superstructure will not long deserve to have defenders. Let it be remembered that the States of the Union were bound together by the sacred covenant of the Revolutionary fathers when the Nation was born. They remained voluntarily together until 1861, when the heavy burden fell to Abraham Lincoln and to the grand army of the Republic to hold all of them together—some of them against their will. Up to that time there had been no suggestion or attempt at separation, but suddenly the cry of separation took the voice of violence and the right of secession was debated with shot and shell by brave debaters for four years on hundreds of battle fields drenched with the best blood of the land.

The question before us to-day, the one presented by this legislation, is, What shall be the policy of a saved Union toward the men who valiantly and successfully defended it 50 years ago and who are alive today? Will it be a policy of cold calculation to keep them out of the poorhouse at the least possible cost, or will it be a policy of charity to the old and to the feeble, or will it be a policy of good cheer and congratulations, of gratitude and honor that in good conscience a great nation, in justice to itself, should extend to these men? I want to see Congress accept and declare the latter policy by passing this bill. It will be a recognition not so much of individuals engaged in a great cause, but it will be a recognition of the greatest volunteer army ever assembled—the Grand Army of the Republic.

EXECUTIVE SESSION.

Mr. CULLOM. Mr. President, I move that the Senate proceed to the consideration of executive business.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from Illinois yield to the Senator from Wyoming?

Mr. CULLOM. We will go right back into legislative session. I ask that my motion be put.

The PRESIDING OFFICER. The question is on the motion of the Senator from Illinois.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 12 minutes spent in executive session the doors were reopened.

RECESS.

Mr. GALLINGER (at 1 o'clock and 30 minutes p. m.). I move that the Senate take a recess until 2 o'clock and 30 minutes p. m.

The motion was agreed to, and the Senate took a recess until 2.30 p. m., at which time it reassembled.

CONNECTICUT RIVER BRIDGE, IN CONNECTICUT.

Mr. BRANDEGEE. I ask unanimous consent for the present consideration of the bill (S. 3373) authorizing the construction of a bridge across the Connecticut River, in the State of Connecticut, between the towns of East Haddam and Haddam.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15930) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1912, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 3842. An act to amend and reenact paragraph 24 of section 24 of chapter 2 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

H. R. 15450. An act to amend section 85 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911;

H. R. 15462. An act to amend section 91 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and

H. R. 15930. An act making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1912, and for other purposes.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to; and (at 2 o'clock and 35 minutes p. m.) the Senate adjourned, the adjournment being, in pursuance of the concurrent resolution of the two Houses, until Wednesday, January 3, 1912, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 21, 1911.

MINISTERS.

Elliott Northcott, of West Virginia, now envoy extraordinary and minister plenipotentiary to Nicaragua, to be envoy extraordinary and minister plenipotentiary of the United States of America to Venezuela, vice John W. Garrett, nominated to be envoy extraordinary and minister plenipotentiary to Argentina.

George T. Weitzel, of Missouri, now Assistant Chief of the Division of Latin-American Affairs, Department of State, to be envoy extraordinary and minister plenipotentiary of the United States of America to Nicaragua, vice Elliott Northcott, nominated to be envoy extraordinary and minister plenipotentiary to Venezuela.

SECRETARIES OF LEGATIONS AND CONSULS GENERAL.

Perry Belden, of New York, now third secretary of the embassy at Berlin, to be secretary of the legation of the United States of America at Tegucigalpa, Honduras, vice J. Butler Wright, nominated to be secretary of the legation and consul general to Roumania, Servia, and Bulgaria.

James G. Bailey, of Kentucky, now secretary of the legation at Berne, to be secretary of the legation of the United States of America to the Netherlands and Luxemburg, vice Paxton Hibben, nominated to be secretary of the legation at Santiago, Chile.

Francis Munroe Endicott, of Massachusetts, now secretary of the legation and consul general at Santo Domingo, to be secretary of the legation of the United States of America at Christiania, Norway, vice Charles B. Curtis, nominated to be secretary of the legation and consul general at Santo Domingo.

Franklin Mott Gunther, of Virginia, now secretary of the legation at Managua, to be secretary of the legation of the United States of America at Lisbon, Portugal, vice George L. Lorillard, nominated to be the secretary of the legation at Buenos Aires.

Paxton Hibben, of Indiana, now secretary of the legation to the Netherlands and Luxemburg, to be secretary of the legation of the United States of America at Santiago, Chile, vice Seth Low Pierrepont.

Roland B. Harvey, of Maryland, now secretary of the legation and consul general to Roumania, Servia, and Bulgaria, to be secretary of the legation of the United States of America at Lima, Peru, vice William P. Cresson, nominated to be second secretary of the embassy at London.

Leland Harrison, of Illinois, now second secretary of the embassy at London, to be secretary of the legation of the United States of America at Bogota, Colombia, vice Arthur Hugh Frazier, appointed second secretary of the embassy at Vienna.

M. Marshall Langhorne, of Virginia, lately second secretary of the embassy at Vienna, to be secretary of the legation of the United States of America at San Jose, Costa Rica, vice Gustavus L. Monroe, jr., nominated to be secretary of the legation and consul general at Bangkok.

George L. Lorillard, of Rhode Island, now secretary of the legation at Lisbon, to be secretary of the legation of the United States of America at Buenos Aires, Argentina, vice Robert Woods Bliss, nominated to be secretary of the embassy at Paris.

Henry Coleman May, of the District of Columbia, now secretary of the legation at Stockholm, to be secretary of the legation of the United States of America to Paraguay and Uruguay, vice G. Cornell Tarler, nominated to be second secretary of the embassy at Constantinople.

William Walker Smith, of Ohio, now third secretary of the embassy at Constantinople, to be secretary of the legation of the United States of America at Berne, Switzerland, vice James

G. Bailey, nominated to be secretary of the legation to the Netherlands and Luxemburg.

Jordan Herbert Stabler, of Maryland, now secretary of the legation at Guatemala, to be secretary of the legation of the United States of America at Stockholm, Sweden, vice Henry Coleman May, nominated to be secretary of the legation to Paraguay and Uruguay.

Gustavus L. Munroe, jr., of Mississippi, now secretary of the legation at San Jose, Costa Rica, to be secretary of the legation and consul general at Bangkok, Siam, vice G. Cornell Tarler, appointed to be secretary of the legation to Paraguay and Uruguay.

Charles B. Curtis, of New York, now secretary of the legation at Christiania, to be secretary of the legation and consul general of the United States of America at Santo Domingo, Dominican Republic, vice Francis Munroe Endicott, nominated to be secretary of the legation at Christiania.

J. Butler Wright, of Wyoming, now secretary of the legation at Tegucigalpa, to be secretary of the legation and consul general to Roumania, Servia, and Bulgaria, vice Roland B. Harvey, nominated to be secretary of the legation at Lima.

SECRETARIES OF EMBASSIES.

Charles S. Wilson, of Maine, now secretary of the embassy at Rome, to be secretary of the embassy of the United States of America at St. Petersburg, Russia, vice Post Wheeler, nominated to be secretary of the embassy at Rome.

Post Wheeler, of Washington, now secretary of the embassy at St. Petersburg, to be secretary of the embassy of the United States of America at Rome, Italy, vice Charles S. Wilson, nominated to be secretary of the embassy at St. Petersburg.

Montgomery Schuyler, jr., of New York, now secretary of the embassy at Tokyo, to be secretary of the embassy of the United States of America at Mexico, Mexico, vice Fred Morris Dearing.

Arthur Bailly-Blanchard, of Louisiana, now secretary of the embassy at Paris, to be secretary of the embassy of the United States of America at Tokyo, Japan, vice Montgomery Schuyler, jr., nominated to be secretary of the embassy at Mexico.

Robert Woods Bliss, of New York, now secretary of the legation at Buenos Aires, to be secretary of the embassy of the United States of America at Paris, France, vice Arthur Bailly-Blanchard, nominated to be secretary of the embassy at Tokyo.

G. Cornell Tarler, of New York, now secretary of the legation to Paraguay and Uruguay, to be second secretary of the embassy of the United States of America at Constantinople, Turkey, vice John H. Gregory, jr., nominated to be second secretary of the embassy at Rio de Janeiro.

John H. Gregory, jr., of Louisiana, now second secretary of the embassy at Constantinople, to be second secretary of the embassy of the United States of America at Rio de Janeiro, Brazil, vice Arthur Orr, resigned.

William P. Cresson, of Nevada, now secretary of the legation at Lima, to be second secretary of the embassy of the United States of America at London, England, vice Leland Harrison, nominated to be secretary of the legation at Bogota.

JUDGE OF THE POLICE COURT OF THE DISTRICT OF COLUMBIA.

Alexander R. Mullowny, of the District of Columbia, to be judge of the police court of the District of Columbia. (A reappointment, his term having expired.)

APPOINTMENTS IN THE ARMY.

COAST ARTILLERY CORPS.

To be second lieutenants with rank from December 20, 1911.

Philip Guillon Blackmore, of Virginia.
Henry Clarence Davis, jr., at large.
Theodore Rodes Murphy, of Missouri.
Benjamin Noble Booth, of Connecticut.
George Ira Thatcher, of Pennsylvania.
Edwin French Silkman, of Maryland.
Octave De Carré, of New York.
Robert Shimer Oberly, of Pennsylvania.
Claude Martin Thiele, of the District of Columbia.
Cedric Malcolm Stanley Skene, of Connecticut.
Avery Johnson French, of Ohio.
Edward Montgomery, of Massachusetts.
Robert Edes Kimball, of Massachusetts.
William Harry Weggenmann, of Delaware.
Leigh Francis Joseph Zerbee, of Ohio.
Carleton Ula Edwards, of the District of Columbia.
Coleman Wortham Jenkins, of Virginia.
Wilmer Townsend Scott, of Tennessee.
Herbert Eugene Ellis, of Oklahoma.
Randolph Tucker Pendleton, of Virginia.
Stewart Woods Stanley, of South Dakota.
Kenneth Thompson Blood, of Massachusetts.
David Xerxes Shubin, of Pennsylvania.
Roy Silas Atwood, of Pennsylvania.
Samuel Franklin Hawkins, of Wisconsin.
Jesse Lowry Sinclair, of Virginia.
Oscar Krupp, of Vermont.
Charles Thomas-Stahle, of Pennsylvania.
Charles Meigs Wood, of Virginia.
Edwin Joseph O'Hara, of California.
Alden George Strong, of Pennsylvania.
Rudolf William Riefkohl, of Massachusetts.
Alexander Camman Sullivan, of New York.
Harold Burling Sampson, of the District of Columbia.

INFANTRY ARM.

Eugene Warren Fales, of Washington, to be second lieutenant of Infantry, with rank from October 7, 1911.

PROMOTION IN THE NAVY.

Passed Asst. Paymaster Alvin Hovey-King to be a paymaster in the Navy to fill a vacancy occurring on the 16th day of July, 1911, and to take rank from the 25th day of May, 1911.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 21, 1911.

MINISTERS.

George T. Weitzel to be minister to Nicaragua.
Elliott Northcott to be minister to Venezuela.

JUDGE OF THE POLICE COURT OF THE DISTRICT OF COLUMBIA.

Alexander R. Mullowny to be judge of the police court, District of Columbia.

POSTMASTERS.

MINNESOTA.

William Kaiser, Faribault.
Charles H. Latterell, Foley.
Henry C. Miller, St. Peter.
Henry Olson, Battle Lake.
Seth J. Swanson, Cokato.
William H. Towle, Annandale.

NEW YORK.

Harry C. Holcomb, Portville.
William Ingleby, Belfast.
Orson F. Jones, Red Creek.
Niles I. McKeel, Yorktown Heights.
James B. Rich, Hobart.
Blanche M. Smith, Franklinville.

OREGON.

George W. Donnell, Grants Pass.
Charles E. Hazard, Drain.
Hervey M. Hoskins, McMinnville.

RHODE ISLAND.

John W. Little, Pawtucket.
Harry E. Tennant, Natick.

WASHINGTON.

Anna Arnold, Waitsburg.
John L. Gruber, Winlock.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December 21, 1911.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, once more under the dispensation of Thy providence we approach the advent of the Christ child, heralded by the angelic host "praising God and saying, 'Glory to God in the highest, and on earth peace, good will toward men,'" which has been sounding down the ages, growing in intensity and in volume. Open Thou our ears, that we may hear the inspiring strains, and our hearts, that the Christ spirit may come in and dwell with us and with all peoples; that the unholy strife and contentions of men may be swallowed up in brotherly love. And grant, O most merciful Father, that the world may never again behold the awful spectacle of men seeking to slay each other on the field of carnage; that peace may reign in every heart, in every home, in every land in all the earth, to the glory and honor of Thy holy name. And now, O God, our heavenly Father, as we separate to celebrate the marvelous event, fill our hearts with love and generosity, that we may make glad the hearts of our friends, and especially those who are less fortunate than we. Let the blessing of heaven be upon the officers, Representatives, and employees of this House, and bring us together again without the loss of any, and the better prepared to do the work of the remaining

session. And we will ascribe all praise to Thee, in Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

TARIFF ON WOOL.

Mr. UNDERWOOD. Mr. Speaker, there is a message from the President of the United States on the Speaker's desk, I understand, relating to the wool schedule. I desire to move that the message and accompanying papers be referred to the Committee on Ways and Means, and that the message and accompanying papers be printed.

I have had the clerk of my committee make an estimate of the amount of printing in the message and accompanying papers, which I send to the Clerk's desk and ask the Clerk to read, so that the House will understand.

The SPEAKER. The Clerk will read the statement.

The Clerk read as follows:

Contents of Tariff Board report.

	Typewritten sheets.
Part 1. Glossary (four sections)	629
Part 2. Production of raw wools (section 1)	125
Wool shrinkages and methods of levying duties on raw wool (section 2)	37
Raw wools of third class (section 3)	435
Wool industry of Australia (section 4)	72
(Maps and charts in separate package.)	
Part 3. Manufacturing costs (two sections)	492
(Exhibits to accompany part 3, marked "Not for printer," containing about 200 samples.)	
Part 4. Ready-made clothing and wearing apparel (two sections)	237
Part 5. Wages, labor, and machinery in United States (section 1)	300
Same as above, tabular, large sheets (section 2)	243
Total	2,570

NOTE.—The pagination does not include two packages containing maps, charts, illustrations.

Mr. UNDERWOOD. Mr. Speaker, in making this motion that I have made, to print the usual number of copies of the message and accompanying papers, that does not include, as I understand it and as I suppose the House understands it, the printing of anything except what the Tariff Board itself has marked for the purpose of printing. They had not marked the exhibits, and unless the House especially desires those to be printed which the board has not asked to be printed, I shall not include them in my motion.

Mr. PAYNE. I suppose, Mr. Speaker, I have unanimous consent, the same as the gentleman from Alabama has?

The SPEAKER. The gentleman from Alabama has the floor.

Mr. UNDERWOOD. I have the floor, and I yield to the gentleman from New York [Mr. PAYNE] such time as he may desire.

Mr. PAYNE. The question I wish to ask is, whether there are tables with the report, and if so, whether those are included with those that the gentleman expects to print?

Mr. UNDERWOOD. Yes; I have included everything except the samples that were marked "Not for printing."

Mr. PAYNE. The gentleman spoke of maps and charts. Are they charts such as are usually used in all statistical work, showing by lines the comparative growth, and so forth?

Mr. UNDERWOOD. The board has marked the maps and charts for printing, and I expect to print them.

Mr. PAYNE. The gentleman expects to print that part of them?

Mr. UNDERWOOD. Yes; certainly.

The purpose of my motion, Mr. Speaker, I would say to the gentleman from New York, is to print everything there that the board has asked to have printed, which includes everything except certain exhibits and samples.

Mr. PAYNE. That includes everything that is printable, then?

Mr. UNDERWOOD. Yes. I would say, Mr. Speaker, that although this is a rather large printing bill, I think this side of the House ought at least to welcome the printing of a report which we have not read yet, but which the President in his message says shows the necessity of revising Schedule K downward in accordance with the views of the Democratic Party as expressed in its last national convention. [Applause on the Democratic side.]

Mr. PAYNE. If the gentleman will yield to me for a moment, I will say that I think this side of the House ought to join heartily in a motion for the printing of a report which negatives the idea of the Underwood bill for an ad valorem duty on wool and justifies a much higher rate of duty upon wool than that put there by the Underwood bill; and I might go further and say something more, but that would be personal to myself. [Applause on the Republican side.]

Mr. UNDERWOOD. Mr. Speaker, I am disappointed that my friend has not examined the message or the accompanying papers. The message distinctly declares for an ad valorem duty on manufactures of wool instead of the present specific duty. [Applause on the Democratic side.]

Mr. PAYNE. May I remind the gentleman that it has always been found, since 1865, that it was impossible to put a duty on manufactured woolen goods without using an ad valorem duty, and for that reason the specific duty has not been used; but it has been found possible to put a specific duty upon the wool always, and it has always been there; and the method of the specific duty on a scoured-wool basis was advocated by the then chairman of the committee during the hearings in 1908, and it was proved to the satisfaction of the reasonable men upon the committee that it was possible to use it, by the testimony of the expert, Mr. Graham Clarke, who was called before the committee for that purpose after the hearings closed.

Mr. UNDERWOOD. I am glad to know that the President follows our recommendations for a sole ad valorem duty on manufactures of wool as the proper method, instead of the compound duty which now is fixed in the law.

Mr. DALZELL. But he does not. The President advocates both duties.

Mr. UNDERWOOD. I do not so understand the message, and I read it only a short time ago.

Mr. PAYNE. He recommends a compound duty on cloth, and that has always been there.

Mr. UNDERWOOD. The President distinctly advocates an ad valorem duty on manufactures of wool.

Mr. PAYNE. If the gentleman can possibly get any comfort out of this report he is welcome to it.

Mr. UNDERWOOD. There can not be anything but comfort on this side of the House. [Applause on the Democratic side.]

The Republican Party in the last Congress stood for Schedule K without alteration. The gentleman from New York [Mr. PAYNE] proclaimed that his bill was the best bill that was ever written, with Schedule K unaltered for 40 years, while the President of the United States now says that we were right in our contention then that it should be altered and revised downward. [Applause on the Democratic side.]

Mr. PAYNE. The gentleman from New York said in 1909 that Schedule K ought to be revised and ought to be revised downward and the duties properly adjusted, and the report exactly conforms to what the gentleman from New York said to the men who met in the subcommittee upon the making of Schedule K; but that was rejected by a majority of the committee, because, they said, they had not sufficient information on the subject. Now this Tariff Board reports and presents the full information, so that the wayfaring man ought to be able to take cognizance of it; and if the gentleman really believes in the report, he ought to bring in a bill in accordance with it. I am waiting to see whether he does.

Mr. UNDERWOOD. I am glad the gentleman from New York has thrown light on his individual opinion. Of course, his party opinion and his committee opinion were written in law at the time, and there can be no dispute about that.

Mr. Speaker, I ask for a vote on my motion.

Mr. HILL. I should like 5 or 10 minutes.

Mr. UNDERWOOD. I yield to the gentleman from Connecticut five minutes.

Mr. BUCHANAN. I should like to ask the chairman of the Committee on Ways and Means a question.

The SPEAKER. He has already yielded five minutes to the gentleman from Connecticut [Mr. HILL].

Mr. HILL. Mr. Speaker, at the very start I should like to correct the gentleman from Alabama in his declaration that the message of the President confirms the Democratic Party in their satisfaction with their former bill, for if he will turn to page 7 of the message he will find the following:

> The Tariff Board reports that no equitable method has been found to levy purely specific duties on woolen and worsted fabrics, and that, excepting for a compensatory duty, the rate must be ad valorem on such manufactures—

which is the rule now, and was the rule in the Dingley bill as well.

The President adds:

> It is important to realize, however, that no flat ad valorem rate on such fabrics can be made fairly and effectively.

So the gentleman is entirely wrong.

Mr. UNDERWOOD. Will the gentleman from Connecticut yield?

Mr. HILL. Certainly.

Mr. UNDERWOOD. Does not the gentleman agree with me that the rate on raw wool should be an ad valorem rate?

Mr. HILL. That is not the question. I am prepared to discuss that. I am in favor of an ad valorem rate on wool in the grease. [Applause.] I always have been; but I am discussing the question now of what the President's message does to the Democratic Party.

Now, I want to go a little further. Last summer, during the extra session, the gentleman from Alabama, in response to an inquiry made by the gentleman from Maine [Mr. HINDS], said that, so far as he knew—and I think that was correct—so far as he knew all protection was absolutely eliminated from the cotton bill, and presumably, from the statement of the report, from the wool bill.

A little later, a few weeks after, he denounced the Tariff Board as a set of clerks acting without authority of Congress, and, by inference, said the President had no right to wait for the report of such an informal body before he acted on the wool and cotton schedules. But the gentleman from Alabama has advanced from that position. A week ago last Saturday night, at a dinner given by the Pennsylvania Society, in New York, the gentleman uttered this language, which shows that there is yet hope for him:

> I have said and say again, on behalf of all Democrats who have at heart the interest of the people, that if the Tariff Board reports something that is reasonable, just, and fair, we will adopt it.

That left it to his discretion as to what was reasonable, just, and fair. But again he attended another dinner last Saturday night, and this is what he said—he had advanced still further and defines what is reasonable, just, and fair. He says:

> In my opinion, the dividing line between the positions of the two great parties on this question is very clear and easily ascertained in theory. Where the tariff rates balance the difference in cost at home and abroad, including an allowance for the difference in freight rates, the tariff must be competitive, and from that point downward to the lowest tariff that can be levied it will continue to be competitive to a greater or less extent.

Now, that is exactly where we, or where I, stand; equalizing the difference in cost of production at home and abroad, and I welcome the gentleman in abandoning his bill at the extra session and coming forward to the Republican position [applause on the Republican side], and I ask him, if he means what he said in New York, to make it subscribe to and tally with what he does in his committee at Washington; if he will we will have no trouble in making a tariff bill that will affect one of the greatest industries in this country, and one which I know sorely needs a speedy and definite settlement of the present agitation. I therefore invite him, on the basis of his own declaration in New York, to join us on this side of the House in framing a tariff bill which will equalize the foreign and domestic costs of production in this industry according to the report of the Tariff Board. [Applause on the Republican side.]

Mr. UNDERWOOD. Mr. Speaker, I did not intend to get into a discussion of this matter, but the gentleman from Connecticut has referred to my position, and it will be necessary for me to make a short reply. Before doing so I wish to state that a few minutes ago I said that the President favored an ad valorem rate on woolen manufactures. On page 7 of his message, toward the lower part of the page, he says:

> I therefore recommend that in any revision the importance of a graduated scale of ad valorem duties on cloths be carefully considered and applied.

If that does not mean that the President advocates ad valorem duties, I do not know what it does mean.

As to the duty on raw wool, if the gentleman from Connecticut refers to a compensatory duty, the gentleman agrees with me and has agreed with me for many years that the proper way to levy a duty on raw wool is on an ad valorem basis. I am sure he does not deny that proposition.

As to the statement of the gentleman about my position in a speech I made recently in New York, of course you can read a portion of any man's speech and make it seem to mean anything. I will state to the gentleman what I said in New York. It was this: That where the rates of duty levied at the customs house equalize the difference in cost at home and abroad, then there must be some competition, because the foreign article and the domestic article are reaching the home market on equal terms. I said from that point downward to the lowest rate that could be levied was in the domain of levying a tax for revenue only [applause on the Democratic side]; but I said that whenever you went above the difference in cost at home and abroad you were protecting profits and had entered the domain of the Republican Party as declared in its own platform. [Applause on the Democratic side.] No man can deny that the gentleman's party officially, as well as by the bills that it has passed in this House, stands for the principle not of equalizing the difference in cost at home and abroad, not of seeking a competitive tariff, but stands for the principle of protecting the profits of the manufacturer.

So, instead of the gentleman from Connecticut [Mr. HILL] welcoming me to his side of the House, if he believes that no tariff bill should go above the difference in cost at home and abroad, he has brought himself within the realm of a competitive tariff and is approaching this side of the House. [Applause on the Democratic side.]

Mr. HILL. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Connecticut?

Mr. UNDERWOOD. Well——

Mr. HILL. I just want a couple of minutes.

Mr. UNDERWOOD. I do not like to cut my friend off, but I desire to close the matter.

Mr. HILL. I just want to call the gentleman's attention to an error he made in reading from the message, on page 7.

Mr. UNDERWOOD. I read the exact language.

Mr. HILL. Yes, I know; but the gentleman read it as he said I read his speech—disconnected from anything else.

Mr. UNDERWOOD. Mr. Speaker, I ask for a vote.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Of course this motion is not debatable to begin with, but the gentleman having, by unanimous consent, occupied considerable time and as the House is waiting for a message from the Senate, what is the harm in further discussion?

Mr. UNDERWOOD. Mr. Speaker, it may be debatable in the way the motion was made.

The SPEAKER. This debate was proceeding by unanimous consent.

Mr. MANN. The rules expressly provide that it is not debatable.

Mr. UNDERWOOD. Mr. Speaker, I ask for a vote.

Mr. ROTHERMEL. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Pennsylvania?

Mr. UNDERWOOD. I will ask the gentleman to let us have a vote at this time.

Mr. ROTHERMEL. I want to ask my friend a simple question. I would like to ask the gentleman whether——

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Is the gentleman entitled to the floor as a matter of right or is this a proceeding by unanimous consent?

The SPEAKER. This whole proceeding is by unanimous consent.

Mr. UNDERWOOD. Mr. Speaker, I decline to yield further and ask for a vote.

The SPEAKER. The question is on the motion of the gentleman from Alabama, to take the message of the President from the Speaker's table, refer it to the Committee on Ways and Means, together with the accompanying documents, and have the message and the accompanying documents printed.

The question was taken, and the motion was agreed to.

The SPEAKER. The Chair will state to the chairman of the Committee on Ways and Means that the large bundle of papers accompanying the message was supposed to be in the care of the Speaker. The Chair did not want it in his room, fearing something might happen to some part of it, so he asked the Sergeant at Arms to take charge of it; and the chairman of the Committee on Ways and Means will therefore please send his messenger or some trusted man down there and get it. [Laughter.]

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. HUGHES of New Jersey was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of John McKeon, H. R. 30658, Sixty-first Congress, no adverse report having been made thereon.

LEAVE TO PRINT.

Mr. FOWLER. Mr. Speaker, I ask unanimous consent for five legislative days in which to extend my remarks on the pension bill and the eight-hour labor bill, which recently passed the House.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

PRESIDENTIAL APPROVALS.

A message, in writing, from the President of the United States was communicated to the House of Representatives, by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and resolutions of the following titles:

On December 8, 1911:

H. R. 1671. An act to provide a suitable memorial to the memory of the North American Indian.

On December 21, 1911:

H. J. Res. 166. Joint resolution providing for the termination of the treaty of 1832 between the United States and Russia;

H. J. Res. 185. Joint resolution to pay the officers and employees of the Senate and Houes of Representatives their respective salaries for the month of December, 1911, on the 21st day of said month; and

H. J. Res. 189. Joint resolution to pay Members, Delegates, and Resident Commissioners their allowance for clerk hire for December, 1911, on the 21st day of that month.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The SPEAKER. The Chair lays before the House the following message from the President of the United States.

(For message see Senate proceedings of this day.)

Mr. UNDERWOOD. Mr. Speaker, the message before the House relates to a number of different subjects, and I therefore move that the message be referred to the Committee of the Whole House on the state of the Union and ordered to be printed so that at a subsequent time the Committee on Ways and Means can report a resolution properly distributing the message.

The SPEAKER. The gentleman from Alabama moves that the message be referred to the Committee of the Whole House on the state of the Union and printed.

The question was taken, and the motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15930) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1912, and for other purposes.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 3842) to amend and reenact paragraph 24 of section 24 of chapter 2 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 125. An act to permit the American Academy in Rome to enlarge its purposes, and for other purposes;

S. 305. An act for the erection of a statue of Maj. Gen. John Stark in the city of Manchester, N. H.;

S. 1655. An act appropriating $10,000 to aid in the erection of a monument in memory of the late President James A. Garfield at Long Branch, N. J.;

S. 2750. An act to amend sections 90, 99, 105, and 186 in an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

S. 3211. An act authorizing the commission of ensign be given midshipmen upon graduation from the Naval Academy;

S. 3484. An act to authorize the construction of a bridge across the Snake River, between Walla Walla and Franklin Counties, in the State of Washington, by the Oregon-Washington Railroad & Navigation Co.; and

S. 3850. An act to promote efficiency and economy in the administration of the Navy Department.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 15450. An act to amend section 85 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911; and

H. R. 15462. An act to amend section 91 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

CONFERENCE REPORT, URGENT DEFICIENCY BILL.

Mr. FITZGERALD. Mr. Speaker, I present a conference report (H. Rept. 205) on the bill H. R. 15930, the urgent deficiency bill, and ask unanimous consent for its present consideration.

The SPEAKER. The gentleman from New York, chairman of the Committee on Appropriations, asks unanimous consent for the present consideration of a conference report on the urgent deficiency bill. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to hear the conference report read first.

The SPEAKER. The gentleman asked unanimous consent to have it considered.

Mr. MANN. And I object until we can have it read.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15930) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1912, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 10, 11, 12, 13, 14, 15, 17, 18, 20, 22, 23, and 29.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, 6, 7, 8, 9, 19, 21, 24, 25, 26, 27, and 28, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In line 9 of said amendment, after the word "State," strike out the words "to continue available until expended"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: Before the matter inserted by said amendment, insert as a headline the following: "Department of Justice"; and the Senate agree to the same.

JOHN J. FITZGERALD,
C. L. BARTLETT,
FREDK. H. GILLETT,
Managers on the part of the House.

F. E. WARREN,
R. J. GAMBLE,
C. A. CULBERSON,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15930) making appropriations to supply deficiencies in appropriations for the fiscal year 1912, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report, namely:

On amendments Nos. 1, 2, 3, and 4: Appropriates $25,000, as proposed by the Senate, for arbitration of outstanding pecuniary claims between the United States and Great Britain, and strikes out the appropriations, proposed by the Senate, of $1,250 for rent of buildings for the State Department and $2,000 for participation in the international congress concerning letters of exchange.

On amendments Nos. 5, 6, 7, and 8: Makes corrections in verbiage and punctuation in the bill.

On amendment No. 9: Appropriates, as proposed by the Senate, $2,500 for expenses of unveiling and dedicating the Columbus Memorial.

On amendments Nos. 10, 11, 12, and 13: Strikes out certain appropriations proposed by the Senate to supply deficiencies on account of the Naval Establishment.

On amendment No. 14: Strikes out the provision proposed by the Senate extending the amount that may be expended for personal services out of the appropriation for repairs of the Interior Department buildings from $7,500 to $10,000.

On amendment No. 15: Strikes out the appropriation of the additional sum of $50,000 for investigation of causes of mine explosions.

On amendments Nos. 16 and 17: Inserts the appropriation proposed by the Senate of $3,000 to reimburse the appropriation for protecting public lands, timber, etc., the cost of abstracts required in certain suits, and strikes out the appropriation of $600 for pay of a mechanician in the Court of Appeals Building, in Washington, D. C.

On amendment No. 18: Appropriates $500,000, as proposed by the House, instead of $1,000,000, as proposed by the Senate, for expenses of the Thirteenth Census.

On amendments Nos. 19, 20, and 21: Strikes out the appropriation, proposed by the Senate, of $10,000 for expenses of the International Congress on Industrial Insurance and appropriates, as proposed by the Senate, $20,000 for expenses of special agents and employment of experts and temporary assistants in the Bureau of Labor.

On amendments Nos. 22, 23, and 24: Strikes out the appropriations, proposed by the Senate, of $3,600 for advertising for the Post Office Department and $35,421 for expenses of division superintendents and other employees of the Railway Mail Service, and inserts the appropriation of $17,000, proposed by the Senate, for postal star-route service.

On amendments Nos. 25, 26, 27, and 28: Authorizes payments for services of clerks to certain Senators; appropriates $500 for repairs of the Maltby Building, and $25,000 for expenses of inquiries and investigations ordered by the Senate; and inserts a provision extending until March 1 next the time within which

the commission investigating the matter of employers' liability may report.

On amendment No. 29: Strikes out the provision, proposed by the Senate, to pay an additional month's compensation to officers and employees of Congress.

JOHN J. FITZGERALD,
C. L. BARTLETT,
FREDK. H. GILLETT,
Managers on the part of the House.

The SPEAKER. Is there objection to the request of the gentleman from New York for the present consideration of this conference report? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Speaker, the Senate added to this bill amendments which carried $821,871, and in addition a provision providing for an additional month's pay to employees, which would have added an additional $140,000. By the agreement reached upon the bill items aggregating $93,000 have been agreed to and items aggregating $728,871, as proposed by the Senate, have been eliminated from the bill. [Applause.] The bill now carries $2,457,756.46, an increase of $93,000 over the bill as it passed the House.

Added by the Senate		$821,871.00
Senate receded in conference:		
State Department, rent	$1,250.00	
International Congress, concerning letters of exchange	2,000.00	
Naval Establishment items	126,000.00	
Bureau of Mines	50,000.00	
Court of Appeals, bailiff	600.00	
Census	500,000.00	
International Congress on Industrial Insurance	10,000.00	
Postal service, advertising	3,000.00	
Expenses of employees, Railway Mail Service	35,421.00	
		728,871.00
House agrees in conference:		
Arbitration of outstanding pecuniary claims between United States and Great Britain	25,000.00	
Unveiling Columbus Memorial	2,500.00	
Reimbursement of appropriation for protecting public lands, etc	3,000.00	
Expenses of inquiry, by Bureau of Labor, ordered by the Senate	20,000.00	
Star route mail service	17,000.00	
Repairs, Maltby Building	500.00	
Contingent expenses of the Senate	25,000.00	
		93,000.00
		821,871.00
Total of bill as agreed on		2,457,756.46

Mr. MANN. Will the gentleman yield for a question?

Mr. FITZGERALD. I will.

Mr. MANN. Of course, it is impossible always to determine from the reading of a conference report what the action has been, but I notice in the morning papers a statement as to what the conference report would be. I do not know whether it has become customary for conferees to furnish their reports to the press before they do to the two bodies of Congress, but was the statement in the press fairly accurate?

Mr. FITZGERALD. Mr. Speaker, there was no statement given out by the conferees on the part of the House or by anybody connected with the Committee on Appropriations of the House. These reports, until they are submitted to one House or the other, are not public property. There was a leak at some place, and I have not yet been able to ascertain just where it occurred. So far as the members of the committee are concerned, they propose to endeavor to prevent the premature publication of reports that are required to be presented to either body before they are made public.

Mr. GARNER. Now, may I ask the gentleman a question in reference to the bill?

Mr. MANN. Will the gentleman from New York——

The SPEAKER. Does the gentleman from New York [Mr. FITZGERALD] yield to the gentleman from Texas [Mr. GARNER]?

Mr. FITZGERALD. I beg the gentleman's pardon. I believe the gentleman from Illinois [Mr. MANN] has a further question which he wishes me to answer.

Mr. MANN. I was going to ask the gentleman if he would give to the House a list of these amendments that were agreed to with the items?

Mr. FITZGERALD. Yes. The House agreed to amendment No. 1, which relates to the title of an item. It agreed to amendment No. 2, with an amendment striking out the provision making it available until expended. It makes this appropriation available for the current year.

Mr. GARNER. Now, would it interfere with the gentleman from Illinois [Mr. MANN] if I were to make some inquiry concerning these amendments as we go on?

Mr. FITZGERALD. Not that I know of.

Mr. GARNER. I would like to call the attention of the chairman of the committee to the item in which he appropriates $25,000 for arbitrator, umpire, agent, counsel, and clerical and other assistants. How did the gentleman arrive at the amount necessary to pay for these services?

Mr. FITZGERALD. Mr. Speaker, the sundry civil appropriation bill for the current fiscal year carried, when it left the House, an appropriation of $50,000 for the purpose of establishing the arbitration provided for by the then pending treaty. It was eliminated from the bill, because the Senate then had not acted upon the pending agreement. The Senate ratified the agreement upon the 19th day of July, 1911, and thereafter an estimate was sent to Congress by the Secretary of State, requesting $50,000 to defray the expenses incident to the establishment of the arbitration commission and whatever expenses would be necessary. This estimate was also submitted to Congress for the fiscal year 1913 in the regular annual estimate at the beginning of this Congress, but the attention of the committee was not called to the matter while the urgent deficiency bill was under consideration. After that bill had passed the House, the Secretary of State called the attention of the Senate to the fact that this entire matter was being held in abeyance until the funds requested were made available, and the Senate inserted an item to appropriate $25,000 for that purpose. No statement, so far as I was able to ascertain, was submitted as to the respective compensation to be paid to the various persons, and it was not known, so far as I have been able to ascertain, just what arrangements would be made. A number of claims have been pending between Great Britain and the United States for adjustment. This agreement was negotiated providing for their arbitration, and the agreement sets up the machinery by which they are to be adjusted. It was not deemed possible to do any more than would be required by the allowance of $25,000 for the various expenses connected with it.

Mr. GARNER. I call the gentleman's attention to the fact that it is entirely within the discretion of the Secretary of State to pay to these umpires, agents, counsel, and other clerical force whatever salary he may see proper; and in this connection I want to call attention to the fact that——

Mr. FITZGERALD. Within the limits of this appropriation.

Mr. GARNER. Yes; of course, within the limits of the appropriation. I want to call the gentleman's attention to the fact that the recent investigations of the various committees on expenditures in the departments have developed the fact that the ideas entertained by some of the departments of the Government with reference to the value of the services of counsel and others is quite large, in the estimation of some of these committees, and has attracted the attention, it seems to me, not only of the House, but of the country; and wherever it is possible—and in this instance it seems to me it would be possible—for the Congress itself to pass upon the salaries to be paid, that should be done. This does not provide for promiscuous expenses, but specific individuals to be employed in connection with this service, and therefore the Congress ought to know what is the value of the service of an arbitrator, of an umpire, an agent, a counsel, or other clerical help. It seems to me we pass daily upon the question of what is the value of the service of a clerk, of a counsel, of a solicitor, or an agent, and I can not understand just why it is that the State Department did not submit to the Committee on Appropriations of the House an itemized statement of what these expenses would be. It seems to me this is an unbusinesslike way to appropriate a bulk sum and leave it entirely in the discretion of a head of a department to determine the salaries to be paid.

Mr. FITZGERALD. Mr. Speaker, it would be very difficult for me to determine what should be paid to the arbitrator. I understand the custom has been for the respective countries appointing arbitrators to pay an equal amount to the arbitrators representing their respective countries. I suppose it is a matter that requires some adjustment. As to what the value of the services of counsel in matters of this character would be, I do not know that I would be prepared to state. I have here a list of the claims appended to the agreement which was negotiated.

Mr. GARNER. While I am on my feet, may I ask the gentleman a question with reference to another amendment connected with the bill?

Mr. FITZGERALD. Yes. I should like to finish this first. It seemed that the United States had a much larger number of claims which it was urging for adjustment than Great Britain had. Whether it will take more to compensate the claimants of the United States than it will take to compensate the smaller number from Great Britain I do not know; but the conferees on the part of the House believed that in view of the character of the claims to be adjusted no very extraordinary extravagance

could be indulged in by making available for six months for all the services connected with the arbitration the sum of $25,000.

Mr. GARNER. By that time you can get a line on the salaries paid.

Mr. FITZGERALD. The House managers insisted on striking out the provisions making the appropriation available until expended, so that in connection with the estimate submitted for the coming fiscal year it will be possible to go into the questions suggested by the gentleman from Texas as far as possible.

Mr. SULZER. Will the gentleman allow me?

Mr. FITZGERALD. I yield to my colleague.

Mr. SULZER. Mr. Speaker, just a word. I am informed by the State Department that this appropriation is an important and urgent matter. These claims of our citizens are now in arbitration, and, of course, it is incumbent upon the Government to present the case in a legal way in the interest of our citizens who have these claims in arbitration. I send to the Clerk's desk and ask to have read in connection with the matter a letter from the Secretary of State.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

DECEMBER 15, 1911.

The honorable the SECRETARY OF THE TREASURY.

SIR: I have the honor to inclose herewith an urgent deficiency estimate of $75,000 for the purpose of carrying into effect a special agreement for the submission to arbitration of pecuniary claims outstanding between the United States and Great Britain, signed by their respective plenipotentiaries August 18, 1910, which, together with the first schedule of claims and the terms of submission thereof, were submitted to the Senate at its last session and, on July 19, 1911, received the advice and consent of that body to their ratification. It is important that the expenses of preparing for the arbitration under this agreement be provided for at the earliest practicable moment. I request, therefore, that the following item be submitted for the appropriation of $75,000 for these expenses:

"For the expenses of the arbitration of outstanding pecuniary claims between the United States and Great Britain, in accordance with the special agreement concluded for that purpose August 18, 1910, and the schedules of claims thereunder, including office rent in the District of Columbia and the compensation of arbitrator, umpire, agent, counsel, clerical and other assistants, to be expended under the direction of the Secretary of State, and to be immediately available and to continue available until expended, $75,000."

Your attention is called to the fact that an item of $50,000 for the same purpose was included in the estimates for the fiscal year ending June 30, 1912, and was transmitted to the Speaker of the House of Representatives December 10, 1910, but, although this item of the estimates for 1912 was passed by the House during the last session of the Sixty-first Congress, it was not adopted by the Senate, for the reason that the special agreement for the arbitration of these claims had not at that time been submitted to the Senate. The matter was again submitted to the last session of the present Congress on July 31 last, but no action thereon appears to have been taken.

As the time has now arrived when active work in the preparation of the claims should be undertaken by the department, an appropriation for that purpose is urgent.

The special agreement referred to above, together with a schedule of the claims, is submitted herewith.

If this appropriation is made now, the appropriation estimated for on page 174 of the Book of Estimates for 1913 will not be needed.

I have the honor to be, sir, your obedient servant,

P. C. KNOX.

Mr. SULZER. Mr. Speaker, the letter just read is conclusive and self-explanatory. The Secretary asked for $75,000 for this work. The conferees have agreed to $25,000, which, I understand, is sufficient to carry on the work of preparation until the regular appropriation can be made. This is a very important matter, it seems to me, to many of our citizens. It is an urgent matter, and I trust there will be no objection to the report of the conferees concerning it.

Mr. MANN. Will the gentleman give us the other items that are agreed to?

Mr. FITZGERALD. The House agreed to amendment No. 5, which inserted a comma.

Mr. MANN. Why is that? What important matter was involved? Was that the fault of the enrolling clerk? Who inserted that comma?

Mr. FITZGERALD. The Senate inserted that.

Mr. MANN. Oh, no; the Senate struck it out. I think it is important to know who inserted it, and whether we have clerks who know when a comma ought to be in and when it ought to be out.

Mr. FITZGERALD. The Senate inserted the comma.

Mr. MANN. The Senate struck it out. The gentleman is not familiar with what has been done. The amendment is agreed to.

Mr. SHERLEY. As a punctuation leader the gentleman from Illinois is a great success.

Mr. FITZGERALD. The Senate did strike it out and the House made no objection to striking it out.

Mr. MANN. It is a great thing to let the Senate have its way. [Laughter.]

Mr. FITZGERALD. The House receded on Senate amendment No. 6, the effect of which was to strike out the word "that" at the beginning of a paragraph on page 7.

Mr. MANN. That was a very peculiar amendment of the Senate to strike out "that no," and then insert "no." It would have been easier to strike out the word "that."

Mr. FITZGERALD. Sooner than have a controversy, the managers on the part of the House agreed to it.

The House also agreed to Senate amendment No. 7, inserting the words "during the Civil War."

The House conferees agreed to Senate amendment No. 8, striking out the word "that," being an amendment similar to No. 6.

The House receded from its disagreement to Senate amendment No. 9. It appears that the Columbus Memorial is under a contract which calls for its completion by the 1st of May, 1912.

Mr. MANN. Where is that to be erected?

Mr. FITZGERALD. Right in front of the Union Depot. The contract calls for its completion by May, 1912, and $2,500 is the appropriation usually made to provide for stands and other expenses incident to the dedication.

The Senate receded from amendments Nos. 10, 12, 13, 14, and 15. The House receded from amendment No. 16, with an amendment inserting as a title "Department of Justice." The Senate receded from amendment No. 17. The Senate receded from amendment No. 18 and also from amendment No. 20. The House receded from amendment No. 19, and the Senate receded from amendment No. 21.

Mr. GARNER. Right there, in reference to amendment No. 21, I want to call the chairman's attention to the verbiage. I understand the appropriation is $20,000 for the employment of experts and temporary assistants. Is there anything to restrict the amount of salary paid to the experts and temporary assistants?

Mr. FITZGERALD. Nothing but the amount of the appropriation. This is the miscellaneous item for the conduct of the Bureau of Labor. The appropriation for the current year was $64,090. The Senate in June, 1910, adopted a resolution directing the Bureau of Labor to make certain investigations into the conditions existing in the steel industry. The cost of that investigation will be about $50,000. A part was paid from the appropriation of the preceding fiscal year, and it will take $20,000 of the appropriation available for the usual work of the bureau to meet these investigations. Under the act creating the Bureau of Labor it is required to make any investigation ordered by Congress or either House thereof. The Senate having adopted the resolution directing the investigation to be made, the bureau was under no discretion as to what it should do.

Mr. GARNER. Does the gentleman mean to say that the conferees could not so amend this as to limit the salaries paid to experts?

Mr. FITZGERALD. The conferees could have receded from their disagreement and concurred with an amendment providing certain limits upon the compensation to the experts, but the conferees did not do so and did not consider it advisable to attempt to do so.

Mr. MANN. Is it not a fact that item 21 is identically in the same language as the existing appropriation?

Mr. FITZGERALD. It is in the language of the appropriation for the current year—the usual practice in making appropriations to supply deficiencies. The only practice that is advisable is to use the language of the current appropriation.

The Senate receded from amendments 22 and 23 and the House receded from amendment 24. The House receded from its disagreement to amendments 25, 26, 27, and 28 and the Senate receded from its amendment 29.

Mr. MANN. Did the House conferees have such stony hearts as to insist that the Senate should recede from amendment 29?

Mr. FITZGERALD. No; they did not; they intimated that it would be advisable, and the Senate conferees thereupon receded.

Mr. Speaker, I wish to make a brief statement as to Senate amendment No. 18. The Senate proposed to increase the appropriation for the Census Office from $500,000 to $1,000,000. The House declined to yield on that amendment. The managers on the part of the House stated distinctly that there was no intention at any time during the present session of Congress, or at any other session of Congress, to appropriate any additional money for the conduct of the Census Office during the current fiscal year.

The practice has not yet been entirely eliminated from the heads of some of the departments, and some of the bureaus proceeding upon the theory that when Congress refuses to appropriate the money requested by the department or the bureau for its current work that it meant merely to postpone the inevitable day when the appropriation must be made. The belief seems still to linger in the minds of some officials that if the appropriation requested be not granted at one time Congress will be in a more complacent mood later, and that it will surrender its right to determine what shall be expended for the

conduct of some branches of the public service to the head of the department or the bureau who has it in control.

It may be well, Mr. Speaker, that those who are charged with the conduct of the public service and of the observance of the law, which requires them to so adjust their service as to have it carried on within the limit fixed by Congress in its appropriation, should realize that they must either obey the law or be responsible for their inability to continue their work because of the lack of funds. So far as the committee is concerned, it does not propose to furnish additional moneys for governmental services merely because some official sets his judgment up as superior to that of Congress and ignores the limitations placed by Congress upon his activities.

Mr. MANN. Will not this, then, result in postponing the preparation and publication of information relating to the Thirteenth Census, which could just as easily be published before the 1st of July?

Mr. FITZGERALD. It may result in the postponement of the publishing of certain information, and it would not be of the slightest detriment to the public service or the needs of the people, in my opinion, if it could be postponed indefinitely and entirely eliminated. [Applause on the Democratic side.]

Mr. MANN. Yet only the other day we added a lot more data to be gathered and published by them, of less value than that already required.

Mr. GARNER. That is a mere matter of opinion.

Mr. FITZGERALD. Mr. Speaker, the gentleman from Illinois [Mr. MANN] is familiar with my views on such legislation. I think the desire to have the Census Office turned into a bureau of universal information, where information may be furnished upon every subject for the benefit of the business of any class of people, is not sound governmental policy.

Mr. LANGLEY. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. LANGLEY. Does the gentleman mean to give notice that the committee will be opposed to any further appropriation, even if it should appear that this appropriation will not be sufficient to carry out the provisions of existing law?

Mr. FITZGERALD. I mean to say that, so far as I am personally concerned, after a very careful examination and consideration of the statements made by the Director of the Census, I am opposed to giving a single dollar more for the current year for the Census Office than will now be made available.

Mr. BARTLETT. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. BARTLETT. Mr. Speaker, speaking only for myself, I will say this, that unless a better showing is made before the Committee on Appropriations as to the manner in which the money has been expended, which has already been appropriated, and that in future it will be expended in a different and a more economical way than it has been heretofore, or unless the Bureau of the Census shows that it needs the money in order to properly carry on the business which devolved upon it, I shall not be in favor of extending this appropriation. We have not been able to get from the Director of the Census the necessary information to show that we were justified in giving any more than we have given; and some of us reached the utmost limit of our liberality in giving even this amount.

Mr. SHERLEY. Mr. Speaker, will the gentleman from New York yield?

Mr. FITZGERALD. Certainly.

Mr. SHERLEY. Mr. Speaker, I desire to emphasize one statement made by the chairman of the Committee on Appropriations, and that is this—that the sooner the departments learn that a cut in their estimate means the determination of Congress that they shall take the less amount as being the will of Congress, and make their administration accord with such will, the better it will be for the people and the management of the affairs of this Nation. [Applause.] It came out recently in an investigation by this committee that a head of a department where there had been a serious cut said that he did not conclude that that meant that Congress wanted in any sense to limit him to that amount, but that in some other way the balance would be made up; and in this particular instance it so happened that it could be done by the transfer of items from another account. It never seems to dawn on some of these gentlemen that a cut means that we expect them to so reorganize their business as to do a greater amount of work for a less sum of money. What they do is simply to continue the old method of extravagant expense and do a limited amount of work and then come to the Congress and say that there is an additional amount that must be done, and that they want more money with which to do it.

I want to say also, while I am on my feet, in regard to the Census Bureau that I do not know how the reports are going to show this time, but judging by the results of the last census there was no more extravagant waste of money in any department that I know. I received, and Members of Congress here received, reports six and seven years after the data was supposed to have been gathered, and the data, as presented, was only of value to a very, very limited minority of people, and was usually useful for the purpose of proving things that were not so. [Applause.]

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

On motion of Mr. FITZGERALD, a motion to reconsider the vote was laid on the table.

PRINTING OF HEARINGS, COMMITTEE ON FOREIGN AFFAIRS.

Mr. FINLEY. Mr. Speaker, I ask for the immediate consideration of the privileged resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the privileged resolution.

The Clerk read as follows:

House resolution 345 (H. Rept. 203).

Resolved, That there be printed, for the use of the House of Representatives, 10,000 copies of the hearings before the Committee on Foreign Affairs on House joint resolution 166 providing for the termination of the treaty of 1832 between the United States and Russia.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. FINLEY. Mr. Speaker, I ask that the report be read.

The SPEAKER. The Clerk will read the report.

The Clerk read the report, as follows:

Report 203, to accompany House resolution 345.

The Committee on Printing, having had under consideration the House resolution (H. Res. 345) providing for the printing of 10,000 copies of the hearings before the Committee on Foreign Affairs on House joint resolution 166, reports the same back to the House, with the recommendation that the resolution be agreed to with the following amendment: That on line 2 the words "ten thousand" be striken out and the words "five thousand five hundred" be inserted. The estimated cost will be $500.

The said resolution is as follows:

"*Resolved*, That there be printed, for the use of the Members of the House of Representatives, 10,000 copies of the hearings before the Committee on Foreign Affairs on House joint resolution 166, providing for the termination of the treaty of 1832 between the United States and Russia."

Mr. FINLEY. Mr. Speaker, the report of the committee speaks for itself.

Mr. MANN. Will the gentleman yield for a question?

Mr. FINLEY. Certainly.

Mr. MANN. Will the gentleman give us the information as to whether, under this resolution, these documents, when printed, will be distributed through the folding room or through the document room?

Mr. FINLEY. They will go to the folding room.

Mr. MANN. Then most of them will be wasted.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out, in line 2, the word "ten" and insert the word "five," and insert after the word "thousand" the words "five hundred," so that it will read, "5,500 copies."

The question was taken, and the amendment was agreed to.

The question was taken, and the resolution as amended was agreed to.

PRINTING SPECIAL CONSULAR REPORTS ON COTTON TARE.

Mr. FINLEY. Mr. Speaker, I ask the present consideration of the privileged resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the privileged resolution.

The Clerk read as follows:

House concurrent resolution 23 (H. Rept. 202).

Resolved by the House of Representatives (the Senate concurring), That there shall be printed and bound in volume form, with accompanying illustrations, 55,000 copies of the Special Consular Reports on Cotton Tare, submitted by the Department of State, in response to the request of Representative WILLIAM G. BRANTLEY, of which 20,000 shall be for the use of the Senate and 30,000 for the use of the House of Representatives, and 5,000 to be delivered to the superintendent of the document room for distribution.

Mr. FINLEY. Mr. Speaker, I ask for the reading of the report.

Mr. MANN. Mr. Speaker, I reserve a point of order on the resolution.

The SPEAKER. The gentleman from Illinois reserves the point of order on the resolution. The Clerk will read the report.

The Clerk read as follows:

Report 202, to accompany House concurrent resolution 23.

The Committee on Printing having had under consideration the House concurrent resolution (H. Con. Res. 23) authorizing the printing of 55,000 copies of the "Special Consular Reports on Cotton Tare," reports the same back to the House with the recommendation that the resolution be agreed to with the following amendment: That on lines

3 and 4 the words "fifty-five thousand" be stricken out and the words "one hundred thousand" be inserted, that on line 7 the words "twenty thousand" be stricken out and the words "thirty thousand" be inserted, and on lines 7 and 8 the words "thirty thousand" be stricken out and the words "sixty-five thousand" be inserted. The estimated cost will be $7,183.30.

The resolution is as follows:

"Resolved by the House of Representatives (the Senate concurring), That there shall be printed and bound in volume form, with accompanying illustrations, 55,000 copies of the Special Consular Reports on Cotton Tare, submitted by the Department of State, in response to the request of Representative William G. Brantley, of which 20,000 shall be for the use of the Senate and 30,000 for the use of the House of Representatives, and 5,000 to be delivered to the superintendent of the document room for distribution."

Mr. MANN. Will the gentleman from South Carolina yield for a question?

Mr. FINLEY. Certainly.

Mr. MANN. The gentleman refers to 5,000 copies for the superintendent of the document room. What does the gentleman mean by that?

Mr. FINLEY. Well, I would say that——

Mr. MANN. There is a superintendent of the document room of the House——

Mr. FINLEY. The words "superintendent of the" were inserted inadvertently, and I imagine they should not be in.

Mr. MANN. There is the superintendent of the document room of the House, the superintendent of the document room of the Senate, and the superintendent of documents of the Printing Office.

Mr. FINLEY. I will ask at the proper time to correct that by an amendment.

Mr. MANN. I would ask to which one the gentleman refers.

Mr. FINLEY. To the House document room.

Mr. MANN. I suggest to the gentleman that he make the amount given to the House document room larger and the folding room smaller. Although, of course, I have no objection to the passage of a resolution to print any printing you want done, many of us have not any use for this document, and of course will not use it in the folding room.

Mr. UNDERWOOD. Mr. Speaker, I would like to make a suggestion to the gentleman from South Carolina [Mr. FINLEY]. This is a report, as I understand it, in relation to cotton tare——

Mr. FINLEY. To the tare on cotton; yes.

Mr. UNDERWOOD. There are a great many Members of the House who are not interested in the report at all. If you send it to the folding room it will just encumber your quota, but if a larger proportion goes to the document room the Members who want it can get it.

Mr. FINLEY. I will say to the gentleman from Alabama that I am not the author of the resolution. The gentleman from Georgia [Mr. BRANTLEY] is the author. I simply brought out the resolution as it was introduced, except with slight modification by way of amendment, which was made after discussion and consideration before the Committee on Printing on its suggestion.

Now, I will say this to the gentleman, that if these documents go to the document room of the House there is likely to be a scramble for them, and some of the Members will get less than their quota and others will get more. That has been my observation in similar cases in the past. I imagine that there will be no difficulty in Members of the House and of the Senate from the cotton-growing States obtaining these documents for distribution amongst their constituents. I may say the data that are to be given out are very valuable. At this time and for years past the cotton growers of the United States have lost a great deal of money, estimated at $12,000,000 last year, by reason of a discriminating tare imposed upon them by foreign buyers of American cotton.

I now wish to yield to the gentleman from Georgia [Mr. BRANTLEY], if he wishes to say anything.

The SPEAKER. The gentleman from Georgia [Mr. BRANTLEY] is recognized.

Mr. BRANTLEY. Mr. Speaker, it is estimated in round numbers that of the total cotton production of the world, 60 per cent is American cotton and 40 per cent is produced in other countries. It is a fact, as to this 40 per cent produced in the other countries of the world, that wherever it is sold it is sold on actual tare—that is, there is deducted from the bale when it is sold the actual weight of the wrapping around that bale. But as to American cotton there is an arbitrary deduction of 6 per cent. The average American bale of cotton weighing 500 pounds has deducted from it 30 pounds, whereas the actual wrapping on that bale amounts to only 20 or 21 pounds of cotton.

Now, that is a discrimination that has been going on for years. During last August the Secretary of State directed the consular officers of this Government in the various countries of the world buying American cotton to ascertain and report the facts about this, and if a discrimination existed against American cotton to give the reasons for it, together with any suggestion as to a remedy for it. These documents now sought to be printed contain those reports, and they come from practically every country in the world where American cotton is sold. They disclose the fact, first, that this discrimination exists, and that it exists everywhere, and then they give the reasons for it; and the reasons, in the main, are the inferior wrapping that we use on our cotton, the irregular manner of baling our cotton, the ragged condition of American cotton when it goes abroad. Besides that, these reports contain practically the assurance from the business men of the world buying our cotton that if we will standardize a bale of cotton in this country and get some uniformity about it, this discrimination will be removed.

One of these reports in particular makes a calculation as to what our method of baling cotton, or our want of method—the irregular method pursued in its resultant effects—costs this country, or costs the cotton producer, on the 7,000,000 bales alone that go to Europe; and he puts it at above $12,000,000.

These reports establish the fact that the loss is really much greater than that on the total cotton crop. They point out where the difficuly first starts in our method of marketing cotton. The cotton farmer, when he sells a bale of cotton, sells it at gross weight, and he has an idea that the more bagging and the more ties he puts on a bale the more profitable it is to him. For instance, if he puts on two yards of 2-pound bagging and 6 ties weighing a pound and a half each, he has a weight of about 21 pounds that costs him perhaps a dollar to purchase, and if he sells his cotton at 10 cents a pound, he has sold that weight for $2.10. Now, when the exporter buys the cotton at gross weight he knows he must sell it at net weight, because he has so to do.

Mr. BARTLETT. Mr. Speaker, will the gentleman yield for just a second?

The SPEAKER. Does the gentleman from Georgia yield to his colleague?

Mr. BRANTLEY. With pleasure.

Mr. BARTLETT. And that is true, also, with reference to the cotton that is bought for domestic consumption. The Cotton Manufacturers' Association have also agreed upon a tare for cotton bought for domestic purposes, which equals 6 per cent.

Mr. BRANTLEY. Yes; and the result is that it comes out of the price of the cotton, or, in other words, the price of the cotton is less.

Mr. BARTLETT. That is it.

Mr. BRANTLEY. And the farmer, under the theory that he is profiting by selling his cotton at gross weight, is actually losing.

Now, Mr. Speaker, these reports are accompanied by quite a lengthy letter from the Secretary of State, in which he strongly recommends and urges the standardizing of a bale of cotton in this country. It means millions of dollars to this country to do it. It means millions of dollars to our people if they will profit by the information contained in these reports. Within my observation it is the first time there has ever been made a compilation of this kind. These reports are educational, they are instructive, and they ought to be printed in document form and distributed.

Mr. BARTLETT. Mr. Speaker, not only is it information, but every time a tariff bill has been considered for the last 20 years and the subject of the tariff upon cotton bagging and ties has been under consideration, those who were in favor of the tariff have insisted that the farmer got pay for the cotton bagging and ties at so much a pound. This refutes that suggestion.

Mr. BRANTLEY. Absolutely. Now, Mr. Speaker, it was my idea to distribute these documents through the folding room in order to secure equality of distribution. The demand for these reports is already coming in. I have received numerous requests for them as soon as they are ready. If we put them all in the document room, it may be that some Members will be supplied who need them and some will not; whereas those gentlemen who have them to their credit but do not care to distribute them can, I take it, without any trouble arrange for a transfer of their proportion to such Members as desire to use them.

Mr. MANN. Will the gentleman permit a suggestion? Of course, we on our side have no objection, nor is there any objection anywhere else, to the printing of any necessary information. This proposes to print 100,000 copies of a document for the benefit of the producers of cotton, and I think it is perfectly proper. Yet when we wanted to have a message of the President and accompanying documents printed yesterday for the benefit of the people of the country and the producers and users of wool, we had to let it go over until to-day, and then

had only the usual number printed, which will not furnish one to each Member of the House. It seems to me you ought to be willing to be a little more fair than that. You propose to print 100,000 copies of this document and put 65,000 copies in the folding room. I should like to have some extra copies of the President's message on trusts. Doubtless there are thousands of them reposing in the folding room to the credit of Democratic Members of the House who, either through lack of judgment or otherwise, decline to send them out to their constituents.

Mr. FINLEY. I should like to ask the gentleman from Illinois [Mr. MANN]——

Mr. MANN. When this document is placed to the credit of Members in the folding room, unless some very enterprising and enthusiastic gentleman from the South sends a page boy around with the request for us to sign away our documents they will repose in the folding room until Congress finally orders them thrown in the waste heap.

Mr. FINLEY. Mr. Speaker, I can assure the gentleman that I do not think any of them will be wasted. There are 29,000 ginneries in the South, and this would only give a little over three copies for each ginnery. There are, of course, a great many more gins than that.

Mr. MANN. I have no ginners in my district, and no gin.

Mr. FINLEY. I think I can assure the gentleman that there will be many Members who will be willing to relieve him of his quota of the documents, and they will not go to waste.

Mr. MANN. Then I will have to be either to the annoyance of signing away the documents that belong to me or else will have to take the trouble to send them to somebody, neither one of which am I likely to do.

Mr. FINLEY. It is the usual thing.

Mr. MANN. The gentleman's committee, or some committee of the House, in my judgment, ought to provide some method by which Members can, under official control, trade the documents to their credit. There are many documents which I would like to have which I can not obtain and many others I have for which I have no use and which I can not give away.

Mr. FINLEY. If the gentleman will excuse me, there has been a bill introduced, which is pending in the other body, containing a provision something like this—that each Member of the House and Senate be given a printing and binding credit, and that he may order to the limit of that credit all of one document that he wishes or as many as he wishes.

Mr. MANN. I hope the gentleman does not favor that bill, because I am quite sure the House will never agree to it.

Mr. FINLEY. It has not been introduced here. Now, Mr. Speaker, I ask for a vote on the pending amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 1, line 9, strike out the words "Superintendent of the" and insert the word "House," so that it will read: "to the House document room for distribution."

The amendment was agreed to.

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read as follows:

In lines 3 and 4, strike out the words "fifty-five thousand" and insert the words "one hundred thousand."

In line 7 strike out the words "twenty thousand" and insert the words "thirty thousand." At the end of line 7 and beginning of line 8 strike out the words "thirty thousand" and insert the words "sixty-five thousand."

The SPEAKER. Unless there is a demand for a separate vote the amendments will be considered in gross.

The amendments were considered and agreed to.

The concurrent resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 125. An act to permit the American Academy in Rome to enlarge its purposes, and for other purposes; to the Committee on the Library.

S. 305. An act for the erection of a statue of Maj. Gen. John Stark in the city of Manchester, N. H.; to the Committee on the Library.

S. 1055. An act appropriating $10,000 to aid in the erection of a monument in memory of the late President James A. Garfield at Long Branch, N. J.; to the Committee on the Library.

S. 2750. An act to amend sections 90, 99, 105, and 186 in an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

S. 3211. An act authorizing the commission of ensign be given midshipmen upon graduation from the Naval Academy; to the Committee on Naval Affairs.

S. 3484. An act to authorize the construction of a bridge across the Snake River, between Walla Walla and Franklin Counties, in the State of Washington, by the Oregon-Washington Railroad & Navigation Co.; to the Committee on Interstate and Foreign Commerce.

S. 3850. An act to promote efficiency and economy in the administration of the Navy Department; to the Committee on Naval Affairs.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 15462. An act to amend section 91 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

H. R. 15450. An act to amend section 85 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911;

H. R. 15930. An act making appropriations to supply urgent deficiencies in appropriations for fiscal year 1912, and for other purposes; and

S. 3842. An act to amend and reenact paragraph 24 of section 24 of chapter 2 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 15462. An act to amend section 91 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

H. R. 15450. An act to amend section 85 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911; and

H. R. 15930. An act making appropriations to supply urgent deficiencies in appropriations for fiscal year 1912, and for other purposes.

CONDITIONS IN ALASKA.

Mr. BOOHER. Mr. Speaker, I ask unanimous consent of the House to insert some remarks in the RECORD on the Territory of Alaska and, as a part of my remarks, to insert also a document presented to the President of the United States by Bishop Rowe, of Alaska, with an extract from some remarks delivered by the bishop in St. John's Episcopal Church, in this city.

The SPEAKER. The gentleman from Missouri asks unanimous consent to print in the RECORD some remarks upon the Territory of Alaska. Is there objection?

There was no objection.

The matter referred to is as follows:

Mr. BOOHER. Mr. Speaker, the following statement was presented to the President of the United States by Bishop Rowe, of Alaska:

TO HIS EXCELLENCY THE PRESIDENT.

SIR: While traveling through Alaska last winter, on my missionary work, I found the natives everywhere in such conditions of disease, want, and misery that I there and then resolved to come to Congress and plead with you for some remedial help on their behalf. Their condition is most pitiable. As wards of our Government they must be protected. The time has come for something to be done.

THE CONDITIONS.

1. Diseases are largely prevalent. The governor of Alaska, in his report of 1910, pages 18–20, says: "The existence of infectious diseases, alarming in their nature and wide prevalence among the native people, calls for vigorous action. Thirty-six per cent are infected by tuberculosis, 26 per cent by venereal diseases; trachoma and conjunctivitis are prevalent; other cases, strongly suspected to be leprous, were also discovered. The menace of infection extends to the white population."

In the Reports of Education in Alaska of 1910–11, published by the Bureau of Education, attention is drawn to this distressing and serious situation. Officers and surgeons of the Revenue-Cutter Service bear similar testimony.

2. The resources of their food supply are being taken by white men, cannery companies, etc., so that actual want is very common among them.

3. Liquor peddling among the natives prevails, in spite of the law against it, to their demoralization and debauchery. Prosecution seems utterly ineffective to check the evil or protect the people.

In a word, the natives of Alaska are in such a condition of helpless misery that only some immediate, strong, merciful action on the part of the Government can save them from a swift extinction. Though they are slowly disappearing, are bound to do so before the advance of the superior race, yet as wards of our Nation, as original occupants of this land, it is but a matter of justice, mercy, that the Government should do its best to shield and save them from conditions that are hastening them to a miserable death.

THE REMEDY.

May I offer some suggestions in the way of relieving the distressing conditions?

1. Reservations should be immediately made. Before all available lands and streams are occupied by the white settlers and fish-canning companies, reservations should be made for the natives. This can be done now without expense. It will have to be done some time, but if deferred it will mean much difficulty and expense.

The "Metla Khatla Reserve" is a striking illustration of the benefits of this "reservation" plan. There the natives have been secluded, have supported themselves, have attained a high state of local self-government, of health, happiness, and prosperity.

Last winter I visited the Copper River Indians and their Chief Good-la-Taw. He gave a pot-latch and in an address said: "My people have always lived here. The bones of my fathers and the bones of their fathers lie in these hills. The white people, many and strong, are taking from us our homes. The Great White Father has so much land in Alaska, and surely will give my people these few acres so they may die in peace. The white man's ways are not our ways and the end of the journey is not far. My people are but children who need the care of a wise father."

2. It will be necessary to pass some law to compel the people living by themselves, here and there, far removed from each other, to come together on the chosen site for reservation.

3. The advantages: They can be better, more economically cared for. One good school in each reservation will suffice where now six or more schools are carried on and to an attendance fearfully small. It can be made more useful than as conducted now. As it is, how can children who are diseased, poor, and hungry avail themselves of the schools as at present provided? Then they can be ministered to in a medical way that will be satisfactory and that is not possible now. They can be trained into self-government, and under wise supervision will be able to support themselves entirely.

These are suggestions and are the result of 16 years' experience. How to carry them into effect is the question upon which I seek your judgment and guidance.

I am, your obedient servant,

PETER T. ROWE,
Bishop of Alaska.

In an earnest address at St. John's Church, one of the leading Episcopal churches of the capital city, Bishop Rowe enlarged upon the facts presented to the President—facts which greatly impressed the Chief Executive himself.

The bishop said that on his last trip into the vast wilderness of Alaska he determined to come to Washington to plead for the natives of that Territory. He said, among other things, in the course of his talk:

"The President showed great interest. We need his help. We need congressional action. Dreadful conditions exist among the natives. There are about 30,000 of them, including both Indians and Esquimaux. It is estimated that 36 per cent suffer from tuberculosis, while 26 per cent are victims of other dread diseases. They are vanishing. They are dying off very rapidly. Their hunting grounds are overrun, and the native is driven to extremes to eke out a livelihood, taking his family with him over the snows.

"Under our laws the Aleuts, for example, who inhabit the chain of islands to the south and west of Alaska, are forbidden to kill sea otter and other game on which they depend for life, so that unless something is soon done they will disappear. They are our children—the wards of our country. We must do something for them. Before all the available lands and streams are taken up the Government should bring them into groups with a degree of self-government."

As an example of the efficacy of this reservation plan, Bishop Rowe pointed out Metlakhatla and its wonderful achievements under the leadership of "Father" Duncan, as he is familiarly called. But this reservation, which has worked out so successfully, was made, not for our wards, but for those of Canada. Similar provisions should be made for the natives of Alaska. It is our own country and we should do something for its people.

On the subject of education the bishop has this to say: "Education under the Bureau of Education is abundant, costing about $200,000 a year. The theory is beautiful, organization good, schools well built, teachers plentiful; but the crying need is not so much for technical education as it is helpfulness, utility, training along lines that will bring necessary food and preserve good health. In spite of the high motives and good intentions the Bureau of Education by present methods is not meeting the real needs of the Alaskan natives and the people generally up there. Then, too, systematic medical help, intended to improve the present terrible conditions, is absolutely imperative."

The bishop also suggested that the license money which now goes for the support of the schools in the incorporated communities should be paid into the courts, and the result would be for the improvement of the morals and the betterment of the communities in general. "The schools should," he says, "be supported by a tax on fish and other natural resources."

Fish constitute one of the chief sources of food. Traps fence the streams in such a way as to prevent the fish from going up the streams to spawn. Seines would give some chance for the fish to get up the streams, a thing impossible under the trapping system now in vogue, which, if allowed to continue, will in time mean the exhaustion of this great and necessary food supply.

Immense profits are made out of the Alaska fisheries, amounting in a single season to many times the amount invested, with no adequate return to the Government in the way of revenue. The bishop would devote such adequate revenue, when collected, to schools rather than to use the license money for that purpose as at present.

The bishop gave great praise to Admiral Stockton, who saw the importance and advisability of extending Christian civilization to the natives in the far north, notwithstanding the views of Admiral Peary to the contrary. The people show intelligence and a desire to advance.

"Among the white people, too, there has been great progress. Public gambling has been wiped out and the dance halls of the old days no longer exist. Progress has been made everywhere, hospitals opened, missions established, even in the farthest north. The whole work is intensely fascinating, and it is successful," said the bishop, who closed with an eloquent appeal for a deeper and truer interest on the part of all Americans in genuine Alaskan progress.

Bishop Rowe was asked his opinion of the views contained in the address by Walter L. Fisher, Secretary of the Interior, on "Alaskan coal problems," delivered before the American Mining Congress, on the Secretary's return from Alaska in the fall. In this address Mr. Fisher advocated a system of leasing the Government coal lands, which system has already been successfully adopted with mining in Australia and New Zealand.

"I am not dead sure of the leasing system," said the bishop, "but feel that the Government should keep control of its valuable coal lands, and do not see how that can be done practically except by some such system as leasing. The provisions must be liberal if such a policy is adopted, so that capital would and could profitably develop the great Alaskan coal fields."

Bishop Rowe is a strong advocate of such a liberal policy as will attract, rather than repel, the investment of capital, for he feels that such investment in a large way is absolutely necessary to the proper development of Alaska. On the other hand, he in nowise advocates that the Government shall yield its control and ownership; but, to the contrary, feels that it should receive a reasonable royalty from the development of all its vast resources which it has not always gotten in the past, especially, by way of example, from the fisheries, which should yield great returns to the Government itself.

In a recent interview Gov. Clark pointed out that "the significance of the frequent complaints that Alaska has been neglected by the legislative branch of the Government lies in this: That many of the means of governmental control, some of them of the most elementary character, have been withheld from Alaska, although they have been granted in other noncontiguous territories more recently acquired."

The governor further said: "Now, as to what is meant by the needs of Alaska other than the settlement of the paramount question of cheap fuel, I would say, first, transportation; second, lighthouses."

He called attention to the fact that you can travel for a day's journey without passing a single lighthouse, buoy, or beacon. He called attention to the 12 or 15 wrecked vessels which have been strewn along the coast during the past year.

The importance of interior transportation is pointed out by the governor, who calls attention to the fact that Alaska now has nearly 200 miles of track in one line which crosses the principal mountain barrier between the coast and interior.

Other elementary things needed by Alaska, according to its chief executive, are a quarantine law; laws and regulations providing for the registration of vital statistics; public means for the care of indigent persons; sanitary regulations for the protection of public health; a compulsory school law.

Simple enactments along these lines are needed as well as some revision of the system of taxation, especially in respect to the product of the salmon canneries.

While agreeing with the governor in the necessity of action along the lines indicated, Bishop Rowe especially called attention to the necessity for better and more wagon roads—for such as can be used in the summer as well as in winter. "The wagon road always precedes the railroad," says Bishop Rowe, "and we must have more good wagon roads throughout Alaska. Another thing we need is an accurate public survey. This is imperative before the country can be filed up."

But, while Bishop Rowe is well informed on everything relating to Alaska and has very definite facts which he is willing and glad to give wherever they may be of help, still the one thing nearest his heart, and the thing that brought him to Washington, especially at this time, is that suggested in his statement to the President—the help that is absolutely necessary for the natives of Alaska.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 2 o'clock and 32 minutes p. m.) the House, under the concurrent resolution heretofore agreed to, adjourned until Wednesday, January 3, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the assistant clerk of the Court of Claims, transmitting copy of the findings filed by the court in the case of H. B. Bond, administrator of John B. Baird, deceased, *v.* The United States (H. Doc. No. 344); to the Committee on War Claims and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting the annual report of the Surgeon General of the Public Health and Marine-Hospital Service of the United States for the fiscal year 1911 (H. Doc. No. 157); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on examination of Bayou Grossetete, La., from its source to Bayou Plaquemine, with plan and estimate of cost of improvement (H. Doc. No. 348); to the Committee on Rivers and Harbors and ordered to be printed.

4. A message from the President of the United States, transmitting report of the Tariff Board on Schedule K (S. Doc. No. 210); to the Committee on Ways and Means and ordered to be printed.

5. A letter from the assistant clerk of the Court of Claims, transmitting copy of the findings of the court in the case of Jacob West *v.* The United States (H. Doc. No. 347); to the Committee on War Claims and ordered to be printed.

6. A letter from the assistant clerk of the Court of Claims, transmitting copy of the findings of the court in the case of R. D. Grizzle, administrator of the estate of James G. Logan, deceased, *v.* The United States (H. Doc. No. 346); to the Committee on War Claims and ordered to be printed.

7. A letter from the assistant clerk of the Court of Claims, transmitting copy of the findings of the court in the case of Mrs Virginia Carter, administratrix of estate of Felix Carter, u

The United States (H. Doc. No. 345); to the Committee on War Claims and ordered to be printed.

8. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on examination of Tillamook Bay and Bar, Oreg. (H. Doc. No. 349); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

9. A message from the President of the United States on the financial condition of the Treasury, needed banking and currency reform, and departmental questions (H. Doc. No. 343); to the Committee of the Whole House on the state of the Union and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. RICHARDSON, from the Committee on Pensions, to which was referred the bill (H. R. 14054) to increase the pensions of Mexican War survivors in certain cases, reported the same without amendment, accompanied by a report (No. 201), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 14053) to increase the pensions of Indian war survivors in certain cases, reported the same without amendment, accompanied by a report (No. 200), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MORGAN: A bill (H. R. 16555) to provide for holding a regular term of the United States circuit and district courts at Clinton, Okla., and for other purposes; to the Committee on the Judiciary.

By Mr. DENT: A bill (H. R. 16556) to promote the safety of travelers and employees upon railroads engaged in interstate or foreign commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: A bill (H. R. 16557) to provide and regulate transportation and to establish a post road in Alaska and to furnish transportation and fuel for the Army and Navy, and for other purposes; to the Committee on the Territories.

By Mr. STEPHENS of Mississippi: A bill (H. R. 16558) to provide for the erection of a public building at Holly Springs, Miss.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16559) to increase the limit of cost of a site for a public building at Holly Springs, Miss.; to the Committee on Public Buildings and Grounds.

By Mr. HOWLAND: A bill (H. R. 16560) providing for the granting of letters patent and regulating the issuance thereof, and for other purposes; to the Committee on Patents.

By Mr. MOORE of Pennsylvania: A bill (H. R. 16561) authorizing an appropriation for a dry dock at the Philadelphia Navy Yard; to the Committee on Naval Affairs.

By Mr. COOPER: A bill (H. R. 16562) to appropriate $10,000 to aid in the erection of a monument to the memory of the Cushing brothers (Alonzo Hershford Cushing, late of the Fourth United States Artillery; William Barker Cushing, late of the United States Navy; and Howard Bass Cushing, late of the Fourth United States Cavalry); to the Committee on the Library.

By Mr. DAVENPORT: A bill (H. R. 16563) providing for ascertaining the competency of the Seneca Tribe and other tribes of Indians in Oklahoma, and for issuing patents to those found competent, and removing the restrictions on their lands, and for other purposes; to the Committee on Indian Affairs.

By Mr. BUCHANAN: A bill (H. R. 16564) to amend paragraph 2 of section 17 of an act approved January 12, 1895, providing for the public printing and binding; to the Committee on Printing.

By Mr. OLDFIELD: A bill (H. R. 16565) to regulate public utilities in the District of Columbia and to confer upon the Commissioners of the District of Columbia the duties and powers of a public utilities commission; to the Committee on the District of Columbia.

By Mr. TAYLOR of Ohio: A bill (H. R. 16566) to complete necessary painting and decorating of United States post office and courthouse at Columbus, Ohio; to the Committee on Appropriations.

By Mr. JOHNSON of Kentucky (by request of the Commissioners of the District of Columbia): A bill (H. R. 16567) to authorize the widening of U Street NE. between Lincoln Road and Summit Place; to the Committee on the District of Columbia.

By Mr. CARTER: A bill (H. R. 16568) authorizing the Secretary of the Interior to permit the Missouri, Kansas & Texas Coal Co. and the Eastern Coal & Mining Co. to exchange certain lands embraced within their existing coal leases in the Choctaw and Chickasaw Nation for other lands within said nation; to the Committee on Indian Affairs.

By Mr. CLAYTON: A bill (H. R. 16569) to further amend section 10, chapter 252, volume 29, of Public Statutes at Large; to the Committee on the Judiciary.

By Mr. PRAY: A bill (H. R. 16570) providing for appropriation for survey of Fort Assiniboine Reservation, Mont.; to the Committee on Appropriations.

By Mr. SULZER: A bill (H. R. 16571) to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the North Pacific Ocean, concluded at Washington July 7, 1911; to the Committee on Foreign Affairs.

By Mr. CLAYTON: Resolution (H. Res. 354) providing for an assistant clerk to the Committee on the Judiciary; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 16572) granting an increase of pension to Christina Grether; to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 16573) granting an increase of pension to Calvin Musser; to the Committee on Invalid Pensions.

By Mr. BURLESON: A bill (H. R. 16574) for the relief of Louis Boerner; to the Committee on Claims.

By Mr. BURNETT: A bill (H. R. 16575) granting a pension to W. K. Simpson; to the Committee on Pensions.

Also, a bill (H. R. 16576) granting an increase of pension to John M. Clark; to the Committee on Pensions.

By Mr. CAMPBELL: A bill (H. R. 16577) for the relief of Thomas F. Graham; to the Committee on Military Affairs.

By Mr. CARTER: A bill (H. R. 16578) granting an increase of pension to George W. Keller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16579) granting an increase of pension to James W. B. Turk; to the Committee on Invalid Pensions.

By Mr. CONRY: A bill (H. R. 16580) granting a pension to Mordche Panett; to the Committee on Pensions.

By Mr. CRAVENS: A bill (H. R. 16581) to correct the military record of Silas Shepherd; to the Committee on Military Affairs.

By Mr. DAVENPORT: A bill (H. R. 16582) granting a pension to John T. Biggers; to the Committee on Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 16583) granting an increase of pension to Alfred Hough; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16584) to remove the charge of desertion from the military record of John Regan and to grant him an honorable discharge; to the Committee on Military Affairs.

By Mr. DAVIS of West Virginia: A bill (H. R. 16585) for the relief of J. Walter Duncan; to the Committee on the Judiciary.

Also, a bill (H. R. 16586) for the relief of J. Walter Duncan; to the Committee on Claims.

By Mr. FOWLER: A bill (H. R. 16587) granting a pension to Lucy A. Todd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16588) granting an increase of pension to Henry C. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16589) granting an increase of pension to John M. Carson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16590) granting an increase of pension to William Henslick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16591) granting an increase of pension to Ira Cotterell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16592) granting an increase of pension to Milton Franklin; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 16593) granting a pension to Archibald W. Garrison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16594) granting an increase of pension to Clifton P. Savery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16595) granting an increase of pension to Joseph H. Denton; to the Committee on Invalid Pensions.

By Mr. HANNA: A bill (H. R. 16596) granting an increase of pension to Henry Ford; to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 16597) granting a pension to J. W. Gill; to the Committee on Pensions.

Also, a bill (H. R. 16598) for the correction of the military record of Capt. Dorsey Cullen; to the Committee on Military Affairs.

By Mr. HAYES: A bill (H. R. 16599) for the correction of the military record of Albert C. Waltenspiel; to the Committee on Military Affairs.

Also, a bill (H. R. 16600) for the correction of the naval record of William Richard Hogg; to the Committee on Naval Affairs.

By Mr. HOWARD: A bill (H. R. 16601) for the relief of the estate of William A. Spencer, deceased; to the Committee on War Claims.

By Mr. LAFFERTY: A bill (H. R. 16602) granting a pension to John F. Troutman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16603) granting a pension to Charles Spinner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16604) for the relief of Lewis Montgomery; to the Committee on the Public Lands.

Also, a bill (H. R. 16605) to approve and validate the homestead entry of James H. Dunn and to provide for the issuance of patent to said lands to Lewis Montgomery; to the Committee on the Public Lands.

By Mr. LAMB: A bill (H. R. 16606) for the relief of Col. Littleton W. T. Waller, United States Marine Corps; to the Committee on Claims.

By Mr. LEE of Pennsylvania: A bill (H. R. 16607) granting an increase of pension to Thomas Knowles; to the Committee on Invalid Pensions.

By Mr. LEWIS: A bill (H. R. 16608) for the relief of Loretta E. Smith; to the Committee on Claims.

By Mr. McKINLEY: A bill (H. R. 16609) granting an increase of pension to William N. Rutledge; to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 16610) granting an increase of pension to Charles M. Travis; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 16611) setting apart a certain tract of land for a public highway, and for other purposes; to the Committee on the Public Lands.

Also, a bill (H. R. 16612) authorizing and directing the Secretary of the Interior to convey a certain lot in the city of Alva, State of Oklahoma; to the Committee on the Public Lands.

Also, a bill (H. R. 16613) authorizing and directing the Secretary of the Interior to convey a certain tract of land to the American Baptist Home Mission, and for other purposes; to the Committee on Indian Affairs.

Also, a bill (H. R. 16614) authorizing and directing the Secretary of the Interior to convey a certain tract of land to school district No. 70, in Canadian County, State of Oklahoma; to the Committee on the Public Lands.

By Mr. NORRIS: A bill (H. R. 16615) to correct the military record of Showers Nelson; to the Committee on Military Affairs.

By Mr. PATTON of Pennsylvania: A bill (H. R. 16616) granting an increase of pension to Henry M. Montgomery; to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 16617) granting a pension to James H. Beattie; to the Committee on Pensions.

Also, a bill (H. R. 16618) for the relief of the heirs of Edmund M. Phelan; to the Committee on Claims.

By Mr. RUCKER of Missouri: A bill (H. R. 16619) granting an increase of pension to Daniel A. Wagner; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 16620) granting an increase of pension to Emanuel Choate; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 16621) for the indemnification of Frank Wenzel; to the Committee on Claims.

By Mr. SMITH of New York: A bill (H. R. 16622) granting an increase of pension to James Paull; to the Committee on Invalid Pensions.

By Mr. SPEER: A bill (H. R. 16623) granting an increase of pension to Irvin S. Mead; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16624) granting an increase of pension to George O. Ellis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16625) granting an increase of pension to Ferdinand E. Perkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16626) granting an honorable discharge to Lucien P. Rogers; to the Committee on Military Affairs.

By Mr. STEPHENS of Nebraska: A bill (H. R. 16627) granting an increase of pension to Frederick Pfunder; to the Committee on Invalid Pensions.

By Mr. STONE: A bill (H. R. 16628) granting a pension to Rebecca S. Herron; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 16629) granting a pension to Amanda B. McCormick; to the Committee on Pensions.

Also, a bill (H. R. 16630) granting an increase of pension to Michael Cooney; to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 16631) granting an increase of pension to John M. Shirley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16632) granting an increase of pension to Allen H. Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16633) granting an increase of pension to William Koen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16634) granting an increase of pension to Robert L. Fuller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16635) granting an increase of pension to Michael J. Schrader; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16636) granting an increase of pension to Joseph H. Parker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16637) granting an increase of pension to Thomas Joyce; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 16638) granting a pension to John A. White; to the Committee on Pensions.

By Mr. WILLIS: A bill (H. R. 16639) granting a pension to William Bensinger and others; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16640) granting an increase of pension to Adam E. Shannon; to the Committee on Invalid Pensions.

By Mr. YOUNG of Kansas: A bill (H. R. 16641) granting an increase of pension to Henry C. Gilleland; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELL of Georgia: Petitions of citizens of Buford, Commerce, Gainesville, Lawrenceville, Suwanee, Toccoa, and Winder, Ga., protesting against the passage of a parcels-post bill; to the Committee on the Post Office and Post Roads.

By Mr. BURLESON: Resolutions, petitions, etc., of Order of Railway Conductors, Lone Star Division, No. 53, Denison, Tex.; Ladies' Art Club, Anderson, Ind.; District of Columbia Woman Suffrage Association; Civic Club, Northumberland, Pa.; St. Johnsbury Central Labor Union, St. Johnsbury, Vt., urging Congress to repeal the 10-cent tax on oleomargarine, etc.; to the Committee on Agriculture.

Also, resolutions, petitions, etc., of Jamaica Plain Tuesday Club, Jamaica Plain, Mass.; Wednesday Club, Cynthiana, Ky.; Every Tuesday Club, Decatur, Mich., urging Congress to order an investigation of diseases communicated to human beings through the contamination of dairy products, etc.; to the Committee on Agriculture.

By Mr. CRAVENS: Papers to accompany a bill to correct the military record of Silas Shepherd; to the Committee on Military Affairs.

By Mr. FOCHT: Petitions of J. H. Clymans and other citizens of Spring Run, Pa., asking that the duty on raw and refined sugars be reduced, etc.; to the Committee on Ways and Means.

Also, papers to accompany House bill 16359, for the relief of George Benfer; to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of Massachusetts Association of Union Volunteer Officers of the Civil War, in favor of the passage of measure to create a volunteer officers of the Civil War retired list, etc.; to the Committee on Military Affairs.

Also, papers to accompany a bill for the relief of Peter E. Luttrell (H. R. 2140); to the Committee on Pensions.

By Mr. HANNA: Memorial of Seventh-day Adventist Church of Guckle, N. Dak., protesting against the passage of House bill 9433; to the Committee on the Post Office and Post Roads.

Also, petition of numerous citizens of North Dakota, urging that the public-land laws be amended; to the Committee on the Public Lands.

By Mr. HARTMAN: Memorial of Pennsylvania Forestry Association, in favor of investigation of chestnut blight; to the Committee on Agriculture.

By Mr. HAYES: Papers to accompany bill to correct the military record of Albert C. Waltenspiel; to the Committee on Military Affairs.

Also, papers to accompany bill to correct the naval record of William Richard Hogg; to the Committee on Naval Affairs.

By Mr. HELM: Petition of Spencer County, Ky., for reference of claim against the Government to the Court of Claims; to the Committee on War Claims.

By Mr. HILL: Memorial of Methodist Brotherhood of Winsted, Conn., for an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. HINDS: Memorials of W. E. Raitt and others, of Elliott, Me., praying for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, memorial of Pine Tree Lodge, of Bangor, Me., of the Order of B'rith Abraham, praying for legislative action to secure the abrogation of the treaty with Russia; to the Committee on Foreign Affairs.

Also, memorial of Pride of Maine Lodge, B'rith Abraham, of Lewiston, Me., praying for legislative action to secure the abrogation of the treaty with Russia; to the Committee on Foreign Affairs.

Also, memorials of the Order of B'rith Abraham, Independent Lodge of Biddeford, Me., and Portland City, Pride of Portland, and Star of Maine Lodges, of Portland, Me., praying for action of the Government as to treaty with Russia; to the Committee on Foreign Affairs.

By Mr. HUGHES of New Jersey: Resolutions of New Jersey Chapter of the American Institute of Architects, opposing plan for Lincoln memorial highway and urging that suitable memorial be in harmony with accepted plan for development of Washington City; to the Committee on the Library.

Also, memorial of Eleventh Regiment New Jersey Volunteers, requesting retention in office of comrades holding positions not included in the civil-service list; to the Committee on Accounts.

By Mr. KINKEAD of New Jersey: Petition of New Jersey Association Union ex-Prisoners of War, asking retention of their comrades in office; to the Committee on the Judiciary.

Also, memorial of New Jersey Chapter of American Institute of Architects, in favor of Lincoln memorial as recommended by the National Fine Arts Commission; to the Committee on the Library.

By Mr. LAFFERTY: Papers to accompany a bill granting a pension to John F. Troutman; to the Committee on Pensions.

Also, papers to accompany a bill granting a pension to Charles Spinner; to the Committee on Invalid Pensions.

Also, papers to accompany bill to approve and validate the homestead entry of James H. Dunn; to the Committee on the Public Lands.

By Mr. LINDBERGH: Memorial of Swan Lake Seventh-day Adventist Church, of Grey Eagle, Minn., protesting against the passage of House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. LINDSAY: Memorials of the National Academy of Design and the New York Chapter of the American Institute of Architects, favoring the site recommended by the Washington Park Commission for the proposed Lincoln memorial; to the Committee on the Library.

Also, petition of Charles A. Tinker and Albert B. Chandler, of Brooklyn, N. Y., in favor of passage of House bill 2920, concerning the Military Telegraph Corps; to the Committee on Invalid Pensions.

Also, memorial of numerous civic bodies of the State of Washington, asking that no tolls be collected on American ships through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Society of the Army of the Cumberland, favoring an appropriation for a monument in memory of Maj. Gen. Rosecrans; to the Committee on Military Affairs.

Also, petitions of William McBirney and John Znakatura, of Panama Canal Zone, in favor of the passage of House resolution 287; to the Committee on Rules.

Also, memorial of Groupe Américain de la Société des Architectes, in favor of Lincoln memorial as approved by the National Fine Arts Commission; to the Committee on the Library.

Also, memorial of National Woman's Christian Temperance Union, urging reimbursement of the Ellen M. Stone ransom; to the Committee on Claims.

Also, memorial of Seneca Club of Brooklyn, N. Y., against removal of Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, memorial of Rochester Chamber of Commerce, of Rochester, N. Y., for amendment to corporation-tax law; to the Committee on Ways and Means.

Also, petition of National Indian War Veterans, in favor of House bill 779; to the Committee on Pensions.

Also, memorial of Massachusetts Association of Union Volunteer Officers of the Civil War, for Civil War volunteer officers' retired-list bill; to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: Petition of Retail Grocers' Association of Philadelphia, Pa., against the parcels post; to the Committee on the Post Office and Post Roads.

By Mr. NYE: Memorial of Woman's Christian Temperance Union of Minneapolis, Minn., for an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. RAKER: Petition of First Baptist Church of Eureka, Humboldt County, State of California, for the passage of an effective interstate liquor bill; to the Committee on the Judiciary.

By Mr. SPEER: Papers to accompany House bill 5573, granting an increase of pension to James M. Wonders; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 11152, granting an increase of pension to Lewis Bartlett; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 11151, granting an increase of pension to W. W. Kope; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 8464, granting a pension to Mary Ellen Clark; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 12355, granting an increase of pension to James Davison; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 5575, granting an increase of pension to Seymour Wheelock; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 12354, granting an increase of pension to Alfred M. Shaw; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 5576, granting an increase of pension to George C. Richards; to the Committee on Invalid Pensions.

By Mr. STEENERSON: Petitions of numerous citizens of Dent, Ulen, Winger, Hitterdal, Ottertail, Hawley, Red Lake Falls, and Gary, Minn., protesting against the parcels post; to the Committee on the Post Office and Post Roads.

By Mr. SULZER: Memorial of the Arion Mænnerchor of Chicago, Ill., urging an investigation of the administration of the immigration office at Ellis Island; to the Committee on Immigration and Naturalization.

Also, petition of the Prison Association of New York, in favor of Esch phosphorus bill; to the Committee on Ways and Means.

By Mr. TAYLOR of Ohio: Petition of W. E. Mann, of Columbus, Ohio, protesting against the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, memorial of Grand Lodge of Independent Western Star Order, in regard to termination of treaty between the United States and Russia; to the Committee on Foreign Affairs.

Also, memorial of Columbus Photo Engravers' Union, No. 14, International Photo Engravers' Union, in regard to tax on oleomargarine; to the Committee on Agriculture.

Also, memorial of Local Union 216 of the United Association of Journeymen Plumbers, Gas Fitters, Steam Fitters, and Steam Fitters' Helpers, etc.; also of the Columbus Federation of Labor, protesting against the so-called Smoot printing bill; to the Committee on Printing.

By Mr. TILSON: Memorial of Brotherhood of Painters, Decorators, and Paperhangers of America, for repeal of tax on oleomargarine; to the Committee on Agriculture.

By Mr. VREELAND: Petition of First Presbyterian Church, of Jamestown, N. Y., for the passage of an effective interstate liquor bill; to the Committee on the Judiciary.

By Mr. WILLIS: Papers to accompany bill granting an increase of pension to Adam E. Shannon; to the Committee on Invalid Pensions.

By Mr. WILSON of New York: Memorial of Downtown Taxpayers' Association of Brooklyn, N. Y., favoring the purchase by the United States Government of land and water front on the westerly side of the Brooklyn Navy Yard in order to increase docking facilities, etc.; to the Committee on Naval Affairs.

Also, memorial of Brooklyn League and its affiliated bodies, of Brooklyn, N. Y., protesting against the removal of the navy yard from Brooklyn, N. Y.; to the Committee on Naval Affairs.

SENATE.

WEDNESDAY, *January 3, 1912.*

The Senate met at 12 o'clock m.

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

Our heavenly Father, we thank Thee that Thou hast set before us the open door of the new year, which no man can shut. With joy and with confidence we pass through the portals and enter the mystery of another year. What unfulfilled hopes are to come to fruition, what cherished plans are to be unrealized, what joys may surprise us, what sorrows may pain us, what perils may threaten us, these we know not; neither do we ask. But this we know, our Father, that wherever we may go Thy presence will anticipate us, and in whatever we may do and in all that we may suffer Thy grace will be sufficient for us. But we can not tread alone, our Father, the way that we have not passed before. By Thy spirit lead us, we humbly pray Thee, and make clean our hearts within us that henceforth we may serve Thee not in oldness of the letter but in newness of the spirit, to the honor and glory of Thy holy name.

And unto Thee, who makest all things new, will we ascribe praise now and for evermore. Amen.

JEFF DAVIS, a Senator from the State of Arkansas, appeared in his seat to-day.

The Journal of the proceedings of Thursday, December 21, 1911, was read and approved.

YAKIMA INDIAN RESERVATION (H. DOC. NO. 383).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of the investigation relative to the necessity for the construction of wagon roads on the Yakima Indian Reservation, which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

POSTAL SAVINGS BANK SYSTEM (H. DOC. NO. 384).

The VICE PRESIDENT laid before the Senate a communication from the Postmaster General, transmitting, pursuant to law, a statement from the board of trustees of the postal savings system relative to the operations of that system for the fiscal year ended June 30, 1911, which, with the accompanying paper, was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

FRENCH SPOLIATION CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting the findings of fact and conclusions of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court in the following causes:

The vessel schooner *Paragon*, Nathaniel Wattles, master (H. Doc. No. 367);

The vessel snow *Nancy*, William Emmons, master (H. Doc. No. 375);

The vessel brig *Franklin*, Joshua Walker, master (H. Doc. No. 372);

The vessel brig *William and Mary*, Moses Springer, master (H. Doc. No. 373);

The vessel brig *Peyton Randolph*, Benjamin Cozzens and William Cozzens, masters (H. Doc. No. 371);

The vessel ship *Six Sisters*, Daniel Baker, master (H. Doc. No. 374);

The vessel schooner *Mermaid*, Church C. Trouant, master (H. Doc. No. 368);

The vessel schooner *Phœnix*, John B. Farley, master (H. Doc. No. 369); and

The vessel schooner *Harmony*, Enoch Lee, master (H. Doc. No. 370).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

William Loring Spencer and Mary C. Royston, sole heirs of William W. Loring, deceased, *v.* The United States (S. Doc. No. 214);

The La Grange Synodical College *v.* The United States (S. Doc. No. 234);

The County of Greene, State of Missouri, *v.* The United States (S. Doc. No. 235);

The First Baptist Church of Jacksonville, Fla., *v.* The United States (S. Doc. No. 236);

The Board of Trustees of the Public Schools of Darlington, S. C., *v.* The United States (S. Doc. No. 237);

Joseph E. Lindsey, surviving partner of the firm of John Lindsey & Son, *v.* The United States (S. Doc. No. 213);

Houston L. Bell *v.* The United States (S. Doc. No. 215);

Mrs. A. M. McFarlane, administratrix of the estate of John G. Freeman, deceased, *v.* The United States (S. Doc. No. 216);

Jeannette J. Guard, administratrix of the estate of Josiah Jennison, deceased, *v.* The United States (S. Doc. No. 217);

Charles J. Fuller *v.* The United States (S. Doc. No. 225);

Charles B. Fry *v.* The United States (S. Doc. No. 226);

Jeremiah E. Finch *v.* The United States (S. Doc. No. 233);

Margaret A. C. Finch, widow of Amasa J. Finch, deceased, *v.* The United States (S. Doc. No. 228);

David H. Dyer *v.* The United States (S. Doc. No. 231);

James Fields *v.* The United States (S. Doc. No. 232);

John G. Evans *v.* The United States (S. Doc. No. 218);

Olivia F. Elliott, widow of George S. Elliott, deceased, *v.* The United States (S. Doc. No. 219);

Elizabeth Ely, widow of John L. Ely, deceased, *v.* The United States (S. Doc. No. 220);

Joseph F. Dwelley *v.* The United States (S. Doc. No. 223);

James M. Dungan *v.* The United States (S. Doc. No. 227);

Lauraett Drummer, widow of Charles H. Drummer, deceased, *v.* The United States (S. Doc. No. 221);

William A. Duckworth *v.* The United States (S. Doc. No. 230);

Julia A. Ragland, widow (remarried) of William H. Drinkard, deceased, *v.* The United States (S. Doc. No. 224);

Gabrielle Detiege, daughter and sole heir of Emile Detiege, deceased, *v.* The United States (S. Doc. No. 229); and

Sallie M. Cohen, administratrix of the estate of Henry Cohen, deceased, *v.* The United States (S. Doc. No. 222).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the Federal Council of the Church of Christ and a petition of the Ministerial Union, of Baltimore, Md., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Washington, D. C., praying that an appropriation be made for a preliminary survey for the construction of the proposed seven national highways, which was referred to the Committee on Agriculture and Forestry.

He also presented resolutions adopted by the Chamber of Commerce of Pittsburgh, Pa., expressing congratulations upon the abrogation of the treaty of 1832 between the United States and Russia, which were ordered to lie on the table.

He also presented memorials of the congregations of the Roosevelt Seventh-day Adventist Church, of Heaton, N. Dak., of the Seventh-day Adventist Church, of Benton Harbor, Mich., and of the Columbia Seventh-day Adventist Church, of Columbia, S. C., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Geneva, Nebr.; Logansport, Ind.; Weston and Norwalk, Ohio; and Castlewood, S. Dak., remonstrating against the extension of the parcels-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Frank R. Palmer Auxiliary, United Spanish War Veterans, of Albany, N. Y., praying for the enactment of legislation to extend the so-called gratuity fund to include retired officers and enlisted men of the Army, Navy, and Marine Corps, which was referred to the Committee on Pensions.

He also presented memorials of the Central Labor Union of Lancaster, N. Y.; the Central Labor Union of Depew, N. Y.; the Carpenters and Joiners' Union of Hamilton, Ohio; the Labor Council of San Francisco, Cal.; the Building Trades' Council of Santa Cruz, Cal.; and of the International Association of Machinists, remonstrating against the abolishment of the hand-roller process of manufacturing paper currency, which were referred to the Committee on Printing.

He also presented a petition of the American Federation of Labor, praying that the hours of labor on Government dredge work be limited to eight hours, which was referred to the Committee on Education and Labor.

He also presented petitions of the Association of Cosmopolitan Clubs, of Stanford University, California, and of sundry citizens of Elmira, N. Y.; Paulding, Ohio; Bayonne, N. J.; Lagear, Colo.; and Brooklyn, N. Y., praying for the ratification

of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. GALLINGER. I present petitions of the congregation of the Squam Bridge Free Baptist Church, of Holderness; of the Woman's Club of West Concord; of the Christian Science Society of North Conway; of the congregations of the Baptist and Congregational Churches of Greenville; of Theodosius S. Tyng, of Ashland; of the congregations of the First Methodist Episcopal Church of Franklin, the Unitarian, Methodist, Baptist, Free Baptist, and Congregational Churches of Franklin; and of sundry citizens of Tilton, Concord, and Westmoreland, all in the State of New Hampshire, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which I ask may lie on the table.

A number of these petitions are from church organizations in my State favoring the arbitration treaties. I also present a lengthy petition from my own city, transmitted by the pastor of the Second Congregational Society of Concord, Unitarian, with a brief letter, which I ask permission to read:

I inclose a petition to the Senate on 15 sheets of paper, signed by 185 citizens of Concord, asking for the passage of the proposed arbitration treaties with France and Great Britain, as presented by President Taft. Most of the signers are men, and I need not call your attention to any particular signatures, since many of them are well known to you. We have not had time to circulate these petitions widely; all who signed came forward voluntarily to do so.

Hoping that the arbitration treaties are to have your support and that of your colleague, Senator BURNHAM, and that they will pass the Senate successfully, and wishing you a happy New Year,

I am, sincerely, yours,

SYDNEY B. SNOW.

Mr. President, in connection with these petitions I will venture to express the hope that those important treaties will soon be placed before the Senate for consideration and final action.

The VICE PRESIDENT. The petitions will lie on the table.

Mr. GALLINGER presented a petition of the Cheshire County Automobile Association, of Keene, N. H., praying that an appropriation be made for the construction of a highway from Washington, D. C., to Gettysburg, Pa., as a memorial to Abraham Lincoln, which was referred to the Committee on Appropriations.

He also presented a memorial of the Boot and Shoe Workers' Local Union of Manchester, N. H., remonstrating against the reduction of the duty on finished leather, which was referred to the Committee on Finance.

He also presented a memorial of members of the Grand Army of the Republic, Department of Maryland, remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Rockingham County Woman's Christian Temperance Union, of New Hampshire, praying for the adoption of an amendment to the Constitution to establish national prohibition, which was referred to the Committee on the Judiciary.

He also presented the petition of Charles W. Morrill, of Nashua, N. H., praying for a reduction of the duty on sugar, which was referred to the Committee on Finance.

He also presented a memorial of Boot and Shoe Workers' Local Union No. 28, of Manchester, N. H., and a memorial of the United Brotherhood of Carpenters and Joiners of America, No. 1673, of Somersworth, N. H., remonstrating against the abolishment of the hand-roller process of manufacturing paper currency, which were referred to the Committee on Printing.

Mr. CULLOM presented petitions of the Chicago Association of Commerce, of Illinois; of the Plymouth Commercial Club, of Massachusetts; of the Chamber of Commerce of Sacramento, Cal.; and of the Chamber of Commerce of Baltimore, Md., praying that an appropriation be made for the construction of buildings for American representatives at Mexico, Rio Janeiro, and Tokyo, which were referred to the Committee on Foreign Relations.

He also presented petitions of members of the Grand Army of the Republic of Ottawa; of T. Lyle Dickey Post, No. 105, Grand Army of the Republic, of Pontiac; of Post No. 155, Grand Army of the Republic, of Delavan; of William B. Archer Post, No. 119, Grand Army of the Republic, of Marshall; of Post No. 797, Grand Army of the Republic, of Herrin; and of Post No. 271, Grand Army of the Republic, of Charleston, all in the State of Illinois, praying for the passage of the so-called dollar-a-day pension bill, which were referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Eureka, Crescent City, Joy, Sumner, Chicago, Farina, and Streator, all in the State of Illinois; of Lynn and Plymouth, in the State of Massachusetts; of West Concord, N. H.; New Haven, Conn.; Providence, R. I.; Pittsburgh, Pa.; and of Los Gatos, Pasadena, Oakland, Redlands, San Bernardino, and East Oakland, all in the State of California; of La Salle, Denver, Boulder, and Pueblo, all in the State of Colorado; of Albany, New York City, and Utica, all in the State of New York; and of St. Louis, Mo., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Olean, N. Y., praying that an appropriation be made for the purchase of suitable homes for American representatives abroad, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted by members of the Society of the Army of the Tennessee, favoring the enactment of legislation granting a pension to Mrs. Lillian A. Grierson, widow of the late Gen. B. H. Grierson, which was referred to the Committee on Pensions.

He also presented petitions of the Retail Merchants' Association of East St. Louis, of the Lumbermen's Credit Association of Chicago, and of the Peoria Association of Commerce, all in the State of Illinois, praying for the adoption of a 1-cent rate of postage, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Retail Grocers' Association of Springfield, Ill., and a petition of sundry citizens of Noble, Ill., praying for the reduction of the duty on raw and refined sugars, which were referred to the Committee on Finance.

He also presented a petition of Cigar Makers' Local Union No. 191, of Morris, Ill., praying for the enactment of legislation to exempt from internal-revenue tax cigars supplied employees by the manufacturers thereof, which was referred to the Committee on Finance.

He also presented a petition of the officers of the First National Bank, the Canton National Bank, and the First State Bank & Trust Co., all of Canton, in the State of Illinois, praying for the repeal of section 13 of the postal-savings system, relating to maximum deposits, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Official Board of the Methodist Episcopal Church, of Nokomis, Ill., praying for the ratification of any fair and reasonable treaty looking toward the disarmament of nations and the settlement of international disputes by means of arbitration, which was referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of Bryant, Chicago, Chatsworth, Filson, Nashville, and Mount Pulaski, all in the State of Illinois, remonstrating against the extension of the parcels-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of Local Union No. 282, American Federation of Musicians of Alton; of Local Division No. 315, Brotherhood of Locomotive Engineers, of Clinton; and of the Chicago Woman's Aid, all in the State of Illinois, praying for the repeal of the oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented memorials of the Trade and Labor Council of Danville, Ill., and of Local Lodge No. 10943, Tin, Steel, Iron, and Granite Ware Workers, of Granite City, Ill., remonstrating against the abolishment of the hand-roller process of manufacturing paper currency, which were referred to the Committee on Printing.

He also presented a petition of sundry members of the Illinois National Guard, of Sullivan, Ill., praying for the enactment of legislation regulating the pay of the Organized Militia, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Jacksonville, Ill., praying for the enactment of legislation to prohibit the manufacture of white phosphorus matches, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Chicago, Ill., praying for the enactment of legislation to better the condition of American seamen, which was referred to the Committee on Interstate Commerce.

He also presented a petition in the form of a resolution adopted by the congregation of the Church of Christ (Disciples) of Eureka, Ill., praying for the passage of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. WARREN presented memorials of Local Union No. 2335, United Mine Workers of America, of Hanna; of Local Union No. 2572, of Sublet; and of Local Union No. 469, United Brotherhood of Carpenters and Joiners of America, of Cheyenne, Wyo., remonstrating against the abolishment of the so-called hand-roller process of manufacturing paper currency, which were referred to the Committee on Printing.

Mr. BRISTOW presented a petition of sundry citizens of Conway, Kans., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Pomona and Oswego, in the State of Kansas, praying for the passage of the so-called dollar-a-day pension bill, which were referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Conway, Kans., and a petition of the congregation of the First Presbyterian Church of Minneapolis, Kans., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Ottawa, Kans., praying for the establishment of a parcels-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Retail Merchants' Association of Wellington, Kans., and a memorial of sundry citizens of Mulvane, Kans., remonstrating against the extension of the parcels-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Great Council, Improved Order of Red Men, of Kansas, praying that an appropriation be made for the erection of an Indian memorial building and museum, which was referred to the Committee on Indian Affairs.

He also presented a petition of sundry citizens of Highland Township, Kans., and a petition of sundry citizens of Limestone Township, Kans., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on Interstate Commerce.

Mr. ROOT presented petitions of sundry citizens of New York, praying for the enactment of legislation favoring the division of the northern judicial district in that State, which were referred to the Committee on the Judiciary.

He also presented petitions of the Chamber of Commerce, the Park Baptist Church, the First Baptist Church, and the Hedding Methodist Episcopal Church, of New York City; the Duryea Presbyterian Church, of Brooklyn, and of sundry citizens of Rochester, all in the State of New York, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Almond, Buffalo, and Vernon, all in the State of New York, remonstrating against the establishment of the so-called parcels-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the editors of the Literary Digest and the firm of Funk & Wagnalls, of New York City, N. Y., and of sundry citizens of New Rochelle, N. Y., praying for the establishment of the so-called parcels-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Elmira, Watertown, Lakeport, Avoca, The Bronx, Brooklyn, and Adams Center, all in the State of New York, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented petitions of the Chamber of Commerce and the Board of Trade of New York City, N. Y., praying for the ratification of the so-called Nicaraguan and Honduran treaties, which were referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of Marlboro, North Cohocton, and Jefferson County, all in the State of New York, remonstrating against the interstate transportation of intoxicating liquors into prohibition districts, which were referred to the Committee on the Judiciary.

He also presented a petition of the International Reform Bureau (Inc.), of Washington, D. C., praying for the enactment of legislation to prohibit United States attorneys from engaging in private practice, which was referred to the Committee on the Judiciary.

Mr. WETMORE presented a petition of members of the Fortnightly Club, of Providence, R. I., praying for a reduction of the duty on sugar, which was referred to the Committee on Finance.

He also presented a petition of the State Grange, Patrons of Husbandry, of Rhode Island, praying for the establishment of a parcels-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the State Grange, Patrons of Husbandry, of Rhode Island, remonstrating against the ratification of reciprocal trade relations with the Dominion of Canada, which was referred to the Committee on Finance.

He also presented a petition of the State Grange, Patrons of Husbandry, of Rhode Island, praying for the enactment of legislation providing for an inspection of all nursery stock imported from foreign countries, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Woman's Christian Temperance Union of Providence, R. I., praying for the ratification of the proposed arbitration treaties between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a petition of the congregation of the First Presbyterian Church, of Providence, R. I., and a petition of the congregation of the Presbyterian Church of Newport, R. I., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of the Rhode Island Business Men's Association, praying that an appropriation be made for the further improvement of the harbor of refuge at Point Judith, in that State, which was referred to the Committee on Commerce.

Mr. GRONNA presented memorials of sundry citizens of Jamestown and Cavalier County; of the Woman's Club of Bottineau; and of the Rosenfeld Seventh-day Adventist Church, of Heaton, all in the State of North Dakota, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. NELSON. I present a joint resolution adopted by the Legislature of Minnesota, which I ask may be printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the resolution was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

Joint resolution 4.

Whereas it is the practice of the United States circuit courts to enjoin State officers from the enforcement of State statutes and the orders of State officers made in pursuance of authority vested in them by State statutes in action brought by citizens of other States and foreign corporations, claiming that the laws of the States or the orders of State officers conflict with the Federal Constitution; and

Whereas the courts of the several States of the Union have jurisdiction both in law and equity to protect every interest guaranteed either by the Constitution and laws of the State or of the United States, It is the opinion of the Legislature of the State of Minnesota that State laws should be construed and the legality of the acts of State officers under State laws should be passed on by State courts before they are declared unconstitutional and their enforcement prevented by Federal authority. If the decision of the highest court of the State is unsatisfactory, the party feeling aggrieved can remove the case to the United States Supreme Court, which will review any Federal question that may be involved and protect the interested parties against the infringement of any rights they may have under the Federal Constitution; and

Whereas the views above expressed have the sanction of the National Convention of Attorneys General and the National Convention of Railroad Commissioners, and each of these associations have requested Congress to pass laws in accordance therewith: Therefore be it

Resolved by the house of representatives (the senate concurring), That Minnesota's Senators and Representatives in Congress are requested to secure such laws as will prevent the Federal courts from enjoining State officers from enforcing State statutes or orders of State officers made pursuant to State laws before the same have been passed on in State courts, leaving the United States Supreme Court to correct any decision of the State court that, in its opinion, interferes with the Constitution or the laws of the United States.

April 19, 1911.

Mr. NELSON presented petitions of the Woman's Christian Temperance Union of Minneapolis, Minn., of sundry citizens of Thief River Falls, Minn., and of sundry citizens of Nashville, Tenn., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented memorials of the Wright-Clarkson Mercantile Co., of Duluth, and of sundry citizens of Gary, Callaway, and Red Lake Falls, all in the State of Minnesota, remonstrating against the extension of the parcels-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the St. Paul Association of Commerce, of Minnesota, and a petition of sundry citizens of Minnesota, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of the Minneapolis Retail Grocers' Association, of Minnesota, praying for a reduction of the duty on raw and refined sugars, which was referred to the Committee on Finance.

Mr. BRANDEGEE presented a petition of John Hay Lodge, No. 61, Knights of Pythias, of Hartford, Conn., praying for the abrogation of the treaty of 1832 between the United States and Russia, which was ordered to lie on the table.

He also presented petitions of the congregation of the Congregational Church of Pomfret; of the congregation of the Congregational Church of Orange; of New Haven County Pomona Grange, Patrons of Husbandry; of the Lafalot Club, of Hartford; and of sundry citizens of Deep River, all in the State of Connecticut, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of the Methodist Brotherhood of Winstead, Conn., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside liquor dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of the Pomona Grange, Patrons of Husbandry, of New Haven, Conn., and a petition of the State Board of Agriculture of Connecticut, praying for the establishment of a parcels-post system, which were referred to the Committee on Post Offices and Post Roads.

Mr. SWANSON presented memorials of sundry citizens of Dungannon, Jonesville, and St. Charles, all in the State of Virginia, remonstrating against the extension of the parcels-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

Mr. BOURNE submitted sundry papers to accompany the bill (S. 3330) granting a pension to Harry Colpus, which were referred to the Committee on Pensions.

Mr. HITCHCOCK presented a memorial of sundry citizens of Omaha, Nebr., and a memorial of the Central Labor Union of Lincoln, Nebr., remonstrating against the extension of the parcels-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

Mr. BROWN presented a petition of Local Union No. 143, Cigar Makers' International Union of America, of Lincoln, Nebr., praying for the enactment of legislation authorizing the reorganization of the American Tobacco Co., which was referred to the Committee on the Judiciary.

He also presented affidavits in support of the bill (S. 3412) to grant an increase of pension to Samuel R. Vose, which were referred to the Committee on Pensions.

He also presented affidavits in support of the bill (S. 3417) granting an increase of pension to Myron Richards, which were referred to the Committee on Pensions.

He also presented an affidavit in support of the bill (S. 3946) granting an increase of pension to Charles A. Sargent, which was referred to the Committee on Pensions.

He also presented affidavits in support of the bill (S. 3821) granting an increase of pension to George A. Wilcox, which were referred to the Committee on Pensions.

He also presented affidavits in support of the bill (S. 3822) granting a pension to Allison Olinger, which were referred to the Committee on Pensions.

He also presented affidavits in support of the bill (S. 3825) granting an increase of pension to Perry L. Sargent, which were referred to the Committee on Pensions.

Mr. CURTIS presented a petition of sundry citizens of Ottawa, Kans., praying for the establishment of a parcels-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Pomona, Kans., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented petitions of sundry veterans of the Civil War, residents of Oswego; of McPherson Post, No. 87, Grand Army of the Republic, Department of Kansas, of McPherson; and of Harper Post, No. 251, Grand Army of the Republic, Department of Kansas, of Harper, Kans., praying for the passage of the so-called dollar-a-day pension bill, which were referred to the Committee on Pensions.

He also presented a petition of the Synod of the United Presbyterian Church of Kansas, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Wellington, Mulvane, and Wheaton, all in the State of Kansas, remonstrating against the extension of the parcels-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

Mr. BRADLEY presented petitions of the faculties of Georgetown College, of Central College, of Central University, of Wesleyan College, of the congregation of St. Mark's Protestant Church, of Louisville, and of sundry citizens of Louisville and Glendale, all in the State of Kentucky, praying for the ratification of the treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. PERKINS presented petitions of sundry citizens of Oakland, Mills College, Red Lands, San Bernardino, East Oakland, San Francisco, Los Angeles, Mendocino, Pasadena, San Jose, Fowler, Auburn, and Palo Alto, all in the State of California, praying for the ratification of the treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of San Francisco, Cal., remonstrating against the extension of the parcels-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the State Federation of Labor of California, remonstrating against the establishment of the so-called Taylor system of shop management in United States navy yards, which was referred to the Committee on Naval Affairs.

He also presented a memorial of the Institute of Art of San Francisco, Cal., remonstrating against the construction of a highway from Washington, D. C., to Gettysburg, Pa., as a memorial to Abraham Lincoln, which was referred to the Committee on Appropriations.

He also presented memorials of sundry citizens of Janesville, Arroyo Grande, San Francisco, and Skidoo, all in the State of California, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Los Angeles and San Francisco, in the State of California, remonstrating against the abolishment of the hand-roller process of manufacturing paper currency, which were referred to the Committee on Printing.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying that an appropriation be made for the improvement of the rivers and harbors in that State, which was referred to the Committee on Commerce.

He also presented resolutions adopted by the Chamber of Commerce of San Francisco and the Chamber of Commerce of Oakland, in the State of California, favoring the adoption of the recommendations proposed in the report of the California Débris Commission, which were referred to the Committee on Commerce.

Mr. McLEAN presented petitions of sundry citizens of Deep River; of the Congregational Church of Orange; the Congregational Church of Pomfret; and the Wethersfield Avenue Congregational Church, of Hartford, all in the State of Connecticut; and of the Clothiers' Association of New York City, praying for the ratification of the treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Waterbury, Winsted, Torrington, Stamford, Wallingford, Hartford, Willimantic, and Windsor Locks, all in the State of Connecticut, praying for the construction of a highway from Washington, D. C., to Gettysburg, Pa., as a memorial to Abraham Lincoln, which were referred to the Committee on Appropriations.

He also presented a petition of the Board of Trade, of Hartford, Conn., praying for the establishment of the so-called parcels-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of Local Union No. 84, International Alliance of Theatrical Stage Employees of the United States and Canada, and of Local Union No. 453, Brass and Aluminum Molders, of Hartford, Conn., remonstrating against the abolishment of the hand-roller process of manufacturing paper currency, which were referred to the Committee on Printing.

He also presented a petition of sundry citizens of Seymour, Conn., praying for a reduction of the duty on sugar, which was referred to the Committee on Finance.

He also presented a petition of the Savings Bank Association of New Town, Conn., praying for the adoption of the recommendations of the Hadley Commission's Report on the valuation of railway investments, which was referred to the Committee on Interstate Commerce.

Mr. POMERENE presented petitions of sundry citizens of Concord and Marion, in the State of Ohio, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a petition of the Westminster Brotherhood, of Hamilton, Ohio, and a petition of the congregation of the Presbyterian Church of the Covenant, of Cincinnati, Ohio, praying for the enactment of an interstate liquor law to prevent the

nullification of State liquor laws by outside liquor dealers, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Coshocton, Columbus, Cleveland, Steubenville, Hamilton, Youngstown, Dayton, Sandusky, East Liverpool, Akron, Alliance, and Toledo, all in the State of Ohio, remonstrating against the abolishment of the hand-roller process of manufacturing paper currency, which were referred to the Committee on Printing.

He also presented petitions of sundry citizens of New Philadelphia, Columbus, and Dayton, all in the State of Ohio, praying for the repeal of the oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of Cleveland, Ohio, praying for the enactment of legislation to better the condition of American seamen, which were referred to the Committee on Commerce.

He also presented petitions of sundry citizens of Cleveland, Columbus, and Mansfield, all in the State of Ohio, praying for the adoption of a 1-cent rate of postage, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Lore City, Bucyrus, Selma, Clarke County, Paulding, Ashley, Cincinnati, Toledo, Hamilton, Rio Grande, Portsmouth, West Salem, Tiro, Springfield, Wooster, Bellaire, and Nelsonville, all in the State of Ohio, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Long Bottom, New Lexington, Middleport, Toledo, Somerton, Washingtonville, Mansfield, Atwater, Bryant, Cadiz, Norwalk, Shreve, McConnelsville, Belmore, and Greenville, all in the State of Ohio, praying for the establishment of a parcels-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Columbus, Athens, Cincinnati, Dayton, Newark, Cleveland, and Springfield, all in the State of Ohio, praying for the construction of a highway from Washington, D. C., to Gettysburg, Pa., as a memorial to Abraham Lincoln, which were referred to the Committee on Appropriations.

He also presented petitions of sundry citizens of Ashland, Ohio, praying for the enactment of legislation providing for the pay of members of the National Guard, which were referred to the Committee on Military Affairs.

He also presented a petition of the Council of Administration, Department of the Grand Army of the Republic, of Columbus, Ohio, praying for the passage of the so-called dollar-a-day pension bill, which was referred to the Committee on Pensions.

He also presented a memorial of Youngstown Lodge, No. 136, Independent Western Star Order, of Ohio, remonstrating against certain treatment accorded American citizens by the Government of Russia, which was ordered to lie on the table.

SOLDIERS' HOME AT SANTA MONICA, CAL.

Mr. WORKS. I have a letter giving information about the management of the Soldiers' Home at Santa Monica. I ask to have the letter and the paper attached printed in the RECORD and referred to the Committee on Military Affairs.

Mr. SMOOT. I should like to ask the Senator from California if he made a request in relation to the printing of illustrations. Is it a map or a diagram?

The VICE PRESIDENT. The request is to have the matter printed in the RECORD.

Mr. WORKS. It is a letter and an extract from a letter.

Mr. SMOOT. An extract from a letter?

Mr. WORKS. Yes.

Mr. SMOOT. All right.

The VICE PRESIDENT. Without objection, the order will be entered.

The matter referred to is as follows:

CALIFORNIA CONSOLIDATED OIL CO.,
602 UNION TRUST BUILDING,
LOS ANGELES, *December 18, 1911.*

Hon. JOHN D. WORKS,
United States Senate, Washington, D. C.

DEAR SENATOR: I wired you only a shadow of what I personally have learned of the condition existing in the national soldiers' homes, and am inclosing to you an exact copy of a letter that I received last year from a comrade whom I had visited in the Virginia National Home, at Hampton, I remaining inside of that branch for a week, and it was a week of hell. I have not attached this comrade's name for prudential reasons, he being in circumstances that necessitates his remaining there, but if the Sherwood pension bill becomes a law he—and a majority of the inmates of that so-called home—would leave its grounds forever. The change, should it go into the control of the War Department, would, in my opinion, not prove what is wanted. Four years ago I, for the first time, visited the California home at Sawtelle at the request of several old comrades originally from my State—Wisconsin—to enjoy a Christmas dinner. That night I wrote Theodore Roosevelt, then President, describing what I had encountered there, while he was feasting on the best turkey Rhode Island had ever grown, and Admiral Evans's fleet of 14,000 men were feasting on a ship load of turkeys at the Isle of Trinidad—sent ahead to meet them—with cranberry sauce, cigars, and a feast in every respect. Not a sign of that day's national bird, turkey, was to be seen on the home tables, but greasy pork instead; miserable coffee served in quart bowls that required both hands to lift to the mouth, and only 15 minutes allowed to gulp down this "Christmas dinner," as another twelve hundred were waiting massed on the outside. I asked the President at that time to send a trusted agent to report to me in Los Angeles, where, without publicity, I would be able to summon many men whose word was as good as ever spoken, and I felt that their testimony, sworn to if deemed necessary, would convince him that a change of the entire board of managers would be justifiable. Instead of taking my earnest advice, without even acknowledging my letter, he sent it direct to Taft, then Secretary of War, and he sent it on to the board of managers at 346 Broadway, New York, when they at once sent it to Col. La Grange, the then governor of the Sawtelle Home, and nothing was accomplished. After that I learned that the War Department would send out an inspector and I requested that he report to a committee of veterans in Los Angeles for the same purpose. He came; we called him up on the phone after he had gone from the Alexandria Hotel to the national home, and he then, finding himself cornered, promised to meet us at the office of Dr. Case, in Los Angeles, that evening at 7, but while we waited at Comrade Dr. Charles E. Case's office until after 9, he finally phoned us that he, "Maj. Brewster," assistant inspector, United States Army, had decided not to take any testimony outside the soldiers' home, and took his departure for another like inspection at the Leavenworth Home, but, Comrade Senator, I afterwards was shown his report to the board of general managers, then on file at their offices at 346 Broadway, New York, in which he deliberately stated that he had waited for the committee at the Alexandria Hotel to produce their evidence for three hours and no one appeared. A deliberate falsification, for the understanding was clear that we were to meet him at 415½ Spring Street, at Dr. Case's office, and we were there waiting with several inmates of the home, who had come in at our request, to give their testimony. No investigation can be successfully made within the home grounds for the simple reason that any man who was induced to testify against the present management would be "given the gate" as soon as the investigation was ended. So if a congressional investigation is ordered the committee should act entirely independent of the home management by summoning or inviting inmates to appear before them outside the grounds of each of the several national homes, and possibly also accepting the cooperation of a self-constituted committee of loyal veterans not inmates in the several cities near which the several homes are located.

A short time ago Senator PERKINS, of this State, offered to sell his ranch or farm property, consisting of 27,000 acres, lying in Santa Barbara and San Louis Obispo Counties, at only $16 an acre, which would make a most admirable tract for a colony of veterans and their descendants, cut up into 5, 10, or 20 acre tracts as each sized family would justify, and if this was secured and the dollar-a-day pension (Sherwood) bill passed several thousand inmates of the so-called national homes would be able and glad to avail themselves of such an opportunity, and from their savings could pay for a home in such a colony at its actual cost. I have no idea of advocating any speculation, I assure you, at the expense of my comrades, and, if in my power, as I told Senator PERKINS in October while in Frisco, I would buy his ranch and devote the balance of my life to building up a monument to patriotism with my comrades of the Civil War, their and my sons and daughters settled happily together as its foundation, that the whole outside world would admire and only sorry they were not able to participate in.

I am still blessed with perfect health and would gladly offer my services in any movement for the good of all, and with best wishes for a Merry Christmas in the Nation's fair Capital, I remain,

Very truly, yours in F. C. and L.,

JOHN Q. A. WALKER.

P. S.—Your reply to my telegram has just come to hand, and I still stand by my position that no more than two homes would be necessary to house the infirm now inmates of all homes, if such an ideal colony was open to them, and the majority receiving the full $30 per month. Again wishing you the compliments of the season, I remain,

Yours truly,

J. Q. A. W.

NATIONAL SOLDIERS' HOME,
HAMPTON, VA., *August 10, 1910.*

DEAR COMRADE WALKER: As Comrade Glase kindly consented to answer your letter, which was welcome and a surprise, as we understood you had gone to New York, and when the other day I received mail from Portsmouth, Va., with clippings of Wisconsin papers, we were at a loss to know who sent them. Am always glad to receive news of Wisconsin, as I claim Wisconsin stands at the head of the list in the great struggle.

We are at present getting better grub. Mr. Glase and I alternate each week in buying fruit and vegetables, to be used nearly each meal during the week. We never touch the hash or bread pudding or other dishes that are prepared in home kitchen. In that way we get along fairly well, but the fact is, no jail, poorhouse, or station house in the United States would be guilty of setting up before prisoners what is put before us every day. It is an outrage on the name of soldiers' homes.

I think the management will be turned over to the War Department soon, then we will be rid of the coffee coolers and dog robbers who now control the homes. Mr. Glase, myself, and another comrade had a delightful sail in the roads yesterday a. m.; went out to the four ships now anchored in the roads. We were at Fort Monroe when the accident occurred to the big gun when 11 men were killed.

A ball game is in progress on home grounds this p. m. With many thanks for papers and letters of to-day, send all Wisconsin clippings you have, and let's hear from you often.

Yours, very truly, in F. C. and L., ——— ———.

ADDRESSES BY DR. BUTLER (S. DOC. NO. 238) AND BY GOV. O'NEAL (S. DOC. NO. 240).

Mr. SUTHERLAND. I present an address delivered before the Commercial Club of St. Louis by Dr. Nicholas Murray Butler, president of Columbia University, New York City, November 27, 1911, on "Why should we change our form of government,"

which I ask to have printed as a public document, and also that 10,000 extra copies be printed. I ask that the request for the printing of extra copies be referred to the Committee on Printing.

The VICE PRESIDENT. Without objection, the order to print will be made, and the latter request will be referred to the Committee on Printing.

Mr. BAILEY. What is the request?

The VICE PRESIDENT. The request was that an address by Dr. Nicholas Murray Butler be printed as a document, with a further request that 10,000 extra copies be printed, which latter request was referred to the Committee on Printing.

Mr. BAILEY. I have no objection to the request, but I would like to have an address delivered by Gov. O'Neal, of Alabama, on the same subject, also printed as a public document.

The VICE PRESIDENT. Has the Senator from Texas the address here?

Mr. BAILEY. I do not happen to have it on my desk, but I will furnish it to the printer.

The VICE PRESIDENT. Is there objection to the request of the Senator from Texas that the address of Gov. O'Neal be printed as a public document?

Mr. SMOOT. In connection with the other address?

Mr. GALLINGER. To be printed jointly?

The VICE PRESIDENT. The Chair does not so understand.

Mr. SMOOT. They are to be printed separately, I understand.

Mr. BAILEY. They are separate addresses, and I think they ought to be printed separately.

Mr. GALLINGER. I have no objection.

The VICE PRESIDENT. Without objection, the order is entered.

Mr. SUTHERLAND'S request for the printing of extra copies was reduced to writing and referred to the Committee on Printing, as follows (S. Res. 175):

Resolved, That 10,000 copies of Senate Document No. 238, being an address entitled "Why should we change our form of Government?" delivered by Nicholas Murray Butler, president of Columbia University, in the city of New York, before the Commercial Club of St. Louis, November 27, 1911, be printed for the use of the Senate.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. REED:

A bill (S. 4095) to authorize the enlargement of the Federal building at Kansas City, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. FLETCHER:

A bill (S. 4096) to provide for the erection of a public building at De Land, Fla.; and

A bill (S. 4097) to provide for a site and the erection of a public building at Daytona, Fla.; to the Committee on Public Buildings and Grounds.

A bill (S. 4098) for the relief of the estate of Fernando Valdez, deceased; to the Committee on Claims.

By Mr. SWANSON:

A bill (S. 4099) for the relief of Howard Clements; to the Committee on Claims.

A bill (S. 4100) granting a pension to Mrs. A. M. Mead (with accompanying papers); and

A bill (S. 4101) granting an increase of pension to George W. Garden (with accompanying papers); to the Committee on Pensions.

By Mr. DAVIS:

A bill (S. 4102) to prohibit the collection of a revenue tax or the granting of other authority permitting or authorizing the sale or giving away of foreign or domestic distilled spirits, intoxicating liquors, wines, or any compound thereof in any district or territory of any of the several States or Territories of the United States of America where the sale or giving away of such foreign or domestic distilled spirits, intoxicating liquors, wines, or any compound thereof are prohibited by the laws of said States or Territories, and for other purposes; to the Committee on Finance.

A bill (S. 4103) to suppress pools, trusts, and combinations in trade and to provide penalties for violations of its provisions, and for other purposes; to the Committee on the Judiciary.

By Mr. ROOT:

A bill (S. 4105) to amend the Revised Statutes of the United States relating to the northern district of New York, to divide the same into two districts, and provide for the terms of court to be held therein and the officers thereof, and the disposition of pending causes (with accompanying paper); to the Committee on the Judiciary.

By Mr. HEYBURN:

A bill (S. 4106) granting a pension to Walter L. Hammond (with accompanying papers); to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 4107) to authorize the Commissioners of the District of Columbia to open, extend, and widen streets, avenues, and highways in the District of Columbia in accordance with the acts providing a permanent system of highways in the District of Columbia approved March 2, 1893, and June 28, 1898;

A bill (S. 4108) to terminate the lease of William W. Riley for wharf property owned by the United States on the Potomac River, District of Columbia (with accompanying paper); and

A bill (S. 4109) to restore the name of Oregon Avenue, in the District of Columbia, and for other purposes (with accompanying papers); to the Committee on the District of Columbia.

By Mr. DIXON:

A bill (S. 4110) to provide for the purchase of ground and the erection of a Weather Bureau observatory building at or near the Montana State University, at Missoula, Mont.; to the Committee on Agriculture and Forestry.

A bill (S. 4111) granting an increase of pension to John A. Richards; to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 4112) providing for the erection of a public building at Grafton, N. Dak.; to the Committee on Public Buildings and Grounds.

A bill (S. 4113) for the relief of Isaac J. Reese; and

A bill (S. 4114) for the relief of Jacob Bergman (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 4115) granting an increase of pension to Charles Young (with accompanying paper);

A bill (S. 4116) granting an increase of pension to Charles Miller (with accompanying papers); and

A bill (S. 4117) granting an increase of pension to Thomas Kehoe (with accompanying papers); to the Committee on Pensions.

By Mr. BRISTOW:

A bill (S. 4118) directing the Secretary of War to construct or to purchase 15 steamships to be used in establishing commercial lines between the east coast of the United States and the west coast of South America, and the west coast of Central America and the west coast of the United States, and making provision therefor (with accompanying papers); to the Committee on Interoceanic Canals.

A bill (S. 4119) to prohibit any railroad or other common carrier from having any interest in any common carrier by water with which it does or may compete; to the Committee on Interstate Commerce.

A bill (S. 4120) granting an increase of pension to William J. Seals (with accompanying papers); and

A bill (S. 4121) granting an increase of pension to Anna M. McCartney (with accompanying papers); to the Committee on Pensions.

By Mr. WETMORE:

A bill (S. 4122) granting an increase of pension to Martha A. Johnson (with accompanying papers);

A bill (S. 4123) granting an increase of pension to Caroline M. Packard (with accompanying papers); and

A bill (S. 4124) granting an increase of pension to Abby M. Thompson (with accompanying papers); to the Committee on Pensions.

By Mr. CULLOM:

A bill (S. 4125) granting an increase of pension to Jonathan J. Boyer;

A bill (S. 4126) granting an increase of pension to Bradford R. Gilbert; and

A bill (S. 4127) granting an increase of pension to David Rosebraugh (with accompanying papers); to the Committee on Pensions.

A bill (S. 4128) for the relief of the estates of Frances M. Stuart and William H. Bush (with accompanying paper); to the Committee on Claims.

A bill (S. 4129) granting an honorable discharge to Jacob Barger; and

A bill (S. 4130) to correct the military record of Bruce C. Payne (with accompanying papers); to the Committee on Military Affairs.

By Mr. BOURNE:

A bill (S. 4131) to authorize the construction of a road in Crater Lake National Park, Oreg., and to appropriate $100,000 for the commencement thereof; to the Committee on Appropriations.

A bill (S. 4132) granting an increase of pension to Robinson C. Ford (with accompanying papers); to the Committee on Pensions.

By Mr. WARREN:
A bill (S. 4133) providing for the improvement of East and South Roads into Yellowstone National Park; to the Committee on Appropriations.
A bill (S. 4134) for the improvement of the roads on the Wind River Reservation, in Wyoming; to the Committee on Indian Affairs.
A bill (S. 4135) granting a pension to Thomas Mooney (with accompanying papers); and
A bill (S. 4136) granting an increase of pension to John H. Mullison; to the Committee on Pensions.
By Mr. BRANDEGEE:
A bill (S. 4137) granting a pension to Sarah C. Jaques;
A bill (S. 4138) granting an increase of pension to Joseph E. Rawson;
A bill (S. 4139) granting an increase of pension to Leander Brown; and
A bill (S. 4140) granting an increase of pension to William Gates; to the Committee on Pensions.
By Mr. GRONNA:
A bill (S. 4141) to amend section 24 of the judicial code, approved March 3, 1911; to the Committee on the Judiciary.
A bill (S. 4142) to amend section 9 of the act of June 25, 1910, entitled "An act to establish postal savings depositories for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes"; to the Committee on Post Offices and Post Roads.
A bill (S. 4143) granting an increase of pension to Robert Paisley (with accompanying papers); to the Committee on Pensions.
By Mr. GUGGENHEIM:
A bill (S. 4144) to increase the limit of cost of the United States post-office building at Greeley, Colo.; to the Committee on Public Buildings and Grounds.
A bill (S. 4145) granting a pension to Sarah A. Aiken (with accompanying papers); and
A bill (S. 4146) granting a pension to Mary C. Christensen (with accompanying papers); to the Committee on Pensions.
By Mr. McLEAN:
A bill (S. 4147) granting an increase of pension to William Thomas (with accompanying papers); to the Committee on Pensions.
By Mr. BORAH:
A bill (S. 4148) to provide for the acquiring of title to public lands classified as and carrying phosphate deposits; to the Committee on Public Lands.
A bill (S. 4149) to abolish certain assay charges; to the Committee on Standards, Weights, and Measures.
By Mr. NELSON:
A bill (S. 4150) to place certain general officers of Volunteers in the Civil War on the retired list of the Army; to the Committee on Military Affairs.
A bill (S. 4151) to authorize the Minnesota and International Railway Co. to construct a bridge across the Mississippi River at or near Bemidji, in the State of Minnesota; to the Committee on Commerce.
A bill (S. 4152) to amend the pension laws of the United States; to the Committee on Pensions.
(By request.) A bill (S. 4153) for the relief of the estate of Alton R. Dalrymple; to the Committee on Claims.
By Mr. SMOOT:
A bill (S. 4154) granting an increase of pension to Robert G. Sleater (with accompanying papers);
A bill (S. 4155) granting an increase of pension to Alfred Kent (with accompanying papers);
A bill (S. 4156) granting an increase of pension to William A. Clovis (with accompanying papers);
A bill (S. 4157) granting an increase of pension to Alexander Cowan (with accompanying papers); and
A bill (S. 4158) granting an increase of pension to Eli Kendall (with accompanying papers); to the Committee on Pensions.
A bill (S. 4159) for the relief of F. M. Lyman, jr. (with accompanying paper); to the Committee on Claims.
By Mr. BRADLEY:
A bill (S. 4160) for the relief of Mrs. M. B. Watson, widow of Thomas Watson (with accompanying papers);
A bill (S. 4161) for the relief of William A. Lamb (with accompanying papers);
A bill (S. 4162) for the relief of Joshua Wyatt (with accompanying papers);
A bill (S. 4163) for the relief of C. H. Young (with accompanying papers);
A bill (S. 4164) for the relief of Joseph Lambert (with accompanying papers);
A bill (S. 4165) for the relief of E. N. Blackburn (with accompanying papers); and
A bill (S. 4166) for the relief of Lawson Reno, collector second district of Kentucky (with accompanying papers); to the Committee on Claims.
A bill (S. 4167) granting an increase of pension to John C. Napier (with accompanying papers);
A bill (S. 4168) granting an increase of pension to Benjamin Richardson (with accompanying papers);
A bill (S. 4169) granting an increase of pension to Alfred Robinson (with accompanying papers);
A bill (S. 4170) granting an increase of pension to William Hill (with accompanying paper);
A bill (S. 4171) granting an increase of pension to James E. Kinnard (with accompanying paper);
A bill (S. 4172) granting an increase of pension to Thomas Dougherty (with accompanying paper);
A bill (S. 4173) granting an increase of pension to Madison Chapel (with accompanying papers);
A bill (S. 4174) granting an increase of pension to Virgie Hamilton (with accompanying papers); and
A bill (S. 4175) granting an increase of pension to Laurentine V. Tarvin (with accompanying papers); to the Committee on Pensions.

SPECULATIONS IN FARM PRODUCTS.

Mr. DAVIS. I introduce a bill which I ask may be read twice by its title and lie on the table. I give notice that on the 12th instant, immediately after the routine morning business, I shall ask leave to address the Senate on the bill.

The bill (S. 4104) to prohibit any person or corporation, for themselves or for or in the interest of any other person or corporation, directly or indirectly, from delivering, receiving, or transmitting, and from being interested in or aiding in any manner the receiving, delivering, or transmitting by mail, telegraph, telephone, or other means whatever, in any State, district, country, Territory, or place over which the sovereignty of the United States of America now exists, any message, information, intelligence, letter, writing, card, device, sign, symbol, cipher, or other thing whatsoever the subject of the senses or any of them whereby intelligence or information may be conveyed or understood relating to or in any manner or form concerning any transaction or proposed or suggested transaction, scheme, or plan to speculate or gamble, or gain or lose sums of money called margins, which gains or losses, respectively, are made to depend upon the future increase or decrease of the market price of any product of the soil, provided that at the time of such transaction, proposed transaction, scheme, or plan for so speculating or gambling any such product of the soil be the subject of interstate commerce or the subject of commerce from or by and between the people of the United States of America and the people of any foreign country, was read twice by its title.

The VICE PRESIDENT. The bill will lie on the table.

RECIPROCITY WITH CANADA.

Mr. HEYBURN. I ask that the bill (S. 3316) to repeal an act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," be taken from the table and referred to the Committee on Finance.

The VICE PRESIDENT. Without objection, the bill will be referred to the Committee on Finance.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following act:

On December 21, 1911:

S. 3842. An act to amend and reenact paragraph 24 of section 24 of chapter 2 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

REPORT OF UNITED STATES CIVIL SERVICE COMMISSION (H. DOC. NO. 148).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Civil Service and Retrenchment and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the consideration of the Congress, the Twenty-eighth Annual Report of the United States Civil Service Commission for the fiscal year ended June 30, 1911.

WM. H. TAFT.

THE WHITE HOUSE, *January 3, 1912.*

LAWS OF PORTO RICO (S. DOC. NO. 239).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed:

To the Senate and House of Representatives:

As required by section 32 of the act of Congress approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith certified copies of franchises granted by the Executive Council of Porto Rico, which are described in the accompanying letter from the Secretary of War transmitting them to me. Such of these as relate to railroad, street railway, telegraph, and telephone franchises, privileges, or concessions have been approved by me, as required by the joint resolution of May 1, 1900 (31 Stat. L., 715).

WM. H. TAFT.

THE WHITE HOUSE, *January 3, 1912.*

ARBITRATION TREATY WITH GREAT BRITAIN.

Mr. HITCHCOCK. Mr. President, I desire to give notice that to-morrow, or on the next legislative day, immediately following the morning business, I shall address the Senate, if it will hear me, on the pending arbitration treaty with Great Britain.

EXECUTIVE SESSION.

Mr. CULLOM. I think we ought have a brief executive session. I therefore move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 12 o'clock and 33 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 4, 1912, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate January 3, 1912.

SUPERVISING INSPECTOR, STEAMBOAT-INSPECTION SERVICE.

Nils Bernard Nelson, of Ohio, to be supervising inspector, ninth district, Steamboat-Inspection Service, Department of Commerce and Labor, vice James Stone, deceased.

APPOINTMENTS AND PROMOTIONS IN THE NAVY.

Frederick C. Bowerfind, a citizen of Michigan, to be an assistant paymaster in the Navy from the 8th day of December, 1911, to fill a vacancy.

Lieut. Commander John F. Hines to be a commander in the Navy from the 14th day of December, 1911, to fill a vacancy.

First Lieut. Charles J. E. Guggenheim to be a captain in the Marine Corps from the 19th day of December, 1911, to fill a vacancy.

Second Lieut. Ernest A. Perkins to be a first lieutenant in the Marine Corps from the 19th day of December, 1911, to fill a vacancy.

Machinist John B. Martin to be a chief machinist in the Navy from the 27th day of December, 1911, upon the completion of six years' service as a machinist.

The following-named machinists to be chief machinists in the Navy from the 1st day of January, 1912, upon the completion of six years' service as machinists:

Franz J. M. Parduhn, and
Henry I. Edwards.

APPOINTMENTS IN THE ARMY.

INFANTRY ARM.

Herbert Alonzo Wadsworth, of Idaho, to be second lieutenant of Infantry, with rank from October 7, 1911.

Jonathan Waverly Anderson, midshipman, United States Navy, to be second lieutenant of Infantry, with rank from December 2, 1911.

POSTMASTERS.

COLORADO.

John E. Murphy to be postmaster at Holly, Colo., in place of Hardin C. McCreery, resigned.

ILLINOIS.

Ross M. Taylor to be postmaster at Libertyville, Ill., in place of Charles W. Taylor, deceased.

KENTUCKY.

Vincent M. Williamson to be postmaster at Hopkinsville, Ky., in place of John W. Breathitt, resigned.

NEW JERSEY.

Alexander A. Yard to be postmaster at Farmingdale, N. J., in place of William B. Goodenough, resigned.

NEW YORK.

Charles Fewster to be postmaster at Ontario, N. Y., in place of Harvey M. Selleck, resigned.

OREGON.

Charles Hines to be postmaster at Forest Grove, Oreg., in place of W. B. Haines, resigned.

SOUTH CAROLINA.

Cecil S. Rice to be postmaster at Denmark, S. C., in place of William F. Rice, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 3, 1912.

PROMOTIONS IN THE NAVY.

Lieut. Commander William D. Brotherton to be a commander.

Lieut. Carleton R. Kear to be a lieutenant commander.

Lieut. (Junior Grade) Harvey Delano to be a lieutenant.

Second Lieut. Thomas E. Thrasher, jr., to be a first lieutenant in the Marine Corps.

POSTMASTER.

TEXAS.

Harry R. Gray, Bonham.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 3, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Once more, Almighty God, in the onward sweep of time we are brought to the beginning of a new year. Grant, O most merciful Father, that it may hold in its grasp something better, something purer, something nobler for all Thy children than any of its predecessors; that the oppressed everywhere may go free; that the disparagements of life may give way to larger faith, brighter hopes in the eternal verities. That the hearts of selfish and designing men may be melted into brotherly love. That the sanctity of human life may increase and murder cease to be. That the purity and sweetness of the home may grow apace and divorce become a thing of the past. That sectarianism may be lost in the universal brotherhood of man. That creeds may be swallowed up in pure and undefiled religion. That Thy kingdom which the devout of every age have prayed for, longed for, worked for, may indeed come and Thy will be done in every heart. In the Christ spirit to the honor and glory of Thy holy name. Amen.

The Journal of the proceedings of Thursday, December 21, 1911, was read and approved.

THE AUSTIN (PA.) DAM DISASTER.

The SPEAKER. The Chair wishes to announce that this is Calendar Wednesday.

Mr. OLMSTED. Mr. Speaker, I would like unanimous consent to address the House for five or six minutes on a matter which in a certain way touches the honor of the State of Pennsylvania.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to address the House for five or six minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. OLMSTED. Mr. Speaker, my attention has been called to a Washington dispatch in the Pittsburgh Post, from which I read as follows:

Representative WILLIAM B. WILSON, of the fifteenth district, which includes Potter County, where the Austin Dam disaster occurred, to-day introduced a bill appropriating $750,000 out of the Federal Treasury for the relief of the sufferers in Austin and the neighboring town of Costello. Mr. WILSON said he had been told, but had not had time to satisfy himself fully of the truth of the statement, that the State had absorbed all but $30,000 of the fund collected by popular subscription for the relief of the flood sufferers in cleaning away the débris and work of that kind.

My colleague [Mr. WILSON] has been imposed upon. What was told to him has also been told to others. Such a statement does great injustice to the State of Pennsylvania and to her officials. It is utterly without foundation. There is no truth in it. The simple fact is that certain charitable persons, not knowing just where to send their contributions, sent them either to Gov. John K. Tener or to Dr. Samuel G. Dixon, health commissioner of Pennsylvania. Every dollar thus contributed was turned over by those officials to Mr. N. N. Metcalf, chair-

man of the Austin relief committee. Not one dollar was "absorbed" by the State for any purpose whatever. The contributions received by Gov. Tener amounted to $562.66, and were as follows:

James B. Borland, manager Evening News Publishing Co., Franklin	$121.50
Filbert Paving & Construction Co., Philadelphia	100.00
Evening News Printing Co., Franklin	100.00
J. Fred Ostersock, Able Opera House, Easton	81.91
J. B. Borland, manager, Franklin	74.50
C. D. Phipps, Rock Grove schools, Venango County, Franklin	25.50
William A. Leahy, secretary mayor of Boston, Boston, Mass	25.00
J. B. Borland, manager Evening Publishing Co., Franklin	10.00
William A. Leahy, secretary mayor of Boston, Boston, Mass	10.00
H. J. Auth, secretary and treasurer the Newark Star, Newark, N. J	7.25
John G. Quinn, Hutchinson, Kans	5.00
E. D. Shelton, Hitchcock, Okla	1.00
Russell W. Park, secretary, Easton	1.00
Total	562.66

This total of $562.66 was transmitted to the relief committee, as I have stated, and I hold in my hand copies of the letters of transmittal.

Contributions sent to Dr. Samuel G. Dixon were as follows:

Wellsboro relief committee, Leonard Harrison, chairman	$625.00
Citizens' permanent relief committee, Philadelphia	5,000.00
Pittsburgh Austin relief fund, Pittsburgh, Pa	2,526.99
Milton relief fund, J. C. Linder, treasurer	700.00
Rudolph Peterson, representing schools of Weissport, Clinton County, Pa	10.50
Cambria Steel Co., Johnstown, Pa	1,000.00
A. J. Selin, Cross Forks, Pa	10.00
Citizens of Wilcox, Elk County, Pa	1.00
Charles Wolf, mayor of Williamsport, Pa	1,000.00
Ladies' relief committee, St. Marys, Pa	116.75
M. A. Grissinger, Retreat, Pa	5.00
H. G. Seeling, Railroad, Pa	25.00
Borough schools, Sayre, Pa	90.00
F. G. Hoagland, Renovo, Pa	13.00
J. W. Cook, Pittsburgh, Pa	25.00
Anonymous contribution	101.50
Annie Brindlinger, Boyertown, Pa	5.00
Mrs. H. E. Oberdorff, Hershey, Pa	1.00
Jas. D. Winsor, Haverford, Pa	80.00
Samuel Hartzel, McGee Mills, Pa	10.00
H. D. Hoover and citizens of Portage, Pa	38.75
Receipts of Staff Dining Room, contributed by visitors getting meals	72.38
Alice P. D. Derrick	10.00
First National Bank, of Mansfield, Pa	12.00
Civic Club, Northumberland, Pa	122.45
Elizabeth J. Quinton, Edge Hill, Pa	5.00
Employees West Virginia Pulp & Paper Co., Williamsport, Pa	102.50
Esher K. Smith, Harrisburg, Pa	1.00
Miss P. W. McK. Downs, Three Runs, Pa	4.00
A. L. Garver, general manager, Roaring Springs, Pa	15.00
William Hazen, Evening Post (cashier), New York City, N. Y	15.00
Mrs. P. E. Decker and citizens of Athens, Pa	108.61
Victor Talbot and citizens of Port Angeles, Wash	9.00
News Publishing Co., Shamokin, Pa	37.00
Joseph H. Young, 614 Perry Building, Philadelphia, Pa	1.00
Anna S. Priestly, Northumberland, Pa	.87
Lena R. Harrison, secretary Ladies' Aid Society, Asbury Methodist Episcopal Church, Dover, Del	5.00
Maria Heywood Lewis, Philadelphia, Pa	10.00
Pastime Amusement Co., J. Frank Clugstone, manager, Winburne, Pa	24.53
Superintendent of General Electric Co. (to pay bill of Stephens Hardware Co., Emporium, Pa., for one barrel of gasoline)	10.54
J. C. Henry, treasurer, Aspinwall Lodge, No. 1133, I. O. O. F., Aspinwall, Pa	5.00
Benj. N. Davidson, chairman of committee, Gulf Mills Christian Church, Gulf Mills, Pa	27.15
Total	11,982.54

The entire sum of $11,982.54 was transmitted by Dr. Dixon to Mr. Metcalf, chairman of the Austin relief committee, and I have received from the doctor a copy of his letter of transmittal.

I know of my own knowledge that when the Austin disaster occurred Gov. Tener acted with the utmost promptness and decision. I do not believe that any similarly appalling situation was ever handled better than that at Austin by Gov. Tener, the health department, the adjutant general's department, and the State police.

Under date of October 2 the American Red Cross sent from Washington to Gov. Tener the following telegram:

> Our national director, who has returned to-day from Austin, reports situation admirably in hand under direction of Dr. Royer, the sanitary engineers, and constabulary. We congratulate Pennsylvania on the prompt and efficient manner in which it has met this emergency. It is obvious that the assistance of the Red Cross is not at this time required, but we shall hold ourselves in readiness to respond promptly. Should later developments indicate the need do not hesitate to call upon us.

All the assistance rendered by the State was paid for out of State funds. Not one dollar of this expense was kept out of any fund supplied by private contributions. Until some man or woman shall come forward and show that he or she paid to the State officers any sum or sums not included in the lists which I have read, and until the Austin relief committee shall charge that it has not received the contributions set forth in these lists, the baseless rumor of appropriation of private funds for the uses of the State ought to go out of circulation.

I am not opposing the bill introduced by my colleague for the relief of the Austin sufferers. On the contrary, I shall be glad to cooperate with him in every way possible, for I have no doubt that there is still suffering and distress in a community where so many were suddenly rendered homeless. My purpose in making this statement is simply to place my Commonwealth in the right light and to defend the State and the State administration from charges or insinuations which are utterly groundless. [Applause.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3373. An act authorizing the construction of a bridge across the Connecticut River, in the State of Connecticut, between the towns of East Haddam and Haddam.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 125. An act to permit the American Academy in Rome to enlarge its purposes, and for other purposes; to the Committee on the Library.

S. 305. An act for the erection of a statue of Maj. Gen. John Stark in the city of Manchester, N. H.; to the Committee on the Library.

S. 1655. An act appropriating $10,000 to aid in the erection of a monument in memory of the late President James A. Garfield at Long Branch, N. J.; to the Committee on the Library.

S. 2750. An act to amend sections 90, 99, 105, and 186 in an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

S. 3211. An act authorizing the commission of ensign be given midshipmen upon graduation from the Naval Academy; to the Committee on Naval Affairs.

S. 3484. An act to authorize the construction of a bridge across the Snake River, between Walla Walla and Franklin Counties, in the State of Washington, by the Oregon-Washington Railroad & Navigation Co.; to the Committee on Interstate and Foreign Commerce.

S. 3850. An act to promote efficiency and economy in the administration of the Navy Department; to the Committee on Naval Affairs.

S. 3373. An act authorizing the construction of a bridge across the Connecticut River, in the State of Connecticut, between the towns of East Haddam and Haddam; to the Committee on Interstate and Foreign Commerce.

SWEARING IN OF A MEMBER.

Mr. SYLVESTER C. SMITH, of California, appeared at the bar of the House and took the oath of office.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BOEHNE, for five days, on account of sickness in family.

To Mr. BUCHANAN, for three days, on account of illness.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. FULLER to withdraw from the files of the House, without leaving copies, papers in the case of Peter E. Luttrell, Sixty-first Congress, no adverse report having been made thereon.

LAKES-TO-THE-GULF DEEP WATERWAY.

Mr. GARRETT. Mr. Speaker, I ask unanimous consent to have printed in the RECORD as a part of my remarks a speech delivered by Mr. W. M. Wilson, of Tennessee, on the "Lakes-to-the-Gulf deep waterway."

The SPEAKER. Is there objection?

There was no objection.

The speech of Mr. Wilson is as follows:

"LAKES-TO-THE-GULF DEEP WATERWAY.

"A deep waterway from the Lakes to the Gulf is an economic proposition, and when constructed will double the value of Uncle Sam's big farm. It will open up the extensive deposits of phosphate along the shores of the Missouri, Tennessee, and Cumberland Rivers sufficient in quantity to enrich every poor spot upon this great plantation. It will open up a way by which the 30,000 miles of its tributaries may empty their commerce into the mother stream.

"Appropriate another hundred millions or more, if necessary, on the Erie Canal in order to accommodate the commerce still seeking an eastern outlet. This will satisfy New York and New England.

"This proposed improvement along the Mississippi will encourage the 60,000,000 occupants of the central portion of Uncle Sam's domain to levee the rivers and drain the swamps in their respective sections, which when completed will add nearly one-third to the Nation's wealth, as for illustration, levee and drainage districts on the Kaskaskia and Illinois Rivers in Illinois and on the St. Francis River in Arkansas and Missouri and on numerous other rivers in other States have been established with perfect success, and many thousands of acres in each system assessed for taxes at the rate of from 50 cents to $2 per acre is since reclamation assessed at from $10 to $50 per acre. Again, a similar district to these mentioned has been organized in Obion County, Tenn., with the cost of reclamation estimated at $10 per acre, but when reclaimed this land will be worth from $75 to $100 per acre. There are millions of acres of swamp lands in the Mississippi Valley as fertile as can be found anywhere upon the earth, and with the coming of a deep waterway along the Mississippi these lands will rapidly give up their coat of filth and slime and become the finest farm lands in America.

"The Lakes-to-the-Gulf Deep Waterway Association is asking the National Congress to appropriate for a 14-foot channel from the Lakes to the Gulf the sum of $150,000,000, which sum if appropriated will cost the people of the United States $1.50 per capita, estimating the population to be 100,000,000. When this channel is obtained, which it will be, it will involve the expenditure of perhaps $100,000,000 more to open a channel from Lake Superior through the main artery to the mouth of Illinois River, which sum will have to be met by five of our States, one of which has already contributed $53,000,000 to the general fund and shaking $20,000,000 more if you dare.

"All depends upon the action of the National Congress. We can't straighten a bend on any of Uncle Sam's rivers without the consent of Congress. Uncle Sam is even leaving one of his children to widen the channel of Chicago River, notwithstanding the city of Chicago by the expenditure of thirty-odd millions has deepened the channel and saved from death and disease many thousands of her citizens.

"If Congress will cooperate with us in the development of the property of two-thirds of Uncle Sam's neglected children, the effect would be the production of food sufficient to supply the world and take it to their doors by the water route at a rate that would enable the nonproducer to live at half the present expense and furnish the hungry with three square meals 365 days a year as long as he remains between the Atlantic and the Pacific.

"The competitive rates produced will enable the railroads to carry the largely increased volume of commerce and travel at greatly reduced rates and make more money than ever before, besides the money saved to the people in rates would more than pay annually the cost of construction.

"The small pittance of $150,000,000 Congress is asked to contribute to this cooperative fund for an enterprise of such vital importance to the Nation is a small matter compared with the total amount of money that will be expended in deepening the 14-foot channel from the Lakes to the Gulf. Twenty-four feet is the ambition of the Lakes to the Gulf Deep Waterway Association, and if this Rivers and Harbors Congress will second the motion we will double, yes, treble, the $150,000,000 cooperative fund. Cooperation is the main desideratum, and as the rivers and harbors are owned and controlled by the Government, the people can do nothing toward development without the consent and cooperation of Uncle Sam.

"It will solve the great problem, 'the high cost of living.' It will line the shores of every navigable river with carriers of commerce. It will convert the tens of millions of acres of swamp lands into fertile fields. It will move by inexpensive carriers the phosphates from along the Missouri, Tennessee, and Cumberland Rivers to the unproductive lands of New England and the Atlantic States, besides numerous other fertilizers of which the Mississippi Valley abounds, and thus increase the productive power of the Nation to an enormous extent.

"It will reduce the expense of operating railroads, factories, etc., by furnishing fuel and raw material.

"It will open the door of opportunity to millions of ambitious young men to develop the vast and inexhaustible resources of this great valley. It will furnish homes for the poor, employment for the idle, and food for the hungry.

"It behooves our National Congress to look to the interest of every part of Uncle Sam's big farm. Our neighbor, Canada, with her 4,000 miles of southern boundary on our farm, has made and is still making leaps and bounds for the commercial control of the Great Lakes; but the ability of Uncle Sam and the wisdom of our representatives in the National Congress forbid such an idea.

"The time for action is at hand, and the demand is for no less than a 14-foot channel from the Lakes to the Gulf and from the Lakes to the Atlantic via Erie Canal. It is true that it will cost many millions to accomplish this great task, but it will be the best money, considering the benefit to be derived, that the Nation could appropriate.

"It will double in 10 years the factories between the eastern and western mountains. It will double the number of all other industries.

"Along the Mississippi there will be competitive lines of steamers, both light and heavy drafts, from 100 to 150 feet in length, carrying passengers, mail, and freight from the Lakes by way of New Orleans and Panama to San Francisco and even to Alaska, and return with fruits and other products of the coast. On her beautiful white steamers, as convenient and attractive as any that float the seas, the traveler will find more pleasures and see more sights than in the whole of Europe.

"Gentlemen, I am not a prophet. I am not the seventh son of a seventh son, but I tell you that this waterway from the Lakes to the Gulf is a certainty. It is but a stepping-stone in the destiny of this great Republic.

"Washington and independence, Lincoln and the abolition of slavery, Roosevelt and the Panama Canal, these names and events, inseparable as they are, will go down in history and will be read by the children of men as long as the ocean heaves her billows to the storm. The name of the next President of this Republic will go down in history with that of Washington, Lincoln, and Roosevelt, and with his memory forever will be associated 'The Lakes to the Gulf deep waterway.'

"In this Republic the Mississippi River holds the key to which the finger of destiny has pointed for a century. It was once our western boundary, but the waters of her western arms, the great Missouri and the Arkansas, washed down upon us the soil of a great empire. We annexed it. The Red River came down upon us from Mexico, and we reached out and took in enough to make the State of Texas, leaving the rest for the time being, but fate has dotted it with a star and scrolled it with a stripe. The Lakes to the Gulf deep waterway will connect us with Canada, which nation, gentlemen, will some day be a part of the domain of Uncle Sam. You can not avoid the conclusion, for destiny has decreed that all nations and principalities touched by this mighty stream and its tributaries shall float one flag, and that the sovereignty of this Government shall extend from the Arctic Ocean to the southern seas."

LOSS OF LIFE ALONG ATLANTIC COAST.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent to print in the RECORD as a part of my remarks some statistics with regard to loss of life and property along the Atlantic coast and to incorporate also an address made by me, in the nature of an argument, upon the same subject before the Rivers and Harbors Congress.

The SPEAKER. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Speaker, there is reason to believe that within a few days the War Department will submit to Congress a report upon the Atlantic coastal project, which many of us have been advocating as a means of promoting commerce and of saving life and property along the Atlantic seaboard. After that report is presented we shall, of course, be obliged to take up the question of appropriations in order to make effective such recommendations of the Board of Engineers as may be considered with favor. The element of cost will undoubtedly be raised by those who very properly consider the ways and means of the Government, but there is reason to believe that the opportunities and necessities of commerce, together with the life and salvage features of the enterprise, will prove the project to be so meritorious as to justify the prompt and cordial approval of Congress, at least in making a reasonable beginning.

The past year has been one of unusual distress to shipping along the Atlantic seaboard and the Gulf, and as indicating the danger and loss consequent upon actual business transacted in the open sea, in the absence of the inland waterways we so earnestly espouse, I shall append to these remarks a carefully prepared statement by the Philadelphia Inquirer, an influential newspaper which has given much attention to waterways and harbor improvements. The list of wrecks and disasters grouped in the Inquirer's article omits a number of recent ocean tragedies, the result of the storms which have prevailed in the recent holiday season. I have in mind the incident of the torpedo boat *Warrington*—valuable property of the Government

of the United States—the rescue of which by the revenue cutter *Onondaga* off Cape Hatteras was reported only a few days ago. In times of peace it is sometimes a matter of wonder why torpedo boats and other small naval craft, even though they move from navy yard to navy yard along the coast, should take the risk of the open sea, but the best answer perhaps is that which a recent Secretary of the Navy made to an inquiry on the subject. He said the department would gladly have sent the four torpedo boats which were to be moved from the Philadelphia Navy Yard to the navy yard at Charleston, through the inland waterways, except for the fact that there was not sufficient water in those waterways to accommodate them. Those particular boats drew but 13 feet of water. Incidentally, it may be recalled that they had an experience outside of Cape Hatteras similar to that of the *Warrington*. The frequency with which these small boats of the Government are found in distress at sea, with all consequent risk of life and property, pointedly raises the question whether the Government would not actually save money by opening the rivers and bays inland and keeping the small craft, when not engaged in warfare, safely within the danger line.

As to this I addressed a letter of inquiry to the Secretary of the Navy, from whom the following reply has just been received:

DEPARTMENT OF THE NAVY,
Washington, January 2, 1912.

MY DEAR CONGRESSMAN:

I am in receipt of your letter of December 29, 1911, relative to the rescue by the revenue cutter *Onondaga* of the crew of the torpedo-boat destroyer *Warrington*. In reply, I beg to state that the account as published in the Washington Herald is substantially correct; the *Warrington*, which had been at anchor for several hours, had a portion of her crew transferred to the *Onondaga* and was towed into Hampton Roads by the latter vessel.

The *Warrington* was at sea with the ninth torpedo division, making passage to New York, from whence she was to accompany the battleships to Guantanamo Bay, taking part in maneuvers en route. The contract cost of the *Warrington*, which was completed October 1, 1910, was $664,000.

Faithfully, yours, G. V. L. MEYER.

Hon. J. HAMPTON MOORE, M. C.
House of Representatives, Washington.

Another incident which induces me to call this matter to the attention of the House is that of the grounding of the Atlantic City Transportation Co.'s steamer *Alpha* outside of the harbor of Atlantic City. Largely because of opportunities offered by inland waterways along the New Jersey coast the Atlantic City Transportation Co. has put on steamships to do business from New York to Atlantic City, and from Philadelphia to Atlantic City via the Delaware River. The entrance to Atlantic City is effected by these steamers by way of the inlet at that place. The business had not been fairly established before one of the large vessels of the company went ashore a year ago and became a total wreck. Since that time the increasing business at the port of Atlantic City has clamored for Government improvement to the channel leading to the city. Many of us who represent adjacent territory, and particularly Congressman GARDNER, who represents the second district of New Jersey, have been appealed to in this matter. I understand my distinguished colleague, who has labored many years for Government aid on this part of the coast, had but recently arranged for a hearing before the Rivers and Harbors Committee. While this matter was pending, on the evening of the very last day of the year 1911—December 31—when rain and fog prevailed and the sea was running high over the bars of the inlet at Atlantic City, occurred another tragedy of the sea which, as an object lesson, would seem to make all other arguments for channel improvements pale into insignificance. The steamship *Alpha*, also belonging to the Atlantic City Transportation Co., went aground, and up until this hour, though gallant efforts have been made to draw her off or save her cargo, she is still stranded, with prospects of being a total wreck. I shall append to the Inquirer's summary of sea disasters a dispatch to the Philadelphia Record describing the incident of the *Alpha*. I do not know how better to appeal to the consideration of the House than by presenting these gruesome facts to its attention.

Since the anticipated report of the Government engineers will doubtless occupy much of the attention of the Members when fairly before the House, and by way of presenting some of the arguments on behalf of inland waterways along the Atlantic coast which we believe to be timely and reasonable, I shall, with your permission, append hereto an address by me to the Rivers and Harbors Congress in December last, where, as the president of the Atlantic Deeper Waterways Association, I was privileged to make a hurried statement of our case.

I commend the facts presented in this address and those submitted in the newspaper clippings as a part of the data which may be useful when the time comes to act upon the Atlantic coastal project.

The address before the Rivers and Harbors Congress was as follows:

"LADIES AND GENTLEMEN: First of all let me pay my tribute to that indefatigable worker in the cause of waterways, the splendid Representative of the State of Louisiana, who sits in Congress and serves faithfully upon the Rivers and Harbors Committee, whose honesty, industry, and lovable characteristics have endeared him to us all, the probable next United States Senator from Louisiana—the president of the National Rivers and Harbors Congress. [Applause.] And notwithstanding his fine attributes of character, the remembrance of which we ought to carry back into our respective States to hold as models for those whom we would encourage in unselfish and patriotic work, may I also say that in some respects Brother RANSDELL is the most arbitrary and the most exacting president of any convention I have had the honor to attend. [Laughter.] In 20 minutes he proposes that one who has set his heart upon this subject shall talk of a great policy, and add thereto a project, both of which are nation wide in importance. Yet this is the dictum of the Chair, amiable as he is.

"PROJECTS INSPIRE POLICIES.

"We of the Atlantic seaboard agree with him and with the Rivers and Harbors Congress, over which he presides, in the policy for which he and you have nobly fought during these past years. We stand, as he and you do, for an annual appropriation bill, and we do not want to see the limit set below $50,000,000. [Applause.]

"We want internal improvements and more of them, because we believe that such improvements, whether they be in the form of railroads or whether they be the auxiliary and competitive means of transportation—the waterways of the country—mean that we shall make two dollars where we made one before; that we shall have two blades of grass where but one grew before; and that we shall provide for the business man and the workingman of the country two opportunities for employment where they had but one before. The results are inevitable if we provide the means. [Applause.]

"In short, ours is a policy that stands for American progress, and we of the Atlantic seaboard and you of the West have seldom been lacking in progress. But it is to be remembered that the inspiration of every policy is a project; men are animated to stand together for the enforcement of a policy because of the projects that are near and dear to them, no matter whether they are purely commercial or whether they are patriotic. [Applause.]

"In the work of the National Rivers and Harbors Congress the policy that we are recommending, the policy for which we all stand, is a policy of progress in domestic commerce, and that spells American push and patriotism. [Applause.]

"THE OLD COLONIAL AREA.

"Through the courtesy of the Chair I am privileged to-day to talk of the project as well as the policy of the Atlantic seaboard. You have heard something of the projects of the West and of the South and of the Great Lakes. You will hear more of these projects, and we wish them all well; but in the distribution of the resources of the country, in the distribution of those funds which our wealth helps to create, we ask for the Atlantic seaboard that consideration for its meritorious project which we would accord to every other worthy project, whether it arises in the Mississippi Valley, the Lakes to the Gulf, or the Pacific slope. [Applause.] We ask consideration and fair play.

"Let me draw your attention to the old colonial area—that of the 13 original States. There is much to be said for this section of the country. The great West has been growing with rapid strides, and we have gloried in its development; but sometimes the thought arises that the activities of the West have led it to forget the East. We concede that the voting power of our population is now largely centered in the West, but be that as it may it should not be forgotten that we east of the Appalachian Chain have for upward of a century been giving up to the Middle and extreme West the best red blood of our American youth. [Applause.]

"How many of you in your everyday struggles for business vantage have given a thought to the fact that while you have been cutting down your forests, tunneling your mountains, and building your railroads in order to secure our markets and reach the Orient through the ports of the Pacific you have been making an immense draft upon us, both in men and in money? In spite of this and a constant proportionate loss of population up until 1900, we have been pressing forward east of the Appalachian Chain; and during the last decade, closing with the census of 1910, we have, despite neglected transportation opportunities which have been seized largely in the West, actually been gaining upon the rest of the country in the matter of population. It is because of this favorable change, as well as

the crudities and insufficiency of existing means of transportation, that we ask recognition for our actual business necessities.

"STAYING QUALITIES OF THE EAST.

"In the brief time allotted to me I propose to tell you something of the accomplishments of the firm and loyal men of the East who have stood by their guns, doing the best they knew how with the means at their command, while you have been moving forward so rapidly in other sections of the country. I doubt if any of you have even considered the problem of our area and population in the old colonial region east of the Appalachian Chain. How many people do you think now thrive in this section? The last census, that of 1910, shows that we have a population of 37,000,000 souls. That is more than one-third of the entire population of the country; and how does it compare as to area?

"In the whole United States proper—that is, without regard to our new possessions—there are 92,000,000 people in an area of approximately 3,000,000 square miles. The census shows that for the whole country there is a population of 31 persons to every square mile. You have plenty of room west of the Appalachian Chain, but east of it we have only 375,000 square miles of territory, and to each square mile we have a population of 99 persons. You will observe from these figures that we are somewhat crowded along the Atlantic seaboard and are in need of some of the facilities for transporting our commerce which you enjoy to a greater extent in other sections of the United States.

"RAILROAD GROWTH OF THE WEST.

"And I would like you to remember that while you have been drawing upon our men and our resources, while you have been building your towns and cities, while you have been absorbing your great western opportunities, while you have been gradually, but surely, wresting the voting power from the East, the old colonial area, which, when the first census was taken in 1790, embraced substantially all of the country's population of 4,000,000, is deserving the best consideration at your hands, despite the fact that now but one-third of the total population of 92,000,000, great as the proportion is, continues to reside and labor in the East.

"And when I speak of our business necessities, compared to yours, I have reference to the growth of population in a city like St. Louis, which now claims to have exceeded Boston in population as well as in the manufacture of shoes, St. Louis forging ahead with the assistance of 18 or 20 trunk-line railroads, keeping it in touch with the fuel supply and with every market of the country, and Boston, with its accredited cleverness, bottled up on the New England coast, far away from the fuel which is so essential to its industries, doing business by the courtesy of two railroads, recently consolidated into one. And I may also have reference to the promising city of Seattle, way out yonder on Puget Sound, the terminus of 7 or 8 great railroad systems, with trans-Pacific liners thrown in, and my own city of Philadelphia, five times greater in population, still holding its own with three railroad systems and a port—once the greatest in the country—full 60 miles from the sea. If time permitted, contrasts innumerable might be cited to justify the call of the East for a more careful consideration of its transportation facilities.

"FARM LAND ALONG THE COAST.

"These are times in which we hear much of farm-land development. There is a commendable propaganda, 'Back to the farm.' We hear of the attractiveness and fertility of your soil in the West. Congested as we are in our great cities of the East, how much of vacant land do you think we still retain in the area of the 13 original States? The census figures provide the answer. The total extent of our farm lands is approximately 160,000,000 acres. We still have open for improvement east of the Appalachian chain substantially one-half our total farm area, or 83,000,000 acres. Our population has been drifting into the cities. Three-fifths of all our people are employed in the cities, and so long as they remain there and our farm land is waste we must continue to be the best possible customers of the food producers of the West. But we ought to have sufficient means to get in to them and to get out. [Applause.]

"You ask how we do business; let us see! We have turned gradually from agriculture, which once sustained us, to manufactures, which now largely provide our means of employment and our purchasing power. We produce more than 53 per cent of the entire manufactured wealth of the country. That is to say, that in our 375,000 square miles of territory, as against a total of 3,000,000 square miles, the gross value of our products is much more than half the value of all the manufactured products of the country. Our coal production is 60 per cent of the entire coal production of the United States, and while the value of our farm products is only 16 per cent of the total for the United States, we give employment to approximately 60—I think it is actually 59—per cent of all wage earners in the United States, and these wage earners, being consumers, can not be disassociated from the food market or 'the bread basket' of the United States. Hence their relation to other sections of the country with which their trade is effected.

"GREAT BUSINESS—RESTRICTED SERVICE.

"For our population of 37,000,000 the value of our manufactured products is $11,000,000,000, and to this we should add a value of $4,700,000,000, created by manufactures of products. Our exports aggregate $1,000,000,000 and our imports $1,200,000,000. I do not claim the exports and imports so enormously developed as exclusively belonging to the Atlantic seaboard, but I think it will not be controverted that while they may arise in all parts of the country, or in all parts of the world, they concentrate along the Atlantic seaboard and present to us the tremendous problem of transportation and shipment, which must necessarily be acute at approaches to ports of entry.

"And in this particular I lay special emphasis upon the fact that while along our coast we have only 36 per cent of the water-borne domestic freight of the country, we do all our great business in the old Colonial area, with all sections of the country and all parts of the world, upon only 23 per cent (or less than one-quarter) of the total railroad mileage of the United States. In other words, in dealing with the transportation question, you of the West and South who have more than three-fourths of the railroad mileage of the United States, should bear in mind when we ask for waterway improvements to relieve railroad congestion and to develop our waste land that we are greatly handicapped, and ought to have your sympathy and support, since in area, at least, you have seven-eighths of the country, as against our one-eighth, and 77 per cent of the railroads, as against our 23 per cent. [Applause.]

"WEST GETS APPROPRIATIONS.

"Earlier in to-day's discussion some one referred to appropriations for rivers and harbors, indicating that the United States had been fairly liberal in this regard. I have some calculations as to appropriations thus far made for all the rivers and harbors of the country, and am advised that up until 1907, the period of the car shortage, the Government had expended, all told, upon all its rivers and harbors $550,000,000. We were told this morning that in comparison with appropriations made by some of the foreign countries our expenditures were fair. Parenthetically I would say that if we spent so much as $550,000,000 upon the waterways of the United States up until 1907, that was $200,000,000 less than the single State of France spent upon its waterways since 1814, and you could put France inside the boundary lines of Texas. [Applause.]

"But for our purposes it is important you should know how the $550,000,000 spent by this Government on internal improvements was distributed. The table worked out about this way: Lakes-to-the-Gulf and Mississippi area, in excess of $200,000,000; the Atlantic seaboard, or old Colonial area, with which we are dealing, about $140,000,000; and the remainder to the Pacific coast and other sections of the country. That carried us along until 1907. What has been done since that time? I have before me now a report prepared for this Congress by our efficient secretary, showing what has been secured in the way of appropriations since 1907. The tabulation is most interesting, and as I figure it out shows that if the Lakes-to-the-Gulf area obtained the bulk of appropriations prior to 1907, it has in nowise lost its interest since. My calculation, based upon the secretary's figures, shows that during the five years from 1907 to 1911, inclusive, due, no doubt, largely to the activity of waterway associations, we have been getting a little more money for waterways improvement than formerly, and that altogether during the five years there have been appropriated approximately $179,000,000.

"The apportionment of this sum is what I desire to impress upon you. The Pacific coast, with its fine opportunities for oriental and South American trade, has taken about $19,000,000 of the total of $179,000,000. The Atlantic seaboard, with its many ports, contributing through the four customhouses of New York, Boston, Philadelphia, and Baltimore, about 80 per cent of all the tariff revenue collected for the country, obtained $50,000,000—or $10,000,000 per annum for every port and ever river from Maine to the Gulf—while the great balance of $110,000,000 was assigned to the Mississippi Valley and the region of the Lakes and the Gulf.

"These figures are significant, and I present them to you as my warrant for calling the attention of my brethren of the East to the expediency of their being up and doing. They should engage a little more earnestly in the same kind of agitation and the same kind of hustle that has thus far characterized the bounding and the booming Middle West. [Applause.]

"NEW ENGLAND TAKING NOTICE.

"In one respect we have reason to congratulate ourselves. I have often called attention to the apparent indifference of New England to waterways improvement. To-day, for the first time in this congress, we have a large and enthusiastic representation from the old Bay State of Massachusetts; and yet for 200 years that thriving, thickly settled community of striving, prosperous people has stood placidly by while thousands of wrecks have gone down on Cape Cod where a comparatively small matter of canalization would have saved millions of property and hundreds of lives [applause]; and during this same period, where the population has been growing denser and denser as between New York, the great metropolis of the country, and Philadelphia, our second manufacturing city, we have been doing business upon a canal the construction of which was completed in 1834 and which remains substantially as it was when its builders left it. Although it was of great service for transportation purposes in the earlier days and is still capable, subject to tolls, of doing business, you could not pass through it to-day the stern wheel of a Mississippi River flatboat, if you attempted it, broadside [applause]; and between the same great city of Philadelphia and the populous and prosperous city of Baltimore, where a 13-mile cut through a neck of land at the head of the peninsula saves an outside sailing distance of 325 miles, linking up the North and the South in bonds of commercial unity, we are still doing a restricted business and paying excessive tolls upon a canal that was finished by our forefathers back in 1829 that has not a lock of sufficient dimensions to pass a Trinity River snag boat. In the light of expenditures for improvements in other sections of the country and in our colonial possessions, including Panama, we have a right to complain of these eastern antiquities. [Applause.]

"PANAMA CANAL AND COST OF LIVING.

"My Brother Teal, who has just spoken, comes from Oregon, where they believe in doing big things. With him I look forward to the construction of ocean leviathans that shall come from his country around through the Panama Canal to the east coast. There is every reason why the business of the two coasts should be brought together through the canal; but it is a question whether in the busiest part of the Atlantic seaboard we are now prepared, because of our inadequate waterways, to do full justice to the new business which is contemplated. Surely we are not prepared to handle it upon the Delaware and Raritan Canal or the Chesapeake and Delaware. And yet, in the region of the Chesapeake and Delaware, we claim to-day a tonnage which has been computed by experts to be ten times greater annually than the estimated tonnage of the Panama Canal for the first year of its operation. [Applause.]

"We are proud of the Panama Canal. We have spent, or will before it is completed, $400,000,000 of the people's money in this stupendous enterprise, and while we have been niggardly on our local enterprises it should be borne in mind that the Panama Canal money has been spent in a foreign jurisdiction and largely, as the situation now stands, for the benefit of foreign trade. We are given to complain of the increased cost of living. I contend that as money leaves the country and our power to create wealth is restricted the cost of living is increased. Who will say that the cost of living is not affected by our neglect to provide adequate means of water transportation where we have the ability to do an increased business? Or tell me how we can continue to send vessels with their rich cargoes upon the shoals of Cape Cod, or how we can spend $400,000,000 in the construction of a canal at Panama without lessening the public supply of money in the United States and increasing the cost of living to every man who has to draw his raw material from the South or West, or who has to forward his manufactured products from the East? [Applause.] [The Chair here gently reminded the speaker that he had but three minutes more.] Three minutes, and just started!

"[Voices: 'Go on!']

"President RANSDELL. I wish I could give you three hours.

"Mr. MOORE. I know you do; but in order to be fair to other sections of the country I will endeavor to finish in three minutes.

"LACK OF COASTWISE STATISTICS.

"Gentlemen, I want to tell you of the Atlantic coast. You have not heard this story. Even the Government of the United States did not know it officially, because the Army Engineers asked us to help them get it. Unfortunately, we have not had accurate methods of grouping the statistics of the coastwise trade along the Atlantic seaboard. In consequence of the desire of the United States Engineers for information, the Atlantic Deeper Waterways Association attempted to gather it. We were interested in promoting trade as well as in saving life and property and opening up our 80,000,000 acres of waste land, and through an efficient expert but volunteer committee we made a comprehensive and painstaking search for statistics. And what do they show? I would like every section of the country to consider them and, if they please, to make comparisons. A steamboat may blow up upon the Mississippi, or a stern-wheeler may get stuck on the bars of the Missouri, and here and there a vessel may be wrecked or be burned somewhere on our interior waters, but with us, ladies and gentlemen, it is the railroad or the open sea. As a matter of fact, we have been crowded into the sea, and at least 60 per cent of our great coal output is carried in barges which go out to battle with the waves of the ocean, where they are largely a menace to navigation. The expenses of carrying heavy freight by rail are large and in some instances oppressive. Moreover, the facilities for this class of freight are limited and great delays in delivery occur. If we use the water, we must pay the tolls of the inefficient canals or pay the insurance and take the risk of loss in the ocean.

"AWFUL TOLL OF THE SEA.

"What is the toll of the past 10 years because of the inadequacy of our inland waterways along the Atlantic coast? I will quote from the statistics as we have finally grouped them. Between 1900 and 1910 there have been 5,700 disasters to vessels plying their trade along the Atlantic coast. Do you recall any river or set of rivers or all the inland rivers of any country that present such startling figures? And what have been the losses resultant from those 5,700 disasters? In property value the loss was in excess of $40,000,000. You can add that to the cost of living in the United States during the last decade. It was not my money, it was not President RANSDELL'S, it was not yours of the West, nor yours of the East, nor yours of the South, nor yours of the North, exclusively. It belonged to all of us. It was cargo that you sent out of the West and that we were sending out of the East, or its destination may have been South or North. That wreckage was common loss; but there was a more serious loss. In addition to the $40,000,000 more than 2,200 lives were lost in those disasters. We think most of these lives would have been saved if those vessels and that commerce had been encouraged to take the inside passage rather than assume the risk of fog and storm in the open sea.

"SHOULD NOT LIMIT CREATIVE ABILITY.

"Gentlemen, it is evident that we can not limit the business energy and productive capacity of the youth of this country to the ability of one railroad or of two railroads to carry the product of human toil. We have gone far beyond that. [Applause.] High railroad authority has approved the development of waterways for the relief of railroads. No less a person than James J. Hill stood upon this very platform in 1907 and declared for the deepening of waterways for the very reason that the summit had been reached in railroad capacity and in the ability to acquire funds for new railroads. Why, then, should we not press forward upon the members of our legislatures, upon our Representatives and Senators, the necessity for competitive and free means of transportation. If we are accused of being agitators, surely we are no worse than Washington, Jefferson, Gallatin, and Monroe. They planned internal improvements which included waterways, and, doubtless, had it not been for the advent of the railroads, we would to-day, due to their foresight, be enjoying the completest and freest inland waterway transportation of any country in the world. If in pressing upon Congress the connecting up of our abandoned waterways and the improvement of those that have been neglected we lay ourselves open to criticism, let the answer be that we have no ax to grind save that which will promote the commerce and industry of the country and create new works for the benefit of all the people, including those railroad managers who have not yet been able to regard transportation by water as helpful to transportation by rail.

"SOMETHING TO THINK ABOUT.

"I leave this question with you. I would like more time, but the president gently admonishes me. I have referred to agitators, and perhaps in New England I have not myself been exempt. It is because of the presence of so many distinguished and interested representatives from Massachusetts, and particularly Boston, that I close this 21-minute speech [laughter] with a brief illustration. I assume New England will accept a statement from the Boston Chamber of Commerce. It is regarded as one of the most businesslike and erudite of trade organizations. In its report for 1908 this careful, calculating chamber of commerce frankly and complacently figured out that the freight bill of New England on coal alone was $70,000,000 per annum. The actual value of the coal at the mines was $30,000,000. Hence, it cost New England, according to the Boston Chamber of Commerce, more than $2 in freight for every dollar's worth of coal so essential to the great in-

dustries of that section. How long, pray, can New England stand this sort of tariff and still keep up its competition with an aggressive interior and a booming West so much more favorably situated with regard to the fuel supply and the market. [Applause.] I am citing these facts to make you think. So many of you are busy with your own affairs in your local environment that you give small heed to the progress that is being made round about you. If this sort of agitation will induce you to study the facts and the conditions and to prepare yourselves to discuss them intelligently with your Representatives, it would seem that we ought in due course to bring Congress to a realization of the worthiness of our cause. [Applause.]"

Mr. Speaker, the Inquirer's article, summarizing disasters at sea for 1911, follows:

OCEAN INCREASES YEARLY TOLL OF LIVES AND SHIPS—GREATEST DISASTERS OCCURRED ALONG NORTH ATLANTIC COAST—MORE THAN 500 MEN AND 200 VESSELS LOST—DYNAMITE EXPLOSION ON BARGE IN NEW YORK CAUSED HEAVIEST LOSS OF LIFE AND PROPERTY.

Hundreds of lives and millions of dollars' worth of property were lost in marine disasters during 1911. Shipping men generally, and the insurance companies in particular, unite in declaring the toll claimed by the sea to have been the heaviest in many years. No part of the globe has been exempt, but probably the heaviest losses, both in ships and men, have been along the north Atlantic seaboard. Mariners who have sailed the "seven seas" and circumnavigated the globe over and over again are all of the opinion that the coast line from the Florida Keys to Cape Sable is the most dangerous on earth.

Statistics of the Weather Bureau, extending back over a period of 35 years, show that no more than 3 clear days a year are to be expected off Cape Hatteras, that most-dreaded point on the wind-swept coast of the north Atlantic, while off Cape Sable, which has been called "the graveyard of shipping," fog prevails for more than 300 out of the 365 days in the year. The loss in human life up to December has been considerably over 500, while a total of 207 vessels, mostly steamers and schooners, have been totally lost. Last year fire at sea was responsible for most of the more serious losses, while this year explosions on shipboard have caused the greatest loss in human life and property, while terrific storms and fog come in a close second. Collisions have also been prolific as a cause of marine disasters.

The most spectacular disaster of the present year was caused by an explosion of 35 tons of dynamite on a barge in New York Harbor at noon on the 1st day of February, when 50 were killed outright, over 1,000 were seriously injured, and 8,000,000 people in and around New York were shocked. The loss in broken windows alone was estimated to amount to more than $2,000,000. No one will ever know exactly what caused the accident, for all those who could tell were instantly blown to atoms.

MASTS BLOWN OFF.

During the morning a train of 20 cars, 2 of them loaded with dynamite, were run into the Communipaw terminal of the Central Railroad of New Jersey, and the dynamite sticks, packed in wooden boxes, weighing between 50 and 60 pounds each, were being transferred from the wharf to the dynamite lighters *Katherine W.* and the *Whistler*. Moored close to the two dynamite lighters was the four-masted, full-rigged bark *Ingoid*, just in from Buenos Aires with a cargo of bones, and the lumber-laden, two-masted schooner *B. B. Hardwick* from Maine. The vessels' masts were blown off above the crosstrees, and a complete set of trucks and car wheels from one of the cars were landed on the deck of the bark. The shock of the explosion was felt for a radius of 50 miles around New York. The Cunard liner *Mauretania*, which had left the harbor two hours before and was then 50 miles at sea, felt the shock most plainly and immediately began to call by wireless to know what had happened, while every one of her 1,000 passengers remained on deck until the answer was flashed back from the Herald wireless station at the Battery that a dynamite barge had blown up in New York Harbor. Many on board who had friends in town wanted the big ship put back, as it was impossible at that time to get even a list of the dead.

A most unusual disaster was that which caused the loss of the British bark *Alkaline*, the last of the cryolite barks, originally a fleet of five ships, trading between Ivigtput, on the west coast of Greenland, and Philadelphia. Crushed by polar ice from Baffins Bay and sunk off the barren ice-locked coast of Greenland, the *Alkaline* lies in 600 feet of water. Though the vessel was lost during the month of October, 1910, the news of the disaster did not reach here until May 1, this year, when a cablegram from Copenhagen to W. F. Hager & Co., the owners and agents in this city, stated that the crew of the *Alkaline* had been landed at Copenhagen by the whaling steamer *Fox*, which arrived there May 1 from the Far North.

NARROW ESCAPE OF 300.

One of the narrowest escapes from a watery grave, when over 300 men, women, and children were rescued in a dense fog at sea from their fast-sinking vessel, occurred before daybreak on the morning of May 12. At 12.30 o'clock on that morning, when all but the crews of both vessels were asleep, the Ward Line steamer *Merida*, bound from Habana, Cuba, for New York with 322 passengers on board, was rammed by the United Fruit Co.'s steamer *Admiral Farragut*, bound from Philadelphia for Port Antonio, Jamaica, and sunk in 35 fathoms of water, when the vessels were 55 miles northeast of Cape Charles, off the coast of Virginia. The loss of the *Merida* cost the company about $2,000,000, the vessel being valued at $1,250,000 and her cargo at $750,000. The *Admiral Farragut* had her bow completely crushed in almost up to the staterooms of her forward cabins and was saved from sinking by the strength of her collision bulkheads. Most of the passengers of the *Merida* lost nearly everything they had on board, and one of them was badly injured by being crushed in her cabin, besides losing $100,000 in personal effects, including clothing and jewels. She was Señora A. Poon, wife of a wealthy merchant of Mexico. Five hours after the collision the *Merida* sank, but in the meantime all her passengers and crew had been transferred to the badly damaged *Admiral Farragut*.

Probably the worst storm that ever swept the south Atlantic seaboard began on the evening of August 28 and raged all that night and all of the following day, wrecking a number of vessels, driving a score or more ashore, and devastating the cities of Savannah, Ga., and Charleston, S. C. According to the Weather Bureau the wind reached the tremendous velocity of 130 miles per hour, the greatest ever recorded in any part of the world. Charleston and Savannah were for 24 hours cut off from the outside world, as all telegraph and telephone wires were leveled to the ground. The death toll amounted to 15 lives, and the damage to property on sea and land amounted to more than $7,000,000. The storm was central between Savannah and Charleston and did not cover a wide area, but was terrible in its velocity. Coming in from the sea it wrecked or drove ashore everything in its path, and after 36 hours lost itself in the interior of the two Southern States. The Merchants and Miners Line steamship *Lexington*, from Savannah for Philadelphia, with 12 passengers, 10 of whom were bound for Philadelphia, was blown ashore on Hunting Island, at the mouth of the Edisto River, near Charleston, S. C., and but for the heroism of her young wireless operator, John Scheetz, of Wyncote, Pa., would probably have been lost with all on board. In the face of that hurricane he managed to repair the disabled wireless apparatus and succeeded in summoning help.

RESPONDED TO CALLS.

In response to his frantic calls the United States revenue cutter *Yamacraw* came and took off the passengers and the captain and crew of 40 men. Before the *Lexington* struck, during a six hours' fight to keep the vessel offshore, two firemen, who were feeding the ship's furnaces, were thrown into the furnaces by the terrible pitching and rolling of the ship and were burned to death before their companions could effect their rescue. A third was terribly scalded and First Officer Chamberlain suffered a fracture of the shoulder. After that the vessel sprang a leak and for hours the firemen worked in water up to their waists, until the ship struck Hunting Island and made further effort to keep up steam unnecessary. The stranded steamer *Lexington* was floated at 4 a. m. on September 6, and on the 9th left in tow for Philadelphia, where, after being thoroughly repaired at Cramp's shipyard, she was again placed in service.

Among the large number of vessels totally wrecked or abandoned during that storm may be mentioned the schooner *James Davidson*, from Charleston for Fall River, abandoned after being wrecked. The crew was rescued by the steamer *Northwestern* and taken to Habana; the schooner *John Rose*, from Brunswick for New York, abandoned and crew rescued by schooner *Estelle* and landed at New York; the schooner *Malcolm B. Seavey*, from Tampa for Baltimore, was driven ashore on Cape Romain and finally sunk, the crew being rescued and taken to New York on the Clyde Line steamer *Mohawk*. One of the crew of the *Malcolm B. Seavey* was swept from the deck and lost. The remainder, after their vessel sank, nearly a mile from shore, were found lashed in the rigging, where they had been for 40 hours without food or water and were almost insensible from exposure when help came. Capt. H. W. Dodge did not go into the rigging in time to save himself and was found clinging to a broken mast, having been in the water for 12 hours. During the same storm the Philadelphia-owned schooner *Margaret A. May*, from Charleston for Philadelphia, was blown ashore on Coles Island, near Charleston, and wrecked. No trace of her crew was found.

"FELL" WAS WATERLOGGED.

The schooner *Sarah D. Fell*, from Savannah for New York, was abandoned in a waterlogged condition after her masts and sails had been blown away. The crew was rescued by the steamer *City of Everett*. The abandoned wreck was later found and towed into Cape Lookout Cove by the United States revenue cutter *Seminole*. The Norwegian steamer *Alm*, from Savannah for Montreal, was thrown on her beam ends, lost her deckload, and was later towed into Charleston. The schooner *Bessie Whiting* was dismasted and otherwise badly damaged. The schooner *Charles H. Valentine*, from Charleston for New London, was driven ashore and wrecked at Bald Head, N. C., where she still remains. The steamer *City of Memphis* was blown aground in the harbor of Savannah, but was later floated.

More than 30 other vessels caught in the hurricane were more or less badly damaged. Some lost masts or sails, some rudders or anchors, and none escaped without injury.

Eight men met instantaneous death, and one man was so horribly burned that he died in a few hours as a result of a boiler explosion aboard the U. S. battleship *Delaware* at 9.20 o'clock on the morning of January 17. The *Delaware* was on her way to Hampton Roads from Guantanamo, Cuba, and had been designated to transport the body of Senor Cruz, late Chilean minister to the United States, back to Chile, instead of the battleship *South Carolina*, whose propellers met with a mishap.

A grim tragedy of the sea that sent 16 Philadelphia men to their deaths on the treacherous sand bars of Peaked Hills, Mass., occurred on January 9, and caused a pall of gloom to settle over that portion of Port Richmond, Philadelphia, in which were the homes of the lost mariners, whose occupation was to man barges engaged in the transportation of coal from Philadelphia to ports along the New England coast. Three barges that left the Port Richmond coal piers on New Year's day in tow of the Reading tug *Lykens* were torn adrift by the terrific gale of Monday night, January 9, and were dashed to pieces on the Peaked Hills sand bars, while the brave sailors who manned them lost their lives in the heavy breakers before help from the shore could reach them. There were 17 lives lost, and all but one lived in or around Port Richmond, where the Philadelphia & Reading coal piers are situated.

The lost barges were the *Trevorton*, *Corbin*, and *Pine Forest*, valued together at $125,000, and carried full cargoes of coal.

SEVEN LIVES LOST.

Seven lives were lost and a fishing tug lies at the bottom of Lake Erie as a result of the gale which swept the Great Lakes on the afternoon and night of March 15. The tug *Silver Spray*, of Erie, Pa., operated by the Booth Fisheries Co., of Cleveland, Ohio, went down off the harbor of Cleveland. The crew, consisting of six men and a boy, took to the lifeboats and started to row for the shore, but were dashed on the breakwater and drowned before help could reach them.

The Furness Line steamer *North Point*, which sailed from London for Philadelphia on the morning of March 17, was destroyed by fire in the Thames River two hours after she had left her wharf. The crew of 40 was taken off the burning vessel after she had been beached. She carried no passengers.

The British Columbia Shipping Co.'s little wooden steamer *Seaschelt*, built for passenger service between Sidney, Vancouver Island, and the islands of the Gulf of Georgia on the coast of British Columbia, turned turtle in a furious gale off Beecher Head, Vancouver Island, on the afternoon of March 24 and went down, carrying to a watery grave her 22 passengers and the crew of 4 men. Luckily for them 13 of her passengers had been landed at William Head only an hour before the little boat with all on board went to the bottom.

The Spanish steamer *San Fernando*, bound from Huelva for Liverpool, sank off Finisterre, the westernmost headland of Spain on April 17. Twenty-one persons were drowned. Four survivors were landed at Oporto, Portugal, by the steamer *Portiano*.

Twenty lives were lost, almost all of them women, on April 10, when the little wooden passenger steamer *Iroquois*, a sister ship of the ill-fated wooden steamer *Schelt*, which capsized March 24, drowning all on board, foundered 15 minutes after leaving Sidney, Vancouver Island, on the coast of British Columbia. Her cargo shifted during a furious gale, and the little vessel went down with all on board less than a month after the *Schelt* was lost at the same place and in the same manner.

DOZEN SAILORS DROWNED.

A dozen sailors of the steamer *Santa Rosa*, of the Pacific Coast Steamship Line, were drowned on the afternoon of July 7 while trying to escape from that vessel, which stranded before dawn on Point Arguello, off the coast of California.

Seven persons were drowned on the afternoon of August 1 in the St. Lawrence River when the ferry steamer *Sirus* struck a shoal 8 miles below Massena, N. Y., capsized and hurled its 75 passengers into the river. Four of the bodies were recovered.

The French steamer *Emir*, while bound from Gibraltar for a Moroccan port, was sunk in collision with the British steamer *Silverton*, from Newport, England, for Taranto, Italy, on August 9 in the Strait of Gibraltar. Twenty-four members of the crew and sixty-two passengers of the *Emir* were drowned.

Seven men were drowned in the Maumee River, Ohio, at 1.30 o'clock on the morning of September 2 when the gasoline launch *Nemo*, owned by Michael Mayer, of 1056 Norwood Street, Toledo, was struck by the big 500-foot freighter *Philip Minch*. The party in the launch was bound for Kellys Island, where they expected to spend the day fishing.

The Chilean steamer *Tucapel*, engaged in freight and passenger trade on the west coast of South America, was wrecked in a storm off the coast of Peru on September 5, when 81 persons were drowned.

During the storm which raged over the North Sea on October 2 and 3 240 lives were lost and over 100 of the bodies were washed ashore.

Forty-five fishing craft were wrecked in the waterway between Meuse and the North Sea and nearly all of their crews were drowned.

(Appended is the article from the Philadelphia Record, describing the wreck of the *Alpha*:)

STEAMER IN GRIP OF PERILOUS BAR—FREIGHTER LOSES RUDDER IN ATTEMPTING TO ENTER ATLANTIC CITY INLET—THRILL FOR BOARD WALK—LIFE-SAVERS WERE OUT AT SEA TO SUCCOR BELEAGUERED LUMBER SCHOONER.

ATLANTIC CITY, *December 31.*

Wallowing on the south bar, within a stone's throw of the board walk, with broadsides exposed to a heavy, battering sea, the steam freighter *Alpha*, of the Atlantic City Transportation Co.'s line, with two men aboard, appears in imminent danger of pounding to pieces, with the resultant loss of a valuable cargo from New York. The *Alpha* appeared off the coast late to-day and in a heavy fog attempted to negotiate the narrow channel to the inlet. When opposite the Heinz Pier the bow of the freighter became solidly embedded in a treacherous shifting bar, and as the steamer spun around, driven by the heavy swells, her rudder was snapped off and floated away in her wake. A moment later the shrill blasts of her siren echoed along the beach front, bringing thousands of visitors and residents to the board walk, despite the rainfall, and the crew could be seen frantically running about in a desperate effort to keep the bow of the boat in the teeth of the terrific seas.

LIFE-SAVERS WERE OUT.

Signals of distress were sent up to attract the attention of the life-savers, whose station is but a short distance away, but the Government men had set out to the assistance of a schooner 6 miles to the southeast an hour before the *Alpha* appeared and there was nothing left for the captain and crew of the freighter but to lie helpless in the pounding waves until their return.

As the steamer rose and fell on the crests of the mighty waves, it appeared to the anxious thousands lining the board walk that she would be swallowed up in the sea, and when at length the twinkling lights of the lifeboat were seen approaching from the southeast a mighty cheer of relief went up from the throng. Running close to the stranded freighter, Capt. Parker, of the life-saving crew, offered to take the men off, but they at first refused to abandon the ship while there remained any chance of floating her safely. Capt. Leach and Mate Williams refused to abandon her at all, but at 8 o'clock the crew of nine was brought ashore by two Federal crews under command of Capt. Lambert and Timothy Parker.

SCHOONER'S HARD FIGHT.

It was in answer to signals of distress from the lumber-laden schooner *Julia A. Trubee*, Savannah to New York, that the life-savers set out early in the afternoon. There was a crew of six men aboard, all badly exhausted by a fight of two weeks to keep the craft afloat. From the captain it was learned that they had been at sea 22 days, and their provisions had entirely given out. Their plight was first discovered by the steamer *Powhattan*, which notified the local station by wireless. Through this same agency the shipping office of the schooner in New York was notified and a tug sent out hurriedly to her assistance.

The schooner is leaking badly, however, and in the fog and heavy seas the crew is running a desperate chance in sticking to the craft. They preferred to remain aboard despite their great danger, and after provisions had been secured from the Atlantic City crew the crippled craft continued up the coast.

ARMY CANTEEN.

Mr. BARTHOLDT. Mr. Speaker, I ask unanimous consent to extend in the RECORD remarks on the subject of the Army canteen.

The SPEAKER. Is there objection?

There was no objection.

Mr. BARTHOLDT. Mr. Chairman, I avail myself of the opportunity afforded under general debate of presenting to the House a petition signed by 279 reputable physicians from all parts of the United States in favor of the restoration of the so-called Army canteen. This petition, which I propose to spread upon the record under a leave to print previously obtained, speaks for itself. It reveals a condition of affairs in the Army which, from the standpoint of the public health, is almost alarming, and should arrest the attention of all well-meaning men and women who are concerned in the health and morality of our young soldiers and of this and the next generation. The petition argues with an array of facts and figures which should deeply impress every mind, even those good people who were responsible for the abolition of the canteen, that such abolition was a grave mistake and that every consideration of health, good morals, and true temperance requires its restoration at the earliest possible moment. Brushing aside all considerations of Anglo-Saxon prudishness, owing to the great importance of this subject, I beg to insert the petition in full as part of my remarks. Here it is:

PETITION OF 279 PHYSICIANS, PRAYING FOR THE RESTORATION OF THE ARMY CANTEEN.

To the honorable the Members of the United States Senate and House of Representatives:

The undersigned, all medical men from many different parts of the United States, beg leave respectfully but urgently to petition your honorable bodies to pass the bill (H. R. 30) introduced in the Sixty-second Congress by Mr. BARTHOLDT, and thus to reestablish the so-called canteen in the United States Army.

Many well-informed persons think the canteen was like a hotel bar, where all sorts of liquors could be had at all times, no matter whether the soldier was drunk or sober.

Let us see, then, what the canteen really was.

It was regulated by General Orders, No. 10, of Gen. Schofield, dated February 1, 1889, and No. 51, dated May 13, 1890. Rooms were set apart for recreation, such as "gymnastic exercises, billiards, and other proper games." A piano was often obtained. "The sale or use of ardent spirits or wines in canteens is strictly prohibited; but the commanding officer is authorized to permit light beer to be sold therein by the drink, on week days, and in a room used for no other purpose, and, when practicable, in a building apart from that in which the canteen is located, whenever he is satisfied that the giving to the men the opportunity of obtaining such beverage within the post limits has the effect of preventing them from resorting for strong intoxicants to places without such limits and tends to promote temperance and discipline among them. The practice of what is known as 'treating' must not be permitted." "Gambling or playing any game for money or other thing of value is forbidden."

Credit not beyond one-fifth of their monthly pay might be allowed, but only "to soldiers in good standing."

All profits were divided among the "company funds" to give extra comforts and little luxuries not otherwise obtainable.

It will be observed particularly that the very object aimed at in thus establishing the canteen was to provide a pleasant club for the soldiers, and especially to give the men "the opportunity of obtaining such beverages within the post limits"—that is to say, "at home"—and to "prevent them from resorting for strong intoxicants to places without such limits."

Since the abolition of the canteen in 1901 the practically unanimous testimony of general officers and post commanders, from Gen. Leonard Wood (formerly an Army surgeon) and Gen. Frederick D. Grant (a total abstainer) down, is that intemperance has been increased, with a corresponding increase in infractions of discipline and in desertions. (North American Review, March, 1911, pp. 421, 410, 411.)

But we wish to urge the reestablishment of the canteen chiefly for medical reasons, as to which we may claim to have expert knowledge.

The intimate connection between the use of strong alcoholic stimulants and the contraction of venereal diseases is well known to us in civil life, and holds good equally in military life. A small minority of young men no doubt deliberately incur the danger, but the large majority first lose their self-control and have their passions inflamed by alcohol, and then, if in the Army, resort to what the Surgeon General in 1889 well called "the dens of dissipation and disease just beyond the jurisdiction of the commanding officer," where they are further supplied with impure and often drugged whisky, robbed of their hard-earned pay, and often, if not indeed generally, contract disease. It is by reason of this latter phase of the matter that we especially urge the reestablishment of the canteen.

Few nonmedical men realize the frequency and the disastrous consequences of venereal diseases, whether in civil life or in the Army.

"The statistics collected in 1908 by the President's Homes Commission show that out of 274,611 patients treated in the city hospitals of Washington there were 27,947 cases of venereal disease." (Journal of the American Public Health Association, March, 1911, p. 166.)

"In 1901 a committee of seven, under the auspices of the Medical Society of the County of New York, made an investigation into the prevalence of venereal diseases and concluded that there were not less than 243,000 cases of venereal diseases treated in one year in that city. During the same year there were only 41,585 other cases of infectious or communicable diseases reported to the health department, viz: Measles, 12,570; diphtheria, 11,001; tuberculosis, 8,877; scarlet fever, 7,787; chickenpox, 99. In other words, the venereal diseases were nearly six times greater than all the above-named infectious diseases combined." (Journal of the American Public Health Association, March, 1911, p. 166.)

According to Dr. Prince A. Morrow, who has studied and written much on the subject, 10 per cent of the men who marry infect their wives. The report of the New York committee "would indicate that nearly 30 per cent of all venereal infections occurring in women in private practice in the city are communicated by their husbands"; and from his personal observations at the New York hospitals over a period of several years Dr. Morrow concludes that "fully 70 per cent of all women who come therein for treatment were respectable married women who had been infected by their husbands." (Journal of the American Public Health Association, March, 1911, p. 167.)

"The tragedy of the marriage altar" (Ladies' Home Journal, October, 1908) is no myth, but a dreadful, sorrowful fact.

One form of the disease (gonorrhea) is responsible for a very large number of sterile marriages. To it are due, as estimated by various authors, from 20 per cent to 40 per cent (and some writers give even much higher percentages) of the cases of pelvic disease in women, many, if not most, of which require abdominal operations.

Dr. Swan M. Burnett, professor of opthalmology in Georgetown University, believes that at least 15,000 of the 50,000 blind in the United States have lost their sight because their eyes became infected at birth from their infected though often innocent mothers.

Another form (syphilis) is often communicated by husbands to their innocent wives. A woman so infected suffers abortion after abortion, and if living children are born, three out of four (happily for themselves) die very early, or if they survive they carry the (most often) paternal curse with them through life. Many a wet nurse has been

infected by such a syphilitic infant. Public drinking cups, the tubes used in glass blowing, and occasionally kissing have propagated the disease. Nearly every one of us knows medical friends who have been infected by making professional examinations while suffering from unobserved hangnails or abrasions and have suffered untold misery for years or for life.

Turning from civil life to the Army, what are the facts there?

"The venereal peril," says Surg. Gen. Torney in his last report, July 1, 1910, page 59, "has come to outweigh in importance any other sanitary question which now confronts the Army, and neither our national optimism nor the Anglo-Saxon disposition to ignore a subject which is offensive to public prudery can no longer excuse a frank and honest confrontation of the problem." Are these strong words justified? Let us see.

"Reports since the Spanish-American War show a steady and progressive increase in this class of diseases, so that the admission rate, which was 8.46 per cent in 1897, has now reached the enormous figure of 19.7 per cent." (Surgeon General's Report, July 1, 1910, p. 60.)

In other words, for the last six years very nearly one-fifth of the entire Army has suffered from venereal diseases every year, and to that extent, while ill, have diminished its effective force. "These figures," again says the Surgeon General, "are out of all proportion to those which obtain in the European armies, the rates for the latter being, according to the latest information:

	Per cent.
British (at home, 6.8 per cent)	7.6
Austro-Hungarian	5.4
French (at home, 2.8 per cent)	3.5
Prussian	1.9
Bavarian	1.5

(We have taken the liberty of changing the proportion from per 1000 to per cent.)

Were this all it would be bad enough. But, as we have already shown, the soldier himself is not the only one to bear the penalty. Our Army is very largely composed of young unmarried men. When they marry they should become fathers of healthy children, and so add to our population, vitality, and success as a nation. But the fact is that among those who have contracted venereal diseases in the Army a considerable proportion of their marriages will be sterile, others will be characterized by many abortions, and their living children will be defective, blind, and diseased. What the sorrows of their infected wives may be we know in part; the rest can only be surmised.

What now are the remedies proposed by the Surgeon General himself? In his report of July 1, 1910, he urges proper surgical treatment, but especially prevention and education:

"The organization of soldiers' clubs, canteens, etc., where enlisted men can find amusement and recreation sufficiently attractive to keep them at home and away from vile resorts.

"The formation of temperance associations among the enlisted men, the association of intemperance and venereal indulgence being well understood.

"Instruction of the men, by lectures and by informal advice whenever the opportunity offers, as to the nature of venereal diseases, the extent of their prevalence among prostitutes, and the grave peril not only to those who contract them but to their families and posterity. They should also be taught that sexual intercourse is not necessary to good health and the highest degree of mental and physical vigor."

These are in line with the proposals of Lord Roberts for the British Army in India (Forty-one Years in India, ii, 418–421). He did not abolish the liquor bar in the canteen, but restricted its size and its sales chiefly to beer, and encouraged the furnishing of recreation rooms, the promotion of temperance societies, etc., "an arrangement," he says, "which has been followed by the happiest results." Exactly the same condition existed in our former Army canteen, and we believe would prevail again.

The demands of military discipline require the soldier to surrender for the good of the State much of his individual liberty and many of the privileges enjoyed by other citizens. Is it wise further to restrict these by legislation in a way which not only does not contribute to military discipline but, as we learn from the almost unanimous testimony of Army officers, impairs it?

Soldiers are required by the special conditions of military life to give up their home life and the moral protection of marriage and to live a life of enforced celibacy. Is it wise to diminish the attractions of their club and to increase the moral and physical risks of their environment by act of Congress?

In view of what we have set forth above, we respectfully pray your honorable bodies, in the interest of temperance, of military order and efficiency, and of the health and happiness of our soldiers and of their future wives and children, to reestablish the canteen in the United States Army by passing the Bartholdt bill (H. R. 30).

Very respectfully, yours,

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Mr. Chairman, I desire to present another petition, which in itself is a remarkable demonstration showing how profound and general is the sentiment among those who know most about the evil effects of an ill-considered reform, in favor of a return to the well-regulated canteen system, which operated to keep the soldiers within the reservations under proper surveillance instead of driving them out into the dives, where their brains are fired by rot-gut whisky and their health and morals ruined by contact with lewd women. It is a petition of 2,386 Army women—the mothers, wives, sisters, and daughters of

officers and enlisted men of the American Army—all praying for the restoration of the canteen in the interest of health, good morals, and temperance. The signers include the wife of the Secretary of War, the wives of our generals, colonels, majors, captains, and of all other officers, as well as of enlisted men; and, as it is said that women were mainly responsible for the legislation which banished the canteen, it might be meet and proper to listen to the voice of women who in the very nature of things are and must be better judges of actual conditions than mere prohibition advocates can possibly be. Remember, gentlemen, it is the American mother who pleads here for the physical and moral health of her boy by praying for the restoration of a congenial "home" for the soldiers inside of the military reservation—a home which was broken up by an unholy alliance between the Woman's Christian Temperance Union and the dive keepers outside of the reservations. The petition is as follows:

A MESSAGE FROM 2,386 WOMEN OF THE UNITED STATES ARMY.

To the Senate and House of Representatives in Congress assembled:

Having seen and felt the effects of the act of February 2, 1901, prohibiting the sale on military reservations of beer and light wines; realizing, from an experience extending over 10 years, that the effect of that act has been injurious to discipline, harmful to morality, and conducive to intemperance; having deeply at heart the truest interests of the Army, and therefore of the Nation; believing that, from our close relation and intimate association with our soldiers, we are better judges of the effects on them of such legislation than those who look in from without or who act upon mere theory or generalization; we, the mothers, daughters, sisters, and wives of officers and enlisted men, do respectfully urge and earnestly request, in the interest of discipline, morality, and temperance, the repeal of the said act.

The New York Sun of January 7 contains an article on this petition which, because of its many interesting details and instructive comments, I will insert here in full. It is as follows:

ARMY WOMEN PLEAD FOR THE CANTEEN—AND WOMEN OUTSIDE THE ARMY ARE HELPING THEM IN THEIR EFFORTS IN BEHALF OF THE ENLISTED MEN OF THE UNITED STATES ARMY.

For the first time in this country mothers, daughters, sisters, and wives of officers and enlisted men of the United States Army are making a concerted effort to influence legislation. They are about to present to Congress a petition which has already been signed by 2,300 Army women.

To make them take this step, opposed as it is to all their traditions about keeping out of public affairs, some powerful motive was necessary. For 10 years, ever since the Army canteen was abolished, such a motive has existed. It has been growing constantly stronger.

Women who did not know from their own experience the life of an Army post really secured the banishment of the canteen. Now the women who do know that life, because it is theirs, are seeking to have the canteen restored.

It is perfectly true that there is some one who knows more about the matter than the Army woman herself does. That is the Army man; and the natural question would be, Why doesn't he take a hand in this particular fight if he thinks it is so important?

He does take as much of a hand as the law will let him. Army officers are forbidden to attempt to influence legislation. The consequence is that in a case like this they are powerless to change conditions, even though they know them to be bad for the service, except as they can accomplish something through their official reports.

Almost without exception every officer in the Army has gone as far as the law would let him in an attempt to secure the restoration of the canteen. Hundreds of official reports have given the facts more and more plainly as time has gone by. Medical journals have discussed the conditions revealed by these reports. Even the newspapers have printed various unpleasant statistics and have asked the public to realize what it all meant for the future of the Army.

And what happened? Nothing at all. The law of February 2, 1901, abolishing the canteen, remained in force.

For 10 years the women of the Army, believing themselves powerless, passively watched its operation. Then came the mobilization of troops at San Antonio and a mad rushing in, even ahead of the troops, of the saloons and dives that squatted on the outskirts of the great camp. It was like the gathering of a flock of vultures, and every Army woman was sick at heart as she read about it.

Some of these women were stationed at San Antonio years ago, before the canteen was established in 1889. They remembered the row of saloons, gambling dens, and dives that lined up in those days along the border of the military reservation. Some of them had to put up with a view of this row from their quarters. And even the lapse of 20 years could not make them forget their satisfaction when, after the canteen was introduced, they sat on their porches and week by week watched one light after another disappear, as the saloons and dives gradually went out of business.

It is because these things have happened within their own experience and because they are profoundly convinced that their sisters of the Woman's Christian Temperance Union, in securing the abolition of the canteen, were as mistaken as they were well intentioned that the Army women have thrown aside for once the traditions that have governed them.

This petition has been signed by 2,300 women from the various Army posts of the United States and its possessions. From the post at Regina Regente, in the Philippines, comes one signature, evidently that of the only white woman with that command. At the other extreme is Fort Leavenworth, with 214 names. The whole 2,300 have been gathered in little groups from the scattered stations where the women of the Army are living face to face with facts, not with theories.

A majority of the women signing this petition are wives of officers. That is natural. They are more easily accessible and perhaps know more about conditions in general than do the women relatives of the enlisted men. Most of the soldiers are young, many of them scarcely more than boys. If unmarried, as the great majority of them are, they are separated from their families. Only in rare cases do they tell their mothers about that side of a soldier's life which has been affected by the withdrawal of the canteen.

At least one young soldier did tell his mother the facts. She herself is a Woman's Christian Temperance Union woman. She had worked for the exile of the canteen before she knew, from her own experience, anything about it. Later this boy of hers enlisted. He was at San Antonio with the troops, and what he told his mother about the conditions existing there made her not only willing to sign the Army women's petition, but so eager to work for its success that she has written pleas and arguments to be used in the effort to influence others.

She is not the only Woman's Christian Temperance Union woman who signed the petition. Those who, like her, have come through their own experience to see the workings of what was once their pet measure are ready to forswear it now. None of the national officers of the organization, however, has been willing to admit that the legislation of 1901 may have been a mistake.

One of the Army women made a journey to Portland for the express purpose of trying to secure such an admission from Mrs. Stevens, the Woman's Christian Temperance Union president. It did not succeed. The stereotyped reply to descriptions of existing conditions is that "a glass of beer is as bad as a glass of whisky," and that settles it.

The members of the Woman's Christian Temperance Union who hold this view want prohibition. The Army women would be glad of that too if it would prohibit. But prohibition on one side of a street does not count, they say, when there is debauchery on the other side. Prohibition for enlisted men inside the Army post has been tried for 10 years, and according to the testimony of Army men and women has been a failure.

Maj. Gen. Wood, Chief of Staff, says that the effect of the abolition of the canteen has been almost unqualifiedly bad. When Gen. Young was at the head of the Army in 1903 he said that the result had been increased drunkenness and disease. There are many records of such verdicts by officers to whom the good of the service was the first consideration.

Drunkenness, disease, impaired discipline seemed to be the inevitable harvest from what Brig. Gen. Carter called "the usual crop of saloons" which took the place of the forbidden canteen.

While the effort the Army women are making to influence legislation is concerted, it is not formally organized. There is no society with a president and other officers. The fact that Army women are scattered in little groups all over this country and its possessions makes that impossible. But the movement is supported by them as a whole. It is being directed by Mrs. James B. Burbank, wife of Gen. Burbank, who is now on the retired list and living in New York.

"We feel," says Mrs. Burbank, "that as mothers, sisters, wives, and daughters of the United States soldiers we are entitled to a hearing. We think we have one right which has never been denied to women, the right to safeguard the family and the home. We have stood aside for more than 10 years while other women have dictated a policy which has ruined thousands of men and has impaired the efficiency of the service.

"So far as the wives of officers are concerned, the subject of the canteen touches us as it would touch any woman who saw young men being ruined and, in addition, as it affects the morale and efficiency of the service in which every Army woman takes pride and interest. Perhaps the outsider does not understand that the canteen means nothing directly to the officers. They have their clubs. The canteen was simply and solely for the enlisted men. It is because we believe absolutely that its abolition has been disastrous to them individually and to the service as a whole that we want to see it restored."

Many civilians have a decidedly vague idea as to the exact nature of the canteen, anyway. Under the regulations then existing it was a part of the post exchange. This is a cooperative association of the several units forming a garrison and supplies at moderate prices articles necessary for their use and entertainment, including those furnished in the canteen.

The commanding officer of a post was authorized to permit beer and light wines to be sold, by the drink, on week days, in a room used for no other purpose, when he was satisfied that this would deter the soldiers from going to saloons outside the post and would tend "to promote temperance and discipline among them." Treating was discouraged and the sale or use of "ardent liquors" was positively prohibited. An officer was detailed to supervise the conduct of the canteen and in time civilians instead of soldiers were in charge of dispensing the beer.

Drinking even in moderation and of the mild beverages provided was discouraged. The best rooms of the post exchange were set apart for billiards, reading, gymnasium, and so on. These did not communicate directly with the canteen. But the soldier who wanted a glass of beer could get it in decent surroundings without temptation to take more than a moderate allowance and without any opportunity to substitute whisky for beer.

Careful accounts were kept and all profits were divided among the different companies and added to the company funds. The company fund is always in charge of the company commander and is used to buy extra eatables not regularly furnished by the commissary department. The canteen, in fact, meant even more to the enlisted man than the club does to the officer.

The mothers, sisters, wives, and daughters of United States soldiers opened the campaign, but it has not stopped there. It is spreading to women outside the Army. On January 16, at the Waldorf-Astoria, a public meeting will be held under the direction of the National Society for the Civic Education of Women. Mrs. Gilbert Jones is chairman of the committee. Mrs. Burbank will state the case of the Army women. There will be other speakers and copies of the following petition will be distributed for circulation:

"To the Senate and House of Representatives in Congress assembled:

"Recognizing that the act of February 2, 1901, prohibiting the sale of light wine and beer on military reservations, has resulted in an alarming increase of intemperance, desertion, and disease in the United States Army;

"Knowing that the women of the Army have petitioned for the repeal of said act; that the highest military authorities favor such action; that the American Medical Association, representing 50,000 medical men in the United States, and the Association of Military Surgeons, the New York Academy of Medicine, and the American public health associations have, in the interest of sanitation, morality, and discipline, recommended the restoration of the canteen, therefore we, the women of New York, having at heart the truest welfare of the Nation, unite with the mothers, sisters, wives, and daughters of the officers and enlisted men of the United States Army in respectfully urging the repeal of said act."

The movement is to be carried into all the States. It is already organized in Connecticut under the leadership of women of the highest standing. The meeting at the Waldorf-Astoria is open to all women who are interested in a matter which at any time may personally concern them, and which already means much to those who have a patriotic interest in the welfare of the Army.

The advocacy of the canteen by the women seems already to be having some effect. A petition for its restoration has been signed by 275

physicians in various parts of the country. Among the names affixed to it are those of Dr. S. Weir Mitchell, of Philadelphia; Dr. William J. Mayo, of Rochester, Minn.; and Dr. Robert Abbé, Dr. Joseph D. Bryant, Dr. George E. Brewer, Dr. Charles L. Dana, Dr. Ellsworth Eliot, Dr. Simon Flexner, Dr. John A. Fordyce, Dr. W. H. Katzenbach, Dr. Howard Lilienthal, Dr. Willy Meyer, Dr. J. D. Rushmore, Dr. John A. Wyeth, and Dr. Robert F. Weir, of New York.

Among the women who have signed the Army petition are Mrs. Leonard Wood, wife of the Chief of Staff; Mrs. Fred D. Grant, wife of the general commanding the Division of the Atlantic; Mrs. Arthur Murray, wife of the general commanding the Western Division; Mrs. Thomas H. Barry, wife of the commandant of the Military Academy; and many other women whose husbands are high in Army rank.

I am in receipt of hundreds of letters from all over the United States, all of them commending the renewed efforts to restore what many call "the soldiers' club." It would take up too much space to insert them in the RECORD, but I will state that not a single one came from those interested in the liquor business, and all of the writers seemed animated by a desire to promote true temperance. It is undoubtedly true that the liquor interests find the present system of a beerless canteen more profitable than was the old canteen system. I insert, however, an authoritative letter from Gen. George H. Torney, the present Surgeon General of the Army, in refutation of certain statements of an Army surgeon from which our prohibition friends had drawn so much comfort. Gen. Torney's letter is as follows:

WAR DEPARTMENT,
OFFICE OF THE SURGEON GENERAL,
Washington, January 2, 1912.

Dr. W. W. KEEN,
1729 Chestnut Street, Philadelphia, Pa.

SIR: Your letter inviting my attention to the statements and statistical data published by Col. L. M. Maus, Medical Corps, United States Army, chief surgeon, Central Division, in the Continent of December 7 and 14, and requesting a statement with regard thereto, was duly received.

This office does not desire to say anything concerning the views and statements of Col. Maus, except in so far as they refer to the medical statistics of this office, and the conclusions which he draws from them, although his remarks upon the commercialization of the post exchange in accentuating its functions as a cooperative store, and failing fully to meet the more important ones of a soldiers' club, are concurred in.

He states his purpose as follows: "Partly on account of impending legislation on the subject and partly to furnish reliable information for the above-mentioned class of writers (those that speak adversely of the effects of a beerless canteen on the morals and habits of the United States Army), I have gathered, as far as possible, the venereal statistics on the point of contention, namely, whether the sale or prohibition of beer in Army exchanges has any actual influence on the increase or diminution of alcoholism, vice, and venereal diseases among the troops." Further on he states: "So far we have found nothing to lead any fair-minded person to conclude that the absence of beer from the canteen has increased the admissions to sick report, the ratio of constant sick, or the rate of alcoholism."

Although it is thought that the writer has not been entirely successful in his efforts to furnish reliable information as to the vital statistics of the Army, this office entirely concurs in the statement that the statistics do not show that the absence of beer from the canteen has increased the admissions to sick report or the ratio of constantly sick. As regards the rate for alcoholism and venereal diseases, it is thought that the statistics do contain evidence showing an increase which is in relation to the abolition of beer in the canteen. He undoubtedly successfully demolishes the "wild story that disease in the Army during that period (1902–1910) has doubled and trebled because beer was not sold in post canteens." This seems, however, rather the demolition of a self-made man of straw, as no such extravagant statements have been brought to the attention of the undersigned, and there is certainly nothing of this sort in the moderate and accurate statements which are contained in the petition to Congress on this subject, dated Philadelphia, December 4, 1911, and signed by yourself and your distinguished associates.

Col. Maus divides the period from 1867 to 1910, as regards the position of the War Department with reference to the sale of alcoholic liquors on reservations, into four periods, as follows:

1. From 1867 to 1880, when liquors were sold freely upon military reservations by post traders by license from the War Department.

2. From 1881 to 1885, when the sale of alcoholic liquors upon reservations was prohibited.

3. From 1886 to 1900, when such sales were again permitted upon reservations. This period includes the first period of 4 years when ardent liquors were sold by the post traders and the canteen period of 11 years when only beer and light wines were allowed to be sold.

4. From 1901 to 1910, when the sale of alcoholic liquors was again prohibited under a provision inserted in the appropriation bill approved February 2, 1901.

Col. Maus submits four tables of figures, the first and second of which give the rate per thousand of admissions to sick report and the rate per thousand of constant nonefficiency for the above periods, while the third and fourth give the rates per thousand of admissions to sick report for alcoholism and venereal diseases, which correspond in general to the periods above given, although in the tables of alcoholism and venereal diseases the first period is omitted

To assist Col. Maus in his laudable desire to furnish reliable information it seems desirable to correct certain discrepancies and errors in these tables. In the first table of admission rates the year 1885 is apparently counted as the first year of authorized sales, although Circular No. 12, by which the sale of beer and light wine was authorized, was dated December 31, 1885, and was sent out by mail. The last two years, 1899 and 1900, of this period are omitted as being abnormal. Such omission would be reasonable and in the interest of honest deductions if the year of the Spanish War, 1898, had been also omitted, and if those years had been omitted likewise in the third and fourth tables. It will also be observed in the two latter tables that the last period of prohibition is stated as 1901–1910, which is reasonable, since the act of Congress was passed early in the year and went instantly into effect. This period is given in the first two tables as 1902–1910.

The factors which influence the sick rate of an army are very numerous, and it is essential to legitimate deductions that the principle should be followed of eliminating all factors which are not common to the various dates between which the comparison is instituted. As the first three periods refer to the United States only, the fourth period should have been limited also to its continental territory and should not have embraced the tropical possessions, which, as recognized by Col. Maus, introduced a new factor of great importance. As the admission rates for the United States were available, it is not clear why Col. Maus did not make use of them, especially as they would have been more favorable to his deduction. In the other tables the figures for the fourth period are approximately those for the United States only.

In the interests of scientific accuracy it would appear desirable also to deduct the admission rate and nonefficiency rates for men suffering from wounds and other injuries; but as it is possible that the use of alcohol may have been considered by the writer to have had some influence upon the question of injuries, they are not excluded in the amended table given, in which the other inaccuracies mentioned have been corrected. In these figures decimals less than 0.50 have been disregarded, while for those above that figure a unit has been added.

Attention should also be called to the fact that in the statistics of venereal diseases published by this office prior to 1904 readmissions of a patient during the course of treatment of an infection were disregarded, so that the admissions reported may be regarded as nearly equivalent to cases, whereas in later years all admissions have been counted. In the statistics given in this article, however, showing the occurrence of venereal diseases, readmissions have been deducted so as to make the figures for the last seven years capable of comparison with those of preceding years. His tables, corrected in the points above stated, would be as follows, the figures being for the Regular Army only in the United States:

Total admission rates per 1,000—United States.

From 1867–1880	19.35
From 1881–1885 (prohibition period)	16.30
From 1886–1897	12.42
From 1898–1900 (exceptional years of war and reorganization)	18.10
From 1901–1910 (prohibition period)	12.08

Total nonefficiency rates per 1,000—United States.

From 1867–1880	49
From 1881–1885 (prohibition period)	45
From 1886–1897	39
From 1898–1900 (exceptional years of war and reorganization), data unobtainable.	
From 1901–1910 (prohibition period)	46

Admission rates per 1,000 for alcoholism—United States.

From 1867–1880	48
From 1881–1885 (prohibition period)	62
From 1886–1897	37
From 1898–1900 (exceptional years of war and reorganization)	19
From 1901–1910 (prohibition period)	28

Admission rates per 1,000 for venereal diseases—United States.

From 1867–1880	124
From 1881–1885 (prohibition period)	82
From 1886–1897	77
From 1898–1900 (exceptional years of war and reorganization)	125
From 1901–1910, corrected (prohibition period)	149

There appears to have been an inclination among casual readers of this article to draw the inference that the prohibition of the sale of alcoholic liquors upon reservations has had a favorable influence upon the sick rates, but this is nowhere explicitly stated by Col. Maus.

The total admission rate and sick rate of an Army are very complex matters, into which a great number of factors of varying importance enter, and the absurdity of attempting to extract from these tables anything of value with reference to the treatment of alcoholism in the Army is shown by the fact that the first prohibition period, 1881–1885, although it shows greatly improved admission and noneffective rates over the preceding nonprohibition period, yet shows much higher figures than the subsequent nonprohibition period, and especially that part of it from 1890 to 1897, when no spirits but only beer was sold in canteens; in fact, the last four years of this period show the best sick rates which the Army has had, except the year 1910. The fact is that the sanitary condition of the Army has steadily improved from the end of the Civil War up to 1897, due chiefly to the earnest and persistent work of the Medical Corps in preventing overcrowding, procuring improvements in the diet and sanitary surroundings, and in urging that proper precautions be given for the prevention of contagious diseases.

The excessively high sick rates during the years 1898, 1899, and 1900, covering the period of the Spanish War and the Philippine insurrection, were, even for the troops stationed in the United States, due to typhoid fever, yellow fever, malaria, and other exposures which undermined the regiments returning from tropical service, and the steady improvement year by year since that time has been due to the splendid triumphs of preventive medicine in eradicating or bringing under control these diseases.

The fall in the rate of malaria alone from 113 in 1901, step by step, to 16 in 1910 shows the importance that a single factor may assume.

Alcoholism, which was in the early history of the Army, during the first half of the last century, a very important cause of morbidity and death and the cause of much solicitude to medical officers, has in late years, with the growth of temperance in the Army, become of minor importance in its effect upon the sick report, except by its relation to the much more serious question, from a sanitary standpoint, of venereal diseases. The rate of admissions for alcoholism was, for the year 1867, 27, a lower rate than occurred at any time thereafter up to the year of the Spanish War, a fact which conflicts somewhat with Col. Maus's idea of "Civil War veterans whose habits of intemperance had become fixed." The alcoholic rate rose from this point steadily to 1876, when it reached its highest point—72 per 1,000. For the next seven years it fluctuated between 60 and 70, being at 69 in the years 1882–83, in spite of the fact that these were prohibition years. From this point the rates fell steadily through 14 years to the year of the Spanish War, in which it was only 16, the lowest rate on record. This was followed by a rise during the exceptional years 1899 and 1900 to the rate of 26 in 1901, followed by three years when it remained near this figure and then made a further rise for three years, reaching 36 in 1907. The rise in 1899–1901 was synchronous with the enormous increase in venereal rates, and it is difficult to escape the conclusion that there was some connection between the two. The probable explanation of both seems to be that in the spring of 1899 the great majority of the old disciplined professional soldiers of the Army were given their discharge and were replaced by recruits. It is well known that recruits are more subject to sickness of all sorts, and especially to venereal diseases and alcoholic excess, than trained soldiers. The venereal rate of the recruiting stations, for example, is so far in excess of that of any other posts in the Army that in the annual report of the Surgeon General for this year they were placed in a table by themselves. The greenness of the Army in 1899 must therefore be credited as an important factor in this rise, and it will be further observed that the fluctuations in the alcoholic rate which have occurred since have been in periods of three

years, which corresponds with the expiration of the three-year enlistment periods.

It will be observed that the improvement in the alcoholic rate began before the establishment of the canteen and was continued during most of the canteen period. It is believed that this fall corresponds to the general progress of temperance in the United States, and that it would have been sustained but for the undoubtedly injurious effect of abolition of the beer privilege in the canteen, which destroyed to a considerable extent the attractiveness of the soldier's club and compelled him to go outside the limits of the military post for amusement. In this way he is tempted to drink distilled liquors to excess in place of mild fermented liquors in moderation, and is at the same time brought into contact with disreputable companions of both sexes, with unfortunate consequences to his health and morals, as shown by the high venereal rates of the last prohibition period.

Venereal diseases.—The records of all the great armies of the world, except our own, show for the last three decades a steady descending curve of incidence for these diseases. With the American Army the rate was fairly uniform for a number of years prior to the Spanish War, averaging for the decade preceding 1898, 78 per 1,000, and for the decade, 1878–1887, 84 per 1,000. The rate for the United States leaped, however, from 81 in 1898 to 138 in 1899 and to 155 in 1900, and it has remained not far from 150 during the succeeding years. Col. Maus tells us that this phenomenal increase is rather apparent than real. He says: "There is no question in my mind but that the figures before 1901 would have exceeded 300 per 1,000 if all the cases had been taken up. But now rigid examination of all the men is made weekly, or twice monthly, which brings the rate up to the present figures. Should such inspection be suspended to-morrow, I feel quite satisfied that the rate would not reach 50 per 1,000 during the next fiscal year." This explanation seemed simple and plausible, but, unfortunately, it has no real basis of fact. The truth is that the physical examinations followed the great increase in the venereal rates and did not produce them, both in the Tropics and in the United States. In the latter the curve of incidence took its abrupt and enormous rise 10 years before the physical examinations began to be held at any considerable number of posts in the United States.

Col. J. Van R. Hoff, Medical Corps, Chief Surgeon Eastern Division, states as follows in regard to this matter:

"So far as I know the first physical examinations held in the United States resulted from the Surgeon General's circular of January 25, 1909, promulgated by order of the commanding general, Department of the Lakes, to the commanding officers of all posts there, March 9, 1909, immediately after I joined that department as chief surgeon. I think this was the first order issued by military authority here on this subject. In the Department of the East the Surgeon General's circular was not given a military status until January 26, 1910. Physical examinations were held in Porto Rico shortly after our occupation, and, I understand, this was also the case in Cuba. In the Philippines the first order on this subject was General Order No. 101, s. 1901."

Physical examinations are only one of a series of measures recommended by the Surgeon General in his circular letter of January 25, 1909, for the reduction of venereal diseases in the Army, and the corrected figures show that the general adoption of physical examinations at Army posts in the United States in 1908, together with the other preventive measures recommended did not cause an increase, but an encouraging reduction—no small part of which must be credited to Col. Maus's zeal and energy.

There are certainly no figures in this office to support the assertion that venereal figures before 1901 "would have exceeded 300 per 1,000 if all the cases had been taken up," and in the opinion of this office this guess is about 300 per cent too high for the decade prior to the Spanish War.

Below are given the rates for alcoholism and venereal diseases for the past 40 years in order that anyone who desires to study this question in detail will have the material at hand to do so:

Occurrence of alcoholism and venereal diseases in the Regular Army stationed in the United States, for four decades.

[Rate per 1,000.]

Years.	Venereal diseases.	Alcoholism.
1871	120	43
1872	111	44
1873	108	48
1874	90	56
1875	108	63
1876	111	72
1877	110	57
1878	95	60
1879	92	59
1880	97	61
1881	92	58
1882	98	69
1883	80	69
1884	78	62
1885	80	53
1886	72	47
1887	74	46
1888	80	40
1889	85	41
1890	75	41
1891	72	40
1892	77	37
1893	73	34
1894	80	31
1895	74	30
1896	78	29
1897	85	28
1898	81	16
1899	138	18
1900	155	22
1901	150	26
1902	161	24
1903	136	27
1904	[1] 148	25
1905	[1] 157	30
1906	[1] 144	32
1907	[1] 149	36
1908	[1] 155	30
1909	[1] 151	25
1910	[1] 138	24

[1] Readmission of the same case deducted.

Statistics are like stones taken from the quarry and piled by the roadside. The contentious may use them as missiles to hurl at an adversary, or the mischievous to break windows, but the honest laborer will employ them only for the purpose for which they are intended, to pave the difficult road which leads toward the truth. It is with confidence that the truth only is the object sought by you and the 274 distinguished physicians who have joined in your petition that this letter is written. You may make such use of it as you desire.

Very respectfully,

GEO. H. TORNEY,
Surgeon General, United States Army.

Of the hundreds of editorials which I have collected only during the last two months, all favoring the restoration of the canteen, I will insert one from the Watertown Daily Times, a temperance paper, which is typical of all. It reads as follows:

THE ARMY CANTEEN.

When the Woman's Christian Temperance Union succeeded in getting Congress to abolish the Army canteen it meant well. They thought it would abolish intemperance in the Army, remove a temptation from the young recruit, promote discipline and a better life, and, above all, take away a Government sanction for the use of intoxicating liquors. The experiment has been well tried out now, and results show, in the opinion of Army officers and medical authority, that the abolition of the canteen has created evils instead of diminishing them, has been subversive of discipline, has acted against good morals, and induced disease through tempting the soldiers to go outside the reservation to vile dens of intoxication and vice.

The Army canteen was established to promote a better social life and better discipline at Army posts. It made a social club for the soldiers where only light beer was allowed to be sold, and they had cards and games, and all of it under charge of an officer and regulated by rules. The profits of the canteen were divided among the companies stationed at the post and went to provide little table luxuries not embraced in the Army ration. It kept the soldiers on the reservation, kept them under better discipline, and in better health. The good women of this temperance organization did not know the benefits, but thought only of the beer, and mistakenly had the institution abolished, with results the opposite they looked for, and in securing the abolition of the post canteen have actually injured the enlisted men morally as well as physically.

Army officers were doubtful of the experiment from the first, but as time has gone on and they have noted effects they have become more and more insistent in their protests against the abolition of the canteen. It is practically the general testimony of general officers and post commanders, from Gen. Leonard Wood, formerly an Army surgeon, and Gen. Fred D. Grant, a total abstainer, down through all the ranks that intemperance has been increased, with a corresponding increase in infractions of discipline and desertions. These are now joined by nearly all the medical authorities of the country, who have united in a petition to Congress for the reestablishment of the canteen, chiefly for medical reasons, and in these they are joined by almost all the surgeons of the Army, who have close watch over the health of the men. These medical men—and the most distinguished names of the profession are on the petition—show the intimate connection between the use of strong alcoholic stimulants and the contraction of filthy and fatal diseases. With the abolition of the canteen there sprang up about every military post low dives for the selling of impure liquors and their accompanying places of vice. The soldier, enticed away from the reservation, where in the canteen days he could get such amount of beer as was good for him—or, at least, not injurious—visits the saloon, loses his self-control and manhood, and goes to the places of vice and contracts diseases from which there is never any perfect recovery and which are transmitted to pure wives and innocent children. Army statistics show that during the last six years nearly one-fifth of the entire Army has suffered from this class of diseases every year, destroying its efficiency to that degree, and is out of all proportion with those which obtain in the European armies. The Surgeon General recommends as a remedy "the organization of soldiers' clubs, canteens, etc., where enlisted men can find amusement and recreation sufficiently attractive to keep them at home and away from vile resorts;" also, "instruction of the men, by lectures and by informal advice, as to the grave peril to the men, their families, and posterity." Lord Roberts, with the British Army in India, did not abolish the canteen, but restricted its sales chiefly to beer, and encouraged the furnishing of recreation rooms, the promotion of temperance societies, etc., which, he says, was followed by the happiest results. This same condition existed in our former Army canteen, and would probably prevail again.

Observers of conditions at the Army post at Sackets Harbor can confirm these statements. When the canteen was established most of the saloons in the village were dried up for lack of the soldier's patronage. When the canteen was abolished they sprang up, and more of them, together with the associated vices. After a negro regiment came to the post the town of Hounsfield, in which Madison Barracks is situated, was compelled to vote no license through fear of the effect of liquor on the negro soldiers. As a matter of fact the negro soldiers behaved themselves better than white soldiers had, but there was a well-grounded fear, the same that has induced prohibition in southern States, that the presence of cheap liquor and negroes was a bad combination. It was a sacrifice to Sackets Harbor, which depends considerably on a summer resort trade, and it nearly closed its only hotel. The negro regiment being about to depart, the town has voted for license again, to make it more attractive to the summer visitor, and probably with the appearance of another regiment the saloons will come into existence again with all their attendant evils. If Congress passes the bill now before it, which both Army officers and medical authorities ask for, and the canteen is restored, there will be little business for the encircling saloons, and discipline, good order, good health, and the promotion of real temperance may be restored. It is much to be hoped that the bill will pass. The woman's organization that forced the abolition of the canteen must have seen its mistake, and Congress should have less opposition to restoring the canteen and less fear of its political effect.

In the face of such evidence, Mr. Chairman, will Congress still hesitate to correct what a majority of the people have come to regard as a most unfortunate and cruel mistake?

ADJOURNMENT.

Then, on motion of Mr. UNDERWOOD (at 12 o'clock and 15 minutes p. m.), the House adjourned until Thursday, January 4, 1912, at 12 o'clock m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of Commerce and Labor, calling attention to estimates for the Lighthouse Service for the fiscal year 1913 not authorized by Congress, and requesting that the necessary authority be enacted into law (H. Doc. No. 378); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

2. A letter from the Postmaster General, transmitting statement showing what officers or employees traveled on official business of the Post Office Department during the fiscal year ended June 30, 1911 (H. Doc. No. 381); to the Committee on Expenditures in the Post Office Department and ordered to be printed.

3. A letter from the Secretary of War, submitting statement showing what officers or employees of the War Department have traveled on official business from Washington to points outside the District of Columbia during the fiscal year ended June 30, 1911 (H. Doc. No. 380); to the Committee on Expenditures in the War Department and ordered to be printed.

4. A letter from the chairman board of trustees, postal savings system, submitting statistics regarding the operations of the system during the fiscal year ended June 30, 1911 (H. Doc. No. 384); to the Committee on the Post Office and Post Roads and ordered to be printed.

5. A letter from the Acting Secretary of the Navy, transmitting statement of documents received and distributed by the department during the fiscal year ended June 30, 1911 (H. Doc. No. 376); to the Committee on Expenditures in the Navy Department and ordered to be printed.

6. A letter from the Secretary of Commerce and Labor, submitting a letter from the Supervising Inspector General of the Steamboat Inspection Service concerning need of amendatory legislation with respect to the date of making annual reports by supervising inspectors (H. Doc. No. 377); to the Committee on the Merchant Marine and Fisheries and ordered to be printed.

7. A letter from the assistant clerk of the Court of Claims, transmitting findings of the court in the French spoliation claim relating to the vessel brig *Franklin*, Joshua Walker, master (H. Doc. No. 372); to the Committee on Claims and ordered to be printed.

8. A letter from the assistant clerk of the Court of Claims, transmitting findings of the court in the French spoliation claim relating to the vessel brig *Peyton Randolph*, Benjamin Cozzins and William Cozzins, masters (H. Doc. No. 371); to the Committee on Claims and ordered to be printed.

9. A letter from the assistant clerk of the Court of Claims, transmitting findings of the court in the French spoliation claim relating to the vessel brig *William and Mary*, Moses Springer, master (H. Doc. No. 373); to the Committee on Claims and ordered to be printed.

10. A letter from the assistant clerk of the Court of Claims, transmitting the findings of the court in the French spoliation claim relating to the vessel ship *Six Sisters*, Daniel Baker, master (H. Doc. No. 374); to the Committee on Claims and ordered to be printed.

11. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Winter Harbor, Me. (H. Doc. No. 357); to the Committee on Rivers and Harbors and ordered to be printed.

12. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusion of law and of fact in the French spoliation cases relating to the vessel snow *Nancy*, William Emmons, master (H. Doc. No. 375); to the Committee on Claims and ordered to be printed.

13. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of law and of fact in the French spoliation cases relating to the vessel schooner *Mermaid*, Church C. Trouant, master (H. Doc. No. 368); to the Committee on Claims and ordered to be printed.

14. A letter from the assistant clerk of the Court of Claims, transmitting findings of the court in French spoliation claim relating to the vessel schooner *Paragon*, Nathaniel Wattles, master (H. Doc. No. 367); to the Committee on Claims and ordered to be printed.

15. A letter from the assistant clerk of the Court of Claims, transmitting copy of the findings of the court in the case of John H. Bryson, administrator of the estate of John Gibson, deceased, *v.* The United States (H. Doc. No. 366); to the Committee on War Claims and ordered to be printed.

16. A letter from the Acting Secretary of War, transmitting a letter from the Chief of Engineers, with report on survey of the Tennessee River, Tenn., Ala., and Ky., from the confluence of the Holston and French Broad Rivers to the mouth (H. Doc. No. 360); to the Committee on Rivers and Harbors and ordered to be printed.

17. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of law and of fact in the French spoliation cases relating to the vessel schooner *Phœnix*, John D. Farley (H. Doc. No. 369); to the Committee on Claims and ordered to be printed.

18. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusion of law and of fact in the French spoliation cases relating to the vessel schooner *Harmony*, Enoch Lee, master (H. Doc. No. 370); to the Committee on Claims and ordered to be printed.

19. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of J. A. Hall, administrator of estate of Starkey Hall, deceased (H. Doc. No. 364); to the Committee on War Claims and ordered to be printed.

20. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of George Davis *v.* The United States (H. Doc. No. 365); to the Committee on War Claims and ordered to be printed.

21. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Mrs. Adelia B. Greely, sole heir of H. B. Benjamin, deceased (H. Doc. No. 363); to the Committee on War Claims and ordered to be printed.

22. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of J. M. Ballew, administrator of estate of Sarah Hays, deceased (H. Doc. No. 362); to the Committee on War Claims and ordered to be printed.

23. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Mariah McDermott, administrator of estate of William Burley, deceased (H. Doc. No. 361); to the Committee on War Claims and ordered to be printed.

24. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Fishing Creek, N. C. (H. Doc. No. 356); to the Committee on Rivers and Harbors and ordered to be printed.

25. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Northeast Harbor, Mount Desert, Me. (H. Doc. No. 358); to the Committee on Rivers and Harbors and ordered to be printed.

26. A letter from the Acting Secretary of the Navy, submitting estimates for naval appropriation bill for the fiscal year ending June 30, 1913 (H. Doc. No. 382); to the Committee on Naval Affairs and ordered to be printed.

27. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on reexamination of Wilmington Harbor, Del. (H. Doc. No. 359); to the Committee on Rivers and Harbors and ordered to be printed.

28. A letter from the Acting Secretary of War, transmitting a letter from the Chief, War College Division, General Staff, with a report of documents distributed by the War Department during the fiscal year ended June 30, 1911 (H. Doc. No. 158); to the Committee on Expenditures in War Department and ordered to be printed.

29. A letter from the Secretary of the Interior, submitting report on the advisability of constructing wagon roads on the Yakima Indian Reservation, under section 23 of the Indian appropriation act approved March 3, 1911 (H. Doc. No. 383); to the Committee on Indian Affairs and ordered to be printed.

30. A letter from the Secretary of the Treasury, submitting report that preliminary designs and estimates have been secured for the buildings for each of the Departments of State, Justice, and Commerce and Labor (H. Doc. No. 379); to the Committee on Public Buildings and Grounds and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CARTER, from the Committee on Indian Affairs, to which was referred the bill (H. R. 14055) to provide for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes, reported the same with amendment, accompanied by a report (No. 204), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WARBURTON: A bill (H. R. 16642) to erect a public building at Aberdeen, Wash.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16643) to provide a site and erect a public building thereon at Centralia, Wash.; to the Committee on Public Buildings and Grounds.

By Mr. PRAY: A bill (H. R. 16644) providing for appropriation for survey of public lands in the counties of Chouteau, Valley, Dawson, Fergus, and Custer, in Montana; to the Committee on Appropriations.

By Mr. RUCKER of Colorado: A bill (H. R. 16645) to increase the limit of cost of the United States public building at Denver, Colo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16646) to provide for an appropriation of $1,000 for the erection of a monument at Fort Morgan, Colo.; to the Committee on Appropriations.

Also, a bill (H. R. 16647) to amend section 2291 and section 2297 of the Revised Statutes of the United States relating to homesteads; to the Committee on the Public Lands.

Also, a bill (H. R. 16648) to increase the appropriation for the purchase of a site and the erection of a public building at Greeley, Colo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16649) to provide for the purchase of a site and the erection of a public building thereon at Littleton, in the State of Colorado; to the Committee on Public Buildings and Grounds.

By Mr. MARTIN of Colorado: A bill (H. R. 16650) appropriating money for the maintenance and improvement of the Mesa Verde National Park, in the State of Colorado, for the fiscal year ending June 30, 1912; to the Committee on Appropriations.

By Mr. FERRIS: A bill (H. R. 16651) authorizing the Secretary of War to grant freedom to certain of the Apache prisoners of war now being held at Fort Sill, Okla., and giving them equal status with other restricted Indians, and for other purposes; to the Committee on Indian Affairs.

By Mr. PRAY: A bill (H. R. 16652) appropriating money for the improvement of the Missouri River from Sioux City, Iowa, to Fort Benton, Mont.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 16653) appropriating money for the construction of a lock in the Yellowstone River, Mont., and for other purposes; to the Committee on Rivers and Harbors.

By Mr. FOWLER: A bill (H. R. 16654) to authorize a survey of Wabash River and Saline River, in Illinois; to the Committee on Rivers and Harbors.

By Mr. WICKERSHAM: A bill (H. R. 16655) to provide for the allotment of lands in severalty to Indians in Alaska and to extend the protection of the laws of the United States and of the Territory of Alaska over the Indians, and for other purposes; to the Committee on Indian Affairs.

Also, a bill (H. R. 16656) to authorize additional aids to navigation in the Lighthouse Establishment, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WICKLIFFE: A bill (H. R. 16657) making an appropriation for Bayou Grosse Tete, in Louisiana; to the Committee on Rivers and Harbors.

By Mr. WARBURTON: A bill (H. R. 16658) to provide a site and erect a public building at Chehalis, Wash.; to the Committee on Public Buildings and Grounds.

By Mr. FERRIS: A bill (H. R. 16659) authorizing the Secretary of the Interior to sell the unused, unallotted, remnant lands of the Kiowa, Comanche, and Apache Indians in Oklahoma; to the Committee on Indian Affairs.

By Mr. STEENERSON: A bill (H. R. 16660) to amend section 17 of an act entitled "An act to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes"; to the Committee on Indian Affairs.

By Mr. CLAYTON: A bill (H. R. 16661) to relinquish, release, remise, and quitclaim all right, title, and interest of the United States of America in and to all the lands held under claim or color of title by individuals or private ownership or municipal ownership situated in the State of Alabama which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians under or by virtue of the treaty entered into between the United States of America and the Creek Tribe or Nation of Indians on March 24, 1832; to the Committee on the Public Lands.

By Mr. TOWNER: A bill (H. R. 16662) to amend act of June 29, 1906 (chap. 3592, sec. 3, 34 Stat., p. 596); to the Committee on Immigration and Naturalization.

By Mr. HILL: A bill (H. R. 16663) to permit any corporation, joint-stock company or association, or insurance company to change the date of filing its annual return of net income required under section 38 of the tariff act of August 5, 1909, from the close of the calendar year to the close of its own fiscal year, and for other purposes; to the Committee on Ways and Means.

By Mr. MARTIN of South Dakota: A bill (H. R. 16664) to make money already appropriated for "General expenses, Bureau of Plant Industry, fiscal year 1912," available for the erection of necessary farm buildings, and for other purposes; to the Committee on Agriculture.

By Mr. EDWARDS: A bill (H. R. 16665) for a survey of Darien Harbor, Ga.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 16666) providing for an appropriation of $30,000 for the maintenance of Darien Harbor, Ga.; to the Committee on Rivers and Harbors.

By Mr. HUMPHREY of Washington: A bill (H. R. 16667) to provide a site and erect a public building at Blaine, Wash.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16668) to provide a site and erect a public building at Anacortes, Wash.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16669) to provide a site and erect a public building at Sumas, Wash.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16670) to increase the appropriation for a public building at Everett, Wash.; to the Committee on Public Buildings and Grounds.

By Mr. ELLERBE: A bill (H. R. 16671) to provide for the erection of a public building in the city of Marion, S. C.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16672) for the erection of a public building at Dillon, S. C.; to the Committee on Public Buildings and Grounds.

By Mr. CRUMPACKER: A bill (H. R. 16673) to establish a customs collection district on the coast of Lake Michigan in the State of Indiana; to the Committee on Ways and Means.

Also, a bill (H. R. 16674) to establish a subport of entry and delivery at Indiana Harbor, in the State of Indiana; to the Committee on Ways and Means.

By Mr. MANN: A bill (H. R. 16675) to authorize the city of Chicago to construct a bascule bridge across the Calumet River at Ninety-second Street in said city; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 16676) to authorize the Lake Shore & Michigan Southern Railway Co. to construct a bascule bridge across the Calumet River at South Chicago, Ill.; to the Committee on Interstate and Foreign Commerce.

By Mr. RUSSELL: A bill (H. R. 16677) to authorize Butler and Stoddard Counties, of Missouri, to construct a bridge across the St. Francis River at Hodges Ferry, Mo.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 16678) to increase the compensation of rural free delivery letter carriers; to the Committee on the Post Office and Post Roads.

By Mr. BRADLEY: A bill (H. R. 16679) for the erection of a public building at Nyack, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. FLOYD of Arkansas: A bill (H. R. 16680) to authorize the board of county commissioners of Baxter County and the board of county commissioners of Marion County, in the State of Arkansas, acting together for the two counties as bridge commissioners, to construct a bridge across the White River at or near the town of Cotter, Ark.; to the Committee on Interstate and Foreign Commerce.

By Mr. McDERMOTT: A bill (H. R. 16681) providing for the regulation, identification, and registration of automobiles engaged in interstate commerce, for the licensing of the operators thereof, for cooperation between the States and the Federal Government in such purposes, and for distributing the revenues arising hereunder between the States and the Federal Government; to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of Texas: A bill (H. R. 16682) canceling the balance of deferred payments due from settlers in the purchase of lands in the so-called "Wood Reserve," attached to the Fort Sill Military Reservation, Okla.; to the Committee on Indian Affairs.

Also, a bill (H. R. 16683) to amend an act entitled "An act to provide for the disposition and sale of lands known as the Klamath River Indian Reservation," approved June 17, 1892 (27 Stat. L., 52, 53); to the Committee on Indian Affairs.

Also, a bill (H. R. 16684) authorizing the Secretary of the Interior to sell the merchantable timber on all unallotted lands within the Bad River Reservation, Wis.; to the Committee on Indian Affairs.

Also, a bill (H. R. 16685) to prohibit the sale of personal property of Indians purchased with trust funds; to the Committee on Indian Affairs.

By Mr. WARBURTON: A bill (H. R. 16686) to provide a site and erect a public building at Hoquiam, Wash.; to the Committee on Public Buildings and Grounds.

By Mr. POWERS: A bill (H. R. 16687) to authorize the Secretary of War to construct a lock and dam on Cumberland River, Ky., and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PRAY: A bill (H. R. 16688) appropriating money for the benefit of the Northern Cheyenne Indians in the State of Montana; to the Committee on Indian Affairs.

By Mr. NORRIS: A bill (H. R. 16689) legalizing certain conveyances heretofore made by the Union Pacific Railroad Co.; to the Committee on the Public Lands.

By Mr. LINTHICUM: A bill (H. R. 16690) for the relief of scientific institutions or colleges of learning having violated sections 3297 and 3297a of the Revised Statutes and the regulations thereunder; to the Committee on Ways and Means.

By Mr. ALEXANDER: A bill (H. R. 16692) to provide American registers for seagoing vessels wherever built and to be engaged only in trade with foreign countries and with the Philippine Islands and the islands of Guam and Tutuila, and for the importation into the United States free of duty of all materials for the construction and repair of vessels built in the United States, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. BARTHOLDT: A bill (H. R. 16693) to extend the time for the completion of the municipal bridge at St. Louis, Mo.; to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Concurrent resolution (H. Con. Res. 22) congratulating the people of China on their efforts to establish a republic; to the Committee on Foreign Affairs.

By Mr. GRAY: Concurrent resolution (H. Con. Res. 24) providing for the printing of United States Bureau of Education Bulletin No. 44; to the Committee on Printing.

Also, concurrent resolution (H. Con. Res. 25) providing for the printing of certain public health reports; to the Committee on Printing.

By Mr. MANN: Joint resolution (H. J. Res. 195) providing for survey and estimate of cost of a canal from Lake Michigan to Lake Erie; to the Committee on Railways and Canals.

By Mr. HUMPHREYS of Mississippi: Joint resolution (H. J. Res. 196) to provide for printing Hygienic Bulletin No. 78; to the Committee on Printing.

By Mr. LEVER: Joint resolution (H. J. Res. 197) authorizing the Director of the Census to associate the publication of the production and distribution statistics for cotton; to the Committee on the Census.

By Mr. LAFFERTY: Joint resolution (H. J. Res. 198) proposing an amendment to the Constitution of the United States giving women the right to vote; to the Committee on the Judiciary.

By Mr. HUMPHREYS of Mississippi: Resolution (H. Res. 355) to provide for binding farmers' bulletins; to the Committee on Printing.

By Mr. LINDBERGH: Resolution (H. Res. 356) to amend House resolution 314; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. REILLY: A bill (H. R. 16691) granting an increase of pension to Mary McKiernan; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 16694) granting a pension to Lemial S. Darr; to the Committee on Pensions.

By Mr. BRADLEY: A bill (H. R. 16695) granting an increase of pension to John Norton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16696) granting an increase of pension to Uzal K. Still; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16697) granting an increase of pension to Mary A. Pfister; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16698) granting an increase of pension to Ira Soules; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16699) granting an increase of pension to Jacob B. Roloson; to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 16700) granting a pension to George Myers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16701) granting a pension to Robert B. Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16702) granting a pension to Charles R. Beardslee, alias Charles P. Barclay; to the Committee on Invalid Pensions.

By Mr. BROWNING: A bill (H. R. 16703) granting an increase of pension to Sarah A. Milton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16704) for the relief of the widow of Michael Ryan; to the Committee on Military Affairs.

Also, a bill (H. R. 16705) for the relief of William E. Culin; to the Committee on Military Affairs.

By Mr. BYRNS of Tennessee: A bill (H. R. 16706) granting an increase of pension to I. N. Wakefield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16707) granting an increase of pension to L. E. Sinsabaugh; to the Committee on Invalid Pensions.

By Mr. COOPER: A bill (H. R. 16708) granting a pension to Annie Oleson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16709) granting an increase of pension to William Henry Jaques; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16710) granting an increase of pension to James Bullamore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16711) granting an increase of pension to Valerian Hauns; to the Committee on Invalid Pensions.

By Mr. CRAGO: A bill (H. R. 16712) granting a pension to Lizzie Saylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16713) granting a pension to Elias Knopp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16714) granting an increase of pension to Sarah Wood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16715) granting an increase of pension to James P. Beeson; to the Committee on Invalid Pensions.

By Mr. DAUGHERTY: A bill (H. R. 16716) granting an increase of pension to Charles G. Radcliff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16717) granting an increase of pension to Henry L. Owen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16718) granting an increase of pension to Helena T. Wood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16719) granting an increase of pension to Sarah J. Bird; to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 16720) authorizing the Secretary of the Interior to pay J. H. Schmidt $75 damages for trespass of certain Indian school cattle at Rainey Mountain School, in Oklahoma; to the Committee on Indian Affairs.

Also, a bill (H. R. 16721) authorizing the Secretary of the Interior to issue to the Right Rev. Theophile Mearscheart, doctor of divinity, of the Roman Catholic Church, a patent in fee to 20 acres of land, and for other purposes; to the Committee on Indian Affairs.

By Mr. FLOYD of Arkansas: A bill (H. R. 16722) granting an increase of pension to William D. Mahurin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16723) granting an increase of pension to Elijah Loback; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16724) granting an increase of pension to H. C. Beebe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16725) granting an increase of pension to Josephus F. Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16726) granting an increase of pension to Charles Parker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16727) granting an increase of pension to John Cavin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16728) granting an increase of pension to William Lay; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16729) granting a pension to John Estep; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16730) granting a pension to John A. Cockrun; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16731) granting a pension to Percy B. Anderson; to the Committee on Pensions.

Also, a bill (H. R. 16732) to correct the military record of James Red; to the Committee on Military Affairs.

By Mr. FOWLER: A bill (H. R. 16733) granting an honorable discharge to Richard Dove; to the Committee on Military Affairs.

Also, a bill (H. R. 16734) granting an honorable discharge to George A. Crisel; to the Committee on Military Affairs.

Also, a bill (H. R. 16735) to appropriate $4,000 to pay for a wharf boat belonging to Mrs. Fannie Pemberton; to the Committee on War Claims.

By Mr. FULLER: A bill (H. R. 16736) granting an increase of pension to William C. Pool; to the Committee on Invalid Pensions.

By Mr. GARNER (by request): A bill (H. R. 16737) for the relief of heirs of Nicholas Chano; to the Committee on War Claims.

By Mr. GRAY: A bill (H. R. 16738) granting a pension to Fred B. Perkins; to the Committee on Pensions.

Also, a bill (H. R. 16739) granting a pension to Rebecca Roszell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16740) granting a pension to Grace R. Caldwell; to the Committee on Pensions.

Also, a bill (H. R. 16741) granting a pension to Margaret McConnell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16742) granting a pension to Emily Wilkie; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16743) granting a pension to Hulda F. Stone; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 16744) granting an increase of pension to Commodore P. Gilbert; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 16745) granting an increase of pension to Silas Hunley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16746) granting a pension to Thomas Nelson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16747) granting a pension to Richard L. Brown; to the Committee on Pensions.

Also, a bill (H. R. 16748) granting an increase of pension to Frederick Van Gilder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16749) to remove the charge of desertion from the military record of Solomn M. Bennett; to the Committee on Military Affairs.

By Mr. McDERMOTT: A bill (H. R. 16750) granting an increase of pension to Gus Bell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16751) granting an increase of pension to George W. Oertel; to the Committee on Invalid Pensions.

By Mr. MACON: A bill (H. R. 16752) granting an increase of pension to Joseph H. George; to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 16753) granting a pension to Merch E. Perry; to the Committee on Pensions.

By Mr. MARTIN of Colorado: A bill (H. R. 16754) granting a pension to Edna B. Snider; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16755) granting an increase of pension to Elizabeth O'Reiley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16756) granting an increase of pension to Benton Beerbower; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16757) granting an increase of pension to Levi L. Ferrin; to the Committee on Pensions.

Also, a bill (H. R. 16758) granting an increase of pension to Damon W. Willey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16759) granting an increase of pension to John Merling; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16760) granting an increase of pension to Jonathan Wright; to the Committee on Invalid Pensions.

By Mr. MARTIN of South Dakota: A bill (H. R. 16761) for the relief of Gjerluf Hanson; to the Committee on the Public Lands.

By Mr. MORRISON: A bill (H. R. 16762) granting a pension to Frances A. Ayres; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16763) granting an increase of pension to Harriet B. Gros; to the Committee on Invalid Pensions.

By Mr. NORRIS: A bill (H. R. 16764) granting a pension to Niels Pederson; to the Committee on Invalid Pensions.

By Mr. NYE: A bill (H. R. 16765) granting a pension to Wilmot Stevens; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 16766) granting a pension to Taylor Asher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16767) granting a pension to Charles Samples; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16768) granting an increase of pension to Charles B. Daniel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16769) granting an increase of pension to Moses Dobbs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16770) granting an increase of pension to Adrion B. Howard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16771) granting an increase of pension to Jessee M. Silvers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16772) granting an increase of pension to David Britton; to the Committee on Pensions.

Also, a bill (H. R. 16773) granting an increase of pension to Charles Ross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16774) granting an increase of pension to Huston Nelson; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 16775) granting an increase of pension to Nelson Petry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16776) granting an increase of pension to James Phipps; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16777) granting an increase of pension to James Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16778) granting an increase of pension to John C. Gooch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16779) granting an increase of pension to John W. Webb; to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 16780) for the relief of the legal representatives of Thomas H. Dinwiddie, deceased; to the Committee on War Claims.

Also, a bill (H. R. 16781) for the relief of the legal representatives of H. C. Butler, deceased; to the Committee on War Claims.

By Mr. STEENERSON: A bill (H. R. 16782) granting an increase of pension to Charles Almendinger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16783) granting an increase of pension to John P. Hultquist; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16784) granting an increase of pension to Joseph Cooper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16785) granting an increase of pension to Rufus K. Cornish; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 16786) for the relief of Alfred J. Drake; to the Committee on Military Affairs.

Also, a bill (H. R. 16787) to authorize the setting aside of a tract of land for a school site and school farm on the Yuma Indian Reservation, in the State of California; to the Committee on Indian Affairs.

Also, a bill (H. R. 16788) authorizing the Secretary of the Interior to cancel the allotment trust patent erroneously made to "Mrs. Young Bear or Neek-rae-khe-ric-kaw"; to the Committee on Indian Affairs.

By Mr. TOWNER: A bill (H. R. 16789) granting a pension to Elizabeth Reynolds; to the Committee on Invalid Pensions.

By Mr. WARBURTON: A bill (H. R. 16790) to remove the charge of desertion against Martin Hart; to the Committee on Military Affairs.

Also, a bill (H. R. 16791) granting a pension to Annie E. Couch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16792) to carry into effect the findings of the Court of Claims in case of John H. Baker; to the Committee on War Claims.

Also, a bill (H. R. 16793) to authorize and empower the Secretary of War to locate a right of way for and to grant the same and the right to operate and maintain a line of railroad, telephone, telegraph, and electric transmission lines through Vancouver Barracks and Military Reservation, in the State of Washington, to Washington-Oregon Corporation, its successors and assigns; to the Committee on Military Affairs.

By Mr. WILSON of Illinois: A bill (H. R. 16794) granting a pension to Carl B. Traver; to the Committee on Pensions.

By Mr. WHITE: A bill (H. R. 16795) for the relief of William H. Davis; to the Committee on Military Affairs.

Also, a bill (H. R. 16796) granting an increase of pension to John C. Griggs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16797) granting an increase of pension to Thomas W. Dutro; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16798) granting a pension to Grant Root; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16799) granting a pension to Clinton L. Coleman; to the Committee on Invalid Pensions.

By Mr. YOUNG of Kansas: A bill (H. R. 16800) for the relief of William Pointer; to the Committee on Military Affairs.

Also, a bill (H. R. 16801) granting an increase of pension to Arthur Wheeler; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of numerous residents of Hannibal, Mo., urging the passage of House bill 8141; to the Committee on Military Affairs.

Also, memorial of United Trade and Labor Council of Erie County, N. Y., in favor of House bill 11372; to the Committee on the Merchant Marine and Fisheries.

Also, petitions of H. D. Leck, of St. Louis, Mo.; R. S. Hartley, of Pittsfield, Pa.; George Yurgenson, of Philadelphia, Pa.; E. H. Josselyn, of Baltimore, Md.; and of William Ritzhaupt, of Guthrie, Okla., in favor of reduction in duty on raw and refined sugars; to the Committee on Ways and Means.

Also, resolution of the Alton (Ill.) Musicians' Association, protesting against the excessive tax on oleomargarine; to the Committee on Agriculture.

Also, resolution of the Crescent Club of the Normal Presbyterian Church, of Chicago, Ill., favoring the passage of the Esch bill to prohibit the use of poisonous phosphorus in the match industry; to the Committee on Ways and Means.

Also, resolutions of Cleveland (Ohio) Branch of Journeymen Stonecutters' Association of North America, in favor of House bill 11372, in behalf of seamen and safety of life at sea; to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of Central Labor Union of Lancaster and Depew, N. Y., protesting against Senate bill 2564, repealing the law of Congress of 1898 which provides that the paper money, bonds, and checks of the United States shall be manufactured by what is known as the hand-roller process; to the Committee on Printing.

Also, resolutions of Local Union No. 637, Carpenters and Joiners of America, of Hamilton, Ohio, protesting against Senate bill 2564, installing power presses in the Bureau of Engraving and Printing; to the Committee on Printing.

Also, resolutions of Local Union No. 514, Carpenters and Joiners of America, of Wilkes-Barre, Pa., protesting against Senate bill 2564, installing power presses in the Bureau of Engraving and Printing; to the Committee on Printing.

Also, petition of homesteaders of Cameron, Quay County, N. Mex., and Hanley, Quay County, N. Mex., favoring passage of Borah bill; to the Committee on the Public Lands.

Also, petitions of citizens of Wellsville, Martinsburg, Montgomery, Mexico, Bowling Green, Frankford, New London, Center, Perry, Laddenia, Vandalia, and Curryville, protesting against parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of ninth Missouri district, favoring granting full power to Interstate Commerce Commission to regulate express rates and classification; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK: Petition of Armour & Co., branch office, Columbus, Ohio, asking for the passage of House bill 12827; to the Committee on Military Affairs.

Also, resolution of the Ohio Department of the Grand Army of the Republic against the Federal incorporation of the Grand Army of the Republic; to the Committee on Military Affairs.

Also, resolutions of the Morgan Run Local Union, No. 379, Coshocton, Ohio, protesting against the passage of Senate bill 2564; to the Committee on Printing.

Also, evidence to accompany the special bill (H. R. 15792) for the special relief of Leah A. Jackson; to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: Petition of St. Louis Photo Engravers' Union, No. 10, and of St. Louis Boot and Shoe Makers' Union, in favor of House bill 5601, to regulate the interstate transportation of prison-labor goods; to the Committee on Labor.

Also, petition of Boatmen's Bank of St. Louis, Mo., in favor of permitting corporations to make tax returns in accordance with fiscal years; to the Committee on Ways and Means.

Also, petition of the Ely Walker Dry Goods Co. and the Brown Shoe Co., of St. Louis, Mo., in favor of a committee to study parcels post in Europe; to the Committee on the Post Office and Post Roads.

Also, petition of 28 members of the Pioneer Club of St. Louis, Mo., in favor of a reduction of the tax on sugar; to the Committee on Ways and Means.

Also, petition of the Engineers' Club of St. Louis, Mo., in favor of remedial patent legislation; to the Committee on Patents.

Also, petition of St. Louis Lodge, No. 37, of the Switchmen's Union, in favor of reducing the tax on oleomargarine to 2 cents a pound; to the Committee on Agriculture.

Also, petition of the St. Paul Benevolent Society, of St. Louis, Mo.; the Arbeiterwohl Society; Rev. W. C. Bitting, of St. Louis, Mo.; and Workingmen's Welfare Society, section 1, of St. Louis, Mo., in favor of House bill 2896, to provide for a tax upon phosphorous matches; to the Committee on Interstate and Foreign Commerce.

Also, petition of Webb-Freyschlag Mercantile Co., of Kansas City, Mo., praying for 1-cent postage; to the Committee on the Post Office and Post Roads.

Also, petition of Ware, Jones Brass & Metal Co., of St. Louis, Mo., praying for 1-cent postage; to the Committee on the Post Office and Post Roads.

Also, petition of Paul Bakewell, of St. Louis, Mo., protesting against House bill 13578, to define and punish contempt of court; to the Committee on the Judiciary.

Also, petition of the St. Louis Boot and Shoe Workers' Union and of St. Louis Branch, No. 5, of the G. B. B. A. of the United States and Canada, protesting against the Smoot printing bill; to the Committee on Printing.

Also, petition of International Molders' Union, Local No. 99, of St. Louis, Mo., protesting against the enactment of the Smoot printing bill; to the Committee on Printing.

By Mr. BYRNS of Tennessee: Papers accompanying bills for increase of pensions of L. E. Sinsabaugh and I. N. Wakefield; to the Committee on Invalid Pensions.

By Mr. CONRY: Memorial of East Side Branch, United Master Butchers of America, of New York City, urging passage of House bill 14112; to the Committee on Agriculture.

By Mr. COOPER: Petition of Cigar Makers' Union, Local No. 304, of Racine, Wis., against the enactment of Senate bill 2564, to codify, amend, and enact printing laws; to the Committee on Printing.

Also, memorial of the Woman's Alliance, of Kenosha, Wis., asking for the repeal of the tax on oleomargarine; to the Committee on Agriculture.

Also, petition of Putney Bros., Waukesha, Wis., asking for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of the Kradwell Drug Co., Racine, Wis., and other retail druggists, protesting against the enactment of House bill 8887, proposing a stamp tax on proprietary medicines and toilet articles; to the Committee on Ways and Means.

By Mr. ESCH: Petition of Lake Seamen's Union, Milwaukee, Wis., in favor of House bill 11372, laws governing seamen; to the Committee on Interstate and Foreign Commerce.

Also, petition of Society of the Army of the Cumberland, Chattanooga, Tenn., favoring appropriation for monument to Gen. Rosecrans; to the Committee on Appropriations.

Also, petition of the Council of Jewish Women of New York, in favor of Esch safety bill; to the Committee on Ways and Means.

Also, petition of Humane Society and Associated Charities of La Crosse, Wis., favoring establishment of a children's bureau in the Department of Education; to the Committee on Education.

Also, petition of the Woman's Alliance of Kenosha, Wis., favoring repeal of tax on oleomargarine; to the Committee on Ways and Means.

Also, petition of Company A, Third Infantry Wisconsin National Guard, of Neilsville, Wis., favoring Federal pay bill; to the Committee on Military Affairs.

Also petition of National Woman's Christian Temperance Union, Evanston, Ill., favoring appropriation reimbursing those who contributed to ransom of Miss Ellen M. Stone; to the Committee on Appropriations.

Also, petition of Independent Western Star Order, Oshkosh, Nebr., favoring abrogating Russian treaty; to the Committee on Foreign Affairs.

Also, petition of Natural History Society of Wisconsin, of Milwaukee, favoring Senate bill 2870 and House bill 12311, regulating importation and interstate transportation of nursery stock; to the Committee on Agriculture.

Also, petition of Congregation B'rith Israel, of Milwaukee, Wis., favoring abrogating Russian treaty; to the Committee on Foreign Affairs.

Also, petition of Wisconsin Retail Grocers and General Merchants' Association, of Milwaukee, Wis., against extension of present parcels post; to the Committee on the Post Office and Post Roads.

By Mr. FITZGERALD: Petition of Downtown Taxpayers' Association, of Brooklyn, N. Y., relative to the suggested removal of the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, petition of the Seneca Club, of Brooklyn, N. Y., relative to the suggested removal of the Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. FLOYD of Arkansas: Papers to accompany bills for the relief of John Estep, William Day, James Keef, John Starr, William D. Mahurin, Elijah Lobeck, Josephus F. Baker, Charles Parker, and John Cavin; to the Committee on Invalid Pensions.

Also, memorial of Seventh-day Adventist Church of Fayetteville, Ark., opposing the passage of House bill 9433; to the Committee on the Post Office and Post Roads.

Also, petitions of H. L. Jackson and other citizens of Benton County, Ark., urging a reduction in the duties on raw and refined sugars; to the Committee on Ways and Means.

By Mr. FULLER: Petition of Local Union No. 401, Iron Molders' Union of North America, of Peru, Ill., favoring a reduction of the duty on oleomargarine; to the Committee on Ways and Means.

Also, petitions of druggists, physicians, and citizens of various cities in Illinois, against the passage of the Sherley bill (H. R. 8887) proposing a stamp tax on proprietary medicines and toilet articles, etc.; to the Committee on Ways and Means.

Also, petition of B. F. Metcalf, of Rockford, Ill., favoring the passage of House resolution 287, concerning scale of wages paid to skilled labor on Isthmus of Panama, etc.; to the Committee on Labor.

Also, petition of Chicago Wheel Manufacturing Co., of Chicago, Ill., in favor of the proposed reduction in first-class letter postage; to the Committee on the Post Office and Post Roads.

Also, petition favoring House bill 2140, for the relief of Peter E. Luttrell; to the Committee on Pensions.

Also, petition of Tuthill Spring Co., of Chicago, Ill., favoring the passage of House bill 11543, concerning proposed amendment to corporation-tax law; to the Committee on the Judiciary.

By Mr. GARNER: Petition of R. Roy Ruff and sundry other citizens of Port Aransas, Tex., favoring construction of a channel from harbor of Aransas Pass to shore line in front of town of Aransas Pass to be 15 feet deep and asking appropriation therefor; to the Committee on Rivers and Harbors.

Also, petition of H. F. Moyse and sundry other citizens of San Angelo, Tex., favoring the excavating of a channel from the harbor of Aransas Pass to the town of Aransas Pass 15 feet deep and 150 feet wide at bottom; to the Committee on Rivers and Harbors.

Also, petition of C. W. Morgan, Wichita, Kans., and sundry others, asking for the excavation of a 15-foot channel at Aransas Pass Harbor; to the Committee on Rivers and Harbors.

Also, petition of sundry citizens of Rockford, Nebr., favoring the excavation of 15-foot channel from Aransas Pass Harbor to town of same name; to the Committee on Rivers and Harbors.

Also, petition of A. J. Woodard and sundry other citizens of Uvalde County, Tex., favoring the excavation of 15-foot channel from harbor to town of Aransas Pass; to the Committee on Rivers and Harbors.

By Mr. GRAY: Papers to accompany House bills 8727, 11259, and 11344; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 8543; to the Committee on Military Affairs.

By Mr. HARTMAN: Petition of Fisher Post, No. 30, Grand Army of the Republic, in opposition to the proposed incorporation of the Grand Army of the Republic; to the Committee on the District of Columbia.

By Mr. HAY: Petitions of numerous citizens of Virginia and North Carolina, in favor of reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition in reference to old-age pension bill; to the Committee on Pensions.

By Mr. HELM: Petitions of numerous citizens of Madison and Shelby Counties, Ky., urging a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. HILL: Petition of farmers of Connecticut in annual convention, favoring the passage of a parcels-post bill; to the Committee on the Post Office and Post Roads.

By Mr. HUMPHREY of Washington: Petition of Trinity Methodist Episcopal Church, of Bellingham, Wash., favoring passage of effective interstate liquor bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of State of Washington, favoring House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. KAHN: Petition of International Brotherhood of Electrical Workers, San Francisco, Cal., opposed to Smoot printing bill; to the Committee on Printing.

Also, petition of the San Francisco Chamber of Commerce, in favor of appropriations to carry out the report of the California Débris Commission; to the Committee on Appropriations.

Also, petition of Dalziel-Moller Co., San Francisco, Cal., opposed to parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of Hyde Shaw Co., of San Jose, Cal., favoring amendment of corporation-tax law; to the Committee on Ways and Means.

Also, petition of J. H. Flickinger Co., of San Jose, Cal., favoring amendment of corporation-tax law; to the Committee on Ways and Means.

Also, memorial of United Laborers No. 1, of San Francisco, Cal., in opposition to Senate bill 2564; to the Committee on Printing.

Also, petitions of various commercial organizations of Washington, D. C., in favor of universal transfer law; to the Committee on the District of Columbia.

Also, petition of Hills Bros., San Francisco, Cal., favoring 1-cent postage on letters; to the Committee on the Post Office and Post Roads.

Also, petition of Sherwin-Williams, San Francisco, Cal., favoring amendment to corporation-tax law; to the Committee on Ways and Means.

Also, petition of Arnstein, Simon & Co., of San Francisco, Cal., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of H. C. Symonds, of San Francisco, Cal., favoring abrogation of treaty with Russia; to the Committee on Foreign Affairs.

Also, memorial of California State Federation of Labor, San Francisco, Cal., opposing Taylor system; to the Committee on Labor.

Also, petition of San Francisco Labor Council, San Francisco, Cal., opposing Smoot printing bill; to the Committee on Printing.

Also, petition of J. W. Nowacki, Canal Zone, Panama, favoring House resolution 287; to the Committee on Interstate and Foreign Commerce.

Also, petition of Commercial National Bank of Los Angeles, Cal., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Hale Bros., San Francisco, Cal., favoring amendment to corporation-tax law; to the Committee on Ways and Means.

Also, petition of Council of Jewish Women of San Francisco, Cal., favoring the abrogation of the treaty between Russia and the United States; to the Committee on Foreign Affairs.

Also, resolutions of Military Telegraph Corps, of Indianapolis, Ind., favoring House bill 2920; to the Committee on Military Affairs.

Also, petition of D. C. Taylor, Oakland, Cal., favoring citizenship of Alaskan natives; to the Committee on Immigration and Naturalization.

Also, petition of California State Federation of Labor, for extension of term of Chinese exclusion act; to the Committee on Immigration and Naturalization.

Also, petition of Fifth Regiment Band, San Francisco, Cal., favoring House bill 11657; to the Committee on Military Affairs.

Also, petition of Massachusetts Association, Union Volunteer Officers of Civil War, Boston, Mass., favoring volunteer officers' retired list; to the Committee on Pensions.

Also, petition of Dr. W. W. Keen, of Philadelphia, Pa., and of the Medical Society of the State of California, for the re establishment of Army canteen; to the Committee on Military Affairs.

Also, petition of Santa Cruz Chamber of Commerce, Santa Cruz, Cal., favoring prohibiting interstate-commerce railroads from owning or controlling ships engaged in trade through Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of State Commission of Horticulture, Sacramento, Cal., favoring the Simmons quarantine bill; to the Committee on Agriculture.

Also, petition of Miss Ellen M. Stone, favoring House bill 2461; to the Committee on Claims.

Also, petition of W. J. Pilkington, Des Moines, Iowa, in opposition to parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of Pacific Fruit Product Co., San Francisco, Cal., favoring amendment to corporation-tax law; to the Committee on Ways and Means.

Also, petition of C. S. Word, San Francisco, Cal., for law for honest weights and measures; to the Committee on Coinage, Weights, and Measures.

Also, petition of Board of Supervisors, San Francisco, Cal., favoring abrogation of Russian treaty; to the Committee on Foreign Affairs.

Also, petition of Sommer & Kaufman, San Francisco, Cal., favoring amendment to corporation-tax law; to the Committee on Ways and Means.

Also, petitions of Raphael Weill & Co., Capitola Park Co., California Barrel Co., all of San Francisco, Cal., in favor of the amendment of the corporation-tax law in regard to the date of making returns; to the Committee on Ways and Means.

Also, petition of Chamber of Commerce of Alameda, Cal., in favor of a Navy dry dock in San Francisco Bay; to the Committee on Naval Affairs.

Also, petition of Yosemite Tribe, No. 103, Order of Red Men, San Francisco, Cal., favoring American Indian memorial museum; to the Committee on the Public Lands.

Also, petition of Halbrook, Merril & Stetson, of San Francisco, Cal., favoring bill for warrant grade in Army in lieu of post noncommissioned staff; to the Committee on Military Affairs.

Also, petition of E. J. Dyer, Canal Zone, Panama, favoring House bill 287; to the Committee on Interstate and Foreign Commerce.

Also, petition of T. N. Walraven, Canal Zone, Panama, favoring House bill 287; to the Committee on Interstate and Foreign Commerce.

Also, petition of Anglo California Wine Co. and others, favoring amendment of the corporation-tax law in the matter of date of making returns; to the Committee on Ways and Means.

Also, petition of Encampment No. 162, Union Veteran Legion, San Jose, Cal., favoring House bill 9837 and Senate bill 2006, creating Civil War volunteer officers' retired list; to the Committee on Military Affairs.

Also, petition of Stafford Chemical Co. and others, favoring amendment of corporation-tax law in regard to date of making returns; to the Committee on Ways and Means.

Also, petition of Columbia Pine Box & Lumber Co., San Francisco, Cal., favoring Federal incorporation tax; to the Committee on Ways and Means.

Also, petition of Order B'rith Abraham, Golden Gate Lodge, No. 208, San Francisco, Cal., favoring abrogation of treaty with Russia; to the Committee on Foreign Affairs.

Also, petition of Chamber of Commerce, Sacramento, Cal., favoring retention of last paragraph, article 3, arbitration treaty; to the Committee on Foreign Affairs.

Also, petition of Illinois National Guard, Hoopeston, Ill., favoring House bill 8141; to the Committee on Military Affairs.

Also, petition of San Joaquin and Sacramento River Improvement Association, favoring appropriation on account of California Débris Commission; to the Committee on Rivers and Harbors.

Also, petition of Chamber of Commerce, Sacramento, Cal., that no tolls be charged through Panama Canal to vessels flying American flag; to the Committee on Interstate and Foreign Commerce.

Also, petition of American Shipmasters' Association of Pacific Coast, San Francisco, Cal., favoring merchant marine; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Chamber of Commerce, Los Angeles, Cal., favoring fortification of Los Angeles Harbor; to the Committee on Military Affairs.

Also, petition of Chamber of Commerce, Oakland, Cal., favoring a dry dock for San Francisco, Cal.; to the Committee on Naval Affairs.

Also, petition of Society of California Pioneers, San Francisco, Cal., favoring *Oregon* leading ships through Panama Canal; to the Committee on Naval Affairs.

Also, petition of Hon. J. P. Haas, Sacramento, Cal., favoring bill appropriating merchants and packers stamping weight, etc., on outside of packages; to the Committee on Coinage, Weights, and Measures.

Also, petition of California State Federation of Labor, San Francisco, Cal., favoring building complete battleship at Mare Island Navy Yard during Panama Exposition; to the Committee on Naval Affairs.

Also, petition of Merchants' Association of Vallejo, Cal., favoring dry docks at Mare Island Navy Yard; to the Committee on Naval Affairs.

Also, petition of California Legislature, favoring Sulloway bill; to the Committee on Invalid Pensions.

Also, petition of Baker & Hamilton, San Francisco, Cal., favoring warrant grade in Army in lieu of post noncommissioned staff; to the Committee on Military Affairs.

Also, petition of J. W. Smith, Canal Zone, Panama, favoring House resolution 287; to the Committee on Interstate and Foreign Commerce.

Also, petition of Lieut. George Marshall, Omaha, Nebr., favoring Volunteer officers' retired list; to the Committee on Military Affairs.

Also, petition of Hunt Bros. Co., San Francisco, Cal., favoring amendment to corporation-tax law; to the Committee on Ways and Means.

By Mr. KENDALL: Petition of citizens of Eldon and Oskaloosa, Iowa, for the removal of the duty on sugar; to the Committee on Ways and Means.

By Mr. KINDRED: Memorial of Conservation Commission, Albany, N. Y., favoring enactment of House bill 14120; to the Committee on Agriculture.

By Mr. KONOP: Petition of Falls Mercantile Co., protesting against enactment of parcels-post laws; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Wisconsin, protesting against House bill 8887, proposing stamp tax on proprietary medicines and toilet articles; to the Committee on Ways and Means.

Also, petition of John W. Reynolds and others of Green Bay, Wis., asking for reduction of the duty on sugar; to the Committee on Ways and Means.

By Mr. LAFEAN: Petition of residents of Red Lion, York County, Pa., protesting against the establishment of parcels post; to the Committee on the Post Office and Post Roads.

By Mr. LA FOLLETTE: Protests of Spokane Sectional Central Labor Council, Spokane, Wash.; Local Union No. 1214, United Brotherhood of Carpenters and Joiners, Walla Walla, Wash.; Local Union No. 1412, United Brotherhood of Carpenters and Joiners, North Yakima, Wash., against the Smoot printing bill (S. 2564); to the Committee on Printing.

Also, petitions by Stephen E. Chaffee, Yancey Freeman, Adolph Miller, H. E. Perrin, W. B. Royse, W. J. Wright, William Stahlhut, G. R. Gochnour, W. K. Cocklin, Hal S. Smith, E. J. Young, asking a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, resolutions of Commercial Club, Prosser, Wash., in favor of opening of Columbia River; to the Committee on Rivers and Harbors.

Also, petition of Inland Club, Spokane, Wash., in favor of Federal net weight and measure law; to the Committee on Coinage, Weights, and Measures.

Also, resolutions of Excelsior Grange, No. 14, Farris, Wash., in favor of a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, resolutions of Felicia Hemans Club, Spokane, Wash., indorsing erection of Lincoln Memorial in city of Washington; to the Committee on the Library.

By Mr. LINDSAY: Petition of East Side Branch, United Master Butchers of America, of New York City, urging the passage of House bill 14112; to the Committee on Agriculture.

Also, petition of Albany Chamber of Commerce, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Cigar Makers' Local Union No. 132, Borough of Brooklyn, N. Y., in favor of amendment to revenue laws; to the Committee on Ways and Means.

Also, memorial of the Danish-Norwegian Brooklyn Seventh-day Adventist Church, of Brooklyn, N. Y., against the passage of House bill 9433; to the Committee on the Post Office and Post Roads.

Also, petition of Dr. M. Spiegel, of Albany, N. Y., favoring 1-cent postage for first-class mail matter; to the Committee on the Post Office and Post Roads.

Also, memorial of the Conservation Commission, in favor of House bill 14120; to the Committee on Agriculture.

Also, petitions of Rochester Stamping Co., of Rochester, N. Y., and Barker, Rose & Clinton Co., of Elmira, N. Y., in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, memorial of Long Island Union of Army and Navy Volunteer Officers of Civil War, favoring retirement-list bill; to the Committee on Invalid Pensions.

Also, resolutions of Downtown Taxpayers' Association, of Brooklyn, N. Y., favoring the purchase of more land and docking facilities in order to make naval station in every way a first-class navy yard; to the Committee on Naval Affairs.

By Mr. MAGUIRE of Nebraska: Petition of Camp John M. Stotsenburg, No. 1, Army of Philippines, of Lincoln, Nebr., urging passage of legislation giving to widows and minor children of soldiers of War with Spain the same relief as given to widows and minor children of soldiers of the Civil War; to the Committee on Pensions.

Also, petition of Lincoln Central Labor Union, of Lincoln, Nebr., protesting against any plan for reorganizing the Tobacco Trust; to the Committee on the Judiciary.

Also, petition of residents of Talmage and Nemaha Counties, protesting against passage of any legislation which provides for closing of post offices on Sundays; to the Committee on the Post Office and Post Roads.

By Mr. MANN: Letter to accompany House bill 2896, to provide for a tax on white phosphorus matches, etc.; to the Committee on Ways and Means.

Also, resolution of the Union League Club, of Chicago, in re Lincoln Memorial; to the Committee on the Library.

Also, resolutions of Chicago Local Union, No. 830, Brotherhood of Painters, Decorators, etc., of America, in favor of House bill 11372, in behalf of seamen and safety of life at sea; to the Committee on the Merchant Marine and Fisheries.

By Mr. MARTIN of Colorado: Petition of citizens of Colorado, in favor of legislation to prohibit interstate shipments of liquor into prohibition territory; to the Committee on Interstate and Foreign Commerce.

By Mr. MARTIN of South Dakota: Petitions of C. B. Baldwin, Phillips & Knox, C. M. Fallon, and Gate City Bottling Works, of Rapid City, S. Dak., favoring the total elimination of the tariff on raw and refined sugars; to the Committee on Ways and Means.

By Mr. NORRIS: Petition in reference to old-age pension bill; to the Committee on Pensions.

Also, petition of citizens of Nebraska, favoring an amendment to the National Constitution; to the Committee on Elec-

tion of President, Vice President, and Representatives in Congress.

Also, petition of citizens of Nebraska, favoring a bill for the proper observance of Sunday in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of citizens of Nebraska, protesting against the opening of post offices for distribution of mail on Sunday; to the Committee on the Post Office and Post Roads.

By Mr. NYE: Memorial of Plumbers and Gas Fitters' Union No. 15, of Minneapolis, against enactment of Senate bill 2564; to the Committee on Printing.

Also, memorial of Minneapolis Retail Grocers' Association and others, favoring reduction in duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. PATTON of Pennsylvania: Petitions of J. F. Place and other citizens of Pennsylvania, for reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. PRAY: Petition of 35 merchants of Kalispell, Mont., against parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of R. E. Hammond and others, of Havre (Mont.) Presbyterian Church, favoring the ratification of the pending peace treaties between the United States, Great Britain, and France; to the Committee on Foreign Affairs.

Also, petition of 20 residents of Creston, Mont., in favor of parcels post; to the Committee on the Post Office and Post Roads.

By Mr. REILLY: Petition of farmers of Connecticut, favoring general parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. RUCKER of Colorado: Petition of residents of Weld County, Colo., in favor of an old-age pension law; to the Committee on Pensions.

By Mr. SMITH of New York: Resolution of the United Trade and Labor Council of Erie County, N. Y., in support of House bill 11372, for the relief of American seamen; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of Seventh-day Adventist Church of Buffalo, N. Y., in opposition to House bill 9433, for the observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

Also, resolution of the East Side Branch of the United Master Butchers of America, indorsing House bill 14112, relating to oleomargarine; to the Committee on Agriculture.

Also, resolution of the Central Labor Union of Lancaster and Depew, N. Y., protesting against uninspected dairy products; to the Committee on Agriculture.

Also, resolution of the conservation commission of the State of New York, commending House bill 14120, for study and suppression of the chestnut-blight disease; to the Committee on Agriculture.

Also, resolutions of the Engineers' Club of St. Louis, Mo., concerning the necessity for remedial patent legislation; to the Committee on Patents.

By Mr. STEENERSON: Petition of sundry persons of Calloway, Minn., opposing parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of sundry persons of Bemidji, Minn., favoring reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. SULZER: Memorial of E. J. Parker, with reference to the improvement of the city of Washington; to the Committee on the District of Columbia.

Also, memorial of C. A. P. Turner, of Minneapolis, Minn., relative to Rock Creek Valley; to the Committee on the District of Columbia.

Also, petition of Sherman P. Camp, of New York, N. Y., in favor of amending the corporation-tax law; to the Committee on Ways and Means.

Also, petition of Albany Chamber of Commerce, in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Postal Progress League, for parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of the Massachusetts Peace Society, of Boston, Mass., to bring about a celebration of the 100 years of peace among English-speaking people; to the Committee on Foreign Affairs.

Also, petition of the German-American Typographical Union No. 7, in favor of the Esch bill; to the Committee on Ways and Means.

Also, memorial of Conservation Commission of Albany, N. Y., in favor of House bill 14120; to the Committee on Appropriations.

Also, petition of Dr. M. Spiegel, in favor of 1-cent postage; to the Committee on the Post Office and Post Roads.

Also, petition of Francis J. Sweet, of the Panama Canal Zone, in favor of House resolution 287; to the Committee on Interstate and Foreign Commerce.

Also, petition of Baltimore Chamber of Commerce, asking that the first annual appropriation for embassy buildings abroad be expended at cities of Mexico, Rio de Janeiro, and Tokyo; to the Committee on Foreign Affairs.

Also, petition of Plymouth Commercial Club, asking that the first annual appropriation for embassy buildings abroad be expended at cities of Mexico, Rio de Janeiro, and Tokyo; to the Committee on Foreign Affairs.

Also, petition of the Arion Maennerchor, of Chicago, Ill., in favor of House resolution 166, providing for an investigation of immigration office at Ellis Island; to the Committee on Immigration and Naturalization.

By Mr. THAYER: Petitions of the Boston Architectural Club and of the Boston Society of Architects, of Boston, Mass., in favor of proposed Lincoln Memorial as approved by the National Fine Arts Commission; to the Committee on the Library.

By Mr. WILSON of New York: Resolutions of Seneca Club, of Brooklyn, N. Y., protesting against the proposed removal of the navy yard from Brooklyn, N. Y.; to the Committee on Naval Affairs.

Also, petition of George Schneider, of Brooklyn, N. Y., asking for the removal of the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, resolution of the New York Conservation Commission, favorable to House bill 14120 making appropriation of $80,000 for study and suppression of the chestnut blight disease; to the Committee on Agriculture.

Also, memorial of United Master Butchers of America, favorable to reducing the tax on oleomargarine; to the Committee on Agriculture.

Also, resolutions of Local No. 132, Cigarmakers' International Union of America, Brooklyn, N. Y., protesting against Senate bill 2564; to the Committee on Printing.

Also, petition of various residents of New York, Brooklyn, and New Rochelle, N. Y., favorable to the establishment of a parcels post; to the Committee on the Post Office and Post Roads.

Also, resolutions of Architectural League of New York, favoring the Mall site for the Lincoln Memorial; to the Committee on the Library.

SENATE.

THURSDAY, *January 4, 1912.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

THOMAS H. PAYNTER, a Senator from the State of Kentucky, appeared in his seat to-day.

The Journal of yesterday's proceedings was read and approved.

READING OF WASHINGTON'S FAREWELL ADDRESS.

The VICE PRESIDENT. The Chair announces the appointment of the junior Senator from Indiana [Mr. KERN] to read Washington's Farewell Address on February 22, 1912, pursuant to the order of the Senate of January 24, 1901.

RELIEF OF INDIANS IN UTAH (H. DOC. NO. 389).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a statement of the expenditures from the appropriation for the relief of distress among the Indians of the Skull Valley and Deep Creek and other detached Indians in Utah, which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a resolution adopted by the City Council of Boston, Mass., favoring the continuance of the appropriation for the maintenance of the navy yard at Charlestown, Mass., which was referred to the Committee on Naval Affairs.

Mr. KERN presented a memorial of sundry citizens of Winchester, Ind., remonstrating against the establishment of a parcels-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of the Tuesday Club of Elkhart, Ind., praying for the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented resolutions adopted by the South Bend Architectural Club, of Indiana, favoring the Mall in the District of Columbia as the site for the proposed Lincoln memorial, which was referred to the Committee on Appropriations.

He also presented a petition of the congregation of the Lowell Heights Methodist Episcopal Church, of South Bend, Ind., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a memorial of the congregation of the Barbers Mill Seventh-day Adventist Church, of Bluffton, Ind., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. JOHNSON of Maine presented petitions of the congregations of the Congregational Church of Eden, the Free Baptist Church of Oakland, and the First Baptist Church of Oakland, and of sundry citizens of Waterville, all in the State of Maine, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. SHIVELY presented a memorial of U. S. Grant Post, No. 72, Department of Indiana, Grand Army of the Republic, of Washington, Ind., remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented petitions of the congregation of the Presbyterian Church, of Greencastle; of the Quarterly Meeting of Friends, of Fairmount; of the congregation of the Lowell Heights Methodist Episcopal Church, of South Bend; and of the Woman's Christian Temperance Union, of Amboy, all in the State of Indiana, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a memorial of the congregation of the Grass Creek Seventh-day Adventist Church, of Fulton County, Ind., and a memorial of the congregation of the Seventh-day Adventist Church, of Unionville, Ind., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a memorial of Local Branch No. 12, Glass Bottle Blowers' Association of the United States and Canada, of Muncie, Ind., remonstrating against the enactment of legislation abolishing the hand-roller process of manufacturing paper currency, which was referred to the Committee on Printing.

He also presented the petition of Snoddy Bros., of West Lafayette, Ind., praying for the construction of a public highway from Washington, D. C., to Gettysburg, Pa., as a memorial to Abraham Lincoln, which was referred to the Committee on Appropriations.

He also presented a petition of members of the Art Club of Anderson, Ind., praying that the site in the Mall in the District of Columbia be selected for the proposed Lincoln memorial, which was referred to the Committee on Appropriations.

He also presented a petition of members of Company I, Third Infantry Indiana National Guard, of Plymouth, Ind., praying for the enactment of legislation providing for the pay of members of the Organized Militia, which was referred to the Committee on Military Affairs.

He also presented petitions of the Ladies' Art Club of Anderson, the Thursday Club of Elkhart, and the Woman's Club of Terre Haute, all in the State of Indiana, praying for the repeal of the oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of Lew Dailey Post, No. 33, Department of Indiana, Grand Army of the Republic, of Bluffton, Ind., praying for the passage of the so-called dollar-a-day pension bill, which was referred to the Committee on Pensions.

He also presented a memorial of the Millinery Jobbers' Association at their convention held in Minneapolis, Minn., on November 10, 1911, remonstrating against the extension of the so-called parcels-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. CULLOM presented petitions of sundry citizens of California, New York, and Ohio, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of Local Lodge No. 24, Brotherhood of Railroad Trainmen, of Galesburg, Ill., praying for the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Eli Bowyer Post, No. 92, Grand Army of the Republic, Department of Illinois, of Olney, Ill., praying for the passage of the so-called dollar-a-day pension bill, which was referred to the Committee on Pensions.

He also presented a memorial of the Trades and Labor Assembly, of Breese, Ill., remonstrating against the abolishment of the hand-roller process of manufacturing paper currency, which was referred to the Committee on Printing.

He also presented a petition of Local Union No. 830, Sign, Scene, and Pictorial Painters' Union, of Chicago, Ill., praying for the enactment of legislation to better the condition of American seamen, which was referred to the Committee on Commerce.

He also presented a memorial of Local Post No. 404, Grand Army of the Republic, Department of Illinois, of Mattoon, Ill., remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

Mr. BURTON presented a memorial of Eugene Rawson Post, No. 32, Grand Army of the Republic, Department of Ohio, of Fremont, Ohio, remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. PERKINS presented a joint resolution of the Legislature of California, which was referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Senate joint resolution 4, relative to the election of President and Vice President of the United States by a direct, popular, and nation-wide vote.

Whereas there is a movement for the adoption of an amendment to the Constitution of the United States which will provide for the election of President and Vice President of the United States by direct vote of the people: Therefore be it

Resolved, That the Legislature of the State of California favor the adoption of the amendment to the Constitution of the United States which will provide for the election of such President and Vice President by a direct vote of the people.

Resolved, That our Senators and Representatives in Congress be requested to vote for the adoption of a proposed amendment to the Constitution that shall provide for such change; be it further

Resolved, That a copy of this resolution be sent to each of our Senators and Representatives in Congress.

Mr. PERKINS presented a joint resolution of the Legislature of California, which was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Senate joint resolution 6, relative to a canal constructed from the San Joaquin River near Poliasky, in Fresno County, to a point in San Joaquin County near Stockton.

Whereas there is in the San Joaquin Valley in California a large tract of irrigable arid land, consisting of more than 1,000,000 acres, all of which is good, rich, level, arid land, and the same would consume all the flood waters that annually come down from the Sierra Nevada Mountains through the San Joaquin and Fresno Rivers, and if said waters were conserved and distributed over said lands the same would yield bountiful crops and would add great wealth to the State of California; and

Whereas all of said waters could be conserved and distributed over said lands by means of canals constructed for the distribution of same; and

Whereas if said waters were so conserved and distributed by means of said canals, a large return therefrom by annual rentals for the use of said waters would result in ample returns to the Government upon the moneys thus expended, and at the same time would lessen the cost of maintaining the levees and embankments along the lower San Joaquin River and thereby minimize the danger to and loss of property occasioned by the rise and overflow of said San Joaquin River; and

Whereas reservoirs and canals of sufficient capacity to conserve and carry all of said waters can be constructed by the Federal Government, but the cost of which would be too great for private enterprise or State undertaking: Therefore be it

Resolved by the senate and assembly, jointly, That our Senators in Congress be instructed and our Representatives be requested to use all honorable means to secure the passage of a law in Congress by which the Government of the United States will cause a proper survey of such proposed restraining dams and canals to be made, and to thereafter, with all reasonable dispatch, construct dams and canals and to sell and disposed of, upon such terms as may be prescribed by the department in charge thereof, the said waters for use of all the lands susceptible of being irrigated from said storage reservoirs; be it further

Resolved, That a copy of this resolution be forwarded by the secretary of the senate to each of our Senators and Representatives in Congress.

Mr. PERKINS presented a joint resolution of the Legislature of California, which was referred to the Committee on Naval Affairs and ordered to be printed in the RECORD, as follows:

Senate joint resolution 7, relative to establishment of dry docks on the Bay of San Francisco or waters tributary thereto.

Whereas by virtue of the increasing demands for deeper draft vessels in the United States Navy, and in view of the early completion of the Panama Canal, certain to be followed by the maintenance on the Pacific coast of a large fleet, it is necessary for the United States to provide dry-dock and other facilities that will meet the necessities of the new additions to our Navy when in the western waters of the Republic: Therefore be it

Resolved, That the Federal Government be, and is hereby, most respectfully and earnestly requested to establish one of the proposed great

naval dry docks on the Bay of San Francisco or waters tributary thereto; be it further

Resolved, That our Senators in Congress be instructed, and our Representatives in Congress requested, to use their utmost efforts in securing the establishment and equipment of such great naval dry docks on the Bay of San Francisco or waters tributary thereto; be it further

Resolved, That a duly certified copy of these resolutions be transmitted to the Senate and House of Representatives of the United States, and to each of our Senators and Representatives in Congress.

Mr. PERKINS presented a joint resolution of the Legislature of California, which was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Senate joint resolution 8, relative to extending an invitation to the Congress of the United States relative to the inspection of the rivers and harbors of California.

Whereas the increasing growth of the commerce of California and the early completion of the Panama Canal necessitates additional improvements in the rivers and harbors of the State in aid of commerce and navigation, which improvements will result in great benefits not only to the State of California but to the entire United States; and

Whereas the State of California has in the past cooperated and is now ready to cooperate with the Government of the United States in preparing for present and future necessities of commerce in said harbors and navigable waterways; and

Whereas the State of California and many of its municipalities are making extensive improvements and preparation for improvements of the navigable waterways and harbors of the State; and

Whereas to further such improvements and to encourage such cooperation between the State of California and its municipalities on the one part and the United States on the other is most desirable; and

Whereas an inspection of said rivers and harbors by the Committee on Commerce of the Senate of the United States and the Committee on Rivers and Harbors of the House of Representatives would tend to greater efficiency and better results in the direction of contemplated improvements to be made to meet the present and future demands of commerce: Therefore be it

Resolved by the Senate and Assembly of California, jointly, That the Legislature of the State of California, convened in extraordinary session, does hereby invite the Congress of the United States to cause said committees of the respective Houses thereof to make an inspection of the rivers and harbors of the State of California for the purposes aforesaid, and favorable action on this invitation is respectfully urged; be it further

Resolved, That our Senators and Representatives in Congress be requested to extend this invitation to the Congress of the United States in behalf of the people of the State of California and to use their utmost endeavors to secure favorable action thereon; and be it further

Resolved, That a certified copy of these resolutions be transmitted by the secretary of the senate to the Senate and House of Representatives of the United States and to each of our Senators and Representatives in Congress.

Mr. PERKINS presented a joint resolution of the Legislature of California, which was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Senate joint resolution 9, relative to the continuance by the United States of the Government line of steamers from eastern seaports to Colon, in the Canal Zone, and the extension thereof to Pacific seaports on the western coast of the United States on the completion of the Panama Canal.

The people of the State of California do enact as follows:

Whereas there is maintained and operated by the United States from eastern seaports of our country to Colon, in the Canal Zone, a Government line of steamers for the transportation of freight, consisting of supplies for use in the construction of the Panama Canal and of certain merchandise for the Pacific Coast States—the latter transshipped from Avon, on the western end of the Government railways across the Isthmus of Panama, to steamers operated by private corporations plying between Avon and Pacific coast ports;

Whereas, on the completion of said canal, public interests and the necessities of those interested in western commerce demand that the Government-owned vessels now in the service on the Atlantic side be not only continued in operation as now, but extended to Pacific seaports on the western coast of the United States;

Whereas the failure to so continue and extend such Government service would reopen the struggle between the producers and shippers of California and sister States, on the one side, and the steamship companies acting in concert with the transcontinental railways, on the other, and thus, to a great extent, restore the unfavorable conditions that will in the future, and as they were in the past, be manipulated and controlled by transcontinental railways and their allies;

Whereas the experience of our producers and shippers in the past should warn those in authority and the people to avoid a similar danger in the future, particularly when its repetition will greatly impair the benefits that should accrue to them and to the country at large by the construction and operation of such canal under the auspices of the Government of the United States: Therefore be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully urge the Congress of the United States to enact such legislation as will continue, after the completion of the Panama Canal, such Government line of steamers and extend their service with such additional steamers and facilities as may be necessary to Pacific seaports on the western coast of the United States. Be it further

Resolved, That our Senators in Congress be instructed, and our Representatives in Congress be requested, to use all honorable means to secure the enactment of the aforesaid legislation. Be it further

Resolved, That duly authenticated copies of these resolutions be transmitted to the Senate and House of Representatives of the United States and to each of our Senators and Representatives in Congress.

Mr. PERKINS presented a joint resolution of the Legislature of California, which was ordered to lie on the table and to be printed in the RECORD, as follows:

Senate joint resolution 12, relative to arbitration peace treaties now pending before the Senate of the United States.

Whereas the President of the United States has negotiated treaties with the United Kingdom of Great Britain and Ireland and with the Republic of France, each having for its object the arbitration of international differences arising between the contracting parties; and

Whereas the horror and futility of war have been demonstrated through ages of cruelty and bloodshed; and

Whereas the advanced nations of the world are moving to abolish this relic of barbarism and escape the heavy burdens of armament: Now therefore be it

Resolved by the Senate and Assembly of California, jointly, That the Senate of the United States be, and it is hereby, requested and urged promptly to ratify the said treaties with said high contracting parties, thus signalizing the desire of our people for peace and blazing a pathway to general disarmament and universal arbitration of international differences; and be it further

Resolved, That the secretary of the senate forward a copy of these resolutions to each of our Senators and Representatives in Congress.

Mr. PERKINS presented a joint resolution of the Legislature of California, which was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Senate joint resolution 13, memorializing the Congress of the United States for favorable consideration of the project contained in the report of the California Débris Commission, relating to "control of floods in the river systems of the Sacramento Valley and the adjacent San Joaquin Valley, Cal."

Whereas the Secretary of War, on the 29th day of June, 1911, submitted to the House of Representatives of the United States, duly approved and recommended for adoption, the report of the California Débris Commission, relating to "control of floods in the river systems of the Sacramento Valley and the adjacent San Joaquin Valley, Cal.," now known and designated as House Document No. 81, Sixty-second Congress, first session; and

Whereas the approval of said report contains the suggestion "that work begin at once and provision be made for its early completion"; and

Whereas the construction and completion of the project proposed in said report is of vital importance to the people of this State and of the whole country; and

Whereas the Legislature of the State of California, in extraordinary session assembled, has by an act of said legislature adopted the project and recommendations set forth in said report of the California Débris Commission, and has in said act provided for cooperation between the State of California and the Government of the United States in putting into effect the proposed project and recommendations: Therefore be it

Resolved by the Senate and Assembly of the State of California, jointly, That the said legislature memorializes the Congress of the United States for favorable consideration of the report of said California Débris Commission transmitted as aforesaid by the Secretary of War to Congress; be it further

Resolved, That duly authenticated copies of these resolutions be transmitted to the Senate and House of Representatives of the United States, the Secretary of War, and to each of our Senators and Representatives in Congress; be it further

Resolved, That our Senators in Congress be instructed and our Representatives in Congress requested to use all honorable means to secure favorable action on said report and said project.

Mr. PERKINS presented a joint resolution of the Legislature of California, which was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

Senate joint resolution 14, relative to national forests situated within the State of California and requesting the War Department of the United States to station and maintain Federal troops in such national forests during certain months.

Whereas there are situated within the State of California great national forests comprising in area over 27,000,000 acres; and

Whereas the protection and preservation of these forests is of great benefit to the citizens of this State and of the whole United States; and

Whereas each year, during the months of July, August, and September, forest fires threaten partial or total destruction of these forests, as well as other and adjoining property; and

Whereas these forests are not sufficiently protected from fire during such months: Now therefore be it

Resolved by the Senate of the State of California and the Assembly, jointly, That the War Department of the United States be, and it hereby is, requested to station Federal troops in the national forests within the State of California during the months of July, August, and September each year for the purpose of preventing and fighting forest fires and protecting such national forests; and be it further

Resolved, That our Senators and Representatives in Congress be respectfully urged to use all honorable means to accomplish the above for the good of the State; and be it further

Resolved, That a copy of this joint resolution be sent to the head of the War Department of the United States.

Mr. PERKINS presented a joint resolution of the Legislature of California, which was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Senate joint resolution 16, memorializing the Congress of the United States for favorable consideration of the request of the Legislature of the State of California for investigations and surveys by the California Débris Commission under the provisions of an act of Congress, approved March 1, 1893, to aid in the preparation and making of a report on a project for the relief from floods in the San Joaquin Valley and the delta of the Sacramento and San Joaquin Rivers and for improvements in aid of commerce and navigation.

Whereas conditions injuriously affecting vast areas of valuable land adjacent to, and the interests of commerce and navigation in, the river systems of the San Joaquin Valley, within the power of the California Débris Commission to correct under the provisions of an act of Congress, approved March 1, 1893, creating said commission and defining its duties, are identical with those existing in the river systems of the Sacramento Valley and require like remedial treatment; and

Whereas the Sacramento and San Joaquin Rivers form a delta, common to both, and by connecting waterways their flood waters mingle, frequently involving great damage to property and to navigation; and

Whereas the work involved and plans contemplated in said rivers and said delta, under the requirements of said act, should be coordinated into one harmonious project; and

Whereas the report of said commission made in accordance with the requirements of said act, including maps and containing a project together with estimate of the cost thereof, for the relief from floods in the Sacramento Valley, transmitted to the Congress of the United

States by the Secretary of War, June 25, 1911, and approved and recommended by him for adoption by Congress, now designated as House Document 81, Sixty-second Congress, first session, applies only to the Sacramento River conditions, and said commission strongly urges "that work begin at once and provision be made for its early completion"; and

Whereas as delay in treating these conditions in the river systems of the Sacramento Valley has greatly added to the injury done as well as to the cost of the proposed project, the same results will follow delay in treating like conditions in the river systems of the San Joaquin Valley; and

Whereas as investigations and surveys are required preliminary to the making of a report by said commission on said river systems in the San Joaquin Valley, it is of the utmost importance that such investigations and surveys be commenced without unnecessary delay; and

Whereas as said remedial work necessary in said river systems and said delta make the problem a vital one, pressing for an early solution, the Legislature of the State of California has, by appropriate legislation, adopted the project contained in said report, and has in other ways indicated its willingness to cooperate with the United States in furtherance of this great work: Therefore be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California, in extraordinary session assembled, memoralizes the Congress of the United States for such legislation and direction as will provide for such investigations and surveys by the California Débris Commission under the provisions of said act, thereby hastening the preparation and making of the report on a project for the relief from floods in the San Joaquin Valley and said delta, and for improvements in aid of commerce and navigation; be it further

Resolved, That our Senators and Representatives in Congress be, and they are hereby, requested to use all honorable means to secure favorable consideration of this memorial; and be it further

Resolved, That duly authenticated copies of this memorial be transmitted by the governor of the State of California to the Senate and House of Representatives of the United States, the Secretary of War, the Chief of Engineers United States Army, the California Débris Commission, and to each of our Senators and Representatives in Congress.

Mr. PERKINS presented a memorial of the congregation of the Seventh-day Adventist Church of Tinlock, Cal., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of Local Chapter, American Institute of Architects, of San Francisco, Cal., praying that the site in the Mall in the District of Columbia be selected for the location of the proposed Lincoln memorial, which was referred to the Committee on Appropriations.

He also presented petitions of the Chamber of Commerce of Los Angeles; of the Ohio Society, of Pasadena; and of the congregation of the Christian Church of Modesto, all in the State of California, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of the congregation of the First Christian Church of Santa Cruz, Cal., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of San Jose, Cal., remonstrating against the establishment of a Department of Public Health, which was referred to the Committee on Public Health and National Quarantine.

Mr. CRAWFORD presented petitions of sundry citizens of Chamberlain, S. Dak., praying for a reduction of the duty on sugar, which were referred to the Committee on Finance.

He also presented a memorial of the congregation of the Seventh-day Adventist Church of Geddes, S. Dak., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of the Edmunds County Peace Society, of South Dakota, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. WORKS presented a petition of sundry veterans of the Civil War, residents of Los Angeles, Cal., praying for the passage of the so-called dollar-a-day pension bill, which was referred to the Committee on Pensions.

Mr. OLIVER presented petitions of the congregations of the Methodist Episcopal Church of Ransom; the Methodist Episcopal Church of Center Moreland; and of the St. Luke's Lutheran Church, of Lilly; of the Presbytery of Blairsville; of the Merchants and Business Men's Association of West Chester; of the Quarterly Meeting of Friends of Philadelphia; and of the Chamber of Commerce of Erie, all in the State of Pennsylvania, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Austin, Pa., praying that an appropriation be made for the relief of the flood sufferers of Austin and Costello, Pa., which was referred to the Committee on Appropriations.

He also presented a memorial of Local Union No. 1515, United Mine Workers of America, of Dixonville, Pa., remonstrating against the abolishment of the hand-roller process of manufacturing paper currency, which was referred to the Committee on Printing.

He also presented a petition of members of the Philomusian Club of Philadelphia, Pa., praying for the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of General Welsh Post, No. 118, Department of Pennsylvania, Grand Army of the Republic, of Columbia, Pa., and a memorial of Emory Fisher Post, No. 30, Department of Pennsylvania, Grand Army of the Republic, of Johnstown, Pa., remonstrating against the incorporation of the Grand Army of the Republic, which were referred to the Committee on the District of Columbia.

He also presented petitions of the congregations of the United Brethren Church of Braddock, the Second Presbyterian Church, the First Presbyterian Church, the First United Presbyterian Church, the South Avenue Methodist Episcopal Church, and the Baptist Church, and of the Woman's Christian Temperance Union, all of Wilkinsburg, in the State of Pennsylvania, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. BURNHAM presented a petition of the Woman's Christian Temperance Union of Manchester, N. H., and a petition of the Rockingham County Woman's Christian Temperance Unions, of New Hampshire, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a memorial of Local Union No. 1673, United Brotherhood of Carpenters and Joiners of America, of Somersworth, N. H., and a memorial of Local Union No. 28, Boot and Shoe Workers' Union, of Manchester, N. H., remonstrating against the abolishment of the hand-roller process of manufacturing paper currency, which were referred to the Committee on Printing.

He also presented petitions of the congregations of the Congregational Church of Campton, the Methodist Church of Groveton, the First Methodist Episcopal Church of Franklin, and the Unitarian Church of Franklin; of the Squam Bridge Free Baptist Society, of Holderness; of the Woman's Club of North Conway; and of the Christian Science Society of North Conway, all in the State of New Hampshire, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented petitions of the Cheshire County Automobile Association, of New Hampshire; the Boston Society of Architects; and of the Boston Architectural Club, of Massachusetts, praying that an appropriation be made for the construction of a highway from Washington, D. C., to Gettysburg, Pa., as a memorial to Abraham Lincoln, which were referred to the Committee on Appropriations.

Mr. LIPPITT presented a petition of members of the Fortnightly Club of Providence, R. I., praying for a reduction of the duty on sugar, which was referred to the Committee on Finance.

He also presented memorials of Loom Fixers' Local Union No. 486, of Pawtucket, and of the Central Trades and Labor Unions of Pawtucket, Central Falls, and Cumberland, all in the State of Rhode Island, remonstrating against the abolishment of the hand-roller process of manufacturing paper currency, which were referred to the Committee on Printing.

He also presented a petition of the State Grange, Patrons of Husbandry, of Rhode Island, praying for the repeal of the Canadian reciprocity act of 1911, which was referred to the Committee on Finance.

He also presented a petition of the State Grange, Patrons of Husbandry, of Rhode Island, praying for the enactment of legislation providing for the inspection of all nursery stock imported from foreign countries, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the State Grange, Patrons of Husbandry, of Rhode Island, praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Rhode Island Business Men's Association, praying that an appropriation be made for the further improvement of the Harbor of Refuge, at Point

Judith, in that State, which was referred to the Committee on Commerce.

Mr. O'GORMAN presented a petition of Local Union No. 16, Cigarmakers' International Union, of Binghamton, N. Y., praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of the congregations of the Chapel of Christ Church, of Brooklyn; the Baptist, Methodist, Congregational, and Presbyterian Churches, of Port Chester; and of the First Reformed Church, of Catskill; of the West Side Business Men and Taxpayers' Association, of Buffalo; and of the Chamber of Commerce of Albany, all in the State of New York, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of New York City and Brooklyn, N. Y., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of members of the conservation commission of Albany, N. Y., praying that an appropriation be made for the study and suppression of the chestnut blight disease, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of New York, praying for the enactment of legislation to better the condition of American seamen, which was referred to the Committee on Commerce.

He also presented a petition of the board of supervisors of St. Lawrence County, N. Y., praying for the enactment of legislation authorizing the Long Sault Development Co., of New York, to construct, maintain, and operate dams, canals, etc., in connection with the St. Lawrence River dam, etc., which was referred to the Committee on Commerce.

He also presented memorials of Waiters' Union No. 5, of New York City; of Order of Railroad Telegraphers' Local Division No. 113, of Oneonta; of Niagara Lodge, No. 330, International Association of Machinists, of Buffalo; and of Carpenters and Joiners Local Union No. 26, of Syracuse, all in the State of New York, remonstrating against the abolishment of the hand-roller process of manufacturing paper currency, which were referred to the Committee on Printing.

He also presented a petition of Switchmen's Local Union, No. 201, of Buffalo, N. Y., praying for the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. WATSON presented a petition of the Baptist General Association of West Virginia, and a petition of the congregations of sundry churches of Grafton, W. Va., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented the petition of S. W. Anderson, of Jericho, W. Va., and the petition of Dr. William A. Thornton, of Lawton, W. Va., praying for a reduction of the duty on sugar, which were referred to the Committee on Finance.

He also presented the memorial of S. W. Anderson, of Jericho, W. Va., remonstrating against the extension of the parcels-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Local Union No. 46, National Brotherhood of Operative Potters, of Wheeling, W. Va., remonstrating against the abolishment of the hand-roller process of manufacturing paper currency, which was referred to the Committee on Printing.

Mr. GALLINGER presented a memorial of General Alexander Hays Post, No. 3, Department of Pennsylvania, Grand Army of the Republic, of Pittsburgh, Pa., remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

Mr. PAGE presented petitions of the Woman's Christian Temperance Unions of East Franklin, West Rutland, and East Corinth, of the congregation of the Congregational Church of East Corinth, and of sundry citizens, all in the State of Vermont, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. NIXON presented memorials of Local Union, United Brotherhood of Carpenters and Joiners of America, of Mason; of Miners' Union No. 121, of Tonopah; and of the Western Federation of Miners, of Tonopah, all in the State of Nevada, remonstrating against the abolishment of the hand-roller process of manufacturing paper currency, which were referred to the Committee on Printing.

Mr. NELSON presented a memorial of the congregation of the Seventh-day Adventist Church of Litchfield, Minn., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. DU PONT presented petitions of sundry citizens of Wilmington and Smyrna, in the State of Delaware, praying that an appropriation be made for the construction of a highway from Washington, D. C., to Gettysburg, Pa., as a memorial to Abraham Lincoln, which were referred to the Committee on Appropriations.

Mr. LODGE presented a petition of sundry veterans of the Civil War, residents of Massachusetts, remonstrating against the granting of service pensions to certain defined veterans of the Civil War and the War with Mexico, which was referred to the Committee on Pensions.

Mr. RAYNER presented a petition of the members of the Grace Methodist Protestant Sunday School, of Pittsville, Md., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. WETMORE presented memorials of the Central Trades and Labor Unions of Pawtucket, Central Falls, and Cumberland, and of Local Union No. 159, Wood, Wire, and Metal Lathers' International Union, of Pawtucket, all in the State of Rhode Island, remonstrating against the abolishment of the hand-roller process of manufacturing paper currency, which were referred to the Committee on Printing.

GENERAL ARBITRATION TREATIES.

Mr. RAYNER. I submit my views from the Committee on Foreign Relations on the general arbitration treaties, from which the injunction of secrecy has been removed. I ask that these views be printed in the RECORD and also as a document.

The VICE PRESIDENT. The views of the Senator from Maryland will be printed in the RECORD and also as a Senate document, in pursuance of the order made yesterday (S. Doc. No. 98, pt. 2).

[Executive Report No. 1, part 3, Sixty-second Congress, first session.]

Mr. RAYNER, from the Committee on Foreign Relations, submitted the following views, to accompany Executives H and I, Sixty-second Congress, first session.

The Committee on Foreign Relations having submitted its report to the Senate upon the two treaties, one with Great Britain and one with France, for the arbitration of differences that may arise between these countries and the United States, it is my purpose now as a member of the committee to present my own views upon this subject. It involves as serious and important a question as has been before the Senate for many years. I favor the adoption of the treaties without amendment, but as the reasons that influence me differ somewhat from the views so far advanced I shall proceed to give the reasons that have led me to the conclusion that I have reached to support the treaties without amendment. I shall not discuss the policy that underlies these treaties. I am in favor of the exercise of any lawful power under the treaty-making clause of the Constitution that will tend to bring about the peace of the world, and these treaties are the greatest step in that direction that can at present be formulated. If we can succeed in ending war between the civilized nations of the earth it will be as great an accomplishment as any that was ever achieved upon the pages of history or upon the field of progress. I have not the slightest fear of any danger that may result to our institutions from the adoption of the treaties, nor do I believe for a moment that any of the great governmental principles that lie at the foundation of the Republic will be imperiled; on the contrary, I am buoyant with hope that when the treaties once go into effect they will inaugurate the beginning of universal peace and will relegate the art and practice of war to the barbarous deeds of the past. I shall therefore not say anything further upon the principles that underlie the subject, but shall devote myself to a discussion of the legal and constitutional objections that have been raised against the adoption of the treaties by the majority of the Committee on Foreign Relations.

The first objection that is taken by the majority is to the last clause of article 3 of the treaty, and it is thus stated in the report:

"If the joint commission decides that the question before them is justiciable under article 1, it must then go to arbitration, whether the treaty-making power of either country believes it to be justiciable or not.

I am inclined to agree with this construction for reasons that I will give, but I am not inclined to consider that as an objection to the adoption of the treaties. In reference to this point in the majority report, that the decision of the commission is final and that after the commission has decided the question to be *justiciable* that the treaty could not be amended or rejected by the Senate on the ground that the question is *not justiciable*, it seems to me that the opinion that the majority of the committee has reached is correct. To say the least of it, the last clause of article 3 is ambiguous when it says that "if the commission agrees and reports that such difference is within the scope of article 1 reference shall be made to arbitration in accordance with the provisions of this treaty."

It seems to me that when article 3 refers to the provisions of the treaty the reference means that clause of the treaty which provides for submission to the permanent court of arbitration at The Hague, established by the convention October 18, 1907, or to some other arbitral tribunal, and does not mean, to my mind, that after the commission decides that the difference is within the scope of article 1 the Senate shall have the right to reverse the decision of the joint high commission and hold that it is not within the scope of article 1. It would have been easy enough if it had been the intention of the framers of the treaty that the Senate should have the power to reject the decision of the joint high commission, to have plainly said so in the last clause of article 3. A few words would have accomplished it. A sentence such as this would have settled all possible ambiguity:

"Upon the decision of the joint high commission of inquiry that the difference is subject to arbitration the Senate may then decide upon the

adoption, rejection, or amendment of the decision of the joint high commission."

Senator BURTON, of the committee, in his supplemental views to the minority report, which are highly instructive and are set forth with great strength and power, takes an opposite view, and he arrives at the conclusion that when the commission reports that it is a question coming within the scope of article 1, it means nothing more than that the proceedings shall take the same course as they would have taken if the executive branches of both Governments had originally agreed that the question came within the meaning of that article. The result of his reasoning is that the language of article 3 does not in any way impair the freedom of action reserved to the Senate.

I regret sincerely that, after the most patient reflection upon the subject, I can not possibly reach this conclusion. The lawyers of the committee and eminent lawyers outside of the committee who have examined the treaty are at odds and at variance upon the proper construction of article 1 and article 3. I might ask what is the use of referring it to a joint high commission for a decision if its decision is not binding and can be repudiated by the Senate. It is all very well to say that it is practically impossible that the Senate would ever have occasion to refuse its approval of the arbitration of a question which the commission of inquiry had reported to be within the scope of article 1. The Senate, however, has the power to refuse its approval and it has the unlimited power so to do, as Senator BURTON admits, according to his interpretation of the treaty, and to my mind the prime object and intention of the treaty was not to confer this power upon the Senate but to make the decision of the commission decisive and final.

Senator BURTON, in this admirable presentation that he has made, is supported by the very high authority of Secretary Knox, who construes the treaty in a similar way, and also by Prof. Moore, of Columbia University, who is recognized as one of the highest authorities, if not the very best, upon this and kindred subjects. Notwithstanding this great support I can not place article 1 before me and article 3 beside it and come to the conclusion that the Supreme Court of the United States would construe the whole of article 1 *in pari materia* with article 3, and hold that after a reference to a commission for its decision as to whether a question is justiciable or not, and the commission decides that it is justiciable, that the decision amounts to nothing in the world if the Senate chooses to reject it. This construction of the treaties and of article 3 does not in the slightest degree deter me from supporting the treaties because, constituted as the commission will be, I would not hesitate to confide to it the determination of the question whether a controversy between the respective countries is justiciable in law or in equity within the true meaning and intention of article 1 of the treaties.

This brings me to the first objection that the majority of the committee have entered against the approval of the treaties by the Senate. This objection had better be stated in the language of the majority report, which reads as follows:

"It is stated that these questions are to be justiciable by reason of being susceptible of decision by the application of the principles of law or equity. In England, and in the United States, and wherever the principles of the common law obtain, the words 'law or equity' have an exact and technical significance, but that legal system exists nowhere else and does not exist in France, with which one of these treaties is made. We are obliged, therefore, to construe the word 'equity' in its broad and universal acceptance as that which 'is equally right or just to all concerned; as the application of the dictates of good conscience to the settlement of controversies.' It will be seen, therefore, that there is little or no limit to the questions which might be brought within this article, provided the two contracting parties consider them justiciable."

It is true, as stated, that the "system" known as equity does not exist in the jurisprudence of France or in any of the continental countries of Europe. It is not correct, however, to say that "It will be seen, therefore, that there is little or no limit to the questions which might be brought within this article, provided the two contracting parties consider them justiciable."

The *principles* of equity were well recognized in the early systems of Roman jurisprudence. The Prætorian edicts were partly in the nature of equitable decrees and the prætor occupied a position similar to that of the lord high chancellor of England. During the reign of Hadrian these orders and decrees of the prætor were abolished, but from that time to the codification of the institutes of Justinian equitable principles had a well-known place in Roman jurisprudence under the various laws that were from time to time in vogue. In the institutes of Justinian the division between strictly legal and equitable principles is clearly defined, and from these institutes are derived equitable doctrines and principles that make their appearance in the different systems of jurisprudence that exist in the continental countries of Europe, although there is no separate system of equity as distinguished from that of law. It is therefore going too far to state that there is little or no limit to the questions that might be decided under the definition of "equity" in these treaties. Waiving this, however, and admitting for the sake of argument that in dealing with France the word "equity" would have to be construed in its broadest sense, I can not for a moment admit that the joint high commission would have the right without limit to construe any question at issue between the respective countries as justiciable for the reasons advanced in the majority report. Giving the commission the broadest jurisdiction as to what is justiciable by the application of the principles of law or equity if the commission should hold that a question is justiciable that does not and can not come under any definition of equity whatever, in any sense of the word, it would be proceeding beyond its jurisdiction and its decision would be null and void. The majority report construes the treaty to mean that the commission having the power to decide what is justiciable in equity, it would be keeping within its powers under the term "equity" if it held any controversy whatever between the two countries justiciable. This is the language of the report:

"The most vital question in every proposed arbitration is whether the difference is arbitrable. For instance, if another nation should do something to which we object under the Monroe doctrine and the validity of our objection should be challenged and an arbitration should be demanded by that other nation, the vital point would be whether our right to insist upon the Monroe doctrine was subject to arbitration, and if the third clause of article 3 remains in the treaty the Senate could be debarred from passing upon that question.

"One of the first sovereign rights is the power to determine who shall come into the country and under what conditions. No nation, which is not either tributary or subject, would permit any other nation to compel it to receive citizens or subjects of that other nation. If our right to exclude certain classes of immigrants were challenged the question could be forced before a joint commission, and if that commission decided that the question was arbitrable the Senate would have no power to reject the special agreement for the arbitration of that subject on the ground that it was not a question for arbitration within the contemplation of article 1."

I venture the assertion that this is not a true and proper construction of the treaty and that no court would so interpret or adjudge it. Let me illustrate this: Suppose arbitrators were appointed to decide a question of "indebtedness" between A and B, and were fully empowered to determine *what should be included* under the term "indebtedness" just as the commission here is authorized to determine what properly comes under the designation of "equity." Suppose in their award they held that A was trespassing upon and had taken possession of the land of B and should desist from further continuing his trespasses, would anyone suppose that this came within the terms of the award, although the arbitrators had the power not only to decide as to the "amount of the indebtedness," but also as to what was properly *included* under the term "indebtedness"? Why would this award be void? Because a prohibition against A from trespassing upon the lands of B is not an "indebtedness," because it involves a question of title, and they had no right to embrace it, although they had the power to declare what should be included under the word "indebtedness." So here, although the commission has a right to decide what is justiciable according to the principles of law or "equity," it would have no right to decide a subject to be justiciable according to the principles of equity that has nothing to do with equity, and that according to universal acceptation and recognition is not within the domain of equity in any sense whatever. Could anyone successfully maintain the proposition that the Monroe doctrine could be decided by any principles of equity, giving equity the broadest signification?

If a foreign government should attempt to subvert any of the republican institutions of South America for the purpose of substituting in its stead a monarchical form of government, could it in the realm of reason be maintained that this was a subject to be decided by the principles of equity? If a question arose as to our right to exclude certain classes of immigrants, a right that every government possesses as a matter of self-preservation, could it possibly be claimed in any court of justice called upon to interpret the treaty that this involved a principle of equity? If an attempt was made to compel the United States to pay the indebtedness of a State, could this, under our form of government and under our Constitution, be deemed as constituting an equity against the United States? Is there the slightest doubt that if the commission, although clothed with power to determine what is justiciable according to the principles of equity, should decide that these questions were within its jurisdiction that their decree would be nugatory and that this Government would have the right to reject it? Taking these illustrations as I have done from the majority report and with great respect for those who differ, I must confess I can not understand how it is possible to arrive at a conclusion that questions like these, embodying as they do historic and traditional doctrines, governmental policies, and constitutional principles, upon some of which the preservation of the Republic depends, could by any intendment or by the widest latitude be held to be within the jurisdiction of the commission, nor have I the slightest apprehension that the commission would ever assume such a jurisdiction.

Any number of judicial authorities could be cited in support of this position that I am taking—judicial authorities not only establishing the proposition that a tribunal legally constituted, as this commission will be, has no power to go beyond the terms of the submission, but when vested with the broad powers that are contained in this treaty to practically determine what the word "equity" means, that it would be without any power to say that "equity" signifies something that under no definition whatever it was ever intended to embrace or comprise. I recall besides the decisions of the courts a diplomatic precedent that I think helps to illustrate the point. The familiar incident was in reference to our northeastern boundary, a question that was settled by the Webster-Ashburton treaty on August 9, 1842. Before this settlement, however, under a convention between the United States and Great Britain, the King of the Netherlands was selected to decide upon the line between the northeastern boundary of the United States and the contiguous British possessions, under the treaty of peace of 1782–83. It will be observed that he was not limited to the line claimed by the United States nor to the line claimed by Great Britain. He abandoned the attempt to determine upon a line described in the treaty and recommended a line of convenience. When the award was delivered the United States protested against it as constituting a departure from the submission to the arbitrator. The British Government declined to construe the award as decisive. The question of acceptance or rejection was afterwards submitted to the Senate, which by a large majority vote determined that the award was not obligatory. So in this case if the commission should hold that a controversy was justiciable, which according to every principle of construction and universal recognition could not possibly come under the definition of equity in its broadest sense, this Government would unquestionably reject it, especially if it left to arbitration subjects like the Monroe doctrine, or the immigration laws, or the indebtedness of States for which we are not liable, or any other matter in violation of the Federal Constitution or the statutes of the United States.

I might add that there is no particular objection to a clause being included in the formal ratifications which will operate as a notice to Great Britain and France, and upon their acceptance will practically be a part of the treaty. This is recommended in the minority report at the suggestion of Senator ROOT. I would take the liberty of suggesting that the clause that the minority report proposes to include in the formal ratifications could be amplified so as to set forth the exact subjects, such as the Monroe doctrine, the admission of aliens, territorial integrity, alleged obligations of the States, and constitutional questions, in general terms, so that they may be excluded from any construction that may possibly be placed upon the treaties. I do not think this is necessary, and I shall vote for the treaties, even if such a clause is not included in the formal ratification. Of course if this clause is annexed it becomes a part of the treaty, as has been decided in the case of Doe *v.* Braden (16 How., 635), where it was held that—

"where one of the parties to a treaty, at the time of its ratification, annexes a written declaration explaining ambiguous language in the instrument or adding a new and distinct stipulation, and the treaty is afterwards ratified by the other party with the declaration attached to it, and the ratifications duly exchanged, such distinct stipulation or explanation being duly approved by the constitutional authorities of

each ratifying power, the declaration thus annexed is a part of the treaty as if it were inserted in the body of the instrument."

The next objection that is made in the majority report is that under article 3 the constitutional powers of the Senate are taken away *pro tanto* and are transferred to the commission. If this proposition of law is correct, that would be the end of our power to make the treaty, because the constitutional powers of the Senate can not be taken away and transferred to anybody. I am discussing this subject from a legal standpoint, and it does seem to me that it is utterly impossible to maintain the statement of the majority of the committee upon this point. In law there is not a particle of difference between the Senate submitting a controversy to arbitration or submitting it to arbitration upon the condition that it will be found by the arbitrators to be justiciable according to the principles of law and equity. The contention could not be maintained that the latter provision would be unconstitutional, and if this is not unconstitutional under an arbitration treaty we could unquestionably permit *an independent tribunal* to ascertain whether it is justiciable or not. In fact, I might go a little further and assert that if the Senate is divesting itself of its constitutional power in adopting this treaty, it has divested itself of its constitutional power in the adoption of every arbitration treaty that has ever taken place between this country and other countries. If we have a right to arbitrate any question of law or equity at all that is justiciable, it appears to me that by logical reasoning that is irresistible we have as much right to constitute a tribunal to decide whether the controversy is justiciable and put that in the treaty as we have the right to enter into any arbitration at all.

During the nineteenth century there have been over 40 international arbitrations to which the United States was a party. I believe that every one of them would fall under the ban pronounced by the majority of the committee against the constitutionality of these treaties. We are not delegating any constitutional power in this treaty. On the contrary, we are in the clear exercise of a constitutional power in making the treaty, and unless the treaty itself contains some provision which is unconstitutional, clearly we are within the limitation. *It is a part of the very treaties that we are making that a commission shall be established for the purpose therein indicated.* Therefore we are exercising the treaty-making power and not delegating or surrendering it. There is another answer to this contention of the majority which, in my judgment, settles the question. In this treaty we have provided the standard that must govern the commission in its rulings. The commission must find that the controversy is justiciable according to the principles of law or equity. When it finds that it is a justiciable question, it has simply determined upon a mixed question of law and fact under the limit and within the boundary that we have set forth in the treaties. This is not a delegation of the treaty-making power; if it is, then the decisions of the Supreme Court that hold when Congress provides that duties shall be imposed upon certain imports that the officers of the Government have the right to decide what importations come within the class must all be reversed, and the powers that the President and the Secretary of the Treasury have exercised under similar provisions, sustained by the Supreme Court, must all be set aside. Not only this, but the jurisdiction that the Interstate Commerce Commission is authorized to exercise goes by the board. It has been said that the Interstate Commerce Commission, in fixing rates for interstate transportation, is legislating and usurping the powers of Congress, but an answer to that, an answer that has now been accepted by the courts, is that Congress is legislating in determining that rates must be "reasonable and nondiscriminatory," and the Interstate Commerce Commission is not legislating, but is simply fixing and arranging the rates in accordance with the standard provided by Congress.

I am satisfied, therefore, that from any standpoint if this treaty should come before the Supreme Court it could never announce the principle that we are delegating a power committed to us by the Constitution without setting aside and reversing its own decisions.

Having now stated the principal reasons that influence me in giving my support to these treaties, I shall recapitulate the conclusions I have reached.

First. I believe that if the commission decides a controversy to be justiciable that its decision is binding.

Second. The phrase "law or equity" does not, in my judgment, empower the commission to decide any controverted question that may arise under the Monroe doctrine or the immigration laws, or any subject that may affect the integrity of our institutions or the Constitution of the United States, and so believing, I have not the slightest fear that the commission will ever assume such a jurisdiction.

Third. If the Senate should adopt these treaties there would be no delegation of the treaty-making power and there would be no deprivation of the rights or privileges of the Senate as defined by the Constitution.

Fourth. Satisfied as I am, therefore, that these treaties constitute a valid exercise of the treaty-making power, seeing not the slightest legal difficulty in the way of their adoption without amendment or elimination, and believing that if their interpretation was left to the Supreme Court that this tribunal would unquestionably hold that the treaties without any amendment or elimination whatever are in strict accordance with the requirements of the Constitution, I shall, with intense satisfaction, give them my zealous support, feeling, as I do, that they are supremely in the interest of civilization and humanity.

ISIDOR RAYNER.

MISSOURI RIVER BRIDGE.

Mr. MARTIN of Virginia, from the Committee on Commerce, to which was referred the bill (S. 4006) to amend an act entitled "An act to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri," approved July 3, 1884, reported it with amendments and submitted a report (No. 155) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. OLIVER:

A bill (S. 4176) granting an increase of pension to Nathaniel S. North (with accompanying papers); to the Committee on Pensions.

By Mr. BURNHAM:

A bill (S. 4177) granting an increase of pension to John Moulton; to the Committee on Pensions.

By Mr. LIPPITT:

A bill (S. 4178) for the relief of Henry C. Hart, administrator de bonis non of the estate of Henry C. Hart, last surviving partner of Clark, Hart & Co.; to the Committee on Claims.

By Mr. GUGGENHEIM:

A bill (S. 4179) to amend section 73 of chapter 5 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. CRAWFORD:

A bill (S. 4180) for the relief of Alessandro Comba (with accompanying paper); to the Committee on Claims.

By Mr. DIXON:

A bill (S. 4181) to increase the limit of cost of the public building at Billings, Mont.; to the Committee on Public Buildings and Grounds.

By Mr. McCUMBER:

A bill (S. 4182) granting an increase of pension to Benjamin Miller; and

A bill (S. 4183) granting an increase of pension to William Bowzer (with accompanying papers); to the Committee on Pensions.

By Mr. GRONNA:

A bill (S. 4184) granting an increase of pension to Ira L. Wescott (with accompanying paper); to the Committee on Pensions.

By Mr. BURTON:

A bill (S. 4185) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909; to the Committee on Finance.

A bill (S. 4186) for the relief of the estates of Milton T. Carey and others; to the Committee on Claims.

By Mr. ROOT:

A bill (S. 4187) granting an increase of pension to Mary Byrne (with accompanying paper); to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 4188) granting an increase of pension to William H. Steel; to the Committee on Pensions.

A bill (S. 4189) for the relief of the estate of Johanna S. Stoeckle; to the Committee on Claims.

By Mr. JOHNSON of Maine:

A bill (S. 4190) granting an increase of pension to William B. Goodwin (with accompanying papers); to the Committee on Pensions.

A bill (S. 4191) for the relief of Thomas C. Jones (with accompanying papers); to the Committee on Military Affairs.

By Mr. KERN:

A bill (S. 4192) granting an increase of pension to Andrew Armstrong (with accompanying papers);

A bill (S. 4193) granting an increase of pension to Andrew W. Stevens (with accompanying papers);

A bill (S. 4194) granting an increase of pension to Schuyler C. Pool (with accompanying papers);

A bill (S. 4195) granting an increase of pension to Irvin Dickison (with accompanying papers); and

A bill (S. 4196) granting an increase of pension to Thomas Burk (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 4197) for the purchase of a site and the erection thereon of a post office and public building at New Martinsville, Wetzel County, W. Va.; to the Committee on Public Buildings and Grounds.

A bill (S. 4198) for the relief of the heirs of James H. Hardesty; to the Committee on Claims.

A bill (S. 4199) granting an increase of pension to James B. Davis;

A bill (S. 4200) granting a pension to Lonnie J. Cottrill;

A bill (S. 4201) granting an increase of pension to Franklin A. Work;

A bill (S. 4202) granting an increase of pension to Jesse Leeson; and

A bill (S. 4203) granting an increase of pension to John Mallet; to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 4204) to provide for the final settlement with the Tillamook Tribe of Indians of Oregon for lands ceded by said Indians to the United States in a certain agreement between said parties dated August 7, 1851; and

A bill (S. 4205) to provide for the final settlement with the Clatsop Tribe of Indians of Oregon for lands ceded by said

Indians to the United States in a certain agreement between said parties dated August 5, 1851; to the Committee on Indian Affairs.

A bill (S. 4206) to authorize the issuance of final certificates and patents to desert entrymen in certain cases; to the Committee on Public Lands.

A bill (S. 4207) granting a pension to Jesse J. Lamkin (with accompanying paper); to the Committee on Pensions.

By Mr. WORKS:

A bill (S. 4208) for the relief of the estates of Edward Christie and Louis Feldman; to the Committee on Claims.

By Mr. LODGE:

A bill (S. 4209) granting an increase of pension to Ellen Brackett (with accompanying paper);

A bill (S. 4210) granting a pension to Michael J. Flannery (with accompanying papers); and

A bill (S. 4211) granting an increase of pension to Hubert O. Moore (with accompanying paper); to the Committee on Pensions.

By Mr. BAILEY (by request):

A bill (S. 4212) for the relief of the heirs of George S. Thebo; to the Committee on Indian Affairs.

By Mr. RAYNER:

(By request.) A bill (S. 4213) for the relief of the estate of Harriet B. Anderson and others; to the Committee on Claims.

(By request.) A bill (S. 4214) granting a pension to Fred D. Tillman; and

A bill (S. 4215) granting an increase of pension to Douglas H. Beall (with accompanying papers); to the Committee on Pensions.

By Mr. CRANE:

A bill (S. 4216) granting an increase of pension to Leander J. Beals;

A bill (S. 4217) granting an increase of pension to George C. Bucknam; and

A bill (S. 4218) granting a pension to John Duggan; to the Committee on Pensions.

A bill (S. 4219) for the relief of Thomas R. Blakeney and others, lately laborers and mechanics employed in and about the United States arsenal at Watertown, Mass.; to the Committee on Claims.

By Mr. WETMORE:

A bill (S. 4220) granting an increase of pension to Sarah J. Viall; to the Committee on Pensions.

By Mr. WILLIAMS:

A bill (S. 4221) granting an increase of pension to Jane C. Stingley; to the Committee on Pensions.

By Mr. DU PONT:

A joint resolution (S. J. Res. 65) authorizing the Dowsett Co. (Ltd.) and its sublessees to remove the buildings erected by them on the military reservation of Schofield Barracks, Territory of Hawaii, on the expiration of their leasehold interest therein; to the Committee on Military Affairs.

ARBITRATION TREATY WITH GREAT BRITAIN.

Mr. HITCHCOCK. Mr. President, on yesterday I gave notice that I would claim the attention of the Senate to-day for some remarks on the pending arbitration treaty proposed to be ratified between Great Britain and the United States. Throughout the country for some time there has been a growing agitation which has enlisted the interest of many of the good people of the United States, but an agitation, Mr. President, which has apparently been carried on without much of an effort to enlighten the people as to the facts in the case. The sole object seems to be to create, artificially if necessary, a public sentiment in support of ratification.

There has been a good deal of a disposition on the part of orators who have appeared before various public meetings, and on behalf of writers who have put forth their printed arguments, to arrogate to themselves a monopoly of the particular custody of the dove of peace, a disposition to assume that they, and only they, favor the idea of the peaceful settlement of international differences. The people have been led to believe that unless they aroused themselves to influence the Senate of the United States to ratify these treaties in the exact form that they come from the State Department and the President, without the dotting of an "i" or the crossing of a "t," we would probably be involved in hostilities with Great Britain. In other words, the orators and press bureaus supporting these treaties have presented to the people of the United States the alternative of this particular treaty or war.

Now, Mr. President, what is the truth of the matter? The fact is that the United States and Great Britain for the last 98 years have had no hostilities. For nearly a round century these two countries have settled their differences amicably by diplomatic exchanges or by arbitration, and during that time in both countries the sentiment in favor of peaceable settlement has been growing stronger and stronger, so that if a man might venture upon any prediction at all with reasonable certainty he might safely say that for the next hundred years, without any special arbitration treaty, these two countries will continue to settle their differences in the same peaceful manner.

But that is not all, Mr. President. I have found from experience that the average man who addresses his Senator in the interest of these treaties, either by petition or letter, is not aware that we already have with Great Britain a treaty providing for the arbitration of our differences, a treaty so broad that under its terms both countries have agreed that they will arbitrate all differences which may arise between them, excepting those involving national honor, vital interests, or third parties. I am personally disposed to think that this treaty, as it exists to-day and has existed for four years, is an ample provision for the future.

But it is proposed to make a stronger treaty, a still more binding promise between the two countries to settle their differences in the future by peaceful means. Is it proposed to make this promise unlimited? Not at all. No matter how altruistic or enthusiastic the advocates, I have heard none who proposes to do that, and the State Department, which has negotiated the treaty, does not propose to make an unlimited promise for the future. It still makes certain exceptions. Instead of reserving from arbitration those differences which involve national honor, vital interests, or third parties, the pending treaty proposes that we shall arbitrate all differences in the future that are justiciable, and the terms of the treaty enlighten us as to what is meant by justiciable. We are told that justiciable means those questions which may be settled by recognized principles of law or equity.

Mr. President, I am not able to say whether all countries have the same standard of law and equity, and I am not prepared to say whether there is an international standard of law and equity; but I am willing for one to take that definition as it stands, providing the treaty is made to stop at that point. But those who have negotiated this treaty do not stop here. The existing treaty stopped at that point and left it for the President and the Senate to decide, on behalf of the United States, what were vital interests, what is involved in the term national honor, and what was meant by third parties. The pending treaty, however, does not leave the decision of what is a justiciable difference to the President and the Senate. It creates a joint high commission and empowers this joint high commission of six members to decide what questions are justiciable and what are not justiciable. It provides that any five of the six members of that commission may decide the question. It authorizes three members appointed by the President to decide on the treaty's interpretations for the country, and that, to my mind, is the objectionable part of this treaty. That is the trap in the treaty. It is the open door to future troubles in the treaty.

We are told that it is perfectly constitutional for the Senate of the United States to ratify this treaty, and thus abdicate for the future its right to pass upon the application and rule on the interpretation of the treaty. Mr. President, it may be constitutional, but I do not think it is wise, because I believe it will involve us in future trouble. I do not believe it safe, because I believe it will embroil us in innumerable international difficulties in the future in the application of the treaty.

It certainly is not American. There is at the present time, and has always been, this radical difference between the treaty-making power of the monarchies of Europe and the treaty-making power of the United States: In the United States the President can not make a treaty and have it approved and executed by his Cabinet or appointees after the European fashion, but he is required, under the Constitution, to submit it to the Senate for its ratification. That is the American idea. It is the American idea that the representatives of the people shall have a voice in the ratification of a treaty, but if this proposed clause of section 3 becomes a part of this treaty that difference disappears as far as our relations with Great Britain are concerned. Hereafter the interpretation of that treaty and the application of it pass from the hands of the Senate into the control of a commission, whose American members are appointed by the President of the United States. They can interpret the treaty; they can widen the treaty; they can apply the treaty; and, appointed, as they are, by the President, they will express undoubtedly the President's views without any restraint from the Senate of the United States. So, instead of having an American plan, a democratic plan, to control our international relations by representatives of the people, we will have a monarchical plan, under which the President will practically be able to treat directly with responsible ministers of the British Government.

But, Mr. President, there is another objection to this particular clause of the treaty which creates this joint high commission. It will involve us in an entangling alliance with Great Britain.

I have a great admiration, Mr. President, for the British people, but I am not in favor of departing from the old American idea of isolation. I do not believe in an entangling alliance with any country, and I believe it is capable of demonstration that this treaty is regarded in England, at least, as the first step toward an English-American alliance.

Mr. RAYNER. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Maryland?

Mr. HITCHCOCK. Yes.

Mr. RAYNER. Will it place us in an entangling alliance with France?

Mr. HITCHCOCK. Well, Mr. President, I have purposely avoided the discussion of both of these treaties, for the reason that I feel that the initiative in this matter is in Great Britain; I feel that there would have been no treaty with France if it had not been preceded by a treaty with her close ally, Great Britain; and I am discussing only to-day the proposed treaty with Great Britain, because I have made more of a study of its effects, its dangers, and its inspiration.

Mr. President, I have made the statement that this is the first step in a possible entangling alliance of the United States in the policies of Great Britain. Possibly I have made that statement too strong; possibly I should merely allege what I can prove, which is, that in Great Britain it is regarded as the first step in such an entangling alliance. To prove my assertion, let me read from a speech by Sir Edward Grey in the House of Commons, delivered last March. The President of the United States has recently quoted Sir Edward Grey as an authority in expounding British sentiment and British ideas on this question, and I think I may, therefore, well be excused if I also quote from a speech of Sir Edward Grey, the British secretary of state for foreign affairs. Speaking on a proposition to reduce the English navy and giving the reasons why the Government could not consent to it, he drifted into a comment upon the relations between the United States and Great Britain. After quoting with approval some statements of President Taft, he came to a consideration of the proposed arbitration treaty between the United States and Great Britain. In the course of his remarks he used this language:

> But supposing it took place, and two of the greatest nations in the world were to make it clear to the whole world that by agreement such as that, that in no circumstances were they going to war again, I venture to say that the effect on the world at large of the example would be one which would be bound to have beneficial consequences. It is true that the two nations who did that might still be exposed to attack from a third nation who had not entered into such agreement. I think it would probably lead to their following it up by an agreement that they would join with each other in any case in which one only had a quarrel with a third power by which arbitration was refused.

Mr. President, that language is peculiarly significant. Coming at a time when the relations between Great Britain and Germany were strained—as, to some extent, they still are strained—coming from the secretary of state for foreign affairs of Great Britain, and having particular reference to the treaty with the United States, can we put any other interpretation upon that language than to say that, in the opinion of Sir Edward Grey, if the treaty were made between Great Britain and the United States, and Germany refused to enter into such a treaty of arbitration and had a quarrel with Great Britain, the next natural step would be for the United States and Great Britain to join each other against Germany? There is no other possible interpretation which can be placed upon the speech of Sir Edward Grey. It is in accord with a widespread desire in Great Britain for an alliance between the United States and Great Britain. That this desire is harbored also by many people in the United States may be true; but it is certainly not the American idea, and it is certainly not in accord with the traditions of this country. It is evident that this speech, so interpreted, affords ample ground for the belief that England, for her own purposes, desires this treaty as the basis for an alliance in the future with the United States. We certainly want no alliance with any country, and must avoid becoming so involved.

Mr. President, it is evident also that this treaty, instead of guarding against differences between this country and Great Britain, is likely to lead to controversy. We have already heard in this country enough dispute on the interpretation of the clause creating the Joint High Commission to indicate that it is involved in doubt.

The distinguished Senator from Mississippi [Mr. WILLIAMS] has recently published a small document, which he has distributed undoubtedly to all Members of the Senate, in which he argues that, while the joint high commission has the power in the first place to decide what questions are justiciable, yet the Senate can exercise a restraint over the joint high commission and can modify or nullify its act by refusing to give consent to the agreement which must be made for each specific case before it is submitted to arbitration. That of itself is an argument against the creation of the commission. It involves a doubt. It is likely to place the Senate of the United States in a position where it must either recognize the authority of the joint high commission and accept its interpretation, however obnoxious, or it must repudiate the decision of the joint high commission and leave us open to the charge of bad faith in entering into this treaty; in other words, the provision giving the joint high commission that power is either a danger, or, as the Senator from Mississippi would argue, it is a humbug. In either case it is likely to involve us in future controversies as to its interpretation.

Mr. President, anyone looking into the future, I believe, must admit that if this treaty, as it comes to us, is ratified by the Senate and goes into effect, Great Britain will have ten times the number of demands upon us for arbitration of questions in which she is interested as the proponent that we will have upon her. That is the natural course of events. Her interests are such, her policies are such, that she will be constantly seeking to restrain us and interfere with the American policies of this country. For that reason I think this country would be unwise to put itself, by an ironclad and practically unlimited treaty, in the position of promising to submit everything to arbitration that is justiciable, and then to leave the question of justiciability to a mixed commission, whose three American members are appointed by the President and responsible only to him. The interests of the country will be safer in the care of the Senate and its restraint on the President should be maintained as provided in the Constitution.

Mr. RAYNER. Mr. President, will the Senator allow me to interrupt him?

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Maryland?

Mr. HITCHCOCK. Yes, sir.

Mr. RAYNER. This treaty does not leave everything that is justiciable to the commission. That is not the language of the treaty.

Mr. HITCHCOCK. I think——

Mr. BORAH. Then, Mr. President, what is the exception?

Mr. RAYNER. The exception is found in the clause "in accordance with the principles of law or equity"—justiciable in accordance with the principles of law or equity.

Mr. BORAH. That is simply the definition of "justiciable" as put in the treaty.

Mr. RAYNER. Not at all. I disagree with the Senator from Idaho on that point.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska further yield?

Mr. HITCHCOCK. Yes, sir.

Mr. RAYNER. Just a moment, if the Senator will allow me. Let me conclude what I have to say. The language of the treaty is "in accordance with the principles of law or equity."

Mr. BORAH. No; susceptible of settlement in accordance with those principles.

Mr. RAYNER. No; the word "settlement" is not used there, as I think the Senator will see if he will look at the treaty. To say "everything that is susceptible of being treated according to the principles of law and equity" is one thing, and to say that "a thing is justiciable" is another. Things may be justiciable but take a broader range than controversies that must be decided according to the principles of law or equity. The phraseology, "in accordance with the principles of law or equity," is a limitation upon the word "justiciable," and does not enlarge it. I merely suggest that, if the Senator will permit me. That is one of the arguments I have made in my minority report, and I do not care to enlarge upon it.

Mr. BORAH. Has the Senator got the treaty before him?

Mr. HITCHCOCK. I have it here.

Mr. President, the question raised by the Senator from Maryland as to the interpretation of this particular clause gives added force to what I have said, that it is proposed here to adopt a treaty and to incorporate in it a new idea concerning which there must inevitably be differences of opinion. I will quote, however, in order to make my remarks understandable, the exact language of the treaty at this point.

Mr. RAYNER. Mr. President, before the Senator does that, let me say one word to get right down to the practical point. My proposition is that neither the Monroe doctrine, nor the immigration laws, nor territorial integrity, nor the indebtedness of States, for which the United States is in no way responsible under its Constitution, could come under any definition of equity that you could give. Those questions could not possibly arrange themselves under the definition of "law or equity." I thought I would take the liberty of stating that to the Senator, because that is my position in the minority report I have made to the Senate.

Mr. HITCHCOCK. I have no doubt that is the position taken by the Senator from Maryland, whose views are generally clear and decided, and I have no doubt also that other gentlemen, perhaps equally eminent in the law, might differ from him.

Mr. RAYNER. There is no doubt of that.

Mr. HITCHCOCK. I think that difference presents one of the reasons why the creation of this proposed irresponsible commission to decide these delicate and dubious points is a matter of bad policy for the United States. The safe plan is to leave their interpretation in the hands of the Senate, which represents the people of the United States, and not to intrust them to three unknown Americans, whom the President upon occasion might appoint. But to quote——

Mr. BORAH. Mr. President——

Mr. HITCHCOCK. I yield to the Senator from Idaho, if he desires.

Mr. BORAH. I wish to quote the exact language of the treaty, if the Senator is not going to do so.

Mr. HITCHCOCK. I had intended to do so, but I will be very glad to have the Senator from Idaho do it.

Mr. BORAH. Article 1 reads:

> All differences hereafter arising between the high contracting parties, which it has not been possible to adjust by diplomacy, relating to international matters in which the high contracting parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity.

The application of legal or equitable principles is the simple definition put in there of the word "justiciable."

Mr. HITCHCOCK. I thank the Senator from Idaho for interjecting at this point the exact language of the treaty, which, I think, I gave in substance before.

But to resume; I think if we look over the history of the United States in recent years we will conclude that we are in more danger from the diplomats of Great Britain than we are from her *Dreadnoughts*, and I object to any treaty which is likely further to complicate the relations between the countries and which is likely to open the door to further diplomatic concessions of an international nature.

We are now at work upon the great enterprise of constructing the Panama Canal. What was the great obstacle that we met in undertaking that enterprise? It was not of a physical character. Neither mountains nor rivers nor any other physical obstacles were our greatest obstacle. The great obstacle we encountered in that enterprise was the Clayton-Bulwer treaty of 1850, in which the United States had become entangled with Great Britain by concessions which should never have been made and which remained for years to plague us as an obstacle to that great work.

Even in the Hay-Pauncefote treaty, which succeeded the Clayton-Bulwer treaty, and which was a great advance and a great improvement over it, we still find obstacles and difficulties of the present day, which may well serve to warn us that British diplomacy has dangers which we may well avoid.

We think we have a right to fix the tolls upon the vessels that go through the Panama Canal. Yet the reading of that treaty may well raise serious doubts on this side of the ocean, while upon the other side of the ocean to-day we know claims are made that we have not the right to fix those tolls so as to give a preference to our own vessels. We think we have a right to fortify the Panama Canal, and the only restraint or limitation upon it is to be found in the terms of the Hay-Pauncefote treaty, and found in still stronger language in the treaty which it superseded, made in 1850. Many serious questions involved in the future of the Panama Canal are bound to confront our country, and they will be presented to this country by Great Britain. Are we, under these circumstances, proposing to submit the interpretation of the treaty to three Americans, nominated by the President, and associated with three British commissioners, rather than to have it remain where it has remained for all time—in the Senate of the United States—and where the Constitution intended it should remain?

Mr. President, I have already consumed more time than I had intended. I desire to say, in conclusion, that I am in favor of arbitration. I am in favor of the peaceful settlement of disputes. I am in favor of the pending treaty, providing the last portion of Article III, which empowers the high joint commission to supersede the Senate of the United States in the interpretation of treaties, is stricken out; and I also favor some declaration in the resolution of ratification that we except specifically from future arbitration such questions as involve our permanent national policies or such questions as relate purely to matters of American Government.

ADJOURNMENT TO MONDAY.

Mr. GALLINGER. Mr. President, I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

PROPOSED LEGISLATIVE PROGRAM.

Mr. NEWLANDS. I ask unanimous consent that Senate resolution 159, providing a legislative program during the present session, be taken up and be made the unfinished business.

Mr. GALLINGER. Mr. President, I must object to the request.

The VICE PRESIDENT. Objection is made.

Mr. NEWLANDS. I should like to ask the Senator from New Hampshire whether I can shape this resolution in such a way as to secure his consent to its consideration?

My purpose in introducing this resolution was to have the Senate declare its mind at the opening of the session as to what it regards as the important matters for consideration by committees and for report to the Senate, with a view to putting our legislative business in definite form and of securing sequence and logical action in our work.

This resolution covers 13 subjects of legislation——

Mr. GALLINGER. A bad num. We

Mr. NEWLANDS. I will add a fourteenth, if it will suit the Senator from New Hampshire—any one he would suggest.

Mr. GALLINGER. I would suggest the indefinite postponement of the resolution.

Mr. NEWLANDS. I hope the Senator from New Hampshire will modify his view regarding this after I shall have concluded my remarks. I hope yet to be able to persuade the Senator from New Hamphsire that it is the duty of the Senate to map out, as any other intelligent body would, some definite line of action in its legislative business, and not submit, as heretofore, either to the control of a self-constituted oligarchy in the Senate or to yield to chance and accident.

I assume that every well-organized body desires to have a definite course of procedure, and I suggest to the Senator that under the new light which has come upon the Senate and Congress generally and under which we have dispensed with the czar-like power of the Speaker, with the tyranny of committees, and with the authority of oligarchies, it is well for the Senate, as a self-governing body, to take intelligent forethought regarding its legislation and to map out a definite line of procedure.

I assume that the Senate is desirous of meeting the demands of public opinion as expressed in the platforms of the two parties and as expressed in the various ways in which the public let their representatives know what they desire; and in this resolution I have endeavored to cover what the people want, what the people have demanded for years, and what Congress has thus far refused to concede to them.

I assume that the Senator from New Hampshire is as anxious as any of us to follow an intelligent public opinion. I assume that he regards the people themselves as the source of all power; that we are here as their representatives; that we are here to do their will; and I assume that the Senator understands as well as I do that the very reason why the people are losing confidence in representative government and are desirous now of taking back to themselves the powers of sovereignity which they have hitherto exercised through their representatives is that in practice representative government has broken down and because the representatives of the people have failed to carry out the will of the people.

Mr. BAILEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Texas?

Mr. NEWLANDS. I yield to the Senator from Texas.

Mr. BAILEY. I do not quite reconcile this last statement with the statement which the Senator made a moment ago, when he said that the House had stripped the Speaker of his extraordinary power; that we had banished the oligarchy from the Senate and Congress had become a self-governing body.

Mr. NEWLANDS. I spoke of representative government in municipalities; I spoke of representative government in the States; I spoke of representative government in the Nation itself; and I insisted, and I do insist, that the history of the last 20 years proves that representative government has not

been responsive to the will of the people and that the confidence of the people in it has been sadly impaired.

That, however, is not inconsistent with the statement which I have just made—that the attempt has been made to establish representative government in the Congress itself; that we have made signal progress in that direction by depriving the Speaker of the House of Representatives of the great power which he has enjoyed hitherto; that we have made an advanced step in representative government in the Senate by depriving the committees of the tyrannical control which they have hitherto sought to exercise over legislation, regardless of the wishes of the Senate, and have taken away from irresponsible oligarchies the powers which they have usurped; and I now ask, as a step further in the direction of self-government by the Senate, that it should, like any other intelligent deliberative body, at the very commencement of its sessions map out its course of action and its line of business——

Mr. GALLINGER. Mr. President——

Mr. NEWLANDS. That it should instruct its committees what measures they should consider and report upon, with a view to orderly and responsible action.

Mr. BAILEY and Mr. GALLINGER addressed the Chair.

The VICE PRESIDENT. Does the Senator from Nevada yield, and to whom?

Mr. NEWLANDS. I yield first to the Senator from Texas, because I think he had the floor first.

Mr. BAILEY. Mr. President, I do not think the Senator's statement that this has not been a representative government during the last 20 years ought to pass unchallenged. I venture to assert that in no 20 years of the history of this Republic have the people so directly chosen their representatives, nor have the representatives so immediately responded to the will of the people as in the last 20 years. I have no fear that representatives will not respond to the will of their people, but my fear is very great that they are apt to respond to the emotions of the people. So far has this talk about the will of the people proceeded that even the Senator from Nevada can banter the Senator from New Hampshire to say whether or not he will represent the people, and the Senator from New Hampshire sits mute. There was a time when a Senator from New Hampshire would have answered that he would represent the people according to his own judgment and his own conscience.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield, and to whom?

Mr. GALLINGER. The Senator from Texas does me an injustice, and he is not in the habit of doing that.

Mr. BAILEY. And I never want to do it.

Mr. GALLINGER. No. I did not intend to sit mute after the outburst of oratory on the part of the Senator from Nevada had reached a point where I could properly challenge him. I propose at the proper time to challenge every suggestion he has made.

Mr. BAILEY. Then I will retire and leave this debate between the Senator from Nevada and the Senator from New Hampshire. I interpose only long enough to protest against the assertion that representative government is breaking down in this country. If there is a lack of confidence in representative government, it is due to the fact that demagogues continually slander the integrity and impeach the fidelity of the people's representatives.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield?

Mr. NEWLANDS. I am very glad to listen to any interruption of the Senator from Texas. He always speaks instructively and entertainingly, and I do not object to these interruptions at all. I hope, however, that he will use the language of courtesy, as I always endeavor to do——

Mr. BAILEY. Before the Senator completes that sentence, I want to say that I did not intend to allude to him as a demagogue. If I were willing to make that kind of an allusion to a Senator, I would not abuse his own courtesy to do it. I would take the floor at another time and in my own right; and whatever there may be of differences of opinion between the Senator from Nevada and myself, I acquit him always of being a demagogue; and certainly it is not his habit to slander the representatives of the people.

Mr. NEWLANDS. Mr. President, I am sorry that the Senator from Texas has announced his disposition to withdraw from the Chamber and leave the floor to the Senator from New Hampshire.

Mr. BAILEY. Not from the Chamber, but from the debate.

Mr. NEWLANDS. Ah, from the debate. Then I am glad that I shall have the Senator from Texas as an auditor. I was about to respond to his challenge as to whether or not representative government had broken down in the Senate or as to whether it had failed to meet the just expectations of the people. I understood the Senator to challenge me upon that line, and to insist that during the last 20 years Congress and the Senate had responded in every instance to a sound public opinion.

Mr. BAILEY. Mr. President——

Mr. NEWLANDS. Now let me——

Mr. BAILEY. The Senator does not want, of course, to misquote me. I did not say in every instance, but I said there had been no other 20 years in the history of this Republic when the people so directly chose their representatives or when their representatives so immediately responded to the people's will.

Mr. NEWLANDS. Mr. President, I may be compelled to admit that I have not been as close a student of the legislative and parliamentary history of the country as the Senator from Texas, and I am not disposed to follow him in this question of comparison. I am content with viewing the last 20 years and ascertaining in what particulars the action of Congress failed to respond to public opinion, and also to give the history as to how it finally responded to public opinion under the pressure of a virile President.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Will the Senator from Nevada yield to the Senator from New Hampshire?

Mr. NEWLANDS. I will.

Mr. GALLINGER. I rose a moment ago to ask the Senator from Nevada a question. The Senator knows that I endeavor always to be courteous when I am debating any question with him, because he is himself as courteous a man as I ever encountered in debate. The Senator said that we ought to be wise enough—if these are not his exact words, sensible enough, perhaps—to adopt a program of legislation, as other legislative bodies have done.

Does the Senator know when, in the history of this Government, any State legislature at the beginning of a session or the Congress adopted a legislative program that was to be followed? Did they ever do it in Nevada? Have they ever done it in any State of the American Union? Is not the Senator's proposition an entirely novel one, and are we bound because of that fact to think it is a wise one?

I have another question to ask a little later on, but I pause for a reply.

Mr. NEWLANDS. Mr. President, when I referred to deliberative bodies I did not necessarily mean legislative bodies or include only legislative bodies. I admit that, so far as this country is concerned, it has not been the custom in legislative bodies to map out in advance a line of action, and that, in my judgment, is one of the fatal defects of our system. In other countries, where a responsible ministry exists, that ministry shapes the bills that are to be submitted to the body for its action.

Mr. GALLINGER. That must be one of the oligarchies the Senator is complaining about.

Mr. NEWLANDS. Yes; but it is a responsible ministry, not a self-constituted organization. So responsible is it that if in important matters it fails of the support of the legislative body a call for an election is immediately made, with a view of ascertaining the expression of the electorate as to whether the ministry shall be sustained or the vote of the legislative body sustained. Thus, even in monarchial forms of government, where a responsible ministry exists, a higher degree of responsibility to public opinion is exacted than is exacted in this country.

Mr. GALLINGER. Now, Mr. President——

Mr. NEWLANDS. Under our form of government we have no such responsible ministry, and therefore we have substituted for it the leadership of irresponsible men, men not charged by the Constitution or the organization of the legislative body to which they belong with such responsibility; and the result is that legislative bodies—municipal, State, and national—have fallen gradually under the control either of a single man or of cliques or oligarchies. There has been an effort to restore self-government in these legislative bodies, to take them out of the control of a single man, to take them out of the control of a self-constituted oligarchy, to substitute the action of the legislative body for the will of a man or of a clique or a set of men; and it is in the logical evolution of this principle of self-government, now reasserting itself in legislative bodies, that I insist upon it that one step in the line of that self-government is to map out clearly and distinctly at the commencement of a session what measures Congress intends to take up and to consider through its committees and to consider in debate.

Mr. GALLINGER. Mr. President——

Mr. NEWLANDS. When I speak of deliberative bodies, I do not mean simply that all deliberative bodies necessarily map out lines of action, and it has been left only to the Senate of the United States and the House of Representatives to fail to follow out this logical course of procedure.

Now, I was about to call attention, and if the Senator will permit me, I will proceed in that line——

Mr. GALLINGER. If the Senator had——

Mr. NEWLANDS. To matters in which Congress has been derelict.

Mr. GALLINGER. The Senator has the floor, but I should like, if he will permit me——

Mr. NEWLANDS. Let me go on——

Mr. GALLINGER. One minute or two and then——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from New Hampshire?

Mr. NEWLANDS. Not at present. I wish to go on with my answer to the Senator from Texas, and then I will be glad to yield to the Senator from New Hampshire.

Mr. GALLINGER. I will wait the pleasure of the Senator from Nevada.

Mr. NEWLANDS. I was about to point out matters in which Congress has failed to respond to public opinion. Take the matter of interstate commerce. The interstate-commerce act was passed over 20 years ago. A commission was organized with powers of recommendation to Congress. Look over the reports of that commission and see how many times it recommended to Congress that it should be vested with the rate-making power. For years it knocked at the door of Congress and asked for this additional power.

Will the Senator deny that the public judgment of the United States was in favor of giving that commission the right to exercise that power? Yet administration after administration passed, both Democratic and Republican, without that power being granted. It was finally granted simply because of the forceful demands of President Roosevelt, backed by a public opinion which was overwhelming.

Then how was it with reference to the physical valuation of railways? The Supreme Court of the United States had declared that the Interstate Commerce Commission in fixing rates must have regard to certain factors, among them the actual value of the railroads themselves. The Interstate Commerce Commission has asked Congress again and again to grant it the power and the funds to make that valuation. It is perfectly clear that that board ought to be vested with that power, and yet it has not been granted.

So in all these cases the railroads are permitted to put in their evidences of value through skilled engineers, and the Government is unable to meet the evidence which they present, so much so that in one case to which the Interstate Commerce Commission calls attention, within a period of two years one railway increased its valuation over $100,000,000.

Then, how was it with reference to the great question of waterway transportation? The people of this country for years have been demanding that our waterways should be developed, that the waterway should be made as perfect a machine for transportation as the railway itself, with terminal facilities, with transfer facilities, with enforced cooperation of the railways, and that the waterways should be protected from the oppressive practices of the railways, which lower their rates during the summer months, during the period of competition, to the point of destruction, and then raise them during the period of monopoly.

The entire country is moved upon this question. Waterway associations have been organized all over the land, on the Pacific coast, on the Gulf coast, and on the Atlantic coast. There is not a navigable river in the country that has not a waterway association organized. They all declare for a policy and not for a project, for a great and comprehensive system under which the various services of the country that relate to water should be brought into cooperation by the organization of some kind of a board or a commission, and under which cooperation could be secured between the Nation and the States, each exercising its jurisdiction and each doing its work under common plans for the common benefit.

The resolutions of these various waterway associations have so impressed public opinion that their policies have been declared in the platforms of the two great parties. Three years ago both parties declared themselves upon this subject, the Republican Party declaring itself for the policy declared by the administration. What was that policy? It was the policy set forth by Mr. Roosevelt through repeated messages to Congress, through the organization of an Inland Waterways Commission, appointed by him to aid him in his constitutional power of recommending measures to Congress; through his recommendation of their report to the favorable consideration of Congress; through bills that were presented in Congress, backed by that commission, and with a favorable report of Mr. Taft, the then Secretary of War.

What did the Democratic Party declare upon this subject? It declared itself in express terms, not as the Republican Party did by a reference to Mr. Roosevelt's policy, but in express terms in favor of full and comprehensive plans for waterway development, involving cooperation of the various scientific services of the Government in the formation of comprehensive plans for the development of our rivers for every useful purpose, including, in addition to navigation, the reclamation of arid lands above and swamp lands below and the intermediate development of water power, and involving the cooperation of the States and the Nation in such works, each within its jurisdiction, with a proper apportionment of cost and benefits. Nothing could have been more clear and explicit than the declaration of the Democratic Party fully meeting all the requirements of the agitation upon this subject.

And yet three years have passed by and we still have a system with reference to our rivers that simply tends to individual projects, without regard to making these great waterways as efficient for transportation as the railways themselves. Five sessions have passed since that declaration was made in the platform of both parties, and yet Congress has not acted. Are we to go now before the next convention and repeat the pledges we made four years ago, or shall we go before the country at the next convention with the policy for which we declared four years ago written upon the statute books of the country?

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from New Hampshire?

Mr. NEWLANDS. I do.

Mr. GALLINGER. The Senator loses sight of the fact that Congress, responding to this demand, which he says was so universal, appointed a National Waterways Commission composed of Members of this body and of the House of Representatives, which commission has been making a very exhaustive investigation of this very subject, and from which a final report will soon be presented to Congress, a preliminary report having already been made. So Congress has not been indifferent to this important subject.

Mr. NEWLANDS. It appointed a National Waterways Commission consisting of Members of the House and of the Senate, unaided by experts of any kind except as they might call them in to give their testimony.

Mr. GALLINGER. That commission has had ample funds to prosecute its inquiries and has employed experts both in this country and in Europe.

Mr. NEWLANDS. That is true. The commission has had ample funds and has taken ample time; and that is one of the means of postponing the determination of this great question. There was no need for the organization of such a commission except as a means of postponing action, and I charge that was the purpose of the organization of that commission.

The President of the United States had organized a commission under the power of recommendation to Congress. He organized a commission consisting of the chiefs of the scientific service of the country—the Chief of the Reclamation Service, the Chief of the Engineer Corps of the Army, the Chief of the Forestry Service, and other distinguished chiefs of the scientific service—together with two Senators and two Representatives, to thoroughly inquire into this question and to report to him. They did so in a comprehensive report which outlined immediate action upon this subject; a report which was approved by President Roosevelt, and which was approved by the then Secretary of War, Mr. Taft, through a report upon a bill which I had the honor to introduce. Yet, notwithstanding that fact, that bill could hardly get consideration in the Committee on Commerce, and finally when a small and feeble bill was gotten out providing for a waterway commission, that bill was sandbagged in the Senate of the United States by two prominent Republican Senators and two prominent Democratic Senators, who sat on watch here day after day in the closing days of the session to prevent its consideration.

Every principle contained in the report of the Inland Waterways Commission was approved and confirmed by the Republican platform of three years ago and was in detail confirmed and approved by the Democratic platform; and yet the bill intended to improve the water-transportation facilities of the country by developing the waterways as supplements to the railroads in the carriage of traffic has rested for three years comparatively without action. It is true that there has been action in other directions. There has been action in individual projects here and there as the result of the individual solicita-

tion of Members of the other House and of Members of the Senate, but there has been no declaration of a broad and national policy; there has been little done to make these rivers complete machines for transportation. The railroads of this country do not object to our appropriations regarding these rivers so long as we make them ineffective. They are willing that the dear people should be pleased by annual appropriations aggregating twenty or twenty-five million dollars, provided those appropriations are put in holes here or holes there or are used to protect the banks of a river here and a river there. All that they are opposed to is making these waterways efficient machines for transportation, and Congress has either consciously or unconsciously—I believe unconsciously—aided them in this direction. I claim that the organization of the Inland National Waterway Commission was absolutely unnecessary. Every bit of the ground had been covered by the report of the Inland Waterways Commission and every recommendation in that report had been indorsed practically by a Republican convention and by a Democratic convention, and it was a waste of time to start another commission to work examining the rivers of this country and examining the rivers abroad, when the country practically had determined upon this policy through the solemn action of its political parties.

Mr. BURTON. Mr. President, will the Senator from Nevada yield to a question?

Mr. NEWLANDS. Certainly.

Mr. BURTON. Is not the Senator aware that there has been a decadence of water-borne traffic on most of our inland rivers?

Mr. NEWLANDS. A decadence?

Mr. BURTON. Yes.

Mr. NEWLANDS. I have no doubt of it; and there will be more if the present policy is continued.

Mr. BURTON. Is not the Senator also aware that in some cases those appropriations were very helpful, while in others they were not?

Mr. NEWLANDS. I did not understand the Senator's question. Will the Senator repeat the question?

Mr. BURTON. Is not the Senator aware that there is a very wide difference, that in some cases these appropriations were beneficial, while in other cases they seemed to confer no benefit?

Mr. NEWLANDS. All I know is that so far as the rivers are concerned the rivers themselves have not as yet been made efficient machines for transportation. I do not deny that work has been done here and there that might eventually be beneficial in making those rivers complete machines, but I do complain that no plans have been made that involve making a river as complete a machine for transportation as a railway itself, the railway having sidetracks, stations, transfer facilities, and everything of that kind, while we content ourselves with an improvement here and an improvement there in a river, without regard to making it a perfect machine for transportation, with terminal facilities, with a cooperative system with the railroads in such a way as to make it efficient for transporting the bulky and cheap traffic of the country.

Mr. BURTON. The Senator, if he will allow me, is quite in error in making that statement. On some of our rivers there are very efficient agencies for the carrying of traffic, and on some of them a very large traffic is carried, while on others, where there are equally efficient agencies, there is not.

I should like to ask the Senator if he has ever read the preliminary report of the National Waterways Commission?

Mr. NEWLANDS. I have.

Mr. BURTON. Well, does not the Senator recognize that the information contained therein as to the reasons for the decline of water-borne traffic are very valuable and have solved a problem that was very much in the fog before that?

Mr. NEWLANDS. Mr. President, I do not undervalue the report of the National Waterways Commission; I do not undervalue any contribution which the Senator from Ohio makes to the knowledge and information of the country; all that I do say is that the essential principles of river development were laid down by the Inland Waterways Commission, principles which received the approval of the Senator from Ohio himself as the chairman of that commission, principles which were ratified by the Democratic and the Republican conventions held three years ago, and that Congress has not yet responded to public opinion or to the pledges of the great parties by mapping out a great and comprehensive scheme of inland waterway development such as is contemplated by the report of the Inland Waterways Commission. I further believe that the organization of the National Waterways Commission simply delayed the consummation of the purpose that we hoped to accomplish through the Inland Waterways Commission, and as the result of the action of the parties of the country. I am not undervaluing the work that has been done by that commission or the information that it has given to the country, but I am referring to one of these things as a matter in which Congress has failed to be responsive to public opinion, and I call attention to the fact that we have had five sessions of Congress since that solemn pledge was given by the two parties, and that as yet substantially no action has been taken upon that line.

Mr. BURTON. If the Senator will allow me, I have the greatest respect for the declaration of parties in their national platforms, but to carry out the recommendations or the declarations made in those platforms would merely have led to an unsystematic and wasteful expenditure of public money. The aim of the Waterways Commission was to organize plans, to suggest that improvements be made where they were desirable, and to eliminate them where they were undesirable. So far from the intention being to postpone any action, it was merely to prevent injudicious action, to prevent action that would be, I may say without exaggeration, entirely foolish and without any benefit.

Mr. NEWLANDS. The effect of the appointment of the National Waterways Commission was to substitute a political commission, consisting of Members of the other House and Members of the Senate, for the commission of experts called for by the report of the Inland Waterways Commission and called for by the Democratic and Republican platforms. That is what I complain of. So long as we leave this great constructive question in the hands of politicians instead of experts, and delay putting it, as it should be, in the hands of experts, and putting it, as our party platforms demanded, in the hands of experts, we shall have an inefficient system.

Mr. President, turning from this feature for one moment, I call the attention of the Senator from Texas [Mr. BAILEY] to another matter in which Congress has failed to meet the demands of public opinion. Is there any question at all but that the people of the United States want the present tariff reduced? Is there any question at all but that, if submitted to a popular vote to-morrow, 90 per cent of the people of the United States would declare in favor of a reduction of the tariff?

Mr. BORAH. Mr. President——

Mr. NEWLANDS. What has Congress done upon the matter?

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Idaho?

Mr. NEWLANDS. Certainly.

Mr. BORAH. If the general proposition were submitted as to their being in favor of a reduction of the tariff, undoubtedly the general proposition would carry by a very large vote, but if particular schedules were submitted to the respective States which were interested, what does the Senator think the effect would be?

Mr. NEWLANDS. Well, I can not tell if that question were submitted in a very complex way, but if you were to submit the question to the people of the United States as to whether the tariff duties in this country should be reduced 25 per cent, or even a greater percentage, there would be an enormous majority in favor of that proposition.

Mr. GALLINGER. Mr. President——

Mr. NEWLANDS. If you should submit the question as to whether the duties should be reduced by a gradual process 50 per cent, I believe there would be a majority in favor of that.

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from New Hampshire?

Mr. NEWLANDS. Certainly.

Mr. GALLINGER. Mr. President, I challenge both of those propositions. I do not believe the American people are foolish enough, or ever will be foolish enough, to vote for a horizontal reduction in the import duties of this country.

Mr. BAILEY. Why not?

Mr. GALLINGER. The Senator himself, when he stops to think it over, will see that that would not be a philosophical or a sensible way of dealing with the tariff question.

Mr. BAILEY. Mr. President, would the Senator from Nevada permit me to ask him a question?

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Texas?

Mr. NEWLANDS. Certainly.

Mr. BAILEY. Mr. President, if the present tariff is properly and fairly adjusted, then the only proper and fair way to reduce it is by horizontal reduction. When the Senator from New Hampshire [Mr. GALLINGER] says that that would be a foolish proceeding, he indicts the existing tariff law.

Mr. GALLINGER. Oh, no; not at all.

Mr. NEWLANDS. Mr. President, I must claim the floor. I should not like to be diverted into a tariff discussion.

The VICE PRESIDENT. Does the Senator prefer to yield no further?

Mr. NEWLANDS. I prefer to yield no further.

The VICE PRESIDENT. The Senator from Nevada prefers not to further yield.

Mr. BORAH. Mr. President——

Mr. NEWLANDS. But I see the Senator from Texas [Mr. BAILEY] is on the floor, and I would not be able now to yield to the Senator from Idaho [Mr. BORAH].

Mr. BAILEY. I should like to have heard what the Senator from Idaho [Mr. BORAH] wanted to say.

Mr. NEWLANDS. But the Senator from Idaho looks very belligerent just now, and I do not want to arouse him on this question.

I will agree that upon questions of schedules, upon questions of proportions, there might be a difference of opinion, and a great difference of opinion, amongst the people of the United States; but the almost unanimous opinion of the people of the United States is that the tariff should be reduced. Has it been reduced? Why has it not been reduced? And are we to prevent its reduction forever by juggling regarding schedules and confusing the people upon this question? Is there not a common-sense solution of this entire question possible now? One of the very reasons why I introduced this program of legislation was because I had seen it announced upon every side by men in public life, by the newspapers, by the magazines, that this Congress will do nothing but politics, and as a Member of this Congress, jealous of its dignity and of its honor, I protest against any action upon our part that would create a suspicion that we will carry out that declaration.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield further?

Mr. NEWLANDS. Certainly; I yield to the Senator from New Hampshire.

Mr. GALLINGER. What does the Senator think a certain other body will have to say if we undertake to deal with the question of the tariff when the constitutional duty is lodged in that other body to inaugurate such legislation? Does the Senator think that we ought to go to work to reduce the tariff in the Senate? Does he think we can do it constitutionally or that it would be a wise thing to attempt? I think we should be called to account very quickly and very potentially if we undertook to do that.

Mr. NEWLANDS. Mr. President, of course the Senate has no power to originate a tariff bill, but the Senate has a right to express its opinion as to whether there should be tariff legislation at this session; and that opinion, swelling the public opinion of the country, will have probably an effect upon the legislative opinion of the House of Representatives itself. I protest against the spirit that prevails in both parties in the House—I do not say with the majority of both, but the spirit which exists—that this session is to be a session at which nothing will be done, in which simply the issues will be framed for the next election. So far as the Democratic Party is concerned, which is now in power in the other House, I call its attention to the fact that the best way of securing the support of the people of this country is not to make promises in the platform of 1912, but to redeem the promises of the platform of 1908, and there are many of them upon which no action has been taken or considered as yet. The best way of securing the confidence of the country is through action, not through non-action.

What is the situation regarding the tariff? There was a demand by both parties in the platforms of three years ago that the tariff should be reduced. The Payne-Aldrich bill was passed. It was universally regarded by the country, by the press, and by the periodicals as a sham revision of the tariff; and because it was a sham, the Democratic Party came into power overwhelmingly in the House of Representatives and increased its membership in this body, so that now it nearly has or is approaching a majority; and, with the aid of the insurgent or progressive Republicans, it controls this body, or rather the insurgent Republicans, having the balance of power, virtually control the action of this body. We have, therefore, the Democratic Party in the House committed to a reduction; we have the majority in the Senate in favor of a substantial reduction, and the President of the United States——

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from New Hampshire?

Mr. NEWLANDS. Certainly.

Mr. GALLINGER. Does the Senator assert that the Republican platform pronounced in favor of a reduction of the tariff?

Mr. NEWLANDS. It pronounced in favor of a revision, which was understood to be a reduction.

Mr. GALLINGER. Yes; a revision.

Mr. NEWLANDS. It was certainly not understood by the people to be a revision upward, but was understood to be a revision downward.

Mr. GALLINGER. Nor did the Payne-Aldrich bill revise it upward, but downward.

Mr. NEWLANDS. I will not discuss the Payne-Aldrich bill. The judgment of the country has been had upon that, and it has been regarded as a sham.

Mr. GALLINGER. The judgment of the country has been had upon misrepresentations made to the people of the country regarding it.

Mr. NEWLANDS. The judgment of the people is fixed, whatever may be the form of representation that was made to them.

Now, Mr. President, after the Democratic Party came into power in the House of Representatives they passed bills changing the wool, the cotton, the steel, and the chemical schedules and enlarging the free list. Those bills came here and they were revised and remodeled by the action of the progressive Republicans.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Iowa?

Mr. NEWLANDS. Certainly.

Mr. CUMMINS. I rise to correct a statement just made by the Senator from Nevada. As I remember, the House of Representatives did not pass a revision of the steel schedule or of the chemical schedule.

Mr. NEWLANDS. No; the Senator is right.

Mr. CUMMINS. While I am on my feet, inasmuch as he has referred to a certain element of the Republican Party or the party on this side of the Chamber, I want to ask the Senator from Nevada a question in the form of a brief statement. I feel great sympathy with the object which the Senator from Nevada seeks to accomplish. I desire to make a suggestion to him, however, as to the best way to accomplish it.

The Senate can not act on any measure or any bill unless it be introduced into this body by a Member, be reported to this body by a committee, or be passed by the House of Representatives and sent to this body for action. Would it not be more practicable, would it not reach the result more speedily, if the Senator from Nevada would submit a motion requiring the appropriate committee of the Senate having in hand the particular measure upon which action is desired to report within a specified time its recommendation with respect to any measure?

I am very much afraid that if the Senate were to adopt the resolution which has been proposed by the Senator from Nevada it would be only keeping the promise to the ear and breaking it to the hope. We would not have advanced very far toward actual legislation. But if the Senator from Nevada would select one or more of those subjects and embody them in separate motions, I am sure he could secure a vote of the Senate upon such motions, and in that way he would very speedily get before the Senate for its action such measures as the majority of this body believe ought to receive its consideration.

I make this suggestion because I have a real hope that this session may not be as fruitless as it has been suggested it would be. I have not only a hope, but I have a good deal of confidence that this session will deal with several very important matters of legislation, and I submit to the Senator from Nevada that he will get to the real thing more quickly if he will approach it from the angle or standpoint which I have just named.

Mr. NEWLANDS. I am very ready to receive the suggestions of any Senator who is in favor of decisive action upon important matters upon which public opinion has been made up, and if we can only get the consideration of this resolution and if we can only have it made the unfinished business, I suggest that at that time——

Mr. CUMMINS. I want just a moment more.

Mr. NEWLANDS. We may make such amendments——

Mr. CUMMINS. Just a moment more. Does not the Senator see that in pressing a program embracing 18 very important subjects he accumulates against his resolution all the possible objections that can be urged to all those things?

Mr. NEWLANDS. I should be very glad to bring them out before the public in this debate and know just where the difficulty lies. We want a little reconnoitering in this great movement to accomplish what the people want in legislation, and we would like to know why it is that legislation which the people have demanded through their great parties does not pass. I think a preliminary debate of this kind will be of great service in ascertaining the position of Senators regarding these various matters. I have no doubt the result will be that we

will finally conclude upon several important matters of legislation and declare our decision regarding them.

I do not think the time taken at the commencement of the session in discussion of these important questions is fruitless of results, and I shall be very glad if I can get consideration of this resolution and have it made the unfinished business at a time certainly when public business is not thrusting itself upon this body, and thus we will gradually approach the solution of the important question as to how to dispose of the public business in an orderly way and how to create a legislative opinion that will supplement public opinion as to the measures that should be passed.

But I was replying to the challenge of the Senator from Texas as to what matters have thus far escaped legislation concerning which public opinion was made up, and I was addressing myself to the tariff question as one upon which public opinion is made up. I had got to the point where a Democratic House of Representatives had been elected; where they had passed bills amending the cotton and the wool schedules and had sent them to the Senate, where they were enlarged by the aid of the Progressive element in the Republican Party, so as to modify the House bills in some respects and enlarged their scope in others, extending the action of both Houses finally to four schedules—the cotton, the wool, the steel, and the chemical schedules, in addition to an enlargement of the free list.

Those measures were vetoed by the President, and the extra session, which held us here over four months, was almost fruitless of results. When that session was called I insisted upon it that the attention of both the House and the Senate would be taken up simply with the action of the committee having charge of the tariff, and that it would be advisable, therefore, for both Houses to consider then the question of a legislative program, with a view of having the proper committees take up those questions, fully consider them, and present their report at the beginning of this session—the regular session. That suggestion was not acted upon, though I pressed it here with vigor.

And the result was what? That all of the committees of this great body, or pretty nearly all of them, were idle during those four months, when their attention could have been called to these important measures concerning which public opinion had been made up. Instead of meeting as we did in the early part of December last for the regular session and then adjourning for two or three days at a time and holding sessions only an hour or two hours a day, we would have measures fully shaped for our consideration and would have been on the way toward decisive legislation. It is because of the fear of just such results in reference to this session that I press this resolution now.

Now, regarding the tariff, the President vetoed those bills upon the ground that a Tariff Board, acting on scant authority of law, had not yet reported the facts. The Tariff Board has now reported the facts, and the President in a message sends the report with all its accompanying voluminous papers to Congress and urges a reduction of the tariff without specifying what reduction.

Now I ask what would be the appropriate action for Congress upon this subject? We have a Democratic House that is prepared to pass a Democratic tariff bill. We have a Senate which is prepared to pass a Progressive Republican bill, which we will assume means a substantial reduction in the tariff, for I believe that the Progressive Republicans favor a substantial reduction in the tariff. We had the action of the Democratic House. It did not meet the approval of the Senate. We had the action of the Senate under the control of the Progressive Republicans and the Democrats, and their action did meet the approval of the House, and went to the President and met with his disapproval.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Utah?

Mr. NEWLANDS. In just one moment. If there is to be a reduction of the tariff, who is called upon to act?

Mr. GALLINGER. The House.

Mr. NEWLANDS. The people expect a reduction. Both parties are pledged to a reduction. The Senate and the House have both declared themselves in favor of a reduction, and the President of the United States has declared that he is for a reduction also. Is it not now just about time, therefore, for us to call upon the President by resolution to make a recommendation to Congress as to the measure which he recommends and which he will sign? Are we to pass the next five months in guessing at what the President will sign? The House has acted. The Senate has acted. The President vetoed our action. Have we not the right to call upon the President for a specific recommendation as to the reduction which he favors——

Mr. SMOOT. Mr. President——

Mr. NEWLANDS. A recommendation which he is now prepared to make, because he has the action of the experts appointed by himself to guide and direct him.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Utah?

Mr. NEWLANDS. I will yield to the Senator from Missouri first, and then to the Senator from Utah. I beg pardon. I believe the Senator from Utah did rise first.

Mr. SMOOT. The Senator from Nevada says the House has acted on a wool bill—and I speak of the wool bill because the only report that we received from the Tariff Board covered that question. I should like to ask the Senator whether, if the House should pass another wool bill, the same that it did pass, or along the same lines of that which it passed at the last session of Congress, he would vote for it?

Mr. NEWLANDS. The same bill that was passed the last time?

Mr. SMOOT. Yes.

Mr. NEWLANDS. Certainly, I would.

Mr. SMOOT. If it should pass the same bill that the Democratic House passed at the extra session, would the Senator from Nevada vote for it?

Mr. NEWLANDS. I am inclined to think I would with the light at present before me.

Mr. SMOOT. I should like to ask if the Senator from Nevada has read the Tariff Board's report?

Mr. NEWLANDS. No; I have not read the Tariff Board's report. I simply say my inclination would be to vote for the same bill I voted for before; and as I sustained the House bill before, I would be likely to sustain it again unless some very good reason to the contrary was shown. However, I should not deafen my ears to knowledge or information.

Mr. SMOOT. Does the Senator think the report of the Tariff Board would afford good information upon which to act on that subject?

Mr. NEWLANDS. I am not prepared to say, because I have not examined the report.

Mr. SMOOT. I understand the Senator has not examined the report, but I asked him whether, with the Tariff Board report before us, it would be a good thing to act upon; whether he has confidence in the board's report sufficient to justify him to vote for a bill in conformity to their report.

Mr. NEWLANDS. When the great question of the resumption of specie payments was before the American people and various theories were being presented as to how that should be accomplished, Salmon P. Chase, in a letter to Horace Greeley, declared that "the way to resumption is to resume." I think it would be a wise thing to apply that observation to the tariff—that the way to reduce the tariff is to reduce it. The House has declared itself in favor of a reduction, the Senate has declared itself in favor of a reduction, the President has declared himself in favor of a reduction. Is this Congress to be fruitless of results in giving the people a reduction which they demand? I say that the burden now is upon the President of the United States to make a specific recommendation to Congress as to the reduction which he will sign, and then we can all of us support a reduction, however slight it may be.

Mr. SMOOT. I suggest to the Senator that a reduction is quite a different thing from destruction. There may be a revision of the tariff which would absolutely destroy every industry in the country. That would be a reduction, and at the same time it would be a destruction.

Mr. NEWLANDS. Let me ask the Senator a question. Does he not think that in the present condition of things we are entitled to a recommendation from the President of a measure which he will sign?

Mr. SMOOT. I think the proposition is a very unwise one, because the President could not tell Congress in advance what bill he would sign or what rates in any tariff bill would be satisfactory to him.

Mr. NEWLANDS. The Senator does not doubt the power of the President to make a recommendation to Congress as to a measure?

Mr. SMOOT. Oh, not in the least; but I think it would be very unwise and a presumption on the part of the President.

Mr. NEWLANDS. It is to be presumed, then, that if he does recommend a measure and it does pass, he will sign it?

Mr. SMOOT. That is not the orderly way of legislating. The orderly way of legislating is for Congress to pass a law and then for the President, if he approves of it, to sign it, and if he disapproves of it, to return it to the Congress.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield now to the Senator from Missouri?

Mr. NEWLANDS. I do.

Mr. REED. I desire to say that that was once "the orderly way" to proceed, but now "the orderly way" appears to be that congressional action must be withheld to await the report of an unauthorized and illegally created so-called Tariff Board; then, and only then, are we to be graciously permitted to act. We can not act upon that board's report at present on anything except wool, because it has reported on nothing else. Only the board and probably the Omnipotent One can tell when the board will be ready to report upon any other schedule.

Mr. SMOOT. It is strange that the Senator from Missouri should criticize the action of Congress and say what he has upon the basis that we have received only one report from the Tariff Board, and that is upon wool, and further that we do not know when any other report will be received, while, if reports are true, the Democratic House of Representatives are not going to act upon the wool bill first. They are to act upon the steel schedule first and then other schedules and ignore the Tariff Board report just the same as the Senator from Missouri has intimated he intends to do.

Mr. REED. That answer is only an avoidance of the point at issue. The Senator criticized the Senator from Nevada because h proposed that the President should now be asked to make his suggestions, the Senator from Utah maintaining that the orderly way is for Congress to initiate this legislation. In reply to that I stated that such had been the rule until we were informed by the President at the last session that we would not be permitted to act until five men selected by him had first made their report.

Mr. SMOOT. Mr. President——

Mr. REED. If the President was correct in that position, then of course he has established a new method of initiating legislation, and certainly the one suggested by the Senator from Nevada can not be regarded as extreme. When I say the President said Congress could not initiate tariff legislation, I refer, of course, to the President's messages in which he vetoed the tariff bills passed at the extra session upon the ground that we had not yet heard from the Tariff Board. The same reason would, of course, lead to a veto of all subsequent bills until the board reports. The message was nothing less than an Executive decree that the will of 90,000,000 people, expressed through their constitutional representatives, should not have voice or potentiality until five unauthorized men had granted their gracious permission.

I have not said, and do not say, that I agree with the suggestion of the Senator from Nevada, that we should now demand that the President submit a schedule. I do say that such a proposition is not so extreme or absurd as was the position of the President that we must stand still until we received the report of his Tariff Board.

Mr. SMOOT. The Senator is certainly wrong wherein he states that the President has sent a message to Congress, saying that he would veto bills or any bill until the Tariff Board had made a report. Again I wish——

Mr. REED. If the Senator will permit me, I say that is the effect and substance of his message.

Mr. SMOOT. Well, anyone can draw his own conclusion.

Mr. REED. Anyone who draws a sane conclusion will draw that conclusion.

Mr. SMOOT. Mr. President, as far as the Tariff Board is concerned, and as far as the President is concerned, neither one of them has ever suggested a rate to be incorporated into a bill that is to be initiated in the House. They have never claimed the right to suggest a rate of any kind. The initiation of any legislation, if it is a tariff measure, will be in the House of Representatives. It has always been the orderly way and it always will, I hope, be the way.

It is true that the board has collected certain information, and that information may be accepted by the House of Representatives, or it may be rejected. The board consists of a nonpartisan membership. The report upon wool has been signed unanimously by the board. That report is now before Congress, and if it accepts the findings of the report and makes a bill based upon the report I think there is no question but the President of the United States would sign it.

I was in hopes, and I am going to still hope, that Congress will accept the findings of the board. The board itself reporting exactly the facts they gathered upon each great industry, and not only the facts pertaining to the industry in this country, but in foreign countries, and having given to the subject more time than it is possible for any committee of Congress to give, I sincerely trust that the Senator from Missouri and all other Senators will study it most carefully, and if in their judgment the board's findings are correct that they will vote for a bill that will carry rates that are justified by that report.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield further to the Senator from Missouri?

Mr. NEWLANDS. I do.

Mr. REED. If the Senator will pardon me just one word, the Senator from Missouri will not allow any 5 men or 20 men outside of the Congress of the United States to tell him how he shall vote upon any public matter, and he will never consent to Congress abdicating its power and authority in favor of any board created by the President, either legally or otherwise.

Moreover, the Senator from Missouri will never give his consent to a policy which proposes to perpetuate the taxation of the people of the United States for the benefit of the great interests of the United States under the guise and in the pleasant name of protection. I have not seen anything in the synopsis of the report which gives us information with reference to the raising of revenues for the Government as distinguished from the question of continuing to tax and plunder the people of the United States for the benefit of a few very wealthy institutions.

Mr. SMOOT. Mr. President——

Mr. NEWLANDS. Mr. President, I think I will have to resume the floor.

Mr. SMOOT. I was just going to say one word.

The VICE PRESIDENT. The Senator from Nevada requests that he be not interrupted further.

Mr. SMOOT. I sincerely hope that the Senator from Missouri——

The VICE PRESIDENT. The Senator from Nevada requests that he be not interrupted.

Mr. SMOOT. I hope the Senator from Missouri did not take my remarks to mean that he was going to be dictated to by any tariff board or any other body of men outside of Congress, because I do not see how they could be construed as meaning that.

The VICE PRESIDENT. The Senator from Nevada will proceed.

Mr. NEWLANDS. Mr. President, I should like to ask the Senator from Utah upon how many subjects the Tariff Board has reported?

Mr. SMOOT. On just the one—that is, on wool and woolens.

Mr. NEWLANDS. Is the report upon the cotton schedule expected soon?

Mr. SMOOT. In a very short time, I understand.

Mr. NEWLANDS. How long will it take to frame a bill based upon the Tariff Board report?

Mr. GALLINGER. That is a matter for the House of Representatives, of course.

Mr. SMOOT. I do not know how long it will take the House committee to do it. If they went at it in earnest, and did nothing else, I suppose they could do it in a very short time.

Mr. NEWLANDS. How long a time does the Senator think it would take to frame a bill based upon that report?

Mr. SMOOT. Based upon the Tariff Board report?

Mr. NEWLANDS. Yes.

Mr. SMOOT. I think they ought to do it, if they will give their whole time and attention to it, within a couple of weeks at most.

Mr. NEWLANDS. Would the Senator expect a similar time for the cotton schedule?

Mr. SMOOT. Well, nearly so.

Mr. NEWLANDS. How about steel and iron?

Mr. SMOOT. I do not know.

Mr. NEWLANDS. Are investigations being made regarding them?

Mr. SMOOT. I understand that investigations are being made. I do not know anything about when the report will be in.

Mr. NEWLANDS. When is a report expected regarding steel and iron?

Mr. SMOOT. That I do not know.

Mr. NEWLANDS. And the chemical schedule?

Mr. SMOOT. That I can not say.

Mr. NEWLANDS. Mr. President, I was simply showing, when I was interrupted, that the will of the people is that the tariff should be reduced, that it is the opinion of the House of Representatives that it should be reduced, of the Senate that it should be reduced, and of the President that it should be reduced. It would be very remarkable, with that consensus of opinion, if the tariff is not reduced at the present session of Congress. It seems to me that the speediest way of reducing the tariff is for the President, acting under his constitutional power, to make a recommendation to Congress regarding a reduction of the tariff. In the absence of such recommenda-

tion, it seems to me that both parties ought to be able to agree upon a reduction of this kind, namely, a gradual reduction of all duties of a prohibitory character by a fixed percentage per annum, say 10 per cent or more, until the importation of the products under such duties equals one-tenth of the total domestic production of similar products, and that such a reduction ought to be voted for by anyone who favors a reduction at all.

In the first place, it is a moderate reduction. In the second place, it is a gradual reduction. In the third place, it is a reduction that tells its way year after year down toward the importing level, and yet a brake is provided which saves the country from excessive importations of foreign products that might disturb American industry.

That is a bill that can be shaped in 20 lines. It will apply to every excessive duty in the tariff. It will turn every prohibitive duty into a revenue duty. Necessarily every duty under which the imports equal one-tenth of the total consumption of the country of a given article must be a revenue duty. Evidently a duty the reduction of which stops when the products imported under it for one year equal one-tenth of the total domestic consumption of the country during such year gives to our domestic industries nine-tenths of the market.

Is there anything a protectionist ought to claim in excess of that? Do the protectionists demand the absolute monopoly of American production, and do they insist that there shall be no importations whatever of anything that can be produced upon American soil? If so, there would be no revenue, for all the duties would be prohibitory.

I imagine that no sane protectionist would make such a contention. I imagine that the most extreme protectionist would admit that a system of tariff duties which provides for a reduction that should cease when the importations of an article for one year equal one-tenth of the total consumption of such article for the same period would be sufficiently protective of the industries of the country, and yet such a system of reduction would materially increase the revenue of the country, for it would turn all prohibitory duties or duties in their character prohibitory to revenue duties.

Any Democrat can vote for a general and gradual reduction. Can not he also consistently vote that in a bill providing for a gradual reduction the reduction shall cease at a certain point when the duty becomes a genuine revenue duty and that the question of further reduction shall then be referred back to Congress for its consideration? In other words can he not vote for a brake as well as for a reduction?

I do not see how there would be any inconsistency in this. Our platform calls for a gradual reduction. Our platforms have uniformly called for such reductions as will not seriously affect the industries of the country. We must stop somewhere. Why not stop for the present at the importing level, and then, later on take up the question of enlarging the free list and further reductions? The people want a reduction now. Why not accept in the present condition of deadlock a reduction which none of our opponents can refuse without incurring the just condemnation of the people?

Mr. GALLINGER. Mr. President, does the Senator——

Mr. NEWLANDS. It seems to me that here is a proposition upon which we can all agree—revenue-tariff men and protectionists.

Mr. GALLINGER. Does the Senator mean a one-tenth reduction upon all the articles that come into this country en masse, or on individual articles?

Mr. NEWLANDS. The individual article; a reduction of 10 per cent on each.

Mr. GALLINGER. Suppose there is a country from which now 20 per cent, or, say, 30 per cent, is being imported, would the Senator then be willing to increase the duty on that so as to reduce the importation to 10 per cent?

Mr. NEWLANDS. No; I would leave that duty where it is. The duty would only apply to such articles as are now revenue producers. In any article that now produces 30 per cent it yields a large revenue, and where there are large importations there is no reason why the Democratic Party should interfere with it.

Mr. GALLINGER. Then I want to ask the Senator a further question right there. Examining the Senator's program, I see that the proposition which immediately precedes this rather novel suggestion proposes the enlargement of the free list.

Mr. NEWLANDS. Yes.

Mr. GALLINGER. How is the Senator going to do that? By brute force? How is the free list to be increased, and upon what articles?

Mr. NEWLANDS. According to the best judgment of Congress. I am inclined to think that inasmuch as Congress has already expressed its view it is now time for the President to express his view.

Mr. GALLINGER. Does the Senator seriously think the President of the United States ought to send a message to Congress telling us what duties we should impose upon the products that are sent to this country from other nations?

Mr. NEWLANDS. I think it is clearly the duty of the President of the United States, who has vetoed a measure which represents the best judgment of Congress upon the ground that information which is being searched for by a commission of experts, which he has appointed, is not yet available. When he presents that report he should make his recommendation to Congress so that Congress may know what he recommends and what he is willing to sign.

Mr. GALLINGER. Suppose the President of the United States should send a message to Congress to-morrow, or when we are next in session, proposing reductions of duty on wool and woolens in strict accordance with the recommendation of the Tariff Board, what does the Senator think his Democratic friends in another body would say to that suggestion? They have already advertised to the world that they are not going to pay any attention to the Tariff Board's recommendation, and a Democratic Senator during this debate has said it is an unauthorized board, and he does not propose to be bound by it; that no one ought to be bound by it.

Mr. NEWLANDS. If the measure which the President recommends makes a reduction in the tariff, in my judgment it is the duty of every man who believes in a reduction of the tariff to vote for it when he has expressed his opinion as to what a proper reduction should be.

Mr. GALLINGER. Whatever the recommendation may be? Does the Senator think Congress should accept any recommendation the President might make on that subject?

Mr. NEWLANDS. I think in the present condition of affairs the thing to do is to reduce, and that wherever a proposal is made to reduce a duty that that reduction should be made by every man who is in favor of reduction.

Mr. GALLINGER. I thank the Senator for permitting me to interrupt him, but the idea is so novel and to my mind so utterly impossible——

Mr. NEWLANDS. Does it not strike the Senator——

Mr. GALLINGER. That I do not think it is worth while continuing the discussion.

Mr. NEWLANDS. Does it not strike the Senator that we are conducting ourselves as children, we, the representatives of the people of the United States, who demand a reduction, when all the legislative powers favor it, the Senate and House and the President? Would it not be very singular in that condition of things if no reduction is made, and would not the people be justified in saying that we were considering the thing as children and not as grown men?

Mr. GALLINGER. Some of us are willing to wait; the Senator is not. He wants a substantial reduction made right off, and made by resolution. I apprehend there will be no very great controversy over reducing the duty on wool and woolens if our Democratic friends will agree to take the recommendation of the Tariff Board, which the President indorses.

Mr. NEWLANDS. It is one thing to agree to take the recommendation of the Tariff Board and quite another thing to vote upon a bill that actually makes reductions in the duty. The Democratic Party will doubtless not recognize in any way the Tariff Board.

Mr. GALLINGER. But supposing the——

Mr. NEWLANDS. But if they are confronted with a bill that makes substantial reductions in excessive duties, I apprehend the Democrats will act as sensible men would and will accept the best reduction they can get.

Mr. GALLINGER. Without any reference to the——

Mr. NEWLANDS. Source from which it comes.

Mr. GALLINGER. Without any reference to the recommendation, whether it is 1 per cent or 20 per cent or any other per cent?

Mr. NEWLANDS. I think in this condition of things we are entitled, when the people of the country are demanding a reduction, to get an expression of view from the great official who has thus far blocked reduction, but who now declares that he is in favor of reduction.

Mr. GALLINGER. Now, Mr. President, I will in all seriousness ask the Senator if his proposition does not lead us to a point that is rather ridiculous. Supposing we had under discussion any other bill—a currency bill, for instance—about which there were very grave differences of opinion, would the Senator ask the President of the United States to send us a message telling us whether or not he would approve that bill before we acted upon it? Is not the Senator content to allow Congress to exercise its constitutional function of legislating

and then let the President exercise his constitutional function of either approving or disapproving the action of Congress?

Mr. NEWLANDS. But the President has another constitutional function, and that is the function of making recommendation.

Mr. GALLINGER. Yes; we all recognize that.

Mr. NEWLANDS. It seems to me when he proposed to veto a bill, it is entirely proper to call upon him to give an expression as to what form of a bill he will give his acquiescence to.

Mr. GALLINGER. Does the Senator——

Mr. NEWLANDS. The President has not hesitated to do so in other instances. He did not hesitate to do it regarding the statehood bill, and we agreed. Why did we not differ then? Why did we not hold to our differences and refuse to allow Arizona and New Mexico to be admitted as States?

Mr. GALLINGER. Did the President send a message to Congress saying that he would veto that bill? The newspapers said he would veto it, but the President did not say so in a message to Congress.

Mr. SMOOT. No; he did not.

Mr. GALLINGER. The Senator from Nevada is wrong in that statement.

Mr. NEWLANDS. The Senator will recollect that the President did veto the Arizona bill.

Mr. GALLINGER. He did veto it.

Mr. NEWLANDS. And that finally Congress removed the objection which he suggested, and the State was admitted.

Mr. GALLINGER. Certainly; that was the proper and regular and constitutional procedure. Can not the Senator wait to have the same regular and constitutional procedure adopted in reference to tariff legislation?

Mr. NEWLANDS. Oh, we can wait. We always have waited. We have been waiting for 40 years for reductions in the tariff.

Mr. GALLINGER. Oh, no; we had a reduction less than 40 years ago, and the Senator ought to remember what the result was. The country remembers it.

Mr. NEWLANDS. Yes; a temporary one; but the tariff was immediately raised afterwards beyond anything that had existed before. The judgment of the people at that time was probably upon other issues.

Mr. GALLINGER. We had to use heroic remedies to recover from the distress which the Democratic Party inflicted upon the country.

Mr. NEWLANDS. That is ancient history, and I do not propose to go into all the issues of 1896.

Mr. GALLINGER. It has not been 40 years since that event occurred.

Mr. NEWLANDS. All I contend is that the tariff was not the leading issue in that campaign, and that the result was not at all decisive of the opinion of the people regarding the tariff.

What I mean to say is that for 40 years we have had no substantial reduction of the tariff. There was a temporary reduction and then Congress went to the extreme and advanced the tariff beyond what it had ever been before, although the Republican Party itself in 1883 or 1884 was headed toward a reduction of the tariff through a commission then existing.

Now, Mr. President, we have waited, and the general result has been an increase of the tariff instead of a reduction of the tariff, and we can wait still. We can keep up this war over schedules and over party principles and lose sight of practical reductions that can be obtained.

As far as I am concerned, believing that the people of the country want a reduction of the tariff, I am ready to vote for such a reduction as the three powers in legislation—the House, the Senate, and the President—can determine upon, leaving the question of further reduction to be fought out in the future. I would not abandon a present reduction in the hope that later on I might secure a larger reduction, because that hope might prove illusive.

I believe that upon this question substantial results can be secured before an election, when perhaps it will be almost impossible to secure them after an election. I believe that Congress will be more likely to respond to the will of the people before an election than it will after it. The fact that so many pledges put in our platforms three years ago are still unredeemed proves that the American people, if they are wise, should insist upon the present redemption of those pledges in a practical way, disregarding all technicalities and insistence upon nice refinements as to party principles; and in my judgment they will demand it now and insist upon it now as a thing that can be and ought to be accomplished now.

Mr. President, my resolutions call not only for the things to which I have referred, but they also call for immediate legislation upon the banking question. Why should that question be postponed? We all realize that we have the worst banking system in the civilized world. We have two systems—the National banking system and the State banking system—the National banking system more rigid in its requirements than the State banking system as a rule, the State banking systems, of course, differing in the different States. The tendency is to organize banks under laws that impose the least restriction. That is the tendency of human nature, and we have found the State banks increasing in proportion to the national banks of late.

Under these two systems $10,000,000,000 of bank credits have been created, credits written upon the books of the banks in favor of so-called depositors and subject to their check, about one-half under each system—$5,000,000,000 each. These checks serve as money in settling transactions. Our bank credits have increased in 10 years from $5,000,000,000 to $10,000,000,000. While the population has increased 18 per cent the bank credits have increased 100 per cent.

That in itself is a sufficient reason for the tremendous inflation of prices and of values that has taken place. In addition to the increase of gold that has been furnished by the mines, there has been a large increase, even double the amount, of bank credits which serve every use of currency.

These evils exist. A Monetary Commission has been created. That commission is about to report. Doubtless there will be many desirable things in their report which can be accepted by both parties. Why should we not take the things which are within reach and leave the matters concerning which there is a difference of opinion to be fought out hereafter as between the two parties? The Republican Party will doubtless stand in the main—though I doubt whether the progressive element of that party will—for a centralized banking system, with branches in different zones, the stockholders of that central banking system being the stockholders of the various national banks of the country. They may through some method extend the benefits of that system to State banks; doubtless they will take measures for strengthening the individual banks as to capital and reserves; doubtless they will devise methods for unionizing the various banks for mutual protection and the prevention of bank panics. Why can we not agree upon the legislation that serves to strengthen and unionize the individual banks? Why can we not agree upon the legislation that will bring the State banks of a given State into cooperation with the national banks for mutual protection and defense?

All that is needed in order to meet Democratic requirements is that we should readjust the zones for which the Aldrich plan calls, and instead of having those zones regardless of State lines, create them within State boundaries, thus having 46 zones instead of 15, each one of the 46 comprising an individual State, and then, taking that particular zone as the unit, unionize the banks, both national and State, within that State, requiring the same examination of the State banks that come within the system and the same requirements as we do of the national banks. This upon two grounds: One that they are all engaged in interstate exchange, which is a branch of interstate commerce and subject as such to regulation by Congress, and the other that they are accepting the benefits of national legislation. If they accept such legislation, they are bound to accept the conditions of such legislation, which would mean national supervision of their methods. Having accomplished that, having unionized the State banks and the banks within a given State, both national and State, we can then create in that State a reserve association similar to the Central Reserve Association, which the Aldrich plan calls for, and thus create in every State a financial center composed of all the banks of that State, both National and State, bound together for mutual protection and defense. I imagine that that union would be perfect and complete, and would accomplish every purpose; but if it is desired to go further and to federalize the various State reserve associations, it can be easily done through a banking board, half or more of the members of which could be selected geographically from the various reserve associations and the rest appointed by the President of the United States.

Such a banking board, being advisory to Congress and to the President, with powers of supervision and examination over these various State reserve associations, would be an organization which would federalize the State associations for the purposes of mutual protection and defense where a particular State reserve association was not able to meet the stress put upon it in a particular quarter. Then, later on, if it was deemed advisable, upon this as a base to create a great central bank, we would have the solid foundations for such a system, and it would come by the process of evolution, with the banking board as a nucleus of organization, instead of as the result of legislation now when the public mind is disturbed by the fact that the banking influences of the country are so con-

centrated in a particular section of the country, and at a time when there is the greatest suspicion and distrust with respect to such influences.

For my part, I am opposed to a central bank system, and I shall probably always vote against such a system under any conditions; but I suggest this simply as a method of harmonizing the two parties upon legislation regarding the base of our financial system, legislation which will give even the Republican Party itself an assurance that if hereafter it is in full power the foundation will have been established, a much more secure foundation than can be now established for the great central bank which they seek to bring into existence.

Thus it seems to me that by the harmonious action of both parties in strengthening the foundations of our banking system in the various States, in unionizing the banks, both National and State, in those States for mutual defense and protection, in federalizing the various State associations through the banking board, to which I have referred, we can without antagonizing the principles of either party immeasurably improve the existing system and furnish a foundation for future legislation if it becomes necessary or desirable; but if we allow our present differences regarding the superstructure to keep us from enacting any needed legislation, we run the risk during the next year or two, when we will be engaged in serious questions regarding these great economic questions of the tariff, the trusts, and so forth, of bringing about conditions that will create a financial panic and then the logical settlement of these questions will be indefinitely deferred. It seems to me that that is the crowning duty of the hour. We have five months before us and the two parties should establish a modus vivendi regarding this matter, so essential to the prosperity of the country, and should for the present postpone the conflict regarding the creation of the central bank with which Mr. Aldrich proposes to crown the entire banking edifice. It seems to me it is much wiser to commence with the foundations than to commence with the superstructure; to strengthen the foundations will not prevent the superstructure hereafter, if it is deemed desirable, and, therefore, both Republicans and Democrats can unite on this line of legislative action.

We have no certainty that after the next election the National Government will be a harmonious one; we have no certainty that the other House and the Senate and the President will be in complete accord; we have no certainty, even if they are under the control of one political party, that that party will in itself be harmonious, for this is a time of great difference of view within the boundaries of the parties themselves. It seems to me that in this condition of uncertainty it is the highest wisdom to establish a modus vivendi in legislation between the two partes which will enable us to patriotically respond to the demands of the country regrading this needed legislation.

Mr. President, I had intended to say a few words regarding the merchant marine, the auxiliary navy, and the military expenses, but there has been much interruption; I have been diverted at times from my line of argument; the hour is late, and I shall postpone that to another time. I hope, however, that I have said enough to convince the Senator from New Hampshire [Mr. GALLINGER] that he ought to withdraw his objection to the consideration of this resolution and let it come before the Senate during these days when we have little to do, when the sessions of the Senate last only an hour or two, and when an opportunity is presented for taking a broad view of the legislation which we have in contemplation and of reaching the formation of some kind of a legislative opinion corresponding to public opinion as to measures which we should consider and act upon.

Mr. GALLINGER. Mr. President——

Mr. CRAWFORD. Is the Senator from New Hampshire going to make a motion?

Mr. GALLINGER. I was going to move an executive session.

Mr. CRAWFORD. Will the Senator from New Hampshire withhold his motion temporarily?

Mr. GALLINGER. Yes.

DIRECT PRIMARIES, ETC.

Mr. CRAWFORD. Mr. President, I desire to make a statement with a view of asking leave to have printed in the RECORD an analysis, which is not very long, of a bill relating to some legislation pending here. It is merely a formal statement.

Much has been said in recent years about the vices and abuses of the party caucus and convention and the abuse of the power of political patronage. The method of making party nominations by direct vote, the initiative and referendum, and a civil-service merit system have been proposed as remedies for these abuses and are being quite generally adopted. The direct primary came into vogue as a means to an end. It was devised for the purpose of freeing political parties from bossism and from corrupt control by public-service corporations. It is not without its faults, but where adopted it has restored party control and ballot making to the voter.

The manipulator and schemer can not have his way where he must appeal directly to the rank and file to secure a place on the party ticket. It has shorn the boss of his power and driven the public-service corporation out of politics. The primary system during the last 10 years has been adopted by legislative enactment in many of the States, and apparently will, in one form or another, come into use in all of them.

Several bills are now pending in Congress which seek to provide a way to obtain an expression from the voter of his choice among candidates proposed for nomination by his party for the office of President of the United States and to provide for the selection of delegates from the District of Columbia to national political conventions by a direct primary election. The strongest proof of the effectiveness of the primary as a means for destroying the power of the political boss is found in his bitter opposition to it and in the various devices and inventions by which he is always trying to circumvent or destroy it.

An illustration of such attempts may be found in my own State at this very time. Under the initiative and referendum provisions of our State constitution an ingenious proposal to repeal our direct-nominating system and substitute for it a delegate-convention system has been referred to the people by the legislature. This proposed measure is vigorously pushed by men who pursue the policy of rule or ruin, who can not dictate nor control under the present system, but who might do so under a delegate system. One of the ludicrous features connected with the campaign now being carried on for the adoption of this delegate-convention substitute for our direct-nominating law is that the sponsors for the new scheme are making loud claims as believers in the principles of pure democracy advocated by the distinguished senior Senator from Oregon. They are sending out in large numbers copies of his great speech upon the Abuse of Federal Patronage, and at the same time they are sending a printed postal card to the voter calling his attention to that speech and saying that the remedy for the abuses of the spoils system will be found in this proposed new law, which seeks to repeal the South Dakota primary, which is substantially a copy of the law adopted by the people of Wisconsin when the senior Senator from Wisconsin was governor of that State, and to enact as a substitute for it a novel plan for holding two legalized factional delegate-nominating conventions by each political party in the State. This new scheme for nominating party candidates for office is being widely advertised over the country generally by its author, who, with great zeal, is pressing it upon the attention of the people of other States. Indeed, one of the bills now pending before Congress is said to have been proposed by the same author.

If these attempts were not being made to secure the adoption of this new scheme throughout the country generally and to use a speech made in the Senate to create, by association, an erroneous belief as to its real purpose among those who are seeking for more complete control of the State and Federal Governments by the people, I would not make mention of it here. But I am convinced that the proposed law is simply a cunningly devised scheme to break down and destroy the great purpose of the direct-primary system and to restore and establish by law the worst possible form of the old delegate and convention system. So, while I do not wish to detain the Senate, I will ask leave to print as a part of my remarks an analysis of this new proposal, which I recently made in a speech delivered in my own State, with a few words interpolated regarding the expense the proposed scheme would impose upon the taxpayers should it become a law. I want it to go to the country because the subject is one in which thousands of people are interested at this time, when the question of popular government is being so widely discussed.

The VICE PRESIDENT. Without objection, the request of the Senator from South Dakota is granted.

Mr. CRAWFORD. In the speech to which I refer, which I made at Miller, S. Dak., on the 20th day of October last, I said:

"The people of South Dakota at the next general election are to consider a proposal to repeal the present primary-election law, which was passed after a bitter struggle, in which the control of the boss, the machine, and the public-service corporations was overthrown in this State. They are asked to put that law aside and to substitute for it another which is much involved and intricate, as well as cumbersome and very long. It is something of a tax upon one's patience to carefully read this long bill and familiarize himself with its provisions.

"I have done so, however, because I am a firm believer in the principle of direct nominations, and any attempt to overthrow that method and restore the old boss-ridden machine rule of the caucus and convention, however insidious and plausible that attempt may be, must meet with all the opposition that I can bring to bear against it. I have carefully and thoroughly examined the proposed law, and am absolutely convinced that it is thoroughly and irredeemably bad. The following are some, only, of the objections that suggest themselves as one studies its provisions:

"1. As a whole, it is a carefully developed plan to erect, under sanction of the law, a political guillotine with which to behead every man who is brave enough to independently advocate a principle, and appeal upon that principle for support to the rank and file of his party for nomination as a candidate for public office. It does not favor him unless he can get into one of two particular groups, who are given a special monopoly of two whole columns in the official primary ballot.

"2. It seeks to create, encourage, and permanently establish factionalism in every political party in the State.

"3. It provides a scheme by which the party voters of each political party in each precinct of a county shall surrender to two delegates—each representing a faction distinct from the other, and neither being bound by any pledge, oath, or personal declaration of principles whatsoever—the power to meet with all the other precinct delegates of the same faction, elected in that county, in county conventions, held nearly two years afterwards, and in such conventions propose for nomination a combination or machine group of factional candidates for all county and legislative offices and candidates for delegates from that county to each of two factional State conventions for each political party, and to adopt a platform and have an eight-word summary of it placed at the head of such factional machine ticket in a column assigned exclusively to that faction on the primary ballot, denying such right to any other group.

"4. It gives to each of these factional county conventions the power also to propose a factional State platform and a machine combination State and congressional ticket, and to instruct the factional delegate from that county to the factional State convention representing that faction to support such platform and machine list of candidates in such factional State convention.

"5. It does not require that a majority of the delegates to these county conventions—to which it would give these most remarkable delegated powers—*shall be present*, but *the members present*—if only two or three in number—may act and secure for their candidates the most exclusive and controlling special privileges on the ticket.

"6. In the years in which party nominations are made, each faction of each party will hold two county conventions, making for each party four county conventions—eight in all; and if to the Republican and Democratic conventions we add the Prohibition and Socialist Parties, the number of county conventions in a county may be 16, and the county must pay each delegate 10 cents per mile for going to the convention and returning to his home. There will be at least 228 of these county conventions with mileage attachments at 10 cents per mile for each member. It is claimed there is no graft in this bill, but this is graft.

"7. Common observation and experience shows that only a few of the voters will take the trouble to write with pencil the name of a candidate for factional delegate in a small separate ballot, and yet the delegate elected by a negligible number of voters is clothed with power at one of these county conventions to deliver to the machine the entire vote cast nearly two years before in his precinct for the candidate of his faction for governor. The delegate can be chosen by smooth manipulators. He need not commit himself to anything. He need not declare for any principle at the time of his election. He can take 21 months to deliver himself over to the machine which brings the most seductive influence to bear upon him. What a sham and a fraud this is to masquerade under the name of a direct nominating system!

"8. These uninstructed precinct delegates, bound by no personal declaration of principles, by no pledge to the voters, by no oath of office, are not required to act until nearly two years after they are elected. The issues in the meantime may have changed entirely. They will be exposed to all the arts and wiles of the political trickster, the ward heeler, the corporation agent, the boss, the corruptionist, and the temptation to distribute the places they control on the ticket among themselves or their friends. Nevertheless it is claimed that there is nothing but virtue in this bill.

"9. These delegates, in their respective county conventions, will control the proposal or nomination of a machine group of candidates, including delegates to two factional State conventions, each composed of one delegate from each county. With the advantage which this scheme will give to the machine, there is not one chance in a hundred that an independent individual candidate for delegate to a State convention can defeat the machine candidate. But we are told that this bill, if made a law, will protect the people against the boss and the machine. This is a sham and pretense.

"10. The two factional State conventions in each party are to meet at the State capitol nearly two years after they are elected at the primary, during which time entirely new issues may have arisen. Fifty-seven delegates in each convention, composed of one delegate from each county, two factional State conventions in each party—two Republican, two Democratic, and possibly two Prohibition and two Socialist—making at least four and possibly eight factional State conventions, whose delegates are to be paid out of the public treasury 5 cents per mile for travel in going from their homes to the capitol and returning. If all attend, 29 will be a majority. But it is not necessary that a majority or any number above two or three shall attend, because *those present shall constitute a quorum* to do business, and each member present may cast the full factional vote given by his faction in his county to its candidate for governor two years before. Should only two delegates be present, one could act as chairman and the other as secretary, and they could then proceed to exercise these extraordinary powers. How happy the author of this bill would be if he could preside over a situation like that! He has had experience.

"If the boss or the corporation or other special interests should want to make the platform and control the combination and put up the slate this would afford the finest opportunity ever thrown open to them. They would have nearly two years in which to make deals and influence these delegates. Besides this, the delegates could combine among themselves and take over to themselves and their friends the best places in the list of combination candidates, and thus at public expense secure their own nomination. Or the two factional conventions in the same party sitting at the State capitol on the same day could make trades and deals with each other—for instance, they might agree on each side to name only partial groups, leaving vacant places for the other faction to fill in their own column. Is not this a fine scheme to propose in the name of a direct nominating system?

"The author of this curious piece of art has a well-known penchant for creating paper organizations, consisting of himself and some letterheads, with a high-sounding name printed at the top and a list of names printed in the margin, representing members who never meet and who can be put out by drawing a mark through their names or omitting them when the next batch of letterheads is printed. If the proposed bill should become a law, he, no doubt, fondly hopes he may exercise a similar power in adopting resolutions and making a ballot for both factions of the Republican Party. We are told that this will assist in the great and worthy plan of 'thrashing out principles' before the people, 'building from the bottom,' and making a 'strong and efficient' organization. Are you surprised that some of the old wheel-horse, machine-boss-railroad, stalwart politicians are supporting this proposed law? I am not. But the people are not clamoring for it. They are not easily fooled.

"11. These factional State conventions have the power to frame and propose a platform of principles and to name a machine group of candidates for State and congressional offices, including United States Senators; and, in conjunction with county conventions of the same faction, they can secure a whole column in the primary ballot for the exclusive use of their machine-boss-corporation-combination ticket, with a 16-word summary of principles at the top for the State ticket and an 8-word summary for the county ticket. The machine groups of candidates in both factions in all parties are also given, free of cost, the benefit of a printed and published argument in their behalf 800 words in length in the case of each group. This is printed and put into the hands of all the voters in the State; expense of printing, publishing, and distributing, including postage, is to be paid out of the Public Treasury. The independent, individual candidate is put in a miscellaneous column on the primary ballot and denied the right to have any principle or motto above his name; he can have only 200 words of argument in his behalf, or in behalf of the principles he may espouse, printed at public expense; and volunteers who wish to hold conferences to work for his principles as well as his candidacy must pay their own expenses, while machine delegates are drawing 5 and 10 cents a mile. This is the boldest attempt at political bunco I have ever witnessed.

"12. This bill creates the very situations which the fixer, the corruptionist, the boss, and the corporation tool is looking for and in which he thrives. It gives him an opportunity more

favorable by far than he enjoyed under the old corruption system of caucuses and conventions, which was abolished by our present primary law and has been out of business ever since.

"13. This proposed law seeks to repeal vital portions of our present law, requiring candidates to file verified itemized accounts, showing the expenses incurred in their campaigns before a primary election, within 30 days after a primary. It allows a candidate, in his account of expenditures, to include sums paid by him for food, clothing, and lodging in conducting his campaign, and does not by any words limit such 'food, clothing, and lodging' to his individual or personal use. It also removes the 30-day limit within which he must file his statement, and there is nothing to prevent him from postponing it indefinitely.

"14. This misnamed primary law attempts to create two legal factional machines in each party and to destroy the individual candidate who has the courage to appeal directly to the rank and file of his party upon a platform of principles submitted by him, while it falsely pretends to favor the independent candidate by allowing his name to be printed in the miscellaneous list in the first column in the primary ballot, with no motto or principle above it.

"15. The proposed law, in my opinion, is an ingenious device to legalize the worst form of political jugglery, because, among its other vices, it attempts to establish by law a sort of Tammany Hall in this State by making party-organization influence the chief factor in filling appointive positions rather than the free exercise of independent and untrammeled judgment on the part of the State and National Executives, who must be held responsible for the success of their respective administrations, and to embarrass them in the use of their best judgment and discretion in selecting for positions the persons best qualified to fill them. Instead of abolishing the spoils system, this scheme will legalize and perpetuate it. The printed copy circulated by the author of this bill contains a gross misrepresentation. The following words, found in section 112 of the bill sent out among the people by the author, contains the words:

No party central committeeman shall be eligible to party indorsement while serving as such committeeman.

"These words are *not in the law actually submitted to the people by the last legislature*, which you will find in the session laws of 1911, pages 249–289. Read section 112 in the session laws and you will find the above words *are left out*, and that members of the State central committee, who under this proposed law are to have a legal monopoly of making party indorsements, *can themselves be candidates for all these appointive positions*. To circulate a defective copy which does not show the actual provisions of the proposed law upon an important matter, such as this is, does not look honest nor straight. This whole scheme is the very extreme of the worst possible kind of machine politics.

"Now, my friends, if you think these statements are too severe, kindly do me the honor to listen carefully to the dissection I now propose to make of the various provisions of this primary Frankenstein and I will sustain each specification and many others in detail.

"Sime time ago I received through the mails what purported to be a copy of the proposed law which is to be submitted to the people of South Dakota under the initiative and referendum at the general election in November, 1912. This proposed law is printed in pamphlet form, with an introductory preface of nearly three pages. The front page is graced by the picture of two American flags and the 'Compliments of Richard Olson Richards, Huron, S. Dak., U. S. A.'

"In the introductory preface it is claimed that the *dual representative* feature of the proposed law will establish equilibrium in the party and promote progress and stability. It professes to be able to secure free majority rule by making party officials more responsive to the will of the majority than they are now. It declares that the two fundamental purposes of the proposed law are: (1) To place principles above individuals and factions by providing that the voters shall nominate the platform as well as the candidate at the primary by secret ballot; (2) to provide for a strong and efficient party organization, and to provide for an *individual* feature as well as a *dual representative* feature, through two *representative* 'primary proposal committees.' This prefatory statement ends with the declaration that a vote for the proposed law is a vote for popular government and a political merit system; that it is in the interest of the public welfare and designed to abolish the spoils system.

"It appears from the history given in the preface in this pamphlet that the bill was introduced in the last legislature and defeated by both branches; that a petition was then filed invoking the initiative; that it was afterwards passed by the senate as a legislative act instead of direct legislation, but was defeated in the house; that it is now pending before the public under the initiative and referendum.

"A very thorough and methodical campaign, backed by money, has been going on for months, and will continue for 14 months longer, to secure a majority of the votes cast on the subject in favor of this proposed law in November, 1912. Men who fought bitterly, and to the last ditch, every effort made to abolish the old caucus and convention method of running the politics of this State, and who hurled shafts of malediction at men who fought to destroy bossism and the machine and lobby are now commending and praising this proposed law. Some of them are giving much of their time working for it. Candidates before the coming primaries to be held next June are made to feel that they must declare in its favor or take the consequences of being opposed in their ambitions by the organization that is pushing it.

"The aid of newspapers is being secured to create public sentiment favorable to it, and its author, with great zeal and energy, is following every avenue, pulling every string, and making every alliance, whether with progressive or stalwart, which he thinks may gain for it any support. Is it not well to examine this proposed law very carefully and hear what may be said in the spirit of fair criticism against it before jumping at a conclusion based upon high-sounding praises in its favor?

"I am a profound believer in the method of making direct party nominations by a legalized primary election, and will heartily support any change in the present law that will secure more completely to the individual voter a right equal to that of any other voter, to have a voice in making the ballot of his party. I believe La Follette expressed the correct idea in a speech made by him when advocating the passage of the direct primary law in Wisconsin, to which our present law is similar, when he said:

"'Two elements equal in importance are involved in the exercise of suffrage: One, the making of the ballot; the other, the casting of the ballot. The right to cast the ballot is regarded as sacred. The right to make the ballot is equally sacred. No man would be willing to *delegate* his power to vote the ballot at the general election. No man should be compelled to *delegate* his power to make his ballot. Boss Tweed said, "You may elect whichever candidate you please to office, if you will allow me to select the candidates." The boss can always afford to say, "You may vote any ticket you please, so long as I can make all the tickets."'"

"La Follette was opposed to the convention and delegate system, and destroyed it in Wisconsin. We destroyed it here. Do we now wish to restore it, and not only to restore it, but to increase its power tenfold? If I read the proposed law correctly, it does that very thing; because—

"It proposes to establish: First, a dual system of *delegates* under the name of 'majority and minority proposal' precinct committeemen, who are authorized to hold two *county proposal* or nominating conventions in each party, called committee meetings, and to propose a platform and a full list or group of fractional candidates for county and legislative offices, and for party State committeemen, and for party minority and majority *State* proposal committeemen; and, second, a dual system of delegates under the name of 'majority and minority proposal State committeemen,' consisting of one of each in each county in the State, who are authorized to hold two separate proposal or nominating *State meetings or conventions* in each party at the State capitol, and to propose a factional platform and a full factional group or string of candidates for State and congressional offices, including United States Senators.

"These dual-factional, county, and State conventions are each granted an exclusive and at the same time a most powerful special privilege and advantage, viz, the power to frame a factional platform of principles and propose an entire factional combination group of candidates, and thereby secure an exclusive right to a full column factional ticket on the primary ballot in which a summary of their platform shall appear at the top. The two factional groups thus named may thus appear *under a platform of principles; but this privilege is denied to the independent individual candidate.* This is not the only special privilege. In the publicity pamphlet which, at public expense, is to be distributed to all the voters of the State, the factional-group candidates are allowed 800 words of printed argument, while the independent-individual candidate is allowed only 200 words. If an independent-individual candidate desires to hold conferences with his friends and organize to conduct a campaign before the primary, he and his friends must pay their own expenses, while the factional delegates, who are called 'minority and majority proposal' committeemen, in attending the *county* meetings at which they propose a platform and a string or group of factional candidates, are allowed 10 cents per mile for travel, coming and going, and the factional dele-

gates, called 'minority and majority proposal' county members of the *State* committee, when attending the factional meetings or conventions held at the capitol to propose a platform and propose a complete string of factional-group candidates for State and congressional offices, are allowed 5 cents per mile each way, all to be paid as public expenses. The independent-individual candidate may have the best platform, but he is not allowed to have any reference to it at the head of the column in which his name appears on the ballot.

"I must confess to a feeling of amazement at so bold a proposal as this. I ask the people of the State to carefully and patiently examine and study sections 0, 13, 14, 15, 35, 36, 37, 44, 51, 52, 58, 72, 100, 135, and 152 of the proposed law, which, when carefully studied, show a rehabilitation, under color and sanction of law, of a scheme for making two complete factional tickets and platforms with special privileges, *through a delegate and convention system*, open, as I shall now undertake to show, to all the old abuses which the people have sought to abolish through direct nominations and to many new and extremely dangerous abuses.

"This man called the 'majority-proposal committeeman' and his protagonist 'the minority-proposal committeeman' are *delegates* with most unusual and extraordinary powers. The meetings held by them are *factional platform and nominating conventions*. Two permanent, ever-contending factions in each party are presupposed and encouraged, and a factional-delegate system with *exclusive privileges* is established for each. There is no escape from this fact. *It destroys the direct nominating system, for which the people have been fighting for years, by circumvention.*

"I will proceed to make this so plain that he who runs may read. The preface sent out with the copy of this bill sent to me says we must build from the bottom up and that the purpose of this law is to place principles above individuals and factions and that the bill provides for the people a way to directly vote for a platform of principles. That sounds nice in the preface, but I look in vain for its justification in the bill, which denies the right to the independent individual candidate to have any platform or principle printed above his name on the ballot, while giving that right *exclusively* to *two factional machine groups* who have combined for mutual advantage in conducting a primary election campaign.

"We are told that the majority and minority proposal committeemen are to be *representatives* of the *people* and that they are to frame platforms and propose candidates as *such representatives*, and that, therefore, the public should pay their mileage and give the results of their deliberations this exclusive privilege, as they will represent the great mass of party voters who can only act in the matter through their chosen representatives. This will not bear close inspection. Let us examine the provisions of the bill in this respect carefully.

"Who are these precinct minority and majority committeemen, and who and what do they represent? They are to be elected in each precinct at the primary, which, under this proposed law, is to be held on the fourth Tuesday in March, 1914, and biennially thereafter, but they are not to meet until the last Friday in December in each odd-numbered year, beginning with 1915, and meeting biennially thereafter; also on the first Wednesday of January following, and biennially thereafter. Now, there are something like 1,500 voting precincts in this State. At the primary in each of these precincts, on the fourth Tuesday in March in the even-numbered years, by a separate and distinct ballot, apart from the general primary ballot, the voters of each party are to elect three committeemen, viz, a member of the party county central committee; a member of a factional committee, known as a county majority proposal committee; another member of a factional committee, known as a county minority proposal committee. There will then be elected in round numbers in the entire State, say, 1,500 precinct factional committeemen, or delegates, known as majority proposal committeemen, and 1,500 factional committeemen or delegates, known as minority proposal committeemen. All such members, elected in the several voting precincts of a county, will constitute the county majority proposal committee or the county minority proposal committee of that county, as the case may be.

"These men are not required at the time they are elected, nor before, to personally declare *for any principle whatever, nor for any candidate, nor to make their position upon any public question known.*

"The name of the candidate for one of these places must be written in the ballot by the voter. *All that is required is that the candidate be a member of the party of whose organization the committee will be a part. It is not provided that he must belong to the faction of the party of whose proposal committee he is seeking to become a member.*

"Any party elector, whether belonging in that voting precinct or not, may propose a candidate for a place on one of these committees by filing the name of his candidate in writing with the superintendent of elections. This can be done right there on the spot during the primary, the superintendent being required to post a list containing the names proposed in some convenient place for the information of the voters. *There is no provision for taking any expression whatever of the voters upon any platform or issue to which these committeemen shall be specifically or in any manner committed or by which they will be bound when they come to act 21 months later.* Have you ever observed the manner in which precinct party committeemen are elected where the voters are required to write their names in a ballot, which is the best way yet devised for electing them? If you have, you know that, except in a few cases, only a very small portion of the voters take the trouble to write in a name, and consequently *only a small fraction of the electors select the precinct committeemen*, and the man elected is usually some one whom the political manipulators suggest. Every man who has observed such matters at all knows this statement to be true. This is the manner in which these so-called minority and majority proposal committeemen are to be elected. They take no oath of office and give no official bond. *They receive no instructions from the voters. They bind themselves to nothing. They are to be chosen in this haphazard way; and then this proposed law clothes* them with remarkable *delegated powers, vastly greater than delegates possessed under the old condemned caucus and convention system.*

"For example, there may have been 100 votes polled at the last primary in a given precinct by the majority faction, of which John Doe, under this proposed law, has been elected a member of the county majority proposal committee; but only 10 of these 100 voters may have taken the trouble to write John Doe's name upon the precinct ballot for member of this committee. Yet at the county meeting, *21 months later, John Doe is allowed to cast 100 votes in favor of a group of factional candidates and a factional party platform.*

"Section 0 of the proposed law provides that 'at minority or majority proposal committee meetings' a member 'shall have the right to cast the full number of votes as shown by the last official primary returns to have been voted for governor in his precinct' by the faction with which he is affiliated.

"Let me call your attention to a very remarkable power it is proposed that the people shall hand over to these delegates, otherwise named 'majority and minority proposal committeemen.' Under sections 15 and 52 the members representing each faction elected in the several precincts of a county are authorized to meet at the county seat on the last Friday in December, *21 months after they have been elected*, and hold separate meetings, or county conventions, in which each member can cast as many votes as were polled by his faction in his precinct *nearly two years before for governor.* Each factional convention so composed is empowered to do the following things:

"1. To propose principles and indorse candidates for State and congressional offices, which shall have *the force of instructions* to a State proposal committeeman from that county who is a member of a State proposal committee, consisting of one member from each county, which will meet at the State capitol on the first Monday of the following January, which is also clothed with most extraordinary delegated powers, which I shall describe later.

"2. At a second meeting, or convention, to be held on the first Wednesday in January following this December meeting, each of these proposal committees or groups of delegates, is authorized to convene again at the county seat and make separate platforms and mottoes to head their factional tickets and propose full lists or groups of factional candidates for all the county and legislative offices, including also a candidate each for county member of the State central committee and a county member of the State majority proposal committee or State minority proposal committee, as the case may be. Each candidate they name must agree, in writing, to qualify if nominated and elected, and, except candidates for judges, must agree to resign in case what is described as the *party* recall is invoked against him. The result, certified in writing by the chairman and secretary and filed with the county auditor, gives each group of candidates so proposed, with their respective party principle stated in eight words and printed at the head, its place in a factional separate column on the official primary ballot to the absolute exclusion of any other combination or group of candidates. Two factional groups created under authority of law are thus given a monopoly of the political combination business.

"3. It is not required *that so many as a majority of these committeemen or delegates shall be present* to exercise this extraordinary power, but the *members present, be it only two or*

three, shall constitute a quorum. And for both these meetings *the county shall pay each man attending 10 cents a mile for each mile necessarily traveled going and coming.*

"4. Candidates running independently of these machine groups can get on the ballot by petition as under the present law, but such candidates are put in a column by themselves and denied the privilege of being placed under a motto representing any principle. They command no official delegates whose expenses are paid out of the public treasury.

"Could a scheme be devised more favorable to the boss and machine politician to have his way by manipulating the selection of delegates or working them over during the 21 months intervening between their election and the date when they act? Call this 'building from the bottom up,' and getting away from a 'slippery' foundation, do you? I do not. These men when elected are not instructed; no principle whatever is expressed in connection with the separate ballot used in their election in the precincts. No expression is taken; and yet they are invested with power to represent under color of proposed law—called 'unit representation'—the total factional vote of a precinct, with 21 months during which to drive political bargains and make combinations with it. To call this a primary nominating plan is to my mind brazen effrontery. It is a scheme to promote political jobbery.

"Now, passing from these county minority and majority proposal committeemen or delegates, let us look for a moment to the State minority and majority proposal committeemen or delegations.

"As I have already shown, each of the legalized county machines at its January meeting every two years will propose in its list of candidates a candidate for county member of the majority or minority *State proposal committee*, as the case may be, whose name will be printed in one of the two legalized machine groups, having the benefit of a printed platform head and of a group combination.

"An independent candidate for one of these places must go it alone in the independent column with no principle or platform motto above his name. So the legalized machines will, no doubt, elect in each county a member of the State minority and majority proposal committee, each consisting of one member from each county. In other words, the proposed law provides for a machine *State convention* for each of two factions. There are 57 counties in South Dakota; so each factional State convention may have 57 delegates, if they all attend, and each may be instructed by the county proposal committee or machine, as provided in section 15.

"These State proposal committees or conventions are to be authorized to meet in the State capitol at Pierre on the first Monday in January in the even-numbered years *nearly two years after they have been elected.* (See sec. 51.) *The members present shall constitute a quorum.* Each member present under the unit representation of section 0 can *cast the total vote* polled by his faction *in the county* he represents at the primary *held nearly two years before.*

"To secure the support of this little band of patriots it will be necessary for a whole combined group of candidates—with two years to persuade them in—to get the support of only 29, if all attend, in order to secure a full column in the ballot with a 16-word platform motto or statement of principles at the top for candidates for State offices and an 8-word platform and full list of candidates for county offices. Should only three or four or any small number be present, even though less than a majority, *they are made a quorum*, and act with all the power of the whole number or a majority of the whole number.

"All the machine candidate or combination of candidates for State and congressional offices needs is to win over a majority of 57 committeemen and they will secure a place on the ballot by which they can claim to be the choice of the legalized representatives of the party faction to which they appeal for support. What a field for the old lobbyist, the agent of special interests, the corporations, the boss, the heeler, the trickster, and the all-round corruptionist!

"Fifty-seven delegates standing for nearly two years, with such a power as this over the making of a primary ballot and platform, instead of leaving an open and fair field to all candidates whose names are presented by a petition, as under the present law, means the establishment of a system for making party nominations a thousand times worse than the old caucus and convention system. It destroys the principle of direct nomination by circumvention and restores the delegate and machine system. These delegates or State minority and majority proposal committeemen are to receive 5 cents per mile each way for going from their homes to Pierre and return to attend these meetings—two factional conventions for each political party, with expenses paid by the State. I am at a loss to know how any man can seriously assert that such a scheme as this will prevent 'one man or group of men from selecting party candidates.'

"Instead of openly and simply, as under the present law, filing a nominating petition signed by a sufficient number of party voters to insure good faith and giving to the voters of the State or district or county the widest possible range, within the party, from which to pick their nominees, with the fullest opportunity for discussion of issues and principles, this proposed law would create two snugly contrived machines, in which candidates could deal advantageously with a majority out of 57 men to get into a successful combination ticket on a primary ballot for State nominations, and with a majority of precinct committeemen in a county, in the case of county nominations. Do you think this will destroy boss and machine rule? These members of county and State majority and minority proposal committees who, in plain English, are delegates with almost unlimited power to make tickets and platforms, are not barred from *themselves* becoming candidates for the offices before the very committees of which they are members. There are over 40 candidates provided for in each of the two factional machine columns in the official primary ballot provided for in section 72 of this proposed law. There is absolutely nothing in this law to prevent the so-called proposal committeemen from dividing up and *assigning among themselves these places* in the factional columns.

"A machine factional candidate has back of him, under this scheme, first, a special exclusive monopolistic privilege given under color of law with the powerful influence of a legalized factional party organization; second, the benefit of the claim under the law that, in his case, principle is first, because his group is permitted to have a platform motto *printed* at its head; third, the benefit of the public treasury in paying the expenses out of that treasury of the delegates in the county and State conventions, who secure for him a place in the factional group column on the ticket; fourth, the benefit derived from being an organization candidate and having the combined aid of the whole group; fifth, he will depend upon securing the indorsement of a quorum of a small committee or county convention in the case of a county and legislative office, and of a quorum of a small State convention or State committee in case of a State and congressional office, including United States Senator, assembled at public expense. Having thus secured a place in the machine column on the ticket he will depend upon the machine combination, claiming the prestige of representing the organization and the people to win the victory for him at the primary election. The arguments in favor of the nomination of the organization factional machine combination of which he is a part will be printed in 800 words and distributed in a pamphlet at public expense to all the voters, the whole expense to be paid out of the public treasury. Against all this the individual independent candidate taking issue against these legalized machines and proposing to stand upon an open appeal to the rank and file of his party, and for principles for which he may be willing to risk his health and all he possesses, can not assemble his supporters at public expense; can not print a summary of his principles above his name in the primary ballot; can have only 200 words in the publicity pamphlet as against 800 words for the majority machine and 800 more words for the minority machine.

"The proposed law pretends to favor the independent individual candidate by allowing his name to be printed in the first column. That is a worthless favor, because the proposed law by other provisions makes it practically impossible for the single-handed, independent individual candidate to win. Nothing but the mighty indignation of the public against so monstrous an engine of corruption and privilege as this scheme will give him ground for hope. The people have not demanded a legalized factional machine. They are not opposed to free voluntary public assemblies gathered to declare policies and principles and propose candidates.

"The right of the people to openly and freely assemble and discuss political questions and declare principles and propose candidates can not be taken away; no sane person has ever proposed to limit such right. The purpose of the direct primary is not to invade that field at all, but simply to require that all candidates for nomination have absolutely equal standing before the law; that the widest practicable range of selection be allowed to the voter; that the right of the voter to express his preference in the choice of candidates be *not delegated* but *expressed* by *himself* in the secrecy of his booth. This proposed law attempts to destroy the chance of the independent individual candidate and the independent principle and to narrow the range of choice of the voter to two *machine-made tickets* and two *machine-made platforms.* It will reduce the expense of the machine candidate, but enormously increase the expenses of the independent individual candidate and add to

his difficulties a hundredfold. This feature of the proposed law—the majority and minority proposal scheme of usurping by assumption the power belonging to the rank and file and merging it into two machines composed of a few men, handing over to them the absolute control of two whole columns in the primary ballot and conferring upon them the most absolute powers—condemns this whole measure, and I am satisfied it will be defeated."

I wish to say in this connection by way of interpolation, Mr. President, that no law can prevent and no law ought to prevent men from holding voluntary meetings either in public or in private for the purpose of discussing men and principles in connection with primary-election campaigns. No law can prevent and no law ought to prevent men who hold similar views from meeting freely, either in public or in private, and advising together and using their united judgment and wisdom in agreeing to support one candidate for nomination before the primary election rather than throwing away all prospect of winning by dividing their strength and influence among several candidates.

This right of voluntary meeting and action belongs to all. Men meeting in this way do not bind their party nor the voters generally. They bind nobody but themselves. Their right to do this can not be taken away by any statute. Gov. Vessey was not nominated for governor of South Dakota by the few men who agreed in advance, as they had a perfect right to agree, that they would support him. He was nominated by 26,372 Republican voters at the Republican primary held June 7, 1910. His opponents, Mr. Elrod and Mr. Egan, were upon a basis of absolute equality with him as candidates; no one of the three had any special privilege or monopoly of place or benefit of a special declaration of principles above his name on the ballot. As candidates, all three were absolutely equal under the present law.

Now, before going on with the remaining portions of this Miller speech, I wish in this connection to call attention to the great additional burden which this new scheme for paying mileage to convention delegates out of the public treasury will put upon the people. A claim is made that this new scheme will save the expense of holding a special primary quadriennially to elect delegates to national conventions. There is nothing in this claim. Under the present law we are getting along very nicely without the expense of a special primary, and there is no more likelihood of national conventions being held earlier than the middle of June than there is that they will be held earlier than the middle of March. The claim that the amount now paid to sheriffs for delivering to the precinct judges the ballot boxes and election supplies will be saved under this new law, because the supplies are to be delivered by the auditor, is not well founded. The ballot boxes must be delivered by some one and returned by some one. If not by the sheriff, some one else acting under the auditor and paid by the county will have to do it. These large ballot boxes can not be sent through the mail. A man and team will have to carry them out into the several precincts, and the county will have to pay the bill, no matter whether the sheriff or some other officer does it. There will be no saving worth mentioning in this respect, while the expense growing out of the allowance of mileage to delegates and the printing and distribution of campaign arguments out of the public treasury will add between $60,000 and $70,000 to the expense put upon the taxpayers to carry out this new scheme over that incurred under the present law. For example, let us make a fair estimate of the expenses which must be paid out of the public treasury for the mileage of the delegates to these various county and State factional meetings and for the printing and mailing of these various arguments in behalf of the several groups and independent individual candidates.

It is impossible to make an exact and accurate estimate of the expenses which must be paid out of the public treasury for the mileage of the delegates to these various county and State factional meetings and for the printing and mailing of these various arguments in behalf of the several groups and independent individual candidates.

We have some very large counties in South Dakota, such as Stanley, Lyman, Pennington, Meade, and Brown Counties, in which the county seat, where these county meetings are to be held, is located at one side or a long distance from the county center; in such counties the distance traveled by delegates receiving 10 cents per mile each way will be surprisingly large. The mileage in small counties of a dozen townships each, like Union and Clay, will represent the minimum of mileage, while counties of enormous geographical size, like Stanley, Lyman, and Pennington, with from 50 to 100 congressional townships each, will represent the maximum. The delegates will live from 1 mile to 120 miles from the county seat. Each political party will hold two county meetings of these precinct delegates for each of its two factions, which means 8 county meetings in each of the 57 counties for the Republican and Democratic Parties alone each election year, at each of which there would be present a delegate from each voting precinct in the county, who would draw 10 cents a mile going and coming for his attendance—456 factional county conventions in one year for these two parties.

According to a rough estimate which I have made, the mileage alone paid to the delegates to these factional county meetings of the Republican and Democratic Parties alone in any given election year will be more than $50,000. This does not include the Socialist, Prohibition, and Union Labor Parties, nor any mileage for attending State conventions.

There are, in round numbers, 1,500 voting precincts in the State. Each political party is to elect in each precinct a minority and majority factional delegate. This means the election of 3,000 of these factional precinct delegates in the Republican Party and 3,000 in the Democratic Party, or 6,000 in these two political parties. These 6,000 precinct delegates in election years will attend two county meetings and draw mileage. This will be the equivalent of 12,000 delegates attending one county meeting and drawing mileage. If we say that at 10 cents a mile for his attendance to and from his home at one of these county meetings the average mileage paid to a delegate would be $5, the total mileage would be $60,000. If the average mileage per delegate were $4, the total mileage would be $48,000. In the average-sized county the precinct delegates from precincts lying beyond the limits of the county seat will reside on an average from 12 to 30 miles from the county seat, and in the large counties from 12 to 100 miles from the county seat, so that the estimate of $5 to each for mileage does not seem to be far out of the way. The public is asked to pay this money to delegates who are bound by no instructions from the people, who are not prevented from selecting themselves or their own personal representatives as party candidates, who can be selected by bosses and manipulators in their precincts, and who are not required to act until nearly two years after they have been elected, during which time issues may have changed entirely. This proposal comes from men who pretend to favor direct primaries and to oppose bossism and machine rule.

Now, let us look at the expense of holding the State meetings of the State majority and minority proposal committees of these same two political parties.

There are 57 counties, and 2 factional State conventions are to be held by each party at the State capital, each composed of 1 delegate from each county, making in all 228 delegates.

These delegates will, no doubt, travel by rail from their homes to Pierre and return by the usual route, for which each delegate is to receive 5 cents per mile going and coming—the same as the mileage paid to members of the legislature. I have before me the session laws of 1909, which gives the appropriation made that year to pay the mileage of the members of the senate and house of representatives. At that time there were 104 members of the house and 45 members of the senate, or 149 members in all, and their total mileage was $3,408.40, which amounts, on an average, to $22.90 per member. Applying this average per member to each of these 228 delegates and the mileage cost of these State proposal meetings for the Republican and Democratic Parties will be the total of $5,221.20, to be paid out of the public treasury.

Then there is the expense of the publicity pamphlet. The two factional groups of candidates for each party are to have 800 words of printed argument and each independent individual candidate is to have 200 words of printed argument and mailed to each voter at the expense of the State. Assuming that there will be a candidate in each faction, and that an independent candidate for nomination for each State and congressional office, I have figures from Messrs. Brown & Saenger and from Will A. Beach, practical job printers at Sioux Falls, which show that the cost of furnishing material, printing, and mailing 100,000 copies of such pamphlets to the voters of South Dakota, including postage, would be, in round numbers, $1,700.

Then this proposed law provides for a meeting of the members of the State central committee of each party, consisting of one member from each county, at the State capital, on the second Tuesday in December after each general election, and that each committeeman attending shall be paid, out of the State treasury, 5 cents per mile for each mile traveled coming and going from his home. This will cost at least $2,000 more.

All these items will be added to the present cost of holding a State-wide primary election.

The total additional expenses as thus estimated, which this new scheme will put upon the public treasury, should it be

adopted by the voters, will be as follows each time a State primary-election campaign occurs in this State:

Mileage for county committee meetings or conventions	$60,000.00
Mileage for State committee meetings or conventions	5,221.20
Printing and mailing publicity pamphlets	1,700.00
Mileage of members of State central committee	2,000.00
Total	68,921.20

Sixty or seventy thousand dollars is thus to be saddled upon the public in addition to the present cost of holding a State primary—because this new scheme does not do away with the present expense, but adds this large sum to it—in order to take the power of direct nominations out of the hands of the voters and place it in the hands of irresponsible delegates, and the men who are thus attempting to destroy the primary nominating system are claiming to represent principles of a pure democracy as advocated by Senator JONATHAN BOURNE, of Oregon, who is opposed to all delegated power. The attempt to mislead the voters of South Dakota by coupling this measure to overthrow the law of that State providing for direct nominations by the people with the name of the distinguished Senator from Oregon, and to create the impression that he indorses it, is, I am sure, made entirely without his knowledge.

"Another serious objection to the proposed law is that it is unduly long and complicated. The average man can not be expected to take the time necessary to examine thoroughly all its intricate and involved details; and yet it is apparently intended that every detail must be literally and technically complied with. Section 2, chapter 297, Session Laws, 1909, page 459—our present primary law—provides that that law 'shall be liberally construed, so that the real will of the electors may not be defeated by mere technicality.' This is omitted in the proposed law. It is fair to infer, therefore, that it is the intention to require a strict compliance and that the will of the electors may be defeated by mere technicality. No reason has been given for omitting the above section of the present law.

"Another most dangerous change in the law—limiting the expenses of candidates—is proposed by this new scheme, to which I desire to call your attention, and that is this:

"In 1907 the legislature passed a law making it a crime for any corporation for profit to pay, give, or lend to any candidate for election or nomination any money, and for any such candidate to receive from such corporation any money for use in paying campaign expenses. That legislature also passed a law making it a crime for any candidate or treasurer of a campaign committee to pay, give, or lend, or agree to pay, give, or lend, directly or indirectly, any money or other valuable thing for any nomination or election expenses, except for the following purposes:

"First. For printing and actual necessary traveling expenses and actual necessary personal expenses incident thereto, stationery, advertising, postage, expressage, freight, telegraph, telephone, and public-messenger services.

"Second. For dissemination of information to the public.

"Third. For political meetings, demonstrations, and conventions, and for the pay and transportation of speakers participating therein.

"Fourth. For the rent, maintenance, and furnishing of offices and halls.

"Fifth. For the payment of clerks, typewriters, stenographers, janitors, and messengers actually and necessarily employed.

"Sixth. For employment of watchers and challengers at primary meetings and elections.

"Seventh. For the transportation of voters to and from the polls.

"Eighth. For legal expenses, bona fide, incurred in connection with any nomination or election—for instance, in a contest case.

"Section 152 of this proposed primary will apparently repeal parts of the above laws, so far as primary elections are concerned, and will repeal the general statutes making it a crime to purchase votes so far as a primary is concerned and substitute therefor sections 152 and 155 of the proposed law.

"Section 152 is as follows:

"The expense of any candidate at any primary shall be limited to payments for *food, clothing, lodging*, transportation, public speaking, printing, hall rent, clerk hire, stationery, and postage, and candidates must keep an itemized account of all such campaign expenses, and to whom paid, and file a verified itemized statement thereof in the office of the secretary of state or the county auditor, as the case may require; but no candidate or committee or organization shall be allowed to pay any moneys or other consideration for transporting voters to or from the polling places at primary elections.

"The *food, clothing*, and *lodging* for which the candidate may pay are not confined by the language used to these articles when used by him personally, but the language is general. Are we to understand from this that a candidate for a nomination may legally make a good fellow of himself by giving out, without limit, money for *food, clothing*, and *lodging*, and yet that he can not pay out any money for the dissemination of information for the public nor for conveyances to bring the lame and feeble to the polls? Section 153 provides that:

"Any person, corporation, or association or organization which or who shall, with money or other consideration, procure or counsel another to vote for or against any principles or candidates at primary election, or who attempts to do so, shall be guilty of a felony, and upon conviction thereof shall be fined for each offense in a sum not to exceed $5,000, or by imprisonment in the penitentiary not to exceed five years, or by both such fine and imprisonment, in the discretion of the court.

"These two sections must be construed together, so as to give effect to both, if possible. That is the well-recognized rule, so that the distribution of food, clothing, and lodging, if not shown to have been given for the purpose of procuring or counseling another to vote, may be made without stint by a candidate just for the purpose of proving that he is a very benevolent and kind man. It will be a good thing for the clothing and boarding and lodging houses, but it will not add to the honesty and purity of primary elections to have this change made in the laws of our State.

"I also call your attention to the fact *that no time whatsoever is fixed within which the candidate must file his statement of campaign expenses.* Read section 152 and you will see that he can postpone doing so forever, and no penalty can be imposed for his failure. It is little less than ridiculous to seriously ask the people of this State to give sanction to such a farce as this provision regarding campaign expenses would be if enacted into law.

"I will now call your attention briefly to the provisions in sections 111 to 114, both inclusive, in article 7 of this law, by which it is claimed grave present abuses in party patronage distribution will be removed. Section 112 of the bill, which is being distributed by the thousand among the voters of the State, is not a correct copy of section 112 in the law, which has been submitted to the people under the initiative and referendum, and which is found published in the Session Laws of 1911, pages 249–259. The words 'No party central committeeman shall be eligible to party indorsement while serving as such committeeman,' at the end of section 112 in the printed copies which are being sent out by the author of the bill, *are not in section 112 of the law you are asked to adopt at the next general election at all.* Under the law which has been submitted to you all these party central committeemen whom it is proposed shall have exclusive legal authority as party representatives to indorse party candidates for appointive positions *may themselves be candidates for such places.* This part of the proposed law attempts to give to the regular State central committee the power *as a legal machine acting under sanction of law* to hold an official stated meeting and hear the claims of applicants for appointment and to consider their indorsements, and then, under formal sanction of law, to issue certificates of indorsement for appointive State and Federal positions. It is admitted that the indorsements are not binding upon the governor nor upon the President of the United States, and can not in the slightest degree take from such officers their constitutional power and discretion, in the exercise of which it is of the highest importance that they shall feel free to consult only the good of the public service in making appointments, and that they shall feel free to disregard party machines and partisanship considerations in an effort to secure the men best fitted and adapted to the work required. The enactment of this part of the proposed law would be to undertake to establish by law a sort of Tammany Hall in this State, to make party *organization influence* the chief factor in filling appointive positions, rather than the free exercise of independent and untrammeled judgment on the part of the State and National Executives, who are responsible for the success of their respective administrations, and to embarrass them in the use of their best judgment and discretion in selecting for positions the persons best qualified to fill them, and to efficiently discharge the duties imposed. Instead of abolishing the spoils system, this scheme will legalize and perpetuate it. If we want to get away from the present difficulties connected with patronage, the way will be found in the civil service, not in such a scheme as this.

"It is true that in a general way, under our system of government, policies are largely determined by political parties, but that does not mean that public officers in the discharge of their duties are mere party servants. They are public servants. The public office they administer is a public trust. *Their obligation is to all the people* without regard to party or faction.

Public policy and the fundamental law of the land will not for one moment tolerate the proposition that a power can be lodged in a mere partisan party tribunal assuming to exercise judicial powers, and put in motion by a petition signed by members *of one political party only* to recall them. That part of the proposed law is not worth the paper upon which it is printed simply because it would be absolutely void as against public policy.

"The provisions for party enrollment are unnecessary because the legislature of 1911 passed a party enrollment law, and the provisions of the present primary to prevent voters of one party from voting in the primary of another are very rigid. The difficulty is not in the law, but in the failure to enforce it. But it is not violated in that respect under the present primary law more than used to be done under the old caucus system. We all know how under that system caucuses were packed with illegal voters and voters belonging to the opposing party. All the present law needs is rigid enforcement in this respect.

"In section 100 of the proposed law there is a provision for the making out, after a primary vote has been canvassed, of a statement to be signed by the State canvassing board and filed in the office of the secretary of state showing the total number of votes cast for each candidate in whose behalf a *committee proposal petition* was filed, but *it leaves out the independent individual candidates.* This omission may involve these candidates in vexatious litigation in order to secure a statement showing the vote they secured at the primary. This is another instance which shows the designing scheme to throw the nominations into the hands of a machine and defeat the independent candidate for nomination.

"In closing let me say that I am speaking in reference to this law, as I have a right to do, as a citizen of South Dakota. My position as a public officeholder has nothing whatever to do with it. Were I a private citizen with no intention of ever being a candidate for any office I would oppose it with the same vigor. The force of what I have said can not be destroyed by making attacks upon me, though I have no doubt that attempt will be made. I say frankly and without any mental reservation whatever that the passage of this law will be harmful in every way to the progressive movement in this State. It is reactionary. It is machine. It is manipulation. It will open the way to a political usurpation and tyranny worse than any we have yet known. I urge voters everywhere to carefully read and analyze it for themselves. If they do so it will be overwhelmingly defeated."

PROPOSED LEGISLATIVE PROGRAM.

Mr. GALLINGER. Mr. President, before moving to proceed to the consideration of executive business, I want to say a single word in reference to the matters that the Senator from Nevada [Mr. NEWLANDS] has been discussing.

The Senator from Nevada took rather seriously the objection that I made to his request. The Senator from Nevada asked that a resolution that is lying on the table be made the unfinished business of the Senate. It would have been an extraordinary thing if the Senate had agreed to that request. I know of no rule under which it could have been done. I objected to it simply because of its irregularity. The Senator from Nevada at any time can move to proceed to the consideration of his resolution. I need not tell the Senator that that is not a debatable question, and if a majority of the Senate wishes to occupy its time in discussing the thirteen propositions of the Senator from Nevada, I certainly shall have no objection. I should vote against doing it, because I think if we take up this remarkable program that the Senator from Nevada has laid before us and discuss each proposition contained in it separately, we certainly shall not have any tariff or other legislation at this session of Congress. I think the discussion of the resolution would take about all the time that we have ahead of us. I know there are at least half a dozen of these propositions, which, much as I dislike to say a word in the Senate—and the older I get the more reluctant I feel to speak before this distinguished body—I should feel constrained to speak upon at considerable length, and perhaps with considerable frequency. So I objected to the request for two reasons, first, because I am opposed to taking this matter up at all, but more properly for the reason that the request was irregular. It is in the hands of the Senator at any time when the Senate is in session after 2 o'clock to move to proceed to the consideration of the resolution, and when the Senator does that, I shall content myself with voting in the negative.

Now, Mr. President, I move that the Senate proceed to the consideration of executive business.

EXECUTIVE SESSION.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and (at 4 o'clock and 56 minutes p. m.) the Senate adjourned until Monday, January 8, 1912, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate January 4, 1912.

COLLECTOR OF CUSTOMS.

Albert R. Day, of Maine, to be collector of customs for the district of Bangor, in the State of Maine. (Reappointment.)

UNITED STATES MARSHAL.

Daniel F. Breitenstein, of New York, to be United States marshal for the northern district of New York, vice Van Rensselaer Weaver, deceased.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

First Lieut. Herbert L. Evans, Ninth Infantry, to be captain from December 19, 1911, vice Capt. William H. H. Chapman, Twentieth Infantry, who died December 18, 1911.

Second Lieut. William E. Morrison, Seventh Infantry, to be first lieutenant from December 19, 1911, vice First Lieut. Herbert L. Evans, Ninth Infantry, promoted.

POSTMASTERS.

ALABAMA.

James F. Brawner to be postmaster at Andalusia, Ala., in place of Cyrus R. O'Neal, removed.

Frank F. Crowe to be postmaster at Montevallo, Ala., in place of Frank F. Crowe. Incumbent's commission expired March 4, 1906.

William S. Mullins to be postmaster at Elba, Ala., in place of William S. Mullins. Incumbent's commission expired December 11, 1911.

Belvins S. Perdue to be postmaster at Greenville, Ala., in place of Belvins S. Perdue. Incumbent's commission expired March 14, 1910.

George F. Schad to be postmaster at Brewton, Ala., in place of George F. Schad. Incumbent's commission expired December 18, 1909.

Walter W. Simmons to be postmaster at Athens, Ala., in place of Walter W. Simmons. Incumbent's commission expired April 20, 1910.

Andrew M. Steele to be postmaster at Tuscumbia, Ala., in place of Andrew M. Steele. Incumbent's commission expired March 2, 1910.

W. D. McCrary to be postmaster at West Blocton, Ala. Office became presidential April 1, 1910.

Tyler McElvin Swann to be postmaster at Roanoke, Ala., in place of Tyler McElvin Swann. Incumbent's commission expires February 21, 1912.

Mary M. Seymour to be postmaster at Monroeville, Ala. Office became presidential July 1, 1910.

ARKANSAS.

Albert M. Keller to be postmaster at Wilmot, Ark. Office became presidential October 1, 1911.

CALIFORNIA.

William C. Campbell to be postmaster at Los Gatos, Cal., in place of William C. Campbell. Incumbent's commission expires January 13, 1912.

Charles H. Dobbel to be postmaster at Palo Alto, Cal., in place of Charles H. Dobbel. Incumbent's commission expires January 23, 1912.

William B. Farrow to be postmaster at Chula Vista, Cal. Office became presidential January 1, 1912.

Albert R. Grisingher to be postmaster at Guadeloupe, Cal. Office became presidential January 1, 1912.

Elbert S. Lamberson to be postmaster at Visalia, Cal., in place of Elbert S. Lamberson. Incumbent's commission expired December 10, 1911.

Samuel W. Metcalf to be postmaster at Sisson, Cal., in place of Samuel W. Metcalf. Incumbent's commission expires January 22, 1912.

James S. Moulton to be postmaster at Ripon, Cal. Office became presidential January 1, 1912.

Walter Douglas Neilson to be postmaster at Del Monte, Cal., in place of Holden R. Warner, resigned.

Adolphus Henry Salau to be postmaster at Los Banos, Cal., in place of Angelo Genelly. Incumbent's commission expires January 20, 1912.

Nels A. Thompson to be postmaster at Newman, Cal., in place of Nels A. Thompson. Incumbent's commission expires January 9, 1912.

Daniel R. Trout to be postmaster at Boulder Creek, Cal., in place of Daniel R. Trout. Incumbent's commission expired December 12, 1911.

COLORADO.

Joseph C. Shattuck to be postmaster at University Park, Colo. Office became presidential January 1, 1912.

John C. Shull to be postmaster at Berthoud, Colo., in place of John C. Shull. Incumbent's commission expires January 22, 1912.

CONNECTICUT.

John A. Ayer to be postmaster at Saybrook, Conn., in place of John A. Ayer. Incumbent's commission expired December 10, 1911.

Edmund E. Crowe to be postmaster at South Norwalk, Conn., in place of Edmund E. Crowe. Incumbent's commission expires January 13, 1912.

Charles Harris to be postmaster at Westport, Conn., in place of Charles Harris. Incumbent's commission expires January 22, 1912.

Frank A. Heffion to be postmaster at Deep River, Conn., in place of Frank A. Heffion. Incumbent's commission expired December 10, 1911.

Annie E. Vinton to be postmaster at Eagleville, Conn. Office became presidential January 1, 1912.

DELAWARE.

Oswald B. Wingate to be postmaster at Edgemoor, Del., in place of Oswald B. Wingate. Incumbent's commission expired December 17, 1911.

FLORIDA.

Arthur C. Reid to be postmaster at Newberry, Fla., in place of Arthur C. Reid. Incumbent's commission expires January 22, 1912.

GEORGIA.

Charles P. Neal to be postmaster at Summerville, Ga., in place of Charles P. Neal. Incumbent's commission expires January 20, 1912.

M. M. McCranie to be postmaster at Sparks, Ga. Office became presidential October 1, 1911.

IDAHO.

Charles W. Wilson to be postmaster at Sandpoint, Idaho, in place of Charles W. Wilson. Incumbent's commission expires January 16, 1912.

ILLINOIS.

Albert Bothfuhr to be postmaster at Grant Park, Ill., in place of Albert Bothfuhr. Incumbent's commission expires January 22, 1912.

Tracy W. Buckingham to be postmaster at Potomac, Ill., in place of Tracy W. Buckingham. Incumbent's commission expires January 22, 1912.

Charles A. Duntley to be postmaster at Bushnell, Ill., in place of Charles A. Duntley. Incumbent's commission expires January 29, 1912.

Charles A. Gregory to be postmaster at Lovington, Ill., in place of Charles A. Gregory. Incumbent's commission expired December 11, 1911.

John F. Newlin to be postmaster at Chrisman, Ill., in place of John F. Newlin. Incumbent's commission expires January 22, 1912.

William T. Robinson to be postmaster at Kenilworth, Ill., in place of William T. Robinson. Incumbent's commission expires January 22, 1912.

Anna M. Spooner to be postmaster at Blue Mound, Ill., in place of Anna M. Spooner. Incumbent's commission expires January 9, 1912.

Rollin H. Woods to be postmaster at Rock Falls, Ill., in place of Rollin H. Woods. Incumbent's commission expires January 23, 1912.

INDIANA.

William F. Bunnell to be postmaster at Monticello, Ind., in place of William F. Bunnell. Incumbent's commission expired December 11, 1911.

IOWA.

Daniel Anderson to be postmaster at Lamoni, Iowa, in place of Daniel Anderson. Incumbent's commission expires January 13, 1912.

Frank V. D. Bogert to be postmaster at Paullina, Iowa, in place of Frank V. D. Bogert. Incumbent's commission expires January 13, 1912.

Jacquez A. Frech to be postmaster at Bancroft, Iowa, in place of Jacquez A. Frech. Incumbent's commission expires January 9, 1912.

Frank C. McClaskey to be postmaster at Toledo, Iowa, in place of Denton Camery, deceased.

Minnie A. Muhs to be postmaster at Akron, Iowa, in place of Minnie A. Muhs. Incumbent's commission expires January 29, 1912.

Abraham L. Riseley to be postmaster at Rockwell City, Iowa, in place of Abraham L. Riseley. Incumbent's commission expired December 11, 1911.

Charlie B. Warner to be postmaster at Central City, Iowa, in place of Charlie B. Warner. Incumbent's commission expires January 31, 1912.

George W. Wiltse to be postmaster at Montezuma, Iowa, in place of George W. Wiltse. Incumbent's commission expires January 29, 1912.

KANSAS.

Frank W. Johnson to be postmaster at Larned, Kans., in place of Frank W. Johnson. Incumbent's commission expired December 11, 1911.

KENTUCKY.

John G. Jenkins to be postmaster at Dixon, Ky. Office became presidential January 1, 1912.

William R. Lyon to be postmaster at Horse Cave, Ky., in place of Joseph W. Demombron, resigned.

Frank A. Mitchell to be postmaster at Vanceburg, Ky., in place of Frank A. Mitchell. Incumbent's commission expires January 13, 1912.

LOUISIANA.

Pierre E. Theriot to be postmaster at Covington, La., in place of Pierre E. Theriot. Incumbent's commission expired December 12, 1911.

MAINE.

Joseph W. Nealley to be postmaster at Ellsworth, Me., in place of Frank W. Rollins. Incumbent's commission expired December 21, 1911.

Edward G. Varney to be postmaster at Hartland, Me., in place of Edward G. Varney. Incumbent's commission expires January 31, 1912.

MARYLAND.

McClellan C. Keefer to be postmaster at Union Bridge, Md., in place of McClellan C. Keefer. Incumbent's commission expired December 12, 1911.

MASSACHUSETTS.

Festus G. Amsden to be postmaster at Athol, Mass., in place of Festus G. Amsden. Incumbent's commission expired December 11, 1911.

Thomas F. Lyons to be postmaster at Billerica, Mass., in place of Thomas F. Lyons. Incumbent's commission expired December 10, 1911.

Frank M. Tripp to be postmaster at Marion, Mass., in place of Frank M. Tripp. Incumbent's commission expires January 29, 1912.

MICHIGAN.

Joseph Morris to be postmaster at Ubly, Mich. Office became presidential January 1, 1912.

Leonard E. Morse to be postmaster at Lyons, Mich. Office became presidential October 1, 1911.

William R. Bolitho to be postmaster at Norway, Mich., in place of William R. Bolitho. Incumbent's commission expired December 11, 1911.

Edward F. Evarts to be postmaster at Chesaning, Mich., in place of Edward F. Evarts. Incumbent's commission expires January 20, 1912.

Thomas B. Wynn to be postmaster at Eau Claire, Mich. Office became presidential July 1, 1911.

MINNESOTA.

Gunnar B. Bjornson to be postmaster at Minneota, Minn., in place of Gunnar B. Bjornson. Incumbent's commission expires January 9, 1912.

Carl S. Dahlquist to be postmaster at Baudette, Minn., in place of Carl S. Dahlquist. Incumbent's commission expires January 20, 1912.

Patrick A. Gaffney to be postmaster at Belleplaine, Minn., in place of William H. Nichols, resigned.

J. P. Graff to be postmaster at Sleepy Eye, Minn., in place of Frank H. Buelow. Incumbent's commission expires January 9, 1912.

John W. Gish to be postmaster at Waterville, Minn., in place of John W. Gish. Incumbent's commission expired December 11, 1911.

Henry E. Hanson to be postmaster at Windom, Minn., in place of Henry E. Hanson. Incumbent's commission expired December 9, 1911.

Ellert Koefod to be postmaster at Glenwood, Minn., in place of Ellert Koefod. Incumbent's commission expires January 9, 1912.

MISSOURI.

George P. Huckeby to be postmaster at Rich Hill, Mo., in place of George P. Huckeby. Incumbent's commission expired December 11, 1911.

Frank C. Miller to be postmaster at Oran, Mo., in place of Frank C. Miller. Incumbent's commission expires January 13, 1912.

William A. Ulery to be postmaster at Elsberry, Mo., in place of William A. Ulery. Incumbent's commission expires January 13, 1912.

MONTANA.

Addison McL. Sterling to be postmaster at Ronan, Mont. Office became presidential January 1, 1912.

NEBRASKA.

Alonzo A. Hawley to be postmaster at Gresham, Nebr. Office became presidential January 1, 1912.

Frank H. Taylor to be postmaster at Table Rock, Nebr., in place of Frank H. Taylor. Incumbent's commission expired December 9, 1911.

NEW HAMPSHIRE.

Elmer E. Adams to be postmaster at New London, N. H., in place of Elmer E. Adams. Incumbent's commission expired December 10, 1911.

Nathan P. Baker to be postmaster at Sunapee, N. H., in place of Nathan P. Baker. Incumbent's commission expired December 10, 1911.

Ernest G. Cole to be postmaster at Hampton, N. H., in place of Ernest G. Cole. Incumbent's commission expired December 10, 1911.

Edwin A. Himes to be postmaster at Sanbornville, N. H., in place of Edwin A. Himes. Incumbent's commission expired December 10, 1911.

George A. McIntire to be postmaster at Milford, N. H., in place of George A. McIntire. Incumbent's commission expires January 20, 1912.

Henry E. Merrick to be postmaster at Henniker, N. H., in place of Henry E. Merrick. Incumbent's commission expires January 20, 1912.

Forrest E. Page to be postmaster at Raymond, N. H., in place of Forrest E. Page. Incumbent's commission expired December 10, 1911.

Ernest R. Roberts to be postmaster at Salmon Falls, N. H., in place of Ernest R. Roberts. Incumbent's commission expires January 20, 1912.

Natt F. Roberts to be postmaster at Farmington, N. H., in place of Natt F. Roberts. Incumbent's commission expired December 11, 1911.

NEW JERSEY.

Lewis S. Sculthorp to be postmaster at Atlantic Highlands, N. J., in place of Lewis S. Sculthorp. Incumbent's commission expired December 18, 1911.

NEW MEXICO.

Charles O. Leach to be postmaster at Portales, N. Mex., in place of Charles O. Leach. Incumbent's commission expires January 29, 1912.

NEW YORK.

Henry G. Ahles to be postmaster at Redwood, N. Y., in place of Henry G. Ahles. Incumbent's commission expired December 17, 1911.

Asher B. Allen to be postmaster at Brushton, N. Y., in place of Asher B. Allen. Incumbent's commission expires January 27, 1912.

Burton H. Avery to be postmaster at Brockport, N. Y., in place of George B. Harmon, deceased.

Orson Allis Chaplin to be postmaster at Gasport, N. Y., in place of Samuel G. Barton. Incumbent's commission expired December 12, 1909.

Minnie A. Daily to be postmaster at Hilton, N. Y., in place of Minnie A. Daily. Incumbent's commission expired December 10, 1911.

Allerton C. Farr to be postmaster at De Kalb Junction, N. Y., in place of Allerton C. Farr. Incumbent's commission expires January 27, 1912.

Frank E. Gaylord to be postmaster at North Collins, N. Y., in place of Frank E. Gaylord. Incumbent's commission expired December 10, 1911.

James E. Johnson to be postmaster at Canton, N. Y., in place of James E. Johnson. Incumbent's commission expired December 10, 1911.

Charles G. Norton to be postmaster at Bainbridge, N. Y., in place of Charles G. Norton. Incumbent's commission expired December 18, 1911.

Frank M. Potter to be postmaster at Chautauqua, N. Y., in place of Frank M. Potter. Incumbent's commission expired December 10, 1911.

Thomas G. Ross to be postmaster at Watervliet, N. Y., in place of Thomas G. Ross. Incumbent's commission expired December 10, 1911.

William E. Sutfin to be postmaster at Freeville, N. Y., in place of William E. Sutfin. Incumbent's commission expires January 22, 1912.

Norman C. Templeton to be postmaster at Irvington, N. Y., in place of Norman C. Templeton. Incumbent's commission expires January 9, 1912.

Garritt H. Tymeson to be postmaster at Otisville, N. Y., in place of Garritt H. Tymeson. Incumbent's commission expired December 10, 1911.

NORTH DAKOTA.

Elmer H. Myhra to be postmaster at Wahpeton, N. Dak., in place of Elmer H. Myhra. Incumbent's commission expires January 23, 1912.

Cecil H. Taylor to be postmaster at Garrison, N. Dak., in place of Cecil H. Taylor. Incumbent's commission expires January 20, 1912.

OHIO.

Charles E. Albright to be postmaster at Eaton, Ohio, in place of Charles E. Albright. Incumbent's commission expired December 16, 1911.

Fred O. Bates to be postmaster at Bellevue, Ohio, in place of Fred O. Bates. Incumbent's commission expired December 16, 1911.

John H. Bidwell to be postmaster at West Jefferson, Ohio. Office became presidential January 1, 1912.

Amos H. Hassan to be postmaster at Genoa, Ohio. Office became presidential October 1, 1911.

William R. Tuller to be postmaster at Rossford, Ohio. Office became presidential October 1, 1911.

Charles R. White to be postmaster at Millersburg, Ohio, in place of Charles R. White. Incumbent's commission expired December 16, 1911.

OKLAHOMA.

Joshua F. Farris to be postmaster at Billings, Okla., in place of Joshua F. Farris. Incumbent's commission expires January 13, 1912.

George H. Langston to be postmaster at Texhoma, Okla., in place of Albert S. Yates. Incumbent's commission expires January 7, 1912.

John R. Thomas to be postmaster at Beaver, Okla., in place of John R. Thomas. Incumbent's commission expires February 10, 1912.

OREGON.

Albert R. Martin to be postmaster at Junction City, Oreg., in place of Albert R. Martin. Incumbent's commission expires February 4, 1912.

Charles L. Morris to be postmaster at Harrisburg, Oreg. Office became presidential January 1, 1912.

PENNSYLVANIA.

Caleb S. Brinton to be postmaster at Carlisle, Pa., in place of Caleb S. Brinton. Incumbent's commission expires January 13, 1912.

William H. Clewell to be postmaster at Summithill, Pa., in place of William H. Clewell. Incumbent's commission expires January 9, 1912.

Chester A. Davidson to be postmaster at New Salem, Pa., in place of Samuel O. McCormick. Incumbent's commission expired December 10, 1911.

James M. Dreher to be postmaster at Weatherly, Pa., in place of James M. Dreher. Incumbent's commission expires January 29, 1912.

Samuel S. Graffin to be postmaster at Catasauqua, Pa., in place of Samuel S. Graffin. Incumbent's commission expires January 29, 1912.

Martin L. Hershey to be postmaster at Hershey, Pa., in place of Martin L. Hershey. Incumbent's commission expired December 12, 1911.

Edwin Hoofnagle to be postmaster at Penbrook, Pa. Office became presidential January 1, 1912.

David S. Kern to be postmaster at Pennsburg, Pa., in place of David S. Kern. Incumbent's commission expires January 9, 1912.

Samuel J. Myers to be postmaster at Holtwood, Pa. Office became presidential July 1, 1911.

G. William Riegel to be postmaster at Bethlehem, Pa., in place of G. William Riegel. Incumbent's commission expires January 27, 1912.

Samuel S. Wilson to be postmaster at Bridgeport, Pa., in place of Samuel S. Wilson. Incumbent's commission expires January 20, 1912.

SOUTH DAKOTA.

Arthur E. Dann to be postmaster at Centerville, S. Dak., in place of Arthur E. Dann. Incumbent's commission expires January 22, 1912.

Carrie M. Hackett to be postmaster at Parker, S. Dak., in place of John D. Cotton. Incumbent's commission expired May 7, 1906.

Donald A. Sinclair to be postmaster at Winner, S. Dak. Office became presidential October 1, 1911.

SOUTH CAROLINA.

James E. Stuckey to be postmaster at Bishopville, S. C., in place of James E. Stuckey. Incumbent's commission expires January 27, 1912.

TENNESSEE.

David W. Marks to be postmaster at Covington, Tenn., in place of James A. Holderman, removed.

James H. Murphy to be postmaster at Mountain City, Tenn., in place of William T. Smythe, resigned.

UTAH.

Lars O. Lawrence to be postmaster at Spanish Fork, Utah, in place of Lars O. Lawrence. Incumbent's commission expires January 22, 1912.

VERMONT.

Albert H. Cheney to be postmaster at Stowe, Vt., in place of Albert H. Cheney. Incumbent's commission expired December 17, 1911.

WASHINGTON.

Howard M. Spalding to be postmaster at Goldendale, Wash., in place of Howard M. Spalding. Incumbent's commission expired December 11, 1911.

WEST VIRGINIA.

R. G. Yoak to be postmaster at Gassaway, W. Va., in place of Charles W. Marple. Incumbent's commission expired December 9, 1911.

WISCONSIN.

Horace J. Blanchard to be postmaster at Colby, Wis., in place of Horace J. Blanchard. Incumbent's commission expires January 27, 1912.

Charles D. Kennedy to be postmaster at Monticello, Wis., in place of Albert E. Edwards. Incumbent's commission expired November 17, 1907.

Fred G. McIntyre to be postmaster at Eagle River, Wis., in place of Fred G. McIntyre. Incumbent's commission expired December 11, 1911.

WYOMING.

Lizzie McDonald to be postmaster at Casper, Wyo., in place of James McFadden, resigned.

B. Frank Pine to be postmaster at Sunrise, Wyo., in place of James V. McClenathan, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 4, 1912.

UNITED STATES MARSHAL.

Daniel F. Breitenstein to be marshal for the northern district of New York.

SUPERVISING INSPECTOR, STEAMBOAT-INSPECTION SERVICE.

Nils Bernard Nelson to be supervising inspector, ninth district, Steamboat-Inspection Service.

PROMOTION IN THE NAVY.

Passed Asst. Paymaster Alvin Hovey-King to be a paymaster.

POSTMASTERS.

IDAHO.

Albert Langdon, Juliaetta.
John M. Repass, Rathdrum.
Edward Waring, Emmett.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 4, 1912.*

The House met at 12 o'clock m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord God of Hosts, King of Kings and Lord of Lords, the Father of all souls, whose life-giving currents thrill the hearts of men and quicken their minds to great thoughts and noble deeds, inspire us as individuals and as a people with the highest ideals that we may move on to greater achievements. The heart of the Nation, O God, is touched by the sudden death of Rear Admiral Evans, whose long, conspicuous, and faithful public service has endeared him to all. Comfort, we beseech Thee, the hearts of those nearest and dearest to him, and help us all to emulate his faithful service. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted:

To Mr. SHEPPARD, for 2 weeks, on account of important business.

To Mr. MCMORRAN, for 15 days, on account of important business.

To Mr. BELL of Georgia, for 4 days, on account of illness.

To Mr. DUPRE, for 3 weeks, on account of important business.

To Mr. SLEMP, for 10 days, on account of important business.

CALL OF COMMITTEES.

The SPEAKER. The Clerk will call the committees.

The Clerk proceeded with the call of committees.

LAWS RELATING TO THE JUDICIARY.

Mr. CLAYTON (when the Committee on the Judiciary was called). Mr. Speaker, I call up the bill (S. 2653) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That section 118 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary," be amended so as to read as follows:

"SEC. 118. There shall be in the second, seventh, and eighth circuits, respectively, four circuit judges; in the fourth circuit, two circuit judges; and in each of the other circuits, three circuit judges, to be appointed by the President, by and with the advice and consent of the Senate. They shall be entitled to receive a salary at the rate of $7,000 a year each, payable monthly. Each circuit judge shall reside within his circuit. The circuit judges in each circuit shall be judges of the circuit court of appeals in that circuit, and it shall be the duty of each circuit judge in each circuit to sit as one of the judges of the circuit court of appeals in that circuit from time to time according to law."

Mr. CLAYTON. Mr. Speaker, I desire to make a brief explanation of this bill. It proposes to amend section 118 of the judicial code by specifically conferring upon the circuit judges the power and imposing upon them the duty of holding the circuit court of appeals. Section 3 of the circuit court of appeals act of 1891 (1st supplement, 902), declared what judges should be competent to sit in the circuit court of appeals. That section included the justices of the supreme court, the circuit judges, and the district judges. When these sections were revised for inclusion in the judiciary-code bill, of necessity there had to be some change made in the language used, and by some oversight the word "circuit" before the word "judges" was left out of section 117. Hence, it is necessary, or it is deemed by some to be necessary, to have this amendment, which, in effect, reinserts that word in section 118. While the provisions of sections 117, 118, 119, and 120 are in themselves probably sufficient to confer the power and impose the duty, yet, since there is a difference of opinion in the matter, it has been thought best to amend section 118 as the bill provides. It will settle any doubt which may exist in the minds of those who believe the amendment necessary.

Now I yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I am in accord with the purpose to be accomplished by this bill. It is to make definite the fact that the circuit judges are to sit as the judges in the circuit court of appeals. I have an amendment, which I would like to have agreed to, to make certain that the passage of this act will not affect the rights of the circuit judges to sit in a district court when assigned for that purpose. We have three circuits in which there are four circuit judges, and in addition to those circuit judges there are the circuit judges who are appointed on the bench of the Commerce Court. In the course of time those judges go off from the Commerce Court and will sit in the circuits.

In the seventh circuit, which embraces Illinois, Indiana, and Wisconsin, there are now four circuit judges and also a circuit judge on the Commerce Court. When the act amending the judiciary title was before the House we inserted a provision to the effect that the circuit judges might be assigned to the district court work, so that in those circuits where there were four circuit judges, one of them might be put at work in the district court.

One of the circuit judges in our district—the seventh district—has recently resigned. The proposition has been made to abolish, by repeal of the law or change of law, the four circuit judges in that district and to provide an additional circuit judge. I do not know whether that is necessary or not, but it is perfectly plain now that in any event the provision in the ex-

isting law authorizing the assignment of one of the circuit judges to the district court ought to be retained unimpaired. I have been afraid that the amendment of this section of the law as now proposed, coming later than the original act, might be construed as directing that the circuit judges shall only sit in the circuit court of appeals. For that reason I have suggested the amendment which I will offer if I get the opportunity.

Mr. CLAYTON. Certainly. I will be very glad if the gentleman will offer his amendment.

Mr. MANN. Will the gentleman yield to me to offer the amendment

Mr. CLAYTON. I certainly do.

Mr. MANN. Then, Mr. Speaker, I offer an amendment, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend page 2, line 5, by inserting after the word "law" the following: "*Provided*, That nothing in this section shall be construed to prevent any circuit judge holding district court or serving in the Commerce Court, or otherwise, as provided for and authorized in other sections of this act."

Mr. CLAYTON. Mr. Speaker, I yield five minutes, or such time as the gentleman from Pennsylvania [Mr. MOON] may desire.

Mr. MOON of Pennsylvania. Mr. Speaker, I am in entire accord with the amendment offered by the gentleman from Alabama, as amended by the gentleman from Illinois.

I do not deem this amendment at all necessary, but inasmuch as it is intended thereby only to make the provisions of this act more clear I shall support it.

At the time that the judiciary act was passed, on March 3 last, the committee of which I was at that time chairman inserted a provision postponing the actual operation of the law until January 1 of the present year. The purpose of this postponement was to afford to the legal profession of the country time to study its provisions, to scrutinize its arrangement, and to make suggestions as to any omissions or imperfections contained therein, and to afford opportunity for their correction if any should be found to exist. We deemed this essential. The act is a lengthy one. It is of momentous importance. It changes our whole Federal judicial system, and errors and oversights might result in disastrous consequences to the Nation. We therefore sent copies to all the Federal judges and to many of the leading lawyers of the country who had extended practice in the Federal courts, and I am greatly gratified at the practically unanimous commendation with which this legislation has been received by the press, the bench, and the bar of this country. Few suggestions for changes or alterations of any kind have been received.

One of the judges, however, did suggest that the language of the act relating to the designation of the circuit judges to sit on the circuit court of appeals might be made more clear. The present bill is intended to accomplish that purpose.

In my judgment the amendment is unnecessary. The act is already sufficiently perspicuous upon that point. The circuit court of appeals, as created by the act of March 3, 1891, is composed primarily of circuit judges. By special provisions of the act the supreme justice of the circuit is made a component part of that court, and one of the district judges may be designated to sit therein when occasion shall require it. The new act does not change these provisions. It reenacts them. It does not specifically assign the circuit judge to that court. It treats that court as composed primarily of those judges. It makes special provision for the designation of the district judge as occasion requires, and makes also provision for the precedence of the judges when the circuit justice shall attend. It treats the circuit judge as the judge upon whom the entire work of the circuit court of appeals devolves, except under the special conditions before enumerated.

That was the organization of the circuit court of appeals under the act of 1891, and in the repealing clause of our bill we especially provide that nothing therein contained shall affect the organization of the courts that are not abolished by the act.

I therefore repeat that I do not regard this amendment as necessary to the complete operation of the new law, but inasmuch as it is highly important that no doubt should exist in the mind of anyone as to the competency of the judges to hold this court, and inasmuch as this amendment is intended to make that matter more clear, to make assurance doubly sure, I shall support it, and trust it may receive the support of the House. [Applause.]

Mr. CLAYTON. Mr. Speaker, just a word, to allay the apprehensions of some Members of the House. A good many gentlemen do not seem to understand what this bill is. Unfortunately they did not hear my explanation in the beginning. Some gentlemen think this bill relates to the matter of creating additional judges. It relates to no such subject at all. It simply makes it clear that the circuit judges are the judges of the circuit court of appeals, and that is the only purpose of the act.

As regards the amendment offered by the gentleman from Illinois [Mr. MANN] I have to say that I think it is unnecessary, in view of sections 17 and 18 of the judiciary code, but as suggested by him, it will certainly make the matter more clear, and will remove it from the domain of any doubt whatever. Therefore I have no objection to the amendment, and I hope it will be adopted.

The SPEAKER. The question is on the amendment of the gentleman from Illinois [Mr. MANN].

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The bill was ordered to be engrossed and read a third time, was accordingly read the third time, and passed.

THE SMOOT PRINTING BILL.

Mr. CLARK of Florida. Mr. Speaker, I desire to ask unanimous consent to have printed in the RECORD a protest from the Local Order No. 248 of the Cigar Makers' Union, of Jacksonville, against the passage of the Smoot printing bill.

The SPEAKER. The gentleman from Florida asks unanimous consent to have printed in the RECORD a letter from a cigar makers' union in Florida. Is there objection?

Mr. MANN. Mr. Speaker, did I understand the gentleman from Florida to ask leave to extend his remarks in the RECORD?

Mr. CLARK of Florida. No, sir. I asked unanimous consent to print.

Mr. MANN. If the gentleman from Florida asks leave to extend his remarks in the RECORD, I will not object.

Mr. CLARK of Florida. I decline to do that. I ask unanimous consent to print that document in the RECORD.

Mr. MANN. I shall have to object to printing documents in the RECORD unless they are a part of Members' remarks.

TRANSFERS FOR PUBLIC-SCHOOL CHILDREN.

Mr. DYER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by publishing a bill, which I have just introduced, and a statement in reference thereto, providing for half fares for school children in the District of Columbia.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The matter referred to is as follows:

An act to require street railway companies operating in or within the District of Columbia to grant one-half fare rates to public school pupils.

Be it enacted, etc., That within 60 days from the passage of this act all street railway companies doing business in or within the District of Columbia must sell tickets to public-school pupils, such tickets to be good while said pupils are going to or coming from school, at the rate of one-half the fare charged or to be charged for adult passengers, and shall give such transfers to said public-school pupils as are or shall be granted to adult passengers: *Provided*, That the said railway companies of the District of Columbia shall not be required to issue such tickets in books of less than 48, and shall have the right to require the written certification of the principal of the school attended that the pupil applying for tickets is a regularly enrolled pupil of the school over which the principal has control: *Provided further*, That any street railway company or any officer or agent thereof who may violate any provisions of this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than $50 nor more than $100 for each violation; and that all prosecutions for violations of the provisions of this act shall be on information filed in the police court in the name of the District of Columbia by the corporation counsel of the District of Columbia, or any of his assistants duly authorized to act for him, upon the sworn complaint of any person setting forth a violation of this act.

SOME REASONS WHY HALF-FARE STREET RAILWAY RATES SHOULD BE GRANTED TO PUBLIC-SCHOOL CHILDREN.

1. Any cause which operates to lessen the cost of education necessarily tends toward its extension and to the benefit of the public. As the education of the child during the period of his high-school training causes a considerable drain upon the finances of the family, even a slight reduction in car fare is helpful.

2. As a matter of efficiency and economy in the administration of secondary schools Washington has located her largest high schools where they can be reached readily by street railway travel. While this plan is undoubtedly the best plan for the city educationally it entails an expense for car fare upon the parents of pupils which can be minimized by reducing the rate.

3. The railways of the District are not overburdened with legislative or other restrictions and can readily make this slight concession to the public good.

4. The actual cost to the car companies in the carriage of school children is materially less per capita than in the carriage of adults, as the car capacity for children is greater and the weight necessarily averages considerably less. There is also considerable gain to the companies from the fact that children will bear a greater degree of crowding than adults.

5. The slight loss in fare to the railway companies would be compensated, to a degree, by an increase in the number of pupils carried—many children who now walk from school would ride at the reduced rate.

6. The afternoon travel by school children occurs at a time when the companies are hauling cars that are not taxed to anything like their full capacity, and the carrying of extra pupils at such a time would be a clear gain to the companies.

7. The precedents for such reduction of fare are shown by the attached report covering conditions in many States and cities of the United States for the year ended July, 1911.

[From the Washington Times, Tuesday, May 2, 1911.]

The Times is able to present the accompanying facts concerning children's street-car rates in other cities because of the interest in this subject of Allan Davis, the principal of the Business High School. Mr. Davis may be said to be the originator of the movement for half-fare tickets, as he launched a campaign for this reform in the Southeast Citizens' Association more than a year ago. From there he carried it to the Federation of Citizens' Associations, which appointed a committee on the subject and made him chairman of it.

MR. DAVIS'S REPORT.

Mr. Davis has been working for months to collect the information which the Times is presenting to the Washington public to-day. He wrote to the superintendent of schools of every State in the Union. His report, based upon his replies, was completed yesterday, and will be submitted to the Federation of Citizens' Associations at its next meeting. So important is that report, and so significant is it at this time, that the Times published it in full to-day. It is worthy the most careful consideration by all Washingtonians and by every Member of each House of Congress. The report follows:

"The problem of bringing the child to the fountain of public education is in process of solving by different methods in different localities. In the Middle West, where population is sparse and railways few, the State has become a common carrier for educational purposes and actually brings pupils to and from the centralized county high schools by a public coach. Where, however, interurban lines have multiplied, the community has shifted the duty of transporting pupils to the railway and has frequently required the granting of special rates. This is the case, for example, in northeastern Ohio.

"The most suggestive precedents with respect to the relation of the pupil to the railroad come from New England, where educational systems have been in existence for a relatively long period, and where tendencies have had time to become practices. In Bridgeport the street-railway corporation sells a 40-ride ticket to pupils for $1. This concession seems to have been made purely as a matter of business without legislative compulsion. In Maine the Lewiston, Augusta & Waterville Street Railway sells a book of 100 tickets for $2.50. In Bangor the half rate also prevails.

LAWS ON SUBJECT.

"The most important and significant condition is found in Vermont and Massachusetts, both of which, by statute, provide that half fare only shall be charged by street railway companies to children attending public schools. The Massachusetts statute, in fact, covers private-school attendance also. Its exact provisions are as follows:

"'The rates of fare charged by street or elevated railway companies for the transportation of pupils of the public day schools or public evening schools or private schools between a given point, from or to which it is necessary for them to ride in traveling to or from the schoolhouses in which they attend school and their homes, whether such schoolhouses are located in the city or town in which the pupils reside or in another city or town, shall not exceed one-half the regular fare charged by such street or elevated railway company for the transportation of other passengers between said points, and tickets for the transportation of pupils as aforesaid, good during the days or evenings on which said schools are in session, shall be sold by said companies in lots of 10 each. A railway company which violates the provisions of this section shall forfeit $25 for each offense.'

"Some communities have been wise enough to secure half fare for pupils by a provision in the franchise of the public carrier. This is true in the case of the Carolina Power & Light Co., which operates in Raleigh, N. C.

IN MISSISSIPPI VALLEY.

"Among Mississippi Valley cities, Little Rock, Ark.; Lincoln, Nebr.; Omaha, Nebr.; and Springfield, Ill., have the half-fare plan in operation. The Omoha & Council Bluffs Street Railway Co. excepts students of law, medical, or dental colleges, and grants the half rate to children attending grade and high schools only. In Springfield the reduction was made by the officials of the company of their own accord, 'as a matter of sentiment,' as the railroad manager expressed himself.

"Even in the extreme West, where prices in general are high, a fairly large number of cities have secured reduced rates, although two-thirds fare instead of one-half fare prevails in some instances.

"The Helena (Mont.) Street Car Co. sells 10 tickets for 25 cents. Salt Lake and Ogden, in Utah, have special student rates. Olympia, Salem, and Tacoma represent the Pacific coast in the effort to popularize education by cheapening transportation.

"The nearest and most significant example for Washington in the matter of street railway rates is found in Richmond, Va., where a half-fare rate exists, the company selling books of 20 tickets for 50 cents, or a 40-ticket book for $1.

COMPANIES LIBERALLY TREATED.

"In the city of Washington the street railway companies have been liberally treated as to charters and privileges. They are not harassed by special taxation, menaced by politicians who seek personal gain at their expense, or overburdened by legislative restrictions. Why should they not follow the example of Hartford and Springfield and voluntarily establish a school rate as a return to the public for benefits received?

"Furthermore, the character of the school travel makes it easy to handle. The school child uses the car for return from school at a dull time of day for the companies. The going child would travel, in large part, away from departmental and business centers, and would utilize otherwise empty cars. Finally, an increase in the number of riders, and especially in the number of short hauls, would, in large degree, compensate the companies for a reduction of fare."

COURTHOUSE SITE, PHILLIPS COUNTY, ARK.

The SPEAKER. The Clerk will proceed with the call of committees.

Mr. GRAHAM (when the Committee on Public Lands was called). Mr. Speaker, the chairman of the Committee on Public Lands being absent, I desire to call up Senate bill 3436, calendar No. 55, an act granting to Phillips County, Ark., certain lots in the city of Helena for a site for a county courthouse.

Mr. MANN. Mr. Speaker, a parliamentary inquiry. Is this bill called up on the call of committees?

The SPEAKER. It is.

Mr. MANN. I shall have to make the point of order that it is not in order to call up that bill. This bill is on the Union Calendar, and it can not be called up on this call of committees.

Mr. GRAHAM. Then, Mr. Speaker, I ask unanimous consent that it be taken up in the House as in Committee of the Whole.

Mr. MANN. The gentleman will have first to get unanimous consent to consider the bill. After the call of committees is concluded the gentleman can move to take it up.

The SPEAKER. When the call of committees is finished the gentleman from Illinois can move to go into Committee of the Whole House on the state of the Union to consider the bill. The Clerk will proceed with the call.

DIVERSION OF WATERS OF LAKE TAHOE.

Mr. GRAHAM. Mr. Speaker, there are some other matters from the Committee on Public Lands which I think are in order. I call up House resolution 270, House Calendar 73.

The Clerk read the resolution, as follows:

House resolution 270.

Resolved, That the Secretary of the Interior and the Secretary of Agriculture be, and they are hereby, directed to furnish the House of Representatives with copies of all correspondence and records on file in their respective departments in reference to any action taken or contemplated by either or both of said departments concerning the diversion, by tunnel or otherwise, of the waters of Lake Tahoe, which lake is situated partly in California and partly in Nevada, and the contemplated use of the waters of Lake Tahoe by the Government, or by any person, company, or corporation with the consent of the Government, and the diversion of the waters of Lake Tahoe from the State of California.

The SPEAKER. The question is on the passage of the resolution.

The resolution was considered and agreed to.

On motion of Mr. GRAHAM, a motion to reconsider the vote whereby the resolution was agreed to was laid on the table.

DESERT-LAND ENTRIES, WELD AND LARIMER COUNTIES, COLO.

Mr. GRAHAM. Mr. Speaker, I desire to call up the bill H. R. 14664, authorizing the Secretary of the Interior to grant further extension of time within which to make proof on desert-land entries in the counties of Weld and Larimer, Colo.

The Clerk read the bill, as follows:

Be it enacted, etc, That the Secretary of the Interior may, in his discretion, grant to any entryman under the desert-land laws in the counties of Weld and Larimer, in the State of Colorado, a further extension of the time within which he is required to make final proof: *Provided*, That such entryman shall, by his corroborated affidavit filed in the land office of the district where such land is located, show to the satisfaction of the Secretary that because of unavoidable delay in the construction of irrigation works intended to convey water to the land embraced in his entry he is, without fault on his part, unable to make proof of the reclamation and cultivation of said lands as required by law within the time limited therefor; but such extension shall not be granted for a period of more than three years, and this act shall not affect contests initiated for a valid existing reason.

The following committee amendment was read:

Page 1, line 4, insert after the word "entryman" the words "who has heretofore made entry."

Mr. MANN rose.

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Illinois?

Mr. GRAHAM. Yes.

Mr. MANN. I suggest to the gentleman that he make an explanation of the bill for the benefit of the House.

Mr. GRAHAM. Mr. Speaker, I yield to the gentleman from Colorado [Mr. TAYLOR], who introduced the bill, to make such explanation as he desires.

Mr. TAYLOR of Colorado. Mr. Speaker, in answer to the question of the gentleman from Illinois [Mr. MANN], I will say that in northern Colorado there are a number of very large and expensive irrigation projects. Some of them are in course of construction. The Greeley-Poudre irrigation district, the one to which this bill pertains more particularly, has already cost something over $2,000,000 and will probably cost three millions more. The work has been prosecuted with the greatest diligence. The Secretary of the Interior in his official report on this bill to the Public Lands Committee says:

The bill provides that the Secretary of the Interior may, in his discretion, grant to any entryman, under the desert-land laws, in the said counties, a further extension of not to exceed three years within which to make final proof. Such entryman is required to show to the satisfaction of the Secretary of the Interior, by his corroborated affidavit, filed in the local land office of the district where the land is located, that because of unavoidable delay in the construction of irrigation works, intended to convey water to the land covered by his entry, he is, without fault on his own part, unable to make proof of the reclamation and cultivation of such lands within the time required by law.

The bill follows the wording of the act of February 28, 1911 (36 Stat., 960), which allowed a like extension to desert entrymen in certain counties in the State of Washington, which was favorably reported on by this department January 24, 1911.

Weld and Larimer Counties are the seat of the Greeley-Poudre irrigation district, which was formed in 1909 under the irrigation laws of Colorado, from a consolidation of a number of smaller companies, the first of which was organized in 1902. The district covers 125,000 acres of irrigable land and appears to be possessed of sufficient water rights to furnish water for the proper irrigation of these lands when the great engineering projects undertaken by the district and the companies from which it was formed have been concluded. The ultimate cost of the project will be in the neighborhood of $5,000,000, and a considerable part of this sum has already been expended.

In previous decisions on contests against desert-land entries, in which the good faith of this company has been considered, it has been found that the work on this project has been prosecuted with diligence, and that no reason is known why water should not ultimately be placed over the land proposed to be irrigated thereby.

While unforeseen engineering difficulties have been met with which have caused greatly increased cost of construction, which has in turn necessitated additional delay from the difficulty of raising money to finance such increased cost, it is not thought that any good reason exists for canceling entries in which the entrymen have acted in entire good faith, but have not been able, from the difficulties met with by the irrigation company, on which they must depend for water, to irrigate the lands in their entries within the time required by law.

It is therefore recommended that the provisions of this bill be enacted into law.

Very respectfully, CARMI A. THOMPSON,
Acting Secretary.

In addition to the report of the Secretary of the Interior the investigation of the committee showed that the Greeley-Poudre irrigation district is a very extensive and expensive, as well as practical and important, project; that the irrigation works of the district tap the watersheds of the Cache La Poudre and Larimer Rivers in Colorado, and includes a number of large reservoirs as well as ditches and canals, some 200 miles in length; that the work has been diligently prosecuted ever since the summer of 1902. But notwithstanding there is a large force of men constantly at work at an outlay of from $40,000 to $150,000 each month, and the company has at all times been diligently pursuing the construction, nevertheless, owing to unforeseen and unavoidable obstacles, the project can not possibly be fully completed before probably some time during the year 1913; that the work is being pursued in a thorough and practical, businesslike way, and is destined to be one of the most important irrigation projects in the State.

A large number of the desert-land entrymen under this project have heretofore made application to the Department of the Interior and have obtained an extension of the time within which the law allows them to apply water by means of this system to the irrigation of their lands. But that extension of time allowed will soon expire, and the department has no authority to extend the time further, and the only way their rights can be protected is by the enactment of a special statute for their relief.

Inasmuch as these entrymen have made their entries in entire good faith, and have each expended from two to four thousand dollars on their lands, and the delay in the construction of the irrigation project is in no way attributable to them, and the work is progressing as rapidly as could be expected, it is deemed that a measure of this kind for their relief is very meritorious and that the time within which they may be allowed to make final proof should be extended, as provided by this bill.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Colorado yield to the gentleman from Illinois?

Mr. TAYLOR of Colorado. Certainly.

Mr. MANN. The amendment proposed by the committee is to make the bill read:

Any entryman who has heretofore made entry,

And so forth.

Of course, I see the purpose of that—to confine it to men who have already made entries.

Mr. TAYLOR of Colorado. Yes, sir.

Mr. MANN. There seems to be no limitation of time as to when entry was made. As a matter of fact, when were these entries made—within the last few years, in the expectation of irrigation, or were some of them made 15 or 20 years ago?

Mr. TAYLOR of Colorado. They were all made since this irrigation project was started in 1902, and these entries were made in anticipation of its being completed within the five years' time allowed by law; but it has not been completed. The enterprise has been investigated officially by the Department of the Interior, and that department reports that it is a perfectly legitimate enterprise, and has all along been and is now being pursued in a diligent and businesslike manner, and that there appears to be no reason, in view of the good faith of these entrymen, why their entries should be canceled or that they should be deprived of their property.

Mr. MANN. This bill would not affect any old expired entries.

Mr. TAYLOR of Colorado. No. It can not revive any that are now lost. I introduced the bill to protect the existing legal rights of the bona fide desert-land entrymen in those two counties who can not possibly get water to comply with the law as to the reclamation of their land and make final proof within the time required by law. The bill merely provides:

That the Secretary of the Interior may, in his discretion, grant to any entryman who has heretofore made entry under the desert-land laws in the counties of Weld and Larimer, in the State of Colorado, a further extension of the time within which he is required to make final proof: *Provided*, That such entryman shall, by his corroborated affidavit filed in the land office of the district where such land is located, show to the satisfaction of the Secretary that because of unavoidable delay in the construction of irrigation works intended to convey water to the land embraced in his entry he is, without fault on his part, unable to make proof of the reclamation and cultivation of said lands as required by law within the time limited therefor; but such extension shall not be granted for a period of more than three years, and this act shall not affect contests initiated for a valid existing reason.

The SPEAKER. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. TAYLOR of Colorado, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The Clerk will proceed with the call of committees.

The Clerk proceeded with the call of committees.

COMMITTEE ON INDIAN AFFAIRS.

Mr. STEPHENS of Texas (when the Committee on Indian Affairs was called). Mr. Speaker, I ask unanimous consent that the Committee on Indian Affairs be passed at this time without prejudice.

The SPEAKER. The gentleman from Texas asks unanimous consent that the Committee on Indian Affairs be passed without prejudice on this call. Is there objection?

Mr. MANN. Mr. Speaker, I do not think the gentleman ought to make that request. I shall have to object. We get through a call of committees very rapidly.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects.

Mr. STEPHENS of Texas. Then, Mr. Speaker, I ask unanimous consent that it be made the order that the Committee on Indian Affairs be the first committee called on the next call of committees.

The SPEAKER. The gentleman from Texas asks unanimous consent that the Committee on Indian Affairs be the first committee called to-morrow after the reading of the Journal. Is there objection?

Mr. CANNON. Mr. Speaker, what bills does the gentleman desire to call up?

Mr. STEPHENS of Texas. One bill is to provide for the payment of Indian depredation claims on the citizenship question only. It does not involve anything else. There is no objection from any source that I know of.

Mr. CANNON. Mr. Speaker, I think that bill, if considered at all, should be considered under the rules of the House. I object.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] objects.

The Clerk proceeded with and concluded the call of committees.

COURTHOUSE SITE, PHILLIPS COUNTY, ARK.

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent now to take up Senate bill 3436 and have it considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Illinois [Mr. GRAHAM] asks unanimous consent to take up Senate bill 3436 and consider it in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the bill.

The Clerk read as follows:

An act (S. 3436) granting to Phillips County, Ark., certain lots in the city of Helena for a site for a county courthouse.

Be it enacted, etc., That there is hereby granted to the county of Phillips, in the State of Arkansas, lots Nos. 136 and 137 and the north half of lot No. 138, in that part of the city of Helena known as "Old Helena," as a site upon which to erect a building to be used as a county courthouse and for other similar public purposes. This grant is made on condition that the construction of such building shall be commenced within one year from the date of the passage of this act and be completed within two years thereafter and shall cost not less than $75,000.

Mr. MANN. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois [Mr. GRAHAM] yield to his colleague from Illinois?

Mr. GRAHAM. Certainly.

Mr. MANN. I wanted the gentleman to make a statement on the bill and to explain in his statement whether this land that is now to be donated to the city of Helena, Ark., was purchased by the Government; and if so, how much the Government paid for it, and how much we are thereby donating of property recently purchased by the Government to that city.

Mr. GRAHAM. Mr. Speaker, I will yield to the gentleman from Arkansas [Mr. MACON] to make the desired explanation.

Mr. MACON. Mr. Speaker, in response to the inquiry made by the gentleman from Illinois, I can not do better by way of giving him a specific answer than to have the Clerk read the Senate report on the bill.

The SPEAKER. Without objection, the Clerk will read.

The Clerk read as follows:

[Senate Report No. 144, Sixty-second Congress, second session.]

GRANT OF CERTAIN LOTS TO PHILLIPS COUNTY, ARK.

Mr. SMOOT, from the Committee on Public Lands, submitted the following report, to accompany S. 3436.

The Committee on Public Lands, to whom was referred S. 3436, beg leave to report as follows:

The purpose of this bill is to grant to the county of Phillips, in the State of Arkansas, lots 136, 137, and the north half of 138, in that part of the city of Helena known as old Helena, for the purpose of erecting thereon a county courthouse. The equity upon which the application for this grant is based is that in the year 1889 the citizens of Phillips County caused the owners of the lots named, together with the other half of 138 and lots 139 and 140, constituting an entire block in the city of Helena, to offer the same to the Government as the site for a post-office building at a greatly reduced price. That is to say, the Government paid $3,750 and the citizens paid $2,500 of the purchase price.

In the estimated value of the several lots constituting the block the amount paid by the Government was no greater than the value of the lots now reserved to her as the premises upon which the post-office building has been erected. This will appear from the communications of the Assistant Secretary of the Treasury, which are made a part of this report. It further appears that in consequence of threatened caving banks of the Mississippi River in front of the city of Helena the county courthouse was placed some distance back from the river, and at a point that has grown to be wholly inconvenient in view of the present development and growth of that city. The post-office building at Helena occupies the south end of the block composed of the lots in question. The north end thereof is wholly unoccupied. The erection of a county courthouse on the north end of the block will not only greatly improve the architectural attractiveness of the vicinity in which the post-office building is located, but it will result in greatly improving the streets, paving, and sanitary surroundings of the post-office building. The Government having been donated an interest in the block greater than it is now proposed to reconvey to the citizens of Phillips County, she will part with nothing which has cost her value if this grant is made, and as it is the purpose to devote the same to the erection of a public building fairly in keeping in cost and style with that of the post-office building, it is deemed to be a fair exercise of governmental generosity to return this parcel of land to the county for the purpose indicated, and the passage of the bill is accordingly recommended.

The matter of making this grant has been submitted to the departmental officers in charge of such matters.

Mr. MACON. Now, Mr. Speaker, I would like to have a letter read from the Supervising Architect in regard to this bill.

The SPEAKER. Without objection, the letter will be read.

The Clerk read as follows:

TREASURY DEPARTMENT,
November 7, 1911.

Hon. R. O. BAILEY,
Assistant Secretary, Treasury Department.

MY DEAR MR. BAILEY: In reply to your note of the 6th, relative to and accompanying letter of the 2d from Senator CLARKE in regard to the site for the Government building in Helena, Ark., I have to advise you as follows:

First. The property was not donated, the Government paying $3,928.85 for the property in 1889.

Second. The property is 131.6 by 330.5 feet in size, with streets on two short sides and on one long side, and with a 24-foot alley on the other long side.

The present building occupies a space of 70 feet from the south side of lot and the full width. If one-half of the property was disposed of to the city, it would leave a piece of property 131.6 by 165 feet, and this would permit of an addition to the present building of 55 by 100 feet, which would very nearly double the size of the building as at present constructed and still retain the 40 feet fire limit.

The population of the city was 5,189 in 1890, 5,550 in 1900, and 8,772 in 1910, or an average growth for 20 years of approximately 1,500 per decade.

There has never been any demand for more space in this town, and it would therefore seem that a provision of space that would allow twice the present area would be sufficient to provide for all the future requirements of Helena, and that the Government might very properly interpose no objection to the disposal of the north half of the property.

Third. I see no reason or necessity for an inspector visiting Helena, as all of the data are on the files in this office.

Respectfully,

JAMES KNOX TAYLOR,
Supervising Architect.

Mr. MACON. Now, Mr. Speaker——

Mr. MANN. Will the gentleman yield?

The SPEAKER. Does the gentleman from Arkansas yield to the gentleman from Illinois?

Mr. MACON. I do.

Mr. MANN. May I ask the gentleman what report was read?

Mr. MACON. The Senate report on the bill. This is a Senate bill, and I had the Senate report read.

Mr. MANN. I notice that report contains some information. The House reports, two of them, one on the Senate bill and the other on the House bill, seemed neither one of them to contain very much information.

Mr. MACON. The Senate report does contain information, Mr. Speaker, and that is why I had it read. The House report, I suppose, was drawn by the chairman of the Committee on Public Lands, and he knowing that the Senate report gave the full particulars, did not deem it necessary to set them out in full in the House report. The only added information given in the House report is to be found in the fact that if this donation is made it will relieve the Government of further care and expense, such as constructing pavements around the property and keeping some one empolyed to care for the grounds. When the plot of ground was originally purchased it was thought that the Government would erect its public building in the center of the plot, but for some reason the Government saw fit to erect it on the south end of the plot and left all the back or north part vacant. It is still vacant, and it is upon that part of the ground that it is proposed to erect a county courthouse in keeping with the Federal public building, and the appearance of the grounds will be greatly improved thereby.

I do not feel that the Government will be making any great sacrifice by donating this part of the land to the county, because, as stated in the Senate report, the citizens contributed more toward the purchase of these lots than this part of the land was worth at the time it was purchased.

Mr. MANN. If the gentleman will yield for a question, the House report states that the entire piece was purchased by the Government at an expense of $6,250.

Mr. MACON. Yes.

Mr. MANN. Of which $2,500 was contributed by the people of Arkansas.

Mr. MACON. Yes.

Mr. MANN. I assume that one half of this land is worth just as much as the other half. .I may be mistaken.

Mr. MACON. The gentleman is very much mistaken in regard to that, as he will understand when I tell him that the Government building is right next to the business part of the town, built upon the main street, whereas the part of the ground which runs back is just across the street from the station house in the city of Helena. There are no business places adjoining it, and therefore the south end of the lot is much more valuable than the north end.

Mr. MANN. One would be worth just as much to the Government as the other. Of course, this is not a very large amount. The gentleman states that the passage of this bill will relieve the Government of the expense of paving the streets, but, as I understand, the invariable rule of Congress is that it does not provide for the expense of paving streets adjoining property owned by the Government.

Mr. MACON. The gentleman may have misunderstood me. I meant to say the sidewalk around the plot of ground, which the Government does have to maintain and has kept up heretofore.

Mr. MANN. The sidewalk is there.

Mr. MACON. It is there, but it will decay and wear out and will have to be rebuilt or repaired from time to time. The Government also has to pay a caretaker to take care of the ground now, but the county will have that to do if this donation is made.

Mr. MANN. I would not be in favor of the passage of the gentleman's bill in order to relieve the Government of the expense of maintaining the sidewalk.

Mr. MACON. That is only an incident.

Mr. MANN. It may be that the Government has no use for the ground, and it may be very well to permit the construction of a city or county building upon it.

I regret that the committee reporting a bill of this sort does not give the House as much information as was considered necessary to be given in the Senate report.

Mr. MACON. I think I explained to the gentleman that the chairman of the committee [Mr. ROBINSON] had the Senate report before him, and he knew that the Senate bill would be the one that the House would be asked to pass, and he knew from conversation with me that the Senate report would be the one read in the House in support of the Senate bill, and I presume he made his report brief for that reason.

Mr. MANN. I certainly have no disposition to criticize the chairman of the Committee on the Public Lands [Mr. ROBINSON], whom I regard as a very able and valuable Member of

this House; but Members are not supposed to get the Senate reports on Senate bills, nor are they expected to be able to gather the purport of a Senate report by hearing the Clerk read it while the House is in disorder. It is customary for a House committee, when they wish to make use of a Senate report, to attach that and make it a part of the House report, so that the Members of the House may be informed of the merits of a bill in the House and not be compelled to trot over to the Senate to find out about it.

Mr. BUTLER. Does the gentleman propose to ask Congress to donate any more land in the State of Arkansas?

Mr. MACON. Not a bit, sir.

Mr. BUTLER. I am always satisfied with the gentleman's commendable ideas upon economy. It surprises me a little bit that he should ask the Government to donate something belonging to the Government, not exactly for private purposes, but for municipal purposes. As I understand the gentleman, the people of this town once gave this land, or its value, to the Government.

Mr. MACON. A part of it.

Mr. BUTLER. And therefore the Government, in making the donation, really loses nothing?

Mr. MACON. It really loses nothing.

Mr. BUTLER. The gentleman is satisfied of that?

Mr. MACON. I am pretty well satisfied of that.

Mr. BUTLER. But not entirely?

Mr. MACON. I am pretty well satisfied.

Mr. BUTLER. But not quite.

Mr. MACON. Taking all in all, I am satisfied that the Government will benefit by the transaction, by being excused from all future expense of maintaining this property.

Mr. MILLER. Mr. Speaker, I would like to ask the gentleman a question to clear this thing up.

Mr. MACON. I will yield to the gentleman.

Mr. MILLER. I understand from the gentleman from Arkansas that the value of this part of the property was contributed by the citizens of this county at the time the Government purchased the lot.

Mr. MACON. Yes

Mr. MILLER. And by reconveying this to the county the Government is not giving away anything for which it originally paid something. Reading from the House report, I find that the cost of the ground was $6,250, that the amount contributed by the people of this county was $2,500. Now, the difficulty, in my mind, is how the gentleman works out his mathematics.

Mr. MACON. I tried to explain to the gentleman from Illinois [Mr. MANN] that the two lots and a half that the Government covers with its building are next to the business part of the town, and therefore very valuable. The two and a half lots that this bill proposes to convey to the county of Phillips is back of that and next to the station house of the city of Helena, where no residential or business houses will ever be erected, and therefore are of nominal value.

Mr. MILLER. How large a city is this?

Mr. MACON. The last census shows something over 8,000.

Mr. MILLER. This was purchased in 1889, 22 years ago. Has not the price of property and the value of real estate increased in that length of time?

Mr. MACON. I suppose it has, and in that connection I will say that I suppose that the two and a half lots that the Government building is now on has outstripped the other in the increase of value to the extent of the value of this ground.

Mr. MILLER. The value of the two and a half lots will be greatly in excess of $2,500?

Mr. MACON. No; I do not think so, because of their inaccessibility for general use.

Mr. AUSTIN. Let me ask the gentleman: Has not property in Arkansas been going up ever since the gentleman has been in Congress?

Mr. MACON. Oh, yes.

Mr. MILLER. What is the present value of these two and a half lots?

Mr. MACON. I can not say, on account of what I have stated. The station house is right across the street from these lots. Nobody wants it for residential or business purposes. It is out of the general business or residential part of the city.

Mr. MILLER. Do the people of that enterprising community intend to put a courthouse in somebody's back yard where nobody can see it?

Mr. MACON. Would it hurt a courthouse to be across the street from a city prison or a city hall? The city prison is across the street from it as well as the city hall.

Mr. MILLER. The only point I care to inquire into is what is the present value of the two and a half lots.

Mr. MACON. I have stated to the gentleman that I do not know, because of their inaccessibility. We know that they do not compare in value with the lots that the public building is on.

Mr. MILLER. Will the gentleman from Arkansas state whether or not the present value of the two and a half lots is in excess of the amount contributed by the people of that county toward the purchase?

Mr. MACON. I think so.

Mr. MILLER. Then, the gentleman is asking the Government to make a donation of some property value?

Mr. MACON. Not when you consider the fact that the Government property that it purchased at that time, that the people of the county secured the purchase of for the Government, has greatly increased in value, and the further fact that the Government will not have to maintain this plat of ground any longer; that it will not have a single cent of expense for all time to come, whereas if these lots are left as they are they will be an expense in perpetuity to the Government.

Mr. BUTLER. Can not the Government sell the lots?

Mr. MACON. I do not know whether the Government could sell them to an advantage or not. I am not looking after that end of the matter.

Mr. AUSTIN. Mr. Speaker, we all know that the statement made by the gentleman from Minnesota [Mr. MILLER] is correct, and we also know that the gentleman from Arkansas [Mr. MACON], whose district is affected by this legislation, has stood here for years and has saved to the people of the United States and the National Treasury millions of dollars, and I think we ought to do something handsome. I regret that this property is not more valuable than it is.

Mr. BUTLER. Mr. Speaker, I am going to vote for the gentleman's measure, but I want to be satisfied, and if the gentleman is satisfied I think we all ought to be. Let me ask one other question. Is the gentleman quite satisfied that in this division the Government is fairly treated?

Mr. MACON. I am.

Mr. AUSTIN. Mr. Speaker, in reply to the suggestion of the gentleman from Pennsylvania [Mr. BUTLER], it is not a question of whether the Government has been fairly treated, but whether the gentleman from Arkansas and his district have been fairly treated.

Mr. MANN. Mr. Speaker, did I understand the gentleman from Tennessee [Mr. AUSTIN] to announce himself in favor of giving away Government property or of taking anything out of the Government Treasury?

Mr. AUSTIN. Mr. Speaker, I am prepared to vote for anything that the gentleman from Arkansas [Mr. MACON] wants for his district.

Mr. MACON. Mr. Speaker, I thank the gentleman from Tennessee most cordially.

Mr. FITZGERALD. Mr. Speaker, will the gentleman yield?

Mr. MACON. I yield to the gentleman from New York.

Mr. FITZGERALD. Mr. Speaker, the gentleman wants this property, as I understand it, only for the purpose of building a courthouse upon it?

Mr. MACON. That is all, sir.

Mr. FITZGERALD. Has the gentleman any objection to an amendment which will provide that this property shall revert to the United States when it ceases to be used for public purposes?

Mr. MACON. None whatever, except that I would dislike to have the bill amended now so as to necessitate its going to the Senate.

Mr. FITZGERALD. It would take only a moment. I would sooner the bill passed correctly than to have an improper bill pass.

Mr. MACON. I want to say to the gentleman that the county has already authorized the expenditure of $100,000 for a courthouse, the construction to be begun upon the passage of this bill, and I am anxious now to have it go through without amendment so the President may sign it and I can wire the county judge to that effect so he can let the contract for the construction of the courthouse at once. That is the only objection. It is intended that it shall be used for courthouse purposes for all time.

Mr. FITZGERALD. But the bill does not so provide. Mr. Speaker, I am somewhat familiar with legislation of this kind. A great many years ago the city of New York placed at the disposal of the Government—the reverse of this proposition—a site on which there is a post office, and it followed at that time what was the universal practice, viz., placed that land at the disposal of the Government so long as it was used for a public purpose. In an enterprising and progressive district like that

represented by the gentleman from Arkansas [Mr. MACON] in the course of a few years this community may grow to such an extent that it will be necessary to have a new courthouse, and there is no reason why the community should be permitted to speculate in Government property or land. I would like to offer such an amendment as I suggest.

The setting of a bad example makes this House run riot on other matters. I should like to provide that upon the discontinuance of the use of this property for public purposes it shall revert to the United States. I have not known of any community, large or small, donating property to the United States in such a manner that it might be disposed of afterwards at a profit for the Government, and I know of no reason why the Government should become the "Great White Father" to the rest of the country and turn out not only its money but its property to either large and rich or smaller communities that are not so prosperous.

Mr. FOSTER of Illinois. Mr. Speaker, I would like to ask the gentleman a question. Would it not be well to provide that the property shall revert to the Government when it ceases to be used for courthouse purposes?

Mr. FITZGERALD. I think not.

Mr. FOSTER of Illinois. Suppose they should use it for a jail.

Mr. FITZGERALD. I think the building might be utilized for some other public purpose than the purpose of a courthouse; but the community should not be placed in a position where it might hereafter be able to sell this property and obtain a profit. I desire to offer that amendment, if I may have the opportunity to do so.

Mr. MANN. The gentleman has the opportunity now. He can offer it at any time.

Mr. FERRIS. Will the gentleman yield to me for a question?

Mr. FITZGERALD. Yes.

Mr. FERRIS. Does or does not the gentleman think that in the event his amendment is put on the bill it might interfere with their ability to bond their county in order to build the courthouse? I do not know whether or not they have to do that, but in a great many localities they have had it to do. I do not think the gentleman would want to inflict upon them any difficulty of that kind.

Mr. FITZGERALD. I do not think there is such an intention.

Mr. SHERLEY. Will the gentleman yield?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Kentucky?

Mr. FITZGERALD. Certainly.

Mr. SHERLEY. I did not hear the original discussion. What was the reason assigned for giving the property in the first place, with or without conditions?

Mr. FITZGERALD. The property is within the district of the gentleman from Arkansas [Mr. MACON], and the statement is made that this property in the year 1889 cost the Government $6,250, of which the people in the community contributed $2,500. The Government has built a post office upon one-half of the lot, and this vacant part is between the post office and the city hall——

Mr. MACON. Yes; between the post office and the station house and the post-office building.

Mr. FITZGERALD. And in the opinion of the gentleman from Arkansas [Mr. MACON] this property is unfit for any purpose except to conduct on it the judicial business of that county. He believes that the Government would be relieved thereby of the onerous obligation that comes to all owners of property if it could give it to somebody else instead of holding it. It is a somewhat novel argument, I am free to confess. I offer, Mr. Speaker, this amendment so that, as it seems to me important, when this county has finally ceased to have use of this property for public purposes it shall revert to the United States. It is not too much to ask from the community, and it may be a deterrent to others who are inclined to attempt to obtain much more valuable tracts of land from the Government for nothing.

In my experience I recall that the city of New York desired to obtain a little strip of land near the lighthouse depot on Staten Island for the purpose of building a public road for the benefit of the Government establishment, and it was permitted to do so upon the payment to the United States of $38,000. It seems to me that if we are to give land away we should at least attempt to do something to protect the people of the United States, even if it may be some inconvenience to those whom we particularly represent in the House. I ask that the Clerk report the amendment.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The Clerk read as follows:

Amend page 2, at the end of line 2, by adding: "*Provided*, That upon the discontinuance of the use of this property for public purposes it shall revert to the United States."

Mr. MACON. Mr. Speaker, I have just stated the only reason I have or could have for opposing that amendment, and that is that it would possibly delay the passage of this measure. But I have no desire in the world to convey this property to the county of Phillips in such a form that it could use it for speculative purposes. I know that no one interested in the matter has any such intention. The class of people whom I have the honor to represent would under no circumstances come to Congress and ask for a donation of this property with a view of speculating upon it.

This bill was introduced for the sole purpose of getting this ground for use as a courthouse, to be used forever and a day afterwards for a courthouse and for nothing else. But since the gentleman from New York has seen fit to offer the amendment and feels as he does about it, I will offer no objection to its adoption.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on the third reading of the Senate bill as amended.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. MACON, a motion to reconsider the last vote was laid on the table.

Mr. MACON. Mr. Speaker, I move that House bill 15744, Calendar No. 54, relating to the same subject as the Senate bill just passed, lie on the table.

The motion was agreed to.

LEAVE TO PRINT.

Mr. CALDER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, and to print as a part of the same an address by Rev. S. Parkes Cadman, of Brooklyn, on the subject of arbitration.

The SPEAKER. The gentleman from New York [Mr. CALDER] asks unanimous consent to extend his remarks in the RECORD and to print as a part thereof a certain speech on the subject of arbitration. Is there objection?

There was no objection.

Mr. BUTLER. I should like to ask the gentleman on which side of the subject this address was made?

The SPEAKER. The permission to print is already granted.

ARBITRATION TREATIES.

Mr. CALDER. Mr. Speaker, the arbitration treaties now pending in the Senate have aroused unusual interest throughout the country, more especially in the city of New York. I have read many addresses on the subject, but none has created a more profound impression on me than the sermon by the Rev. S. Parkes Cadman, D. D., pastor of the Central Congregational Church, Brooklyn, N. Y., delivered at that church on December 10, 1911. Many of those present declared Dr. Cadman's sermon to be the most remarkable one in their recollection. It rivaled the great utterances of Henry Ward Beecher in the sixties. Dr. Cadman said:

The impossibility of permanently concealing anything is continually shown. Cabals may be sworn to secrecy, but the murder will out. Blue books and archives reveal the carefully guarded agreements of so-called statesmen. Yet secrecy persists, especially in the making of treaties and alliances. And governments which have just reason to dread public opinion are addicted to it. They love darkness rather than light, because in some instances their deeds are evil. A carefully conjured mystery envelops the foreign offices of international diplomacy like a blanket of fog. The result is that issues which affect the life and death of thousands of the world's people can never be faced on their merits. Our hand is on our brother's throat at the bidding of a small group of diplomatists, and we do not know why until the conflict is over, the ruin complete, and the true history of the war published. If this is doubted, I would have you read Sir William Butler's Autobiography for a startling confirmation of it. There the plottings and intrigues which led to the Anglo-Boer War are in part revealed, and sober men can judge for themselves.

The first news we have of Italy in Africa comes from the daily press. Doubtless she got the consent of the other interested powers, but no one outside a baker's dozen of men can know that as yet. So the Austrian Government suddenly tore up the treaty of Berlin and occupied the Balkan Provinces. Russia had already torn up the treaty of Paris and placed her ironclads in the Black Sea. These are ugly features in international intercourse which democracy may die for but certainly does not control. We are bound hand and foot by obnoxious secret alliances. They lead men who love fair play and freedom into distasteful intimacies; a healthy publicity is not allowed to play upon them in time to check their greed and cupidity. The conduct of affairs vital to national honor is withdrawn from the oversight of a common conscience and a prevailing sense of sight.

We are weary of this chicanery, which would not be tolerated in personal and business relations. And of what benefit is it that such dexterity is accompanied by vague aspirations for a better feeling between

nations? Such a feeling can not be had by aspiration. It must follow on a broadened, a liberalized, and an open negotiation between such nations. The hidden diplomacies which harden into all kinds of military compacts must cease. The peoples which supply the cost of armaments and war will presently refuse to be used as pawns by political pundits who play a reactionary and worn-out game. Social reconstruction can not much longer be wrecked in the interests of this school of occult diplomacy. The plain man in Britain is horrified to know that last August the channel fleet was stripped for action and the torpedo nets were put out every night in expectation of a hostile German squadron. He asks, For what reason was this imminency of conflict? and gets no satisfactory reply. Such procedure leaves a sense of grievance and exasperation behind it. The only way of escape is in a search for a common ground of meeting and of mediation.

We heartily congratulate President Taft upon finding that ground and candidly avowing it. Whatever may be the fate of his arbitration proposals between ourselves and Great Britain and France, they forever deprive a few military councilers and official boards of the unholy power to plunge men into war for causes of which those who fight are ignorant. They stand to the credit of the Chief Executive and his advisers, and of the Hon. James Bryce and the French ambassador, because they exemplify in a high degree the new diplomacy; the diplomacy which repudiates whispering in a corner, which trusts the people, which enlists the aid of an educational campaign for righteous ends. I am aware that the President has been criticized for his prolonged absence from Washington, but every moment of the absence was justified, in view of his exposition and defense of the arbitration proposals which have conferred historical distinction on his administration. And had he concentrated his extensive itinerary upon them, its benefits would have been unquestionable. The general object of the treaties is to secure an honorable and lasting peace by constitutional method and in a judicial way. Lovers of legality have little reason to fear their ratification. Such modifications as are necessary can be introduced without affecting the main intent of the instrument. Lovers of their fellow men can rejoice in such wise and timely advances.

The several articles of these treaties have been drawn by some of the best legal minds of two nations, and scrutinized by other minds equally alert and trained. Sir Edward Grey met them in a spirit of appreciation. Ex-Senator Edmunds; Chief Justice Knowlton, of Massachusetts; Prof. John Bassett Moore, of Columbia University; and Gov. Baldwin, of Connecticut, have strongly and lucidly supported them. Admiral Mahan says that the legal difficulties in the way of the Senate's approval can not be settled by clergymen; certainly not, neither can they be settled by admirals, nor by ex-naval officers who cried "To arms!" three years ago, because the Japanese were upon us, or who predicted that a world catastrophe of war would come in 1896. The latest news is that the incorrigible peace lover, Mr. Taft, is arranging a commercial treaty with our erstwhile deadly foe, Japan. I have carefully read the articles of Senator Edmunds and his peers, and they make, as I view them, an unanswerable argument for the treaties and for their speedy enactment. Now, what do these treaties determine, if they shall prevail? Certainly they do not ask for complete disarmament nor do they bind the nations affected not to fight under any circumstances.

They provide that after the Executive has elected to propose arbitration on any matter whatever, and after a joint high commission has determined by the vote of all or all but one of its members that the matter is susceptible of decision by the principles of law or equity, the matter shall be referred to arbitration in accordance with the provisions of these treaties. They also include a special agreement in each case to define the scope and powers of the arbitrators and the question or questions at issue. And wherever the interests of a self-governing dominion of the British Empire are affected, that dominion has the right of concurrence in the result.

I believe that every man and woman here is representative of this Nation in that you have a threefold faith: First, in our Nation's destiny; second, in a lawful adjustment of all disputes wherever possible; and, third, in the uselessness of wanton war and needless conquest. In no other country of the world is this faith more prevalent, to no other people has there been granted a larger opportunity for the practical propagation of its admirable tenets. From such a conviction I speak for you and for many like you, who are neither intellectually nor morally a negligible host, when I respectfully ask the Senate of the Nation to use its coordinate powers for the establishment of this procedure. It ties no man's hands save those which are too swift to shed blood. It restrains nothing except destruction. It impairs not a whit of our essential freedom to preserve all national requisites which are dearer than life itself. It is a calm, dignified, masterly document, in keeping with the temper and effort of the best civilization. Religiously the treaties exhibit in a marked degree the ameliorating influence of the teaching of Jesus and the prophets. Historically they summarize the ideas of four of the gravest and weightiest masters of the past—of Hugo Grotius and Erasmus, of Holland; Emmanuel Kant, of Germany; and John Locke, of England. Nationally they reflect the sentiments of our own magistrates from Washington to Charles Sumner. There has not been a decade in our career when some chieftain has not raised a protest against the pagan ways of war and pleaded for the establishment of such a tribunal as is now devised. In 1832 and in 1844 the Massachusetts Legislature passed resolutions to this effect. In 1851 the Senate of the United States did likewise. In 1883, 233 members of the Westminster Parliament signed and presented to the United States and to the Houses of Congress a memorial asking for arbitration. In 1890 Mr. Blaine's treaty was adopted, making such action obligatory in specified cases. In 1897 the Senate failed to ratify a general treaty negotiated between Secretary Olney and the late Lord Pauncefote. In 1899 the military powers of the world met under one roof at The Hague Conference. American statesmen did more than any others to promote that notable gathering. Our delegates were insistent upon the framing of an instrument of peace which should decree universal arbitration. Their work was indorsed by the ambassadors of all nations. A permanent court was established, which is soon to be made a court of supreme appeal. The stately home for that court is being built as the gift of an American citizen. And the failure of the second Hague Conference to induce the great powers to carry all their disputes before this judicial body is being redeemed in part by the present negotiation with Great Britain and France.

Modern life moves with a quick step, and the ancient hates and feuds speedily disappear to the rear. The democracies of England and France see nothing to oppose in such an understanding as this. The motherland has unstinted admiration for the heroes of Bunker Hill and Yorktown. The sister Republic has been our ally during the past 120 years. If the Executive and the Senate shall agree in sending any controversies that may arise first to the high commission and then to The Hague, the other two powers will do so. Shall we refuse? Nay, as a people we have already consented. * * *

* * * When John Bright attacked a blood-stained government, he was charged with loving every country save his own. But he unwaveringly pressed forward to deliver an utterance, every word of which is an abiding judgment on the futility and criminality of the Crimean War. He said:

"I am not nor do I ever pretend to be a statesman, and that character is so tainted and so equivocal in our day that I am not sure that a pure and honorable ambition would aspire to it. I have not enjoyed for 30 years, like these noble lords, the honors and emoluments of office. I have not set my sails to every passing breeze. I am a plain and simple citizen, sent here by one of the foremost constituencies of the Empire, representing feebly, perhaps, but honestly, I dare aver, the opinions of very many and the true interests of all those who have sent me here. Let it not be said that I am alone in my condemnation of this war, of this incapable and guilty administration. And even if I were alone, if mine were a solitary voice, raised amid the din of arms and the chorus of a venal press, I should have the consolation I have to-night—and which, I trust, will be mine to the last moment of my existence—the priceless consolation that no word of mine has tended to promote the squandering of my country's treasure or the spilling of one single drop of my country's blood."

Public opinion will respond to a Miltonic tone like that, and it is responding even without it. A John Bright would make it as wise as the people who groan, being burdened. For despite the anomaly of gigantic and fevered preparations for war, the flesh and blood tributes are beginning to rebel. If the chancelleries of Europe are divorced from human feeling, they can not much longer make common cause against the people who now can merely suffer for their belated errors and misdeeds. And if all the hopes of democracy are not at once to be realized, we, whose fathers fired the shot that echoed around the world, can at least send out by our example the summons to cease firing. If the Christian church and all religious organizations have one supreme, one absolute duty, it is this, to take off the backs of the people the load of military expenditure and out of the hearts of warriors the lust for battle. It is in many countries simply a system of outdoor relief for aristocracies whose one calling is the profession of arms. It is in all countries a postponement of social restitution and religious progress.

Austro-Hungary, France, Germany, Great Britain, Italy, Japan, Russia, Spain, Turkey, and the United States spend annually $1,656,000,000 in an international budget for armaments on land and sea. The full expenditure of the world can not be less than $2,250,000,000. Are we to be told that international diplomacy is helpless in presence of this cruel devastation of human energies and human hearts? Can such prodigious riot know no arrest save in the fearful and always impending explosion of these culminating forces?

The foremost member of this Commonwealth of States answers the queries. He has become the director of the destinies of his country, the presiding genius in the councils of racial brotherhood. He has achieved a greater fame as peacemaker than the prosecution of any ordinary war could bestow, in that he shows us how the sword may be kept in the scabbard till it rusts for lack of use. And it is possible that at his word, if the Senate makes it effectual, not only for ourselves, Great Britain, and France, but a league of peace for the race will save it from the indescribable calamities of the Moloch of all ages.

I recognize the present incomplete state of international law and organization. I know that some wars have been unavoidable, and, further, that even war is moral when it can redeem a state of things which is worse than war. I do not advocate premature disarmament, and although nearly 21,000,000 of lives have been sacrificed in the past century for causes, many of which were confessedly bad, not all these lives were thrown away or violently taken to perpetuate evil and tyranny. But are we to ever fumble with the blood-crusted keys of the past in opening the future's door? Is our Christianity or our Semitic prophecy a romance and a dream? Gentiles who have been illuminated, Israelites of the Abrahamic seed, men and women of all creeds and classes, have the right to legislation which embraces their soundest instincts and aspirations. Democracy at large, the latest evolution of the struggles of freedom, can be animated with a purer spirit than filled the breasts of kings who massacred generations for the sake of their hereditary privilege and rank. Sounder economic tenets will spread and fructify, a sense of justice will grow in soil hitherto deemed barren. And best of all, the churches of this and other lands will yet awake to the reality of the time when nation shall no more lift up sword against nation, neither shall they learn war any more.

"Sounder economics," remarks an objector; "that is where the pacifists are feeble." The strong crush the weak, the weak go to the wall. All life, sentient or nonsentient, is a grim, merciless struggle. And these huge statistics of expenditure are the price we must pay for our safety and power. An unconquered navy means the sway of commerce; a victorious army or an army ready to mobilize at the word is the insurance of our business prosperity.

Frederic Harrison has recanted his fine flowing periods about retrenchment, peace, and brotherhood. W. T. Stead has fallen down to jingoism. The English navy is the main condition of England's existence, integrity, and trade. We must either be the dinner or the diners, virtually say these converts to militarism. But is it so? Is the naked atheism of force so prevalent, so brutal, so ruthless as all this? And does military power mean wealth? If so, Russia should be richer than the United States, for she has a thousand armed men for our fifty. Germany should forge ahead of self-governing communities such as Canada, whose feeble militia is as naught in comparison with her disciplined hosts. The nonmilitary countries should be the most depleted, if this reasoning is correct. As a matter of fact, it is precisely the other way. And if it be urged that the North American peoples are not a fair criterion, since they have a continental expanse of resources, I will quote in proof the population of Switzerland and Scandinavia, and of the three richest countries in Europe—Holland, Belgium, and Denmark. Political and military power are not such economic blessings as is vulgarly conceived.

When England annexed the Provinces of South Africa, which contained the gold mines of the Transvaal and the diamond mines of Kimberley, no Londoner was a penny the better. When Germany "took over" Alsatia, the Alsatians still owned the land, the crops, the buildings, and the like. English trade is severely hampered in Australian markets, yet we say that England "owns" Australia. If you buy a Norwegian security you must give 20 points more for it than for a Russian security. Norman Angell states that the 3 per cents of powerless Belgium are quoted at 96, of powerful Germany at 82. Russia's 3½ per cent bonds are worth 81, and have 4,000,000 of an army to back them. Norway's, which has no army, are worth 102. These are not the illusions of a sophisticated rhetorician; they are the saving truths

of eagle-eyed business. A sort of learned nonsense is freely quoted about markets, control, navies, and bases. It is oblivious of the realities in the situation. Modern conquest does not hand over the conquered to their masters as slaves or fill the coffers of the victor with treasure. Business has evangelized the world thus far, that such enormities are a thing of the past. Confiscation has been made impossible. And it is an open question as to whether so wisely administered an Empire as Britain's does not take from her more than it can be made to give under these new conditions.

Further, the wonderful development of the financial and industrial orders is so sensitive that one nation could not bankrupt another without ruining itself. If German troops captured the Bank of England tomorrow they would simply lay their mailed fist on the beating, burdened heart of universal credit. The cost of 500 *Dreadnoughts* would be as dust in the balances compared with such a plundering. A financial crisis in Berlin or in New York sends up the bank rate throughout the world. Men before me know by past experiences the disturbing strength of a mere rumor of war; what shocks an actual modern war between two leading military states would inflict on the entire delicate trading system can be left to conjecture. Suffice it to say that the Venesuelan imbroglio caused a decline in prices on our exchanges which would have purchased all the contested territory.

Trade is made by human necessity. The artisan, the farmer, the merchant, buy and sell the staples of life. They will continue to do so, not because they have a uniformed soldier on their shoulders, but despite his presence there. Land is owned by the people who live on and by it. Wealth is made by the intelligence and industry of the employer and the employee. And the single brain of an Edison or a Kelvin is worth more to economics than any army corps which impoverishes the people for support.

Again, war is not an arbitration which settles; it rather unsettles. Did the most moralized war of the past century settle the status and future of the negro? Is he not our chief problem still? Did democracy win its ultimate good in 1776? Have we no burning questions which refuse to subside? The force of arms achieves far less than it is credited with achieving. Two hundred and fifty million pounds were spent by England in asserting her supremacy over the Dutch republics. The present government of the Transvaal is in the keeping of the Boer party. The colored man, whether a Kaffir from the bush or a cultured Hindu, has no more rights there than he had before the war. And Mr. Asquith acknowledged that while this was wrong, there must be no interference with a self-governing colony. To what end, then, was this waste of treasure and blood? There is and can be no intelligent reply. Boer generals came to London and imposed their terms on the nation which had defeated them.

Again, there is a frankly avowed reason for war, which, while admitting the soundness of these former positions, declares that an occasional bloodletting is necessary if the heroical virtues are to be inculcated. Any departure from pugnacity is a falling from manhood's estate. And this psychology is emphasized as the real basis for militarism.

Dr. S. R. Steinmetz goes beyond this and waxes eloquent on the divinity of war. War is an ordeal instituted by God. Victory results from the totality of the virtues; defeat is responsibility charged to vice and weakness. The Divine Being, whom we call the Father of the spirits of all men, holds His assizes of slaughter and hurls His children one upon another. A few Americans have supported this strange doctrine of carnal ravaging. Gen. John P. Storey says that civilization can not change human nature. Gen. Homer Lea speaks with disgust and in somewhat disgusting terms of the degeneracies caused by money and trade. If we suppose that Napoleon's creed is decadent, we have but to refresh our memories in these crimson words which I forbear to characterize at length. But human nature does change, and so rapidly is it accelerated that the last 200 years have witnessed a greater transformation in many respects than did the previous 200 ages of man's tenancy of the globe. The main allegation on which these dilutions of Nietzsche are sustained is utterly false to history, false to ethics, false to religion.

The paleolithic man ate the bodies of his enemies and his children. The Norsemen trampled women and children under their horses and chariots. The Beggars of the Sea, harassed by religious persecution, were guilty of nameless enormities. We now look upon attempts to propagate a faith by force as anachronisms. We have abolished the duel, which cost us Hamilton. Educated men in Germany will tell you it can not be abolished, human nature being as it is. But we have done it, and count ourselves no less manly than those who practice it; no less virile than the Latin Republics, which batten on civil war. The most abject, barbarous, and degraded peoples are those which perform these boasted deeds of blood and do it day and night.

Great, silent changes, deep as the sea, true as the stars, are sweeping over the world. Without sign or ripple the old doctrines on which Dr Steinmetz rests his case are passing as the night passes. The tactics of the filibuster are being discarded. I for one will not submit to the heathen proposition that I can not be a man unless some throat is cut. Military dogmatists and men filled with the excess of animalism shall not be allowed to dictate for us the courses of Christian strength and Christian courage. Not he who wields a wooden club, but the one sublime peerless Man who submitted to be nailed to the wood has the reversion of our future as men and nations. And He shall reign whose right it is to reign until our religion and our patriotism more perfectly express His purpose Reason, not passion; justice, not force; righteousness, not battleships and cannon, will eventually prevail. Our economies, our interests, our humanity, our faith are a unity in this respect. No girding of would-be warriors can arrest the forces which will finally crown the supremacy of peace and truth. The men and women who hear me and the brethren of the ministry to whom this plea is submitted can judge as lovers of Christ and of His kingdom as to what the present state of the world needs. They are not so obsessed by any preconceptions as to be blind to the perils which bestrew the path of moral and religious progress. The forlorn, shadowy hope of the remaining tyrannies of earth is war. Whether in Arabia, Turkey, China, or among the banditti of San Francisco dynamite for them all speaks louder than any gospel of moral suasion and deliberative justice. This stranded relic of orientalism once had its day, when, in the ancient valleys of the Euphrates, the Tigris, and the Nile, force was the only item of the program. So passed the Orient, which knew so much and accomplished so little; then came Rome, our mistress-in-law; and Greece, the mother of our sciences and arts. The one by her arts, the other by her arms, assimilated as well as conquered. But man demanded more, and since what man demands he must have, the Christianized races of the North began, half wittingly, the long and sacrificial struggle for brotherhood. It is a far cry from Alfred the Great to the present hour. But not a moment of those centuries has passed without result. We can not only conquer, we can not only assimilate, we can, in God's strength, democratise and purify.

And as the ageless process moves forward to less of force and more of fraternity to whom should God look for its guidance, if not to us? I have spoken of property and of patriotism. But there are duties still more obligatory and more solemn—duties which we draw from the undefiled sources of Christian teaching and Christian practice. In the light of the Son of Man's revelation, we have conceived the magnificent scheme of irradiating the whole earth, not with the glare of burning cities, but with the truth of His salvation. We have proposed to deluge the world, not with the anarchy and the rapine of repeated Armageddons, but with the sweet submergence of His holy love. All this in God's good time we and posterity shall surely do. But to-morrow calls us to the support of as noble and characteristic an act of Christian statesmanship as ever left the hand and brain of an American President. It bids us say to the Senate of our country, Pass this treaty substantially as it stands, for we desire it. Let it be the basis of a harmonized action which will enable the superior nations to say to the world, We desire peace and you must respect that desire. Then can eventuate a process of graduni disarmament, and the piling of *Dreadnoughts* on *Dreadnoughts*, accompanied by a furious clamor for more *Dreadnoughts*, shall cease. We can drop the alphabet of the pit and begin the language of the coming race, a race which will look upon our cannon and our battleships in the curious wonder with which we view the instruments of torture which belonged to four centuries ago.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 11 minutes p. m.) the House adjourned until to-morrow, Friday, January 5, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of War of December 22, 1911, submitting a supplemental estimate of appropriation under the title, "Current and ordinary expenses, Military Academy," for the fiscal year ending June 30, 1913 (H. Doc. No. 385); to the Committee on Military Affairs and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of communication from the Acting Secretary of War of December 11, 1911, submitting supplemental estimates of appropriations for the National Home for Disabled Volunteer Soldiers for the fiscal year ending June 30, 1913 (H. Doc. No. 386); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of communication from the Acting Secretary of War of December 26, 1911, submitting an estimate of appropriation (H. Doc. No. 387); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting communication from the Civil Service Commissioners of December 22, 1911, submitting estimate of deficiency in the appropriation, "Traveling expenses, Civil Service Commission," for the fiscal year ending June 30, 1912 (H. Doc. No. 388); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Interior, transmitting report of the special agent appointed July 3, 1911, to visit the Indians of Skull Valley and Deep Creek and other detached Indians of Utah (H. Doc. No. 389); to the Committee on Indian Affairs and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 2176) granting a pension to James Tucker; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6246) granting a pension to John H. Caldwell; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6483) granting a pension to Frank Doering; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7181) granting an increase of pension to Landon Sherrill; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8363) granting an increase of pension to Daniel A. Guy; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10731) granting a pension to Guilbert Allen; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12484) granting a pension to Nancy J. Bryant; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 13215) granting an increase of pension to Manville M. Palmer; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11057) granting an increase of pension to H. Clay Smith; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. STEPHENS of Texas: A bill (H. R. 16802) to enable the Secretary of the Interior to carry out the provisions of article 6 of the treaty between the United States and the Navajo Nation or Tribe of Indians proclaimed August 12, 1868, and for other purposes; to the Committee on Indian Affairs.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 16803) to amend an act entitled "An act to require apparatus and operators for radiocommunication on certain ocean steamers," approved June 24, 1910; to the Committee on the Merchant Marine and Fisheries.

By Mr. LEVY: A bill (H. R. 16804) to provide for and regulate the issue of circulating notes by banks and banking associations of deposit and discount organized and doing business under general incorporation acts of any State or Territory in the United States; to the Committee on Banking and Currency.

By Mr. RAKER: A bill (H. R. 16805) to provide for an enlarged homestead; to the Committee on the Public Lands.

Also, a bill (H. R. 16806) to provide for the validating of certain homestead, timber and stone, and desert-land entries; to the Committee on the Public Lands.

Also, a bill (H. R. 16807) to amend section 1, paragraph 2, of the act entitled "An act making appropriation for the service of the Post Office Department for the fiscal year ending June 30, 1895," approved July 16, 1894, relating to publications admitted to the second class of mail matter; to the Committee on the Post Office and Post Roads.

By Mr. LENROOT: A bill (H. R. 16808) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. MONDELL: A bill (H. R. 16809) making an appropriation for resurveys and retracements in Wyoming; to the Committee on Appropriations.

By Mr. CAMPBELL: A bill (H. R. 16810) for the purchase of a site and the erection thereon of a public building at Cherryvale, Kans.; to the Committee on Public Buildings and Grounds.

By Mr. DYER: A bill (H. R. 16811) to require street-railway companies operating in or within the District of Columbia to grant one-half-fare rates to public-school pupils; to the Committee on the District of Columbia.

By Mr. LAWRENCE: A bill (H. R. 16812) for a survey of Boston Harbor, in the State of Massachusetts; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 16813) for a survey of Boston Harbor, Mass.; to the Committee on Rivers and Harbors.

By Mr. WILSON of Illinois: A bill (H. R. 16814) relating to the limitation of the hours of daily service of laborers and mechanics employed upon a public work of the United States and of the District of Columbia, in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia.

By Mr. GUDGER: A bill (H. R. 16815) to purchase a post-office site in Rutherfordton, N. C.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16816) for the erection of a post-office building in Hendersonville, N. C.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16817) for the erection of post-office building in Waynesville, N. C.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16818) to purchase a post-office site in Franklin, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. GRIEST: A bill (H. R. 16819) for the experimental establishment of a town mail-delivery system; to the Committee on the Post Office and Post Roads.

By Mr. BYRNES of South Carolina: A bill (H. R. 16820) to revive the right of action under the captured and abandoned property acts, and for other purposes; to the Committee on War Claims.

By Mr. WARBURTON: A bill (H. R. 16821) to provide a site and erect a public building at Hoquiam, Wash.; to the Committee on Public Buildings and Grounds.

By Mr. DYER: A bill (H. R. 16822) to amend the naturalization laws by providing for the naturalization of aliens who have served in the War of the Rebellion, War with Spain, Philippine insurrection, or one regular enlistment in the Army, Navy, or Marine Corps; to the Committee on Immigration and Naturalization.

By Mr. KINKAID of Nebraska: A bill (H. R. 16823) relative to residence requirements on a homestead; to the Committee on the Public Lands.

By Mr. CAMPBELL: A bill (H. R. 16824) for the purchase of a site and the erection thereon of a public building at Girard, Kans.; to the Committee on Public Buildings and Grounds.

By Mr. OLDFIELD: A bill (H. R. 16825) to exclude from the Ozark National Forest all lands lying within the counties of Cleburne and Stone and restore same to the public domain; to the Committee on the Public Lands.

By Mr. LOUD: A bill (H. R. 16826) to provide for the purchase of a site and the construction of a Federal building at Cheboygan, Mich.; to the Committee on Public Buildings and Grounds.

By Mr. HAWLEY: A bill (H. R. 16827) providing for the adjustment of the claims of the States and Territories to lands within national forests; to the Committee on the Public Lands.

By Mr. CAMPBELL: A bill (H. R. 16828) suspending the patent and copyright laws of the United States when a patent or copyright or any article or product protected by patent or copyright is owned, used, or leased by any trust or monopoly in restraint of trade in violation of the act of February 4, 1887; to the Committee on Patents.

By Mr. JOHNSON of Kentucky (by request of the Commissioners of the District of Columbia): A bill (H. R. 16829) to prohibit the use of the common drinking cup and prevent the communicating of infectious diseases in the District of Columbia; to the Committee on the District of Columbia.

Also (by request of the Commissioners of the District of Columbia), a bill (H. R. 16830) to authorize the Commissioners of the District of Columbia to open, extend, and widen streets, avenues, and highways in the District of Columbia in accordance with the acts providing a permanent system of highways in the District of Columbia, approved March 2, 1893, and June 28, 1898; to the Committee on the District of Columbia.

Also (by request of the Commissioners of the District of Columbia), a bill (H. R. 16831) to provide for an investigation of the generation of water power at Great Falls for the purpose of supplying light and power for public uses in the District of Columbia; to the Committee on the District of Columbia.

Also (by request of the Commissioners of the District of Columbia), a bill (H. R. 16832) to terminate the lease of William W. Riley for wharf property owned by the United States on the Potomac River, D. C.; to the Committee on the District of Columbia.

Also (by request of the Commissioners of the District of Columbia), a bill (H. R. 16833) to provide for an investigation and report upon the collection and disposal of garbage and city waste and to authorize plans for the construction of a garbage-reduction plant; to the Committee on the District of Columbia.

Also (by request of the Commissioners of the District of Columbia), a bill (H. R. 16834) to repeal the various acts of Congress relating to the conveyance of the title of the United States to square No. 1131 and certain other land to Sidney Bieber, and for other purposes; to the Committee on the District of Columbia.

By Mr. OLDFIELD: A bill (H. R. 16835) to regulate public utilities in the District of Columbia and to confer upon the Commissioners of the District of Columbia the duties and powers of a public-utilities commission; to the Committee on the District of Columbia.

By Mr. CLARK of Florida: A bill (H. R. 16836) to provide for the disbursement of pension money of inmates of the Government Hospital for the Insane; to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 16837) authorizing the construction of a bridge across the Mississippi River at Bemidji, Minn.; to the Committee on Interstate and Foreign Commerce.

By Mr. NORRIS: A bill (H. R. 16838) placing certain positions in the Post Office Department in the competitive classified service and changing the salary of postmasters at first and second class post offices; to the Committee on Reform in the Civil Service.

By Messrs. HAYES and KAHN: A bill (H. R. 16839) making an appropriation to assist in stamping out the Mediter-

ranean fly in the Territory of Hawaii; to the Committee on Agriculture.

By Mr. LOUD: A bill (H. R. 16840) for the dredging of the harbor of Petoskey, Mich.; to the Committee on Rivers and Harbors.

By Mr. RAKER: A bill (H. R. 16841) authorizing and directing the Secretary of War to prepare comprehensive plans for the development and permanent improvement of the Yosemite National Park, the total expenditure not to exceed $1,000,000, and making an appropriation therefor, and for other purposes; to the Committee on Appropriations.

By Mr. ANDERSON of Ohio: A bill (H. R. 16842) to cooperate with the States in encouraging instruction in agriculture, the trades, and industries and home economies in secondary schools, in maintaining instruction in these vocational subjects in State normal schools, in maintaining extension departments in State colleges of agriculture and mechanic arts, and to appropriate money and regulate its expenditure; to the Committee on Agriculture.

By Mr. DIFENDERFER: A bill (H. R. 16843) to consolidate the veterinary service, United States Army, and to increase its efficiency; to the Committee on Military Affairs.

By Mr. CAMPBELL: A bill (H. R. 16844) prohibiting fraud upon the public by requiring manufacturers to place their own names upon manufactured articles; to the Committee on Interstate and Foreign Commerce.

By Mr. JACKSON: Resolution (H. Res. 357) directing an investigation by the Secretary of Commerce and Labor of corporations engaged in fire insurance, and of the cause of abnormal fire losses in the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE of Pennsylvania: Joint resolution (H. J. Res. 199) defining the military status of Herman Haupt, late a brigadier general of the United States Army, and authorizing the placing at West Point of a tablet to his memory; to the Committee on Military Affairs.

By Mr. CLARK of Florida: Joint resolution (H. J. Res. 200) for a survey to connect Indian River in the State of Florida at a point just south of the twenty-third degree north latitude line with the Alantic Ocean and construct a harbor of refuge and commerce; to the Committee on Rivers and Harbors.

By Mr. GARDNER of Massachusetts: Concurrent resolution (H. Con. Res. 26) providing for a preliminary survey of the Merrimac River in Massachusetts from Newburyport to Lowell; to the Committee on Rivers and Harbors.

By Mr. KAHN: Memorial from the Legislature of the State of California, favoring a breakwater in Monterey Bay; to the Committee on Rivers and Harbors.

Also, memorial from the Legislature of California, favoring an appropriation of $1,000,000 for Yosemite National Park; to the Committee on Appropriations.

By Mr. RAKER: Memorial from the Legislature of California, urging support of the Sulloway pension bill; to the Committee on Invalid Pensions.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AINEY: A bill (H. R. 16845) granting an increase of pension to James P. Chaffee; to the Committee on Invalid Pensions.

By Mr. AMES: A bill (H. R. 16846) granting an increase of pension to John T. King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16847) granting an increase of pension to George E. Butrick; to the Committee on Invalid Pensions.

By Mr. ANDERSON of Ohio: A bill (H. R. 16848) granting a pension to Priscilla Carle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16849) granting an increase of pension to Jacob S. Shaull; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16850) granting an increase of pension to John A. Couts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16851) granting an increase of pension to Jesse S. Dicken; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16852) granting an increase of pension to Andrew McGregor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16853) granting an increase of pension to Conrad Shireman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16854) granting an increase of pension to Henry Light; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16855) granting an increase of pension to Samuel W. Moyer; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 16856) granting an increase of pension to Sylvanus Mevey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16857) to remove the charge of desertion from the military record of Silas D. Kain; to the Committee on Military Affairs.

By Mr. AYRES: A bill (H. R. 16858) granting an increase of pension to W. H. Gilliland; to the Committee on Invalid Pensions.

By Mr. BARCHFELD: A bill (H. R. 16859) granting an increase of pension to Jerome Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16860) granting an increase of pension to John Glon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16861) granting an increase of pension to James Large; to the Committee on Invalid Pensions.

By Mr. BARTLETT: A bill (H. R. 16862) for the relief of Sarah E. Rankin, sole heir at law and next of kin of Emily R. Hathorn, deceased; to the Committee on War Claims.

Also, a bill (H. R. 16863) granting a pension to Clarence B. Brown; to the Committee on Pensions.

By Mr. BATES: A bill (H. R. 16864) granting an increase of pension to Phillipine Steints; to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 16865) granting an increase of pension to Willetts Haas; to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 16866) granting a pension to Henry C. Betz; to the Committee on Pensions.

Also, a bill (H. R. 16867) granting an increase of pension to Uriah S. Allison; to the Committee on Invalid Pensions.

By Mr. BYRNES of South Carolina: A bill (H. R. 16868) granting a pension to Isham Goodwin; to the Committee on Pensions.

By Mr. CAMPBELL: A bill (H. R. 16869) granting a pension to C. W. Stanton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16870) granting a pension to Fred M. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16871) granting an increase of pension to John A. Mason; to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R. 16872) for the relief of J. R. Sandlin; to the Committee on the Public Lands.

Also, a bill (H. R. 16873) for the relief of Thomas W. Moore; to the Committee on Military Affairs.

By Mr. CLAYTON: A bill (H. R. 16874) granting a pension to Margaret C. Pruett; to the Committee on Pensions.

By Mr. COOPER: A bill (H. R. 16875) to correct the military record of William Kinney, alias William Smith; to the Committee on Military Affairs.

By Mr. COX of Indiana: A bill (H. R. 16876) for the relief of the estate of Louise Muelchi; to the Committee on Claims.

Also, a bill (H. R. 16877) to correct the military record of Noah Rickard; to the Committee on Military Affairs.

Also, a bill (H. R. 16878) to correct the military record of Henry D. Boone; to the Committee on Military Affairs.

Also, a bill (H. R. 16879) granting a pension to Martha Fitzpatrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16880) granting a pension to Edwin C. Bagshaw; to the Committee on Pensions.

Also, a bill (H. R. 16881) granting a pension to Emisetta Dixon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16882) granting a pension to Martha J. Gordon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16883) granting a pension to Mary S. Meadors; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16884) granting a pension to Robert Owens; to the Committee on Pensions.

Also, a bill (H. R. 16885) granting a pension to Elijah Walls; to the Committee on Pensions.

Also, a bill (H. R. 16886) granting a pension to Henry H. Wicks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16887) granting a pension to Sherman Key; to the Committee on Pensions.

Also, a bill (H. R. 16888) granting a pension to Joseph H. Burg; to the Committee on Pensions.

Also, a bill (H. R. 16889) granting an increase of pension to Benjamin Collins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16890) granting an increase of pension to Daniel M. Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16891) granting an increase of pension to Charles Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16892) granting an increase of pension to Lafayette Woods; to the Committee on Invalid Pensions.

By Mr. CRAVENS: A bill (H. R. 16893) granting a pension to Martella M. George; to the Committee on Pensions.

Also, a bill (H. R. 16894) for the relief of the legal representatives of the estate of Robert B. Pearce; to the Committee on Claims.

By Mr. DALZELL: A bill (H. R. 16895) for the relief of William H. Watt; to the Committee on Claims.

By Mr. DENT: A bill (H. R. 16896) for the relief of the estate of William Booth, deceased; to the Committee on War Claims.

By Mr. DICKINSON: A bill (H. R. 16897) granting an increase of pension to James B. H. McDaniel; to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 16898) granting an increase of pension to William H. Riner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16899) granting an increase of pension to Mellissa L. Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16900) granting an increase of pension to Graham M. Meadville; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16901) granting an increase of pension to Caroline M. Haing; to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 16902) granting a pension to E. B. McMillen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16903) granting a pension to Emaranda Sommerville; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16904) granting an increase of pension to Schuyler Carlton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16905) granting an increase of pension to John T. McGaughey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16906) to remove the charge of desertion against August Padberg and to grant him an honorable discharge; to the Committee on Military Affairs.

By Mr. FOSTER of Vermont: A bill (H. R. 16907) granting a pension to James D. Haney; to the Committee on Pensions.

Also, a bill (H. R. 16908) granting a pension to Earl W. Fitzhugh; to the Committee on Pensions.

Also, a bill (H. R. 16909) granting an increase of pension to Leonard K. Manley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16910) granting an increase of pension to Joel H. Holton; to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 16911) for the relief of F. R. Purcell; to the Committee on Military Affairs.

Also, a bill (H. R. 16912) for the relief of James D. Bruce; to the Committee on Military Affairs.

Also, a bill (H. R. 16913) granting a pension to Elizabeth Phillips; to the Committee on Invalid Pensions.

By Mr. FRANCIS: A bill (H. R. 16914) granting a pension to Annis Lavera Hastings; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16915) granting an increase of pension to Martin Overholt; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 16916) granting a pension to Lloyd G. Palmer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16917) granting a pension to Hollis M. Payson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16918) granting a pension to James F. McKeen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16919) granting a pension to Judith Ann Stevens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16920) granting a pension to Sarah Jane Chase; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16921) granting a pension to Helen M. Joyce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16922) granting a pension to Gustavus Cooley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16923) granting a pension to Nehemiah Guptill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16924) granting a pension to Sumner P. Boies; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16925) granting an increase of pension to Stephen R. Estes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16926) granting an increase of pension to Elisha S. Perkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16927) granting an increase of pension to John J. Carter; to the Committee on Invalid Pensions.

By Mr. GRIEST: A bill (H. R. 16928) granting an increase of pension to John E. Tyler; to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: A bill (H. R. 16929) granting an increase of pension to Aaron Woodruff; to the Committee on Invalid Pensions.

By Mr. HAMMOND: A bill (H. R. 16930) granting an increase of pension to Franz H. Enders; to the Committee on Invalid Pensions.

By Mr. HARRISON of Mississippi: A bill (H. R. 16931) granting a pension to Frederick Hess; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 16932) granting an increase of pension to William J. Fox; to the Committee on Pensions.

Also, a bill (H. R. 16933) granting an increase of pension to William Miller; to the Committee on Pensions.

Also, a bill (H. R. 16934) granting an increase of pension to William F. Briggs; to the Committee on Pensions.

Also, a bill (H. R. 16935) granting an increase of pension to John E. W. Cottingham; to the Committee on Pensions.

Also, a bill (H. R. 16936) granting an increase of pension to David Neely; to the Committee on Pensions.

Also, a bill (H. R. 16937) granting an increase of pension to John Steigert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16938) granting an increase of pension to George Gans; to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 16939) granting a pension to Anna McAnney; to the Committee on Pensions.

Also, a bill (H. R. 16940) granting an increase of pension to Lydia V. Patterson; to the Committee on Pensions.

By Mr. HENSLEY: A bill (H. R. 16941) for the relief of Hiram Williams; to the Committee on Military Affairs.

Also, a bill (H. R. 16942) granting an increase of pension to Willis Cole; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16943) granting an increase of pension to Wilson Thompson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16944) granting an increase of pension to Thomas Dipper; to the Committee on Invalid Pensions.

By Mr. HINDS: A bill (H. R. 16945) granting a pension to Emile Ginther; to the Committee on Pensions.

Also, a bill (H. R. 16946) granting a pension to Charles M. Colby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16947) granting a pension to Edwin H. Hosmer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16948) granting a pension to William L. Ham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16949) granting a pension to William R. Chandler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16950) granting an increase of pension to Frank Cleaves; to the Committee on Pensions.

By Mr. JACKSON: A bill (H. R. 16951) granting an increase of pension to Joel Bundy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16952) granting an increase of pension to Samuel K. Rudolph; to the Committee on Invalid Pensions.

By Mr. KINKAID of Nebraska: A bill (H. R. 16953) granting an increase of pension to Ebenezer D. Harris; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 16954) granting a pension to Lena Lehr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16955) granting an increase of pension to John J. Eichelberger; to the Committee on Invalid Pensions.

By Mr. LANGHAM: A bill (H. R. 16956) granting an increase of pension to James Salsgiver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16957) granting an increase of pension to Richard Lanning; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16958) granting an increase of pension to Joseph R. Houser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16959) granting an increase of pension to George Emerick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16960) granting an increase of pension to James T. Alford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16961) granting a pension to Rebecca McKee; to the Committee on Invalid Pensions.

By Mr. LAWRENCE: A bill (H. R. 16962) granting a pension to Mary E. Smith Barkley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16963) granting a pension to Emma Jussaume; to the Committee on Pensions.

By Mr. LENROOT: A bill (H. R. 16964) granting an increase of pension to Harvey Law; to the Committee on Invalid Pensions.

By Mr. LINDBERGH: A bill (H. R. 16965) for the relief of Clem Bellanger; to the Committee on Claims.

Also, a bill (H. R. 16966) granting an increase of pension to Alpheus Allgner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16967) granting an increase of pension to Asa C. Ottarson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16968) granting an increase of pension to Jonathan Summers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16969) granting an increase of pension to Axel E. Anderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16970) to remove the charge of desertion from the military record of John W. Wunderlich and grant to him an honorable discharge; to the Committee on Military Affairs.

By Mr. LOUD: A bill (H. R. 16971) granting a pension to Willard Emerson; to the Committee on Invalid Pensions.

By Mr. McGILLICUDDY: A bill (H. R. 16972) granting a pension to Cornelius Linnehan; to the Committee on Pensions.

Also, a bill (H. R. 16973) granting an increase of pension to Frederick Z. Eaton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16974) granting an increase of pension to William L. Pratt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16975) granting an increase of pension to Rosa Prentiss; to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 16976) granting an increase of pension to Frederick Poulsen; to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: A bill (H. R. 16977) authorizing the payment of moneys due Herman Haupt, late a brigadier general in the United States Army; to the Committee on Claims.

By Mr. MOON of Tennessee: A bill (H. R. 16978) for the relief of Thomas Smith; to the Committee on War Claims.

Also, a bill (H. R. 16979) for the relief of James Nipper; to the Committee on Military Affairs.

Also, a bill (H. R. 16980) to correct the military record of Samuel D. Houston; to the Committee on Military Affairs.

By Mr. NORRIS: A bill (H. R. 16981) granting an increase of pension to Orrin L. Dake; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 16982) to correct the military record of John R. Chapman; to the Committee on Military Affairs.

By Mr. POWERS: A bill (H. R. 16983) granting a pension to Stephen House; to the Committee on Pensions.

Also, a bill (H. R. 16984) granting an increase of pension to Elizabeth Faris; to the Committee on Pensions.

Also, a bill (H. R. 16985) granting an increase of pension to Starling Staufill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16986) granting an increase of pension to Benjamin F. Early; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16987) to remove the charge of desertion from the military record of Henry Retherford; to the Committee on Military Affairs.

Also, a bill (H. R. 16988) granting an increase of pension to Elizabeth T. Hays; to the Committee on Invalid Pensions.

By Mr. RAKER: A bill (H. R. 16989) to correct the military record of James Bowery; to the Committee on Military Affairs.

Also, a bill (H. R. 16990) to correct the military record of Lorain Alfred Rogers; to the Committee on Military Affairs.

By Mr. REILLY: A bill (H. R. 16991) granting a pension to Elizabeth L. Ames; to the Committee on Invalid Pensions.

By Mr. REYBURN: A bill (H. R. 16992) granting an honorable discharge to Dennis O'Brien; to the Committee on Military Affairs.

By Mr. RUSSELL: A bill (H. R. 16993) for the relief of Mathew T. Fuller; to the Committee on Military Affairs.

Also, a bill (H. R. 16994) for the relief of George H. Smythe; to the Committee on Military Affairs.

By Mr. SIMS: A bill (H. R. 16995) granting an increase of pension to Benton W. T. Derryberry; to the Committee on Invalid Pensions.

By Mr. SLOAN: A bill (H. R. 16996) granting a pension to Andrew S. Gardner; to the Committee on Pensions.

Also, a bill (H. R. 16997) for the relief of William Bell; to the Committee on Military Affairs.

Also, a bill (H. R. 16998) granting an increase of pension to William H. Crane; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16999) granting an increase of pension to Herman Emerson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17000) granting an increase of pension to James W. Barnes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17001) granting a pension to Josephine Stewart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17002) granting an increase of pension to Alonzo Lewis; to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 17003) for the relief of Daniel C. Pearson; to the Committee on War Claims.

By Mr. STEVENS of Minnesota: A bill (H. R. 17004) granting a pension to Louis Rondeau; to the Committee on Pensions.

Also, a bill (H. R. 17005) granting a pension to Marilla Lee Stone; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17006) granting a pension to Eleanor M. Chapron; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17007) granting a pension to Katharina Erickson; to the Committee on Pensions.

Also, a bill (H. R. 17008) granting a pension to Caroline Ivett; to the Committee on Pensions.

By Mr. WHITE: A bill (H. R. 17009) granting a pension to Wood C. Wilson; to the Committee on Invalid Pensions.

By Mr. WITHERSPOON: A bill (H. R. 17010) to authorize a patent to be issued to Margaret Padgett for certain public lands therein described; to the Committee on the Public Lands.

Also, a bill (H. R. 17011) for the relief of H. W. Doss; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of City Council of Boston, Mass., in favor of the retention of the navy yard at Charlestown; to the Committee on Naval Affairs.

By Mr. AYRES: Memorial of Down-Town Taxpayers' Association, of Brooklyn, N. Y., in opposition to removal of Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, petition of citizens of New York, in favor of old-age pensions; to the Committee on Pensions.

Also, memorial of Architectural League of New York City, relative to Lincoln Memorial; to the Committee on the Library.

Also, memorial of Engineers' Club of St. Louis, Mo., regarding remedial patent legislation; to the Committee on Patents.

By Mr. BARCHFELD: Papers to accompany bills for the relief of John Gion, James Large, and Jerome Smith; to the Committee on Invalid Pensions.

Also, petition of Iron City Lodge, No. 179, Brotherhood of Railroad Trainmen, of Pittsburgh, Pa., for repeal of tax on oleomargarine; to the Committee on Agriculture.

Also, petition of the St. George German Catholic Literary and Dramatic Association, of Pittsburgh, Pa., favoring House bill 2896, to provide a tax upon white-phosphorus matches; to the Committee on Ways and Means.

Also, petition of Post No. 3, Grand Army of the Republic, of Pittsburgh, Pa., against Senate bill 18, to incorporate the Grand Army of the Republic; to the Committee on the District of Columbia.

By Mr. BATES: Petitions of W. C. Warner, of Titusville, Pa.; D. L. Macken, of Corry, Pa.; and Robert S. Hampton, of Titusville, Pa., in favor of Lincoln memorial highway from Washington to Gettysburg; to the Committee on Appropriations.

Also, petitions of William Krebs, Howard J. Headrick, O. H. Wilhelm, and G. T. Porter, all of Erie, Pa., in favor of Federal pay bill; to the Committee on Military Affairs.

By Mr. BARTLETT: Petitions of numerous citizens of Georgia, protesting against the parcels post; to the Committee on the Post Office and Post Roads.

By Mr. BURKE of South Dakota: Petition of numerous manufacturers of and dealers in ginger ale, soda waters, etc., of Pierre, S. Dak., asking for a total elimination of the tariff on raw and refined sugars; to the Committee on Ways and Means.

Also, memorial of Seventh-day Adventist Church of Geddes, S. Dak., opposing House bill 9433, for the observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

Also, petition of Bristol Commercial Club, of Bristol, S. Dak., against legislation for the extension of the parcels-post service beyond its present limitations; to the Committee on the Post Office and Post Roads.

Also, petitions of numerous citizens of South Dakota and Tennessee, favoring reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of C. E. Lennan, of Minneapolis, Minn., in favor of Lincoln memorial road from Washington to Gettysburg; to the Committee on Appropriations.

By Mr. CLARK of Florida: Memorial of Seventh-day Adventist Church of Jacksonville, Fla., protesting against the passage of House bill 9433; to the Committee on the Post Office and Post Roads.

Also, petition of Cigar Makers' Local Union No. 248, of Jacksonville, Fla., against the passage of Senate bill 2564; to the Committee on Printing.

By Mr. CRAVENS: Petition of numerous citizens of Arkansas, in favor of old-age pensions; to the Committee on Pensions.

Also, papers to accompany bill for relief of legal representatives of estate of Robert B. Pearce, late of Sevier County, Ark.; to the Committee on Claims.

Also, papers to accompany a bill granting a pension to Mrs. Martella M. George; to the Committee on Pensions.

By Mr. DALZELL: Papers to accompany a bill for the relief of William H. Watt; to the Committee on Claims.

Also, resolutions of Wilkinsburg (Pa.) Baptist Church, Woman's Christian Temperance Union, South Avenue Methodist Episcopal Church, First and Second Presbyterian Churches, and

First United Presbyterian Church, of Wilkinsburg, Pa.; First Methodist Episcopal Church, Free Methodist Church, Woman's Christian Temperance Union, and United Brethren Church, of Braddock, Pa., favoring legislation to protect local prohibition laws; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of McKeesport, Pa., for removal of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. DICKINSON: Petitions of citizens of Appleton City and Pleasant Hill, Mo., against the passage of parcels-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of certain citizens of Clinton, Mo., against the passage of House bill 9433; to the Committee on the Post Office and Post Roads.

Also, petition of the Baptist Church of Harrisonville, Mo., for the passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. DODDS: Petition of T. C. Houghtaling and 130 others of Blanchard, Mich., in favor of old-age pensions; to the Committee on Pensions.

Also, memorial of Seventh-day Adventist Church of Greenville, Mich., protesting against the passage of House bill 9433; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Greenville, St. Louis, Stanton, and Weidman, Mich., protesting against the parcels post; to the Committee on the Post Office and Post Roads.

By Mr. MICHAEL E. DRISCOLL: Petitions of T. H. Whenton and others of Skaneateles, N. Y., urging reduction in duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. DYER: Memorial of committee on retirement of teachers of the board of education of the District of Columbia, relative to public-school teachers' retirement fund in the District of Columbia; to the Committee on the District of Columbia.

Also, petitions of More-Jones Brass & Metal Co. and Norvell-Shapleigh Hardware Co., of St. Louis, Mo., favoring 1-cent postage; to the Committee on the Post Office and Post Roads.

Also, memorial of Jasper County (Mo.) Branch of United States Civil Service Retirement Association, relative to retirement of superannuated employees; to the Committee on Reform in the Civil Service.

Also, petitions of Boatmen's Bank, Majestic Manufacturing Co., and Sherwin-Williams Co., of St. Louis, Mo., urging amendment to corporation-tax law; to the Committee on Ways and Means.

Also, petitions of Ely & Walker Dry Goods Co. and the Brown Shoe Co., of St. Louis, Mo., for appointment of impartial committee to study the parcels post in Europe; to the Committee on the Post Office and Post Roads.

Also, papers to accompany bill (H. R. 4822) for the relief of George Claxton; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 8809; to the Committee on Military Affairs.

Also, petition of Leo Rassieur, of St. Louis, Mo., urging the erection of a memorial amphitheater at Arlington Cemetery; to the Committee on Public Buildings and Grounds.

Also, petition of G. A. Jordan, assistant health commissioner of city of St. Louis, Mo., in favor of Esch phosphorus bill; to the Committee on Ways and Means.

Also, memorial of Engineers' Club of St. Louis, Mo., concerning the necessity for remedial patent legislation; to the Committee on Patents.

Also, petition of Paul C. Hunt, of Jefferson City, Mo., in opposition to abolition of office of Chief of Coast Artillery and position of Chief of Division of Militia Affairs; to the Committee on Military Affairs.

Also, petition of Boot and Shoe Workers' Union, urging passage of House bill 5601; to the Committee on Interstate and Foreign Commerce.

Also, memorial of St. Louis (Mo.) Local, Switchmen's Union of North America, urging repeal of tax on oleomargarine; to the Committee on Agriculture.

Also, petition of J. Kennard & Sons Carpet Co., of St. Louis, Mo., in favor of payment of claim of the heirs of Gen. John C. Sevier; to the Committee on Claims.

Also, memorial of Boot and Shoe Workers' Union, protesting against the passage of the Smoot printing bill; to the Committee on Printing.

Also, papers to accompany House bill 15161; to the Committee on Pensions.

Also, resolutions of Millinery Jobbers' Association, against parcels post; to the Committee on the Post Office and Post Roads.

By Mr. FOSTER of Illinois: Petition of miners of New Baden, Ill., favoring bill providing for old-age pensions; to the Committee on Pensions.

Also, petition of St. George's Benevolent Society and St. Aloysius's Men's Society, of New Baden, Ill.; of St. Joseph's Men's Society, of Bartelso, Ill.; of St. Henry's Society, of Germantown, Ill.; of St. Dominic's Branch, No. 44, of Breese, Ill.; and of St. Joseph's Men's Society and St. Aloysius's Men's Society, of Aviston, Ill., favoring a bill to provide a tax on white-phosphorus matches, and for other purposes (H. R. 2896); to the Committee on Ways and Means.

By Mr. FOSTER of Vermont: Petitions of W. W. Naramore and 23 others, of Bakersfield, Vt., asking for a reduction in the duties on raw and refined sugars; to the Committee on Ways and Means.

By Mr. FULLER: Papers to accompany bill (H. R. 2140) for the relief of Peter E. Luttrell; to the Committee on Pensions.

Also, petition of Union League Club of Chicago, Ill., favoring site for proposed Lincoln memorial on banks of the Potomac at west end of the Mall, etc.; to the Committee on the Library.

Also, petition of Nathan Compton, of Rockford, Ill., in favor of the passage of the Rucker bill (H. R. 779); to the Committee on Pensions.

Also, petition of M. L. Oberndorf & Co., of Chicago, Ill., in favor of the proposed reduction in first-class letter postage; to the Committee on the Post Office and Post Roads.

By Mr. GRIEST: Petition of citizens of Lancaster County, Pa., favoring the construction of a national memorial highway in honor of Abraham Lincoln; to the Committee on Appropriations.

Also, resolutions adopted by the General Welsh Post, No. 118, Grand Army of the Republic, of Columbia, Pa., expressing disapproval of the enactment of legislation as suggested in Senate bill 18, providing for the incorporation of the Grand Army of the Republic; to the Committee on the District of Columbia.

By Mr. HAMILTON of Michigan: Petition of citizens of Colon, Mich., urging reduction in duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of citizens of Hastings, Mich., against the enactment of parcels-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Hastings and Sturgis, Mich., protesting against the enactment of parcels-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of members of Every Tuesday Club, of Decatur, Mich., urging more drastic investigation of dairy products; to the Committee on Agriculture.

Also, memorial of Seventh-day Adventist Church of Mendon, Mich., against the passage of House bill 9433, for the observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

Also, petition of Cigar Makers' and Carpenters and Joiners' Unions of Three Rivers, Mich., protesting against Senate bill 2564; to the Committee on Printing.

By Mr. HAMMOND: Petition of Dr. Horace W. Soper and 20 other physicians of St. Louis, Mo., favoring the passage of the Esch phosphorus bill; to the Committee on Ways and Means.

By Mr. HANNA: Petitions of A. J. Koenig and H. H. Winkel, of Forbes, N. Dak.; Peter Lind, of Glover, N. Dak.; and C. E. Olson, against the extension of the parcels-post service beyond its present limitations; to the Committee on the Post Office and Post Roads.

Also, memorial of the Jamestown (N. Dak.) Seventh-day Adventist Church, opposing House bill 9433; to the Committee on the Post Office and Post Roads.

Also, resolutions of the Woman's Club of Bottineau, favoring a thorough investigation of disease in dairy products, and that a tax not exceeding 2 cents per pound be placed upon oleomargarine, etc.; to the Committee on Agriculture.

Also, petition of officers and enlisted men of the Organized Militia of North Dakota, favoring House bill 8141; to the Committee on Military Affairs.

By Mr. HARRISON of Mississippi: Petitions of J. W. Beaty and others, of Dillow, Miss., urging a reduction in the duties on raw and refined sugars; to the Committee on Ways and Means.

By Mr. HAWLEY: Petitions of numerous citizens of Oregon, urging a reduction in the duties on raw and refined sugars; to the Committee on Ways and Means.

Also, petitions of numerous citizens of Oregon, against the passage of House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. HAYES: Memorial of California State Federation of Labor, protesting against the adoption of the proposed Taylor

system or any similar system in Government navy yards and arsenals; to the Committee on Naval Affairs.

Also, memorial of San Francisco (Cal.) Chamber of Commerce, against suspension of coastwise navigation law; to the Committee on Interstate and Foreign Commerce.

Also, memorials of Seventh-day Adventist Churches of Morgan Hill and Santee, Cal., opposing the passage of House bill 9433; to the Committee on the Post Office and Post Roads.

Also, memorial of Equal Rights Association of Kentucky, urging amendment to Federal Constitution; to the Committee on Election of President, Vice President, and Representatives in Congress.

Also, memorial of Encampment No. 162, Union Veteran Legion, of San Jose, Cal., in favor of House bill 1; to the Committee on Invalid Pensions.

Also, memorial of Encampment No. 162, Union Veteran Legion, of San Jose, Cal., in favor of House bill 9837; to the Committee on Military Affairs.

Also, memorial of California State Federation of Labor, urging the building of a battleship at the Mare Island Navy Yard during the Panama Exposition; to the Committee on Naval Affairs.

Also, memorial of California State Federation of Labor, urging that the Chinese-exclusion act be enlarged and extended so as to exclude from the United States and its insular possessions all races native of Asia; to the Committee on Immigration and Naturalization.

Also, memorial of San Francisco (Cal.) Chamber of Commerce, urging an appropriation for the control of floods in the river systems of the Sacramento and San Joaquin Valleys; to the Committee on Appropriations.

Also, memorial of California State Senate, relating to the Simmons national quarantine act; to the Committee on Interstate and Foreign Commerce.

Also, memorial of California State Assembly, relative to improvement of Yosemite National Park; to the Committee on Appropriations.

Also, memorial of California State Assembly, in favor of Sulloway bill; to the Committee on Invalid Pensions.

Also, petitions of E. E. Hough and others, of California, urging a reduction in the duties on raw and refined sugars; to the Committee on Ways and Means.

Also, memorial of San Jose (Cal.) Chamber of Commerce, urging that no tolls be charged American ships through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Mountain Viteo (Cal.) Seventh-day Adventist Church, in opposition to the passage of House bill 9433; to the Committee on the Post Office and Post Roads.

Also, memorial of the San Francisco (Cal.) Institute of Art, for Lincoln memorial as approved by the Fine Arts Council; to the Committee on the Library.

Also, memorial of Federated Trades Council of Santa Clara County, Cal., protesting against the passage of Senate bill 2564; to the Committee on Printing.

Also, papers to accompany bill for the relief of Lydia V. Patterson; to the Committee on Pensions.

By Mr. HENRY of Texas: Petitions of numerous citizens of Texas, urging a reduction in the duties on raw and refined sugars; to the Committee on Ways and Means.

By Mr. HENSLEY: Petitions of numerous citizens of the thirteenth congressional district of Missouri, protesting against the parcels post; to the Committee on the Post Office and Post Roads.

By Mr. HUGHES of New Jersey: Petition of sundry citizens of New Jersey, favoring the reduction in duty on raw and refined sugars; to the Committee on Ways and Means.

Also, resolutions of Woman's Christian Temperance Unions of Ridgefield Park, Allendale, Waldwick, and Dumont, N. J., favoring legislation to protect local prohibition laws; to the Committee on Interstate and Foreign Commerce.

Also, resolution of St. Johnsbury (Vt.) Central Labor Union, in favor of the Esch bill; to the Committee on Ways and Means.

Also, petitions of sundry citizens of Allendale and Dumont, N. J., favoring legislation to protect local prohibition laws; to the Committee on Interstate and Foreign Commerce.

By Mr. KENT: Petitions of certain citizens of California, requesting a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petitions of certain citizens of California, favoring the establishment of a national department of health; to the Committee on Interstate and Foreign Commerce.

Also, petitions of 588 merchants, residents of the second congressional district of California, against the parcels post; to the Committee on the Post Office and Post Roads.

By Mr. LANGHAM: Petitions of J. B. Torrance and others, of Blairsville, Pa., urging a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of E. F. Black and others, of Knox, Pa., in favor of parcels post; to the Committee on the Post Office and Post Roads.

By Mr. LENROOT: Petition of citizens of Ladysmith, Wis., protesting against the passage of House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. LINDBERGH: Petition of numerous citizens of Minnesota, in favor of old-age pensions; to the Committee on Pensions.

By Mr. McGILLICUDDY: Petition of W. W. Perkins and others, of Maine, favoring reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. MOON of Tennessee: Papers to accompany bill for the relief of Thomas Smith; to the Committee on War Claims.

Also, papers to accompany a bill for the relief of James Nipper; to the Committee on Military Affairs.

Also, papers to accompany a bill to correct the military record of Samuel D. Houston; to the Committee on Military Affairs.

By Mr. MOORE of Pennsylvania: Petition of J. H. Bryant, Cristobal, and William N. Pettys, Gorgona, Canal Zone, urging passage of House resolution 287; to the Committee on Interstate and Foreign Commerce.

Also, resolutions adopted by Fairmount Park Association, of Philadelphia, urging the selection of a site at the end of the Mall, Washington, D. C., for the erection of a Lincoln memorial; to the Committee on the Library.

By Mr. NORRIS: Petition of numerous citizens of Culbertson, Nebr., against House bill 9433, for the observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

Also, memorial of Beaver City (Nebr.) Seventh-day Adventist Church, protesting against House bill 9433, for observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

By Mr. OLDFIELD: Papers to accompany bill for John R. Chapman; to the Committee on Military Affairs.

By Mr. RAINEY: Petition of Thomas Miller and other citizens of Franklin, Ill., favoring reduction of sugar tax; to the Committee on Ways and Means.

Also, resolutions of Greene County Farmers' Institute, favoring a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Petitions of numerous citizens of Humboidt, Placer, Siskiyou, and Tehama Counties, Cal., protesting against passage of parcels-post law; to the Committee on the Post Office and Post Roads.

Also, memorials of chambers of commerce of Oakland and San Francisco, Cal., urging appropriation for control of floods in Sacramento and San Joaquin Valley systems; to the Committee on Appropriations.

Also, memorial of California State Homeopathic Medical Society, in favor of House bill 5599; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Engineers' Club of St. Louis, Mo., urging remedial patent legislation; to the Committee on Patents.

Also, memorial of Lewis E. Aubury, State mineralogist of California, relative to discriminations by the Supervising Architect of the Treasury Department against the State of California; to the Committee on Public Buildings and Grounds.

Also, petition of Carl S. Wood, of San Francisco, Cal., in favor of honest weights and measures law; to the Committee on Coinage, Weights, and Measures.

Also, memorial of Seventh-day Adventist Church of Zanesville, Ohio, against Senate bill 237; to the Committee on the District of Columbia.

Also, memorial of California State Federation of Labor, opposing so-called Taylor system; to the Committee on Labor.

Also, petition of Golden State Canning Co., of Ontario, Cal., urging reduction in the duties on raw and refined sugars; to the Committee on Ways and Means.

Also, petitions of Fresno Packing Co., of Fresno; the American Olive Co., of Los Angeles; the Clarchen Packing Co. and Hunt Bros. Co., of San Francisco; and Winters Dried Fruit Co., of Winters, Cal., urging amendment to corporation-tax law; to the Committee on Ways and Means.

Also, petition of numerous citizens of California, indorsing the Berger old-age pension bill; to the Committee on Pensions.

Also, papers to accompany bill (H. R. 2745) for the relief of William H. Thompson; to the Committee on Invalid Pensions.

Also, papers to accompany bill (H. R. 2743) for the relief of William C. B. Gillian; to the Committee on Military Affairs.

By Mr. REILLY: Petition of the National Harbor of Refuge, of Point Judith, R. I., for the construction of a landing place at said point; to the Committee on Rivers and Harbors.

Also, petition of Beacon Valley Grange, No. 103, Patrons of Husbandry, of Naugatuck, Conn., in favor of reduction in the duties on raw and refined sugars; to the Committee on Ways and Means.

Also, resolution adopted by the Savings Banks Association of Connecticut, urging legislation to provide and insure a better public knowledge of the business and financial transactions of railway corporations; to the Committee on the Judiciary.

By Mr. REYBURN: Petition of Philomusian Club, of Philadelphia, Pa., praying for a repeal of the legislation upon oleomargarine other than the regulations of the pure-food laws; to the Committee on Agriculture.

By Mr. SIMS: Papers to accompany bill granting an increase of pension to Benton W. T. Derryberry; to the Committee on Invalid Pensions.

By Mr. SLAYDEN: Petition of Retail Merchants' Association of Texas, praying for repeal of tax on oleomargarine; to the Committee on Agriculture.

Also, petitions of citizens of fourteenth congressional district of Texas, praying for a reduction of the import duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. SMITH of New York: Petition of John Richardson Co., to remove the duty on china clay, or kaolin; to the Committee on Ways and Means.

Also, petition of the National Harbor of Refuge, of Point Judith, R. I., for the construction of a landing place at said point; to the Committee on Rivers and Harbors.

Also, resolutions of the American National Live Stock Association, demanding the retention of duties on live stock and its products, etc.; to the Committee on Ways and Means.

By Mr. SMITH of Texas: Petitions of numerous citizens of Big Springs and Loraine, Tex., urging a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. STEVENS of Minnesota: Petition of citizens of Stillwater, Minn., against passage of House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. SULZER: Memorial of Arion Maennerchor, of Chicago, Ill., urging an investigation of the immigration office at Ellis Island; to the Committee on Immigration and Naturalization.

Also, petition of American Bottlers' Protective Association, against the present duty on raw and refined sugars; to the Committee on Ways and Means.

Also, memorial of Medina (Cal.) Grange, No. 550, Patrons of Husbandry, urging passage of House bill 14; to the Committee on the Post Office and Post Roads.

By Mr. WHITE: Petition of Company B, Seventh Ohio Infantry, of Marietta, Ohio, favoring House bill 8141; to the Committee on Military Affairs.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 5, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father of mercy, justice, love, and good will, we seek Thy presence that we may receive the uplift of Thy spirit, which shall mellow our hearts, illumine our minds, and strengthen our wills, that we may fulfill the obligations of this day and all days in the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WARBURTON, for two days, on account of important business.

To Mr. BROWNING, for four days, on account of important business.

To Mr. GOEKE, indefinitely, on account of illness in his family.

LEAVE TO WITHDRAW PAPERS—ANDREW J. YOUNG.

By unanimous consent, at the request of Mr. HAMLIN, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Andrew J. Young, Sixty-first Congress, no adverse report having been made thereon.

CHANGE OF REFERENCE.

Mr. POWERS. Mr. Speaker, on day before yesterday I introduced a bill, H. R. 16687, which was referred to the Committee on Interstate and Foreign Commerce. It should have gone to the Committee on Rivers and Harbors. I now ask unanimous consent that that change of reference be made.

The SPEAKER. What is the purpose of the bill?

Mr. POWERS. It relates to the construction of Lock 20 on the Cumberland River.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that the reference of the bill be changed from the Committee on Interstate and Foreign Commerce to the Committee on Rivers and Harbors. If there be no objection, it will be so ordered.

There was no objection.

PRIVATE-BILL DAY.

The SPEAKER. The Chair will call the attention of the House to the fact that this is the first Friday in January and is private-bill day, if anyone wishes to avail himself of that fact.

Mr. SIMS. Mr. Speaker, I should like to know whether this is the Friday on which war claims have preference over other claims.

The SPEAKER. We will start off that way and take war claims to-day.

Mr. SIMS. Mr. Speaker, there is only one bill on the calendar reported from that committee. That is reported by the gentleman from Wisconsin [Mr. MORSE], a minority Member. I do not see him present, and I would not like to take up the bill in his absence.

The SPEAKER. All right. The rule is that on every Friday except the second and fourth Fridays the House shall give preference to the consideration of bills reported from the Committee on Claims and the Committee on War Claims, alternating between the two committees.

Mr. SIMS. Therefore the Committee on War Claims will yield to the Committee on Claims if there are any bills on that calendar.

The SPEAKER. The Clerk will call the committees.

The Clerk proceeded to call the committees.

Mr. RAKER (when the Committee on the Public Lands was called). Mr. Speaker, there is a bill on the Private Calendar, H. R. 12572, reported by the Committee on the Public Lands, and I am directed by the chairman to call up that bill at this time.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

A bill (H. R. 12572) for the relief of the Hydro-Electric Co. of California.

Whereas the Hydro-Electric Co., a corporation of California, has constructed and is now operating a water-power plant for the generation of electric energy in Mono County, Cal., such electric energy being for use in the operation of its own mining properties and for sale for mining, manufacturing, and domestic purposes in the vicinity, and the water being available for the irrigation of otherwise arid and barren desert land; and

Whereas a small portion, approximately 3,800 feet only, of the water-pipe line of the said project is located upon unpatented land in the northeast quarter of section 14, township 2 north, range 25 east, Mount Diablo meridian, within the Mono National Forest, in California, such unpatented land being treeless, arid, and barren, and not susceptible of forestation, and being claimed by said company under the mining laws of the United States: Therefore

Be it enacted, etc., That the said Hydro-Electric Co. is hereby granted a right of way over the said northeast quarter of section 14, township 2 north, range 25 east, Mount Diablo meridian, California, for its said pipe line during the period of its beneficial use only.

Mr. MANN. Mr. Speaker, I make the point of order that it is not in order for the committee to call this bill up on the call of committees. The rule provides that upon the call of committees any member of the committee where it has been authorized may call up a bill from the House Calendar. This bill is not on the House Calendar. Hence it can not be called up on the call of committees.

The SPEAKER. This bill is not in order on the call of committees.

Mr. MANN. I have another point of order that I desire to make.

The SPEAKER. The first point of order is well taken.

Mr. RAKER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. RAKER. The rule provides that bills on the Private Calendar may be taken up on this day, and will it be in order following the call of committees?

The SPEAKER. The Clerk will proceed with the call of committees.

The Clerk proceeded and completed the call of committees.

Mr. RAKER. Now, Mr. Speaker, I call up the bill H. R. 12572.

The SPEAKER. The gentleman can not get at it in that way. The proper motion is to move to go into Committee of the Whole House.

Mr. RAKER. Then, Mr. Speaker, I move to go into Committee of the Whole House on the state of the Union and take up the bill H. R. 12572.

The SPEAKER. The gentleman from California moves that the House resolve itself into Committee of the Whole House to consider the bill H. R. 12572, which has been read.

Mr. MANN. Mr. Speaker, pending that motion I desire to make a point of order. The gentleman from California stated his motion to go into Committee of the Whole House on the state of the Union to consider the House bill 12572. The Speaker stated the motion correctly to go into Committee of the Whole House. I desire to make the point of order, and it might as well be made now as at any time, that the bill H. R. 12572 on the Private Calendar is incorrectly on the Private Calendar. Secondly, that the bill has never been properly introduced; that the Committee on Public Lands that reported the bill never had jurisdiction of the bill and had no authority to report it.

The SPEAKER. Is there anything else the matter with it? [Laughter.]

Mr. MANN. Mr. Speaker, under the points of order which I have made the first question is whether this is a public bill or a private bill. The rules provide, in reference to public bills and private bills, that bills of a private nature shall be referred, when dropped in the basket, by the Member introducing them. Bills of a public nature shall be handed to the Speaker and by him referred. As a matter of fact the bills are dropped in the basket with a note upon the bill made by the introducer indicating what committee it shall be referred to. Public bills are dropped in the basket in the same way, but the Speaker refers them, usually through the parliamentary clerk.

This bill was introduced by the gentleman from California [Mr. RAKER] as a private bill, and was referred by the gentleman from California to the Committee on the Public Lands. If it is a private bill, then it was properly before the Committee on the Public Lands, and that committee had a right to make a report, and the bill is properly upon the Private Calendar.

Mr. RAKER. Mr. Speaker, will the gentleman yield?

Mr. MANN. But if it is a public bill it was not introduced under the rules of the House, because it was not put where the Speaker had the reference of it. The committee acquired no jurisdiction over the bill; therefore it had no authority to report the bill. Even if it had authority to report the bill, it is not properly upon the Private Calendar.

I now yield to the gentleman from California for a question.

Mr. RAKER. Mr. Speaker, I want to say to the gentleman that this bill was placed in the basket in the proper way, and by the Speaker referred to the Committee on the Public Lands.

Mr. MANN. Oh, I beg the gentleman's pardon. I have examined the record. The bill was introduced and the Journal shows it was introduced and referred as a private bill, and the rules provide that the gentleman introducing the bill shall mark the reference of the bill, and the Speaker has no control over the reference of a private bill. This bill was introduced and referred as a private bill under the clause of the rule providing for a private bill. It has followed the course as a private bill from that time to this, and is now on the Private Calendar. Is it a private bill?

The SPEAKER. The Chair would like to ask the gentleman from Illinois a question about his contention. As a matter of fact, all of these bills go into the basket, and as a matter of fact the reference of most of them is indorsed by the Member who introduces the bill. In ninety-nine cases out of a hundred that reference is correct. Suppose, however, some one introduces a bill here which he claims is a private bill and marks the reference on it, and the parliamentary clerk, acting for the Speaker, or the Speaker, where it is called to his attention, thinks it is not a private bill but a public bill, does the gentleman from Illinois contend that the Speaker has no control over the reference of that bill? Does he not have entire control over it?

Mr. MANN. Whether the Speaker has or not, the Speaker did not exercise any control in this case. When that question arises it may be difficult of solution. I do not know whether I shall make a contribution toward its solution, but I may if I have the opportunity.

Clause 2 of Rule XXII provides:

> Any petition or memorial or private bill excluded under this rule shall be returned to the Member from whom it was received; and petitions and private bills which have been inappropriately referred may, by the direction of the committee having possession of the same, be properly referred in the manner originally presented; and an erroneous reference of a petition or private bill under this clause shall not confer jurisdiction upon the committee to consider or report the same.

It is perfectly patent that if this is a private bill and was erroneously referred by the gentleman who introduced it the committee could have no jurisdiction; but if it is a public bill, and was erroneously referred by the gentleman who introduced it, and the Journal shows in this case it was referred by the gentleman who introduced it, does that confer jurisdiction upon the committee?

Mr. KAHN. Mr. Speaker, will the gentleman yield?

Mr. MANN. Certainly.

Mr. KAHN. Is it not a usual procedure in the House, where a bill has been erroneously referred to a committee, that the committee having jurisdiction may authorize its chairman to make a motion immediately after the reading of the Journal to have the proper reference made? The chairman of the proper committee, if the Public Lands Committee be not the proper one, having failed to have the bill referred to his committee, and the Committee on Public Lands having taken jurisdiction, is not the bill properly upon the calendar, and is it not too late to raise the question of jurisdiction?

Mr. MANN. Mr. Speaker, if I have the time, I shall refer to that proposition, and may at this time. The rulings to which the gentleman from California [Mr. KAHN] refers are where the Speaker refers a public bill to the wrong committee, and in such case any committee to which it is referred or any committee which claims jurisdiction of the bill may, immediately after the reading of the Journal, move for a re-reference of the bill. But there is no such rule as to private bills. The reference of private bills is changed every day without its being called to the attention of the House, and it is true that in this case if the bill went to the wrong committee it might have been re-referred as a private bill; but I am making the point now that this bill has never been properly introduced into the House. It is introduced as a private bill—a bill for the relief of the Hydro-Electric Co. of California. Two-thirds of the private bills that are introduced into this House, except pension bills, are bills for the relief of somebody. Anyone looking at the title of this bill would have supposed it was a claims bill, a proper private bill.

Mr. Speaker, if it shall be held that a Member may introduce a bill as a private bill, it being in fact a public bill, and refer it to any committee that he pleases, and thereby confer jurisdiction over that bill upon that committee to report it, any Member can see to what that will lead.

I might introduce a bill to-morrow affecting the revenue, affecting the tariff, and put a title on it which in some way would seem to indicate that it is a private bill and refer it to the Committee on Expenditures in the War Department or to any other committee—for example, to the Committee on Mileage or to the Committee on Enrolled Bills. Does the committee acquire jurisdiction in that case? Perhaps no one in the House knows that such a bill has been introduced. No committee can move to take the bill away without having some knowledge of it. It may be reported back from the committee on the same day that it is introduced. Is such a bill then on the calendar of the House beyond the control of the committee or of the House in reference to its reference, without taking it up for consideration?

The ruling is that where a public bill is introduced and a wrong reference is made under the rules by the Speaker, and that reference remains, the committee retains jurisdiction of the bill, and the point of order can not be made when the bill is called up for consideration. That is a proper ruling. The Speaker is supposed to refer the bills correctly. We all know, however, that errors might be made in reference of public bills, and if such a bill is introduced, Members having some notice of public bills being introduced, any committee that wants to acquire jurisdiction of it may make the motion as a privileged motion in the House. But Members of the House do not follow the introduction of private bills for the relief of private individuals or otherwise. We are not called upon to scan the thousands upon thousands of private bills, and the rule provides that if the Member introducing it shall erroneously refer it, it shall not confer jurisdiction upon the committee which obtains it. I maintain, therefore, that when a bill which, in fact, is a public bill is introduced as a private bill and referred by the introducer to a committee, that committee acquires no jurisdiction whatever over the bill or any right to report it. To hold otherwise would at any time cause in this House conflicts which ought not to arise. We all know that it makes a great deal of difference at times what committee obtains control of a bill, and if a Member by introducing a public bill and calling it a "private bill" can send that public bill wherever he pleases, it would absolutely violate every essential provision of the rule.

Now, in my judgment, this is a public bill, a bill of a public character. As we all know, the laws that we pass are printed as public and private laws. They are so published now in separate volumes of the statutes. As they are passed and issued they are marked "Public" and "Private." All laws of this character for years have been marked "public laws" and

"private laws." At the last Congress an act was passed granting to the Hot Springs Street Railway Co., its successors and assigns, the right to maintain and operate its electric railway along the southern border of the Hot Springs Reservation, and so forth; a bill very similar to this bill, granting a right of way. Various other bills granting rights of way were passed in the same Congress, all public laws. We pass innumerable bridge bills. They are all public bills and become public laws. We also pass great numbers of bills for the construction of dams. They run to individuals or to corporations, but they are all public bills, and if passed they all become public laws, because they are of a public character. This bill proposes to grant a right of way over the national domain to a company exactly of the same character as the bills which always have been held to be public bills and which, when passed, have been printed as public laws.

The SPEAKER. The Chair would like to ask the gentleman this question: Is there any doubt in his mind that the right committee had charge of this bill?

Mr. MANN. As to whether the committee, if it were a public bill, would have charge of it?

The SPEAKER. It does not make any difference whether it was public or private. Was this bill referred to the correct committee?

Mr. MANN. Well, I am not certain. I think myself that the bill ought to have gone to the Committee on Agriculture, which now has jurisdiction of forest reservations; but there might be a difference of opinion about that. The Committee on Agriculture has jurisdiction of agriculture and forestry. Some years ago we transferred the forest reservations to the Department of Agriculture. Since that time there have been various bills affecting forest reservations, which go to the Committee on Agriculture.

On the other hand, the Committee on the Public Lands at that time, I think, had control of bills affecting the public domain and forest reservations. I think this bill should properly have gone to the Committee on Agriculture. I do not think it makes any difference. The Speaker may say that if he had referred this bill he would have referred it to the Committee on the Public Lands; but the Speaker did not refer this bill. The Speaker had the power to refer it to any committee; but the point I make is that it does not make any difference whether it was referred to the proper committee or the wrong committee, it was not referred under the rules of the House.

Mr. KAHN. Will the gentleman from Illinois yield for a question?

Mr. MANN. Certainly.

Mr. KAHN. Can the gentleman from Illinois cite a single instance where a bill of this kind has been referred to any other committee than the Committee on the Public Lands?

Mr. MANN. I can not cite any instance where a bill of this kind has been referred to any committee. This bill is unique. Nobody before has had the gall to introduce a bill like this.

Mr. KAHN. Well, a bill for a similar purpose.

Mr. MANN. Bills of this character—bills along this same line—have been referred to the Committee on Agriculture.

Mr. KAHN. I think the gentleman is entirely mistaken.

Mr. MANN. I have looked it up and the gentleman has not.

Mr. MONDELL. Mr. Speaker, just a word, if the Speaker will permit, with regard to the question of reference. It seems to me there can be no question but what this bill was properly referred to the Committee on the Public Lands. It has to do with a right of way over the public lands.

The SPEAKER. If the gentleman will permit, the Chair will state that there is one question on which his mind is made up, and that is that this bill ought to have gone to the Committee on the Public Lands, where it did go. Now, if there are any other suggestions to make about it, the Chair will hear them.

Mr. MONDELL. It seems to me very clear that it went to the Committee on the Public Lands properly, and that is the only committee to which it should have been referred.

Mr. HARDWICK. Mr. Speaker, if the gentleman from Illinois [Mr. MANN] is right in his contention that this is a public bill, then probably his argument is sound; but I do not think the gentleman's position that this is a public bill is necessarily or even probably correct. I think this is a private bill.

Now, I refer the Speaker to section 3285, Hinds' Precedents, Volume IV:

> A private bill is a bill for the relief of one or several specified persons, corporations, institutions, etc., and is distinguished from a public bill, which relates to public matters and deals with individuals only by classes.

This bill does not deal with either individuals or corporations by classes, but deals with one corporation only, and grants a certain thing to one corporation individually. Now, the Manual and Digest used by the House for a long time contains this definition of private bills. I read again from page 247 of Hinds' Precedents, Volume IV:

> The line of distinction between public and private bills is so difficult to be defined in many cases that it must rest on the opinion of the Speaker and the details of the bill. It has been the practice in Parliament, and also in Congress, to consider as private such as are "for the interest of individuals, public companies or corporations, a parish, city, or county, or other locality." To be a private bill it must not be general in its enactments, but for the particular interest or benefit of a person or persons.

That is exactly what is true about this bill. It is for the particular interest or benefit, not of a class of individuals, not of a class of corporations, but of one certain specified corporation. Therefore, it comes within that definition.

Now, on page 248 of the same volume I quote this citation again from the Manual in force for many years in this body and also said to be in accordance with parliamentary practice in England:

> Bills authorizing the construction of bridges and bills granting the right of way to railroads through Indian, military, or other reservations have frequently been treated as private, while similar bills have at other times been considered to be public bills. These bills partake of both a public and a private character, and it is perhaps an open question whether they should be placed on the Public or the Private Calendar.

So it seems from the citation that there is no uniformity about it.

The SPEAKER. Will the gentleman read the next paragraph?

Mr. HARDWICK (reading):

> Bills for the payment of money to counties or cities are held to be private, while similar bills for the benefit of States or Territories are held to be public.
>
> The practice of the House has been generally in accordance with these distinctions, although bills for the incorporation of companies, bills authorizing the construction of bridges, and bills allowing rights of way through Indian or Government reservations are now generally treated as public.

That, of course, is the statement of the text, but it is preceded by the statement that more frequently they have been treated as private. The elementary distinction between public and private bills carried in this Manual and in Hinds' Digest is clear, and a private bill is one that deals with a single individual or corporation and not with a class of individuals or a class of corporations. So if you apply that distinction—and it has been very frequently applied in this House—this is a private bill, and the point of order made by the gentleman from Illinois [Mr. MANN] is not good.

The SPEAKER. For the benefit of all concerned, the Chair will state that these bills—public and private—all go into the basket, and invariably, almost, the Member, where it is a private bill, indicates to what committee he wants it referred. As a matter of fact, in practice they also indicate, generally upon the bill, to what committee they wish it to be referred when it is a public bill.

The Chair does not know what the practice of other Speakers has been, but the parliamentary clerk takes all of these bills, goes over them, and unless he has some doubt about where the bill should go, he refers it for the Speaker. If he has any doubt about the correctness of his own judgment or the correctness of the judgment of the Member referring the bill, he brings it to the Speaker and the Speaker refers it.

Now, it may not be a correct practice, but that is what is done, both in relation to public and private bills.

Mr. MANN. If the Speaker will pardon me, I think the Speaker is not quite correct about the practice.

The SPEAKER. The Chair is talking about the practice under the present Speaker.

Mr. MANN. I think the Speaker follows the rule, because Rule XXII is very explicit, and the Journal is made up in accordance with it.

> Members having petitions or memorials or bills of a private nature to present may deliver them to the Clerk, indorsing their names and the reference or disposition to be made thereof.

The SPEAKER. That does not conflict with what the Chair has stated.

Mr. MANN. The Speaker's parliamentary clerk does not refer private bills and has nothing to do with them.

The SPEAKER. Let the Chair ask this question of the gentleman from Illinois. Suppose a Member puts a private bill in the basket and inadvertently or intentionally, it matters not which, refers it to a committee that can not in the very nature of things have any jurisdiction over it, does the gentleman from Illinois think that the Speaker, or the Speaker's parliamentary clerk, is bound to follow that annotation put on the bill when he knows it is not right?

Mr. MANN. He certainly is not as to a public bill, but the Journal in this case shows that this bill was referred as a private bill, in accordance with this rule that I have read.

The SPEAKER. The decision of the Chair in this case is that this is a public bill and ought to have been put on the other calendar, instead of on the Private Calendar, and that it can not be called up now.

The Chair will state that the decisions as to whether such a bill as this is a public bill or a private bill have been both ways, but the majority of the opinions in the latter days seem to be that these bills ought to be considered as public bills. It seems to the present occupant of the chair that that is the better rule. Consequently the bill will go to the calendar for public bills.

ADJOURNMENT OVER.

Mr. UNDERWOOD. Mr. Speaker, I move that when the House adjourn to-day it adjourn to meet on Sunday next.

The motion was agreed to.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 46 minutes p. m.) the House adjourned until Sunday, January 7, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of Commerce and Labor, requesting the authority for the acquisition for lighthouse purposes of a strip of land belonging to the State of Texas (H. Doc. No. 393); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of communication from the Attorney General of December 16, 1911, submitting certain modifications and increases in the estimates of appropriations for salaries, Department of Justice, for the fiscal year ending June 30, 1913 (H. Doc. No. 392); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of the Navy of December 20, 1911, reporting that the Navy Department has considered, ascertained, adjusted, and determined the amounts due certain claimants on account of damages for which the vessels of the Navy were found to be responsible (H. Doc. No. 394); to the Committee on Naval Affairs and ordered to be printed.

4. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of section of proposed continuous inland waterway from Boston, Mass., to the Rio Grande, from Boston, Mass., to Beaufort, N. C. (H. Doc. No. 391); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GEORGE, from the Committee on the District of Columbia, to which was referred the bill (H. R. 15138) to require the recital of the real consideration in deeds, mortgages, and deeds of trust to property in the District of Columbia, reported the same without amendment, accompanied by a report (No. 206), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. McKINLEY: A bill (H. R. 17012) to fix the annual salary of rural free-delivery carriers and to provide compensation for maintenance of horses and vehicles of carriers; to the Committee on the Post Office and Post Roads.

By Mr. ANDERSON of Ohio: A bill (H. R. 17013) to establish in the Department of Agriculture a bureau to be known as the bureau of public highways, and to provide for national aid in the improvement of the public roads; to the Committee on Agriculture.

By Mr. HAWLEY: A bill (H. R. 17014) to provide for the encouragement of agriculture, horticulture, and the industrial exhibits in the various States; to the Committee on Agriculture.

By Mr. STEPHENS of Nebraska: A bill (H. R. 17015) to acquire a site for a public building at Central City, Nebr.; to the Committee on Public Buildings and Grounds.

By Mr. HAMILTON of Michigan: A bill (H. R. 17016) for the erection of a public building at Dowagiac, Mich.; to the Committee on Public Buildings and Grounds.

By Mr. LANGLEY: A bill (H. R. 17017) providing that storekeepers, gaugers, and storekeeper-gaugers shall receive per diem in lieu of subsistence not to exceed $1 per day; to the Committee on Expenditures in the Treasury Department.

By Mr. SHACKLEFORD: A bill (H. R. 17018) providing that the United States shall in certain cases make compensation for use of roads for carrying free rural-delivery mail; to the Committee on Agriculture.

By Mr. FRENCH: A bill (H. R. 17019) to provide for the erection of a Federal building at Nampa, Idaho; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17020) to provide for the erection of a Federal building at Twin Falls, Idaho; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17021) to provide for the erection of a Federal building at Grangeville, Idaho; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17022) to provide for the erection of a Federal building at Caldwell, Idaho; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17023) to provide for the erection of a Federal building at Weiser, Idaho; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17024) to provide for the erection of a Federal building at Sandpoint, Idaho; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17025) to provide for the examination of the St. Mary and St. Joseph Rivers in Idaho; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 17026) to provide for the improvement of the Kootenai River in Idaho; to the Committee on Rivers and Harbors.

By Mr. POST: A bill (H. R. 17027) to provide for the purchase of a site and the erection of a public building thereon at Troy, in the State of Ohio; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17028) to increase the limit of cost of the public building at Piqua, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. MOON of Tennessee: A bill (H. R. 17029) authorizing the Secretary of War to convert the regimental Army post at Fort Oglethorpe into a brigade post; to the Committee on Military Affairs.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 17030) to establish a fish-cultural station in the State of Oklahoma; to the Committee on the Merchant Marine and Fisheries.

By Messrs. MURRAY, CURLEY, and PETERS: A bill (H. R. 17031) to increase the limit of cost for the erection and completion of the United States customhouse building at Boston, Mass.; to the Committee on Public Buildings and Grounds.

By Mr. RAKER: A bill (H. R. 17032) authorizing the Secretary of the Interior to grant further extension of time within which to make proof on desert-land entries in the counties of Modoc and Lassen, Cal.; to the Committee on the Public Lands.

Also, a bill (H. R. 17033) to establish a mining experiment station at Auburn, Placer County, Cal., to aid in the development of the mineral resources of the United States, and for other purposes; to the Committee on Mines and Mining.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 17034) providing for the purchase of a site and erection of a suitable public building at Chandler, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17035) providing for the purchase of a site and the erection of a suitable public building at Stillwater, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17036) providing for an addition to the Federal building at Enid, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17037) granting pensions to certain teamsters who served in the Civil War and the War with Mexico; to the Committee on Invalid Pensions.

By Mr. RAKER: A bill (H. R. 17038) making an appropriation to assist in stamping out the Mediterranean fly in the Territory of Hawaii, and preventing its spread to California and other States of the Union; to the Committee on Agriculture.

By Mr. BATES: A bill (H. R. 17039) to improve the standing of honorably discharged soldiers, sailors, and marines, regulars or volunteers, in obtaining civil-service positions; to the Committee on Reform in the Civil Service.

Also, a bill (H. R. 17040) providing pensions for commissioned officers, noncommissioned officers, and enlisted men of the United States Army who served on the western frontier during the Indian wars and campaigns from 1865 to 1890; to the Committee on Pensions.

Also, a bill (H. R. 17041) to amend the act of Congress approved February 6, 1907, entitled "An act granting pensions to

certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico"; to the Committee on Invalid Pensions.

By Mr. ESTOPINAL: A bill (H. R. 17042) for the approval to the State of Louisiana of certain swamp lands; to the Committee on the Public Lands.

By Mr. HAYES: A bill (H. R. 17043) providing for the payment of certain claims of the State of California growing out of the Indian wars; to the Committee on Claims.

By Mr. BARTHOLDT: A bill (H. R. 17044) providing for the erection of a suitable memorial to Vasco Nuñez de Balboa in the Canal Zone; to the Committee on the Library.

By Mr. RAKER: Joint resolution (H. J. Res. 201) proposing an amendment to the Constitution of the United States extending the right of suffrage to women; to the Committee on the Judiciary.

By Mr. ANDERSON of Ohio: Joint resolution (H. J. Res. 202) in reference to the employment of enlisted men in competition with local civilians; to the Committee on Labor.

By Mr. LITTLETON: Joint resolution (H. J. Res. 203) requesting the Secretary of Commerce and Labor to investigate and report to Congress the wisdom and practicability of establishing labor exchanges, etc.; to the Committee on Rules.

By Mr. GRAHAM: Resolution (H. Res. 358) authorizing the Committee on Expenditures in the Interior Department to sit for the purpose of taking testimony; to the Committee on Rules.

By Mr. DONOHOE: Resolution (H. Res. 359) authorizing appointment of committee to investigate methods employed in the dredging of Delaware River; to the Committee on Rules.

Also, resolution (H. Res. 360) authorizing the Committee on Expenditures in the War Department to investigate dredging operations in the Delaware River; to the Committee on Rules.

By Mr. DRAPER: Memorial from the Legislature of the State of New York, urging an amendment to the Constitution of the United States looking to the establishment of uniform laws on the subject of divorce; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 17045) granting an increase of pension to William Wrightsman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17046) granting an increase of pension to William S. Tyler; to the Committee on Invalid Pensions.

By Mr. ALLEN: A bill (H. R. 17047) granting an increase of pension to Henry Farwick; to the Committee on Invalid Pensions.

By Mr. ANDERSON of Ohio: A bill (H. R. 17048) granting an increase of pension to John Ralston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17049) granting an increase of pension to Arthur Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17050) granting an increase of pension to Richard B. Spencer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17051) granting an increase of pension to James A. McCready; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 17052) to remove the charge of desertion from the military record of Joseph Hutchinson; to the Committee on Military Affairs.

By Mr. BARTHOLDT: A bill (H. R. 17053) for the relief of Seemann & Co., of St. Louis, Mo.; to the Committee on Claims.

Also, a bill (H. R. 17054) granting an increase of pension to Elizabeth Wolfe; to the Committee on Pensions.

By Mr. BORLAND: A bill (H. R. 17055) granting a pension to Lauranah A. Ebert; to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 17056) granting an increase of pension to George A. Williams; to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 17057) granting an increase of pension to John Bowers; to the Committee on Invalid Pensions.

By Mr. CLAYPOOL: A bill (H. R. 17058) granting an increase of pension to William Lowe; to the Committee on Invalid Pensions.

By Mr. COPLEY: A bill (H. R. 17059) granting an increase of pension to Gideon Briggs; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 17060) for the relief of Calvin Sellers; to the Committee on Military Affairs.

By Mr. DONOHOE: A bill (H. R. 17061) granting a pension to John F. Cassedy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17062) to correct the military record of Daniel Graeber; to the Committee on Military Affairs.

By Mr. EDWARDS: A bill (H. R. 17063) for the relief of R. L. Horne; to the Committee on Claims.

By Mr. FOWLER: A bill (H. R. 17064) granting an increase of pension to Frederick Skinner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17065) to remove the charge of desertion from the military record of John Travelstead; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 17066) correcting the military record of Jonas O. Johnson; to the Committee on Military Affairs.

Also, a bill (H. R. 17067) correcting the military record of Reuben Sewell; to the Committee on Military Affairs.

By Mr. HAMLIN: A bill (H. R. 17068) for the relief of Zalman H. Golden; to the Committee on Military Affairs.

Also, a bill (H. R. 17069) granting a pension to August Brockman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17070) granting a pension to Henry Otting; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17071) granting a pension to Otto H. Otten; to the Committee on Pensions.

Also, a bill (H. R. 17072) granting a pension to Benton C. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17073) granting a pension to Farmer Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17074) granting an increase of pension to John W. Chewning; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17075) granting a pension to Martha Coslett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17076) granting an increase of pension to R. H. Askew; to the Committee on Invalid Pensions.

By Mr. HOWLAND: A bill (H. R. 17077) granting a pension to Patrick J. Dugan; to the Committee on Pensions.

By Mr. HUGHES of Georgia (by request): A bill (H. R. 17078) for the relief of the heirs of Samuel Gelston; to the Committee on Claims.

By Mr. KENDALL: A bill (H. R. 17079) granting an increase of pension to James Lathers; to the Committee on Invalid Pensions.

By Mr. KINKAID of Nebraska: A bill (H. R. 17080) for the relief of William A. Scoville and Kenyon P. Crandall; to the Committee on the Public Lands.

By Mr. LANGHAM: A bill (H. R. 17081) granting an increase of pension to Joseph Faloon; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 17082) for the relief of A. H. Sympson; to the Committee on Military Affairs.

Also, a bill (H. R. 17083) for the relief of John F. Rudd; to the Committee on Military Affairs.

Also, a bill (H. R. 17084) granting an increase of pension to Richard L. Davis; to the Committee on Pensions.

Also, a bill (H. R. 17085) granting an increase of pension to Francis M. Patrick; to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 17086) granting an increase of pension to Thomas J. Hardshaw; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17087) granting an increase of pension to John D. Lyons; to the Committee on Invalid Pensions.

By Mr. McCALL: A bill (H. R. 17088) for the relief of N. Parker Doe; to the Committee on Military Affairs.

Also, a bill (H. R. 17089) granting a pension to John H. Brogan; to the Committee on Pensions.

Also, a bill (H. R. 17090) granting an increase of pension to George S. Kittridge; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17091) granting an increase of pension to John Andrews; to the Committee on Invalid Pensions.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 17092) granting a pension to Charles Phenis; to the Committee on Pensions.

Also, a bill (H. R. 17093) granting a pension to Rice S. McCubbin; to the Committee on Pensions.

Also, a bill (H. R. 17094) granting a pension to James E. Mulford; to the Committee on Pensions.

Also, a bill (H. R. 17095) granting a pension to Sadie Sumner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17096) granting a pension to Martha J. Parker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17097) granting a pension to Flora Middleton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17098) granting a pension to Emma Kinsey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17099) granting a pension to Elizabeth McGaha; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17100) granting a pension to Hattie M. Priest; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17101) granting an increase of pension to Samuel C. Baxter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17102) granting an increase of pension to E. N. Yates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17103) granting an increase of pension to Josiah R. V. Atkinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17104) granting an increase of pension to Charles Rouschkolb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17105) granting an increase of pension to William Ransom; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17106) granting an increase of pension to Marion Thompson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17107) granting an increase of pension to John C. Myers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17108) granting an increase of pension to Cleora A. Carver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17109) granting an increase of pension to Samuel S. Burgess; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17110) granting an increase of pension to Allen Emmerson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17111) granting an increase of pension to Marshall S. Elder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17112) granting an increase of pension to Isaac Goodrich; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17113) granting an increase of pension to John Kinney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17114) for the relief of Benjamin F. Albright; to the Committee on Military Affairs.

Also, a bill (H. R. 17115) for the relief of David H. Mull; to the Committee on War Claims.

Also, a bill (H. R. 17116) to correct the military record of John Murphy, alias John Gill; to the Committee on Military Affairs.

Also, a bill (H. R. 17117) to correct the military record of David C. Bays; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17118) removing the charge of desertion from the military record of George G. Banks; to the Committee on Military Affairs.

Also, a bill (H. R. 17119) granting the courthouse reserve at Pond Creek, Okla., to the city of Pond Creek for school and municipal purposes; to the Committee on the Public Lands.

Also, a bill (H. R. 17120) to reimburse the Iowa Tribe of Indians of Oklahoma the difference in purchase price of lands paid them and other Indians; to the Committee on Indian Affairs.

By Mr. MANN: A bill (H. R. 17121) granting an increase of pension to William E. Leonard; to the Committee on Invalid Pensions.

By Mr. MATTHEWS: A bill (H. R. 17122) granting an increase of pension to George Simons; to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 17123) for the relief of Fred Fox, jr.; to the Committee on Claims.

Also, a bill (H. R. 17124) for the relief of the heirs of the estate of Lemuel Story; to the Committee on War Claims.

Also, a bill (H. R. 17125) for the relief of J. F. Warrenfells, attorney in fact and representative of the heirs of Virginia F. Minor, deceased, one of the heirs and legatees of Orlando S. Jones, of Arkansas; to the Committee on War Claims.

By Mr. MORGAN: A bill (H. R. 17126) granting a pension to Henry Herring; to the Committee on Pensions.

Also, a bill (H. R. 17127) granting a pension to William H. Merchant; to the Committee on Pensions.

Also, a bill (H. R. 17128) granting a pension to Jefferson Pennington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17129) granting a pension to Nathan W. Willcox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17130) granting a pension to Thomas Corey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17131) granting an increase of pension to Eliza A. Cuthbert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17132) granting an increase of pension to Pethra C. Howard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17133) granting an increase of pension to James K. P. Webb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17134) granting an increase of pension to Pleasant H. Ripley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17135) granting an increase of pension to Samuel S. Van Wye; to the Committee on Invalid Pensions.

By Mr. NORRIS: A bill (H. R. 17136) granting a pension to Emeline Adams; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 17137) granting an increase of pension to Mary E. Franklin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17138) to correct the military record of C. W. Fowler; to the Committee on Military Affairs.

By Mr. PADGETT: A bill (H. R. 17139) granting an increase of pension to Stephen H. Clayton; to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 17140) for the relief of John A. Gauley; to the Committee on Claims.

By Mr. POST: A bill (H. R. 17141) granting a pension to John W. Kellough; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17142) granting a pension to Sarah E. Irwin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17143) granting a pension to Ellen J. Funk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17144) granting a pension to Annie E. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17145) granting an increase of pension to Henry Wrightsell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17146) granting a pension to Maria A. Ward; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17147) granting a pension to Evaline Stem; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17148) granting an increase of pension to Barzallai H. Dershem; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17149) granting an increase of pension to Joseph N. Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17150) granting an increase of pension to Nathaniel M. Howard; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 17151) granting a pension to Cobb T. Berry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17152) granting an increase of pension to Louis Beck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17153) granting an increase of pension to James L. Strange; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17154) granting an increase of pension to George P. Stone; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17155) granting an increase of pension to George P. Stone; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17156) granting an increase of pension to David Britton; to the Committee on Pensions.

Also, a bill (H. R. 17157) granting an increase of pension to Dudley R. Sloan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17158) granting an increase of pension to Joseph Age; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17159) granting an increase of pension to Luke Hancock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17160) to remove the charge of desertion from the military record of Thomas J. Wells; to the Committee on Military Affairs.

By Mr. RODENBERG: A bill (H. R. 17161) granting a pension to Charles Held; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17162) granting a pension to John P. Bahrenburg; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17163) granting an increase of pension to Frederick Ahlvers; to the Committee on Invalid Pensions.

By Mr. RUCKER of Missouri: A bill (H. R. 17164) granting a pension to Julia H. Abrigg; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17165) granting a pension to Isaac N. Wilber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17166) granting an increase of pension to Wiley T. Huddleston; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 17167) granting pensions to Capt. William L. Fenix's Company M, Seventy-third Regiment Missouri Enrolled Militia; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 17168) granting a pension to James N. J. Keller; to the Committee on Pensions.

Also, a bill (H. R. 17169) granting a pension to Josephine Crabtree; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17170) granting a pension to John Holland; to the Committee on Pensions.

Also, a bill (H. R. 17171) granting a pension to Ada Baker; to the Committee on Pensions.

Also, a bill (H. R. 17172) granting a pension to R. G. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17173) granting a pension to Larkin Mullins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17174) granting a pension to Mack R. Tipton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17175) granting a pension to Caney Hopson; to the Committee on Pensions.

Also, a bill (H. R. 17176) granting a pension to John H. Gray; to the Committee on Pensions.

Also, a bill (H. R. 17177) granting a pension to Henry C. Collins; to the Committee on Pensions.

Also, a bill (H. R. 17178) granting a pension to W. A. Payne; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17179) granting a pension to John J. Coughlin; to the Committee on Pensions.

Also, a bill (H. R. 17180) granting an increase of pension to Alfred T. Moreland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17181) granting an increase of pension to John F. Burrow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17182) granting an increase of pension to Nicey Shelton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17183) granting an increase of pension to George W. Green; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17184) granting an increase of pension to Elbert L. Harrold; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17185) granting an increase of pension to William A. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17186) for the relief of Alexander Morefield; to the Committee on Military Affairs.

Also, a bill (H. R. 17187) for the relief of Wile Wolf; to the Committee on Military Affairs.

Also, a bill (H. R. 17188) for the relief of Lewis H. Lee; to the Committee on Military Affairs.

Also, a bill (H. R. 17189) for the relief of L. A. King; to the Committee on Claims.

Also, a bill (H. R. 17190) for the relief of David Stinnett; to the Committee on Military Affairs.

Also, a bill (H. R. 17191) for the relief of Andrew P. Cole; to the Committee on Claims.

Also, a bill (H. R. 17192) for the relief of George Bailey; to the Committee on Military Affairs.

Also, a bill (H. R. 17193) for the relief of William Buttry; to the Committee on Military Affairs.

Also, a bill (H. R. 17194) for the relief of Osburn Jones; to the Committee on Military Affairs.

Also, a bill (H. R. 17195) for the relief of Alexander Deatherage; to the Committee on Military Affairs.

Also, a bill (H. R. 17196) to correct the military record of Samuel Seal; to the Committee on Military Affairs.

Also, a bill (H. R. 17197) to correct the military record of James Hembrace; to the Committee on Military Affairs.

Also, a bill (H. R. 17198) to correct the military record of William T. King; to the Committee on Military Affairs.

Also, a bill (H. R. 17199) to correct the military record of William G. Freeman; to the Committee on Military Affairs.

By Mr. SLAYDEN: A bill (H. R. 17200) to pay the claim of Andrew Blank for breaking down fences and rounding up cattle during the Army maneuvers at Leon Springs, Tex.; to the Committee on Claims.

Also, a bill (H. R. 17201) to pay the claim of Hermann Voges and Henry Elkman for damages incurred by soldiers cutting their wire fence; to the Committee on Claims.

By Mr. SMALL: A bill (H. R. 17202) granting a pension to Elizabeth Mobley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17203) granting a pension to J. W. Hayes; to the Committee on Pensions.

Also, a bill (H. R. 17204) granting a pension to Ransom Buck; to the Committee on Invalid Pensions.

By Mr. J. M. C. SMITH: A bill (H. R. 17205) restoring Jane A. Keck to the pension roll; to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 17206) granting an increase of pension to Antonette Stewart; to the Committee on Pensions.

Also, a bill (H. R. 17207) granting an increase of pension to John D. Sullivan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17208) granting an increase of pension to James Downey; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 17209) granting an increase of pension to Joseph Becker; to the Committee on Pensions.

Also, a bill (H. R. 17210) to correct the military record of Thomas J. Temple; to the Committee on Military Affairs.

Also, a bill (H. R. 17211) to correct the military record of Alfred Rebsamen; to the Committee on Military Affairs.

Also, a bill (H. R. 17212) to correct the military record of Henry C. Rhoades; to the Committee on Military Affairs.

Also, a bill (H. R. 17213) to correct the military record of Jesse Dotts; to the Committee on Military Affairs.

By Mr. HOWARD: A bill (H. R. 17214) for the relief of the heirs of Sarah A. Camp, deceased; to the Committee on War Claims.

Also, a bill (H. R. 17215) for the relief of the heirs or estate of Thomas Cater, deceased; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Resolutions of Branch No. 120, G. B. B. A., of Clarion, Pa., protesting against the passage of Senate bill 2564, known as the Smoot printing bill; to the Committee on Printing.

Also, resolutions of the Commission for the Investigation and Control of the Chestnut-Tree Blight Disease in Pennsylvania, favoring an appropriation of $80,000 for the suppression of this disease; to the Committee on Agriculture.

By Mr. ANSBERRY: Memorial of Department of Ohio, Grand Army of the Republic, in opposition to proposed incorporation of the Grand Army of the Republic; to the Committee on the District of Columbia.

Also, petitions of numerous citizens of Belmore and Hicksville, Ohio, protesting against the proposed extension of the parcel-post service beyond its present limitations; to the Committee on the Post Office and Post Roads.

By Mr. ALEXANDER: Papers to accompany bills for the relief of William S. Tyler and William Wrightsman; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: Paper to accompany bill for relief of William S. Johnson; to the Committee on Invalid Pensions.

Also, resolutions of the Congress Farmers' Institute Association, West Salem, Ohio, favoring the Sulzer parcel-post bill (H. R. 14) and Federal aid in the improvement of public highways; to the Committee on the Post Office and Post Roads.

Also, resolution of the Cincinnati (Ohio) Chapter of the American Institute of Architects, favoring a suitable Lincoln memorial on the Mall; to the Committee on the Library.

By Mr. BARTHOLDT: Petition of National Confectioners' Association, in opposition to the abolishment of the Remsen Board of Scientific Experts; to the Committee on Agriculture.

Also, petition of Millinery Jobbers' Association of St. Louis, Mo., against a parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Sherwin-Williams Co., urging amendment to corporation-tax law; to the Committee on Ways and Means.

Also, memorials of Agatha Branch, No. 407, of the Catholic Knights of America; Martins Society; Cecelia Benevolent Society; and Cecelia Branch, No. 129, W. C. N. Society, of St. Louis, Mo., in favor of the Esch phosphorus bill; to the Committee on Ways and Means.

By Mr. BARTLETT: Resolution of Central City Lodge, No. 226, Brotherhood Railway Carmen of America, and Carpenters and Joiners' Union, No. 144, of Macon, Ga., against the Smoot printing bill; to the Committee on Printing.

By Mr. BULKLEY: Memorial of National Women's Auxiliary to the Railway Mail Association, asking for more fair treatment for clerks in the Railway Mail Service; to the Committee on the Post Office and Post Roads.

Also, memorial of Ohio State Federation of Labor, urging the amendment of the laws under which 65-foot steamers are operated; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of Cleveland Branch of the Journeymen Stone Cutters of North America, indorsing House bill 11372; to the Committee on the Merchant Marine and Fisheries.

By Mr. CARLIN: Petition of King George and Stafford Counties, Va., favoring House bill 16451; to the Committee on Rivers and Harbors.

By Mr. COPLEY: Petitions of citizens of Aurora and Elgin, Ill., favoring a reduction of duty on sugar; to the Committee on Ways and Means.

By Mr. COOPER: Memorial of executive board of the American Society of Equity, protesting against the reduction of the import duty on raw sugar; to the Committee on Ways and Means.

Also, petition of the Eustachius Society of Burlington, Wis., urging the enactment of House bill 2896; to the Committee on Ways and Means.

By Mr. CRAGO: Petition of certain citizens of Somerset County, Pa., asking for reduction of duties on raw and refined sugars; to the Committee on Ways and Means.

By Mr. DANFORTH: Petition of Albany (N. Y.) Chamber of Commerce, favoring reduction in letter postage from 2 cents to 1 cent per ounce; to the Committee on the Post Office and Post Roads.

Also, memorial of New York Board of Trade and Transportation, of New York, N. Y., favoring provision for improvements in the Point Judith Harbor of Refuge, R. I.; to the Committee on Rivers and Harbors.

By Mr. DRAPER: Resolution of the Commission for the Investigation and Control of the Chestnut-Tree Blight Disease in Pennsylvania, urging appropriation for use of United States

Department of Agriculture in eradicating the chestnut blight; to the Committee on Agriculture.

Also, resolution of the conservation commission of the State of New York, favoring House bill 14120, for the eradication of the chestnut blight; to the Committee on Agriculture.

By Mr. FOSS: Petition of C. R. Burghart, of Chicago, Ill., urging reduction in the duties on raw and refined sugars; to the Committee on Ways and Means.

Also, memorial of St. Johannes Unterstuetzungsverein, of Chicago, Ill., in favor of passage of Esch phosphorus bill; to the Committee on Ways and Means.

Also, memorial of Union League Club of Chicago, Ill., relative to Lincoln memorial; to the Committee on the Library.

Also, memorial of the Commission for the Investigation and Control of the Chestnut-Tree Blight Disease in Pennsylvania, urging appropriation for use of United States Department of Agriculture in eradicating the chestnut blight; to the Committee on Agriculture.

Also, memorial of Millinery Jobbers' Association, in opposition to parcels post; to the Committee on the Post Office and Post Roads.

Also, memorial of Sign, Scene, and Pictorial Painters' Union, in favor of House bill 11372; to the Committee on the Merchant Marine and Fisheries.

By Mr. FOSTER of Illinois: Memorial of Breese (Ill.) Trades and Labor Assembly, against House bill 2504; to the Committee on Printing.

By Mr. FULLER: Petition of Page Belting Co., of Chicago, Ill., favoring the proposed reduction in first-class letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Illinois Grain Dealers' Association, favoring an annual appropriation of $100,000 for the maintenance of the grain standardization laboratory of the Bureau of Plant Industry of the Department of Agriculture; to the Committee on Appropriations.

Also, petition of the Engineers' Club of St. Louis, concerning the necessity for remedial patent legislation; to the Committee on Patents.

Also, petition of Sandwich Manufacturing Co., of Sandwich, Ill., in favor of the passage of House bill 11543, concerning proposed amendment to corporation-tax law; to the Committee on the Judiciary.

By Mr. GARNER: Papers to accompany House bill 16737; to the Committee on War Claims.

By Mr. GRAHAM: Petition of German Catholic Society of Staunton, Ill., favoring the enactment into law of the Esch bill (H. R. 2896); to the Committee on Ways and Means.

Also, petition of citizens of Litchfield, Ill., favoring the enactment into law of the bill introduced by Representative BERGER granting pensions to certain old persons; to the Committee on Pensions.

Also, petition of certain citizens of Mount Olive, Ill., favoring the old-age pension bill introduced by Representative BERGER; to the Committee on Pensions.

Also, petitions of certain citizens of twenty-first Illinois congressional district, asking that duty on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. GRAY: Papers to accompany House bill 11983; to the Committee on Invalid Pensions.

By Mr. HAMILTON of West Virginia: Petition of Dr. C. L. Muhleman, of Parkersburg, W. Va., in favor of Lincoln memorial road; to the Committee on Appropriations.

Also, petitions of citizens of West Virginia, urging reduction in the duties on raw and refined sugars; to the Committee on Ways and Means.

By Mr. HAMLIN: Papers to accompany bill (H. R. 1877) for relief of Oliver P. Jackson; to the Committee on Pensions.

Also, papers to accompany House bills 1760, 1774, 1777, 1816, and 1886; to the Committee on Invalid Pensions.

By Mr. HAYES: Paper to accompany bill granting pension to Anna McAnney; to the Committee on Invalid Pensions.

By Mr. HENSLEY: Petitions of numerous citizens of thirteenth congressional district of Missouri, protesting against the passage of parcels-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of Pat McDermott and others, of Grubville, Mo., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. HUGHES of New Jersey: Resolutions of the Woman's Christian Temperance Union of Englewood, N. J., favoring legislation to protect local prohibition laws; to the Committee on Interstate and Foreign Commerce.

Also, petition of members of St. Paul's Church, of Englewood, N. J., favoring legislation to protect local prohibition laws; to the Committee on Interstate and Foreign Commerce.

By Mr. KENDALL: Petition of citizens of Melrose, Iowa, against parcel post; to the Committee on the Post Office and Post Roads.

By Mr. KINDRED: Resolution of the Rochester Chamber of Commerce urging Congress to amend the corporation-tax law making it permissible for corporations and companies to make their reports as of the end of their individual fiscal years; to the Committee on the Judiciary.

By Mr. LANGHAM: Petition of Edmund Rour, of Indiana, Pa., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. LINDBERGH: Petitions of certain business men of Little Falls, Akeley, Cass Lake, Becker, Staples, and Park Rapids, Minn., against parcel post; to the Committee on the Post Office and Post Roads.

By Mr. LINDSAY: Petition of Fred Wittman & Co., of Brooklyn, N. Y., favoring the total elimination of the tariff on raw and refined sugars; to the Committee on Ways and Means.

Also, memorial of the Commission for the Investigation and Control of the Chestnut-Tree Blight Disease in Pennsylvania, urging appropriation for use of United States Department of Agriculture in eradicating the chestnut blight; to the Committee on Agriculture.

Also, resolution of Twenty-eighth Ward Taxpayers' Protective Association, of Brooklyn, N. Y., against abandoning the New York Navy Yard; to the Committee on Naval Affairs.

By Mr. MAGUIRE of Nebraska: Memorial of Westminster Brotherhood, First Presbyterian Church, of Nebraska City, and Westminster Presbyterian Church, of University Place, Nebr., for an effective interstate liquor law; to the Committee on the Judiciary.

Also, petitions of citizens of Humboldt and Lincoln, Nebr., urging that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petition of H. Herpols Co., against the extension of the parcel-post service beyond its present limitations; to the Committee on the Post Office and Post Roads.

Also, memorial of Central Labor Union of Lincoln, Nebr., protesting against certain provisions in the Smoot bill; to the Committee on Printing.

Also, petition of Local Union No. 143, Cigar Makers' International Union, of Lincoln, Nebr., protesting against any plan looking toward the reorganization of the American Tobacco Co.; to the Committee on the Judiciary.

Also, memorial of Central Labor Union of Lincoln, Nebr., urging the passage of the Booher bill, limiting prison-labor contracts; to the Committee on Interstate and Foreign Commerce.

By Mr. McCALL: Memorial of the Society of the Cincinnati, in favor of the collection and publication of the Revolutionary War records; to the Committee on Military Affairs.

By Mr. MATTHEWS: Papers in support of bills to increase pension of George Simons and William Davis; to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: Papers to accompany bill for the relief of the heirs of Lemuel Story; to the Committee on War Claims.

Also, papers to accompany bill for the relief of J. F. Warrenfells; to the Committee on War Claims.

By Mr. MORGAN: Petitions from sundry citizens of the second congressional district of Oklahoma, recommending old-age pensions, etc.; to the Committee on Pensions.

Also, petitions of citizens of the second congressional district of Oklahoma, favoring woman suffrage, etc.; to the Committee on the Judiciary.

By Mr. NYE: Resolution of Camp John D. Roberts, No. 7, United Spanish War Veterans, of Gray Harbor, Wash., recommending passage of the Federal pay bill (H. R. 8141); to the Committee on Military Affairs.

By Mr. OLDFIELD: Petitions of numerous citizens of Maynard, Ark., protesting against further extension of the parcels-post service; to the Committee on the Post Office and Post Roads.

Also, petitions of numerous citizens of Arkansas, urging that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. O'SHAUNESSY: Memorial of Providence (R. I.) Fortnightly Club, urging Congress to reduce the tariff on sugar; to the Committee on Ways and Means.

Also, petition of 189 citizens of Providence, R. I., requesting the enactment into law of the Berger bill for old-age pensions; to the Committee on Pensions.

Also, petition of Presbyterian Church of Newport, R. I., for the passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. PADGETT: Papers to accompany bill granting increase of pension to Stephen H. Clayton; to the Committee on Invalid Pensions.

By Mr. POST: Memorial of Piqua (Ohio) Seventh-day Adventist Church, against the passage of House bill 9433; to the Committee on the Post Office and Post Roads.

Also, memorial of the American Hardware Manufacturers' Association, in favor of the extension of the American merchant marine; to the Committee on the Merchant Marine and Fisheries.

By Mr. SELLS: Petitions of certain citizens of Tennessee, favoring the reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. STEPHENS of Mississippi: Memorial of citizens of New Albany, Miss., urging the passage of a law to prevent the issuance of internal-revenue liquor license in prohibition territory; to the Committee on Ways and Means.

By Mr. J. M. C. SMITH: Petitions of Elmer E. and Rose Ball, of Albion, and R. A. Brand and others, of Jonesville, Mich., in favor of parcel post; to the Committee on the Post Office and Post Roads.

Also, petitions of W. B. Abrams and others, of Tekonsha; W. H. Eldred and others; F. J. Knapp & Son, of Eaton Rapids; Lee & Cady, of Detroit; Chandler & Lee, of Coldwater; George J. Kline and others, of Hillsdale; and R. J. Miller and others, of Battle Creek, all in the State of Michigan, against parcels post; to the Committee on the Post Office and Post Roads.

By Mr. SULZER: Resolution of Section 28, Musical Benefit and Aid Society, of Chicago, Ill., urging investigation of the administration of immigration office at Ellis Island; to the Committee on Immigration and Naturalization.

Also, memorial of the Commission for the Investigation and Control of the Chestnut-Tree Blight Disease in Pennsylvania, urging appropriation for use of United States Department of Agriculture in eradicating the chestnut blight; to the Committee on Agriculture.

Also, memorial of Los Angeles (Cal.) Chamber of Commerce, requesting that the first annual appropriation for embassy, legation, and consular buildings abroad be expended at the cities of Mexico, Rio de Janeiro, and Tokyo; to the Committee on Foreign Affairs.

By Mr. TAGGART: Papers to accompany bills to correct the military records of Albert Rebsamen and Thomas J. Temple; to the Committee on Military Affairs.

By Mr. TILSON: Memorial of Savings Banks' Association of Connecticut, urging legislative action to provide and insure a better public knowledge of the business and financial transactions of railway corporations and the standing of their obligations; to the Committee on the Judiciary.

By Mr. WILLIS: Petition of E. V. Nolenden and 75 other citizens of Mount Cory, Ohio, asking for the enactment of a law providing for old-age pensions for all deserving persons over 60 years of age; to the Committee on Pensions.

Also, petition of O. A. Wilgus and 30 other citizens of Broadway, Ohio, against the enactment of any legislation for the extension of the parcels-post service; to the Committee on the Post Office and Post Roads.

HOUSE OF REPRESENTATIVES.

SUNDAY, *January 7, 1912.*

The House was called to order by the Chief Clerk, who read the following communication:

THE SPEAKER'S ROOM,
HOUSE OF REPRESENTATIVES,
Washington, D. C., January 7, 1912.

To the House of Representatives:

I hereby designate Hon. WILLIAM G. BROWN, a Representative from the State of West Virginia, to act as Speaker pro tempore for this day.

CHAMP CLARK, *Speaker.*

Mr. BROWN took the chair as Speaker pro tempore.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite Spirit, our God and our Father, who holdest in Thy heart the secret of life and the mystery of death, Thou knowest the beginning and the end.

Behold! we know not anything;
We can but trust that good shall fall
At last—far off—at last, to all,
And every winter change to spring.

We bless Thee, O Father, for the profound faith, sublime hope, and imperishable love—qualities of soul which inspire the great thoughts, the heroic deeds, and bind us together into families and friendships which shall live on forever. We are met by a common impulse, a natural desire to record on the pages of history the rounded-out character and splendid achievements of a faithful public servant, that his example may be an inspiration to us and those who shall come after us to emulate his virtues. Let the everlasting arms be about the confiding and stricken wife, his children and friends, drawn to him by a loving and genial nature. That we may look forward with bright anticipations to a reunion in some fairer clime where changes never come. And blessing and honor and praise be Thine. In the spirit of the Master. Amen.

The Clerk began the reading of the Journal of the proceedings of Friday, January 5, 1912.

Mr. HUGHES of West Virginia. Mr. Speaker, I ask unanimous consent that the further reading of the Journal be dispensed with.

The SPEAKER pro tempore. The gentleman from West Virginia asks unanimous consent that the further reading of the Journal be dispensed with. Is there objection?

There was no objection.

The Journal was approved.

LEAVE TO PRINT.

Mr. HUGHES of West Virginia. Mr. Speaker, I ask unanimous consent that leave for 10 days to print remarks relating to these ceremonies be granted to the Members of the House.

The SPEAKER pro tempore. The gentleman from West Virginia asks unanimous consent that Members have leave for 10 days to print remarks relating to these ceremonies. Is there objection?

There was no objection.

THE LATE SENATOR ELKINS, OF WEST VIRGINIA.

Mr. HUGHES of West Virginia. Mr. Speaker, I offer the following resolution.

The SPEAKER pro tempore. The gentleman from West Virginia offers a resolution, which will be reported by the Clerk.

The Clerk read as follows:

House resolution 361.

Resolved, That in pursuance of the special order heretofore adopted the House proceed to pay tribute to the memory of Hon. STEPHEN BENTON ELKINS, late Senator from the State of West Virginia.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his eminent abilities as a faithful and distinguished public servant the House at the conclusion of the memorial proceedings of this day shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk be, and is hereby, instructed to send a copy of these resolutions to the family of the deceased.

The resolution was unanimously agreed to.

Mr. HUGHES of West Virginia. Mr. Speaker, the long and intimate association with Senator STEPHEN BENTON ELKINS that it was my privilege to enjoy through many years seems to make it all the more difficult for me to try to paint the man as he was. His character had so many sides that were admirable that to know them all was given to but the favored few who enjoyed with him those rare moments he was occasionally able to take from the busiest life I have ever known to devote to the intimate intercourse of true friendship.

Born near the town of New Lexington, Perry County, Ohio, in the year 1841, where his father was then living on a farm, in early boyhood he was taken by his parents to the State of Missouri, where he entered the State University, from which institution he graduated at the early age of 18 with signal honors. When came the war that tested as may never be tested again the ability of this Government to live, young ELKINS cast his lot with the Union and did his full share in that great conflict.

Deciding upon the practice of law as his life work, he selected the then Territory of New Mexico as offering the best advantages and located there. The qualities of mind that so distinguished him as a student soon won him prominence at the bar, and his influence left its mark on the history of the Territory, where he was successively attorney general and United States attorney. At that time a thorough knowledge of the Spanish language was necessary to the practice of law in New Mexico, and this knowledge he quickly acquired, and in after life one of the greatest pleasures was to meet some one with whom he could converse in that language.

In 1873 he was elected as Territorial Delegate in Congress from New Mexico and reelected in 1875, notwithstanding his declination to seek a second term and the fact that at the time of his last election he was absent from the Territory. At this period his efforts to secure the admission of New Mexico as a State called general attention to the Territory's great natural resources, and in one of his speeches on this subject Senator ELKINS gave evidence of those brilliant qualities that were destined to carry him to the front rank of American statesmen.

Shortly after the end of his term as Delegate Senator ELKINS moved to my State, West Virginia, and began to exercise that remarkable talent for business of which he had already shown signs before leaving New Mexico. His business activities were

all directed along the line of the development of the resources of his adopted State, and it was largely due to his efforts that the vast natural resources of West Virginia became known. His activities gave employment to thousands, and his treatment of labor was always such as to win its earnest friendship. Although occupied with his enormous business interests, he always found time to take an active interest in the public affairs of State and Nation, and in the presidential campaign of 1884 was a member of the Republican national committee. On December 17, 1891, President Benjamin Harrison called him to his Cabinet as Secretary of War, and in his administration of the duties of that position he added to his already enviable reputation as a public servant.

In January, 1895, I had the honor of presenting him to the joint legislature after he was elected to the United States Senate by the West Virginia Legislature, and was twice re-elected, being the only West Virginian thus honored by three elections to the Senate.

He was especially equipped to deal with questions affecting the business interests of the country, and during his long service in the Senate his name was connected with many acts of legislation of vital importance. His statesmanship was constructive and his mind gave forth sound and original ideas. The weight of his influence was always for the sane, the safe, and the wholesome in public life.

He died in Washington on January 4, 1911, during his third term as United States Senator.

ELKINS the lawyer showed by his fidelity to the interests he represented and the ability with which he handled his cases that he made no mistake as to his chosen profession. ELKINS the financier caused the wilderness to become habitable, made the mountains to give up the riches they concealed, giving to his State a wonderful development, always fighting fair, yet always commanding the respect of those with whom he came in contact in a business way by his evident ability to take care of himself under all circumstances, finally becoming one of the leaders of the financial world. ELKINS the statesman carried into his public life that innate sense of justice and fair dealing that always characterized him, and he viewed all public questions in a broad and patriotic spirit that won the admiration of his associates and the Nation. But it was ELKINS the man that those who knew him loved best. His many beautifully tender qualities of mind endeared him beyond measure to his friends, and to have known him intimately was indeed a great privilege.

West Virginians loved STEPHEN B. ELKINS and West Virginia was proud of his achievements, and when for him, surrounded by sorrowing loved ones, came the sunset of life and "the evening star and the one clear call" he put out on that unknown sea with a feeling that in this life he had "acted well his part."

Mr. DAVIS of West Virginia. Mr. Speaker, it is written:

> Man must endure his going hence even as his coming hither, ripeness is all.

On the 4th day of January, 1911, STEPHEN B. ELKINS went, as must all mortal men, back upon the path by which he came, back to the great unknown. In every such announcement there is a solemnity, which comes not alone from the severing of the ties of love and friendship, not alone from a sense of personal or public grief and loss, but also from the knowledge it imports that the book of another life has been closed and another account made up forever. At such times we may with propriety assemble to record our grief at the separation and to enter upon record the salient facts of the ended life.

Such, Mr. Speaker, is the purpose of this occasion. Others have spoken, or will speak, of the details of Senator ELKINS's life's history. To those whose good fortune it was to know him better than did I, must be left the intimacies of his personal life and conversation, and in better form, no doubt, by others, a summary of his public achievements will be given. But I desire to record a brief mention of those characteristics which, to the world, stood out most strongly in the man and which most contributed to his remarkable career.

And his career was one truly remarkable, whether from the standpoint of results obtained or of the broad field of activity it covered. Soldier, lawyer, banker, business man, railroad executive, political leader, attorney general of the Territory of New Mexico and United States district attorney for the same Territory, Delegate to Congress, Secretary of War, Senator of the United States—all these and more he was, and in all his powerful talents and natural gifts made themselves preeminent. No man can point with certainty to the hidden springs from which flow the actions and the life work of his fellows, and only the boldest will assume to catalogue all the gifts with which another is endowed. But some of the reasons for the power of this man are easily discernable.

First of all, he was in physique a favored child of nature. When he became Secretary of War in 1892 there was written of him a description which might stand, without amendment, to the day of his last illness. It may be entered here as follows:

> He is one of the biggest men I have ever known. Standing over 6 feet in his stockings, his broad shoulders are well padded with muscular flesh, and his big arms make you think of those of Sampson, and his legs are firm and strong. He is not fat, but his massive frame has no angles, and he is the personification of energetic health. He has a great big round head, which is fastened to his broad shoulders by a big, well-made neck. His clear blue eyes look out from under broad, open brows. He has a strong jaw, but there are pleasant lines about his mouth, and his short, strong, white teeth are often shown when he laughs. His hair is now white; it is cut short, and you can see the rosy scalp showing through its frosted silver strands. Secretary ELKINS's face is smooth shaven, and its mobility is shown in the change of expressions which pass over it as his thought turns from grave to gay as he talks. His face impresses you with its cleanliness, and his words are as clean as his skin. He never uses slang or profanity, and he once told me that he had never, in all his life, uttered a word which he would be ashamed to repeat in the presence of the purest woman he knew.

Within this powerful frame there was implanted a keen and discriminating intellect, to which he added a tireless industry. He shrank from no task as being beyond either his physical or mental powers, and when in President Harrison's Cabinet it was said of him in comparison with his confreres that—

> The man capable of the greatest amount of work is filling an office where the least is to be done.

The statement was accurate in so far as his capacity for labor was concerned. But in that office, and in all others, he proved that only those who shrink from labor complain that the opportunity for it is denied. One might believe that he took as his life motto the lines:

> No man is born into the world whose work
> Is not born with him; there is always work
> To do and tools to work withal for those who will,
> And blessed are the horny hands of toil.
> The busy world shoves angrily aside
> The man who stands with arms akimbo set
> Until occasion tells him what to do.
> And he who waits to have his task marked out
> Shall die and leave his errand unfulfilled.

His intellect and energy were guided by a courageous determination which never wavered from a goal once fixed upon and was never more steady than at the very time when it might seem to yield. He was a past master of the art of conciliation and of compromise, and knew how, with consummate tact, to harmonize conflicting interests among his followers and associates and weld them all into a compact and efficient body, subservient to his purpose. Perhaps no man of his time in public life possessed to a higher degree the four great gifts of intellect, industry, will power, and tact. These it was which made of him a born leader of men. No higher praise can be or need here be given, for whoever can lead his fellows along the path he wishes them to follow, whoever can bend to his use that greatest of all forces, the elemental force of human nature, must indeed be great himself.

With these endowments it was but the working out of natural law in the spiritual world that he should have had an extraordinary capacity for making and for keeping friends, and it was equally inevitable that, like all strong natures, he should encounter opposition in all the spheres of life in which he was engaged. Enemies confronted him, and he overcame them; calumny assailed him, and he outlived it; envy and malice attacked him, and he proudly ignored them. Often did he prove that—

> He who ascends to mountain tops shall find
> Their loftiest peaks most wrapt in clouds of snow.
> He who surpasses or subdues mankind
> Must look down on the hate of those below.
> Though high above the sun of glory glow,
> And far beneath the earth and ocean spread
> Round him are icy rocks, and loudly blow
> Contending tempests on his naked head.

After a long, wasting, and mysterious illness, he neared his end; but though physically weakened by the struggle his last conscious words were, "I do not expect to die."

It may have been perhaps the dominating will of the man still asserting itself; it may have been his defiant challenge to the last of earthly foes; but may we not equally believe that it was all this and something more—a declaration of his belief in the final triumph of the soul over death itself, a prophecy even now fulfilled of an immortality assured. May we not share that faith and believe that somewhere even now that bold and tireless spirit is still working out its God-appointed destiny?

He is gone. I have no desire to weaken my tribute to his memory by a mere amplification of words, which he, of all men, would have most decried. He was a great figure in the State

of West Virginia and in the Nation. A strong man has fallen; it may be long before another comes to fill his place.

Mr. MANN. Mr. Speaker, I rise, sir, to express my appreciation of STEPHEN B. ELKINS while he was alive, my respect for the memory of the man and his deeds, my sincere regret at his departure from this life, and my profound sympathy for the family he left behind.

It is indeed a melancholy pleasure to pay my sad tribute to the worth of his deeds. I new Senator ELKINS in a legislative capacity. I had contact with him in the construction of some of the great legislation which has been enacted in recent years in relation to railroads. For a time there was a strong feeling in the country that the railroads needed additional control, that preferences were being granted by them to great shippers in the way of rebates, and in 1903 Senator ELKINS introduced into the Senate a bill, now enacted into law, called the Elkins bill, for the purpose of preventing the granting of rebates by railways. I had the honor, by direction of that other great statesman, William P. Hepburn, of Iowa, to have charge of that bill in the committee and on the floor of the House. It brought me somewhat in contact with Senator ELKINS, and gave me an insight into his capacity for constructive legislation; but it was in 1910 that I came in closer contact with him. The air was filled, as it were, with electric excitement concerning the bills to increase the powers of the Interstate Commerce Commission in the control of railways, their rates, and other matters relating to them.

A bill for that purpose was reported from the committee of which I had the honor to be chairman. It passed the House, went to the Senate, and came back here with all after the enacting clause stricken out and a new bill inserted. Senator ELKINS was chairman of the Senate Committee on Interstate Commerce. There were striking differences between the bill as it had passed the House and the bill as it passed the Senate.

After some discussion and a decided division of opinion in the House it was sent to conference. There were those who believed that it would be impossible for the House and the Senate to come to an agreement. I was the chairman of the House conference committee, and upon that committee were Representative Wanger and, as a minority member, the distinguished gentleman from Georgia, Mr. ADAMSON. On the Senate conference committee were Senators ELKINS and Aldrich and, as a minority member, Senator NEWLANDS of Nevada. I confess that at the time I had grave doubts whether we would be able to agree; I had grave doubts when I entered the conference whether the sharp division of opinion might not give rise to decided personal differences and conflicts.

For several weeks, while the bill was in conference, Senator ELKINS and myself were in daily communication. We met at the Capitol, we met at his house, we met at the White House, we met in various other places, we rode and rode, and we sat down and talked and discussed. In the end the differences in the conference were reconciled, a conference report was agreed upon, adopted by both bodies, and the bill became a law. During that time, while we were having these decided differences of opinion and discussions, Senator ELKINS was always decided but good natured. I do not know whether I was always good natured, but I believe that I was usually decided.

I came to have in that connection a strong personal affection for the work and the character of Senator ELKINS. I came to know that he was a constructive statesman. During that same period of time when this bill was under discussion there were also in conference between the two Houses, where Senator ELKINS and I were conferees, two bills, one relating to the reporting of accidents by railroads and the other regarding the standardization of safety appliances on railroads. I learned that Senator ELKINS not only had a profound knowledge of the management and operation of railways, but a profound sympathy for the enginemen, the brakemen, the trainmen, and all those who work in connection with the operation of railroads.

Mr. Speaker, I simply wish to say that, in my judgment, the two laws now upon the statute books bearing his name in usual reference to them, the antirebate law and the act to strengthen the powers of the Interstate Commerce Commission, themselves establish, without other evidence, the profound constructive statesmanship of this friend of ours who has gone to the other shore.

Mr. SULZER. Mr. Speaker, as a friend for many years of Senator ELKINS I come to-day to place on record my tribute of respect to his memory. He was my friend and evidenced it in many ways during the time we served together in the Congress of the United States. In his unexpected death the State he represented here so long, so intelligently, and so industriously was deprived of one of its foremost citizens; the Republic lost a loyal and a patriotic public servant; his bereaved family a loving husband and an indulgent father; and his innumerable friends, from one end of the land to the other, a safe counselor, a sagacious advocate, and a wise and consistent champion.

One had to know Senator ELKINS intimately to know the real true man. He was warm-hearted, broad-minded, and tolerant. He was alert in thought and quick in speech. He was dignified and sympathetic. He was a man who stood high among the constructive statesmen of his time; he lived above the commonplace and sought his friends and did his work on the higher level of purpose and of intellectuality, of usefulness, and of strict integrity.

He served his State and his country well, and he served in all things that were elevating and lasting. The sterling manhood that was in him recognized both the duty and the opportunity, and lifted his service into the light of lasting companionship and the reality of good example. He was a diligent student of affairs, and in all matters of moment he carefully searched for the truth. What he said was based not on impulse, but on sincere conviction. There was no forced attempt at brilliancy in his oratory. He was a direct man and spoke simply and truly and honestly. He was a man of clean thought and of clean speech; his inner life was carefully swept and generously garnished, so that all could quickly tell what sort of man was the distinguished Senator of West Virginia. He was an indefatigable worker, and he fell by the wayside at the zenith of his public service because strength was exhausted and nature demanded her long rest.

In many ways it can be truly said of Senator ELKINS that he was a brilliant man, a constructive statesman, who took a prominent part in all the great debates of his time. He wrote lasting laws on our statute books, and by his industry and ability, together with his courteous manners and his genial ways, won the lifelong respect and the lasting admiration of his colleagues and his fellow citizens.

STEPHEN BENTON ELKINS was a child of the great West. He was born in Perry County, Ohio, September 26, 1841; he received his early education in the public schools of Missouri and graduated from the university of that State, at Columbia, in the class of 1860; he was admitted to the bar in 1864 and in the same year went to New Mexico, where he acquired a knowledge of the Spanish language and began the practice of the law. He was a member of the Territorial Legislative Assembly of New Mexico in 1864 and 1865, and held the offices of Territorial district attorney, attorney general, and United States district attorney. He was elected to the Forty-third Congress and while abroad was renominated and elected to the Forty-fourth Congress. During the time he served in Congress he was made a member of the Republican national committee, on which he served for three presidential campaigns. After leaving Congress he moved to West Virginia and devoted himself to his business affairs. He was appointed Secretary of War December 17, 1891, and served until the close of President Harrison's administration. In February, 1894, he was elected to the United States Senate, to succeed Hon. Johnson N. Camden, and was reelected in 1901 by every vote of the Republican members of the legislature, giving him a majority of 40 on joint ballot. He was again unanimously reelected in 1907 and served in the Senate until his untimely death. Such in brief is the brilliant record of S. B. ELKINS, and it demonstrates anew the hope and the opportunities of the Republic. What a splendid and triumphant career!

When Senator ELKINS passed away, at the summit of his congressional life, he had made an enviable record for statesmanship and for usefulness, not only for the benefit of his constituents but for the good of the whole country. We have missed him much here since his long departure, and as the days come and go we who knew him well will miss him more and more. The work he did for the people will live in the history of his State and of his country. The good he did will grow brighter and brighter as the years pass away until it becomes his lasting monument, more enduring than marble or brass and forever sacred in the hearts of his grateful countrymen.

We mourn and sympathize with his beloved family, but we find words of comfort and of consolation in his noble life, his generous character, his sympathetic nature, and the great work he accomplished for his country. His deeds of kindness, of charity, and of generosity will ever keep alive his memory and frequently call to recollection the glory of his name.

The memory of good deeds will ever stay,
A lamp to light us on the darkened way.
A music to the ear on clamoring street,
A cooling well amid the noonday heat.
A scent of green boughs blown through narrow walls,
A feel of rest when quiet evening falls.

Senator ELKINS was a true man, a lover of justice, a believer in the supremacy of law, a friend of every cause that lacked assistance. He stood for eternal principles of right, and believed in the opportunity vouchsafed to everyone under the

dome of the Union sky. He was no skeptic, no scoffer, no cynic. He was broad and liberal in his views, had charity for all, trusted the people, and never lost faith in humanity. He knew the world was growing better, and he believed in the greater and the grander destiny of his country.

He hated cant and despised hypocrisy. He had a sunshiny disposition and a forgiving spirit that never harbored revenge. He was a plain, simple man, who loved his fellow man. He will live in the hearts of those he left behind, and to do this is not to die. He was a great worker, and succeeded in accomplishing what he undertook to do. He met Napoleon's test—he did things. He was a true son of our native soil, the friend of the toiler, and the eloquent advocate of the oppressed. He tried to lift his fellow man up to a higher plane and help him forward on the highway of progress and of civilization. He was a fearless man and ever dared to do what he thought was right regardless of the consequences. He was a faithful public official, and died in the service of his country. His work here is done. His career on earth is finished. He has run his course; he kept the faith; he fought the good fight; he has reaped his everlasting reward in the great beyond, and we, his friends, can all most truly say, Well done, thou good and faithful servant of a grateful people.

Mr. LITTLEPAGE. Mr. Speaker, I am here as a Representative of a proud people of a great State to raise my voice in proclaiming to the people of this Republic that there dwells within the Commonwealth of West Virginia a people noted for their chivalry, integrity, loyalty, appreciation, and all that goes to constitute character and good citizenship, and I feel that I bespeak the sentiments of them all when I say that State and this Nation lost a faithful friend when United States Senator STEPHEN B. ELKINS gave up the fight for the greatest boon in life—that of living—and surrendered his spirit to the God of mercy and love, and when that great and good spirit took its flight over the river of time to that home from which no tired and weary traveler has ever returned and never will; that all who knew him at home and here in Washington, the scenes of his great labors for the good of mankind and the upbuilding of this Republic; that the sorrowful acclaim should properly go up to that great white throne, before which we shall all appear sooner or later, "Well done, thou good and faithful servant." Since the great reaper of the ripe sheaves must gather you in so early in your useful career, we with one sorrowful accord wish you God speed to a position on that great white throne where sorrow is no more, there to dwell in everlasting peace of mind and joy of heart.

Senator ELKINS was a self-made man. Starting from the lowest rung on life's ladder, he ascended step by step, by hard work and good judgment, to assume mighty responsibilities and to an exalted public position. Be it said of him that he was a Republican, residing at Elkins, W. Va. He was born in Perry County, Ohio, September 24, 1841, attended schools in Missouri, graduating from the University of that State in 1860. He was a successful lawyer by profession since 1864. He went to the Territory of New Mexico, where he acquired a remarkable knowledge of the Spanish language. He was a member of that legislative assembly, 1864–65. He was also district attorney, attorney general, and United States district attorney of that Territory; elected to the Forty-third Congress and reelected to the Forty-fourth Congress and a member of the Republican national committee during three presidential campaigns. He moved to West Virginia, and became Secretary of War in 1891, and as such a member of President Harrison's Cabinet. He was elected to the United States Senate from West Virginia in 1894, defeating Hon. Johnson N. Camden, a Democrat; reelected in 1901 to the United States Senate, and was still a United States Senator from that State at the time of his death in January, 1911.

Thus we see another important example of a young man having a fixed purpose in life and bending every energy to the accomplishment of that end; patient, loyal, energetic, and true all the time, starting in life without means, friends, or influence, he attained wonderful success in his profession, business, and political life; starting an humble country boy, he ran out his life's course and died in the Senate of the United States, where he exerted great influence and had much to do with shaping the destiny of the Republic he loved so well.

We are assembled here in the Capitol of this Nation to pay a last and farewell tribute to the memory of one of my State's favorite sons. My heart is full of sympathy for his bereaved ones left behind, but they should be consoled by the fact that a great chieftain, in passing from this stage of action to a better world, has left as their heritage a stainless official record, worthy of emulation by country-loving and country-serving men placed in official positions by the suffrage of a grateful people, who are ever ready, regardless of politics, to appreciate official integrity, love of country, and those great characteristics so wonderfully possessed by Senator ELKINS.

He was a developer of men and country. My State, that of his adoption, has important railroads, coal properties, timber plants, and other public utilities now blossoming and of great value to our Commonwealth, all the result of the handiwork, energy, and sacrifices of our dead Senator.

We differed in politics, but he was a most lovable character, and, above all, he was true to his friends, a thoroughly grateful man, the latter being the noblest characteristic possessed by mankind. He remembered long and faithfully an act of kindness, as was shown by his devotion, sacrifices, the expenditure of his means and the taxation of his mental energies to have pardoned the Younger boys, who saved his life when he was a young man. When I read an account of this, and understood the motives that prompted his action, I was ever afterwards his personal friend and admirer.

One by one the great men have fallen and gone to their everlasting reward as time and the ages roll by. We scatter the flowers of memory over the tombs in passing. Let us look to a future, remembering, as we go by, that to so live in the sight of God as to command the respect and confidence of mankind should be the ambition of us all. Senator ELKINS has gone, but his memory will dwell in and with the history of my State and this Nation evermore.

Peace and good will to his memory. When the human harps of the nations of the earth shall sing out in after years in acclaim the songs of the memory of great men of the past ages, none shall be more sweetly enjoyed by the people of the American Republic than the one of the life, labors, sacrifices, and good deeds of United States Senator STEPHEN B. ELKINS, of West Virginia.

Mr. DAVIS of West Virginia assumed the chair as Speaker pro tempore.

Mr. BROWN. Mr. Speaker, a mighty oak has fallen, and its many tendrils and branches had so interlaced and entwined themselves among its lesser neighbors that a rude and unfilled opening has been left among its fellows. It is so with the death of Senator ELKINS. While the Nation mourns him and while his death left a vacancy peculiarly hard to fill, in this, that not only did Senator ELKINS possess all the facilities of a great statesman, but along with those he enjoyed the peculiar faculties of a business man familiar with the laws of commerce and our industrial interests. Few men combined these rare gifts in so high and comprehensive a degree. Not only a trained lawyer by profession, he was a pioneer of industry, a builder of railroads, familiar with all conditions of trade and manufacture. As a fearless explorer of undeveloped fields of mineral wealth he brought the hidden treasures of earth and emptied them into the lap of civilization, to be used for the comfort and happiness of his fellow men. He was a classic scholar, a tireless and accomplished student of political economy, and an historian who read history not as a pastime, but as a student who drew from it practical lessons of civil government. He was a field marshal in all branches of industry, and an honest, energetic champion of civil government and the rights of the people. His loss will be greatest felt by those who had a personal acquaintance with him and who came in close touch with him in business and social affairs. While he was a national character and belongs to the Nation, he was held to the people of West Virginia by the strongest of home ties. While a man of large means, he did not hide his light under a bushel, but used it in developing that rapid and growing Commonwealth which honored him by making him its representative in the Senate and which he so well represented and honored in return. In West Virginia his name was identified with every prominent development.

With Senator Camden and Senator Henry G. Davis he learned that by developing his own country and by building railroads into the trackless forests and penetrating its rich coal fields he not only enriched himself and brought wealth and prosperity to its local citizens, but remunerative employment to hundreds of its people, which, in the end, is the true source of all greatness and wealth in every State. In this way he brought blessings to countless homes and became one of the greatest public benefactors in the State of his adoption. While he will be mourned by his friends at the National Capital and the men of prominence throughout the Nation, the tear-dimmed eye of the miner in the solemn stillness of his humble home will no less testify to the love, esteem, and high regard in which he was held by them. Senator ELKINS was great in big and great as well in the small things that go to make life worth living to all. But it was as a leader of men that he stood preeminent. His organization, both in politics and business, was perfect. It was for him to direct, for those

under him to execute. In all his organizations, both political and industrial, he knew well his generals as well as those who stood in the humbler ranks. They were all executive officers to him. To them he gave courtesy, consideration, and fair treatment, but from them he expected faithful and exacting service. Napoleon never stood at the head of a better military organization. No one could fall short of the requirements expected and long hold his position. No one dare pitch his tent at the foot of a strategic elevation when he was expected to occupy the summit. He was a man of sternness and great exactness, but gentle and kind to his friends, and while, as I said before, the Nation has lost a splendid leader, the State of West Virginia, as a Commonwealth, has met with a still greater loss. In it every true cause has lost a champion and every good man a friend. Senator ELKINS was a man who believed in doing things, not saying things. His life was made up of acts, not words. A man gifted by nature with a splendid mind enshrined in a body of magnificent physical development, and he gave them all to his country's service. He was an untiring worker, a zealous advocate of every cause in which he enlisted, a man who believed whatever was worth doing was worth doing well. In his political and professional life he endeavored to be prepared for all emergencies. He was seldom surprised. He studied well the avenues of life he intended to follow before entering upon them. The road was always carefully laid out beforehand and the weak places fortified, the streams bridged before he came to them, and the right course mapped out and the proper finger boards selected before the crossroads of life were reached. He possessed in an exalted degree two combinations rarely found in the same human mind—a highly educated, well-trained intellect, combined with that greatest of all natural gifts, common sense. In his political and business career he followed no false lights. All finespun theories, when refined from their dross by his analytical mind, produced only practical results. Few men could so well reject the false premises and accept the true as Hon. STEPHEN B. ELKINS, and while some minds may have penetrated further into certain subjects, seldom was there found a man who knew so many things so well.

Mr. HAMILTON of West Virginia. Mr. Speaker, one year after the death of an eminent American citizen, this House is assembled in solemn session to pay a tribute to his memory, and by that which has been already said we are reminded that the loss sustained by his departure is not confined to the State which he represented in the Congress of the Nation. While STEPHEN B. ELKINS was a native of Ohio, and at the time of his death was a resident of the State of West Virginia and one of her representatives in the Senate of the United States, his field of work during his life was confined to no single State or Territory, but in its scope took in the Nation.

As Delegate in Congress from the Territory of New Mexico, as Secretary of War in the Cabinet of President Harrison, and as a Senator from West Virginia his public service extended over a period of nearly 40 years, and when his last illness struck him he was the recognized leader, especially in matters pertaining to the great commercial and business legislation of the country, in the Senate of the United States.

In the field of politics he was a giant, and in many respects comparable to the renowned Richard Neville, Earl of Warwick, who in English history has been styled the "Setter-up and puller-down" of kings. On more than one occasion the influence of Senator ELKINS was controlling in the national conventions of his party, and for 16 years or more with unquestioned supremacy he held the reins which guided the chariot of the dominant political party of West Virginia.

He married the daughter of the Hon. Henry Gassaway Davis, now a distinguished ex-Senator of the United States, and who in a recent campaign was the candidate of his party for the Vice Presidency of the Nation, and who, full of years of usefulness and honor, survives his illustrious son-in-law, and is to-day held in the highest estimation not only in his own State but throughout this great country.

Upon the death of Mr. ELKINS he was succeeded in the Senate by his son Davis Elkins, and it may thus be seen that there was practically three generations of Senators in the same family. Not only is this true, but a son of Mr. ELKINS intermarried with a daughter of John E. Kenna, another distinguished Senator of West Virginia, whose illustrious services to his country and to his State were such as to cause a sculptured perpetuation of his appearance in life to be set up in that part of this Capitol Building devoted to the commemoration of the great men of the Nation.

In a republican government like ours this close connection and relationship between distinguished citizens can not arise from hereditary causes as in other lands, but when it is found to exist, or to have existed, it must be in consequence of the individual merits of the persons who have attained the eminence.

However, Mr. Speaker, the great esteem in which the memory of Mr. ELKINS is held in West Virginia and in other States depends not alone upon his public career in the Cabinet and in the Congress. Aside from his services as a statesman he was a great public benefactor; and through his instrumentality and untiring energy and that of his distinguished father-in-law, who was associated with him in many business transactions, the native resources of his State were largely developed and thrown open to the world. Railroads were built, mines were opened, great enterprises pushed forward and advanced, and in various sections where before that time little or no development had been made there was opened, through the ceaseless efforts of these men, a record of enterprise and progress, the final chapters of which will not be written for many years to come.

Mr. ELKINS was possessed with a fine sense of humor, which he often brought to bear in public matters and which, no doubt, many times has tided him over the shoals which frequently confront a man in public life. In the campaign of 1904 the political situation in West Virginia was in an unsettled condition for several months, and it looked as if there might be a great shaking up of political conditions then existing. There was a universal demand from the Democrats of the State that ex-Senator Davis should be their candidate for governor, and, in fact, this desire was evidenced also by many of the leading Republicans of the State. It was supposed that if he should accept the nomination for that office that the powerful influence of his distinguished son-in-law would be exercised either in his active support or rendered nugatory as an opposing force. But before the Democratic State convention was held Mr. Davis was named by the national convention of the Democracy as the candidate of that party for the Vice Presidency. A day or two after the nomination of Mr. Davis for that high office the Republican State convention of West Virginia assembled in the city of Wheeling, in perhaps as stormy a convention as has been held within that State. Mr. ELKINS was made temporary chairman thereof, and in his speech delivered as a keynote of the campaign he referred to the many rumors that he would have supported Mr. Davis had he become a candidate for governor and that he would support the electoral ticket upon which he was then a candidate for the Vice Presidency. He facetiously remarked that he had, indeed, been in a dilemma prior to the assembling of the Democratic national convention, while Mr. Davis was being talked of and urged to be a candidate for governor, but that the Democratic Party, which, in his opinion, could at all times be relied upon to do the wrong thing at the right time, had relieved him from the difficulty, and that when the party had failed to recognize the eminent ability and statesmanship of his father-in-law and to reward the same by placing him at the head of the national ticket and not at the tail thereof, he thought that there was nothing else for him to do but to continue in the support of the Republican Party, which through him had conferred such distinguished honors upon the family. He could not support a party which had cast such reflection upon his father-in-law.

Mr. Speaker, I was not intimately acquainted with Mr. ELKINS in a personal way, and have met him but very few times. For that reason I am not as well prepared to speak of him as others who are upon this floor for that purpose. However, the Hon. George W. Atkinson, now a judge of one of the Federal courts, an ex-Member of this body, and a former governor of the State of West Virginia, has been for many years the warm personal and political friend of the deceased Senator, and at the time of his death, or a few days thereafter, pronounced an eloquent eulogy upon the life and character of his departed comrade. As Gov. Atkinson can not be heard upon this floor under the rules of the House—and I am glad to see that he is present here to-day—at my request he has allowed me to use in connection with my remarks the tribute which he prepared, and I send the same to the Clerk's desk to be read in connection with what I have to say.

The Clerk read as follows:

"A TALL CEDAR HAS FALLEN AND MANY HEARTS ARE SAD."

Senator ELKINS is no more. He has gone from the throng of the living to mingle with the millions that have gone before. When a king is dethroned his subjects rejoice, but when a great man dies the people mourn. A tall cedar has fallen, and gloom pervades not only the State of West Virginia, but the Nation as well, because his fame was Nation-wide. His sun went down soon after it reached the zenith and began receding toward the west. When it settled beyond our visions, darkness fell upon thousands of devoted and admiring friends. It was God's will, not ours, that his sun should set before due evening tide had come. He could not prevent its setting, nor could his friends prevent it. All we could do was to stand and watch and wait. We stood until the light went out, while he met the issue as only the strong and brave and great could do. We believe a new and brighter sun arose beyond the setting of his earthly life. We believe that death does not end all.

Some men flower early; others late. Senator ELKINS was a noted man in early life, and was scarcely at his best when the final sum-

mons came. He was just in the early afternoon of life and was best qualified to grapple with its sternest problems and be the most useful to his fellow men. Man proposes, but God disposes. We make our plans, but they are not always for the best, and a wise Providence often overrules them. We may wonder why, but that is not for us to know. It is enough for us to know that there is a God supreme, and that all of us should bow submissively to His will. The way is often dark. It is dark to-day to some of us. The pall hangs heavily over the dead statesman's household, but God willed it thus, and all should bow reverently to His decree. When the golden bowl is broken and the silver cord is loosed, we pause, we wonder, and we weep. We drop our tears. We pour out our sympathies. But tears and sympathies only aggravate the wounds, unless out of the surrounding darkness we can by faith in the unseen believe God's sunshine will some day drive away these clouds.

Just how much life means words refuse to tell, because they can not. The doorway of life is hung about with flowery emblems to indicate that it is for a purpose in the great Creator's plans for the government of His subjects. Life may be grand. God intended it to be glorious. So He paved its course with diamonds, fringed its banks with flowers, and overarched it with stars. Around it he spread the physical universe—suns, moons, worlds, constellations—sublime in magnitude and grand in order and obedience. In this strange, this wonderful thing called life, every man, every woman, has his and her place. Some lay their life work down early, others late; but sooner or later all must surrender their trusts to God, the Creator of us all.

I have long been persuaded that nothing abides save God and the soul. There is nothing enduring in this world except the Creator and His laws. The stars that shone upon our cradles will shine upon our graves. Darkness is closing over the careers of Solon and Lycurgus. The hills that once echoed the eloquence of Pericles are now unknown. The groves in which Plato and Socrates prepared their philosophies have been razed to earth. The ancient, grand temples that were intended to immortalize the names of their builders have nearly all been gnawed asunder by the teeth of time; but God and His laws yet remain and are taking a stronger and still greater grip upon the nations as the years roll on.

This is the lesson that comes to us by the passing of the patriot and statesman whose life I am now briefly reviewing. What is life? Tell us, friends from the high abode of death, what is life? We ask this question, and no answer comes as we watch and wait. But if life on the earth contributes to the life of the soul, we have the comforting assurance that all is well. If the soul fills well the place assigned to it on the earth, discharges its duties faithfully, obeys the commands of its Creator, and helps others on in life, that one is a true child of the King. To one like this death, however sudden, however shocking in its conditions and surroundings, can bring no fear, no sorrowful forebodings.

I believe firmly that death does not end all. The first and foremost poet of the Bible—if not, indeed, the foremost poet of all the centuries—when his heart was bleeding, as ours are to-day, by inspiration wrote for all the ages and for the consolation of the nations that when a man dies he shall live again. Senator ELKINS often told me he accepted this great truth and reverently believed it. Here, then, we find a balm for these bleeding wounds and "that earth hath no sorrow that Heaven can not heal."

When we buried Senator ELKINS at the place of his choosing, it was, as I have already said, a sad day for the State of West Virginia; but there was never a cloud so black that it did not have a silver lining. Our friend and brother, whose remains we have covered with "the clods of the valley," was a man of faith in his Creator, which was sufficiently abiding to illumine his soul when he reached the river which all of us must some day cross. Not given to loud professions or vain boastings of religious experience, yet deep down in his heart was a well of love and trust, which was constant in its flow toward the Savior of mankind. During all his life he exemplified the human side of religion by doing what he believed to be right. In this respect his faith was fixed. His purposes were strong. His devotion to duty and to the unseen was as unfaltering as the stars. There is nothing more to be admired in this life than a manly man. His constant purpose was to lift all persons with whom he associated to higher conceptions of life and duty. He was a brave man also. He had the courage of his convictions. He was a dangerous antagonist not only because of his vast intellectual attainments but because he could not be induced to compromise his principles or his convictions of duty.

His personal character was as spotless as a maiden's and as unsullied as a ray of light. He was never on both sides of a proposition at the same time. His make-up was too pronounced for anything like that. Living, he asked no compromise with those who opposed him; dead, there will be no utterances of him except those that are good. Such men always leave their impress upon the times in which they live. Such men will be missed, because their places will be difficult to fill.

Senator ELKINS is entitled to more credit than most men who achieve distinction in life, because he was self-made. He was the sole architect of his great career. He had the stick-to-itiveness to work his way through the University of Missouri, because he, although then a mere youth, saw the necessity of a college education if he hoped to reach distinction among his fellows. Next, he served his country as a soldier in the War of the Rebellion; then he became a lawyer and located in the then Territory of New Mexico for the practice of his profession. Shortly thereafter he became its attorney general, then its United States attorney, and next, for the term of four years, its Delegate to Congress. In all of these positions he displayed unusual ability, which led him on to still greater achievements. In his early manhood he came to West Virginia and engaged in vast business enterprises, which in two or three decades made him, perhaps, the wealthiest man in the State. He, in connection with his honored father-in-law, the Hon. Henry G Davis, constructed railroads, opened coal mines, built sawmills, established banking institutions, founded towns and cities, and have made the then new Commonwealth now literally blossom as the rose. Largely because of their enterprise and foresight, West Virginia is now the second State in the Union in the production of both coal and coke. Senator ELKINS and ex-Senator H. G. Davis and J. N. Camden must always be recognized as West Virginia's greatest developers.

Although Senator ELKINS served honorably as Secretary of War in the Cabinet of President Harrison, and although he succeeded phenomenally in business, and indeed in everything he touched, his enduring fame will rest mainly upon his record as a Senator in Congress of the United States. Throughout the whole of his 16 years' service in that distinguished body his footprints can be traced in most of the important laws that were passed. Others outranked him in flowery utterances on the floor of that deliberative assembly, but few, if any, were superior to him in debate, and none were more effective in securing important legislation. He was big in body and brain, and was the friend of all his associates and the enemy of none. He was respected by all who knew him and was loved by all. Charming in his ways and manners, every acquaintance became a friend, and every friend deplores his death. He was also a devoted husband and a loving father, and his seeming untimely departure has left "an aching void" which can only be filled by the Scriptural promise: "My presence shall go with thee and I will give thee rest."

His funeral was held in the city of Elkins, which was named in his honor. All business of every kind was suspended. The citizens turned out en masse and his numerous friends and neighbors threw upon his bier flowers of gratitude and love.

So the watching is ended at home;
Yet a whisper of peace
Bids the flowing tears cease,
For to wait and to toil—yea, to toil and to wait,
Is Earth's passport to rest within Heaven's fair gate.

The sun of this great citizen has forever set behind the horizon of our view, but the memory of his just, virtuous, and upright life will linger as a beautiful twilight in the memories of all who knew him. "Peace to his ashes; rest to his soul."

Mr. HAMILTON of West Virginia. Mr. Speaker, it is true, as stated in the address just read, that a "tall cedar has fallen and many hearts are sad," yet upon this occasion it is well for us to call to memory and reflection the oftentimes neglected and ignored fact that all mankind is mortal. The great destroyer of the visible part of man, which we call death, recognizes neither rank nor condition in his victims. The feeble and the strong, the foolish and the wise, the lowly and the high, the peasant and the king, the young man and the sage, must all alike follow at the beckoning of the hand of that last conqueror, whose emblem is the scythe, whose empire is the world, and the period of whose dominion is from the beginning to the end. To the universal sway of this monarch of the centuries Senator ELKINS could be no exception. It is true that he had not quite reached the allotted three score years and ten, but life may measured by deeds achieved as well as by the lapse of time; and when his children and friends review the earthly career of this able man, along the course of which stand many monuments to mark his noble deeds, they may rest in happy reflection upon the knowledge that through him much for good has been accomplished.

Mr. HUGHES of West Virginia. Mr. Speaker, I regret exceedingly that illness prevents the attendance here to-day of Speaker CLARK. It was his intention to be here. Having been a resident of West Virginia himself, and Senator ELKINS having been a resident of Missouri, they were great personal friends.

I also wish to speak of the absence to-day, on account of illness, of the Hon. JOHN W. LANGLEY, of Kentucky; and he wishes me to state that he will take advantage of the privilege which has been granted and submit remarks in the RECORD.

ADJOURNMENT.

The SPEAKER pro tempore (Mr. BROWN). In accordance with the resolution heretofore adopted and as a further mark of respect to the memory of the late Senator ELKINS the House will stand adjourned.

Accordingly (at 1 o'clock and 27 minutes p. m.) the House adjourned until to-morrow, Monday, January 8, 1912, at 12 o'clock m.

SENATE.

MONDAY, *January 8, 1912.*

The Senate met at 2 o'clock p. m.

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

Almighty God, Father of our spirits, who hast assured us that Thy grace shall be sufficient for our every need, we pray Thee to command the angel of Thy presence to be near unto those who this hour sit in darkness and in the shadow of death. Bless and keep them, we pray Thee, make Thy face to shine upon their gloom, and lift up the light of Thy countenance upon them and give them peace.

And unto Thee, who hast loved us with an everlasting love and hast given us eternal comfort and good hope through grace, be glory now and forevermore. Amen.

The Journal of the proceedings of Thursday last was read and approved.

CALDWELL C. BAGGS ET AL. V. UNITED STATES (S. DOC. NO. 242).

The VICE PRESIDENT laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions of law filed by the court in the cause of Caldwell C. Baggs, William A. Baggs, and Mary A. Baggs Latham *v.* United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill

(H. R. 14664) authorizing the Secretary of the Interior to grant further extension of time within which to make proof on desert-land entries in the counties of Weld and Larimer, Colo., in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 3436) granting to Phillips County, Ark., certain lots in the city of Helena for a site for a county courthouse, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a concurrent resolution authorizing the printing and binding of 100,000 copies of the Special Consular Reports on Cotton Tare, etc., in which it requested the concurrence of the Senate.

The message also transmitted resolutions commemorative of the life, character, and public services of Hon. STEPHEN B. ELKINS, late a Senator from the State of West Virginia.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of the Trades Council of New Haven, Conn., remonstrating against the abolishment of the hand-roller process of manufacturing paper currency, which was referred to the Committee on Printing.

He also presented resolutions adopted by the Order of Alaskan Moose, favoring an appropriation for the construction of a trunk line of railway to the coal fields of Alaska, which were referred to the Committee on Territories.

He also presented a petition of sundry citizens of Ensley, Ala., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented a memorial of sundry citizens of Elmdale, Kans., and a memorial of sundry citizens of Altoona, Ala., remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Lancaster, Cal., and a petition of sundry citizens of Kent, Wash., praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

Mr. CULLOM presented a petition of the Grain Dealers' Association of Illinois, praying that an appropriation be made for the maintenance of the Grain Standardization Bureau, Department of Agriculture, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Illinois, and a petition of sundry citizens of California, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. BRIGGS presented petitions of the Woman's Christian Temperance Union of New Jersey; the Woman's Christian Temperance Union of Columbus, Closter, Oradell, Hasbrouck Heights, Rutherford, Orange, Haddonfield, Demarest, Midland Park, Ocean Grove, Ridgefield Park, Bedminster, Far Hills, Waldwick, Englewood, Moorestown, Manasquan, and Windsor; of sundry citizens of Dumont, Englewood, Allenda, Lambertville, Ocean Grove, and Hasbrouck Heights; of the New Brunswick Preachers' Meeting; and the congregations of the Methodist Episcopal Church of Gladstone and the Second Presbyterian Church of Bridgeton, all of the State of New Jersey, praying for the enactment of an interstate liquor law to prevent the nullification of the State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented petitions of the New Jersey Child Labor Committee; the State Federation of Women's Clubs; the Women's Clubs of Orange; Phibitiscipma of Newark; the Woman's Club of Orange; the Thursday Morning Club of Madison; the College Woman's Club of Essex County; the Ray Palmer Club, of Newark; and of sundry citizens, all in the State of New Jersey, praying for the establishment of a children's bureau, which were ordered to lie on the table.

He also presented petitions of the faculty of Princeton College and sundry citizens of Princeton; of the congregations of the Montgomery Street Methodist Episcopal Church, of Newark; the First Presbyterian Church of Hamburg; the First Methodist Church of Newton; the First Presbyterian Church of Long Branch; the First Presbyterian Church of Vineland; the Methodist Episcopal Church of Beverly; the Society of Friends for New Jersey; the Society of Friends of Burlington County; the Congregational Church of Vineland; the Reformed Church of Harlingen; the First Baptist Church of Vineland; the Friends Society of Greenwich; the Methodist and Presbyterian congregations of Branchville; the Unitarian Church of Hackensack; Wesleyan Methodist Church of Vineland; the Society of Friends of Salem County; the First Methodist Episcopal Church of Vineland; Unity Church of Montclair; the Men's Guild of St. John's Church of Passaic; the First Baptist Church of Bloomfield; the Ministers' Union of Sussex County; the Chamber of Commerce of Plainfield; and of sundry citizens of Quinton, all in the State of New Jersey, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. BROWN presented sundry affidavits in support of the bill (S. 3823) granting an increase of pension to Joseph Harbough, which were referred to the Committee on Pensions.

He also presented sundry affidavits in support of the bill (S. 3410) granting an increase of pension to Henry D. Jayne, which were referred to the Committee on Pensions.

He also presented sundry affidavits in support of the bill (S. 3413) granting an increase of pension to Harrison Presson, which were referred to the Committee on Pensions.

He also presented petitions of the Westminster Brotherhood of the First Presbyterian Church, of Nebraska City; of the congregations of the Methodist Episcopal Church of Concord; the Baptist Church and the Presbyterian Church of Osceola, all in the State of Nebraska, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. DIXON presented memorials of sundry citizens of Belfry, Billings, and Columbus, all in the State of Montana, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

Mr. DU PONT presented a petition of the Equal Suffrage Association of Delaware, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was referred to the Committee on the Judiciary.

He also presented a petition of Pomona Grange, Patrons of Husbandry, of New Castle County, Del., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Wilmington, Del., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. CRAWFORD presented a memorial of the congregation of the Seventh-day Adventist Church of Redfield, S. Dak., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. NELSON presented resolutions adopted by the Millinery Jobbers' Association at their convention in Minneapolis, November 10, 1911, favoring the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Minneapolis, Mankato, Owattonna, Austin, Alexandria, Ortonville, Lake City, Kenyon, Duluth, St. Paul, Albert Lea, Winona, St. Cloud, Benson, Long Prairie, New Ulm, Little Falls, Red Wing, and Hastings, all in the State of Minnesota, praying for the construction of a highway from Washington, D. C., to Gettysburg, Pa., as a memorial to Abraham Lincoln, which were referred to the Committee on Appropriations.

Mr. GALLINGER presented the petition of A. H. Morrill, of Franklin, N. H., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of the Columbia Heights Citizens' Association, of the District of Columbia, praying for the enactment of legislation providing parking space on a suitable site on Columbia Heights, which was referred to the Committee on the District of Columbia.

He also presented a resolution adopted by the Petworth Citizens' Association, of the District of Columbia, favoring the enactment of legislation reducing the price of gas in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented petitions of the First Unitarian Congregational Society of Wilton; of sundry citizens of Penacook; and of 213 citizens of Claremont, all in the State of New Hampshire; and of Mary S. F. Ober, of New York City, N. Y., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a resolution adopted by the city council of Portsmouth, N. H., remonstrating against the proposed abolishment of the Portsmouth-Kittery Navy Yard in that State, which was referred to the Committee on Naval Affairs.

Mr. OLIVER presented a petition of sundry citizens of Natrona, Pa., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Central Labor Council of Oil City, Pa., and a memorial of Local Branch No. 120, Glass Bottle Blowers' Association, of Clarion, Pa., remonstrating against the abolishment of the hand-roller process of manufacturing paper currency, which were referred to the Committee on Printing.

He also presented a memorial of McLean Post, No. 16, Department of Pennsylvania, Grand Army of the Republic, of Reading, Pa., and a memorial of General Alexander Hays Post, No. 3, Department of Pennsylvania, Grand Army of the Republic, of Wilkinsburg, Pa., remonstrating against the incorporation of the Grand Army of the Republic, which were referred to the Committee on the District of Columbia.

He also presented a petition of the Central Labor Council of Oil City, Pa., praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of the Woman's Christian Temperance Union of Braddock, of the congregations of the Free Methodist Episcopal Church and the First Methodist Episcopal Church of Braddock, all in the State of Pennsylvania, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented petitions of the Chamber of Commerce of Pittsburgh, of the congregations of the Presbyterian Church of Pine Creek, of the Methodist Episcopal Church of Duryea, and of the Methodist Episcopal Church of Meshoppen, all in the State of Pennsylvania, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a memorial of Locust Grange, No. 248, Patrons of Husbandry, of Catawissa, Pa., praying for the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. BURNHAM presented a petition of the First Unitarian Congregational Society of Wilton, N. H., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a memorial of Charles H. Phelps Post, No 43, Department of New Hampshire, Grand Army of the Republic, of Amherst, N. H., remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

Mr. BURTON presented a petition of the faculty of the University of Ohio, praying for the enactment of legislation to place Gen. William Sooy-Smith on the retired list of United States Volunteers, which was referred to the Committee on Military Affairs.

He also presented a petition of the mayor and City Council of Huron, Ohio, praying that an appropriation be made for the installation of a range light in Huron Harbor, in that State, which was referred to the Committee on Commerce.

Mr. GRONNA presented a memorial of sundry citizens of McLean County, N. Dak., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of sundry members of Company H, First Regiment North Dakota National Guard, praying for the enactment of legislation providing for the pay of members of the Organized Militia, which was referred to the Committee on Military Affairs.

Mr. HITCHCOCK presented a memorial of sundry citizens of Omaha, Nebr., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Wakefield, Nebr., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. CLAPP presented petitions of sundry citizens of St. Paul, Northfield, Brycelyn, Blue Earth, Thief River Falls, Fairmont, and Mora, all in the State of Minnesota, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. CURTIS presented a memorial of sundry citizens of South Mound, Kans., remonstrating against the extension of the so-called parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of certain citizens of Topeka, Kans., praying for the extension of the so-called parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Neosho Falls, Savonburg, and Abilene, all in the State of Kansas, praying for the passage of the so-called dollar-a-day pension bill, which were referred to the Committee on Pensions.

He also presented a memorial of sundry citizens of Milan, Kans., remonstrating against the enactment of legislation compelling the observance of Sunday in post offices, which was referred to the Committee on Post Offices and Post Roads.

He also presented a paper to accompany the bill (S. 2442) for the relief of Peter Carroll and others, lately laborers employed by the United States military authorities in and about Fort Leavenworth, Kans., which was referred to the Committee on Claims.

Mr. TOWNSEND presented memorials of sundry citizens of Weidman, Leslie, and Parma, all in the State of Michigan, remonstrating against the extension of the so-called parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented the petition of John S. Chandler, of Cressey, Mich., praying for the extension of the so-called parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Burr Oak, Detroit, Tecumseh, Wilmot, Three Rivers, Meeker, and Chelsea, all in the State of Michigan, praying for the passage of the so-called dollar-a-day pension bill, which were referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Saginaw, Mich., praying for the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of Ludington and Ypsilanti, in the State of Michigan, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Petoskey, Colon, Petersburg, and North Star, all in the State of Michigan, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Detroit, Holland, Alpena, Grand Rapids, and Flint, all in the State of Michigan, praying for the enactment of legislation providing for the pay of members of the National Guard, which were referred to the Committee on Military Affairs.

He also presented a memorial of Wolverine Lodge, No. 98, International Association of Machinists, of Bay City, Mich., remonstrating against the abolishment of the hand-roller process of manufacturing paper currency, which was referred to the Committee on Printing.

Mr. LODGE presented a memorial of the United Irish-American Societies of New York City, N. Y., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was ordered to lie on the table.

Mr. WATSON presented a memorial of the Trades and Labor Assembly of Huntington, W. Va., remonstrating against the abolishment of the hand-roller process of manufacturing paper currency, which was referred to the Committee on Printing.

Mr. OVERMAN presented a petition of sundry citizens of Taylorsville, N. C., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented a petition of the congregation of the Wethersfield Avenue Church, of Hartford, Conn., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a memorial of the Central Labor Union of Danbury, Conn., remonstrating against the abolishment of the hand-roller process of manufacturing paper currency, which was referred to the Committee on Printing.

Mr. O'GORMAN presented a memorial of Local Branch No. 50, American Continental League, of Brooklyn, N. Y., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a petition of the Board of Trade and Transportation of New York City and a petition of sundry citi-

zens of Mount Vernon, Great Kills, and Victor, all in the State of New York, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. BOURNE presented sundry affidavits in support of the bill (S. 3330) granting a pension to Harry Colpus, which were referred to the Committee on Pensions.

Mr. STEPHENSON presented a petition of Ramsey Post, No. 74, Department of Wisconsin, Grand Army of the Republic, of Oconto, Wis., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented a petition of Local Branch No. 15, Glass Bottle Blowers' Association, of Milwaukee, Wis., and a petition of the Lake Seamen's Union, of Milwaukee, Wis., praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Humane Society and the Associated Charities, of La Crosse, Wis., praying for the establishment of a children's bureau in the Department of the Interior, which was ordered to lie on the table.

He also presented a petition of the Natural History Society of Milwaukee, Wis., praying that an investigation be made into the condition of all nursery stock imported from foreign countries, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the State Grange, Patrons of Husbandry, of Wisconsin, praying for the enactment of legislation providing for Government supervision of all securities issued by railroads, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of Local Union No. 126, United Garment Workers of America, of Oshkosh, Wis., and a memorial of Local Union No. 35, Coopers' International Union, of Milwaukee, Wis., remonstrating against the abolishment of the hand-roller process of manufacturing paper currency, which were referred to the Committee on Printing.

He also presented a petition of District Council No. 5, Brotherhood of Painters, Decorators, and Paper Hangers, of Milwaukee, Wis., praying for the enactment of legislation to better the condition of American seamen, which was referred to the Committee on Commerce.

He also presented petitions of Local Union No. 126, United Garment Workers, of Oshkosh; of Cigar Makers' Local Union No. 290, of Janesville; of the Woman's Club of Beaver Dam; of the Retail Grocers' Association of Superior; of the Athena Club, of Berlin; of the Council Club, of Berlin; of the Woman's Alliance of Kenosha; and of the Retail Grocers' Association of Appleton, all in the State of Wisconsin, praying for the repeal of the oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the congregation of the First Presbyterian Church of Oshkosh, Wis., praying for the enactment of an interstate liquor law to prevent the nullification of the State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Keil, Denmark, Mazomamie, of Oconto Falls, and of the Retail Grocers and Merchants' Association of Milwaukee, all in the State of Wisconsin, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

Mr. ROOT presented resolutions adopted by the Albany County Bar Association, of New York, praying for the enactment of legislation providing for the establishment of a new judicial district in that State to be known as the central district, which were referred to the Committee on the Judiciary.

He also presented a petition of the executive board of the Philip Livingston Chapter, Sons of the Revolution, praying for the enactment of legislation providing for the preservation of the battle flags at the Naval Academy, Annapolis, Md., which was referred to the Committee on Naval Affairs.

Mr. WARREN presented a memorial of Local Union No. 2292, United Mine Workers of America, of Rock Springs, Wyo., remonstrating against the abolishment of the hand-roller process of manufacturing paper currency, which was referred to the Committee on Printing.

Mr. PENROSE presented a petition of the State Grange, Patrons of Husbandry, of Pennsylvania, praying that an appropriation be made for the eradication of the chestnut-tree blight, which was referred to the Committee on Agriculture and Forestry.

He also presented memorials of Doubleday Post, No. 189, of Tamaqua; of Henry Wilson Post, No. 129, of Milton; and of McLean Post, No. 16, of Reading, all of the Department of Pennsylvania, Grand Army of the Republic, in the State of Pennsylvania, remonstrating against the incorporation of the Grand Army of the Republic, which were referred to the Committee on the District of Columbia.

He also presented petitions of Local Grange No. 1263, of East Lynn; of Local Grange No. 801, of Clinton; of Cloverdale Grange, No. 1111, of Cambridge; of Pineville Grange, No. 507, of Buckmanville; of Jefferson Grange, No. 1373, of Butler; of Locust Grange, No. 248, of Catawissa; of Silver Valley Grange, No. 1178, of St. Marys, all of the Patrons of Husbandry; of the Philomusian Club, of Philadelphia; and of Local Division No. 168, Order of Railway Conductors, all in the State of Pennsylvania, praying for the repeal of the oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of the congregations of the Methodist Episcopal Church of Mehoopany; of the Methodist Episcopal Churches of Camptown and Auburn Four Corners; of the Presbytery of Blairsville, United Presbyterian Church, Synod of Pennsylvania; of the Methodist Episcopal Church of Scranton; of the Derr Memorial Methodist Episcopal Church, of Wilkes-Barre; of the Methodist Episcopal Church of West Nanticoke; of the Carverton Methodist Episcopal Church, of Luzerne County; of the First Methodist Episcopal Church of Glen Lyon; of the Balligomingo Baptist Church, of West Conshohocken; of the State Arbitration Conference; and of sundry citizens of Norwood, all in the State of Pennsylvania, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. GUGGENHEIM presented a petition of 1,200 veterans of the Civil War, residents of Denver, Colo., praying for the passage of the so-called dollar-a-day pension bill, which was referred to the Committee on Pensions.

WAR PENSIONS.

Mr. WORKS. I present a memorial of Hon. H. C. Gooding, formerly chief justice of the Supreme Court of Arizona, on the subject of pensions. I ask to have it printed in the RECORD and referred to the Committee on Pensions.

There being no objection, the memorial was referred to the Committee on Pensions and ordered to be printed in the RECORD, as follows:

WAR PENSIONS NOT CHARITY, BUT DEBT.

There seems to be much confusion in the minds of some people concerning the basis on which war pensions are granted. Many persons, and some very high-up people, seem to think war pensions are based on charity, or at least are gratuitous, and to be granted only to those who are extremely destitute, or to those who were wounded in the service, or those who lost their health in the service. Those who so believe assume that pensions are, and should be, based on charity, and are not based on any moral or equitable obligation binding on the conscience of the Nation to make further compensation after the war on account of the inadequacy of payment during the war, or perhaps they may think the Nation has no conscience, or should have none, except in cases where there is a money or property obligation, such as they recognize at once, and say the Nation must in conscience pay. Congress has many, many times * * * paid the great great-grandchildren of a long since dead and forgotten ancestor claims for property taken or money advanced by that ancestor, not because such claims were legal obligations that could be enforced in a court of law, but on a basis of moral and equitable obligation binding on the conscience of the people and the Nation. So acute is the national conscience in such cases that Congress will pass upon and allow such claims, though based upon transactions a century old. To people who believe that the soldier was fully paid during the war, and that only the destitute, the wounded, or the broken in health should receive pensions, and those only as a matter of charity or gratuity, the present pension roll is not based upon any "scientific or just basis," nor has the past legislation of Congress, previous to the act of June 27, 1890, been based on any "scientific or just basis." They must regard the old veterans who saved the life of the Nation at the risk of their own lives as objects of charity pure and simple, and perhaps think that charity should be doled out to them in just such amounts as to prevent starvation.

But what is the real basis upon which the "roll of honor," the pension roll, is based? I call it the "roll of honor" because it is evidence that the man so enrolled rendered unusual and extraordinary service of a character specially distinguished and honorable to the Government in the time of its greatest peril and at the greatest hazard to himself. All the dictionaries, law and English, define war pensions as based upon valuable services rendered in the past—as having the consideration of valuable services that never were fully compensated. They differ in the language they use, but all concur on the point that war pensions are based on valuable services in the past. Not one says, in words or meaning, that they are based on charity. Anyone who is mystified on the subject of the true basis of pensions, war pensions, will fail to find a single dictionary, law or English, that says they are granted in charity or based on charity. Black's Law Dictionary—pension—says: "A stated allowance * * * for his (the soldier's) valuable services to the country." Bouvier's Law Dictionary—pension—says: "A stated or certain allowance granted by the Government (to the soldier) * * * for valuable services performed by him for the country." Anderson's Law Dictionary—pension—says: "A periodical allowance * * * granted by the government for services rendered." Cyclopedic Law Dictionary—pension—says: "For valuable services performed by him for the country. Webster's International Dictionary—pension—says: "1. A payment; something paid or given. 2. In consideration of past services." Not one says given or granted in charity.

The Court of Claims at Washington carefully considered this question in 17 Court of Claims, page 105, Donnelly's case. The court says: "A pension is a periodical allowance of money to a person in the nature

partly of a gratuity and partly of payment for benefits conferred; payment because it is supposed to be in consideration of previous services rendered to the Government or the public, for which the compensation before made, if any, was inadequate in proportion to the benefits received and the ability of the Nation in its prosperity to pay; a gratuity because it is not ordinarily founded on contract, and in such case can not be demanded as a legal right until the Government has acknowledged its moral obligation and made the grant * * *." It is then a moral obligation the Government is under to grant the pension; and the pension is in the nature of part payment for past benefits conferred and is based upon previous services rendered for which the compensation before made was inadequate. It is partly—only partly—in the nature of a gratuity, and this because it is not founded on contract, and therefore can not be demanded as a legal right until the Government has acknowledged its moral obligation and made the grant. No suggestion here of any charity; no suggestion of there being no consideration of valuable services to sustain the pension; no suggestion that the soldier was paid in full during the war; no suggestion that the Government is not under a moral obligation to grant the pension; but directly the contrary—that it is under a moral obligation to grant pensions—and why, because "the compensation before made was inadequate."

The Government itself has never regarded the monthly stipend fixed by its statutes as being full compensation or as adequate for the valuable services rendered by the soldier. It has, after all its wars, made further compensation to all its honorably discharged veterans, either by pensions or by the grant of land warrants or other privileges and advantages, in clear recognition of the fact that the monthly payments made during the war were not adequate compensation for the services rendered nor full pay in view of the benefits received by the Government.

None of the authorities hold or intimate that pensions are to be granted only to the destitute, the wounded, or the broken in health. Such cases deserve the first and greatest attention and special and liberal remuneration. The act of June 27, 1890, specially provided for such cases, leaving it to subsequent legislation to provide general pension laws providing for all, as the Government has done after all its previous wars for all its veterans of those wars. The authorities do not make these considerations—poverty, wounds, etc.—the basis for general pension legislation. They lay down a different rule, an entirely different rule, as the basis, "the scientific and just basis," viz: That the soldier rendered valuable services to the country, for which services the payment in the past—that is, during the war—was inadequate and that the country is under a moral obligation to make further compensation after the war. The rule applies to all soldiers and puts no soldier on a roll of charity, takes no soldier from the roll of honor "to place him on a roll of mendicants" as a recipient of alms. The Government itself has not in the past legislation taken the charity view of the question, which seems to appeal to some Congressmen. After the Revolutionary War Congress granted pensions to all honorably discharged soldiers for their natural lives, no restrictions to the destitute, the wounded, or the broken in health. After the Mexican War it granted pensions and land warrants to all without restriction. All of its legislation in the past has been based upon the idea that the soldiers were not fully paid for their war services while the war was being carried on; that the Nation owed them a further debt and that it was under a moral obligation to further pay; that their pensions were "part payment," not charity—part payment of a debt that never could be fully paid. At the grand review at the close of the Civil War the most popular and prominent banner proclaimed "The only national debt we can never pay is the debt we owe to the victorious Union soldier." War services are of a character different from all others—are in a class to themselves. They are from their very nature incapable of being measured or accurately estimated in money value.

Who can fix a price on the perils of battle; the hardships of a forced march; the sleeping night after night on the wet or frozen ground; the surrender of one's right to control his own body at any time "for three years or during the war"; the liability of being shot to death in case of an attempt to quit the job—the penalty of desertion is death. Yet there are some who insist it was a mere matter of civil contract between the Government and the soldier, and that when the soldier was discharged and paid off that was all there was to it. The inability to fix a price upon war service is in part why the Government has never considered the pitiful monthly stipend fixed by the statutes as full payment or compensation for war services. After the Revolutionary War Gen. Washington was granted vast tracts of land for his war services. No attempt was made to accurately estimate the actual value of his services. Many other generals and officers, a list too long to be inserted here, were granted by the States of the Union thousands of acres of land for their war services, notwithstanding they had received the regular pay fixed by the statutes. After the Black Hawk War Abraham Lincoln received two land warrants for his war services, notwithstanding he had received his regular pay while the war was in progress and notwithstanding he had never been under fire nor ever saw a hostile Indian. He was proud of his war services, and also of his land warrants as substantial evidence of his meritorious war service for his country. He had no qualms of conscience about receiving a land warrant as being overpayment or double payment, but, in fact, wrote with his own hand to the department in Washington for them.

It may be noticed that neither Gen. Washington nor the other generals nor Lincoln were needy nor wounded or broken in health. These conditions were not the basis of the grant of lands made to them. The principle is the same in the case of a private soldier as in case of a superior officer, and the practice of the Government has been the same. Both pensions and land warrants have been granted by Congress to the enlisted men of the Revolution, of the War of 1812, of the Mexican War, of the various Indian wars, without restriction or limitation to all honorably discharged soldiers, the rich and the poor, the strong and the invalid. This volume of legislation by Congress in the past explodes the idea of war-time pay being considered by the Government as full pay, explodes the idea of war service being mere matter of civil contract for monthly wages, and certainly explodes the idea that pensions are granted in charity, and to be granted only to the poor and the needy, the wounded, or the broken in health. The act of June 27, 1890, was not to be the final legislation or furnish the only basis for pension legislation. No land warrants have thus far been granted to the enlisted men of the country's greatest war—the Civil War of 1861 to 1865. Why this discrimination? If the Government has less land now than it had after its former wars to bestow upon its veteran soldiers, is it not time now, and simple justice, too, to increase the money pension and make at least a show of equalizing the veteran of the country's various wars?

I have made no mention of the fact that the soldier in the Civil War was paid by the Government the meager monthly provision of about 50 cents per day, on the average, in its discredited scrip, valued at the time and of a purchasing power of about 40 cents to 50 cents on the dollar, thus reducing the actual per diem to less than 30 cents per day. Perhaps this should be forgotten. Maybe it has been forgotten. If mentioned it might hurt some sensitive conscience that is willing to pay something as a matter of charity to the wounded, the destitute, or the broken in health from war's exposures, but to no others. However, that depleted Treasury, always a ready resource in times of need, would furnish a salve, a healing plaster on the oversensitive conscience, and be an excuse for no action or indefinite postponement of action till still more veterans have passed away and the Treasury thus partially relieved.

But, it is sometimes said, "they simply did their duty; the citizen owes a duty to the Government to fight its battles in time of war." He does not owe a legal duty to volunteer. That is only a patriotic duty which he may assume or lawfully decline. He may stand on his legal rights to take his chance with his neighbors on a draft ordered by the Government, and perhaps be left at home, for no one citizen owes a duty of war service more than another. The burdens of government fall equally on all. The soldiers of the Civil War performed their patriotic duty. Will the Government now perform its moral duty? The soldier could have stood on his legal right, but did not. Will the Government now stand on its legal right and refuse or neglect to perform its moral duty? Would it be good public policy in view of possible future wars, to say nothing of the effect of the violation by the Government of its moral obligation? Under the pressure of moral obligation it paid its discredited greenbacks in gold at par to its money creditors. Did its moral obligation at that point reach the limit?

Another question: Is the country in condition now to recognize its moral obligation to its defenders? According to the published estimate of wealth it is by far the richest nation in all the world. The World Almanac for 1911 estimates as follows: United States, $125,000,000,000; Great Britain and Ireland, $70,000,000,000; Germany, $45,500,000,000; France, $45,000,000,000. Our country, saved from destruction by the old and fast-departing veterans, is three times richer than any other nation on the earth except one, and nearly twice as rich as that one. The plea of poverty will not hold good; it is a mere pretext, an excuse, a sham. The colossal wealth of the Nation is manifested by the colossal expenditures Congress is constantly making in every direction, except in the direction of the veterans, who are the subject of so much praise and such high eulogy on Memorial Day. When there is talk of doing something for them, the United States Treasury suddenly becomes the most sacred thing on earth and the most depleted. It has been said that "the pension roll is perfectly enormous." But the speaker did not directly say that 50 cents per day is too much for a veteran soldier over 70 years of age. He did not say that the war that caused the pension roll was "perfectly enormous"; that might have spoiled the fine effect of his startling reference to the aggregate sum of all the pensions. He did not say the Nation saved is now the richest in all the world—three times richer than any other save one, and nearly twice as rich as that one. These important facts were inadvertently omitted and the erroneous impression unintentionally created that the pension roll is out of all proportion and ought to be cut down, perhaps in justice to the great moneyed interest of the country. The deification of the dollar seems to be the ruling passion of the hour.

It has also been suggested that before a general pension bill is passed for the benefit of the old veterans, who are now passing at the rate of about 100 per day, it might be well to study carefully what the corporations are doing, or intend to do, for the men they have been paying good salaries in time of peace and plenty and security and in money at its par value; that by the study of corporation methods the Nation might discover a "scientific and just basis" for pensioning the few remaining veterans who did some little fighting and endured some little personal discomfort during the picnic of "'61 to '65." It might have been said also that the Government will lose nothing by taking plenty of time, as the subject is a new one, to discover the truly "scientific and just basis" of corporation pensioning; that the procession of the departed veterans should be allowed to move right along without stop or hindrance while the investigation proceeds carefully and cautiously to make sure that no mistake should be made in reaching a conclusion that would furnish a basis that would be both "scientific and just." Will Congress act now, or wait till thousands more have passed to the beyond. In their cases to postpone is to deny.

H. C. GOODING.

ADMISSIONS TO NATIONAL SOLDIERS' HOMES.

Mr. WORKS. I also present a petition of Union veterans of the Civil War for the admission of Confederate veterans to soldiers' homes, which I should like to have take the same course.

There being no objection, the petition was referred to the Committee on Pensions and ordered to be printed in the RECORD, as follows:

To the Honorable Members of the Senate and House of Representatives of the United States:

As Union veterans of the Civil War, in these latter days with but few years to be added to fill our allotted time here on earth, and realizing the futility of holding to any past strife or differences, and with a desire to do all that lies within our power in forwarding the gospel of "peace on earth and good will to men," with this deep desire in our hearts we are convinced that there is a Christian duty now before us and a great opportunity to bring that peace for which we are all striving, and with the wish that we may leave nothing undone that would go toward completely healing any seeming inharmony, we would now gladly petition the Congress of our great and prosperous country to pass such measures as will admit all ex-Confederate soldiers and sailors to the national soldiers' homes under the rules governing admissions to the above institutions.

Our great and Christianized Nation as voiced by our President is taking advanced steps in the direction of world-wide peace, and we feel that this measure for which we petition our Congress would not only have an effective influence throughout our land but would also shed its goodly influence over all other nations as a worthy example of the Christ spirit now manifested as brothers one toward another striving for that sweet and lasting peace that God would so graciously bestow upon His people. And we would earnestly impress upon the minds of our Southern brothers that they, too, have a sacred duty to perform in the way of accepting this invitation in the same broad and

loving spirit in which it is given, thus working in harmony for the good of the whole world.

John F. Staley, 4924 Chicago Street, Omaha; J. B. Sedgwick, 704 South Thirtieth Street; S. T. Gordon, 224 Webster Street, Omaha, Nebr.; J. W. Bedford, 2208 Mevura; D. M. Haverly, 1415 North Thirty-third Street, Omaha; W. C. McLean, 2705 Hamilton Street; C. F. M. Morgan, Company B, First Ohio Volunteer Cavalry; Lee S. Estelle, United States Navy, 4163 Cass Street; Alvin R. Hense, 2525 South Eleventh Street; George C. Corkill, 1504 Farron Street; Ed A. Shaw, 4422 Howard Street; J. B. Murphy, general delivery, Omaha, Nebr.; Barney James, New Sharon, Iowa; J. B. Ralph, 2545 Capital Avenue; J. H. Shugard, 4809 Capital Avenue; O. S. Brooks, 810 North Forty-ninth Avenue; L. A. Kyle, 3810 North Twenty-second street; G. D. Ogden, 1806 Davenport; Geo. F. Smith, 4115 Dodge; T. A. Peironet, 2322 North Twenty-first Street; E. B. Eagan, 2810 Decatur Street; H. G. Foster, 3919 North Forty-second; George W. Patterson, Omaha; Thomas Ritchie, Country Jake; G. H. Barker, 1832 North Twenty-second Street; S. Statler, 3901 North Twenty-third Street; W. S. Shoemaker, 540 Paxton Block; Seth H. T. Alexander, 2911 Ames Avenue; M. W. Quirk, 222 North Twenty-sixth Street; Maurice R. Barnes, 2960 Honey Street; L. H. Smith, 2569 St. Marys Avenue; B. F. Griffith, 3646 Charles Street, Omaha.

PRESERVATION OF HISTORICAL DOCUMENTS.

Mr. O'GORMAN. I present a communication from the president and secretary of the National Arts Club of New York City, which I ask may be printed in the RECORD and referred to the Committee on Public Buildings and Grounds.

There being no objection, the communication was referred to the Committee on Public Buildings and Grounds and ordered to be printed in the RECORD, as follows:

THE MODERN HISTORIC RECORDS ASSOCIATION,
THE NATIONAL ARTS CLUB, 14 GRAMERCY PARK,
New York City, December 30, 1911.

The Hon. JAMES S. SHERMAN,
President of the United States Senate.

SIR: Two States—New York and Missouri—have suffered an irreparable loss in the destruction of historical documents by fire. Will not Congress heed the warning and make haste to provide the means for the erection in Washington of a fireprof building in which to house the innumerable Government records whose loss would be a national calamity?

In urging upon your honorable body the necessity of such immediate action, the Modern Historic Records Association begs leave to remind you—

First. That one of its express purposes is the employment of the best mechanical devices and the most approved methods of preservation in making for transmission to posterity records that will constitute a living history of our times and civilization.

Second. That in performing this service for our descendants our association purposes to make, upon competent advice, such a selection from these records as shall be deemed worthy of preservation in the national archives.

Third. That the association embraces the opportunity to announce that these records will be offered to the National Government for its custody and ownership as an aid to historians of future generations.

Respectfully,

HERBERT L. BRIDGMAN, *President.*
W. T. LARNED, *Secretary.*

REPORTS OF COMMITTEES.

Mr. CURTIS, from the Committee on the District of Columbia, to which was referred the bill (H. R. 12737) to amend the Code of Law for the District of Columbia regarding insurance, reported it without amendment and submitted a report (No. 156) thereon.

He also, from the same committee, to which was referred the bill (S. 2924) to amend section 646, chapter 18, Code of Laws for the District of Columbia, relating to insurance companies and associations, submitted an adverse report (No. 157) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. GALLINGER, from the Committee on the District of Columbia, to which was referred the bill (S. 2748) for the relief of Clara Dougherty, Ernest Kubel, and Josephine Taylor, owners of lot No. 13; of Ernest Kubel, owner of lot No. 41; and of Mary Meder, owner of the south 17.10 feet front by the full depth thereof of lot No. 14, all of said property in square No. 724, in Washington, D. C., with regard to assessment and payment for damages on account of change of grade due to the construction of Union Station, in said District, reported it without amendment and submitted a report (No. 158) thereon.

He also, from the same committee, to which was referred the bill (S. 3587) providing for the payment of certain sums found due by the auditor of the Supreme Court of the District of Columbia under the provisions of the act approved March 4, 1909, chapter 306, reported it with an amendment and submitted a report (No. 159) thereon.

Mr. MARTIN of Virginia, from the Committee on Commerce, to which was referred the bill (H. R. 13278) to authorize the construction of a bridge across Caddo Lake, in Louisiana, reported it without amendment and submitted a report (No. 160) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WATSON:

A bill (S. 4222) to increase the limit of cost of the public building at Moundsville, W. Va.; to the Committee on Public Buildings and Grounds.

A bill (S. 4223) granting a pension to Calvin S. Morehead; and

A bill (S. 4224) granting an increase of pension to Reuben B. Taylor; to the Committee on Pensions.

By Mr. HITCHCOCK:

A bill (S. 4225) granting an increase of pension to Enoch Adkins; to the Committee on Pensions.

By Mr. MARTINE of New Jersey:

A bill (S. 4226) for the adjudication by the Court of Claims of the claim of Henry A. V. Post individually and as liquidating partner of the firm of Clark, Post & Martin; to the Committee on Claims.

A bill (S. 4227) for the relief of Lieut. Richard Philip McCullough (with accompanying papers); to the Committee on Naval Affairs.

By Mr. CHILTON:

A bill (S. 4228) granting an increase of pension to Frederick Carel; to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 4229) to facilitate the acquisition of rights of way for reservoir sites for irrigation purposes in the arid and semiarid States and Territories; to the Committee on Public Lands.

A bill (S. 4230) for the relief of Robert F. Scott; to the Committee on Claims.

By Mr. CULLOM:

A bill (S. 4231) to correct the military record of Henry Bell; to the Committee on Military Affairs.

A bill (S. 4232) granting an increase of pension to Anna G. Lord (with accompanying paper); to the Committee on Pensions.

By Mr. BRIGGS:

A bill (S. 4233) to amend section 25 of an act entitled "An act to amend and consolidate the acts respecting copyrights," approved March 4, 1909; to the Committee on Patents.

A bill (S. 4234) for the relief of Edward S. Farrow; to the Committee on Military Affairs.

By Mr. BROWN:

A bill (S. 4235) to amend section 40 of an act entitled "An act to regulate the immigration of aliens into the United States," approved February 20, 1907; to the Committee on Immigration.

A bill (S. 4236) granting an increase of pension to Theodore F. Barnes; and

A bill (S. 4237) granting a pension to William C. Couch; to the Committee on Pensions.

By Mr. DU PONT (by request):

A bill (S. 4238) to provide for the use of the American National Red Cross in aid of the land and naval forces in time of actual or threatened war; to the Committee on Military Affairs.

By Mr. SMOOT:

A bill (S. 4239) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications; to the Committee on Printing.

By Mr. WARREN:

A bill (S. 4240) providing for homestead entries of 640 acres in certain States; to the Committee on Public Lands.

A bill (S. 4241) to encourage rifle practice and promote a patriotic spirit among the citizens and youth of the United States (with accompanying papers); to the Committee on Military Affairs.

By Mr. STEPHENSON:

A bill (S. 4242) to authorize the establishment of aids to navigation at Oconto Harbor, Wis.; to the Committee on Commerce.

A bill (S. 4243) granting a pension to Martin Kosmatka (with accompanying papers); and

A bill (S. 4244) granting a pension to William H. Eagan (with accompanying papers); to the Committee on Pensions.

By Mr. SUTHERLAND:

A bill (S. 4245) to increase the limit of cost of the additions to the public building at Salt Lake City, Utah; to the Committee on Public Buildings and Grounds.

By Mr. DIXON:

A bill (S. 4246) to authorize the sale of land within or near the town site of Midvale, Mont., for hotel purposes; to the Committee on Public Lands.

A bill (S. 4247) to provide for the construction of an addition to the Federal building at Missoula, Mont.; to the Committee on Public Buildings and Grounds.

By Mr. CRAWFORD:

A bill (S. 4248) granting an increase of pension to Adelia Hale (with accompanying paper); to the Committee on Pensions.

A bill (S. 4249) to provide for the representation of the United States by commissioners as members of an international commission to investigate and ascertain the causes of the increased cost of living throughout the world, and to authorize the President to invite other nations to designate members of such commission and to participate in such investigation.

The VICE PRESIDENT. The bill will be referred to the Committee on Foreign Relations.

Mr. CRAWFORD. As some members of the Committee on Finance have paid particular attention to this subject and it has been a subject of investigation, I would prefer to have it go to the Committee on Finance.

The VICE PRESIDENT. If there be no objection, the bill and accompanying papers will be referred to the Committee on Finance.

By Mr. GALLINGER:

A bill (S. 4250) to authorize changes in the plan for the permanent system of highways for the District of Columbia (with accompanying papers); to the Committee on the District of Columbia.

By Mr. NELSON:

A bill (S. 4251) to authorize the Secretary of Commerce and Labor to purchase from the State of Texas certain land required for lighthouse purposes at the Aransas Pass Light Station, Tex.; to the Committee on Commerce.

By Mr. BRANDEGEE:

A bill (S. 4252) for the relief of the estate of Andrew C. Nash; to the Committee on Finance.

A bill (S. 4253) granting an increase of pension to Ezra J. Crocker; to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 4254) for the relief of the estate of William H. Abbott and others; to the Committee on Claims.

A bill (S. 4255) granting an increase of pension to Benjamin Carson Smith (with accompanying papers); to the Committee on Pensions.

By Mr. BURTON:

A bill (S. 4256) to approve of the celebration of the one hundredth anniversary of the treaty of Ghent; to the Committee on Foreign Relations.

By Mr. CRANE:

A bill (S. 4257) for the relief of the estate of Charles C. Benton and others; to the Committee on Claims.

By Mr. CLAPP:

A bill (S. 4258) granting a pension to Marilla Lee Stone (with accompanying papers); to the Committee on Pensions.

By Mr. PAGE:

A bill (S. 4259) granting a pension to Emma E. Keyes (with accompanying papers); to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 4260) granting an increase of pension to John S. Hughes (with accompanying paper);

A bill (S. 4261) granting an increase of pension to William H. Layfield (with accompanying papers); and

A bill (S. 4262) granting an increase of pension to Patrick Murphy (with accompanying paper); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 4263) to amend section 2294 of the Revised Statutes of the United States, approved May 26, 1890 (26 Stats., 121), and for other purposes; to the Committee on Public Lands.

A bill (S. 4264) to correct the military record of James H. Painter;

A bill (S. 4265) to correct the military record of John A. Clark;

A bill (S. 4266) to correct the military record of Isaac Cogswell;

A bill (S. 4267) to correct the military record of August Bartz; and

A bill (S. 4268) to correct the military record of Stewart Logan; to the Committee on Military Affairs.

A bill (S. 4269) granting a pension to Malinda Longsdon;

A bill (S. 4270) granting a pension to Hannah J. Grove;

A bill (S. 4271) granting an increase of pension to Egbert C. Baker;

A bill (S. 4272) granting an increase of pension to James R. Shultz;

A bill (S. 4273) granting an increase of pension to Franklin W. McCauley;

A bill (S. 4274) granting an increase of pension to Arminta H. Shinn;

A bill (S. 4275) granting an increase of pension to William Manely (with accompanying papers);

A bill (S. 4276) granting a pension to Thurlaw Lieurance (with accompanying papers);

A bill (S. 4277) granting an increase of pension to Earnest E. Laird (with accompanying papers); and

A bill (S. 4278) granting an increase of pension to Hugh Brady (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 4279) granting an honorable discharge to Dennis O'Brien; to the Committee on Naval Affairs.

A bill (S. 4280) to grant an honorable discharge to Jacob Swartz (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 4281) granting a pension to Theodora G. McCarter;

A bill (S. 4282) granting an increase of pension to William Feight;

A bill (S. 4283) granting an increase of pension to John Williams;

A bill (S. 4284) granting an increase of pension to Michael Sinnet;

A bill (S. 4285) granting an increase of pension to James T. Taylor;

A bill (S. 4286) granting an increase of pension to Charles N. Scheetz;

A bill (S. 4287) granting an increase of pension to Ezra M. Northup;

A bill (S. 4288) granting an increase of pension to David R. Maxwell;

A bill (S. 4289) granting an increase of pension to John Lee;

A bill (S. 4290) granting a pension to Nancy M. Jarvis, now Rose;

A bill (S. 4291) granting a pension to Mary Harrington;

A bill (S. 4292) granting an increase of pension to William E. Clarke;

A bill (S. 4293) granting an increase of pension to James M. P. Brookins;

A bill (S. 4294) granting an increase of pension to Boaz D. Blose (with accompanying papers);

A bill (S. 4295) granting a pension to Margaret Williamson (with accompanying papers);

A bill (S. 4296) granting an increase of pension to William A. Johnson (with accompanying papers); and

A bill (S. 4297) granting a pension to Ella Afflerbach (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. DIXON submitted an amendment proposing to appropriate $100,000 to purchase cattle for the benefit of the northern Cheyenne Indians, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate $66,000 to enable the Secretary of State to settle the claims for money raised to pay the ransom for the release of Miss Ellen M. Stone, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. NELSON submitted an amendment proposing to appropriate $25,000 for the construction of a fish-cultural station in Minnesota, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Fisheries and ordered to be printed.

SPECULATIONS IN PRODUCTS OF THE SOIL.

Mr. DAVIS. Mr. President, on the third instant I gave notice that on the 12th, immediately after the morning business, I would address the Senate on Senate bill 4104. Learning that it is more than likely that the Senate will not be in session on that day, I now give notice that I will address the Senate on that bill on Thursday the 11th instant, immediately after the morning business.

GENERAL ARBITRATION TREATIES.

Mr. CUMMINS. I offer a resolution, for which I ask immediate consideration.

The resolution (S. Res. 176) was read, as follows:

Resolved, etc., That the President is requested to inquire through the proper channels whether Great Britain and France are willing to enter into agreement with the United States that each of said three Nations will arbitrate any justiciable controversy or dispute which may arise between either of them and any other nation, even though there be no peace or arbitration treaty between the countries having such controversy or dispute.

And the President is requested to further inquire through the proper channels whether Great Britain and France are willing that such a provision be incorporated in the peace and arbitration treaties now pending in the Senate.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. BORAH. My attention was diverted for a moment. May I ask to have the resolution read again?

The VICE PRESIDENT. Without objection, the Secretary will again read the resolution.

The Secretary again read the resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. BURTON. I object. It seems to me it should go to the committee having the matter in charge.

The VICE PRESIDENT. Objection is made.

Mr. CUMMINS. I ask that the resolution may lie on the table.

The VICE PRESIDENT. It will go over one day. The resolution will lie on the table until to-morrow.

Mr. CUMMINS. In view of the fact that objection is made—I did not suppose it could possibly give rise to an objection—I give notice that at the next session of the Senate, immediately after the address of the Senator from Arkansas [Mr. DAVIS]——

The VICE PRESIDENT. The Senator from Arkansas does not speak until Thursday.

Mr. CUMMINS. I will ask the indulgence of the Senate to submit some brief observations on the resolution.

The VICE PRESIDENT. On to-morrow?

Mr. CUMMINS. On to-morrow, if we have a session to-morrow.

ARMY ENLISTMENTS, ETC.

Mr. DU PONT submitted the following resolution (S. Res. 177), which was read and referred to the Committee on Military Affairs:

Resolved, That the Secretary of War be, and he is hereby, directed to furnish to the Senate a statement by The Adjutant General of the Army showing, for the 10 years ending on the 30th day of June, 1911, the average annual number of original enlistments, of reenlistments, of discharges from service by reason of expiration of terms of enlistment, and of separation from service for all other causes, each cause of separation, with the figures therefor, to be stated separately.

PRODUCTION, PRICES, AND THE TARIFF (S. DOC. NO. 241).

Mr. WARREN. I have here a short speech made by Hon. Charles E. Winter, a member of the Wyoming bar and a prominent citizen of my State, containing certain statistics relative to cost of living, production, prices, and the tariff. The speech was made before a meeting of the Wyoming Woolgrowers' Association at its eighth annual convention held in Cheyenne, December 11 and 12, 1911. I move that it be printed as a document.

The motion was agreed to.

THE AMERICAN MERCHANT MARINE.

Mr. NELSON. I present a communication addressed to the Vice President, relating to the American merchant marine and shipbuilding industry in the United States for 1909, which I should like to have printed as a document. I move that it be referred to the Committee on Printing for action.

The VICE PRESIDENT. The communication will be referred to the Committee on Printing with the request of the Senator from Minnesota.

HOUSE BILL REFERRED.

H. R. 14664. An act authorizing the Secretary of the Interior to grant further extension of time within which to make proof on desert-land entries in the counties of Weld and Larimer, Colo., was read twice by its title and referred to the Committee on Public Lands.

CIRCUIT JUDGES.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2653) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," which was, on page 2, line 5, after the word "law," to insert:

Provided, That nothing in this section shall be construed to prevent any circuit judge holding district court or serving in the Commerce Court, or otherwise, as provided for and authorized in other sections of this act.

Mr. SUTHERLAND. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

COURTHOUSE AT HELENA, ARK.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3436) granting to Phillips County, Ark., certain lots in the city of Helena for a site for a county courthouse, which was, on page 1, line 13, after the word "dollars," to insert:

Provided, That upon the discontinuance of the use of this property for public purposes it shall revert to the United States.

Mr. NELSON. I move that the Senate concur in the House amendment.

The motion was agreed to.

REPORTS ON COTTON TARE.

The VICE PRESIDENT laid before the Senate the following concurrent resolution (No. 23) of the House of Representatives, which was read and referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there shall be printed and bound in volume form, with accompanying illustrations, 100,000 copies of the Special Consular Reports on Cotton Tare, submitted by the Department of State in response to the request of Representative WILLIAM G. BRANTLEY, of which 30,000 shall be for the use of the Senate and 65,000 for the use of the House of Representatives, and 5,000 to be delivered to the House document room for distribution.

THE CALENDAR.

The VICE PRESIDENT. The calendar under Rule VIII is in order.

The bill (S. 2518) to provide for raising the volunteer forces of the United States in time of actual or threatened war was announced as first in order.

Mr. SMOOT. Let that bill go over, Mr. President.

The VICE PRESIDENT. The bill goes over.

The bill (S. 2925) providing for a Confederate naval monument in the Vicksburg National Military Park was announced as next in order.

Mr. HEYBURN. Let that bill go over, Mr. President.

The VICE PRESIDENT. The bill goes over.

The bill (S. 2792) to provide for the support and maintenance of bastards in the District of Columbia was announced as next in order.

Mr. GALLINGER. Let that bill go over likewise, Mr. President.

The VICE PRESIDENT. The bill goes over.

The resolution (S. R. 109) providing for a certain program of legislation and for a recess of Congress was announced as next in order.

Mr. GALLINGER. Let that go over, Mr. President.

The VICE PRESIDENT. The resolution goes over.

The concurrent resolution (S. Con. Res. 4) instructing the Attorney General of the United States to prosecute the Standard Oil Co. and the American Tobacco Co. was announced as next in order.

Mr. BRANDEGEE. Let that go over, Mr. President.

Mr. PENROSE. Yes; let it go over.

The VICE PRESIDENT. The resolution goes over.

PROPOSED CHILDREN'S BUREAU.

The bill (S. 252) to establish in the Department of Commerce and Labor a bureau to be known as the children's bureau was announced as next in order.

Mr. HEYBURN. Let that bill go over, Mr. President.

Mr. BORAH. Mr. President, if my colleague will withdraw his objection for a moment, I desire to make a few remarks in explanation of the bill.

Mr. HEYBURN. Yes; I shall be very glad to do so.

The VICE PRESIDENT. The senior Senator from Idaho withdraws his objection temporarily, at least.

Mr. BORAH. Mr. President, I think it is due the Senate to explain more fully than has heretofore been done the terms of this bill. The bill is entitled "A bill to establish in the Department of Commerce and Labor a bureau to be known as the children's bureau." Perhaps I may place its terms before the Senate as well by reading the second section of the bill as in any other way. Section 2 provides:

SEC. 2. That the said bureau shall be under the direction of a chief, to be appointed by the President, by and with the advice and consent of the Senate, and who shall receive an annual compensation of $5,000. The said bureau shall investigate and report upon all matters pertaining to the welfare of children and child life, and shall especially investigate the questions of infant mortality, the birth rate, orphanage, juvenile courts, desertion, dangerous occupations, accidents and diseases of children, employment, legislation affecting children in the several States and Territories, and such other facts as have a bearing upon the welfare of children. The chief of said bureau may from time to time publish the results of these investigations.

That covers the full authority of the bureau and defines and limits its jurisdiction.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to his colleague?

Mr. BORAH. I do.

Mr. HEYBURN. At that point I desire to ask the Senator which of those items are not already covered by the census laws and regulations?

Mr. BORAH. None of them, Mr. President. I will come to that in a few moments.

There have been a number of bills covering this subject introduced from time to time in the Congress, but most of the meas-

ures heretofore have gone much further than this bill proposes to go, and have undertaken in a measure to legislate concerning the question of the employment of children in manufacturing establishments and elsewhere, and have been thought to intrude or impinge upon the peculiar rights of the States. But this bill goes no further, Mr. President, than to gather the information such as is now being done by the Government in other departments concerning other matters of interest.

I think it will be conceded that the bill is within the constitutional power of Congress to pass, for, as I say, it does not seek to do other than to gather the information and distribute it for the benefit of the States to enable them to deal intelligently with the question in the matter of legislation.

The amount of the appropriation in the bill is about $29,000, possibly $30,000. The bills as they were originally introduced, covering this particular subject, carried appropriations much larger than that, but the committee reduced it to the lowest figure possible to still maintain something like a vital and active bureau. The appropriation is not large compared with the appropriations made by the Government in similar work, and I invite the attention of the Senate to some of these appropriations as made for other subjects matter.

For the year 1910 the appropriations made by the Government for the investigation of plant industries and pathological collections amounted to $22,920; for the control of diseases of cotton, truck, and forage crops, $24,860; for investigation and improvements of tobacco and methods of production, $26,630; for control of diseases of orchards and other fruit, $42,075; for experiments and investigation of animal husbandry, $47,480; for eradication of southern cattle ticks, $250,000. The total expenditures for the Bureau of Animal Industry are $1,654,750, and the total expenditures of the Bureau of Plant Industry, $2,061,686.

It will be observed, therefore, that we are inaugurating this bureau upon as economical a basis as can be done, perhaps, so as to receive any benefit from the work at all; in other words, if there is to be the creation of a bureau at all, I assume there can be no objection to the amount of the appropriation.

The bill, Mr. President, leaves entirely to the respective Commonwealths the work that is to follow as a result of the investigations; it leaves entirely to the States all matters of legislation; but it seeks to gather from the different parts of the Union and from the experience of different localities such information as would be of universal benefit and universal value in the matter of legislation, and to distribute it to the respective States as they may see fit to call for it.

I am not myself and have not been in favor of extending this kind of legislation to the point where it might be said to impinge upon the rights of the States. Neither am I in favor of relieving the States from any portion of their duty or responsibility in the premises. I think the matter of legislation does belong peculiarly to the States, not only from a constitutional standpoint, but in a practical way. A different question, however, arises when it comes to gathering the information, and this principle has been recognized in the creation of more than one of our departments.

My colleague [Mr. HEYBURN] has called attention to the fact that this matter is covered by the census reports, or could be covered by the Census Bureau in its work. The testimony of the Census Department and also of the Commissioner of Labor was taken upon this particular point, and they both stated that the subject matter was not covered, nor could it be covered, in an intelligible way, so as to make the information practical and beneficial by either one of those bureaus. It is true that some of the most general information with regard to the matter could be gathered by the Census Bureau, but those matters which relate particularly to the manner in which children are dealt with, to the conditions in which they are found, to the necessity for something being done in order to ameliorate their situation, are not matters with which they assume to deal; nor, I presume, can they deal with them; at least, they have never undertaken to do so. I will not stop to read, Mr. President, the statement of either the Commissioner of Labor or the Director of the Census Bureau, but I will ask permission to insert them in the RECORD in connection with my remarks.

Mr. WARREN. Mr. President, may I interrupt the Senator to ask a question?

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. BORAH. Yes, sir.

Mr. WARREN. I want to ask—I have not had time to look up the question myself—whether, in determining the salaries for the chief of the proposed bureau and the clerks, care has been taken to see that they range along about the same as salaries of employees of like grade in other bureaus? We have often established bureaus—in fact, I may say the Department of Commerce and Labor was so established—seemingly regardless of how the salaries provided might affect other salaries, and they have ever since proved a sort of thorn in the side of legislators, especially those who have had to do with appropriations. I want to ask the Senator if he has given care to that point and compared those salaries with the salaries paid in other bureaus?

Mr. BORAH. Mr. President, I do not remember that the committee undertook to compare the salaries paid or proposed to be paid under this bill with the salaries paid in other bureaus or to the workers in other departments. It is not my recollection that we did so, but we did undertake to reduce the amount of the salaries to the lowest figures at which we thought it possible to secure competent parties to do the work.

Mr. WARREN. Unless it is the Senator's intention to press the matter to an issue to-day, I suggest that I wish he would do that, so that he might give us the information.

Mr. BORAH. I will be glad to gather the information, although I should not think it would be controlling.

Mr. WARREN. That may be true, but it might be to some extent.

Mr. BORAH. I shall be very glad to accommodate the Senator, if I can do so, and give him that information.

Mr. BRANDEGEE. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Connecticut?

Mr. BORAH Certainly.

Mr. BRANDEGEE. When the Senator puts in the RECORD what the Director of the Census testified, I ask him if he will not also put in the testimony of the Commissioner of Labor and of the Commissioner of Education?

Mr. BORAH. I think, Mr. President, instead of inserting the matter to which I have referred, in view of the interest which seems to be manifest upon that particular subject, I shall read a paragraph or two from the testimony. The Director of the Census said:

> The Census Office is a purely statistical office. Its function is to collect the cold-blooded facts and analyze and interpret them, and leave to the public at large the duty of drawing the ethical or moral or industrial conclusions which those facts convey. I feel very strongly that if any legislation is enacted which in any way modifies the function of the Census Office in that regard it will be highly detrimental to the work of the office. Such statistics as the bureau finds it necessary to collect the Census Office would collect for it. We do now collect statistics for a number of the bureaus of the Government, and collect them in the way that they want them collected. That is the general position of the Census Office on that proposition, and I believe it is a position which is scientifically correct; that it is a position which it is necessary for the office to maintain if it is not to lose its standing as a purely statistical bureau. We do not want to divert our energies into studies of physical degeneracy, of orphanage, of juvenile delinquency and juvenile courts, and all that class of questions, which are not statistical questions.

Commissioner Neill, of the Bureau of Labor, said:

> I do not feel at all, Mr. Chairman, that any of this work is a duplication of the work we are doing, and it would be handled in a different way. There are only two or three things that we would touch at all, and then we would handle them in a way entirely different. I do not believe you could get the same quality of ability to do this work under the Bureau of Labor as you could if it was under an independent bureau. I think that is a point that should be considered in the concentration of Government work; that is something that should be kept in view. The concentration, in my judgment, is certain to lead to a less high-grade quality of work.
>
> Question. You believe, then, the most practical thing and the most advisable thing is to establish a bureau?
>
> Mr. NEILL. Unquestionably. * * * I do not believe, if the Government is going to spend money at all in this particular line, that it will be economical or that we shall get the best results if it attempts to simply make use to a limited extent of existing organizations, no one of which, so far as I know, is equipped or could equip itself, without somewhat departing from its proper line of work, to study these things as thoroughly and as fundamentally as they ought to be studied.

Commissioner Brown, of the Bureau of Education, said:

> From the point of those of us who are engaged in educational work these purposes are of the utmost importance, and it seems to us that if we are to make proper provision for the future industrial efficiency of this country or its efficiency along all social lines, it will be necessary that such investigations as those that are contemplated in this bill should be undertaken with the utmost care. There is, then, on the part of those who are connected with the Bureau of Education and those with whom the Bureau of Education has most to do a very strong sense of the importance of this measure. It certainly looks to the conservation of the character of our people in ways in which I am convinced we shall have to look to it with the utmost care within these coming years.
>
> Referring now more particularly to this bill, I should say that for such work as the Bureau of Education has to do it is important that such work as is here defined should be done somewhere. We can not deal properly with the large questions of the education of children without a more detailed and accurate knowledge than we now possess as to the actual conditions surrounding the child life of the country, such conditions as are referred to in this bill.
>
> I think the best way to accomplish this end is by the passage of such a bill as this and the establishment of a separate bureau.

There is more discussion to the same point, which it is perhaps unnecessary to take the time of the Senate to read.

It is estimated, Mr. President, that we have in this country about 140,000 dependent children, and that some twenty-five or thirty million dollars, or perhaps a greater figure, is expended each year through the activities of private organizations and charitable institutions for the betterment of the conditions of those dependent children.

This bill is designed to make more intelligent this work and to enable them to expend their money in a way which will be more beneficial to the children as well as to aid in matters of State legislation; and it occurs to me that where so many lives and the future success of so many are involved the small appropriation of $29,000 or $30,000 ought not to be withheld in aid of those who are expending such large sums and devoting unselfishly their efforts to this great cause.

Certainly it ought to be conceded that what the National Government can properly and legally do it ought to do to make more tolerable the condition and more certain the success of those who, if they live, must in time assume the duties of citizenship.

Under present economic conditions there are thousands and thousands of children who will never be capacitated or fit for the discharge of the duties of citizenship unless they receive some aid, some comfort, some support, or some direction from some one. Who is more interested in this than the National Government, which must in time, if they live, depend upon them for support and for protection? They must be mentally and morally and physically equipped to discharge the duties of citizenship and to secure success in the struggle of life.

I take it that the people as a whole through their organized mode of action—the Government—ought to aid at least to the extent of gathering the information and placing before the respective legislatures the data which will enable them to deal with a subject which everyone has come to recognize now as an important one.

Certainly the National Government is interested in its national citizenship. The State is not alone interested in the citizenship of the country and, as I said a moment ago, while I would not deprive the State of any of its powers nor relieve it of any of its responsibility, it seems to me equally important for the National Government to perform its part of this work.

If, Mr. President, we could travel back 50 years and deal with this subject now as conditions existed then, we might very well do as has been suggested here—leave this matter to the action of localities and to the States. But economic conditions have changed and the responsibilities and the duties of Government must necessarily change with those changes. When we had in this country a few broken and disconnected railroad lines it was not necessary for the Government to engage in the business of establishing or fixing rates. Before we had our great corporations and great combinations it was not necessary for the Government to police the channels of interstate trade.

But with the change of those conditions came added responsibilities and duties of Government; and it is not the part of wisdom, it seems to me, to refuse to act in these matters in accordance with the changed conditions as we find them.

Fifty years ago we had millions of acres of public lands to relieve the great centers of congested population. But those things have entirely changed. Fifty years ago, if the child had nothing else, it ninety-nine times out a hundred had wholesome air and sunshine and proper environment and conditions under which to live and grow to manhood and to womanhood. But now in our great cities they hive and fester and swelter and steal and starve by the thousands, and we can not as a people avoid taking notice of such a condition of affairs. We can not in the discharge of our duty put aside the responsibility of gathering this information and learning the conditions and studying the surroundings in which these children are growing up and which conditions must necessarily deprive them to a very large extent of success in life. Now and then a few, by reason of accident or their strength or physical endurance, may survive and succeed, but while that is true, we learn from actual statistics that in many of these places they die at a rate that is perfectly shocking, not for any other reason than that their environments are such that they can not maintain health.

If we have the constitutional power to gather statistics and facts with reference to diseases of hogs and cattle and sheep, it seems to me we have the constitutional power to gather the data with reference to diseases of children. The Constitution was not made for the hogs alone, but also for men. If we are devoting, as we are and properly, over $3,000,000 a year to the gathering of statistics with reference to the treatment of diseases of cattle and hogs and the picking of ticks off of cattle, and similar matters, which indeed is proper, it occurs to me that we can afford $30,000 to put in the possession of these great organizations such information as will enable them to deal intelligently with this question.

Whatever other governments may do, Mr. President, this Government is primarily concerned in building up individual citizenship. It can not do so successfully without giving these children an opportunity to develop mentally, morally, and physically.

It has been said that this would have a tendency to start a nursery in every State in the Union. I do not know but that that may be true; but certainly a nursery is no more unconstitutional or immoral than a pigsty. We are engaged in precisely this same kind of work, requiring the same legal and constitutional authority and the same responsibility of government, in almost every other industry and in almost every other field of interest, and there can be no ground urged, it seems to me, from either a constitutional or a moral standpoint, against securing the information. The only objection which has ever been made in a successful way has to do with protecting the rights of the States, which, in my judgment, are fully protected in this bill.

Mr. President, I do not propose to trespass upon the time of the Senate longer. I felt the necessity of making these few remarks, in view of the opposition which has been made to the bill, which was somewhat unexpected in view of the fact that the bill had once before passed the Senate after a pretty thorough discussion and after a number of amendments. I suppose I ought to say, too, that I shall not urge the bill to a final vote to-day, owing to the fact that a number of Senators are necessarily absent. But I shall urge the bill for consideration just as earnestly as I can hereafter.

Mr. HEYBURN. Mr. President, the statement has been sent out that the senior Senator from Idaho was responsible for holding up this legislation, and it has resulted in the very industrious attack of a great many people upon that Member of this body. The mails have been freely used to criticize and abuse and prefer charges against that Member—it probably would surprise Senators to know to what extent—because of his action or position in this matter. The fact is that no correct statement of the reasons that have actuated me seems to have been sent out at all, but only just such things as would be calculated to inflame the minds of those who felt strongly in regard to these matters.

It was only in what I conceived to be the performance of a public duty that I urged the objections to this measure on a former occasion. If this were a complete system of legislation ready for the hand of the builder, I might then be apt more intelligently to criticize. But it is not. If we could see this measure before us as it will be before the country if enacted, we would be better able to criticize it.

It provides for the office force in Washington and it provides what they shall do. The office force in Washington is comparatively inexpensive and few in numbers, and the things that that force is required under the measure to do would require now probably a thousand capable, trained people. Then in each succeeding year we would be asked to enlarge that force and consequently increase the expenditure. I will predict, and take my chances on the record sustaining that prediction, that at the end of 10 years this appropriation bill will annually carry $5,000,000, and I put it low. I have no objection to spending $5,000,000 or $50,000,000 for the benefit of the people of the United States, old or young, if it is, first, within the scope of our power, and second, is not a subterfuge for the building up of a new agency of patronage and employment.

Mr. President, I have glanced at the items to be taken care of, not by this bill but after this bill. They are to "investigate and report upon all matters pertaining to the welfare of children and child life." Now, that is the first; that is general; it covers pretty nearly everything. Second, "and shall especially investigate the questions of infant mortality." We have statistics on that now, and we have them with each recurring census, as accurately, probably, as they can be obtained.

Next "the birth rate." That we have in the census. Next "orphanage." That might or might not be valuable information. Next "juvenile courts." We have all that information now. If we have not, we can obtain it through existing sources. Next "desertion; dangerous occupations." That information is obtainable under existing law. "Accidents and diseases of children." That is also obtainable and is published. "Employment; legislation affecting children in the several States." You can turn to the statutes and find that. You do not need a commissioner at $5,000 a year to obtain it for you.

I have referred to those items to show that the question I submitted to my colleague, as to whether or not or to what extent these matters were already covered, was to direct attention to the lack of necessity of this kind of legislation.

Mr. President, I know of some States that have a pestiferous interference law, to be executed generally by the unmarried of the country who know how to raise children, in which they

have undertaken to interfere with the communities and to say whether or not parents ought to be allowed to have possession of the child. That kind of a law would have taken Abraham Lincoln from his parents' care and custody and have had him educated by these theorists and interferers with the domestic economy and system of mankind. He never would have been allowed to live at home, poor as he was; his parents would not have been allowed to keep him. Some committee of the description I have already stated would have gone there and said, "What, allow that child to lie down there and eat corn pone and hoecake by the hearth; he can not possibly amount to anything; we want to take him down to the headquarters, where we are drawing salaries for taking care of that kind of people." That is what they would say.

I have in my mind an instance with which my colleague is doubtless familiar, which occurred only a few weeks ago, where one of these self-constituted organizations went out to a farm where a woman was farming the land that had been left because of her husband's death to rest on her responsibility, and where the mother and children were living according to what they considered a sufficient comfort, and they took the children away from her; they dragged them into town and made them the care of a lot of salaried people who wanted a job and would not have a job unless they could get it in that way.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to his colleague?

Mr. HEYBURN. Yes.

Mr. BORAH. I do not know whether I am familiar with that particular case or not, but I do know that many children froze to death within almost the sound of my colleague's voice within the last two days. Perhaps he could not quite be heard in New York, but I believe he could. I think that this bureau is designed to take care of those conditions rather than the condition of which my colleague speaks. I do not think that there would be any unnecessary interference with parents who are capable of taking care of their children. I have not heard of any people, except those who have no children, making any complaint about it very much.

Mr. HEYBURN. Mr. President, I do not know what estimate the Senator has placed upon the reaching powers of my voice. He says that within the sound of my voice certain things have occurred. I would inquire of him whether he means on the Atlantic coast or the Pacific?

Mr. BORAH It is wholly immaterial which.

Mr. HEYBURN. Where was it? It is in the light of that suggestion that I ask now where it was. Was it on the American Continent that many children froze to death within the last two days; and if so, in what part of the continent?

Mr. BORAH. It was on the Atlantic seaboard; and a number of instances have been recited in the press.

Mr. HEYBURN. Now, I suppose this bureau with these officers located in a beautiful apartment up here in one of the public buildings would have prevented that. Would they have done it; and if so, how? First, it would be reported to them that these children were subjected to the cold blasts of the last few days, and having been reported to them, I suppose they would send their agents to investigate it, and then upon a return of the report of the agents they would see whether or not they would do anything.

Mr. President, I have within my knowledge and within my possession affidavits of men who have been subjected to that kind of relief. They reported that they had been dangerously injured in the Government service; that they had been crippled for life; they were bandaged from head to foot; they were the subjects of the charity that surrounded them. When the condition was reported to a bureau, which is about as efficient as this would be, they sent agents to investigate it, and during the time of the investigation some of them died, some of them managed to live through, but they have not yet received the relief for which the organization was intended to provide.

It is so easy to build up a theory of this kind through a bureau and put somebody in drawing a salary and then depend upon the trade to come from the vicissitudes of mankind afterwards.

I think I should like to amend this bill and provide that the salaries should not commence until the business and the necessities arose. Then there probably would be some difficulty in getting anyone to accept it.

The States must take care of the indigent and the unfortunate and the incompetent. That has been the system of this Government from the beginning. I am not opposed to it; I am in favor of it; and I have never failed on any occasion to support measures of that kind. But when it comes to establishing a bureau merely to make some comfortable offices and positions for some people, I am opposed to it. Pretty soon everybody in the United States will hold an office of some kind. I want some of the citizenship left to constitute a community to select officers and be governed under the laws.

It is not because I am not in sympathy with the protection, the fostering care and preservation of the children and the youth of the land, but it is because I am not in favor of attempting—or rather I will not use that word; it is not even an attempt. I am not in favor of professing to take care of these people through the medium proposed by this bill. We would be pestered here with the introduction of bills and measures of legislation for an indefinite period providing for homes and resting places and support and salaries for those who are out looking for these people, when the States have already made provision for their care.

I am not going to be led away by the plea of sentiment that is being flooded upon me from all over the country asking me to withdraw opposition or to support this bill. I suppose the bill will pass. I am not going to use all the strength that I have in fighting it upon the floor or elsewhere; but I am going to leave it such a record as that it will always be accompanied by a police officer when it goes out to the people as a part of their system of government.

Mr. President, the Government of this country has rested mostly in the hands of men who came from poverty and oftentimes from squalor. They were growing strong, they were being bred up to meet the emergencies of life, while the children who were the victims of these methods of breeding and raising have attracted little attention among the people. They have gone out with undeveloped wings because they were not compelled to use them; and undeveloped means or methods of every kind, because some one else had taken them and put them in a nursery, surrounded them with a corps of people to take care of them, when it would have been better for them if they had been out in the storm of life, learning how to meet the trials and the tribulations, coming out of that storm active, strong, well-equipped men and women, rather than charity children who had been taken from the natural condition in which the great God had placed them and transferred to one where some salaried person trained them according to the salary he received.

Mr. BORAH. Mr. President, just a word. My colleague has intimated that this bill was drawn for the purpose of providing salaries rather than taking care of the children.

Mr. HEYBURN. Mr. President, I ought, perhaps, to be plain. Of course I did not intend any personal application of that. This bill was drawn and was urged for many years before either of us came to this body.

Mr. BORAH. I am the father of it now.

Mr. HEYBURN. Yes; in this generation.

Mr. BORAH. This is the only generation that I have anything to do with.

I would be somewhat discouraged if such an attack were made upon this bill, and this bill alone, by my colleague; but, candidly, I have been here for five years, and I have never seen a bill in the Senate that did not receive the same kind of attack from my colleague. I believe it was Job, or some one to Job, who said: "Hast thou restrained all wisdom unto thyself?"

Now, if there is any specific objection to the bill, I should think it would be fair to those who are supporting it to offer that specific objection. It is not fair to those men who take such measures as this and go through them in the committee to come here upon the floor of the Senate and assert that they are being urged for an ulterior motive and that righteous sentiments are being used under which to cover up appropriations and to provide offices, and so forth. It is a general declaration which anyone can make, but which everyone would not wish to make.

This bill has been earnestly advocated, not only by this committee but by other people, and by people who are devoting their lives unselfishly to this great work, people who are spending their thousands and millions of dollars for the purpose of taking care of child life in this country. It is not, in my judgment, fair to suggest that there is behind it the motive of simply providing for a $5,000 office, when the people who are behind it are spending millions for the purpose of doing this work, and ask the simple aid which may be given by the National Government in gathering these statistics. It is the very least that the National Government can do to give slight aid to those who are engaged in this work without any compension whatever, and not only without any compensation but who are devoting their pocketbook and their time to the service.

The VICE PRESIDENT. The bill goes over.

CLERKS OF DISTRICT COURTS.

The VICE PRESIDENT. The Secretary will report the next bill on the calendar.

The bill (S. 1772) to amend section 839 of the Revised Statutes was announced as the next on the calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the Judiciary with amendments.

The first amendment was, on page 1, line 2, to insert:

That section 839 of the Revised Statutes be, and the same is hereby, amended and reenacted so as to read as follows:

The amendment was agreed to.

The next amendment was, on page 1, line 7, after the words "Attorney General," to strike out "except as provided in the next section and in section 842."

The amendment was agreed to.

Mr. ROOT. I will ask that the bill be read in full.

The VICE PRESIDENT. That the bill be read as amended?

Mr. ROOT. Yes.

The VICE PRESIDENT. The Secretary, without objection, will read the bill as amended.

The Secretary read the bill as amended, as follows:

Be it enacted, etc., That section 839 of the Revised Statutes be, and the same is hereby, amended and reenacted so as to real as follows:

"That no clerk of the district court shall be allowed by the Attorney General to retain of the fees and emoluments of his office, for his personal compensation, over and above his necessary office expenses, including necessary clerk hire, to be audited and allowed by the proper accounting officers of the Treasury, a sum exceeding $5,000 a year for any such district clerk, or exceeding that rate for any time less than a year."

SEC. 2. That this act shall take effect and be in force on and after January 1, 1912.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. SUTHERLAND. I call the attention of the Senator who reported the bill to the fact that the last clause provides that the act "shall take effect and be in force on and after January 1, 1912." Does the Senator intend that that shall remain?

Mr. CHILTON. That was the understanding.

Mr. SUTHERLAND. That is the understanding?

Mr. CHILTON. Yes, sir.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DESIGNATION OF CERTAIN OFFICERS IN THE NAVY.

The bill (S. 3640) to amend certain sections of the Revised Statutes of the United States, and to provide for the designation of fleet staff officers in the Navy, was considered as in Committee of the Whole. It provides that the Secretary of the Navy may designate fleet engineers, fleet ordnance officers, fleet surgeons, fleet paymasters, and fleet marine officers for fleets or squadrons, and may prescribe for such officers such duties as may be appropriate; and amends sections 1373, 1374, 1382, and 1393 of the Revised Statutes accordingly.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. PERKINS. I ask that the report be printed in the RECORD.

The VICE PRESIDENT. Without objection, the report will be printed in the RECORD.

The report, submitted by Mr. LODGE December 20, 1911, is as follows:

The Committee on Naval Affairs, to whom was referred the bill (S. 3640) to amend certain sections of the Revised Statutes of the United States and to provide for the designation of fleet staff officers in the Navy, having considered the same report thereon with a recommendation that it pass

The bill has the approval of the Navy Department, as will appear by the following communication:

DEPARTMENT OF THE NAVY,
Washington, December 8, 1911.

MY DEAR SENATOR: I have the honor to invite your attention to the desirability of amending sections 1373, 1374, 1382, and 1393 of the Revised Statutes relating, respectively, to the designation and duties of the surgeon of the fleet, and to the designation of paymasters and engineers of the fleet. These sections, with the exception of section 1393, which became a law in 1864, were originally enacted in 1828, since which time it is obvious that conditions have materially changed.

The sections above mentioned read as follows:

"SEC. 1373. The President may designate among the surgeons in the service, and appoint to every fleet or squadron an experienced and intelligent surgeon, who shall be denominated 'surgeon of the fleet,' and shall be surgeon of the flagship.

"SEC. 1374. The surgeon of the fleet shall, in addition to his duties as surgeon of the flagship, examine and approve all requisitions for medical and hospital stores for the squadron or fleet and inspect their quality. He shall, in difficult cases, consult with the surgeons of the several ships and he shall make, and transmit to the Navy Department, records of the character and treatment of diseases in the squadron or fleet.

"SEC. 1382. The President may designate among the paymasters in the service, and appoint to every fleet or squadron a paymaster, who shall be denominated 'paymaster of the fleet.'

"SEC. 1393. The President may designate among the chief engineers in the service, and appoint to every fleet or squadron, an engineer, who shall be denominated 'engineer of the fleet.'"

In place of the foregoing it is recommended that the following provision be enacted into law:

"The Secretary of the Navy may designate fleet engineers, fleet ordnance officers, fleet surgeons, fleet paymasters, and fleet marine officers, for fleets or squadrons, and may prescribe for said officers such duties as may be appropriate; and that sections 1373, 1374, 1382, and 1393 of the Revised Statutes be, and the same hereby are, amended accordingly."

Although the foregoing provision prescribes that the Secretary of the Navy may designate the officers in question instead of the President, as now provided by the Revised Statutes, yet as a matter of fact in practically carrying out the provisions of the latter the designations are in reality made by the Secretary by virtue of his delegated power as the head of this department; so that in practice there would be no real change in the manner of designating these officers.

It will be observed that the titles are changed from the more cumbersome form of "surgeon of the fleet," "paymaster of the fleet," and "engineer of the fleet" to "fleet surgeon," "fleet paymaster," and "fleet engineer," as being simpler, and they are also the titles used in section 1556, Revised Statutes.

The requirement of section 1373 that the surgeon of the fleet shall also be surgeon of the flagship is omitted because it has been found that the combined duties in the present large fleets of the Navy are more extensive and onerous than should properly be so assigned; furthermore, in the event that a smaller number of vessels than compose a fleet are organized into a squadron, the wording of the suggested provision would enable the department to use its discretion in ordering the fleet surgeon, in addition to his duties as such, also to perform the duties of senior medical officer of the flagship.

With respect to the repeal of section 1374, Revised Statutes, it may be noted that said section is the only instance where the duties of a fleet staff officer are prescribed by law. While this may have been desirable 83 years ago, it is believed that in the present day the fleet surgeon should, as in all other cases, be assigned appropriate duties in conformity with the modern progress made in hygiene and sanitation, and in accordance with appropriate regulations prescribed by the head of this department.

In addition to the fleet staff officers already mentioned herein, the recommended provision further includes fleet ordnance officers and fleet marine officers. The position of the fleet ordnance officer has become necessary by reason of the remarkable advancement in naval ordnance and gunnery within the past 10 years, combined with the much more numerous aggregation of ships into fleets and squadrons, resulting in the necessity for a general supervisory head over all fleet ordnance work.

With regard to the fleet marine officer, there are now on the vessels of a fleet about 1,000 marines, divided into ship's detachments averaging about 60 men. This force naturally requires general supervision, and when landed for drills, encampments, maneuvers, or for the protection of American interests abroad, would ordinarily be under the command of the fleet marine officer.

It may be added that the enactment of this legislation would involve no additional expense to the Government.

Faithfully, yours, G. v. L. MEYER.

The CHAIRMAN COMMITTEE ON NAVAL AFFAIRS,
United States Senate.

EXAMINATION FOR PROMOTION OF NAVAL OFFICERS.

The bill (S. 3643) to provide for the examination for promotion of officers of the Navy by a single examining board, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. LODGE. Mr. President, I ask that the letter of the Secretary of the Navy in regard to the bill may be printed in the RECORD. It is embodied in the report of the committee.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter referred to is as follows:

DEPARTMENT OF THE NAVY,
Washington, December 5, 1911.

MY DEAR SENATOR: The present systems of examination for promotion of officers of the Navy and for their retirement were built up independently of each other by various enactments between the years 1857 and 1882, but mainly during the period of the Civil War. Both systems are in their nature necessarily closely related, but, apparently owing to the fact that it was not possible, during their formative period, properly to correlate their respective functions, the result has been the growth of two systems which ought to be, at least in certain cases, interdependent, but which in reality result in cumbersomeness of operation, duplication of work, possible confusion, and delays which should be eliminated. These disadvantages occur in cases where a candidate for promotion is found physically disqualified for the performance of his duties in the next higher grade.

Under the present system of promotion the officer is ordered to appear before a board of medical examiners composed of naval medical officers to determine his physical qualifications to perform all his duties at sea. (Sec. 1493, R. S.) He then appears before a naval examining board for the determination of his mental, moral, and professional fitness to perform all his duties at sea of the grade to which he is to be promoted. (Sec. 1496, R. S.) This latter board is composed of not less than three officers senior in rank to the officer to be examined (sec. 1498, R. S.), and these examining officers are selected from the same corps, if practicable, to which the candidate belongs. This board is furnished with the officer's medical record subsequent to the date of the last examination whereby he was promoted.

If the officer is found qualified by both of these boards, no trouble or delay arise; but if he is found to be not physically qualified for promotion by the board of medical examiners he can not, of course, be promoted (sec. 1493, R. S.), and, as a completely separate proceeding, under the law as it now stands, it must be determined whether or not he shall be retired, for which purpose it is necessary to convene an entirely different board under a different provision of law (sec. 1448, R. S.). This retiring board must be composed of "not more than nine nor less than five commissioned officers, two-fifths of whom shall be officers of the Medical Corps of the Navy." The candidate's medical

record which was before the examining board is also transmitted to the retiring board, together with the remainder of his medical record from the time he entered the service to the date of his last preceding examination. This latter portion of the officer's record could just as well have been transmitted with the other portion to the examining board as to the retiring board; but this is not done because by the act of June 18, 1878 (20 Stat., 165), the examining board can not inquire into facts that occurred prior to the last examination as a result of which the candidate was promoted. The officer must now undergo a second physical examination to determine whether he is incapacitated for active service, and, if so, the cause of his incapacity and whether such cause is the result of an incident of the service. (Sec. 1451, R. S.)

It therefore happens that the evidence already once passed upon by the examining board must all be gone over a second time by the retiring board together, as stated above, with the remainder of the medical record which could, with precisely the same facility, have been sent to the former board had such a course been authorized by law. The work of examination is thus duplicated, and delay and loss to the service are thereby incurred.

It is, moreover, quite possible, and it has not infrequently happened, that the two boards may reach opposite conclusions, which situation obviously results in further delay, for if the officer is found by the examining board not physically qualified for promotion and the retiring board finds that he is not incapacitated for active service, as the officer in such a situation can not properly be either promoted or retired, it then becomes necessary in the ordinary course to return the case to the naval examining board for still further examination, with consequent delay, which might well be avoided by the enactment of suitable legislation with a view to a consolidation of the two boards for just such cases, as there is no reason why the physical examination should be separately conducted by two boards—a board of medical examiners and a retiring board—when one could perform the work equally well.

It is therefore recommended that for the examination of officers for promotion, instead of having two separate boards, one for the so-called professional examination and the other for the physical examination, that there be but one consolidated board for both purposes, consisting of not less than five members, three or more being seniors of the same corps as that to which the candidate belongs, as far as practicable, and the other two being officers of the Medical Corps of the Navy. The examination into the candidate's moral qualifications should be conducted first, and no officer promoted or retired who is unworthy. The medical members would then conduct the physical examination, reporting their conclusions to the full board, which would act thereon, and, if favorable to the candidate, the professional examination would proceed; but, if unfavorable, then the professional examination would be dispensed with, and the board would thereupon resolve itself into a retiring board and determine whether the officer were incapacitated for active service and the cause thereof. Such a procedure seems to be entirely simple and natural, and is the one which exists in the Army, where, before provision was made for their system, consideration was given to the necessary legislation in the light of the experience with the operation of the laws governing examinations in the Navy. The result was the enactment of the present law, act of October 1, 1890 (26 Stat., 562), providing for the examination for promotion of officers of the Army, which law was made applicable to the officers of the Marine Corps by the act of July 28, 1892 (27 Stat., 321). So that while the Army and the Marine Corps have a businesslike method of combining examining and retiring boards when a candidate for promotion is found not physically qualified therefor and it becomes necessary, consequently, to determine whether or not he should be retired or discharged, yet in the Navy a very prolix and unnecessarily cumbersome procedure is retained by reason of the old laws covering the matter in the absence of legislation by which it might be improved, shortened, and simplified.

It is recommended, therefore, that the procedure of these boards be placed upon a footing of greater simplicity and efficiency by the enactment of legislation similar to that already provided for the Army and the Marine Corps, which, during the 20 years it has been in operation, has been most satisfactory and expeditious.

It may be said that such a measure will entail no additional expense nor is it intended to alter the causes or results of retirement in any way; its only object is to secure a more prompt and reasonable means of disposing of the matters to which it relates.

With reference to the proposed board for the examination of officers of the Medical Corps, the measure provides a board composed, of course, entirely of officers of that corps, not less than three in number, which is fewer than the number on the boards for officers of other corps, the reason being that it is unnecessary to have additional members for the special purpose of the physical examination, as the regular members are qualified for that purpose as well as to examine the candidate professionally.

There is inclosed a copy of War Department General Order No. 192, of September 23, 1909, containing the laws and regulations governing the examination for promotion of officers of the Army, to which the examinations of officers in the Marine Corps are assimilated.

Faithfully, yours,

G. v. L. MEYER.

The CHAIRMAN COMMITTEE ON NAVAL AFFAIRS,
United States Senate.

ADMINISTRATION OF JUSTICE IN THE NAVY.

The bill (S. 3646) to amend an act entitled "An act to promote the administration of justice in the Navy," to amend section 1624 of the Revised Statutes, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. LODGE. Mr. President, I request in the case of this bill that the report of the committee, embodying a letter from the Secretary of the Navy, be printed in the RECORD. It is not necessary to read the report.

The VICE PRESIDENT. Without objection, the report will be printed in the RECORD.

The report is as follows:

The Committee on Naval Affairs, to whom was referred the bill (S. 3646) to amend an act entitled "An act to promote the administration of justice in the Navy," to amend section 1624 of the Revised Statutes, and for other purposes, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the Navy Department, as will appear by the following communication:

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, December 6, 1911.

MY DEAR SENATOR: I have the honor to bring the following matters to your attention and to that of the committee in order that the business of the fleets may be placed upon a sounder and more reasonable basis in certain respects.

As constituted, a fleet is normally composed of 16 battleships or large cruisers under a commander in chief, divided into four divisions, each consisting of four vessels, as an administrative unit, under the command of a rear admiral, together with numerous other vessels, as smaller cruisers, gunboats, repair and supply ships, colliers, etc.

The amount of business in a fleet of such size is considerable, and while as much has been done by regulation as appears possible to relieve the commander in chief of the minutiæ and to place additional and proper responsibility upon the flag officers in command of divisions, there are still certain details the execution of which might well be placed upon the division commanders, but which can not be so placed without the aid of legislation. These have to do with the administration of discipline within the limits of these subordinate commands.

In time past, when the Navy was of smaller proportions, it was not an infrequent occurrence that a squadron consisted of as few as two or three vessels, and even in such cases the law then, as now, authorized the commander in chief of such squadron to convene general courts-martial. The age, experience, and length of service of such convening authority did not differ from those qualities now existent in the cases of the present division commanders whose commands are at least of equal or larger size and of even greater tactical importance than in former times. To these considerations there is now added the desirability of relieving the commander in chief of the execution of the details of such matters, and placing them under the cognizance of division commanders who are generally of the same rank and nearly the same age as the commander in chief himself. With this object in view, it is recommended that section 10 of the act approved February 16, 1909 (35 Stat., 621), entitled "An act to promote the administration of justice in the Navy," be amended to read as follows, the amendment being shown by the words in italics:

"SEC. 10. That general courts-martial may be convened by the President, by the Secretary of the Navy, by the commander of a fleet, squadron, *or division*, and by the commanding officer of any naval station outside the continental limits of the United States."

The reasons already given relative to the general court-martial apply with even greater force to the case of the summary court-martial—a court consisting of only three officers, which may be convened by the captain of a ship. As the law now stands, the sentences of these courts can not be carried into execution in a fleet until approved by the senior officer present, i. e., ordinarily the commander in chief, if he be present. But the sentence of such court may be carried into execution after approval by even an ensign, if an officer of this junior rank happen to be the senior officer present in a group of smaller vessels, as torpedo boats, when no officer of higher rank is present. It is therefore recommended that the commander of a division of the fleet be given similar authority as to the approval of the sentences of these minor courts, and this may be accomplished by the addition of a proviso, printed in italics below, to section 17 of the act of February 16, 1909 (35 Stat., 623), which would then read as follows:

"SEC. 17. That all sentences of summary courts-martial may be carried into effect upon the approval of the senior officer present, and all sentences of deck courts may be carried into effect upon approval of the convening authority or his successor in office: *Provided, That in a fleet or squadron the approval of the commander of a division upon sentences of summary courts-martial shall be a sufficient approval for the purposes of this section.*"

Section 2 of the bill is intended to make the change just mentioned.

Again, a procedure frequently preliminary to trial by a general court-martial and one by which the convening authority of such court is enabled to inform himself properly as to what course should be pursued in the premises, is the convening of a court of inquiry. This is not a judicial tribunal, but a board of officers ordered merely for the purpose of obtaining and collating information and facts relative to any offense or other matter requiring such formal investigation, in order that no injustice may be done by directing a trial by general court-martial upon information apparently adequate, but, perhaps, in reality not so. If therefore the commander of a division be clothed with authority to convene a general court-martial, the correlative power should also be conferred upon him to order a court of inquiry, which, as stated above, is often preliminary and necessary to the determination of whether a court-martial shall or shall not be convened.

And in this connection, also attention is invited to the fact that while the commanding officer of any naval station outside the continental limits of the United States has the power to order a general court-martial, he has not the necessary additional power to order a court of inquiry, which power he should also have. It is recommended in consequence that article 55 of section 1624, Revised Statutes, be amended to read as follows, the added words being in italics:

"Courts of inquiry may be ordered by the President, the Secretary of the Navy, the commander of a fleet, squadron, *or division, and by the commanding officer of any naval station outside the continental limits of the United States.*"

Section 3 of the bill will, if the measure is enacted, carry into effect the foregoing change.

Also I have the honor to invite the committee's attention to the fact that when battalions of seamen and marines, under the general command of a superior officer, are encamped on shore from several ships of the Navy for joint drills and exercises, or who may be engaged on shore in operations in time of war or other disturbances necessitating that they be landed in force from a number of vessels, that there is no provision of law under which corrective measures may be taken in the case of offenders against naval discipline (except only with respect to such officers and men as may happen to be there serving under their own ship's commanding officer).

The powers now conferred by statute for the enforcement of discipline upon the commander of a vessel of the Navy, inter alios, by section 1624, Revised Statutes, comprising the articles for the government of the Navy, are as follows:

"ART. 24. No commander of a vessel shall inflict upon a commissioned or warrant officer any other punishment than private reprimand, suspension from duty, arrest, or confinement, and such suspension, arrest, or confinement shall not continue longer than 10 days, unless a further period is necessary to bring the offender to trial by a court-martial; nor

shall be inflict, or cause to be inflicted, upon any petty officer or person of inferior rating or marine for a single offense or at any one time any other than one of the following punishments, namely:

"1. Reduction of any rating established by himself.

"2. Confinement, with or without irons, single or double, not exceeding 10 days, unless further confinement be necessary in the case of a prisoner to be tried by court-martial.

"3. Solitary confinement, on bread and water, not exceeding five days.

"4. Solitary confinement not exceeding seven days.

"5. Deprivation of liberty on shore.

"6. Extra duties.

"No other punishment shall be permitted on board of vessels belonging to the Navy except by sentence of a general or summary court-martial. All punishments inflicted by the commander, or by his order, except reprimands, shall be fully entered upon the ship's log."

(The foregoing article is modified by section 8 of the act of February 16, 1909 (35 Stat., 621); also by a provision in the act of May 13, 1908 (35 Stat., 132), reading as follows:

"SEC. 8. * * * *Provided*, That the use of irons, single or double, is hereby abolished, except for the purpose of safe custody or when part of a sentence imposed by a general court-martial."

Also it is provided by the act of February 16, 1909 (35 Stat., 621), as follows:

"SECTION 1. That courts for the trial of enlisted men in the Navy and Marine Corps for minor offenses now triable by summary court-martial may be ordered by the commanding officer of a naval vessel, by the commandant of a navy yard or station, by the commanding officer of marines, or by higher naval authority.

"SEC. 2. That such courts shall be known as 'deck courts,' and shall consist of one commissioned officer only, who while serving in that capacity shall have power to administer oaths, to hear and determine cases, and to impose, in whole or in part, the punishments prescribed by article 30 of the articles for the government of the Navy: *Provided*, That in no case shall such courts adjudge discharge from the service or adjudge confinement or forfeiture of pay for a longer period than 20 days."

The following articles are from section 1624, Revised Statutes, the articles for the government of the Navy:

"ART. 26. Summary courts-martial may be ordered upon petty officers and persons of inferior ratings by the commander of any vessel, or by the commandant of any navy yard, naval station, or marine barracks to which they belong, for the trial of offenses which such officer may deem deserving of greater punishment than such commander or commandant is authorized to inflict, but not sufficient to require trial by a general court-martial.

"ART. 30. Summary courts-martial may sentence petty officers and persons of inferior ratings to any one of the following punishments, namely:

"1. Discharge from the service with bad-conduct discharge; but the sentence shall not be carried into effect in a foreign country.

"2. Solitary confinement, not exceeding 30 days, in irons, single or double, on bread and water or on diminished rations.

"3. Solitary confinement in irons, single or double, not exceeding 30 days.

"4. Solitary confinement not exceeding 30 days.

"5. Confinement not exceeding two months.

"6. Reduction to next inferior rating.

"7. Deprivation of liberty on shore on foreign station.

"8. Extra police duties and loss of pay, not to exceed three months, may be added to any of the above-mentioned punishments."

(The use of irons has been abolished, as stated above under the first of these provisions quoted.)

The following is from the act of February 16, 1909 (35 Stat., 621):

"SEC. 10. That general courts-martial may be convened by the President, by the Secretary of the Navy, by the commander in chief of a fleet or squadron, and by the commanding officer of any naval station beyond the continental limits of the United States."

None of the foregoing provisions is sufficiently comprehensive to include the situation in question. The matter has grown in importance during recent years because of the concentration of greater numbers of ships into fleets, in clear recognition of strategic and tactical reasons therefor and in order to enhance the efficiency of such fleets by keeping the units thereof together.

A part of the exercises which are engaged in by the fleet consists in landing the battalions of seamen and marines from a number of ships, giving them experience in such matters, and causing them to carry on drills and incidental operations under the command of an officer who is generally a rear admiral (commander of a division) or the captain of one of the vessels from which the several battalions are taken.

At present, although such a brigade commander, while on shore, may exercise the authority over the officers and men *from his own ship* conferred upon him by articles 24 and 26 of the articles for the government of the Navy (sec. 1624, R. S.) and by sections 1 and 2 of the act of February 16, 1909 (35 Stat., 621), quoted above, yet with reference to the generally more numerous body of officers and men *from other ships*, on shore under his command as brigade commander, he has no such power or authority. This is, of course, an anomalous situation and one that becomes more aggravated by any one of the various conditions that might arise when it would be impossible or undesirable to return individual officers or men from shore to their own ships in order that their own commanding officer might deal with their cases. Nor is there any statutory authority for the exercise of disciplinary measures by means of a summary court-martial within his command by the commanding officer of a force of marines on duty on shore, if such commanding officer be not the "commandant of a marine barracks." (Sec. 1624, R. S., art. 26.)

Section 4 of the bill has been framed with a view to making the necessary additions to the law in order to provide for the proper discipline among forces of the Navy and Marine Corps while engaged on shore as landing forces upon expeditions or for target practice, drills, maneuvers, etc.

In order to remedy this situation it is recommended that the brigade commander of naval landing forces away from their several ships and the commanding officers of regiments of marines be given power to enforce discipline in the naval brigade or marine regiment to the same extent and in the same manner as is already conferred on the commander of any single naval vessel; also, that in time of war, such brigade commander of naval landing forces be empowered to convene general courts-martial and courts of inquiry. It is also recommended that the officer commanding a naval landing force from a single ship, and the commanding officer of a battalion of marines, be given the same authority to enforce discipline in the force under his command as is conferred by law upon the commanding officer of a vessel, as shown above, except the power to order summary courts-martial.

In addition to the foregoing, it very often happens, particularly upon occasions of revolutionary disturbances in Central America and the West Indies, that a considerable force of marines is embarked on board a naval transport and dispatched thereon to the scene of such disturbance for the protection of the lives and property of American citizens. Such a force of marines is generally commanded by a marine officer senior in rank to the naval officer commanding the transport. The law, as it now stands, does not permit a marine officer, under such circumstances, to adjudge any punishments among the force under his command, but, while embarked, all such disciplinary authority is placed in the commander of the vessel, notwithstanding that the latter may be junior to the commanding officer of marines. On the other hand, if this force of marines were on shore at a navy yard in barracks, the senior marine officer, although subject to the orders of the commandant of the yard, would be empowered to take such disciplinary measures as are authorized by law.

It is therefore recommended when a force of marines is regularly assigned to duty on board an armed transport as a separate organization, not a part of the ship's complement, that the relations existing between the commanding officer of marines and the commanding officer of the transport, so far as concern the exercise of disciplinary powers in adjudging punishments and convening courts-martial, be the same as now by law exist between the commandant of a navy yard and the marine officer commanding the marine barracks at such yard.

Section 5 of the bill will accomplish the objects set forth in the foregoing paragraphs.

It may be stated that, with the exception of the last section of the bill, a measure in practically similar terms passed the Senate on April 5, 1910. This bill will require no appropriation of money and should conduce to efficiency and economy with respect to the administration of matters of discipline in the naval service.

Should the committee deem such a course preferable or advisable, the measure might be made a part of the naval appropriation bill.

Faithfully, yours,

G. v. L. MEYER.

THE CHAIRMAN COMMITTEE ON NAVAL AFFAIRS,
United States Senate.

DENTAL SURGEONS IN THE NAVY.

The bill (S. 290) to authorize the appointment of dental surgeons in the United States Navy was announced as next in order.

Mr. OVERMAN. Let that bill go over, Mr. President.

The VICE PRESIDENT. The bill will go over at the request of the Senator from North Carolina.

PUBLIC BUILDING AT PORTLAND, OREG.

The bill (S. 3327) to provide for the erection of a public building on a site already acquired at Portland, Oreg., was considered as in Committee of the Whole. It proposes to appropriate $1,000,000 for the construction of a suitable building for a post office only upon the site heretofore acquired, bounded by Seventh, Eighth, Hoyt, and Glisan Streets, in Portland, Oreg., at a total limit of cost for the building, complete, including mechanical equipment, heating, ventilating, vacuum cleaning and air washing systems, machinery, mechanical appliances and devices for handling mail, intercommunicating telephones and clock systems, and such other labor-saving devices and appliances as may be found necessary.

Mr. SMOOT. Mr. President, I should like to ask the Senator reporting the bill if section 2 does not change the present system of preparing plans for public buildings in this country?

Mr. BOURNE. Mr. President, for the information of the Senator from Utah I will say that the provisions of this bill are the usual ones in cases where post offices are of such a size as to require for their construction an expenditure of a million dollars or more. The bill was prepared by the Secretary of the Treasury or the Assistant Secretary of the Treasury, with my concurrence and assistance, and the provision that is made in section 2 is to enable the plans to be prepared more quickly than they would be under the usual order.

Mr. SMOOT. Mr. President, I thought the reason for section 2 was that the plans may be prepared sooner, and perhaps the further reason that the plans being prepared outside, the department would be in a position to construct the building sooner than a great many of the buildings that are already provided for by law.

Mr. BOURNE. It is left discretionary with the Secretary of the Treasury under the wording of the bill. The plans can be prepared by architects outside of the department, or in the usual order, which would delay the proceedings some three years, probably.

Mr. SMOOT. Then do I understand that the real reason for section 2 of the bill is——

Mr. BOURNE. To expedite the construction of the building.

Mr. SMOOT. To expedite the construction of the building, to build it before it could be reached in regular order.

Mr. BOURNE. Yes; and that is the custom in the case of the larger post offices. This bill establishes no new precedent at all, but is what is customary in cases of this kind. There is an emergency existing there. The site was purchased some time ago; the appropriation was made in 1910 for the purchase of the site, and there is a great congestion of business there.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE AT SIBLEY, MO.

The bill (S. 4006) to amend an act entitled "An act to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri," approved July 3, 1884, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments. The first amendment was, on page 1, line 3, before the name "Atchison," to strike out "the" and insert "The"; in line 9, after the word "above," to insert "extreme"; and in line 10, after the word "feet," to insert "or at 358.7 feet above St. Louis directrix, being a reduction of 2 feet in present clear elevation," so as to make the section read:

That in the reconstruction by the Atchison, Topeka & Santa Fe Railway Co. of the existing bridge constructed under the authority of the act approved July 3, 1884, entitled "An act to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri," the clear height thereof above extreme high-water mark shall be fixed at 48 feet, or at 358.7 feet above St. Louis directrix, being a reduction of 2 feet in present clear elevation; the plans for such reconstruction shall be subject to the approval of the Secretary of War, and such bridge shall be constructed in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

The amendment was agreed to.

The next amendment was, on page 2, after line 8, to insert as a new section the following:

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. NELSON. I understand the consideration of bills on the calendar is concluded.

The VICE PRESIDENT. The bill just passed completes the Calendar of General Orders under Rule VIII.

Mr. NELSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 3 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 9, 1912, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate January 8, 1912.

PROMOTION IN THE PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Rupert Blue, a surgeon in the Public Health and Marine-Hospital Service of the United States, to be Surgeon General of the Public Health and Marine-Hospital Service of the United States for a term of four years, in place of Walter Wyman, deceased.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Second Lieut. of Engineers Robert Bradford Adams to be first lieutenant of engineers in the Revenue-Cutter Service of the United States, to rank as such from August 23, 1911, in place of First Lieut. of Engineers Charles William Zastrow, retired.

Second Lieut. of Engineers Quincy Bogardus Newman to be first lieutenant of engineers in the Revenue-Cutter Service of the United States, to rank as such from September 3, 1911, in place of First Lieut. of Engineers Nathaniel Edward Cutchin, promoted.

Second Lieut. of Engineers Michael Neligan Usina to be first lieutenant of engineers in the Revenue-Cutter Service of the United States, to rank as such from August 9, 1911, in place of First Lieut. of Engineers Henry King Spencer, deceased.

Third Lieut. of Engineers Frank Everett Bagger to be second lieutenant of engineers in the Revenue-Cutter Service of the United States, to rank as such from August 9, 1911, in place of Second Lieut. of Engineers Michael Neligan Usina, promoted.

Third Lieut. of Engineers Philip Bently Eaton to be second lieutenant of engineers in the Revenue-Cutter Service of the United States, to rank as such from August 23, 1911, in place of Second Lieut. of Engineers Robert Bradford Adams, promoted.

Third Lieut. of Engineers Sydney Baxter Orne to be second lieutenant of engineers in the Revenue-Cutter Service of the United States, to rank as such from April 29, 1911, in place of Charles Stevens Root, promoted.

Third Lieut. of Engineers Thomas Homer Yeager to be second lieutenant of engineers in the Revenue-Cutter Service of the United States, to rank as such from September 3, 1911, in place of Second Lieut. of Engineers Quincy Bogardus Newman, promoted.

Ellis Reed-Hill, of Michigan, to be third lieutenant of engineers in the Revenue-Cutter Service of the United States, to take effect from date of oath, to fill an original vacancy.

Mayson White Torbet, of Michigan, to be third lieutenant of engineers in the Revenue-Cutter Service of the United States, to take effect from date of oath, to fill an original vacancy.

SECRETARY OF LEGATION AND CONSUL GENERAL.

Thomas Hinckley, of Utah, to be secretary of the legation and consul general of the United States of America at San Salvador, Salvador, vice Thomas Ewing Dabney, resigned.

SECRETARIES OF LEGATIONS.

Charles E. Stangeland, of Washington, to be secretary of the legation of the United States of America at La Paz, Bolivia, vice Alexander Benson, appointed second secretary of the embassy at St. Petersburg.

Richard E. Pennoyer, of California, to be secretary of the legation of the United States of America to Paraguay and Uruguay, vice G. Cornell Tarler, nominated to be second secretary of the embassy at Constantinople.

Arthur Mason Jones, of New York, to be secretary of the legation of the United States of America at Managua, Nicaragua, vice Franklin Mott Gunther, nominated to be secretary of the legation at Lisbon.

Hugh R. Wilson, of Illinois, to be secretary of the legation of the United States of America at Guatemala, Guatemala, vice Jordan Herbert Stabler, nominated to be secretary of the legation at Stockholm.

Albert B. Ruddock, of Illinois, to be third secretary of the embassy of the United States of America at Berlin, Germany, vice Perry Belden, nominated to be secretary of the legation at Tegucigalpa.

UNITED STATES ATTORNEY.

Lock McDaniel, of Texas, to be United States attorney, southern district of Texas. (A reappointment, his term having expired.)

APPOINTMENTS IN THE ARMY.

FIELD ARTILLERY ARM.

Midshipman Follett Bradley, U. S. Navy, to be second lieutenant of Field Artillery, with rank from December 2, 1911.

POSTMASTERS.

ARKANSAS.

R. Monroe Deason to be postmaster at El Dorado, Ark., in place of Robert L. Floyd, resigned.

CONNECTICUT.

Samuel E. Louden to be postmaster at Riverside, Conn., in place of Samuel E. Louden. Incumbent's commission expires January 13, 1912.

CALIFORNIA.

Howard A. Preston to be postmaster at Jamestown, Cal., in place of Howard A. Preston. Incumbent's commission expires February 4, 1912.

INDIANA.

Elmer E. Fornshell to be postmaster at Elwood, Ind., in place of Elmer E. Fornshell. Incumbent's commission expired December 11, 1911.

William D. Lutes to be postmaster at Royal Center, Ind., in place of William D. Lutes. Incumbent's commission expired December 11, 1911.

Willard Z. Smith to be postmaster at Churubusco, Ind., in place of Willard Z. Smith. Incumbent's commission expired December 11, 1911.

IOWA.

Maude Bower to be postmaster at State Center, Iowa, in place of Ephraim G. Swift, deceased.

MASSACHUSETTS.

John A. Marshall to be postmaster at Rowley, Mass., in place of John A. Marshall. Incumbent's commission expired December 10, 1911.

MICHIGAN.

William McGillivray to be postmaster at Oscoda, Mich., in place of William McGillivray. Incumbent's commission expired December 11, 1911.

C. Horatio Scott to be postmaster at Sault Ste. Marie, Mich., in place of C. Horatio Scott. Incumbent's commission expired December 21, 1911.

MINNESOTA.

Oliver B. Boobar to be postmaster at Sauk Center, Minn., in place of Oliver B. Boobar. Incumbent's commission expires January 9, 1912.

Fay Cravens to be postmaster at Milaca, Minn., in place of Fay Cravens. Incumbent's commission expires January 13, 1912.

C. E. Williams to be postmaster at Mora, Minn., in place of Raleigh M. Pope. Incumbent's commission expires January 13, 1912.

MISSOURI.

Thomas H. Irwin to be postmaster at Green City, Mo., in place of Thomas H. Irwin. Incumbent's commission expired December 11, 1911.

NEBRASKA.

William A. Danley to be postmaster at Chadron, Nebr., in place of William A. Danley. Incumbent's commission expired December 9, 1911.

Joshua H. Evans to be postmaster at Callaway, Nebr., in place of Joshua H. Evans. Incumbent's commission expires January 29, 1912.

Elbert P. Gaines to be postmaster at Ansley, Nebr., in place of Thomas Wright. Incumbent's commission expired December 9, 1911.

James H. Oliver to be postmaster at Ashland, Nebr., in place of James H. Oliver. Incumbent's commission expires January 9, 1912.

NEW MEXICO.

Bonifacio Lucero to be postmaster at Santa Rosa, N. Mex., in place of Bonifacio Lucero. Incumbent's commission expires January 13, 1912.

J. Frank Newkirk to be postmaster at Artesia, N. Mex., in place of D. L. Newkirk, resigned.

Thomas B. Platt to be postmaster at Hagerman, N. Mex., in place of Thomas B. Platt. Incumbent's commission expires January 29, 1912.

NEW YORK.

John S. Van Orden to be postmaster at Spring Valley, N. Y., in place of John S. Van Orden. Incumbent's commission expired December 10, 1911.

Harvie D. Waite to be postmaster at Berlin, N. Y., in place of Harvie D. Waite. Incumbent's commission expires January 14, 1912.

OHIO.

John B. Kagey to be postmaster at Louisville, Ohio, in place of William Bowen, deceased.

OREGON.

Oscar W. Haynes to be postmaster at Yamhill, Oreg. Office became presidential January 1, 1912.

PENNSYLVANIA.

James M. Hamilton to be postmaster at Chester, Pa., in place of John A. Wallace, resigned.

Joseph G. Sechler to be postmaster at Cherry Tree, Pa., in place of Joseph G. Sechler. Incumbent's commission expired December 11, 1911.

PORTO RICO.

Carlos F. Torregrosa to be postmaster at Aguadilla, P. R., in place of Luis A. Torregrosa, sr., resigned.

SOUTH CAROLINA.

Julia E. D. Tolbert to be postmaster at Ninety Six, S. C., in place of Julia E. De Loach, name changed by marriage.

SOUTH DAKOTA.

Ernest B. Yule to be postmaster at Alexandria, S. Dak., in place of John H. Dobson. Incumbent's commission expired February 18, 1911.

VIRGINIA.

J. Henry Wilson to be postmaster at Rural Retreat, Va., in place of John W. Davis. Incumbent's commission expired February 28, 1911.

WISCONSIN.

Wilbur H. Bridgman to be postmaster at Stanley, Wis., in place of Wilbur H. Bridgman. Incumbent's commission expires January 13, 1912.

John F. Gillmore to be postmaster at Durand, Wis., in place of John F. Gillmore. Incumbent's commission expires January 27, 1912.

Peter E. Nelson to be postmaster at Cashton, Wis., in place of Peter E. Nelson. Incumbent's commission expires January 20, 1912.

Joseph A. Oenning to be postmaster at Fountain City, Wis., in place of Joseph A. Oenning. Incumbent's commission expires January 20, 1912.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 8, 1912.

PROMOTIONS IN THE ARMY.

SUBSISTENCE DEPARTMENT.

Capt. William R. Grove to be commissary with the rank of major.

COAST ARTILLERY CORPS.

Second Lieut. Augustus Norton to be first lieutenant.

APPOINTMENT, BY TRANSFER, IN THE ARMY.

CAVALRY ARM.

Second Lieut. Francis R. Hunter, Twelfth Infantry, to be second lieutenant.

INFANTRY ARM.

Second Lieut. John Pullman, Second Cavalry, to be second lieutenant.

Jonathan Waverly Anderson, midshipman, United States Navy, to be second lieutenant.

APPOINTMENTS IN THE ARMY.

CAVALRY ARM.

Malcolm Wheeler-Nicholson to be second lieutenant.

INFANTRY ARM.

Gerald Ellis Cronin to be second lieutenant.
Samuel Humes Houston to be second lieutenant.
Eugene Warren Fales to be second lieutenant.
Herbert Alonzo Wadsworth to be second lieutenant.

COAST ARTILLERY CORPS.

To be second lieutenants.

Philip Guillon Blackmore.
Henry Clarence Davis, jr.
Theodore Rodes Murphy.
Benjamin Noble Booth.
George Ira Thatcher.
Edwin French Silkman.
Octave De Carré.
Robert Shimer Oberly.
Claude Martin Thiele.
Cedric Malcolm Stanley Skene.
Avery Johnson French.
Edward Montgomery.
Robert Edes Kimball.
William Harry Weggenmann.
Leigh Francis Joseph Zerbee.
Carleton Ula Edwards.
Coleman Wortham Jenkins.
Wilmer Townsend Scott.
Herbert Eugene Ellis.
Randolph Tucker Pendleton.
Stewart Woods Stanley.
Kenneth Thompson Blood.
David Xerxes Shubin.
Roy Silas Atwood.
Samuel Franklin Hawkins.
Jesse Lowry Sinclair.
Oscar Krupp.
Charles Thomas-Stahle.
Charles Meigs Wood.
Edwin Joseph O'Hara.
Alden George Strong.
Rudolf William Riefkohl.
Alexander Camman Sullivan.
Harold Burling Sampson.

MEDICAL RESERVE CORPS.

To be first lieutenants.

Fred Houdlett Albee.
George Corwin Beach, jr.
Stillwell Corson Burns.
William Joseph Cassidy.
Edward Baldwin Gleason.
Wilfrid Haughey.
William Clarence Hollopeter.
Edward Blanchard Hodge.
Herbert Matteson Rich.
John Stewart Rodman.
William Hersey Thomas.

PROMOTIONS IN THE NAVY.

Lieut. Commander John F. Hines to be a commander.
First Lieut. Charles J. E. Guggenheim to be a captain.
Second Lieut. Ernest A. Perkins to be a first lieutenant.
Machinist John B. Martin to be a chief machinist.
The following-named machinists to be chief machinists:
Franz J. M. Parduhn, and
Henry I. Edwards.
Frederick C. Bowerfind to be an assistant paymaster.

POSTMASTERS.

COLORADO.

John E. Murphy, Holly.

IOWA.

Charles W. Briggs, Sutherland.
Eric P. Dalander, Madrid.
James Ellickson, Thompson.
Charles A. Reynolds, Harlan.
Caleb H. Wickersham, West Branch.

MAINE.

Joseph W. Nealley, Ellsworth.
George L. Thompson, Brunswick.
Forest L. Waterman, Mechanic Falls.

NEW HAMPSHIRE.

Lilla B. Sargent, Canaan.
George D. Stevens, Durham.

NEW MEXICO.

Charles O. Leach, Portales.

VERMONT.

Thomas Mack, Vergennes.

WITHDRAWAL.

Executive nomination withdrawn from the Senate January 8, 1912.

SECRETARY OF LEGATION.

Henry Coleman May, of the District of Columbia, to be secretary of the legation to Paraguay and Uruguay, which was sent to the Senate on the 21st ultimo, is hereby withdrawn.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 8, 1912.*

The House met at 12 o'clock m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou great Spirit, Father of our souls, humbly and reverently we would bow in Thy presence and with unfeigned love and gratitude pour out our hearts in praise for life and its far-reaching promises. Strengthen us, we beseech Thee, for the work Thou hast given us to do, that we may prove ourselves worthy of such preferment. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of Sunday, January 7, 1912, was read and approved.

REPRESENTATIVES FROM NEW MEXICO.

Mr. SULZER. Mr. Speaker, I present to the House of Representatives the Hon. GEORGE CURRY and the Hon. H. B. FERGUSSON, Members elect from the State of New Mexico. [Applause.] They desire to take the oath of office.

Mr. MANN. Are the credentials here?

The SPEAKER. The Clerk of the House has examined the credentials, and reports them correct. If anybody asks that they be read they will be read.

Mr. SULZER. Mr. Speaker, I ask that the credentials be read.

Mr. MANN. Mr. Speaker, under the circumstances I do not ask for the reading of the credentials.

Mr. SULZER. Mr. Speaker, then I withdraw the request to have the credentials read.

Mr. CURRY and Mr. FERGUSSON took the oath of office.

COMMITTEE ELECTIONS.

Mr. UNDERWOOD. Mr. Speaker, I send to the desk and ask to have read the names of different Members on the Democratic side of the House proposed to be members of the different committees named on said list, and I move their election to those several committees.

The Clerk read as follows:

Hon. DAN V. STEPHENS, the Committee on Accounts and the Committee on Indian Affairs.
Hon. JOSEPH A. TAGGART, the Committee on Agriculture.
Hon. KENNETH D. MCKELLAR, the Committee on Military Affairs and the Committee on Railways and Canals.
Hon. WILLIAM C. REDFIELD, the Committee on Invalid Pensions.

The SPEAKER. The gentleman from Alabama nominates the Members named as members of the several committees named. Are there any other nominations? [After a pause.] If not, the vote will be taken on the motion of the gentleman from Alabama to elect these gentlemen members of the committees named.

The question was taken, and the motion was agreed to.

SERVICE PENSION BILL.

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent to address the House for 20 minutes on a matter which I believe to be of vital importance to every Member on the floor.

The SPEAKER. The gentleman from Ohio asks unanimous consent to address the House for 20 minutes. Is there objection?

There was no objection.

Mr. SHERWOOD. Mr. Speaker, ever since House bill No. 1 passed the House, December 12, 1911, the reports sent out from here by the Associated Press and other news bureaus state that this bill, if enacted, will take $75,000,000 out of the Treasury. These statements are furnished, as I learn, from the head of the Pension Bureau, under the authority of the Secretary of the Interior. I am here to prove by figures from official sources, figures that do not lie and can not be made to lie, that this bill will not, if enacted into law, take within $24,000,000 of the estimates printed in the big metropolitan journals and magazines hostile to the soldiers.

MEMBERS VITALLY INTERESTED.

As House bill No. 1 passed the House by 229 to 92, after a four days' debate, a vote exceeding two-thirds of the entire vote cast in the House by 15, I assume that every Member is vitally interested in knowing the facts. To prove to you at the very outset that the figures given out by the Pension Office are incorrect, I refer to the two official reports from the Secretary of the Interior, made only eight months apart, the first report made in April, 1911, claiming House bill No. 1 would cost $75,000,000 and the up-to-date report from the same official, making the same claim of $75,000,000. The report of April last was based on the number of soldiers on the pension roll July 1, 1910, while the present report is based on the number on the roll now, as claimed by reports sent out to the newspapers and magazines.

UNRELIABLE REPORTS.

To show the unreliability of these reports, I have only to call the attention of the Members of the House to the fact that 52,000 soldiers have died since the basis of the first report up to this date. If these 52,000 soldiers who have been dropped from the pension rolls since the first report would have drawn $30 per month under House bill No. 1, then the last report is wrong by $18,720,000. In other words, the Pension Office on its own basis of estimate made an apparent error of $18,720,000. That is so apparent that I need waste no time to comment on it. And if these 52,000 soldiers who died since the first report were not veterans, and were soldiers of the relative proportion of three veterans to one short-term soldier, which is about the relative number, according to the report of the Pension Bureau, making the average pension $240 per year, then the last or up-to-date report of the Pension Bureau is wrong by $12,480,000.

In view of these statements, of what real value is either report? I intend to show that neither report is of any substantial value at this time, and I am going to prove it from official figures and documents found in the official reports of the Pension Office and published for the information of Congress and the country.

CAREFUL SCRUTINY ASKED.

The figures I propose to submit will go into the CONGRESSIONAL RECORD, and to these figures I invite the careful scrutiny of every Member on this floor. On the 1st of January, 1912, there were on the pension roll 514,884 soldiers of the Civil War. These figures are official up to December 1, 1911, and the balance for the month of December is a careful estimate made by a responsible official in the Pension Office. Hence, this number, 514,884, will not vary 50 either way. The records of the Pension Office also show that 26,172 soldiers are now drawing $30 per month and over. Hence, the maximum pension provided in House bill No. 1 makes no increased cost to the Government on these 26,172. Deduct 26,172 from the aggregate and the result is 488,712. The official report of the Commissioner of Pensions for the fiscal year ending June 30, 1911, shows as follows (on p. 18): Number of 6 months' men and under 1 year, 107,566; number of 100 days' men, 44,510; number on rolls who served less than 100 days, 1,500, making an aggregate of 153,666 who, under

House bill No. 1, would not draw the maximum pension of $30 per month, or $360 per year. Subtract this 153,666 from the 488,712, and the result is 335,046 soldiers who will, from the official reports of the Pension Office, draw the maximum pension of $360 per year under House bill No. 1. Hence, these 335,046 veterans, at $30 per month, would draw $120,616,560. We now have 153,666 pensioners who, under the bill, would draw, respectively, $15, $20, and $25 per month, measured by length of service.

And in estimating the average pension of this 153,666 I did not rely upon my own judgment, but upon one of the most competent and experienced officials of the Pension Bureau, who has been a clerk and official in that office for over 25 years. This estimate I regard as very liberal—$240 per year—as no regiment of nine-months men was ever enlisted during the Civil War, as far as I can learn, certainly none in Ohio. At $240 per year these short-term soldiers would draw in the aggregate $36,879,840.

Here you have the complete result:

335,046, at $360 per year	$120,616,560
153,666 short-term men, at $240 per year	36,879,840
Total	157,496,400
Last year, according to the official reports, Civil War soldiers were paid in pensions	104,980,110
Deduct this total for bill and we have	52,516,290

BEST FIGURES OBTAINABLE.

The above figures are as nearly official as can be had, estimated on the table printed in the official records of the Pension Office, which table, in my judgment, is sufficiently high to more than equal the amount paid to the 26,172 pensioners not taken into consideration in the foregoing table. These figures show that the Pension Office, through the Secretary of the Interior, has sent out a report that is absolutely too much by $22,483,710, according to their own basis of estimates. There is no occasion for calling an expert on the aggregate cost of a pension bill if you have the exact amount that each pensioner is to receive, as provided in House bill No. 1, and have also the number of pensioners on the roll, and have also the amount paid pensioners during the current year, as we have in this case. It is a matter of simple multiplication, subtraction, and addition. Every man whether a Member of Congress or a private citizen, who has studied arithmetic six nights, by a pine-knot fire, can accurately figure a simple proposition like this. Hence the table printed in the official report of the Commissioner of Pensions for the fiscal year ended June 30, 1911, is practically of little value. I refer to the table on page 18, giving the number in each class of long and short term soldiers now on the pension rolls, making the entire number of soldiers, now living, who served less than one year 153,666.

Mr. RUCKER of Colorado. Will the gentleman yield?

Mr. SHERWOOD. Yes.

Mr. RUCKER of Colorado. And you are not allowing anything for those who will die between now and the time when the bill will become a law?

Mr. SHERWOOD. No; not at all; only until the 1st of January, 1912. I say the figures submitted in that official report are practically of no value, and I will give you the reason why. In the introduction of this table in the Pension Commissioner's report is the following:

In the examination of several hundred thousand claims in this bureau some years ago data was compiled as to the length of service rendered by those who participated in the Civil War.

This probably refers to the officers; but what is meant by "several years ago and several hundred thousands"? What year and how many thousands are not stated. I visited the Pension Bureau to ascertain from what date and on what data were these statistics in table on page 18 prepared. And what do you suppose was the result? These statistics were compiled from reports made 20 years ago; don't forget the years—20 years ago—and from claims for pensions filed immediately after the act of June 27, 1890. This is the law allowing a soldier to draw a maximum pension of $12 a month if disabled and unable to trace his disability to the war. This is why I claim that this table is of no present value.

There were 283,734 of these new pension claims filed up to and including June 30, 1892. I have the report of the Commissioner of Pensions on my desk before me for 1892, which so states. And by whom were they filed? By the hundred-day men? No. By six-months men? No. These classes, with few exceptions, had no disability. These claims represented the long-service veterans. Comparatively few claimants under this law were short-term soldiers. Hence the whole body of short-term soldiers who filed their claims under the age pension of February 6, 1907, are not included in the latest table of the Commissioner of Pensions, upon which he has based his estimate of the cost of House bill No. 1.

REPORT BASED ON OLD ESTIMATE.

Under the age-pension law of February 6, 1907, a soldier was allowed a pension of $12, $15, and $20 according to his age without regard to his service in the war or any kind of disability. The report of the Commissioner of Pensions for 1911 shows—on page 14—that since the act of February 6, 1907, 629,605 applications for pensions have been filed in the Pension Office under the age-pension law, and during the last year 55,167 certificates for new pensions were issued by the Pension Bureau under this age-pension law. How many of these 629,605 applicants for increased pensions under this law were long and short term soldiers is not stated. But the fact that pensions under this act were granted on age and not on service is proof absolute that a very large number of the 900,000 and over soldiers of the Civil War who served from 100 days to less than one year were in this list of 629,605 who have applied for pensions under the age-pension law.

It is therefore as clear as sunshine that the table printed in the last report of the Commissioner of Pensions, showing only 153,666 short-term soldiers on the pension rolls at this time, is absolutely incorrect and of no real value. This table was prepared from returns made 20 years ago and included but a small fraction of the 900,000 volunteer soldiers who served from 100 days to less than 1 year. All the surviving short-term soldiers are drawing pensions now, mostly under the age-pension law of February 6, 1907.

THE VITAL QUESTION.

The vital question—and it is the whole question in making a correct estimate of the cost of this bill—is, How many long-term soldiers and how many short-term soldiers are alive to-day? As I have already shown, the table printed in the report of the Pension Commissioner is of no real value, because it is based on returns over 20 years old, since which time probably half the three and four year veterans have died, and thousands and tens of thousands—yes, hundreds of thousands—of short-term soldiers have, under the age-pension law, been placed on the pension lists. Take the very best available figures based on the number of short-term men called out during the war, and it is a low estimate that at this time there are, out of the 488,712 soldiers on the pension rolls who are drawing less than $30 per month pension, not less than 195,000 who served less than one year.

CALLS MADE BY PRESIDENT LINCOLN.

I have here in my possession (just received a few minutes ago from the War Office) an official report from the War Office of all calls made by Abraham Lincoln for volunteer soldiers, and I find in this report—and it is open to inspection of every Member on this floor—that the first call in 1861 was for 75,000 for 90 days. On page 4, of date of March 4, 1864, 200,000 volunteers are called for. On page 5, under date of July 18, 1864, 500,000 men were called for. On page 5 I find that from April 23 to July 18, 1864, 83,612 militia were mustered into the United States service for 100 days. On December 19, 1864, I find a call for 300,000 men.

SHORT-SERVICE MEN.

The war ended April 26, 1865. Of all these volunteers called into the service in 1864, aggregating 1,000,000 men, less than 10,000, so far as I can ascertain, served over one year. Some 990,000 served less than one year. And this is not all of short-term soldiers. I am now holding up to view three large volumes, showing by the records the length of service of every soldier who enlisted in Ohio in 1864, which includes 71 regiments of 74,550 men. This official roster was prepared by an act of the Ohio Legislature and is absolutely correct. I have examined the roster of every one of these 71 regiments, and what is the result? Twenty-five of these regiments were enlisted for one year.

And the longest service rendered by anyone was 9 months and the shortest 15 days. The average service of all these regiments was 7 months. Forty-six regiments were mustered for 100 days. Hence not one soldier of any of these 71 regiments mustered in 1864 would draw the maximum pension of $30 per month under House bill No. 1. And what is true of Ohio soldiers is equally true of all the volunteers called out by President Lincoln in 1864. While these calls were for three years, the entire service only averaged five months, on account of the close of the war. These regiments were nearly all mustered into the service commencing October, 1864, and continuing until April 25, 1865, or until one day previous to the final surrender of the last Confederate Army, near Raleigh, N. C., April 26, 1865.

The SPEAKER. The time of the gentleman from Ohio [Mr. SHERWOOD] has expired.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House for the consideration of District measures.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. SHERWOOD] have 10 minutes more.

The SPEAKER. The gentleman from Missouri [Mr. RUSSELL] asks unanimous consent that the gentleman from Ohio [Mr. SHERWOOD] have 10 minutes more of time. Is there objection?

There was no objection.

Mr. SHERWOOD. I thank the House for giving me this consideration.

It will be seen by the above official records of the Civil War that the short-term soldiers constituted about 40 per cent of the entire number mustered into the service. But I have not done with these statistics that the officials of the Pension Office have apparently overlooked. I have examined also the official roster of six of Ohio's veteran regiments that enlisted for three years and served three years. I examined the individual record of over 6,000 soldiers as given in the official roster—a very tedious study—and I discovered that 12 per cent of the volunteers in these six regiments were mustered out, on account of disability, before serving one year. I found that to be true of my regiment (the One hundred and eleventh Ohio). The first year of Army life at the front was the hardest to endure, among the boys of the volunteer armies—and a majority were boys. Hence, my estimate of 195,000 short-term soldiers out of the 514,884 now on the pension roll is a very conservative estimate. The three-year veterans during the past decade have been dying in much larger proportion than the short-term soldiers. When the Hon. W. W. Dudley, of Indiana, was Commissioner of Pensions he issued an official statement that a soldier who entered the Army at 18 years, and served three years at the front, thereby shortened his life five years; but in my estimate, which follows, I have made a straight computation, based upon the number of long and short term soldiers at the close of the war. However, I believe Pension Commissioner Dudley was right.

What are the probabilities now as to the length of service of the present number of 488,712 soldiers now drawing pensions less than $30 per month? It is clearly evident that instead of being only 44,510 three-months men there are at least 75,000. The statistics I have submitted are from official sources, and the official rosters justify this estimate. The table printed in the Pension Commissioner's report of 1911 gives the number of soldiers who served six months and less than one year at 107,566. This estimate is too low. The number is not less than 120,000. In the case of 25 one-year regiments organized from October, 1864, to March, 1865, the official roster shows the average length of service to be a trifle less than seven months. Hence, instead of there being 107,506 surviving soldiers who served six months and less than one year, there are at least 120,000. The exaggerated figures of $75,000,000 given out by the Pension Office as the probable cost of this bill is doubtless partly due to the fact that they have estimated the length of service of soldiers on their long-term—three years—enlistments, and have not considered the only correct basis of estimate, which is the date of muster in and the date of muster out, without any regard to the terms of enlistment. It will be remembered that the three-year veterans, who were enlisted for three years or during the war, were subject to muster out when the war closed, even if they had not served 30 days. Here are the best available figures of the cost of House bill No. 1, as ascertained by a very careful and thorough investigation of all official records:

The real figures.

Whole number available for increased pensions	488,712
Served one year and over	293,712
Served six months and less than one year	120,000
Served three months and less than six months	75,000

Cost of House bill No. 1.

293,712, at $360 per year	$105,736,320
75,000, at $180 per year	13,500,000
120,000, at $240 per year	28,800,000
Total	148,036,320
Amount paid soldiers of Civil War last year in pensions	104,980,110
Cost of bill	43,056,210

LIBERAL ESTIMATE.

This is a very liberal estimate. The $240 per year for the 120,000 who are supposed to have served six months and less than one year includes several thousand who served less than six months. As I remarked a few minutes ago, no nine-months regiments were organized, so far as I can ascertain. It will be remembered that the House in Committee of the Whole struck out section 3—the $1,000 income exclusion clause—and struck out the paragraph relating to National and State soldiers' homes, and added the surviving soldiers of the Mexican War, adding thereby some ten millions to the cost of the bill. The bill as reported by the Committee on Invalid Pensions would have cost a trifle over $33,000,000.

In view of the very large number of soldiers called out in 1864, who served 100 days and less, I believe my estimate of 75,000 one-hundred-day men is over 10,000 below the actual number of this class now on the pension roll. Since the above table was prepared I have made a more thorough examination of the official records of the War Office, and am fully convinced that instead of there being 75,000 ninety and one hundred day soldiers now on the pension roll, there are at least 85,000. The first call for volunteers (April, 1861) was for 75,000 men for 90 days. The official report from the War Office states that between April 23, 1864, and July 18, 1864, 83,612 militia were called into the service (all serving 90 days or less), besides the 1,000,000 called out by President Lincoln in 1864—in three calls, 200,000, 300,000, and 500,000—and the further very important consideration that the long-term veterans during the past eight years have been dying at the rate of 2 to 1 compared with the short-term soldiers; and the still further consideration, as shown by the records of the War Office, that about 12 per cent of all the veteran regiments were mustered out for disability before serving one year. Hence, instead of there being at this time 293,712 soldiers who under House bill No. 1 would draw the maximum pension of $360 per year, there are at least 10,000 to 12,000 less, which would reduce the aggregate cost of the bill some $3,000,000 below the estimate in the above table.

THE DEMERITS OF THE GROUCHY.

Why is it that the monopoly press and the syndicated magazines are opposing this bill because it carries a reasonable appropriation to take care of and make comfortable the last survivors of the greatest and bloodiest war of all history, now staggering to a near-by grave? It is practically no increase, when the purchasing power of the soldier's pension dollar is compared with its purchasing power when granted. The cost of living has increased since then at least 37 per cent, and House bill No. 1, even in its present form, only increases pensions about that ratio. Congress has increased its own salary allowance and has increased the salaries of all the high-salaried officials in Washington, including the President, in many cases over 50 per cent. We have added ten million annual increase to the pay of the Army and six millions annually to the pay of the Navy, and in the past four years, or since the dollar-a-day pension bill has been pending, Congress has squandered over $120,000,000 on useless battleships. Lately, when $50,000,000 of Panama bonds were issued, to be dug into that fatal old ditch in Panama, not a squawk or whimper was heard from this whole mercenary gang, now in agony over this humane and beneficent pension bill.

This rampant and dominating commercial spirit seems to be comatose to all patriotic appeals. They are dead to the proposition that the old soldier, now on his last legs, must buy his living in the same market as the overpaid high Government officials. They do not recognize that the patient and industrious hen makes the same heroic effort in laying an egg for an old soldier as for a millionaire Congressman or United States Senator made money-fat by the country the old soldier saved a half a century ago.

Neither do they understand or care to know the magnitude of the desperate and long-continued struggle from 1861 to 1865.

PREVIOUS WARS.

In the seven years' war of the American Revolution only 55 battles and skirmishes were fought, or an average of 8 per year. In the Civil War of four years there was fought 2,235 battles, or an average of 559 per year. In the seven years' war of the American Revolution the entire list of killed in battle was 1,735. In the Civil War the killed in battle on the Union side number 61,362; died of wounds and disease, 183,287.

In the Mexican War, 1846 to 1848, the whole number of men engaged or enlisted was 101,282; killed in battle, all told, 1,049.

In the recent War with Spain, in which 200,000 Volunteers were called out, beside the Regulars, the entire list of killed in battle was 247. In all these three wars the entire list of killed in battle was 3,031.

In the Battle of Gettysburg alone the loss in killed was 3,072 on the Union side, and died of wounds about 500 more. In other words, the fatal list of that one battle was larger by over 500 than in all the three other wars, covering a period of 10 years.

I call attention to these terrifying statistics that those who are startled with our large pension list, 50 years after the war, may grasp the tremendous import of that gigantic struggle. I mention these startling and stupendous facts to remind the

Members of the House, nearly all of whom were too young to have participated in the awful struggle—the longest enduring and the bloodiest in all history—that the men who passed through that struggle are entitled to and should receive the grateful consideration of a patriotic people.

SENATE COMMITTEE SUBSTITUTE.

And now my friends, I have in my hand a substitute bill, said to come from the Senate Pension Committee, and printed in the Evening Star. It is based upon both age and service. By this bill, a veteran who served three years or over, and who has reached the age of 75 years, would be paid a pension of $30 per month. As 70 years, according to the Old Testament prophet, is the allotted age of man, this is Dead Sea fruit to the old veterans. Remember what ex-Pension Commissioner Dudley said, that a three-years veteran, who endured the trials and horrors of this terrible war, shortened his life five years.

MAKE THE PENSION LIST A ROLL OF HONOR.

A service pension law is the best solution of this much vexed problem. Where a soldier is pensioned on the service plan, his name is on the rolls for life. There is no further use for spending, as we did last year, over $700,000 for special examiners and medical boards. We can also very materially reduce the clerical force in the Pension Bureau. Second, while a service pension law will constantly decrease appropriations, an age pension law will constantly increase appropriations, because every pensioner gets an increase with his advancing years. The whole list of hundreds of thousands of pensioners will require new pension certificates every five years, thereby compelling an increase of the clerks and experts and officials in the Pension Bureau. I favor making the pension roll a roll of honor, and not a badge of pauperism. A prominent soldier of the Army of the Potomac was in my office yesterday, Col. Thomas Scarlett, of the famous Irish Brigade of Gen. Hancock's corps. He served three years lacking nine days in the most desperate battles of the war. Hence, should he live a hundred years he could never get a dollar a day under this age bill. He sized it right in saying that this was a bill to pension a real battle-scarred veteran at a dollar a day five years after his death.

I thank the House for the time and attention given me. [Applause.]

APPENDIX.

Since House bill No. 1 passed the House, December 12, 1911, the surviving soldiers of the Union Army, East, West, and South, have unanimously indorsed the bill. I have already received more indorsements from Grand Army posts and Union Veteran Legion, and all kinds of soldier organizations, than I have been able to read. Have also received hundreds of approving resolutions from patriotic citizens who were not soldiers. The following, just received, is a fair sample:

CITIZENS' PATRIOTIC RESOLUTIONS.

At a public mass meeting of the citizens of the city of Aurora, Ill., and vicinity, presided over by the Hon. Thomas W. Sanders, mayor of the city of Aurora, and addressed by the Hon. IRA C. COPLEY, Member of Congress; Hon. Samuel Alshuler; Hon. Albert J. Hopkins, former United States Senator; and others, the following resolution was unanimously adopted:

Whereas the House of Representatives of the Congress of the United States on the 12th day of December, A. D. 1911, adopted an act entitled "An act (H. R. 1) granting a service pension to certain defined veterans of the Civil War and the War with Mexico," and said bill is now pending before the Senate of the United States; and

Whereas the passage of this bill by the Senate of the United States would be of universal benefit and a proper and just tribute to the surviving heroes of the Civil War, who preserved this Republic in the gravest period of all its history: Therefore be it

Resolved by the citizens of the city of Aurora in public assembly, That we express our appreciation and approval of the recent action of the House of Representatives of the United States and earnestly and respectfully urge the adoption of said service-pension bill by the Senate of the United States: And be it further

Resolved, That we request and petition the Senators from the State of Illinois to cast their vote and use every honorable means to secure the adoption of the aforesaid act.

THOS. W. SANDERS, *Chairman.*

At one of the greatest soldier mass meetings ever held in Chicago since the war, that eminent theologian and humanitarian, Bishop Samuel Fallows, of the Episcopal Church, in an eloquent and stirring address, said:

Let us first inquire into the justice of this measure. Is it just? Who has shown that it is not? It is a contract that was signed by the dead and the living with the rich, red blood of young manhood.

Next, can the United States keep its contract? We do not want to bankrupt the Nation we builded. We do not want to embarrass the people for whom we risked our lives. The fact is, however, that the Nation is one of the richest on the globe. We could buy six or seven European nations without any embarrassment.

The Government is able to meet this obligation, and without us there would be no such Government.

This Nation is able to pay to the uttermost cent. I never pleaded for a juster thing. God speed the right.

LEAVE OF ABSENCE.

Mr. DAVENPORT, by unanimous consent, obtained leave of absence, on account of the death of a friend.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3436. An act granting to Phillips County, Ark., certain lots in the city of Helena for a site for a county courthouse; and

S. 2653. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary."

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On December 22, 1911:

H. R. 15930. An act making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1912, and for other purposes;

H. R. 15450. An act to amend section 85 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911; and

H. R. 15462. An act to amend section 91 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

REPORT OF THE UNITED STATES CIVIL SERVICE COMMISSION (H. DOC. NO. 148).

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying documents, referred to the Committee on Reform in the Civil Service and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the consideration of the Congress, the Twenty-eighth Annual Report of the United States Civil Service Commission for the fiscal year ended June 30, 1911.

WM. H. TAFT.

THE WHITE HOUSE, *January 3, 1912.*

FRANCHISES GRANTED BY THE EXECUTIVE COUNCIL OF PORTO RICO (S. DOC. NO. 239).

The SPEAKER also laid before the House the following message from the President of the United States, which was read, and, with the accompanying documents, referred to the Committee on Insular Affairs and ordered to be printed:

To the Senate and House of Representatives:

As required by section 32 of the act of Congress approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith certified copies of franchises granted by the executive council of Porto Rico, which are described in the accompanying letter from the Secretary of War transmitting them to me. Such of these as relate to railroad, street railway, telegraph, and telephone franchises, privileges, or concessions have been approved by me, as required by the joint resolution of May 1, 1900 (31 Stat. L., 715).

WM. H. TAFT.

THE WHITE HOUSE, *January 3, 1912.*

DISTRICT OF COLUMBIA BUSINESS.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House do now resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering District of Columbia legislation.

The SPEAKER. The gentleman from Kentucky [Mr. JOHNSON] moves that the House resolve itself into the Committee of the Whole House on the state of the Union to consider District of Columbia business.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. FINLEY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the purpose of considering District of Columbia business.

CROSSING POLICEMEN, DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Chairman, I desire to call up the bill (H. R. 1618) amending paragraph 6 of the act relating to the Metropolitan police force.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 1618) amending paragraph 6 of the act relating to the Metropolitan police force.

Be it enacted, etc., That paragraph 6 of the act approved February 28, 1901, entitled "An act relating to the Metropolitan police force of the District of Columbia," amending an act entitled "An act to define the rights of purchase of the belt railway, and for other purposes," approved June 24, 1898, and relating to the posting of special policemen at street railway crossings and intersections in the city of Washington, be, and the same hereby is, amended to read as follows: "And the special policemen aforesaid, from and after the passage of this act, shall receive as compensation for their services a sum equal to the salary received by regular members of the Metropolitan police force of the District of Columbia (who have served the same length of time), payable in equal monthly installments, as heretofore provided. They shall be allowed 30 days' sick leave and 20 days' annual leave; and in fixing said salaries credit shall be given said special policemen for the time they have served in such capacity in the same manner as is now given to regular members of said Metropolitan police force."

With the following committee amendment:

Amend page 2, line 7, by inserting after the word "now," and before the word "given" the following: "or may hereafter be."

Mr. JOHNSON of Kentucky. Mr. Chairman, we have in the District of Columbia two classes of policemen; one known as the Metropolitan police, and another class known as the crossing police, whose duty it is to watch and be at the crossings of street railways, so that accidents may be prevented and human life be saved.

These crossing policemen have more arduous duties to perform than have the regular policemen, yet they are paid less, so that the question narrows down to the question of——

Mr. MADDEN. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Illinois?

Mr. JOHNSON of Kentucky. Yes.

Mr. MADDEN. Who pays the street-crossing policemen?

Mr. JOHNSON of Kentucky. The street-crossing policemen are paid by the railroads.

Mr. MADDEN. They are not in the service of the Government at all, are they, except that——

Mr. JOHNSON of Kentucky. They have been given, by an act of Congress, all the police powers that are conferred upon the other police.

Mr. MADDEN. But they are really employed by the railroad companies, are they not?

Mr. JOHNSON of Kentucky. They are paid by the railway companies, but are appointed by the Commissioners of the District.

Mr. MADDEN. They are appointed by the railway companies, but sworn in under the commissioners?

Mr. JOHNSON of Kentucky. No; the commissioners select them.

Mr. MADDEN. Does the gentleman in charge of the bill contend that the Congress of the United States should try to regulate the compensation of men employed by a private institution?

Mr. JOHNSON of Kentucky. The Congress of the United States has done so, and has fixed their compensation. Now, this proposition is to enlarge the compensation.

The question involved here seems to me to be this: Either the members of the regular Metropolitan police force are paid too much or these men are paid too little. It is my opinion that these crossing policemen should be upon exactly the same footing as to pay as are the members of the regular Metropolitan force; but this bill does not yet put them upon the same footing. The crossing policemen do not participate in the pensions which are allowed to the Metropolitan policemen.

Mr. CULLOP. I should like to ask the gentleman from Kentucky a question. It is not intended by this act that these crossing policemen are to be paid out of the Public Treasury, I suppose?

Mr. JOHNSON of Kentucky. They are left to be paid by the street railway companies.

Mr. CULLOP. Do you think it is a good policy for Congress to attempt to fix the salaries of men employed by the street railway companies?

Mr. JOHNSON of Kentucky. Congress has heretofore done that very thing; and, inasmuch as the most dangerous places in the city are at these street railway crossings, and because the street cars make them the most dangerous places, the duty of paying for the services of men to protect the public from injury at these crossings is the reason why their employment is compulsory.

Mr. CULLOP. It seems to me the better policy would be to pass a law requiring these policemen to be located at the crossings, as is universally done in the different cities of the country, leaving the employment and the compensation to the companies that employ the men. It seems to me Congress ought not to adopt the policy of fixing their compensation. If that policy is entered upon, it seems to me there will be an attempt very soon to require Congress to pay the salaries which it has fixed.

Mr. JOHNSON of Kentucky. I think it would be better if Congress should take upon itself the duty of limiting the salaries paid to some of the high officials of a great many corporations.

Mr. CULLOP. Does the gentleman mean that Congress should attempt to limit their salaries?

Mr. JOHNSON of Kentucky. I said it was my opinion that Congress should have the power, and exercise it, to limit the enormous salaries that are paid to some of the officers of some of these institutions.

Mr. CULLOP. I presume the gentleman means that Congress should limit the minimum salary, leaving the maximum for the disposition of the employer.

Mr. JOHNSON of Kentucky. No, sir; I believe there should be some limitation upon the maximum salaries paid.

Mr. CULLOP. Has there ever been an attempt to have these crossing policemen paid out of the Public Treasury?

Mr. JOHNSON of Kentucky. No, sir.

Mr. CRUMPACKER. Mr. Chairman, the functions of a crossing policeman are chiefly those of a crossing watchman, are they not?

Mr. JOHNSON of Kentucky. The crossing policemen have the powers of the regular policemen.

Mr. CRUMPACKER. They have the powers, but do they encounter the hazards and dangers of regular policemen?

Mr. JOHNSON of Kentucky. It is my honest belief that the crossing policemen do three times as much work in the same time as is done by any members of the regular force.

Mr. CRUMPACKER. The thought I had in my mind was that the crossing policemen perform largely the duties of crossing watchmen; and while they have power to make arrests, it is a rare thing for them to be required to exercise that power; and when it is exercised, as a rule it does not bring them in conflict with desperate criminals. Therefore there is not the element of hazard that applies to the regular police force in a city of this size, and which, of course, enters into the compensation. But this thought came to my mind. I am not opposing the bill, because I do not know how much salary the crossing policemen are receiving now. I wondered, if the salary was to be paid out of the Public Treasury, whether the gentleman from Kentucky would not see the distinction and reach the conclusion that the salary of a crossing policeman ought not to be quite as high as that of a regular policeman.

Mr. JOHNSON of Kentucky. I will say to the gentleman that I believe the position of a crossing policeman is more hazardous than is that of the regular policeman, because the crossing policeman comes in contact, at railroad crossings, with more people than does the ordinary policeman; and, in addition to that, when there is a bad character on a street car who is making trouble he is usually carried to the point of one of these crossings and there turned over to the crossing policeman for him to deal with.

Mr. CRUMPACKER. What is the salary of a crossing policeman?

Mr. JOHNSON of Kentucky. Seventy-five dollars.

Mr. CRUMPACKER. And this bill increases it how much?

Mr. JOHNSON of Kentucky. To whatever the salary of a regular policeman is.

Mr. CRUMPACKER. The salary is graduated in accordance with the length of service, is it not?

Mr. JOHNSON of Kentucky. Yes.

Mr. CRUMPACKER. How much would this bill increase the salary?

Mr. JOHNSON of Kentucky. About $25.

Mr. CRUMPACKER. What are the hours of service for the crossing policeman?

Mr. JOHNSON of Kentucky. I am not able to state, but it is the same as that of the other policemen.

Mr. CRUMPACKER. Eight hours?

Mr. JOHNSON of Kentucky. I think eight hours.

Mr. DYER. Will the gentleman from Kentucky yield for a question?

Mr. JOHNSON of Kentucky. I will.

Mr. DYER. Has there been any opposition to this bill on behalf of the street car companies?

Mr. JOHNSON of Kentucky. I have heard no opposition to the bill from the street car company.

Mr. CULLOP. Will the gentleman from Kentucky yield?

Mr. JOHNSON of Kentucky. Certainly.

Mr. CULLOP. Is there any law designating the street crossings by name at which policemen are to be stationed?

Mr. JOHNSON of Kentucky. I do not know whether that is the law or whether the chief of police assigns them to such places. It is my impression that the places are designated by law where crossing policemen shall be located.

Mr. CULLOP. And the hours of service?

Mr. JOHNSON of Kentucky. The hours of service are the same as the regular policemen, I think—eight hours.

Mr. CULLOP. Between what hours of the day or night are crossing policemen stationed at these crossings?

Mr. JOHNSON of Kentucky. I am not advised as to that. I will say that I was in the House Office Building last night until 1 o'clock, and going down town between 1 and half past 1 I saw a policeman at the crossing at Pennsylvania Avenue and Seventh Street.

Mr. CULLOP. Does the gentleman know whether there are any hours fixed by law; that is, between what hours they are to be on duty at such crossings?

Mr. JOHNSON of Kentucky. I do not know. But, as far as that is concerned, I do not care. My idea is that they should receive as much as the other policemen, or that the other policemen should receive as little as they.

Mr. CULLOP. Does not the gentleman think that if they are to be put there to protect the lives of the people that the hours which they are to serve should be fixed by law, and then some penalty put upon the company if they failed to observe the law?

Mr. JOHNSON of Kentucky. If the gentleman from Indiana will offer an amendment to that effect, I will accept it.

Mr. CULLOP. I thought that perhaps the bill ought to be recommitted.

Mr. JOHNSON of Kentucky. No; the bill in the shape that it now is has passed the House several times, but met defeat in the Senate.

Mr. CULLOP. I wanted to know whether there was any such provision already in the law; and if not, I think it ought to be incorporated in the bill.

Mr. JOHNSON of Kentucky. I have been studying this matter for some time, and my conclusion concerning it is that the salary of the crossing policemen should be as much as other policemen when it is a fact that they do more work than the other policemen.

Mr. MANN. Mr. Chairman, I have a very high regard for the gentleman from Kentucky, the chairman of the District Committee, who reported this bill, but I would like to call his attention and the attention of other members of other committees of the House to the desirability of furnishing some information in the report that is made to the House. I realize the fact that the gentlemen now in the majority in the House come to the matter of making reports without as much experience in regard to reports as they soon will have; but in fairness to the House it is desirable that the committee making a report on a bill shall give some information in regard to the bill. It is customary for the Committee on the District of Columbia to send all bills relating to the District of Columbia to the District Commissioners for their opinion; and while no one would pretend that the House or the Members of the House should be guided by the opinion of the District Commissioners, still, in fairness to the House, any report which the commissioners make upon a bill ought to be printed in the report made to the House, so that other Members of the House shall have the same information in regard to the opinion of the District Commissioners as the District Committee had. The report now before the House gives no information, and while the gentleman from Kentucky [Mr. JOHNSON] has given information in regard to this bill, that only comes this morning and can not be assimilated in the same manner that information printed in the report is.

This bill is simply for the purpose of increasing the salaries and the vacation period of the so-called crossing policeman. I can not agree with my distinguished friend from Kentucky [Mr. JOHNSON] that these policemen are under the same danger or under the same hazardous conditions that the ordinary policeman is. They simply perform duties at the street crossings of the street railway companies. I have lived in Washington a part of the year for 15 years, and except for the fact that this bill has been perennially presented to Congress during a large period of that time, I would not know there was a crossing policeman in the District; and I doubt whether other Members of the House can recall to themselves being in contact with or receiving information from any crossing policeman in the city of Washington. The duties they perform are performed in the daytime. They are not sent out at night upon dangerous duty, as I understand it. They run no risks except those at the crossings, which are very small indeed.

The proposition is, simply because they are not paid out of the general Treasury, to increase their compensation and their vacation period. It is proposed to give them 30 days' sick leave and 20 days' annual leave—in all 50 days' leave. I should prefer to give to the postal clerks, paid by the Government, a little of our charity in regard to leave rather than to give it to somebody who is paid by somebody else. The crossing policemen have the power of arrest. I presume the street-car conductors also have that power. Do we propose to regulate the pay which they shall receive? Is it intended to regulate the pay of all of the employees of the street-car companies or the public-service corporations in the District? It is very easy for us to say, because we have the power, that the salaries paid by a private or semipublic corporation to its employees shall be increased. Do the gentlemen on that side of the House propose to be more generous to the employees of a corporation than they are to the employees of the United States Government? Is it intended to increase the pay of policemen because they are paid by the street-car companies, but to retain where it is the pay of the charwoman, because they are paid out of the general Treasury? Are we to be extremely charitable with other people's money but extremely close with that which is within our control? Does this bill propose to generally increase salaries? A distinguished Member of the majority side said to me the other day, in regard to a bill which will soon be reported to the House, "And we have not made a single increase of salary in it." He was referring to the District of Columbia appropriation bill. Is it to be the policy of the majority of this House that they will make no increase of salaries, regardless of the nature of the work done or the efficiency of the work, where the general Treasury is to contribute the money, but will increase the salary if it is to be paid by somebody else?

I understand the activity of the movement. I appreciate the forces which have compelled the report of this bill from the District Committee. A more active lobby has never been seen in the city of Washington for a small matter than the lobby in behalf of the crossing policemen. I do not know whether they have much service to perform as crossing policemen, but I am fully advised that they have performed extremely active service urging the passage of this bill to increase their pay and the length of their vacation.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That paragraph 6 of the act approved February 28, 1901, entitled "An act relating to the Metropolitan police force of the District of Columbia," amending an act entitled "An act to define the rights of purchase of the belt railway, and for other purposes," approved June 24, 1898, and relating to the posting of special policemen at street-railway crossings and intersections in the city of Washington, be, and the same hereby is, amended to read as follows: "And the special policemen aforesaid, from and after the passage of this act, shall receive as compensation for their services a sum equal to the salary received by regular members of the Metropolitan police force of the District of Columbia (who have served the same length of time), payable in equal monthly installments, as heretofore provided. They shall be allowed 30 days' sick leave and 20 days' annual leave; and in fixing said salaries credit shall be given said special policemen for the time they have served in such capacity in the same manner as is now given to regular members of said Metropolitan police force."

With the following amendment:

Page 2, line 10, after the word "now," insert the words "or may hereafter be."

Mr. MADDEN. Mr. Chairman, I move to strike out the enacting clause. I wish to say that I think this bill ought not to be before this body for consideration. I see no reason why the Congress of the United States should undertake to say to the railroad companies how much compensation they shall pay their employees. It is all very well for the Congress to say that the railroad companies shall supply the men to regulate the traffic at the crossings. To that extent I think we ought to have jurisdiction, but when we say that the railroad companies shall pay a certain price for any service rendered, and then seek to regulate the time and the vacation allotted to these men, we are going far beyond where we ought to go.

Mr. JOHNSON of Kentucky. Will the gentleman yield?

Mr. MADDEN. In just a moment. There is no city in the United States where the crossing policemen are not paid out of the public treasury except this city. The traffic at railroad crossings is the same as traffic on any other street and it should be regulated by the public functionaries. It is a part of the police power of the District of Columbia to regulate the traffic at the crossings, and if the railroad company has imposed upon it the duty of supplying and paying these men that railroad company should have the right to say the conditions under which those men are to be employed. We might just as well say to the railroad company how much it should pay its general superintendent, how much it should pay its clerks in its office, how much it should pay its conductors and motormen.

We might just as well say how many times a day these men are allowed to go to eat, what their hours of service shall be, when they are to perform their duties, whether they are to run extra or permanently from morning until evening, and whether or not they are allowed to run after 6 o'clock at night. It is a great injustice, it seems to me, and the enactment of this bill into law establishes a precedent which this Congress ought not to establish.

Mr. SHERLEY. Will the gentleman yield?

Mr. MADDEN. I yield to the gentleman from Kentucky [Mr. JOHNSON].

Mr. JOHNSON of Kentucky. Did I understand the gentleman from Illinois to say that Congress should not fix the pay of these men because the railroad company has to pay it?

Mr. MADDEN. Why, certainly.

Mr. JOHNSON of Kentucky. Then may I ask the gentleman if it fixes a salary of, say, 5 cents a month, if that would not annul the law because they could not get anybody to act.

Mr. MADDEN. That would be unreasonable, and I assume they would not undertake to act in an unreasonable way.

Mr. JOHNSON of Kentucky. They do not want them, and they could undo the effect of the legislation by making the compensation only a few cents a day.

Mr. MADDEN. That would not be at all likely.

Mr. SHERLEY. Is not the remedy, instead of striking out the enacting clause of this bill, to use this bill as a vehicle, and strike out the provision that permits the present employment of these crossing policemen by a private corporation? I agree thoroughly with the gentleman that it is a vicious practice, subject to great evils. What we ought to do is to tax the corporation its fair amount and then protect its property as we protect anybody else's property. [Applause.]

Mr. MADDEN. I agree exactly with the gentleman from Kentucky.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MADDEN. Mr. Chairman, I ask for five minutes additional.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

Mr. MADDEN. Mr. Chairman, I believe that what this committee ought to do is to bring a bill into the House for consideration which will impose upon the street railway companies of the District of Columbia a sufficient tax to justify the payment of the policemen out of the Public Treasury. I think the privileges granted to the railway companies are so important that the Government would be justified in exacting a certain percentage of the receipts of the railroad companies for the privileges which they enjoy. They are running a lucrative business——

Mr. GRAHAM. Will my colleague yield?

Mr. MADDEN. Yes.

Mr. GRAHAM. Is it not the universal practice in cities everywhere that ordinances are passed requiring the railroads to put watchmen at their own expense at places of great danger?

Mr. MADDEN. I think in the case of steam railroads that that is true, but municipalities never attempt to regulate the compensation which railroad companies are to pay the men whom they are obliged to put at these crossings.

Mr. GRAHAM. I think that is true, but the principle remains that wherever there is danger which the railroad companies, whether they be steam or otherwise, bring about, that the municipal authorities are justified in compelling them to put watchmen there to obviate the danger caused by their conduct.

Mr. MADDEN. True; and I have made no objection to that. I have said that it is within the province of Congress to compel the railroad companies to place men at these crossings to protect the lives and limbs of the citizens of the community, but it ought not to be considerd a part of the duty of the Congress of the United States to say how much compensation shall be paid by these railroad companies to the men who are compelled to be placed at these crossings. But if the Committee on the District of Columbia wishes to do something which is justifiable it will report a bill fixing the compensation to be paid into the Public Treasury from the receipts of the railroad company for the privileges which were granted to the railroad company by the United States Government. That would be a bill that would receive my hearty support. I would be glad to vote for it. It ought to be in existence. It is in existence everywhere else except in the District of Columbia, and there is no city on the American Continent which seeks to regulate the pay of crossing men who are placed on the crossings by the various railroad companies in the various cities of the country.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Illinois [Mr. MADDEN].

Mr. JOHNSON of Kentucky. Which is to strike out the enacting clause?

The CHAIRMAN. Yes.

Mr. JOHNSON of Kentucky. And which would have the effect of defeating the bill?

The CHAIRMAN. Yes. The question is on agreeing to the amendment.

The question was taken; and there were—ayes 26, noes 40.

So the amendment was rejected.

The CHAIRMAN. The question is on agreeing to the committee amendment, which the Clerk will report.

The Clerk read as follows:

Amend page 2, line 10, by adding after the word "now" the words "or may hereafter be."

The question was taken, and the amendment was agreed to.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move that the bill as amended be now laid aside with a favorable recommendation.

The motion was agreed to.

LOAN ASSOCIATIONS.

Mr. JOHNSON of Kentucky. Mr. Chairman, I now desire to call up the bill H. R. 8768, and move that the first reading of the bill be dispensed with.

Mr. MANN. Mr. Chairman, I think the bill ought to be read.

The CHAIRMAN. The gentleman from Illinois objects. The Clerk will read the bill.

The Clerk read as follows:

A bill (H. R. 8768) to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, pawnbrokers, and real-estate brokers in the District of Columbia.

Be it enacted, etc., That hereafter it shall be unlawful and illegal to engage in the business of loaning money upon which a rate of interest greater than 6 per cent per annum is charged on any security of any kind, direct or collateral, tangible or intangible, without procuring license; and all persons, firms, voluntary associations, joint-stock companies, incorporated societies, and corporations engaged in said business shall pay a license tax of $500 per annum to the District of Columbia. No license shall be granted to any person, firm, or voluntary association unless such person and the members of any such firm or voluntary association shall be bona fide residents of the District of Columbia, and no license shall be granted to any joint-stock company, incorporated society, or corporation unless and until such company, society, or corporation shall in writing and in due form, to be first approved by and filed with the Commissioners of the District of Columbia, appoint an agent, resident in the District of Columbia, upon whom all judicial and other process or legal notice directed to such company, society, or corporation may be served. And in the case of the death, removal from the District, or any legal disability or disqualification of any such agent, service of such process or notice may be made upon the assessor of the District of Columbia.

SEC. 2. That applications for license to conduct such business must be made in writing to the Commissioners of the District of Columbia, and shall contain the full names and addresses of applicants, if natural persons, and in the case of firms and voluntary associations, the full names and addresses of all the members thereof, and in the case of joint-stock companies, incorporated societies, and corporations, the full names and addresses of the officers and directors thereof and under what law or laws organized or incorporated, and the place where such business is to be conducted, and such other information as the said commissioners may require. Every license granted shall date from the 1st of the month in which it is issued and expire on the 31st day of the following October, and such license shall be kept conspicuously displayed in the place of business of the licensee. Every application shall be filed not less than 30 days prior to the granting of such license, and notice of the filing of such application shall be posted in the office of the assessor of the said District and be published twice a week for three successive weeks in a daily newspaper published in the District of Columbia. Protest may be made by any person to the issuing of such license, and when such protests are filed with the said commissioners the latter shall give public notice of and hold a public hearing upon such protests before issuing such license. The said commissioners shall have the power to reject any application for license after a hearing upon such protest or for failure on the part of the applicant to observe this act or when such applicant shall have violated its provisions.

SEC. 3. That each application shall be accompanied by a bond to the District of Columbia in the penal sum of $5,000, with two or more sufficient sureties, and conditioned that the obligor will not violate any law relating to such business. The execution of any such bond by a fidelity or surety company authorized by the laws of the United States to transact business therein shall be equivalent to the execution thereof by two sureties, and such company, if excepted to, shall justify in the manner required by law of fidelity and surety companies. If any person shall be aggrieved by the misconduct of any such licensed person, firm, voluntary association, joint-stock company, incorporated society, or corporation, or by his, their, or its violation of any law relating to such business, and shall recover a judgment therefor, such person may, after a return unsatisfied either in whole or in part of any execution issued upon such judgment, maintain an action in his own name upon such bond herein required in any court having jurisdiction of the amount claimed. The Commissioners of the District of Columbia shall furnish to anyone applying therefor a certified copy of any such bond filed with them, upon the payment of a fee of 25 cents, and such certified copy shall be prima facie evidence in any court that such bond was duly executed and delivered by the person, firm, voluntary association, joint-stock company, incorporated society, or corporation whose names appear thereon. Said bond shall be renewed and refiled

annually in October of each year, or the licensed person, firm, voluntary association, joint-stock company, incorporated society, or corporation shall, within 30 days thereafter, cease doing business, and their license shall be revoked by the said commissioners, but said bond, until renewed and refiled as aforesaid, shall be and remain in full force and effect.

SEC. 4. That every person, firm, voluntary association, joint-stock company, incorporated society, or corporation conducting such business shall keep a register, approved by said commissioners, showing, in English, the amount of money loaned, the date when loaned and when due, the person to whom loaned, the property or thing named as security for the loan, where the same is located and in whose possession, the amount of interest, all fees, commissions, charges, and renewals charged, under whatever name. Such register shall be open for inspection to the said commissioners, their officers and agents, on every day, except Sundays and legal holidays, between the hours of 9 o'clock in the forenoon and 5 o'clock in the afternoon. Every such person, firm, voluntary association, joint-stock company, incorporated society, or corporation conducting such business shall, on or before the 20th day of January of each year, make to the said commissioners an annual statement in the form of a trial balance of its books on the 31st day of December in each year, specifying the different kinds of its liabilities and the different kinds of its assets, stating the amount of each, together with such other information as may be called for, said statement or report to be published in at least one newspaper of general circulation in the District of Columbia, in such manner as may be directed by the said commissioners.

SEC. 5. That no such person, firm, voluntary association, joint-stock company, incorporated society, or corporation shall charge or receive a greater rate of interest upon any loan made by him or it than 2 per cent per month on the actual amount of the loan, and this charge shall cover all expenses, demands, and services of every character, including notarial and recording fees and charges, except upon the foreclosure of the security. The foregoing interest shall not be deducted from the principal of loan when same is made. Every such person, firm, voluntary association, joint-stock company, incorporated society, or corporation conducting such business shall furnish the borrower a written, typewritten, or printed statement at the time the loan is made, showing, in English, in clear and distinct terms, the amount of the loan, the date when loaned and when due, the person to whom the loan is made, the name of the lender, the amount of interest charged, and the lender shall give the borrower a plain and complete receipt for all payments made on account of the loan at the time such payments are made. No such loan greater than $300 shall be made to any one person.

SEC. 6. That complaints against any licensee or applicant shall be made in writing to the said commissioners, and reasonable notice thereof, and not less than three days shall be given to said licensee or applicant by serving upon him a concise statement of the facts constituting the complaint, and a hearing shall be had before the said commissioners within one week from the date of the filing of the complaint, and no adjournment shall be taken for longer than one week. A daily calendar shall be kept of all hearings by the said commissioners, which shall be posted in a conspicuous place in their public office for at least three days before the date of such hearings. The said commissioners shall render their decision within eight days from the time the matter is finally submitted to them. Said commissioners shall keep a record of all such complaints and hearings, and may refuse to issue and shall suspend or revoke any license for any good cause shown, within the meaning and purpose of this act; and when it is shown to their satisfaction, whether as a result of a written complaint as aforesaid or otherwise, that any licensee or applicant under this act, either before or after conviction, is guilty of any conduct in violation of this or any law relating to such business it shall be the duty of the said commissioners to suspend, revoke, or reject the license of such licensee or applicant, but notice of the written complaint or proposed action shall be presented to and reasonable opportunity shall be given said licensee or applicant to be heard in his defense. Whenever for any cause such license is revoked, said commissioners shall not issue another license to said licensee until the expiration of at least one year from the date of revocation of such license, and not at all if such licensee shall have been convicted of a violation of this act under the provisions of the following section thereof.

SEC. 7. That any violation of this act shall be punished by a fine of not less than $25 and not greater than $200, or by imprisonment in the jail or the workhouse of the District of Columbia for not less than 5 nor more than 30 days, or by both such fine and imprisonment, in the discretion of the court. The said commissioners shall cause the corporation counsel to institute criminal proceedings for the enforcement of this act before any court of competent jurisdiction.

SEC. 8. That nothing contained in this act shall be held to apply to the legitimate business of national banks, licensed bankers, trust companies, savings banks, building and loan associations, or to the business of pawnbrokers, or real-estate brokers, as defined in the act of Congress of July 1, 1902.

SEC. 9. That the enforcement of this act shall be intrusted to the Commissioners of the District of Columbia, and they are hereby authorized and empowered to make all rules and regulations necessary in their judgment for such business and the enforcement of this act in addition hereto and not inconsistent herewith.

SEC. 10. That all acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 11. That this act shall take effect at the expiration of 30 days from and after the date of its passage.

Also the following committee amendments were read:

Amend page 2, line 2, by inserting after the comma and before the word "and" the following: "and no license shall be granted for a longer period than one year."

Amend page 4, line 8, by inserting after the word "person" and before the word "may" the following: "or his personal representative or heirs or distributees."

Amend page 4 by striking out all in line 19 after the period which precedes the word "Said," and strike out all of lines 20, 21, 22, 23, and 24 on said page 4, together with all of lines 1 and 2, page 5.

Amend by striking out all of line 24, page 5, and also strike out all of lines 1 and 2, page 6.

Amend page 6, line 8, by inserting after the word "all" the following: "fees."

Amend page 6 by striking out the word "No" at the end of line 21 and also by striking out all of lines 22 and 23, page 6.

Amend page 6, line 25, by inserting after the syllable "-cant" and before the word "shall" the following: "for a license."

Amend page 7, line 1, by striking out the word "reasonable," and further amend said line by striking out the word "and" and inserting in lieu thereof the word "of"; further amend page 7 by striking out the words "one week" in line 5 and inserting in lieu thereof the words "ten days."

Amend page 8, line 18, beginning with the word "or," by striking out the words "or to the business of pawnbrokers."

Mr. JOHNSON of Kentucky. Mr. Chairman, this bill has been prepared by the gentleman from Missouri [Mr. DYER], who practically has charge of it, and I now yield the remainder of my time to him.

Mr. DYER. Mr. Chairman, there has been much effort made by Congress, or rather by the Committees on the District of Columbia of the Senate and the House, for some years to secure the enactment of a law regulating these loan companies. A bill has passed the Senate twice, and once at the special session of this Congress. This Committee on the District of Columbia reported favorably a bill similar to this at the last Congress, but it did not become a law. The people of the District of Columbia, through its citizens' associations and people individually, have come to Congress for a long time and asked for the passage of a law of this kind. There is no law in the District of Columbia now providing for the regulation of loan companies. The law is that 6 per cent is the amount that can be charged for loaning money, with the exception that pawnbrokers are permitted, under a special act of Congress, to charge 3 per cent per month. Many evidences of exorbitant charges have been presented to the committee, and the Committees on the District of Columbia, especially of the House, by the citizens' committee, wherein loan companies have charged exorbitant rates, and I would like to call the attention of the House to one or two instances in order to show the necessity of some law regulating this matter.

Now, Mr. W. H. Baldwin was selected as the chairman of the citizens' committee to wait upon the Committee on the District of Columbia and present facts and figures, showing the exorbitant rates that have been charged by these companies.

Mr. CULLOP. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Indiana?

Mr. DYER. I yield to the gentleman.

Mr. CULLOP. I see that you have a provision in here of 2 per cent a month as a rate of interest.

Mr. DYER. Yes; that is a provision of the bill.

Mr. CULLOP. Do you not think that is rather exorbitant?

Mr. DYER. If the gentleman will examine into the facts and see what has been charged and is being charged now, he will see the necessity of the bill that is now being considered, and the necessity for a license for putting those who loan money under regulation. The license fee under this bill is $500 per annum.

Mr. CULLOP. Are not the people who are most likely to patronize a loan association of this kind the least able to pay the interest, and instead of protecting them you are passing a law to pluck them?

Mr. DYER. I will say to the gentleman in answer to that, that the loan companies, through the chairman of their association in the District of Columbia, prepared an argument in opposition to the bill for the Committee on the District of Columbia. They stated in that argument that there was at the then present time approximately $2,000,000 loaned out in the District of Columbia to people by these various loan companies, and that of this $2,000,000, considerable less than $100,000 was loaned at a monthly rate of 2 per cent; that $200,000 brings an average rate of 2½ per cent; that approximately $200,000 more is loaned at 3 per cent; and that the remaining $1,500,000 is loaned at rates ranging from 5 per cent per month upward. That is from the statement of the committee of these loan companies, which they put in writing and which I have here, showing the exorbitant rates that they had charged, and showing that 2 per cent a month is the minimum which they charge now.

Mr. CULLOP. The purpose of this bill is to protect the people who are compelled to borrow of institutions of this kind, is it not?

Mr. DYER. That is the object and the purpose of it, and a very necessary one.

Mr. CULLOP. Does not the gentleman think that in passing the law we ought to make it a reasonable interest and not an unreasonable charge of this kind? This is one-fourth of the principal sum in a year.

Mr. DYER. I will state to the gentleman that we have examined into the charges and amounts that are permitted to be charged in various cities of this country, and we find that 2 per cent a month is substantially the amount that is permitted by law to be charged by the loan companies. That is the amount that is permitted under the laws of the State of Missouri and a great many other States. I do not know what they permit to

be charged under the laws of Indiana, but that is the rate permitted under the laws of most of the States.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from New York?

Mr. DYER. Certainly.

Mr. MICHAEL E. DRISCOLL. Can the gentleman give an estimate of how many of these loan associations may be created or licensed under this bill if it becomes a law?

Mr. DYER. How many will continue in business?

Mr. MICHAEL E. DRISCOLL. How many will take advantage of this law and qualify under it. Has the gentleman any idea or estimate?

Mr. DYER. I do not know, Mr. Chairman, but I have it here among my papers somewhere. It is said in this statement which the committee representing the loan companies has prepared that there are in Washington now approximately 100 of these loan companies or individuals who are engaged in this business, and I take it that not all of them will qualify under this regulation, because it prescribes 2 per cent as the maximum and that they shall pay a license fee and be under the regulation of the law and the District Commissioners. I do not think all of them will qualify. But I will say to the gentleman that in my opinion the fewer of them that do qualify the better for the people of the city.

Mr. MICHAEL E. DRISCOLL. Suppose they all qualify under this bill if it becomes a law. They would have to pay $500 each?

Mr. DYER. Five hundred dollars license if they engage in this as a business.

Mr. MICHAEL E. DRISCOLL. They would necessarily collect that much more from the people who borrow the money in addition to the ordinary interest and fees?

Mr. DYER. No. Mr. Chairman, this bill provides that 2 per cent a month shall include all the charges, notary fees, commissions, and charges of every conceivable kind.

Mr. MICHAEL E. DRISCOLL. What I mean is this: If the companies were not obliged to pay this heavy tax, could they not afford to loan money at a lower rate of interest, because as the gentleman from Indiana has said, the people who patronize such companies are people who are seriously cramped and can not get good security, and must therefore pay exorbitant rates of interest. In addition to what they pay now, will not these loan associations make the people who borrow of them pay not only what is a reasonable charge for the loan, but also the license fee?

Mr. DYER. They can not under this bill charge anything in addition to the 2 per cent. I am sure they all will charge as much as they are permitted under the law to charge. They are now charging as high as 10 per cent a month.

Mr. MICHAEL E. DRISCOLL. My point is, if you do not make this license fee so high could not these associations afford to do business under a less percentage or smaller percentage as a maximum? Could you not make it less, and let them do business without putting on this heavy tax?

Mr. DYER. I do not think so, Mr. Chairman. I do not think that provision of the bill will have any effect on the amount they would charge, or the amount they could charge.

Mr. MICHAEL E. DRISCOLL. It strikes me that the people who borrow, who are in straightened circumstances, are in the end the ones who must pay everything, and must pay this license tax in addition to such a rate of interest as would satisfy the person who loaned the money.

Mr. DYER. I do not think that would affect the amount. There must be some amount fixed for the license fee. There must be some amount sufficient to enable the District Commissioners, through the proper officials and inspectors, to see to it that this business is properly and legitimately carried on. I do not believe that the amount fixed is exorbitant.

Mr. MICHAEL E. DRISCOLL. Is it a fact that this license fee is only to be enough to pay for the regulation of the business?

Mr. DYER. I do not think it will be any more than sufficient for that, unless a great many of them take out licenses. I do not believe there will be more than a dozen or so who will qualify, because a great many of the companies that are now engaged in the business are charging, as I said before, all the way from 5 to 10 per cent a month, and they will not stay in business and accept 2 per cent. They will go out of business. They are the ones whom we want to have go out. There are some loan companies now in the District of Columbia composed of men of good character and good standing who want to conduct this business as legitimately and properly as it can be conducted; but a great many of these individuals and companies are nothing more nor less than highway robbers, if you will permit that term to be used.

Mr. CULLOP. About how many companies, if the gentleman knows, are now operating in the city of Washington?

Mr. DYER. About 100.

Mr. CULLOP. About what is the amount of their loans per annum?

Mr. DYER. The amount that is loaned out at one time—that is, the amount that is practically on their books now—is $2,000,000.

Mr. CULLOP. The $500 license fee is to them a mere bagatelle, a very small amount, is it not?

Mr. DYER. It is a very small amount for those who do a great deal of business.

Mr. CULLOP. So that would not be an excuse for maintaining the high rate of interest provided for in this bill?

Mr. DYER. No; we do not present that as any excuse. As I stated to the gentleman a minute ago, that is not the reason for imposing this license tax.

Perhaps there are some gentlemen here who do not know what the situation is in regard to this business. Those of us who live in cities are in a position to know more about it. I want to call attention to a few cases that have been prepared——

Mr. FOWLER. Before the gentleman begins upon that part of his presentation I desire to ask if it is the intention to make this bill a criminal act or a civil act?

Mr. DYER. Section 7 of the bill provides for punishment of violations, which, of course, makes it a criminal act.

Mr. FOWLER. But a law providing for the exercise of a police power may be civil and at the same time impose a penalty both of fine and imprisonment. The point I desire to know is whether it is the intention to make this a criminal law or a civil law under the police power?

Mr. DYER. Section 7 provides that a violation of the law shall subject the offender both to fine and imprisonment.

In addition to that, Mr. Chairman, under this bill the District Commissioners have the consideration of charges preferred against these companies for violations of this act, and after proper notice and hearing the license of any company or person violating this law may be revoked.

Mr. FOWLER. As I understand the wording of section 7, its provisions are not criminal, but civil, under the police power. Is that the intention of the bill?

Mr. DYER. I take it that it meets the idea of the gentleman from Illinois, and that that is practically the intention of the bill. It does provide for the punishment of violations by fine, which makes the act a criminal one.

Mr. FOWLER. But before it can be made a crime there must be a declaration in the bill declaring it to be such.

Mr. DYER. If the gentleman has any doubt upon that point, he can present an amendment.

Mr. CULLOP. Mr. Chairman, I would like to ask the gentleman from Missouri a question in regard to section 5. I see that it is provided there that any loan made by him or it shall not exceed 2 per cent a month on the actual amount of the loan, and this charge shall cover all fees, expenses, demands, and services of every character, including notarial and recording fees and charges, except upon the foreclosure of the security.

Now, the latter clause is what I wish to inquire about. What provision have you made for a limit on the charge of the foreclosure?

Mr. DYER. We have put no limit on it, but the laws of the District of Columbia provide what fees can be charged.

Mr. CULLOP. What does the law provide?

Mr. DYER. I do not know what the charge is, but there is some amount limited.

Mr. CULLOP. This being a bill for the purpose of controlling greed, does not the gentleman think that some provision ought to be in this bill which will control them in regard to the charges of foreclosure?

Mr. DYER. I think the gentleman is correct as to that, and I think the amount should be fixed, but I understand it is already fixed by law in the District of Columbia. I have not the reference here to the exact amount, but I would be glad to have the gentleman from Indiana examine it, and if he thinks it is necessary to fix it, the committee will be glad to accept the amendment.

One of the cases that was presented to the committee showing the amount of charges by the loan companies was a case where $120 was borrowed and 12 monthly notes were given, and each of those notes was for the amount of $13. They totaled $163.20, and the interest charged in that case was at the rate of 66 per cent per annum. Now, a number of cases have been cited here which I will put in the RECORD. One where $24 was

borrowed and 10 monthly notes of $4, making a total of $42 to be paid for a loan of $24; in other words, the actual rate was 327 per cent. I have given you one of the lowest per cent cases and also one of the greater. A number of such cases have been presented showing the outrageous charges and the injustice practiced upon the poor people of this city.

Now, Mr. Chairman, I will call attention to the bill itself to show in a few words what its different sections mean.

First, it requires the payment of a license fee of $500 to the District of Columbia by anyone who desires to engage in the business of loaning money where the rate of interest is greater than 6 per cent per annum. There is no law now in the District of Columbia, as I have stated, that will allow that. The greatest interest that can be charged is the legal rate of 6 per cent per annum. This bill provides that any concern or person who engages in the business of loaning money shall not be permitted to charge more than 2 per cent per month and pay this license.

Second. A written application for a license must be filed with the District Commissioners, setting forth certain information which the commissioners should possess. That will prevent the granting of a license to undesirable people or persons who would be prone to violate the provisions of the law.

Third. Each application shall be accompanied by a bond to the District of Columbia, in the penal sum of $5,000, with two or more sufficient sureties, conditioned that the obligor will not violate any law relating to such fees.

Fourth. That every person, firm, voluntary association, joint-stock company, incorporated society, or corporation conducting such business shall keep a register, approved by the commissioners, showing, in English, the amount of money loaned, the date when loaned and when due, and all the circumstances connected with the loan, and that it shall be open to the inspection of the commissioners, their officers and agents, and that every such person, firm, association, and so forth, engaging in such loaning business shall make an annual statement in the form of a trial balance of its books, giving full information in regard to its liabilities and assets.

Fifth. That such licensee shall not charge or receive a greater rate of interest on any sum than 2 per cent per month, and so forth.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. DYER. Certainly.

Mr. LONGWORTH. Is the 2 per cent a month arrived at upon the basis of what different States permit in such cases?

Mr. DYER. We find that some permit a charge of more than that and some less than that. This is an average.

Mr. LONGWORTH. Is it not true that there are a number of States that limit it to 1 per cent?

Mr. DYER. There are.

Mr. LONGWORTH. Would it not be a good idea in this case to go to the lowest point rather than to the average point of what other States permit?

Mr. DYER. I do not think so, Mr. Chairman, in order to secure the enactment of a law that will do what we want it to do.

Mr. KAHN. Will the gentleman yield?

Mr. DYER. Certainly.

Mr. KAHN. Mr. Chairman, in regard to the suggestion made by the gentleman from Ohio [Mr. LONGWORTH], I will state that the 2 per cent proposed in the bill was arrived at by the District Committee after hearing a committee of citizens of the District of Columbia who were interested in the matter. It seems that the law to regulate the business of pawnbroking in the District, where the borrower must put up collateral security, allows a charge of 3 per cent, and it was suggested that 2 per cent would be a proper rate of interest where the lender takes the risk and makes his loan upon no security other than a note.

Mr. LONGWORTH. But I understand there is a provision for collateral here, such as furniture. As a matter of fact, are not these loans as a general rule made upon furniture?

Mr. KAHN. No; not the loans contemplated in this bill. As far as I know the bill proposes to regulate a business which has grown to be a scandal in the District. As the gentleman from Missouri [Mr. DYER] has stated, cases were brought to the attention of the committee where upward of 300 per cent per annum was demanded upon loans. Although it has been suggested, I do not believe these loans are made to the poor people. It is the poor people who put up their furniture or other collateral in the pawnbrokers' offices. I think this business has grown up here by reason of the great number of department employees that live here. The business is carried on for the purpose of getting the department employees to borrow this money, and the rates of interest that have been charged have been exceedingly exorbitant.

Mr. LONGWORTH. I am in entire sympathy with the bill as far as it goes, but I would like to see it go further. Can the gentleman cite cases where these loans have been made on no security other than notes?

Mr. KAHN. I understand that is the general practice. They are not made on any security but notes. Of course, the lender, before he makes the loan, assures himself of the fact that the borrower has a good position, which will enable him in all likelihood to repay the loan from the salary that he receives.

Mr. LONGWORTH. But the bill makes specific provision for the costs of foreclosing.

Mr. KAHN. That is true. I think the gentleman has in mind section 5, page 6, lines 13 and 14.

Mr. LONGWORTH. Yes; "upon the foreclosure of the security." That would seem to indicate that all these loans were made upon security.

Mr. KAHN. The security is the promissory note, I suppose. That is the only security the lender has in most cases of this kind.

Mr. LONGWORTH. Did the committee seriously consider making a rate of interest lower than 2 per cent a month?

Mr. KAHN. I think there was some suggestion of that kind. There is in the city of Washington a public-spirited committee, composed of ladies and gentlemen who have given this matter a great deal of thought and attention. They felt that with the risks that the man in the business takes 2 per cent would be a fair rate of interest and would not be exorbitant. The ladies and gentlemen who appeared before the committee have had a great deal of experience with the masses here in Washington, and it was their opinion that 2 per cent would be the proper rate in this District.

Mr. SHERLEY. Mr. Chairman, will the gentleman from Missouri permit an inquiry?

Mr. DYER. Certainly.

Mr. SHERLEY. Was not this what happened, that you had a rate of 2 per cent for pawnbrokers?

Mr. DYER. Yes.

Mr. SHERLEY. And therefore you did not want to make a lower rate for loans such as are contemplated here. Is not the vice of the whole business in assuming that you ought to have as much as 2 per cent for pawnbrokers?

Mr. DYER. I will say to the gentleman from Kentucky that the rate now permitted to be charged by pawnbrokers under a special act of Congress is 3 per cent a month.

Mr. SHERLEY. It seems to me the mistake is in allowing anything like that sum. You are assuming, in the first place, that this sort of business should go on. Some of it will go on, but that we should offer inducements for it to go on I do not for a moment believe. One per cent a month ought to be enough. I realize that if you make the restriction too tight the law is evaded, but this is 12 per cent a year, and that is twice the legal rate, and the actual risk taken is very little.

Mr. DYER. I will say to the gentleman from Kentucky that a lot of these loans are made, say, for $25 or $50 in amount and are borrowed from 30 days to, say, 2 months. You are not going to find any company, in my judgment, that will go out and make such loans—having first to make an investigation of securities, whether promissory note or collateral or household furniture—you are not going to find a company who will take those loans at 1 per cent a month on a loan for only two months.

Mr. LONGWORTH. I have in mind a very flourishing institution in the city of Cincinnati which makes precisely those loans at 1 per cent a month, and in Washington, where we are endeavoring to enact model laws which would govern other communities, we could well afford in this case to go on a basis which has been proved to pay a reasonable return upon the investment, properly managed.

Mr. DYER. I would like to state to the gentleman from Ohio that perhaps I have in mind the company to which he refers. I think they started out to do business at the rate of 8 per cent per annum, and they found after a while they could not do that——

Mr. LONGWORTH. But they have succeeded in getting along with 1 per cent per month.

Mr. DYER. And now they have come up to 1 per cent a month. I believe the gentleman is one of the originators of that splendid company.

Mr. LONGWORTH. Not directly, but indirectly.

Mr. KAHN. Will the gentleman yield further? The gentleman from Kentucky asked a question which the gentleman from Missouri undertook to answer——

Mr. DYER. The gentleman from California can answer it much better than I can.

Mr. KAHN. I doubt whether I can; but I remember the circumstances well when the committee of ladies and gentlemen appeared before our committee, and they suggested 2 per cent. It was not a suggestion on the part of the House committee at all.

Mr. SHERLEY. I am not reflecting on the committee or its motives, and after all it is immaterial who suggested it; it is a question of whether it is the right amount.

Mr. KAHN. Of course the ladies and gentlemen, as I said a moment ago, had studied this matter very carefully. They were intensely interested, and it seemed that some of their employees had been approached in regard to making loans. In one instance one of the servants of one of these ladies made a small loan and it took——

Mr. SHERLEY. Whenever you make the interest sufficiently attractive, then you not only deal with the number of loans that ought to be made to people who are temporarily embarrassed, but you offer an inducement to companies to go out and seek loans that ought not to be made.

Mr. KAHN. That is the very thing that has been occurring in the District. Of course I have no personal desire to charge any more than 1 per cent. I know that in many cities in this country there are societies that are started by the citizens of the community, the charitable citizens, who do not charge any interest at all to a needy person who can show a good and valid reason why he should get a temporary loan to put him on his feet. But here you have a business condition, and the question is, Can you get people to lend out their money for 1 per cent a month on these loans?

Mr. KENT. Mr. Chairman, I desire to offer a little testimony here in regard to this pawnbrokers' business. A good many years ago in Chicago a lot of people formed a pawners' association. We had legislation passed by the State permitting that sort of business to be incorporated. We started out with adequate capital. We had the right to charge 1½ per cent a month, 1 per cent for the interest and a half per cent for what is called insurance. We had only the right to pay our stockholders 6 per cent dividend.

And we find it so profitable that a large surplus was put up and a charge for insurance was dropped off, and to-day that association is running along and making lots of money at 1 per cent. In fact, it is making more than 6 per cent dividends, not lots of money, and is doing that simply because it has adequate capital and properly looks after its business. The result is that the entire pawnbroking business in California has been reduced to a 1 per cent basis, and we have found that 1 per cent is adequate.

Mr. DYER. I will say to the gentleman from California that my information is that in Chicago the pawnbrokers' charge is as high as 3 per cent, as a general rule.

Mr. KENT. It is not a spirit of philanthropy. It is a very profitable business.

Mr. DYER. There is a case, Mr. Chairman, where this matter was tried out in the State of Rhode Island. The Workingmen's Loan Association was permitted, under the laws of that State, in 1895 to charge a rate of interest not exceeding 1 per cent a month, and they had to go back to the legislature some time later and ask to be permitted to charge 2 per cent a month, and have the law so amended. When they started out they found they could not continue the business at 1 per cent a month. And in the city of New York the Provident Loan Society of that city is permitted under the organic law to charge at the rate of not exceeding 3 per cent per month. So there are a number of cases where this matter has frequently been taken up and properly remedied and proper provision provided for the carrying out of such a law. I have taken a great deal of interest in this question in my own city, and I find that you can not have this rate fixed at less than 2 per cent a month and properly conduct such a business and carry it out——

Mr. FORNES. Does this license provide the right to attach a salary?

Mr. DYER. There is nothing said in this bill as to a salary. It depends on the law.

Mr. JOHNSON of Kentucky. There can not.

Mr. FORNES. So that there can be no burden placed upon the customer because of that.

Mr. JOHNSON of Kentucky. It has not become a law because the Senate has not yet passed it.

Mr. DYER. This bill also provides that on a three days' notice to the licensee a hearing shall be held to determine whether the license shall be revoked, and, if removed, there shall be no license again issued to the licensee. This compels these people to conduct their business properly and not violate the law.

Mr. BURKE of Pennsylvania. You provide in the last portion of section 7 that when such license is revoked the commissioner shall give notice. There is no reference to the time the notice shall be given to the parties affected.

Mr. DYER. Does the gentleman refer to the application for license or when complaint has been made against some one who has been granted the license?

Mr. BURKE of Pennsylvania. You provide that they shall revoke or suspend the license. You further say:

Whenever for any cause such license is revoked said commissioner shall not issue another license, but notice of written complaint or proposed action shall be presented to and reasonable opportunity shall be given said licensee or applicant to be heard in his defense.

To be heard after the revocation has taken place.

Mr. DYER. No; that is below.

Mr. BURKE of Pennsylvania. It ought to be so provided.

Mr. DYER. It means where the complaint has been made. This bill, Mr. Chairman, ought to become a law, and ought to become a law at this Congress.

For a long time such a law has been a great need in this city, and there ought to be protection afforded to borrowers. It will not only provide protection for those who do make loans, but, in my judgment, it will deter a great many people from borrowing money who really do not have to borrow it. Under the present conditions a great many clerks in the Government service go to these money lenders and borrow from them money, because these lenders know they are good; they borrow money for trifling needs, for matters that they could just as well postpone and let go by. We believe that under conditions as they will be, if this bill is enacted—with publicity, with the books open, and reports to be made, and all that—a great many people who now borrow money will refrain from borrowing, and that in itself will work a great deal of benefit to a great many people.

I ask permission, Mr. Chairman, to insert in my remarks a number of cases here of injustice and unreasonable charges prepared by this committee, of which Mr. Baldwin was the president, which committee was composed of some of the best people and best citizens in Washington.

The CHAIRMAN. The gentleman from Missouri [Mr. DYER] asks unanimous consent to extend his remarks by the insertion of some statements. Is there objection?

There was no objection.

The statements are as follows:

A. A woman whose daughter came down with tuberculosis was told by the doctor she must be sent away for this reason at once. She borrowed $100 from a prominent money lender in this city, and besides paying a fee of $1.50 gave 12 monthly notes for $11.70 each, making $140.40. This is equivalent to paying back the $100 in 12 payments of $8.33 a month apart; the rest is interest.

Interest on $8.33 for one month at 6 per cent is $0.04167; at 1 per cent is $0.006945. Time—78 monthly periods × $0.006945 is $0.5417 at 1 per cent. Interest charged, besides fee, $40.40. $\frac{\$40.40}{.5417}$ is 74+ per cent per annum, actual rate charged.

For a woman with a sick daughter! She made eight payments, and then a lawyer helped her out by making a settlement at 6 per cent under threat of prosecution.

B. A young man in a Government bureau had to have $35. He got it from a man who had started in the loaning business recently and gave five monthly notes of $8.95 each—$44.75. This equals 15 monthly payments on one-fifth of the amount borrowed—$7—and the rest is interest.

Interest one month on $7 at 6 per cent, $0.035; at 1 per cent, $0.005833; 15 × $0.005833 = $0.0875, is interest at 1 per cent. $\frac{\$9.75}{.0875}$ is 111+ per cent per annum, rate charged, and in this case actually collected.

C. A man borrowed $140, giving a mortgage and another name as surety, and making 12 monthly notes of $17 each—$204. This is equivalent to paying back $140 at $11.6666 per month; remainder of $64 is interest. Equals 78 monthly periods.

Interest on $11.6666 for one month at 6 per cent is $0.05833; at 1 per cent is $0.009722; 78 × $0.009722 is $0.7583, interest at 1 per cent on all. $\frac{\$64.00}{.7583}$ is 84+ per cent per annum, rate actually paid on a well-secured loan of this size.

D. From another lender a man got $25, paying $1 fee and giving 10 semimonthly notes of $4.20 each, or $42 for the $24 received. This is equivalent to paying back the amount at the rate of $2.40 each half month, and the remainder of $18 is interest and fee.

Interest on $2.40 for one-half month at 6 per cent is $0.006; at 1 per cent is $0.001; 55 periods at $0.001 is $0.055. $\frac{\$18.00}{.055}$ is 327 per cent per annum.

If the $1 fee is left out, calling interest $17, it still equals 309 per cent.

This is the worst I have found yet, but there is no limit. They take all they can get.

Two per cent a month will help these people.

Loans of Washington money lenders.

Amount of money received.	Number of monthly notes.	Each.	Total.	Interest.	Actual rate per cent per annum.
$120.00	12	$13.60	$163.20	$43.20	66.5
25.00	6	5.00	30.00	5.00	68.6
100.00	12	11.70	140.40	40.40	74.6
140.00	12	17.00	204.00	64.00	84.4
35.00	5	8.95	44.75	9.75	111.4
50.00	6	11.40	68.40	18.40	126.2
13.00	[1]	5.00	25.50	12.50	128.2
25.00	9	4.30	38.70	13.70	131.4
50.00	12	7.35	88.20	38.20	141.1
15.00	11	2.65	29.15	14.15	[2] 188.6
24.00	[3] 10	4.20	42.00	18.00	327.0

[1] $5.10 each, three-month periods.
[2] Loan reported by Miss Isabel L. Strong, made about March 17, 1910, the day after the Senate hearing on this bill.
[3] Semimonthly.

Mr. DYER. If there are no further questions, Mr. Chairman, from anybody, I yield back the balance of my time.

Mr. MANN. Does the gentleman yield to me for a question?

Mr. DYER. Yes.

Mr. MANN. Will the gentleman say whether the bill as it is proposed to be amended will, in fact, cover the business of pawnbroking?

Mr. DYER. I would state, Mr. Chairman, that if the gentleman will examine page 8, he will find——

Mr. MANN. I have examined it. I asked the question based on that. If the bill be amended as proposed by striking out on page 8, will it then cover pawnbroking?

Mr. DYER. It was our desire and intention that it should. I have some doubt, however, whether it will or not, and at the proper time I was going to ask the committee not to concur in that amendment because of my doubt whether it would cover pawnbrokers. They are permitted under the law at present to charge 3 per cent. It was the unanimous opinion of the committee that that was too much, and that they should not be allowed to charge more than 2 per cent per month. But in my opinion the proper way to get at that is by amending the pawnbrokers' act.

Mr. MANN. Leaving out of consideration for a moment, then, the question of pawnbrokers, this applies to those who do business of loaning money on what kind of security?

Mr. DYER. On notes and collateral of any kind, as I take it; on furniture, as is done now in some cases; but the bigger part is on notes.

Mr. MANN. Can money be borrowed on furniture without giving a chattel mortgage on it?

Mr. DYER. They do give mortgages now, and I should say they will continue to do so.

Mr. MANN. That would involve the giving of chattel mortgages?

Mr. DYER. I take it, it would.

Mr. MANN. Who pays the expense of the chattel mortgage under this bill?

Mr. DYER. Under this bill the lender of the money pays all the expense.

Mr. MANN. What is the expense of recording a chattel mortgage in the District of Columbia?

Mr. DYER. I do not know what the charge is here, but it is 10 cents in the city of St. Louis.

Mr. MANN. Ten cents for recording a chattel mortgage?

Mr. DYER. They do not actually record them on the books, but they file them in the recorder's office of our city, which is the same thing.

Mr. MANN. The gentleman does not know what the rate is here?

Mr. DYER. No; I do not know what the rate is here.

Mr. MANN. Suppose a man wants to borrow a small sum of money. Such an occasion might arise. I have even known Members of this House to borrow money. [Laughter.] Suppose a man wants to borrow a small sum of money for a month at 2 per cent. Will he be able to get it under this bill at all?

Mr. KENDALL. That is hardly a fair question. [Laughter.]

Mr. MANN. Is it the purpose of this bill to prevent people borrowing small sums of money?

Mr. DYER. I do not suppose the gentleman wants an answer to that question.

Mr. MANN. If a man wants to borrow $25, under this bill he would pay 50 cents and the lender has to pay the cost of the chattel mortgage, which would cost more than 50 cents. Of course it is perfectly plain that the person in such cases would not get the money unless he went to somebody who did it irregularly.

Mr. DYER. My information—the best that I have—is that very few of these chattel mortgages for these loans are ever recorded.

Mr. MANN. What is the security that is ordinarily offered in the District of Columbia by these people who now borrow money from the loan sharks, so called?

Mr. DYER. Notes indorsed by some one whom they consider good. They are the principal security.

Mr. MANN. If a man has a note indorsed by somebody who is considered good, he can borrow money at the bank at 5 or 6 per cent interest.

Mr. DYER. I mean indorsed by somebody considered good by the loan companies. He may be an employee of one of the departments or of some store or factory whom they know they can harass into paying the note if necessary, whereas legally a judgment would not be of any avail.

Mr. MANN. That is what I wanted to get the gentleman's opinion on—whether these people who loan money in the District here, the so-called loan sharks, who, I think, are usually entitled properly to the name, loan money upon the basis of harassing the person who borrows or upon the basis of having any kind of security.

Mr. DYER. I think there is more of the harassing than there is of good security offered. That is my judgment, based not so much upon what I know about the city of Washington as upon what I know about the city from which I come. I presume it is pretty much the same in all cities.

Mr. MANN. In this city there are a very large number of people who draw salaries, probably a much larger proportion than in any other city in the country, who have permanent positions. Now, if the lender has to rely wholly upon the annoyance that he may cause to the borrower by making complaint at the department, does the gentleman think it likely anyone will be able to borrow money for a short period of time at 2 per cent?

Mr. DYER. That is why, when the question was asked whether 2 per cent was not too much, I stated that, considering the short time some loans are made for, we could not very well enact a law that would be of any benefit which provided for less than 2 per cent. I think this will do as much as any law that we can pass, and that the regulation we have made here will give as much protection as possible.

Mr. CANNON. Will the gentleman yield for a question?

Mr. DYER. I will.

Mr. CANNON. I should like to know what is the legal rate of interest in the District of Columbia?

Mr. DYER. Six per cent.

Mr. CANNON. What is the penalty for usury?

Mr. DYER. Under this bill it is the workhouse and a fine.

Mr. CANNON. Not under this bill, but under the law as it is, what is the penalty for usury? Is it loss of interest or loss of interest and principal?

Mr. DYER. I do not know whether it is loss of interest and principal or only loss of interest. In Missouri it is only loss of interest.

Mr. CANNON. I wonder if anybody knows what the penalty is for usury in the District of Columbia—whether it is loss of interest or loss of principal and interest? I really do not know. Now, if there be a penalty for usury, what would the gentleman say to a Chautauqua lecturer who would go out and speak of an act passed by the House of Representatives and by the Senate, and approved by the President, which legalized the rate of interest at 2 per cent a month?

Mr. KAHN. Will the gentleman yield?

Mr. CANNON. Certainly.

Mr. KAHN. Section 1180 of the District Code defines usury as follows:

> If any person or corporation shall contract in the District, verbally, to pay a greater rate of interest than 6 per cent per annum, or shall contract, in writing, to pay a greater rate than 6 per cent per annum, the creditor shall forfeit the whole of the interest so contracted to be received: *Provided*, That nothing in this chapter contained shall be held to repeal or affect the act of Congress approved March 2, 1889, relating to pawnbrokers.

Under that section it would seem that the law simply provides for a forfeiture of the interest.

Mr. CANNON. Even to the loan shark?

Mr. KAHN. I dare say.

Mr. CANNON. If that be true, and it could not be collected, query: Are we not legalizing 2 per cent by this legislation, so that it can be collected?

Mr. MURDOCK. Certainly.

Mr. CANNON. I am quite in harmony with anything that will curb the selfishness of the individual who fattens upon the

necessities of the poor fellow who borrows a little bit of money when it is necessary to sustain life or to keep him from freezing. But I do not know what the future historian of our civilization, should it ever fail, might make out of a law of this kind, legalizing the rate of interest at 2 per cent a month. I know that it would be a fruitful source for a genuine uplifter on the Chautauqua circuit. [Laughter.]

Mr. DYER. I will say that the gentleman from California [Mr. KAHN] has just answered the question of the gentleman from Illinois, to the effect that they can not now charge more than 6 per cent under section 1180 of the Code, and that it is necessary for somebody and for some Congress of the United States to take some action in this matter. I just called the attention of the House, and I call the attention of the gentleman from Illinois to the fact, that there are now practically $2,000,000 loaned out in this city at rates of interest varying from 2 per cent a month to more than 2 per cent, and of this $2,000,000 less than $200,000 is loaned at 2 per cent a month. The balance is loaned at rates varying from 2½ to 3 per cent, up as high as 10 per cent a month.

Mr. KAHN. Yes; and sometimes 30.

Mr. CANNON. If the gentleman will allow me, in this day of protecting the defenseless, has the gentleman considered the propriety of legislation that would provide for an attorney, paid at the expense of the District, who should serve in such cases without fee the poor and defenseless in resisting the collection of 10 per cent a month or 2 per cent a month?

Mr. DYER. Well, Mr. Chairman, there are a great many that do that. I have done it myself in a great many cases, but you will find that a great many people will pay the exorbitant rates before they will allow publicity of the fact.

Mr. KAHN. The gentleman from Missouri has just touched the nub of the entire proposition enunciated by the gentleman from Illinois. The average man who borrows this money at exorbitant rates does not want anybody to know that he is borrowing at that rate. He desires to hide the fact and he does not want any publicity. Therefore he gives no attorney that is employed by the District to enforce the law against usury the data upon which to begin suit. It is his desire to have absolute secrecy. In fact, some of these loan sharks advertise in the newspapers upon that basis. If you look at the advertising pages where they announce the wonderful bargains that they have for lending money, you will notice that fact. Recently one of them advertised "Christmas bargains at 10 per cent a month." I wonder what the charges are when it is not the holiday season—that season of peace on earth, good will toward men. [Laughter.] These men even advertise that they have private rooms and no publicity, so that you can go to their offices without being seen by anybody and without having anybody know that you are borrowing this money. That is the very point that they rely upon—that the borrower is not going to tell anybody who may enforce the usury laws.

Mr. CANNON. Now, if the gentleman from Missouri will allow me, I want to say that, in view of the gentleman's statement, I should be very slow to vote against legislation that would give in point of fact some relief against such practices, but I think this little discussion is of some use, perhaps, to show, if ever justification is needed, why the bill was passed.

Mr. KENDALL. Will the gentleman yield?

Mr. DYER. Yes.

Mr. KENDALL. The gentleman has stated that $2,000,000 is loaned in the District at 2 per cent a month.

Mr. DYER. Two per cent and up.

Mr. KENDALL. I want to inquire whether these loans were negotiated under the provisions read by the gentleman from California from the District Code, or in violation of that provision?

Mr. DYER. All in violation of it.

Mr. KENDALL. Are not the lenders subject to the provisions which the gentleman from California read?

Mr. DYER. They are subject to the provisions of the code.

Mr. KENDALL. And the legal rate of interest in the District of Columbia is 6 per cent?

Mr. DYER. Six per cent.

Mr. KENDALL. The exception applies to pawnbrokers?

Mr. DYER. Yes; they are operating under a special act of Congress.

Mr. KENDALL. What is the limitation put upon pawnbrokers as to the rate of interest?

Mr. DYER. They are permitted to charge not to exceed 3 per cent per month under a special act of Congress of 1889.

Mr. MICHAEL E. DRISCOLL. If the lenders and the borrowers want to keep that secret, how did the gentleman find out there were $2,000,000 loaned under those circumstances?

Mr. DYER. Mr. Chairman, by a provision set out in this bill, that they must make a report to the Commissioners of the District of Columbia setting forth what loans they have made, the amount charged in each case, and what security had been put up.

Mr. MICHAEL E. DRISCOLL. But the gentleman says there are $2,000,000 loaned out now, and yet he says that both the borrower and the lender want to keep it a secret. How did the gentleman find out that fact?

Mr. DYER. We can not find it out to-day, because there is no law that takes charge of this business or protects the public.

Mr. KENDALL. Does this bill that is now pending require the lender to report to some authority the rate of interest for each loan?

Mr. KAHN. The lender must report to the District Commissioners the rate of interest for each loan, and the way we found out how some of these exorbitant loans were made was through the testimony of ladies and gentlemen who appeared before the committee and told us the experiences of their own employees.

Mr. MICHAEL E. DRISCOLL. How did the committee find out the amount of $2,000,000?

Mr. KENDALL. That is the aggregate amount.

Mr. KAHN. Oh, I do not know as to that.

Mr. DYER. Mr. Chairman, as to the $2,000,000, I found that out, I will say to the gentleman, from a statement made in writing and signed by J. E. Leonard, president of the League of Remedial Loan Companies of the District of Columbia. He made a statement in writing, which I have here, which is dated August 10, 1911. He came to see me in reference to this bill. I told him that I preferred to have him make his statement in writing for the benefit of the committee as well as myself. He did so. He took up each section of the bill and discussed it. As to the sections of which he approved, he said "O. K.," and to those of which he did not approve he discussed. In his statement he said what I have just related as to the amount that is loaned out in the District of Columbia by these various one hundred or more loan companies.

Mr. KENDALL. Is Mr. Leonard in the loan business?

Mr. DYER. Yes. He is the president of the League of Remedial Loan Companies, and is the president, I take it, also of some one of these loan companies.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. DYER. I yield to the gentleman.

Mr. MANN. Does the amount of $2,000,000, which the gentleman has stated, include the amount borrowed by Members of the House of Representatives upon a practical hypothecation of their monthly salaries in advance?

Mr. DYER. I do not know whether it includes that or not.

Mr. MANN. The gentleman did not make any investigation as to the number of Members of the House who were compelled to borrow money, hypothecate their salaries, or the amount that is always hypothecated in the Sergeant at Arms' office, or elsewhere?

Mr. DYER. I will say to the gentleman from Illinois that he has been here so much longer than I that he, perhaps, is better able to give us information on that point than I am.

Mr. MANN. I am quite able to give some information on the subject. If the gentleman has not investigated that subject, it is worthy of investigation, just as much as is the one that is now before the House.

Mr. LEVY. Mr. Chairman, will the gentleman permit a question?

Mr. DYER. Yes.

Mr. LEVY. The way this bill is drawn it seems to me it gives a loophole for a charge of much more than 6 per cent in legitimate cases. I should think that people might file a license and charge 24 per cent upon real estate and other things. Is there not a loophole there?

Mr. DYER. To what section does the gentleman refer?

Mr. LEVY. Section 8, page 8.

Mr. DYER. That section says that nothing contained in the act shall be held to apply to the legitimate business of banks, and so forth. They operate now under the provision of law that 6 per cent is the highest rate of interest.

Mr. LEVY. But anybody could file a bond and license and charge on real estate 24 per cent under your rate under this bill.

Mr. DYER. No; I do not think so.

Mr. LEVY. Back taxes are only charged at the rate of 1 per cent a month, 12 per cent a year, and it seems to me 2 per cent is too high.

Mr. DYER. A company that would attempt to do that would not get any business, because there is plenty of money at 6 per cent and 5 per cent on good security and at stated times. I

yield the balance of my time to the gentleman from Connecticut——

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

Be it enacted, etc., That hereafter it shall be unlawful and illegal to engage in the business of loaning money upon which a rate of interest greater than 6 per cent per annum is charged on any security of any kind, direct or collateral, tangible or intangible, without procuring license; and all persons, firms, voluntary associations, joint-stock companies, incorporated societies, and corporations engaged in said business shall pay a license tax of $500 per annum to the District of Columbia. No license shall be granted to any person, firm, or voluntary association unless such person and the members of any such firm or voluntary association shall be bona fide residents of the District of Columbia, and no license shall be granted to any joint-stock company, incorporated society, or corporation unless and until such company, society, or corporation shall, in writing and in due form, to be first approved by and filed with the Commissioners of the District of Columbia, appoint an agent, resident in the District of Columbia, upon whom all judicial and other process or legal notice directed to such company, society, or corporation may be served. And in the case of the death, removal from the District, or any legal disability or disqualification of any such agent, service of such process or notice may be made upon the assessor of the District of Columbia.

The committee amendment was read, as follows:

Amend page 2, line 5, by inserting, after the comma and before the word "and," the following: "And no license shall be granted for a longer period than one year."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 3. That each application shall be accompanied by a bond to the District of Columbia in the penal sum of $5,000, with two or more sufficient sureties, and conditioned that the obligor will not violate any law relating to such business. The execution of any such bond by a fidelity or surety company authorized by the laws of the United States to transact business therein shall be equivalent to the execution thereof by two sureties, and such company, if excepted to, shall justify in the manner required by law of fidelity and surety companies. If any person shall be aggrieved by the misconduct of any such licensed person, firm, voluntary association, joint-stock company, incorporated society, or corporation, or by his, their, or its violation of any law relating to such business, and shall recover a judgment therefor, such person may, after a return unsatisfied either in whole or in part of any execution issued upon such judgment, maintain an action in his own name upon such bond herein required in any court having jurisdiction of the amount claimed. The Commissioners of the District of Columbia shall furnish to anyone applying therefor a certified copy of any such bond filed with them, upon the payment of a fee of 25 cents, and such certified copy shall be prima facie evidence in any court that such bond was duly executed and delivered by the person, firm, voluntary association, joint-stock company, incorporated society, or corporation whose names appear thereon. Said bond shall be renewed and refiled annually in October of each year, or the licensed person, firm, voluntary association, joint stock company, incorporated society, or corporation shall, within 30 days thereafter, cease doing business, and their license shall be revoked by the said commissioners, but said bond until renewed and refiled as aforesaid shall be and remain in full force and effect.

The committee amendments were read, as follows:

Amend page 4, line 12, by inserting after the word "person" and before the word "may" the following: "Or his personal representative or heirs or distributees."

Amend page 4 by striking out all in line 24 after the period which precedes the word "said," and strike out all of line 25, on page 4, together with all of lines 1, 2, 4, 5, and 6, page 5.

The question was taken, and the amendments were agreed to.

The Clerk read as follows:

SEC. 4. That every person, firm, voluntary association, joint-stock company, incorporated society, or corporation conducting such business shall keep a register, approved by said commissioners, showing, in English, the amount of money loaned, the date when loaned and when due, the person to whom loaned, the property or thing named as security for the loan, where the same is located and in whose possession, the amount of interest, all fees, commissions, charges, and renewals charged, under whatever name. Such register shall be open for inspection to the said commissioners, their officers and agents, on every day, except Sundays and legal holidays, between the hours of 9 o'clock in the forenoon and 5 o'clock in the afternoon. Every such person, firm, voluntary association, joint-stock company, incorporated society, or corporation conducting such business shall, on or before the 20th day of January of each year, make to the said commissioners an annual statement in the form of a trial balance of its books on the 31st day of December in each year, specifying the different kinds of its liabilities and the different kinds of its assets, stating the amount of each, together with such other information as may be called for, said statement or report to be published in at least one newspaper of general circulation in the District of Columbia, in such manner as may be directed by the said commissioners.

The committee amendment was read, as follows:

Amend page 6, line 3, by striking out after the word "for," in the beginning of said line, the comma and the remainder of section, comprising lines 4, 5, and 6, and insert a period.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 5. That no such person, firm, voluntary association, joint-stock company, incorporated society, or corporation shall charge or receive a greater rate of interest upon any loan made by him or it than 2 per cent per month on the actual amount of the loan, and this charge shall cover all fees, expenses, demands, and services of every character, including notarial and recording fees and charges, except upon the foreclosure of the security. The foregoing interest shall not be deducted from the principal of loan when same is made. Every such person, firm, voluntary association, joint-stock company, incorporated society, or corporation conducting such business shall furnish the borrower a written, typewritten, or printed statement at the time the loan is made, showing, in English, in clear and distinct terms, the amount of the loan, the date when loaned and when due, the person to whom the loan is made, the name of the lender, the amount of interest charged, and the lender shall give the borrower a plain and complete receipt for all payments made on account of the loan at the time such payments are made. No such loan greater than $300 shall be made to any one person.

The following committee amendments were read:

On page 6, line 12, insert, between the words "of" and "expenses," the word "fees."

Amend, on page 6, line 25, by striking out, after the word "made," the remainder of the section.

The question was taken, and the amendments were agreed to.

Mr. LONGWORTH. Mr. Chairman, I move to amend, in line 10, on page 6, by striking out the word "two" and inserting in lieu thereof the words "one and one-half."

The CHAIRMAN. The Clerk will report the amendment.

Mr. LEVY. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Ohio.

The Clerk read as follows:

Page 6, in line 10, strike out the word "two" and insert in lieu thereof the words "one and one-half."

The CHAIRMAN. The gentleman from New York offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amend by striking out the words "one and one-half" and insert the word "one."

Mr. LONGWORTH. Mr. Chairman, I raise the point of order against the amendment that it is not in order.

The CHAIRMAN. The Chair understood the gentleman from New York to offer it as an amendment to the amendment offered by the gentleman from Ohio, which would be in order.

Mr. LONGWORTH. All right.

Mr. FOWLER. Mr. Chairman, I desire to offer a substitute for the amendment.

The CHAIRMAN. The Clerk will report the substitute.

The Clerk read as follows:

Amend by striking out the word "two" and insert "7 per cent per annum."

Mr. FOWLER. Mr. Chairman, I can not indorse this bill as it stands, and I do not think, Mr. Chairman, that this House can afford to put itself on record by passing a bill with such an exorbitant rate as 24 per cent. I do not think that the people of this country are ready for the United States to indorse the usury which this bill carries in its original form. I believe, Mr. Chairman, that the 6 per cent which is provided by the general statute is all that ought to be collected by any money lender. In the State of Illinois, my own State, the legal rate is 6 per cent. The wisdom of men who have had to deal with these usurious rates has revealed that the helpless and the poor need some kind of substantial protection by the enactment of wise laws, fixing low rates. [Applause.] In ancient times this very same character of men took charge of the sacred places of public worship, the synagogues, and converted them into places of money changing and dove selling. Our Saviour characterized them as thieves, turned their tables over, drove them out, and closed the doors against them. [Applause.]

Shylock exacted the right to take a pound of human flesh to pay for the use of money, and for the United States to indorse such an unreasonable rate as 24 per cent per annum is as much as to say of Shylock that he was right in demanding the pound of flesh. [Applause.] I am not ready, Mr. Chairman, to go into partnership with these usurers [applause], criminals, who hound the people throughout the country, and I do not intend to cast my vote for this bill. I intend to cast it in favor of decency and in favor of the helpless, those who can not protect themselves and must depend upon the law-making power of the country to come to their rescue with a wholesome law.

Mr. Chairman, I think that my substitute, fixing the rate at 7 per cent per annum, is high enough. But I am willing to do the best I can in modifying the bill, and am willing to vote for the best terms which can be obtained as amendments to it. For this reason, Mr. Chairman, I offer this amendment to make the interest 7 per cent per annum, and I trust that it will carry by a vote of this committee.

The CHAIRMAN. The question occurs on the amendment to the amendment offered by the gentleman from New York to the amendment offered by the gentleman from Ohio, which is to strike out the words "one and one-half" and insert "one." The question is on the amendment offered by the gentleman from New York first.

Mr. DYER. Mr. Chairman, in answer to the remarks of the gentleman from Illinois, and the other amendments offered, I ask leave to read to the House one paragraph or statement that has been prepared by citizens' committees of the District of Columbia, which association comprises the charitable associations and city associations and all of those which were interested in

this bill. I call your attention to what they say in their report. They say:

While it is quite clear and the contention is certainly just that those who are engaged in the business of loaning small sums of money for short periods to persons having no real estate and offering only personal property as security are entitled to a higher rate of interest for the loans than is provided by existing law in the District of Columbia, yet after careful consideration of all the circumstances surrounding this business and of the laws of other States licensing and governing the same your committee feels confident that the 2 per cent rate provided for by the proposed bill will give a fair return for the money invested and the effort expended by those who are engaged in this business in the District of Columbia.

I call your attention to that, Mr. Chairman and the committee, because I believe it is necessary that we leave this rate of interest as it is in this bill. If we want to control this business and regulate it and if we desire to pass a bill that will be of some benefit to the citizens, let us pass one that will take care of the situation in general.

Mr. FOWLER. I desire to ask the gentleman a question, namely, if it is desirable to regulate this business could it not be reached more successfully by making a violation of the general statute criminal and attaching a severe penalty therefor.

Mr. DYER. You can provide penalties for a violation of law, but unless there is some way to find out about it you can not accomplish the result. As it has been stated upon this floor, the men who borrow and the men who loan money do not want publicity. I know that in the city of St. Louis it is difficult to get information concerning this business, because there is no one you can find who wants to give information.

Mr. FOWLER. Does not the gentleman think that the money lenders would continue to lend their money at 6 per cent if the general law were made penal?

Mr. DYER. Oh, this applies only to loan companies. Six per cent is the legal rate, and no one of these loan companies charges 6 per cent. It is all from 2 per cent per month up to 10 per cent, and even 30 per cent, and generally as high as they can get.

Mr. FOWLER. Are they not buying securities that yield not more than 2 and 2½ per cent and investing their money in that way?

Mr. DYER. I do not understand the gentleman's question.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GRAHAM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GRAHAM. Is not the pending question on the substitute offered by the gentleman from Illinois [Mr. FOWLER] for the amendment and the proposed amendment thereto?

The CHAIRMAN. The substitute can not be voted on until after the amendment to the amendment has been voted on. The rule is first to correct the text of the section.

Mr. LONGWORTH. Mr. Chairman, personally I should be glad to vote for an amendment making this interest rate as low as 1 per cent, because, as I have already said, I know of an institution which conducts business of this character at the limit of 1 per cent. However, I realize that the Committee on the District of Columbia and the gentleman from Missouri [Mr. DYER] have gone into this matter with great care. I realize also the difficulty of being able to control this sort of a business if the rate is made too low. It is for that reason that I have offered an amendment making the limit, under this bill, 1½ per cent, and I trust it may be adopted.

Mr. TURNBULL. Does the gentleman from Ohio think that the people conducting these companies would come forward and pay a license fee of $500 to carry on the business at that rate?

Mr. LONGWORTH. I did not catch the gentleman's question.

Mr. TURNBULL. I say, does the gentleman from Ohio think that the people who operate these companies would come forward and pay a license fee of $500 in order to carry on the business at the rate he mentions?

Mr. LONGWORTH. I think the license fee would be paid and the business would be satisfactorily arranged.

Mr. NORRIS. Mr. Chairman, I believe that all of us are in favor of passing a bill that would be practicable and enforceable. I believe we all realize that loans of the kind specified in this bill are, as a rule, entitled to a larger rate of interest than the ordinary loan that is made. But I am surprised that my friend from Missouri [Mr. DYER] and my friend from Ohio [Mr. LONGWORTH] should argue that this bill can be enforced if the rate is fixed at 2 per cent a month, and that it can be enforced if the rate is fixed at 1½ per cent a month, but can not be enforced if it is fixed at 1 per cent a month. I desire to vote for and support the amendment to the amendment offered by the gentleman from New York [Mr. LEVY]. It seems to me that the rate of 1 per cent a month—that is, 12 per cent per annum—is large enough; that any rate larger than that ought to be prohibited. I think that if it prevents people from making loans at that rate it would be a good thing. No man ought to loan at a greater rate; no one ought to be allowed to charge a greater rate than 1 per cent per month, or 12 per cent per annum; and it seems to me that an untenable position is taken when the gentleman from Missouri [Mr. DYER] says if you will fix the rate at 2 per cent the law will be enforced, but it can not be enforced if you cut it down to 1½ per cent, and when the gentleman from Ohio [Mr. LONGWORTH] says we will enforce it if it is 1½ per cent, but that we can not enforce it if it is 1 per cent.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Nebraska yield to the gentleman from Ohio?

Mr. NORRIS. Certainly.

Mr. LONGWORTH. I want to call the gentleman's attention to the fact that I made no such statement. I simply said that I realized that the gentleman from Missouri [Mr. DYER] and the members of the Committee on the District of Columbia had given more attention to this bill than I, and that while I would personally prefer 1 per cent, I would yield to their opinion.

Mr. NORRIS. And the members of the Committee on the District of Columbia and those who follow them say we must allow 2 per cent in order to enforce it. So that the gentleman destroys his own argument; and if his reference is good, it is sufficient to defeat his own amendment.

Mr. LONGWORTH. Thank you.

Mr. NORRIS. The gentleman is entirely welcome. [Laughter.] I assure him I do not charge him anything for the information. But 12 per cent per annum, Mr. Chairman, is an exorbitant rate. I believe if you go over the different States of the Union you will seldom find that the rate of interest is allowed at that rate. Even a lower rate is made illegal, and therefore I think we ought to adopt the amendment of the gentleman from New York [Mr. LEVY] and cut this down to 1 per cent instead of 1½ per cent or 2 per cent a month.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Nebraska yield to the gentleman from California?

Mr. NORRIS. With pleasure.

Mr. KAHN. Mr. Chairman, by cutting down the rate of interest, as has been proposed, there is danger of defeating the purpose of the legislation.

Mr. KENDALL. Why?

Mr. KAHN. In the first place, it is only a short distance across the Aqueduct Bridge to the Virginia side, and these people can open offices over there and do their business at the same old rate of interest that they have been charging in the District of Columbia.

Mr. NORRIS. Will the gentleman yield there? Does not the bill provide that they must be bona fide residents and have offices in the District of Columbia?

Mr. KAHN. Yes; but they do not want the bill at all; and if they go across the river they will not do business in the District of Columbia.

Mr. NORRIS. We can easily provide that they shall not do business in the District of Columbia.

Mr. KAHN. But they can do business in Virginia, and the evil we aim to correct will still exist. You can not keep them from going into an adjoining State.

Mr. KENDALL. Is there no limitation upon the rate of interest in Virginia?

Mr. KAHN. I do not think there is any.

Mr. GARNER. How could the lender enforce the security if he resided in Virginia and the security was in the District of Columbia?

Mr. KAHN. I say that the reduction of the interest rate to a small amount will defeat the purpose of the bill, because the people whose business we are now trying to regulate will leave the District of Columbia and will go into an adjoining State and do business there and will still charge the unconscionable rates of interest that they are now charging here in the District of Columbia.

Mr. NORRIS. Will the gentleman yield?

Mr. KAHN. In one moment I will. The ladies and gentlemen who appeared before the Committee on the District of Columbia in relation to this matter have for a long time taken an active interest in the welfare of the people who borrow money here. Of course if a person goes to a bank and gives proper security or is known there, he can borrow money at 6 per cent. We all know that; but this bill is intended to cover cases where borrowers have no security to speak of, where they desire small amounts for a limited period of time. Now I will yield to the gentleman from Nebraska.

Mr. NORRIS. I wanted to ask the gentleman from California, in reference to his argument that these money lenders

would go over into Virginia and make loans from there, if it is not true that if they go to Virginia and establish offices there they will have to come to the District of Columbia to collect the loans which they make?

Mr. KAHN. Not necessarily.

Mr. NORRIS. They will, unless the borrower voluntarily goes across into Virginia.

Mr. KAHN. The borrower in most instances does voluntarily pay. These money lenders do not lose all the money that they loan. The borrower usually pays back, but there is a percentage of loss.

Mr. NORRIS. If they went across the bridge into Virginia, and the rate was still left at 2 per cent, would they not do the same business then that they do now?

Mr. KAHN. If you leave a reasonable rate for them there will be no occasion for them to leave the District.

Mr. NORRIS. Does the gentleman think 24 per cent per annum is a reasonable rate?

Mr. KAHN. I have no opinion in the matter myself, but I am taking the judgment and opinion of residents of this District who have given this matter a great deal of attention, and who say that in order to give these people a chance to do business along legitimate lines, 2 per cent a month is a fair rate of interest. That is all I know about it.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. KAHN. I ask unanimous consent that I may have three minutes more.

The CHAIRMAN. The gentleman from California asks unanimous consent that his time be extended three minutes. Is there objection?

There was no objection.

Mr. McLAUGHLIN. Will the gentleman yield for a question?

Mr. KAHN. Certainly.

Mr. McLAUGHLIN. The gentleman says that the purpose of this bill is to regulate the business of lending and borrowing small sums of money upon personal property. Where in the bill is there any mention of the amount of money to which these loans are limited, and where is there anything in the bill that limits the security to personal property? As the bill stands, would not it permit anyone to procure a license and pay the fee and engage in the regular business of lending money, any amount of money, upon real estate or other security, for any length of time?

Mr. KAHN. I do not think that the gentleman's contention would prevail. My impression is that the borrower of large sums would go to a bank or to a loan association or some institution that charges only 6 per cent. The people who first called the committee's attention to the iniquitous practice that exists here stated that the result of their investigation disclosed the fact that it was invariably small sums of money on which large rates were asked—$25 up to $50 at the maximum.

Mr. McLAUGHLIN. That may be true, but is there anything in the bill that would prevent anyone paying the fee and obtaining a license and then charging 2 per cent a month upon the loan of a large sum?

Mr. KAHN. The lender could not do any business, because on good real estate security the borrower can go to a bank and get all the money he wants, within probably 60 per cent of the value of that real estate, for 6 per cent.

Mr. PAYNE. Will the gentleman yield to me?

Mr. KAHN. Certainly.

Mr. PAYNE. I was told when the bill was last before the House, by one of these gentlemen engaged in the business, that they were anxious to have the bill passed in the shape it was, because if it was enacted into law they would charge the additional interest upon the second trustee, or upon second mortgages, I should call it, and there was nothing to prevent it. That was the gentleman's idea of it, and he was engaged in the business.

Mr. KAHN. The chances are ninety-nine in one hundred where a man has real property upon which he wishes to borrow money that he will go to a bank or some legitimate financial institution and get his loan at the prevailing rate of interest.

Mr. PAYNE. He will unless he is already mortgaged up to nearly the value of his property. Then, in a hard pinch he will mortgage his real estate a second time and pay the extra interest.

Mr. KAHN. Well, if he gets into that condition and a lender is willing to take the extraordinary risk of lending money upon property that has little or no value, then he is entitled to more interest than 6 per cent.

Mr. PAYNE. I do not see the philanthropy of that; you are giving the loan shark a chance to get his real estate.

Mr. O'SHAUNESSY. Mr. Chairman, I favor the passage of this bill as reported from the committee. I think 2 per cent per month is not an exorbitant rate of interest. The committee made a thorough investigation into the subject, and I should feel desperately ashamed to advocate 2 per cent a month if I felt convinced that any institution or any organization loaning money upon slender security could thrive at 1 per cent a month. I am not advocating usury under any form. I would like to banish it forever if I could. I would like to exterminate the thing if possible. But we have to take cognizance of the fact that there are people in need of money who can not get loans from banks, from building or loan associations, and whose security is of the poorest kind. They have only their salaries to recommend them to the favor of the people who loan money. They have only the slight and precarious tenure of their wage-making capacity to indorse their applications for financial aid.

I want to say that when we consider that as much as 100 per cent a month has been paid by these desperate people to conscienceless lenders of money, then we ought to feel very grateful if, perchance, this legislation shall succeed and we may limit it to 24 per cent a year, and thus be making great strides in advance for humanitarian causes.

Mr. TURNBULL. Will the gentleman yield?

Mr. O'SHAUNESSY. Certainly.

Mr. TURNBULL. If I understand this bill, it does not make any difference how much the usurious charge is if you pay the license fee. If 2 per cent is correct, why make them pay a license to the city and not make those pay a license who charge 6 per cent?

Mr. O'SHAUNESSY. That charge 6 per cent a year?

Mr. TURNBULL. Six per cent a year, and they do not pay any license. Certain corporations under this bill do not pay any license. If it is right to let these people charge 2 per cent a month, why is it that you make them pay a license of $500?

Mr. O'SHAUNESSY. Mr. Chairman, I am not opposed to these other associations paying a license, but we are dealing with a particular subject and a particular class of people, and we are endeavoring to remedy an outrageous condition by affording some measure of relief to people who have been ground under a tyrannical system of money lending.

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

Mr. O'SHAUNESSY. Yes.

Mr. FOWLER. If this bill becomes a law, will it not practically fix the rate of interest in the District of Columbia at 24 per cent, whereas in other parts of the country it will be 6 per cent?

Mr. O'SHAUNESSY. No. I think the gentleman is misinformed. I know, for instance, in my State the conditions there became so unbearable that agitation resulted in the passage of a 2 per cent a month law on security of this kind. I believe the money lenders were charging in some instances as high as 500 per cent a year.

Mr. FOWLER. Was that law passed by the State or by Congress?

Mr. O'SHAUNESSY. By the State.

Mr. FOWLER. I am talking about the legal rate of interest permitted by the United States, which is 6 per cent.

Mr. O'SHAUNESSY. Yes. We are legislating here as a legislature for the District of Columbia, the same as the Rhode Island Legislature would legislate for the State of Rhode Island or any other legislature would for any other State.

Mr. FOWLER. But will it not practically fix the rate of interest in the District of Columbia at 24 per cent?

Mr. O'SHAUNESSY. I do not think so, because if you have good security, as has been said by some other Member on this floor, you can take that security to a bank and get the loan for 6 per cent.

In answer to the gentleman who proposed a rate of 1½ per cent, and more particularly in answer to the gentleman who proposed a rate of 1 per cent, I will say I wish we had facts and circumstances to justify us in the belief that these companies could do business at that rate of interest, because, if they could, I should for one vote in a moment to reduce it to 1 per cent. I have in my possession some information gathered from another investigation. It is in the shape of a letter from the St. Bartholomew's Loan Association in the city of New York, which is a philanthropic association doing church and charitable work. I will read it:

ST. BARTHOLOMEW'S LOAN ASSOCIATION,
217 EAST FORTY-SECOND STREET,
New York, March 11, 1910.

Mr. W. N. FINLEY,
9 East Lexington Street, Baltimore, Md.

DEAR Mr. FINLEY: In reply to the inquiry from Mr. A. H. Hamm, of the Russell Sage Foundation, as to the possibility of a chattel loan society being able to run at an interest charge of 1 per cent per month,

without any other charges whatsoever for examination of security and other services, I submit the following statement, drawn from our own experience:

You will note that our charge was 1 per cent per month, and a fee of $1 on loans of $50 or less; $2 on more than $50. The gross return on this basis was sufficient only to cover the cost of operation, leaving nothing for dividends or for losses incident to the business, which averaged $300 per year, despite the fact that we have free quarters in the parish house and no expense for light, heat, or telephone services. We have made two attempts to run at this rate and have proved conclusively that the lowest possible rate upon which we can operate is 1½ per cent per month, with the fee previously mentioned. We are now operating at this rate and do not expect to be able to reduce it.

Statement.

Capital stock		$40,275.00
Interest at 1 per cent per month		402.75
Fees, maximum		100.00
		502.75
Salaries	$425.00	
Other expenses	75.00	
		500.00
Monthly balance		2.75

Yours, truly,

JAMES R. FERGUSON, *Manager.*

I think that that furnishes as conclusive proof as we can get relative to the question of the operating cost of these institutions, and under the circumstances I favor the bill as reported by the committee. I trust, if it passes, that it may be enforced, and I trust that some lashings will be administered to these leeches of finance who fatten upon the misery and degradation of humanity. It is an outrage that a man in need and in sorrow and distress, trying to alleviate his temporary want, should fall into the hands of men who, without any consideration for his condition and with hardened consciences, charge him with the utmost complacency "as much as the traffic will bear." My only hope is that we may be able to bring relief to respectable people—because the most of them who apply for relief of this kind are respectable people. I believe statistics gathered by some of the investigators in the city of New York revealed the fact that most of the applicants for relief of this character came from men of families—75 per cent—struggling along with their burdens under wages not sufficient to maintain a home; and at the first sign of distress or any unusual happening in the budget of family expense they are driven to these money lenders for relief. I can only again express the hope that this law, if passed, will be strictly and rigidly enforced in the District of Columbia. [Applause.]

Mr. CULLOP. Mr. Chairman, I am in favor of the amendment of the gentleman from New York [Mr. LEVY]. If that does not prevail, I hope the bill will be defeated altogether. It seems to me that the arguments that have been made in favor of this bill passing with this high rate of interest are futile and not effective.

The argument is that you can not enforce the law. If a few money sharks in the city of Washington are bigger than the United States Government it is time to close the doors. [Applause.] Has it come to pass in the American Congress that a few money lenders in Washington City can dictate the rate of interest which Congress shall enact into law? If the American Government is not big enough and great enough to enforce its laws through its civil officers it ought to call upon a greater power to do it. Shall the American Congress pass a law authorizing money lenders to charge 24 per cent, one-fifth of the amount? If it does, it would be a humiliating act and reflect upon American courage and American intelligence. One-fourth of the amount loaned is proposed to be charged here as a rate of interest, extorting it from the people who are least able to bear it. The next proposition is from the gentleman from California that these money lenders will move over into the State of Virginia and carry on their nefarious business there. I am reliably informed that the State of Virginia has a law now which it is able to enforce against just such practices as these, and if the United States Government can not enforce a law of Congress the State of Virginia is able to enforce the law on that subject that it has upon the statute books and prevent the evil complained of. They would have to come to the city of Washington if operating in Virginia to collect their debts, and in that way the people of the District of Columbia could take advantage of their acts. It has been said that it is necessary to enact this bill as reported in order to keep down the charge of 100 per cent which is now extorted in some cases. May it be said that no man is compelled now under any law of this country to pay 100 per cent interest? The courts were created for the protection of the oppressed and the weak, to restrain the strong. In such a case the citizen can go into the court of any State in the Union and prohibit the collection of any such usurious charge as that.

Mr. O'SHAUNESSY. Will the gentleman yield?

Mr. CULLOP. Yes.

Mr. O'SHAUNESSY. Does the gentleman recognize the diffidence of the borrower to go into court and expose his helplessness?

Mr. CULLOP. Certainly I do, but if we can succeed in passing this law we can pass another that will remedy the evil. It will be easy to remedy. Simply because we should not pass this law does not mean that these helpless people will be left in the clutches of these Shylocks, but another law may be passed for their relief. Complaints may be made; there are many ways by which they can avoid such unreasonable practices as these. Again it has been said that the license fee now proposed in this bill is such that we therefore ought to enact this measure upon the question of interest at 24 per cent. That is unsound; the license fee is a mere bagatelle. It can form no excuse or basis for any such legislation as this. The mere paltry sum of $500 a year license to operate this business furnishes no excuse for passing a law allowing a money lender to charge 24 per cent. It is a mere incident and should not control our action.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DYER. Mr. Chairman, I desire to move that all debate on this section and all amendments thereto be closed in five minutes.

The CHAIRMAN. The gentleman from Missouri moves that all debate on this section and all amendments thereto be closed in five minutes.

Mr. FOWLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FOWLER. Does that mean that all subsequent amendments are to be shut off from this bill or this section of the bill?

The CHAIRMAN. Only debate will be closed.

Mr. FOWLER. On the pending amendments and not on amendments which may be offered hereafter?

The CHAIRMAN. And any other amendments offered to this section of the bill.

Mr. FOWLER. Mr. Chairman, I do not think that the House ought to be shut off—— [Cries of "Vote!"]

The CHAIRMAN. The Chair will state that this is not debatable.

The question was taken, and the motion was agreed to.

Mr. CRUMPACKER. Mr. Chairman, I have listened with some interest to the discussion of this bill, and I have reached the conclusion that the bill ought to be beaten. The object of the bill is to protect people against extortionate practices by pawnbrokers and loan sharks on temporary or emergency loans, and it is true that if the rate of interest is fixed at too low a standard that people without resources or credit will be absolutely unable to procure a small loan in times of emergency or urgency. Men may come to the capital city to attend an inauguration or banquet or similar functions, and may fall in with a class of fellow citizens and stray away into convivial habits, and in a day or two may be stranded, and a loan of $5 or $10 or $25 under conditions like that may be a matter of great importance, considering the circumstances.

Mr. PAYNE. He may want to continue his conviviality and get $5 or $10 more.

Mr. CRUMPACKER. He may have a watch or a diamond ring, or something of that kind, and he may want the money for a short period. What loan would he get if he was required to make the contract and the loaner of the money is required to make the record and publicity of a transaction that involves only an aggregate return of 10 cents? When you fix the rates unduly low, you deny the borrowers of small sums the power to borrow to meet emergencies. You can not make a law to compel a man to loan $5 or $10 at 7 per cent.

Mr. NORRIS. I was going to ask the gentleman if 1 per cent would prohibit a loan because it is only 10 cents, then 2 per cent would prohibit it because it would only be 20 cents. Would it not be a good thing to prohibit all these things entirely?

Mr. CRUMPACKER. Perhaps the gentleman has never been in a position where he appreciated the urgent need of a loan for $5 or $10 temporarily.

Mr. NORRIS. I never had any diamond ring.

Mr. DODDS. If the rate be placed at 1 per cent, and if that be sufficient, why not place it at 1 per cent and add a provision that the aggregate of interest to be charged in any case need not be less than the specified sum.

Mr. CRUMPACKER. I have a suggestion I want to make to the committee. I think the committee did wrong in striking out the limitation of $300. I think this bill ought to be referred to the committee with the instruction to report a graduated bill as to the amount of time.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. LEVY] to the amendment offered by the gentleman from Ohio [Mr. LONGWORTH].

The question was taken, and the Chair announced that the noes seemed to have it.

On demand for a division the committee divided; and there were—ayes 53, noes 13.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Illinois [Mr. FOWLER].

Mr. DYER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DYER. Does not the question now occur on the amendment of the gentleman from Ohio [Mr. LONGWORTH]?

The CHAIRMAN. The Chair thinks not. The Chair thinks it is now in order to vote on the substitute offered for that amendment by the gentleman from Illinois [Mr. FOWLER]. The Clerk will report the substitute.

The Clerk read as follows:

Amend page 6, section 5, line 10, by striking out the word "two" and inserting in lieu thereof "7 per cent per annum."

The CHAIRMAN. The question is on agreeing to the substitute of the gentleman from Illinois.

The question was taken, and the substitute was rejected.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Ohio [Mr. LONGWORTH] as amended.

The question was taken, and the amendment was rejected.

Mr. CULLOP. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

Mr. CULLOP. The amendment is as follows: Line 14, after the word "security," strike out the period and insert a comma and insert the following: "which charges shall not exceed 10 per cent of the amount found due."

The CHAIRMAN. The gentleman will send up his amendment to the Clerk's desk. The Clerk will report the amendment offered by the gentleman from Indiana [Mr. CULLOP.]

The Clerk read as follows:

Amend page 6, line 14, by striking out the period and inserting a comma and the words "which charges shall not exceed 10 per cent of the amount due."

Mr. CULLOP. After the word "security" strike out——

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana.

Mr. MANN. Mr. Chairman, I ask for order and ask that the amendment be reported again, so that we can understand it.

The CHAIRMAN. The committee will be in order, and the Clerk will report the amendment.

The Clerk read as follows:

Amend page 6, line 14, by striking out, after the word "security," the period and inserting a comma and the words "which charges shall not exceed 10 per cent of the amount due."

Mr. CULLOP. Mr. Chairman——

The CHAIRMAN. Debate is not in order.

Mr. MANN. That language will not make sense.

The CHAIRMAN. All debate on this section and the amendments thereto is closed. The question is on agreeing to the amendment offered by the gentleman from Indiana.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. CULLOP. A division, Mr. Chairman.

The committee divided; and there were—ayes 4, noes 20.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read the next committee amendment.

Mr. HAMILTON of West Virginia. Mr. Chairman, I ask unanimous consent to go back to section 1, for the purpose of offering an amendment to that section.

The CHAIRMAN. The gentleman from West Virginia [Mr. HAMILTON] asks unanimous consent to recur to section 1 for the purpose of offering an amendment. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Chairman, I would like to ask the gentleman to have his amendment reported.

Mr. HAMILTON of West Virginia. It is this: After the word "engage," on line 3, page 1, insert the words "in the District of Columbia."

Mr. MANN. What is the purpose of that amendment?

Mr. HAMILTON of West Virginia. As I understand this bill, it would apply to the whole country unless that phrase were put in.

Mr. DYER. The committee will accept that.

The CHAIRMAN. The amendment can not be accepted under the objection of the gentleman from Illinois.

Mr. MANN. I did not make an objection. I only reserved the right to object.

The CHAIRMAN. Without objection, then, we will recur to section 1 and the gentleman from West Virginia [Mr. HAMILTON] will offer his amendment. The Clerk will report the amendment.

The Clerk read as follows:

Amend page 1, line 3, after the word "engage," by inserting the words "in the District of Columbia."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from West Virginia.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read the next committee amendment.

Mr. SHERWOOD. Pending that, Mr. Chairman, I desire to ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Ohio [Mr. SHERWOOD] asks unanimous consent to extend and revise his remarks in the RECORD. Is there objection?

Mr. MANN. Mr. Chairman, I doubt very much whether the Committee of the Whole House on the state of the Union has authority to grant to the gentleman the right to extend remarks delivered in the House. We are now in committee. I do not think the committee has the right to permit the gentleman to extend his remarks delivered in the House. That is what I understand him to desire to do. Of course, I have no objection to the gentleman making his request in the House.

Mr. SHERWOOD. Then, Mr. Chairman, I withdraw my request.

The CHAIRMAN. The gentleman from Ohio [Mr. SHERWOOD] withdraws his request. The Clerk will read the committee amendment to the next section.

The Clerk read as follows:

On line 25, page 6, after the word "made," strike out the words "no such loan greater than $300 shall be made to any one person."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 6. That complaints against any licensee or applicant shall be made in writing to the said commissioners, and reasonable notice thereof and not less than three days shall be given to said licensee or applicant by serving upon him a concise statement of the facts constituting the complaint, and a hearing shall be had before the said commissioners within one week from the date of the filing of the complaint, and no adjournment shall be taken for longer than one week. A daily calendar shall be kept of all hearings by the said commissioners, which shall be posted in a conspicuous place in their public office for at least three days before the date of such hearings. The said commissioners shall render their decision within eight days from the time the matter is finally submitted to them. Said commissioners shall keep a record of all such complaints and hearings, and may refuse to issue and shall suspend or revoke any license for any good cause shown, within the meaning and purpose of this act; and when it is shown to their satisfaction, whether as a result of a written complaint as aforesaid or otherwise, that any licensee or applicant under this act, either before or after conviction, is guilty of any conduct in violation of this or any law relating to such business it shall be the duty of the said commissioners to suspend, revoke, or reject the license of such licensee or applicant, but notice of the written complaint or proposed action shall be presented to and reasonable opportunity shall be given said licensee or applicant to be heard in his defense. Whenever for any cause such license is revoked, said commissioners shall not issue another license to said licensee until the expiration of at least one year from the date of revocation of such license, and not at all if such licensee shall have been convicted of a violation of this act under the provisions of the following section thereof.

The CHAIRMAN. The Clerk will report the first committee amendment to this section.

The Clerk read as follows:

Amend page 7, line 4, by inserting after the word "applicant" the words "for a license."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 7, line 5, strike out after the word "and" the word "reasonable."

The committee amendment was agreed to.

The Clerk read as follows:

Page 7, line 5, after the word "thereof," strike out the word "and" and insert the word "of."

The committee amendment was agreed to.

Mr. FOWLER. Mr. Chairman, that leaves two of's together in the same line with no comma between them.

The CHAIRMAN. The Chair will state to the gentleman that there is a comma in the printed bill.

Mr. FOWLER. There is none in the copy that I have.

The CHAIRMAN. The Chair will call the attention of the gentleman from Missouri [Mr. DYER] in charge of the bill to the statement of the gentleman from Illinois [Mr. FOWLER].

Mr. DYER. I ask unanimous consent that a comma be inserted after the word "thereof."

The CHAIRMAN. The gentleman from Missouri, in charge of the bill, asks unanimous consent that in line 5, page 7, after the word "thereof," a comma be inserted. Is there objection?

Mr. FOWLER. Mr. Chairman, that is not the point I make. The amendment as read by the Clerk was to strike out the word "and" and insert in lieu thereof the word "of." There is already a word "of" in the printed bill, and that would leave two of's together.

Mr. DYER. The word "of," which appears in the printed bill is in italics, which simply indicates that it is not a part of the original bill, which is proposed as an amendment, and it is that word "of" which appears in italics which it is proposed to insert in the bill.

The CHAIRMAN. The Chair will state to the gentleman from Illinois that if he has an amendment to perfect the text he can offer it.

Mr. DYER. There is one more committee amendment.

The Clerk read as follows:

Page 7, line 9, after the word "within," strike out the words "one week" and insert in lieu thereof the words "10 days."

The committee amendment was agreed to.

Mr. BURKE of Pennsylvania. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report. Does the Chair understand it is a committee amendment?

Mr. BURKE of Pennsylvania. No; it is an independent amendment.

The Clerk read as follows:

On page 7, line 25, after the word "suspend," insert the word "or." On page 8, line 1, strike out "or reject," and on page 8, line 1, after the word "or," insert the words "reject the petition of the."

Mr. BURKE of Pennsylvania. Mr. Chairman, the purpose of the amendment is manifest to anyone who has a copy of the bill before him.

Mr. MICHAEL E. DRISCOLL. I should like to have the paragraph read as it will read if amended.

Mr. BURKE of Pennsylvania. I will read it. The provision now is that the Commissioners of the District of Columbia shall, under certain conditions, suspend, revoke, or reject the license of such licensee or applicant. Now, it is utterly impossible to suspend the license of an applicant, for the reason that he has no license. It is equally impossible to revoke the license of an applicant, because he is not possessed of one. The amendment simply inserts the word "or" between the words "suspend" and "revoke," strikes out the words "or reject" on page 8, and inserts the words "or reject the petition of the," so that that portion of the paragraph will read as follows:

It shall be the duty of the said commissioners to suspend or revoke the license of such licensee or reject the petition of such applicant.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was agreed to.

Mr. TURNBULL. Mr. Chairman, I ask unanimous consent to return to section 1 for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to return to section 1 for the purpose of offering an amendment. Is there objection.

Mr. MANN. Reserving the right to object, let us hear what the amendment is.

Mr. TURNBULL. The amendment is, on page 2, line 1, to strike out the word "five" and insert the word "one," so as to make the license fee $100 per annum.

Mr. MANN. I think, Mr. Chairman, I shall have to object to that.

The CHAIRMAN. The gentleman from Illinois objects, and the Clerk will read.

The Clerk read as follows:

SEC. 7. That any violation of this act shall be punished by a fine of not less than $25 and not greater than $200, or by imprisonment in the jail or workhouse of the District of Columbia for not less than 5 nor more than 30 days, or by both such fine and imprisonment, in the discretion of the court. The said commissioners shall cause the corporation counsel to institute criminal proceedings for the enforcement of this act before any court of competent jurisdiction.

Mr. GRAHAM. Mr. Chairman, I offer the following amendment to section 7.

The Clerk read as follows:

Amend section 7, page 8, line 12, by inserting, after the word "a," the words "forfeiture of all unpaid interest and by a," so as to make it read:

"That any violation of this act shall be punished by a forfeiture of unpaid interest and by a fine of not less than $25."

And so on.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. GRAHAM. Mr. Chairman, I have another amendment which I desire to offer to this section.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend section 7, page 8, by inserting after the word "court," in line 16, the following: "And a second and any subsequent violation of this act shall be punished by a fine of not less than $50 nor more than $500, or by imprisonment in the jail or workhouse of the District of Columbia for not less than 60 days nor more than 6 months, or by both such fine and imprisonment, in the discretion of the court."

Mr. KENDALL. I would like to ask the gentleman if he means to make the forfeiture discretionary with the court?

Mr. GRAHAM. Oh, no; the forfeiture is absolute. This amendment comes in several lines below that. It provides that the fine and imprisonment shall be inflicted in the discretion of the court. The point is to make the subsequent offense more severely punishable than the first offense.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. FOWLER. Mr. Chairman, I desire to offer the following amendment.

The Clerk read as follows:

Amend the bill, page 8, section 7, by striking out all of line 11 and all of the first part of line 12 down to and including the word "of," in said line, and inserting in lieu thereof the following:

"Any person violating the provisions of this act shall be guilty of a misdemeanor and, on conviction, shall be punished by a fine."

Mr. FOWLER. Mr. Chairman, it seems as though it was the intent of the author of this bill to make it criminal in its application. No law can be criminal unless it is so designated in that law. The provision following the proposed amendment requires the attorney in authority to institute criminal proceedings on the violation of the law. Now, no criminal proceedings could be instituted unless the law itself made it a crime and imposed a penalty for the violation thereof. For that reason I offer this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. FOWLER) there were—16 ayes and 16 noes.

So the amendment was lost.

Mr. BURKE of Pennsylvania. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 8, line 11, strike out the words "that any violation" and insert "whoever violates any provision of this act."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was agreed to.

Mr. SHERLEY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 8, line 12, strike out the words "not less than $25 and."

Mr. SHERLEY. Mr. Chairman, the purpose of this amendment is simply to do away with the minimum punishment. When the penal code was adopted by Congress in the last session we abolished in all except a few crimes of very high magnitude any minimum punishment, the purpose being to give to the courts that degree of discretion that might be necessary in cases in which there is a technical violation but not a violation involving any great moral turpitude. In accordance with that, I think it advisable that this act should not be passed providing a minimum punishment. If the amendment be adopted, it will then leave to the court the power to make any fine not greater than $200, but will not compel him on finding a man guilty to make a minimum fine of at least $25. If this amendment shall prevail, I shall then offer one also as to the imprisonment provision, so as to strike out the provision that requires an imprisonment for five days. It is conceivable that the court might not want under all of the circumstances to impose a minimum fine or imprisonment such as stated here.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kentucky.

The question was taken, and the amendment was agreed to.

Mr. SHERLEY. On page 8, line 15, I move to strike out the words "less than five nor."

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 8, line 15, strike out the words "less than five nor."

The question was taken, and the amendment was agreed to.

Mr. CULLOP. Mr. Chairman, I offer the following amendment at the end of that section as a new section to the bill.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by adding a new section, as follows:
"That in any foreclosure on any loan made under this act no charge shall be made or collected which will exceed 10 per cent of the amount found due in such foreclosure proceedings."

Mr. MANN. Will the gentleman yield?

Mr. CULLOP. Yes.

Mr. MANN. I think the gentleman had better have the amendment reported again and listen to it carefully, because I think that is not what he wants.

Mr. CULLOP. Let it be reported again.

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

Amend by adding a new section, as follows:
"That in any foreclosure on any loan made under this act no charge shall be made or collected which will exceed 10 per cent of the amount found due in such foreclosure proceedings."

Mr. MANN. The gentleman means, of course, charges for services, and so forth?

Mr. CULLOP. That is what I want to explain in just a moment.

Mr. MANN. That is not in the amendment.

Mr. CULLOP. I think it is. The purpose of this amendment is this: The lender might put in the contract a provision that upon foreclosure 25, 50, or 75, or 100 per cent should be paid. As a rule they are made by unconscionable parties, and this amendment is to prevent anything of that kind; that the costs accruing to the plaintiff in the action because of the foreclosure shall not exceed 10 per cent of the amount found to be due in the proceedings.

Mr. MANN. Will the gentleman yield?

Mr. CULLOP. Yes; with pleasure.

Mr. MANN. As I understand what the gentleman wants to do is to prevent the allowance of large attorneys' fees or agents' fees.

Mr. CULLOP. Or liquidated damages.

Mr. MANN. But the wording which the gentleman offers endeavors to repeal the law——

Mr. CULLOP. No; it says any charge.

Mr. MANN. It does not say any charge made on behalf of the plaintiff or lender at all. It seems to me it ought to cover that in some way.

Mr. CULLOP. I will ask that the amendment be amended, after the word "charge" by inserting "for attorneys' or agents' fees." I wrote it in a hurry, and if the Clerk will insert that——

Mr. NORRIS. Will the gentleman yield?

Mr. CULLOP. With pleasure.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to modify his amendment. Without objection it is so ordered. [After a pause.] The Chair hears none.

Mr. NORRIS. I want to ask the gentleman from Indiana if this amendment of his were not offered or adopted would there be under this law any right to add attorneys' fees in the foreclosure proceedings?

Mr. CULLOP. Yes; they may insert it in the contract.

Mr. JOHNSON of Kentucky. Section 5 of the bill provides for that.

Mr. CULLOP. I do not think it covers that end of it. This is the very thing that I attempted to amend when——

Mr. JOHNSON of Kentucky. It says:

And this charge shall cover all fees, expenses, demands, and services of every character——

Mr. CULLOP. Read on.

Mr. JOHNSON of Kentucky (reading):

including notarial and recording fees and charges, except upon the foreclosure of the security.

Mr. CULLOP. That is exactly the purpose, and when we were at that section I attempted to amend it then, but I do not think the committee understood the effect of the amendment and I am asking to have it done now.

The question was taken, and the Chair announced the noes appeared to have it.

Mr. CULLOP. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 31, noes 0.

So the amendment was agreed to.

Mr. DYER. Mr. Chairman, I make the motion that all debate on this section and all amendments thereto be closed in one minute.

The CHAIRMAN. The gentleman from Missouri [Mr. DYER] moves that all debate on this section and all amendments thereto be closed in one minute. The question is on agreeing to that motion.

The motion was agreed to.

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. What section is it? We have just passed section 7 and agreed to a new section. We have passed section 7.

The CHAIRMAN. The Chair will ask the gentleman from Missouri, in charge of the bill, which section he had reference to?

Mr. DYER. I had reference to the new section, the one just adopted. That has been agreed to, as I understand.

The CHAIRMAN. Does the gentleman from Missouri understand that the new section which was offered by the gentleman from Indiana [Mr. CULLOP] has been read?

Mr. DYER. I understood it had been read and agreed to; so now I ask that the next section be read.

Mr. FOWLER. Mr. Chairman, I desire to offer an amendment to section 7. We had not passed section 7.

Mr. DYER. Yes; we had passed it.

The CHAIRMAN. The Chair will state to the gentleman from Illinois [Mr. FOWLER] that we had passed section 7.

Mr. FOWLER. Mr. Chairman, then I desire to ask unanimous consent to return to section 7 for the purpose of offering an amendment as to one word only in that section.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to return to section 7 for the purpose of offering an amendment. Is there objection?

Mr. DYER. Mr. Chairman, reserving the right to object, I desire to ask what the amendment is?

Mr. MANN. What is the amendment offered by the gentleman?

Mr. FOWLER. Mr. Chairman, I offered an amendment to section 7 a short time ago to make the act criminal. That motion was lost by a tie vote and by the decision of the Chair. Now, the latter part of section 7 requires the commissioners to cause counsel to institute criminal proceedings for a violation of this act. I want to amend that by striking out the word "criminal," so that there may be some kind of right to enforce the provisions of the act. You can not enforce it by criminal prosecution, because the bill does not so provide.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. MANN. I do not object to an amendment for that purpose.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] will send up his amendment. The Clerk will report the amendment.

The Clerk read as follows:

Amend page 8, section 7, line 18, by striking out the word "criminal," being the first word of said line.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. FOWLER].

The question was taken, and the amendment was agreed to.

Mr. HAWLEY. Mr. Chairman, I desire to offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Oregon [Mr. HAWLEY].

The Clerk read as follows:

On page 8, line 13, strike out the word "greater" and insert in lieu thereof the word "more."

Mr. MANN. Mr. Chairman, I make the point of order that that section has been passed.

The CHAIRMAN. The Chair will state to the gentleman from Oregon that he is informed that this section has not yet been read, so that it is not in order to make the amendment.

Mr. HAWLEY. If the Chair will pardon me, this is in section 7.

Mr. MANN. The additional language that the gentleman refers to has already been amended. We have agreed to an amendment covering the language proposed by the gentleman from Oregon.

The CHAIRMAN. The Chair will state to the gentleman from Oregon [Mr. HAWLEY] that unanimous consent was granted to the gentleman from Illinois [Mr. FOWLER] to return to section 7 for the purpose of offering a specific motion. The Chair is of opinion that that does not open up section 7 for general amendment.

Mr. HAWLEY. I ask unanimous consent to return to section 7 for the purpose of striking out the word "greater" and inserting the word "more" in line 13.

The CHAIRMAN. The gentleman from Oregon [Mr. HAWLEY] asks unanimous consent to return to section 7 for the purpose of submitting an amendment. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Oregon will send up his amendment. The Clerk will report the amendment offered by the gentleman from Oregon.

The Clerk read as follows:

On page 8, line 13, strike out the word "greater" and insert in lieu thereof the word "more."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oregon.

The question was taken, and the amendment was agreed to.

Mr. CULLOP. Mr. Chairman, I offer the following as a new section.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

That in any contract made in pursuance of the provisions of this act it shall be unlawful to incorporate any provision for liquidated or other damages as a penalty for any default or forfeiture thereunder.

Mr. CULLOP. Mr. Chairman, the purpose of this amendment is simply to make the act effective, if passed. Otherwise these money lenders can make contracts with these borrowers providing that upon some forfeiture or default certain liquidated damages shall accrue. The purpose of this amendment is to prevent that. If we are going to protect these people and make a fair law, we ought to do so throughout. That is the purpose of this amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 8. That nothing contained in this act shall be held to apply to the legitimate business of national banks, licensed bankers, trust companies, savings banks, building and loan associations, or to the business of pawnbrokers, or real estate brokers as defined in the act of Congress of July 1, 1902.

The CHAIRMAN. The Clerk will report the committee amendment to this section.

The Clerk read as follows:

On page 8, in line 23, after the word "associations," strike out the words "or to the business of pawnbrokers."

The question being taken, the amendment was agreed to.

Mr. DYER. Mr. Chairman, I desire to be heard on that amendment for a moment.

The CHAIRMAN. The Chair will state to the gentleman that the committee amendment has been adopted.

Mr. DYER. I ask unanimous consent to reconsider the vote by which the amendment was adopted.

Mr. JOHNSON of Kentucky. For what purpose does the gentleman do that?

The CHAIRMAN. The gentleman from Missouri [Mr. DYER] asks unanimous consent to reconsider the vote by which the committee amendment to section 8 was adopted. Is there objection?

Mr. JOHNSON of Kentucky. I object.

Mr. McLAUGHLIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

On page 8, line 21, after the word "to," insert "contracts or loans upon or relating to real estate, nor to."

Mr. JOHNSON of Kentucky. How will it read when amended?

Mr. McLAUGHLIN. It will read as follows:

That nothing contained in this act shall be held to apply to contracts or loans upon or relating to real estate, nor to the legitimate business of national banks—

And so forth.

After going through the bill, it must be evident to all that it does not forbid exorbitant rates of interest upon loans upon real estate. It is said by those who are responsible for the bill that it is designed to meet cases of loans upon personal property or upon notes without security; but there is nothing in the bill that will forbid or prohibit anyone who is engaged in loaning money upon real estate, if he wishes to pay the license fee, make an application, and comply with the terms of this law, from charging 1 per cent a month upon loans upon real estate or upon contracts relating to the sale of real estate.

A great many additions are platted and opened up for sale in the outskirts of this city, and the law as it is now upon the statute books forbids a rate of interest of more than 6 per cent upon contracts for sales of that kind of property; but if this law is passed without the amendment which I suggest the owner of property can open an office, pay the license provided for, and his contracts can all be drawn in such a way as to bear 1 per cent a month.

Mr. KAHN. Does the gentleman think any individual who owns real estate in the District of Columbia would pay 1 per cent a month when he could go to any legitimate bank and borrow money on the real estate for 6 per cent per annum?

Mr. McLAUGHLIN. I think one who owns valuable real estate that is unencumbered and accepted as good security ordinarily by banks or loaning companies would not pay 1 per cent a month when he could get the money, as he ordinarily can, at 6 per cent.

But when one is seeking to buy property, when he has all these inducements held up to him to buy lots in new additions, and he is without the security to offer the bank or loaning company, if he gets into the hands of one of these real-estate agents, he may be inveigled into a contract calling for 1 per cent a month. If it is the intention of the framers of this bill not to have it relate to the loans on real estate, why not have an amendment that will make it clear and impossible for the real estate to be sold on any such basis?

Mr. NORRIS. Will the gentleman yield?

Mr. McLAUGHLIN. Certainly.

Mr. NORRIS. I am in entire sympathy with the gentleman's amendment, if necessary, but this idea has struck me: Suppose the gentleman's amendment does prevail, would not it be possible then for the very sort of a scheme he has outlined to be put up and worked against the borrower and a charge made of 1 per cent a month? In other words, if his amendment is adopted, would it not make it worse for the borrower than it is now?

Mr. McLAUGHLIN. My judgment is that it would not.

Mr. NORRIS. It seems to me, if the gentleman will permit, that without the amendment, in the kind of deal he speaks of, nobody could charge more than 1 per cent, but with his amendment they might charge 5 per cent.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. JOHNSON of Kentucky. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes, for the reason that I do not quite understand the gentleman. If his amendment is put on, does he not defeat the very purpose for which it is offered? Does he not put it within the exceptions instead of without the exceptions? You put him in a class of those who are exempt.

[By unanimous consent the time of Mr. McLAUGHLIN was extended five minutes.]

Mr. McLAUGHLIN. Mr. Chairman, if this bill should become a law, anyone not engaged in the legitimate banking business or licensed bankers, trust companies, and so on, named here, could make application for a license and pay the fee and then lend money upon personal property or real estate and charge more than 6 per cent; he could charge interest at the rate of 1 per cent a month.

Mr. NORRIS. Will the gentleman yield?

Mr. McLAUGHLIN. Certainly.

Mr. NORRIS. Suppose the gentleman's amendment is agreed to, and some man is prosecuted under the law for loaning money on real estate at 5 per cent a month. Would he not have a good defense to show that this law did not apply to such a case?

Mr. McLAUGHLIN. My judgment is that the law would not apply to such a case, and that the man would be referred back to the law providing for a charge of 6 per cent interest in this District.

Mr. MANN. Will the gentleman yield for a question?

Mr. McLAUGHLIN. Certainly.

Mr. MANN. As I understand it now, on a real-estate loan not more than 6 per cent is legal. If anyone charges more than that he forfeits the interest. So, if the gentleman's amendment prevails, taking real estate loans out from under this act, the legal rate of interest of 6 per cent would apply to all real estate loans?

Mr. McLAUGHLIN. Yes.

Mr. MANN. To that extent the gentleman's purpose is accomplished by making the exception. On the other hand, the gentleman from Nebraska suggests that taking this class out from under this act takes them out from under the criminal features of the act. If the gentleman's amendment prevails, while not more than 6 per cent interest can be charged, yet if some one does charge more than 6 per cent interest he can not be penalized under the provisions of this act. He would lose the interest under the existing law.

Mr. McLAUGHLIN. It would be regulated by the present law that provides for 6 per cent interest.

Mr. JOHNSON of Kentucky. Mr. Chairman, I ask the gentleman if the interest question in real estate transactions is not easily evaded by not charging more than the legal rate of interest, but by making the extra interest a part of the consideration. Whenever the rate of interest becomes a part of the consideration it is good, but if made a part of the interest it is not good.

Mr. McLAUGHLIN. I do not agree with the gentleman from Kentucky as to his law.

Mr. JOHNSON of Kentucky. The gentleman will find that to be the law in almost every State in the Union.

Mr. McLAUGHLIN. I think the law could not be evaded by any subterfuge of that kind.

Mr. JOHNSON of Kentucky. If a rate of interest in excess of the prescribed rate of interest is made a part of the consideration, then it is good and binding.

Mr. McLAUGHLIN. If it is made a part of the consideration for the mere purpose of evading the law?

Mr. JOHNSON of Kentucky. No; if it is made a part of the consideration, the purchase price.

Mr. McLAUGHLIN. Mr. Chairman, in my judgment it can not evade the law. In my judgment this amendment I suggest is necessary and proper.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. JOHNSON of Kentucky) there were—ayes 11, noes 20.

So the amendment was rejected.

The Clerk concluded the reading of the bill.

Mr. MANN. Mr. Chairman, I move to strike out the last word for the purpose of satisfying my curiosity. I would like to be informed from what source emanated the language "that the enforcement of this act shall be intrusted to the Commissioners of the District of Columbia." Who originated that form of language providing that somebody shall enforce the law?

Mr. DYER. Mr. Chairman, I move that the bill as amended be laid aside with a favorable recommendation.

The CHAIRMAN. The question is on the motion of the gentleman from Missouri, that the bill be laid aside with a favorable recommendation.

The question was taken, and the motion was agreed to.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move that the committee do now rise and report the bills to the House with a recommendation that the amendments be agreed to and that the bills as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FINLEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 1618) amending paragraph 6 of the act relating to the Metropolitan police force, and the bill (H. R. 8768) to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, pawnbrokers, and real-estate brokers in the District of Columbia, and had directed him to report the same back to the House with sundry amendments, with a recommendation that the amendments be agreed to and that the bills as amended do pass.

COMMITTEE ON EXPENDITURES IN INTERIOR DEPARTMENT.

Mr. HENRY of Texas. Mr. Speaker, I submit the following privileged resolution from the Committee on Rules, which I send to the desk and ask to have read. It comes with a unanimous report from that committee.

The Clerk read as follows:

House resolution 358.

Resolved, That the Committee on Expenditures in the Interior Department, or any subcommittee thereof, is hereby empowered to sit for the purpose of taking testimony during the sessions of the House and during the recess of Congress at such place or places as may be necessary.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. HENRY of Texas. Certainly.

Mr. MANN. I notice, first, that the resolution provides that a subcommittee may sit, and second, it authorizes the committee to go anywhere on earth that it wants to during the summer vacation. Is it the intention of the gentleman's committee to grant to these various investigating committees power to travel all over the country at Government expense during the coming vacation of Congress, if there be one?

Mr. HENRY of Texas. I think I can answer the gentleman and say that it is not.

Mr. MANN. But that is what this resolution does.

Mr. HENRY of Texas. If the gentleman objects to it, I would state that I do not care to press it this evening. I am in hopes that the resolution will go through by unanimous consent, because there is no objection to it in the Committee on Rules. It is a resolution in the interest of economy. It will be far cheaper to let this subcommittee go to two or three points to which they propose to go than it would be for them to summon witnesses and bring them here to Washington, as they have the power to do now.

Mr. MILLER. Mr. Chairman, will the gentleman from Texas yield for a question?

Mr. HENRY of Texas. Yes.

Mr. MILLER. Is it the purpose of this committee, if the gentleman from Texas can inform us, to hold any further hearings in reference to Indian matters?

Mr. HENRY of Texas. That is, the Committee on Expenditures in the Interior Department?

Mr. MILLER. Yes.

Mr. HENRY of Texas. I submit the interrogatory to the gentleman from Illinois [Mr. GRAHAM]. I suppose he is willing to answer it?

Mr. GRAHAM. Certainly. I will answer it by saying yes.

Mr. MILLER. And that will embrace matters relating to the White Earth Indians of Minnesota?

Mr. GRAHAM. Yes.

Mr. MILLER. Is it the purpose of the committee to have hearings covering all phases of that question involved with those Indians at this time, both here and elsewhere?

Mr. GRAHAM. It is the purpose of the committee, of course, to give every material interest a fair, full hearing.

Mr. MILLER. Mr. Speaker, I do not wish to object to the proper working of this committee, but I am going to object to any hearings by that committee, and strenuously, relating to any affairs relating to the White Earth Indians of Minnesota.

Mr. HENRY of Texas. Of course this does not bear upon this resolution.

Mr. MILLER. I understand, and I do not like to object to the whole resolution because of one minor part of it.

Mr. MANN. Will my colleague yield for a question?

Mr. GRAHAM. Certainly.

Mr. MANN. Is it the intention of the committee under this resolution to make a trip to Alaska during the next summer vacation?

Mr. GRAHAM. Most certainly not.

Mr. MANN. The gentleman will admit that under the resolution the committee could go to Alaska if it so desired.

Mr. GRAHAM. It has no such intention.

Mr. MANN. Does not the gentleman agree with me, then, that in passing resolutions of this sort, giving any committee the power to sit wherever it pleases, it means the Government pays the expense of the committee going there and staying there, and we ought to control by proper language a resolution which we pass so as not to give that authority, both as a protection to the House and to the committees themselves?

Mr. GRAHAM. The committee, so far as it now knows, has about four places where investigations will be carried on. One of them is the one to which the gentleman from Minnesota referred in the State of Minnesota. Another one is in the Territory, soon to be the State, of Arizona. Yet another one possibly in the State of South Dakota. I can not speak positively with the knowledge I now have whether it will take place or not; and yet another is the Crow Indian Agency. In any of these cases, particularly in Arizona, we have had experience which demonstrates that it costs more than $300 to bring one witness here. A subcommittee of three with a stenographer could go there for, in my judgment, less than one-tenth of what it would cost to bring the necessary witnesses here. The same proportion, I think, would hold good in every one of those cases. We have already entered upon an investigation of the White Earth matter. The Attorney General's office is virtually conducting that examination. I had a letter from Mr. Beaulieu, of that State, who is interested, and he sends a list of witnesses aggregating 27 or 28. Mr. STEENERSON, a Member of this House from that State, informs me that he has a number of witnesses he wants subpœnaed. The Attorney General's office has a list ranging, I think, not much below 30. To bring all of those witnesses to Washington is a power which the committee now has, but it will involve an expense running close to or perhaps above $20,000. A subcommittee of three with a stenographer ought to be able to go on the ground and do all of that work for, I should say, a cost of about $1,500.

Mr. MILLER. Will the gentlemn permit me to ask a question somewhat irrelevant and immaterial but interesting? I should like to have an expression from the gentleman at this or some time as to under what authority he assumes to carry on this investigation of Indian affairs, particularly this one of the White Earth Indians, and proposes to go to such an enormous expense to bring here great crowds of witnesses so that they can testify to things that the Indian Committee of this House already know about or can get with the minimum expenditure if they so see fit?

Mr. GRAHAM. As I understand it, the Indian Committee has no power to subpœna witnesses. It could not bring a single witness from Minnesota here, and any investigation carried on without the power to subpœna witnesses means little or nothing.

Mr. MILLER. My question, if the gentleman will permit, really means, Under what authority does the gentleman presume to conduct an investigation of this character?

Mr. GRAHAM. Under the rules of the House——

Mr. HENRY of Texas. The committee having jurisdiction of matters relating to the Interior Department.

Mr. MILLER. How does that give him authority; the resolution was general authority to that committee to——

Mr. GRAHAM. A reading of the rules shows clearly the authority.

Mr. MILLER. I beg to differ with the gentleman; I do not read the rule that way at all.

Mr. GRAHAM. I am sorry. It is unfortunate for the gentleman.

Mr. MANN. Will the gentleman yield for another question?

Mr. GRAHAM. Yes.

Mr. MANN. The gentleman says we have already passed a resolution which would authorize the committee to expend $20,000 to bring witnesses here. Does not the gentleman think that if we passed such a resolution it is an extremely good reason why we should be careful as to the kind of resolution we pass now, which must be taken as a precedent for all these committees?

Does not my colleague believe we ought to guard in some way the natural desire of Members of the House when the session comes toward its close to provide for a nice little trip?

Mr. GRAHAM. I assure my colleague and friend that in this instance his logic does not apply. It is by no means a pleasant trip to go to Minnesota at this time, leaving one's home and family. There is not one of our committee who would do it except from a sense of duty.

Mr. MANN. I have seen times when propositions were made for that purpose.

Mr. GRAHAM. And like many other gentlemen here, I expect to have other fish to fry in the summer time, so that I would not care to go then myself.

Mr. HENRY of Texas. Let me say this to the gentlemen, first: I have no desire to press it this afternoon, but it will be presented to-morrow as a privileged resolution. The proposition is that this committee will go to three places and the resolution is carefully drawn with a view to economy. This committee now has the power to summon these witnesses, but if they are allowed to go to these three points they can do the work for $1,500, whereas if they summon them to come to Washington it will cost $20,000 if they exercise the power they now have.

Mr. MANN. Why not name the three places?

Mr. FITZGERALD. Will the gentleman from Texas yield to a question?

Mr. HENRY of Texas. I will.

Mr. FITZGERALD. Why not limit the authority of this committee to sit outside of Washington to the three places desired by the committee? Under this resolution this committee could sit at any place in the United States or any of its possessions.

Mr. HENRY of Texas. Let me assure these gentlemen and every Member of this House that this committee have asked to go to three points only, one in Arizona, one in Minnesota, and the other in Montana. They have no junketing trip in view; and for the sake of economy and because of the statement of the committee the points will not be named in the resolution, but the resolution will be presented just as it is, because it has been carefully drawn.

Mr. GRAHAM. May I say, Mr. Speaker, that the gentleman from Texas mentioned three points. I mentioned a possible fourth point, namely, South Dakota.

Mr. MANN. Will the gentleman from Texas [Mr. HENRY] yield for a question?

Mr. HENRY of Texas. I will.

Mr. MANN. Does not the gentleman think for his own protection hereafter it will be desirable to limit the character of this resolution so that some other committee that will want to take a junketing trip may not be able to say to the gentleman from Texas, "Here is the precedent"?

Mr. HENRY of Texas. I consider this is limited now, because I accept the statement of these gentlemen that they want to go to these three or four places and make this investigation.

Mr. MANN. Suppose that some one wishes in the future to go on a junketing trip and presents a resolution similar to this, which would authorize it?

Mr. HENRY of Texas. When that situation arises, we will meet it.

Mr. MANN. We never discover that a trip is a junketing trip until after it is over.

Mr. HENRY of Texas. I withdraw the resolution and serve notice that I will present it to-morrow.

LEAVE OF ABSENCE.

Mr. BOEHNE, by unanimous consent, was granted leave of absence for five days, on account of sickness in his family.

LEAVE TO ADDRESS THE HOUSE.

Mr. HILL. I understand there is no special business to-morrow, and I ask unanimous consent that I may be permitted to address the House immediately after the reading of the Journal for an hour and a half.

Mr. HENRY of Texas. Mr. Speaker, I desire to state to the gentleman that I have no objection to his request, but I wish to first dispose of the resolution which will be brought up immediately after the reading of the Journal.

Mr. SHERLEY. I would like to ask the Chair what is going to happen to the bills that have just come from the Committee of the Whole?

The SPEAKER. The Chair did not understand the gentleman from Kentucky.

Mr. SHERLEY. The gentleman from Kentucky was inquiring as to the bills that have just come from the Committee of the Whole. I do not want them indefinitely postponed.

The SPEAKER. They are not indefinitely postponed. They go over to the next District day, unless they are disposed of to-day.

Mr. SHERLEY. Then, Mr. Speaker, I shall insist upon their being considered now, in the absence of some preferential motion.

The SPEAKER. Is the gentleman from Kentucky objecting to the request of the gentleman from Connecticut [Mr. HILL]?

Mr. SHERLEY. No; not to that, but I shall object to anything else that interferes.

The SPEAKER. The Chair hears no objection to the request of the gentleman from Connecticut [Mr. HILL], and it is so ordered.

PRESERVATION OF HISTORICAL DOCUMENTS.

Mr. HARRISON of New York. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. HARRISON of New York. Mr. Speaker, the question of providing a suitable place for housing the many extremely valuable and important historical documents now scattered in the various departments is attracting a great deal of public attention, and in connection with that I ask unanimous consent to extend my remarks by printing a letter, in the nature of a memorial, addressed to the Speaker of the House by the Modern Historic Records Association of New York City.

The SPEAKER. The gentleman from New York [Mr. HARRISON] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Following is the letter referred to:

THE MODERN HISTORIC RECORDS ASSOCIATION,
THE NATIONAL ARTS CLUB, 14 GRAMERCY PARK,
New York City, December 30, 1911.

Hon. CHAMP CLARK,
Speaker of the House of Representatives.

SIR: Two States, New York and Missouri, have suffered an irreparable loss in the destruction of historical documents by fire. Will not Congress heed the warning and make haste to provide the means for the erection in Washington of a fireproof building in which to house the innumerable Government records whose loss would be a national calamity?

In urging upon your honorable body the necessity of such immediate action the Modern Historic Records Association begs leave to remind you—

First. That one of its express purposes is the employment of the best mechanical devices and the most approved methods of preservation in making for transmission to posterity records that will constitute a living history of our times and civilization.

Second. That in performing this service for our descendants our association purposes to make, upon competent advice, such a selection from these records as shall be deemed worthy of preservation in the national archives.

Third. That the association embraces the opportunity to announce that these records will be offered to the National Government for its custody and ownership as an aid to historians of future generations.

Respectfully,

HERBERT L. BRIDGMAN, *President.*
W. T. LARNED, *Secretary.*

CROSSING POLICEMEN, DISTRICT OF COLUMBIA.

The SPEAKER. The question is on agreeing to the committee amendment to the bill (H. R. 1618) amending paragraph 6 of the act relating to the Metropolitan police force.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended House bill.

The amended bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. SHERLEY. Mr. Speaker, I move to commit the bill to the Committee on the District of Columbia with the following instructions.

The SPEAKER. The gentleman from Kentucky [Mr. SHERLEY] moves to recommit the bill to the Committee on the District of Columbia with instructions. The Clerk will report the motion and the instructions.

The Clerk read as follows:

Commit to the Committee on the District of Columbia, with instructions to report in lieu of the same, a bill authorizing the commissioners to detail from the Metropolitan police force such officers and privates as may be necessary to properly protect the public at all street crossings and intersections in the city of Washington, and repealing section 6 of the act relating to the Metropolitan police of the District of Columbia, approved February 28, 1901, and section 3 of an act to define the right of purchasers of the Belt Railway, and so forth, approved June 24, 1898; and it is further directed in said bill to provide for a system of tax payment by the street railways operating in the District of Columbia that will, in addition to the payment of taxes for privileges and franchises now exercised or owned and property possessed by such companies in said District, also provide payment for the additional service rendered by the government of the District of Columbia in so guarding street crossings, and so forth.

Mr. JOHNSON of Kentucky. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. JOHNSON of Kentucky. The point of order is that the matter is not germane.

The SPEAKER. Does the gentleman from Kentucky [Mr. SHERLEY] want to be heard?

Mr. SHERLEY. Yes. I would like the gentleman to state in what particular it is not germane.

Mr. JOHNSON of Kentucky. The bill is for the purpose of increasing the pay of certain policemen. Now, then, it is proposed to recommit this bill to the Committee on the District of Columbia with instructions that in lieu of that they bring in another, changing the taxing system of the street railways operating in the District of Columbia.

Mr. SHERLEY. Mr. Speaker, the present law that was sought to be amended provides for the detail of certain police officers at certain intersections on the streets of Washington.

The SPEAKER. That is the original law, is it?

Mr. SHERLEY. That is the original law. Those officers are now paid by the street railways of the District. The proposed bill that I am seeking to commit undertook to raise the pay of those officers, the increased pay still to be paid by the street railway companies. Now, the motion to commit is a motion dealing with the pay of officers and also the tax—because that is what now exists—a tax of the street railway companies.

The street railway companies are now taxed to pay the salaries of these men, and this bill proposes to increase that tax. My motion to commit simply changes the method of appointing the police officers, and provides for a different form of taxing the street railway companies for this and other services.

The SPEAKER. The Chair will ask the gentleman from Kentucky this question: Does this bill that is now being considered affect in any manner the taxation of street railway companies?

Mr. SHERLEY. It affects the obligation of the street railway companies to pay these police officers, and increases the amount which they must pay.

Mr. JOHNSON of Kentucky. That is an operating expense, and not a tax levy.

Mr. SHERLEY. I have not used the words "tax levy." The effect is to cause a payment, and a payment is a tax.

Mr. JOHNSON of Kentucky. But this motion contains instructions to bring in a bill to change the taxation of the railroads.

Mr. SHERLEY. Not necessarily.

Mr. JOHNSON of Kentucky. This motion instructs the committee to bring in a bill to change that. The bill now before the House only affects their operating expenses, and does not levy a tax upon them.

The SPEAKER. The Clerk will again read the motion to recommit with instructions, and will read it slowly.

The Clerk again read the motion to recommit.

The SPEAKER. The point of order is sustained.

Mr. SHERLEY. Mr. Speaker, I desire to submit the instructions down to the words "and is further directed."

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Commit to the Committee on the District of Columbia with instructions to report in lieu of the same a bill authorizing the commissioners to detail from the Metropolitan police force such officers and privates as may be necessary to properly protect the public at all street crossings and intersections in the city of Washington, and repealing section 6 of the act relating to the Metropolitan police of the District of Columbia, approved February 28, 1901, and section 3 of an act to define the rights of purchasers of the Belt Railway, etc., approved June 24, 1898.

Mr. JOHNSON of Kentucky. Mr. Speaker, I renew the point of order upon the ground that the bill under consideration is to increase the salaries of certain policemen. This motion is to recommit to the Committee on the District of Columbia with instructions to bring in a bill substituting other men to do this work, with neither an increase nor a decrease of the pay of the men mentioned in this bill.

Mr. SHERLEY. Mr. Speaker, the bill proposes to amend the two laws that are stated in the motion to commit. Instead of amending them, I move to instruct the committee to repeal those sections that the bill offered by the gentleman undertakes to amend. Then, there are instructions to provide for the policing of these crossings by other men in lieu of the men who are now authorized to police them under the sections that are repealed.

The SPEAKER. The Chair will ask the gentleman this question: Does he think these instructions that he offers here would have been germane as an amendment to this bill?

Mr. SHERLEY. Unquestionably it would have been germane, instead of amending a particular section of law, to repeal it.

The SPEAKER. You not only repeal it, but you do something else.

Mr. JOHNSON of Kentucky. You can not repeal it and substitute another set of men for it in the same bill. Either one or the other is not germane.

The SPEAKER. The point of order is sustained.

Mr. SHERLEY. Then I offer the motion to recommit with instructions to the committee to repeal sections 3 and 6 of those two laws. That will be in order.

The SPEAKER. Is that a part of the motion?

Mr. SHERLEY. That is now a part of this motion?

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Recommit to the Committee on the District of Columbia with instructions to report in lieu of the same a bill repealing section 6 of the act relating to the Metropolitan Police of the District of Columbia, approved February 28, 1901, and section 3 of an act to define the rights of purchasers of the Belt Railway, etc., approved June 24, 1898.

Mr. JOHNSON of Kentucky. Mr. Speaker, I renew the point of order.

Mr. SHERLEY. I desire to say that there are two sections of this act that they undertake to amend. It would have been in order, I am of the opinion, to have offered an amendment of this kind when the bill was up, and it ought to be in order to make the motion now to recommit.

The SPEAKER. If it would have been germane then, it is germane now.

Mr. JOHNSON of Kentucky. Mr. Speaker, this bill is for the purpose of increasing salaries. The object of the motion to recommit which is now offered is to change the law as to who shall pay the salaries of these policemen. Under the act which this motion seeks to repeal, the railway companies pay the salaries. If this motion prevails, the pay of the policemen would have to be made by the District of Columbia.

The SPEAKER. Is there anything in the bill that shows that, or does the gentleman know it aliunde?

Mr. JOHNSON of Kentucky. If the bill is read, anybody will know it. [Laughter.]

The SPEAKER. The point of order is sustained. The question now is, Shall the bill pass?

The question was taken; and on a division (demanded by Mr. JOHNSON of Kentucky) there were 37 ayes and 20 noes.

Mr. SHERLEY. Mr. Speaker, I suggest the absence of a quorum.

ADJOURNMENT.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 3 minutes p. m.) the House adjourned until to-morrow, Tuesday, January 9, 1912, at 12 o'clock m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Manokin River, Md. (H. Doc. No. 398); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Tred Avon River, Md. (H. Doc. No. 399); to the

Committee on Rivers and Harbors and ordered to be printed with illustrations.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Susquehanna River, Md. (H. Doc. No. 396); to the Committee on Rivers and Harbors and ordered to be printed.

4. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Northeast River, Md. (H. Doc. No. 397); to the Committee on Rivers and Harbors and ordered to be printed.

5. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Withlacoochee River, Fla. (H. Doc. No. 395); to the Committee on Rivers and Harbors and ordered to be printed.

6. A letter from the Secretary of War, submitting draft of a bill to encourage rifle practice and promote a patriotic spirit among the citizens and youth of the United States, and recommending that it be enacted into law (H. Doc. No. 406); to the Committee on Military Affairs and ordered to be printed.

7. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Tilghman Island Harbor (H. Doc. No. 400); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

8. A letter from the Acting Secretary of War, transmitting report of an inspection of the several branches of the National Home for Disabled Volunteer Soldiers, made September 11 to December 5, 1911 (H. Doc. No. 407); to the Committee on Military Affairs and ordered to be printed.

9. A letter from the Secretary of the Treasury, transmitting reports from the accounting officers of his department showing what officers were delinquent in rendering their accounts for the fiscal year ended June 30, 1911 (H. Doc. No. 405); to the Committee on Expenditures in the Treasury Department and ordered to be printed.

10. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Commerce and Labor submitting estimates of additional appropriations required by the Department of Commerce and Labor for the fiscal year ending June 30, 1913 (H. Doc. No. 401); to the Committee on Appropriations and ordered to be printed.

11. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of State, submitting an estimate for an appropriation to enable the Government of the United States to suitably participate in the Fifteenth International Congress of Hygiene and Demography to be held in Washington, D. C., in 1912 (H. Doc. No. 403); to the Committee on Foreign Affairs and ordered to be printed.

12. A letter from the Secretary of the Treasury, submitting estimate of a deficiency appropriation required by the Commissioners of the District of Columbia for the fiscal year ending June 30, 1912 (H. Doc. No. 402); to the Committee on Appropriations and ordered to be printed.

13. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Agriculture, submitting revised estimates of appropriations under title, "Salaries, office of Secretary of Agriculture," for the fiscal year ending June 30, 1913 (H. Doc. No. 404); to the Committee on Agriculture and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. O'SHAUNESSY, from the Committee on the District of Columbia, to which was referred the bill (H. R. 15906) providing for the approval by Congress of the location and price paid for real estate toward the purchase of which the United States contributes, reported the same without amendment, accompanied by a report (No. 207), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 13456) granting a pension to Henry Hempen; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16846) granting an increase of pension to John T. King; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16992) granting an honorable discharge to Dennis O'Brien; Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MARTIN of Colorado: A bill (H. R. 17216) to provide for the purchase of a site and the erection of a public building thereon at Colorado City, in the State of Colorado; to the Committee on Public Buildings and Grounds.

By Mr. GOOD: A bill (H. R. 17217) providing for the erection of a public building at Vinton, Iowa; to the Committee on Public Buildings and Grounds.

By Mr. RUCKER of Colorado: A bill (H. R. 17218) to amend the present homestead law; to the Committee on the Public Lands.

By Mr. CLINE: A bill (H. R. 17219) to place on the retired list of the Army the names of the surviving officers who were mustered out under the provisions of the act of Congress approved July 15, 1870; to the Committee on Military Affairs.

Also, a bill (H. R. 17220) for the establishment of a fish hatchery in the State of Indiana; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 17221) to amend section 5136 of the Revised Statutes of the United States permitting national banking associations to make loans on farm lands as security and limiting the amount of such loans; to the Committee on Banking and Currency.

By Mr. HAMILTON of Michigan: A bill (H. R. 17222) to regulate the interstate transportation of immature calves; to the Committee on Interstate and Foreign Commerce.

By Mr. LEE of Georgia: A bill (H. R. 17223) to provide for the purchase of 160 acres of land on Kenesaw Mountain in Cobb County, in the State of Georgia, and establish a national park thereat; to the Committee on Military Affairs.

Also, a bill (H. R. 17224) to convert the regimental Army post at Fort Oglethorpe, Ga., into a brigade post, etc.; to the Committee on Military Affairs.

By Mr. McLAUGHLIN: A bill (H. R. 17225) to erect an extension to the post-office and customhouse building at Muskegon, Mich.; to the Committee on Public Buildings and Grounds.

By Mr. RUCKER of Colorado: A bill (H. R. 17226) to remove in certain cases the charge of desertion now standing against any officer or enlisted man who served in the Army, Navy, or Marine Corps of the United States during the Civil War; to the Committee on Military Affairs.

By Mr. WATKINS: A bill (H. R. 17227) to authorize the construction of a public building at Winnfield, La.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17228) to authorize the construction of a public building at Minden, La.; to the Committee on Public Buildings and Grounds.

By Mr. AUSTIN: A bill (H. R. 17229) to amend the act entitled "An act to amend the act entitled 'An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes,'" approved August 22, 1911; to the Committee on Public Buildings and Grounds.

By Mr. CLAYTON: A bill (H. R. 17230) providing that questions of negligence and contributory negligence shall be submitted to the jury; to the Committee on the Judiciary.

By Mr. FOWLER: A bill (H. R. 17231) to amend sections 1, 2, 3, and 8 of an act to protect trade and commerce against unlawful restraints and monopolies, an act of July 2, 1890; to the Committee on the Judiciary.

By Mr. RUSSELL: A bill (H. R. 17232) to authorize Taney County, Mo., to construct a bridge across the White River at Branson, Mo.; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE of Pennsylvania: A bill (H. R. 17233) to direct the Commissioner of Navigation to list as rebuilt unrigged vessels and to prescribe what shall be considered a rebuilt unrigged vessel; to the Committee on the Merchant Marine and Fisheries.

By Mr. HUGHES of West Virginia: A bill (H. R. 17234) to provide for the erection of a public building at Logan, W. Va.; to the Committee on Public Buildings and Grounds.

By Mr. WICKERSHAM: A bill (H. R. 17235) to grant American registry to the Norwegian ice breaker *Kit;* to the Committee on the Merchant Marine and Fisheries.

By Mr. PARRAN: A bill (H. R. 17236) to provide for the examination and survey of the channel through Herring Bay, in the State of Maryland; to the Committee on Rivers and Harbors.

By Mr. LOBECK: A bill (H. R. 17237) for paving the alley in square No. 1043, in the city of Washington, D. C.; to the Committee on the District of Columbia.

Also, a bill (H. R. 17238) to provide for an investigation of the collection and disposal of garbage, ashes, refuse, dead animals, and night soil in the District of Columbia, and employment of a competent sanitary engineer to report the latest approved methods for disposal of the same; to the Committee on the District of Columbia.

By Mr. McKELLAR: A bill (H. R. 17239) to authorize Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a railroad and highway bridge across the Mississippi River; to the Committee on Interstate and Foreign Commerce.

By Mr. HUMPHREY of Washington: A bill (H. R. 17240) to provide for the purchase of ground and the erection of a public building thereon for an immigration station in the city of Seattle, Wash.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17241) to erect a public building at Seattle, Wash.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17242) to authorize the Northern Pacific Railway Co. to construct a bridge across the canal connecting the waters of Puget Sound with Lake Washington at Seattle, in the State of Washington; to the Committee on Interstate and Foreign Commerce.

By Mr. SHARP: A bill (H. R. 17243) to authorize an advance in rank and increase in pay of officers and enlisted men of the United States Army engaged or detailed in the aviation service, and to provide regulations for such service; to the Committee on Military Affairs.

By Mr. ANDERSON of Minnesota: A bill (H. R. 17244) to amend section 863 of the Revised Statutes of the United States; to the Committee on the Judiciary.

By Mr. LAFFERTY: A bill (H. R. 17245) providing for the issuance of patent to desert-land entries embraced within irrigation projects; to the Committee on the Public Lands.

By Mr. FRENCH: A bill (H. R. 17246) to amend section 2291 and section 2297 of the Revised Statutes of the United States, relating to homesteads; to the Committee on the Public Lands.

Also, a bill (H. R. 17247) to provide for the disposition of the surface of phosphate lands; to the Committee on the Public Lands.

Also, a bill (H. R. 17248) providing for the adjustment of the claims of the States and Territories to lands within national forests; to the Committee on the Public Lands.

Also, a bill (H. R. 17249) to amend section 237 of an act to codify, revise, and amend the laws relating to the judiciary; to the Committee on the Judiciary.

Also, a bill (H. R. 17250) providing that entrymen for homesteads within reclamation projects shall receive patent upon satisfactory proof of residence, improvement, and cultivation for five years the same as though said entry had been made under the original homestead act; to the Committee on Irrigation of Arid Lands.

Also, a bill (H. R. 17251) to authorize further advances to the reclamation fund and for the issue and disposal of certificates of indebtedness in reimbursement therefor, and for other purposes; to the Committee on Irrigation of Arid Lands.

Also, a bill (H. R. 17252) to provide for the examination of the St. Marys and St. Joe Rivers in Idaho; to the Committee on Rivers and Harbors.

By Mr. REILLY: A bill (H. R. 17253) to exempt from internal-revenue tax cigars supplied employees by the manufacturers thereof; to the Committee on Ways and Means.

By Mr. STEPHENS of Texas: A bill (H. R. 17254) to authorize the use of the funds of certain Northern Cheyenne Indians; to the Committee on Indian Affairs.

Also, a bill (H. R. 17255) authorizing the Secretary of the Treasury to pay interest on the judgment of the Court of Claims in favor of the Ute Indians; to the Committee on Indian Affairs.

By Mr. HARDWICK: A bill (H. R. 17256) to fix the status of officers of the Army detailed for aviation duty, and to increase the efficiency of the aviation service; to the Committee on Military Affairs.

By Mr. HANNA: A bill (H. R. 17257) providing for the importation of seed grain into the United States free of duty; to the Committee on Ways and Means.

By Mr. SHARP: A bill (H. R. 17258) to establish a school of aviation and meteorological research at the city of Lorain, Ohio; to the Committee on Military Affairs.

By Mr. MARTIN of South Dakota: A bill (H. R. 17259) to make money already appropriated for "General expenses, Bureau of Plant Industry, fiscal year 1912," available for the erection of necessary farm buildings, and for other purposes; to the Committee on Agriculture.

By Mr. FOSTER of Illinois: A bill (H. R. 17260) to amend an act entitled "An act to establish in the Department of the Interior a Bureau of Mines," approved May 16, 1910; to the Committee on Mines and Mining.

By Mr. STEPHENS of Texas: Resolution (H. Res. 362) requesting information from the Interior Department relating to certain matters pertaining to the Pueblo Indians of New Mexico; to the Committee on Indian Affairs.

By Mr. STANLEY: Resolution (H. Res. 363) directing the Secretary of the Navy to furnish certain information; to the Committee on Naval Affairs.

By Mr. AYRES: Resolution (H. Res. 364) requesting the Interstate Commerce Commission to investigate costs in the repair shops of the Eastern Traffic Association and report to the House; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE of Pennsylvania: Resolution (H. Res. 365) to provide for printing the navigation laws of the United States; to the Committee on Printing.

By Mr. HENRY of Texas: Joint resolution (H. J. Res. 204) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. SMITH of Texas: Joint resolution (H. J. Res. 205) directing the Secretary of State to investigate claims of American citizens growing out of the late insurrection in Mexico, determine the amount due, if any, and press them for payment; to the Committee on Foreign Affairs.

By Mr. ESCH: Joint resolution (H. J. Res. 206) for the relief of sufferers from flood at Black River Falls, Jackson County, Wis.; to the Committee on Appropriations.

By Mr. BARTHOLDT: Joint resolution (H. J. Res. 207) to extend the invitation of Congress to the Interparliamentary Union and making an appropriation for the entertainment of its members; to the Committee on Foreign Affairs.

By Mr. MOORE of Pennsylvania: Concurrent resolution (H. Con. Res. 27) to provide for printing the navigation laws of the United States; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 17261) granting an increase of pension to James H. Kinkead; to the Committee on Invalid Pensions.

By Mr. AMES: A bill (H. R. 17262) granting a pension to Lena C. Harmon; to the Committee on Invalid Pensions.

By Mr. ANDERSON of Ohio: A bill (H. R. 17263) granting a pension to Izora E. Dwire; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17264) granting an increase of pension to Jesse M. Spooner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17265) granting an increase of pension to Andrew Binkley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17266) granting an increase of pension to Henry C. Chadwick; to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 17267) granting an increase of pension to Warren H. Kneeland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17268) granting an increase of pension to Sidney Hailey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17269) granting an increase of pension to Thomas Roberts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17270) granting an increase of pension to Genio S. Lawrence; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 17271) granting a pension to Sarah Brillhart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17272) to remove the charge of desertion from the military record of Richard Severn; to the Committee on Military Affairs.

By Mr. AUSTIN: A bill (H. R. 17273) granting an increase of pension to August Burckard; to the Committee on Invalid Pensions.

By Mr. BERGER: A bill (H. R. 17274) for the relief of Hugh E. Carney; to the Committee on Naval Affairs.

Also, a bill (H. R. 17275) granting an increase of pension to Francis J. Donnelly; to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 17276) granting an increase of pension to Edward Cotter; to the Committee on Invalid Pensions.

By Mr. BURKE of Wisconsin: A bill (H. R. 17277) granting a pension to Mary Rothenberger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17278) granting an increase of pension to Adolph Wachter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17279) granting an increase of pension to John Heather; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17280) granting a pension to Rosetta M. J. Tischer; to the Committee on Invalid Pensions.

By Mr. CONRY: A bill (H. R. 17281) granting an increase of pension to Catherine Mahoney; to the Committee on Pensions.

Also, a bill (H. R. 17282) for the relief of Frederick See; to the Committee on Military Affairs.

By Mr. CRAGO: A bill (H. R. 17283) granting a pension to Elizabeth Saylor; to the Committee on Pensions.

By Mr. CULLOP: A bill (H. R. 17284) granting a pension to Catherine Gardner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17285) granting a pension to Albert I. Young; to the Committee on Pensions.

Also, a bill (H. R. 17286) granting a pension to Elvira Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17287) granting a pension to Edward L. Dodd; to the Committee on Pensions.

Also, a bill (H. R. 17288) granting an increase of pension to William H. McDonald; to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 17289) granting an increase of pension to Eden N. Leavens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17290) granting an increase of pension to Orlando P. Brennesholtz; to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia: A bill (H. R. 17291) granting an increase of pension to R. S. Wells; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17292) granting an increase of pension to John N. Conely; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17293) granting an increase of pension to Albert L. Graves; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17294) granting an increase of pension to Jonathan Bondy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17295) for the relief of the trustees of the Baptist Church of West Milford, W. Va.; to the Committee on War Claims.

By Mr. DODDS: A bill (H. R. 17296) granting a pension to Jay Cobb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17297) granting an increase of pension to John A. White; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17298) granting an increase of pension to Charles D. Bogue; to the Committee on Invalid Pensions.

By Mr. MICHAEL E. DRISCOLL: A bill (H. R. 17299) granting an increase of pension to Elias Case; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17300) granting an increase of pension to Charles V. Johnson; to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 17301) granting a pension to Elizabeth Bussell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17302) granting an increase of pension to Henry W. Northrop; to the Committee on Invalid Pensions.

By Mr. FLOYD of Arkansas: A bill (H. R. 17303) granting a pension to Ann M. Oliver; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 17304) granting an increase of pension to Luther Detwiler; to the Committee on Pensions.

Also, a bill (H. R. 17305) granting an increase of pension to Jacob Harmon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17306) granting an increase of pension to Joseph M. Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17307) granting a pension to Harry F. Keefer; to the Committee on Pensions.

Also, a bill (H. R. 17308) granting an increase of pension to James B. Wilkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17309) granting an increase of pension to Christian P. Betchel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17310) granting an increase of pension to David W. Corson; to the Committee on Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 17311) granting an increase of pension to William Brothers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17312) granting an increase of pension to John Groves; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17313) to remove the charge of desertion from the record of James E. Koehler and grant him an honorable discharge; to the Committee on Military Affairs.

By Mr. FOWLER: A bill (H. R. 17314) granting a pension to Nancy Matsel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17315) granting a pension to Charles Travelstead; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17316) granting an increase of pension to William Cleveland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17317) granting an increase of pension to Mary E. McRill; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 17318) granting an increase of pension to William Graham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17319) granting an increase of pension to Elsie A. Gibbs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17320) to provide for the relief of Anton Conyar; to the Committee on Claims.

Also, a bill (H. R. 17321) authorizing the Secretary of the Interior to issue patent in fee to the Presbyterian Board of Home Missions for certain lands situated in the State of Idaho; to the Committee on Indian Affairs.

By Mr. HAMILTON of Michigan: A bill (H. R. 17322) for the relief of Amanda Honert; to the Committee on Claims.

By Mr. HARRISON of New York: A bill (H. R. 17323) for the relief of Henry A. V. Post; to the Committee on Claims.

By Mr. HARTMAN: A bill (H. R. 17324) granting an increase of pension to William McQuait; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17325) granting an increase of pension to Andrew Black; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17326) granting an increase of pension to George R. Barnhart; to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 17327) granting a pension to Ferdinand T. Bray; to the Committee on Invalid Pensions.

By Mr. HELM: A bill (H. R. 17328) for the relief of the estate of I. I. Mock, deceased; to the Committee on War Claims.

By Mr. HOBSON: A bill (H. R. 17329) for the relief of J. C. Markham; to the Committee on War Claims.

Also, a bill (H. R. 17330) for the relief of heirs or estate of Nathaniel Sanders, deceased; to the Committee on War Claims.

Also, a bill (H. R. 17331) granting a pension to John M. Stacks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17332) granting a pension to Simeon Tidwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17333) granting a pension to D. G. Harrison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17334) granting a pension to Martha C. Beard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17335) granting a pension to Benjamin F. Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17336) to appoint Holmes E. Offley upon the retired list of the Navy with the rank of lieutenant; to the Committee on Naval Affairs.

By Mr. HOUSTON: A bill (H. R. 17337) for the relief of E. D. Judkins; to the Committee on Military Affairs.

By Mr. HUGHES of West Virginia: A bill (H. R. 17338) granting an increase of pension to John Bails; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17339) for the relief of Lida Jones and others; to the Committee on War Claims.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 17340) to correct the naval record of Roberson Reed; to the Committee on Naval Affairs.

Also, a bill (H. R. 17341) for the relief of Alexander MacKenzie, United States Army, retired; to the Committee on War Claims.

By Mr. WHITACRE: A bill (H. R. 17342) granting an increase of pension to Noah Shidler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17343) granting an increase of pension to Francis Bartley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17344) granting an increase of pension to Albert Carlile; to the Committee on Invalid Pensions.

By Mr. KINKEAD of New Jersey: A bill (H. R. 17345) granting an increase of pension to William H. Cox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17346) granting an increase of pension to Emma A. Jahne; to the Committee on Invalid Pensions.

By Mr. KNOWLAND: A bill (H. R. 17347) for the relief of Mrs. Andrew Riganopolous; to the Committee on Claims.

Also, a bill (H. R. 17348) for the relief of Edward R. Wilson, past assistant paymaster, United States Navy; to the Committee on Claims.

By Mr. KONOP: A bill (H. R. 17349) granting a pension to Herman Grasse; to the Committee on Pensions.

Also, a bill (H. R. 17350) to enroll Alexander G. Grignon and others as Menominee Indians in Wisconsin; to the Committee on Indian Affairs.

By Mr. KOPP: A bill (H. R. 17351) granting an increase of pension to John Engler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17352) granting an increase of pension to William L. Bolden; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 17353) granting an increase of pension to George F. Gose; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17354) restoring to the pension roll the name of Henry Blankenship; to the Committee on Pensions.

By Mr. LAFFERTY: A bill (H. R. 17355) for the relief of Robert F. Scott; to the Committee on Claims.

By Mr. LANGHAM: A bill (H. R. 17356) granting an increase of pension to Daniel H. Bee; to the Committee on Invalid Pensions.

By Mr. LEE of Georgia: A bill (H. R. 17357) for the relief of Mary A. F. Smith; to the Committee on War Claims.

Also, a bill (H. R. 17358) for the relief of Mary A. F. Smith; to the Committee on War Claims.

Also, a bill (H. R. 17359) for the relief of the congregation of the Presbyterian Church of Calhoun, Ga.; to the Committee on War Claims.

Also, a bill (H. R. 17360) for the relief of the congregation of the Union Methodist Church, near Tilton, Whitfield County, Ga.; to the Committee on War Claims.

Also, a bill (H. R. 17361) for the relief of the congregation of the Kingston Methodist Church, of Bartow County, Ga.; to the Committee on War Claims.

Also, a bill (H. R. 17362) for the relief of the congregation of the Kingston Baptist Church, of Kingston, Ga.; to the Committee on War Claims.

Also, a bill (H. R. 17363) for the relief of the Catholic Church at Dalton, Ga.; to the Committee on War Claims.

Also, a bill (H. R. 17364) for the relief of the Methodist Episcopal Church South, of Ringgold, Ga.; to the Committee on War Claims.

Also, a bill (H. R. 17365) for the relief of the heirs of Lucy A. Weaver, deceased; to the Committee on War Claims.

Also, a bill (H. R. 17366) for the relief of the heirs of Samuel Sparger, deceased; to the Committee on War Claims.

Also, a bill (H. R. 17367) for the relief of heirs of George Winfrey, deceased; to the Committee on War Claims.

Also, a bill (H. R. 17368) for the relief of the heirs of Sarah and Uriah Ragland, deceased; to the Committee on War Claims.

Also, a bill (H. R. 17369) for the relief of the heirs or estate of John Duncan, deceased; to the Committee on War Claims.

Also, a bill (H. R. 17370) for the relief of the heirs of Jane Rodgers, deceased; to the Committee on War Claims.

Also, a bill (H. R. 17371) for the relief of James Lynch, administrator of the estate of John Lynch, deceased; to the Committee on War Claims.

Also, a bill (H. R. 17372) to carry into effect the findings of the Court of Claims in the case of Miles L. Floyd, administrator of the estate of David Floyd, deceased; to the Committee on War Claims.

Also, a bill (H. R. 17373) to carry into effect the findings of the Court of Claims in the case of Mary E. Humphreys, executrix of Enoch Humphreys, deceased; to the Committee on War Claims.

Also, a bill (H. R. 17374) to carry into effect the findings of the Court of Claims in the case of Miles L. Floyd, administrator of estate of David Floyd, deceased; to the Committee on War Claims.

Also, a bill (H. R. 17375) to carry into effect the findings of the Court of Claims in the case of Abraham Greeson; to the Committee on War Claims.

Also, a bill (H. R. 17376) to carry into effect the findings of the Court of Claims in case of J. W. Jennings, administrator of the estate of Patrick Jennings, deceased; to the Committee on War Claims.

Also, a bill (H. R. 17377) to carry into effect the findings of the Court of Claims in the case of Mary E. Humphreys, executrix of Enoch Humphreys, deceased; to the Committee on War Claims.

By Mr. LEVER: A bill (H. R. 17378) authorizing the President to reinstate William Harrison Saunders as a midshipman in the United States Naval Academy; to the Committee on Naval Affairs.

By Mr. LITTLEPAGE: A bill (H. R. 17379) granting a pension to Gideon Hill; to the Committee on Pensions.

Also, a bill (H. R. 17380) for the relief of Joseph McCoy; to the Committee on War Claims.

By Mr. LOBECK: A bill (H. R. 17381) granting a pension to Mary A. Boyle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17382) granting an increase of pension to William H. Carr; to the Committee on Invalid Pensions.

By Mr. McHENRY: A bill (H. R. 17383) granting an increase of pension to Josiah Steward; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17384) granting an increase of pension to Elias Kebach; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17385) granting an increase of pension to Isaac E. Reed; to the Committee on Invalid Pensions.

By Mr. McKINLEY: A bill (H. R. 17386) granting an increase of pension to John Cook; to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 17387) granting an increase of pension to Frank J. Melton; to the Committee on Invalid Pensions.

By Mr. MARTIN of Colorado: A bill (H. R. 17388) granting a pension to John D. Ashley; to the Committee on Pensions.

Also, a bill (H. R. 17389) granting a pension to Edna B. Snider; to the Committee on Pensions.

Also, a bill (H. R. 17390) granting a pension to Alice M. Duncan; to the Committee on Invalid Pensions.

By Mr. MATTHEWS: A bill (H. R. 17391) granting an increase of pension to William A. Gabby; to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 17392) granting an increase of pension to Benjamin F. Hake; to the Committee on Invalid Pensions.

By Mr. MORRISON: A bill (H. R. 17393) for the relief of James M. Blankenship; to the Committee on Military Affairs.

By Mr. O'SHAUNESSY: A bill (H. R. 17394) authorizing the Secretary of the Treasury to pay the heirs or assigns of Pardon Worsley $10,000; to the Committee on War Claims.

By Mr. PAYNE: A bill (H. R. 17395) granting an increase of pension to George W. Salisbury; to the Committee on Invalid Pensions.

By Mr. PEPPER: A bill (H. R. 17396) for the relief of Florence Lambert; to the Committee on Claims.

Also, a bill (H. R. 17397) granting an increase of pension to Abraham Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17398) granting a pension to Charlotte E. Coplan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17399) granting an increase of pension to Josiah M. Brewer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17400) granting an increase of pension to Samuel P. Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17401) granting an increase of pension to Moses Erwin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17402) granting an increase of pension to Daniel W. Green; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17403) granting an increase of pension to Robert Burns; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17404) granting an increase of pension to Marshall D. Watson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17405) granting an increase of pension to Mary A. O'Neil; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17406) to correct the military record of John P. Risley; to the Committee on Military Affairs.

By Mr. PALMER: A bill (H. R. 17407) for the relief of Warren Van Vliet; to the Committee on Military Affairs.

Also, a bill (H. R. 17408) granting an increase of pension to Isaiah Frutchey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17409) granting an increase of pension to John Lattimore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17410) granting an increase of pension to William S. Brouch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17411) granting an increase of pension to Peter Mager; to the Committee on Invalid Pensions.

By Mr. PARRAN: A bill (H. R. 17412) for the relief of Frederic A. Holden; to the Committee on War Claims.

Also, a bill (H. R. 17413) for the relief of Owen Matthews; to the Committee on Military Affairs.

Also, a bill (H. R. 17414) granting a pension to William D. Allen; to the Committee on Pensions.

Also, a bill (H. R. 17415) to appoint Wilbur F. Cogswell an assistant engineer in the Navy and place him on the retired list; to the Committee on Naval Affairs.

By Mr. PATTON of Pennsylvania: A bill (H. R. 17416) granting a pension to Philip S. Dale; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17417) granting an increase of pension to William H. Friday; to the Committee on Invalid Pensions.

By Mr. PRAY: A bill (H. R. 17418) granting a pension to William Miller; to the Committee on Pensions.

Also, a bill (H. R. 17419) granting an increase of pension to William H. Orcutt; to the Committee on Invalid Pensions.

By Mr. REILLY: A bill (H. R. 17420) granting a pension to Catherine C. Harris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17421) granting an increase of pension to Ann Galligan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17422) granting an increase of pension to Mary L. Myers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17423) granting an increase of pension to George Rochford; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 17424) granting a pension to Tolliver Roberts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17425) granting an increase of pension to Angeline Rodman; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 17426) granting a pension to Minta Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17427) to correct the military record of Monroe Trent; to the Committee on Military Affairs.

Also, a bill (H. R. 17428) to correct the military record of John H. Blevins; to the Committee on Military Affairs.

By Mr. SHACKLEFORD: A bill (H. R. 17429) for the relief of Mount Zion Methodist Church, of Boone County, Mo.; to the Committee on War Claims.

By Mr. SHERLEY: A bill (H. R. 17430) for the benefit of John R. Gleason and George W. Gosnell, partners under the firm name of Gleason & Gosnell; to the Committee on Claims.

By Mr. SIMS: A bill (H. R. 17431) granting an increase of pension to Peter F. Dixon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17432) granting an increase of pension to Nathan M. D. Kemp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17433) granting an increase of pension to John C. Doss; to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 17434) granting a pension to Elizabeth A. Wools; to the Committee on Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 17435) granting an increase of pension to Julius Nitsche; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17436) granting an increase of pension to Charles W. Hott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17437) granting an increase of pension to Moses C. Carr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17438) granting an increase of pension to Norman H. Bates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17439) granting an increase of pension to Washington C. Wheeler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17440) granting an increase of pension to Alexander F. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17441) granting an increase of pension to John J. S. Hartel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17442) granting an increase of pension to Roxanna Churchill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17443) granting an increase of pension to Daniel McKendricks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17444) granting an increase of pension to Sidney Walter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17445) granting a pension to Cordelia Mulford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17446) granting a pension to Morgan Gulick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17447) granting a pension to Sarah F. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17448) granting a pension to Milon Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17449) granting a pension to Susie A. Cole; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17450) granting a pension to John D. Palmatier; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Nebraska: A bill (H. R. 17451) to correct the military record of Patrick Philben; to the Committee on Military Affairs.

By Mr. STEPHENS of Texas: A bill (H. R. 17452) for the relief of the heirs of J. D. Bellah, sr.; to the Committee on War Claims.

Also, a bill (H. R. 17453) to pay pensions to certain Indians of the Fort Hall Indian Reservation; to the Committee on Indian Affairs.

By Mr. TAGGART: A bill (H. R. 17454) granting an increase of pension to Alvah R. Blackmore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17455) to correct the military record of John K. Wren; to the Committee on Military Affairs.

Also, a bill (H. R. 17456) granting an increase of pension to Josephine K. Woodson; to the Committee on Pensions.

Also, a bill (H. R. 17457) granting an increase of pension to Arthur W. Brittingham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17458) granting a pension to Sarah Jane Scurlock; to the Committee on Pensions.

Also, a bill (H. R. 17459) granting a pension to A. C. Hogan, jr.; to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 17460) granting an increase of pension to William R. Hoffner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17461) granting a pension to Addie Stephenson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17462) granting an increase of pension to Benjamin B. Griggs; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 17463) for the relief of the heirs of Phlegmon W. Willis; to the Committee on War Claims.

By Mr. TILSON: A bill (H. R. 17464) granting an increase of pension to Betsey J. Platt; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 17465) granting an increase of pension to Andrew L. Weatherford; to the Committee on Pensions.

By Mr. WEDEMEYER: A bill (H. R. 17466) granting a pension to Rose Chase; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17467) granting a pension to Lucretia Kelsey; to the Committee on Invalid Pensions.

By Mr. WHITACRE: A bill (H. R. 17468) for the relief of James W. Cossler; to the Committee on War Claims.

By Mr. YOUNG of Michigan: A bill (H. R. 17469) granting a pension to Albert J. Pepin; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAIR: Memorial of Seventh-day Adventist Church of Bluffton, Ind., against the passage of House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. AKIN of New York: Petitions of M. Lackey and other citizens of Glens Falls, N. Y., favoring the reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. AMES: Petition of manufacturers and dealers in ginger ale and soda waters of Lowell, Mass., for reduction of duties on raw and refined sugars; to the Committee on Ways and Means.

By Mr. ASHBROOK: Petition of the Troy Carriage Sunshade Co., of Troy, Ohio, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, memorial of the Ohio Senior Loyal Temperance Legion, asking for the passage of a law prohibiting the shipment of intoxicating liquors into prohibition States; to the Committee on the Judiciary.

By Mr. AYRES: Memorial of the City Council of Portsmouth, N. H., with regard to Kittery-Portsmouth Navy Yard; to the Committee on Naval Affairs.

Also, memorial of citizens of New York City, with relation to reduction of sugar tariff; to the Committee on Ways and Means.

Also, memorial of the Maritime Association of New York City, with regard to a national harbor of refuge at Point Judith, R. I.; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Pennsylvania State Grange, in relation to the eradication of the chestnut-tree blight by Federal aid; to the Committee on Agriculture.

Also, memorial of the United Master Butchers of America (East Side, New York, Branch), relating to the proposed reduction in the tax on oleomargarine; to the Committee on Agriculture.

Also, memorial of the American Hardware Manufacturers' Association, in relation to the upbuilding of an American merchant marine; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Northwestern Bronx Property Owners' Association, in relation to the proper improvement of the Harlem Ship Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. BOWMAN: Petitions of Walter S. Good, Harry Krachenfels, Lea Hunt, Fred C. Smalley, Wilmot Flaherty, Charley Wacknoras, Reuben S. Gardner, John R. Posten, George F. Monahan, Berry Smith, William A. Berlin, C. G. Croopin, Elmer L. Wisor, John Tyray, Charles White, John J. Hendershot, Ray Deutsch, William L. Deutsch, Jack H. Mayer, F. Temple Hibbard, E. P. Hall, Thompson H. Rowley, and Charles P. Hunt, of Pennsylvania, in favor of National Guard pay bill; to the Committee on Military Affairs.

Also, petitions of Harry S. Ulman, W. S. Biddle, E. F. Roth, Isaac S. Van Scoy, and the Matheson Automobile Co., of Wilkes-Barre, Pa., in favor of Lincoln Memorial Road from Washington to Gettysburg; to the Committee on Appropriations.

Also, petitions of Fayette R. Plumb, the Thread Agency, and the Yarn Agency, of Philadelphia, Pa., urging the passage of House bill 14489; to the Committee on Ways and Means.

Also, memorial of Local No. 514, Wilkes-Barre (Pa.) Carpenters and Joiners of America, against Senate bill 2564; to the Committee on Printing.

By Mr. BROWN: Petition of churches of Grafton, W. Va., in favor of the passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. BURKE of Wisconsin: Paper to accompany bill granting a pension to Mary Rothenberger; to the Committee on Invalid Pensions.

Also, petition of Sheboygan Mineral Water Co., of Sheboygan, Wis., praying for the total elimination of the tariff on raw and refined sugars; to the Committee on Ways and Means.

Also, petitions of citizens of Ellsworth, Fairwater, and Reeseville, Wis., praying for a revision and reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also (by request), resolutions of the executive board of the Wisconsin Branch of the American Society of Equity, protesting against the reduction of import duty on raw sugar; to the Committee on Ways and Means.

Also (by request), petition of druggists of Wisconsin, protesting against the passage of House bill 8887, proposing a stamp tax on proprietary medicines and toilet articles; to the Committee on Ways and Means.

By Mr. CALDER: Resolutions of the Pennsylvania State Grange in relation to the eradication of the chestnut-tree blight by Federal aid; to the Committee on Agriculture.

Also, petitions of members of Long Island Bottlers' Union and other citizens of Brooklyn, N. Y., favoring the elimination of the tariff on raw and refined sugars; to the Committee on Ways and Means.

Also, papers to accompany House bill 15633, for the relief of Mary McCullough; to the Committee on Claims.

Also, resolutions of the executive committee of the Brooklyn League and Seneca Club, of Brooklyn, N. Y., protesting against the removal of the New York Navy Yard from Brooklyn; to the Committee on Naval Affairs.

By Mr. CARY: Petition of the German Catholic Society, St. Anthony's Congregation, Milwaukee, Wis., favoring the Esch phosphorus bill; to the Committee on Ways and Means.

Also, petitions of residents of Milwaukee, Wis., petitioning Congress to reduce the tariff on sugar; to the Committee on Ways and Means.

Also, protest against the reduction of import duty on raw sugar by the executive board of the American Society of Equity, at Madison, Wis., December 28, 1911; to the Committee on Ways and Means.

Also, communication of Licensed Tugmen No. 8, of Milwaukee, Wis., against the enactment of the Smoot printing bill; to the Committee on Printing.

Also, resolution of Branch No. 15, Glass Bottle Blowers' Association, of Milwaukee, Wis., favoring the measure to have an investigation of disease in dairy products; to the Committee on Agriculture.

By Mr. CLINE: Petition of citizens of Fort Wayne, Ind., in favor of old-age pensions; to the Committee on Pensions.

Also, petition of Millinery Jobbers' Association, against parcel post; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Hoagland, Md., for reduction in duties on raw and refined sugars; to the Committee on Ways and Means.

By Mr. CONRY: Memorial of Maritime Association of the Port of New York, for certain improvements in the harbor of refuge at Point Judith, R. I.; to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER: Petitions of Oscar Rector, Charles Pfennig Co., and Hale Grocery Co., of Kenosha, Wis., and of Leo A. Peil Co., grocers, and other grocers of Racine, Wis., asking for a reduction in the duties on raw and refined sugars; to the Committee on Ways and Means.

By Mr. CRAVENS: Petitions of citizens of Doddridge, Bigby, and Fort Smith, Ark., favoring reduction in duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. CULLOP. Petition of numerous citizens of Indiana, in favor of old-age pensions; to the Committee on Pensions.

By Mr. DAVIS of Minnesota: Petitions of St. Laurentius Society and others, of Faribault, and the German Catholic Society of Nicollet, Minn., in favor of Esch bill, providing for a tax upon white phosphorus matches; to the Committee on Ways and Means.

Also, petitions of business men of Le Sueur, Minn., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petition of F. A. Lange and others of Elysian, Minn., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of residents of Red Wing, Minn., in favor of old-age pensions; to the Committee on Pensions.

Also, petitions of residents of Red Wing, Minn., urging amendment to Federal Constitution enabling women to vote; to the Committee on the Judiciary.

Also, petition of Current Events Club, of Northfield, Minn., for repeal of tax on oleomargarine; to the Committee on Agriculture.

By Mr. DE FOREST: Memorial of Philip Livingston Chapter, Sons of the Revolution, urging an appropriation to preserve battle flags in possession of the United States Naval Academy; to the Committee on Appropriations.

Also, petitions of numerous citizens of New York State, urging that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. DRAPER: Memorial of city council of Portsmouth, N. H., opposing plan to abolish the Portsmouth Navy Yard; to the Committee on Naval Affairs.

Also, memorial of board of directors of the Maritime Association of the Port of New York, for construction of landing place in the harbor of refuge at Point Judith, R. I.; to the Committee on Interstate and Foreign Commerce.

By Mr. MICHAEL E. DRISCOLL: Petition of National Woman's Christian Temperance Union, urging the reimbursement of the Ellen M. Stone ransom; to the Committee on Claims.

Also, petitions of members of the Merchant Bakers' Exchange, of Syracuse, N. Y., for the removal of the duty on sugar; to the Committee on Ways and Means.

By Mr. ESCH: Papers to accompany bill for the relief of Henry W. Northrop and Elizabeth Russell; to the Committee on Invalid Pensions.

Also, memorial of the Trades and Labor Council of La Crosse, Wis., urging the passage of House bill 5601; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Trades and Labor Council of La Crosse, Wis., against the passage of Senate bill 2564; to the Committee on Printing.

Also, petition of American Society of Equity, against reduction of import duties on raw sugar; to the Committee on Ways and Means.

Also, memorial of Maritime Association of the Port of New York, urging certain improvements of harbor of refuge at Point Judith, R. I.; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Commission for the Investigation and Control of the Chestnut Tree Blight Disease in Pennsylvania, in favor of an appropriation for use of United States Department of Agriculture in investigating the chestnut-tree blight disease; to the Committee on Agriculture.

Also, memorial of San Jose (Cal.) Chamber of Commerce, asking that no tolls be charged American ships through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. FLOYD of Arkansas: Papers to accompany House bill 16724, for the relief of H. C. Beebe; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 16726, for the relief of Charles Parker; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 16727, for the relief of John Cavin; to the Committee on Invalid Pensions.

Also, petition of citizens of Berryville, Ark., asking for a reduction of duties on raw and refined sugars; to the Committee on Ways and Means.

By Mr. FOCHT: Papers to accompany House bill 16358, for the relief of Henry S. Rider; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 15018, for the relief of Levi Zerbe, alias Levi Hone; to the Committee on Military Affairs.

Also, papers to accompany House bill 15503, for the relief of Mrs. Sarah Biesecker; to the Committee on Pensions.

Also, petitions of citizens of Wagner and Huntingdon, Pa., asking for a reduction in the duty on raw and refined sugars, etc.; to the Committee on Ways and Means.

By Mr. FORNES: Memorials of the Conservation Commission and the Commission for the Investigation and Control of the Chestnut Tree Blight Disease in Pennsylvania, in favor of House bill 14120; to the Committee on Agriculture.

Also, memorial of City Council of Portsmouth, N. H., against abolishing the Portsmouth-Kittery Navy Yard; to the Committee on Naval Affairs.

Also, memorial of Engineers' Club, of St. Louis, Mo., concerning the necessity for remedial patent legislation; to the Committee on Patents.

Also, petition of the yarn agency of New York, for amendment to corporation excise-tax law; to the Committee on Ways and Means.

Also, petition of Albany (N. Y.) Chamber of Commerce, for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, memorial of a German Catholic society of New York, for the passage of House bill 2896; to the Committee on Ways and Means.

Also, memorial of Maritime Association of Port of New York, for certain improvements in the harbor of refuge at Point Judith, R. I.; to the Committee on Interstate and Foreign Commerce.

By Mr. FOSS: Petition of Edward Clifford and others, of Evanston and Chicago, Ill., urging a reduction in the duties on raw and refined sugars; to the Committee on Ways and Means.

Also, memorial of Second Presbyterian Church of Evanston, Ill., for the passage of an effective interstate liquor law; to the Committee on the Judiciary.

Also, memorial of National Woman's Christian Temperance Union, praying that Congress pass the bill making an appropriation of $66,000 with which to reimburse those contributing to the ransom of Miss Ellen M. Stone, an American citizen who was held captive by brigands in Macedonia, Turkey in Europe, September 3, 1901, to February 23, 1902; to the Committee on Claims.

By Mr. FOSTER of Illinois: Petition of St. Joseph's Men's Society of St. Rose, Ill., favoring bill providing for a tax on phosphorus matches; to the Committee on Ways and Means.

By Mr. FRENCH: Petition of E. M. Small, of Parma, Idaho, favoring the reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, memorials of the Seventh-day Adventist Churches of Cambridge, Caldwell, and Meridian, Idaho, protesting against House bill 9433, for the observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

Also, petition of Wade Bros. and other citizens of Idaho Falls, Idaho, against parcels post; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of L. R. Murray, of Mason, Ill., in favor of the repeal of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of National Indian War Veterans, of Denver, Colo., favoring the passage of the Rucker bill (H. R. 779) for the relief of men who served the United States Government during the period of 1865 to 1890, etc.; to the Committee on Pensions.

Also, petition of Ellen M. Stone, in favor of the passage of House bill 2461, to reimburse persons contributing to Stone ransom; to the Committee on Claims.

Also, petition of Federal Sign System (electric), of Chicago, Ill., in favor of the proposed reduction in rates of first-class mail; to the Committee on the Post Office and Post Roads.

Mr. GALLAGHER: Resolutions of the Illinois Grain Dealers' Association, of Urbana, Ill., favoring an appropriation of not less than $100,000 for the maintenance of the grain standardization laboratory of the Bureau of Plant Industry of the Department of Agriculture; to the Committee on Appropriations.

Also, resolutions of the Union League Club of Chicago, Ill., favoring the site designated by the commission of 1902 for the Lincoln Memorial, on the banks of the Potomac and on the axis of the Capitol and Washington Monument; to the Committee on the Library.

By Mr. GARDNER of Massachusetts: Resolutions adopted by the Gloucester (Mass.) Master Mariners' Association, asking the Government to furnish an additional breakwater in Barnstable Bay; to the Committee on Rivers and Harbors.

Also, resolutions of the Milton Woman's Club, of Milton, Mass., favoring the ratification of the proposed arbitration treaties with Great Britain and France; to the Committee on Foreign Affairs.

Also, resolutions of Haverhill (Mass.) Federation of Men's Church Organization, favoring the adoption of general arbitration treaties with foreign countries; to the Committee on Foreign Affairs.

Also, petition of Salem Bottling Co. and other companies, in Salem, Mass., asking for the total elimination of the tariff on raw and refined sugars; to the Committee on Ways and Means.

Also, resolutions adopted by the Engineers' Club of St. Louis, Mo., praying for remedial patent legislation; to the Committee on Patents.

Also, petitions of Arthur Stewart, H. H. Story, B. Frank Smith, W. H. Goldsmith, F. W. Martin, C. H. Sheehan, and William M. Ramsey, of Merrimac, Mass., asking for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. GARNER: Petition of J. B. Womack and other citizens of Riviera, Tex., favoring the reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. HAMILTON of Michigan: Petition of citizens of Colon and Moline, Mich., urging the enactment of legislation to prevent the interstate shipment of liquors; to the Committee on the Judiciary.

Also, petition of citizens of Saugatuck, Mich., protesting against the enactment of parcels-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of Fair Plain Fruit Growers' Protective Association, of Benton Harbor, Mich., in favor of parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. HAMLIN: Papers to accompany House bills 17072, 17073, and 17076; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 17071; to the Committee on Pensions.

Also, petitions of F. Y. Underwood and others, of Missouri, asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. HANNA: Petition of citizens of North Dakota, in favor of old-age pensions; to the Committee on Pensions.

Also, petition of Ole Dnloger, of Forbes, N. Dak., against extension of parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of Y. M. Rolbuck, of Voltaire, N. Dak., for reduction of duties on raw and refined sugars; to the Committee on Ways and Means.

By Mr. HARTMAN: Memorial of the Commission for the Investigation and Control of the Chestnut Tree Blight Disease in Pennsylvania, urging appropriation for use of United States Department of Agriculture in investigation of the chestnut-tree blight; to the Committee on Agriculture.

By Mr. HAYES: Memorial of San Luis Obispo (Cal.) Chamber of Commerce, relative to control of floods in the river systems of the Sacramento and San Joaquin Valleys; to the Committee on Rivers and Harbors.

Also, papers to be filed in connection with the application of Ferdinand T. Bray for a pension; to the Committee on Invalid Pensions.

By Mr. HARDWICK: Memorial of Rev. W. H. Young and others, against the shipment of intoxicating liquor into prohibition States; to the Committee on the Judiciary.

By Mr. HIGGINS: Petitions of Oscar E. Taylor and others, of Connecticut, for reduction in the duties on raw and refined sugars; to the Committee on Ways and Means.

By Mr. HILL: Resolutions of the Central Labor Union of Danbury, Conn., with reference to Senate bill 2564, known as the Smoot printing bill; to the Committee on Printing.

By Mr. HINDS: Memorial of State Street Congregational Church, of Portland, Me., approving arbitration treaties; to the Committeee on Foreign Affairs.

By Mr. HOUSTON: Papers to accompany House bill 15308, granting an increase of pension to Thomas N. Smith; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 16150, for the relief of Joseph B. McGee; to the Committee on Military Affairs.

Also, papers to accompany House bill 16149, for the relief of Charles Lowe; to the Committee on Military Affairs.

By Mr. KINDRED: Memorial of Southern Surgical and Gynecological Association, in favor of the establishment of a national board of health; to the Committee on Interstate and Foreign Commerce.

Also, petition of Central Union Label Council of Greater New York, in favor of the Booher bill relative to products manufactured by convicts outside or in prison; to the Committee on Interstate and Foreign Commerce.

By Mr. KONOP: Petitions of J. P. Annen and others, of Green Bay, Wis., asking for reduction of the duty on sugar; to the Committee on Ways and Means.

Also, resolutions of American Society of Equity, of Wisconsin, protesting against reduction of duty on sugar; to the Committee on Ways and Means.

Also, petitions of J. J. Kallender and others, of Wausaukee, Wis., protesting against the duty on sugar; to the Committee on Ways and Means.

By Mr. LAFFERTY: Papers to accompany bill for the relief of Robert F. Scott; to the Committee on Claims.

Also, petition of citizens of Oregon, for the development of the Umatilla Government project, of Oregon; to the Committee on the Public Lands.

By Mr. LENROOT: Memorial of American Society of Equity, protesting against the reduction of import duties on raw sugar; to the Committee on Ways and Means.

Also, petition of citizens of Menomonie, Wis., protesting against the passage of House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. LINDBERGH: Memorial of the City Council of Portsmouth, N. H., against abolishment of the Portsmouth Navy Yard; to the Committee on Naval Affairs.

Also, petition of G. T. Winkler, of Garfield, Minn., for reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petitions of numerous citizens of Douglas and Wadena, Minn., against the parcels post; to the Committee on the Post Office and Post Roads.

By Mr. LINDSAY: Petitions of A. Jaeckel & Co. and the Yarn Agency, of New York, N. Y., for amendment to corporation-tax law; to the Committee on Ways and Means.

Also, memorial of city council of Portsmouth, N. H., opposing plan to abolish the Portsmouth Navy Yard; to the Committee on Naval Affairs.

Also, petition of New York Water Color Club, for placing the Lincoln memorial on the site recommended by the Washington Park Commission; to the Committee on the Library.

Also, memorial of Maritime Association of the Port of New York, for the construction of a landing place in the Harbor of Refuge at Point Judith, R. I.; to the Committee on Interstate and Foreign Commerce.

By Mr. LOBECK: Memorial of Omaha (Nebr.) Lodge, No. 31, International Association of Machinists, protesting against the introduction of the Taylor system of shop management and urging the control of convict labor so that it will not compete with free labor; to the Committee on Labor.

Also, resolutions of Camp John M. Stotsenburg, No. 1, Army of the Philippines, urging that legislation be enacted granting pensions to widows and minor children of deceased soldiers and sailors of the War with Spain and the Philippine insurrection; to the Committee on Pensions.

Also, memorial of McCabe Methodist Episcopal Church, of Omaha, Nebr., favoring the ratification of arbitration treaties between the United States and France and the United States and Great Britain; to the Committee on Foreign Affairs.

Also, petition of Curo Mineral Springs Co., of South Omaha, Nebr., asking for elimination of the tariff on raw and refined sugars; to the Committee on Ways and Means.

Also (by request), memorial of members of Scandinavian Seventh-day Adventist Church, of Omaha, Nebr., against Sunday observance in post offices, as provided in House bill 9433; to the Committee on the Post Office and Post Roads.

Also, papers to accompany bill for the relief of Henry Hempen (H. R. 13456); to the Committee on Invalid Pensions.

By Mr. McHENRY: Memorial of Pennsylvania Woman's Suffrage Association, for amendment to Federal Constitution; to the Committee on Election of President, Vice President, and Representatives in Congress.

Also, petitions of citizens of Shamokin, Pa., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. McKELLAR (by request): Petition of citizens of Brighton, Tenn., as to interstate liquor traffic; to the Committee on the Judiciary.

By Mr. MANN: Petition of F. E. Saddler, of Chicago, Ill., urging reduction in duties on raw and refined sugars; to the Committee on Ways and Means.

Also, memorial of City Council of Portsmouth, N. H., against abolishing Portsmouth-Kittery Navy Yard; to the Committee on Naval Affairs.

Also, petition of citizens of Chicago, Ill., protesting against extension of the parcels post; to the Committee on the Post Office and Post Roads.

By Mr. MATTHEWS: Memorial of First Presbyterian Church, of Beaver Falls, Pa., for the passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. MOORE of Pennsylvania: Petition of Charles E. Hires Co., protesting against the present tax on sugar; to the Committee on Ways and Means.

By Mr. NEEDHAM: Petitions of citizens of Aptos, Bradley, Kingsbury, Kings City, Lathrop, Lemore, Modesto, Monterey, Oakdale, Pacific Grove, San Ardo, Salinas, San Lucas, Selma, Soledad, Stockton, and Turlock, Cal., protesting against parcels post; to the Committee on the Post Office and Post Roads.

Also, resolutions of the San Diego (Cal.) Chamber of Commerce, protesting against report made by Los Angeles (Cal.) Chamber of Commerce, relative to San Diego Harbor; to the Committee on Naval Affairs.

Also, resolution of Encampment No. 162, Union Veteran Legion, of San Jose, Cal., for a volunteer officers' retired list; to the Committee on Military Affairs.

Also, petitions of citizens of Stockton, Cal., favoring a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, resolution adopted at mass meeting held in the Victory Theater, San Jose, Cal., indorsing the work of the National League for Medical Freedom; to the Committee on Interstate and Foreign Commerce.

Also, resolution of the First Christian Church, of Santa Cruz, Cal., favoring legislation to protect local prohibition laws; to the Committee on the Judiciary.

Also, resolutions of the San Francisco (Cal.), Oakland (Cal.), and San Luis Obispo (Cal.) Chambers of Commerce, indorsing the report of the California Débris Commission of 1910, relating to the control of floods in the river systems of the Sacramento and San Joaquin Valleys; to the Committee on Rivers and Harbors.

Also, resolution of the Central Labor Council of Santa Clara County, Cal., protesting against the use of phosphorus in the manufacture of matches; to the Committee on Ways and Means.

Also, resolution of Madera County (Cal.) Chamber of Commerce, favoring State and Federal action in the distribution of flood waters; to the Committee on Rivers and Harbors.

Also, resolutions of the California State Federation of Labor, protesting against the adoption of the proposed Taylor system or any similar system in Government navy yards or arsenals; to the Committee on Labor.

Also, memorial of Assembly of California, petitioning Congress to appropriate $1,000,000 for the improvement of Yosemite National Park; to the Committee on Appropriations.

Also, memorial of Senate and Assembly of State of California, favoring the Sulloway bill; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: Memorial of Maritime Association of New York, urging the completion of the Point Judith, R. I., improvements; to the Committee on Interstate and Foreign Commerce.

By Mr. PALMER: Resolutions of Carpenters and Joiners of America, Local No. 514, of Wilkes-Barre, Pa., protesting against passage of Smoot printing bill; to the Committee on Printing.

Also, resolutions of Committee of One Hundred on National Health, of New York City, urging the passage of the Esch phosphorus bill; to the Committee on Ways and Means.

Also, resolutions of Pennsylvania State Grange, urging appropriation of money for United States Department of Agriculture for eradication of chestnut-tree blight; to the Committee on Agriculture.

By Mr. PATTON of Pennsylvania: Petitions of Joseph B. Bush and others, of Pennsylvania, asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. REILLY: Petitions of the American Thread Co., for the passage of House bill 14489; to the Committee on Ways and Means.

Also, petition of Milford (Conn.) Business Men's Association, urging reduction in duties on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of New Haven (Conn.) Trades Council, for passage of Esch phosphorus bill; to the Committee on Ways and Means.

By Mr. REYBURN: Petitions of G. C. Taggart and B. F. Tuttle, of Philadelphia, Pa., urging reduction in duties on raw and refined sugars; to the Committee on Ways and Means.

By Mr. SHARP: Petition of residents of the fourteenth Ohio congressional district, urging the passage of House bill 14; to the Committee on the Post Office and Post Roads.

Also, memorial of Woman's Round Table Club of Mansfield, Ohio, favoring repeal of oleomargarine law, etc.; to the Committee on Agriculture.

Also, petition of citizens of the fourteenth Ohio congressional district, protesting against the passage of House bill 9433, providing for the observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

Also, memorial of Department of Ohio, Grand Army of the Republic, protesting against the incorporation of the Grand Army of the Republic; to the Committee on the District of Columbia.

By Mr. SIMS: Papers to accompany bill for the relief of Peter F. Dixon, John C. Doss, and M. B. Kemp; to the Committee on Invalid Pensions.

Also, petition of numerous citizens of Tennessee, in favor of old-age pensions; to the Committee on Pensions.

Also, petitions of citizens of Buena Vista and Westport, Tenn., for an effective interstate liquor law; to the Committee on the Judiciary.

Also, petition of citizens of Huntingdon, Tenn., urging passage of House bill 8141; to the Committee on Military Affairs.

By Mr. SMITH of New York: Petition of citizens of Buffalo, N. Y., for old-age pensions; to the Committee on Pensions.

By Mr. SAMUEL W. SMITH: Memorial of Seventh-day Adventist Church, of Birmingham, Mich., protesting against the passage of House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. STERLING: Petitions of numerous citizens of Chatsworth and Mount Pulaski, Ill., against extension of parcel post; to the Committee on the Post Office and Post Roads.

Also, petitions of numerous citizens of Illinois, urging reduction in the duties on raw and refined sugars; to the Committee on Ways and Means.

By Mr. SULZER: Memorial of a German society of Chicago, Ill., in favor of House resolution 166; to the Committee on Immigration and Naturalization.

Also, petition of citizens of New Mexico, in favor of the passage of House bill 14; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of New York, for reduction in duties on raw and refined sugars; to the Committee on Ways and Means.

Also, memorial of Maritime Association of the Port of New York, for certain improvements in harbor of refuge at Point Judith, R. I.; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Yarn Agency of New York, for amendment to corporation excise-tax law; to the Committee on Ways and Means.

Also, memorial of City Council of the city of Portsmouth, N. H., against plan to abolish the Portsmouth Navy Yard; to the Committee on Naval Affairs.

Also, petition of New York Water Color Club, relative to Lincoln Memorial; to the Committee on the Library.

Also, memorial of Welfare Department of the Washington Section, National Civic Federation, for passage of House bill 8758; to the Committee on the District of Columbia.

Also, memorial of Merchants' Association of New York, in favor of embassy buildings in the cities of Mexico, Rio de Janeiro, and Tokyo; to the Committee on Foreign Affairs.

By Mr. TAYLOR of Colorado: Resolution of Municipal Council of United Spanish War Veterans, of Denver, Colo., favoring House bill 6744, to pension widows and orphans of Spanish War Veterans; to the Committee on Pensions.

Also, resolution of the Trades and Labor Assembly held in Grand Junction, Colo., December 8, protesting against passage of Senate bill 2564, known as the Smoot printing bill; to the Committee on Printing.

By Mr. THAYER: Petition of L. T. Houghton, of Worcester, Mass., in favor of Lincoln memorial road from Washington to Gettysburg; to the Committee on Appropriations.

By Mr. THISTLEWOOD: Petitions of citizens of Cairo and Duquoin, Ill., asking for a reduction of duty on sugar; to the Committee on Ways and Means.

Also, petition of citizens of Franklin County, Ill., and twenty-fifth congressional district of Illinois, asking for passage of Berger old-age pension bill; to the Committee on Pensions.

By Mr. THOMAS: Petition of citizens of Muhlenberg County, Ky., protesting against the passage of parcels-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Muhlenberg County, Ky., requesting reduction in the duties on raw and refined sugars; to the Committee on Ways and Means.

By Mr. TILSON: Resolutions of the farmers of Connecticut, favoring a general parcel post; to the Committee on the Post Office and Post Roads.

By Mr. TUTTLE: Memorial of Newark (N. J.) Board of Trade, urging that no tolls be assessed against American ships through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, memorial of New Jersey Chapter of the American Institute of Architects, for Lincoln Memorial as recommended by the National Fine Arts Commission; to the Committee on the Library.

Also, memorials of Department of New Jersey, Grand Army of the Republic, and New Jersey Volunteers, for retention in office of veterans of the Civil War; to the Committee on Accounts.

Also, petition of Woman's Fortnightly Club, of Summit, N. J., urging the passage of the Esch phosphorus bill; to the Committee on Way and Means.

By Mr. UNDERHILL: Petition of Albany (N. Y.) Chamber of Commerce, in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Avoca and Wayland, N. Y., against extension of parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Elmira, N. Y., against the passage of House bill 9433; to the Committee on the Post Office and Post Roads.

Also, memorial of Engineers' Club of St. Louis, Mo., concerning the necessity for remedial patent legislation; to the Committee on Patents.

Also, memorial of Conservation Commission, for the passage of House bill 14120; to the Committee on Agriculture.

Also, memorial for the passage of House bill 14120; to the Committee on Agriculture.

Also, petitions of New York Board of Trade and Transportation and others, relating to construction of landing place in and suitable lighting of Point Judith harbor of refuge, R. I., to the Committee on Interstate and Foreign Commerce.

Also, petitions of citizens of Bath and Hammondsport, N. Y., urging reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. WEDEMEYER: Papers to accompany bill granting a pension to Rose Chase, widow of Isaac M. Chase; to the Committee on Invalid Pensions.

Also, papers to accompany bill granting a pension to Lucretia Kelsey; to the Committee on Invalid Pensions.

By Mr. WILLIS: Petition of Niles Segar and 115 other citizens of Bellefontaine, Ohio, and of J. H. Miller and 30 other citizens of Urbana, Ohio, asking for the passage of the old-age pension bill; to the Committee on Pensions.

Also, petition of W. H. D. Miller and 35 other citizens of Hancock County, Ohio, asking for the passage of House bill 14, providing for parcels post; to the Committee on the Post Office and Post Roads.

Also, papers to accompany bill for the relief of Martha A. Culbertson (H. R. 12803); to the Committee on Invalid Pensions.

By Mr. WOOD of New Jersey: Petition of the Woman's Christian Temperance Union of Lambertville and Far Hills, N. J., urging the enactment of an effective interstate-commerce law to protect prohibition territory from illicit liquor sellers; to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Lambertville, N. J., protesting against the reestablishment of the canteen at Army posts; to the Committee on Military Affairs.

Also, resolutions of General George B. McClellan Post, No. 99, Grand Army of the Republic, of Frenchtown, N. J., urging the retention in office of veterans now holding positions under the Federal Government and not under the protection of the civil-service rules; to the Committee on accounts.

Also, petitions of Allison H. Dey, of Hightstown, N. J., and of H. R. Rogers, of Cranbury, N. J., praying for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. YOUNG of Michigan: Petitions of business men of twelfth congressional district of Michigan, against the passage of parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of business men of twelfth congressional district of Michigan, favoring the passage of Senate bill 3776; to the Committee on Interstate and Foreign Commerce.

SENATE.

TUESDAY, *January 9, 1912.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

GENERAL ARBITRATION TREATIES.

Mr. CUMMINS. Mr. President, I gave notice that at the conclusion of the address of the Senator from Delaware [Mr. DU PONT] to-day I would submit some remarks upon resolution No. 176, which I offered yesterday. The Interstate Commerce Committee, of which I am a member, is engaged in a hearing, and I feel it my duty to be present at the hearing. Therefore I withdraw the notice which I gave yesterday, simply suggesting that at some future time I will address the Senate on the resolution.

Mr. CULLOM. Perhaps the Senator would just as lief have the resolution referred to the Committee on Foreign Relations now.

Mr. CUMMINS. I ask that the resolution may lie on the table until I can be heard for a few moments upon it.

Mr. CULLOM. The reason why I made the suggestion is that the committee meets to-morrow, and it could take it up for consideration at that time.

Mr. CUMMINS. Does the chairman think that the other business of the committee will permit taking it up then?

Mr. CULLOM. There is no doubt the committee will take it up for consideration.

Mr. CUMMINS. Very well. Then I am content that the resolution shall be referred to the Committee on Foreign Relations.

The VICE PRESIDENT. Without objection, the resolution will be referred to the Committee on Foreign Relations.

REPORT OF THE NATIONAL MONETARY COMMISSION (S. DOC. NO. 243).

The VICE PRESIDENT laid before the Senate the report of the National Monetary Commission, which was referred to the Committee on Finance and ordered to be printed.

Mr. BURTON. I ask unanimous consent that the report of the Monetary Commission, with the bill embodied therein, be printed in the RECORD.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the order is entered.

Mr. BAILEY. Has it been ordered printed as a public document?

Mr. BURTON. It will be printed as a public document.

The report and bill are as follows:

REPORT OF THE NATIONAL MONETARY COMMISSION.

To the Congress:

The National Monetary Commission, created by sections 17, 18, and 19 of "An act to amend the national banking laws," approved May 30, 1908, submits the following report:

Section 18 of the act gave authority and instructions to the commission as follows:

"It shall be the duty of this commission to inquire into and report to Congress, at the earliest date practicable, what changes are necessary or desirable in the monetary system of the United States or in the laws relating to banking and currency, and for this purpose they are authorized to sit during the sessions or recess of Congress, at such times and places as they may deem desirable, to send for persons and papers, to administer oaths, to summons and compel the attendance of witnesses. * * * The commission shall have the power, through subcommittee or otherwise, to examine witnesses and to make such investigations and examinations, in this or other countries, of the subjects committed to their charge as they shall deem necessary."

In accordance with these instructions we have undertaken in as thorough and scientific a manner as possible to investigate banking and currency conditions in this and other countries. These investigations have been pursued through hearings and examinations in this country and abroad by members and representatives of the commission, and through the preparation of papers and monographs by expert authorities. The commission has through the Comptroller of the Currency collected statistical and other information from national and State banks and trust companies, national-bank examiners, and State bank supervisors.

In the summer of 1908 members of the commission visited England, France, and Germany, the three countries of Europe in which conditions most closely resemble our own, examining their banking arrangements, methods, and practices by personal interviews with the officers of the leading institutions. Representatives of the commission have also visited the banks of Canada, Scotland, Switzerland, Italy, and Sweden, conferring with their officers and examining at first hand their methods of organization and their arrangements for dealing with reserves, note issue, commercial paper, and other banking factors. The questions and answers of the European and Canadian interviews have been published in two volumes, which we believe contain more accurate and concrete information in regard to the actual practice of banking in these countries than has ever been published before. The commission has conducted hearings and made inquiries in different parts of this country for the purpose of obtaining opinions of people, representing different localities and occupations, as to desirable changes in our banking laws. Public hearings, after ample notice thereof, have been held in New York, Chicago, St. Paul, Minneapolis, San Francisco, Seattle, Portland, Los Angeles, Salt Lake City, Denver, Kansas City, St. Louis, and Washington, while meetings such as that of the Western Economic Society at Chicago and of the American Bankers' Association and its affiliated organizations at New Orleans, which have been devoted exclusively to the discussion of monetary legislation, have been utilized by the commission as a means for securing opinions of political economists and of bankers, respectively.

In examining the printed literature of banking at the beginning of our investigations we were struck by the paucity, both in Europe and in America, of material dealing with other phases of the subject than the history of the circulation privilege. It was practically impossible to find, at least in English, any satisfactory account of the operations of European banks other than note-issuing banks, any penetrating examination of the great credit institutions or of the organization of credit in other countries, while the literature of banking in the United States was confined for the most part to accounts of the obsolete State banking systems which existed before the Civil War and to the history of national banking legislation. Until our banking authorities had analyzed the processes and functions of modern banking institutions and cut loose from the traditional methods of banking of half a century or more ago, it was not to be expected that the discussion of banking reform would be in other terms than those current in the earlier period. It is a singular fact that most bankers, economists, and legislators who had written upon banking had discussed banking questions in much the same language and from much the same point of view as English authorities who debated banking reform in England during the decades before the act of 1844. The commission, therefore, at the inception of its labors, enlisted the services of the world's best experts in a fresh examination of banking in the leading countries as it is conducted to-day. Leading financial editors, bankers, Government officials, and university professors in Europe and America and in the Orient, were employed to prepare papers upon the actual operations of banks and upon their separate functions and mutual relations.

The commission has thus collected and published monographs upon banking in England, France, Germany, Canada, Switzerland, Italy, Sweden, Belgium, Mexico, Russia, Austria-Hungary, Holland, and Japan, as well as the United States, which, because of their scope and authority, possess, we believe, enduring scientific value.

By means of special statistical inquiries framed upon a uniform plan and directed to the leading banks of Great Britain, France, and Germany, we have collected more complete statistical information with regard to the banks of these countries than has ever been collected before, while, by a series of special reports from all national and State banks and trust companies in the United States, the commission has been able for the first time to present reports from all of the banks in the country upon a uniform basis.

The commission recognizes the value of the assistance which it has received in the prosecution of its various inquiries and in compiling its data, as well as in the drafting of its proposals. It would be impossible to enumerate all of the bankers, economists, editors, Government officials, business men, and banking and commercial organizations that have generously and patiently cooperated in the work, and it would seem invidious to attempt any selection for special thanks. The list of contributors to the publications of the commission speaks for itself, but we are glad to express our obligations to many others who have rendered equal service in other ways.

The act of May 30, 1908, providing for the appointment of the National Monetary Commission was a direct consequence of the panic of 1907. We shall not attempt to recount the severe losses and misfortunes suffered by the American people of all classes as the result of this and similar crises. To seek for means to prevent the recurrence or to mitigate the severity of grave disasters of this character was, however, one of the primary purposes of its creation.

We have made a thorough study of the defects of our banking system, which were largely responsible for these disasters, and have sought to provide effective remedies for these and other defects in the legislation we propose.

The principal defects in our banking system, we believe, may be summarized as follows:

1. We have no provision for the concentration of the cash reserves of the banks and for their mobilization and use wherever needed in times of trouble. Experience has shown that the scattered cash reserves of our banks are inadequate for purposes of assistance or defense at such times.

2. Antiquated Federal and State laws restrict the use of bank reserves and prohibit the lending power of banks at times when, in the presence of unusual demands, reserves should be freely used and credit liberally extended to all deserving customers.

3. Our banks also lack adequate means available for use at any time to replenish their reserves or increase their loaning powers when necessary to meet normal or unusual demands.

4. Of our various forms of currency, the bank-note issue is the only one which we might expect to respond to the changing needs of business by automatic expansion and contraction, but this issue is deprived of all such qualities by the fact that its volume is largely dependent upon the amount and price of United States bonds.

5. We lack means to insure such effective cooperation on the part of banks as is necessary to protect their own and the public interests in times of stress or crisis. There is no cooperation of any kind among banks outside the clearing-house cities. While clearing-house organizations of banks have been able to render valuable services within a limited sphere for local communities, the lack of means to secure their cooperation or affiliation in broader fields makes it impossible to use these or similar local agencies to prevent panics or avert calamitous disturbances affecting the country at large. These organizations have, in fact, never been able to prevent the suspension of cash payments by financial institutions in their own localities in cases of emergency.

6. We have no effective agency covering the entire country which affords necessary facilities for making domestic exchanges between different localities and sections, or which can prevent disastrous disruption of all such exchanges in times of serious trouble.

7. We have no instrumentality that can deal effectively with the broad questions which, from an international standpoint, affect the credit and status of the United States as one of the great financial powers of the world. In times of threatened trouble or of actual panic these questions, which involve the course of foreign exchange and the international movements of gold, are even more important to us from a national than from an international standpoint.

8. The lack of commercial paper of an established standard, issued for agricultural, industrial, and commercial purposes, available for investments by banks, leads to an unhealthy congestion of loanable funds in great centers and hinders the development of the productive forces of the country.

9. The narrow character of our discount market, with its limited range of safe and profitable investments for banks, results in sending the surplus money of all sections, in excess of reserves and local demands, to New York, where it is usually loaned out on call on stock-exchange securities, tending to promote dangerous speculation and inevitably leading to injurious disturbances in reserves. This concentration of surplus money and available funds in New York imposes upon the managers of the banks of that city the vast responsibilities which are inherent in the control of a large proportion of the banking resources of the country.

10. The absence of a broad discount market in our system, taken together with the restrictive treatment of reserves, creates, at times when serious financial disturbances are anticipated, a condition of dependence on the part of individual banks throughout the country, and at the same time places the farmers and others engaged in productive industries at a great disadvantage in securing the credit they require for the growth, retention, and distribution of their products.

11. There is a marked lack of equality in credit facilities between different sections of the country, reflected in less favored communities in retarded development and great disparity in rates of discount.

12. Our system lacks an agency whose influence can be made effective in securing greater uniformity, steadiness, and reasonableness of rates of discount in all parts of the country.

13. We have no effective agency that can surely provide adequate banking facilities for different regions promptly and on reasonable terms to meet the ordinary or unusual demands for credit or currency necessary for moving crops or for other legitimate purposes.

14. We have no power to enforce the adoption of uniform standards with regard to capital, reserves, examinations, and the character and publicity of reports of all banks in the different sections of the country.

15. We have no American banking institutions in foreign countries. The organization of such banks is necessary for the development of our foreign trade.

16. The provision that national banks shall not make loans upon real estate restricts their power to serve farmers and other borrowers in rural communities.

17. The provision of law under which the Government acts as custodian of its own funds results in irregular withdrawals of money from circulation and bank reserves in periods of excessive Government revenues, and in the return of these funds into circulation only in periods of deficient revenues. Recent efforts to modify the independent Treasury system by a partial distribution of the public moneys

among national banks have resulted, it is charged, in discrimination and favoritism in the treatment of different banks.

There is a general agreement among intelligent students of the subject that to remedy these and other defects it is necessary to provide a comprehensive reorganization of credit and a thorough reconstruction of our banking systems and methods. We submit herewith our recommendation providing for such reorganization in the form of a bill which, if enacted into law, will, we believe, accomplish these results.

It is proposed to incorporate the National Reserve Association of the United States with an authorized capital equal to 20 per cent of the capital of all subscribing banks, of which one-half shall be paid in and the remainder shall become a liability, subject to call under the provisions of section 3 of the bill. It is also provided that before the reserve association can commence business $100,000,000 of capital must be paid in cash. All State banks and trust companies conforming to the provisions of the bill with reference to capitalization and reserves and all national banks are entitled to subscribe for stock and to become members of the association. Shares in the association are not transferable and can not be owned otherwise than by a subscribing bank or in any other than the proportion named.

It is proposed to group into local associations all subscribing banks located in contiguous territory. The local associations are to be organized into district associations, in each of which shall be located a branch of the National Reserve Association; and the district associations, which shall be so arranged as to include all the territory of the United States, are combined to form the National Reserve Association of the United States.

These several associations are analogous in their organization to our political divisions, into counties, States, and the United States. Each has distinctive functions quite unlike in their character and each has representative self-government. In the local association the individual bank is the voting unit. A majority of banks, without reference to their size or their holdings of stock in the reserve association, elect three-fifths of the directors, and a majority in stock interest elect two-fifths. This method of electing directors is, we believe, quite novel in corporate government. It is more democratic in form, with more liberal representation to minorities than any method in general use.

One of the principal functions of the local associations is to guarantee, upon application, the commercial paper of individual banks which may be offered to the branches for rediscount, as provided in section 27 of the bill. The local association may, and in most cases would, require from the bank making the application satisfactory security for the guaranty. Local associations are authorized in serious emergencies to guarantee the direct obligations of subscribing banks with adequate security, in accordance with the provisions of section 28 of the bill. A local association may decline to give the guaranties provided for under either of these sections. Local associations may also, by vote of three-fourths of their board of directors and the approval of the National Reserve Association, assume and exercise the powers and functions of clearing houses. They are required also to perform such services in facilitating domestic exchanges as, in the opinion of the National Reserve Association, the public interests may require.

The boards of directors, not less than 12 in number, of the district branches, are elected in the following manner: First, one-half by the local associations, each association acting as a unit without reference to its size or importance; second, one-third by the local associations, each association in this case casting a number of votes equal to the number of shares in the National Reserve Association held by the banks composing such association; third, one-sixth are chosen by the directors of the first and second class to represent other than banking interests. Thus a majority of the local associations, without reference to the amount of stock holdings which they represent, elect the larger group of the directors of the district branch.

Each branch is to have a manager, who shall be a resident of the district, appointed by the governor of the National Reserve Association, with the approval of the executive committee of the reserve association and the board of directors of the branch. The manager of the branch is to be ex officio a member of its board of directors and its chairman.

The functions of branch organizations are important. First, they hold the balances and a portion of the cash reserves of the banks of the district; second, they exercise the powers of rediscount and discount for banks located in their districts; third, they are required to redeem upon presentation in gold or lawful money the circulating notes of the association and to distribute such notes to individual banks on application; fourth, they are required by transfers of balances through branches or local associations to facilitate domestic exchanges between different parts of the country.

The board of directors of the National Reserve Association is to be elected in the following manner:

The bill provides that the entire country shall be divided into 15 districts, with a branch in each district. Of the 46 directors of the National Reserve Association, 2 of the first class, who shall be residents of the district, are to be elected by the directors of each branch. One of the directors thus elected by each branch must fairly represent the agricultural, commercial, industrial, and other interests of the district, and can not be an officer, nor, while serving, a director of a bank, trust company, insurance company, or other financial institution. Second, 9 directors in addition to the 30 of the first class are to be elected by the branch directors acting through voting representatives, each representative to cast a number of votes equal to the number of shares in the National Reserve Association held by the banks in the branch he represents. Not more than 1 director of this class may be chosen from one district, and this director must be a resident of the district from which he is elected. There are to be 7 ex officio members of the board of directors, namely, the governor of the National Reserve Association, who is to be chairman of the board, 2 deputy governors, the Secretary of the Treasury, the Secretary of Agriculture, the Secretary of Commerce and Labor, and the Comptroller of the Currency.

The executive officers of the National Reserve Association are to consist of a governor, two deputy governors, a secretary, and such subordinate officers as may be authorized. The governor, who is to serve 10 years, is selected by the President of the United States from an eligible list including not less than three names furnished by the directors, and the deputy governors are elected by the board of directors. The governor and the deputy governors are removable for cause by the board of directors. The board is to choose from among its numbers an executive committee, consisting of nine members, of which the governor and the two deputy governors and the Comptroller of the Currency shall be ex officio members. Not more than one of the elected members of this committee can be chosen from one district. The board is also to elect from among its number a board of examination, of which the Secretary of the Treasury shall be ex officio chairman.

This distribution of power and control furnishes the assurance that the general interests of the country and of all communities will be conserved as well as the interests of the shareholders, as the National Reserve Association, through this form of organization, is brought into close relations of responsibility to the Government and the people. The provision that one-half of the directors elected by the branches shall fairly represent the agricultural, commercial, and other interests, and shall not be connected with banks or other financial institutions, insures the infusion of representative men into the governing board, who will have every motive to act in the public interest.

Further restraint upon the administration of the association on narrow or selfish lines is imposed by the provision that four of the highest officials of the Government are made ex officio members of the controlling board and by the requirement that the governor shall be selected by the President of the United States.

The fear has been expressed that the selection of the governor by the President and the provisions making the Secretary of the Treasury, the Secretary of Agriculture, the Secretary of Commerce and Labor, and the Comptroller of the Currency ex officio members of the board of directors of the reserve association might lead to an attempt to control the organization for political purposes. We believe that the participation of these officials in the management of the institution to the limited extent prescribed is necessary to secure a proper recognition of the vital interest which the public has in the management of the association. It is a corporation with private stockholders, but it is proposed to make it the principal fiscal agent of the United States and the depository of its funds. The more important functions of the organization and its principal powers are of a public or semipublic character. It is not only the custodian of the Treasury balances, but the principal reason for its existence is found in its ability at all times to sustain the public credit.

As constituted under present proposals, however, neither the President nor any of the officials named could, from the inherent character of the organization, use any of its functions for personal or political purposes, but to give to the President the power to appoint all the directors of the reserve association, as has been suggested, would result in making the association a political machine, and appointments would be solicited and bestowed as a reward for political services.

In providing for the creation for specific purposes of this new representative organization it has been the aim of the Monetary Commission to follow in its distribution of powers and control our governmental structure, and to coordinate independent local and district organizations through an effective central agency for mutual cooperation. In this respect, as well as in its functions, the National Reserve Association differs radically from the First and Second Banks of the United States and from European central banks. Its sources of authority are democratic and not autocratic. Instead of overshadowing banks, it is their representative; its controlling forces, acting in the public interests, impose policies upon and grant powers to its managers.

In times of trouble its takes individual banks from a condition of helpless isolation and dependence and places them in a position where their integrity and independence is assured, through an unfailing source of support. It is outside of and supplemental to the existing system and not a competitor in any sense with existing banks. It provides for an equality of privileges and advantages to all banks, great and small, wherever located. Its dominating principle is cooperation and not centralization. Its organization is of a form and character that will effectually prevent the control of its operations by political or other interests, local or national.

The National Reserve Association is made the channel through which local banking institutions exercise their federated powers. It is in effect an evolution of the clearing-house idea, extended to include an effective central organization. It is not a bank, but a cooperative union of all the banks of the country, with very limited and clearly defined functions. First, it holds a portion of the cash reserves of the banks of the United States with provision for their use only for specific purposes; second, it is granted the power to issue circulating notes, under strict governmental regulations; third, through the maintenance of its own reserves and the character and extent of its resources it is required to sustain the credit of the banks and of the country under all circumstances. All of its operations are confined to, or incidental to, these purposes, the only exception being the transaction of its business as the fiscal agent of the Government of the United States.

For obvious reasons the National Reserve Association is required to keep its assets in liquid form and its rediscounts, discounts, and investments are confined to short-time paper or Government securities.

The National Reserve Association is given ample power to protect its own reserves, in order that it may be able at all times to exercise its most important function—that of sustaining the commercial and public credit of the country. For the purpose of strengthening its own reserves it may, first, attract gold from other countries by an advance in its discount rate; second, purchase and borrow gold and give security for its loans, including the hypothecation of Government bonds; third, buy and sell foreign bills of exchange. Short-time foreign bills have been found elsewhere most effective as a means of replenishing a gold supply and of preventing the exportation of gold at critical times.

That our present system of bank-note issues based upon Government bonds is defective and that a change in the manner and character of issues must take place at an early date is admitted on every hand. There are now outstanding less than $200,000,000 of United States bonds with the circulation privilege attached not owned by the banks and held for circulation purposes. These bonds are largely of a class which it would not usually be profitable for the banks to buy as a basis for circulation. Congress has inaugurated the policy of issuing bonds without the circulation privilege. It is evident from these facts that if we are to provide for any future demands of the country for currency the adoption of some other basis for note issues will be necessary. Our bond-secured currency has all the qualities of ultimate safety, and its prompt redemption is guaranteed by the United States, but it is not, as our experience has amply shown, responsive, either in expansion or contraction, to the ever-changing conditions and demands of business.

We propose that while the national banks shall have the right to retain their existing circulation all new issues shall be made by the National Reserve Association. We propose that the authority now exercised by seven or eight thousand national banks shall be vested in this cooperative association of all the banks. We propose to relieve the United States from the obligation to redeem the outstanding national-bank notes based on the bonds which are taken over by the reserve association. The association is required to redeem in gold or its equivalent, at any of its branches, upon presentation, such notes and all notes of its own issue.

All circulating notes of the association are required by section 41 of the bill, to be covered by gold reserves, or by United States bonds, or by commercial paper which must conform to the standards estab-

lished in the bill. The reserve association is required to maintain a reserve of not less than 50 per cent against all of its demand liabilities, including all new issues of notes, as well as those issued in place of outstanding national-bank notes. The notes constitute a first lien upon all the assets of the reserve association, including its holdings of Government bonds.

We propose that the important privilege of note issue shall be accorded to the principal financial agent of the Government, to be exercised under Government control and supervision, with restrictions and limitations of such character as will, in our judgment, make undue inflation impossible. All profits which may arise from note issues will be paid into the Treasury of the United States. While it may be contended that the issue of money of any kind is a distinctive function of sovereign power, the exercise of this authority directly by Governments has, as shown by the experience of the world, inevitably led to disastrous results.

As safeguards against undue inflation of note issues it is proposed: First, that no notes shall be issued whenever and so long as the gold cover falls below 33⅓ per cent. Second, that a graduated tax shall be paid on the amount of deficiency whenever and so long as the reserve against all liabilities falls below 50 per cent. For each 2½ per cent of such deficiency of reserve a tax of 1½ per cent is levied. To illustrate, with the reserves at 40 per cent it would require the payment of a tax of 6 per cent on excess of note issues. Third, that whenever notes are issued in excess of $900,000,000, and not in excess of $1,200,000,000, and such excess issue is not fully covered by gold or other lawful money, a tax of 1½ per cent shall be levied on the excess. Notes issued in excess of $1,200,000,000, not fully covered by gold or lawful money, are taxed 5 per cent. We have assumed in fixing the terms of the limitation of $900,000,000 that the normal amount of bank notes to meet business requirements is approximately the amount now outstanding—$700,000,000—and we have allowed for the natural expansion of $200,000,000 for seasonal or crop-moving demands. It will be seen that we propose three effective provisions to prevent undue inflation of note issues.

We have imposed upon the National Reserve Association the duty of maintaining at all times a parity in value of its notes with the gold standard established by the act of March 14, 1900. The imposition of this duty, accompanied as it is by ample authority to protect its gold reserves in the manner we have elsewhere explained, will, in our opinion, effectively remove the possibility of a suspension of gold payments by the association or by the Treasury.

It has been insisted in some quarters that we should provide that all notes should be redeemed and all reserves held in gold, and gold alone. We believe that no good reason exists for the adoption of this suggestion. The gold-standard act of 1900 settled finally the question of the standard of value in this country. Prior to that time we had made silver certificates available for the reserves of national banks. By the act of 1900 we made gold certificates available as reserve money. Standard silver dollars and United States notes are legal tender and can properly be used in reserves. Every dollar of currency which the United States has issued, or for which it is responsible, is to-day of equal value with the gold dollar. We are certain that the American people will not consent to any change in this respect. Practically all the silver certificates are now in circulation in the form of notes of small denominations and therefore not likely to be held to any considerable extent either in the reserves of banks or of the reserve association. Gold certificates are certainly equal to gold.

We have provided, by the system proposed, for the ultimate security of the notes through a pledge of bonds of the United States, gold, commercial paper, and the other assets of the National Reserve Association, and have insured immediate convertibility into gold or its equivalent upon presentation at any branch of the association. In fact, we have adopted every provision that the experience of the world has shown to be necessary for the security and convertibility of a paper currency. We have provided that the reserve association, through its branches, shall at once, upon application and without charge for transportation, forward the circulating notes of the association to any subscribing bank against its credit balance. We assume that there will be but few banks in the United States—certainly none in central communities—that will be more than 24 hours away from a positive source of supply of notes for use for crop moving or other purposes. This provision will remove all danger of a currency famine in any section of the country.

One of the most difficult problems with which the commission had to deal was the question of what provision should be made for the outstanding 2 per cent bonds owned by national banks held by the Treasury as a basis for their circulating notes. The recent sales of the 3 per cent bonds issued for Panama Canal construction and the market prices of these securities establish the fact that the credit of the United States, now approximately on a 3 per cent basis, is above that of any of the other commercial nations. If the credit of the country is to be maintained at this point, as it seems likely that it may be, 2 per cent bonds, without the circulating privilege, would probably have a market value approximating 70, and any legislation preventing their further use as a basis for bank circulation would entail enormous losses upon the banks. When we consider that the refunding act providing for the issue of these 2 per cent bonds practically compelled the banks to purchase them, it would be manifestly unfair for the United States to impose upon the banks the severe losses which would follow their disuse for circulation purposes.

These equitable considerations will undoubtedly have weight with the Congress, but it is equally bound to guard against any loss of revenue or credit to the United States that would be involved in refunding these bonds into threes. We therefore propose that the National Reserve Association shall purchase, at not less than par and interest, the 2 per cent bonds held by national banks, and take over with the purchase the right to issue notes to an amount equal to the bank notes now outstanding, such new notes to be issued and redeemed in the manner elsewhere provided. It is proposed that the Secretary of the Treasury shall, upon application of the reserve association, exchange the 2 per cent bonds purchased for 3 per cent bonds of the United States payable after 50 years. The National Reserve Association is required to hold such bonds during the period of its corporate existence, subject, however, to a right to sell at the option of the Government not more than $50,000,000 in any one year after five years. The reserve association is, however, required to pay an annual franchise tax equal to 1½ per cent of the amount of the bonds so purchased and exchanged.

The effect of these provisions, taken together, is that the United States will be able to fund seven-ninths of the national debt at a net interest charge of 1½ per cent, and the national banks will be enabled to avoid the risks of being obliged to sell their bonds at a great sacrifice. This plan seems to the commission to be equitable alike to the Government and to the national banks, and places upon the National Reserve Association the obligation to save both from the embarrassment and losses which would arise from any other disposition of this mass of Government securities.

Section 39 of the bill provides that the deposit balance of any subscribing bank in the National Reserve Association and any notes of the National Reserve Association which it holds may be counted as a part of its required reserves. In order to protect or replenish these reserves, and thus increase the loaning power of individual banks, the National Reserve Association is authorized, through its branches, to rediscount commercial paper for subscribing banks. Commercial paper which can be used for this purpose is defined in the bill as notes and bills of exchange issued or drawn for agricultural, industrial, or commercial purposes, and does not include notes or bills issued or drawn for the purpose of carrying stocks, bonds, or other investment securities. Commercial paper of this description having not more than 28 days to run may be discounted for individual banks. If having more than 28 days and not exceeding 90 days to run, the rediscount may be made for individual banks, with the guaranty of the local association. The National Reserve Association may discount the direct obligations of individual banks, with the guaranty of the local association, amply secured by a pledge of collaterals of unquestioned value, whenever, in the opinion of the governor and executive committee of the reserve association, concurred in by the Secretary of the Treasury, a serious emergency exists and the public interests so require.

The bill provides that the National Reserve Association shall fix its rates of discount from time to time, which, when so fixed, shall be published, and shall be uniform throughout the United States. In view of the great disparity which now exists in discount rates on commercial loans in different sections of the country, serious doubts have been expressed as to whether this provision can be made effective. It can not be expected that an equality of commercial rates under all conditions and for all classes of business can be secured at once by such legislation. But with this provision adopted the tendency would be toward a gradual equalization of rates at all points. It is apparent to the commission that we must provide that all the advantages and benefits which may accrue from the organization of the National Reserve Association, including an absolute uniformity in its discount rates, should be extended alike to every bank in every section. The greater uniformity and steadiness of rates and better opportunities of employment of capital which should follow the adoption of the legislation we propose will prove, we believe, an advantage to the banks of the United States, if we can judge by the experience of the joint-stock banks of other countries. These banks in France, England, and Germany, with bank rates much lower than current commercial rates in this country and an approximate equality of all other rates, are enabled, largely on account of the steadiness and uniformity to which we have referred, to pay dividends that are at least equal to those paid by the banks of the United States. If our bank managers could be assured of constant employment for their loanable funds at steady rates, they would willingly accept lower discount rates in many cases than those which are now current. An approximate equalization of rates would be of great benefit to the people in sections of the country where productive forces are only partially developed. This process of equalization has already commenced, and we are becoming a homogeneous people in our industries and financial operations, and we may look forward to the time when, with the adoption of the provisions we have suggested, the farmer of the South or the farmer or miner of our intermountain States will be able, with the same class of credit or securities, to obtain the money requisite for his purposes at as low a rate as that current in other sections for similar loans.

Section 40 provides that national banks may loan not more than 30 per cent of their time deposits upon improved and unencumbered real estate, such loans not to exceed 50 per cent of the actual value of the property, which property shall be situated in the vicinity or in the territory directly tributary to the bank. This privilege is not extended to national banks which act as reserve agents for other banks or trust companies.

We have provided as far as possible for a uniformity of requirements with regard to capitalization, reserves, examinations, and reports of all banks and trust companies who shall be members of the association. With reference to reserves, the bill provides that the same percentage of reserves shall be required of all subscribing banks in the same locality on demand deposits. Provision is made for a reserve on time deposits as defined in section 39, and all National and State banks and trust companies must keep the percentage of reserve on time deposits therein required.

Sections 45, 46, and 47 of the proposed bill contain requirements for examinations and reports which are applicable alike to all subscribing institutions, whether operating under National or State charters. The reports of national bank examiners for national banks and State bank examiners for State banks and trust companies are made available and acceptable whenever possible for the use of the National Reserve Association, provided that the standard of such examinations shall in all cases meet the requirements prescribed by the association. The association is also given the right, at any time, to examine or cause to be examined by its own representatives any subscribing bank. Through these provisions it will be possible to avoid numerous and expensive duplications of examination, which are not only troublesome but unnecessary. All subscribing banks are required, under regulations to be prescribed, to make reports of their condition monthly, or oftener, showing the principal items of their balance sheets. The publicity of conditions secured by the required examinations and reports will prove, as a basis of public confidence, a great advantage to all well-managed institutions. We are living in an age when publicity, with reference to the management and condition of public and quasi public institutions, is everywhere demanded. Publicity with reference to the condition of financial institutions has vital interest for the great mass of our people.

While the shares in the National Reserve Association are owned, and can only be owned, by the banks which furnish all of its capital, the fact that important privileges of a public character are granted to the association led the commission to provide that its net earnings, after the payment of a dividend not exceeding 5 per cent to the shareholders and the accumulation of a surplus not exceeding 20 per cent of the paid-in capital, shall be paid to the United States in the form of taxes upon its franchise.

The bill provides that the National Reserve Association shall become the principal fiscal agent of the United States, and as such shall serve through its branches as the custodian of the general funds of the Treasury, as the depositary of its receipts, and the instrumentality through which its disbursements shall be effected. The system of storing surplus revenues in independent vaults, and of withdrawing the money from the channels of business into useless inactivity, has not been followed in other countries for centuries, and is contrary to the methods followed by our State and municipal governments, as well as

by private corporations and individuals. It has proved peculiarly disturbing in this country on account of the large fluctuations in the Treasury balance, which within a single decade has fallen below $100,000,000 and risen above $300,000,000, thus adding to or withdrawing from the country's circulating medium without any regard to the needs of trade. Of late the system has been largely modified by the transfer of a considerable portion of the surplus funds to selected national banks, but this policy inevitably involves unwarranted and unequal distinctions and privileges for the banks so selected. The plan which we propose will do away with such discriminations, and will bring our Treasury policy into line with the business methods of modern times.

The adoption of these proposed changes in Treasury methods will make possible a considerable reduction in the expenses of the Treasury. Treasury officials estimate that these reductions, growing out of the elimination of the expenses connected with the Independent Treasury, will amount approximately to $1,000,000 annually. The Government will also effect large savings through the transfer of the business of bank-note issue and redemption. During the present year the expenses of the Treasury, for which it is not reimbursable by the banks, in connection with the issue of bank notes, amounts to $653,367, which could be saved in proportion as the national banks transfer their bonds to the National Reserve Association and retire their notes. The economies, therefore, resulting to the Treasury from the adoption of the proposed plan will probably amount to more than $1,500,000 annually. It is difficult to estimate the probable revenues which will accrue to the United States from the taxes levied upon the reserve association and its franchise. A competent authority has prepared an estimate that, after the accumulation of the surplus and the contingent fund, and the payment of the maximum dividend of 5 per cent to the shareholders, the Government will receive $5,500,000 annually. This estimate is based upon the minimum amount of business which the National Reserve Association will be likely to transact. The franchise tax on the amount of Government bonds purchased, say $700,000,000, would amount to $10,500,000 annually.

Perhaps the most important defect in our monetary system is to be found in its unscientific treatment of the reserves of individual banks. We have described the character of this defect, and we have provided by the terms of the proposed bill what we believe to be an effective and logical remedy. We propose that all or any portion of the cash reserves of the banks, including those which are now required by law to be held in their vaults, may be deposited with the reserve association, and when so deposited shall be counted as a part of their legal reserve. This will transform money which is now deprived of potency and defensive power into a condition of vitality and effectiveness. It is proposed that the reserves thus concentrated may be used by the reserve association, through its branches, for the assistance and support of any bank or section when needed. The reserves of any subscribing bank can be replenished at any time by the discount or rediscount of commercial paper in the manner elsewhere described. This involves the use of assets which otherwise would not be available for this purpose to strengthen, whenever necessary, the loaning power of the bank.

These provisions taken together will enable the banks to adopt the policy of simultaneous strengthening of reserves and extension of credits which has been successful in every instance for half a century in the prevention of panics or serious financial disturbances in the commercial nations of Europe. They do not suffer from widespread bank suspensions or from a general paralysis of credit operations. An advance in bank rates is used to curb speculation and prevent over-expansion of credit. The plan we submit provides not only for a concentration and mobilization of cash reserves, but for a decentralization of control by means of the powers over distribution granted to local and district associations.

The commission believes that the various provisions of the bill for establishing a broader discount market will prove of great advantage to the people of the entire country. The provisions upon which we rely to accomplish this purpose establish a standard of commercial paper issued for agricultural and other purposes, which is made available for rediscount at the branches of the reserve association. The establishment of this standard will create a strong tendency to make the usual instruments of commercial credit conform to its requirements; second, it allows national banks to the extent of one-half of their capital to accept properly secured drafts drawn upon them, drawn, for instance, with documents attached against cotton, wheat, or other products in transit or in warehouse; third, it gives a new and wider market to domestic bills of exchange drawn on foreign countries and based on transactions in American products or to pay for our purchases abroad; fourth, it authorizes the National Reserve Association to buy and sell in foreign countries prime bills of exchange, many of which would be of American origin.

These various provisions give a national and international currency to notes, acceptances, and bills of exchange based on the agricultural and other products of the United States.

The methods by which our domestic and international credit operations are now conducted are crude, expensive, and unworthy an intelligent people. The annual value of the products of our industries is estimated at $35,000,000. If to this vast sum is added the cost of transportation and distribution, we can realize that the movements of these products through various stages from the producer to the consumer requires the use of an enormous amount of credit and cash. To form an accurate estimate of the magnitude of our credit structure, we should add to this our accumulations of wealth and capital and the sums used in connection with our foreign trade. It is the function of a sound monetary system to take care of these vast operations without friction and in such a manner as will promote the prosperity of our people.

The unimportant part which our banks and bankers take in the financing of our foreign trade is disgraceful to a progressive nation. We export of domestic products about two thousand million dollars annually, and our annual imports amount approximately to fifteen hundred millions dollars. Very much the larger portion of this international trade is financed by and pays tribute to foreign bankers. Take one illustration: Last year we exported about $650,000,000 in value of cotton; it was largely financed by 60 or 90 day bills drawn on Liverpool, London, Paris, or Berlin. This business was practically all done by foreign banks or bankers. The banks in the South and perhaps in New York were enabled to collect a small commission on a part of the business en route, but the lion's share of the profits accruing from the transactions, millions of dollars in amount, were paid to European merchants and bankers, and this large sum was in the last analysis paid by the cotton planter.

The disabilities from which our producers suffer in our foreign trade also apply largely to domestic transactions. The man who raises cotton in Mississippi or cattle in Texas, or the farmer who raises wheat in the Northwest can not readily find a market in Chicago, New York, or London, for the obligations arising out of the transactions connected with the growth and movement of his products, because the bankers of these cities have no knowledge of his character and responsibility. We propose to remedy this condition in large part by the use of the standardized commercial paper we have described, and also by the use of acceptances of local banks of drafts drawn by a farmer or planter whose responsibility is known to the bank and who may have deposited with it security on his products.

Additional currency would be given to our commercial paper in the markets of the world if official standards could be adopted, first, for the different grades and qualities of the staple agricultural products of the country; second, for the methods used in preparing such products for the market; third, for uniformity of bills of lading; fourth, for the efficient and responsible management of warehouses and elevators used for the storage and delivery of agricultural products.

A wider domestic market for the commercial paper we have described will be found in the changes which are likely to take place under the provisions of the bill submitted, in the investment of the surplus funds of the banks, and by surplus funds in this connection we do not refer to moneys deposited with reserve agents, but to funds for which there may be no legitimate local demand. The surplus funds referred to are now deposited, perhaps, through correspondents in New York at 2 per cent interest. The New York banks are usually obliged to loan them on call on stock-exchange collaterals, inducing at times dangerous speculative conditions, with the probability that when the money is withdrawn the necessary calling of loans may cause disturbances in reserves and in the market and sometimes lead to panics.

We propose, by the provision of the bill submitted, to enable the banks to invest their surplus funds of the character we have described in notes or bills of exchange representing the industries or the products of the United States. It may be that they will not be able in making these loans to obtain the full rate current for discounts of commercial paper, as they will have to compete with foreign banks for a portion of the business, but they will certainly receive more than 2 per cent for their money, and they will have in their portfolio commercial paper created for legitimate purposes which they can take to the district branch and have transformed into cash or a cash credit at any hour of any business day of the year.

We believe that these provisions for creating new classes of investment obligations by establishing a standard of commercial bills to be used in moving and caring for the agricultural and other products of the country constitute very important features in our plan of reorganization. The creation of these new standards for foreign and domestic bills should have an important influence upon the status of the United States in the financial world. It should make a domestic documentary bill, drawn by a producer anywhere in the United States, drawn in dollars and cents, equal in currency and in value to the highest form of credit in the markets of the world. We ought to make New York and our other financial centers equal in importance with any in Europe. We ought to place our financial institutions where they properly belong—in a class with the best and strongest in the world.

Section 57 of the bill submitted provides for the incorporation of banks to do business in foreign countries. We assume that it is not necessary to call attention to the desirability of making every reasonable effort to promote our foreign trade and to establish closer commercial and financial relations with foreign countries. The impediments in the way of the development of our international trade are numerous. Perhaps none of these is more important than the absence of American banking facilities in other countries and the lack of knowledge abroad of our financial resources and of the strength and character of our banking institutions. The status of the United States as one of the great powers in the political world is now universally recognized, but we have yet to secure recognition as an important factor in the financial world. This condition of affairs is likely to remain unchanged as long as practically all our purchases and sales abroad are financed by foreign bankers. We anticipate that the changes in the currents of trade which will follow the opening of the Panama Canal will tend to the enlargement of our international commerce. We shall, at least, be brought into closer contact from a transportation standpoint with many of the States of South America and the countries of the Orient. We shall certainly be disappointed as to the character and extent of the advantages of this change unless we take some practical steps of a positive character to secure for our merchants and bankers advantages in the countries we have named equal to those enjoyed by their commercial and industrial rivals. The establishment of American banks is essential in countries where we have a right to expect an enlargement of our trade.

In preparing the bill to establish the National Reserve Association the commission has been impressed with the necessity of inserting provisions that would prevent beyond question the possibility of its control by any corporation or combination of corporations, banks or otherwise, by any individual or combination of individuals for selfish or sinister purposes. No provision of the bill to reconstruct our monetary system is of more vital importance than this. To-day the financial interests of the whole country depend in times of trouble upon what is popularly known as "Wall Street." Those who express fears of the future domination of Wall Street seem to lose sight of the fact that the domination of New York is an accomplished fact; that we are now staking the safety of all of our banking resources on the patriotic character and business ability of bank managers in New York, whose hands are tied in emergencies by the restrictions of a defective system and unwise legislation. The responsibilities of continuing this control are too enormous, the risks of failure are too great, for this condition to be tolerated long. In our judgment the only effective remedy will be found in the national organization suggested, with the power to maintain the independence of banks under all circumstances and with branches which will be relief centers at various points throughout the country, each with local self-government. The reserve cities, the reserve agents of the country banks, and individual banks generally depend upon the banks of New York. This is naturally so, because New York, with her vast accumulations of capital, is the most important financial center in the country. When any serious financial disturbance occurs in New York—like the bank suspensions in 1907—and New York fails to respond to the drafts from other sections, the country suspends. This dangerous condition of dependence will continue until we have a thorough reorganization of our banking system. Every financial institution in the United States is in peril whenever confidence is destroyed in the strength of the New York banks or in the wisdom of their management.

In the provisions of the bill for the election of directors of the National Reserve Association we provide for 30 directors, 2 to be elected by each of the 15 districts defined in the bill and 9 additional directors to be elected by representatives of stock holdings in the association.

We propose to limit the representation of any one district to 3 out of the 39 directors elected, and under this plan every district will have 2 and none can have more than 3 directors.

The New York district under these provisions, with 29 per cent of the banking resources of the country, would have 8 per cent of the representation on the board; New England, with 12 per cent of the resources, would have 8 per cent of the representation; the Eastern States, as defined in the bill, with 41 per cent of resources, would have 15 per cent of representation; the Middle West, with 24 per cent of resources, would have 31 per cent of representation; the Southern States, with 11 per cent of resources, would have 23 per cent of representation; and the Western and Pacific States, with 12 per cent of resources, would have 23 per cent of representation. The New England, Eastern, and Middle West States, taken together, with 77 per cent of the resources, could elect only 21 out of the 46 directors in the Reserve Association, while the Southern, Western, and Pacific States, with 23 per cent of the resources, might have 46 per cent of the representation. These percentages of representation have been based upon the theory that the New England, Eastern, and Middle Western States, by reason of their preponderance of capital, would be entitled to elect the maximum number of 3 directors for each district.

In order to effect a combination to secure a majority of the directors, the votes of eight districts would be necessary, and with New England having one, the Eastern States two, and the Middle West four, one other district would be necessary, showing that no combination of Eastern and Middle West with other interests could be made which did not include more than 80 per cent of the banking power of the country.

We think that this statement must of itself show conclusively that there can be no local domination—no domination of selfish interests in this organization, and that fear of possible Wall Street control can have no substantial foundation.

This equal representation of districts, unequal in size and importance, in the election of a majority of directors of the National Reserve Association, follows the democratic principle also deliberately adopted in the organization of local and district associations. For instance, in a local association we give to a bank with $25,000,000 capital no greater voting power in the election of a majority of the directors of the local association than a $25,000 bank. In our political institutions we have a similar idea in the provision of the Federal Constitution, which gives to every State, irrespective of its size, an equal representation in the Senate. This plan of organization, practically as now reported, was made public a year ago and has received every manifestation of general approval. It is based upon the theory that each section of the country ought to be adequately represented on the board and that there exists such a solidarity in the interests of all sections of the country that no harm can come to the interests of any district through this unequal representation.

Suggestions have been made favoring a banking scheme based on separate State or district organizations, each with independent functions, partaking somewhat of the character of existing clearing houses or of the branches which we propose to create in the bill. The fatal objection, in the opinion of the commission, to any plan of this kind is found in the lack of affiliation or means to insure cooperation between these different local organizations in the public interest. The national association which we propose to create can, of course, only exercise the powers which are clearly delegated to it, but the grant of the limited powers proposed in the bill is necessary for the success of any plan which is to benefit the country at large.

We propose to create an institution which can, among other things, conserve the public credit, issue properly secured circulating notes, control movements of gold and foreign exchange, receive and disburse the Treasury balances, insure the cooperation of all banks in the public interest, equalize banking and credit facilities in different sections of the country and insure adequate assistance on reasonable terms to partially developed communities, secure uniform rates of discount, prevent interruption of domestic exchanges, provide means for replenishing cash reserves and for their concentration for use in any direction wherever needed, and establish standards of notes and bills of exchange issued for agricultural or other purposes. None of these results can be secured by the organization of separate units in the manner suggested. There can be no satisfactory reform of our monetary system, no remedy for existing defects, which does not place upon the banks of the entire country, acting together through some responsible agency, the serious duty of protecting public and private interests at times when they are imperiled. This is amply demonstrated by our experience with clearing-house organizations. The results we desire can not be secured through a headless aggregation of independent organizations, which would be as helpless as the members of a human organism without a brain to coordinate their functions or heart action to vitalize their forces.

The proposal to create a National Reserve Association has been criticized on the ground that its enactment would lead to an undue expansion of credit and a dangerous inflation of currency. We have already stated our reasons for believing that this contention as applied to note issues has no foundation. It is true that we propose to create new instrumentalities and provide new facilities for an expansion of credit whenever this is necessary for the welfare of our industries or to prevent panics or avert dangerous monetary disturbances. We believe that credit properly organized and managed is one of the most potent factors in the development of communities and nations. The broad question we have to consider is whether the facilities which we propose to create can be or are likely to be used in such a manner as to produce dangerous overexpansion.

In this connection the experience of other countries where facilities exist similar to those which we propose will afford valuable lessons. In none of the leading countries of Europe are there any statutory limitations upon credit expansion. In fact, there is no limitation whatever, either by law or custom. This is true not only of the central banks, but also of the joint-stock banks of these countries. None of these banks is required by law to hold reserves. Each bank acts for itself in this respect. Of course, self-interest, custom, and public opinion lead the banks of the great commercial nations to hold cash and liquid assets as reserves against their liabilities. Their cash reserves are kept almost entirely in central institutions and not in their own vaults.

In this country we have no legal restriction upon credit expansion except such as is involved in our statutory provisions for fixed reserves. In ordinary times a bank can, by increasing its balance with its reserve agent, expand credit to the extent to which this is possible from increased reserves, and to this expansion there is no legal limit.

We believe that the bill we propose effectively guards against the dangerous abuse of the facilities created. We propose that a bank may, under certain conditions, replenish its reserves and increase its loaning powers through rediscounts. The amount of paper that can be rediscounted for an individual bank is limited, first, by the amount of 28-day paper which it has available for the purpose; and second, by the provision that the aggregate amount of such rediscounts shall not exceed the capital of the bank. Discounts of long-time paper and of the direct obligations of banks can only be made with the restrictions involved in the guaranty of the local association, and the guaranties of the local association to the reserve association can not in any case exceed the capital and surplus of the banks in the local association.

The power given the national banks to accept properly secured drafts is limited in amount to one-half the capital of the bank.

We give to the reserve association effective means to check speculation and to prevent undue expansion through the power to advance its discount rate. The provision that the reserve association shall hold a reserve of not less than 50 per cent against all of its demand liabilities—a provision which is unique in monetary legislation—and the provision that a progressive tax shall be imposed on any deficiency of reserves will, we believe, effectually discourage undue expansion of credit.

The use of a portion of the cash reserves of the banks by the National Reserve Association will undoubtedly result in a legitimate expansion of credit. This is inevitable. It is necessary, in cases of unusual demands for credit in times of panic or anticipated trouble, that the banks should increase their reserves by rediscounts, in order that they may extend assistance to those entitled to receive it. This, of course, involves expansion. We can not prevent a condition like that of 1907 without expansion on an extensive scale. The prime purpose of the legislation suggested is to provide the means for a proper expansion of credit and the necessary enlargement of note issues in times of trouble. Any unusual expansion of credit or enlargement of note issues should, of course, be followed by healthy and legitimate contraction, and we believe that this has been secured in the provisions of the bill submitted.

Our main reliance for preventing undue expansion must, however, be found in the wise management of the local and district associations and the reserve association. We can not, of course, endow men with wisdom, intelligence, or conservatism by legislative enactment. The efficiency of the institution will very largely partake of the character and capacity of those who will be chosen to manage it. In the management of financial institutions the personal equation is of the utmost importance. In the last analysis the success of every banking institution in the United States and in every other country depends upon the wisdom of its management. A century of exceptionally sound and intelligent management has given to the Bank of France the enviable position which it now holds. The important place which the Bank of England holds in the financial world is due to the wisdom of the men who have controlled its operations and not to any legislative enactments.

We have taken every precaution to secure an honest, intelligent, and able management for the local and district associations and for the national association, and it is incredible, with the ample powers conferred by the terms of the act, that they will allow the public interests to suffer from undue and destructive expansion. There must be collusion or failure on the part of all to make such a result possible. We can not suppose that the directors of a local association would be likely to indorse the paper of an individual bank to promote speculation or when dangerous expansion would be likely to follow. The officers and members of the local association would always be fully advised of the condition of an applicant, and when asked to become responsible for its obligations we can be sure that the guaranties would be given cautiously, and would be fully secured, and that they would be refused in cases of doubt as to the character and purpose of the paper presented.

The acts of the directors of the branches and of the reserve association will be open to public inspection and will be subject to the closest scrutiny by the shareholders of the association and the public, and it is impossible to suppose that they would consent to the adoption of a policy which would be ruinous to the vast material interests which they directly represent and destructive of public and private credit. We place in their hands ample powers to prevent this disastrous result, and there can be no reason to assume that they will not exercise it properly. We believe that the very best men in every section of the country will be selected as directors of the proposed institutions.

It can not be denied that there may be possibilities of abuses, as there must be in every case of grants of power where human agencies are employed, but this possibility should not lead us to refuse to create the facilities imperatively demanded for the progress and prosperity of the American people, facilities which are enjoyed by the producers of every country competing with them for the world's markets.

If we as a people should adopt the policy of discouraging the use of every invention or of refusing to avail ourselves of every discovery in the arts and sciences on account of the possibility that abuses might grow out of their use or that their acceptance might disarrange the established order of things, we should unwisely place an insuperable obstacle in the pathway of national progress.

The commission appreciates the magnitude of the duties assigned to it of constructing a monetary system that will provide for the present and future welfare of the American people. The questions involved in this problem affect the vital interests of the people of every class and every section. We were required to devise a system so comprehensive that its beneficial effects will be felt equally by wage earners, farmers, manufacturers, and all others engaged in productive industries, a plan which will inspire hope and confidence in all those who are responsible for the uninterrupted progress and prosperity of a great people.

The far-reaching consequences of fundamental changes in a monetary system were graphically expressed by Sir Robert Peel in his opening statement with reference to the English bank act of 1844.

He said:

"There is no contract, public or private, no engagement, national or individual, which is unaffected by it. The enterprises of commerce, the profits of trade, the arrangements made in all the domestic relations of society, the wages of labor, pecuniary transactions of the highest amount and of the lowest * * * the command which the coin of the smallest denomination has over the necessaries of life, are all affected by the decision to which we may come on that great question which I am about to submit to the consideration of the committee."

The adoption by the British Parliament of the minister's proposals established an important landmark in the history of monetary legislation.

In the construction of an adequate monetary system for the United States, the task of the commission was rendered more difficult from the fact there were no precedents that we could follow, and no system in existence that to any considerable extent could be made applicable to existing or prospective conditions in the United States.

We were therefore obliged to originate a plan which would answer the exacting requirements of American conditions that would meet the

needs of a progressive nation, with its hundred millions of energetic and enterprising people, whose development has been impeded by a defective and inefficient monetary system. The plan we propose is essentially an American system, scientific in its methods, and democratic in its control.

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A bill to incorporate the National Reserve Association of the United States, and for other purposes.

Be it enacted, etc., That the National Reserve Association of the United States be, and it is hereby, created and established for a term of 50 years from the date of filing with the Comptroller of the Currency a certificate of paid-in capital stock as hereinafter provided. It shall have an authorized capital equal in amount to 20 per cent of the paid-in and unimpaired capital of all banks eligible for membership in said National Reserve Association. Before said association shall be authorized to commence business $200,000,000 of the capital stock shall be subscribed and $100,000,000 of its capital shall be paid in cash. The capital stock of said association shall be divided into shares of $100 each. The outstanding capital stock may be increased from time to time as subscribing banks increase their capital or as additional banks become subscribers or may be decreased as subscribing banks reduce their capital or leave the association by liquidation. The head office of the National Reserve Association shall be located in Washington, in the District of Columbia.

SEC. 2. Upon duly making and filing with the Comptroller of the Currency the certificate hereinafter required the National Reserve Association of the United States shall become a body corporate and as such and by that name shall have power—

First. To adopt and use a corporate seal.

Second. To have succession for a period of 50 years from the date of said certificate.

Third. To make all contracts necessary and proper to carry out the purposes of this act.

Fourth. To sue and be sued, complain and defend, in any court of law or equity, as fully as natural persons.

Fifth. To elect or appoint directors and officers in the manner hereinafter provided and define their duties.

Sixth. To adopt by its board of directors by-laws not inconsistent with this act, regulating the manner in which its property shall be transferred, its general business conducted, and the privileges granted to it by law exercised and enjoyed.

Seventh. To purchase, acquire, hold, and convey real estate as hereinafter provided.

Eighth. To exercise by its board of directors or duly authorized committees, officers, or agents, subject to law, all the powers and privileges conferred upon the National Reserve Association by this act.

SEC. 3. All national banks and all banks or trust companies chartered by the laws of any State of the United States or of the District of Columbia complying with the requirements for membership in the said National Reserve Association, hereinafter set forth, may subscribe to its capital to an amount equal to 20 per cent of the paid-in and unimpaired capital of the subscribing bank, and not more nor less; and each of such subscribing banks shall become a member of a local association as hereinafter provided. Fifty per cent of the subscriptions to the capital stock of the National Reserve Association shall be fully paid in; the remainder of the subscriptions or any part thereof shall become a liability of the subscribers, subject to call and payment thereof whenever necessary to meet the obligations of the National Reserve Association under such terms and in accordance with such regulations as the board of directors of the National Reserve Association may prescribe.

The subscriptions of a bank or trust company incorporated under the laws of any State or of the District of Columbia to the capital stock of the National Reserve Association shall be made subject to the following conditions:

First. That (*a*) if a bank, it shall have a paid-in and unimpaired capital of not less than that required for a national bank in the same locality; and that (*b*) if a trust company, it shall have an unimpaired surplus of not less than 20 per cent of its capital, and if located in a place having a population of 6,000 inhabitants or less shall have a paid-in and unimpaired capital of not less than $50,000; if located in a city having a population of more than 6,000 inhabitants and not more than 50,000 inhabitants, shall have a paid-in and unimpaired capital of not less than $100,000; if located in a city having a population of more than 50,000 inhabitants and not more than 200,000 inhabitants, shall have a paid-in and unimpaired capital of not less than $200,000; if located in a city having a population of more than 200,000 inhabitants and not more than 300,000 inhabitants, shall have a paid-in and unimpaired capital of not less than $300,000; if located in a city having a population of more than 300,000 inhabitants and not more than 400,000 inhabitants, shall have a paid-in and unimpaired capital of not less than $400,000; and if located in a city having a population of more than 400,000 inhabitants, shall have a paid-in and unimpaired capital of not less than $500,000.

Second. That it shall have and agree to maintain against its demand deposits a reserve of like character and proportion to that required by law of a national bank in the same locality: *Provided, however*, That deposits which it may have with any subscribing national bank, State bank, or trust company in a city designated in the national banking laws as a reserve city or a central reserve city shall count as reserve in like manner and to the same extent as similar deposits of a national bank with national banks in such cities.

Third. That it shall have and agree to maintain against other classes of deposits the percentages of reserve required by this act.

Fourth. That it shall agree to submit to such examinations and to make such reports as are required by law and to comply with the requirements and conditions imposed by this act and regulations made in conformity therewith.

The words "subscribing banks" when used hereafter in this act shall be understood to refer to such national banks, and banks or trust companies chartered by the laws of any State of the United States or of the District of Columbia, as shall comply with the requirements for membership herein defined.

SEC. 4. The Secretary of the Treasury, the Secretary of Agriculture, the Secretary of Commerce and Labor, and the Comptroller of the Currency are hereby designated a committee to effect the organization of the National Reserve Association, and the necessary expenses of said committee shall be payable out of the Treasury upon vouchers approved by the members of said committee, and the Treasury shall be reimbursed by the National Reserve Association to the full amount paid out therefor.

Within 60 days after the passage of this act said committee shall provide for the opening of books for subscriptions to the capital stock of said National Reserve Association in such places as the said committee may designate. Before the subscription of any bank to the capital stock of the National Reserve Association shall be accepted, said bank shall file with the organization committee or after organization with the National Reserve Association a certified copy of a resolution adopted by the board of directors of said bank, accepting all the provisions and liabilities imposed by this act and authorizing the president or cashier of said bank to subscribe for said stock.

SEC. 5. When the subscriptions to the capital stock of the National Reserve Association shall amount to the sum of $200,000,000, the organization committee hereinbefore provided shall forthwith proceed to select 15 cities in the United States for the location of the branches of said National Reserve Association: *Provided*, That one branch shall be located in the New England States, including the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut; two branches in the Eastern States, including the States of New York, New Jersey, Pennsylvania, and Delaware; four branches in the Southern States, including the States of Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, Kentucky, Tennessee, and also the District of Columbia; four branches in the Middle Western States, including the States of Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, and Missouri; four branches in the Western and Pacific States, including the States of North Dakota, South Dakota, Nebraska, Kansas, Montana, Wyoming, Colorado, New Mexico, Oklahoma, Washington, Oregon, California, Idaho, Utah, Nevada, and Arizona.

When the cities in which the branches are to be located have been selected the organization committee shall forthwith divide the entire country into 15 districts, with one branch of the National Reserve Association in each district: *Provided*, That the districts shall be apportioned with due regard to the convenient and customary course of business and not necessarily along State lines.

The districts may be readjusted, and new districts and new branches may from time to time be created by the directors of the National Reserve Association whenever, in their opinion, the business of the country requires.

SEC. 6. All subscribing banks within a district shall be grouped by the organization committee or after organization, by the National Reserve Association, into local associations of not less than 10 banks, with an aggregate capital and surplus of at least $5,000,000, for the purposes hereinafter prescribed: *Provided*, That the territory included in each association shall be contiguous and that in apportioning the territory due regard shall be had for the customary course of business and for the convenience of the banks forming the association: *Provided further*, That in apportioning the territory to local associations comprising a district every bank and all of the territory within said district shall be located within the boundaries of some local association: *And provided further*, That every subscribing bank shall become a member only of the local association of the territory in which it is situated.

The banks uniting to form a local association shall, by their presidents or vice presidents, under authority from the board of directors, execute a certificate in triplicate setting forth the name of the association, the names of the banks composing it, its principal place of business, its territorial limits, and the purposes for which it is organized. One copy of this certificate shall be filed with the Comptroller of the Currency, one copy shall be filed with the National Reserve Association, and one copy shall be filed with the branch of the National Reserve Association of the district in which the local association is included. Upon the filing of such certificates the local association therein named shall become a body corporate and by the name so designated may sue and be sued and exercise the powers of a body corporate for the purposes mentioned in this act, and not otherwise.

The local associations in each district may be readjusted from time to time and new associations may be authorized by the directors of the National Reserve Association.

SEC. 7. Each local association shall have a board of directors, the number to be determined by the by-laws of the local association. Three-fifths of that number shall be elected by ballot cast by the representatives of the banks that are members of the local association, each bank having one representative and each representative one vote for each of the positions to be filled without reference to the number of shares which the bank holds in the National Reserve Association. Two-fifths of the whole number of directors of the local association shall be elected by the same representatives of the several banks that are members of the association, but in voting for these additional directors each representative shall be entitled to as many votes as the bank which he represents holds shares in the National Reserve Association: *Provided*, That in case 40 per cent of the capital stock in any subscribing bank is owned directly or indirectly by any other subscribing bank, or in case 40 per cent of the capital stock in each of two or more subscribing banks, being members of the same local association, is owned directly or indirectly by the same person, persons, copartnership, voluntary association, trustee, or corporation, then and in either of such cases, neither of such banks shall be entitled to vote separately, as a unit, or upon its stock, except that such banks acting together, as one unit, shall be entitled to one vote, for the election of the board of directors of such local association. In no case shall voting by proxy be allowed. The authorized representative of a bank, as herein provided, shall be its president, vice president, or cashier.

Each director shall take an oath that he will, so far as the duty devolves upon him, diligently and honestly administer the affairs of such association and will not knowingly violate or willingly permit to be violated any of the provisions of this act.

The directors originally elected shall hold office until the second Tuesday in February immediately following their election, and thereafter the directors shall be elected annually on that date and shall hold office for the term of one year.

The board of directors of the local association shall have authority to make by-laws, not inconsistent with law, which shall be subject to the approval of the National Reserve Association.

SEC. 8. Each of the branches of the National Reserve Association shall have a board of directors, the number, not less than 12 in addition to the ex officio member, to be fixed by the by-laws of the branch. These directors shall be elected in the following manner:

The board of directors of each local association shall elect by ballot a voting representative. One-half of the elected directors of the branch shall be elected by the vote of such representatives, each representative having one vote for each of the positions to be filled, without reference to the number of shares which the banks composing the association which he represents holds in the National Reserve Association. One-third of the elected directors shall be elected by the same voting representatives, but each voting representative in this case shall have a number of votes equal to the number of shares in the National Reserve Association held by all the banks composing the local association which he

represents. The remaining one-sixth of the directors shall be chosen by the directors already elected and shall fairly represent the agricultural, commercial, industrial, and other interests of the district and shall not be officers nor, while serving, directors of banks, trust companies, insurance companies, or other financial institutions. The manager of the branch shall be ex officio a member of the board of directors of the branch and shall be chairman of the board.

Each director shall take an oath that he will, so far as the duty devolves upon him, diligently and honestly administer the affairs of such association and will not knowingly violate or willingly permit to be violated any of the provisions of this act.

All the members of the board of directors of the branch, except the ex officio member, shall at the first meeting of the board be divided into three classes. One-third of the directors shall hold office until the first Tuesday in March immediately following the election; one-third of the directors shall hold office for an additional period of one year after the first Tuesday in March immediately following the election; the remaining one-third of the directors shall hold office for an additional period of two years after the first Tuesday in March immediately following the election. All elections shall be held on the first Tuesday in March of each year, and after the first election all directors shall be elected for a term of three years: *Provided*, That the by-laws of the National Reserve Association shall provide for the manner of filling any vacancies which may occur in the board of directors of the branches.

The board of directors of the branch shall have authority to make by-laws, not inconsistent with law, which shall be subject to the approval of the National Reserve Association.

SEC. 9. The National Reserve Association shall have a board of directors, to be chosen in the following manner:

First. Fifteen directors shall be elected, one by the board of directors of each branch of the National Reserve Association. In case the number of districts shall be increased hereafter, each additional district shall be entitled to elect an additional director of this class.

Second. Fifteen additional directors shall be elected, one by the board of directors of each branch of the National Reserve Association, who shall fairly represent the agricultural, commercial, industrial, and other interests of the district, and who shall not be officers nor, while serving, directors of banks, trust companies, insurance companies, or other financial institutions. In case the number of districts shall be increased hereafter, each additional district shall be entitled to elect an additional director of this class.

Third. Nine additional directors shall be elected by voting representatives chosen by the boards of directors of the various branches, each of whom shall cast a number of votes equal to the number of shares in the National Reserve Association held by the banks in the branch which he represents. Not more than one of the directors of this class shall be chosen from one district. Directors of each of the three classes named above shall be residents of the district from which they are elected.

Fourth. There shall be seven ex officio members of the board of directors, namely: The governor of the National Reserve Association, who shall be chairman of the board, two deputy governors of the National Reserve Association, the Secretary of the Treasury, the Secretary of Agriculture, the Secretary of Commerce and Labor, and the Comptroller of the Currency.

No member of any national or State legislative body shall be a director of the National Reserve Association, nor of any of its branches, nor of any local association.

All the members of the board except the ex officio members shall at the first meeting of the board be divided into three classes. One-third of the directors shall hold office until the first Tuesday in April immediately following the election; one-third of the directors shall hold office for an additional period of one year after the first Tuesday in April immediately following the election; the remaining one-third of the directors shall hold office for an additional period of two years after the first Tuesday in April immediately following the election. All elections shall be held on the first Tuesday in April of each year, and after the first election all directors shall be elected for a term of three years: *Provided*, That all directors provided for in sections 7, 8, and 9 of this act shall serve until their successors have qualified: *And provided further*, That the by-laws of the National Reserve Association shall provide for the manner of filling any vacancies which may occur in the board of directors of the National Reserve Association.

Each director shall take an oath that he will, so far as the duty devolves upon him, diligently and honestly administer the affairs of such association and will not knowingly violate or willingly permit to be violated any of the provisions of this act.

The board of directors of the National Reserve Association shall have authority to make by-laws, not inconsistent with law, which shall prescribe the manner in which the business of said association shall be conducted and the privileges granted to it by law exercised and enjoyed.

SEC. 10. The executive officers of the National Reserve Association shall consist of a governor, two deputy governors, a secretary, and such subordinate officers as may be provided by the by-laws. The governor of the National Reserve Association shall be selected by the President of the United States from a list of not less than three submitted to him by the board of directors of said association. The person so selected shall thereupon be appointed by the said board as governor of the National Reserve Association for a term of 10 years, subject to removal for cause by a two-thirds vote of the board. There shall be two deputy governors, to be elected by the board, for a term of seven years, subject to removal for cause by a majority vote of the board. The two deputy governors first elected shall serve for terms of four years and seven years, respectively. In case of any vacancy in the office of deputy governor his successor shall be elected to fill the unexpired term. In the absence of the governor or his inability to act the deputy who is senior in point of service shall act as governor. The board of directors shall have authority to appoint such other officers as may be provided for by the by-laws.

SEC. 11. When the National Reserve Association is duly organized its board of directors shall call upon the subscribing banks for a payment of 50 per cent on the amount of their subscriptions to the capital stock of said association. When $100,000,000 of capital have been paid in the board of directors shall at once proceed to execute and file with the Secretary of State a certificate showing the payment of $100,000,000 on capital stock, and they shall further file with the Comptroller of the Currency a certificate showing the title and location of each bank which has subscribed to the capital stock of the National Reserve Association, the number of shares subscribed by each, and the amount paid thereon.

SEC. 12. Shares of the capital stock of the National Reserve Association shall not be transferable, and under no circumstances shall they be hypothecated nor shall they be owned otherwise than by subscribing banks, nor shall they be owned by any such bank other than in the proportion herein provided. In case a subscribing bank increases its capital it shall thereupon subscribe for an additional amount of the capital of the National Reserve Association equal to 20 per cent of the bank's increase of capital, paying therefor its then book value as shown by the last published statement of said association. A bank applying for membership in the National Reserve Association at any time after its formation must subscribe for an amount of the capital of said association equal to 20 per cent of the capital of said subscribing bank, paying therefor its then book value as shown by the last published statement of said association. When the capital of the National Reserve Association has been increased either on account of the increase of capital of the banks in said association or on account of the increase in the membership of said association, the board of directors shall make and execute a certificate showing said increase in capital, the amount paid in, and by whom paid. This certificate shall be filed in the office of the Comptroller of the Currency. In case a subscribing bank reduces its capital it shall surrender a proportionate amount of its holdings in the capital of said association, and if a bank goes into voluntary liquidation it shall surrender all of its holdings of the capital of said association. In either case the shares surrendered shall be canceled and the bank shall receive in payment therefor a sum equal to their then book value as shown by the last published statement of said association.

If any member of the National Reserve Association shall become insolvent and a receiver be appointed, the stock held by it in said association shall be canceled, and the balance, after paying all debts due by such insolvent bank to said association (such debts being hereby declared to be a first lien upon the paid-in capital stock), shall be paid to the receiver of the insolvent bank.

Whenever the capital stock of the National Reserve Association is reduced, either on account of the reduction in capital of members of said association or the liquidation or insolvency of any member, the board of directors shall make and execute a certificate showing such reduction of capital stock and the amount repaid to each bank. This certificate shall be filed in the office of the Comptroller of the Currency.

SEC. 13. The National Reserve Association and its branches and the local associations shall be exempt from local and State taxation, except in respect to taxes upon real estate.

SEC. 14. The directors of the National Reserve Association shall annually elect from their number an executive committee and such other committees as the by-laws of the National Reserve Association may provide. The executive committee shall consist of nine members, of which the governor of the National Reserve Association shall be ex officio chairman and the two deputy governors and the Comptroller of the Currency ex officio members, but not more than one of the elected members shall be chosen from any one district.

The executive committee shall have all the authority which is vested in the board of directors, except the power of nomination, appointment, and removal of the governor and deputy governors, and except such as may be specifically delegated by the board to other committees or to the executive officers, or such as may be specifically reserved or retained by the board.

SEC. 15. There shall be a board of examination elected annually by the board of directors from among their number, excluding the members of the executive committee, of which the Secrteary of the Treasury shall be ex officio chairman. It shall be the duty of this board to carefully examine the condition and the business of the National Reserve Association and of its branches and to make a public statement of the result of such examination at least once a year.

SEC. 16. Each branch shall have a manager and a deputy manager appointed from the district by the governor of the National Reserve Association with the approval of the executive committee of said association and the board of directors of the branch, and subject to removal at any time by the governor with the approval of the executive committee of the National Reserve Association. The powers and duties of the manager and deputy manager and of the various committees of the branches shall be prescribed by the by-laws of the National Reserve Association.

SEC. 17. The directors of each local association shall annually elect from their number a president, a vice president, and an executive committee, whose powers and duties shall be determined by the by-laws of the local association, subject, however, to the approval of the National Reserve Association.

SEC. 18. The National Reserve Association shall cause to be kept at all times, at the head office of the association, a full and correct list of the names of the banks owning stock in the association and the number of shares held by each. Such list shall be subject to the inspection of all the shareholders of the association, and a copy thereof on the first Monday of July of each year shall be transmitted to the Comptroller of the Currency.

SEC. 19. The earnings of the National Reserve Association shall be disposed of in the following manner:

After the payment of all expenses and the franchise and other taxes not provided for in this section the shareholders shall be entitled to receive an annual dividend of 4 per cent on the paid-in capital, which dividend shall be cumulative. Further annual net earnings shall be disposed of as follows: First, a contingent fund shall be created, which shall be maintained at an amount equal to 1 per cent on the paid-in capital, and shall not exceed in any event $2,000,000, and shall be used to meet any possible losses. Such fund shall, upon the final dissolution of the National Reserve Association, be paid to the United States and shall not under any circumstances be included in the book value of the stock or be paid to the shareholders. Second, one-half of additional net earnings shall be paid into the surplus fund of the National Reserve Association until said fund shall amount to 20 per cent of the paid-in capital, one-fourth shall be paid to the United States as a franchise tax, and one-fourth shall be paid to the shareholders, until the shareholders' dividend shall amount to 5 per cent per annum on the paid-in capital: *Provided*, That no such dividends, exclusive of the cumulative dividends above provided for, shall at any time be paid in excess of 5 per cent in any one year. Whenever and so long as the contingent fund has been provided for and the 5 per cent dividend has been paid to shareholders one-half of the additional earnings shall be added to the surplus fund and one-half shall be paid to the United States as a franchise tax. Whenever and so long as the surplus fund of the National Reserve Association amounts to 20 per cent of the paid-in capital and the shareholders shall have received dividends not exceeding 5 per cent, all excess earnings shall be paid to the United States as a franchise tax.

SEC. 20. Any member of a local association may apply to such association for a guaranty of the commercial paper which it desires to rediscount at the branch of the National Reserve Association in its district. Any such bank receiving a guaranty from a local association shall pay a commission to the local association, to be fixed in each case by its

board of directors. Expenses and losses in excess of commissions shall be met by an assessment of the members of the local association in proportion to the ratio which their capital and surplus bears to the aggregate capital and surplus of the members of the local association, which assessment shall be made by its board of directors, and the commission received for such guaranty, after the payment of expenses and possible losses, shall be distributed among the several banks of the local association in the same proportion. A local association shall have authority to require security from any bank offering paper for guaranty, or it may decline to grant the application. The total amount of guaranties by a local association to the National Reserve Association shall not at any time exceed the aggregate capital and surplus of the banks forming the guaranteeing association.

SEC. 21. Any local association may, by a vote of three-fourths of its members and with the approval of the National Reserve Association, assume and exercise such of the powers and functions of a clearing house as are not inconsistent with the purposes of this act. The National Reserve Association may require any local association to perform such services in facilitating the domestic exchanges of the National Reserve Association as the public interests may require.

SEC. 22. All of the privileges and advantages of the National Reserve Association shall be equitably extended to every bank of any of the classes herein defined which shall subscribe to its proportion of the capital stock of the National Reserve Association and shall otherwise conform to the requirements of this act: *Provided*, That the National Reserve Association may suspend a bank from the privileges of membership for refusal to comply with such requirements or for a failure for 30 days to maintain its reserves, or to make the reports required by this act, or for misrepresentation in any report or examination as to its condition or as to the character or extent of its assets or liabilities.

SEC. 23. The National Reserve Association shall be the principal fiscal agent of the United States. The Government of the United States shall, upon the organization of the National Reserve Association, deposit its general funds with said association and its branches, and thereafter all receipts of the Government, exclusive of trust funds, shall be deposited with said association and its branches, and all disbursements by the Government shall be made through said association and its branches.

SEC. 24. The Government of the United States and banks owning stock in the National Reserve Association shall be the only depositors in said association. All domestic transactions of the National Reserve Association shall be confined to the Government and the subscribing banks, with the exception of the purchase or sale of Government or State securities or securities of foreign governments or of gold coin or bullion.

SEC. 25. The National Reserve Association shall pay no interest on deposits.

SEC. 26. The National Reserve Association may through a branch rediscount, for and with the indorsement of any bank having a deposit with it, notes and bills of exchange arising out of commercial transactions—that is, notes and bills of exchange issued or drawn for agricultural, industrial, or commercial purposes, and not including notes or bills issued or drawn for the purpose of carrying stocks, bonds, or other investment securities.

Such notes and bills must have a maturity of not more than 28 days, and must have been made at least 30 days prior to the date of rediscount. The amount so rediscounted shall at no time exceed the capital of the bank for which the rediscounts are made. The aggregate of such notes and bills bearing the signature or indorsement of any one person, company, firm, or corporation rediscounted for any one bank shall at no time exceed 10 per cent of the unimpaired capital and surplus of said bank.

SEC. 27. The National Reserve Association may through a branch also rediscount, for and with the indorsement of any bank having a deposit with it, notes and bills of exchange arising out of commercial transactions as hereinbefore defined, having more than 28 days, but not exceeding 4 months, to run, but in such cases the paper must be guaranteed by the local association of which the bank asking for the rediscount is a member.

SEC. 28. Whenever, in the opinion of the governor of the National Reserve Association, the public interests so require, such opinion to be concurred in by the executive committee of the National Reserve Association and to have the definite approval of the Secretary of the Treasury, the National Reserve Association may, through a branch, discount the direct obligation of a depositing bank, indorsed by its local association, provided that the indorsement of the local association shall be fully secured by the pledge and deposit with it of satisfactory securities, which shall be held by the local association for account of the National Reserve Association; but in no such case shall the amount loaned by the National Reserve Association exceed three-fourths of the actual value of the securities so pledged.

SEC. 29. The power of rediscount and discount granted to the National Reserve Association by sections 26, 27, and 28 of this act shall in each case be exercised through the branch in the district in which the bank making the application is located.

SEC. 30. The National Reserve Association shall have authority to fix its rates of discount from time to time, which when so fixed shall be published, and shall be uniform throughout the United States.

SEC. 31. National banks are hereby authorized to accept drafts or bills of exchange drawn upon them, having not more than four months to run, properly secured, and arising out of commercial transactions as hereinbefore defined. The amount of such acceptances outstanding shall not exceed one-half the capital and surplus of the accepting bank, and shall be subject to the restrictions of section 5200 of the Revised Statutes.

SEC. 32. The National Reserve Association may, whenever its own condition and the general financial conditions warrant such investment, purchase from a subscribing bank acceptances of banks or acceptors of unquestioned financial responsibility arising out of commercial transactions as hereinbefore defined. Such acceptances must have not exceeding 90 days to run, and must be of a character generally known in the market as prime bills. Such acceptances shall bear the indorsement of the subscribing bank selling the same, which indorsement must be other than that of the acceptor.

SEC. 33. The National Reserve Association may invest in United States bonds; also in obligations, having not more than one year to run, of the United States or its dependencies, or of any State, or of foreign governments.

SEC. 34. The National Reserve Association shall have power, both at home and abroad, to deal in gold coin or bullion, to make loans thereon, and to contract for loans of gold coin or bullion, giving therefor, when necessary, acceptable security, including the hypothecation of any of its holdings of United States bonds.

SEC. 35. The National Reserve Association shall have power to purchase from its subscribing banks and to sell, with or without its indorsement, checks or bills of exchange, arising out of commercial transactions as hereinbefore defined, payable in such foreign countries as the board of directors of the National Reserve Association may determine. These bills of exchange must have not exceeding 90 days to run, and must bear the signatures of two or more responsible parties, of which the last one shall be that of a subscribing bank.

SEC. 36. The National Reserve Association shall have power to open and maintain banking accounts in foreign countries and to establish agencies in foreign countries for the purpose of purchasing, selling, and collecting foreign bills of exchange, and it shall have authority to buy and sell, with or without its indorsement, through such correspondents or agencies, checks or prime foreign bills of exchange arising out of commercial transactions, which have not exceeding 90 days to run, and which bear the signatures of two or more responsible parties.

SEC. 37. It shall be the duty of the National Reserve Association or any of its branches, upon request, to transfer any part of the deposit balance of any bank having an account with it to the credit of any other bank having an account with the National Reserve Association. If a deposit balance is transferred from the books of one branch to the books of another branch, it may be done, under regulations to be prescribed by the National Reserve Association, by mail, telegraph, or otherwise, at rates to be fixed at the time by the manager of the branch at which the transaction originates.

SEC. 38. The National Reserve Association may purchase, acquire, hold, and convey real estate for the following purposes and for no other:

First. Such as shall be necessary for the immediate accommodation in the transaction of the business either of the head office or of the branches.

Second. Such as shall be mortgaged to it in good faith by way of security for debts previously contracted.

Third. Such as shall be conveyed to it in satisfaction of debts previously contracted in the course of its dealings.

Fourth. Such as it shall purchase at sales under judgments, decrees, or mortgages held by said association, or shall purchase to secure debts due to it.

But the National Reserve Association shall not hold the possession of any real estate under mortgage or the title and possession of any real estate purchased to secure any debts due to it for a longer period than five years.

SEC. 39. All subscribing banks must conform to the following requirements as to reserves to be held against deposits of various classes, but the deposit balance of any subscribing bank in the National Reserve Association and any notes of the National Reserve Association which it holds may be counted as the whole or any part of its required reserve:

First. On demand deposits: National banks in different localities shall maintain the same percentages of reserve against demand deposits as is now required by law, and the same percentages of reserve against demand deposits shall be required of all other subscribing banks in the same localities.

Second. On time deposits: All time deposits and moneys held in trust payable or maturing within 30 days shall be subject to the same reserve requirements as demand deposits in the same locality. All time deposits and moneys held in trust payable or maturing more than 30 days from date shall be subject to the same reserve requirements as demand deposits for the 30 days preceding their maturity, but no reserves shall be required therefor except for this period. Such time deposits and moneys held in trust, payable only at a stated time not less than 30 days from date of deposit, must be represented by certificates or instruments in writing and must not be allowed to be withdrawn before the time specified without 30 days' notice.

SEC. 40. National banks may loan not more than 30 per cent of their time deposits, as herein defined, upon improved and unencumbered real estate, such loans not to exceed 50 per cent of the actual value of the property, which property shall be situated in the vicinity or in the territory directly tributary to the bank: *Provided*, That this privilege shall not be extended to banks acting as reserve agents for banks or trust companies.

SEC. 41. All demand liabilities, including deposits and circulating notes, of the National Reserve Association shall be covered to the extent of 50 per cent by a reserve of gold (including foreign gold coin and gold bullion) or other money of the United States which the national banks are now authorized to hold as a part of their legal reserve: *Provided*, That whenever and so long as such reserve shall fall and remain below 50 per cent the National Reserve Association shall pay a special tax upon the deficiency of reserve at a rate increasing in proportion to such deficiency as follows: For each 2½ per cent or fraction thereof that the reserve falls below 50 per cent a tax shall be levied at the rate of 1½ per cent per annum: *Provided further*, That no additional circulating notes shall be issued whenever and so long as the amount of such reserve falls below 33⅓ per cent of its outstanding notes.

SEC. 42. In computing the demand liabilities of the National Reserve Association a sum equal to one-half of the amount of the United States bonds held by the association which have been purchased from national banks, and which had previously been deposited by such banks to secure their circulating notes, shall be deducted from the amount of such liabilities.

SEC. 43. The National Reserve Association shall make a report, showing the principal items of its balance sheet, to the Comptroller of the Currency once a week. These reports shall be made public. In addition, full reports shall be made to the Comptroller of the Currency by said association coincident with the fire reports called for each year from the national banks.

SEC. 44. All subscribing banks shall, under regulations to be prescribed by the National Reserve Association, make a report monthly, or oftener if required, to said association showing the principal items of their balance sheets.

SEC. 45. All reports of national-bank examiners in regard to the condition of banks shall hereafter be made in duplicate, and one copy shall be filed with the National Reserve Association for the confidential use of its executive officers and branch managers.

SEC. 46. The National Reserve Association may accept copies of the reports of the national-bank examiners for subscribing national banks and also copies of the reports of State-bank examiners for subscribing State banks and trust companies, in States where the furnishing of such information is not contrary to law: *Provided, however*, That the standard of such examinations, both National and State, meets the requirements prescribed by the National Reserve Association. The National Reserve Association shall have the right at any time to examine or cause to be examined by its own representatives any subscribing bank.

The National Reserve Association may make such payments to National and State examiners for such services required of them as the directors may consider just and equitable.

SEC. 47. All provisions of law requiring national banks to hold or to transfer and deliver to the Treasurer of the United States bonds of the United States other than those required to secure outstanding circulating notes and Government deposits are hereby repealed.

SEC. 48. There shall be no further issue of circulating notes by any national bank beyond the amount now outstanding. National banks may maintain their present note issue, but whenever a bank retires the whole or any part of its existing issue its right to reissue the notes so retired shall thereupon cease.

SEC. 49. The National Reserve Association shall, for a period of one year from the date of its organization, offer to purchase at a price not less than par and accrued interest the 2 per cent bonds held by subscribing national banks and deposited to secure their circulating notes. The National Reserve Association shall take over the bonds so purchased and assume responsibility for the redemption upon presentation of outstanding notes secured thereby. The National Reserve Association shall issue, on the terms herein provided, its own notes as the outstanding notes secured by such bonds so held shall be presented for redemption and may issue further notes from time to time to meet business requirements, it being the policy of the United States to retire as rapidly as possible, consistent with the public interests, bond-secured circulation, and to substitute therefor notes of the National Reserve Association of a character and secured and redeemed in the manner provided for in this act.

SEC. 50. All note issues of the National Reserve Association shall at all times be covered by legal reserves to the extent required by section 41 of this act and by notes or bills of exchange arising out of commercial transactions as hereinbefore defined or obligations of the United States.

SEC. 51. Any notes of the National Reserve Association in circulation at any time in excess of $900,000,000 which are not covered by an equal amount of lawful money, gold bullion, or foreign gold coin held by said association shall pay a special tax at the rate of 1½ per cent per annum, and any notes in excess of $1,200,000,000 not so covered shall pay a special tax at the rate of 5 per cent per annum: *Provided*, That in computing said amounts of $900,000,000 and $1,200,000,000 the aggregate amount of any national-bank notes then outstanding shall be included.

SEC. 52. The circulating notes of the National Reserve Association shall constitute a first lien upon all its assets and shall be redeemable in lawful money on presentation at the head office of said association or any of its branches. It shall be the duty of the National Reserve Association to maintain at all times a parity of value of its circulating notes with the standard established by the first section of the act of March 14, 1900, entitled "An act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes."

SEC. 53. The circulating notes of the National Reserve Association shall be received at par in payment of all taxes, excises, and other dues to the United States, and for all salaries and other debts and demands owing by the United States to individuals, firms, corporations, or associations, except obligations of the Government which are by their terms specifically payable in gold, and for all debts due from or by one bank or trust company to another, and for all obligations due to any bank or trust company.

SEC. 54. The National Reserve Association and its branches shall at once, upon application and without charge for transportation, forward its circulating notes to any depositing bank against its credit balance.

SEC. 55. Upon application of the National Reserve Association the Secretary of the Treasury shall exchange the 2 per cent bonds of the United States bearing the circulation privilege purchased from subscribing banks for 3 per cent bonds of the United States without the circulation privilege, payable after 50 years from the date of issue. The National Reserve Association shall hold the 3 per cent bonds so issued during the period of its corporate existence: *Provided*, That after five years from the date of its organization the Secretary of the Treasury may, at his option, permit the National Reserve Association to sell not more than $50,000,000 of such bonds annually: *And provided further*, That the United States reserves the right at any time to pay any of such bonds before maturity, or to purchase any of them at par for the trustees of the postal savings, or otherwise.

SEC. 56. The National Reserve Association shall pay to the Government a special franchise tax of 1½ per cent annually during the period of its charter upon an amount equal to the par value of such United States bonds transferred to it by the subscribing banks.

SEC. 57. That banking corporations for carrying on the business of banking in foreign countries and in aid of the commerce of the United States with foreign countries and to act when required as fiscal agents of the United States in such countries may be formed by any number of persons, not less in any case than five, who shall enter into articles of association which shall specify in general terms the object for which the banking corporation is formed and may contain any other provisions not inconsistent with the provisions of this section which the banking corporation may see fit to adopt for the regulation and conduct of its business and affairs, which said regulations shall be signed, in duplicate, by the persons uniting to form the banking corporation and one copy thereof shall be forwarded to the Comptroller of the Currency and the other to the Secretary of State, to be filed and preserved in their offices.

That the persons uniting to form such banking corporation shall, under their hands, make an organization certificate which shall specify, first, the name assumed by such banking corporation, which name shall be subject to approval by the comptroller; second, the foreign country or countries or the dependencies or colonies of foreign countries or the dependencies of the United States where its banking operations are to be carried on; third, the place in the United States where its home office shall be located; fourth, the amount of its capital stock and the number of shares into which the same shall be divided; fifth, the names and places of residence of the shareholders and the number of shares held by each of them; and, sixth, a declaration that said certificate is made to enable such persons to avail themselves of the advantages of this section.

That no banking corporation shall be organized under the provisions of this section with a less capital than $2,000,000, which shall be fully paid in before the banking corporation shall be authorized to commence business, and the fact of said payment shall be certified by the Comptroller of the Currency and a copy of his certificate to this effect shall be filed with the Secretary of State: *Provided*, That the capital stock of any such bank may be increased at any time by a vote of two-thirds of its shareholders, with the approval of the Comptroller of the Currency, and that the capital stock of any such bank which exceeds $2,000,000 may be reduced at any time to the sum of $2,000,000 by the vote of shareholders owning two-thirds of the capital.

That every banking corporation formed pursuant to the provisions of this section shall for a period of 20 years from the date of the execution of its organization certificate be a body corporate, but shall not be authorized to receive deposits in the United States nor transact any domestic business not necessarily related to the business being done in foreign countries or in the dependencies of the United States. Such banking corporations shall have authority to make acceptances, buy and sell bills of exchange, or other commercial paper relating to foreign business, and to purchase and sell securities, including securities of the United States or of any State in the Union. Each banking corporation organized under the provisions of this section shall have power to establish and maintain for the transaction of its business a branch or branches in foreign countries, their dependencies, or the dependencies of the United States at such places and under such regulations as its board of directors may deem expedient.

A majority of the shares of the capital stock of such banking corporation shall be held and owned by citizens of the United States or corporations chartered under the laws of the United States or of any State of the Union and a majority of the members of the board of directors of such banking corporations shall be citizens of the United States. Each director shall own in his own right at least 100 shares of the capital stock of the banking corporation of which he is a director.

Whenever the comptroller shall become satisfied of the insolvency of any such banking corporation he may appoint a receiver who shall proceed to close up such corporation in the same manner in which he would close a national bank, the disposition of the assets of the branches to be subject to any special provisions of the laws of the country under whose jurisdiction such assets are located.

The annual meeting of every such banking corporation shall be held at its home office in the United States, and every such banking corporation shall keep at its home office books containing the names of all stockholders of such banking corporation and members of its board of directors, together with copies of the reports furnished by it to the Comptroller of the Currency exhibiting in detail and under appropriate heads the resources and liabilities of the banking corporation. Every such banking corporation shall make reports to the Comptroller of the Currency at such times as he may require, and shall be subject to examinations, when deemed necessary by the Comptroller of the Currency, through examiners appointed by him; the compensation of such examiners to be fixed by the Comptroller of the Currency.

Any such banking corporation may go into liquidation and be closed by the vote of its shareholders owning two-thirds of its stock.

Any bank doing business in the United States and being the owner of stock in the National Reserve Association may subscribe to the stock of any banking corporation organized under the provisions of this section, but the aggregate of such stock held by any one bank shall not exceed 10 per cent of the capital stock of the subscribing bank.

SEC. 58. Congress reserves the right to alter or amend the provisions of this act to take effect at the end of any decennial period from and after the organization of the National Reserve Association.

SEC. 59. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

NELSON W. ALDRICH, *Chairman.*
EDWARD B. VREELAND, *Vice Chairman.*
JULIUS C. BURROWS.
EUGENE HALE.
H. M. TELLER.
H. D. MONEY.
THEODORE E. BURTON.
JAS. P. TALIAFERRO.
BOIES PENROSE.
JOHN W. WEEKS.
ROBT. W. BONYNGE.
L. P. PADGETT.
GEO. F. BURGESS.
A. P. PUJO.
GEO. W. PRINCE.
JAMES MCLACHLAN.
A. PIATT ANDREW, *Assistant to Commission.*
ARTHUR B. SHELTON, *Secretary.*

WASHINGTON, *January 8, 1912.*

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the Chamber of Commerce and Manufacturers' Club, of Buffalo, N. Y., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. CULLOM presented petitions of sundry citizens of Maryland and Arizona, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a memorial of Local Branch No. 50, American Continental League, of Brooklyn, N. Y., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a petition of the Commission for the Investigation and Control of the Chestnut Tree Blight Disease in Pennsylvania, of Philadelphia, Pa., praying that an appropriation be made for the eradication of the chestnut-tree blight, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of New York and California, praying that an appropriation be made for the construction of buildings for American representatives at City of Mexico, Rio de Janeiro, and Tokyo, which were referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of Chicago and Mount Morris, in the State of Illinois, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

Mr. SMITH of South Carolina presented a memorial of sundry business men of Westminster, S. C., remonstrating against the extension of the parcel-post system beyond its

present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. WATSON presented papers to accompany the bill (S. 3339) for the relief of the county court of Marion County, W. Va., which were referred to the Committee on Claims.

Mr. GALLINGER presented a petition of the Chamber of Commerce and Manufacturers' Club, of Buffalo, N. Y., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented the petition of Carl Dreyer, of Nashua, N. H., praying for the enactment of legislation to better the condition of American seamen, which was referred to the Committee on Commerce.

Mr. SHIVELY presented a memorial of Iron Molders' Local Union, No. 345, of Peru and Logansport, Ind., and a memorial of Local Branch No. 133, Glass Bottle Blowers' Association, of Indianapolis, Ind., remonstrating against the proposed abolishment of the hand-roller process of manufacturing paper currency, which were referred to the Committee on Printing.

He also presented the memorial of Marbaugh Bros., P. H. Wagoner, A. J. Kelsey, and 12 other citizens of Monterey, Ind., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Henry Chipman Post, No. 442, Grand Army of the Republic, Department of Indiana, of Warsaw, Ind., and a memorial of Sol Meredith Post, No. 55, Grand Army of the Republic, Department of Indiana, of Richmond, Ind., remonstrating against the incorporation of the Grand Army of the Republic, which were referred to the Committee on the District of Columbia.

He also presented resolutions adopted by the Central German Conference of the Methodist Episcopal Church, at Pittsburgh, Pa., and petitions of the Chamber of Commerce and Manufacturers' Club of Buffalo, N. Y.; the Chamber of Commerce of Los Angeles, Cal.; the Indianapolis Clearing House Association, of Indiana; and the Young People's Society of Christian Endeavor of the First Church of United Brethren in Christ of Indianapolis, Ind., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of the Young People's Society of Christian Endeavor of the First Church of United Brethren in Christ of Indianapolis, Ind., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. BURTON presented a petition of the faculty and students of Antioch College, Ohio, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. BRISTOW presented a petition of sundry citizens of Quinter, Kans., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry veterans of the Civil War, residents of Neosho Falls, Kans., praying for the passage of the so-called dollar-a-day pension bill, which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Newton, Kans., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Severy, Kans., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. OLIVER presented a petition of the Lumbermen's Exchange of Pittsburgh, Pa., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a memorial of the congregation of the Seventh-day Adventist Church of Wade, Pa., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented petitions of Local Grange No. 1212, of Coryville; Harmony Grange, No. 1201, of Mahoffey; Welcome Grange, No. 1386, of Honesdale; Bloomington Grange, No. 715, of Olanta; Leafydale Grange, No. 1268, of Custer; East Lynn Grange, No. 1263, of Kennett Square; Local Grange No. 801, of Clinton; Jefferson Grange, No. 1373, of Butler; and Pineville Grange, No. 507, of Buckmansville, all of the Patrons of Husbandry of the State of Pennsylvania, praying for the repeal of the oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of Rutherford B. Hayes Post, No. 167, Department of Pennsylvania, Grand Army of the Republic, of Oil City, Pa., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented a memorial of sundry citizens of Cambridge Springs, Pa., remonstrating against the extension of the parcels-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Doubleday Post, No. 189, Department of Pennsylvania, Grand Army of the Republic, of Tamaqua, Pa., remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented a memorial of Cigar Makers' Local Union No. 171, of East Greenville, Pa., remonstrating against the abolishment of the hand-roller process of manufacturing paper currency, which was referred to the Committee on Printing.

Mr. PAYNTER presented the petition of Laura A. McKellup, of Maysville, Ky., praying that she be granted an increase of pension, which was referred to the Committee on Pensions.

He also presented the petition of Elizabeth A. Crump, of Carlisle, Ky., praying that she be granted an increase of pension, which was referred to the Committee on Pensions.

Mr. PAGE presented memorials of the congregations of the Seventh-day Adventist Churches of Townshend, Johnson, Morrisville, North Hyde Park, and Windham, all in the State of Vermont, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

ACCIDENTS IN COAL MINES.

Mr. WORKS. I have here an address delivered by Dr. John Randolph Haynes before the joint session of the American Economic Association and the Association for Labor Legislation in this city on the 30th day of December last on the subject of accidents in coal mines and the means of preventing them. I regard it as a very valuable contribution to the subject, and I ask that it may be printed in the RECORD. I also ask that it may be printed as a document, which request I ask be referred to the Committee on Printing.

The VICE PRESIDENT. The Senator from California asks that the document he presents be printed in the RECORD and as a public document, and that it be referred with the latter request to the Committee on Printing.

Mr. GALLINGER. I will ask the Senator from California if it would answer his purpose to have it simply printed as a document?

Mr. WORKS. If it should be printed as a document, I presume I would have no objection. It is a very valuable paper and worthy of attention.

Mr. GALLINGER. I would like very much to see it printed as a document, if it would answer the Senator's purpose.

Mr. WORKS. That will answer the purpose.

Mr. GALLINGER. Then I make that request.

The VICE PRESIDENT. The request then is, that the paper be printed as a Senate document.

Mr. CULLOM. And not in the RECORD.

Mr. SMOOT. As I understood the Senator from California, he intended to have it referred to the Committee on Printing for the purpose of deciding whether it should be printed as a document.

Mr. WORKS. That was my first suggestion.

Mr. SMOOT. That is the way I understood it.

Mr. WORKS. I have no objection to its taking that course.

The VICE PRESIDENT. The paper will be referred to the Committee on Printing, with the request that it be printed as a document.

REPORTS OF COMMITTEES.

Mr. REED, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 4095) to authorize the enlargement of the Federal building at Kansas City, Mo., reported it without amendment and submitted a report (No. 161) thereon.

Mr. POMERENE, from the Committee on the District of Columbia, to which was referred the bill (H. R. 13041) to provide for the support and maintenance of bastards in the District of Columbia, reported it with amendments and submitted a report (No. 162) thereon.

Mr. POMERENE. I ask that Order of Business No. 93, being Senate bill 2792 to provide for the support and main-

tenance of bastards in the District of Columbia, now on the calendar, which pertains to the same subject, may be indefinitely postponed.

The VICE PRESIDENT. Without objection action upon Senate bill 2792, now upon the calendar, is indefinitely postponed.

SERVICE OF CERTAIN LINE OFFICERS OF THE ARMY.

Mr. DU PONT. From the Committee on Military Affairs I report back, with amendments, Senate resolution 171, directing the Secretary of War to furnish the Senate certain information. I ask for its present consideration.

There being no objection, the Senate proceeded to consider the resolution.

The amendments were, in line 7, after the word "commissioned," to insert the words "or who, during the 12 years ending on same date had not served 8 years in said organization," and in line 12, after the words "detached service," to insert "the total time during which he was present for duty with the organization, or organizations, in which commission," so as to make the resolution read:

Resolved, That the Secretary of War be, and he is hereby, directed to furnish the Senate with a statement showing the names, rank, and organizations of all officers of the line of the Army who, during the 6 years ending July 31, 1911, had not served 4 years in the organizations in which they were respectively commissioned or who, during the 12 years ending on same date had not served 8 years in said organizations; and who, on November 30, 1911, were still absent from said organizations; also showing in the case of each officer so absent the nature and duration of all of his detached service as a commissioned officer, the total amount of such detached service, the total time during which he was present for duty with the organization, or organizations, in which commissioned, and the total length of his commissioned service.

The amendments were agreed to.

The resolution as amended was agreed to.

TRANSFER OF JUDICIAL CAUSES IN ALABAMA.

Mr. NELSON. From the Committee on the Judiciary I report back favorably with amendments the bill (H. R. 13196) to amend section 70 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and I submit a report (No. 163) thereon. I ask for the present consideration of the bill.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments were, on page 1, to strike out, after the enacting clause, lines 3, 4, 5, 6, and 7; in line 8, after the word "proceedings," to strike out the words "of like nature"; in line 9, after the word "in," to strike out the word "either"; in the same line, after the word "district," to strike out the word "courts" and insert "court"; and at the end of line 10, after the word "which," to strike out the words "could originally have been instituted or begun" and insert "arose in either of the counties now embraced"; so as to make the bill read:

Be it enacted, etc., That all civil causes and proceedings now pending in the Circuit or the District Court of the United States for the Middle District of Alabama which arose in either of the counties now embraced in the southern division of the middle district of Alabama, as established in the act approved March 7, 1908, entitled "An act to provide for circuit and district courts of the United States at Dothan, Ala.," shall, upon the application of either party, be transferred to the said southern division of the middle district of Alabama for trial and disposition.

Mr. REED. Mr. President, I wish to make an inquiry about this measure. What is its nature? I should like to have information on the subject.

Mr. NELSON. I was unable to hear what the Senator from Missouri stated.

Mr. REED. I inquired as to the nature of the bill.

Mr. NELSON. The bill simply relates to the matter of transferring suits from one court to another that were commenced before 1908 in a district in Alabama. It is a local bill and has only a temporary effect. It is unanimously reported by the Judiciary Committee. The chief amendment is that the bill as it came from the House originally amended the judicial code, and instead of that we have made it an independent bill without amending the code, because it is only of a temporary and local nature.

Mr. REED. All right.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to provide for the transfer of certain causes and proceedings to the southern division of the middle district of Alabama."

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CULLOM:

A bill (S. 4298) placing the compensation of the clerks of the United States circuit courts of appeals upon a salary basis; to the Committee on the Judiciary;

A bill (S. 4299) granting an increase of pension to Francis M. Berry (with accompanying papers); and

A bill (S. 4300) granting an increase of pension to Albert Downing (with accompanying papers); to the Committee on Pensions.

By Mr. DIXON:

A bill (S. 4301) authorizing the Secretary of War to lease to the Chicago, Milwaukee & Puget Sound Railway Co. a tract of land in the Fort Keogh Military Reservation, in the State of Montana, and for a right of way thereto for the removal of gravel and ballast material; to the Committee on Military Affairs.

By Mr. BRISTOW:

A bill (S. 4302) granting an increase of pension to Charles Sponsler (with accompanying papers); to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 4303) for the relief of the legal representative of Herman Haupt (with accompanying papers); to the Committee on Claims.

A bill (S. 4304) granting an increase of pension to Francis Kramer (with accompanying papers); to the Committee on Pensions.

By Mr. WORKS:

A bill (S. 4305) for the relief of the estate of Thomas M. Hackett, deceased (with accompanying papers); to the Committee on Claims.

By Mr. PERKINS:

A bill (S. 4306) to provide for the disposition of pensions due inmates of the Naval Home; to the Committee on Naval Affairs.

A bill (S. 4307) granting an increase of pension to John L. Perry (with accompanying papers); to the Committee on Pensions.

By Mr. BURTON:

A bill (S. 4308) for reduction of postage rates on first-class mail matter; to the Committee on Post Offices and Post Roads.

By Mr. PENROSE:

A bill (S. 4309) for the relief of Dommick Taheny and John W. Mortimer; to the Committee on Post Offices and Post Roads.

By Mr. CURTIS:

A bill (S. 4310) to provide for the erection of a public building at North Topeka, Kans.; to the Committee on Public Buildings and Grounds.

By Mr. RAYNER:

A bill (S. 4311) for the relief of the estate of Richard Ralph Randall (with accompanying papers); to the Committee on Claims.

A bill (S. 4312) granting an increase of pension to Emily M. Furber; to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 4313) to authorize the Secretary of Commerce and Labor to reconvey to Chase S. Osborn certain land acquired as sites for range lights on Duck Island, St. Marys River, Mich.; to the Committee on Public Lands.

By Mr. OLIVER:

A joint resolution (S. J. Res. 66) authorizing the placing of a tablet in Memorial Hall of the United States Military Academy at West Point in memory of Brig. Gen. Herman Haupt; to the Committee on Military Affairs.

AMENDMENT TO DEFICIENCY APROPRIATION BILL.

Mr. GALLINGER submitted an amendment proposing to appropriate $66,000 to enable the Secretary of State to settle the claims for money raised to pay the ransom for the release of Miss Ellen M. Stone, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Foreign Relations and ordered to be printed.

PRODUCTION, PRICES, AND THE TARIFF.

On motion of Mr. WARREN, it was

Ordered, That leave be granted to the Committee on Appropriations to withdraw from the files of the Senate the original manuscript of Senate Document 241, Sixty-second Congress, second session, address by Charles E. Winter, member of the Wyoming bar, before the Wyoming Woolgrowers' Association, at Cheyenne, Wyo., on "production, prices, and the tariff."

ASSISTANT CLERK TO THE COMMITTEE ON EDUCATION AND LABOR.

Mr. BORAH submitted the following resolution (S. Res. 178), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Education and Labor be, and it is hereby, authorized to employ an assistant clerk at a salary of $1,440 per annum, to be paid from the contingent fund of the Senate until otherwise provided for by law.

VOLUNTEER FORCES OF THE UNITED STATES.

Mr. DU PONT. Mr. President, it is my purpose to make a few remarks upon the bill (S. 2518) to provide for raising the Volunteer forces of the United States in time of actual or threatened war, and I ask unanimous consent that the bill may be temporarily laid before the Senate.

The VICE PRESIDENT. Without objection, the bill is laid before the Senate temporarily.

Mr. DU PONT. Mr. President, when this bill was briefly considered in the Senate on the 8th of July last, I did not take part in the discussion, having been absent from the Chamber on account of the death of a relative. As this proposed legislation is, in my judgment, highly important, as well as somewhat complicated, it would seem that a general explanation of the measure as a whole would be more appropriate and, perhaps, more useful at this time than when the bill is being considered by sections.

The title of the bill—"To provide for raising the volunteer forces of the United States in time of actual or threatened war"—is a clear statement of its purpose. Should it become a law, it would supersede the legislation now on the statute books in regard to this subject, as embodied in the act of April 22, 1898. This act leaves much to be desired in many particulars. As a matter of fact, it is so defective that a respectable volunteer force could not be put in the field without additional legislation. In consequence, various propositions have been made in the past to supplement or amend its provisions.

During the Fifty-sixth Congress no less than three measures having these objects in view were introduced in the House of Representatives, namely: House bill 2947, on the 8th of November, 1899, by Mr. Burleigh; House bill 8957, on the 27th of February, 1900, by Mr. CLAYTON; and House bill 10303, on the 2d of April, 1900, by Mr. HAY. In the Fifty-ninth Congress the respective chairmen of the Military Committees of the Senate and House, Senator WARREN and Representative HULL of Iowa, introduced identical measures recommended by the War Department—Senate bill 8514 on the 18th of February, 1907, and House bill 25712 on the same day—and, again, in the Sixtieth Congress, similar bills were presented—Senate bill 8780, by Senator WARREN, January 25, 1909, and House bill 25862, by Representative HULL of Iowa, December 12, 1908—both being copies of a draft of a bill accompanying the message of President Roosevelt of December 8, 1908, prepared, as the message stated, under the direction of the then Secretary of War, Mr. Taft, now President of the United States. In the Sixty-first Congress the chairman of the Senate Military Committee reintroduced the bill presented in the previous Congress, Senate bill 1022, on April 1, 1909, and later a second bill, Senate bill 4003, on December 13, 1909, which embodied various modifications of the first. All of the foregoing bills, after being read, were referred to committee, but no further action was taken, not, it would seem, because there was any opposition to the principle involved in the proposed legislation, but for the reason that the pressure of other measures prevented their consideration.

In the present Congress, before the new committees of the Senate were organized, my distinguished predecessor in the chairmanship of the Committee on Military Affairs of the Senate, at the request of the War Department, introduced on the 10th of April Senate bill 312, which was identical with the second bill introduced in the previous Congress. This bill—one of the first measures that came before the present Military Committee—contained a number of provisions which did not meet with its approval, and after a conference by the chairman with a representative of the War Department another bill was prepared which was supposed to eliminate the objections made, and this last bill, S. 2518, was introduced by me in the Senate on the 25th of May, 1911. When in due course the bill reached the Military Committee it was decided to have hearings in regard to the proposed legislation, and the Assistant Secretary of War, the Chief of Staff, the president of the Army War College, and other officers appeared before the committee and gave all the information which the committee called for. After a most careful and exhaustive examination of the whole question, so many amendments were offered and adopted—many of them of great importance—that the bill was practically recast, and the committee thought it best to strike out everything except the enacting clause and insert the text as it now stands, and by unanimous vote it was ordered to be favorably reported to the Senate. It will be seen, then, that this bill is very far removed from the original bill accompanying President Roosevelt's message, which was prepared by the General Staff under the direction of the Secretary of War, the provisions of that bill having been altered to some extent at the suggestion of the Senate Military Committee of the Sixty-first Congress, and again changed by the War Department last spring to meet the objections raised by the present Military Committee, and subsequently radically modified by the committee itself.

Mr. President, the act of April 22, 1898, defines the land forces of the United States to be, first, the Regular Army, and, second, the Volunteers; but the act of January 21, 1903, in relation to the militia, known as the Dick law, as amended by the act of May 27, 1908, provides:

> That when the military needs of the Federal Government arising from the necessity to execute the laws of the Union, suppress insurrection, or to repel invasion can not be met by the Regular forces, the Organized Militia shall be called into the service of the United States in advance of any volunteer force which it may be determined to raise.

It will be seen, then, that this last legislation, providing for an Organized Militia or National Guard, makes a radical and most important change in the composition of the land forces of the United States, and constitutes as our new and second line of military defense the Organized Militia, which is placed on a novel and entirely different basis by the above act and its amendments.

Mr. President, a discussion of the legislation which has been enacted of late years with regard to the Regular Army—much of which is important—is not germane to the subject I am now treating, with the exception of that portion of the act approved February 14, 1903, which creates the General Staff Corps of the Army, and to this I will return later. It may be remarked, however, that while the military instruction of the officers and men of the Regular Army has never before attained the degree of individual excellence now existing, its organization, as a whole, is open to the criticism that it is not a "well-balanced force" for service in the field. Now, a "well-balanced force" is a technical expression which means that such force has a proper and sufficient complement of each of the three arms of the service—Infantry, Field Artillery, and Cavalry—together with the various special organizations, such as Engineer troops, Signal troops, and others, which are ancillary to the greater arms of the service.

The inquiry may be made as to how this proper proportion of the various arms of the service is determined. In reply, it may be said that this proportion is reached by careful study and examination of the operations of military organizations in the field, and from the actual experience in battle of the armies of civilized nations. The conclusions thus reached, by all competent military authorities throughout the world, are that a well-balanced military force demands at least 4 field guns to 1,000 rifles. The French Army has 5 field guns to 1,000 rifles and the German Army 6. Applying these principles to our Regular Army, we find that it is largely deficient in Field Artillery as compared with the other arms of the service, and that it would be at a serious disadvantage against a force equal in numbers in which the proportions of the various arms were more scientifically adjusted, our Army having about 2 field guns to 1,000 rifles, which, practically speaking, means that we have approximately only half the Field Artillery that we require to properly support the Infantry and Cavalry now authorized by law.

Mr. President, I will now pass to the Organized Militia. While under the old system, based on the act of 1792, all able-bodied male citizens of the respective States between the ages of 18 and 45 constituted the militia, an extremely small number of such citizens had even a nominal organization. In short, the great body of the militia of the United States existed merely in name and was an entirely negligible factor in the problem of national defense. It is true that a few regiments in different parts of the country had attained a certain degree of proficiency in various branches of the military art, but such regiments would have been of little use if acting together, as they were differently armed, equipped, and uniformed.

Under the new system, established by the act of January 21, 1903, with its amendments, commonly known as the Dick law, a National Guard of about 125,000 men is actually organized as a land force, and is known as the Organized Militia to differentiate it from the unorganized or reserve militia, which still includes every able-bodied male citizen between the ages of 18 and 45. All of the officers of this great force are appointed and commissioned by the governors of the different States and Territories, and in time of war it can be readily increased to

about 250,000 by adding to the number of men in each company. The Organized Militia is armed, equipped, and uniformed like our Regular Army, receives military training from Regular officers, and has had more or less experience in drills and maneuvers with Regular troops. Further, the Organized Militia, under the provisions of the above legislation, can be called out by the President for any period that he may specify to execute the laws of the Union, suppress insurrection, or repel invasion, and can be ordered not only beyond the limits of their respective States but, if necessary, beyond the limits of the United States. This large body of national defenders, so far as its opportunities go, is in most excellent shape and of far-reaching utility and value.

Although having no direct connection with the specific legislation contemplated by the bill under consideration, it is interesting to observe that the Dick law of 1903 provided that it shall be lawful for the President to call out the militia for the objects just specified, and to issue his orders for that purpose to such officers of militia as he may think proper; but that the amendment to the Dick law adopted on the 27th of May, 1908, modified such provision and makes it only lawful for the President to issue his orders for that purpose through the governors of the various States and Territories to such officers of the militia as he may think proper. Should one or more governors, however, fail or neglect to transmit such orders, then the militia of such States could not be called into the service of the United States, and this actually happened in the War of 1812, when the militia of Massachusetts, Connecticut, and Vermont were not called out because of the action taken by the governors of those States.

The Organized Militia is even more open to criticism as an ill-balanced military force than the Regular Army, and while, so far as the regular establishment is concerned, proper proportions of the various arms could be provided by appropriate legislation, this would not be possible in the case of the Organized Militia, as it is evident that on account of the expense involved the States could not keep up large bodies of cavalry and light artillery, and it is therefore inevitable that the great bulk of the Organized Militia must always belong to the Infantry and Coast Artillery. As matters now stand, through no fault of its own, the Organized Militia on a peace footing has only about 2 field guns to 1,000 rifles, an actual deficiency of about 200 field guns; and if it be put on a war footing—which would nearly double its present infantry strength—it would have about 1 field gun to 1,000 rifles, a deficiency of nearly 600 field guns.

The deficiency of field artillery in both the Regular and Volunteer establishments has been enlarged upon in view of an amendment to the bill submitted by the committee, to which I will return later.

Although the President has the right to call out the Organized Militia for an indefinite period, it is evident that this period could not be unduly protracted without great personal sacrifice and inconvenience to the majority of the officers and men composing the militia, without more or less disturbance in the commercial, professional, and industrial fields from which they were suddenly withdrawn, and without subjecting their wives and families in very many cases to great suffering and distress. For moderate periods of service, however, and particularly for suppressing insurrection and domestic violence, the Organized Militia would be of capital importance to the Nation.

Turning now, Mr. President, to the Volunteers, as before stated, the act of April 22, 1898, is the actual law which provides for their organization. It was passed three days prior to the declaration of the War with Spain, and its various deficiencies are the best evidence of the haste and confusion which prevailed at the time. Within three months after its approval by the President Congress was compelled to enact a dozen different amendatory or supplementary bills, and within a year placed on the statute books a new and improved law for organizing the volunteer forces for the Philippine service. While the original act of April 22, 1898, has continued in force, most of the amendatory and supplementary enactments were of a temporary character and have become inoperative, with the result that we have upon the statute books a volunteer act which has not only been tried and found wanting, but which is now at variance with many of the provisions of subsequent acts relating to the Regular Army and the militia. As a matter of fact, the legislation now on the statute books in regard to the raising and equipping of Volunteers in time of war is not only confused but absolutely inadequate. One of its most glaring and vital defects is that no provision is made for depot staff officers of the Ordnance, Quartermaster, Commissary, and other departments whose services would be indispensable in connection with providing and forwarding the necessary ammunition, subsistence, and other stores of every description to an army in the field. As the existing staff organizations of the Regular Army are totally inadequate in numbers to perform this duty in time of war, a sufficient number of Volunteer staff officers to do duty at the supply depots are not only important but absolutely essential. Further, section 7 of the act just referred to provides that—

> All organizations of the Volunteer Army shall be so recruited from time to time as to maintain them as near their maximum strength as the President may deem necessary.

The only way in which such a measure could be put into practical effect would be to provide and maintain a system of depots in charge of competent and experienced officers and men for the enlistment and elementary training of recruits before being forwarded to their commands, but the law is absolutely silent as to the manner in which this essential provision could be carried out and makes no provision for such a personnel.

Referring, now, to the act of February 14, 1903, establishing the General Staff Corps of the Regular Army, section 2 reads as follows:

> That the duties of the General Staff Corps shall be to prepare plans for the national defense and for the mobilization of the military forces in time of war; to investigate and report upon all questions affecting the efficiency of the Army and its state of preparation for military operations; to render professional aid and assistance to the Secretary of War and to general officers and other superior commanders, and to act as their agents in informing and coordinating the action of all the different officers who are subject under the terms of this act to the supervision of the Chief of Staff; and to perform such other military duties not otherwise assigned by law as may be from time to time prescribed by the President.

It will be seen that the first-named and the most important of the duties above prescribed is to "prepare plans for the national defense and for the mobilization of the military forces in time of war." The head of the War College Division of the General Staff, which is charged with the making of plans for passing from a state of peace to a state of war, claims that the act of 1898 is so very defective that the General Staff is unable to complete such plans and present them in workable shape to the end that the enlistment and organization of the Volunteer forces of the country could be readily and intelligently made. That this state of affairs has been recognized for many years is evidenced by the following extracts from the records:

The eminent Senator from New York [Mr. ROOT], when Secretary of War, in calling attention to the condition of the Regular Army and the Organized Militia, stated that—

> one other field of great importance remains to be covered by legislation; that is the establishment of an adequate system for raising, training, and officering the Volunteer forces of the future. It is of the first importance that the distinction between Volunteers and militia shall be observed.

In his annual report for 1906 Secretary of War Taft, referring to the act of April 22, 1898, modified in certain particulars by the amendatory militia act of January 21, 1903, said:

> It needs but a casual study of these acts to recognize the need of amendment. There seems to be lack of clearness as to the distinction between calling the militia (i. e., all citizens liable to military duty) into the service of the United States and the raising of Volunteers, these two operations being seemingly taken as practically identical procedures and the two forces as identical, whereas in fact they are wholly distinct, and shall be kept so.

He then proceeds to analyze the provisions of the act of April 22, 1898, shows some of its defects, and concludes as follows:

> The references given are sufficient to indicate the needs of a revision of the laws governing the raising of Volunteer forces.

Ex-President Roosevelt was so impressed with the unfavorable conditions then and now existing that, as before stated, he sent, in December, 1908, a special message to Congress on the subject, embodying a draft of a bill intended to remedy the situation, prepared under the direction of the Secretary of War, now President Taft. In transmitting this draft the message states that it is—

> * * * intended to replace the present law under which the United States in time of emergency would proceed to raise a Volunteer Army. What we now have on the statute books was placed there piecemeal and hurriedly, partly on the eve of the War with Spain and partly after hostilities had actually commenced. Everyone familiar with the existing law is aware that it is faulty and wholly inadequate to a speedy and proper organization of a Volunteer force, and that in part it has become obsolete through recent legislation affecting the Organized Militia.

Secretary of War Dickinson in his annual report for 1910 says:

> The present law for raising a Volunteer Army in time of actual or threatened war was placed on the statute books piecemeal and hurriedly, partly on the eve of the Spanish War and partly after hostilities had actually commenced. As might naturally be expected of legislation passed in such circumstances, the plan which it provides for raising a Volunteer Army is faulty and inadequate to a speedy and proper organization of a volunteer force. Within a year after its passage it was considered advisable to enact a new law to provide for raising the Volunteers used in the Philippine insurrection. This statute, however, was only a temporary measure, and after the Volunteers raised under it

were mustered out of the service the older law became again operative, but has in part become obsolete through subsequent legislation affecting the Organized Militia. A comprehensive measure for the organization of a Volunteer Army, to be raised only after Congress has made a declaration of war, would be of inestimable value if the country is ever again confronted with a foreign war. * * * Some new legislative enactment of this kind is an essential part of our national military system and will enable the General Staff and the War College to discharge one of the most important duties for which Congress created them, and which they are now prevented from doing because of the absence of such a law.

The present Secretary of War, Mr. Stimson, in a letter addressed to the chairman of the Senate Committee on Military Affairs, under date of June 6, 1911, said:

The act of April 22, 1898, did not recognize the difference between the militia and volunteers, but since the Spanish-American War the militia laws have been entirely reorganized, and under the Dick law the militia is recognized as an entirely separate organization from the Volunteers. In that act there is a definite recognition of three different classes of troops, namely, the Regular Army, the militia, and the Volunteers; and it is provided that the Organized Militia shall be called into the service of the United States before the Volunteers are organized. The Volunteer bill now proposed is intended to provide an organization for these volunteer troops * * * It provides for a complete organization of any force of volunteers that may hereafter be called out, whether that force be a single regiment or an army of a million men. The bill harmonizes entirely with the militia organization under the Dick law and with the existing law governing the Regular Army, and it is elastic and flexible in that the organization of the Volunteer forces is prescribed to conform to that of the Regular Army; and any future changes in the Regular Army will automatically carry corresponding changes in the Volunteer forces. This is as now prescribed for the militia.

In his annual report for 1911, Secretary Stimson says:

I earnestly recommend the passage of the Volunteers bill. * * * There is no new policy or principle involved in the proposed volunteers bill, which is based on the experience in all previous wars. It has been pending before Congress for about six years. Much consideration has been given it by both committees, and the former objections which have prevented its passage, I believe, have all been met.

Mr. President, an examination of the act of April 22, 1898, will disclose the fact that it confuses the militia and the Volunteer forces of the United States, which are entirely distinct. The militia are State troops which, under the act of 1792, are composed of every able-bodied male citizen of the respective States and Territories between the ages of 18 and 45. Under the act of 1903, known as the Dick law, the States and Territories have organized a portion of their militia into regiments and other military units on the same basis as the Regular troops, and the men thus organized are styled National Guards or Organized Militia.

The remaining able-bodied citizens of each State and Territory between 18 and 45 who do not belong to the National Guard are comprised in what the Dick law designates as the reserve militia, and are liable not only to be called out by the President but, subject to congressional enactment, to be drafted into the service of the United States.

The Volunteer Army is organized on a totally different principle. It consists of the men who voluntarily come forward and of their own free will join the organization into which they are incorporated; and the moment they are taken into the service of the United States they become Federal troops and are under the exclusive orders of the President and of those to whom he may lawfully delegate his authority.

Referring now, Mr. President, to the bill reported by the committee, every effort has been made to preserve all the good features of the act of 1898 and the supplementary acts thereto including the act of March 2, 1899. Let me say at the outset that it does not involve the appropriation of a single dollar from the Treasury nor the promotion of any individual to the grade of a general officer. In this latter respect it is differentiated from the law of April 22, 1898, as in the judgment of the committee it was thought wiser that the number and the rank of general officers and the constitution of their personal staffs be determined by the circumstances of the case when the exigency arises, this being a question which requires no profound study and which can be readily arranged upon presidential recommendations, subject to the judgment of Congress. It is to be observed that when regiments are being recruited and organized all the details involved can be readily handled by the colonels with their subordinate officers, and that the services of general officers are not necessarily required until the regiments have arrived at such a point that they can be sent forward and coordinated with other regiments into higher military units.

A great defect of the Union Army during the Civil War was that the old regiments were allowed to dwindle into insignificant organizations, so far as numbers were concerned, and that reenforcements arrived in the shape of new regiments, usually composed of entirely inexperienced officers and men. With this in mind much attention has been given to the organization of proper recruiting depots for all branches of the national forces on the most economical and efficient basis, it being of capital importance in time of war that every regiment should be kept full, to the end that the military instruction and efficiency of the newcomers may be promoted by the experience and knowledge of those longer in service. In this connection it may be well to quote from Gen. Sherman, who says in his Memoirs:

I believe that 500 new men added to an old and experienced regiment are more valuable than a thousand men in the form of a new regiment, for the former, by association with good, experienced captains, lieutenants, and noncommissioned officers, soon become veterans, whereas the latter are generally unavailable for a year.

During the Civil War another difficulty arose from the appointment of a great number of regular officers to higher volunteer commands, which necessarily affected the regular establishment. To prevent a recurrence of that state of affairs a provision in the bill authorizes temporary promotions and temporary appointments in the Regular Army below the grade of colonel, so that if it be desired to increase the efficiency of the Volunteer Army by appointing regular officers therein the number of commissioned officers serving with the regular troops would not be diminished to an injurious extent.

Further, Mr. President, the committee has incorporated in the bill an important amendment which, perhaps, it would be well to explain. The text of this amendment, in the shape of a proviso at the close of the sixth section of the bill, reads as follows:

That when the raising of a volunteer force shall have been authorized by Congress, and after the Organized Militia of any arm or class shall have been called into the service of the United States, volunteers of that particular arm or class may be raised and accepted into said service in accordance with the terms of this act, regardless of the extent to which other arms or classes of said militia shall have been called into said service.

The amendment in question is intended to obviate a difficulty which might arise in the future and involve the Government in an immense and wholly unnecessary expense. The section of the Dick law heretofore quoted provides that all of the Organized Militia shall be called into the service of the United States in advance of any volunteer forces which it may be determined to raise. Now, Mr. President, if it were decided, for instance, to call out 75,000 infantry troops of the Organized Militia, together with all the militia field artillery and cavalry, we would have, so far as the militia is concerned, an approximation to a well-balanced military force, but for efficient field service the Regular Army would still lack about 34 field batteries. The natural way to supply this deficiency would be to call for a sufficient force of volunteer field artillery; but, at this juncture, the President and Congress would be met by the section of the Dick law which provides, as just stated, that the whole Organized Militia shall be called into the service of the United States in advance of any volunteer force which it may be determined to raise. This means, unless the legislation just quoted be amended, that as a preliminary it would be imperative to call out, even if their services were not required, the remainder of the Organized Militia, exclusive of the 75,000 troops already mentioned, numbering, on a war footing, almost 150,000 men. This, it is obvious, would commit the country to a vast and an entirely useless expense.

Mr. President, Senate bill 2518, which comes from the committee with its unanimous approval, has involved a great deal of very careful and very laborious consideration. It has the full indorsement and approval of the War Department, notwithstanding the fact that it differs in many essential particulars from the legislation which the department originally proposed.

As matters now stand, Mr. President, the country could not pass from a state of peace to a state of war which would necessitate the calling out of volunteers, much as such a contingency is to be deprecated, without a great deal of special legislation, probably hasty and possibly ill considered; but if the legislation now proposed be enacted into law, a Volunteer Army, if needed, could be quickly and effectively organized. Congress would have only to decide how large a force of volunteers should be authorized, the number of additional general officers required, the rank they are to hold, and the composition of their personal staffs.

What is needed, Mr. President, is an approximation to that ideal condition of military affairs so ably portrayed by one of the greatest of our War Secretaries, Mr. Calhoun, and I can not more appropriately close these remarks than by quoting from a report which he made to Congress more than 90 years ago, in which the following language occurs:

At the commencement of hostilities there should be nothing either to new model or to create; the only difference between the peace and the war formation of the Army ought to be in the increased magnitude of the latter, and the only change in passing from the former to the latter should consist in giving to it the augmentation which will then be necessary. It is thus, and thus only, that the dangerous transition from peace to war may be made without confusion and disorder.

COMMITTEE SERVICE.

Mr. GALLINGER submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That Mr. NELSON be appointed to fill the vacancy in the chairmanship of the Committee on Commerce.

That Mr. SMOOT be appointed to fill the vacancy in the chairmanship of the Committee on Public Lands.

That Mr. RICHARDSON be appointed to fill the vacancy in the chairmanship of the Committee on Printing.

That Mr. LORIMER be appointed to fill the vacancy in the chairmanship of the Committee on Pacific Islands and Porto Rico.

That Mr. POINDEXTER be appointed to fill the vacancy in the chairmanship of the Committee on Mines and Mining.

That Mr. CRANE be appointed to fill the vacancy in the Committee on Commerce.

That Mr. DILLINGHAM be appointed to fill the vacancy in the Committee on Foreign Relations.

REPORT OF GOVERNOR OF PORTO RICO (S. DOC. NO. 244).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, ordered to be printed, and, with the accompanying paper, referred to the Committee on Pacific Islands and Porto Rico:

To the Senate and House of Representatives:

I transmit herewith for the information of the Congress the annual report of the governor of Porto Rico for the fiscal year ended June 30, 1911. As will be noted, this report has already been printed as a part of the annual report of the War Department for 1911.

WM. H. TAFT.

THE WHITE HOUSE, *January 9, 1912.*

PUBLIC-LAND LAWS.

Mr. BORAH. Mr. President, I give notice that on next Wednesday a week I shall desire to submit some remarks on the public-land laws.

Mr. GALLINGER. I move that the Senate adjourn to meet on Thursday next at the usual hour.

The motion was agreed to, and (at 3 o'clock and 3 minutes p. m.) the Senate adjourned until Thursday, January 11, 1912, at 2 o'clock p. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 9, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, our heavenly Father, whose influence is everywhere present, make us susceptible to those finer and nobler qualities of soul which lead on to grander attainments in science, literature, art, government, and religion, that hypocrisy, cant, self-seeking, may be lost in the solidarity of the human race and the golden rule become the supreme law in all the world. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

CHANGE OF REFERENCE.

Mr. BORLAND. Mr. Speaker, I ask unanimous consent for the change of reference of two bills. One, H. R. 13045, from the Committee on Appropriations to the Committee on the Library, and the other, H. R. 1642, from the Committee on Interstate and Foreign Commerce to the Committee on Coinage, Weights, and Measures.

The SPEAKER. The gentleman from Missouri asks unanimous consent for a change of reference of two bills.

Mr. MANN. Mr. Speaker, reserving the right to object, I ask the gentleman what the bills are.

Mr. BORLAND. The first one is to amend a bill providing for a memorial to Abraham Lincoln, which came originally from the Committee on the Library. The amended bill which I introduced I had referred to the Committee on Appropriations. The second bill relates to the standard for measurement of sheet and plate iron and steel. It was referred to the Committee on Interstate and Foreign Commerce, and it ought to go to the Committee on Coinage, Weights, and Measures.

Mr. MANN. Why should it go to the Committee on Coinage, Weights, and Measures?

Mr. BORLAND. The chairman of that committee, the gentleman from Georgia, assures me that that is the proper committee.

Mr. MANN. Has the chairman of the Committee on Interstate and Foreign Commerce been consulted in reference to it?

Mr. BORLAND. No.

Mr. GOLDFOGLE. Mr. Speaker, I would like to ask the gentleman why it should be taken from the Committee on Interstate and Foreign Commerce.

Mr. BORLAND. There is no reason, except to get it before the committee which has jurisdiction. The bill is one adopting an international standard of measurement for sheet and plate iron and steel now used in the collection of customs in the United States and the territory of the District of Columbia. It provides a standard measure by meters, thickness, weight, and so forth.

Mr. GOLDFOGLE. I suggest that, in the absence of the chairman of the Committee on Interstate and Foreign Commerce, the gentleman withhold that request to change the reference of the bill until the Committee on Interstate and Foreign Commerce, to which the bill was referred, may make some suggestion.

Mr. BORLAND. Mr. Speaker, in view of the suggestion of the gentleman from New York [Mr. GOLDFOGLE], I withdraw the request as to the bill H. R. 1642 and will renew it after the gentleman has had an opportunity to examine the bill.

Mr. ADAMSON. Mr. Speaker——

The SPEAKER. The gentleman from Georgia.

Mr. ADAMSON. I just heard the suggestion that the chairman of the Committee on Interstate and Foreign Commerce is absent, when I was really present and trying to find out what bill the gentleman from Missouri [Mr. BORLAND] is talking about; but as he withdraws the request, it will not be necessary.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I think we ought to have the number and title of the bill reported from the desk.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 13045) amending an act providing for a memorial to Abraham Lincoln.

The SPEAKER. The gentleman from Missouri asks unanimous consent to change the reference of the bill H. R. 13045 from the Committee on Appropriations to the Committee on the Library. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. THISTLEWOOD. Mr. Speaker, I ask unanimous consent to change the reference of the bill (H. R. 16637) granting an increase of pension to Thomas Joyce from the Committee on Invalid Pensions to the Committee on Pensions.

Mr. MANN. It is not necessary to make that request.

The SPEAKER. That correction will be made through the basket.

Mr. AUSTIN. Mr. Speaker, I also ask unanimous consent for change of reference of the bills H. R. 834 and H. R. 838 from the Committee on Invalid Pensions to the Committee on Pensions.

The SPEAKER. That also will be made through the basket. In all cases of that kind Members will suggest the matter to the parliamentary clerk and the change will be made.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1772. An act to amend section 839 of the Revised Statutes;

S. 3640. An act to amend certain sections of the Revised Statutes of the United States and to provide for the designation of fleet staff officers in the Navy;

S. 4006. An act to amend an act entitled "An act to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri," approved July 3, 1884;

S. 3327. An act to provide for the erection of a public building on a site already acquired at Portland, Oreg.;

S. 3643. An act to provide for the examination for promotion of officers of the Navy by a single examination board, and for other purposes; and

S. 3646. An act to amend an act entitled "An act to promote the administration of justice in the Navy," to amend section 1624 of the Revised Statutes, and for other purposes.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 2653. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary"; and

S. 3436. An act granting to Phillips County, Ark., certain lots in the city of Helena for a site for a county courthouse.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4006. An act to amend an act entitled "An act to authorize the construction of a bridge over the Missouri River

at or near Sibley, in the State of Missouri," approved July 3, 1884"; to the Committee on Interstate and Foreign Commerce.

S. 3646. An act to amend an act to promote the administration of justice in the Navy, to amend section 1624 of the Revised Statutes, and for other purposes; to the Committee on Naval Affairs.

S. 3643. An act to provide for the examination for promotion of officers of the Navy by a single examining board, and for other purposes; to the Committee on Naval Affairs.

S. 3640. An act to amend certain sections of the Revised Statutes of the United States, and to provide for the designation of fleet staff officers in the Navy; to the Committee on Naval Affairs.

S. 3327. An act to provide for the erection of a public building on a site already acquired at Portland, Oreg.; to the Committee on Public Buildings and Grounds.

S. 1772. An act to amend section 839 of the Revised Statutes; to the Committee on the Judiciary.

COMMITTEE ON EXPENDITURES IN INTERIOR DEPARTMENT.

Mr. HENRY of Texas. Mr. Speaker, I submit a privileged resolution from the Committee on Rules, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 358 (H. Rept. 221).

Resolved, That the Committee on Expenditures in the Interior Department, or any subcommittee thereof, is hereby empowered to sit for the purpose of taking testimony during the sessions of the House, and during the recess of Congress, at such place or places as it may deem necessary.

Mr. HENRY of Texas. Mr. Speaker, I will ask the gentleman from Illinois if there is any desire to discuss this resolution upon that side of the House?

Mr. MANN. Is this a resolution reported from the Committee on Rules?

Mr. HENRY of Texas. Yes. It is the same resolution that was offered last night.

Mr. MANN. There is some desire for discussion upon this side of the House.

Mr. HENRY of Texas. How much time is desired?

Mr. MANN. There are two or three gentlemen who wish to be heard. I do not know how much time they wish.

Mr. BURKE of South Dakota. Mr. Speaker, we ought to have half an hour.

Mr. HENRY of Texas. Half an hour upon that side of the House?

Mr. MANN. Yes.

Mr. HENRY of Texas. I suppose we can finish in an hour, 30 minutes upon each side. We will agree to an hour, and I ask unanimous consent that it be limited to that time.

The SPEAKER. The gentleman from Texas asks unanimous consent that the debate on this matter be limited to 1 hour, 30 minutes on each side.

Mr. HENRY of Texas. And that the previous question be then considered as ordered.

The SPEAKER. Is there objection?

Mr. MANN. We might wish to offer an amendment to the resolution.

Mr. STEENERSON. Yes; I wish to offer an amendment.

Mr. HENRY of Texas. The previous question to be considered as ordered on the resolution and amendments offered by the gentleman from Illinois.

Mr. MANN. But I do not expect to offer an amendment.

Mr. HENRY of Texas. Any amendment offered upon that side.

The SPEAKER. The gentleman from Texas asks unanimous consent that the debate on this resolution proceed for 30 minutes on a side, 30 minutes to be controlled by the gentleman from Texas [Mr. HENRY] and 30 minutes by the gentleman from Illinois [Mr. MANN], and that at the end of that time the previous question be considered as ordered on the resolution and amendments. Is there objection?

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Under that proposition will it be in order for gentlemen who obtain the floor to offer amendments to be voted upon at the expiration of the hour?

The SPEAKER. The Chair will hold that that is in order.

Mr. HENRY of Texas. Mr. Speaker, I presume these amendments will be referred to in the course of the discussion. Perhaps we would like a little time on this side of the House to discuss the amendments.

Mr. MANN. I am perfectly willing.

Mr. HENRY of Texas. Then I shall ask unanimous consent that five minutes on each side be allowed in addition to the time already provided for.

Mr. STEENERSON. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Texas a question.

Mr. HENRY of Texas. I yield to the gentleman from Minnesota.

Mr. STEENERSON. I have in mind an amendment to this resolution slightly extending its scope. It might be necessary to explain that amendment. I do not like to have the previous question apply to that amendment so that I shall be cut off.

Mr. HENRY of Texas. That is what I am now asking, that we be allowed five minutes on a side to explain the amendment.

Mr. STEENERSON. That is quite satisfactory.

The SPEAKER. What is the last request?

Mr. HENRY of Texas. That five minutes additional be allowed on each amendment.

The SPEAKER. The gentleman from Texas asks unanimous consent that debate proceed for 1 hour, 30 minutes to be controlled by himself and 30 minutes by the gentleman from Illinois [Mr. MANN], and that at the end of that time the previous question be considered as ordered on the resolution and all amendments thereto——

Mr. MANN. Mr. Speaker, I suggest that the gentleman from Pennsylvania [Mr. DALZELL] control the time on this side.

The SPEAKER. That the gentleman from Pennsylvania [Mr. DALZELL] control the time on that side, and that in addition to that there be allowed five minutes debate on each side on each amendment then pending. Is there objection? [After a pause.] The Chair hears none and it is so ordered.

Mr. HENRY of Texas. Mr. Speaker, the resolution speaks for itself and authorizes the Committee on Expenditures in the Interior Department, or any subcommittee thereof, to sit for the purpose of taking testimony during the sessions of the House and during the recess at such place or places as it may deem necessary. It is appropriate for me to state to the House that this power of subpœnaing witnesses to come to Washington has already been given to this committee. They have that power now and the only additional power they ask is that they be allowed to sit during the sessions of Congress and during the recess at any time or place they may desire, and this is strictly in the interest of economy. The chairman of the Committee on Expenditures in the Interior Department stated on yesterday that if his committee were authorized to sit at some other place than Washington the expense would perhaps not exceed $1,500 for each place, whereas if the witnesses were brought to Washington City under the subpœna of the committee it would cost $20,000, thereby a saving to the Government is made of $17,000 or more, and for that reason this resolution should be adopted and the desire of this committee should be met.

Mr. DALZELL. Mr. Speaker, I yield 10 minutes to the gentleman from South Dakota [Mr. BURKE].

Mr. BURKE of South Dakota. Mr. Speaker, I would not be opposed to this resolution were it not for the fact that it enlarges the jurisdiction or the authority and powers of a committee of this House that is engaged in a series of investigations that are not within the scope either of resolution No. 103, which passed in the special session of Congress, or the rule giving jurisdiction to the expenditures committees of this House. This committee, if I understood the chairman in what he stated on the floor of the House yesterday in my absence, expects to visit Arizona, Montana, Minnesota, and possibly South Dakota for the purpose of continuing investigations that that committee has undertaken. I may say, Mr. Speaker, that none of these investigations come within the scope of the jurisdiction of the Committee on Expenditures in the Interior Department. One investigation that it is proposed to continue is with reference to the White Earth Indian Reservation, in Minnesota, and I do not think that the chairman of this committee or any other gentleman of the House will say that there is any subject involved in that investigation relative to expenditures in the Interior Department. It is purely and simply a question of policy, a question that if there is anything in it at all must result in legislation, and therefore the committee having jurisdiction of the subject is the Committee on Indian Affairs and not the Committee on Expenditures in the Interior Department. The same, Mr. Speaker, is true of the other investigations that that committee is conducting at the present time. The House will recall that this committee undertook to assume jurisdiction of a subject known as the Controller Bay matter in Alaska. The subject matter of that investigation was that the President of the United States had by an Executive order eliminated from a forest reservation in Alaska under the jurisdiction of the Agricultural Department certain portions of the forest reservation. Now, does any gentleman think for a minute that the Committee on Expenditures in the Interior Department had any jurisdiction to investigate into the act of the President of the United States in making an Executive order

affecting a forest reservation under the jurisdiction of the Secretary of Agriculture, and yet, Mr. Speaker, it is proposed by this resolution to enable the committee to go to Alaska, or any other place on the face of the earth, and investigate any subject of which the committee may assume it has jurisdiction. I do not object, I do not oppose any investigation that any committee of this House may in good faith undertake, but I do insist that these investigating committees, or rather the expenditures committees, should be kept within the scope of the rules of the House of Representatives and the resolution No. 103, which was adopted by this House, which does not enlarge the jurisdiction of these expenditures committees one iota.

Mr. Speaker, as I have already stated, if the White Earth Indian Reservation matter is to be investigated, it should be investigated by the Committee on Indian Affairs of this House and by resolution conferring upon that committee the authority that the Committee on Expenditures in the Interior Department seeks to obtain by this resolution. What can come of any investigation involving a question of policy conducted by the Committee on Expenditures in the Interior Department? Suppose the committee investigates some question that may have to go, perhaps, to the Committee on Naval Affairs or the Committee on Military Affairs, what good can it be for the Committee on Expenditures in the Interior Department to make a report upon such a subject? I maintain, Mr. Speaker, that so far the Committee on Expenditures in the Interior Department has confined itself entirely to subjects over which it had no jurisdiction or questions that did not involve expenditures in the Interior Department, and therefore I am opposed to enlarging the powers of that committee for the purpose of carrying on investigations that simply is time idly spent and when nothing will be accomplished.

I yield back the balance of my time to the gentleman from Pennsylvania.

The SPEAKER. The gentleman from South Dakota [Mr. BURKE] used seven minutes.

Mr. HENRY of Texas. Does the gentleman desire to use some more of his time now?

Mr. DALZELL. I prefer that the gentleman occupy some more time on his side.

Mr. HENRY of Texas. Mr. Speaker, I yield 10 minutes to the gentleman from Illinois [Mr. GRAHAM].

Mr. GRAHAM. Mr. Speaker, as was stated on the floor yesterday, the committee has now under investigation certainly three, and possibly four, subjects. One of those on which the committee has already heard some testimony is the White Earth Reservation, referred to by the gentleman from South Dakota. In that case the committee has had before it here four Indian girls, all under age, who have conveyed away real estate which they owned under allotments given them. The administration of the law in that State under the Indian Bureau is a question upon which this committee has jurisdiction. The rule of the House provides that this committee has authority as follows:

> The examination of the accounts and expenditures of the several departments of the Government and the manner of keeping the same; the economy, justness, and correctness of such expenditures; their conformity with appropriation laws; the proper application of public moneys; the security of the Government against unjust and extravagant demands; retrenchment; the enforcement of the payment of moneys due to the United States; the economy and accountability of public officers.

Under the last part of this rule the action of every officer in the Indian Bureau is a subject of investigation by this committee.

There is an Indian reservation at White Earth. That reservation and the Indians on it have been managed in such a way as would seem to create a liability against the United States, and the creation of liabilities against the United States would seem to be one of the things contemplated under this rule. So, too, the payments of all of the employees of that bureau is a subject of investigation, and if I correctly understand the function of these committees, they have a right to inquire into the expenditure of money in any Indian reservation anywhere in the country. It seems to me the function of this committee is somewhat akin to the function of a grand jury; that it is the duty of the committee to inquire into not only the expenditures of the money themselves, but whether needless officials are employed, whether officers are employed who are competent to perform their duties and who supervise the payment of all this money. Indeed, if all those committees performed their duties constantly, it seems to me every officer of the Government who pays out money would pay it out under the knowledge that some time his act would be reviewed and exposed, and that he would transact his business and pay out public money conscious of the fact that every act of his would be subject to review, and with that consciousness he would perform those duties better than he otherwise would.

Mr. GREEN of Iowa. Will the gentleman yield for a question?

Mr. GRAHAM. Certainly.

Mr. GREEN of Iowa. Why is it that this committee needs a roving commission to go all over the country?

Mr. GRAHAM. I intend to answer that, but I prefer to make the statement in my own way. I shall come to that. It is one of the points to which I am coming. In the White Earth Reservation the Department of Justice is aiding this committee. We have already received information through that department that they will require the production of 25 or 30 witnesses. I have also a communication from one of the gentlemen interested on the other side of the question, whose name I mentioned yesterday, Mr. Beaulieu, of the White Earth Reservation. I have a list which he sent me, composed of 25 or 30 names. A Representative from that State [Mr. STEENERSON], in whose district I think that territory is located, has suggested to me that there are a number of witnesses whom he would like to have called. So I am within the truth, I think, when I say that there will be 60 witnesses whom it will be necessary to examine on that White Earth Reservation matter. The distance from their homes to Washington will average, I am informed, about 175 miles. The law allows 10 cents a mile for mileage.

Mr. HAMILTON of Michigan. The distance is about 1,750 miles.

Mr. GRAHAM. I meant 1,750 miles. A naught is nothing, and I only dropped a naught. [Laughter.] A distance of 1,750 miles for each one of these witnesses figures up quite rapidly. The law allows each witness $2 a day while in Washington waiting for the committee, and if the members of the committee have to attend sessions of the House the witnesses would have to do quite a good deal of waiting at the expense of the Government. You can figure what that would amount to. On the other hand, a subcommittee of three, with possibly a stenographer to assist them, could go to the neighborhood where those witnesses live, at the actual cost of going, whatever that would amount to, which would be less than 10 cents a mile, probably half of that, so that the difference is apparent. The White Earth Reservation is the nearest to Washington of those to be investigated. One of them is near the home of the gentleman from South Dakota [Mr. BURKE]. I can not say what the mileage there would amount to. May I ask the gentleman from South Dakota [Mr. BURKE] the distance to Gregory?

Mr. BURKE of South Dakota. About 1,300 or 1,400 miles.

Mr. GRAHAM. About 1,400 miles, at 10 cents a mile, with a large number of witnesses to be heard from there, would also amount to a very considerable sum.

The committee has already started an investigation in Arizona. There are some other matters there that ought to be investigated, matters involving the expenditure of money there. For instance, one dam built in that State for irrigation purposes was built at an expense of about $10,000,000, and more money is hereafter to be expended there. Surely, this committee has the jurisdiction to inquire into that matter. It also inquired into a question concerning the McDowell Indians—the Apache Indians on the McDowell Reservation in Arizona—and for that purpose the committee brought four Indian witnesses to Washington. Those witnesses cost $305 apiece. And that experience caused the committee to pause and to think seriously with a view to saving money for the Government; and the committee asked itself the question whether it were not wiser and better to go on the ground, where all the witnesses who are supposed to know about this matter could be called and interrogated. If the investigation were to be carried on from Washington——

The SPEAKER. The time of the gentleman has expired.

Mr. GRAHAM. May I have a few minutes more?

Mr. HENRY of Texas. How much more time does the gentleman desire?

Mr. GRAHAM. Five minutes more.

Mr. HENRY of Texas. Mr. Speaker, I yield to the gentleman five minutes more.

The SPEAKER. The gentleman from Illinois [Mr. GRAHAM] is recognized for five minutes more.

Mr. GREEN of Iowa rose.

Mr. GRAHAM. Will the gentleman first let me finish the statement? Then I will answer him. This has been true, as everyone who has been connected with an investigation knows well: Each witness in an investigation of this character may open up a new line of evidence. You learn from one of the

witnesses that some other person or persons, whom you had neither heard nor thought of before, has some information that you ought to have. If you are on the ground within a short distance of these witnesses, you can call them at a trifling expense, but if you have to bring the witnesses here at an expense of $305 or more each, you hesitate to call them, although they may be the most important witnesses of all. Now I yield to the gentleman.

Mr. GREEN of Iowa. The gentleman has not answered my question at all in the way I meant. What I wanted to inquire was why this body was not permitted to know what it was that was expected to be investigated and why it was to be investigated. For example, why is it proposed to investigate the cost of building the Roosevelt Dam, as I suppose it is, in Arizona? That dam was built on contract. The price of it is known, and the money that is expended there is not the Government's money, but——

Mr. GRAHAM. My friend is not asking a question. He is making a speech. I gave him time only in which to ask a question.

Mr. GREEN of Iowa. Why is not this resolution drawn more specifically, instead of having a roving commission to go off and investigate anything?

Mr. GRAHAM. I will answer the gentleman's question. If the gentleman ever had any connection with a grand jury, he must know that a grand jury does not know when it begins what it will have found out when it is done. I have stated already that investigating committees are largely in the nature of grand juries. We are going down there to investigate the expenditure of large sums of money. We do not know just what we will find, and it would not be proper for me at this time to say what I think we may find.

Mr. HUMPHREY of Washington. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Washington?

Mr. GRAHAM. Certainly.

Mr. HUMPHREY of Washington. I would like to know what assurance we will have, if witnesses are brought before the committee, whether they will be examined or not in the light of the experience we have had in the Controller Bay matter.

Mr. GRAHAM. I am not sure that I understand the gentleman.

Mr. HUMPHREY of Washington. Here is what I mean: The chairman of the committee, as I remember, standing just about where he is now standing, promised this House that all the witnesses in the Controller Bay affair would be examined and called upon the witness stand to testify; but since then, if I understand correctly, that investigation has been abandoned, and the witnesses have not been examined.

Mr. GRAHAM. I will answer the gentleman. Sometimes an investigation which has been begun becomes unnecessary. For instance, when we began the McDowell investigation an order had been made, and now stands in the Indian Office, stating that those Indians had been removed from the McDowell Reservation down to the Salt River. As a matter of fact, that record does not show the fact. Not one of those Indians has been removed, and the fact that they are not removed is probably due to the investigation which we began and to some extent we have carried on.

In consequence we are not going to bother much further, if at all, with that investigation, where we have already remedied the conditions complained of. So in the other matter we have converted the Secretary of the Interior to our view, and there is not much more to investigate in that line. And if, as we go on, the Secretary of the Interior or any other officer under him anticipates our action and remedies the wrong, we may not investigate further on that line and may not examine the witnesses we summon. Does that answer the gentleman?

Mr. HUMPHREY of Washington. It may in the gentleman's mind. It does not in mine.

Mr. GRAHAM. I think it does to any fair mind.

Mr. BURKE of South Dakota. Will my colleague yield for one question?

Mr. GRAHAM. Yes; for several.

Mr. BURKE of South Dakota. Is it not a fact that the only question involved in the White Earth investigation is the operation of a law known as the Clapp amendment, and that the only thing that could possibly result from that investigation might be legislation to correct conditions there, a subject over which the gentleman's committee has no jurisdiction whatever?

Mr. GRAHAM. No. Is that answer specific enough?

Mr. BURKE of South Dakota. That answers it; yes.

Mr. GRAHAM. I repeat, no; that is not the fact. I would be very glad to explain why if I had further time.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. DALZELL. I yield five minutes to the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER. Mr. Speaker, I was a little surprised last evening when the gentleman from Illinois [Mr. GRAHAM], who has just spoken, frankly admitted to this House that the only purpose in securing the passage of this resolution was to go on a piratical cruise throughout the United States looking up Indian affairs. If his object is as clearly defined in respect to all the instances cited as he has just indicated it to be in reference to the White Earth Indians, I think we ought to pass this resolution, enlarge its powers, gives the committee an unlimited supply of cash, and let them proceed, in order that the country may have presented to it the supreme demonstration of how a committee without knowledge of or information about the work it is about to do can perform a stupendous blunder under the guise of promoting public welfare.

I want to say this emphatically and squarely, Mr. Speaker, that when the gentleman says there is anything to investigate in reference to the White Earth Indians, other than this so-called Clapp amendment, he betrays an ignorance of conditions existing up there that is colossal, if it is not positively pitiable. The White Earth Indians have been up for consideration by the Indian Committee for two or three years. There have been hearings had before that committee and in the State of Minnesota in reference to White Earth Indian matters, but all of them have been upon this one subject. The committee of which the gentleman is chairman started an investigation of this same matter last summer and brought hither a few witnesses, who, when they came to testify, showed that they came absolutely without purpose and disproved that which they were brought here to prove.

Furthermore, Mr. Speaker, there was a great deal said at the time about certain frauds having been committed upon the White Earth Reservation that needed investigation by this committee. It is true there were some frauds perpetrated as an outgrowth of this so-called Clapp amendment, but they were such as arise in the administration of any Indian law in any part of the country. All were within the jurisdiction of the Department of Justice and were being cared for by that department; but to secure a little advertising those having the matter in charge stirred up things generally and determined to enlarge the operations of the committee. As a result of these operations they indicted quite a number of individuals out there, and their trial was recently had. The information presented to the committee that desires to go out and make this investigation all came from the one man who secured the indictments and who has endeavored to procure the convictions. Those cases were on trial for six weeks, involving all the questions that the gentleman desires to investigate in reference to the White Earth Indian Reservation. After they had subpœnaed 175 Indians and had them testify for six weeks before the Federal court near this Indian reservation, when the testimony was in the judge said, "Is that all the evidence you have?" They said, "Yes." Then he said: "I direct a verdict of acquittal for each and every one of the defendants, because of an absolute failure of anything like evidence to sustain the allegations."

Now, what this committee desires to do is to go out to see if they tried these cases properly, and to spend a little more of the Government money.

Mr. GRAHAM. Will the gentleman yield?

Mr. MILLER. Yes; if I can have a little more time.

Mr. GRAHAM. Does the gentleman make no distinction between conviction in a criminal case and an investigation of this character? Does he assume that because they were not convicted of a crime——

Mr. MILLER. I will answer the gentleman. The gentleman thinks that he has the authority of a grand jury. I think he is bringing into play his activities too late. The grand jury has already sat and decided the matter.

Now, Mr. Speaker, one thing further. The Indian investigations are, of course, for the purpose of letting this committee, or a portion of it, go about over the country in the hope of making for themselves a little interesting work and for what you might call a good, glorious junket. They know that they have no jurisdiction over any subject matter that they may investigate; they know, or they must know, or they ought to know, that no matter what they find it will not be within their power even to propose legislation to this House. [Applause on the Republican side.]

The SPEAKER pro tempore (Mr. CLAYTON). The time of the gentleman has expired.

Mr. DALZELL. Mr. Speaker, I yield three minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Speaker, one reason why I am opposed to this resolution is because it is the same committee that had under investigation the Controller Bay matter. I hold in my hand a speech made by the chairman of that committee, in which he used the following language when it was charged against him that they would not permit the witnesses that came before them to testify, and that they had abandoned the investigation. He says:

Those two whereases—

The ones that charged abandonment of the investigation and that certain witnesses would not be permitted to give their testimony—

are the only ones that are material in the resolution, and both of them are untrue.

On another page he says:

But I have no hesitation in saying, as I have already said, that not one of those witnesses will escape testifying.

Did they escape?

A little further on he says:

Every one of the witnesses was subpœnaed and will be called to testify in proper order.

They were never called.

They had the witnesses before them in regard to the Dick-to-Dick letter, that reflected on the character of a President of the United States, and the chairman of this committee stood on the floor of this House and promised this House that those witnesses should be called upon to testify; that it was not true that they were going to abandon the investigation.

And yet not one of these witnesses has been permitted to testify. That investigation has been abandoned. Not a single meeting has been held since that time to investigate the question, and the only excuse they can give is that they employed one Brandeis, and he tells them that it is no use to look into the matter any further. According to the confession of that committee, they have no man upon the committee that is competent to examine witnesses or form a judgment; they employed Mr. Brandeis and took his judgment. Why not let Brandeis pass judgment on the question in the first place and save the expense of making the investigation?

Now, Mr. Speaker, the reason that I am opposed to the further power being given to this committee is that, in view of their action on the Controller Bay matter, under the statements made by the chairman of the committee on the floor of this House, I do not believe any Member of this House would have any confidence in any report that came from that committee. They said that the reason they abandoned that investigation was because they discovered that the Secretary of the Interior had changed his position. The reason why they abandoned it was because the testimony of the witnesses was not what they wanted. That is the reason they did not permit them to testify. Does any man in the House believe that if the testimony in regard to the Dick-to-Dick letter had shown what the majority of the members of the committee wished, that these witnesses would not have been permitted to testify? In any event, they should have laid before the committee and this House and the country the testimony exposing these men who were making a business of assassinating the character of men in public life. [Applause.]

I do not believe this House has any confidence in a committee that will so act, especially when the witnesses were brought before them. For that reason I think this committee ought not to be given any more power. [Applause on the Republican side.]

Mr. HENRY of Texas. Mr. Speaker, I yield three minutes to the gentleman from Georgia [Mr. HARDWICK].

Mr. HARDWICK. Mr. Speaker, I am utterly astonished at the character of the speech that we have just heard. I do not believe that the membership of this House, on either side, will indorse the proposition that any committee of the House has acted in such a way as to make worthless, in advance, a report that comes from it. If the gentleman wants to make that issue on that side of the Chamber we accept it upon this side. It seems to me that it would come with better grace from the gentleman from Washington [Mr. HUMPHREY], my good friend, personally, of course, and from gentlemen generally on that side, to display some liberality about this investigation. For 16 years your party has been in absolute control of every branch of the Federal Government, and it does not seem exactly proper, when, for the first time, the people have intrusted power in one branch of Congress to another party and we undertake to check up in some way your expenditures during those 16 years that captious objections should come from the opposite side of this aisle. [Applause on Democratic side.] This committee asks for no unusual power and in no different language, so far as the resolution is concerned, than has been conferred time after time on Republican committees, without absolutely a word of objection or protest from this side, during my 10 years of service in this House. It asks for no power that has not been repeatedly conferred during the Sixty-second Congress by the majority side of this House, with the full consent of the minority, on every single investigating committee that has asked for it; and I do not think the gentleman from Illinois [Mr. GRAHAM] and his Democratic and Republican associates on this committee have acted in any way about any matter which would justify this sort of criticism or this sort of fight.

It seems to me that by a vote that is unanimous and nonpartisan that will be a vote of confidence, if the committee needed such a thing, we ought to give the gentleman from Illinois and his associates, both Democrats and Republicans, the power they ask, in order to continue the necessary investigations to check up a great department of the Federal Government, and I believe this House will do it. [Applause on the Democratic side.] I am surprised that gentlemen who do not know what the committee's work is, who are not on the committee, who are not assisting them in doing the work, should make this sort of fight. It seems to me it is one of those resolutions that ought to go through without question. I do not believe the committee is not going to expend a single dollar that is not necessary, it is not going to expend a single dollar foolishly, not a single penny on a junket, and gentlemen ought not to take a position of that kind when a committee comes in and asks a usual power, one that has been granted without question every time it has ever been asked by any committee.

Mr. HENRY of Texas. Mr. Speaker, I yield three minutes to the gentleman from Missouri [Mr. HENSLEY].

Mr. HENSLEY. Mr. Speaker, I had no idea of saying anything on this proposition until I heard the remarks by the gentleman from Washington [Mr. HUMPHREY], reflecting, as it seems to me, upon the integrity of this committee. I am a new member of this committee, but I want to say to this House here and now that I am ready to hurl back in the teeth of the gentleman——

Mr. HUMPHREY of Washington. Oh, the gentleman need not hurl anything. Just explain why you did not examine the witnesses.

Mr. HENSLEY (continuing). His insinuations, and suggest that no doubt it reflects a disposition to assail others without cause. And I further suggest to the gentleman that before he attempts to interrupt me he had better get recognition from the Speaker. No one who was present there and heard those facts, as they were submitted to our committee, would now have the audacity, the nerve, the gall, to stand up here and make such strictures on our committee as has the gentleman from Washington. I want to say that the chairman of this committee proceeded carefully in every particular, stating in open meeting before the full committee that it was not his purpose to attach any importance to the statement made by this young girl concerning the Dick-to-Dick letter. He said, first and foremost, it was necessary to find out whether the public had been injured in any particular, whether there had been a wrong done to the public interests, and after the matter was gone into, and gone into carefully, as he believed, and as every member of our committee believed, it was shown that there was no wrong, then I submit to any intelligent, candid Member upon the floor of this House that it would have been a fruitless expenditure of time and money for our committee to have gone on and called witnesses before it and examined them in order, more than anything else, to vindicate the young lady who first made the charge, rather than to vindicate the President of the United States. I do not understand that to be within the province of this committee. [Applause on the Democratic side.]

Mr. HUMPHREY of Washington. Would not that have been a very good thing, a meritorious action, to have vindicated her?

The SPEAKER. The gentleman from Washington must rise in his place if he wants to submit a remark.

Mr. HENSLEY. I submit it would be in better taste if the gentleman did that, but let me say that our committee was not sitting for the purpose of running down newspaper or neighborhood gossip.

Mr. BURKE of South Dakota. Will my colleague yield?

Mr. HENSLEY. I do.

Mr. BURKE of South Dakota. I will ask the gentleman if it would not probably have been better form for that committee to have made to this House a report, as suggested in the gentleman's remarks that he has just made, that the President and the department had done no wrong?

Mr. HENSLEY. If I understand it clearly, beyond any sort of question the report means that and goes far enough to cover these insinuations. Now, as a lawyer, I would like to ask the gentleman this question first and foremost, Does a mere circumstance form the basis for an allegation of crime if no crime has been committed? What becomes of the circumstance if the body of the crime is not present?

Mr. BURKE of South Dakota. A crime was charged in this case.

Mr. HENSLEY. By whom?

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. HENSLEY. Not by a member of this committee, I will say.

Mr. DALZELL. Mr. Speaker, I yield half a minute to the gentleman from Minnesota [Mr. STEENERSON] for the purpose of offering an amendment.

Mr. STEENERSON. Mr. Speaker, I offer two amendments.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

Amend by adding at the end of the resolution the following: "Said committee may include in their inquiry the work and expenditure of any other executive department which may have been undertaken or carried on at the request of and in aid and cooperation with the Interior Department."

Mr. GRAHAM. Mr. Speaker, I make the point of order——

The SPEAKER. The gentleman will state his point of order.

Mr. GRAHAM. The noise was so great I could not hear the amendment when reported.

The SPEAKER. The Clerk will again report the first amendment.

The first amendment was again reported.

The SPEAKER. The Clerk will now report the second amendment.

The Clerk read as follows:

Amend by adding at the end of the resolution, "and the hearing hereunder outside of the city of Washington shall be concluded within 90 days."

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER. If this resolution comes up for consideration will amendments be then in order or must they be submitted during the discussion of the resolution and be pending?

The SPEAKER. Under the agreement it can be done either way.

Mr. DALZELL. Mr. Speaker, I understand that in pursuance of the arrangement made by the House the gentleman from Minnesota has five minutes to discuss his amendment.

The SPEAKER. The gentleman from Minnesota will have five minutes when the hour is up.

Mr. DALZELL. But not to come out of the time for general debate.

Mr. STEENERSON. I will ask the gentleman from Pennsylvania if he has any time now?

Mr. DALZELL. I have not.

The SPEAKER. The agreement was that there should be five minutes on a side for debate on each one of these amendments if any gentleman wanted to use that time, so after the hour is up then these amendments will come up.

Mr. HENRY of Texas. Mr. Speaker, I will ask the gentleman from Pennsylvania to use all of his time, as the balance of the time on this side will be used in one speech.

Mr. DALZELL. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I offer an amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend line 4, after the word "House," by striking out the words "and during the recess of Congress."

Mr. MANN. Mr. Speaker, I should also offer an amendment limiting the expense to be incurred under this resolution, but I understand such an amendment will be offered by another Member of the House. Mr. Speaker, a moment ago the gentleman from Georgia [Mr. HARDWICK] stated that during his 10 years' service in the House—and I congratulate the country upon the fact that he has remained here for 10 years, and I hope he will remain 20 years longer—we had repeatedly passed resolutions in this form when his side was in the minority and this side was in the majority.

But the gentleman from Georgia [Mr. HARDWICK] was entirely mistaken. Since my service in this House, which antedates the service of the gentleman from Georgia, I think there never has been a resolution passed through the House granting a roving commission to a committee of this House to do what it pleased and to add what expense it pleased during the recess of Congress.

Mr. HARDWICK. Will the gentleman yield?

Mr. MANN. Very shortly.

Mr. HARDWICK. What about the Lilley investigation, and what about the Ballinger-Pinchot investigation?

Mr. MANN. The Ballinger investigation was not by a committee of the House.

Mr. HARDWICK. It was a joint committee.

Mr. MANN. It was a commission created by Congress. Other investigations have not been authorized in this way. Even the committee of which the distinguished gentleman from Georgia is chairman has no such power.

Mr. HARDWICK. If the gentleman will pardon me, the gentleman is wrong about that.

Mr. MANN. Even the investigation of the United States Steel Co. has no such authority as authorized by this resolution.

Mr. HARDWICK. The gentleman is also mistaken about that.

Mr. MANN. Even in the heat of debate on the other side no one has proposed granting a commission in this or in any other country at what expense they chose to provide and without any control over the expenditures. If this resolution is passed in the form proposed, before this session expires every committee that wants to go on junketing trips during the recess between this session and the next session of Congress will urge the passage of similar resolutions. I have seen resolutions introduced, something like this, in behalf of committees, but I think none has been passed during my service in this House.

Now, what is the proposition here? It is that the committee that has no jurisdiction on a subject is to be authorized to go out and investigate the propriety of legislation. We have the distinguished Committee on Indian Affairs that is supposed to be composed of gentlemen who are acquainted with the Indians and the necessities of our relations with the Indians. Many of the members of that committee have served for years. It is very possible that some of the members of this special committee might know an Indian if they met one on the street, but there are some members that have had very little experience and probably very little knowledge on the subject of Indians. And it is proposed to have them investigate the propriety of legislation. If they report a bill, in the end it will be referred to the Committee on Indian Affairs. The committees on expenditures have the right to investigate the expenditures of the department, and we welcome their investigation. The Republicans in the department have nothing to hide in the expenditures which they have made. You have had 10 investigating committees that have worked since the beginning of the special session of Congress, and the only scandal you have uncovered is the scandal of some of your reports. [Applause on the Republican side.]

Let them investigate the expenditures. If they find money improperly expended, we will help to correct it, but when they seek to oust the jurisdiction of other committees and go all over the country wasting the people's money—and I use the term "people's money" with deference, because it usually comes from that side of the House—we will not be in favor of wasting the money at any time. [Applause on the Republican side.]

Mr. DALZELL. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, the debate upon this resolution has taken a very wide range, and so far as the opponents of the resolution are concerned there has been very little said upon the merits of it. The debate has been upon the question as to whether the Committee on Expenditures in the Interior Department shall investigate matters concerning Indian affairs or whether the Committee on Indian Affairs should do so.

Mr. Speaker, we may vote this resolution up or vote it down, and it will not determine that question in the least degree. The only question before this House is whether the committee shall be empowered to take testimony elsewhere at an expense of about $1,500, or shall take it here in the city of Washington at an expense of something like $20,000. There is no other question before us, so far as this resolution is concerned.

I am in sympathy, Mr. Speaker, with most of what has been said concerning the jurisdiction of this committee, but it will not be reached by this resolution. If they desire to deprive this committee of jurisdiction upon this question, it should be by resolution introduced and brought before the House depriving that committee of jurisdiction to do these things that they propose to do and enabling the Committee on Indian Affairs to do them. I will vote for such a resolution. As a member of the Committee on Rules I will vote to bring out such a resolution.

But, Mr. Speaker, this question is simply one of economy upon the part of the Government, whether we are going into an expenditure of $20,000 or into one of $1,500.

Mr. MILLER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from Minnesota?

Mr. LENROOT. I do.

Mr. MILLER. Is the gentleman aware that the $1,500 mentioned is absolutely too small to cover the expense of such a course as this committee proposes to take, and rather that it would be about $15,000?

Mr. LENROOT. In answer to that I will say this, that it is apparent to me, and must be so to the gentleman from Minnesota, that it would cost less to send three or four Members to those places than it would cost to bring 100 men from those places here to testify.

Mr. MILLER. Just one more question. I do not wish to interrupt the gentleman too much. Is it not a fact that this money would be wasted absolutely, whether it is $1,500 or $15,000, provided that the testimony which the committee proposes to take and the work of the committee should prove to be absolutely useless and absolutely of no value and absolutely of no benefit to the country and of no benefit to the Indians themselves?

Mr. LENROOT. That may be, Mr. Speaker, but if we are going to waste money I would rather waste only $1,500 than waste $20,000. [Applause.]

Mr. MILLER. Our purpose is not to waste any of it.

Mr. LENROOT. But we will not reach or accomplish that purpose by voting this resolution up or down, and that is the point that I make.

Mr. MILLER. Does the gentleman think we should proceed to incur this expenditure in a wasteful, extravagant, and useless way? Is not this an invitation on our part to the committee to go abroad over the country and investigate the people's affairs and waste the people's money?

Mr. LENROOT. This resolution does not purport to pass upon the question of the necessity of the investigation at all. The gentleman's only point is whether the investigation should be made by that committee or by his committee, and that can not be decided by this resolution.

Mr. MILLER. If I am interrupting the gentleman too much I would be glad if he would say so, and I will refrain from asking further questions; but the point that I wished to make is that the whole proposed investigation by this committee is an absolute, unjustified, emphatic, unqualified, and ridiculous expenditure of the money of the people of the United States. [Applause on the Republican side.]

Mr. LENROOT. Mr. Speaker, that question should be brought before the House, where it can be determined by the House. It can not be done by voting this resolution up or down.

Mr. GREEN of Iowa. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from Iowa?

Mr. LENROOT. I do.

Mr. GREEN of Iowa. Is it not a fact that the reason we can not tell about that at this time is because this resolution is not sufficiently specific, so that we can know what this committee proposes to do?

Mr. LENROOT. In reply to that, Mr. Speaker, I would say that this resolution does not purport to extend the jurisdiction of this committee in the least degree so far as making any investigation is concerned.

The SPEAKER. The time of the gentleman has expired.

Mr. LENROOT. The jurisdiction which this committee has depends on the rules of the House and upon the prior action of the House and not upon the resolution now before us.

Mr. DALZELL. Mr. Speaker, I do not know that I can add anything to what the gentleman who has preceded me has said. The matter that has been discussed by gentlemen on this side of the House in connection with this resolution is matter that has nothing at all to do with the question before the House.

I voted for this resolution in committee. I thought it was a wise and proper resolution at the time, and I think it is a wise and proper resolution now.

Now, what are the circumstances, and what does the resolution propose? This House on a previous date—I do not recall it exactly—by a resolution which I have in my hand empowered the Committee on Expenditures in the Interior Department to proceed to examine into all the affairs of said department as fully as is permitted to them and made their duty to do by the rules of the House in relation to said committee. Now, whether they have unduly enlarged their conception of their functions or not I do not know, but the fact is that this committee has proceeded to make certain investigations.

It was certified to the Committee on Rules that some of these investigations were pending here and some there, the places being named. I have outside information from the Department of Justice that that department is interested in one of these investigations being carried on up in the State of Minnesota. Now, this resolution does not propose to enlarge the jurisdiction of this committee at all. It does not add any new functions to the committee. It does not authorize the committee to do anything that it has not the power to do now. If the committee is not conducting its investigation within the rules of this House or within the jurisdiction that has been conferred upon it, this resolution will not aid the committee in any respect, because it simply proposes to say that the committee may conduct the investigation that it is now conducting and that it has been conducting at another place instead of at this place.

Mr. MARTIN of South Dakota. Will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from South Dakota?

Mr. DALZELL. I do.

Mr. MARTIN of South Dakota. Does the gentleman from Pennsylvania consider that this committee now has the power to sit during a recess of Congress?

Mr. DALZELL. It has not.

Mr. MARTIN of South Dakota. I understood the gentleman to say that this resolution would not enlarge the powers of the committee.

Mr. DALZELL. It does not enlarge its jurisdiction. It does not enlarge the scope of its powers at all. It does not introduce any new subject beyond that which the committee already has the power to investigate.

The fact is that the committee is now engaged in this investigation up in the State of Minnesota, and that is the particular point that my attention was called to by the Department of Justice, which seems to be somewhat interested in this investigation.

Mr. MILLER. Will the gentleman yield for a question?

Mr. DALZELL. Certainly.

Mr. MILLER. Does the gentleman understand that the committee has proceeded with what might be called an investigation of affairs up there?

Mr. DALZELL. I understand they have commenced an investigation; yes.

Mr. MILLER. I will assure the gentleman that it is only an incipient commencement.

Mr. DALZELL. Whether it is incipient or not, it is a commencement. Now, the proposition is this: There are some 30 or 40 witnesses necessary to be examined in the conduct of the investigation. These witnesses live in Minnesota. The question is whether this House will incur the expense of bringing those 30 or 40 witnesses from the State of Minnesota to the city of Washington to be examined, or whether the House will send a subcommittee of three or four or five up to Minnesota to examine these witnesses and report to the House. That is all there is in this question.

Mr. BURKE of South Dakota. I should like to ask the gentleman if there is a subject requiring investigation, such as the White Earth matter, would it not be very much better practice to bring in a resolution clothing some committee with jurisdiction and full power to make that investigation rather than to give a committee which perhaps has no jurisdiction, general power to go anywhere all over the country and investigate a thousand different subjects, in the nature of a grand jury investigation, as the chairman of the committee suggests?

Mr. DALZELL. That may be so. That is, it may be that the original resolution ought to have been in different form.

Mr. BURKE of South Dakota. The resolution does not enlarge the powers or the jurisdiction of the committee over what the rule confers upon the committee.

Mr. DALZELL. Not at all, but this committee has construed its power under this resolution and the rules of the House to extend to certain subjects. I do not know whether the committee properly construe their powers or not. That has nothing to do with the question now before the House. They may have improperly construed their powers. The original resolution may have been loose in its form. I think it was. But under that resolution the committee is now acting. This resolution simply gives additional liberty as to place of investigation; nothing more.

Mr. MILLER. The gentleman is a member of the Committee on Rules. Has there not——

The SPEAKER. The time of the gentleman from Pennsylvania has expired. The gentleman from Texas [Mr. HENRY] has six minutes.

Mr. HENRY of Texas. Mr. Speaker, it is regrettable that when we propose to push this investigation into Dakota and Minnesota gentlemen representing those States should rise and oppose it, when, in fact, the committee now has the authority to summon witnesses and bring them to Washington.

Mr. STEENERSON and Mr. BURKE of South Dakota rose.

The SPEAKER. To which gentleman does the gentleman from Texas yield?

Mr. HENRY of Texas. I will yield first to the gentleman from Minnesota.

Mr. STEENERSON. I desire to state that I have informed the chairman of the committee that I am in favor of this resolution.

Mr. HENRY of Texas. I was not referring to the gentleman.

Mr. STEENERSON. This investigation relates to matters in my district.

Mr. HENRY of Texas. I was referring to another gentleman from Minnesota. Now, I will yield to the gentleman from South Dakota.

Mr. BURKE of South Dakota. Mr. Speaker, I desire to say, for the information of the gentleman from Texas, that if he will bring in a resolution conferring jurisdiction upon the committee having jurisdiction of the subject matter of any investigation pertaining to Indian affairs or public-land affairs in South Dakota I will join with him most gladly in enabling the House to pass such a resolution.

Mr. HENRY of Texas. Mr. Speaker, let me say that we are simply authorizing this committee to proceed with this examination under the rules of the House in regard to expenditures in the Interior Department and nothing more.

Mr. MILLER. Will the gentleman yield?

Mr. HENRY of Texas. Certainly.

Mr. MILLER. As the chairman of the Committee on Rules, does not the gentleman from Texas know that there is and has been pending before his committee for at least six months a resolution, which I partly framed, asking for the appointment of a committee of this House specifically to investigate the Indian affairs on the White Earth Reservation?

Mr. HENRY of Texas. The gentleman from Texas is aware of that fact, and he is ready and willing at all times to give the gentleman a hearing.

Mr. MILLER. It is not my resolution, but I assisted the chairman of the Committee on Indian Affairs in drawing it.

Mr. HENRY of Texas. I understand there is such a resolution now pending. Mr. Speaker, it is strange indeed that there should be any opposition to this resolution, when it only authorizes the committee to proceed to Arizona, Minnesota, Dakota, and perhaps one other point, to expend $2,500 in order to unearth what they think constitutes fraud against the Government. It is strange that any Member should stand in the way of it when the committee already has that authority.

The gentleman from Illinois opposed the adoption of the resolution on the ground that we are asking for strange and unusual powers. I am willing to concede that the gentleman from Illinois knows everything when he investigates it, but this time the gentleman is badly informed about his facts.

Mr. Speaker, this House adopted a resolution giving the committee to investigate the Sugar Trust the same authority that we are conferring to-day. It conferred on the committee to investigate the Steel Trust identically the same authority that we are giving to-day. The gentleman from Illinois is mistaken about his facts.

Now, we have heard the facts. It will save $17,000 or $18,000 by passing this resolution authorizing the committee to proceed to these points and make the investigation. So far as I am concerned, whenever any Member of this House comes before the Committee on Rules and persuades the committee to bring out a unanimous report that it is necessary and proper to go to some other point in the country in order to take testimony about fraud or expenditures under any department, I am ready to give the authority and let them dig to the bottom of it and uncover the facts, if there are any to be found that ought to be uncovered. Therefore we have brought in the resolution by the unanimous report of the Committee on Rules, and there should not be any controversy about its adoption. Let us authorize this committee of honorable gentlemen, composed of Members from both sides of the House, to proceed to go as deeply into the allegations of fraud as they see proper and make report to this House, whether it costs much or little, within reasonable bounds.

The SPEAKER. The time of the gentleman from Texas has expired, and all time has expired. The Clerk will read the amendment offered by the gentleman from Minnesota [Mr. STEENERSON].

The Clerk read as follows:

Amend by adding at the close of the resolution the following:

"Said committee may include in their inquiry the work and expenditure of any other executive department which may have been undertaken or carried on at the request of and in aid and cooperation with the Interior Department."

Mr. STEENERSON. Mr. Speaker, I am in favor of the passage of this resolution, although I would prefer to have had the resolution passed authorizing the Committee on Indian Affairs to investigate conditions at the White Earth Reservation. However, it is not true that the matters to be investigated relate wholly to the matter of legislation. There are undoubtedly questions of expenditure in the Interior Department involved in the charges that have been made before the chairman of this committee, and consequently it is proper that an investigation should be made. I find, upon reference to House resolution 103, that this Committee on Expenditures in the Interior Department is limited to an investigation of expenditures in that department, and in this matter of the White Earth Reservation, in Minnesota, with which I am familiar, there is an overlapping of the work of two departments. The Interior Department has requested the cooperation of the Department of Justice, and is carrying on a lot of litigation, involving more than a thousand lawsuits, of a civil character, and numerous criminal prosecutions, and that department is expending money, some of which probably will be charged against the Indian fund. There are two or three million dollars belonging to the Chippewa Indians, of which the White Earth Indians are a part, and probably in the future Congress may decide that these expenditures of the other department may be charged against that fund, and, therefore, there might be objection to the litigation.

Already there are complaints. I might say that I have received complaints of the manner in which the Department of Justice is carrying on these prosecutions. It is claimed that they are needlessly clouding titles of thousands of honest settlers. It is claimed on the part of those who are interested—but I do not vouch for its truth—that the Department of Justice, which is so anxious to investigate the Interior Department, is itself charged by my constituents, both Indians and others, with using its power for the purpose of compelling the Indians to commit perjury. A law was passed some years ago authorizing mixed-blood Indians to convey their lands, and because of that law a large number of Indians claimed they were mixed bloods and got large sums of money. Many of these Indians are graduates of colleges, and some of them are preachers, and they are just as competent to do business as anybody. But they have turned around, with the aid of the Department of Justice, and now swear that they are full-blood Indians, and they want the land, which is worth thousands of dollars, back again. So they say up there on the reservation that the Department of Justice has carried on a propaganda to teach the Indians perjury instead of teaching them civilization. They are charging the department with having caused to be issued 86 notices against mixed-blood Indians—orders to show cause why they should not be stricken from the rolls because they have had the audacity to testify that they were not full bloods.

Mr. McGUIRE of Oklahoma. Mr. Speaker, will the gentleman yield for a question?

Mr. STEENERSON. If I can get an extension of time.

The SPEAKER. The gentleman can not get it under this rule.

Mr. McGUIRE of Oklahoma. It is only a question. The gentleman seems to suggest a matter that involves an investigation by persons who should have knowledge of Indian affairs. Would it not be better if this resolution were so amended as to permit the Indian Affairs Committee, composed of men who know something about these matters, to investigate it rather than somebody who does not know anything about them?

Mr. STEENERSON. Mr. Speaker, yes; but I can not yield further. It would be preferable to have the Indian Committee do the work; they have jurisdiction of remedial legislation. But the Committee on Expenditures in the Interior Department is composed of gentlemen of high character and ability, and I have no doubt they will proceed with this investigation with an open mind and a purpose to do justice.

The worst feature of the situation upon the White Earth Reservation as a result of Government activities in the alleged efforts in behalf of its wards is that they have started a feud between full bloods and mixed bloods that may result seriously. They have started, as I say, proceedings against nearly a hundred mixed-blood Indians to strike them from the rolls of the

tribe and compel them to give up their annuities and their lands. Here is a copy of one of these notices:

OFFICE OF INDIAN AFFAIRS,
November, 1911.

Mrs. JENNIE M. LEDEBORE,
White Earth, Minn.:

You are hereby notified and informed that you, among others, are alleged to be unlawfully and without right on the lists of Minnesota Chippewa Indians hereinafter mentioned. It is alleged that you were not originally a member of any Minnesota tribe or band by birth and have not become so by proper or legal adoption.

You are hereby ordered and required to show cause, if any you have, why your name should not be stricken from the lists on the basis of which allotments have been made or annuities paid to Chippewa Indians of Minnesota, and why your allotment should not be canceled and the land returned to the Minnesota Chippewa Indians, and why you should not return to the said Indians the annuities and other benefits, or the value thereof, which you have already received; and you are further notified that in the meantime you are, and have been, suspended from all such lists and from participating in any payments, annuities, or other benefits accrued or accruing to said Minnesota Chippewa Indians.

Answer to this order to show cause must be made in writing to the Commissioner of Indian Affairs, at Washington, D. C., on or before February 1, 1912. Upon receipt of the answer such procedure as may be necessary and warranted will be ordered and you will be duly notified thereof.

R. G. VALENTINE,
Commissioner of Indian Affairs.

Approved November 27, 1911.

SAMUEL ADAMS,
First Assistant Secretary.

This Indian woman is a poor widow and unable to employ counsel or come here to defend her rights. Her sole offense seems to be that she belongs to the so-called Beaulieu faction, which has incurred the hostility of the Government.

Many of these Indians who have thus incurred the hostility of the Interior Department and the Department of Justice are among the leading men and women of the tribe. Many of them were parties to the treaties of 1867 and 1889, and either they or their ancestors were on the tribal rolls when the official census was made under the act of January 14, 1889. This arbitrary and tyrannical, not to say lawless, course by the Government officials, it is alleged by the Indians affected, is the result of a deliberate plan to arbitrarily and without judicial proceeding or due process of law destroy the rights and property of all Indians on White Earth who show the least independence or a disposition to oppose the wishes of the Government officials. It is said there are already 1,200 suits pending in the Federal court, involving as many 80-acre tracts, which turn upon the single question; was the allottee who conveyed the land a mixed-blood or a full-blood Indian? Under the law as enacted by Congress if the allottee was an adult mixed blood, his conveyance is valid; if full blood, invalid, and the title is held in trust by the United States.

It is further claimed, whether justly or unjustly I do not know, that in 95 per cent of the cases there was no fraud, and the allottee was fairly dealt with and received full value for his property. The sole ground of attack on these titles appears to be not fraud or imposition but incompetency to convey. Many of the people up there believe that this situation has led the department officials to an undue zeal to obtain evidence in this manner, by a sort of duress and persecution and encouraging a feud between the different classes of Indians. If this belief should be well founded, it is a serious matter, and we ought to find out the facts. For this reason I wanted to be sure that the authority of the committee should be broad enough to cover this feature. I think it is broad enough to cover it already, but I wanted to remove all doubt on that matter.

Mr. GARRETT. Mr. Speaker, I do not think that the amendment submitted by the gentleman from Minnesota [Mr. STEENERSON] ought to prevail. The Committee on Rules, at least the individual members of that committee, considered this matter very carefully, and considered it for some days before it was determined by the majority members that they would be willing to report it; and I violate no confidence in saying that resolutions presented before that committee prior to the time this was presented, which seemed to somewhat broaden the power of the Committee on Expenditures in the Interior Department, met with rejection by the majority members of the Committee on Rules. And I wish to say now as one member of the Committee on Rules that it is going to take a very strong case to ever induce me to vote for any sort of a resolution that is to broaden the powers of one of these investigating committees over the powers that they have already. Now, this proposition is to permit the Committee on Expenditures in the Interior Department, or any subcommittee thereof, to sit during the recess of Congress, and to sit at places other than the city of Washington. Now, the gentleman from Minnesota proposes to amend by broadening its powers so that it may extend its investigations over other executive departments of the Government. Now, notwithstanding my confidence in the personnel of this committee, and notwithstanding my belief in it, and notwithstanding my faith in the purpose of the chairman to confine himself strictly to all he conceives the rule to be and not seek to reach out for authority, I do not believe it would be a good precedent to extend the power of this committee so that it would reach over other departments of the Government.

Mr. STEENERSON. Will the gentleman yield for a question?

Mr. GARRETT. I will.

Mr. STEENERSON. The gentleman understands that the inquiry is limited to such work as the other department has done at the request of and in cooperation with the Department of the Interior. It is part of the Interior Department's work.

Mr. GARRETT. I had lost sight for a moment of that being in the amendment of the gentleman, but notwithstanding that it is a broadening of power, and if the work is so interlapped, as I understood from the statement of the gentleman from Minnesota, then I think undoubtedly the committee will have jurisdiction, anyhow.

Mr. STEENERSON. I think the gentleman is correct about that, but I want to remove all doubt.

Mr. GARRETT. Now, Mr. Speaker——

Mr. CAMPBELL. Will the gentleman yield for a question?

Mr. GARRETT. I will.

Mr. CAMPBELL. Does not the gentleman from Tennessee believe that the amendment offered by the gentleman from Minnesota would have been subject to the point of order if the point of order had been made?

Mr. GARRETT. I will say to the gentleman I am rather inclined to believe it would have been, and I was under the impression the gentleman from Illinois had reserved the point of order on it.

Mr. CAMPBELL. I quite agree with the contention of the gentleman upon the question of enlarging the powers of investigating committees beyond the department for which they were appointed.

Mr. GARRETT. Now, something has been said, Mr. Speaker, about the matter of an amendment to this resolution which will limit the charge. Now, I think I can say, for the Committee on Rules that the committee has no objection to that sort of an amendment. Gentlemen have sometimes spoken of the failure of the Committee on Rules in bringing in these resolutions to put a limitation upon the expenses. That is due to the fact that such would destroy its privileged character.

The SPEAKER. The time of the gentleman from Tennessee has expired. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. STEENERSON. Mr. Speaker, I ask for the consideration of the other amendment.

The SPEAKER. The Clerk will report the second amendment of the gentleman from Minnesota.

The Clerk read as follows:

Amend by adding to the resolution:
"And the hearing hereunder outside of the city of Washington shall be concluded within 90 days."

Mr. STEENERSON. Now, Mr. Speaker, the people who are interested in the White Earth Reservation in Minnesota are very anxious that some report should be made and that the hearings should be concluded at an early date, before this Congress adjourns, and for that reason I have proposed that the committee be required to conclude its hearings outside of the city of Washington within 90 days. I would say that I agree with the gentleman from Tennessee that probably the committee has jurisdiction to investigate all the work of the Interior Department, both that which is done directly and indirectly through other officials under their general authority. I will say, further, that the people, both the Indians and the white people, upon the White Earth Reservation are very anxious for a full and early investigation of these matters. They want the hearings concluded within a reasonable time, in order that, if it be deemed proper by the House, there may be proper remedial legislation; and for that reason I hope that the House will put this clause in the resolution, in order that there may be a speedy report upon the hearings. In debating the other amendment, I said that the question had two sides; that a great many letters were sent to me from Indians and whites upon the White Earth Reservation complaining of the conduct of the Interior Department, and the Department of Justice also, and, in fact, there have been more complaints of the Department of Justice than of the Interior Department, and the tone of these complaints is, as I have indicated, that instead of teaching the Indians honesty and frugality they are teaching them dishonesty and rascality and, in fact, persuading them to commit perjury in order that they may get back something for which they have

been fully paid. Now, these Indians up there are all citizens, they are voters, and I represent the Indians who are mixed blood and full blood, and I represent the whites, and I make no dsicrimination; and I think it is the unanimous wish of all the people up there that this investigation should be concluded at a very early date in order that perhaps some legislation may come from this Congress at this session.

Mr. GRAHAM. Mr. Speaker, as to the amendment just offered, it seems to me that it is entirely unnecessary. The committee, I think, would finish the White Earth investigation in much less than 90 days. If the newspapers are at all correct, if they are near right, I have not been able to see anything concerning the climate of Minnesota that would be at all likely to induce the committee to stay there longer than is absolutely necessary.

Mr. STEENERSON. The climate is delightful; much better than the climate in Washington.

Mr. GRAHAM. It may be when you get to it, but it does not sound well at this distance, and as I have never slept out of doors in a bag yet, I may not like it. It seems to me, Mr. Speaker, that there would hardly be any need to incorporate that in the resolution. I think the committee would be ready to get to work soon, and it seems to me that less than 90 days would suffice.

Mr. STEENERSON. In view of the statement, I withdraw my amendment.

The SPEAKER. The gentleman from Minnesota withdraws his second amendment. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. MANN].

The Clerk read as follows:

Amend line 4, after the word "House," striking out the words "and during the recess of Congress."

Mr. MILLER. Mr. Speaker, I would like to speak on the amendment of the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I yield the floor to the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER. Mr. Speaker, I desire to finish what I started to say in reference to the White Earth Indian Reservation. I appreciate that an outline of the situation can only be given, but I think, in justice to the Representatives from all parts of the State of Minnesota and to the committee, that some statement should be made.

As has already been stated, the outgrowth of all the difficulties on that reservation arises from the Clapp amendment, which permits the Indian of mixed blood to alienate his property, and the controversy has arisen over those who are mixed blood and those who are full-blood. I think there is no other question to be investigated. The Committee on Indian Affairs in this House had an investigation for two sessions, and there appeared before that committee representatives who held opposite sides of the question. The whole purpose of the hearing, from those who came here as delegates from the Indians interested and from the whites who were interested, was to get the committee to propose legislation that would act as a remedial agent in changing the condition that there existed. There was no other power that would bring them any relief, and the only purpose of this investigation proposed by this committee could be to ascertain the facts for the purpose of using the facts to frame legislation.

Now, Mr. Speaker, this committee may secure the facts, as I have no doubt they will, by going there, if they stay long enough, but judging from the conduct of the committee in its investigation of Indian affairs thus far, I do not believe that they could get at an accurate understanding of the facts from any Indian tribe or band in 90 days. They are gentlemen of high character, all men of intelligence, but, as everybody knows, they are not familiar with Indian affairs; they are not conversant with the history of Indian legislation. They are not in a position to enjoy, as elements of knowledge already at their command, many of the things that will require them weeks to learn. After securing these facts, however, all they could possibly propose to do would be to frame some legislation of a remedial character.

Mr. Speaker, at the outset of the special session, in response to repeated demands coming from our State, both from Indians and whites who were interested, we proposed there should be had an investigation of the affairs there by a suitable committee of the House—probably by the Indian Committee. That committee contained at that time, as well as now, many of the most distinguished Democrats in this House. They certainly have had an experience and certainly have a high-minded conception of public affairs to qualify them, superior to this committee, to ascertain facts for remedial legislation.

Mr. GRAHAM. Will the gentleman yield?

Mr. MILLER. No; I will not. I have only a minute.

Mr. GRAHAM. Will the gentleman yield at the end of the minute?

Mr. MILLER. If I have time. Now, gentleman of the House, mark you, if this committee proposes to go to the expense of thousands of dollars by making a trip to our State alone, all they can do is to turn the information which they gather over to the Indian Committee or refer it to the Indian Committee, and that committee must go through the same process and ascertain the same facts and the same information.

It seems to me this is in unmeasured terms to be denounced as the highest point of extravagant and wasteful use of public money. While we listened with great pleasure at the outset of this Congress to the announcement that this rule of our brethren on that side of the aisle would be one of economy; that they would save $180,000 in one year in the economical administration of the affairs of this House; yet we are now appalled by the consideration that these various committees have already expended a sum of money largely in excess of the amount which they originally said they would save; and now they ask us to give them full opportunity and full leeway to send out committees to go all over the United States, without restriction, to spend more of the people's money. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman has expired.

Mr. GARRETT. Mr. Speaker, it seems exceedingly difficult to get the gentleman from Minnesota to understand what this resolution does do and what it does not do. The very clear and explicit statements made by gentlemen on his own side of the Chamber, the gentleman from Wisconsin [Mr. LENROOT] and the gentleman from Pennsylvania [Mr. DALZELL], seem to have failed utterly to reach my bright friend from Minnesota.

This resolution does not broaden the power of the Committee on Expenditures in the Interior Department, and instead of adding to the expense the very purpose of this resolution is to prevent the expense which the gentleman is so anxious to have prevented.

Mr. MANN. Will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Tennessee yield to the gentleman from Illinois?

Mr. GARRETT. I yield to the gentleman.

Mr. MANN. Does this resolution authorize the expenditure of any money?

Mr. GARRETT. It does not.

Mr. MANN. It does not authorize the employment of a stenographer, or anything of that kind?

Mr. GARRETT. Not except as it is already authorized in the original resolution.

Now, Mr. Speaker, an effort seems to have been made here to confuse the issue that is involved in this resolution. This is not, I repeat, broadening the power of the Committee on Expenditures in the Interior Department. It is an economy resolution, pure and simple. The committee has already construed its authority to investigate these matters, and I undertake to say that in the rule itself, which after all is somewhat shadowy and indistinct, there is to be found a basis for the construction which this committee has placed upon it. Having so construed its authority, it being its intention to make the investigation, it having that power under the rule to make the investigation, the sensible thing to do is to send three or four men there to make it rather than to bring from 100 to 150 men here from all over the West at public expense to testify.

Mr. MILLER. Will the gentleman yield?

The SPEAKER. Does the gentleman from Tennessee yield to the gentleman from Minnesota?

Mr. GARRETT. I do.

Mr. MILLER. Would it not be far better for this committee to let it alone and not make it at all?

Mr. GARRETT. But that is not in this resolution, and this resolution does not affect that question one way or another. The committee is already authorized to do it.

Mr. MILLER. Does the gentleman understand that under this resolution the committee has authority to investigate all Indian affairs and departmental affairs?

Mr. GARRETT. That committee has construed the rule itself. It has not been checked by any power having any authority to check it as yet.

Mr. MANN. It ought to be.

Mr. GARRETT. The gentleman from Minnesota does not seem to want something investigated out in Minnesota. [Laughter.] I do not know what it can possibly be, but the gentleman seems very much opposed to turning on the light in Minnesota.

Mr. MILLER. I am afraid you will get extravagant out there. [Laughter.]

Mr. GARRETT. The gentleman should help us by this resolution, because this prevents a large expense that we would otherwise have.

The gentleman from Illinois asked a question a moment ago about a stenographer. This resolution does not provide for a stenographer. The original resolution did, I think.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 37, noes 64.

So the amendment was rejected.

Mr. GARNER. Mr. Speaker, I offer the following amendment, which I send to the Clerk's desk and ask to have read.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend by adding at the end of the section "*Provided*, That the expense incurred under this resolution shall not exceed $2,500."

Mr. GARNER. Mr. Speaker, we have heard this morning considerable explanations as to the purpose and the reason of this resolution, and the essence of all of the discussion is that the resolution was brought in for the sole purpose that these investigations might be made more economically than they could be made under the original resolution.

Mr. GARRETT. Will the gentleman yield?

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Tennessee?

Mr. GARNER. Yes.

Mr. GARRETT. Does the gentleman think that the amount he has named will cover the cost?

Mr. GARNER. I will come to that in a moment.

Now, it is the purpose of this resolution to cut down the expense of making an investigation originally authorized to be made by the Committee on Expenditures in the Interior Department, and if we may take for granted the statements made by the chairman of that committee as well as by the chairman of the Committee on Rules, $1,500 is the extent to which the expense of making this investigation is to go.

Mr. BURKE of South Dakota. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Texas yield to the gentleman from South Dakota?

Mr. GARNER. Yes.

Mr. BURKE of South Dakota. I understood the chairman of the committee to state that in one of these investigations there were something like 175 witnesses, or a very large number. I would like to ask the gentleman from Texas, who is a member of the Committee on Accounts, how much he thinks it would cost to get the testimony taken and transcribed where such a considerable number of witnesses are examined?

Mr. GARNER. Mr. Speaker, I do not know what it would cost; but I do know this, that if the chairman of the Committee on Expenditures in the Interior Department is correct in his estimate, and if the chairman of the Committee on Rules was correct yesterday in his estimate, the expense will be but $1,500. The chairman of the Committee on Rules [Mr. HENRY of Texas] yesterday used this language:

Let me say this to the gentlemen, first: I have no desire to press it this afternoon, but it will be presented to-morrow as a privileged resolution. The proposition is that this committee will go to three places and the resolution is carefully drawn with a view to economy. This committee now has the power to summon these witnesses, but if they are allowed to go to these three points they can do the work for $1,500, whereas if they summon them to come to Washington it will cost $20,000 if they exercise the power they now have.

So, Mr. Speaker, I take it——

Mr. GRAHAM. Will the gentleman yield?

Mr. GARNER. Certainly.

Mr. GRAHAM. A little further on there was a fourth place suggested. But that is not the purpose I have in view at this time. The expenses there mentioned refer more particularly, I think, to mileage. Of course, it is self-evident, as the gentleman from South Dakota [Mr. BURKE] suggests, that if the witnesses have to be subpœnaed and their mileage paid for coming, even to a point near their homes, that sum will not be enough; but if the expense of summoning the witnesses is to be paid out of some other fund, I think it quite probable that, so far as the expenses of the members of the subcommittee are concerned, they could be brought within the sum named there. I am not accurately informed. I am only estimating.

Mr. GARNER. Mr. Speaker, with reference to that point I want to suggest to the chairman of the committee which is to make this investigation that under the original resolution he will have authority to draw through the Committee on Accounts on the contingent fund of the House to an unlimited amount; and what I had in mind in introducing this amendment was to limit the general expense, if I may be permitted to say so, of this committee in its so-called junket over the country. May I be permitted to say furthermore that another reason why I introduce this amendment at this time is that I know it does not meet with the opposition of the chairman of the committee, Mr. GRAHAM, of Illinois, who will make this investigation; but he told me it had his hearty sympathy; and I want to say to the House now that it is my purpose in the future to limit the expenditures of every one of these committees when they are originally created; because my observation as a member of the Committee on Accounts is that it is necessary to limit the expenditures of these committees when they are created.

The SPEAKER. The time of the gentleman has expired.

Mr. FERRIS. Mr. Speaker, I move as an amendment to the amendment to strike out "twenty-five hundred" and insert "five thousand."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment by striking out "twenty-five hundred" and inserting "five thousand."

The SPEAKER. The gentleman from Oklahoma is recognized for five minutes.

Mr. HENRY of Texas. Will the gentleman yield to me for one moment.

Mr. FERRIS. Certainly.

Mr. HENRY of Texas. I believe the gentleman from Texas [Mr. GARNER] read an extract from my remarks of yesterday. If the gentleman will read a little further he will find that I said this committee might go to a fourth place, or some other place. I am just as strong on economy as is the gentleman from Texas, and I am perfectly willing to have a limitation put on the expenses of the committee. The point is this, that if the Committee on Rules brought in a resolution limiting the amount or dealing with the amount to be expended, a point of order would lie against it. Therefore the committee did not undertake to deal with that subject of expense at all. I have no objection to making a reasonable limitation.

Mr. GARNER. Let us make a reasonable limitation.

Mr. FERRIS. Mr. Speaker, there are two well-defined schools of thought here about this proposition. One complains that the amendment turns the committee loose to spend whatsoever they will, wheresoever they desire to go. I am opposed to that. I am opposed to turning them loose and taking off the bridle and letting them expend all that may be demanded of them. I do not occupy that position in any spirit of criticism toward the committee. I occupy it in one sense in defense of the committee. There are droves and herds of people who hound that committee with things that seem to offend them, part of which are real and part of which are imaginary. I think the committee ought to have something to stand on, so they can tersely say, "The House has not given us the whole crib to turn over to you fellows to make investigations with."

Now, one word regarding the amendment of the gentleman from Texas [Mr. GARNER]. I do not believe $2,500 will let the committee make any substantial investigation. The chairman of the committee says that in one case he estimates there will be 175 witnesses called, or about that number, and that the committee propose to go to three places. Now, the fact that the committee journeys out to Minnesota or Arizona or any other place in the conduct of its investigation does not change the fact that the committee may summon witnesses, a proceeding which will make it necessary to pay the expenses of those witnesses, the service of process, and all the expenses incident to such an investigation, and they are of necessity numerous. So if you are going to have any investigation at all the amount allowed them ought to be as much as $5,000. I do not believe that $2,500 will be sufficient. I do not desire to criticize the amendment of the gentleman from Texas, because I am heartily in sympathy with him in making some limitation. As I said before, I am in favor of it for the defense of the committee, and I am in favor of it for the defense of the Treasury, both of which are equally important.

Men from my State, men from Minnesota, men from Arizona, and men from everywhere where there are Indian people come before these investigating committees with all kinds of grievances. If you kick a man's dog he wants the American Congress to investigate it. I am opposed to any such federalism and paternalism as that. I think we need to put in a limitation so that they can investigate the urgent cases and deny those false and imaginary grievances. I think the committee needs the assistance of such a limitation so that it may be able to say that the American Congress will not give them money enough to investigate every imaginary grievance that comes before that committee.

Now, one word further. It is a question of amount. I think it is the view of the Rules Committee, I think it is the view

of the Expenditures Committee, I think it is the view of both sides of the House that if we grant this resolution at all, if we pass it, it ought to be limited. I do not think $2,500 is sufficient, and I believe $5,000 is sufficient. I hope in the interest of efficiency, if we are to pass it at all, there ought to be an adequate sum appropriated.

The SPEAKER. The time of the gentleman has expired.

Mr. MILLER. Mr. Speaker, I desire to be recognized in opposition to the amendment.

The SPEAKER. The Chair will recognize the gentleman from Minnesota for five minutes.

Mr. MILLER. Mr. Speaker, I do not care for five minutes; I think a moment will suffice; but, Mr. Speaker, I am exceedingly delighted with the situation that we have now reached. We find that the economy so beautifully pictured yesterday of $1,500 on this question has crept up to $2,500 a few moments ago, and, then, listening to the still, small, sweet, and seductive voice of economy, we find it creeping up to $5,000. Before the day is out we will find, no doubt, that that same still, sweet voice, growing with greater strength, will rise to the high-water mark of $25,000. I congratulate the gentlemen not only on the conception of their duty as guardians of the Treasury, but in their capacity of speaking on all sides of the question of economy within a space of 90 minutes. [Laughter.]

One word further. The $5,000 now named apparently is not to cover the expenses of these investigations, but rather it is to cover the incidental expenses of these three buccaneers—I beg pardon, these junketers [laughter]—who are to sail out under beautiful skies from beneath the Dome of the Capitol, to go abroad over the country and look up poor Lo. Their incidental expenses, it is thought, will not reach more than $5,000. Let us hope not. Let us indulge in the fond, sweet dream that they can go throughout the length and breadth of this land, pass over the heated and bleached deserts of Arizona, away north to the snow banks and icicles of Minnesota, and not spend more in bountiful tips to car porters, meals at restaurants by the railroad tracks, than $5,000.

Mr. FERRIS. Will the gentleman yield?

Mr. MILLER. Yes; but I want to finish first this school of thought. [Laughter.] We find, Mr. Speaker, that the real expenses of this committee in its conduct of these affairs is not to come from this paltry $5,000, this little insignificant sum from the public crib, but is to come from a still larger fund at the disposal of the committee, requisite, I have no doubt, in its ampler proportion to the stupendous work of this committee in summoning to their various points great crowds of witnesses to bring testimony to enlighten their benighted minds. [Laughter.] That they, after their peregrination has ended, may once more come back to us and bring us tales of strange lands, stories we may have heard about as children, but that now have come back to us in the full-grown strength of their maturity.

Mr. Speaker, I do think we ought to change the title of this resolution and no longer call it by its simple, little, delicate, inoffensive name. Rather we should head it "A resolution granting letters of marque and reprisal to a committee of three of our chieftains to go forth upon the broad areas, among the mountains and the valleys of this great country, to look and see if there may not be some bandits somewhere preying upon the Indian or upon the white man, and buckle with them to the death; and if, perchance, they can find none such of that character, yet to use their might of arm and strength of heart in capturing, wheresoever they may be, anything that looks good unto them, because so far"——

The SPEAKER. The time of the gentleman has expired. [Laughter.]

Mr. UNDERWOOD. Mr. Speaker, I have listened with much interest to the argument——

Mr. MANN. Mr. Speaker, does the gentleman from Alabama desire to address the House?

Mr. UNDERWOOD. I do.

Mr. MANN. Then, Mr. Speaker, I ask unanimous consent that the gentleman from Alabama be permitted to address the House for five minutes.

Mr. UNDERWOOD. Mr. Speaker, I did not know that an agreement had been made as to time.

The SPEAKER. The gentleman from Alabama or anybody else who has the floor is entitled to five minutes on the amendment offered by the gentleman from Texas [Mr. GARNER].

Mr. UNDERWOOD. Mr. Speaker, I was about to speak in opposition to the resolution offered by the gentleman from Oklahoma [Mr. FERRIS].

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the gentleman from Alabama be permitted to address the House for five minutes.

Mr. UNDERWOOD. Mr. Speaker, I do not care to do that under the circumstances.

Mr. RUCKER of Missouri. Mr. Speaker, I ask unanimous consent to address the House for five minutes in opposition to the amendment offered by the gentleman from Oklahoma [Mr. FERRIS].

The SPEAKER. Is there objection?

There was no objection.

Mr. RUCKER of Missouri. Mr. Speaker, having listened with great pleasure to the delightful address of the gentleman from Minnesota [Mr. MILLER], if it were not for the fact that he sits on the other side of the aisle, I would be persuaded that "the Heaven that made him must be pure." [Laughter.]

Mr. Speaker, I am opposed to the amendment offered by the gentleman from Oklahoma [Mr. FERRIS] and to the amendment offered by the gentleman from Texas [Mr. GARNER]. The committee has stated, as I understand it, that $1,500 would pay the expense that is contemplated by this resolution, and, if so, I am one of those who still adheres to the Democratic doctrine of economy proclaimed when we organized this House, and am in favor of practicing it. [Applause.] I hope that you gentlemen on the other side who clap your hands will vote with me. I am opposed to putting a bonus of $5,000 into the hands of this committee when they have not asked for it. I would, if called upon, or if the occasion demanded it, gladly hurl back, using the language of my colleague [Mr. HENSLEY] across the aisle, every unkind word that has been said about this committee or any member of it, either Democrat or Republican. I believe that committee is performing a good work and performing it well, and I believe it ought to have the authority it asks and which is carried in this resolution; but, Mr. Speaker, I believe this work ought to be done in an orderly way, and that it ought to be done at all times along economic lines, and when the committee comes here and says that $1,500 is enough to defray the expenses I, for one, am willing to confide in the judgment of the committee and vote that much money and not a dollar more, if I could have my way about it.

I am willing, however, to compromise, to demonstrate to my Republican friends—my Democratic friends already know it—that I stand for economy, and at the proper time I am going to move to amend the amendment of the gentleman from Texas, after the pending amendment is voted down, by striking out the words "twenty-five hundred" and inserting in lieu thereof the words "two thousand." That gives a margin of $500 to cover accidents, and I do not believe there will be more than $500 worth of accidents in this matter. I can not agree with gentlemen from some of these States within whose borders these investigations are to be made, whose ideas of economy are so pronounced that they would deny the committee the necessary funds to defray expenses, and thus prevent investigation.

The SPEAKER. The question is on agreeing to the amendment of the gentleman from Oklahoma to the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was rejected.

The SPEAKER. The question now is on the amendment offered by the gentleman from Texas.

Mr. RUCKER of Missouri. Mr. Speaker, I move to amend by striking out the words "five hundred dollars," so as to read "two thousand dollars."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend by striking out the words "two thousand five hundred dollars" and inserting in lieu thereof the words "two thousand dollars."

Mr. FERRIS. Mr. Speaker, I desire to be heard for a moment in opposition to the amendment offered by the gentleman from Missouri. Mr. Speaker, this resolution has gotten to be a kind of mirthful affair and seems to be handled in that way on both sides. I do not think the House ought to handle the subject in this way. We either ought to pass this resolution or we ought at least to give money enough to get this committee to the White Earth Reservation in Minnesota and down to Sacaton in Arizona and the two other places to which it is proposed to go. For that class of gentlemen who oppose this resolution I believe they ought to oppose it openly. They ought not to amend it so it will be inoperative and a joke. It seems to me that under resolution 103 the committee may have, so far as I know, ample authority to do all that they ought to do. I am not arguing that proposition; I am arguing the proposition that if we are going to pass the resolution authorizing them to go out and make the investigation we ought at least to give them money enough for them to get back—— [Cries of "Oh, no!" on the Republican side.]

Mr. RUCKER of Missouri. May I interrupt the gentleman?

Mr. FERRIS. I recognize the fact that there are those on the other side who desire them never to come back, but we on this side desire them to come back, and they need money enough for that purpose.

Mr. RUCKER of Missouri. In order to make it sure that the gentlemen who go to the Far West may return, I withdraw the amendment.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was agreed to.

Mr. MONDELL. Mr. Speaker, I offer an amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend by striking out of lines 3 and 4 the words "during the sessions of the House."

Mr. MONDELL. Mr. Speaker, as a member of the committee authorized to go forth and conduct investigations under this resolution, I want to protest against that portion of the resolution which proposes that the committee carry on its investigations in distant regions during the sessions of the House. As a Member of this House I have found that my duties here are quite sufficient to keep me occupied at all times while Congress is in session. I have no time as a member of that committee to wander afield to Minnesota and to the far confines of the Sacaton Reservation while Congress is in session. I conceive it to be my duty to be here, guarding and caring for the interests of my constituency. It seems to me that under no circumstances should the House authorize an investigation during the sessions of Congress, unless there be a condition so unusual that it can not reasonably and properly be delayed or set aside. No such condition now exists. It is claimed by those who propose this resolution that it is necessary for the committee to carry on an investigation on the White Earth Reservation in Minnesota. In the first place, Mr. Speaker, the committee has no jurisdiction of that particular investigation. If it had, the investigation would be entirely purposeless and profitless and a useless and unnecessary expense of public money. There is no one who has investigated the matter but who realizes that the Clapp amendment, in its form rather than in its intent, was a mistake and should be remedied, if there is a fragment of the situation left to be affected by a change of law, but an investigation is not necessary to bring that about. Furthermore, the conditions that have arisen under the amendment are now before the Department of Justice for adjudication, and if the gentlemen who have charge of them in that department would take care of the cases and prosecute them in the field, rather than hang around the committees of Congress, apparently for the purpose of advertising themselves, we would get along with those matters much more rapidly than we can by the sort of investigation proposed.

We can do nothing more than to multiply the facts that we already know with regard to the situation, and we can not cure the situation by legislation after we have received or obtained further information with regard to it. It must be settled in the courts, so far as the cases that have arisen under the law are concerned, and as to the future the committee can pass a law amending the so-called Clapp amendment at any time, and should do it without further investigation, for there has been investigation enough to prove this is necessary.

So far as the Sacaton Reservation is concerned, it is a question whether we have any jurisdiction in the matters involved. However, we have gone into that matter sufficiently to come to a very clear idea of the situation, and by calling upon the Commissioner of Indian Affairs and other officials here we could secure all the information that is necessary to fully enlighten the House with regard to the situation there.

The SPEAKER. The time of the gentleman has expired.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to be recognized against the proposed amendment.

The SPEAKER. The gentleman from Texas [Mr. STEPHENS] is recognized for five minutes.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to say to the House that when the question of the investigation of the affairs of the White Earth Indian Reservation was first brought to the attention of the Committee on Indian Affairs by the gentleman from Minnesota, Mr. STEENERSON, by a resolution prepared by him—although I am not certain upon that point—I conferred with the gentleman from Minnesota, Mr. MILLER, as he has stated, in regard to the investigation, and we went through the resolution and agreed to have it introduced and have the matter referred to the Committee on Rules. Immediately after the introduction of this resolution I ascertained that the other committee—the Committee on Expenditures in the Interior Department—headed by the gentleman from Illinois, Mr. GRAHAM, was considering the same matter. While we had the matter under advisement before the Committee on Indian Affairs I had secured considerable information in regard to it. I had had this printed in the form of a document. I turned all the information I had over to the Committee on Expenditures in the Interior Department, for the reason that, in my judgment then, as now, that committee has the right to inquire into the matter. I believe it should be a subject of inquiry by this House. The two gentlemen, Mr. STEENERSON and Mr. MILLER, then agreed with me that it should be investigated by our Indian Committee. The same conditions exist to-day as existed when they came before me as chairman of the committee and asked for an investigation. If it was right then, it is right now. If there was something wrong in Mr. STEENERSON'S district, as he says there was, it should have been investigated, and I was willing to undertake it. But ascertaining that there was in existence a committee that already had entered into this investigation and that it had the right to investigate this reservation, I turned the whole matter over to them, and I have been aiding them all I could since that time.

If there is anything wrong with the Indians in this reservation, we should know it. If there is nothing wrong, no harm will come from an investigation. As to the Sacaton or Yuma Reservation, in Arizona, we have much information, and I can give any Member or committee of this House all of the information now in the possession of my committee. Investigations by special agents of the Indian Office have been made from time to time. These data are available and can be secured by an investigating committee.

The lands belonging to the Indian must be irrigated either through a system of wells or reservoirs on the Gila or Salt River. I believe in the reservoir system. We have spent, I understand, about $250,000 on the wells now, and we are asked by the Department of the Interior for $35,000 more. I believe that if we should spend half a million dollars on this well system it would all be thrown away. This matter should be investigated by some committee of this House, because I believe that this well water is not suitable for irrigation. It contains too much salt and alkali, and will destroy crops instead of benefiting them. I believe, therefore, that we must discontinue the appropriation for these wells and go back to the original idea of building at San Carlos or some other reservoir on these rivers for the use of these Indians. I speak thus plainly about this matter to show that I am willing to put all of the information now in the hands of the Indian Committee in the hands—if thought best—of any other committee for investigation. We should not limit the amount of money to be spent by an investigating committee. We must confide this to the committee itself. We must appropriate $35,000 in the next Indian appropriation bill to carry on the well system or abandon it and supply the Indians with river water. This can not be done without an investigation, in any event, and if the Committee on Expenditures in the Interior Department can and will make the investigation I am willing for them to proceed, in so far as I am concerned as the chairman of the Committee on Indian Affairs of this House.

Mr. Speaker, for the purpose of showing this House my reasons for desiring to abandon the well system and for seeking an investigation of the affairs of these Indians, with a view of supplying them with water, I submit the following letters and petitions from said Indians. In my judgment, a competent committee, armed with full authority, should make a full and searching inquiry into these matters and suggest a remedy for the evils complained of by the Indians and the Indian Rights Association. I am not ready to vote any more money to dig more wells as recommended by the Department of the Interior.

My present belief is that interested parties or companies in Arizona have secured the legislation that provided for supplying well water to these Indians in lieu of the river water heretofore used by them—before the Spaniards ever put foot on that part of our country—so that these parties could get these very valuable water rights and the lands on the river for irrigation purposes. I further suspect that certain officers of this Government were interested in the water and irrigation companies, seeking to despoil these helpless Indian wards of their lands and riparian or river-water rights. These Indians have always aided the whites in settling that country and have never been on the warpath against the Government, but have fought side by side with the white man against the bloody bands of Apaches that have murdered in cold blood hundreds of the old pioneers—the advance guard of civilization—in their homes in Arizona; and for one I shall do everything in my power to probe to the bottom the evils complained of by them in the memorial herewith presented to you. The memorial is signed by their thumb marks because of their want of education; but some of these same men used these thumbs in defense of helpless white women and children on our frontier; and for one I desire to fully investigate, through the Committee on Expenditures in the Interior Department, or some other committee, the matters

complained of by these simple but helpless people; and this committee should go on the ground and see for themselves their condition and investigate fully their grievances. Their grievances are set forth as follows, viz:

CONSERVING THE RIGHTS OF THE PIMA INDIANS OF ARIZONA.

INDIAN RIGHTS ASSOCIATION,
Washington, D. C., August 9, 1911.

Hon. JOHN H. STEPHENS,
Chairman Committee on Indian Affairs,
House of Representatives.

SIR: Your special interest is requested in the matter of conserving the rights of the Pima Indians of Arizona to the lands of their reservation and the necessary water supply for irrigation.

The Government is expending large sums of money in providing well water for irrigation of the Pima lands. These Indians are entitled, as a matter of right through prior appropriation, to the natural flow of the water of the Gila River, and justly claim that every step possible should be taken by the Government to secure for them the reestablishment and continuance of the use of the low-water-mark water for irrigation.

These Indians were the first settlers along the Gila River, and were self-supporting until immigrants nearer the source of the river diverted the waters for their own uses. The Government has so far failed to prosecute the necessary causes to establish and secure the continued use of these waters for irrigation, and this, notwithstanding the fact that these Indians have uniformly been loyal to the United States and formerly aided in suppressing the revolts of the warlike Apaches.

The Pimas and many of their friends feel that the continued use of well water for irrigation is, at best, in an experimental stage, and results from use of the flow of underground waters in different locations within their reservation is foreboding to them.

Directly affecting the Pimas' interests is the proposed disposition of the San Carlos Reservoir site by the Government. Every precaution should be taken to see that provision is made for the Pimas and that their right to the use of sufficient low-water-mark water is guaranteed to them in any negotiations had in the matter.

The inclosed letters and statements concerning these rights of the Pimas, we submit, reveal a condition that calls for investigation. Since many of these statements are made by Mr. Herbert Marten, Sacaton, Ariz., within the Pima Reservation, we desire to state that on former occasions we have found statements made by him to have been very carefully considered and fully substantiated by investigation.

The Pimas are petitioning for an investigation, claiming that their land and water rights are in jeopardy. I file their request as an exhibit herewith.

We have been in close touch with the needs of the Pimas for several years and believe that their best interests demand an investigation within the reservation and vicinity thereof by your committee, so that the facts affecting their right to land and water may be made a matter of record for your future use in their behalf.

Very respectfully, yours,

S. M. BROSIUS,
Agent Indian Rights Association.

A PETITION ADDRESSED TO THE INDIAN RIGHTS ASSOCIATION BY THE CHIEFS OF THE PIMA TRIBE OF INDIANS.

JULY 31, 1911.

GENTLEMEN: We, the undersigned chiefs of the Pima Tribe of Indians, residing on the Gila River Reservation, Ariz., hereby petition you for assistance on behalf of our people.

We earnestly hope that you can bring the matter below mentioned to the attention of the Secretary of the Interior and present our petition before Congress before our water rights in the Gila River are forever lost to us:

(1) We do not want to be moved from our homes, but ask to have water supplied to our farms as they are at present situated, which we believe is entirely practicable.

(2) We earnestly request that our right to the natural low-water-mark flow of the Gila River, or such part of it as we were accustomed to use before it was all stolen from us by the whites, be recognized by the Government, and that suit be brought to have such water restored to us.

(3) We further request that the Government will itself retain the ownership of the San Carlos Reservoir site and not give it away to private interests; and that if the reservoir be constructed (which construction will completely shut off the flow of water in the Gila River), that such part of the natural constant flow of the Gila River as our land is entitled to receive by prior right of use of said water be furnished to us out of the reservoir perpetually.

(4) We have no confidence in the wells which are being put down by the Government to supply a small part of our land with assured water. The machinery is complicated and expensive and the water bad, and such a system is not suited to our needs.

We beg that the Government will order that no more wells be sunk at San Tan.

(5) We request that you try to get us gravity water, such as could be obtained in quantity from the San Carlos Reservoir or the originally proposed Queen Creek Reservoir. We know that the gravity system of irrigation is the only practicable one for us, and we are acquainted with it, and the water supplied would be good water, and would not ruin our lands with alkali, as the well water is likely to do.

(6) We request that 10 acres with assured water be allotted to every individual of our tribe, and that the rest of the reservation be allotted as grazing land.

(7) We desire to have a representative of the Government sent by the Secretary of the Interior to confer with us, and to examine the conditions pertaining to land and water on this reservation. So far, we have had no voice in the matter at all. We have been continually overreached by Engineer W. H. Code, who has attempted to force a system of irrigation upon us which is still in the experimental stage, and in which we have no confidence, because we and our ancestors have irrigated this land for centuries and know what the requirements of the land are.

JOHN HAYS, (His thumb mark.)
Chief of Sacaton Flats Reservation.
ANTONITO AZUL, (His thumb mark.)
Head Chief of the Pima Nation.
Chief HENRY AUSTIN. (His thumb mark.)
Chief JAMES TOMPSON. (His thumb mark.)
Chief HENRY ADAMS. (His thumb mark.)
Chief JAMES HOLLEN. (His thumb mark.)
Chief THOMAS. (His thumb mark.)
JUAN JACKSON. (His thumb mark.)
HAVELINE ENAS. (His thumb mark.)

THE "PROMISED" LAND.

A reference to the letter recently sent by the Indian Office to Allotting Agent Charles E. Roblin under date of April 29, 1911, reference 41789, land allotments, Gila River, will show that it is the intention of the Government to move the Pima Indians from the different parts of the Gila Reservation, where they are at present located, and establish them at or near the settlement of San Tan, under the system of wells now in process of construction.

As the heads of families everywhere on the reservation are to be allotted at San Tan, with their wives, it follows, of course, that they and their families will have to be moved to San Tan if they are to make use of their allotments. Many of these Indians will have to be moved a distance of 25 miles, and most of the allotments will have to be made on raw land.

It would seem by a reference to Exhibits 1 and 3 that in 1904 Mr. W. H. Code, now chief engineer of the United States Reclamation Service, recommended that out of the 180,000 acres of land which he proposed at that time that the Indians should surrender to the Government a certain portion should be allotted to the Indians, namely, about 5,000 acres at Gila Crossing and 1,500 acres at Maricopa.

In the fore part of this same Exhibit 1 Mr. Code gives reasons why land should be retained by the Government for the Indians at the points specified, namely, because they are of great value on account of the constant supply of natural gravity water flowing there at all seasons of the year, sufficient to irrigate all the area of between 4,000 and 5,000 acres at Gila Crossing and 1,000 acres at Maricopa, which Code proposed at that time should be reserved.

That was in 1904. Now, in 1911, it is suddenly proposed, without a word of warning, to move the Indians away from these valuable points of agricultural development onto an area of raw land to be watered by pumps at the other end of the reservation; of course without warning.

Surreptitious measures have been the rule for years past with regard to what was to be done to the Pima Indians, as a reference to Exhibit 2, which is part of a letter written by Mr. Code, will show.

Why is this sudden change made?

Answer. In 1904 there were no white settlers at or near the village or district of Gila Crossing, and the Indians were being let comfortably alone because nobody wanted their land at that time. Hence Mr. Code's proposal to allot them there.

The reason why no white settlers were near the village of Gila Crossing in 1904 was because the Indians had appropriated all the available constant water supply that could be obtained from the Gila River at that point and were using the same on their reservation, and there was as yet no prospect of obtaining water for this land out of the Salt River because the construction of the Roosevelt Reservoir had not been assured. Besides, there was not the rush for land around Phoenix at that time (1904) that has since occurred.

But now, since the completion of the Roosevelt Reservoir, it is known that all the cultivable land on the north side of the river at Gila Crossing can be supplied with Salt River impounded water, and in consequence this land has become of much speculative value, so that all the public land near the reservation line in the neighborhood of Gila Crossing has been filed on by white homesteaders.

The whites are very anxious that the land at Gila Crossing at present occupied by the Indians should be opened to settlement and are only waiting for a chance to rush in.

There are over 1,000 Indians, according to official count, at the settlement of Gila Crossing. These Indians have about 30 miles of canals, and Mr. Code's own report is submitted (Exhibit 1) to show that in the phenomenally dry season (Code's own words) of 1904 there were 1,500 inches of seepage water available at the Indian settlement at Gila Crossing. Code ought to know.

The following pertinent question may appropriately be asked: "If 1,500 inches of water flow constantly at Gila Crossing by force of gravity sufficient, as Mr. Code says, to irrigate between four and five thousand acres, and this also, according to Code's report, in the phenomenally dry season of June, 1904 (see Exhibit 1), why does Mr. Code want the Indians to abandon that much water in order to get a similar amount of pumped water from the wells at San Tan?"

Code claims the maximum output of each well to be 250 miner's inches of water. This estimate is undoubtedly too high. Whatever the output may be theoretically, it is very doubtful if as much as 200 inches of water will reach the Indians' fields after it has been distributed through the laterals. Every farmer knows the loss sustained by seepage into the ground and evaporation as the water passes through the ditches in Arizona during the summer months.

However, allowing for the sake of argument that this 250 inches of water does really reach the Indians' fields after being distributed through the ditches, Mr. Code's estimate of 1,500 inches of seepage water at Gila Crossing would be equal to the output of six wells. Add to this the water supply of the Maricopas below Gila Crossing on the Pima Reservation, assured from the Salt River, sufficient, as Mr. Code says, to irrigate about 1,000 acres, equal to the output of at least one more well, and the result is that the amount of natural water flowing by gravity assured to the two villages of Gila Crossing and Maricopa equals the output of at least seven wells.

The cost of a well is said to be, approximately, $10,000.

Thus this output of water, equal in volume to a stream covering 6,000 acres of land, from wells, according to Code's own estimate, would be worth the cost of seven wells at about $10,000 per well, or, approximately, $70,000—a very nice snap for the whites, without counting the land and improvements.

However, it is stated that even with this assured water supply there is not enough water at Gila Crossing for purposes of irrigation. This is undoubtedly true, and it is also true that there is seldom or never enough water for irrigation purposes anywhere, even under the reclamation system.

That this natural supply of assured water at Gila Crossing could be augmented by means of pumped water there is no doubt, nor is there any doubt as to the feasibility of extending the transmission line to Gila Crossing. But the cost is said to be prohibitive—as much as $4,000 per mile, it has been stated. This is obviously not true, and certain officials of the Reclamation Service, who should and doubtless do know, and whose names can be given, state that the transmission line can be installed at a cost of $1,700 per mile.

This estimate is nearer the truth, as will be apparent when it is known that the cost of the 40-foot towers which are used in constructing the transmission line strung between them cost but $50 apiece laid down at Mesa, Ariz., and the transmission wire is No. 6 cable, composed of three strands of hard drawn copper wire, twisted together.

There are 16 of the said towers to the mile, and three strings of the said three-ply wire used between the said towers.

In taking this line down to Gila Crossing, a transformer station would be required midway between the end of the present power line as far as it is now completed and the terminus at Gila Crossing.

Allowing the cost of this transformer station to be $30,000 and the cost of the transmission line alone to be $1,700 per mile for 25 miles, this being about the distance from the end of the present power line to Gila Crossing, amounting to $42,500, it can be seen that the total cost of such transmission line would aggregate, approximately, $70,000. The supply of gravity water at Gila Crossing and at the Maricopa Village some miles below it, which supply it is proposed the Indians should abandon in favor of pumped water at San Tan, has been shown, according to Mr. Code's figures, to be equal to the output of seven wells, at an estimated cost of $70,000, for which a transmission line might be installed to Gila Crossing.

Seeing that it would cost approximately $70,000 to get as much pumped water at San Tan as now is running at Gila Crossing by force of gravity, why not expend this amount of money on an electric transmission line and augment the natural supply of water at Gila Crossing with three or four wells, seeing that this additional supply would cost no more to pump there than at San Tan? Another advantage, amounting in a few years to big figures, would be that there would be no electricity to buy at a cost of nearly 1 cent per kilowatt hour for this natural gravity water nor any maintenance charges to keep up for the seven wells that would be required to produce an equal flow at San Tan. Moreover, in the case of pumped water, there is always danger of the permanent water plane of the country being lowered below the depth of the wells from various causes, thus necessitating the deepening of the wells at great additional expense, and perhaps at a very critical time for growing crops.

That this is not a delusion is seen by reference to a letter written to the Secretary of the Interior by Mr. Code under date of December 2, 1904:

"On March 3, 1904, the water level in all the bored wells stood 22 inches below the concrete floor of our tunnel. This measurement was made at a time when the pump had not been operating for several days, hence the level was assumed as normal. On October 21, 1904 * * * I found the normal water level to be 31 inches below floor of tunnel. This latter measurement showed a lowering of the water plane of 9 inches since last March." * * *

This year, 1911, the permanent water plane of the country in which the said wells are situated is 6 feet lower than it was at the time the wells were first started in 1904, and if it should still continue to increase in depth the situation will become not only critical but alarming.

These data are merely given to show that the plan to extend the transmission line to Gila Crossing would not be impracticable, as has been stated, nor attended with any more expense than a system of wells to take the place of a natural gravity water supply such as there is at that point. Indeed, such a plan would be attended with not only less expense, but greater advantages.

The people at Gila Crossing have enough assured water already to supply a large part of their acreage and would be better off, as well as better pleased, to be left alone by the Government rather than to be removed from their present homes on to raw land supplied with water from pumps, which is not good water, though it may serve when augmented with much muddy flood water, and in this way only be free from the injurious effects on the land of pumped water alone.

Here is yet another pertinent question: Seeing that it is proposed by the Government in their letter from the Indian Office to Allotting Agent Charles E. Roblin, under date of April 29, 1911, to allot all the Indians on the north side of the river at San Tan, why was not water instead of electricity bought for them? Water, not electricity, seeing that such water can be delivered from the reservoir to the reservation on the north side of the river at different points. Such water is being distributed to the Maricopas on the north side of the river at the extreme west end of the Gila Reservation, sufficient, as Mr. Code says, to irrigate 1,000 acres (see Exhibit 1), and the whites are only waiting the time when Gila Crossing shall be opened to settlement to spread Salt River impounded water over what is still the Indians' land. The Maricopas get their Salt River impounded water by court decision. The Reclamation Service, under Mr. Code, would doubtless have preferred them to have pumped water, although such acreage of land in the Gila Valley as the Government has supplied with pumped water is assessed at the enormous rate of nearly $50 per acre in common with the acreage in the Salt River Valley which draws water from the Roosevelt Reservoir.

The difference is that the whites get the natural flow of good river water and the Indians get the electricity.

It was stated at the time that this deal was first proposed that the Roosevelt water could not be gotten across the Gila River for the reservation to water the south side of it, while, on the other hand, it was quite easy to extend the transmission line and so secure power to supply both sides of the reservation land along the river with a constant water supply. Why, then, is the transmission line not now to be extended?

Why is only a small area on the north side of the river to be watered with electrically developed water, when, if the Government's plan were that all the Indians be moved onto such small area on the north side, gravity water could have been secured for the same? The reason is obvious. The whites want the land at Gila Crossing and are determined to have it at any cost and by any means. And the means being at present employed is to delude the Government, by the aid of some unscrupulous officials, into believing what is not true against the interests of the Indians, and to use the Government as a cat's-paw to pull the chestnuts out of the fire for the land grabbers.

Now, with respect to the Casa Blanca Indians located on the south side of the river.

Whatever may be said for or against extending the transmission line to Gila Crossing, why is it that the proposed nine wells which were to have been sunk at Casa Blanca will not now be put there, but the plan abandoned, and the Indians living at that village be required to move away onto a piece of raw land miles distant up the river?

The question is the more pertinent because the end of the transmission line is only about 4 miles from Casa Blanca and headed directly toward that place, and a point has already been determined upon by the Reclamation Service people from which the line may be slung across the river. The cost will be no more than the actual 4 miles of transmission line, as no transforming station will be required.

Is it to accommodate contemplated future white settlers that the power line has been left located so invitingly opposite Casa Blanca? Do the whites intend to use the Government in this case also to get for them this extremely desirable territory which the Indians have farmed and irrigated with fertilizing water for centuries, and where the Spanish conquerors first found them, until the land has become as rich as the Nile Valley and silt and humus have been deposited in places to a depth of several feet? And please note the following:

The Government has bought 1,000 horsepower of electricity for the Pima Indians. The motor with which each well is equipped can consume but 45 horsepower as its maximum, and no pump can be supplied with more.

At present there are but 10 wells constructed or in process of construction, and 8 more are contemplated at present. It is claimed that these 13 wells will supply 20,000 acres with assured water perpetually, which area is all the Government expects to assure a supply for so far as the Pima Indians are concerned.

Now, how much of the 1,000 horsepower of electricity contracted for by the Government for the Indians will these 13 wells consume? Forty-five horsepower for 13 wells equals 585 horsepower, or a little more than half of the supply that has been contracted for.

It is planned to use 150 horsepower at Sacaton Agency, but since the Indians' lands will get no benefit from this expenditure it should not be charged up against them. Where is the four hundred and odd horsepower of electricity not used going to be expended? This, allowing for some loss, would be sufficient to run some eight more pumps.

Again, why has the original scheme, thought to have been definitely settled, to equip the settlement of Casa Blanca with nine wells, been suddenly abandoned and the number of wells now contemplated, in addition to those completed or in process of completion, been cut down to three, all of which are to be drilled on the north side of the river, at San Tan, to irrigate raw land?

The whites will know just how much electricity there is to spare and just how to get it across the Gila River after they get possession of the Casa Blanca land. If it be said that more pumps will be installed at San Tan, so as to use up the balance of the horsepower contracted for in the interest of the Indians, that is not a good or just proposition, because the area of old cultivated land which may be watered from wells on the north side of the river at San Tan is a comparatively narrow strip, and only a limited amount of water could be distributed effectively over such an area.

Crops on raw land are poor at first and need very frequent irrigation.

But at Casa Blanca is some of the richest and oldest cultivated land in America, which might be watered to the greatest advantage by means of wells to augment the natural supply of gravity flood water, from which well water might be raised with some of the electricity, of which they have so great a surplus.

It is quite evident from a perusal of some of Mr. Code's former letters, and especially Exhibits 1, 3, and 4, that the sale of the west half of the Gila River Reservation is contemplated, and the present move to allot the heads of families, with their wives, and rush all the Indians up to one small corner of the reservation is an organized effort on the part of some unscrupulous schemers to accomplish a nefarious project, while blinding the Government to the true facts.

This is the more apparent because the Pimas have never been consulted with in regard to the proposed exchange of land for pumped water, nor in regard to moving them away from their present homes, but the Government's plans for them have always been kept up somebody's sleeve so that no man not in the secret had any accurate knowledge of just what it was proposed to do. Note the following by Code (Exhibit 2):

"Any move which would lead these Indians to think that the reservation was to be finally allotted and the surplus lands thrown open will result in much perturbation and discontent on their part and have a serious effect in successfully locating them under the contemplated system."

No wonder that the Indians would be "perturbed" at such a proposition. These Indians have never taken up arms or killed any white people. Why were they not consulted before this scheme was hatched out?

Besides, under the latest plan to allot the Pimas all at San Tan, nothing is said any more about the 5,000 acres to be reserved at Gila Crossing with the 1,100 inches of water or the 1,500 acres to be reserved at Maricopa with Salt River impounded water sufficient to irrigate 1,000 acres. That has now become too valuable to leave to Indians.

And this brings us to a new part of the subject.

Why should 180,000 acres of the Pimas' territory be required in exchange for the pumping project recommended by Code, of which the cost was to be in the neighborhood of $500,000? This would mean less than $3 per acre for land on which the mesquite timber alone should be worth that amount and still leave the land. Raw land at the white settlements along the Gila River can not be bought for less than $75 per acre, and for land set to alfalfa at Buckeye, a white settlement some 20 miles below Gila Crossing, a price of from $100 to $200 per acre is asked and obtained.

Before the Indians are required to surrender any land, if ever they are required to surrender any, a competent estimate of the land to be surrendered should be made by the Government, so that the value of improved land, unimproved land, timber, and other values could be ascertained, and not a haphazard lumping off of a huge area be permitted without any valuation at all.

But Mr. Code does not ask for any valuation to be made of the land he proposes to have the Government "exchange" for a pumping plant. Probably, as he is not an ignoramus, he knows the value of the said land too well. Others do if he does not, and none better than the Pimas themselves, who have been required to give it up.

And if it be said that there is no such scheme in view, why the letter to Roblin? Why the plan to push the Indians off their farms on this west half of the reservation? Why the frantic haste to allot the land under the wells when there is not one-fourth enough of said land to go round?

It is stated in the letter of the Indian Office to Allotting Agent Charles E. Roblin, under date of April 29, 1911, that—

"The office does not deny the right * * * minor children to allotments of irrigable lands, but that it is its intention, unless future developments shall cause such course to be impracticable, to bring sufficient irrigable land within the reservation under ditch to afford allotments * * * of at least 5 acres * * * to all members of the tribe."

Unless such course be impracticable. It is manifestly impracticable already to allot the heads of families, the breadwinners, on one side of the river and the children on the other for reasons which can be given, and if the allotments are not to be made on the other side of the river (the south side at Casa Blanca), where it was proposed to put down nine wells, and to within 4 miles of where the transmission line has been extended, why are not whole families allotted together at

San Tan until all that land has been allotted, instead of only the heads of families and their wives?

The specious contention is put forth that minor children would not make "actual" use of their allotments by reason of their age. What, then, would be the result of the present plan in the case of a family of 10? There are many large families.

Are these all to subsist on the meager product of 10 acres because the children could not make "actual use" of their allotments? Could not the head of the family use these allotments for them?

Some of these Indians have as much as 60 acres under cultivation now. A family of 10, be it stated, can not make a livelihood on 10 acres of wheat or barley, which are the crops at present mostly grown on the reservation, nor yet could they make a living on 10 acres of alfalfa, which is the white man's chief crop in Arizona. The Government seems willing, even anxious, in the case of the Indians, to believe the glowing reports of real-estate agents.

Would it not be manifestly impracticable to allot the heads of families on one side of a river like the Gila and the children on the other side, where the old and good land under cultivation at Casa Blanca is located, and which it was originally proposed to allot the Indians, when several miles of territory would separate the different allotments, besides a roaring river in flood during the summer months, over which river there is no bridge, and this at a time when crops need daily attention?

Of course it will be found "impracticable." The whites will see to that after they have settled there. Why is the future tense made use of, as though it were not already impracticable, as Mr. Code very well knows?

The Indians were satisfied with the plan of allotment as proposed and outlined by Mr. Carl Gunderson, ex-chief allotting agent, and are entirely opposed to the present deep-laid scheme for their removal, in regard to which it is believed the Government does not know the true facts.

But why are the Pimas without water at all? For years they have begged the Government, through its agents, to restrain the whites above them from shutting off the water which by prior right belongs to the Indians after the river goes below a certain flow, but nothing has been done. The river water which the Indians originally had has been stolen away from them and now they are asked to buy it back.

Here are the figures: The acreage of land in the Gila River Valley, forming part of the reservation, on which the Government has allowed itself to be assessed at the rate of over $45 per acre for the Indians, not for water, but for the right to buy electricity, embraces approximately 20,000 acres. This means a total cost to the Government of $900,000, to which must still be added an additional cost of $500,000 or more, according to Mr. Code's estimate, for wells, pumping plants, and power lines. But Mr. Code knows that it is costing the Government twice what was contemplated in the first place when the plan of reclamation by means of pumps was proposed, so that $500,000 additional must be added to the first $500,000, making an aggregate of some $2,000,000. The Indians are to be made to pay this amount to the Government, or a large portion of it, for supplying them with a wretched substitute of pumped water for what was originally theirs, and of which they were plundered under the very eyes of the Government, despite their protests and earnest appeals.

Among other strange things there is a huge flood-water canal built along the line of country occupied by the wells for the purpose of augmenting their supply or of dispensing with it altogether whenever the river is in flood. But the Pimas are able to get as much flood water as they require through their old canals. Why should this new canal have been made of such colossal size for so limited an area as it is proposed to reclaim under the wells?

And why should the canal fork into two branches near a point where the transmission line ends—a large branch and a small one? And why should the large branch be directed right straight for the Chandler ranch of 31,000 acres adjoining the reservation, and the small branch be directed toward the future new farms of the Indians which it is proposed they shall be compelled to make for themselves after their removal has been effected

The Chandler ranch spoken of is composed of land most of which was obtained from the Government by fraudulent land entries.

By the terms of the Roosevelt reclamation project only 160 acres of this ranch can be supplied with water from the Roosevelt reservoir, this area being the maximum that a single individual is allowed to buy.

It thus becomes imperative that water be secured for this ranch from some other source of supply. There is no source of supply on the Salt River, but what so handy as the great flood-water canal running through the reservation, destined supposedly to supply water to the Pimas—a canal big enough to drown out the whole Pima population.

The canal would have to be extended only a few miles to reach the Chandler ranch, and, more than that, it could water a large part of that portion of the reservation which it is recommended be thrown open to settlement.

There is another fact which must not be overlooked: A series of power stations is being put up by the Reclamation Service on this Chandler ranch. Anybody who knows anything at all about water in Arizona knows that pumped water is worthless without an additional supply of muddy river water mixed with quantities of silt and vegetable matter to overcome the injurious effect of the alkali contained in the well water.

Unless the Chandler ranch can secure flood water from some source, the huge electric power plants now being constructed there will be of no utility. Be it noted again that the large fork of the great flood-water canal on the Pima Reservation is headed direct for this Chandler ranch.

The thing to be done is to prevent any more wells going down at San Tan, because if this scheme is carried out it will be said that the Indians will have to move, because the wells are already there, and the Indians will have to use them.

This would be an immediate prelude to the complete appropriation by the whites of all the water sources of value which the Pimas have left to them.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, April 29, 1911.

MR. CHARLES E. ROBLIN,
Special Alloting Agent, Scottsdale, Ariz.

SIR: The attention of the office has been invited to the fact that at this time there are but 12,000 acres of irrigable land within the Gila River Reservation which have been brought under ditch and supplied with water for irrigation purposes. The irrigation system as now completed is supplied by pumping water from seven wells. But little use has yet been made by these Indians of the pump-water supply that has been available during the last year, because of a prejudice in their minds, based on repeated statements made by parties ignorant of the fact, that the water is not fit for irrigation, and that it contains minerals which will ruin their lands.

Although in the future it is proposed to increase the irrigable land within the Gila River Reservation to at least 20,000 acres, at the present time no definite plan or date for such increase has been determined upon. The last census of the Indians within the Gila River Reservation shows approximately 4,000 members, and when the entire irrigable area of 20,000 acres is placed under water there would be sufficient irrigable land under ditch to give each Indian 5 acres of irrigable land with assured water rights.

Section 17 of the act of June 25, 1910, provides in part:

"And whenever it shall appear to the President that lands on any Indian reservation subject to allotment by authority of law have been or may be brought within any irrigation project, he may cause allotments of such irrigable lands to be made to the Indians entitled thereto in such areas as may be for their best interests, not to exceed, however, 40 acres to any one Indian, and such irrigable lands shall be held to be equal in value to twice the number of acres of nonirrigable land and four times the number of acres of nonirrigable grazing land: *Provided*, That the remaining area to which any Indian may be entitled under existing law after he shall have received his proportion of irrigable land on the basis of equalization of land herein established may be allotted him in nonirrigable agricultural or grazing lands."

It is apparent under this act that each of the 4,000 Indians on the Gila River Reservation is entitled under the above act, if allotted at this time, to an equal share in the 12,000 acres of land now under water. This would mean a present per capita allotment of 3 acres of land and, with the extension of the irrigation system, a future allotment of 2 acres of irrigable land additional.

It is obvious that two allotments would be doubly expensive. It is also apparent that the two allotments would be located on different parts of the reservation and their agricultural development would be extremely difficult in the case of a single man, to say nothing of the head of a family attempting to farm not only his own allotments but those of his wife and children.

The office believes, therefore, that the time for the completion of allotments of irrigable lands on the Gila River Reservation has not actually arrived and will not arrive until the amount of irrigable land subject to allotment can be absolutely determined. It is believed, however, that the irrigation question is sufficiently determined for plans to be laid at this time for the allotment to each family of 10 acres of irrigable land. You are directed, therefore, to survey and lay off the irrigable lands now under water in tracts of 5 acres. You will then permit the Indians to select, and you will allot 5-acre tracts to each head of a family who is married, and to the wife of each head of a family. In case the head of a family has no spouse the oldest member of the family should be allotted.

If any available irrigable land remains after these allotments are made it should be allotted in 5-acre tracts to single males, preference being given to those able to utilize the allotment. The rights of the unallotted members of the tribe, who will be for the most part minor children who, by reason of their age at this time, would not make actual use of such irrigable lands as might be allotted to them, can be protected at a later date by allotments from irrigable land not yet under water. The matter should be fully explained to the Indians in order that they may understand that by this action the office is not denying the rights of their minor children to allotments of irrigable lands, but that it is its intention, unless future developments shall cause such course to be impracticable, to bring sufficient irrigable land within the reservation under ditch to afford allotments of at least 5 acres of irrigable land, with assured water rights, to all members of the tribe. These instructions are amendatory with regard to irrigated lands to those in office letter of November 14, 1910, approved by the department November 15, 1910.

Respectfully,

R. G. VALENTINE, *Commissioner.*

Approved, May 8, 1911.

FRANK PIERCE,
First Assistant Secretary.

JULY 6, 1911.

HONORABLE SECRETARY OF THE INTERIOR.

SIR: Quite recently the attention of the Indian Bureau has been called to the proposed allotment of tracts of 5 acres of irrigated land to each head of a family and to each male member of the Pima Tribe of Indians, in the San Tan district of their reservation in Arizona, as contained in a letter of instructions to Charles E. Roblin, special alloting agent, Scottsdale, Ariz., dated April 29, 1911, and approved by Franklin Pierce, Assistant Secretary, May 8, 1911.

The Pimas claim they were not consulted so as to ascertain their wishes and views of the matter which is of so vital importance to them, and it is admitted by Mr. W. H. Code, chief engineer of the Irrigation Service for the Indian Department, that such is the case.

On behalf of the Indians and their friends we file our protest against this apparently more or less arbitrary disposition of the Pima estate, and urge that no further action be taken in the matter of sinking irrigation wells for pumping water in the San Tan district of the reservation without first submitting the whole proposition to the Pima Tribe and conferring with them regarding the same.

The Pimas were the first settlers along the Gila Valley and were self-supporting until, through lack of care by the Government, they were robbed of the use of nearly all the water of the Gila River, which, by right, was theirs to use under the law of prior appropriation. They have secured the most fertile lands in the valley of the Gila, at Casa Blanca, Gila Crossing, and elsewhere south of the Gila River.

The Indians have been compelled frequently in the past to remonstrate against the proposed action of the Government in relation to the disposition of their lands. May 1, 1908, Hugh Patten and Lewis D. Nelson, delegates representing their tribe, addressed a communication to your office, protesting against the manner of allotting their land in 5-acre tracts as contemplated by the Reclamation Service, and gave substantial reasons for such protest. On May 7, following, the Secretary replied to their appeal and stated that there was no intention of making permanent allotments until the adaptability of well water for irrigation had been demonstrated by experiments and not until after the tribe had been consulted and their wishes in the premises considered. Again, during the year 1910, the Salt River Band of Pimas felt constrained to invoke the aid of their friends in a protest against the proposed allotment of 10 acres of grazing lands to each individual, while their brethren on the Gila River Reservation were scheduled to

receive 40 acres for grazing purposes. This protest was presented to the Indian Bureau by the writer under date of December 22, 1910. It was shown in that case that the intention of the Commissioner of Indian Affairs had not been carried out, and that the Salt River Band had not been counseled with. The error was thereupon corrected.

As stated, the Pimas were not consulted, they claim, regarding this later move to allot in the San Tan district to heads of families, and they were not apprised of the intentions of the Government in the case until very recently. They claim they are opposed to the plan outlined, which, at least, indicates the settlement of their whole tribe, as far as possible, in the San Tan district of their reservation; and it is understood that to carry out this project nine wells for furnishing water for irrigation have already been completed in the San Tan district, sufficient, perhaps, to irrigate 10,000 acres of land, and the plans have been formulated for sinking other wells in the near future, which, when completed, will provide sufficient well water to irrigate about 12,000 acres, it is estimated.

During the early months of the present year Inspector Carl Gunderson presented to the Pimas in council a program of allotment of their lands believed to have been acceptable to them and which they claim did not embrace any such plan of allotment as outlined by the Indian Office in its letter of instructions of April 29 last to Allotting Agent Roblin, providing for the sinking of wells exclusively in the San Tan district.

It is feared that the needlessly extensive dimensions (so far as Pima interests are concerned) of the flood-water canal, already constructed on the north side of the Gila River, are not in the best interests of the Pimas, nor, indeed, in their exclusive interest. The direction of the main channel of this canal toward the notorious Chandler ranch, located outside the limits of the Pima Reservation, is of a foreboding nature to the Indians, who have not felt that their best lands are located in that direction, and where but slight settlement has been made by them heretofore; the statement is made in this connection that large sums of money are being expended on the Chandler ranch for electrical works for irrigating purposes, which would seem to be unnecessary unless advantage is expected to be taken of the flood waters of the Gila River coming through this canal within the reservation, which has been, presumably, constructed for Indian uses.

The population of the Pima Tribe aggregates about 4,000 persons, 650 being resident in the San Tan district and 134 in lower San Tan and Stotonic districts; thus it will be seen that less than one-fifth of the whole population are located in the section of the reservation where the wells are being constructed. The San Tan district is located north of the Gila River, while, on the other hand, Casa Blanca, Gila Crossing, and other populous districts are located south of that stream, and during periods of high water in the river, which often continue for several weeks during planting season, the river is dangerous for crossing and constitutes an almost impassible barrier between these Indian settlements.

If the proposition to allot heads of families of all the tribe, no matter where now located, at San Tan is carried out, nearly every family in the tribe will of necessity be separated—the parents allotted at San Tan, the children at various and distant points across this dangerous stream. This must be the logical conclusion, unless we proceed on the theory that it is the ultimate purpose of those connected with this matter to gather all the members of the tribe in one settlement around the San Tan district.

The population of the Casa Blanca district is said to be about 800 persons, and the Pimas claim this is one of the most fertile sections of their entire reservation, and experience has shown that the Pima is a competent judge of land and water values. It is stated, furthermore, that the San Tan district does not possess so desirable lands as Casa Blanca and other settlements which are located on the south side of the Gila River.

It would seem to be very harsh treatment to take such action as will, in effect, forcibly remove the Casa Blanca and other settlements of Pimas from their ancestral homes, comprising the better lands of the entire reservation. While Engineer Code claims that it is not the intention to remove the 1,200 Pimas from their homes around Gila Crossing, in view of all that has been stated it is reasonable to conclude that it may later develop that this will be urged as advisable, and more especially so if additional wells are permitted to be sunk in the San Tan district.

While the earlier estimates were of a larger acreage, it is now stated by Mr. Code that about 7,000 acres may be provided with well water from the nine wells already constructed. This is more than ample for the Pimas already settled in the San Tan districts.

This latest cause for apprehension regarding their removal to San Tan revives the distrust in the minds of the Pimas that it may be the purpose of the covetous white settlers to cause the Indians to be allotted in the eastern portion of their reservation, so that the lower and western portion will be available for settlement by outsiders, notwithstanding the assurance of the Government that no portion of their reservation should be sold, but that in addition to the 10 acres to be allotted, which it is hoped will be susceptible of irrigation, 40 acres of grazing land will be selected for each member of the tribe along the Gila.

We are assured by the Land Division of the Indian Bureau that there is no intention on the part of that bureau to remove any of the Indians from their present homes, but from the conditions as presented herein we are led to feel that there is a very grave danger that the Indian Bureau may be led into adopting a policy, unconsciously, from which it will be difficult to withdraw when more of the facts are open to the public gaze. In view of this claim of the Indian Bureau, not to disturb the present homes of the Pimas, and the apparently dangerous policy being pursued in relation to the sinking of wells for irrigation in the San Tan district alone, it is due to that bureau, to the Indians, and the public that a clear and comprehensive statement should be made of the matter after the Pimas have been heard.

Very much more might be said in opposition to this plan to sink all wells in the San Tan district and to abandon the idea of providing nine wells in the Casa Blanca settlement, in face of the fact that the electrical-transmission line is now within 3 miles of the Casa Blanca lands, and may be a shorter distance when the transmission line is extended to Sacaton Agency, as contemplated.

The obvious result of this plan of confining the establishment of wells in the San Tan district will be to compel the Casa Blanca and other Indians to migrate to the former district, after which the opening of the remaining lands to white settlement will be comparatively easy. The Indians fear this condition as imminent and, with their friends, see no difference in the final result between this and the more direct compulsory method of removal at the outset, which will be in violation of the good faith of the Government toward these Indians. On the showing made, by petition of the Indians to the Indian Bureau and the statements herein, we trust that you will immediately direct that before any additional wells are established at San Tan a thorough investigation and report thereon shall be made to you by a competent official equipped with a knowledge of irrigation and the needs of the Pima Indians who is not closely connected with the Indian Department nor the Reclamation Service, and that instructions shall be issued in such connection that the Pima Indians, the parties most deeply interested, shall be freely and fully conferred with in the matter, in the interest of fair play and justice to this tribe.

Very truly, yours,

S. M. BROSIUS,
Agent Indian Rights Association.

EXHIBIT 1.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Los Angeles, Cal., June 30, 1904.

To the honorable SECRETARY OF THE INTERIOR,
Washington, D. C.

SIR: * * * In behalf of the Indians I heartily concur in this proposition with the following exception: Within the 180,000 acres which it is proposed they should surrender are embraced two Indian settlements, to wit, Gila Crossing and Maricopa, and these settlements both have an assured (water) supply, even in the present phenomenally dry season. At the former point there are about 1,500 inches of seepage water available from the Gila River, or sufficient to irrigate between 4,000 and 5,000 acres. At the latter point the Maricopa Indians have, by recent court decision, been adjudicated sufficient water from the Salt River to irrigate about 1,000 acres. Would suggest, therefore, that the Indians surrender all of the said 180,000 acres with the exception of 5,000 acres at Gila Crossing and 1,500 acres at Maricopa, at which points land should be allotted to them.

Very respectfully,

W. H. CODE,
United States Indian Inspector.

EXHIBIT 2.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Los Angeles, Cal., November 1, 1909.

The SECRETARY OF THE INTERIOR,
Washington, D. C.

SIR: * * * Any move which would lead these Indians to think that the reservation was to be finally allotted and the surplus lands thrown open will result in much perturbation and discontent on their part and have a serious effect in successfully locating them under the contemplated system. * * *

Very respectfully,

W. H. CODE, *Chief Engineer.*

Copy to Director Reclamation Service.

[Excerpt from letter written and signed by Code.]

EXHIBIT 3.

LOS ANGELES, CAL., *December 2, 1904.*

To the honorable the SECRETARY OF THE INTERIOR,
Washington, D. C.

SIR: * * * On recent further examination of the contour maps of the Gila River Reservation which were lately forwarded me, I noted that I had overlooked the fact that the Indian settlement of Casa Blanca was in the territory which it is proposed that the Indians should surrender. * * *

While the character of the improvements in this Casa Blanca settlement are not expensive, and there is no permanent water supply, the Indians would probably be loath to leave their homes, and as the farms are situated near the Gila River, water could be developed for them by pumping, and there would be no need to change their location. * * *

To recapitulate, I now recommend that in exchange for the pumping facilities detailed in the report of June 30, 1904, the Indians surrender lands described as follows:

All of that portion of the Gila Reservation, Ariz., west of and including range 4 east, with the following exceptions:

First. That portion of the east half of township 3 south, range 4 east, situated south of the midchannel of the Gila River.

Second. That portion of unsurveyed township 4 south, range 4 east, which will be embraced in sections 1, 2, 3, 10, 11, and 12 after the said township is surveyed.

Third. Five thousand acres to be allotted to the Indians at the settlement of Gila Crossing.

Fourth. One thousand five hundred acres to be allotted to the Indians located at the Maricopa settlement.

Respectfully submitted.

W. H. CODE,
United States Indian Inspector.

[Charges by S. M. Brosius.]

DEPARTMENT OF THE INTERIOR,
Washington, March 11, 1910.

The honorable the SECRETARY OF THE INTERIOR.

SIR: * * * The writer had nothing whatever to do with the above legislation, but admits having used his best efforts to effect the exchange of some 180,000 acres of desert land belonging to the reservation for an irrigation system to be built with reclamation moneys at an estimated cost of over a half million dollars. * * *

Very respectfully,

W. H. CODE, *Chief Engineer.*

The said "desert land" in T. 1 S., R. 5 E., is selling now for $100 per acre.—Chandler Ranch. (Notation by Herbert Marten.)

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Pima Agency, Sacaton, Ariz., July 10, 1911.

Mr. S. M. BROSIUS, *Washington, D. C.*

DEAR MR. BROSIUS: Inclosed I send some excerpts from the agreement between the Water Users' Association of Salt River Valley and the Government. As I understand this agreement, it stipulates that the lands of the Pimas to the extent of 10,000 acres shall be assessed at the rate per acre which the lands irrigated in Salt River Valley under the reservoir are assessed, "acre for acre," as the agreement says.

The present cost of water right of these Salt River Valley lands is about $45 per acre, with an additional assessment for conduits, canals, ditches, etc., of nearly $5 per acre.

It appears that by paying this assessment on 10,000 acres ($45 per acre approximately) the Indians are to have 1,000 horsepower of electricity furnished to them indefinitely, at the cost of production, instead of at the selling price to those people whose land has not been signed up under the dam.

The cost of production now is about seven-eighths of a cent, whereas the selling price of electricity to outsiders is about 1½ cents per kilowatt hour. But the agreement seems indefinite in this particular. You can see the original by inquiring for it at Washington. I do not see any clause which specifies that no charge shall be made for the electric power, other than that of maintenance of plant, etc., after the electricity has been delivered to the reservation line.

The expenses last month (June) were $269.50 for running 6 wells on the reservation one-fourth of the time. If the full 20 wells should be installed and operated all the time continuously, as they would have to be to irrigate the full 20,000 acres proposed, it is apparent that the cost would be over $3,000 per month, or $36,000 per year. Why should the Indians be saddled with this immense burden, when originally they had this amount of water free out of the river, and could get it now if an injunction were granted against the whites above them? Last year I find former Supt. Alexander did get out a temporary injunction, but failed to use it. Even if the San Carlos Reservoir should not be built, the ranches of the whites would not suffer for water, because the whites could do just what the Indians are doing now, or the Government is doing for them, namely, buy electric power and develop water. Why did not Mr. Code recommend that the whites should do this and restore the stolen water to the Pimas, instead of recommending that the whites should keep it and make the Government pay a vast sum to recover a substitute?

All anybody asks is to see common justice done. The Indians are the lawful owners of the river water, or a portion of it. Mr. Code will doubtless disingenuously declare that it could not be ascertained as to how much water the Indians had used in times past and were entitled to. But the court has done this very thing in two instances, namely, in the case of the Salt River Indians and the Maricopa Indians, where conditions were the same as they are here.

It could be ascertained as to how much low-water mark water the Gila River Pimas are entitled to, and this water should be given them. Probably Mr Code would say there would be no advantage in doing this, because it is costing the whites under the Roosevelt Reservoir more for their gravity water than it is costing for electrically developed water. That is neither here nor there. The point is that these Indians had water that did not cost them one cent, merely a little labor, and it is this same water that the whites are using and do not wish to give up and will not turn down to the Indians. When the Pimas get fee simple to their lands why should they be compelled to pay twenty or thirty thousand dollars a year to get water that originally they had for nothing, and water that the whites get for nothing now and will continue to get for nothing? These people, just emerging from barbarism, can not stand to pay an enormous amount of money like $20,000 per year.

It would spell utter ruin for them, even though the cost be but $1 per acre. And again, these pumps—the maintenance cost of pumps and motors is very considerable—some day they will wear out. If a poor engineer gets hold of them, one or two may fly to pieces in 10 seconds. Then it will be up to the Pimas to raise money for more. Without doubt, if this system is allowed to go on, every Pima will make haste to sell his land after he gets fee simple to it, and in place of being prosperous farmers, as they used to be before their water was taken from them, they will be all outcasts and laborers for others, without homes or resources of their own.

Somebody besides Mr. Code should be allowed to look into this situation for the Government, if the Government is in the least interested in its red charges. There is still $122,780 left from the Government appropriation for the Indians to be used for their benefit, and the district attorney's estimate of the cost of a suit against the whites was but $30,000. No injustice would be done these whites, as in the first place they stole the water from the Pimas, and in the second they can buy electrically developed water the same as the Government is doing for the Indians.

Then there is the Queen Creek reservoir site, that was recommended to the Government some years ago by their engineers as being a feasible project for impounding water for the Pimas, but was abandoned in favor of this wretched pumped water. There is also the reservoir site (possible site) suggested by Mr. John Granville in his report to Mr. Code, in the spring of this year, near Sacaton siding, 8 miles north of Maricopa station, but probably Mr. Code never said anything about this possible site. I was with Mr. Granville when he made his examination, and he took two photographs of the site and said that the country would have to be tested and surveyed before the location could be positively recommended as a reservoir site. But it is a proposition that should be examined, because it overlooks a country that was once flourishing and prosperous and from which hundreds of tons of wheat used to be brought to the white settlements by the Indians who raised it, and which country is now a desolate waste, with nothing to mark it has having been a garden but some mounds and old ditch borders. If the Indians can not get gravity water that will require only labor to get it on the ground and no expensive and complicated machinery, they are ruined and might as well be turned loose first as last.

Very respectfully,

HERBERT MARTEN.

Mr. Code should be asked as to the Little Gila proposition. It will do him no good to say the banks might wash and the whole river come through. It was open for hundreds of years before Mr. Code and Alexander shut it up. I do not really know who was the party responsible for shutting up this stream, because Alexander used to accuse Code and Code to accuse Alexander.

Much seepage water might be developed also, which is just as good as pumped water, being practically the same thing. This can be had at a slight expense.

Code seems to have gone fanatical on pumped water, which may do for some of the most progressive and inteiligent whites, but will spell ruin, utterly, for Indians.

I may add that the Reclamation Service states (and it is widely known) that 4 acre-feet of water are required for an acre of land per year to irrigate it. It will keep the 20 pumps going night and day full 24 hours continuously to furnish 10,000 acres with 4 acre-feet of water per acre per year. The 4 acre-feet per acre for the other 10,000 acres is supposed to be furnished by flood waters.

MEMORANDUM OF AGREEMENT BETWEEN THE GOVERNMENT AND THE SALT RIVER VALLEY WATER USERS' ASSOCIATION, ETC.

The Government is now engaged, under * * * the national irrigation act, in the erection, construction, acquisition, and furnishing of certain irrigation works in, across, and along Salt River, Ariz., and in the valley known as the Salt River Valley and generally designated as the Salt River project.

The said Government is desirous of supplying to and for the use by Indians water for the irrigation of 10,000 acres of lands on and along the Gila River * * * and for the part accomplishment of that purpose to use 1,000 horsepower of the electric power generated. * * *

The sum of $300,000 has been appropriated by Congress for expenditure by the Indian Bureau for the purpose of constructing * * * works for the irrigation of the said Indian lands, of which $100,000 is immediately available for payment upon account of the cost of the said Salt River project and the extension of a transmission line therefrom to said south line of said township 2 south, range 5 east, in the event of the use therefor for supplying power as aforesaid to the Indians.

Now, therefore, it is agreed that the Government shall, as a part of the Salt River project, construct and extend the proper transmission line or lines from the reservoir district described as aforesaid * * * to said point on said boundary line of said Indian reservation * * * and shall transmit to that point 1,000 horsepower. * * *

It is understood that from that point the Government will otherwise and by means distinct and separate from the works constituting the Salt River Valley project, and at cost not in anywise chargeable to said report, * * * receive, distribute, and use said power independently of * * * said association.

The Government shall further pay or cause to be paid, on account of the construction of the Roosevelt Reservoir, the power * * * canals, power houses, * * * machinery * * * lines for the transmission of power, and all other component parts of the Salt River project * * * such further sum in addition to said $100,000, as shall, together with said $100,000 in the aggregate equal that portion of the whole cost of * * * said project 10,000 bears to the whole number of shares of the capital stock of said association which shall be legally issued, plus 10,000.

In other words, that the lands of the Indians to the extent of 10,000 acres shall bear the same proportion of the cost of said works above specified as is provided in the articles of incorporation of said association and in said contract between the Government and the said association shall be borne by the lands of the shareholders of said association, equally acre for acre.

(The next paragraph specifies that the Government, in addition to the foregoing payment, will have to pay maintenance charges for the upkeep of the electric power plant, transmission lines, power houses, repairs, and renewals, etc., as 10,000 bears to the whole number of shares of the association's capital stock, upon the same basis of computation as the lands of the members of the said association.)

Whenever the Indians on said reservation shall become the owners severally in fee simple of their lands, the extent of lands, including said 10,000 acres, shall be by the said association, if so directed by the Secretary of the Interior, annexed to and be deemed a part of the reservoir district. * * *

It is further agreed and understood that the Government may not, and that the association shall not, be obliged to furnish any water * * * to any of the lands of the Indians within said reservation, the sole obligation being that of delivering electric power to the reservation line. * * *

In the report of the Commissioner of Indian Affairs for 1904 is found the following:

"June 10, 1904, Supt. Alexander reported that all data relative to the recovering of water to the Pima Indians by judicial proceedings had been furnished the district attorney, and that in consultation with him the attorney had said that 'there are 960 persons using water from the Gila River above the point where the Pima Indians divert the water of the Gila for their lands; that there is no doubt but that the case could be taken up and prosecuted to a favorable ending, but the interests are so varied and the water is diverted by the whites as far as 300 miles above the Indians' point of diversion that should a favorable decree be given by the court, it would be impossible for the court to enforce its decree, and that the expense of prosecuting such a suit would cost between $20,000 and $30,000; but that a suit against the users of water under the Florence Canal may be won and the court's decree made binding on the few persons under the Florence Canal, and the expense to the Government would be about $10,000.'"

This statement is willfully and wickedly misleading. Just what these "few people" have done, or rather what they have been permitted to do by the Government in full view of the disaster which was inevitable, the following, taken from the commissioner's report of 1904, will show:

"In a report dated March 1, 1886, this office invited the attention of the department to a letter from Agent Wheeler, stating that there was a project on foot to take the water from the Gila River, at a point about 12 miles above the town of Florence, by means of an irrigation canal, in such quantities as would practically destroy the farms of the Indians.

"March 2, 1886, the subject was referred by the department to the Attorney General to take steps to protect the Indians from the effects of the projected canal.

"The investigation * * * made by the Geological Survey * * * established the fact that the construction of the proposed dam would result disastrously to the Indians. The report of the Geological Survey was communicated to the department, with the recommendation that the subject be again referred to the Attorney General, with request that the United States attorney be directed to take the necessary steps to enjoin the canal company from any diversion of the waters of the Gila River to the injury of the Indians."

Thereafter follows a record of vacillation, hesitancy, and procrastination as must forever constitute one of the pathetic chapters in the Government's dealings with the Indians.

"November 23, 1894, Inspector Duncan reported that the anticipation of the Geological Survey as to the disastrous effects of the construction of the Florence Canal had been realized, but he failed to make any suggestion for the relief of the Indians, except, etc.

"May 11, 1895, this office submitted a report from Agent J. Roe Young that the supply of water allowed to pass by the Florence and other canal companies and owners of irrigating ditches and reservoirs on the upper river was entirely exhausted, except at points where the sunken waters of the river were forced to the surface by a natural dam;

that the Indians had therefore failed to raise a crop and were destitute."

It is evident from this data that the "few persons" were able to do a tremendous lot of mischief. If this water which the whites have stolen were now restored to the Pimas, it would be a partial solution of the starvation problem which confronts them now.

May 22, 1901, Oren B. Taft, president of the Casa Grande Valley Canal Co. (Florence Canal) proposed the purchase of that canal property by the Government, as follows:

"This canal property * * * is for sale. * * * The position of this canal company is that it has the lawful right, which it has been exercising for more than 10 years, of taking from the Gila River practically all of the water that the river will carry at its average flow." (Low-water-mark flow.)

In this same report of the commissioner, however, it is stated by the district attorney that the canal company had not a lawful right to the low-water-mark flow, and that there was no doubt but a suit could be brought with a favorable result. An attempt was made to belittle the damage done by the "few people" who constitute the Casa Grande Valley Water Users, and the Government was fooled into believing what was not true. Since that time (1904) there have come other settlers in the immediate neighborhood of the Pimas, which settlers have been appropriating more and more of the river water, and the Pimas have been ruined as a consequence. Still, Mr. Code says, in a recent report, that the Pimas ought not to be protected in the waters of the Gila River (low-water mark) if the San Carlos Dam be built, because it would be doing an injustice to the promoters of the project. However, these same promoters say that all the waters impounded will be flood waters and the natural flow of the Gila River will not be interfered with, but allowed to pass down the river to the water users. The said water users should be the Pima Indians, whose water it is, and the whites should be made to buy their water out of the reservoir. The promoters would not suffer. It would make no difference to them who got the water they are obliged to let loose. This is another one of Mr. Code's specious and misleading statements made for the purpose of pulling the wool over the eyes of the Government.

If the San Carlos Dam is to be built, the Government ought to take immediate steps to protect the rights of the Indians to the low-water-mark flow of the Gila River. And if the said reservoir is not constructed, suit should be brought to restrain the appropriators of water above the Pimas from diverting the natural flow of water beyond a certain point. There are reputable white witnesses living who know how much water the Pimas were accustomed to use out of the Gila, and the Indians know themselves. There are evidences on the ground to-day which show to what an extent the Pimas cultivated the ground before the whites robbed them of their water, in the shape of old ditches and ditch borders, and there are old-time traders yet living who can testify to the thousands of tons of grain produced by the Indians from fields that are now wastes.

To restore the stolen water to the Indians would no longer mean ruin to the white settlers above the Pimas. They could do and should do what the Government is doing now—buy electricity and use pumped water, the same as the Government has done. Why does the Government insist on making a present of this natural water to the Florence people and others to the permanent detriment of the Pimas when the Government has been told that the courts will give them the water?

There would merely be a transference of interests. The Government would get the stolen gravity water back for the Indians, who are the rightful owners, and the Florence people and others would have the privilege of pumping water by means of electricity, the same as the Government is electing to do now, and leave the Pimas with a white elephant on their hands some time in the future.

Let the Government not forget that the Pimas want protection of their interests in the San Carlos Reservoir if it be constructed.

Let them also not forget that gravity water can be had for the Pimas by demanding it back.

PIMA AGENCY,
Sacaton, Ariz., July 19, 1911.

Mr. S. M. BROSIUS,
Washington, D. C.

DEAR MR. BROSIUS: To-day I am in receipt of the report of the investigation of W. H. Code before the Committee on Expenditures in the Interior Department.

There are several points in regard to Mr. Code's replies that I should like to take up, as some of Mr. Code's statements are untrue and others are misleading.

On page 647 of the congressional committee's report, July 8, 1911, Mr. Sloan interrogates Mr. Code in regard to the condition of the Indians of the Gila River after the water supply.

Mr. Code says in his reply:

"The Government installed a pumping plant for irrigating the Sacaton school farm, which gave the Indians plenty of melons and things of that kind, that they did not used to have, during some of the dry periods."

Mr. Code forgets to state in this boost for the pumping plant at Sacaton school farm that the Indians benefited are the school pupils and employees only, and that no other Indians get any "melons and things of that kind" from the farm. Only last week four Papago Indian boys, or young Indians, were sentenced to two weeks' hard labor and confinement in the Sacaton school jail because they stole some watermelons from this same school farm, and they are in jail at this time.

This will show just how much benefit the Indians get from Mr. Code's wonderful pumping plant, which costs more to run than the produce which is obtained from its water supply on the school farm. (Figures as to this presently.)

On the same page (647) Mr. Code says:

"About seven years ago, I think, we installed the first plant, and that was at the Sacaton school farm. I have a photograph showing that plant which I would like to have you see. That is the water supply we developed out of the desert down there, and the success of the plant led to the construction of this large project."

Mr. Code does not show in his description of this successful plant the crust of alkali that the successful water has put on the ground in places where a few years ago there was no alkali to be seen. Williams, the gardener, knows how this has been done and will testify to the truth of the statement, I think, if communicated with. Mr. Code says that the last analysis of the water from the wells at Sacaton showed a total of soluble solids amounting to 100 parts in 100,000. Mr. Code does not state what kind of minerals the soluble solids were. If they were carbonate of sodium (black alkali) and sulphate of sodium (white alkali) and chloride of sodium (common salt), as probably they were, then this amount of 100 parts in 100,000 must be considered a dangerous percentage.

In Bulletin No. 53, published by the United States Department of Agriculture, Bureau of Plant Industry, entitled "The Date Palm," on page 87 is the following statement:

"The surface accumulation of sodium sulphate (white alkali), as suggested by Mr. Seidell, may well have some connection with the composition of the very alkaline waters used for irrigation in which the sulphates predominate, and in which sodium sulphate is present to the extent of 121.5 parts per 100,000."

In the same bulletin, page 99, is the statement:

"Prof. Forbes (University of Tucson) considers it probable that with the prevailing agricultural practice of Arizona the use of irrigating water containing 100 parts of soluble salt per 100,000 is likely in a few years to cause harmful accumulations of alkali. In view of this danger, etc."

Also, page 101:

"In the Salt River Valley sample the alkali is of the so-called black sort. Black alkali (sodium carbonate) is intensely alkaline in reaction, and because of this reaction is highly corrosive to the roots of plants."

Why did not Mr. Code produce his analysis of the Sacaton water and explain it? Mr. Code says that the alkali content of the water is not detrimental in case we have river water to supplement it. But has anybody ever given it a thought that if the San Carlos Reservoir becomes an established fact, there will be no flood water in the Gila River? It will of course all be impounded. Mr. Code recommends thoughtfully that 25,000 inches be appropriated for the use of the Pimas—of flood water. But the supply of flood water will be so much diminished that the 25,000 inches allowed to flow down to the Pimas will suffice probably for a mere swift surface irrigation, instead of being allowed to flow over and over the land, washing the deleterious minerals—the alkali—away by prolonged irrigation.

It is this prolonged irrigating that deposits the fertilizing material which the river carries onto the land. In case the San Carlos Reservoir impounds all the flood waters, who is to judge of the amount of water to be liberated and allowed to flow down to the Pimas?

They will impound all they can, and will always contend that there is no flood water. All the flood water the Pimas will get will be the flood water which the little creeks put into the channel of the Gila below the dam site. And since no regular flow will go down to the Pimas, the whites above them will be always stealing their flood water, claiming that the flood has ceased and that the flow of water is just natural water colored by silt. If Mr. Code is anxious to provide the Pimas with flood water out of the San Carlos Dam (as he stated to you once), why is he not anxious to provide them with a regular flow from the reservoir? With a diminished supply of flood water and an increased supply of well water from the pumps, the Pimas will shortly find their land in the condition to which the Sacaton farm land is being quickly reduced—of having a nice coat of alkali deposited over the surface.

Mr. Code says further of the Sacaton farm (p. 648), in answer to Mr. Sloan's question regarding the cost of maintenance and operation of the Sacaton school well:

"It would cost at least $2,500 per year for fuel to operate that plant."

Please note that nothing is said in regard to the maintenance charges and wages of engineers; only that it would not cost less than $2,500 a year for fuel. Mr. Code has made a misstatement of the worst kind. To-day I went down to see the engineer (Mr. McLaughlin) and got accurate figures from him.

At a minimum estimate 130 cords of mesquite wood are required to operate the engines which supply power to the pumps per month, when the hours of operating the plant number but eight per day.

Estimating, however, that about one-fourth of this power is required to operate the domestic plant at Sacaton School, then about 100 cords of wood are required for the irrigation plant alone. The cost of the wood for this purpose, at $5 per cord, would therefore be $500 per month. Since the school farm gets no flood water, owing to the fact of Mr. Code's having shut up the Little Gila River, which used to supply the farm in flood times, this outlay has to be made during nine months of the year, and probably half the said outlay during the three winter months, or nearly $5,250 per annum. These figures are outside of the wood used by the employees at the school and that used in the kitchens. The cost was also figured up by the experimental farmer here, Mr. Hudson, and found to be not less than $2 per hour for actual pumping expenses of the irrigation plant. This is the very minimum expense, and does not really cover the ground. These figures do not include cost of installation and maintenance. Special Agent Ellis, who was here subsequent to J. B. Alexander's suspension, can tell you something of the huge cost of operating the Sacaton irrigating plant. Mr. Code further says (pp. 647–648): "If (the plant) were operated night and day, I should think anywhere from 800 to 1,000 acres might be cared for."

Mr. Code would "think." Has he been doing similar "thinking" all the time, or part of the time? The actual area of land which is being irrigated at Sacaton School farm by the pumping plant installed there by Mr. Code—irrigated at the present time as the maximum area for an 8-hour run of water—how much would you guess? Just 4 acres. Four acres per day of 8 hours. That is 12 acres per day of 24 hours, which means 360 acres in a month. This is what they are actually doing now, and still Mr. Code has the temerity, the "face," to stand up before a committee of Congressmen and say that in his best judgment the Sacaton pumping plant would irrigate from 800 to 1,000 acres of land. I don't ask anybody to take my word for it. You might drop a line to Mr. W. O. Hodgson, farmer at Sacaton, to find out how many acres are actually irrigated. I was in conference with him to-day. Mr. McLaughlin will give you the figures on wood consumed and hours of operation of plant as he gave me to-day.

Now, in this connection, it may be noticed how far away Mr. Code's theories are from the actual recorded facts. You will also notice, in this relation, that the figures Mr. Code gives as to the capacity of the pumping plant at Sacaton are about the same as those he gives for the electrically operated pumps. Indeed, he goes on to say (p. 648): "If it (the Sacaton pumping plant) were connected with our electrical power, as we contemplate connecting it, I should think that that large an area could be irrigated" (from 800 to 1,000 acres). Mr. Code is doing some more "thinking." Why is the department so ready to listen to that kind of thinking, when it is nowhere near right, as facts and figures and recorded testimony prove again and again? His steam pumping plant, which he thinks would irrigate in the neighborhood of 1,000 acres of land, comes down to 360 acres by actual estimate in practice, with an irrigation once a month, which is too infrequent, even at that, and since his figures for the electrically operated pumps and his steam plant are substantially the same, it follows that the 13

wells which he proposes to install will irrigate 13 times 360 in actual practice, or 4,680 acres of land. This is the most conclusive evidence it is possible to get, because it is based on recorded facts, which show up in the most positive and incontrovertible terms how great is the discrepancy between what Mr. Code thinks can be done and what is actually being done. It is only the latter which counts for anything, even if Mr. Code should think for a century, and the conclusion is that Mr Code must think again. Also, that he has thought wrongly. If not, then he has made deliberate false statement. Let it not be forgotten that he is still recommending how the Government's money shall be spent, and still making statements that he can not substantiate, because they are in contradiction to recorded facts.

On page 648 Mr. Code speaks of the main flood-water canal at San Tan. This is a huge affair, built apparently to carry 25,000 inches of flood water, or more. Why do the 800 people at San Tan require such a big canal and so much water? If the 25,000 inches of water are all to be taken through this canal, what will the dozen other villages do for flood water? Reference may be made here to the glowing advertisement I recently sent you of the Chandler Ranch. I can bring a witness to prove that Chandler said in his hearing: "I could get flood water for my ranch out of that ditch." And one of the forks of the said ditch is headed straight for the notorious Chandler Ranch. Of course now that the ranch is being sold in small tracts and will come under the Roosevelt Reservoir, it will no longer be necessary to get "water out of this ditch" for Chandler's Ranch. Also be it remembered that the "gentlemen" who approached Mr. Russell recently with the "offer" of such a fine piece of land for $100 said to him as an inducement that it would get water from the reservation canal "if it ever went through." This same land is now being offered for sale at $100 per acre. The size of the area offered to Russell was 160 acres. Russell himself regards the whole thing as an attempt at bribery—to keep still. Russell would not do it. The thing they dreamed has evidently transpired, because they found an honest man in Mr. Russell.

Why did Mr. Code shut up the channel of the Little Gila River, which used to supply abundance of water to the Sacaton School farm during several months of the year? Special Agent Ellis wanted to open it. Code claims that the banks are not safe, and he things the whole Gila River might come down that channel. Mr. Code continues to "think." There was some other motive for stopping up this valuable stream. Ask the field farmer, Mr. W. O. Hodgson, who has looked into the thing carefully. Ask Mr. Hudson, the experimental farmer. Both characterize the thing as an outrage. Ask Special Agent Ellis. Ask Williams, the gardener here. Ask the Indians what privation the closing up of this stream has meant to them.

The banks are safe enough and have been safe enough since the days of the Aztecs, whose irrigating canal it was. The channel of this canal ought to be opened and the much-needed water taken down to the Indians' farms and to the school farm and save the Government $500 per month whenever there is flood water. Mr. Code has soaked them for a pretty penny all these years to no purpose. Why did Alexander post up a notice at the head of the Little Gila just after Mr. Linnen's arrival, stating that he was going to appropriate 25,000 inches of flood water at that point? Mr. Code stated that he was going to carry 25,000 inches through the San Tan flood-water canal. This makes 50,000 inches, and still none for the villages west of Sacaton, and yet Mr. Code recommends that only 25,000 inches of flood water be reserved the Pimas in case the San Carlos Reservoir goes in. Mr. Code must put on his thinking cap and go into his pondering room for a while to study out some answers to these riddles.

So far he has been something of a riddle master, in theory. But facts are harder than riddles, even Mr. Code's riddles.

Page 650 Mr. Code speaks of the maintenance charges for the operation of the wells or pumps on the Gila Reservation. He says the maintenance cost of the proposition would be about 75 cents to $1 per acre, as he thinks. My figures, submitted to you the other day, which again are based on actual runing operations at the present time at the present cost of electricity, show that to irrigate the 20,000 acres necessary for eight months of the year would cost $24,000. For six months of the year it would cost but $18,000. But my estimates were for not less than 640 acres to a well. The well at the school farm at Sacaton, which Mr. Code says will irrigate from 800 to 1,000 acres of land, is sufficient for 360 only. And this we can prove. Indeed, it is barely sufficient for this limited area. My last figures showed a maintenance cost of over $1 per acre, and the facts obtained from the school farm show that this estimate would have to be doubled. Mr. Code is wrong again. Apparently he cuts all estimates in half. One half he submits to the Government and the other half he keeps (to) himself.

Again, why does Mr. Code not include the cost of the engineers' wages and the cost of repairs to the pumps and motors? If the slightest thing should go wrong with the machinery a pump is lost in 10 seconds. And the pumps are inspected periodically, each in its turn, and the "turns" are sometimes far between, because the engineer can not be in several different places at one time. If he could there might never come disaster. But Mr. Code can easily cut the engineer in two pieces—or in several different pieces for that matter—if the wells require it. Also the casing in the wells will require renewing some day, and machinery, which runs at a terrific rate driven by the electric current, has not a long life. Why does Mr. Code, who must know all this, remain so discreetly quiet about it?

On page 651 Mr. Code speaks of the transmission line on the reservation. Mr. Alexander (J. B. Alexander), who was intimate with Mr. Code, repeatedly said that the transmission line cost $4,000 per mile. What would Mr. Code think about it? The actual cost of material at the present time is about $1,600 per mile. In this connection Mr. Code states (p. 652): "I presume a good many thousand dollars have been expended that there is no accounting for." Very illuminating.

On page 653 Mr. Sloan asks the question of Mr. Code:

"Do these Pima Indians on the Salt River Reservation, who had original water rights of some 500 inches, pay anything for their water right to the water users' association?"

Mr. Code shuffles out of this very nicely. Mr. Sloan's questions were not such as to quite pin him down. Why did he not explain instead of hedging.

He knows very well, as everybody else knows, that the Government was hoodwinked and hocussed into paying about $50 per acre for every acre of the Salt River Reservation that is irrigated by these same 500 inches of water that the Indians were adjudicated by court decision and to which they have an original right, and therefore did not have to pay anything for the right to use them, either to the water users' association or to anybody else.

Mr. Sloan asks (p. 653):

"Do those who owned these (original) water rights have to pay anything to the water users' association on the Salt River?"

Mr. Code replies:

"Yes, sir; all of them pay, with the exception of those located under the Tempe Canal. Their owners did not go into the association.

Why did Mr. Code not explain why the Tempe people did not go into the water users' association?

I will tell you why. The Temple people have, or had prior to the Roosevelt project, the best canal in the Salt River Valley, which always supplied them with a good supply of water. The Roosevelt project could not take this supply of water away from them, and they have it now, as they had it then. Only those went into the Salt River project who had to do so to save their own necks, or those few who were bullied into it by the fear of being persecuted by having their water supply shut off if they refused to go into it. But the Tempe people were firm, and they have the water they had originally and pay nothing to the water users' association for it. The Salt River Indians also have the water that they originally had (500 inches), but the difference is that the Government has been made to pay a princely sum for this water, to which the Indians had every bit as good title as the Tempe people had to theirs. Nobody could have taken the Indians' 500 inches of water away from them any more than he could have taken the water in the Tempe Canal away from the Tempe water users. Why was the Government made to pay for it therefore? And why did not Mr. Code (who must certainly know all about this) not explain it?

Why did he not explain why the Temple people refused to enter the water users' association and why the Government (for the Indians) did? The conditions were similar in both cases, except that the Tempe people have their money in their pockets, while Uncle Sam has gone down from Jerusalem to Jericho.

Mr. Code, on page 654, "thinks," and has thought a good deal and believed a good deal, and relied upon the statements of his predecessor a good deal, in regard to the San Carlos Dam, but admits he never went to see and knows nothing about it from personal knowledge. Why has he always reported upon it so adversely?

On page 654 Mr. Sloan asks this question of Mr. Code:

"Have you investigated the original water rights of the Pima Indians along the Gila River?"

Mr. Code says "No."

Mr. Sloan goes on to ask:

"Do you know, or have you investigated the matter of whether or not there was a sufficient flow of water above, and that if it had not been diverted it could have reached the Pimas in the course of the natural flow of the river?"

Mr. Code answers:

"* * * If the country 150 miles above had been shut entirely out of water, it is possible that some of the water there might have reached the reservation, although the channel of the Gila is very wide and sandy, and would have taken up a great deal of water."

Mr. Code is very evidently on the defensive and holding back some of the facts. Why does he not explain that if the flow had not been diverted, but had been allowed to proceed down the river bed from the first—that is, from the flood season—the river bed would never have gone dry, and the stream would have had no dust—dry bed—to soak up? Of course, it would have reached the Pima Reservation. Where else could it have gone? Up in the air? But Mr. Code was probably "thinking."

On page 655, near the top, Mr. Code says:

"The elm trees around the courthouse were dying, and the country was absolutely destitute of water. There were no water rights then for either whites or Indians to contend for."

That is a misstatement. Even if there were no water then, the water might have been running the next day, and a water right and water are not the same thing. There were water rights, and the rights belong to somebody now, and they are asserted very loudly whenever water appears, and do not perish or fade away in the temporary absence of the water.

On the lower portion of page 654 Mr. Code states: "There was absolutely no water up there (head of the Florence Canal) at the time I investigated that matter," and so forth.

Mr. Code fails to state what time of year that was. He knows very well that the month of June is the driest month of the year in Arizona. Was it the month of June when he inspected the head of the Florence Canal? I notice in the commissioner's report for 1904, page 18, the following:

"The superintendent (J. B. Alexander) also reported June 10 that he had visited the head of the Florence Canal and found the Gila River to be as dry there as it was below, there being no water and nothing but sand." So Code and Alexander both found the same thing—no water, and nothing but sand. And a person would be a fool to expect anything else at that time of year. But they fail to state just when the river became dry at the head of the Florence Canal; fail to say for how many weeks the water had been running into the Florence Canal, enabling the Florence people to raise their crops of grain and hay and get the said crops matured, while the Pimas' crops were drying up before the river finally went dry somewhat previous to June 10. Nobody has said that the Florence people divert all the water in the Gila River; but the contention is made that they divert sufficient of the water in the Gila—all that water, in fact, which belongs to the Pima Indians, after the river has gone so low that there is not sufficient water for both the Florence people and the Pimas. The water that the Florence people divert from the Pimas would mature the Pimas' crops in many instances, and the proof of this is that in many instances it matures the crops of the Florence people, while the Pimas' crops, not being so irrigated, dry up. Why did not Mr. Code state the facts?

If Mr. Code had taken the least trouble to inquire, he would have found that the consensus of legal opinion is that the Pimas have not lost their water rights in the Gila River. Why did he not inquire? In a letter written to me, dated July 13 of this year, Mr. J. G. Forse, assistant United States attorney, writes as follows:

"A party would not forfeit his right to the use of water if he was using the water for a beneficial purpose, nor would he forfeit such right if he was prevented from using it by others, unless, perhaps, where a party slept upon his right—did not assert his right till he would be barred by the statute of limitations."

That the Pimas have not lost their rights to the natural low-water-mark flow of the Gila River has been frequently stated by Chief Justice Kent, of Phoenix, Ariz. (unofficially, I think), and only last year an injunction was granted to Supt. Alexander to restrain the whites above the Pimas from the use of the water in the Gila River. Supt. Alexander never did anything with it. In the commissioner's report for 1904, page 17, it is stated by the district attorney that "there are 960 persons using water from the Gila River above the point where the Pima Indians divert the water of the Gila for their lands"; that "there is no doubt but the case could be taken up and prosecuted to a favorable ending," etc.

Mr. Code recommends Mr. Sloan to look into this report of the commissioner for 1904, showing that he knows very well that the necessary information is there, and yet Mr. Code knows so very little pertaining to the Indians' water rights. Something very strange about it.

Mr. Code says that a supply of water was available and right at the Pimas' door (p. 655).

Is it not also available and right at the door of the whites? But I notice that none of them are very enthusiastic about getting the said supply, except, perhaps, Chandler—the notorious Chandler—who is selling off his ranch to eastern babes and sucklings. McQueen, who put in a steam pumping plant in the vicinity of Tempe some years ago on his great ranch similar to the pumping plant at Sacaton, abandoned it because it did not pay. All those who are raising crops by electrically developed water are growing some special product, so far as I can learn, such as early cantaloupes or garden truck, where there is a good market for it, or perhaps a little cotton. Why do not the whites share Mr. Code's private opinion about the desirability of this inexhaustible source of water right at their doors? So near and yet so far. If it isn't a commercial proposition it isn't worth having. The difference is the difference between coming up and coming down.

On page 657 Mr. Code says:

"They (the Pimas) have an absolute certainty in this system.

"Mr. SLOAN. In the pumping system?

"Mr. CODE. Yes, sir; in the pumping system and the gravity canal they have an absolute certainty."

So has the Sacaton School an absolute certainty in Mr. Code's steam pumping plant. It can not be denied that that is an absolute certainty—a certainty of the most demonstrable kind, as the figures already given prove very conclusively. If the Pimas' electric pumps are that kind of a certainty they might as well abandon their "white elephant" first as last.

Will the pumps be a success commercially? Not if a well can irrigate only 360 acres, same as Sacaton pumping plant is doing, at the present cost of electricity, engineers, maintenance charges, and installation. The whites are not tumbling over each other to get to it—this absolute certainty. Chandler is selling his absolute certainty right out of hand.

On page 658 Mr. Code says he thought the "trade" of 180,000 acres of land, which the Pimas were to have been made to consent to in return for Code's pumping project, a very fine trade. Well, it was—for Code. I sent you the advertisement of the sale of some of that land the other day. They are holding it at $100 per acre, and a man would have to pay that to get it—the land bordering on the reservation I mean, and adjoining what was to have been the traded land.

Code wanted the Pimas to trade 180,000 acres of their land in return for a pumping project which was to have cost $560,000. The mesquite wood on the part of the reservation he proposed to grab would be worth that much, or would have been at that time. Also, Code suggested, somewhat previous to that time, that that part of the reservation be made a forest preserve until he got ready to jump in and grab it. Code says he is sorry the Indians did not trade. I guess he is. He has a right to be. That $100 an acre land can never be Code's—poor Code—180,000 acres at only $2.75 an acre and now it is worth a hundred. What a pity the Pimas could not have seen it to their advantage to make a trade.

In the commissioner's report for the year 1904 the construction of a reservoir at Queen Creek (a waterway in the vicinity of the Gila River Reservation) is recommended at a cost of $221,000. Why was that project turned down? Surely not on account of the expense, considering the figures lately presented. Does Mr. Code know anything about this reservoir site, lying, as he says, "right at the Pimas' doors"? I should like to know why this was turned down, and by whose recommendation. It would be interesting to know, considering the failure of Mr. Code's plan to pump water for the reservation, if this project was feasible.

Also, the Pimas' interest in the waters of the Gila River ought to be protected in case the San Carlos Reservoir be constructed. The site ought not to be given away without a clause inserted in the agreement between the promoters of the reservoir and the Government reserving the Pimas' prior right to water (low-water mark flow) in the Gila. The decision is to be rendered September 1 next.

On page 660 Mr. Code mentions "large areas of land that have been allotted to them (the Papagoes) south of the Gila Reservation." Why does Mr. Code not state that all that land is grazing land, or all but about a quarter section? I have something to say about that land.

In a letter addressed to the commissioner, written from Fort Peck Indian Reservation post office, Poplar, Mont., by Charles H. Roblin, allotting agent, dated July 13 of this year (land allotments 54890, 1908, and 51500, 1911, W. A. M.—Papago Indians on public domain), Mr. Roblin says:

"If there is any possibility that the office may ever contemplate the building of any irrigation plant for the benefit of these Indians, the lands applied for (by them) in township 5 south, ranges 3 and 4 east, will be of great value to the Indians, and their rights, if possible, should be protected.

"I am informally advised that the lieu selection made by the Santa Fe Pacific Railroad Co. was made by the railroad company in furtherance of a colonization scheme in which a number of residents of Phoenix, mostly real-estate men, are interested. These gentlemen have proposed to secure title to about 50 sections of land in this vicinity and to develop the land by the establishment of a pumping plant to supply water for irrigation. * * * The Santa Cruz, a typical southern stream, having a considerable run-off during the flood season, runs through this tract of land." * * *

A reference to the map of the reservation and said lands will show that these are just south of the settlement of Casa Blanca, from which settlement Code proposed to move the Indians, as he practically admitted to you, and to put them over the river on the San Tan side. So this is the explanation of that last mystery. Truly the ways of Code are hard and past finding out. Inclosed is a rough plat of the lands required to be reserved. The office reported favorably on all except those marked with red pencil. These are also badly needed to maintain the watershed for the Pimas, and Mr. Russell, principal in charge, so stated to the department in a letter sent about two weeks ago. Wish you would see what is being done about it, as if the land-grabbers should grab this part of the watershed before the Indians can be located on it, the rest of the land would not be worth much. The Indians are gone off toward the south, but will be back in the fall. The lands indicated in red ought to be saved or reserved for them as the other parts have been until they can be located on them.

That Casa Blanca land would have been immediately grabbed by the railroad as more lieu land as soon as the Indians had been chased off it by Code. Richest land in Arizona.

Sincerely, yours,

HERBERT MARTEN.

ADDENDA.

On page 469 Mr. Sloan asks the question of Mr. Code:

"If the number of wells should be increased and the water level lowered, is it not likely, then, that there would be more solid parts in the water through the greater depth?"

Why does Mr. Code not explain that the water level—that is to say, the permanent water plane of the country at San Tan, where the wells are situated—has been lowered some 6 feet since the wells were first used, and that at this very time they have either to dismantle well No. 1 to drill it deeper or else make a supplementary boring at the side of the well to get more water?

Well No. 3 is also out of order and work must be begun on this well.

If the permanent water plane of the country should go still lower, the result to the wells may be disastrous.

Notice how Mr. Code never gives any information except what is wrung from him. Why did he not tell Mr. Sloan some of these things?

He is acting on the defensive and is afraid the facts should come out. The present trouble with the wells indicates what may be expected later on.

It is also always possible that the mineral content in the well water may increase, whether the water plane rises or lowers, as Mr. Code's own words will show. Formerly, he says, when the Sacaton water was first analyzed, the soluble solids in the water were 68 parts in 100,000. Now the content is 100 parts to the 100,000. This is an increase in the alkali content of very nearly 50 per cent. (Rising water plane in this case.)

This well business is all an experiment, and nobody knows what the result will be. If Mr. Code says or intimates that it is not an experiment and seeks to convey the idea that pumping has passed beyond the experimental stage, he is seeking to mislead people.

SACATON, ARIZ., *August 3, 1911.*

Mr. S. M. BROSIUS,
Agent Indian Rights Association, Washington, D. C.

DEAR MR. BROSIUS: The continuation of Mr. Code's testimony has arrived. There are some points there on which I should like to make reply.

On page 665 the case of United States *v.* Winters is discussed. Mr. Code contends that he thought that the difference between a reservation made by treaty and a reservation made by executive order would operate so as to allow the Pimas to be despoiled of their water rights. Still, Mr. Code says that he merely "understood" there was a distinction of some kind, but he does not know what the distinction was.

This is a lame excuse for not having recommended bringing suit against the whites who have stolen the Pimas's water. There are the best possible grounds for the Government's bringing such suit at the present time, and the consensus of legal opinion is that the Government would be given a favorable decision. Especially should this be done now, while the prospect of the San Carlos Reservoir being constructed is so favorable and before the reservoir site is given away, in order that the Pimas's interests in that reservoir might be assured definitely and permanently. The Pimas's water rights were not lost 20 or 25 years prior to 1904, as Mr. Code falsely states. There were years prior to 1900 when the Pimas had a shortage of water, due to the encroachments of the whites and a lower water supply than common in the river, but many years they raised good crops with that part of the natural flow of the river which they diverted. But the white settlers kept encroaching more and more, and conditions kept growing steadily worse, until the water was practically all gone. If the Pimas's water rights in the flood waters of the Gila River are not adjudicated to them soon, it will shortly be contended that they have lost these too—the last resort that the white man has left them. But Mr. Code is sanguine and says "bore wells." Of course, he is not the one to pay for the wells. Uncle Sam does that, or the Indians—without their consent.

On the same page (665) Mr. Sloan inquires of Mr. Code whether, if the Pimas's water had been protected along the course of the Gila River, there would not have been sufficient flow to have furnished the Pimas the necessary water.

Mr. Code replies: "I stated that there was a possibility that some of the water would have reached the Pima Reservation."

Why does Mr. Code misrepresent the matter? That some of the water would go down to the Pimas is not the question.

Whatever water the Pimas are entitled to receive should be received at their point of diversion.

If all the water in the Gila River were diverted at a point 150 or 200 miles above the Pimas, with the sole exception of the volume to which they are entitled, of course all or the greater part of it would disappear into the bed of the river before it reached the Pimas. And this is the point, apparently, which Mr. Code is trying to make. Such contention is disingenuous. Mr. Code knows very well that enough water would have to be let down the river bed to supply the Pimas with the volume due to them at their point of diversion, not at some remote point elsewhere.

An illustration of this is the case of the Pimas under the Arizona Canal at Salt River.

A supply of 500 inches of water was adjudicated the Pimas by court decision at their point of diversion.

If any loss of water were sustained in getting the water down to the Indians' point of diversion, it was to be the white man's. Mr. Code says in his first testimony before the committee that if all the water in the Gila River were turned down to the Pimas the greater part would soak into the dry and sandy bed of the river. But, as I pointed out, he must know he is misrepresenting the facts of the case, because if the Pimas' water had not been diverted the water would have been constantly running and the river bed would be perpetually wet and not dry and sandy, and the water, or sufficient of it, would have to reach the Pimas.

Mr. Code admits, under pressure, that "the Indians are entitled, as the first users, to the waters (of the Gila River)." Mr. Code goes on to say: "Rather than enter into litigation, I believe it better to get the water—and we have got the water." Wonderful! He has got the water; yes, it is too true. He has got it, and at what a cost! And what a quality after it has been got! The cost you have—the staggering, amazing cost, and the less said about the quality and its effect on the land the better for the reputation of Mr. Code's wells. (See Addenda.)

If Code's estimate of the cost of producing the water from the electrically operated wells is as far from the experimental facts as that estimate he gave for the Sacaton school farm, his information is of very little value. (See my former letter for the actual figures.)

Mr. Code submitted a photograph during the course of his testimony before the committee, representing the water flowing out of the well at the Sacaton Indian school farm. "This is the water supply we developed out of the desert," he says grandiloquently.

There was a photograph taken at one time of this same well in operation, which, I think, is the one Code used.

Just beneath the orifice at which the water gushes out, and extending away from it, there is a large rectangular tank of concrete, 10 feet wide. In the photograph this tank has the appearance of a great canal, wide and deep, and the effect is portentious. But a little way below the said long rectangular tank of such imposing dimensions is a little, insignificant ditch, which conveys away the water, but, of course, this is not represented in the photograph. The said photograph, like many another, is designed to deceive, and the effect conveyed by the photograph does not correspond with the facts. It is an artistic lie. Why did Mr. Code not explain, if this was the photograph he used, as I have reason to believe it was?

He has pulled the wool over the eyes of the committee with a skill that in any other cause would really have been commendable. Mr. Code (p. 667) intimates that the Government has made good with the Pimas on the Gila River and has given them water. This is not the case. The Government has not yet made good with the Pimas, and under the system proposed by Mr. Code, facts and figures already given prove that they never can make good. There are now some nine wells bored, each capable of irrigating, as before shown, some 360 acres of land, or 3,240 acres of land in all. And when the white elephant is finally given to the Pimas in fee simple with their allotments, they will have to pay some $24,000 a year for electricity alone, at the present cost of production, to irrigate these few acres.

It is not a commercial proposition, and therefore not a practicable one.

The Government has not made good. Mr. Code has not made good. Nobody, so far, has made good with the Pimas.

On page 670 Mr. Code states that the Pimas did not have an acre of land under permanent cultivation in 1902.

Mr. Code forgets the two heads of seepage water running at Cottonwoods (a village near Sacaton) and another head at Blackwater, and considerable water at Gila Crossing. All the land under these streams is and was in 1902 in permanent cultivation.

Mr. Code's testimony evinces more and more his insincerity and desire to keep back the true facts.

On the same page (670) Mr. Hanna asks: "As a matter of fact * * * you have now furnished these Indians with ample supply (of water) for all they can use?"

Mr. Code replies, "Yes, sir."

Mr. Code had better look to his veracity. So far there is not one-fourth enough water, and what little they have got is being obtained at prodigious cost.

On same page Mr. Code goes on to say: "The supply (of water) is there and the Indians must avail themselves of it." How, be it asked, by moving? Is that the way? Why not bring the water to the Indians from the San Carlos Dam instead of bringing the Indians to this expensive pumped water?

When the entire system of 20 wells is completed, less than one-half of the required area of land on a 5-acre allotment basis can be irrigated.

Might a certain premonition of failure, swift and certain when it does come, in Mr. Code's mind have been responsible for the order that recently went out to allot all the heads of families on the reservation at the village of San Tan under the wells 10 acres to a family instead of 5 acres to the individual, as originally proposed?

Here it may be asked again, Why has such a prodigious flood-water canal been built at San Tan if it were really never the intention to move the Indians, as Mr. Code now states it never was? Where are they going to put the water? The canal will hold enough water to drown out the whole Pima population. Also, the said canal is forked into two branches, and one of them (the largest) is headed straight in the direction of the notorious Chandler ranch. The canal is not yet completed.

The Indians want to know how they are going to be allotted. They want to know why they are not conferred with, and what is the reason for all these arbitrary proceedings of Mr. Code, who has undertaken so much, apparently, entirely on his own responsibility, with a view to forcing the Indians into submission. The Indians want to know if they are not now going to get 5 acres apiece, but only 10 acres to a family, and what assurance they have from the Government that 5 acres to the individual, with assured water, will be given, as promised originally. They want to see the water running on their allotments before they accept them, and this is reasonable and right—a perfectly just contention.

Why is Mr. Code, or the Indian Office, or whoever is responsible, in such a frantic hurry to allot the land before anybody knows where water is coming from? The wells bored in future may be too salty for use. Nobody knows how they will turn out. It is all an experiment, and still Code continues to give out these Arabian Nights stories as hard facts. Mr. Code says (p. 671): "This is an expensive project." Code has told the solemn, unvarnished truth. Here is for once a hard fact from Mr. Code, lonely and stark and bald—this is an expensive project. It is. Mr. Code has expended already some half million dollars, and has practically nothing to show for it. As usual, the poor Indian is made the scapegoat and has to take less land on account of the blunders of Government officials.

One well has to be bored deeper (No. 1) on account of the lowering water plane of the country—a grave menace to all the wells. Another one is in need of repairs (No. 3). By and by one will go to smash, and so it goes—a stream of gold pouring down every one, and a stream of water of dubious quality coming up.

And yet Mr. Code would recommend such a project, when there is the San Carlos Reservoir site and the Queen Creek Reservoir site, whence good gravity water might be had that would flow down without expense instead of up through a pump.

Better throw the wells away than keep on with them at the present cost—$24,000 a year to operate 20 wells—which will irrigate effectually only some seven or eight thousand acres of land.

Consider that in four years this means nearly $100,000, and only half enough land irrigated. It means $3 an acre for water every year; nay, more, the maintenance charges and wages of engineers have not been figured, the short life of the machinery, etc. And the whites, even the whites, are groaning now under the assessment charge of $5 an acre on the Salt River Valley land, and some of them are being ruined, because they can not make their land pay this large additional charge. Why does Mr. Code not state these facts?

Mr. Code says (p. 671), "That if 5 acres were allotted to an individual some families would receive a much larger area than they could successfully farm."

Let Mr. Code come with me. I know Indians who are farming from 20 to 60 acres, or more, and raising crops on all of it, and not only on this Gila Reservation, but I can refer you to white people living on the Salt River Reservation to show that the Pimas are doing the same thing there. These Pima Indians are farmers, not nomads, and deserve to have a fair show. No family of any size could begin to make a living on 10 acres. The white people here know that.

Now, notice. Code says the children would be allotted later when the system was extended. This is speculative and uncertain. Mr. Code's statement would mean that the parents' land and the children's land would be separated—and separated in some instances by a roaring river in flood, without a bridge. What kind of contemplated system is this of Mr. Code's? Does he propose, among other schemes, to give every family a flying machine so as to cross back and forth to their widely separated farms every day and proceed in safety and assurance over the flood? It is difficult to see how the lands can be practically farmed otherwise.

Mr. Sloan next tries to find out from Mr. Code (p. 671) if the Indians have ever been consulted or conferred with in regard to the matter themselves.

Mr. Code throws the responsibility onto Mr. Carl Gunderson, formerly chief allotting agent. But I have talked at length with Mr. Gunderson with reference to the subject, and know that Mr. Gunderson never contemplated removing the Indians, and the Indians so understood him.

All this later development of removal was done in a quiet and surreptitious manner, and the Indians knew nothing about it until very lately, when they immediately began to petition against their removal.

Mr. Carl Gunderson contemplated allotting every individual of the tribe 5 acres with assured water, 5 acres with possible water, and 40 acres of grazing land, so as to include the entire reservation.

Page 672, Mr. Code says: "An Indian hates to leave his country, even to cross the river to farm land."

Why not? Who would want to farm raw, tough land that bakes when it dries after irrigation into hard blocks at San Tan, where Code's wells are situated? Who would want to leave the best soil on earth, such as the Casa Blanca people have now—good alluvial loam—when water can be got to it so readily by bringing the transmission line across the river at slight expense? Why not have utilized the large area of said alluvial land near Casa Blanca on the south side of the river in the first place, rather than at San Tan on the north side of the river, where the enormous flood-water ditch has been constructed, heading straight for the notorious Chandler ranch of very many thousand acres, illegally secured from the Government by Code's friends and business associates?

Doubtless the whites wanted it. This is obviously the logical conclusion. The Chandler ranch is nearly opposite Casa Blanca on the other side of the Gila River and the new railway running through the Chandler ranch to the new town of Chandler. A Phoenix newspaper (Gazette) stated recently that it was contemplated to bring this railway across the river and connect it with the Southern Pacific Railway at Casa Grande or Maricopa. To do this would mean running through, or close to the Indian settlement of Casa Blanca, where all the good land is. Now, it is not hard to see why the Indians were to be removed from Casa Blanca, nor to understand why all or nearly all the wells were to have been sunk at San Tan on the other side of the river. Why does Code think the Casa Blanca people fatuous or stubborn for refusing to move? Fatuous they certainly would be if they should consent to move. Their land will be extremely valuable if that new railroad, now so close, ever comes through it. And the committee has nobody to tell them these facts, but are obliged to take Code's smooth and plausible word for it.

Mr. Sloan goes on to ask Mr. Code again (p. 672) if the Indians would be willing to move, and if they have been consulted with in regard to the matter. Code says "yes."

But I know, and the Indians know, that they have never been consulted with in regard to any proposed removal. It seems that it was never Mr. Code's intention that they should be consulted. The whole thing has every appearance of a deep-laid plan hatched out in the dark, which was to have been "pulled off" at the proper psychological moment without consulting any of the parties most immediately interested, and so quickly that resistance would have been out of the question.

The Pimas want to be consulted; have petitoned that this be done. Why are they not consulted?

Code says "It is necessary to put a canal on the north side" (San Tan side). Why was it necessary to put such a very great canal on the north side and so many wells for only 800 people?

There is too much that is shuffling and evasive about Mr. Code's testimony. It has a spurious ring to it, to anybody in the least acquainted with the situation.

Mr. Code goes on to say (p. 672) that if the Pimas on the Gila Reservation are not willing to accept his plans for them—the white elephant he proposes to give them—there are many Indians who would be glad to come and accept them. On the next page he says further: "If the Pimas or the Maricopas object to locating along the canals * * * there are other Indians who will not so object." But what good would that do the Pimas and Maricopas? Code refers to another tribe altogether, the Papagoes, a nation of nomads, that are to the Indian tribes here what the gypsies are to the whites. The Papagoes have virtually nothing, and, of course, anybody would accept something for nothing at all, even if it were a white elephant, perhaps, because he could turn it loose again whenever he grew tired of it. But that is not making good with the Pimas, as Code said the Government had done. That is the point. But few Papagoes claim any right on the Gila Reservation, but the Pimas used to have productive farms there before their water was stolen by the whites, and it is to them that restitution should be made. But Mr. Code found himself in a tight place and threw the burden onto the Papagoes. His statements had a piscatorial odor, however, and the committee must have been cognizant of it.

It would seem that somebody's interests must be in grave jeopardy when a witness so persistently holds back the facts. Code says that they never intended to abandon the plan of irrigating land in the vicinity of Casa Blanca.

Why, then, put 10 wells on the other side (north, or San Tan side) for 800 people and contemplate an additional 3, when only some 20, all told, were planned for the entire tribe of 4,000 people, especially when there is twice as much vacant alluvial land at Casa Blanca, good land, which was at one time farmed when there was water for it, as there is at San Tan? Why force the Indians across the river to the wells if no removal was contemplated, and if wells were really to have been put

down at Casa Blanca? But the land at Casa Blanca, if supplied with water, is among the best on earth, and the whites would like to have it, while the vacant raw land at San Tan will hardly raise a crop of wheat, even, until it has been planted several years to alfalfa. Notice that the idea of putting additional wells at San Tan is said to have been conceived within the last month or so. It is also within the last month or so that the railway has been built to Chandler ranch, opposite to Casa Blanca, and heading straight for the rich Indian lands there. Naturally they did not want to allot Indians there. But somebody is to blame for all this. Who are the guilty parties?

The said Chandler land is now selling for $100 an acre. Some of the rich Indian lands contiguous to it are embraced in the area that Mr. Code proposed at one time to open to settlement.

What would have been the result of so doing? Does anybody really believe that there would have been many bona fide homestead entries made there? Chandler, Mr. Code's friend and business associate, could have planted a lot of conscienceless whites on the ground, as he did once before, when he obtained his ranch of some 20,000 acres or more—obtained it illegally from the Government—and after the said whites had proved up on their homesteads they could have turned over to Chandler a certain portion of the land (in certain known three-fourths) and kept the rest for their trouble. As payment for so doing Chandler furnished them water, etc., until the time came to turn over the land to him.

Mr. Sloan asks (p. 674): "And the river is impassable a large part of the year—particularly during the season when they are planting?" Mr. Code replies: "During the winter season, when they are irrigating from the flood waters; yes, sir."

The inference here is, of course, that the river is not impassable in the summertime and that the Pimas irrigate principally from flood waters in the wintertime. Also the covert suggestion is that it would not make so very much difference whether the river were in flood and impassable in the wintertime or not, since the Indians are not planting anything in the wintertime. But why does not Mr. Code answer the question? Is the river impassable, particularly during the season when they are planting? This is the question.

Mr. Code is shifty and evasive again. The river is not often impassable in the winter months. It is in the summer months, when the rains come, that the river is in flood and impassable; in the summer months, chiefly, when they are planting crops of corn, beans, and melons. The river was a roaring, raging flood only last week, so that nothing could cross it but a bird. This is its common condition in summer, when rains may be frequent, and it may stay in flood two or three weeks at a time.

But perhaps the children, allotted on the one side of the river, could manage in some way to get along without their parents, allotted on the other side, for two or three weeks at a time.

On page 675 Mr. Code intimates that the Indians at Gila Crossing have sufficient water. But the Gila Crossing Indians have not sufficient water, and this Mr. Code must know. Their summer crops are often very poor because of the shortage of water.

Besides I would call to your attention in support of this contention the fact that Mr. Code himself recommended that a steam pumping plant be installed at Gila Crossing of 500 horsepower. This was in the year 1902, I believe, or about that time, and a copy of Mr. Code's letter recommending that project can be had. I have read the same, but have not it by me at the moment. How does Mr. Code reconcile his position then and his present position?

If the water furnished the Indians were stored water, the settlement of Gila Crossing could be furnished with as much as it needs.

Mr. Code states on same page (675) that he does not know whether the Gila Crossing people are getting as much water now as they were getting prior to the appropriation of their water by the white people above at Solomonville and Florence. What kind of a dunce is he? Considering he is so good at inferences and riddles, it is a wonder he could not infer this. But probably he did not want to infer it. Mr. Sloan brought the horse to water, but he could not make him drink.

Anybody knows that before the water was diverted at Solomonville and elsewhere the Pimas had the natural flow of the river, all they wanted to use, and that this flow extended as far as Gila Crossing and away beyond this point.

On page 675 Mr. Hanna asks: "Is it the fault of the Indians that they are not irrigating (more land)?" Mr. Code says unblushingly, "It is the fault of the Indians."

Oh, oh! Is this the truth as Code sees it?

The poor Indians were using all the water they could get when the dry weather came, and the crops required it.

Mr. Code does not tell the committee that there were scarcely any ditches constructed to carry the water from the wells to the Indians' canal until quite recently, when they started the work again. How could the water be carried to the Indians' farms without ditches to carry it in? And as no surveys had been made for the said ditches, Mr. Code had better explain how it was the fault of the Indians that they were not using the water.

It is the fault of the Indians, is it? No. 1 well went nearly dry this spring and some crops under it were lost as a consequence. Something got the matter with No. 3 so that the water flow was further reduced as a consequence. Three or four of the wells were inactive, and the Indians were clamoring for more water than they could get and were using all they could get.

These are facts which can be substantiated. Moreover, when the land had not as yet been allotted, how could Code expect the Indians to put large areas into crops and run the risk of being moved off after the allotments were made?

On page 680 the question of the Indians entering the water users' association is taken up. The Indians' land at Salt River was signed up under the reservoir to the extent of 2,800 acres when the cost per acre was estimated at only some $15.

The Government for the Indians will now have to pay more than three times this amount, according to Mr. Code's estimate of $45 an acre, which is too low, because the cost is still climbing; and yet, in spite of this additional cost, the Indians on the Salt River Reservation are getting less than their pro rata of water.

Statement.—The white people on the south side of Salt River, under the Tempe Canal, refused to enter the water users' association, and it costs them about 50 cents per acre per year to get their water. The Indians living on Salt River Reservation on the north side of the Salt River had 500 inches of water adjudicated to them by court decision before the Government signed up for them with the water users' association.

Now, although the Government signed up for 2,800 acres at Salt River, under the reservoir, at approximately $50 per acre (the present cost), they received but 200 inches more of water. This is at a cost of over $200 an acre for the additional land that the Salt River Indians have a right to irrigate under the Roosevelt project.

The Indians were not consulted in the matter at all, as they never have been, and the fact is that one department has soaked it to another department of the Government, and the water users' association, of which Mr. Code says he is a member, has been the gainer by it.

Mr. Code denies that his private interests are inimical to the interests of the Indians.

Mr. Code is vice president of the Mesa City Bank, of which Chandler, of the notorious Chandler ranch, is the president. Chandler's lands have been fraudulently obtained from the Government by bogus homestead entries. That is to say, that the people who homesteaded on the land later obtained by Chandler were not bona fide settlers.

Mr. Code was running a canal through that land in years past as engineer, which he ought to have known had been obtained by fraud, as the facts were common knowledge.

Later, when Mr. Code became an official in the Indian Department of the Government, he recommended that a large area of good land on the Indian reservation at the end of this canal, which watered the Chandler property—the said area of land being adjacent to the said property—be taken away from the Indians and thrown open to settlement by the whites.

Mr. Code attempted to justify his recommendation on the ground that said area of land was too rough to be irrigated, but really it seems to have been a sop to the white man to get Congress to vote the large appropriation for what Mr. Code calls his "expensive project" (p. 671).

It is known to many persons that the said area of land was frequently flooded by this same Chandler Canal which Code put in as engineer for his friends and business associates.

This looks like a parallel case with a certain higher Government official who has lately been compelled to resign his office on account secure valuable lands away from the Government for private interests, of public disapprobation, he having improperly used his influence to

Eighteen thousand acres of the Chandler ranch are now advertised as being for sale. The price as advertised is $100 per acre.

Here is a total of nearly $2,000,000, of which a great part at least has been illegally filched away from the Government and properly belongs to the Government now. No good title can be given to the purchasers of such land, and the Government should see to it that the public is not defrauded as well as itself.

On page 695 Mr. Sloan asks Mr. Code point blank whether his private business interests are in any way adverse to the Indians' rights that Code is called on to administer. Mr. Code says "no." He could not very well say "yes" and hold his job.

But the foregoing has shown decisively that Code's interests are unquestionably adverse and inimical to the rights of the Indians.

If the railroad, of which the terminus is now at the Chandler ranch, should cross the river to Casa Blanca, Mr. Code's interests will likewise be very adverse to the interests of the Indians, because Chandler and Code are president and vice president, respectively, of the same bank.

Mr. Code says (p. 690) that the Roosevelt Reservoir water could be conveyed across to the Gila River Valley. Why, in Heaven's name, then, was it not done? They claim that this land under the pumps is eventually to be taken in under the Roosevelt project. There is a statement to this effect in the agreement entered into between the water users' association and the United States. Why, in view of the facts, was not stored water bought for the Gila River Reservation instead of electricity? Such water could have been taken right through the Consolidated Canal (old Chandler Canal) now owned by the Government, and there would have been no ditches to make. Mr. Code will say there was not enough water; but evidently there was enough, in his opinion, to justify, as he says, signing up an additional 2,000 acres at Salt River at the same figure as the Government is now paying for the right to use electricity on the Gila Reservation, where his pumps are. (See addenda.)

Mr. Code says (p. 698) that the pumped water is a better water as regards keeping fields free from weeds. Perhaps this is its one redeeming virtue. But how is it that those few people who pump water to irrigate their land always take river water whenever they can get it? This question surely demands an answer. Will Mr. Code have the temerity to deny that they do take river water? If so, the only answer of an inhabitant of southern Arizona will be a smile.

Mr. Hanna asks (p. 698) if there is a less amount of salt in the wells as time goes on. I will say right here, and Mr. Code will not deny it, that the well at Sacaton Indian School has increased in salt content nearly 50 per cent since it was installed, and there is no reason why it should not go on increasing. There is the point—nobody knows. It is all a matter of experiment.

Chandler is putting up a huge power plant and sinking wells on his illegally obtained ranch. No wonder Code wanted the Government to install pumps. Of course, if the Government is making a success of the experiment it must be all right. The value of the adjacent property will immediately improve, and the Mesa Bank, of which Chandler is president and Code vice president, will reap considerably of the accruing benefit. Code intimates that he was elected vice president of the Mesa City Bank (p. 696) because he had some influence with the people. Doubtless. Nobody has any reason for questioning the veracity of that statement. But had Code no influence with the Government? Was his influence so meager and were his recommendations of so little avail that he could not make a very good cat's-paw to drag the chestnuts out of the fire for his friend Chandler and the Mesa City Bank?

On page 699 it is stated by Mr. Willis T. Lee, geologist, in his report (art. 9) that—

"Pumping plants used in irrigation near Gila Valley prove that water can be pumped rapidly enough, and at a cost low enough, to make pumping a practicable method of securing water for irrigation."

But the proof of the pudding is the eating.

Mr. Lee may have investigated the geological side of the question, but evidently did not investigate its business side. He fails to state that plant after plant has ceased to work at pumping water for the land, because, after exhaustive trials, the method could not be made to pay. He was speaking of things in an experimental stage—things which have not been subject to the test of time—and he jumped to his conclusions; he did not verify them. The rusty engines of the abandoned McQueen pumping plant are still sitting in McQueen's fields near Tempe—a failure.

The Hansen pumping plant, near the Chandler ranch, was a failure. The Reeves great pumping plant, at Buckeye, on the lower Gila Valley, was a failure. Another pumping plant near Phoenix, just off the Buckeye Road, has been abandoned because of the expense, and others could be mentioned which remain as melancholy testimonies of the wretched ineffectiveness of pumps for irrigation purposes.

The only effective system of irrigation is a downward, or gravity, system, which is supplied with nature's pure rain water. Any system that contemplates raising water from great depths and saturating the land with its alkaline flow is foredoomed to failure.

On page 699 Mr. Code says that during the last five or six years there has been a great improvement in the additional farmers supplied by the Indian Office over those supplied by the civil service. Of late years the Indian Office has insisted that a man should have a knowledge of irrigation, says Mr. Code.

Does Mr. Code know anything about the additional farmer at Maricopa, lately on the Gila River Reservation?

I can bring a witness to prove that this farmer remarked on conveying water to the said witness's field, "This is the first dam I ever put in." A wonderful knowledge of irrigation he must have had—on paper. This farmer has lately been "allowed" to resign because of his ineffectiveness.

The additional farmer lately sent to Salt River made no secret of the fact that he knew nothing whatever about irrigation. He was free to say, "I know nothing whatever about this work."

What kind of evidence is this that Mr. Code is giving out so glibly under oath?

On page 702 the different classes of water rights are discussed. The water can not be separated from the land, according to the court decree, and the land with the water is termed, respectively, class A, B, or C land, as the case may be, and the meaning of the symbols is explained.

Mr. Code says, in reference to the McDowell Indians:

"With the adjudication of 700 inches (of water) for the Salt River Reservation, they would be very, very sure of their water supply."

But the said water supply is far from adequate now. There is not more than half enough water for Salt River. Besides, water rights go with the land and can not be separated from it, and the only way the McDowells would be sure of having their water rights transferred effectually would be for the court to make a ruling to that effect, and thus reverse itself as to its previous decision.

As the allotments are now being made at Salt River, Indians are being allotted some on class A land and others on class B land. This is a very dangerous thing to do and will, surely as the world moves, result in future trouble.

As long as the Government retains control of the Indians' water, all may be well. But even so, there is no assurance to that effect. If an Indian has an allotment on class C land and the Indian Service should undertake to run water on the said class C land at a time of low water when there was not sufficient for class A land, a man having his allotment all in class A land could bring an injunction against the man using water on class C land and compel him to turn the water down onto the former's class A land.

The Indians may never discover this, and probably would not wish to profit themselves by it even if they should discover it now. But if a white man should get hold of an Indian's allotment—which is probable under the right to sell a deceased Indian's land—and should water become scarce, then the white man would not be a white man if he did not immediately bring suit to restrain all the Indians from using water on class C land. The danger lies in the fact that the allotments made to many of the Indians are all on class C land and some are all on class B and A land, respectively.

Moreover, leaving aside the future, if at the present time the whites down below the Indians should ever find out at a season of low water, when there should not be enough even for the whites having class A land, that the Indians were irrigating a thousand or two acres of C land when there was not stored water for the said C land, there is no telling what would happen. The white man would simply say to the Indian, "You use your water on class A land, or else you turn it down for my class A land"; and the court would have to sustain the white man under the law of prior right.

As the case stands at present everything depends on the generosity of the court to "wink" at what is certainly contrary to law—the fact that at the present time there is enough water, and the future ignorance of the white man as to the exact status of the situation. There are plenty of shyster lawyers, however, in this country who will not fail to enlighten the white man when the time comes.

If the possibility suggested above should become a fact, it would necessitate the many Indians who have been allotted on class C land giving up their farms on account of having no water. This is just what has happened before in dry seasons to white people in the Salt River Valley.

They are putting in cultivation every acre of land that the reservoir will care for now, and in case of a prolonged dry spell, such as this country is accustomed to passing through, many people will be without water.

The Indian Service may rotate the water on A, B, and C land as long as nobody makes any objection, but the fact that that is contrary to law is a most serious menace, and though the supply of water is now above normal, it will not always remain so; and the present chief justice, who obligingly consents to "wink" at the arbitrary arrangement of the Indian Service, which is contrary to his ruling, can not be altogether depended on not to die or resign his office. Some day the whites are going to get hold of some of this Indian land by purchase, and then there will be trouble.

If they are going to play this sort of hocus-pocus with the Indians' water rights, some provision should be made by law to protect the Indian, and the sooner the better.

It would be interesting to know (since nobody apparently so far has met with any explanation) why the Salt River Indians on the north side of Salt River are not getting their water on the same basis as the other water users in the Salt River Valley.

The Indians are entitled to only 700 inches of water (500 inches of which they originally owned), and yet their land has been signed up under the reservoir to the extent of 2,800 acres, when the whites are allowed three-tenths of an inch of water to the acre. Thus the Indians should be getting 840 inches of water instead of 700 inches if the Government gets it at the same ratio as the white man. Seeing that the Indian Department is paying at the same ratio for the Indians as the white man pays, what is the reason for the difference? Why does the Indian pay the same price as the white man and take less water?

Perhaps this may explain why the Indian Service is allowed to divert water from A land to B and C land, as per Mr. Code's testimony, and rotate the flow in any manner they desire, which is contrary to law. It is laying up a great harvest of trouble for the future, which there will be no way to avoid or regulate.

As proof that the foregoing contention is true, see pages 720 and 721. Mr. Sloan asks: "If the Indian officials have the right to disregard the decree, they would be violating the principles upon which the water rests?" Mr. Code replies, "That is true."

Mr. Code further says: "When the appropriations are made, we endeavor to call them all prior right No. 1." This is all very well, but it will not do. Mr. Code and the Indian Service may call all the land class A land or prior right No. 1, as he terms it, but that does not make it so. It is simply procrastinating and putting off the inevitable evil day for some future time.

Let the Government give attention to these facts while they may or else hold their peace for all time.

It will be too late to apply the "favorite prescription" of undoing the wrong after it is done.

The matter should be adjusted by law now.

The poor, ignorant Indian knows nothing about the trap he is sailing into, and the Government officials, who ought to know, seem not to care.

Somebody ought to wake them up and get the matter settled while there is yet time.

I have shown that there is a big discrepancy against the Indians, figuring that they are allowed 700 inches of water. However, it is my opinion that when the land was signed up under the reservoir the Indians were to get only 500 inches in place of 700. In this case the discrepancy would have been immensely greater.

The Government seems to have been held up for a pretty penny, and the Indians are getting less water than they are entitled to have, and somebody is responsible for this. Who is it?

The attached petition is virtually a summary of the foregoing.

Very truly, yours,

HERBERT MARTEN.

Page 2. The following to be inserted after the words in italics: "the better for the reputation of Mr. Code's wells."

All the peach trees at Sacaton Agency died suddenly for some reason and all about the same time. A Government expert examined them for root disease, but found none.

The only reasonable explanation is that the alkaline pumped water killed them.

Page 9. The following to be inserted after words in italics: "on the Gila Reservation where his pumps are."

The Maricopa Indians in the Gila River Valley are using Salt River water, which has been adjudicated to them sufficient to irrigate 1,000 acres of land.

The SPEAKER. The time of the gentleman from Texas [Mr. STEPHENS] has expired. The question is on agreeing to the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The question was taken, and the amendment was rejected.

The SPEAKER. The question is on agreeing to the amendment to the House resolution.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for tellers.

Tellers were ordered. Mr. HENRY of Texas and Mr. MANN took their places as tellers.

The House again divided; and the tellers reported—ayes 89, noes 33.

So the resolution was agreed to.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. Latta, one of his secretaries.

ANNUAL REPORT OF THE GOVERNOR OF PORTO RICO (S. DOC. NO. 244).

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying documents, referred to the Committee on Insular Affairs and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith for the information of the Congress the annual report of the governor of Porto Rico for the fiscal year ended June 30, 1911. As will be noted, this report has already been printed as a part of the annual report of the War Department for 1911.

WM. H. TAFT.

THE WHITE HOUSE, *January 9, 1912.*

WOOD PULP AND PRINT PAPER (H. DOC. NO. 416).

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying documents, referred to the Committee on Ways and Means and ordered to be printed.

To the House of Representatives:

On December 8, 1911, the House of Representatives adopted the following resolutions:

Resolved, That the President of the United States be, and he is hereby, requested, if not incompatible with the public interests, to inform the House of Representatives whether, since July 26, 1911, the day of the date of the law known as "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," any customs duties have been levied by the United States upon pulp of wood mechanically ground; pulp of wood, chemical, bleached, or unbleached; news-print paper and other paper and paper board manufactured from mechanical wood pulp or from chemical wood pulp, or of which such pulp is the component material of chief value, colored in the pulp or not colored, and valued at not more than 4 cents per pound, not including printed or decorated wall paper, and when and where in the country or countries of respective export no export duty, export license fee, or other export charge of any kind whatsoever

(whether in the form of additional charge or license fee or otherwise), or any prohibition or restriction in any way of the exportation (whether by law, order, regulation, contractual relation, or otherwise, directly or indirectly), shall have been imposed upon such paper, board, or wood pulp, or the wood used in the manufacture of such paper, board, or wood pulp, or the wood pulp used in the manufacture of such paper or board; and if so, in connection with such levy or levies of duties, what representations, if any, have been made to our Government by nations other than the Dominion of Canada.

The question of law now raised in reference to the proposed admission of free wood pulp and paper from European countries with which we have treaties containing favored-nation clauses are two:

First, whether the second section of the act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes, in view of the failure of the Dominion of Canada to pass a similar act, is to be regarded as existing law in full force and effect; and, second, assuming an affirmative answer to the first question, whether the favored-nation clause extends the benefits of the second section of this act to the countries with which we have treaties containing favored-nation clauses. As the treaties are the law of the land and as the reciprocity act is a statute in part at least to become operative upon conditions, the question of the effect of the one upon the other can be better considered in a court of law than by Executive construction.

I have therefore directed that the refusal of the Treasury Department to admit wood pulp and paper and other articles under the joint effect of the Canadian reciprocity act and the favored-nation clauses of the treaties with other countries shall stand as the attitude of the Government, pending the consideration of the two questions above stated before the tribunals regularly appointed by law for the consideration of such questions.

I transmit copies of the reports of the Secretary of State and the Secretary of the Treasury in answer to this resolution.

WM. H. TAFT.

THE WHITE HOUSE, *January 9, 1912.*

TREASURY DEPARTMENT,
Washington, January 8, 1912.

The PRESIDENT:

SIR: I have the honor to acknowledge the receipt of a copy of House resolution 320, adopted December 8, 1911, to the following effect:

"*Resolved*, That the President of the United States be, and he is hereby, requested, if not incompatible with the public interests, to inform the House of Representatives whether, since July 26, 1911, the day of the date of the law known as 'An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes,' any customs duties have been levied by the United States upon pulp or wood mechanically ground; pulp of wood, chemical, bleached, or unbleached; news-print paper and other paper and paper board manufactured from mechanical wood pulp or from chemical wood pulp, or of which such pulp is the component material of chief value, colored in the pulp or not colored, and valued at not more than 4 cents per pound, not including printed or decorated wall paper, and when and where in the country or countries of respective export no export duty, export license fee, or other export charge of any kind whatsoever (whether in the form of additional charge or license fee or otherwise), or any prohibition or restriction in any way of the exportation (whether by law, order, regulation, contractual relation, or otherwise, directly or indirectly), shall have been imposed upon such paper, board, or wood pulp, or the wood used in the manufacture of such paper, board, or wood pulp; and if so, in connection with such levy or levies of duties, what representations, if any, have been made to our Government by nations other than the Dominion of Canada."

While the language of the resolution is far from clear, I conceive that information is desired upon two points:

First. Has this Government levied any customs duties upon the articles mentioned under section 2 of the act of July 26, 1911, when such articles have been imported from countries which impose no export duties or charges or other restrictions as described in the said section upon said articles or upon wood from which they are manufactured?

Second. If such customs duties have been levied, what representations, if any, have been made to this country by nations other than the Dominion of Canada?

Replying to the first inquiry, I have to say that customs duties have been levied upon importations of certain of the articles above described from the following countries, which, it is claimed, impose no export duties or charges or other restrictions described in the said section:

Germany, Austria, Sweden, Norway, Hungary, Newfoundland, Russia, Finland, Belgium, England.

In this connection I have to invite your attention to a decision of the department, dated October 25, 1909 (T. D. 30064), from which it appears that there is a duty imposed by Finland upon pulp woods, i. e., pine and fir, when exported from that country or dependency; and to another decision, dated July 29, 1911 (T. D. 31783), from which it appears that there are restrictions imposed by Newfoundland upon the exportation of pulp wood cut on Crown lands of that Province. The countries mentioned above, other than Finland and Newfoundland, so far as this department is advised, impose no export duty or charge or other restriction described in section 2 of the act of July 26, 1911. However, the Department of State in all probability is better advised as to this feature of the inquiry than is this department.

Wood pulp, paper, and paper board, when produced in Canada in accordance with the provisions of the said law and the regulations issued thereunder, have been admitted to this country free of duty.

Answering the second question, I have to say that no representations have been made to this department by nations other than the Dominion of Canada, other than informal oral requests for information from representatives of certain governments as to the attitude to be taken by this department in the premises, and as to when the decision would be announced.

For your information I attach hereto copies of the decisions which have been made and published by the Treasury Department in connection with section 2 of the act of July 26, 1911, as follows:

1. T. D. 31772, of July 26, 1911, publishing section 2 of the act of July 26, 1911, relative to wood pulp and paper from Canada, with the regulations thereunder.

2. T. D. 31879, of September 26, 1911, reaffirming the department's practice under T. D. 26804, relative to assessing countervailing duty only on that portion of Canadian pulp or printing paper made from wood cut on Crown lands.

3. T. D. 31890, of September 29, 1911, modifying paragraphs 7 and 8 of T. D. 31772, supra, in order to cover New Brunswick.

4. T. D. 32117, of December 27, 1911, extending instructions in T. D. 31772, supra, relative to wood pulp and printing paper produced from wood cut from the Crown lands in the Province of Ontario to include such products of wood cut on the Indian lands in the same Province.

I also have to inform you that the department is now preparing instructions covering more specifically than heretofore importation of pulp, print paper, and board made from wood produced in the Provinces of Saskatchewan, Manitoba, Alberta, British Columbia, and the Northwest Provinces of the Dominion of Canada.

Respectfully,

FRANKLIN MACVEAGH, *Secretary.*

DEPARTMENT OF STATE,
December 22, 1911.

CHARLES D. HILLES, Esq.,
Secretary to the President.

SIR: In reply to your letter of December 8 transmitting, by direction of the President, a copy of House resolution 320, adopted December 8, 1911, requesting information in regard to the levy of duties on wood pulp, paper, etc., since the date of the reciprocity act of July 26, 1911, and asking what representations to our Government have been made relative to such levies by nations other than Canada, you are advised that the Department of State has received formal representations from the Austro-Hungarian and German ambassadors and the Belgian, Danish, Norwegian, and Swedish ministers, in which, without referring to the specific levy of any duty or charge on articles mentioned in the above resolution, claim is made on the basis of the most-favored nation clauses in their treaties with the United States to the same treatment in regard to the entry of articles mentioned in section 2 of the reciprocity act as is accorded to Canada under that section.

No formal answer has as yet been made by the department to these communications.

I am, sir, your obedient servant, P. C. KNOX.

(T. D. 31772.)

RECIPROCITY BETWEEN THE UNITED STATES AND CANADA.

[Circular No. 48.]

TREASURY DEPARTMENT, *July 26, 1911.*

To collectors and other officers of the customs:

1. Section 2 of an act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, 3.10 p. m., is as follows:

"SEC. 2. Pulp of wood mechanically ground; pulp of wood, chemical, bleached, or unbleached; news-print paper, and other paper, and paper board, manufactured from mechanical wood pulp or from chemical wood pulp, or of which such pulp is the component material of chief value, colored in the pulp, or not colored, and valued at not more than 4 cents per pound, not including printed or decorated wall paper, being the products of Canada, when imported therefrom directly into the United States, shall be admitted free of duty, on the condition precedent that no export duty, export license fee, or other export charge of any kind whatsoever (whether in the form of additional charge or license fee or otherwise), or any prohibition or restriction in any way of the exportation (whether by law, order, regulation, contractual relation, or otherwise, directly or indirectly), shall have been imposed upon such paper, board, or wood pulp, or the wood used in the manufacture of such paper, board, or wood pulp, or the wood pulp used in the manufacture of such paper or board.

2. The provisions of the section above quoted took effect immediately on the approval of the act.

3. Articles entered on and after the taking effect thereof and articles previously imported but for which no entry had been made and articles previously entered without the payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer, or his agent, had been issued, are subject to the provisions of the said section.

4. In order to be entitled to the benefits of said section 2 articles must be entered subject to the following provisions:

(*a*) The exporter must declare on the invoice that the articles are the product of Canada, and that their exportation is not subject to any "export duty, export license fee, or other export charge of any kind whatsoever (whether in the form of additional charge or license fee or otherwise), or any prohibition or restriction in any way of the exportation (whether by law, order, regulation, contractual relation, or otherwise, directly or indirectly)."

(*b*) The importer must make affidavit at the time of entry that the articles were produced in and exported directly from Canada.

(*c*) The appraiser must be satisfied, and so report on examination, that the articles are the product of Canada.

(*d*) The collector must be satisfied that the articles are the product of and direct importations from Canada, and that their exportation is not subject to any of the prohibitions, restrictions, or charges set forth in the said section 2.

5. The Secretary of State has been requested to instruct consular officers in Canada to add to their usual certificate on invoices a specific verification of the exporter's declaration of origin.

6. Under the provisions of said section 2 there will be admitted free of duty at the present time only such of the articles specified therein as are produced from wood cut on private lands, or on such Crown lands as are free from the restrictions, prohibitions, or charges set forth in the said section.

7. Subject to compliance with the regulations herein set forth, free entry will be granted to wood pulp, paper, and paper board valued at not more than 4 cents per pound, manufactured from:

(*a*) Wood cut on any lands, public or private, in any of the Provinces or Territories of the Dominion of Canada, except the Provinces of British Columbia, Ontario, and Quebec. This will only include the Province of New Brunswick until October 1, 1911.

(b) Wood cut on private lands in the Provinces of British Columbia, New Brunswick, Ontario, and Quebec.

(c) Wood cut on the provincial lands of the Province of British Columbia lying east of the Cascade Range of mountains.

8. Free entry will be denied to such wood pulp, paper, and paper board manufactured from:

(a) Wood cut on the Crown lands of the Provinces of Ontario and Quebec, or on the provincial lands of the Province of British Columbia lying west of the Cascade Range of mountains, or on the Crown lands of the Province of New Brunswick on and after October 1, 1911.

9. Printing paper valued at 3 cents per pound or less and wood pulp, which are the products of wood cut on the lands set forth in paragraph 8, will be subject to the countervailing provisions of paragraphs 409 and 406, respectively, of the tariff act of August 5, 1909.

10. News print paper, valued at more than 3 cents per pound and not more than 4 cents per pound, and paper other than news print paper and paper board manufactured from wood pulp, or of which such pulp is the component material of chief value, valued at not more than 4 cents per pound, not including printed or decorated wall paper, which are the products of wood cut on the lands set forth in paragraph 8, will not be subject to the countervailing duties provided in paragraph 409, but will be subject to the regular duties only, provided in the said paragraph.

11. Such news print paper and other paper and paper board valued at more than 4 cents per pound are not affected by this act, but remain dutiable under the appropriate provisions of the act of August 5, 1909.

12. The Dominion of Canada does not include the Province of Newfoundland nor the Territory of Labrador.

JAMES F. CURTIS, *Acting Secretary.*

(T. D. 31879.)

WOOD PULP—PRINTING PAPER.

Reaffirmance of department's practice under T. D. 26804 relative to assessing countervailing duty only on that portion of Canadian pulp or printing paper made from wood cut on Crown lands.

TREASURY DEPARTMENT, *September 28, 1911.*

SIR: I have to acknowledge the receipt of your letter of the 20th instant contending that if an importation of print paper, the product of Canada, was made in part from wood cut on restricted lands and in part from wood cut on private lands countervailing duty should be assessed on the whole importation.

In reply I have to state that when the similar question first arose under paragraphs 393 and 396 of the tariff of 1897 the department held that countervailing duty must be assessed on the whole importation. In the Myers case the Board of General Appraisers decided otherwise. (G. A. 5592, T. D. 25055 of Feb. 17, 1904.) The department appealed. (T. D. 25098 of Mar. 12, 1904.) The United States Circuit Court for the Northern District of New York sustained the board. (T. D. 26659 of July 31, 1905.) In T. D. 26804 of October 26, 1905, the department acquiesced, and it has followed the court's decision ever since.

It is the opinion of the department that there is nothing in section 2 of the act of July 26, 1911, incompatible with the long-standing practice above set forth.

Respectfully,
(85245.)

JAMES F. CURTIS,
Assistant Secretary.

Mr. ——— ———

(T. D. 31890.)

WOOD PULP—PAPER.

Paragraphs 7 and 8 of T. D. 31772, relative to entry of wood pulp, paper, and paper board, the products of Canada, modified.

TREASURY DEPARTMENT,
September 29, 1911.

To collectors of customs and others concerned:

Chapter 10 of 1 George V, 1911, of the acts of the legislature of the Province of New Brunswick, entitled "An act respecting the manufacture of spruce and other pulp woods cut on Crown lands," passed April 13, 1911, provides in part that—

"Every timber license or permit conferring authority to cut spruce or other soft-wood trees or timber, not being pine or poplar, suitable for manufacturing pulp or paper, on the ungranted lands of the Crown, shall contain and be subject to the condition that all such timber cut under the authority or permission of such license or permit, shall be manufactured in Canada."

Under date of August 8, 1911, the surveyor general of the Province of New Brunswick stated that it was the custom of the Crown lands department to renew timber licenses annually on the 1st day of August of each year, or as soon thereafter as mileage and stumpage pertaining to each license is paid, and he further ruled that the statute does not apply to licenses renewed on the 1st of August, 1911, or prior to the 1st day of October, 1911. In view of this construction of the provisions of the act by the duly constituted authorities of the Province of New Brunswick, paragraphs 7 and 8 of T. D. 31772 (Cir. 48) of July 26, 1911, are hereby modified to read as follows:

"7. Subject to compliance with the regulations herein set forth, free entry will be granted to paper and paper board valued at not more than 4 cents per pound, and to wood pulp manufactured from:

"(a) Wood cut on any lands, public or private, in any of the Provinces or Territories of the Dominion of Canada, except the Provinces of British Columbia, New Brunswick, Ontario, and Quebec.

"(b) Wood cut on private lands in the Provinces of British Columbia, New Brunswick, Ontario, and Quebec.

"(c) Wood cut on the provincial lands of the Province of British Columbia lying east of the Cascade Range of mountains.

"(d) Wood cut on Crown lands of the Province of New Brunswick, under authority of licenses or permits issued prior to October 1, 1911, whether such licenses shall have been issued for the first time or in renewal.

"(e) Pine or poplar cut on either Crown lands or private lands in the Province of New Brunswick.

"8. Free entry will be denied to such wood pulp, paper, and paper board manufactured from:

"(a) Wood cut on the Crown lands of the Provinces of Ontario and Quebec or on the provincial lands of the Province of British Columbia lying west of the Cascade Range of mountains.

"(b) Wood, other than pine or poplar, cut on the Crown lands of the Province of New Brunswick under authority of licenses or permits issued on or after October 1, 1911, whether such licenses shall have been issued for the first time or in renewal."

The Secretary of State has been requested to bring these modified instructions to the attention of the consular officers concerned for their information in connection with the specific verification of the exporter's declaration of origin, which they are required to make on invoices.

JAMES F. CURTIS,
Assistant Secretary.

(T. D. 32117.)

WOOD PULP—PRINTING PAPER.

Instructions in T. D. 31772 relative to wood pulp and printing paper produced from wood cut on the Crown lands in the Province of Ontario, extended to include such products of wood cut on the Indian lands in the same Province.

TREASURY DEPARTMENT, *December 27, 1911.*

To collectors of customs and others concerned:

The department is in receipt, through the Secretary of State, of a copy of the order in council of the Government of the Dominion of Canada, dated April 19, 1901, which in effect prohibits the exportation, for use in the manufacture of wood pulp, of pine, spruce, or other soft woods cut on Indian lands or Indian reserves in the Province of Ontario.

The instructions contained in T. D. 31772 of July 26, 1911, relative to wood pulp and printing paper produced from wood cut on the Crown lands in the Province of Ontario are, therefore, hereby extended to include such products of wood cut on Indian lands or Indian reserves in that Province.

The Secretary of State has this day been requested to instruct the American consular officers concerned to certify on invoices the origin of the wood from which the products exported were manufactured.

This decision will take effect 30 days after date, as provided in T. D. 28627 of December 18, 1907.

Respectfully,

J. F. CURTIS,
Assistant Secretary.

THE TARIFF.

The SPEAKER. By unanimous consent granted yesterday, the gentleman from Connecticut [Mr. HILL] is recognized for an hour and a half.

Mr. HILL. Mr. Speaker and gentlemen, I shall have to ask that I be allowed to proceed uninterrupted, as it will take me all the time allotted to me to deliver what I have prepared.

The Hon. CHAMP CLARK is quoted as saying in a recent interview in the New York Evening Post that—

tariff revision would be the great issue of the next campaign. No new Congress ever made a more splendid record for constructive statesmanship than we did at the extra session.

We are pardonably proud of that record, and we hope to duplicate it at the impending regular session.

A revision of the tariff to a revenue basis, or as close to an approximation thereto as may be possible will be the most important matter this session. It will unquestionably be the overshadowing issue in 1912.

About the same time the Washington Post quotes the Hon. HENRY D. CLAYTON as saying:

The record of the extra session of Congress is the record of the Democratic House of Representatives, and it is so splendid that it will be the great issue in the campaign.

Mr. CLARK is the present Speaker of the House of Representatives, Mr. CLAYTON was the chairman of the last Democratic national convention, and their utterances are authoritative.

I propose, therefore, to tell the story of the extra session of the Sixty-second Congress, and as its work was largely along the line of tariff legislation, in order to have a standard by which to measure and judge the success or failure of that work, to lay down first some of the fundamentals of tariff taxation.

THE FUNDAMENTALS OF THE TARIFF QUESTION.

There is no necessary relation between the amount of the expenses of a government and the system of taxation by which it meets them.

Governments have three ways of collecting taxes: First, on things in the country; second, on things coming into the country; third, on things going out of the country. The first of these we call a internal-revenue tax, the second an import duty, and the third an export duty.

Under our Constitution this Government is not permitted to impose an export duty, although it is a common form of raising money among the other nations of the world, such a tax being generally laid on commodities in which the exporting nation has a monopoly or a controlling supply in the markets of the world, as, for example, England until recently has collected an export duty on coal; Brazil puts an export tax on coffee and rubber; the Philippine Islands on hemp.

As a Nation, therefore, we are restricted to the first two methods of taxation, collecting last year in import duties about $310,000,000, and from internal revenue about $322,000,000.

It is a singular fact that our internal-revenue taxation, yielding greater returns than customs, is secured without political agitation, is rarely ever referred to in party platforms and furnishes few contributions to the scandal mongers of our magazine literature.

It is a striking illustration of the application of business methods to a fixed governmental policy, and I am one of those who believe that a like result can be secured in the collection of import duties.

NO SUCH THING AS FREE TRADE.

There is no such thing among civilized nations as absolute free trade. Savages have it, but they have no governmental expenses to meet. There are free ports. The Island of Hongkong is one and is as free as the open sea. The port of Hamburg, in Germany, is another, but it is a port only, and all merchandise taken into the city comes under the German customs laws. The city of Dalny, in Manchuria, under Russian control, was another, but none of these are independent sovereign nations. Strictly defined, a tariff is a table of the rates of taxation paid to a government upon the importation of merchandise.

FORMS OF TARIFF TAXATION.

There are three tariff systems in vogue in the world to-day: First, English free trade; second, tariff for revenue only; third, a protective tariff.

English free trade means a very high tax on luxuries and a few other things and everything else free. The English tariff law consists of one schedule covering six pages of a small leaflet. It begins with beer and ends with tobacco. The principal items of taxation are spirits, sugar, tobacco, tea and coffee, snuff, cocoa, raisins, currants, and a few other things. The rates are very high. If we placed an internal-revenue tax on tobacco as high as the import tax which Great Britain charges, we could entirely dispense with all of our customs duties. If we taxed tea at 12 cents a pound and coffee at 4 cents a pound, as Great Britain does, we would raise from these two articles alone $52,000,000 annually; as it is we do not get a cent from them; and yet, notwithstanding the limited number of articles named in the British tariff, her people pay far more per capita in customs taxes than do ours in this protected country. The last record I have is for 1905, where the per capita receipts from customs in Great Britain were $4.01, as against $3.10 in the United States.

There is a reason why Great Britain pursues this policy. It is found in the fact that she only produces about 25 per cent of the food required to feed her people and about 10 per cent of the raw materials needed to supply her factories.

Four years ago I was visiting a large factory in Manchester, and the proprietor said to me, "I suppose you are a protectionist?" "I am," I said, "are you?" "No," said he, "but I should be if I lived in your country. Here, with a producing power far in excess of the requirements of her population, Great Britain is compelled to have the cheapest possible food for her people and the cheapest possible supply of raw materials in order to climb over the tariff walls of other nations with her finished products."

I frankly say that if I had been a grower of cotton in the South in the days of slavery I would have been a believer in the English free-trade system, but the marvel to me now is that under the changed conditions of to-day and the evidences of a new industrial system in the Southern States so many of her people are still shackled by the traditions of 50 years ago.

SECOND, A TARIFF FOR REVENUE ONLY.

Like the English free-trade system, a tariff for revenue only means a high tax on luxuries, but the lowest tax on everything else which will produce a sufficient amount to meet the expenses of the Government. I would not make such a definition of a revenue tariff but for the statements of those who have a right to speak authoritatively.

In the last Congress the present Speaker defined a tariff for revenue only as having "no free list, or a very small one, if any." The Walker bill of 1846 was a revenue tariff with practically no free list, or only a very small one.

But the more recent idea of a tariff for revenue only does look to the maintenance of a free list and the imposition of rates on selected dutiable articles at a point which will furnish needed revenue, but at the same time will fall below the rate which will protect the corresponding home industry from foreign competition. New England Democracy demands free raw materials as the starting point in tariff making, but this will never be conceded by a national democracy.

In support of this definition I cite Mr. UNDERWOOD, of Alabama, who says:

> Our position is that the taxes levied at the customhouse are for the sole purpose of producing revenue to support the Government of the United States, and that we are not justified in levying taxes for any other purpose. Therefore, when we approach the question of putting articles on the free list the sole point involved, so far as we are concerned, is whether the Government of the United States can dispense with the revenue derived from these articles. (CONGRESSIONAL RECORD, May 2, 1911, p. 793.)

In harmony with this declaration the present Speaker of the House, when the Payne bill became a law in 1909, moved to recommit it with instructions to amend by reducing the duties carried by the bill to revenue rates, and recently in the extra session of Congress, on page 26 of the report on the wool schedule, this declaration is made:

> It is the constant intent of the Democratic Party to levy tariff taxes on a revenue basis as promptly as possible, for the party recognizes no justification whatever for tariff taxes except the necessity of revenue.

As I understand it, the common expression of "a tax for revenue with incidental protection" is meaningless. There is no such thing as "incidental protection," for if the tax laid on imported merchandise is less than the difference in the cost of production of the like article here and elsewhere, it means so far as the general requirements of the country for that article are concerned that it will come from the cheapest producing point, which means the transfer of the industry to foreign countries; and yet, after all, strictly applied, a tariff for revenue only would compel the placing of the tax upon such things only as did not enter into competition with any domestic industry.

As between such a tax and English free trade my preference would be emphatically for the English system. For example, suppose that a duty was placed on tin, or rubber, or raw silk, or tropical woods, all of which are now imported free and are manufactured into finished products here and sent broadcast over the whole world, if a tariff for revenue was placed upon these articles, how would it be possible for us to maintain an export trade in competition with the other nations of the world where these things are not dutiable?

No better illustration can be given of this than in the case of wool, which is dutiable in the United States alone, among the commercial nations, with the result that while we supply 95 per cent of the home demand, we practically have no export trade whatever in its finished products.

I can reach but one conclusion, therefore, that the choice of the American people must ultimately be made between a protective tariff which will care for and preserve our home industries, or the English free-trade system, and that a tariff for revenue only, as set forth by Democratic doctrine, is nothing more or less than free trade with a handicap.

PROTECTIVE TARIFF.

A protective tariff, like the other two systems, provides, first, for a high tax on luxuries; second, for a duty on all articles coming into our ports in competition with like articles produced here, at a rate measured by the difference in the cost of production here and abroad, and so giving the American producer a chance of equal competition; and third, for the admission of everything else free of duty.

One of the strangest delusions which has come to my notice in recent years is the belief on the part of a large number of people in this country that all importations into the United States are not only taxed, but heavily taxed, and this idea seems especially to obtain in regard to the present law. Never has there been a greater misunderstanding of present conditions.

During the fiscal year 1911, out of $1,527,945,652 of importations, there came in free of duty, going straight to the consumer without a penny of tax paid by him, an aggregate of $776,963,955 worth, or 50.85 per cent of all importations, and the average duty on all importations, both free and dutiable, was only 20.29 per cent, being less than any average rate of duty since the Civil War, less than the rates of duty under the Wilson law, and a scaling of the rate of duty in 1908 under the Dingley law of a little over 15 per cent, which is probably a greater reduction has has ever been made in the history of this Nation by any one legislative act. While it is doubtless true that this reduction is partly due to the greatly enlarged free list under the Payne tariff law, it is also true that, except for three years, two of which were under Republican control and one under Democratic, there has been no year since the Civil War when the average rate of duty on dutiable articles only was as low as it has been during the fiscal year of 1911.

EXTRA SESSION OF THE SIXTY-SECOND CONGRESS.

Section 2 of the Payne tariff law, providing for maximum and minimum rates of duty, was the primary cause of the extra session of Congress. As the Payne bill went from the House of Representatives it provided for a maximum rate of 25 per cent of the duties named in section 1, which would make an average maximum rate of about 5 per cent, or if applied to dutiable articles only, an average of about 10 per cent. When the bill was in the Senate the maximum rate was changed to 25 per cent ad valorem, and the duty of securing equivalent concessions from other countries for our minimum rates was placed upon the President. The negotiations with Canada came last of all. The result is best shown by a quotation from a speech made by the Hon. W. S. Fielding, minister of finance of the Dominion of Canada, as reported in the Canadian House of Commons debates under date of Thursday, January 26, 1911.

It was not a question of putting on the maximum tariff, it was a question of taking it off, and I found that the President of the United States was willing to take it off if we could give him some decent excuse to do so under the terms of the American tariff law. We made a few changes, a few concessions of no earthly importance, so small and trifling that I am sure hardly any of us in the house could remember to-day what they were. But they serve the purpose; they were enough to give Mr. Taft the reason and excuse he desired; and accordingly he issued his proclamation that Canada should not be placed under the disadvantage of the maximum tariff, which if applied would undoubtedly have done harm on both sides, most certainly to large business interests in Canada. Out of the negotiations at that time have sprung the larger negotiations of a more recent date.

If the President had not accepted these trifling concessions in exchange for our minimum rate, he would have been compelled to have caused our maximum tariff to be applied to all importations from Canada, with the inevitable result that Canada would have acted in a similar manner toward us. It is manifest, therefore, that with $250,000,000 worth of our products going annually into Canada, as against $100,000,000 worth coming into the United States, we should have done more harm to ourselves by such action than to our neighbors. This clearly shows that the negotiations with Canada, under section 2 of the Payne law, were temporary only, and looked directly to the larger and more complete reciprocity, which Canada could have entered upon without seriously conflicting with her obligations to her mother country under British preferential rates. Both parties to these negotiations were pledged by their terms to prompt consideration, and when the Sixty-first Congress adjourned without action by the Senate, and with the subject pending in the Canadian Parliament, the honor of this Nation compelled the immediate summoning of the Sixty-second Congress; for while a strong nation can deal with one equally strong as it sees fit and take the consequences, it is doubly bound in honor to fulfill its pledges to a smaller one.

The Sixty-second Congress met on the 4th of April, 1911, the House being composed of 227 Democrats and 164 Republicans, a Democratic majority of 63, giving to the Democratic Party complete and full control of all legislation, and for the successes or failures of the session that party is alone responsible. It must be conceded that in two things they are entitled to the credit which the Speaker of the House and the gentleman from Alabama so proudly claim—

First. That the Speaker of the House was able to take so large a majority of its membership, which for 17 years had borne no party responsibility for legislation, and weld it into a compact and solid mass and hold it with hardly a break during the long weary months of the session for every measure which the party leaders indorsed, regardless of the merits of the proposition or the views of the individual Members. It proved beyond dispute not only the skill of the leaders, but the power, and the danger as well, of the party caucus.

Second. That they took a great measure which had been prepared by a Republican administration and passed by the preceding Republican House and without the change of a single line, letter, or punctuation mark, reported and passed it.

For these two things the Speaker of this House and the Democratic Party leaders here are entitled to credit; but, in my judgment, it would have been well for them and well for the country if, when reciprocity had been voted on, they had transacted no further business, for the attempted tariff legislation which followed was fitly characterized by one authority as being prepared "with blacksmith's tools" and by another on its completion as being "tariff for politics only."

This was not only true of the tariff legislation, but equally so of the entire work of the session after the passage of the reciprocity bill, and was the natural result of the existing conditions. The House was Democratic and the Senate without a clear majority for either party, as evidenced by the fact that it was impossible to elect a presiding officer, and none has yet been chosen.

Of the 227 Members of the House majority, 126 were there by the dictation of a party primary, and in most cases without anything but the merest formality of a subsequent election. The remaining 101, who had gone through the inspiring and highly educational experience of a vigorous contest between both parties at an election by the people, were helpless in the party caucus, and it was inevitable that the voice of the people was neither heard nor heeded as against the agonizing demands of the party for future success and the permanent control of the party organization by the caucus majority.

Into that caucus one State sent eight Representatives. It is said that, all told, 28,865 votes were cast in their election.

I do not know; for, with one exception, where 4,070 votes were cast, 4,005 for the sitting Member and 65 for a Socialist, they have with cheerful modesty refrained from putting the election statistics in the Congressional Directory.

Against that record I put eight other men sitting in the same caucus, showing the following popular vote in their elections:

One from Massachusetts	31,966
One from Nebraska	32,567
One from New York	49,991
One from Ohio	50,444
One from Pennsylvania	39,677
One from Illinois	50,632
One from Indiana	42,906
One from Iowa	38,504
Total	336,687

Twenty-eight thousand having an equal voting power with 336,000. It is possible that this is an extreme illustration, but it typifies the conditions under which 126 men can control 101 in the Democratic caucus, and through the caucus the House of Representatives, and through the House of Representatives the whole United States, and while a minority so chosen may be temporarily accepted, to be ruled permanently by a majority thus constituted is unthinkable in a representative government. [Applause on the Republican side.]

Now, I do not criticize the methods of State or municipal government anywhere. We are as radical in our belief in State rights in New England as any people, and I think more so concerning State responsibilities as well as State rights, than in any other part of the country, but when I see the dominant element of the Democratic Party not only striving to strengthen their hold upon the party, but seeking to control the legislative power of the Government and to name the Executive as well, it seems to me that it is highly proper to review with care the legislation which they tried to give the country in the extra session and to which they now point with pride in justification of their claims.

No one need hesitate about doing this, because for the past 16 years, not only in the platform of the Democratic Party, but on the floor of the House, the overwhelming majority of the American people, if judged by the number of votes at the polls, have been denounced as robbers, plunderers, grafters, and thieves, and with strange inconsistency it is charged that they are stealing from the many to enrich the few.

The majority of the American people have listened to these denunciations with utter indifference, content during these 16 years to see the Nation as a whole enjoying a prosperity which has no parallel in history and receiving from the commercial nations of the world the most sincere commendation of our industrial and economic policy, as manifested in its adoption by all of them except Great Britain, which is now retrograding under a free-trade system, and the Turkish Empire, long since dead under a revenue tariff. [Applause on the Republican side.]

What was that legislation on which they say they will make a presidential campaign?

ELECTION OF SENATORS BY THE PEOPLE?

The first proposition was for a constitutional amendment looking to an election of Senators by the people. Republican and Democratic States had declared for it in their platforms and three times in recent years the House had acted favorably upon it with practical unanimity, but every time it was upon a clean-cut issue of election of Senators by popular vote.

It came from the Democratic caucus in the extra session, coupled with the demand that the Nation should surrender to the States the power which had been inherent in Congress from the beginning of things to regulate and control the election of its Members.

This was not a States-rights proposition, for the States had voluntarily ceded that right 120 years ago. I will cite as my authority Mr. Bryan, who said last night that you had made it a partisan issue, if I read the papers correctly, and that it ought to be abandoned. [Applause on the Republican side.] It was not in response to the demand of the people to-day, for in all human probability, if the supplementary question were submitted by itself to a popular vote, it would be overwhelmingly repudiated by the whole Nation.

It was a straight-out refusal by the majority of the majority in this House to give to the country what it wants, for the good of all, by compelling it to accept at the same time what it does not want for the aggrandizement of a small minority of the Nation.

In that form it failed of passage in the extra session. It is still in conference, and if the Democratic Party desires to go to the country on that issue in the presidential election Republicans are willing and glad to meet it.

PUBLICITY OF ELECTION EXPENSES.

The second proposition was publicity of national campaign expenses. In the previous Congress the Republican Party had

provided for such publicity immediately upon the close of a campaign and the holding of the election.

The majority of the majority in the House demanded that publicity should immediately precede the voting, as well as follow it. The Republicans assented to this, but insisted that the statements should include the expenses of party primaries, thus making a publicity law for the whole country, instead of a sham and a pretense for part of it. The Democratic majority of the House voted this down and only agreed to it when the Republican Senate insisted upon the truth, the whole truth, and nothing but the truth, or no legislation.

To which party does the credit, if there is any, for this legislation belong?

FREE-LIST BILL.

The first tariff measure of the extra session provided for an additional free list based on favoritism and unblushingly announced in the committee report as intended to be for the benefit of a special class of our people. If it had not been vetoed by the President it would have destroyed the systematic construction and paralyzed the revenue-producing power of the present law in so far as it relates to Schedule A, chemicals; C, metals; D, lumber; G, agriculture; I, cotton; J, flax; K, wool; and N, sundries.

According to Democratic estimates it subjected to the absolutely free and unrestricted competition of the world two and three-quarter billion dollars' worth of the finished products of American labor, and by direct and repeated vote of the Democratic majority of the House denied to our people the poor privilege of making these great concessions conditional upon free access of like American products to the markets of competing nations.

It was an unconditional surrender of the best market in the world.

It violated every principle of tariff construction under any system known to the world. It was not English free trade, for while it made finished products free it left the raw materials out of which they were made dutiable.

It was not a revenue tariff, for it yielded no revenue on the articles named. Indeed the first estimate was that it would result in the loss of a million and a half of dollars to the Treasury. After more careful consideration and calm reflection, this was raised to twelve or fifteen millions. The Treasury authorities while, conceding a loss of eleven millions, expressed their utter inability to even estimate beyond that, because of the crudities of the bill and the uncertainty of its phraseology.

It even took away much of the revenue which would otherwise have come from raw materials, by giving to the great trusts, which have manufacturing establishments abroad, the extraordinary privilege of free importation from their factories there of finished and unfinished parts and thus making assembly shops only of their factories here.

A careful examination of its provisions will lead any fair-minded man to the irresistible conclusion that if it had become a law it would have resulted, first, in the loss of fifty to sixty millions of revenue annually; second, in the transfer of the greater part of this sum to the trusts and monopolies which it was designed to hit; and third, that in the form in which it finally went to the President it would have afforded little or no relief to the class which it was intended to favor, or indeed to consumers anywhere, by making any substantial reduction in the cost of living.

It did, however, in express terms exempt "sweetened biscuit" from going to the free list, and so continued a 50 per cent duty upon these things to the primary benefit of the Biscuit and Sugar Trusts.

In my judgment that duty was one of the mistakes of the present law, for when the Payne bill left the House that article carried a duty of 20 per cent and was subsequently raised in the Senate.

In view, however, of the explicit confirmation now by the Democratic Party in both House and Senate of a 50 per cent rate on this alone of all cereals and breadstuffs, further criticism of it by them would seem to be superfluous.

It needs no argument to prove that this bill was not a protective measure and was not intended so to be, and yet it did protect the cotton farmers of the country by a concession estimated at a million dollars annually on cotton bagging and cotton ties.

Free cotton ties were claimed on the ground that the wheat farmer has free binding twine, and the argument is just as good in the one case as in the other, but binding twine is free only from such countries as do not put a duty on the like product exported from the United States, and the cotton farmers should distinctly understand that, without a dissenting vote the Democratic majority refused to accept the same provision with reference to cotton bagging and cotton ties.

FREE MEAT AND BREAD.

Let me refer to one more of the many other features of this bill which would have made it impossible, any of which would have justified the veto of the President.

As the bill was originally drawn it called for free meats, fresh and preserved, and free flour, cereals, and all breadstuffs, except sweetened biscuit heretofore referred to.

These paragraphs involved $1,370,000,000 worth of American food products, a very considerable portion of which is now, and for years has been, controlled and the prices to the consumer fixed by combinations and monopolies. Under the Payne bill the Republican Party had reduced the duties on fresh meat by 25 per cent. Under the Canadian reciprocity bill, then pending, the President had recommended a still further reduction of 16⅔ per cent. If these paragraphs had been separated from the bill and offered as an independent measure, I have no doubt whatever of its passage, and it would have been a tremendous factor in solving the problem of the high cost of living. If there had been coupled with it a condition giving to our producers the right to free entry for like American products into the markets of those countries having the same privilege here, it would have been of great advantage to the cattle-raising States of the West and South in sweeping away the arbitrary restrictions which now absolutely close so many foreign markets to American cattle and meats on any basis, either free or dutiable. For this latter provision the Republicans voted and the Democratic majority voted against it and sent the bill to the Senate precisely as directed by the Democratic caucus.

It was met there by an amendment offered by the most distinguished Democrat in Congress, the Democratic candidate for the Vice Presidency in the last national campaign. The effect of his amendment was to put all of these food products squarely back as dutiable under the provisions of the present law, and that amendment was adopted and the bill sent to conference.

Mr. Speaker—

> There is a tide in the affairs of men,
> Which, taken at the flood, leads on to fortune;
> Omitted, all the voyage of their life
> Is bound in shallows and in miseries.

Shakespeare's words are as true to-day as when they were first written.

Opportunity seldom knocks twice at the door of a man or a party. Here was the chance for the Democratic majority, if they really believed their own declarations, to make good the professions of sympathy for the working men and women, for wage earners and toilers everywhere, and for all consumers in every condition in life, and give to them free food, which, if it did not lower the high prices in this country of ours, where population is increasing faster than the food supply, would at least have checked the rapid advance and given a hope for better conditions.

Compared with this, free cotton ties and free cotton bagging were absolutely insignificant. Compared with free food, free barbed wire and free saddlery were a mockery and an insult. Compared with free food, free agricultural implements, already practically free under the Payne bill, and free lumber, already made free under the Canadian reciprocity act, which the House had just passed, and free shoes, which had been cut 40 per cent to revenue rates under the Payne bill—all these were not of the slightest importance.

How was this magnificent opportunity met?

Let me quote the language of the leader of the Democratic majority in the House in apology for this abject surrender of their professed principles:

> Now, I regret that the Senate was not willing to admit flour and meat free from all the world, but I recognize the fact that we can not pass this bill if we insist on the House bill. I think it is better for the country to take half a loaf than no loaf. I think it is better for us to agree that meat and flour shall come in from Canada than not to come in at all, and in order for it to come in from Canada we have to agree to their amendment with an amendment where they insert the word "corn."

Think of it! Free food from Canada; where food prices are higher than here. Free meat from Canada, where our monopolies hold them by the throat and sold to them last year 42 times as much as all Canada sold to us.

And with this legislative farce the door was closed to the rest of the world.

As I think of the outcome of this the first legislative experiment of the Democratic Party in 16 years I can not refrain from a quotation, which the House can take in the vernacular or translate it, as the Members see fit—

> Montes parturiunt, nascitur ridiculus mus.

Is there anyone who doubts the perfect willingness of the Republican Party to accept the free-list bill as one of the issues of the next campaign?

THE WOOL BILL.

The wool bill gave the first distinct example of the precise character of the tariff legislation which the country might expect in the future if the full legislative and executive power were given to the Democratic Party. The free-list bill did not do that. That was merely an endeavor to give to a class of our citizens certain things which the House majority deemed necessary for their prosperity, and to remove taxes from all food products. The final disposition of the free-list bill shows how the latter purpose was abandoned and the former retained. When presenting that bill, however, the gentleman from Alabama made declaration as to subsequent legislation, as follows:

When we take up the tariff bill, schedule by schedule, we will try to adjust rates according to our theory and belief as to what the tariff should be.

So that but for one thing we might assume that the Underwood wool bill was not only the bud, but the flower and full fruition of the best Democratic thought of the century and a perfect exhibit not only of the true principles of tariff legislation, but of the scientific application of them as well.

A THEORY AND A CONDITION.

But, unfortunately, in this case, as subsequently in the cotton bill—and as I greatly fear will often happen in the future—promise and performance did not tally.

Common rumor says that on the first expression of the views of the 14 Democratic members of the Ways and Means Committee 11 of them were for free wool and 3 against it.

Here was another opportunity to put into operation a traditional policy of a glorious past, when Grover Cleveland, W. L. Wilson, and W. J. Bryan were the triumphant heroes of a united Democracy.

But common rumor also says that in the party caucus were 47 misguided men who had the courage of their convictions, strengthened by the insistent demands of their constituents and who stood and threatened to stand to the bitter end for an incidenal or accidental protective duty on raw wool.

Now, 47 deducted from 227 leaves 180, and 47 added to 164 makes 211, and this hard mathematical fact pointed straight toward a Democratic majority of 63 being changed to a minority of 31. And so 11 yielded to 3 in the committee and 180 to 47 in the caucus, and another great fundamental principle of Democracy went by the board.

TERMS OF SURRENDER.

As one of the articles of capitulation in this tragic surrender of four-fifths of the party to one-fifth, I submit the following resolution adopted by the Democratic caucus:

Resolved, That the bill revising Schedule K, as presented to this caucus by the majority members of the Ways and Means Committee, is not to be construed as an abandonment of any Democratic policy, but in view of the Democratic platform demand for a gradual reduction of the tariff and of the depleted and depleting condition of the Public Treasury as a result of Republican extravagance, a tariff of 20 per cent ad valorem on raw wool is now proposed as a revenue necessity.

I do this the more gladly because "Republican extravagance and revenue necessity" were made the excuses for the temporary abandonment of party principle, when, as a matter of fact, on the very day this resolution was adopted there was a large surplus in the Treasury, and two months later, when the accounts of the fiscal year of 1911 were closed, a clean surplus of $47,234,377.10 demonstrated both the quality of the Payne tariff bill as a revenue producer and the effectiveness of President Taft's methods in securing economies in department management. [Applause on the Republican side.]

OPTIONAL SOURCES OF REVENUE.

Neither party can claim that the putting on or taking off of a tax on wool or any other item in Schedule K is a revenue necessity.

The taxing power of this Nation is not even scratched to-day. With seven hundred and seventy millions of free importations last year, largely noncompetitive in their character, there certainly was abundant choice in which Democratic ingenuity could exert itself, and that without incurring the odium of even accidental protection. The British rates on tea and coffee would have yielded four times the estimated receipts from wool under this bill or $12,000,000 more than their estimate of all receipts from the whole of Schedule K.

A tax on bananas would have relieved them from the stern necessity of a duty on wool. And then, aside from many other importations now untaxed, there is a tremendous field of internal revenue still lying fallow and unused.

Is it not manifest that the argument of "revenue necessity" was a specious one put forward to satisfy party scruples, and that it will not be accepted by the country as a genuine and valid defense for abandonment of principle.

Why not admit in a straightforward way that it was a bid for party support in the West and a sop thrown to Democracy in the Southwest.

In reviewing this and the cotton bill, with its amendments relating to chemicals and steel, I speak as one of those who believed in 1909, as I believe now, in cutting off not only from Schedule K but from the whole law all unnecessary and ineffective duties, but I also believe in giving to the American producer an equal chance with his foreign competitor in the commercial race and then letting them both hustle for the prize. [Applause on the Republican side.]

I voted for the present law in 1909 because I believed then as I do now, that it was a great march forward in the path of progress, notwithstanding a few mudholes were found on the journey.

WOOL PRODUCTION AND MANUFACTURE.

What is the wool industry, and what did the Underwood bill propose to do to it?

As a matter of fact, every State in the Union produces wool, and, with a few exceptions, the distribution of production is quite general.

On the other hand, out of a total valuation of the manufactures of wool of $691,075,200 all but $106,879,772 worth, or nearly six-sevenths of the whole comes from eight States.

According to the Manufacturers' Census of 1905, wool manufacturing utilizes $541,955,846 of capital, employs 332,557 persons, and distributes annually $135,069,063 as wages of labor.

During the year 1910 there was produced in the United States 321,362,750 pounds of wool, and 263,928,232 pounds were imported.

Since 1897 the import duty on class 1 wool, which is the largest item of value, has been 11 cents per pound.

This bill proposed an ad valorem duty of 20 per cent. For 13 years the average value per pound of all importations of class 1 wool has been 19.4 cents, making the proposed duty on this basis 3.88 cents per pound.

That is far too much of a burden to impose for purposes of taxation only, and far too little to yield protection to the domestic grower in equalizing the cost of production here and abroad. [Applause on the Republican side.] As the best evidence of this the bill itself looked to an increased importation of $19,303,706 worth of raw wool and $40,773,643 worth of manufactured products, but with a net loss of revenue, compared with the present law, in 1910 of $1,348,349.

If the Democratic estimates were correct, the increased importations of wool under this bill would have displaced about 200,000,000 pounds, or nearly two-thirds of the entire production of American wool, and the increased importations of manufactured products would have transferred the labor of about 25,000 men, with an annual pay roll of $12,000,000, from American to foreign factories.

But it would have done more than that, it would have given to the industry a terrific blow from which it is doubtful if it could ever have recovered.

THE WILSON BILL.

Seventeen years ago William L. Wilson, a genius in the study of economics, and William Jennings Bryan, a master of oratory and persuasion [applause], forced upon an unwilling administration what has since been known as the Wilson bill. It made sweeping reductions in the then existing rates and at once paralyzed the business of the Nation. The effect was especially severe upon the production and manufacture of wool. The price of sheep fell far below their former value, their numbers decreased by many millions, domestic wool was displaced by imported, scores of factories were forced to close their doors, and the wages of labor fell to a starvation basis.

In looking over the statistical record of the last half century one need not follow down the margin to hunt for 1894, 1895, and 1896, for he will find them plainly shown in the body of the text by figures which stand out in startling meagerness in all lines of business compared with the years before or since.

It is the valley of the shadow of Democracy drawn straight across the page which otherwise splendidly marks the path of Republican progress and prosperity for 50 years. [Applause on the Republican side.]

But the Underwood bill cut the rates on woolen cloth in the Wilson bill by 46 per cent and the composite amendment, which the President vetoed, cut them 37.7 per cent.

Where the Wilson bill made the duty 50 per cent on a free-wool basis, the Underwood bill made it 27 per cent, and the composite bill, which reflected the honest convictions of no one, made it 30.15 per cent.

But why go into the details of other paragraphs?

The bill went to the President and met the fate which had been foreordained for it from the day the Chicago platform was written and ratified by the overwhelming vote for William Howard Taft. His mission was to correct, not to destroy; to equalize competition, not to surrender the best market in the world;

to give American labor a fair chance, not to crush it; to keep the conditions of the American home better than those of Europe, as they have been since the Republic was founded.

It was not a question of party "perfidy and dishonor," as it was with President Cleveland when he allowed the Wilson bill to become a law without his signature.

President Taft's veto was in fulfillment of his pledge to his party to maintain an honest, fair, and just protective policy.

Democrats denounce it as a "flagrant defiance of the popular will," and every foreign manufacturer and importer indorses the sentiment.

The Republican Party accepts the challenge and, with him as our candidate, again will gladly submit the issue to a verdict of the vote of the American people. [Applause on the Republican side.]

THE COTTON BILL.

Cotton is exclusively a southern product. In 1910 the crop consisted of 10,386,209 bales, of which 2,292,333 were consumed in the cotton-growing States, 2,016,386 in New England, and 490,234 bales in the remainder of the country.

In my judgment this schedule, as well as Schedule K, on wool, contained some duties which were too high and which might well be reduced. In both schedules cloth is the principal item. Taking both schedules on a free raw-material basis and comparing them with the Wilson bill, the Underwood bills cut wool 46 per cent and cotton 41 per cent.

Probably the committee intended to treat both industries alike, but the result was far otherwise, and a majority must be responsible not only for what it does, but for what it fails to do. If the majority point with pride at their successes, they must allow the minority to point with profound sorrow at their mistakes also.

That there may be no doubt that the committee intended at least to make the cotton bill purely a revenue measure, like the wool bill, I quote a colloquy between Mr. HINDS, of Maine, and Mr. UNDERWOOD, of Alabama, on page 3564 of the RECORD (1st sess., 62d Cong.):

Mr. HINDS. Therefore, does the gentleman say, also, that it leaves out to the end of the revenue in view.

Mr. UNDERWOOD. I do not think the gentleman can doubt that proposition.

Mr. HINDS. Therefore, does the genleman say, also, that it leaves out entirely the principle of protection?

Mr. UNDERWOOD. Absolutely, so far as my knowledge is concerned. [Applause on the Democratic side.]

And yet, as a matter of fact, the bill did in several cases increase the rates far beyond those of the present law, and especially in some of the coarser grades of cloth. Unfortunately these were largely the product of southern mills, but I desire to say frankly that the mistake was, in my judgment, the result of changing from specific duties based on values and count of threads to the inch, as applied in the Payne and Dingley bills, to ad valorem duties based on the fineness of threads under the new system in the Underwood bill.

An attempt was subsequently made in the Senate to correct these mistakes, and the amendment was concurred in by the House. The amendment is as follows:

Provided, however, That if the duties above provided to be collected and paid shall, as to any article or articles, be greater than that provided to be paid by the present existing law less 30 per cent, then in every such case the duty or duties which are hereby levied and which shall be collected and paid on said article or articles shall be a sum equal to the duties provided to be levied, collected, and paid by the present existing law less 30 per cent, and not greater.

Whether the 30 per cent referred to was 30 per cent ad valorem or 30 per cent of the duties in the Payne bill no living man has yet discovered, and the meaning of it is still a mystery. The most ludicrous feature of it all was that it was put into the bill in the wrong place and so had no effect in correcting the increased rates on cotton goods to be imported after the bill should go into effect, but only covered such articles as might have been previously imported for which no entry had been made, or which were in bond on that day with duties unpaid. The amendment passed both Houses without explanation or debate, and if the bill had not been vetoed by the President would have furnished to the country after January 1, 1912, a peculiar specimen of Democratic legislation under which articles of identically the same kind and character were being withdrawn for consumption at the same time under different rates of duty, one set of rates being at the revenue point and the other highly protective, even beyond the fondest hopes of the most enthusiastic standpatter.

These were mistakes only, but there were gross discriminations made between these two industries of wool and cotton which were not only wholly unjustifiable but were deliberately supported by the committee in their reports upon the two bills.

In the woolen bill the duty on "cloths, knit fabrics, felts not woven, and all manufactures of every description made by any process, wholly or in part of wool, not specially provided for," was a straight ungraded ad valorem rate of 40 per cent.

It is with reference to this method of adjustment that the President, in transmitting to Congress the report of the Tariff Board, recently said—and, gentlemen, those of you who have not read it I advise to read it promptly:

It is important to realize, however, that no flat ad valorem rate on such fabrics can be made to work fairly and effectively. I therefore recommend that in any revision the importance of a graduated scale of ad valorem duties on cloths be carefully considered and applied.

No distinction was made between coarse wool and fine, between cloth where the wool was 20 per cent of its value and the labor 80 per cent, and cloth where the wool was 80 per cent of the value and the labor 20 per cent—between cloth woven in the gray and cloth dyed and woven in the most intricate designs, except so far as the distinction was made by the value of the product. It was a straight revenue duty, applied in the highest style of the art, and strictly in accord with the statement of the chairman of the committee, that when they took up the tariff bill "they would adjust rates according to their theory and belief as to what the tariff should be."

But they forgot that promise when the cotton bill was framed, for in the very first paragraph they provided three ad valorem rates on yarn graded according to the fineness.

One rate on woolen yarn and three on cotton.

As in yarn, so in cloth, three ad valorem rates—graded according to the fineness of the yarn from which it was made.

One rate on woolen cloth and three on cotton.

As in cotton cloth in the gray, so when other processes were added, such as bleaching, dyeing, printing, or mercerizing, another higher and graded scale of three ad valorems was made.

One rate on advanced processes for woolens and three for cotton.

Why this difference?

Let the committee answer. On page 12 of their report on the wool bill they say:

With only one exception the same rate of duty is applied to all articles of one kind or sort, without change of rates among the articles of one kind according to the grades by value or otherwise.

That is the very essence of a revenue tariff.

But on page 34 of their report on the cotton bill they say:

Moreover, it is considered entirely equitable to impose higher rates of duty on finer and more costly fabrics on account of the more than ordinary processes and costs usually involved in making them.

That is the very essence of protection. Why did not the committee apply the same system of adjusting rates to woolen fabrics which they did to cotton?

But that was not all.

The rate of duty on machinery used in manufacturing cotton and wool is 45 per cent. Amendment No. 1 to the Underwood cotton bill reads as follows:

On all machines and parts of machines used for carding, drawing, slubbing, roving, spinning, doubling, weaving, and knitting cotton, and all other machines and parts of machines used in the manufacture of cotton goods, 30 per cent ad valorem.

That is a reduction of 33⅓ per cent of the present duty, and I have no criticism to make of the change of rate. But how easy it would have been for the majority, then in full control of this bill in both Senate and House, to have inserted the words "and wool" after the word "cotton" in the amendment, and thus at least have given it the appearance of common fairness.

But even this was not all, for a very serious situation confronted the Democratic Party.

In the past 30 years under the protective system the capital employed in cotton manufacturing in the Southern States has increased 1,900 per cent, and it has become an immense industry there, far surpassing all New England in consumption of raw cotton and nearly equaling all of the country outside of the cotton-growing States. It is an enormous industry, with $946,182,041 capital invested, employing 642,942 persons, and distributing $217,955,322 in wages annually, and the South had nearly half of it all. And so a committee representing the States of North Carolina, Virginia, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Texas, Tennessee, and Kentucky respectfully asked to be heard upon a great subject in which those States were vitally interested.

That request was never even submitted to the committee as a whole, but was promptly refused by the Democratic majority, with an offer in lieu of it of 10 days' time for personal interviews with the chairman. The poor concession of a personal interview was respectfully declined by the cotton association committee in a statement so manly, cogent, and replete with good common sense that I gladly append it and the correspond-

ence leading up to it as a part of my remarks. I quote here, however, as follows:

(6) We are opposed to reductions of duty on machinery and other items entering into the cost of mills, except such as will keep them on a parity with our own industry as to labor and other costs at home and abroad.

Why did they do that? Why did they make that reply? How did they know anything of the proposition to reduce the duties on cotton machinery exclusively and on chemicals exclusively unless that proposition had been made to them in exchange for the reduction of the duties on cloth? No such proposition was ever made to the woolen industry. How did this committee know anything about it? This reply was made eight days before the bill was reported.

We do not want our property depreciated, nor do we want broadly to injure other industries to help our own. Let each case rest on its merits and benefit equally.

(7) We are opposed to personal hearings; too often it has been alleged that unfair advantage has been taken that way in making the tariffs of the past.

(8) We are in favor of publicity and record and of the freest and most open discussion and consideration of everything relating to tariff making.

(9) We demand that the data upon which revision is based be made public and a matter of record, except with such concealment of names that good faith dictates with those furnishing data. If publicity is good for other things, and we believe it is, it certainly is desirable in such a vitally important matter as the tariff.

[Applause on the Republican side.]

We also demand a definite statement as to just what it is intended by its makers that the revision shall accomplish.

Think of it! This statement that I have read to you comes from the South, from men who say they voted the Democratic ticket. The chickens had come home to roost, had they not?

Here, indeed, was a new situation for the majority of the majority of the House to face. The South had awakened. The resurrection dawn had come and a new era of industrial prosperity had begun. The full realization that they were living in the twentieth century instead of the first half of the nineteenth had come to men who knew their rights and dared to maintain them.

The shopworn bogeys of the past, long since out of commission except for maintenance of party control, were not even referred to, and the very foundations of the Republic seemed to rock under the feet of Democracy as its leaders looked into the future. Something had to be done. Now, it is just as easy to protect an industry by reducing the duties on the materials entering into the manufacturing processes as it is by increasing the duties on its finished products; and bleaching powders and dyestuffs are very important items of expense in cotton manufacture, and somewhere between pyroligneous acid and vanillin, and mixed up with sulphoricinoleic acid, hydriodate of potash, and other unpronounceable names, they are found in the chemical schedule.

THE CHEMICAL SCHEDULE.

Time did not permit and it was too much trouble to make a separation, and so the whole chemical schedule was sent to an expert mathematician with the sole instruction to reduce all specific duties to their ad valorem equivalent and then cut the whole thing 25 per cent.

A schedule important in itself as affecting $466,785,218 of invested capital, employing 97,436 persons with an annual wage of $44,258,256, but far more important in that it is fundamentally related to every manufacturing process.

As I recall the long, weary days when the Payne committee went over the chemical schedule again and again, aided by the best chemical experts of the Customs Service, studying the relation of each item to the others and to the other schedules of the law, I am not surprised at the amazing blunders which were subsequently found under this new method of revision.

But the task was performed as ordered and the new schedule sent back with the distinct warning that the man who did it "would not be responsible for the results."

It was adopted and added to the cotton bill practically without discussion of its merits anywhere, and without even being read or considered in the proper committee in either House. When a question was asked as to its effect on the revenues, the gentleman who offered it replied: "I only know that it is a reduction of 25 per cent. That is all I know about it;" and when a gentleman asked for an explanation of it another replied: "It has been fully explained. It is a 25 per cent reduction. That is a sufficient explanation."

As a matter of fact, no one knew anything about the effect of the change until a thorough investigation was made after the bill had passed both Houses, when many increases, ranging from 5 to 95 per cent, were found, and also many decreases below the rates desired. Bleaching powders, the very things which were to soothe the wounded feelings of the irate manufacturers, were found to be increased 30 per cent instead of reduced 25 per cent, as intended. [Applause on the Republican side.]

But the most amazing result of all was found in the paragraphs relating to alcoholic compounds, where the specific duties in the Payne bill, amounting to 60 cents a pound, or $4.80 per gallon, on spirits were omitted in figuring a new ad valorem for an amendment to the cotton bill.

Alcohol can be bought for export in Cuba for 10 cents, in France for 12½ cents, and in Germany for 15 cents, and under this latest triumph of Democratic legislation could have been imported into this country with duties of 5, 6, and 7½ cents, respectively. Under our internal-revenue tax we receive $160,000,000 annually from spirits, with a tax of $1.10 per proof gallon. It is needless to say that this change would not only have endangered our whole revenue system, but would have been destructive to all temperance legislation in all of the prohibition States. [Applause on the Republican side.] I have wondered many times since the extra session adjourned how the Democratic Members from those States have explained this legislation to their constituents. They were facing this dilemma—either that they had destroyed the prohibition laws or else they did not know what they were doing.

These are but a few of the surprising mistakes which characterized this remarkable piece of legislation and made it impossible of execution if it had become a law. Let me refer to one other amendment only.

SCHEDULE C—METALS.

It was a motion to cut off 40 per cent from the rates of duty on the coarser products named in the metal schedule and 30 per cent from the finer ones. It dealt with the largest industry in the country, having an invested capital of $3,157,385,329, employing 1,171,824 persons, and distributing an annual wage payment of $652,109,633.

It was never considered by any committee of either House, and, so far as the record shows, never even read in one.

The gentleman who offered it said:

I wish to prevent any possible misconstruction, and I now make the statement that I do not claim the credit of being the author of what is contained in the amendment. It is true that it is my property, as it was thrown overboard by the author of it; and under the law of jetsam and flotsam, I believe, as I am the finder of it, I am the owner of it.

And as "flotsam and jetsam" it went through to the end—till it met the veto of the President, who thereby saved the country from an industrial panic and the Democratic Party from itself. [Applause on the Republican side.]

The session ended with a record of nothing done, where the proposed legislation had been made a party question and contested by the minority.

And yet it had its uses. It demonstrated the absolute fairness and impartiality of the Hon. CHAMP CLARK as Speaker of the House [applause], and so gave assurance of cordial and harmonious relations between the two parties for the remainder of the Sixty-second Congress, and proved him worthy of the highest honors in the gift of his own party. [Applause on the Republican side.]

It added to the roster of Democratic candidates for the Presidency the name of the gentleman from Alabama, the Hon. OSCAR UNDERWOOD [applause], because of the skill and ability with which he, as floor leader, marshaled a discordant majority to the support of a hopeless attempt to eliminate the protective idea from our tariff policy. [Applause on the Republican side.]

It gave to the country a clear demonstration that there is a mighty difference between the usefulness of the Democratic Party as an opposing, criticizing, and fighting power and the same organization when placed in the majority and burdened with the responsibility of constructive legislation. [Applause on the Republican side.]

It permitted the appointment of numerous investigating committees, whose work has been carried on at a heavy expense. Some of these investigations have been abandoned, most of them have demonstrated the efficiency and economy of Republican administration [applause on the Republican side], and some are still continued for purposes not yet apparent.

It gave to the Democratic majority an opportunity to "show its hand" in tariff legislation—that is what they called it—but the hand held nothing of good for the Nation as a whole, or for the people as individuals, and the President said "No" in his vetoes and the people said "No" at the polls in November.

But last of all, and best of all, it gave to President Taft a chance to show to the people that he was not only standing squarely upon the Republican platform, and in full accord with its protective policy, but that he was determined that the exist-

Mr. LLOYD. That probably would be better, to insert the words "not exceeding," and at the proper time we will accept that amendment.

Mr. MANN. May I ask the gentleman further in reference to these expenses, whether the bills of this committee under the original resolution are all presented to the Committee on Accounts and passed on by that committee?

Mr. LLOYD. They are. Under the original resolution all the bills were required to be ordered by the committee itself, to be authenticated by the chairman of the special committee, and audited by the Committee on Accounts, and that was to be evidenced by the signature of the chairman.

Mr. MANN. This resolution is in a little different form from the one usually passed. May I ask whether it is intended to pay this money before the bills are incurred?

Mr. LLOYD. No, sir.

Mr. MANN. Or only when bills are incurred and presented?

Mr. LLOYD. It is intended that they shall be paid after they are incurred.

Mr. MANN. Is the gentleman able to inform the House now of the character of bills which have been allowed up to date and as to the sums included in the $25,000?

Mr. LLOYD. Yes. There has been a special expert employed by that committee, said to be a very superior man, an accountant who has been recognized by the Accountants' Association of the city of New York, and he receives $50 a day for his services.

Mr. MANN. How much has he been paid up to date?

Mr. LLOYD. He has been employed almost all the time since about the 20th of May. There is a little part of the time for which he has not been paid. Then, in addition to that, there is an individual who receives $250 a month and $5 a day for traveling expenses. In the absence of a better name, I would call him an examiner or investigator. He is expected to see the persons who are likely to have information and to obtain from them, as the representative of the committee, such information as he may obtain and notify the committee; and if in the judgment of the committee it is proper to subpœna anyone as a witness that person is subpœnaed; otherwise he is not subpœnaed and the expense is not incurred.

Mr. MANN. Does the gentleman think that we are justified in paying a salary in the neighborhood of $18,000 a year to any person working for the Government in a capacity of this sort?

Mr. LLOYD. Mr. Speaker, I am frank to say that on the surface of it $50 a day sounds like a very large sum.

Mr. MANN. Fifty dollars a day does not seem as large as $18,000 a year.

Mr. STANLEY. Mr. Speaker, this man does not get $50 a day, except for the days he works, and he has seldom charged for his personal services more than 20 days in a month; some months he has not charged at all. In addition to that, when the full account is in it will show that the Government is not out over $25 a day for each of the persons actually employed. Mr. MacRae has employed assistants wherever he could, in addition to that, because of just such criticism as we are now hearing of this effort to find out the truth about a billion and a half dollar corporation. He has come at his own expense for five months whenever I have been in Washington over Sunday, and worked all day Sunday with the chairman of this committee. I have broken every Sabbath since I have been in this investigation, because I felt that I had a whole herd of oxen in the ditch, and he has not charged a dollar for that.

You can not get a certified accountant in New York for less than $100 a day for any service requiring any considerable investigation. This man is doing it for $50 a day.

Mr. LLOYD. Mr. Chairman, I yield five minutes to the gentleman from Kentucky to continue his remarks.

Mr. STANLEY. When Mr. MacRae came before the committee I made every effort to get the best accountant I could. The Steel Corporation said that it would not agree to turn the books of the corporation and its secrets and its business over to any man who was not a reputable, certified accountant of the city of New York. Both the Democrats and the Republicans on that committee agreed that that proviso was wise and just. When Mr. MacRae came before the committee he furnished to this committee letters from the concerns for which he had worked and the indorsements of 15 or 20 United States Senators and Members of Congress, boards of trade, and great concerns in New York. He settled losses in the Baltimore fire for half a dozen insurance companies, every one of which settled on his figures. His compensation was $100 a day. The gentleman from New York [Mr. LITTLETON] made the statement—and Mr. MacRae was employed at Mr. LITTLETON's suggestion—that the usual compensation of an accountant in New York was $100 a day. The gentleman from New York, Judge DANFORTH, a member of the committee on the Republican side, said that the compensation of Mr. MacRae, who was the first president of the Accountants' Association of New York, was very reasonable for the services of a man of Mr. MacRae's ability. This man, who could have charged for every day for that matter, has not charged for hardly more than half the time, and has given the Government his services, and often his railroad expenses, when he has come here at my suggestion to advise me of what he is doing and to help me in matters not strictly the duty of an accountant.

Mr. MADDEN. Will the gentleman yield?

Mr. STANLEY. Yes.

Mr. MADDEN. I wish to inquire if the gentleman, the chairman of the committee, is satisfied that Mr. MacRae and his services were entirely satisfactory to the Steel Corporation?

Mr. STANLEY. In what way?

Mr. MADDEN. The gentleman said that they would not open their books for inspection except to a man like Mr. MacRae.

Mr. STANLEY. They said they would not open their books to any man who was not a reputable accountant and who had not a record for honesty and integrity and a reputation established by faithful services in the city of New York. When Mr. MacRae was appointed they met him at the door and they said, "You will have to wait until we can make further investigation as to your ability, responsibility, and so forth." He said, "Go to the house of J. P. Morgan & Co. and ask them how they regard me as an accountant." [Laughter and applause on the Republican side.] Oh, you think it is mighty funny. I will make you laugh on the other side of your faces. Mr. MacRae was put on these books, and he has filed a report, which I will read, showing the methods of the United States Steel Corporation, and that they have continually complained that he was sleuthing. I tell the gentleman from Illinois that no honest man can honestly discharge his duties in an effort to make a thorough probe into the affairs of the United States Steel Corporation and receive from it their unqualified approval.

If the gentleman from Illinois [Mr. MADDEN] has any lingering fear that this investigation is made, or that any employee of this committee is secretly or otherwise close to or under the influence of the United States Steel Corporation, he will soon be a sadder and a wiser man.

Mr. MADDEN. Mr. Speaker, I had no idea that the question was going to incur the hostility of the gentleman or that it was going to disturb his peace of mind at all.

Mr. STANLEY. It does not disturb his peace of mind in the least. I was surprised to receive the suggestion, because it was unwarranted and gratuitous.

Mr. MANN. Will the gentleman yield to a further question?

Mr. STANLEY. Certainly.

Mr. MANN. Is the gentleman able to say how much the bills of this accountant have amounted to up to date?

Mr. STANLEY. Only approximately at this time. I can give the gentleman the amount to a cent later.

Mr. MANN. Approximately.

Mr. STANLEY. About $11,000; and I will state in that connection that the United States Steel Corporation pays about $100,000 a year to have its own books audited.

Mr. GARNER. Mr. Speaker, will the gentleman yield in that connection?

Mr. STANLEY. Certainly.

Mr. GARNER. I want to say to the gentleman from Illinois, for his information, that in the estimate of $11,000 for expenses of Mr. McRae there are included his two assistants, who have been giving him assistance all of the time.

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. GARNER. Mr. Speaker, I would like to take the floor in my own right.

Mr. LLOYD. Mr. Speaker, I will yield to the gentleman from Kentucky time enough to complete his remarks.

Mr. STANLEY. I yield to the gentleman from Texas [Mr. GARNER].

Mr. GARNER. Mr. Speaker, I was simply making a statement of information received by the Committee on Accounts in reference to the amount of money drawn by Mr. MacRae. If I am correctly informed, and I believe I am, Mr. MacRae and his associates, who, as I understand it, are two assistant accountants at $15 per day, have drawn out of this fund something near $12,000, and they have estimated a further amount out of this fund which will take this up to about $14,000. In other words, out of this entire expenditure, the expert, Mr. MacRae, and his associates, will have consumed, say, $14,000. I want to call the attention of the gentleman from Illinois [Mr.

MANN] to one other fact which I ascertained—and I did it possibly under the criticism, and incurred not ill-feeling, but at least the questioning glances of the gentleman from Kentucky—with respect to the expenditure of this fund. I found from an investigation that one reason for the continued extended service of this man, Mr. MacRae, and his associates, was the fact that the Steel Trust officials would continually put him off.

Mr. STANLEY. That is true.

Mr. GARNER. For instance, he would go to them to-day and ask for certain books and papers, and they would reply that they must first consult their counsel, and would hold him there for a week or 10 days before he could get at certain books. An expert charging $50 a day for his services, if he is delayed a day in the matter of getting books from the Steel Corporation, or papers, is likely to charge that day or so up to the Government.

I, for one member of the Committee on Accounts, have been particularly anxious to arrive at some understanding when we could dispense with this seemingly enormous expense. I want to say to the gentleman from Illinois [Mr. MANN], and I say it in behalf of the gentleman from Kentucky, that in my judgment this has been one of the cheapest investigations for the results obtained that has ever been had in this or any other Congress. Thirty-four thousand dollars will have been expended when this investigation is completed, and I believe the gentleman from Illinois [Mr. MANN] and other gentlemen of this House will agree that the results obtained in the way of information upon which legislation can be based and ought to be based is voluminous indeed. I want also to say that this expenditure could have been slightly decreased. I believe there have been employees over there that could have been dispensed with, and I think I owe it to the House to say that, in my judgment and from the information that we were able to get, there has been but one mistake made in the personnel of employees under this steel investigation committee.

There was a certain gentleman employed, whose name I need not mention, who, from the best information I can get, ought never to have been employed, is not of that high character that the gentleman from Kentucky [Mr. STANLEY] would have to investigate the books of the Steel Corporation or any other corporation; but I am happy to advise the House that his services have been dispensed with and he will no longer draw from the contingent fund or any other of the funds salary for services performed.

Mr. MANN. Will the gentleman yield for a question?

Mr. GARNER. Certainly.

Mr. MANN. There are several of these committees being paid out of the contingent fund for their expenses. Is there any way for Members of the House to ascertain what is being paid for the expenses of any particular committee or bills from any particular committee?

Mr. GARNER. Mr. Speaker, there is a way for any Member of this House to ascertain what every dollar is paid for that goes through the contingent fund of the House, and I want to say to the gentleman from Illinois [Mr. MANN] and I want to say to the membership of this House, I do not believe there should be one dollar spent through the contingent fund, or any other fund for which Congress makes an appropriation, that should not be subject to the scrutiny of every Member of this House if he wants so to do. [Applause.] For instance, I can give the gentleman the items that contain the monthly pay roll of Mr. STANLEY's committee as far as I can now recall them.

Mr. MANN. I do not ask that as far as I am concerned; all I want to know is whether, if a Member of the House wishes to examine those bills, there is an opportunity for him to do so and how it can be done.

Mr. GARNER. In reply I might say, Mr. Speaker, heretofore you could not obtain that information——

Mr. STANLEY. Never.

Mr. MANN. I know heretofore you could, because I frequently have done it under former administrations of the House.

Mr. GARNER. I am speaking in reference to the Committee on Accounts. The chairman of the Committee on Accounts, Mr. LLOYD, of Missouri, upon assuming the duties of that office immediately procured books, and in that office is kept an itemized record of every dollar and every cent which the Committee on Accounts approves as charges against the contingent fund regardless from what source it comes. In that office is a book kept in which a copy is kept of every item approved of by the Committee on Accounts.

Mr. MANN. I will say to the gentleman I was already aware of that fact through information received from the chairman of the committee [Mr. LLOYD], but I thought it advisable to have that spread on the record for the benefit of all the Members of the House.

Mr. GARNER. I believe the gentleman from Illinois will agree with me——

Mr. LLOYD. Mr. Speaker, if the gentleman will pardon me, I wish to say in this connection that I will take pleasure at any time in giving any information we have in connection with any expenditure of the contingent fund to any Members of the House.

Mr. BURKE of South Dakota. May I ask the gentleman a question?

Mr. LLOYD. The gentleman from Texas has the floor.

Mr. BURKE of South Dakota. The gentleman from Texas perhaps can give the information. I desire to know whether or not any accounts have been audited and paid for services rendered for any of the expenditure committees of persons who have acted as counsel for these committees?

Mr. GARNER. I yield to the gentleman from Missouri [Mr. LLOYD] for the purpose of answering that question.

Mr. LLOYD. Mr. Speaker, no; there has not been.

Mr. BURKE of South Dakota. I will be more specific. In one investigation before the Committee on Expenditures in the Interior Department it appears, if you will consult the hearings, that one W. P. Fennell, attorney at law, Washington, appeared on behalf of the committee as counsel. I would like to ascertain whether or not anything has been paid to Mr. Fennell for the services he may have rendered the committee?

Mr. LLOYD. Mr. Fennell, I can assure the gentleman, has not been paid for services rendered as attorney. If that committee has certified to us something for which he rendered services not as attorney the bill may have been paid.

Mr. BURKE of South Dakota. Then it may be possible that in that instance he has been paid?

Mr. LLOYD. I will not say that a man by the name of Fennell has not been paid something; I do not pretend to remember all the accounts that have been passed on by the committee.

Mr. BURKE of South Dakota. But you are quite sure that nothing has been paid him as counsel?

Mr. LLOYD. The gentleman says the committee is the Committee on Expenditures in the Interior Department?

Mr. BURKE of South Dakota. Yes; I am simply asking for information.

Mr. LLOYD. I can not answer at this moment——

Mr. BURKE of South Dakota. Or any of the other expenditure committees?

Mr. LLOYD. As far as I know, no individual has been paid attorney's fees for appearing before any committee or as counsel for any committee.

Mr. BURKE of South Dakota. If I understand the gentleman, the chairman of the Committee on Accounts, if any person has received any compensation for service that may have been in the capacity of attorney for the particular committee under which he served, it must have come to the Committee on Accounts that he had performed the services in some other capacity?

Mr. LLOYD. Yes, sir.

Mr. GARNER. If I may be indulged one moment more, the Committee on Accounts required the steel investigating committee and other special committees to certify that each bill had been passed upon by the respective committee. In other words, we proposed to throw the burden and responsibility of bills coming from investigating committees and expenditure committees upon the entire committee, both Democrats and Republicans, in order that when it came to us we might know that the entire membership of that committee had authorized the expenditure. We found that to be beneficial in some cases. I call the attention of the House to another matter with reference to the Committee on Accounts, and that is that it is simply impossible for the committee, as a whole, to audit each account as it comes before it, because if we did that we should spend 8 or 10 hours a day in going over these different items. So it is absolutely essential in order to transact the business of that committee to appoint subcommittees to consider the different expenditures coming before that committee. But I do believe in each instance, so far as I know, these subcommittees have performed their duties with an eye single to taking care of the interests of the Treasury and the contingent fund.

Mr. MONDELL. Will the gentleman yield?

Mr. GARNER. Certainly.

Mr. MONDELL. Do I understand the gentleman from Texas to say that his committee, in approving accounts or auditing them, had required the entire membership of the committee presenting them for payment should O. K. them or approve them?

Mr. GARNER. The rule, as I understand it, adopted by the Committee on Accounts is to require a certificate from the committee something like this:

Authorized by the committee and approved by the chairman.

Mr. MONDELL. Does the Committee on Accounts understand that such a certification indicates that the entire membership of the committee has had the bill called to its attention or has approved it, or that the chairman alone has approved it?

Mr. GARNER. I can only reply to the gentleman by saying that the certificate on its face would indicate that the committee had authorized the expenditure. It may be in this instance like it developed in the steel committee, in our rather critical review of that committee when we were investigating this identical bill. We discovered the entire steel committee did not go over those smaller items, but a subcommittee composed of two Democrats and one Republican had been appointed with authority for this smaller expenditure. But the larger expenditures, such as the employment of Mr. MacRae, and like the employment of Mr. Mannington, and other larger and in a sense permanent appropriations, were submitted to the entire committee, composed of both Republicans and Democrats.

Mr. MONDELL. The gentleman seems to understand that the certificate to which he refers indicates on its face that the entire membership has not known of an account, but a subcommittee has approved it. Does the gentleman know what has been the practice in the various committees, like the committees on expenditures?

Mr. GARNER. I do not, because none of those gentleman have been before the committee or given us an opportunity to investigate their mode of making these expenditures.

Mr. MONDELL. I made the inquiry because the gentleman's statement, as I understood, was rather broad as to a member of one of those committees. I make no complaint whatever. As a member of one of those committees, I have never heard of any of those accounts. I have not been called upon to O. K. or may not O. K. any of them.

Mr. LLOYD. I think I can answer the gentleman's question.

Mr. GARNER. I yield to the gentleman from Missouri for the purpose of answering the question of the gentleman from Wyoming [Mr. MONDELL].

Mr. LLOYD. In the resolution authorizing the special committees there were specific directions given as to how the voucher should be presented and what should be its audit. It should be approved by the committee, should be signed by the chairman of the committee, and should be presented to the Committee on Accounts, and that was to be signed by the chairman of the Accounts Committee; so that there was a kind of a double audit of the special committee and the Accounts Committee.

But that is not true of the expenditure committees. The expenditure committees have not had that limitation placed upon them, and thus far we have been governed by the rules that have been governing heretofore with reference to the certification of accounts.

Mr. MANN. Will the gentleman yield?

Mr. LLOYD. Yes.

Mr. MANN. What authority have the expenditure committees, or any other committees of the House, to incur expenses?

Mr. LLOYD. Mr. Speaker, I think the expenditure committees have been authorized to subpœna witnesses, and if they subpœna witnesses, of course the expenditure must come out of the contingent fund. The witness fees themselves are not provided for by the current law. They must come out of the contingent fund.

Mr. MANN. Will the gentleman yield for one more question?

Mr. LLOYD. Yes.

Mr. MANN. The gentleman from Missouri stated that there was an agreement to offer an amendment reducing the amount to $9,000, which, I take it, means that the committee has carefully considered the length of time during which the investigating committee will proceed. May I ask of the gentleman from Kentucky [Mr. STANLEY] what is the probability as to the length of time which the Stanley investigating committee will continue to work?

Mr. STANLEY. It is an estimate.

Mr. MANN. Of course.

Mr. STANLEY. I am of opinion, as are Mr. Mannington and Mr. Woolley and the other experts who are looking up this transportation proposition, which is a huge question, that with the vast amount of data they have accumulated, we will be able to proceed inside of 30 days. They have accumulated a vast amount of data on the subject, for instance, of division and traffic arrangements and all that sort of thing, from the railroads, and that information is now in our files, furnished at a cost of something like $50,000 to the railroad companies. They paid that themselves. That data will be arranged and codified in such a form that we can present it to the committee intelligently, so that this technical language of traffic sheets and the division sheets may be understood by the average man. We will have that ready to present in a definite and simple form inside of 30 days. It will show the manner in which the United States Steel Corporation operates both its own and other railroad systems in the United States.

I will say that that evidence can perhaps be presented in 20 days. Between now and then I believe we can get that information in the proper form so that it can be presented—it is only an estimate—in connection with evidence concerning the labor situation and such other evidence as is necessary in looking over the hearings to fill in here and there something that has been overlooked; and it is my opinion also that within 60 days approximately—it may be 50 days, or it may be 70 days—these hearings will close, if the Steel Corporation will give us what we ask for; and then again we may be here until next year, if they do not. We may have to take them into the courts. I do not know.

I shall say right at this point to the gentleman from Illinois I am a most patient man. Judge Gary appeared and told us that we could have anything we wanted. That meant we could have anything they wanted us to have. We have been subjected to a scientific and tantalizing system of delay, which Mr. MacRae says has cost us two months of his time. For instance, we asked for the minutes of a certain concern and when they gave us the minutes they gave us a set of minutes half of which were copied and half not. Why they wanted to give him a copy at all I do not know. We have asked for minutes for six months which they say they have not yet had time to read. Why they should want to read them first I do not know. We did not press them, because I preferred to act politely, and I prefer to have the Government spend more money than necessary rather than make this question acute. I have been very patient and polite with all these Steel Corporation people; but to-night I shall issue a subpœna for what I want, and I will get it or will know the reason why. [Applause.]

Mr. LLOYD. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. LEVY].

Mr. LEVY. Mr. Speaker, I have always been under the impression that this investigation was a mistake, and therefore am opposed to the resolution to increase the expenditures of this committee. I think the investigation ought to be brought to an end. It interferes with the employment of a great number of people.

Mr. STANLEY. Will the gentleman permit an interruption?

Mr. LEVY. Yes.

Mr. STANLEY. Will the gentleman tell me how many people have lost employment in the Steel Corporation by virtue of this inquiry?

Mr. LEVY. I think fully 25,000 or more, and the probabilities are there would be a great many more employed to-day if it had not been for this investigation. I should like to have read by the Clerk an article from the New York Sun, which I think expresses the sentiment of the people on this subject.

The SPEAKER pro tempore (Mr. GARRETT). If there be no objection, the Clerk will read.

The Clerk read as follows:

A Cleveland dispatch quoted President Farrell, of the United States Steel Corporation, as attributing business hesitancy to politics. "Business conditions during the last year," Mr. Farrell was quoted as saying, "have been far from satisfactory. The pernicious and harmful activity of cheap politicians has delayed prosperity. I feel sure that recovery from the depression would not have been so long deferred had not corporations been subjected to these harmful and wrong attacks. These attacks on corporations, on big business enterprises, have become a matter of concern not only to the corporations but to individuals connected with them, because of the losses which these individuals are sustaining through these attacks. I think the people are beginning to recognize that such methods are productive of nothing save cheap political ferment and discontent, which does more than anything else to stifle competition. While this unfair political churning continues we can not have satisfactory business conditions let alone prosperity."

Mr. LEVY. Mr. Speaker, in my opinion that article expresses the general opinion of the people concerning this investigation. It has interfered with the great business of exporting steel. We are now capturing the trade of the world in the steel business. We exported last year between $225,000,000 and $250,000,000 worth of iron and steel products. I think the agitation of this question is a great mistake. If any wrong has been done by the Steel Corporation, the suit against it by the United States will correct that.

Mr. STANLEY. Will the gentleman yield for an interruption? Does the gentleman know what per cent of the world's exports we exported prior to the formation of the United States Steel Corporation?

Mr. LEVY. I have the figures, but they are in my office.

Mr. STANLEY. What were they approximately?

Mr. LEVY. It was small compared to the trade of the world at the present time.

Mr. STANLEY. Does the gentleman know what proportion of the world's exports we export now?

Mr. LEVY. I have not the figures before me. They are at my office.

Mr. STANLEY. Does the gentleman know that in 1900 Germany exported practically 800,000 tons of steel products, while to-day she exports about 4,800,000 tons? Germany has increased her exports practically 600 per cent in the last 10 years, while we have fallen behind. Does the gentleman know that Great Britain since the formation of the United States Steel Corporation has vastly increased her exports, while we have practically remained at a standstill? Does the gentleman know that at the time of the formation of the United States Steel Corporation we were producing iron and steel more cheaply than any other country in the world? And does the gentleman know that to-day the overhead charges of the United States Steel Corporation have increased the expense so that we are producing a ton of steel at a greater expense and a greater investment than any other concern in the world engaged in the export business? Does the gentleman know these things, or does the gentleman know what is on the ticker?

Mr. LEVY. I know nothing about the ticker. I want the gentleman to distinctly understand that.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. LLOYD. I yield to the gentleman five minutes more.

Mr. LEVY. I know that we are producing steel in this country for $1.50 a ton less than it is produced in Europe. If I had been aware of the fact that this question would come up this afternoon, I could have given the gentleman all the statistics he has asked for. I know that we are exporting approximately $250,000,000 worth of steel and iron products annually, and that our exports have been on the increase and our imports on the decrease, as the following table shows:

Exports for each of the first 11 months of the years 1911 and 1910.

	1911	1910
January	$18,739,961	$14,513,394
February	18,690,793	13,949,082
March	22,591,848	17,258,583
April	24,917,056	16,529,254
May	20,625,222	17,058,042
June	20,310,053	18,503,204
July	18,052,337	16,106,102
August	20,704,154	17,628,537
September	20,534,139	16,776,178
October	20,799,591	17,452,085
November	21,547,399	18,594,806
Total	227,502,553	182,371,187

Wire, rails, plates, sheets, and pig iron are all heavily exported and increasing each month. With exports running at $250,000,000 for 1911 this is the largest increase ever reported for one year. The following table shows the total valuation of exports of iron and steel and manufactures for the past seven years, with 1911 estimated:

1911	$250,000,000
1910	200,000,000
1909	157,080,331
1908	151,113,114
1907	197,066,781
1906	176,555,588
1905	142,930,500

Imports for November of 1911 were valued at $2,026,789, compared with $3,329,919 for November, 1910. Imports of iron and steel products have been steadily decreasing for several years, while the exports have shown a steady increase. The valuation of the first 11 months' imports for 1911 was $26,690,333, compared with $36,287,671 for the same period in 1910. It is estimated that 1911 will show a decrease of about $8,000,000 in imports, which, if the same proportion is shown each year, will in a few years bring the imports of iron and steel down to the bare necessities which are not made in the United States.

From the above it will be seen that we are now in a position to capture the entire trade of the world in the steel and iron industry. Europe fears us in that direction more than any other.

The world's production of pig iron last year is estimated at about 65,000,000 tons, the principal countries of production being the United States, Germany, and the United Kingdom, in the order named, these three countries together accounting for about four-fifths of the total output of the world. The United States accounted for 27,304,000 tons; Germany, including Luxemburg, 14,556,000 tons; the United Kingdom, 10,012,000 tons; and France, 3,969,000 tons. Iron enters into foreign trade mainly in forms other than that of pig iron. By far the greater part of the iron produced is converted into steel, and this conversion takes place mainly in the country where the pig iron is produced. Taking the average of the last five years, in the United States about 74 per cent of the pig iron made was steel-making iron (hematite, basic pig, spiegeleisen, etc.), in the United Kingdom about 56 per cent, in France about 64 per cent, in Germany about 76 per cent, and in Belgium about 83 per cent.

The combined output of steel in the United States, the United Kingdom, and Germany for 1910 exceeded 46,000,000 tons, and the world's output may be estimated at between 59,000,000 and 60,000,000 tons.

Let us examine a little more carefully into the figures connected with the steel industry. In view of the amount of time that has been used; the experts that have been summoned; the money that has been expended, it is somewhat astonishing to find the learned gentleman from Kentucky making the assertion, as he did, so utterly and absolutely incorrect, that the steel-export business of Germany has increased 600 per cent in the last 10 years, the steel-export business of Great Britain vastly increased, and that of the United States had practically remained at a standstill. The latest available statistics prove that the exports of iron and steel from the United States last year broke all previous records and show a gain of more than 145 per cent, the value of these exports having risen from $103,000,000 in 1901 to $250,000,000 in 1911. Another fact, in direct contradiction of the statistics and statements of the learned gentleman from Kentucky, is that the greatest improvement ever recorded in a single year took place in 1911, when the exports amounted to $250,000,000, as compared with $201,000,000 in 1910, a gain in one year of $40,000,000, or 24.49 per cent. We are to-day holding third place amongst the big steel exporting countries of the world, with Great Britain first and Germany second, and this position has been maintained practically throughout the decade under consideration.

The complete returns from abroad for the year 1911 are not yet available so that the figures for 1900 and 1910 are used as a basis, though by using these figures the United States loses the benefit of the enormous gains made in 1911. In the decade from 1900 to 1910 British exports of iron and steel rose from $271,000,000 to $361,000,000, a gain of 33.2 per cent; those of Germany from $171,000,000 to $339,000,000, a gain of 98.2 per cent; and those of the United States from $130,000,000 to $201,000,000, a gain of 54.6 per cent. Had the comparisons been made between years 12 months later in each case the relative gain made by this country would have been 145 per cent, which, instead of being less than the increase made by Germany (which, as it is, is only a sixth of what my distinguished colleague from Kentucky claims), the gain would have been nearly 50 per cent higher than the gain made by Germany.

In further reference to the statistics on the world's production of iron ore let us examine very carefully the following figures:

Complete particulars in regard to the production of iron ore in 1910 are not yet available. In the case of the United States the output in 1908 was about 30 per cent less than in 1907, but in 1909 there was an almost complete recovery, and the output in 1910 was over 11 per cent above that of the year before. In the case of Germany there was a partial recovery in 1909 from the sharp reduction of output shown in 1908, and the output in 1910 was well above that of any previous year. In the United Kingdom and in Spain the output in 1909 was even less than in 1908, but the British output in 1910 was only about 3 per cent below that of 1907. In France the rapid increase shown in the production for several years before 1908 has been resumed. The marked reduction of the Swedish output in 1909, as compared with 1908, adds the report, was due to the great strike which occurred in Sweden in that year. It is noted that, relatively to population, Sweden has a production of iron ore considerably in excess of the nine other chief countries, amounting, in 1910, to nearly 1 ton per head of the population; in the United States the production was about three-fifths of a ton per head; in Germany the yearly output was well over two-fifths of a ton per head, and in the United Kingdom about one-third per ton per head. It is remarked that in 1891 the quantity of iron ore mined in the United Kingdom was slightly greater than in Germany, though less than in the United States. Since 1896, however, the output of Germany has outstripped that of the United Kingdom, and since 1902, with the exception of the years 1904 and 1908, the output of the United States has considerably exceeded that of the United Kingdom and Germany combined. The maximum output in this country was reached in 1882, when it amounted to over 18,000,000 tons. It is now about 15,000,000 tons.

With the regard to foreign trade in iron ore, the position of the countries included is very different. At the two extremes stand Spain and Belgium. The former exports nine-tenths of her output; the latter imports almost the whole of the iron ore she requires for the purposes of her iron and steel industries. Of the remaining countries Sweden exports about four-fifths of her production, and in the case of Russia the exports have for the last eight years been considerably in excess of the imports. The United Kingdom, France, Germany, and the United States are all importing countries, though in different degrees. The first derives about one-third of the ore she utilizes from abroad, her exports being only trifling. The exports from France have increased considerably of late years, but about one-eighth of the ore smelted in 1909 was derived from abroad. The exports from Germany, which are sent chiefly to Belgium and France, are considerable, but are largely exceeded by the imports. The United States is nearly independent of foreign sources of supply.

Now, I submit that the only possible reason for the existence of an investigating committee is to find out the true state of

affairs as they really exist, and when they are not even right in the plain, cold matter of collating and reporting the statistics of the subject how can there be any possibility of accomplishing any result of value to the people at all?

My distinguished colleague from Missouri [Mr. LLOYD] has suggested that I am very much disturbed over the fact that the steel corporation has been attacked. I have absolutely no interest either in the United States Steel Corporation or any other steel corporation. If this or any other corporation has broken the law, I believe our courts are fully able to deal with them. If the laws are not sufficiently drastic, or if they are too drastic or in any way need changing, I have faith in the ability of Congress to make such changes as are necessary.

Presupposing that the gentlemen interested in these investigations are patriotic legislators, having for their object the good of the country at large, it is, I admit, difficult for me to understand why they can not see, and see plainly, what is visible to every experienced business man, and that is that instead of this and other investigations doing any good to the people at large they are doing an amount of harm and damage that it is not possible even faintly to estimate. It is not the banker, the very rich, or the financiers in whom I am most deeply interested. While their investments may suffer, their resources shrink, still they do not personally feel the full measure of hardship and suffering that any stagnation in business brings about, but it is the enormous number of mechanics and workingmen who are being hurt every day by the ruinous stagnation of business which will keep on until these investigations are over and business once more knows where it stands.

It is conservatively estimated that the number of workingmen affected by the present conditions in the steel and iron industry run into the hundreds of thousands with the number of people dependent upon them for their daily support, for the actual necessities of life, for food and clothing and schooling, the number of American people directly affected reaches proportions that stagger the mind of a man who loves his fellow citizens and wishes to see them prosper. All this is very far-reaching. It is not only the one industry attacked, but all the other industries surrounding it are absolutely and directly affected at the same time. Every idle workman is a direct loss to the grocer, the butcher, the clothier, and to all the trades and businesses that deal in the every-day necessities of life. Every wage earner who is not producing does not only lose his wage, but the community in which he lives and the country to which he belongs suffers a positive and distinct loss of wealth the moment he ceases producing. These are some of the reasons why I am opposed to an investigation which is not only absolutely unfruitful of good but positively productive of bad. Instead of taking up the time, spending the money, using the energy and talent of the learned members of the investigating committee, why not do the obvious thing—the really needful thing for us to do—bend our energies to some form of remedial legislation.

It seems to me that the entire tendencies of these investigations are destructive, and I submit that Members of Congress are not sent here to destroy, but to construct. We are sent here to pass new and better laws rather than to spend our time in picking flaws in laws already made; and I trust that the better and saner sense of Congress will soon prevail, and instead of the reckless, confidence-destroying, credit-disturbing, and panic-bringing investigations we will have during this session of Congress an era of constructive, sane, and statesmanlike legislation. All the questions involved here will be centered in the suit brought against the United States Steel Corporation by the United States Government, and I think that ought to be sufficient. I hope this resolution will not prevail, and I move to lay it on the table.

Mr. LLOYD. Mr. Speaker——

The SPEAKER. The gentleman from New York [Mr. LEVY] has moved to lay the resolution on the table.

Mr. LEVY. Mr. Speaker, I will withdraw that motion for the present.

Mr. LLOYD. Mr. Speaker, the gentleman from New York [Mr. LEVY] seems to be very much disturbed about the fact that the Steel Corporation has been attacked.

Mr. LEVY. Oh, no.

Mr. LLOYD. As far as I have known, this investigating committee has never attacked the Steel Corporation. The sole purpose of this investigation is to get at the facts with reference to the matters about which they inquire. The thing about which the gentleman from New York would most complain is the fact that the United States Government, through its proper officials, has instituted a suit to dissolve the United States Steel Corporation.

Mr. LEVY. Will the gentleman yield?

Mr. LLOYD. Yes.

Mr. LEVY. Why should I complain. I have no interest in the matter. I admit that the gentleman from Kentucky has done everything that is fair. I am not complaining of his action; I am only talking about the situation of the country.

Mr. LLOYD. The situation of the country of which the gentleman complains could not be brought about by any honest investigation of any kind of a corporation in this country. What does the Steel Corporation complain of? The Steel Corporation complains that the Government has taken hold of it and has said, through the strong arm of the law, "You have violated the law and you must answer to the law." [Applause.]

Mr. LEVY. I want to say one word further, that I have always opposed this investigation and do not believe in it.

Mr. BUTLER. Will the gentleman yield?

Mr. LLOYD. Yes.

Mr. BUTLER. Does the Steel Corporation complain of the investigation made by the committee of this House?

Mr. LLOYD. As far as I know, they do not.

Mr. BUTLER. I understand that they have furnished the committee with every facility asked for.

Mr. STANLEY. If the gentleman from Missouri will yield, I want to say that the Steel Corporation, through its attorney, has formally objected to this investigation. The Steel Corporation, through its attorneys, has said to this committee, practically and in effect, that they are not particularly concerned about the petition to dissolve the corporation, but they did not want the investigation to go on. In addition, I have Mr. MacRae's communication to me, with a communication from their attorney, Mr. Bolling, objecting to furnishing any further information because, forsooth, thank God, they have been subjected to a suit on the part of the Government. I never saw the attorney for the Steel Corporation so exultant as when he came dancing in before the committee proclaiming the fact that there had been a suit instituted to dissolve that corporation. He seemed to think that it was a Christmas gift.

Mr. BUTLER. The gentleman does not criticize the Government for bringing the suit?

Mr. STANLEY. No; but it has not been so much of a boon to the corporation as they seemed to think it is.

Mr. LLOYD. Mr. Speaker, I move to amend the resolution in line 1 by changing the word "ten" to "nine," and by inserting after the word "that" the words "not exceeding," so that it shall read:

Resolved, That not exceeding the sum of $9,000.

And so forth.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

In line 1 amend by adding after the word "that" the words "not exceeding," and in the same line by striking out the word "ten" and inserting in lieu thereof the word "nine."

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was agreed to.

Mr. LEVY. Now, Mr. Speaker, I move to lay the resolution on the table.

The SPEAKER pro tempore. The gentleman from New York moves to lay the resolution on the table.

The question was taken, and the motion was lost.

The SPEAKER pro tempore. The question now is on the resolution as amended.

The question was taken, and the resolution as amended was agreed to.

Mr. STANLEY. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

Mr. MANN. Would not the gentleman prefer to address the House when there are more Members present?

Mr. STANLEY. I do not care about who is present. I want to tell those who are here a few things.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. STANLEY. Mr. Speaker, I shall say to the gentleman from New York [Mr. LEVY], who has the honor of having as one of his constituents Mr. J. Pierpont Morgan, that he need not lose any sleep about my disturbing business. This investigation has stimulated competition. This is the first time since the formation of the United States Steel Corporation that the independents have ever dared to offer it the slightest opposition or competition, except in the case of standard steel rails, the price of which has not varied in 10 years. Shortly after Mr. Gates appeared before this committee, the Republic Iron & Steel Co., in the hope that both the transportation question and the question of the enforcement of the Sherman antitrust act would be settled, and settled in such a way as to offer inde-

pendent concerns a chance to compete, cut the price of bar iron and other products of the Republic Iron & Steel Co. As a result of the hammering of this committee upon their excessive freight rates, the rates on iron ore from the Mesabi Range to the Lakes were cut 25 per cent. When you remember that those roads make $50 per train-mile, where the average road in the country makes $2.50 per train-mile, when you remember that with a capitalization of, say, five or six millions of dollars, in one year they earned $9,000,000——

Mr. YOUNG of Michigan. Mr. Speaker, will the gentleman permit a question?

Mr. STANLEY. Yes.

Mr. YOUNG of Michigan. Does not the gentleman think that the fact that the Soo Line had entered into a contract with the owners of the mines on the Cayuna Range, which comes in competition with the Mesabi, to bring their ore to Duluth for 65 cents a ton until they shipped 2,000,000 tons a year, and then 60 cents a ton thereafter, had something to do with the cutting of the rate from the Mesabi by the James J. Hill and the Steel Corporation roads which preceded——

Mr. STANLEY. As I understand it, Mr. Hill has not reduced his rates.

Mr. YOUNG of Michigan. Oh, yes. It has not gone into effect. None of them have.

Mr. STANLEY. No. No road runs both from the Cayuna Range and the Mesabi. The Cayuna Range, with all of the ore it has, with all of the ore it can transport, is but a drop in the bucket as compared with the huge tonnage from the Mesabi and the Vermilion Range.

Mr. YOUNG of Michigan. I think the gentleman's information is entirely wrong.

Mr. STANLEY. How many million tons has the Cayuna Range now available?

Mr. YOUNG of Michigan. A very large body of ore.

Mr. STANLEY. Oh, express it in tons.

Mr. YOUNG of Michigan. Nobody knows, and nobody knows how much there is on the Mesabi Range.

Mr. STANLEY. I have talked with Mr. Nelson, and others who have mines on the Cayuna Range, and it appears that it is a mere modicum as compared with the Mesabi, a mere shirt-tail of ore.

Mr. YOUNG of Michigan. Mr. Nelson may tell you something about the Butte and the Bala Klava Co., but he knows absolutely nothing about this.

Mr. STANLEY. Then the gentleman ought to sympathize with him.

Mr. MANN. Is that the result of the gentleman being a member of the committee?

Mr. STANLEY. Oh, I am not to blame for that. The gentleman from Illinois is to blame for his being a member of the committee. "Shake not thy gory locks at me." I wash my hands of all responsibility, although I hold the gentleman in high esteem.

Mr. MANN. I am very glad of it. He is a good man to have on the committee.

Mr. STANLEY. I am not sorry for it, because I think he shows the attitude of the Republican Party toward the Steel Corporation and other trusts most admirably, and I think he is a fine gentleman.

Mr. MANN. And the gentleman from Kentucky shows his attitude most unadmirably.

Mr. YOUNG of Michigan. Mr. Speaker, I wish to say that the question which I addressed to the chairman of the committee did not concern the attitude of the Steel Corporation or my attitude toward it; but the chairman was claiming that it was the action of the committee, and the committee alone, that had reduced the rates, when every business man knows that it was the action of the Soo line in reducing the rates on Cayuna ores.

Mr. STANLEY. I will say to the gentleman from Michigan that my remark was provoked by the facetious remark, or the effort to be facetious, on the part of the gentleman from Illinois, and, of course, I have the highest respect both for the integrity, the statesmanship, and the patriotism of the gentleman from Michigan.

Mr. BOWMAN. Will the gentleman yield for a question?

Mr. STANLEY. Certainly.

Mr. BOWMAN. The gentleman did not mean to state, as I understood him to state, that the price of steel rails had been kept stationary for 5 or 10 years and had not changed?

Mr. STANLEY. Yes.

Mr. BOWMAN. Where?

Mr. STANLEY. Anywhere in the United States.

Mr. BOWMAN. I refer you to changes which are occurring daily.

Mr. STANLEY. If the gentleman will show me a daily change in the price of standard railroad rails, I will make him a present of a chromo.

Mr. BOWMAN. I will state, for the benefit of the gentleman, I have bought them at varying prices, varying, I believe, at least $10 a ton.

Mr. STANLEY. I will put it in the RECORD. Ten dollars a ton on steel rails?

Mr. BOWMAN. And steel rails have varied.

Mr. STANLEY. Ten dollars a ton?

Mr. BOWMAN. In the last 10 years, $10 a ton.

Mr. STANLEY. Since the formation of the United States Steel Corporation?

Mr. BOWMAN. Yes.

Mr. STANLEY. When was it; what year; what was the price of the rails?

Mr. BOWMAN. What was the price of rails 40 years ago?

Mr. STANLEY. I am not talking about 40 years ago.

Mr. BOWMAN. And I answer your question by asking you another question, if you know as much about it as I do.

Mr. STANLEY. I will tell you for the last 10 years the price of steel rails has been $28 a ton.

Mr. BOWMAN. You are mistaken.

Mr. STANLEY. When was it they have been less?

Mr. BOWMAN. I have bought them as low, I believe, as $17——

Mr. STANLEY. When?

Mr. BOWMAN. In the last 10 years. When was your grandmother born?

Mr. STANLEY. I am frank to say I do not know when my grandmother was born.

Mr. BOWMAN. The mines in which I have an interest have been buying steel rails by the carload for the last 20 or 30 years, and the price has varied from month to month.

Mr. STANLEY. Where are the mines located?

Mr. BOWMAN. In Luzerne and Lackawanna Counties in Pennsylvania.

Mr. STANLEY. Now, if the gentleman will kindly put in the RECORD, or if the gentleman will furnish this committee, if you have not it now, when within the last 10 years you bought steel rails for less than $28 a ton or since the formation of the United States Steel Corporation, and from whom you bought them——

Mr. BOWMAN. That is not the point at issue; the point at issue is you said they did not vary.

Mr. STANLEY. I say so now.

Mr. BOWMAN. The issue is that they have not varied in 10 years?

Mr. STANLEY. I say so now.

Mr. BOWMAN. The gentleman is mistaken, and I will stand upon that. You can not furnish me an unvarying price of steel rails for the last 10 years; it is impossible to do it.

Mr. STANLEY. I will.

Mr. BOWMAN. The burden of proof is upon you, sir.

Mr. STANLEY. I will furnish it. From whom did you buy your rails?

Mr. BEALL of Texas. I would like to suggest to the gentleman from Kentucky whether it would not be advisable to have the gentleman from Pennsylvania appear before the gentleman's committee in the morning and enlighten it.

Mr. STANLEY. I will ask the gentleman to appear before our committee in the morning and give what information he has, and if he will not appear, I will issue a subpœna for him.

Mr. MANN. What will you issue a subpœna for?

Mr. STANLEY. To find out if he knows what it is worth.

Mr. MANN. You can not subpœna a Member of Congress.

Mr. STANLEY. I want some record proof; I do not want to know about my grandmother; I want to know about rails.

Mr. CANNON. I would like to ask the gentleman if he is to receive a per diem?

Mr. STANLEY. I will pay any amount in reason to find out when rails varied in the last 10 years, because it is news to me. I want to know whom he bought from and who broke the rail pool. I want to see the color of his eyes, because it is a sin.

Mr. BURKE of Pennsylvania. Will the gentleman yield for a question?

Mr. STANLEY. Certainly.

Mr. BURKE of Pennsylvania. Will the gentleman enlighten the House as to the price of steel rails in 1901? I know that he is a master of this subject.

Mr. STANLEY. I am not a master of the detail of prices. I am not an expert on prices.

Mr. BURKE of Pennsylvania. That does not require technical knowledge.

Mr. STANLEY. I will say that since the formation of the United States Steel Corporation the price of standard steel rails has not varied. Mr. Carnegie testified to that effect before the Ways and Means Committee, Judge Gary testified to the same effect before our committee, as did Mr. Schwab.

Mr. BURKE of Pennsylvania. You say you do not know the price in 1901 or 1902. Do you know the price in 1903?

Mr. STANLEY. Twenty-eight dollars.

Mr. BURKE of Pennsylvania. In 1904?

Mr. STANLEY. Twenty-eight dollars.

Mr. BURKE of Pennsylvania. In 1906?

Mr. STANLEY. Twenty-eight dollars.

Mr. BURKE of Pennsylvania. In 1907?

Mr. STANLEY. Twenty-eight dollars.

Mr. BURKE of Pennsylvania. In 1909?

Mr. STANLEY. Twenty-eight dollars. And it will be so as long as the railroads and steel corporations are in the same "synonymous conjunct."

The SPEAKER pro tempore. The time of the gentleman from Kentucky [Mr. STANLEY] has expired.

Mr. STANLEY. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes.

Mr. MANN. Mr. Speaker, reserving the right to object, the gentleman wanted 10 minutes and he has used 15 minutes.

Mr. STANLEY. Mr. Speaker, I will answer questions here as long as they want to ask them.

The SPEAKER pro tempore. As the time is kept by the Chair, the gentleman has had only 10 minutes.

Mr. MANN. The gentleman commenced at a quarter of 5 by the clock, and it is 5 o'clock now.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. CANNON. Will the gentleman allow me?

Mr. STANLEY. Certainly.

Mr. CANNON. The gentleman is chairman of a committee making an investigation——

Mr. STANLEY. Yes, sir.

Mr. CANNON. And later to report the evidence and the conclusions of the committee to the House for its consideration. And you are seeking to get at the very truth. I want to suggest to the gentleman that might it not perchance be well enough under all the conditions to give it to us as a whole rather than in broken doses.

Mr. STANLEY. I will say to the gentleman from Illinois [Mr. CANNON] that ordinarily where the disease is only functional, a single dose will cure, but where the disease is constitutional, as it is with the average standpatter, you must give it in broken doses.

Mr. CANNON. I am not playing politics. My mind is ready to deal with this question when the report is made. The gentleman gives some evidence, I judge, in listening to his statements, of feeling, and also evidence in the beginning of having made up his mind before he has had all the case before him. The gentleman says it is to be in broken doses as to the standpatter. I believe I am, in common rumor, a standpatter according to my ability for excellence. And, after all, what has the standpatter to do with the investigation as to whether the United States Steel Co. or any other company has violated the Sherman antitrust act?

Mr. STANLEY. I will say, Mr. Speaker, that of all the standpatters the ex-Speaker is the "noblest Roman of them all." But that has nothing to do with the Steel Corporation. The chairman of this committee has no feeling whatever against the Steel Corporation. [Laughter.] Mr. Cotton, Mr. Schwab, Mr. Gary, and every man who has appeared before the committee, as the records show, has voluntarily thanked the chairman of this committee for every courtesy and consideration shown him. Mr. Schwab, who has appeared before your Ways and Means Committee for 10 years, in New York volunteered the statement that he never appeared before a committee which treated him with greater consideration or which exhibited a more sincere effort to ascertain the simple truth. Those statements have been made by almost every witness that has appeared before it. No witness has ever been given a short answer, with the exception of Mr. Perkins. I have tried as best I could to reach the simple truth.

I have a deep and abiding abhorrence of larceny, whether fostered and protected by governmental influences or not. Against the industries of this country I have no ill will, and I am inspired by a single desire to see them prosper abundantly, as far as it is possible for them to do so, by the exercise of industry and of every right and privilege to which they are justly entitled.

Now, to return. The question may be asked, What has this $35,000 been spent for? I wish to say that since this investigation was started the independents here and there and yonder, for the first time in a decade, have attempted to compete with the United States Steel Corporation, which heretofore held an umbrella over them in a way, but each rib of the umbrella concealed a sword of Damocles. There was an absolute understanding, apparently, between these people. I do not say there was a combination in restraint of trade, but there was an agreement, as Judge Gary admits, for maintaining the stability of prices. I am not passing upon its legality or illegality. Since this investigation began certain concerns have withdrawn from the Gary dinners and have withdrawn from these gentlemen's agreements, and as a result of that competition and as a result of the lowering of prices, since April 1 the American people have been saved not less than $47,000,000; or, in other words, over $2,000 has been saved to the consumer for every dollar that has been expended for conducting this investigation.

It has been charged by the gentleman from New York [Mr. LEVY] that we have injured labor and hurt business. The United States Steel Corporation to-day is doing more business, is employing more men, than it did on the day this investigation commenced. In April last, when this resolution was filed, the United States Steel Corporation had orders for 3,208,704 tons of steel. On the 30th of November it had orders for 4,141,955 tons of steel, and on December 31 last it is estimated that it will be found to have orders for not less than 4,400,000 tons of steel. The production of steel now is greater than at that time. About 65 per cent of the furnishing capacity was in operation at the time this investigation commenced; 85 per cent in operation now. We have not deprived a man of an hour's labor. We have not affected the production of steel. No wages have been reduced as the result of this inquiry, but the price of the product has been cheapened and the amount of it has been increased.

Mr. MARTIN of South Dakota. Mr. Speaker, if the gentleman will consent to be interrupted, I would like to ask him a question.

The SPEAKER pro tempore. Does the gentleman from Kentucky yield to the gentleman from South Dakota?

Mr. STANLEY. Certainly.

Mr. MARTIN of South Dakota. I should like to inquire in what way, if at all, it has affected the price of steel rails, to which, I understand, the gentleman has been referring.

Mr. STANLEY. The price of standard steel rails has not been reduced at all. Other rails, used for mines and rails for narrow-gauge roads, rails weighing less than 45 pounds per yard, have varied in price. And yet it costs more to produce the small rail than to produce the heavy rail, while the heavy rail sells for more than the small rail. I do not wish to go into a discussion of the reason for this peculiar condition of affairs, because, as the eminent ex-Speaker has said, I sit in a quasi judicial capacity; but that is the fact.

Now, the gentleman from New York [Mr. LEVY] has said that we are interfering with the exports of the United States Steel Corporation, and in that way we are producing injury to the country and materially interfering with a great industry.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. STANLEY. I ask two minutes more.

The SPEAKER pro tempore. The gentleman asks unanimous consent to continue two minutes. Is there objection?

There was no objection.

Mr. LEVY. I did not mean to say they are interfering with it. I mean that otherwise they would have gone on increasing.

Mr. STANLEY. Yes; he says the United States Steel Corporation would go on advancing in steel exports but for this.

Mr. LEVY. I did not particularize that corporation.

Mr. STANLEY. In 1900 Mr. Schwab and Mr. Carnegie both claimed that they could make rails, billets, blooms, ingots, and plates more cheaply here than they could be made anywhere else in the world. Mr. Schwab then wrote his celebrated "rail letter," and Mr. Carnegie wrote to his partners that they would soon capture the trade of the world.

Mr. Good, who is a recognized authority, in a recent article in the Atlantic Monthly, says that such was the case and that Europe dreaded the dominance of such concerns as the Carnegie Steel Co. in the export business of the world. Had Andrew Carnegie maintained control of his great plants and maintained the competitive system, he would to-day have been the ironmaster of the world, and we would have been shipping rails and plates into every port under the stars where they are used in any great quantities.

In 1900, according to Mr. Good in this Atlantic Monthly article, which I will have printed in the RECORD, the United States exported 1,154,000 tons of steel. I hope the gentleman from New York [Mr. LEVY] will hear this, if he thinks this corporation is becoming a great exporter. In 1900 Great Britain pro-

duced 3,213,000 tons. Germany produced 838,000 tons. We were then ready to take the export trade of the world.

In 1910 the United States advanced her exports from 1,154,000 tons to 1,534,000 tons, a pitiful advance of 381,000 tons. In the same time Great Britain had advanced from 3,213,000 tons to 4,594,000 tons. Germany advanced in her export business from 838,000 tons to 4,868,000 tons.

Mr. LEVY. How much have we advanced in the last two years in the exports of steel?

Mr. STANLEY. Before that they were behind what they were 10 years ago.

Mr. LEVY. I am asking about the last two years.

Mr. STANLEY. I have not the figures. I will put them in the RECORD.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. STANLEY. Now, I ask unanimous consent——

Mr. BUTLER. If the gentleman will yield, I want to know where the money has gone that was allowed to this committee to expend in its investigation.

Mr. STANLEY. We have passed the resolution. That is not now under consideration.

I ask unanimous consent to insert in the RECORD an article by T. Good on "A British view of the Steel Corporation," published in the Atlantic Monthly for December, 1911. I also ask unanimous consent to insert in the RECORD a letter from Mr. F. J. MacRae to myself, as chairman of this committee, touching his employment and what he has been doing. I also ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The article and letter referred to are as follows:

A BRITISH VIEW OF THE STEEL CORPORATION.

[By T. Good.]

The iron and steel industry, from mining the ore to putting the finest wire in a musical instrument, or from smelting the pig iron to building a huge ship and her engines, constitutes a group of the most interesting and highly skilled occupations mankind has yet indulged in, and is, next to agriculture, the world's most important productive industry. Even in the United Kingdom, so famed for its cotton and woolen trades, the metal group of industries beat the textile group at the last census (1901), measured by the number of persons employed; while in wages paid, in skill required and displayed, in capital invested, in value of goods produced, and in general economic importance iron stands out above all other manufacturing trades. So it is in America and Germany, and the world's demand for iron products seems to increase more rapidly than its demand for any other class of commodities. When, therefore, we find one country (the United States) producing more iron and steel than any other two or three countries; when we find the actual productive capacity of this country equal to that of the next three or four countries combined and being still further increased; and when we find one company (the United States Steel Corporation) aiming, apparently, at a monopoly of the entire iron and steel industry of this great country, and actually controlling half the trade and owning half the capacity of production, the progress, position, and prospects of this huge and ambitious corporation become matters of high national and international concern. At any rate, no apology need be offered for presenting a brief review and criticism of the American steel trade in general, and of the big Steel Trust in particular, from a purely British point of view.

Let us take a glance backward. The history of the iron trade, especially in America, is marked almost throughout by violent fluctuations in demand and supply, in prices and profits, with all their accompanying hardships inflicted upon labor and capital, upon workmen and manufacturers, to say nothing of the losses and inconveniences of consumers. The fits and starts and panics which have characterized the iron industry may have yielded fortunes for the few, but they have imposed miseries upon the many. The need of some means or method by which such fluctuations might be moderated was long and keenly felt. For this reason, if for no other, the aims and objects of the organizers of the Steel Trust merit sympathetic consideration. To have brought every phase of steel production, from mining raw ore to selling the finished goods, under a single management; carefully to have regulated prices and business; to have economized mining, transit, and manufacturing costs; to have given fair dividends to investors, fair wages and regular employment to workmen; and to have developed the great natural resources and expanded the industry and commerce of the vast United States—all this would have been beneficent work as well as good business, if successfully accomplished.

But by what methods have the directors of the Steel Trust sought to attain their objects, and what are the results of their policy? Since the Steel Trust began business, 10 years ago, much new capital has been attracted to the American iron and steel industry, many new furnaces and mills have been erected, output has been largely increased, prices have never been put to an extremely high, or permitted to fall to an extremely low, level; during the great pressure of 1901 and 1902 the trust directors refused to put prices as high as they might have done, and in the depression following October, 1907, they as resolutely refused to reduce prices to panic figures. The directors have endeavored, with some show of success, to have a price-maintenance understanding with their independent rivals at home. They are now trying to cultivate cooperation with their competitors abroad. We may give the trust and its directors full credit for all this; but we can not refrain from looking at the other side of the picture.

It may be recalled that the United States iron and steel industry, with all its faults and defects, prospered and progressed before the advent of the Steel Trust. Fresh capital was invested, new furnaces were erected, production was increased, wages went up, and manufacturing costs went down, mechanical efficiency reached a high pitch, and the American steel trade became the wonder of the world, before the Steel Trust was organized. In the closing years of the nineteenth century pig iron was produced and steel was manufactured in the United States at a speed, on a scale, with an efficiency and an economy which had never been equaled—certainly never surpassed—in the history of the trade in any other country. European iron and steel makers became alarmed. One of the greatest English authorities said that there seemed to be nothing to prevent America from flooding the world's markets with cheap steel. One of the greatest American authorities boldly declared that the United States would annex the world's export trade in iron and steel. So alarmed were we in England that one of our leading public men cried out that our only hope of salvation lay in becoming an American colony. It was roundly asserted that the United States possessed such inexhaustible natural resources, such cheap transit, such manufacturing competency, and such business ability that we in the old country could not hope to withstand American competition.

Financially, industrially, and commercially the United States iron and steel trade took almost giant strides before the Steel Trust was born. In three years—between 1897 and 1900—American exports of iron and steel went up by very nearly 100 per cent, and it seemed, indeed, that America was destined to annex the world's trade. Such was the position, and such were the prospects, prior to the organization of the Steel Trust. What is the position, and what are the prospects to-day, after 10 years of Steel Trust operations?

Briefly, the facts are these: Britain and Germany, between them, are doing in tonnage six times as much and in value eight times as much business in the exportation of iron and steel products as the United States, although their combined productive capacity is considerably less than that of the latter. Although America has furnaces and rolling mills enough to undertake about nine-tenths of the world's export trade, in addition to supplying her own wants, she is content with about one-tenth of the total. There is a world's export trade in iron and steel amounting to something like 14,000,000 tons a year. Of that total America claims only 1,500,000 tons. America, with an iron-and-steel-works capacity almost equal to that of all other countries put together—America, who 10 years ago boasted the greatest natural resources and lowest manufacturing costs of any iron country!

Since the Steel Trust was organized, for every dollar's worth of American iron and steel sold in neutral markets there has been sold a sovereign's worth of British iron and steel. And our American friends can no longer offer the explanation or excuse that they are too busy meeting home demands to trouble about foreign business. Never since October, 1907, have the United States steel producers been anything like adequately employed on home account. Tens and even hundreds of millions of dollars' worth of plant and machinery have been standing idle in the American iron and steel industry for three and a half years—not obsolete plant and machinery, but huge, costly, up-to-date furnaces and steel mills. To-day the United States has an iron and steel capacity unemployed nearly equal to the entire working capacity of the United Kingdom.

Nowhere within the four corners of the United States is there the shadow of a sign of a demand equal to the full employment of the works in that country. Productive capacity has been pushed millions and millions of tons beyond consumptive requirements. Yet no effort is made to find full employment by exportation. There is plenty of export trade to be had. The world's export trade is available for the strongest competitor—in other words, for the country which can produce and sell cheapest. Who would have believed 10 years ago that we should ever have the spectacle of one-third of America's furnaces—one-third of a 33,000,000-ton annual capacity, measured in terms of pig iron—standing idle month after month, while alleged played-out Britain and despised Germany worked practically at full capacity and exported between them nearly 10,000,000 tons of iron and steel in a year? Ten or 12 years ago there seemed to be every prospect that America would take first place in the steel exportation business, as well as in point of production. But America remains and is likely to remain a bad third in the international race. Why is this so?

Is it not remarkable that the prestige, powers, and prospects of the United States in the international steel trade have diminished during the decade which has elapsed since the Steel Trust was organized? In no important group of industries in any country have the costs of production gone up so rapidly and substantially these last 10 or 12 years as in the United States iron and steel trades. It is this increase in costs which has impaired, if not destroyed, America's chances of dominating the world's steel trade. And this increase in costs has coincided with the operations of the Steel Trust.

It would not be fair, perhaps, to charge the Steel Trust with all the mischief, but that a very large proportion of the increased costs of production is due to the policy of the trust admits of no manner of doubt or question. It is indeed a demonstrable fact that the trust has done more harm than good from an American point of view; that it has burdened and handicapped the United States steel trade, and, incidentally, given Britain, Germany, and other countries a better chance in the race. Last year (1910) British iron and steel exports were further in advance of those of America than they were in 1900, the year before the Steel Trust got down to business, while German exports, which were about 30 per cent below those of the United States in 1900, are now something like 300 per cent above them. Here are the bald figures:

	Iron and steel exports from—		
	United States.	United Kingdom.	Germany.
	Tons.	*Tons.*	*Tons (metric).*
1900	1,154,000	3,213,000	838,000
1910	1,535,000	4,594,000	4,868,080

While in Britain and Germany the actual costs of producing iron and steel goods are no higher now than they were 10 or 12 years ago, in the United States they are very much higher. For example, in 1899 it was calculated that steel-making pig iron was produced in the United States $5 per ton cheaper than in England, and that standard steel rails were manufactured $7 per ton cheaper there than in the old country. Before the Steel Trust was organized the cost of producing pig iron had been got down as low as $8 per ton, and American costs all along the line, from mining ore to rolling rails, plates, and structural materials, were at a level which defied British competition; and if America's productive capacity had been sufficiently in advance of her

domestic requirements she would, no doubt, have beaten our country in the exportation business.

At that time United States costs were low enough, but the furnaces and mills were not numerous enough to enable that country to indulge in a big export trade. Now that America has any amount of furnaces and mills in excess of home demands—enough idle plants to do nearly the whole of the world's export trade—she finds her manufacturing costs so far above those of her British and German rivals that she can not obtain more than a very small amount of export business, and so, perforce, her costly plants must stand unemployed. Between two and three years ago, in their evidence before the Ways and Means Committee, leading American iron and steel producers had to admit that within 10 years—namely, between 1899 and 1908—the cost of making pig iron for the steel mills had increased from about $8 to $14 a ton; the cost of rail manufacture, despite mechanical improvements, had advanced more than $5 per ton; and that of other steel products in proportion. How is this?

The Steel Trust directors, in their efforts to absorb all the best plants in the United States, paid extravagant prices for some of them. They piled upon their industry an enormous load of bonds. They tried to buy or lease all the best iron-ore reserves in the country, and their efforts in that direction resulted in mining royalties being forced to a ridiculous height. They boasted of their huge profits, and that created an unanswerable demand for artificially high wages and salaries. From the moment that the Steel Trust got to work the American iron and steel industry was diverted from natural to unnatural developments; costs and prices of raw materials were inflated, progress toward economy was arrested, retrogression set in, and America's rosy chances of annexing the world's export trade were shattered. The Steel Trust, while spending large amounts of money on new plants and extensions, preparing for the conduct of an almost fabulous business, at the same time forced up capital charges, rents, royalties, costs of raw material, wages, and general manufacturing expenses to such a height as to render a big or profitable export business in competition with other countries impossible.

Thus it comes about that the Steel Trust has justified neither the hopes that it raised at home nor the fears it inspired abroad. It has not strengthened the American iron and steel industry. It has done nothing to increase the United States' share of the world's business. It has in no way reduced British exports or prevented the growth of those of Germany. The Trust has not secured a monopoly in its own country in respect either of manufacturing plants or supplies of raw material. Contrary to all the high anticipations and loud boastings with which it was launched, it has proved neither a strong competitor in the world's markets nor even a good dividend earner for its shareholders. Spread over the full 10 years of its existence, its common and preferred shareholders between them have had only an average of 4¾ per cent per annum on their capital. A considerable proportion of the profits realized has gone in building new plants which are not required; and now, with manufacturing costs so much higher and selling prices so much lower than in the early years; with the real profits of the trust, both per ton of work and per unit of capital, diminishing, there is no prospect of this concern paying large dividends in the future.

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68 WILLIAM STREET,
New York, December 4, 1911.

Hon. AUGUSTUS O. STANLEY,
Chairman Special Committee on Investigation of United States Steel Corporation, Washington, D. C.

DEAR SIR: Since submitting my last written report to you under the date of August 2, 1911, I desire to report further, for the information of the committee, as follows:

At your request I attended the hearings of the committee in the municipal chamber in the New York city hall on August 3, 4, and 5; and, under your instructions, I went to Washington on August 7, and attended the hearings there on August 8, 9, 10, 11, and 12.

On Monday, August 14, as directed by you, I called on Mr. Herbert Knox Smith, Commissioner of Corporations, to obtain from him certain accounts and other data in his office, which, under the consent given to the committee by the President, was to be placed at the disposal of the committee; and on that day I handed you a written report of my request, and Mr. Smith's reply thereto, as follows:

"On the 14th day of August, 1911, Mr. MacRae called on the Commissioner of Corporations, Mr. Herbert Knox Smith, accompanied by Miss Minnie Mahler, and requested Mr. Smith to furnish him (Mr. MacRae) with a copy of his (Mr. Smith's) requests upon the Steel Corporation for books, documents, or information by the end of the week.

"Mr. MacRae also requested Mr. Smith to furnish him with the trading and profit and loss accounts of the various subsidiary companies of the United States Steel Corporation, which he understood had been submitted to him by the United States Steel Corporation. Mr. Smith said that such information as he had in his possession respecting this matter was only fragmentary.

"Mr. MacRae requested Mr. Smith to furnish him with the production cost of the principal products of the Steel Corporation. Mr. Smith said that the data furnished in this respect by the Steel Corporation had been returned to it, and he only had copies in his possession, and that his figures in this regard when published would be composite costs of the Steel Co. and other independent companies amalgamated with statistics or data compiled from the Iron Age and other trade journals. I understood him to say that it would be several months before this information would be published and available."

On August 15 to 23, inclusive, I attended at the office of the corporation in New York and directed the compilation of the accounts and the examination of the minutes of the subsidiary companies, and I was also in Washington in conference with you regarding the subjects then under investigation and the evidence sought to be procured from the Commissioner of Corporations, and I again called upon the said commissioner, and handed you the following memorandum as the result of my visit:

"The requests made on the United States Steel Corporation by the Bureau of Corporations comprise seven books, or about 700 pages. The requests principally relate to mill cost sheets of the various products in minute detail, profit and loss statements, and "orders" and "bookings" of sales for the various companies, all of which have been returned, in accordance with the agreement, and receipts signed by the commissioner or his assistants, a copy of which receipt is as follows:

"Received of United States Steel Corporation schedule and statistical statements covering operations of ——— Co. properties for the year — as enumerated in schedules annexed hereto.

"The schedules and statistical statements above referred to are received on the understanding that they are merely loaned to me for my inspection and consideration, that I will not make literal copies thereof for the files of any department of the United States Government, and that said schedules and statements will be returned to the United States Steel Corporation as soon as I have completed inspection of same, and in any event prior to ———."

Under my direction a copy of the requests made by the Bureau of Corporations on the United States Steel Corporation was made and is now in your possession.

From August 24 to the present time I have attended at the office of the corporation in New York (except on September 12 to 15, September 23 to 26, and November 9 to 10, when I was in Washington in consultation with you) in the preparation of the accounts and the examination of the minute books of the various companies and investigation of other matters in the interests of the committee.

Many delays of one, two, or three days at a time occurred in furnishing the minute books of the subsidiary companies for the reason, as stated by Mr. Bolling, that he or some other representative of the company has to read all books before permitting me to examine them, and had to get the consent of the former officials or directors of the subsidiary companies before permitting me to examine them. And on or about the 14th of October I expressed to Mr. Bolling my dissatisfaction with the progress I was making in the examination of the minutes of the various subsidiary companies, owing to the slowness in delivering the said minutes and the delays between the time of finishing the reading of one set of minutes and the production of another set. I stated that I would take Mr. Ernest from the work of reading the minutes and detail him to some other duties until such time as Mr. Bolling could have sufficient sets of minutes ready for inspection to allow the examination to be taken up and proceed with some degree of rapidity.

On October 30 I informed Mr. Bolling that I was ready to have Mr. Ernest proceed with the reading of the minutes, and on October 31 Mr. Bolling informed me, through Mr. Winslow, that, owing to the press of business due to the Government suit against the Steel Corporation, and in the absence of Mr. MacVeagh, that he had been unable to read any of the minutes, and he requested a further delay until he should be at liberty to do so.

On November 8 I received the following letter from the United States Steel Corporation, signed by their attorney, Mr. Raynal C. Bolling:

NOVEMBER 8, 1911.

DEAR SIR: Before asking that we furnish you further data, such as minutes and other records, might it not be well for you to ascertain what are the views of Mr. STANLEY with respect to the propriety of a request for this data, now that the United States Steel Corporation and its subsidiary companies, as well as a number of individuals connected with the corporation, have been made defendants in an action brought by the Government? May not Mr. STANLEY feel that, with proper respect for the courts and regard for the rights of defendants therein, evidence ought not to be requested by an investigating committee from defendants during the progress of court proceedings?

Very truly, yours,

RAYNAL C. BOLLING.

Mr. F. J. MACRAE,
68 William Street, New York City.

In response to a telephonic communication from you, I went to Washington on November 9 to consult with you, and on November 10 the following letter was addressed by you to Mr. Raynal C. Bolling:

NOVEMBER 10, 1911.

Mr. RAYNAL C. BOLLING,
Assistant General Solicitor United States Steel Corporation, 71 Broadway, New York City.

DEAR SIR: Your favor of November 8, addressed to Mr. F. J. MacRae, has just been brought to my attention, in which you suggest that Mr. MacRae ascertain my views in respect to the propriety of his request for certain data necessary to complete the investigation of the books of the Steel Corporation, as authorized by the committee. Mr. MacRae's duties with this committee are in no way affected by the action brought by the Department of Justice.

I am of the opinion that neither the Department of Justice nor any member of this committee regard Mr. MacRae's request as in any way evidencing a lack of respect for the courts or regard for the rights of defendants therein.

I sincerely hope that upon receipt of this communication Mr. MacRae will not be further delayed in his endeavor to complete this examination.

Yours, very truly,

A. O. STANLEY.

Dic. M.

On November 17 Mr. Bolling informed me that he would turn over for my inspection the minutes of the Oliver Iron Mining Co., and would furnish such other minutes as have been asked for in due course of time, after they had been read by some representative of the Steel Corporation.

On November 29, upon receipt of a telephonic communication from you, I went to the office of the corporation and saw Mr. Winslow and made the same request that I have made every day for the past several weeks, to wit, that he see Mr. Filbert and get for me the explanation of certain adjustments in the making up of the annual reports of the United States Steel Corporation, which it is necessary for me to have in order to complete my figures. I also stated that I have received a request from you to furnish the data regarding the cost of production of principal products of the corporation and also the minutes of such companies as have not already been supplied.

Mr. Winslow, on behalf of the United States Steel Corporation, replied that Mr. Gary, Mr. Filbert, and Mr. Bolling were in Washington and that Mr. Bolling had stated to him yesterday afternoon that on account of the time taken in complying with the demands of the Senate investigating committee and the work in connection with the Government suit that nothing could be done in compliance with the demands of the committee through me at that time.

Requests for data made by Mr. MacRae and disposition of the same by the corporation.

As directed by you, I made a copy of the voucher for $10,000, referred to in the examination of Mr. George W. Perkins, which was furnished to me, as follows:

E. T. STOTESBURY, CHAIRMAN,
No. 13 SOUTH FIFTH STREET,
Philadelphia, Pa., September 19, 1904.

UNITED STATES STEEL CORPORATION:

MY DEAR SIRS: I inclose herewith the Republican National Committee's receipt for your subscription to the campaign fund.

Respectfully, yours,

E. T. STOTESBURY, *Chairman.*

Inclosure:

REPUBLICAN NATIONAL COMMITTEE,
Madison Square, New York, September 17, 1904.

Received from United States Steel ten thousand no/100 dollars.

C. H. DUEL,
Assistant Treasurer.

(Press of 40 Nassau Street.)

NOTE.—E. T. Stotesbury is a member of the firm of J. P. Morgan & Co.

2. I was furnished with document marked "Exhibit U," which is a statement of the companies whose stocks are owned by the United States Steel Corporation, together with the capital stocks of those companies and their capital indebtedness.

3. I was furnished with Exhibit T, which is a list of plants and properties acquired by the United States Steel Corporation or its subsidiary companies on its incorporation or by purchase since, which have been sold, dismantled, or otherwise disposed of.

4. I have requested a statement of the cost of production of the principal products of the company, which has been promised, but has not yet been furnished.

5. I have requested the annual reports of the subsidiary companies. These annual reports would show the assets and liabilities and the profit-and-loss accounts. The corporation furnished me the balance sheets showing the assets and liabilities of the various companies as of December 31, 1910, but they demurred to furnishing the trading and profit and loss statements of these companies for nine years and nine months, in accordance with my request set forth in my report to the committee, July 18, 1911, unless I signed a receipt similar to that signed by Mr. Smith, which is referred to above.

There was considerable delay and discussion with the officials and attorneys of the United States Steel Corporation, which I duly reported to you in person and by letter and telegraph, and thereafter, on August 25, 1911, you instructed me by telegraph as follows:

Am surprised and exceedingly regret that any restrictions are placed upon profit and loss sheets of subsidiary companies; suggest you examine these papers under terms and conditions named in Mr. Bolling's letter of the 24th instant, with distinct understanding that committee is not in any manner whatsoever precluded, even by inference, from issuing such process as its chairman may deem proper for the production of these papers when the committee resumes its sitting.

A. O. STANLEY.

On August 28 Mr. Bolling agreed to give me the trading and profit and loss statements upon condition that I sign the receipt copied below, which, in accordance with the directions in your telegram above, I signed as follows:

"Received of United States Steel Corporation profit and loss statements of the subsidiary companies of the United States Steel Corporation for the year 19—, numbered as follows: * * *

"These statements are received upon the condition that they are merely submitted to me for my inspection, and that I will not make literal copies thereof for any purpose whatever, and I will not, either in my report or in any other manner, make public the records given in said statement with respect to the gross or net profits or other details of any particular company; but it is also understood that their acceptance upon these conditions is not to be deemed in any way a waiver of any right to obtain them by subpœna which the committee may have."

From that date until the present date, I have been using my best endeavors to compile these figures for the information of the committee.

I have two assistants working on these accounts and I expect that these figures will be completed within the next 30 days if I am furnished by the corporation with the explanation of the adjustments made by the corporation in preparing their annual reports.

6. I have been furnished with the minutes of the following companies, which have been read and extracts have been made for the use of the committee:

United States Steel Corporation, minutes of
Directors;
Finance committee;
Executive committee;
General managers of sales;
Auditors;
Supplemental extract from finance committee minutes;
Carnegie Steel Co. (of New Jersey);
Carnegie Steel Co. (of Pennsylvania);
The Carnegie Co.;
Index Carnegie Steel Co's. minutes;
Clairton Steel Co.;
Union Steel Co.;
Federal Steel Co. (directors' minutes);
American Bridge Co. of New Jersey;
American Bridge Co. of New York;
Empire Bridge Co.;
Trenton Iron Co.;
Tennessee Coal, Iron & Railroad Co.;
Universal Portland Cement Co.;
Universal Portland Cement Co. (directors' minutes);
American Steel & Wire Co. of New Jersey;
H. C. Frick Coke Co.;
United States Steel Products (export) Co.;
Illinois Steel Co. (directors' minutes);
American Sheet Steel Co.;
National Tube Co.; and
Shelby Steel Tube Co.

7. I have requested the production of the following minutes, which have not been furnished:

United States Steel Corporation subsidiary companies' presidents' meetings minutes or records of meetings (it was stated that none is kept);
Purchasing agents;
Carnegie Steel Co. (of Pennsylvania), before 1901;
Illinois Steel Co., executive and finance committees;
Universal Portland Cement Co., executive and finance committees;
National Steel Co.;
Lake Superior Consolidated Iron Mining Co.;
Duluth, Missabe & Northern Railway;
Duluth & Iron Range Railway;
Pittsburg Steamship Co.; and
American Steel Hoop Co.

I have also requested that the United States Steel Corporation furnish the minutes of executive and finance committees of subsidiary companies where such committees existed and where the minutes have not already been furnished as shown above; and such minutes have not been furnished to me.

Also, Mr. Anthony J. Ernest, of the New York bar, employed by me and under my direction, is preparing a summary or brief of the evidence extracted from these minute books by him and from the testimony already taken, which I believe will be of value to the committee, and which I expect will be completed in 30 days.

The letter from J. A. Farrell to Mr. Corey, dated July 27, 1903, and the letter from Mr. Farrell referred to in the minutes of finance meeting April 11, 1905, and the schedule of profits of the principal products of the organization at present prices submitted at meeting of finance committee April 27, 1909, have not been received by me.

A great loss of time has been caused by repeated delays on the part of the corporation in furnishing minutes and other matter requested. At the office of the corporation in New York the explanation was made that counsel had to read all minutes before I should be permitted to see them; that former officials or persons who had been interested in certain subsidiary companies had to be consulted before the minutes of that company could be furnished; that other officials who were then absent on vacation had to be consulted before furnishing certain minutes or data; that on account of the press of other business counsel had been unable to read minute books preparatory to furnishing same; that absence from the office and from the city of officials who were supposed to have information desired had rendered it impossible to furnish the matter required until after a short delay; the commencement of the Government suit has been referred to as a cause for delay; the Senate investigation has also been referred to; in the offices of the subsidiary companies in Pittsburgh several delays of two or three days occurred in complying with requests for reason, as stated, of the necessity of obtaining the consent of counsel in New York to the furnishing of data asked for.

Although some of the delays may have been entirely excusable, as, for instance, the delay of three days while part of the office of the corporation was being rearranged and repainted, on the other hand, the recurrence and frequency of these postponements prevented proper expedition in the prosecution of the work in its entirety, and in the short intervals when records and documents were available it increased the difficulty of the work and the need for speed in doing it. The fact that many of the documents and books were supplied in fragments—no part being furnished until the part furnished had been examined and abstracted—has also increased the difficulty of the work and consumed time.

My attention having been called to criticisms in certain quarters regarding the expense of this investigation, I believe it is due the committee and myself to make the following explanation in regard to the work being done by me.

The time spent by a large force with the admitted assistance of the United States Steel Corporation and the expenditure of a large amount of money by them is illustrated by the report of Mr. Herbert Knox Smith, and I believe that the committee will fully appreciate the labor involved in an investigation of the affairs of a corporation of such magnitude as the Steel Co. It should be borne in mind that at no time in the prosecution of the work have there been less than three men, and generally four men, engaged in doing it under my direction, besides typewriters and copyists, and these necessarily had to be of more than average skill and experience. In view of the extent and complexity of the detail involved in examining the financial affairs of the corporation and its many subsidiaries, this seems to be the minimum force that could make an intelligent and comprehensive investigation.

If an appropriation of $25,000 had been devoted to the accounting work alone in the investigation of the corporation, it would not have been too large or disproportionate an amount in comparison with the fees ordinarily paid to professional public accountants for auditing or investigating the books of corporations in general or this corporation in particular. This is especially true in the case of this corporation because of its great size and the number of its subsidiary concerns, and also because the cost of ordinary accounting would be calculated in consideration of the expectation that the corporation itself would assist and facilitate the compilation of the accounts, which was done for the Commissioner of Corporations, and which was not done as to the figures compiled by me for the particular purposes of this committee. This was explained by me in substance to the committee at the outset of the work and before my engagement as accountant.

Very respectfully, yours,

F. J. MACRAE.
Certified Public Accountant.

Mr. LEVY. I ask unanimous consent to extend my remarks in the RECORD, and to insert the statistics which I have in my office relating to this subject.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

COMMITTEE ON FOREIGN AFFAIRS.

Mr. SULZER. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent for the present consideration of a resolution which the Clerk will report.

The Clerk read as follows:

Resolved, That the Committee on Foreign Affairs shall have leave to sit during the sessions of the House during the Sixty-second Congress and during the recesses of that Congress.

Mr. MANN. Mr. Speaker, I shall have to object to that resolution in that form. I have no objection to that committee sitting during the sessions of the House.

The SPEAKER pro tempore. The gentleman from Illinois objects.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned until to-morrow, Wednesday, January 10, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting an estimate of an appropriation to pay judgment of the Court of Claims in favor of Ute Indians (H. Doc. No. 410); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Postmaster General revising his estimate for appropriation for pneumatic-tube service for the fiscal year ending June 30, 1913 (H. Doc. No. 408); to the Committee on the Post Office and Post Roads and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Postmaster General submitting supplemental estimate for an appropriation for compensation and expenses of United States delegates to the next Universal Postal Congress, to be held in Madrid in 1913 (H. Doc. No. 412); to the Committee on the Post Office and Post Roads and ordered to be printed.

4. A letter from the Acting Secretary of Commerce and Labor, transmitting, with favorable recommendation, draft of a bill to authorize the Secretary of Commerce and Labor to reconvey to Chase S. Osborn certain land acquired as sites for range lights on Duck Island, St. Marys River, Mich. (H. Doc. No. 413); to the Committee on Public Buildings and Grounds and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of State submitting new estimate for an appropriation authorizing United States Government to participate in the International Conference on Maritime Law, to meet in Brussels, Belgium, in September, 1912 (H. Doc. No. 409); to the Committee on Foreign Affairs and ordered to be printed.

6. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Navy submitting supplemental estimates of appropriations required for the Naval Establishment for the fiscal year 1913 (H. Doc. No. 411); to the Committee on Naval Affairs and ordered to be printed.

7. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Cornucopia Harbor, Wis. (H. Doc. No. 415); to the Committee on Rivers and Harbors and ordered to be printed.

8. A letter from the secretary of the National Monetary Commission, transmitting annual report of said commission to the House of Representatives (S. Doc. No. 243); to the Committee on Banking and Currency and ordered to be printed.

9. A letter from the Acting Secretary of War, asking that estimates for claims submitted by him in Book of Estimates be transferred from Committee on Military Affairs to Committee on Claims (H. Doc. No. 414); to the Committee on Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. TILSON, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 184) authorizing the Secretary of War to loan certain tents for the use of the Confederate Veterans' Reunion, to be held at Macon, Ga., in May, 1912, reported the same without amendment, accompanied by a report (No. 208), which said bill and report were referred to the House Calendar.

Mr. MARTIN of South Dakota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 14108) to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River, in said city, reported the same without amendment, accompanied by a report (No. 209), which said bill and report were referred to the House Calendar.

Mr. HAMLIN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 14932) to amend an act entitled "An act to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri," approved July 3, 1884, reported the same with amendment, accompanied by a report (No. 215), which said bill and report were referred to the House Calendar.

Mr. KNOWLAND, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 3484) to authorize the construction of a bridge across the Snake River, between Walla Walla and Franklin Counties, in the State of Washington, by the Oregon-Washington Railroad & Navigation Co., reported the same with amendment, accompanied by a report (No. 212), which said bill and report were referred to the House Calendar.

Mr. CULLOP, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 14125) to authorize the reconstruction, maintenance, and operation of a bridge across the Little River at or near Lepanto, Ark., reported the same with amendment, accompanied by a report (No. 213), which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 14111) to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city, reported the same with amendment, accompanied by a report (No. 214), which said bill and report were referred to the House Calendar.

Mr. GOULD, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 14944) authorizing the construction of a bridge across the Connecticut River, in the State of Connecticut, between the towns of East Haddam and Haddam, reported the same with amendment, accompanied by a report (No. 217), which said bill and report were referred to the House Calendar.

Mr. SMITH of Texas, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 15781) to authorize the Aransas Harbor Terminal Railway to construct a bridge across Morris and Cummings Channel, reported the same without amendment, accompanied by a report (No. 218), which said bill and report were referred to the House Calendar.

Mr. MICHAEL E. DRISCOLL, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 14109) to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city, reported the same without amendment, accompanied by a report (No. 210), which said bill and report were referred to the House Calendar.

Mr. HAMILTON of Michigan, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 14110) to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city, reported the same with amendment, accompanied by a report (No. 216), which said bill and report were referred to the House Calendar.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 15920) to authorize the board of county commissioners for Beltrami County, Minn., to construct a bridge across the Mississippi River, reported the same without amendment, accompanied by a report (No. 211), which said bill and report were referred to the House Calendar.

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill (S. 2509) to amend section 1004 of the Revised Statutes of the United States, reported the same with amendment, accompanied by a report (No. 219), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 9337) granting an increase of pension to Edward Dugan, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CRAGO: A bill (H. R. 17470) to pension widow and minor children of any officer or enlisted man who served in the War with Spain or Philippine insurrection; to the Committee on Pensions.

Also, a bill (H. R. 17471) to extend the act of June 27, 1890, and the act of April 19, 1908, to include widows and orphans of persons who served in the War with Spain or Philippine insurrection; to the Committee on Pensions.

Also, a bill (H. R. 17472) for the erection of a memorial to Gen. Edward Braddock along the old national road in Fayette County, Pa.; to the Committee on the Library.

By Mr. STEPHENS of Texas: A bill (H. R. 17473) to provide for the purchase of a site and the erection of a public building thereon at Vernon, State of Texas; to the Committee on Public Buildings and Grounds.

By Mr. LAFEAN: A bill (H. R. 17474) to increase the limit of cost of the public building authorized to be constructed at York, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. PLUMLEY: A bill (H. R. 17475) to increase the limit of cost for the erection and completion of the United States post-office and courthouse building at Brattleboro, Vt.; to the Committee on Public Buildings and Grounds.

By Mr. BERGER: A bill (H. R. 17476) providing for the extension of the service of the Army and Navy stores to all employees of the Government; to the Committee on Military Affairs.

By Mr. RAUCH: A bill (H. R. 17477) authorizing the payment of money and interest to the Miami Indians of Indiana; to the Committee on Indian Affairs.

By Mr. HUMPHREY of Washington: A bill (H. R. 17478) to further regulate the admission of Chinese persons and persons of Chinese descent; to the Committee on Immigration and Naturalization.

By Mr. CARTER: A bill (H. R. 17479) granting to the coal-mining companies in the State of Oklahoma the right to acquire additional acreage adjoining their mine leases, and for other purposes; to the Committee on Indian Affairs.

By Mr. WARBURTON: A bill (H. R. 17480) to provide for the erection of a public Weather Bureau observatory on Mount Rainier, Wash.; to the Committee on Agriculture.

By Mr. KALANIANAOLE: A bill (H. R. 17481) granting right of way through the Fort Shafter Military Reservation and Pearl Harbor Naval Station, Territory of Hawaii, to the Pearl Harbor Traction Co. (Ltd.); to the Committee on Military Affairs.

By Mr. LEVY: A bill (H. R. 17482) creating the office of vice admiral of the Navy; to the Committee on Naval Affairs.

By Mr. ROBERTS of Massachusetts: A bill (H. R. 17483) amending section 1998 of the Revised Statutes of the United States, and to authorize the President, in certain cases, to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the naval service; to the Committee on Naval Affairs.

By Mr. VOLSTEAD: A bill (H. R. 17484) authorizing the erection of a public building at Montevideo, Minn.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17485) to limit the time in which land-warrant certificates of location and scrip may be acquired and located; to the Committee on the Public Lands.

By Mr. BYRNES of South Carolina: A bill (H. R. 17486) to provide for the erection of a public building at the city of Bamberg, S. C.; to the Committee on Public Buildings and Grounds.

By Mr. MURDOCK: A bill (H. R. 17487) for the erection of a public building at Eldorado, Kans.; to the Committee on Public Buildings and Grounds.

By Mr. MARTIN of Colorado: A bill (H. R. 17488) for the relief of the Confederated Band of Ute Indians; to the Committee on Appropriations.

By Mr. STEPHENS of California: A bill (H. R. 17489) to provide for a preliminary examination and survey of Los Angeles and Long Beach Harbors, Cal., and all waters emptying thereinto; to the Committee on Rivers and Harbors.

By Mr McHENRY: A bill, (H. R. 17490) to authorize the acquisition of a site and the erection of a Federal building at Berwick, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. PADGETT: Concurrent resolution (H. Con. Res. 28) to print 30,000 copies of the report of the National Monetary Commission; to the Committee on Printing.

By Mr. DIFENDERFER: Resolution (H. Res. 366) authorizing the Committee on Expenditures in the War Department to sit during the sessions of the House at such place or places as may be deemed necessary; to the Committee on Rules.

By Mr. SULZER: Resolution (H. Res. 367) authorizing the Committee on Foreign Affairs to sit during the sessions of the House and during the recesses of the Sixty-second Congress; to the Committee on Rules.

By Mr. LEVER: Joint resolution (H. J. Res. 208) limiting the editions of the publications of the Bureau of Education; to the Committee on Education.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BATES: A bill (H. R. 17491) granting an increase of pension to Susan Kemp; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 17492) granting a pension to Nora E. Singleton; to the Committee on Pensions.

By Mr. BROWN: A bill (H. R. 17493) granting an increase of pension to Robert B. Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17494) granting an increase of pension to Robert M. Dunnington; to the Committee on Invalid Pensions.

By Mr. BURKE of Wisconsin: A bill (H. R. 17495) granting a pension to Mary Stultz; to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 17496) granting an increase of pension to Ellen B. Woodbury; to the Committee on Pensions.

By Mr. COOPER: A bill (H. R. 17497) granting an increase of pension to Hans Erickson; to the Committee on Invalid Pensions.

By Mr. ESTOPINAL: A bill (H. R. 17498) for the relief of Alice R. Anderson, administratrix of the estate of Albert Bell, deceased; to the Committee on War Claims.

Also, a bill (H. R. 17499) for the relief of the heirs of Frederick Huppenbauer, deceased; to the Committee on Claims.

Also, a bill (H. R. 17500) for the relief of Andrew W. Smyth; to the Committee on Claims.

Also, a bill (H. R. 17501) for the relief of the heirs of Myra Clark Gaines, deceased; to the Committee on the Public Lands.

Also, a bill (H. R. 17502) for the relief of the heirs of Victor Faisans; to the Committee on War Claims.

Also, a bill (H. R. 17503) for the relief of the estate of Patrick Dooling, deceased; to the Committee on War Claims.

Also, a bill (H. R. 17504) for the relief of Peter Keveney; to the Committee on Claims.

Also, a bill (H. R. 17505) for the relief of the estate of Fredrick Arbour, deceased; to the Committee on War Claims.

Also, a bill (H. R. 17506) granting a pension to Georgina B. Jonas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17507) granting a pension to Richard D. Powers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17508) granting an increase of pension to Gabriel Cooper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17509) granting an increase of pension to Celia W. Boothby; to the Committee on Pensions.

Also, a bill (H. R. 17510) granting an honorable discharge to Joseph L. Galle; to the Committee on Military Affairs.

Also, a bill (H. R. 17511) to carry out the findings of the Court of Claims in the case of Florine A. Albright; to the Committee on War Claims.

Also, a bill (H. R. 17512) to carry into effect the findings of the Court of Claims in the case of Charles S. Van Hofen, administrator of Henry Van Hofen, deceased; to the Committee on War Claims.

By Mr. FORNES: A bill (H. R. 17513) for the relief of Robert W. Hilliard; to the Committee on Claims.

By Mr. GRIEST: A bill (H. R. 17514) granting an increase of pension to John Irwin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17515) granting an increase of pension to Henry K. Reese; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 17516) granting an increase of pension to William S. Randlett; to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: A bill (H. R. 17517) granting an increase of pension to George H. Kimmel; to the Committee on Invalid Pensions.

By Mr. HINDS: A bill (H. R. 17518) granting a pension to Mary A. Barrows; to the Committee on Invalid Pensions.

By Mr. HUGHES of New Jersey: A bill (H. R. 17519) granting a pension to Dora Emmons; to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 17520) for the relief of Robert A. Malloy; to the Committee on War Claims.

Also, a bill (H. R. 17521) granting a pension to Mary A. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17522) granting a pension to Mary English; to the Committee on Pensions.

Also, a bill (H. R. 17523) granting an increase of pension to Mary Carr; to the Committee on Pensions.

Also, a bill (H. R. 17524) granting an increase of pension to Fanny M. Smedberg; to the Committee on Pensions.

By Mr. KINKAID of Nebraska: A bill (H. R. 17525) for the relief of William A. Scoville and Kenyon P. Crandall; to the Committee on the Public Lands.

By Mr. KINKEAD of New Jersey: A bill (H. R. 17526) granting an increase of pension to Eliza Williams; to the Committee on Invalid Pensions.

By Mr. KENT: A bill (H. R. 17527) granting a pension to Napoleon B. Dixon; to the Committee on Pensions.

Also, a bill (H. R. 17528) granting an increase of pension to James H. Mitchell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17529) granting an increase of pension to Noah T. Ream; to the Committee on Pensions.

Also, a bill (H. R. 17530) granting an increase of pension to William C. Medbury; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17531) granting an increase of pension to Alden Youngman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17532) granting an increase of pension to Sam Smallpage; to the Committee on Pensions.

By Mr. KONOP: A bill (H. R. 17533) granting a pension to Lucy A. Jeffcott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17534) granting a pension to Hamilton Masse; to the Committee on Invalid Pensions.

By Mr. LANGHAM: A bill (H. R. 17535) granting an increase of pension to Josiah Klingensmith; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 17536) granting a pension to Mrs. Mary R. McGwigan; to the Committee on Invalid Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 17537) granting an increase of pension to Daniel F. Bausum; to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 17538) granting a pension to Minnie Points; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17539) for the relief of Robert Harris; to the Committee on War Claims.

By Mr. McCREARY: A bill (H. R. 17540) for the relief of William A. Hutson; to the Committee on Claims.

By Mr. McGILLICUDDY: A bill (H. R. 17541) granting a pension to Charles F. Rollins; to the Committee on Pensions.

By Mr. McKELLAR: A bill (H. R. 17542) to carry into effect the findings of the Court of Claims in the case of the La Grange Synodical College, La Grange, Tenn.; to the Committee on War Claims.

By Mr. McKINLEY: A bill (H. R. 17543) granting a pension to R. T. Himes; to the Committee on Pensions.

Also, a bill (H. R. 17544) granting a pension to Violetta Woodworth; to the Committee on Pensions.

Also, a bill (H. R. 17545) granting an increase of pension to Henry A. Butcher; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 17546) granting a pension to Annie E. Gladding; to the Committee on Pensions.

Also, a bill (H. R. 17547) granting a pension to David Hay; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17548) granting an increase of pension to Lewis Bowry; to the Committee on Pensions.

Also, a bill (H. R. 17549) granting an increase of pension to Ann Goulding; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17550) granting an increase of pension to Mary A. Mykins; to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 17551) granting an increase of pension to R. M. Curtis; to the Committee on Invalid Pensions.

By Mr. PARRAN: A bill (H. R. 17552) granting a pension to Fred D. Tillman; to the Committee on Pensions.

By Mr. PLUMLEY: A bill (H. R. 17553) granting a pension to Alice Hammond; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17554) granting an increase of pension to Charles W. Stewart; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 17555) granting an increase of pension to Richard St. John; to the Committee on Invalid Pension.

By Mr. RUCKER of Missouri: A bill (H. R. 17556) granting an increase of pension to Claridon F. Cherry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17557) granting an increase of pension to Fannie E. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17558) for the relief of the estate of James McGuire, deceased; to the Committee on War Claims.

By Mr. RAUCH: A bill (H. R. 17559) granting a pension to Emily J. Hormel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17560) granting a pension to Maria Vanurden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17561) granting a pension to Sarah Crosby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17562) granting a pension to Mary Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17563 granting an increase of pension to John F. Trulock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17564) granting an increase of pension to John H. Price; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17565) granting an increase of pension to Nathaniel Krauss; to the Committee on Invalid Pensions.

By Mr. ANDERSON of Minnesota: A bill (H. R. 17566) granting an increase of pension to John B. Berry; to the Committee on Invalid Pensions.

By Mr. ROTHERMEL: A bill (H. R. 17567) for the relief of John I. Brown & Son and others; to the Committee on Claims.

By Mr. SLOAN: A bill (H. R. 17568) granting an increase of pension to James C. McClay; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17569) granting an increase of pension to Benjamin S. Colyer; to the Committee on Invalid Pensions.

By Mr. J. M. C. SMITH: A bill (H. R. 17570) granting a pension to Roy Adams; to the Committee on Pensions.

Also, a bill (H. R. 17571) granting an increase of pension to Will H. S. Banks; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 17572) granting a pension to Henry H. Snow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17573) granting an increase of pension to James Ferguson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17574) for the relief of George H. Burton; to the Committee on War Claims.

By Mr. STEPHENS of Nebraska: A bill (H. R. 17575) for the relief of Robert Gray; to the Committee on War Claims.

Also, a bill (H. R. 17576) granting an increase of pension to James M. Crosby; to the Committee on Invalid Pensions.

By Mr. SULZER: A bill (H. R. 17577) for the relief of Dewitt C. Robbins; to the Committee on Military Affairs.

By Mr. TOWNER: A bill (H. R. 17578) granting an increase of pension to William R. Wilson; to the Committee on Invalid Pensions.

By Mr. UTTER: A bill (H. R. 17579) granting a pension to Harry Wilton Babcock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17580) granting an increase of pension to John Wells; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17581) granting an increase of pension to Hattie A. Briggs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17582) granting an increase of pension to Mary Edwards; to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 17583) granting a pension to Almira E. Leonard; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of Royersford and Spring City (Pa.) Trades Council, against passage of Senate bill 2564; to the Committee on Printing.

By Mr. AINEY: Petitions of members of Welcome Grange, No. 1386, Patrons of Husbandry, of Honesdale, Pa., and Grange No. 1311, Patrons of Husbandry, of Luthers Mills, Pa., objecting to removal of tax on oleomargarine and asking for amendment of laws governing its sale; to the Committee on Agriculture.

By Mr. ALLEN: Memorial of Ohio Department, Grand Army of the Republic, protesting against the proposed incorporation of the Grand Army of the Republic; to the Committee on the District of Columbia.

By Mr. ANDERSON of Minnesota: Papers to accompany bill for the relief of John B. Berry; to the Committee on Invalid Pensions.

Also, petitions of citizens of Minnesota, urging that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. ASHBROOK: Petitions of Lounzo Ely, A. E. Creager, M. A. Tweed, G. Bliss, Glenn Preston, Lewis Kapp, M. M. Cummings, J. A. Barkley, C. S. Carrick, A. R. Mohn, Bert Heaton, and J. G. Peoples, all of Uhrichsville, Ohio, asking for a reduction of the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. BURKE of Wisconsin: Resolution of St. Peters Aid Society, of West Bend, Wis., praying for the passage of House bill 2896, providing for a tax upon white phosphorus matches, and other purposes; to the Committee on Ways and Means.

By Mr. BUTLER: Memorial of Royersford and Spring City (Pa.) Trades Council, against passage of Senate bill 2564; to the Committee on Printing.

Also, memorial of New Century Club of West Chester, Pa., urging investigation of diseases caused by dairy products; to the Committee on Agriculture.

Also, petitions of citizens of Pennsylvania for an effective interstate liquor law; to the Committee on the Judiciary.

Also, petition of Charles R. Lewis, of Chester, Pa., against passage of parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. DICKINSON: Petition of 252 citizens of St. Clair County, Mo., in favor of the bill (H. R. 13114) to provide old-age pensions; to the Committee on Pensions.

By Mr. FLOYD of Arkansas: Petitions of citizens of Newton County and Sulphur Springs, Ark., in support of House bill 13114, granting old-age pensions; to the Committee on Pensions.

By Mr. FORNES: Petition of A. Jaeckel & Co., of New York, N. Y., for amendment to corporation excise-tax law; to the Committee on Ways and Means.

Also, memorial of physicians throughout the country, urging restoration of the canteen in the Army; to the Committee on Military Affairs.

By Mr. FULLER: Petition of United States Gypsum Co., of Chicago, Ill., in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, memorial of the City Council of Portsmouth, N. H., protesting against the proposed abolishment, etc., of the Portsmouth-Kittery Navy Yard; to the Committee on Naval Affairs.

Also, petition of J. R. Rands, of Canal Zone, Isthmus of Panama, favoring the passage of House resolution 287, concerning scale of wages paid skilled labor on the Isthmus of Panama, etc.; to the Committee on Labor.

By Mr. GRIEST: Memorials of Lieutenant David H. Nissley Post, No. 478, Grand Army of the Republic, of Mount Joy, Pa., and of the General Heintzelman Post, No. 300, Grand Army of the Republic, of Manheim, Pa., opposing the enactment of legislation as suggested by Senate bill 18, proposing the incorporation of the Grand Army of the Republic; to the Committee on the District of Columbia.

By Mr. GUERNSEY: Petition of citizens of fourth congressional district of Maine, in favor of old-age pensions; to the Committee on Pensions.

Also, petitions of citizens of Maine, urging that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. HAUGEN: Petition of citizens of Maynard, Iowa, favoring reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of citizens of Pottsville, Iowa, favoring reduction in the duty on sugar; to the Committee on Ways and Means.

By Mr. HUGHES of New Jersey: Memorial of New Jersey Association Union Ex-Prisoners of War, for retention in office of veterans of Civil War; to the Committee on Accounts.

By Mr. KAHN: Petitions of California Barrel Co. and Nathan-Dohrmann Co., of San Francisco, for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, memorial of Local Union No. 86, International Brotherhood of Stationary Firemen, in opposition to the so-called Smoot printing bill; to the Committee on Printing.

Also, memorial of San Francisco Bay Association of Osteopathic Physicians, for board of examiners composed of osteopathic physicians; to the Committee on Interstate and Foreign Commerce.

Also, petition of Tillman & Bendel, of San Francisco, Cal., in favor of Senate bill 957 and House bill 4726; to the Committee on Interstate and Foreign Commerce.

Also, petition of Herbert Coynski, of San Francisco, Cal., in opposition to sections 5 and 6 of Army appropriation bill; to the Committee on Military Affairs.

Also, petition of D. F. De Bernarde, of San Francisco, Cal., favoring reduction in the duties on raw and refined sugars; to the Committee on Ways and Means.

Also, memorial of the Laguna Street Seventh-day Adventist Church, of San Francisco, Cal., against the passage of House bill 9433; to the Committee on the Post Office and Post Roads.

Also, petition of Mike Mitchell, Canal Zone, Panama, for the passage of House resolution 287; to the Committee on Rules.

Also, petition of Clarchen Packing Co., of San Francisco, Cal., for amendment to corporation excise tax law; to the Committee on Ways and Means.

Also, petition of R. F. Sresoirch, of San Francisco, Cal., for children's bureau; to the Committee on Interstate and Foreign Commerce.

Also, petition of William F. McCarthy, of San Francisco, Cal., for passage of bonded district bill; to the Committee on Ways and Means.

Also, petition of San Francisco Art Institute and San Francisco Chapter of American Institute of Architects, for Lincoln memorial; to the Committee on the Library.

Also, papers to accompany House bill 5756, for the relief of James Ross; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 5755, a bill granting a pension to Ella Whiteside; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 13933, granting a pension to Hattie G. Parnell; to the Committee on Pensions.

Also, California Senate joint resolution No. 6, relative to canal from Fresno County to San Joaquin County; to the Committee on Railways and Canals.

Also, California joint resolution No. 4, relative to the election of President and Vice President of the United States by direct vote; to the Committee on Election of President, Vice President, and Representatives in Congress.

Also, California joint resolution No. 12, favoring ratification of peace treaties with England and France; to the Committee on Foreign Affairs.

Also, California Senate joint resolution No. 7, favoring dry docks on the bay of San Francisco; to the Committee on Naval Affairs.

Also, California Senate joint resolution No. 16, favoring report of California Débris Commission; to the Committee on Rivers and Harbors.

Also, California Senate joint resolution No. 8, favoring extending an invitation to the Congress of the United States relative to the inspection of the rivers and harbors of California; to the Committee on Rivers and Harbors.

Also, California joint resolution No. 9, favoring continuation by United States of Government line of steamers from eastern seaports to Colon, etc.; to the Committee on the Merchant Marine and Fisheries.

Also, California Senate joint resolution No. 14, favoring Federal troops in national forests; to the Committee on Agriculture.

Also, California Senate joint resolution No. 13, favoring report of California Débris Commission; to the Committee on Rivers and Harbors.

Also, California Senate joint resolution No. 2, favoring the abrogation of the Russian treaty; to the Committee on Foreign Affairs.

By Mr. KENT: Memorial of the State Legislature of California, relating to the Simmons national quarantine act now before Congress; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the State Legislature of California, relative to arbitration peace treaties now pending before the Senate of the United States; to the Committee on Foreign Affairs.

Also, memorial of the State Legislature of California, favoring report of the California Débris Commission, relating to control of floods in the river systems of the Sacramento Valley and the adjacent San Joaquin Valley of California; to the Committee on Rivers and Harbors.

Also, joint resolution of the State Legislature of California, extending an invitation to the Congress of the United States, relative to the inspection of the rivers and harbors of California; to the Committee on Rivers and Harbors.

Also, joint resolution of the State Legislature of California, relative to national forests situated within the State of California and requesting the War Department to station and maintain Federal troops in such national forests during certain months; to the Committee on Agriculture.

Also, memorial of the State Legislature of California, for control of floods in the San Joaquin Valley and the delta of the Sacramento and San Joaquin Rivers, and for improvements and aid in navigation; to the Committee on Rivers and Harbors.

Also, joint resolution of the State Legislature of California, relative to the election of President and Vice President of the United States by direct vote; to the Committee on Election of President, Vice President, and Representatives in Congress.

Also, joint resolution of the State Legislature of California, favoring continuation by the United States of Government line of steamers from eastern seaports to Colon, etc.; to the Committee on the Merchant Marine and Fisheries.

Also, joint resolution of the State Legislature of California, relative to establishment of dry docks on the Bay of San Francisco or waters tributary thereto; to the Committee on Naval Affairs.

Also, joint resolution of the State Legislature of California, relative to canal from Fresno County to San Joaquin County; to the Committee on Railways and Canals.

By Mr. LAFEAN: Papers to accompany bill for the relief of J. J. Eichelberger (H. R. 16955); to the Committee on Invalid Pensions.

By Mr. LINDBERGH: Petitions of citizens of Minnesota, urging that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petition of citizens of Minnesota, in favor of old-age pensions; to the Committee on Pensions.

By Mr. LINDSAY: Memorial of German Catholic Society, urging passage of House bill 2896; to the Committee on Ways and Means.

By Mr. LLOYD: Petition of citizens of Missouri, protesting against parcels-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Hannibal, Mo., favoring the National Guard pay bill; to the Committee on Military Affairs.

By Mr. MANN: Petition of Immigration Restriction League, Boston, Mass., urging appropriation for use of Department of Justice in the prosecution of the white-slave traffic; to the Committee on Appropriations.

By Mr. MARTIN of South Dakota: Petition of members of the Homesteaders Association of Goldfield, S. Dak., that the United States Government supply feed and seed for coming season for the benefit of the homesteaders on account of the drought of the past two years; to the Committee on the Public Lands.

By Mr. MATTHEWS: Memorial of the United Trades Council of Brownsville, Pa., favoring the passage of the Esch bill; to the Committee on Ways and Means.

By Mr. PADGETT: Papers to accompany bill for the relief of R. M. Curtis; to the Committee on Invalid Pensions.

By Mr. PARRAN: Papers to accompany House bill 17413, for the relief of Owen Matthews; to the Committee on Military Affairs.

By Mr. PETERS: Petition of citizens of Boston, Mass., in favor of old-age pensions; to the Committee on Pensions.

By Mr. PLUMLEY: Papers to accompany bills for the relief of Charles W. Stewart and Mrs. J. H. Hammond; to the Committee on Invalid Pensions.

By Mr. POST: Memorial of the Pennsylvania State Grange, relative to chestnut-tree blight; to the Committee on Agriculture.

By Mr. REYBURN: Memorial of Philadelphia Association of Union ex-Prisoners of War, in favor of House bill 1340; to the Committee on Invalid Pensions.

By Mr. SCULLY: Memorials of Maritime Association of New York and New York Board of Trade and Transportation, relative to improvement in harbor of refuge at Point Judith, R. I.; to the Committee on Interstate and Foreign Commerce.

By Mr. SHACKLEFORD: Papers to accompany House bill 17420; to the Committee on War Claims.

By Mr. SLOAN: Petitions of Elmer Coates and 5 others of Ohiowa, Nebr., for reduction in the duties on raw and refined sugars; to the Committee on Ways and Means.

By Mr. J. M. C. SMITH: Papers to accompany bill granting a pension to Roy Adams; to the Committee on Pensions.

By Mr. SMITH of Texas: Petitions of citizens of Texas, in favor of old-age pensions; to the Committee on Pensions.

Also, petitions of citizens of Hemleigh, Tex., urging that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. STEPHENS of California: Petitions of citizens of Downey and Los Angeles, Cal., against extension of the parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Claremont and Los Angeles, Cal., for the parcels post; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Lankershim and Los Angeles, Cal., urging that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. SULLOWAY: Petitions of residents of Sanbornville, N. H., urging that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. TAYLOR of Alabama: Memorial of Ministers' Conference of Mobile, Ala., for the passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. THISTLEWOOD: Petitions of citizens of Dongola, Cairo, and Murphysboro, Ill., asking that the present duties on sugar be repealed; to the Committee on Ways and Means.

Also, petition of citizens of Coulterville, Ill., favoring old-age pensions; to the Committee on Pensions.

By Mr. TILSON: Petition of New Haven (Conn.) Trades Council, urging passage of Esch bill; to the Committee on Ways and Means.

By Mr. UNDERHILL: Memorial of Maritime Association of New York, relative to national harbor of refuge; to the Committee on Interstate and Foreign Commerce.

By Mr. UTTER: Petition of Boston Society of Architects, for Lincoln memorial; to the Committee on the Library.

Also, memorial of Rhode Island State Grange, Patrons of Husbandry, urging passage of House bill 14; to the Committee on the Post Office and Post Roads.

Also, memorial of Rhode Island State Grange, Patrons of Husbandry, for the repeal of the act for reciprocity with Canada; to the Committee on Ways and Means.

Also, memorials of Central Trades and Labor Unions of Pawtucket, Central Falls, and Cumberland, and Union No. 159, Wood, Wire, and Metal Lathers' International Union, of Pawtucket, R. I., protesting against the passage of the so-called Smoot printing bill; to the Committee on Printing.

Also papers to accompany bill for the relief of Harry Wilton Babcock, Melinda C. Smith, John Wells, Andrew Burns, Hattie A. Briggs, and Mary Edwards; to the Committee on Invalid Pensions.

Also, resolution of the Fortnightly Club, of Providence, R. I., urging reduction of tariff on sugar; to the Committee on Ways and Means.

Also, resolution of the Rhode Island State Grange, Patrons of Husbandry, for the passage of the bill for the inspection and quarantine of imported nursery stock; to the Committee on Agriculture.

Also, resolution of the Rhode Island Business Men's Association, urging an appropriation for a breakwater, dock, and lighthouse at Point Judith, R. I.; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Boston Architectural Club, urging the selection of the site recommended by the Washington Park Commission for a memorial to Abraham Lincoln; to the Committee on the Library.

By Mr. WHITE: Petition of citizens of Muskingum County, Ohio, for an effective interstate liquor bill to prevent nullification of State liquor laws by outside liquor dealers operating under the Federal shield of interstate commerce; to the Committee on the Judiciary.

By Mr. WILLIS: Petition of F. M. Robinson and six other citizens of Hardin County, Ohio, asking for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. WILSON of New York: Resolution of Pennsylvania State Grange, in favor of appropriation to combat the chestnut-blight disease; to the Committee on Agriculture.

Also, protest of Twenty-eighth Ward Taxpayers' Association, of Brooklyn, N. Y., against the proposed removal of the navy yard from Brooklyn; to the Committee on Naval Affairs.

Also, petition of Maritime Association of Port of New York, in favor of a landing place at Point Judith, R. I.; to the Committee on Interstate and Foreign Commerce.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 10, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, impress us, we beseech Thee, day by day with the beauty of holiness, that we may harmonize our thoughts with Thy thoughts and conform our will to Thy will, which is good will; and in an honest, faithful, and persistent effort to serve Thee and our fellow men we may at last receive Thy benediction, and glory and honor and praise be Thine, in Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

RESIGNATION OF MEMBER OF MONETARY COMMISSION.

The SPEAKER laid before the House the following communication.

The Clerk read as follows:

WASHINGTON, D. C., *January 9, 1912.*

Hon. CHAMP CLARK,
Speaker of the House of Representatives, Washington, D. C.

SIR: I hereby tender my resignation as a member of the National Monetary Commission.

Respectfully, ROBT. W. BONYNGE.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 13196. An act to amend section 70 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

COMMITTEE ON FOREIGN AFFAIRS.

Mr. SULZER. Mr. Speaker, I offer the following resolution for present consideration.

The Clerk read as follows:

House resolution 369.

Resolved, That the Committee on Foreign Affairs shall have leave to sit during the sessions of the House during the Sixty-second Congress and during the recesses of that Congress.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I would like to ask the gentleman from New York whether this is intended to cover the right to sit during the vacation after this session?

Mr. SULZER. Mr. Speaker, I will say to the gentleman from Illinois that it is not the purpose of the committee to sit during the vacation.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

CALL OF COMMITTEES.

The SPEAKER. This is Calendar Wednesday, and the Clerk will call the roll of committees. The call rests with the Committee on Labor.

HANDBOOK OF AMERICAN INDIANS.

Mr. FINLEY (when the Committee on Printing was called). Mr. Speaker, I call up Senate concurrent resolution No. 2, which I send to the desk and ask to have read, and move that it be recommitted to the Committee on Printing.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Senate concurrent resolution 2.

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,500 copies of Bulletin No. 30, in two parts, of the Bureau of American Ethnology, entitled "Handbook of American Indians," of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 500 copies for the use of the Bureau of American Ethnology.

Mr. MANN. Mr. Speaker, I did not hear the request of the gentleman from South Carolina.

The SPEAKER. The gentleman from South Carolina moves to recommit the resolution to the Committee on Printing.

Mr. MANN. Mr. Speaker, while the resolution is not in order, I have no objection to having that done.

The SPEAKER. The question is on the motion of the gentleman from South Carolina to recommit the resolution to the Committee on Printing.

The question was taken, and the motion was agreed to.

BRIDGE ACROSS MISSISSIPPI RIVER AT MINNEAPOLIS, MINN.

Mr. ADAMSON (when the Committee on Interstate and Foreign Commerce was called). Mr. Speaker, I am authorized by the Committee on Interstate and Foreign Commerce to call up several bridge bills. I call up first the bill, H. R. 14108, to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the city of Minneapolis, in the county of Hennepin and State of Minnesota, a municipal corporation organized under the laws of the State of Minnesota, be, and it is hereby, authorized to construct, maintain, and operate a bridge and approaches thereon across the Mississippi River, extending from the intersection of Nineteenth Avenue south and Bluff Street, across the river to the intersection of Tenth and University Avenues southeast, in the city of Minneapolis, in the State of Minnesota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. ADAMSON. Certainly.

Mr. MANN. I notice the bill provides, in line 7, on page 1, "approaches thereon." It may be perfectly correct, but the language usually used has been "approaches thereto."

Mr. ADAMSON. That is a misprint, Mr. Speaker, and I think myself it ought to be "thereto." I offer that as an amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Line 7, page 1, strike out the word "thereon" and insert the word "thereto."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

BRIDGE ACROSS SNAKE RIVER, WASH.

Mr. ADAMSON. Mr. Speaker, I call up the bill (S. 3484) to authorize the construction of a bridge across the Snake River, between Walla Walla and Franklin Counties, in the State of Washington, by the Oregon-Washington Railroad & Navigation Co., which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted etc., That the Oregon-Washington Railroad & Navigation Co., a corporation existing under the laws of the State of Oregon, its successors and assigns, be, and they are hereby, authorized to construct and maintain a bridge and approaches thereto across the Snake River from some convenient and practical point to be selected on the southerly bank of said river in Walla Walla County to the northerly bank of said river in Franklin County, State of Washington, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following amendments:

Page 1, line 7, after the word "river," strike out the words "from some convenient and practical point to be selected on the" and insert the words "at a point suitable to the interest of navigation from some point on."

Page 1, line 10, after the word "to," insert the words "a point on."

Mr. ADAMSON. Mr. Speaker, I move to amend the first committee amendment by striking out the word "interest" and inserting the word "interests."

The SPEAKER. The question is on agreeing to the amendment to the first committee amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on agreeing to the amendment as amended.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on agreeing to the second committee amendment, on line 10, page 1.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

BRIDGE ACROSS LITTLE RIVER NEAR LEPANTO, ARK.

Mr. ADAMSON. Mr. Speaker, I now call up the bill (H. R. 14125) to authorize the reconstruction, maintenance, and operation of a bridge across the Little River at or near Lepanto, Ark., which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the county of Poinsett, a corporation organized and existing under the laws of the State of Arkansas, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Little River at or near Lepanto, Ark., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following amendments:

Page 1, line 6, strike out the word "construct" and insert the word "reconstruct."

Page 1, line 8, after the word "Arkansas," insert the words "at a point suitable to the interests of navigation."

The SPEAKER. The question is on agreeing to the committee amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

BRIDGE ACROSS MISSISSIPPI RIVER, MINNEAPOLIS, MINN.

Mr. ADAMSON. Mr. Speaker, the next bill I desire to call up is the bill H. R. 14111.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 14111) to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city.

Mr. ADAMSON. Mr. Speaker, it is suggested that time may be saved by reading the substitute which the amendment provides.

The SPEAKER. The gentleman from Georgia asks unanimous consent to dispense with the reading of the bill, and asks that the substitute be read in lieu thereof. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The Clerk read the substitute, as follows:

Be it enacted, etc., That the time for commencing and completing the bridge authorized by the act of Congress approved January 27, 1910, to be built across the Mississippi River from Third Avenue south to First Avenue southeast, in the city of Minneapolis, Minn., is hereby extended to one year and three years, respectively, from January 27, 1912.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment in the nature of the substitute was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn."

BRIDGE ACROSS MORRIS AND CUMMINGS CHANNEL, STEDMAN ISLAND, TEX.

Mr. ADAMSON. Mr. Speaker, the next bill I desire to call up is the bill H. R. 15781.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 15781) to authorize the Aransas Harbor Terminal Railway to construct a bridge across Morris and Cummings Channel.

Be it enacted, etc., That the Aransas Harbor Terminal Railway and the assigns be, and are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Morris and Cummings Channel at a point suitable to the interests of navigation, at or near Stedman Island, in the county of San Patricio, in the State of Texas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. ADAMSON. Mr. Speaker, there is an evident misprint in the third line. The second "the" in the third line of the bill ought to be "its." I ask that this correction be made by amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 3, strike out the second "the" and insert the word "its."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

BRIDGE ACROSS CONNECTICUT RIVER, EAST HADDAM AND HADDAM, CONN.

Mr. ADAMSON. Mr. Speaker, the next bill is the bill H. R. 14944.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 14944) authorizing the construction of a bridge across the Connecticut River, in the State of Connecticut, between the towns of East Haddam and Haddam.

Be it enacted, etc., That the State of Connecticut, acting through the East Haddam and Haddam Bridge Commission, a commission created by the laws of the State of Connecticut, be, and hereby is, authorized to construct and maintain a drawbridge across the Connecticut River, between the towns of East Haddam and Haddam, in the State of Connecticut, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The committee amendment was read as follows:

In line 8, page 1, after the word "Connecticut," insert the words "at a point suitable to the interests of navigation."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

BRIDGE ACROSS MISSISSIPPI RIVER AT WASHINGTON AVENUE, MINNEAPOLIS, MINN.

Mr. ADAMSON. Mr. Speaker, the next bill I desire to call up is the bill H. R. 14109.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 14109) to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city.

Be it enacted, etc., That the city of Minneapolis, in the county of Hennepin and State of Minnesota, a municipal corporation organized under the laws of the State of Minnesota, be, and it is hereby, authorized to construct, maintain, and operate a bridge and approaches thereon in said city across the Mississippi River, extending from Washington Avenue north, near its intersection with Lyndale Avenue north, and Forty-second Avenue, crossing the tracks of the Minneapolis, St. Paul & Sault Ste. Marie Railway Co., and the Water Works Park, across the river to the intersection of Thirty-seventh Avenue northeast, if extended, with the river south of the pumping station, in such a manner as not to impede or hinder navigation in said river at the location above stated, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

BRIDGE ACROSS MISSISSIPPI RIVER, PLYMOUTH AND EIGHTH AVENUES, MINNEAPOLIS, MINN.

Mr. ADAMSON. Mr. Speaker, I next ask the consideration of the bill H. R. 14110.

The SPEAKER. The Clerk will report the bill.

Mr. ADAMSON. I ask unanimous consent that the amendment only be read, as it makes a substitute for the body of the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The amendment, in the nature of a substitute, was read, as follows:

A bill (H. R. 14110) to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city.

Be it enacted, etc., That the time for commencing and completing the construction of the bridge authorized by the act of Congress approved February 15, 1910, to be built across the Mississippi River, from Plymouth Avenue to Eighth Avenue, in the city of Minneapolis, Minn., is hereby extended to one year and three years, respectively, from February 15, 1912.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment in the nature of a substitute was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to extend the time for building a bridge across the Mississippi River, at Minneapolis, Minn."

BRIDGE ACROSS MISSISSIPPI RIVER, BELTRAMI COUNTY, MINN.

Mr. ADAMSON. Mr. Speaker, I next ask consideration of the bill H. R. 15920.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 15920) to authorize the board of county commissioners for Beltrami County, Minn., to contruct a bridge across the Mississippi River.

Be it enacted, etc., That the board of county commissioners for the county of Beltrami, in the State of Minnesota, be, and they are hereby, authorized to construct, maintain, and operate a bridge, and approaches thereto, across the Mississippi River at a point suitable to the interests of navigation in section 22, township 146 north, range 30 west, in the county of Beltrami, in the State of Minnesota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

BRIDGE ACROSS TUG FORK, BIG SANDY RIVER, WILLIAMSON, W. VA.

Mr. ADAMSON. Mr. Speaker, I next ask consideration of the bill H. R. 13112.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 13112) authorizing the construction of a railroad, tramroad, conveyor, wagon, or foot bridge, and approaches thereto, across the Tug Fork of Big Sandy River, at or near the mouth of the Williamson Branch, in the city of Williamson, Mingo County, W. Va.

Be it enacted, etc., That the Mingo & Pike Bridge Co., a corporation organized under the laws of the State of West Virginia, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad, tramroad, conveyor, wagon, or foot bridge, and approaches thereto, across Tug Fork of the Big Sandy River at the point where the Williamson Branch empties into said river, in the city of Williamson, in Mingo County, W. Va., where the same marks the boundary line between the State of Kentucky and the State of West Virginia, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters."

The committee amendments were read as follows:

Strike out, on page 1, line 5, the word "they."

On page 1, line 6, beginning with the word "railroad," strike out the words "railroad, tramroad, conveyor, wagon, or foot."

Insert, on page 1, line 8, after the word "river," the words "at a point suitable to the interests of navigation."

Insert, on page 1, line 8, after the word "at," the words "or near."

Strike out, on page 1, line 10, the words "where the same marks the boundary line between the State of Kentucky and the State of West Virginia."

Insert, on page 2, line 3, after the word "waters," the words "approved March 23, 1906."

Add a new section, as follows:

"SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved."

The question was taken, and the committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "Authorizing the construction of a bridge, and approaches thereto, across the Tug Fork of Big Sandy River."

BRIDGE ACROSS MISSOURI RIVER AT SIBLEY.

Mr. ADAMSON. Mr. Speaker, there is a Senate bill not yet on the calendar which is identical with H. R. 14932, reported by our committee as amended. I ask unanimous consent that the bill S. 4006, identical with the reported House bill, be taken up and considered in lieu of the House bill, and that the Committee on Interstate and Foreign Commerce be discharged from further consideration of the House bill.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

S. 4006. An act to amend an act entitled "An act to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri."

The SPEAKER. What is the number of the House bill?

Mr. ADAMSON. H. R. 14932.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent that the Committee on Interstate and Foreign Commerce be discharged from further consideration of the bill H. R. 14932, and that bill S. 4006, of similar tenor, may be considered.

Mr. MANN. May we have the Senate bill reported?

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

A bill (S. 4006) to amend an act entitled "An act to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri," approved July 3, 1884.

Be it enacted, etc., That in the reconstruction by The Atchison Topeka & Santa Fe Railway Co. of the existing bridge constructed under the authority of the act approved July 3, 1884, entitled "An act to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri" the clear height thereof above extreme high-water mark shall be fixed at 48 feet, or at 358.7 feet above St. Louis directrix, being a reduction of 2 feet in present clear elevation; the plans for such reconstruction shall be subject to the approval of the Secretary of War, and such bridge shall be constructed in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN and Mr. STANLEY rose.

The SPEAKER. To whom does the gentleman from Georgia [Mr. ADAMSON] yield?

Mr. ADAMSON. To the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, the general bridge act provides that when Congress authorizes a bridge to be constructed and maintained it shall be subject to the provisions of the general bridge act. In this bill I notice it provides such bridge shall be constructed in accordance with the provisions of the act. That may be sufficient, but I suggest to my friend from Georgia that it would be better to insert the words "maintained and operated" after the word "constructed," so that there would be no possible question about it.

Mr. ADAMSON. Mr. Speaker, I concede that and suggest that the amendment be made. It was in the House bill and I thought it was in this.

The SPEAKER. The Clerk will report the amendment of the gentleman from Illinois.

The Clerk read as follows:

Page 2, line 5, after the word "constructed," insert the words "maintained and operated."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was read a third time and passed.

Mr. STANLEY. Will the gentleman from Georgia [Mr. ADAMSON] yield to me now?

Mr. ADAMSON. The gentleman from Kentucky asks me to yield to him for some purpose. I have one other bill to bring up, but I have no objection to yielding to him temporarily.

EXPORTS OF STEEL.

Mr. STANLEY. I find in the RECORD, on page 795, a table of figures showing exports, which differ somewhat from similar figures for export at the same time given by Mr. Good in the Atlantic Monthly. The gentleman from New York [Mr. LEVY] does not state when these figures were obtained, and I would like to ask him what his authorities are.

Mr. LEVY. I will say that they are from the Wall Street Journal. I will inform the gentleman later of the exact date.

Mr. STANLEY. Does the gentleman know the date of the Wall Street Journal in which they appeared?

Mr. LEVY. About a week ago; but I will get the copy of the Journal and present it to the gentleman.

BRIDGE BILLS, ETC.

The motion of Mr. ADAMSON to reconsider the votes by which the various bridge bills were passed was ordered to lie on the table.

BRIDGE ACROSS WEYMOUTH BACK RIVER.

Mr. ADAMSON. Mr. Speaker, there is one other bill on the calendar which I am authorized to call up, but as the gentleman from Alabama [Mr. RICHARDSON] made the report, I will ask him to do so.

Mr. RICHARDSON. Mr. Speaker, I desire to call up the bill S. 3024, which provides for an appropriation, and the Committee of the Whole will have to be invoked.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 3024) to provide for the reconstruction, alteration, and repair of a bridge across the Weymouth Back River, in the State of Massachusetts.

Be it enacted, etc., That whenever there shall be fixed by the Legislature of the State of Massachusetts the proportion of the total expense toward the reconstruction, alteration, and repair of a bridge across the Weymouth Back River, on Lincoln Street, in the town of Hingham, in said State, made necessary because of the erection of a naval magazine and for other governmental purposes, to be paid by the Old Colony Street Railway Co., a corporation organized and existing under the laws of the State of Massachusetts, the town of Hingham, in Plymouth County, in said State, and the town of Weymouth and the city of Quincy, both in Norfolk County, in said State, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, an amount not exceeding $50,000, and not, in any case, to exceed one-half of the sum necessary to reconstruct, alter, and repair said bridge.

SEC. 2. That said work shall proceed under the provisions of an act entitled "An act to regulate construction of bridges over navigable waters," approved March 23, 1906.

The SPEAKER. Is that bill on the Union Calendar?

Mr. RICHARDSON. Yes, sir.

The SPEAKER. Under the rule the House will have to resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill.

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Alabama [Mr. RICHARDSON] asks unanimous consent that this bill be considered in the House as in the Committee of the Whole. Is there objection?

Mr. FOSTER of Illinois. I object, Mr. Speaker.

The SPEAKER. Therefore the House automatically resolves itself into Committee of the Whole House on the state of the Union for the consideration of Senate bill No. 3024, and the gentleman from Texas [Mr. STEPHENS] will take the chair.

Mr. RICHARDSON. Mr. Chairman, this is a bill to provide for the reconstruction, alteration, and repair of the bridge across the Weymouth Back River, in the State of Massachusetts, and I take occasion to say to the committee that the bridge over Weymouth Back River is a historic structure connecting the town of Hingham, in the county of Plymouth, with the town of Weymouth and the city of Quincy, in the county of Norfolk, both in the State of Massachusetts. This bridge was built about 1812, and you would naturally believe—anyone would—that there is some question outside the ordinary run of bridge bills in this, and so there is.

Mr. Chairman, under date of March 16, 1910, the towns of Weymouth and Hingham and the city of Quincy were served with a notice to the effect that the Secretary of War, acting under the river and harbor act of March 3, 1899, had good reason to believe that the bridge over Weymouth Back River was an unreasonable obstruction to the free navigation of the river on account of the insufficient width of the present opening, and that it was proposed to require the draw opening to be widened to a clear width of not less than 50 feet, with suitable fenders.

I will state something about the history of this bill which ought to have, Mr. Chairman, some significance in the minds of gentlemen on this floor who are disposed to have the Government do what is right and fair. This bill, Mr. Chairman, was unanimously recommended by the Committee on Interstate and Foreign Commerce at the close of the last session of the Sixty-first Congress, when my distinguished friend on the right [Mr. MANN] was the chairman of that committee. It passed the committee after thorough and fair consideration of the merits of the question. The same bill went to the Senate and was passed there in the same way, and then it went to the President of the United States; but in the great rush and hurry at the conclusion of the session, the President of the United States not having time to give it due and proper consideration, this bill was not signed by him. I use advisedly the words. The gentleman who is more interested in this bill than anyone else that I know of, the gentleman from Massachusetts [Mr. WEEKS], called upon the President in relation thereto, and the President, I am advised, wrote him a note to the effect that after a thorough inquiry into the bill, weighing and considering all the facts connected with it, he never would have failed to give it his signature if he had been possessed of those facts at the time it was presented to him for signature. That note, I am advised, is in the possession of my distinguished friend from Massachusetts [Mr. WEEKS], who will place it in the RECORD.

I know, just as every other man on the floor of this House knows, that when a bill of this kind goes before the Chief of Engineers of the United States Army or coming before the court they will necessarily hold that wherever proper notice is given to any company or body of men that a certain structure

across a navigable river obstructs navigation that obstruction will be removed, and it will be removed at the expense of the men that put up the obstruction. But there is another rule, and it is a rule of equity, that is just as strong as a given, stated statute. The Supreme Court of the United States in certain cases has made an intimation that a question of this nature properly belongs to the National Legislature. That is why this bill is here.

Now, what is the condition with respect to that bridge that was built in the year 1812? The Government purchased land on both sides of that arm of the river, above and below that bridge, and established a naval magazine, to which access was gained to the magazine by the use of that bridge, because the boats of the Government could not pass under that bridge, with a draw of only 24 feet. The Government has acquired land on both sides of the river above the bridge, and it has expended a great deal of money on that naval magazine. But the bridge as it stood answered all the purposes of those citizens, answered all of their wants, and the requirements of their commerce. As I have said, the Government of the United States subsequently acquired land on both sides of the river, land which the Government needed and which met the Government's demand, and now the widening of that span of the bridge from 24 feet to 50 feet is found by the Government to be necessary. The question is—and it is a fair question, considered by the Committee on Interstate and Foreign Commerce when the bill was pending before them, as I recall, upon which the committee unanimously voted—did the Government require the enlargement of the span of the bridge from 24 feet in width to 50 feet for its own use and benefit entirely?

Mr. MONDELL. Mr. Chairman, does the gentleman yield for a question?

Mr. RICHARDSON. Oh, yes.

Mr. MONDELL. I have not been fortunate enough to hear all the explanation of the bill that the gentleman has made. Do I understand that the Government built the original bridge?

Mr. RICHARDSON. No; the Government had not a thing to do with it.

Mr. MONDELL. Has the Government ever repaired or enlarged it in any way?

Mr. RICHARDSON. No; it has never had anything to do with it, according to my information.

Mr. MONDELL. But it is now proposed that a new bridge be erected there, is it?

Mr. RICHARDSON. Oh, no; not a new bridge; but a 24-foot span that existed there is to be enlarged to a 50-foot span.

Mr. MONDELL. It is equivalent to building a new bridge.

Mr. RICHARDSON. Yes; involving practically an equal expense, as I am informed.

Mr. MONDELL. And the Government is called upon to bear one-third of that expense?

Mr. RICHARDSON. It is called upon to bear its equitable portion of the cost of enlarging the span to 50 feet. The people are not excused from paying their part; but if the Government alone asks it to be done, in its own interest, while the bridge has existed for many years, is it not right for the Government to come in and pay its just and equitable part? The citizens interested protested against the location of the magazine. The bridge answers all their purposes. The bridge is enlarged in its span to 50 feet alone to aid and help the Government. The citizens interested in that bridge will not be benefited one iota by the commerce for which the Government enlarges that span. It certainly looks fair that the Government ought to bear its just proportion of the expense and not unjustly throw the whole burden on those citizens. I know this is somewhat unusual, but there are exceptions to all rules, and this is one of those exceptions. The bill says not to exceed $50,000.

Mr. MONDELL. As I understand it, the committee takes the position that because the Government is a landowner above the bridge the Government should therefore pay a part of the cost of construction.

Mr. RICHARDSON. No; the committee does not take that position. The committee take this position: That regardless of whether the Government is a landowner or not, it has built a naval magazine up above the bridge, and it has found out that it is necessary, in order to carry its material and everything of that kind, to widen and enlarge the draw of that bridge. We do not take the position that it is because the Government is a landowner.

Mr. MONDELL. Are all the citizens and other interested parties, including the railway company, well served by the present structure, and would the present structure continue indefinitely to be sufficient and satisfactory, without repair or enlargement, if it were not for the interest of the Government in the matter?

Mr. RICHARDSON. I can scarcely use the word "indefinitely" about anything; but the bridge has stood there since 1812, with needed changes and repair, and has answered the purposes of the people interested in it. In the last 75 or 80 years there has been a great deal of legislation on the subject in the Legislature of Massachusetts and they have always come to a satisfactory adjustment about the matter as far as they could proceed. I would be willing to say that they are perfectly satisfied with the bridge as it stands. It answers the public purposes and necessities and furnishes them with the necessary accommodation and transportation.

Mr. MONDELL. If the gentleman will allow me just a moment, in order that my position may be understood——

Mr. RICHARDSON. Certainly.

Mr. MONDELL. It seems to me that there ought to be some well-defined policy as to how far the Government is obligated to build bridges, highways, and approaches of one sort and another to its fortifications, its arsenals, and its public buildings. In the last Congress we passed a bill to pay for the construction of a road approach to a coast fortification in New Jersey.

Mr. RICHARDSON. That was for Government purposes, was it not?

Mr. MONDELL. It was an ordinary country road.

Mr. RICHARDSON. Used by the Government?

Mr. MONDELL. Oh, it was used by the Government, as all the roads are used by the Government in localities in which the Government is operating through any of its various departments. Query: How far is the Government obligated to build bridges, roads, and highways where the Government is only one of the users of such utilities? Has the committee formulated any rule on the subject?

Mr. RICHARDSON. No, sir; and, in my opinion, we never will. It is a question of equity, and each matter rests on its own bottom, based on the facts of the special case. You can not make it anything else, in my judgment.

Mr. MONDELL. I asked the gentleman a moment ago whether, as a matter of fact, it was the necessities of the Government that were requiring the renewal of the bridge, or really the necessities of the railway company and other users of the bridge.

Mr. RICHARDSON. Will the gentleman kindly repeat that? My attention was diverted by the chairman of the committee.

Mr. MONDELL. Whether the rebuilding of the bridge has become necessary by reason of the demand of the Government and the necessities of the Government in the operation of its naval magazine, or has the building of the bridge been made necessary very largely by the needs of the railway company and other private users?

Mr. RICHARDSON. I do not think anyone who is familiar with the facts can dare say otherwise than that it is at the instance of the Government, and for the interest and benefit of the Government. The people are satisfied with the bridge as it is.

Mr. MONDELL. Did the Government initiate the request?

Mr. RICHARDSON. The Government initiated the whole thing. Notice was served on these two towns to take out that obstruction, or, rather, to enlarge that draw.

Mr. MONDELL. Then, as I understand it, the committee is following this rule: The Navy Department assumes that its use of that bridge is of such a character as to warrant and justify the Government in contributing toward the building of the bridge, and the committee are following the view of the department in this matter of policy.

Mr. RICHARDSON. The chief engineer has reported just what any man would report, just what any judge would decide, that the Government has a perfect right to order the parties interested in a bridge which obstructs the navigation of a navigable stream to remove the obstruction, and they—the parties causing the obstruction—must do it at their own expense. No one informed as to the statutes regulating obstructions over or on navigable streams can question this. The real question here is: Is the equity presented here in this bill sufficient to appeal to the judgment and high sense of justice of the Members of this House?

Mr. MONDELL. But the Government has ordered the bridge removed.

Mr. RICHARDSON. No; it has ordered the drawbridge enlarged to 50 feet.

Mr. MONDELL. That throws a different light on the proposition. Is it the view of the committee that when the Government orders a bridge enlarged it becomes the duty of the Government to pay for that enlargement?

Mr. RICHARDSON. No; that is not the policy of the committee. I have been a member of the committee for years, and

that is not the policy of the committee; but the policy of the committee has been and is to do justice between the Government and its citizens. There have come before the committee few such cases like this.

Mr. MONDELL. Yes; and it is important, because it is the first case and establishes a precedent. The question involved is, What are the obligations of the Government under these conditions; must the Government, having allowed a bridge to be built on certain lines, finding it is necessary to modify it, is the Government obligated to pay for that modification?

Mr. RICHARDSON. No; I have answered that twice. That is not what I am seeking, and it is not what the committee passed on.

Mr. MONDELL. If the Government had not ordered the bridge out or the draw enlarged, the question would not have been before he House at all?

Mr. RICHARDSON. Not at all, because the people were satisfied with what they had, and this question would not have been before the House.

Mr. MONDELL. Then, it follows that whenever the Government demands the enlargement of a draw, which the people do not ask for, the Government must pay for the enlargement.

Mr. RICHARDSON. Let me put a question to the gentleman. Does not he think that it is just and fair, when the Government makes an alteration of that kind in its own interest, for the use of its own property, that the Government should pay a just and fair proportion of it?

Mr. MONDELL. That is the question, how far the Government is obligated, because it is a government, to pay for the enlargement, improvement, or changes of approaches to its property. Now, if the Government were not a government, and if the Treasury was not as overflowing as it is, if it were simply a private manufacturing institution, and it became necessary for the interests of that institution to have the draw enlarged in the interest of commerce, the War Department would undoubtedly, on proper representation being made, order the enlargement, but the company would not be expected to pay for the enlargement; the community generally would pay for it. Why establish a different rule here?

Mr. RICHARDSON. The gentleman from Wyoming has not yet comprehended my position.

Mr. HARRIS. May I interrupt the gentleman?

Mr. MONDELL. What I am trying to find out is whether or not this is simply taking a case where the Government is interested in the locality as an excuse for unloading on the Government certain obligations which ought to be borne by the community. That is the question in all of these cases. It was the question in the New Jersey road case last year, in which, in my opinion, the House made a mistake.

Mr. MANN. Did it come from the gentleman's committee?

Mr. MONDELL. It did not come from a committee of which I am a member, and I did not vote for it.

Mr. RICHARDSON. Will not the gentleman admit that there is a difference between a fixed statute and a case governed by the doctrines of equity? Will not the gentleman, as a lawyer, make that admission?

Mr. MONDELL. Yes.

Mr. RICHARDSON. That is our case. Every case has to depend on the facts and the equity applicable to it.

Mr. MONDELL. Personally, I have this view of the matter. Any community is sufficiently benefited by the location of Government works that it can afford to build roads and maintain highways leading to those works. A community which is so hard up or parsimonious that it will not maintain them ought to have the works removed, if they could be removed.

Mr. WEEKS. If the gentleman from Wyoming will rest a moment until I have a chance to explain the location as it is, I will show him that the community is not hard up and is not parsimonious, and that there are substantial reasons for what is being done.

Mr. COOPER. Will the gentleman yield for a question?

Mr. RICHARDSON. Yes.

Mr. COOPER. What is meant by the language in lines 7 and 8? Does the gentleman think that is proper phraseology, "made necessary because of the erection of a naval magazine and for other governmental purposes"?

Mr. RICHARDSON. Oh, no; that is just a narrative of the case.

Mr. COOPER. A narrative, yes; but is it ordinarily grammatical? The language is, "made necessary because of the erection of a naval magazine and for other governmental purposes."

Mr. RICHARDSON. I do not know about that. We all have different ideas about English and the construction of sentences and the meanings of words.

Mr. COOPER. But that is not good English. It ought to read, "made necessary because of the erection of a magazine for the United States Navy and for other governmental uses."

Mr. RICHARDSON. We would have no objection to that language being inserted in the bill.

Mr. COOPER. Can I offer an amendment at this time?

Mr. HAMILTON of Michigan. The gentleman wants to amend the language of the United States Senate.

Mr. COOPER. Yes. This is a Massachusetts bill and the locality close to Boston, but this, nevertheless, is bad English; and therefore, Mr. Chairman, I give notice that at the proper time I shall move to amend so as to make this language correspond with the literary traditions of Massachusetts. [Laughter.]

Mr. HAMILTON of Michigan. Mr. Chairman, if the gentleman from Alabama has not already covered it, I would suggest that he let the House know that this Weymouth Back River is only about 4 miles long.

Mr. RICHARDSON. Mr. Chairman, the gentleman from Massachusetts [Mr. WEEKS], who is greatly interested in this bill, will give a full and thorough explanation of it, I have no doubt. I am interested in the bill passing and becoming a law because of its history, because of the fact that it has been before the Interstate and Foreign Commerce Committee, and we have unanimously adopted it, as I recollect it. The gentleman from Massachusetts [Mr. WEEKS] will, I have no doubt, call attention to the fact that the Supreme Court has intimated that in a matter of this kind, where the equity and the justice of the case is presented and is unquestioned and clear, it is a matter for the Congress to settle.

Mr. COOPER. Mr. Chairman, will the gentleman permit a question?

Mr. RICHARDSON. Yes.

Mr. COOPER. How wide is the river there, and how long is the proposed bridge?

Mr. RICHARDSON. Oh, I can not answer that, for I do not know. I do not think it is very wide. There never has been any navigation there until the naval magazine was built, except pleasure boats and sand boats, and instead of the magazine being a help to the cities and towns, it has taken taxable property from their reach, and they protested against its location.

Mr. COOPER. Does the gentleman from Alabama tell the House that the United States Government has established a magazine for the United States Navy on a stream across which a man can step at certain seasons of the year?

Mr. RICHARDSON. Oh, no; not that.

Mr. COOPER. Then about how many steps does the gentleman think it would require to cross it?

Mr. RICHARDSON. The stream is not wide, and it was used for small pleasure boats only above the bridge. At times, being an arm of the sea, it rises rapidly.

Mr. COOPER. Has the United States Government established a magazine for its Navy on a stream which the gentleman, speaking figuratively, first described as so small that at certain seasons of the year a man could step across it and which he now says is only used for very small boats? What kind of boats go under that bridge?

Mr. HARRIS. Mr. Chairman, may I answer the question?

Mr. RICHARDSON. Certainly.

Mr. HARRIS. Because this is in my territory.

Mr. COOPER. But I want the gentleman from Alabama, who is advocating the bill, to first exhaust his information upon the subject.

Mr. RICHARDSON. I am not entirely familiar with the facts, but this is in the district of the gentleman from Massachusetts [Mr. HARRIS], and I want him to answer the question. It is 24 feet, and the Government wants to make it 50 feet.

Mr. COOPER. I would like to have the gentleman explain his figure of speech.

Mr. RICHARDSON. I would rather not explain a figurative speech.

Mr. COOPER. How wide is that river at that point where it is proposed to have us put $50,000 into a bridge?

Mr. RICHARDSON. The gentleman can look at the map which is before him. It depends upon the state of the tide, which comes in and goes out. It is broader when it comes in than it is after it goes out.

Mr. COOPER. A remarkable stream! How wide does it get at that point when the tide is all in?

Mr. RICHARDSON. I am unable to answer the question.

Mr. COOPER. But that is very important.

Mr. RICHARDSON. Well, the gentleman can look at the map, which is right before him, and satisfy himself.

Mr. BURKE of Pennsylvania. I understand it is 100 feet to each span.

Mr. RICHARDSON. I do not know the exact width, I will not undertake to answer anything along that line.

Mr. COOPER. I understand it is over dry land part of the time.

Mr. RICHARDSON. No.

Mr. COOPER. The gentleman on my right says part of it is over dry land during a portion of the time.

Mr. RICHARDSON. When I turn over this matter to Mr. WEEKS, of Massachusetts, as I am going to do, he knows about that, as he has been studying it for years, and the Massachusetts legislation on the subject, and he can make it so clear that even the gentleman from Wisconsin will understand it. [Laughter.]

Mr. SIMS. Will the gentleman yield for a question in order to get the basis——

Mr. COOPER. The gentleman from Alabama may know about bridges in Massachusetts, although I think that he is more familiar with bridges in Alabama, but he certainly does not know about this one.

Mr. RICHARDSON. I try to familiarize myself with matters coming before the Committee on Interstate and Foreign Commerce, because I am interested in that committee and in its work.

Mr. SIMS. I want to ask this question in order to understand the basis of the proposition. Suppose that a private individual or corporation had built an industry similar to this naval magazine and that private industry had applied to the Secretary of War to remove this obstruction and the Secretary of War had ordered its removal, would Congress or any other body be under obligation to pay for the widening of that draw made in pursuance of the general law at the request of a private individual?

Mr. RICHARDSON. I can answer that question only in this way, that I know an instance, of my own personal knowledge, where a bridge was built and great corn mills were using the bridge for purposes of transportation. At times the little river was dry. The Government concluded that it would make that a navigable stream. It ordered the raising of the bridge a little higher, and it cost but a small sum of money to do it, and the mill companies had put it there, and the superintendent of the mills came forward and, under official instructions, paid his portion of it. It was right. Are you going to put the Government in the position that it will be unjust and unfair in all of its trades and transactions with the people? Why, no. The Government is just as much bound by the principles of equity as an individual is, and it is just as right to enforce it where the case is clear. If this was not a clear case that the bridge had stood there for years and years, supported and maintained by these people of these two different cities, that it had answered all their purposes of traffic and transportation, that the Government had never made an iota of expenditure of money in the matter of maintaining it or keeping it or changing or altering it, and then all of a sudden the Government establishes a naval magazine half a mile above the bridge and demands that those people shall extend their draw from 25 to 50 feet——

Mr. HAMILTON of Michigan. Ninety feet above the bridge.

Mr. RICHARDSON. Ninety feet above the bridge. Now, that is the conclusion of a just, fair, honest man, as I see it. What other conclusion can you possibly come to? I admit the statute rule, but show me a rule of justice which has not some exception. You will find it abounding in all matters where there is any common business sense that prevails in it.

Mr. BURKE of Pennsylvania. Will the gentleman yield?

Mr. RICHARDSON. Certainly.

Mr. BURKE of Pennsylvania. As I understand it, if the Government had not made the purchase of this land above the bridge there would have been no necessity whatever for altering this span.

Mr. RICHARDSON. None in the world.

Mr. BURKE of Pennsylvania. And in addition to the necessity for altering one span there is a necessity also for altering the other, and that makes necessary the erection of two spans of a hundred feet each in length.

Mr. RICHARDSON. No; you have that wrong; it is 50 feet.

Mr. BURKE of Pennsylvania. Well, 100 feet in all. Then, in addition, if the gentleman will yield for one more question——

Mr. RICHARDSON. I now yield to the gentleman from Massachusetts [Mr. WEEKS].

Mr. BURKE of Pennsylvania (continuing). Is it not also a fact that the Government has given notice of its intention to use this stream above this bridge exclusively for governmental purposes?

Mr. RICHARDSON. Why, nothing else in the world, and that is the whole case, or we would not be here with it.

Mr. BURKE of Pennsylvania. And they only ask that one-third of this be borne by the Government?

The CHAIRMAN (Mr. SHERLEY). How much time does the gentleman from Alabama [Mr. RICHARDSON] yield to the gentleman from Massachusetts [Mr. WEEKS]?

Mr. FOSTER of Illinois. I want to ask the chairman of the committee, or whoever is in charge, if the reason that you claim the Government ought to pay a part of this expense is because the Government uses this stream above the bridge?

Mr. RICHARDSON. No. The Government requires the improvement to be made alone and necessarily for its own interests and nobodys else's.

Mr. FOSTER of Illinois. Does the gentleman think that the establishment of this naval magazine and the work that is doing there justifies the expense?

Mr. RICHARDSON. I am not going into that question.

Mr. FOSTER of Illinois. Do you know whether the people are willing to have the bridge taken down entirely or not?

Mr. RICHARDSON. They are not in favor of it, because it would subject them to a very great inconvenience, as I am advised.

The CHAIRMAN. Does the gentleman from Alabama [Mr. RICHARDSON] yield the floor?

Mr. RICHARDSON. I have yielded time already to the gentleman from Massachusetts.

The CHAIRMAN. How much time?

Mr. RICHARDSON. Just as much as he can be allowed under the discussion of this question.

The CHAIRMAN. The gentleman from Alabama has 25 minutes remaining.

Mr. RICHARDSON. I yield it all to the gentleman from Massachusetts [Mr. WEEKS].

Mr. SIMS. How much time?

The CHAIRMAN. The gentleman from Massachusetts has 25 minutes granted to him by the gentleman from Alabama [Mr. RICHARDSON].

Mr. COOPER. How far from this bridge is this proposed naval magazine to be located?

Mr. WEEKS. About a mile, or possibly three-quarters of a mile, but the territory that the magazine covers goes to the bridge.

Mr. COOPER. Is there any reason why that land could not have been bought on the other side of the bridge?

Mr. WEEKS. What do you mean by the other side of the bridge—below the bridge?

Mr. COOPER. Yes.

Mr. WEEKS. The land would have cost more, and the conditions are such that a commission appointed by the Secretary of the Navy decided to locate the magazine at this point.

Mr. COOPER. The land runs up to within a very few feet of the bridge?

Mr. WEEKS. It runs right up to the bridge.

Mr. COOPER. How much more expensive would it have been to have bought that land in the beginning right next to the bridge, on the other side, for the purpose of building the new bridge?

Mr. WEEKS. I have never examined the land on the other side of the bridge, and I do not know. I think it would have cost a good deal more. There is a large manufacturing establishment just below the bridge.

Mr. PETERS. Will the gentleman yield for me to answer the question?

Mr. WEEKS. I will.

Mr. PETERS. The land below the bridge is much more expensive and the Government located above the bridge because it could get the land cheaper.

Mr. BUTLER. Before the gentleman from Massachusetts continues his speech, will he tell us why the Government established this magazine at that point?

Mr. WEEKS. I will. The Government, for a great many years, has owned a naval magazine in the city of Chelsea, which is 15 miles from this point. It supplies the vessels that make their home port at the Boston Navy Yard from this magazine. Chelsea became so congested a few years ago that it was decided to change the location of the magazine, and this site was chosen after an investigation by a board of naval officers appointed by the Secretary of the Navy. This river is known as the Weymouth Back River; it is 4 miles from its mouth to its source It has never been navigable for any purpose above this bridge, except for very small scows which have carried sand from a sand pit just a little above the bridge and for pleasure boats. The bridge is at this point [indicating on map]. The Government has taken all of the land within the red line [indicating] on both banks of the

river and has stopped whatever navigation there was in the river above the bridge; that is to say, it prevents boats for any purpose going through the bridge and up to this point [indicating]. This is the source of the river here. At low water there is perhaps a foot or 2 feet of water in the river. But at high tide there is water enough to float large scows and similar craft.

At the Charlestown Navy Yard, which is some 15 miles from here, when a battleship comes in to discharge her ammunition, it is loaded onto scows and is brought to this point here and deposited in the naval magazine. When a battleship goes into commission and ammunition is required, it is taken from this point to the navy yard and loaded into the ship's magazine.

This [indicating] is a county road connecting the counties of Norfolk and Plymouth. It has probably been located for 200 years. I think a bridge at this point, quite likely, has been in use 150 years. There is substantially one bridge there, and yet there are in reality two bridges. One is the highway bridge and one is a street railway bridge, which is parallel to it and attached to the highway bridge. The draw in the bridge is 24 feet wide, and that has been sufficient, and very much more than sufficient, for any navigation that has ever gone through the bridge.

Now, the widening of the draw which is required by the Government is exclusively for governmental reasons and purposes, because, as I said, all navigation above this bridge has been stopped by the order of the Navy Department. Therefore nothing except the scows which are used in conveying this powder or ammunition back and forth is to go through the bridge. But the Government requires the towns abutting here to spend from $50,000 to $100,000—whatever the amount may be—to widen the draw of that bridge from 24 feet to 50 feet. That is the proposition we have before us.

The Supreme Court has decided in a somewhat similar case that while the Secretary of War or the Government has control of navigable waters, yet in cases where there is an equity it is a matter for the Congress to determine what that equity is. Mr. Justice Harlan, in a case brought by the Union Bridge Co., where the Union Bridge Co. had been required by the Secretary of War to make a large expenditure of money, decided as follows—I will read that part of his decision which applies in this case:

> Some stress was laid in the argument upon the fact that compliance with the order of the Secretary of War will compel the bridge company to make a very large expenditure in money. But that consideration can not affect the decision of the questions of constitutional law involved.

Everybody will admit that that is a correct statement. Then Justice Harlan goes on to say:

> It is one to be addressed to the legislative branch of the Government. It is for Congress to determine whether, under the circumstances of a particular case, justice requires that compensation may be made to a person or corporation incidentally suffering from the exercise by the National Government of its constitutional powers.

That is exactly the condition that, as we claim, exists here; the towns and the counties at interest have a bridge in use which answers all their purposes, and the street railway company has a bridge which answers its purposes; but the Government needs a wider draw in the bridge, not for the benefit of the local public, but entirely for the benefit of the Government itself, and therefore we contend that the Government should bear some part of the expense in making the change.

Mr. BUTLER. Why should not the Government bear it all?

Mr. WEEKS. I think the Government should, but we assume that there will be a better bridge constructed than the present structure, and therefore the communities there whose interests are affected can properly make some part of the expenditure in bringing about the changes required in widening the draw.

I hope that every Member will bear in mind the fact that there is to be no future navigation, commercial or pleasure, whatever above this bridge for 2 miles, its entire length; that the Government owns the land on both sides of the river for these 2 miles; and that the navigation of the river is prohibited for any other purposes than those of the Government.

This bill was reported unanimously by the Committee on Interstate and Foreign Commerce in the Sixty-first Congress, and passing both the House and the Senate, it reached the President of the United States on the 4th of March. There was a report made against the passage of the bill by the Chief of Engineers of the Army, based purely on technical grounds, without taking into account in any sense the equities involved in the case. The President, when the bill reached him in the hurry of the last hours of the session, failed to sign it. He simply saw a report made against it by the Chief of Engineers, and without consulting the authors or those interested in the bill he did not sign it, and did not, as I understood my friend from Alabama [Mr. RICHARDSON] to say, incorrectly, veto it.

After Congress convened in extra session last summer, I took the matter up with the President, and went with the Chief of Engineers of the Army to see him. We took this plan and discussed the merits of the bill before the President, and as a result I have a letter from him in which he states that if he had known all the facts in the case he would have signed the bill.

We come now with the same bill which passed Congress in the last session of the Sixty-first Congress, except that it has been amended by the Committee on Interstate Commerce in this respect: The previous bill required that one-half of the expense, not exceeding $100,000, should be paid by the Government and the balance paid by the local communities in Massachusetts. This bill, which has been reported by the Interstate Commerce Committee, requires that the Government shall pay one-third of the expense, not exceeding $100,000, and therefore from the standpoint of the Government it is a more economical bill than the one which passed in the Sixty-first Congress.

Mr. ADAMSON. Is there not this further feature, that the whole matter is under the control of the Secretary of War, and that he shall determine what the cost is?

Mr. WEEKS. Absolutely; and the Chief of Engineers of the Army is to pass not only on the plans of the bridge but on its construction; so everything relating to it rests in the hands of the War Department, as they properly should.

Our whole proposition is that we have an equitable contention. We do not deny that in ordinary cases the Government has a perfect right to require the widening of draws in bridges across navigable streams or to order changes in any other way; but in this case we do claim that there is an equitable right, which everybody up to this time has recognized and which the President himself recognized in the letter to which I have called attention.

Mr. MONDELL. Will the gentleman yield for a question?

Mr. WEEKS. I will.

Mr. MONDELL. I notice that the report of the Chief of Engineers estimates the total cost of the construction at $20,000, and yet $50,000 is proposed to be appropriated for one-third of the cost.

Mr. WEEKS. That statement indicates that the gentleman from Wyoming has read the report very carelessly, which he does not very often do. The bill and report provide that the expenditure which the Government shall sustain in this case shall be one-third of the total expenditure, which shall not in any case exceed $100,000; so that the Government's part can not be over $33,000.

Mr. MONDELL. I realize that; but the fact still remains that we are naming the sum of $50,000 in the bill——

Mr. WEEKS. Not exceeding $33,000.

Mr. MONDELL. Which is supposed to cover one-third of the cost, and the total cost is estimated by the Chief of Engineers at $20,000. That is not very good arithmetic.

Mr. WEEKS. I will say to the gentleman from Wyoming that the engineer officer in Boston representing the Government made his first estimate based on the assumption that it would not be necessary to reconstruct any of the bridge, that the draw could be widened to 50 feet, and that the present structure would be sufficient to maintain a draw 50 feet wide. Since then I think it has been determined that that will not be the case, and the engineer who has been consulted by the communities at interest, one of the most eminent engineers in Massachusetts, estimates that the cost of the bridge will be about $105,000, as it should be reconstructed; but in any case, no more than one-third of the cost of the bridge, whether it is $20,000 or $100,000, is to be paid by the Government.

Mr. MONDELL. The gentleman realizes that the appropriation of $50,000 might give an excuse for a subsequent amendment to the bill increasing the total limit of cost, which would not involve any additional appropriation, because Congress had already appropriated $50,000.

Mr. WEEKS. I think the gentleman from Wyoming knows he is setting up a bogy man when he makes that statement.

Mr. ADAMSON. Will the gentleman yield for a suggestion?

Mr. WEEKS. Yes.

Mr. ADAMSON. In view of such a wide difference in the estimate of $20,000 by the Chief Engineer and $100,000 by the other people, does not the gentleman think we have provided a wise and proper safeguard in giving to the Secretary of War the control of the matter so as to protect the interests of the Government in every respect?

Mr. WEEKS. Absolutely.

Mr. SIMS. Mr. Chairman——

Mr. WEEKS. I will yield to the gentleman from Tennessee.

Mr. SIMS. We all know that the gentleman from Massachusetts is always exceedingly fair in his statements, and he has proved no exception to his general course in the remarks he has made at the present time; but in order that the House

may get the real idea of this matter, I want to say that this is not a bill to authorize the construction of a bridge over a navigable stream. The bridge is already there. The alteration can be made without any authority of Congress whatever.

Mr. WEEKS. Undoubtedly.

Mr. SIMS. Then the object of coming to Congress is not to authorize a bridge being built, or the alterations to be made, or the supervision of construction, but in order to get some compensation from the Government for a part of the cost?

Mr. WEEKS. The only object in coming to Congress is to ask that the Government be made responsible for some part of the expenditure that is being made for governmental purposes solely.

Mr. SIMS. It is to get a sum of money equal to one-third of the cost of the alterations.

Mr. WEEKS. It is to get the Government to do what it equitably should do.

Mr. SIMS. Not to authorize the building of a bridge, not to provide for any supervision whatever, but to pay for a part of its cost.

Mr. WEEKS. To authorize the changes in the existing bridge, changes that are to be made for the benefit, not of the community, but solely for the Government.

Mr. SIMS. But those changes can be made without this bill being passed by Congress?

Mr. WEEKS. Absolutely.

Mr. SIMS. Therefore it is not necessary to have this bill except to get the Government to pay a part of the cost.

Mr. WEEKS. I will say to the gentleman frankly that if you refuse to pass this bill, of course the draw will be widened, as the War Department has ordered, and the local communities that are to get no benefit from it whatever will pay the bill.

Mr. SIMS. No benefit? The bridge will remain, and they will have a brand new bridge in place of the old one.

Mr. WEEKS. The bridge now is ample to take care of the traffic.

Mr. SIMS. But they will get the benefit of the new work, which will be a larger and better bridge.

Mr. WEEKS. So the gentleman from Tennessee would get the benefit of a new house if a cyclone blew his old one away and he had to build a new one. He would get the benefit of the new one at his own expense.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. WEEKS. I will.

Mr. TAYLOR of Colorado. I want to ask if there is not this danger in this bill: If we are going to establish the precedent that the Government shall pay a portion of the cost of repairing bridges simply because the Government is making some utilization of the source of the stream above, since the passage of the Weeks bill, allowing the purchase of the Appalachian Mountains and almost everything else that the Government wants, will not that authorize communities below on all of these Appalachian streams to come to Congress and ask Congress to pay a part of the expense of repairing the bridges down streams, because, forsooth, the Government has forest reserves above?

Mr. WEEKS. Mr. Chairman, I have been seven years in Congress, and I think I never heard a more far-fetched question than that. This is absolutely a unique case. In this case the Government has taken for its own use all the territory on both sides of the river above this bridge for military reasons and has stopped navigation. I can not imagine another case like it will occur in a thousand years. Where is there another river 4 miles long?

Mr. TAYLOR of Colorado. What difference does it make in principle whether the river is 4 miles long or a hundred miles long?

Mr. WEEKS. Because it is a short river, and the Government has taken the territory on both sides of the stream, not for navigation, forestry, or other purposes, but to protect an ammunition supply.

Mr. TAYLOR of Colorado. It does not look to me like a far-fetched question or a strange construction that people who own land down the stream from these Appalachian Mountains might hereafter upon this precedent ask the Government to pay the expenses every time there was an alteration in a bridge.

Mr. WEEKS. That is a question that I shall be glad to discuss with the gentleman from Colorado at some other time.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. WEEKS. Yes.

Mr. HARRIS. There is one thing I would like to say. There seems to be still some misapprehension about this as a bridge proposition, as far as the local communities go. There are now those old bridges, and they have become, as far as modern use goes, nothing but parts of the highway. Unfortunately that arm of the sea that makes up in there, where the tide ebbs and flows, is navigable water, and the communities, without the consent of the United States Government, have had no right to close it or build a dike across it. That is correct, I believe. The tide ebbs and flows into this territory. It is a tidal basin, and this is a tidal stream, and they are technically navigable waters; but nothing larger than a rowboat or a scow which was big enough to take out sand or marsh hay has been up that stream for more than 50 years that I know of.

Mr. WEEKS. Make it 100 years.

Mr. HARRIS. I know of 50 years. I do not know about 100 years. We have built a highway there, and as far as that bridge goes at this moment it is a part of the highway; it is not a bridge. If we could block up the whole thing and make it a rampart instead of a bridge, we would like to do it; but now the United States Government comes along and says to us, "We will take all of this territory, and we will take a part of your highway and insist that it shall forever be a bridge, which you must build for our benefit at a cost of $100,000." Mr. Chairman, it is not a bridge for us; it is a highway. But the Government wants a bridge. Why not let the Government pay for that which is by it forced upon the community?

Mr. COOPER. Mr. Chairman, I would like to ask the gentleman from Massachusetts [Mr. WEEKS] a question. How far is that bridge from the ocean?

Mr. WEEKS. It is about 2 miles from the mouth of the river. The river empties into Hingham Bay, which is a part of the ocean, in a sense; a part of Boston Harbor, in a sense.

Mr. COOPER. How near to the bridge have ships or boats ever come—that is, seagoing vessels?

Mr. WEEKS. A boat of any considerable size has never come farther up the river than to this point [indicating], about a mile below the bridge. There is a large manufacturing establishment there, the Bradley Fertilizer Works, and the Government has dredged the river up to that point. Tugs and vessels of large size do come to this point.

Mr. COOPER. If they put a naval magazine there, what will that manufacture—powder and shells?

Mr. WEEKS. They will not manufacture anything. It is simply a storage place; but in order to protect the storage the Government has closed all navigation on this part of the stream above the bridge.

Mr. COOPER. How high is that bridge above the stream?

Mr. WEEKS. My recollection is at low water it will be about 20 feet.

Mr. COOPER. What kind of vessels will come up that stream?

Mr. WEEKS. Tugs towing barges.

Mr. COOPER. Could not a barge go under the brige now?

Mr. WEEKS. It would not go under at high water—the only time the stream is navigable—and that is what we are asked to do, to widen the draw so that a tug and barge of reasonable size can go through. The draws are now only 24 feet wide, and it increases the expense of the Government very materially to have to send its supplies up and take them out in vessels small enough to go through a 24-foot draw.

Mr. COOPER. What would it cost simply to make a draw in that place 50 feet wide?

Mr. WEEKS. The engineer officer at Boston—Col. Abbott, I think—estimated that to build the draw itself would cost $20,000; but I understand that he has modified his estimate of that amount to the extent that it will require not only the building of the draw, but will require a heavier structure on which to attach the draw, which would very largely increase the cost. I do not know what his estimate is, but one of the best engineers in Massachusetts, who has been employed by the communities at interest, estimated it would cost $105,000 to reconstruct the bridge sufficiently well to support a draw 50 feet wide.

Mr. COOPER. Does not the gentleman think that it is quite remarkable that a United States Government engineer would say that a draw—he, of course, knowing what that stream is—50 feet wide could be built for $20,000, and now upon reconsideration it is agreed that it will take over $100,000? What additional facts have they?

Mr. WEEKS. It was a very low estimate, and I want once more to call the attention of the gentleman from Wisconsin to the fact that only the amount of money which is approved by the Chief of Engineers of the Army and the Secretary of War will be expended. It does not make any difference whether it is $20,000 or $100,000, the Government will, under this bill, only pay one-third of the amount, whatever that amount may be.

Mr. ADAMSON. I will suggest to the gentleman from Massachusetts that the question propounded by the gentleman from Wisconsin indicates that he does not apprehend that the esti-

mates were made by two different authorities; the $20,000 and the $100,000 estimates were made by two different engineers.

Mr. COOPER. That is quite interesting. The gentleman from Georgia is relying upon the estimate of the private engineer rather than upon that of the Government engineer.

Mr. ADAMSON. No; of the Government engineer.

Mr. COOPER. But the first man, the Government engineer, Gen. Bixby, Chief of Engineers, reported that $20,000 would do the job, and the private engineer reports $100,000.

Mr. WEEKS. In such case, I will say to the gentleman from Wisconsin, it will cost the Government $6,666.67 to do this.

Mr. COOPER. Yes; I know; but if we put $50,000 in the bill——

Mr. WEEKS. We limit the appropriation to one-third of the total cost.

Mr. COOPER. The maximum that can be expended is fixed at what—thirty-three and a third thousand dollars?

Mr. WEEKS. That is the maximum amount that can be expended.

Mr. COOPER. Does not the gentleman think that the kind of draw they will put in will cost $100,000 and require $33,333.33 from the Government?

Mr. WEEKS. I am willing to trust the matter to the Secretary of War and the Chief of Engineers of the Army, and I think the gentleman from Wisconsin is also.

Mr. MANN. I desire to say that when this matter was up before the Committee on Interstate and Foreign Commerce in the last Congress this very question arose, and considerable attention was given to it, and it was the opinion, I think, of everyone, including the Army engineers, as I understood at the time, that it was not practically very safe to reconstruct the draw as had been suggested in the original estimate at an expense of $20,000 and that that would be a waste of money.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. Mr. Chairman——

Mr. ADAMSON. Mr. Chairman, the gentleman from Massachusetts, the author of the bill, has not completed his statement, and I would like to request that he be allowed to proceed further.

Mr. SIMS. Mr. Chairman, the hour has been used in favor of the bill and I propose to use an hour in opposition to the bill, and then, of course, the gentleman from Massachusetts can have further time.

Mr. ADAMSON. There is no limit fixed for debate. I am willing to yield to the gentleman from Tennessee.

Mr. SIMS. The gentleman from Massachusetts can be recognized for an hour in his own right.

Mr. ADAMSON. If he can get that time, all right.

Mr. SIMS. Mr. Chairman, there is no disposition to cut the gentleman off. It does not seem to me it is necessary to have a long discussion about this, but the way in which this bill is drawn and the way in which this report is made the House does not get hold of it as it really should. Nobody is intending to mislead anybody—I do not charge that for a moment—but here is a navigable stream. That question is beyond controversy. However much or little that navigable stream may be used is not a question germane to this consideration. If it was not a navigable stream, the draw there now would not be there; so the question of navigability does not arise. But gentlemen seem to have the idea—and it seems to be insisted upon by the very able gentlemen on the other side—that because the Government will use the property above the bridge exclusively the question of navigability ceases to cut any figure. I ask you right now to please fix it in your minds that if that was private property, if a private company owned that storage magazine and was storing these things for the Government or for private individuals or for anybody else, if the draw was not wide enough to afford the facilities necessary for the additional use of that navigable stream required by this storage magazine, it would have the right under the law to go to the Secretary of War and make complaint, or the Secretary of War would have the right under law to order that draw widened. Now, nobody doubts that this proposition is correct.

Now, suppose the Secretary of War had exercised this power in behalf of a private company or private individual, would these cities of Massachusetts come to the Congress of the United States and ask, because the Secretary of War had seen proper to exercise the authority vested in him, that the Government bear at least part of the expense of the widening of the draw? It certainly strikes me that Members would not for a moment have thought of voting for such a bill.

Mr. MARTIN of Colorado. Will the gentleman yield?

Mr. SIMS. Certainly.

Mr. MARTIN of Colorado. It strikes me the gentleman has already suggested a very material difference between this case and the one that he has just mentioned, because no private individual could deny anybody else the right to use this draw in these navigable waters, whereas in this case the Government denies everybody but themselves the right to go upon the land or upon the water.

Mr. SIMS. Now, who is the Government? The Government is not a private enterprise doing business for itself. The Government will not be aided in a monetary way by exercising this power. The Government is all the people, and whenever you say the Government is doing this, it is all the people who are doing it. Whenever you say it is to the benefit of the Government, it is equivalent to saying it is to the benefit of every man, woman, and child in the United States wherever they may reside, whereas the removal of an obstruction generally benefits those who live in the locality, and this obstruction is ordered removed in the interest of the public in the most general and comprehensive sense in which it can be considered.

Mr. STEVENS of Minnesota. The lands inside of the lines have removed from the taxable property of those towns a large area which, if not removed, would be taxed toward the reconstruction of that bridge. The reports show that about $700 in taxes per annum is taken out of the taxable area of that town by that Government acquisition. Now, if a private interest, as the gentleman states—a large manufacturing corporation—had taken that amount of land, that corporation would pay the taxes on the land toward the reconstruction of the bridge, would it not? If this bridge, costing so much, had been reconstructed at the instance of the private corporation, that corporation would pay the taxes.

Mr. SIMS. It would; yes.

Mr. STEVENS of Minnesota. Now, the Government is not required to pay that $700 a year. If the Government should receive the same benefit as a private corporation receives, should not the Government contribute as much as that corporation if it receives exactly the same benefit?

Mr. SIMS. I do not think so. It reminds me of the argument heard here in the District of Columbia. Every time property in the District is acquired by the Government, gentlemen in the District claim the Government ought to pay an additional amount of local taxes. They say the Government has taken so much property for its own use and thus withdrawn it from taxation. That is the reason why the Government has eminent domain, regardless of the objections or favoritisms of localities.

But here is one confusion which has come up about the cost of this bridge. Here are two bridges built so close together that they appear to be one, though they are not. One is the sole property on the street car line and the other is the highway bridge that has been mentioned by the gentleman from Massachusetts [Mr. WEEKS]. These bridges were built over a navigable stream and have been maintained over a navigable stream, and, of course, the owners knew what they were doing and know it now. Now, here is an order of the Government not to build a new bridge, but to widen a draw from 25 to 50 feet, because the purposes of navigation require this additional width.

I do not know whether that has grown out of the commerce the Government is affording or not. The bill here seeks to get a certain per cent in the first instance of all it will cost to build two new bridges or one bridge to take the place of the two old bridges. We may just as well have things straight and fair about this matter. Here is an estimate of $100,000 to build two new bridges, or one bridge that will take the place of the two now existing, including abutments and approaches to the bridge, and the estimate by the Chief of Engineers was that the cost of the draw would not exceed $20,000—that is, the widening of it. The Government only required them to widen the draw 50 feet, and the Chief Engineer said it would not cost over $20,000 to do so. Now, these towns that own these bridges and this railroad company that own these bridges, have decided that to widen the draw to 50 feet would be a great expense to them, without additional benefit, and they decided themselves to build a new bridge that will serve for that purpose that will cost $100,000.

Now, it is admitted very frankly by the gentleman from Massachusetts [Mr. WEEKS], who is always very fair and open, that there is no legal liability on the part of the Government to pay one cent of this. But let me show you the unfairness and the adroitness displayed in the drawing of a bill like this. Here is a bill drawn to authorize the construction of a bridge where no authority for the construction is required.

Mr. WEEKS. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Certainly.

Mr. WEEKS. Does the gentleman from Tennessee admit that there is an equity in this case?

Mr. SIMS. Why, I admit as plainly as I can admit anything that it will not be unconstitutional to give to the two

cities of Massachusetts, the State of Massachusetts, and the street car company a sum of money.

Mr. WEEKS. Does the gentleman from Tennessee recall the statement which he himself made at the hearing before the Committee on Interstate and Foreign Commerce, in which he said he admitted that there were equities in this case which should be observed?

Mr. SIMS. I have not got through with my statement. I was going to speak of that. I admit that it would not be unconstitutional to appropriate money. Here is a claim which is equitable on its face, the basis of the equity being the fact that these bridges would serve the purposes for which they were created between these two towns without widening the draw and without going to the expense of making the bridges substantially different from what they are; and the argument made in behalf of the proposition is that the commerce above the bridge is solely that of the United States Government, and the Government is therefore the party that creates the necessity for widening the bridge. The necessity for widening not existing for the purposes of a private bridge, there is an equity, but not a legal liability.

Mr. WEEKS. And the Supreme Court has said that it is up to Congress to determine what that equity is.

Mr. SIMS. Yes; to the effect that it is not a crime, that it is not immoral, to appropriate this money. But it is not the kind of equity that is recognized in law. It is not the equitable obligation that anybody is under obligation to respond to. In other words, as I said in my statement made before the Committee on Interstate and Foreign Commerce, it could be based on nothing else than an equitable claim.

But as to the manner in which this bill is prepared, why do you bring in a bill here to authorize something that does not require any authorization to do? Why do you provide for the supervision of a private county bridge by the Secretary of War? We have no interest in how that bridge is built except that the draw should be 50 feet wide. We have no interest in the question whether it is an expensive bridge or a cheap bridge. Why do you provide in this bill for governmental supervision of the structure, except it be to give color to the idea of Federal liability of a benefit accruing to the United States?

Mr. WEEKS. I do not wish to interrupt the gentleman unduly——

Mr. SIMS. I am perfectly willing that the gentleman should interrupt me. The gentleman from Massachusetts always yields to everybody, and to nobody more cheerfully than myself.

Mr. WEEKS. The bill is drawn in its present form because it proposes that the Government of the United States shall make an appropriation; and inasmuch as the Government makes the appropriation, it seemed wise to protect the Government's interest and provide that the Secretary of War and the Chief of Engineers should determine what kind of a bridge should be built.

Mr. SIMS. What does the Government care what sort of a bridge is built, provided it has a draw 50 feet wide?

Mr. WEEKS. The Government is interested in the appropriation not being more than is necessary.

Mr. SIMS. There is no Government necessity. After you analyze it and get at the bottom of it you find it is only a request from these two cities and the State of Massachusetts to the Congress of the United States to help carry a burden which they themselves are liable for. I insist that in substance it is a private claim.

Now, what kind of a precedent are we establishing? Look all around these thousands of miles of coast; look at the efforts that are being made all over the country to improve waterways, local waterways, all sorts of waterways, short waterways and long waterways—efforts actually to create navigation and create navigable streams where none exist. With the progress and increase of navigation, on account of the increase of the size of the boats used for navigation, it will be continually necessary along the coasts and along our rivers to widen the bridges and tear them down and remove them, even when they are built by private interests, with full knowledge of the power of the Government to require their removal; not only their repair and the widening of the draw, but absolutely their removal. Are we going to say to the country, "Go along and tear out the bridges when the Government demands it, or widen your draws, if the Government demands it; following the precedent set in the case of the reconstruction of the bridge across the Weymouth Back River in Massachusetts; go to Congress and get all it costs you for your contribution to structures already existing, or put up new ones as the Government's contribution."

If we are going to do that sort of thing, I think it is time for my friend [Mr. MOORE of Pennsylvania], who looks out so much for the improvement of Atlantic coast navigation, to be a little careful about these things. Why, my friend from Massachusetts [Mr. WEEKS] carried the House off its feet, as he has often done—and that is complimentary to him. He is the hardest man to resist that ever I tried to oppose. I do not think he ever once thought of wanting to control any Member improperly, but he seduced this House—I will not say that, but he persuaded this House—to buy up the hilltops of New England, of Tennessee, and of North Carolina, to go up on the mountain tops, way up in the skies, to start his projects of navigation, to go above the clouds and put down Federal money that thereby, perchance, the Lord, in order to reward his efforts, will make it rain a little more, and that the timber that will hereafter grow up will let the water run back gradually, and not let it run too headlong or too quickly into the streams, where ultimately, in some way, if not evaporated by the sunshine, it may aid navigation on the lower Mississippi. Now, for a gentleman who can persuade the House and carry it off its feet for such a proposition, this proposition is dead easy.

Mr. WEEKS. I think the gentleman will find it so.

Mr. SIMS. The support of the gentleman from Massachusetts is the biggest thing in favor of this bill. He can give you a better reason for doing or not doing a thing than any other man I have ever run across; but let us forget him and look at this bill on its merits. The Government requires nothing here except that which every other bridge owner in the United States must do—that is, to widen this draw if necessary for the benefit of navigation, and do it at their own cost. We have the power, we have the constitutional right to widen all the bridges everywhere at the public cost. The gentleman from Pennsylvania [Mr. BUTLER] interrupted a while ago with the idea that we should begin right here to pay all this cost because the Government will get the use of it. But the gentleman from Massachusetts [Mr. WEEKS] thought the gentleman from Pennsylvania was wanting to do too much all at one time, but that is where it leads to.

I asked the question before the committee, and I ask it again, if the widening of this draw is exclusively for governmental purposes, then why not let the Government pay all the cost? Why shoulder any of it? Now, what have we here, gentlemen? I want to read to you a few lines from the report of Gen. W. H. Bixby, Chief of Engineers, United States Army. Gen. Bixby is not interested in this matter. He is an expert. He knows whereof he speaks. Listen to a part of his report. I will not read much of it. This report was made to the Secretary of War with reference to the bill that was pending in the last Congress, and the date of it is February 11, 1911:

> The object of the bill is to appropriate the sum of $50,000 out of the Federal Treasury—

To appropriate money out of the Federal Treasury, not to authorize the building of a bridge—

> which, with a like sum to be furnished by the bridge owners, is to be expended, under the direction of the Secretary of War, in the reconstruction, alteration, and repair of the bridges as ordered by him. The existing law contemplates that the cost of making alterations in obstructive bridges when thus ordered shall be borne by the parties responsible for the maintenance of the structures.

Existing law requires them to do this at their own cost, and you want to repeal a general law for the benefit of special individual favorites. We had just as well speak of it as it is, for that is what it is. The general law requires them to pay this cost, and we propose to pass a special act to pay part of the cost, and it can never apply to any other like case unless there is another special act. Therefore it is a private act, a private claim; and while it has the form of a general law its benefits are purely local and private. Gen. Bixby says:

> The proposition embraced in the bill is therefore distinctly at variance with the intent of the statute as interpreted by the department and by the courts and should not be adopted unless some good reason exists therefor. I know of no such reason; but I understand that the reason advanced by the proponents of the measure is that the only complainant against the bridges is the Navy Department; that the changes ordered are needed to facilitate the ingress and egress of vessels of that department; and that, being required for governmental purposes only, the cost of the alterations should be paid by the Government. In my judgment the proposition is not a commendable one, and the consideration upon which it is based is not sound.

Now, that is Gen. Bixby against the gentleman from Massachusetts.

> Weymouth Back River is a natural highway capable of a useful navigation, and for many years its navigable capacity has been obstructed and diminished by the existence of these bridges.

For many years they have had these obstructions. They have been a menace to navigation for many years.

The Federal Government has always had a right of way through the structures, and their owners have maintained them subject to the exercise and assertion of this right. As the widening of the draw openings is necessary, to provide for the navigation of which the river is capable, it is within the power of the Secretary of War, as the instrument of Congress, to require such widening at any time.

The fact that the Navy Department is the chief complainant against the bridges and will benefit immediately by the action of the Secretary of War in ordering changes in the structure is immaterial. Such fact is not essential to his action, nor can it affect the duties and obligations of the bridge owners. The latter are simply required to abate an obstruction created by themselves and to partially restore the ancient navigable capacity of a public highway.

How can they restore that which they have not taken away? If it never was navigable these people by building the bridge could not have taken it away.

That they should bear the entire cost of such restoration is believed to be fair and reasonable, and favorable consideration of the bill is not recommended.

Now, that is the highest authority which we can submit on this matter, an authority entirely disinterested—the Secretary of War.

Now, here is a matter that seems to have confused some gentlemen. The last part of this report says:

It is believed that the amount named in the bill ($100,000) is exorbitant, and that the cost of placing new 50-foot steel draw spans, as required in the said order, would not greatly exceed the sum of $8,000 for the railroad and $12,000 for the highway bridge, or a total of $20,000. Furthermore, if an appropriation is made the bill should show plainly that it is simply a contribution by the United States to the owners of the bridges to assist the said owners in rebuilding the structures, and so much of the measure as provides that the funds shall be expended under the direction of the Secretary of War should be eliminated. The Government has no interest in the construction and maintenance of the structures, and there is no reason in any case for imposing upon it any responsibility whatever with respect to the work.

Now, what can you or anybody else say more than is said right there? There is no need of this bill for any purpose except to get the Government to pay a part of the cost. Now I want to ask my friend from Massachusetts, is it not a fact that provision has been made by the State of Massachusetts and these counties and the railroad company, even to the extent of the proportion that each one should bear in this new construction?

Mr. WEEKS. I will say that a bill passed the Massachusetts Legislature last year apportioning the expense, which is the law in that State when a public bridge is to be rebuilt or changed in any way. But it only applies to the proportional part of the expense which will be borne respectively by the different interests—the county, towns, and the street railway company. That is to say, if these communities pay all the expenses, then the proportion is just the same as if they paid two-thirds.

Mr. SIMS. It establishes the percentage, or such proportion of the cost as each is required to pay?

So much will be paid by the railroad company, so much by the other municipal or county corporations and the State of Massachusetts. In other words, the sum to be paid, if this bill passes, is not to individuals, but to corporations—one a railroad corporation and one of the others the great, rich, and powerful State of Massachusetts and the two cities. Are you going to set a precedent here of going down into the pockets of the people and paying all or any part of the cost of the removal of an obstruction which they in nowise placed there or are responsible for? It is a very small matter for this great State and these cities and that railroad company to pay this money, and it is not for widening the draw, remember. That is to build an entire new structure, which, of course, will be a great deal better in every way, as it will be modern, than bridges that have been there for a hundred years. Am I not correct in that?

Mr. WEEKS. There has been a bridge there for a hundred years, but not these bridges.

Mr. SIMS. They have been renewed, repaired, and rebuilt?

Mr. WEEKS. Undoubtedly.

Mr. SIMS. I am not very particular, but it does not seem to me that there is any great equity that appeals to us in this case. You may call it an equitable demand in the sense that there is no other peg on which to hang it, that it would not be unconstitutional, that it would violate nobody's personal morals to pay the whole of it, but I fail to see any reason why we should exempt these rich corporations from the operation of a general law which will apply to a like obstruction in your own district or your own State. This bill will be a breeder. This bill will be the father of many. Many of them not as good as this will be passed afterwards, if you can call this good at all. Many of them will be worse, because it is always easier when you have gone in the wrong direction to take one further step. It is a bad precedent. It ought not to be here. It did pass this House at the last session of Congress in the dying hours of the session, and Members who have been here any length of time know how utterly impossible it is at such a time to get any bill considered upon its merits.

The gentleman from Georgia [Mr. BARTLETT] and myself made short talks, calling attention to what it was. I did not believe if the House considered it that it would pass it; but I knew that it would not consider it at any great length at such a time as that.

The gentleman from Massachusetts [Mr. WEEKS] did not read the letter from the President, but I am confident that he stated its import. I did not ask him to read it or put it in the RECORD.

Mr. WEEKS. I will let the gentleman read it.

Mr. SIMS. It makes no difference to me. The President is excusing himself for not signing the bill. I do not think his action needed any excuse other than the adverse report of the Secretary of War, whom he appointed. That is all the excuse he needed. I think he did exactly right not to sign the bill, and if he had time to read it, I think he would have found it a proper case for a veto; and he is a President who does not hesitate to use the veto power on much larger measures. After all, I do not know that he would veto it if he had time to consider it. I do not know that he would do it now, because we have the purse strings; we levy the taxes and make the appropriations. If we are going to sit here and pay private money claims to interests who are living in open violation of the law, I think the President might say "What is the use?" I do not have any idea that he would veto this bill. I would not if it passed Congress twice, when it involves nothing more than the amount stated.

Mr. WEEKS. Will the gentleman let me, in his time, read the letter from the President?

Mr. SIMS. I have no objection. I do not ask that it be read; but I do not object to its being read.

Mr. WEEKS. If the gentleman will permit me, I will say that this letter was written after the President had heard the matter discussed by Gen. Bixby and myself in his presence and had given us ample time to outline the case.

Mr. SIMS. Give the date of the letter.

Mr. WEEKS. This letter is dated July 15, 1911, and is as follows:

MY DEAR MR. WEEKS: I have yours of July 14, in which you say that during our recent conversation I told Gen. Bixby and you that if the bill introduced by you in the last Congress for the relief of the town of Weymouth and others in the State of Massachusetts, but which was not signed by me, were to come before me now I would sign the bill. This is true, and correctly states my attitude.

Mr. SIMS. The reading of the letter has not changed it in anyway, because the gentleman correctly stated it. Congress put its hand in the Treasury. It has the power both of raising money and appropriating it, and if I were the President I would let the precedent be what it might, because it is equivalent to a veto when he calls our attention to it by refusing to sign it. Now, Mr. Chairman, I do not want to use any more time than seems to be necessary to have the bill understood. My understanding is there are railway connections to this magazine, that it is not absolutely necessary to use this at all for governmental purposes, but I do not care if it was, the Government should——

Mr. SISSON. I would like for the gentleman from Tennessee to yield for the purpose of permitting me to ask a question of the gentleman from Massachusetts.

Mr. SIMS. Certainly.

Mr. SISSON. I would like to ask the gentleman from Massachusetts what proportion of this expense is to be borne by the street railway companies?

Mr. WEEKS. If I recall it, and I have looked the figures up since I answered the question put by the gentleman from Indiana, the Commonwealth of Massachusetts was to pay 45 per cent, each of the counties was to pay 20 per cent, and the street railway companies 15 per cent of the total cost.

Mr. SISSON. That was in accordance with the act of the Massachusetts Legislature?

Mr. WEEKS. Yes.

Mr. SIMS. I can answer the question correctly from the report. I see the question of maintenance is in the report.

Mr. WEEKS. I am sure those figures are correct.

Mr. SIMS. Mr. Chairman, I reserve the balance of my time and yield the floor for the present, unless some gentleman desires to ask questions. How much time have I used?

The CHAIRMAN. Thirty-five minutes.

Mr. COOPER. Mr. Chairman, in my judgment the enactment of this bill into law would establish a precedent that might hereafter prove very troublesome. For example, during recent years many bridges have been constructed across navigable waters, and we are now frequently passing bills to permit the erection of other bridges across other such waters. If this bill is to become a law and thus establish a precedent, then, when at any time hereafter the Government shall establish

Government works on these navigable waters, and desire, for this reason, to have the draws of bridges widened, this precedent will surely be pointed to and the demand made that the Government share in all of the expense.

The Government could not hereafter establish works upon a navigable stream and order changes in bridges without the certainty of being confronted by this precedent.

If we establish this precedent the Government will be called upon to help pay for altering any bridge hereafter altered under the circumstances I have suggested, and this notwithstanding the fact that every one of these bridges is erected under a law expressly providing that the Government shall have the right to alter, amend, or repeal it.

The men who built the bridge in question here knew that they were building it across navigable waters. They knew that the Government had a right of way through that bridge. At this point I call the attention of the House to what Gen. Bixby, Chief of Engineers, said officially concerning the proposition contained in the pending bill. In a communication, dated "Office of the Chief of Engineers, Washington, February 11, 1911," the Chief of Engineers said, concerning the bill now before us or one practically identical with it:

As a result, the Secretary of War reached the conclusion that the bridges were unreasonable obstructions to the free navigation of the waterway by reason of insufficient width of draw opening (which is only 25 feet), and that to render navigation through the structures reasonably free, easy, and unobstructed the width of the draw opening should be increased to 50 feet in the clear, and the draw span should be equipped with efficient mechanism to insure its prompt opening and with suitable fenders and draw rests to insure the safe passage of vessels through the openings.

He accordingly, as provided by the statute, caused orders, dated May 20, 1910, to be served on the respective owners of the structures, requiring the aforesaid alterations to be made and completed on or before June 30, 1911. Certified copies of the papers showing the action of the War Department in the premises are submitted herewith.

Here follows an important portion of the statement of the Chief of Engineers:

The object of the bill is to appropriate the sum of $50,000 out of the Federal Treasury, which, with a like sum to be furnished by the bridge owners, is to be expended, under the direction of the Secretary of War, in the reconstruction, alteration, and repair of the bridges as ordered by him. The existing law contemplates that the cost of making alterations in obstructive bridges when thus ordered shall be borne by the parties responsible for the maintenance of the structures. The proposition embraced in the bill is therefore distinctly at variance with the intent of the statute as interpreted by the department and by the courts and should not be adopted unless some good reason exists therefor. I know of no such reason, but I understand that the reason advanced by the proponents of the measure is that the only complainant against the bridges is the Navy Department; that the changes ordered are needed to facilitate the ingress and egress of vessels of that department; and that, being required for governmental purposes only, the cost of the alterations should be paid by the Government.

These are the only reasons of which Gen. Bixby had heard, and gentlemen of the House will observe that these are the identical reasons urged here in this debate.

But what does the general think of these reasons submitted in support of the proposition that the cost of the alterations should be paid by the Government? He says:

In my judgment the proposition is not a commendable one and the consideration upon which it is based is not sound. Weymouth Back River is a natural highway capable of a useful navigation, and for many years its navigable capacity has been obstructed and diminished by the existence of these bridges. The Federal Government has always had a right of way through the structures, and their owners have maintained them subject to the exercise and assertion of this right. As the widening of the draw openings is necessary to provide for the navigation of which the river is capable, it is within the power of the Secretary of War, as the instrument of Congress, to require such widening at any time.

The fact that the Navy Department is the chief complainant against the bridges and will benefit immediately by the action of the Secretary of War in ordering changes in the structure is immaterial. Such fact is not essential to his action, nor can it affect the duties and obligations of the bridge owners. The latter are simply required to abate an obstruction created by themselves and to partially restore the ancient navigable capacity of a public highway. That they should bear the entire cost of such restoration is believed to be fair and reasonable, and favorable consideration of the bill is not recommended.

Note that language—"favorable consideration of the bill is not recommended."

Here is the last paragraph of Gen. Bixby's official communication:

It is believed that the amount named in the bill ($100,000) is exorbitant, and that the cost of placing new 50-foot steel draw spans, as required in the said order, would not greatly exceed the sum of $8,000 for the railroad and $12,000 for the highway bridge, or a total of $20,000. Furthermore, if an appropriation is made the bill should show plainly that it is simply a contribution by the United States to the owners of the bridges to assist the said owners in rebuilding the structures, and so much of the measure as provides that the funds shall be expended under the direction of the Secretary of War should be eliminated.

Gen. Bixby was opposed to this in priciple, and also plainly enough, because of the precedent it would establish. He was under oath when writing this report, a disinterested Government officer, Chief of the Engineers of the United States Army.

He concludes his report by saying that—

The Government has no interest in the construction and maintenance of the structures and there is no reason in any case for imposing upon it any responsibility whatever with respect to the work.

Very respectfully,

W. H. BIXBY,
Chief of Engineers, United States Army.

The SECRETARY OF WAR.

In my judgment, the bill would create a precedent that ought not to be established, and therefore I can not give it my support.

Mr. CULLOP. Mr. Chairman, the bill now under consideration is a clear departure from existing law in this respect, that the existing law makes the parties or companies responsible for the repair of bridges; responsible for their maintenance.

Now, the municipalities of Massachusetts are responsible for the repair and maintenance of the bridge used by the public as a common highway. As to the other bridge, situated by the side of it, used by the street railway or interurban road, that company is responsible for its maintenance. Now, that company is coming here to Congress and asking us to appropriate money to repair this bridge or the draw in it, which is to be used by it for commercial purposes, charging every person who rides or transports freight on its road over that bridge for the privilege of riding or shipping over the same.

Could there be any justification found anywhere for the proposition that Congress should enter upon the policy of building bridges for private corporations to use? If this bill should be enacted into law it would prove to be a change of the entire policy maintained by the Government, and it would establish a great incubating process. The policy would start here and now, but no man could approximate where it would end or the amount it would cost the people. It is easy to start such a policy, but almost impossible to abrogate it when once inaugurated. To-day we are improving rivers all over the country and attempting to make rivers navigable which heretofore have not been found suitable to that purpose. Every railroad company in the land would have the same right to come to Congress when one of its bridges had to be changed in order to accommodate the navigation of a stream and ask Congress to pay for the improvement of its bridge. In the city of Chicago they are constantly improving the Chicago River, and $50,000,000 would not make the improvements which would be called for in that city if this bill passes. They would have the same right and the same justification for coming to Congress to have that improvement made out of the Federal Treasury as is attempted here in this instance.

That is not only true of Chicago; it is true of a number of other cities, and of railroads crossing streams in all the States of the Union.

This bill asks Congress to make this appropriation practically for the benefit of the Old Colony Street Railway Co. of Massachusetts. That is what it amounts to. In other words, it is a bonus given that street railroad out of the Public Treasury in order to enable the public to use one of the Nation's highways. It would authorize every steam and interurban railroad in the United States to ask Congress to appropriate money to pay for necessary changes in its bridges, where those changes were necessary for the improvement of navigation. Is there a man upon this floor who is willing to enter upon such a policy as that for the benefit of corporations and private individuals? It is neither right nor can it be justified from any standpoint from which you may view it, and I protest against the fixing of a precedent at this time.

When this work was begun the State of Massachusetts never took this matter into consideration at all. It is an afterthought. Under the law it made the apportionment of the expense of the improvement of these two bridges, and no part of that apportionment was ever assessed against the United States Government. Not one cent did the State of Massachusetts levy upon or assess against the United States Government for the improvement of these bridges. It apportioned the expense among the State, the cities, the county, and the railroad company, and not one penny of it was apportioned to the United States Government.

In the consideration of other measures here we have heard a great deal said about upholding the department. Gen. Bixby, who is at the head of this department, reporting to Congress upon this identical measure, said that it is not commendable, that it is not recommended by the department, but that department reports against it, as it ought to do. I ask every member of this commitee to read, on page 3 of the report, what Gen. Bixby has to say upon this proposition. I read from it for the information of the House. Here is what he says about this matter in speaking about this bill:

The object of the bill is to appropriate the sum of $50,000 out of the Federal Treasury, which, with a like sum to be furnished by the bridge owners, is to be expended, under the direction of the Secretary

of War, in the reconstruction, alteration, and repair of the bridges as ordered by him. The existing law contemplates that the cost of making alterations in obstructive bridges when thus ordered shall be borne by the parties responsible for the maintenance of the structures. The proposition embraced in the bill is therefore distinctly at variance with the intent of the statute as interpreted by the department and by the courts and should not be adopted unless some good reason exists therefor. I know of no such reason; but I understand that the reason advanced by the proponents of the measure is that the only complainant against the bridges is the Navy Department; that the changes ordered are needed to facilitate the ingress and egress of vessels of that department; and that, being required for governmental purposes only, the cost of the alterations should be paid by the Government.

In my judgment the proposition is not a commendable one and the consideration upon which it is based is not sound. Weymouth Back River is a natural highway capable of a useful navigation, and for many years its navigable capacity has been obstructed and diminished by the existence of these bridges. The Federal Government has always had a right of way through the structures, and their owners have maintained them subject to the exercise and assertion of this right. As the widening of the draw openings is necessary to provide for the navigation of which the river is capable, it is within the power of the Secretary of War, as the instrument of Congress, to require such widening at any time.

When they first built the bridges across this stream they knew that it was a public highway, made so by nature. If there was any risk taken, then was the time to consider it. It was their duty to take into consideration the growth of population, the growth of the commercial business of the country, and the purposes to which this stream would in the future be adapted. The street railway company have built their bridges as a money-making institution for the benefit of a private corporation and for gain. Ought we to go into the Public Treasury now, and take the people's money and turn it over to this railroad company as a bonus for the improvement of this drawbridge? I should think every man would hesitate before he would vote to do it. I want to know if there is any man on this floor who would dare go back to his constituency, outside of the immediate territory in which this bridge is located, and undertake to defend his vote upon this proposition if he votes for it?

If he can successfully do so he has a different constituency from that of a very large majority of the membership on this floor. I want to know what justification any man can have, when he votes for this bill, to go back to his constituency and say, "I went into the Public Treasury to take out of your money the taxes you had paid by your toil and your sweat and handed it over to this private corporation to improve its drawbridge when it charges every person who rides or ships over it a fare for doing so"? What justification can there be for such legislation as here proposed? What man can offer to his constituency any excuse that will justify his conduct in their eyes for such action if he votes for it?

Let me call your attention to another thing about this bill. It not only attempts to change or evade existing law to start a new public policy, but it simply means the granting of a subsidy out of the Public Treasury. If the Government has a right to build public bridges in the cities and counties of Massachusetts for private corporations, it has the same right to build them in Mississippi, in North Carolina, in the States of California, Oregon, and Washington, and all the States of the Union. When once started upon this policy, where will it end? There will be no end to it, nor would there be money enough in the Public Treasury to defray the expenses it would entail.

Now, that is the proposition here; not only the donation of this $33,000 in this instance—that is a mere incident; a mere bagatelle—but if you start to give Massachusetts in this case $33,000, in a short time Pennsylvania may come in and want $10,000,000 for the same purpose; New York may want $40,000,000; Chicago may want $100,000,000; and where would the end be?

A MEMBER. And Indiana——

Mr. CULLOP. Yes; and Indiana may want some. Where would the policy end? It is not only wrong, but it is a vicious and dangerous policy that you are starting upon when you are advocating such a measure as this.

I hope that every member of this committee will consider this proposition before he votes. It is a dangerous precedent to be set. It is the beginning of a public policy which, if entered upon, no man can approximate what it will entail upon the American people or to what extent it will be used.

They will come here year after year, and as they come the sums will be larger and larger, until every private corporation and company in the country which crosses a stream will be asking the National Government to build the bridges for their own private use and which they would use as a commercial asset in the prosecution of their business.

Gentlemen of the committee, if there is anything fair about this measure I have been unable to see it. I submit this proposition for your consideration: That if you build this street railway a bridge, as it is proposed here, you ought to put in a clause prohibiting it from charging fares of those who patronize it. If the Government is to build this bridge, if it is to build it for the street railway corporation, then it ought not to be permitted to charge the public for the use of it. I have not seen in this Congress a more dangerous scheme attempted to be foisted through this House than is this measure as is presented here now, and I hope it will be defeated, as I believe it ought to be. [Applause.] Mr. Chairman, I yield back the balance of my time.

Mr. HAMLIN. Mr. Chairman and gentlemen of the committee, if you will give me your attention I will not occupy very much of your time. I very much dislike to disagree with the opinions of the majority of the committee of which I am a member, but if one is to exercise any independence of thought these conditions will inevitably arise. I have not been able to bring myself to the conclusion that the majority of the committee has reached in this case, and I want briefly to state to you why I have not been able to do so.

It seems to me that there are a few things conceded in this case, and I may as well state them now. The issues are few and very well defined. The evidence before the committee showed that there are two bridges across this stream; one is what we might designate a wagon bridge and the other is a street car bridge, running very near to the original wagon bridge, and, in fact, physically connected with it. Now these bridges, it is conceded, are built across a navigable stream—navigable when the bridges were erected—and when the parties who built the bridges built them they knew that they were building across a navigable stream. They also knew, or if they did not know they are charged with the knowledge anyway, that the Government of the United States, through the proper authorities, had the right at any time when they concluded that the necessity arose, to make any requirement they saw proper as to these bridges, and that these requirements would have to be complied with at the expense of the owners.

Mr. WEEKS. Mr. Chairman, will the gentleman yield?

Mr. HAMLIN. Yes.

Mr. WEEKS. I want to suggest to the gentleman that that highway was in use and the bridge built before there was a Government of the United States.

Mr. MARTIN of South Dakota. But, Mr. Chairman, I would suggest that probably when the Government was established it took the same authority over that bridge as though it had been virgin territory.

Mr. HAMLIN. Unquestionably; and I have always understood that Massachusetts came into the Union and is a part of the United States to-day.

Mr. MARTIN of South Dakota. And submitted the question of interstate commerce to the complete control of Congress.

Mr. HAMLIN. Unquestionably; and when Massachusetts came into the Union she brought that bridge with her, according to the gentleman's statement, and turned it over to the jurisdiction of the United States Government, and it has been there ever since.

Mr. WEEKS. If the gentleman will yield for one further suggestion, I made that point because the gentleman made an incorrect statement, which I wished to correct. The statement made by the gentleman was that when that bridge was built those who built it knew that so-and-so would happen.

Mr. HAMLIN. I notice that the gentleman who is just now speaking made a statement before the committee that while this one bridge—the wagon bridge—was built originally 150 or perhaps 200 years ago, it had been several times repaired, reconstructed, and changed.

Mr. WEEKS. Undoubtedly.

Mr. MARTIN of South Dakota. My reading of the report is that the present structure is a wooden structure built in 1812, just one century ago. That is the official report.

Mr. WEEKS. I do not think that is quite correct.

Mr. MARTIN of South Dakota. It was reconstructed.

Mr. HAMLIN. I was about to suggest that this rebuilding or reconstruction of the bridge took place since the United States Government took control over the river and the regulation of the bridges; but the statement I made originally was not incorrect for the reason which I have stated and for the additional reason that this street car bridge was not built 150 or 200 years ago, but the evidence shows it was recently built, comparatively speaking, and undoubtedly built since the Government took control over that river and the bridges thereon. Therefore my statement was not incorrect, but, on the contrary, accurately correct.

Mr. SISSON. The street car bridge is now maintained at the expense of the street car company, is it not?

Mr. HAMLIN. Undoubtedly.

Mr. SISSON. And was built by the street car company at its own expense?

Mr. HAMLIN. I presume so.

Mr. SISSON. If this bill should pass, then the street car company gets the use of the bridge by paying 15 per cent of the price of the construction of the bridge, if the gentleman from Massachusetts [Mr. WEEKS] recollects the provision of the Massachusetts statute correctly. Would that be the condition?

Mr. HAMLIN. That seems to be the condition under the statement in the hearings as to the law of Massachusetts. I have no knowledge of my own in regard to that.

Mr. SISSON. One other question. If the Government of the United States shall pay one-third of this expense, it would pay one-third of the 15 per cent, would it not?

Mr. HAMLIN. The gentleman can figure that out as well as I can.

Mr. SISSON. I am asking whether or not, under the law of the case and the construction as the gentleman has made it, that would be the result?

Mr. HAMLIN. I do not believe the Government ought to pay any part of the expense of the rebuilding of this bridge.

Mr. SISSON. I agree with the gentleman, but in the event that this bill passes——

Mr. HAMLIN. And I am not concerned as to the proportion, for, under this bill, if it becomes a law, the Government would have to pay only one-third of the cost of this rebuilding or reconstruction, and as to how the other two-thirds are divided in Massachusetts I have no concern.

Mr. SISSON. I am endeavoring, if I can do so, to arrive at what per cent of the cost of this bridge the street car company would pay.

Mr. HAMLIN. I do not know whether it would pay any part of it or not. I do not know how they manage those things in Massachusetts, and as that is a local matter I am not concerned in that.

Mr. SISSON. If you will notice in the bill it provides that the Massachusetts Legislature should pass a law in reference to the proportion each should pay.

Mr. HAMLIN. Yes.

Mr. SISSON. The gentleman from Massachusetts [Mr. WEEKS] stated a moment ago that the street car company, under that act, would pay 15 per cent of the construction of the bridge.

Now, if the proportion which is provided for by the act of the Massachusetts Legislature providing 15 per cent as the share which the street car company pays, if the one-third of that is paid now by the Government of the United States, the street car company only pays 10 per cent, whereas now the street car company has to pay for all the maintenance of its own bridge.

Mr. HAMLIN. If this bill becomes a law, as I understand it, the street car company would only pay 15 per cent on two-thirds of the cost of the construction.

Now, another proposition which I desire to submit is this: It is conceded by those favoring this bill that we have no right legally to appropriate a dollar to aid in the construction or remodeling of this bridge. They do not put their claim upon that ground. They frankly confess that the Government is not legally bound to pay one penny of this money; but they say they have presented a case here so pregnant with equity that we ought voluntarily to step in and pay one-third of this expense. That is where I fail to agree with the majority report. I agree entirely, of course, that the Government is not legally bound, but I can not agree that there are equities in this case sufficiently strong to warrant us in setting a new precedent that will be certain to return frequently to plague us in case we pass this bill. Going back to my original proposition, this is a navigable stream and so conceded. These bridges were constructed, one of them at least, since the Government has been in existence; the other has been reconstructed perhaps a number of times since, and, of course, no man will deny that the bridges came under the jurisdiction of the Government when it originally came into the Union, so that it goes back to this proposition, that when these parties erected these bridges they knew, or must have known, they were erecting them across a navigable stream, and that they would be subject to any orders of the National Government in relation to them.

In other words, when they invested their money they did it with their eyes open and must of necessity have known they would be compelled to take chances on the Government ordering changes made. It is just like my buying a negotiable piece of paper overdue, and it might be I would be making a good investment, but I must know when I bought that evidence of debt that I was taking it with all the infirmities that might be attached to it, and it may be possible that I would lose my money entirely, but I would have to take my chances; and that is true with the building of these bridges. The parties who put their money into them simply took chances that the Government would never order them changed. Unquestionably, there can be no equity so far as the bridge built and now used by this street railway company. The evidence before the committee is that the railroad company only built a temporary structure there, and it is a very opportune time for them, if they can get this bill through, to get a new bridge constructed—a permanent bridge—that they can use and have the Government pay one-third of the expense and the State of Massachusetts pay all but 10 or 15 per cent of the balance of the cost of the construction. Now, it will not do to say that the idea is only to widen this span. I think that the overwhelming opinion of the parties interested in this matter is that an entirely new bridge must be constructed. I find here a statement made by my friend from Massachusetts, the author of the bill [Mr. WEEKS], in the hearings before the committee when he was asked this question:

Mr. KENNEDY. Why can not the draw be extended?

Mr. WEEKS. My judgment is that the existing bridges are not strong enough for a 50-foot draw. I think it would be necessary to reconstruct the bridges if a draw of that width is to be put in.

I have no doubt he is correct in his statement, and I have equally no doubt that it is exactly what would happen, and the idea of rebuilding a new bridge, a permanent structure, that under the terms of the bill would be used by this street car company for private gain and one-third the expense at least to be paid by the Government is an unheard-of proposition. It is not justified upon any ground I can conceive of when we consider the fact they have built these bridges with the understanding that the Government had the right to control them in the interest of navigation. It would set also a bad precedent. You tell me there is no danger. I would like to call your attention to a statement that also appeared in the hearings. You pass this bill and set this precedent, and I can now call your attention to a case right in the same neighborhood which will be here next session, in all probability, or in the near future, asking us to help them rebuild their bridge. When the question of cost was being considered by the committee, one gentleman who appeared before the committee was asked this question:

The CHAIRMAN. Who has made an estimate that the new bridge would cost $100,000?

Mr. BARNES. I think that came from the engineers at Boston; there was a conference held with them, and I think that statement emanated from them. That is also borne out by the fact that a short time ago, four or five years ago, a bridge was built over the Weymouth Fore River.

That is the same river?

Mr. WEEKS. No; that is not the same river.

Mr. HAMLIN. But in the same neighborhood.

Mr. WEEKS. It is in the same neighborhood.

Mr. HAMLIN. That is what I thought (reading):

similar to this one, except that the bridge there has a wider draw than this one would be, and that bridge cost $115,000. But the draw in that bridge is 100 feet wide. Now they must widen it again because the battleships can not come through there.

Now, if we pass this bill to help widen the draw in this bridge this new bridge company—where the draw must be widened in the same neighborhood—will come to Congress and say, "Now, you have ordered our draw widened and we ask you to pay at least one-third of our expense." You can not make fish of one and fowl of the other. There will come in wagonloads of equitable pleas for financial help in private enterprises.

Mr. FITZGERALD. Will the gentleman yield until I place in the RECORD at this point this statement?

Mr. HAMLIN. Certainly.

Mr. FITZGERALD. This Weymouth Fore River bridge is on the river below the Shippen Engine Co.'s plant, which is building war vessels under contract with the United States, and when a vessel was completed there there was great alarm whether they could take vessels through the draw because of the draw not being of sufficient width.

Mr. HAMLIN. I am thankful to the gentleman from New York for adding wisdom, as he always does, to any remarks to which he contributes. His statement demonstrates the correctness of what I was saying. If it is necessary to widen the draw on this Fore River bridge for the purpose of floating out new battleships which the Government has or may order, they will come here asking us to bear the expense or a portion of the expense of widening that draw, and certainly they could present stronger equities than these people are presenting in this case, because we are ordering the building of enormous battleships in these days of peace, and of course they would be useless unless we could get them down to sea.

Mr. WEEKS. Will the gentleman yield?

Mr. HAMLIN. I will.

Mr. WEEKS. I will admit that the gentleman from New York [Mr. FITZGERALD] usually adds knowledge to any questions which he discusses, but the cases are not in any respect similar.

Mr. FITZGERALD. Is not my statement accurate?

Mr. WEEKS. Let me finish my statement. All of the business on the Fore River is commercial. The Government has no interests whatever in any plant or anything else on the Fore River. On the Back River all the interests are governmental. The commercial interests have none whatever, because the Government has taken all the land for governmental purposes.

Mr. FITZGERALD. The gentleman remembers when the attempt was made to purchase the land for this naval magazine?

Mr. WEEKS. I was not in Congress at that time.

Mr. FITZGERALD. It was originated by the gentleman's colleague from Massachusetts [Mr. ROBERTS], and one of the important reasons assigned for it was the necessity for having a magazine on the New England coast for the protection of the people of New England in case of war. "The gentleman from New York" is very familiar with the case, because he antagonized the magazine.

Mr. HAMLIN. Did not the Government expend about $700,000 for locating the magazine there?

Mr. FITZGERALD. I think they paid at least $125,000 for the land.

Mr. HAMLIN. And then paid out large sums in building the plant?

Mr. FITZGERALD. Certainly.

Mr. WEEKS. One more question.

Mr. HAMLIN. Just a question.

Mr. WEEKS. Let me suggest that a naval magazine is no protection whatever.

Mr. HAMLIN. I can not yield except for a question.

Mr. WEEKS. Then I will make the statement in my own time.

Mr. HAMLIN. The gentleman says the Fore River bridge is built for commercial purposes, or rather, is being used for commercial purposes, and commerce does not enter into this other proposition now before the House. I would like to know, if that be true, why has the street railway built a bridge across the river at this point? It is not there for the general public without pay, but it was put there, of course, for private gain. And you propose in your bill to include in this new bridge, for which the Government is asked to pay one-third, the bridge of this particular railroad, which is a proposition absolutely unheard of and ridiculous. Mr. WEEKS, before the committee, stated that it was necessary for them to construct a bridge in order to continue business. I will read from the hearing:

> The CHAIRMAN. But in this case the street railway company has constructed a bridge of its own, which has to be removed. It must have been profitable for the street railway company to construct a bridge in the first instance.
>
> Mr. WEEKS. It was necessary for them to construct a bridge in order to continue in business. But the bridge the street railway company has constructed is not of a permanent character. It is not an expensive bridge.

They have thrown up a temporary concern there, and now, by tying this on to this wagon bridge, they are asking that one bridge be constructed for use by the public as a wagon bridge and also as a bridge for the street railway company, and thereby get a permanent structure and a good bridge for the use of this private corporation.

It may be that I am unable to discern an equitable proposition when presented, but I can not see where there is any equity in this proposition at all. There may be a hardship in it for somebody. Gentlemen know that no law can be enacted by Congress or any other legislative body on earth that will not under some circumstances work harm, or, at least, be a burden upon some individual or set of individuals. Our interests are diversified, and it is utterly impossible to pass a law that will be a benediction and blessing to everyone. In this case I can not see why it will be a hardship to anyone except in the way of a little increased taxation on some of those people living up there, but they will have the use of the bridge; but to ask all the people of the United States to contribute to this extra expense simply because it has been determined by the War Department or the Navy Department that the span of this bridge must be widened and a new bridge constructed is asking something that I do not believe the Congress of the United States should grant.

There are no equities in the proposition here presented. It is conceded that we are under no legal obligation, and simply because the Government happens to have built an arsenal above this bridge and now needs a wider span in order to get to it with its vessels they rush down here to Washington and ask us to put our hands into the Treasury and take out one-third of the cost of the building of this new bridge or the widening of this span. Putting it purely on the grounds of equity, do we not get back to the proposition that when these bridges were put there the people knew that some time in the evolution of business in this country it might be necessary to have a wider span than 24 feet, and they took their chances on it? It was a gamble; it was a bet. If that time had never been reached in this country, if the demand had never been made, they would have won. But it appears that this order has now been made by the Government, and when those people lose they come to us and ask us to help them to bear their part of the expense involved.

Mr. CATLIN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Missouri yield to his colleague?

Mr. HAMLIN. I do.

Mr. CATLIN. Does not the gentleman think that it makes a difference when the Government has issued an order that this river shall be navigable above the bridge only to the Government?

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Kentucky?

Mr. HAMLIN. With pleasure.

Mr. SHERLEY. I just wanted to ask the gentleman, in connection with the question just asked, whether he thought a minority of the whole could create a greater right than the whole itself; whether private commerce can create a greater right as to the navigability of a stream than the Government itself can? Repeatedly the argument has been used here that because the Government, representing all the people, was using the stream, therefore there was less a reason for its right than when any part of the people were concerned.

Mr. HAMLIN. I think the gentleman's question answers itself and is, I think, a complete answer to the question of my colleague, and I do not think it is necessary for me to answer further.

Now, I think I can look at this proposition as impartially as any other gentleman on this floor. I have no interest in it in the world except as a Member of Congress, but I think I know that this would be an exceedingly bad precedent to set, even though the equities were strong in the case. Why? It is not much trouble, Mr. Chairman, for any set of men under any set of circumstances to get together and fix up a reasonably good statement that would present apparently certain equities, and if you establish this precedent every time that the Government exercises its right to order a bridge changed in any respect the owners thereof, private parties, railroad companies, and others who build the bridges of the country, will rush to Congress and ask us to bear the expense or a part thereof; and when you seek to deny them the appropriation which they want they will tell you that you did it in the Weymouth bridge case, and that "that does not present any stronger equity than we are presenting, and you can not make fish of one and fowl of another."

So I say it is a dangerous precedent. There is no sufficient equity in this case. I can not conceive of an equity in this case unless the people investing their money in the building of these bridges were misled in some way by the Government.

Now, think of that for a moment. If the Government by anything that it did or failed to do should have misled these people into the belief that the manner in which they had built their bridges was quite sufficient and that they would not be disturbed and afterwards changed its mind and ordered this draw to be widened, then they could come here with some equities in the case and say, "We have been misled; else we would not have invested our money, or we would have built the bridge differently." But there is nothing of the kind in this case. They were building over a navigable stream, knowing that the Government exercises the right to order any changes in the bridges and might exercise that right at any time. They simply ought to go on and comply with the order of the Government and not come down here and ask us to take from the Public Treasury one-third of the cost of the rebuilding of this bridge and give to them. I hope this bill will be defeated.

Mr. Chairman, I reserve the balance of my time.

Mr. MARTIN of South Dakota. Mr. Chairman, if there is any other gentleman who desires at this time to speak in support of this bill, I am willing to delay my remarks until opportunity is had for that purpose. But I should like to be recognized in opposition to the measure. I think the principle upon which this exception is asked of Congress is absolutely indefensible. I am not willing, as a member of this committee, by saying nothing on the subject, to have my apparent lack of interest in the subject construed as in any way affirming this measure or the proposition involved in it.

There are formal objections to the bill, if any bill is to be passed, which, however, are not so serious; but there are still

objections that could be urged against it. Fifty thousand dollars is appropriated, or so much thereof as may be necessary, not to exceed one-third of the cost of these proposed improvements, when the highest estimate of anybody as to what would be the proper cost of rebuilding these two present bridges, or putting in one new bridge of a permanent kind to take the place of the two, is $100,000, and the estimate runs from that on down. I think if we should make any appropriation for this purpose at all and the Government should take any share on its part we ought not to name an amount in the bill larger than one-third of the highest estimate of what this bridge would cost.

But there are other and fundamental objections to this legislation of a serious kind which, to my mind, are absolutely controlling. Under the Constitution the entire control over navigable waters is vested in Congress. No bridge can be built over navigable waters without the express or implied approval of the Congress of the United States through the War Department. In 1899, as a part of the river and harbor bill of that session, provisions were placed in the statute to the effect that when any structure proved to be in the way of the navigation of the navigable waters of the country the companies, individuals, or municipalities owning and maintaining those structures might be notified by the proper officers of the War Department to remove, modify, or repair those structures so as to make no further interference with commerce. Under that sort of condition existing here that notice was given by the Chief of Engineers of the Army to the street railway company maintaining a cheap structure over this water and to the towns maintaining the wagon road over it so to modify those structures that there could be free navigation of this stream with a channel of at least 50 feet, instead of 24 feet as now, at the draw.

Mr. MOORE of Pennsylvania. May I ask the gentleman whether the letter of the Chief of Engineers was due to a desire to admit vessels to the Government property, or to give free access to commerce generally?

Mr. MARTIN of South Dakota. It is difficult to say what was in the mind of the Chief of Engineers, but of course it was based upon the provisions of the statute, on the ground that it interferes with the use of the stream for the purposes of commerce.

Mr. MOORE of Pennsylvania. I thought perhaps the gentleman knew whether there was any general commerce outside of that going to the Government property that necessitated the widening of the span.

Mr. MARTIN of South Dakota. That, to my mind, is quite immaterial. If Government transports are the chief users of this navigable stream, the Government has a right to the use of all navigable waters. The Government is simply an aggregation representing the entire people. As the gentleman from Kentucky [Mr. SHERLEY] has very well suggested, if a navigable water is used by the Government the entire people are interested in the commerce that passes to and fro, and certainly the rights of all are quite as great as the rights of a few who may, in a limited way, for private purposes, use a navigable water.

Mr. MOORE of Pennsylvania. Does the gentleman know, from any testimony introduced before the committee, that there is any general commerce, aside from Government commerce, passing through that drawbridge?

Mr. MARTIN of South Dakota. I will say very frankly to the gentleman that when the hearing was had on the bill I was out of the city. The bill was reported on the 4th of August, and I was then temporarily in the West; but from the information I have obtained it appears that there has been, up until some time not very remote, some commerce through these bridges, reaching certain sand pits farther up the stream; that this commerce has now in large part disappeared; and that the chief uses that have been made of this water in recent months have been for small water craft, for pleasure and other purposes.

Mr. MOORE of Pennsylvania. That would indicate that it was a navigable stream within the limits of the Government property—beyond the bridge.

Mr. MARTIN of South Dakota. Most certainly. It is clearly shown that it is used by small water craft passing back and forth.

Mr. BURKE of Pennsylvania. I know the gentleman has given careful study to the legal phases of this matter. What is the gentleman's view as to the right of the Government to do what is stated in the report to have been done, namely, to prevent in future any navigation of that water other than that made necessary by the occupation of the shores for the purposes of a naval magazine? Has the Government of the United States a right practically to confiscate a navigable stream which is a public highway?

Mr. MARTIN of South Dakota. I do not understand that the Government has thus far undertaken to do so. As to the right of the Government to do it, it could only arise by virtue of public necessity or public policy for the protection of the interests of the Government. I have understood from the gentleman from Massachusetts [Mr. WEEKS] that an order of the War Department has been issued to that effect. The gentleman from Pennsylvania asks me what I think of the legal phase of that sort of an order. I do not regard that as material to this discussion; but if the gentleman cares for my opinion on it, I should say that the Government would have authority to issue an order of that kind if the public necessity absolutely demanded it for the protection of public interests, and not otherwise. Such power is usually exercised in time of war or some other great public emergency.

Mr. BURKE of Pennsylvania. Has the Government the power, except in time of war, to practically close a stream against public use?

Mr. MARTIN of South Dakota. I think it is an extraordinary power, to be used in time of war or great public necessity.

Mr. BURKE of Pennsylvania. But in time of peace?

Mr. MARTIN of South Dakota. If the Government has issued an order of that kind, and it is so sweeping as the gentleman's question would imply, it is undoubtedly based on the theory that the pleasure craft and miscellaneous commerce within that particular area might tend to endanger the explosives in the Government magazines stored there for the public use. But I do not care to be diverted from the real question involved here.

Mr. MARTIN of Colorado. How much time has the gentleman got?

Mr. MARTIN of South Dakota. I think I have considerable time, if not interrupted.

Mr. MARTIN of Colorado. If the gentleman has all the time he wants, I would like to pursue this line of inquiry a little further, because the gentleman from Pennsylvania [Mr. BURKE] has touched on the one consideration that moved me to favor this bill. It has been stated on the floor and reiterated by the gentleman from South Dakota that the use which is now to be made of that section of the stream is by the Government, which is a use by all the people, and that is the greatest use to which it could be put, much greater than the commercial use by a part of the people. While that is technically true, as a matter of fact it is not actually true. But it is a denial of use to all the people for all purposes whatever, except a very limited use by that entity called the Government.

Mr. MARTIN of South Dakota. Does the gentleman desire to ask a question or make a speech?

Mr. MARTIN of Colorado. I have only just now learned that the Government had this power. I am advised that the regulation is in pursuance of an act of Congress. I have just learned that Congress has the power to close navigable streams to the use of the people. It seems to me, if the Government can draw a line across here on a navigable stream and say that no person shall use it above there, they can go down still lower and draw the line and say that they shall not use it above that point. They can draw a line across the Mississippi River at St. Louis and say that for certain reasons they will exercise that same power on the part of the Government and that no person but the Government shall use that section of the river above there.

Mr. MANN. Where did the gentleman get that wonderful discovery about the power of the Government?

Mr. MARTIN of Colorado. I have just learned it in this debate.

Mr. MANN. Oh, I thought the gentleman was speaking seriously. [Laughter.]

Mr. MARTIN of Colorado. I have just learned in this debate that the Government can close navigable streams.

Mr. MARTIN of South Dakota. Now, Mr. Chairman, as a matter of fact, I do not understand that commerce has been or is likely to be abandoned on this particular water, even with the maintenance of a Government arsenal at that point. There must be a certain degree of commerce, limited perhaps in its character, but naturally it will go on. If it were a commissary there would be a great deal of merchandise and manufactures passing up and down that stream. As it is a Government arsenal, there will be powder, dynamite, and guns that will come sometimes in the barges of the Government, and sometimes in the barges of transportation companies; but it is an assertion, as it seems to me, unauthorized to say that commerce is to be entirely discontinued as to this part of the navigable waters of the United States.

Mr. BURKE of Pennsylvania. The gentleman will admit that it is so stated in the report of the committee.

Mr. MARTIN of South Dakota. The gentleman from Pennsylvania has the provision before him, and he can read it in my time if he desires.

Now, Mr. Chairman, what are the conditions here. Here is a wooden structure along a highway over this navigable water maintained by two towns and one city in the State of Massachusetts. The wooden structure was put there 100 years ago, in 1812. There is on one side of it a temporary structure built by a street railway company some time between the last 10 and 20 years. The first proposition offered was to appropriate straight out $50,000 from the Treasury of the United States and a like sum to be used by the other municipalities and the corporation to build what, of course, would have been a $100,000 structure of a permanent kind at that place. I do not know how structures endure in Massachusetts, but it seems to me that a wooden bridge that has been in constant use for 100 years is about ready to have something replaced of a permanent character, and certainly a temporary railway structure built 15 or 20 years ago can very properly be superseded by something permanent. The first proposition was to appropriate $50,000 from the Government Treasury as soon as the other municipalities and the company appropriated a like sum.

Mr. WEEKS. If the gentleman will allow me, what do I understand he means by the first proposition?

Mr. MARTIN of South Dakota. The bill as it was introduced and brought to the attention of the Committee on Interstate and Foreign Commerce. The present bill is a substitute offered when the bill came from the Senate, and is in somewhat different form.

Mr. WEEKS. The original bill as reported from the committee provided that the construction of the bridge and the amount of money paid and every detail connected with it should be under the jurisdiction of the Secretary of War.

Mr. MARTIN of South Dakota. But it made no limitation whatever on not using the whole of the $50,000.

Mr. WEEKS. It made a limitation that the Government should provide one-half of the money.

Mr. MARTIN of South Dakota. It made a limitation that the Government should appropriate $50,000 when these municipalities should provide a like amount, making a sum of $100,000, which was to be used for the construction, maintenance, and repair of the bridges.

Mr. WEEKS. But only when the communities furnished a like amount.

Mr. MARTIN of South Dakota. Certainly. I said that every time I made that statement.

Mr. WEEKS. I did not so understand the gentleman.

Mr. MARTIN of South Dakota. Oh, the RECORD will show that I have not once made the statement when I did not say that it was to be used when these municipalities and the railroad company appropriated a like amount. Where would we have been under that sort of a bill in which it is proposed to appropriate not only for the maintenance, but for the construction and repair, without any limitation as to whether the bridge should cost $100,000? It would be a fund that could be used indefinitely, matched by an equal amount paid by these municipalities.

The present bill is not much better in that respect, because it refers to the reconstruction, alteration, and repair, but it does limit the amount the Government is to expend to one-third of the entire expenditure, and under this bill $150,000, if we are to pass the bill in this form, might be used in the construction and repair, of which the Government would be asked to pay $50,000. It is a principle universally recognized by the constitutions of the States, as well as by the Constitution of the United States, that the Federal Government does not build bridges over navigable waters. It has jurisdiction over them for purposes of navigation, but the localities—the State, county, and municipal governments—are to be responsible for the making and the maintenance of those structures; and here we are asked for the first time in history, so far as I am aware, or if this bill passes, so far as I know, it will be the first time in the history of the country that Congress has consented to abandon that rule and to let the Government participate in the construction of these local municipal improvements. And upon what theory or reason are we asked to do this? The report set forth two grounds: First, that the Government is to be the sole or chief user of these navigable waters; second, because the Government owns the property at the head of these navigable waters, and it being in Government ownership instead of private ownership, it is therefore taken out of the reach of taxation, and for that reason an equity exists and the Government ought to do something in lieu of the taxes that would otherwise be assessed against the property.

Mr. HAMLIN. The reason that people desiring to build bridges across navigable streams must come to the Government for permission is because those bridges are regarded as obstructions to navigation.

Mr. MARTIN of South Dakota. Absolutely.

Mr. HAMLIN. And this proposition resolves itself into this, that they have obstructed navigation and now are asking us to remove that obstruction.

Mr. MARTIN of South Dakota. Certainly. In the case of the Union Bridge Co. *v.* United States (204 U. S., p. 364) the Supreme Court clearly shows that there is no power to permit that sort of thing, from which the gentlemen who are sponsors for this bill seem to have taken the cue that if there is now no law that will authorize it, some such law might be passed by Congress in cases of this character. And I think we will perhaps be brought to a better understanding of the real question here involved if you will indulge me while I read the syllabus of this case:

Commerce comprehends navigation; and to free navigation from unreasonable obstructions by compelling the removal of bridges which are such obstructions is a legitimate exercise by Congress of its power to regulate commerce.

Congress, when enacting that navigation be freed from unreasonable obstructions arising from bridges which are of insufficient height or width of span, or are otherwise defective, may, without violating the constitutional prohibition against delegating legislative or judicial power, impose upon an executive officer the duty of ascertaining what particular cases come within the prescribed rule.

Requiring alterations to secure navigation against unreasonable obstructions is not taking private property for public use within the meaning of the Constitution; the cost of such alterations are incidental to the exercise of an undoubted function of the United States, exerting through Congress its power to regulate commerce between the States.

Although a bridge erected over a navigable water of the United States under the authority of a State charter may have been lawful when erected and not an obstruction to commerce as then carried on, the owners erected it with knowledge of the paramount authority of Congress over navigation and subject to the power of Congress to exercise its authority to protect navigation by forbidding maintenance when it became an obstruction thereto.

The silence or inaction of Congress when individuals, acting under State authority, place unreasonable obstructions in waterways of the United States does not cast upon the Government any obligation not to exercise its constitutional power to regulate commerce without compensating such parties.

The provisions in section 18 of the river and harbor act of 1899 (30 Stats., 1121, 1153), providing for the removal or alteration of bridges which are unreasonable obstructions to navigation after the Secretary of War has, pursuant to the procedure prescribed in the act, ascertained that they are such obstructions, are not unconstitutional either as a delegation of legislative or judicial power to an executive officer or as taking of property for public use without compensation.

Mr. BURKE of Pennsylvania. Will the gentleman yield there?

Mr. MARTIN of South Dakota. Yes, sir.

Mr. BURKE of Pennsylvania. Is it not true the court wherever it uses the word "navigation" in that connection had in view that navigation in which all the public had the right to an unobstructed use?

Mr. MARTIN of South Dakota. Oh, to say it has that universal commerce in view in every instance, I think, would be too broad, but I should say usually that is correct.

Mr. BURKE of Pennsylvania. That is the rule.

Mr. MARTIN of South Dakota. Yes.

Mr. BURKE of Pennsylvania. In this case, however, the Government has declared in connection with this particular bill that the right of navigation usually granted to the public shall be denied the public and taken away by the Government.

Mr. MARTIN of South Dakota. What is the Government except the public?

Mr. BURKE of Pennsylvania. There is a distinction whether the Federal Government as an entity shall enjoy a right or you and I and other gentlemen as citizens shall equally enjoy the right, and the gentleman knows that as a lawyer.

Mr. MARTIN of South Dakota. The gentleman is relying on a regulation of the War Department. Those regulations are supposed to be made pursuant to law. Sometimes they are and sometimes they are not; sometimes they are exercised only to the limit and restrictions that the Constitution and law would authorize and sometimes they go beyond; but I regard that as unimportant in this discussion. That is a regulation of the War Department and may be changed to-morrow, and if they find in the operation of that arsenal that miscellaneous commercial craft can, in safety to the public, be passed to and fro on those waters general commerce will be again restored; and it is absurd to say that we ought to take a subject of that kind, a temporary regulation of the War Department, into consideration to determine our action in building a structure here costing $100,000 or more, which will probably be permanent in its character. I do not see, answering as well as I can the first ground upon which it is claimed we should make an exception

to the fundamental rule, that the fact that the Government is expected to become the chief user of a particular part of the navigable waters of the country is any reason why we ought to change or make an exception to the invariable rule which makes it the duty of the municipalities and private owners of wagon roads, bridges, and other structures over navigable waters to maintain them without expense to the Government and to construct them in such a way as not to interfere with the proper operation of commerce, whether it be commerce carried on by a few merchants or a few manufacturers or a commerce which affects the welfare of the people of the whole country.

Mr. RICHARDSON. Will the gentleman allow me a question?

Mr. MARTIN of South Dakota. Certainly.

Mr. RICHARDSON. What would the gentleman think of the proposition that if the Government was alone and entirely benefited by the commerce and made the change alone for the benefit of itself, and the people had no interest in it? What would the gentleman say to that?

Mr. MARTIN of South Dakota. If there were——

Mr. RICHARDSON. That is this proposition.

Mr. MARTIN of South Dakota. If there were a demand by the Government for a bridge for the purpose of carrying on the business of the Government, and no private interests would be conserved by it, the Government would proceed to make its own bridge for its own purposes. But that is not in any sense this question, or one like it.

Mr. RICHARDSON. Do you not think it would be good policy, as to saving money for the people, if the Government would broaden the span instead of building a new bridge, and thereby save money to the Treasury?

Mr. MARTIN of South Dakota. Applying my good friend's question to the case at hand, I will say again that I think if a wooden structure has been constantly in use for the purpose of a wagon bridge in a populous part of the country for 100 years it is probably ready for extensive repairs or reconstruction, and these ought to be made by private parties interested in it and not by the Government of the United States. If this bill should pass and this construction should take place, what would happen? We would be appropriating money up to the amount of $50,000, if so much is needed, for the reconstruction of a bridge or placing a new one in its place. It would be the private property of this railroad company and those municipalities legally interested. In other words, we are asked in this bill to violate another of the fundamental principles by which we proceed as legislators in appropriating the people's money. We are advised here to appropriate money for the construction of a bridge. When it is built the Government will have no ownership in it whatever and will have no control in it except to keep the span wide enough so that navigation can go up and down the stream, and that will be a contribution to the street railway and the municipalities. We are asked by my good friend from Massachusetts to appropriate the money of the United States to build a bridge for private and local municipal ownership.

Mr. MARTIN of Colorado. That bridge will be a public highway as much as the stream under it. It will be the only highway there, because the Government absolutely closes this stream to everybody but itself. So I do not think it is quite fair to say that this bridge would be for the private use of certain individuals who are making a profit out of it.

Mr. MARTIN of South Dakota. The bridge as built originally was built by a private toll company.

Mr. MARTIN of Colorado. But this bridge would be a public highway.

Mr. MARTIN of South Dakota. I think it has been made a public highway, not by the United States but by the act of the local municipality itself. But that does not in any way apply to the street railway bridge. That is not in any way a public highway. The portion of the bridge that belongs to the street railway will probably not be a public highway when the new bridge is made. But the Government is asked to make an appropriation for a construction which will at least be in part the property of a street railway company.

The Government owns property in every State of the Union, and it would surprise the gentleman from Massachusetts [Mr. WEEKS], who is championing this measure, to know how many cases would afford a parallel to this piece of legislation. I might cite an Army post in a part of the State in which I live, in which the road to that Army post is used almost entirely by, and a part of it is entirely within the control of, the Government and not of the county for the purpose of carrying commerce back and forth to the fort. With the same propriety the Government in that case might be asked to construct and maintain the road leading to that Government property. So you can follow it by analogy to many pieces of property.

Government property is not subject to local taxation, and the property of States and local municipalities is not subject to the United States for purposes of taxation. It would, indeed, form a dangerous precedent to agree in a case of this character that because the Government's ownership of the property removes it from taxation the Government should become a contributor to the construction of local improvements over a navigable stream in lieu of taxation.

I was necessarily away from the committee when this bill was considered and reported. I have entire respect for my colleagues upon the committee who have entertained different views. But the fact that some other members of the committee who were here are taking the same position that I am taking against this legislation, although there is no minority report, is, I think, sufficient indication that there is no impropriety in my taking whatever position I think most consistent with good conscience and the principles of good legislation.

Mr. SISSON. Mr. Chairman and gentlemen of the committee, there are three parties who are especially interested, on the face of this bill, in having this bridge constructed; first, the towns on either side of this river; second, the counties adjacent thereto; and the third party chiefly interested is the street railway company. I do not know to what proportionate extent that bridge will be used by these three classes, but I presume that all of us know that practically the street railway would demand a very much more expensive bridge for the transaction of its business than would the two towns and the counties using it for wagon ways. Under the conditions existing there now the street railway company maintains a separate and distinct bridge and maintains it at its own expense.

I do not know the provisions of the act of the Massachusetts Legislature which permits the street railway company, the towns, and the counties to build this bridge and own it jointly. I would have liked very much to look at the act of the Massachusetts Legislature and see upon what terms they will hold, maintain, and support this bridge. The act of the Massachusetts Legislature has been left out of this report.

When you speak of equities in reference to this bridge, and why the Federal Government owes anything to these people, we should keep in mind this: Unquestionably the street car company will use the bridge, when constructed, equally as much as all the other interests combined, including all other traffic of all kinds that will go over the bridge. It will be fully as valuable to them as to all others.

Now, under the terms of the Massachusetts act, as stated by the gentleman from Massachusetts who answered the question I asked him as to the amount which each interest would be called upon to pay in the construction of the bridge—and I am sure he stated the proposition correctly—we find that the street railway company under the act of the Massachusetts Legislature will be called upon to pay 15 per cent of the cost of construction of this bridge. Now, if the apportionment among the three parties that are to pay for the bridge under the Massachusetts act is as was stated by the gentleman from Massachusetts, and the Government of the United States shall pay one-third of the expense of building the bridge, then the street railway company will be called upon to pay only 10 per cent of the cost of constructing the bridge.

But there is another question which it seems to me we ought to consider. I realize that as a matter of fact, technically speaking, this act does not create a contract between the Government of the United States and the State of Massachusetts or the people who are to spend the money under the act of the Legislature of Massachusetts. But it will be contended—and a careful reading of the statute here, which it seems has been very carefully drawn, will show—that unquestionably if the United States shall pay under this act one-third of the cost of construction, under the terms of the act the Government becomes a partner with those people in this bridge. Then, certainly, whether it is technically so nominated in the bond or not, it will be called upon to maintain its one-third interest in the bridge, because if there is such a condition as has been contended here, that they have some equitable right against the Government, those rights in equity will continue just as long as the bridge continues where it is and just as long as the naval station continues there. Therefore, the moral obligation will be upon the Government, when they repair the bridge, to see to it that the bridge is repaired and kept in its present condition, because the relation that this naval station will bear to the cities and the counties there in connection with this road will not be changed as long as it is there.

This is an admission, then, upon the part of Congress that those now interested in this bridge have an equitable right and

an equitable interest against the Government on account of some wrong done by it. So far as the legal phase of the question is concerned, it is conceded by everybody that there is no legal obligation on the part of the Government to pay one dollar toward the support of this bridge. But it is universally conceded, as shown by the gentleman from Missouri [Mr. HAMLIN], that every corporation—public, private, or quasi public—every State, every county, that builds a bridge across a navigable stream builds it cum onere, with the burden, the charge, that it does so subject to the rights and regulations of the Federal Government.

Now, it has also been brought out in this debate that something like $750,000 has been expended on this plant located in that neighborhood. I have no doubt that the people, when they were asking for the location of that naval station, were glad to have it located up there. I do not presume that it was such a bad thing then. I do not presume that those people have been damaged in their property rights by the establishment of that naval station. On the contrary, I find the trouble with Congress is that we do not give as many naval stations as the various towns and communities throughout the country are demanding; and if you want to ascertain how much those people think of that naval station up there introduce a bill here to remove it from the community, and you will at once find that a naval station is not a very bad thing to have in a community.

Now, I understand that the distance represented between the top and bottom of the space on the map inclosed by the red line where it crosses the river is only about 2 miles. Therefore there is just a little pocket up there; and yet Members on this floor have urged that there has been a serious injury done to navigation by the Government of the United States. The gentleman who is proposing the bill does not contend that, because according to his statement, frankly made, the water is sometimes only about a foot deep. When there is considerable rain the river gets high enough to enable small scows to be brought in, and I presume if the tide amounts to much there it may be used for the purpose of navigation at high tide.

Mr. MARTIN of Colorado. Just a word, if the gentleman will permit.

Mr. SISSON. Certainly.

Mr. MARTIN of Colorado. Then, as a matter of fact, the designation of this river as a navigable stream is very largely a fiction, is it not?

Mr. SISSON. I presume the theory upon which it is held to be navigable is that the navigability of the stream is determined by its proximity to tidewater and by the fact that they have high and low tides there, and is not based on the ground that there is sufficient water running out of the little stream to make it navigable.

Mr. MARTIN of Colorado. In my State of Colorado that would not be considered a navigable stream; but because it happens to be down near the Atlantic Ocean and has water in it, it is called a navigable stream.

Mr. SISSON. That, I presume, is the only theory upon which it can be called navigable. It is susceptible of being dredged out to let the water back into it from the sea, but that is not the proposition before us. I do think it is very bad legislation for Congress to put itself in the attitude of lending its assistance in the construction of a bridge which is to be owned and used principally by a private or quasi private corporation, to wit, a street railway company.

Mr. MURRAY. May I suggest to the gentleman from Mississippi that he is repeating an error that he seems to have made throughout his remarks, namely, that the chief business of this bridge is that which comes to it through the street railway company. All who are familiar with the situation there, not only those who live in that section but those who go there from other parts of the country, who come to Massachusetts in the summer and use the great park system of the metropolitan district of Boston, know that that bridge is a great connecting link between the city of Boston and the south shore route, stretching from Hingham down the south shore of Massachusetts for a great distance, and that the chief business of the bridge is to carry the automobiles which use that highway and not to carry the cars of the street railway company, which are very few and infrequent, even in the busiest season; and if the gentleman's objection to the bill is that it is likely to benefit a privately owned corporation, we from Massachusetts can assure him that his objection may well be withdrawn, because it is not a sound one.

Mr. SISSON. I am glad that the gentleman has thrown that light upon this question, because unquestionably the State of Massachusetts and the people there who are so much interested in this great enterprise ought to be willing to build the bridge, when the engineers say they can build a bridge suited to that traffic there within the cost of $20,000.

Mr. GREENE of Massachusetts. Oh, that statement is not correct.

Mr. MURRAY. If I may have the gentleman's further attention, there is nobody there who wants any new bridge. It is the United States Government, at the instance of the Navy Department, which comes in and says these people must build a bridge.

Mr. SISSON. The Government does not want any bridge. It will not use it when it is built. What the Government wants is navigation.

Mr. MURRAY. If the gentleman wants to hide behind a provision in the Constitution that streams must be kept navigable, that is an old provision which may have some present-day force; but I ask the gentleman to balance the conveniences and balance the questions of public policy, whether he is going to stand upon a constitutional provision that gives the right to the War Department to keep this stream navigable or to bring conditions up to date and balance the convenience of the public. The gentleman might say that the Government has the power to remove entirely a bridge over that small navigable stream, but it would be to the great inconvenience of the thousands of people who come to visit that historic center and who, by passing over this bridge, are enabled to visit the south shore, which they otherwise would not be conveniently able to do. Surely the gentleman would not inconvenience anybody who wishes to view the beauties and revive the historic memories of those interesting places.

Mr. SISSON. In answer to what the gentleman has said, the great fallacy of the gentleman's position is that the Government of the United States owes anybody anything because it has permitted for over 120 years the use of this place for a bridge, because always, in every community in the United States that wants to build a bridge across any water under the jurisdiction of the United States, it has been the law since the foundation of the Government that the Government of the United States may require the removal of such structure at the expense of the owners, and the Government has a perfect right to say, "You can not use this bridge any more."

Mr. MURRAY. Mr. Chairman, may I ask the gentleman——

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Massachusetts?

Mr. SISSON. For a question.

Mr. MURRAY. Would the gentleman justify the exercise of any such clearly admitted right?

Mr. SISSON. Certainly I would, because under the Constitution of the United States and under the laws that have been enacted these people have no right, no county has the right, no State has the right, no private corporation or railroad corporation can by their own action or by their long use fix an obligation, either in equity or law, against the United States Government. When you shall engraft that provision upon the use of these streams, the moment you do that we ought instantly to have all the bridges removed from the navigable streams and force them back to the use of the old boats to cross the rivers.

In other words, I deny the proposition that long use by a given community, or an organization, or a corporation, or a citizen gives it a right against the sovereign State or against the Federal Government, because if that were true it would be necessary for the Government to guard and patrol its property continually. Because of the fact that the people have used the bridges or got the right to build them from Congress gives them no vested right, for under the Constitution the State surrendered all jurisdiction over navigable streams to the Federal Government, and the Federal Government was under no obligation at that time to disturb these structures or their use to secure and keep alive its rights and powers; but when the State surrendered the jurisdiction over the navigable stream it became the right and duty of the Federal Government to assume control of it. That control is absolute and unconditional. Because it permits the use of it for 100 years, because it allows the piers of this private corporation to rest on the bed of the river, gives the county no right, the municipality no right, and certainly gives a street railway corporation which in recent years has built a bridge across the stream no right in law or equity to complain because the Government decides to use its own property. It is such consideration as that which leads me to oppose the bill rather than the amount.

But there seems to be some poor calculation about figures. If the engineers that have examined this bridge have told the facts about it, I understand that it is only about 100 feet long. I do not know what steel bridges cost in Massachusetts, but to build a magnificent steel bridge across almost any stream 100 feet wide will not cost more than $20,000. That would build a bridge perfectly suited to all the conditions demanded. The engineers seem to think so. If they expect to build a concrete or a very costly structure—and, I presume, they expect to

do it, for they intend to expend on every foot of the structure $1,000, that is a very expensive bridge. The limit of the cost to the Government is one-third of $100,000, or thirty-three and a third thousand dollars.

Mr. MARTIN of South Dakota. The limit is $150,000——

Mr. SISSON. The Government limit of cost is $50,000. The contention, as I understand, is that the bridge will not cost more than $100,000, so the Government under this act will be permitted to spend $50,000, provided $50,000 is only one-third of the cost of the bridge.

Mr. MANN. Will the gentleman yield?

Mr. SISSON. Certainly.

Mr. MANN. In fairness to the committee, of which I am no longer a member, I want to say that the original bill, as introduced, provided for not to exceed $100,000, the Government to contribute one-half. The committee amendment is to reduce the cost to the Government not to exceed one-third. Undoubtedly if that amendment should be agreed to there ought to have been and ought to be a further amendment cutting down the total amount.

Mr. SISSON. I am glad the gentleman from Illinois has called attention to that point, because there is no doubt that is the reason why it is in the bill.

Mr. STEVENS of Minnesota. Will the gentleman yield?

Mr. SISSON. Certainly.

Mr. STEVENS of Minnesota. I want to say that I offered the amendment in the committee. When the amendment was drafted it did contain a reduction of the total amount. The amendment was accepted in the closing session, and through some inadvertence of mine or the clerk, probably mine, the amendment as to the $50,000 was omitted.

Mr. SISSON. I am glad the gentleman makes that explanation, because it did leave the bill and the debate in rather an awkward state, placing Congress in the attitude of having adopted a proposition where we could expend only thirty-three and one-third thousand dollars, when the bill on its face said $50,000. Therefore, I drew my conclusion that the limit of cost of the bridge might possibly reach $150,000.

Mr. STEVENS of Minnesota. No; it was probably an omission of mine as I handed up the amendment.

Mr. SISSON. The contemplation is that it may cost $100,000?

Mr. STEVENS of Minnesota. Yes.

Mr. SISSON. Mr. Chairman, I have nothing further to say, except that in view of the fact that there are four different institutions here—the county government, the State government, the municipal government, and the street railway company, which alone will be benefited by this bridge—I do not see why the Government of the United States should come in and make a fifth wheel and assume a liability and pay one-third of the expense of the construction of this bridge. It strikes me as rather a complicated partnership for the Federal Government to get mixed up in.

Furthermore, I believe that if Congress has done these people any injustice by any order, by any act, or by any law has so disturbed the rights of these people as to do them a wrong, or if what we have done there was wrongfully done or inequitably done, then the highest duty rests upon the Federal Government to bear all of the expense. If the Government has done no wrong and has acted within its rights, then my contention as a Representative here is that we should bear none of the expense and that those people have no rights in the case whatever against the Federal Government, and that they ought not to come into this forum and ask us to take out of the Treasury of the United States a gratuity of thirty-three and one-third thousand dollars to help construct a bridge, which they claim is a necessity and must exist there in order that those towns may transact their business, and, as my good young friend from Massachusetts [Mr. MURRAY] says, that results in so much good and benefit and pleasure to the people of Boston in their joy rides in their automobiles over this pleasant highway.

Mr. Chairman, I yield 15 minutes, or so much thereof as the gentleman may desire, to the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER of Illinois. Mr. Chairman, in looking up the record of this legislation I find that this matter came up in the naval appropriation bill of 1904. There was a provision in that bill to appropriate money for the establishment of this naval magazine. A point of order was made by the gentleman from Georgia [Mr. BARTLETT], but he withheld it for a time until the gentleman from Massachusetts [Mr. ROBERTS] might speak in reference to the item. The gentleman from Massachusetts showed the necessity, as he thought, of moving this magazine out of a thickly populated part of the community where it was then located into this other place, because it seemed to be dangerous to life in case of an explosion and because a certain factory was located close to the magazine. But in all the argument that my friend from Massachusetts made in support of his amendment, in support of this appropriation, I do not find where he ever mentioned one time the fact that there was a bridge here that it would probably be necessary for the Government to appropriate some money to reconstruct so that these small vessels might get by in order to discharge their cargoes. Neither do I find in any of the hearings before the Naval Committee, and I have examined them for several years back, where there has ever been one word mentioned by the gentleman from Massachusetts, who seems to have been active in this matter, about the fact of this bridge being there; but his whole idea seemed to be to secure this appropriation to move this magazine to the place where it is now located.

Mr. ROBERTS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. FOSTER of Illinois. Certainly.

Mr. ROBERTS of Massachusetts. I presume the gentleman from Illinois refers to the gentleman from Massachusetts now on his feet when he speaks of activity.

Mr. FOSTER of Illinois. Yes, sir.

Mr. ROBERTS of Massachusetts. I want the gentleman from Illinois to understand that the activities of the gentleman from Massachusetts were confined solely to having the magazine removed from the city of Chelsea; that his activities then ceased, when the Congress decided that the magazine should be established elsewhere; and if the gentleman will recall the wording of the original law he will remember that it provided for the establishment of this magazine on the Atlantic coast north of Cape Cod, at some place to be determined by the Navy Department.

Mr. FOSTER of Illinois. But I will say this to the gentleman from Massachusetts: That there was some talk of placing this magazine at another place on the New England coast——

Mr. ROBERTS of Massachusetts. I will say to the gentleman the Navy Department——

Mr. FOSTER of Illinois. I will say to the gentleman that the argument has always been in favor of moving this magazine from Chelsea, which, I believe, is in the gentleman's district——

Mr. ROBERTS of Massachusetts. My home city.

Mr. FOSTER of Illinois (continuing). Up to where it is now located, but never in all the hearings has the gentleman from Massachusetts ever one time mentioned this bridge.

Mr. ROBERTS of Massachusetts. Pardon me just a moment.

Mr. FOSTER of Illinois. I believe that the gentleman's main object, as he says, was to get this magazine out of this thickly populated community where it would be less dangerous in case of an explosion.

Mr. ROBERTS of Massachusetts. The gentleman is correct in that.

Mr. FOSTER of Illinois. And I want to say here neither by this street car company nor these municipalities nor anybody else connected or living in Massachusetts or in this vicinity has one protest ever been made that this bridge would have to be changed when this magazine was located up there.

Mr. ROBERTS of Massachusetts. Will the gentleman pardon me a moment?

Mr. FOSTER of Illinois. Yes.

Mr. ROBERTS of Massachusetts. I just wish to explain my attitude in the matter. I had no interest whatever in the location of the magazine in its present site or in any other. My whole interest was to get it out of my city.

Mr. FOSTER of Illinois. I am not charging, if the gentleman from Massachusetts will excuse me——

Mr. ROBERTS of Massachusetts. I thought the gentleman said I had something to do with the locating it at Plymouth Back River.

Mr. FOSTER of Illinois. I am simply trying to show that no one has ever protested or said a word in reference to this bridge until they got in located up there, and then they want to come in——

Mr. ROBERTS of Massachusetts. Of course the gentleman realizes this magazine was located at Hingham or East Plymouth against the protest of the people of that section.

Mr. SIMS. There is nothing in the record to show it.

Mr. FOSTER of Illinois. There is nothing in the record to show it. The hearings do not show it. I do not know where the protest is; I have not been able to find it.

Mr. MANN. The hearings of former Congresses before the Committee on Interstate and Foreign Commerce show it?

Mr. FOSTER of Illinois. In reference to the magazine?

Mr. MANN. That there was a protest made by the people there.

Mr. FOSTER of Illinois. There is nothing before the Committee on Naval Affairs, so far as I am able to find.

Mr. MARTIN of Colorado. The gentleman will admit it is an injury to the locality.

Mr. FOSTER of Illinois. I am not saying it was not in the locality where it was then located and ought to have been moved to another place, but I want to say these people were very anxious to secure and have this magazine located in the community.

Mr. ROBERTS of Massachusetts. To what people does the gentleman refer?

Mr. FOSTER of Illinois. To the people of Massachusetts——

Mr. ROBERTS of Massachusetts. If the gentleman will pardon me there——

Mr. FOSTER of Illinois (continuing). And around about Boston. I judge that from a reading of the hearings and the statement of the gentleman from Massachusetts [Mr. ROBERTS] that that was the case.

Mr. ROBERTS of Massachusetts. They were interested, if the gentleman will pardon me, in having the magazine located where the Secretary of the Navy, through the board which he appointed, said it should be located, whether it came in Massachusetts or elsewhere.

Mr. FOSTER of Illinois. The gentleman advocated the location of this magazine where it is now——

Mr. ROBERTS of Massachusetts. Because the Secretary of the Navy recommended it.

Mr. FOSTER of Illinois (continuing). And I will say to the gentleman that in the vicinity where the magazine was then located factories were built in close proximity to it, and that was one of the reasons offered why it ought to be moved.

Mr. ROBERTS of Massachusetts. That is very true.

Mr. FOSTER of Illinois. I find no fault with it, but I am saying that not one citizen, so far as the hearings show before the Naval Committee, offered any protest, nor was there anything said in reference to this bridge.

Mr. ROBERTS of Massachusetts. I can say to the gentleman from Illinois that so far as my recollection goes no protests were ever made to the Naval Committee, but I do know, as a matter of fact, that protest was made by citizens in the vicinity of East Weymouth and Hingham against the location of this magazine at that city. Now, those protests I think were made to the Committee on Interstate and Foreign Commerce of this House.

Mr. FOSTER of Illinois. I do not doubt the wisdom of moving this magazine, but what I am trying to call attention to is that nobody suggested that the Government should help pay the expenses of this bridge until after the magazine was located.

It seems to me the first idea was to get this magazine moved, and then nobody thought of coming to the Government. I do not know whether any smart, shrewd citizen of that community had this in view or not. I would not charge that on the floor of this House, but I could imagine there might be some who would see that the bridge might be rebuilt at the expense of the Government, or at least a portion of it, after the magazine was located up there, and after hearing some of the arguments made here to-day.

Mr. PETERS. I wish to point out to the gentleman that nobody was aware that the Government would require the widening of the draw.

Mr. FOSTER of Illinois. That may be true. These navy yards, magazines, stations, and so forth have to be located somewhere along the coast. I realize that a magazine, of course, has to be located a distance from the coast, where it would be protected by the natural surroundings. There are cities that are clamoring for the retention of the old and worn-out navy yards, and think they ought to be retained, and I expect that this is one of such instances; but I do not believe, Mr. Chairman, it is proper and right that they should come in here now, because the Government expects to use this entirely for the Government, and ask the Government to set a precedent by going and paying for this bridge, or a part of it, such a precedent leading other communities to come in here a little later, until finally, encroaching step by step, all manner of appropriations will be asked to help local communities where it ought not to be done.

I do not know how much travel there is on the street cars over that bridge, and I do not know how much travel there may be by the general public over that bridge; but I do believe, Mr. Chairman, that this Government ought not to be expected to help pay for the original cost of altering or repairing or making a new bridge, and then each year have this community, or this street-car company, or these people come back to Congress and ask the Government to pay for its appropriate expense for keeping up this bridge. Why would we not be liable for that if we are liable, in the first instance, to help out the original cost? If it is our legal duty to keep that up, we ought to do it with the other two, and I am opposed to the Government engaging in that sort of legislation at this time. I hope this Congress will not approve of it.

Mr. STEVENS of Minnesota. Mr. Chairman, it is time that the majority of the Committee on Interstate and Foreign Commerce made some statement as to the reasons why they reported this bill favorably. I voted twice in the committee for a favorable report on this bill, and this committee is entitled to the reasons which actuated us to vote favorably for it. There is no dispute about any question of law about the subject now under consideration. That is plain and admitted. Everybody admits that there is no legal basis why the United States should contribute toward the reconstruction of that bridge or for which any compensation can be exacted from the United States. It is solely a question of equity, depending on matters peculiar to situations as to this bridge. This is not a new question or a new departure or a precedent for doing new and unheard-of things, as so many seem fearful. There have been quite a number of other cases in the country where Congress has taken similar action, so it is not a precedent, and can not be a precedent for anything Congress may do in the future any more than one act of Congress is a precedent for similar acts of Congress in future sessions of Congress.

Now, the two reasons which actuated most of us were these: First, that the existing bridge was satisfactory and is satisfactory to the people of that section of Massachusetts. I had the pleasure of riding over it last summer, and I realize it is a good bridge and entirely adequate for the traffic it has to bear. It is a structure well maintained and will entirely serve the purposes of that section of the country for many years to come. So if it had not happened that the United States Government wanted this change for its own purposes it would not have been required. For the purpose of making that change fully effective it is necessary for the Government to have the absolute control of the river. Anyone looking at that map will see that the United States would have entire use of that new and larger draw. It is impossible for anybody else to use it, and nobody will try or care to use it. The result is that the United States would be the sole beneficiary for the additional width of span and for the expense which would be necessary in the reconstruction of the bridge.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. STEVENS of Minnesota. Certainly.

Mr. FITZGERALD. Where obstructions to navigation are placed in a stream and the Government has authority to compel them to be removed, does the gentleman think the fact that it is only the Government that requires the obstruction to be removed makes any difference in the policy that ought to be pursued other than this one fact, that the Government is so "easy" that nobody minds it? [Laughter.]

Mr. STEVENS of Minnesota. If the gentleman from New York will wait just a moment, I will endeavor to show the reason for the action taken on the very line which he has indicated. It is a very pertinent question. If the gentleman will look at that map he will see the amount of land that the Government has acquired and is using solely for governmental purposes, and has withdrawn from taxes of those communities. If those communities are compelled to pay the whole expense themselves, of course the taxable property of that section of the State would be obliged to bear the burden. When the Government acquired those lands it was done against the wishes and protests of that people, as appeared in the hearings taken before the Committee on Interstate and Foreign Commerce in the Sixty-first Congress. I recall that I myself asked Gov. Long, ex-Secretary of the Navy, whether or not the people of Hingham desired to maintain that naval magazine or whether they would object to its discontinuance, and he answered that they did not desire it and would be glad to be rid of it; that it was a detriment to the property and a menace to the people in the neighborhood of the magazine. That a similar magazine in Pennsylvania had recently exploded and the people were nervous and anxious about it. He was asked, further, if the establishment did not give employment to a sufficient number of people in the community to warrant its continuance as a benefit to the community. He said no; that, on the contrary, it took away from public use and private use and from taxable use a very large section of valuable land; that not more than from a half dozen to a dozen men would be employed, at small compensation, on that land, with the exception of a squad of marines, and that it did not add to the welfare of that community, but really impaired the value of the land in that neighborhood.

Mr. SIMS. That was long after it had been located, and all that sort of thing, and there is nothing to show that they made

any protest at the time Congress authorized its location, is there?

Mr. STEVENS of Minnesota. All I know about that is what was brought out at the hearings before the committee.

Mr. CONNELL. Mr. Chairman, will the gentleman permit a question?

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from New York?

Mr. STEVENS of Minnesota. Certainly.

Mr. CONNELL. I understood the gentleman to say that this was not a new proposition, and that the same thing had been done in various other places in the country. Can the gentleman specify those places?

Mr. STEVENS of Minnesota. Yes, I can; but I think the gentleman himself would prefer to have me continue with my statement on this and the other point, and come to his suggestion later.

Mr. CONNELL. Yes; but I would be glad if he would specify the places.

Mr. SIMS. Is it not a fact that the purpose of locating there grew out of the desire of the people of Chelsea to get rid of the magazine there, where it was a great danger and menace to them? And is it not a fact that the moving from one place in Massachusetts to another was for the benefit of the people of Massachusetts, and particularly the people of Chelsea, and that the State ought not to come here and ask to be compensated for what saved the lives of their own people.

Mr. STEVENS of Minnesota. It was in a sense for the benefit of the people who lived in the neighborhood where the magazine was first located, and the removal was an injury to the section where the magazine was afterwards located.

Mr. ADAMSON. I would like to ask the gentleman from Minnesota this question: If it was objectionable to the people of Chelsea, why was it desirable to the people of Hingham?

Mr. STEVENS of Minnesota Of course it was not, and the gentleman's question covers the case completely.

Mr. SIMS. It was located between the two places.

Mr. STEVENS of Minnesota. Since the bridge must be reconstructed the taxable property of that section would be obliged to bear the burden of reconstruction; and when the Government of the United States withdraws from that section and those people a large amount of valuable property—valuable for taxation purposes—I think $70,000, according to the statement of the gentleman from Tennessee, and $190,000 as shown by the hearings——

Mr. SIMS. No. I said it did cost a great deal more than $70,000, by condemnation; but it was represented that the Government would get for the site where it was then located a sum equal to the cost of acquiring another site.

Mr. STEVENS of Minnesota. That does not apply to the question I am discussing. The point is that from 1,000 to 1,100 acres of land were taken out of the valuable parts of those towns, so that that land could no longer pay taxes. That property was easily worth as much as $200,000. It cost $190,000, so it was stated to us. This annual tax, which should go to reconstruct that bridge and maintain it, is estimated at $700 a year. Assuming that to be correct, that it would be $700 a year, this would be 2 per cent interest on $35,000, the maximum that the United States is asked to pay. In other words, the maximum sum provided in this bill as amended by the committee would be such sum as would provide an interest fund of practically the same amount which these communities would lose in taxes on account of the withdrawal of the land from taxation. The Government would thus be bearing only its share of the burden which it imposed upon those communities for its own use and benefit. It would not give any gratuity. It would only pay what its property should in fairness be entitled to pay toward an improvement to be devoted mainly to governmental use. This seemed to us so fair and so plain a proposition that those who believe in treating all sections of the country and people fairly and impose all burdens of the Government equally could do nothing else than favor this bill. The business proposition is that we are asked to pay taxes, once for all, on the amount of land which we have withdrawn, about what would be our share in the reconstruction of that bridge.

Mr. FITZGERALD. We are asked to fund the taxable value of the land and turn it over to that community. We are not asked to pay the taxes once for all of $700. Now, let me ask the gentleman a question.

Mr. STEVENS of Minnesota. Certainly.

Mr. FITZGERALD. Suppose the Federal Government had condemned the courthouse in that county for some specific purpose and it necessitated a new county courthouse. We would have withdrawn taxable value from the area of assessment in the county. Would it not be just as plausible to ask that we should also contribute to the cost of erecting a new courthouse?

Mr. STEVENS of Minnesota. Not at all. That is an entirely different proposition. Here is the proposition: That taxable property is taken away from the bulk of taxable property in that community, and the use of that property for governmental purposes diminishes the ability of that community to bear its burdens, among which is one imposed by the United States Government for its own sole benefit. When the United States at once imposes the burden for its sole benefit and diminishes the ability to meet the obligation, is it not equitable under those circumstances that the United States Government should do something toward bearing its share by paying what its own land would contribute under any other circumstances?

Mr. ADAMSON. Will the gentleman from Minnesota yield for a suggestion?

Mr. STEVENS of Minnesota. Certainly.

Mr. ADAMSON. If the Federal Government should find that for public purposes it was necessary to condemn a courthouse, does not the gentleman assume that in the condemnation proceedings the value of the courthouse would be assessed?

Mr. STEVENS of Minnesota. Certainly; it would be assessed and paid by the Government which acquired it. Now, there is another thing that gentlemen rather confuse. There is a difference between this naval magazine and other public improvements, like Army posts. Every place in the United States which has an Army post will cling to it with all its ability, and will insist on that Army post being utilized to the utmost. If the statements made by Gov. Long and others before the Committee on Interstate and Foreign Commerce be true—and I assume that they are true, coming from the high sources that they do—the people in those communities would be glad to get rid of such governmental use of that property. They are a detriment and a menace to the community and permanently diminish the value of its property. Other communities in the United States which have public improvements made by the Federal Government are desirous of having them continued and enlarged, but in this case there is such vital difference. The presence of this naval magazine, with its high explosives, diminishes the value of neighboring property, drives away people and industries, prevents growth, and discourages development.

Now, where the property of the Government diminishes the value of the property of the community, and where that improvement is made solely for the benefit of the Government, and nobody else can use it and nobody else ever will use it, so far as we can now foresee, under those circumstances the committee thought it was only fair and just that the Government should pay its share, especially where it was in line with what it had done in other cases. I will now cite some of those other cases.

Mr. HAMLIN. Will the gentleman yield for a question?

Mr. STEVENS of Minnesota. Certainly.

Mr. HAMLIN. If the gentleman's argument is tenable, and the Government ought to contribute a portion of this expense because it has brought injury to this neighborhood by removing certain land from taxation and locating upon it a plant that is rather a detriment than a benefit, forcing upon that community something it did not want, does not the gentleman think the Government ought to bear all the expense?

Mr. STEVENS of Minnesota. Not at all.

Mr. HAMLIN. Why does the gentleman say one-third or one-half? Why not all?

Mr. STEVENS of Minnesota. The gentleman from Massachusetts [Mr. WEEKS] has explained that, and the same reasons suggested themselves to a majority of the committee. The bridge which is there now is a fairly serviceable bridge. I have been over it. It is an old-fashioned bridge, built on piles, covered with a foot or so of earth, so that it makes a very comfortable and passable structure, but it requires constant repairs. It will have to be replaced some time, so if it is replaced now by a modern structure up to date and wider, because this is somewhat narrow, the communities will get the benefit of it, and they ought to pay for the benefits they receive for the improved structure, and this bill compels that.

Mr. MARTIN of South Dakota. Will the gentleman yield?

Mr. STEVENS of Minnesota. Yes.

Mr. MARTIN of South Dakota. If the position is conceded to be correct that the Government in putting the arsenal there and requiring them to widen the span in the bridge has put an injustice on the local community, would it not be better legislation to provide that the Government shall pay the expense of constructing the steel span 50 feet wide both in the railway and in the wagon bridge rather than to contribute to the construction of a large, new structure that might complicate the

Government in connection with other municipalities and railway companies?

Mr. STEVENS of Minnesota. I am glad the gentleman from South Dakota made that suggestion. I think I can show that there is no complication at all. Several gentlemen have been proceeding on the basis that there would be a complication, but they are mistaken. The bridge must be constructed by the authorities which now own it. The bill, in substance, provides that. They reconstruct it at their own expense, they maintain it at their own expense, and the United States has nothing to do with such operation or maintenance in the future, and never will have unless the authorities come to Congress and ask for another special act granting further privileges, which they never will do, because it has not been done in other cases. When this bridge is reconstructed it will have to be done under the plans and specifications filed with the Secretary of War and approved by the Secretary of War and the Chief of Engineers, as is now provided by the general bridge act. The result is that the kind of bridge, the bridge that shall be adapted to governmental purposes, shall be approved by the Secretary of War and adapted for public and private purposes. This second section compels the bridge to be adapted for governmental purposes, because the reconstruction can not proceed unless this is done. So the Massachusetts authorities will have to choose between abandoning the bridge altogether, which is impossible, or reconstruct it as the War Department shall designate to suit the purposes of the United States.

Mr. SIMS. Will the gentleman yield?

Mr. STEVENS of Minnesota. I will yield to the gentleman from Tennessee.

Mr. SIMS. It is contemplated, as stated by the gentleman from Massachusetts while discussing the point of order, that the site of the old magazine is to be sold and become private property. Of course, it will be subject to all the taxation of the State of Massachusetts. It will be private property to be taxed by the State of Massachusetts forever, and that ought to be taken into consideration.

Mr. STEVENS of Minnesota. That is true.

Mr. SISSON. Will the gentleman yield?

Mr. STEVENS of Minnesota. I will yield to the gentleman.

Mr. SISSON. I want to call attention to the provision in the act, section 2, which provides that said work shall proceed under the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters." Now, that is the general law in reference to the erection of bridges throughout the United States.

Now, in the act which I have in my hand, the one passed by the Legislature of the State of Massachusetts, it provides that the commissioners that were appointed in the act shall have the right to ask Congress for a reimbursement. Section 7 of the act determining whatever Congress might give should be expended, says:

> The cost and expenses incurred under the provisions of this act shall be apportioned as follows: Forty-five per cent to the Commonwealth of Massachusetts, 20 per cent to the county of Norfolk, 20 per cent to the county of Plymouth, and 15 per cent to the railway company.

And so on.

And then there is this provision:

> *Provided further*, That any sums that may be received from the United States Government in reimbursement of these expenditures shall be distributed as follows: Forty-five per cent to the Commonwealth of Massachusetts, 20 per cent to the county of Norfolk, 20 per cent to the county of Plymouth, and 15 per cent to the railway company.

Now, I find no clause in this act which authorizes the Federal Government to exercise any power in reference to the two-thirds of the fund that is provided for in section 2 of the act under consideration.

Mr. STEVENS of Minnesota. The gentleman will find that in the act before the committee—that the bridge shall not be constructed except under the provisions of the general bridge law, which provides that the plans and specifications must be filed with the Secretary of War.

Mr. SISSON. I am aware of that; but there are certain duties here devolving upon the commissioners of the State of Massachusetts, and these duties are prescribed by law. I am not going to encumber the RECORD with all of the duties that devolve upon them under this act. Do you not, then, have two jurisdictions?

Mr. STEVENS of Minnesota. No; not at all. The jurisdiction can not be duplicated. One can not overlap the other. The United States has exclusive and paramount jurisdiction over this bridge as an obstruction to a navigable stream. It has the right to say how it shall be placed and maintained. It has the right to say how it shall be reconstructed, and we exercise that right through this bill, and we compel it to be as we believe it should be.

Mr. SISSON. That is true.

Mr. STEVENS of Minnesota. By providing that the plans and specifications must be filed with the Secretary of War; that they must be approved by the Secretary of War and the Chief of Engineers; and those plans and specifications will give effect to its use for public purposes. That is the point. They will provide, as they always do——

Mr. SISSON. But there is no such provision in this act.

Mr. STEVENS of Minnesota. We have nothing to do with this act.

Mr. SISSON. I know we have not, but two-thirds of the money that is to be expended is to be expended by the parties who build this bridge in Massachusetts, providing that certain things shall be done by the commissioners with reference to that fund, which is a trust fund; and how can Congress control two-thirds of the trust fund which they have to expend?

Mr. STEVENS of Minnesota. We do not have anything to do with the money that the State of Massachusetts raises. We do not care anything about that. All we care about are two things: First, that that bridge shall be constructed in accordance with the laws and for the public purposes of the United States; secondly, if we see fit, that we contribute an equitable share toward the payment of that bridge. That is all we care about. We do not care what the State of Massachusetts pays. They do it in their own way, through their own channels, and through their machinery, and they raise money as they see fit. That is none of our business. We take care of our interests through this bill and the machinery it provides and invokes.

Mr. MARTIN of South Dakota. Is not the only thing the Government is interested in this, that this span shall be 50 feet wide instead of 24 feet wide? The Chief of Engineers says that it will cost, to place a 50-foot steel span in the railway bridge, approximately $8,000, and in the other bridge $12,000, or $20,000 in all. If it be conceded that Congress ought to bear the expense of any part of that, would it not be better legislation that we should directly appropriate money to erect a 50-foot instead of a 24-foot span in each of these bridges, and bear the expense ourselves, rather than that we should enter the construction of a large, permanent, combined wagon and railway bridge in which Congress has no interest?

Mr. STEVENS of Minnesota. Mr. Chairman, I think the gentleman states something that is somewhat sound. If the United States Government compels a larger and more expensive draw span for its own use, as it will monopolize the use of it, it ought to pay for it, and according to the report of the engineers that would cost $20,000. Gentlemen must consider two other things that appear to the committee.

Mr. SAUNDERS. Will the gentleman yield?

Mr. STEVENS of Minnesota. I am now answering the question of the gentleman from South Dakota [Mr. MARTIN], and when I am done I shall be glad to yield to the gentleman from Virginia. First, that the bridge itself was not of sufficient weight and foundation to bear the weight of that additional span. Of course, I am not an engineer and do not know anything about it, but as I was over the bridge last summer I realized how that criticism might be justified. The bottom is somewhat soft, I should judge, from riding on it. There would have to be a heavy foundation laid for a steel draw or span. The bridge is not of sufficient foundation to bear the weight of that. The result is that there would have to be a heavier construction of certain portions of the bridge in order to bear that additional weight, and for that reason there would be a somewhat additional expense in reconstructing the bridge to fit the span.

Now, as to the second proposition—that the communities, of course, would have to bear the expense of the reconstruction of the balance of the structure. If you deprive the communities of the taxable use of a large and valuable section of their property, one which impairs the value of property elsewhere, we ought to consider that in fixing the amount that should equitably be paid in addition to the direct expense which we compel the communities to pay. For that reason we in a rough way, some of us, fixed the amount at one-third, or say about $35,000, $15,000 additional to the $20,000 direct expenses.

Mr. SAUNDERS. This is the question which I wish to ask the gentleman. The Government merely requires that this draw shall be widened?

Mr. STEVENS of Minnesota. Yes; for its own purposes.

Mr. SAUNDERS. That is all of the requirement of the Government?

Mr. STEVENS of Minnesota. Yes.

Mr. SAUNDERS. What would be the expense if the work stopped at that point?

Mr. STEVENS of Minnesota. I was trying to answer the gentleman from South Dakota. The engineers estimate that the expense of the draw itself would be about $20,000.

Mr. SAUNDERS. Then if the requirement of the Government is merely complied with only an expenditure of $20,000 would be required. Does the gentleman think that the Government, if it stopped at that point, ought to pay the full expense of widening the draw?

Mr. STEVENS of Minnesota. Yes; as I understand it.

Mr. SAUNDERS. Does the gentleman think the Government ought to pay any portion except for the widening of the draw?

Mr. STEVENS of Minnesota. Yes.

Mr. SAUNDERS. What proportion?

Mr. STEVENS of Minnesota. I tried to answer the gentleman from South Dakota by saying that in a rough way we arrived at something like this: That if the draw cost, as estimated, $20,000, there would be two things to be considered. First, the bridge as it stands now is on a soft foundation, as I saw it when I went over it. That foundation would not be sufficient to hold a steel superstructure. Second, there would have to be additional strength added to the bridge itself in order to enable it to hold the additional weight to fit the draw. That expense would be a large expense and the Government ought to pay some of that additional expense.

Mr. SAUNDERS. That is included in the $20,000.

Mr. STEVENS of Minnesota. No; I think not.

Mr. SAUNDERS. I want to find out what would be the expense if only the requirements of the Government were complied with, namely, the widening of the draw?

Mr. STEVENS of Minnesota. The expense of widening the draw itself, taken by itself, would be $20,000. There are other collateral expenses that are necessary which must be borne by somebody.

Mr. SAUNDERS. Would that be part of the widening of the draw?

Mr. STEVENS of Minnesota. It will be necessarily caused by the widening of the draw; yes.

Mr. SAUNDERS. Now, what do you estimate the increased or additional cost to be?

Mr. STEVENS of Minnesota. I could not say; of course, I do not know; nobody has made an estimate. There would have to be a new foundation, the bridge would have to be reconstructed because it is a pile bridge on a soft foundation with a dirt floor, and that would have to be reconstructed. Now, those things have not been figured.

Mr. SAUNDERS. All of that seems to be rather indefinite.

Mr. STEVENS of Minnesota. No; we arrived at it in this way. We arrived at it by figuring what was the additional expense over and above $20,000.

Mr. SAUNDERS. What did you fix that at?

Mr. STEVENS of Minnesota. We figured that out at about $15,000.

Mr. SAUNDERS. That would make $35,000?

Mr. STEVENS of Minnesota. About that.

Mr. SAUNDERS. What part of that expense do you think the Government ought to bear?

Mr. STEVENS of Minnesota. Well, $35,000 out of $100,000 expenditure.

Mr. SAUNDERS. But we have not reached $100,000 expenditure. Let us get our facts straight. I understand the widening of the draw would be $20,000 and the work in connection with the approaches would be about $15,000?

Mr. STEVENS of Minnesota. No; we have no estimate about that at all.

Mr. SAUNDERS. That is what I asked you, how much this other work which you said would be a part of the widening of the draw would amount to?

Mr. STEVENS of Minnesota. We have no estimate as to that, and there has been none made of which I know.

Mr. SAUNDERS. Well, leaving that out, as there seems to be no knowledge on that subject available, what part of the $20,000 do you think the Government ought to pay?

Mr. STEVENS of Minnesota. That improvement is solely for the benefit of the Government and for nobody else, and I think the Government ought to pay the whole of that expense.

Mr. SAUNDERS. Then you think if the Government requires the people to widen this draw the Government ought to pay all the expenses of widening it?

Mr. STEVENS of Minnesota. Yes; because it does not help anybody but the United States.

Mr. FITZGERALD. The gentleman's argument is predicated on the theory that we are withdrawing taxable property and therefore it is an injustice to the people. Twelve thousand dollars is required for the widening of the highway bridge, which must be paid for by the people, and $8,000 for the widening of the street railroad bridge. Now, what have we done that justifies us to require the railroad company to do what they should do under the law?

Mr. STEVENS of Minnesota. The railroad bridge is adequate for their purpose.

Mr. FITZGERALD. It is an obstruction to navigation and an illegal obstruction——

Mr. STEVENS of Minnesota. It is. We compel the railroad company to construct their part as a part of the general structure.

Mr. FITZGERALD. We require them to remove it from their structure as an obstruction of the navigable stream.

Mr. STEVENS of Minnesota. In a technical sense that is true.

Mr. FITZGERALD. In a national sense. The Government is interested in taking that bridge out.

Mr. STEVENS of Minnesota. This is what it does, however. It requires a private institution—a corporation or individual, it makes no difference—to bear an expense for governmental purposes. The question, then, reduces itself to this: The Navy is maintained for the benefit and defense of the people of the whole United States. There are many incidental expenses connected with the operation and maintenance of our Naval Establishment. Is it a right and proper thing for Congress to make some particular individual or some particular locality in Massachusetts bear some expense for the maintenance and operation of the Naval Establishment which is primarily and necessarily for the benefit of the whole country?

Mr. FITZGERALD. Allow me to ask the gentleman this: One of the incidents of government is the fact that in doing all things for the benefit of all the people, injury may result to a few. Suppose the Government should put a pesthouse next to my private residence, thereby very greatly diminishing its value and desirability, would it be fair to impose that burden on me for doing a thing that was a benefit to the entire community?

Mr. STEVENS of Minnesota. No; but if it compelled you to change your buildings or to reconstruct them entirely according to plans exclusively for the benefit of the Government, the Government ought to pay for it.

Mr. HAMLIN. If the gentleman from New York built his house with the understanding that the Government would in all probability build a pesthouse there, then he would have no claim against the Government if he had to change the plans of his house, would he?

Mr. STEVENS of Minnesota. Every man is entitled to use his property in any proper way that he desires, and if the Government comes along and compels him to change it to another use, which he does not want, the Government ought to and would have to compensate him.

Mr. MANN. Does not the gentleman from Minnesota think that the opinion of the gentleman from New York would be changed if the Government did, in fact, place a pesthouse next to his home?

Mr. FITZGERALD. I would perhaps protest against it very vigorously. The whole theory of our Government, and the reason why the Government has the right of eminent domain, is to enable it to do things for the entire people.

Mr. MANN. And because of the consequent injury the Government would not build a pesthouse near the gentleman's home.

Mr. ADAMSON. And if it did, it would do it in the exercise of the right of eminent domain, in which case it would have to pay damages.

Mr. FITZGERALD. No; it would not do that in case it took my property.

Mr. MANN. Will the gentleman from Minnesota yield in order to have the committee rise? It is after 5 o'clock.

Mr. ADAMSON. The gentleman from Minnesota is on his feet. If he is willing to yield, I have no objection. It is apparent that the debate is not exhausted, and I have no disposition to abridge full and free debate. Therefore I move, Mr. Chairman, that the committee rise.

Mr. STEVENS of Minnesota. I have no objection.

The CHAIRMAN (Mr. HOUSTON). The gentleman from Georgia [Mr. ADAMSON] moves that the committee rise. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOUSTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration Senate bill 3024, to provide for the reconstruction, alteration, and repair of a bridge across the Weymouth Back River, in the State of Massachusetts, and had come to no resolution thereon.

BRIDGE ACROSS LITTLE RIVER, ARK.

Mr. ADAMSON. Mr. Speaker, to-day, in passing some bridge bills, an error was made in the bill of the gentleman from

Arkansas [Mr. MACON], to authorize the reconstruction, maintenance, and operation of a bridge across the Little River, at or near Lepanto, Ark., reported by the gentleman from Indiana [Mr. CULLOP]. The word "reconstruct" is used both in the caption and in the body of the bill. It should be "construct" and not "reconstruct." I ask, Mr. Speaker, that the proceedings on that bill be vacated in order that the correction may be made.

Mr. FITZGERALD. I suggest to the gentleman to let it go and have it amended later on.

Mr. ADAMSON. No; I should prefer that it be remedied before it is printed. It has not gone into the printer's hands yet. I ask that we vacate that action.

The SPEAKER. What is the number of the bill?

Mr. MANN. House bill 14125.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] asks that the proceedings by which House bill 14125 was passed be vacated. Is there objection?

Mr. ADAMSON. In the caption the word "reconstruct" is used and also in line 6 of the bill. I ask unanimous consent to disagree to the committee amendment and let both words stand "construct" instead of "reconstruct."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend on page 1, line 6, by striking out the word "reconstruct" and inserting the words "construct."

Mr. MANN. Mr. Speaker, I would like to have the committee amendment reported as presented. Can we have a vote on that amendment?

Mr. ADAMSON. I want to defeat that amendment, and let it stand as "construct."

Mr. CULLOP. Mr. Speaker, that will not cure the evil, because that occurred in the title.

Mr. ADAMSON. I am going to correct that, too.

The SPEAKER. The title can be amended. The question is on agreeing to the amendment.

Mr. COOPER. Mr. Speaker, I did not hear the request for unanimous consent put.

The SPEAKER. That was put all right.

Mr. COOPER. One moment. I desire to ask the gentleman from Georgia what this bill is?

Mr. ADAMSON. It is a bill to construct a bridge in Arkansas—a bill that was passed this morning. There was some confusion about the words "reconstruct" and "construct."

Mr. MANN. The word "reconstruct" was used inadvertently.

Mr. COOPER. Was the word "reconstruct" used in the bill?

Mr. ADAMSON. The word "reconstruct" was used in the bill, and we want to defeat the amendment of the bill and make it read "construct." It is a new enterprise.

Mr. MACON. If the gentleman from Georgia will allow me, I desire to say that no bridge was ever constructed at this point. This bill purports to authorize the reconstruction of a bridge.

Mr. COOPER. I have only this to say, Mr. Speaker, that a bill to reconstruct a bridge can be more easily passed than a bill to construct a bridge. The title should be more carefully drawn. If a bill authorizes a bridge to be erected where none ever existed before, that is to construct a bridge. To reconstruct a bridge already in existence is another matter. Anybody in reading only the title of the bill in question would understand that it is to reconstruct an old bridge.

Mr. ADAMSON. The War Department reported it "reconstruct," and that was how the mistake occurred in the title.

The SPEAKER. The question is, Shall the word "construct" be substituted for the word "reconstruct"?

Mr. MANN. The amendment is directly the reverse, Mr. Speaker.

The SPEAKER. The Chair is aware that the amendment uses the word "reconstruct" where it ought to use the word "construct."

Mr. ADAMSON. The committee amendment ought to be defeated.

The SPEAKER. The question is on the committee amendment.

The question being taken, the committee amendment was rejected.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

Mr. ADAMSON. Now I move to amend the title by striking out the word "reconstruct" and inserting in lieu thereof the word "construct."

The SPEAKER. If there be no objection, that amendment will be agreed to.

There was no objection.

ADJOURNMENT.

Mr. ADAMSON. I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned until to-morrow, Thursday, January 11, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Pithlachascotee River, Fla. (H. Doc. 429); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Corea Harbor, Gouldsboro, Me. (H. Doc. No. 425); to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Abita River, La. (H. Doc. No. 428); to the Committee on Rivers and Harbors and ordered to be printed.

4. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Mount Sinai Harbor, N. Y. (H. Doc. No. 426); to the Committee on Rivers and Harbors and ordered to be printed.

5. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Little Neck Bay, N. Y. (H. Doc. No. 427); to the Committee on Rivers and Harbors and ordered to be printed.

6. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Bluehill Inner Harbor, Me. (H. Doc. No. 420); to the Committee on Rivers and Harbors and ordered to be printed.

7. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Choctawhatchee Bay, Fla. (H. Doc. No. 424); to the Committee on Rivers and Harbors and ordered to be printed.

8. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Ogunquit Harbor, Me. (H. Doc. No. 419); to the Committee on Rivers and Harbors and ordered to be printed.

9. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Kennebunk River, Me. (H. Doc. No. 423); to the Committee on Rivers and Harbors and ordered to be printed.

10. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of St. Croix River at Afton, Minn. (H. Doc. No. 422); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

11. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Rockland Harbor, Me. (H. Doc. No. 421); to the Committee on Rivers and Harbors and ordered to be printed.

12. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Larchmont Harbor, N. Y. (H. Doc. No. 418); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

13. A letter from the Secretary of Commerce and Labor, requesting return of certain papers furnished the House in reference to resolution 73, asking for information in regard to fur-seal herd (H. Doc. No. 430); to the Committee on Ways and Means and ordered to be printed.

14. A letter from the president of the Civil Service Commission, in regard to his estimate for deficiency appropriation for traveling expenses of officers and employees of the commission (H. Doc. No. 431); to the Committee on Appropriations and ordered to be printed.

15. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of the Interior submitting supplemental estimate for an appropriation for the Indian Service for the fiscal year ending June 30, 1913 (H. Doc. No. 432); to the Committee on Indian Affairs and ordered to be printed.

16. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and

survey of Hilo Harbor, Hawaii (H. Doc. No. 417); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HENSLEY, from the Committee on Labor, to which was referred the bill (H. R. 5601) to limit the effect of the regulation of interstate commerce between the States in goods, wares, and merchandises wholly or in part manufactured by convict labor or in any prison or reformatory, reported the same without amendment, accompanied by a report (No. 222), which said bill and report were referred to the House Calendar.

Mr. ANTHONY, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 11) authorizing the Secretary of War to deliver two condemned cannon to the Grand Army of the Republic, reported the same without amendment, accompanied by a report (No. 223), which said joint resolution and report were referred to the House Calendar.

Mr. WATKINS, from the Committee on Revision of the Laws, to which was referred the bill (H. R. 16314) to amend section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, reported the same with amendment, accompanied by a report (No. 224), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SELLS: A bill (H. R. 17584) to provide for the erection of a public building at Sevierville, Tenn.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17585) to provide for the erection of a public building at Rogersville, Tenn.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17586) to provide for the erection of a public building at Newport, Tenn.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17587) to provide for the erection of a public building at Elizabethton, Tenn.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17588) to limit the effect of the regulation of commerce between the several States and with foreign countries in certain cases; to the Committee on the Judiciary.

By Mr. HUMPHREY of Washington: A bill (H. R. 17589) concerning tolls and transit charges of public vessels and merchant vessels of the United States passing through the Panama Canal, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SULLOWAY: A bill (H. R. 17590) providing for the erection of a public building in the city of Laconia, N. H.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17591) making an appropriation toward the reconstruction of a dry dock at the Portsmouth Navy Yard; to the Committee on Naval Affairs.

By Mr. WICKERSHAM: A bill (H. R. 17592) to authorize the extension of the boundaries and to include additional areas within incorporated towns in Alaska; to the Committee on the Territories.

By Mr. WEBB: A bill (H. R. 17593) to divest intoxicating liquors of their interstate-commerce character in certain cases; to the Committee on the Judiciary.

By Mr. McCALL: A bill (H. R. 17594) to authorize the compilation of the military and naval records of the Revolutionary War with a view to their publication; to the Committee on Military Affairs.

By Mr. EVANS: A bill (H. R. 17595) to amend sections 1 and 118 of act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary"; to the Committee on the Judiciary.

By Mr. DONOHOE: A bill (H. R. 17596) to promote the safety of passengers in day coaches upon all railroads doing an interstate business by compelling common carriers to provide steel day coaches, with vestibuled platforms, upon all express trains run at a speed of 30 miles or more an hour; to the Committee on Interstate and Foreign Commerce.

By Mr. BURNETT: A bill (H. R. 17597) to authorize a survey of Wills Creek in Etowah County, Ala.; to the Committee on Rivers and Harbors.

By Mr. LEVY: A bill (H. R. 17598) reestablishing the grade of vice admiral in the Navy of the United States; to the Committee on Naval Affairs.

By Mr. KALANIANAOLE: A bill (H. R. 17599) to provide for the maintenance of the public schools and the promotion of homesteading in the Territory of Hawaii; to the Committee on the Territories.

By Mr. MILLER: A bill (H. R. 17600) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians declared forfeited by the act of February 16, 1863; to the Committee on Indian Affairs.

By Mr. DIES: A bill (H. R. 17601) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved February 20, 1907; to the Committee on Immigration and Naturalization.

By Mr. WILSON of Illinois: A bill (H. R. 17602) to provide for the classification of the salaries of the meat inspectors, veterinary inspectors, inspectors' assistants, and the skilled laborers employed in the Bureau of Animal Industry in the Department of Agriculture; to the Committee on Agriculture.

By Mr. BYRNES of South Carolina: A bill (H. R. 17607) providing for the erection of a public building at Edgefield, S. C.; to the Committee on Public Buildings and Grounds.

By Mr. STEPHENS of Texas: Resolution (H. Res. 368) requesting the Secretary of the Interior to furnish certain information; to the Committee on Indian Affairs.

By Mr. McHENRY: Joint resolution (H. J. Res. 209) providing for the payment of per diem employees in Government employ on labor's holiday, the first Monday of September of each year, as on other days; to the Committee on the Judiciary.

By Mr. GARDNER of Massachusetts: Concurrent resolution (H. Con. Res. 29) providing for a preliminary survey of the Merrimac River in Massachusetts from Lowell to Haverhill and from Haverhill to the sea; to the Committee on Rivers and Harbors.

By Mr. GRAY: Concurrent resolution (H. Con. Res. 30) providing for the printing of certain public-health reports; to the Committee on Printing.

Also, concurrent resolution (H. Con. Res. 31) providing for the printing of United States Bureau of Education Bulletin No. 14; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARNHART: A bill (H. R. 17603) granting an increase of pension to John W. Sutton; to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 17604) granting an increase of pension to John L. MaGill; to the Committee on Invalid Pensions.

By Mr. BURKE of Pennsylvania: A bill (H. R. 17605) granting an increase of pension to Jacob B. Altenbaugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17606) granting an increase of pension to Daniel J. Evans; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 17608) granting an increase of pension to William H. Weber; to the Committee on Invalid Pensions.

By Mr. CANDLER: A bill (H. R. 17609) for the relief of the estate of John A. Heard, deceased; to the Committee on War Claims.

By Mr. COX of Indiana: A bill (H. R. 17610) granting a pension to Della Langdon; to the Committee on Invalid Pensions.

By Mr. CRAVENS: A bill (H. R. 17611) to correct the military record of James M. Smith; to the Committee on Military Affairs.

By Mr. DENVER: A bill (H. R. 17612) granting a pension to Paul Jennings; to the Committee on Pensions.

Also, a bill (H. R. 17613) granting a pension to Minnie Nordyke; to the Committee on Pensions.

Also, a bill (H. R. 17614) granting a pension to Lillian Griffith; to the Committee on Pensions.

Also, a bill (H. R. 17615) granting an increase of pension to Michael Beyersdoerfer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17616) granting an increase of pension to William E. Tucker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17617) granting an increase of pension to Hugh Cox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17618) granting an increase of pension to Francis M. Prickett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17619) granting an increase of pension to Zephaniah L. Enfield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17620) granting an increase of pension to Patrick Abby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17621) granting an increase of pension to Lewis A. Fry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17622) granting an increase of pension to Mathias Schenz; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 17623) granting a pension to Margaret Taylor; to the Committee on Invalid Pensions.

By Mr. DONOHOE: A bill (H. R. 17624) granting an increase of pension to Elizabeth Kemble; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 17625) for the relief of John A. Kress; to the Committee on War Claims.

By Mr. FAIRCHILD: A bill (H. R. 17626) granting an increase of pension to Ellen J. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17627) granting an increase of pension to George C. Robinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17628) granting an increase of pension to Emma Wheeler; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 17629) granting an increase of pension to Alwilda Smith; to the Committee on Invalid Pensions.

By Mr. GOOD: A bill (H. R. 17630) granting a pension to Isabella H. Watson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17631) granting an increase of pension to William E. Jones; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 17632) for the relief of Emma R. Emery; to the Committee on Claims.

Also, a bill (H. R. 17633) granting a pension to Abbie J. Genthner; to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 17634) granting an increase of pension to William Stewart; to the Committee on Invalid Pensions.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 17635) granting an increase of pension to George F. Major; to the Committee on Invalid Pensions.

By Mr. McKENZIE: A bill (H. R. 17636) granting an increase of pension to Samuel M. Green; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17637) granting an increase of pension to Benjamin Daveler; to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 17638) granting a pension to Thomas Jefferson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17639) granting a pension to Emma E. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17640) granting an increase of pension to C. N. Ashford; to the Committee on Invalid Pensions.

By Mr. NORRIS: A bill (H. R. 17641) to correct the military record of Lorenzo Brown; to the Committee on Military Affairs.

By Mr. O'SHAUNESSY: A bill (H. R. 17642) granting a pension to Nathaniel A. Condon; to the Committee on Invalid Pensions.

By Mr. PARRAN: A bill (H. R. 17643) granting an increase of pension to George L. Richter; to the Committee on Pensions.

By Mr. REDFIELD: A bill (H. R. 17644) for the relief of Emil Spongberg; to the Committee on Claims.

By Mr. REILLY: A bill (H. R. 17645) granting an increase of pension to Antoinette J. Platt; to the Committee on Invalid Pensions.

By Mr. RIORDAN: A bill (H. R. 17646) for the relief of Capt. George Willson; to the Committee on Claims.

By Mr. RODENBERG: A bill (H. R. 17647) granting a pension to Phoebe Cosgriff; to the Committee on Invalid Pensions.

By Mr. RUCKER of Colorado: A bill (H. R. 17648) granting a pension to Grace Waterbury; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 17649) granting a pension to George W. Sanford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17650) granting an increase of pension to Charles Siglar; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17651) granting a pension to Ellen Fay; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17652) granting an increase of pension to Oliver P. Huffman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17653) granting an increase of pension to Frederick H. Cook; to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 17654) granting an increase of pension to Isaac J. Nichols; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17655) granting an increase of pension to James W. Mayfield; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 17656) granting an increase of pension to William F. Emrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17657) granting an increase of pension to Daniel Weaver; to the Committee on Invalid Pensions.

By Mr. STEDMAN: A bill (H. R. 17658) for the relief of the heirs of Nordecal Sears; to the Committee on War Claims.

By Mr. THAYER: A bill (H. R. 17659) granting a pension to Susan S. Brigham, of Worcester, Mass., a daughter of the Revolution; to the Committee on Pensions.

By Mr. WEBB: A bill (H. R. 17660) granting a pension to E. W. Ward; to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 17661) granting a pension to Margaret Fraher; to the Committee on Pensions.

Also, a bill (H. R. 17662) granting a pension to Mahala E. Richardson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17663) granting a pension to Honora Chandler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17664) granting a pension to Matilda M. White; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17665) granting an increase of pension to Mary A. Pratt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17666) granting an increase of pension to David Casey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17667) granting an increase of pension to Charlotte Taylor Evans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17668) for the relief of Michael D. Swan, alias Edward Swan; to the Committee on Claims.

By Mr. WILSON of New York: A bill (H. R. 17669) to remove the charge of desertion from the record of Thomas Devine; to the Committee on Military Affairs.

By Mr. WILSON of Pennsylvania: A bill (H. R. 17670) granting an increase of pension to James Herman; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Local Union No. 775, United Brotherhood of Carpenters and Joiners of America, of Hoquiam, Wash., protesting against Senate bill 2564, known as the Smoot printing bill; to the Committee on Printing.

Also, resolutions of citizens of Aurora, Ill., approving the passage of House bill 1, granting a service pension to certain defined veterans of the Civil War and the War with Mexico; to the Committee on Invalid Pensions.

By Mr. AINEY: Petitions of Wysauking Grange, No. 58, Patrons of Husbandry, of Wysox, Pa., and Harvest Grange, No. 892, Patrons of Husbandry, of Maplewood, Pa., objecting to removal of special tax on oleomargarine; to the Committee on Agriculture.

By Mr. BARNHART: Memorial of South Bend (Ind.) Seventh-day Adventist Church, against the passage of House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. BURKE of South Dakota: Petition of citizens of South Dakota, in favor of old-age pensions; to the Committee on Pensions.

Also, petition against Owen bill, to establish a national bureau of public health; to the Committee on Interstate and Foreign Commerce.

Also, petitions of citizens of South Dakota, in favor of Esch phosphorus bill; to the Committee on Ways and Means.

By Mr. BURKE of Wisconsin: Resolution of St. Peter Claver Aid Society, of Sheboygan, Wis., praying for the passage of House bill 2896, providing for a tax upon white-phosphorus matches, and other purposes; to the Committee on Ways and Means.

By Mr. COX of Ohio: Resolution of the Bookbinders' Association of Columbus, Ohio, favoring the repeal of the 10-cent tax on oleomargarine and a thorough investigation of diseases in dairy products; to the Committee on Agriculture.

Also, resolution of the City Council of Cleveland, Ohio, favoring the coinage of metal coins of the value of 3 cents; to the Committee on Coinage, Weights, and Measures.

Also, resolution of Local No. 38, United Garment Workers of America, favoring the repeal of the 10-cent tax on oleomargarine; to the Committee on Agriculture.

Also, petition of International Molders' Union No. 283, of Hamilton, Ohio, protesting against Senate bill 2564, known as the Smoot printing bill; to the Committee on Printing.

By Mr. CRAVENS: Papers to accompany a bill to correct the military record of James M. Smith; to the Committee on Military Affairs.

By Mr. DRAPER: Petition of Federation of Labor of Troy, N. Y., against the passage of Senate bill 2564; to the Committee on Printing.

By Mr. DYER: Memorial of employees, Bureau of Animal Industry, urging that legislation be enacted prescribing salaries in the Bureau of Animal Industry of the Department of Agriculture; to the Committee on Agriculture.

Also, memorial of National Confectioners' Association, St. Louis, Mo., opposing abolishment of the Remsen Board of Scientific Experts; to the Committee on Agriculture.

Also, memorial of National Irrigation Congress, for drainage of swamp and overflow lands; to the Committee on the Public Lands.

Also, petition of Henry B. Davis, of St. Louis, Mo., relative to removal of cases to the Federal courts; to the Committee on the Judiciary.

Also, papers to accompany bill for the relief of John A. Kress; to the Committee on Military Affairs.

Also, memorials of Missouri Drummers' Association and Webb-Freyschlag Mercantile Co., relative to parcel post; to the Committee on the Post Office and Post Roads.

Also, petitions of Emil Frei Art Glass Co. and Edward V. P. Schneiderhahn, of St. Louis, Mo., opposing elimination of duties on stained-glass windows; to the Committee on Ways and Means.

Also, petitions of Parlin & Orendorff Plow Co. and the Thread Agency, of St. Louis, Mo., for amendment to corporation excise-tax law; to the Committee on Ways and Means.

Also, memorial of Brotherhood Class of the Second Baptist Church, of St. Louis, Mo., in favor of Esch phosphorus bill; to the Committee on Ways and Means.

Also, petitions of citizens of St. Louis, Mo., urging that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petition of William T. Nardin, of St. Louis, Mo., relative to improvement of the harbor at St. Joseph Bay, Fla.; to the Committee on Rivers and Harbors.

By Mr. FULLER: Petition of the Florsheim Co., of Chicago, Ill., in favor of the passage of House bill 11543, concerning proposed amendment to corporation-tax law; to the Committee on Ways and Means.

Also, petition of the Royal Tailors, of Chicago, Ill., in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. GARDNER of Massachusetts: Resolutions of the Massachusetts Bar Association, favoring passage of bill making provision for an additional Federal district judge for the district of Massachusetts; to the Committee on the Judiciary.

Also, resolution adopted by Salem (Mass.) Board of Trade, favoring the passage of the bill restoring the lost $3,000,000 and making the entire appropriation of $11,000,000 a continuing one during the life of the Weeks law; to the Committee on Agriculture.

By Mr. GREGG of Pennsylvania: Petition of C. H. Steffey and other citizens of Tranger, Pa., for reduction of duty on sugar; to the Committee on Ways and Means.

Also, petition of John Bartlick and other citizens of Claridge, Pa., for reduction in duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petitions of G. M. Sherbondy, of Ruffs Dale, Pa.; William Pringle, of Renfrew, Pa.; Robert Krause & Sons, of Fenelton, Pa.; George S. Noel, of Latrobe, Pa.; and N. K. Cooper, of New Kensington, Pa., favoring reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petitions of S. L. Weyandt, of Trafford; D. A. Arter, of Greensburg; J. W. Freeman, of Derry; Homer Naley, of Manor; Bird S. Hunnell and others, of New Kensington; and Thomas W. Murphy, of Vandergrift, all druggists of Pennsylvania, protesting against the stamp-tax bill (H. R. 8887); to the Committee on Ways and Means.

Also, petitions of citizens of Pennsylvania, against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of Jeanette (Pa.) Trades Council, for repeal of oleomargarine law; to the Committee on Agriculture.

Also, memorial of New Florence (Pa.) Sons of America, for restriction of foreign labor; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Webster, Pa., urging the passage of House bill 5601; to the Committee on Interstate and Foreign Commerce.

By Mr. GRIEST: Resolution of the Commission for the Investigation and Control of the Chestnut-Tree Blight Disease in Pennsylvania, urging the Federal appropriation of $80,000 for use in the efforts to eradicate the fungous disease known as the chestnut-tree blight; to the Committee on Agriculture.

Also, memorial of Philadelphia Association of Union ex-Prisoners of War, favoring the passage of House bill 1340, providing for certain payments to ex-prisoners of war; to the Committee on Invalid Pensions.

By Mr. HARDWICK: Memorial of certain officers of the Georgia National Guard, against the Hay reorganization bill; to the Committee on Military Affairs.

Also, memorial of Georgia Veterinary Association, for official recognition by United States Department of Agriculture; to the Committee on Agriculture.

By Mr. HOWELL: Memorials of the Presbyterian congregation of Brigham and Young People's Branch, of Green City, Utah, for the passage of an effective interstate liquor law; to the Committee on the Judiciary.

Also, memorial of Local Union No. 325, International Union of U. B. W. A., urging investigation of diseases caused by dairy products; to the Committee on Agriculture.

By Mr. HUBBARD: Petition of citizens and business firms of Sioux City, Iowa, against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. HOUSTON: Petition of citizens of Tullahoma, Tenn., against the passage of a parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. KENDALL: Petition of citizens of Stillwell, Iowa, against parcel post; to the Committee on the Post Office and Post Roads.

By Mr. KINDRED: Memorial of United Master Butchers of America, urging the passage of House bill 14112; to the Committee on Agriculture.

By Mr. KINKEAD of New Jersey: Petition of German Catholic Society of Jersey City, N. J., urging passage of House bill 2896; to the Committee on Ways and Means.

Also, petition of citizens of Jersey City, N. J., for the total elimination of the tariff on raw and refined sugars; to the Committee on Ways and Means.

Also, petitions of Board of Education of Jersey City, N. J., asking that one of the guns of the battleship *Maine* be placed on the grounds of Jersey City High School; also, urging appropriation for the preservation of flags at United States Naval Academy; to the Committee on Naval Affairs.

By Mr. LINDBERGH: Petitions of citizens of Osakis and Melrose, Minn., against the parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of J. H. Feddema, of St. Cloud, Minn., favoring reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, memorial of Seventh-day Adventist Church of Litchfield, Minn., against House bill 9433, for the observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

By Mr. McHENRY: Petition of Mr. T. W. Mark, of Berwick, Pa., asking for a reduction of the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petitions of Valley Grange, No. 52, Patrons of Husbandry, of Millville, Pa., and Locust Grange, No. 248, Patrons of Husbandry, of Catawissa, Pa., asking that the oleomargarine law be so amended as to contain certain provisions as stated in said petitions; to the Committee on Agriculture.

By Mr. MANN: Petition of Illinois Grain Dealers' Association, favoring an appropriation to maintain the grain standardization laboratory of the Bureau of Plant Industry; to the Committee on Appropriations.

By Mr. MATTHEWS: Memorial of Chestnut Ridge Grange, No. 1133, Patrons of Husbandry, of Washington, Pa., protesting against removal of special tax on oleomargarine; to the Committee on Agriculture.

Also, papers to accompany bill for the relief of William A. Gaby; to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: Memorial of the Philadelphia Board of Trade, urging passage of bill providing for new customhouse at Philadelphia, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. O'SHAUNESSY: Petition of Narragansett Machine Co., of Providence, R. I., urging an amendment to the Federal corporation-tax law permitting corporations to close their fiscal year at such dates as is best for their business, instead of forcing them to close December 31; to the Committee on Ways and Means.

Also, resolution of Rhode Island State Grange, opposing the Canadian reciprocity act; to the Committee on Ways and Means.

Also, resolution by Rhode Island State Grange, advocating the passage of the parcel-post bill (H. R. 14); to the Committee on the Post Office and Post Roads.

Also, resolution by the Rhode Island State Grange, advocating the passage of House bill 12311, providing for the inspection of nursery stock imported from foreign countries; to the Committee on Agriculture.

By Mr. PARRAN: Papers to accompany House bill 15753, granting an increase of pension to John T. Stansbury; to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of James Lyons (H. R. 14421); to the Committee on Military Affairs.

Also, papers to accompany bill for the relief of Frederick A. Holden (H. R. 17412); to the Committee on War Claims.

Also, papers to accompany bill for the relief of Joseph B. Girault (H. R. 14422); to the Committee on Naval Affairs.

Also, papers in support of House bill 17415, to appoint Wilbur F. Cogswell an assistant engineer in the Navy and place him on the retired list; to the Committee on Naval Affairs.

By Mr. PICKETT: Petition of S. W. Klaus, of Earlville, and C. E. Thompson, of Whitten, Iowa, protesting against parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Douglas Smith and 82 other citizens, of Cedar Falls, Iowa, in support of House bill 13114, old-age pension bill; to the Committee on Pensions.

By Mr. RAKER: Petition of citizens of California, favoring Representative BERGER's old-age pension bill; to the Committee on Pensions.

Also, resolutions adopted at mass meeting of citizens held at San Jose, Cal., indorsing the work of the National League for Medical Freedom; to the Committee on Interstate and Foreign Commerce.

Also, petition of San Francisco Labor Council, protesting against Smoot printing bill (S. 2564); to the Committee on Printing.

Also, papers to accompany House bill 5767, for the relief of Lieut. Col. Ormand M. Lissak; to the Committee on Claims.

Also, petition of A. Sbarbara, a citizen of California, favoring restoration of the Army canteen; to the Committee on Military Affairs.

By Mr. REILLY: Resolutions of the Portsmouth (N. H.) City Council, against the abolishment of Portsmouth-Kittery Navy Yard; to the Committee on Naval Affairs.

By Mr. STONE: Petition of citizens of Illinois, protesting against the passage of House bill 8887; to the Committee on Ways and Means.

Also, petitions of citizens of Illinois, urging that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petition of citizens of Illinois, in favor of old-age pensions; to the Committee on Pensions.

Also, memorial of Princeton (Ill.) Seventh-day Adventist Church, against the passage of House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. STEDMAN: Memorial of mass meeting at Centenary Methodist Episcopal Church South, of Greensboro, N. C., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. SULLOWAY: Resolutions of the City Council of Portsmouth, N. H., protesting against the proposed abandonment of the Portsmouth Navy Yard; to the Committee on Naval Affairs.

By Mr. SULZER: Memorial of United Master Butchers of America, for the passage of House bill 14112; to the Committee on Agriculture.

Also, petition of Neptune Association of New York, N. Y., for the passage of House bill 14102, etc.; to the Committee on Ways and Means.

Also, petitions of the Thread Agency and A. Jaeckel & Co., of New York, urging that the corporation excise-tax law be amended; to the Committee on Ways and Means.

Also, memorial of a German society of Chicago, Ill., in favor of House resolution 166; to the Committee on Immigration and Naturalization.

By Mr. WILLIS: Papers to accompany House bill 3000, granting an increase of pension to Samuel A. Moore; to the Committee on Invalid Pensions.

Also, petition of Carl Swartz and five other citizens of Kenton, Ohio, against the enactment of any legislation for the extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. WILSON of New York: Resolutions of Unity Republican Club, of Brooklyn, N. Y., protesting against the removal of the navy yard from Brooklyn; to the Committee on Naval Affairs.

SENATE.

THURSDAY, *January 11, 1912.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of the proceedings of Tuesday last was read and approved.

DISPOSITION OF USELESS PAPERS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, schedules of papers, documents, and so forth, on the files of the Treasury Department and in various customs ports, which are not needed in the transaction of public business and have no permanent value or historical interest.

The communication and accompanying papers will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Chair appoints as the committee on the part of the Senate the Senator from Arkansas [Mr. CLARKE] and the Senator from New Hampshire [Mr. BURNHAM].

The Secretary will notify the House of Representatives of the appointment of the committee on the part of the Senate.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate the following communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

W. H. Gilbert, administrator of estate of Samuel L. Gilbert, deceased, *v.* The United States (S. Doc. No. 248);

Julia S. Weeks, administratrix of the estate of Capt. Harrison S. Weeks, deceased, *v.* The United States (S. Doc. No. 247);

B. H. Chesher, administrator of the estate of W. G. Chesher, deceased, *v.* The United States (S. Doc. No. 246); and

John Fisher, administrator of Henry Bauman, deceased, *v.* The United States (S. Doc. No. 245).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of the United Brotherhood of Carpenters of Hoquiam, Wash., and a memorial of Local Union No. 148, International Brotherhood of Bookbinders, of Grand Forks, N. Dak., remonstrating against the proposed abolishment of the hand-roller process of manufacturing paper currency, which were referred to the Committee on Printing.

He also presented a petition of sundry citizens of Aurora, Ill., praying for the enactment of legislation granting service pensions to certain defined veterans of the Civil War and the War with Mexico, which was referred to the Committee on Pensions.

He also presented memorials of sundry Seventh-day Adventist Churches of Quincy, Mass., and Decatur, Nebr., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Kellerman, Ala.; Bennington, Okla.; and Seattle, Wash., remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

Mr. CULLOM presented petitions of sundry citizens of Illinois, Minnesota, Pennsylvania, New York, Ohio, Indiana, and Massachusetts, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of E. D. Kittoe Post, No. 502, Department of Illinois, Grand Army of the Republic, of Galena, Ill., praying for the passage of the so-called dollar-a-day pension bill, which was referred to the Committee on Pensions.

He also presented a memorial of the congregation of the Seventh-day Adventist Church, of Princeton, Ill., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. GALLINGER presented petitions of sundry citizens of Milford, of the Woman's Christian Temperance Union of Dover, of sundry citizens of Nashua, and of members of the Fortnightly Club of Keene, all in the State of New Hampshire, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a memorial of the Rhode Island Avenue Suburban Citizens' Association, of the District of Columbia, remonstrating against the enactment of legislation providing that all the expenses of the public utilities commission shall

be paid out of the revenues of the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. BURTON presented a petition of the Chamber of Commerce and Manufacturers' Club of Buffalo, N. Y., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. BRISTOW presented a petition of sundry citizens of Beloit, Kans., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Kansas, praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of James R. Fulton Post, No. 257, Department of Kansas, Grand Army of the Republic, of Garden City, Kans., praying for the passage of the so-called dollar-a-day pension bill, which was referred to the Committee on Pensions.

Mr. BURNHAM presented a petition of the Boot and Shoe Workers' Union of Manchester, N. H., praying for a reduction of the duty on shoes and finished leather, which was referred to the Committee on Finance.

He also presented a memorial of the City Council of Portsmouth, N. H., remonstrating against the proposed abolishment of the Portsmouth-Kittery Navy Yard in that State, which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Aurora, Ill., praying for the passage of the so-called dollar-a-day pension bill, which was referred to the Committee on Pensions.

He also presented a petition of members of the Woman's Study Club, of Whitefield, N. H., praying for the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Chamber of Commerce and Manufacturers' Club of Buffalo, N. Y., and a petition of sundry citizens of Milford, N. H., and the Woman's Christian Temperance Union of Strafford County, N. H., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. NELSON presented memorials of the Christian Endeavor Society of the Knox Presbyterian Church, of St. Paul, Minn., remonstrating against the interstate transportation of intoxicating liquors into prohibition districts, which were referred to the Commitee on the Judiciary.

He also presented a petition of the Local Bottling Co., of Ortonville, Minn., praying for the removal of the duty on raw and refined sugars, which was referred to the Committee on Finance.

He also presented a petition of the congregation of the Knox Presbyterian Church, of St. Paul, Minn., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. GRONNA presented memorials of sundry citizens of Kief and McHenry County, in the State of North Dakota, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of members of Company I, First Infantry, North Dakota National Guard, of Wahpeton, N. Dak., praying for the enactment of legislation providing for the pay of members of the National Guard, which was referred to the Committee on Military Affairs.

Mr. JOHNSTON of Alabama presented memorials of sundry citizens of Elba, Hartsells, Trussville, Fort Payne, and Aliceville, all in the State of Alabama, remonstrating against the extension of the so-called parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

Mr. SHIVELY presented a petition of members of the Hesperian Club, of Greenfield, Ind., praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of Jere Hershey, William Willis, John R. McClure, and 52 other veterans of the Civil War, residents of Vincennes, Ind., praying for the passage of the so-called dollar-a-day pension bill, which was referred to the Committee on Pensions.

Mr. GARDNER presented petitions of the Pastors' Union of Lewiston and Auburn; the Congregational Church of South Berwick; the Society of Friends of Fairfield; the Baptist and Congregational Churches of East Machias; the Sixth Street Congregational Church, of Auburn; the Monthly Meeting of Friends of South Durham; the Congregational Church of Bethel; the Baptist Church of Damariscotta; the Protestant Churches of Kennebunk; the Protestant Churches of South Gardiner and Randolph; the State Street Congregational Church, of Portland; the Congregational Church of Bath; the Twentieth Century Club of Bangor; of sundry churches of Oakland; and of the Maine Peace Society, all in the State of Maine, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. JOHNSON of Maine presented petitions of the congregations of the Grace Universalist Church, of Kingfield; the Congregational Church of Famington Falls; the Congregational and Methodist Churches of Machias; and the Men's Club of Farmington, all in the State of Maine, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside liquor dealers, which were referred to the Committee on the Judiciary.

Mr. MARTINE of New Jersey presented a petition of sundry veterans of the Civil War, residents of Beverly, N. J., praying that an appropriation be made for the improvement of the highway leading from Beverly to the national cemetery near that city, which was referred to the Committee on Appropriations.

He also presented a petition of members of the Woman's Club of Glen Ridge, N. J., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. LIPPITT presented a memorial of Local Union No. 139, Wood, Wire and Metal Lathers' International Union, of Pawtucket, R. I., remonstrating against the proposed abolishment of the hand-roller process of manufacturing paper currency, which was referred to the Committee on Printing.

Mr. McLEAN presented a petition of the Woman's Christian Temperance Union of Thomaston, Conn., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of the Chamber of Commerce and Manufacturers' Club of Buffalo, N. Y., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a memorial of the City Council of Portsmouth, N. H., remonstrating against the abolishment of the Portsmouth-Kittery Navy Yard in that State, which was referred to the Committee on Naval Affairs.

He also presented a memorial of the Central Labor Union of Danbury, Conn., remonstrating against the proposed abolishment of the hand-roller process of manufacturing paper currency, which was referred to the Committee on Printing.

Mr. O'GORMAN presented a petition of the Chamber of Commerce and Manufacturers' Club of Buffalo, N. Y., and a petition of the North Side Board of Trade, of New York City, N. Y., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of New York and a petition of the Board of Trade and Transportation of New York City, praying for the ratification of the proposed treaties between Honduras and Nicaragua, which were referred to the Committee on Foreign Relations.

He also presented a petition of the United Trade and Labor Council of Erie County, N. Y., praying for the enactment of legislation to better the condition of American seamen, which was referred to the Committee on Commerce.

He also presented a memorial of Local Union No. 53, United Brotherhood of Carpenters and Joiners of America, of White Plains, N. Y., remonstrating against the proposed abolishment of the hand-roller process of manufacturing paper currency, which was referred to the Committee on Printing.

He also presented a petition of the State Grange, Patrons of Husbandry, of Pennsylvania, praying that an appropriation be made for the eradication of the chestnut-tree blight, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Central Labor Union of Lancaster and Depew, in the State of New York, praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Bar Association of Oneonta, N. Y., remonstrating against the proposed division of the northern judicial district of New York, which was referred to the Committee on the Judiciary.

Mr. PENROSE presented petitions of Local Grange No. 1239, of Hydetown; of Local Grange No. 1438, of Dunkard; of Lake Grange, No. 1346, of Clarks Mills; of Highland Grange, No. 879, of Somerset; of Keystone Grange, No. 2, of Royersford; of Eureka Grange, No. 244, of Butler, all of the Patrons of Husbandry, of the State of Pennsylvania, praying for the adoption of certain amendments to the oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of local granges of Mahaffey, Center City, Olanta, Ogdensburg, Canton, Towanda, Middlebury Center, Washington, Millville, Wysox, Maplewood, Centerville, Liberty, and Ebensburg, all of the Patrons of Husbandry, of the State of Pennsylvania, praying for the repeal of the oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the congregation of the Methodist Episcopal Church of Pennsylvania, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a memorial of Local Branch No. 102, Glass Bottle Blowers' Association, of Parkers Landing, Pa., remonstrating against the proposed abolishment of the hand-roller process of manufacturing paper currency, which was referred to the Committee on Printing.

He also presented a petition of the Borough Council of New Kensington, Pa., praying that an appropriation be made for the relief of the sufferers from the flood at Austin and Costello, Pa., which was referred to the Committee on Appropriations.

He also presented a petition of the Board of Trade of Philadelphia, Pa., praying that an appropriation be made for the erection of a new customhouse at the port of Philadelphia, which was referred to the Committee on Appropriations.

Mr. BROWN presented a petition of the Platte Valley Quarterly Meeting of Friends, of North Loup, Nebr., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. CLAPP presented a petition of the Christian Endeavor Society of the Knox Presbyterian Church, of St. Paul, Minn., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. OVERMAN presented petitions of the congregation of the Century Methodist Episcopal Church South, and of sundry citizens of Greensboro, N. C., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. PERKINS presented a resolution adopted by the Chamber of Commerce of San Luis Obispo, Cal., favoring the adoption of the recommendations proposed in the report of the California Débris Commission, which was referred to the Committee on Commerce.

He also presented a petition of Local Union No. 158, Switchmen's Union of North America, of Oakland, Cal., praying for the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the board of supervisors of Fresno County, Cal., remonstrating against the proposed increase in the area of Sequoia Park, Cal., which was referred to the Committee on Public Lands.

He also presented a petition of the Merchants' Exchange of Oakland, Cal., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was referred to the Committee on Finance.

Mr. PAGE presented a memorial of Local Union No. 1331, United Brotherhood of Carpenters and Joiners, of Brattleboro, Vt., remonstrating against the enactment of legislation proposing to abolish the hand-roller process of manufacturing paper currency, which was referred to the Committee on Printing.

Mr. LA FOLLETTE presented a petition of members of the Pima Tribe of Indians, of Sacaton, Ariz., praying that they be protected in the possession of their lands, which was referred to the Committee on Indian Affairs.

He also presented memorials of the congregations of the Seventh-day Adventist Churches of Oshkosh and Victory, Wis., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in post offices, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Wisconsin Sunday School Association of Fond du Lac, Wis., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Aberdeen, Wash., praying that Pacific coast coal be used on all vessels of the Pacific Fleet, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Chamber of Commerce of Aberdeen, Wash., praying for the enactment of legislation authorizing the issuance of certificates against gold bullion in the New York assay office so as to include that at Seattle, Wash., which was referred to the Committee on Finance.

He also presented a petition of the Chamber of Commerce of Aberdeen, Wash., praying for the free passage of American ships through the Panama Canal when engaged in domestic commerce, which was referred to the Committee on Interoceanic Canals.

He also presented a petition of the Chamber of Commerce of Aberdeen, Wash., praying for the adoption of certain amendments to the immigration laws, which was referred ot the Committee on Immigration.

He also presented a petition of the Chamber of Commerce of Aberdeen, Wash., praying that an appropriation be made for the construction of a third dry dock at Puget Sound Navy Yard for the accommodation of the Pacific Fleet, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Humane Society and Associated Charities, of La Crosse, Wis., praying for the establishment of a children's bureau, which was ordered to lie on the table.

He also presented petitions of the Study Class of Merrill; of the Athena Club, of Berlin; of the Friends in Council Club of Berlin, all in the State of Wisconsin, and of Local Grange No. 1386, Patrons of Husbandry, of Honesdale, Pa., praying for the repeal of the oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of J. E. Perkins Post, No. 98, Department of Wisconsin, Grand Army of the Republic, of Augusta, Wis., praying for the passage of the so-called dollar-a-day pension bill, which was referred to the Committee on Pensions.

He also presented memorials of the congregations of the Seventh-day Adventist Churches of Oshkosh, Victory, Bethel, Ladysmith, Stanley, Debello, Elroy, and Stevens Point, all in the State of Wisconsin, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. NELSON, from the Committee on Commerce, to which was referred the bill (S. 226) to permit citizens of the United States to be admitted to Government tuberculosis hospitals, asked to be discharged from its further consideration and that it be referred to the Committee on Military Affairs, which was agreed to.

He also, from the same committee, to which was referred the bill (S. 3856) relative to the establishment of post-lantern lights on the St. Croix River, including Lake St. Croix, Wisconsin and Minnesota, reported it without amendment and submitted a report (No. 165) thereon.

Mr. BURTON, from the Committee on Commerce, to which was referred the bill (S. 2228) to establish Ashtabula, Ohio, a subport of entry in the customs collection district of Cuyahoga, Ohio, and for other purposes, reported it without amendment and submitted a report (No. 169) thereon.

Mr. BOURNE, from the Committee on Commerce, to which was referred the bill (S. 296) to direct the construction of a lightship and its maintenance near Orford Reef, off Cape Blanco, Oreg., reported it without amendment and submitted a report (No. 170) thereon.

Mr. BURNHAM (for Mr. CRANE), from the Committee on Commerce, to which was referred the bill (S. 3160) to establish at Holeb, Me., a subport of entry in the customs collection district of Bangor, Me., and for other purposes, reported it with an amendment and submitted a report (No. 171) thereon.

Mr. PERKINS, from the Committee on Commerce, to which was referred the bill (S. 1653) to provide American register for the steam yacht *Diana*, reported it without amendment and submitted a report (No. 172) thereon.

Mr. MARTIN of Virginia, from the Committee on Commerce, to which was referred the bill (S. 3776) permitting the Board of County Commissioners of Lincoln County, State of Montana, to construct, maintain, and operate three bridges across the Kootenai River, in the State of Montana, reported it with amendment and submitted a report (No. 173) thereon.

Mr. STONE, from the Committee on Foreign Relations, to which was referred the bill (S. 462) for the relief of Slavo Ramadanovitch, of Cettigne, a Montenegrin subject, heir and

administrator of Marcus Ramadanovitch, alias Radich, deceased, reported it without amendment and submitted a report (No. 174) thereon.

Mr. McCUMBER, from the Committee on Pensions, submitted a report (No. 164), accompanied by a bill (S. 4314) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title.

The bill is a substitute for the following Senate bills heretofore referred to that committee:

S. 34. Truman Hall.
S. 112. David Williams.
S. 113. Phillip Lucas.
S. 114. Frank A. Fassett.
S. 126. Frank P. Sargent.
S. 146. Abram Trexler (alias Abram Hacker).
S. 147. Sartin McComas.
S. 150. Henry S. Back.
S. 175. Ebenezer B. Sims.
S. 188. Darius Young.
S. 332. Isaac Underwood.
S. 344. Philip Riley.
S. 351. John Bossinger.
S. 353. William D. Kelley.
S. 377. James L. Anderson.
S. 397. Albert L. Rivers.
S. 399. Augustus Knowles.
S. 431. Budge T. Underwood.
S. 467. Charles B. Stuart.
S. 469. August Scholz.
S. 491. John C. Mercer.
S. 493. Jacob Taylor.
S. 519. James Killmartin.
S. 539. Richard F. Cain.
S. 555. William Weaver.
S. 556. Thomas Mullen (alias Maloney).
S. 571. Hannah J. Matter.
S. 598. Charles A. Underwood.
S. 734. Sadie M. W. Likens.
S. 785. Elias Cleveland.
S. 786. Joel Goodrick.
S. 790. William B. Taylor.
S. 873. Sarah A. Coons.
S. 884. Harvey L. Rose.
S. 907. John Mehan.
S. 926. Ransford P. Williams.
S. 949. Michael Dolan.
S. 982. William H. Dillingham.
S. 992. Francelia King.
S. 1006. Denis McCloskey (alias William Thompson).
S. 1008. John F. Walker.
S. 1019. John Hodge.
S. 1020. Mary White.
S. 1021. Ke-way-gah-bow-e-quay.
S. 1058. Hamilton Lutes.
S. 1143. John S. Armstrong.
S. 1144. Samuel Conrad.
S. 1145. John Turner.
S. 1184. George Bond.
S. 1197. William A. Cutler.
S. 1201. John H. McEathron.
S. 1203. Joseph Laduke.
S. 1347. Marion Campbell.
S. 1492. Ashel E. Dickinson.
S. 1496. George Richards.
S. 1497. James Deselms.
S. 1558. Hattie Pearson.
S. 1581. Leroy T. Hills.
S. 1588. William H. Torrey.
S. 1620. John E. Dolloff.
S. 1636. Thomas Adams.
S. 1667. Jesse Gilbert.
S. 1669. Seth Goldthwait.
S. 1671. Emerette A. Walter.
S. 1696. Lizzie I. Russ.
S. 1702. William Bessinger.
S. 1775. Soll P. Merrill.
S. 1822. Albert L. T. Bush.
S. 1877. James O'Neill.
S. 1888. Richard Simpson.
S. 1889. William H. McKay.
S. 1930. Jacob Waymire.
S. 1953. James N. Bascue.
S. 1965. John M. Herman.
S. 2009. Francis L. Prouty.
S. 2119. Horace P. Lester.
S. 2120. Elizabeth W. Everett.
S. 2176. Amos E. Morgan.
S. 2203. Jonathan Huntley.
S. 2237. Edward L. Allen.
S. 2241. Honora A. Williams.
S. 2252. Alonzo Moe.
S. 2254. Simon V. Seeley.
S. 2255. Heber Angel.
S. 2263. Lester A. Corp.
S. 2265. Mary A. Bacon.
S. 2301. Mandred O. Savage.
S. 2314. John Feeney.
S. 2318. Walter E. Truax.
S. 2430. Robert Smith.
S. 2491. Henry H. Warner.
S. 2496. David H. Robinson.
S. 2499. W. H. T. Wakefield.
S. 2543. Joseph Annis.
S. 2579. John W. Ayer (alias Charles W. Dennison).
S. 2602. Barnet W. Sawyer.
S. 2603. Georgianna L. Green.
S. 2615. Sarah A. Stephenson.
S. 2664. William A. Coddington.
S. 2668. Isaac T. Atterberry.
S. 2738. Thomas Penwarden.
S. 2773. Elijah P. Creech.
S. 2824. Edward M. Crabbs.
S. 2920. Thomas R. H. Simmons.
S. 2963. John A. White.
S. 2966. Lucy E. Culp.
S. 3017. Fayette W. Barlow
S. 3065. Robert McIntosh.
S. 3100. John W. Forester.
S. 3154. Edward R. Hutchins.
S. 3173. Helen Louise Scott.
S. 3177. Felix Deflin.
S. 3199. Edward P. Thorn.
S. 3280. John Stone.
S. 3310. James T. Berry.
S. 3326. Fannie F. De Witt.
S. 3335. Frank A. Wardwell.
S. 3336. William H. Blake.
S. 3401. George B. Hazen.
S. 3402. Nicholas Fifer.
S. 3403. Henry C. Lamphier.
S. 3422. Edna Stevens.
S. 3437. Charles H. Grant.
S. 3438. John B. Catlin.
S. 3588. William H. Brooks.
S. 3590. David Johnson.
S. 3696. John Tredo.
S. 3714. Taranndocty Owens.
S. 3722. Jacob S. Young.
S. 3838. John F. Arnold.
S. 3839. William H. Coleman.

ARMY ENLISTMENTS, ETC.

Mr. DU PONT. From the Committee on Military Affairs I report back favorably with an amendment Senate resolution 177, submitted by me on the 8th instant, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment was, in line 2, after the word "statement," to strike out the words "by The Adjutant General of the Army," so as to make the resolution read:

Resolved, That the Secretary of War be, and he is hereby, directed to furnish to the Senate a statement showing, for the 10 years ending on the 30th day of June, 1911, the average annual number of original enlistments, of reenlistments, of discharges from service by reason of expiration of terms of enlistment, and of separation from service for all other causes, each cause of separation, with the figures therefor, to be stated separately.

The amendment was agreed to.

The resolution as amended was agreed to.

STEAMER "W. R. WOODFORD."

Mr. BURTON. From the Committee on Commerce I report back favorably without amendment the bill (S. 3869) to grant authority to the Inland Steamship Co., of Indiana Harbor, Ind., to change the name of the steamer *W. R. Woodford* to *N. L. Leopold*, and I submit a report (No. 166) thereon. I ask for the present consideration of the bill.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STEAMER "HENRY A. HAWGOOD."

Mr. BURTON. From the Committee on Commerce, I report back favorably without amendment the bill (S. 3580) to authorize a change of name of the steamer *Henry A. Hawgood*, and I submit a report (No. 167) thereon. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STEAMER "ARTHUR H. HAWGOOD."

Mr. BURTON. From the Committee on Commerce, I report back favorably without amendment the bill (S. 3870) to grant authority to the Inland Steamship Co., of Indiana Harbor, Ind., to change the name of the steamer *Arthur H. Hawgood* to *Joseph Block*, and I submit a report (No. 168) thereon. I ask for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GALLINGER:

A bill (S. 4315) to authorize the Commissioners of the District of Columbia to accept donations of money and land for the establishment of a branch library in the District of Columbia, to establish a commission to supervise the erection of a branch library building in said District, and to provide for the suitable maintenance of said branch; to the Committee on the District of Columbia.

A bill (S. 4316) granting an increase of pension to Julia R. Wood (with accompanying papers); and

A bill (S. 4317) granting an increase of pension to Emilie M. Boyle (with accompanying papers); to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 4318) to establish a mining experiment station at Lander, Fremont County, Wyo., to aid in the development of the mineral resources of the United States, and for other purposes; to the Committee on Mines and Mining.

A bill (S. 4319) for the relief of John Schnoor (with accompanying papers); to the Committee on Claims.

By Mr. McCUMBER:

A bill (S. 4320) to amend an act entitled "An act granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico," approved February 6, 1907;

A bill (S. 4321) granting an increase of pension to William R. Evans;

A bill (S. 4322) granting an increase of pension to William Orcutt (with accompanying papers);

A bill (S. 4323) granting an increase of pension to George F. Davlin (with accompanying papers); and

A bill (S. 4324) granting an increase of pension to Stella May Dixon; to the Committee on Pensions.

By Mr. TOWNSEND (for Mr. SMITH of Michigan):

A bill (S. 4325) for the relief of Sophie M. Guard; and

A bill (S. 4326) to discontinue suit in United States court against James C. Eslow, surety; to the Committee on Claims.

By Mr. BROWN:

A bill (S. 4327) to provide for the purchase of a site and the erection of a public building thereon in the city of David City, Nebr.; to the Committee on Public Buildings and Grounds.

A bill (S. 4328) authorizing the Winnebago Tribe of Indians to submit claims to the Court of Claims; to the Committee on Indian Affairs.

A bill (S. 4329) granting a pension to Mary F. Grady; to the Committee on Pensions.

A bill (S. 4330) to remove the charge of desertion from the military record of Samuel Goozee (with accompanying paper); to the Committee on Military Affairs.

By Mr. O'GORMAN:

A bill (S. 4331) for the relief of William E. Farrell; to the Committee on Naval Affairs.

By Mr. LEA:

A bill (S. 4332) for the relief of heirs or estate of Stephen Smith, deceased;

A bill (S. 4333) for relief of the heirs or estate of William H. Turley, deceased;

A bill (S. 4334) for the relief of heirs or estate of Edwin Moore, deceased;

A bill (S. 4335) for the relief of heirs or estate of William Kennedy, deceased;

A bill (S. 4336) for the relief of heirs or estate of W. H. Neel, deceased;

A bill (S. 4337) for the relief of heirs or estate of George P. Shelton, deceased; and

A bill (S. 4338) for the relief of F. A. R. Scott; to the Committee on Claims.

A bill (S. 4339) to authorize the Lewisburg & Northern Railroad Co. to construct, maintain, and operate a railroad bridge across the Cumberland River, in the State of Tennessee; to the Committee on Commerce.

By Mr. REED:

A bill (S. 4340) to remove the charge of desertion from the military record of Frank Leonard (with accompanying paper); and

A bill (S. 4341) removing the charge of desertion from the military record of Nathan McDaneld and extending to him pensionable rights; to the Committee on Military Affairs.

A bill (S. 4342) granting an increase of pension to Caleb S. Bigham (with accompanying paper);

A bill (S. 4343) granting an increase of pension to William Hodge (with accompanying papers);

A bill (S. 4344) granting an increase of pension to Julius Cohn (with accompanying papers);

A bill (S. 4345) granting an increase of pension to Louisa Ihms (with accompanying papers);

A bill (S. 4346) granting an increase of pension to Malinda A. Greenstreet (with accompanying papers);

A bill (S. 4347) granting an increase of pension to John McLaughlin (with accompanying papers); and

A bill (S. 4348) granting an increase of pension to Miles J. Williams (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 4349) to amend section 3 of an act entitled "An act to withdraw certain public lands from private entry, and for other purposes," approved March 2, 1889; to the Committee on Public Lands.

By Mr. JOHNSTON of Alabama:

A bill (S. 4350) to promote the safety of travelers and employees upon railroads engaged in interstate or foreign commerce; to the Committee on Interstate Commerce.

By Mr. MYERS:

A bill (S. 4351) to authorize and direct the Secretary of the Interior and the Secretary of the Treasury to deliver to the governor of the proposed State of Arizona, for the use of the State, certain furniture and furnishings; to the Committee on Territories.

A bill (S. 4352) to authorize the Secretary of the Treasury to pay to the governor of Arizona, for the use of the State of Arizona in the furnishing of its capitol building, the unused balance of the sum appropriated for the purpose of defraying the expenses of the constitional convention of said State and certain elections; to the Committee on Appropriations.

By Mr. WILLIAMS:

A bill (S. 4354) to create a commission to investigate and report the question of the liability of the United States Government for riparian damages on the east bank of the Mississippi River between Vicksburg, Miss., and Bayou Sara, La.; to the Committee on Commerce.

By Mr. LODGE:

A bill (S. 4355) incorporating the National Institute of Arts and Letters; and

A bill (S. 4356) incorporating the National Academy of Arts and Letters; to the Committee on the Judiciary.

By Mr. WORKS:

A bill (S. 4357) granting an increase of pension to Mattie M. Converse (with accompanying papers); to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 4358) to provide a dwelling for the keepers of the lights and for improving the lighting in Guantanamo Bay, Cuba;

A bill (S. 4359) to provide for improving the light station at Kauhola Point, Hawaii;

A bill (S. 4360) to provide for the establishment of aids to navigation in Pearl Harbor, Hawaii;

A bill (S. 4361) to provide for the construction of lighthouse tenders for general service;

A bill (S. 4362) to provide for the construction and equipment of additional light vessels for general service;

A bill (S. 4363) to provide for the establishment of a light and fog signal at or near Cape St. Elias, Alaska; and

A bill (S. 4364) to provide for the use as a lighthouse depot of such part of the naval reservation at San Juan, P. R., as may be useful for such purpose; to the Committee on Commerce.

(By request.) A bill (S. 4365) to amend the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and

(By request.) A bill (S. 4366) to amend the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. THORNTON:

A bill (S. 4367) to provide for the establishment of aids to navigation at Atchafalaya Entrance Channel, La.; to the Committee on Commerce.

A bill (S. 4368) for the relief of Jules J. Dubernard;

A bill (S. 4369) for the relief of heirs or estate of Owen Conlan, deceased;

A bill (S. 4370) for the relief of heirs or estate of Pierre Arvillien Broussard, deceased;

A bill (S. 4371) for the relief of heirs or estate of Louis Broussard, deceased;

A bill (S. 4372) for the relief of heirs or estate of Joseph Ursin Broussard, deceased;

A bill (S. 4373) for the relief of heirs or estate of Duplessin Broussard, deceased;

A bill (S. 4374) for the relief of heirs or estate of N. Hermogene Breaux, deceased;

A bill (S. 4375) for the relief of heirs or estate of Sevenne Boudreaux, deceased;

A bill (S. 4376) for the relief of heirs or estate of Natalie Boudreau and Severin Landry, deceased;

A bill (S. 4377) for the relief of heirs or estate of Carmelite Boudreau, deceased;

A bill (S. 4378) for the relief of heirs or estate of Ursin Bernard; deceased;

A bill (S. 4379) for the relief of Joseph Bernard, jr.;

A bill (S. 4380) for the relief of heirs or estate of P. Emile Arceneaux, deceased;

A bill (S. 4381) for the relief of Emerante Arseneaux and estate of Avignac Arseneaux;

A bill (S. 4382) for the relief of heirs or estate of Francis Alleman, deceased;

A bill (S. 4383) for the relief of Marie Alexandre;

A bill (S. 4384) for the relief of Auguste Albarado;

A bill (S. 4385) for the relief of heirs or estate of Joseph Melancon, deceased;

A bill (S. 4386) for the relief of heirs or estate of Patrick McCormack, deceased;

A bill (S. 4387) for the relief of heirs or estate of Desire Landry, deceased;

A bill (S. 4388) for the relief of heirs or estate of Marie C. Labas, deceased;

A bill (S. 4389) for the relief of Martha B. King;

A bill (S. 4390) for the relief of Francis Jean;

A bill (S. 4391) for the relief of Florimand Izard;

A bill (S. 4392) for the relief of heirs or estate of Henry J. Heard, deceased;

A bill (S. 4393) for the relief of James Goodwin;

A bill (S. 4394) for the relief of heirs or estate of Francis M. Fisk, deceased;

A bill (S. 4395) for the relief of heirs or estate of Adolph Dupuy, deceased;

A bill (S. 4396) for the relief of Mrs. Joseph Duhon;

A bill (S. 4397) for the relief of heirs or estate of Archilles Prudhomme, deceased;

A bill (S. 4398) for the relief of Eleanore Nevin Rochon;

A bill (S. 4399) for the relief of heirs or estate of George Sallinger, deceased;

A bill (S. 4400) for the relief of heirs or estate of Edward Sigur, deceased;

A bill (S. 4401) for the relief of heirs or estate of Silas Talbert, deceased;

A bill (S. 4402) for the relief of heirs or estate of Onezime Melancon, deceased;

A bill (S. 4403) for the relief of heirs or estate of Mary A. Meredith, deceased;

A bill (S. 4404) for the relief of heirs or estate of Aymar Mouton, deceased;

A bill (S. 4405) for the relief of heirs or estate of R. J. Packer, deceased, and Mrs. R. V. Packer;

A bill (S. 4406) for the relief of heirs or estate of Mrs. E. J. Penny, deceased;

A bill (S. 4407) to restore the endowment of the Judah Touro Almshouse, of New Orleans, La.;

A bill (S. 4408) for the relief of heirs or estate of Jean Vigneaux, deceased (with accompanying paper);

A bill (S. 4409) for the relief of heirs or estate of Joseph Jean Savoie, deceased (with accompanying paper);

A bill (S. 4410) for the relief of heirs or estate of George Farris, deceased (with accompanying paper);

A bill (S. 4411) for the relief of heirs or estate of Achille Savoie, deceased (with accompanying paper);

A bill (S. 4412) for the relief of heirs or estate of Wilford C. Jackson, deceased (with accompanying paper);

A bill (S. 4413) for the relief of heirs or estate of Joseph C. Miller, deceased; and

A bill (S. 4414) for the relief of Raymond Jeann Piere (with accompanying paper); to the Committee on Claims.

By Mr. PERKINS:

A bill (S. 4415) to provide for making necessary improvements at Point Pinos Light Station, Cal.; to the Committee on Commerce.

By Mr. CHILTON:

A bill (S. 4416) granting a pension to Cornelius Gandy;

A bill (S. 4417) granting a pension to Ida P. Duffy;

A bill (S. 4418) granting a pension to Mary A. Johnson;

A bill (S. 4419) granting a pension to Malinda Jones;

A bill (S. 4420) granting a pension to Florence Harmon;

A bill (S. 4421) granting a pension to Myrtle Jackson;

A bill (S. 4422) granting a pension to Adda B. Holmes;

A bill (S. 4423) granting a pension to B. F. Morrow;

A bill (S. 4424) granting an increase of pension to James McConnell;

A bill (S. 4425) granting an increase of pension to Thomas Copley;

A bill (S. 4426) granting a pension to Isaac Cutright;

A bill (S. 4427) granting a pension to Marshall Dillon;

A bill (S. 4428) granting a pension to Harvey Burns;

A bill (S. 4429) granting a pension to Louis H. Ewart; and

A bill (S. 4430) granting a pension to Elijah Hemings; to the Committee on Pensions.

Mr. BURTON. I desire to introduce a bill reported by the National Monetary Commission, entitled "A bill to incorporate the National Reserve Association of the United States, and for other purposes," which I ask may be referred to the Committee on Finance.

The bill (S. 4431) to incorporate the National Reserve Association of the United States, and for other purposes, was read twice by its title and referred to the Committee on Finance.

By Mr. BURTON:

A bill (S. 4432) to provide for the construction of a light and fog-signal station and for improving the aids to navigation at Lorain Harbor, Ohio;

A bill (S. 4433) to provide for rearranging, rebuilding, and improving the aids to navigation at Ashtabula Harbor, Ohio; and

A bill (S. 4434) to provide for removing, reconstructing, and improving the fog-signal station at Cleveland, Ohio; to the Committee on Commerce.

By Mr. TAYLOR:

A bill (S. 4435) granting a pension to Joe C. Johnson (with accompanying papers);

A bill (S. 4436) granting an increase of pension to I. N. Wakefield (with accompanying papers); and

A bill (S. 4437) granting an increase of pension to Thomas P. P. Wilson (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 4438) for the erection of a public building in the borough of Pottstown, State of Pennsylvania; to the Committee on Public Buildings and Grounds.

A bill (S. 4439) granting a pension to Philip B. Depp (with accompanying papers);

A bill (S. 4440) granting a pension to Annie B. Godwin;

(By request.) A bill (S. 4441) to amend the act of Congress approved February 6, 1907, entitled "An act granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico"; and

(By request.) A bill (S. 4442) providing pensions for commissioned officers, noncommissioned officers, and enlisted men of the United States Army who served on the western frontier

during the Indian wars and campaigns from 1865 to 1890; to the Committee on Pensions.

(By request.) A bill (S. 4443) providing for the retirement of noncommissioned officers, petty officers, and enlisted men of the United States Army, Navy, and Marine Corps, and for the efficiency of the enlisted personnel; to the Committee on Military Affairs.

(By request.) A bill (S. 4444) to improve the standing of honorably discharged soldiers, sailors, and marines, Regulars or Volunteers, in obtaining civil-service positions; to the Committee on Civil Service and Retrenchment.

A bill (S. 4445) to direct the Commissioner of Navigation to list as rebuilt unrigged vessels, and to prescribe what shall be considered a rebuilt unrigged vessel; to the Committee on Commerce.

By Mr. OVERMAN:

A bill (S. 4446) to provide for completing the lighting and marking with aids to navigation of Cape Fear River, N. C.; to the Committee on Commerce.

By Mr. LA FOLLETTE:

A bill (S. 4447) granting an increase of pension to James McNeil (with accompanying papers);

A bill (S. 4448) granting an increase of pension to Sallie Ann Bradley (with accompanying papers); and

A bill (S. 4449) granting an increase of pension to Michael O'Brien (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 4450) to enable the Secretary of the Interior to carry out the provisions of Article VI of the treaty between the United States and the Navajo Nation or Tribe of Indians, proclaimed August 12, 1868, and for other purposes; to the Committee on Indian Affairs.

By Mr. BOURNE:

A bill (S. 4451) to authorize the construction of a road in Crater Lake National Park, Oreg., and to appropriate $100,000 for the commencement thereof; to the Committee on Appropriations.

LEVEE PROTECTION OF THE MISSISSIPPI RIVER.

Mr. WILLIAMS introduced a bill (S. 4353) to aid in construction of levees and embankments on the east side of the Mississippi River in Warren, Jefferson, Adams, and Wilkinson Counties, in Mississippi, which was read twice by its title and referred to the Committee on Commerce.

Mr. WILLIAMS. In connection with the bill I present a memorial of the Legislature of the State of Mississippi and a memorial of citizens of Mississippi, which I ask may be printed in the RECORD and referred with the bill to the Committee on Commerce.

There being no objection, the memorials were referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

History of the east bank of the Mississippi River from Vicksburg to Bayou Sara, with reference to levee protection, etc., and memorial and petition to the President and Congress of the United States.

CONTENTS.

I. A résumé of the condition of the east bank from Vicksburg to Bayou Sara before the advent of the elevation of the flood line of the Mississippi River in 1890.
II. Losses and damages sustained by the elevation of the flood line.
III. Ostracism by the Mississippi River Commission from levee protection and the statistics of this territory.
IV. The efforts of the people and the appeal made to Congress, thence referred to the Mississippi River Commission, and their denial by that body for lack of authority in law.
V. The memorial of the Mississippi State Legislature to Congress.
VI. The answer and report of the Mississippi River Commission to the memorial of the Mississippi State Legislature.
VII. The appeal of the association to the President and Congress of the United States.

CHAPTER I.

A RÉSUMÉ OF THE CONDITIONS OF THE EAST BANK FROM VICKSBURG TO BAYOU SARA BEFORE THE ADVENT OF THE ELEVATION OF THE FLOOD LINE OF THE MISSISSIPPI RIVER IN 1890.

Before the inauguration of the Mississippi River levee system, dating its real active beginning in 1883, the 21,000 inhabitants dwelling in this territory for a distance of 200 miles from Brunswick, Miss., just above Vicksburg, to Bayou Sara, La., enjoyed an immunity from overflows of the Mississippi River for a long period of years.

To quote the language of the Mississippi River Commission: "The elevation of the general flood levels which has resulted from the extension of the levee system in recent years subjects those lands to deeper overflow than they were subject to formerly or would be subject to now if the levee system were not in existence." (See Mississippi River Commission Report, June 30, 1910, p. 2937.)

And the reason of this was because not only was the natural elevation of these eastern banks higher than those of the western side of the river, but the flood waters of the Mississippi River had escaped into the White River and Upper Tensas Basin, and passed in part through the Boeuf cut-off into the Ouachita Basin, and in part down the Bayous Macon and Tensas, and on by the Atchafalaya River to the Gulf of Mexico, and if they ever reached the lands of eastern riparian banks in volume to overflow them they were speedily reduced by crevasses on the west bank, which allowed them to escape into the basins above mentioned and thus relieved the lands of the eastern riparian banks.

There are seven basins on the east bank in the territory mentioned, and they contain:

Area of seven basins	acres	492,000
Area in cultivation prior to 1890	do	100,000
Annual production of cotton prior to 1890	bales	50,000
Value of annual export productions prior to 1890		$2,000,000
Population prior to 1890		21,000

(Report 1894–95. See report Mississippi River Commission, Vicksburg levee district.)

A comparison of two 20-year periods will tell the story of the increase of overflows, to wit:

From 1867 to 1890 there were 3 overflows.

From 1890 to 1910 there were 12 overflows.

While there is no record anterior to 1870, nor memory of any overflows, affecting in any wise the production of crops in this territory.

In 1907 there were 3 overflows in the Rodney district.

CHAPTER II.

LOSSES AND DAMAGES SUSTAINED BY THE ELEVATION OF THE FLOOD LINE.

In the years of 1890, 1891, 1892, 1893, 1897, 1898, 1899, 1903, 1904, 1906, 1907, 1908, and 1909 the flood waters flowed these lands, and the crops thereon have been destroyed, and the live stock drowned, and the buildings and fences and other improvements undermined and washed away, and the drains and ditches filled up, and the soil washed off, and the lands covered with superinduced additions of water, earth, sand, and gravel, so as to render them unfit for cultivation, and to practically destroy their value, causing not only millions of loss to the owners but to the commerce of all riparian towns on the east bank from Vicksburg to Bayou Sara.

We earnestly invoke your attention to the fact that these losses and damages are not only individual but public, crippling the commerce of this territory to a menacing degree.

CHAPTER III.

OSTRACISM BY THE MISSISSIPPI RIVER COMMISSION FROM LEVEE PROTECTION AND THE STATISTICS OF THIS TERRITORY.

Some of our friends, both in and out of Congress, who have been enjoying the benefit of the levee system for 25 years have censured the people on the east bank from Vicksburg to Baton Rouge for not having inaugurated levee building on the east bank at the time the great activity in levee building commenced. The reasons they did not so build are not far to seek, and their justification lies in the archives of the Mississippi River Commission. A few extracts from which are as follows:

The river commission announced in the very beginning that to levee the east bank from Vicksburg down to Baton Rouge would not in the judgment of the commission contribute toward the "improvement of navigation." On page 213, Hearings before Senate Committee on Commerce, May 12, 1890, the famous engineer, Capt. Smith S. Leach, testifying before the committee as to the plans, policy, and scope of the Mississippi River Commission said:

"The Government has never consented to contribute, the commission has never allowed itself to contribute, one cent toward the building of a levee that did not materially restrict the flood escape.

"There are certain small basins, footings as they may be called, of overflowed country near the High Bluffs that contain a very small area, and we can afford to let each flood fill them once. The damage caused by allowing each flood to fill the basin once is less than the cost of leveeing it."

Page 69, same hearings, Maj. Harrod, a member of the Mississippi River Commission, testifying as to the plans, policy, and scope of the commission, testifies:

"Senator WASHBURN. Is the river leveed on both sides of the river?

Maj. HARROD. It is leveed on one side, the right bank, the entire way. It is leveed on the other bank from Baton Rouge down. The levees do not extend above this point, because the hills are in such close proximity as to serve as levees.

These two authorities show that, in the interest of "navigation," the Government deliberately doomed the lands on the east bank to be placed in the channel of the river in times of high water. Although the aggregate area of the seven basins was 492,000 acres, of which in cultivation prior to 1890, 100,000 acres, and annual production of cotton thereon, 50,000 bales, and a value of export products prior to 1890 amount to $2,000,000, and a population of 21,000 souls. (See Report Mississippi River Commission, Memorial Vicksburg Levee District, Report 1894–95.)

The people on the east bank, having full knowledge of these decisions of the commission, would not tax themselves to build an extensive line of levees, because without Government control and assistance they could not secure cooperation between individual owners as to strength and grade of levees; but the extraordinary height of the flood line in 1890, 1891, 1892, and 1893 stung the people to appeal to Congress for relief. A great convention was held, which issued a memorial to Congress. Delegates were appointed, hearings before all the committees in Congress having to do with river matters were had, and these congressional committees, over the individual signatures of their members, recommended to the Mississippi River Commission to allot all the money they could to the afflicted territory. (See Mississippi River Commission Report 1894–95.)

This memorial, backed by the indorsement of the several congressional committees, was duly presented, and on June 24, 1894, the commission thus responded:

"But the commission is convinced after mature consideration that it is not within its jurisdiction, under the powers vested in it by law, to make direct compensation for such consequential injuries out of the funds appropriated by Congress for the improvement of the river or the construction of levees. It is within its jurisdiction to recommend allotments of money for the construction of levees wherever their usefulness in the prevention of overflow will justify the cost, and not elsewhere. (See Report Mississippi River Commission 1894–95, p. 2713.)

And although petition after petition since that date has been presented to them, in which it was shown that the riparian owners in districts petitioning had already taxed themselves to build levees, the commission has steadfastly refused to contribute $1 to the protection of the east bank; and in their very last utterance, of July 30, 1910, they adhered to the position taken way back in 1882, and announced that they must have specific authorization before they could, under the law, build levees on the east bank. (See Report of Mississippi River Commission, 1910, pp. 2937, 2938.)

Thus is shown the continued and complete ostracism inflicted upon this territory by the commission, as far as assistance to build levees was concerned.

But you may say, Why did we not build a system of levees ourselves and without the aid of the Government?

First. Because the experience of all the other levee districts on the river, both north and south, before the Government took over the control of the disconnected levees and levee boards and organized them into one grand system, directed by the skill of its ablest engineers and backed by its millions of finance and clothed with the authority of law, showed that the attempt to control overflows by local independent levee boards and planters, some rich and some poor, some engineers intelligent and others incompetent, was wholly futile, unless directed by a centralized authority. In evidence of this, we call your kind attention to the following tables, showing conditions prevailing just prior to the active control of the United States Government and while under the levee boards then existing:

The crevasses of 1882, numbering	284
Those of 1883, numbering	224
Those of 1884, numbering	204

But after seven years of Government supervision and direction, from 1883 to 1890 (in which period there were no high waters), the number of crevasses in the levees during the great flood of 1890 were reduced to 23. (See hearings before Senate Committee on Commerce, p. 46.)

Second. The effect of the Government control and perfection of the levee system as a whole in those seven years raised the flood line to such an unexpected height (instead of the promised lowering) that the task of building levees then was beyond the financial resources of the people on the east bank, without the aid of Government, which aid was sought and persistently refused.

In support of these statements they herewith present the memorial of the Vicksburg levee district, presented to the National Congress March 8, 1894, and now on file in the office of the Secretary of War. (See Report of Mississippi River Commission, 1894–95.)

CHAPTER IV.

CALL ON WAR DEPARTMENT IN CASE OF W. S. HANKINSON, NO. 18619.

The claimant moves for a call upon the above-named department for the following information and papers, deemed necessary for the due presentation of this cause:

A copy of the memorial of the Vicksburg Levee District to the Mississippi River Commission, together with the request for a consideration thereof by the House Committee on Rivers and Harbors, and the House Committee on Levees and Improvements on the Mississippi River and its Tributaries, dated March 10, 1894, and the indorsement of the Senate Committee on Improvements of the Mississippi River and its Tributaries, dated March 13, 1894, and that of the Senate Committee on Commerce, dated March 17, 1894, together with the reply of the commission written at New Orleans, June 29, 1894.

CHAS. & WM. B. KING,
Attorneys for Claimants.

Allowed October 8, 1897.

S. J. P.

THE MEMORIAL OF THE VICKSBURG LEVEE DISTRICT TO THE MISSISSIPPI RIVER COMMISSION.

GENTLEMEN OF THE MISSISSIPPI RIVER COMMISSION: The Vicksburg Levee District, created by an act of incorporation on the 7th day of February, 1894, by the Legislature of the State of Mississippi, embraces, for the location of levees:

First. A territory in Warren County beginning at Brunswick, 18 miles above Vicksburg, and extending southward to Yazoo River.

Second. A territory in Warren County beginning about 15 miles below Vicksburg and extending southward about 12 miles to Hayseville, on Old River.

Third. A territory in Jefferson County beginning at Rodney and extending southward to Coles Creek, about 9 miles.

Fourth. A territory in Adams County beginning about 3 miles below Natchez, at the St. Catherines Creek, and extending to the Gregory plantation, about 8 miles.

Fifth. A territory in Adams County, beginning at Ellie Cliffs and extending southward to the Briers plantation, about 4 miles.

Sixth. A territory in Adams County, beginning at Winnview and extending southward to the Alloway plantation, a distance of 6 miles.

Seventh. A territory in Wilkinson County, beginning near mouth of the Homochitto River and extending 2 miles southward.

Eighth. A territory in Wilkinson County, beginning at the hills on the northern boundary of the Langside plantation and extending southward to the site of the former residence on Tarbert plantation, a distance of 1¾ miles; all of which is more particularly described in the accompanying maps herewith filed.

This territory, beginning at Brunswick and extending southward about 185 miles to the southern boundary of the State of Mississippi, on the thirty-first parallel of latitude, lies between the hills and river and contains seven separate and distinct valleys or basins united in one levee district, to be controlled and governed by commissioners selected from each county.

The total length of levee line to be built or enlarged is 60 miles, and the total number of cubic yards required to build said levees will be about 1,950,000, and we estimate the cost of the same to be $350,000.

We most respectfully present to your honorable body the following memorial:

The area of this alluvial territory is about 492,000 acres of land, of which about 100,000 acres is arable land. Prior to 1882 the production of these lands amounted to 50,000 bales of cotton per annum, not to speak of its grain, hay, and potato crops. If protected by the proposed levees, the above productions would be largely exceeded.

The assessed value of these lands prior to 1890 amounted to from $16 to $20 per acre for the arable land and $5 to $6 per acre for the woods land. Since 1890 the assessments have been reduced to $5 and $6 for the arable land and $1 per acre for the woods land from the causes hereinafter mentioned. The market value of these lands protected by levees would be $2,500,000 at the present prices prevailing for their products. The average annual products produced prior to 1890 amounted to $2,000,000. The population is about 21,000 souls.

Prior to 1882, for a long period of years, the reach of territory on the east bank enjoyed exceptional immunity from the effects of the flood of the Mississippi River. We append the sworn statement of citizens of Wilkinson County, in the levee district, touching the history of the flood referred to, as affecting alluvial lands in said district. (Exhibit A.)

And it has only been since the great activity in levee building and the confining of 40 per cent more water at flood stages to the channel than formerly, and more particularly the very large additions to levees to the north and west of this territory superimposed upon the State and local levee, and the general perfecting of the whole line to the north and west by the Government for the improvement of "navigation and the promotion of the interest of commerce," that this territory has suffered to any material degree from the effects of floods. Thus since the beginning of 1882 we have suffered seven overflows in the last 12 years. We respectfully submit that it is the consensus of opinion and experience of the alluvial inhabitants of this district that since 1882 the flood line has been raised from 2 to 3 feet over its area higher than in former years.

Such was the confidence of the inhabitants in the immunity from overflowing enjoyed by this district that even up to 1890 they did not consider that the river problem affected them, and when in the following years they were forced to understand that the conditions of the river were revolutionized along this reach their ability to protect themselves by building levees had been paralyzed by the repeated disaster from overflow.

The evidence of increased elevation of the flood line is supported by the reports of the engineers under your honorable body and by the report of your honorable body itself. We respectfully refer to report of 1892, page 3187, and report of 1893, page 3560.

The loss to the inhabitants of this territory by the last four overflows, especially the last two, caused by this increased flood line has impoverished them. Immediate relief is the pressing need.

In the last two years alone they have suffered a complete destruction of crops. From estimates of inhabitants of the various counties, the total amount of loss is $400,000, at least, in the period mentioned from the causes mentioned.

We submit that every levee district on the river between Memphis and the Gulf, on both banks, has received aid and assistance but this one, and, while resulting in benefit to the districts protected, has been clearly at the ruinous expense of this district.

Your honorable body has reported, in report of 1893, page 3560, that "undoubtedly greater heights will occur when a still larger proportion of high-water discharge is controlled between levees." That this control of the high-water discharge has been rapidly increased, that the sum of $1,500,000 is being spent in this present year to effect this object, and that still further sums are allotted for this object for the succeeding years in every district but this district compels the logical sequence that the lands in this territory on the east bank will receive greater damage and its inhabitants be plunged into deeper distress than ever, unless your honorable body will grant our petition and allot the sum asked for to protect this district.

The claim that we prefer rests upon the strong ground of justice and equity. The people are not able to protect themselves by constructing new levees or repairing the old ones, and the conditions impose upon the United States the highest obligation recognized by sovereignties—the moral duty to protect this territory from further disaster from floods of the Mississippi River. While the Government, National and State, may absolutely appropriate or impose a servitude on private property, the Constitution imposes upon the right of eminent domain the condition that individual property shall not be taken nor materially injured without making full compensation. That principle has been interpreted by the Supreme Court of the United States to apply to the deterioration of the value of use by the flow of water or the deposition of sand or other material caused by the erection of public works.

We insist that the principle thus liberally interpreted by the Federal judiciary shall be applied for the benefit of this territory. We have not asked for a moneyed compensation for the damage done our district, but we do petition your honorable body, as the agents and officers of the United States, to place our district in statu quo with other districts, and for that purpose that you allot to our district the sum of $350,000, and that work thereon be ordered to begin the ensuing summer to the end that the inhabitants of this district receive a character of compensation which contributes a degree of benefit to the improvement of navigation and the promotion of the interests of commerce, as well as to the inhabitants of the district.

We append the statement of steamboat owners of the lower river and a letter from the president of the Anchor Line showing the advantage to commerce of this beneficent work. (Exhibit C.)

We append maps of all of said districts, except the map from Brunswick to Vicksburg, which is now in the hands of your engineers.

B. We ask a distribution of the sum, as follows:

For north Warren County	$125,000.00
For south Warren County	83,000.00
For Jefferson County	27,666.67
For Adams County	81,000.00
For north Wilkinson County	7,500.00
For south Wilkinson County (Langside crevasse)	27,000.00
Total	351,166.67

And we ever pray.

Respectfully submitted.

H. F. SIMRALL,
JOHN F. JENKINS,
Delegates from the Vicksburg Levee District, March 8, 1894.

—

WASHINGTON, D. C., *March 10, 1894.*

We respectfully request that the Mississippi River Commission take the accompanying memorial into careful consideration and render such aid to the district interested as they can.

The equities presented seem to us strong enough to justify the commission in allotting a portion of the funds under their control to the protection of the district, and we hope that they will do so. The matter being for the present beyond congressional treatment, we can only recommend that the commission take the matter in hand, which we most respectfully do.

N. C. BLANCHARD,
Chairman,
T. C. CATCHINGS,
R. H. CLARKE,
CHAS. H. PAGE,
P. D. MCCULLOCH, Jr.,
THOS. J. HENDERSON,
A. CAMMINETTI,
LYMAN E. BARNES,
JOHN E. REYBURN,
BINGER HERMAN,
W. A. JONES,
C. H. GROSVENOR,
S. M. STEVENSON,
Committee on Rivers and Harbors of the House of Representatives.

—

The undersigned members of the Committee on Levees and Improvements of the Mississippi River respectfully request the favorable action of the Mississippi River Commission on the foregoing memorial of the Vicksburg levee district. We think that they present a strong case for

the favorable consideration of the commission, and hope that they may be able to undertake the work for that district out of moneys at their disposal.

Respectfully,

JOHN M. ALLEN, *Chairman,*
CHARLES TRACEY,
T. R. STOCKDALE,
J. FRED TALBOT,
F. A. WOODARD,
LOUIS SPERRY,
J. C. MCDERMOTT,
Committee on Levees and Improvements of the House of Representatives.

—

UNITED STATES SENATE,
COMMITTEE ON IMPROVEMENTS OF THE MISSISSIPPI RIVER AND ITS TRIBUTARIES,
Washington, D. C., March 13, 1894.

Having had the foregoing memorial submitted to us as Senate Committee on Improvements of the Mississippi River and its Tributaries, and as the appropriation for such work has been heretofore made, leaving this particular interest without immediate remedy by congressional action, we beg to respectfully refer the matter presented in this memorial to the Mississippi River Commission, requesting its favorable consideration and invoking such action as the commission can consistently give to relieve the unfortunate condition complained of by the memorialists.

WM. B. BATES, *Chairman.*
T. C. POWERS.
W. D. WASHBURN.
JOHN M. PALMER.
R. F. PETTIGREW.

—

UNITED STATES SENATE,
COMMITTEE ON COMMERCE,
Washington, D. C., March 17, 1894.

We, the undersigned, members of the Committee on Commerce, respectfully recommend the memorial of the Vicksburg levee district to the favorable consideration of the Mississippi River Commission.

The appropriation for such work having been already made, we think the equities of the case demand the most serious consideration of your commission, and we respectfully and earnestly request the commission to give these memorialists such relief as will be compatible with the equities of their case and the existing law.

M. W. RANSOM, *Chairman.*
EDWARD MURPHY, Jr.
RICHARD COKE.

—

It is within its jurisdiction to recommend allotments of money for the construction of levees wherever their usefulness in the prevention of overflow will justify the cost of their construction, and not elsewhere.

There are numerous areas in the valley not yet protected by levees, the protection of which is contemplated by the commission if appropriations shall be continued, but in which work has so far been deferred in favor of other localities considered to be of larger importance. Not being able to do all at once, the commission has been compelled to do first that which seemed most important.

In respect to the area comprised within your district, that at the foot of the Yazoo Basin may be said certainly to fall within the class of cases mentioned. Whether any, and if any, how many, of the areas below Vicksburg belong to that class is a question upon which the commission desires and will seek for further information before reaching a final decision.

In the meantime the commission will present the subject to the attention of Congress with a full statement of the essential facts in its report for the fiscal year just closing.

Very respectfully, your obedient servant,

C. B. COMSTOCK,
Colonel of Engineers, Brevet Brigadier General, President Mississippi River Commission.

CHAPTER V.

THE MEMORIAL OF THE MISSISSIPPI STATE LEGISLATURE TO CONGRESS.

Senate joint resolution 14.

A joint resolution memorializing the Congress of the United States to pass necessary laws to enable riparian landowners along the Mississippi River in the counties of Warren, Claiborne, Jefferson, Adams, and Wilkinson, in the State of Mississippi, to secure compensation for the annual inundation and destruction for agricultural purposes of their lands, owing to the construction of Government work and levees on the west bank of said river, and to provide adequate levee protection for said lands.

Whereas there are in the county of Warren 21,000 acres of arable land capable of producing 15,000 bales of cotton annually, and in the county of Claiborne 10,000 acres of arable land capable of producing 7,500 bales of cotton annually, and in the county of Jefferson 18,000 acres of arable land capable of producing 13,000 bales of cotton annually, and in the county of Adams 12,000 acres of arable land capable of producing 9,000 bales of cotton annually, and in the county of Wilkinson 9,000 acres of arable land capable of producing 7,000 bales of cotton annually; and

Whereas these lands front upon the Mississippi River and are unprotected by levees; and

Whereas until recent years said lands were capable of being thoroughly cultivated and utilized for agricultural purposes, and were of considerable value to their respective owners, and yielded large returns to the counties in which they were located and to the State of Mississippi by reason of their assessed valuation upon the tax rolls of said counties and State; and

Whereas in recent years said lands have been repeatedly inundated and their crops destroyed at least once annually by the inundation of the Mississippi River; and

Whereas this result is entirely due to the construction of levees and Government works upon the western bank of the Mississippi River in the States of Louisiana and Arkansas, which said fact was admitted in the report of the Mississippi River Commission, dated June 29, 1894, in which it is stated:

"The fact is recognized by the commission that it is the inevitable result of the progressive advance of the Mississippi River levee system to cast an additional burden upon riparian lands in lower portions of the valley subject to overflow not included within the protection of the levees, and that such a case presents all the elements of an equitable claim for compensation by the Government by or under whose authority the work was constructed."

The correctness of which conclusion has been fully demonstrated by the occurrence since the date of said report, in that said lands are now inundated so often, and to such an extent as to be practically valueless to the owners for agricultural or pasture purposes, and their tax value consequently so decreased as to yield but scant revenue to the State or the counties. Which said condition must inevitably continue to grow worse as the levee system upon the Mississippi River is perfected and made more adequate; and

Whereas under the law as it now exists said riparian owners are without legal redress against the Government of the United States; and

Whereas it is but right and just that they should receive adequate compensation for the damage inflicted upon them: Therefore be it

Resolved by the Legislature of the State of Mississippi, That the Congress of the United States is memorialized and requested to enact such law or laws as will grant to the owners of riparian lands in said counties of Warren, Claiborne, Jefferson, Adams, and Wilkinson a right of redress against the Government of the United States for the injury which they may be able to prove they have sustained by reason of the construction by the Government of the Mississippi River levee system; be it further

Resolved, That the Congress of the United States is memorialized and respectfully requested to make further appropriations so as to enable the building of levees in the counties hereinbefore mentioned, commonly known as the Vicksburg Levee District;

Resolved further, That the Members of Congress of the State of Mississippi are requested and urged to make special efforts to carry into effect the purposes of this memorial.

Adopted by the senate February 4, 1910.

LUTHER MANSHIP,
President of Senate.

Adopted by the house of representatives February 15, 1910.

H. M. STREET,
Speaker House of Representatives.

Approved by the governor February 15, 1910.

E. F. NOEL, *Governor.*

OFFICE OF SECRETARY OF STATE,
Jackson, Miss., February 15, 1910.

I, Joseph W. Power, secretary of state of the State of Mississippi, do certify that the foregoing senate joint resolution No. 14 is a true and correct copy of the original resolution now on file in the office of secretary of state.

Given under my hand and the great seal of the State of Mississippi this the 15th day of February, A. D. 1910.

[SEAL.]

JOSEPH W. POWER,
Secretary of State.

CHAPTER VI.

THE ANSWER AND REPORT OF THE MISSISSIPPI RIVER COMMISSION TO THE MEMORIAL OF THE MISSISSIPPI STATE LEGISLATURE.

NATCHEZ, MISS., *February 18, 1911.*

Last fall there was a meeting held in this city on the 9th day of October, 1910, by the riparian owners on the east bank of the Mississippi River, between Vicksburg and Baton Rouge, for the purpose of trying to obtain relief from the Government of the United States for the continued inundation of their lands caused by the elevation of the flood line in the Mississippi River to an extent hitherto unknown.

A tax of 3 cents per acre was levied on each landowner, and a committee was appointed with powers to confer with Members on Congress and the Mississippi River Commission to see what relief measure could be obtained. Members of Congress replied to their letters by referring them to the Mississippi River Commission, and, accordingly, last June Judge Jeff Truly and John F. Jenkins appeared before the commission at St. Louis and presented their petition for relief to that body.

The answer to their petition is to be found below in the report of the Mississippi River Commission of date the 30th of June, 1910.

The report of the Mississippi River Commission on this question is a distinct and unequivocal avowal on the part of the representatives of the Government, embracing the most distinguished engineers of the United States Army, that the Government of the United States has contributed its portion of damage to riparian owners of the east bank, and, after 16 years of study, reflection, observation, and experiment, admit there is no longer any doubt that the "general confinement of the discharge has increased the elevation of flood heights," and that "it is intolerable to any men's sense of justice" that these things should continue longer without redress.

The law is that Congress can not make appropriations of money for public improvements without the recommendation of the United States engineers. Here, then, embodied in this pronouncement, is the strongest recommendation ever uttered by a United States engineer.

Armed, then, with this recommendation, the riparian owners should not let the grass grow under their feet, but take heart of courage from this report and appeal to Congress for aid.

EXTRACT FROM THE REPORT OF THE MISSISSIPPI RIVER COMMISSION.

OFFICE MISSISSIPPI RIVER COMMISSION,
St. Louis, Mo., June 30, 1910.

(Page 2937.)

The attention of Congress has been called in former years, beginning as far back as 1894, to the situation of the narrow and irregular strip of land lying between the Mississippi River and the highlands east of it between Vicksburg and Baton Rouge, a distance of 234 miles by the river. Within these boundaries the alluvial lands are cut across by a number of small streams coming in from the hills, so as to form, in connection with the devious course of the river, detached areas difficult of protection by levees. The elevation of the general flood levels, which has resulted from the extension of the levee system in recent years, subjects those lands to deeper overflow than they were subject to formerly or would be subject to now if the levee system were not in existence. The people living in the larger of these overflowed areas have been clamoring for aid in the building of levees to protect their lands for 16 years past; but the commission has been unable to see its way to the recommendation of allotments for that purpose out of the appropriations, for the four reasons that the construction of levees along these fronts did not appear to have an important value here as elsewhere in improvement of the channel; and the expense of them was out of proportion to the value of the lands to be protected; and the inhabitants were unable to bear the share of the expense which the commission required as a condition of Government aid elsewhere; and the funds appropriated from year to year were all necessary for other works of larger importance.

Some of the landowners in these areas have brought suit for damages in the Court of Claims, which, though pending for many years, have as yet been unavailing. While it is not within the province of the commission to express any opinion as to the legal merits of these suits, it is apparent to anyone that there must be great difficulty in the way of adequate relief in that manner.

The immediate cause of the injuries complained of is the increased elevations of the flood heights. That is the result of the general confinement of flood discharge by the levee system as a whole. That system has been constructed in part by the United States, but in larger part by the various levee organizations along the river created by the laws of the States bordering it. The case is manifestly one for legislative rather than judicial treatment. Relief in some form ought in justice to come from Congress and the State legislature in cooperation. But such cooperation would be so difficult to attain that it is hardly worth the thought. Meanwhile the litigation drags its slow length along, the lives of the landowners are passing away, and hope deferred is making their heart sick.

The situation is pathetic and distressing in the highest degree. That these people should be condemned to perpetual inundation without possibility of relief or redress for the sake of an improvement for which their fellow citizens are enjoying great benefits is intolerable to any man's sense of justice.

It appears to the commission that there are three possible ways of dealing with the problem. One is to assist the owners of the inundated lands by helping them to build levees where that method of protection is economically possible. Another is to compensate them in damages for the injuries which they have sustained. A third would be to buy the lands and devote them to forestry. There is more to be said in favor of the last of these suggestions than might appear at first blush. The lands are capable of growing many kinds of valuable timber. They could be made to produce such material for revetment and other works of improvement in the river. If the fields were abandoned to natural growth the land would be gradually built up by deposit and they might become highly valuable for cultivation.

Upon the whole, the commission recommends that a special commission be appointed to investigate the subject, with such directions as Congress shall deem suitable to the case.

Signed by William H. Bixby, president; Robert S. Taylor; J. A. Ockerman; Homer P. Ritter; William T. Rossell; J. G. Warren; O. H. West.

CHAPTER VII.

THE APPEAL OF THE ASSOCIATION TO THE PRESIDENT AND CONGRESS OF THE UNITED STATES.

Upon receipt of the foregoing report of the Mississippi River Commission the Association for Relief to Riparian Owners of Eastern Bank of Mississippi River called a convention, which promptly assembled on the 25th day of March, 1911, and, after a careful deliberation upon the report, adopted the following resolution:

Be it resolved, That this association urges upon and requests the Senators and Congressmen from Mississippi to introduce and advocate the passage of such bill or bills as shall secure relief for the riparian owners on the east bank of the Mississippi River who have suffered damage by overflow by reason of the increased elevation of the flood line in the Mississippi River in the time of high water, such action to be at the earliest day consistent with the rules and regulations governing congressional actions.

Copies of the above were forwarded to the congressional Representatives of this district, requesting them to draft and introduce suitable bills in accordance with the foregoing resolution. Whereupon the following petition was adopted:

To his Excellency the President and Members of Congress of the United States:

Under their constitutional rights the people of this association, dwelling in and upon the riparian lands on the east bank of the Mississippi River from Vicksburg to Bayou Sara, in the State of Mississippi, respectfully present this, their memorial, and respectfully request redress of their grievances.

In proof of the equity of their claim they offer the report of the Mississippi River Committion of June 30, 1910.

This report substantiates in every particular, and in language stronger than they can phrase it, the injuries that they have sustained, the liability of the Government for its share in those injuries, and concludes with a strong recommendation for measures of relief to be adopted by Congress. It is these recommendations of the Government engineers to Congress that we beg you to consider.

"Inviting your kind attention to that part of the report which most explicitly details the cause of the injuries, as well as to that part which most eloquently recommends a just compensation, or measure of relief, they request you to particularly consider the following from the report of the Mississippi River Commission: 'The elevation of the general flood levels, which has resulted from the extension of the levee system in recent years, subjects those lands to deeper overflow than they were subject to formerly, or would be subject to now, if the levee system were not in existence.'"

The situation is pathetic and distressing in the highest degree. That these people should be condemned to perpetual inundation without possibility of relief or redress, for the sake of an improvement for which their fellow-citizens are enjoying great benefits, is intolerable to any man's sene of justice.

It appears to the commission that there are three possible ways of dealing with the problem. One is to assist the owners of the inundated lands by helping them to build levees where that method of protection is economically possible. Another is to compensate them in damages for the injuries which they have sustained. A third would be to buy the lands and devote them to forestry. There is more to be said in favor of the last of these suggestions than might appear at first blush. The lands are capable of growing many kinds of valuable timber. They could be made to produce such material for revetment and other works of improvement in the river. If the fields were abandoned to natural growth the land would be gradually built up by deposit and they might become highly valuable for cultivation.

Upon the whole the commission recommends that a special commission be appointed to investigate the subject with such directions as Congress shall deem suitable to the case. * * *

Here is a direct recommendation from the most distinguished engineers in the service of the United States that Congress make direct appropriation to protect the east bank of the river from "perpetual inundation."

And they confidently assert, with knowledge derived from long familiarity and experience with the subject, that "no adequate relief" can be obtained from the Court of Claims.

These vicarious sufferers from the east bank appeal to you to give due consideration to this opinion and to weigh well the authority that proclaims it. All in vain have they appealed to the commission, and all in vain have they appealed to the Court of Claims. Almost a generation of human life has been consumed in the effort to induce the Court of Claims to award compensation for these damages; and what has been the award from that long period of effort? Far from granting relief, its action has been one prolonged delay. And this period of delay, extending over 15 years, has been marked by the loss of inheritances, the wreck of fortunes, the privations of poverty, by death, and the sheriff's hammer.

And these same tragedies will continue to be the allotted portion of these people unless Congress will itself use its powers to remedy their grievances.

Such is the opinion of the engineers clothed by this Congress with the power and opportunity to study these questions and to report back their findings in the premises, viz: That this is not a case for the courts, because, as they say, "It is apparent to anyone that there must be great difficulty in the way of adequate relief in that manner," and that "the case is manifestly one for legislative rather than judicial treatment."

In the case of W. L. Jackson *v.* The United States, pending for the last 16 years in the Court of Claims, for damages from overflow, the said court, in passing upon the demurrer filed in 1910 by the Attorney General, denied any jurisdiction over crop damage or personal property destroyed by floods, in the following language:

"But as to the alleged annual destruction of crops and personal property on said lands so taken by overflow the demurrer is sustained."

Which decision by the Court of Claims is a full and complete answer to any suggestion that these petitioners should seek redress before that tribunal rather than before Congress; and the very first amendment to the Constitution confers upon these petitioners the right to have their said grievances heard and considered before the Congress of the United States.

Therefore they appeal to you to appropriate a sum not less than $500,000 for the year 1912, to be devoted to the building of levees in this territory, under the direction and authority of the Mississippi River Commission; and they also pray for the appointment of a special commission to investigate the facts, and after deliberating thereon to say to Congress what recompense and relief is in justice and equity due them.

Upon the unanimous asseveration and strenuous recommendation of all the members of the Mississippi River Commission, the most distinguished engineers in the world, they rest their case.

And they submit to the dispassionate and intelligent judgment of Congress the encomium passed upon the members of the commission by that famous river engineer, Smith S. Leach:

"If anybody in the world has information about this thing, these men have; and if any statement could be relied upon, these gentlemen's statements certainly can." (See p. 46, hearings before Senate Committee on Commerce, 1890.)

WITHDRAWAL OF PAPERS—REGINA EBERT.

On motion of Mr. BROWN (for Mr. CLAPP), it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of Regina Ebert, which are filed with bill S. 650, Sixty-first Congress, there having been no adverse report thereon.

HEARINGS BEFORE THE COMMITTEE ON INTEROCEANIC CANALS.

Mr. BRANDEGEE submitted the following resolution (S. Res. 179), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Interoceanic Canals or any subcommittee thereof is hereby authorized during the Sixty-second Congress to send for persons and papers, to administer oaths, to employ stenographers to report such hearings as may be had in connection with any subject that may be pending before said committee, and to have the testimony and proceedings of such hearings printed for the use of the committee. The expense of such hearings shall be paid out of the contingent fund of the Senate, and said committee and subcommittees thereof may sit during the sessions of the Senate.

PRINTING OF REPORT OF COMMISSIONER OF NAVIGATION.

Mr. BRANDEGEE. I offer a resolution, which I send to the desk, together with a copy of the annual report of the Commissioner of Navigation and a letter addressed to me from the commissioner, all of which I ask to have referred to the Committee on Printing.

The VICE PRESIDENT. The resolution submitted by the Senator from Connecticut will be read.

The Secretary read the resolution (S. Res. 180), as follows:

Resolved, That there be printed by the Senate of the United States, for the use of the Committee on Interoceanic Canals, 2,000 copies of the Annual Report of the Commissioner of Navigation for the fiscal year 1911.

The VICE PRESIDENT. The resolution, with the accompanying papers, will be referred to the Committee on Printing.

HEARINGS BEFORE THE COMMITTEE ON INDUSTRIAL EXPOSITIONS.

Mr. ROOT submitted the following resolution (S. Res. 181), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Industrial Expositions be, and is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee, and to have the same printed for its use, and that such stenographer be paid out of the contingent fund of the Senate.

HEARINGS BEFORE THE COMMITTEE ON EDUCATION AND LABOR.

Mr. BORAH submitted the following resolution (S. Res. 182), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Education and Labor or any subcommittee thereof be authorized to send for persons and papers and

to administer oath, and to employ a stenographer to report such hearings as may be had in connection with any subject which may be pending before said committee, and to have the same printed for its use, the expenses thereof to be paid out of the contingent fund of the Senate; and that the committee or any subcommittee thereof may sit during the sessions of the Senate.

THE DISTRICT DEBT (S. DOC. NO. 250).

Mr. GALLINGER. I have been handed an interesting paper by Mr. William C. Dodge, of this city, in reference to the so-called District debt. I move that it be printed as a document and referred to the Committee on the District of Columbia.

The motion was agreed to.

COURTHOUSE AT HELENA, ARK.

Mr. NELSON. Mr. President, on Monday last, through inadvertence, I moved to concur in the House amendment to the bill (S. 3436) granting to Phillips County, Ark., certain lots in the city of Helena for a site for a county courthouse, which motion was agreed to. I now move to reconsider the vote by which the motion was agreed to.

The VICE PRESIDENT. The Senator from Minnesota moves to reconsider the vote by which concurrence was had in the amendment of the House of Representatives to the bill named by him. Without objection, the vote by which concurrence was had is reconsidered. The Chair hears no objection.

Mr. CLARKE of Arkansas. I move that the bill take its place on the calendar, subject to the further order of the Senate. That bill——

The VICE PRESIDENT. The bill must first be recalled from the other House.

Mr. CLARKE of Arkansas. The bill is not in the other House; the bill is here. It is a Senate bill.

The VICE PRESIDENT. The Chair understood it was a House bill.

Mr. CLARKE of Arkansas. No, sir; it is a Senate bill—Senate bill 3436, to authorize the donation of certain lots at Helena, Ark., for the purpose of constructing a courthouse.

The VICE PRESIDENT. The bill has been reported from a committee of the Senate?

Mr. CLARKE of Arkansas. The bill has already passed the Senate; it went to the House of Representatives, was amended in that body, and by inadvertence the Senate concurred in the amendment of the House. It is a Senate bill and pending here now.

The VICE PRESIDENT. Does not the Senator wish, then, to put the bill in conference?

Mr. CLARKE of Arkansas. No; I wish to put it upon the calendar to await the further action of the Senate, whatever it may be. It is before the Senate now with a message from the House that it has been amended.

The VICE PRESIDENT. But the message which has been sent to the House notifying that body of the concurrence of the Senate in the House amendment must be recalled.

Mr. CLARKE of Arkansas. That is a mere matter of practice. I want the bill put upon the calendar to await the further action of the Senate.

The VICE PRESIDENT. The Chair understands that, but the Chair thinks, so that there will be no possible confusion, that the message by which the House was notified that the Senate concurred in the amendment ought to be recalled from the House.

Mr. CLARKE of Arkansas. There is no constitutional reason why that should be done. A mere matter of bookkeeping might require something of that sort, but that step may be taken subsequently. The essential thing is that the bill is pending here——

The VICE PRESIDENT. Certainly.

Mr. CLARKE of Arkansas. On a message from the House announcing an amendment to it. Now, the reconsideration of the vote by which that amendment was concurred in places it just in the attitude it was when it came back from the House.

The VICE PRESIDENT. Yes; if the bill is still in the possession of the Senate.

Mr. CLARKE of Arkansas. It is; most certainly.

The VICE PRESIDENT. But it has been ordered to the House.

Mr. CLARKE of Arkansas. It has not, because it is a Senate bill and can not be ordered to the House in conformity with any principle or rule that has any relation to sensible legislation.

The VICE PRESIDENT. But when the Senate concurs in a House amendment the course is to notify the House of that concurrence.

Mr. CLARKE of Arkansas. That is right.

The VICE PRESIDENT. That is what the Chair was trying to have understood.

Mr. CLARKE of Arkansas. That is true. I am not objecting to that, but the bill itself is here, and I want it to take its place on the calendar.

The VICE PRESIDENT. If there is no objection, the bill will retake its place upon the calendar of the Senate, and the House, without objection, will be asked to return the message to the Senate. The Chair hears no objection to that course.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills, with amendments, in which it requested the concurrence of the Senate:

S. 3484. An act to authorize the construction of a bridge across the Snake River between Walla Walla and Franklin Counties, in the State of Washington, by the Oregon-Washington Railroad & Navigation Co.; and

S. 4006. An act to amend an act entitled "An act to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri," approved July 3, 1884.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 13112. An act authorizing the construction of a bridge and approaches thereto across the Tug Fork of Big Sandy River;

H. R. 14108. An act to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city;

H. R. 14109. An act to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city;

H. R. 14110. An act to extend the time for building a bridge across the Mississippi River at Minneapolis, Minn.;

H. R. 14111. An act to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn.;

H. R. 14125. An act to authorize the construction, maintenance, and operation of a bridge across the Little River at or near Lepanto, Ark.;

H. R. 14944. An act authorizing the construction of a bridge across the Connecticut River, in the State of Connecticut, between the towns of East Haddam and Haddam;

H. R. 15781. An act to authorize the Aransas Harbor Terminal Railway to construct a bridge across Morris and Cummings Channel; and

H. R. 15920. An act to authorize the board of county commissioners for Beltrami County, Minn., to construct a bridge across the Mississippi River.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 2653) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," and it was thereupon signed by the Vice President.

COURTHOUSE AT HELENA, ARK.

The VICE PRESIDENT. Will the Senator from Arkansas give his attention for a moment? The House of Representatives has just sent to the Senate the bill S. 3436, enrolled and signed by the Speaker, so that the necessity for asking for its recall was quite apparent.

Mr. CLARKE of Arkansas. I beg pardon, I did not catch that.

The VICE PRESIDENT. To the Chair it seems to be quite necessary that the Senate ask that the House return it.

Mr. CLARKE of Arkansas. That is a mere matter for the engrossing clerk; but the bill is pending in the Senate. It is not a House bill, but a Senate bill with a House amendment, and the fact that it has a House amendment has nothing to do with its status as a proposed measure of legislation.

The VICE PRESIDENT. The bill has been enrolled.

Mr. CLARKE of Arkansas. That does not change the question. It might have been presented here first. The enrolled bill will not be signed now by the Presiding Officer of the Senate because the Senate has never given its assent to that bill.

The VICE PRESIDENT. The Senate had given its assent, but has reconsidered its action, and now asks the House to return the bill. It is now returned, but in a different form from that in which the Senator from Arkansas supposed.

Mr. CLARKE of Arkansas. But I call the Chair's attention to the fact that the bill itself was not sent to the House. The bill was retained in the Senate, and a message was sent to the House announcing concurrence in the House amendment. If that message must be returned here, it can be done under the

order that the Chair has heretofore had entered. But the bill itself is here.

The VICE PRESIDENT. Very well.

ARBITRATION TREATY WITH GREAT BRITAIN.

Mr. RAYNER. I desire to give notice to the Senate that, at its convenience, I will address the Senate on the subject of the arbitration treaty between the United States and Great Britain.

ADJOURNMENT TO MONDAY.

Mr. GALLINGER. I move that when the Senate adjourns to-day it adjourn to meet on Monday next.

The motion was agreed to.

DESIGNATION OF PRESIDENT PRO TEMPORE.

Mr. CULLOM. Mr. President, I ask unanimous consent that in the absence of the Vice President, during the first three days of next week, the Senator from Georgia [Mr. BACON] be authorized to preside over the Senate as President pro tempore.

The VICE PRESIDENT. The Senator from Illinois asks unanimous consent that during the first three days of next week the senior Senator from Georgia [Mr. BACON] be designated as President pro tempore. Is there objection?

Mr. GALLINGER. Mr. President, I do not rise to object to the request, but I wish to suggest to the Senate that on Tuesday next I shall ask that a vote be taken on the matter of electing a President pro tempore in proper form.

The VICE PRESIDENT. Is there objection to the request of the Senator from Illinois [Mr. CULLOM]? The Chair hears none, and the order requested is entered.

SPECULATIONS IN PRODUCTS OF THE SOIL.

Mr. DAVIS. Mr. President, I ask that Senate bill 4104 be laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate temporarily a bill, the title of which will be read.

The SECRETARY. A bill (S. 4104) to prohibit any person or corporation, for themselves or for or in the interest of any other person or corporation, directly or indirectly, from delivering, receiving, or transmitting, and from being interested in, or aiding in any manner, the receiving, delivering, or transmitting by mail, telegraph, telephone, or other means whatever, in any State, district, country, Territory, or place over which the sovereignty of the United States of America now exists, any message, information, intelligence, letter, writing, card, device, sign, symbol, cipher, or other thing whatsoever, the subject of the senses, or any of them, whereby intelligence or information may be conveyed or understood, relating to or in any manner or form concerning any transaction or proposed or suggested transaction, scheme, or plan to speculate or gamble, or gain or lose sums of money called margins, which gains or losses, respectively, are made to depend upon the future increase or decrease of the market price of any product of the soil, provided that at the time of such transaction, proposed transaction, scheme, or plan for so speculating or gambling any such product of the soil be the subject of interstate commerce or the subject of commerce from or by and between the people of the United States of America and the people of any foreign country.

Mr. DAVIS. Mr. President, it is with some diffidence that I ask the attention of the Senate for a few brief moments to discuss the merits of this bill, but its importance, sir, shall be my excuse. It is leveled against one of the greatest evils in the Government, namely, the gambling in cotton, wheat, and corn, the products of the soil.

Mr. President, I have kept this bill constantly before Congress since I have had the honor to be a Member of this body. The New York Cotton Exchange is a gambling institution pure and simple. Ninety per cent of its dealings are gambling transactions. They sold last season 121,000,000 bales of cotton against a 13,000,000-bale crop raised in the South. It was never intended or thought by these gamblers and speculators that a bale of cotton, bought or sold, should be delivered. They never grew a stalk of cotton, never gathered a boll of cotton; they don't really know what cotton is. This 121,000,000 bales only existed in their fevered and gambling imaginations, but they are to-day controlling the cotton and grain markets of the world, just a little crowd of gamblers, and I ask that this bill be passed to suppress them.

Mr. President, it is useless to quote precedent or authority for the Government's right to control these gambling transactions. If it were necessary to quote authority, I have but to cite the report of the committee selected by the Senate to examine into this question, of which Senator George, of Mississippi, that able jurist, was chairman.

In the first place, let it be noted that only in and through and under the regulations of the two cotton exchanges in New York and New Orleans can this business be transacted. The cotton exchange in New York is a corporation under the laws of that State. It is composed of less than 500 members, and the number can not be increased beyond that. The initiation fee is $10,000, and the new members are elected by the old. No man can deal directly unless he is a member. The corporation has absolute power over the dealings. All disputes or controversies are settled by a court established by the corporation itself, in what is called arbitration proceedings. Neither party is allowed to call in a Federal or State court. It fixes the grade of all cotton, designates the warehouses in which it shall be stored, fixes the fee, and charges for storage, weighing, and all other work done in relation to cotton. It fixes the quotations of prices which are to be published to the world, and these quotations are thus fixed under its rules for months for which there are no actual sales.

It and its members have such wealth that it is claimed, in a published letter of one of the principal members made in response to argument on the floor of this body, that the exchange can absolutely dominate and fix prices, as against all others, by flooding the market with offers of an unlimited supply of futures when at other places prices are, in its opinion, too high, and thus break the market, and, on the other hand, when it deems prices too low at other places may immediately buy all that can be offered.

The New Orleans Cotton Exchange, though located in the largest cotton market this side of the Atlantic, is a mere annex to and a subordinate of the New York Cotton Exchange, and so need not be described further than by saying if it had the will to do good it has not the power.

Such are the agencies and localities of these dealings, and they are the sole agencies and places for transacting this business.

If we needed further proof that the New York Cotton Exchange is a gambling transaction, we have but to quote a decision of the Supreme Court of the United States in the case of Irwin *v.* Miller (110 U. S., 499, 507, 508), where that court of last resort—the Supreme Court of the United States—sanctioned the charge of the trial judge to the jury, which was as follows:

If, however, at the time of entering into a contract for a sale of personal property for future delivery it be contemplated by both parties that at the time fixed for delivery the purchaser shall merely receive or pay the difference between the contract and the market price the transaction is a wager and nothing more. It makes no difference that a bet or wager is made to assume the form of a contract. Gambling is none the less such because it is carried on in the form or guise of legitimate trade.

Mr. President, it seems that a decision of the Supreme Court of the United States on this question should be sufficient to show that the New York Cotton Exchange is a gambling transaction, and I want to see them driven out of the Government just as Arkansas drove them out of our State.

Mr. Scott, of Kansas, chairman of the Agricultural Committee of the House, introduced in the House practically the bill now under consideration, which passed a Republican Congress and came to the Senate and died here.

I hope, Mr. President, to see this bill or the Scott bill pass at this session of Congress. I do not care who gets the credit for this legislation, so the people may get the relief. I am only interested that the farmers of the South and West may get relief from these gamblers who control the price of their products. I want to see the gamblers of New York driven out of the stock exchange with the "cat-o-nine-tails"—the law—just as Christ drove the money changers out of the temple.

This crowd of gamblers is an absolute oligarchy of wealth, as shown by the report of the committee of the Senate, of which Senator George was chairman:

They are, in fact, an oligarchy of wealth, self-created and self-perpetuated, which hold in subjection to their will the interests of the people of at least 10 States in the Union.

In all these they assume and exercise a power of regulating interstate and foreign commerce in cotton which is vested by the Constitution in Congress alone.

This is strong language, Mr. President, deliberately expressed after careful study and investigation, based upon the testimony that these gamblers form an oligarchy of wealth, self-created and self-perpetuated, which holds in subjection to their will the interests of the people of at least 10 States of this Union. I say to you, sir, a fact which is well known in every cotton State in this Union—in every village, in every hamlet, in every town—that cotton, corn, and wheat—these great staples, these great commodities—can not be moved, can not be sold, except at the will and bidding of this oligarchy of wealth built up by these gamblers—wealth wrung from the very heart's blood of the people of the South and West. The smallest farmer, when he carries his cotton to town—three or four bales, perhaps, the fruits of the toil of himself and wife and children—is met by the cotton buyer, who says to him:

I can not make you a price upon this, the product of your labor, upon this great commodity which you are producing, until I consult the exchange—until I receive a wire telling me the price fixed upon your labor.

Fixed by this great oligarchy of wealth, by this great gambling institution, which is fast sapping the lifeblood of our people.

Mr. President, the great law of supply and demand that should regulate the price of all commodities has been wiped out, has been destroyed by this great combination of gamblers, this oligarchy of wealth that holds in subjection to their will the people of 10 sovereign States of this Republic.

Now, Mr. President, if these future dealings are gambling, and if they in fact fix the price of the commodity, not by any law of supply and demand, but by the law of the manipulator, shall it be contended that this system shall longer continue? If we can not reach it by a direct law making it a crime to sell cotton and other futures, then I ask you, sir, let us reach it by this indirect method, by cutting off communication between the buyer and seller, as this bill provides, by rendering the gambler helpless and impotent, by allowing his wicked and unlawful business to die aborning.

The farmer, Mr. President, whether he grows corn or cotton, is the great wealth-producing class of this Government; is that class upon which the Government itself depends for sustenance. They have pleaded in vain heretofore with the Congress of the United States to protect their rights, to destroy this great evil, to allow the great law of supply and demand to regulate the price of their products, and take it out of the hands of the manipulators and speculators. Can it be said that this demand is unreasonable? Can it be said that the interests of our agricultural people must longer be neglected, that their rights must be controlled by a crowd of money sharks and money grabbers, who have grown immensely rich at the expense of labor? Shall we, the servants of the people, chosen to do their bidding, chosen to do their will, longer neglect their interests, longer refuse to heed their just demands?

Coming as I do from the cotton section, representing a constituency as brave, as true, and as loyal as live in the Government to-day, I am commissioned by them to plead with this honorable body and with the Congress to lift from them this iron hand of oppression, to give to them the right to sell their products, the fruit of their labor and toil, in the open markets of the world, free from the blighting, withering effect of the gamblers and speculators. Shall the people lose respect for the Government? Shall they lose confidence in their public officials? Shall they longer be led to believe that this Government is not for the protection of the weak and the humble, but to further enrich the favored few, who are admittedly engaged in an unlawful transaction, in an unlawful business, by means of which the farmers of the South and West are being constantly and systematically robbed. There is to-day a growing sentiment among the people of this land that this Government has ceased to be democratic in its form, has ceased to carry out the idea of the fathers in its establishment, but has become a tool of the oppressor, the willing agent of the money kings and money grabbers. And if we should disabuse their minds of this belief and restore peace and harmony in their ranks, then this legislation, driving out this great evil, must receive at the hands of Congress favorable consideration.

Mr. President, it is no fulsome flattery for me to say that the agriculturist, that the farmer, is the most important factor in this great Government of ours; that he is the great basic rock upon which this great superstructure rests; that upon his shoulders rest the burdens of the Government. Ah, Mr. President, we can do without the merchant; we can live without the doctor; we can live without the banker; we can live without the railroad magnate; we can live without the bondholder, who clips at stated periods his coupons; we can get along without the Senate of the United States or the President of the United States; but, sir, this Government can not last for the twinkling of an eye without the man who toils, who labors, and who sweats. This Government can not exist for one minute without the man who feeds and clothes the toiling millions of the earth; it can not exist, Mr. President, without the farmer. Upon his efforts, upon his exertions, upon his daily toil, we all depend, not only for the sustenance of life, for the very clothes we wear, for the food we eat, but the luxuries that surround us to-day, because from his labors and from his alone spring all the blessings of life. Shall it be said, sir, that the Congress of the United States, the servants of the people, shall sit here in stolid silence and close their eyes to this great evil, refusing to enact a law that will give to this great wealth-producing class their just rights under this Government, that will tear down this oligarchy of wealth built up by these gamblers and restore to the people the great law of supply and demand to regulate the sale of their products.

I urge Congress to-day to enact this law that will take the white women and white children of the South out of the cotton fields, that will give to the producers of this great commodity a fair return for their husbandry and their toil, that will build up schoolhouses and churches in the waste places of our land, that will make better citizenship, that will give better opportunities for education and development, that will make the Southland, the fairest spot on God's green footstool, bloom and blossom like the rose, and will return to honest husbandmen a fair compensation for their industry and toil.

Not only are the farmers and laborers of the Government, Mr. President, robbed by the cotton speculators and gamblers, but they are robbed by the taxgatherer, both National and State as well. Taxes have grown so high and become so burdensome that to-day one of the most serious questions that confronts our people is their payment. In my own State, sir, with my people already taxed beyond their endurance and ability to pay, an effort is being made by special legislation to double this burden; but of this I do not care to speak and shall content myself with dealing with that form of indirect taxation which is more insidious and injurious, because it is laid upon every necessity of life, upon everything that we eat and wear, upon every article of daily necessity—a tax which, though not paid directly as are our State and county taxes, is paid just as surely, just as certainly, and in most instances with an object and purpose more unworthy and with far less justification and excuse.

It is not my purpose in this brief address to discuss at any length the taxing power of the Government. Everyone knows what the tariff means; that it is a tax, and the higher the tariff the higher the tax. Everyone knows that the idea of the fathers was to support the Government by means of indirect taxation laid upon foreign articles brought to this country for sale; that their idea was to make this indirect tax low, so that large importations might be had and that the Government by this means might to a great extent be supported; but the money grabbers of the East, this same crowd of vampires and Shylocks, taking advantage of this system of indirect taxation, seeing an opportunity to rob our people by subordinating the idea of the fathers to their wicked and selfish purposes, have prevailed upon the Congress to raise the taxes so high upon imported articles as to almost exclude them from our market and give to them, the tariff barons of the East, the right to raise the price of the commodities which they produce to the extent of the added tax beyond that which is reasonable and just.

It is no longer contended that this system of high tax is for revenue only, but it is openly and boldly asserted by the leaders of the Republican Party to-day that this system of high taxation is for the protection of the already fabulously rich, that their coffers may be filled to further overflowing.

It is understood by all of us, Mr. President, that the Government derives no revenue by this system of taxation from articles manufactured in this country; its revenue only comes from the importation of foreign articles to be sold here; that when the tax is made so high as to shut out foreign competition it gives a monopoly to the money kings of the East and perpetrates a great wrong on the American consumer, the American laborer, and the American wage earner.

By means of this system, sir, the cost of living has gone so high that to-day gaunt hunger and poverty stalk hand in hand in the very shadow of the Capitol itself, the bread line almost reaching the door of the Senate Chamber, and the cries of the weak and oppressed are heard throughout the land. But what care these tariff barons; what care these money grabbers? They are growing more rich as well as more desperate, and they fiddle and frolic while Rome burns.

In the platform of the Republican Party adopted in Chicago in 1908 the American people were promised a revision of the tariff. By that we all understood that by revision they meant to lower the tax; but lo and behold, when the time came for action, when the fight was had upon the floor of the House and the Senate on the Payne-Aldrich bill, we were met with the amazing spectacle of Senators upon this floor saying that revision did not mean to lower, but rather to raise, the taxes; and on foodstuffs, cheap clothing, blankets, and articles of everyday necessity the tax was made so high as to give to this little crowd of money sharks an absolute control of the market, so they might fix the price not only of the clothes worn by the laboring man, but the price of the scant food that went upon his table. Sir, a tax of $5 a hundred was placed upon cured meats, hams, and bacon. A tax of $6 a hundred was placed on lard. With what purpose? Ah, Mr. President, it was thought by this sop thrown out to the American people that the farmer, the laboring man, might be deceived, might be lead to believe that this tax was placed thus high to enable him to reap some of the benefits of the fruits of protection; but, sir, when this item is carefully analyzed and considered it will be seen that the efforts of the Republican Party, who framed and passed this bill, was not to protect the laboring man and the farmer, but to further protect the already rich; to wring more blood from the hearts of the American toiler. Ninety per cent of the American people to-day do not produce the articles upon which this tax was laid; they consume them. And I charge it was placed in the Payne-Aldrich bill for the sole purpose of giving to Cudahy, Swift, Armour, and the great meat packers of the country an absolute corner, an absolute monopoly, upon the foodstuffs of the land, and enable

them to place a price upon the breakfast of the American laborer. They have sent their emissaries throughout the country and bought up largely all the meat stuffs, whether ready for the market or not, and have it to-day in their fattening pens, slaughter pens, and packing houses, and with this tax of five and six dollars a hundred laid against the Canadian and Mexican farmer who might sell us cheaper foodstuffs they are permitted to sit back in ease and luxury and say to the American consumer: "Pay 35 cents a pound for breakfast bacon or go hungry; pay 25 cents a pound for inferior beef or let your children starve. Pay our prices. We are the kings and monarchs of this situation."

Sir, when a Government by means of its strong arm, the taxing power, makes it impossible for a man to support himself and family by giving to the already rich the power to fix the price of what we eat and wear, then that Government, sir, is in danger indeed. For, I say to you, Mr. President, that a hungry man with a hungry family is a dangerous piece of machinery, and unless the Congress of the United States gives heed to the present alarming conditions that exist among the poor people of this country, there is that danger ahead which Mr. Lincoln foresaw when, in the agony of his soul, with the eye of prophecy, he exclaimed:

I see a crisis approaching that unnerves me. I see the day coming when the entire wealth of the Nation shall be concentrated in the hands of the very few, and when that day shall come I tremble for the Republic itself.

These, sir, may not be the exact words of Mr. Lincoln, but they are their true purport and meaning. And how true is this prophecy? That day has already arrived. That crisis is already upon us. By means of the cotton gambler and speculator robbing the farmers of the South and West, and the tariff barons robbing the entire country, and permitted to do so by law, and law alone, the entire wealth of the Nation has been concentrated into the hands of the very few, and Mr. Lincoln's prophecy has been terribly and woefully fulfilled.

I present the following table, Mr. President, taken from official sources, showing the total wealth of the United States to be, in round numbers, $107,000,000,000, and that 51 men of the Government own one thirty-fifth of this entire wealth. This table gives their names and the amount of their holdings, which I ask to be printed as a part of my remarks.

List from Munsey's Scrap Book of June, 1906, presenting the property owned by 51 of the very richest persons of the United States.

Rank.	Name.	How made.	Total fortune.
1	John D. Rockefeller	Oil	$600,000,000
2	Andrew Carnegie	Steel	300,000,000
3	W. W. Astor	Real estate	300,000,000
4	J. Pierpont Morgan	Finance	150,000,000
5	William Rockefeller	Oil	100,000,000
6	H. H. Rogers	do	100,000,000
7	W. K. Vanderbilt	Railroads	100,000,000
8	Senator Clark	Copper	100,000,000
9	John Jacob Astor	Real estate	100,000,000
10	Russell Sage	Finance	80,000,000
11	H. C. Frick	Steel and coke	80,000,000
12	D. O. Mills	Banker	75,000,000
13	Marshall Field, jr	Inherited	75,000,000
14	Henry M. Flagler	Oil	60,000,000
15	J. J. Hill	Railroads	60,000,000
16	John D. Archbold	Oil	50,000,000
17	Oliver Payne	do	50,000,000
18	J. B. Haggin	Gold	50,000,000
19	Harry Field	Inherited	50,000,000
20	James Henry Smith	do	40,000,000
21	Henry Phipps	Steel	40,000,000
22	Alfred G. Vanderbilt	Railroads	40,000,000
23	H. O. Havemeyer	Sugar	40,000,000
24	Mrs. Hetty Green	Finance	40,000,000
25	Thomas F. Ryan	do	40,000,000
26	Mrs. W. Walker	Inherited	35,000,000
27	George Gould	Railroads	35,000,000
28	J. Ogden Armour	Meat	30,000,000
29	E. T. Gerry	Inherited	30,000,000
30	Robert W. Goelet	Real estate	30,000,000
31	J. H. Flagler	Finance	30,000,000
32	Claus Spreckels	Sugar	30,000,000
33	W. F. Havemeyer	do	30,000,000
34	Jacob H. Schiff	Banker	25,000,000
35	P. A. B. Widener	Street cars	25,000,000
36	George F. Baker	Banker	25,000,000
37	August Belmont	Finance	20,000,000
38	James Stillman	Banker	20,000,000
39	John W. Gates	Finance	20,000,000
40	Norman B. Ream	do	20,000,000
41	Joseph Pulitzer	Journalism	20,000,000
42	James G. Bennett	do	20,000,000
43	John G. Moore	Finance	20,000,000
44	D. G. Reid	Steel	20,000,000
45	Frederick Pabst	Brewer	20,000,000
46	William D. Sloane	Inherited	20,000,000
47	William B. Leeds	Railroads	20,000,000
48	James P. Duke	Tobacco	20,000,000
49	Anthony N. Brady	Finance	20,000,000
50	George W. Vanderbilt	Railroads	20,000,000
51	Fred W. Vanderbilt	do	20,000,000
	Total		3,295,000,000

It will thus be seen that 51 persons in the United States, with a population of nearly 90,000,000 people, own approximately one thirty-fifth of the entire wealth of the United States. The Statistical Abstract of the United States, twenty-ninth number, 1906, prepared under the direction of the Secretary of Commerce and Labor of the United States, gives the estimated true value of all property in the United States for that year at $107,104,211,917.

Each of the favored 51 owns a wealth of somewhat more than $64,600,000, while each of the remaining 89,999,950 people get $1,100. No one of these 51 owns less than $20,000,000, and no one on the average owns less than $64,600,000. Men owning from $1,000,000 to $20,000,000 are no longer called rich men. There are approximately 4,000 millionaires in the United States, but the aggregate of their holdings is difficult to obtain. If all their holdings be deducted from the total true value of all the property in the United States, the average share of each of the other 89,995,000 people would be less than $500.

This table also shows that there are 4,000 other millionaires, whose holdings added to the amount owned by the 51 men shows the alarming condition of the Government to-day, and that is that 4,051 men own 87½ per cent of the entire wealth of the Nation, and that the average American citizen of the 89,000,000 owns less than $500 of property valuation. If this table furnished by the Government statistics be true, and these conditions really prevail, I ask the Congress of the United States and the country if the crisis foreseen by Mr. Lincoln is not upon us?

Can it be contended, Mr. President, that John D. Rockefeller, who heads this list of 51 men, has made his $600,000,000 honestly? Can it be contended that either of the other 51 men with their vast fortunes have made their money honestly? I say no. They have made it because of advantage given them by law and law alone. They have made it by means of tariff robbery, by means of cotton gambling, sanctioned by law. They have made it by a thousand and one other legal advantages that they have enjoyed as against the poor man, as against the real wealth producers of the Nation. They have been the favored pets of the Government. They have enjoyed the fruits of legislation, while the toilers of the earth have produced the grist that has kept the public mill going. That this condition can longer exist and the Republic stand seems to me to be impossible. The people are waking up all over the land. They are awakening to the fact that they are being robbed of the fruits of their toil and labor by these tariff barons and money kings who have grown fat at the public coffers.

Take a man, if you please, who works upon the railroad as a section hand at a dollar and a quarter a day; a motorman upon the street cars of this city, who gets, perhaps, two dollars and a half per day, with a family to support, doctor bills to pay, house rent, clothes to buy, and other actual necessities, with the cost of living gone sky-high; I can not imagine how he makes tongue and buckle meet, and yet he is asked to love the Government and support it in times of war and times of peace. Take the farmer, who is robbed of the fruits of his labor by this crowd of contemptible gamblers in Wall Street, New York, and prices fixed upon it by that oligarchy of wealth described by Senator George, with prices fluctuating at the base will of these gamblers and speculators, and to-day going down at each turn of the wheel of fortune, and the price of what he buys to support himself and children taxed by the tariff barons of the East going up, I can scarcely see how he can meet the ordinary expenses of living.

These terrible conditions, Mr. President, are becoming more known and felt each day by the great toiling masses of this Nation, and how long they will stand it the future alone must answer. I realize that there is a crowd of small-bored politicians and timeservers throughout the land—they live in each State of the Union; some live in my State—that contend that these public evils, that these favoritisms shown to one class of our people as against the other by the Government, should not be disclosed, should not be laid bare, and condemn the man who does it, saying he is a demagogue, that he is a socialist and an anarchist. This little crowd of timeservers, looking to their own selfish promotion and selfish ends, advocate large appropriations by the Government, extravagant expenditures for what they are pleased to term great public improvements, seeming not to stop and think that the Government has no source of revenue save by taxation, save as it gets its money from the hard earnings of its people. Little do they seem to care that the people are already taxed to death, that the people are already groaning under the burdens of government, but they would measure the usefulness of a public servant to his constituency by the number of post offices that may be built by public appropriations in his State and district, by amounts of public money that he may bring back—a bit of the "swag"—and throw it as a sop to his constituents to quiet them into further submission to the wreck and ruin that is being wrought.

I take it, Mr. President, that when a public servant's usefulness to his constituents is to be measured by this low, grovel-

ing standard the public service has indeed become degraded, and the public servant who thus thinks is the tool of the tariff barons of the East, who believe in an extravagant government, who believe in large appropriations, who believe in high taxation, that they may be permitted by this insidious method of the tariff to further rob the taxpayers of the land.

Sir, before I will bow down to these tariff barons, to these money kings, and ask them for a small pittance of the extravagance that is being daily perpetrated by our National Congress to carry back to my people as an evidence of my efficiency to them I will resign my seat in the Senate, bow my head in shame, go back to my little law practice, and try to live an honest and upright life and fight out in the ranks of the democracy of the Nation the great battle that has been pitched against plutocracy and extravagance in high places.

I think, sir, that the measure of usefulness of a public servant to his people should be measured upon a higher and broader plane, by the things he stands for, by the votes he casts, by his honesty and fidelity to his constituents, rather than by the amount of money that he may be able to carry back to them from the extravagant appropriations annually made by the Government.

I believe, sir, that the best government is that government which is honest and simple in all of its details, that is economical in all of its expenditures, that is democratic in all of its dealings, that is strictly a government of the people, for the people, and by the people—a government such as our fathers intended this should be, where every man, whether high or low, rich or poor, should have an equal chance, an equal opportunity in the great race of life, and should stand equally before the law, and be permitted without let or hindrance to fight with his own brain and brawn and muscle the great problems of life and accomplish as best he may their ultimate achievement.

That government, sir, is the best government which takes no more money from the people by taxation than is absolutely necessary for its honest, economical, and faithful management; that cuts off all of this tinsel and glitter and halo of grandeur; and that leaves the money of the people where it justly belongs—in the pockets of the people, the safest, most secure bank on earth. Instead of large appropriations, I believe in small, economical appropriations. Instead of large and extravagant expenditures of public money, I believe in expending only such sums as are necessary to administer the Government in its plainest and simplest forms.

Why, sir, do you know that when we drove the British from our shores the spirit of the kings still remained; that crowd which dominates the Old World to-day, that bows down and fawns at the feet of royalty and wealth? Do you know that this crowd of money grabbers and money sharks that has grown fat and rich at the expense of the people of this Government represents the spirit of the kings to-day, believing that one crowd is born to rule, is born to ride the other crowd, booted and spurred, is born to be their masters, and would to-day welcome a monarchy and destroy the Republic? This is the crowd that believes in large appropriations. This is the crowd that believes in extravagant expenditures. This is the crowd that pats the public servant on the back and says, "Well done, thou good and faithful servant," when he brings back to his State a part of the "swag" and a part of the "loot," and further authorizes the continuation of the present form of extravagance that exists in the administration of our public affairs.

Mr. President, before I will do it, before I will yield my willing assent to a further continuation of the high taxation already imposed upon our people, I will surrender my commission back to my State as unsullied and untarnished as when it was given me by the bravest, truest, and most loyal constituency that lives upon earth to-day. The public servant that will fawn at the feet of plutocracy, that will sit at the feet of the tariff barons of the land and accept the few crumbs that may fall from their polluted hands, is by them counted the best public servant, because they place money above man; they place gold above God; they place their own selfish ends and purposes above the life of the Republic itself. Mr. President, if my usefulness as a public servant is to be measured by this low estimate, this false standard, then my service has been a failure indeed.

It is worth much, Mr. President, in this day of money getting and money grabbing to have a public servant who always votes right, and by this standard I would prefer that my usefulness to my people be measured, and am willing that each vote that I have cast since I have been a Member of this honorable body shall be measured by the Democratic straightedge, shall be squared by the Democratic square and compass—the Denver platform—and if I have cast one vote against that written declaration of Democratic principles, if I have cast one vote against the interests of my people, I am willing to surrender my seat and retire from public service.

I say this, Mr. President, in no spirit of vain boasting, but as an answer to the prevailing sentiment to-day, that the best servant is he who gets most money for his constituents in the way of public appropriations, in the way of extravagant expenditures.

During the Payne-Aldrich tariff debate I had the honor to deliver a speech on June 26, 1909, in which I presented to the Senate a table prepared by a committee of experts, showing the amount of tax paid upon the necessities of life under the Dingley bill, also under the Payne-Aldrich bill as proposed, and I desire to submit this table as a part of my remarks upon this occasion, that I may emphasize the point that the poor man of the Government on what he eats and wears is being taxed and doubly taxed beyond endurance.

Farmers' supplies—Approximate tariff duties on $1,525 worth of articles under the present law and the amount of duties under the proposed law.

Description of article and price.	Amount purchased.	Retail price.	Rate of duty under present law.	Amount of duty under present law.	Rate of duty under proposed law.	Amount of duty under proposed law.
Meat:						
500 pounds bacon, at 10 cents per pound	$100.00	$50.00	5 cents per pound	$25.00	5 cents per pound	$25.00
257 pounds ham, at 14 cents per pound		50.00	do	18.75	do	18.75
Flour, 10 barrels, at $5 per barrel	50.00	50.00	25 per cent	12.50	25 per cent	12.50
Coffee, 250 pounds, at 10 cents per pound	25.00	25.00	Free		5 cents per pound	[1] 12.50
Tea, 25 pounds, at 20 cents per pound	5.00	5.00	do		10 cents per pound	[1] 2.50
Corn meal, 1,666 pounds, at 1½ cents per pound	25.00	25.00	20 cents per bushel (48 pounds)	6.94	40 cents per 100 pounds	
Soda, 100 pounds saleratus, at 5 cents per pound	5.00	5.00	¾ cent per pound	.75	⅝ cent per pound	.62
Salt, 10 barrels, at $1 per barrel	10.00	10.00	12 cents per 100 pounds	3.40	12 cents per 100 pounds	3.40
Lard, 416.8 pounds, at 12 cents per pound	50.00	50.00	2 cents per pound	8.34	2 cents per pound	8.34
Sugar, 1,000 pounds, at 5 cents per pound	50.00	50.00	1.95 cents per pound	19.50	1.9 cents per pound	19.00
Molasses, 25 gallons, at 40 cents per gallon	10.00	10.00	6 cents per gallon	1.50	6 cents per gallon	1.50
Cotton goods of all kinds for clothing:						
31½ yards fine unbleached cloth, at 40 cents per yard.	100.00	12.50	1½ cents plus 2 cents per yard	1.10	8 cents plus 2 cents per yard	3.14
200 yards sheeting, unbleached, at 22 cents per yard, 2¼ yards wide.		44.00	25 per cent	8.00	4¾ cents per square yard	12.12
100 yards cloth, bleached, at 10 cents per yard		10.00	2½ cents per square yard	2.50	3 cents per square yard	3.00
100 yards calico, dyed, at 13 cents per yard		13.00	30 per cent	3.90	8 cents per square yard	8.00
50 yards cloth, gingham, at 15 cents per yard		7.50	40 per cent	3.00	do	4.00
50 yards cloth, checks, at 13 cents per yard		6.50	30 per cent	1.95	do	4.00
2 dozen pairs stockings, at $1.75 per dozen		3.50	70 cents per dozen and 15 per cent	1.93	70 cents per dozen and 15 per cent	1.93
2 dozen pairs stockings, at $1.50 per dozen		3.00	60 cents per dozen and 15 per cent	1.65	60 cents per dozen and 15 per cent	1.65
Wool clothing:						
2 suits men's clothes, at $15 per suit	200.00	30.00	44 cents per pound and 60 per cent	13.60	44 cents per pound and 60 per cent	13.60
6 suits boys' clothes, at $6 per suit		36.00	do	16.00	do	16.00
50 yards worsted, at 40 cents per yard		20.00	11 cents per square yard and 55 per cent.	12.10	11 cents per square yard and 55 per cent.	12.10
50 yards flannel, at 35 cents per yard		17.50	11 cents per square yard and 50 per cent.	10.50	11 cents per square yard and 50 per cent.	10.50
100 yards dress goods, part wool, at 30 cents per yard.	200.00	30.00	8 cents per yard and 50 per cent	15.50	8 cents per yard and 50 per cent	15.50
1 man's overcoat		16.00				
3 boys' overcoats		18.00	44 cents per pound and 60 per cent	22.00	44 cents per pound and 60 per cent	32.00
1 woman's cloak		16.50				
4 girls' jackets		16.00				

[1] Taxed in section 2 under the maximum rates to go into effect after March 31, 1910.

Farmers' supplies—Approximate tariff duties on $1,525 worth of articles under the present law and the amount of duties under the proposed law.—Continued.

Description of article and price.	Amount purchased.	Retail price.	Rate of duty under present law.	Amount of duty under present law.	Rate of duty under proposed law.	Amount of duty under proposed law.
Hats and caps, men's and boys' hats, ladies' and girls':						
2 men's wool hats	$25.00	$3.00	44 cents per pound and 60 per cent	$4.76	44 cents per pound and 60 per cent	$4.76
3 boys' wool hats		3.00				
3 boys' wool caps		1.50				
2 ladies' hats, trimmed		6.00	50 per cent	4.37	50 per cent	4.37
8 girls' hats, trimmed		11.50				
Blankets and bed linen:						
1 pair wool blankets, extra length	20.00	4.00	33 cents per pound and 50 per cent	2.47	33 cents per pound and 50 per cent	2.47
3 pairs wool blanket		6.00	22 cents per pound and 30 per cent	2.68	22 cents per pound and 30 per cent	2.68
1 pair single blankets		1.50	do	.67	do	.67
70 yards unbleached sheeting, at 17 cents per yard		8.50	2½ cents per square yard	2.50	3 cents per square yard	3.00
Mattresses, cotton ticking, filled with vegetable substances:						
4 double mattresses	23.00	20.00	45 per cent	6.30	45 per cent	6.30
1 single mattress		3.00	do	.90	do	.90
China, dishes, etc.:						
Set dinner china, with colored edge	25.00	15.00	60 per cent	6.00	60 per cent	6.00
White china		6.00	55 per cent	2.20	55 per cent	2.20
Earthenware, yellow and brown		4.00	25 per cent	.50	25 per cent	.50
Furniture	100.00	100.00	35 per cent	21.00	35 per cent	21.00
Stoves and cutlery:						
1 kitchen stove	60.00	35.00	45 per cent	9.00	45 per cent	9.00
1 heating stove		20.00	do	5.40	do	5.40
Knives and forks, spoons—Carving knife, butcher knives, etc.		5.00	do	1.35	do	1.35
Carpet, 30 yards, 2-ply ingrain	15.00	15.00	18 cents per square yard and 40 per cent	7.20	18 cents per square yard and 40 per cent	7.20
Picture frames, etc.:						
Wooden picture frames	10.00	6.00	35 per cent	1.40	35 per cent	1.40
Glass for same		2.00	75 per cent	.75	75 per cent	.75
Looking-glass		2.00	10 cents per square foot and 50 per cent	.55	12½ cents per square foot and 50 per cent	[1].76
Musical instruments:						
Organ	75.00	65.00	45 per cent	18.00	45 per cent	18.00
Fiddle		10.00	do	4.50	do	4.50
Family Bible	5.00	5.00	25 per cent	.75	25 per cent	.75
Boots and shoes for family	50.00	50.00	do	8.75	15 per cent	5.25
Farm machinery:						
1 harrow	310.00	20.00	20 per cent	60.80	do	45.60
1 self-binder		130.00				
1 cultivator		20.00				
1 mower		40.00				
1 stubble plow		14.00				
1 horserake		30.00				
1 drill		50.00				
Farm and garden tools		6.00	45 per cent	1.80	45 per cent	1.80
Vehicles:						
1 wagon	135.00	60.00	35 per cent	41.25	35 per cent	41.25
1 buck, 3-seated		75.00				
Harness:						
1 wagon harness	42.00	17.00	45 per cent	18.90	do	14.70
1 light harness		25.00				
Total	1,525.00			455.76		450.67

[1] Taxed on glass, that being component of most value.

NOTE.—The value of the cotton and woolen goods if appraised for duty is estimated.

In the above table the amount of duty or tariff tax is appraised upon the value of the articles, if imported. The average import prices are about 60 per cent of retail prices.

The rates of duty, etc., in the above table are given in the Estimated Revenues, and comparison of the present and proposed laws published by the Committee on Finance, United States Senate, April 12, 1909.

This table, Mr. President, was prepared by Government officials, by Government employees, and must be accepted to be accurate and correct. It shows that on the necessities of life, when $1,525 worth are purchased, that the consumer pays a tax of $450.67, and that these articles thus purchased are not foreign articles, but are manufactured in America; then the tax does not go to the Government, but to the favored few, the tariff barons and the money kings of the East. The poor man to-day never buys a foreign-made article; only the extremely rich are able to do so. Therefore, under this system of taxation, when a domestic article is bought, such as shown in this table, the poor man pays the tax to the crowd of money kings of the East, who have become plutocrats under this nefarious system of taxation.

This system of taxation by means of the tariff, Mr. President, has not only robbed the American consumer upon each article of consumption that he may buy, but it has enabled the other fellows to become so immensely rich that it has made possible the organization of trusts, combinations, and monopolies that are squeezing out their smaller competitors, that are enabling these great combines to control the commerce of the Government, that is fast concentrating the business of the country into the hands of the favored few in all the great lines of trade. That the tariff and its vices are responsible for these combinations of wealth, these destroyers of trade and commerce, no one who cares to be frank with the country can for a moment deny.

Then, Mr. President, I say, without fear of successful contradiction, that the taxing power of the Government is one of the greatest questions before the American people to-day, and upon this issue, in my judgment, will be fought the great battle of 1912. The two old parties are to-day marshaling their forces; they are preparing their munitions of war; the leaders are gathering in the various council chambers to take counsel before this great battle shall begin. It is my deliberate judgment that this great fight will be won or lost upon this great question—the taxing power of the Government. The Republican Party of this Nation have been in charge of the Government practically since the Civil War and are entirely responsible for the unjust discriminations that exist to-day between labor and capital, are responsible to-day for the burdens that weigh down upon the shoulders of the American toiler and producer, are responsible for the high taxes that are being paid by the American consumer; and, sir, I warn you to-day that this party can not longer fool the American people. They have broken every promise that they have made; they have been false to every trust; they have been untrue to every pledge; and if the great voting masses of this Government are afforded the opportunity of a fair and free expression at the ballot box the places that know you now will know you no more forever. Democracy triumphant and victorious will again assume the reins of Government and give to the American people that honest, economical, and just administration of public affairs for which they have so long waited and to which they are so justly entitled.

This, Mr. President, in my judgment, is to be a year of Democratic success, of Democratic victory. It makes no particular difference who my party may nominate as its standard bearer so long as he is an honest, true, and upright man; the toiling masses of this Nation will rally to his standard. The conservative Republicans will lend him aid and support to sweep from power the high priests of plutocracy, the old standpat high protectionists that to-day control the destinies of this Nation.

Mr. President, I long to see that day arrive. I long to see the day, sir, when the people of this Government shall come into their own, when the Senate of the United States shall heed the voice of the people, honestly, soberly, and deliberately expressed, when the people of this Government may have some voice in its management and control, when the people of this Government may have restored to them that form of government intended to be vouchsafed to them by the fathers, a plain, simple, honest Government, run in the interest, not of one class of our citizenship alone, but in the interest of the great majority, having for its motto, "The greatest good to the greatest number."

Sir, when that day shall come, then will I be willing, like Simeon of old to say, "O, Lord, having seen Thy glory, let Thy servant depart in peace."

Mr. President, I ask that the bill which I have presented may be printed, omitting the title, as a part of my remarks, and that it be referred to the Committee on Agriculture and Forestry.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). In the absence of objection, that order will be entered.

Senate bill No. 4104, introduced by Mr. DAVIS January 3, 1912, is as follows:

Be it enacted, etc., That it shall be unlawful for any person, association of persons, corporation or association of corporations, being in any State, Territory, district, or country of the United States of America, directly or indirectly, to deliver, receive, or transmit, or to directly or indirectly be interested in or to aid the receipt, or delivery for transmission, or to be directly or indirectly interested in, or to aid the transmission into any other of said States, Territories, districts, or countries or into any foreign country whatever, by means of the mail, telegraph, telephone, or other device or means, private or public, any intelligence, information, message, letter, card, writing, device, symbol, sign, representation, picture, design, cipher, or other means whatsoever, whereby intelligence, information, or understanding may be conveyed to any other person, association of persons, corporation or association of corporations or for their, or any of their, use or benefit, or for the use and benefit of any other person, association of persons, corporation or association of corporations, relating to or in any manner concerning any transaction or contemplated, suggested, or proposed transaction whose true intent and effect may be to gamble or speculate, or contemplates the speculating and gambling as to the future market price of any product of the soil of any country commonly called or known as "buying futures" and "selling futures": *Provided*, That bona fide sales, and delivery according to contract, shall not subject the parties to such transaction or proposed transactions to the penalties of this act: *And provided further*, That transactions or proposed transactions to so speculate or gamble shall not be affected by this act, if at the time of such transaction or proposed transaction the particular product of the soil of any country whose market price in future being the contingency upon which the parties have proposed to or have gambled or placed their margin had not been for 10 years, next preceding, the subject of commerce between any States, Territories, district, or countries of the said United States, nor of any of said last-named States, Territories, district, or countries, or of any of the peoples thereof, and any foreign country or countries or the people or peoples thereof.

SEC. 2. That this act shall be liberally construed by the courts, the intent being to embrace and comprehend the commercial crime commonly called and known as "buying futures" and "selling futures" in all or any products of the soil, of whatever country, the subject of commerce in any part of the world and between whatever countries; and is meant to prohibit any and all transactions or proposed transactions calculated to or intended to further speculation and gambling as to the future market price of any such products.

SEC. 3. That it shall be unlawful for the postal authorities of the United States of America to receive for transmission, whether properly stamped or not, any letter, card, or other thing mentioned in section 1 of this act; and if any such unlawful letter, card, or thing shall be at any time in the custody of any postal officer, postmaster, clerk, or carrier the same shall be marked "unlawful," filed in a place securely locked, under the supervision of the proper postmaster, and notice of its possession given at once to the district attorney of the United States having authority to call the matter to the attention of the proper grand jury; and the Postmaster General shall make and publish all appropriate rules to give effect to the provisions of this section.

SEC. 4. That any officer of the Postal Department aforesaid, postmaster, clerk, carrier, or other person having the lawful possession of any such letter, card, or other thing, as mentioned in sections 1 and 3 of this act, and shall, knowing the unlawful character of said letter, card, or thing, deliver the same to whom addressed or to any person whatever, except as provided in section 3 of this act, shall be subject to indictment, and, upon conviction, shall be fined in any sum not less than $100 nor more than $5,000, and shall be adjudged to be removed from office and from the employment of the Postal Department, and thereafter shall not be eligible to hold any office of trust or profit under the laws of the United States of America.

SEC. 5. That any person who shall violate the provisions of this act, or any of them, except as provided in sections 3 and 4, shall be subject to indictment for a felony, and upon conviction shall be adjudged to be punished by imprisonment in the penitentiary for any period not less than 5 nor more than 15 years for each separate offense.

SEC. 6. That any corporation violating any of the provisions of section 1 of this act shall, for each unlawful act, forfeit and pay to the United States of America not less than $10,000 nor more than $100,000, to be recovered at the suit of the said United States, one-half of which shall be adjudged to and allowed to any person who may give information which may lead to judgment against the offending corporation. And in the event any person may give in writing such information to the Attorney General, supported by affidavit, accompanied by the certificate of any clerk of a court of record of any State, district, or Territory of the said United States, or of any clerk of any United States court, that such affiant is personally known to such clerk to be a person of probity and veracity, and thereafter if the said Attorney General shall, for 90 days, fail, neglect, or refuse to cause proper suit to be instituted against the corporation so alleged to have offended against the provision of this act, such informant or affiant may petition the President of the United States, stating the fact under oath, and thereupon the President, if deemed necessary, may appoint a special attorney whose duty it shall be at once to institute such action and prosecute it with all reasonable diligence to final judgment.

SEC. 7. That all laws and parts of laws in conflict with this act be, and the same are hereby, repealed and that this act take effect from and after its passage.

INSURANCE LAWS OF THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (H. R. 12737) to amend the Code of Law for the District of Columbia regarding insurance.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend section 646, chapter 18, Code of Law for the District of Columbia, by inserting, after the semicolon in line 20, the words "and such other information as said superintendent may require," so as to read:

SEC. 646. Duties of superintendent, etc.—It shall be the duty of said superintendent to see that all laws of the United States relating to insurance or insurance companies, benefit orders, and associations doing business in the District are faithfully executed; to keep on file in his office copies of the charters, declarations of organization, or articles of incorporation of every insurance company, benefit association, or order, including life, fire, marine, accident, plate-glass, steam-boiler, bugiary, cyclone, casualty, live-stock, credit, and maturity companies or associations doing business in the District; and before any such insurance company, association, or order shall be licensed to do business in the District it shall file with said superintendent a copy of its charter, declaration of organization, or articles of incorporation, duly certified in accordance with law by the insurance commissioners or other proper officers of the State, Territory, or nation where such company or association was organized; also a certificate setting forth that it is entitled to transact business and assume risks and issue policies of insurance therein, and such other information as said superintendent may require; and if its principal office is located outside the District it shall appoint some suitable person, resident in said District, as its attorney, upon whom legal process may be served: *Provided, however*, That should said company or association neglect or refuse to appoint such attorney, or should such attorney absent himself from the District, said legal process may be served upon the superintendent of insurance of the District of Columbia; and the fees for filing with the superintendent such papers as are required by this section shall be $10, to be paid to the collector of taxes, and no other license fee shall be required of such insurance companies or associations except as provided in sections 654 and 655 of this subchapter. Said superintendent shall have power to make such rules and regulations, subject to the general supervision of the commissioners, not inconsistent with law, as to make the conduct of each company in the same line of insurance conform in doing business in the District.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF IMMIGRATION LAWS (S. DOC. NO. 251).

Mr. OVERMAN. Mr. President, on April 10, 1911, I introduced a bill (S. 385) to further exclude undesirable immigrants, improve conditions on immigrant vessels, and raise funds for the proper enforcement of the immigration laws. This bill, together with other bills of a similar character, is now pending before the Committee on Immigration. I ask that resolutions and views of governors of the Southern States, also an editorial from the Mississippi Farmers' Union Advocate, likewise an editorial from the Manufacturers' Record, of Baltimore, Md., and some short hearings taken before the Committee on Immigration, House of Representatives, copies of which are now exhausted, be printed as a document and referred to the Committee on Immigration.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina? The Chair hears none, and it is so ordered.

RECALL OF THE JUDICIARY (S. DOC. NO. 249).

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

Mr. CHAMBERLAIN. Mr. President——

Mr. LODGE. I will withhold the motion if the Senator from Oregon desires to make a request.

Mr. CHAMBERLAIN. I desire to have printed in the RECORD an address delivered by the Senator from Oklahoma [Mr. OWEN] on the judicial recall before the State Bar Association of Oklahoma a short while ago.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the order will be entered. The Senator from Massachusetts moves——

Mr. HEYBURN. One moment, Mr. President. I should like to inquire——

The PRESIDING OFFICER. Does the Senator from Massachusetts withhold his motion?

Mr. LODGE. Certainly.

Mr. HEYBURN. I rise to a question that would be privileged. I rise to inquire under what rule the speech of some private citizen, delivered on some private occasion, can be printed in the CONGRESSIONAL RECORD unless it is read as a part of the discussion or by some Senator? I know of no such rule, and I should like to have the Chair direct me to it.

The PRESIDING OFFICER. The Chair does not think there is any such rule, but it was done by unanimous consent.

Mr. LODGE. Such speeches are usually printed as documents, I think.

Mr. CHAMBERLAIN. I do not care to ask to have that done.

Mr. HEYBURN. That would be much more appropriate.

Mr. LODGE. I think that is the better way.

Mr. HEYBURN. It is much more appropriate to print such speeches as documents than it is to print them as a part of the proceedings of this body, because they are not a part of the proceedings of this body, either directly or indirectly.

Mr. CHAMBERLAIN. Mr. President, if the Senator desires to have me read it, I will do so and insert it in the RECORD. I have that privilege; but I simply desired to save the time of the Senate by asking that it be printed

Mr. HEYBURN. Well, Mr. President, it is a saving of time at quite an expense. Would it not be quite sufficient to print the speech as a public document?

Mr. CHAMBERLAIN. I have no objection at this time, then, to having it printed as a public document.

The PRESIDING OFFICER. And not in the RECORD?

Mr. HEYBURN. I think I shall object, when present, hereafter to the printing as a part of the daily RECORD of any man's remarks, however eminent he may be, that are not delivered in this body.

Mr. CHAMBERLAIN. Mr. President, I believe I shall insist that it be printed in the RECORD. That course has often been followed.

Mr. HEYBURN. I object, then.

Mr. CHAMBERLAIN. Then, I will ask permission to read it, Mr. President.

Mr. HEYBURN. I have no objection to that, and I will listen to it with pleasure.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor and has yielded temporarily.

Mr. LODGE. I yielded to the Senator from Oregon to make a request, but I did not yield for a speech.

The PRESIDING OFFICER. The Senator withheld his motion for a moment. The question is upon the motion of the Senator from Massachusetts.

Mr. CHAMBERLAIN. I thought the Senator had yielded to me.

Mr. LODGE. I did, to make a request. I did not suppose it was to be a speech.

Mr. CHAMBERLAIN. I do not care to make a speech, Mr. President.

The PRESIDING OFFICER. The Chair understood that the Senator from Oregon proposed to read the address now.

Mr. CHAMBERLAIN. Then, Mr. President, I request, as the Senator from Idaho does not object to that, that the address be published as a Senate document.

The PRESIDING OFFICER. Is there objection to that request? The Chair hears none, and it is so ordered.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Idaho?

Mr. BORAH. Just for a moment.

Mr. LODGE. Yes.

Mr. BORAH. Mr. President, it is one of the maxims of news gathering that you must go away from home to find out what has happened. I read a dispatch in a far western paper to this effect:

ELECTION BILL FAILS.

WASHINGTON, *January 5.*

All hope of agreement between conferees of the two Houses of Congress on the resolution providing for election of United States Senators by direct vote of the people has vanished. The conferees have reached the conclusion that an agreement would be impossible, and a report to that effect is expected next week. The difference between the House and Senate conferees is based on a question of congressional supervision. As passed by the House the resolution placed the control of senatorial elections in the hands of the State legislatures. The Senate amended the resolution, leaving the control in the hands of Congress. This question has been debated by the conferees since the extra session, and after many meetings representatives on each side have been unable to offer concessions which would be acceptable.

Mr. President, in view of the fact that the Senator from Massachusetts has the floor, I am not going to discuss this question, but in order that those who are anxious to attend this funeral may not prepare with indelicate haste, I want to suggest that the joint resolution is not dead, nor is it about to die. We will, I venture to prophesy, before this session of Congress closes, pass this resolution in some form, so that the people will have an opportunity to pass on it in their next legislatures. There will be quite sufficient of life in it to satisfy the most earnest before a great while.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 13112. An act authorizing the construction of a bridge and approaches thereto across the Tug Fork of Big Sandy River;

H. R. 14108. An act to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city;

H. R. 14109. An act to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city;

H. R. 14110. An act to extend the time for building a bridge across the Mississippi River at Minneapolis, Minn.;

H. R. 14111. An act to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn.;

H. R. 14125. An act to authorize the construction, maintenance, and operation of a bridge across the Little River at or near Lepanto, Ark.;

H. R. 14944. An act authorizing the construction of a bridge across the Connecticut River, in the State of Connecticut, between the towns of East Haddam and Haddam;

H. R. 15781. An act to authorize the Aransas Harbor Terminal Railway to construct a bridge across Norris and Cummings Channel; and

H. R. 15920. An act to authorize the board of county commissioners for Beltrami County, Minn., to construct a bridge across the Mississippi River.

MISSOURI RIVER BRIDGE AT SIBLEY, MO.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4006) to amend an act entitled "An act to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri," approved July 3, 1884, which was, on page 2, line 4, after the word "constructed," to insert "maintained and operated."

Mr. STONE. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. LODGE. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 20 minutes spent in executive session the doors were reopened, and (at 3 o'clock and 55 minutes p. m.) the Senate adjourned until Monday, January 15, 1912, at 2 o'clock p. m.

GENERAL ARBITRATION TREATIES.

During the consideration of executive business, on motion of Mr. LODGE, the injunction of secrecy was removed from the proposed resolution of ratification of the general arbitration treaties with Great Britain and France, signed on August 3, 1911, which was ordered to be printed as a document. (S. Doc. 98, pt. 3.)

NOMINATIONS.

Executive nominations received by the Senate January 11, 1912.

PROMOTION IN THE ARMY.

CORPS OF ENGINEERS.

Second Lieut. Robert S. A. Dougherty, Corps of Engineers, to be first lieutenant from October 4, 1911, vice First Lieut. Charles R. Pettis, promoted.

PENSION AGENT.

Jesse B. Fuller, of California, to be pension agent at San Francisco, his term expiring January 14, 1912. (Reappointment.)

RECEIVERS OF PUBLIC MONEYS.

John P. Dickinson, of Colorado, to be receiver of public moneys at Hugo, Colo., his term expiring January 13, 1912. (Reappointment.)

Fred P. Cronemiller, of Oregon, to be receiver of public moneys at Lakeview, Oreg., his term expiring January 13, 1912. (Reappointment.)

REGISTERS OF THE LAND OFFICE.

William Balderston, of Idaho, to be register of the land office at Boise, Idaho, his term having expired January 7, 1912. (Reappointment.)

William F. Brittain, of Wyoming, to be register of the land office at Buffalo, Wyo., his term having expired December 10, 1911. (Reappointment.)

POSTMASTERS.

INDIANA.

Robert L. Williamson to be postmaster at Muncie, Ind., in place of Robe Carl White. Incumbent's commission expired December 11, 1911.

MICHIGAN.

Silas B. Frankhauser to be postmaster at Hillsdale, Mich., in place of Frederick A. Roethlisberger. Incumbent's commission expired December 9, 1911.

NEBRASKA.

Albert H. Gould to be postmaster at Alma, Nebr., in place of John C. Mitchell. Incumbent's commission expired March 28, 1910.

NORTH CAROLINA.

Samuel E. Marshall to be postmaster at Mount Airy, N. C., in place of Robert T. Joyce, removed.

VIRGINIA.

Edgar B. Beaton to be postmaster at Boykins, Va. Office became presidential January 1, 1912.

WISCONSIN.

Louis E. Homsted to be postmaster at Dorchester, Wis. Office became presidential January 1, 1912.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 11, 1912.

SURGEON GENERAL OF THE PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Rupert Blue to be Surgeon General of the Public Health and Marine-Hospital Service.

COLLECTOR OF CUSTOMS.

Albert R. Day to be collector of customs for the district of Bangor, Me.

REGISTER OF LAND OFFICE.

William Balderson to be register of land office at Boise, Idaho.

POSTMASTERS.

CALIFORNIA.

William C. Campbell, Los Gatos.
Charles H. Dobbel, Palto Alto.
Walter Douglas Neilson, Del Monte.
William B. Farrow, Chula Vista.
Albert R. Grisingher, Guadeloupe.
Elbert S. Lamberson, Visalia.
Samuel W. Metcalf, Sisson.
James S. Moulton, Ripon.
Adolphus Henry Salau, Los Vanos.
Nels A. Thompson, Newman.
Daniel R. Trout, Boulder Creek.

COLORADO.

Joseph C. Shattuck, University Park.
John C. Shull, Berthoud.

CONNECTICUT.

John A. Ayer, Saybrook.
Frank A. Heffion, Deep River.
Annie E. Vinton, Eagleville.

DELAWARE.

Oswald B. Wingate, Edgemoor.

ILLINOIS.

Albert Bothfuhr, Grant Park.
Tracy W. Buckingham, Potomac.
Charles A. Duntley, Bushnell.
Charles A. Gregory, Lovington.
John F. Newlin, Chrisman.
William T. Robinson, Kenilworth.
Anna M. Spooner, Blue Mound.
Ross M. Taylor, Libertyville.

MAINE.

Edward G. Varney, Hartland.

MASSACHUSETTS.

Festus G. Amsden, Athol.
Thomas F. Lyons, Billerica.
Frank M. Tripp, Marion.

MICHIGAN.

Thomas B. Wynn, Eau Claire.

MINNESOTA.

Gunnar B. Bjornson, Minneota.
Carl S. Dahlquist, Baudette.
Patrick A. Gaffney, Belleplaine.
John W. Gish, Waterville.
J. P. Graff, Sleepy Eye.
Henry E. Hanson, Windom.
Eilert Koefod, Glenwood.

MONTANA.

Addison McL. Sterling, Ronan.

NEW HAMPSHIRE.

Elmer E. Adams, New London.
Nathan P. Baker, Sunapee.
Ernest G. Cole, Hampton.
Edwin A. Himes, Sanbornville.
George A. McIntire, Milford.
Henry E. Merrick, Henniker.
Forrest E. Page, Raymond.
Ernest R. Roberts, Salmon Falls.
Natt F. Roberts, Farmington.

NEW JERSEY.

William A. Birkhead, Beverly.
George C. Kessler, Millburn.
Lewis S. Sculthorp, Atlantic Highlands.
James E. Taylor, Cape May.
Alexander A. Yard, Farmingdale.

NEW MEXICO.

Bonifacio Lucero, Santa Rosa.
J. Frank Newkirk, Artesia.
Thomas B. Platt, Hagerman.

NEW YORK.

Henry G. Ahles, Redwood.
Asher B. Allen, Brushton.
Burton H. Avery, Brockport.
Orson Allis Chaplin, Gasport.
Minnie A. Daily, Hilton.
Fred A. Edwards, Holley.
Allerton C. Farr, De Kalb Junction.
Charles Fewster, Ontario.
Frank E. Gaylord, North Collins.
James E. Johnson, Canton.
Frank M. Potter, Chautauqua.
Thomas G. Ross, Watervliet.
Norman C. Templeton, Irvington.
Garritt H. Tymeson, Otisville.
John S. Van Orden, Spring Valley.

NORTH DAKOTA.

Elmer H. Myhra, Wahpeton.
Cecil H. Taylor, Garrison.

OREGON.

Charles Hines, Forest Grove.

PENNSYLVANIA.

William H. Clewell, Summithill.
Chester A. Davidson, New Salem.
James M. Dreher, Weatherly.
Samuel S. Graffin, Catasauqua.
James M. Hamilton, Chester.
David S. Kern, Pennsburg.
Clayton F. Miller, North Girard.
Samuel J. Myers, Holtwood.
G. William Riegel, Bethlehem.
Joseph G. Sechler, Cherry Tree.
Samuel S. Wilson, Bridgeport.
Norris S. Woodruff, North East.

PORTO RICO.

Carlos F. Torregrosa, Aguadilla.

SOUTH CAROLINA.

George H. Huggins, Columbia.
Cecil S. Rice, Denmark.
James E. Stuckey, Bishopville.

VERMONT.

Albert H. Cheney, Stowe.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 11, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Once more, O God our heavenly Father, we would draw near to Thee in the sacred attitude of prayer, that by the contact we may receive wisdom, strength, courage; fortitude sufficient for the new duties of the new day, that at its close we may feel the thrill and satisfaction of duty well done. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALL OF COMMITTEES.

The SPEAKER. The Clerk will call the committees.

The Committee on Military Affairs was called.

TENTS FOR CONFEDERATE VETERANS' REUNION, MACON, GA.

Mr. TILSON. Mr. Speaker, I am directed by the Committee on Military Affairs to call up House joint resolution 184, authorizing the Secretary of War to loan certain tents for the use of the Confederate Veterans' Reunion, to be held at Macon, Ga., in May, 1912.

The SPEAKER. The Clerk will report the joint resolution.

The Clerk read as follows:

House joint resolution 184.

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to loan, at his discretion, to the executive committee of the Confederate Veterans' Reunion, to be held at Macon, Ga., in the month of May, 1912, such tents, with necessary poles, ridges, and pins, as may be required at said reunion: *Provided,* That no expense shall be caused the United States Government by the delivery and return of said property, the same to be delivered to said committee designated at such time prior to the holding of said reunion as may be agreed upon by the Secretary of War and Walter A. Harris, general chairman of said executive committee: *And provided further,* That the Secretary of War shall, before delivering such property, take from said Walter A. Harris a good and sufficient bond for the safe return of said property in good order and condition, and the whole without expense to the United States.

Mr. TILSON. Mr. Speaker, this joint resolution provides for the loaning of certain tents for the use of the Confederate veterans at their reunion to be held in Macon, Ga., in May of the present year. It is in the form of resolutions heretofore adopted, and the interests of the Government are all properly safeguarded. The report of the committee is unanimously in favor of the passage of the joint resolution; but before asking for a vote upon it I yield to the gentleman from Georgia [Mr. BARTLETT] for a statement as to the purpose for which these tents are to be used.

The SPEAKER. How much time does the gentleman yield?

Mr. TILSON. Ten minutes.

Mr. BARTLETT. Mr. Speaker, I did not anticipate that this resolution would come up for consideration at this moment. I will, however, gladly state the purpose of it.

During the month of May of this year there is to be held at Macon, Ga., the city of my residence and home, the annual reunion of the United Confederate Veterans' Association. This association has grown in the last 20 years, according to my recollection, from 17 camps to 1,758 camps. The city of Macon is making preparations to entertain the Confederate veterans and the people who attend on that occasion. This is not a mere State or local affair. The veterans composing this association are the survivors of the armies of the late Confederacy.

It is anticipated that probably 20,000 or 25,000 veterans will be in attendance. It has been customary on such occasions, and it will be necessary, as has been done in other cities, to provide many of them with tents. In the city of Macon we have a magnificent park, comprising a large number of acres, in which we propose to erect these tents for the shelter of these men. The city of Macon has undertaken this great duty and obligation of caring for these veterans when they meet there. There is probably not sufficient room, even though the citizens should throw open their houses, as they will do, with all the hotels, to properly shelter and care for these old veterans. In fact, they had rather be sheltered and cared for in the way we propose to take care of them—in tents—than to be housed in houses. The Government has generously, on other occasions when these old men have met in other cities, loaned these tents to the committees engaged in making these arrangements, and we simply ask that the Government shall do what it has done on other occasions.

Mr. KENDALL. Will the gentleman yield?

Mr. BARTLETT. Certainly.

Mr. KENDALL. It is not designed entirely as an entertainment of the Confederate veterans?

Mr. BARTLETT. Oh, no; of all who may come.

Mr. KENDALL. Because I know of two or three Union veterans who have accepted invitations to be present.

Mr. BARTLETT. Yes, Mr. Speaker; thank God, the animosity and bitterness which was engendered in that most gigantic and internecine struggle, the most gigantic war ever waged in the history of the world, the most bitter war ever known in the tide of time, has passed away, and these old men on both sides, dying at the rate of 150 a day, soon to pass away and to be known only for their gallantry, their patriotism, by their devotion to duty, which was shown on both sides, are to meet in the city of Macon, not for the purpose of engendering or keeping alive any animosity, but, although at one time enemies at war, they are now friends in peace, and will march side by side and celebrate the glories not only of the Confederacy, but the glory of the United States. [Applause.]

We have undertaken this matter of entertaining the Confederate veterans and the visitors who will come as our guests, and we will be glad to open our homes to entertain not only the Confederate veterans, but any citizen of our common country and to extend the hospitality of our homes to those with whom, 50 years ago, we were at war; and we invite you all to come. [Applause.]

Mr. Speaker, I do not desire to detain the House; I do not think it necessary; but it gives me great pleasure to know and to feel that in this day and in this hour there does not exist any opposition to this resolution, and that the country at large everywhere, men who think right, men who have admiration for courage, patriotism, and devotion to duty, think the same way—that we are one common country, and that both sides, the blue and the gray, can have their separate reunions, and can have their joint reunions, and renew the recollection of the heroism and valor of the American soldier, both of the Confederacy and the United States, and remember them as the glories of our common country. [Applause.]

Mr. TILSON. Mr. Speaker, it gives me great pleasure as a Representative of the New England constituency to be the member of this committee to report this resolution to the House and ask for its passage.

Mr. MANN. Will the gentleman yield for a question?

Mr. TILSON. Certainly.

Mr. MANN. The Committee on Military Affairs has also reported a Senate joint resolution, which is on the calendar this morning, for the purpose of turning over to the quartermaster general of the Grand Army of the Republic two condemned brass cannon to be used for badges in the Grand Army of the Republic. It seems to me that it would show quite a touch of sentiment if we should pass both resolutions, one following the other. I do not know as any gentleman is authorized to call up the Senate resolution, but I hope some member of the Committee on Military Affairs will do so.

Mr. BARTLETT. I will be very glad to vote for it.

Mr. MANN. I think everybody will be glad to vote for it.

The SPEAKER. The question is on the engrossment and third reading of the House joint resolution.

The question was taken, and the House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. TILSON, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

COMMITTEE RESIGNATIONS AND ELECTIONS.

Mr. UNDERWOOD. Mr. Speaker, I will ask the gentleman from Connecticut to yield to me for a moment.

Mr. TILSON. Certainly; I yield to the gentleman from Alabama.

The SPEAKER. Before the gentleman from Alabama proceeds, the Chair will lay before the House the following communications, which the Clerk will report.

The Clerk read as follows:

WASHINGTON, D. C., *December 7, 1911.*

Hon. CHAMP CLARK, *Speaker.*

SIR: I hereby tender my resignation as a member of the Committee on Banking and Currency of the House of Representatives, and respectfully ask that it may be accepted.

P. P. CAMPBELL.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

The Clerk read as follows:

WASHINGTON, D. C., *January 5, 1912.*

Hon. CHAMP CLARK,
Speaker House of Representatives.

DEAR SIR: I respectfully tender my resignation as a member of the Committee on Coinage, Weights, and Measures, and beg to ask that it be accepted.

WM. H. HEALD.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

Mr. UNDERWOOD. Mr. Speaker, at the request of the gentleman from Illinois [Mr. MANN], I move the election of the following gentlemen to fill the vacancies named in the list which I send to the desk and ask to have read, which vacancies belong to the Republican side of the House.

The SPEAKER. The Clerk will report the nominations.

The Clerk read as follows:

For election to minority places the following:
Committee on Rules, PHILIP P. CAMPBELL, of Kansas.
Committee on Banking and Currency, WILLIAM H. HEALD, of Delaware.
Committee on Claims, W. D. B. AINEY, of Pennsylvania.
Committee on the Census, W. D. B. AINEY, of Pennsylvania.
Committee on Naval Affairs, WILLIAM J. BROWNING, of New Jersey.
Committee on Coinage, Weights, and Measures, GEORGE CURRY, of New Mexico.

The SPEAKER. Are there any other nominations?

Mr. NORRIS. Mr. Speaker, a parliamentary inquiry?

The SPEAKER. The gentleman will state it.

Mr. NORRIS. Are those names before the House as nominations for the various places named?

The SPEAKER. They are.

Mr. NORRIS. And other nominations are now in order to any of those places?

The SPEAKER. That is correct.

Mr. NORRIS. Then, Mr. Speaker, for the vacancy on the Committee on Rules I place in nomination the name of Hon. VICTOR MURDOCK, of Kansas.

The SPEAKER. The gentleman from Nebraska [Mr. NORRIS] nominates the Hon. VICTOR MURDOCK for the vacancy on the Committee on Rules in place of the Hon. P. P. CAMPBELL. The vote will first be taken on those where there is no opposition. The question is on the motion of the gentleman from Alabama to elect the gentlemen named to the several vacancies named, excepting the vacancy on the Committee on Rules, where there is opposition.

The question was taken, and the motion was agreed to.

The SPEAKER. Unless the House orders otherwise, under parliamentary rules the vote would now be taken on the election of Mr. MURDOCK.

Mr. UNDERWOOD. Mr. Speaker, it would make it much simpler if the gentleman from Nebraska [Mr. NORRIS] will move to substitute Mr. MURDOCK'S name for the name of Mr. CAMPBELL. We can then have a vote upon the substitute, and if that is voted down, then vote on the original motion.

Mr. NORRIS. Mr. Speaker, I supposed, from what the gentleman from Alabama had said in making his motion, that that would be necessary, but upon inquiry from the Chair I was informed that they were nominations. I have no objection to that course, however.

The SPEAKER. The nomination which the gentleman from Nebraska makes is in the nature of a substitute for the nomination made by the gentleman from Alabama at the request of the gentleman from Illinois [Mr. MANN], the minority leader. Therefore the proposition of the gentleman from Nebraska will be voted on first as in the nature of a substitute.

Mr. NORRIS. I have no objection to that, Mr. Speaker.

Mr. LLOYD. Mr. Speaker, I would like to inquire from the minority leader, the gentleman from Illinois [Mr. MANN], how it happens that the name of Mr. CAMPBELL is suggested?

Mr. MANN. Mr. Speaker, Mr. CAMPBELL'S name was suggested by me to fill the vacancy caused by the death of Mr. Madison, of Kansas. The House has already accepted the resignation of Mr. CAMPBELL from the Committee on Banking and Currency, which resignation was made at my request in order to furnish a vacancy for other appointments.

Mr. LLOYD. Mr. Speaker, I will ask the gentleman if it is understood on his side of the House that he has the power, representing the minority, to make these recommendations?

Mr. MANN. That was the action of the Republican caucus.

Mr. GARNER. Mr. Speaker, may I interrupt the gentleman?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Texas?

Mr. MANN. Certainly.

Mr. GARNER. May I inquire whether or not the membership of the Republicans from Kansas have recommended a candidate for the place? It seems that that State has been recognized on this committee by one Member taking the place of another, who has left the committee by virtue of death. Now, I desire to know whether or not the Kansas delegation has made any expression to the minority leader on the subject?

Mr. MANN. They have not. I have not considered that the Kansas delegation were entitled to the place as a matter of right or that the State was entitled to the place as a matter of right.

Mr. BARTLETT. May I ask the gentleman a question?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Georgia?

Mr. MANN. Certainly.

Mr. BARTLETT. This nomination of Mr. CAMPBELL is made in the way that the minority has made recommendation for nominations for the other committees to fill vacancies and to fill the committee originally. I understand it is made in the same way.

Mr. MANN. In identically the same way.

Mr. UNDERWOOD. Mr. Speaker, I would like to say one word in explanation——

The SPEAKER. The gentleman from Alabama asks unanimous consent to address the House for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. UNDERWOOD. Mr. Speaker, I want to explain our attitude in reference to this matter. For a number of years the Democratic Party has demanded in this House when the Republicans were in control of it that we should have the right to select and name our own committee places. When this House was organized we conceded to the Republican side of the House the right to name the committee places, subject to a general revision, so that we might balance the committee. At the direction of the Democratic caucus I notified the gentleman from Illinois that his side of the House could fill the committee places, either by their caucus or in the manner they saw fit. The Republican caucus, instead of selecting their committee places by a committee on committees and ratifying them in the caucus, as we do, determined that they desired to have their selections made by their own leader as representing the Republican Party.

Now, I say as long as they present men who are honest, who are capable of filling the positions on their side of the House, the responsible head of the Republican Party, responsible because he is ordered to do so by his caucus and with the authority of his party, is entitled to name the vacancies on the Republican side [applause] just as if we were in the minority and I was the minority leader I would demand the unequivocable right of my party to name the places if I were acting by authority of the party, so that I do not enter into any personal issue between those gentlemen. The gentleman from Kansas is my personal friend and has been for many years, but I believe right now the correct position for every Democrat on the floor of this House is to recognize in the leadership of the gentleman from Illinois what we have always demanded as our right on this side of the House, and that is that the recognized authority of the Democratic Party should have the right to name the men to fill the minority places. I think it is our duty to say that the recognized head of the Republican Party has the right to fill the places. Now, we prefer and think it is more in accord with Democratic doctrine, more in accord with our views of the situation, for our caucus to select the men. The Republican Party thinks it is more in accord with their doctrine that their leader should select the men. That is a question not for us to determine, but for them to determine. We are responsible to the country for the position we take in selecting our committees. They are responsible to the country for the position they take in naming their committeemen in the House, and the only right that we claim for the Democratic Party to supervise their selection is that they shall name honest and capable men to fill the positions on the committees. Now, there can be no question of that kind between the two men put in nomination. Therefore I think it is our duty to support the nomination made by the gentleman from Illinois.

Mr. GARNER. Mr. Speaker, will the gentleman permit me to interrupt him now?

Mr. UNDERWOOD. Certainly.

Mr. GARNER. Since we have adopted the policy of electing the men on these committees and our rules provide for their election, and since the Republican organization through its caucus has determined that the minority leader shall select the committees on that side of the House, would it not be more consistent with every reason that the Democrats should refrain from voting by answering "present" on the roll call and permit the Republicans to elect their own men?

Mr. UNDERWOOD. No; I do not think so. If the gentleman from Illinois has not a majority of his party behind him, the majority of his party have their own way to remedy the matter in their own caucus. It is their family affair. I think we should recognize in a matter of this kind the constituted head of the Republican Party and accept his suggestions within the line in which he is entitled to speak for his party.

Mr. GARNER. Mr. Speaker, I agree that we ought, in order to conclusively determine the strength of the minority leader, to refrain from voting on the Democratic side one way or the other, and let the Republicans settle it for themselves.

Mr. UNDERWOOD. I do not believe that brings about good government in this House. I believe those people are entitled to settle their own differences. If the gentleman from Nebraska [Mr. NORRIS] or the gentleman from Kansas [Mr. MURDOCK] will kindly come to this side of the House, where we have invited them to come many times before, we will see that they are properly represented on the committees of this House. [Applause on the Democratic side.]

Mr. NORRIS rose.

The SPEAKER. For what purpose does the gentleman from Nebraska rise?

Mr. NORRIS. I desire to make some remarks.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to address the House for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. NORRIS. Mr. Speaker, of course, it goes without saying to begin with that I have no personal objection to either one of these gentlemen from Kansas, whose names have been suggested for the vacancy on this committee. There are some of us, however, who do not believe in permitting the leader of a party to name the committee appointments; neither do we believe that the committee appointments ought to be settled by a caucus. The rules of the House provide that they shall be elected by the House. I am not finding fault with the gentlemen on that side if they want to pursue the course they have mapped out or with the gentlemen on this side in following the course they have mapped out, but I reserve unto myself the right to follow the course that I believe to be right, and I have exercised the privilege and the right that these rules give in making a motion here to substitute another name for the one that has been proposed by the leader of the minority party. I do not feel that I am bound nor that any other man is bound to accept this motion coming from him and say that it can not be changed or amended any more than any other motion made by him or any other Member of this House. I believe that in the selection of the committees, made by the gentleman from Illinois [Mr. MANN] at the beginning of the present Congress, he was fair. I think it was conceded that he did a good job and performed the difficult task in a very commendable way. At the same time, I have never agreed, and there are others who have never agreed, that that was the proper way of selecting committees.

In a minority though we are, we claim the right to vote our sentiments, even though we may know that the caucus on the one side and the caucus on the other side may overpower us. We only ask for the right and privilege, which I have assumed to take under these rules here this morning, of moving a substitute. It seems to me in the distribution of committee appointments on the minority side made by the minority leader at the beginning of this Congress that he gave to the one faction, if you call it so, in the Republican Party the proper representation that they were entitled to and tried to compensate them for the loss they had suffered by reason of the punishment that had been inflicted upon them before in the appointment of committees. And in carrying out that plan the gentleman from Illinois [Mr. MANN] gave to the late Judge Madison, of Kansas, this place on the Committee on Rules. It seems now it would be no more than fair, if that appointment were just, and I have heard no one dispute it, that some one representing the same faction of the Republican Party should be selected to fill the place made vacant by the death of Judge Madison. And, therefore, believing it was fair, I have made this motion. I realize from the position taken by the leader of the majority side and the position taken by the leader on the minority side that it may be, and the probabilities are, that there will not be many men who will follow me in this proposition. Nevertheless, believing it was a fair proposition and that I had the right under the rules to take this position and make this motion, and believing the motion was fair and just, I have made it, and I would like to have upon the question, Mr. Speaker, a record vote, so that every man may express his sentiments.

Mr. Speaker, I want to say further that in answer to the suggestion that the gentleman from Kansas [Mr. CAMPBELL] has resigned from the Committee on Banking and Currency, and that therefore he ought to be elected to this place, there would be no reason, if he were not elected to the place on the Committee on Rules, why he should not be reelected to the Committee on Banking and Currency. I want to say I have absolutely no feeling against the gentleman from Kansas [Mr. CAMPBELL]. I have always regarded him, and still expect to regard him, as my personal friend. There is not any feeling that I desire to have manifested, and I am surprised that there should be an indication such as has already been manifested of partisanship here, which I do not intend and do not desire to bring up. I simply want to perform what I believe to be my conscientious duty, and let the result be what it may.

Mr. GARNER. May I ask the gentleman a question before he sits down?

Mr. NORRIS. Yes.

The SPEAKER. The time of the gentleman from Nebraska has expired.

Mr. HENRY of Texas. Mr. Speaker, I ask unanimous consent that I may address the House for five minutes.

The SPEAKER. The gentleman from Texas [Mr. HENRY] asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. GARNER. Mr. Speaker, I would like to ask the gentleman from Nebraska one question.

Mr. HENRY of Texas. I have no objection to that, if the gentleman does not take it off of my five minutes.

Mr. GARNER. The question I desire to ask the gentleman from Nebraska is whether or not he can tell how the Kansas delegation stands on this question?

Mr. NORRIS. I can not. I have not consulted them.

Mr. HENRY of Texas. Mr. Speaker, one of the greatest reforms ever made in this country was achieved when the House exercised the right to elect the members of the respective committees of the House, and no man in America did more to bring about the reform than the distinguished gentleman from Kansas, VICTOR MURDOCK. [Applause on the Democratic side.]

Mr. Speaker, this Congress approved the action of the Committee on Rules in writing this proposition in Rule X:

> There shall be elected by the House, at the commencement of each Congress, the following standing committees.

This House has undertaken to exercise the right of electing its standing committees and filling vacancies in the same way, and in my judgment it will be many years before that rule is amended in that regard. But, Mr. Speaker, Democrats have contended for many years that each party should have the right to fix its representation on the respective committees, in caucus or in whatever manner thought proper by them. It has been stated that the Democrats have always been accorded the right to fix their representation. I deny it; and for the sake of truthful history assert that on many occasions the gentleman who preceded the present occupant of the chair denied us that privilege and appointed whomsoever he chose. But we are willing this morning to accord to the gentlemen on the other side the right to choose for themselves whom they wish to place upon this responsible committee. This House is to elect this member, and because I believe that each party ought to have the right to fix its own representation on committees, I am willing to yield to them in their choice as to who shall go on this committee, although unwilling to let this occasion pass without giving credit to the man who has done so much toward reforming the rules of the House of Representatives. [Applause on the Democratic side.]

Mr. CULLOP. Mr. Speaker, I would like to ask the gentleman from Texas a question.

Mr. HENRY of Texas. I yield to the gentleman, Mr. Speaker.

Mr. CULLOP. In the last Congress did not the Democratic caucus nominate two men for the Ballinger-Pinchot investigation committee, and the Republicans, then in the majority, refused to approve one of the Democrats so selected?

Mr. HENRY of Texas. They did; and no man can make an address on the floor of this House without recalling some outrage perpetrated by the Republican majority when they held power over its proceedings. [Applause on the Democratic side.]

But, Mr. Speaker, we contended, then, that we had the right to choose our own members, and still contend for that right. And while we may allow the other side to select Mr. CAMPBELL for this vacancy on the Committee on Rules; while we permit them that privilege, yet we have a majority on the Committee on Rules who are pledged to maintain the reforms that have been inaugurated, and we propose to stand by the integrity of Rule X as it has been written in our code. [Applause on the Democratic side.]

Mr. NORRIS. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Nebraska?

Mr. HENRY of Texas. I yield.

Mr. NORRIS. The gentleman says he proposes to stand by Rule X?

Mr. HENRY of Texas. Yes.

Mr. NORRIS. Rule X does not provide for the selection of committee members by the caucus or by the minority leader, does it?

Mr. HENRY of Texas. No. It provides for the election of members of committees.

Mr. NORRIS. As a matter of fact, could you not best stand by Rule X by following my suggestion as to filling the present minority vacancy on the Committee on Rules?

Mr. HENRY of Texas. We take the position that you are free to fight your own contests among yourselves, and the House will elect committee members under the operation of this rule. The Democratic caucus authorized the Ways and Means Committee to take the action suggested in this resolution offered by the gentleman from Alabama.

Mr. CANNON rose.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] desires unanimous consent to address the House for five minutes.

Mr. CANNON. I would like, perhaps, to have more than five minutes, Mr. Speaker.

The SPEAKER. The gentleman from Illinois desires unanimous consent to address the House for 10 minutes. Is there objection?

There was no objection.

Mr. CANNON. Mr. Speaker, I have been absent from the meeting of the House this morning by reason of my attendance at the meeting of the Committee on Appropriations. I came into the Chamber just as the gentleman from Nebraska [Mr. NORRIS] was concluding his remarks.

As I understand this situation, it is that there is a vacancy in the Committee on Rules, and that the minority leader [Mr. MANN] has recommended the appointment of one man, and that the gentleman from Nebraska [Mr. NORRIS] has offered a motion to elect another man, and as we are electing our committees it is up to the House to determine the question.

I am quite content, for practical purposes, to let the past take care of itself and let the present be responsible for the action of the House to-day. You on the other side of the aisle have a majority of 65 Members. I should not have said anything at this time had it not been that the gentleman from Nebraska [Mr. NORRIS] dropped a remark that Members in the middle, like Mahomet's coffin, suspended between the heavens and the earth, were punished by the former organization of this House.

During my service in the House I have always believed that the best organization would come by giving responsibility to whoever might be Speaker to organize the House, with full power, subject always to the action of the House; and under former rules always heretofore, under all parties, the House had the whip hand and could change the organization made by the Speaker of the House and elect the committees. I measure my words when I so state, and in my judgment the organization of this House in former times, under Democratic majorities and Republican majorities, will not suffer when compared with the present organization. So now we could, by a majority vote, as always heretofore, break up every committee and proceed to organize anew. All that is required is a majority. That has always been so heretofore and is so now.

I have no apologies touching the action of a former Speaker of this House. Never before in the history of the Government did the minority have the same power that the minority had for three Congresses, under the leadership of the now Senator WILLIAMS and former minority leader of this House, in placing the minority membership on committees. It was well understood between Representative WILLIAMS and the then Speaker of the House that he should have his way about minority appointments, and as I recollect now there were not to exceed four cases where the minority leader did not have his way, and in those cases the limitation placed upon him was where the organization of the minority interfered with the organization of the majority for geographic reasons or as a matter of policy, and geographic reasons substantially made the exceptions.

I believe in a government through majorities, through party organization, with full power and full responsibility; and if I had again the power to organize this House as its Speaker I would conscientiously and fearlessly organize it according to my best judgment, after the fullest consultation with members of the majority, giving the minority substantially a free hand.

I am not aware of having punished any Member of the House. Much loose talk has abounded in magazine articles, and there have been many headlines in the newspapers, but in my own mind I stand ready, from the standpoint of the public service for all the people, to justify the organization of the House when as Speaker I had the power to organize it, subject always to the House in fact. I have my own approval, and notwithstanding the carpings and mispresentations of now and then a factious and disappointed Member, who might think higher of his qualifications than I, being responsible, believed, I am content now and shall be in the future as I have been in the past. That is all I desire to say. In my judgment, the time will come when we will return to the former practice, substantially unbroken from the time of the adoption of the Constitution, of vesting in the presiding officer of the House the power to organize the House, subject, of course, to the power of a majority to approve in whole or in part to make a different organization. How was this House organized by the Democratic majority? By a number of very respectable gentlemen assuming to themselves that they would be members of the Ways and Means Committee. They were not yet members. They caucused.

Mr. LLOYD. Mr. Speaker——

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Missouri?

Mr. CANNON. I do.

Mr. LLOYD. Did not the gentleman from Illinois, while he was Speaker of the House, reserve to himself the right to refuse to accept any recommendation that was made by this side of the House, or the recognized authority on this side of the House, whenever he felt like doing so?

Mr. CANNON. I have just stated the limitation that I placed upon the minority leader of the House, and he had a full and free hand except as I have indicated, and I did organize the minority, as I recollect, in three Congresses as he recommended, save alone in four cases.

Mr. LLOYD. Mr. Speaker, in the selection of a person to fill a vacancy on the Judiciary Committee when Mr. WILLIAMS, the minority leader, recommended the gentleman from North Carolina [Mr. WEBB], was he not turned down by the Speaker,

Mr. CANNON. My recollection is that he was.

Mr. LLOYD. The Speaker reserved to himself the right to turn down the recommendation made by the minority leader whenever he saw fit. On the same principle has not this side of the House the right now to turn down any recommendation that may come to it?

Mr. CANNON. Absolutely it has the right and the power to do it.

Mr. LLOYD. And if it exercises that power it will only exercise a power which the gentleman from Illinois, as Speaker, exercised in the Congress of the United States while he was Speaker.

Mr. CANNON. In four cases, yes. And, without going into personalities, I have no apologies for rejecting the recommendation of former Representative WILLIAMS in the four cases in the six years. I was responsible, standing for and cooperating with the Republican majority, and, looking in the gentleman's eye, I say that you have the right now and the power to disregard the recommendations of the minority leader. When you do so you are responsible.

Mr. LLOYD. In the Sixty-first Congress did the gentleman from Illinois, as Speaker, consult the minority about the assignment of its Members?

Mr. CANNON. Oh, in the Sixty-first Congress, that was the last, was it not? [Laughter.] The gentleman from Missouri [Mr. CLARK], the leader then of the minority, notified me, if I recollect right, that he would not organize that minority unless his recommendations were accepted without the dotting of an "i" or the crossing of a "t." [Applause on the Republican side.] I declined to agree to that proposition because it conflicted with the policy that had been adopted by myself and by the House for the three former Congresses.

Mr. LLOYD. Is it not true at this time, carrying out the policy which the gentleman adopted, that we have the right to its exercise, a just right, with reference to accepting the recommendations of the minority leader?

Mr. CANNON. Three times—as the baseball men say, three times and out—three times has the gentleman asked that question and three times have I answered yes; the right and the power to exercise it if you choose.

Mr. LLOYD. If we exercise it, would we not be doing exactly as you have done and following the example you have set?

Mr. CANNON. Does the gentleman from Missouri think that asking a question three times, and now four, makes it any stronger?

Mr. LLOYD. As I understand the situation, the gentleman says that when Mr. WILLIAMS was minority leader the Speaker reserved to himself the right to accept the recommendations Mr. WILLIAMS made; that in the Sixty-first Congress, when the gentleman from Missouri [Mr. CLARK] was the minority leader, he did not consult him at all, because the gentleman from Missouri said that if he named the minority committees, he was going to name them; and the gentleman from Illinois would

not permit him to name them, because he reserved to himself the right to say whether these individuals were suitable persons to fill the particular places or not.

Mr. CANNON. I was clothed with the responsibility primarily of appointing the committees——

Mr. LLOYD. Well, now——

Mr. CANNON. Hold on a minute and let me have a part of my time. [Laughter.] In the tender to the minority of the organization of the committees, being responsible, having full power unless reversed by the House, I reserved to myself, for the reasons I have indicated, the right to say "no." I did say "no," in six years, four times.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent that the time of the gentleman from Illinois be extended five minutes.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the time of the gentleman from Illinois be extended five minutes. Is there objection?

There was no objection.

Mr. CANNON. Mr. Speaker, I think I have said all that I desire to say, with the exception that I will state again that whether the Speaker organizes the House or whether the majority organizes the House, the majority is responsible for the Speaker's organization, because they can turn it down, and always could if they desired to do so. Now that the majority is organizing the House through a caucus, you have the full power and full responsibility in the organization of the House, both of the majority and minority, and for one I bid you God speed in living up to your power, and we will see that you are responsible for its exercise.

Mr. LLOYD. Mr. Speaker, will the gentleman yield?

Mr. CANNON. Oh, I yield to the gentleman from Missouri.

Mr. LLOYD. Mr. Speaker, the difference between the situation in the Sixty-first Congress and the situation in the Sixty-second Congress, as I understand it, is this: That in the Sixty-first Congress the gentleman from Illinois [Mr. CANNON], as Speaker, controlled the situation, while in the Sixty-second Congress the body of the Democracy, which is in charge, controls the situation; and we here to-day have the power in our hands to say yes or no as a body, while if it had been in the Sixty-first Congress, the Speaker himself would have passed upon it.

Mr. CANNON. Mr. Speaker, I will say again what I have said before. In the Sixty-first Congress, and in all Congresses from the organization of the Government, the majority of the House has had full power to organize the House under the former rules, and it now has the power under the present rules.

I want to say just one thing in conclusion. The difference, practically, between the organization of this House and the organization of the House in the Sixty-first Congress and former Congresses lies here, that the Speaker heretofore organized the House, while in this Congress, looking in the eye of a gentleman with whom I have served a long time, a man of great ability and who, I think, has had more growth in public sentiment than any man in the United States, the House has been organized, and I dare say will continue to be organized by the distinguished gentleman from Alabama [Mr. UNDERWOOD]. [Applause.]

Mr. BERGER. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. BERGER. Mr. Speaker, parliamentarianism everywhere means a government by parties. I, therefore, disagree with the distinguished gentleman from Illinois [Mr. CANNON] that the Speaker should have the right to reject the committee nomination by any party. That might mean what it meant in the past in this House. It might mean tyranny. Each party ought to have the right, must have the right, to select its own representatives on every committee.

The Republican Party in this House acknowledges the leadership of the gentleman from Illinois [Mr. MANN]. This House is organized according to parties. Mr. MANN represents the Republican organization in this House—he is the mouthpiece of the Republican organization in this House. We know of no other mouthpiece for the Republican organization. Unless Mr. MANN is reversed by the Republican caucus or by the membership of the Republican Party on the floor of this House, I, if a vote should come, will vote for the nomination on the committee proposed by Mr. MANN.

If the gentleman from Nebraska [Mr. NORRIS] and the gentleman from Kansas [Mr. MURDOCK] are not satisfied with the Republican Party as it is made up to-day—if they represent other ideas and different principles—then, they should do as the Socialists have done—start a party of their own. [Laughter.] Mr. Speaker, of course, I know that is a pretty great undertaking. It took the Socialists about 27 years to get representation in this House at all, but now we have about 2,000,000 votes. I have a strong suspicion that we are much stronger than insurgents and the progressives combined. [Laughter.] It was hard work, but we did it. If the insurgents stand for anything at all, if they are either fish or flesh or good red herring, they ought to come out into the open and say so. If they really stand for something different than the other Republicans, or for something different than the Democrats, they ought to have the independence, the courage, the strength of character, to go out and build up a party organization of their own to fight for their principles. Then they would have the respect of everybody. Under the present circumstances, however, they are simply part and parcel of the Republican organization. They are bound by the Republican platform, the Republican principles, and the Republican leadership. I can not see it in any other way. [Applause and laughter.]

Mr. SHACKLEFORD. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. SHACKLEFORD. Mr. Speaker, we are now dealing with an important question. Speaking for myself, I need more information before I can cast a vote intelligently as between these two men. In the first place, I do not know whether the gentleman from Kansas [Mr. CAMPBELL] is the choice of the Republicans in this House. I should like to know that. In days gone by the Speaker has said that certain men were the choice of his party. I made a fight against that system as long as it prevailed here. I am not willing to right-about-face now. Is Mr. CAMPBELL the choice of the Republicans in this House? I do not know, and there is nothing in this record by which we can inform ourselves. I believe this question ought to be sent back to the Republican Members of the House, to a Republican caucus, to say whether or not a majority of them will put an O. K. upon what their leader has here proposed. I have on numerous occasions declared myself unwilling to let a man in this House proclaim himself leader of his party and bind the rank and file of the Representatives simply by his ipse dixit. What I would not be willing to grant to the leader of my own party I am not willing to grant to the leader of the Republican Party. Neither am I informed as to the status of the gentlemen who present the name of Mr. MURDOCK. Do they stand like the insurgent or progressive Republicans of the Senate? Are they acting as a separate entity demanding a committee place? If so, then I, for one, believe that their request ought to be complied with. If those who call themselves progressive Republicans in this House have the courage, as I know they have the conviction, to stand as and for themselves and get together and make a recommendation for the appointments upon the committees they should be recognized.

If they have effected a separate organization; if they have gone away from the house of those with whom they can not agree; if they have the courage to stand before the country as an independent body, as has been done in the Senate; if they will meet together, no matter how small the number, and ask representation I am willing that they shall have it. But, Mr. Speaker, without a backward step we can not take the statement of a leader as to what the majority of his party wants unless that shall have been O. K'd. by a majority of the party in some sort of a conference where there was a free vote. I have always fought and always shall fight against a one-man rule in this House. When you clothe a man with the authority of what you choose to call leadership and put in his power the selection of all the members of a committee, even for the minority, it is tyranny. It is a small degree of the same policy that prevailed when the Speaker of this House named all the committees, when he was able, I will not discuss now whether he did, but when he was able to dominate all of the committees and when he could stand defiantly in the face of the American Republic and say, "During my entire career as Speaker no bill ever passed this House which I did not favor. No bill ever came to a vote in this House unless I was willing to have it voted upon." I am not willing to have that sort of a rule in the Democratic Party, nor am I willing to cast my vote in favor of it in the Republican minority.

Mr. CANNON. Will the gentleman yield?

Mr. SHACKLEFORD. I do.

Mr. CANNON. I do not know of any Speaker of this House who ever made any such statement or could have truthfully made it, and if the gentleman refers to me, I will say that he is mistaken in the statement.

Mr. SHACKLEFORD. Mr. Speaker, my memory is not very retentive, but I can not recall that prior to the Sixty-first Congress and during the reign, and I say reign advisedly, of the gentleman from Illinois [Mr. CANNON] a single bill that ever

passed this House that he did not favor, nor am I able to recall that prior to the Sixty-first Congress any bill ever came to a vote in this House unless the Speaker favored it. I do recall that Hon. David Mercer went to him with a petition signed by more than 300 Members of this House, 312, I believe, out of a membership of 387, went into his room out here and asked him to allow a certain bill to come to a vote which more than 300 Members had said over their signatures that they favored. The Speaker said:

As long as I am Speaker of this House a vote shall never be had upon that measure.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. SHACKLEFORD. I ask for five minutes more.

Mr. CANNON. Mr. Speaker, I ask that the gentleman may have five minutes, and I will ask the gentleman to yield to me for a question.

Mr. SHACKLEFORD. I do for a question.

The SPEAKER. Is there objection to the request of the gentleman from Illinois. [After a pause.] The Chair hears none.

Mr. CANNON. Mr. Speaker, the gentleman has made a statement touching a petition covering an omnibus public-buildings bill, signed by Members of the House, asking, as I recall it, for a recognition on a motion to suspend the rules and pass the bill; and my reply was that the House had the power any day to consider that bill under the rules of the House and that I would not recognize the motion to suspend the rules.

Mr. SHACKLEFORD. Mr. Speaker, the best information I have as to the history of that bill was written by Mr. Busbey, who was at that time private secretary to the Speaker. I have known him a long time, and I have always credited him with being a truthful man. He said that Mr. Mercer said:

Mr. Speaker, if you do not allow us to have a vote upon this when a majority favors it, we are obstructed by a one-man rule, and that the man that we elected Speaker.

That in reply the Speaker said:

No; you are not. You have your remedy. A majority of the House elected me Speaker, and the same majority can remove me and elect another in my place; but as long as I am Speaker of this House that bill shall not come to a vote.

I do not know whether Mr. Busbey's article is true or not, but it was published in a magazine over the signature of Mr. Busbey, who was private secretary to the gentleman from Illinois [Mr. CANNON], and up to this date I had supposed it to be true.

Mr. CANNON. I have given, if the gentleman will excuse me, the exact facts. I do not recollect the article that the gentleman says Mr. Busbey wrote, and if he stated anything different from what I stated he was mistaken.

Mr. SHACKLEFORD. Be that as it may, Mr. Speaker, I did not rise to indulge in personalities. I am discussing an issue. It is up to this American Congress to stand up in behalf of the American people and see that the naming of the Members on that side to fill Republican places on the committees shall be in accord with the wishes of a majority as expressed in a free conference of Republicans. When they say whom they favor I am for that man.

In addition, I want to say to my good friend from Nebraska [Mr. NORRIS], whose principles usually sound good to me, "Gird up your loins, stand out in the open; get those together who believe as you do; get those together who do not believe as these standpatters do. If there are 10 of you or 8 of you, call a conference and select for yourselves a man and I will furnish one vote to help elect him, and I believe that this stalwart Democracy here, seeking to carry out the principle which we represent, will give enough votes to elect him. If you want the gentleman from Kansas [Mr. MURDOCK], in my opinion it is in your power to get him. Step out and recommend him, bring in a report to that effect, and we will give you votes enough to put him through.

Mr. NORRIS. Will the gentleman yield?

Mr. SHACKLEFORD. I will.

Mr. NORRIS. Rule X provides that these men shall be elected by the House. The matter is before the House now. Exercising the right of a Member, I move to elect the gentleman from Kansas [Mr. MURDOCK].

Mr. SHACKLEFORD. Which is perfectly proper.

Mr. NORRIS. That is a privilege I have as a Member.

Mr. SHACKLEFORD. That is undoubtedly so.

Mr. NORRIS. I will not require that a man go to a caucus, or to a leader, whether or not he is appointed by a caucus, or self-appointed, or whatever he may be, by exercising my privilege as a Member. I was elected as a Member of the House of Representatives, not as a member of some party caucus.

Mr. SHACKLEFORD. That is absolutely correct. But we over here complained in the days gone by that a Republican Speaker named for us the men who filled the places on our committees. I will not call names, but I have seen the strongest Republicans in this House put upon committees, and then I have seen the minority of it packed—I use the word advisedly—"packed" with men, good men though they were, that were known by the Speaker not to represent the Democracy, to write the tariff and other bills in this House. The gentleman from Illinois [Mr. CANNON] has been discussing this question. I would like to have him explain to this House how he can justify such action.

Mr. GARNER. Mr. Speaker, I ask unanimous consent to address the Democratic side of the House for five minutes.

The SPEAKER. The gentleman from Texas asks unanimous consent to address the House for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Will the gentleman yield to me for a question?

Mr. GARNER. Yes; for a question.

Mr. MONDELL. The gentleman said he desired to address the Democrats. Does the gentleman desire the balance of us to withdraw?

Mr. GARNER. The gentleman is at perfect liberty to withdraw if he desires. [Laughter and applause.]

Mr. MONDELL. I want to know if the gentleman insists upon our retiring?

Mr. GARNER. I made no request for the gentleman to retire, but he can do so if he desires. That is my proposition. [Laughter.]

Now, Mr. Speaker, since I have been a Member of this House this side of the House has been clamoring for a change of the rules that gives us an opportunity to control the membership of committees. At the beginning of this session we declared that we would take the power from the Speaker in the appointment of committees and lodge it in the House of Representatives itself. We also declared to the country and through our caucus, but not in the rules, the mode by which we would select the membership of the committees on this—Democratic—side of the House, and we also had a division, as some of you will remember, as to the manner in which we would select members to act upon committees from that—Republican—side of the House; and it was finally determined, over the protest of some of the Democrats, that we would permit the Republicans to select the minority members of the committeecs as might seem to them best.

Mr. MANN. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Illinois?

Mr. GARNER. Certainly, although I have got only five minutes.

Mr. MANN. The gentleman has not got anything except by unanimous consent.

Mr. GARNER. I have that much time at least by unanimous consent.

Mr. MANN. I understand that the action of the Democratic caucus was that the minority side would have the right, so far as the Democratic side is concerned, to select the members to fill minority places.

Mr. UNDERWOOD. There was a resolution passed in the Democratic caucus authorizing the minority to select its own committees, subject to the approval of the Committee on Ways and Means.

Mr. MANN. Yes. That is quite a different thing.

Mr. UNDERWOOD. The proposition of the gentleman from Illinois in the present case was yesterday submitted to the Committee on Ways and Means and approved by them as a committee.

Mr. MANN. That is what I understood all the time, but I did not understand that any such action was taken as was stated just now by the gentleman from Texas, which is quite a different proposition.

Mr. GARNER. Mr. Speaker, I submit that the proposition is in its simplicity the right of the minority to select their own members of committees. That is the principle. Let us put it in practice. Has there been an occasion thus far when the Committee on Ways and Means has refused to accept a nomination made by the gentleman from Illinois?

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. GARNER. Certainly.

Mr. MANN. There has been no such refusal, but, on the other hand, all suggestions which have been made with reference to the appointment of minority members of committees have by me, as representing the minority, been made to the chairman of the Committee on Ways and Means, representing the majority of the House. I adopted that practice because I understood that was the practice required by the Democratic

caucus, and it seemed to me to be a reasonable requirement. I might have made no motion to elect, but I have the same right to make a motion of that kind as the gentleman from Alabama has. I never offered to elect minority men; I have made no such motion at any time, but, on the contrary, have followed what seemed to me to be an orderly and proper requirement of the Democratic caucus. The minority side did not have the right to select its own members, but to recommend them.

Mr. GARNER. Yes; and those recommendations have been universally accepted by the chairman of the Committee on Ways and Means, and those recommendations have been put into execution.

Mr. MANN. The gentleman means by the Democratic members of the Committee on Ways and Means?

Mr. GARNER. Yes; by the Democratic members of the Committee on Ways and Means and the Democratic Members of this House. But, Mr. Speaker and Members on this side of the House, we have a different proposition before us to-day.

Mr. NORRIS. Mr. Speaker, will the gentleman yield there for a question?

Mr. GARNER. In just a moment. We have a proposition before this House now where the views of the minority are disputed, where there is a question as to whether they represent the views of that side. That relieves us of a responsibility in this: That if we as a unit vote here for the nominees of that side of the House——

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended five minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Texas [Mr. GARNER] be extended five minutes. Is there objection?

There was no objection.

Mr. GARNER. I am obliged to the gentleman from Illinois.

Now, if the majority accepts the recommendations of the minority leader and supports Mr. CAMPBELL, how do we know, and how is any Member of this House to know, that Mr. CAMPBELL represents a majority over there on that side and that he is their choice for this committeeship? If we refrain from voting and answer present, we thereby permit the minority by a majority vote to select a member of the Committee on Rules, and in this way put into actual practice what we—Democrats—have been advocating these many years and what we in caucus at the beginning of this session said ought to be the policy. I believe that is what the Democrats ought to do. They ought to say to you, "Fight it out over there," and let you elect whomsoever you please by a majority on that side, the Members on this side answering "present" and acquiescing in your action, so that whoever you elect may serve as a member of that committee.

Mr. NORRIS. Mr. Speaker——

Mr. GARNER. I yield to the gentleman from Nebraska for a moment.

Mr. NORRIS. I want to ask the gentleman this question: Would not the program that seems to have been carried out, which I did not understand until it was announced, between the gentleman from Illinois [Mr. MANN] and the gentleman from Alabama [Mr. UNDERWOOD] as to the method of selecting these committees absolutely nullify the rule which provides that these committees shall be elected by the House itself? If that program is carried out, does it not follow that while the rule is there in black and white yet no man has the right to make a motion to elect anybody under that rule unless his proposition goes through the formality that seems to have been adopted by some caucus or conference?

Mr. GARNER. Mr. Speaker, this would still be complying with the rule and electing a member of a committee by the House, but it would be virtually depriving a minority of the minority on that side of the House of the opportunity of contesting with the majority as to the qualifications of two Members on that side of the House. If the entire membership of this House is to follow the recommendations of the minority leader without the Republicans first having had a caucus to determine what the majority of those on that side may wish, it virtually prevents a minority of the Republicans from contesting with the majority as to who shall go on these respective committees. Now, let me illustrate it just for a moment: Let us suppose, for the sake of argument, that the gentleman from Kansas [Mr. MURDOCK] is the choice of a majority of that side of the House, but if we over here as a unit favor Mr. CAMPBELL and vote for him, that elects him, and the result is that we turn it into a farce by electing a minority Member on that side by virtue of the votes on this side of the House. So I say it is the duty of Democrats, when a question of this character comes up, to vote "present," and in that way present to the country in truth and substance the fact that this being solely a Republican matter, Republicans may decide it by their votes and that there is no obligation on our part.

Mr. GUDGER. Will the gentleman yield?

Mr. GARNER. I will yield.

Mr. GUDGER. When the Democratic caucus agreed that the minority should select their members of this committee and that action was approved by the Ways and Means Committee of the Democratic Party, then when the minority leader has selected these committeemen and the Ways and Means Committee of the Democratic Party have agreed to that selection, would it not be a sitting down on the Democratic Ways and Means Committee by its own party if we should refuse to vote on such occasions as this? In other words, are we not estopped from denying that these committeemen have been selected by the proper method, because the Ways and Means Committee have agreed that they have been properly selected?

Mr. SHACKLEFORD. Will the gentleman let me have a word right there?

Mr. GARNER. I yield to the gentleman from Missouri.

Mr. SHACKLEFORD. I want to inform the gentleman from North Carolina that the Democratic caucus, at the request of the members of the Ways and Means Committee, adopted a resolution declaring all we could do was to nominate. We have no power to name anybody upon a committee. A resolution was adopted at our own request declaring that all we could do was to recommend to the caucus.

Mr. GUDGER. Then, I want to ask the gentleman from Missouri this question: Did not the Ways and Means Committee of the Democratic Party exceed their power when they confirmed the appointments made by the leader of the Republican Party?

Mr. NORRIS. Did not the Ways and Means Committee absolutely nullify the rule when they did that?

The SPEAKER. The time of the gentleman from Texas [Mr. GARNER] has expired.

Mr. POU. Mr. Speaker, I ask unanimous consent that the gentleman from Texas have five minutes more.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the gentleman from Texas [Mr. GARNER] have five minutes more. Is there objection?

There was no objection.

Mr. GARNER. Mr. Speaker, I should like to have order.

The SPEAKER. The House will be in order. Members will take their seats. The Sergeant at Arms will clear the aisles.

Mr. GARNER. Mr. Speaker, I submit to every Democrat in this House that this is no fight of ours. [Applause.]

I submit to every Democrat in this House that if it is the correct policy, if it is the judgment of this side of the House that the minority should have the right and that it ought to have the right—and I want to say for one member of the majority that the minority ought to have the absolute right to select its membership the same as we select ours—if we believe in that, if we are conscientious when we say that the minority should have the right in its own way to select its members, then, in an instance like this, when two men are nominated from that side of the House, how can we better carry out the principle than to refrain from voting and let the Republicans settle it among themselves?

Mr. PALMER. Will the gentleman yield?

Mr. GARNER. Certainly.

Mr. PALMER. Would not the logic of that proposition lead you to this, that the Republican minority having decided that its leader shall name the members of the committee for the minority party, we are bound by the expression of the will of the minority to accede to the leader's nomination?

Mr. GARNER. I do not think so, for this reason: How are we to know that the majority of the Republicans are in favor of the nomination made by the minority leader? I do not know myself, and I therefore shall refrain from casting my vote. I believe it ought to be the right of that side of the House to select its own members, and I will not interfere with the responsibility of the minority in selecting the members of the committee.

Mr. BARTHOLDT. Will the gentleman yield?

Mr. GARNER. I will.

Mr. BARTHOLDT. The question as to whether the gentleman from Kansas, Mr. CAMPBELL, or the other gentleman from Kansas, Mr. MURDOCK, is supported by a majority on this side of the House is not the question. The question is whether the leader of this side has been authorized by the Republican side of the House in caucus to make its selection. He has been so

authorized. Consequently, whoever he designates as the proper member of the committee, as far as the minority is concerned, is the member to be elected.

Mr. GARNER. Well, Mr. Speaker, I have never seen any resolution of the Republican caucus which designated the minority leader to select the membership of that party. It may be, but it is not in the rules, and it has not been submitted to the majority for its consideration.

Mr. UNDERWOOD. I beg the gentleman's pardon, it was submitted to me; a statement coming from the Republican caucus that the gentleman from Illinois [Mr. MANN] was authorized to speak for that side of the House in the selection of committees. I do not know whether I have the resolution filed away, but it was presented to me from that caucus.

Mr. BUTLER. Will the gentleman from Texas yield for a question?

Mr. GARNER. I will.

Mr. BUTLER. Does the gentleman know whether or not the selections heretofore made have not all been designated by the gentleman from Illinois?

Mr. GARNER. I do not know anything about it. I know that I do not propose, as one Democrat, to undertake to settle any differences between Republicans as to which one shall sit on the committees. I do not believe that the Republican minority ought to say what Democrats should sit on the committees of the House. I leave it entirely to the minority, refraining from voting.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. BARNHART. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Indiana asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. BARNHART. Mr. Speaker, it strikes me that this is largely much ado about nothing. The quarrel among our friends the enemy is not an unusual spectacle. The country has come to regard our Republican friends as divided into two classes, standpatters and insurgents. A definition of that as given by some one is that a standpatter is a Republican who has stopped and can not start and an insurgent is a Republican who has started and can not stop. [Laughter.] If that be true, they are in a pitiable condition rather than to be censured.

I want to say briefly to the Democrats that in the last Congress complaint was universal among ourselves that the Speaker of the House was arrogating to himself the right to name committees, and when we went before the country in the campaign, so far as I know, we charged the Republican Party with the responsibility of having given to the Speaker the right to name these committees without consulting the minority in any respect whatever. Personally, the Speaker was more than kind to me, recognizing me beyond my own merits. But we urged that the Democratic minority ought to have the right to place upon its committees men of its own selection. And if it was right then that each side should name its own committees, it is right now. True, we have not heretofore been treated right in this respect by the Republican leaders, but two wrongs never make a right, and we were not elected to do the same things and adopt the same unfair policies that the people repudiated with their votes.

Possibly it is right that we should settle Republican factional quarrels, but I doubt it. Let the minority name its committee members and the majority approve them is the principle I shall stand for, because I believe it is consistent with the position we maintained in the past. If, however, the Republican minority is not able to decide which of two men it wants, then, and not until then, will it be up to the Democrats to help them make that decision; and until they come before us with the declaration that they have decided upon a man I believe it will be perfectly consistent for a Democrat to assume the position that it is not his trouble, but his impartial duty to vote "present" until they agree among themselves. [Applause on the Democratic side.]

Mr. GRAY. Mr. Speaker, I ask unanimous consent to address the House for two minutes only.

The SPEAKER. Is there objection?

There was no objection.

Mr. GRAY. Mr. Speaker, the most despicable treachery known to human warfare is deserting an ally and surrendering him over to his enemies. The insurgent Republicans have been our allies. They left their party at the hazard of their political fortunes and lives to aid us in carrying out reforms which we claimed were vital to the welfare of the people. I condemn this bipartisan movement, and I characterize this proposition to surrender our allies, the insurgent Republicans, over to our stand-pat enemies for political execution as not only an act of gross ingratitude, but as transcending good faith and honor observed even in the merciless strife of war. [Laughter and applause.]

Our reform rules provide that committes shall be appointed by the whole House, not by one man nor by a political caucus, and I demand that this rule now be carried out and that this House elect a member of this committee to fill the vacancy arising by the death of Mr. Madison instead of ratifying Republican caucus action, which we have condemned as autocratic and in defiance of the will of the people.

My fellow Democrat from Missouri [Mr. SHACKLEFORD] says he wishes to be informed before he votes whom the Republican caucus favors. I want to know before I vote, not what a stand-pat Republican caucus has declared for, but which one of these candidates for this committee position stands for progressive policies and the highest and best interests of the common people.

And my brother Democrat from Texas [Mr. GARNER] also tells us that this is not our fight. I answer it should be our fight. It is my fight.

It ought always to be our fight to stand for the best men. It ought always to be our fight to vindicate our pledges and to uphold the policies which we have stood for. We made it our fight before the election, and good faith requires that we maintain it here.

I speak only for myself. I do not assume to speak for my party or my fellow Democrats. I shall support this motion made by the gentleman from Nebraska [Mr. NORRIS] to substitute for this one-man-appointed nominee the name of VICTOR H. MURDOCK to fill the committee vacancy resulting from the death of Mr. Madison, instead of abiding the dictation of a minority stand-pat Republican caucus. [Applause.]

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Mr. Speaker, have I not the right to the floor?

The SPEAKER. The Chair will state very frankly that when this debate began he regarded it as a motion which nobody had a right to debate, except by unanimous consent; but the Chair believes that he was wrong and ought to have recognized the gentleman from Alabama [Mr. UNDERWOOD] for an hour, to begin with. The Chair wishes to state that because it ought to be stated.

Mr. NORRIS. Mr. Speaker, if that be true, now that the Chair has taken the other view, then I would have taken a different position from the position which I took at the start. I acceded to the decision of the Chair. I believed, however, that I was entitled to the floor for an hour, because my motion is one that is in the nature of an amendment.

Mr. MANN. The gentleman's motion was a mere amendment.

The SPEAKER. The Chair believes so, too, as far as that is concerned.

Mr. MANN. Mr. Speaker, I shall not raise the parliamentary inquiry——

The SPEAKER. The Chair is glad that the gentleman has raised it, because he intended to make the statement at the close of this debate.

Mr. MANN. However, as the same rule has already been applied to others, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, the Republican caucus which was called at the beginning of this Congress selected me as their candidate for Speaker, which, under the unwritten practice, made me the so-called minority leader. At the same time, following a communication from the Democratic caucus, the question was presented, and it was agreed by caucus action that the Republican candidate for Speaker—the minority leader—should make the recommendations for minority appointments upon committees. I understood in communications with the gentleman from Alabama [Mr. UNDERWOOD] that the Democratic caucus had taken the position that the Republican side of the House might select the minority members of the committees unofficially, subject to the approval of the Democratic members of the Committee on Ways and Means.

Of course, we all understand the rule that there shall be an election by the House, and the motion by way of amendment now offered by the gentleman from Nebraska [Mr. NORRIS] is entirely in order and is conformable to the rules of the House.

I so far have made recommendations to the gentleman from Alabama [Mr. UNDERWOOD] as the chairman of the Committee on Ways and Means, and on the original recommendations for minority places went before the Democratic members of the Committee on Ways and Means with a list which I had submitted for explanation, if explanation was desired. It is no easy matter to select the committee positions in a great body like this. The gentleman from Nebraska [Mr. NORRIS] a few moments ago made an erroneous statement in saying that in making my selections I had endeavored to compensate certain Members of this House for lack of committee assignments in a previous Congress.

When I was selected as minority leader of the House it was with the statement made at the caucus after the selection was made of myself that I did not desire to be the leader of a factional party or of a faction of a party, and that in making selections of minority Members of the House for committee places I had no one to punish, that I should have in mind only the best interest of the country and of the minority party. [Applause.] In making those selections it was necessary for me to take many Members of former Houses off of committees which they had formerly occupied. The Committee on Rules was a problem, and I am somewhat surprised that the gentleman from Missouri should now be under the impression that the so-called Republican insurgents had no Member on the Committee on Rules, because the very able and distinguished gentleman from Wisconsin [Mr. LENROOT] is a member of the Committee on Rules, and wherever placed is an able representative of any faction or any party. [Applause.] In the selection of the minority places I recommended the appointment or election of Mr. Madison and the gentleman from Wisconsin [Mr. LENROOT] on the Committee on Rules. Both were so-called Republican insurgents. That was a proportion of the membership far in excess of the proportion of the membership on the floor of the House, but I did not regard proportions. I was not considering that when I made the recommendation for the appointment of the so-called insurgents that I had to even it up by the appointment of a so-called regular or in making the recommendation for the election of a so-called regular that I had to even up by the selection of a so-called insurgent. I would not undertake such a task as that. [Applause.] I desired to treat all fairly and I endeavored to do so to the best of my ability. The gentleman from Kansas [Mr. CAMPBELL] in a previous Congress was on three committees, the Committee on the District of Columbia, the Committee on Indian Affairs, and the Committee on Banking and Currency. On the Committee on Banking and Currency was also the gentleman from Delaware [Mr. HEALD], who was the eighth Republican upon that committee, and, as we could only place seven Republicans on the committee, Mr. HEALD's name was dropped from the list, much to his disappointment. I took Mr. CAMPBELL off the Committee on the District of Columbia, where he would have been the ranking member, and left him upon the Committee on Banking and Currency and the Committee on Indian Affairs. When Mr. Madison passed away it was a question in my mind as to the selection of a Republican Member to take his place. I canvassed the situation in my mind, talked with some of the Members of the House with regard to it, and have been free to talk with any Member since the beginning of this session of Congress in regard to it. The gentleman from Kansas [Mr. MURDOCK] is a valuable member of the Committee on the Post Office and Post Roads. He would not wish to leave that committee. I finally said to Mr. CAMPBELL, of Kansas, that I had him, as far as I was concerned, under consideration, and asked him whether he would be willing to leave the Committee on Banking and Currency in order to go on the Committee on Rules, and if that was done I could take care of the gentleman from Delaware [Mr. HEALD] on the Committee on Banking and Currency. The gentleman from Delaware was also desirous of going on the Committee on Naval Affairs. The newly elected Member from New Jersey [Mr. BROWNING] was also desirous of going to the Committee on Naval Affairs.

I desired to accommodate as many Members of the House as possible, and in the end I made the recommendation by presenting the resignation of Mr. HEALD from the Committee on Coinage, Weights, and Measures, in which place the new Member from New Mexico has already been elected. The resignation of Mr. CAMPBELL, of Kansas, from the Committee on Banking and Currency was presented and Mr. HEALD was placed in that position and he has now been elected by the House a member of the Committee on Banking and Currency. I believed then, as I still believe, that, taking everything into consideration, the appointment of the gentleman from Kansas on the Committee on Rules was a wise appointment, both on account of his individual ability and his standing on this side of the House and in order to ease up the situation as to other committee appointments.

Let me say to the gentlemen on the other side of the aisle, and particularly to my friend from Missouri [Mr. LLOYD], who a while ago apparently seemed to indicate that the present situation was very different from what it was before, under a former Speaker, when the minority was not permitted, as he says, to absolutely fill the places, I recognized the right, and believed it ought to be exercised, of the majority side of the House being responsible, because they were in control, and of the right on either side, either through the Ways and Means Committee or on the floor, to change designations made either by the minority leader, or the minority through caucus or otherwise.

The SPEAKER. The time of the gentleman has expired.

Mr. BARTLETT. Mr. Speaker, I ask unanimous consent that the gentleman may have five minutes more.

The SPEAKER. The gentleman from Georgia asks that the gentleman from Illinois [Mr. MANN] may have five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. When the matter first came up, and we were notified on our side of the House that the list of recommendations of the minority should be submitted to the Democratic members of the Ways and Means Committee, thereby continuing their right under the rules to select our candidates for minority places, there was some question in my mind and in the minds of other Members on this side of the House whether we should not do as the former minority had done, namely, reject the proposition and leave the majority to select the minority members of the committee. I am frank to say that I think the better sense prevailed, and we accepted the proposition that we should recommend to the Democratic members of the Committee on Ways and Means the minority places, and that the Democratic members of the Committee on Ways and Means should practically be the ones who should make recommendations to the House for the election of members.

When the first election of committees came up I could have offered a motion, having the same right to the floor as the gentleman from Alabama, fixing the list of the minority committeeships. I did not offer such a motion, took no exception to the position of the Democratic caucus or the Democratic Ways and Means Committee, and have received so far every consideration both from the chairman of the Ways and Means Committee and the Democratic members of that committee.

Now, Mr. Speaker, a word more. I do not ask the election to any committee place of any Member recommended by me by the Democratic side of the House. If the majority of the Republicans in this House do not stand by my recommendation, I do not want my recommendation to go through [applause], because if I do not, as the leader of the Republican side of the House, have the confidence of the Republican side of the House, I prefer to know it. [Applause on the Republican side.] And I hope that when the roll is called the gentlemen on the Democratic side of the House will either vote "Present" or not vote at all upon the first roll call and let it be known that in the election of a Republican Member to a committee a majority of the Republicans shall determine the matter. I am quite content to leave my leadership to the judgment of the Republican side of the House. [Applause on the Republican side.]

Mr. UNDERWOOD. Mr. Speaker, unless some gentleman desires to debate further, I would like to close it.

Mr. NORRIS. I ask unanimous consent for five minutes.

The SPEAKER. The gentleman from Nebraska [Mr. NORRIS] asks unanimous consent for five minutes. Is there objection?

There was no objection.

Mr. NORRIS. Mr. Speaker, it seems to me that we can well consider at this point whether Rule X of the rules as now existing means what it says. Under this rule of the House committees are to be selected by the House. I am not censuring the man who does not believe in that or believes they ought to be selected by a caucus or a leader. I concede your honest right to that opinion, but while I give that to you I claim the privilege myself to hold a different view. I do not believe they ought to be selected by a caucus. I do not believe they ought to be selected by a minority leader. I am not finding fault, either, with the men who believe in a caucus as it exists or in the minority leader, but I want to exercise my right as I believe it to exist under the rules and my membership here, to make a motion on the floor of the House to do what the rules say we can do. It seems that these committees have been selected by the minority leader, submitting them privately to the chairman of the Ways and Means Com-

mittee and then the Ways and Means Committee passing on them. The rules do not provide for that. The rules say that they shall select them in the House. If that is right, if the rule is right, then every man who has so far shown a bitterness against me for making this motion ought to apologize, because if that rule means what it says, I am exercising my constitutional privilege under that rule.

Mr. SHACKLEFORD. May I ask a short question?

Mr. NORRIS. Yes.

Mr. SHACKLEFORD. Did the Republican caucus confer upon the minority leader the authority?

Mr. NORRIS. I assume it did. I was not in any caucus where it did. And I do not believe in that kind of party government. I do not believe in caucus rule, and it is just as bad whether it is exercised by the caucus itself or exercised by the caucus conferring the power on somebody else. And believing that way, I claim the right to exercise these privileges which the rule gives me.

Mr. CARTER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Nebraska yield to the gentleman from Oklahoma?

Mr. NORRIS. Yes; I yield.

Mr. CARTER. I wanted to ask the gentleman from Nebraska about a suggestion that has been made on this side of the House, which in effect is this: When the committees were about to be organized, at the beginning of the first session of the present Congress, our members of the Committee on Ways and Means went to the leaders among the insurgents and asked them if they desired to have the Democratic Committee on Ways and Means, or the Democratic Party—if the gentleman prefers that language—take care of their committee assignments, or if they preferred to take their chances with their own party?

Mr. NORRIS. I will answer it. I hope the gentleman will not take up all of my time by a speech.

Mr. CARTER. Why, Mr. Chairman, I simply want to finish my question. Now, it is reported that the insurgents' reply was they would take chances with their own party. I simply wanted to know if that was or was not true.

Mr. NORRIS. I can not say whether it was true or not, except that if the question were propounded to me I would say No. I do not want any caucus to look out for a committee appointment for me. I will get along without a committee appointment. I found out, when I had practically none, that it was not such a bad condition to be in at all. [Laughter.] The committee appointments have to a great extent lost the great power and influence which they used to have under the different conditions which formerly prevailed. I do not think that has anything to do with this question.

I am not asking anybody to vote in any manner except as he conscientiously believes he ought to vote. Nobody owes me, or the so-called insurgents, anything that I know of with respect to this vote. It is the House that ought to determine the committee appointments, and if our rule means what it says, you have an opportunity now to exercise your own judgment, and you ought to exercise it without being trammeled by a caucus rule or trammeled by fear of displeasure from a leader on either side. You ought to do your duty as you see it, and it is perfectly immaterial to me which way you vote, so far as that is concerned. But the principle is the same in any case, and it is the principle that I wanted to bring out by making this motion.

The SPEAKER. The time of the gentleman has expired.

Mr. UNDERWOOD. Mr. Speaker, I would like to ask 10 minutes by unanimous consent, and then close this debate. I desire to explain my position in this matter.

The SPEAKER. The gentleman from Alabama asks unanimous consent to address the House for 10 minutes. Is there objection?

There was no objection.

Mr. UNDERWOOD. Mr. Speaker, this Government is a Government of parties. [Applause.] You gentlemen on this side of the House recognize allegiance to the Democratic Party. The men who hold seats on that side of the House, most of them, also hold allegiance to a party. This great Government of ours could not run, could not operate its functions, unless there were party divisions.

Now, I will say this: In the organization of this House I did not communicate with the gentleman from Nebraska, but I did communicate with some of the insurgent or progressive Republicans. We asked them what we would do as to placing them on committees, where they should go if they did not receive fair treatment from the regular Republican organization, and I told them—and I spoke for you, my fellow Members on this side of the House, because I consulted most of the men on this side of the House before I made the statement—that if they stood out as a separate organization they should name their proportionate share of places for committee appointment. There is no man in this House who can deny that statement. I further told them that if they went into the Republican organization we would recognize that organization, and they must come to us, in that case, through the mouthpiece of the organization to which they held allegiance. [Applause on the Democratic side.]

Now, that was right; that was fair; that was just. We would gladly——

Mr. NORRIS. Mr. Speaker, will the gentleman yield for a suggestion?

Mr. UNDERWOOD. Yes.

Mr. NORRIS. Nobody is coming to you now as an organization asking anything.

Mr. UNDERWOOD. Wait a moment. I am coming right to that proposition. If we treated them fairly and justly when this House was organized, and held open our arms and said, "In proportion to your numbers, if you want a separate organization, we will recognize you on committees of this House in that way," there is no complaint there.

Mr. BURLESON. Right on that point, if the gentleman will permit me——

Mr. UNDERWOOD. Certainly——

Mr. BURLESON. The alternative was clearly presented to them that if they saw fit to act with the regular organization we could only recognize the regular organization.

Mr. UNDERWOOD. Certainly. Now, with an organization you can not come into this House and indiscriminately elect men to places on committees. You have got to balance these committees. You have got to divide them between the membership of the House. Now, let me say to the Members on this side of the House that this is no question as to whether Mr. MURDOCK or Mr. CAMPBELL shall represent the great Republican Party on the Rules Committee. That is a minor detail. The question is as to whether the Republican Party, speaking through its organization, shall have a man on the Rules Committee who represents that organization and is loyal to that organization. That is the issue.

Mr. JACKSON rose.

Mr. UNDERWOOD. Just a moment.

The SPEAKER. The gentleman from Alabama declines to yield.

Mr. UNDERWOOD. That is the issue. What complaint have we made for years on this side of the House? We said that men were put on committees to represent the Democratic Party who did not represent our organization. That is the charge that we hurled at the Republican side of the House. Now, there is not any question, and there can not be any, and this vote will disclose it, that the gentleman from Illinois [Mr. MANN] represents a majority of his party; that the gentleman from Nebraska [Mr. NORRIS] and his associates went into a Republican caucus that authorized——

Mr. NORRIS. Oh, no. The gentleman does not want to make a misstatement.

Mr. UNDERWOOD. No; I do not.

Mr. NORRIS. That statement is not correct.

Mr. UNDERWOOD. Then I will say that they accepted their appointments from the Republican organization, and would not accept amendments from us as a separate organization. That statement is correct.

Mr. BURLESON. Nor would they suggest appointments of their own when that opportunity was given them.

Mr. UNDERWOOD. Certainly.

Mr. HARDY. Will the gentleman permit one question?

Mr. UNDERWOOD. I will yield to the gentleman.

Mr. HARDY. If we let the other side select their men will not that be leaving the question to that party to determine?

Mr. UNDERWOOD. I am coming to that. Now, I want to say to you gentlemen on this side of the House further, that the chairman of the Ways and Means Committee has carried out your instructions. You and the caucus instructed the Ways and Means Committee to visé the committee appointments offered by the gentleman from Illinois. The Ways and Means Committee met and passed on these appointments, and it is my motion, not the motion of the gentleman from Illinois, that is presented to this House, made in accordance with your directions.

Mr. GARNER. Will the gentleman yield for a question?

Mr. UNDERWOOD. Certainly.

Mr. GARNER. But you substantially say that you make this motion at the request of the minority leader?

Mr. UNDERWOOD. I do.

Mr. GARNER. And if each Member on the Democratic side should refrain from voting it would not be a reflection on the

Democratic leader, but would leave it entirely to the Republicans to say whether they wanted it

Mr. UNDERWOOD. I am coming to that. I do not regard that as a reflection, but there is a more important thing.

Mr. JACKSON. Now, will the gentleman yield?

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Kansas?

Mr. UNDERWOOD. I will yield for one question.

Mr. JACKSON. Is it not true that Speaker CANNON represented the majority of his party when he named the committees on this side?

Mr. UNDERWOOD. Certainly; and he had a right to name your members of the committees, because you gave him the authority; but we never recognized that he had the right to name our places and put on the committees men who did not meet with our approval.

Mr. BURLESON. Men who misrepresented us.

Mr. UNDERWOOD. And we are standing for that same principle right now.

Mr. JACKSON. Now, if, by your vote or silence——

Mr. UNDERWOOD. Please ask your question, and do not argue it.

Mr. JACKSON. I will ask my question if you will permit me to do so.

Mr. UNDERWOOD. Then I will not yield.

The SPEAKER. The gentleman declines to yield.

Mr. UNDERWOOD. The principle we are standing for is your right to be represented as a minority, as you want to be, on the committees.

Mr. JACKSON. I wish the gentleman would yield.

Mr. UNDERWOOD. I will yield if you will ask your question, but not argue it.

Mr. JACKSON. I was asking it as fast as I could. If you insist on your organization voting as an organization to approve the selection of the party leader on this side, merely because he is the party leader, do you not in effect approve the rule which you say you refused to approve when Speaker CANNON named the committees?

Mr. UNDERWOOD. No; I do not. The responsibility as to how you shall act, whether you allow 1 man to select your committees or whether you allow 14 men to select your committees, as this side of the House does, is a question for your caucus; and we agreed to accept the findings or the result coming from your caucus.

Now, here is the reason why I say that the gentleman from Nebraska has no standing on this floor in his motion. It does not appear that he has ever gone to the gentleman from Illinois, the leader of the minority, and been turned down by him and appealed to a caucus of his side of the House.

Mr. NORRIS. Will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. NORRIS. Does the rule under which we are operating provide that I shall go to the minority leader and then appeal to a caucus?

Mr. UNDERWOOD. I am coming to that. If you gentlemen want to organize a separate party, we will recognize your party and give you as full recognition as it is possible for us to do. But, as I say, the gentleman from Nebraska has not gone to a Republican caucus in an appeal from the decision of the leader of the minority.

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. UNDERWOOD. Mr. Speaker, I would like five minutes more.

The SPEAKER. The gentleman from Alabama asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. UNDERWOOD. He has not gone to the Republican caucus and made an appeal, where he had the right to appeal. The gentleman from Nebraska knows how this House is organized; he knows that the gentleman from Illinois submits, under your rule, his nominations to the Democratic members of the Ways and Means Committee. The gentleman from Nebraska has never appeared before the Ways and Means Committee—your representatives—and made any protest, but he makes his protest for the first time on the floor of this House.

Mr. NORRIS. Will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. NORRIS. Under the rule, is not that the place to make it? The rule does not say anything about an appeal to the Committee on Ways and Means or the caucus.

Mr. UNDERWOOD. The responsibility for the organization of this House rests with the majority. The majority should do what is fair, what is just, and what is right, and it always will so far as I can help to carry it out. [Applause.]

Now, I want to say that it is true that this House has the right to elect its committees, but we have recognized in our own caucus that it should be done along party lines. It is true that if one party, or one set of men, were so dictatorial, so unfair, and so unjust that they were not doing the fair and proper thing, or were putting bad men on committees, the majority of the House could break down party lines and elect their men, but that is not the case here. It is merely a question of whether we recognize the organization of the Republican Party acting as an organization. They are responsible for it; if they are putting up the wrong men, upon them rests the responsibility.

Now, there is one thing more I want to say in reference to Democrats not voting. When you met in the Democratic caucus of the House you did not tell me to go to the gentleman from Illinois [Mr. MANN] and tell him to elect his own committeemen. No; you told me by your resolution to inform the leader of the Republican Party that he could make, or his party could select in such way as they saw proper, nominations to the Ways and Means Committee, for their approval first, of the membership of the committees on that side of the House; and that was very proper, because somebody has got to determine how these members of the committees can be selected. We, as the majority party, are responsible for the legislation of this House. We must see that these committees are made up in workable form, that three or four or five men are not put on it from one State, that manifestly objectionable men are not put on it; we have to retain that check. Now, you sit in your seats to-day and accept the proposition that the leader of the minority offers to you; you sit silent and let his side of the House determine who shall be elected on these committees without your votes, and you surrender absolutely in this precedent the right to control the minority representation on the floor of this House or having any future say so about it.

Mr. GARNER. Will the gentleman yield right there?

Mr. UNDERWOOD. Certainly.

Mr. GARNER. Then, according to the gentleman's logic, our agreement in caucus to select the men the Ways and Means Committee approved, nominated by the minority leader, prohibits us from voting for anybody except Mr. CAMPBELL?

Mr. UNDERWOOD. I do not say that. If there is any Member on the floor of this House who thinks that the recommendation made by the gentleman from Illinois, the recommendation approved by the Ways and Means Committee, is one unworthy of this House, then he has the right to vote as he pleases, but I say the responsibility rests with you, and it is not our place to surrender it to the minority. [Applause.] [Cries of "Vote!" "Vote!"]

Mr. NELSON. Mr. Speaker, I ask unanimous consent that the gentleman from Alabama have one minute more, and that he yield to me for a question.

Mr. SHERLEY. Mr. Speaker, I object.

The SPEAKER. The gentleman from Kentucky objects.

The vote will be taken on the substitute of the gentleman from Nebraska [Mr. NORRIS], substituting the name of Mr. MURDOCK, of Kansas, for the name of Mr. CAMPBELL, of Kansas, as a member of the Committee on Rules.

Mr. MANN. Mr. Speaker, upon that I demand the yeas and nays.

Mr. NORRIS. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Those in favor of electing Mr. MURDOCK will, as their names are called, answer aye, and those opposed will answer no. The Clerk will call the roll.

The question was taken; and there were—yeas 106, nays 167, answered "present" 33, not voting 85:

YEAS—106.

Akin, N. Y.	Cox, Ohio	Gregg, Pa.	Maguire, Nebr.
Allen	Cullop	Hamlin	Martin, Colo.
Anderson, Minn.	Daugherty	Haugen	Morse, Wis.
Ansberry	Davis, Minn.	Helgesen	Moss, Ind.
Ashbrook	Dickinson	Helm	Murray
Bathrick	Difenderfer	Hensley	Nelson
Beall, Tex.	Donohoe	Houston	Norris
Bell, Ga.	Doremus	Howard	Oldfield
Booher	Edwards	Hubbard	O'Shaunessy
Borland	Esch	Hughes, Ga.	Pepper
Brown	Evans	Jackson	Post
Buchanan	Faison	Konop	Prouty
Burke, Wis.	Ferris	Lafferty	Raker
Burnett	Fowler	La Follette	Rees
Candler	French	Lee, Pa.	Reilly
Carter	George	Lenroot	Roddenbery
Cary	Glass	Lewis	Rouse
Claypool	Godwin, N. C.	Lindbergh	Rubey
Collier	Goodwin, Ark.	Linthicum	Rucker, Colo.
Cooper	Gray	Lobeck	Rucker, Mo.
Cox, Ind.	Green, Iowa	McHenry	Sabath

Sherwood	Stone	Underhill	Witherspoon
Sisson	Sweet	Warburton	Woods, Iowa
Smith, N. Y.	Thayer	Webb	Young, Kans.
Smith, Tex.	Thomas	Whitacre	Young, Tex.
Stedman	Tribble	White	
Stephens, Cal.	Turnbull	Wilson, Pa.	

NAYS—167.

Adair	Draper	Konig	Plumley
Adamson	Driscoll, M. E.	Korbly	Powers
Ainey	Dyer	Lafean	Pray
Ames	Farr	Lamb	Prince
Anthony	Fergusson	Langham	Redfield
Austin	Fitzgerald	Lawrence	Richardson
Ayres	Flood, Va.	Legare	Roberts, Mass.
Barchfeld	Floyd, Ark.	Levy	Rodenberg
Bartholdt	Fordney	Lloyd	Rothermel
Bartlett	Fornes	Loud	Scully
Berger	Foss	McCall	Seils
Bingham	Gallagher	McCoy	Simmons
Blackmon	Gardner, Mass.	McCreary	Slayden
Bowman	Gardner, N. J.	McDermott	Slemp
Bradley	Gillett	McGuire, Okla.	Sloan
Brantley	Good	McKellar	Smith, J. M. C.
Browning	Greene, Mass.	McKenzie	Smith, Saml. W.
Bulkley	Griest	McKinley	Speer
Burke, Pa.	Guernsey	McKinney	Stephens, Miss.
Burke, S. Dak.	Hamill	McLaughlin	Sterling
Burleson	Hamilton, Mich.	Macon	Stevens, Minn.
Butler	Hammond	Madden	Sulloway
Calder	Hanna	Malby	Switzer
Cannon	Harris	Mann	Taylor, Ohio
Catlin	Harrison, N. Y.	Martin, S. Dak.	Thistlewood
Clark, Fla.	Hartman	Matthews	Tilson
Clayton	Hay	Mays	Towner
Connell	Heald	Mondell	Townsend
Conry	Henry, Conn.	Moon, Pa.	Tuttle
Copley	Henry, Tex.	Moore, Pa.	Underwood
Crago	Higgins	Moore, Tex.	Utter
Cravens	Hill	Morgan	Vreeland
Crumpacker	Holland	Morrison	Watkins
Curley	Howell	Mott	Wedemeyer
Dalzell	Howland	Needham	Weeks
Danforth	Hughes, N. J.	Padgett	Wilder
Dent	Humphrey, Wash.	Palmer	Willis
Denver	Kahn	Parran	Wilson, Ill.
Dies	Kendall	Patton, Pa.	Wilson, N. Y.
Dixon, Ind.	Kennedy	Payne	Wood, N. J.
Dodds	Kinkaid, Nebr.	Peters	Young, Mich.
Doughton	Knowland	Pickett	

ANSWERED "PRESENT"—33.

Alexander	Hardwick	Page	Sims
Barnhart	Hardy	Pou	Stanley
Bates	Harrison, Miss.	Rainey	Stephens, Tex.
Burgess	Jones	Rauch	Sulzer
Byrnes, S. C.	Kitchin	Riordan	Taggart
Davidson	Kopp	Russell	Wickliffe
Garner	Lee, Ga.	Saunders	
Garrett	Lever	Shackleford	
Gudger	Moon, Tenn.	Sherley	

NOT VOTING—85.

Aiken, S. C.	Estopinal	Humphreys, Miss.	Pujo
Anderson, Ohio	Fairchild	Jacoway	Randell, Tex.
Andrus	Fields	James	Ransdell, La.
Boehne	Finley	Johnson, Ky.	Reyburn
Broussard	Focht	Johnson, S. C.	Roberts, Nev.
Byrns, Tenn.	Foster, Ill.	Kent	Robinson
Callaway	Foster, Vt.	Kindred	Sharp
Campbell	Francis	Kinkead, N. J.	Sheppard
Cantrill	Fuller	Langley	Small
Carlin	Goeke	Lindsay	Smith, Cal.
Cline	Goldfogle	Littlepage	Sparkman
Covington	Gould	Littleton	Stack
Currier	Graham	Longworth	Steenerson
Curry	Gregg, Tex.	McGillicuddy	Stephens, Nebr.
Davenport	Hamilton, W. Va.	McMorran	Talbott, Md.
Davis, W. Va.	Hawley	Maher	Talcott, N. Y.
De Forest	Hayes	Miller	Taylor, Ala.
Dickson, Miss.	Heflin	Murdock	Taylor, Colo.
Driscoll, D. A.	Hinds	Nye	Volstead
Dupre	Hobson	Olmsted	
Dwight	Hughes, W. Va.	Patten, N. Y.	
Ellerbe	Hull	Porter	

So the substitute nomination was rejected.

The Clerk announced the following pairs:

For the session:

Mr. RIORDAN with Mr. ANDRUS.

Mr. FINLEY with Mr. CURRIER.

Until further notice:

Mr. FOSTER of Illinois with Mr. KOPP.

Mr. DUPRE with Mr. REYBURN.

Mr. CANTRILL with Mr. DE FOREST.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. JACOWAY with Mr. FOCHT.

On this vote:

Mr. DAVIDSON with Mr. HINDS.

Mr. GARRETT with Mr. HAYES.

Mr. STEPHENS of Nebraska with Mr. MCMORRAN.

For two days (commencing January 9):

Mr. SMALL with Mr. MOORE of Pennsylvania.

From January 3 to January 21:

Mr. JAMES with Mr. LONGWORTH.

From January 9 to balance of week:

Mr. SHEPPARD with Mr. BATES.

Commencing December 13:

Mr. TALBOTT of Maryland with Mr. PARRAN.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on adopting the resolution offered by the gentleman from Alabama.

The question was taken, and the resolution was adopted.

On motion of Mr. UNDERWOOD, a motion to reconsider the vote by which the resolution was passed was laid on the table.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. BURLESON, from the Committee on Appropriations, reported the bill (H. R. 17681) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes (H. Rept. 227), which, with the accompanying papers, was referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. BURLESON. Mr. Speaker, I ask that it be printed under the rule, and I desire to give notice that immediately after the reading of the Journal to-morrow I shall take the bill up for consideration.

Mr. MANN. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Illinois reserves all points of order on the bill.

ELECTION OF A MEMBER TO A COMMITTEE.

Mr. NORRIS. Mr. Speaker, I offer the following privileged resolution.

The SPEAKER. The gentleman will send it to the Clerk's desk, and the Clerk will report it.

The Clerk read as follows:

Resolved, That the Hon. STANTON WARBURTON, of Washington, be, and is hereby, elected a member of the special committee on the investigation of the Sugar Trust, as provided for by House resolution No. 157, to fill a vacancy on said committee caused by the death of Hon. E. H. Madison, of Kansas.

Mr. UNDERWOOD. Mr. Speaker, I move to lay the resolution on the table.

The question was taken, and the Chair announced the ayes seemed to have it.

On a division (demanded by Mr. NORRIS) there were—ayes 167, noes 21.

Mr. NORRIS. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The Chair thinks the request of the gentleman comes too late.

Mr. NORRIS. I made the demand as soon as the Speaker announced the result.

The SPEAKER. Fourteen gentlemen have arisen to demand the yeas and nays, not a sufficient number.

So the resolution was laid on the table.

ORDER OF BUSINESS.

Mr. STEPHENS of Texas. Mr. Speaker, by direction of the Committee on Indian Affairs, I wish to call up the bill H. R. 14055, and in that connection ask that it be considered in the House as in Committee of the Whole.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 14055)——

Mr. MANN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MANN. How does this bill come before the House now?

The SPEAKER. The bill would come up by unanimous consent unless the gentleman from Texas moved to go into the Committee of the Whole House on the state of the Union.

Mr. FITZGERALD. How does the gentleman call up the bill at all, Mr. Speaker?

Mr. STEPHENS of Texas. If there is any objection to it I will ask that.

Mr. MANN. A parliamentary inquiry?

The SPEAKER. The gentleman will state it.

Mr. MANN. Is it in order now to move to go into the Committee of the Whole House on the state of the Union; the House has not been on call of committees for one hour.

The SPEAKER. The point of the gentleman from Illinois is well taken. It lacks about 25 minutes of being an hour. The Clerk will proceed with the call of committees.

DELIVERY OF CONDEMNED CANNON TO GRAND ARMY OF THE REPUBLIC.

Mr. ANTHONY (when the Committee on Military Affairs was called). Mr. Speaker, I am authorized by the Committee on Military Affairs to call up Senate joint resolution No. 11 on the House Calendar.

The SPEAKER. The gentleman from Kansas calls up the joint resolution, which the Clerk will report.

The Clerk read as follows:

Joint resolution (S. J. Res. 11) authorizing the Secretary of War to deliver two condemned cannon to the Grand Army of the Republic.

Resolved, etc., That the Secretary of War is hereby authorized to deliver to the order of Cola D. R. Stowits, quartermaster general of the Grand Army of the Republic, two dismounted, condemned bronze cannon used in the Civil War, to be used by the Grand Army of the Republic for the purpose of furnishing official badges of the order: *Provided*, That no expense shall be caused to the United States through the delivery of said condemned cannon.

Mr. ANTHONY. Mr. Speaker, this is a Senate joint resolution which calls for an appropriation of two bronze cannon to the Grand Army of the Republic. These cannon are to be used by that patriotic order for the manufacture of the bronze button which is the insignia of that order, and I ask that the bill be passed.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will proceed with the call.

Mr. STEPHENS of Texas (when the Committee on Indian Affairs was called). Mr. Speaker, by direction of the Committee on Indian Affairs, I move to go into the Committee of the Whole House on the state of the Union——

The SPEAKER. The Chair will state to the gentleman from Texas that under this call he can not call up a bill on the Union Calendar; it has to be on the House Calendar. When the House has been engaged an hour on the call of committees at the end of the 60 minutes the gentleman can make his motion to go into the Committee of the Whole.

Mr. STEPHENS of Texas. The time has not expired?

The SPEAKER. It lacks about 20 minutes of having expired. The Clerk will proceed with the call.

AMENDMENT TO SECTION 1004 OF THE REVISED STATUTES.

Mr. CLAYTON (when the Committee on the Judiciary was called). Mr. Speaker, I desire to call up the bill S. 2509.

The SPEAKER. The gentleman from Alabama calls up the bill S. 2509, which the Clerk will report.

The Clerk read as follows:

An act (S. 2509) to amend section 1004 of the Revised Statutes of the United States.

Be it enacted, etc., That section 1004 of the Revised Statutes of the United States be, and is hereby, amended so as to read as follows, to wit:

"SEC. 1004. Writs of error returnable to the Supreme Court or a circuit court of appeals may be issued as well by the clerks of the district courts, under the seal thereof, as by the clerk of the Supreme Court or of a circuit court of appeals. When so issued they shall be as nearly as each case may admit agreeable to the form of a writ of error issued by the clerk of the Supreme Court or the clerk of a circuit court of appeals."

SEC. 2. That this act shall take effect and be in force on and after January 1, 1912.

The following committee amendment was also read:

Page 2, strike out lines 3 and 4, which comprise all of section 2.

The SPEAKER. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

Mr. MANN. Will the gentleman from Alabama [Mr. CLAYTON] yield for a question?

Mr. CLAYTON. Yes.

Mr. MANN. As I understand this bill it is simply to conform to the changing of the circuit-court work in the different courts to the district courts?

Mr. CLAYTON. Undoubtedly the gentleman is correct.

Mr. MANN. And confer the same powers upon the district clerks that heretofore the circuit clerks had?

Mr. CLAYTON. Yes. I can make you a brief statement of it:

Section 1004 of the Revised Statutes authorizes the clerks of the Supreme Court and the clerks of the circuit courts to issue writs of error and does not authorize clerks of district courts to do so. In Long *v.* Farmers' State Bank (147 Fed., 360) it was held that a writ of error issued by a district clerk was void. The new Judicial Code abolished circuit courts and the clerks of circuit courts, but no provision for the clerks of the district courts to issue writs of error was made, unless the last provision of section 289 of the new code covers it. About that there is some doubt, and as some of the courts are very technical they may hold that this section does not authorize the district clerks to issue writs of error. This bill will remove all doubt on the subject and confer the specific authority upon the district clerks. It would be very inconvenient to apply to the clerks of the appellate court for the writs in every case. So for the sake of certainty and convenience this bill ought to pass.

And the committee has recommended that the second section of the bill, which provided that the bill should be operative on the 1st of January, 1912, the bill having passed the Senate last summer, and the second section of the bill now being unnecessary, should be stricken out. And so the bill simply is to confer upon the clerks of district courts the authority to issue writs of error and to remove all doubts upon that subject.

Mr. HAMMOND. Will the gentleman yield for a question?

Mr. CLAYTON. I will.

Mr. HAMMOND. The issuance of a writ of error is purely ministerial, is it not?

Mr. CLAYTON. Yes.

Mr. HAMMOND. Under the new code and under the prior practice, a writ of error must first be allowed by the new district judge, otherwise in the circuit court?

Mr. CLAYTON. Yes.

Mr. HAMMOND. Can there be any question, then, but that the clerk of the court allowing the writ may perform the purely ministerial act of writing it out?

Mr. CLAYTON. Well, Mr. Speaker, I am rather inclined to agree with the gentleman in the opinion, but I may say the doubt about the authority of the clerk of a district to issue this writ has come from some of the judges themselves, and they have expressed the opinion that it would be better to clarify the subject by the passage of this bill. If the gentleman will look at section 289 of the code, he will find that it seems to give this authority to the district clerk, but notwithstanding the provision in the latter part of that section, some of the judges of the district courts have raised this question of doubt. If the gentleman will read cases on the subject, notably this one that I have referred to, of Long *v.* Farmers State Bank, he will find that some of the courts are technical. In order to give the district clerks undoubted authority to issue this writ, to remove all question of authority so to do, this bill passed the Senate and is now before the House, and I think it is in the interest of good legislation and will prevent controversy in the courts. Section 289, to which I have referred, is in the following language:

SEC. 289. The circuit courts of the United States, upon the taking effect of this act, shall be, and hereby are, abolished; and thereupon, on said date, the clerks of said courts shall deliver to the clerks of the district courts of the United States for their respective districts all the journals, dockets, books, files, records, and other books and papers of or belonging to or in any manner connected with said circuit courts; and shall also on said date deliver to the clerks of said district courts all moneys, from whatever source received, then remaining in their hands or under their control as clerks of said circuit courts, or received by them by virtue of their said offices. The journals, dockets, books, files, records, and other books and papers so delivered to the clerks of the several district courts shall be and remain a part of the official records of said district courts, and copies thereof, when certified under the hand and seal of the clerk of the district court, shall be received as evidence equally with the originals thereof; and the clerks of the several district courts shall have the same authority to exercise all the powers and to perform all the duties with respect thereto as the clerks of the several circuit courts had prior to the taking effect of this act. (Judicial Code, effective Jan. 1, 1912.)

I beg to read again the latter part of this section:

And the clerks of the several district courts shall have the same authority to exercise all the powers and to perform all the duties with respect thereto as the clerks of the several circuit courts had prior to the taking effect of this act.

Mr. HAMMOND. It seems to me the power to allow a writ must carry with it, without the provision the gentleman refers to in the new code, the right of the clerk to perform the ministerial act in administering it. There hardly seems what there can be called a doubt. There may be the shadow of a doubt, and therefore I yield to the chairman of the Judiciary Committee.

Mr. CLAYTON. I thank the gentleman for so yielding, and I may say to the gentleman that the suggestion of a doubt on this question came from district judges themselves. The doubt seemed to be of such a serious nature as to be worthy of this consideration which was given to it by the Senate Committee on the Judiciary, and when the question was brought before the Judiciary Committee of the House they entertained the same opinion, that it was a doubtful question, and that it was wise to remove all doubt about it by the passage of this bill. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on the third reading of the amended Senate bill.

The question was taken, and the Senate bill as amended was ordered to a third reading, and was read a third time.

The SPEAKER. The question is on the passage of the amended Senate bill.

The question was taken, and the Senate bill as amended was passed.

TRANSFER OF JUDICIAL CAUSES IN ALABAMA.

The SPEAKER. The Chair lays before the House the following House bill with Senate amendments. The Clerk will read the bill by title.

The Clerk read as follows:

An act (H. R. 13196) to amend section 70 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911."

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

The SPEAKER. Is a separate vote demanded on either of these amendments?

Mr. CLAYTON. Mr. Speaker, I move to concur in the Senate amendments.

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] moves to concur in the Senate amendments. The question is on agreeing to that motion.

The question was taken, and the Senate amendments were concurred in.

The title of the bill was amended so as to read: "An act to provide for the transfer of certain causes and proceedings to the southern division of the middle district of Alabama."

On motion of Mr. CLAYTON, a motion to reconsider the last vote was laid on the table.

COAL AND ASPHALT LANDS OF THE CHOCTAW AND CHICKASAW NATIONS.

Mr. STEPHENS of Texas. Mr. Speaker, by the direction of the Committee on Indian Affairs, I desire to call up House bill 14055, and move that the House resolve itself into the Committee of the Whole House on the state of the Union for its consideration.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 14055) to provide for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 14055.

The SPEAKER. The gentleman from Texas [Mr. STEPHENS] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 14055. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. HOUSTON in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read the title of the bill.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. If there be no objection, it will be so ordered.

Mr. MANN. What is the request?

The CHAIRMAN. It is to dispense with the first reading of the bill.

Mr. STEPHENS of Texas. There is no necessity for the first reading of it. It will save time.

Mr. MANN. There is no objection to that.

The CHAIRMAN. The Chair hears no objection, and it is so ordered.

Mr. STEPHENS of Texas. Mr. Chairman, this bill provides for the sale of the surface of 445,000 acres of land in Oklahoma belonging to the Choctaw and Chickasaw Indians in the district of the gentleman from Oklahoma [Mr. CARTER]. Some of the Chickasaws reside in the district of the gentleman from Oklahoma [Mr. FERRIS].

There is no objection from any source that I know of to this bill in so far as the selling of the land is concerned. The matter has been before our committee directly and indirectly for many years. I introduced a bill for this purpose several years ago. My bill also provided for the sale of the surface of these mineral lands, reserving the coal and asphalt deposits in the land. Coal and asphalt are all the minerals mentioned in the reservation and the sale of the surface, as provided in this bill, carries all minerals except coal and asphalt. This leaves the coal and asphalt for lease as is now being done under existing laws.

This is the only kind of a bill that can be gotten through Congress that will open that country for settlement. By the sale of the surface of the land for agricultural purposes, as provided for in this bill, the State of Oklahoma will be vastly benefited.

Several years ago this 445,000 acres of coal and asphalt land was segregated from the rest of these Indian lands belonging to the Choctaw and Chickasaw Indians because of the coal deposits known to exist under it. Bills for this purpose have been before both the Senate and the House, and we have a report from the Interior Department favoring this bill, dated on August 16, 1911, in which the language used in this bill is approved.

As far as I know, the only objection that has been made or that could be made, to this proposition is that the coal and the surface should be sold together, but I am now and always have been opposed to selling the land without reserving the coal and asphalt. While our committee were investigating Indian affairs in Oklahoma last year, many Indians came before us and stated that they were anxious for the disposition of these lands, but that they wanted the surface and the coal sold together. Meetings have been recently held in which they have agreed to have the surface sold for agricultural purposes, and the minerals reserved for leasing under existing law.

The necessity for opening this land to settlement by selling the surface, as proposed by this bill, is apparent to every one familiar with existing conditions in Oklahoma. The State of Oklahoma has been organized since this land was segregated. There are city and county organizations there to be maintained by taxation, and the development of the country and towns is held back because of the great amount of Indian lands reserved from taxation. It is mostly fine agricultural land, and if it is thrown open for settlement by selling the surface of the land, as provided in this bill, the Indians will have the benefit of the purchase money and the country will be vastly benefited by the settling of these lands to farmers. The sale of these lands as provided in this bill in 160-acre blocks will, in addition, make these lands taxable and the counties and towns will be greatly benefited thereby, because they now get no taxes at all from these segregated lands. The white men in these towns and counties now have to pay all the taxes for running the schools and for municipal and State purposes, and this taxation is a great burden on them. Therefore it is of the utmost importance to the whole State and to the counties that this land is situated in that the surface of the land shall be sold and this country developed. It is along these lines and for these purposes that our committee offers this bill, and we earnestly hope for its passage. The terms of the bill are just and fair, and I hope that the bill may become a law.

Mr. CAMPBELL. Does the gentleman contemplate any additional general debate on the bill?

Mr. STEPHENS of Texas. Not unless it is desired. I will yield to the gentleman from Oklahoma [Mr. CARTER], the author of the bill, 10 minutes.

Mr. CAMPBELL. I serve notice now that I am opposed to the passage of this bill, and I will ask some time in general debate in opposition to it.

Mr. STEPHENS of Texas. What time does the gentleman think he will require?

Mr. CAMPBELL. I will ask for time in my own right.

Mr. STEPHENS of Texas. Then I yield 10 minutes to the gentleman from Oklahoma [Mr. CARTER].

Mr. CARTER. Mr. Chairman, I desire at this time to make only a short statement. The gentleman from Kansas [Mr. CAMPBELL] has indicated that he has objections to this bill. When he has stated those objections I may want to be heard in reply, and if I do I may need more time then.

The bill under consideration is one link in the chain of legislation necessary to redeem the delinquent pledge of this great Government to a helpless and confiding ward.

The very irony of fate seems to have relentlessly pursued the Choctaws and Chickasaws in the winding up of their affairs by the Federal Government.

The Dawes Commission came to Indian Territory in 1893, with the avowed purpose of inducing the members of the Five Civilized Tribes, by treaty or agreement, to allot their lands in severalty, abandon their tribal government, and have an equitable per capita division of all other tribal property or the proceeds thereof.

Well do I remember the animosity that existed among our people to any change in conditions and the prejudice they bore toward the so-called Dawes Commission for attempting to force such change upon them. To such an extent did this prejudice and animosity exist that this Dawes Commission was utterly unable to make any progress in its work whatever until the year 1898.

Meeting after meeting was held with the Indians, but to no avail and purpose, and notwithstanding the strenuous efforts of the members of this commission it really looked as if their mission would be in vain. Finally, however, two of these tribes broke ground; and after these two had taken water, so to speak, the line was broken and agreements were made possible with all others. Curiously enough, the Choctaws and Chickasaws, the very people whose affairs have been so woefully neglected and now seem furthest from a final settlement, were the very first ones to treat with the Dawes Commission.

In an Indian meeting which I attended along about that time a Cherokee was taunting a Chickasaw with the accusation that the Choctaws and Chickasaws had deserted the other tribes and gone into agreement with the Dawes Commission. "Yes,"

replied the young Chickasaw, "our people were the first to take water." An old Seminole chief arose and said, "My young Chickasaw friend is mistaken in his language when he says his people were the first to take water. He should have said that they were the first to take their medicine." [Laughter.]

My purpose in mentioning this colloquy is to show that the Indians themselves were not seeking these treaties nor were they seeking a change in conditions, but such treaties were made upon the initiative and urgent demand of the representatives of the Federal Government themselves. And now, after waiting 14 years, it remains for this Congress, if it will, to take the last steps necessary for a fulfillment of the plighted faith of the Federal Government, now 6 years past due.

The act of June 28, 1898 (the treaty with the Choctaws and Chickasaws), did not provide for the sale of these lands. It set up a system of leasing for a period of years on a royalty basis, the royalties accruing to be used for educational purposes. It further provided for allotment of the surface of all lands in severalty; a sale of all tribal property, except the segregated mineral land; the abolition of the tribal government and a division of funds, all to be completed not later than March 4, 1906. The allotment of the surface only of mineral land was permitted, the title to the mineral remaining, as community property, in the entire membership of the two tribes.

After the work had progressed for a few years, the Dawes Commission feared that this plan of surface allotment might result in much confusion for this reason: The Choctaw and Chickasaw Nations contained over 11,000,000 acres of land, yet there were less than 500,000 acres known to be mineral bearing.

No segregation of the mineral land had been made at that time, and the mineral-bearing land could not be distinguished from any other, so that on July 1, 1902, another agreement was consummated, known as the supplemental agreement. By the terms of this act the land embraced within this bill, amounting to about 440,000 acres, was set aside and reserved from allotment, while all other lands were subjected to allotment and title authorized to be given to both surface and mineral.

The Secretary of the Interior was authorized to sell the segregated mineral land to the highest bidder. In pursuance of this and other acts the Secretary of the Interior offered for sale, in the year 1904, both the mineral and surface of these lands to one and the same purchaser, but the Secretary did not feel justified in disposing of the lands at the prices offered. So these lands were withdrawn from sale by the act of April 26, 1906.

This bill provides for the sale of the surface only, and permits the operation of the mines under the present lease system, which requires the payment into the tribal funds of 8 cents per ton royalty, which would aggregate about $320 per acre on the average 4-foot vein of coal.

This 440,000 acres of land, with the exception of about 1,560 acres, is distributed among six counties, as follows:

	Acres.
Atoka	25,411.70
Coal	53,939.57
Haskell	45,480.54
Latimer	54,997.52
Le Flore	144,465.52
Pittsburg	113,275.79

No title can be made to any portion of this land, and none of it is taxable under present conditions.

Numerous towns and cities have sprung up along this segregated mineral-land belt—some of them crude coal-mining camps, some of them manufacturing cities, and others supported from various and sundry industries and walks of life. There are in all, I believe, over 30 towns, varying in size from McAlester, a city of about 14,000 people, to smaller villages and hamlets.

Since this land under present conditions is nontaxable and nontransferable, I think this committee can easily imagine how completely "sewed up" the growth of this section and towns lying therein has come to be.

I have described personally to nearly every Member present the deplorable conditions existing along this segregated mineral-land belt, and I do not think that further argument is necessary to convince this committee of the urgent necessity and importance of this bill to white man and Indian alike. The white man and Indian both desire to have this bill passed, for the reason that it permits the country to take on its natural development, and the property of both will be thereby increased in value. But the Indian will receive a more direct benefit even than this, for the proceeds of these sales will crystallize into per capita payments, which, with the other tribal funds, ought to net to each member of the tribe, man, woman, and child, from $500 to $1,000.

And now, Mr. Chairman, as I have given as briefly as I could, a history of this question and the urgent necessity for the passage of the bill, I will not make further comment at this time, except to say that if any suggestions are made which I think might justify gentlemen in voting against this bill I shall exercise the privilege of replying, because this is a matter of most vital consequence to all classes of people in my district.

Mr. CAMPBELL. Mr. Chairman, the gentleman from Oklahoma [Mr. CARTER] has stated that we are under treaty agreement with the Choctaws and the Chickasaws to close up this estate. That is true, and that is one of the reasons I am opposed to this bill. This bill will defer the day of closing up the affairs of the Choctaws and the Chickasaws, rather than bring about an early settlement of that estate. The bill now under consideration proposes to sell the surface of the coal and asphalt lands in the Choctaw and Chickasaw Nations, amounting to between four and five hundred thousand acres of land. An effort to sell the surface of coal land always meets with more or less opposition. An effort to sell the surface of this coal land at this time is going to result in the sale of that surface at a less price than the land is worth. That is one of the objections I have to this bill. Every man who buys a home wants the title to carry everything with it, as that man said down there in Oklahoma, from as far up as you can go to as far down as you can go, and no man is seeking a title that carries with it but the mere surface of the land. For that reason again, the surface will sell for less than it is worth.

But this bill by its provisions makes the surface purchaser agree that other men may go upon the surface of this land with a view of sinking prospect holes to find out what is underneath the surface, and if there is coal or asphalt there in paying quantities, and the man decides to buy the mineral right, he then will have the right to lay such tracks, to erect such shafts, and to dig such holes, and to have such use of the surface as will enable him to mine and take away whatever mineral it contains. Anyone acquainted with the operation of coal lands, with mining coal lands, knows that the surface is depreciated in value just as soon as you go upon it with tracks and mines and all such other equipment as is necessary to run a coal mine. The Indian is not pressing this bill. This bill is not introduced in the interest of the Choctaw or Chickasaw Indians.

Mr. CARTER. Oh, Mr. Chairman, the gentleman does not mean to say that.

Mr. CAMPBELL. Mr. Chairman, I will ask the gentleman to wait one moment. He reserved the right to reply. I make that suggestion. I have talked with the Indians within 15 months, in the Choctaw and Chickasaw Nations.

Mr. CARTER. May I ask the gentleman if he has talked with any within the last three months?

Mr. CAMPBELL. I have talked with the governor of the Choctaws and I have talked with the governor of the Chickasaws and I have talked with the general attorneys for the Chickasaws.

Mr. CARTER. Is it the gentleman's contention that they are representative of their people?

Mr. CAMPBELL. They say they are, and that they come with authority to represent them.

Mr. CARTER. The gentleman well knows how they come by their appointments and offices, does he not?

Mr. CAMPBELL. Oh, yes.

Mr. CARTER. Has any Indian anything to do with their elevation to the offices which they hold?

Mr. CAMPBELL. Oh, yes. Each of these governors of the Choctaw and the Chickasaws is an Indian. I talked with the Indians down there a year ago last August; and out of the hundreds of Indians I saw and talked to, not one of them said that he was in favor of selling the surface, but all protested against the sale of the surface.

Mr. CARTER. My question was: Has the gentleman talked with anyone within the last three months?

Mr. CAMPBELL. I know of no reason why they should change their minds within the last year. The same practice that would have depreciated the value of their estate 15 months ago will depreciate the value of their estate to-day, namely, the sale of the surface separate from the mineral or the sale of the mineral separate from the surface.

Mr. CARTER. Did not the gentleman talk to the Indians while the Burke investigation committee was out there and not since.

Mr. CAMPBELL. That is true; I have stated that; but I have talked to the officers of these two tribes.

Mr. CARTER. I understand that; but they do not represent the tribes.

Mr. CAMPBELL. I say this, that I have been urged for six years and more by white men from Oklahoma to support just such a bill as this, and during all that time the Indians have been protesting against it.

Mr. CARTER. Did not the gentleman support such a bill as this two years ago?

Mr. CAMPBELL. Oh, no; we had it up for consideration, but I did not support it.

Mr. CARTER. Did not the gentleman support the McGuire amendment in this House?

Mr. CAMPBELL. No; I did not.

Mr. CARTER. Did he vote against it?

Mr. CAMPBELL. I think I did; I have forgotten whether there was a record vote.

Mr. CARTER. There was not a record vote.

Mr. CAMPBELL. I am, and always have been, opposed to the sale of the surface independent of the mineral.

Mr. CARTER. That is what this bill provides.

Mr. CAMPBELL. The gentleman from Oklahoma has made one speech and has served notice on the House he is going to make another, and if he will just possess his soul in patience, I will not take up a great deal of time. I know that this bill is in the interest of the white men and not in the interest of the Indians. I know that it will defer the final closing up of this estate indefinitely.

Mr. STEPHENS of Texas. Will the gentleman yield on that point?

Mr. CAMPBELL. Yes.

Mr. STEPHENS of Texas. Does the gentleman know this bill provides that the money shall be covered into the Treasury for the benefit of these two tribes of Indians?

Mr. CAMPBELL. Yes.

Mr. STEPHENS of Texas. Then how could it affect the closing up of the affairs of the Indians?

Mr. CAMPBELL. It will leave the question of the coal indefinite——

Mr. STEPHENS of Texas. It is already indefinite. If the gentleman has read the bill relative to the leasing of this coal, it runs until Congress repeals it.

Mr. CAMPBELL. It is my proposition that the whole estate should be disposed of at once to close it up, but while the mineral remains as a part of the estate of the Indians the estate is not closed and the Government has not fulfilled its treaty agreement with the Indians.

Mr. STEPHENS of Texas. Now, let me ask this question: Is it not a fact that the coal would not sell for but very little at the present because there is an immense amount of gas and oil found in this country, and it would be impossible to realize anything——

Mr. CAMPBELL. That is true.

Mr. STEPHENS of Texas (continuing). Like the true value of that?

Mr. CAMPBELL. It is true that this is not a good time to sell, and as trustee of that estate we are showing very bad judgment in trying to sell it at a time when it will not bring the best price. No trustee who has the interest of his trust at heart and who is trying to guard that interest well will offer for sale at a time when the market is at its very lowest ebb.

Mr. STEPHENS of Texas. Will the gentleman yield for another question?

Mr. CAMPBELL. Certainly.

Mr. STEPHENS of Texas. Is it not a fact we have recently sold in that country, by the same means we propose in this bill, through the Secretary of the Interior, a million or two acres of land, an immense amount of land, and has not that brought a good price for agricultural and grazing purposes?

Mr. CAMPBELL. I do not know just to what land the gentleman refers.

Mr. STEPHENS of Texas. The unallotted land; there was quite a lot there.

Mr. CAMPBELL. That was not coal and asphalt land.

Mr. STEPHENS of Texas. But it was similar land to this.

Mr. CAMPBELL. Oh, no; it is an entirely different principle from this. The people who bought that land got the whole property, got the whole estate.

Mr. STEPHENS of Texas. But only for agricultural purposes, and that is what we propose to sell this land for—agricultural purposes—land in the same neighborhood, same counties, same conditions, and it would bring a good price.

Mr. CAMPBELL. Oh, a very different condition exists.

Mr. FOSTER of Illinois. Will the gentleman permit a question?

Mr. CAMPBELL. Certainly.

Mr. FOSTER of Illinois. Were the mineral rights reserved to the Government in the land which was sold before; I refer to this large body of land.

Mr. CAMPBELL. There were no mineral rights reserved; it is not contended it was mineral land.

Mr. STEPHENS of Texas. It had nothing to do with the mineral deposits.

Mr. CAMPBELL. The purchaser got everything in connection with the title; in this case the purchaser only gets the surface. If I wanted to depreciate the value of that estate, I would urge the passage of this bill.

Mr. MANN. Will the gentleman yield for a question?

Mr. CAMPBELL. I will.

Mr. MANN. Does the gentleman recall in the last Congress that we passed a law providing for the sale of the surface of land where the Government retained the ownership of the mineral?

Mr. CAMPBELL. Yes; that was a small bill, I think, where we provided for the sale of some surface to the counties.

Mr. MANN. No; it was a large bill, which covered any land anywhere that the United States Government owned.

Mr. CAMPBELL. But not Indian land?

Mr. MANN. Oh, no.

Mr. CAMPBELL. I recall the passage of that bill. I thought the gentleman from Illinois referred to a bill coming out of the Indian Committee, and I did not recall any such.

Mr. MANN. Does the gentleman know whether practice under that bill has progressed far enough so that any opinion can be formed as to the advisability of such a law being retained?

Mr. CAMPBELL. I do not. I have heard nothing from the General Land Office as to the sale of those lands. I have had objections from constituents to buying anything except the whole of the estate. They would not go on and buy the surface alone.

Mr. MANN. I would say to the gentleman frankly, if he will yield for that purpose, that it seemed at the time a proper measure for us, and I think there was no strenuous objection to it from any source. It seemed to fix the policy of the Government as to Government lands, as where it proposed to retain control of the minerals under the surface it might properly dispose of the surface, which can be used for agricultural purposes without disposing of the mineral. And if that was good for the Government land it might equally be good for Indian land.

Mr. CAMPBELL. I would rather dispose of my own property in such a way as to hazard and depreciate its value than that of a ward for whom I am trustee, and in this case we are not dealing with Government land; we are dealing with land that belongs to the Choctaw and Chickasaw Indians.

Mr. MANN. But, as far as our position is concerned, it is in no wise different in dealing with the Government land than with the Indian land, because in individually voting we are acting as trustees for both.

Mr. CAMPBELL. Yes; that is true. I do not think that either Government land or Indian land or any other land, whether mineral bearing or not, or even if it has a reputation of being mineral bearing, will bring as good a price if you sell the surface independent of the mineral.

Mr. MANN. Will the gentleman yield further?

Mr. CAMPBELL. Yes.

Mr. MANN. Is it not true, as a matter of fact, that there is a very strong sentiment in this country, which is the prevailing sentiment, that it is the duty of the Government to conserve, to use a very popular word, its natural resources, and especially, among other things, the mineral under the ground?

Mr. CAMPBELL. That is true, and I am in favor of that policy.

Mr. MANN. And everyone recognizes that it is not practicable to dispose of all the mineral land advantageously at once, nor is it practicable that the Government should keep the surface from being cultivated for the purpose of reserving the mineral under the ground.

Mr. CAMPBELL. I am in favor of practicing that kind of conservation on land that belongs to us. But I have been unable to bring myself to the position of practicing a policy with the property of other people, with whom we have a treaty agreement to close up their estate and secure for that estate the very best price possible. And I contend that we can not get that price by selling the surface and the mineral separate.

Mr. MANN. Will the gentleman yield further? I suppose he has plenty of time?

Mr. CAMPBELL. I have an hour and will be glad to yield to the gentleman.

Mr. MANN. Is it not the fact that coal lands in this Territory, Oklahoma, are somewhat depreciated in value at present by competition with gas and oil for fuel?

Mr. CAMPBELL. That is true.

Mr. MANN. And that this is not apparently the most advantageous time for the Government to sell both the surface and the mineral?

Mr. CAMPBELL. Yes; and I contend, further than that, that it is not a good time to sell the surface, and that they

ought not to be sold separately. I think if we should wait, say a year, we might be able to sell this property in such a way as to get its value for those who own it.

Mr. MANN. That may be, but admitting, as the gentleman does, that it is not a very good time to sell the mineral under the surface, does not the gentleman believe that it is about the best time the world has ever known in which to sell land for agricultural purposes?

Mr. CAMPBELL. Oh, it is a good time to sell land for agricultural purposes; yes.

Mr. MANN. And when the surface of this land can only be used for agricultural purposes?

Mr. CAMPBELL. Oh, it is not first-class agricultural land. Much of it will be grazing land. It is used now as a common and as grazing land.

Mr. MANN. I dare say that a few years ago it would have brought no price at all, and that a few years hence it would bring a very low price.

Mr. CAMPBELL. A few years ago this land would have sold for far more than it can be sold for now. If it had been sold in 1903, I think a bigger price would have been gotten for it than can be had for it now.

Mr. CARTER. I would like to ask if the gentleman was a Member of Congress in 1906?

Mr. CAMPBELL. Yes.

Mr. CARTER. Then, did the gentleman vote for taking that land off the market?

Mr. CAMPBELL. No; I do not think I did.

Mr. CARTER. How, then, did the gentleman vote on that in 1906, when the land was more valuable?

Mr. CAMPBELL. I do not know what my vote was on that point.

Mr. STEPHENS of Texas. Shall the Secretary of the Interior appoint commissioners to appraise the value of this land?

Mr. CAMPBELL. Yes.

Mr. STEPHENS of Texas. Then, if that is true and if honest commissioners are appointed, how can the Indians be injured by this?

Mr. CAMPBELL. My contention is that the sale of the surface, independent of the mineral beneath, depreciates the value of both when they are placed on the market. I live in a coal country, and when men go there and buy coal land they buy the whole land, coal and all. After the land is mined it is placed on the market and sold for what it is worth. It is sold in that way. But when men buy coal lands as such, they buy the property outright; they buy it from the settlers. The settlers in southeastern Kansas and in Arkansas and in southwestern Missouri had settled upon the land there years ago—land which was sold at the Government price, and the discovery was made afterwards that it had mineral upon it. Those settlers gladly gave permission to people to come upon their land and prospect it. As soon as it was discovered that there was coal there the land immediately went up in price, and it has been selling anywhere from $50 to $125 per acre—a good price for that kind of land.

The man who buys the surface of this land under the provisions of this bill will buy it with knowledge of the fact that there is not a speculation in it of any nature whatever. He is going to buy it at the very lowest figure that it will sell for. It will not be an attractive proposition, such as the sale of 160 acres of land with the coal and all under it, and I see no reason why we shall not be practicing the policy of conservation to its very fullest extent by selling this land in plots of 160 acres to the farmers and stock raisers who go upon the land and make homesteads upon it and develop it, and who, in the course of a few years, when the land becomes valuable as mineral land, shall have an opportunity of selling it; and they will pay far more for it under those circumstances than the Indians will get for it if the two properties were sold separately.

Mr. STEPHENS of Texas. The gentleman stated the speculative value of selling the coal and the surface together would cause men to hesitate?

Mr. CAMPBELL. Yes; and the Indians will get the benefit of that higher price.

Mr. STEPHENS of Texas. Then suppose 100 men should go in and get 25 sections of land in a body, adjacent to well-known coal fields that are developed now. Would there be anything to prevent them from selling that land to a coal company or a corporation already organized and form a combination that would be invincible there, and form a trust by which the people of the gentleman's own State and of mine and the State of Oklahoma would be held by the throat forever, whereas it would be impossible to do so if it were held open now?

Mr. CAMPBELL. We are simply saying to the Indians, "You can not sell this coal, because if you do sell it the man you sell it to will sell it to somebody else."

Mr. STEPHENS of Texas. Is it not a fact that we are selling it in that way every day for them, and that they are deriving a large revenue from it?

Mr. CAMPBELL. Yes, we are; and we are getting $180,000 a year in royalties for the Indians.

Mr. STEPHENS of Texas. Why not continue that policy, then?

Mr. CAMPBELL. That is all right, but you are not proposing to continue that policy under this bill.

Mr. STEPHENS of Texas. We do not repeal the laws now in existence by this bill.

Mr. CAMPBELL. No. There are lands down there that are already leased. You are not leasing any more now.

Mr. STEPHENS of Texas. But they could lease other lands if they wanted to. There is no demand for it. That is my objection to this.

Mr. CAMPBELL. There is no such demand for this property now as would justify us in throwing it upon the market. Any man guarding well his interests will watch the market before he offers for sale what he has to sell.

Mr. FERRIS. Does the gentleman think he ought to set up his own judgment on that proposition against that of the entire Oklahoma delegation and the Secretary of the Interior? That inquiry is directed to the gentleman's sense of fairness.

Mr. CAMPBELL. I am not responsible to the Secretary of the Interior or to the delegation from Oklahoma, but I am responsible to my own conscience as to what I shall favor.

Mr. FERRIS. Precisely.

Mr. CAMPBELL. And in good conscience I can not support a bill that is in the interest of the white men in Oklahoma rather than in the interest of the Indians.

Mr. FERRIS. Precisely; and I have no disposition, and I am sure our delegation has no disposition, to criticize the gentleman for pursuing the dictates of his own conscience. That is the right of every individual Member, and always ought to be; but the gentleman states conditions in the State which are at variance with the belief of all the members of the Oklahoma delegation, Republicans and Democrats, and are also in opposition to the views of the Secretary of the Interior, who has favorably reported upon this bill.

Mr. CAMPBELL. I am opposed to the policy of this bill.

Mr. FERRIS. I am not debating the gentleman's inclination or what his own convictions are. He has a right to them, but when he makes a statement of conditions on our State utterly opposed to the belief of all the rest of us, I ask him if it does not address his sense of fairness.

Mr. CAMPBELL. What is the condition?

Mr. FERRIS. I will deal with that in a moment.

Mr. CAMPBELL. I should like to be advised of the condition which I incorrectly state.

Mr. FERRIS. The gentleman states that there is no demand for the sale of it. That is one of the conditions which he incorrectly states.

Mr. CAMPBELL. I did not state that there was no demand for the sale of it.

Mr. FERRIS. I thought the gentleman did.

Mr. CAMPBELL. Not at all. On the contrary, the white people of Oklahoma have been demanding the sale of this land ever since I have been in Congress, but the Indians have been opposing it ever since I have been here, and are opposing it to-day.

Mr. BURKE of South Dakota. Is it not a fact that the Indians in Oklahoma have been a unit in favor of the sale of these 500,000 acres of land by the Government and the carrying out of the solemn treaty obligation made by the several tribes with the Government of the United States, and that this bill is simply brought in here now to sell the surface, because, for reasons that have been suggested here by the gentleman from Illinois and others, it is not practicable at the present time to get legislation that would authorize the sale of the surface and the mineral?

Mr. CAMPBELL. That is true. The Indians have been demanding the closing up of this estate ever since the Atoka agreement. They are demanding it now; but my contention is that we are not taking a step toward closing this estate when we offer this surface for sale, but that we are taking a step that will defer indefinitely the closing of the estate.

Mr. BURKE of South Dakota. That is the only question involved, and I asked the question because I took it from the gentleman's remarks that he intended at least to give the impression to the House that the white people in Oklahoma were in favor of the sale of this land and that the Indians were opposed to the sale of it.

Mr. CAMPBELL. I meant, of course, the surface.

Mr. BURKE of South Dakota. The separation.

Mr. CAMPBELL. The separation of the two. I thought I made it clear that the Indians have been demanding and have a right to demand that this estate be closed, and I believe the gentleman from South Dakota will agree with me that this will not expedite the closing up of this estate. It will simply dispose of a part of it in such a way as in a large degree to hamper and hinder the closing up of the other part of it. I would rather sell 100,000 acres of this land and sell it under such conditions in the title as would make it absolutely impossible for the purchaser to convey to any concern that was operating as a monopoly in restraint of trade. I would make that a condition in the title; and if the gentleman from Texas [Mr. STEPHENS] please, I would only offer so much of this land for sale as could be taken up by the demand of the market at the present time. If it were our own property, if this were Government land, and if the whole of the United States were the people for whom we were legislating, I would undoubtedly say, Let us dispose of it in this way, just as we authorized the sale of Government lands a year or more ago.

But we are dealing with the property of other people, not the property of the United States. This is not Government land; it is the land belonging to the Choctaw and Chickasaw Indians. We have no right to practice a policy with other people's lands that will in any way depreciate the value of their estate.

Mr. SAUNDERS. May I ask the gentleman a question?

Mr. CAMPBELL. I will yield to the gentleman.

Mr. SAUNDERS. The gentleman and I went over this question very largely together.

Mr. CAMPBELL. Yes.

Mr. SAUNDERS. If the course recommended by this bill is not taken, what alternative proposition shall we take up? The practical situation which we found in Oklahoma was that here was a great estate which admittedly belonged to the Indian people. All of the Indian people which we examined as witnesses complained of the United States that it had not wound up this property.

Mr. CAMPBELL. That is true.

Mr. SAUNDERS. Without undertaking to say what is the best course to be pursued in the interest of these people—and I admit that I have been unable to ascertain what is the best course—does not it suggest itself to my friend from Kansas that, with the desire of these people to close the estate, ought we not to go forward and do something; and if not this, what shall we do?

Mr. CAMPBELL. I have not been of the opinion that when a man felt that something ought to be done he should do that which was unwise just for the sake of saying that he had done something. I do not think that the gentleman from Virginia believes that.

Mr. SAUNDERS. I do not.

Mr. CAMPBELL. The gentleman from Virginia will agree with me that the Indians were unanimous in opposing the sale as is proposed under the provisions of this bill.

Mr. SAUNDERS. I understand that some who were most vehement in their opposition have changed their opinion and came to Washington and have testified contrarywise.

Mr. CAMPBELL. Not many Indians. The representatives of the Indians have been here, contending that the Indians are standing for the sale of both the surface and the mineral rights.

Mr. SAUNDERS. One particular Indian who was examined at some length has come to Washington and expressed himself as favoring this bill.

Mr. CAMPBELL. Yes; and I understand also that he has changed his mind, because the taxes are not sufficient and the country has not developed fast enough, all of which goes to show that the sale of this estate at this time is demanded by the white man's interest rather than the Indian's interest. I doubt if the United States has ever dealt absolutely fair and square with the Indians, and in Oklahoma if we discovered one thing that stood out more prominently than anything else, it was the idea that the white man has a right to gouge the Indian wherever he can find him and as deep as he can make the probe; that he can rob the Indian children, the Indian aged people, or anybody else; that the Indian is his natural prey.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. CAMPBELL. Certainly.

Mr. STEPHENS of Texas. Is it not a fact that nearly all the Indians are citizens and voters and one of them a Member of this House?

Mr. CAMPBELL. Not all of them. Many of the people do not vote.

Mr. STEPHENS of Texas. Did not the gentleman find in that country men of equal capacity of the members of the committee?

Mr. CAMPBELL. I did. I will say this for the benefit of the Members of the House, that many people whom we found down there as Choctaw and Chickasaw Indians are just as white, just as intelligent, just as well educated as the average citizen that you will find anywhere in this country. We found men down there who were registered as Choctaws and Chickasaws who were presidents of national banks—not one, but more than one; heads of great establishments, men who were in the forefront of the development of the State of Oklahoma; but these men were then opposed to the sale of the surface of these lands independent of the mineral, because they were shrewd business men and knew that the sale of the surface would depreciate the value of the surface and also the value of the mineral, and that when the estate was ultimately closed the Indians would get less for it than it was really worth.

I know, Mr. Chairman, that this is a great problem—to dispose of 400,000 or 500,000 acres of coal and asphalt lands at this time. The public is opposed to the sale of that land in such a way as to permit any quantity of it to get into the hands of any great concern that can develop it. I am in accord with that public opinion.

But, realizing that difficulty, I would not plunge headlong into a policy that is worse for the Indians than simply conserving not only the mineral of the estate but the surface as well.

Mr. TALCOTT of New York. Mr. Chairman, can the gentleman give any information in regard to the proportion of mineral lands in this area?

Mr. CAMPBELL. There are about 450,000 acres of this land, said to be coal and asphalt land.

Mr. TALCOTT of New York. All of it?

Mr. CAMPBELL. All of it; yes. Much of it, no doubt, will turn out to be good coal land and good asphalt land. Some of it may not be of the greatest value.

Mr. TALCOTT of New York. Has it all been mapped?

Mr. CAMPBELL. Yes; it has all been mapped, but not all prospected; that is, there has been a wide-range prospect, so that it is supposed to be within that coal belt. I think my friend from Oklahoma will be able to give some information on that.

Mr. CARTER. It has all been prospected.

Mr. CAMPBELL. Closely prospected?

Mr. CARTER. Mr. Chairman, about $50,000 was spent in drill holes in prospecting the 440,000 acres. Prior to that time about 100,000 acres of land had already been opened up in mines, and it was discovered by these prospect holes that only about something over 100,000 acres, beside the 106,000 that was leased, had any practical mineral value at the present time.

Mr. CAMPBELL. But a close prospect was not made; that is, every quarter section was not prospected.

Mr. CARTER. Oh, no; not every quarter section.

Mr. CAMPBELL. It is within the mineral belt, and a close prospect may show a far larger area of coal than the prospecting that has already been made.

I have no objection, Mr. Chairman, to the other provisions of this bill. I simply object to the general policy. I agree with the committee on the amendments that were made to the bill, and if such a bill is to be passed, this is as good a bill of the kind as could be voted for by the House. I simply deplore the conditions that make it necessary to throw so much of the estate of these Indians upon the market at this time in such a way as to make the rest of their estate bring a less price than it is really worth.

Mr. SAUNDERS. Mr. Chairman, I will ask the gentleman this question: Was there before the committee any evidence to show that the actual Indian people of the Chickasaw and Choctaw Nations—not the people the gentleman was talking about a moment ago—are opposed to this bill?

Mr. CAMPBELL. Oh, I talked with a great many Indians during the time and found that they were; yes.

Mr. SAUNDERS. During the pending session of Congress?

Mr. CAMPBELL. No; but when we were down there.

Mr. SAUNDERS. I do not mean then; but I say in the progress of this bill and in the hearings on it was there any evidence brought to the attention of the committee that the actual Indian people of these two tribes are opposed to the bill?

Mr. CAMPBELL. Oh, yes; it was contended by the governor of the Choctaws and by their attorney that they were opposed to it, and they said they had just come from a council——

Mr. SAUNDERS. A council of the two nations opposing this bill?

Mr. CAMPBELL. Of the one nation. I am not sure that both nations were represented. I will say in addition, that both of the governors did appear in opposition to the bill.

Mr. STEPHENS of Texas. Mr. Chairman, I call for the reading of the bill under the five-minute rule.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to sell the surface, leased and unleased, of the lands of the Choctaw and Chickasaw Nations segregated and reserved by order of the Secretary of the Interior dated March 24, 1903, under paragraph 58 of the act of Congress, approved July 1, 1902. (Vol. 32, U. S. Stat. L., pp. 641, 654.) Before offering such surface for sale the Secretary of the Interior, under such regulations as he may prescribe, shall cause the same to be appraised at its fair cash value by three appraisers, to be appointed by the President, at a compensation to be fixed by him. The appraisement of the surface shall be by tracts, according to the Government survey of said lands, except that lands which are especially valuable by reason of proximity to towns or cities may, in the discretion of the Secretary of the Interior, be subdivided into lots or tracts containing not less than 1 acre. In appraising said land the value of any improvements thereon belonging to the Choctaw and Chickasaw Nations, except such improvements as have been placed on coal or asphalt leases, for mining purposes, shall be taken into consideration. The coal or asphalt deposits in each lease shall be appraised separately from the surface. The unleased coal and asphalt deposits shall be appraised separately from the surface according to the tracts used by the United States Geological Survey and as found in Senate Document No. 390, Sixty-first Congress, second session. The appraisement provided for herein shall be completed as early as practicable, shall be sworn to by the appraisers, and shall become effective when approved by the Secretary of the Interior.

With the following amendments:

Page 1, line 4, after the word "sell," insert the words "at not less than the appraised price provided herein."

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. BURKE of South Dakota. Mr. Chairman, to that committee amendment I offer the following substitute amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Substitute for the committee amendment the following:
"At not less than the appraised price to be fixed as hereinafter provided."

Mr. STEPHENS of Texas. Mr. Chairman, I will accept the amendment.

The CHAIRMAN. The question is on agreeing to the substitute amendment to the amendment.

The question was taken, and the amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on agreeing to the amendment as amended.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Amend line 6 by inserting after the word "Nations" the words "in Oklahoma."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

In line 8 strike out the words "under paragraph 58 of the act of Congress" and insert the words "authorized by the act."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Amend line 10 by striking out after the word "two" the words "volume 32, United States Statutes at Large, pages 641 and 654."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 2, line 4, after the word "the," amend by inserting the words "classified and."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

In the same line, after the word "appraised," strike out the words "at its fair cash value."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Amend line 6, page 2, after the word "the," by inserting the words "classification and."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

In line 15, after the word "asphalt," strike out the word "leases" and insert the words "lands, leased."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Line 16, after the word "consideration," insert the words "the lands shall be classified agricultural, grazing, or as suitable for town lots."

Mr. BURKE of South Dakota. Mr. Chairman, there is a word left out of the amendment, the word "as." It should read that the lands shall be classified "as agricultural, grazing," and so forth. I ask unanimous consent that the word "as" shall be inserted after the word "agricultural."

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Chairman, I notice this amendment says the land shall be classified as agricultural, grazing, and so forth. The provision above is that the surface shall be classified and appraised. It seems to me that the word "lands" ought to be stricken out and the word "surface" inserted in its place, so that there shall be no question.

Mr. FERRIS. The words "surface of the" should be put in.

Mr. MANN. I do not care how that is, but above you say "before offering such surface for sale," and so forth.

Mr. KENDALL. The whole section relates to the surface.

Mr. MANN. The gentleman will notice in lines 1 and 2, page 2, it says, "before offering such surface for sale the Secretary of the Interior," and so forth, "shall cause the same to be classified and appraised." I do not care whether it says surface of the land, although I think the word "surface" is sufficient.

Mr. CARTER. The word "surface" would be sufficient.

Mr. MANN. I move to amend the amendment, line 16, by striking out the word "lands" and inserting in lieu thereof the word "surface."

Mr. CARTER. While the gentleman is making that amendment it might also be well to add, between the word "appraising" and the word "said," in line 12——

Mr. MANN. That is not a committee amendment; we will come to that later.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the word "lands," in line 16 in the committee amendment, and insert the word "surface."

The question was taken, and the amendment was agreed to.

Mr. MANN. In the same connection, then, if I may break into the amendments, I move, in line 12, strike out the word "land" and insert the word "surface."

Mr. STEPHENS of Texas. I have no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 12, strike out the word "lands" and insert the word "surface."

Mr. CARTER. Would it not be better to insert between the word "appraising" and the word "said" the words "the surface of"?

Mr. MANN. Well, if they simply refer to it as surface they ought to have it all through in the same language. There is no doubt as to what it means.

Mr. CARTER. I think it is immaterial, and I do not insist on it.

Mr. BURKE of South Dakota. Mr. Chairman, if you will look upon line 8, where it says "except that lands which are especially valuable by reason of proximity to towns, etc.," I assume that if you change it in one place you will want to change it there, so that it will read, "except that surfaces."

Mr. STEPHENS of Texas. In appraising lands they must appraise the surface of the land, and I do not see it is important whether the word "surface" should come in there.

Mr. BURKE of South Dakota. It seems to me it is rather important. One of the committee amendments provides for the appraisal of both the surface and mineral lands. Now, the committee amendment to this bill, which has not yet been acted upon, is to strike out the appraisal of the minerals and simply leaves the appraisal of the surface, and that follows the language providing for the appraisal.

Mr. BURKE of Pennsylvania. Are not the words "surface lands" the words usually applied in all those cases?

Mr. MANN. It is immaterial. There is no question as to what it means if you use the same term all the way through.

Mr. KENDALL. In the third, fourth, and fifth sections of the bill the term is "the surface of these lands." The suggestion of the gentleman from Illinois makes the section harmonious and euphemistic.

Mr. BURKE of Pennsylvania. If you correct it at all, why not correct it in terms always applied?

Mr. MANN. I think the word "surface" is absolutely complete here with the language of the first part of the section.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, strike out all of lines 18, 19, 20, 21, 22, and 23.

Mr. BURKE of South Dakota. Was the amendment as to lines 16 and 17 agreed to? The amendment has not been adopted, as I recall.

The CHAIRMAN. The question is on the adoption of the committee amendment as amended.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 2, strike out all of lines 18, 19, 20, 21, 22, and 23.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. COOPER. I would like to ask some member of the committee a question right there. Why was that provision in line 25, requiring the appraisement to be sworn to by the appraiser, stricken out?

Mr. CARTER. That was the amendment of my friend from South Dakota [Mr. BURKE].

Mr. BURKE of South Dakota. It is stricken out simply because it was surplusage and not necessary in directing that land shall be appraised. It means, of course, they shall be appraised under this bill and the penalty to be provided by the Secretary of the Interior.

Mr. COOPER. There ought to be penalties provided against the man if he fails to do it.

Mr. BURKE of South Dakota. The Secretary of the Interior would probably do it.

Mr. COOPER. It ought to be the same as with an appraiser of lands in a State. No appraiser should come in after appraising land in a State and put in an unverified statement that he has done his duty.

Mr. MANN. That amendment has not yet been reached.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Amend, page 2, line 24, by inserting after the word "the" the words "classification and."

Mr. STEPHENS of Texas. Mr. Chairman, I move the adoption of the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 25, amend by striking out the words "as early as practicable, shall be sworn to by the appraisers, and shall become effective when approved by the Secretary of the Interior," and insert the words "within six months from the date of the passage of this act."

Mr. MANN. Mr. Chairman, I offer a substitute for the amendment.

The CHAIRMAN. The gentleman from Illinois offers a substitute in the nature of an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 25, after the word "completed," strike out the remainder of the section and insert in lieu thereof the following:

"Within four months from the date of the passage of this act shall be sworn to by the appraisers, and shall become effective when approved by the Secretary of the Interior."

Mr. STEPHENS of Texas. Mr. Chairman, I accept the amendment. I think it is better language.

The CHAIRMAN. The question is on agreeing to the substitute to the amendment offered by the committee.

The question was taken, and the substitute was agreed to.

Mr. MANN. Mr. Chairman, in order to get the matter before the committee I offer another amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Page 2, line 6, after the word "him," insert the words:

"Not to exceed for each appraiser the sum of $10 per day for the time actually engaged in making such classification and appraisement."

Mr. STEPHENS of Texas. Mr. Chairman, I accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. That after such appraisement has been made each holder of a coal or asphalt lease shall have a right, for 60 days after notice in writing, to purchase, at the appraised value and upon the terms and conditions hereinafter prescribed, a sufficient amount of the surface of the land covered by his lease to embrace improvements actually used in present mining operations or necessary for future operations up to 5 per cent of such surface, the number, location, and extent of the tracts to be thus purchased to be approved by the Secretary of the Interior: *Provided*, That the Secretary of the Interior may, in his discretion, enlarge the amount of land to be purchased by any such lessee to not more than 10 per cent of such surface: *Provided further*, That such purchase shall be taken and held as a waiver by the purchaser of any and all rights to appropriate to his use any other part of the surface of such land, except for the purpose of prospecting and for ingress and egress, as hereinafter reserved: *Provided further*, That if any lessee shall fail to apply to purchase under the provisions of this section within the time specified the Secretary of the Interior may, in his discretion, designate and reserve from sale such tract or tracts as he may deem proper and necessary to embrace improvements actually used in present mining operations, or necessary for future operations, under existing lease, and dispose of the remaining portion of the surface within such lease free and clear of any claim by the lessee, except for the purpose of prospecting and for ingress and egress, as hereinafter reserved.

On page 3, line 3, insert, after the word "such," the words "classification and."

Mr. STEPHENS of Texas. Mr. Chairman, I move the adoption of the amendment.

The CHAIRMAN. The question is on the adoption of the amendment just read.

The question was taken, and the amendment was agreed to.

Mr. CARTER. Mr. Chairman, at the request of the Solicitor for the Interior Department, or at his suggestion, I should say, I want to offer an amendment. After the word "discretion," in line 23 of page 3, insert the words "with the consent of the lessee."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Oklahoma [Mr. CARTER].

The Clerk read as follows:

Amend, page 3, line 23, by inserting, after the word "discretion," the words "with the consent of the lessee."

Mr. CARTER. And, Mr. Chairman, let it be properly punctuated. The reason for offering this amendment, briefly, is this: The third proviso in this section gives the Secretary the right to set aside this land for the lessee, providing the lessee fails to choose same within the time given him by law. The object of this proviso is to take care of any mistakes of omission of the coal lessees. For instance, if a lessee fails to make his choice within the time given him by law, the Secretary of the Interior might, under this provision, set aside such land even after the time had expired in which the lessee could make his choice.

Now, under the terms of the leases by which this coal is operated, the lessees are allowed a certain amount of the surface for operating purposes, subject, of course, to the discretion of the Secretary of the Interior. I feel sure it would be perfectly competent for this land to be set aside without the consent of the lessee, for you will notice that this proviso does not force upon the lessee the contingency of buying the land, as is provided earlier in the section. The assistant solicitor, who has charge of these affairs in the Interior Department, in private conversation with me suggested that this amendment go in, out of abundant precaution for the protection of the coal underneath the surface and the coal owner's or lessee's rights, though he did not take the position that this could not be done without the consent of the lessee.

Mr. MANN. Will the gentleman yield to me for a question?

Mr. CARTER. Yes.

Mr. MANN. This covers the matter about which the gentleman and I had a conversation.

Mr. CARTER. Yes.

Mr. MANN. Whether we ought to interfere with the provisions of existing leases?

Mr. CARTER. Yes.

Mr. MANN. This is intended to cover that, is it?

Mr. CARTER. Yes; in the opinion of the solicitor, this amendment settles that question.

Mr. COOPER. Mr. Chairman, I notice in line 19 there is a misspelling of a word.

The CHAIRMAN. The question recurs first on the adoption of the amendment offered by the gentleman from Oklahoma [Mr. CARTER].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The gentleman from Wisconsin is now recognized.

Mr. COOPER. Mr. Chairman, after the word "of," on line 19, page 3, I move to strike out the word "prospsecting" and insert the word "prospecting."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wisconsin [Mr. COOPER].

The Clerk read as follows:

On line 19, page 3, strike out the second "s" in the word "prospsecting."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 3. That sales of the surface under this act shall be upon the condition that the Choctaw and Chickasaw Nations, their lessees, assigns, or successors, shall have the right at all times to enter upon said lands for the purpose of prospecting for coal or asphalt thereon, and the right of underground ingress and egress, and to haul through from other lands without compensation to the surface owner, and upon the further condition that said nations, their lessees, assigns, or successors, shall have the right to acquire such portions of the surface of any tract, or tracts as may be reasonably necessary for the conduct of mining operations or removal of deposits of coal and asphalt upon entering into an obligation to make payment for the surface thus taken or used, at a fair valuation for the portion of the surface so acquired. If the owner of the surface and the then owner or lessee of such mineral deposits shall be unable to agree upon a fair valuation for the surface so acquired, such valuation shall be determined by three arbitrators, one to be appointed, in writing, a copy to be served on the other party, by the owner of the surface, one in like manner by the owner or lessee of the mineral deposits, and the third to be chosen by the two so appointed; and in case the two arbitrators so appointed should be unable

to agree upon a third arbitrator within 30 days, then and in that event, upon the application of either interested party, the United States district judge within whose jurisdiction said land is located shall appoint the third arbitrator: *Provided*, That the owner of such mineral deposits or lessee thereof shall have the right of entry upon the surface so to be acquired for mining purposes immediately after the failure of the parties to agree upon a fair valuation and the appointment, as above provided, of an arbitrator by the said owner or lessee.

The Clerk read the following committee amendment:

Amend page 4, line 11, by striking out, after the word "egress," the words "and to haul through from other lands without compensation to the surface owner."

The amendment was agreed to.

The Clerk read the following committee amendment:

On page 4, line 15, after the word "tract," strike out the word "or."

The amendment was agreed to.

The Clerk read the following committee amendment:

Page 4, line 15, after the word "tracts," insert the words "or rights thereto."

The amendment was agreed to.

The Clerk read the following committee amendment:

Page 14, line 18, after the word "for," insert the words "actual damage sustained by the surface owner by reason of such entrance upon or prospecting, and also for."

The amendment was agreed to.

The Clerk read the following committee amendment:

Page 4, at the end of line 20, after the word "surface," strike out the word "thus."

The amendment was agreed to.

The Clerk read the following committee amendment:

Amend page 5, line 7, by striking out, after the word "party," the words "the United States district judge within whose jurisdiction said land is located" and insert in lieu thereof the words "the judge of United States district court in the district within which said land is located."

Mr. MANN. I do not know whether the committee in this amendment intended to change the legal situation or authority?

Mr. CAMPBELL. They did not.

Mr. MANN. The proper term is not "judge of the United States district court," but it is, "United States district judge." The language of the act with reference to the courts provides for a district judge, not a judge of the district court. I think there might be some question whether we have power to confer upon a court the appointment of the arbitrators, as distinguished from conferring the power upon the individual who happens to be the judge. I suggest that it be made to read "the United States district judge in the district within which said land is located."

Mr. FERRIS. I am sure that there is no disposition on the part of the committee to do anything except improve the language, and if there is any question about it, the committee will be glad to accept the amendment.

Mr. MANN. The legal term is "district judge," not "judge of the district court."

Mr. FERRIS. I shall be glad to have the amendment offered.

Mr. CARTER. The gentleman will notice that originally the bill contained very nearly the language suggested by him.

Mr. MANN. It would be easy to make the change so that it will read "the United States district judge in the district within which said land is located."

The CHAIRMAN. Does the gentleman from Illinois offer an amendment to the amendment?

Mr. MANN. I do.

The CHAIRMAN. The Clerk will report the amendment to the amendment as offered.

The Clerk read as follows:

Strike out after the word "judge," in line 8, the words "within whose jurisdiction said land is located," and insert the words "in the district within which said land is located."

Mr. MANN. The amendment that I offer in place of the committee amendment is to strike out, in line 8, all after the word "judge" to the end of the line and insert in lieu thereof the words "in the district within which said land is located."

The CHAIRMAN. The Chair suggests to the gentleman from Illinois that it would be well to reduce his amendment to writing.

Mr. MANN. It is in writing on the bill. I do not suggest any new language.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

In line 8, strike out after the word "judge" the words "within whose jurisdiction said land is located" and insert the words "in the district within which said land is located."

Mr. BURKE of South Dakota. Mr. Chairman, it seems to me that it is a simple matter to offer as a substitute for the committee amendment the words "the United States district judge in the district within which said land is located."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 4. That if any tract or tracts of said land shall not be sold at the first offering, or shall be forfeited by reason of nonpayment of the purchase price or any installment thereof, the same shall immediately be again offered for sale in such areas and upon such terms and conditions as the Secretary of the Interior may prescribe.

The Clerk read the following committee amendment:

Strike out all of section 4 and insert in lieu thereof the following:

"SEC. 4. That upon the expiration of one year after the lands have been offered for sale, the Secretary of the Interior, under rules and regulations to be prescribed by him, shall cause to be sold to the highest bidder for cash the surface of any lands remaining unsold and of any lands forfeited by reason of nonpayment of any part of the purchase price, without regard to the appraised value thereof: *Provided*, That the Secretary of the Interior is authorized to sell at not less than the appraised value to the McAlester Country Club, of McAlester, Okla., the surface of not to exceed 160 acres in sec. 17, T. 5 N., R. 15 E.: *Provided further*, That the mineral underlying the surface of the lands condemned for the State penitentiary at McAlester, Okla., under the Indian appropriation act approved March 3, 1909, shall be subject to condemnation, under the laws of the State of Oklahoma for State penitentiary purposes."

Mr. BOWMAN. Mr. Chairman, in line 2, page 6, I move to amend the committee amendment by inserting, after the word "any," the word "surface," so that it will read "and of any surface land forfeited," and so forth.

The CHAIRMAN. The question is on agreeing to the amendment to the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment to the amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the last word for the purpose of inquiring what special reason there is for authorizing the sale to a golf club of 160 acres of land as a special favor.

Mr. CARTER. Mr. Chairman, I see that the gentleman from Illinois knows something about country clubs, because he refers to it as a golf club. He probably gets a great deal of pleasure and satisfaction out of his club down in Chicago.

Mr. MANN. Yes; but I play with a hoe instead of a golf stick. [Laughter.]

Mr. CARTER. The fact is, Mr. Chairman, that there have been built some improvements on the tract in question, without authority of law it is true, and the people desire to have these particular lands included in their country club. It seems to me that a country club is a kind of public institution, for the benefit of the public, at least to the extent of its membership and their friends, and for that reason we thought it was nothing but right that they should be permitted to buy the land at a price to be fixed by the Secretary of the Interior, not to be less than the appraised price.

Mr. BUTLER. Will the gentleman yield?

Mr. CARTER. Certainly.

Mr. BUTLER. This is not a club for the Indians?

Mr. CARTER. No; there are some Indians belonging to it, but it is not exclusively for Indians or for Quakers. [Laughter.]

Mr. BUTLER. I want to know whether it is proposed to take this land from the Indians and sell it for less than it would otherwise bring, transferring it to the use of a country club for their pleasure?

Mr. CARTER. It is proposed to sell this land at a price to be fixed by the Secretary of the Interior at not less than twice the appraised value.

Mr. BUTLER. But why not have it put up at public sale, so that the Indians may get the benefit of it?

Mr. CARTER. If that were done some one might buy 10 acres or so, and it would destroy the value of the whole of it for a country club.

Mr. BURKE of South Dakota. The gentleman from Oklahoma inadvertently said twice the appraised value.

Mr. CARTER. That was a slip of the tongue. I meant at not less than the appraised value. That "not less than twice the appraised value" phrase has become almost a habit with some of us.

Mr. BUTLER. The people who place these improvements on these lands put them there at their own risk.

Mr. CARTER. Certainly they did.

Mr. BUTLER. And they knew that they might be compelled to remove them.

Mr. CARTER. Yes.

Mr. BUTLER. Now, the purpose is to sell them at the expense of the Indians.

Mr. CARTER. To sell them at a price to be fixed by the Secretary of the Interior, not less than the appraised value, and that is ample protection.

Mr. BUTLER. The price of a thing to white men is what it will bring at a public sale.

Mr. CARTER. If this particular tract were put up at public sale I am afraid it would destroy the value of the property and reduce the price which the Indians may be able to get, because if some one came in and bought 10 or 20 acres, then probably the residue could not be sold for as high a price as these people will be willing to pay for it.

Mr. BUTLER. What is this land worth per acre, ordinarily?

Mr. CARTER. I would not want to pass upon that abstractly. I would estimate this tract——

Mr. BUTLER. That is without any buildings or improvements.

Mr. CARTER. I understand. I would say that this particular land might not be worth on an average exceeding two or three dollars per acre, for agricultural or grazing purposes; but if it is sold in one tract to this country club it may bring between ten and twenty dollars per acre. It is rough land, as is usual with country clubs. I have only been over the land hurriedly, and I saw only one small tract of—well, I would say, not to exceed 10 or 15 acres which was sufficiently level for agricultural purposes.

Mr. BUTLER. If the gentleman is satisfied that this is all right, I do not see why I should take any exceptions to it or ask any questions about it, while it would seem to me that the Indian ought to have out of it all that the Indian is entitled to have, because the white man is on his back all the time, and always has been.

Mr. CARTER. I think he will get more under this plan than otherwise.

The CHAIRMAN. The question is on agreeing to the amendment as amended.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 5. That the sales herein provided for shall be at public auction, under rules and regulations and upon terms to be prescribed by the Secretary of the Interior, except that no payment shall be deferred longer than two years after the sale is made. All agricultural lands shall be sold in tracts not to exceed 160 acres, grazing lands in tracts not to exceed 640 acres, and lands especially valuable by reason of proximity to towns or cities may, in the discretion of the Secretary of the Interior, be sold in lots or tracts containing not less than 1 acre each. All deferred payments shall bear interest at 5 per cent per annum, and if default be made in any payment when due all the rights of the purchaser thereunder shall cease and the lands shall be taken possesion of by the Secretary of the Interior for the benefit of the two nations, and the money paid as the purchase price of such lands shall be forfeited to the Choctaw and Chickasaw Tribes of Indians.

With the following amendment:

Page 6, line 17, after the word "regulations," insert the words "and upon terms."

Mr. MANN. Mr. Chairman, I discussed this section with the gentleman from Oklahoma [Mr. CARTER], who introduced the bill. I do not know whether I made any impression upon his mind, but I apprehend not, unless he has an amendment to offer. May I ask the gentleman whether he intends to offer an amendment?

Mr. CARTER. Mr. Chairman, after discussing this section with the gentleman from Illinois [Mr. MANN], at his suggestion I took this matter up with the solicitor in the Interior Department, and in a conversation that gentleman suggested that after the word "do," in line 3, page 7, we insert the words "after 30 days' notice in writing," and that that would cure the objection, he thought, of the gentleman from Illinois, which was to the effect that this was too stringent a forfeiture clause.

Mr. MANN. Mr. Chairman, I have no amendment prepared to offer to this section, but I wish to enter my protest against provisions of this kind in a bill providing for the sale of lands. Here is a proposition to sell the surface land, with a provision that no payments shall be deferred longer than two years after the sale is made, which, to begin with, is an onerous condition in the sale of land, and with another provision, that if default be made in any payment when due all the rights of the purchaser shall cease, with another provision in the bill that thereupon the Secretary shall offer that land for sale. Since I have been a Member of this House gentlemen on the floor here representing the newer portions of the country have come in repeatedly with bills to extend the time of payment. We are just as much interested in our part of the country in having known what the terms of the payment are going to be, so that anyone who wishes to acquire this land may acquire it on even terms with the people in Oklahoma or elsewhere, and everyone in this House knows now that all of these purchasers will not be able within the two years to make their entire payment. The man who buys the land may die. It becomes impossible for his estate to borrow money upon the land with which to make the final payment, and, under the terms of this bill, his estate forfeits all that he has paid upon the land, as well as the land itself, and it is not a fair thing for the Government to do. There is no reason why in making sales of land upon terms of interest there should not be some leniency advanced to the purchaser, instead of coming in with bills which you press upon the consideration of Congress later to give leniency in favored cases.

Mr. BURKE of South Dakota. Mr. Chairman, does the gentleman from Illinois think it helps this very much to give them 30 days' notice?

Mr. MANN. No; I do not think so.

Mr. BURKE of South Dakota. Furthermore, there never has been an instance where we have enacted this kind of legislation when Congress has not granted an extension if the conditions were such as to warrant it.

Mr. MANN. I know, but this is the most stringent provision that has ever been in any bill of this sort, I think.

Here is a provision that directs the Secretary of the Interior to take possession of the land and another one which directs him at once to offer it for sale again.

Mr. FERRIS. If the gentleman will yield to me right there. I have not any objection; in fact, I am rather soothed by the gentleman's statement, and I hope leniency will be given to these people if they have to come and ask for an extension, as these people may if we have droughts like we have had. But I want to make this observation: They will wait until the last minute of the 30 days, if you give them 30 days, and they will wait until the last minute of the 90 days, if you give them 90 days, and then they will come and ask the same thing; so I am not sure we will accomplish a great amount by providing any specific notice. They will not pay until the last minute, anyhow.

Mr. MANN. It is perfectly patent if a man dies he can not borrow money to make the final payment and can not consummate the payment, and if the Secretary follows this law he will put up the land for sale. Somebody will lose.

Mr. JACKSON. Does not the gentleman think we are apt to involve ourselves in a technical way that might endanger the title to all of this land by adopting any other rule than this? For instance, if the gentleman will permit further, it is proposed to give, say, a 30-days' notice. What kind of a notice, upon whom is it to be served, and when? The courts universally hold that directions of this sort must be strictly followed, and you will have a lot of men impeaching these contracts of sale for the next 25 years unless you provide specifically the title shall be forfeited upon nonpayment.

Mr. MANN. It is easy enough to insert a provision in all of these bills giving to the Secretary of the Interior some discretion for good cause shown to extend the time of payment. I do not think it will cause any trouble at all to do that.

Mr. BURKE of South Dakota. Will the gentleman yield for another question?

Mr. MANN. Certainly.

Mr. BURKE of South Dakota. Or a statement. I would say that in many of the earlier bills providing for the sale of Indian lands, those of us from the West always put in a provision such as the gentleman suggested, and always have to consent that it be stricken out by the House.

Mr. MANN. I have been in the House longer than my friend from South Dakota and kept fairly good track of the proceedings in the House, and I think the gentleman is mistaken, although he may be correct.

Mr. BURKE of South Dakota. Mr. Chairman, I would not be surprised if I could find somewhere in the discussion, when some of these bills were up for consideration, that the gentleman himself was insisting upon striking from the bill a provision that gave any latitude whatever, and insisting upon this drastic language.

Mr. MANN. I would be very much surprised, because this is not the first time I have called to the attention of the gentleman's committee the desirability of placing everybody upon the same basis in advance instead of perennially coming in here after some one gets the land with a request to extend the time.

Mr. BURKE of South Dakota. In other words, the gentleman's objection to this language is that he does not wish in the future to grant any extensions of time under any circumstances.

Mr. MANN. I do not wish the occasion to arise where it is necessary for Congress to act as a matter of favoritism to somebody who has been lucky or unlucky, either one, to get the land.

Mr. BUTLER. Mr. Chairman, will the gentleman from Oklahoma [Mr. CARTER] answer me a question or two? I am curious to know what kind of people are likely to buy this land.

Mr. CARTER. All of this land?

Mr. BUTLER. Or any part of it, people who are responsible, financially responsible people?

Mr. CARTER. There will be to a large extent small farmers living around the towns. Then the agricultural lands will be

sold to other farmers of more or less responsibility, and the land not suitable for agricultural purposes will be sold most likely to ranchers.

Mr. BUTLER. This seems to me about as nasty a bargain as I have ever seen. You could not sell any land in our country upon such terms, where the purchaser, if he becomes unfortunate at the end of a year or two, will be deprived of all improvements and all the fruits of his labor. I think you are placing an obstacle on the sale of the land and it would not bring anything. Now, is not that a disadvantage to the sale of this land?

Mr. CARTER. I want to say to the gentleman from Pennsylvania that many million dollars' worth of land has been sold in Oklahoma under just such a provision as that, and, in fact, that has been, in effect, the provision under which the Indian lands in the east side of Oklahoma, which embraces the territory of the Five Civilized Tribes, have been sold. If the gentleman will permit me, I will read from the act allotting the Cherokee lands——

Mr. BUTLER. Before the gentleman answers that, I would like to ask him if the land would not bring more money if he would make an easier contract.

Mr. CARTER. I doubt if these lands would. Moreover, we are under obligations to settle with the Indians, and that obligation, as heretofore stated, is already 6 years past due. Now, if you put these payments off 5 or 10 years, the tribes will disintegrate and go to pieces before a final settlement is had, and some of us would like to get our hands on some of our money before that occurs.

Mr. BUTLER. The subject is interesting to me. You do not suppose this race of Indians will not exist at the end of 10 years?

Mr. CARTER. As an organized tribe, yes. The legal tribal existence of these people will doubtless be discontinued at an early day. A very few years, at the most, should see the end of tribal conditions.

Mr. BUTLER. Could not there be some provision made, however, by which they would receive money payable part in one year and two years, and so on.

Mr. CARTER. To begin with, the Indians would be against any such payments as that. Then again, there may arise some very serious legal complications if these tribes go out of legal existence before these lands are sold and paid for.

The treaty of 1856 contains a provision which, under certain conditions, grants to the Missouri, Kansas & Texas Railroad every alternate section within 6 miles of the railroad through the entire land of the two tribes. That road passes right through this segregated mineral land. It is the contention of the Missouri, Kansas & Texas Railroad's attorneys, and of many other good lawyers for that matter, that when the tribal existence is abolished the title to these lands, which is in the tribes, vests in the Federal Government, and that the moment that title vests in the Federal Government the "Katy" land grant is made automatically effective. By this statement I do not mean to commit myself to the contention of this railroad company. In fact, I believe their contention is not good. But to say the least of it, a long-drawn-out suit will be the result, and in order to avoid such litigation it would be much better to have these title matters all settled at the earliest possible day.

Mr. BUTLER. The condition which was imposed struck me as being a very heavy one, and that is the reason I asked the gentleman the question.

Mr. CARTER. Let me read the provision in the Cherokee agreement, under which their land was sold as town sites, and so forth:

SEC. 45. When the appraisement of any town lot is made and approved the town-site commission shall notify the claimant thereof of the amount of appraisement, and he shall, within 60 days thereafter, make payment of 10 per cent of the amount due for the lot, and four months thereafter he shall pay 15 per cent additional, and the remainder of the purchase money he shall pay in three equal annual installments, without interest; but if the claimant of any such lot fail to purchase same or make the first and second payments aforesaid or make any other payment within the time specified, the lot and improvements shall be sold at public auction to the highest bidder, under the direction of the Secretary of the Interior, at a price not less than its appraised value.

Now, I want to say to my good friend from Pennsylvania that while I have not examined the records I have heard no complaint about the enforcement of this much-feared clause, and I am sure none of these lands have been forfeited unless, perchance, the purchaser found he had made a bad bargain, and let the forfeiture take place for his own gain and benefit.

Mr. BUTLER. I think it is all right, because my friend says so, but it would not be acceptable to our people.

Mr. STEPHENS of Texas. Let me suggest the following amendment:

After the word "shall" in line 4, page 7, add the words "under the discretion of the Secretary of the Interior," and in line 5 strike out the words "the Secretary of the Interior" and insert the word "him."

Mr. COOPER. I will ask if that will not impose a tremendous burden upon the Secretary of the Interior? People are disposed to be lax or delinquent, and some will immediately get wise to that, and attorneys and everybody they can hire will be here to see the Secretary of the Interior. Not only that, but they will make an endless burden to the representatives of the Government in that section.

Mr. STEPHENS of Texas. Will not he take the view of it that Congress does whenever there has been a great drougth or something of that kind—some act of God—and would he not relieve the settlers from failing to pay this money?

Mr. COOPER. If it is an act of God, there will be no trouble in getting a bill through Congress to remedy it. There has never been any trouble before in such cases.

Mr. STEPHENS of Texas. This would relieve Congress from that burden.

Mr. COOPER. But it would put an additional burden on the Secretary of the Interior. It seems to me that to put all that burden on him and to compel him to listen to the complaints and to the excuses for the nonpayment of the money down in Oklahoma would be too much.

Mr. STEPHENS of Texas. What suggestion would the gentleman make for the relief of these people from forfeitures?

Mr. COOPER. My belief is that the bill ought to stand as it is now. The terms are perfectly plain, and the people need not buy that land if they do not want to. If they can not pay, they ought not to purchase. If there is any act of God that makes the payment impossible, they can come to Congress and have the time extended.

The CHAIRMAN. The Chair would state that the pending amendment is the amendment to line 17, page 6. As the Chair understands it, the amendment now offered is in no way a substitute for that. We have not yet reached the matter involved in the substitute offered by the gentleman from Texas [Mr. STEPHENS].

Mr. COOPER. I want to say one word, Mr. Chairman, if I may, in reply to the suggestion of the gentleman from Texas [Mr. STEPHENS], and that is that the act of Congress, a portion of which was just read by the gentleman from Oklahoma [Mr. CARTER], contains a provision similar to this. The gentleman from Oklahoma says that there is nothing unusual about this provision in the bill and that the law was equally stringent, so far as the disposition of other lands in Oklahoma is concerned, and that it has worked no hardship to anybody. The gentleman from Oklahoma, who knows, says that it has not resulted in the forfeiture of any land whatever, except in cases where the purchasers found they did not want to keep the land and voluntarily relinquished all claims upon it.

The CHAIRMAN. The question now before the committee is the amendment reported by the Clerk on line 17 of page 6.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

On page 6, line 18, after the word "Interior," insert the words "except that no payment shall be deferred longer than two years after the sale is made."

The CHAIRMAN. The question is on agreeing to the amendment just read.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

On line 23, page 6, after the word "acres," insert the words "and lands especially valuable by reason of proximity to towns or cities may, in the discretion of the Secretary of the Interior, be sold in lots or tracts containing not less than 1 acre each."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. RUSSELL. Mr. Chairman, in one amendment, according to the copy I have, the word "in" is stricken out. That is the proposed amendment in line 21. That seems to have been overlooked.

The CHAIRMAN. The Clerk will report the amendment referred to.

The Clerk read as follows:

In line 21, page 6, after the word "acres," strike out the word "and."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. KENDALL. Mr. Chairman, I wanted to make an inquiry of the chairman of the Committee on Indian Affairs. Is the chairman of the committee about to offer an amendment to obviate the objection made by the gentleman from Wisconsin [Mr. COOPER]?

Mr. STEPHENS of Texas. Since I have had the opportunity to examine into it I do not think that would be necessary. It says, "No payment shall be deferred longer than two years after the sale is made." That is part of the same section.

Would not that defer these payments for two years? That was the construction I placed on the whole section on reading it, and I do not think they could be declared forfeited until after the expiration of two years.

Mr. BUTLER. That is long enough.

Mr. KENDALL. Is that the interpretation which the chairman of the committee puts upon the section?

Mr. STEPHENS of Texas. Yes; upon the whole section. I do not think that last clause is necessary, because this other provision says, "Payment shall not be deferred longer than two years after the sale is made." That does not apply to the forfeiture, though.

Mr. KENDALL. What has that got to do with it? Suppose they drew only 2 per cent. I want to ask the gentleman of the committee are these deferred payments to draw 5 per cent interest?

Mr. STEPHENS of Texas. I understand this does not apply.

Mr. KENDALL. Does not apply to what?

Mr. STEPHENS of Texas. No payments shall be deferred. I understand the Secretary of the Interior has put a wrong construction on it. He can not defer these payments more than two years. When he makes his rules and regulations the land must be paid for within two years.

Mr. KENDALL. That is what I thought the gentleman was objecting to, that the requirements of this bill were too rigid against purchasers of the land.

Mr. STEPHENS of Texas. I think, Mr. Chairman, that the amendment I have suggested ought to be adopted. After the word "shall," on page 7, line 4, strike out the words "the Secretary of the Interior" and insert the word "him."

Mr. KENDALL. If that amendment were adopted, it would be discretionary?

Mr. PROUTY. Mr. Chairman——

Mr. KENDALL. The gentleman from Texas has offered an amendment.

Mr. PROUTY. I did not so understand it.

Mr. STEPHENS of Texas. I suggest that it be amended so as to read "shall, at the discretion of the Secretary of the Interior, cease, and the land shall be taken possession of by him." Strike out the words "the Secretary of the Interior" just before the words "for the benefit of the two nations."

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Texas [Mr. STEPHENS].

The Clerk read as follows:

On page 7, line 4, after the word "shall" where it occurs the first time in the line, insert the words "at the discretion of the Secretary of the Interior," and at the end of line 4 and on line 5 strike out the words "the Secretary of the Interior" and insert the word "him," so that it will read, beginning with line 3, page 7, "payment when due all the rights of the purchaser thereunder shall, at the discretion of the Secretary of the Interior, cease and the lands shall be taken possession of by him for the benefit of the two nations," and so forth.

Mr. KENDALL. Before that committee amendment is adopted, I want to ask what was the purpose of the committee in fixing the rate of interest on deferred payments at 5 per cent? Is that the rate that is in effect in the State of Oklahoma now?

Mr. STEPHENS of Texas. I think 6 per cent is the legal rate.

Mr. CARTER. Six per cent without contract, and 10 per cent under contract.

Mr. KENDALL. Six per cent where there is no interest expressed in the contract. In other words, that is the legal rate.

Mr. CARTER. Yes.

Mr. KENDALL. What is the object in reducing it?

Mr. STEPHENS of Texas. We offer an inducement to buyers by reducing the interest rate 1 per cent below the legal rate.

Mr. KENDALL. Is there any doubt that the surface of the land, valuable as it is, will be bought immediately under the terms of this bill?

Mr. CARTER. That concession was given in consideration of some of the stringent conditions imposed.

Mr. KENDALL. But the gentleman from Oklahoma has convinced the committee that the conditions are not stringent.

Mr. CARTER. They are not stringent taken in consideration of an interest rate of 5 per cent. If the interest rate was 10 per cent they would be stringent.

Mr. KENDALL. I think the interest ought to be what anybody else would have to pay who borrowed money on real estate.

Mr. CARTER. I think it will really be a benefit to the owners of the land to make the interest as low as 5 per cent. I think there will really be a better price paid for the land. We have never had any 5 per cent money in Oklahoma, and the opportunity to get land on deferred payments at that low rate should be an inducement to buyers to pay a very good price.

Mr. KENDALL. The gentleman from Oklahoma would scarcely find any white men who were willing to loan money at 5 per cent in that State.

Mr. CARTER. I have not found any yet, and, like most Members of this distinguished presence, my quest of cheap money might be described in theatrical parlance as a "continuous performance." [Laughter.]

Mr. MORGAN. Mr. Chairman, I wish to explain the interest question from my viewpoint. The State of Oklahoma has sold a large amount of school land and has many million dollars in her school fund, and all of her public funds are loaned at 5 per cent. The committee believed that the buyers of this land ought not to pay any higher interest than the men who buy her school lands or borrow her school funds. Then on all sales of land that I have known of for years the buyers have never paid more than 5 per cent.

I desire to say, further, upon this bill the land is not within my congressional district. I therefore feel like following the lead of my colleague whose people are more directly interested.

I believe it is the duty of the United States Government to purchase the minerals in these lands and dispose of the same as it does other minerals belonging to the Government. The United States should either let the Indians dispose of these lands—minerals and all—to the best purchaser they can find, or the Government itself should buy these minerals and provide for the immediate sale of the surface for agricultural purposes. This is a vast estate, belonging to the Indians, and the United States, under its treaties, should see that it is disposed of promptly, in order that the individual Indian may enjoy the use and benefit of it, and, further, to the end that the tribal affairs of these Indian nations may be finally closed. I think there is much weight in the claim by the Indians that Congress, by its failure to act, is doing an injustice to the Indians.

However, I understand that this matter has been fully presented to the Committee on Indian Affairs, and that there is no prospect of legislation this session of Congress that will provide for the sale of the minerals under these lands. The committee has therefore reported favorably this bill, which provides for the sale of the surface only.

I therefore feel it my duty to support this measure. These lands, comprising 450,000 acres, are to-day blocking the progress of a large section of our State. They are unoccupied, uncultivated, and unpopulated. They are untaxable. They contribute nothing to the support of the local or State government. As they now stand they are an actual burden upon the taxpayers of the State. This should not be allowed to continue. There are nearly 3,000 quarter sections of land in this tract. It will provide homes for 15,000 or 20,000 people. I think it is poor policy to allow vast tracts of land to lie idle when many are wanting homes. The Indians consented to the allotment of their lands, to the abandonment of their tribal governments, and to statehood. Having gone this far, they can not now say that we are unjust if in the disposition of their lands we give some consideration to the rights of others who, by reason of the changes to which they have consented, have become their neighbors and fellow citizens in the State of Oklahoma. These lands should, therefore, be sold at the earliest date possible, to the end that they may cease to be a hindrance to the progress, the growth, and the development of the country and become a region for homes, for industry, for schools, and churches, bearing its share of the burdens and enjoying its share of the blessings of State and local governments.

Mr. STEPHENS of Texas. I ask for a vote on the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 7. That there is hereby appropriated, from any funds in the United States Treasury not otherwise appropriated, the sum of $50,000 to pay the expenses of the appraisement and sales herein provided for, the United States to be reimbursed from the proceeds of the sale of said property. The net proceeds of said sales shall be placed to the credit of said Choctaw and Chickasaw Nations and distributed to the members thereof, freedmen excepted, as other funds of said nation are to be distributed.

The following committee amendment was read:

Strike out all of section 7 and insert in lieu thereof the following:

"SEC. 7. That there is here appropriated, out of any moneys in the Treasury not otherwise appropriated, belonging to the Choctaw and Chickasaw Tribes of Indians, the sum of $50,000 to pay expenses of the classification, appraisement, and sales herein provided for, and the proceeds received from the sales of lands hereunder shall be paid into the Treasury of the United States to the credit of the Choctaws and Chickasaws and disposed of in accordance with section 17 of an act entitled 'An act to provide for the final disposition of the affairs of the Five Civilized Tribes in Indian Territory, and for other purposes,' approved April 26, 1906: *Provided*, That the Secretary of the Interior be, and he is hereby, authorized to prescribe such rules, regulations, and conditions as he may deem necessary to carry out the provisions of this act."

Mr. MANN. Are you going to leave that proviso in the amendment?

Mr. CARTER. Mr. Chairman, I want to take out the proviso by striking out all after the word "six," in line 22, and also lines 23, 24, and 25.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all after the word "six," in line 22, and all of lines 23, 24, and 25.

Mr. BUTLER. Why is it proposed to do that?

Mr. CARTER. It is contained in a new section, section 8.

The amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the adoption of the committee amendment as amended.

Mr. COOPER. What is the amendment before the House?

The CHAIRMAN. To strike out section 7, as originally printed in the bill, and insert the amendment offered by the committee as amended.

The committee amendment as amended was agreed to.

The Clerk read as follows:

SEC. 8. That the Secretary of the Interior be, and he is hereby, authorized to prescribe such rules, regulations, terms, and conditions as he may deem necessary to carry out the provisions of this act.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I shall not offer an amendment except the pro forma amendment, but I desire to call the attention of the gentlemen from Oklahoma, who are very much interested in this legislation, as we all are in a way, to the fact that there is no definition in the bill as to what constitutes the surface of this land. This is a new class of legislation. So far as I recall we have not heretofore provided for the disposition of the surface of any lands. We have legislation under which we issue a limited patent, but that limited patent is really a fee with limitations. In those cases the owner of the limited patent has complete control of the property, and all that is reserved is the body of certain designated minerals.

Now, with that kind of separation there is little opportunity for questions to arise as between the two owners—the owner of the mineral and the owner of the balance of the estate—as to their respective rights. But it seems to me that you are piling up opportunities for contests and lawsuits of all sorts when you provide for the sale of the surface of a piece of ground. What constitutes the surface? How far can a farmer dig on these grounds for a well? Can he dig a cellar? Can he quarry stone on the ground if it happens to be a few feet below the surface? What recourse has he if the miner in mining recklessly and wantonly destroys or injures the surface?

It seems to me that you are creating a sort of a fee here that will be exceedingly unsatisfactory and will lead to all sorts and kinds of difficulties. It seems to me that at the very outset wherever the land is being mined you will have difficulty.

Now, I admit that it is rather late in the discussion of the matter for me to make these remarks, but I did not know that the bill was to be considered to-day and have been out of the Chamber. I suggest, however, to the gentlemen from Oklahoma that it might be well for them to consider these very important features of this legislation. It would have been very easy to have made a provision in regard to the sale of this land similar to that which was made in the separation of the coal from the remainder of the estate in the bill passed by the House two years ago, in which we provided for the disposition of certain public coal lands, reserving the body of the coal, and provided the conditions under which the owner of the main portion of the estate might recover for damages caused by the mining of the coal. Under that legislation there can be no question as to the right of the owner of the surface to dig a well, to sink for artesian water, to quarry such rock as he might need for his own use, or to quarry rock for commercial purposes if he desired so to do, so long as he does not interfere in the use of the property by the mineral claimant or owner.

Such legislation clearly defines the limits between the two estates. This leaves the whole matter in the air. Is the limit of the surface an inch down, or 2 inches down, or 2 feet, or 20? And what are the respective rights of the two claimants? What are the rights of the surface owner as to clay, as to sand, as to stone, anything and everything that may be in the land except the minerals named in the bill?

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. MONDELL. I want to say to my friends from Oklahoma that I feel like apologizing for coming into the discussion at so late an hour.

Mr. STEPHENS of Texas. Has the gentleman read the bill carefully, and does he know that it applies only to coal and asphalt?

Mr. MONDELL. I have simply glanced over the bill, and while it only applies to coal and asphalt, it only authorizes the sale of the surface, and there is no definition of what constitutes the surface.

Mr. STEPHENS of Texas. The only thing reserved is the coal and asphalt, and everything else goes.

Mr. MONDELL. Oh, no; on the contrary, nothing goes but the surface. Had you stated, as we did in the bill providing for the agricultural entry of the surface of coal lands—rather a misleading title—that the patent issued by the Government should be a fee with a reservation, then the owner of the surface would own everything except the reserved mineral, with which goes the right to extract it.

There may be laws in Oklahoma which would provide for operations under a bill of this character, but in the absence of State legislation clearly defining what constitutes surface, it seems to me you are opening the way for interminable trouble, innumerable lawsuits, difficulties of all kinds and character, injunctions against the farmer if he attempts to sink a well or drill for water, or quarry rock which is below the surface, or dig a little clay, or do any one of the many things that the owner of the surface is certain some time or other in his occupancy to want to do.

Mr. RUSSELL. Mr. Chairman, does the gentleman not think this would be construed to carry with it the use of such things as usually go with the enjoyment of the surface, such as the digging of wells and the digging of cellars?

Mr. MONDELL. I think you could, finally, under a State law, work out some sort of an interpretation of what Congress meant, or possibly the questions that would arise would be questions that could be taken into the Federal courts, but it is so easy to make a clear definition that there is no excuse for leaving the matter in the air. All that ought ever to be reserved in the separation of such an estate is to reserve the mineral and the right to extract it, the balance of the estate ought to belong to the man who lives on the ground, the man who tills it and utilizes it. Any other separation is unfair, unjust, makes the surface title of but little value, leads to interminable trouble and lawsuits, and is no more satisfactory to the mineral claimant than the separation which was made in the legislation of two years ago, under which, it seems to me, no question can ever rise as between the two proprietors.

Mr. CARTER. Mr. Chairman, we are all accustomed to place great reliance in the opinion of the gentleman from Wyoming regarding land titles. In this case, however, I simply desire to repeat that millions of dollars' worth of property have been sold on these coal lands for town sites, somewhat similar provisions, and not a single one of the obstacles the gentleman has mentioned has ever been brought to the surface. No such suit has ever been brought and no such contention has arisen.

Mr. MONDELL. Do I understand the gentleman to say that the surface of the lands has been sold?

Mr. CARTER. For town-site purposes.

Mr. MONDELL. The surface?

Mr. CARTER. Yes; and wells have been dug on them, and other improvements made.

Mr. MONDELL. Under what law?

Mr. CARTER. Under the law of May 29, 1908, while the gentleman from Wyoming was himself a member of this House.

Mr. MONDELL. Under which you sell only the surface?

Mr. CARTER. Yes; and, I think, under the act of June 28, 1898, also, though I would not be sure as to the last reference.

Mr. MONDELL. I can imagine that you might have legislation affecting limited areas under which, up to this time, you might have no difficulty, but when you apply the principle to a very great area of territory, on which eventually you will have a large population, it seems to me it is very important that you should clearly define what is meant.

Mr. CARTER. There is quite a large population there now.

Mr. MONDELL. My view of this legislation is this, if the gentleman will allow me, that you propose to sell something called the surface to one man. You then propose to sell a certain mineral to another man, and if another mineral should be discovered the question would immediately arise, Who is the owner of that mineral? In my opinion, under this legislation the tribe would be the owner of the other mineral, and eventually you might have four or five proprietors on the same piece of land.

Mr. BURKE of South Dakota. My understanding is that the conveyance of this land would be by the tribe, and I think the law provides for that now; and if the tribe made a conveyance of the fee, simply reserving the right to the coal

and asphalt, does the gentleman not think there would pass a title that would be above the controversy he suggests?

Mr. MONDELL. If this legislation is necessary in order to authorize the tribes to so dispose of their lands, then the disposition could only be in accordance with the legislation, and, assuming that this authority is necessary—and I assume it is, or the legislation would not be here—the tribe could only part with title in accordance with the legislation.

Mr. BURKE of South Dakota. I want to call the gentleman's attention further to the fact there is a provision in this bill which is very broad, which gives the Secretary of the Interior power to make certain rules and regulations. Now, if there is a conveyance made, such as the gentleman suggested, I am inclined to think the tribes would be estopped from raising the question if there was other mineral discovery.

Mr. MONDELL. That might be true, but that does not remove the main difficulty, and that is the question of the controversies that are certain to arise. Titles can not be fixed by rules and regulations. It seems to me that in legislation of this character the line should be made clear as between the owner of the so-called surface, whatever that may be, and the owner of the mineral; and where will you separate the estate? Will you separate it an inch below the surface or 10 feet below the surface or a thousand feet below? Furthermore, I am inclined to the opinion that instead of providing for two estates of uncertain character you leave room for a third claim or estate of any other mineral than coal or asphalt. The situation would be intolerable.

Now, just one other suggestion. I assume that the laws of Oklahoma do not provide for the condemnation of land or surface for the purpose of the opening of a coal mine, and I see no such provision here. What is to occur if some one secures a considerable area of surface under this bill, perhaps at a nominal figure, and later the Indians desire to sell the coal and the purchaser desires to mine it? Are you not providing a method whereby at small cost by purchase of the surface the coal and asphalt may be controlled? There should be some provision for condemnation or the exercise of the right of reentry.

The CHAIRMAN. The question is upon agreeing to the amendment to strike out section 8.

Mr. STEPHENS of Texas. Mr. Chairman, I ask that that be voted down, so that that will be restored.

The question was taken, and the amendment was rejected.

Mr. STEPHENS of Texas. Mr. Chairman, I move that the committee do now rise and report the bill and amendments favorably to the House.

Mr. COOPER. Mr. Chairman, one moment. I ask unanimous consent to recur to section 8 for a moment, because I think that section ought to be amended before it is passed.

Mr. STEPHENS of Texas. What suggestion does the gentleman desire to make?

Mr. COOPER. The Secretary of the Interior ought to be authorized to prescribe such rules and regulations and conditions, not inconsistent with this act, which he may deem necessary to carry out its provisions.

Mr. STEPHENS of Texas. I will accept the amendment.

Mr. COOPER. I move that as a substitute for section 8.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Substitute for the amendment the following:
"SEC. 8. That the Secretary of the Interior be, and he is hereby, authorized to prescribe such rules, regulations, terms, and conditions, not inconsistent with this act, as he may deem necessary to carry out its provisions."

The question was taken, and the amendment was agreed to.

Mr. BURKE of South Dakota. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the subject of this bill.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MORGAN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. STEPHENS of Texas. Mr. Chairman, I now renew my motion that the committee do now rise and report the bill and amendments favorably to the House and ask its passage.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOUSTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 14055, had adopted various amendments, and recommended that the bill as amended do pass.

Mr. STEPHENS of Texas. Mr. Speaker, I move the previous question on the bill and amendments to its final passage.

The motion was agreed to.

The SPEAKER. Is a separate vote demanded on any amendment? If not, they will be taken in gross.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CARTER, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, Mr. JACOWAY was granted leave of absence for two days, on account of illness.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. HARDWICK was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of O'Connor & Schweers, Sixty-first Congress, first session, no adverse report having been made thereon.

Mr. BATES, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving receipt therefor, the papers accompanying House bill 21848, Sixty-first Congress, second session, no adverse report having been made thereon.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 51 minutes) the House adjourned to meet to-morrow, Friday, January 12, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Postmaster General reducing his estimate for appropriation for railway post-office cars for the fiscal year 1913 (H. Doc. No. 434); to the Committee on the Post Office and Post Roads and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Postmaster General reducing his estimate for an appropriation for inland transportation by railroad routes for the fiscal year 1913 (H. Doc. No. 435); to the Committee on the Post Office and Post Roads and ordered to be printed.

3. A letter from the Secretary of Commerce and Labor, calling attention to estimates of appropriations submitted on account of Lighthouse Service and requesting favorable consideration (H. Doc. No. 433); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, submitting schedule of useless papers on file in the Treasury Department (H. Doc. No. 437); to the Committee on Disposition of Useless Executive Papers and ordered to be printed.

5. A letter from the clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Douglass Taylor, administrator of estate of David Crow, deceased (H. Doc. No. 436); to the Committee on War Claims and ordered to be printed.

6. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Willamette River between Portland and Oregon City, Oreg. (H. Doc. No. 438); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill (S. 2750) to amend sections 90, 99, 105, and 186 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, reported the same without amendment, accompanied by a report (No. 226), which said bill and report were referred to the House Calendar.

Mr. WEBB, from the Committee on the Judiciary, to which was referred the bill (H. R. 2973) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, reported the same without amendment, accompanied by a report (No. 228), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. DICKSON of Mississippi, from the Committee on Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 17671) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 225), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 14429) granting a pension to Irene J. Reed; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15903) granting a pension to George V. Cleveland; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 878) granting a pension to Sue C. Barton; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 874) granting a pension to Edward Goings; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16602) granting a pension to John F. Troutman; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16278) granting a pension to Charles Boppe; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17445) granting a pension to Cordelia Mulford; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17157) granting an increase of pensions to Dudley R. Sloan; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8416) granting an increase of pension to Jacob Heffler; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16768) granting an increase of pension to Charles B. Daniel; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16637) granting an increase of pension to Thomas Joyce; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17117) to correct the military record of David C. Bays; Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 17065) to remove the charge of desertion from the military record of John Travelstead; Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LA FOLLETTE: A bill (H. R. 17672) for reduction of postage rates on first-class mail matter; to the Committee on the Post Office and Post Roads.

By Mr. OLDFIELD: A bill (H. R. 17673) regulating the issuance of Federal license for sale of intoxicating liquors in communities where State or local laws prohibit the sale thereof; to the Committee on Ways and Means.

By Mr. RUCKER of Colorado: A bill (H. R. 17674) to amend section 73 of chapter 5 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. BATES: A bill (H. R. 17675) providing for retirement of noncommissioned officers, petty officers, and enlisted men of the United States Army, Navy, and Marine Corps, and for the efficiency of the enlisted personnel; to the Committee on Military Affairs.

By Mr. ANTHONY: A bill (H. R. 17676) to authorize the construction and maintenance of a dam or dams across the Kansas River, in western Shawnee County or in Wabaunsee County, in the State of Kansas; to the Committee on Interstate and Foreign Commerce.

By Mr. HILL: A bill (H. R. 17677) to provide for the erection of a public building at Greenwich, Conn.; to the Committee on Public Buildings and Grounds.

By Mr. HARRISON of New York: A bill (H. R. 17678) to amend section 25 of paragraph 718 of the tariff act approved August 5, 1909; to the Committee on Ways and Means.

By Mr. LOUD: A bill (H. R. 17679) to make Bay City, Mich., a subport of entry; to the Committee on Ways and Means.

By Mr. WARBURTON: A bill (H. R. 17680) to provide a site and erect a public building at Vancouver, Wash.; to the Committee on Public Buildings and Grounds.

By Mr. BURLESON: A bill (H. R. 17681) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. BRANTLEY: A bill (H. R. 17682) providing for the purchase of a site and the erection thereon of a public building at Douglas, in the State of Georgia; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17683) to increase the limit of cost for the post-office building heretofore authorized at Dublin, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. O'SHAUNESSY: A bill (H. R. 17731) to amend an act to amend the laws relating to navigation, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. MANN: Concurrent resolution (H. Con. Res. 32) providing for the printing of House Document No. 342; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DICKSON of Mississippi: A bill (H. R. 17671) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; to the Committee on Pensions.

By Mr. AINEY: A bill (H. R. 17684) granting a pension to Mahlon Bostwick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17685) granting an increase of pension to Jackson Talladay; to the Committee on Invalid Pensions.

By Mr. AMES: A bill (H. R. 17686) granting a pension to Mary A. Hapgood; to the Committee on Invalid Pensions.

By Mr. ANDERSON of Ohio: A bill (H. R. 17687) granting an increase of pension to Thomas Bliss; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17688) granting an increase of pension to Bruno Grummel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17689) granting an increase of pension to John Graham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17690) granting a pension to Catharine Rieser; to the Committee on Invalid Pensions.

By Mr. BATES: A bill (H. R. 17691) granting an increase of pension to Plummer Curry; to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 17692) for the relief of Quincy O'M. Gillmore; to the Committee on War Claims.

By Mr. BYRNS of Tennessee: A bill (H. R. 17693) granting an increase of pension to Thomas E. Enloe; to the Committee on Invalid Pensions.

By Mr. CRAVENS: A bill (H. R. 17694) granting a pension to Anna Sorrels; to the Committee on Pensions.

By Mr. CULLOP: A bill (H. R. 17695) granting a pension to William D. Daniels; to the Committee on Pensions.

Also, a bill (H. R. 17696) granting an increase of pension to John R. Lane; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17697) granting an increase of pension to John L. Phillips; to the Committee on Invalid Pensions.

By Mr. DONOHOE: A bill (H. R. 17698) granting an increase of pension to Israel Loatman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17699) to correct the military record of Thomas Logue; to the Committee on Military Affairs.

By Mr. DWIGHT: A bill (H. R. 17700) granting a pension to Alice Wiles; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 17701) granting an increase of pension to John K. Hughes; to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 17702) granting a pension to Laura J. Templeton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17703) granting an increase of pension to Francis C. Field; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17704) granting an increase of pension to Archibald Clark; to the Committee on Invalid Pensions.

By Mr. FORNES: A bill (H. R. 17705) granting a pension to Mrs. H. E. Armstrong; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 17706) granting an increase of pension to John W. Small; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17707) granting an increase of pension to Alden Powers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17708) granting an increase of pension to George A. Wheeler; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 17709) for the relief of John M. Oak; to the Committee on Claims.

By Mr. HOBSON: A bill (H. R. 17710) granting a pension to Elias Brown; to the Committee on Pensions.

By Mr. KAHN: A bill (H. R. 17711) granting an increase of pension to James Mitchell; to the Committee on Invalid Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 17712) granting an increase of pension to James C. Nies; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17713) granting a pension to Joseph Weiss; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17714) granting a pension to William H. Lachman; to the Committee on Invalid Pensions.

By Mr. MAHER: A bill (H. R. 17715) granting an increase of pension to Herman Boedicker; to the Committee on Invalid Pensions.

By Mr. MAYS: A bill (H. R. 17716) granting an increase of pension to William M. Snipes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17717) granting an increase of pension to Charles Appenzeller; to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: A bill (H. R. 17718) granting an increase of pension to Richard Morrow; to the Committee on Invalid Pensions.

By Mr. MOTT: A bill (H. R. 17719) to correct the military record of Herbert J. Bailey; to the Committee on Military Affairs.

By Mr. PATTON of Pennsylvania: A bill (H. R. 17720) granting an increase of pension to William E. Tate; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 17721) granting a pension to Charles W. Kester; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17722) to remove the charge of desertion from the record of Frank Chroneberry and grant him an honorable discharge; to the Committee on Military Affairs.

By Mr. REDFIELD: A bill (H. R. 17723) granting an increase of pension to Anne Flannigan; to the Committee on Invalid Pensions.

By Mr. RIORDAN: A bill (H. R. 17724) granting an increase of pension to Charles E. Curtis; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 17725) granting a pension to Clark W. Hines; to the Committee on Pensions.

Also, a bill (H. R. 17726) granting a pension to C. E. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17727) for the relief of Albert H. Campbell; to the Committee on Military Affairs.

By Mr. TOWNER: A bill (H. R. 17728) granting a pension to John W. McGuire; to the Committee on Pensions.

By Mr. WARBURTON: A bill (H. R. 17729) granting an increase of pension to Cimon A. Wellman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17730) granting an increase of pension to Martha M. Hildreth; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANSBERRY: Petitions of citizens of Ohio, urging that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. BATES: Petition of Hydetown (Pa.) Grange, No. 1239, Patrons of Husbandry, praying that special tax of 10 cents per pound on oleomargarine colored in imitation of yellow butter be permitted to remain; to the Committee on Agriculture.

Also, petition of H. N. Canfield and others, of Cambridge Springs, Pa., protesting against legislation for extension of parcels-post service beyond present limitations; to the Committee on the Post Office and Post Roads.

Also, resolution of the Woman's Literary Club of Meadville, Pa., requesting that Congress repeal the tax on oleomargarine; to the Committee on Agriculture.

Also, petition of Cloverdale Grange, No. 1111, Patrons of Husbandry (Mr. Damon Pinney, secretary, Cambridge Springs, Pa.), praying that special tax of 10 cents per pound on oleomargarine colored in imitation of butter be permitted to remain; to the Committee on Agriculture.

Also, petition of H. L. Varnum, ensign (retired), United States Navy, of Erie, Pa., favoring bill for the relief of retired officers who have performed active duty since retirement; to the Committee on Naval Affairs.

Also, petition of Theodore Eichhorn, secretary Erie (Pa.) Central Labor Union, favoring passage of Esch phosphorus bill; to the Committee on Ways and Means.

Also, petition of Thomas H. Cole, of Erie, Pa., favoring House bill 2038, to select a site and secure plans and designs for the statue of Maj. Gen. George Gordon Meade, etc.; to the Committee on the Library.

Also, petition of Prof. A. M. Cassel, of Erie, Pa., favoring passage of Esch phosphorus bill; to the Committee on Ways and Means.

Also, petition of Charles J. Haller, of Erie, Pa., favoring House bill 4726; to the Committee on Interstate and Foreign Commerce.

Also, petition of Dawson Bros., wholesale grocers, and others, of Corry, Pa., asking for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. BULKLEY: Memorial of Cleveland (Ohio) Branch of United States Civil Service Retirement Association, in favor of passage of House bill 9242; to the Committee on Reform in the Civil Service.

Also, memorial of Cleveland (Ohio) Branch Journeymen Stonecutters of North America, for investigation of diseases in dairy products; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Cuyahoga County (Ohio) Carpenters' District Council, indorsing House bill 11372; to the Committee on the Merchant Marine and Fisheries.

By Mr. BURKE of South Dakota: Petition of W. A. Snow and other citizens of Canova, S. Dak., in favor of reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. BYRNS of Tennessee: Papers to accompany bill granting an increase of pension to Thomas E. Enloe; to the Committee on Invalid Pensions.

By Mr. CALDER: Resolutions of the board of directors of the Maritime Association of the port of New York, requesting Congress to provide for a landing place at the harbor of refuge at Point Judith, R. I.; to the Committee on Interstate and Foreign Commerce.

By Mr. CATLIN: Petitions of the Holy Ghost Benevolent Society, the Holy Trinity Benevolent Society, and others, of St. Louis, Mo., in favor of the Esch phosphorus bill; to the Committee on Ways and Means.

Also, petitions of citizens of Missouri, urging that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. CRAGO: Petition of members of the Order of Patrons of Husbandry, against the removal of the special tax of 10 cents per pound on oleomargarine; to the Committee on Agriculture.

By Mr. CRAVENS: Papers to accompany bill granting a pension to Anna Sorrels; to the Committee on Pensions.

By Mr. DALZELL: Petition of several hundred women of Wilkinsburg, Pa., in favor of the passage of the Esch phosphorus bill; to the Committee on Ways and Means.

By Mr. DRAPER: Memorial of German Catholic Society of Troy, N. Y., urging passage of House bill 2896; to the Committee on Ways and Means.

By Mr. DYER: Memorial of Washington Fertilizer Co., of Washington, D. C., relative to municipal garbage plant; to the Committee on the District of Columbia.

Also, petitions of S. C. A. Rubey, Clinton; F. P. Cronkite, St. Joseph; and S. T. McMillan, Burton Lee Thorpe, and T. E. Turner, St. Louis, Mo., in favor of House bill 15466; to the Committee on the District of Columbia.

Also, petition of J. Walter Mitchell, Washington, D. C., in favor of House bill 1618; to the Committee on the District of Columbia.

Also, papers to accompany House bill 15000; to the Committee on Pensions.

By Mr. FOCHT: Papers to accompany House bill 17307, for the relief of Harry F. Keefer; to the Committee on Pensions.

Also, papers to accompany House bill 17305, for the relief of Jacob Harmon; to the Committee on Invalid Pensions.

Also, petition of Oliver Grange, No. 1069, Patrons of Husbandry, of Newport, Pa., praying that special tax of 10 cents per pound on oleomargarine, colored in imitation of yellow butter, be permitted to remain; to the Committee on Agriculture.

By Mr. FORNES: Memorial of the American News Co., of New York, N. Y., relative to certain changes in the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of Diamond Expansion Bolt Co., of New York, N. Y., for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of the Thread Agency of New York, for amendment to corporation excise-tax law; to the Committee on Ways and Means.

By Mr. FOSS: Petition of citizens of Illinois, against proposed extension of parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Illinois, urging that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. FOSTER of Illinois: Petition of United Mine Workers of America, Local No. 765, of Breese, Ill., against the Smoot printing bill (S. 2564); to the Committee on Printing.

Also, memorial of the Mining and Metallurgical Society of America, in reference to the leasing of coal lands in Alaska; to the Committee on the Territories.

By Mr. FULLER: Petition of Peoria Association of Commerce, of Peoria, Ill., in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Siegel-Myers School of Music, of Chicago, Ill., in favor of the reduction in rates on first-class letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Hon. Richard S. Tuthill, of Chicago, Ill., favoring the passage of the bill advancing to the grade of major general certain officers in the Army now on the active list; to the Committee on Military Affairs.

Also, petition of the Pennsylvania State Grange, in favor of bill appropriating $80,000 for the purpose of eradicating fungous diseases, etc.; to the Committee on Agriculture.

Also, petition of Heath & Milligan Manufacturing Co., of Chicago, Ill., in favor of proposed amendment to corporation-tax law concerning time for making annual reports; to the Committee on Ways and Means.

By Mr. HANNA: Petition of Ole J. Skjermo and 9 other citizens of the Williston land district, North Dakota, praying relief from the public-land law, known as the act of June 22, 1910, etc.; to the Committee on the Public Lands.

Also, petition of C. J. Sorhin, of Bergen, N. Dak., favoring the reduction on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of citizens of Devils Lake, N. Dak., favoring the old-age pension bill; to the Committee on Pensions.

Also, petition of Chester Laingen, of Forbes, N. Dak., against parcel post; to the Committee on the Post Office and Post Roads.

By Mr. HILL: Petition of Thomaston (Conn.) Women's Christian Temperance Union, for an effective interstate-liquor law; to the Committee on the Judiciary.

By Mr. HOWELL: Petitions of citizens of Utah, urging that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. HUGHES of New Jersey: Petition of Board of Education of Jersey City, N. J., relative to certain flags now stored at the United States Naval Academy; to the Committee on Naval Affairs.

By Mr. KAHN: Papers to accompany bill for the relief of James Mitchell; to the Committee on Invalid Pensions.

Also, memorial of San Francisco (Cal.) Chamber of Commerce, for reduction of duty on sugar only after Tariff Commission can show reduction will not interfere with extensive beet-sugar cultivation in this country; to the Committee on Ways and Means.

Also, petition of Charles G. Johnson, sealer of weights and measures, San Francisco, Cal., for honest net weights and measures; to the Committee on Coinage, Weights, and Measures.

Also, petition of K. Wertheimer, of San Francisco, Cal., favoring warrant grade in Army; to the Committee on Military Affairs.

Also, petition of commissioner of horticulture, of Sacramento, Cal., favoring appropriation to fight Mediterranean fly; to the Committee on Agriculture.

By Mr. KENDALL: Petitions of citizens of Colfax and Seevers, Iowa, for old-age pensions; to the Committee on Pensions.

By Mr. KINDRED: Petition of Architectural League of New York, for Lincoln memorial on the Mall; to the Committee on the Library.

By Mr. KINKEAD of New Jersey: Petition of Women's Club of Arlington, N. J., urging investigation of diseases caused by dairy products; to the Committee on Agriculture.

By Mr. LANGHAM: Memorial of Grange No. 625, Patrons of Husbandry, opposing repeal of tax on oleomargarine; to the Committee on Agriculture.

Also, memorial of Philadelphia (Pa.) Association of Union ex-Prisoners of War, urging passage of House bill 1340; to the Committee on Invalid Pensions.

By Mr. LEVY: Resolutions of the American Board of Commissioners for Foreign Missions, held at Milwaukee, Wis., urging passage of House bill 2461, providing for the repayment of the ransom of Miss Ellen M. Stone; to the Committee on Claims.

Also, petition of the New York Water Color Club, favoring placing of the Lincoln memorial on the site recommended by the Washington Park Commission; to the Committee on the Library.

Also, resolutions of the Merchants' Association of New York, requesting that the first annual appropriation for embassy, legation, and consular buildings abroad be expended at the cities of Mexico, Rio de Janeiro, and Tokyo; to the Committee on Foreign Affairs.

Also, resolutions of the board of directors of the Maritime Association of the Port of New York, requesting Congress to provide for a landing place at the harbor of refuge at Point Judith, R. I.; to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the city of Portsmouth, N. H., opposing any plan to abolish, curtail, or cripple the Portsmouth-Kittery Navy Yard; to the Committee on Naval Affairs.

Also, memorial of the Conservation Commission of the State of New York, favoring House bill 14120; to the Committee on Agriculture.

Also, petition of Diamond Expansion Bolt Co., of New York, favoring legislation reducing letter postage from 2 to 1 cent; to the Committee on the Post Office and Post Roads.

Also, petition of the Long Island Union of Army and Navy Volunteer Officers, favoring a volunteer officers' retired list upon retired pay; to the Committee on Military Affairs.

Also, petitions of A. Jaeckel & Co., the Thread Agency, and the Yarn Agency, of New York City, favoring House bill 14489; to the Committee on Ways and Means.

Also, petition of George Cabot Ward, of New York City, urging passage of Esch phosphorus bill; to the Committee on Ways and Means.

Also, resolutions of the Woman's Republican Club, of New York City, urging passage of bill creating a children's bureau in the Department of Commerce and Labor; to the Committee on Interstate and Foreign Commerce.

By Mr. LINDSAY: Memorial of German Catholic Society of Brooklyn, N. Y., in favor of the passage of House bill 2896; to the Committee on Ways and Means.

Also, petition of Central and Smith Street Board of Trade, Brooklyn, N. Y., opposing movement to abolish the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, memorial of Engineers' Club of St. Louis, Mo., concerning the necessity for remedial patent legislation; to the Committee on Patents.

By Mr. McHENRY: Petition of Columbia Grange, No. 46, Patrons of Husbandry, of Bendertown, Pa., asking that the oleomargarine law be so amended as to contain certain provisions as set forth in said petition; to the Committee on Agriculture.

By Mr. McKINNEY: Memorial of Woman's Christian Temperance Union of Bowen, Ill., for an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. MAHER: Memorial of Woman's Republican Club, in favor of children's bureau; to the Committee on Interstate and Foreign Commerce.

Also, petitions of Central and Smith Street Board of Trade and twenty-eighth ward taxpayers, of Brooklyn, N. Y., opposed to movement to abolish Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. MARTIN of South Dakota: Memorial of members of the Sioux Falls and Vermilion conferences, Norwegian and German Lutheran Churches, protesting against Senate bill 255; to the Committee on Indian Affairs.

By Mr. MATTHEWS: Petition of citizens of New Castle, Pa., favoring the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. MAYS: Petitions of Hunter Brown and various citizens of the State of Florida, asking the reduction of the duty

on raw and refined sugars; to the Committee on Ways and Means.

By Mr. MOORE of Pennsylvania: Memorial of Emerson Club, of Philadelphia, asking for investigation and inspection of all dairy products; to the Committee on Agriculture.

By Mr. MORGAN: Petition of Lodge No. 216, Switchmen's Union of North America, located at Oklahoma City, Okla., asking that the oleomargarine law be amended so that a tax not exceeding 2 cents per pound be placed upon the product, etc.; to the Committee on Agriculture.

Also, petition of Lodge No. 216, Switchmen's Union of North America, favoring the passage of House bill 5601; to the Committee on Interstate and Foreign Commerce.

Also, petitions of citizens of Oklahoma, in favor of old-age pensions; to the Committee on Pensions.

Also, petitions of citizens of Oklahoma, urging that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petitions of citizens of Oklahoma, against the parcel post; to the Committee on the Post Office and Post Roads.

By Mr. MOTT: Memorial of Maritime Association of New York, for improvements of the national harbor of refuge at Point Judith, R. I.; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Northern New York Development League, for the development of the Long Sault Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of Ira C. Hinsdale and others, of Antwerp, N. Y., protesting against the extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

Also, petitions of S. A. Moone and others, of East Rodman, N. Y., urging that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, memorial of Portsmouth (N. H.) City Council, against the abolishment of the Portsmouth-Kittery Navy Yard; to the Committee on Naval Affairs.

Also, memorial of American Board of Commissioners for Foreign Missions, in favor of House bill 2461; to the Committee on Claims.

Also, memorial of Commission for the Investigation and Control of the Chestnut-Tree Blight Disease in Pennsylvania, for eradication of the chestnut-tree blight in the United States; to the Committee on Agriculture.

By Mr. O'SHAUNESSY: Resolution of Providence (R. I.) Typographical Union, protesting against the passage of the Smoot printing bill; to the Committee on Printing.

By Mr. PATTON of Pennsylvania: Petition of George Moody and other citizens of Coryville, Pa., in favor of reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. POWERS: Papers to accompany bill for the relief of Dudley R. Sloan; to the Committee on Pensions.

By Mr. ROUSE: Papers to accompany bill for the relief of Irene J. Reed (H. R. 14429); to the Committee on Pensions.

By Mr. TILSON: Petition of American Thread Co., of Willimantic, Conn., for amendment to corporation excise-tax law; to the Committee on Ways and Means.

By Mr. SLOAN: Petitions of Mark Castle and 4 others, of Hordville, Nebr., and Thomas Lahners and 129 others, of Belvidere, Nebr., in favor of parcel post; to the Committee on the Post Office and Post Roads.

Also, petitions of L. H. Bertz and 8 others, of Cortland; H. E. Foster and 7 others, of Ellis; G. M. Lydick and 7 others, of Clatonia; Cady Hardware Co. and 9 others, of Barnston; J. E. Murphy & Co. and 11 others, of Odell; C. D. Buhrmann and 7 others, of Pickrell; Smith, Hultin, Andersons Co. and 15 others, of Wahoo; William Holm and 6 others, of Virginia; Hansen Bros. and 7 others, of Hampton; Heaston Bros. and 5 others, of Holmesville; F. L. Mitchell and 7 others, of Hordville; James Kacirek and 3 others, of Touhy; W. P. Allen Co. and 6 others, of Valparaiso; Jacob Klein and 38 others, of Beatrice; F. E. Rice Co. and 4 others, of Blue Springs; Boggs & Killen and 3 others, of Filley; M. D. Jimerson and 8 others, of Liberty; Deshler Lumber Co. and 7 others, of Deshler; A. O. Boggs and 11 others, of Gilead; Peterson Bros. & Co. and 9 others, of Aurora; E. F. Wilson and 11 others, of Giltner; C. E. Beinert & Co. and 4 others, of Wymore; Cramer Bros. and 8 others, of Chester; Theo. Philippi and 10 others, of Bruning; J. H. Eberman and 11 others, of Davenport; A. E. Small, of Crete; Buche Thomas Co. and 12 others, of Polk; Ammon Hardware Co. and 4 others, of David City; L. A. Sopher Co. and 6 others, of Yutan; C. F. Steele Furniture Co. and 6 others, of Fairbury; Sister & Hourigan and 22 others, of Geneva; S. J. Thomson and 10 others, of Chester; and Rohrig & Deines and 32 others, of Friend, all in the State of Nebraska, protesting against parcel post; to the Committee on the Post Office and Post Roads.

By Mr. SULZER: Petitions of James D. Smith and Arthur P. Lucebesi, of the Panama Canal Zone; to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Harlem Maennerchor, of Forest Park, Ill., urging investigation of the administration of the immigration office at Ellis Island; to the Committee on Immigration and Naturalization.

By Mr. UNDERHILL: Memorial of Commission for the Investigation and Control of the Chestnut-Tree Blight Disease in Pennsylvania, for eradication of the fungous disease known as the chestnut-tree blight; to the Committee on Agriculture.

Also, petition of German Catholic Society, of Elmira, N. Y., urging the passage of House bill 2896; to the Committee on Ways and Means.

Also, memorial of city council of Portsmouth, N. H., against abolishing the Portsmouth-Kittery Navy Yard; to the Committee on Naval Affairs.

By Mr. WILSON of New York: Memorial of Woman's Republican Club of New York City, for establishment of a children's bureau; to the Committee on Interstate and Foreign Commerce.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 12, 1912.*

The House met at 12 o'clock m.

The Chaplain, Rev. Henry N. Couden, D. D., delivered the following prayer:

Our Father in heaven, realizing our dependence upon Thee for all things, we seek Thy Spirit that it may possess our minds and hearts and guide us to a happy solution of all the problems which confront us as individuals and as a people; that selfishness and sin may be eradicated, and prosperity, peace, and happiness come in all fullness. Hear us and answer us, O God, our Father. Amen.

The Journal of the proceedings of yesterday was read and approved.

PENSIONS.

Mr. RICHARDSON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of pension bills on the Private Calendar.

Mr. BURLESON. I would like to ask the gentleman from Alabama how many bills there are.

Mr. RICHARDSON. It will take but a few minutes.

The SPEAKER. The gentleman from Alabama [Mr. RICHARDSON] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of bills on the Private Calendar.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. HENRY of Texas in the chair.

Mr. RICHARDSON. Mr. Chairman, I desire to call up the bill H. R. 14918.

The CHAIRMAN. The gentleman from Alabama calls up the bill H. R. 14918, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 14918) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of William Russell, late of Capt. Samuel Gordon's Company H, Second Regiment Oregon Volunteers, also of Capt. Edward Sheffield's Company A, of said regiment, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Andrew J. Haydon, late of Capt. John Kelsey's Company B, Second Regiment Oregon Mounted Volunteer Infantry, Indian wars, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of James C. Wildes, late of Capt. Knight's company, Florida Volunteers, Florida Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Thompson McL. Chambers, late second lieutenant of Capt. J. A. White's company, Washington Territory Mounted Volunteers, Indian war of 1855 and 1856, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Elzey Bird, late of Company E (Capts. Williams and O'Neill), Second Regiment Oregon Mounted Volunteers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Jesse B. Lewis, late of Capt. B. F. Burch's Company B, First Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian wars, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of William Burgett, late of Capt. J. W. Nesmith's company, Oregon Mounted Volunteers, Indian wars, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Daniel L. Anderson, late of Capt. Sheffield's Company A, Second Regiment Oregon Mounted Volunteers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Patrick Maloney, late of Company C, Ninth Regiment United States Infantry, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Larkin Richardson, late of Capt. Hembrie's company, First Regiment Oregon Mounted Volunteer Infantry, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Sophronia Vanderbeek, widow of Calvin V. Vanderbeek, late of Eleventh Company, Signal Corps, United States Volunteers, and pay her a pension at the rate of $12 per month and $2 per month additional for minor child of the said Calvin V. Vanderbeek.

The name of James N. Collins, late of Capt. S. L. Sparkman's independent company, Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Edward Pfister, late of Troop F, Sixth Regiment United States Cavalry, and pay him a pension at the rate of $15 per month.

The name of William Clemons, late of Capt. Cone's company, Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The foregoing bill is a substitute for the following House bills referred to said Committee on Pensions:

H. R. 1919. William Russell;
H. R. 1923. Andrew J. Haydon;
H. R. 6176. James C. Wildes;
H. R. 7226. Thompson McL. Chambers;
H. R. 8432. Elzey Bird;
H. R. 9375. Jesse B. Lewis;
H. R. 10707. William Burgett;
H. R. 10708. Daniel L. Anderson;
H. R. 10710. Patrick Maloney;
H. R. 12250. Larkin Richardson;
H. R. 12380. Sophronia Vanderbeek;
H. R. 13109. James N. Collins;
H. R. 13624. Edward Pfister; and
H. R. 13861. William Clemons.

Mr. AUSTIN. Mr. Chairman, I would like to ask the chairman of the committee reporting this bill a few questions.

Mr. RICHARDSON. Certainly.

Mr. AUSTIN. This bill only contains one special pension for the widow of a soldier who served in the War with Spain, and a previous general or omnibus bill reported by the committee, a bill which has been acted upon in the House, did not carry a single bill or case of a soldier who served in the War with Spain. What is the policy of the committee in reference to bills of that kind allowing pensions to those who served in the War with Spain?

Mr. RICHARDSON. The widow of every soldier is allowed a pension of $12 by law.

Mr. AUSTIN. What I am endeavoring to seek from the chairman of the committee is information as to when they are going to report on some of the special pension bills that we have introduced seeking to give relief to soldiers who served in the War with Spain.

Mr. RICHARDSON. Mr. Chairman, it is impossible for me to answer that question. I can not tell what the members of the Pension Committee will do as to any bills or as to what policy will be adopted. What we have done already is that we have an immense amount of bills before the committee that we are disposing of just as rapidly as we can, and we are giving them earnest consideration and doing the very best we can with them. I do not know what policy they are going to adopt.

Mr. AUSTIN. This is the second omnibus bill reported by your committee, and the first bill did not contain a single pension for——

Mr. RICHARDSON. Do you mean that the Pension Committee has failed to pass any special bill in behalf of any particular applicant before this Congress?

Mr. AUSTIN. What I want to know is whether your committee has decided to report any of the bills seeking to pension soldiers who served in the War with Spain and whose cases are before that committee.

Mr. RICHARDSON. The committee has had no such question as you ask under consideration. We wait until each case is brought up properly, and we determine it according to the circumstances surrounding and the evidence supporting it and the law governing the matter.

Mr. AUSTIN. How is it that the Committee on Pensions has not reported a single bill of that kind; that every case carried in the two bills which I have mentioned—the former one and this bill—cover cases for Indian wars and only one is for the Spanish War.

Mr. RICHARDSON. I take it for granted that the kind of bills that you mention have not been called to our attention in such manner as our rules require. We do not intend to make any discrimination in any cases that come before our committee. At least, I can answer so for myself, and I do not believe any member of this committee intends to make a discrimination between the Spanish-American soldier or the soldiers of the Indian wars, or their widows, or the bills that properly come before the committee for any of the wars or from the United States Army where the committee has jurisdiction.

Mr. ADAIR. Mr. Chairman, does the gentleman yield to me for a moment?

Mr. RICHARDSON. Certainly.

Mr. ADAIR. I might say to the gentleman from Tennessee that the only case I believe that I have pending before the Committee on Pensions is a Spanish-American War case. The papers in that case have been drawn and the case, as I understand it, has been written up and will be reported out of the committee in due time; and I presume all other similar cases will receive the same treatment.

Mr. RICHARDSON. There is no discrimination in any respect.

Mr. AUSTIN. I am simply seeking information for the benefit of a number of my constituents who have bills pending before that committee.

Mr. RICHARDSON. It is impossible for me to answer definitely and specifically concerning all the bills that have been filed before the Committee on Pensions. I suppose there are from 150 to 200 bills pending there now. We will dispose of them, I will say to the gentleman from Tennessee, as rapidly as we can.

Mr. ADAIR. And the Spanish-American War cases will be considered?

Mr. RICHARDSON. Oh, certainly.

Now, Mr. Chairman, I move that the bill as reported be passed over with favorable recommendation.

The CHAIRMAN. The gentleman from Alabama moves to lay aside the bill H. R. 14918, with favorable recommendation. The question is on agreeing to that motion.

The question was taken, and the motion was agreed to.

Mr. RICHARDSON. Now, Mr. Chairman, I call up House bill 17671, No. 5 on the Private Calendar.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 17671) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of James A. Green, late of Company M, Eighth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $25 per month.

The name of Filmore Pettyford, late of Troop H, Ninth Regiment United States Cavalry, and pay him a pension at the rate of $12 per month.

The name of William A. Holmes, late fireman, second class, U. S. S. *Leonidas*, United States Navy, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Emma M. Heines, widow of Edward Heines, late of Battery A, Second Regiment United States Infantry, and pay her a pension at the rate of $12 per month.

The name of Will H. Carpenter, late of Company F, Seventeenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $10 per month.

The name of James H. St. Clair, late of Company H, Third Regiment Georgia Volunteer Infantry, War with Spain, and pay him a pension at the rate of $8 per month.

The name of Mary Kuchar, dependent mother of James Kuchar, late of Company F, Thirteenth Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

This bill is a substitute for the following House bills referred to the Committee on Pensions:

H. R. 4878. James A. Green;
H. R. 4923. Filmore Pettyford;
H. R. 6070. William A. Holmes;
H. R. 7436. Emma M. Heines;
H. R. 8836. Will H. Carpenter;
H. R. 9580. James H. St. Clair; and
H. R. 12586. Mary Kuchar.

Mr. RICHARDSON. Mr. Chairman, I desire simply to remark that I hope that the gentleman from Tennessee [Mr. AUSTIN] has paid attention to the reading of the bill covering those cases. They relate mostly to the soldiers of the Spanish-American War. I move, Mr. Chairman, that the bill as reported be passed over.

The CHAIRMAN. The gentleman from Alabama moves to lay aside the bill H. R. 17671 with a favorable recommendation. The question is on agreeing to that motion.

The question was taken, and the motion was agreed to.

Mr. RICHARDSON. Mr. Chairman, I move that both bills be laid aside for future action.

Mr. SULLOWAY. Mr. Chairman, before the committee rises, I desire to inquire of the chairman of the Committee on Invalid Pensions why it is that, after a session of more than six months, of 1,500 private pension bills, which were already written up before this session began, 600 were reported and directed by the Committee on Invalid Pensions to be placed on the calendar before the holidays are not on the calendar to-day, when this Congress has been in session more than six months? Let the soldiers of the Civil War take notice.

Mr. GARRETT. Mr. Chairman, I make the point of order that the gentleman is not in order.

The CHAIRMAN. The point of order is sustained.

Mr. MORSE of Wisconsin. Mr. Chairman, I call up the bill H. R. 8861, reported from the Committee on War Claims; No. 3 on the calendar.

Mr. RICHARDSON. Mr. Chairman, I would like to ask the Chair a question about this calendar, if the question is in order.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. RICHARDSON. I want to ask the Chair for the sake of information this question: There are two bills, both pension bills, H. R. 14053 and H. R. 14054, on the Calendar of the Committee of the Whole House on the state of the Union. At what time, under the rules, can I call them up? Can I do it now?

The CHAIRMAN. The gentleman can not now call up any bill on the Union Calendar. Only private bills can be called up on this day.

Mr. FULLER. Mr. Chairman, I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FULLER. The gentleman from New Hampshire [Mr. SULLOWAY] was inquiring why the bills ordered reported by the Committee on Invalid Pensions were not on this calendar. A point of order was made against that. I do not know what the point of order was. Other members of the committee are being importuned by Members all over the House to know why bills are not reported from that committee and placed on this calendar which were ordered reported before the holiday recess.

Mr. RICHARDSON. The gentleman from New Hampshire propounded a question, but a point of order was sustained against it.

The CHAIRMAN. The gentleman from Illinois has not propounded a parliamentary inquiry, and the Chair can not answer for the committee.

Mr. FULLER. What was the point of order that was sustained against the inquiry of the gentleman from New Hampshire? He desired to find out why these bills were not reported from the Committee on Invalid Pensions which were ordered to be reported before the holiday recess.

The CHAIRMAN. The gentleman from New Hampshire withdrew his inquiry before it was answered.

Mr. SULLOWAY. No; I beg the pardon of the Chair. I did not withdraw the inquiry, and I heard no point of order made. I was unaware of it until informed of it after taking my seat.

LEGAL REPRESENTATIVES OF SAMUEL SCHIFFER.

Mr. MORSE of Wisconsin. Mr. Chairman, I call up the bill (H. R. 8861) for the relief of the heirs of Samuel Schiffer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the legal representatives of Samuel Schiffer, deceased, out of any money in the Treasury not otherwise appropriated, the sum of $73,022.46, in full settlement of the claims of said decedent growing out of the case of Soloman Cutner, for the use of J. Schiffer & Co., *v.* The United States (17 Wall., 517), and other similar cases.

Mr. MORSE of Wisconsin. Mr. Chairman, in two or three minutes I can state the facts in this case, and we can get through with it very quickly.

This bill has the unanimous indorsement of the Committee on War Claims. It has been reported many times to this House favorably, and at the last session passed the House, but died at the other end of the Capitol.

The object of this bill is to grant relief to certain people who purchased cotton in and around Savannah in the year 1865. The cotton was purchased from creditors of Schiffer & Co., of the city of New York, and it was purchased under the direction and with the consent of President Lincoln.

The cotton was taken into the hands of the Government officers and by them transferred to the city of New York. It was there sold, as was the custom in those cases, and the proceeds of the sale were covered into the Treasury of the United States. An action was commenced by the creditors in the interests of the debtor to recover this money. The cotton, by the way, was turned over in payment of certain debts owed. The case was decided in favor of the Government in the United States Supreme Court, that court holding that the sale was an illegal sale on account of the fact that the transaction was in violation of the nonintercourse act.

There is no question of the loyalty of these people. There is no question of the justice and equity of the claim. The proofs are voluminous and conclusive, and the Court of Claims has fixed the amount of recovery, if recovery is had.

The Supreme Court held that this money could not be recovered from the United States Treasury because of the fact that the debtors, who lived in and around Savannah—which port was in the possession of United States forces at that time—because the debtors had no interest, their debt having been paid. It held that the money could not be recovered in the interest of the creditors, because the transaction was in violation of the nonintercourse act. I looked back through the records and discovered the order of President Lincoln, signed in his own hand, and I have attached a copy of that order to this report.

Mr. SIMS. Read it.

Mr. MORSE of Wisconsin. He says:

It is ordered that cotton moving in compliance with and for fulfillment of said contract, and being transported to said agent, or under his directions, shall be free from seizure or detention by any officer of the Government, and commandants of military departments, districts, posts, and detachments, naval stations, gunboats, flotillas, and fleets will observe this order, and give the said Jos. B. Stewart, his agents and transports, free and unmolested passage for the purpose of getting said cotton or any part thereof through the lines, while the same is moving in compliance with regulations of the Secretary of the Treasury and for fulfillment of said contract with the purchasing agent of the Government.

ABRAHAM LINCOLN.

Mr. BURKE of South Dakota. Will the gentleman yield to me for a question?

Mr. MORSE of Wisconsin. Certainly.

Mr. BURKE of South Dakota. I would like to ask the gentleman to state to the House why this claim has not been presented before this time.

Mr. MORSE of Wisconsin. Because it did not find its way to the Supreme Court of the United States until a few years ago. It was immediately presented to Congress and favorably reported by many of the Congresses, some five or six, I have forgotten the exact number.

Mr. CRUMPACKER. Will the gentleman yield?

Mr. MORSE of Wisconsin. Certainly.

Mr. CRUMPACKER. Was the Lincoln order before the court when the case was decided?

Mr. MORSE of Wisconsin. It was; and the court held that the President of the United States could not set aside the nonintercourse act.

Mr. SIMS. Mr. Chairman, I want to say to the Members of the House that the gentleman from Wisconsin [Mr. MORSE] has made a very clear statement of the facts in this case. This man was not a blockade runner, but had sold goods in the vicinity of Savannah and collected his debts in cotton, and this was the cotton moved to New York, the proceeds of the sale of which were covered into the Treasury. But it was held by the court, and properly so, that he had violated the nonintercourse acts and therefore he could not recover in a suit in the courts. But the facts show that he acted under the permission of the President of the United States, and that there was no intention on his part to violate the nonintercourse acts or any other law. The money is in the Treasury; there is no question about the amount; and I think it is a proper bill and ought to pass this House.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. SIMS. Certainly.

Mr. BURKE of South Dakota. Who will be the beneficiary if the bill becomes a law?

Mr. SIMS. This man Schiffer or his heirs.

Mr. BURKE of South Dakota. Who are they?

Mr. SIMS. I do not know; perhaps the gentleman from Wisconsin can tell. This man was a New York merchant, as I recall.

Mr. MORSE of Wisconsin. The beneficiaries will be the children of this man Schiffer.

Mr. BURKE of South Dakota. There has been no assignment of the claim?

Mr. MORSE of Wisconsin. There has been no assignment of it. Mr. Chairman, there is a committee amendment cutting down the amount appropriated, and I ask to have it reported.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Amend page 1, line 6, by striking out, after the word "of," the words "seventy-three thousand and twenty-two dollars and forty-six" and inserting in lieu thereof the words "sixty-two thousand one hundred and fifty-eight dollars and thirty-four."

Mr. MANN. Will the gentleman from Wisconsin yield?

Mr. MORSE of Wisconsin. Certainly.

Mr. MANN. If this reduction is made, does the gentleman think that it will end the matter, or will these parties come before Congress at a later period and ask further consideration for the additional amount now cut out?

Mr. MORSE of Wisconsin. I feel certain that they will be satisfied with this amount and call the case closed.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was considered and agreed to.

Mr. MORSE of Wisconsin. I move, Mr. Chairman, that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

Mr. SAMUEL W. SMITH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SAMUEL W. SMITH. Is not this the day set apart for the consideration of bills reported from the Committee on Invalid Pensions?

The CHAIRMAN. On this day bills on the Private Calendar are taken up, and preference is given to private pension bills.

Mr. SAMUEL W. SMITH. In view of the statement made by some members of the Committee on Invalid Pensions, that before the holiday recess there were 600 or more bills reported from the Committee on Invalid Pensions, I would like to inquire why they are not on the calendar.

Mr. SULLOWAY. And directed to be put on the calendar.

The CHAIRMAN. The Chair does not consider that a parliamentary inquiry. The Chair can not state why committees have not done so and so.

Mr. RICHARDSON. Mr. Chairman, I move that the committee do now rise and report the bills to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HENRY of Texas, Chairman of the Committee of the Whole House, reported that that committee had had under consideration certain bills on the Private Calendar, and had directed him to report the same back with amendments, with the recommendation that the amendments be agreed to and that the bills do pass.

BILLS PASSED.

The SPEAKER. The Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 14918) granting pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The question was taken, and the bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 17671) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The question was taken, and the bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. RICHARDSON, a motion to reconsider the votes by which the bills were passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 8861) for the relief of the legal representatives of Samuel Schiffer.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Part 1, line 6, strike out, after the word "of," the words "seventy-three thousand and twenty-two dollars and forty-six" and insert the words "sixty-two thousand one hundred and fifty-eight dollars and thirty-four".

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MORSE of Wisconsin, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3869. An act to grant authority to the Inland Steamship Co., of Indiana Harbor, Ind., to change the name of the steamer *W. R. Woodford* to *N. L. Leopold;*

S. 3580. An act to authorize a change of name of the steamer *Henry A. Hawgood;*

S. 3870. An act to grant authority to the Inland Steamship Co., of Indiana Harbor, Ind., to change the name of the steamer *Arthur H. Hawgood* to *Joseph Block.*

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 4006) to amend an act entitled "An act to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri," approved July 3, 1884.

The message also announced that the Vice President had appointed Mr. CLARKE of Arkansas and Mr. BURNHAM members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Treasury Department.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3869. An act to grant authority to the Inland Steamship Co., of Indiana Harbor, Ind., to change the name of the steamer *W. R. Woodford* to *N. L. Leopold;* to the Committee on the Merchant Marine and Fisheries.

S. 3580. An act to authorize a change of name of the steamer *Henry A. Hawgood;* to the Committee on the Merchant Marine and Fisheries.

S. 3870. An act to grant authority to the Inland Steamship Co., of Indiana Harbor, Ind., to change the name of the steamer *Arthur H. Hawgood* to *Joseph Block;* to the Committee on the Merchant Marine and Fisheries.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. BURLESON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of bill (H. R. 17681) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes. Pending that motion, Mr. Speaker, I will ask the gentleman from Ohio [Mr. TAYLOR] if a limitation can be agreed upon as to the length of general debate on the bill.

Mr. TAYLOR of Ohio. Mr. Speaker, I will say to the gentleman from Texas [Mr. BURLESON] that as far as I am concerned I have but very little time requested on the part of minority Members. I would suggest that it would be better to proceed with general debate, for a short time at least, without limitation, and I have no doubt that we can agree upon any time the gentleman thinks proper.

Mr. BURLESON. Mr. Speaker, I have requests for about three hours' time. I concur in the suggestion of the gentleman from Ohio, that it is better to let the general debate run on until we can ascertain whether there will be any additional time required by Members of the House.

Mr. TAYLOR of Ohio. At this moment I could very well agree upon three hours on a side, but I believe it would be better for both sides to let it run on for a while without any limitation being fixed.

Mr. BURLESON. That is satisfactory. Mr. Speaker, I ask for a vote on my motion.

The SPEAKER. The question is on the motion of the gentleman from Texas, that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the District of Columbia appropriation bill.

The question was taken, and the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 17681, the District of Columbia appropriation bill, with Mr. GARRETT in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 17681) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes.

Mr. BURLESON. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. BURLESON. Mr. Chairman, I yield to the gentleman from Kentucky [Mr. JOHNSON].

Mr. JOHNSON of Kentucky. Mr. Chairman, I deem this an appropriate occasion to discuss at least some of the questions concerning the business relations between the United States and the District of Columbia.

Much has been said and written upon this subject during the last 40 years. But I shall upon this occasion devote the greater part of my remarks to a discussion of the 3.65 bonds of the District of Columbia. In doing this I shall undertake to review the subject from a standpoint not attempted, in so far as I can find, by anyone in recent years. These bonds were authorized by an act approved June 20, 1874, by the seventh section thereof, which is as follows:

That the sinking-fund commissioners of said District are hereby continued; and it shall be the duty of said sinking-fund commissioners to cause bonds of the District of Columbia to be prepared in sums of $50 and $500, bearing date August 1, 1874, payable 50 years after date, bearing interest at the rate of 3.65 per cent per annum, payable semi-annually, to be signed by the secretary and the treasurer of said sinking-fund commissioners and countersigned by the comptroller of said District, and sealed, as the board may direct, which bonds shall be exempt from taxation by Federal, State, or municipal authority, engraved and printed at the expense of the District of Columbia, and in form not inconsistent herewith. And the faith of the United States is hereby pledged that the United States will, by proper proportional appropriations, as contemplated in this act, and by causing to be levied upon the property within said District such taxes as will provide the revenues necessary to pay the interest on said bonds as the same may become due and payable, and create a sinking fund for the payment of the principal thereof at maturity. Said bonds shall be numbered consecutively and registered in the office of the comptroller of said District, and shall also be registered in the office of the Register of the Treasury of the United States, for which last-named registration the Secretary of the Treasury shall make such provision as may be necessary. And said commissioners shall use all necessary means for the prevention of any unauthorized or fraudulent issue of any such bonds. And the said sinking-fund commissioners are hereby authorized to exchange said bonds at par for like sums of any class of indebtedness in the preceding section of this act named, including sewer taxes or assessments paid, evidenced by certificates of the auditing board provided for in this act.

In order to emphasize, I repeat part of the act:

And the faith of the United States is hereby pledged that the United States will, by proper proportional appropriations, as contemplated in this act, and by causing to be levied upon the property within said District such taxes as will provide the revenues necessary to pay the interest on said bonds as the same may become due and payable, and create a sinking fund for the payment of the principal thereof at maturity.

I wish it understood at the very outset that I do not contend that these bonds should not be paid. Upon the contrary, I insist that they shall be paid; and if they are paid by nobody else, then the United States should pay them, because the United States has pledged her faith that they shall be paid. Besides, the owners of the bonds gave a valuable consideration for them. I shall, so long as I am a Member of Congress, do all in my humble way to see that these bonds are paid and that the pledged faith of the United States is held inviolate. Every time the question has arisen as to whether or not the United States is bound for the payment of these bonds the answer has been properly in the affirmative. But until recently, whenever the question has been raised as to the liability of the United States that question was as to the liability of the United States to the bondholder. I freely admit that both the United States and the District of Columbia are bound to the bondholder. But I contend that the District of Columbia is principal and the United States is nothing more than guarantor. I do not now propose to discuss this question as to the moral liability of the United States to the bondholder. That is admitted. What I have to say to-day is to assert that the District of Columbia is principal in the debt and the United States guarantor only.

Remember, please, that these bonds were issued under act of June 20, 1874. When issued they were bought and sold upon the market. Capital is timid. It is not invested by that class of moneyed people who purchase bonds until the act authorizing their issue has been passed upon by good attorneys. That was the case in this issue of bonds. When they were put upon the market those who were considering their purchase had advice of counsel, as appears from the sixth annual message of President Grant, wherein he states to Congress, in substance, that the market value of the bonds is being depressed by an ambiguity, discovered by an attorney representing the contemplating purchasers, in the act of June 20, 1874, which authorized their issue, and in that message President Grant recommended that Congress cure the ambiguity by inserting the words "do so" after the fortieth word in that sentence of the seventh section, which provides for the levying of a tax upon the property in the District to pay the interest and principal of said bonds.

Accordingly Congress did pass an act inserting the two words "do so"; and that sentence, as amended, now reads:

* * * And by causing to be levied upon the property within the said District such taxes as will *do so*, provide the revenues necessary to pay the interest on said bonds as the same may become due and payable, and create a sinking fund for the payment of the principal thereof at maturity.

The act inserting the words "do so" was approved February 20, 1875, just eight months after the bonds were authorized.

When that bill was up in the House for passage, Mr. Bland said:

I raise a point of order.

The Speaker (James G. Blaine) said:

The Chair does not see anything in this bill which, either by direction or indirection, increases the obligations of the United States. There are two provisions—one is to correct a clerical error; the other is to provide that these bonds may, when desired, be registered instead of coupon bonds.

The bill can in no event take money out of the Treasury; it would rather save it, if anything.

The Chair does not sustain the point of order. (CONGRESSIONAL RECORD, 2d sess, 43d Cong., p. 557.)

The sinking fund commissioners of the District of Columbia, in submitting their report to the second session of the Forty-third Congress, said:

It will be observed that the language of the act, as it finally passed, is rendered somewhat obscure by the omission of the words *do so* where they appear in brackets * * *. The defect in the wording of the law and the absence of such an express and explicit *guarantee* by Congress as would satisfy counsel to whom was referred have prevented the bonds from being taken as an investment by various financial institutions in the larger cities; and, being thus dependent upon the local market for support, has caused them to sell for a less price than was anticipated when the act was under consideration.

It will be seen that the then commissioners of the sinking fund—and this was only a few months after the bonds were authorized—construed the law, as did counsel, to mean that the United States was only to "guarantee" the bonds.

It was also the opinion of James G. Blaine, Speaker of the Forty-third Congress, that the United States was not the debtor in that bond issue.

On the very day of the passage of the act which authorized the 3.65 bond issue—June 20, 1874—there was filed with Congress a report from—

the Joint Committee on the Affairs of the District of Columbia, to whom was referred the message of the President relative to "one feature" of the bill entitled "An act for the government of the District of Columbia, and for other purposes,"—

this being the title of the bill which authorized the bond issue.

The question arose as to whether or not the proposal made in the act of June 20, 1874, to refund the indebtedness of the District, was a repudiation of the indebtedness of the District then outstanding, much of which was in the shape of bonds already. That committee, composed of William B. Allison, A. G. Thurman, William M. Stewart, Jeremiah M. Wilson, Lyman K. Bass, Robert Hamilton, Jay A. Hubbell, and Hugh J. Jewett, said in their report (Rept. No. 774, 43d Cong., 1st sess., dated June 20, 1874):

That the investigation made by this committee discloses the fact that much of the indebtedness proposed to be funded into the bonds provided for was created when there was no adequate provision for payment and upon a basis of credit—the contractors understanding at the time that they were to receive evidences of indebtedness, the time of payment of which was uncertain, by reason whereof these evidences were depreciated in value.

And while there were no means whereby the committee could determine the matter with absolute certainty, after giving the subject careful consideration they believe that a bond of the character provided for would be, as a rule, fully equal in value to what the contractors expected to receive under their contracts. Besides this, the funding proposed is permissive and not compulsory. *The creditors have all the security they had when the debt was created and, in addition, the option to accept the bonds provided for.* No injustice, therefore, will be done to any creditor who shall take such bonds in lieu of *the security he now holds.* * * * The bill does not *compel* any holder of District securities to take bonds for them; it merely gives him the option to do so or to retain them and receive payment thereof when *the District may be able to pay.*

The changes made in regard to the District government *do not discharge or impair* its contracts or liabilities.

The distinguished gentlemen who made that report said therein that the creditors of the District had in the 3.65 bonds all the security they had before.

That security was the taxing power of the District. That taxing power was still their security in the 3.65 bonds.

Those same gentlemen said in that report that the change in the form of government, which was that day taking place, did not change or "*impair*" the debts of the District. Therefore, could not the holders of the 3.65 bonds now assert their "*unimpaired*" claims against the District and waive the "pledged faith" of the United States? Who can imagine any creditor of the District of Columbia in 1874, immediately after the panic of 1873, *expressing a fear of being compelled* to make an even exchange of old obligations of the District then due for a bond which the United States had guaranteed?

Was there a man then or since who would have hesitated for a moment to exchange District certificates which were being peddled about at 30 cents on the dollar for District bonds guaranteed by the United States? Who believes now that there was such a man? Yet the creditors feared that the 3.65 funding act of the District's indebtedness was repudiation. Why? Because they saw an attempt to take up their certificates of indebtedness, then due, by 50-year bonds.

An empty District treasury stared them in the face. They saw no hope for the payment of either their old bonds or of their certificates. The 3.65 bonds could not be worse. The creditors of the District made the exchange.

There was another trouble which gave the holders of the old obligations much concern, and it was this: While section 7 conferred the authority to issue the 3.65 bonds, and provided that they might be exchanged at par for certain classes of District indebtedness set out in section 6, section 2 of the same act provided that the Commissioners of the District—

* * * shall have power to apply the taxes or other revenues of the said District to the payment of the current expenses thereof, to the support of the public schools, the fire department, and the police, and to the payment of the debts of said District *secured by a pledge of the securities of said District* or board of public works as collateral, and also to the payment of debts due to laborers and employees of the District and board of public works; and for that purpose shall take possession and supervision of all the * * * moneys, credits, securities, assets, and accounts belonging or appertaining to the business or interests of the government of the District of Columbia. * * *

It will be seen from the above quotation from section 2 that the commissioners could not use the "taxes or other revenues of said District" to pay either interest or principal of the then old bonds or either the interest upon or the principal of the certificates, because neither of these classes was mentioned in section 2. The District government had pledged their securities as collateral for temporary loans. While section 7 said that all classes of indebtedness set out in section 6 evidenced by board of audit certificates might be exchanged for the 3.65 bonds, the creditors saw all the—

"taxes, moneys, credits, securities, assets, and accounts" set aside by section 2 for the payment of "current expenses, schools, fire department, police, and debts secured by a pledge of the (District) securities."

They saw in the 3.65 bonds authorized by section 7 "no additional" security beyond a "contemplation" upon the part of Congress to contribute to the expenses of the District. They had never seen bonds issued with an expressed "contemplation" only to pay them. The United States had not then and has not since authorized the issue of a bond, and, with the authorization openly expressed, only a "contemplation" to pay. Investors do not put their money into bonds where there is no promise to pay. The United States expressed no promise to pay, but instead pledged its faith to, in substance, see them paid by taxes. As to its direct liability, that was only a contemplation. As long as section 2 stood demanding that the—

"taxes, moneys, securities, and assets" of the District should *first* go toward the payment of the "current expenses, schools, firemen, police, etc."—

the District creditors did not exchange their certificates for the 3.65 bonds. Eminent counsel gave the opinion that the words "do so" were necessary to the taxing clause of section 7 in order to raise "such taxes as will '*do so.*'" Do what? Provide for the levying and collection of a *sufficient tax* to pay the "current expenses, the schools, the police," and so forth, and at the same time—

provide the revenues necessary to pay the interest on said (3.65) bonds * * * and create a sinking fund for the payment of the principal. * * *

This taxing provision in section 7 was, as I have said, enacted February 20, 1875, exactly eight months after the passage of the act authorizing the 3.65 bond issue. It is not a singular coincidence, but the effect of the lack of an express promise upon the part of Congress that only a very few dollars worth of these 3.65 bonds were issued before the "do so" act of February 20, 1875. The great bulk of them were issued after the words "do so" were supplied, and $13,743,250 out of a total issue of $14,997,300 were issued before the adoption of the alleged "organic act" of June 11, 1878, in which the "half-and-half" plan is contained. Therefore the purchasers relied upon the taxing clause and not upon the half-and-half. And none of them were issued before October 20, 1874, although authorized June 20 preceding.

That the act in providing that the United States should pay 50 per cent and the District the other 50 per cent of the estimates which Congress might approve, did not contemplate that the United States should pay any part of the interest or principal of the 3.65 bonds is quite clear.

Section 3 of the act provides for the payment of the 50 per cent of the *approved estimates*, and mentions estimates for constructing, repairing, and maintaining all bridges "authorized by law," across the Potomac and also other streams in the District; the cost of maintaining the public institutions of charity, reformatories, and prisons, and also the Washington Aqueduct, *but not a word about either interest or principal* upon the 3.65 bonds.

Those opposing my views upon this question with reference to the interest on the 3.65 bonds will answer very quickly that the interest, at least, on the bonds would come under the head of expenses. But this is easily controverted. The act of June 20, 1874, which created the present form of commission government, and the act of June 11, 1878—the alleged "organic act"—are substantially the same, except the latter act contains the "half-and-half" provision. The act of 1878 is practically a reenactment of the act of 1874, with the material addition of the "half-and-half" plan.

If any one of the advocates of the half-and-half plan should be asked the question at this moment whether or not the sweeping of the streets and removing refuse and filthy accumulations from the streets and avenues and the repairs and cleaning of the sewers are necessary municipal objects, he would answer quickly they were. Yet such is not true, for on March 1, 1875, Congress passed an act saying, in substance, that it was the intent of the act of June 20, 1874, that these specific items should thenceforth be paid for by the government of the District. This act was necessary because they were not *enumerated* in the items of municipal functions. If they were not municipal functions of the District until Congress by a special act for that purpose made them so, how can the imposition of the District debt, contracted before the adoption of the half-and-half plan, become such a municipal function that the United States should pay any part of it?

The act authorizing the 3.65 bond issue says these bonds shall be "engraved and printed at the expense of the District of Columbia."

The language appears not only in the same act authorizing the bonds, but it is in the same section.

If the United States ever intended to be a party principal—or anything but guarantor—of the bonds, that provision would not, most certainly, have been in the act. If I remember correctly, the District paid $10,222.75 to have these blank bonds engraved and printed before the "do so" act, and another large sum for the same purpose after the passage of that act.

If Congress ever intended by the act which authorized the issue of these bonds and provided for the creation of a sinking fund for the payment of the interest and principal thereof, one-half of which was to be paid from the overflowing Treasury of the United States, the District government would, as a matter of course, have immediately set about the creation of that sinking fund in order to avail herself of the aid to the extent of one-half in the creation thereof. But no sinking fund was started until March 3, 1879—five years after a sinking fund could have been commenced—and even that act says that the sum appropriated therefor shall be—

out of the proportional sum which the United States may contribute toward the expenses of the District of Columbia in pursuance of the act of Congress approved June 11, 1878 * * *.

That provision for a sinking fund was to be paid "out of" and not as a part of the Federal contribution toward the expenses of the District, to be deducted from, not added to, the United States's 50 per cent of the expenses of the District.

The District had not found herself able from June 20, 1874, the time when the bonds were authorized, until June 11, 1878, when the half-and-half act was passed, to meet the interest on those bonds. The act of 1878—the so-called organic act—in section 5 provides for the "half-and-half" payments as to bridges, public charities, reformatories, prisons, Washington Aqueduct, and so forth, but does not, as I have said, mention the 3.65 bonds, but during the period from 1874 to 1878 Congress appropriated large sums to be used in paying the interest on the 3.65 bonds and required that the sums so advanced to the District should be refunded to the United States.

These items, except the 3.65 bonds, when approved by Congress, are to be paid one-half by the United States and one-half by the District, and nothing further, in explanation, is said about them.

But the very next section—section 4—of the same act, in treating of the 3.65 bonds, says:

Hereafter the Secretary of the Treasury shall pay the interest on the 3.65 bonds of the District of Columbia issued in pursuance of the act of Congress approved June 20, 1874, when the same shall become due and payable; *and all amounts so paid shall be credited* as a part of the appropriation for the year by the United States toward the expenses of the District of Columbia, as hereinbefore provided.

Again, the item of interest on these bonds is treated differently from any other item mentioned in either the act of 1874, which first created the commission form of government in the District, or in the so-called organic act of 1878. Here is an emphatic direction that the Secretary of the Treasury shall pay the interest when it falls due; but, *unlike any other payment*, it is to be a credit upon the part appropriated by the United States toward the expenses of the District. If the United States was to pay any part of the interest upon these bonds, why should such often-repeated expressions in the various acts of Congress relative to "*reimbursing*," "*refunding*," "*credited as a part*," and paid "*out of the proportional appropriation*," and other such expressions be used, when not one of these expres-

sions of limitation is used in connection with any other appropriation?

In 1888, 10 years after the passage of the so-called organic act of 1878, Mr. T. W. Noyes, editor of the Washington Star, wrote a series of articles for his paper relative to the District of Columbia. These article have since been gathered together in pamphlet form. I have read one of these pamphlets, and I find that Mr. Noyes then entertained the same opinion as to the liability of the United States upon the 3.65 bonds that I now have—that is, that they were the bonds of the District, and that the United States was *guarantor* only. On pages 17 and 18 of said pamphlet Mr. Noyes says:

This wonderful change for the better (in the city of Washington), effected by certain wise and energetic agents of the General Government, whom the District delights to honor, is the result, in part, of a reversal of the conditions which hampered the city's growth. Congress, no longer hostile or indifferent concerning the pecuniary needs of the District, has spent large sums not only upon the public buildings, but also in the improvement of the city, at first spasmodically, since 1878 systematically. The people of the District, encouraged by the general abandonment of the idea of a removal of the seat of government, have also made extensive outlays. But the main public expense of the work of re-creating the city is represented by a *present debt of more than $20,000,000*, nearly all of which has been incurred by officials placed over the affairs of the District. * * *

While it is not of consequence in determining the legal proposition whether or not Congress, by the act of June 20, 1874, made the United States anything more than guarantor of the 3.65 bonds, yet later on in my remarks I shall have something to say relative to the authority which created the debts upon the District which were funded into the 3.65 bonds.

But, back to the question of liability as between the District and the United States. I just read what Mr. Noyes said about the $20,000,000 debt of the District, so that his reference to it on page 21 of the same pamphlet may be understood. Continuing, he says:

This act of equity is the more necessary for the reason that the heavy debt, to which reference has been made, *guaranteed* by the Government, but constituting in effect a mortgage of about 18 per cent upon the assessed value of *private taxable property* in the District, weighs heavily upon the citizens of the Capital.

It will be seen that Mr. Noyes then knew the meaning and intent of the statute 1878 (the organic act) to be that the United States did just as he says she did, *guaranteed* the 3.65 bonds, and "in effect," as Mr. Noyes says, place—

a mortgage of 18 per cent upon the assessed value of private taxable property in the District—

And to pledge her faith to see that there should be—

levied upon the property in the District (other than the property of the United States and the District of Columbia) such taxes as will "do so" (provide the revenues necessary to pay the interest * * * and principal * * * of said bonds).

On page 32 of the same pamphlet Mr. Noyes further says:

In the performance of its (the United States) duties as guardian of the Capital's welfare four courses are open to Congress: First, it may leave the relations between the District and the General Government unchanged, but give more time and consideration to the Capital and its affairs, remodeling its laws in accordance with the wishes of its citizens and providing liberally for the improvement of its appearance, for its general development, *and for its relief from the heavy debt inequitably imposed upon it.*

It should be remembered that the so-called congressional appropriations for the Capital's *ordinary* expenses are not gifts or beggars' alms. * * *

See, again, how Mr. Noyes recognized that the *ordinary* expenses of the District were appropriated for by Congress and not for its relief from the *heavy debt* imposed upon it.

Again, on page 39, Mr. Noyes says of the District:

One-half of its property, and the best half, is owned by the United States and pays no taxes, *and the other half is mortgaged* for one-fourth of its value by a debt contracted in exhausting and paralyzing efforts to make it what its patriotic founders designed it to be.

That "other half" which he says is mortgaged to secure the payment of the 3.65 bonds is the property in the District owned by the citizens of the District and by the District government.

And again, on page 47 of the same pamphlet, Mr. Noyes says:

As long as Washington is compelled to divert from the funds for its *maintenance* and development as the Capital of the Nation between *one and two million dollars, paid each year in interest and to sinking fund*, and the *heavy debt* thus indicated *rests upon it*, draining its resources, the growth of the city will be delayed.

Here Mr. Noyes, writing from the standpoint of the city's best friend, again admits that the "heavy debt"—the 3.65 bonds—was the debt of the District and not of the United States.

He admits, in addition, that the District was paying—

between one and two million dollars each year in interest and to sinking fund. * * *

If the District was paying "*between one and two million dollars*" for that purpose, then—1888—it was paying all and not half, because the greatest amount of those bonds which were outstanding at any one time between the year 1874, when the bonds were authorized, and 1888, when Mr. Noyes wrote, was $14,030,500, and that was in 1880. The interest at 3.65 on that amount was only $512,332.25. The amount of the 3.65 bonds outstanding in 1888, when Mr. Noyes wrote, was $14,033,600. The interest on that amount was $512,226.40. Consequently Mr. Noyes's "*between one and two millions*" each year was *all* of the interest and sinking fund for the payment of the bonds. Therefore it was then the debt of the District and the United States was *guarantor* only. If that was true then, it is true now.

On July 29 of last year the gentleman from Ohio [Mr. TAYLOR] made a speech in the House, and quoted a part of section 5 of the act of June 20, 1874, as follows:

That a joint select committee shall be appointed, consisting of two Senators, to be appointed by the Presiding Officer of the Senate, and two Members of the House, to be appointed by the Speaker of the House of Representatives, whose duty it shall be to prepare a suitable form of government for the District of Columbia and appropriate drafts of statutes to be enacted by Congress for carrying the same into effect, and report the same to the two Houses, respectively, on the first day of the next session thereof; and they shall also prepare and submit to Congress a statement of the proper proportion of the *expenses* of said government, or any branch thereof, including interest on the *funded debt*, which should be borne by said District and the United States, respectively, together with the reasons upon which their conclusions may be based * * *.

The gentleman from Ohio, in commenting upon that part of section 5, not being familiar with the entire subject, reaches the conclusion that the "funded debt" mentioned in that section was the same as the 3.65 bonds which were authorized in section 7 of the act of 1874. The "funded debt" mentioned in section 5 of the act of 1874 had already been funded, and $9,902,251.18 was outstanding on November 1, 1873, due by the District of Columbia, late corporations of Washington and Georgetown. Section 5 referred to a debt *already funded* and not to one (the 3.65 bonds), as the gentleman from Ohio would have you believe, the bulk of which was not funded until about four and a half years thereafter, and a considerable part of which was not funded until seven or eight years thereafter.

As I said, when the 3.65 bonds were authorized the District a few months before had a funded debt of $9,902,251.18, and it was the interest upon this debt which was referred to in section 5 of the act of June 20, 1874, and not the interest upon a debt then not funded.

One of the strongest arguments against the contention that Congress intended that the United States should pay any part of the interest of the 3.65 bonds is found in both the bill (H. R. 3259, printers' No. 3444) prepared by the joint committee charged with that work, as well as the bill which did become a law on June 11, 1878—the organic act. The bill which was prepared by the joint commission had the following provision:

* * * That all taxes collected shall be paid into the Treasury of the United States, and the same, as well as the appropriations to be made by Congress as aforesaid, shall be disbursed for the expenses of said District, on proper vouchers * * *.

In another section of that proposed bill is found the following:

That hereafter the Secretary of the Treasury shall pay the interest accruing on the 3.65 bonds of the District of Columbia as the same matures, and the amounts so paid shall be credited as part of the appropriation for the year by the United States toward the expenses of the government of the District, as herein provided.

If the interest on these bonds was such a part of the expenses of the District as the United States wanted to pay one-half of, the two words "credited as" would not be in the act.

Without these two words the act would read:

* * * Shall pay the interest accruing on the 3.65 bonds as the same matures, and the amounts so paid shall be part of the appropriation for the year by the United States.

The act adopted June 11, 1878, contains almost that identical language. There is no material difference whatever between them. The law directs that the schools shall be paid for on the half-and-half basis—to the extent Congress approves the estimates therefor—and the law makes the same provision for the firemen; and the same for the prisons; and the same for the bridges; and the same for the Washington Aqueduct; and the same for the reformatories; and, by special act, for the sweeping of the streets; but, as to all these not one word is said in any of the bills or acts, not even in the "organic act", of 1878, as being "credited as a part" of the appropriation by the United States.

It is, therefore, I contend, quite manifest that Congress did not provide that the interest and principal of the 3.65 bonds should be paid on the half-and-half basis, just as provision was made for the payment of the schools, the firemen, the bridges, the charitable institutions, the prisons, the Washington Aqueduct, and so forth. If the interest and principal of these bonds were to be paid on the half-and-half basis, like these other items, why use the expressions "credited," "refund, "reimburse," and so forth, one or the other of which is used every time this interest and principal are mentioned, when no such

qualifying or directng expression to any of the other items is used?

The various acts upon the half-and-half plan mean, concisely put, that the United States shall pay one-half of such current expenses of the District as Congress approves, and that the one-half thus deposited by the United States with the Treasurer for the benefit of the District shall be credited upon or subtracted from the total amount so deposited by the United States for the use of the District.

To illustrate: Suppose the total amount of the expenses of the District were $12,000,000, exclusive of interest and principal of the 3.65 bonds. If $1,000,000 were to be paid in that year upon the 3.65 bonds, then the total amount to be paid would be thirteen millions. Of this amount the District would owe seven millions and the United States six millions. Then, if the United States should advance the one million with which to pay this interest and some part of the principal of the 3.65 bonds, the one million thus advanced should be "credited" upon the one-half of the twelve millions of expenses. In this way the United States would pay six millions of the expenses and the District would pay six millions of the expenses, and in addition thereto the District would pay one million upon interest and sinking fund for the bonds. So, when the District Commissioners come to make up their annual budget, they should first deduct the one million from this total with which to repay the money which each year the United States advances to the District upon account of sinking fund and interest, and afterwards make out their estimates which they will ask Congress to approve and pay one-half. To accomplish this the District Commissioners should never include the interest and sinking fund for the bonds in their estimates upon which they ask the United States to make payment to the extent of one-half. But this amount of sinking fund and interest should first be deducted from estimated revenues of the District.

The Treasurer of the United States keeps these accounts between the District and the United States, and the law directs him, in keeping said accounts, to advance the interest on these bonds, and afterwards, when the appropriation of one-half is available, to "credit" that advancement as so much paid upon the total appropriation authorized by the United States for the benefit of the District.

If the total amount of the revenue of the District for any year is seven millions, and its commissioners wish to expend it all, they must first consider an advancement of about one million by the United States on account of interest and sinking fund, which amount must be "refunded" by the District to the United States; and then they will have only six millions left for general expenses, and they can not then ask the United States to duplicate more than the six millions, notwithstanding their revenues for the year are seven millions. The mistake which the commissioners make is that they *include* the one million used toward interest and sinking fund in their estimated expenses, whereas they should *exclude* it, because Congress has by every act upon the subject treated this interest and sinking-fund item as one for which the cash would be advanced by the United States, but which should be returned to the United States, by the proper credit, dollar for dollar. This is unquestionably the meaning of the several acts to which I have referred as concerns interest and principal of the 3.65 bonds, and is unlike the other items—schools, bridges, firemen, and so forth—which I have heretofore enumerated.

The act known as the "sinking-fund act," approved March 3, 1879, nearly five years after the bonds were authorized, reads as follows:

> And there is hereby appropriated, *out of the proportional sum which the United States may contribute toward the expenses of the District of Columbia, in pursuance of the act of Congress approved June 11, 1878, for the fiscal year ending June 30, 1879, and annually thereafter*, such sums as will, with the interest thereon at the rate of 3.65 per cent per annum, be sufficient to pay the principal of the 3.65 bonds of the District of Columbia issued under the act of Congress approved June 20, 1874, at maturity, which said sums the Secretary of the Treasury shall annually invest in said bonds at not exceeding the par value thereof, and all bonds so redeemed shall cease to bear interest and shall be canceled and destroyed in the same manner that United States bonds are canceled and destroyed.

Whenever Congress appropriates money out of the Treasury the usual terms used are:

> That the following sums of money be, and are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated. * * *

The language used in the above-quoted "sinking-fund act" is not: "Out of any money in the Treasury not otherwise appropriated"; but the said "sinking-fund act" says:

> And there is hereby appropriated, *out of the proportional sum which the United States may contribute toward the expenses of the District of Columbia* in pursuance of the act of Congress, approved June 20, 1878. * * *

If the United States were to pay this money it would be appropriated out of the Treasury; but, as the District is to pay it, it is appropriated *out of the proportional sum already appropriated by Congress to the District as one-half of its expenses.*

Let me again refer to the speech made July 29, 1911, by the gentleman from Ohio [Mr. TAYLOR].

In that speech, when answering questions and when confronted with the exact language of the acts of Congress which relate to the 3.65 bonds, he changed his position several times.

For instance: On page 3445 of the daily CONGRESSIONAL RECORD, of date July 29, 1911, he relies upon the act of June 20, 1874, for his law to bind the United States to pay one-half of the principal and interest of the 3.65 bonds, and cites that part of said act, which reads:

> And the faith of the United States is hereby pledged that the United States will, by proper proportional appropriations as contemplated in the act (as contemplated in sec. 5), and by causing to be levied upon the property within the District such taxes as will—

Here Mr. TAYLOR left out the words "do so."

> provide the revenues necessary to pay the interest on said bonds as the same may become due and payable, and create a sinking fund for the payment of the principal thereof at maturity.

Remember, please, that Mr. TAYLOR at first pitched the fight upon that part of said act by which—

> The faith of the United States is hereby pledged that the United States will, by proper proportional appropriation, * * *

On the next page (3446) Mr. TAYLOR says:

> However, nothing in the way of legislation was enacted (since 1874) until what is known as the organic act, passed in 1878, became a law. The act of 1877, upon which the chairman [Mr. JOHNSON of Kentucky] seems to rely, was, as I have stated, clearly enacted for the purpose of meeting the interest on the 3.65 bonds when due, *the same to be refunded out of District taxes when collected.*

That the sum paid by the United States was to be refunded to the United States out of District taxes was what I claimed then was the law, and that is what I now claim is the law; and I am glad that the gentleman from Ohio agrees with me upon that point. I still claim that it has not been refunded to the United States.

The gentleman from Ohio [Mr. TAYLOR], continuing, on page 3446 says that the United States made that appropriation to pay interest on the 3.65 bonds because there was then—

> No legislation providing that the Government should pay any of the expenses of the District, and it was not until the following year, when the act of 1878 became a law, that the *entire relations* between the District and the United States Government *underwent a change.* * * * For the first time, in section 3 of this act, Congress enacted a half-and-half clause, which from that day compelled Congress to pay one-half of the expenses of the District.

By this the gentleman from Ohio abandons any reliance upon that section of the act of 1874 which pledges the faith of the United States, and so forth, and up to this point now relies upon the half-and-half plan contained in the act of 1878.

But it must be borne in mind that Congress has enumerated what items compose the expenses of the District; and as "sweeping, cleaning, and removing all refuse and filthy accumulations in the streets, alleys, avenues" were not municipal functions within control of the commissioners until made so by special act of Congress; and as an enumeration of items is set out in the same section of the act of 1878 which contains the half-and-half clause; and as the 3.65 bonds are not in that enumeration of items, they can not be included, except by special act of Congress, to include them, and no such act has ever been passed.

The gentleman from Ohio [Mr. TAYLOR], further along in his speech of July 29, 1911, next abandons the half-and-half plan, contained in the organic act of 1878, for the payment of any interest or principal of the 3.65 bonds, as is shown from the following colloquy, pages 3448-3449, daily CONGRESSIONAL RECORD, July 29, 1911:

> Mr. JOHNSON of Kentucky. Then, does the gentleman mean to contend that by the act of 1878—the act which I read—Congress refused to pay its share of one-half on these bonds?
>
> Mr. TAYLOR of Ohio. They say the United States Treasurer shall pay it.
>
> Mr. JOHNSON of Kentucky. But they say when it is paid by the United States Treasurer it shall be deducted from the appropriation.
>
> Mr. TAYLOR of Ohio. Further on, in 1879, *they changed the law and the entire scheme*, and made a permanent annual appropriation for the sinking fund; *and that undoubtedly does away with the act* of 1878.

So the gentleman from Ohio started out in his speech claiming most confidently that the act of 1874, by which the 3.65 bonds were authorized, bound the United States to their payment by pledging the faith of the United States, and so forth.

He abandoned that contention, admitted all that I claimed for the act of 1877, and planted himself upon the "organic act"—the "half-and-half" act of 1878.

Next he abandoned that position, saying *that* (the act of 1879) "undoubtedly does away with the act of 1878." Great heavens! And the act of 1879 "*undoubtedly does away with the act of 1878*"—the organic act.

Now, according to the gentleman from Ohio, the act of 1878 is dead, at least as far as the 3.65 bonds are concerned.

That act "undoubtedly," as the gentleman from Ohio says, can not be relied upon further in this controversy. Consequently the gentleman from Ohio, perhaps the most able champion upon this floor of all that the District wants, makes a last stand upon the act of 1879, which act treats of principal and not of interest. I will quote that act again:

And there is hereby appropriated, *out of the proportional sum which the United States may contribute toward the expenses of the District of Columbia in pursuance of the act of Congress* approved June 11, 1878, for the fiscal year ending June 30, 1879, and annually thereafter, such sums as will, with the interest thereon at the rate of 3.65 per cent per annum, be sufficient to pay the principal of the 3.65 bonds of the District of Columbia, issued under the act of Congress approved June 20, 1878, at maturity; which said sums the Secretary of the Treasury shall annually invest in said bonds at not exceeding the par value thereof; and all bonds so redeemed shall cease to bear interest and shall be canceled and destroyed in the same manner that United States bonds are canceled and destroyed.

Now, the gentleman from Ohio and the other advocates of the proposition that the United States, in an issue between the District and the United States, shall pay one-half of the interest and principal of the 3.65 bonds, are standing full of confidence upon the above quoted act of 1879 to maintain their position.

Let us see. According to the gentleman from Ohio, the act of 1874, with the pledged faith of the United States has been put out of business by the organic act of 1878; the payment of interest on those bonds must be refunded to the United States under the act of 1877. The act of 1878, which contains the half-and-half plan, is no longer relied upon to provide for the 3.65 bonds and interest, and all now depends upon the act of 1879, just quoted.

The act of 1879 appropriated such sums of money as will, with interest at the rate of 3.65 per cent per annum, be sufficient to pay the principal of the 3.65 bonds of the District at maturity. How much money is thereby appropriated? That is a matter of calculation. From what fund is that appropriation made? From funds belonging to the United States? No. But the money thus appropriated is appropriated, according to the act itself—

out of the proportional sum which the United States may contribute toward the expenses of the District of Columbia. * * *

Therefore, whenever the United States contributes money, under the organic act of 1878, toward the expenses of the District such sums so contributed, with the interest thereon, as will be sufficient to pay the principal of the 3.65 bonds shall be invested in the 3.65 bonds, and the said bonds must be invested in at par.

The proposition is made clear by the above act of 1879 that the United Stafes, when making contributions to the expenses of the District under the "organic act," stipulates that those contributions can not be used to defray the current expenses of the District *until* the Secretary of the Treasury has first invested in the 3.65 bonds of the District, for the benefit of the District, to the extent required to create a sufficient sinking fund to retire the 3.65 bonds at maturity.

Now, under what act will the advocates of the proposition that the United States is bound to the District for one-half of these bonds seek shelter? Every act upon which they relied has actually melted away under their feet and left them in 1912 just where they were in 1874; except, in the meantime, the District, through executive officers, has, without warrant of law, taken many millions of dollars of money belonging to the United States and applied it to the payment of the District's debts.

Let me, before I leave the sinking-fund act of 1879, just quoted, call attention to the fact that that act creates a fund for the payment of the "principal" *only* of the 3.65 bonds.

It also provides that whenever a 3.65 bond is taken up that it shall be taken up "*at not exceeding par.*" Yet these same executive officers violate this part of the act and have taken up some of these bonds at a very high premium.

An act of Congress approved March 3, 1881 (21 Stats., 466), provides:

That hereafter the said Treasurer as ex officio sinking-fund commissioner as aforesaid, with the approval of the Secretary of the Treasury, is hereby authorized and empowered to purchase any of the funded indebtedness of said District of Columbia for the sinking fund authorized to be created for the redemption and payment of the indebtedness of the said District of Columbia as, in his opinion, may be for the best interests of said District of Columbia.

Under this act the Treasurer may purchase such bonds for the sinking fund as he may deem best for the interests of the District, and as to any of the bonds of the District except the 3.65 bonds he may exercise his judgment as to price, because as to bonds other than the 3.65 bonds no limit is fixed for him. But the act of March 3, 1879, fixes "par" as the price at which he may retire the 3.65 bonds.

In 1888 James W. Hyatt was Treasurer. He held that any bonds except the 3.65 bonds could be purchased at a premium, but that they (the 3.65 bonds) must be retired at "par," as directed by the act of March 3, 1879. During that year he retired of the 3.65 bonds for the 3.65 sinking fund to the amount of $51,300 at par.

The present Treasurer is retiring these bonds at a premium, and at such premium as he wants to give. Since 1899 the Treasurer has paid $811,654.95 in premiums on 3.65 bonds, for the 3.65 sinking fund, notwithstanding the act of 1879 forbids it.

The joint committee, composed of William B. Allison, A. G. Thurman et al., in the report made by them June 16, 1874, in speaking of the then heavy debt of the District of Columbia, say, on page 29 of said report:

The committee, believing that it is due to the people of the District that all the debts created by the board of public works and by the District government should be adjusted, and inasmuch as it will be impossible to impose sufficient taxation upon the property of the District to provide for their *immediate* payment, they have recommended that these debts be funded into a bond, payable at a *remote* period and bearing a low rate of interest; and as preliminary to that funding, they think it essential that a careful audit of these claims should be made by responsible officers of the Government, and therefore they recommend the passage of the sixth and seventh sections of the bill reported to the House and Senate.

From the above it will be seen that the said joint committee recommended bonds due at a "remote" time and bearing a low rate of interest because the District, whose indebtedness it was, could not stand such a tax for "immediate" payment.

Therefore, the 50-year, 3.65 bonds were issued because the District would require a *remote* time for payment. The long-time, low rate of interest bonds were not recommended by this committee because the United States was not financially ready to pay her part, if she owed any part, but to give the District ample opportunity to pay all—not half.

At the time the 3.65 bonds were authorized it was stated that the indebtedness to be taken up by these bonds was but little more than $8,000,000. Therefore, if the United States was to pay any part of it, she would have paid it in cash and would not have gone into a bond issue for $4,000,000 for 50 years. Amendments to the bond-issue act afterwards permitted 3.65 bonds to be issued to the extent of $15,000,000; but even at that amount the United States would not have issued bonds for $7,500,000—less than the cost of one battleship. The interest alone on the half of an $8,000,000 bond indebtedness for 50 years would be $7,300,000 at 3.65 per cent. Certainly the United States did not contemplate that.

The sixth and seventh sections referred to were incorporated in the act of June 20, 1874, and the seventh section authorizes the 3.65 bonds.

We frequently hear it said that the United States should pay one-half of the District expenses because, as they say, the United States owns one-half of the property of the District. This statement has been made so often that many really believe it.

The methods frequently resorted to to influence legislation favorable to the District and detrimental to the taxpayers in the States are many.

I have heard frequently that the real-estate people endeavor to have Members of Congress become interested in District real estate so that those interests may fare well in legislation, but I never suspected that such a scheme would ever find its way into public print in a Washington newspaper.

However, I saw in the Washington Post of August 28, 1911, the following:

The drift of the well-to-do and influential element toward this city could take no better turn than we see in the increasing number of *congressional homes.* Once they become interested, it is noticeable that *Members undergo a change of heart* that bodes no ill for the municipality. *Naturally,* they come to see that Washington really needs all that Washington people are asking for. Already we owe much to the efforts of *Senators and Representatives who have made permanent investments here,* and conceivably the good offices of many others would be *quickened* if proper influences were brought to accelerate the movement from the "deestrict" to the District.

In 1873 Gov. Shepherd made the statement that the United States owns one-half of all the property here, but he used values and not area. And in order to run the holdings of the United States to as high a value as possible he included the streets and avenues and valued them at 30 cents a square foot.

When the city of Washington was laid out it is said that within her corporate limits there were 6,110 acres, and that 3,606 acres were set apart for streets and avenues and alleys; that 982 acres were donated to the United States by the original 19 men who owned the land, and that the United States purchased 541 acres for public buildings.

The 19 men who then owned the 3,606 acres bounded by Florida Avenue, the Eastern Branch, the Potomac, and a short

stretch of Rock Creek between Georgetown and Washington conveyed it to trustees upon the condition that the national capital should be located there; but in conveying to the said trustees or commissioners they imposed the condition that after the said area had been laid off into streets, avenues, and so forth, every other lot should be reconveyed to the original 10 owners. Just here the then value of this tract of land becomes important. Mr. T. W. Noyes, editor of the Washington Star, said in the columns of that paper February 25, 1888:

> The site of the city was (in 1800) covered in the main by marshes, pastures, dense woods, and some cultivated ground where wheat, tobacco, and Indian corn were raised. The elevations were overgrown with scrub-oak bushes. There were only two houses on the line of Pennsylvania Avenue between the President's house and the Capitol. For much of its length this avenue was a deep morass covered with alder bushes.

Charles W. Jansen, an Englishman, said of the place in 1806:

> Strangers after viewing the offices of state are apt to inquire for the city while they are in its very center. * * * Some half-starved cattle browsing among the bushes present a melancholy spectacle. Quail and other birds are constantly shot within a hundred yards of the Capitol during the sittings of the House of Congress.
>
> "Go there" (Massachusets Avenue), said another, "and you will find yourself not only out of town, away among the fields, but you will find yourself beyond the fields in an uncultivated, undrained wilderness. Tucking your trousers up to your knees you will wade through the bogs; you will lose yourself among rude hillocks; you will be out of the reach of humanity."

Would not any owner of such a God-forsaken place have been willing to give alternating blocks, together with streets and avenues reaching *all the blocks*, those retained as well as those given, to have the Nation's Capital located there? After the capital was located some of this land sold for $66.66 an acre. The 6,110 acres upon which the old city of Washington was located included the Anacostia Flats, the flats where Potomac Park has been built, all the Mall, and even part of the Potomac River. Many acres of the 3,600 which they say are in streets have not yet been redeemed from the water and marshes. Mr. Smith, of the Botanical Gardens, recently told me that he had seen boats come up to Pennsylvania Avenue and unload where the Peace Monument now stands. Much of that area which was a gift to Washington City has cost the United States millions of dollars to redeem. The argument that the United States should contribute one-half to support 6,110 acres, which originally made up the city of Washington, is entirely a different proposition from giving one-half to the support of the District of Columbia, containing nearly 50,000 acres. There is no longer a city of Washington; that, together with the city of Georgetown, has been wiped out and merged into the District of Columbia. The name "City of Washington" no longer has an existence except upon the records of the Post Office Department.

The title of the United States—

Said the gifted George E. Spencer, of Alabama—

> in the streets of Washington is merely nominal. It is the title which the sovereign holds in trust for the people. The United States has no different or other property interests in the streets of Washington than the public authority everywhere possesses in the public ways within its jurisdiction. The authority of Congress over the streets of Washington is derived from sovereignty, not from ownership. It has precisely the same power over the streets of Georgetown and over the streets of the former county of Washington that it has over the streets of the city of Washington.

The streets, including the avenues, of the city of Washington, as laid down upon the plan of the city, were to be conveyed to the United States under a deed of trust from the original proprietors as "streets," and for the purpose of streets only, and without compensation. The United States accepted the trust and has since sold the alternate squares of land—which it acquired at the same time—according to the plan of the streets as established in the manner agreed upon under the deed of conveyance. The law and the facts of the case have been repeatedly stated by the Supreme Court of the United States. In the case of Smith *v.* The Corporation of Washington (20 How.), referring to the powers of the corporation of Washington, the court says:

> It is unnecessary, in the consideration of this point, to recur to the early history of the foundation of the city of Washington; suffice to say the land was originally conveyed to *trustees* to be laid out as a Federal city, with such streets, etc., as the President shall approve. It has been so laid out *and the streets dedicated to the public. As in all other cities and towns, the legal title to the public streets is vested in the sovereign as trustee for the public* * * *.

I intended in the beginning of my remarks to confine myself almost exclusively to a discussion of the 3.65 bonds; but I have digressed somewhat, and trust I shall be pardoned by the House for doing so again.

Whether the United States should, by a spirit of equity in dealing with the District, be charged with street necessities is, as I have said before, not important in construing a statute which does not, in fact, so bind the United States.

Neither is it important in construing a statute to consider what officers were in control of local affairs when District debts were created. But I do not consider it out of the way to call attention upon the present occasion to the real facts in the premises.

Some of the half-and-half advocates argue that all of the District debts, whether bonds, certificates, or what not, should be paid to the extent of one-half, because, as they say, officers appointed for the District by the United States were in sole control when the debts were made.

This is not correct. When the territorial government was formed in 1871 there were three municipal corporations in the District, Alexandria having been receded to Virginia in 1846. These three were the city of Washington, the city of Georgetown, and the Levy Court, the latter being all that part of the District not included in the boundaries of Washington and Georgetown. All three of these municipalities brought heavy debts to the territorial government of 1871.

Much of the debt of the District was created from 1871 to 1874 under the said territorial form of government; but during that time the District had a legislative assembly, which had appropriating power over the moneys of the District, while the governor, appointed by the President, had the veto power only. The governor admittedly exceeded the legal power conferred upon him as vice president of the District board of public works and wasted public money. But he could not have done this except by the support of the legislative assembly, one branch of which was elected by the people of the District.

In one instance, when the governor desired to issue $4,000,000 in bonds, not only did the legislative assembly agree with him as to that bond issue, but the proposition was submitted to a popular vote. Upon this question 15,973 votes were cast. Of these, only 1,213 votes were cast against the bond issue of $4,000,000. This is one of the many instances, and perhaps the most glaring, where debt was imposed upon the District by the people and their elected representatives and afterwards charged up to other officials.

Even if an appointive officer—Gov. Shepherd—was in any measure responsible for it, the people who complain treat him as a benefactor.

After the $4,000,000, just referred to, the legislative assembly passed an act authorizing the issuance of $2,000,000 of what were called "certificates of indebtedness."

After exhausting this $2,000,000 the legislative assembly by an act divided the cities of Georgetown and Washington into sewerage districts and levied a tax upon these various districts. Other acts of the legislative assembly were passed of a similar character involving smaller sums. An act of Congress had limited the debt of the District to $10,000,000, but by such acts of the legislative assembly the floating debt and the then funded debt aggregated not less than $18,000,000 in 1874, when the present commission form of government went into effect.

In 1873 the District government presented to Congress a bill for work done by the District for the United States amounting to $4,170,427.94. Of this amount $573,171.75 was for alleged work done on reservations and public buildings. This work, if done at all, was done after some appropriations had been made to pay for work of a doubtful character, and after Congress, by act of January 8, 1873, had "prohibited" the contracting of any further liabilities on behalf of the United States for improvements beyond appropriations already made. An itemized statement making up this unlawful, unwarranted, and "prohibited" amount of $573,171.75 shows, according to a report made by the Allison-Thurman et al. committee at the time, was, in part, for work done on streets where the Government had no property. Another part of this sum was spent, so the said committee reported, upon paving for the street railroads between the Interior Department and Post Office Department and on Seventh Street, east of the same, but was charged to the United States.

Another amount of $1,056,574.36 was charged to the United States because the work was done on "avenues," the District authorities claiming that "avenues" were not "streets," and its payment was insisted upon, although Congress had theretofore, on March 3, 1873, appropriated $1,000,000 for that very purpose.

Another charge made against the United States at that time by the District was an item of $2,740,581.83 for work on sewers.

The said committee, in a report made at that time, said that the cost of the sewer, when completed, was $2,435,855.23. From those figures it will be seen that the United States's *proper proportional part* of the sewer was $304,826.60 more than the *whole* sewer cost. The act of Congress of date January 8, 1873, appropriated $1,241,920.92, and the act of March 3, 1873, appropriated $2,207,012.00, which appropriations, the said committee reported, were founded on accounts presented by the District for work

said to have been done, and for which the United States was said to have been equitably liable. Concerning this, however, the committee said, in substance, that from testimony taken they believed the accounts were "unreliable and inaccurate."

But that committee which prepared the act of June 20, 1874, which act authorized the 3.65 bonds, said in their report, page 27:

The committee recommend, in view of all the circumstances, that not less than the foregoing sum ($1,000,000) be appropriated by Congress and be disbursed as follows:

1. To the payment of interest on the debt of the District, due July 1, 1874, and the remainder to pay employees and laborers, whether of the board of public works or of the District government; and that of this sum the interest should be *reimbursed*, and the *remainder should await the proper adjustment of relative payments as herein suggested.* In this estimate no account has been taken of the necessary cost of funding the floating debt or auditing the accounts and indebtedness antecedent thereto.

Digressing somewhat, this question is now pertinent: Are those who are now at the head of the District financial affairs endeavoring to pay her indebtedness or to postpone payment, with the hope of settling some further part of it upon the United States?

The Washington Times of date February 17, 1911, had the following to say:

REASONS FOR JUDSON BILL.

The regular payment provided by law on the bonded debt is included in the District appropriation bill. This is $975,408, and will reduce the bonded debt to about $7,500,000. Unless the Judson plan is adopted and the floating debt thereby allowed to stand until after the bonded debt is paid the floating debt will be wiped out in two or three years. Until this is accomplished, whatever balance the District has to its credit in the Treasury on June 30 each year will be applied to the floating debt. *To be provident, therefore, will accomplish nothing but the rapid payment of this obligation.* The District will not be allowed to use the money it may save.

This is the reason that persons interested in having the District undertake the large, expensive improvements needed to make Washington a great capital city are anxious for the Judson financial plan to be adopted.

That is a clear admission that the District wishes to postpone the payment of her indebtedness and thus, under her contention, to compel the United States to continue to pay interest. The United States has already paid for the District in interest more than the original debt amounted to.

If that is the program, the people of the United States who do not reside in the District are to be plundered so that the District can acquire great parks, and so forth, instead of paying her debts, either in whole or to the extent of one-half.

According to the District newspapers, it is sacrilege to amend or change the organic act of 1878. They call that act a "compact." There must be two parties to a compact.

The doing of what is bound in that compact? Nothing that I can see, except that the United States is to "give" and the District of Columbia is to "receive." The United States is a cheerful giver, and no force seems to be necessary to compel the District to receive. But, upon reading the alleged compact contained in the act of June 11, 1878, the United States has not agreed to give the District one-half except of such items as Congress approves. The impression has, however, grown from the liberality of Congress that the United States must contribute to the District a dollar for every dollar the District collects in revenue. Even the commissioners of the District have gone off upon that idea. In their annual report for the fiscal year ending June 30, 1911, they say:

The appropriation fund is based on an estimate of the revenues of the District government derived from taxes, licenses, and other private sources, less the definite and potential items chargeable wholly against such revenues, then doubling the remainder in order to include the proportion due from the United States according to the terms of the act of June 11, 1878, and finally deducting from such combined fund the sum of the appropriations for the preceding fiscal year contained in other acts than the regular District of Columbia bill.

After summing up the whole they say:

Leaving net revenues available for appropriations, payable one-half from District revenues, $6,405,025. To this sum should be added an equal amount to be paid by the United States, $6,405,025, making available for appropriations, payable half and half by the United States and District of Columbia, respectively, $12,810,050.

It is quite clear from the above that even the District Commissioners are laboring under a misinterpretation of the law. Here they say in unmistakable language that the United States should contribute a dollar for every dollar raised by the District. This policy is clearly against the statute which requires the commissioners' estimate to be made upon estimated amount of *expenses* instead of upon an estimated amount of revenues collected.

If this policy is permitted to go unchallenged, the time will come when the revenues of the District will become so great that even the Treasury of this great Nation will feel the drain made upon it by the District. Under the law the estimates of the commissioners must be made upon the basis of *expenses*, and, as I have heretofore said, Congress has never by any act expressed a willingness to pay more than one-half of such items of expense as Congress shall approve. The leniency and liberality of Congress has gone to the extent that all the District, even her commissioners, go to the extreme of demanding from Congress, for the use of the District, an amount equal to the sum collected from taxes, privileges, and so forth. Under the act of June 11, 1878, each item must be approved in advance by Congress before the half-and-half plan attaches. Upon the question to approve one of these items it would be lost if the vote were a tie.

To save anyone the trouble of turning to the half-and-half act of 1878 relative to the "estimates," I will here read it again, as follows:

The said commissioners shall submit to the Secretary of the Treasury for the fiscal year ending June 30, 1879, and annually thereafter, for his examination and "approval," a statement showing in detail the work proposed to be undertaken by them during the fiscal year next ensuing, and the estimated cost thereof; also the cost of constructing, repairing, and maintaining all bridges *authorized by law* across the Potomac River within the District of Columbia, and also all other streams in said District; the cost of maintaining all public institutions of charity, reformatories, and prisons belonging to or controlled wholly or in part by the said District of Columbia, and which are now by law supported wholly or in part by the United States or District of Columbia; and also the expenses of the Washington Aqueduct and its appurtenances; and also an *itemized* statement and estimate of the amount necessary to defray the expenses of the government of the District of Columbia for the next fiscal year: *Provided*, That nothing herein contained shall be construed as transferring from the United States authorities any of the public works within the District of Columbia now in control or supervision of said authorities. The Secretary of the Treasury shall carefully consider all estimates submitted to him as above provided, and shall approve, disapprove, or suggest such changes in the same or any item thereof as he may think the public interest demands; and after he shall have considered and passed upon such estimates submitted to him he shall cause to be made a statement of the amount *approved* by him and the fund or purpose to which each item belongs, which statement shall be certified by him and delivered, together with the estimates as originally submitted, to the Commissioners of the District of Columbia, who shall transmit same to Congress. To the extent to which Congress shall approve of said estimates Congress shall appropriate the amount of 50 per cent thereof, and the remaining 50 per cent of such approved estimates shall be levied and assessed upon the taxable property and privileges in said District other than the property of the United States and of the District of Columbia.

Before the half-and-half act applies the Secretary of the Treasury must first approve the estimates of *expenses*—not of revenues—and Congress also must approve such items to which it is willing to apply the half and half. This year the estimates are illegal in two ways. They are, as the commissioners themselves report, made up on a basis of revenues and not expenses; next, the Secretary of the Treasury has not approved the estimates.

They have been transmitted to Congress by the Secretary of the Treasury, as he says in the Book of Estimates, "for the information of Congress." He has neither "approved" nor "disapproved," but just sent them over "for the information of Congress."

The half-and-half plan, under the organic act, applies only to such items as were included in the estimate made upon the basis of *expenses* for the specific items or purposes set out in sections 3 and 7 of the organic act, which said estimates must be sent to the Secretary of the Treasury and next *approved* by him, and lastly approved by Congress. These approvals serve the double purpose of limiting the District in her expenditures, to prevent extravagance, and at the same time limit the extent to which Congress will go toward paying half, and are therefore necessary in order to comply with the organic act; and therefore before the District can expect the 50 per cent under the organic act these conditions should have been complied with.

When this organic act was up for consideration in the House, in 1878, Representative Hendee endeavored and failed to have the United States contribute to the District a sum equal to all the revenues of the District. That proposal of his is to be found on page 2, line 30 to line 38, parts of both inclusive, in the amendment offered by him. He also endeavored, but failed, to have the interest on the 3.65 bonds paid out of the half-and-half fund.

His language in his amendment, which was not adopted, was as follows:

Said Secretary shall, from and after said 1st day of April, place to the credit of the District at the end of each month, an amount equal to all deposits made by the treasurer of the District, less the receipts of the water department as aforesaid, during the month; and all the amounts so credited shall be subject to the draft of the Commissioners of the District in the same manner as in this section provided for moneys derived from District sources. He shall thereafter reserve from said deposits an amount sufficient to meet the interest falling due each year on said 3.65 bonds, and shall pay the same as it matures.

If Congress desired to give a dollar to the District every time the District raised a dollar otherwise, there was no more opportune time to do so than by adopting Mr. Hendee's amendment; and if Congress desired to pay the interest on the 3.65 bonds out of half-and-half funds there was no better

place to say so than by adopting Mr. Hendee's amendment upon that subject.

Instead of adopting Mr. Hendee's amendment Congress adopted another provision, which required payments upon the 3.65 bonds to be made out of moneys already appropriated to the District for "ordinary" purposes, and such payments as the Treasurer was authorized to advance for the District were to be refunded to the United States.

The gentleman from Ohio [Mr. TAYLOR], in his speech of July 29, 1911, quoted from the remarks of Representative Buckner, of Missouri, when, in 1878, Congress was endeavoring to make some provision for the payment of the 3.65 bonds. The gentleman from Ohio, in this instance, quoted too little of the proceedings. He quoted only what Mr. Buckner said upon that occasion. I have heretofore said, and I now repeat, that there is upon the United States a moral obligation to see those bonds paid; and that I, in consequence of that, shall undertake to do nothing which will look toward the repudiation of those bonds, either by the District or by the United States.

I have no quarrel with these bondholders; I am contending for nothing more than, as between the District of Columbia and the United States, that the District is principal and the United States guarantor only.

On May 7, 1878, section 8 was before the House, which section reads as follows:

That hereafter the Secretary of the Treasury shall pay the interest on the 3.65 per cent bonds of the District of Columbia as the same matures, and the amount so paid shall be credited as part of the appropriation for the year by the United States toward the expenses of the government of the District, as herein provided.

Provided, That nothing herein contained shall ever be construed as to commit the Government to the payment of the principal of said bonds.

This section never became law. I would not have opposed that part of the section that provided that the interest paid by the Secretary of the Treasury should be returned to the United States; but I would have opposed the proviso which sought to release the United States from a moral obligation to the bondholder, because the faith of the United States, as guarantor, was already pledged to the bondholder. That proviso was beaten, and properly beaten, because the United States should not be released as guarantor to the bondholder who purchased with the faith of the United States pledged as guarantor.

All that part of the section which precedes the proviso was adopted in almost exact language. The rejected proviso reads:

That nothing herein contained should be construed to commit the United States, etc.

At that particular juncture Mr. Buckner offered an amendment which, if adopted, would have made the 3.65 indebtedness payable out of a half-and-half fund; but that proposed amendment was defeated.

The amendment proposed by Mr. Buckner was—

That one-half of 1 per cent of the 3.65 per cent bonded debt shall be annually set apart from the *taxes and appropriations* provided for in the sixth section to create a sinking fund for the purchase of said 3.65 per cent debt of the District.

There, almost simultaneously, with but little debate, Congress defeated Mr. Buckner's amendment to pay this indebtedness out of a half-and-half fund.

After the proviso of then section 8, which undertook to release the United Stats as guarantor to the bondholders, had been defeated, Congress later adopted an amendment to the effect that the amounts paid by the Secretary of the Treasury should—

be credited as a part of the appropriation (to the District) for the year, etc.

There, I say, Congress simultaneously rejected the plan to pay the 3.65 bonds out of a half-and-half fund and provided, in effect, that it should be paid by the District alone. This can be found on page 3248 of the CONGRESSIONAL RECORD of date May 7, 1878.

The gentleman from Ohio [Mr. TAYLOR], in his speech referred to, quoted my very dear friend, ex-Senator J. C. S. Blackburn, than whom no more lovable or honest man was ever created, who in 1878 was a Member of the House; but Mr. Blackburn was not quoted in full in the remarks of Mr. TAYLOR concerning the 3.65 indebtedness of the District. That which Mr. TAYLOR did not quote from Mr. Blackburn, and which is important when taken in connection with Mr. TAYLOR's quotations from him, is as follows:

[CONGRESSIONAL RECORD (House), May 6, 1878, Forty-fifth Congress, second session, p. 3222.]

Mr. BLACKBURN. I desire to say that if every Member of this House will read one other section of this bill he will see that this bill does not propose to make the Federal Government responsible for one dollar of the debt of the District or one dollar of the interest on that debt. It simply proposes to make the Government of the United States bear one-half of the current expenses of the District.

Then it goes on further and provides that as the Federal Government is already bound to *guarantee* the payment of the interest on the 3.65 bonds of the District, every dollar that the Government of the United States pays as interest on that bonded debt of the District shall be *accredited* to it upon such portion of the current expenses as it assumes. This bill nowhere makes the Federal Treasury responsible for one dollar of the *debt* of this District, either of the principal or of the interest. *But it does say that the Government of the United States shall pay 50 per cent of* the current expenses of the District and that it shall have credit on that payment for every dollar of interest it pays.

The section referred to by Mr. Blackburn was section 8:

That until otherwise provided by law the Secretary of the Treasury shall pay the interest accruing on the 3.65 bonds of the District of Columbia as the same matures, and the amounts so paid shall be credited as a part of the appropriation for the year by the United States toward the expenses of the District as herein provided. * * *

This is, in substance, the same as the act of June 11, 1878.

In the debate on May 6, 1878, referred to by the gentleman from Ohio [Mr. TAYLOR], Mr. Blackburn, of Kentucky, did not at any time say or contend that the "Government was absolutely bound to pay the interest"—meaning the interest on the 3.65 bonds—but he did say:

I deny that we are bound for the principal, but the law does say that Congress shall *guarantee the payment of* the interest.

The gentleman from Ohio [Mr. TAYLOR], on July 29, 1911, said:

The Treasurer in his first report recommended that in lieu of all existing provisions for various sinking funds Congress make a permanent annual appropriation of $1,155,583.55 to meet the interest on all the outstanding funded debt and maintain a sinking fund. He estimated this would be sufficient to extinguish the debt of the District in 1924.

Continuing, Mr. TAYLOR said:

Congress adopted this suggestion in the sundry civil bill passed March 3, 1879, United States Statutes at Large, Forty-fifth Congress, October 15, 1877, to March 3, 1879, page 410.

This alleged *adoption* of the Treasurer's recommendation as to the sinking fund, and this alleged change of the law and the *entire scheme made by this act*, as claimed by the gentleman from Ohio, is found in volume 20, United States Statutes at Large, page 410. Mr. TAYLOR said, also:

* * * The act of 1879 changed the law and the entire scheme, and made a *permanent annual* appropriation for the sinking fund, and that undoubtedly does away with the act of 1878.

Let us view the Statute and the recommendation referred to, as made by Treasurer Gilfillin in his first annual report, and see if Mr. TAYLOR is warranted in saying that Congress adopted the suggestion made by the Treasurer, or that the act of March 3, 1879, changed the whole scheme, or that it made a *permanent annual appropriation for the sinking fund.*

I quote said recommendation of Treasurer Gilfillin in his first annual report, which is as follows:

Be it enacted, etc., That there is hereby appropriated out of the revenues of the District of Columbia for the fiscal year ending June 30, 1880, and for each fiscal year thereafter until the debt of the said District and of the cities of Washington and Georgetown shall be entirely extinguished, the sum of $1.155,583.55 for the payment of the interest on the funded debt of the said District and cities, exclusive of the water stock and for the maintenance of a sinking fund for the redemption thereof, which sum is hereby constituted a permanent annual appropriation and shall be annually charged to the appropriation for the year by the United States for its proportion of the expenses of the District of Columbia. And the payment of the sum hereby appropriated shall have priority of all other claims and demands upon the revenues of the said District, whether arising from taxation or from appropriations by the United States, and the same shall be disbursed by the Treasurer of the United States upon the warrant of the Secretary of the Treasury; and any excess of the said sum over and above the amount required for the payment of interest on the funded debt, exclusive of the water stock, shall be applied by the Treasurer of the United States to the purchase and redemption of the debt of said District and of the cities of Washington and Georgetown in the manner prescribed by existing laws: *Provided*, That so much of the act of the legislative assembly of the said District approved August 19, 1871, entitled "An act to create commissioners of the sinking fund and to prescribe their duties," as required the said commissioners to inscribe on their books the amount of bonds, stocks, and certificates of indebtedness purchased by them on account of the sinking fund and to collect the interest thereon, be, and the same is hereby, repealed.

Mr. TAYLOR said that Congress adopted this suggestion in the following language: "For interest and sinking fund on the funded debt, $1,155.583.55." Indeed, may we be led to exclaim, what a wonderful *abbreviation* of a concisely stated recommendation of more than 200 words: If the recommendation of the Treasurer had been adopted, and made permanent, as the gentleman from Ohio says it was, then and there Congress would have established a *sinking fund for all of the indebtedness of the District of Columbia* and cities of Washington and Georgetown, and he then would be warranted in saying that Congress had changed laws and made a permanent annual appropriation. But what is there contained in the words "for interest and sinking fund on the funded debt, $1,155.583.55" to indicate that Congress had changed the law and entire scheme or had made a *permanent annual appropriation of $1,155,583.55 for interest and sinking fund?*

The act of June 11, 1878, provides a method for the payment of the interest on the 3.65 bonds; the act of March 3, 1879, provides a sinking fund for the retirement of said bonds; but each act unquestionably provides that the sums of interest on, and the principal of said bonds so paid must be paid by the Treas-

urer of the United States, *out of contributions made by Congress* toward the expenses of the District of Columbia.

The report of the Treasurer referred to was signed by Mr. James Gilfillin, then Treasurer of the United States, who, in his *second* annual report of date November 29, 1879, after having had nearly 10 months within which to study the act of March 3, 1879, concluded, *and correctly so*, that Congress *had not adopted* his suggestions and *had not made* "a permanent annual appropriation for the sinking fund," because in this, his *second* report, in urging the establishment of the sinking fund on a *permanent* basis, he said:

The recommendation is *renewed* that a *permanent annual appropriation* be made for the interest on the funded debt and for a sinking fund for the old debt of an amount sufficient, in connection with the permanent appropriation already made for a sinking fund for the 3.65 loan, to extinguish the entire debt by the maturity of the 3.65 loan, and that the same be advanced to the Treasurer from time to time on his requisition.

The treasurer, Mr. James Gilfillin, knowing that his first recommendation had been *rejected*, instead of *adopted*, as claimed by the gentleman from Ohio, submitted with his *second* report the draft of a bill to establish a sinking fund for the payment of the interest on the funded debt of the District of Columbia (exclusive of the 3.65 bonds) and for the gradual redemption of said bonds. The Gilfillin bill was never passed by Congress, nor was the treasurer's suggestion ever permanently adopted. Out of this sinking fund there has been retired all the bonded debt of the District of Columbia, which in 1878 amounted to more than $8,000,000, exclusive of the 3.65 bonds.

Had all the money appropriated for sinking fund and interest been used for the benefit of the sinking fund created by act of Congress on March 3, 1879, *the only one created by Congress*, the entire 3.65 bonds would long since have been retired; or, at least, the sum so appropriated for sinking fund and interest would many years ago have been sufficient to have retired the 3.65 bonds at maturity.

In United States Statutes at Large, volume 21, page 286, I find the following:

SEC. 6. The Secretary of the Treasury is hereby authorized to demand of the sinking-fund commissioner of the District of Columbia so many of the 3.65 bonds authorized by act of Congress approved June 20, 1874, and acts amendatory thereof as may be necessary for the payment of the judgments; and said sinking-fund commissioner is hereby directed to issue and deliver to the Secretary of the Treasury the amount of 3.65 bonds required to satisfy the judgments, which bonds shall be received by said claimants at par in payment of such judgments, and shall bear date August 1, 1874, and mature at the same time as other bonds of this issue: *Provided*, That before the delivery of such bonds as are issued in payment of judgments rendered as aforesaid on the claims aforesaid, the coupons shall be detached therefrom from the date of said bonds to the day upon which such claims were due and payable, and the gross amount of such bonds heretofore and hereafter issued shall not exceed in the aggregate $15,000,000: *Provided, The bonds issued by authority of this act shall be of no more binding force as to their payment on the Government of the United States than the 3.65 bonds issued under authority of the act of June 20, 1874.* (Approved June 16, 1880.)

If the interest and sinking fund of the 3.65 bonds were to be paid on the half-and-half basis, as the ordinary expenses of the District were paid, why did Congress see the necessity for adding the provision to the above act? The bonds to be delivered were a part of the bonds authorized by the acts of June 20, 1874, and February, 1875, with not a single change made therein.

When the District appropriation bill is up for passage I shall have something additional to say relative to the item of "interest and sinking fund, $1,155,583.55," which remarks will be more appropriate then than now.

A subcommittee of the District of Columbia is, through the services of an accountant, investigating the accounts between the United States and the District. I shall not, therefore, offer any suggestions or give my own ideas as to what is best to be done in the premises until the subcommittee files the report of the accountant. With that report, I take it for granted, the subcommittee will make some recommendations. I feel that I, as but one member of that subcommittee, should not now discuss to any extent whatever or anticipate in the least degree either the report or the recommendations which the subcommittee will make.

I thank the House for the attention given me throughout this somewhat lengthy address, while excusing myself for it upon the ground that I believe some one should now and then refresh the minds of Members as to the laws of the District, as well as to the practices, often without authority of law, indulged in by officers whose only offices are to execute the laws as they exist, and I think this duty should devolve upon the chairman of the Committee on the District of Columbia, with which position the House has honored me, a position that I really never desired. [Applause.]

The CHAIRMAN (Mr. RAINEY). The Chair would desire now to recognize some gentleman on the minority side.

Mr. TAYLOR of Ohio. Mr. Chairman, there is no one on this side who desires to speak at this time.

The CHAIRMAN. Then the Chair will recognize the gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Mr. Chairman, as a basis for the remarks which I shall make, I would like to have read at the Clerk's desk the joint resolution which I have introduced in this House and which is now pending before the Committee on Indian Affairs.

The CHAIRMAN. Without objection, the joint resolution will be read. [After a pause.] The Chair hears no objection.

The Clerk read as follows:

Joint resolution (H. J. Res. 205) directing the Secretary of State to investigate claims of American citizens growing out of the late insurrection in Mexico, determine the amount due, if any, and press them for payment.

Resolved, etc., That the Secretary of State be, and he is hereby, authorized and directed to make, or cause to be made under his direction, a full and thorough investigation of each and all claims of American citizens which may be called to his attention by claimants or their attorneys for damages for injuries to their persons or property, received by them or by those of whom claimants may be the legal representatives, within the boundaries of the United States, by means of gunshot wounds or otherwise inflicted by Mexican Federal or insurgent troops during the late insurrection in Mexico. And the Secretary of State is authorized and directed to determine and adjudicate the validity of said claims and the amount thereof, and, in accordance with diplomatic usage and international law, present such of them as he may find just and valid to the Mexican Government and press them for payment. And for the purpose of investigating said claims the Secretary of State is authorized to appoint a commission from among the officers or employees of his department, to consist of not more than three members, which commission, when advisable or necessary, shall hold hearings at such times and places as may be convenient for said claimants and their witnesses, and said commission shall have the power to summon witnesses, compel their attendance, administer oaths, and perform such other acts as may be necessary to determine the validity and amount of said claims.

Mr. SMITH of Texas. Mr. Chairman, the privilege now accorded me of addressing the House will afford an opportunity for supplying an important omission in the message on foreign relations which the President sent to this Congress on December 7 last. This omission ought to be supplied, because it is necessary to complete the history which the President only partially gave of our recent relations with the Republic of Mexico, and because it will also serve the further purpose of assisting the country to a correct judgment upon the question as to whether or not this administration has performed its constitutional duty to its own citizens who have suffered at the hands of the Mexican armies.

In discussing the recent insurrection in Mexico which resulted in the overthrow of the Diaz government and established in its stead the present reform government, with Francisco I. Madero as its chief executive, the President's message said:

The insurrection continued and resulted in engagements between the regular Mexican troops and the insurgents, and this along the border, so that in several instances bullets from the contending forces struck American citizens engaged in their lawful occupations on American soil.

Proper protests were made against these invasions of American rights to the Mexican authorities. On April 17, 1911, I received the following telegram from the governor of Arizona:

"As a result of to-day's fighting across the international line, but within gunshot range of the heart of Douglas, five Americans wounded on this side of the line. Everything points to repetition of these casualties on to-morrow, and while the federals seem disposed to keep their agreemnt not to fire into Douglas, the position of the insurrectionists is such that when fighting occurs on the east and southeast of the intrenchments people living in Douglas are put in danger of their lives. In my judgment radical measures are needed to protect our innocent people, and if anything can be done to stop the fighting at Agua Prieta the situation calls for such action. It is impossible to safeguard the people of Douglas unless the town be vacated. Can anything be done to relieve situation, now acute?"

After a conference with the Secretary of State, the following telegram was sent to Gov. Sloan, on April 18, 1911, and made public:

"Your dispatch received. Have made urgent demand upon Mexican Government to issue instructions to prevent firing across border by Mexican federal troops, and am awaiting reply. Meantime I have sent direct warning to the Mexican and insurgent forces near Douglas. I infer from your dispatch that both parties attempt to heed the warning, but that in the strain and exigency of the contest wild bullets still find their way into Douglas. The situation might justify me in ordering our troops to cross the border and attempt to stop the fighting, or to fire upon both combatants from the American side. But if I take this step, I must face the possibility of resistance and greater bloodshed, and also the danger of having our motives misconstrued and misrepresented, and of thus inflaming Mexican popular indignation against many thousand Americans now in Mexico and jeopardizing their lives and property. The pressure for general intervention under such conditions it might not be practicable to resist. It is impossible to foresee or reckon the consequences of such a course, and we must use the greatest self-restraint to avoid it. Pending my urgent representation to the Mexican Government, I can not therefore order the troops at Douglas to cross the border, but I must ask you and the local authorities, in case the same danger recurs, to direct the people of Douglas to place themselves where bullets can not reach them and thus avoid casualty. I am loath to endanger Americans in Mexico, where they are necessarily exposed, by taking a radical step to prevent injury to Americans on our side of the border who can avoid it by a temporary inconvenience."

I am glad to say that no further invasion of American rights of any substantial character occurred.

This last paragraph, Mr. Chairman, is the one to which I desire to call the attention of the committee especially, as I consider it a most remarkable statement in the message of the President upon this question.

Here in the President's message is clearly outlined the policy pursued by the administration with regard to the protection of our people along the border during the Mexican revolution.

Because of the fear that our motives might be misunderstood and misrepresented, and of thus inflaming Mexican popular indignation against Americans in Mexico, the President refused to utilize the military force which was present and adequate to protect American citizens on American soil engaged in their usual avocations under the American flag. Instead, he suggested that the people of Douglas might avoid injury from the Mexican shot and shell "by a temporary inconvenience"—that is, by placing themselves "where bullets could not reach them;" in other words, by an evacuation of the city by taking their 10,000 people, including their women and children, as well as their sick and helpless, and fleeing to the open plains for an indefinite time, where there was neither food nor shelter, and leaving their homes and their business and property exposed to depredation and destruction.

Mr. Chairman, I shall not at this time enter upon an extended discussion of the question whether or not the conditions at the time justified the President in standing by and witnessing such an unprecedented outrage and humiliation upon American citizens without an effort to protect them when he had at hands the means of doing so. But I venture to express the belief that no government will long retain the respect of its people when it refuses to protect them on its own soil and under its own flag against the invasion of any foreign power and under any circumstances whatever.

An American citizen, while conducting business in a lawful manner in his own country, has never been and I hope never will be required to humiliate himself by retreating in the face of danger. Under every principle of law and justice he has the right to stand his ground and repel force by force in the defense of his home or his person. And in case of an invasion of his rights by a foreign power it is the duty of the Government to which he owes allegiance to protect him, regardless of cost or consequences.

It is no excuse to say that this invasion of the rights of the people of Douglas was not willful; that it was only an incident of war. When two men engage in mortal combat they have no right to kill innocent bystanders. The bystanders, when they consider themselves in danger, have the right to stop the fight to save their own lives, and, if necessary, to kill the combatants.

In the situation at Douglas our Government had a similar right, and it was the duty of the administration, as I see it, to exercise that right to the full extent necessary to protect American citizens upon American soil. It was an occasion when the President had an opportunity to show that he had iron in his blood. He was informed that the fight at Agua Prieta would endanger the lives of the people of Douglas, and he ought to have warned the combatants that it could not take place. If he had done this, I do not believe the battle would have occurred, but if they had not taken heed he should have made his word good. If he had done this, Mexico would have had some respect for American power and diplomacy, and we should not have had afterwards a similar outrage committed upon the peaceable and law-abiding people of El Paso, another American city which I have the honor to represent upon the floor of this House.

Mr. BARTHOLDT. Will the gentleman permit an interruption?

Mr. SMITH of Texas. Yes.

Mr. BARTHOLDT. What would my friend suggest that the President might have done under those circumstances; declare war with Mexico for the purpose of protecting the innocent people who were living along the border line?

Mr. SMITH of Texas. I would have had the President take a firm stand in defense of the safety of the people on the American side.

Mr. BARTHOLDT. But could the President or anyone connected with the office of the War Department foresee these occurrences? No one could tell where the fighting would be, and for that reason it would have been impossible, unless a cordon would have been stretched all along the line of Mexico to protect innocent bystanders.

Mr. SMITH of Texas. I will state to the gentleman from Missouri that at the time this correspondence took place between the governor of Arizona and the President the fighting had already begun and Americans had been killed, and there was a sufficient number of American troops on the ground to have stopped the fighting.

Mr. BARTHOLDT. I merely want to suggest that in nearly all wars such occurrences happen along the boundary lines, and in such cases, of course, the government of the country whose citizens were injured would not have to declare war or use its military power to redress its wrong which had been suffered, but it would have been merely regarded under international law as a case for damages; that is all.

Mr. SMITH of Texas. And the gentleman would not then undertake to defend the people that were thus incidentally assailed by a foreign power?

Mr. BARTHOLDT. Certainly I would.

Mr. SMITH of Texas. Then the gentleman and I agree.

Mr. Speaker, when our Army was sent to the Mexican border I believe it was generally assumed that it was sent there to protect American citizens, but it seems that the administration had no such purpose in mind, for the President said in his message that—

> The presence of the troops before and at the time of the unfortunate killing and wounding of American citizens at Douglas made clear that the restraint exercised by our Government in regard to the occurrence was not due to a lack of force or power to deal with it promptly and aggressively, but was due to a real desire to use every means possible to avoid direct intervention in the affairs of our neighbor whose friendship we valued and were most anxious to retain.

It is frequently said that the President is at all times very frank. I want here to bear witness to the fact that this is true. Where could you find a greater exhibition of frankness than in the quotation I have just made from the President's message? In effect, he says:

> The troops were not at Douglas to protect American citizens, although they were of sufficient force to have done so, but they were there to demonstrate to the Mexican people that our friendship for them was such that we could stand by complacently and see their troops shoot down our unoffending citizens without raising a hand in their defense.

It is no wonder to me that the Mexican armies lost all fear and even respect for our power, and felt free to throw their shot and shell into another American city and wound and kill our people. We had demonstrated to them so very clearly at Douglas that we were going to maintain our friendly relations with them at all hazards.

Mr. Speaker, it is indeed a very remarkable thing, to my mind, that the President in his message makes absolutely no mention of the battle at Juarez, the Mexican city immediately across the Rio Grande from El Paso. Still more remarkable is the fact that after discussing the occurrence at Douglas, the President states in his message, in immediate connection, that he is "glad to say that no further invasion of American rights of any substantial character occurred." In this, it seems to me, the President has done some violence to his reputation for frankness. Mr. Speaker, it is this omission of the affair at El Paso from the President's message that I referred to in the beginning of my remarks, and I want now to supply what the President omitted.

The battle of Agua Prieta occurred on April 18, 1911; that at Juarez afterwards, on May 8, 9, and 10, and during those three days of fighting 5 Americans were killed and 18 wounded on American soil in the city of El Paso, all by bullets from Mexican guns fired from the Mexican side.

The El Paso Herald, the leading Republican newspaper of the Southwest, reliable and usually a loyal supporter of Republican policies, in a recent issue discussed, editorially, this affair, and gave in detail many of the important facts connected with it. I now quote from that paper. In speaking of the President's message, which I have been discussing, it says:

> Take notice that in this special message on Mexican and other foreign relations there is not one word about the fight in Ciudad Juarez, which resulted in the killing of 5 American citizens in El Paso and the serious wounding of 18 American citizens in El Paso, most of whom were killed or wounded in their own homes or going about their lawful occupations in an American city of 40,000 inhabitants, and all of whom were killed or wounded on American soil in law-abiding innocence, by bullets fired by foreigners across the international line in direct and flagrant violation of the positive demands of the American Government and of the order sent in pursuance of those demands, and under direct authority, by the American commandant of the military forces on this border to the leaders of both contending factions in Mexico. The act of the Mexicans was more than a violation, it expressed more than defiance, it meant contempt for the flabbiest American diplomatic policy that ever disgraced American annals.

Mr. BARTHOLDT. Will the gentleman permit another interruption?

Mr. SMITH of Texas. I will.

Mr. BARTHOLDT. These bullets were stray bullets, were they not? In other words, the Mexicans were fighting with each other——

Mr. SMITH of Texas. It was not done willfully.

Mr. BARTHOLDT (continuing). And each faction was shooting at the other, and some stray bullets fell across the boundary line and wounded and killed some innocent people?

Mr. SMITH of Texas. Yes, sir.

Mr. BARTHOLDT. In considering the question of war and peace, would not the Government be justified in considering the intention—that is, whether the Mexican soldiers intended viciously to kill Americans or not? And is it not true that any investigation would immediately disclose the fact that probably these Mexicans regretted as much as anybody the fact that instead of killing their adversaries they unintentionally and accidentally killed Americans?

Mr. SMITH of Texas. Mr. Chairman, as I understand it, this was not a question of declaring war. It was a question of defending American citizens on American soil. And I will ask the gentleman from Missouri what course he would have pursued to protect those Americans?

Mr. BARTHOLDT. If I had been the czar of this country and had it in my power to do as I pleased, I would not have committed an act which would practically have resulted in war with Mexico, because if the United States troops had crossed the border line for the purpose of defending American citizens, by going after Mexicans, under international law that would have been an act of war, and war would have been declared, and the result would have been the killing, instead of 4 or 5 people, perhaps 10,000 or 15,000 or 20,000 American citizens.

Mr. SMITH of Texas. If I understand the gentleman from Missouri, he would have adopted the policy of not protecting the American citizens, and there is where he and I differ, because I believe it is the duty of this Government to protect American citizens on all occasions on American soil.

Mr. GARNER. Will my colleague yield?

Mr. SMITH of Texas. I will.

Mr. GARNER. Could not the President of the United States, by communication to his diplomatic officers and through his military officers, more thoroughly have impressed upon the Mexican people the importance of keeping far enough away from American soil as not to injure American citizens?

Mr. SMITH of Texas. I think that is true.

Mr. GARNER. And that would not have been in the direction of war, either.

Mr. BARTHOLDT. May I ask another question right in line with what my friend from Texas [Mr. GARNER] has suggested? Has not the President even been criticized for sending the troops down there, and is it not a fact that the presence of the troops right there has contributed very largely to the safety of American property and American lives?

Mr. SMITH of Texas. I think that may be true. But I will ask the gentleman what the troops were sent to the border for it is was not to protect American citizens?

The Herald continues:

Now for a few terrible facts that ought to make the President's blood run cold, if it be not indeed already frozen, as one may fairly conclude from the meek tameness or callous unconcern evidenced by this pointed omission.

Of the five persons killed, three could not be classed as sightseers, but were going about their business peaceably and lawfully. The other two were committing the (to the President) heinous crime of standing on American soil watching Mexicans fight on the other side of the boundary. Of the three who could not be classed as having voluntarily entered the zone of danger after being warned, one man was shot dead in the door of his own home, only five blocks from the very heart of the business center of this city of 40,000 people; he was shot through the heart as he finished breakfast and stepped to his door to take a breath of fresh air; he fell dead in the arms of his terrified sister, and President Taft says this was "not an invasion of American rights of any substantial character."

Of the 18 wounded of whom there is authentic record, not more than 3 could possibly be classed as sightseers entering a zone of known danger after having been warned; 13 of the 18 were shot in or near their homes or places of business. A man was shot while lying in bed in his own home; a little child was shot in the head while lying in her crib at home. Think of that, Mr. President. Don't you think this calls for some explanation of your statement in your special message that "no further invasion of American rights of any substantial character occurred"?

Mr. BARTHOLDT. Will the gentleman permit another interruption?

Mr. SMITH of Texas. I will.

Mr. BARTHOLDT. That is, if you have the time.

Mr. SMITH of Texas. I think I have the time. I will yield, at any rate.

Mr. BARTHOLDT. Mark Twain said that French duels were dangerous only to the seconds. It seems to me that that Mexican warfare along the boundary line was a kind of a French duel, and it resulted in some danger to the seconds in this case—that is, to the innocent American bystanders. I am quite certain that the question generally can arouse a great deal of sympathy among the people. My own sympathy is aroused by the particulars of the cases which the gentleman cites, but that does not alter the fact that all these——

Mr. SMITH of Texas. I only yielded for a question.

Mr. BARTHOLDT (continuing). Fatalities to life and property were merely accidents and nothing else.

Mr. SMITH of Texas. I will ask the gentleman from Missouri if, under circumstances of that kind, it is not the duty of the Government to protect its people from accidents and such accidents as these?

Mr. BARTHOLDT. I am reasonably certain that the Government of the United States did the very best it could under very extraordinary circumstances. [Applause on the Republican side.]

Mr. SMITH of Texas. The Herald says further:

We are not through with the enumeration: A woman 84 years old was shot in the head as she left her home on the way to church; another woman was shot through the body as she was engaged in housework at home; another woman was shot in the eye as she was engaged in lawful occupations far from the scene of the fighting; another woman was shot through the neck in her own home; a laborer was shot in the eye as he was about to enter his door; a man was shot as he sat in the principal plaza in the heart of El Paso, nearly two miles from the scene of the fighting. And the President says in his message that there was "no invasion of American rights of any substantial character" in the affair at Juarez-El Paso.

Several of those shot were at the time a mile, a mile and a half, or even more, from the scene of the fighting. Bullets were flying all over El Paso within a range of 3 miles from the scene of the battle. Shrapnel shell came half a mile within American territory. Scores of residences and business buildings were struck by bullets, and windows were broken in the city as far from the scene of the fighting as the White House in Washington from the Congressional Library, or as far as Thomas Circle in Washington from the Soldiers' Home, or as far as Scott Circle in Washington from the National Zoological Park (these comparisons are made for the special benefit of President Taft and Members of Congress, so that the facts here cited will mean something to them if they ever read about them). Bullets struck buildings at a height of nearly 100 feet at least 1½ miles from the scene of the fighting, showing that at the least calculation those bullets were flying 3 miles into every part of the city of El Paso. They were chiefly Mauser bullets from Mexican Federal rifles, with killing power at a distance of several miles. To comply with the President's absurd suggestion, it would have been necessary to evacuate a zone equal to the whole city of Washington, D. C., extending from Arsenal Point and the navy yard to Georgetown and from the Potomac River to Florida Avenue.

The battle lasted nearly three days, during all of which time El Paso was under fire and El Pasoans in direct and deadly danger. The President was well aware of these facts. Telegrams were sent to him, and he was kept thoroughly and promptly informed through the press and directly. He was not and is not ignorant of the situation. His omission must be willful, not inadvertent.

The first day the American military commandant, acting under orders from Washington, in person gave direct and positive orders that there must be no firing toward the American side. He communicated these "direct warnings," such as the President talks about in reference to the Agua Prieta fight, to the recognized commanders of both the contending factions. After he had sent these direct and positive orders, warnings, and demands, his hands were tied, and thousands of bullets and shrapnel shell struck on the American side, and 5 El Pasoans were killed and 18 wounded, without any action being taken by the American Government to stop the slaughter or protect El Pasoans or enforce the orders, demands, and warnings that had already been given to the Mexicans.

The only answer El Pasoans received to their indignant protests was the curt advice to "get out of range." The Washington Government actually displayed the consummate idiocy of ordering the people in an American city of over 40,000 people to get out of range and stay out of range of the Mexican guns for an unbroken period of 51 hours, nearly three solid days and two nights, during which firing was incessant and danger ever present.

And to "get out of range" it would have been necessary to move every man, woman, and child in this city of over 40,000 people more than 3 miles away from the international boundary into the mountains, the sand hills, and the plains, there to remain without shelter or food or water or sanitary conveniences or means of living for three days while a few hundred foreigners fought out their differences in a foreign country miles away.

The people of Douglas were advised by the President, in his message to Gov. Sloan, to "place themselves where bullets can not reach them." And that was all the satisfaction El Pasoans got when the storm broke a dozen times worse than the Agua Prieta affair.

And thus, Mr. Chairman, did the President give to the Mexican people another demonstration of our friendship. What did it matter that our innocent men, women, and children were shot down in their own homes by Mexican bullets? If such was an invasion of American rights at all, it was not an "invasion of any substantial character." That is what the President, in effect, tells Congress and the country.

I submit to this House that such a belittling of the rights of American citizens by the Chief Executive was absolutely inexcusable and as indefensible as his refusal to afford them protection, which, to my mind, was a breach of a sacred trust, a disregard of a high constitutional duty, a degradation of our national prestige.

Mr. MARTIN of South Dakota. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from South Dakota?

Mr. SMITH of Texas. Yes; I will yield for a question.

Mr. MARTIN of South Dakota. What would the gentleman from Texas have had the President do under the trying circumstances to which he refers?

Mr. SMITH of Texas. I will come to that later on in my remarks, Mr. Chairman.

Mr. MARTIN of South Dakota. The gentleman has very critically complained of the President.

Mr. SMITH of Texas. As I have said here time and time again—I suppose the gentleman was not in the Chamber giving attention to my remarks—I would have had the President take

what steps might have been necessary to protect American citizens.

Mr. MARTIN of South Dakota. Of course after these accidental shots had come across the border and had done their injury nothing could be done to undo that. Does the gentleman from Texas regard those acts on the part of the Mexican Government or its troops as acts of war against the United States?

Mr. SMITH of Texas. I do not.

Mr. MARTIN of South Dakota. Would the gentleman from Texas have had the President of the United States commit an act of war against the Mexican Republic to prevent such accidents occurring in the future?

Mr. SMITH of Texas. I will say that I would have had the President of the United States take such steps as were necessary to protect American citizens, and if the President of the Mexican Republic wanted to consider that as an act of war, I would have let him so consider it. It is the bounden duty of the President of the United States to protect Americans on American soil. [Applause on the Democratic side.]

Mr. MARTIN of South Dakota. I ask the gentleman again, What would the gentleman have had the President do under the circumstances he referred to?

Mr. SMITH of Texas. I would have had him utilize the military force that was at hand, if necessary to do it. But I believe that if he had taken a firm and vigorous stand in that exigency it would not have been necessary to commit any act of war against Mexico.

Mr. MARTIN of South Dakota. Of course the gentleman is aware that repeated notices of warning were sent to Mexico?

Mr. SMITH of Texas. Yes; but they had not been backed up by action. Mexico knew that they had not been backed up at Douglas, and it had reason to believe that they would not be backed up at El Paso.

Mr. MARTIN of South Dakota. Then the gentleman from Texas thinks that under the circumstances it would have been justifiable for the President of the United States to have sent troops across the Mexican border to protect our citizens on this side of the boundary line?

Mr. SMITH of Texas. Yes, sir; if it had been necessary.

Mr. MARTIN of South Dakota. That would have been an act of war.

Mr. SMITH of Texas. I do not think it would have been necessary to send troops across the border, and later on in my remarks I will show why it would not have been necessary.

Mr. MARTIN of South Dakota. At this particular time will the gentleman state what he thinks the President ought to have done?

Mr. SMITH of Texas. Yes. I think the President ought to have taken whatever steps were necessary to protect American citizens.

Now, Mr. Chairman, I decline to answer the question further, because I have already answered that several times.

Mr. MARTIN of South Dakota. You have answered the question by avoiding it.

Mr. SMITH of Texas. In my judgment, if the President had dealt with the situation with a firm hand, injuries to our citizens would not have occurred. Our motives could not have been misconstrued nor misunderstood. There would have been no necessity for intervention, our national prestige would have been preserved, and our friendly relations with Mexico maintained. In the eyes of both God and man every nation as well as every living creature has the right of self-defense. If this right had been earnestly, actively, and vigorously asserted by the President, the Mexican armies, recognizing the justice of it, would, no doubt, have respected it.

But, Mr. Chairman, the events I have been discussing are now past. The questions involved are now largely academic. I have called attention to them mainly for the purpose of properly putting before the House a matter growing out of the occurrences, which is of very great practical importance at this time. I refer to the question of whether those American citizens who suffered from Mexican guns are entitled to redress, and whether this Government of ours is under any obligation to see that they obtain that redress.

Whether the administration was remiss in its duty, under the conditions existing at the time, to protect the people at Douglas and at El Paso is a question which may properly be laid aside for future settlement. And however much opinion may differ at present in regard to that, I believe we will all agree that the Mexican Government should make compensation to the wounded and to the legal representatives of those who were killed. I believe also that we can all agree that the claims of those people should be determined by our Government and presented and prompt payment demanded by our State Department.

It does seem to me that this is as little as our Government could do for those who looked to it in the hour of danger and calamity, and appealed in vain for protection. But I am sorry to have to announce to this House that the administration takes an entirely different view. It does not yet recognize that it owes any duty to those unfortunate people. It refuses to press their claims. Evidently the President is still regarding the friendship of Mexico as paramount; evidently he is still holding to the opinion that there was "no invasion of American rights" at El Paso "of any substantial character." When the claims were prepared and presented to our State Department together with proper proofs for diplomatic action, the Secretary of State refused to present and press them for payment by the Mexican Government. He merely sent to the claimants a printed circular advising them that the Mexican Government had created a consultative claims commission to try such claims, and that if claimants would make specific request, the American Embassy at Mexico City would informally file their claims with the Mexican foreign office for presentation to this commission, but with the distinct understanding, however, that the ambassador would be authorized to do nothing more than this, and that the claimants must themselves, personally or by attorney, take all other needful measures in the premises. This printed circular further informed the claimants that by thus informally presenting their claims, the Government of the United States would "not pass upon the propriety, justice, or legality of such claims." And the circular further graciously advised the claimants that if after trying their cases before this Mexican commission they should be dissatisfied with the findings of that tribunal as approved or modified by the Mexican treasury, they could then go into the Mexican courts and have their cases tried.

Thus have those unfortunate Americans at El Paso been treated by our Government. They are told to take their claims and their witnesses to the City of Mexico, hundreds of miles distant, employ Mexican attorneys, and submit their cases to the court which the defendant Government itself has created for that purpose and whose proceedings are conducted in a foreign language.

Mr. Chairman, we are all familiar with the usual delays of Mexican courts, and this, together with the enormous expense of pursuing the course directed by the State Department, as well as the uncertainty of the outcome of the trial of a claim of an American by the Mexican Government against the Mexican Government, is more than enough to discourage any American from undertaking it. To those claimants who are poor it amounts to a complete denial of justice.

But suppose some should have the hardihood to undertake it. I presume they would now be confronted before the Mexican tribunal with our President's official declaration to this Congress that their rights had suffered "no invasion of any substantial character."

Mr. Chairman, these are no ordinary claims, and this is no ordinary matter with which we are dealing. These are not cases where citizens of this country have gone into a foreign land and intrusted their property and persons to the safe-keeping and protection of a foreign government.

They are cases of American citizens injured upon American soil, engaged in their lawful daily occupations, under the protection of the American flag and American law and in the presence of the American Army. And I may also add that the casualties out of which these claims grew took place virtually in the presence of the man who commanded one of the belligerent forces at the Battle of Juarez and who is now the Chief Executive of the Mexican Government.

These claimants had not submitted themselves to Mexican jurisdiction, and they ought not now to be required, in my judgment, to try their cases in Mexican courts or to have their rights measured or determined by Mexican law. The infraction of their rights occurred under American laws, and the extent of their wrongs and the amount of their damages should be determined in accordance with American laws and should be adjudicated by American authority.

Mr. Chairman, it may be possible that the Secretary of State is supported by principles of international law, that he may have a precedent for his action; but if so, I have not found it. I venture to express the belief that in all the diplomatic history of the world no case can be found where a civilized nation has ever required one of its citizens to go to a foreign tribunal for the redress of wrongs inflicted upon him in his own country. Suppose American citizens should have a similar complaint against China. Would they be directed to go to China to try their cases before a Chinese tribunal? Would they have to go to Turkey, to India, or to Russia for trial if one of those countries should inflict injury upon a citizen here? The very suggestion shows the absurdity of such a policy.

I have heard a great deal of late of what they call "dollar diplomacy" and "shirt-sleeve diplomacy." This case can hardly be said to belong to either of these classes. It may be appropriately called "spineless diplomacy."

If press reports are true, the United States Government is falling behind all the other nations in the matter of adjusting the claims of its citizens growing out of the recent Mexican revolution. I read in the papers that the German ambassador to Mexico has been traveling through the various States of that country investigating the claims of German citizens with a view to pressing them for settlement. I also see it reported in the newspapers that even Chinese claims have been pressed to a final and satisfactory conclusion.

The German and Chinese claims were for injuries inflicted within the territory of Mexico where the claimants had voluntarily assumed the risk of Mexican protection.

Only the unfortunate American, it seems, who was injured while attending to his own business in his own country is required to pack his bag and baggage, hie himself to the Mexican capital, and beg as a gracious favor the settlement of his claim. He not only does not have the assistance of his own Government, but suffers the handicap which his President has placed upon him by having said officially that the invasion of his rights by the Mexican troops was not of "any substantial character."

Mr. Chairman, those who have suffered injury at the hands of Mexican troops on the border deserve better treatment at the hands of our Government. I have no hostile feeling toward Mexico. I was in thorough sympathy with the insurgent movement and was glad of its success. President Madero has not a more sincere friend or well-wisher than I am. I wish for his administration the largest measure of success.

I realize that the shots from Mexican guns which killed and wounded American citizens in El Paso were only incidental to the fight and in no sense willful or malicious.

But this does not absolve the Mexican Government from liability. And, in my judgment, it would not disturb the friendly relations between the two countries in the least for our Government to take these claims in hand and press them. I have no doubt Mexico would have more respect for our diplomacy if the Government would do so.

It is a well-settled rule of international law that when a government takes up the claim of one of its citizens against another government, it necessarily possesses and exercises the power to decide for itself when and to what extent it will press the claim as well as the means which it will employ for that purpose. I can not believe that it can be doubted that our Government ought to take up the claims of those El Paso people for adjustment and vigorously press them for payment, and to this end I have introduced a resolution in this House. It ought to be passed. Its effect would be to infuse some virility into our diplomatic force and require this Government to discharge a plain and important duty which it owes to a number of its worthy citizens.

Let us restore American diplomacy to the high prestige to which it is entitled. Let us give every law-abiding citizen assurance that he has the care of his Government, and that he may at all times appeal to it with confidence for protection and for justice. Let us save him from humiliation when he looks upon the flag of his country. Let us cause him no blush of shame when in the presence of foreigners he is called an American citizen. [Applause.]

Mr. STEPHENS of Texas. Will the gentleman yield for a question?

Mr. SMITH of Texas. I will.

Mr. STEPHENS of Texas. I understand the gentleman to speak only of El Paso, and he certainly is correct in that. Has the gentleman said anything concerning the conditions which existed at Douglas?

Mr. SMITH of Texas. If the gentleman had been in the Chamber when I began my remarks he would not have asked that question, because I devoted a good deal of time to the discussion of the affair at Douglas, Ariz.

Mr. STEPHENS of Texas. Is the gentleman aware that there were two battles fought at Agua Prieta, opposite the town of Douglas; that in the first instance the Government of Mexico was in possession of the city of Agua Prieta, and that the Mexican regulars were defeated, and that several persons on our side of the line were killed at that time; that subsequently the same city was attacked, that the rebels took possession of the city after they defeated the regulars, and then afterwards the regular Mexican Government troops defeated the rebels, and each time the defeated party was adjoining the United States boundary? This line is only an undefined line across the prairie, and their long-range guns raked the city of Douglas and killed and wounded many of its citizens; and it seemed that there was no respect paid either by the rebels or by the Mexican Government for the people on our side of the line, or any effort made by the Mexicans to prevent the firing across the line. One or more companies of our troops were present at the time these battles were fought, and I understand a good many telegrams passed between the Washington authorities and our military officers there during this fighting. I think they were certainly derelict in not preventing the firing across the line and the taking of the lives and the wounding of our citizens.

Mr. SMITH of Texas. My understanding is that the statement of my colleague is correct. There are a great many facts and details growing out of this matter that I have not had the time to bring out, of course.

Mr. SISSON. Mr. Chairman, I was not in the Chamber when the resolution was read. I am in hearty sympathy with the resolution, to whatever extent it may go. Does the gentleman's resolution provide for the presentation of all claims growing out of the Mexican revolution as affecting citizens of the United States?

Mr. SMITH of Texas. My resolution has reference to those injured on American soil, because I think a different rule might apply in the settlement of claims arising in Mexico. There can be no question in my mind that it is the duty of the administration to make an investigation of these claims and determine them and press them for payment through diplomatic channels. Those who suffered injury in Mexico might, under international law, be required to submit their claims to determination down there. As to that I am not now expressing any opinion.

Mr. SISSON. There is, of course, a different principle of international law which applies to those injured on American soil and those injured on the soil of Mexico, but does the gentleman think it would disturb his resolution in any way to have it amended when it comes up for consideration so as to have the whole question investigated?

Mr. SMITH of Texas. I think the whole question should be investigated, and I expect, when the matter is taken up, to have the committee go into a thorough investigation of the whole subject.

The CHAIRMAN (Mr. GARRETT). The Chair will state that 2 hours and 47 minutes have been used in general debate, all on the majority side of the House. Of course, if anyone desires recognition on the minority side, he will be recognized.

Mr. TAYLOR of Ohio. Mr. Chairman, I am just informed that a member of the minority does desire to address the House for a few minutes.

The CHAIRMAN. At this time?

Mr. TAYLOR of Ohio. At this time. I yield to the gentleman from Missouri [Mr. BARTHOLDT].

The CHAIRMAN. Does the gentleman from Ohio desire to yield to the gentleman from Missouri, or does the gentleman from Missouri desire to be recognized in his own right?

Mr. TAYLOR of Ohio. I will yield to him.

The CHAIRMAN. How much time?

Mr. TAYLOR of Ohio. Five minutes.

The CHAIRMAN. The gentleman from Missouri is recognized for five minutes.

[Mr. BARTHOLDT addressed the committee. See Appendix.]

The CHAIRMAN. Does the gentleman from Ohio wish to use any more of his time at present?

Mr. TAYLOR of Ohio. No, Mr. Chairman; no one else on the minority side desires to speak.

Mr. BORLAND. Mr. Chairman, I desire to address myself briefly to the District of Columbia appropriation bill now before the committee. There is nothing that is more popular to discuss as a glittering generality, especially along about campaign time, than economy in the public service. There is nothing that is more difficult to put into practical operation. Nevertheless, the new majority in this House has pledged itself earnestly to the people of this country to secure, as one of the main fruits of its victory, economy in the public service. It has addressed itself earnestly and sincerely to that object without regard to the particular attacks that may be leveled at it by the beneficiaries of the former system. Everybody will agree that economy in the public service is absolutely essential and that there must be somewhere a safeguard of the people's money. But the very minute that that specific and concrete reform is attempted there arises a great clamor from the vicinity in which the reform is to operate that that particular reform is the most foolish and ill-advised reform that could possibly be hit upon.

This is the first regular session of the Sixty-second Congress at which it becomes the duty of the new majority to offer to the country its appropriation bills, and it so happens that the first of these bills to be brought into the House is the bill providing

for the expenses of the government of the District of Columbia—the bill now before this committee.

That bill shows, in round numbers, a reduction of nearly 20 per cent in the appropriation for the government for the District. That bill is a fair index of the care, the earnestness, and the sincerity with which the new committees have addressed themselves to the difficult task of reform in public expenditure. That bill was not framed by a subcommittee to which I have the honor to belong, and therefore I feel more freedom in speaking of it. I know it to be the product of the unceasing toil and patient investigation of the men charged with its construction. It will be somewhat difficult for gentlemen to point out where the appropriations named in that bill will not adequately provide for all the necessary operations of the government of the District of Columbia. The reduction in the amount of the appropriations for the District is made necessary by the great extravagance of the District government—an extravagance which I undertook to point out to the House a year ago and the cause for which I shall again call your attention a little later on in my remarks.

The total estimates submitted by the Commissioners of the District of Columbia, as were aptly described by the chairman of the District Committee [Mr. JOHNSON], in his speech on the floor to-day, are the result of doubling the estimated revenues of the District on the theory that the United States would contribute an equal amount to that raised by taxation within the District, and then bringing the estimated expenses of the District within the combined amount of these revenues, instead of first making, as the law requires, an estimate of the necessary expenses of the District, and then providing for the contribution of one-half by the Federal Government. I disagree in principle with the one-half plan, as I shall hereafter state in full.

Before doing so, however, I want to call attention to the comparative expenses of the District of Columbia, which is practically the city of Washington, with other cities in this country of similar size and character. The last statistics of cities that we have is compiled in the Tribune Almanac of 1912, and that shows that the total expenditures of the city of Baltimore, with a population of 558,000, is $16,286,000; whereas the total expenditures last year of the city of Washington, with only 331,000 inhabitants, were $15,133,000. The city of San Francisco, which has nearly 100,000 more people than Washington, expended only $14,042,000; the city of Detroit, which has 465,000 people, expended only $11,361,000; and the city of Milwaukee, which has a population of 373,000, expended $12,081,000. The lowest I find in that list is the city of Minneapolis, with a population of 301,000 people, and a total expenditure of $7,000,000.

I want to call attention to another fact. The Tribune Almanac says that of cities of over 300,000 population the smallest running expenses were to be found in New Orleans, with Milwaukee a close second. Expressed in per capita averages, the cities of over 300,000 with the highest expenses were New York, $24.71 per capita; Washington, $24.63; and Boston, $27.58.

I know nothing about the local conditions of Boston, but we all recognize that the city of New York has industrial and civic problems not comparable to any other city on this continent, or possibly in the civilized world. There is no comparison between the city government of any other American city and the city of New York, based upon population, area, or upon any other basis of comparison. The problems that confront New York are to a large extent the problems of a nation. It is the great gateway of the Nation, the great immigration gateway of the Nation. It is the great gateway for the enormous mass of foreign population that for more than a hundred years has been crowding into this country and has filled up every nook and corner of this Republic with American citizens adopted from foreign countries. Through the great city of New York passes practically all that enormous immigration from foreign points. New York is the first American municipality to receive them, gives them their first lessons in American civic duties and American citizenship. New York has problems beyond and above any other municipality in the country, but Washington is at the very antipodes of civic problems as compared with the city of New York. Washington escapes most of the great civic problems that confront other American cities. Washington, which is not an industrial or manufacturing city, which is not an exporting city, which is not a city with a large foreign or floating population, escapes four-fifths, I might easily say, of the great civic problems that every city man knows confronts the municipalities in its dealings with a mixed and varied industrial population. Washington has a population almost exclusively based upon Government employees, of the most homogeneous character. It has no problems of taxation. Its funds are provided without the necessity for repeated issues and political campaign biennially or annually before a voting population. It has none of the difficulties of administering city government which confronts other municipalities in regulating their expenses and keeping down their limit of government expense to the economy of public service, and yet Washington comes next after Boston and New York in the expense per capita of administering her city government.

Mr. FORNES. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. With pleasure.

Mr. FORNES. The gentleman is making a very excellent argument in behalf of the economic administration of Washington as compared with the city of New York, and in that connection I might call his attention to this fact: That the city of New York, in order to have communication between the various boroughs of which it is composed, has to maintain, at great expense, bridges which cost over $150,000,000—bridges which it has been obliged to construct. Furthermore, it has a very large water front, which has to be maintained, so to say, out of the taxation of the city, and which in itself amounts to a sum of more than $40,000,000 a year. Another heavy expenditure is its water supply, for which it has had to bond itself for its new supply to the extent of at least $170,000,000. On all of these outlays, necessarily, interest has to be paid annually, which adds very largely to the budget.

Mr. BORLAND. I am very glad to have that information.

Mr. LOBECK. The budget of New York is now something in the neighborhood of $160,000,000, is it not?

Mr. FORNES. One hundred and seventy-seven million dollars.

Mr. BORLAND. I am now satisfied that my first statement was justified—that New York faces problems which no other city in the Nation does or can or will be called upon to face—so that we have no right to compare the expenses of the city of New York with the expenses of the city of Washington. We have a better right to compare the expenses of the city of Washington with Baltimore or Detroit or some other city nearer to it in industrial problems. Yet when we do so we still have a balance in favor of Washington, in the absence of certain industrial problems with which other cities must deal, so that when the subcommittee of the Committee on Appropriations having in charge the appropriations for the District of Columbia undertook the task of pruning down this extravagant administration of the District revenues which has been going on and gathering expenses year by year they undertook a task of great difficulty—a task which required the utmost patience and the utmost investigation and toil.

The result has been a bill here which is offered as the product of that committee, which will fully conduct in all of its departments the existing government of the District of Columbia, and that will cripple none of those departments. Now, let us see where the principal changes have been made in this bill. The recommendations of the commissioners called for 183 new employees of the District government, and they were given just two. They called for repeated raises of salary, from their own and their private secretaries on down, and they were given just two raises of salaries, the laundresses at the Tuberculosis Hospital. Does anybody believe that the government of the District of Columbia will be crippled by reforms and retrenchments of that character? It is not to be expected that the proposal to reduce the disbursement of the Federal revenues within the District of Columbia will meet with a popular support. That is another peculiarity about the city of Washington. In any other city in the United States the honest effort of public officers to reduce the expenses of the government and to curtail the tax burden upon the people would be met with a somewhat high and united measure of support both from the press and the people, and yet the fact remains that yesterday and to-day every newspaper in the city of Washington has, in its news columns and in its editorial columns, denounced this committee. For what? For seeking to reform and retrench the tax burden upon the people.

Mr. MANN. Will the gentleman yield for a question?

Mr. BORLAND. Yes.

Mr. MANN. In what respect does this affect the tax burden upon the people of the District of Columbia?

Mr. BORLAND. I will come to that before I get through, if the gentleman will wait. I will be glad to answer that.

Mr. MANN. Certainly.

Mr. BORLAND. A reform in the expenditure of public money is not popular in the District of Columbia. On the contrary, the extravagant expenditure of public money is popular in the District of Columbia, and yet the argument is constantly presented that the Federal Government is under a high and binding moral obligation to contribute to the expenses of the Dis-

trict of Columbia because the Federal Government uses the city of Washington as a capital city and owns certain beautiful and permanent property in the District. Instead of the presence of the Federal Government being a burden upon the taxpayers of the District of Columbia the truth is that the presence of the Federal Capital is the greatest asset that the city of Washington can have. There is not a city from the Atlantic to the Pacific that would not to-day donate every foot of land the Federal Government desired to use by a constitutional amendment making it forever free of taxation if the Federal Government would locate its capital at that city, not one.

Mr. ADAIR. And pay millions of dollars.

Mr. BORLAND. And probably pay millions of dollars, as the gentleman from Indiana suggested. There is no burden upon the people of the District of Columbia by reason of the presence of the Capital here. When the Federal Government, at the earnest request always of the Representative from that district, decides to buy a site and erect a public building in any other city of the United States it instantly ceases to pay taxes on that property. It not only ceases to pay any taxes to the municipality, the county, or the State, but it refuses to pave the street in front of and adjoining that property. If the city wants its street paved it must pave it at the general expense or at the expense of the property owner on the other side of the street. So that every Federal building in the United States outside of Washington carries with it its own burden of exemption from taxation, whereas the people in the District of Columbia have been led to believe by certain interested parties that the presence of the Federal Government is actually a burden upon it and imposes a high moral obligation upon the Federal Government to shoulder a major portion of the taxes.

Why, it has even been insisted here, I understand, in various reports and documents that the Federal Government owns 50 per cent of the real estate in the District of Columbia, and, therefore, it ought to contribute 50 per cent of the running expenses of the District of Columbia. I find they have made up the 50 per cent by including the streets, alleys, parks, and all other public grounds, the title of which, of course, is in the United States, but which are used for civic purposes; and then, I think, they come within about 12 per cent of the necessary 50 per cent.

Mr. JOHNSON of Kentucky. Does not that apply to the old city of Washington?

Mr. BORLAND. And that, as the gentleman from Kentucky suggests, applies to the old city of Washington, with boundaries at Florida Avenue or wherever they used to be, and can not apply to the District at large. So that, as far as the people of this country are concerned, men who are familiar with civic affairs in other sections of the country, who are familiar with such expenses, the action of this committee in reducing the expenses of the city of Washington will be welcomed and be recognized as a patriotic service in redemption of the Democratic pledge of economy in the public service. [Applause.]

Now, the gentleman from Illinois [Mr. MANN] wanted to know how, directly or indirectly, this thing was going to affect the burden of taxation upon the people in the District. In the first place, as long as the District Commissioners follow the plan outlined by the gentleman from Kentucky [Mr. JOHNSON] and estimate the entire revenues of the District, and then double the amount on the theory that the United States will contribute an equal amount, and then bring their expenses or estimates of expenses within the combined amount, the people of the District who are actual taxpayers here are suffering to that very extent. They are having every dollar's worth of their taxable power used up without any opportunity or possibility of retrenchment for their benefit. But that is not all.

I am opposed to that half-and-half policy on principle, and I believe that it is the root of the evil. I believe that it is the great stumbling block to reform of taxation in the District, and I believe it is a great burden on the necks of the honest taxpayer and home owner and merchant in the District. I will show you why I think so.

In the first place, from the historic sketch we had from the gentleman from Kentucky [Mr. JOHNSON], the District of Columbia came under the direct control of the United States again in 1874, after a short career as an independent self-governing municipality. At that time the District of Columbia and the municipalities within it were hopelessly burdened with debts. They were absolutely and unqualifiedly bankrupt. They were not in any position to make any terms with the United States. It was simply and solely a question of the United States Capital being here, and in order to keep a city government running at all the United States was compelled to take them over on any terms that it could. That condition was not peculiar to the city of Washington in 1873 and 1874, because it existed all over the United States. The career of extravagance, beginning with the Republican administration and ending with the election of Tilden in 1876, produced the panic of 1873, which has never been approached in the history of a free people. It was a perfect Saturnalia of political extravagance and corruption, and it extended necessarily to the seat of political corruption at the National Capital at Washington. Washington was absolutely prostrate, and the seat of government being located here, it was essential that Congress should take over the local government regardless of what it cost. In doing so it took an enormous amount of debt that had to be paid in some way or other. So there never was any compact with the people of the District of Columbia. All the talk of an organic act in 1878 or any other time is a pure figure of speech. There can be no organic act for the District of Columbia.

The very last pronouncement of the Supreme Court of the United States in the Safety-device case, in the two hundred and seventeenth United States, is that the power of the United States over the District of Columbia in legislation is plenary. There are absolutely no restrictions in the Federal Constitution in regard to it. The Supreme Court says in that case that the power does not depend upon the interstate-commerce clause or any other particular clause, but the District of Columbia is placed directly under the plenary jurisdiction of Congress. Therefore, any regulation that we may have made in 1874, or in any period, when we redeemed the government of the District of Columbia from bankruptcy, is of no binding obligation, nor can be of any binding obligation in law or in morals. And if the conditions now are not the same as the conditions then, there is no reason why a rule made then should apply now. That we should contribute 50 per cent then is no reason why we should do so now. That we should contribute 50 per cent to the running expenses in order to secure some form of suitable city government, or that we should contribute 50 per cent to the payment of interest on their obligations in order that the obligations could be refunded and carried along until they were paid, is no reason why we should pay 50 per cent when we have raised the District to the high state of prosperity it has reached.

Not very long ago there was a lot sold on Sixteenth Street. It is 31 feet front and about 80 feet deep.

Mr. MADDEN. Did you not buy it? [Laughter.]

Mr. BORLAND. No; I am sorry to say I did not. But it sold for $25,000, or, if we should measure it by the front foot, over $700 a front foot.

Mr. BUTLER. What was there on the lot?

Mr. BORLAND. It had on it a negro shanty of about four rooms. It is manifest to us that property that sells for residential purposes for $700 a front foot is not being sold in a downtrodden, oppressed, or tax-ridden community.

No downtrodden population is existing in that community, where residential property is selling for as much as $700 a front foot. No population exists there that is compelled by poverty to shoulder off 50 per cent of all its running expenses upon the people at large, upon the Nation. I do not know at what figure that lot appears on the assessment rolls. It may be of interest for some of us or of all of us to find out, but I have no doubt that there are many other such instances in this community.

Another point I want to make is that this half-and-half rule not only has no legal or moral basis, but it is a stumbling block to the reform of the taxing power in this District. The half-and-half rule, as they call it, or the "organic law," as they like to describe it and refer to it, is very earnestly supported by a large number of people in the District who are anxious to develop real estate within the District partially or almost wholly, in most cases, at the expense of the General Government and at the expense of the local revenues of the District. They know that the minute the half-and-half principle is abandoned, and the people of the District begin to feel the entire weight of the running expenses of the District, this career of extravagance must then come to an end by the excessive weight of public opinion itself, and they know that they can keep that condition away from the ordinary home owner and merchant in the District of Columbia only by dangling constantly before their eyes the idea that they must continue this loyalty to the half-and-half principle.

The idea is that if it costs $12,000,000 to run the city of Washington, the Government of the United States is asked to pay $6,000,000 of that amount. It is only a question of time when it will cost $20,000,000 to run the government of the city of Washington, and when that time comes the United States Government, it will be claimed, will be under the same binding obligation that it now rests under to pay half of that amount, or $10,000,000. If it costs $40,000,000 to run the District government, then the people of the United States would be charged

$20,000,000 as the share of the United States Government, and absolutely without a dollar of additional advantage accruing to the people of the United States in Washington as the seat of the Federal Government and the capital of the Nation. If we are contributing on that ground, it is apparent to every gentleman in this room that $6,000,000 is an ample contribution by the people of the United States, and there is no reason why it should continue to increase from year to year as the taxable value of the property of the District increases.

Now, let us see. We are asked occasionally here to pass new tax laws for the District of Columbia. We never have succeeded in passing one since I have been in Congress. We were asked last year to pass two, both of which appealed very strongly to the experience and judgment of the Members of this House. One of them was a law providing for the taxation of inheritances in the District. The District is a little State like New York State in its powers of legislation. It has the same right that New York or any other State has to pass that kind of a revenue measure. No man knows how much revenue a law of that kind would produce, but the upshot of it would be that every dollar it produces, whether $1,000,000 or $10,000,000, would have to be matched under this beautiful plan by another dollar from the Federal Treasury. Rich people come here from other sections of the country and make this their home on account of the advantages they enjoy here, and thereby dodge personal taxes in the States from which they come. Every time we taxed an estate $50,000 the Federal Government would put its hand into its Treasury and add another $50,000. Is not that an absurd condition with respect to the taxing powers of this Congress?

Mr. MANN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Illinois?

Mr. BORLAND. Certainly.

Mr. MANN. Would it not be quite possible and proper, under such circumstances, to reduce taxes in the District, so that the Federal Government would have no more to pay than it pays now?

Mr. BORLAND. It would be quite possible, and I would say to the gentleman that I introduced an amendment to that proposed law—no, I did not introduce an amendment, but I spoke in favor of an amendment which was introduced by the gentleman from Indiana—providing that the proceeds of those taxes should be applied to the bonded debt of the District, and to no other purposes until the bonded debt of the District was wiped out. I did that for the very purpose that the gentleman from Illinois points out, namely, in order that the people of the District and the people of the United States might enjoy the advantage of the increased powers of taxation thereby obtained.

Another law was brought in here by the gentleman from Minnesota, but not enacted, providing for the taxation of intangible property in the District. Every man here knows that there is an enormous amount of intangible property in the District, and yet the law of the District of Columbia provides only for the taxation of tangible property. But a law providing for the taxation of intangible property would be subject to the same difficulty of operation, in that the minute you raised a dollar on the taxation of these investments in the city of Washington, you would be compelled to match it with another dollar taken out of the Federal Treasury, derived from the taxation of the people of the country at large.

Now, let me tell you how that works. The little home owner in the District of Columbia pays on his house and lot. I do not know how far his exemptions go on his household furniture, but he pays on that, and on his tangible personal property. The merchant pays on the stock of goods on his shelves. The millionaire, who lives upon invested income, does not pay a single, solitary penny. There is a complete answer to the inquiry of the gentleman from Illinois for information as to how we are going to benefit the small property owners in the District. I will say to the gentleman that if we were permitted to use the full taxing power of the District as other States use it for the taxation of intangible personal property, for the taxing of inheritances, for the various other forms of taxation which are proper, those taxes could well go to the reduction of the taxes of the small home owner and merchant in the District of Columbia; but under the present system there is no practical way of using it unless you put into every tax law that is passed the particular application of the funds raised from that tax. Then you may possibly, by that method and by careful watchfulness, see that some benefit goes to the small taxpayers of the District.

Mr. FORNES. May I ask the gentleman a question?

Mr. BORLAND. Certainly.

Mr. FORNES. Can the gentleman tell us what percentage of the cash value of real estate is assessed upon it?

Mr. BORLAND. I can only state from hearsay. My information is that it runs as low as 20 per cent.

Mr. JOHNSON of Kentucky. Two-thirds on real estate and the full value of personal property.

Mr. BORLAND. It is supposed to be two-thirds, but my information is that it runs as low actually as 20 per cent of the cash value of the property.

Mr. FORNES. The large property holder gains to the extent that his assessment is low.

Mr. BORLAND. Certainly. The man with a $3,000 house does not get off with less than a $1,000 or $2,000 assessment, whereas the man with a million dollars' worth of vacant property may get off with a $50,000 or $75,000 assessment.

Mr. FORNES. If the property were assessed at nearly its full value, the citizens of Washington would pay a greater proportion of the tax, as against the United States, would they not?

Mr. BORLAND. No. They would if the half-and-half principle were changed, but if it were not changed they would not. The only result of raising the assessment in the District would be to raise the taxes on your people back in your own districts. Every time you raise the assessment in the District of Columbia, every time you raise any kind of taxes in the District of Columbia except the police-court fines, which, I believe, go into the policemen's pension fund—every time you raise anything else in the District you match every dollar of it with a dollar out of the pockets of the people of your congressional districts.

I want to call the attention of the House to another evil that shelters itself behind this half-and-half principle. The public improvements in the city of Washington are conducted on a plan different from that which prevails in the other cities of this country. In almost all the cities in the country that I am familiar with or from which I have statistics public improvements of a certain character are paid for by the abutting property owners. Sewers are paid for usually on a regular area basis. They will have a certain district, figure up the number of square feet each man has, and assess him for the construction of the adjoining or district sewer in proportion of the area of his property. When it comes to street improvements, like grading and curbing and paving, sometimes planting trees, and usually putting down sidewalks, they are paid for on the abutting or front-foot plan. At any rate, they are usually paid for by the district which is benefited. The parks in many cities are paid for in park districts. The boulevards are paid for in park and boulevard districts.

Mr. MADDEN. Then the expenditures which the gentleman has quoted as being made by the cities of Kansas City, Baltimore, Detroit, and other cities mentioned by the gentleman do not include the special assessment that he is referring to, whereas the expenditures for the city of Washington and the District of Columbia do include all of those things.

Mr. BORLAND. I think the gentleman is wrong about that. I think these estimates in the Tribune Almanac are intended to include the expenditures for public improvements, as well as expenditures for municipal purposes.

Mr. MANN. They include only the appropriations.

Mr. MADDEN. They only give the appropriations covered in the annual tax levy.

Mr. BORLAND. We will see about that. I did not mention Kansas City for that very reason, because I know the condition of affairs in my own city.

I read down here as a footnote to this list that I read:

> Advance Census Bureau figures for the calendar year 1908 show that of $1,236,782,824, which was the total of the municipal payments of 158 cities having a population of 30,000 or over, 32.7 per cent was for the expenses of maintaining and operating the ordinary municipal departments and offices; 2.5 per cent was paid for the expenses of the maintenance and operation of self-supporting public-service enterprises, such as water-supply systems, lighting systems, etc.; 6.7 per cent was paid in interest on city debt; 22.2 per cent was paid for outlays for new buildings, equipment, and public improvements.

So the public improvements may be included.

Mr. MADDEN. But that has nothing to do with the paving of streets or the purchase of parks, which is all made by special assessment.

Mr. BORLAND. That may be true. The public improvement may be like a bridge or a viaduct or some other public improvement, like the construction of a city hall.

Mr. MANN. If the gentleman will allow me, in many States the city does pay the cost of street improvements after the streets have first been improved; that would include that. I think in no case do these figures include a matter where a special assessment has been made and levied on the property, because that is not a matter of appropriation.

Mr. BORLAND. What I want to call attention to is that, as the gentleman from Illinois well states, there are many States where the repair and maintenance of streets is at the cost of the general fund, and there are many cities where both the original construction and the maintenance are at the cost of the abutters. In Washington the original construction and maintenance are both at the cost of the general public.

Mr. BUCHANAN. Will the gentleman from Missouri yield?

Mr. BORLAND. I will.

Mr. BUCHANAN. The gentleman has stated that the expense per capita in Washington is greater than any other city, except New York and Boston. Can the gentleman explain why the salaries of the police department and of the fire department, the stations in which they are housed, are not equal and up to the standard that they are in first-class cities?

Mr. BORLAND. I can not.

Mr. BUCHANAN. I have information that the salaries of the police officers, the conditions under which they work, the pensions that they are paid do not equal that of other first-class cities. If the gentleman from Missouri has any information as to why this is so, I would like to have him state it.

Mr. BORLAND. I have not; but I will say that I notice from the return of the Auditor of the District of Columbia that they collect between $80,000 and $90,000 from the license fees of foreign insurance companies. That is devoted to the general expenses of the District of Columbia. In my city we collect about $78,000 from foreign insurance companies, and we turn every dollar of that over to the firemen's pension fund. So that may account for the conditions here.

Mr. BUCHANAN. As the gentleman knows, I am a new Member here, and these matters may have been up before the House in previous Congresses, and I thought the gentleman might have the information that I desired.

Mr. BORLAND. The gentleman from Illinois will recognize that these matters pertaining to the city government are of minute details and that we can only touch here and there upon one or two illustrated points. I have never had any information directly upon the reason why the salaries or the pensions of firemen and policemen here did not compare favorably with other cities, but I have been informed that the number of policemen in the city of Washington is about equal to the number of policemen in the city of Baltimore, and Baltimore has nearly twice the population of Washington. So the number of officers and men on the rolls, or some other method, may consume the fund available for that purpose.

Mr. KINDRED. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. I will yield to the gentleman from New York.

Mr. KINDRED. Referring to the salaries of the officials of the District of Columbia and to the great economies proposed by the committee's bill, do I understand the gentleman from Missouri to state that these economies are to be obtained mainly by disallowing the proposed increases in salaries of certain officials and their secretaries?

Mr. BORLAND. No. I said that disallowing the proposals or recommendations for increase of salaries cut us down considerably below the estimates of the commissioners. But then we made a further reduction under the actual appropriations of last year of $1,600,000, which, of course, could not be accounted for by refusing proposed increases of salaries. It is accounted for by the reduction in the force and other economies in the administration of the city government. I will mention only one of these by way of illustration, for it would be impossible to go over all of them, and I think the chairman of the subcommittee would have the facts more at hand than I. One of them was at the District Building. We found the total expense of running that building to be $36,000 a year for salaries—$3,000 a month for just help and employees to take care of the District Building. They had 40 cleaners down there. We cut that force down to 30. We thought they could keep clean enough with 30 cleaners; and that is about an average of the way the cuts have been made all along the line. We found that they asked for $30,000 a year for fuel, and we gave them $20,000; and they seem to be keeping warm enough even in these perilous times. You can only touch here and there on illustrative points.

Mr. BUCHANAN. Mr. Chairman, I want to ask whether the committee investigated the police and fire stations and what condition they found them in?

Mr. BORLAND. I am not able to answer that, and I will refer the gentleman to the chairman of the subcommittee.

Mr. BUCHANAN. I investigated one or two on my own account, and some of them are in an insanitary condition, not fit for the purposes used.

Mr. TAYLOR of Ohio. Will the gentleman from Missouri permit me to answer that question?

Mr. BORLAND. Certainly.

Mr. TAYLOR of Ohio. There are some of the police stations that are very old and inadequate; that are old-fashioned; that have brick cells, built like vaults, that are not at all modern, and I think they should be changed; but we found also that the men are locked up in them only for a few hours, when they are transferred to a more sanitary and modern jail or place of confinement. Two or three of the fire houses are in very bad condition. They are old and in very bad condition and should be remodeled or rebuilt. But we did not find that it was an absolute necessity this year.

Mr. BUCHANAN. Was the gentleman not impressed with the fact that some of them seemed to be insanitary?

Mr. TAYLOR of Ohio. Absolutely.

Mr. BUCHANAN. And unhealthful for firemen and policemen to sleep there?

Mr. TAYLOR of Ohio. I would not say exactly insanitary and unhealthful, but they are not proper places for the men. They were too close to the horses; there was too much smell. There were things of that kind that should be changed in those two old houses that we visited. In my judgment, there should be new houses built.

Mr. BUCHANAN. Most of the policemen and firemen sleep there.

Mr. TAYLOR of Ohio. They sleep in dormitories above the room in which the apparatus is kept.

Mr. BORLAND. Mr. Chairman, I want now to get back to the subject I was talking about, namely, the payment of public improvements out of the general fund, and its effect on the growth of the District. My observation has been that that is the source of more complaint in this District among property owners than any other one thing. It puts wholly into the hands of the District Commissioners the discretion to say where these public improvements are going and largely what character they shall assume. They may be very beautiful or ornamental things, calculated to raise the value of the property in the immediate vicinity to a very fashionable height, and apparently it is entirely within the discretion of the commissioners where they shall go with these improvements, what kind they shall be, how many fancy lights they shall put on certain streets, and on what streets they shall put them.

That is what has caused a great deal of complaint among the small property and home owners all over the District of Columbia. They do not have any voice in the matter. If the plan is followed by which the property owner pays for his own improvements, he ought to have them just as fast and just as good as he wants them, because that is his business, and he will get them just as fast and just as good as he can. That is the experience of cities, because every dollar that he puts into street improvements of this kind is immediately absorbed, according to the general rule, in the increased value of his property. That is especially true if his property is suburban property, which is coming into value as residential property. If you bring in an addition to the city to be sold on the market, the minute you put down asphalt pavement and stone or concrete sidewalks, curbing, trees, and cross guttering, and that sort of thing, you raise your value more in proportion than the actual cost of the street improvement. No wise real estate man omits to do that. What do they do in the District of Columbia? They plat an addition somewhere after they have carried the street improvements and nice boulevards and highways out to the edge of their property, and then they throw the addition on the market. From that time on, from the time they have opened the streets—and of course they are opened by benefit—the whole expense of the improvement of that addition and putting it on the market is borne out of general revenues of the District. Fifty per cent of that cost is paid by the taxpayers of the United States at large, the other 50 per cent being paid by the small home owner, the merchant, and business man of the city of Washington.

And that is where our little home owner gets rubbed up against it again; he is paying for improving these conditions out there. Your down-town merchant with a stock of goods on his shelves is paying for sending people out there where they can not trade with him. That is what they have done and have been doing for years. Now, every man who has got a big tract of land in this District is busy, of course, looking after his own interests as a property owner. He would like to see improvements go on there and he raises a terrible storm of protest in the papers and otherwise against any change of the plan that would make him pay for his own improvements. Now, they claim that in the down-town section where the cir-

cles and boulevards have been established that the streets are wide and there the cost of improvements and maintenance would be great and ought to be paid out of the general fund, but when you come to the outlying sections that reason can not apply. Not a dollar of it should be paid by the little home owner of the District or the small merchant of the District of Columbia or the ordinary citizen of the United States; not a dollar of it, because millions of dollars would be made and are made and have been made under the policy of the District Commissioners by that sort of thing.

Mr. DYER. I would like to ask the gentleman a question.

Mr. BORLAND. Certainly.

Mr. DYER. I am anxious to know if in any other cities in the United States that plan is in operation?

Mr. BORLAND. I know of no other city. I will not say no other city, but I say I know of no other city. I want to show what the engineer commissioner of the District had to say about this thing of paying out of the general fund.

Mr. LOBECK. What page?

Mr. BORLAND. Page 102 of the hearings. Of course, he is a devotee of the present system, but I want to show you that in undertaking to compliment it he did compliment the other system. He said:

Mr. BURLESON. Now, Major, turn to page 58, and give us the reason for that proposed increase.

Maj. JUDSON. Under this item of assessment and permit work—

They call assessment and permit work that work which is done where half is paid back by the property owner; that is, for sidewalks and paving alleys. It is the only portion of the public improvements in the District that is paid by the abutting property owner.

Maj. JUDSON. Under this item of assessment and permit work, before last year the assessments that were made came back into this fund, but last year there was a provision made whereby these assessments when received should be credited to the United States and the District of Columbia half and half, and that accounts for the increase from $160,000 to $340,000 in this appropriation of 1911–12. Now all the money expended under this appropriation is in half part returned, one-half of that returned credited to the United States and one-half to the District. It is for the sidewalks, curbs, and the paving of alleys; and we like to push that work along because it is one of the few things that the people help pay for. We like to consent to doing any work of that kind when we can. The public gets more benefit with less expenditure on our part.

Now, here is the only place where the taxpayer and property owner of the District contributes for his own special improvements, and here the engineer commissioner of the District says that they like to do that improvement work because the public gets more benefit with less expenditure on our part.

Mr. MANN. Will the gentleman yield for a question?

Mr. BORLAND. In just a moment. He further says:

We ask now for a separation, however, of this assessment and permit fund into two parts, one for sewers and one for sidewalks, curbs, and alleys; and we ask for $240,000 for that part of it which will be applicable to curbs, sidewalks, and alleys, and on page 84 we ask for $150,000 applicable to sewers.

Mr. MANN. From what was the gentleman reading?

Mr. BORLAND. From the hearings before the subcommittee on the District of Columbia appropriation bill.

Mr. MANN. I thought the gentleman was reading from a printed report. Are they printed so that they are accessible?

Mr. BORLAND. They are; certainly.

Mr. MANN. A good many Members of the House have been trying to get them up to yesterday, and they were unable to obtain them.

Mr. BORLAND. I can only state from what I was reading.

Mr. FITZGERALD. I think that is true. It has not been customary in my service in the House to release the hearings before the Committee on Appropriations until the bill is reported. The bill was reported yesterday, and the hearings were then released.

Mr. MANN. I never had any difficulty before.

Mr. FITZGERALD. I have served on the committee more than six years, and that has been the uniform practice. The reason for that practice is to enable the committee to discharge their work impartially without having Members running to it endeavoring to influence them to do things against their judgment.

Mr. BUTLER. I know that is the practice. I know it is impossible for us to obtain these hearings until we sit down to consider a measure.

Mr. FITZGERALD. The practice was adopted for good reasons. Frequently officials of the Government would appear before the committee and either advocate or oppose certain things. Members who are interested in having certain things inserted in the bill get the hearings, and they pester the life out of the committee to put in the bill items that should not go in, urging them simply because some one stated they should be in.

Mr. MANN. That would have nothing to do with the hearings. It might be proper that the committee should not give out in advance a tentative bill, but I do not see how, if a man has the hearings, there should be any complaint from that source. While I will not undertake to question the statement of the gentleman from New York [Mr. FITZGERALD], who knows what the practice of the committee has been heretofore, I will say individually that I have succeeded, thinking it was contrary to no practice, in obtaining a hearing from the committee heretofore without question.

Mr. FITZGERALD. I think that was because the gentleman was regarded as in a peculiar class in the House, and, being as well informed as he is on all classes of business, special arrangements were made for his benefit.

Mr. MANN. My judgment would be that the committees making appropriations have not been anxious to favor me in reference to hearings. I think they have not favored me. But the practice to which I have referred has been customary as to all the Members of the House. The bill was reported in here yesterday, is taken up for consideration to-day, and the hearings not given to the Members until to-day. However, I am glad the hearings are printed. I supposed they had not been.

[The time of the gentleman from Missouri [Mr. BORLAND] having expired, by unanimous consent he was granted leave to conclude his remarks.]

Mr. BORLAND. Now, gentlemen, I want to say this: If a reform were instituted in that particular and special improvements which raised the value of these additions that are being put on the market were paid for by the owners of those additions, if every man paid for his own, if every man paid when he brought his property into the market and sold it for this high residential value, one of the mainstays in policies of this half-and-half principle would fail. You would find that a large class of gentlemen in this District who are now very influential in demanding the retention of the half-and-half principle are doing it because they are improving real estate at the expense of the small property owners of the District and the small taxpayers of the Nation. And when they cease to be able to speculate upon that enormous taxing power they would cease to be advocates of the heroic and high moral principle of the half-and-half contribution of the United States.

Just one more thought and I want to close.

I have not at this session introduced any bill to reform the tax laws of the District of Columbia, although I am convinced they ought to be reformed in two respects: First, that the United States ought to contribute only a fixed amount to the expense of the District and the balance raised by local taxation; second, that public improvements of a certain class should be paid for by the property owners themselves. And I intend to contest for those two principles until we finally can enact them into legislation or I close my career in this House.

Mr. FORNES rose.

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from New York?

Mr. BORLAND. I can not now.

But before doing so it was necessary to redeem the finances of the District from the chaos in which former Congresses have left them. The result, I want to say finally, to the small taxpayer in the District of Columbia, will be that the reduction in these bills will leave $1,946,000 of the revenues of the District unexpended. When we cut down this bill to $10,200,000, as the chairman of the subcommittee has reported, and charge only 50 per cent of that amount to the revenues of the District, and the District revenues only amount to $7,000.00, we have saved to the small property owner of the District $1,900,000. We can use that amount to extinguish the floating debt that was shouldered upon the people by these expenses and showy improvements that were made under former administrations, and it will come within $2,000 of wiping out the floating debt. One year longer or less, in a very few months longer, in a few weeks longer, the entire floating debt of the District of Columbia would be wiped out. The payment of interest by the people of the District of Columbia would cease; they would be on a sound financial basis to conduct their own improvements. If they have the courage to come out and demand that the speculators pay for public improvements out of their own pockets, they will find that the tax on the small home owner of the District will be very materially reduced. [Applause.]

Now I yield to the gentleman from New York.

Mr. FORNES. Would not a just and fair method of settlement be this: To have the Government property assessed the same as all other property in the city and have a tax rate placed upon that assessment like that placed upon other property in the District? Would not that be a just and fair con-

clusion and an equitable method of paying the taxes of the city?

Mr. BORLAND. That would be a very good suggestion. That is substantially in line with my own idea upon this subject. My original idea, I will say to the gentleman from New York, was that the Government might double the real-estate taxes of the District, or pay 40 per cent of the amount raised, or 33⅓ of the amount raised by real estate taxes after some apportionment had been made of the exact area of Government property used for Government purposes in the District, like that made upon private property used for private purposes, excluding, of course, for all taxable purposes the property used for general purposes, like parks or streets. If you balance the property used by the Government for governmental purposes and then place the real estate taxes on that basis, that would be an ample contribution by the Federal Government.

The Federal Government does not require any additional burden to be placed on the people of the District of Columbia, either for their policing or for their protection or for their sanitation or for their benefit of any other kind. The Government in all cases provides amply for the policing and sanitation and protection and watching of its own property, so that it imposes a very little burden on the people. But if it should contribute 30 or 40 per cent of the amount raised by real estate taxes in the District, it would be contributing a very liberal amount.

But, lest what I say might be perverted into a plan to raise the taxes on the small property owners of the District, I repeat again, there are unused taxing powers here in the District that could be enforced to reach the wealthy and prominent citizens of the District who are now not contributing their full share—powers of taxation that ought to be used and could be used were it not for this half-and-half principle. The minute the half-and-half principle is stricken down the men who come here and make a nominal residence here for the purpose of protecting themselves against local taxation in New York, or in Ohio, or in Missouri, or in the State of Colorado—men who come here and claim that this is their home because they have a furnished room here—could be reached and taxed for the benefit and relief of the general taxpayers of the District. There are ample taxing powers in the District to provide for all the District's share of taxation without increasing the taxes of the average citizen one dollar and, in fact, at an actual reduction of the taxes on the small man with a stock of goods on his shelves and the small property owner with a stock of household goods in his home.

Mr. JOHNSON of Kentucky rose.

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Kentucky?

Mr. BORLAND. Yes; I yield now to the gentleman from Kentucky.

Mr. JOHNSON of Kentucky. I wish to ask the gentleman from Missouri if it is not true that the public parks in the District of Columbia, such as Franklin Square, for instance, at Fourteenth and K Streets, and Lafayette Square, in front of the White House, and Lincoln Park, just above here, owned by the United States Government, are cared for in every respect by the United States Government in the keeping up of the flowers and the trees and the fountains and everything that is in those parks, and in policing them at the expense of the General Government, unparticipated in at all by the government of the District of Columbia? I will ask the gentleman if that is not true?

Mr. BORLAND. I understand that is true with respect to the Capitol Grounds, the White House grounds, Lafayette Square, Lincoln Park——

Mr. JOHNSON of Kentucky. And Potomac Park?

Mr. BORLAND. Yes, and Potomac Park; where the Government polices those properties and takes care of the roads there without expense to the city government at all, so that the contribution of the General Government to the expenses of the District of Columbia is not limited to this 50 per cent proposition. It is much greater than that. I repeat that when this floating debt has been wiped out the time will have come for this Congress to abandon, once for all, the half-and-half principle and put this city upon a sound foundation equal to that of the other great municipalities of the country. [Applause.]

Mr. BURLESON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. GARRETT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17681, the District of Columbia appropriation bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to Mr. LITTLEPAGE, for four days, on account of important business.

UNITED STATES COURT OF PATENT APPEALS.

By unanimous consent, the Committee on Patents was discharged from the further consideration of the bill (H. R. 9843) to establish a United States court of patent appeals, and the same was referred to the Committee on the Judiciary.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. BURLESON. Mr. Speaker, the list of those desiring to be heard in general debate to-day has been exhausted, and I now desire to arrange with the gentleman from Ohio [Mr. TAYLOR] for a limitation upon the general debate on this bill.

I ask unanimous consent that general debate be limited to two hours, one-half to be controlled by the gentleman from Ohio [Mr. TAYLOR], one-half by myself, and that the debate be confined to District matters.

The SPEAKER. The gentleman from Texas asks unanimous consent that general debate on the District of Columbia appropriation bill be confined to two hours, one half to be controlled by himself and the other half by the gentleman from Ohio [Mr. TAYLOR], and that the debate be confined to District matters. Is there objection?

There was no objection.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 12737. An act to amend the Code of Law for the District of Columbia regarding insurance.

H. R. 13196. An act to provide for the transfer of certain causes and proceedings to the southern division of the middle district of Alabama.

ADJOURNMENT.

Mr. BURLESON. I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 52 minutes p. m.) the House adjourned until Saturday, January 13, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Altamaha, Oconee, and Okmulgee Rivers, Ga. (H. Doc. No. 443); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of harbor at New Bedford and Fairhaven, Mass. (H. Doc. No. 442); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

3. A letter from the Secretary of War, transmitting list of leases of Government property made by the Secretary of War during the calendar year 1911 (H. Doc. No. 440); to the Committee on Public Buildings and Grounds and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Navy submitting a supplemental estimate of appropriations required by the Navy Department for battle compasses for the fiscal year 1913 (H. Doc. No. 441); to the Committee on Naval Affairs and ordered to be printed.

5. A letter from the Secretary of the Treasury revising his estimates of appropriations for the Treasury Department for the fiscal year ending June 30, 1913 (H. Doc. No. 439); to the Committee on Appropriations and ordered to be printed.

6. Maps from the Assistant Secretary of War to accompany report of Chief of Engineers of survey of Tennessee River (part of H. Doc. No. 360); to the Committee on Rivers and Harbors and ordered to be printed as part of House Document No. 360.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HAMLIN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 16693) to extend the time for the completion of the municipal bridge at St. Louis, Mo., reported the same without amendment, accom-

panied by a report (No. 229), which said bill and report were referred to the House Calendar.

Mr. McGUIRE of Oklahoma, from the Committee on Indian Affairs, to which was referred the bill (S. 2) supplementary to and amendatory of the act entitled "An act for the division of the lands and funds of the Osage Nation of Indians in Oklahoma," approved June 28, 1906, and for other purposes, reported the same with amendment, accompanied by a report (No. 230), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 13066) granting a pension to William S. Smith; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17507) granting a pension to Richard D. Powers; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17533) granting a pension to Lucy A. Jeffcott; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HAWLEY: A bill (H. R. 17732) to increase the limit of cost for the erection and completion of the United States post-office building at Albany, Oreg.; to the Committee on Public Buildings and Grounds.

By Mr. TAGGART: A bill (H. R. 17733) making appropriation for the improvement of the Kansas River; to the Committee on Rivers and Harbors.

By Mr. HAWLEY: A bill (H. R. 17734) for the construction of a road across the Cascade Mountains in Oregon; to the Committee on Agriculture.

Also, a bill (H. R. 17735) for the completion of the construction of a road across a portion of the Crater National Forest in Oregon; to the Committee on Agriculture.

By Mr. WEEKS: A bill (H. R. 17736) for reduction of postage rates on first-class mail matter; to the Committee on the Post Office and Post Roads.

By Mr. BYRNES of South Carolina: A bill (H. R. 17737) to amend an act entitled "An act to authorize the building of a dam across the Savannah River at or near the mouth of Stevens Creek between the counties of Edgefield, S. C., and Columbia, Ga.," approved August 5, 1909; to the Committee on Interstate and Foreign Commerce.

By Mr. LITTLEPAGE: A bill (H. R. 17738) for reduction of postage rates on first-class mail matter; to the Committee on the Post Office and Post Roads.

By Mr. ROTHERMEL: A bill (H. R. 17739) to provide for the printing of farmers' bulletins known as Poultry Management; to the Committee on Printing.

By Mr. CRAVENS: A bill (H. R. 17740) to provide for the erection of a public building at Mena, Ark.; to the Committee on Public Buildings and Grounds.

By Mr. STONE: A bill (H. R. 17741) to provide for admission of volunteer soldiers and sailors who served in the United States Army or Navy in the War with Spain or the Philippine insurrection and who are afflicted with tuberculosis to the United States Public Health and Marine-Hospital Service sanatorium at Fort Stanton, N. Mex.; to the Committee on Interstate and Foreign Commerce.

By Mr. SPEER: A bill (H. R. 17742) to provide for the purchase of a site and the erection of a public building thereon in the city of Franklin, State of Pennsylvania; to the Committee on Public Buildings and Grounds.

By Mr. GLASS: A bill (H. R. 17743) to erect a customhouse and post-office building in the city of Salem, Va.; to the Committee on Public Buildings and Grounds.

By Mr. FLOYD of Arkansas: A bill (H. R. 17744) providing for the purchase of a site and the erection of a public building thereon at the city of Rogers, Ark.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17745) providing for the purchase of a site and the erection of a public building thereon at the city of Bentonville, Ark.; to the Committee on Public Buildings and Grounds.

By Mr. CARLIN: A bill (H. R. 17746) to provide for the construction of a memorial bridge across the Potomac River from Washington to the Arlington estate property; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 17747) to provide for the building of a public avenue on the south side of the Potomac River from the city of Washington to Mount Vernon; to the Committee on Claims.

Also, a bill (H. R. 17748) authorizing the Secretary of War to have constructed a direct road leading from the southern end of the new Highway Bridge across the Potomac River to the national cemetery at Arlington and Fort Myer; to the Committee on Military Affairs.

Also, a bill (H. R. 17749) authorizing the Secretary of War to have repaired the military road to Balls Bluff, in the county of Loudoun, Va.; to the Committee on Military Affairs.

Also, a bill (H. R. 17750) authorizing the Secretary of War to have macadamized the roadway upon the Government property between the United States Government experimental farm and the Arlington Military Cemetery, in the county of Alexandria, Va.; to the Committee on Military Affairs.

Also, a bill (H. R. 17751) to transfer to the Secretary of War jurisdiction over the site acquired for a reformatory for the District of Columbia, in Fairfax County, Va., and for other purposes; to the Committee on Military Affairs.

By Mr. STEPHENS of Texas: A bill (H. R. 17752) to authorize the payment of certain Chippewa funds on deposit in the United States Treasury; to the Committee on Indian Affairs.

By Mr. LAFEAN: A bill (H. R. 17753) to increase the pension of soldiers and sailors who are disabled from injury received or diseases contracted while in the United States service; to the Committee on Invalid Pensions.

By Mr. PRAY: A bill (H. R. 17754) to amend sections 1 and 2 of the act of Congress of June 22, 1910, entitled "An act to provide for agricultural entries on coal lands," so as to include other forms of entry; to the Committee on the Public Lands.

By Mr. LINTHICUM: A bill (H. R. 17755) providing for an examination and survey of the York Spit Channel; to the Committee on Rivers and Harbors.

By Mr. JONES: A bill (H. R. 17756) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes"; to the Committee on Insular Affairs.

By Mr. JOHNSON of Kentucky: A bill (H. R. 17757) to increase the compensation of the Commissioners of the District of Columbia; to the Committee on the District of Columbia.

Also, a bill (H. R. 17758) authorizing the President of the United States to appoint the auditor for the District of Columbia; to the Committee on the District of Columbia.

Also, a bill (H. R. 17759) authorizing the President of the United States to appoint the corporation counsel for the District of Columbia; to the Committee on the District of Columbia.

By Mr. LEE of Pennsylvania: A bill (H. R. 17760) authorizing an appropriation for a dry dock at the Philadelphia Navy Yard; to the Committee on Naval Affairs.

By Mr. REILLY: A bill (H. R. 17761) to encourage the sale and exportation of articles of domestic manufacture; to the Committee on Ways and Means.

By Mr. WICKLIFFE: A bill (H. R. 17762) authorizing a survey of a certain portion of Lake Pontchartrain, in Louisiana; to the Committee on Rivers and Harbors.

By Mr. NEEDHAM: Concurrent resolution (H. Con. Res. 33) providing for the preliminary examinations and surveys of the Stockton and Mormon Channels, Cal.; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 17763) granting an increase of pension to Walter Griffin; to the Committee on Invalid Pensions.

By Mr. ADAIR: A bill (H. R. 17764) granting an increase of pension to William Shaw; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17765) granting an increase of pension to William L. Whetstone; to the Committee on Invalid Pensions.

By Mr. BARCHFELD: A bill (H. R. 17766) granting a pension to Marie L. Puhlman; to the Committee on Pensions.

By Mr. BATHRICK: A bill (H. R. 17767) granting a pension to Amos L. Hood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17768) granting a pension to Willard A. Farmer; to the Committee on Pensions.

Also, a bill (H. R. 17769) granting a pension to Ora D. Kemper; to the Committee on Pensions.

Also, a bill (H. R. 17770) granting a pension to Mela Hall, widow of Benjamin Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17771) granting a pension to William H. Brown; to the Committee on Pensions.

Also, a bill (H. R. 17772) granting an increase of pension to Hiram Medley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17773) granting an increase of pension to Ralph G. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17774) to correct the military record of Walter N. Scott; to the Committee on Military Affairs.

By Mr. BROWN: A bill (H. R. 17775) granting an increase of pension to Helen B. Harrison; to the Committee on Invalid Pensions.

By Mr. BULKLEY: A bill (H. R. 17776) for the relief of Joseph Kuehne; to the Committee on Claims.

Also, a bill (H. R. 17777) granting an increase of pension to Belona B. Moran; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17778) granting an increase of pension to William M. Wallace; to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 17779) for the relief of Nelson Wallace; to the Committee on Claims.

Also, a bill (H. R. 17780) granting a pension to David C. McMillan; to the Committee on Pensions.

Also, a bill (H. R. 17781) granting an increase of pension to Albert S. Mason; to the Committee on Pensions.

By Mr. CATLIN: A bill (H. R. 17782) granting a pension to Helen Hascall Woodward; to the Committee on Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 17783) granting an increase of pension to Ezra H. Martin; to the Committee on Invalid Pensions.

By Mr. CRAVENS: A bill (H. R. 17784) granting a homestead patent to James E. Luster; to the Committee on the Public Lands.

Also, a bill (H. R. 17785) granting a homestead patent to Mrs. Zella Hargrove Gaither; to the Committee on the Public Lands.

By Mr. DAVIS of West Virginia: A bill (H. R. 17786) for the relief of Henry Borman; to the Committee on Military Affairs.

By Mr. DICKINSON: A bill (H. R. 17787) granting a pension to Penelope A. White; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17788) granting a pension to Virginia Hager; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17789) granting an increase of pension to Levi Covey; to the Committee on Invalid Pensions.

By Mr. FLOYD of Arkansas: A bill (H. R. 17790) granting a pension to William W. Hixson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17791) granting a pension to Robert Lane; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17792) granting an increase of pension to James M. Farmer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17793) to correct the military record of James M. Morrow; to the Committee on Military Affairs.

Also, a bill (H. R. 17794) to correct the military record of James H. Cowan; to the Committee on Military Affairs.

Also, a bill (H. R. 17795) to correct the military record of George W. Boling; to the Committee on Military Affairs.

Also, a bill (H. R. 17796) to correct the military records of Mat Grub, John Simpson, William Stroud, Abe Broom, Jeff Phillips, and Adam Phillips; to the Committee on Military Affairs.

Also, a bill (H. R. 17797) to correct the military record of William Pearson; to the Committee on Military Affairs.

By Mr. GOOD: A bill (H. R. 17798) granting a pension to Emma Lynch; to the Committee on Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 17799) granting a pension to William C. Wheaton; to the Committee on Invalid Pensions.

By Mr. LEE of Georgia: A bill (H. R. 17800) granting an increase of pension to Allen Philpot; to the Committee on Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 17801) granting an increase of pension to Ellen R. Shoppell; to the Committee on Invalid Pensions.

By Mr. McHENRY: A bill (H. R. 17802) granting an honorable discharge to John W. Derrick; to the Committee on Military Affairs.

By Mr. MORGAN: A bill (H. R. 17803) granting a pension to Heinrich Brauz; to the Committee on Pensions.

Also, a bill (H. R. 17804) granting a pension to Bennett S. Musser; to the Committee on Invalid Pensions.

By Mr. NEEDHAM: A bill (H. R. 17805) granting a pension to Myra G. Schroder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17806) granting an increase of pension to Oliver H. P. Bailey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17807) granting an increase of pension to Edward Fickert; to the Committee on Pensions.

By Mr. NYE: A bill (H. R. 17808) granting a pension to Roswell R. Hurlburt; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 17809) to refund moneys paid into the Treasury of the United States through mistake; to the Committee on War Claims.

By Mr. PADGETT: A bill (H. R. 17810) for the relief of heirs of James Rockwell, deceased; to the Committee on Claims.

By Mr. PALMER: A bill (H. R. 17811) for the relief of Gertrude A. Dotterer; to the Committee on Military Affairs.

Also, a bill (H. R. 17812) for the relief of Theodore W. Kreamer; to the Committee on Military Affairs.

By Mr. ROTHERMEL: A bill (H. R. 17813) for the relief of the Agricultural and Horticultural Association of Berks County, Pa.; to the Committee on War Claims.

By Mr. SLOAN: A bill (H. R. 17814) granting a pension to Emma Hughes; to the Committee on Invalid Pensions.

By Mr. SWITZER: A bill (H. R. 17815) to remove the charge of desertion from the military record of Frederick Boeden; to the Committee on Military Affairs.

By Mr. THOMAS: A bill (H. R. 17816) granting an increase of pension to James H. Lile; to the Committee on Pensions.

By Mr. WILSON of New York: A bill (H. R. 17817) for the relief of Edward Shultz; to the Committee on Claims.

By Mr. WOODS of Iowa: A bill (H. R. 17818) granting a pension to John E. Smith; to the Committee on Invalid Pensions.

By Mr. REDFIELD: A bill (H. R. 17819) granting an increase of pension to Matilda A. Gage; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Petition of T. E. Barnes and 45 other citizens of Mohawk Village, Ohio, and vicinity, asking for the passage of the Sulzer parcel-post bill (H. R. 14); to the Committee on the Post Office and Post Roads.

By Mr. AYRES: Memorials of Chicago Civil Service League and of the National Federation of Post Office Clerks, in favor of House bill 5970; to the Committee on Reform in the Civil Service.

By Mr. BARCHFELD: Petition of the Allegheny County Sweig D. R. K. Staats-Verband, of Pittsburgh, Pa., favoring House bill 2896, to provide a tax on white-phosphorus matches; to the Committee on Ways and Means.

Also, papers to accompany bill for the relief of Marie L. Puhlman; to the Committee on Pensions.

By Mr. BARTHOLDT: Petitions of 2,386 Army women and 279 physicians, in favor of the restoration of the Army canteen; to the Committee on Military Affairs.

By Mr. BARTLETT: Resolutions of International Molders' Union of North America, No. 349, of Macon, Ga., against the Smoot bill; to the Committee on Printing.

Also, petition of W. G. Tyrus and others, of Milner, Ga., against the parcel post; to the Committee on the Post Office and Post Roads.

Also, petitions of Barnesville (Ga.) Bottling Works; A. W. Kirsey and others, of Upson County, Ga.; M. H. Thompson and others, of Georgia; Maurice Garr and Howard Garr, of Jackson, Ga.; C. T. Floyd and others, of Thomaston, Ga.; and Cox & Chappell, of Macon, Ga., for reduction of tariff on sugar; to the Committee on Ways and Means.

Also, resolution of the Cotton Seed Crushers' Association of Georgia, praying the enactment of such legislation as will effectually prevent the imposition of prejudicial and discriminatory duties on cottonseed oil by foreign countries; to the Committee on Ways and Means.

By Mr. CARY: Resolutions of the executive board, Wisconsin State Federation of Labor, indorsing House bill 11372; to the Committee on the Merchant Marine and Fisheries.

By Mr. CATLIN: Resolution of Lodge No. 37, Switchmen's Union of America, of St. Louis, Mo., urging a reduction of the tax on oleomargarine; to the Committee on Agriculture.

Also, resolution of the Missouri Drummers' Association, against the parcel post; to the Committee on the Post Office and Post Roads.

Also, resolutions of the Millinery Jobbers' Association as opposed to the establishment of a parcel-post service; to the Committee on the Post Office and Post Roads.

Also, petitions of St. Augustine's Arbeitwohl Society, German Catholic Society, and St. Joseph's Benevolent Society, of St. Louis, Mo., urging the passage of the Esch bill, providing for a

tax upon white-phosphorus matches, and for other purposes; to the Committee on Ways and Means.

By Mr. COOPER: Petition of Imperial Bit & Snap Co., Racine Auto Tire Co., and Racine Tank Lug Co., of Racine, Wis., against enactment of legislation to extend the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. DAUGHERTY: Petition of citizens of Missouri and Arkansas, favoring an amendment to the Constitution for woman suffrage; to the Committee on the Judiciary.

Also, petitions of O. P. Wimmer and others, of Liberal, Mo., favoring reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of citizens of Missouri, favoring old-age pensions; to the Committee on Pensions.

By Mr. DICKSON of Mississippi: Memorial of Enterprise Lodge, No. 169, International Association of Machinists, protesting against the so-called Smoot printing bill; to the Committee on Printing.

Also, memorial of Woman's Culture Club of Hazlehurst, Miss., urging that the tax on oleomargarine be repealed; also, for inspection of dairy products; to the Committee on Agriculture.

By Mr. DOUGHTON: Petition of citizens of Taylorsville, N. C., for an effective interstate liquor bill; to the Committee on the Judiciary.

By Mr. DRAPER: Memorial of Chicago Civil Service League, in favor of the passage of Senate bill 1162 and House bill 5970; to the Committee on Reform in the Civil Service.

Also, memorial of Woman's Republican Club of New York, in favor of children's bureau; to the Committee on Interstate and Foreign Commerce.

By Mr. FLOYD of Arkansas: Petition of citizens of Baxter County, Ark., protesting against the establishment of a parcel post; to the Committee on the Post Office and Post Roads.

By Mr. FORNES: Memorial of National Federation of Post-Office Clerks, in favor of Senate bill 1162 and House bill 5970; to the Committee on Reform in the Civil Service.

Also, memorial of Woman's Republican Club of New York, in favor of children's bureau; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of the American National Live Stock Association, favoring the retention of the duties on live stock and its products, etc.; to the Committee on Ways and Means.

Also, petition of W. L. and Charles F. Ritter, of Genoa, Ill., favoring the passage of the Esch phosphorus bill; to the Committee on Ways and Means.

Also, petition of the J. D. Tower & Sons Co., of Mendota, Ill., favoring the passage of House bill 11543, concerning proposed amendment of corporation-tax law; to the Committee on Ways and Means.

Also, petition of the Equal Rights Association of Kentucky, favoring amendment to Federal Constitution for an election of Senators by popular vote; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. GALLAGHER: Resolution of the Chicago Civil Service League, favoring Senate bill 1162 and House bill 5970, providing for the restoration to the Federal civil-service employees of their inherent rights as citizens; to the Committee on Reform in the Civil Service.

By Mr. GOLDFOGLE: Memorial of Woman's Republican Club of New York, for children's bureau; to the Committee on Interstate and Foreign Commerce.

By Mr. GREGG of Pennsylvania: Petitions of Grange No. 244, Patrons of Husbandry, of Butler County, Pa., and Grange No. 1421, Patrons of Husbandry, of Slippery Rock, Pa., praying that special tax of 10 cents per pound on oleomargarine, colored in imitation of yellow butter, be permitted to remain; to the Committee on Agriculture.

Also, petitions of George Glass and other citizens of Chicora, Pa., and of J. Frank Whitesell, of Avonmore, Pa., against the parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Scottdale Woman's Christian Temperance Union, of Westmoreland County, Pa., for an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. GUERNSEY: Petitions of citizens of Maine, in favor of old-age pensions; to the Committee on Pensions.

By Mr. HANNA: Petition of residents in Williston land district, in North Dakota, relative to certain acts of Congress; to the Committee on the Public Lands.

Also, petition of Karel Karel, of Lidgerwood, N. Dak., in favor of House bill 14; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Enderlin, N. Dak., in favor of parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Charles Kopky, of North Dakota, urging that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petition of Company I, First Infantry, North Dakota National Guard, in favor of House bill 8141; to the Committee on Military Affairs.

Also, petition of W. O. Hanson, of Minot, N. Dak., against Senate bill 404, etc.; to the Committee on the District of Columbia.

Also, memorial of Chicago Civil Service League, in favor of the passage of Senate bill 1162 and House bill 5970; to the Committee on Reform in the Civil Service.

By Mr. HUGHES of New Jersey: Petition of Kornhoff Bros., of Garfield, N. J., urging that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. HUMPHREY of Washington: Petitions of citizens of the State of Washington, in favor of old-age pensions; to the Committee on Pensions.

By Mr. JACKSON: Papers to accompany bill for the relief of W. S. Smith; to the Committee on Invalid Pensions.

By Mr. LINDBERGH: Petition of D. M. Clark and other merchants of Brainerd, Minn., against the parcel post; to the Committee on the Post Office and Post Roads.

Also, petitions of George L. Treat and five other citizens of Alexandria, Minn.; Otto C. Perske, of Akely, Minn.; and Frank Schmid, of Avon, Minn., favoring reduction in duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of P. V. Collins, of Minneapolis, Minn., urging repeal of Canadian reciprocity act; to the Committee on Ways and Means.

Also, memorial of Massachusetts Association of Union Volunteer Officers of the Civil War, for officers' retired list bill; to the Committee on Military Affairs.

Also, memorial of National Woman's Christian Temperance Union, for reimbursement of the Ellen M. Stone ransom; to the Committee on Claims.

By Mr. LINDSAY: Memorial of National Federation of Post Office Clerks, in favor of Senate bill 1162 and House bill 5970; to the Committee on Reform in the Civil Service.

By Mr. LOBECK: Petition of merchants, business men, voters, and taxpayers of Nebraska, against the parcel post; to the Committee on the Post Office and Post Roads.

Also, petitions of Gray & Gassford and other merchants of Herman; of Henry Christensen and other merchants of Washington; of P. G. Rohmer and other merchants of Waterloo; of John Nissen and other merchants of Kennard; of William Sievers and other merchants of Fort Calhoun; of Sas Bros. and other merchants of Blair; of Peters Bros. and other merchants of Millard; of Reckmeyer Hardware Co. and other merchants of Arlington; of F. B. Bell and other merchants of Papillon; of Thomas Nelson and other merchants of Springfield; of Johnson Co. and other merchants of Valley; of William F. Hackman and other merchants of Irvington; of Theo. W. McClure and other merchants of Florence; of Henry Bay and other merchants of Elkhorn; of August Witte and other merchants of Bennington; and of Langdon & Stahl and other merchants of Gretna, all in the State of Nebraska, against enacting law favoring parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. LOUD: Petition of George H. Simmons and 243 citizens of Bay County, Mich., urging the passage of Berger old-age pension bill; to the Committee on Pensions.

By Mr. MAHER: Memorial of Chicago Civil Service League and National Federation of Post Office Clerks, in favor of the passage of Senate bill 1162 and House bill 5970; to the Committee on Reform in the Civil Service.

By Mr. MATTHEWS: Petition of business men in New Wilmington, Beaver, Beaver Falls, Rochester, Ellwood City, West Bridgewater, Freedom, and New Brighton, all in Pennsylvania, protesting against the passage of any bill looking to the enactment into law of any recommendation with reference to the parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Hanlin Station, Pa., asking reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of Washington (Pa.) Grange, No. 1489, Patrons of Husbandry, protesting against removal of tax on oleomargarine; to the Committee on Agriculture.

Also, memorial of Woman's Christian Temperance Union of Craton and New Castle, Pa., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. McCALL: Petition of Company A, Eighth Regiment Massachusetts Volunteer Militia, in favor of House bill 8141; to the Committee on Military Affairs.

By Mr. McHENRY: Petition of Benton Grange, No. 88, Patrons of Husbandry, Benton, Pa., asking that the oleomar-

garine law be so amended as to contain certain provisions, as stated in said petition; to the Committee on Agriculture.

By Mr. MORSE of Wisconsin: Memorial of residents of Bethel, Wis., and also by residents of the surrounding country, against the passage of the Johnston Sunday bill (S. 237), proposing the proper observance of Sunday as a day of rest in the District of Columbia, or any like measure; to the Committee on the District of Columbia.

Also, memorial of the executive board of the American Society of Equity in session at Madison, Wis., against the reduction of import duty on raw sugar; to the Committee on Ways and Means.

Also, memorial of the Seventh-day Adventist Church of Bethel, Wis., against the passage of Mann bill (H. R. 9433), observing Sunday in post offices; to the Committee on the Post Office and Post Roads.

Also, petition of Local Union No. 820, United Brotherhood of Carpenters and Joiners, of Grand Rapids, Wis., favorable to Booher bill (H. R. 5601); to the Committee on Labor.

By Mr. MOORE of Pennsylvania: Resolutions of Philadelphia Chapter of American Institute of Architects, favoring the site selected by the park commission for a memorial to Abraham Lincoln; to the Committee on the Library.

Also, resolutions of National Federation of Post Office Clerks, defining their position with regard to the American Federation of Labor and urging the passage of House bill 5970; to the Committee on Reform in the Civil Service.

By Mr. MOTT: Memorial of Conservation Commission of the State of New York, in favor of the passage of House bill 14120; to the Committee on Agriculture.

By Mr. NEEDHAM: Memorial of Board of Supervisors of Fresno County, Cal., opposing enlargement of the Sequoia Park; to the Committee on the Public Lands.

Also, memorial of San Francisco (Cal.) Chamber of Commerce, opposing reduction in duties on sugars until it can be shown by report of Tariff Commission that such reduction will not interfere with the beet-sugar interests in this country; to the Committee on Ways and Means.

By Mr. PALMER: Memorial of Central Labor Council of Oakland, Cal., urging passage of Esch phosphorus bill; to the Committee on Ways and Means.

By Mr. PICKETT: Petition of the Honey Creek Quarterly Meeting of the Friends Church, consisting of 727 members, assembled at New Providence, Hardin County, Iowa, in favor of bill prohibiting the bringing into prohibition territory intoxicating liquors to sell in violation of the laws of the State; to the Committee on the Judiciary.

Also, petitions of citizens of Cedar Falls, Iowa, in favor of the Berger old-age pension bill; to the Committee on Pensions.

By Mr. PRAY: Petitions of citizens of Helena and Geyser, Mont., for reduction in duties on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of citizens of Montana, in favor of deepening St. Lucie Inlet and New River, Fla.; to the Committee on Rivers and Harbors.

Also, petition of Christian Endeavor Society of Montana, in favor of proposed peace treaties; to the Committee on Foreign Affairs.

By Mr. REYBURN: Memorial of American Institute of Architects, for Lincoln memorial as recommended by the National Fine Arts Commission; to the Committee on the Library.

Also, memorial of National Federation of Post Office Clerks, relative to certain executive orders; to the Committee on Reform in the Civil Service.

By Mr. SPEER: Papers to accompany House bill 5577, granting an increase of pension to Sidney J. Crocker; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 15894, granting an increase of pension to Wells C. Sherrick; to the Committee on Invalid Pensions.

Also, petitions of Grange No. 1346, Patrons of Husbandry, of Clarks Mills, Pa., and Grange No. 1178, Patrons of Husbandry, of St. Marys, Pa., protesting against the passage of any bill providing for the removal of the special tax on oleomargarine; to the Committee on Agriculture.

Also, memorial of the Seventh-day Adventist Church of Warren, Pa., protesting against the passage of House bill 9433; to the Committee on the Post Office and Post Roads.

Also, resolutions of the Chicago Civil Service League, urging the passage of Senate bill 1162 and House bill 5970; to the Committee on Reform in the Civil Service.

By Mr. SULZER: Petition of A. H. Home, of Goldfield, Nev., for the passage of hydroelectric right-of-way bill; to the Committee on the Public Lands.

Also, memorial of German Society of Forest Park, Ill., in favor of the passage of House resolution 166; to the Committee on Immigration and Naturalization.

Also, memorial of German Catholic Society of New York, in favor of the passage of House bill 2896; to the Committee on Ways and Means.

Also, memorial of Chicago Civil Service League, in favor of Senate bill 1162 and House bill 5970; to the Committee on Reform in the Civil Service.

By Mr. THOMAS: Petition of sundry citizens of Muhlenberg County, Ky., in favor of Berger old-age pension bill; to the Committee on Pensions.

By Mr. TUTTLE: Petition of citizens of New Jersey, urging that the duties on raw and refined sugars be eliminated; to the Committee on Ways and Means.

By Mr. UNDERHILL: Petition of Cigar Makers' Local Union No. 348, relative to certain provision of revenue laws; to the Committee on Ways and Means.

By Mr. WILDER: Petition of citizens of Marlboro, Mass., in favor of the passage of House bill 8141, etc.; to the Committee on Military Affairs.

By Mr. WILLIS: Petition of Arthur Parthemer and 75 other citizens of Union County, Ohio, asking for the enactment of a law providing old-age pensions for deserving men and women over 60 years of age; to the Committee on Pensions.

By Mr. WILSON of New York: Memorial of Chicago Civil Service League, favoring Senate bill 1162 and House bill 5970; to the Committee on Reform in the Civil Service.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January 13, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, our heavenly Father, from whom nothing is hid, with bowed heads and uncovered hearts we stand in Thy presence. Thou knowest us altogether—our weaknesses, our sins, the foibles of our nature. Pardon, we beseech Thee, our infirmities, forgive our sins, clarify our minds, quicken our consciences, and strengthen us to do Thy will, that whatsoever our hands find to do this day may be done with an eye single to Thy glory. "If we can put some touches of golden sunset into the life of any man or woman, then we shall feel we have wrought with God." In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

MUNICIPAL BRIDGE AT ST. LOUIS, MO.

Mr. HAMLIN. Mr. Speaker, on yesterday I was instructed by the Committee on Interstate and Foreign Commerce to report the bill (H. R. 16693) to extend the time for the completion of the municipal bridge at St. Louis, Mo. The author of the bill very kindly offered to prepare the report, and I very gladly accepted his services, but I discover on reading the report this morning that it is not as full as it should be. It does not contain the report of the War Department on the bill, and I submit a request for a reprint of the report so as to include the report of the War Department.

The SPEAKER. If there be no objection, the request will be granted.

There was no objection.

COMMITTEE ON ELECTIONS NO. 1.

Mr. COVINGTON. Mr. Speaker, I desire to present a resolution which simply provides that the Committee on Elections No. 1 be authorized to sit during the sessions of the House.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 370.

Resolved, That the Committee on Elections No. 1 is hereby granted leave to sit during the sessions of the House.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. BURLESON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill making appropriations for the expenses of the District of Columbia.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 17681) making appropriations

to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes, with Mr. GARRETT in the chair.

Mr. BURLESON. Mr. Chairman, when the subcommittee of the Appropriations Committee charged with the responsibility of preparing the District appropriation bill for submission to the Appropriation Committee met for the discharge of its duty, a glance at the daily Treasury statement disclosed the fact that we were confronted with a deficit largely in excess of $20,000,000, which was increasing day by day. In addition to this embarrassing situation the estimates transmitted to the Congress by the heads of the various departments asked for increased appropriations over the amounts appropriated for the fiscal year 1912.

In addition, as is well known to us all, the House had just passed a pension bill which, if same should become law, would entail an additional burden on the Treasury of from $20,000,000 to $75,000,000. Considering these conditions, your committee was impressed with the pressing necessity of carefully scrutinizing the estimates submitted for the support of the District government, with a view to curtailing expenditures where it was possible to do so without endangering the efficiency of the public service. For the reasons stated your committee felt constrained to exercise economy in the preparation of this bill, and it stands ready to explain and defend the action it has taken.

At the outset I want to state that in the preparation of this bill for submission to your Committee on Appropriations the majority members of the subcommittee had the earnest cooperation and assistance of its minority members, the gentleman from Ohio [Mr. TAYLOR] and the gentleman from New York [Mr. DWIGHT], and that the bill as reported to the entire committee was the fruit of the labors of all the members of the subcommittee. The bill as the subcommittee reported it met the approval of the Committee on Appropriations, and it is now before you for your consideration.

The bill carries no authorization for new employments save for certain new services which have been inaugurated since the passage of the last District bill. The broad reason controlling your committee for refusing any authorization for new places is that it was our deliberate judgment, after most careful consideration of every suggestion brought before us, that no more are necessary at this time.

The bill carries a few reductions of offices which will be explained and discussed when it is taken up under the five-minute rule. The bill carries increases of compensation for but two employees engaged in the service of the District government, being laundresses employed at the Tuberculosis Hospital. These increases were made because the subcommittee felt that they were not receiving a fair adequate compensation for services they were rendering. In every instance the subcommittee refused to grant increases of the salary for the employee of the District government because of length of service or because of faithful and efficient performance of duty. Some of us have served on this subcommittee for a number of years, and we were aware of the fact that for years the practice has obtained of increasing salaries solely because of length of service or meritorious and efficient performance of duty, and in the law now are numerous instances where the compensation authorized is out of proportion to the services being rendered. It was our purpose or desire in every case to allow a fair, just, adequate compensation for the work being performed for the District by those in its service.

I want to give emphatic assurance to the members of this committee that in no instance have we cut the estimates in such way as to impair or endanger the efficiency of the service being done by the particular division or department of the municipal government where a cut is made. We were careful in every instance to see that an adequate sum was provided for the proper performance of the functions of the particular division or bureau or department of the municipal government with which we were dealing, and, Mr. Chairman, each and every member of the subcommittee stands ready now to defend every item where a cut has been made, and we feel confident that we can submit facts which will justify every reduction made and that such reduction will meet with the approval of the Members of this body. [Applause.]

Many reductions have been made, not radical in character, not without reference to the interests of the District government, but cuts which a proper regard for the District revenues and the Public Treasury demanded at our hands.

The estimate submitted to your committee, transmitted through regular channels, as required by law, was for $12,954,720.50. The amount authorized by existing law for the expenses of the District government for the fiscal year 1912 is $12,061,286.50. This bill carries $10,302,208. We have cut the estimates $2,652,512.50, and we have reduced the amount carried in last year's bill by $1,759,078.50.

If this bill as we present it shall become law, if it meets with your approval and no material increases are made at the other end of the Capitol, at the end of the fiscal year 1913, for which we are appropriating, the unfunded indebtedness of this District for which it is liable at this time will be completely liquidated. Under the provisions of this bill $1,946,573.50 of District revenues for the next fiscal year remain unappropriated, which is within $2,952.94 of the estimated amount of the unfunded indebtedness at the end of the fiscal year 1913. When you take into consideration the fact that appropriations always exceed expenditures by an average of 2 per cent there will be an abundance of revenue to meet this sum of $2,952.94, and at the beginning of the fiscal year 1914, for the first time in many, many years, the District government will have a surplus to her credit upon the books of the Treasury of the United States.

This bill has been subjected to some little criticism by the local press. Mr. Chairman, that was to be expected. Everybody favors economy unless the effort to economize is brought home to his own door. Mr. Chairman, it is true we all favor economy, we all urge economy in the expenditure of public money, but, Mr. Chairman, it is also true that it is human nature whenever you confront the particular individual who is enjoying a Government appropriation with the necessity of reducing his appropriation that immediately an outcry is raised that this particular appropriation is all right; in fact, absolutely necessary and that you must commence the cut elsewhere. This is the first appropriation bill brought before this Congress.

Mr. ADAIR. Mr. Chairman, will the gentleman yield?

Mr. BURLESON. Yes.

Mr. ADAIR. Has the gentleman noticed in any paper published outside of the District of Columbia any objection to the reduction of the amount carried by this bill?

Mr. BURLESON. No; I have not, and for two reasons. I have not had time since this bill was reported to read newspapers published beyond the limits of the District. The truth is, I have not found time to read carefully the papers published here, but of course outside papers will not criticize the cut, because it is being made at the other fellow's expense, and as I have said, we all favor economy when it does not touch our own projects.

Mr. ADAIR. The gentleman is not expecting any opposition from outside, is he?

Mr. BURLESON. No, indeed; I am not expecting opposition from newspapers or anyone else beyond the limits of the District of Columbia, nor do I anticipate any serious opposition in this Chamber after this committee has heard the reasons which moved us to make reductions. As I was saying, there has been some criticism of the bill by the local press; and particular criticism has been directed against the committee on the bill because of its treatment of the public schools. I do not desire to discuss the details of the bill at this time, because it can be done more satisfactorily when we reach particular items of the bill under the five-minute rule; but there are two or three points to which I invite the attention of the committee in order that I may answer the objections that are being urged against the treatment accorded by the Committee on Appropriations to certain of the municipal interests. One of the newspapers, in a lengthy editorial, declares that we struck at the public schools because that was the department of the municipality "nearest the hearts of the people," charging as a reason for our action that we were dissatisfied with the relation existing between the General Government and the District of Columbia and that we denied the schools certain appropriations asked "as an entering wedge for destroying that relation." I want to say to the committee that the Appropriations Committee has nothing whatever to do with the legal relationship existing between the General Government and the District of Columbia. That is a matter resting entirely with the Committee on the District of Columbia; that committee deals with the making of the laws for the District. We administer these laws by making appropriations as we find the law written, as near as it is practicable for us to do so. When the legal relationship between the District and the General Government is changed, the suggested changes must come from the other committee. But let us see how the Congress of the United States has treated the public schools of the District of Columbia and how we treat them in this bill, and see whether we seek to cripple them or have sought to do so in the past.

I hold in my hand a message sent to the last session of the Sixty-first Congress by the President of the United States. I do not believe there is a person within the confines of the District who will believe or charge that the present President of the United States is hostile to the District of Columbia. The truth is that he has manifested a greater interest in District affairs than any President of the United States that we have ever had. So sincere has he been to promote the welfare of the District he has laid aside more important matters and has sent a number of messages to us about the details of the District government. He has interested himself not only in the improvements of its avenues and streets, but in the enlargement and beautification of its parks, the administration of charities, in fact, every function of the municipal government has fallen under his notice and received his careful consideration. He has discussed the schools of Washington in one of his messages, and let us see in the light of his statements about them whether the criticism directed against your committee is justified. The President of the United States used certain language in his message which I now desire to read, but before I read it I want to direct the attention of this committee to the fact that it is not fair to institute a comparison between the government of the city of Washington and the government of the city of Chicago or New York or Philadelphia, not only because those cities are immensely larger in population, but because those cities are great commercial cities, teeming industrial centers, and their situation is radically different from staid, provincial Washington, entirely different from the conditions that exist in the District of Columbia. Baltimore, too, is a commercial city, having many industries within her confines, and it is not exactly fair to make a comparison of Washington with that city, but notwithstanding this fact I will institute a comparison for the reasons that measurably the conditions as to population and the division as to races in the city of Washington are similar to the conditions in the city of Baltimore. But, as I have said, that is not exactly a fair comparison A much fairer would be a comparison between the city of Washington and the city of New Orleans or the city of Richmond, where conditions are quite similar to those that exist in the city of Washington. The President of the United States speaks in this message especially with reference to the number and use of school buildings in these schools. But there is another matter I want to allude to before I read. One of the newspapers states that responsibility for the action taken by the Committee on Appropriations in connection with school matters was chargeable to the chairman of the District Committee, the gentleman from Kentucky [Mr. JOHNSON].

I want to absolve that gentleman of all responsibility so far as action has been taken in this bill as to school buildings. He had absolutely nothing to do with it. It is true he did make certain points of order against school buildings sought to be authorized in last year's appropriation bill, and his points of order were sustained, but——

Mr. JOHNSON of Kentucky. Will the gentleman yield for a moment?

Mr. BURLESON. Certainly.

Mr. JOHNSON of Kentucky. I am very much obliged to the gentleman for undertaking to absolve me from any charge any newspaper may have made. I do not object to the committee assuming responsibility for it at all, and I do not care to do so myself, but I do not care for any other gentleman to excuse me in any sense or light whatever from any charge that these newspapers may make regarding me. [Applause.]

Mr. BURLESON. I felt, however, it was only fair to the gentleman from Kentucky to absolve him of the charge made, that because of his hostility to the school system, and that was the statement contained in these newspaper editorials to which I refer, that the Committee on Appropriations felt constrained to eliminate certain proposed school buildings from this bill. Mr. Chairman, the Committee on Appropriations assumes full responsibility for the action that has been taken with reference to these school buildings. The District of Columbia now has 150 public-school buildings, with a total school enrollment of 55,000 pupils and an attendance of from 44,000 to 49,000. I repeat, the District of Columbia now has 150 school buildings, not counting portable schools or rented buildings. In 1909 we find in the city of Baltimore they had an enrollment of 80,363 pupils, with a population of 575,000 in round numbers, as compared with Washington with a population of 340,000. And how many school buildings do you suppose Baltimore has? Only 102 school buildings. Not only that, but in 1909 in Baltimore they had on the pay rolls, to serve more than 80,000 enrolled pupils, 1,788 teachers and officers.

This year we carry in the District of Columbia bill authorization for 1,779 teachers and supervising officers, and yet the complaint is made that we strike at the schools of Washington. Baltimore, with nearly twice the population, has a smaller number—102—of school buildings and a teaching force of 1,788, while Washington has 1,779 teachers and officers and 150 school buildings, not to count rented or portable school buildings. Now, gentlemen, have we been unfair to the District of Columbia in the matter of schools?

Mr. SIMS. May I say to the gentleman right there in that connection in regard to Baltimore that Baltimore pays all the expenses of her schools and the United States Government pays half here.

Mr. BURLESON. That is true.

Mr. SIMS. So the burden of Baltimore is greater than ours.

Mr. BURLESON. There were five additional school buildings asked for in this bill. The question confronting the committee was whether they should be allowed. What was the proper thing for your committee to do? The first step that we undertook was to ascertain the seating capacity of the school buildings in existence in the District of Columbia. Was that not right? That is the basic information necessary before we could properly decide whether more buildings are needed. We secured this information. The next step was to ascertain the average attendance of pupils in the public schools. We secured this information. Now, let me impart knowledge of the facts as we ascertained them and then you can decide whether we acted with wisdom. The figures show the seating capacity of the schools, and these figures were given in the presence of the school officials and the school board and there can be no question about their accuracy. In the school buildings already in existence, 150, there was an actual seating capacity of 58,963; in addition there are 1,824 desks to be provided in school buildings now under construction and 396 in buildings appropriated for and about to be constructed. In other words, we have a seating capacity at this time and already authorized aggregating 61,183.

We ask the superintendent of schools and chairman of the school board to submit to us figures showing the number of pupils attending the schools, and I hold in my hand a letter from Dr. William M. Davidson, the superintendent of schools, showing that on April 11, 1910, there were 44,946; on October 18, 1911, 49,218; on December 13, 1911, 48,448. The board of commissioners in their report give the average attendance 45,000 pupils; an excess of 16,000 seats are now provided, which are needed for children attending school, 12,000 more seats than the maximum number of pupils in attendance on as late a date as the 13th of last month. Yet more school buildings were asked for by the school board.

I submit to every intelligent, fair-minded man here that your committee was more than justified in refusing this estimate, especially when you consider that the authority rests with the school board whenever it sees fit to redistrict the city into school divisions. If a particular school building has an excess of seats or a large number of vacant seats, by enlarging the district surrrounding that school the board can easily fill those seats. On the contrary, if there is an excess of pupils attending a particular school, by narrowing the school district within which the school is located it can easily be relieved of the congestion. The problem is plain and simple, and if the school board will use the authority it has under the law it can be readily solved.

Am I mistaken about that? Let us see whether I am or not. During the hearings in response to a question propounded by the gentleman from Ohio [Mr. TAYLOR], or an observation rather, which I will read to you, a response was made by the assistant superintendent of schools, who has more familiarity with the situation than his principal, by reason of the fact that the superintendent is comparatively new here, which throws a flood of light upon the issue as to whether more school buildings are needed in this city and shows that the action taken by your committee was based on sound reason.

I read from the hearings:

Mr. TAYLOR. But your shortage is located in the new parts of the town where the buildings are being erected in anticipation of their growth and in the old parts of the town where growth has ceased and is on the down grade, so far as school enrollment is concerned?

Mr. THURSTON. Yes, sir; if we could take the buildings from the old sections of the city and transport them to the new, we would not ask for any buildings for some time.

Now, gentlemen, it is impractical to remove a building "from the old section to the new," but it would be easy, quite easy, for the school board to enlarge the school districts contributary to those schools where they have vacant seats, and thus meet this necessity which they say exists for additional schools. On the testimony of the school officials themselves, on the figures submitted by them, we base our action in refusing the request for additional school buildings.

Is the school board making a proper use of the school buildings they already have? Now, let me call your attention to what the President of the United States says on this very subject. Speaking of the extravagance in administration of school affairs, he went so far as to say that there was a lack of unity of control in the management of schools, and in order to meet this situation he urged that the school board should actually be abolished and school matters placed directly under the control of the commissioners. He also called attention to the gross extravagance of the present school system. The statement has been made upon this floor by gentlemen who are in a position to know something on the subject, that the school system of Washington is the most extravagant in the world; and I now assert, without fear of successful contradiction, that the schools of Washington are the most expensive schools, everything considered, being conducted within the confines of the United States. [Applause.] But what did the President say on the subject of the need of school buildings here? I read from his message:

> If I may say so, there seems to be a lack of definite plan in the extension of the school system and the erection of new buildings and proper economy in the use of these buildings that indicates the necessity for the concentration of control.

Now, I have given you the situation as to the need of more school buildings. I have not gone into the expense of the conduct of these schools. I have not gone into details to show you that we pay here a higher average salary than any other city of like size in the United States. I have not analyzed the figures, as could be done, showing the excessive per capita cost, the small number of pupils per teacher, and the number of teaching days as compared with other cities, but content myself with showing that here we have 1,779 teachers for a population of about 340,000, as compared with 1,788 teachers in Baltimore for a population of 575,000. I have shown you that the existing school buildings in this District have an adequate seating capacity at this time for all the pupils that are in attendance upon the schools; and consequently, in the face of a growing deficit, cognizant that every department, with possibly one exception, is asking for increased appropriations, remembering that we had just passed a pension bill that will, if it becomes law, add from $20,000,000 to $75,000,000 to the Government obligations, I say your committee would have been derelict in its duty if it had not, considering all these facts, refused to allow the estimate for the additional school buildings.

Mr. FORNES. Will the gentleman yield for a question?

Mr. BURLESON. Yes; with pleasure.

Mr. FORNES. Will you tell us what the per capita cost is of conducting the schools in the city of Washington?

Mr. BURLESON. I can give it to you. I again read from the President's message. It is $9.227 in Washington. In Baltimore it is $3.494; in Buffalo it is $5.974; in San Francisco, $4.773; in Milwaukee it is $4.994; in New Orleans it is $3.814; in Minneapolis it is $6.489. And yet, Mr. Chairman, because of the controlling desire on the part of some people within the limits of this District that there should be an excess of appropriations to be expended within the confines of the District, the cry is now raised that the Appropriations Committee is hostile to the schools. The charge is utterly without foundation in truth. With this statement, I pass to other matters.

Another criticism is directed against the committee because of the proposed reduction of the police force. I want to direct the attention of the committee—and I do not intend to consume much time here—to the condition that exists in this city with reference to the Metropolitan police force.

Mr. FOWLER. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Illinois?

Mr. BURLESON. In just a minute. And, Mr. Chairman, I want to be perfectly fair and absolutely just in my discussion of the situation in connection with the action your committee has taken in this matter.

I candidly state to you that in the city of Washington we have a situation somewhat different from any other of our cities. Here we have the combined functions not only of a municipal government and a county government, but you may also say, a State government, and I admit that all the necessities of a shrievalty and a constabulary, as provided elsewhere by State and county governments, must be met in this city by the number of patrolmen and police officials that we provide for in this bill.

Now I will yield to the gentleman.

Mr. FOWLER. I desire to know, if the gentleman could give in a short synopsis, the elements which constitute this enormous per capita expense of the school system of this city?

Mr. BURLESON. The principal element entering into it is excessive construction of buildings, unnecessary or excessive supervision, and the excessive salaries paid to school teachers, entering into which is the so-called longevity pay, about which I will have a word when that item is reached in the bill.

Mr. FOWLER. And could the gentleman give, then, the average number of pupils to each teacher? Has the gentleman data as to that with him?

Mr. SISSON. Divide 49,000 by 1,779.

Mr. BURLESON. It is easy to make that calculation, if you divide the number of pupils by the number of teachers.

Now, back to the police, the estimates contained a recommendation for 15 additional patrolmen. From an unlooked-for source we were able to supplement the police force before we reported the bill by 20 patrolmen. A majority here know where this unlooked-for supplementary force came from. If we had accepted, then, the recommendation of the District Commissioners and acted favorably on the estimate which had been submitted to us, it would have necessitated an immediate reduction of the force by five. But before we knew that this supplementary force would be at once available for service in the District the subcommittee had unanimously agreed that there was no necessity for increasing the police force by adding to the number of patrolmen. I have been a member of the subcommittee dealing with this bill for six years, and I think for three years we have been insisting that the number of the Metropolitan police force was excessive; that instead of being increased, as a matter of fact, it should be diminished.

Now, gentlemen, keep in mind the fact that we have, in addition to the Metropolitan police force, the numbers of which I will give you in a moment, forty-odd park policemen that are not included in the figure I will give you; forty-odd park policemen who have all the power of police officers, possessing all the authority and power that the ordinary patrolman possesses. In addition thereto are the innumerable watchmen of public buildings, and you know the number of public buildings and annexes to public buildings that we have in this city, each and all of which have watchmen who have all the powers of police officers. These officials who serve as peace officers, I say, can be fairly used as an offset and more than an offset to the shrievalty and the constabulary found in other municipal governments which are furnished by the State and county. If you will institute a comparison, you will find that the shrievalty of State and the constabulary of a county in no instance equals the number of park policemen and watchmen provided in the various parks and public buildings of this city.

Now, let me give you the number of our Metropolitan police force. Keep in mind the fact that we have in round numbers 340,000 people in the city of Washington. We have 75 officers and 660 patrolmen carried in this bill, which latter number, we say, shall not be increased until as a result of death or by reason of resignation or retirement the number is reduced to 640. That is the size of the force authorized in the bill which we submit for your consideration. That makes a total force of 735.

Now, let me give you the number of the force in certain other cities, with their population. The city of Cleveland, Ohio, where the situation is entirely different as compared with Washington, being a commercial city, whereas Washington is not. There is no great amount of shipping conducted to and from this city, whereas the city of Cleveland is a city situated upon the Lakes and has immense shipping interests. Cleveland not only has a large foreign population, but also a large population, as we all know, connected with its many great industrial enterprises. None of these conditions exist here. The great shipping lines that go into and out of Cleveland, with these other conditions I have described, make it necessary for them to have a much larger force than the city of Washington should have.

Cleveland has a population of 525,000 people. They have in that city 62 officers of their metropolitan police force, as compared with 75 in the city of Washington. They have there 540 patrolmen, as compared with 660 in this city.

Take Buffalo, another city situated just as Cleveland is, with a large floating population; situated so that, as every man knows, there is a greater necessity for a large police force than there is in a tame, quiet, peaceful, orderly city like Washington, with Fort Myer located on its confines, so that if necessity should arise of quelling a riot, or if for any reason there should be any outbreak within the limits of this city, the force there is easily accessible and could be readily brought into the limits of this city for the purpose of maintaining order. The situation is entirely different in Buffalo, and all in favor of Washington. Yet Buffalo, with 400,000 people, has 102 officers and 606 patrolmen, a total of 708, as compared with 735 in Washington, with 340,000 people.

The city of Detroit, with 450,000 inhabitants, has an aggregate of 591 officers and patrolmen, as compared with 735 in Washington.

Cincinnati, Ohio, with 475,000 people, has an aggregate of 561 officers and patrolmen, as compared with 735 in Washington.

Milwaukee, Wis., has 400,000 people. It is a large industrial center. There is more danger of strikes and disorder among people engaged in industrial enterprises than there is in a city like Washington, as we will all admit. Yet Milwaukee has 24 officers and 346 patrolmen, or a total of 370 metropolitan policemen, as compared with the 735 Metropolitan policemen in Washington.

Baltimore, with her great shipping interests and her 575,000 people, nearly twice the number that we have here in Washington, has only 952 policemen, as compared with Washington's 735.

Gentlemen, was your committee justified in refusing to increase the number of the Metropolitan police force? On the contrary, would we not have been derelict in our duty if we had not made the reduction of 20 provided for in this bill as we have? Inasmuch as we have supplemented the force from an unexpected quarter by 20, would we not have been justified in going further than we have gone?

Mr. MICHAEL E. DRISCOLL. Has the gentleman a comparative statement of the salaries paid to the officers and policemen in the several cities?

Mr. BURLESON. I have not a statement of the salaries at hand, but I heard the gentleman from Michigan make the statement here that a police pensioner or the widow of a policeman in the city of Washington drew a larger pension than the widow of one who had served as a brigadier general in the Army.

Mr. MICHAEL E. DRISCOLL. I have no contention with the gentleman at all. I think it would be well, for the information of the House and the country, if the gentleman would state the salaries paid, in connection with his statement of the number employed in the various cities.

Mr. BURLESON. The examination of the report of the chief of police will disclose the salaries paid and the various details relating to the force. I have not the figures at hand.

Mr. MICHAEL E. DRISCOLL. Will the gentleman put them into his revised speech?

Mr. BURLESON. If I can readily put my hand on the figures, I will. Otherwise, I will not.

There is only one other matter to which I want to direct your attention. Complaint has been made that adequate provision has not been made for the Takoma branch of the Public Library. We have in the city a Public Library, donated by that distinguished philanthropist, Mr. Andrew Carnegie, who, by the way, dislikes being called a philanthropist, because, as he says, a philanthropist is usually a man without brains. We also have one branch of this library donated by this same gentleman. The principal library cost $250,000. The branch cost $40,000. These libraries were donated by Mr. Carnegie on condition that 10 per cent of the cost should be annually appropriated in the District budget for care, maintenance, and support. This we have more than done, but some people seem to think we are not doing as much as we should. Let us see.

I hold in my hand the last annual report of the librarian of the Enoch Pratt Library, of Baltimore.

In discussing the annual cost of the library at Baltimore as compared with the annual cost of the library here in Washington, he uses this language, speaking of our library:

> There is but one building at present occupied by that library, and the trustees bitterly complain of the inadequate income, although their expenditures were $66,583.

That is the amount that was appropriated for the care of the Public Library in the city of Washington for the fiscal year 1910. Baltimore, in addition to the central library, has 12 branches and 2 stations. The Baltimore library has 276,849 volumes. The library at Washington has 140,736 volumes. The cost of maintaining the Baltimore library, with nearly twice the number of books, with 12 branches and 2 stations, is $76,571.58; and the librarian there complains that the sum is inadequate, and uses as a basis of comparison the annual amount given to the Public Library here for maintenance and support. Will anyone say, in view of these facts, that we have not been quite generous toward this library with its one branch?

Now, Mr. Chairman, it is the desire of every patriotic American that Washington shall be made a great model city. I voice the sentiment of the members of the subcommittee when I say to you that it is the aspiration of every man on that committee that Washington shall be so developed that it may really become a model city—a standard by which the municipal efficiency of our other cities may be measured. We want it to become a model in its splendid streets and avenues, a model in its beautiful trees and parks, a model in its schools, a model in the beauty and architectural design of its buildings, a model in all its municipal services; but at the same time we also desire that it shall be a model in economical administration. [Applause.]

See the evil of excessive appropriation made for this model city. We can hardly justify now the amount carried for our library, with its one little branch, in the light of the appropriation annually made for the splendid Pratt Library in Baltimore with its 12 branches and 2 stations. And yet more is being asked. Consider the harm of extravagance on our part not only to this city but elsewhere, as in this case. They use as an argument for an increase in the cost of maintaining that Baltimore library that in Washington they appropriate nearly as much for her library, though we have but little more than half their population and our library but a little more than half of the number of volumes carried in the Baltimore library. If Washington desires to be a model, let it become a model in every respect—where she gives as well as where she receives.

Mr. Chairman, the estimates contained a separate item for the Takoma branch, carrying $4,000 for its maintenance and upkeep. The committee combined the two items because everyone who has had experience in the preparation of appropriation bills knows the danger of starting a new item in a bill and also knows how rapidly those items can and will be increased. We combined the branch item with the item for the principal library, and, the aggregate cost of the two buildings being $290,000, instead of appropriating only $29,000—10 per cent as required by the agreement—for the care and upkeep of these libraries we have appropriated $66,583. We do not think we have broken faith with Mr. Carnegie or stinted the library for funds.

Now, Mr. Chairman, in all candor and with every confidence we lay this bill before the committee believing that it merits approval, assuring you that the element of partisanship did not enter into the action of the subcommittee in preparing this bill. It was not prepared for the purpose of making political capital for the party now in control. I confidently believe that it was the desire and purpose of every man on the subcommittee, whether Democrat or Republican, to give every department, every bureau, and every division of this municipality every dollar that could economically and beneficially be expended. There are some things we desired to do, and which should be done, that we felt constrained because of the rules of this body to refrain from even an attempt to do.

We offer certain legislation in the bill, but in every instance it is believed that such legislation will result not only in a betterment of service but that it will result in saving money for the District and Government. And, Mr. Chairman, there is one object we always kept in view during the preparation of the bill, and that was to do all that was necessary in order that the greatest good might be secured for the people of this District for the amount of their money which is being expended.

I now submit this bill to you with the confident belief and expectation that, in view of the fact that we are confronted with an ominous financial situation, that you will lend your assistance in upholding the hands of your committee when it makes an earnest and honest effort to bring about economy in the expenditures of public money. [Applause.]

Mr. SAMUEL W. SMITH. Mr. Chairman, before the gentleman takes his seat I wish he would spend a little time in reference to the parks of the city. There has been some complaint that there is no appropriation made in this bill for parks.

Mr. BURLESON. Mr. Chairman, I will say to the gentleman from Michigan that I would like to see some parks provided for in this bill, especially two, but the gentleman knows that park items are subject to a point of order; that the appropriation bill is not the proper place to carry them. The park items can not be embodied in this bill under the rules of the House; there is no question about that. They would go out upon the mere raising of the point of order, and we had information that the point would certainly be made, hence the absence of park items.

Mr. TAYLOR of Ohio. Mr. Chairman, it is not my intention to address the House at any length setting forth any views of the minority other than to make a few comments upon the bill. I wish to express my personal appreciation of the fairness with which the chairman has stated the case of the subcommittee and the whole Committee on Appropriations. It is true that the District subcommittee, in an effort to work practical economy, went into the work of writing this bill, determined to effect.

wherever a practical economy was possible, such economy as would let this District run along properly, as it has in the past, but to make no such cuts as would affect the efficiency of the District organization or its proper progress along lines of municipal public works. A great deal has been said in the public press of the city that we have radically cut the funds necessary to properly operate the District government for the year following the one which will close next July. I for one do not view the situation, in that respect, with alarm. I feel it only fair that the House should know how some of these so-called cuts were effected. As is well known, there are certain fixed charges—running expenses, if you please—in every municipal government. Then there is another form of expense, to wit, public improvements or special projects. Some people call them extraordinary improvements. The bill which has been reported carries the sum of $10,177,373. The bill of last year carried, in round numbers, a fraction less than $11,500,000, as reported to the House. Eventually, as it came back from the Senate, it carried $11,819,751.50; and that is the amount at the disposal of the District government for its running expenses and extraordinary improvements for the current year. In that bill of nearly $12,000,000 there were certain fixed, special projects, and the cut of $1,759,078.50 which occurs in this year's bill below the expenses of the current year is made up of items of $1,281,925 for projects which would have dropped out of the bill automatically, whether we cut them out or not, because they will be cleaned up this year. Thus the actual cut in running expenses, the actual economy in the management of the District proper, amounts to $467,153.50. I do not believe that the District of Columbia and the District government are going to the bowwows on a cut on the general current expenses of the government amounting to less than half a million dollars. On those items making up that $467,153.50 the subcommittee spent weeks in an earnest effort to cut where cuts could be made without affecting the efficiency of the District organization, and I believe that nearly every dollar of it represents practical economy and that the District can keep running right along the next year and not in any way suffer by reason of the action of the committee as to its current expenses. The report shows that this year's bill is a total reduction under the estimate of the commissioners of $2,652,512.50.

I have in my hand a statement of the main items that were not included in the bill, which make up the sum of $2,342,400 of the total amount. There are a number of smaller items which would be difficult to get, and I did not go into that, simply taking up the principal items; and in order that the committee may be advised I feel it proper to read into the RECORD some of these items. For instance, on assessment and permit there was $40,000; paving repairs under the permit system, $10,000; work on streets and avenues, $42,900; Benning Road Bridge and Viaduct, a new project, $110,000, and the hearings will disclose on this improvement that while admitting it to be a dangerous place and one where an accident might happen if the improvement is not made and an overhead crossing or bridge constructed, yet there never has been an accident, and there was no person demanding this improvement at this time, so $110,000 was there dropped out by common consent. Repairs on streets and avenues and alleys, $20,000; repairs on county roads, $35,000; on continuing the construction of the bridge across Rock Creek on the line of Q Street we made a reduction of $95,000, granting a sum which we believe to be sufficient for use in the current year in continuing this project; sewers, $145,500; sprinkling and cleaning streets, $15,000; playgrounds—most of this new work—$30,000; Washington Aqueduct, $59,650; school-teachers' longevity pay, $78,000, and I might state that there was some considerable discussion among the members of the subcommittee, and it is impossible to fix an accurate amount of longevity pay, and if this cut of $78,000 reduces the amount absolutely necessary in the ensuing year so as to render a deficiency it will be a legal deficiency and the Congress will have to make it up; repairs of school buildings, $40,000; new school buildings, $619,000, and on this I will speak a moment later; Metropolitan police, $75,000; fire department, $80,350; charities and corrections, including municipal hospital which does not appear in the bill, $137,000; parks, $645,000, making up a grand total of $2,342,400. Now, on only a few of these matters did the membership of the committee in any way seriously disagree. In fact, our sessions were entirely pleasant. There was never any partisanship, purely a nonpolitical bill was in front of us, and our endeavors were all in the one direction of practical economy where practical economy could be worked. However, on the item of schools, speaking for myself, I urged that I believed that it is not an economy in the general sense of the word, or in any sense of the word, to go, as we did last year, and purchase very expensive sites for very necessary high schools and then allow those sites to stand vacant and not proceed to erect the necessary school buildings to take care of the high-school children of the District. It is true, as the chairman of the subcommittee has very well stated, evidence was placed in our hands, and that on the showing of enrollment and actual attendance it would appear, that there were in the neighborhood of 12,000 to 13,000 vacant seats in the various school buildings scattered throughout the District. I am not here to criticize the school board or to criticize the plan for the buildings put in operation in the District, but my observation leads me to believe that the question of the number of buildings in the District of Columbia and the number of buildings in any other city is of no importance.

The great mistake, in my judgment, that has been made in the past seems to be that there have been built in the District of Columbia too many little buildings, four and six room buildings, which immediately become crowded, and then they move along for a block or two and build another four or six room building. I believe that was a mistake and that we ought to build larger schools, reasonably anticipating that which is always the case, the natural growth of the school population.

Mr. SAMUEL W. SMITH. Will the gentleman yield for a question?

Mr. TAYLOR of Ohio. Certainly.

Mr. SAMUEL W. SMITH. Is it the judgment of the gentleman that there ought to be more school buildings in the District?

Mr. TAYLOR of Ohio. I am just about to state that. It is my judgment that there should be certain school buildings built at once and others projected, and I only prefaced my remarks by saying that I believe we should pay less attention to these little four and six room buildings but should build one building large enough to take care of the territory for years to come and not have so many buildings to house more pupils, and for that reason the committee was faced by many objections to continuing the present plan, and for that reason my urging the construction of certain buildings was overridden, and I say this in fairness to other members of the committee——

Mr. CANNON. Will the gentleman yield for a question?

Mr. TAYLOR of Ohio. Certainly.

Mr. CANNON. As I recollect, without having carefully read the hearings, it is claimed that there are 12,000 or 13,000 vacant seats in existing schoolhouses.

Mr. TAYLOR of Ohio. That is the statement of the chairman, and I think it is correct.

Mr. CANNON. The gentleman thinks it is correct, after investigation. Now, either those seats, it seems to me, are not practical for school attendance, on the one hand, from the location of the school building where these vacant seats exist, or there is not proper administration so as to fill these vacant seats in the event there are school children to go. Now, one or the other thing, it seems to me, is certain, and if there is not proper administration, that ought to be cured.

Mr. TAYLOR of Ohio. I quite agree with the gentleman.

Mr. CANNON. If there are vacant seats, it can be cured by proper administration, provided those vacant seats can be practically filled.

Mr. TAYLOR of Ohio. Yes.

Mr. CANNON. Now, proper administration will bring it about. Then I want to call the gentleman's attention to this fact: My recollection is that while you do not build any more school buildings, notwithstanding these vacant seats, the bill carries between $20,000 and $30,000——

Mr. TAYLOR of Ohio. I was coming to that.

Mr. CANNON. For rented buildings.

Mr. TAYLOR of Ohio. I was about to reach that point in my remarks.

Mr. CANNON. I beg the gentleman's pardon; I was not in when he commenced his remarks.

Mr. TAYLOR of Ohio. The very point the gentleman from Illinois brought out I was about to comment upon. In answering the question as to the cause of those vacant seats and the reason for their not being utilized being either the fact that they were inaccessible or there was some fault in the management, I am not prepared to say but that both causes may contribute.

Mr. DYER. Will the gentleman permit me to ask one question with reference to the vacant seats for high-school pupils?

Mr. TAYLOR of Ohio. I will come to that. As the chairman very correctly stated, the report shows that Baltimore has 102 school buildings, with an approximate attendance of

80,363, and Washington has 150 school buildings, with an attendance of about 44,000—that is the average daily attendance. That means but one thing. It does not mean that the District is more extravagant than other places. It seems that Baltimore has larger buildings or it could not house that number of pupils. And I again revert to my argument that we should do the same thing. If we should do so, we could make a better showing, because it costs more to run small schools, with their small organizations, as they do here, than large schools, with concrete organization and economical management, as they evidently do in Baltimore.

Referring to the question of the gentleman from Illinois [Mr. CANNON] as to rents, here is what the hearing convinced me of: Here are these vacant seats. In parts of the old city there are school buildings with vacant seats. This condition has been brought about by the depleted condition as to children of the neighborhood surrounding them, because the people have gone out to the outlying districts of the city, and, on the other hand, a large number of empty seats are caused by the fact that we are building small buildings out in the edge of the District, scattered around in different territories which are rapidly building up, but have not reached a point where they have the capacity of the building, in so far as pupils are concerned. So the fact that there are empty seats does not cut any figure, in my judgment.

Because of that and the fact that we have to provide temporary rooms in which to house pupils going to school half a day, for which there is the appropriation of $5,000, and for renting quarters for schools throughout the District, $22,000. So we are paying $27,000 a year for renting separate quarters, even though there are so many vacant seats in the schools. If 13,000 seats are accessible, we should pay no rent, and the payment of this large item of rent means either that the seats are not available or accessible or that we are indulging in an extravagant waste of money. My honest judgment is that the rent items are necessary because the use of seats is not economically practical.

Mr. FOSTER of Illinois. Will the gentleman from Ohio inform the committee whether the vacant seats spoken of in the rented buildings are in addition to the regular number of seats as given by the gentleman from Texas [Mr. BURLESON]?

Mr. TAYLOR of Ohio. I understand the vacant seats mentioned are in buildings owned by the District and not in rented quarters. The vacant seats that have correctly been shown to exist are in school buildings owned by the District government and are not in the rented quarters.

Here is the fact, if the gentleman will permit. On the edge of the District are located certain schools in territory where many children live. These schools are crowded. The high schools are crowded. Then there are schools on the edge of the District where the population is thinner, and which were properly built in anticipation of growth, and in the old part of the city where the school population has diminished. In both these latter classes many vacant seats exist. It is the same condition that exists in every city. As the city changes its physical contour residential property becomes business property. I do not know why we do not convert these buildings, if real estate is worth anything in the District, and we know values are extraordinarily high, into money, and use the funds to build new schools or extend schools in districts that are congested.

In answer to the question of the gentleman from Illinois [Mr. CANNON], therefore, it is not only the fact of the inaccessibility of seats, but it looks in both cases as if inaccessibility and mistaken policy contribute to this condition.

Mr. FOSTER of Illinois. Can the gentleman point out any particular school or schools where there are very few pupils attending?

Mr. TAYLOR of Ohio. I can not exactly name them, but in the course of the hearing it was mentioned by the assistant superintendent of schools, he being the person that we really had to go to because of the recent employment of Mr. Davidson, the superintendent, and he said that there were in the southwest part of the city, down below the Capitol, schools where many seats were not occupied. In fact, several have vacant rooms existing, as I recollect, but I have not the names of the schools.

Mr. FOSTER of Illinois. The gentleman means buildings where the rooms are not used at all?

Mr. TAYLOR of Ohio. No; not where the rooms are not used at all, but where some vacant rooms exist; and some schools very much beyond the necessary size at present.

Mr. BERGER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Wisconsin?

Mr. TAYLOR of Ohio. Yes.

Mr. BERGER. Will the gentleman kindly enlighten me as to whether the school board has the right to sell the old school buildings and buy new ones?

Mr. TAYLOR of Ohio. Congress has the right to do that, and it can do it to-morrow morning by passing a law to give the school board the necessary authority. Congress has the power, and I am suggesting this to the House in order that the suggestion made by gentlemen of this committee might lead to the creation of a fund for the construction of modern buildings with modern equipment. I think the gentleman from Wisconsin will be one of the first to agree with me in the advisability of doing that.

Mr. BERGER. I would be.

Mr. TAYLOR of Ohio. Now, I said I am opposed to the proposition of striking out the entire list of new school buildings, and I will give some of the reasons which led me to believe that the facts and figures that were presented do not present to me a convincing argument in favor of the entire cessation from the building of schools for the next year. We must admit, and there is no question about it, that the two institutions which were authorized last year, for which the sites were purchased, one the colored high school and the other the Central High School, white, were authorized because the present buildings are overcrowded and obsolete. The M Street High School was the old Business High School, if I remember correctly, and then it was turned into a colored academic high school. It has a normal capacity of 500, and it now actually is forced to accommodate between 700 and 800 pupils. That is not right. The high schools are the most important schools in the District, and the scholars therein should receive proper quarters and proper treatment. You can not do good work under overcrowded conditions, be it in a school or in a factory or in a tenement house. The old Central High School, as I understand it, was so overcrowded that outside quarters were necessary, and some of this rent contained in this bill is to provide for that. That school building is crowded to such an extent that they have had to secure rooms outside and portable buildings in the yards, or something of that kind. It has now over 1,200 pupils.

I am here to say that I am not criticizing the membership of the subcommittee who opposed my views. We bought 10 acres of land not long ago in the most beautiful part of the city and the most beautiful parking site in the city on which to build a new high school. We saved out of the appropriation of $250,000 about $15,000. Then we appropriate $60,000 for the site of a colored high school to take the place of the M Street building. We got that for $24,000 less than the appropriation, so that those sites are lying there with a balance on hand of $15,000 in one case, as I said, and about $25,000 in round numbers in the other, making a total balance of about $35,000.

The suggestions of those interested in the schools who appeared before the committee were that they proposed to build on that site of the white school a school building of the type of the St. Louis High School, which is considered to be the model institution of its kind, not only in this country but in the world. But they said they were going to build it with a capacity of 1,600, which is about the capacity of the St. Louis building referred to. A school building of that kind, costing between $600,000 and $700,000, would take two years to erect, or more than that. If we do not start it now, by the time it is finished we will not have room for our pupils in the new structure; and for that reason the thought struck me that we had better figure a little differently with the land at our disposal and not build upon it a building having a capacity limited to 1,600, but let plans be drawn either for an extensible school building—and that plan, I admit, has its faults, because thereby you lose a certain amount of air space on account of blank walls—or else for a group of academic buildings, to be constructed one at a time, as conditions arise necessitating more room, upon this 10-acre lot. I do not think we should put one building for pupils to the number of 1,600 on 10 acres of land costing $235,000 and then, when that is completed, say that we do not want any more buildings constructed there, and then come to Congress for another site, if crowded conditions prevail. I do not want to see that site made hideous to the eye. I would prefer to see it one on which we will have a beautiful group of buildings. Therefore I believe we should look ahead to the time when the great Central High School of this District will hold as many as 5,000 pupils, as in some other cities, either housed in a large extensible building or in groups of buildings, as occasion may from time to time require.

Mr. DYER. Mr. Chairman, I would like to have the gentleman state whether there is any provision in this bill for the drawing of plans for this high school?

Mr. TAYLOR of Ohio. There is not.

Mr. DYER. I will ask the gentleman if he does not think there ought to be in this bill now some provision to have these plans drawn?

Mr. TAYLOR of Ohio. I am informed—and I think reliably informed, and the chairman of the Committee on the District of Columbia can correct me if I am wrong—that there is pending in the Committee on the District of Columbia a bill that was recently passed by the Senate containing a provision for the preparation of plans and specifications for that school building.

Mr. JOHNSON of Kentucky. Yes; that bill is on the calendar.

Mr. TAYLOR of Ohio. That is the reason, and a very obvious reason, why our committee should not, in the face of that fact, put such legislation into this bill. We do not wish to do anything or propose to do anything that would be an absolute discourtesy to any other committee of this House.

Mr. DYER. Mr. Chairman, if I am permitted, I would like to ask the gentleman from Kentucky this question: This bill that is on the calendar, to which he refers, will make available funds for the drawings and specifications for that high school, will it?

Mr. JOHNSON of Kentucky. That was the object of the bill, and the committee of which the gentleman is a member took it for granted that that would be the case.

Mr. TAYLOR of Ohio. I understand that is the object of the bill; certainly.

Mr. DYER. I am heartily in favor of it, not only because it is necessary but because it will give the District of Columbia an opportunity to see what a good architect can do who has built good schoolhouses.

Mr. CANNON. If the gentleman will allow me, have these sites been acquired under existing legislation?

Mr. TAYLOR of Ohio. Acquired and paid for.

Mr. CANNON. Does the legislation go further, and provide for the erection of the buildings?

Mr. TAYLOR of Ohio. No; it only authorized the purchase of the sites. This year it was proposed to put into the bill a limit of cost on the buildings and authorize an appropriation to begin work on both the white and colored high schools. I moved that that be put into effect, but it was not done.

Mr. CANNON. Does the legislation under which these sites were acquired put a limit of cost on the building?

Mr. TAYLOR of Ohio. No; only on the sites, and the sites were purchased within the limit of cost fixed in the legislation.

Mr. CANNON. So that it would require further legislation before an appropriation would be in order under the rules of the House for the erection of buildings?

Mr. TAYLOR of Ohio. Quite true. However, it has been the custom for years to put appropriations for schoolhouses and for sites into the appropriation bill, and only at rare intervals has the point of order been raised. I doubt if the point of order would have been made against these appropriations, and in advocating the beginning of this work I took it for granted that the point of order would not be made. However, I admit candidly that I believe the rulings of the Chair have been that appropriations for buildings and sites have been held subject to a point of order.

Mr. BERGER. Mr. Chairman, I hate to interrupt the gentleman so much.

Mr. TAYLOR of Ohio. The gentleman is perfectly welcome to do so. It is his right.

Mr. BERGER. Is it the gentleman's intention to offer an amendment looking toward the putting up of a building? If the gentleman offers it, I should like to vote for it.

Mr. TAYLOR of Ohio. The gentleman is at liberty to offer such an amendment.

Mr. BERGER. It is your idea?

Mr. TAYLOR of Ohio. No; it is not my idea. It is the idea of the District government that these school buildings should be built, and I approve of the idea. I can not say that I will introduce the amendment, but I believe the amendment will be introduced.

Mr. BERGER. I should like to see it.

Mr. SAMUEL W. SMITH. Mr. Chairman, I heard the gentleman from Texas [Mr. BURLESON], chairman of the subcommittee, say that nothing had been done about parks, because such items were subject to a point of order. There are several things in the bill, are there not, which are subject to points of order?

Mr. TAYLOR of Ohio. I believe so. I hope there will be no points of order made. I presume the gentleman refers to the asphalt plant, the proposed investigation of the most economical manner in which to dispose of garbage and waste, and the proposed investigation of the water power at Great Falls.

Mr. SAMUEL W. SMITH. I am in favor of every one of them.

Mr. TAYLOR of Ohio. So am I; and if a point of order is made against any one of them, I hope it will be reserved long enough to permit the House to be instructed as to the absolute necessity and practical economy of each and every one of the projects.

Mr. GARNER. Will the gentleman yield for a question there?

Mr. TAYLOR of Ohio. Certainly.

Mr. GARNER. Has your committee ever considered the question of informing the House in some manner as to the provisions in the bill that are subject to points of order? Anyone picking up your appropriation bill and reading it through can not tell what changes have been made.

Mr. MANN. The committee does not know whether they will be held subject to points of order or not?

Mr. TAYLOR of Ohio. We call attention in the reports to all new legislation, and to all important changes of language, some of which may be subject to points of order.

Mr. GARNER. You call attention to what you term important changes, but you do not call attention to all the changes made in the bill.

Mr. TAYLOR of Ohio. We call attention to every one except, possibly, the change of a word that is incorrect, or some minor detail, made for the purpose of improving the bill. We conceal nothing. Every one of these three projects are shown in the report, and the page of the bill is pointed out.

Mr. GARNER. I understand that, and I fully agree with the committee as to the necessity of this; but I am directing the gentleman's attention to the policy which I think would be advisable in the future of putting in italics in the appropriation bill the changes that are made from the existing law. I can not see any reason why this House and each Member of it should not have the same information as the committee that makes up the bill.

Mr. TAYLOR of Ohio. I can only say that I have not the slightest objection to that; but I think we go far enough in the report, and I want to say that it has never been the custom or practice of the committee to do that, and I do not see any reason why it should be done.

Mr. BURLESON. It would require a change of the rules to do it, and if we attempted it the Committee on Rules, which is always jealous of its prerogatives, might have something to say.

Mr. MANN. It would require more than a change of the rules—it would require a change of law, which requires appropriation bills to be in the form of the previous appropriation bill.

Mr. TAYLOR of Ohio. Now, Mr. Chairman, I have talked rather disconnectedly, but I desired to get before the House the situation of the committee's bill.

Mr. PAYNE. If the gentleman will allow me, before he leaves this subject, is it not the usual practice for the Committee on Appropriations, when a bright idea strikes them in the way of legislation which they think should go into the bill, to put it there and frankly call the attention of the House to it; and if a point of order is made, to ask to have it reserved so that there can be debate not only for the instruction of the House, but possibly for the instruction of Members of another body where there are no rules, in the hope that the other body will put on the amendment and that it will come back to the House, where it is not subject to a point of order, and so be adopted?

Mr. TAYLOR of Ohio. I think that is one of the reasons.

Mr. PAYNE. I want to say that I am converted by the gentleman's remarks to the idea of building high schools, and would it not be well for him to offer an amendment to the bill providing for plans and limitations for building high schools, and under a point of order reserved have the point thrashed out on both sides, for I anticipate there is another side to it, so that the House may be duly informed, and that it may take the usual course, pass to the other end of the Capitol, and possibly come back here in the way of legislation in a manner in which the House can vote on its merits? I hope the gentleman will take that into prayerful consideration.

Mr. TAYLOR of Ohio. I will do so. Now, Mr. Chairman, I have about concluded what I had to say.

Mr. CANNON. Did the gentleman propose to say anything about the parks?

Mr. TAYLOR of Ohio. I will say that I am heartily in favor of some of the park projects—the most of them. One project, known as the Lovers' Lane project, is not going to cost a cent, but simply has to be taken over by condemnation to get the title. That connects Rock Creek Park from the Montrose Park to the entrance of Klingle Fork Road which goes down into Rock Creek Park. Being in favor of that, I am strenuously in favor of acquiring the Klingle Ford addition to Rock Creek Park. If we do not acquire it this year it is my honest judgment, based on full knowledge of the situation, that we have lost it forever. They are not trying to sell it to us. The owners of the land do not want us to buy it, because they know that they will have to stand for some of the benefits. We propose to condemn it. They are going to divide it into building lots, and they will scrape down a hill into that beautiful valley in the glen and build houses on it, and then it will be forever destroyed, and the main entrance to the far end of Rock Creek Park will be lost to us forever.

Mr. JOHNSON of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Ohio. Certainly.

Mr. JOHNSON of Kentucky. Does the gentleman recall at what price that land was put in the estimate and in the appropriation bill of a year ago?

Mr. TAYLOR of Ohio. I can not now; no.

Mr. JOHNSON of Kentucky. Was it not $300,000?

Mr. TAYLOR of Ohio. I could not say. I have an idea it was not that much.

Mr. LOBECK. It was $300,000.

Mr. JOHNSON of Kentucky. And the number of acres 24?

Mr. TAYLOR of Ohio. I think so; about that.

Mr. JOHNSON of Kentucky. Does the gentleman recall at what price it was put in the estimate this year?

Mr. TAYLOR of Ohio. At a less price and less acreage.

Mr. JOHNSON of Kentucky. Was it not $110,000 less?

Mr. TAYLOR of Ohio. I think so.

Mr. JOHNSON of Kentucky. And more acres—28 acres.

Mr. TAYLOR of Ohio. I am not certain about that.

Mr. BURLESON. Oh, no.

Mr. JOHNSON of Kentucky. Twenty-eight acres this year and 24 acres last year, and $110,000 less.

Mr. TAYLOR of Ohio. What is the difference? That makes me all the more in favor of acquiring it this year. I do not know whether the acreage was increased or not. I do know the physical situation up there, and I think the gentleman is mistaken in saying that the acreage was increased, because the former project took in a large lot of land above the hill, and this project took in only the valley and to the crest of the hill.

Mr. LOBECK. What will these property owners in the Klingle Ford project be charged?

Mr. TAYLOR of Ohio. I have forgotten, but my judgment is, if I remember right, that in talking it over it was something like 33⅓ per cent that would be charged as benefits.

Mr. LOBECK. Thirty-three and one-third per cent?

Mr. TAYLOR of Ohio. Thirty-three and one-third per cent is the amount as I remember it. In the Lovers Lane proposition it is all charged off for benefits.

Mr. BURLESON. Thirty-three and one-third per cent to be assessed as benefits was the amount we finally agreed upon before we struck it out of the bill. On the Piney Branch Road there was to be charged 66⅔ per cent as benefits, and in the Lovers Lane project all was to be assessed as benefits.

Mr. TAYLOR of Ohio. I think I speak for the whole committee when I say that we favored these projects. As far as the other projects were concerned I did not reach a conclusion. I refer to acquiring the two old forts, Du Pont and Davis, which is a part of the MacMillan plan.

Mr. LOBECK. Then the cost of the Klingle Ford project would be less than $100,000?

Mr. TAYLOR of Ohio. Yes. It was less than $190,000. I think the gentleman from Kentucky said $190,000.

Mr. LOBECK. He said there was a saving of $110,000 less than last year.

Mr. TAYLOR of Ohio. Oh, yes. It would be less than $110,000.

Mr. Chairman, I am now going to divert to something which is not germane to the bill, but is to the affairs of the District. Last summer while addressing this House, while in Committee of the Whole, on the subject of the funded debt of the District, a colloquy occurred between the gentleman from Missouri [Mr. BORLAND] and myself concerning a collateral matter, to wit, the unfunded debt of the District. I never heard anything of the matter until within the past few days my attention was called to the fact by Mr. Macfarland, a former Commissioner of the District, and he considered that our statements had not done justice to the real attitude of the then board of commissioners, with reference to the method by which this debt was to be paid. This colloquy appears in the RECORD. He has written a letter which came into my hands yesterday, which states his position and his claim that we were not properly advised as to the facts. I have no objection and am only too glad to have the letter incorporated in the RECORD as a part of my remarks, in order that I may give him the same publicity in answering the criticism of that colloquy as was given to the colloquy itself. I therefore ask unanimous consent that the letter on the Clerk's desk now be read.

The CHAIRMAN. Without objection, the Clerk will read.

There was no objection.

The Clerk read as follows:

TUCKER, KENYON & MACFARLAND,
Washington, D. C., January 12, 1912.

Hon. E. L. TAYLOR,
House of Representatives, Washington, D. C.

MY DEAR SIR: In the CONGRESSIONAL RECORD of July 29, 1911, there is a report of the admirable speech which you made on that day on the obligation of the United States Government to pay the principal and interest of the 3.65 District of Columbia bonds. Following that comes a report of a debate between you and other Members of the House, and on page 3449 is the report of a colloquy between yourself and Mr. BORLAND, of Missouri, in which occurred the following:

"Mr. BORLAND. The gentleman has served on the District Committee in the course of his career in the House?

"Mr. TAYLOR of Ohio. Yes.

"Mr. BORLAND. And also on the Appropriations Subcommittee for the District. Does the gentleman know anything about the course of dealing under the former Commissioners of the District, by which the floating debt was allowed to increase——

"Mr. TAYLOR of Ohio. I do, indeed.

"Mr. BORLAND. With the idea that it would be subsequently turned into bonds?

"Mr. TAYLOR of Ohio. Yes.

"Mr. BORLAND. And half of it saddled on the Government?

"Mr. TAYLOR of Ohio. I do; and I was one of the Members who helped to put a stop to that by the passage of a law so they could not do it any more.

"Mr. BORLAND. I think the gentleman was one of the men that tried to stop it and succeeded.

"Mr. TAYLOR of Ohio. And succeeded, and the debt is pretty nearly wiped out. Three years more will see the end of it, and it is being paid out of the District revenues entirely.

"Mr. BORLAND. The District decided to increase the floating debt, and the District turned it into bonds.

"Mr. TAYLOR of Ohio. They did not say what they would do; they were getting on the books of the United States Government, and were getting mighty close to $3,000,000, when it was discovered that some time or other, if the District did not pay it back, it would have to issue bonds, and Congress stopped the commissioners doing this kind of business—but that was not this board of commissioners. No bonds were ever issued on this debt."

Knowing you to be a just man, I assume that you made the statements reflecting upon former boards of commissioners of the District of Columbia upon inaccurate information, which you thought to be correct.

The official record, as contained in the annual reports of the commissioners of the District of Columbia, in their officials letters transmitting their annual estimates, in their official statements before the subcommittees of the District of Columbia of the Committee on Appropriations of the Senate and House of Representatives, to which you are respectfully referred, shows that there was no warrant in fact for those statements.

Of course the Commissioners of the District of Columbia have never had the power to make appropriations or to increase the floating debt or any other debt of the District of Columbia, and of course Congress has not passed a law to prevent them from doing so. Only Congress can do these things. All the commissioners have done at any time was to submit estimates and recommendations and reasons for them. Congress has absolute control of the revenues of the District of Columbia from taxes, licenses, etc., and makes all appropriations.

The official record cited will show that, far from allowing the financial affairs of the District of Columbia to drift without a definite plan for dealing with them, the commissioners recommended, year after year, during the period from 1900 to 1910, a definite plan, which Congress adopted in part, and which, if it had adopted entirely, would have systematically and almost automatically provided perfectly for the purpose.

As the District revenues, annually increasing with the growth of the capital, and especially after each triennial assessment of real estate—which the former commissioners recommended should be an annual assessment—were more than sufficient to meet the District's half of all the necessary current expenditures without crippling of the municipal services, the only question to be determined was how to provide for the District's half of the cost of the extraordinary projects of improvements recommended by the commissioners and admitted by Congress to be necessary. At the very beginning of the decade the commissioners, in view of the fact that Congress was authorizing and appropriating for several of the great projects of the plan for its orderly development—notably the filtration plant, new sewerage system, and railway terminal work, including the abolition of grade crossings and removal of the railway station from the Mall—recommended to Congress that the District of Columbia should be allowed to provide for its half of the extraordinary appropriation necessary for these extraordinary improvements either by issue of bonds or by obtaining advances from the United States Treasury, the bonds to be met or the advances to be repaid entirely from the revenues of the District of Columbia, and, of course, with interest. Congress saw the necessity for making some such arrangement, since it was obviously impracticable for the District to pay its half of such extraordinary expenditures out of current revenues without seriously crippling the appropriations for current needs, including improvements of the municipal services desired by the commissioners and by Congress. Congress at once chose the alternative recommendation of making advances from the United States Treasury at 2 per cent interest, the rate paid by the United States on its later

bonds, and that was a wise choice. From that time bonds were never mentioned. There was no reason for considering a bond issue.

Besides this recommendation, the commissioners recommended that provision should be made for keeping a separate account of the extraordinary expenditures and advances made on account of them—there being no necessity for any advances on the current expenditures—and that provision should be made for the gradual repayment to the United States of such advances at a minimum rate per annum, and that the arrangement should continue for a definite term of years. If the commissioners' plan had been adopted in its entirety for a term of years, Congress would have made annual appropriations for all the extraordinary improvements that it deemed necessary; the District's half of their cost would have been advanced, in the first instance, from the United States Treasury and repaid with 2 per cent interest in an increasing annual amount, as the District revenues grew from year to year. No project could be authorized or appropriation made except by Congress. The District revenues were deposited in the United States Treasury subject to the control of Congress alone. Every year they afforded a surplus, annually increasing, over the District's half of the current expenditures.

The extraordinary improvements needed were all indicated to Congress by the commissioners, and ought all to have been begun and prosecuted as promptly as possible. They might well have been carried on simultaneously. As a matter of fact, Congress saw the wisdom of doing just that in case of a number of them. During the period from 1900 to 1910 about $22,000,000 were expended in extraordinary improvements in the District of Columbia, besides nearly as much more expended by the railway companies in the terminal improvements. It is obvious that the District of Columbia could not have paid even $10,000,000 in 10 years as its half of these extraordinary appropriations without seriously curtailing the appropriations for education, sanitation, police and fire protection, and other municipal services.

The systematic plan proposed by the commissioners completely met all the needs of the situation. It would have proved useful for future needs as well. Unfortunately Congress did not fully adopt it. Instead of providing for the extraordinary improvements in a separate account, with provision for gradual repayment of the advances, Congress made the extraordinary and current expenditures together, required the advances to be repaid in a very limited period by an annual paragraph in the District appropriation bill, necessarily renewed and extended from year to year, and at the same time cut the appropriations for current expenditures so as to repay the United States Treasury more rapidly than was necessary or desirable. In this manner the so-called floating debt, caused by the advance of the District's half of the cost of the extraordinary improvements, amounting to over $11,000,000, was reduced to about $4,000,000 by the end of the 10-year period. If the District had had twice the time in which to repay the advances under the systematic plan of the commissioners, there would have been no occasion for cutting the current expenditures. But, as it was, the largest absolute amount of general improvements ever made in a like period in the District of Columbia was made in that period, partly at the expense of the proper development of the municipal services.

The old bonded debt inherited by the present form of government in 1878, and which has never been increased since that time, has, of course, nothing to do with the so-called floating indebtedness except that each year the District and the United States paid as a current expenditure into the sinking fund for the extinction of that bonded debt, and it was reduced in the 10-year period from $15,091,300 in 1900 to $9,492,100 in 1910. The sinking fund will fully provide for this bonded indebtedness, as it was intended to do by the annual appropriations, and it ought not to be confused with the floating indebtedness.

As the commissioners have not the power of appropriation, as they must inform Congress, under the law, of the needs of the District of Columbia, and Congress has no other means of securing comprehensive information on that point, and as the commissioners can not anticipate what estimates Congress will approve in any particular year, the commissioners from 1900 to 1910 annually submitted, as fully as they deemed practicable, the estimates required for both extraordinary improvements and current expenditures in order to develop the capital in an orderly and systematic manner, and as desired by the patriotic citizens of the country who take a pride in their capital and want it to be as nearly as possible a model city. Congress then chose from the estimates what it would authorize for the next fiscal year. The commissioners had no power to make a budget, in the only proper sense of that word, which includes the idea of appropriation as well as estimates.

In conclusion I refer you for details to the annual reports of the commissioners, to their estimates and comments upon them, and to the reports of the hearings before the subcommittees on the District of Columbia of the appropriation committees. The latest full discussion before the House Committee on Appropriations is found in the reports of the hearings in 1908 for the fiscal year 1909. At pages 3 to 21 and page 332 of the House hearings are contained excellent examples of the recommendations and arguments of the commissioners, including at page 14 an extract from the annual report of the commissioners for that year, and at page 332 the proposed text of the paragraph containing the fiscal plan of the commissioners which they submitted as in former years for adoption by Congress. As that proposed provision is brief and important I quote it in full, as follows:

"That from and after July 1, 1908, the Secretary of the Treasury is authorized and directed to advance, on the requisition of the Commissioners of the District of Columbia, made in the manner now prescribed by law, out of any moneys in the Treasury of the United States not otherwise appropriated, such sums as may be necessary from time to time to meet the expenses of said District on account of extraordinary expenditures for public works and improvements, as authorized by Congress under the following-named existing appropriations, to wit:

"Sewerage-disposal system, District of Columbia; municipal building, District of Columbia; terminal improvements, Baltimore & Ohio Railroad, District of Columbia; elimination of grade crossings, District of Columbia; bridge across Anacostia River, District of Columbia; damages, changes of grade, Union Station, District of Columbia; and such other appropriations of like character for extraordinary expenditures for public works and improvements which may hereafter be authoized and provided by Congress, and to reimburse the Treasury for the portion of said advances payable by the District of Columbia, together with the balance which shall be ascertained to be due from said District to the United States on July 1, 1908, on account of advances made under the acts of February 11, 1901; July 1, 1902; March 3, 1903; April 27, 1904; March 3, 1905; June 27, 1906; and March 2, 1907, in the manner hereinafter provided—that is to say, the said balance which shall be ascertained to be due by the District of Columbia to the United States on July 1, 1908, on account of advances under the acts of Congress above named, including interest on advances made prior to June 30, 1902, computed for the fiscal year 1903, and interest on advances for the fiscal years 1903, 1904, 1905, 1906, and 1907, computed for said fiscal years as required by the aforesaid acts, and one-half of all advances for extraordinary expenditures made under the provisions of this act from and after July 1, 1908, shall be computed and stated annually by the Auditor for the State and Other Departments and by the auditor of the District of Columbia, and charged to a capital amount on the books of the Treasury Department, and that the interest thereon at the rate of 2 per cent per annum shall be annually computed for each fiscal year and charged to said account, and the amount due to the United States by the District of Columbia on said account, including all interest charges, shall be reimbursed to the Treasury of the United States out of the revenues of the District of Columbia within the period of 15 years from and after July 1, 1908, by such annual payments from said revenues, not less than $300,000 per annum, as shall be determined and ordered by the Commissioners of said District on or before the beginning of each fiscal year: *Provided*, That nothing herein contained shall be held or construed to limit or prevent advances from the Treasury of the United States on account of appropriations for current and ordinary expenses of the government of the District of Columbia in the manner such advances were made prior to the act of Congress approved February 11, 1901."

Believing that you would not knowingly do injustice to any man, whether in public or in private life, I submit this statement of facts for such use as you may desire to make of it.

Sincerely, yours,

HENRY B. F. MACFARLAND.

Mr. TAYLOR of Ohio. Mr. Chairman, it is quite true, and I know it is quite true, that neither the gentleman from Missouri [Mr. BORLAND] nor myself would willfully misrepresent any fact or misrepresent a condition affecting any person, but in explanation of our remarks I think a short history of the matter talked of in our colloquy could be well placed in the RECORD together with this letter. For instance, the present so-called floating or unfunded debt of the District of Columbia originated under an act of Congress, reported from the Committee on the District of Columbia, and approved February 11, 1911 (Stat. L., vol. 31, p. 766), which authorized advances out of the Treasury of the United States to meet expenses of the government of the District of Columbia under appropriations made by Congress which exceeded the one-half payable out of District revenues.

The act in question authorized such advances until and including June 30, 1902, and that all advances so made should be reimbursed in four equal annual installments with 2 per cent interest. This law authorizing the advances to cover deficiencies in District revenues growing out of excessive appropriations was extended from year to year by provisions on District appropriation acts until June 30, 1910. Coincident with the provision on the District appropriation act, approved March 3, 1909, extending the period of time for these advances until June 30, 1910, and as a part of the same section (7) of the act, the provision was enacted which required the commissioners to keep their annual estimates for appropriations within the estimated revenues of the District. Since the enactment of that provision it has not been necessary to authorize advances to meet deficiencies in District revenues, although many so-called extraordinary improvements have been entered into and carried to a conclusion. On the other hand, the unfunded debt thus created is being rapidly reduced out of surplus revenues and now amounts to only $2,665,081.81 as against nearly $4,000,000, the largest sum it had reached, as reported in 1908, and if the balance in excess of the appropriations carried in this bill goes through, as was stated by the chairman, then this two million or more dollars will be practically wiped out in the next bill. Mr. Macfarland, as early as January, 1902, in a hearing before the Committee on Appropriations, and frequently thereafter, speaking for the board of commissioners with reference to provision for what he termed "extraordinary expenditures," urged that they should be taken care of by continuing the advances from the Treasury "or by authorizing an issue of bonds to cover the District's obligations in the matter of these extraordinary expenditures." It is true that the commissioners recommended, as early as 1900, that provision be made for certain "extraordinary improvements" by the issue of bonds or by advances out of the Treasury. It is likewise true that a year after Congress passed the law to make advances out of the Treasury, the commissioners, speaking through Mr. Macfarland, again urged continuance of advances out of the Treasury, or an issue of bonds, and again in December, 1902, he characterized the system of advances adopted by Congress as "makeshift legislation," and stated that he knew of no other place where such projects—referring to what he termed "extraordinary expenditures"—"were not provided for by bond issues," and again characterized the system of advances from the Treasury as "makeshift provisions." A man would be dense, indeed, in my judgment, if in the light of this history he did not incline to the opinion that Mr. Macfarland and his associates, for whom he spoke, were, to say the least, not averse to an issue of bonds to cover so-called extraordinary improvements in the District of Columbia.

Mr. Chairman, I do not know how much time I have remaining——

The CHAIRMAN. The gentleman has six minutes.

Mr. TAYLOR of Ohio. I yield that time to the chairman of the subcommittee on the District of Columbia, Mr. BURLESON.

Mr. BURLESON. Mr. Chairman, I desire to make a brief statement in regard to the Klingle Park proposition embodied in last year's bill. It is true at that time it embraced a larger area and a larger amount than estimated for in this year's bill, but it was caused by the fact that the last year's estimate embraced an area that included the crown of two hills which were valuable property, and this year's estimate excluded from the area the more valuable property and took in less valuable property.

I yield one minute to the gentleman from Illinois [Mr. RAINEY].

Mr. RAINEY. Mr. Chairman, I want to ask permission to print in the RECORD a brief statement of the "History, plans, and objects of the National Good Roads Association and Congress," together with a call for a convention of the Illinois and Interstate Good Roads Convention, which explains the object of that association, which convention is to be held in Chicago next month.

The CHAIRMAN. The gentleman from Illinois [Mr. RAINEY] asks unanimous consent to insert in the RECORD the matter indicated. Is there objection?

There was no objection.

The following are the documents referred to:

THE NATIONAL GOOD ROADS ASSOCIATION AND CONGRESS.

HISTORY, PLANS, AND OBJECTS.

In the year 1890 the foundation of the National Good Roads Association was laid in a State good-roads convention, held at Kansas City, Mo.

The subject of charities, correction, and good roads was discussed by delegates from several States. The sentiment and resolution of that convention recommended to the governers of all States: "That the increasing demands of charity for the defective classes and the tremendous increase of criminal arrests in the Nation call for stringent vagrancy laws and their vigorous enforcement." Another resolution urgently requested "the cooperation of municipal, county, and State authorities to utilize the labor of able-bodied tramps, vagrants, paupers, and short-term prisoners in public improvements." It has been shown that such labor can be used economically and with good results on quarries, gravel pits, and rock piles in preparing the materials and loading it upon work trains or wagons, and in the actual construction of roads and streets. Many States are now making substantial progress in road building with convicts.

During the last 20 years the State, interstate and national good-roads associations have held over 2,000 county, State, national, and international roads conventions. We have issued and distributed vast quantities of literature on the subject. The public press has always given us unqualified support. It has printed thousands of pages, ever educating communities while advocating and urging good public roads as a substantial asset and as a social and commercial necessity in the Nation's expansion, contentment, and prosperity.

The interstate association was merged into the National Good Roads Association in convention at Chicago, November 21, 1900. That same year we induced the national Republican Party, in convention at Philadelphia, to incorporate a good-roads section in its platform. We urged similar action in the national Democratic convention, at Kansas City. President McKinley, in his message to the Congress of 1900, urged Federal cooperation in road building. This was the first reference to Congress of the good-roads subject by any President of the United States for a period of over 60 years.

In 1901, cooperating with the Illinois Central, the Lake Shore & Michigan Southern and the Southern Railway systems and the leading manufacturers of road machinery, we inaugurated and equipped the good-roads special trains. The director of the Office of Public Roads Inquiries, United States Government, joined us in this campaign of practical demonstration and education. We equipped 14 cars with machinery, engineers, and experts, and constructed object-lesson roads at convenient and important points in all the States through which the Illinois Central Railroad operates. This was followed by a demonstration of road building at the Pan American Exposition, Buffalo, and the holding of the National and International Good Roads Convention in 1901. We then carried a full equipment of machinery and men over the entire Southern Railway system, devoting more than five and a half months time to the Eastern, Southern Atlantic, and Gulf States, which resulted in immense increase and quick growth of land values wherever we held conventions, organized associations, and constructed stretches of earth, gravel, and macadam roads or streets.

In 1903, cooperating with the World's Fair at St. Louis, we built the roads and streets in the model city of the exposition and received hundreds of most favorable testimonials from city and country officials and engineers praising the scientific and economical methods and plans adopted in the construction of those roads and streets.

April 27 to 29, 1903, the national and international good roads convention assembled at St. Louis. Hon. John Hay, Secretary of State, invited all civilized Governments to send delegates. Eleven foreign Governments were represented, and on April 29 Theodore Roosevelt, President of the United States; Hon. William Jennings Bryan; Gen. Nelson A. Miles, head of the United States Army; and many other dignitaries addressed the convention.

In 1904 the fourth national and international good roads convention met at St. Louis, during the progress of the World's Fair. The honorable Secretary of State at Washington again invited all Governments to send representatives to that meeting. Many foreign Governments responded, and more than 100 railway companies sent representatives. Hon. James Wilson, Secretary of Agriculture, represented the Government in that convention.

In 1905 we exploited the good roads cause in 24 States. We had a good roads special train over the Missouri, Kansas & Texas Railway, the Chicago & Northwestern Railway, and the combined systems of the Union Pacific. We held 118 conventions, congregated and organized thousands of farmers and business men in local and State associations.

In 1906 we held 92 conventions in 18 States, and a national convention at Muskogee, Ind. T.

On May 23, 1908, the National Good Roads Congress was incorporated under the laws of the State of Illinois to associate all interested in a national movement for good roads, and the following call was signed by the governors of 40 States and the mayors of more than 100 leading cities: "Recognizing a well-nigh universal sentiment in favor of better public highways and believing that a general discussion of this great problem from every point of view will prove timely and effective, the undersigned join in urging all interested to attend the National Good Roads Congress at Chicago, June 15, 1908, and Denver, July 6, 1908, that the results of its deliberations may be presented for the consideration of the coming national conventions, all legislative bodies, and the public in general."

As a result of the congress the Republican national convention at Chicago adopted the following good-roads plank in its platform: "We recognize the social and economic advantages of good country roads, maintained more and more largely at public expense and less and less at the expense of the abutting owner," and the Democratic national convention at Denver declared: "We favor Federal aid to State and local authorities in the construction and maintenance of post roads."

The second National Good Roads Congress was held at Johns Hopkins University May 18, 19, 20, and 21, 1909, and in Washington, D. C., May 22, 1909. It was opened by Cardinal Gibbons and addressed by Vice President SHERMAN, Speaker CANNON, Gov. Crothers, and many of the most prominent men in public life.

The third national congress was held at Niagara Falls, N. Y., July 28, 29, and 30, 1910, and was addressed by distinguished good-roads advocates from 11 States and from Canada.

The fourth national congress was held at Birmingham, Ala., May 23, 24, 25, and 26, 1911, with 1,364 delegates in attendance from 18 States.

The officers of the congress are the same as the national association, and the headquarters of both organizations are at Chicago, Ill.

The tenth annual national good roads convention was held at the State capitol, Topeka, Kans., December 14 and 15, 1909.

The eleventh annual convention at Oklahoma City, Okla., and Hot Springs, Ark., October 4, 5, 6, and 13, 1910.

OBJECTS OF THE ASSOCIATION.

The objects of the National Good Roads Association are clearly defined in the original articles of association, unanimously adopted at Chicago when the association was organized in the year 1900, as follows:

First. To associate all agricultural, transportation, industrial, commercial, educational, and religious organizations and individuals who are in sympathy with the good roads movement in a universal demand for the permanent improvement of public roads and streets.

Second. To secure better results from the millions of dollars annually expended upon the public roads and streets.

Third. To have established in all States and Territories highway departments with practical engineering supervision.

Fourth. To secure thorough teaching of highway engineering in all universities and agricultural colleges.

Fifth. To utilize all able-bodied tramps, vagrants, paupers, prisoners, and convicts in preparing materials and building public roads and streets.

Sixth. To secure State and National aid for the construction and maintenance of permanent public roads for this and future generations.

The International Good Roads and Automobile Association, organized and incorporated August 30, 1911, to promote a universal interest in good roads and streets and do everything possible to secure them, to encourage every useful development of the automobile and make racing and reckless driving unlawful.

The Fourth International Good Roads Congress, Chicago, September 18 to October 1, 1911, with delegates in attendance from 40 States and countries.

ARTHUR C. JACKSON, *President*,
C. E. BRYAN, *Secretary*,
Auditorium Hotel, Chicago.

THE ILLINOIS AND INTERSTATE GOOD ROADS CONVENTION.

(Under the auspices of the National Good Roads Association, the Illinois State Good Roads Association, and the Chicago Good Roads Association.)

OFFICIAL CALL FOR AN ILLINOIS AND INTERSTATE GOOD ROADS CONVENTION, AUDITORIUM HOTEL, CHICAGO, ILL., LINCOLN'S BIRTHDAY, FEBRUARY 12, 1912.

AUDITORIUM HOTEL,
Chicago, Ill., February 12, 1912 (Lincoln's birthday).

The first State convention of the Illinois State Good Roads Association was held at the Auditorium Hotel, Chicago, February 12, 1909. An Illinois and interstate good roads convention is hereby called to meet at the Auditorium Hotel on Lincoln's birthday, February 12, 1912.

No name is nearer to the American heart than that of Abraham Lincoln, yet in this, his home State, no adequate memorial of him exists. Perhaps nothing adequate can ever be produced, but this State convention will be asked to consider the building of a great Lincoln highway, connecting his home in Springfield with Chicago, St. Louis, and the county seat of every county in the State. A great central boulevard between these three cities which shall surpass in beauty, usefulness, and permanency any equal mileage of highway in the world, and connecting with it from the county seat of every county of the State an equally permanent and serviceable public road, which may serve as a daily reminder of him whose greatest ambition was to serve his fellow men, as well as providing Illinois with a permanent system of roads which will be an almost inconceivable source of wealth to the State.

Two million dollars has recently been appropriated by Congress for a Lincoln memorial, and President Taft and the Lincoln Memorial Commission are to decide upon the nature of the memorial. Senator CULLOM, a member of the commission, favors an appropriate creation by great artists, which shall be worthy of his great friend and endure as long as any monument of antiquity. Representative BORLAND and others are seeking to have this appropriation expended in the building of a Lincoln memorial highway from the city of Washington to the battle field of Gettysburg. Speaker CLARK, also a member of the commission, believes "that Lincoln as one of the most practical of mortals, would greatly prefer that the $2,000,000 be expended in such a way as to do somebody some good," consequently he is for the memorial road in preference to an arch or column or anything of that sort. Senator CHILTON urges an extension of this highway from

Gettysburg, through a country of absorbing historic interest, to Lincoln's birthplace.

Why may not all of these plans be adopted? The appropriation be expended as planned by the commission and the memorial highways be built by another.

What more fitting time and place than Lincoln's birthday and Chicago for the Illinois State Good Roads Association and all who sympathize with its objects to consider each of these propositions designed as a tribute of the honor and affection universally entertained by a free, united, and fraternal people for Abraham Lincoln.

THE ILLINOIS STATE GOOD ROADS ASSOCIATION,
ARTHUR C. JACKSON, *President.*

FACTS AND ARGUMENTS REGARDING THE DISTRICT OF COLUMBIA.

Mr. SAMUEL W. SMITH. Will the gentleman from Texas yield to me for a minute?

Mr. BURLESON. I yield one minute to the gentleman.

Mr. SAMUEL W. SMITH. There has just been placed in my hands, as I suppose there has been placed in the hands of every other Member of the House, an article prepared by the Washington Chamber of Commerce, entitled "Facts and arguments regarding the District of Columbia and its relations to the General Government." I have taken occasion to look it over. It seems to me it is full of interesting facts, and for one I would like to see it inserted in the RECORD at the present time. It is not only interesting to each of us as Members, but also to our constituents throughout the country who read the RECORD.

The CHAIRMAN. Is there objection?

Mr. BURLESON. Mr. Chairman, reserving the right to object, I would like to ask the gentleman if he does not think this would be more valuable if printed as a document than as a part of the RECORD. I do not see why the RECORD should be encumbered. I have no objection to its being printed as a document, but I have objection to seeing it printed in the RECORD.

Mr. SAMUEL W. SMITH. What objection has the gentleman to printing it in the RECORD?

Mr. BURLESON. I do not wish to see the RECORD encumbered.

Mr. MANN. Does not the gentleman think it would be of just as much use as the matter that my colleague from Illinois [Mr. RAINEY] has asked leave to insert in the RECORD? Nobody who has good sense ever reads that small type in the CONGRESSIONAL RECORD.

The CHAIRMAN. Is there objection?

Mr. BURLESON. I object.

Mr. SAMUEL W. SMITH. I understand that it is not proper to move to have it printed as a document at this time in the day, and I will make it later.

Mr. BURLESON. I will ask that the Clerk may proceed with the reading of the bill.

The CHAIRMAN. Under the previous order, the time for general debate has closed, and the Clerk will read the bill for amendment.

The Clerk read as follows:

Building inspection division: Inspector of buildings, $3,000; principal assistant inspector of buildings, $1,800; assistant inspectors of buildings—11 at $1,200 each; fire-escape inspector, $1,400; temporary employment of additional assistant inspectors for such time as their services may be necessary, $3,000; 2 civil engineers or computers, at $1,500 each; chief clerk, $1,500; clerks—1 at $1,050, 1 at $1,000; 1 who shall be a stenographer and typewriter, $1,000, 1 at $900; messenger, $480; assistant inspector, $1,500.

Mr. MANN. Mr. Chairman, I move to strike out the last word. This paragraph covers the expenses of the building inspection division. Is the gentleman able to tell the Committee what the fees are for the issuance of building permits?

Mr. BURLESON. I am unable to give the gentleman that information. I will state to him that the fees collected are considerable in excess of the amount carried in this item.

Mr. MANN. What becomes of the fees?

Mr. BURLESON. All the fees are covered into the Treasury of the United States, one-half to the credit of the District of Columbia and one-half to the credit of the United States.

Mr. MANN. Is the gentleman quite certain about that?

Mr. BURLESON. That is my information. We made special inquiry about that last year as the result of a query by a gentleman upon the floor in reference to assessment work, and we took up each particular item where we thought it was proper that the unexpended balance of the fees earned should be apportioned between the District of Columbia and the Federal Government, and we provided in the bill that that apportionment should be made and a deposit made in accordance with the provision.

Mr. MANN. That provision is carried as to certain other items in this bill. It is true that a few years ago, in the consideration of this bill, I made the inquiry as to what became of these fees received by the different divisions of the city government, where we paid half the expense of maintaining the division or department; and we were told that the fees more than equaled the expense of maintaining the department. But it was disclosed at that time that while we paid half the cost all the fees received went into the Treasury to the credit of the District of Columbia. There was legislation afterwards, coming from the Committee on Appropriations, for the purpose of remedying that condition in some cases. My information is that we are still contributing to the payment of the expenses of several of the divisions of the District government here which collect fees, in which cases the fees go entirely to the credit of the District, involving thereby a further appropriation by the General Government to meet this amount to the credit of the District. I am not certain as to whether that is the case with the building department or not.

Mr. BURLESON. I will read to the gentleman the law on the subject.

Mr. MANN. I would be glad if the gentleman would.

Mr. BURLESON. The law provides that—

Said fees shall be paid to the collector of taxes of the District of Columbia, and shall be deposited by him with the Treasurer of the United States to the credit of the District of Columbia.

The suggestion of the gentleman from Illinois, I think, is a pertinent one, and I am inclined to believe that the surplus of fees should be apportioned equally between the District of Columbia and the General Government; and, so far as I am concerned, if the gentleman has prepared an amendment on that point to submit at this time, I will accept it.

Mr. MANN. I have not. I am in favor, personally, I may say, of the half-and-half proposition as maintainable at least for the present. But on the half-and-half proposition I am not in favor of the Federal Government paying out of the General Treasury half of the expense of maintaining a District bureau when that District bureau is to collect fees for work done and then turn in the entire amount of the fees to the credit of the District of Columbia.

Mr. BURLESON. I think the position of the gentleman sound. I think it is eminently just.

Mr. MANN. I think no one will question that. The reason I am calling it to the attention of my friend from Texas is that I know that, with his usual acumen, he will have it corrected in the future, if he has anything to do with the bill.

Mr. BURLESON. Mr. Chairman, I ask unanimous consent that the paragraph be passed over for the present in order to permit an amendment to be prepared covering that.

Mr. JOHNSON of Kentucky. If the gentleman will yield to me for one moment I will say that I have, to some extent, investigated this subject. I have not yet concluded that investigation, but I believe that the conclusion of it will develop the fact that the United States is being worsted in that transaction to the extent of $40,000 a year.

Mr. BURLESON. Of course, the gentleman recognizes the fact that this legislation is subject to a point of order, but I do not think the point of order should be made against it. I think it is right. I think this surplus fund should be apportioned between the Government and the District of Columbia if these expenses are to be paid one-half by the Federal Government and one-half by the District.

The CHAIRMAN. The gentleman from Texas [Mr. BURLESON] asks unanimous consent that this paragraph be passed over for the present. Is there objection? [After a pause.] The Chair hears none. The Clerk will read.

The Clerk read as follows:

To reimburse two elevator inspectors for the provision and maintenance by themselves of two motor cycles for use in their official inspection of elevators in the District of Columbia, $15 per month each, $360.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order against that item as not being authorized by existing law.

The CHAIRMAN. The gentleman from Kentucky makes the point of order that the item is not authorized by existing law.

Mr. MANN. Well, Mr. Chairman, this is not a new item, as the gentleman doubtless understands.

Mr. JOHNSON of Kentucky. Oh, no; it is not new, but it is not authorized by law.

Mr. MANN. I am inclined to think that it is.

Mr. FITZGERALD. Let me suggest this to the gentleman from Kentucky: The fact that these elevator inspectors are compelled to inspect the elevators in buildings throughout the District of Columbia requires either that an additional force be authorized for this work or else some method must be devised by which the present force can speedily get about the District. If these men are not allowed this amount for the maintenance of motor cycles they will be paid car fare out of the contingent fund of the District, and properly so. It appears that some of these inspectors have purchased motor cycles of their own, by which they are more readily able to go about the District, to make a greater number of inspections, and thus to eliminate the necessity of an increase in the force of inspectors;

and it was believed to be a wise economy to authorize the commissioners to use funds appropriated in this way to reimburse these men for the maintenance of the motor cycles which they use and thus save an increase of the force that would otherwise be necessary.

Mr. JOHNSON of Kentucky. Mr. Chairman, I have heard that same argument for a number of years. These men are treated in those arguments as if they were compelled to go to every elevator accident and repair the elevator. That is not their mission. Their mission is to go quietly around when the elevators are in use to see that they are safe, and there is no hurry for them at all.

Mr. FITZGERALD. It is not a question of hurry. An elevator inspector goes from one building to another. He must be reimbursed for his car fare in traveling about the District. It has been found that he could more readily cover a much greater territory and discharge his duties more efficiently if he used one of these motor cycles than if he relied upon the ordinary methods of conveyance to go about the District.

Mr. JOHNSON of Kentucky. The motor cycle is his private property, and if he wears out the tires on Sundays and holidays I do not think the Government should pay for that.

Mr. BURLESON. I will state to the gentleman from Kentucky that when that item went into the bill the alternative was presented that we should either allow this item, which is now carried in the appropriation, or that we should increase the number of inspectors; that by giving them this $360 to enable them to more speedily cover the territory, and to cover a wider territory, it would obviate the necessity of an additional inspector, and that it was in the interest of economy that this item was embodied in the bill. They could not cover the territory by using the street cars. At that time they were allowed a certain number of car fares per day out of the contingent fund, but they were not able to render the service efficiently; not able to cover all the inspections necessary to be made; and the alternative was presented either to allow an additional inspector or allow this item of $360, and the committee, in the interest of economy, allowed the $360. This item, in my opinion, is not authorized by law, and is subject to a point of order.

Mr. MANN. I hope the gentleman will not make that concession.

Mr. JOHNSON of Kentucky. So would the other alternative be subject to a point of order, of increasing the number of inspectors.

Mr. BURLESON. That is probably true, too. I will say this with reference to points of order against services of this character and against certain employments authorized by this bill: You can take any appropriation bill, and by making points of order against the various employees carried in that bill you can completely disarrange the bill, as was done two or three years ago with reference to the legislative bill, when it became necessary, on account of points of order that were made and properly sustained by the Chair, to bring in a special rule in order to secure the passage of that bill.

This item carried in this bill is in the interest of economy, in the interest of efficient service in the District, and I certainly hope that the gentleman will not insist on his point of order.

Mr. MANN. I should like to be heard on the point of order before it is decided.

The CHAIRMAN. The Chair will hear the gentleman from Illinois on the point of order.

Mr. MANN. Mr. Chairman, this item is not to reimburse these men for the past or the current fiscal year. It is a part of their compensation for the fiscal year 1913. Now, whether these two elevator inspectors are authorized by law or not, the item providing for their employment has already been passed in the bill. The ruling in reference to these matters is that a provision in an appropriation bill of one year is not a warrant for the continuation of the same item in an appropriation bill of the ensuing year, except as to the compensation. The rulings are uniform that where an office is in the existing appropriation law at a fixed compensation in that law a point of order can be made against the continuation of the office, and unless some law is shown for the office the office goes out on a point of order; but that no point of order can be made against the compensation named in the existing law. If it is proposed to increase the compensation, that is subject to a point of order. Of course, that is purely an arbitrary rule. It is a distinction without any logic, but is a distinction which is clearly made and has been the rule of this House under the decisions of the chairmen for many years, regardless of the partisan control of the House.

The CHAIRMAN. Will the gentleman allow me to ask him a question? Does the Chair understand that the gentleman from Illinois takes the position that this $360 in the bill to reimburse two elevator inspectors for the maintenance of two motorcycles is a part of their compensation?

Mr. MANN. That is the position I take; it is a part of their compensation. It is not a claim, it is not for this year, it is for the year 1913. It is a part of their compensation purely, in my judgment.

Mr. JOHNSON of Kentucky. Mr. Chairman, if that is true, I will say that in volume 4, page 448, Hinds' Precedents, the Chair will find that my position is sustained.

Mr. MANN. I do not know what the gentleman's logic is; I am not able to catch it. If the salary of the elevator inspectors is fixed by law, other than by an appropriation bill, of course any change in that salary is subject to a point of order; but I do not understand that to be the case. I understand the compensation of the elevator inspectors is fixed by the appropriation law for the current fiscal year.

Mr. JOHNSON of Kentucky. There are several kinds of compensation—one a per diem and another a salary. The salary is an annual compensation, therefore if it increases the compensation it thereby increases the salary; and under that ruling the salary should not be increased.

Mr. MANN. It does not increase the compensation.

Mr. JOHNSON of Kentucky. The gentleman from Illinois said it did increase the compensation.

Mr. MANN. I think the gentleman is mistaken.

Mr. JOHNSON of Kentucky. If the gentleman will look at the notes, I think he will see that he did.

Mr. MANN. Well, I never changed my notes.

Mr. JOHNSON of Kentucky. I did not say that the gentleman did.

Mr. MANN. I said it was a part of their compensation. It is the existing compensation under existing law for this fiscal year—the same item, the same officers, carried in the existing law. It is a part of the compensation.

Mr. JOHNSON of Kentucky. Mr. Chairman, out of more than 20,000 employees that this bill provides for, more than 2,000 of them are subject to a point of order. I do not care to cripple the government of the District of Columbia to any extent, much less to the extent of making a point of order as to these 2,000 or more of men who are subject to a point of order; but I do object to paying the expenses of men owning motorcycles, when they wear out tires and other parts of the machines on Sunday and other days when not engaged in public business.

Mr. MADDEN. Will the gentleman withhold his point of order? I want to discuss this question. Mr. Chairman, I am not on this committee and I am not in a position, as the members of the committee are, to understand the details of why this compensation is allowed; but I hope the gentleman from Kentucky will not make a point of order against this item, because I think it is one of the most important items in the bill. It is one of the items which may affect the lives of people who live in the District who are obliged to travel on the elevators of the various buildings in the District. Suppose, because of failure to appropriate this $360 to compensate these men for the use of the motor cycle, they should be unable to cover the territory and make the kind of examinations that are required to be made of the passenger elevators in the various buildings of the District; suppose that because of the failure of these men to get around to make examination of an elevator the strand of a cable should break, and suppose that a large number of people were to enter the elevator and be killed while the cable was in that condition, because of the failure to investigate and examine it. Would the gentleman from Kentucky [Mr. JOHNSON] feel that he had any responsibility placed upon him on account of the death of these people who rode upon the elevator, because he raised the point of order against an appropriation of $360? Why, Mr. Chairman, I am astonished to think that a Member would rise in his place on the floor of this House and object to an appropriation of this character, an appropriation which is intended to facilitate the work of examining and investigating the safety of elevators upon which the people of this District ride up and down in these buildings every day. It is a grave responsibility for any man to assume. It ought not to be assumed lightly, and I take it the gentleman from Kentucky [Mr. JOHNSON] will hesitate about the assumption of that responsibility when he realizes that in doing so he is crippling the work of inspection of elevators upon which the men, women, and children of this District are riding every day. I would hate to assume that responsibility. I would hate to think that because of my action upon the floor of this House inspection of the elevators of the District was not possible, and that on that account lives were lost. I would think about it the longest day I lived and regret it, and I am certain that the gentleman from Kentucky [Mr. JOHNSON] does not desire to

cripple the administration of affairs in this District in such a vital particular as this appropriation provides for. Compensation must be paid to these men if they are to do their duty.

They can not do their duty unless they travel over the District. They can not examine these elevators unless they see them. They are obliged to climb through the elevator shafts, examine every strand of every cable on every elevator and look over the engines and the motors, and everything connected with them, to see that they are safe; and will the gentleman from Kentucky [Mr. JOHNSON] say that at the saving of $360 per annum he would take the chance of having people ride on unsafe elevators? I hope not. I hope the gentleman will withdraw the point of order. Everybody realizes that in the conduct of a great city government incidental things must be done which are not provided for especially by the law, and when we establish the fundamental law upon which we base the government of a city we must give authority to somebody to do something which will insure the proper conduct of the city's affairs; and I take it that the appropriation of this $360 to pay these men who are supposed to inspect the elevators is appropriated for one of the best purposes in the conduct of the city government of the District of Columbia.

The Clerk read as follows:

Plumbing inspection division: Inspector of plumbing, $2,000; principal assistant inspector of plumbing, $1,400; assistant inspectors of plumbing—one at $1,200, four at $1,000 each; clerk, $1,200; temporary employment of additional assistant inspectors of plumbing and laborers for such time as their services may be necessary, $1,700; draftsman, $1,350; sewer tapper, $1,000; clerk, $900; three members of the plumbing board, at $300 each; maintenance of motor cycle, $120; in all, $112,586.

Mr. BURLESON. Mr. Chairman, I move to strike out the last word. I want to say this in reference to the items contained in this bill: Any item carried in this bill that is not authorized by law is subject to a point of order, and I recognize that a Member is strictly within his rights in making the point of order against it. All I ask, as the man in charge of this bill, is that if we can show that that particular item is necessary for the official conduct of the municipal government here, and if we can show that the item is necessary to effect economy, the point of order will not be insisted upon.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

Care of District Building: Clerk and stenographer, $2,000; chief engineer, $1,400; 3 assistant engineers, at $1,000 each; electrician, $1,200; 2 dynamo tenders, at $875 each; 3 firemen, at $720 each; 3 coal passers, at $600 each; electrician's helper, $840; 8 elevator conductors, at $600 each; laborers—2 at $660 each, 2 at $500 each; 2 chief cleaners, who shall also have charge of the lavatories, at $500 each; 30 cleaners, at $240 each; chief watchman, $1,000; assistant chief watchman, $660; 8 watchmen, at $600 each; pneumatic-tube operator, $600; in all, $36,530: *Provided*, That the employees herein authorized for the care of the District Building shall be appointed by the assistants to the engineer commissioner, with the approval of the commissioners.

Mr. BURLESON. Mr. Chairman, I move that this item be temporarily passed.

The CHAIRMAN. The gentleman from Texas moves that this item be temporarily passed. Is there objection?

Mr. BURLESON. And in the meantime I desire to offer an amendment to return to page 4, after line 9, and insert the following.

Mr. MANN. You mean to return to the other item?

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. MANN. Mr. Chairman, reserving the right to object, what is the reason for passing this item?

Mr. BURLESON. I will state to the gentleman from Illinois that a member of the subcommittee may desire to offer an amendment to the item, and he is temporarily out of the room, and I ask that it be passed until he returns.

Mr. MANN. He is here now.

Mr. BURLESON. I understand he does not desire to make it.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. MANN. Do I understand the amendment is not going to be offered?

Mr. SAUNDERS. Not on my part. I have looked into the matter, and so far as I am concerned I do not propose to offer the amendment. I went out to find the gentleman who originally offered it.

The CHAIRMAN. The request of the gentleman from Texas is that the paragraph just read be temporarily passed over.

Mr. MANN. Mr. Chairman, reserving the right to object, I shall object unless I know what the purpose is.

Mr. BURLESON. I have already stated it.

Mr. MANN. The gentleman stated somebody wanted to offer an amendment. What is the proposition?

Mr. BURLESON. That is all.

Mr. SAUNDERS. I can state perhaps a little more fully——

Mr. MANN. I want to know what the amendment is.

Mr. SAUNDERS. The amendment is to reduce the number of watchmen in that building. It is simply a possible amendment; I do not know whether it will be offered or not. I went out to see the gentleman who is interested in it, but could not find him.

Mr. MANN. If the gentleman wants to offer that amendment I shall not object.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BURLESON. Now, I desire to return to page 4, and after line 9 I offer the following amendment, which is in the Clerk's hands.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to return to the paragraph on page 4, which was passed by unanimous consent a few moments ago, and offers the amendment which the Clerk will report.

The Clerk read as follows:

On page 4, after line 9, insert:

"Hereafter one-half of the fees collected on account of permits, certificates and transcripts of records issued by the inspector of buildings of the District of Columbia shall be paid into the Treasury to the credit of the United States."

Mr. BURLESON. Mr. Chairman, that amendment is offered to conform with the suggestion of the gentleman from Illinois, and I thank him for bringing the matter to my attention.

The question was taken, and the amendment was agreed to.

Mr. FOWLER rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. FOWLER. I ask that after the amendment a period may follow, Mr. Chairman.

The CHAIRMAN. Does the gentleman offer an amendment?

Mr. FOWLER. Yes, sir.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert a period following the amendment, after the word "States."

Mr. BURLESON. I will state to the Chairman that the period is already there. The Clerk failed to say there was a period there, but it is there.

Mr. FOWLER. Mr. Chairman, if that is true I withdraw my amendment.

The Clerk read as follows:

Collector's office: Collector, $4,000; deputy collector, $2,000; cashier, $1,800; assistant cashier, $1,400; bookkeeper, $1,600; clerks—three at $1,400 each, one at $1,200, one at $1,000, three at $900 each; clerk and bank messenger, $1,200; messenger, $600; in all, $21,700.

Mr. COOPER. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from Texas if he thinks that in these times of extraordinarily high prices any man should work as a messenger for the Government of the United States—incomparably the richest Government the world has ever known—for $50 a month.

Mr. BURLESON. I will say to the gentleman, from my viewpoint the Government ought not to give any compensation in excess of what the service is actually worth. Of course, those views are my personal views; but I do not believe a Member of Congress has a right to vote compensation in excess of what service is fairly worth. I believe he is derelict in his duty to his constituents and his Government if he does such a thing. It is true that $50 is a very low compensation, but I will say to the gentleman from Wisconsin that if the Government can secure that service for $50, and other people who require similar service can get the same service for $50, the Government ought not to pay in excess of $50.

Mr. COOPER. I thought the contrary principle ought to prevail with the Government. I did not suppose that in obtaining employees the United States Government was committed to the policy of unrestricted, cutthroat competition which finds men struggling for existence—one willing to labor for a certain sum and another for a few cents less, another for still less, the alternative being the poorhouse or a starvation wage. I understood that the attitude of the Government was the same as that of every civilized employer to-day—that a man ought not to be paid what that sort of competition will compel him to accept, but what he ought to receive as an American citizen to enable him to provide for his wife and children, to pay for their food and clothing, and to live as a white man or a black man and his family ought to live in the United States in this day and generation. But the doctrine which the gentleman says is the only doctrine for the United States to adopt drives men to accept anything they can that will keep them out of the poorhouse.

Mr. TAYLOR of Ohio. Will the gentleman yield?

Mr. BURLESON. There is nothing that I said that would justify the gentleman in that statement.

Mr. COOPER. What did the gentleman say?

Mr. BURLESON. That I think the Government ought not to enter into a cutthroat competition with the view of securing the services of men at as low a price as possible. On the contrary, I said the Government should pay to a man what the service was fairly and honestly worth. Every dollar of service rendered to the Government should be compensated with a dollar, and not with one cent beyond that. I will say to the gentleman from Wisconsin that it is not my money; that it is not his money. We have no right, as I view the situation, to indulge in philanthropy or charity at the expense of the Government. We are here to compensate these people fairly and adequately for the service they render, and if the gentleman can point in this bill to a single employee who is rendering service worth more than we give him I will vote with him to increase the amount paid him, but I will not join him in increasing these amounts in excess of what the service is fairly worth.

Mr. COOPER. Mr. Chairman, the gentleman said, when he answered my first question, that he was in favor of paying only what the service is worth. I asked him how he was to determine that, and he announced that the value of the service is ascertained by what he could get a man to perform the service for; in other words, he is in favor of the doctrine of unrestricted competition, and that is cutthroat competition, which pays men out of employment, looking for a job, not what will keep them respectably in the city of Washington, but what these poor men are willing to work for. The situation presented to men, where 500 are after a job and there is only one job, will make them cut under each other, and the Government is to take the man who will work for the least wage. That is exactly what I said. The gentleman determines what the job is worth, not by the standard of what a man ought to receive in the city of Washington from the Government, in order to keep him as a man ought to be kept, but by the lowest wage that is required to keep him out of the poorhouse.

Mr. BURLESON. Oh, no; I did not say that.

Mr. COOPER. That is what it means.

Mr. BURLESON. I do say that what is paid for similar service by those engaged in private business is a fair standard for fixing the rate of compensation. Otherwise, in the enactment of this bill, I would vote to increase every item in this bill in order to give a man fair compensation for service rendered, and not one cent beyond that.

Mr. COOPER. Mr. Chairman, the gentleman says he measures the duty of the Government toward its employees, as to giving just compensation, by what he finds private employers willing to give. Now, the undisputed evidence given in the report of Mr. Neill, Commissioner of Labor, is that men work, or did work, for the Steel Trust 12 hours a day, 365 days in the year, including Sundays and holidays, for $1.50 a day. Does the gentleman measure the duty of the Government toward its employees by what that private corporation did toward its employees?

Mr. BURLESON. The gentleman is asking me a question——

Mr. COOPER. Then the gentleman withdraws his last remark, does he?

Mr. BURLESON. Oh, no; not at all. The trouble with the gentleman is that he and I do not look at this situation from the same viewpoint. The gentleman looks at the Government as a "little father" to look after and care for and protect the people. I take the view that the people should support the Government, and not the Government the people. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. BERGER. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Wisconsin [Mr. BERGER] moves to strike out the last two words.

Mr. BERGER. Now, Mr. Chairman, I am glad that I finally got the position of the Democratic Party on the wage question; very glad, indeed. In other words, you Democrats want the Government to do as badly, or even worse, if possible, than the private employer does. You know wages are fixed nowadays in the open market and not by the best employer, but by the one who is paying the lowest wages.

And that is what you are trying to do. Fifty dollars a month in the city of Washington is not a living wage.

Mr. TAYLOR of Ohio. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Will the gentleman from Wisconsin yield to the gentleman from Ohio?

Mr. BERGER. With pleasure.

Mr. TAYLOR of Ohio. There are several other items in the bill under consideration where men and women receive considerably less than $50 a month, and I agree with the gentleman that it is no wage.

Mr. BERGER. Then it is a disgrace to the Government; simply a disgrace.

I want to say that in the city of Milwaukee, where I happened to be an alderman, we passed an ordinance that no man working for the city, no matter in what capacity, should receive less than $2 a day for eight hours' work. Two dollars per day is the minimum wage for the lowest kind of labor. Two dollars a day, no matter what color the man is, whether white or black. I do not know whether we have any yellow men there. They are most of them "red."

I have been told that these messengers are usually colored. That does not make any difference. A colored man has red blood in his veins, and if you employ a colored man you ought to pay him wages as you pay to a white man. We are white men, and we ought to treat every man white. Mr. Chairman, may I offer an amendment now?

The CHAIRMAN. The Chair will state that the gentleman has offered a pro forma amendment to strike out the last two words. The gentleman can withdraw that amendment and offer another.

Mr. BERGER. I will withdraw my pro forma amendment.

The CHAIRMAN. If there be no objection the pro forma amendment will be considered as withdrawn.

Mr. BERGER. Of course, you can vote me down. You can also rule me out on a point of order. You have the majority on the Democratic side. You can now, if you want to, state your position on the wage question. My amendment is to make this wage $900 instead of $600.

Mr. BURLESON. I make the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report. Will the gentleman state the line and page?

Mr. BERGER. In line 16, page 6. Then there is another place in line 20, page 6.

Mr. BURLESON. I make the point of order that the gentleman can only offer one amendment at a time.

Mr. BERGER. Then one at a time—line 16, page 6, first.

The CHAIRMAN. The gentleman from Wisconsin [Mr. BERGER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 6, line 16, strike out the words "six hundred" and insert in lieu thereof the words "nine hundred."

Mr. MANN. The proper form is to strike out "six" and insert "nine."

Mr. BURLESON. I will reserve a point of order.

Mr. BERGER. I believe $900 is about the minimum wage on which a man with a family can live even half decently in the city of Washington. I am quite certain that the gentleman from Texas or myself would not like to live on $900 in this city.

Mr. BURLESON. It is a little strange that gentlemen on the other side of the Chamber, after being in control of this body for 16 years, should suddenly become aroused to the fact that the laboring people are paid too little. When you were in control of the Government, why did you not increase their wages?

Mr. BERGER. The party which I represent was not in control.

Mr. BURLESON. Why did you not offer an amendment to last year's bill, or that of the year before, to increase this item? It has been carried in the bill substantially as it is now for years and years, and yet on the eve of an election gentlemen on the other side, who have had for so long a time an opportunity to look after the wages of labor, suddenly become aroused to the necessity for increasing the compensation of these laborers.

Mr. COOPER. Mr. Chairman——

Mr. BURLESON. In one minute. The responsibility now rests on this side of the Chamber. I do not hesitate to state that we want to pay every employee of the Government what his services are fairly worth, but we do not propose to increase items for any class of employees for the sake of buncombe. [Applause on the Democratic side.]

Mr. COOPER and Mr. BERGER addressed the Chair.

The CHAIRMAN. The gentleman from Wisconsin [Mr. COOPER] is recognized.

Mr. COOPER. Just a word in reply to the gentleman from Texas [Mr. BURLESON]. The gentleman seems to forget that attempts have been made in previous Congresses to increase this item, but always unavailingly. If I may make a personal allusion, I myself made a speech on the floor in the last Congress in which I declared it to be a shame for the Government of the United States of America, incomparably the richest

employer the world has ever known, to have men work for it for $60 a month and less in the city of Washington.

The gentleman from Texas said that we over here were talking "buncombe."

If there has been any "buncombe" injected into this debate, it has not come from this side of the aisle. No higher-grade specimen of "buncombe" has it ever been my fortune to see or hear than that put on exhibition by the gentleman who has just taken his seat, the gentleman from Texas. There is no greater master of what Carlyle calls the "art of varnish" nor of what we know as "buncombe" than is the gentleman from Texas. He would give the listener in the House and in the gallery, because he spoke to both, to understand that this subject had never been mentioned by gentlemen on this side of the Chamber until it came up this afternoon. His memory is altogether too short for a statesman of his reputation. Previous Congresses have heard Republicans deplore the fact of the niggardly salaries paid some of the Government employees. If the gentleman has forgotten what Republicans said on this floor, if he has forgotten what I said, it is because he did not think the subject worthy of his distinguished consideration, or else he was not in the House paying attention to his duties. There is no other alternative. The only "buncombe" in this debate comes from the gentleman from Texas. [Laughter.] I stated a moment ago what I said in the last Congress and what I repeat now, that for the Government of the United States to pay only $50 a month to men and expect them to live in Washington as men ought to live in this Republic is wrong. The gentleman from Texas, anxious only to make a record for economy, declares that he proposes to stand by the people. And so these wages are to be kept down to $50 a month. Right and justice have not entered into it, because the gentleman said he was in favor of having these wages fixed at what the Government could get men to work for, not what they ought to receive.

Mr. SIMS. Mr. Chairman, I want to defend the Government. It is a neglected child, it is an orphan in this debate. The Government has absolutely no interest in the salary of this messenger. Who does he serve? He is under the District assessor. The District gets the benefit of all taxes collected in the District. This is the fruit of this illogical, unreasonable, unjust half-and-half provision. [Applause.] That is exactly what it is. The Government must pay one-half for this service, although the service is wholly confined to city purposes and city benefits. The Government is not the employer, it is the rich millionaires who have left home to keep from paying taxes on intangible personal property, and locate here in the city of Washington to save themselves from such taxes on property made in the States; they have run away from their States to get to this haven of the tax dodger. They are the gentlemen who do not want to pay messengers for this compensation unless the whole people of the country pay half. We sit here and allow this outrage to be perpetrated year after year. I could not help thinking of this yesterday when the gentleman from Kentucky [Mr. JOHNSON] made an unanswerable legal argument on this line that if you made a man a Christmas present of $100 for 20 years, he declares that that is a vested right and you must keep on giving him $100 every year, because he has learned to live in expectation of it. If we have been paying half of the interest on the bonded indebtedness it is purely a Christmas gift, and these millionaires who have left cities all over the country and located here in order to keep from paying taxes on their bonds and bank stock, and on all kinds of personal property, except tangible property, they are the men who are robbing the employees of the District, as the gentleman from Wisconsin says. Rise up and help do justice both ways. Do justice against the tax dodger and do justice in favor of the victim of the tax dodger. [Applause on the Democratic side.]

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Speaker, in the public press of this city there has been some criticism of the action of the Committee on Appropriations, which reports this bill, because of its refusal to recommend increases in the compensation of various employees, which increases were submitted in the estimates for the government of the District of Columbia for the next ensuing fiscal year. My recollection is that there are but two increases of compensation recommended in this bill. Outside of other considerations there was one which appealed very forcibly to the committee in its determination not to grant the increases recommended. In 1907, by general legislation, the compensation of the police, firemen, and employees of the schools was readjusted and increased so that the salaries of the great bulk of the municipal employees were adjusted and fixed at that time upon a scale deemed adequate. Since that time the number of increases of compensation and the increase in the force of employees of the District of Columbia have been such as to justify a stop at this time, in order that matters might be properly readjusted. I have had collated the figures for five years, showing the number of new places and the increases of salary in the District, and will give them. In 1908, 131 new offices were created in the District government, at a total cost of $94,019 per year, and in that year there were 90 increases of salary, at a cost of $14,470 per year. In 1909, 93 new offices were created, at a cost of $63,060, and 68 salaries were increased, at a cost of $9,979. In 1910, 129 new offices were created, at a cost of $110,789, and 45 increases of salary were made, at a cost of $7,662. In 1911, 61 new offices were created, at a cost of $56,240 per year, and 107 salaries were increased, at a cost of $6,525 per year. In 1912, the current year, 99 new offices were created, at a cost of $58,774, and 46 salaries were increased, at a cost of $7,675. Thus in five years there were 513 new places created, at a cost of $382,882, and there were in that time 356 salaries increased, at a cost of $46,311, making a total permanent annual charge, additional to the current charges, of $449,193; or, in five years, the net increases of places and salaries has been equivalent to about 4 per cent of the cost of the maintenance of the District government.

Mr. HUGHES of New Jersey. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. HUGHES of New Jersey. In the increases enumerated by the gentleman were there any to $50-a-month watchmen or clerks, so far as he knows?

Mr. FITZGERALD. I do not recall. I believe those increases have been in all grades; but that was after a general readjustment of the compensation of the police force, the firemen, and the school employees.

Gentlemen are unduly excited about the compensation paid to this messenger. I believe that all men favor the payment of a living wage to all Government employees.

Mr. LOBECK. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. LOBECK. Are there any decreases in salaries this year as compared with the last appropriation bill?

Mr. FITZGERALD. Yes; there is one. The salary of the keeper of the pound has been decreased $300, and for a very satisfactory reason. He was receiving $1,500 a year.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FITZGERALD. For some years the District Commissioners recommended that that salary be reduced to $1,200. The place was occupied by a man who was there for thirty-odd years. He subsequently died. A new man was appointed in his place, and for the first time in many years the Commissioners omitted to recommend a reduction of salary. The committee believed that in view of the former recommendations, and the conditions surrounding the situation, if the Commissioners were so insistent that $1,200 was a reasonable compensation for the keeper of the pound, the committee would recommend that compensation for that place.

Mr. LOBECK. That explanation is quite satisfactory.

Mr. FITZGERALD. Mr. Chairman, in determining what is a living wage, it is necessary to take into consideration the location in which a person resides, the peculiar conditions surrounding him, and also what he is accustomed to in the way of necessities and luxuries in life. There is no doubt that $600 is ample compensation in this District for the men who are selected for the positions similar to this one. It is equivalent to $2 a day, and the work is about seven and a half hours a day.

There has never been any complaint that the compensation has been inadequate nor has there been any difficulty whatever in obtaining men to supply the places. It is true that it would be easy to obtain men to fill such places at a less compensation, but there is no desire to do it. I know for 16 years this Congress has been making appropriations of a very extravagant character. An attempt is being made to readjust matters so that our expenditures will be kept within our income. The great evil in the District of Columbia and elsewhere in the United States is not so much inadequacy of compensation as it is the burdensome and iniquitous tax laws enacted by Republican Congresses from which the people are suffering grievously. This Congress proposes not to attempt to ameliorate the condition of all the people simply by raising the compensation of a few Government employees, but to do so by taking off the bur-

den of taxation which will bring relief to the great mass of the people. When that is done there will be no complaint found in any place about the compensation being paid. I wish to say, Mr. Chairman, that in my opinion the great bulk of the employees of the District of Columbia are well paid. There are many cases no doubt where the compensation is inadequate, and an attempt should be made to readjust them, but this is not the time to take up such readjustment. The thing to do now is to eliminate the extravagances which have crept into the Government, and when that is done, it will be time to consider the readjustment of compensations.

Mr. BURLESON. Mr. Chairman, I ask unanimous consent to make a short statement.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BURLESON. Mr. Chairman, I think I owe to the gentleman from Wisconsin [Mr. COOPER] some explanation of why I did not remember the fact that he had on a former occasion insisted upon increasing the salary of an employee similar in character to this. I realize the fact that then the control of legislation rested with gentlemen upon the other side of the Chamber, of which he constitutes one. I also realize the fact that he had absolutely no influence upon his own side, and, consequently, inasmuch as the authority and power rested with them, I did not think that it was necessary that I should charge my memory with anything that he might say with reference to the matter. I now insist upon the point of order.

Mr. BERGER rose.

Mr. HUGHES of New Jersey. Mr. Chairman, I wish to ask unanimous consent of the committee to be permitted to address the committee for five minutes.

The CHAIRMAN. The Chair will recognize the gentleman from Wisconsin to discuss the point of order later. The gentleman from New Jersey asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HUGHES of New Jersey. Mr. Chairman, the gentleman from Wisconsin [Mr. COOPER] is absolutely correct when he says that he and other gentlemen on that side of the House and on this side of the House have many, many times protested against what seemed to be the ridiculously inadequate salaries paid to noninfluential employees of the Government, and any man who has had any experience in this House knows how extremely easy it is to increase the salary of some high official in the Government and how difficult or impossible it is to get any consideration for a poorly paid official. We all remember when, I think a majority of the House—at least, a great many votes—were mustered in support of the proposition to increase the salary of the secretary to the President $1,500 or $2,000 a year. There is hardly an appropriation bill that has come into this House during my experience here that has not carried increases ranging from $500 to $1,000 a year. Now, so far as I individually am concerned I propose to vote every time I get the opportunity to see that any employee of this Government receives a living wage. I do not think $600 a year is a living wage in the District of Columbia. I shall vote, if this amendment is in order, with the gentleman from Wisconsin, who has offered this amendment raising this salary, and I will point out a way to the members of the committee to equalize these matters and to save the money they may perchance vote out of the Treasury by refraining from increasing the higher officials of the Government, or perhaps reduce already overpaid officials, and thus balance one of these things against the other, so that the Government will still be the gainer. [Applause.]

Mr. MANN. Mr. Chairman——

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. MANN. I understood the point of order was reserved.

Mr. BURLESON. It was reserved.

The CHAIRMAN. The point of order was reserved and the gentleman asks unanimous consent to address the House for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Well, I will move, if necessary, to amend the amendment. Mr. Chairman, the chairman of a committee or a subcommittee on appropriations presenting a bill to this House for consideration has a duty to perform separate and apart from any Member of the House.

And the gentleman from Texas, now in charge of this bill, stands in a different position from any other Member of the House. Any other Member of the House has a right to endeavor to change the provisions of the bill, but the gentleman from Texas, in charge of this bill on the floor, is in charge of the bill as representing the Committee on Appropriations, and has not the right ordinarily to use his individual judgment when it is contrary to the express judgment as shown by the bill reported from his committee.

Here is a proposition to change the compensation of employees, with no special statement changing this employee from all other employees in the bill receiving similar salaries. That proposition is subject to a point of order. Every other gentleman on the floor has a right at this time, if he can secure the floor, to rise and say that he is in favor, if the point of order is not pressed, of increasing the salary and doing justice to these employees, knowing that it is the duty of the gentleman from Texas, under the practice of the House, to insist upon the point of order, so that the gentleman who makes this speech is not required to make the vote. [Applause.]

There is a parliamentary and proper method by which the salary of these individuals can be increased. That is by a report from the Committee on the District of Columbia, of which my distinguished friend at the right [Mr. BERGER] is a member. That committee has jurisdiction to fix the salaries of employees in the District of Columbia. That committee has a license to legislate in regard to the fixing of salaries. The Committee on Appropriations has no authority to legislate about salaries. If the Committee on Appropriations had increased this $600 salary to $600 and 1 cent, it would have been subject to a point of order and the whole item would have gone out of the bill. The District of Columbia Committee has the jurisdiction to recommend legislation, and if, as there may be, propriety in increasing the salaries of some of these officials it should come from the Committee on the District of Columbia, and the gentleman from Texas [Mr. BURLESON] is not to be charged either as being for or against the amount of salary that should be paid to these officials, because under the practice of this House it is his duty, protecting the committee which directed him to make the report, to insist upon the point of order. [Applause.]

Mr. BERGER rose.

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. BERGER] desire to be heard on the point of order?

Mr. BERGER. Yes, sir. The gentleman from Texas [Mr. BURLESON] has a good protector in the person of the gentleman from Illinois [Mr. MANN].

I hope the gentleman from Illinois does not believe for one minute that I am not going to vote for the increase of wages if I should get a chance. However, as a member of the Committee on the District of Columbia, I shall never get a chance to get a bill for raising wages reported to the House. I will ask the gentleman from Kentucky [Mr. JOHNSON] if I am not right about that? This is about the only chance I have to express my views on the floor of the House as to the wages paid by the Government in the District of Columbia.

Mr. MANN. I hope the gentleman does not think I was endeavoring in any way to criticize him either for offering the amendment or calling it to the attention of the committee in my remarks.

Mr. BERGER. I am simply stating a fact. The difference between a private employer and the Government is that the private employer runs his establishment for profit—must run it for private profit—while the Government does not. The private employer—whether a manufacturer or a merchant or a corporation—must make a profit in order to exist. Therefore they pay as small wages as possible.

It is different with the Government. The Government can and should pay living wages. Moreover, the Government has no competitor. This is an additional reason.

The Government ought to pay and must pay the best wages everywhere in order to be the model employer. I will say that if the two old parties continue as they do—the gentlemen on this side as well as the gentlemen on the other—then we shall soon have a powerful section of about 100 Socialists in this House. And then both old parties will fall over each other to not only accept propositions of this kind but infinitely more radical measures. That is what the capitalist parties did in Germany. But their good will came too late. The Socialists continued to grow, and yesterday they had 4,000,000 votes. And in our country the Socialists will have about 2,000,000 votes at the next election—maybe two millions and a half.

Mr. BUTLER. From which party will they come?

Mr. BERGER. They will come from both parties.

Mr. O'SHAUNESSY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Rhode Island?

Mr. BERGER. Yes, sir.

Mr. O'SHAUNESSY. I want to say to the gentleman from Wisconsin, referring to his statement when he interrogated the gentleman from Kentucky [Mr. JOHNSON] as to the possibility

of having legislation enacted by reason of the membership of the gentleman from Wisconsin on the Committee on the District of Columbia—I want to say unequivocally that in any proposed legislation of that kind he will have my support and aid.

Mr. BERGER. The gentleman is very kind.

Mr. O'SHAUNESSY. I believe in men getting a living wage.

Mr. BERGER. The gentleman is very kind, and I appreciate his good will. But what does the gentleman think our chances will be? [Laughter.]

Mr. O'SHAUNESSY. Mr. Chairman, will the gentleman again yield?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Rhode Island.

Mr. BERGER. With pleasure.

Mr. O'SHAUNESSY. I would like the gentleman to elaborate on that.

Mr. BERGER. Oh, I do not want to elaborate on it. I have the greatest respect for the gentleman personally. [Laughter.]

Mr. O'SHAUNESSY. I just want to say to the gentleman from Wisconsin that I did not want him to appropriate entirely a disposition to aid the employees of the District of Columbia. I wanted to be let in on the appropriation. [Laughter and applause.]

Mr. BERGER. Oh, decidedly. Moreover, there are a great many gentlemen who are personally very willing to talk liberally about wages, so long as it does not interfere with the policy of their party—whatever it may be at the time—or so long as it does not interfere with a showing of economy, and a good many other things. [Laughter.]

And thus it happens that the gentlemen on the other side always stand for better wages when the gentlemen on this side of the House are responsible for the conduct of legislation [laughter], and vice versa; but those who will always stand for it are the Socialists, I promise, because to better the condition of the working class is a principle of socialism.

Mr. Chairman, I know very well that a point of order will be made and that I will be ruled out of order. But I shall offer amendments on some more occasions.

I see, on page 10 of the bill, for instance, that there is a laborer getting the princely sum of $240 a year. There is another laborer on page 10 also getting $240 a year. Now, with all due respect to Republican good times and bad times and to Democratic economy, $240 is not enough to live on and hardly enough to die on. [Applause.]

Mr. BURLESON. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman from Texas [Mr. BURLESON] makes a point of order on the amendment. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

Office of corporation counsel: Corporation counsel, $4,500; first assistant, $2,500; second assistant, $1,800; third assistant, $1,600; fourth assistant, $1,500; fifth assistant, $1,500; stenographer, $1,200; stenographer, $840; clerk, $720; in all, $16,160.

Mr. FOWLER. Mr. Chairman, I desire to amend page 8 of the bill, in line 18, by striking out the words "five hundred."

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend page 8, line 18, by striking out, after the word "thousand," the words "five hundred."

Mr. FOWLER. Mr. Chairman, I offer this amendment for two reasons. First, I think $4,000 would be a princely salary for the corporation counsel of this city. Many able lawyers would be glad to fill the place for that sum and even less, I dare say. I do not see any reason, Mr. Chairman, for giving to the attorney for the city a greater salary than is given to some of the chief officers of the city, and so far, Mr. Chairman, in this bill I understand that the greatest salary which is paid is $4,000. I am aware that all attorneys ought to be paid well for their services [applause], because of the fact that it is through their wise counsel that great mistakes are often avoided. Yet, Mr. Chairman, while that is true, a lawyer is only a man, and nothing more, and his services ought to be measured by the same yardstick as that of other men. I think a salary of $4,000 is enough for Mr. Thomas. Another reason I have for offering this amendment is to give an opportunity for an increase in the salary of some man who is getting only $200 or $300 or $400 or $500 annually for his services in the city government. I can see no reason why the man whose labor creates wealth should not have a fair consideration at the hands of Congress, the same as the man whose brain passes upon and appropriates the wealth created by this labor. For this reason I seek to equalize the difference which now exists between the wages of those who create wealth and of those who appropriate this wealth to their own use and enjoyment after it has been created. It is now and always has been the custom to place labor at the foot of the pay roll, a custom which reason can not defend and which this Congress can not afford to indorse. This amendment is offered for the purpose of recognizing the rights of labor, with no intention of discrediting the services of an attorney. I want to be placed on record as standing for those who toil for long hours, and my vote will be cast for the relief of labor and to give it that decent wage which is demanded by the intelligence of this Republic.

Mr. BURLESON. Mr. Chairman, this is one of the few employees in the District government who, the members of the subcommittee really thought, is entitled to an increase of compensation. There was no estimate made for such increase this time. If there had been, I would have voted for it. With the permission of members of the committee, if you will bear with me just one minute, I want to read to you a statement of the services performed by this man during the last fiscal year. Before I do so, I want to state that I have no personal acquaintance with him. I think I never saw him but once in my life, when I met him at a banquet of the Geographical Society. Undoubtedly, if there is an employee in the service of the District of Columbia who more than earns his compensation that we allot to him, it is this man Thomas, who holds the position of corporation counsel. Let me read to you now the record of the labors performed by him, not as stated by him, but as stated by the District Commissioners in their annual report:

Four cases were argued in the Supreme Court of the United States, two involving the law relating to gift enterprises (argued together), and two the law of eminent domain (argued at the same time). The decisions of that court were in favor of the District of Columbia in all the cases. The decision on the gift-enterprise law was made January 3, 1911, and is reported under the title "Matter of Gregory, petitioner," in 219 United States, at page 210. The decision on eminent-domain law was made on May 29, 1911, and will be found reported in Volume XXXIX, Washington Law Reporter, at page 530. The latter case holds that private property is not taken for public use without compensation, under the act to extend Rhode Island Avenue (approved Feb. 10, 1899, 30 Stat. L., chap. 150), which provides that one-half the amount awarded as damages in the street extension authorized by that act is to be assessed against the lands within a designated area as benefits, and that Congress may create a special improvement district and charge a part or all of the cost of the improvement therein according to the benefits received by property within such district.

That was one of the most hotly contested cases ever instituted in the District of Columbia. Eminent and able counsel were employed on the other side, and the matter was contested from the nisi prius court to the Supreme Court of the United States, and through the ability of Mr. Thomas victory perched upon the banner of the people of the District of Columbia and the General Government.

This decision disposed of nine other cases (in addition to the two cases directly involved) then pending in the Supreme Court of the District of Columbia, favorable to the District, and made all assessments for the extension of Rhode Island Avenue collectible.

The case of the District of Columbia against James T. Petty, late auditor of the District of Columbia, to recover $20,000, the penalty of his official bond, and the case of the New York Continental Jewell Filtration Co. against the District of Columbia to recover $7,181.64 and interest, growing out of the work connected with the elimination of grade crossings are pending in the Supreme Court of the United States.

Fourteen cases were argued and decided in the Court of Appeals of the District of Columbia, resulting in eight decisions for and six decisions against the District. Six cases are pending in that court.

In the Supreme Court of the District of Columbia eight damage cases to recover for personal injuries occasioned by defects in highways, for which claims were made aggregating $83,000, resulted in judgments amounting to $6,150. Fourteen like suits are pending in that court wherein the claims aggregate $185,000.

The case of James L. Parsons for $15,000 damages for breach of contract for delay in the completion of the Municipal Building was decided in favor of the District. Twenty other cases went to judgment and 20 are there pending.

Gentlemen, those were the services rendered by this man during the last fiscal year. In addition he is the legal adviser and counselor of the commissioners. Every bill introduced by Members of Congress referred to the District Committee is sent down to the District commissioners, and this corporation counsel passes upon the bill.

Mr. BUTLER. Has this gentleman any assistants?

Mr. BURLESON. He has no more than are needed.

Mr. BUTLER. I understand.

Mr. BURLESON. I will say to the gentleman from Pennsylvania that he is always on the job, and I use the language of one of the commissioners when I make that statement—that he stays there longer than any other employee in the District Building, save the commissioners themselves.

Mr. FOWLER. How long has this gentleman been willing to perform these services for $4,500?

Mr. BURLESON. He has held this job for some time, as I understand it.

Mr. BUTLER. I want to say that if permitted I would vote for an increase in his compensation.

Mr. BURLESON. His compensation formerly was $4,000, and then it was increased to $4,500, and it ought to be more.

Mr. BUTLER. I think it had.

Mr. SIMS. He does not try to get a bigger job on the outside.

Mr. BURLESON. Mr. Chairman, I hope the amendment offered by the gentleman from Illinois [Mr. FOWLER] will not prevail.

Mr. LOBECK. Will the gentleman yield?

Mr. BURLESON. Certainly.

Mr. LOBECK. Did not the commissioners ask that the salary of this officer be increased $500?

Mr. BURLESON. If so, I overlooked it.

Mr. TAYLOR of Ohio. I think that is correct; I think the committee was of the opinion that he deserved the increase.

Mr. BURLESON. I want to state to the House that if I am in charge of the next District appropriation bill, and the estimate is made for an increase in this man's salary, you will find it in the bill.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. FOWLER. Mr. Chairman, I desire to ask the gentleman from Texas a question.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. FOWLER. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Texas be extended two minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Texas be extended two minutes. Is there objection?

There was no objection.

Mr. FOWLER. Mr. Chairman, I desire to ask the distinguished gentleman from Texas if this officer—Mr. Thomas—is not engaged in the general practice of law outside of his duties for the District of Columbia?

Mr. BURLESON. I understand that he would like to do it, but that his time is so occupied he is unable to do it and does not do it.

Mr. FOWLER. Does he do any other legal business except that for the District of Columbia, or has he during the last year?

Mr. BURLESON. I am not able to state. I am informed that he had one case, that had come over years previous, to which he has given some attention.

Mr. FOWLER. I have been informed that he does a general law practice outside of his duties to the District of Columbia.

Mr. BURLESON. Mr. Chairman, I will state that if I thought this man was receiving more compensation than he justly deserves I would vote with the gentleman from Illinois to cut it down without hesitation; but believing, as I do, that this man is not receiving the compensation he is entitled to I ask the committee to vote down the amendment.

Mr. COOPER. Will the gentleman from Texas permit a question?

Mr. BURLESON. Certainly.

Mr. COOPER. The gentleman from Texas a little while ago, when asked about the employees who receive $500 or $600 a year, said that he was in favor of standing by the Treasury and getting this service for what we could get it for, which means letting these men compete. Does the gentleman know whether any effort has been made to find some other lawyer in the city of Washington who would do this work for the salary, $4,000 or more, that the present official is receiving and thus avoid any increase in the salary?

Mr. BURLESON. I will state that the gentleman from Wisconsin is unfortunate in possessing a bad memory. I made no such statement that I thought we ought to pay what we could get employees for the Government for. I said I was in favor of paying them an adequate, fair, and just compensation for the services rendered. I made that statement once, I made it twice, and more than twice.

Mr. COOPER. The first time the gentleman gave us to understand that he was in favor of paying what the Government could get the work done for, and when I suggested that that was cutthroat competition he modified his statement.

Mr. BURLESON. The record will show what I said, and I do not want to quibble about it. I will state that, in my judgment—and it is the judgment of every member of the subcommittee—this man is not receiving an adequate compensation.

Mr. COOPER. If the gentleman from Texas thinks that this lawyer is not receiving adequate compensation in his salary of $4,000 or $4,500—and the gentleman from Texas says he will be in favor of increasing it at the next opportunity—does the gentleman from Texas think that a Government employee, with wife and children, in the city of Washington, is receiving adequate compensation when he gets $600 a year?

Mr. BURLESON. Oh, no; I think a man ought to get what his services are worth.

Mr. COOPER. Does the gentleman think that his services, working for the Government of the United States in the city of Washington, are not worth more than $600 a year?

Mr. BURLESON. Do I understand the gentleman to say that services performed for the Government are worth more than like services performed for somebody else?

Mr. COOPER. Mr. Chairman, we will now learn what the gentleman means. When the gentleman uses the words "like services performed for somebody else," he means like services performed for private individuals.

Mr. BURLESON. Yes.

Mr. COOPER. And as I instanced in the case of the Steel Trust, according to the Government's report, men worked 365 days in the year, 12 hours a day, for a dollar and a half a day.

Mr. BURLESON. And the compensation was not adequate for the services thus performed. I think the compensation ought to have been increased, but I do not think that the Government is a paternal institution, to go out and give the employees more than what their services are worth. I think the unfortunate part about Mr. Thomas's position is that the majority of the constituents of some of the Representatives are not lawyers instead of laboring men.

Mr. COOPER. One moment. I want the gentleman to answer the question. A moment ago the gentleman said that he was not in favor of having the Government pay more for a service than the same service was paid for elsewhere.

Mr. BURLESON. Oh, no. I have said repeatedly that I think the Government ought to pay an adequate compensation for the service rendered.

Mr. COOPER. But not more, the gentleman said, than is paid for the same services elsewhere.

Mr. BURLESON. I said that was a fair guide.

Mr. COOPER. Exactly. Does the gentleman think that the Government of the United States ought not to pay what is a fair living wage in the city of Washington, but fix wages by what some private employer pays? I knew that that was the gentleman's position, and he can not escape it now, because he said that the Government ought not to pay more for services than is paid for like service elsewhere.

Mr. BURLESON. I am glad to know that the gentleman from Wisconsin knows something. I do not know what he means or what his colleague [Mr. BERGER] means.

Mr. COOPER. One of the most difficult things I have ever tried to do is to know what the gentleman from Texas means when he dodges from point to point. [Laughter.]

Mr. BURLESON. I do not know what the gentleman from Wisconsin [Mr. COOPER] or his colleague [Mr. BERGER] means by a "fair living wage."

Mr. COOPER. The gentleman from Texas says he does not know what the gentleman from Wisconsin means. Is the gentleman positive that he knows what the gentleman from Texas means?

Mr. BURLESON. Yes; and I think I have conveyed my meaning to every intelligent man upon this floor. [Laughter.]

Mr. TAYLOR of Ohio. Mr. Chairman, referring to the amendment that has just been offered by the gentleman from Illinois [Mr. FOWLER], the question has been put by the gentleman from Illinois as to whether the corporation counsel, Mr. Thomas, is receiving, in addition to his salary as corporation counsel, fees as a private practitioner. While the discussion was going on I found the hearings on this subject, and I will read them into the RECORD. It is to be found at page 43, and I think this covers the entire case:

Mr. DWIGHT. How long has he held the position?

Mr. RUDOLPH. He has been in the service of the District about 10 years.

Maj. JUDSON. He is a very good lawyer and is acquainted with all the details of the District work.

Mr. BURLESON. Does he have outside practice?

Mr. RUDOLPH. Yes, sir; but he gets very little opportunity to look after outside clients.

Mr. BURLESON. But he does engage in the private practice of the law?

Maj. JUDSON. He has practically stopped. He has had only one case during the past year, in conection with the Hutchins case, and that came over from the previous year.

Mr. COX. Is he a member of some law firm?

Mr. RUDOLPH. No; he has an office of his own.

Maj. JUDSON. I think he puts in more time on the District work than the average employee does.

Mr. BURLESON. And he drafts many bills for members of the House of Representatives District committee?

Mr. RUDOLPH. Yes, sir.

Mr. COX. Do you not have to require all of his time? That is a very important position.

Maj. JUDSON. I think he is contemplating that. He recently asked us to permit him to have all his assistants give all their time, and I asked him if he proposed to have that rule apply to himself, and he said he did. I think he has in contemplation abandoning his outside work; certainly if he gets the increase we shall exact it of him.

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Ohio. Certainly.

Mr. FOWLER. I desire to know, in this connection, the number of assistants that Mr. Thomas has.

Mr. TAYLOR of Ohio. They are right here in the bill.

Mr. FOWLER. I would like to get them into the RECORD.

Mr. TAYLOR of Ohio. Very well. He has a first assistant, at $2,500; a second assistant, at $1,800; a third assistant, at $1,600; a fourth assistant, at $1,500; a fifth assistant, at $1,500; a stenographer, at $1,200; a stenographer, at $840; a clerk, at $720; and the total in the salaries of that office is $16,160, all of which items appear in the bill.

Mr. FOWLER. How much increase did he ask on his salary for this year?

Mr. TAYLOR of Ohio. He did not ask one cent.

Mr. FOWLER. How much did the commissioners ask for him?

Mr. TAYLOR of Ohio. Five hundred dollars.

Mr. FOWLER. And now, upon the theory that he is to get another $500, he was going to withdraw from the general practice of law. Is that not true?

Mr. TAYLOR of Ohio. The gentleman read the hearings, or I read them and he heard them.

Mr. FOWLER. Is that not true? The gentleman is a member of the committee, and I ask him if that is not true.

Mr. TAYLOR of Ohio. I gave the gentleman the information. It certainly is true. Does the gentleman want to hear it again?

Mr. FOWLER. I do not care to hear it again.

Mr. TAYLOR of Ohio. If the gentleman does not know it, I want to give it to him again.

Mr. FOWLER. I am asking the gentleman if he did not get the impression that it was on the condition that for the extra $500 he would withdraw from the general practice of law?

Mr. TAYLOR of Ohio. I did not get any impression at all.

Mr. FOWLER. If the gentleman did not get any at all, that is an answer to my question.

Mr. TAYLOR of Ohio. I think the statement from the commissioners was that they would compel him to withdraw if the increase was allowed.

Mr. SIMS. Mr. Chairman, I was on the District Committee about 10 years, and necessarily came in contact with Mr. Thomas an an adviser on District matters. I think he is an able lawyer, a conscientious gentleman, and above influence. I think that the salary he is paid for the services he has rendered to the District of Columbia is entirely too low, and I do not think it ought to be reduced, but I do think, Mr. Chairman, that the salary should be increased to $6,000 and he be prohibited from taking any private practice in the District of Columbia.

Mr. BURLESON. Did the gentleman hear the hearings read where it was stated he had only one case?

Mr. SAUNDERS. Practically he is out of practice now.

Mr. SIMS. I am not talking of Mr. Thomas; I am speaking of the office. I do not think that the corporation counsel of this city or any other city ought to be permitted to take private practice. I do not mean he has done any wrong, because I believe he is a very conscientious man, and I think he has very little private business. I think we ought to give the public servants an adequate salary, so they will not have to depend upon professional services rendered to outside interests in the line of service rendered as such public servants.

Mr. FOWLER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Illinois?

Mr. SIMS. Yes.

Mr. FOWLER. In that connection is the gentleman in favor of giving to the laborer an adequate salary so that he will not have to depend upon night work and extra jobs in order to support himself and family?

Mr. SIMS. Of course I am.

Mr. FOWLER. Is the gentleman willing to vote, then, to increase the salary of these men who are placed down at $600 a year and below that in this bill?

Mr. SIMS. The very moment I am sufficiently informed as to the value of the services, if I think it is worth more I will vote for it, but I want to speak of the practice that is growing up with public officials of obtaining professional employment of the same kind that pertains to the duties they are performing. Now, I think it is a matter of regret that some high officials have been appointed to legal positions under the Government, and as soon as a case, either for or against the Government, in which their talents, experience, and patriotism would call for rendering the Government their best service they resign, and in some cases have been employed by the Government at three or four times the compensation they received as officials to represent the Government, and in doing so they performed no new or additional services which they would not have had to do if they remained in the office which they accepted and which they as honorable men ought to have held until the time of their appointment expired. Now, I am in favor of passing a law that when a man receives a Government appointment and resigns, that he shall not accept private employment from the Government to do the very things he would have had to do if he had retained his office for a period equal to the unexpired time of the office from which he resigned.

Mr. FOWLER. Mr. Chairman, is the gentleman in favor of that proposition applying to Members of Congress?

Mr. SIMS. Absolutely, if any of them are fortunate enough to get outside business and have time to attend to it.

Mr. MANN. Mr. Chairman, I offer a substitute for the amendment of my colleague from Illinois, and that is to strike out the words "forty-five hundred" and insert in lieu thereof the words "five thousand."

Mr. BURLESON. Mr. Chairman, I reserve the point of order.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 8, line 18, by striking out the words "forty-five hundred" and inserting in lieu thereof the words "five thousand."

The CHAIRMAN. The gentleman from Texas reserves the point of order.

Mr. MANN. Mr. Chairman, I do not propose to discuss the amendment, except to say one word. The gentleman from Tennessee [Mr. SIMS], who for years was the ranking Democrat upon the Committee on the District of Columbia and who is one of the able economists of this House, stated he thought that this gentleman's salary ought to be $6,000.

The gentleman from Texas [Mr. BURLESON] in charge of this bill stated on the floor a few moments ago that if the District Commissioners this year had recommended an increase in this officer's salary from $4,500 to $5,000 he would have supported the proposition, and afterwards we learned that the District Commissioners had made the recommendation. I thought possibly the gentleman from Texas, who declares that he wants to increase the man's salary next year, and having the attention of the House called by my colleague to the fact recommended by the commissioners that this man was expected to devote himself wholly to this business in consideration of having his salary increased to $5,000, he might then consider that he had an opportunity of forgetting to raise the point of order.

Mr. BURLESON. I will state to the gentleman that I was not speaking for myself. I make the point of order as a representative of the committee.

Mr. MANN. I appreciate the position. I thought perhaps it might get by him in a moment of forgetfulness.

Mr. CAMPBELL. I hope the gentleman will not make the point of order now.

Mr. BURLESON. I have reserved it.

Mr. CAMPBELL. Like the gentleman from Tennessee [Mr. SIMS], I have some acquaintance with Mr. Thomas's services to the District. For some years—I think eight—I served on the judiciary committee of the Committee on the District of Columbia, and six years of that time as chairman of that committee. During this time I came in contact many times with Mr. Thomas, referred bills to him for report, on which he was required to give the existing law, the decisions of the court upon the law, and the effect the proposed law would have upon the existing law. This entailed upon Mr. Thomas an enormous work, and that work is going on from week to week as bills are referred to the Committee on the District of Columbia and from that committee to the commissioners. I have gone to Mr. Thomas's office late in the evening for the purpose of consulting him, and have found him there when everyone else was gone, and he alone was in his office, working laboriously for the $4,000 a year.

Mr. FOWLER. Mr. Chairman——

Mr. BERGER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Kansas yield to the gentleman from Illinois [Mr. FOWLER]?

Mr. CAMPBELL. Yes.

Mr. FOWLER. I desire to inquire of the gentleman, if he knows, if Mr. Thomas was in his office at these late hours for the good of the District or for the good of his profession?

Mr. CAMPBELL. I know that he was there waiting to advise me on a matter that I had referred to him pertaining solely to the business of the District of Columbia.

Mr. FOWLER. You had made an appointment with him for that hour, had you not?

Mr. CAMPBELL. Yes. He did not need to be there after 4 o'clock.

Mr. FOWLER. You do not mean to create the impression that he worked these long hours every day for the benefit of the District, do you?

Mr. CAMPBELL. I was not there every day. I make no such claim, but I do know that a lawyer can not prepare the number of briefs that have been prepared by Mr. Thomas in the cases in which he has represented the District in the Court of Appeals and in the Supreme Court without working nights, and if the gentleman from Illinois has had a practice he will know he has had to go to his office at night in order to prepare the work in which he has been engaged.

Mr. FOWLER. I will say to the gentleman from Kansas that he can find me in my office nearly every night at the hour of midnight.

Mr. CAMPBELL. Fine! The gentleman from Illinois has corroborated what I have said busy lawyers are required to do, and the report of the commissioners of the work done by Mr. Thomas shows that he is a very busy lawyer in his work for the District.

Mr. BERGER rose.

The CHAIRMAN. Does the gentleman from Kansas yield to the gentleman from Wisconsin?

Mr. CAMPBELL. Gladly.

Mr. BERGER. I fully appreciate the ability and capacity of Mr. Thomas, although I have not the pleasure of knowing him personally. However, if the gentleman from Texas should not make the point of order in this instance I shall do so, for the reason that I will never stand by idly when men who get $240 do not get their poor wages raised, while a man who gets $4,500 a year would get a salary raise of $500. That is just for the information of the gentleman.

Mr. CAMPBELL. I agree with the gentleman from Wisconsin that the man who is getting $240 a year, or who is getting $600 a year, ought to have an increase.

Mr. BURLESON. Mr. Chairman, I make a point of order on the substitute.

Mr. CONNELL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Kansas [Mr. CAMPBELL] yield to the gentleman from New York [Mr. CONNELL]?

Mr. CAMPBELL. Yes.

Mr. SIMS. When this corporation counsel is doing his work for the corporation, is he not working for every man, woman, and child in it?

Mr. CAMPBELL. Of course he is, and he holds one of the most responsible positions in the District, although he is getting a very low salary. I venture the statement that there is no other lawyer practicing in the District of Columbia who does as much work for as little money as Mr. Thomas, the corporation counsel.

Mr. BURLESON. Mr. Chairman, I make the point of order on the substitute.

The CHAIRMAN. The gentleman from Texas [Mr. BURLESON] makes the point of order on the substitute for the amendment offered by the gentleman from Illinois. The Chair sustains the point of order. The question now is on agreeing to the amendment offered by the gentleman from Illinois [Mr. FOWLER].

The question was taken; and, on a division (demanded by Mr. FOWLER), there were—ayes 2, noes 36.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

On page 9, line 3:
Sinking-fund office, under control of the Treasurer of the United States: One clerk, $1,600.

Mr. SHERLEY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Kentucky [Mr. SHERLEY] moves to strike out the last word.

Mr. SHERLEY. Mr. Chairman, I know of no other place in America where there is so false and so peculiar an apparent public opinion about appropriations by the Government as in the District of Columbia. In every other city of America that I am acquainted with the newspapers, which are more or less the makers of public opinion, criticize the various local governments because of the money that they expend. In the District of Columbia the criticism is in direct proportion to the refusal of Congress to spend money, and we have the unusual spectacle presented here of Congress berated and abused because it undertakes to administer the affairs of the District with some degree of economy.

I read the other day of a meeting that was going to be held by some people in the District of Columbia to protest against the dismissal of certain Census clerks. This article that I refer to went on to say that these clerks get so much money apiece, and that that footed up a given sum total, and that a certain proportion of that sum total would, if those clerks remained employed, be expended in the District; otherwise it would be lost to the District. And then, as the crowning infamy of it all, was the protest against the requirement that those clerks that were to be retained in the Census Office were to be required to work until 5 o'clock and therefore would not have time to spend their money in the stores of the District.

Now, there has been a great deal of discussion about salaries. I believe in a living wage. But my experience in respect to Government employment, covering a period of a little over eight years here as a Representative, is that the people employed in the Government service here work shorter hours and get more pay for the same amount of work than anywhere else in the United States of America. [Applause.] I have never felt that I had a right to spend other people's money in any way different from the way I would spend my own money. [Applause.] What I would like to see in the Government is the weeding out of a great number of the men that are there and then the payment to the highly efficient men of more wage and have them do more work. [Applause.]

I reside in a city somewhat smaller than this, and when I get on the street cars in my city at half past 7 or a quarter to 8 o'clock in the morning I find them crowded with men going to work, and expecting to report at work at 8 o'clock, or a few minutes thereafter. They expect to leave for home at 5 o'clock, or half past 5 or 6 o'clock. And that is the condition that prevails in most of the cities of the country. Here a Government clerk goes to work at 9 o'clock and quits at half past 4 o'clock. In addition to that he has a great many privileges in the way of holidays and vacations that do not obtain elsewhere.

I say to you that a public opinion is being created, or attempted to be created, in this District with a total disregard of the facts; and if the men in these organizations who constantly protest against the salaries paid by the Government would show their own books and the salaries that they pay their own employees and compare them with Government salaries, in practically every instance you would find the Government salary to be in excess. Take the grocers, the dry-goods stores, the hotels, and see the hours of labor that they require of their employees and the salaries they pay, and, I say, the comparison would be favorable to the Government. Yet these men protest against Congress for undertaking to conserve the money of the people. For my part, I want to commend this subcommittee for its work. [Applause.] We have not made mistakes in the past by reason of being too stingy with the people's money. The sentiment of the people of America will approve of a proper scrutiny of expenditures, even if the sentiment of the people of the District of Columbia does not. [Applause.]

The CHAIRMAN. If there be no objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Eastern Market: Laborer for cleaning sidewalk and street where used for market purposes (farmers' market), $240.

Mr. BERGER. Mr. Chairman, I move to amend by striking out "$240," which amounts to about 80 cents a day, I believe, and inserting "$2.50 per day." That is little enough.

Mr. BURLESON. Let the gentleman offer his amendment, and I will reserve a point of order on it.

The CHAIRMAN. Will the gentleman from Wisconsin send his amendment to the desk or indicate the place where he offers it?

Mr. BERGER. In line 5, page 10, I move to strike out "two hundred and forty" and insert "$2.50 per day."

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 10, line 5, strike out the words "two hundred and forty dollars" and insert the words "$2.50 a day."

Mr. BURLESON. Upon that amendment I reserve the point of order.

The CHAIRMAN. The gentleman from Texas reserves the point of order.

Mr. BERGER. Mr. Chairman, I believe it is a disgrace for this great Government to pay any man a wage of $240 a year. I believe we ought to be ashamed to have it go out to the country at large that that is the fact. I believe in economy, but you better save in other places. This is simply an outra-

geous wage. Of course you can get men to do the work for that wage. I suppose there are some poor negroes out of work who would work for 50 cents a day.

Mr. DIES. May I interrupt the gentleman?

Mr. BERGER. Certainly.

Mr. DIES. In view of the gentleman's declaration in favor of economy, I want to ask him if it is not true that during the debate on the Sherwood pension bill he was asked if he did not vote for the Sulloway bill, and he said he did, and if he did not vote for the Sherwood bill, and he said he did?

Mr. BERGER. I did not have the opportunity to vote for both.

Mr. DIES. And did not the gentleman say, "If you will bring in a bill to pension the negroes of the country, I will vote for that?" Did not the gentleman make that statement?

Mr. BERGER. Mr. Chairman, I would vote for a bill to pension the old negroes of the country. In fact, I have introduced a bill in this House to pension every negro and every white man at the age of 60 years. I am willing to pension every honest old workingman, black or white——

Mr. DIES. If everybody is to draw a pension, who will pay the pensions

Mr. BERGER. The old working people who will get the pensions will have paid for them during the time they worked, will have paid for the pensions many times over before they get them. I will explain to the gentleman from Texas how that is. Every workingman in this country, while he is working, produces about $1,150 worth of product annually. He gets a wage of about $476 a year. The rest goes to the capitalist class as a whole. The pensions should be paid from the surplus value the capitalist class is getting.

Mr. DIES. Will not the gentleman's proposition answer the old question of the man lifting himself out of the mire by his own boot straps?

Mr. BERGER. Not at all. Of course I understand that lawyers do not do any productive work, but they get a great deal of money out of this surplus value created by the working class.

Mr. BURLESON. Does the gentleman from Wisconsin know how long this laborer works each day?

Mr. BERGER. I do not.

Mr. BURLESON. Does the gentleman know whether he works one hour, two hours, three hours, or four hours a day?

Mr. BERGER. I do not; but I want him paid accordingly. If a laborer does not work, he ought not to get any pay, but when he works he ought to get a decent wage. If you fix the rate of wages by the day, it is very easy to figure out what is due to him for one hour or four hours. I do not want any man to work for $240 a year.

Mr. SHACKLEFORD. Mr. Chairman, let me say to the gentleman that I sympathize with his position, but he does not understand the facts of the case as I understand them. These workmen hardly ever work a whole day; they work an hour or two, and then they are employed about other things, for which they are also paid.

Mr. BERGER. That shows that this economy is not economy. It is a false economy to pay any man $240 if he does not work, but you ought to pay a fair rate for the time he does work.

Mr. BURLESON. Does the gentleman from Wisconsin want to pay him $2.50 a day when he does not work but an hour or so in the morning?

Mr. BERGER. In an eight-hour day that would make about 31 cents an hour, and you should pay him according to what he earns. Now he gets about 80 cents a day.

Mr. FITZGERALD. If you paid him 31 cents an hour you would have to reduce this appropriation of $240 a year.

Mr. BERGER. It is not a question of reducing it. He no doubt works longer than an hour per day. That is simply a subterfuge.

Mr. FITZGERALD. He may work an hour or two a day and not more than that at this work.

Mr. BERGER. If that is the case somebody is having a graft and is getting $240 a year for doing no work.

Mr. BUTLER. How many days does he work in a week?

Mr. FITZGERALD. He works five days a week, and it takes an hour or two a day.

Mr. BERGER. He must work six days in the week, of course.

Mr. FITZGERALD. This happens to be a market, and I know something about markets.

Mr. BURLESON. Mr. Chairman, I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Western Market: Laborer for cleaning sidewalk and street where used for market purposes (farmers' market), $240.

Mr. LOBECK. Mr. Chairman, I move to strike out the last word. The statement has been made here as to how little time this man gives. I find that the assistant market master works as follows:

Assistant market master, who also acts as laborer: Mondays, Wednesdays, and Fridays, 5 a. m. to 5 p. m., less 15 minutes for lunch, 11¾ hours. Tuesdays and Fridays, 7 a. m. to 5 p. m., less 15 minutes for lunch, 9¾ hours. Saturdays, 7 a. m. to 12 midnight, less 1 hour for lunch and dinner, 16 hours. Sundays, 2 to 3 hours. Salary, $780 per annum.

Laborer at $240 per annum for the farmers' street market, adjacent to the Western Market. Hours, same as those of the assistant market master, who also acts as laborer.

It seems to me that these men put in much more than an hour a day.

Mr. BURLESON. I will state to the gentleman that these laborers have other employment; they work an hour or two cleaning up the sidewalks and then they are employed by those who have the market. They stay there all the time, but this is for a given service, and it is adequate compensation for the service they render.

Mr. LOBECK. Then, they are paid in addition to this compensation by others?

Mr. BURLESON. Yes; there are others on the outside to whom they render service. This $240 is for a trivial service that they render.

Mr. SHACKLEFORD. It is supplementary wages to what they receive from others.

Mr. BERGER. What others?

Mr. SHACKLEFORD. The people who employ them around the market.

Mr. LOBECK. The explanation, then, is that for all this time that is stated here, in addition to the $240, they get from others an additional compensation so as to give them a reasonable wage.

Mr. FITZGERALD. I want to say that these men take very little time in their work of cleaning the sidewalks.

Mr. LOBECK. It is stated here that 5,120 square yards of surface are cleaned and swept five days per week, and 1,000 square yards two days per week.

Mr. FITZGERALD. Yes; but they render assistance to farmers who bring produce to the market; they work for them and get paid by them. I know something about markets and I know how this thing is done. They are paid outside by parties whom they serve outside. I know what the statement in the record is, and I am familiar with the way these men do their work, because I have gone down and looked them over.

Mr. MANN. So have I; and, Mr. Chairman, I think the statement made by the commissioners that the hours are necessarily long and the work hard is absolutely true.

Mr. BERGER. These same men?

Mr. MANN. Yes; these same men who the gentleman said worked only an hour a day, sweeping off the sidewalk. That is only a part of their work. The commissioners say their hours are very long and the work is very hard.

Mr. FOWLER. Mr. Chairman, I move to strike out, in line 5——

The CHAIRMAN. The Chair would suggest to the gentleman that there is an amendment pending.

Mr. FOWLER. I do not so understand.

The CHAIRMAN. The Chair will state to the gentleman that there is a pro forma amendment pending.

Mr. BERGER. What is the amendment?

The CHAIRMAN. To strike out the last word. Does the gentleman from Wisconsin desire to be recognized in opposition or to address himself to that amendment?

Mr. BERGER. No.

The CHAIRMAN. The Chair will state that when discussion on that amendment is concluded the amendment undoubtedly will be withdrawn, and that opportunity will be given to the gentleman from Illinois [Mr. FOWLER.]

Mr. LOBECK. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. FOWLER. Mr. Chairman, I move to amend, on page 10, line 5, by striking out the words "two hundred and forty dollars" and insert in lieu thereof the words "$2.50 for each day's service performed."

Mr. BURLESON. And on that I make the point of order.

The CHAIRMAN. The Chair will call the attention of the gentleman from Illinois to the fact that the paragraph to which he is offering the amendment is passed.

Mr. FOWLER. I do not so understand it.

Mr. BERGER. The gentleman can do it as to the Western Market.

Mr. FOWLER. Mr. Chairman, that is correct. Then, I move the following amendment: In line 8, I desire to amend by striking out the words "two hundred and forty dollars" and

insert in lieu thereof the words "$2.50 for each day's service performed."

Mr. BURLESON. And upon that I make the point of order.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Line 8, strike out the words "two hundred and forty dollars," and insert in lieu thereof the words "two dollars and fifty cents a day for each day's service performed."

Mr. BURLESON. Mr. Chairman, I reserve the point of order and, after the statement made by the gentleman from Illinois, I shall make it.

Mr. FOWLER. Mr. Chairman, after an examination of the hearings on this bill, and learning the amount of labor done by these servants, or this servant—the bill appears to provide for one only—it seems to me that the duties are very arduous, and that the compensation provided for in this bill is wholly inadequate. I have been around the Farmers' Market in the city of Washington a number of times for the purpose of determining the character of the streets and sidewalks, and on each occasion, Mr. Chairman, I found an immense amount of work to be performed there in order that these streets and sidewalks may be kept in some kind of decency. If cleanliness is to prevail and the market place is to be kept in harmony with the other parts of the city, it must require more than one or two hours' work a day by many laborers in order to do it. The farmers who come to this city for the purpose of marketing their goods and their produce are entitled to as much consideration as is the law department in the city of Washington. For this reason, Mr. Chairman, I desire to say that there ought to be some kind of equality in compensation for service rendered for this Government.

Mr. SHERLEY. Will the gentleman yield?

Mr. FOWLER. With pleasure.

Mr. SHERLEY. Can the gentleman tell the committee what is the average earning per annum of the inhabitants of his district?

Mr. FOWLER. Mr. Chairman, what the men in my district earn annually has nothing to do with this question. I represent the bravest and the most noble constituency in the world. [Applause.] Mr. Chairman, they are not greedy in their disposition, neither are they paupers, and they do not ask me to come here and vote for pauper wages for anybody. [Applause.]

Mr. SHERLEY. Will the gentleman yield further?

Mr. FOWLER. Yes.

Mr. SHERLEY. I wanted to suggest to the gentleman that perhaps his constituents, as well as mine, were interested to the extent that they pay the taxes.

Mr. FOWLER. I know that that is true, and the distinguished gentleman from Kentucky [Mr. SHERLEY], coming from the greatest city in the Blue Grass State, stood here on the floor of this House only a few minutes ago and voted for a salary of $4,500 for one man, a lawyer, and now he wants me to sit still, with my mouth closed, on a compensation of $240 a year for another man, who works as many hours per day as does the man for whom he voted a salary of $4,500 per year. I tried by amendment to reduce this handsome salary $500, so that this amount might be added to the salary of the man who is allowed only $240 per annum, thereby giving him $740, and you helped to defeat my amendment.

Mr. SHERLEY. I suggest to the gentleman I never ask the impossible. [Laughter.]

Mr. FOWLER. Mr. Chairman, in reply to the distinguished gentleman from Kentucky, while it may be true that he is not asking for the impossible, yet when he stands here on the floor of this House and degrades labor by putting it down in the city of Washington, the most expensive city in the world, and asks white men or any other men to work a year for $240 he comes as near asking for the impossible as he ever will during the entire length of his life, and I hope that his years may be many.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURLESON. Mr. Chairman, I want to state to the committee that just a few years ago these laborers in this market were paid $120 a year, and the Committee on Appropriations thought that was too little and increased it 100 per cent, believing that to be an adequate compensation. I now make the point of order.

Mr. BUTLER. Will the gentleman permit me to ask him a question?

Mr. BURLESON. Yes.

Mr. BUTLER. Was it this year that the increase was made?

Mr. BURLESON. No; it was a few years ago.

The CHAIRMAN. The gentleman from Texas makes the point of order, and the Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

For the purchase of small quantities of groceries, meats, and provisions, etc., in connection with the investigation and detection of sales of short weight and measure, $50.

Mr. MANN. Mr. Chairman, I move to strike out the last word. This is the last day of the week and——

Mr. BURLESON. Mr. Chairman, I will say to the gentleman from Illinois that I intended to run until 5 o'clock, but if the committee desires to rise now I am agreeable.

Mr. MANN. Well, the next item is one that probably will lead to discussion, and it is a long paragraph.

Mr. BURLESON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARRETT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17681, the District of Columbia appropriation bill, and had directed him to report that it had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, Mr. DICKSON of Mississippi was granted leave of absence indefinitely, on account of sickness.

ADJOURNMENT.

Mr. BURLESON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 39 minutes) the House adjourned to meet on Monday, January 15, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Petoskey Harbor, Mich. (H. Doc. No. 450); to the Commmittee on Rivers and Harbors and ordered to be printed.

2. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Francis M. Newhouse, administrator of William W. Newhouse, deceased, *v.* The United States (H. Doc. No. 445); to the Committee on War Claims and ordered to be printed.

3. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of E. G. Beuker, administrator of estates of Rosamond Lacour and Colin Lacour, deceased, *v.* The United States (H. Doc. No. 444); to the Committee on War Claims and ordered to be printed.

4. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of T. J. Conner, administrator of Isaac S. Conner, deceased, *v.* The United States (H. Doc. No. 448); to the Committee on War Claims and ordered to be printed.

5. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Dennis H. Hunt, administrator of estate of Samuel Hunt, deceased, *v.* The United States (H. Doc. No. 447); to the Committee on War Claims and ordered to be printed.

6. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of B. A. Critcher, administrator of estate of Harmon Modlin, deceased, *v.* The United States (H. Doc. No. 446); to the Committee on War Claims and ordered to be printed.

7. A letter from the Secretary of the Treasury, relating to persons who sold cotton to the Confederate States Government (H. Doc. No. 449); to the Committee on Expenditures in the Treasury Department and ordered to be printed.

8. A letter from the Secretary of Agriculture, transmitting, in response to House resolution 270, information relating to Truckee-Carson-Lake Tahoe project (H. Doc. No. 451); to the Committee on the Public Lands and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HAMLIN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 14484) to amend the act of February 24, 1911, authorizing J. W. Vance and others to construct and maintain a dam and tunnel on the Big Bend of the James River, in Stone County, Mo., to create electric power, reported the same with amendment, accompanied

by a report (No. 231), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LEVER, from the Committee on Agriculture, to which was referred the bill (H. R. 14052) authorizing the Secretary of Agriculture to issue certain reports relating to cotton, reported the same without amendment, accompanied by a report (No. 232), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 6703) granting a pension to Martin V. Stanton; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13749) granting a pension to William J. Allmand; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials, were introduced and severally referred as follows:

By Mr. TAGGART: A bill (H. R. 17820) granting relief to certain classes of persons now charged with desertion or having defective military records; to the Committee on Military Affairs.

Also, a bill (H. R. 17821) to aid in the construction and improvement of public highways; to the Committee on Agriculture.

By Mr. HARDWICK: A bill (H. R. 17822) to fix the standard barrel for fruits and vegetables; to the Committee on Coinage, Weights, and Measures.

By Mr. CANTRILL: A bill (H. R. 17823) providing for the purchase of a site and the erection of a public building thereon in the city of Eminence, Ky.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17824) providing for the purchase of a site and the erection of a public building thereon in the city of Eminence, Ky.; to the Committee on Public Buildings and Grounds.

By Mr. JOHNSON of Kentucky (by request of the Commissioners of the District of Columbia): A bill (H. R. 17825) to authorize changes in the plan for the permanent system of highways for the District of Columbia; to the Committee on the District of Columbia.

By Mr. DYER: A bill (H. R. 17826) to amend section 24 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. SABATH: A bill (H. R. 17827) to amend the immigration law with respect to separation of members of families; to the Committee on Immigration and Naturalization.

By Mr. WEBB: A bill (H. R. 17828) to amend sections 913, 914, and 721 of the Revised Statutes so as to conform the practice in action at law and suits in equity in the courts of the United States to the practice obtaining in the courts of the several States; to the Committee on the Judiciary.

By Mr. FOSS: A bill (H. R. 17829) for the erection of a public building at Chicago, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. MADDEN: A bill (H. R. 17830) for the erection of a public building at Chicago, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. LOBECK: A bill (H. R. 17831) for paving G Street SE., in the city of Washington, D. C.; to the Committee on the District of Columbia.

By Mr. CONRY: A bill (H. R. 17832) to provide for the retirement of certain officers of the Philippine Scouts, United States Army; to the Committee on Military Affairs.

By Mr. KONOP: A bill (H. R. 17833) to authorize the establishment of aids to navigation at Oconto Harbor, Wis.; to the Committee on Interstate and Foreign Commerce.

By Mr. GODWIN of North Carolina: A bill (H. R. 17834) for the purchase of a site for a Federal building for the United States post office at Dunn, N. C.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17835) to increase the appropriation for the purchase of a site for a Federal building for the United States post office at Lumberton, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. JONES: A bill (H. R. 17836) declaring that all citizens of Porto Rico shall be citizens of the United States; to the Committee on Insular Affairs.

Also, a bill (H. R. 17837) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes"; to the Committee on Insular Affairs.

By Mr. LAFFERTY: A bill (H. R. 17838) to provide for a final settlement with the Nuc-quee-clah-we-muck Tribe of Indians of Oregon for lands ceded by said Indians to the United States in a certain unratified treaty between said parties dated August 7, 1851; to the Committee on Indian Affairs.

By Mr. CARTER: A bill (H. R. 17839) authorizing the reappraisement of certain town lots in Wilburton, Latimer County, Okla.; to the Committee on Indian Affairs.

By Mr. LAFFERTY: A bill (H. R. 17840) to provide for a final settlement with the Kathlamet Band of Chinook Indians of Oregon for lands ceded by said Indians to the United States in a certain unratified treaty between said parties dated August 9, 1851; to the Committee on Indian Affairs.

Also, a bill (H. R. 17841) to provide for a final settlement with the Waukikum Band of Chinook Indians of Washington for lands ceded by said Indians to the United States in a certain unratified treaty between said parties dated August 8, 1851; to the Committee on Indian Affairs.

Also, a bill (H. R. 17842) to provide for a final settlement with the Lower Band of Chinook Indians of Washington for lands ceded by said Indians to the United States in a certain unratified treaty between said parties dated August 9, 1851; to the Committee on Indian Affairs.

Also, a bill (H. R. 17843) to provide for a final settlement with the Wheelappa Band of Chinook Indians of Washington for lands ceded by said Indians to the United States in a certain unratified treaty between said parties dated August 9, 1851; to the Committee on Indian Affairs.

By Mr. STEPHENS of Texas: A bill (H. R. 17844) to amend section 1 of an act approved March 3, 1909 (35 Stat. L., 751), entitled "An act for the removal of restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other lands, on any of the reservations within the jurisdiction of such agency, and for other purposes"; to the Committee on Indian Affairs.

By Mr. TOWNSEND: Joint resolution (H. J. Res. 210) authorizing the President to appoint a member of the New Jersey and New York joint harbor-line commission; to the Committee on Military Affairs.

By Mr. HARRISON of Mississippi: Concurrent resolution (H. Con. Res. 34) to reprint 3,000 additional copies of the soil survey of the Biloxi Area, Miss.; to the Committee on Printing.

By Mr. HARRISON of New York: Resolution (H. Res. 371) directing the Secretary of the Navy to furnish certain information; to the Committee on Expenditures in the Navy Department.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARCHFELD: A bill (H. R. 17845) for the relief of Capt. Frederick B. Shaw; to the Committee on Claims.

Also, a bill (H. R. 17846) for the relief of Capt. Frederick G. Lawton, United States Army; to the Committee on Claims.

Also, a bill (H. R. 17847) for the relief of Capt. James Ronayne, United States Army; to the Committee on Claims.

By Mr. BURKE of Wisconsin: A bill (H. R. 17848) granting an increase of pension to Jane A. Ward; to the Committee on Pensions.

By Mr. BYRNES of South Carolina: A bill (H. R. 17849) for the relief of William A. Chisolm, administrator of William S. Chaplin, deceased; to the Committee on War Claims.

By Mr. CANDLER: A bill (H. R. 17850) to pay Cowden & Cowden, of Amory, Monroe County, Miss., for the loss of a horse while being used by the Department of Agriculture; to the Committee on Claims.

By Mr. CAMPBELL: A bill (H. R. 17851) granting an increase of pension to Robert C. Guy; to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 17852) granting a pension to Annie White; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17853) granting a pension to Mary Cavanaugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17854) for the relief of G. F. Baugh; to the Committee on Pensions.

Also, a bill (H. R. 17855) for the relief of Thomas C. Helm; to the Committee on War Claims.

By Mr. CLAYTON: A bill (H. R. 17856) for the relief of Mary F. Casey Tucker; to the Committee on War Claims.

By Mr. CRUMPACKER: A bill (H. R. 17857) granting an increase of pension to Lawson Ellsworth; to the Committee on Pensions.

By Mr. CULLOP: A bill (H. R. 17858) granting a pension to Nannie B. Savoree; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17859) granting an increase of pension to Joseph H. Kirby; to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 17860) granting a pension to James Henry Marsh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17861) granting an increase of pension to William L. Marshall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17862) granting an increase of pension to Charles C. Briant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17863) granting an increase of pension to Daniel Greenfield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17864) granting an increase of pension to Edmond Hogland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17865) granting an increase of pension to Nelson G. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17866) granting an increase of pension to Roderick Henry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17867) granting an increase of pension to Charles W. Shaw; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17868) granting an increase of pension to Andrew Jackson Grayson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17869) to carry out the findings of the Court of Claims in the case of Jeannette J. Guard, administratrix of the estate of Josiah Jennison, deceased; to the Committee on War Claims.

By Mr. FORDNEY: A bill (H. R. 17870) granting a pension to Maria McCaveny; to the Committee on Invalid Pensions.

By Mr. GREGG of Pennsylvania: A bill (H. R. 17871) granting an increase of pension to William Hepler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17872) granting an increase of pension to George W. Perry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17873) granting an increase of pension to Daniel Hilliard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17874) granting an increase of pension to William P. Dunlap; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17875) granting an increase of pension to Josiah H. H. Feather; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17876) granting an increase of pension to James D. Layton; to the Committee on Invalid Pensions.

By Mr. GUDGER: A bill (H. R. 17877) granting a pension to Julius Schence; to the Committee on Pensions.

Also, a bill (H. R. 17878) granting an increase of pension to Susan M. Chandler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17879) granting an increase of pension to Robert C. W. Hughey; to the Committee on Invalid Pensions.

By Mr. HAMMOND: A bill (H. R. 17880) granting a pension to Jennie Merrill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17881) granting an increase of pension to Keziah Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17882) granting an increase of pension to Edward J. Davis; to the Committee on Invalid Pensions.

By Mr. HANNA: A bill (H. R. 17883) for the relief of Wells & Sharvey; to the Committee on Claims.

By Mr. HENRY of Texas: A bill (H. R. 17884) for the relief of the heirs of William P. Perkins; to the Committee on Claims.

Also, a bill (H. R. 17885) for the relief of heirs of Monroe Arnold, deceased; to the Committee on Claims.

By Mr. HILL: A bill (H. R. 17886) granting an increase of pension to Mary E. Tucker; to the Committee on Invalid Pensions.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 17887) granting an increase of pension to John H. Ruff; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 17888) granting an increase of pension to Christopher Colgate; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17889) granting an increase of pension to J. T. Stasel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17890) granting an increase of pension to Sterrett W. Stillwell; to the Committee on Invalid Pensions.

By Mr. KONOP: A bill (H. R. 17891) granting a pension to Thomas Butler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17892) granting an increase of pension to William Light; to the Committee on Invalid Pensions.

By Mr. McGILLICUDDY: A bill (H. R. 17893) granting a pension to Eliza A. Thomas; to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 17894) granting an increase of pension to Henry A. Grove; to the Committee on Invalid Pensions.

By Mr. McKINLEY: A bill (H. R. 17895) for the relief of Robert Zink; to the Committee on Military Affairs.

Also, a bill (H. R. 17896) for the relief of Arthur Wood; to the Committee on Military Affairs.

Also, a bill (H. R. 17897) for the relief of Abraham Hinkle; to the Committee on Military Affairs.

Also, a bill (H. R. 17898) for the relief of John McElhiney; to the Committee on Military Affairs.

Also, a bill (H. R. 17899) for the relief of Norma B. Roberts; to the Committee on Military Affairs.

By Mr. MILLER: A bill (H. R. 17900) granting a pension to Carl J. Eller; to the Committee on Pensions.

Also, a bill (H. R. 17901) granting a pension to John Harrington, alias John Shannon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17902) granting an increase of pension to Edwin B. Force; to the Committee on Invalid Pensions.

By Mr. MOTT: A bill (H. R. 17903) granting a pension to Jennie C. Quinn; to the Committee on Pensions.

Also, a bill (H. R. 17904) granting an increase of pension to Amelia D. Lewis; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 17905) granting an increase of pension to Sarah E. Briggs; to the Committee on Invalid Pensions.

By Mr. PARRAN: A bill (H. R. 17906) for the relief of John Jakes; to the Committee on Military Affairs.

By Mr. PRAY: A bill (H. R. 17907) granting an increase of pension to Charles S. Cairncross; to the Committee on Pensions.

By Mr. SHERWOOD: A bill (H. R. 17908) granting a pension to Henry Mink; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17909) granting a pension to Christina Bates; to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 17910) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts; to the Committee on War Claims.

By Mr. SPARKMAN: A bill (H. R. 17911) granting a pension to Artie M. E. Thomas; to the Committee on Pensions.

Also, a bill (H. R. 17912) granting an increase of pension to Susan T. Lisk; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 17913) granting an increase of pension to Alexander P. Minnick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17914) granting an increase of pension to Carlos Chapman; to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 17915) granting an increase of pension to Rufus C. Huntoon; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of Atlanta (Ga.) Typographical Union, No. 48, against Senate bill 2564; to the Committee on Printing.

By Mr. ALLEN: Memorial of Camp No. 100, Sons of Veterans, United States of America, indorsing House bill 1; to the Committee on Invalid Pensions.

By Mr. BUCHANAN: Petitions of Gustav R. Wagener and others, of Chicago, Ill., urging that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. BURKE of Wisconsin: Papers to accompany bill granting an increase of pension to Jane A. Ward; to the Committee on Pensions.

By Mr. CAMPBELL: Petition of Harry Truman and other business firms of Independence, Kans., favoring the elimination of the tariff on raw and refined sugars; to the Committee on Ways and Means.

By Mr. CANDLER: Papers to accompany bill for relief of Cowden & Cowden; to the Committee on Claims.

By Mr. CARY: Memorial of the St. Lawrence Society, of Milwaukee, Wis., indorsing the Esch phosphorus bill; to the Committee on Ways and Means.

By Mr. CULLOP (by request): Petition of citizens of Carlisle, Ind., in favor of old-age pensions; to the Committee on Pensions.

By Mr. DANFORTH: Petition of Diamond Expansion Bolt Co., of New York, N. Y., for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, memorial of Maritime Association of New York, for improvements in the Point Judith Harbor of Refuge, R. I.; to the Committee on Rivers and Harbors.

By Mr. DAUGHERTY: Petitions of citizens of Missouri, against the parcels post; to the Committee on the Post Office and Post Roads.

By Mr. FITZGERALD: Memorial of Woman's Republican Club of New York, in favor of Federal children's bureau; to the Committee on Interstate and Foreign Commerce.

Also, memorial of City Council of the City of Portsmouth, N. H., relative to abolishment of the Portsmouth-Kittery Navy Yard; to the Committee on Naval Affairs.

Also, memorial of Pennsylvania State Grange, for eradicating chestnut-tree blight; to the Committee on Agriculture.

Also, memorial of Maritime Association of New York, relative to harbor of refuge at Point Judith, R. I.; to the Committee on Interstate and Foreign Commerce.

By Mr. FLOYD of Arkansas: Papers to accompany House bill 16731, for the relief of Percy B. Anderson; to the Committee on Pensions.

By Mr. FOCHT: Papers to accompany House bill 17701, for the relief of John K. Hughes; to the Committee on Invalid Pensions.

By Mr. FRANCIS: Petition of citizens of Uhrichsville, station 15, and Dennison, Ohio, favoring House bill 14, known as the Sulzer parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. FORNES: Memorial of Chicago Civil Service League, urging the passage of Senate bill 1162 and House bill 5970; to the Committee on Reform in the Civil Service.

By Mr. FOSS: Memorials of Chicago Civil Service League and the National Federation of Post Office Clerks, for passage of Senate bill 1162 and House bill 5970; to the Committee on Reform in the Civil Service.

By Mr. FRENCH: Petition of George Davis, of Idaho Falls, Idaho, urging that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petitions of citizens of Idaho, in favor of old-age pensions; to the Committee on Pensions.

By Mr. FULLER: Petition of Chicago Civil Service League, of Chicago, Ill., in favor of the passage of House bill 5970 and Senate bill 1162, concerning civil-service regulations as to Federal employees, etc.; to the Committee on Reform in the Civil Service.

Also, petition of National Metal and Spring Bed Manufacturers, of Chicago, Ill., in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Barnhart Bros. & Spindler, of Chicago, Ill., in favor of House bills 11970 and 11543, concerning proposed amendments to corporation-tax law; to the Committee on Ways and Means.

By Mr. GARNER: Petitions of citizens of Texas, for old-age pensions; to the Committee on Pensions.

Also, petition of Henry T. Williams, of Del Rio, Tex., relative to postal rates; to the Committee on the Post Office and Post Roads.

By Mr. GOLDFOGLE: Memorial of New York Water Color Club, in favor of Lincoln memorial as recommended by park commission; to the Committee on the Library.

Also, memorial of Chicago Civil Service League, urging that Senate bill 1162 and House bill 5970 pass; to the Committee on Reform in the Civil Service.

Also, memorial of the Yarn Agency of New York, for amendment to corporation excise-tax law; to the Committee on Ways and Means.

By Mr. HANNA: Memorial of Equal Rights Association of Kentucky, asking for an amendment to the Constitution; to the Committee on Election of President, Vice President, and Representatives in Congress.

Also, petition of citizens of Devils Lake, N. Dak., favoring the Berger old-age pension bill; to the Committee on Pensions.

Also, petition of citizens of Dogden, N. Dak., protesting against Senate bill 404 and House joint resolution 17, for the observance of Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Company H, First Regiment North Dakota National Guard Training School, favoring House bill 8141; to the Committee on Military Affairs.

Also, petition of O. O. Olson, of Fargo, N. Dak., against parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Henry M. Heggen, of Bergen, N. Dak., urging reduction in duties on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of N. C. Young, of Fargo, N. Dak., for Lincoln memorial road; to the Committee on Appropriations.

Also, petition of citizens in Williston land district, in North Dakota, relative to certain acts of Congress of dates February 19, 1909, and June 22, 1910; to the Committee on the Public Lands.

By Mr. HARTMAN: Petitions of Scotch Valley Grange, No. 510, Patrons of Husbandry, of Hollidaysburg, Pa., and Mount Hermon Grange, No. 1120, Patrons of Husbandry, of Ebensburg, Pa., protesting against the passage of any bill providing for the removal of the special tax on oleomargarine; to the Committee on Agriculture.

By Mr. KENDALL: Petition of citizens of Eldon, Iowa, urging the passage of House bill 16214, governing interstate liquor shipments; to the Committee on the Judiciary.

Also, petition of citizens of Kirkville, Iowa, against extension of the parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. KINDRED: Memorial of the National Conservation Association, protesting against House bill 12572; to the Committee on the Public Lands.

Also, petition of Robert P. Hooper, of American Automobile Association, relative to a good-roads convention; to the Committee on Agriculture.

By Mr. LANGHAM: Memorial of Peter T. Rowe, bishop of Alaska, relative to conditions among natives in Alaska; to the Committee on the Territories.

Also, memorial of American Institute of Architects, for Lincoln memorial as recommended by national commission; to the Committee on the Library.

Also, memorial of Woman's Christian Temperance Union of Armstrong County, Pa., urging passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LEE of Georgia: Papers to accompany bill for the relief of Allen P. Philpot (H. R. 17800); to the Committee on Pensions.

By Mr. LINDBERGH: Memorial of Chicago Civil Service League, urging the passage of Senate bill 1162 and House bill 5970; to the Committee on Reform in the Civil Service.

Also, petitions of citizens of St. Cloud, Minn., urging that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petition of W. C. Landers, of Albertville, Minn., in favor of deepening the St. Lucie Inlet, Palm Beach County, Fla.; to the Committee on Rivers and Harbors.

By Mr. LINDSAY: Memorial of German Catholic Society of Brooklyn, N. Y., urging the passage of the Esch phosphorus bill; to the Committee on Ways and Means.

Also, memorial of Chicago Civil Service League, urging the passage of Senate bill 1162 and House bill 5970; to the Committee on Reform in the Civil Service.

By Mr. MOTT: Memorial of National Federation of Post-Office Clerks and the Chicago Civil Service League, in favor of Senate bill 1162 and House bill 5970; to the Committee on Reform in the Civil Service.

Also, papers to accompany bill for the relief of Jennie C. Quinn; to the Committee on Pensions.

By Mr. NYE: Resolutions adopted by the Millinery Jobbers' Association, in convention at Minneapolis, Minn., protesting against the parcels post; to the Committee on the Post Office and Post Roads.

By Mr. O'SHAUNESSY: Resolution of the National Federation of Post-Office Clerks, urging the enactment of legislation that will give Federal employees free speech, right to petition Congress to a hearing before removal, and the right to organize and conduct organizations without interference by departmental officials; to the Committee on Reform in the Civil Service.

Also, memorial of the Rhode Island Chapter of American Institute of Architects, in favor of Lincoln memorial proposed by the McKim-Burnham commission; to the Committee on the Library.

Also, memorial of United Brotherhood of Carpenters and Joiners of America, of Providence, R. I., protesting against the passage of the Smoot printing bill; to the Committee on Printing.

By Mr. PALMER: Memorial of Philadelphia (Pa.) Chapter, American Institute of Architects, for Lincoln memorial as recommended by park commission; to the Committee on the Library.

Also, memorial of Harmony Grange, No. 881, Patrons of Husbandry, urging retention of oleomargarine tax; to the Committee on Agriculture.

By Mr. PARRAN: Papers to accompany bill (H. R. 14592) for the relief of Thomas Duke; to the Committee on Claims.

Also, papers to accompany bill (H. R. 17643) granting an increase of pension to George L. Richter; to the Committee on Pensions.

By Mr. PETERS: Petition of citizens of Massachusetts, favoring the Berger old-age pension bill; to the Committee on Pensions.

By Mr. SULZER: Memorial of Chicago National Federation of Post Office Clerks, in favor of the passage of Senate bill 1162 and House bill 5970, providing for the restoration to the Federal civil-service employees of their inherent rights as citizens; to the Committee on Reform in the Civil Service.

Also, petition of James B. Wilson, secretary of District Lodge No. 15, International Association of Machinists, of New York City, requesting an assignment of ships of the Navy to the Brooklyn Navy Yard for repairs that may be necessary; to the Committee on Naval Affairs.

Also, memorial of Harlem Maennerchor, of Forest Park, Ill., urging investigation of administration of immigration office at Ellis Island; to the Committee on Immigration and Naturalization.

By Mr. TAYLOR of Alabama: Petitions of citizens of Alabama, urging that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. TILSON: Memorial of National Federation of Post Office Clerks, for certain changes in civil-service rules; to the Committee on Reform in the Civil Service.

By Mr. WILLIS: Papers to accompany bill (H. R. 4405) to correct the military record of William Loar; to the Committee on Military Affairs.

Also, papers to accompany bill (H. R. 5135) to correct the military record of John J. Troxell; to the Committee on Military Affairs.

SENATE.

MONDAY, *January 15, 1912.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

AUGUSTUS O. BACON, a Senator from the State of Georgia, took the chair as President pro tempore under the previous order of the Senate.

The Journal of the proceedings of Thursday last was read and approved.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting findings of fact and conclusions of law filed by the court in the following causes:

Merit F. Thomas, administrator of Willis M. Allman, deceased, *v.* United States (S. Doc. No. 254);

Daniel Robinson *v.* United States (S. Doc. No. 253);

Caroline M. Clous, widow of John W. Clous, *v.* United States (S. Doc. No. 252); and

Henry W. King and W. H. King, administrators of estate of Edward King, deceased, heirs of Kinchen W. King, deceased, *v.* United States (S. Doc. No. 255).

The foregoing causes were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the joint resolution (S. J. Res. 11) authorizing the Secretary of War to deliver two condemned cannon to the Grand Army of the Republic.

The message also announced that the House had passed the bill (S. 2509) to amend section 1004 of the Revised Statutes of the United States, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 13196) to amend section 70 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 8861. An act for the relief of the legal representatives of Samuel Schiffer;

H. R. 14055. An act to provide for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes;

H. R. 14918. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 17671. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; and

H. J. Res. 184. Joint resolution authorizing the Secretary of War to loan certain tents for the use of the Confederate Veterans' reunion, to be held at Macon, Ga., in May, 1912.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

H. R. 12737. An act to amend the Code of Law for the District of Columbia, regarding insurance; and

H. R. 13196. An act to provide for the transfer of certain causes and proceedings to the southern division of the middle district of Alabama.

PRESIDENT PRO TEMPORE OF THE SENATE.

Mr. CULLOM submitted the following resolution (S. Res. 187), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary wait upon the President of the United States and inform him that the Senate has elected AUGUSTUS O. BACON, a Senator from the State of Georgia, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President until January 17 next.

Mr. CULLOM submitted the following resolution (S. Res. 188), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary notify the House of Representatives that the Senate has elected AUGUSTUS O. BACON, a Senator from the State of Georgia, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President until January 17 next.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a resolution adopted by the Legislature of Kentucky, which was refrered to the Committee on the Census and ordered to be printed in the RECORD, as follows:

COMMONWEALTH OF KENTUCKY,
IN HOUSE OF REPRESENTATIVES,
January 8, 1912.

Mr. Forgy offered the following resolution, viz:

Resolved, That the House of Representatives of Kentucky does hereby express its thanks to the House of Representatives of the Congress of the United States for passing House bill No. 13988, and further expresses the desire that the Senate of the United States may deem it wise to pass the same;

Resolved further, That a certified copy of this resolution be sent by the clerk of this house to the Clerk of the House of Representatives and to the Clerk of the Senate of the Congress of the United States and to each of the Senators from the State of Kentucky.

Said resolution was adapted.

Attest: JAMES E. STONE,
Chief Clerk House of Representatives.

The PRESIDENT pro tempore presented a memorial of Typographical Union No. 48, of Atlanta, Ga., remonstrating against the proposed abolishment of the hand-roller process of manufacturing paper currency, which was referred to the Committee on Printing.

He also presented a petition of the Peace and Arbitration Society, of Buffalo, N. Y., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Maro, Ark., and a memorial of sundry citizens of Big Sandy, Tex., remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

Mr. CULLOM presented a memorial of sundry citizens of Chicago, Ill., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution adopted by the National Metal and Spring Bed Manufacturers, in session at New Orleans, La., favoring the adoption of 1-cent postage on first-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Chicago Civil Service League, of Illinois, praying for the enactment of legislation providing for the restoration to the Federal civil-service employees of their inherent rights as citizens, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of Local Union No. 505, Brotherhood of Painters, Decorators, and Paperhangers of America, of Streator, Ill., praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Local Union No. 167, International Union of the United Brewery Workmen, of Pekin, Ill., praying for the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of William T. Sherman Post, No. 146, Grand Army of the Republic, Department of Illinois, of Bloomington, Ill., praying for the enactment of more liberal pension legislation, which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Springfield, Ill., and a petition of sundry citizens of Denver, Colo., praying for the passage of the so-called dollar-a-day pension bill, which were referred to the Committee on Pensions.

He also presented a petition of the Trades and Labor Council of Danville, Ill., praying for the enactment of legislation to prohibit the manufacture of white phosphorus matches, which was referred to the Committee on Finance.

He also presented petitions of the Woman's Christian Temperance Union of Bowen, of the congregation of the Methodist Episcopal Church of Eureka, and of the Presbyterian Session of Eureka, all in the State of Illinois, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented memorials of Typographical Union No. 59, of Quincy; of the Federation of Labor, of Springfield; of Local Union No. 37, Bricklayers, Masons, and Plasterers' International Union of America, of Kankakee; and of Local Union No. 929, United Mine Workers of America, of Oglesby, all in the State of Illinois, remonstrating against the proposed abolishment of the hand-roller process of manufacturing paper currency, which were referred to the Committee on Printing.

He also presented petitions of sundry citizens of Illinois, Pennsylvania, New York, and Ohio, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented memorials of sundry citizens of New Jersey, Pennsylvania, Maryland, and Rhode Island, remonstrating against the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of the American Board of Commissioners for Foreign Missions, praying that an appropriation of $66,000 be made to reimburse those who contributed to the ransom of Miss Ellen M. Stone, which was referred to the Committee on Foreign Relations.

Mr. POINDEXTER presented petitions of sundry citizens of Pullman and Okanogan, in the State of Washington, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of Burnside Post, No. 111, Department of Washington, Grand Army of the Republic, of Waitsburg, Wash., praying for the passage of the so-called dollar-a-day pension bill, which was referred to the Committee on Pensions.

He also presented a petition of the Retail Grocers' Association of Spokane, Wash., praying for the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of George Crook Post, No. 63, Department of Washington, Grand Army of the Republic, of Aberdeen, Wash., and a petition of Camp John D. Roberts, No. 7, United Spanish War Veterans, of Grays Harbor, Wash., praying for the enactment of legislation providing for the pay of the members of the Organized Militia, which were referred to the Committee on Military Affairs.

He also presented a petition of the congregation of the First Methodist Episcopal Church of Bellingham, Wash., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. CRAWFORD presented a petition of sundry citizens of Moody County, S. Dak., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of the Tuesday Club, of Blunt, S. Dak., and a petition of the Ministerial Association, of Aberdeen, S. Dak., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of the congregation of the First Church of the Evangelical Association of Big Stone City, S. Dak., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of the Chicago Civil Service League, of Illinois, praying for the enactment of legislation providing for the restoration to the Federal civil-service employees of their inherent rights as citizens, which was referred to the Committee on Civil Service and Retrenchment.

He also presented resolutions adopted by the Woman's Christian Temperance Union of South Dakota, at a meeting at Los Angeles, Cal., favoring the enactment of legislation providing for national prohibition, which were referred to the Committee on the Judiciary.

Mr. BRISTOW presented a memorial of Reno Post, No. 83, Department of Kansas, Grand Army of the Republic, of Nickerson, Kans., remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented a petition of Garfield Post, No. 25, Department of Kansas, Grand Army of the Republic, of Wichita, Kans., praying for the passage of the so-called dollar-a-day pension bill, which was referred to the Committee on Pensions.

He also presented a petition of the Farmers' Educational and Cooperative Union, of Spearville, Kans., and a petition of sundry citizens of Glen Elder, Kans., praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Wichita, Kans., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. OLIVER presented petitions of local granges No. 1020, of Wayne County; No. 912, of Lawrenceville; No. 1220, of Downingtown; No. 1079, of Erie; No. 881, of Greentown; No. 1237, of Eldred; No. 1123, of Wilmore; No. 817, of Farmington; No. 846, of Sugar Grove; No. 1916, of Coudersport; No. 1421, of Jacksville; No. 684, of Langhorne; No. 46, of Bendertown; No. 244, of Butler; No. 879, of Somerset; No. 1346, of Clarks Mills; No. 1438, of Dunkard; No. 1047, of Sebring; No. 1120, of Ebensburg; No. 625, of Lawsonham; No. 1239, of Hydetown; No. 2, of Trappe; No. 705, of Middlebury Center; No. 304, of Centerville; No. 892, of Maplewood, all of the Patrons of Husbandry; and of Local Branch No. 102, Glass Bottle Blowers' Association, of Parkers Landing, all in the State of Pennsylvania, praying for the repeal of the oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of members of the Parnell Club, of Philadelphia; of the First English Evangelical Lutheran Brotherhood, of Washington; of members of the Republican Club, of Grays Ferry; and of sundry citizens of Wall and Wilmerding, all in the State of Pennsylvania, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a memorial of Local Branch, No. 102, Glass Bottle Blowers' Association, of Parkers Landing, Pa., remonstrating against the proposed abolishment of the hand-roller process of manufacturing paper currency, which was referred to the Committee on Printing.

He also presented a petition of members of the Emerson Club, of Philadelphia, Pa., praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of the Woman's Christian Temperance Unions of Pittsburgh, Armstrong County, Laddsburg, Scottdale, Slate Lick, New Castle, Brookville, and Mill Run; of the congregations of the Methodist Episcopal Church of Cokeville; the First Baptist Church of Williamsport; and the Pine Street Methodist Episcopal Church, of Williamsport; of the Civic League of Wilkinsburg; and of sundry citizens of New Castle, all in the State of Pennsylvania, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. BURNHAM presented a petition of the congregation of the Congregational Church of Candia, N. H., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a petition of the State Grange, Patrons of Husbandry, of Pennsylvania, praying that an appropriation be made for the eradication of the chestnut-tree blight, which was referred to the Committee on Agriculture and Forestry.

Mr. GAMBLE presented petitions of the Peace Society of Edmunds County; of the First Presbyterian Church of Hot Springs; of Jay B. Allen, of Sioux Falls; of the Woman's

Christian Temperance Union of Milbank; of the Ministerial Association of Aberdeen; and of the congregation of the Congregational Church of Armour, all in the State of South Dakota, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Colman, S. Dak., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of members of the Commercial Club of Bristol, S. Dak., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. NELSON presented petitions of members of the Monday Club, of Appleton; the Presbyterian congregations of Farmington and Eureka; and of the Christian Endeavor Society of the Knox Presbyterian Church, of St. Paul, all in the State of Minnesota, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of the Christian Endeavor Society of the Knox Presbyterian Church, of St. Paul, Minn., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. O'GORMAN presented a petition of the South Side Board of Trade, of Brooklyn, N. Y., praying that an appropriation be made for the construction of a breakwater in Gravesend Bay, in that State, which was referred to the Committee on Commerce.

He also presented petitions of sundry citizens of Plattsburg, New York City, and Brooklyn, all in the State of New York, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a memorial of the United Irish-American Societies of Greater New York, remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. LIPPITT presented a petition of the congregation of the Broad Street Christian Church, of Providence, R. I., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Warwick, R. I., and a petition of Folder's Protective Association, No. 463, of Warwick, R. I., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France as reported by the Senate Committee on Foreign Relations, which were ordered to lie on the table.

He also presented a petition of the Central Trades and Labor Union of Pawtucket, R. I., praying for the enactment of legislation to prohibit the manufacture of phosphorus matches, which was referred to the Committee on Finance.

Mr. TOWNSEND presented a memorial of the Trades and Labor Council of Hancock, Mich., remonstrating against the proposed abolishment of the hand-roller process of manufacturing paper currency, which was referred to the Committee on Printing.

He also presented a petition of members of the Stenographic Institute of Ann Arbor, Mich., praying for the enactment of legislation to prohibit the manufacture of phosphorus matches, which was referred to the Committee on Finance.

He also presented a petition of members of Company A, Third Infantry, Michigan National Guard, of Flint, Mich., praying for the enactment of legislation providing for the pay of members of the Organized Militia, which was referred to the Committee on Military Affairs.

He also presented a memorial of sundry citizens of Michigan, remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Bousfield & Co., of Bay City, Mich., praying that an appropriation be made for the construction of a highway from Washington, D. C., to Gettysburg, Pa., as a memorial to Abraham Lincoln, which was referred to the Committee on Appropriations.

Mr. KERN presented a petition of members of the Art Association of Richmond, Ind., praying for the selection of the proposed site in the Mall, in the District of Columbia, for the memorial to Abraham Lincoln, which was referred to the Committee on Appropriations.

He also presented a memorial of sundry citizens of Hobart, Ind., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution adopted by the Indianapolis Commercial Club of Indiana, favoring an appropriation to aid the several States in the construction and maintenance of post roads and highways, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Local Union No. 153, Brewery Workers' Union, of Evansville, Ind., remonstrating against the proposed abolishment of the hand-roller process of manufacturing paper currency, which was referred to the Committee on Printing.

He also presented a memorial of James R. Black Post, No. 137, Department of Indiana, Grand Army of the Republic, of Huntington, Ind., remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

Mr. MARTIN of Virginia presented petitions of the faculty and students of Hampden-Sidney College, of Hampden-Sidney; and of Randolph-Macon College, of Ashland, in the State of Virginia, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Dungannon, Blackstone, Onancock, and Port Haywood, all in the State of Virginia, remonstrating against the extension of the so-called parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented resolutions adopted by the employees of the Navy Yard at Norfolk, Va., favoring an investigation into the conditions at the Norfolk Navy Yard, which were referred to the Committee on Naval Affairs.

Mr. BORAH presented memorials of sundry citizens of Viola and Rathdrum, in the State of Idaho, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. BRADLEY presented a resolution adopted by the Central German Conference of the Methodist Episcopal Church at Pittsburgh, Pa., favoring the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. GALLINGER presented the petition of Court F. Wood, of the Wood's Commercial College, Washington, D. C., praying for the restoration in the District of Columbia appropriation bill of certain items eliminated by the House of Representatives, which was referred to the Committee on Appropriations.

He also presented a petition of the Randle Highlands Citizens' Association of the District of Columbia, praying that an appropriation of $32,000 be made for the purchase of Fort Davis and Fort Dupont, to be used for park purposes, which was referred to the Committee on Appropriations.

He also presented a petition of members of the Architectural Club of Boston, Mass., praying for the selection of the site in the Mall, in the District of Columbia, on which to erect the proposed memorial to Abraham Lincoln, which was referred to the Committee on Appropriations.

He also presented petitions of the Unitarian Club of Keene, 20 members of the bar of Concord, and of the Men's Class of the Congregational Church of Laconia, all in the State of New Hampshire, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. HEYBURN presented a paper to accompany the bill (S. 152) granting an increase of pension to Grant Noble, which was referred to the Committee on Pensions.

Mr. PERKINS presented petitions of the congregation of the Baptist Church of Santa Cruz, of the congregation of the Friends Church of Berkeley, and of the Southern California Teachers' Association, all in the State of California, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a memorial of the Chamber of Commerce of Santa Ana, Cal., and a memorial of the Merchants and Manufacturers' Association of Santa Ana, Cal., remonstrating against any reduction of the duty on sugar, which were referred to the Committee on Finance.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying that an appropriation be made for the construction of a suspension bridge between San Francisco and Oakland, in that State, which was referred to the Committee on Commerce.

Mr. WETMORE presented a petition of the congregation of the Broad Street Christian Church, of Westerly, R. I., praying

for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a petition of the Folders' Protective Association of Warwick, R. I., and a petition of sundry citizens of Warwick, R. I., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, as reported by the Senate Committee on Foreign Relations, which were ordered to lie on the table.

He also presented a memorial of Typographical Union No. 33, of Providence, R. I., remonstrating against the proposed abolishment of the hand-roller process of manufacturing paper currency, which was referred to the Committee on Printing.

Mr. POMERENE presented petitions of sundry citizens of Alliance, Cincinnati, Batavia, Eaton, West Alexandria, and Akron, all in the State of Ohio, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. BROWN presented sundry affidavits in support of the bill (S. 3417) granting an increase of pension to Myron Richards, which were referred to the Committee on Pensions.

He also presented a memorial of sundry citizens of Brady, Nebr., remonstrating against the observance of Sunday as a day of rest in post offices, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the congregation of the Seventh-day Adventist Church of Beaver City, Nebr., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of Holland Post, No. 75, Department of Nebraska, Grand Army of the Republic, of Crete, Nebr., praying for the enactment of legislation to increase the pensions of soldiers who served in the Mexican and Civil Wars, which was referred to the Committee on Pensions.

He also presented a petition of Local Post No. 84, Department of Nebraska, Grand Army of the Republic, of Falls City, Nebr., and a petition of sundry citizens of Nebraska, praying for the passage of the so-called dollar-a-day pension bill, which were referred to the Committee on Pensions.

Mr. CLAPP presented petitions of sundry citizens of Biwabik, Duluth, Frazee, Kenyon, St. Paul, Minneapolis, Mankato, St. Cloud, Lake City, Albert Lea, Frontenac, Winona, Red Wing, Austin, Tracy, Little Falls, Long Prairie, Alexandria, and New Ulm, all in the State of Minnesota, praying for the construction of a public highway from Washington, D. C., to Gettysburg, Pa., as a memorial to Abraham Lincoln, which were referred to the Committee on Appropriations.

REPORTS OF COMMITTEES.

Mr. DIXON, from the Committee on Military Affairs, to which was referred the bill (S. 271) to authorize the compilation of the military and naval records of the Revolutionary War with a view to their publication, reported it with amendments and submitted a report (No. 176) thereon.

Mr. MARTIN of Virginia, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 13112. An act authorizing the construction of a bridge, and approaches thereto, across the Tug Fork of Big Sandy River (Rept. No. 177);

H. R. 14108. An act to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city (Rept. No. 178);

H. R. 14109. An act to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city (Rept. No. 179);

H. R. 14110. An act to extend the time for building a bridge across the Mississippi River at Minneapolis, Minn. (Rept. No. 180);

H. R. 14111. An act to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn. (Rept. No. 181);

H. R. 14125. An act to authorize the construction, maintenance, and operation of a bridge across the Little River, at or near Lepanto, Ark. (Rept. No. 182);

H. R. 14944. An act authorizing the construction of a bridge across the Connecticut River, in the State of Connecticut, between the towns of East Haddam and Haddam (Rept. No. 183);

H. R. 15781. An act to authorize the Aransas Harbor Terminal Railway to construct a bridge across Morris and Cummings Channel (Rept. No. 187); and

H. R. 15920. An act to authorize the board of county commissioners for Beltrami County, Minn., to construct a bridge across the Mississippi River (Rept. No. 184).

Mr. SUTHERLAND, from the Committee on the Judiciary, to which was referred the bill (S. 1150) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," reported it with an amendment and submitted a report (No. 185) thereon.

DEMOTION OF POSTAL EMPLOYEES.

Mr. BOURNE, from the Committee on Post Offices and Post Roads, to which was referred Senate resolution No. 161, submitted by Mr. HITCHCOCK December 7, 1911, reported it favorably without amendment and submitted a report (No. 175) thereon.

The resolution was read, as follows:

Resolved, That the Postmaster General be, and he is hereby, directed to furnish the Senate with a statement of the number of railway mail clerks and other post-office employees who have been demoted since January 1, 1911, for conduct deemed detrimental to the service or subversive of discipline, and how much, in the aggregate, per month the loss of pay has amounted to in the cases of the men so demoted.

The PRESIDENT pro tempore. What direction does the Senator from Oregon desire to have given to the resolution?

Mr. BOURNE. Let it go to the calendar.

The PRESIDENT pro tempore. The resolution will be placed on the calendar.

ARANSAS PASS LIGHT STATION, TEX.

Mr. NEWLANDS. I am directed by the Committee on Commerce, to which was referred the bill (S. 4251) to authorize the Secretary of Commerce and Labor to purchase from the State of Texas certain land required for lighthouse purposes at Aransas Pass Light Station, Tex., to report it without amendment, and I submit a report (No. 186) thereon. The bill involves an appropriation of only $16. I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The Senator from Nevada asks unanimous consent for the present consideration of the bill reported by him. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. HEYBURN. I inquire from what committee the bill is reported?

Mr. NEWLANDS. From the Committee on Commerce. It is unanimously reported by that committee. The bill is based upon a letter from the Secretary of the Department of Commerce and Labor urging its passage and stating that the 16 acres of land proposed to be purchased are essential for the Lighthouse Service. The 16 acres of land belong to the State of Texas, and the communication states that the price to be paid is $1 per acre.

Mr. HEYBURN. I was not questioning the merits of the bill; I was inquiring as to the committee from which it came. It is properly within the jurisdiction of the Committee on Public Buildings and Grounds, and I was wondering how it went to the Committee on Commerce. The chairman of the Committee on Public Buildings and Grounds not being present, I make this inquiry in the interest of regularity.

Mr. NEWLANDS. The bill was introduced by the chairman of the Committee on Commerce, the Senator from Minnesota [Mr. NELSON], at the request of the Secretary of Commerce and Labor.

Mr. HEYBURN. Yes; but it should have gone to the Committee on Public Buildings and Grounds.

Mr. NELSON. Mr. President, if the Senator will allow me, this is a bill which relates to the acquisition of a small piece of land, a sand strip in the Gulf of Mexico, for a lighthouse site. All lighthouse legislation, as a general rule, goes to the Committee on Commerce.

The bill was prepared in the Department of Commerce and Labor, I think by the Lighthouse Board, and sent here to me to be introduced; it was so introduced; it was considered by the committee, and the report of the Secretary shows that we can acquire the land for $1 an acre, while, as a matter of fact, the land is worth $20 an acre.

Mr. HEYBURN. Mr. President, I did not intend to precipitate a discussion as to the merits of this bill. When I made the inquiry the chairman of the committee having jurisdiction of this class of legislation was absent. He is now present, and I will have nothing further to say. He can say what he thinks about it.

Mr. SUTHERLAND. Mr. President, I just came into the Chamber, and I do not know what is the particular bill under discussion.

Mr. HEYBURN. I will state, Mr. President, that the bill authorizes the purchase of land for the use of the United States. It seems to have been reported from the Committee

on Commerce. I inquired how the bill came to be in the possession of that committee, inasmuch as, under the rules, it should have been considered and reported, if at all, from the Committee on Public Buildings and Grounds.

Mr. SUTHERLAND. Is it a bill to provide for the erection of a building?

Mr. HEYBURN. No; it is for the purchase of ground, pure and simple.

Mr. NELSON. For a lighthouse site.

Mr. CULBERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Texas?

Mr. SUTHERLAND. In a moment. I want, first, to understand what is the situation. I understand now it is a bill providing for the purchase of ground for the erection of a lighthouse.

Mr. NEWLANDS. It is for the purchase of ground adjoining an existing lighthouse, land that will be necessary for the use of this lighthouse in the future.

Mr. SUTHERLAND. To be used in connection with a lighthouse?

Mr. NEWLANDS. To be used in connection with a lighthouse, as I understand.

Mr. SUTHERLAND. Then it is for the purposes of navigation?

Mr. NEWLANDS. I imagine so; yes.

Mr. SUTHERLAND. Or to aid navigation?

Mr. NEWLANDS. Yes. The land belongs to the State of Texas. The price to be paid for it is $1 per acre, making $16 in all. The Secretary of Commerce and Labor addressed a communication to the chairman of the Committee on Commerce asking him to introduce the bill. It was introduced, and it has been unanimously reported from the Committee on Commerce.

Mr. CULBERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Texas?

Mr. SUTHERLAND. Yes.

Mr. CULBERSON. Mr. President, I have conferred with my colleague on the subject of this bill. He had no information with reference to its introduction, nor had I, neither of us knowing anything of the bill until this moment. It seems to relate to public lands in Texas belonging to that State, and until I can examine the bill further I object to its consideration.

The PRESIDENT pro tempore. Objection is made, and the bill will go to the calendar.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BOURNE:

A bill (S. 4452) to provide for the disposition of lands within the State of Oregon which hereafter may be decreed or declared forfeited to the United States for breach of the terms of the acts under which the same were granted, and for other purposes; to the Committee on Public Lands, with the request that copies thereof be sent to the Department of Justice and the Department of the Interior with a request for an expression of opinion thereon.

By Mr. SHIVELY:

A bill (S. 4453) granting an increase of pension to Elihu Eversole; and

A bill (S. 4454) granting an increase of pension to Anna B. Campbell; to the Committee on Pensions.

By Mr. STEPHENSON:

A bill (S. 4455) to provide for the establishment of additional aids to navigation at Ashland, Wis.; to the Committee on Commerce.

By Mr. CUMMINS:

A bill (S. 4456) for the relief of the estate of Silas F. Baker; to the Committee on Claims.

A bill (S. 4457) granting an increase of pension to Thomas W. Boyer; and

A bill (S. 4458) granting an increase of pension to George W. Forsythe (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Michigan:

A bill (S. 4459) to provide for repairs and improvements to aids to navigation in the St. Marys River, Mich.; to the Committee on Commerce.

By Mr. CLARK of Wyoming:

A bill (S. 4460) to amend section 128 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and

A bill (S. 4461) permitting chief office deputy United States marshals to act as disbursing officers for their principals in cases of emergency; to the Committee on the Judiciary.

A bill (S. 4462) to correct the military record of Clayton H. Adams; to the Committee on Military Affairs.

By Mr. DU PONT:

A bill (S. 4463) to authorize the appointment of Shepler Ward FitzGerald to the grade of second lieutenant in the Army (with accompanying papers); to the Committee on Military Affairs.

By Mr. GUGGENHEIM:

A bill (S. 4464) for the relief of the White River Utes, the Southern Utes, the Uncompahgre Utes, the Tabeguache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uinta Bands of Ute Indians, known also as the Confederated Bands of Ute Indians of Colorado; to the Committee on Indian Affairs.

A bill (S. 4465) to enable the Secretary of Agriculture to more effectually suppress and prevent the spread of contagious diseases of potatoes known as black scab or wart disease, eelworm, and other serious diseases likely to be spread to the detriment of the potato industry, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. NIXON:

A bill (S. 4466) for the relief of Chris Deiss (with accompanying papers); to the Committee on Claims.

By Mr. BURNHAM:

A bill (S. 4467) granting an increase of pension to Homer Lockwood; to the Committee on Pensions.

A bill (S. 4468) to regulate the importation and interstate transportation of nursery stock; to enable the Secretary of Agriculture to appoint a Federal horticultural commission, and to define the powers of this commission in establishing and maintaining quarantine districts for plant diseases and insect pests; to permit and regulate the movement of fruits, plants, and vegetables therefrom, and for other purposes (with accompanying papers); to the Committee on Agriculture and Forestry.

By Mr. DIXON:

A bill (S. 4469) granting an increase of pension to John W. Whipple; to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 4470) to provide for the erection of a public building at Wenatchee, Wash.; to the Committee on Public Buildings and Grounds.

A bill (S. 4471) to provide for the establishment of aids to navigation and for the improvement of existing aids in Puget Sound, Wash.; to the Committee on Commerce.

A bill (S. 4472) to provide for the relief of Anton Conyar; and

A bill (S. 4473) for the relief of Thomas Reid; to the Committee on Claims.

A bill (S. 4474) granting an increase of pension to Frank Gardner; to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 4475) to amend an act entitled "An act to simplify the issue of enrollments and licenses of vessels of the United States";

A bill (S. 4476) to provide for purchase of site, construction of wharf and buildings, and the necessary equipment for a depot for the sixth lighthouse district; and

A bill (S. 4477) to authorize the placing of Frying Pan Shoals Light Vessel, N. C., in such position in the vicinity of Frying Pan Shoals as may be most advantageous to navigation; to the Committee on Commerce.

A bill (S. 4478) granting an increase of pension to Toller Peterson (with accompanying papers); to the Committee on Pensions.

By Mr. CULLOM:

A bill (S. 4479) to provide for the erection of a public building at Mount Carmel, Ill.; to the Committee on Public Buildings and Grounds.

A bill (S. 4480) granting an increase of pension to Barlow A. McCoy (with accompanying papers); and

A bill (S. 4481) granting an increase of pension to Lizzie W. Knights; to the Committee on Pensions.

By Mr. GAMBLE:

A bill (S. 4482) to correct the military record of Levi Conright; to the Committee on Military Affairs.

A bill (S. 4483) to amend section 1 of an act approved March 3, 1909 (35 Stat. L., 751), entitled "An act for the removal of restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other lands, on any of the reservations within the jurisdiction of such agency, and for other purposes";

A bill (S. 4484) to authorize the payment of certain Chippewa funds on deposit in the United States Treasury;

A bill (S. 4485) authorizing the Secretary of the Treasury to pay interest on the judgment of the Court of Claims in favor of the Ute Indians;

A bill (S. 4486) to amend an act entitled "An act to provide for the disposition and sale of lands known as the Klamath River Indian Reservation," approved June 17, 1892 (27 Stat. L., 52, 53);

A bill (S. 4487) to prohibit the sale of personal property of Indians purchased with trust funds;

A bill (S. 4488) to authorize the setting aside of a tract of land for a school site and school farm on the Yuma Indian Reservation in the State of California;

A bill (S. 4489) to pay pensions to certain Indians of the Fort Hall Indian Reservation; and

A bill (S. 4490) to authorize the Secretary of the Interior to cancel the allotment trust patent erroneously made to Mrs. Young Bear, Winnebago allottee; to the Committee on Indian Affairs.

A bill (S. 4491) granting a pension to Mary A. Smith; and

A bill (S. 4492) granting an increase of pension to John B. Randolph (with accompanying papers); to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 4493) to provide for the purchase of a site and the erection of a public building thereon at Thermopolis, in the State of Wyoming; to the Committee on Public Buildings and Grounds.

A bill (S. 4494) for the relief of William H. and C. G. Cazier; to the Committee on Claims.

A bill (S. 4495) for the relief of George W. Hoyt (with accompanying papers); to the Committee on Post Offices and Post Roads.

By Mr. TOWNSEND:

(By request). A bill (S. 4496) for the relief of C. L. de Muralt (with accompanying papers); to the Committee on Claims.

A bill (S. 4497) granting an increase of pension to Benjamin E. Westfall (with accompanying papers); to the Committee on Pensions.

By Mr. KERN:

A bill (S. 4498) for the relief of George Peyton; to the Committee on Military Affairs.

A bill (S. 4499) granting a pension to Mary F. Gaddie (with accompanying papers); to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 4500) granting a pension to Drusilla Peters;

A bill (S. 4501) granting a pension to Josephine Robb;

A bill (S. 4502) granting a pension to George J. Wilson;

A bill (S. 4503) granting a pension to Allen Tyler; and

A bill (S. 4504) granting an increase of pension to Laura B. Hess; to the Committee on Pensions.

By Mr. POMERENE:

A bill (S. 4505) for the relief of volunteer officers and soldiers who served in the Philippine Islands under the act approved March 2, 1899; to the Committee on Military Affairs.

By Mr. FLETCHER:

A bill (S. 4506) for the relief of the heirs of Salvador Costa (with accompanying papers); to the Committee on Claims.

By Mr. WATSON:

A bill (S. 4507) to remove the charge of desertion from the military record of Solomon M. Bennett; to the Committee on Military Affairs.

A bill (S. 4508) to provide for the erection of a public building at Webster Springs, W. Va.; to the Committee on Public Buildings and Grounds.

A bill (S. 4509) for the relief of the estate of James Watson, deceased; to the Committee on Claims.

By Mr. MARTIN of Virginia:

A bill (S. 4510) to transfer to the Secretary of War jurisdiction over the site acquired for a reformatory for the District of Columbia in Fairfax County, Va., and for other purposes;

A bill (S. 4511) authorizing the Secretary of War to have repaired the military road to Balls Bluff, in the county of Loudoun, Va.;

A bill (S. 4512) authorizing the Secretary of War to have macadamized the roadway upon the Government property between the United States Government Experimental Farm and the Arlington Military Cemetery, in the county of Alexandria, Va.; and

A bill (S. 4513) authorizing the Secretary of War to have constructed a direct road leading from the southern end of the New Highway Bridge across the Potomac River to the national cemetery at Arlington and Fort Myer; to the Committee on Military Affairs.

A bill (S. 4514) to provide for the building of a public avenue on the south side of the Potomac River from the city of Washington to Mount Vernon;

A bill (S. 4515, for the relief of Ida Banks; and

A bill (S. 4516) to reimburse William Van Derveer, of Millboro, Va., for excess revenue taxes assessed against and collected from him; to the Committee on Claims.

A bill (S. 4517) to authorize and direct the President of the United States to place upon the retired list of the United States Navy late Midshipman John Benton Ewald, with the rank of ensign; to the Committee on Naval Affairs.

A bill (S. 4518) to provide for completing the reestablishment of the light and fog-signal station marking Thimble Shoal, Chesapeake Bay, Va.; to the Committee on Commerce.

A bill (S. 4519) granting an increase of pension to Florence P. Percy; to the Committee on Pensions.

By Mr. BURTON:

A bill (S. 4520) for the relief of Catherine Grimm; to the Committee on Claims.

A bill (S. 4521) to authorize the change of the name of the steamer *William A. Hawgood* (with accompanying papers); to the Committee on Commerce.

A bill (S. 4522) granting an increase of pension to James Nichell; and

A bill (S. 4523) granting an increase of pension to Alcenus W. Fenton; to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 4524) to increase the appropriation of $60,000 for the purchase of a site and the erection of a building for the use and accommodation of a post office at Middlesboro, Ky., to $125,000; to the Committee on Public Buildings and Grounds.

A bill (S. 4525) granting a pension to Cobb T. Berry (with accompanying papers);

A bill (S. 4526) granting an increase of pension to George W. Jones (with accompanying papers); and

A bill (S. 4527) granting an increase of pension to F. Livers (with accompanying papers); to the Committee on Pensions.

By Mr. ROOT:

A bill (S. 4528) to amend the act of March 3, 1863, and acts amendatory thereof and to create an additional customs district in the State of New York (with accompanying papers); to the Committee on Finance.

By Mr. JOHNSTON of Alabama:

A bill (S. 4529) granting an increase of pension to Jesse Turrentine (with accompanying papers); to the Committee on Pensions.

By Mr. PAGE:

A bill (S. 4530) granting a pension to Harriet B. Nichols; to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 4531) for the relief of Frances L. Snell (with accompanying papers); to the Committee on Claims.

A bill (S. 4532) granting an increase of pension to Sarah F. Elwell (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 4533) to provide for a final settlement with the Kathlamet Band of Chinook Indians of Oregon for lands ceded by said Indians to the United States in a certain unratified treaty between said parties dated August 9, 1851;

A bill (S. 4534) to provide for a final settlement with the Wheelappa Band of Chinook Indians of Washington for lands ceded by said Indians to the United States in a certain unratified treaty between said parties dated August 9, 1851;

A bill (S. 4535) to provide for a final settlement with the Lower band of Chinook Indians of Washington for lands ceded by said Indians to the United States in a certain unratified treaty between said parties dated August 9, 1851;

A bill (S. 4536) to provide for a final settlement with the Waukikmum Band of Chinook Indians of Washington for lands ceded by said Indians to the United States in a certain unratified treaty between said parties dated August 8, 1851; and

A bill (S. 4537) to provide for a final settlement with the Nuc-quee-clah-we-muck Tribe of Indians of Oregon for lands ceded by said Indians to the United States in a certain unratified treaty between said parties dated August 7, 1851; to the Committee on Indian Affairs.

A bill (S. 4538) granting an increase of pension to Willoughby Churchill (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 4539) to provide a site and erect a public building at Anacortes, Wash.;

A bill (S. 4540) to provide a site and erect a public building at Blaine, Wash.;

A bill (S. 4541) to provide a site and erect a public building thereon at Centralia, Wash.;

A bill (S. 4542) to provide for the acquisition of a site and the erection of a public building thereon at Colfax, Wash.;

A bill (S. 4543) to provide a site and erect a public building at Hoquiam, Wash.;

A bill (S. 4544) to provide a site and erect a public building at Waterville, Wash.;

A bill (S. 4545) to provide for the erection of a public building in the city of Ellensburg, in the State of Washington;

A bill (S. 4546) to erect a public building in the city of Wenatchee, in the State of Washington;

A bill (S. 4547) to provide a site and erect a public building at Aberdeen, Wash.; and

A bill (S. 4548) to increase the appropriation for a public building at Everett, Wash.; to the Committee on Public Buildings and Grounds.

A bill (S. 4549) to place the name of Sergt. Herman C. Funk upon the officers' retired list; to the Committee on Military Affairs.

A bill (S. 4550) to establish a fish-cultural station in the State of Washington; to the Committee on Fisheries.

By Mr. TILLMAN:

A bill (S. 4551) to amend an act entitled "An act to authorize the building of a dam across the Savannah River at or near the mouth of Stevens Creek, between the counties of Edgefield, S. C., and Columbia, Ga.," approved August 5, 1909; to the Committee on Commerce.

By Mr. SHIVELY:

A joint resolution (S. J. Res. 67) authorizing the appointment of a board of examiners to make an examination of the Kankakee River at and in the vicinity of the boundary line between the States of Indiana and Illinois relating to the necessity and practicability of removing obstructions from said river and straightening its channels, and for other purposes; to the Committee on Commerce.

HEARINGS BEFORE THE COMMITTEE ON IRRIGATION.

Mr. NIXON submitted the following resolution (S. Res. 183), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Irrigation and Reclamation of Arid Lands, or any subcommittee thereof, is hereby authorized during the Sixty-second Congress to send for persons and papers, to administer oaths, to employ stenographers to report such hearings as may be had in connection with any subject that may be pending before said committee, and to have the testimony and proceedings of such hearings printed for the use of the committee. The expense of such hearings shall be paid out of the contingent fund of the Senate, and said committee and subcommittee thereof may sit during the sessions of the Senate.

MESSENGER TO THE COMMITTEE ON MINES AND MINING.

Mr. POINDEXTER submitted the following resolution (S. Res. 184), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Mines and Mining is hereby authorized to employ a messenger at a salary of $1,200 per annum, to be paid from the contingent fund of the Senate until otherwise provided for by law.

ALTA E. WILEY.

Mr. CULLOM submitted the following resolution (S. Res. 185), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Alta E. Wiley, widow of Lemon H. Wiley, late fireman in the Maltby Building, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

ANNA MATILDA JORGENSEN.

Mr. PERKINS submitted the following resolution (S. Res. 186), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Anna Matilda Jorgensen, widow of Joachim Christian Jorgensen, late a skilled laborer in the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

PAYMENT OF MONEY IN POLITICAL CAMPAIGNS.

Mr. CULBERSON. Mr. President, I submit an order, which I ask may be printed in the RECORD, accompanied by the resolution to which it refers. I give notice that to-morrow morning I shall call up the resolution for the consideration of the Senate.

The PRESIDENT pro tempore. The Senator desires that the order in the meantime shall lie on the table?

Mr. CULBERSON. That it lie on the table meanwhile.

Mr. CULLOM. Let the order be read.

The PRESIDENT pro tempore. The order will be read.

The Secretary read the order, as follows:

Ordered, That the Committee to Audit and Control the Contingent Expenses of the Senate be, and it is hereby, discharged from further consideration of Senate resolution 79, Sixty-second Congress, first session, and that said resolution be now laid before the Senate for its action thereon.

Mr. STONE and Mr. LODGE. What is the resolution to which the order refers?

The PRESIDENT pro tempore. The Secretary will read the resolution.

The Secretary read Senate resolution 79, submitted by Mr. CULBERSON June 22, 1911, as follows:

Resolved, First. That the Committee on Privileges and Elections of the Senate be, and it is hereby, directed to inquire and report to the Senate as early as practicable the amount of money subscribed and paid to every committee of any political party or to any member of such committee or to any person acting under the authority of or on behalf of such committee, as treasurer or otherwise, by any person, firm, association, corporation, or committee to influence the result or attempt to influence the result of the election of November 8, 1904, and November 3, 1908, at which Representatives in the Congress of the United States were elected, giving the names of such persons, firms, associations, corporations, or committees, and the respective amounts subscribed and paid by each of them as aforesaid.

Second. That said committee is authorized to sit during the session of the Senate and during any recess of the Senate or of the Congress; to hold sessions at such place or places as it may deem most convenient for the purpose of this inquiry; to employ stenographers and such other clerical force as may be deemed necessary; to send for persons, books, records, and papers; to administer oaths; and that the expenses of the inquiry be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

Third. That said committee shall also report to the Senate what measures, if any, are necessary to further prohibit or curtail such subscriptions and payments so as to lessen and confine them to proper and legitimate objects in relation to such elections and prevent the undue or corrupt use of money in such elections.

The PRESIDENT pro tempore. Does the Senator from Texas ask that the order submitted by him lie on the table to be called up to-morrow?

Mr. CULBERSON. Mr. President, I intended to give notice—I think I did, but to make it certain I now give notice—that to-morrow morning, immediately after the routine morning business, I shall call up this order and ask for action upon it by the Senate.

The PRESIDENT pro tempore. The notice given by the Senator will be entered.

REPORT OF PANAMA RAILROAD CO. (S. DOC. NO. 257).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, on motion of Mr. BRANDEGEE, was, with the accompanying paper and illustrations, referred to the Committee on Interoceanic Canals and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith, for the information of Congress, the Sixty-second Annual Report of the Board of Directors of the Panama Railroad Co. for the fiscal year ended June 30, 1911.

WM. H. TAFT.

THE WHITE HOUSE, *January 15, 1912.*

GOVERNMENT HOSPITAL FOR THE INSANE (S. DOC. NO. 256).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read:

To the Senate and House of Representatives:

I transmit herewith a copy of a letter from the Secretary of the Interior, dated January 12, 1912, together with a report made to him on November 10, 1911, by a committee selected to consider the organization and needs of the Government Hospital for the Insane.

The report evidences the careful study given the subject by the committee and the need of additional legislation regarding the institution. I have to recommend that the various matters treated therein receive your early and serious consideration.

WM. H. TAFT.

THE WHITE HOUSE, *January 13, 1912.*

Mr. GALLINGER. Let the communication and accompanying papers go to the Committee on Appropriations.

The PRESIDENT pro tempore. The communication and accompanying papers will go to the Committee on Appropriations, as suggested by the Senator from New Hampshire, and be ordered to be printed.

PROPOSED PENSION LEGISLATION.

Mr. BRYAN. Mr. President, I desire to give notice that on next Monday, the 22d, I shall ask the Senate to hear me with particular reference to House bill No. 1 and with general reference to pension legislation.

ARANSAS HARBOR TERMINAL RAILWAY.

Mr. BAILEY. I ask unanimous consent for the present consideration of the bill (H. R. 15781) to authorize the Aransas Harbor Terminal Railway to construct a bridge across Morris and Cummings Channel.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. BAILEY. I desire to offer an amendment. In line 8 strike out "San Patricio" and insert "Nueces." I am advised by the Representative from that district that the work is to be in Nueces County instead of San Patricio County.

The SECRETARY. On page 1, line 8, strike out "San Patricio" and in lieu insert "Nueces," so as to read:

That the Aransas Harbor Terminal Railway and its assigns be, and are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Morris and Cummings Channel at a point suitable to the interests of navigation, at or near Stedman Island, in the county of Nueces, in the State of Texas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

SNAKE RIVER BRIDGE, WASHINGTON.

Mr. POINDEXTER. The House of Representatives has passed with amendments the bill (S. 3484) to authorize the construction of a bridge across the Snake River, between Walla Walla and Franklin Counties, in the State of Washington, by the Oregon-Washington Railroad & Navigation Co. I ask the Chair to lay it before the Senate.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill, which were, on page 1, lines 7 and 8, to strike out the words "from some convenient and practical point to be selected on the" and insert "at a point suitable to the interest of navigation from some point on"; and on page 1, line 10, after the word "to," to insert "a point on."

Mr. POINDEXTER. I move that the Senate concur in the amendments of the House of Representatives.

The amendments were concurred in.

ARBITRATION TREATY WITH GREAT BRITAIN.

Mr. RAYNER obtained the floor.

Mr. OVERMAN. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from North Carolina suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Crawford	McLean	Smith, Ga.
Bailey	Culberson	Martin, Va.	Smith, Md.
Bankhead	Cullom	Martine, N. J.	Smith, Mich.
Borah	Cummins	Nelson	Smoot
Bourne	Curtis	Newlands	Stephenson
Bradley	Dixon	Nixon	Stone
Brandegee	du Pont	O'Gorman	Sutherland
Bristow	Fletcher	Oliver	Swanson
Brown	Gallinger	Overman	Thornton
Bryan	Gronna	Page	Tillman
Burnham	Guggenheim	Paynter	Townsend
Burton	Heyburn	Perkins	Warren
Chamberlain	Hitchcock	Poindexter	Watson
Chilton	Johnson, Me.	Pomerene	Wetmore
Clark, Wyo.	Lippitt	Rayner	Williams
Clarke, Ark.	Lodge	Root	Works
Crane	McCumber	Shively	

Mr. THORNTON. My colleague [Mr. FOSTER] is unavoidably absent.

The PRESIDENT pro tempore. Sixty-seven Senators have answered to their names. A quorum is present. The Senator from Maryland will proceed.

Mr. LODGE. I rise to a question of order.

The PRESIDENT pro tempore. The Senator from Massachusetts will state his question of order.

Mr. LODGE. I think before we discuss these treaties in public it ought to be determined by the Senate whether they are to be discussed in public or not. No action has been taken by the Senate in executive session, as is usual, and it ought to be determined in executive session, according to the rules of the Senate, whether the treaties are to be discussed in public or not, so that all Senators may know what course is to be adopted.

For that reason I move that this matter be considered in secret session.

Mr. McCUMBER. I second the motion.

The PRESIDENT pro tempore. Does the Senator mean to move that the Senate proceed to the consideration of executive business?

Mr. LODGE. No, Mr. President. I make the motion under the rule which provides that one Senator can ask that a matter be considered in secret session, and my motion has been seconded by the Senator from North Dakota [Mr. McCUMBER]. It is under a special rule with which the President pro tempore is familiar.

The PRESIDENT pro tempore. The Senator from Massachusetts is correct.

Mr. RAYNER. What is the motion?

Mr. LODGE. I do not have to make a motion which has to be voted on. I ask that this matter be considered in secret session.

Mr. RAYNER. I ask to be heard on that.

Mr. LODGE. That is the very point. The matter has to be settled in secret session. There is no——

The PRESIDENT pro tempore. The Chair will state to the Senator from Maryland that under the rule when the point is made it is the duty of the Chair to direct that the Chamber be cleared of all except those who are entitled to be present in executive session.

Mr. RAYNER. I ask unanimous consent, without referring to the treaties, to say a word.

The PRESIDENT pro tempore. The Chair will suggest——

Mr. LODGE. The very point is whether we shall discuss the matter in executive session.

Mr. RAYNER. I do not propose now to discuss it. I propose to say to the Senate what I intend to discuss, and it does not touch the treaties. It is only the legal and constitutional questions connected with the treaties; that is all. I do not propose to go beyond that at all.

Mr. LODGE. It is not what the Senator proposes to say. I have no doubt what the Senator proposes to say will be, as it always is, very interesting.

The PRESIDENT pro tempore. Does the Senator from Massachusetts refer to Rule XXXV?

Mr. LODGE. Yes; and I ask that the rule be read.

The PRESIDENT pro tempore. The Secretary will read the rule, under which the Senator from Maryland will see that it is required to be done.

The Secretary read as follows:

RULE XXXV.

SESSION WITH CLOSED DOORS.

On a motion made and seconded to close the doors of the Senate, on the discussion of any business which may, in the opinion of a Senator, require secrecy, the Presiding Officer shall direct the galleries to be cleared, and during the discussion of such motion the doors shall remain closed.

The PRESIDENT pro tempore. Under the rule just read, the Chair has no discretion but to carry out the order——

Mr. STONE. A point of inquiry.

The PRESIDENT pro tempore. The Senator from Missouri will state it.

Mr. STONE. When the motion is made by a Senator and seconded, says the rule, the Chair shall order the galleries cleared. What is the meaning of the expression "and seconded"?

The PRESIDENT pro tempore. The Chair understood that the Senator from North Dakota [Mr. McCUMBER] seconded the motion.

Mr. LODGE. That is all that is required, under the uniform practice of the Senate.

Mr. STONE. And some Senator says "I second the motion"?

Mr. LODGE. That is all that is required; and the rule goes on to say whenever any Senator thinks the discussion of any business requires secrecy.

Mr. RAYNER. Has the Senator the right to do that when I have the floor?

Mr. LODGE. Certainly I have the right.

Mr. RAYNER. Where is the rule?

Mr. LODGE. I myself have been taken off the floor by such a motion.

Mr. RAYNER. I do not know what the Senator has been taken off of, but where is the rule?

The PRESIDENT pro tempore. The Chair will rule that the uniform practice of the Senate is that whenever the motion is made, it is the duty of the Chair to order that the galleries be cleared and the doors be closed; and that rule necessarily involves the right of a Senator to make the motion at any time. Otherwise its purpose would be defeated.

Mr. RAYNER. Can the motion be made when another Senator has the floor?

Mr. LODGE. It is a question of order.

Mr. RAYNER. By what right does the Senator from Massachusetts get the floor to make the motion?

Mr. LODGE. I do not get the floor. I rise to a question of order. Nobody can hold the floor against a point of order.

Mr. RAYNER. We will take this a little calmly. Has the Senator from Massachusetts, or any other Senator, the right to interrupt a Senator when he has the floor and make a motion to go into executive session?

Mr. LODGE. That is not the motion.

The PRESIDENT pro tempore. If the Senator from Maryland will make his point of order, the Chair will rule on it.

Mr. RAYNER. The Chair has already ruled on it. There is no use making it. However, I make the point of order that I had the floor when I was interrupted by the Senator from Massachusetts, who did not ask me for leave to interrupt. I had been recognized, and a quorum had been called for.

Mr. LODGE. I rose to a point of order. I did not interrupt the Senator or ask him to yield. It was not necessary to ask his permission.

Mr. RAYNER. The Senator can not rise to a point of order, because there was no point of order about it. I had not said a word, and therefore the Senator could not call me to order.

Mr. LODGE. I make the point, Mr. President.

The PRESIDENT pro tempore. The Chair will rule that the purpose of the rule is that any matter which may be before the Senate may be arrested for the purpose of considering the question whether or not it shall be proceeded with in open session or in secret session of the Senate; and with that view, the Chair sustains the point of order made by the Senator from Massachusetts, and orders the Sergeant at Arms to clear the galleries and to close the doors.

The doors were thereupon closed, and at the expiration of one hour and five minutes they were reopened.

Mr. LODGE. Mr. President, I offer the following resolution for present consideration and to make it the unfinished business.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution, as follows:

Resolved (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of a treaty signed by the plenipotentiaries of the United States and Great Britain on August 3, 1911, extending the scope and obligation of the policy of arbitration adopted in the present arbitration treaty of April 4, 1908, between the two countries, so as to exclude certain exceptions contained in that treaty, and to provide means for the peaceful solution of all questions of difference which it shall be found impossible in future to settle by diplomacy.

Resolved further, That the Senate advise and consent to the ratification of the treaty with the understanding, to be made a part of such ratification, that any joint high commission of inquiry to which shall be referred the question as to whether or not a difference is subject to arbitration under Article I of the treaty, as provided by Article III thereof, the American members of such commission shall be appointed by the President, subject to the advice and consent of the Senate, and with the further understanding that the reservation in Article I of the treaty that the special agreement in each case shall be made by the President, by and with the advice and consent of the Senate, means the concurrence of the Senate in the full exercise of its constitutional powers in respect to every special agreement whether submitted to the Senate as the result of the report of a joint high commission of inquiry under Article III or otherwise.

Mr. LODGE. I move that we proceed as in open session to the consideration of the resolution.

Mr. RAYNER. I object.

Mr. LODGE. The Senator can not object to the motion.

Mr. RAYNER. I object to the consideration of the resolution.

Mr. LODGE. The question is on the adoption of the motion.

Mr. RAYNER. I object to the consideration of the motion. How does the Senator get it before the Senate? Does he ask for unanimous consent?

Mr. LODGE. I ask for no unanimous consent. I move to proceed to the consideration of the resolution.

Mr. RAYNER. Very few of us heard the resolution read. It is a very important document, and I should like to have it read again.

The PRESIDENT pro tempore. The Secretary will read it again if desired by the Senator.

The Secretary again read the resolution.

Mr. RAYNER. I desire to give notice to the Senate that owing to the slight interruption in my remarks I shall postpone them until to-morrow.

The PRESIDENT pro tempore. Does the Chair understand the Senator from Maryland to object to the consideration of the resolution at this time?

Mr. RAYNER. No; I do not object to the consideration of it.

Mr. LODGE. I do not ask for unanimous consent. I move to take the resolution up for consideration. I shall not press it this afternoon, of course, if Senators desire to postpone their remarks. I have no idea of doing that at all. I merely wish to take it up so that the treaties may be before the Senate in open executive session for discussion.

Mr. HEYBURN. I ask that the motion go over under the rule. The motion is not on the calendar, on the records of the Senate.

Mr. LODGE. Of course the motion is not on the legislative calendar. It is an executive motion.

Mr. HEYBURN. It is not on any calendar.

Mr. LODGE. It is on the executive calendar. I offered it last week. This is open executive session, and I have a right in open executive session to move to take it up as executive business, which the Senate has decided is to be considered in open executive session.

Mr. CULLOM. I hope the arrangement will be made unanimously, and that this subject will be taken up to-morrow after the morning business and made the unfinished business from that time until it has been concluded.

Mr. HEYBURN. Mr. President, I think I am within my rights on the floor. I am not going to detain the Senate, but I want to make myself plain in my position. This is a proposed resolution. It was not a resolution; it was notice of the introduction of a resolution.

Mr. LODGE. I offered the resolution.

Mr. HEYBURN. It is a proposed resolution.

Mr. LODGE. Certainly; I proposed it.

Mr. HEYBURN. It was presented in executive session, the injunction of secrecy was removed, and it was ordered to be printed. I do not believe that it has yet cleared the wall. I think that this is its first introduction as a resolution. It was a proposed resolution, which is a limitation upon it.

Mr. LODGE. I introduced it in regular form in executive session.

Mr. HEYBURN. I think the Senator gave notice.

Mr. LODGE. I gave no notice. I introduced it in regular session. I offered it and asked that it be printed. Now we are in open executive session, and I have the same right to move to take it up that I have to move to take up anything which the Senate decided to have considered in open executive session.

Mr. HEYBURN. Let me make an inquiry of the Senator. Is it the opinion of the Senator from Massachusetts that the ban of secrecy is removed from the proceedings had within the secret session of the Senate a few minutes ago?

Mr. LODGE. The ban of secrecy?

Mr. HEYBURN. I do not want to refer to them.

Mr. LODGE. It is removed by the decision of the Senate itself to consider the treaty in open executive session.

Mr. HEYBURN. Is it removed from the occurrences in the executive session?

Mr. LODGE. No; I do not so understand.

Mr. HEYBURN. That is to say, we may not now refer to anything that transpired in that secret session.

Mr. LODGE. Just held?

Mr. HEYBURN. Yes. Would it not be well to throw the door wide open if it is going to be opened at all? I desire to refer to something which was said in that session, and doubtless will, from time to time, if compelled to do so.

Mr. LODGE. It is rather uncertain to refer to remarks made in a session where there was no record.

Mr. HEYBURN. There was no record made of anything in that session.

Mr. LODGE. No, no record at all; but it is in the resolution of the executive session.

Mr. HEYBURN. The resolution upon which the doors were opened is under the ban of secrecy.

Mr. LODGE. Oh, no.

Mr. HEYBURN. Unless the injunction of secrecy is removed.

Mr. LODGE. Oh, no.

Mr. HEYBURN. I inquire as a parliamentary inquiry how the resolution gets from under the ban?

Mr. LODGE. The Senate voted to have the treaties discussed in open executive session. It considers the resolution in open executive session; that is the correct phase. Now, I move, as in open executive session, to consider this resolution, which is what the Senate considers when it considers a treaty. The matter to be voted upon is the resolution of ratification. I offered it last week in executive session. It has been made public for future debate, and I move to take it up. If that motion prevails, I shall ask that it be temporarily laid aside, if Senators are not ready to go on.

Mr. HEYBURN. Now, a moment, Mr. President. We have not heretofore had unfinished business in executive session. I appeal to the Senator from Massachusetts, whose length of service exceeds my own, whether I am not correct in that statement. I was here during the consideration of the Panama treaties, and all those, and I know of no occasion upon which any business was made unfinished business in executive session. Under what rule do we do it?

Mr. LODGE. We can make unfinished business in executive session, if we choose.

Mr. HEYBURN. There is no rule for it. The rule in regard to unfinished business belongs only to legislative session.

Mr. LODGE. I think, Mr. President, we can make an executive matter unfinished business if we choose to do it.

Mr. HEYBURN. We can make new rules.

Mr. LODGE. No; not new rules.

Mr. HEYBURN. We might abrogate those we have; but I am inquiring as to the status now. Can the Senator refer me to any rule, because we will have to thrash it out? It is not going to drift along here by mutual consent.

Mr. LODGE. Mr. President, as I happen to be in charge of the report, it is my intention to ask the Senate to take it up and consider it. The Senate have not been so far this session overoccupied. I think they might as well deal with these important treaties now as at any time, before there is a rush of other business; and I intend, as I would do in charge of any other measure before the Senate, to ask the Senate to take it up; and I have now moved to take it up. If the Senate takes it up and no one is ready to go on, I shall ask that it be temporarily laid aside.

Mr. HEYBURN. I recognize the status of the question as stated by the Senator. The resolution is now before the Senate. It has passed beyond the jurisdiction of the Committee on Foreign Relations; it is in the Senate, and every Member of the Senate is a member of the committee having charge of this measure.

Now, let us consider it then with cool heads, without passion. The Senator from Massachusetts referred to this, if I correctly understood him, as unfinished business. I maintain that it can not be unfinished business in executive session, because there is no such thing as unfinished business in executive session. There is no rule governing it, establishing it, or recognizing it.

I only say this in anticipation of a possible attempt to give this precedence on another day, and it is just as well to come to an understanding about it now, or, at least, to suggest these misunderstandings about it, as at any future time.

Mr. LODGE. What I propose is to make this piece of executive business the unfinished business of the Senate.

Mr. HEYBURN. And that I shall certainly oppose, until I am convinced that there is or can be such a thing as unfinished business in executive session. We have never known it.

Mr. LODGE. Not make the executive business the unfinished business of the Senate?

Mr. HEYBURN. That can not be done.

Mr. LODGE. I think it can be done. It has been done.

Mr. HEYBURN. There is no rule. You will have to violate every rule.

Mr. LODGE. The Senate can make anything the unfinished business.

Mr. HEYBURN. No. I know Senators have at times asked or moved that matters be made the unfinished business. The Senator and I have not differed on the conclusion that there is no such motion known to this body.

Mr. LODGE. I am not making a motion to make it the unfinished business; I am making a motion to take it up.

Mr. HEYBURN. I understand that; but the Senator, unfortunately for his contention, has stated the purpose.

Mr. LODGE. That is the purpose, undoubtedly. If the Senate takes it up now after 4 o'clock by motion, it becomes the unfinished business of the Senate, but the motion is not to make it the unfinished business.

Mr. HEYBURN. Mr. President, I shall contend that nothing coming from executive session can be recognized as unfinished business under the rules of legislative session. We have no rules governing the executive session; we have rules governing the legislative session. I am not going to prolong this, but I do not want it to be thought for a moment that we are going to drift with the tide to any consideration of this matter or anything pertaining to this treaty. There will be no drifting.

Mr. LODGE. No; there will not be any drifting.

Mr. HEYBURN. It will be a strong pull on the oar, or no progress will be made; and it is a question which way the prow will be headed.

Mr. CUMMINS. May I ask the Senator from Idaho a question? Unless this motion is adopted, will the treaty be the unfinished business at 4 o'clock to-morrow without any further action on the part of the Senate?

Mr. HEYBURN. Under no rule of the Senate.

Mr. CUMMINS. May I ask it of the Chair as a parliamentary inquiry? If the motion now before the Senate is adopted, will the treaty be under consideration as the unfinished business at 4 o'clock to-morrow or at the next session of the Senate without further action on the part of the Senate?

Mr. HEYBURN. The question being submitted to me, I desire to make this suggestion: The unfinished business comes before the Senate automatically, not on a motion at all nor on the ruling of the Chair.

Mr. CUMMINS. I ask whether, if we adopt this motion, this treaty will be the unfinished business after 4 o'clock?

Mr. CULBERSON. Mr. President, I submit to the Senator from Idaho that the unfinished business under the rule means unfinished legislative business, and there is nothing in the rules indicating that there is such a thing as unfinished executive business in open session.

Mr. HEYBURN. There can not be unfinished executive business. I understand the Senator from Texas concurs in that view. There can not be unfinished executive business.

Mr. LODGE. Mr. President, the motion is in order. Whether it makes it the unfinished business or not is a subsequent question to be decided.

The PRESIDENT pro tempore. The Chair desires to know whether the Senator from Idaho has the floor; and if so, does he yield to the Senator from Massachusetts?

Mr. HEYBURN. The Senator from Iowa was interrogating me. I will yield to him.

Mr. CUMMINS. I turned from the Senator from Idaho to the Chair, in order that the opinion of the Senator from Idaho might be confirmed or reversed. This is the question I asked: At 4 o'clock to-morrow, or at the next session of the Senate, will the treaty be the unfinished business without further action on the part of the Senate? What I have in mind is this: Will it be necessary for the Senate to vote to go into executive session before the treaty can arise for consideration?

Mr. HEYBURN. The question being directed to the Chair, I will wait.

Mr. CUMMINS. I think it would make a good deal of difference if it were known definitely what the result would be.

The PRESIDENT pro tempore. The Chair does not understand that any point of order has been made upon it as the discussion has proceeded.

Mr. HEYBURN. Mr. President, unless the Chair desires to be heard further, I will conclude what I have to say.

Mr. CULBERSON. Will the Senator allow me to read Rule XXXII?

Mr. HEYBURN. Yes.

Mr. CULBERSON. I read it to emphasize the position I have taken that the unfinished business means unfinished legislative and not executive business.

At the second or any subsequent session of a Congress the legislative business of the Senate which remained undetermined at the close of the next preceding session of that Congress shall be resumed and proceeded with in the same manner as if no adjournment of the Senate had taken place, and all papers referred to committees and not reported upon at the close of a session of Congress shall be returned to the office of the Secretary of the Senate, etc.

While this rule is not strictly applicable to the status of the matter now, it does indicate, as I attempted to suggest a moment ago, that when the unfinished business is referred to it means unfinished legislative business and not executive business for the consideration of treaties or the confirmation of nominations.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. To whom does the Senator from Idaho yield?

Mr. HEYBURN. With the permission of the Senator from Texas, I yield to the Senator from New Hampshire.

Mr. CULBERSON. That is all I have to say.

Mr. WILLIAMS. I should like to ask the Senator from Texas this question: Where a motion is made to go into executive session and that motion is carried and you go into executive session, then is it not unfinished business in executive session, which takes precedence of any new business in executive session?

Mr. CULBERSON. Not in the sense of unfinished business as referred to in the rules regulating the conduct of legislative business.

Mr. WILLIAMS. No; but when you do go into executive session, then is there not unfinished executive business?

Mr. CULBERSON. I think such a characterization of business of executive session as unfinished business is unknown to the rules. It is unfinished business in the sense that it is undisposed of.

Mr. WILLIAMS. And takes precedence.

Mr. CULBERSON. But the rule regulating the consideration of unfinished business, and what is the unfinished business, to be taken up at the conclusion of the morning hour, two hours after we meet at 4 o'clock under the rule now, and at 2 o'clock, when we meet at 12, refers to legislative business. Every time the treaty is considered it must be on a motion to go into executive session to consider the treaty in open executive session and not in legislative session.

Mr. GALLINGER. Mr. President, I quite agree with the Senator from Texas in his construction of the rule. I think the Senator from Texas is absolutely right about this matter. We have unfinished business in legislative session. During the

legislative session a Senator can move that we go into open executive session. When we have done that, if we do it, then it is open to that open executive session to proceed as it sees proper, and I think it would be generally conceded that if we had these important treaties under consideration they should have precedence if it was urged.

I do not think there will be any difficulty at all about the matter, but it is very clear in my mind that the resolution as submitted to-day can not be made the unfinished business of the Senate. That is very clear.

Mr. HEYBURN. I will conclude, Mr. President, what I was saying. I concur in the suggestions of the Senator from New Hampshire and the Senator from Texas in regard to it, and I want to go just this much further and no more. We have two classes of executive sessions, open executive sessions and closed executive sessions.

Mr. GALLINGER. You are right about that.

Mr. HEYBURN. If we go into open executive session, on motion or otherwise, it will be for the sole consideration of this treaty. If we go into executive session under the general order it will be for the consideration of other executive business except this treaty.

Mr. GALLINGER. The Senator is right. I have no doubt about it.

Mr. CULBERSON. Mr. President, I simply desire to have read at the desk as a part of what I have said Rule X, referring to unfinished legislative business. It is strictly applicable to the situation now.

The PRESIDENT pro tempore. The Secretary will read the rule indicated.

The Secretary read as follows:

RULE X.

1. Any subject may, by a vote of two-thirds of the Senators present, be made a special order; and when the time so fixed for its consideration arrives the Presiding Officer shall lay it before the Senate, unless there be unfinished business of the preceding day, and if it is not finally disposed of on that day it shall take its place on the Calendar of Special Orders in the order of time at which it was made special, unless it shall become by adjournment the unfinished business.

2. When two or more special orders have been made for the same time, they shall have precedence according to the order in which they were severally assigned, and that order shall only be changed by direction of the Senate.

And all motions to change such order, or to proceed to the consideration of other business, shall be decided without debate.

The PRESIDENT pro tempore. There has been no point of order made in regard to the matter as the Chair understands. The Chair will state for the information of the Senate that if the present occupant of the chair should be called upon to rule, he would hold that the only effect of the action taken by the Senate is to require the proceedings to be had in open session rather than in secret session, and that to proceed to the consideration of a matter in open executive session will require a specific motion in the same way that a specific motion would be required to proceed to the consideration of an executive matter in secret session, and that, therefore, the matter would not come up automatically at the expiration of the morning hour.

Mr. LODGE. Mr. President, as I understand the ruling of the Chair, it is that a motion for an open executive session must be made on each day?

The PRESIDENT pro tempore. The Chair is of the opinion that that is the effect of the resolution adopted.

Mr. LODGE. In that case, I give notice that to-morrow immediately after the conclusion of routine morning business I shall move that the Senate proceed to the consideration of the treaty in open executive session.

I ought to say further, Mr. President, after looking at the rules in regard to the consideration of treaties, that the proper motion would be to proceed to the consideration of the treaty as in Committee of the Whole, so that the amendments may be first considered. A resolution of ratification, such as I have offered, can only be properly considered after all amendments have been disposed of. There is an amendment pending, and until that amendment has been disposed of the resolution of ratification can not be taken up.

It is not necessary for me to withdraw my motion, because, under the ruling of the Chair, which no doubt is correct, a motion for an open executive session must be made on each day. Therefore, all that is necessary for me to do at this time is to give notice that I shall move an open executive session to-morrow after the close of the routine morning business, and I shall, if the Senate will permit me, continue to bring the treaties to the attention of the Senate, so that they may be disposed of.

The Senator from Idaho asks me what is the effect of my notice. My notice has no effect whatever, except as to my personal intention to make the motion at a given time. That is all I can do.

Mr. HEYBURN. I desire to make a further inquiry. Suppose a Senator desires to give notice that at that same time to-morrow, or upon any other day, he will address the Senate upon some measure pending before the Senate, would such a notice take precedence by reason of its being given a day ahead?

Mr. LODGE. Not at all, Mr. President. I shall make the motion whenever I have the opportunity. Such a motion is always in order and is not debatable.

Mr. HEYBURN. The Senator is only claiming the attention of the Chair in advance.

Mr. LODGE. No; I am doing what is very usual indeed, Mr. President, and I should think a Senator who has been here as long as has the Senator from Idaho would recall such instances. It is very customary for a Senator in charge of a measure to give notice that he will bring it up at a certain time and ask for it the attention of the Senate. It is absolutely in the hands of the Senate what shall be done with it. If I can obtain recognition to make the motion, the Senator can not stop the motion, because it is privileged.

Mr. HEYBURN. A moment, Mr. President. It occurs to me we are still in executive session, are we not?

Mr. LODGE. No; we are not in executive session; no such motion has been made.

Mr. HEYBURN. If we are not in executive session, I have overlooked any transition period.

Mr. LODGE. We never went into executive session; we have not been in executive session at all to-day.

Mr. HEYBURN. Well, the qualification of "open" is not material. Are we in open executive session? I ask the Chair whether or not the Senate is in open executive session now?

The PRESIDENT pro tempore. The Chair will state that when the Senate was in secret session the motion made was that we proceed to an open executive session, and there has been since then no other motion made.

Mr. LODGE. It was my mistake. I forgot that that motion had been made.

Mr. HEYBURN. I question absolutely the right of any Senator in open executive session, or in any kind of executive session or proceedings, to give a notice that would have force or effect in a legislative session.

Mr. LODGE. The Senator may question it; but I shall give notice, and I shall move for an open executive session at the earliest possible moment, and shall continue to repeat the motion in order to have the treaties dealt with.

The PRESIDENT pro tempore. With the permission of the Senate, and as in open legislative session, the Chair will lay before the Senate certain bills from the House of Representatives for reference.

Mr. LODGE. Mr. President, if the Chair has quoted the proceedings correctly, we are still in open executive session. Therefore I move that the Senate proceed to the consideration of legislative business.

The PRESIDENT pro tempore. The Chair stated in presenting the business that he would take the liberty of doing so as in legislative session.

Mr. LODGE. I move, then, that the Senate proceed to the consideration of legislative business.

The PRESIDENT pro tempore. Without objection, it will be so ordered. The Senate is now in open legislative session.

HOUSE BILLS AND JOINT RESOLUTION REFERRED.

H. R. 8861. An act for the relief of the legal representatives of Samuel Schiffer was read twice by its title and referred to the Committee on Claims.

H. R. 14055. An act to provide for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes, was read twice by its title and referred to the Committee on Indian Affairs.

The following bills were severally read twice by their titles and referred to the Committee on Pensions:

H. R. 14918. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 17671. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

H. J. Res. 184. A joint resolution authorizing the Secretary of War to loan certain tents for the use of the Confederate Veterans' Reunion, to be held at Macon, Ga., in May, 1912, was read twice by its title and referred to the Committee on Military Affairs.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 14 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 16, 1912, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate January 15, 1912.

AMBASSADOR.

Edwin V. Morgan, of New York, now envoy extraordinary and minister plenipotentiary to Portugal, to be ambassador extraordinary and plenipotentiary of the United States of America to Brazil, vice Irving B. Dudley, deceased.

COLLECTORS OF CUSTOMS.

Jacob C. Pike, of Maine, to be collector of customs for the district of Passamaquoddy, in the State of Maine. (Reappointment.)

Willis T. Emmons, of Maine, to be collector of customs for the district of Portland and Falmouth, in the State of Maine, in place of Charles M. Moses, whose term of office will expire by limitation on January 31, 1912.

SURVEYORS GENERAL OF ARIZONA AND NEW MEXICO.

Frank S. Ingalls, of Arizona, to be surveyor general of Arizona, his term expiring January 13, 1912. (Reappointment.)

John W. March, of New Mexico, to be surveyor general of New Mexico, whose term expired January 13, 1912. (Reappointment.)

RECEIVER OF PUBLIC MONEYS.

Fred V. Tinker, of Idaho, to be receiver of public moneys at Boise, Idaho, his term having expired December 12, 1911. (Reappointment.)

REGISTER OF THE LAND OFFICE.

Brantley E. Sturdevant, of Nebraska, to be register of the land office at O'Neill, Nebr., his term having expired December 12, 1911. (Reappointment.)

APPOINTMENTS, BY TRANSFER, IN THE ARMY.

CAVALRY ARM.

Second Lieut. William B. McLaurin, Eighteenth Infantry, to be second lieutenant of Cavalry, with rank from June 13, 1911.

INFANTRY ARM.

Second Lieut. John F. Wall, First Cavalry, to be second lieutenant of Infantry, with rank from June 13, 1911.

APPOINTMENT IN THE ARMY.

INFANTRY ARM.

Medorem Crawford, jr., of Oregon, to be second lieutenant of Infantry, with rank from October 7, 1911.

PROMOTIONS IN THE NAVY.

Civil Engineer Homer R. Stanford, United States Navy, to be Chief of the Bureau of Yards and Docks, in the Department of the Navy, with the rank of rear admiral, from the 14th day of January, 1912, for a period of four years.

The following-named machinists to be chief machinists in the Navy from the 27th day of December, 1911, upon the completion of six years' service as machinists:

William Herzberg,
Zenas A. Sherwin,
Otto Boldt, and
David W. Harry.

The following-named machinists to be chief machinists in the Navy from the 1st day of January, 1912, upon the completion of six years' service as machinists:

Byron C. Howard,
William S. White, and
William D. Sullivan.

POSTMASTERS.

ALABAMA.

Hortense Rowe to be postmaster at Camp Hill, Ala. Office became presidential January 1, 1912.

CALIFORNIA.

Albert L. Paulsen to be postmaster at Weaverville, Cal., in place of Albert L. Paulsen. Incumbent's commission expires February 13, 1912.

COLORADO.

Robert W. Campbell to be postmaster at Brighton, Colo., in place of Robert W. Campbell. Incumbent's commission expired December 11, 1911.

R. V. Cuttler to be postmaster at La Veta, Colo., in place of William H. Woodruff, resigned.

Joseph H. Harrison to be postmaster at Denver, Colo., in place of Paul J. Sours. Incumbent's commission expires January 20, 1912.

John F. Morgan to be postmaster at Colorado City, Colo., in place of John F. Morgan. Incumbent's commission expires February 10, 1912.

Edward L. Trounstine to be postmaster at Walsenburg, Colo., in place of Edward L. Trounstine. Incumbent's commission expired December 11, 1911.

CONNECTICUT.

Warren W. Averill to be postmaster at Pomfret Center, Conn., in place of Warren W. Averill. Incumbent's commission expired January 13, 1912.

William H. Brown to be postmaster at Jewett City, Conn., in place of William H. Brown. Incumbent's commission expired January 13, 1912.

George L. Rockwell to be postmaster at Ridgefield, Conn., in place of Rufus H. Seymour. Incumbent's commission expired January 13, 1912.

FLORIDA.

John C. Beekman to be postmaster at Tarpon Springs, Fla., in place of John C. Beekman. Incumbent's commission expires January 16, 1912.

Christian L. Dohn to be postmaster at New Smyrna, Fla., in place of Christian L. Dohn. Incumbent's commission expires January 23, 1912.

John B. White to be postmaster at Mulberry, Fla., in place of John B. White. Incumbent's commission expires January 23, 1912.

IDAHO.

S. S. Bonham to be postmaster at Wardner, Idaho, in place of William S. Brainard, removed.

George L. Morgan to be postmaster at Mackay, Idaho, in place of George L. Morgan. Incumbent's commission expired December 18, 1911.

ILLINOIS.

Hugh Bennett to be postmaster at Coal City, Ill., in place of Hugh Bennett. Incumbent's commission expires February 4, 1912.

Frederick P. Burgett to be postmaster at Keithsburg, Ill., in place of Frederick P. Burgett. Incumbent's commission expires January 31, 1911.

Tilford P. Hawkins to be postmaster at Rushville, Ill., in place of Tilford P. Hawkins. Incumbent's commission expires February 19, 1912.

Joseph E. Helfrich to be postmaster at Carthage, Ill., in place of Joseph E. Helfrich. Incumbent's commission expired May 7, 1910.

Howard O. Hilton to be postmaster at Rockford, Ill., in place of Howard O. Hilton. Incumbent's commission expires February 12, 1912.

Eugene L'Hote to be postmaster at Milford, Ill., in place of Eugene L'Hote. Incumbent's commission expires January 22, 1912.

Charles A. Trowbridge to be postmaster at Minooka, Ill. Office became presidential January 1, 1912.

Charles M. Turner to be postmaster at Wenona, Ill., in place of Charles M. Turner. Incumbent's commission expired December 18, 1911.

Thomas B. Williams to be postmaster at Sidell, Ill., in place of Thomas B. Williams. Incumbent's commission expires February 4, 1912.

INDIANA.

Rosa Lucey to be postmaster at Tolleston, Ind. Office became presidential October 1, 1911.

IOWA.

Simon D. Breuning to be postmaster at Ackley, Iowa, in place of Simon D. Breuning. Incumbent's commission expires January 31, 1912.

Walter M. Cousins to be postmaster at Alden, Iowa, in place of Walter M. Cousins. Incumbent's commission expired January 13, 1912.

Nathan O. Hickenlooper to be postmaster at Blockton, Iowa, in place of Nathan O. Hickenlooper. Incumbent's commission expired December 11, 1911.

KANSAS.

Wesley R. Childs to be postmaster at Kansas City, Kans., in place of Wesley R. Childs. Incumbent's commission expired December 9, 1911.

Ernest Hoefle to be postmaster at St. Paul, Kans., in place of Ernest Hoefle. Incumbent's commission expires February 12, 1912.

James Q. Roberts to be postmaster at La Harpe, Kans., in place of James Q. Roberts. Incumbent's commission expired December 9, 1911.

LOUISIANA.

Stacy Elizabeth Ober to be postmaster at Ferriday, La. Office became presidential January 1, 1912.

MAINE.

Eugene A. Fairfield to be postmaster at Kennebunk, Me., in place of Eugene A. Fairfield. Incumbent's commission expires February 18, 1912.

Horace Mitchell to be postmaster at Kittery Point, Me., in place of Horace Mitchell. Incumbent's commission expires January 31, 1912.

MASSACHUSETTS.

Harriet M. Mudge to be postmaster at Bedford, Mass., in place of Harriet M. Mudge. Incumbent's commission expired December 10, 1911.

Charles F. Scribner to be postmaster at North Chelmsford, Mass., in place of Charles F. Scribner. Incumbent's commission expired December 10, 1911.

William H. Sprague to be postmaster at Stoneham, Mass., in place of William H. Sprague. Incumbent's commission expires January 20, 1912.

MICHIGAN.

Frank M. Blatchford to be postmaster at Brighton, Mich., in place of Frank M. Blatchford. Incumbent's commission expired December 11, 1911.

Charles H. Stannard to be postmaster at Dexter, Mich., in place of Charles H. Stannard. Incumbent's commission expires February 10, 1912.

MINNESOTA.

William L. Eddy to be postmaster at Morristown, Minn. Office became presidential January 1, 1912.

MISSISSIPPI.

Robert S. Powell to be postmaster at Canton, Miss., in place of Lizzie Baldwin. Incumbent's commission expired March 26, 1910.

MISSOURI.

Edwin Pidgeon to be postmaster at Ferguson, Mo., in place of Edwin Pidgeon. Incumbent's commission expired January 13, 1912.

MONTANA.

Robert Pearce to be postmaster at Baker, Mont. Office became presidential January 1, 1912.

NEBRASKA.

Dell Akin to be postmaster at Atkinson, Nebr., in place of Dell Akin. Incumbent's commission expired January 9, 1912.

W. J. Brunnell to be postmaster at Bethany, Nebr., in place of Clarence O. Turner, resigned.

Edward M. Parker to be postmaster at Guide Rock, Nebr., in place of Edward M. Parker. Incumbent's commission expires February 19, 1912.

NEVADA.

Albert J. Johnson to be postmaster at Fallon, Nev., in place of Callie B. Ferguson, removed.

NEW HAMPSHIRE.

John S. Kimball to be postmaster at Rochester, N. H., in place of John S. Kimball. Incumbent's commission expires February 12, 1912.

Myrtle M. Marsh to be postmaster at Greenville, N. H., in place of Charles E. Marsh, deceased.

NEW JERSEY.

Frank J. Bock to be postmaster at Newark, N. J., in place of James L. Hays. Incumbent's commission expired January 9, 1912.

Jesse W. English to be postmaster at Wenonah, N. J. Office became presidential January 1, 1912.

George K. Fleming to be postmaster at Montvale, N. J., in place of John M. Onderdonk, resigned.

Richard W. Sloat to be postmaster at Hudson Heights, N. J., in place of Richard W. Sloat. Incumbent's commission expired January 13, 1912.

William Tate to be postmaster at Closter, N. J., in place of William Tate. Incumbent's commission expired December 10, 1911.

George D. Vandenbergh to be postmaster at Englishtown, N. J., in place of George D. Vandenbergh. Incumbent's commission expired December 10, 1911.

NEW YORK.

Manly A. Aiken to be postmaster at Kenwood, N. Y., in place of Manly A. Aiken. Incumbent's commission expired January 14, 1912.

Ernest A. Drew to be postmaster at Tupper Lake, N. Y., in place of Ernest A. Drew. Incumbent's commission expires February 3, 1912.

Henry B. Flach to be postmaster at Attica, N. Y., in place of Henry B. Flach. Incumbent's commission expires February 12, 1912.

John G. Ward to be postmaster at Cambridge, N. Y., in place of John G. Ward. Incumbent's commission expired December 10, 1911.

Samuel H. Williams to be postmaster at Frankfort, N. Y., in place of Samuel H. Williams. Incumbent's commission expired December 10, 1911.

NORTH CAROLINA.

Thomas L. Green to be postmaster at Waynesville, N. C., in place of Thomas L. Green. Incumbent's commission expired December 17, 1911.

William J. Leary, sr., to be postmaster at Edenton, N. C., in place of William J. Leary, sr. Incumbent's commission expired January 14, 1912.

OHIO.

William T. Cole to be postmaster at Leipsic, Ohio, in place of William T. Cole. Incumbent's commission expired December 16, 1911.

Charles S. Putnam to be postmaster at Conneaut, Ohio, in place of Charles S. Putnam. Incumbent's commission expired December 12, 1911.

Otis Sykes to be postmaster at Chicago Junction (late Chicago), Ohio, in place of Otis Sykes, to change name of office.

OKLAHOMA.

John D. Appleby to be postmaster at Hobart, Okla., in place of Charles S. Gillette. Incumbent's commission expired December 18, 1911.

S. E. Wallen to be postmaster at Vinita, Okla., in place of Joseph H. Butler. Incumbent's commission expired December 10, 1910.

Franklin C. Wright to be postmaster at Wanette, Okla. Office became presidential January 1, 1911.

OREGON.

Vaughan D. Crosby to be postmaster at North Portland, Oreg. Office became presidential October 1, 1911.

PENNSYLVANIA.

Joseph M. Bloss to be postmaster at Titusville, Pa., in place of Joseph M. Bloss. Incumbent's commission expired January 13, 1912.

George D. Clark to be postmaster at Blossburg, Pa., in place of Daniel O. Merrick. Incumbent's commission expired February 18, 1911.

Elam M. Stauffer to be postmaster at East Greenville, Pa., in place of Elam M. Stauffer. Incumbent's commission expires February 11, 1912.

George S. Stoup to be postmaster at Oakmont, Pa., in place of George S. Stoup. Incumbent's commission expires January 29, 1912.

Walter R. Thompson to be postmaster at Ebensburg, Pa., in place of J. G. Lloyd, deceased.

Harry L. Weamer to be postmaster at Quakertown, Pa., in place of Christian T. Clymer. Incumbent's commission expired December 10, 1911.

SOUTH CAROLINA.

John W. Dunovant to be postmaster at Chester, S. C., in place of John W. Dunovant. Incumbent's commission expires February 21, 1912.

E. M. Sloan to be postmaster at Walhalla, S. C., in place of Anson C. Merrick, deceased.

TENNESSEE.

William H. Delap to be postmaster at Lafollette, Tenn., in place of John P. Rogers, resigned.

Marshall V. Siler to be postmaster at Jellico, Tenn., in place of John Trimble Moore. Incumbent's commission expires January 31, 1912.

UTAH.

Joseph Odell to be postmaster at Logan, Utah, in place of Joseph Odell. Incumbent's commission expires February 4, 1912.

WASHINGTON.

Thomas Bollman to be postmaster at Cashmere, Wash., in place of Thomas Bollman. Incumbent's commission expired January 10, 1911.

Sarah E. Truax to be postmaster at Tekoa, Wash., in place of Sarah E. Truax. Incumbent's commission expired February 18, 1911.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 15, 1912.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Second Lieut. of Engineers Robert Bradford Adams to be first lieutenant of engineers.

Second Lieut. of Engineers Quincy Bogardus Newman to be first lieutenant of engineers.

Second Lieut. of Engineers Michael Neligan Usina to be first lieutenant of engineers.

Third Lieut. of Engineers Frank Everett Bagger to be second lieutenant of engineers.

Third Lieut. of Engineers Philip Bently Eaton to be second lieutenant of engineers.

Third Lieut. of Engineers Sydney Baxter Orne to be second lieutenant of engineers.

Third Lieut. of Engineers Thomas Homer Yeager to be second lieutenant of engineers.

Ellis Reed-Hill to be third lieutenant of engineers.

Mayson White Torbet, of Michigan, to be third lieutenant of engineers.

APPOINTMENT IN THE ARMY.

FIELD ARTILLERY ARM.

Midshipman Follettt Bradley, United States Navy, to be second lieutenant.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

First Lieut. Herbert L. Evans to be captain.

Second Lieut. William E. Morrison to be first lieutenant.

POSTMASTERS.

ALABAMA.

James F. Brawner, Andalusia.
Frank F. Crowe, Montevallo.
W. D. McCrary, West Blocton.
William S. Mullins, Elba.
Cicero A. Ross, Good Water.
George F. Schad, Brewton.
Mary M. Seymour, Monroeville.
Walter W. Simmons, Athens.
Andrew M. Steele, Tuscumbia.
Tyler McElvin Swann, Roanoke.

CALIFORNIA.

Howard A. Preston, Jamestown.

FLORIDA.

Arthur C. Reid, Newberry.

GEORGIA.

Charles P. Neal, Summerville.

IDAHO.

Charles W. Wilson, Sandpoint.

ILLINOIS.

Daniel A. Campbell, Chicago.

KANSAS.

Frank W. Johnson, Larned.

KENTUCKY.

John G. Jenkins, Dixon.
William R. Lyon, Horse Cave.
Frank A. Mitchell, Vanceburg.
Vincent M. Williamson, Hopkinsville.

LOUISIANA.

Mary Nixon Allen, Franklin.
Pierre E. Theriot, Covington.
George W. Whitworth, Jeanerette.

MARYLAND.

McClellan C. Keefer, Union Bridge.

MASSACHUSETTS.

John A. Marshall, Rowley.

MICHIGAN.

Silas B. Frankhauser, Hillsdale.

MINNESOTA.

Oliver B. Boobar, Sauk Center.
Fay Cravens, Milaca.
C. E. Williams, Mora.

MISSISSIPPI.

Urithon B. Parker, Wiggins.
Eugene E. Robertson, Collins.
Beatrice Williams, Houston.

MISSOURI.

George H. Allen, Oregon.
Ed. P. Ambrose, Purdy.
Isaac N. Barnett, Piedmont.
Homer Calkins, Pacific.
Charles Casper, Belton.
Elizabeth Cornwall, Rolla.
William J. Godt, New Haven.
Alexander L. Howard, California.
George P. Huckeby, Rich Hill.
Thomas H. Irwin, Green City.
August P. Mairens, La Plata.
George A. Mayo, Huntsville.
Frank C. Miller, Oran.
Otto Thomas, Herculaneum.
William A. Ulery, Elsberry.

NEBRASKA.

William A. Danley, Chadron.
Joshua H. Evans, Callaway.
Elbert P. Gaines, Ansley.
Alonzo A. Hawley, Gresham.
James H. Oliver, Ashland.
Frank H. Taylor, Table Rock.

OHIO.

Charles E. Albright, Eaton.
Fred O. Bates, Bellevue.
John H. Bidwell, West Jefferson.
Amos H. Hassan, Genoa.
John B. Kagey, Louisville.
William R. Tuller, Rossford.
Charles R. White, Millersburg.

OREGON.

Albert R. Martin, Junction City.
Charles L. Morris, Harrisburg.

UTAH.

Lars O. Lawrence, Spanish Fork.

WEST VIRGINIA.

Albert G. Holt, Kenova.
James A. Justice, Milton.
Thaddeus K. Scott, Beckley.

WISCONSIN.

William A. Bradley, West Salem.
Edwin F. Ganz, Alma.
Samuel Lund, Black River Falls.

WYOMING.

Lizzie McDonald, Casper.
B. Frank Pine, Sunrise.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 15, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, let Thy blessing, we beseech Thee, descend upon us in full measure and imbue us plenteously with heavenly grace that we may put into our daily life the sublime principles enunciated in the Sermon on the Mount and lend the helping hand of the Good Samaritan to those less fortunate than we; that we may keep a conscience void of offense toward Thee and our fellow men and so fulfill the law of Christ. In His blessed spirit. Amen.

The Journal of the proceedings of Saturday, January 13, 1912, was read and approved.

PERSONAL EXPLANATION.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to address the House for one minute. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. JOHNSON of Kentucky. Mr. Speaker, day before yesterday an unfortunate colloquy occurred between the gentleman from Illinois [Mr. MADDEN] and myself. Afterwards the matter was satisfactorily adjusted between us through the good offices of the gentleman from Georgia [Mr. HARDWICK]. The gentleman from Illinois was good enough to strike from the RECORD all of his remarks concerning me to which I had taken exception.

I was anxious, extremely anxious, that no harsh word spoken by me concerning the gentleman from Illinois should appear in the RECORD, and, with that end in view, I asked the gentleman from Georgia [Mr. HARDWICK] to revise the reporter's notes and exclude from the RECORD all that he, as the friend of both the gentleman from Illinois and myself, thought should be expunged. A copy of my remarks was handed to me, as is the custom, for revision. I handed the copy back to the Official Reporter without making any alteration or erasures, fully expecting this to be done by the gentleman from Georgia to the entire satisfaction of the gentleman from Illinois. But it seems that the copy was sent to the printer before the gentleman from Georgia saw it and appeared in the daily RECORD in its unaltered form. This I regret. However, I still more regret the whole occurrence, and I am here now to do that which is ordinarily more difficult to do than take redress, well administered, for provoking words used.

If I hesitated in the least to do that which I now do, I would do nothing. I do not wish in the least to exculpate myself by alleging provocation upon the part of the gentleman from Illinois; but, instead, to blame myself for the unseemly incident and to express to him my real appreciation of his later forbearance. I have always held the gentleman in the very highest esteem. Now I esteem him more highly than ever. He is too thoughtful to injure himself and too magnanimous to permit another with whom he is in dispute to hurt himself while under the influence of temper. It is my purpose to apologize most genuinely to the gentleman for what I said, both in the colloquy and afterwards; and if I have not done so, I ask our mutual friend the gentleman from Georgia [Mr. HARDWICK] to point out to me what is further necessary, that proper amends may be made, and I shall only too gladly adopt his suggestions.

It may not be out of place for me to say here that there are entirely too many harsh things said upon the floor of the House. When said they should be seriously noticed or not noticed at all. The latter is the better. Now, believing that, I shall in the future adopt that course. While a Member of Congress I shall never again give heed to remarks made in the heat of debate.

I ask, Mr. Speaker, unanimous consent to revise my remarks in the daily RECORD of Saturday, so that they may not go into the permanent RECORD as they now stand. [Applause.]

The SPEAKER. The gentleman from Kentucky asks unanimous consent to revise his remarks of Saturday in the RECORD. Is there objection. [After a pause.] The Chair hears none.

Mr. MADDEN. Mr. Speaker, I wish to express my sincere thanks to the gentleman from Kentucky for his very graceful statement and to say that no person in the House regrets the occurrence of Saturday more than I do, and if there is anything I said then that called for any criticism I certainly am very glad indeed to withdraw it and to express to the gentleman from Kentucky the hope that there is not any feeling between the gentleman and myself. [Applause.]

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. The Clerk will call the Unanimous Consent Calendar and report the first bill.

IRRIGATION DITCH ON THE ISLAND OF HAWAII.

The Clerk read as follows:

A bill (H. R. 11628) authorizing John T. McCrosson and associates to construct an irrigation ditch on the island of Hawaii, Territory of Hawaii.

Be it enacted, etc., That the right and power is hereby granted to John T. McCrosson and to his associates and assigns, and to such corporation as may be organized by him or them for the purpose of taking over and exercising the rights, powers, and privileges hereby conferred, hereinafter collectively referred to as the Ditch Co., to construct a ditch, together with the tunnels, dams, water heads, reservoirs, roads, trails, conduits, buildings, machinery, and other structures or appliances necessary or proper for conducting or storing water to flow through said ditch from any point in the district of Hilo (which term shall be held to include both north and south Hilo), island and Territory of Hawaii, through the said district to and through the districts of Puna and Kau, in said island and Territory, and to any point or points therein: *Provided*, That said ditch shall be constructed at an elevation of not less than 2,500 feet at its nearest point to the land of Hakalau, district of Hilo, and shall have a fall of not more than 6 feet to the mile within the limits of said district of Hilo.

SEC. 2. That the right and power is also granted to the Ditch Co. to develop, produce, use, sell, and transmit power produced by water within the district of Kau, but not elsewhere.

SEC. 3. And also the right and power to buy, take on lease, or otherwise acquire by private purchase, and to hold all land or interests in land necessary, convenient, or proper for the purposes aforesaid, or any of them.

SEC. 4. And also the right and power to condemn and take any land, or interest in land, necessary or proper for rights of way or for dam or reservoir or building sites for the purposes aforesaid, or any of them, subject, however, in all respects, as near as may be, to the obligations, restrictions, payments, and procedure now or hereafter imposed or prescribed by the laws of the Territory of Hawaii for the exercise of the right of eminent domain by public railroads in the Territory: *And provided, however*, That nothing in this act contained shall authorize or empower the condemnation of water or water rights nor permit the Ditch Co. to take or divert water now used in the said district of Hilo.

SEC. 5. That the commissioner of public lands for the Territory of Hawaii, hereinafter referred to as the "commissioner," is hereby authorized and directed to execute to the Ditch Co., and the governor of the Territory of Hawaii, hereinafter referred to as the "governor," is authorized and directed to approve a lease of all such public lands in the district of Kau, to be designated by the Ditch Co., as are capable of being economically irrigated from the ditches of the company, together with rights of way for ditch purposes over all Government lands situated in said districts of Hilo, Puna, and Kau. The lease shall provide that if within six months from the date of the first delivery of water in the said district of Kau by the Ditch Co. it is ascertained to the satisfaction of the Ditch Co. that any of the lands theretofore designated by it are incapable of being economically watered from its waterways, such lands, or any portion thereof, shall be surrendered by the said Ditch Co. by notice in writing to the commissioner, and no rent for said lands so surrendered, if any, shall be charged or collected by the lessor, and that the surrender of a portion of such lands, as herein provided, shall in no wise affect the lessee's tenancy of the remaining lands under said lease; that the term of said lease shall be 50 years from the date hereinafter set forth; that the Ditch Co. shall have the right and authority at all times after the execution of said lease to enter upon all such public lands in the district of Kau for the purpose of surveys, construction work, etc.; that the rent to be paid for said lands shall be at the rate of $1 per acre per annum, payable to the Territory, at its option, either in water from the waterways of the Ditch Co. at the lowest rate payable by any consumer of water furnished by the company, or in cash; that the Ditch Co. shall furnish to homesteaders or settlers along the line of the company's waterways, or such other person or persons along said waterways as the commissioner, with the approval of the governor, may direct, at a point or points to be designated by such officials, such water due as rental for said public lands. The Ditch Co. shall have full right to sublet the said lands or any part thereof, or to assign the lease in whole or in part, either by way of security or otherwise, subject, however, in all things to the provisions hereof. The lease shall be made subject to any unexpired and outstanding lease of any or all of such lands and shall contain appropriate provisions to secure the construction and maintenance of the necessary works for supplying such lands with water, and the reversion of such works to the Territory upon the termination of the lease, as hereinafter provided: *Provided, however*, That nothing herein shall authorize the withdrawal of any lands now open or applied for for settlement purposes.

SEC. 6. That not more than 30 per cent of the lands so held under lease by the Ditch Co. may at any time after the expiration of six months from the date of the first delivery of water as aforesaid by the Ditch Co. be withdrawn for public purposes or homesteaded or sold for other purposes under the laws relating to public lands in Hawaii, such withdrawal of lands to be, as far as practicable, in blocks of not less than 500 acres, and the right of way of the Ditch Co. through such land so withdrawn to be reserved to it, in which case the rent reserved shall be proportionately reduced at the rate of $1 per acre for the land so withdrawn, homesteaded, and sold: *Provided*, That written notice of intention to withdraw any portion of such public lands, together with a proper description of the lands so to be withdrawn, shall be served upon the Ditch Co. by the commissioner, with the approval of the governor, not less than three calendar months before such withdrawal is to take effect: *Provided also*, That growing crops, if any, upon said lands so to be withdrawn may be harvested by the Ditch Co. or those holding under it before such withdrawal is or shall be operative.

SEC. 7. That the lease shall go into effect when the Ditch Co shall have constructed a ditch from said district of Hilo to Pahala, in said Kau, with a delivering capacity of 100,000,000 gallons of water per day of 24 hours, and when 50,000,000 gallons of water shall have been actually delivered by means of said waterway to said Pahala within a period of 24 consecutive hours, such date to be ascertained by the commissioner and fixed by him with the approval of the governor. Notice of the fixing of such date and the consequent beginning of the term of the lease shall be communicated in writing to the Ditch Co. by said officials within 10 days from the date thereof.

SEC. 8. That a sum not less than $50,000 in cash shall be actually expended by the Ditch Co. in preliminary surveys, construction work upon said ditch or reservoirs, or for other good and useful purposes in that behalf within one year, $100,000 within two years, and $1,000,000 within three years from the date of the approval of this act by the President.

SEC. 9. That the ditch shall be completed as far as said Pahala within four years, and as far as Waiohinu, in said Kau, within five years from the date of said approval.

SEC. 10. That if the Ditch Co. shall fail to expend such respective sums of money, or any of them, within the respective times aforesaid, for the purposes aforesaid, then, and in any such case, all of the rights, powers, and privileges hereby granted and the said lease shall be forfeited and be null and void and of no effect, and all works and improvements up to that time erected or constructed shall immediately revert to and become the property of the Territory.

SEC. 11. That if after such expenditures shall have been made the Ditch Co. shall fail to observe or perform any of the terms, requirements, or conditions herein contained or prescribed, the governor shall give the Ditch Co. written notice to furnish to him, within three months from the date of such notice, assurances and proof satisfactory to him that such breach or failure will be remedied and all terms, requirements, and conditions herein contained or prescribed observed, performed, or complied with within one year after the date of such notice. If the Ditch Co. shall fail to furnish to the governor assurances and proofs as aforesaid within such term of three months, or if, having furnished the same, there shall at the end of said term of one year remain unperformed, unfulfilled, or unobserved any term, requirement, or condition herein contained on the part of the Ditch Co. to be observed, kept, or performed, then and in such case all of the

franchises hereby granted and the said lease shall be forfeited and be null and void and of no effect.

SEC. 12. That the times herein fixed for completion of the said ditch to various points, for the expenditure of moneys in surveys, construction, and other work aforesaid, and for the doing of any other or different act required of the Ditch Co., may for good cause shown be extended by order of the governor for a time which he shall deem reasonable in view of such cause.

SEC. 13. That the corporation formed by the said J. T. McCrosson as aforesaid, for the purposes aforesaid, and its property used for or in carrying into effect the purposes aforesaid, or any of them, and its income shall be free from Territorial, municipal, and county property and income taxes for the term of 10 years after the approval of this act.

SEC. 14. That the rates at which water flowing along said ditch, and power produced thereby or incidental thereto, shall be sold to applicants shall be fixed and published from time to time by the Ditch Co., with the approval of the governor, and such rates shall be the same to all.

SEC. 15. That such rates shall be based upon the yielding of not more than sufficient revenues to pay the following, namely:

First. The reasonable expenses of maintenance and operation of the ditch and other plant and appurtenances.

Second. Interest on any bonds issued to procure money with which to construct the ditch and other plant and appurtenances at a rate not to exceed 6 per cent per annum, payable semiannually.

Third. An annual sinking fund to redeem all of such bonds within the term of the lease and franchises hereby granted.

Fourth. Dividends on the capital-stock issue of the Ditch Co. at a rate not to exceed 8 per cent upon the actual cost of the ditch and other plant and appurtenances.

SEC. 16. That if at any time the income of the Ditch Co. shall exceed a sum sufficient for the purposes aforesaid the rates for water and such power shall be reduced to an estimated figure, approved by the governor, which will produce an income in compliance with the provisions of the section last aforesaid.

SEC. 17. That the Ditch Co. shall, at the end of each fiscal year ending June 30, file with the governor a report showing what its transactions have been during the previous year; what additions to the plant, if any, have been made; the actual cost thereof; its receipts and whence derived; and expenditures and for what made during the previous year. Such reports shall be open to public inspection. The books, papers, accounts, and records of said Ditch Co. shall at all times be subject to the inspection of the governor or the commissioner and to any agent or representative of said officers or either of them.

SEC. 18. That at the end, or sooner determination, of the lease and franchises herein provided for the ditch and other plant and appurtenances shall revert to and become the property of the Territory of Hawaii, without payment therefor and free of all charges, expenses, liens, or obligations whatsoever.

SEC. 19. That the Territory of Hawaii may at any time after 10 years from the completion of the ditch purchase from the Ditch Co. the ditch, together with all property and rights of whatsoever nature appertaining thereto, or used in connection therewith, for a sum equal to the cost thereof plus 20 per cent of such cost. The amount to be paid to the Ditch Co. for such purchase shall be determined by a commission of three persons, one to be appointed by the Ditch Co., or in case it should fail to do so within 30 days after requested to do so by the governor, then by the chief justice of the Supreme Court of Hawaii; one by the purchaser; and the third by the two so appointed, or in case they should fail to agree upon the third member within 30 days, then by said chief justice.

Either the Ditch Co. or the Territory may appeal to the Supreme Court of Hawaii from the decision of such commission by filing a written notice of appeal with the commission within five days after the decision is rendered. It shall thereupon be the duty of the commission immediately to certify up to the supreme court the record of its proceedings, showing in such certificate the valuation claimed by the association, the valuation claimed by the purchaser, and the valuation as determined by the commission. Such certificates shall be accompanied by copies of all papers, documents, and evidence upon which the decision of the commission was based and a copy of such decision. Upon any such appeal the supreme court may, in its behalf, take or require further evidence to be introduced by either party.

Within six months after the determination of the purchase price as aforesaid the same shall be paid to the Ditch Co.

The SPEAKER. Is there objection to the consideration of the bill just read? [After a pause.] The Chair hears none.

Mr. FLOOD of Virginia. Mr. Speaker, the bill under consideration authorizes a company to build reservoirs in a section of the Hawaiian Islands where there is plenty of water, to impound the water there, and to build ditches to carry it to an arid section of this island.

It was unanimously approved by the Hawaiian Legislature and unanimously reported by the Committee on Territories of this House. We believe that all of the interests of the Government are protected in this bill and that it will result in bringing under cultivation a large area of land that is now arid and is perfectly useless. I trust the bill will pass.

The SPEAKER. The Clerk will report the committee amendments.

Mr. FOWLER. I wanted to ask the gentleman from Virginia a question relative to the bill.

The SPEAKER. Will the gentleman from Virginia yield to the gentleman from Illinois?

Mr. FLOOD of Virginia. Certainly.

Mr. FOWLER. I want to say frankly that I have had no opportunity to make a thorough investigation of this bill on its merits, and I desire to know if the object of the bill is for any other purpose than that of irrigating land that is not now cultivatable because of a want of water.

Mr. FLOOD of Virginia. That is the sole object of it, Mr. Speaker.

Mr. FOWLER. Is there any other element contained in the bill; for instance, the production of water power and a charge for transportation on this ditch, after it has been completed? I understand it does provide for the creation of water power, and that such rights may be sold.

Mr. BOOHER. It only applies to the district of Hilo. It does not apply to the sale of power generally, but only applies to the canal through the district in which it is proposed to run.

Mr. FOWLER. I understand that it contains the power to develop water power, and that such power may be sold by advertisement.

Mr. BOOHER. That is left wholly and almost entirely to the Legislature of Hawaii for further legislation if necessary.

Mr. FOWLER. I understand the company is exempt from paying taxes for 10 years. Is that so?

Mr. FLOOD of Virginia. Yes; that is true.

Mr. FOWLER. I also understand there is a provision in it to pay all the interest on the bonds, to provide for a sinking fund for the payment of the bonds, and also 8 per cent annually on the investment. Is that true?

Mr. FLOOD of Virginia. That is correct.

Mr. FOWLER. I desire, Mr. Speaker, when the proper time comes, to offer an amendment to this bill.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Amend page 4, line 14, by inserting after the word "cash" the words "or partly in water and partly in cash, in such proportion as the Territory may elect."

Mr. SISSON. Mr. Speaker, I would like to ask the gentleman from Virginia [Mr. FLOOD], who has charge of the bill, a question. I notice in the report here, on the first page, fourth paragraph, the ditch is required to have a minimum capacity of 100,000,000 gallons of water per day and is expected to irrigate approximately 15,000 acres of land, and that it is to cost $3,250,000. Is the only benefit that is to be derived from building this ditch the benefit that will accrue to the 15,000 acres of land?

Mr. FLOOD of Virginia. The only benefit, you mean, as to the land?

Mr. SISSON. Is that the total benefit?

Mr. FLOOD of Virginia. Yes.

Mr. SISSON. That is an enormous cost for irrigation. It is over $200 an acre.

Mr. FLOOD of Virginia. It is very costly to irrigate land there. This water has to be carried a long distance. It is carried from the section of the island where there is a sufficient amount of rainfall to make the land cultivatable and productive to a section of the island where there is very little rainfall, and the cost of this reservoir and digging these ditches, owing to the distance and the character of the soil, is very great. There is no doubt about that.

Mr. SISSON. Does the committee consider this land would be worth $200 an acre?

Mr. HOUSTON. I will say to the gentleman, with the permission of the Chairman, a great deal of this land, after it is put in a state of cultivation, is worth much more than that.

Mr. FLOOD of Virginia. I will say to the gentleman that some of the sugar land in these islands that can get plenty of water is worth $1,000 an acre. There is some of that land now open for settlement which is worth $1,000 an acre.

The bill authorizes the construction of an irrigation ditch, with reservoirs and accessories, to impound waters now wasted in the easterly or wet section of the island of Hawaii, and to convey the same a total distance of about 100 miles for the reclamation and development of arid and semiarid lands in the southern part of that island, which lands are designated on the Government map as the "Kau Desert."

The ditch is required by the bill to have a minimum capacity of 100,000,000 gallons of water per day, is expected to irrigate approximately 15,000 acres of land, and is estimated to cost $3,250,000. No Government subsidy or guaranty of securities is asked for.

The rights and activities of the company are, by sections 1, 2, and 3, limited to the construction and operation of an irrigation system. The company is not authorized to carry on agricultural operations, and its right to acquire and hold land (sec. 3) is limited to such land as is "necessary, convenient, or proper" for reservoir sites, rights of way, and similar requirements of a ditch system, as specified in section 1.

The right of eminent domain, conferred in section 4, is properly limited to the direct needs and requirements of the irrigation system.

Instead of having the arid Government lands sold for a nominal sum to those who will reclaim and cultivate them, as is done under the Carey Act projects in the West, this bill pro-

vides, in section 5, that certain Government lands, comprising a part of the so-called Kau Desert, but capable of reclamation, shall be leased to the ditch company for a term of 50 years at an annual rental of $1 per acre.

Under this plan the Territory will not only receive $50 per acre in rentals during the franchise term for lands which are now almost wholly unproductive of revenue, but also a much larger benefit in increased taxation on the land, improvements, and the income produced; and at the end of the term the Territory will regain full possession of its lands, which it is estimated will then be worth, approximately, $125 per acre, instead of an average value of less than $5 per acre, based on the present rental rate and use.

Section 6 of the bill provides that the Government may withdraw 30 per cent of these lands for homesteading or other public use after the irrigation plant is in operation; it also secures to the users of such lands so withdrawn, whether for homesteading or other public purposes, the right to contract for the pro rata portion of water to which such lands are entitled.

This makes available for homesteading nearly one-third of a tract of 15,000 acres, of which, due to its arid condition, only about 5 per cent is at the present time available for cultivation. The great cost of building these irrigation works makes it impossible for any group of homesteaders to secure their construction. The Federal Government will not undertake the work, and the Territory of Hawaii is neither disposed nor able to do so.

The Territorial legislature, after careful consideration, and with only one dissenting vote, recommended this bill to Congress as embodying the only feasible plan for making use of these wasted resources and for making one-third of the area immediately available for homesteaders. Ultimately the entire tract, with a permanent water supply, will become available for that or any other public use.

This long-term lease is found necessary not only to finance the construction of the ditch, but also to enlist the aid of capital necessary to insure the development of the land, and thus provide a certainty of water consumption.

Sections 10 and 11 contain stringent provisions for the forfeiture of this franchise and the reversion of the company's property to the Territory in case the ditch company fail to conform to all the requirements of this bill.

The Legislature of Hawaii has provided in section 13 that the ditch company and its property shall be exempt from taxation during the first 10 years of its franchise term, in order to carry it through the unremunerative period of construction and incomplete operation incident to the opening of new land.

The Hawaiian Government has from time to time during the past 20 years followed this same policy for encouraging the construction of railroads and for developing various new industries. The benefits to the Territory in permanent and greatly increased sources of taxation, following the exemption period, have been such as to convince the people of Hawaii and the legislature that it is, under their conditions, a sound, long-distance business policy for the Territory.

Believing that the people of Hawaii are best able to decide this question of fiscal policy for themselves, your committee have made no change in this section.

The regulation and adjustment of water rates is very fully covered in sections 14, 15, and 16 of this bill, including a definite basis for the reduction of water rates whenever the income of the ditch company exceeds a fixed return on its investment; this return on the investment your committee believes to be most reasonable and fair. These provisions are further reenforced by section 17, which gives full publicity to all the financial affairs of the company, and will enable both the Territory and the users of water to know whenever the income of the ditch company would justify a reduction in rates.

Section 18 provides that at the end of the 50-year term the ownership of the ditch, with its entire plant and appurtenances, shall pass to the Territory, without any payment, and free of all liens and charges whatsoever.

Section 19 gives the Territory of Hawaii the right to purchase at any time after 10 years from date of completion of the ditch and plant at its exact cost plus 20 per cent. The margin above actual cost allowed to the ditch company, in case their property is taken over, appears to be a moderate one in view of the financial risks of the work and the unproductive period of its construction and early operation.

Inasmuch as Congress has heretofore refused to extend the benefits of the reclamation act to Hawaii, the people of that Territory should be given every reasonable opportunity to develop their water resources and reclaim arid lands by the aid of private capital. This bill will effect a material development of unused natural resources, make possible more homesteading of public lands, and increase greatly the taxation and rental income of the Territory of Hawaii; and at the end of the franchise the Territory will receive, in fee simple and without cost, this entire irrigation plant and system.

The bill has been carefully drawn to make possible a quasi-public work which will in effect be a great public improvement for the island of Hawaii. The bill was very thoroughly discussed in Hawaii before its passage by the legislature, and in the form adopted it appears to meet the approval of all classes in Hawaii; no opposition whatever has been made to the bill. The interests of the public and of the Territory of Hawaii have been carefully safeguarded by the legislature in drafting this measure, and your committee herewith recommend its passage by the House.

Mr. SISSON. What would be the value of this land if this irrigation project should go through? Did the committee consider what the land would be worth if it were irrigated?

Mr. FLOOD of Virginia. The committee considered that it would be very valuable land.

Mr. HOUSTON. The gentleman will understand that this project is contemplated at no cost to the Government.

Mr. SISSON. To the United States Government?

Mr. HOUSTON. Nor to the Hawaiian government.

Mr. SISSON. It comes out of the land itself?

Mr. HOUSTON. Yes. The enterprise is financed and made practicable by this company. They furnish the means and propose to establish this irrigation plant.

Mr. SISSON. I gathered that from the report——

Mr. HOUSTON. Yes——

Mr. SISSON. But I was curious to know how an irrigation project costing about $200 an acre could be made a profitable business.

Mr. HOUSTON. That comes from the great value of the land after it is put into a state of cultivation. The value of the land then will be very great.

The SPEAKER. The Clerk will proceed with the reading of the committee amendments. But first the question is on agreeing to the amendment which has been read.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

On page 4, line 20, after the word "water," strike out the words "due as" and insert the words "as the Territory at its option elects to take by way of."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

On page 6, line 5, after the word "operative," insert the words: "*Provided further*, That the Ditch Co. shall furnish to the lands withdrawn, for the purposes aforesaid, the same proportionate quantity of water per acre as is contracted for by the larger leaseholders for the Government lands irrigated under this project, and at the same rates, if the homesteader or other person holding the beneficial use of the lands so withdrawn desires to contract for the same."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

On page 8, line 19, after the word "cause," insert the words "*Provided*, That such action by the governor shall be subject to review by the Secretary of the Interior."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

On page 12, line 3, after the word "Company," insert the following: "In the event such payment is not made within the time limited, all proceedings theretofore had shall lapse and be of no further force or effect.

"SEC. 20. Congress reserves the right to alter or amend this act."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

Mr. FOWLER. Mr. Speaker, I desire to have an opportunity to present an amendment to this bill.

The SPEAKER. The gentleman will send it up.

Mr. FOWLER. I have not concluded it yet.

Mr. FLOOD of Virginia. We can not wait, Mr. Speaker.

Mr. FOWLER. I would be glad, Mr. Speaker, to have an opportunity to do so.

Mr. FLOOD of Virginia. Regular order!

The SPEAKER. The regular order is the engrossment and third reading of the bill.

Mr. FOWLER. Mr. Speaker, I offer this as a separate amendment: "That 3 per cent of the gross income of all the water power to be developed on this ditch to be paid into the

treasury of Hawaii, to become part of the money of the general government of Hawaii."

The SPEAKER. The Clerk will report the amendment.

Mr. FLOOD of Virginia. Mr. Speaker, I rise to make an inquiry. Where does this amendment come in?

The SPEAKER. The gentleman has to reduce his amendment to writing and send it to the Clerk's desk.

Mr. FOWLER. It comes in as a separate section, Mr. Speaker.

The SPEAKER. The gentleman from Illinois will send his amendment to the Clerk's desk.

Mr. FLOOD of Virginia. Regular order, Mr. Speaker.

The SPEAKER. The regular order is to vote on the engrossment and third reading of the bill, unless an amendment is presented.

The bill was ordered to be engrossed and read a third time, and was read a third time.

Mr. FOWLER. Mr. Speaker, I want to offer this amendment.

The SPEAKER. The Chair will ask the gentleman if he has got the amendment written up?

Mr. FOWLER. Yes, sir.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. FOWLER].

The Clerk read as follows:

Amend by inserting as an additional section:
"That 3 per cent of the gross income of all water power hereafter developed on this ditch shall be paid into the treasury of the Territory of Hawaii and become a part of the revenue thereof."

Mr. MANN. Mr. Speaker, I make the point of order——

The SPEAKER. The gentleman from Illinois will state his point of order.

Mr. MANN. It is that the amendment is not in order. The House has already passed the amending stage of the bill and has ordered it to be engrossed and read a third time. The only way it can be amended is by unanimous consent to go back to the amending stage of the bill.

The SPEAKER. The point of order is well taken.

SEVERAL MEMBERS. Vote! Vote!

Mr. FOWLER. Mr. Speaker, I ask unanimous consent that the House return to the amending stage of this bill for the purpose of offering the amendment which I have sent to the desk of the Clerk.

The SPEAKER. The gentleman from Illinois [Mr. FOWLER] asks unanimous consent to return to the amending stage of this bill to offer the amendment which has been read from the desk. Is there objection?

Mr. FLOOD of Virginia. I object.

Mr. FOWLER. Mr. Speaker, I give notice that unanimous consent is ended in this House.

The SPEAKER. The gentleman is out of order. The question is on the third reading of the amended bill.

The bill was read a third time and passed.

On motion of Mr. FLOOD of Virginia, a motion to reconsider the last vote was laid on the table.

The SPEAKER. The Clerk will report the next bill.

UNITED STATES DISTRICT COURT, RHODE ISLAND.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 2973) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. FOWLER. Mr. Speaker, I object to the consideration of this bill.

Mr. MANN. Mr. Speaker, I make the point of order that this bill can not be called to-day on the Unanimous Consent Calendar. The rules of the House provide that a bill can not be called until it has been on the Unanimous Consent Calendar for three days.

The SPEAKER. That is undoubtedly the rule.

Mr. MANN. This bill was placed on the calendar on Friday, and the rules of the House as heretofore construed have invariably provided that Sunday should not be counted as one of the three days.

The SPEAKER. The point of order is well taken.

Mr. MANN. And the bill remains on the calendar and goes over.

The SPEAKER. The bill will remain on the calendar and come up on the next Unanimous Consent Calendar day.

Mr. MANN. The same thing is true of the next bill on the Unanimous Consent Calendar.

The SPEAKER. That disposes of that calendar.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. Latta, one of his secretaries.

COMMITTEE ON RIVERS AND HARBORS.

Mr. SPARKMAN. Mr. Speaker, I offer the following resolution and ask unanimous consent for its present consideration.

The Clerk read as follows:

Resolved, That the Committee on Rivers and Harbors be permitted to sit during the sessions of the House and during the recess of Congress.

The SPEAKER. The gentleman from Florida asks unanimous consent for the present consideration of this resolution. Is there objection?

Mr. FOWLER. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects.

MOTIONS TO DISCHARGE COMMITTEES.

Mr. MANN. Mr. Speaker, I call up the first bill on the Calendar of Motions to Discharge Committees.

The SPEAKER. The Clerk will report the first motion.

Mr. MANN. I suggest the absence of a quorum of the House.

The SPEAKER. The gentleman from Illinois makes the point of no quorum present. The Chair will count. [After counting.] One hundred and forty-three Members present, not a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. A call of the House is ordered. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ainey	Davis, Minn.	James	Robinson
Akin, N. Y.	De Forest	Kent	Rothermel
Ames	Dickson, Miss.	Kinkead, N. J.	Sharp
Anderson, Ohio	Dupre	Konig	Sheppard
Andrus	Esch	Lafean	Sherley
Ansberry	Fairchild	Lindsay	Simmons
Anthony	Farr	Littlepage	Slemp
Broussard	Fields	McCreary	Smith, J. M. C.
Burke, Pa.	Fitzgerald	McMorran	Smith, Cal.
Calder	Focht	Maher	Stanley
Cantrill	Gardner, Mass.	Matthews	Stephens, Nebr.
Catlin	Gardner, N. J.	Moon, Pa.	Talbott, Md.
Cline	Goeke	Nelson	Underhill
Cox, Ind.	Good	Olmsted	Vreeland
Crago	Gould	Plumley	Whitacre
Cravens	Griest	Pray	Wilder
Cullop	Howard	Pujo	Wilson, N. Y.
Currier	Hughes, W. Va.	Ransdell, La.	Woods, Iowa
Dalzell	Humphrey, Wash.	Riordan	Young, Kans.
Davenport	Humphreys, Miss.	Roberts, Nev.	

The SPEAKER pro tempore (Mr. SIMS). Three hundred and twelve Members have answered to their names. A quorum is present, and the Doorkeeper will open the doors.

Mr. UNDERWOOD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

PHYSICAL VALUATION OF RAILROADS.

Mr. MANN. Mr. Speaker, I call up the first bill on the Calendar of Motions to Discharge Committees.

The SPEAKER pro tempore. The gentleman from Illinois calls up the first bill on the Calendar of Motions to Discharge Committees, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 772) providing for the physical valuation of the properties of railroad companies engaged in interstate commerce.

Mr. MANN. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

Mr. UNDERWOOD. I object to that; the rule provides how a second shall be ordered; that it shall be by tellers.

The SPEAKER pro tempore appointed as tellers the gentleman from Illinois, Mr. MANN, and the gentleman from Texas, Mr. GARNER.

The House divided; and the tellers reported that there were 71 ayes and 101 noes.

So the motion was lost.

The SPEAKER pro tempore. The motion of the gentleman from Illinois fails, and the bill will be stricken from the calendar.

HOURS OF WORK FOR POST-OFFICE CLERKS.

Mr. MANN. Mr. Speaker, I call up No. 8 on the Calendar of Motions to Discharge Committees, the bill H. R. 706.

The SPEAKER pro tempore. The gentleman from Illinois calls up a bill on the Calendar of Motions to Discharge Committees, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 706) to regulate the hours of work of post-office clerks employed in first and second class post offices, and to grant 30 days annual leave for clerks and carriers.

Mr. MANN. I ask unanimous consent that a second may be considered as ordered.

Mr. UNDERWOOD. Mr. Speaker, I desire to say to the gentleman from Illinois that the rule prescribes the way in which a second shall be ordered in these cases, and I will save the gentleman any further trouble of asking unanimous consent that a second be considered as ordered in the future by saying that I shall object.

Mr. MANN. I will not be saved the trouble, because I shall ask it in every case. It has always been the practice of this House to ask and agree that a second shall be considered as ordered on motions to suspend the rules.

Mr. UNDERWOOD. Not always, but sometimes. I object, Mr. Speaker.

The SPEAKER pro tempore appointed as tellers the gentleman from Illinois, Mr. MANN, and the gentleman from Texas, Mr. GARNER.

The House divided; and the tellers reported that there were 76 ayes and 88 noes.

The SPEAKER pro tempore. The motion is lost, and the bill will be stricken from the Calendar of Motions to Discharge Committees.

PENSIONS TO SOLDIERS IN CONFEDERATE PRISONS.

Mr. MANN. Mr. Speaker, I call up No. 10 on the Calendar of Motions to Discharge Committees.

The SPEAKER pro tempore. The gentleman from Illinois calls up No. 10 on the Calendar of Motions to Discharge Committees, the title of which bill the Clerk will report.

The Clerk read as follows:

A bill (H. R. 1340) granting pensions to soldiers confined in so-called Confederate prisons.

Mr. MANN. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

Mr. UNDERWOOD. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Alabama objects.

The SPEAKER pro tempore appointed as tellers the gentleman from Massachusetts, Mr. ROBERTS, and the gentleman from Texas, Mr. GARNER.

The House divided; and the tellers reported—ayes 72, noes 89.

So the motion was lost.

The SPEAKER pro tempore. The motion of the gentleman from Illinois has failed, and the bill will be stricken from the calendar.

SUIT BY LABORER, ETC., IN COURT OF CLAIMS.

Mr. MANN. Mr. Speaker, I call up No. 11 on the calendar, H. R. 764.

The SPEAKER pro tempore. The gentleman from Illinois calls up No. 11 on the Calendar of Motions to Discharge Committees, the title of which bill the Clerk will report.

The Clerk read as follows:

A bill (H. R. 764) providing that the statute of limitations shall not be interposed in any suit by any laborer, workman, or mechanic in the Court of Claims against the United States to recover wages claimed to be due him under the national eight-hour law.

The SPEAKER pro tempore appointed as tellers the gentleman from Massachusetts, Mr. ROBERTS, and the gentleman from Mississippi, Mr. SISSON.

The House divided; and the tellers reported—ayes 63, noes 90.

So the motion was lost.

The SPEAKER pro tempore. The motion of the gentleman from Illinois fails, and the bill will be stricken from the calendar.

PENNY POSTAGE RATES.

Mr. MANN. Mr. Speaker, I now call up No. 12 on the calendar, H. R. 15.

The SPEAKER pro tempore. The gentleman from Illinois calls up No. 12 on the Calendar of Motions to Discharge Committees. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 15) to extend the penny postage rate on local-delivery first-class mail matter to post offices where the system of free delivery is established.

The SPEAKER pro tempore appointed as tellers the gentleman from Massachusetts, Mr. ROBERTS, and the gentleman from Kentucky, Mr. HELM.

The House divided; and the tellers reported—ayes 39, noes 75.

So the motion was lost.

The SPEAKER pro tempore. The motion of the gentleman from Illinois fails, and the bill will be stricken from the calendar.

PENSIONS TO WIDOWS, MINOR CHILDREN, ETC., OF DECEASED SOLDIERS, ETC.

Mr. MANN. Mr. Speaker, I call up No. 13 on the calendar, the bill H. R. 60.

The SPEAKER pro tempore. The gentleman from Illinois calls up No. 13 on the Calendar of Motions to Discharge Committees. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 60) to amend section 2 of an act entitled "An act to increase the pensions of widows, minor children, etc., of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late Civil War."

Mr. MANN. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered, in order to save the time of the House.

Mr. UNDERWOOD. Mr. Speaker, I insist on the regular order.

The SPEAKER pro tempore. The gentleman from Alabama objects.

The SPEAKER pro tempore appointed as tellers the gentleman from Tennessee, Mr. AUSTIN, and the gentleman from Tennessee, Mr. HOUSTON.

The House divided; and the tellers reported—ayes 46, noes 85.

So the motion was lost.

The SPEAKER pro tempore. The motion of the gentleman from Illinois fails, and the bill will be stricken from the calendar.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present. This is too important a bill to be defeated for lack of a quorum.

Mr. UNDERWOOD. Mr. Speaker, I understand the gentleman from Illinois to make the point of order that no quorum is present. I will ask that the Speaker count the House——

The SPEAKER pro tempore. The Chair will state that he observed those going through the tellers and those not going, and the Chair is confident there are not enough Members in the House who did not go through the tellers within the sight of the Chair to constitute a quorum.

Mr. UNDERWOOD. Mr. Speaker, then I move a call of the House.

Mr. MANN. The rule, as the Chair understands, is automatic.

Mr. UNDERWOOD. Mr. Speaker, I move a call of the House.

Mr. MANN. Well, I make the point of order that the rule provides how the vote shall be taken.

Mr. UNDERWOOD. The rule provides, Mr. Speaker, for two ways of a call of the House, one automatically and one by motion. It is within the power of this House to determine itself how the call of the House shall be ordered, and I move a call of the House at this time.

Mr. MANN. Well, I make the point of order that this motion is not in order, Mr. Speaker. The rule expressly provides that where a vote is taken and where a point of order is made and sustained that there is no quorum present that the Speaker thereupon directs the doors to be closed and orders a call of the roll on the question.

Mr. FOSTER of Illinois. Mr. Speaker, I think the gentleman from Illinois is mistaken in reference to the construction of the rule, because the rule is a special rule providing a way by which votes shall be taken and does not apply the same as any other motion in the House on which it discloses the absence of a quorum.

Mr. MANN. Well, if the gentleman will permit me to suggest, we have had a construction of this rule by the present Speaker of this House at the last, the special, session of Congress. Motions were made to suspend the rules which required a vote by tellers. That vote was taken and a point of order was made that there was no quorum present; and the Speaker thereupon, under the provision of the rule, finding that there was no quorum present, ordered the roll to be called on the question of seconding, and that was done. It was done more than once.

Mr. UNDERWOOD. Mr. Speaker, of course I am not surprised at the position my friend from Illinois takes about this matter. He belongs to the reactionary side of the House—— [Laughter.]

Mr. MANN. Well, I do not belong to the reactionary side near as much as the gentleman from Alabama. [Laughter.]

Mr. UNDERWOOD. And he desires to vest all the power of the House in the Chair. The point I am insisting on is, this House shall have the right itself to determine how it shall order a quorum present.

Now, this Discharge Calendar is different from an ordinary vote. The automatic rule was enacted as part of the rules of

the House before we heard of the Discharge Calendar. There was no rule providing for a Discharge Calendar. Of course there is no question that when an ordinary legislative matter comes before the House and a quorum fails that then the Speaker under the automatic rule shall order a call of this House himself, but the House itself has expressly ordered that the only way in which you can have a second to a motion to discharge a committee is not by a roll call, not by a viva voce vote, but by immediately ordering tellers, and only by an order of tellers can you second this motion. Now, there is no substantive proposition before this House for the Chair to order a roll call on, because the rule prohibits a roll call on this motion to second the discharge of a committee. Therefore it is clearly in order, a quorum having failed, that the only way you can bring a quorum to this House is on a motion for a call of the House, and I do not think that the automatic rule applies in a case of this kind.

Mr. MANN. Mr. Speaker, the matter is not a new matter at all. It not only was ruled upon by the present Speaker of the House at the last session of Congress as to the question of suspension of the rules but has been repeatedly ruled upon. The committee-discharge rule provides that the question shall be seconded by tellers before it is submitted to the House. The language is similar to the language of the rule providing for a suspension of the rules, and the rule in reference to suspension of the rules provides, "all motions to suspend the rules shall, before being submitted to the House, be seconded by a majority by tellers, if demanded," and the only distinction between that rule and this rule is that in this case the rule requires it shall be seconded by tellers.

It has been decided heretofore that upon the seconding by tellers you have no right under the Constitution to demand a roll call, because it is not a vote as contemplated by the Constitution. It has also been decided for this purpose, as stated in the Manual in Rule XV, that where a quorum fails on the vote for a second the doors shall be closed and the yeas and nays taken.

That is the precise situation now before the House. A quorum having been disclosed to be absent on the vote by tellers, under these decisions, if it were a motion to suspend the rules, there would be a vote on a call for a quorum. Whenever a quorum fails to vote on any question and a quorum is not present and objection is made for that cause, and so forth, the Speaker shall order the doors closed and the absent Members brought in and the roll called. That is the situation now before the House.

The SPEAKER pro tempore. Does the gentleman from Alabama [Mr. UNDERWOOD] wish to make a further statement?

Mr. UNDERWOOD. I do not.

The SPEAKER pro tempore. The Chair had an idea that possibly this situation would arise, and consequently has been looking the matter up before the question of a point of no quorum was made, and of course availed itself of the assistance of the aid to the Chair on these parliamentary matters by consulting the Clerk to the Speaker's table, especially as the present occupant is only a temporary occupant.

From all the Chair was able to gather before and since the point was made the Chair thinks that this is a vote within the meaning of the automatic rule and that the automatic rule, section 4, applies. The Chair in part cites as authority for this rule the following from page 139, volume 4, of Hinds' Precedents:

On June 16, 1902, Mr. FRED C. STEVENS, of Minnesota, by authority of the Committee on Military Affairs, moved to suspend the rules and pass with amendment the bill (H. R. 14441) to authorize the Secretary of War, in his discretion, to favor American-built ships in the transportation of Government supplies to the Philippines across the Pacific Ocean.

A second having been demanded, there appeared on a vote, by tellers—ayes 77, noes 0.

Mr. James D. Richardson, of Tennessee, made the point of order that there was no quorum present.

The Speaker, having counted the House, announced the presence of 129 Members, not a quorum.

Mr. OSCAR W UNDERWOOD, of Alabama, moved that the House adjourn, which was negatived on division—ayes 41, noes 81, a demand for the yeas and nays on the motion to adjourn being refused.

Then the Speaker said:

"There being no quorum present, the Doorkeeper will close the doors and the Sergeant at Arms will bring in absent Members to answer to their names. The question is on seconding the motion to suspend the rules and pass the bill."

The Chair will read from the Manual, Rule XXVII, clause 2:

All motions to suspend the rules shall, before being submitted to the House, be seconded by a majority by tellers, if demanded.

That is the same in language as the discharge rule provides, being, in fact, clause 4 of the rule on suspension. With all the light before the Chair it seems to be a new point. The Chair holds the automatic rule applies, and the doors will be closed.

Mr. GARRETT. Mr. Speaker, I move that the House do now adjourn.

Mr. UNDERWOOD. Mr. Speaker, on that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 1, nays 222, answered "present" 4, not voting 164, as follows:

YEAS—1.

Bates

NAYS—222.

Adair	Ellerbe	Kendall	Rodenberg
Ainey	Evans	Kindred	Rouse
Alexander	Faison	Kinkaid, Nebr.	Rubey
Allen	Fergusson	Kitchin	Rucker, Colo.
Anderson, Minn.	Ferris	Konop	Rucker, Mo.
Anthony	Floyd, Ark.	Korbly	Russell
Ashbrook	Fordney	Lawrence	Sabath
Austin	Fornes	Lee, Ga.	Saunders
Bartholdt	Foss	Lee, Pa.	Scully
Bartlett	Foster, Ill.	Legare	Shackleford
Bathrick	Foster, Vt.	Lindbergh	Sherley
Beall, Tex.	Fowler	Linthicum	Sherwood
Bell, Ga.	Francis	Lloyd	Sims
Berger	French	Lobeck	Sisson
Blackmon	Fuller	McCoy	Slayden
Boehne	Gallagher	McGillicuddy	Smith, J. M. C.
Booher	Garner	McHenry	Smith, Saml. W.
Borland	Garrett	McKellar	Smith, N. Y.
Bowman	George	McKinney	Smith, Tex.
Brantley	Glass	McLaughlin	Speer
Brown	Godwin, N. C.	Macon	Stack
Buchanan	Goldfogle	Maguire, Nebr.	Stedman
Bulkley	Good	Maher	Steenerson
Burgess	Goodwin, Ark.	Mann	Stephens, Miss.
Burke, Wis.	Graham	Martin, Colo.	Stephens, Tex.
Burleson	Gray	Mays	Sterling
Byrnes, S. C.	Gregg, Pa.	Moon, Tenn.	Stone
Candler	Gudger	Moore, Tex.	Sulzer
Cannon	Guernsey	Morgan	Sweet
Carlin	Hamill	Morrison	Switzer
Cary	Hamilton, Mich.	Morse, Wis.	Taggart
Clark, Fla.	Hamilton, W. Va.	Mott	Talcott, N. Y.
Claypool	Hamlin	Murdock	Taylor, Colo.
Clayton	Hammond	Murray	Taylor, Ohio
Collier	Hanna	Needham	Thayer
Connell	Hardy	Nelson	Thistlewood
Conry	Harris	Nye	Thomas
Cooper	Harrison, Miss.	Oldfield	Townsend
Copley	Harrison, N. Y.	O'Shaunessy	Tribble
Cox, Ohio	Hayes	Padgett	Turnbull
Crumpacker	Heald	Page	Tuttle
Curley	Heflin	Palmer	Underwood
Danforth	Helm	Patten, N. Y.	Watkins
Daugherty	Henry, Conn.	Pepper	Webb
Davis, W. Va.	Hensley	Peters	Wedemeyer
Dent	Holland	Pickett	White
Dickinson	Houston	Powers	Wickliffe
Dixon, Ind.	Howard	Prince	Willis
Dodds	Howell	Rainey	Wilson, Ill.
Donohoe	Howland	Raker	Wilson, Pa.
Doremus	Hughes, N. J.	Randell, Tex.	Witherspoon
Doughton	Hull	Rauch	Wood, N. J.
Driscoll, D. A.	Jacoway	Redfield	Young, Kans.
Dwight	Johnson, Ky.	Rees	Young, Tex.
Dyer	Johnson, S. C.	Richardson	
Edwards	Jones	Roddenbery	

ANSWERED "PRESENT"—4.

Adamson	Difenderfer	Langley	Longworth

NOT VOTING—164.

Aiken, S. C.	Driscoll, M. E.	Kinkead, N. J.	Pou
Aikin, N. Y.	Dupre	Knowland	Pray
Ames	Esch	Konig	Prouty
Anderson, Ohio	Estopinal	Kopp	Pujo
Andrus	Fairchild	Lafean	Ransdell, La.
Ansberry	Farr	Lafferty	Reilly
Ayres	Fields	La Follette	Reyburn
Barchfeld	Finley	Lamb	Riordan
Barnhart	Fitzgerald	Langham	Roberts, Mass.
Bingham	Flood, Va.	Lenroot	Roberts, Nev.
Bradley	Focht	Lever	Robinson
Broussard	Gardner, Mass.	Levy	Rothermel
Browning	Gardner, N. J.	Lewis	Sells
Burke, Pa.	Gillett	Lindsay	Sharp
Burke, S. Dak.	Goeke	Littlepage	Sheppard
Burnett	Gould	Littleton	Simmons
Butler	Green, Iowa	Loud	Slemp
Byrns, Tenn.	Greene, Mass.	McCall	Sloan
Calder	Gregg, Tex.	McCreary	Small
Callaway	Griest	McDermott	Smith, Cal.
Campbell	Hardwick	McGuire, Okla.	Sparkman
Cantrill	Hartman	McKenzie	Stanley
Carter	Haugen	McKinley	Stephens, Cal.
Catlin	Hawley	McMorran	Stephens, Nebr.
Cline	Hay	Madden	Stevens, Minn.
Covington	Helgesen	Malby	Sulloway
Cox, Ind.	Henry, Tex.	Martin, S. Dak.	Talbott, Md.
Crago	Higgins	Matthews	Taylor, Ala.
Cravens	Hill	Miller	Tilson
Cullop	Hinds	Mondell	Towner
Currier	Hobson	Moon, Pa.	Underhill
Curry	Hubbard	Moore, Pa.	Utter
Dalzell	Hughes, Ga.	Moss, Ind.	Volstead
Davenport	Hughes, W. Va.	Norris	Vreeland
Davidson	Humphrey, Wash.	Olmsted	Warburton
Davis, Minn.	Humphreys, Miss.	Parran	Weeks
De Forest	Jackson	Patton, Pa.	Whitacre
Denver	James	Payne	Wilder
Dickson, Miss.	Kahn	Plumley	Wilson, N. Y.
Dies	Kennedy	Porter	Woods, Iowa
Draper	Kent	Post	Young, Mich.

So the House refused to adjourn.

The Clerk announced the following pairs:
For the session:
Mr. FORNES with Mr. BRADLEY.
Mr. ADAMSON with Mr. STEVENS of Minnesota.
Mr. RIORDAN with Mr. ANDRUS.
Mr. FINLEY with Mr. CURRIER.
Until further notice:
Mr. REILLY with Mr. HIGGINS.
Mr. SPARKMAN with Mr. DAVIDSON.
Mr. DICKSON of Mississippi with Mr. GRIEST.
Mr. KONIG with Mr. MATTHEWS.
Mr. CANTRILL with Mr. DE FOREST.
Mr. HOBSON with Mr. FAIRCHILD.
Mr. DIFENDERFER with Mr. ESCH.
Mr. FIELDS with Mr. LANGLEY.
Mr. CALDER with Mr. FITZGERALD.
Mr. AIKEN of South Carolina with Mr. BARCHFELD.
Mr. ANDERSON of Ohio with Mr. BINGHAM.
Mr. ANSBERRY with Mr. BURKE of Pennsylvania.
Mr. AYRES with Mr. BURKE of South Dakota.
Mr. BARNHART with Mr. BUTLER.
Mr. BROUSSARD with Mr. CAMPBELL.
Mr. BURNETT with Mr. CATLIN.
Mr. TALBOTT of Maryland with Mr. PARRAN.
Mr. BYRNS of Tennessee with Mr. CRAGO.
Mr. CALLAWAY with Mr. DALZELL.
Mr. CARTER with Mr. DRAPER.
Mr. CLINE with Mr. MICHAEL E. DRISCOLL.
Mr. COVINGTON with Mr. FOCHT.
Mr. COX of Indiana with Mr. GARDNER of Massachusetts.
Mr. CRAVENS with Mr. GARDNER of New Jersey.
Mr. DAVENPORT with Mr. GILLETT.
Mr. DENVER with Mr. GREENE of Massachusetts.
Mr. DIES with Mr. GREEN of Iowa.
Mr. DUPRE with Mr. HARTMAN.
Mr. ESTOPINAL with Mr. HAWLEY.
Mr. FLOOD of Virginia with Mr. HILL.
Mr. GOEKE with Mr. HINDS.
Mr. GOULD with Mr. HUBBARD.
Mr. GREGG of Texas with Mr. HUGHES of West Virginia.
Mr. HARDWICK with Mr. HUMPHREY of Washington.
Mr. HAY with Mr. JACKSON.
Mr. HENRY of Texas with Mr. KAHN.
Mr. HUGHES of Georgia with Mr. KENNEDY.
Mr. HUMPHREYS of Mississippi with Mr. KNOWLAND.
Mr. KINKEAD of New Jersey with Mr. KOPP.
Mr. LAMB with Mr. LANGHAM.
Mr. LEVY with Mr. LENROOT.
Mr. LEWIS with Mr. LOUD.
Mr. LINDSAY with Mr. MCCREARY.
Mr. LITTLEPAGE with Mr. MCGUIRE of Oklahoma.
Mr. LITTLETON with Mr. MCKENZIE.
Mr. MOSS of Indiana with Mr. MCKINLEY.
Mr. POST with Mr. MCMORRAN.
Mr. POU with Mr. MADDEN.
Mr. PUJO with Mr. MALBY.
Mr. RANSDELL of Louisiana with Mr. MARTIN of South Dakota.
Mr. ROBINSON with Mr. MONDELL.
Mr. ROTHERMEL with Mr. MOON of Pennsylvania.
Mr. SHARP with Mr. MOORE of Pennsylvania.
Mr. SHEPPARD with Mr. OLMSTED.
Mr. SMALL with Mr. PAYNE.
Mr. STANLEY with Mr. PRAY.
Mr. TAYLOR of Alabama with Mr. TILSON.
Mr. UNDERHILL with Mr. VREELAND.
Mr. WHITACRE with Mr. UTTER.
Mr. WILSON of New York with Mr. WEEKS.
For the balance of the day:
Mr. MCDERMOTT with Mr. BROWNING.
Mr. LEVER with Mr. HAUGEN.
Until Wednesday:
Mr. STEPHENS of Nebraska with Mr. LAFEAN.
Until January 21:
Mr. JAMES with Mr. LONGWORTH.

Mr. DIFENDERFER. Mr. Speaker, I would like to ask how I am recorded.

The SPEAKER. In the negative.

Mr. DIFENDERFER. I would like to change that vote, and vote "present," as I am paired with the gentleman from Wisconsin, Mr. ESCH.

Mr. ADAMSON. Mr. Speaker, I would like to know how Mr. STEVENS of Minnesota voted.

The SPEAKER. He is recorded as not having voted.

Mr. ADAMSON. Then, Mr. Speaker, I want to change my vote from "nay" to "present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present, and the House refuses to adjourn. On the vote by tellers the result was—ayes 63, noes 88. The motion to discharge——

Mr. MANN. Mr. Speaker, the Speaker having ascertained by count at the time that no quorum was then present, I take it we shall have to vote again on that proposition, a quorum being now present.

The SPEAKER. That kind of a question has never been decided, and the Chair thinks, in order to be perfectly fair about it, that the vote by tellers ought to be taken de novo.

Mr. MANN. I think the Speaker sustained that position at the special session.

The SPEAKER. The Chair will appoint the gentleman from Alabama, Mr. UNDERWOOD, and the gentleman from Illinois, Mr. MANN, tellers.

Mr. MANN. I ask the Chair to appoint the gentleman from Iowa, Mr. KENDALL, in my place.

The SPEAKER. The gentleman from Iowa [Mr. KENDALL] will act. The question is on seconding the motion made by the gentleman from Illinois to discharge the committee.

The House divided; and the tellers reported—ayes 62, noes 130.

The SPEAKER. The motion is lost. The bill will be stricken from the calendar.

TARIFF BOARD.

Mr. MANN. Mr. Speaker, I call up motion No. 14 on the Calendar of Motions to Discharge Committees.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 1743) to create a tariff board.

The SPEAKER. The Chair will appoint the gentleman from Illinois, Mr. MANN, and the gentleman from Alabama, Mr. UNDERWOOD, tellers on ordering a second.

The House divided; and the tellers reported—ayes 69, noes 111.

The SPEAKER. The motion is lost and the bill will be stricken from the calendar.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. UNDERWOOD. Mr. Speaker, I make the point of order that that point is dilatory, as the presence of a quorum has been ascertained.

The SPEAKER. There has not been any business transacted since the roll call showed 229 Members present, and the point is held to be dilatory.

Mr. MANN. I suggest to the Speaker that we have had two counts by tellers since the presence of a quorum was disclosed on the roll call. I state that simply as a statement of fact.

The SPEAKER. The gentleman can appeal from the decision of the Chair.

Mr. MANN. I do not desire to appeal, but I call the attention of the Speaker to the fact to show that we have had two votes by tellers since the yeas and nays.

The SPEAKER. The Chair will suggest to the gentleman that the first vote was on the very thing that gave rise to the calling of the roll. Surely that does not count.

Mr. MANN. That was the transaction of business.

Mr. FOWLER. Regular order, Mr. Speaker.

Mr. GARRETT. Mr. Speaker, I demand the regular order.

Mr. MANN. This is the regular order. I call the attention of the Speaker to the fact, so that there will be no mistake as to the facts in the matter.

The SPEAKER. The Chair does not think that any business has intervened, in the proper acceptation of the term, and it has not been 10 minutes since the roll was called.

Mr. MANN. Very well, Mr. Speaker; I call up No. 17 on the Calendar of Motions to Discharge Committees.

GAS IN THE DISTRICT OF COLUMBIA.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read the title of the bill, as follows:

A bill (H. R. 773) fixing the price of gas in the District of Columbia.

Mr. MANN. This is not to fix the price of gas in the House of Representatives. I ask unanimous consent that a second may be considered as ordered.

Mr. UNDERWOOD. Mr. Speaker, I object.

The SPEAKER. The gentleman objects, and the Chair will appoint the gentleman from Connecticut, Mr. TILSON, and the gentleman from Missouri, Mr. SHACKLEFORD, as tellers.

The House divided; and there were—ayes 42, noes 102.

The SPEAKER. The motion is lost, and the bill will be stricken from the calendar.

RURAL FREE-DELIVERY CARRIERS.

Mr. MANN. Mr. Speaker, I call up No. 47 on the Calendar to Discharge Committees, being a motion to discharge the Committee on the Post Office and Post Roads from further consideration of the bill (H. R. 5141) to pay additional compensation

to the rural free-delivery carriers of mail in the United States, and providing an appropriation therefor.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 5141) to provide and pay additional compensation to the rural free-delivery carriers of mail in the United States, and providing an appropriation therefor.

The SPEAKER. The Chair will appoint the gentleman from Tennessee, Mr. AUSTIN, and the gentleman from Missouri, Mr. RUCKER, as tellers.

The House divided; and the tellers reported that there were 62 ayes and 94 noes.

The SPEAKER. The motion is lost, and the bill will be stricken from the calendar.

COMPENSATION FOR INJURIES TO EMPLOYEES.

Mr. MANN. Mr. Speaker, I call up No. 16 on the Calendar of Motions to Discharge Committees.

The SPEAKER. The gentleman from Illinois calls up the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 1695) to amend an act entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," approved May 30, 1908.

The SPEAKER appointed as tellers the gentleman from Iowa, Mr. KENDALL, and the gentleman from Colorado, Mr. RUCKER.

The House divided; and the tellers reported that there were 50 ayes and 88 noes.

The SPEAKER. The motion is lost, and the bill will be stricken from the calendar.

PUBLICATIONS OF BENEVOLENT SOCIETIES.

Mr. MANN. Mr. Speaker, I call up No. 38 on the Calendar of Motions to Discharge Committees.

The SPEAKER. The gentleman from Illinois calls up the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 3972) to admit to the mails as second-class matter periodical publications issued by or under the auspices of benevolent and fraternal societies and orders and institutions of learning or by trades unions, and for other purposes.

Mr. MANN. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

Mr. UNDERWOOD. I object.

The SPEAKER appointed the gentleman from Michigan, Mr. DODDS, and the gentleman from Arkansas, Mr. MACON, to act as tellers.

The House divided; and the tellers reported that there were 45 ayes and 74 noes.

Mr. MANN. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER. The Chair will count. [After counting.] One hundred and ninety-one Members present, not a quorum.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 7 minutes p. m.) the House adjourned until to-morrow, Tuesday, January 16, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Postmaster General submitting an increase in the estimate of appropriation for transportation of foreign mails for the fiscal year 1913 (H. Doc. No. 454); to the Committee on the Post Office and Post Roads and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Postmaster General submitting an increase of estimate for appropriation for travel allowances to railway postal clerks (H. Doc. No. 453); to the Committee on the Post Office and Post Roads and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State reducing his estimate for appropriations for "Boundary line, United States and Canada, and Alaska and Canada," for the fiscal year 1913 (H. Doc. No. 452); to the Committee on Foreign Affairs and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 17660) granting a pension to E. W. Ward; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16971) granting a pension to Willard Emerson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BURNETT: A bill (H. R. 17916) to provide for the erection of a public building at the city of Albertville, Ala.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17917) to provide for the erection of a public building at the city of Attalla, Ala.; to the Committee on Public Buildings and Grounds.

By Mr. SABATH: A bill (H. R. 17918) to provide for the purchase of ground for and the erection of a public building for an immigration station on a site to be selected for said station in the city of Chicago, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. BORLAND: A bill (H. R. 17919) to provide a national ocean-to-ocean highway over the pioneer trails of the Nation, thus making a continuous trunk-line macadam road from the city of Washington, D. C., through St. Louis, Mo., to Gardner, Kans., and there to branch, one branch leading through Santa Fe, N. Mex., and San Diego, Cal., to San Francisco, Cal., the other branch leading from Gardner, Kans., through Kearney, Nebr., to Olympia, Wash.; also to aid the States through which the highway herein described as the National Old Trails Road shall run in extending, constructing, rebuilding, and repairing the same; to the Committee on Agriculture.

By Mr. SMALL: A bill (H. R. 17920) authorizing the Secretary of Commerce and Labor to establish aids to navigation in Perquimans River, N. C., from the town of Hertford to the mouth of the river; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 17921) authorizing the Secretary of Commerce and Labor to establish aids to navigation in Pamlico and Tar Rivers and in Pungo River, N. C.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 17922) atuhorizing the Secretary of Commerce and Labor to establish aids to navigation in Pasquotank River, N. C.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 17923) authorizing the Secretary of Commerce and Labor to establish aids to navigation in Shallowbag Bay, N. C.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 17924) authorizing the Secretary of Commerce and Labor to establish aids to navigation in Far Creek, N. C.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 17925) authorizing the Secretary of Commerce and Labor to establish aids to navigation in Chowan River, N. C.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 17926) authorizing the Secretary of Commerce and Labor to establish aids to navigation in Edenton Bay and Harbor, N. C.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 17927) authorizing the Secretary of Commerce and Labor to establish aids to navigation at the entrances to the waterway connecting Swan Quarter Bay and Deep Bay in North Carolina; to the Committee on Interstate and Foreign Commerce.

By Mr. HOBSON: A bill (H. R. 17928) to promote the harmonious, coordinated development of the highways of the United States with a minimum of waste through the creation of the general highway board and of the general highway foundation; to the Committee on Agriculture.

By Mr. PARRAN: A bill (H. R. 17929) authorizing the construction of a floating steel dry dock for naval purposes; to the Committee on Naval Affairs.

By Mr. SCULLY: A bill (H. R. 17930) to provide for the examination and survey of the Shrewsbury River, N. J., including the North and South Branches; to the Committee on Rivers and Harbors.

By Mr. FRANCIS: A bill (H. R. 17931) to provide for the reconstruction and maintenance of the old national road lead-

ing from Cumberland, Md., to St. Louis, Mo., and to extend the same, making it a grand model midland national highway; to the Committee on Agriculture.

By Mr. ROBERTS of Massachusetts: A bill (H. R. 17932) to provide for the formation and regulation of corporations engaged in any form of interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. GUERNSEY: A bill (H. R. 17933) to reduce the postage on first-class mail matter; to the Committee on the Post Office and Post Roads.

By Mr. BYRNS of Tennessee: A bill (H. R. 17934) to authorize the Lewisburg & Northern Railroad Co. to construct, maintain, and operate a railroad bridge across the Cumberland River, in the State of Tennessee; to the Committee on Interstate and Foreign Commerce.

By Mr. STEVENS of Minnesota: A bill (H. R. 17935) relating to bills of lading; to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: A bill (H. R. 17936) to establish standard packages and grades for apples, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. TILSON: A bill (H. R. 17937) authorizing the Secretary of War to pay a cash reward for suggestions submitted by employees of certain establishments of the Ordnance Department for improvement or economy in manufacturing processes or plant; to the Committee on Military Affairs.

By Mr. TAYLOR of Colorado: A bill (H. R. 17938) to amend section 2455 of the Revised Statutes of the United States relating to isolated tracts of public lands; to the Committee on the Public Lands.

By Mr. FRENCH: A bill (H. R. 17999) authorizing the drainage of certain lands in the State of Idaho; to the Committee on the Public Lands.

By Mr. SIMMONS: A bill (H. R. 18000) to regulate the importation and interstate transportation of nursery stock; to enable the Secretary of Agriculture to appoint a Federal horticultural commission, and to define the powers of this commission in establishing and maintaining quarantine districts for plant diseases and insect pests; to permit and regulate the movement of fruits, plants, and vegetables therefrom, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ALEXANDER: A bill (H. R. 18001) to amend an act entitled "An act to simplify the issue of enrollments and licenses of vessels of the United States"; to the Committee on the Merchant Marine and Fisheries.

By Mr. HOLLAND: A bill (H. R. 18002) granting permission to the Lynnhaven Terminal Corporation to improve the lower Chesapeake and Lynnhaven Bay by the construction of a breakwater; to the Committee on Rivers and Harbors.

By Mr. STEVENS of Minnesota: A bill (H. R. 18003) authorizing survey of St. Croix River between Wisconsin and Minnesota; to the Committee on Rivers and Harbors.

By Mr. THAYER: A bill (H. R. 18004) regarding the date of patents, time allowed for interference claims in extending date, and annulment of patents; to the Committee on Patents.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 18005) to provide for the encouragement of agriculture, horticulture, and the industrial exhibits in the various States; to the Committee on Agriculture.

By Mr. WICKERSHAM: A bill (H. R. 18006) to amend the civil code of Alaska and relating to the organization of private corporations; to the Committee on the Territories.

By Mr. BURNETT: Resolution (H. Res. 372) to provide for printing the amendment of immigration laws; to the Committee on Printing.

By Mr. FORNES: Joint resolution (H. J. Res. 211) providing for the creation of a central national banking organization of the United States of America; to the Committee on Banking and Currency.

By Mr. SMALL: Concurrent resolution (H. Con. Res. 35) to provide for printing House Document No. 391, Sixty-second Congress, second session; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARCHFELD: A bill (H. R. 17939) for the relief of the legal representatives of Jennie M. Hunt, deceased; to the Committee on Claims.

Also, a bill (H. R. 17940) for the relief of William Henry Hayden; to the Committee on Claims.

By Mr. BROWN: A bill (H. R. 17941) granting an increase of pension to John L. MaGill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17942) for the relief of the heirs of Abraham Parsons, deceased; to the Committee on War Claims.

By Mr. BURNETT: A bill (H. R. 17943) granting a pension to Jacob L. Kennamer; to the Committee on Pensions.

By Mr. BYRNES of South Carolina: A bill (H. R. 17944) for the relief of the legal representatives of Reuben R. Turner; to the Committee on War Claims.

By Mr. CALDER: A bill (H. R. 17945) granting an increase of pension to Mary E. Martin; to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R. 17946) for the relief of the estate of the late John T. French, jr.; to the Committee on War Claims.

Also, a bill (H. R. 17947) for the relief of Charles E. L. B. Davis; to the Committee on War Claims.

By Mr. DAUGHERTY: A bill (H. R. 17948) granting a pension to Mary E. Likes; to the Committee on Invalid Pensions.

By Mr. DE FOREST: A bill (H. R. 17949) granting an increase of pension to Charles W. Gibbs; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 17950) for the relief of William F. Wolfe; to the Committee on Claims.

By Mr. EDWARDS: A bill (H. R. 17951) providing for the promotion of Lieut. James L. Ahern in the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

By Mr. FOCHT: A bill (H. R. 17952) for the relief of George W. Bard; to the Committee on Military Affairs.

Also, a bill (H. R. 17953) for the relief of John W. Graham; to the Committee on Military Affairs.

By Mr. FRENCH: A bill (H. R. 17954) granting an increase of pension to Hans P. Nielson; to the Committee on Invalid Pensions.

By Mr. GREGG of Pennsylvania: A bill (H. R. 17955) to authorize the award of the congressional medal of honor to Charles W. Hoffman; to the Committee on Military Affairs.

By Mr. HELM: A bill (H. R. 17956) to carry out the findings of the Court of Claims in the case of B. H. Chesher, administrator of the estate of William G. Chesher, deceased; to the Committee on War Claims.

By Mr. KINKEAD of New Jersey: A bill (H. R. 17957) granting a pension to Anna A. Springett; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 17958) granting an increase of pension to William Lockard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17959) granting an increase of pension to James W. Mollett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17960) for the relief of J. F. Clark; to the Committee on War Claims.

Also, a bill (H. R. 17961) for the relief of W. R. Flanery, sr.; to the Committee on Military Affairs.

By Mr. LEVY (by request): A bill (H. R. 17962) for the relief of Alice Harvey and Winifred Waltz; to the Committee on Claims.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 17963) granting an increase of pension to William Schallenberg; to the Committee on Pensions.

By Mr. MARTIN of Colorado: A bill (H. R. 17964) granting a pension to Sophronia Sleade; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17965) granting an increase of pension to Henry A. Crick; to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 17966) granting an increase of pension to Nancy W. Coffey; to the Committee on Invalid Pensions.

By Mr. REILLY: A bill (H. R. 17967) to remove the charge of desertion from the military record of Thomas Ellis; to the Committee on Military Affairs.

By Mr. RODENBERG: A bill (H. R. 17968) granting an increase of pension to William J. Gorline; to the Committee on Invalid Pensions.

By Mr. ROUSE: A bill (H. R. 17969) granting a pension to John Bucher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17970) granting a pension to Charles J. Cronin; to the Committee on Pensions.

By Mr. SABATH: A bill (H. R. 17971) for the relief of James Cassidy; to the Committee on Claims.

By Mr. SMALL: A bill (H. R. 17972) granting a pension to Lizzie M. Chapin; to the Committee on Invalid Pensions.

By Mr. THOMAS of Kentucky: A bill (H. R. 17973) granting a pension to Elizabeth Hampton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17974) granting an increase of pension to Henry Robinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17975) granting a pension to George M. Cooper; to the Committee on Pensions.

Also, a bill (H. R. 17976) granting a pension to Emily Cook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17977) granting a pension to Samuel Burgess; to the Committee on Pensions.

Also, a bill (H. R. 17978) granting a pension to Thomas G. Lewis; to the Committee on Pensions.

Also, a bill (H. R. 17979) granting a pension to Decatur D. Kinser; to the Committee on Pensions.

Also, a bill (H. R. 17980) granting an increase of pension to G. W. Short; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17981) granting an increase of pension to C. M. Hildebrand; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17982) granting an increase of pension to John E. Spilman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17983) granting an increase of pension to James H. Nelson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17984) granting an increase of pension to Powhattan Crawley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17985) granting an increase of pension to James A. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17986) granting an increase of pension to Joseph H. Hays; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17987) granting an increase of pension to Abraham McLevain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17988) granting an increase of pension to James M. Skaggs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17989) granting an increase of pension to Josiah H. Newland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17990) granting an increase of pension to Edward B. Bishop; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17991) granting an increase of pension to W. H. Hardison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17992) granting an increase of pension to Thomas C. Williams, alias Thomas Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17993) granting an increase of pension to James Sandusky; to the Committee on Invalid Pensions.

By Mr. TOWNER: A bill (H. R. 17994) granting a pension to Belle L. Epla; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17995) granting a pension to Harry S. Stahl; to the Committee on Pensions.

By Mr. WHITE: A bill (H. R. 17996) granting an increase of pension to Mary A. Ball; to the Committee on Pensions.

Also, a bill (H. R. 17997) granting a pension to Eliza J. Elliott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17998) granting an increase of pension to Ebenezer Bailey; to the Committee on Invalid Pensions.

By Mr. HAY: Joint resolution (H. J. Res. 212) authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point Mr. José Pasos Diaz, of Nicaragua; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANSBERRY: Memorial of Chicago Civil Service League, urging the passage of Senate bill 1162 and House bill 5970; to the Committee on Reform in the Civil Service.

Also, petitions of citizens of Tokio and Venedocia, Ohio, for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of citizens of Edon, Ohio, against extension of parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Petition of Lemert Post, No. 71, Grand Army of the Republic, of Newark, Ohio, against the passage of a bill to incorporate the Grand Army of the Republic; to the Committee on the District of Columbia.

Also, memorial of Dayton (Ohio) branch of the United States Civil Service Retirement Association, for the passage of a clerks' retirement law; to the Committee on Reform in the Civil Service.

Also, memorials of Chicago Civil Service League and the National Federation of Post Office Clerks, for passage of Senate bill 1162 and House bill 5970; to the Committee on Reform in the Civil Service.

By Mr. BOWMAN: Petitions of B. W. Smalley and L. H. Smith, of Pittston; Paul Branch, Corp. Barton, Ninth Regiment, National Guard of Pennsylvania; and Alexander Richards, of Wilkes-Barre, Pa., urging passage of National Guard pay bill; to the Committee on Military Affairs.

Also, petition of Brinton Jackson, of Nanticoke, Pa., urging that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, memorial of the Commission for the Investigation and Control of the Chestnut Tree Blight Disease in Pennsylvania, for eradication of chestnut-tree blight; to the Committee on Agriculture.

Also, memorial of Veterans' Association of the Civil War, of Pittston, Pa., indorsing passage of bill to increase pensions to veterans of the Civil War; to the Committee on Invalid Pensions.

By Mr. CALDER: Petition of St. Louis Paint, Oil, and Drug Club, of St. Louis, Mo., for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Chicago Civil Service League, of Chicago, Ill., in favor of the passage of House bill 5970 and Senate bill 1162, concerning civil-service regulations as to Federal employees, etc.; to the Committee on Reform in the Civil Service.

By Mr. CAMPBELL: Petitions of citizens of Kansas, protesting against the extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. CLARK of Florida: Papers to accompany bill for the relief of John T. French and Charles E. L. B. Davis (H. R. 17946 and H. R. 17947, respectively); to the Committee on War Claims.

By Mr. MICHAEL E. DRISCOLL: Memorial of Cora D. Graham, general secretary Young People's Branch, Woman's Christian Temperance Union of the State of New York, indorsing the Kenyon-Sheppard bill, to withdraw from interstate-commerce protection liquors imported into "dry" territory for illegal use; to the Committee on the Judiciary.

By Mr. FORNES: Memorial of German Catholic Society of New York, urging the passage of the Esch phosphorus bill; to the Committee on Ways and Means.

Also, petition of Robert P. Hooper, of New York City, in favor of Lincoln memorial road; to the Committee on Appropriations.

Also, memorial of American Automobile Association national good roads board, relative to a Lincoln memorial road; to the Committee on Appropriations.

By Mr. HAYES: Petition of citizens of California, in favor of the passage of House bill 14, to extend the parcel-post system; to the Committee on the Post Office and Post Roads.

Also, memorial of San Francisco (Cal.) Chamber of Commerce, against elimination of duties on sugar; to the Committee on Ways and Means.

Also, memorial of board of governors of the San Mateo County Development Association, for control of floods in the Sacramento and San Joaquin Valley systems; to the Committee on Rivers and Harbors.

By Mr. HUGHES of New Jersey: Petition of citizens of Demarest, N. J., for the passage of an effective interstate liquor law; to the Committee on the Judiciary.

Also, petition of the Laffray Herrwania, Paterson, N. J., urging reduction in duties on raw and refined sugars; to the Committee on Ways and Means.

By Mr. JACOWAY: Papers to accompany House bills 6483 and 13375; to the Committee on Invalid Pensions.

Also, papers to accompany House bills 10719, 13206, 13209, 13211, and 13215; to the Committee on Pensions.

Also, papers to accompany bill for the relief of the Susan B. White heirs (H. R. 13205); to the Committee on Military Affairs.

Also, papers to accompany bill for the relief of the estate of George Byerly (H. R. 10724); to the Committee on War Claims.

By Mr. KENDALL: Petition of citizens of Cricket, Iowa, against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. KINDRED: Petition of District Lodge No. 15, International Association of Machinists, New York City, for assignment of ships to Brooklyn Navy Yard for repairs; to the Committee on Naval Affairs.

Also, petition of council of the city of Portsmouth, N. H., opposing abolishment of the Portsmouth-Kittery Navy Yard; to the Committee on Naval Affairs.

By Mr. LINDBERGH: Memorial of German Catholic Society of Kimball, Minn., in favor of the passage of the Esch phosphorus bill (H. R. 2896); to the Committee on Ways and Means.

Also, petitions of citizens of Albertville, Minn., for deepening of the St. Lucie Inlet, Palm Beach, Fla.; to the Committee on Interstate and Foreign Commerce.

By Mr. MANN: Petition of Chicago Civil Service League, indorsing Senate bill 1162 and House bill 5970, relating to removal of employees of the Government in the classified civil service; to the Committee on Reform in the Civil Service.

Also, memorial of National Federation of Post Office Clerks, protesting against executive orders depriving them of rights, etc.; to the Committee on Reform in the Civil Service.

By Mr. McKINNEY: Petition of business men of Rock Island, Ill., for the elimination of the duties on raw and refined sugars; to the Committee on Ways and Means.

By Mr. MOORE of Pennsylvania: Resolutions of the Philadelphia Drug Exchange, favoring House bill 16453, making appropriation for an enlarged customhouse, and House bill 16561, authorizing appropriation for dry dock at the Philadelphia Navy Yard; to the Committee on Public Buildings and Grounds.

By Mr. MOTT: Petition of citizens of Oswego, N. Y., for the passage of a militia pay bill; to the Committee on Military Affairs.

By Mr. NYE: Memorial of Minneapolis (Minn.) Traffic Association, indorsing Senate bill 4119; to the Committee on Interstate and Foreign Commerce.

By Mr. RAINEY: Petitions of George D. Givens and 27 other merchants of Griggsville, Ill., and A. T. Koeller and other business men of New Canton, Ill., against the parcel post; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Resolutions of the San Francisco Art Association, favoring Lincoln memorial as recommended by the National Fine Arts Commission; to the Committee on the Library.

Also, petitions of citizens of California, favoring the parcel post; to the Committee on the Post Office and Post Roads.

By Mr. REILLY: Memorial of Chicago Civil Service League, urging the passage of Senate bill 1162 and House bill 5970; to the Committee on Reform in the Civil Service.

By Mr. REYBURN: Petition of New Century Guild, of Philadelphia, Pa., for repeal of tax on oleomargarine; to the Committee on Agriculture.

By Mr. SABATH: Memorial of the Union League Club, of Chicago, Ill., in favor of Lincoln memorial proposed by the McKim-Burnham commission; to the Committee on the Library.

Also, memorial of medical men throughout the country, for reestablishent of the canteen in the United States Army; to the Committee on Military Affairs.

Also, petition of the National Metal Trades Association, urging that invitations be extended for the holding of the International Congress of Social Insurance in the United States; to the Committee on Foreign Affairs.

Also, memorial of the German Catholic Society of Chicago, Ill., indorsing the Esch phosphorus bill; to the Committee on Ways and Means.

Also, memorial of Cigar Makers' Unions, Nos. 14, 15, 217, and 227, of Chicago, Ill., protesting against Senate bill 2564, repealing the law of Congress of 1898 which provides that the paper money, bonds, and checks of the United States shall be manufactured by what is known as the hand-roller process; to the Committee on Printing.

By Mr. SCULLY: Memorials of citizens of New Jersey, for the passage of an effective interstate-liquor law; to the Committee on the Judiciary.

Also, a memorial of American Institute of Architects, for Lincoln memorial as recommended by national commission; to the Committee on the Library.

Also, petition of board of education of Jersey City, N. J., urging preservation of certain flags at the United States Naval Academy; to the Committee on Naval Affairs.

Also, memorial of a German Catholic society, urging the passage of the Esch phosphorus bill (H. R. 2896); to the Committee on Ways and Means.

Also, memorial of city council of Portsmouth, N. H., against abolishment of the Portsmouth-Kittery Navy Yard; to the Committee on Naval Affairs.

By Mr. SMITH of Texas: Petitions of citizens of Texas, urging that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. STEVENS of Minnesota: Memorials of citizens of St. Paul, Minn., for an effective interstate-liquor law; to the Committee on the Judiciary.

By Mr. SULZER: Memorial of a German society, of Forest Park, Ill., urging investigation of administration of immigration office at Ellis Island; to the Committee on Immigration and Naturalization.

By Mr. TAYLOR of Colorado: Resolution of the Woman's Christian Temperance Union of Colorado City, Colo., indorsing the Kenyon-Sheppard bill, to prohibit the importation of liquors into dry territories; to the Committee on the Judiciary.

By Mr. TILSON: Memorial of Chicago Civil Service League, urging the passage of Senate bill 1162 and House bill 5970; to the Committee on Reform in the Civil Service.

By Mr. TURNBULL: Petitions of the Roberts Tobacco Co., of Chase City, Va., and 43 other residents of the fourth district of Virginia, asking for a reduction of the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of H. H. Seay, of Blackstone, Va., and of 143 other residents of the fourth district of Virginia, protesting against the enactment into law of any recommendation with reference to the parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of S. P. Spain, of Church Road, Va., and 21 other residents of the fourth district of Virginia, urging the passage of a parcel post; to the Committee on the Post Office and Post Roads.

By Mr. WHITE: Petition of citizens of Beckett, Ohio, against the reduction in the tariff on wool; to the Committee on Ways and Means.

Also, petition of citizens of Zanesville, Ohio, urging that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. YOUNG of Michigan: Petition of citizens of the twelfth district of Michigan, favoring the Berger bill providing old-age pensions; to the Committee on Pensions.

SENATE.

TUESDAY, *January 16, 1912.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

REPORT ON GENERAL ARBITRATION TREATIES, ETC.

Mr. LODGE. I ask that for the use of the Senate document room there be a reprint ordered of Senate Document No. 98. The copies have been exhausted. It is the report of the Committee on Foreign Relations, together with the views of the minority, upon the general arbitration treaties with Great Britain and France. I ask that in the reprint Parts II and III of the document be printed as a part of the same publication for the use of the Senate.

Mr. SMITH of Michigan. Does that include the amendment proposed by the Senator from New York [Mr. ROOT] and the resolution of ratification?

Mr. LODGE. It does. It includes everything.

There being no objection, the order was reduced to writing and agreed to, as follows:

Ordered, That Senate Document No. 98, Sixty-second Congress, first session, being the report of the Committee on Foreign Relations, together with the views of the minority, and the proposed resolution of ratification, upon the general arbitration treaties with Great Britain and France, signed on August 3, 1911, and the proposed committee amendments be reprinted as one pamphlet.

ARMY ENLISTMENTS, ETC. (S. DOC. NO. 259).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 11th instant, a statement showing for the 10 years ending the 30th of June, 1911, the average number of original enlistments, the reenlistments, the discharges from the service by reason of the expiration of the terms of enlistment, and the separation from service for other causes, which, with the accompanying paper, was referred to the Committee on Military Affairs and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (H. R. 11628) authorizing John T. McCrosson and associates to construct an irrigation ditch on the island of Hawaii, Territory of Hawaii, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the President pro tempore:

S. 3484. An act to authorize the construction of a bridge across the Snake River, between Walla Walla and Franklin Counties, in the State of Washington, by the Oregon-Washington Railroad & Navigation Co.;

S. 4006. An act to amend an act entitled "An act to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri, approved July 3, 1884; and

S. J. Res. 11. A joint resolution authorizing the Secretary of War to deliver two condemned cannon to the Grand Army of the Republic.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented petitions of sundry citizens of Illinois, Ohio, and New York, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Colorado, Massachusetts, Pennsylvania, New York, New Jersey, Ohio, and Missouri, remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented memorials of sundry citizens of New Canton, Mount Sterling, Ava, and Springfield, all in the State of Illinois, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

Mr. GRONNA presented a petition of the congregation of the Presbyterian Church of Jamestown, N. Dak., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Grand Forks County, Sheridan County, and Cooperstown, all in the State of North Dakota, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. NIXON presented a petition of the Nevada Bankers' Association, praying for the formation of a National Reserve Association, as proposed in the report of the National Monetary Commission, which was referred to the Committee on Finance.

Mr. KERN presented a memorial of the Travelers' Protective Association, of La Fayette, Ind., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Westchester Township, Ind., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. JOHNSON of Maine presented a petition of members of the Maine Peace Society, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. O'GORMAN presented a petition of Tyler J. Snyder Post, No. 72, Department of New York, Grand Army of the Republic, praying for the passage of the so-called dollar-a-day pension bill, which was referred to the Committee on Pensions.

He also presented a memorial of the congregation of the First Seventh-day Adventist Church of Buffalo, N. Y., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of the Architectural League of New York City, praying that an appropriation be made for the construction of a highway from Washington, D. C., to Gettysburg, Pa., as a memorial to Abraham Lincoln, which was referred to the Committee on Appropriations.

He also presented a petition of the Chamber of Commerce of Olean, N. Y., praying for the appointment of Hon. George Clinton, of New York, to the International Joint Commission on the Canadian Boundary, which was referred to the Committee on Foreign Relations.

Mr. BRISTOW presented a petition of Rufus Gilpatrick Post, No. 180, Department of Kansas, Grand Army of the Republic, of Garnett, Kans., praying for the enactment of legislation to grant an increase of pension to Anna M. McCartney, which was referred to the Committee on Pensions.

Mr. PENROSE presented petitions of the congregations of the First Evangelical Association Church, the First Evangelical Lutheran Church, and the First Methodist Episcopal Church, all of Warren, in the State of Pennsylvania, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Wilkes-Barre, Noxen, and Washington, all in the State of Pennsylvania, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented petitions of sundry local granges, Patrons of Husbandry, all in the State of Pennsylvania, praying for the repeal of the oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

Mr. OLIVER presented a memorial of members of the Allen Larkin and O'Brien Club, of Philadelphia, Pa., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of New Castle, Pa., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of Post C, Travelers' Protective Association, of Reading, Pa., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of Local Granges No. 173, of Ulster; No. 1199, of Fleetville; No. 1265, of North East; and No. 1307, of Kane, Patrons of Husbandry, and of members of the New Century Guild, of Philadelphia, all in the State of Pennsylvania, praying for the repeal of the oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Borough Council of Smethport, Pa., praying that an appropriation be made for the relief of the flood sufferers of Austin and Costello, Pa., which was referred to the Committee on Appropriations.

Mr. WORKS presented a petition of the Chamber of Commerce of San Francisco, Cal., praying that an appropriation be made for the construction of a suspension bridge between San Francisco and Oakland, in that State, which was referred to the Committee on Commerce.

Mr. NELSON presented a petition of members of the Woman's Club, of Minneapolis, Minn., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a memorial of the congregation of the Seventh-day Adventist Church, of Staples, Minn., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Red Wing, Minn., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Minneapolis Traffic Association, of Minnesota, praying for the enactment of legislation to prohibit any railroad or common carrier from having any interest in any common carrier by water with which it may compete, which was referred to the Committee on Interstate Commerce.

Mr. OVERMAN presented a memorial of sundry citizens of Raleigh, N. C., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Mount Airy, N. C., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. SIMMONS presented a memorial of the Chamber of Commerce of Wilmington, N. C., remonstrating against the passage of the so-called dollar-a-day pension bill, which was referred to the Committee on Pensions.

He also presented a memorial of the Central Labor Union of Asheville, N. C., remonstrating against the enactment of legislation proposing to abolish the hand-roller process of manufacturing paper currency, which was referred to the Committee on Printing.

Mr. CRANE presented petitions of sundry citizens of Massachusetts, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. RAYNER presented a petition of members of the Celtic Club, of Cumberland, Md., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, as reported from the Senate Committee on Foreign Relations, which was ordered to lie on the table.

Mr. SHIVELY presented petitions of the congregations of the First Baptist Church of La Fayette; the Church of God and the Reformed United Brethren Church, of Zanesville; the Christian Church of Uniontown; the members of Horeb Charge, of Uniondale; the Woman's Christian Temperance Union of Zanesville; the United Brethren Church; and of Rev. W. N. Dunn, all in the State of Indiana, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a memorial of the congregation of the Seventh-day Adventist Church of South Bend, Ind., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of James R. Slack Post, No. 137, Department of Indiana, Grand Army of the Republic, of Huntington, Ind., remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Board of Directors of the Art Association of Richmond, Ind., praying for the selection of the site in the Mall, in the District of Columbia, on which to erect the proposed memorial to Abraham Lincoln, which was referred to the Committee on the District of Columbia.

Mr. TOWNSEND presented a memorial of Edward Pomeroy Post No. 48, Department of Michigan, Grand Army of the Republic, of Jackson, Mich., remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

Mr. CURTIS presented a petition of the Society of Friends of Wichita, Kans., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Glen Elder, Kans., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Oswego, Kans., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of Local Posts No. 25, of Wichita; No. 257, of Garden City; and No. 36, of Newton, all of the Department of Kansas, Grand Army of the Republic, in the State of Kansas, praying for the passage of the so-called dollar-a-day pension bill, which were referred to the Committee on Pensions.

Mr. BURTON presented a petition of the members of the ex-Soldiers, Sailors, and Marines' Protective Association of Lucas County, Ohio, praying for the passage of the so-called dollar-a-day pension bill, which was referred to the Committee on Pensions.

Mr. BURNHAM presented a petition of members of the Woman's Club of North Conway, N. H., and a petition of the Woman's Christian Temperance Union of New Hampshire, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of the Boston Society of Architects, of Massachusetts, praying that the site in the Mall in the District of Columbia be selected for the location of the proposed memorial to Abraham Lincoln, which was referred to the Committee on Appropriations.

REPORTS OF COMMITTEES.

Mr. OVERMAN, from the Committee on Claims, to which was referred the bill (S. 2493) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri, reported it without amendment and submitted a report (No. 188) thereon.

He also, from the same committee, to which was referred the bill (S. 4041) for the relief of Elizabeth Muhleman, widow, and the heirs at law of Samuel A. Muhleman, deceased, reported it with an amendment and submitted a report (No. 189) thereon.

Mr. BRYAN, from the Committee on Claims, to which was referred the bill (S. 3469) for the relief of the American Surety Co., of New York, reported it without amendment and submitted a report (No. 190) thereon.

Mr. BRISTOW, from the Committee on Claims, to which was referred the bill (S. 1293) for the relief of Herbert Thompson, reported it without amendment and submitted a report (No. 191) thereon.

Mr. CRAWFORD, from the Committee on Claims, to which was referred the bill (S. 105) for the relief of Mrs. Julia L. Hall, submitted an adverse report (No. 192) thereon, which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to which was referred the following bills, reported them severally with amendments and submitted reports thereon:

S. 2179. An act for the relief of Albert S. Henderer (Rept. No. 193);

S. 2127. An act for the relief of the heirs of Robert S. Gill (Rept. No. 194);

S. 2311. An act for the relief of Bellevadorah Steele (Rept. No. 195); and

S. 2628. An act for the relief of Libbie Arnold (Rept. No. 196).

Mr. CRAWFORD, from the Committee on Claims, to which was referred the bill (S. 2381) for the relief of the estate of Antonia Sousa, deceased, asked to be discharged from its further consideration and that it be referred to the Committee on Pensions, which was agreed to.

He also, from the same committee, to which was referred the bill (S. 1345) for the relief of Elizabeth L. W. Bailey, administratrix of the estate of David W. Bailey, deceased, asked to be discharged from its further consideration and that it be referred to the Committee on the District of Columbia, which was agreed to.

Mr. OLIVER, from the Committee on Claims, to which was referred the following bills, reported them severally without amendment and submited reports thereon:

S. 4050. An act for the relief of Catherine Ratchford (Rept. No. 197);

S. 2611. An act for the relief of the estate of John Stewart, deceased (Rept. No. 198);

S. 1508. An act for the relief of the estate of Eliza B. Hause (Rept. No. 199); and

S. 269. An act referring the claims of the State of Rhode Island to the Court of Claims for adjudication (Rept. No. 200).

Mr. SMOOT, from the Committee on Printing, to which was referred the bill (S. 4239) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications, reported it with amendments and submitted a report (No. 201) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KERN:

A bill (S. 4552) for the relief of the estate of Benjamin B. Cox and others; to the Committee on Claims.

By Mr. SMITH of Maryland:

A bill (S. 4553) for the relief of the heirs of William Hickey, deceased; to the Committee on Claims.

By Mr. REED:

A bill (S. 4555) for the relief of the county of Greene, State of Missouri; to the Committee on Claims.

A bill (S. 4556) granting an increase of pension to Leora E. Norris (with accompanying paper); to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 4557) for the relief of Charles P. Ryan (with accompanying paper); to the Committee on Military Affairs.

A bill (S. 4558) granting an increase of pension to Anson Crocker (with accompanying paper);

A bill (S. 4559) granting a pension to Ira W. Arnold;

A bill (S. 4560) granting a pension to Kate M. Lakin (with accompanying papers);

A bill (S. 4561) granting an increase of pension to William Hartin (with accompanying papers); and

A bill (S. 4562) granting a pension to John H. Rollins (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Georgia:

A bill (S. 4563) to establish agricultural extension departments in connection with the agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto; to the Committee on Agriculture and Forestry.

By Mr. SWANSON:

A bill (S. 4564) for the relief of the estate of Maurice T. Smith and Ella P. Williams; to the Committee on Claims.

A bill (S. 4565) granting an increase of pension to Florence P. Percy; to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 4566) to provide for the purchase of ground and the erection of a Weather Bureau observatory building at Billings, Mont.; to the Committee on Public Buildings and Grounds.

A bill (S. 4567) granting an increase of pension to George H. Garnett; to the Committee on Pensions.

By Mr. RAYNER:

A bill (S. 4568) granting an increase of pension to Annie R. Schley; and

A bill (S. 4569) granting an increase of pension to Charlotte T. Evans; to the Committee on Pensions.

By Mr. SIMMONS:

A bill (S. 4570) for the relief of E. C. McNeill, administrator of John A. McKay (with accompanying papers); to the Committee on Post Offices and Post Roads.

A bill (S. 4571) granting a pension to Nathan N. Colvard; to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 4572) to designate Walhalla, Neche, and St. John, in the State of North Dakota, subports of entry and to extend the privileges of the first section of the act of Congress approved June 10, 1880, to said subports; to the Committee on Commerce.

A bill (S. 4573) for the relief of Capt. Frank B. Watson, United States Army; to the Committee on Claims.

A bill (S. 4574) granting an increase of pension to Frederick O. Lathrop; to the Committee on Pensions.

By Mr. WETMORE:

A bill (S. 4575) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

A bill (S. 4576) to provide for improving the light station, moving the fog signal, and building a keeper's dwelling at Great Salt Pond Light Station, R. I.; to the Committee on Commerce.

By Mr. WORKS:

A bill (S. 4577) providing for the inspection and regulation of coal mines; to the Committee on Mines and Mining.

By Mr. NELSON:

A bill (S. 4578) for the relief of William E. Culkin; to the Committee on Claims.

By Mr. BURTON:

A bill (S. 4579) to amend section 10 of chapter 161, volume 35, Public Statutes at Large (with accompanying paper); to the Committee on the Judiciary.

By Mr. GAMBLE:

A bill (S. 4580) to permit second homestead entries in certain cases; to the Committee on Public Lands.

A bill (S. 4581) for the relief of R. S. Kariho; to the Committee on Indian Affairs.

By Mr. BRADLEY:

A bill (S. 4582) for the relief of Joseph Ballou; to the Committee on Claims.

A bill (S. 4583) granting a pension to Florence H. Ridgway (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 4584) to promote the efficiency of the Naval Militia, and for other purposes; to the Committee on Naval Affairs.

A bill (S. 4585) to provide for the erection of a public building on a site already acquired at South Bethlehem, Pa.; to the Committee on Public Buildings and Grounds.

A bill (S. 4586) to grant an honorable discharge to Donah Grillet; and

A bill (S. 4587) to grant an honorable discharge to John Hartman (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 4588) granting an increase of pension to William H. Hazzard (with accompanying papers); and

A bill (S. 4589) granting an increase of pension to Helen T. Gibson; to the Committee on Pensions.

By Mr. CLARK of Wyoming:

A bill (S. 4590) granting an increase of pension to John W. Bruner; to the Committee on Pensions.

By Mr. CRANE:

A bill (S. 4591) for the relief of the Fore River Shipbuilding Co.; to the Committee on Claims.

A bill (S. 4592) granting an increase of pension to Mattie H. Miner; and

A bill (S. 4593) granting an increase of pension to Orlina M. Cadwell; to the Committee on Pensions.

By Mr. BOURNE:

A bill (S. 4594) granting an increase of pension to Isaac N. Smith (with accompanying papers); to the Committee on Pensions.

By Mr. PAGE:

A bill (S. 4595) granting an increase of pension to Calvin W. H. Smith (with accompanying papers); to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 4596) granting a pension to Ida L. Jeffries; and

A bill (S. 4597) granting a pension to Barbara J. Reed; to the Committee on Pensions.

RESTRAINT OF FEDERAL OFFICEHOLDERS.

Mr. REED. I introduce a bill and ask that it be printed in the RECORD and referred to the Committee on Privileges and Elections.

The bill (S. 4554) to make it unlawful for certain Federal officeholders to be members of managing or controlling committees of political parties, or to be delegates to certain political conventions, and providing for forfeiture of office and fixing penalties for the receipt or payment of fees or salaries after the act of forfeiture, etc., was read twice by its title, referred to the Committee on Privileges and Elections, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc. That it shall be unlawful for any person, while holding any appointive office or receiving a salary or fees under or by appointment of the President of the United States, or under or by appointment of any department of the United States, or any officer thereof, to be a member of the managing or controlling political committee, either municipal, State, or national, of any political party, or to be a delegate to or take part in the proceedings of any political convention at which delegates to any other political convention are selected or candidates for any public office, either of the United States or any State, county, or municipality, are nominated. A violation of the provisions of this section shall ipso facto work a forfeiture of the office or position so held, and a vacancy therein shall be at once created, and it shall be unlawful for any such person to thereafter continue to perform or attempt to perform any of the duties of such office or position, or to accept or receive any salary or fees for service in such office or position after the date of the violation of this act; and any person so continuing to perform or attempting to perform any of the duties of said office or position, or receiving and accepting any such salary, fees, or emolument, shall be deemed guilty of a misdemeanor, and on indictment and conviction thereof shall be fined not less than $500 and may be imprisoned for a period of not more than six months, or by both such fine and imprisonment. Any person who has violated any of the provisions of this act shall be ineligible to appointment by the President of the United States, or any department of the United States or officer thereof, for a period of two years after such violation.

SEC. 2. That any officer of the United States who shall willfully and knowingly certify to, or pay, or cause to be paid, or assist in procuring the payment of, any salary, fees, or emoluments to any person who shall have forfeited his office or position, as provided in section 1 of this act, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than $1,000 or by imprisonment for not more than six months, or by both such fine and imprisonment.

INDIAN SCHOOL AT FLANDREAU, S. DAK.

Mr. GAMBLE submitted an amendment proposing to appropriate $8,000 for the construction and equipment of a gymnasium building for the use of the Indian School at Flandreau, S. Dak., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

UNITED STATES TROOPS IN CHINA.

Mr. HITCHCOCK submitted the following resolution (S. Res. 189), which was read:

Resolved, That the Committee on Foreign Relations be, and it is hereby, directed to ascertain and report to the Senate, at an early date, what authority, if any, exists, whether of law, treaty, or international agreement, for the sending of armed troops of the United States to China.

Mr. HITCHCOCK. Mr. President, I ask unanimous consent for the present consideration of the resolution. It merely seeks to secure certain information which, it seems to me, the Senate should have and which is easily procurable through the Committee on Foreign Relations.

Mr. LODGE. To whom is the resolution addressed?

The PRESIDENT pro tempore. It is a Senate resolution.

Mr. LODGE. I ask that it be again read. I did not hear it.

Mr. SMOOT. Let the resolution be again stated.

The PRESIDENT pro tempore. The Secretary will again read the resolution.

The Secretary again read the resolution.

Mr. CULLOM. Mr. President, I hope unanimous consent will be given for the immediate consideration of the resolution. I have no objection to its adoption.

Mr. LODGE. I think there is no objection to it.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Nebraska for the present consideration of the resolution?

Mr. WARREN. Mr. President, I do not rise to object, but it is a well-known fact that troops have been sent to China in pursuance of our treaty with that country. I have no objection to the resolution.

The resolution was considered, by unanimous consent, and agreed to.

PAYMENT OF MONEY IN POLITICAL CAMPAIGNS.

Mr. CULBERSON. Mr. President, yesterday I gave notice that I would to-day call up, for action by the Senate, an order with reference to Senate resolution 79, introduced by me at the last session of Congress. The chairman of the committee affected, the Senator from New Jersey [Mr. BRIGGS], called me over the telephone this morning and said that a meeting of the committee had been called to consider the resolution and others to-morrow. Under the circumstances I do not desire to insist upon action now, but will ask that the order lie on the table subject to call.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

GENERAL ARBITRATION TREATIES.

Mr. LODGE. I move that the Senate proceed to the consideration of the arbitration treaties with Great Britain and France as in open executive session.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded in open executive session to the consideration of the treaties.

Mr. RAYNER. Mr. President, I ask leave to have the treaty between the United States and Great Britain, which is in identical terms with the treaty between the United States and France, incorporated in my remarks in the RECORD without reading.

The PRESIDENT pro tempore. In the absence of objection, it is so ordered.

The treaty referred to is as follows:

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, being equally desirous of perpetuating the peace, which has happily existed between the two nations, as established in 1814 by the Treaty of Ghent, and has never since been interrupted by an appeal to arms, and which has been confirmed and strengthened in recent years by a number of treaties whereby pending controversies have been adjusted by agreement or settled by arbitration or otherwise provided for; so that now for the first time there are no important questions of difference outstanding between them, and being resolved that no future differences shall be a cause of hostilities between them or interrupt their good relations and friendship;

The high contracting parties have therefore determined, in furtherance of these ends, to conclude a treaty extending the scope and obligations of the policy of arbitration adopted in their present arbitration treaty of April 4, 1908, so as to exclude certain exceptions contained in that treaty and to provide means for the peaceful solution of all questions of difference which it shall be found impossible in future to settle by diplomacy, and for that purpose they have appointed as their respective plenipotentiaries:

The President of the United States of America, the Hon. Philander C. Knox, Secretary of State of the United States; and

His Britannic Majesty, the Right Hon. James Bryce, O. M., his ambassador extraordinary and plenipotentiary at Washington;

Who, having communication to one another their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

All differences hereafter arising between the high contracting parties, which it has not been possible to adjust by diplomacy, relating to international matters in which the high contracting parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration, established at The Hague by the convention of October 18, 1907, or to some other arbitral tribunal as may be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define the scope of the powers of the arbitrators, the question or questions at issue, and settle the terms of reference and the procedure thereunder.

The provisions of articles 37 to 90, inclusive, of the Convention for the Pacific Settlement of International Disputes concluded at the second peace conference at The Hague on the 18th of October, 1907, so far as applicable, and unless they are inconsistent with or modified by the provisions of the special agreement to be concluded in each case, and excepting articles 53 and 54 of such convention, shall govern the arbitration proceedings to be taken under this treaty.

The special agreement in each case shall be made on the part of the United States by the President of the United States, by and with the advice and consent of the Senate thereof, His Majesty's Government reserving the right before concluding a special agreement in any matter affecting the interests of a self-governing dominion of the British Empire to obtain the concurrence therein of the government of that dominion.

Such agreements shall be binding when confirmed by the two Governments by an exchange of notes.

ARTICLE II.

The high contracting parties further agree to institute as occasion arises, and as hereinafter provided, a joint high commission of inquiry to which, upon the request of either party, shall be referred for impartial and conscientious investigation any controversy between the parties within the scope of Article I, before such controversy has been submitted to arbitration, and also any other controversy hereafter arising between them even if they are not agreed that it falls within the scope of Article I; provided, however, that such reference may be postponed until the expiration of one year after the date of the formal request therefor, in order to afford an opportunity for diplomatic discussion and adjustment of the questions in controversy, if either party desires such postponement.

Whenever a question or matter of difference is referred to the joint high commission of inquiry, as herein provided, each of the high contracting parties shall designate three of its nationals to act as members of the commission of inquiry for the purposes of such reference; or the commission may be otherwise constituted in any particular case by the terms of reference, the membership of the commission, and the terms of reference to be determined in each case by an exchange of notes.

The provisions of articles 9 to 36, inclusive, of the Convention for the Pacific Settlement of International Disputes concluded at The Hague on the 18th of October, 1907, so far as applicable and unless they are inconsistent with the provisions of this treaty, or are modified by the terms of reference agreed upon in any particular case, shall govern the organization and procedure of the commission.

ARTICLE III.

The joint high commission of inquiry, instituted in each case as provided for in Article II, is authorized to examine into and report upon the particular questions or matters referred to it for the purpose of facilitating the solution of disputes by elucidating the facts and to define the issues presented by such questions, and also to include in its report such recommendations and conclusions as may be appropriate.

The reports of the commission shall not be regarded as decisions of the questions or matters so submitted, either on the facts or on the law, and shall in no way have the character of an arbitral award.

It is further agreed, however, that in cases in which the parties disagree as to whether or not a difference is subject to arbitration under Article I of this treaty that question shall be submitted to the joint high commission of inquiry; and if all or all but one of the members of the commission agree and report that such difference is within the scope of Article I it shall be referred to arbitration in accordance with the provisions of this treaty.

ARTICLE IV.

The commission shall have power to administer oaths to witnesses and take evidence on oath whenever deemed necessary in any proceeding or inquiry or matter within its jurisdiction under this treaty; and the high contracting parties agree to adopt such legislation as may be appropriate and necessary to give the commission the powers above mentioned and to provide for the issue of subpœnas and for compelling the attendance of witnesses in the proceedings before the commission.

On the inquiry both sides must be heard, and each party is entitled to appoint an agent, whose duty it shall be to represent his Government before the commission and to present to the commission, either personally or through counsel retained for that purpose, such evidence and arguments as he may deem necessary and appropriate for the information of the commission.

ARTICLE V.

The commission shall meet whenever called upon to make an examination and report under the terms of this treaty, and the commission may fix such times and places for its meetings as may be necessary, subject at all times to special call or direction of the two Governments. Each commissioner, upon the first joint meeting of the commission after his appointment, shall, before proceeding with the work of the commission, make and subscribe a solemn declaration in writing that he will faithfully and impartially perform the duties imposed upon him under this treaty, and such declaration shall be entered on the records of the proceedings of the commission.

The United States and British sections of the commission may each appoint a secretary, and these shall act as joint secretaries of the commission at its joint sessions, and the commission may employ experts and clerical assistants from time to time as it may deem advisable. The salaries and personal expenses of the commission and of the agents and counsel and of the secretaries shall be paid by their respective Governments, and all reasonable and necessary joint expenses of the commission incurred by it shall be paid in equal moieties by the high contracting parties.

ARTICLE VI.

This treaty shall supersede the arbitration treaty concluded between the high contracting parties on April 4, 1908, but all agreements, awards, and proceedings under that treaty shall continue in force and effect and this treaty shall not affect in any way the provisions of the treaty of January 11, 1909, relating to questions arising between the United States and the Dominion of Canada.

ARTICLE VII.

The present treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty. The ratifications shall be exchanged at Washington as soon as possible and the treaty shall take effect on the date of the exchange of its ratifications. It shall thereafter remain in force continuously unless and until terminated by 24 months' written notice given by either high contracting party to the other.

In faith whereof the respective plenipotentiaries have signed this treaty in duplicate and have hereunto affixed their seals.

Done at Washington the 3d day of August, A. D. 1911.

[SEAL.] PHILANDER C. KNOX.
[SEAL.] JAMES BRYCE.

I certify that the foregoing is a true copy of the original treaty this day signed.

PHILANDER C. KNOX,
Secretary of State.

AUGUST 3, 1911.

Mr. RAYNER. Mr. President, I occupy a rather unique position in relation to the subject that is before us. I am in favor of the treaties as they stand, and regret to say that I differ with a large number of my party colleagues in the position I have taken. I shall interpose no objection, however, to the supplementary provision that it is proposed to embody in the formal ratifications by the senior Senator from New York, but, possessed as I am with the firmly rooted idea that there are no constitutional or other legal objections to the adoption of the treaties, I feel it my professional and solemn duty to give my views upon the subject to the Senate for whatever they may be worth. When I say my professional duty, I mean it is my duty to the profession of which I am a member to announce my opinion in opposition to some of the arguments that have been advanced against the treaties; and when I say my solemn duty, I mean that, in my judgment, this is one of the most important subjects that has ever been brought to the attention of the Senate of the United States, and it should invoke our grave and serious consideration.

I understand from the public press, which always in some mysterious way and by some incomprehensible and miraculous process obtains a most precise and accurate account of what transpires in the secret chamber and executive sessions of the Committee on Foreign Relations and of the Senate, that the Department of State has agreed to accept the proposition embodied in the resolution of the Senator from Massachusetts. If this information is correct, I think a great mistake has been made, and one which I fear may be fatal to the purpose contemplated by the treaties and to the international policy that they are supposed to effectuate. I may not convince anyone in the argument that I am about to advance, but if I can succeed in shedding a little light upon the intricacies of the complicated problem before us I shall be perfectly satisfied with the accomplishment.

I know I am in the minority, but I have been in the minority before. Those of us who believe in the treaties may derive

consolation from the fact that almost every protest against existing things, every crusade against oppression and superstition, every revolt against the practices and usages of barbarous ages, has been started in the camp of the minority and blazed its way upon its lonely pilgrimage in spite of the public opinion of mankind.

I have stated in the minority views that I have submitted to the Senate that I shall not discuss the general merits of the controversy. It is my purpose now to present the legal and constitutional aspect of the matter, and without any further preface I shall therefore proceed to the discussion of the subject from this standpoint.

The first question that addresses itself to the Senate is whether the decision of the joint high commission is conclusive or whether we have the right to reject, modify, or amend it. Upon this branch of the inquiry I agree with the majority of the committee. I must interpret the treaty as it stands, unaided by any verbal explanations, as to what it was intended to mean. If it was intended that the decision of the joint high commission should not be a finality, there would not have been the slightest difficulty in so expressing it and inserting in the treaty a clear and unambiguous provision that after the decision of the joint high commission it could then be reopened in the Senate for its acceptance or rejection. This is the vital proposition in the treaty, and its construction in this regard ought not to be surrounded by the slightest uncertainty. This point, therefore, ought to have been made so plain in the treaty that there could be no difference of opinion upon it. I am compelled to treat the decision of the commission as a finality under the wording of article 3 just as the majority of the committee construes it; and so treating it and standing upon this basis and being in favor of accepting the decision of the commission as binding upon the Senate, I shall contest as best I can the legal propositions advanced by the majority of the committee against the adoption of the treaties. The majority report rests substantially upon two propositions.

First. That in giving the commission power to decide what is justiciable, according to the principles of law and equity, we necessarily confer upon it the power to leave to arbitration great governmental and constitutional questions which this Government would be unwilling to arbitrate with any nation in the world.

Second. That the Senate in giving this power to the commission is delegating to the commission a constitutional function which it has no right to divest itself of.

Now, let me take up the first proposition.

Under the first proposition let us look at what differences between the United States and Great Britain shall be submitted to arbitration. These are the conditions, and it is extremely important that they should be understood.

First. It must be an international matter about which the parties are concerned.

Second. There must be a *claim of right* made by one party against the other.

Third. The difference *must be justiciable.*

Fourth. It must be susceptible of decision *by the application of the principles of law or equity.*

The majority of the committee say:

> In England and the United States, and wherever the principles of the common law obtain the words "law or equity" have an exact and technical significance, but that legal system exists nowhere else and does not exist in France, with which country one of these treaties is made. We are obliged, therefore, to construe the word "equity" in its broad and universal acceptance as that which is "equally right or just to all concerned; as the application of the dictates of good conscience to the settlement of controversies." It will be seen, therefore, that there is little or no limit to the questions which might be brought within this article, provided the two contracting parties consider them justiciable.

I regret I can not acquiesce in this view, and this part of the subject deserves a little deeper investigation than is devoted to it by the majority of the committee in the few sentences I have quoted. It is perfectly true that in England and the United States the words "law and equity" have an exact and technical significance, and that the legal system known as "law and equity" does not exist in France or in any of the continental countries of Europe, but it does not follow by any means that under the term "equity" there is no limit to the questions which might be brought within the treaty. The principles of equity were well recognized in the early systems of Roman jurisprudence. The prætorian edicts were partly in the nature of equitable decrees and the prætor occupied a position similar to that of the lord high chancellor of England.

During the reign of Hadrian these orders and decrees of the Praetor were abolished, but from that time to the codification of the institutes of Justinian equitable principles had a well-known place in Roman jurisprudence under the various laws that were from time to time in vogue. In the institutes of Justinian the division between strictly legal and equitable principles is clearly defined, and from these institutes are derived equitable doctrines and principles that make their appearance in the different systems of jurisprudence that exist in the continental countries of Europe, although there is no separate system of equity as distinguished from that of law. The treaty employs legal phrases and they must be given a legal definition. If there should be a controversy between Great Britain and the United States, there is no difficulty about defining what "law and equity" means. If a controversy should occur between France and the United States, France having no separate system known as "equity," the treaty reading "law or equity," it would in my judgment be construed to mean any difference that is justiciable by the principles of law that prevail in France, the principles of law necessarily embracing the principles of equity in France, although in practice there are no separate systems of law and equity. I can not therefore give the word "equity" the definition that the majority of the committee accords it, which practically means every difference that might arise unlimited and unconfined between the respective countries. The words "claim of right" in the treaty settle this construction that I contend for, because this is the usual phrase applicable to proceedings in equity. "Wherever there is a right there is a remedy," is a familiar maxim to the profession, and it means whenever the common law did not give the remedy equity would provide it. The framers of this treaty had no idea of using the word "equity" in the sense that the majority of the committee use it. The treaty with France is in identical terms with the treaty with Great Britain, and, according to the rule that invariably governs the interpretation of treaties, exemplified in the Russian treaty which followed the treaty with Prussia as a standard, the treaty with Great Britain having been first prepared, the words "law or equity" would mean in France just exactly what they mean in England; that is, they would embrace the whole civil jurisprudence of France.

Mr. President, I am willing, however, to give it any definition that the committee desires, and I say, under the broadest latitude that may be afforded to the phrase "equity," it can not possibly cover the cases that seem to fill the mind of the majority with fear and forebodings as to the future. Let us look at this. Take the question of immigration. Is this a claim of right? Is this question susceptible of decision by the application of the principles of "law or equity," giving equity the broadest signification? Who could seriously contend for such a proposition? What are the decisions upon the subject? I am not now composing a flippant article in the Outlook; I am not laying down a set of rules that govern the altercations of the prize ring; I am trying to arrive at a proper interpretation of this treaty, and I assert that the whole subject of immigration is just as much an inherent power in any government as is the power of eminent domain and can not possibly become a justiciable question. Let me give you the language of the Supreme Court upon the subject:

> The power of the Government of the United States to exclude foreigners from the country, whenever in its judgment the public interests require such exclusion, has been asserted in repeated instances and can neither be granted away nor restrained even by treaty. Whether a proper consideration of previous laws or a proper respect for the nation whose subjects are affected ought to have qualified the inhibition are not questions for judicial determination. If there be any just ground of complaint on the part of the foreign Government, it must be made to the political department, which is alone competent to act upon it.
>
> The power to regulate immigration is an incident of the sovereign right to expel or exclude objectionable aliens. The exercise of the power in a particular country is governed by the constitution and laws. In the United States it belongs to the National Government as part of its power to regulate commerce.
>
> It is an accepted maxim of international law that every sovereign nation has the power, as inherent to sovereignty and essential to self-preservation, to forbid the entrance of foreigners within its dominions or to admit them only in such cases and upon such conditions as it may see fit to prescribe. (Vattel, lib. 2, secs. 94, 100; 1 Phillimore, 3d ed., ch. 10, sec. 220.) In the United States this power is vested in the National Government, to which the Constitution has committed the entire control of international relations in peace as well as in war. It belongs to the political department of the Government, and may be exercised either through treaties made by the President and Senate or through statutes enacted by Congress. (The Chinese exclusion case, 130 U. S., 581, 606–611; Nishimura Ekiu *v.* United States, 142 U. S., 651, 659; Knox *v.* Lee, 12 Wall., 457; Fong Yue Ting *v.* United States, 149 U. S., 698.)

Now, let me ask how is such a subject that belongs to us and to Great Britain and to France, and belongs to each of them alone, to constitute *a claim of right* against each other, justiciable according to the principles of law or equity, giving equity the greatest latitude of construction?

We now come to the next objection. It is said the treaty might involve us in a liability for State debts. The very language of the treaties is that it must be *a claim of right* that one of the contracting parties has against the other. Let us take the case of indebtedness by foreign creditors, represented by their government, against one of the States. Is this *a claim*

of right against the United States? Is the United States obligated to pay the debts of the States? Where is there anything in the Constitution of the United States that permits us to assume the obligations of the States? Where is there any principle of international law or of treaty stipulation that gives a foreign government *the right* to look to the United States for the payment of a State indebtedness? Senators, how can such a question be left to arbitration when there is no possible question to arbitrate and no *claim of right* resting upon any foundation whatever against the United States?

We come now to another objection. The Monroe doctrine is to be left to arbitration. Just think of it! If any country should repeat to-day what France did about half a century ago, when Napoleon III appointed an Austrian archduke to a Mexican throne, and attempt to plant a monarchy upon the ruins of republican government upon this continent, is that a question to be arbitrated according to the principles of law and equity, according to the majority report? The Monroe doctrine, that has stood now for nearly a hundred years, until to-day it is as firmly established as the Declaration of Independence and recognized and conceded by the civilized world! How can it possibly involve a claim of right to be adjudicated by principles of equity, even if equity means what the committee says it does. Just think of the Government of Great Britain, for the breach of the Clayton-Bulwer treaty, which I think was dead and buried 30 years before the Hay-Pauncefote treaty was ratified, or under any treaty or for any cause whatever, dispatching its vessels of war to the Central American coast and sending a scion of its royal house to erect a throne in the Republic of Panama; and still this is what the Monroe doctrine means and what the learned Senator from Massachusetts, who is great upon every field of statesmanship, believes in his report could be held to be arbitrable according to the principles of law and equity. Mr. President, I shall not in the discussion of a great question like this be frightened by specters and phantoms that fade into a dream the very moment that the light of analysis is thrown upon the scene.

It is suggested, however, if the commission should undertake to decide a question of this sort to be arbitrable, what will the Senate do? Assuming the decision to be final, and I am assuming it to be final, what will become of us if the commission sends it to arbitration? Admitting that it is not within the terms of the submission and conceding that if the commission undertakes to decide it that it is proceeding beyond its jurisdiction, still how will you impeach the action of the commission if it proceeds beyond the boundaries of its power?

In order properly to determine this, it is absolutely necessary to see exactly what the method of procedure is under the treaty.

In the first place, if the President concludes that the difference is justiciable, then under Article I, by and with the advice and consent of the Senate, the special agreement can be made submitting it to the permanent court of arbitration at The Hague or to some other arbitral tribunal. It will be observed that if either the President or the Senate conclude that it is not justiciable, then it is not submitted to the court of arbitration, but it is referred to the joint high commission. I ask now, in all candor, does anyone here believe that either the President or the Senate will submit the Monroe doctrine, or the immigration question, or the indebtedness of States, or any constitutional matter, or any question affecting the integrity of our institutions to *an arbitral tribunal*? I have not the slightest conception that any President of the United States, at any time, whoever he may be or to whatever party he may belong, will ever venture upon such a hazardous and ruinous undertaking, and if he should attempt it I have not the slightest apprehension that any Senate of the United States that will ever be assembled would give its advice and consent to such a proceeding.

This brings me to the second proposition, and that is, that if, in the language of the treaty, the parties disagree as to whether or not a difference is subject to arbitration, what becomes of the controversy? It is then submitted to the joint high commission. Does anyone here really believe for a moment that any of the commissioners appointed on behalf of the United States would hold that these great subjects that I have alluded to or any subject of a kindred nature is *justiciable* and susceptible of decision according to *the principles of law or equity*?

This brings me to the third proposition, and here is where the difficulty occurs. If two of the members of the commission appointed by the United States should so far humiliate themselves before their country and should so far forget the functions of the places to which they have been assigned and, utterly unmindful of their jurisdiction, should agree to refer to arbitration a question that *is not justiciable, which is not a claim of right* and which is *not susceptible of decision* by the *application of the principles of law and equity*, what is then the situation? I have taken the stand—and I can not divest myself of the process of reasoning that has led me to take it—that in such a case, an utterly *imaginary* and *impossible one*, the Government of the United States and its legislative department and the treaty-making power would ignore the decision and reject and repudiate it. It is said in answer to this that the Senate has no right to repudiate it even in these particular cases which have given rise to such a degree of anxiety upon this floor. In reply to this, I say that such a contingency will never take place; that it can not take place; that no commission would ever undertake to assume jurisdiction of questions like these; and that no American commissioner that would ever be appointed by any President would ever dare to participate in such a decision. If such a decision, however, should be rendered—which is a purely hypothetical case, in my judgment, beyond the realms of reason—then the President and the Congress of the United States would peremptorily decline to be bound by the judgment. Let me illustrate this. Suppose that the commission would send to arbitration the question whether the United States had the right to enact immigration laws, and thus attempt to sap and undermine the foundations of sovereignty, and our American commissioners, acting under some hallucination, should acquiesce in the decision, what would the result be? The President and the Senate and the House of Representatives would immediately say to the commission, "You have gone so far beyond the limits of your jurisdiction that we shall never acquiesce in your decision," and if any court of arbitration should ever undertake to decide a question of that sort, which is also an utter impossibility—not an improbability, but an impossibility—then we would decline to recognize its award, and Congress, not the Senate alone, but Congress, under its constitutional power, would to the last degree resist the enforcement of it. I have dwelt upon these points because I want to demonstrate to the Senate, if I can, that, from any standpoint of law or equity or reason or common sense, there is not the remotest probability in the world that the obstacles that are created in the report of the majority will ever be brought to the point of practical execution.

We come now to the last objection that has been urged against the treaties—that is, that the Senate in giving the commission the power that it is invested with is delegating its constitutional functions. If this were true, of course there would be an end of our right to make the treaty. The Senate can not delegate its constitutional functions to anyone. Is it doing this? Why, Mr. President, the proposition answers itself, "*res ipsa loquitur*." Could the Senate consent to a treaty of arbitration to-day and provide *in the treaty* that before an award is rendered *the arbitrators should have the right* to determine whether the subject is a justiciable one. Is there any doubt about that proposition? Does anyone believe that this would constitute a delegation of the treaty-making power? Does it not follow with irresistible logic, as a proposition of law, that if we have the right to give the arbitrators themselves the power to determine whether a controversy is justiciable that we have the right to give it to an independent tribunal? I ask every member of our profession upon this floor to state what is the difference in law so far as the delegation of power is concerned, whether we confer it upon the arbitrators themselves or upon a distinct tribunal to determine? If we gave this commission the right to make a treaty for us, then we would be delegating the treaty-making power and our proceeding would be unconstitutional, but *we are making the treaty now*, and we are incorporating in the treaty that we are making a provision against which there is no constitutional objection. We are not only doing this, but we are giving this commission the standard and the rule to guide them, which is, "Can the question be decided according to the principles of law and equity?" It is the same power precisely that we conferred upon the Interstate Commerce Commission, and the Supreme Court has just passed upon its constitutionality. We enacted a law that railroad rates must be reasonable and nondiscriminatory, and under that rule empowered the Interstate Commerce Commission to fix the rates. If we had given to the Interstate Commerce Commission the general power to fix rates without giving it the rule, then we would have been delegating our legislative power. We are doing in this case precisely what we did in that. We are laying down a rule by which the commission must be governed, and that is, that the question must be justiciable according to the principles of law and equity. This is the language of the Supreme Court in the case of Buttfield *v.* Stranahan (192 U. S., 470), in which it was claimed that the Secre-

tary of the Treasury was vested with legislative power when the duty was imposed upon him to determine upon the grade and quality of certain importations.

The case is within the principle of Field v. Clark (143 U. S., 649), where it was decided that the third section of the tariff of October 1, 1890, was not repugnant to the Constitution as conferring legislative and treaty-making power on the President, because it authorized him to suspend the provisions of the act relating to the free introduction of sugar, molasses, coffee, tea, and hides. We may say of the legislation in this case, as was said of the legislation considered in Field v. Clark, that it does not, in any real sense, invest administrative officials with power of legislation. Congress legislated on the subject as far as was reasonably practicable, and from the necessities of the case was compelled to leave to executive officials the duty of bringing about the result pointed out by the statute. To deny the power of Congress to delegate such a duty would, in effect, amount but to declaring that the plenary power vested in Congress to regulate foreign commerce could not be efficaciously exerted.

Before this decision was rendered the Supreme Court, in the case of Field v. Clark (143 U. S., 649), in passing upon an act of Congress which conferred upon the President the power to suspend by proclamation the free introduction of certain imports when he was satisfied that any country producing such articles imposed duties or other exactions upon the products of the United States, uses this language:

That Congress can not delegate legislative power to the President is universally recognized as vital to the integrity and maintenance of the system of government ordained by the Constitution. The act of October 1, 1890, in the particular under consideration, is not inconsistent with that principle. It does not, in any real sense, invest the President with the power of legislation. * * * The true distinction, as Judge Ranney, speaking for the Supreme Court of Ohio, has well said, is between the delegation of power to make a law, which necessarily involves a discretion as to what it shall be, and conferring authority or discretion as to its execution, to be exercised under and in pursuance of the law. The first can not be done; to the latter no valid objection can be made.

This is the most concise statement I have ever read upon the subject.

Mr. President, before concluding I want to ask the Senate this question: If there is any genuine fear here that this commission may exceed the limits of its jurisdiction and involve us in questions that may be dangerous to the interests of the Republic, why not insert in the formal ratifications a clause such as has been suggested by Senator ROOT or by Senator BACON, which, when included in the ratifications, will advise other countries of our interpretation and will practically become a part of the treaty? We can in general terms retain the right of the Senate, not to review in every case the judgment of the high commission, but its right and the right of this Government to reject any judgment of the high commission that would assume to pass upon questions that affect the historic or traditional attitude of the United States, or the provisions of its Constitution, or its political integrity or any other purely governmental policy. When we do this it becomes a part of the treaty, as the Supreme Court has said in the case of Doe v. Braden (16 How., 635), when it uses this language:

Where one of the parties to a treaty at the time of its ratification annexes a written declaration explaining ambiguous language in the instrument or adding a new and distinct stipulation, and the treaty is afterwards ratified by the other party with the declaration attached to it, and the ratifications duly exchanged, such distinct stipulation or explanation being duly approved by the constitutional authorities of each ratifying power, the declaration thus annexed is a part of the treaty as if it were inserted in the body of the instrument.

Mr. President, I am now concluding, and as the result of my examination of this question I will take the liberty of giving the Senate the conclusions that I have reached.

In the first place, I believe that the decision of the joint high commission is binding, and so believing, as I have said in my minority views, if the Senate deems it proper to attach to the ratifications an emphatic statement of the propositions that we will exclude from the terms of the treaty I have no objection to such a supplementary explanation. While I believe it is wholly unnecessary, for the reasons I have given, I would not like any captious objection to a provision of this sort to stand in the way of the accomplishment of this great project that we are engaged in.

Second. As a matter of law I do not and can not believe that if we adopt these treaties we are in any manner delegating our constitutional treaty-making power or that we are in any way abdicating any of the rights or privileges of the Senate as defined by the Constitution.

Third. I believe that if an agreement is now made between the President and the Department of State on the one hand and the Senate on the other, by which the Senate shall be given the unlimited right to review and set aside the decision of the joint high commission, and the Senate, in pursuance of that understanding, places a clause of this sort in the formal ratifications, it would be better to rewrite the treaty, eliminating the last clause of article 3, and take away from the joint high commission the power to decide the proposition whether a controversy is justiciable or not. It seems to me a mockery and a farce to give the joint high commission the powers that we have given it in article 3 in the treaty and then outside of the treaty and contrary to its intent to practically deprive it of the power that we have reposed in it. If the Senate is to be the final judge and the final interpreter, then there is no necessity of any intermediary process to assist it in the performance of its duty.

This process is exactly equivalent to giving a court jurisdiction of a case, and then after it has rendered its decision giving either to the plaintiff or the defendant the right to reverse it. The United States is a party to the case; it is only one party, and to say that after the commission decides it to be justiciable that one of the parties shall have the right arbitrarily for any reason it may advance to set the decision aside is an anomaly in law that never, to my knowledge, has appeared upon the pages of any civilized code of jurisprudence. If this comedy is to be enacted, then strike from the treaty the power you have vested in the commission to send the controversy to arbitration.

Senators, I am about to conclude. I am for peace and not for war. I believe in the prerogatives of the Senate, and, so far as its constitutional power is concerned, no one in this assemblage has stood more steadfast and unwavering than I have. In every public utterance that I have ever made I have abided close to the limitations of the Constitution, and I would not take a step here that I thought invaded in the remotest degree the prerogatives of this body as announced in our organic charter. I want to answer another suggestion. If I thought that this treaty meant an alliance with any foreign country, I would rather see it torn into shreds than accept it. I am opposed to any alliance with Great Britain or any other country, or any measure that will lead to an alliance for any purpose whatsoever. My own opinion is that this treaty will become, if adopted in any practical shape, the pioneer of universal peace, and, however reluctant the German Government may now be to enter into the compact, the day will come, I predict, when the situation will be changed and her great people in this great country, as great a race as there is among the nations of the earth, will become a party to the proceeding, and when the United States and Great Britain and Germany and France sign and seal the covenant, the era of universal peace will dawn upon the world.

I recall that in the Alabama arbitration Lord Russell claimed that countries could never arbitrate a question of national honor, but Gladstone arrived at a different conclusion in reference to these claims, and the parties submitted to arbitration, and the award was rendered. The words "national honor" have no meaning in any vocabulary of international law. Each nation is the judge of its own honor, and no such question can be left to arbitration. I care not about its insertion in the present convention with Great Britain of 1908. The convention would answer its purpose just as well without it as with it. It is my duty to state, and I do so frankly, that I am not at all infatuated with the wording of the treaty that is before us. With profound respect and admiration for our great Secretary of State, who occupies a foremost place upon the field of law and of diplomacy, I am not fascinated with the phraseology of this instrument. Here it is, however, before us, and the question is, What will we do with it? Seeing no legal or constitutional difficulties that surround it I shall accept it as it is. Its transcendent purpose is the peace of the world. No technical impediment shall obstruct me in the pathway of its realization. It is bound to come. Nothing can prevent its final consummation. We may delay it, we may retard it, we may obstruct it, but we can not crush or stifle it. When it does come by universal concession it will be the greatest achievement in all the records of civilization. All hail the hour! It has been the dream of my earlier days and it is the fervent hope and expectation of my maturer years. Then human sacrifice will end. Then man's inhumanity to man will cease. Then the earth will no longer rock beneath the tread of battling legions and naval armaments will no longer patrol the waters of the world in search for the possessions of unconquered races, and then under the guidance of the God of the universe, who will direct its flight, the dove of peace will build its nest within the cannon's mouth.

Mr. McCUMBER. Mr. President, I desire to give notice at this time that on Thursday, immediately after the morning business, I shall, with the permission of the Senate, submit some remarks upon the construction of these treaties and reasons for their ratification.

Mr. LODGE. Mr. President, unless some other Senator desires to discuss the treaties at this time, I will move that the Senate return to legislative session.

The PRESIDING OFFICER (Mr. SHIVELY in the chair). It will be so ordered, without objection.

HOUSE BILL REFERRED.

H. R. 11628. An act authorizing John T. McCrosson and associates to construct an irrigation ditch on the island of Hawaii, Territory of Hawaii, was read twice by its title and referred to the Committee on Pacific Islands and Porto Rico.

WRITS OF ERROR IN FEDERAL COURTS.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 2509) to amend section 1004 of the Revised Statutes of the United States, which was, on page 2, to strike out all of lines 3 and 4.

Mr. CLARKE of Arkansas. I move that the Senate concur in the amendment. It is merely a formal amendment, striking out the date when the act shall take effect.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

FEDERAL BUILDING AT KANSAS CITY, MO.

Mr. REED. I ask unanimous consent for the present consideration of Senate bill 4095, which is a bill to appropriate money to build an addition to the customhouse and post office at Kansas City, Mo. The bill has been unanimously favorably reported by the Committee on Public Buildings and Grounds, and is on the calendar. I should like to have it considered to-day, if possible.

The PRESIDENT pro tempore. The Senator from Missouri asks unanimous consent for the present consideration of a bill the title of which will be stated.

The SECRETARY. A bill (S. 4095) to authorize the enlargement of the Federal building at Kansas City, Mo.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that the Federal building at Kansas City, Mo., be enlarged, extended, remodeled, and repaired, for the better accommodation of the post office and other governmental offices in that city, at a cost not exceeding $500,000, including all changes in, extension of, additions to, and repairs of the heating, ventilating, hoisting, and plumbing systems, and mechanical equipment of the building which may become necessary or expedient by reason of or incident to such enlargement, extension, remodeling, and repairs of the building; and that the annual appropriations for general maintenance of public buildings under the control of the Treasury Department shall be construed to be available for all other repairs to and equipment of the building, grounds, and approaches, and its heating, ventilating, hoisting, and plumbing systems.

Mr. SMOOT. Mr. President, I should like to ask the Senator from Missouri whether the report from the committee on the pending bill is unanimous?

Mr. REED. It is. I will say also that the Government is now renting outside quarters there, and is paying out over $10,000 a year for rent for additional rooms outside of the present building. The bill is recommended by the department and has the unanimous report of the committee.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. LODGE. I move that the Senate adjourn.

The motion was agreed to, and (at 3 o'clock and 28 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 17, 1912, at 2 o'clock p. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 16, 1912.

UNITED STATES ATTORNEY.

Lock McDaniel to be United States attorney, southern district of Texas.

POSTMASTERS.

COLORADO.

Robert W. Campbell, Brighton.
R. V. Cuttler, La Veta.
Joseph H. Harrison, Denver.
John F. Morgan, Colorado City.

INDIANA.

William F. Bunnell, Monticello.
Elmer E. Fornshell, Elwood.
Henry T. Hardie, Anderson.
Albert G. Lundquist, Indiana Harbor.
William D. Lutes, Royal Center.
Elery B. McDonald, Lagrange.
James Pickering, Oxford.
Willard Z. Smith, Churubusco.
Robert L. Williamson, Muncie.

MICHIGAN.

William R. Bolitho, Norway.
Edward F. Evarts, Chesaning.
William McGillivray, Oscoda.
Leonard E. Morse, Lyons.
Joseph Morris, Ubly.
C. Horatio Scott, Sault Ste. Marie.

NEBRASKA.

Albert H. Gould, Alma.

NEW JERSEY.

Frank J. Bock, Newark.

OREGON.

Oscar W. Haynes, Yamhill.

SOUTH DAKOTA.

Carrie M. Hackett, Parker.
Donald A. Sinclair, Winner.

WISCONSIN.

Horace J. Blanchard, Colby.
Myra W. Blanding, St. Croix Falls.
Wilbur H. Bridgman, Stanley.
John R. Davies, Cambria.
Daniel E. Frost, Stevens Point.
John F. Gillmore, Durand.
Charles D. Kennedy, Monticello.
Henry Kreutzer, Athens.
John A. Kropp, Hilbert.
Fred G. McIntyre, Eagle River.
Duncan McLennan, Rib Lake.
Peter E. Nelson, Cashton.
Joseph A. Oenning, Fountain City.
Frank H. Smith, Pardeeville.
Albert C. Wagner, Edgar.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 16, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we bless Thee for that silent yet potent witness locked within our breast which sanctions and encourages every good thought and noble deed and enters its solemn protest against all evil. Increase its strength and make us more susceptible to its holy influence that we may meet with calmness and serenity the complicated problems of civilization and solve them in accordance with Thy will.

For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ANSBERRY, indefinitely, on account of illness.

To Mr. LINTHICUM, for this day, on account of illness.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. TILSON to withdraw from the files of the House, without leaving copies, the papers in the case of Rose B. Armour (H. R. 31419, 61st Cong.), no adverse report having been made thereon.

GOVERNMENT HOSPITAL FOR THE INSANE (S. DOC. NO. 256).

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying documents, referred to the Committee on the District of Columbia and ordered printed:

To the Senate and House of Representatives:

I transmit herewith a copy of a letter from the Secretary of the Interior, dated January 12, 1912, together with a report made to him on November 10, 1911, by a committee selected to consider the organization and needs of the Government Hospital for the Insane.

The report evidences the careful study given the subject by the committee and the need of additional legislation regarding the institution. I have to recommend that the various matters treated therein receive your early and serious consideration.

WM. H. TAFT.

THE WHITE HOUSE, *January 15, 1912.*

PANAMA RAILROAD CO. (S. DOC. NO. 257).

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying document, referred to the Committee on Interstate and Foreign Commerce and ordered printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, the Sixty-second Annual Report of the Board of Directors of the Panama Railroad Co. for the fiscal year ended June 30, 1911.

WM. H. TAFT.

THE WHITE HOUSE, *January 15, 1912.*

INSANITY IN THE UNITED STATES.

Mr. KINDRED. Mr. Speaker, I ask unanimous consent to place in the RECORD some remarks in connection with the annual report of the Director of the Bureau of the Census, especially in its bearing on the enormous increase of insanity in the United States.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD in the manner stated. Is there objection?

There was no objection.

[Mr. KINDRED addressed the House. See Appendix.]

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. BURLESON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 17681) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the District of Columbia appropriation bill, with Mr. GARRETT in the chair.

The CHAIRMAN. When the committee rose on the last day this bill was under consideration, an amendment offered by the gentleman from Illinois [Mr. MANN] to strike out the last word was pending. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

There was no objection.

The Clerk read as follows:

Street-cleaning division: Superintendent, $2,500; assistant superintendent and clerk, $1,600; clerk, $1,000; foreman, $900; chief inspector, $1,300; foreman, $1,300; 4 inspectors, at $1,200 each; 4 foremen, at $1,200 each; 1 inspector, 1 clerk, and 8 foremen, at $1,100 each; 3 assistant foremen, at $900 each; 2 clerks and 2 assistant foremen, at $720 each; foreman, $1,000; messenger and driver, $600; foreman of repairs, $1,200; chief clerk, $1,400; clerk, $1,200; stenographer and clerk, $1,000; in all, $41,180.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I notice the title of this division is changed from "street sweeping" to "street cleaning." I suppose there is some intention of cleaning otherwise than by sweeping?

Mr. BURLESON. Mr. Chairman, I will say to the gentleman from Illinois that this results from the municipality taking the street cleaning over to its own force. Heretofore the street cleaning and street sweeping has been done under contract. Last year in the appropriation bill the plan was changed, and authority to clean and sweep the streets was conferred upon the District Commissioners, and they were authorized to perform the service by day labor rather than under the contract system, and this title was changed to conform to the change of plan.

Mr. MANN. Well, does not it involve more than that—a change of method of cleaning the streets otherwise than by sweeping?

Mr. BURLESON. Under the contract system a certain part of the cleaning was done by machinery and a certain part was done by hand sweeping. The same general plan will be adopted by the commissioners in cleaning the streets.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

No part of the money appropriated by this act, except appropriations for the militia, shall be used for the purchase, livery, or maintenance of horses, or for the purchase, maintenance, or repair of buggies or carriages and harness, except as provided for in the appropriation for contingent and miscellaneous expenses or unless the appropriation from which the same is proposed to be paid shall specifically authorize such purchase, livery, maintenance, and repair, and except also as hereinafter authorized.

Mr. JOHNSON of Kentucky. Mr. Chairman, reserving the right to make a point of order, I wish to make some inquiries. This part of the item reads:

No part of the money appropriated by this act, except appropriations for the militia, shall be used for the purchase, livery, or maintenance of horses.

Now, in regard to those words, "except appropriations for the militia," I wish to know if that is taken to mean that out of appropriations made for the National Guard here they shall be allowed to purchase horses or to maintain horses?

Mr. BURLESON. It does. There is specific authorization for the District Militia to make certain expenditures for the maintenance of horses during the period of an encampment and there is also an authorization for the purchase of horses.

Mr. JOHNSON of Kentucky. Mr. Chairman——

Mr. BURLESON. We have not reached the militia item, though.

Mr. JOHNSON of Kentucky. I know we have not reached the militia item, and when we do it is my purpose to make the point of order; but I am now anticipating that by asking the question as to whether or not under this section it legalizes an appropriation for the militia to be used for the purchase, livery, or maintenance of horses? My contention is there is no law to authorize any such thing.

Mr. BURLESON. I will say to the gentleman from Kentucky that the purpose of this item is to carry a limitation upon departments of the municipal government other than the militia department.

Mr. JOHNSON of Kentucky. And my point is, Mr. Chairman, that the National Guard has no authority whatever to make purchases of this kind, and I therefore contend this exemption in their favor should not be here. I do this now because I fear that later along I may be confronted with the proposition that I let this go by.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. JOHNSON of Kentucky. Yes; I make the point of order.

Mr. BURLESON. I will ask the gentleman to reserve the point of order.

Mr. JOHNSON of Kentucky. I am willing to reserve the point of order until we reach the item of the National Guard.

Mr. MANN. Will the gentleman yield? I think there is no possible doubt this does not authorize anything in the bill. In the first place, it is not law——

Mr. JOHNSON of Kentucky. If the gentleman will remember, I said it is out of abundant caution that I raise the question here now.

Mr. MANN. It is proper to raise the question, and it is perfectly certain it is not subject to the point of order nor does it confer any authority on the rest of the bill.

Mr. COX of Ohio. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I have already consented that the point of order go until we reach the subject matter.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the point of order pending——

Mr. JOHNSON of Kentucky. No; the gentleman from Texas asked that.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the point of order pending be temporarily passed. Is there objection?

Mr. OLMSTED. It was impossible when the gentleman from Kentucky [Mr. JOHNSON] first rose, owing to confusion in the aisle here, to hear him, but it seemed to some of us on this side that he was discussing the paragraph. My inquiry is whether or not the discussion of the paragraph had commenced before the point of order was made?

Mr. MANN. He reserved the point of order. I think we might as well have a ruling on it. I think that would accomplish the purpose of the gentleman from Kentucky.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] objects.

Mr. BURLESON. I will say to the Chair and to the gentleman from Kentucky [Mr. JOHNSON] that this item carries no authorization whatever for the purchase of horses. On the contrary, it is a limitation. If this item was stricken out, there would be authority carried in the bill at other points for the purchase of horses, and this gives no additional authorization for the purchase.

Mr. JOHNSON of Kentucky. This act says that no portion of the money appropriated by this act as an appropriation for the militia shall be used for the purpose. I was apprehensive that the implication——

The CHAIRMAN. Will the gentleman permit the Chair to ask a question? If, as the gentleman contends, there is no authority of law for the appropriation, how could this give authority?

Mr. JOHNSON of Kentucky. If the Chair has that construction of it, I am perfectly satisfied.

The CHAIRMAN. The Chair thinks undoubtedly that is the true construction. The Chair overrules the point of order. The Clerk will read.

The Clerk read as follows:

For postage for strictly official mail matter, $10,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word, for the purpose of making an inquiry. I notice the bill omits the item carried in the current law for contingent expenses of the stables of the engineer department.

Mr. BURLESON. I will say to the gentleman from Illinois that the item is embraced in section 3, page 103, of the bill.

Mr. MANN. Is there any limitation in the item on page 103 as to the amount of expenditure for this purpose?

Mr. BURLESON. The purpose of transferring the item was to have all items of the same character carried under one heading. And it was for the purpose of keeping a firmer grasp on the situation by the Committee on Appropriations. There was no reduction made in the contingent expenses of the engineers' office, but it was carried there because apparently there were two items intended to accomplish the same purpose.

Mr. MANN. I bow to the wisdom of the committee, although it seems to me it gives the committee a less firm grasp on the situation.

Mr. BURLESON. The committee was not of that opinion.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For purchase and maintenance, hire or livery, of means of transportation for the coroner's office and the morgue, jurors' fees, witness fees, removal of deceased persons, making autopsies, ice, disinfectants, telephone service, and other necessary supplies for the morgue, and the necessary expenses of holding inquests, including stenographic services in taking testimony, and photographing unidentified bodies, $4,000.

Mr. MANN. I move to strike out the last word. Last year the bill carried a provision, which was only current law for the year, providing the coroner should not be required to hold an inquest in certain cases. Was that deliberately omitted?

Mr. BURLESON. It was deliberately omitted for the reason that we regarded it as permanent law, and it was unnecessary to carry it longer in this bill. The limitation carried in last year's bill effected considerable saving to the District without any diminution of or injury to the service.

Mr. MANN. I think it is perfectly plain under the rulings heretofore that it is not permanent law. It always has been ruled, both in the House and by the Comptroller of the Treasury, that with an item in the bill in reference to an appropriation the proviso only related to that particular appropriation, and usually we provided, where we wished an item to be permanent law, that hereafter it should be so-and-so.

Mr. BURLESON. It is absolutely necessary that the word "hereafter" shall be carried.

Mr. MANN. It is not absolutely necessary, but this case stands on all fours with every decision that has heretofore been made, and it seems to me it was decided it was not permanent law. Here was an item in the current appropriation law carrying an appropriation with a proviso under that appropriation that the coroner shall not examine or hold any jury of inquest in certain cases.

Now, under all of the rulings up to date, as I understand it, that does not become permanent law, but applies only to that particular appropriation in the current law. If the gentleman wants it to be permanent law why not have it put in, so that there will be no question about it?

Mr. BURLESON. This particular proviso was the subject of considerable discussion in the subcommittee, and we reached the unanimous opinion that it was permanent law. It is substantially a copy of the Maryland law, and was put in for the purpose of being a limitation upon the expenditures under this general item carried in the bill.

Mr. MANN. But my friend from Texas will notice that all through this bill there are carried other items somewhat similar that are not intended to be permanent law and that apply only to the appropriation.

Mr. BURLESON. It is the desire of the Committee on Appropriations that this shall be made permanent law, and if there is the slightest doubt about it in the mind of the gentleman I would be perfectly willing to carry this item in the law and embody in the item the word "hereafter" after the word "that," so that it would read: "That hereafter the coroner shall not summon," and so forth. Permit me to read the proviso to the gentleman:

Provided, That the coroner shall not summon or hold any jury of inquest over the body of any deceased person where it is known that the deceased came to his death by suicide, accident, mischance, or natural causes.

We reached the conclusion that the phraseology made it permanent law. At least that was our purpose and that was our desire.

Mr. MANN. If the gentleman will pardon me, on page 10 of the bill the committee has carried a similar proviso, which is in the current law. The current appropriation will cover precisely the same kind of a case. It has been carried for years in the appropriation act because it was not supposed to be permanent law.

Mr. BURLESON. Will the gentleman read it?

Mr. MANN. Yes. It says:

Provided, That the inspector of asphalts and cements shall not receive or accept compensation of any kind from or perform any work or render any services of a character required of him officially by the District of Columbia to any person, firm, corporation, or municipality other than the District of Columbia.

Mr. BURLESON. I will state to the gentleman that if that item were kept in there, in my opinion that is the permanent law.

Mr. MANN. It is my opinion that, under the decisions of the Comptroller of the Treasury, it is not permanent law. While the coroner might obey it, so far as an appropriation is made, yet under all the decisions in the House or by the Comptroller of the Treasury it is not held to be permanent law. It relates only to the appropriation. It is a proviso attached to the appropriation.

Mr. BURLESON. I will ask the gentleman if the Comptroller has ever passed upon this particular proviso?

Mr. MANN. I think not; but he has passed on a similar proviso.

Mr. BURLESON. It is the desire of the Committee on Appropriations that this shall be permanent law. I am perfectly willing that the gentleman should offer an amendment to make it so. That was the unanimous desire of the committee. If there is any doubt about it, Mr. Chairman, I will myself offer this amendment:

After the word "dollars," in line 6, add the following: "That hereafter the coroner shall not summon or hold a jury," etc.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] withdraws his pro forma amendment. The gentleman from Texas [Mr. BURLESON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 21, line 6, after the word "dollars," insert the following: "*Provided*, That hereafter the coroner shall not summon or hold any jury of inquest over the body of any deceased person where it is known that the deceased came to his death by suicide, accident, mischance, or natural causes, provided that in cases where it is known that the deceased came to his death by suicide, the coroner may in his discretion summon such jury."

Mr. BURLESON. I will state that this is substantially the Maryland law. The Committee on Appropriations are not responsible for the phraseology. We have taken an excerpt from the Maryland law. We struck it out, laboring under the belief—and I want to say we still believe—that it is permanent law; but I am willing that it should be adopted.

Mr. BUTLER. Mr. Chairman, I did not hear as well as I desired all that the gentleman said. Is it proposed by this amendment to direct that the coroner shall not hold an inquest in case of an accident?

Mr. BURLESON. Where it is known that it is an accident, he shall not summon a jury.

Mr. MANN. He is not required to do so.

Mr. BUTLER. It is within his discretion?

Mr. MANN. Yes.

The CHAIRMAN. The question is on the amendment of the gentleman from Texas [Mr. BURLESON].

The amendment was agreed to.

The Clerk read as follows:

For general advertising, authorized and required by law, and for tax and school notices and notices of changes in regulations, $4,700.

Mr. LOBECK. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert, after the word "dollars," in line 9, page 21, the following: "*Provided*, That hereafter all advertising for any purpose whatsoever for the District of Columbia shall be published in one daily newspaper of general circulation, having more than 20,000 daily circulation in the city of Washington, said advertising to be let to the lowest bidder."

Mr. BURLESON. I reserve a point of order on the amendment.

Mr. LOBECK. Mr. Chairman, I am informed that at the present time the advertising for the District is not let to the lowest bidder in this city and that it is just divided around to suit the wishes of the commissioners. I believe it should be let to the lowest bidder, to go to some one paper, so that the people in this District who are interested in advertising, either for improvements or whatsoever may come up, shall know in what paper it is published, and that it should be published in a daily paper of general circulation and of large circulation, so that it

is read generally. I offer this amendment, and I believe the committee will accept it.

Mr. TAYLOR of Ohio. I did not hear the amendment very well. Does it provide for a maximum price where the papers decline to bid? Because, if it does not, it is a perfectly useless piece of legislation. It is a common practice in other municipalities for the papers simply not to bid, and then the law fixes the maximum rate, and the advertising is divided up among the papers, just as is done here. I suggest that the gentleman had better put in that safeguard.

Mr. LOBECK. Has the gentleman any suggestion?

Mr. TAYLOR of Ohio. I have no further suggestion. I have not given it any thought, but I know that is the practice.

Mr. MANN. Does this specify the character of the paper?

Mr. LOBECK. I will read the amendment:

Provided, That hereafter all advertising for any purpose whatsoever for the District of Columbia shall be published in one daily newspaper of general circulation, having more than 20,000 daily circulation in the city of Washington, said advertising to be let to the lowest bidder.

Mr. MANN. What is the practice now?

Mr. LOBECK. The advertising is allotted to the various papers by the commissioners.

Mr. MANN. Is it not desirable to have some advertising in all of the daily papers, particularly with reference to public works, instead of having it published in only one paper?

Mr. LOBECK. It is desirable that it shall be published in one paper, so that the people of the District shall know where to find it.

Mr. MANN. I dare say very few people take a daily paper with a view to the Government advertising or any other kind of advertising in it. It may be, because I happen to read only one evening or morning paper in Washington, that I shall never see these advertisements unless they are published in that paper, and I may naturally want to see them.

Mr. LOBECK. The citizens of Washington will naturally be interested in general improvements and in the advertising that is done by the city, and they naturally would like to know where to find it, and would know if published in one designated newspaper. For instance, where a district is intended to be improved, they would like to know what paper to secure in order to see the advertisements with reference to it.

Mr. MANN. It seems to me that people usually have their attention called to the situation by the advertisement that they see in the paper which they ordinarily take; whereas, under the gentleman's amendment, if one did not take the paper which published the advertisement, he would know nothing about it.

Mr. BUTLER. Will the gentleman yield?

Mr. LOBECK. I will.

Mr. BUTLER. We understand if this amendment should be adopted that it will remove all the discretion from the Commissioners of the District.

Mr. LOBECK. It will.

Mr. BUTLER. It will compel them to advertise in the paper where the rate offered is lower than that of any other—a paper of general circulation. What constitutes a paper of general circulation?

Mr. LOBECK. I have made it at least 20,000, because the four daily newspapers of this city claim that they have 30,000 or more.

Mr. BUTLER. The limitation of 20,000 was not in the gentleman's original amendment?

Mr. LOBECK. Yes; it was.

Mr. MANN. How can it be ascertained what the circulation of the paper is? Would the Comptroller of the Treasury have to make an investigation of the circulation of the paper to ascertain whether it came within the provisions of this amendment?

Mr. LOBECK. I presume that the Commissioners of the District would have hearings, and these papers that seek for the advertising would make a sworn statement, and they would not be likely to state what was untrue.

Mr. MANN. The comptroller and auditor are the ones that have to pass upon this matter.

Mr. LOBECK. Well, then, the auditor and comptroller; they are gentlemen of high character.

Mr. MANN. But it would require an investigation by the Government as to the circulation of the newspaper.

Mr. LOBECK. That does not hold good in other cities.

Mr. MANN. I have never heard of any such provision as this.

Mr. LOBECK. We have it in our own city, a provision that the advertising must go to the newspaper having a certain amount of circulation, and to the lowest bidder.

Mr. BURLESON. Mr. Chairman, I will state that the gentleman from Nebraska informed me that it was his purpose to offer an amendment of this character. At my suggestion he embodied in it the provision that it should be in a paper of general circulation of not less than 20,000. I am in sympathy with the provision offered by the gentleman. It is legislation, and subject to a point of order, but it is good legislation and I believe would result in economy. As far as I am concerned, I will withdraw the point of order and let the House pass upon its merits.

Mr. MANN. I make the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois renews the point of order. The Chair sustains the point of order that it is new legislation.

Mr. LOBECK. Mr. Chairman, I shall take great pleasure in introducing a bill embodying this provision.

The Clerk read as follows:

For advertising notice of taxes in arrears July 1, 1911, as required to be given by act of March 19, 1890, $2,500, to be reimbursed by a charge of 50 cents for each lot or piece of property advertised.

Mr. BURLESON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 21, line 11, strike out the word "eleven" and insert in lieu thereof the word "twelve."

Mr. BURLESON. That is to correct a misprint in the bill.

The amendment was agreed to.

The Clerk read as follows:

For the enforcement of the game and fish laws of the District of Columbia, to be expended under the direction of the commissioners, $100.

Mr. FOSTER of Illinois. Mr. Chairman, I move to strike out the last word. I observe by this provision that there is an appropriation of $100 for enforcing the fish and game laws of the District of Columbia. This is a reduction of $400 from last year's bill, and I would like to inquire if much can be done for $100 and as to the necessity of having any appropriation at all for enforcing the game laws of the District of Columbia.

Mr. BURLESON. I will state that heretofore $500 has been carried for this purpose, but the appropriation was never expended. Only a small part of it was expended, but it is necessary that a small item be carried in this bill for the protection of fish. This is because the laws of the District prohibit seining at certain periods of the year, during the spawning season, and it is necessary that a small expense be incurred to protect the fish at that period of its life. We reduce the item to $100 and we believe it to be necessary.

Mr. FOSTER of Illinois. And that is all that is necessary—$100? Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

For carrying out the provisions of the act approved March 1, 1899, entitled "An act to authorize the Commissioners of the District of Columbia to remove dangerous or unsafe buildings and parts thereof, and for other purposes," to pay the members of the board of survey provided for therein, other than the inspector of buildings, at a compensation of not to exceed $10 for each survey, and to pay the cost of making safe or removing such buildings upon the refusal or neglect of the owners so to do, $2,000.

Mr. FOWLER. Mr. Chairman, I move to strike out the last word. I see in this section of the bill that there is a provision to pay members of the board a salary. It reads as follows:

An act to authorize the Commissioners of the District of Columbia to remove dangerous or unsafe buildings and parts thereof, and for that purpose to pay the members of the board of survey provided therein, etc.

I desire to ask the gentleman if there is not a provision made for the purpose of paying a surveyor outside of this section of the bill?

Mr. BURLESON. That is true. A number of surveyors work for the District and are paid in this bill. This particular duty, however, is not imposed upon the surveyors provided for in the bill in this office, and properly should not be imposed upon them. It becomes necessary when complaint has been made that a building is unsafe or dangerous that more than one person should pass upon the question of whether the building should be destroyed, and the board of survey is assembled for the purpose of making a careful investigation with a view of determining that question. This item provides for a compensation to be paid to the members of the board of survey.

Mr. FOWLER. How many surveyors does the bill provide for the District?

Mr. BURLESON. I will say to the gentleman that the men constituting this board of survey are not "surveyors" in the sense that the word usually is used, but they are members of a board of inspectors, rather than a board of surveyors, although the word "surveyor" is the correct word to use in this connection. As a matter of fact, this board consists of three men, as I now recall, who are appointed by the proper authorities to make a careful inspection of the building, to

overlook it with a view to finding out whether or not the building is unsafe or dangerous.

Mr. FOWLER. Does not the bill provide for an architect and assistant architects and engineers and surveyors—for all three of those classes of service? Does not the bill provide for that, and fix a salary for each of them?

Mr. BURLESON. That is true; but I will call the gentleman's attention to the fact that this appropriation is carried in this bill in accordance with the provisions of a law which says that a board of survey shall be appointed.

Mr. FOWLER. Then why can not a board of survey be called from one or more of these three different officers with their corps of assistants, for the purpose provided in this section of the bill.

Mr. BURLESON. I am inclined to believe that the law does not permit it. My information is that the law expressly provides that the officials named by the gentleman shall not be on this board. The purpose was to protect and safeguard the citizen against the arbitrary destruction of his property. This is a safeguard thrown around the citizen to protect him against oppression in the enforcement of this law.

Mr. FOWLER. And for that reason is it not a fact that men who are skilled in the work, men such as are placed in the three different departments of service that I have named, would be better prepared to pass upon that question and give protection, as is desired and as is desirable?

Mr. BURLESON. That may be, but it is very probable that the very officers to whom the gentleman has alluded will be the officers who bring direct attention to the fact that such and such a building is unsafe, and the law did not want those men to constitute the jury that is to pass upon the proposition of whether the building is unsafe and dangerous. As a general thing, my information is that architects are appointed upon this board of survey.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. LOBECK. Mr. Chairman, I would like to ask the gentleman a question for information. The $2,000 provided for in the bill is reappropriated from balances from the years 1908, 1909, 1910, 1911, and 1912, is it not?

Mr. BURLESON. I think so; yes.

Mr. LOBECK. Being moneys on hand that have not been expended for this purpose?

Mr. BURLESON. I do not think the full amount appropriated for this item is always expended. I think last year there were only $1,400 or $1,600 expended. As a general thing only a part of the amount carried in this item is expended. It is a necessary item, and I assure the gentleman that the members of the subcommittee discussed whether or not it was advisable to strike out this item and unanimously reached the conclusion that it was an item which was important to be carried in this bill and ought not to be stricken out; and whereas it is not always used we concluded we did not want to cripple the service in any way and we would carry it in the bill.

Mr. MADDEN. Will the gentleman from Nebraska yield, that the gentleman from Texas may answer a question?

Mr. LOBECK. I do.

Mr. MADDEN. It may or may not be that frequently there is no complaint of a dangerous building coming in at all?

Mr. BURLESON. That is true.

Mr. MADDEN. And in that case no board of survey may be appointed?

Mr. BURLESON. That is true.

Mr. MADDEN. And in that case no part of this appropriation will be expended?

Mr. BURLESON. That is true.

Mr. MADDEN. But it may also be a very dangerous thing to leave the appropriation out, so that in case no board of survey existed it could not be appointed?

Mr. BURLESON. The gentleman from Illinois has stated it very much better than I could.

Mr. MADDEN. And it is very essential to have the appropriation whether it is used or not?

Mr. BURLESON. I think so.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the punctuation may be corrected by putting in the proper punctuation marks to the title of the bill referred to; they have inside quotation marks, whereas it should be full quotation marks.

Mr. BURLESON. I have no objection to the two dots instead of one.

Mr. MANN. Otherwise it may come back as a Senate amendment.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to insert full quotation marks at the place indicated. Is there objection? [After a pause.] The Chair hears none. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HUGHES of New Jersey having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 15781. An act to authorize the Aransas Harbor Terminal Railway to construct a bridge across Morris and Cummings Channel.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 3484) to authorize the construction of a bridge across the Snake River, between Walla Walla and Franklin Counties, in the State of Washington, by the Oregon-Washington Railroad & Navigation Co.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary notify the House of Representatives that the Senate has elected AUGUSTUS O. BACON, a Senator from the State of Georgia, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President until January 17 next.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For making surveys to obtain accurate data with reference to old subdivisions in the District of Columbia, $2,500.

Mr. FOWLER. Mr. Chairman, I move to strike out the last word. I raise the question again as to why an additional appropriation should be made for this purpose, which is provided in line 24, following the word "thereafter"—

For making surveys to obtain accurate data with reference to old subdivisions in the District of Columbia, $2,500.

I ask why this survey can not be made by the general board of survey and corps of surveyors which are provided for in this bill and thereby avoid this additional expense?

Mr. BURLESON. Mr. Chairman, I will state to the gentleman from Illinois that the District Commissioners informed the Committee on Appropriations that even this amount was not sufficient to complete this work; that as a matter of fact there is no data which can be used as a basis for making these surveys by the ordinary surveying force carried in this bill; that it is necessary that certain researches be made for the purpose of ascertaining the correct data as a basis for making these surveys. That is the reason it is carried as a separate item.

Mr. FOWLER. Well, Mr. Chairman, it appears to me that with an efficient corps of engineers, surveyors, and architects, which this bill carries for the District of Columbia, it certainly ought to be sufficient to procure the data necessary to establish the old subdivisions of the District of Columbia. I can not understand, Mr. Chairman, why it is that the bill should follow here with certain appropriations to do certain work which has really been provided for in prior parts of the bill. I want to compliment this committee, Mr. Chairman, for its energy and its thrift in searching into expenditures in the past and as to what will be necessary in the future in making the savings that it has to the people of this country. I think, Mr. Chairman, that an additional saving might be made by striking out this appropriation. If I thought that some gentlemen would stand on the floor and be counted with me for that purpose, I would make the motion to strike out this provision in this bill. I do not know whether there is any gentleman on the floor of this House who looks at this question as I do, but, Mr. Chairman, in order that I may test the metal and temper with reference to economy, not only on the Democratic side, but on both sides of this Chamber, I move to strike out this item in this bill.

Mr. SAUNDERS. Mr. Chairman, before the gentleman from Illinois makes that motion will he let me make this statement to him?

Mr. FOWLER. I will withhold the motion, Mr. Chairman, until the gentleman from Virginia has an opportunity to make his statement.

Mr. SAUNDERS. I was just going to call the gentleman's attention to the fact that in the result this money will be paid back. It is appropriated, in the first instance, for necessary work in which the public is interested. It is to complete the records in the surveyor's office. When the individual owner desires to have the benefit of these surveys and his lot lines run, he will have to pay a fee therefor. This appropriation in the bill will complete the work of running some very old, difficult, and confused lines.

Mr. FOWLER. How can that be done?

Mr. SAUNDERS. I made inquiries at the hearings along the same lines as those on which the gentleman is proceeding now, and the briefest way I can answer him is to give the answers I elicited by my questions. I will say, though, before reading the questions and answers, that this work has been going on for some time. It is a work that is not provided for elsewhere, and it is expected that this particular appropriation will finally conclude it. I will now read the questions and answers that appear in the hearings:

Mr. TAYLOR. And you anticipate that about $7,500 will complete the work?

Maj. JUDSON. Yes, sir; including what has been appropriated and what is now asked for.

Mr. SAUNDERS. What are those subdivisions? Are they subdivisions of individual lot owners or subdivisions of the city proper?

Maj. JUDSON. They are old subdivisions. You know there were a number of old villages and towns in the District of Columbia, like Anacostia and Georgetown. The surveyor has to make surveys of lots in all of these parts of the District.

Mr. SAUNDERS. Are they subdivisions of these small areas or are they surveys of the lines or the areas themselves?

Maj. JUDSON. They are both. They are resurveys of these old subdivisions that are almost lost track of.

Mr. SAUNDERS. Is that with reference to establishing the property of the individual owners or establishing lines for city purposes?

Maj. JUDSON. It is for completing the records in the surveyor's office, so when he is called upon to make a survey of a lot in one of these subdivisions it will not have to be taken up as an isolated proposition each time, which is very expensive.

Mr. SAUNDERS. You establish the lines so far as they may be called city lines?

Maj. JUDSON. Yes, sir.

Mr. SAUNDERS. Do you also undertake to establish the lines of the individual property holder?

Maj. JUDSON. Yes, sir; the controlling lines, so that it is very easy when a single survey is necessary to determine the line of a lot, and that then becomes relatively easy.

Mr. SAUNDERS. That should be at the expense of the individual lot owner.

Maj. JUDSON. It is, eventually.

You observe, all this money will come back into the city treasury in the shape of fees from parties who desire the benefit of this work, but its immediate necessity is apparent with reference to the city work and with reference to the establishment of city lines for city improvements.

Mr. FOWLER. It would come back in the way of an abstract to the individual?

Mr. SAUNDERS. In the way of fees from the individual citizen who wants to enjoy the benefit of these surveys. He will have to pay for them.

Mr. FOWLER. That is, if there is a sufficient number of them who desire an abstract of the title it will come back into the city treasury, but if not, the money will be expended and never come back. That is the truth, is it not?

Mr. SAUNDERS. Every man as an individual who desires to have the benefit of this service will have to pay for it. But the city has to pay for it in the first instance in the public interest, to establish the lines of these streets. It is absolutely a public work, but the individual will not receive the benefit of it in relation to his private lot lines until he pays for it in the way of fees.

Mr. FOWLER. Mr. Chairman, I withdraw my motion to strike out the last word, and move to strike out the section, beginning with line 24, on page 22, and ending at the end of line 2, on page 23.

The CHAIRMAN. Without objection, the motion to strike out the last word, offered by the gentleman from Illinois [Mr. FOWLER] will be withdrawn. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by striking out line 24, on page 22, and lines 1 and 2, on page 23.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. FOWLER. Division, Mr. Chairman.

The committee divided; and there were—ayes 1, noes 23.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Assessment and permit work: For assessment and permit work, $200,000.

Mr. JOHNSON of Kentucky. I reserve a point of order on that.

The CHAIRMAN. What is the point of order made by the gentleman?

Mr. JOHNSON of Kentucky. That there is no law to authorize it, Mr. Chairman.

The CHAIRMAN. The gentleman refers to the item for assessment and permit work, $200,000?

Mr. JOHNSON of Kentucky. Yes.

The CHAIRMAN. The gentleman from Kentucky makes the point of order on the item which has just been read.

Mr. JOHNSON of Kentucky. I reserve it.

Mr. BURLESON. I will say to the gentleman from Kentucky that there is an express statute that authorizes this appropriation, and this is one of the few items in the bill where the citizen of the District of Columbia is called upon to contribute toward a public work or public improvement. The item carried in the present bill is a reduction of $140,000 below the amount of the item carried in last year's bill.

Mr. JOHNSON of Kentucky. My contention, Mr. Chairman, is that in the first place there is no law authorizing it, and, next, my objection to it is that when this work is done, that portion of it which is paid for by the property owner has not been properly credited in the accounts between the District of Columbia and the United States.

Mr. BURLESON. We have nothing to do with that.

Mr. JOHNSON of Kentucky. I say that is the objection which causes me to raise the point of order—that it is not authorized by existing law.

Mr. BURLESON. The question is whether it is authorized by law. I will ask the Chair to pass over the item for a moment, until I can present the statement.

The CHAIRMAN. The gentleman from Texas [Mr. BURLESON] asks unanimous consent that the paragraph be passed over temporarily with the point of order reserved. Is there objection?

There was no objection.

The Clerk read as follows:

Under appropriations contained in this act no contract shall be made for making or relaying asphalt pavement at a higher price than $1.80 per square yard for a quality equal to the best laid in the District of Columbia prior to July 1, 1886, and with same depth of base, nor more than $1.80 per square yard for laying standard asphalt block pavement equal to the best laid in the District of Columbia prior to July 1, 1904: *Provided*, That these conditions as to price and depth of base shall not apply to those streets on which, in the judgment of the commissioners, by reason of heavy traffic, poor foundation, or other causes, a pavement of more than ordinary strength is required, in which case the limit of price may be increased to $2 per square yard.

Mr. JOHNSON of Kentucky. Mr. Chairman, reserving the right to make a point of order, I would like to ask the chairman of the subcommittee why $1.80 per square yard is fixed as the price when we are now paying only $1.68?

Mr. BURLESON. I will state that it is the maximum limit authorized by law. The law fixed that as the maximum price that can be paid for the improvement of these streets.

Mr. JOHNSON of Kentucky. My inquiry, Mr. Chairman, was why or how the gentleman happened to arrive at $1.80, so much in excess of what we are now paying.

Mr. BURLESON. Because it is fixed by law. It is true that under the present contract we are paying only $1.68; but that was the result not exactly of competitive bidding, but the result of conditions which we will describe and discuss with the gentleman at the time we reach another item in this bill.

Mr. JOHNSON of Kentucky. I will state to the gentleman that I am very familiar with the provision, but I do not think the gentleman has yet explained to me how he fixes a maximum limit of $1.80, so much beyond $1.68, which we are now paying, when the gentleman himself contemplates to have it done even more cheaply than that.

Mr. BURLESON. We certainly do; but I will state to the gentleman that there must be some limit fixed. If we were writing the law anew at this time we would probably fix the price at $1.68 as the maximum. At another place in this bill there is a proviso—which is in the nature of legislation, I admit—providing that hereafter, from the beginning of the next fiscal year, the maximum limit of cost shall not exceed $1.68. That is carried in this bill.

Mr. BUCHANAN. One dollar and sixty-eight cents a yard for street paving?

Mr. BURLESON. Yes; $1.68.

Mr. SABATH. What kind of paving?

Mr. BURLESON. Asphalt pavement with concrete base.

Mr. BUCHANAN. If the gentleman from Kentucky will yield, I would like to ask what are the specifications?

The CHAIRMAN. Does the gentleman yield?

Mr. JOHNSON of Kentucky. Yes; I yield. I just reserved a point of order.

Mr. BUCHANAN. I would like to inquire what are the specifications for the construction of this paving. Is there any particular standard?

Mr. BURLESON. Yes; there is a standard; and it is provided that it shall be of a concrete base of a certain thickness, 4½ inches or 5 inches; I do not carry it in my memory. It also provides that the asphalt surface shall be of a given thickness, say, 2½ or 3½ or 4 inches. I do not remember the exact thickness, but it is specified.

Mr. LOBECK. Probably 1½ or 2 inches.

Mr. BUCHANAN. I would say further that in the navy yards the paving costs about $3 a yard.

Mr. BURLESON. The paving in the navy yards is not done under the direction and control of the District Commissioners, and the appropriation for it is not carried in this bill. I will say to the gentleman, furthermore, that I am not surprised to hear that appropriations are made in another appropriation bill that allow an excessive amount for paving as well as for everything else.

Mr. BUCHANAN. There may be some difference in the construction of the paving. It may have a heavier foundation, or something of that kind, that would make a difference in the cost.

Mr. BURLESON. That may be. I hope it is true.

Mr. BUCHANAN. I am only asking for information.

Mr. JOHNSON of Kentucky. Mr. Chairman, I do not make the point of order.

The CHAIRMAN. The gentleman withdraws his point of order.

Mr. FOWLER. I desire to ask one question.

The CHAIRMAN. Does the gentleman from Illinois move to strike out the last word?

Mr. FOWLER. I do.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] is recognized.

Mr. FOWLER. Mr. Chairman, I desire to inquire of the distinguished chairman of the subcommittee regarding the expenditure of this money. In many cities throughout the United States the paving of streets is done by the abutting property owners. Is that plan pursued in the city of Washington?

Mr. BURLESON. It is not.

Mr. FOWLER. Why not?

Mr. BURLESON. Because the law and the custom and the provisions carried in appropriation bills do not require it. The gentleman well knows that any attempt to make abutting property owners pay a proportionate part for paving streets would be legislation; but I candidly admit that I think the abutting property owners in the city of Washington should be made to pay a part of the expense of paving; probably not one-half, because we have avenues and many extended avenues in the city of Washington wider and longer than would be required in an ordinary city, because of the fact that this is the capital of our country; but I still believe it would be only just, right, and fair that some proportion of this expense should be borne by the abutting property owners. However, that is legislation, and we have no authority to do it in this bill.

Mr. FOWLER. Is there any act providing that it shall be done by general appropriation except in the general appropriation bills themselves?

Mr. BURLESON. There is a general authorization in the act of 1878 to maintain the streets and bridges and to repair them. There is authority of law for this work that is contemplated to be done under the provisions of this item.

Mr. FOWLER. Mr. Chairman, I feel that there ought to be some provision whereby the abutting property owners should pay at least a goodly portion of the cost of the improvement and paving of these streets and sidewalks. There are many reasons for this. We are told that many rich people flock to this city for the purpose of evading the payment of taxes and invest large sums of money in palatial residences, costing in some instances, I am informed, $500,000 each. Now, Mr. Chairman, it is not right to tax the people of this country to build costly streets and sidewalks abutting their property to increase the value thereof. They are abundantly able to beautify their own homes.

Wherever there is a street paved or a sidewalk constructed it enhances the value of the property lying thereon, and the people who do not own any real estate in this city should not be taxed to improve and increase the value of property in which they have no interest. It is unjust, it is unfair, and heaps a burden upon the people of the country and the poor of the city which can not be justified in reason and which ought to be abolished by an act of Congress.

Mr. Chairman, I have been over the city with a view of determining how the money appropriated for this purpose has been expended in the past. In some quarters nothing but rough and half worn-out brick compose the sidewalks. The streets are either not paved at all, or else paved with irregular rough-block stone. In most cases these streets and sidewalks are dirty and uninviting, showing that but little attention has been given them by those in authority, and that but little money has been expended upon them. Upon investigation it will be found, in many instances, that these districts are inhabited by the common people and the poor. In other parts of the city the sidewalks are made of beautiful, smooth granitoid pavement, edged with curbings not excelled in beauty and appearance by that surrounding the sarcophagus of a dead monarch. The streets are made of the most costly and durable asphalt. These quarters are always kept clean and most attractive. Here we find clustered many stately mansions, outranking in cost the castles of kings. They are the homes of the idle rich during the fashionable season in Washington. The season of balls and highballs. This season lasts but about three months in the year. During the remaining nine months these costly edifices are closed and their idle-rich owners are either traveling abroad or located at some fashionable summer resort reveling in idle pastime.

Notwithstanding these costly citadels are closed three-fourths of the year, yet the streets and sidewalks surrounding them receive the greatest attention, which must indeed come high. Who pays the cost of this improvement? Not a penny of it is paid by the owners of the property, but it is all paid by the Government and the city in equal parts. Why should such costly improvements be made at the expense of the people, vastly increasing the value of these already rich estates? It is a proposition which appeals to the economy of this committee and to the pocketbooks of the taxpayers of the country. Why should more money be spent here than in other parts of the city? How long will the people continue to run mad after the ways of the rich? How long will the commissioners of this city continue to lavish the money of the people on the streets and sidewalks surrounding the deserted homes of these idle wanderers?

In my judgment it would be far better to spend a goodly portion of the money appropriated for this purpose in building and improving the streets and sidewalks around the homes of the men and women who stay in their humble homes the year round and whose muscle and brain daily add to the wealth of this country and to the relief and comfort of mankind.

Mr. Chairman, I understand that the Government of the United States pays one half of all the expenses of the government of this city and that the city pays the other half. I am opposed to the plan on principle. No other city is thus favored. It shelters the property of the rich from just taxation and establishes paternalism for the people, both of which are wrong in principle. The rich ought to be required to bear their just burdens of taxation on all their property wherever located, and the people ought to be permitted to establish and maintain their own municipal government. The present plan practically disfranchises the people of the city. They vote upon nothing, they manage nothing, they make no laws. Congress does the work for them, and they are the wards of the Government. What a helpless and inactive people, yet strong and intelligent! They ought to be the source of all municipal power, electing their own officers and enacting their own laws, levying taxes upon their own property for the purpose of defraying the cost of their own municipal government. No other form of government should be imposed upon any civilized people, yet here in the great Capital city of our country, where the people ought to enjoy the greatest political freedom, we find a city council, not a man of which is either a resident of the city or an owner of property therein, making all the laws for the management and control of the city and administering these laws without the consent of the people in any manner whatever. This council levies taxes upon the property of the citizens of this city without their consent, and they must pay these taxes whether light or burdensome. There is no escape therefrom. This form of government can not be justified by the payment of one-half of the expenses of the city government out of the National Treasury. Taxation without representation led to the liberty of this country, yet in the twentieth century we are doing the same thing of which our forefathers complained most and against which they rebelled.

While slavery existed in the South the South was poor, when slavery was abolished the South claimed her own and the world proclaimed her riches. Just so with the city of Washington. As long as Congress continues to govern her people they will be poor and the city will be retarded in its growth. I have no doubt but she would have been a much greater and more modernly built city, without the aid of a dollar from the Government, if she had been set at liberty and permitted to establish her own government and manage her own affairs. The unrestrained genius and energy of her people would have manifested itself in a thousand ways in forging to the front one of the most modern cities of the world, with institutions of learning and of business far surpassing what she has to-day. As it is, all that she can do is to stand still and wait to see what Congress will do for her. The people have been compelled to do this so long and have been kept under restraint so continuously that, like

Oliver Twist, they have learned to say, "Please, sir, I want some more."

Mr. Chairman, this condition is deplorable, to say the least of it, and I hope to see the day when these people will be liberated and permitted to work out their own destiny. If it takes the removal of the Capitol to some other part of the country in order to bring about such a change we should not hesitate to take the step. In extreme cases drastic remedies are justifiable. The honor of the Capital is not to be compared with the right of self-government. Liberty is the greatest honor which can be conferred upon any people. Why not give it to them?

Mr. LOBECK. Mr. Chairman, I move to strike out the last word, so that I may ask a question.

Mr. BURLESON. Before the gentleman gets to that, I will ask unanimous consent——

Mr. MANN. What became of the point of order on this provision?

Mr. BURLESON. It was withdrawn. I ask unanimous consent to return to page 23, lines 6 and 7, with reference to the point of order made by the gentleman from Kentucky [Mr. JOHNSON].

The CHAIRMAN. The gentleman from Texas asks unanimous consent to return to page 23.

Mr. BURLESON. I desire to submit the law authorizing the item to be carried in the bill. I read from the supplement to the Revised Statutes, page 228, the act of June 11, 1878:

That hereafter the Commissioners of the District of Columbia are authorized and empowered, whenever in their judgment the public health, safety, or comfort require it, or whenever application shall be made therefor, accompanied by a deposit equal to one-half the estimated cost of the work, to repair alleys and sidewalks and to construct sewers and sidewalks in the District of Columbia, of such form and materials as they may determine, and pay the total cost of such work from appropriations for assessment and permit work.

And then the act in detail provides how it shall be advertised.

The CHAIRMAN. What is the act from which the gentleman is reading?

Mr. BURLESON. It is the act of December 24, 1890, amending the act of June 11, 1878.

Mr. JOHNSON of Kentucky. Now, Mr. Chairman, that part of the bill to which I make the point of order begins on line 6, page 23, which reads "Assessment and permit work: For assessment and permit work, $200,000."

Now, the act upon which the gentleman from Texas relies is on page 228 of the Revised Statutes, volume 2, beginning at paragraph 3, at the bottom. It is as follows:

That hereafter the Commissioners of the District of Columbia are authorized and empowered, whenever in their judgment the public health, safety, or comfort require it, or whenever application shall be made therefor, accompanied by a deposit equal to one-half the estimated cost of the work, to repair alleys and sidewalks and to construct sewers and sidewalks in the District of Columbia of such form and materials as they may determine, and pay the total cost of such work from appropriations for assessment and permit work.

Now, if the appropriation has been legalized or authorized, and under that appropriation is made, then this payment could be paid out of it, but my insistence is that no authorized permanent appropriation is ever made for assessment and permit work. That not having been done, this item is, therefore, not a legal one in this bill. This proposes to pay $200,000 out of an appropriation from the permit and assessment work, and permit and assessment work has never been authorized. That is the point I make, that this undertaking now to make a $200,000 appropriation out of a matter which has never been authorized, a point of order could have been made to it at any time heretofore by anybody who chose to make it. The gist of my point now is in the last four or five words at the top of the page at which the chairman is now looking.

The CHAIRMAN. The Chair will ask the gentleman from Texas if all the law touching this matter is contained in this section which he has cited?

Mr. BURLESON. It is. I want to direct the attention of the Chair to the fact that the item to which the point of order is directed is contained in two lines:

Assessment and permit work: For assessment and permit work, $200,000.

There is the authorization for the assessment and permit work under the act of 1890.

Mr. JOHNSON of Kentucky. There is where I say it is not, because the assessment and permit work has never been authorized by law, and if it has never been authorized by law no appropriation can, in consequence, be made from that or out of it.

Mr. FITZGERALD. Mr. Chairman, this appropriation is for the improvement and repair of streets, and under the rule of the House appropriations for the repair of streets, as they are public works in existence and in progress, would be in order. Under the law provision is made so that these improvements shall not be borne entirely out of the revenues of the United States and the District, but that a part shall be paid by assessment against the property proposed to be benefited. This appropriation is made in this form so that the Treasury of the United States and the District shall be reimbursed to the extent of one-half of the expenditure. If the appropriation were not made in this form, but simply made for repairs and improvements, the appropriation would clearly be in order. It is in order to repair streets; they are public works in existence, and this provision of law was designed to relieve the Treasury of a part of the burden resulting from that work. The law contemplates that improvements of this character shall be made either under what is known as the permit system or the assessment system, and to that extent the Treasury is reimbursed.

The CHAIRMAN. The gentleman from Kentucky [Mr. JOHNSON], however, suggests that there is no authority in law for the assessment and permit provision.

Mr. JOHNSON of Kentucky. There is, however, Mr. Chairman, immediately following this a provision which is perfectly legal for work upon the streets.

Mr. FITZGERALD. But this is work of the same character, with one exception.

Mr. JOHNSON of Kentucky. And the gentleman from New York was not present when I gave my reason for making the point of order, which was that the District of Columbia does this work and collects the proper portion from the property holder, and then for a long number of years has kept it all to itself instead of dividing it between the treasury of the District of Columbia and the Treasury of the United States. However, recently that has been changed, as have some other matters.

Mr. FITZGERALD. Yes. I will say to the gentleman from Kentucky that it is intended to put a provision in this bill that will require the crediting of the Federal Treasury with one-half of the receipts from such purposes. This is the situation: These repairs and improvements are in order on this bill if we are to pay one-half; if we are to operate under the half-and-half principle, half to be paid out of the District treasury and half to be paid out of the Federal Treasury. Under the law, in certain instances the commissioners can make improvements upon application, provided the owner of the property to be benefited deposit one-half the cost of this work with the commissioners, and that expenditure will be paid out of a special appropriation made for that purpose, and the only result of making appropriations in this way is that the Treasury shall be reimbursed one-half. The authorization to do the work is clear and explicit. In a separate item, without reference to this permit and assessment provision, there will be no reimbursement whatever to the Treasury of the United States. It seems to me, under the law, there is no question that the item in this form is in order in this bill.

Mr. MANN. Mr. Chairman, just a word on the point of order. I take it the question is whether this appropriation is authorized, not whether permit work is authorized. The act that has just been read authorizes the commissioners to do certain work.

Mr. FOWLER. For certain purposes.

Mr. MANN. And provides that that work shall be paid for out of an appropriation for assessment and permit work.

Mr. JOHNSON of Kentucky. I would ask the gentleman to please tell me where it makes that provision?

Mr. MANN. The gentleman has just read it.

Mr. JOHNSON of Kentucky. That is not in the bill.

Mr. MANN. Oh, no. I am talking about the law which the gentleman has just read. The law, as I say, provides that the commissioners may do certain work, and provides that work shall be paid for out of an appropriation for assessment and permit work. Suppose it had said it should provide for the payment of that work out of an appropriation for any other purpose, which was named. Is that not an authority to make the appropriation? The only question here is whether there is authority to make this appropriation. Here is a direction to certain officials to do a certain thing, and there is provision that it shall be paid for out of an appropriation for a certain purpose named—assessment and permit work. We can say that an official shall do a certain thing, and that that may be paid for out of any appropriation that we may choose to name, giving it a name. That is an authority to make the appropriation for that purpose. It seems to me very clear that this is in order.

The CHAIRMAN. The Chair is prepared to rule.

Mr. JOHNSON of Kentucky. And I will call the Chair's attention to the fact that on page 28, line 17, there is ample provision made for repairs of streets and avenues.

Mr. BURLESON. But that is an entirely different provision. This is for sidewalks and alleys.

Mr. JOHNSON of Kentucky. To be paid out of a fund which has no legal existence.

The CHAIRMAN. The Chair is prepared to rule. The paragraph cited by the gentleman from Texas [Mr. BURLESON] reads as follows:

Hereafter the Commissioners of the District of Columbia are authorized and empowered, whenever in their judgment the public health, safety, or comfort require it, or whenever application shall be made therefor, accompanied by a deposit equal to one-half the estimated cost of the work, to improve and repair alleys and sidewalks and to construct sewers and sidewalks in the District of Columbia of such form and material as they may determine, and to pay the total cost of such work from appropriations for assessment and permit work.

It seems to the Chair very clear that that language empowers the District Commissioners to have certain work done for all the years that are to come so long as the act stands, and the provision for the payment of such work from appropriations for assessment and permit work, even if it had never been authorized before, it seems to the Chair is clearly provided for in connection with the authorization of the work itself. The Chair therefore overrules the point of order, and the Clerk will read.

Mr. MANN. Mr. Chairman, I move to strike out the last word, for the purpose of inquiring why the appropriation was cut down from $340,000, I think it was before, to $200,000?

Mr. BURLESON. I will state, Mr. Chairman, to the gentleman from Illinois that heretofore the appropriations for assessment and permit work for sidewalks, alleys, and sewers have been carried in one item. This year, upon the recommendation of the District Commissioners, we have separated those two services in order to keep track of the amounts of money expended. He will find the assessment and permit work for sewers carried in another place in the bill.

The Clerk read as follows:

For paving G Street SE. between Pennsylvania Avenue and Fourteenth Street, 35-foot roadway, $6,000.

Mr. LOBECK. Mr. Chairman, I make the point of order that the section is new legislation, which has not been authorized in any way.

The CHAIRMAN (Mr. HAY). The gentleman from Nebraska makes the point of order.

Mr. BURLESON. Mr. Chairman, I will state to the gentleman from Nebraska that under the act of June 11, 1878, there is a general authorization for the repair to pavements of streets and alleys, and a provision as to how this work is to be performed by the municipal government. This street is within the limits of Washington and, of course, there is authority for its paving. With reference to the particular item, I will state that the municipal government has recently, by authority of law, constructed a municipal stable in the neighborhood of this street, and as there is considerable traffic the District Commissioners were very insistent that this particular work be authorized to be done at this time. I state that as showing the necessity for that work.

Mr. LOBECK. Is it not a fact that this work at the new stables out there was commenced before the District or the Government had acquired title to that property?

Mr. BURLESON. Oh, I think not.

Mr. LOBECK. Last May, I wish to inform the gentleman, the construction was made on that square, 1043, before any title had been secured by the District government, and they did not receive title to it until some time in October or later.

Mr. BURLESON. The gentleman does not deny they have title now and that the stable is there?

Mr. LOBECK. They have constructed a stable there now——

Mr. BURLESON. And they have a stable now.

Mr. LOBECK (continuing). And the property owners in that neighborhood went into court, and the case is still in court, asking that the stable should not be placed there.

Mr. BURLESON. But the stable is there.

Mr. LOBECK. They placed the stable there regardless of the court.

Mr. TAYLOR of Ohio. What is the objection to placing the stables there?

Mr. LOBECK. The gentleman from Kentucky [Mr. JOHNSON], I understand, says he can clear it up, and I will give him a chance.

Mr. TAYLOR of Ohio. I desire to have my question answered. I want to know what is the objection to having the stables located there?

Mr. LOBECK. It was in a residence portion of the city——

Mr. TAYLOR of Ohio. Where else in the District of Columbia or the city could you put them where they would not be?

Mr. LOBECK. The money was appropriated, however, to rebuild the old stables.

Mr. TAYLOR of Ohio. The old stable was unfit to be repaired. Is it not a fact that this new stable is in what is called an interior court, where you can hardly see it unless you know where it is? It is not built on any front, but in a hollow square surrounded by the rear of residences, and these alleys are the means of getting to the stable.

Mr. LOBECK. That was also true of the old stables.

Mr. TAYLOR of Ohio. The old stables are so out of repair they are unfit for use and are not large enough, and it would be simply a question of repairing a lot of old barns.

Mr. JOHNSON of Kentucky. Mr. Chairman, I can see that it may be a legitimate subject of discussion hereafter as to whether or not the stables have been legally located. The question now is whether this item has been authorized by law. At first I was of the opinion it was not, going upon the idea that Congress alone is authorized to open a street before it can be paved; but I find that the commissioners have the right to open alleys without the interference of Congress at all, and that under the law, whether an alley or a street, when it is once legally opened, then it can be improved, provided the appropriation is made for it.

The CHAIRMAN. The Chair overrules the point of order.

The Clerk read as follows:

Authority is given for the expenditure of not more than $6,000 of the existing appropriation for elimination of grade crossings, purchase of land, grading, etc., for the paving of the central island in the Union Station Plaza in connection with the current appropriation for elimination of grade crossings, improvement of the Plaza.

Mr. MANN. Mr. Chairman, I reserve the point of order. I would like to ask the gentleman a question with reference to the appropriation for the elimination of grade crossings. I do not recall the exact status of it now.

Mr. BURLESON. I will say to the gentleman from Illinois that it was originally the purpose of the District Commissioners to provide for this work—that is, on the Plaza of the Union Station—out of future appropriations for the elimination of grade crossings, and so forth, but they found there was a scarcity of money in the existing fund, and they did not have a sufficient amount to carry them over this month, so they have asked for an appropriation of $6,000 to enable them to complete it.

Mr. MANN. Is that diversion of the appropriation for the elimination of grade crossings?

Mr. BURLESON. No; the matter, as I understand it, was submitted to the proper authority, and it was held they should utilize these funds for the elimination of grade crossings, and part of the fund has been used for this purpose within the strict letter of the law; but the amount for that is not sufficient, and they ask for $6,000 to complete it.

Mr. MANN. All this paragraph does is to give authority? It gives no additional appropriation?

Mr. BURLESON. I was in error about it. They thought they had the authority. When they attempted to make this improvement the matter was submitted to the authorities, and they held the funds could not be diverted for that purpose, and they have an unexpended fund that they want to use.

Mr. MANN. It does not involve, then, any question of the elimination of the grade crossings anywhere if we make an appropriation for that purpose in connection with the railroad? It is very desirable to use the fund as far as necessary for that purpose. Does it involve that in any way?

Mr. BURLESON. Do you mean does it hamper the District Commissioners in the elimination of some grade crossings under the appropriation that has been heretofore carried for that purpose?

Mr. MANN. Yes.

Mr. BURLESON. It does not.

Mr. MANN. Is the gentleman perfectly certain of that?

Mr. BURLESON. Yes, sir; I am perfectly certain.

Mr. MANN. Here is an authority of Congress for the appropriation of a certain amount of money for the elimination of grade crossings. That appropriation has been made. We appropriated part of the money, and, I think, we have had some contributions.

Mr. BURLESON. I have a note here in the Book of Estimates which I will read to the gentleman:

The estimated cost of paving the central island of the Plaza directly in front of the Union Station is about $12,000. It was expected to do this work from the appropriation "Elimination of grade crossings, improvement of the Plaza," but when work already in hand is completed there will be but about $6,000 remaining. It is desired, therefore, to be able to use not to exceed $6,000 from the appropriation "Elimination of grade crossings, purchase of land, grading," etc., of which there is sufficient balance for the purpose of this paving. This paving work is not only a part of the ornamentation of the Plaza, but is essential to the needs of traffic, and should therefore be properly payable out of the appropriation "Elimination of grade crossings, purchase of land, grading," etc., but owing to the wording of that appropriation can not be used for this purpose.

It would not hamper any work of eliminating grade crossings in any other part of the city.

Mr. MANN. I withdraw the point of order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Southeast, Minnesota Avenue, Pennsylvania Avenue to Twenty-eighth Street, grade and gravel, $3,400.

Mr. MANN. I move to strike out the last word. I notice the entire appropriation under this class of items is reduced from one hundred and twenty-three thousand and odd dollars to seventy-four thousand and odd dollars. Do these reductions on the streets named in the bill include all of those which the commissioner has authority to improve?

Mr. BURLESON. It does not. I will say to the gentleman, as he knows, the House bill always carries a less amount for this purpose than is finally carried in the bill. There is another body that insists on having some say about where these appropriations shall be made, and if the House embodied in the bill the full amount they expected to be carried, the final result might be that the law would carry a much larger amount than that which ought to be appropriated for that purpose.

Mr. MANN. The gentleman's explanation is quite satisfactory. I withdraw the pro forma amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The use of bituminous macadam is authorized on streets, avenues, and roads to be improved or paved.

Mr. SIMS. Mr. Chairman, I reserve the point of order to ask a question as to the use of bituminous macadam on streets. Is that new legislation?

Mr. BURLESON. It is new legislation. I will say to the gentleman that for years and years the District Commissioners have used this material for the purpose of paving streets and avenues, but there has been some little question raised in the last three or four years about the authority to use this character of material. That was put in there for the purpose of removing all doubt about it.

Mr. SIMS. In the judgment of the committee it is a wise provision?

Mr. BURLESON. Undoubtedly, and will result in economy.

Mr. WEEKS. What is bituminous macadam?

Mr. BURLESON. It is a combination of asphalt, with broken stone, as the final surface material, laid upon a concrete base.

Mr. WEEKS. Is there any patent on it?

Mr. BURLESON. The contention of those in a position to know is that there is no patent on it, for the reason that the District had used this material for years before any patent or application for patent was made for this character of material.

Mr. WEEKS. Is there a patent on it now?

Mr. TAYLOR of Ohio. A pavement like that was used as long as 30 years ago.

Mr. BURLESON. It is claimed that there is a patent on it. In some courts it has been held that a patent exists and in others it has been held that it does not exist.

Mr. WEEKS. Is there any suit now pending before the United States courts regarding the validity of that patent?

Mr. BURLESON. I think not. I think there has been a final determination of every case.

Mr. MANN. If the gentleman will permit, I may state that in the last Congress we passed in this House—and, I think, it became a law—a provision authorizing a case to be taken to the Supreme Court of the United States by the District Commissioners, on appeal of the patent case, for the purpose of having the question determined by the Supreme Court, if anyone would bring a suit in the District of Columbia. Up to the present time the people who have this patent have declined, as I understand, to bring any suit in the District of Columbia. There was a suit brought in Chicago against, among others, the South Park Commission. They took testimony down here to show that this pavement had been used for many years. My recollection is—although I am not certain about it—that the court sustained the defendant there.

Now I will yield to the gentleman from Ohio.

Mr. TAYLOR of Ohio. In reference to the proposed suit——

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. SIMS. I withdraw the point of order, Mr. Chairman.

Mr. TAYLOR of Ohio. As to the proposed suit testing the right of the bitulithic combine as to the validity of their patent, this committee told them frankly that we would let them lay down a sample street in the city of Washington if they would bring a suit against the city, but after the matter was thoroughly thrashed out they absolutely declined to bring a suit against the District of Columbia, because they were too near to the Supreme Court. We were too close to the Supreme Court for their comfort; but there are other suits pending, as I understand, in the inferior courts.

The CHAIRMAN. The gentleman withdraws his pro forma amendment. The Clerk will report the amendment offered by the gentleman from New York [Mr. LEVY].

The Clerk read as follows:

On page 28, line 14, after the word "macadam," insert "or wood blocks."

Mr. LEVY. Mr. Chairman, I think wood pavement is the best pavement in the world, and I can not conceive why our great cities do not use it. The only fault complained of in connection with it in the past is in the method used in laying it. In all the great continental cities of Europe wooden blocks are used for street paving.

Mr. BURLESON. I think it is authorized by law. I have no objection to it. I will accept the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. MANN. Mr. Chairman, I move to add, before the word "the," in line 14, the word "hereafter."

Mr. BURLESON. Mr. Chairman, I accept the amendment.

Mr. MANN. Let it read, "Hereafter." Leave out the word "that."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Page 28, line 16:

"Repairs streets, avenues, and alleys: For current work of repairs of streets, avenues, and alleys, including resurfacing and repairs to asphalt pavements with the same or other not inferior material, and maintenance of motor vehicle for use of engineer commissioner and his assistants, of which sum $60,000 shall be immediately available, $370,000: *Provided*, That the Commissioners of the District of Columbia are hereby authorized, in their discretion, to use such portion of public space lying south of Water Street and east of Fourteenth Street SW. as may, in their judgment, be necessary for the site of an asphalt plant and the storage yards and other necessary accessories therefor. And they are further authorized to establish, construct or purchase, maintain, and operate, on the site above described, an asphalt plant with the necessary accessory structures, materials, means of transportation, road rollers, tools and machinery, and railroad sidings, including one portable mixing plant for the utilization of old asphalt material now wasted, all or any part of the above work to be executed by day labor or contract, as in the judgment of the commissioners may be deemed most advantageous to the District of Columbia, and the cost of the same and of any necessary incidental or contingent expenses in connection therewith shall be paid from this appropriation: *Provided further*, That the total expenditure under the above authorization for an asphalt plant and portable mixing plant shall not exceed the sum of $87,500: *And provided further*, That on and after July 1, 1913, the limit of cost for making or relaying sheet asphalt pavements shall be reduced from $1.80 per square yard, as now fixed by law, to $1.68 per square yard: *And provided further*, That this appropriation shall be available for repairing the pavements of the street railways when necessary; the amounts thus expended shall be collected from such railroad company as provided by section 5 of 'An act providing a permanent form of government for the District of Columbia,' approved June 11, 1878, and shall be deposited to the credit of the appropriation for the fiscal year in which they are collected."

Mr. FOSTER of Illinois. Mr. Chairman, I reserve a point of order on that.

Mr. JOHNSON of Kentucky. I reserve a point of order on the paragraph, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois and the gentleman from Kentucky reserve points of order on the paragraph.

Mr. BURLESON. Mr. Chairman, it is the contention of the committee that under clause 2 of Rule XXI the provisions of this item are not subject to a point of order. Under the act making appropriations for the service of the District of Columbia for the fiscal year 1912 there was carried for resurfacing of streets the sum of $425,000. The committee will understand that we have 3,000,000 square yards of asphalt pavements within the corporate limits of this municipality—more mileage of asphalt than any other city in the world of like size. It is necessary, in order to economically preserve the asphalt pavement, that a certain percentage of repairs and resurfacing shall be made each year to keep the average life of a pavement to approximately 11 or 12 years.

Under the appropriations which have been made during the last three or four years there has been a material reduction in the average life of asphalt pavements. A few years ago the average life of the asphalt pavements in the District of Columbia exceeded 14 years. This age of asphalt pavements necessitated a larger appropriation to keep them in repair than would have been necessary if the average age had been maintained at 11 years. Scientific investigation has determined that the most economical length of life for an asphalt pavement is about 11 years. We now have the average life of the asphalt pavements in the city of Washington reduced to a little more than 12 years, as I understand it.

Prior to last year the work of asphalting our pavements was done under contract. Prior to that year there was competition on the part of asphalt companies within the limits of the District of Columbia for this work, but at that time one of the companies in Washington absorbed the other.

You will readily understand that in order to do this work it is necessary to maintain a rather expensive plant. Consequently, unless some action is taken by the District of Columbia when this present contract expires, which will be at the end of the next fiscal year, the District authorities will be absolutely at the mercy of the one company now in existence.

Desiring to make provision for this situation, we carried in last year's bill an authorization for an asphalt plant. So effective was that provision that before the bill got to the Senate, although the item had been taken out of the House bill by a point of order, the chairman of the subcommittee of the Committee on Appropriations for the District of Columbia, in company with the engineer commissioner, met the contractor, who said if they would not press the matter at that time he would assure them that the bid that would be made for the asphalt work in the District of Columbia would be less than $1.70 per square yard.

It is true that he kept his word, and we have a contract now for $1.68 for the resurfacing work to be done in the District of Columbia; but it is also true that this contractor increased his bid for repair work, so as to absorb and absolutely nullify the benefit that would have accrued to the District by reason of the lower bid for asphalt resurfacing.

In this bill we carry only $370,000 for resurfacing, coupled with the proviso for an asphalt plant. Bear in mind that we appropriated last year $425,000, and in this bill we carry only $370,000, a reduction of $55,000 below last year, coupled with the proviso that the asphalt plant shall be provided, and that a portable plant for the utilization of old uplift asphalt material shall also be provided.

Everyone familiar with the work of asphalting or resurfacing streets knows that a large amount of material which is lifted up and which constitutes the surface which is contemplated to be replaced is wasted. The engineer commissioner of this District believes that this material could be used to advantage. He conceived that a plant could be constructed which could utilize it to great advantage. He directed the attention of a gentleman who is engaged in the manufacture of machinery to the matter and invited him to come here. As a result of that conference a machine was evolved for the purpose of utilizing this old asphalt material. There was no authority on the part of the engineer commissioner to purchase the machine, and after it was made the city of Cleveland purchased it and has been utilizing this uplift or wasted material that has heretofore been of no practical benefit to the District.

I am informed now that they are utilizing a similar machine in Omaha, also one in Milwaukee. It was the result of the investigation made by the present engineer commissioner and undoubtedly it will result in a great saving to this District if we can purchase a machine of this kind to be used in connection with the asphalt plant which is contemplated to be constructed under this proviso.

Now, keep in mind that we appropriate here $370,000 instead of $425,000, as was carried in last year's bill, and provide out of this reduced amount that a sum shall be expended for the purpose of erecting a municipal plant, coupling it with the change of the law, which now authorizes $1.80 per square yard for resurfacing, that there shall be authority hereafter to expend only $1.68 as a maximum price for resurfacing work.

Consequently, Mr. Chairman, on the point of order I insist that, inasmuch as this item effects a material reduction in the item as it is now carried, inasmuch as it is coupled with the proviso that there shall be a reduction in the maximum price authorized to be paid for resurfacing, that undoubtedly it is in order under clause 2 of Rule XXI.

In the cities of Dayton, Indianapolis, Kansas City, Denver, Seattle, Detroit, Columbus they are now operating municipal asphalt plants to great advantage. And especially is it advantageous in the repair work that is to be done. We have an immense amount of repair work to be done in this city by reason of the fact that we have over 3,000,000 square yards of asphalt streets within the limits. I sincerely hope that gentlemen will not insist on the point of order. If they do, I earnestly insist that the point of order under clause 2 of Rule XXI should be overruled.

Mr. JOHNSON of Kentucky. Mr. Chairman, I do not deem it necessary in determining whether this item is subject to a point of order to discuss the Holman rule. I shall not mention it, believing that I shall be able to establish a point of order without doing so.

If the Chair will take the report of the committee on this bill, page 4, which puts in the new matter, he will see that this provision reads as follows:

Provided, That the Commissioners of the District of Columbia are hereby authorized, in their discretion, to use such portion of public space lying south of Water Street and east of Fourteenth Street southwest as may, in their judgment, be necessary for the site of an asphalt plant and the storage yards and other necessary accessories therefor. And they are further authorized to establish, construct or purchase, maintain, and operate, on the site above described, an asphalt plant with the necessary accessory structures, materials, means of transportation, road rollers, tools and machinery, and railroad sidings, including one portable mixing plant for the utilization of old asphalt material now wasted, all or any part of the above work to be executed by day labor or contract, as in the judgment of the commissioners may be deemed most advantageous to the District of Columbia, and the cost of the same and of any necessary incidental or contingent expenses in connection therewith shall be paid from this appropriation: *Provided further*, That the total expenditure under the above authorization for an asphalt plant and portable mixing plant shall not exceed the sum of $87,500: *And provided further*, That on and after July 1, 1913, the limit of cost for making or relaying sheet asphalt pavements shall be reduced from $1.80 per square yard, as now fixed by law, to $1.68 per square yard.

Now, Mr. Chairman, the people in the District of Columbia do not intend that their half-and-half plan shall be infringed upon. This piece of land which is now proposed to be taken as an asphalt plant belongs to the United States Government, and I do not believe that the people of the District want the half-and-half plan infringed upon, and for that reason, if for no other, I make the point of order.

Mr. BURLESON. If the gentleman will permit me one moment, I had not reached this point, but I want to say that I have an amendment which I shall offer, which will meet the only objection he makes to this item.

Mr. JOHNSON of Kentucky. Oh, the gentleman is mistaken. I have another very serious objection.

Mr. BURLESON. Will the gentleman permit me to read it in his time?

Mr. JOHNSON of Kentucky. Yes.

Mr. BURLESON. I propose to offer the following amendment:

Provided, That the District of Columbia shall pay to the United States, as compensation for the land on which said asphalt plant shall be located, one-half the estimated value thereof, namely, $22,000, and there is hereby appropriated entirely from the District revenues the sum of $22,000, which shall be deposited in the Treasury of the United States to the credit of the revenues of the United States, and thereafter the title to the said property shall be in the name of the District of Columbia.

That is intended to meet the only objection which the gentleman has to this item, as I understand it.

Mr. JOHNSON of Kentucky. Mr. Chairman, I will show the gentleman another very important objection to this item in the existing bill. I have in my hand a copy of the act of June 11, 1878, to which reference is made in the bill, and in lines 5 and 6 on page 30, the bill uses these words:

And shall be deposited to the credit of the appropriation of the fiscal year in which they are collected.

That changes the existing law. The existing law which is contained in the act of June 11, 1878——

Mr. BURLESON. But that has absolutely nothing to do with the asphalt plant, and has been carried in the law for years, just as the gentleman has read it.

Mr. JOHNSON of Kentucky. The gentleman says this bill provides that this $87,000, or whatever it is, shall be deposited to the credit of the appropriation for the fiscal year in which they are collected. The act of June 11, 1878, says this in reference to that part of the work done between the street car tracks, and that is what I now refer to.

The CHAIRMAN. What section of the act of 1878?

Mr. JOHNSON of Kentucky. Section 5, toward the end of it, relative to the work done between and around street car tracks. The act of June 11, 1878, does give to the commissioners the right to make the streets, between the street car tracks and for 2 feet on either side, of the thing, and provides that they shall pay for it, but it says:

Which payment shall be credited as a part of the 50 per cent which the United States contributes toward the expense of the District of Columbia for that year.

This act does not make that provision. This is another piece of legerdemain to enlarge the contribution of the United States toward the District of Columbia.

Mr. BERGER. Mr. Chairman, I for one am not in favor of the so-called organic act of 1878, by which we pay half of the expenses of the District of Columbia. I believe it works hardship both ways. I believe that the gentleman from Tennessee [Mr. SIMS] was right when he said that Washington has become a harbor of refuge for all the millionaire tax dodgers of the country. Moreover, I believe that the common people of Washington do not get any benefit from this mercenary arrange-

ment—none at all. Property in the District is high; rents are still higher. The mere fact that we pay half of the taxes for every landowner of the District enables every land speculator and real-estate grafter to hold on to the real estate—to make their own terms and to charge exorbitant rents—or to leave the property vacant.

Why not? We pay 50 per cent of their taxes.

However, this asphalt plant is a different story. So long as we have the so-called organic act, it is our duty to do our very best for the District with this act; and for this reason I would ask the distinguished gentleman from Kentucky [Mr. JOHNSON] to withdraw his point of order. There is not a better item in the appropriation bill for saving money than this. There is no item through which we will save so much money for the United States Treasury and for the District as by the establishment of this plant. I am rather astonished that the price is so low. A good outfit may cost $200,000.

Mr. LOBECK. They will get the $200,000 after awhile.

Mr. BERGER. That is what I understood they wanted in Milwaukee.

Mr. FITZGERALD. What did they buy up there?

Mr. BERGER. A plant of the same kind.

Mr. FITZGERALD. What is the plant?

Mr. BERGER. A plant to resurface streets paved with asphalt.

Mr. FITZGERALD. Of what does the plant consist?

Mr. BERGER. Everything that is necessary to resurface the streets, crush the stones, lay the cement, mix it with sand, and use the old asphalt. Does the gentleman know how asphalt is made?

Mr. FITZGERALD. Yes; I have been in a plant, and that is the reason I would like to know why Milwaukee paid $200,000 for its plant.

Mr. BERGER. That is what I understood the entire outfit was to cost. Of course, I have not been there of late.

Mr. TAYLOR of Ohio. The gentleman stated the plant itself cost $200,000?

Mr. BERGER. Not the plant; the entire outfit. I do not know the details——

Mr. TAYLOR of Ohio. What does the gentleman mean by the entire outfit?

Mr. BERGER. The machinery and what goes with it. Well, if you want the details I shall have to get them for you. I do not want to say anything here that may not be correct.

Mr. TAYLOR of Ohio. The reason I asked the question was, in all sincerity, because the study I have given to this subject would indicate to me that to put up a modern, up-to-date plant in such a city as this would cost about $100,000, and the commissioners this year thought by a certain change in their plans that $80,000 would enable them to complete the asphalt plant and $7,000 the portable plant, and I want some explanation of the excessive cost of the Milwaukee plant.

Mr. BERGER. We had an expert in Milwaukee, Mr. Mullen, who was formerly employed by the Barber Co.—the so-called Asphalt Trust—before he came to us. When that plant was installed, however, I had left Milwaukee, and I have only a general idea what it was to be. I am not prepared to give the details. However, if you are interested I shall be pleased——

Mr. TAYLOR of Ohio. I am very much interested.

Mr. BERGER (continuing). To give you the information as soon as I get it.

Mr. Chairman, to get back to my subject, I want to ask my colleague again to withdraw his objection. I know the gentleman wants to do his duty as chairman of the District Committee, and I know that he wants to save money for the District and for the United States Treasury. The gentleman from Kentucky [Mr. JOHNSON] can accomplish this best by withdrawing his objection and voting for this appropriation. Nobody will lose thereby, except some contractors will lose profit to which they are not entitled.

Mr. JOHNSON of Kentucky. If the gentleman will yield to me for one moment?

Mr. BERGER. With pleasure.

Mr. JOHNSON of Kentucky. I will say I am not opposed to the construction of the asphalt plant. A bill for the purpose of building one is before the District Committee. I have a number of times endeavored to get a quorum, that that bill might be brought up. We failed to get a quorum during the summer months, because it was very seldom we could even get a quorum in this House to do business; but when that bill does come up for consideration before the House District Committee, then I hope to so amend it as to protect the interests of the United States in that most valuable piece of land which is now about to be given to the District of Columbia, and at the same time to so amend that bill that the half-and-half system may not be enlarged upon and thereby take away from the United States Government that which they do not return and which the law requires them to return; and, if this bill passes in the shape it is in, it gives further opportunity not to return to the United States Government money that it has contributed toward the maintenance of the District.

Mr. FOWLER. May I ask the gentleman a question?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Illinois?

Mr. BERGER. Yes.

Mr. FOWLER. The gentleman from Kentucky was the gentleman of whom I wished to ask the question, not the gentleman from Wisconsin. I thought the gentleman from Wisconsin had finished.

Mr. BERGER. I have not finished yet.

Mr. FOWLER. I desire to know if it is not intended by the District of Columbia to pay any part of the cost of erection of this asphalt plant?

Mr. JOHNSON of Kentucky. Oh, yes; the District of Columbia, under this item in the bill, would have to pay half of the construction of the plant, but the first section of the bill gives away a most valuable square of land belonging to the United States Government. Now, the gentleman from Texas [Mr. BURLESON] proposed an amendment which would give to them half of it. I see no reason why we should give to them any of it, especially in view of the fact that when the asphalt plant is to be established that we are to pay half of the cost of its erection and half of the cost of its maintenance.

Mr. BERGER. Mr. Chairman, I should like to have the bill amended in such a manner as to satisfy the gentleman from Kentucky. I believe it can be done. I should very much like to see this clause pass. I believe the gentleman from Texas [Mr. BURLESON] can amend the bill to make it agreeable for the gentleman from Kentucky.

Mr. BURLESON. I will state to the gentleman from Wisconsin that I have an amendment here providing that one-half of this shall be paid for by the District of Columbia.

Mr. BERGER. That ought to be satisfactory.

Mr. BURLESON. I think it ought to be satisfactory, unless the gentleman desires to make the District pay for all of it.

Mr. JOHNSON of Kentucky. Not unless the gentleman corrects this other provision changing the law of June 11, 1878.

Mr. BURLESON. We effect no change in that law.

Mr. JOHNSON of Kentucky. I beg to differ with the gentleman; you do.

Mr. COX of Ohio. Mr. Chairman, when the last year's District appropriation bill was before this committee, practically the same provision was carried in the bill. The real thing at issue was discussed then at greater length than it has been discussed here to-day, namely, whether or not it was a practicable operation; whether it would promote the efficiency of the service and effect an economy. The reports from cities all over the country were conclusive with respect to both efficiency and economy, and I believe it was the sense of this committee a year ago that it would be a very wise provision and plan if the municipal asphalt plant were put into operation in the District. However, a point of order was made against the provision and the matter then hinged on the question of committee jurisdiction. The merits of the case very properly were not considered by the Chair at all, and it went out on a point of order.

Now, the point of order is again raised, but under the revised rules of the House, which provide that legislation is in order if an economy is effected. There can be no question in the mind of any person after reading the hearings and after going carefully through the reports submitted by municipalities all over the country that the economy effected is more than apparent—that it is absolutely obvious. I was one of the gentlemen who a year ago urged that this should go out of the appropriation bill and that the District Committee really had jurisdiction. I do not want to be ungracious in the least to the District Committee, but one year substantially has elapsed since that time. A bill has been introduced, so the chairman states, providing for an asphalt plant. There have been no hearings, and I believe that the statement of the chairman in this respect is not conclusive that his efforts have been exhausted in the matter of having this same subject thoroughly considered by his committee. So another year is here and the District goes on in the present obsolete way of caring for its streets.

There is this phase in connection with the present method of paving streets and repairing them. It should be stated at this juncture that many of the States of the Union have laws now which give the municipalities the right to buy, maintain, and operate asphalt plants, but only for the purpose of repairing the streets. In the State of Ohio the right does not inhere in the municipalities to build the streets. The municipalities

in the State can only repair asphalt streets, and yet the economy effected has been so great in Ohio that an effort will be made as soon as the legislature is again in session to have the law extended, in order that our municipalities can construct and maintain these municipal plants for the construction as well as the repair of the streets.

In the whole operation there is this adverse interest as between the municipality and the contractor: The streets are guaranteed for five years only. At the end of that time the contractor is not compelled nor called upon to give further attention to the streets. After five years such repairs as are necessary must be done at the public expense. So it is perfectly apparent that the contracting concern will build these streets with a 5-year life rather than a life of from 10 to 15 years, which every correctly constructed asphalt street should have.

Then there is this further adverse interest: In the matter of repairs it is important that as soon as a defect is apparent on the surface of the street it should be repaired. The municipal inspector simply marks off the places which are to be repaired, and it has been the experience everywhere that a spot is marked off entirely beyond the boundary of the spot which is defective, and so the yardage to be paid for is greater than it ought to be.

Now, Mr. Chairman, there can be no doubt but that a great economy is here to be effected. I believe that this provision comes clearly within the rule. If it does not, I then sincerely hope that the discussion to-day will give this movement such momentum that we will not have to wait another year on the District Committee.

Mr. SAUNDERS. Mr. Chairman, I wish to address myself to the legal question that is raised here and not undertake to discuss at any length the merits of the proposition as an economic one.

I may say, however, in that connection, that the Committee on Appropriations specifically conducted such inquiries as satisfied it beyond any question whatsoever, that the proposition which it reports is one that effects a substantial reduction in the operating expenses of the District of Columbia. The main question still remains whether or not the new legislation recommended is within the jurisdiction of the Committee on Appropriations. If it is ascertained that this legislation is within the jurisdiction of this committee—I mean the main proposition here embodied—then the objections to certain details raised by the gentleman from Kentucky may be very easily met by appropriate amendments.

Suppose we look at the rule, and see what the rule is, and how far it applies to a situation of this character. Of course I admit, Mr. Chairman, that the recommendation is new legislation, and unless that legislation can be brought within some specific authority, I concede as a further matter of course, that the point raised against it is well taken. What is the Holman rule as contained in the rules of the present House?

Mr. FOWLER. What page is that on?

Mr. SAUNDERS. On page 31 of the House Manual and Digest, Rule XXI provides in part:

> Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

I have cited only so much of the rule, Mr. Chairman, as is applicable to the case in hand.

The CHAIRMAN. Will the gentleman permit the Chair a question there?

Mr. SAUNDERS. Certainly.

The CHAIRMAN. The Chair will indicate that he is rather inclined to think that the proviso following the provision which the gentleman has read is important to be considered here—the proviso which follows immediately after what the gentleman has read. The Chair would be very glad to hear the gentleman on that.

Mr. SAUNDERS. That proviso is in addition to what I have said. So far from the proviso limiting or weakening the language quoted, it is in addition to it, and strengthens the proposition that I seek to maintain.

I intended to use this proviso as an illustration to show the further power of amendment given to the committees having jurisdiction and to deduce from the section as a whole including the proviso, that the recommendation of the Committee on Appropriations is well within this rule. In the first place the initial inquiry is, Is the proposed matter germane? I refer of course to the new legislation reported by the Committee on Appropriations. Unquestionably it is with reference to the subject matter of this section of the bill. An amendment which provides for a plant by which the work in contemplation may be more effectively and economically effected is certainly germane in this connection. The section relates to the laying of pavements, the repair of streets, et cetera, so that a plant by which those repairs may be most efficiently, scientifically and economically afforded is germane to the entire scheme. Whatever relates to the establishment of a plant designed to secure cheaper pavements in the District, is germane to a section relating to paving and repairing the streets.

Will the legislation suggested reduce expenditures; that is, reduce the amounts of money covered by the bill? Permit an illustration in this connection. Suppose the committee had reported the present section in the form in which it appears in the bill of last year. Suppose further when this section came up for consideration, a Member from the floor offered an amendment in the terms found in the present bill, reducing the limit of cost, would any parliamentarian contend that this amendment would not be in order, effecting as it would, in the language of the rule, "a reduction of the amount carried by the bill"? If, therefore, this amendment so offered would be appropriate, germane, and parliamentary, I do not think that it can be successfully maintained that the same provision carried as a part of the bill is not equally germane and in order.

The CHAIRMAN. Will the gentleman permit?

Mr. SAUNDERS. Certainly.

The CHAIRMAN. If this bill were introduced as an original proposition, what committee of the House would have jurisdiction of it?

Mr. SAUNDERS. I suppose it would be the Committee on the District of Columbia.

The CHAIRMAN. What is the opinion of the gentleman, then, as to the requirement in the rule—

> *Provided*, That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law or the House members of any such commission having jurisdiction of the subject matter of such amendment.

Mr. SAUNDERS. I do not see that the language cited affects the parliamentary status of this section as reported by the Committee on Appropriations.

The CHAIRMAN. The Chair agrees with the gentleman that if this would be in order if presented from the floor of the House by a Member, acting in his individual capacity as a Member——

Mr. MANN. I hope the Chair will not make that ruling until it is necessary. I hope the Chair will not indicate a ruling upon a point that has not yet been presented.

The CHAIRMAN. The Chair is not indicating a ruling upon a point that has not yet been presented.

Mr. MANN. Or argued.

The CHAIRMAN. The Chair stated that he was inclined to agree with the gentleman from Virginia that if it were in order if offered by a Member from the floor it would be in order if reported by the Appropriations Committee; but he was not passing even upon that question.

Mr. MANN. I thought the Chair stated that it would be in order if offered from the floor.

Mr. SAUNDERS. No; he agreed that if my premise was right, the conclusion was right. That was all the Chair said.

The CHAIRMAN. What is the necessity for the proviso in the second clause of Rule XXI if the proposition could be in order if offered by a Member on the floor of the House, or can be brought in by the Appropriations Committee, which is not a legislative committee?

Mr. SAUNDERS. As I understand the question, if I apprehend what the Chair has in mind, it is that this amendment would have to be offered by the Committee on the District of Columbia. Is that what is implied by the question of the Chair?

The CHAIRMAN. The Chair, of course, is not ruling.

Mr. SAUNDERS. If that what is in the mind of the Chair, then there is a limitation on these amendments, to the effect that they must be offered by a committee that would have jurisdicion of the subject matter save for the Holman amendment.

The CHAIRMAN. The Chair suggested that he would be very glad to hear the gentleman as to why that proviso was put in the rule.

Mr. SAUNDERS. I do not gather at all from the rule, or the proviso that the proviso is intended to restrict the power of the committee when acting under the rule. The proviso would seem to mean that the bill under consideration may be amended further by the committee having jurisdiction, that is, either the committee having jurisdiction apart from the Holman rule, or the Committee on Appropriations having jurisdiction under the Holman rule, provided its recommendations or suggested amendments conform to the requirements imposed, of germaneness and retrenchment. This interpretation makes the Holman

rule more potent for usefulness. The other view will greatly limit its scope and effective operation. The Holman addition to the rules was made for a specific purpose. It was intended to allow the Appropriations Committee to effect economies called to its attention by its inquiries into existing expenditures.

It was thought wise to afford this committee full opportunity to effect economies and reductions, the House apparently believing that legislation in appropriation bills, provided it effected these results, was not to be feared. The rule should be interpreted so as to give effect to this intent. I would suggest in this connection that the proviso should be interpreted to mean that both the committee which, apart from the Holman rule, would have jurisdicion of the subject matter, and the committee which, by virtue of the Holman rule, has jurisdiction namely the Appropriation Committee, may amend further a pending appropriation bill. Unquestionably the Committee on Appropriations, provided it can bring itself within the limitations of this section, has jurisdiction of the subject matter.

The CHAIRMAN. Will the gentleman permit the Chair to call attention to the first part of the so-called Holman rule:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by a reduction of the number and salary of the officers of the United States——

Mr. SAUNDERS. I did not read heretofore a part of the language now being read by the Chair, deeming it inapplicable to the case in hand. I skipped the third——

The CHAIRMAN. Permit the Chair to read.

Mr. SAUNDERS. I was not interrupting, but I was merely suggesting that I did not read such language as I conceived not to apply to the case I was seeking to present.

The CHAIRMAN. It says, further—

by the reduction of the compensation of any person paid out of the Treasury of the United States—

That is the second method—

or by the reduction of amounts of money covered by the bill.

That is third. Now, must not the appropriation be limited, and must not a Member offering an amendment from the floor in his capacity as a Member and not upon the report of any committee be limited specifically to one of those three methods of reduction?

Mr. SAUNDERS. I think so.

The CHAIRMAN. Now, then, can the Appropriations Committee or an individual Member, acting as an individual, offer substantive legislation under the third section?

Mr. SAUNDERS. Yes; if it reduces the amount of money covered by the bill. I think so if the substantive legislation brings about the results contemplated by this section. That is the purpose, as I understand it, of the section.

The CHAIRMAN. Then why the necessity for the proviso?

Mr. SAUNDERS. I take it the proviso was an enlargement of the power given above. It shall also be in order for the committee to report amendments of this character, and when the bill comes before the House it may be further amended as provided in the proviso. That is carrying out the main purpose of the rule, which contemplates reduction and economies through changes in existing law.

It was my understanding that the Holman rule was intended to accomplish these substantial results, and to that end the Appropriation Committee was given a limited right to report legislation, the limitation being that the legislation must effect reductions.

Hence when we reported this proposition to the House we sought to bring ourselves within these limitations and requirements. The proposition now under consideration reduces appropriations which otherwise would be carried under existing law. It effects a reduction, a reduction of the amount of money covered by the bill. But for the suggested legislation no reduction would be made; but for this legislation these expenditures could not be reduced. The reduction will be effected, provided we are allowed in connection with the general subject matter to report legislation which will be germane to it, legislation which in its operation will bring about the effect that is designed. But as a parliamentary proposition it would not be sufficient for us to come before the House and argue that we were satisfied that a reduction would be effected by the legislation reported. We must do more than that. We must have in mind existing law, and secure a reduction of the expenditures provided by that law and in effect under that law. This is what we have done. We have reduced the limit of cost from $1.81 per square yard to the amount fixed by this bill. That is a reduction of the limit of expenditure under present law. Therefore the committee has so hedged about the proposition reported, that we effect, not in our opinion, or in our view, but by the very terms of the legislation reported a reduction in the amount of money covered by the bill.

So far as the merits of the proposition are concerned I do not care to discuss them at this time. I will say, however, that the committee so far as it could, made a most ample inquiry. All the gentlemen having knowledge of municipal operations who have participated in this debate have concurred in the view taken by the committee that the measure reported will work out the result that is contemplated, and materially reduce existing expenses. If the wisdom of the policy suggested shall be put in issue, we have no desire to shirk any debate or inquiry on that line. If the committee can not justify its position before this House, and show that this proposition rests upon the sound, sufficient and satisfactory experience of other municipalities, then the report of the committee ought not to weigh an iota with this body. I take it that with respect to a recommendation from a committee, it ought to have with the House just that weight to which it is entitled on its merits. Its proponents must satisfy the judgment of the Members by sound and sufficient argument directed to the merits of the proposition, and by appropriate and pertinent facts.

Along the line of the economic merits of the proposition submitted by the committee, we welcome the most minute inquiry, and amplest discussion.

The CHAIRMAN. Before the gentleman yields the floor will he permit the Chair to make an inquiry?

Mr. SAUNDERS. Certainly.

The CHAIRMAN. Has the gentleman volume 4 of Hinds' Precedents before him?

Mr. SAUNDERS. No; I have not that volume at hand.

The CHAIRMAN. On page 383 of Hinds' Precedents there is set out what was the original Holman rule. The rule in the form in which it appears now, while it is called the Holman rule, is not, in fact, the form in which the original Holman rule as presented by Mr. Holman existed, and the Chair will read that to the gentleman:

No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress, nor shall any provision in any such bill or amendment thereto, changing existing law, be in order except such as, being germane to the subject matter of the bill, shall retrench expenditures.

That is the Holman rule complete. The Chair would call the attention of the gentleman to the fact that the specific manner of retrenchment is not pointed out in that rule, nor is the provision in the rule as it appears in the rule now and as is was put in at the next session after that Congress, in 1876, when it was adopted.

Mr. SAUNDERS. Mr. Chairman, of course I have not had the opportunity to run through the precedents to ascertain whether in the light of those precedents the proviso to which the Chair refers, limits what I conceive to be the power given to the Committee on Appropriations by Rule XXI. I do not see why the proviso should be deemed to operate as a limitation on the power apparently given. Such an interpretation of the rule is not a necessary interpretation, and tends to defeat what the rule was intended to accomplish.

In conclusion, I wish to ask and answer a few questions relating to the power of the Committee on Appropriations to report legislation.

First, can the Committee on Appropriations report legislation changing existing law? The answer to that must be that it can, under certain prescribed conditions. The provision must be germane to the subject matter. No one reading the section under consideration and having in mind its general purpose which contemplates the reparation and paving of the streets, will undertake to say that the establishment of this plant to carry out this general purpose, is not germane to the subject matter of the section. We have seen that the committee can report general legislation changing existing law provided, that it is germane and, provided further, that it effects a reduction in the amount of money covered by the bill. Apart from the recommendation of this bill, what is the limit fixed by existing law for the cost per yard of asphalt pavement? It is $1.81 cents per square yard as fixed by existing law.

Running through the provisions of the pending section, we find that after providing for the asphalt plant, the limit for the cost per square yard of paving is reduced from $1.80 per square yard, to $1.68 per square yard. This is a substantial reduction, and we maintain therefore, that every requirement of Rule XXI is complied with, and a point of order does not lie to the proposed legislation.

Respecting the other objections of the gentleman from Kentucky [Mr. JOHNSON], I will say a word or two. In reply to the suggestion that the Government will give any portion of a valuable lot to the District, I will say that that is a mistake. It is intended that the District shall pay the Government for one-half of the lot intended to be used. That will be provided for

in the bill, and is a recognition of the half-and-half principle. With respect to the other suggestion that the language in the concluding paragraph, "And provided further," changes some existing law, I simply wish to say that I am not sufficiently familiar with the history of the language used to be able to say with any certainty whether that objection is well or ill taken. I am informed that the precise language used here, has been used in the District bills for many years, as far back I believe as 1897.

Mr. JOHNSON of Kentucky. If the gentleman will pardon me, both of them are here, and he can look at them in a second and see that they are different.

Mr. SAUNDERS. I will look at them as I conclude with my remarks. As I have said, I made no special inquiry into the antecedents of this language, and what I have said was on information derived from others. However this language at this time is not material to the question submitted for the consideration of the Chair. It is not a part of the asphalt proposition. This proviso can be stricken out without affecting in any wise that part of the report of the committee which recommends the establishment of the asphalt plant.

The CHAIRMAN. Does the gentleman from Illinois desire to be heard?

Mr. MANN. Mr. Chairman, while I should personally prefer that the paragraph might be acted upon by the committee and should vote to retain it if the point of order were withdrawn, yet I think the importance of a construction of the rule is more important than the construction of the asphalt plant. It seems to me that the paragraph is subject to the point of order. I have taken the trouble to go through a lot of original rulings upon the Holman rule, which are not printed in Hinds' Precedents, although references are made to most of them. In the Forty-fourth Congress an amendment was offered on the Indian appropriation bill in the Committee of the Whole, and a point of order being made the committee rose, and referred the decision of the point of order to the Speaker, who was Mr. Kerr, of Indiana. Subsequently in the same Congress another amendment was offered, involving precisely the same general proposition, with one exception, and the point of order was made and decided by the Chairman, Mr. Springer, of Illinois. Those two decisions set out, as it seems to me, very clearly the distinction between an amendment that is in order and one which is not in order under the Holman rule. Speaker Kerr ruled the first amendment out of order and Chairman Springer ruled the second amendment in order, having the Speaker's ruling before him. The first amendment, which was ruled out of order, provided—I think it was in the bill, I refer to it as an amendment—

That the management of all Indian affairs and of all matters arising out of Indian relations be, and the same are hereby, transferred from the Department of the Interior to the War Department, and the same are hereby placed under the Secretary of War, agreeable to such regulations as the President may prescribe: *And provided further*, That the Office of Commissioner of Indian Affairs is hereby abolished, and the execution of all laws and parts of laws applicable to the management of Indian affairs and all matters arising out of Indian relations is hereby lodged with the Secretary of War: *And provided further*, That the duties now being intrusted to and performed by Indian agents and other officials and employees of every kind and description will be performed by officers, soldiers, and employees of the Army.

Speaker Kerr held the amendment was not in order under the Holman rule, to which the Chair has just called attention, providing that a proposition should be in order if it retrenched expenditures. I say amendment, but it was in the original bill, and the Speaker ruled that retrenchment of expenditures could not be a matter of argument; that it must be disclosed by the amendment or the proposition that it was a retrenchment of expenditures, so that when precisely the same proposition, with a slight exception, came before Mr. Springer as Chairman he ruled the proposition in order which provided, after transferring Indian affairs to the War Department and to the officers of the Army—

And they shall receive no additional pay by reason of the performance of the duties aforenamed thus transferred to them.

The Chairman held that it was no longer a matter of argument when you abolish one office and transfer the duties of that office to another officer and provide that the other officer should perform the duty without any additional pay, that there must be a retrenchment of expenditures, because you had abolished one office and one salary and required another officer to perform the duties without extra compensation. That not being in the first proposition, therefore Speaker Kerr declared it was merely a matter of argument whether the transferring of the Indian Office to the War Department would create a retrenchment of expenditures. It might be, the Speaker said, that if the Indian Office were transferred to the War Department it would cost just as much to perform the duties in the War Department as it would cost in the Indian Office, hence it was purely a matter of argument whether it was a retrenchment of expenditures. I have a lot of other decisions along the same line.

The CHAIRMAN. Will the gentleman from Illinois permit the Chair there?

Mr. MANN. Certainly.

The CHAIRMAN. Does the gentleman understand, as the Chair does, that these rulings were made under the Holman rule, so called, in its original form?

Mr. MANN. My impression is that these rulings were made under the old Holman rule without the change. It was in the Forty-fourth Congress, in 1876, that these rulings were made, before the limitation of the Holman rule, as now additionally provided, to which the Chair has already referred as a limitation upon the original Holman rule, so that under the existing rule an amendment might not be in order which might have been in order under the original Holman rule. The original Holman rule provided—

except such as being germane to the subject matter of the bill shall retrench expenditures.

We put a limitation on that. It must retrench expenditures in certain ways now. It is not sufficient to say now that a proposition will retrench expenditures or must retrench expenditures by the reduction of the amount of the salary of an officer, by the reduction of the compensation, or by the reduction of the amounts of money covered by the bill. I am not referring to the proviso yet. So, if an amendment was out of order under the original Holman rule, it is out of order under this provision, because this is a mere limitation upon the original Holman rule. While it is not necessary at this time to discuss the proviso in the Holman rule, because that question is not presented, I take it that there the same rule applies as to the retrenchment and expenditure under the original Holman rule, because now a committee is authorized, which has jurisdiction of the subject matter, to offer an amendment on an appropriation bill which shall retrench expenditures. But the basic ruling of all has been that of Speaker Kerr, that the retrenchment of expenditures could not be a matter of argument. It is not a matter for the Chair to determine whether the transfer of the Indian Office to the War Department is a retrenchment of expenditure. It is not for the Chair to determine whether the construction of an asphalt plant is a retrenchment of expenditure. That is an argument pure and simple. People may differ about that. The Chair can only act upon the proposition which is presented on the face of that proposition.

Mr. SAUNDERS. I will say to the gentleman, if he will pardon me, that is exactly the proposition to which I assent. If it was a matter of argument in this connection, we would not bring ourselves within the Holman rule.

Mr. MANN. There is no reduction here made by the provision for the asphalt plant at all. It is a matter of argument as to how much asphalt you can provide. It is not any retrenchment of expenditures for the fiscal year for which this appropriation is made—no reduction of asphalt for the fiscal year during which the appropriation is made.

Mr. FOWLER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Illinois [Mr. MANN] yield to his colleague [Mr. FOWLER]?

Mr. MANN. Certainly.

Mr. FOWLER. I desire to inquire of the gentleman, my colleague, if there is not a large asphalt plant in his district?

Mr. MANN. I believe there is.

Mr. FOWLER. I will also be glad to have him give the committee the price of the production of asphalt, if he has that information.

Mr. MANN. I have not the information. I have no doubt it is high enough. I am in favor of constructing a municipal asphalt plant here if it is possible to do so, but that, of course, is not the question on the point of order.

Mr. FOWLER. I ask the question only as bearing on the question of retrenchment.

Mr. GREEN of Iowa. Mr. Chairman, it may be a little presumptuous in one who has so little experience in these matters to assume to discuss this question of rules, but it seems to me that the provision making a requisite in regard to the provisions of the bill that it shall not be in order unless it effects a reduction of the amount of money covered by the bill can only apply to amendments to the bill itself. It must effect not merely a reduction in the amounts heretofore provided for by some other statute, but in the bill itself, and I know of no way that can be done except by an amendment. The proviso, as the gentleman from Illinois [Mr. MANN] has well stated, does not seem to me to in any way extend or modify this particular provision to which I have called attention. This is conceded by the gentleman from Virginia [Mr. SAUNDERS] now.

The CHAIRMAN. Let us see if the Chair understands the gentleman correctly. The point which the gentleman makes is that the last of the three methods, or by the reduction of the amounts of money covered by the bill, can only be utilized for the purpose of amendments from the floor?

Mr. GREEN of Iowa. I am unable to see how it can apply otherwise. Under that provision you must reduce the amount that is provided for by this particular bill, not the expenditures which have been heretofore authorized by some other statute.

Mr. SAUNDERS. Will the gentleman allow me to interrupt him there?

Mr. GREEN of Iowa. Yes.

Mr. SAUNDERS. If the gentleman gives that interpretation to it, then the Committee on Appropriations never can introduce an original proposition that would be brought within the purview of the Holman amendment.

Mr. GREEN of Iowa. Oh, yes; it could.

Mr. SAUNDERS. How?

Mr. GREEN of Iowa. It could do it under the proviso. The proviso would then apply.

Mr. SAUNDERS. That would be a strange proposition, that we could do by a proviso what we could not do with a grant of power; that we must first bring the matter in in one form and then, in order to get at it, amend it on the floor. But if that is true, we can do that all right. We will introduce it in the original form, and then introduce this asphalt amendment as an amendment to our original report. But surely such circuity as that ought not to be followed.

Mr. GREEN of Iowa. Mr. Chairman, I am merely construing this rule as an ordinary statute would be construed before a court, and I may say that, following that analogy, in order that it can come within the provision to retrench expenditures such retrenchment must appear prima facie in the amendment itself, without discussion and without statements from Members on the floor, which may be argued and disputed here; but right on the face of the amendment or provision it must appear that it actually reduces expenditures. That would be the rule if we were construing a statute.

Mr SAUNDERS. May I interrupt the gentleman for one more question?

Mr. GREEN of Iowa. Certainly.

Mr. SAUNDERS. Suppose a statute provided a fixed amount appropriated for a certain purpose, and when we came to report a bill to reduce that amount, would not that bill come within the rule?

Mr. GREEN of Iowa. It would not come within the language of the rule.

Mr. SAUNDERS. Otherwise we would have to make a report recommending such an amount as the existing law required us to recommend.

Mr. GREEN of Iowa. Not at all; but you would have to proceed in accordance with this proviso if it was desired to change existing laws.

Mr. OLMSTED. Mr. Chairman, I was not here when the point of order was first made, and therefore, before I address the Chair, I would like to make a parliamentary inquiry as to what portion of this paragraph the point of order applies.

The CHAIRMAN. The Chair will state to the gentleman that really the point of order has not been made. The point of order as to the paragraph was reserved by the gentleman from Kentucky [Mr. JOHNSON], by the gentleman from Illinois [Mr. FOSTER], and by the gentleman from Illinois [Mr. MANN]. The Chair understood that it was reserved as to the entire paragraph.

Mr. OLMSTED. Then, Mr. Chairman, I desire to make a point of order against that portion of the paragraph beginning with the word "Provided," in line 28, and ending with the word "dollars," in line 18 of the next page, page 29. I make that point of order, and I would like to say a few words in relation to it.

It will be observed that the point of order that I have made is directed solely to the provision——

Mr. BURLESON. I want to state to the gentleman from Pennsylvania that I insist that the point of order should extend to the next proviso, where we make a reduction from $1.80 to $1.68, because the reduction is contingent upon the construction of the asphalt plant.

Mr. OLMSTED. Of course, it is entirely proper for the gentleman from Texas to make his own point of order; it is entirely relevant and proper for him to make his point of order as he pleases. But my point of order applies to the proviso which ends with the word "dollars," on line 18 of page 29, because I do not think there is any connection between the part to which I have made a point of order and that which follows. There is no necessary connection; no connection upon the face of the bill itself.

Now, here is a proposition to spend $87,500 for the purchase of an asphalt plant which is not authorized by law. It also provides for the giving to the District of Columbia of a certain portion of a public space lying south of Water Street, and so forth—all clearly in violation of the rule.

It is suggested that we must also read, in connection with it, the proviso immediately following, namely, "That on and after the 1st of July, 1913, the limit of cost for making or relaying sheet-asphalt pavements shall be reduced from $1.80 per square yard, as now fixed by law, to $1.68 per square yard." There is no necessary connection between the two paragraphs. The one is not dependent on the other. It does not say that if this asphalt plant shall be constructed, then and because thereof the limit of cost of asphalt shall be reduced; but it is an independent proviso, standing by itself, and is just as relevant to the bill without as it is with that portion against which I have made my point of order.

I want to suggest another proposition, Mr. Chairman, which does not seem to have been discussed.

I contend that Rule XXI, where it provides for a reduction of expenditures, means a reduction of expenditures during the year for which the appropriation is made. Now, this is a bill appropriating for the fiscal year ending June 30, 1913. The proviso to which the gentleman from Texas refers provides that on and after July 1, 1913, the limit of cost shall be so and so. If it is in order in this bill to put in something which would authorize it to be in order, because at some time in the future, after July 1, 1913, it would retrench expenditures, it is just as much in order to say that after July 1, 2013, the limit of cost shall be reduced. If you can put it in the future at all, you can put it a year just as well as a day, and a hundred years just as well as one year. The fair interpretation of the rule is that it means to reduce the expenditures for which appropriations are made in the bill itself.

As to the remarks of the chairman, which are very pertinent, as to the reasons for the last proviso to the second paragraph of Rule XXI, the first provision is:

> Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States.

And so forth. It will be observed that that applies to any provision in the bill or amendments thereto. But then follows this:

> *Provided*, That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law, or the House members of any such commission having jurisdiction of the subject matter of such amendment, which amendment, being germane to the subject matter of the bill, shall retrench expenditures.

In my judgment that proviso applies only to amendments which may be offered from the floor of the House, and not to the bill itself as originally presented to the House.

Mr. GREEN of Iowa. Will the gentleman yield for a question?

Mr. OLMSTED. Yes.

Mr. GREEN of Iowa. May there not be a good reason for the enactment of this provision and the construction which, if I understand correctly, the gentleman from Pennsylvania [Mr. OLMSTED] puts upon it, in that it was desired to have any such amendment brought specially to the attention of the House by a special amendment presented by the committee?

Mr. OLMSTED. I think that is a proper suggestion; that it was intended that it might be in order if reported from a committee and offered as an amendment from the floor of the House, but that it would not be in order in the bill itself. That is all I care to say on this subject.

The CHAIRMAN. The Chairman desires to know whether he caught correctly the suggestion of the gentleman that the proviso in the rule provides simply that legislation offered as the report of a committee or by the House members of a joint commission would be in order if that committee or joint commission had jurisdiction of the subject matter, when it would not be in order if brought in as a part of the bill itself by the Appropriations Committee, or if offered by an individual Member acting merely as a Member of the House, and not as a member of such committee, on a report of such committee?

Mr. OLMSTED. That is my understanding of the proviso.

Mr. SHERLEY. I should like to ask the gentleman whether he construes the word "committee" as embracing the committee that has reported the appropriating bill, or whether he construes the word "committee" as limited to the committee that would have jurisdiction of the subject matter irrespective of appropriations?

Mr. OLMSTED. That is a very nice question, which I would hardly be prepared to decide, but I am rather inclined to think that it refers to the committee having jurisdiction of the particular matter covered by the amendment, whether it

be the Appropriations Committee or some other committee; but I am not prepared to say that it would authorize the Appropriations Committee to report something which it would not otherwise have jurisdiction of.

Mr. SHERLEY. Take a concrete case. The Committee on Appropriations has no legislative jurisdiction. Of course there are legislative committees that do have appropriating powers. Now, would the proviso give to the Committee on Appropriations the power that would unquestionably be possessed by the Committee on the District of Columbia?

Mr. OLMSTED. I have scarcely given the matter sufficient consideration to enable me to make a satisfactory reply, but my present impression is that it would not. In fact, I am very confident that it would not. Any other conclusion would virtually give the Appropriations Committee control of more of the legislation of the House.

Mr. SIMS. Mr. Chairman, I heartily sympathize with the purpose and object of this amendment, and all that sort of thing, but it seems to me there will be no better way to destroy the Holman rule than to give it too broad and liberal a construction. It seems to me it ought to be strictly construed. Take, for instance, now, the Committee on Interstate and Foreign Commerce. That committee have jurisdiction of all legislation with reference to the construction of bridges and canals, but the Appropriations Committee make the appropriations. Now, if simply by reducing an appropriation the Appropriations Committee can inaugurate new legislation, or change existing law, the Chair can at once see how jurisdiction over legislation may be confused; and it does seem to me that matters of legislation which are absolutely germane to a committee other than the Appropriations Committee—in other words, legislation that belongs to the District Committee, to the Judiciary Committee, to the Interstate and Foreign Commerce Committee—ought not to be permitted to be absorbed by the Appropriations Committee simply by reducing some appropriation to an amount less than existing law. While I am heartily in sympathy with the purpose of this provision and never have made a point of order on legislation brought in on an appropriation bill that I approved, I know that sometimes other committees have not lived up to their duty. But, after all, other committees have the responsibility even if they do not perform their duty.

The chairman of the Committee on the District of Columbia has notified the House that he has a bill before that committee for this very purpose. It seems to me a strict construction, not only in this particular instance, but in all cases where the Holman rule is sought to be used to enable the Appropriations Committee to legislate on subjects matter not germane to that committee and its jurisdiction should be maintained.

Mr. DYER. Will the gentleman yield?

Mr. SIMS. Certainly.

Mr. DYER. I understood the gentleman from Tennessee was a member of the District Committee in the last Congress.

Mr. SIMS. Not in the last Congress, but in a previous Congress.

Mr. DYER. Was this matter then before that committee?

Mr. SIMS. I can not recall now whether a bill was ever introduced for this purpose previous to the Sixty-first Congress.

Mr. DYER. Has that committee ever reported out a bill for that purpose?

Mr. SIMS. If it has, I have no recollection of it. But many committees have failed to report legislation that went to them. Now, we have a rule for the purpose of discharging committees, by which the House can discharge a committee when it is derelict in its duty and does not report a bill. A motion to discharge a committee, if a majority of the membership of the House votes for it, will bring it before the House.

Mr. DYER. I understand from the debate to-day that this provision, or substantially the same as incorporated here, was stricken out in the last Congress on a point of order?

Mr. SIMS. That is my recollection.

Mr. DYER. With the understanding that the District Committee would bring in a bill incorporating this provision?

Mr. SIMS. I can not say what the understanding of the District Committee was. My recollection is that the point of order was made during the short session of the Sixty-first Congress, and the gentleman from Kentucky has made an explanation as to why the bill was not reported during the extra session.

Mr. DYER. I was not present when the gentleman from Kentucky made that explanation.

Mr. SIMS. Now, Mr. Chairman, as I said, I never made a point of order on a provision reported by the Appropriations Committee with reference to the District of Columbia. I want to say that they have brought in some of the best legislation that we have had, and I have supported them.

Mr. BURLESON. And this is the best of all of them.

Mr. SIMS. Well, there are so many good ones that I do not want to particularize. But, Mr. Chairman, a ruling here in favor of this provision will come up to plague us in the future. I think that this rule ought to be construed strictly. The argument that an amendment may reduce expenditures ultimately by reason of new legislation would be dangerous ground upon which to decide this point of order.

Mr. SAUNDERS. I agree with the gentleman, but we do not put our case on that ground at all. The reduction of expenditures is fixed by the terms of the bill.

Mr. SIMS. I was not arguing with reference to the provision of $1.80 or $1.68, because I understand that they do not apply to the same appropriation.

Mr. LOBECK. Mr. Chairman, I am in favor of this proposition because it will reduce the cost of paving in this city. That has been the experience in my city of Omaha. We were subject to the will and the conscience of the contractor, but several years ago the city established an asphalt plant and we have found it a measure of economy. At first mistakes were made, but as we progressed and had experience it turned out to be a profitable concern for the city of Omaha, and I understand it is so in every city where such an asphalt plant is being operated by the municipal government. It is shown that the cities make a saving of money, and the only people who have objection to it are the asphalt-paving combines of this country.

Mr. DYER. Do I understand the gentleman to be in favor of the point of order that was made here?

Mr. LOBECK. Mr. Chairman, I am against the point of order, and as a member of the Committee on the District of Columbia I am going to support this section that we are now discussing.

Mr. DYER. Mr. Chairman, I want, also, to state that as a member of the Committee on the District of Columbia I would be glad to see this point of order not sustained. I would like to have the distinguished chairman of that committee withdraw his point of order in order that we may vote on this proposition. I do not feel that so far as the District Committee is concerned any exception will be taken to this provision. It is so meritorious I believe that it ought to pass.

Mr. FOSTER of Illinois. Mr. Chairman, I reserved the point of order on this paragraph, so far as I am concerned, in order that I might get some information from the committee and those who knew more than I did relative to the cost of asphalt being made by contract and when it is done through a plant owned by a municipality. I want to say this, that after listening to this argument for some time and studying the question in the light of what I knew, I am convinced that this is wise legislation. It is possible that under the rules, strictly construed, it may be declared to be not in order; but I believe such wise legislation as this ought to go into the bill. So far as I am concerned, I therefore withdraw the point of order.

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER] withdraws the point of order which he reserved. It was, however, reserved by others.

Mr. JOHNSON of Kentucky. Mr. Chairman, in addition to the point that I suggested—that this bill gives to the District of Columbia a very valuable tract of land, bounded by the Potomac River on the south and by the railroad on the west—I have other things that I wish to suggest. Whether this bill reduces the expenses or not, the value of that property has not been taken into consideration. Further than that, this bill diverts from the United States Treasury—or it may have that effect—money which really must be returned to the United States Treasury; but I had overlooked, until my attention was called to it by the gentleman from Pennsylvania [Mr. OLMSTED], the fact that, on page 29, in lines 23 and 24, there is additional new legislation in this provision:

And provided further, That this appropriation shall be available for repairing pavements of the street railways when necessary.

That changes the law as set out in the act of June 11, 1878. In that act the street railways must repair these tracks, or if it is not done by them, then the commissioners may do it; but another fund must meet that expense, and not this fund. So there is additional legislation in that.

Mr. BURLESON. I would like the gentleman to indicate what fund will be available other than this fund for that paving?

Mr. JOHNSON of Kentucky. That would require a good deal of reading of the act of 1878.

The CHAIRMAN. The Chair would like to suggest this to the gentleman from Kentucky: The gentleman from Pennsylvania [Mr. OLMSTED] has made a point of order to that part of

this paragraph beginning on line 23, page 28, and extending down to and including the word "dollars" on line 18, page 29. The Chair did not understand the gentleman from Kentucky in the beginning to do more than reserve a point of order. From the remarks that the gentleman from Kentucky has been making within the last few moments it seems that perhaps there are two points of order in order, if the Chair may use that expression, on this paragraph. The gentleman from Kentucky is now addressing himself to the last part of the paragraph?

Mr. JOHNSON of Kentucky. I am addressing myself to lines 23 and 24 on page 28. It was suggested to me by the gentleman from Pennsylvania [Mr. OLMSTED] that there is contained in them new legislation, because they provide that this money shall be paid out of this asphalt fund for the repairing of the streets, when, under the act of 1878, there is another provision made for doing that work.

Then, Mr. Chairman, since the subject has been mentioned, relative to the attitude of the Committee on the District of Columbia to this matter, I wish to say this: That at every meeting of that committee I have been present. At most of those meetings there has not been a quorum, and because there has been no quorum in no way reflects upon me, and for that purpose I make this statement. My criticism of the whole thing is that the committee is entirely too large. It is composed of 21 members, and it is with the greatest difficulty that we can get a bare quorum of 11 there. But I do believe that now that the House is here on important matter we will get a quorum, and that then a bill can come out of that committee providing for an asphalt plant and protecting the United States in these matters to which I have called attention.

Mr. DYER. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. DYER. I want to suggest that I also, as a member of that committee, have never missed a meeting, and I think the gentleman will verify that statement. I do not know how many meetings the committee has held, and of course I am not disputing the word of the chairman that there has not been a quorum at all times present, but there has been a quorum present at different times in both the special session and in this regular session. Am I right about this?

Mr. JOHNSON of Kentucky. I have not looked it up, but I think we possibly had no quorum—well, one was when we organized the committee——

Mr. DYER. But we have reported out a number of bills.

Mr. JOHNSON of Kentucky. Gotten out in three meetings. I will say to the gentleman the subcommittee having charge of this bill has not reported to the whole committee.

Mr. DYER. I will ask the gentleman if any subcommittee of the Committee on the District of Columbia has reported any bill to the whole committee?

Mr. JOHNSON of Kentucky. Yes; I answer most emphatically.

Mr. DYER. I am a member of several of the subcommittees, and I have never received notice from the chairman of any subcommittee of a meeting.

Mr. JOHNSON of Kentucky. The gentleman, I believe, was present at the last meeting when a quorum was present, and the gentleman from New York [Mr. GEORGE] made a report, as a member of a subcommittee, upon several bills.

Mr. DYER. I think I am a member of three subcommittees and I have never received any notice from any chairman of any subcommittee of any meeting and I was present at every meeting of the committee which was called.

Mr. JOHNSON of Kentucky. The gentleman, however, does not claim that is any reflection upon me?

Mr. DYER. Not at all. I recognize that the chairman is on the job all the time, and it is the fault of other members of the committee if any fault at all lies.

Mr. JOHNSON of Kentucky. Mr. Chairman, when everybody has been heard who wishes to be heard I want to make the point of order.

The CHAIRMAN. To what part of the paragraph?

Mr. JOHNSON of Kentucky. The Chair understands that if a point of order is sustained to any part of a paragraph that the whole paragraph goes out.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. OLMSTED] has made a point of order to a portion of the paragraph.

Mr. JOHNSON of Kentucky. The Chair, however, is familiar with the precedent; if not, I can refer him to it.

The CHAIRMAN. The Chair is prepared to rule on the point of order offered by the gentleman from Pennsylvania. Does the gentleman from Iowa desire to be heard?

Mr. JOHNSON of Kentucky. I make the point of order to the whole paragraph.

Mr. MANN. Mr. Chairman, may I ask the gentleman from Kentucky whether he makes the point of order to the entire paragraph, including the appropriation, or only to the proviso?

Mr. JOHNSON of Kentucky. I make the point of order to each and every part of the whole paragraph, including the appropriation for the asphalt plant.

Mr. MANN. Well, I do not mean that; but does the gentleman make the point of order to the appropriation for the repair of streets, avenues, and alleys?

Mr. JOHNSON of Kentucky. No; I do not.

Mr. MANN. Then I understand the gentleman's point of order commences after the word "dollars," in line 23, on page 28, down to the end of the paragraph?

Mr. JOHNSON of Kentucky. After what line?

Mr. MANN. Line 23, page 28; that is, after the appropriation.

Mr. JOHNSON of Kentucky. With the word "*Provided*."

Mr. MANN. Commencing with the word "*Provided*," down to the end of the paragraph?

Mr. JOHNSON of Kentucky. Yes; referring to the asphalt plant.

Mr. MANN. That is, down to the end of the paragraph?

Mr. JOHNSON of Kentucky. Then I make the point of order to the remainder of the paragraph.

Mr. MANN. Now, if the gentleman will pardon me, in the current law, the last proviso on page 29, authorizing the repair of streets occupied by railways and a refund of the money, was in the current law.

Mr. BURLESON. And is authorized by current law.

Mr. MANN. This provision is in the current appropriation law. I am only calling the attention of the gentleman to the fact, so as——

Mr. JOHNSON of Kentucky. I fail to catch the gentleman's meaning.

Mr. MANN. The last proviso on page 29, at the bottom of the page.

Mr. JOHNSON of Kentucky. That is the one "*And provided further*"?

Mr. MANN. Saying that this appropriation shall be available for repairing the pavements of the street railways when necessary, the amounts thus expended shall be collected from such railroad company, as provided by section 5, and so forth. Now, that is in the current appropriation law and is carried usually every year.

Mr. JOHNSON of Kentucky. I am making a point of order as against that also.

Mr. MANN. Very well.

Mr. JOHNSON of Kentucky. Because it is contrary to existing law.

Mr. BURLESON. The item itself says it shall be expended in accordance with the existing law.

Mr. JOHNSON of Kentucky. If the gentlemen will read from the middle of line 4, on page 30—

and shall be deposited to the credit of the appropriation for the fiscal year in which they are collected—

It will be seen that that is in conflict with existing law. And then on page 29, in lines 23 and 24:

This appropriation shall be available for repairing the pavements of the street railways when necessary.

Is also against existing law.

Mr. BURLESON. When the Chair comes to rule on that, I desire to submit a few points.

The CHAIRMAN. The Chair is prepared to rule upon that part of this paragraph to which the so-called Holman amendment applies. Upon the other part, the proviso which has just been under discussion between the gentleman from Kentucky [Mr. JOHNSON] and the gentleman from Illinois [Mr. MANN], the Chair is not prepared to rule at the present moment, for the reason that he has not yet analyzed the law under the act cited sufficiently to make an intelligent ruling.

Mr. BURLESON. As I understand the Chair, he is ready to rule on that part of the item in line 23 page 28, down to and including the word "yard," line 23, page 29?

The CHAIRMAN. The Chair is prepared to rule upon that.

Mr. BURLESON. I must insist that the last proviso be embraced within the point of order, or else I must make a point of order myself.

Mr. OLMSTED. I do not include anything in my point of order except what I specify, and that ends with the word "dollars," in line 18.

The CHAIRMAN. The Chair understands that the gentleman from Pennsylvania only included that part. The gentleman from Kentucky [Mr. JOHNSON] subsequently made a point against the entire paragraph after the word "dollars," in line 23. If the Chair is in error about this, he will be glad

to be corrected. The Chair understands that where a proposition is made susceptible of division, involving a point of order, it is the right of the Chair to divide and rule upon the parts separately.

Mr. MANN. I think, Mr. Chairman, the Chair is in error upon that. If the Chair rules the paragraph out of order, the question can be raised by offering a part of it as an amendment. Where a part of the paragraph is not in order, the point of order is made against the entire paragraph, or against a part of the paragraph which includes the part that is not in order. I think the ruling has been uniform that the Chair has to sustain the point of order.

Mr. JOHNSON of Kentucky. If the Chair will look at volume 4 of Hinds' Precedents, beginning on page 621, he will find where the gentleman from Illinois [Mr. MANN] himself, in a discussion running all through five pages, sustains that very point.

The CHAIRMAN. What page?

Mr. JOHNSON of Kentucky. Page 621. It can also be found on page 443 of the same volume, sustaining the same point.

Mr. OLMSTED. There would be no trouble at all if the gentleman from Kentucky [Mr. JOHNSON] would withhold his point of order until the one I have made is ruled upon.

Mr. JOHNSON of Kentucky. I have said from the beginning that I am willing to reserve the point until everyone has had his say.

Mr. OLMSTED. I mean until the Chair has ruled upon the one I made.

The CHAIRMAN. The Chair will state this: As a matter of fact, he thought the first point of order that was really made was made by the gentleman from Pennsylvania [Mr. OLMSTED] and that all the other gentlemen had reserved their points of order; and without going into the question of the right of the Chair to divide and rule separately the Chair will take the particular point of order made by the gentleman from Pennsylvania and will rule upon that question, and then the others will be taken up in their order. The gentleman from Pennsylvania makes a point of order upon the words beginning with the word "*Provided*," in line 23, page 28, and concluding with the word "appropriation," in line 15, page 29.

Mr. OLMSTED. No; concluding with the word "dollars," in line 18, page 29.

The CHAIRMAN. Yes; concluding with the word "dollars," in line 18, page 29, which the Clerk will report.

The Clerk read as follows:

Provided, That the Commissioners of the District of Columbia are hereby authorized, in their discretion, to use such portion of public space lying south of Water Street and east of Fourteenth Street SW. as may, in their judgment, be necessary for the site of an asphalt plant and the storage yards and other necessary accessories therefor. And they are further authorized to establish, construct or purchase, maintain, and operate, on the site above described, an asphalt plant with the necessary accessory structure, materials, means of transportation, road rollers, tools and machinery, and railroad sidings, including one portable mixing plant for the utilization of old asphalt material now wasted, all or any part of the above work to be executed by day labor or contract, as in the judgment of the commissioners may be deemed most advantageous to the District of Columbia, and the cost of the same and of any necessary incidental or contingent expenses in connection therewith shall be paid from this appropriation: *Provided further*, That the total expenditure under the above authorization for an asphalt plant and portable mixing plant shall not exceed the sum of $87,500.

Mr. BURLESON. Now, Mr. Chairman, I insist that the next item is a part of the same general provision, constituting a part of it, and we are entitled to have it all ruled on together, because right in the next item we make a reduction in the limit of cost, provided this other item is retained in the bill. Otherwise I would be driven to the necessity of making a point of order on this myself. It is a part of it, and we are entitled to have it passed on as a part of it.

The CHAIRMAN. Of course, the Chair can not control the action of the gentleman from Pennsylvania [Mr. OLMSTED] in making his point of order.

Mr. BURLESON. But surely the Chair will not ignore a provision in the bill immediately following, which can not affect the ruling that the Chair would make on the unrelated provision of the bill, disconnected from any other portion of the bill.

Mr. MANN. May I suggest to the Chair that the point of order is pending to all that part of the paragraph containing the proviso—the paragraph against which the point of order was made by the gentleman from Kentucky [Mr. JOHNSON]?

Mr. OLMSTED. He withdrew his point of order afterwards.

Mr. MANN. I understand he made the point of order. Now, the gentleman from Pennsylvania [Mr. OLMSTED] makes a point of order against a part of it. I submit that the universal practice has been that when a point of order is made as to two items, and then as to only one of those items, the point of order applying to the two items, being the larger and more comprehensive, must be ruled upon.

Mr. OLMSTED. The gentleman from Kentucky [Mr. JOHNSON] said he would not make his point of order, but reserved it until after my point of order had been ruled upon.

Mr. MANN. I did not so understand it. Of course, one can not reserve a point of order pending a decision in that way.

Mr. SAUNDERS. Mr. Chairman, the proposition which is before the House is a complete proposition, not a congeries of distinct propositions which are separately subject to points of order. When such a proposition is before the House as a whole, a Member can not pick out one part of that proposition, and have the Chair to rule on it, unrelated to other portions of the whole, which are required to complete the body of legislation which is favorably reported by the committee. We have admitted that the legislation submitted would have no validity unless it effected a reduction. The omitted section contains this reduction, and is a vital part of the entire proposition. The gentleman might just as well pick out a portion of a sentence, or of a complete paragraph, and ask a ruling on this segregated part.

We offer legislation that effects a reduction. We do this under the Holman rule, so called, and maintain that our recommendation is not subject to a point of order. If you strike out that portion of our recommendation which in terms affords the reduction and ask a ruling on the remainder, then a ruling is asked on something which the committee does not report. The omitted proviso, is an integral part of the whole recommendation. We do not present it, or the matter which precedes it, as distinct propositions, but as one proposition. A ruling can not be demanded on a part of recommendation when it is requested in such a way that the ruling does not go to the entire recommendation submitted by the committee. The recommendation of the committee can not be dissected in this way, and the motion, or request for a ruling is not in order.

Mr. FOWLER. Mr. Chairman, I desire to know, I being a new Member, whether a gentleman on the floor of this House can make a point of order touching a portion of a subject matter which in itself does not reach the essence of the subject matter, but only a portion of it?

Mr. SAUNDERS. It might affect it.

The CHAIRMAN. The Chair will state in answer to the parliamentary inquiry of the gentleman from Illinois that it has been repeatedly held that any Member may make a point of order to a part of a paragraph.

Mr. FOWLER. Then I desire to inquire if, in passing upon that portion of the paragraph or the section, as the case may be, the Chair construes the whole intent of the section or bill in order to arrive at a conclusion? In other words, one of the rules of construction of a statute is that the statute must be construed as a whole. Now, in passing upon the question, as the Chair has just ruled, I want to know if it is the usage to take into consideration the whole subject matter in order to arrive at an adequate and equitable decision of the question?

Mr. SAUNDERS. If the Chair will permit me just a word further, I should like to say that the gentleman has confused the parliamentary situation relating to offering amendments or voting on divisible propositions, with the right to make a point of order to a part of a proposition which is not divisible constituting as it does the report of the committee, only so long as it is regarded as a complete entity. Suppose we offered this section as an amendment from the floor, handing it up as an entire proposition, would it be possible for anyone to pick a sentence out of it, and say "I raise a point of order on that sentence," or to pick out a paragraph, and have the Chair rule that that paragraph was out of order, when the paragraph and the sentence are merely parts of the complete whole?

Mr. FOWLER. And depends on the remainder.

Mr. SAUNDERS. And depends on the whole.

Mr. OLMSTED. Will the gentleman permit a question?

Mr. SAUNDERS. Yes.

Mr. OLMSTED. Does the gentleman contend that it would be out of order to offer this simple proviso, that on and after July 1, 1913, the limit of cost shall be reduced from $1.80 to $1.68?

Mr. SAUNDERS. I say with respect to amendments that it is perfectly proper to amend a section, or strike out a section, or have a vote on divisible propositions; but this recommendation is not presented by the committee as a divisible proposition.

Mr. OLMSTED. I do not make the point of order.

Mr. SAUNDERS. It is presented as a concrete, complete proposition. The limit of cost is which is provided and, which is a reduction of existing expenses fixed by law, brings the proposition in our judgment, at least, within the Holman rule. We deny that, as a parliamentary proposition you can take out portions of a sentence, or portions of a paragraph, segregate

them from their proper relationship to the entire proposition, and undertake to have the Chair rule them out of order, by a succession of independent rulings. We deny that such a procedure is justified, or supported by parliamentary law.

Mr. OLMSTED. The proviso on which I have made the point of order is an entire proviso, complete within itself. It is followed by three or four other provisos, each complete in itself. There is a proviso immediately following it, reducing the limit of cost of asphalt after July 1, 1913. Now, I am in favor of that proviso. It can stand by itself without reference to that to which I have made the point of order. Therefore I have not included it. There can not be found upon the face of the bill itself any connection between the one proviso and the other. Each one is a separate and independent proposition. Whether either one of them would reduce the cost, whether by the Government paying $87,500 for an asphalt plant this year and reducing the cost of asphalt some other year the expenditures of the Government would be reduced is one of the things which we can not find out from this bill. That is sure. Neither of the provisos makes any reduction in the amount appropriated by this bill.

Mr. JOHNSON of Kentucky. I have already made the point of order as to the whole section, and I ask for a ruling.

The CHAIRMAN. Does the gentleman from Kentucky [Mr. JOHNSON] include in that the last paragraph—that is, does he include in his point of order all the language after line 23?

Mr. MANN. He said he did.

Mr. JOHNSON of Kentucky. Down to and including line 6, on page 30.

The CHAIRMAN. The Chair has stated that upon that part of the paragraph after line 23, or beginning in line 23, page 29—

And provided further, That this appropriation shall be made available, etc.,

he is not prepared to rule. The Chair will hear the gentleman on the point of order upon that.

Mr. MANN. If the Chair will pardon me, the Chair does not need to rule on that point. I judge from what the Chair stated that the Chair has indicated in a way his decision. If the Chair holds that any part of the paragraph is subject to a point of order it is the duty of the Chair to rule it all out on the point of order, and if that proviso be offered as an amendment and a point of order be made on that, the question can be raised.

Mr. OLMSTED. In other words, if the Chair thinks that my point of order is well taken, he will have to sustain the point of order of the gentleman from Kentucky.

Mr. JOHNSON of Kentucky. Mr. Chairman, I ask the chairman not to lose sight of lines 23, 24, and 25, on page 28, and lines 1, 2, and 3, on page 29. That is bound to be legislation. Now, upon what point would the Chair like to hear me?

The CHAIRMAN. The Chair desired to hear the gentleman on the last proviso, but the Chair is inclined to believe that the suggestion made by the gentleman from Illinois [Mr. MANN] is a good one, and that he may rule on the whole thing now.

The language has been read from the Clerk's desk against which the gentleman from Pennsylvania made the point of order. The gentleman from Kentucky makes the point of order against the entire paragraph beginning with the words of the paragraph against which the gentleman from Pennsylvania makes the point of order. The point of order made, as the Chair understands, is that the provision is obnoxious to Rule XXI, clause 2, which reads:

No appropriation shall be reported in any general appropriation bill or be in order as an amendment thereto for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill, etc.

It is insisted that this is new legislation which does not retrench expenditures in the sense and in the spirit of clause 2 of Rule XXI.

When what is called the Holman rule first appeared in the rules of the House of Representatives it was in the following form, as read to the committee by the Chairman a few moments ago:

No appropriation shall be reported in such general appropriation bills or be in order as an amendment thereto for any expenditure not previously authorized by law unless in continuation of appropriations for such public works and objects as are already in progress, nor shall any provision in any such bill or amendment thereto changing existing law be in order except such as, being germane to the subject matter of the bill, shall retrench expenditures.

It was at the first session of the Forty-fourth Congress that the rule was adopted in that form. At the succeeding session of that Congress the rule was changed and appeared in the rules of the House in substantially its present form.

The only difference is that the rule as it now stands has in the proviso the language, following the word "committee":

Or any joint commission authorized by law or the House members of any such commission.

That continued to be the rule of the House until the rules were revised in the Forty-ninth Congress, when it was dropped. It was then restored to the rules of the House in the Fifty-second Congress, when it first appeared in the present form—that is, as to joint commissions, and so forth—and in this form continued in operation through the Fifty-second and Fifty-third Congresses.

Now, in the form that it appeared at the second session of the Forty-fourth Congress, the first part—not including the proviso—read:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

The language is specific. The language in the rule as it first appeared in the rules of the House at the first session of the Forty-fourth Congress was general in character, very like unto the language which appears now in the proviso to the rule, which proviso reads as follows:

Provided, That it shall be in order further to amend such bill upon the report of the commitee or any joint commission authorized by law, or the House members of any such commission having jurisdiction of the subject matter of such amendment, which amendment, being germane to the subject matter of the bill, shall retrench expenditures.

The Chair is of opinion that the change in the rule from its original form, as adopted in the first session of the Forty-fourth Congress, was made for a purpose, and that it was the intention, and is now the intention, of the rule to fix the specific manner in which the Committee on Appropriations, reporting a proposition changing existing law, or any individual Member of the House of Representatives offering an amendment from the floor which will change existing law, may make that amendment in order; that is, it must be in one of three ways, by the reduction of salaries or by the reduction of the number of employees or by the reduction of the amount covered by the bill.

The Chair is of opinion that the Committee on Appropriations may not, under the rule, bring in as an integral part of an appropriation bill substantive legislation that, if introduced in the ordinary way in the House—that is, by bill or joint resolution presented by a Member—would go to another standing committee of the House for consideration and action; nor does the Chair think that any Member of the House may offer from his place on the floor any amendment carrying such substantive legislation, even though that legislation would retrench expenditures, unless that Member offer it as the report of a committee or as a member of a joint commission which would have jurisdiction of the subject matter under the rules of the House. In other words, the scope is limited and the outposts are fixed by the rule to which the Committee on Appropriations may go or to which the individual Member may go.

If the Chair be correct in this, what have we here? There is proposed here upon this bill substantive legislation, not a reduction of salaries, not a reduction of the number of employees, not perhaps a reduction of the amount covered by the bill, though the Chairman does not deem it necessary to pass upon that now; but even if it were all of those, and in order to carry it out it were necessary to enact new law, to create a new industrial enterprise, a new project not now provided for by law, would it be in order? The Chair thinks not, except it be upon a report of the committee which would have jurisdiction of the subject matter if introduced as an original bill in the House of Representatives, in this case the Committee on the District of Columbia.

The Chair is fortified in this opinion by a ruling which was made at the first session of the Fifty-second Congress. At that time the following provision in the Army appropriation bill, namely, that hereafter no money appropriated for Army transportation shall be used in payment for the transportation of troops and supplies of the Army "over certain lines of railroad which are indebted to the Government," was held not in order under this rule. That decision is as follows, and the Chair will ask the Clerk to read it.

The Clerk read as follows:

The point of order made by the gentleman from Texas [Mr. Crain] is against the second provision on page 16 of the bill, which declares:

"That hereafter no money appropriated for Army transportation shall be used in payment of the transportation of troops and supplies of the Army over any of the nonbonded lines owned, controlled, or operated by the Union Pacific Railway Co. (including the lines of the Oregon Short Line and Utah Northern Railway Co.), or by the Southern Pacific Co. over lines embraced in its Pacific system."

Under the view taken by the Chair the relations between the Government and these railroad companies, as determined by the Supreme Court or otherwise, can not affect the decision of this point of order.

"The gentleman from Indiana [Mr. Holman] contends that this proposed new legislation is in order in an appropriation bill under the proviso of the second section of Rule XXI, which says:

"'It shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject matter of such amendment, which amendment, being germane to the subject matter of the bill, shall retrench expenditures.'

"The Chair is of opinion that a motion of that kind should come officially from the committee having jurisdiction and can not be brought before the Committee of the Whole House on the state of the Union as an integral part of an appropriation bill reported by the regular Committee on Appropriations."

The CHAIRMAN. Bottoming his action upon the reasoning which the Chairman has endeavored to state and buttressed by the precedent which has just been read, the Chairman sustains the point of order made by the gentleman from Pennsylvania [Mr. OLMSTED] and the gentleman from Kentucky [Mr. JOHNSON].

Mr. BURLESON. Then, Mr. Chairman, I offer the last proviso as a further amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 28, line 23, after the word "dollars," add the following: "*Provided*, That this appropriation shall be available for repairing the pavements of the street railways when necessary; the amounts thus expended shall be collected from such railroad company as provided by section 5 of "An act providing a permanent form of government for the District of Columbia," approved June 11, 1878, and shall be deposited to the credit of the appropriation for the fiscal year in which they are collected."

Mr. JOHNSON of Kentucky. Mr. Chairman, an inquiry, please. Then my point of order——

The CHAIRMAN. Does the gentleman make a point of order?

Mr. JOHNSON of Kentucky. I made the point of order.

The CHAIRMAN. But the gentleman from Texas has offered it as an amendment. Does the gentleman now make the point of order?

Mr. JOHNSON of Kentucky. I make the point of order.

Mr. BURLESON. I submit the authorization is contained in the act of June 11, 1878. There are a number of clauses in section 5, and clauses 13, 14, 15, 16, and 17 read as follows:

13. The United States shall pay one-half of the cost of the work done under the provisions of this section, except that done by the railway companies, which payment shall be credited as part of the 50 per cent which the United States contributes toward the expenses of the District of Columbia for that year.

14. And all payments shall be made by the Secretary of the Treasury on the warrant or order of the Commissioners of the District of Columbia or a majority thereof in such amounts and at such times as they may deem safe and proper in view of the progress of the work.

15. That if any street railway company shall neglect or refuse to perform the work required by this act, said pavement shall be laid between the tracks and exterior thereto of such railway by the District of Columbia.

16. And if such company shall fail or refuse to pay the sum due from them in respect of the work done by or under the orders of the proper officials of said District in such case of neglect or refusal of such railway company to perform the work required as aforesaid, the Commissioners of the District of Columbia shall issue certificates of indebtedness against the property, real or personal, of such railway company, which certificates shall bear interest at the rate of 10 per cent per annum until paid, and which, until they are paid, shall remain and be a lien upon the property on or against which they are issued, together with the franchise of said company.

17. And if the said certificates are not paid within one year, the said Commissioners of the District of Columbia may proceed to sell the property against which they are issued, or so much thereof as may be necessary to pay the amount due, such sale to be first duly advertised daily for one week in some newspaper published in the city of Washington and to be at public auction to the highest bidder.

There is an authorization for the District Commissioners to use this fund for the purpose of doing this paving in the event the street railway companies refuse to do it, and all that this proviso does is that in the event the street railway companies refuse to do this, then the District Commissioners shall proceed to force them to do it, or shall proceed to do this paving out of this appropriation and charge it against the street railway companies and collect it, to be then, of course, credited back to this appropriation.

The CHAIRMAN. Will the gentleman permit the Chair?

Mr. BURLESON. Certainly.

The CHAIRMAN. If this appropriation were not made and the railroads should fail to carry out the law provided in the act of June 11, 1878, the gentleman insists, then, that there would be no method by which that law could be carried out?

Mr. BURLESON. There would not be means, if this appropriation is not made, of laying the pavements adjacent to the street railways.

The CHAIRMAN. In other words, the gentleman insists that the act of June 11, 1878, authorizes the commissioners to do it?

Mr. BURLESON. Yes.

The CHAIRMAN. That is the law?

Mr. BURLESON. That is the law.

The CHAIRMAN. And this appropriation——

Mr. BURLESON. Is in conformity with the law and has been made for over 20 years.

Mr. JOHNSON of Kentucky. Now, Mr. Chairman, all I ask is that the law made in the act of June 11, 1878, stand just as it is and not be changed by this, and this does change it.

The CHAIRMAN. In what respect?

Mr. JOHNSON of Kentucky. In the first place, there is no fund, since the Chair has ruled, out of which the repairs between the tracks of the street railways shall be made. But now, getting down to lines 23 and 24, "that this appropriation shall be available for repairing the pavements of the street railways when necessary; the amounts thus expended shall be collected from such railroad company as provided by section 5 of 'an act providing a permanent form of government for the District of Columbia,' approved June 11, 1878, and shall be deposited to the credit of the appropriation for the fiscal year in which they are collected." I will ask the Chair to take the act and follow me.

The CHAIRMAN. The Chair has the act before him.

Mr. JOHNSON of Kentucky. Now, I ask the Chairman if that language in this is the same; if it does not change what shall be done with this money when collected?

The CHAIRMAN. The Chair did not have the language or was unable to find the language which the gentleman read.

Mr. JOHNSON of Kentucky. I have it right here, and I will send it up to the Chair. It is at the bottom of this page here and it further says, "and shall be deposited." Has the Chair the act and does he get that? Let me read:

It shall be deposited to the credit of the appropriation for the fiscal year in which they are collected.

Now, let the Chair read back and see if they are the same. Read aloud, please.

The CHAIRMAN (reading):

The United States shall pay one-half of the cost of the work done under the provisions of this section except that done by the railway company, which payment shall be credited as part of the 50 per cent which the United States contributes toward the expenses of the District of Columbia for that year.

Mr. JOHNSON of Kentucky. Is there anything in this act about that 50 per cent?

Mr. BURLESON. We say it shall be done in accordance with that act.

Mr. JOHNSON of Kentucky. You say the paving between the railroad tracks shall be done in accordance with that act, but you do not say the refunding shall be in accordance with that act.

Mr. MANN. Will the gentleman yield for a question?

Mr. JOHNSON of Kentucky. Yes.

Mr. MANN. Under the provisions of this bill, if this money is credited back to the fund, half of it goes to the United States and half to the District.

Mr. JOHNSON of Kentucky. It should.

Mr. MANN. If it is not expended at the end of that time it does go that way. If it is expended, it goes to the improvement.

Mr. JOHNSON of Kentucky. If it does, it changes the law of 1878.

Mr. MANN. Under this item of the bill, of course, if only a portion of the money is expended at the end of two years, one-half of it goes back to the Treasury to the credit of the United States and one-half to the credit of the District of Columbia.

Mr. JOHNSON of Kentucky. The act of 1878 says that whatever is paid by the United States toward the building of these streets or the railroad shall be credited as part of the 50 per cent which the United States contributes toward the expenses of the District of Columbia for that year.

That is the difference.

Mr. MANN. I do not get the difference. Here is the condition of appropriating money, one-half appropriated by the Government out of the Government fund and one-half out of the District fund. Now, if a portion of that money is expended and paid back in and goes to that fund, one-half of the money that is paid back in goes to the credit of the General Government and one-half to the District of Columbia, and, if not expended, goes into the Treasury at the end of two years' time.

Mr. JOHNSON of Kentucky. The gentleman will not see the real purport of it until he takes the two and compares them.

There is just enough left out of this act to destroy the refunding portion that is in the act of 1878.

Mr. FITZGERALD. I think the gentleman is mistaken.

Mr. JOHNSON of Kentucky. There is one thing they must admit, Mr. Chairman, that they do not read alike, and I contend there is a difference in the effect of it.

Mr. GARNER. What is the objection to having them read alike?

The CHAIRMAN. The Chair would like to ask the gentleman from Kentucky [Mr. JOHNSON] if in his opinion, under the

language used in the bill before the committee, must the money be collected as provided in the act of 1878?

Mr. JOHNSON of Kentucky. Yes; or this changes.

The CHAIRMAN. And must be collected from the railroad companies, as provided in the act of 1878?

Mr. JOHNSON of Kentucky. Yes.

The CHAIRMAN. Then there is no change in the existing law there?

Mr. JOHNSON of Kentucky. As to the collection, I think not.

The CHAIRMAN. As to the collection. The change is in the manner of disposing of that which has been collected from the railroad company?

Mr. FITZGERALD. Mr. Chairman, this appropriation is made for the purpose of repairing streets and alleys, and the proviso makes the amount appropriated available for the repairing which is required to be done by the street railway companies. Half of this money is paid out of the Treasury of the United States and the other half out of the treasury of the District of Columbia. The gentleman's contention, as I understand, is that when the money is collected, the one-half paid by the United States is not credited to the United States. Is that the gentleman's point?

Mr. JOHNSON of Kentucky. That this changes that; yes. And the best construction that anybody can give to it is that it endangers the other.

Mr. FITZGERALD. No; this is what happens.

Mr. JOHNSON of Kentucky. This does not say anything at all about the 50 per cent or say anything about the credit for that year.

Mr. FITZGERALD. This provides that it shall be credited to the appropriation.

Mr. JOHNSON of Kentucky. And that, if the gentleman will pardon me, would make the appropriation for that year larger instead of crediting this amount upon that part which the United States Government has contributed. If you collect it from the railroad and then just restore it to the general appropriation for that purpose you have enlarged the appropriation. You have made an appropriation in that way for more dollars than Congress did in the first place.

Mr. FITZGERALD. Mr. Chairman, Congress is proposing to appropriate a specific sum for the current work of repairing streets and alleys. Where there are railroad tracks upon the street the railroad is required to do a certain part of the work. If the railroad, upon notice, refuses to do that, in the economical conduct of the work it is necessary that that work shall be done at the time the rest of the street is paved, and therefore the commissioners will pave that portion of the street as well as the remainder.

A certain amount of work can be done under the appropriation. If the railroads fail to do the work incumbent upon them under the law, when it is done by the commissioners it must be paid for out of this appropriation. The object of this language is to make available for the paving of streets and alleys—a work which it is the duty of the District government to do—the specific amount appropriated by the bill. The object of this language is not to take from the Federal Government credits to which it is entitled, but to enable the specific appropriation made for the repairs of streets and alleys in any particular year to be utilized for that purpose, and for no other. This does not change in any way the law regarding the credits of moneys collected.

Mr. JOHNSON of Kentucky. Mr. Chairman, I insist that it does change it.

Mr. GARNER. Mr. Chairman, will the gentleman from New York yield for a question?

Mr. FITZGERALD. Yes.

Mr. GARNER. If I understand the difference between the contention of the gentleman from New York [Mr. FITZGERALD] and that of the gentleman from Kentucky [Mr. JOHNSON], it is to this effect, that the gentleman from Kentucky contends that this money, when collected, should be turned into the Federal Treasury, while the gentleman from New York contends that it should be placed to the credit of this particular appropriation. Now, why not comply with the act of 1878 by striking out all after the word "deposited," in line 4, and providing that it be deposited in the Treasury of the United States?

Mr. BURLESON. Mr. Chairman, I can answer that. It is because it would deplete the fund that we intend to be available for this purpose.

Mr. MANN. And that is not the requirement of the act of 1878, either.

Mr. GARNER. If that is true, this money ought to be turned into the Treasury, and the full amount necessary to carry on this work ought to be carried in the appropriation bill.

Mr. FITZGERALD. No; the gentleman is mistaken. I think I can make that clear. The intention of this bill is that there shall be used for the repair of streets and alleys $370,000 for the next fiscal year. That is the intention. Now, on some of the streets to be repaired certain portions of the work under the law must be done by a railroad company.

If the railroad company fails to make the repairs to that portion of the street that it is required to make, under the law the commissioners are directed to do that work and to collect the cost of that particular work from the railroad company. If the District government were to do that, it would be spending the money appropriated for work that it is the duty of the District government to do on this other work, and it should be reimbursed for it, and the reimbursement should be to the appropriation. The appropriation is made half from the Federal Treasury and half from the District treasury, and the reimbursement is in effect a credit, half to the Federal Treasury and half to the District treasury. Then the District Commissioners would have available the specific amount which Congress intended should be appropriated for this work of repairing the streets and alleys which it is their duty to repair.

Mr. GARNER. But this does not meet the contention of the gentleman from Kentucky, that the act of 1878 directs specifically what shall be done with this money, whereas——

Mr. FITZGERALD. No; the act of 1878 does not require that——

Mr. GARNER. Just a moment. Whereas the provisions of this bill direct that the money shall be utilized for another purpose.

Mr. FITZGERALD. It is the same thing. It is a reappropriation of the money for a specific purpose——

Mr. BURLESON. Which is authorized by law.

Mr. FITZGERALD. Yes. That objection, if necessary, could easily be met by using a different form of language to accomplish the same result; simply by saying: "The amount so collected is hereby reappropriated for the specific year out of the appropriation for which the money is expended." This form is simply another form of language for accomplishing the same result; but it does not change the fact that the work is paid for half and half, and any collections made are credited half and half.

Mr. GARNER. If the gentleman can answer, I should like to know in that connection what has been the experience with reference to the collection of this money from the railroad company in the past.

Mr. FITZGERALD. My recollection is that the railway company for many years has done that work which the law required it to do.

Mr. GARNER. And there has never been any occasion to collect any money under this provision?

Mr. FITZGERALD. As far as I recall, there has never been. There was some difficulty a number of years ago. This is simply to protect the District in that regard. If the commissioners are to repair a pavement, they notify the railway company that it must do the part of the work specified in the law to be done by the railway company. Without this provision the railway company might refuse to do it, and then the street would be torn up and repaired up to within a foot and a half or 3 feet of the track to the line of the work which the railway company is required to repair; and some time, after legislation had been obtained, the streets would be torn up again to finish the job. So this is to insure the work being done all at one time without that duplication of tearing up the street.

Mr. JOHNSON of Kentucky. Mr. Chairman, I thoroughly agree with the gentleman in one statement, namely, that this is intended to protect the District of Columbia.

Mr. FITZGERALD. I did not make that statement in that way.

Mr. JOHNSON of Kentucky. I was going to qualify it.

Mr. FITZGERALD. I said the intention was to protect the District so far as the inconvenience and delay of having streets torn up at different times was concerned; but there is no intention to give the District an advantage from a financial standpoint over the Government, other than that given in the organic act.

Mr. JOHNSON of Kentucky. Mr. Chairman, I have no doubt the gentleman from New York [Mr. FITZGERALD] is of the opinion that this does not give the District an advantage over the United States; it does, however, and there is no mistake about it, because the 50 per cent is left out; and the fact that it is left out is important. But there is another important feature in this matter that has not yet been touched upon——

The CHAIRMAN. Will the gentleman permit the Chair to ask a question?

Mr. FITZGERALD. Certainly.

The CHAIRMAN. How does the gentleman construe the words "deposited to the credit of the appropriation"?

Mr. JOHNSON of Kentucky. If this is passed, it will then become a matter of determination for the executive officers who will put this into effect. They will collect so much from the railroad, and then they will say that the law of 1878 has been changed.

The CHAIRMAN. Will the gentleman permit the Chair? Suppose here is an appropriation, part of which is made available, and all of which the Chair believes is made available by this language here, for use in performing a service that the railroads of the District are required to perform—that is, for use in event they fail to perform it—is that appropriation made jointly; that is to say, 50 per cent out of the Treasury of the United States and 50 per cent out of the revenues of the District? Suppose they have occasion to use $2,000. Now, is it the intention of the law that when that $2,000 is collected it shall be restored, half to the Treasury of the United States and half to the revenues of the District of Columbia?

Mr. JOHNSON of Kentucky. The old act does not credit part of it back to the District of Columbia at all; but if the United States Government contributes $100,000 for a piece of street work, and included in that work is some that is done for the street railways, then, when the money is collected from the street railways, it goes to the credit of the whole fund, under the act of 1878, that makes it a part of the entire contribution made by the United States to that fund that year.

Now, there is another important thing here. The act of 1878 says:

which payment shall be credited as a part of the 50 per cent which the United States contributes toward the expenses of the District of Columbia for that year.

But what does the present act say?—

that it shall be deposited to the credit of the appropriation for the fiscal year in which it is collected.

How do we know when it is going to be collected? Does not that postpone the time of the conversion; is not there a credit given to the railroad companies which the act of 1878 does not give them?

The CHAIRMAN. Would not that be controlled by the act of 1878?

Mr. JOHNSON of Kentucky. No; there is no provision there for it.

The CHAIRMAN. Is not there a provision that the certificate shall be sold at the end of one year?

Mr. BURLESON. It provides for foreclosure of the lien and the sale of the property.

Mr. FITZGERALD. Any obligations incurred before the expiration of the fiscal year for which the appropriation is made are payable out of the moneys appropriated for a period of two years after the expiration of the fiscal year. At the end of the two-year period, under the covering-in act, the money goes back into the Treasury. The purpose of this is to make the money available to meet obligations incurred during the fiscal year for which the appropriation is made, and to come within the operation of the covering-in act rather than to go into the Treasury and not be available to meet the obligations incurred.

Mr. RUSSELL. Will the gentleman from New York yield to me for a question?

Mr. FITZGERALD. Yes.

Mr. RUSSELL. I understand the gentleman from Kentucky makes the point that the law is changed, for the reason that this act proposes to make the money return to the appropriation fund the year that it is collected. Suppose the railroad company refused to pay it, and, after a lawsuit, it is collected two years hence. Would not it return to the Treasury in a different year than you provide?

Mr. FITZGERALD. Not at all; under this provision it would be credited to the appropriation. If it were not collected until two years had elapsed after the expiration of the particular fiscal year, under the operation of the covering-in act it would go into the Treasury, half to the credit of the District and half to the credit of the United States.

Mr. RUSSELL. But the point is, does not that change the law?

Mr. FITZGERALD. Not at all. If the language were a little different, there would be no trouble about it. If this paragraph read like this, "And amounts collected shall be deposited, one-half to the credit of the United States and one-half to the credit of the District of Columbia, and the sums so collected and credited are hereby reappropriated for the purpose specified for the particular fiscal year out of which the payments are made," there would be no trouble about it. The very same result is accomplished in very much shorter language in this bill. The language of the bill is designed to accomplish that purpose in a simplified form.

Mr. BURLESON. And without any change of the law.

Mr. FITZGERALD. And without any change in the law. It reappropriates the money, and such reappropriations are in order on appropriation bills coming from the Committee on Appropriations.

Mr. JOHNSON of Kentucky. Mr. Chairman, we have found committees amending this provision session after session. The most of these amendments occur in appropriation bills, and the act regarding the partnership between the United States and the District of Columbia has been impaired every time to the detriment of the United States.

Now, here comes another item in an appropriation bill changing the language of the act of 1878, and, without further discussion of it, because it has been gone over by everybody several times, it does make a distinction as to what becomes of this money when it is collected, and it also makes a change in the time as to when it is collected.

The Chair is prepared to rule. The language in section 5 of the act of 1878, after providing that the street railway companies shall pave certain parts of the streets, namely, that between the tracks and 2 feet on each side, provides a method whereby, if the street railway company fails to carry out the law, it shall be done by the issuance of certificates of indebtedness that are a lien upon the railroad company and its franchise, and at the end of one year those certificates shall be sold. An expression in the act, which seems to be the gist of the matter involved here, is this:

The United States shall pay one-half of the cost of all work done under the provisions of this section, except that done by the railway companies, which payment shall be credited as part of the 50 per cent which the United States contributes toward the expenses of the District of Columbia for that year.

It seems to be contemplated that should the railway companies fail to perform the work the amount expended for that purpose in that year shall be paid out of the District revenues. At least that would be the idea of the Chair from reading that. And when re-collected from the railroad companies, under the provisions set forth in the act, the amount collected would go back in the District treasury.

Mr. JOHNSON of Kentucky. But, Mr. Chairman, under this bill and under the act of 1878 it would not. It would go to the credit of the half which the United States Government had already paid, and would not go back to the whole appropriation. It makes a difference of 25 per cent.

The CHAIRMAN. The act of 1878 seems to state in express language that one-half of the amount paid under the provisions of that section, except that paid by the railroads, shall be paid by the United States Treasury. Evidently it means that that paid by the railroads, or expended on account of the failure of the railroads to do their duty, shall be paid out of the District revenues, and in the contemplation of the act of 1878 it means that when collected back it shall be paid into the District treasury. The Chair understands that to be the construction——

Mr. JOHNSON of Kentucky. Notwithstanding that the act of 1878 says that it shall go to the appropriation of 50 per cent of the United States Government? I just called the attention of the Chair to that. The Chair is saying that it shall go to one place, and the act says that it shall go to another.

The CHAIRMAN. The Chair thinks that the statement there, if the gentleman from Kentucky will pardon me, means that that part done by the railroad company is expressly excepted from the part credited as 50 per cent.

Mr. JOHNSON of Kentucky. Then with what part is the present bill dealing, may I ask the Chair? If it is as the Chair said, this is new legislation admittedly.

The CHAIRMAN. In what respect?

Mr. JOHNSON of Kentucky. If the reporter will please read just what the Chair said, we will have it exactly.

The CHAIRMAN. The Chair will endeavor to restate it. As the Chair understands this act of 1878, it provided that where there was a failure on the part of the railway companies to pave as required by the act then that paving should be done by the Commissioners of the District, and all the funds used for the payment of that work which the railroad was required to do and failed to do should come out of the District revenues, and when collected back from the railroads returned to the District revenues.

Mr. JOHNSON of Kentucky. With all due deference to the Chair, having gone over it so many hundreds of times, I will say that I am thoroughly convinced the Chair is mistaken; but if the Chair be right, then the bill does not say it shall go back to the treasury of the District of Columbia, but it says it shall go back to the appropriations.

The CHAIRMAN. It says they shall be credited to the appropriation for the fiscal year in which they are collected.

Mr. JOHNSON of Kentucky. It meant to reach the same section in the act of 1878, which says:

Which payment shall be credited as part of the 50 per cent which the United States contributes toward the expenses of the District of Columbia for that year.

But it changes the wording of it so that it goes to another place. The Chair must admit that the wording of the two propositions is not the same; the wording of the act of 1878 is not the wording of the act which is now before us.

The CHAIRMAN. Not in language; no.

Mr. JOHNSON of Kentucky. And the material part of it is omitted.

The CHAIRMAN. The Chair scarcely sees how in an appropriation bill it could be worded exactly as in the act of 1878.

Mr. JOHNSON of Kentucky. Then, if the Chair decides it upon that point, it can not go back to the District treasury.

The CHAIRMAN. The Chair will ask if there is any objection on the part of the committee to permitting this point of order to go over?

Mr. BURLESON. I have no objection whatever.

The CHAIRMAN. The Chair will be glad to examine the act more carefully. The Chair has examined it here hurriedly amidst debate.

Mr. BURLESON. Mr. Chairman, I desire to offer one amendment and then I will move that the committee rise.

The CHAIRMAN. The gentleman from Texas offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 28, in lines 22 and 23, strike out the words "three hundred and seventy thousand dollars" and insert in lieu thereof "$400,000."

Mr. BURLESON. This is necessary by reason of the fact of the elimination of these items. The committee had in mind a certain amount of repair work which was to be done, and we believed it could be done with a lesser amount if the asphalt plant and portable plant to utilize the older material were provided; but inasmuch as those items have been stricken out and we feel that this amount of work must be done. we ask that the appropriation be increased.

Mr. FOWLER. Mr. Chairman, I reserve the point of order.

The CHAIRMAN. The gentleman from Illinois reserves the point of order.

Mr. FITZGERALD. What is the point of order?

Mr. FOWLER. The point of order, Mr. Chairman, is that it increases the amount of the appropriation which the bill originally carried.

Mr. FITZGERALD. There is nothing in the rules preventing an appropriation being increased, unfortunately.

The CHAIRMAN. If it increased the amount over existing law, there might be a point of order raised.

Mr. FOWLER. I understand, Mr. Chairman, while I am new with reference to many of these rules here, I recall that a few days ago an amendment was offered to a former provision of this bill to increase the salary of a man who was laboring for $240 a year, and a point of order was made against the increase and sustained by the Chair.

The CHAIRMAN. If the gentleman from Illinois will permit, the point of order as stated by the gentleman from Illinois is as to increasing the amount over the amount originally carried in the bill as reported from the committee, but the point upon which the Chair sustained the point of order referred to by the gentleman from Illinois was that it changed existing law.

Mr. FOWLER. Well, Mr. Chairman, I desire to say this, that it looks to me very strange——

Mr. TAYLOR of Ohio. Has the Chair passed on the point of order?

The CHAIRMAN. The Chair has not passed on the point of order. The Chair is hearing the gentleman from Illinois on the point of order.

Mr. FOWLER. It looks to me very strange that an appropriation of $370,000 should carry with it the cost of building and equipping an asphalt plant at $87,500, and then, after the asphalt plant is stricken out and done away with entirely, there should be the necessity of increasing the appropriation above what was originally intended for doing the same work and building the asphalt plant in addition thereto.

Mr. BURLESON. I will state to the gentleman this accentuates the necessity for the asphalt plant. With the asphalt plant we could do a certain amount of repair work; without the asphalt plant we can do a less amount of repair work and it will require more money; but inasmuch as we appropriated $425,000 last year, we did not want to deprive the people of the city of Washington of necessary repairs, and so we deemed it necessary that $400,000 should be carried. I acquiesced in the ruling of the Chair about the asphalt plant, and endeavored in this way to meet the situation.

Mr. FOWLER. Is it the wisdom of the committee, from its investigation, that it could equip an asphalt plant at an expense of $87,500, and then within one year save that whole amount and in addition to that save $30,000 more?

Mr. BURLESON. If the gentleman had listened to my presentation of the matter he would have been driven to the inevitable conclusion that is exactly the reason why we urged upon this committee the provision for an asphalt plant. We believe it is one of the most economical provisions that is carried in the bill. We believe it would effect great economy. We believe a greater amount of repairs could be done with a less amount of money with the asphalt plant than we could without the asphalt plant.

Mr. Chairman, I ask for a vote.

Mr. FOWLER. Mr. Chairman, in reply to the distinguished gentleman from Texas, I desire to state that I have given my most undivided attention to what he has said on all of these subjects, because I regard him as the fountain of wisdom upon the question [applause] of the District of Columbia bill——

Mr. BURLESON. The gentleman from Texas extends to the gentleman from Illinois his profound thanks.

Mr. FOWLER (continuing). And I am very sorry I did not catch the point which the gentleman made in regard to this great saving by the building of the asphalt plant. I have already been in favor of building that asphalt plant, and if the statement of the gentleman is true I am doubly in favor of building that plant.

Mr. BURLESON. I am glad to know it.

The CHAIRMAN. The point of order is overruled.

Mr. JOHNSON of Kentucky. Mr. Chairman, before the motion to rise is taken, as the Chair has said he is going to take this matter under advisement, I wish to call his attention to one thought in the consideration of it. This provision which we have just been discussing was put in the bill so that the asphalt plant, if adopted, might do the work for the street car companies, whereas it must be done for the street car companies now, if done by the commissioners, from another source; that this, perhaps, would not be in this bill except that the asphalt-plant provision was in it.

Mr. BURLESON. I will say to the gentleman that he is mistaken about that. It has been in the bill for 20 years.

Mr. JOHNSON of Kentucky. Now, then, as it is in, and as it is different from the act of 1878, and is consequently new legislation, why change the act of 1878? That is one thing I wish the gentleman to consider.

The CHAIRMAN. The Chair will consider the arguments suggested by the gentleman from Kentucky.

The question is on the amendment proposed by the gentleman from Texas [Mr. BURLESON].

Mr. BURLESON. Mr. Chairman, I desire to change that to "three hundred and ninety," instead of "four hundred."

The CHAIRMAN. Without objection, it will be modified according to the gentleman's suggestion. The Clerk will report the amendment as it will read when modified.

The Clerk read as follows:

Amend page 28, lines 22 and 23, by striking out the words "three hundred and seventy" and inserting the words "three hundred and ninety."

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Texas.

The question was taken, and the amendment was agreed to.

Mr. BURLESON. Mr. Chairman, I move the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARRETT, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill H. R. 17681, the District of Columbia appropriation bill, and had come to no resolution thereon.

FEDERAL AID IN THE CONSTRUCTION OF HIGHWAYS.

Mr. FRANCIS. Mr. Speaker, I would like unanimous consent to address the House on the question of Federal aid in the construction of highways.

The SPEAKER. Is there objection?

There was no objection.

Mr. FRANCIS. Mr. Speaker, I do not wish to trespass upon the time of the House further than to make a few timely remarks on the subject of Federal aid to the construction and maintenance of highways. The meeting of the Fourth International Good Roads Congress, which met in Chicago, Ill., a few months ago, and which will again meet in an interstate

convention in the same city on Lincoln's birthday, February 12, 1912, is fast crystallizing public sentiment in its favor. The farmers' institutes and granges throughout the Union are behind the project. The Federal good roads convention held in this city this week, and the good roads convention held in Richmond, Va., a short time ago, all show that in order to subserve the will of the people the time for Congress to act in this useful enterprise is now at hand.

Our rural mail routes in the State of Ohio now cover about 50,000 miles of highway; these are used by the Government for postal roads in the delivery of mail and packages; other States are equally traversed by these routes. The limited parcel post, which we now have by treaty with foreign countries, will soon be enlarged throughout the country and over these highways, and while it distributes a great benefit, it also imposes upon the highway a great burden; but this is a Government of the people, and the Government should assist in maintaining the roads used in its business.

The motor car has become one of our greatest means of conveyance and of commercial utility. The progress which is being made and the new inventions which are brought into use in these matters, are here in advance of improved roads.

I shall direct my remarks to the necessity for and the right to construct Federal highways. There are two ideas prevalent as to this—the one is, that the Government give financial aid to the States and the States construct and maintain the highways; the other, that the Government construct and maintain the highways itself, as one of its prerogatives, to which highways each State may construct roads in any manner which it may choose.

The first plan involves the necessity of the General Government cooperating with the 48 States, where many questions will arise under their separate laws; the State authorities to be dealt with as to appropriations and expenditures of the funds, the manner of construction of roads, and numerous other matters of detail; but with the second method this would not be true. In it the Government would take upon itself the entire construction, maintenance, and repair, and, consequently, control the highway, making the States directly subservient to its plan. In the latter plan fewer persons would be benefited by such roads, because of the impossibility of the Government building such an infinite number, while in the former plan all may be reached to some extent agreeably to State laws; hence the greatest good to the greatest number would result from the former method, and this, we believe, will be the method finally adopted.

I submit herewith as part of my remarks a former address made by me before the Good Roads Congress at Chicago and the following addresses and communications delivered there: The address of Robert F. Hall, of Chicago, Ill.; the address delivered there by Atwell Thompson, city engineer of Jackson, Tenn.; the address of Hon. John F. Shafroth, governor of Colorado; communication and plan of road maintenance from Michael Christmann, Lake County, Colo.; the communication and address of John Brisbane Walker; the communication of E. H. Pond; the communication of P. V. De Graw, Fourth Assistant Postmaster General; the communication from H. F. Avery, mayor of Colorado Springs, Colo.; and the constitution of the National Good Roads Association, which follow:

ADDRESS DELIVERED BY CONGRESSMAN FRANCIS, OF OHIO, BEFORE THE FOURTH INTERNATIONAL GOOD ROADS CONGRESS, HOTEL LA SALLE, CHICAGO, ILL., SEPTEMBER 26, 1911.

"Mr. Chairman, there is no question which now so generally concerns all the people of the United States as good roads. It it the means to better living, greater conveniences, better morals, better education, the extension of intelligence, the diffusion of knowledge, and it is now the crying necessity of our Nation.

"Show me a country traversed by many easy and pleasant highways, and I will show you a country of intelligence, prosperity, and contentment, abounding in accessible schools and churches, improved and valuable lands.

"Show me a country where the roads are an unkempt, ungraded trail, and I will show you a country segregated from civilization, too often abounding in ignorance, behind the times, and the lands and environment such as to repel the self-respecting farmer.

"The International Good Roads Congress has been for years, and is now, molding sentiment for the improvement of the myriads of interlacing highways throughout the entire country and has aroused such enthusiasm in this subject that success is now within reach of the people. It has for its purpose the construction of better roads by the most approved methods obtainable, and it has wisely arranged to have each State and nation bring its ideas on the subject here and exchange them, in order that we may, if possible, arrive at some means of concerted action whereby this fair land may construct arteries of commerce for its natural products and commercial resources, amounting to $34,000,000,000 last year, the greatest part of which must be moved primarily over wagon roads. One of the foremost questions to-day is, Can our Government build or authorize the building of national highways or aid in their construction; and if so, under what authority and how shall these highways be maintained?

"There are several provisions of Article I of section 8 of the United States Constitution under which this may be done—primarily under the clause 'To establish post offices and post roads,' 'To regulate commerce among the several States,' and again 'To provide for the common defense and general welfare of the United States.'

"In the exercise of these three powers, having regard for the present advancement of science and invention, the transportation of persons, packages, and parcels, communications by letter and wire is absolutely necessary to a full enjoyment of those powers. These were powers which the 13 original States exercised in severalty, but when they came under the Constitution they then exercised them unitedly and for their common good. In United States Supreme Court, Ex parte Rapier (143 United States, 134), the court says:

"When the power to establish post offices and post roads was surrendered to Congress it was a complete power, and the grant carried with it the right to exercise all the powers which made that power effective.

"There has just been introduced in the United States Senate by your Senator CULLOM, at the request of J. Floyd King, its author and promoter, a bill providing for the construction of seven great national highways leading to and from the National Capitol, two of which are to cross the entire continent from the Atlantic to the Pacific, one to traverse the Atlantic coast from Maine to Florida, and others of equal importance to connect the principal parts of the United States by trunk roads. The cost of these roads has been roughly estimated at $148,000,000—about one-third the cost of the construction of the Panama Canal. These roads are meant to form the great skeleton work for a national highway system.

"This Senate bill No. 3197 represents such vast undertaking that one might conclude upon first thought that it was a vision in the far-distant future, but public sentiment is crystallizing so rapidly that it may be realized in no distant day.

"This bill contemplates seven great interstate thoroughfares, each to begin at the Capitol at Washington, D. C.

"These highways are meant to connect the opulent, business, and manufacturing cities of the East, the fertile valleys of the Central States, the States of the Plains, and to scale the Rockies by trails sought out by Fremont the Pathfinder or Old Man Meeker, who marked the way with stones, at intervals, and who with his ox team and squeaking cart defined the Oregon trail.

"These were the trails for the early pioneer and gold seekers, and are more distinctly marked by the bones of many of those early pioneers who fell by the wayside while seeking the golden West, unmindful that in after years the Government would take these crude trails under its care for great national highways of commerce and travel connecting the East and West, on which unknown and unforeseen invention and self-propelled vehicles would run at lightning speed, and along which the stretch of tiny wires might carry communication from any point to those a thousand miles away, or, better still, the wireless telegraph with which to speak through space.

"And, strange to say, in this proposed road system we are only copying after the Romans of over 2,000 years ago, for there are yet in Briton, indistinctly marked, four Roman roads; they are raised above the surface of the surrounding land, and run in a straight line from place to place. These were left behind in Briton by the Romans and are a relic of their advanced ideas on road building at that early date. They built many other roads, notably the Appin Way, built in the time of Appius Claudius, from the gates of Rome to Brindesia. The usual plan of construction was a surface of block stone on a raised platform bounded on the sides with stone abutments. These roads must have been great undertakings, when we consider their limited means of construction and travel. Might not these highways have been as great undertakings in that day as the ones now proposed by our Congress, when we consider the financial strength of our own country? In 1806 when the Cumberland or National Road was undertaken to connect the Potomac with the Mississippi and Ohio, would not the then limited means of doing the work compared with the advantages and improvements of the present day and our financial resources compare favorably with the building of the seven great national highways as now contemplated?

"So far as Federal authority is concerned to build highways, we believe these propositions to be self-evident:

"First. The Government, under the post-offices and the post-roads clause, the commerce clause, and the general-welfare clause, can build and maintain national highways or aid in their construction.

"Second. That the promotion of highways, both by land and water, for transportation of persons, property, and intelligence, is an inherent power of government.

"Third. That the giving over of these rights by our Government to private corporations under these constitutional authorities is simply granting a special privilege which the Government might exercise itself.

"History shows that in the early development of every country the first consideration has been the establishment of ways to travel by land and water. It was so of the thirteen original States; it was so of the Northwest Territory, of the Louisiana Purchase. These highways are the arteries of the Nation through which its life must flow.

"It might be interesting for us to review some of the undertakings of our Government in this respect, as shown by its records, and to know the rebuff which such undertakings received in the earlier development in this country.

"It is a fact that in the organization of the State of Ohio Congress set apart one-twentieth of the value of certain lands sold, to be applied to the laying out and making public roads leading from the navigable waters emptying into the Atlantic Ocean to the Ohio, to the said State, and through the same; such roads to be laid out under the authority of Congress, with the consent of the several States through which they passed. There were similar provisions made as to the sales of lands in Indiana, Illinois, Alabama, Louisiana, Missouri, and Iowa.

"In the year 1805 it was found that there had accumulated in the United States Treasury from the sales of these lands $650,000, and a bill was introduced and passed recommending the building of the Cumberland or National Pike, from the Potomac to the Ohio River at Wheeling. This was passed in 1806, approved by Thomas Jefferson, President, and was shortly after extended to the Mississippi. Here we have the sanction of the greatest statesman, scholar, and parliamentarian this fair land has ever produced; while Albert Gallatin, Secretary of the Treasury, is said to be its father and promoter, Henry Clay was its great defender.

"Shortly after this Congress undertook to raise further funds by enacting a bill authorizing the expenditures derived from bounties received from the United States bank. This great stroke for the support of the national highways was championed by such men as Clay and Calhoun. This bill was passed by giving the States the actual carrying out of the work, the Government retaining the general control over it.

"In 1817 President Monroe, while acknowledging the importance of the great undertaking, vetoed the bill on the grounds that he did not believe it to be constitutional to raise money through a national-banking enterprise with which to build and maintain highways, and doubted the right to so construct out of funds derived in that manner, although the several States through which it passed consented to it; and in the year 1822, when there was presented to him for his signature a bill providing for placing tollgates on said road, so as to raise revenue for its maintenance, he said:

"If the power exists, it must be either because it has been specifically granted to the United States or that is incidental to some power which has been specifically granted. It is claimed only to be incidental to some one or more of the powers which are specifically granted.

"The following are the powers from which it is said to be derived:

"1. From the right to establish post offices and post roads.

"2. From the right to declare war.

"3. To regulate commerce.

"4. To pay the debts and provide for the common defense and general welfare.

"5. From the power to make all laws necessary and proper for carrying into execution all powers vested by the Constitution in the Government of the United States, or in any department or official thereof.

"6. And, lastly, from the power to dispose of and to make all needful rules and regulations respecting the territory and other property of the United States. According to my judgment it can not be derived from either of these powers, nor from all of them united, and in consequence it does not exist."

"In applying this to the subject matter it is seen that the question decided was the lack of power in the General Government to raise revenue by a system of tollgates on highways, to which these powers in the Constitution which he cited did not extend; but later, in 1824, he readily signed a bill carrying appropriations to complete the construction and repair of this road.

"President Jackson, in his veto message to Congress, May 27, 1830, vetoing the bill to authorize subscription of stock in the Maysville, Washington, Paris & Lexington Turnpike Road Co., uses this language:

"Without it (meaning constitutional authority) nothing extensively useful can be effected. The right to exercise as much jurisdiction as is necessary to preserve the whole works and to raise funds by the collection of tolls to keep them in repair can not be dispensed with. The Cumberland road should be an instructive admonition of the consequences of acting without this right.

"These vetoes of Monroe and Jackson were in the ante bellum days, when the constitutional rights of the Government were being constantly challenged and internal improvements were in their infancy. The spirit by which the Public Treasury was guarded was commendable, and the country was in as great danger of the 'pork barrel' then as now. In the matter of the veto of Monroe the question involved was raising revenue by collecting tolls on highways, and in the case of Jackson it related entirely to a local improvement within the State of Kentucky, and the right to build and repair highways under the constitutional powers which I have cited was not involved, nor was there any national use to be made of the road which was the subject of President Jackson's veto.

"But what would President Monroe and the 'Strict Constructionists' think to-day when they find us operating postal savings banks together with the post offices in nearly all the cities of the United States in partial support of the postal system?

"And what would they think when they find us to-day constructing a canal across Panama at an expense of $350,000,000, under the authority given by the post-roads and the interstate-commerce clauses of the Constitution, and about to adopt a system of tolls on that great canal for its maintenance, and many other instances of internal improvement which might be cited?

"This left the Cumberland or National Road to depend upon appropriations from Congress from time to time to be raised by sales of these lands which I have stated, and in that way about $7,000,000 were raised and used in its construction. This road should be the pride of our Nation to-day, laid out 66 feet wide from Cumberland to Wheeling, and 80 feet wide from Wheeling, W. Va., to St. Louis, Mo., with a 5 per cent grade, excellently macadamized, with stone arch bridges spanning the creeks. These bridges are intact to-day, after 90 years have elapsed. On that road in the forties there might be seen teams of from 4 to 10 horses—mail coaches, road wagons, and cattle and sheep were never out of sight. By this road United States mail was carried from Washington, D. C., to St. Louis in 94 hours, through passenger service and express were carried to all points along the line, and this was the longest straight line of highway ever constructed by any nation, being over 700 miles in length. Travel over this road in the State of Ohio was so great that there was collected in tolls in the year 1839 the sum of $62,445.

"In 1822 one commission house in the city of Wheeling, W. Va., received 1,082 loads of merchandise averaging 3,500 pounds, and paid freight thereon in the sum of $90,000.

"But when great lines of interstate railways paralleled that road in the fifties these tolls in Ohio fell off to $5,000 and $6,000 per year. Government contracts were made with the railroads for carrying the mails, passengers sought the quickest transportation, freight and expressage were carried by the iron king as it bounded westward over the iron rails. The stage coach was driven across the Mississippi to the plains on the Santa Fe trail and on the Oregon trail, later over the mountains and down the Pacific slope; then came the refrain—

"We hear no more the clanking hoof
Nor the stage coach rattling by,
The iron king has come to rule the world
And the old pike's left to die."

"The long haul over this road was ended. The travel was localized from village to city and from city to town, and its whole structure is relegated to fit the new order of things and has and is passing to ruin and decay; and there are just two things coming into active use that will rejuvenate it. The one is the greatly improved motive power for the highway, calling for the long haul and the greater speed; the other, the national use of our highways in rural delivery of our mail service for carrying mail packages and parcels, bringing into use the thousands of miles of roadways in every State. And a third might be added, and that is the greatly improved methods of constructing and improving highways.

"There is an uprising for national highways. Why not the Government repossess itself of this thoroughfare and begin where it left off and make it a model national highway, passing through the midland of the United States?

"If the Government is going into the building of highways—and it certainly is—then let us point to this and ask, Why construct others and worry about visionary projects when it has the grandest highway ever constructed in the world, which it has let fall into disgrace and slumber in decay? We hope Congress will take such action as will again breathe into it the breath of life and raise it from the dust, that its utility and splendor,

which was the pride of generations past, may be the pride of generations yet to come.

"We do not mean to reflect upon our Army and Navy, but why not in time of profound peace retrench in the Army and Navy expenses and appropriate some of these great expenditures for highways?

"Why not cut out a few naval parades around the world, cut out a few battleships, and have a few land parades in dedicating her highways and bring to the door of our agricultural communities some of the blessings of internal improvements in the way of good roads, and make the popular saying of to-day, "Back to the farm," a pleasant reality?

"Out of the moneys derived from the sale of lands in these States many roads were constructed by the Government, notably in Georgia, Mississippi, and Arkansas.

"Roads were proposed from Maine to Louisiana, from Washington to New Orleans, Buffalo, and Cumberland, and $30,000 was appropriated for preliminary surveys. Great interest was stimulated in road building, but the vetoes of Monroe and Jackson gave a setback to many of these undertakings.

"By these proposed highways it was intended to connect the interior with the harbors on ocean, river, and lake so that the great products of our country could be transported by water and marketed. These ports are far more numerous now than they were then; but to-day we have many railroad centers and stations where these vast products of our country are being shipped. This means of transportation permeates all States and all agricultural communities, and the necessity to reach them becomes more important than ever before. The vast swelling of our population and their varied pursuits open unheard-of industries, all of which demand transportation by rail or water, but primarily by wagon road to reach these depots and wharves for the long haul. The building of our roads has been left to townships, counties, and States for more than 100 years. They have worked wonders, but the lack of concert and uniformity and, in many places, the lack of interest, has placed us far in the background.

"When we have shown that this great amount of $34,000,000,000 worth of products and commerce produced in this country in a single year must for the greater part be hauled over our country roads to seek the market, then that is evidence in itself sufficient to prove the necessity of their construction. Our railroads are needing better highways leading to their numerous stations and railroad centers, and we believe they will heartily support a system which will result in the great mutual advantages to themselves and the country at large and facilitate the transportation and marketing of our unsurpassed and varied products and articles of commerce.

"To everyone it must be quite apparent that the self-propelled vehicle has arrived in our midst to stay, as a commercial necessity, a utility, and a pleasure carriage. It is argued by some that this agitation for good roads is gotten at the instance of and for the benefit of the automobilist and pleasure seeker, but the complete answer to this is that a road good enough for such vehicle is amply good enough for the farm wagon and other means of conveyance. That it will enhance the value of all farm land along the broad expanse of territory through which they pass and give the agriculturist a market during the entire year. In other words, it will lift the country people out of the mud for all time to come, and it has almost become a maxim that the intelligence and morals of a people are reflected in their highways.

"The 'strict constructionists' of our organic law have always advocated such narrow construction as to claim that there was no authority in the Constitution for the Federal Government to construct and maintain national highways.

"It would appear from mature reflections that any government might own and possess highways necessary for commerce and for its defense. Without question and by common consent, each nation owns its navigable rivers as national highways, and our Government is no exception.

"One of the earliest concerns of the framers of the Constitution was the conveying of information and news by letter. For this post offices and post roads were necessary. Then this was about the only thing that might be controlled by a private corporation, but they wisely wrote into the Constitution that Congress should have authority to establish post offices and post roads, and our Postal Department has always been run by the Government and from it the people receive more benefit than from any other department. But, strictly speaking, that part of the machinery known as the offices and distribution of the mails has been operated by the immediate employees of the Government, while the carrying of the mails has been quite often let out to star routes; and the railroads, through contracts with the Government, are doing the great transportation work for the deparment. Thus it is seen that private corporations have furnished the means of transportation when in fact the Constitution contemplated an establishing of offices for the work of this department and the construction of post roads for the carrying, transportation, and distribution of mails. Reduced to its real meaning and interpretation the Constitution simply meant offices for the necessary work and post roads to transport and deliver information, knowledge, and communications through the medium of characters, letters, and writing which would represent ideas. The telegraph, both wire and wireless, and telephone were not then in use, but if they had been our forefathers certainly would have expressly kept them within the confines of Government control, for they are used for the same purpose that our postal system is used for—that is, communication.

"But the Constitution was framed broad enough to include all prospective inventions and improvements in this line, and a fair construction would bring the use of these modern inventions within the authority of the general-welfare clause and the regulation of commerce among the several States, for if these modern means of conveying intelligence will facilitate any one of the three powers, or all of them, then they are within its terms and authority.

"The case of Pensacola Telegraph Co. *v.* Western Union Telegraph Co. (96 U. S., 1) holds, sections 1, 2, 3, and 4 of the syllabus:

"1. The power of Congress to regulate commerce with foreign nations and among the several States includes a control of the electric telegraph as an agency of commerce.

"2. The act of Congress of July 24, 1866, in effect, amounts to a prohibition of all State monopolies in telegraphing.

"3. The act is a legitimate regulation of commercial intercourse among the States, and is appropriate legislation to carry into execution the powers of Congress over the postal service.

"4. The act extends not only to such military and post roads as are upon the public domain, but to all post roads and navigable waters of the United States.

"In re Eugene Debs et al. (158 U. S., 590), section 5 of the syllabus, the court says:

"The same fullness of control exists in the Government over artificial highways as instruments of commerce as over waterways, and the same power to remove obstructions from the one as from the other. This would certainly be as true of post roads, and, quoting from the opinion of the court, Constitutional provisions do not change, but their operation extends to new matters as the modes of business and the habits of life of the people vary with each succeeding generation. The law of the common carrier is the same to-day as when transportation on land was by coach and wagon and on water by canal boat or sailing vessel, yet in its actual operation it touches and regulates transportation by modes then unknown, the railroad train and the steamship. Just so it is with the grant to the National Government of power over interstate commerce. The Constitution has not changed. The power is the same. But it operates to-day upon modes of interstate commerce unknown to the fathers, and it will operate with equal force upon any new modes of such commerce which the future may develop.

"In the Pensacola case the Supreme Court said:

"Post offices and post roads are established to facilitate the transmission of intelligence. Both commerce and the postal service are placed within the power of Congress, because, being national in their operation, they should be under the protecting care of the National Government. The powers thus granted are not confined to the instrumentalities of commerce or of the postal service known or in use when the Constitution was adopted, but they keep pace with the progress of the country and adapt themselves to the new developments of time and circumstances. They extend from the horse with its rider to the stagecoach, from the sailing vessel to the steamboat, from the coach and the steamboat to the railroad, and from the railroad to the telegraph, as these new agencies are successively brought into use to meet the demands of increasing population and wealth. They are intended for the government of the business to which they relate at all times and under all circumstances.

"In Luzon *v.* North River Bridge Co. (153 U. S., 525) the court held:

"Congress has likewise the power exercised early in this century by successive acts in the case of the Cumberland or National Road from the Potomac across the Alleghenies to the Ohio, to authorize the construction of a public highway connecting several States.

"Judge Bradley, rendering the opinion in Stockton *v.* Baltimore, etc., R. R. (32 Fed. Rep., 9), said:

"Nor have we any doubt that under the same power the means of commercial communication by land as well as water may be opened up by Congress between different States whenever it shall see fit to do so, either on the failure of the States to provide such communication, or whenever, in the opinion of Congress, increased facilities of communication ought to exist. Hitherto it is true the means of commercial communication have been supplied either by nature in the navigable waters of the country or by the States in the construction of roads, canals, and railroads, so that the functions of Congress have not been largely called into exercise under this branch of its jurisdiction and power, except in the improvement of rivers and harbors, and the licensing of bridges across navigable streams. But this is no proof that its power does not extend to the whole subject in all possible requirements. Indeed it has been put forth in several notable instances, which stand as strong arguments of practical construction given to the Constitution by the legislative department of the Government. The Cumberland or National Road is one instance of a grand thoroughfare projected by Congress, extending from the Potomac to the Mississippi.

"It is very evident that under the three distinct grants of power Congress may authorize by charter to companies the

construction and maintenance and operation of highways. Under these grants of power it authorized by charter three transcontinental railways, to wit, the Union Pacific, Northern Pacific, and Texas Pacific Railroads, and gave great grants of land of the public domain to assist in the construction; but the people seem no longer satisfied to give over the public domain to them to farm out these utilities to private corporations and be compelled to receive just so much for their convenience and for a price and consideration to be fixed by such corporations. But it should not be overlooked that the building of these roads opened up the vast Government lands and brought a period of prosperity and settlement never before equaled.

"The popular idea now is that the United States Government construct, maintain, and operate certain public highways for the use and benefit of the whole people at public expense.

"In Railroad Co. v. Maryland (21 Wall., 456) it was held that under the power of Congress to regulate commerce between the States this power was the same over an interstate highway as over a navigable river. It is not desired to cumber this address with authorities further than to prove the Government's right to render Federal aid.

"This Cumberland or National Road, so often referred to in these decisions, from the Potomac River across the Alleghenies to Ohio, through Indiana and Illinois to the Mississippi, is a living example of the power and the exercise of this power. This road was begun more than 100 years ago and first built to Wheeling in 1820, and further constructed to Zanesville in 1831, and to Vandalia, Ill., in 1836. When railroad building under private charter might be said to have overtaken and overshadowed these highway projects, a railroad had paralleled this national highway and the whole attention of the Nation was turned to this means of traffic, and for years the advocates of better highways suspended, awaiting the final outcome of the steam railroad.

"The Government roads which have been heretofore constructed by Federal aid have been turned over to the several States in which they were built. These States often placed them under the care of the respective counties through which they passed, and they have become dilapidated and out of repair. Tollgates were originally resorted to in order to raise funds sufficient to keep up the road, but this is as obnoxious and unpopular as it was when it first originated with the baron who took possession of the mountain pass, held up the people, and made all pay a toll who traveled that way.

"Our telegraphs are to-day interstate, national, and international. They are a part of our interstate commerce and come under that part of our Constitution relative to it and post offices and post roads. Why not place upon Uncle Sam's highways these means of communication? Why not give the people a Government rate for this means of transmission of letters and information? And why not maintain the highways from this species of tolls and take to the door of our people these public conveniences and utilities?

"Among the best constructed highways in the world are those of Norway and Sweden. The Government has recognized the value of telegraph lines in connection with their highways and have constructed them along these roads. At equal distances along each of them there are telegraph stations maintained by the Government, where for a very limited cost telegrams can be sent to any point.

"This country is noted for its scenery, its declivities, and mountains. Its roads meander through secluded places and the traveler often finds himself far beyond the habitation of man. These mountains compare favorably with those of our own country.

"They have constructed their roads and telegraph lines as one improvement and as one great work for the use and comfort of their people. These telegraph lines are of incalculable value and are of particular advantage in providing funds for the repair of these roads.

"A little incident is related by Stoddard in his travels that two men were traveling along one of these highways in 1888 in Norway when they stopped at a post house for luncheon, which seemed totally isolated from humanity. One of them, to astonish the other, telegraphed to the American consul at Christiana the following message: 'Who was the Democratic nominee for President yesterday in Chicago?' Before the meal was finished the answer had arrived: 'Grover Cleveland.'

"Since it is certain that this means of communication comes under the clauses of our Constitution as being necessary to a full enjoyment of the powers therein conferred, then why should not a national system of roads be established, including the telegraph, in order that the people might enjoy the full measure of their benefits, and the revenue derived therefrom to be applied to the repair and maintenance of these highways?

"From an analysis of road building in this country we find that each political division has arrogated to itself full authority to construct and maintain roads; we find the landowner building a road for his own convenience, the township constructing them for a given neighborhood, a county constructing them to advance the convenience of the neighboring townships, and the States in many instances exercising a supervisory control over all or building them itself. While each town and city takes care of its streets, and while they represent one continuous network of roads, they all serve in harmony as many political divisions as are known to the State, and the Federal Government will work with these divisions in perfect harmony when national aid is accorded to them. Considering the relation of roads to realty and coming closer to the land, they are the easements which is as much property as the land itself, the means of ingress and egress, without which the land would be valueless and all the great development of commerce, farm, furnace, and factory must depend upon them for prosperity and life.

"In fact, it might be well said that the value of property depends upon the road or street as related to the population, and to reason inversely let us take a central corner in a populous city. It may represent a ground value which you could cover with silver dollars, because of its accessibility to the great mass of people. A corner farther out and less accessible is of less value. We follow this street until it takes up the character of a rural pike, and it is infinitely less valuable. We proceed farther into the country and find a corresponding diminishing of value. We turn to the mud road leading far from the city and all conveniences, where there are no bridges spanning the streams and the road becomes a mere trail, and though the land may be productive, yet there are no conveniences and no inducements; it is almost valueless and so undesirable as to repel settlement.

"It has been said that a man's ideas and purposes are always bettered by fair surroundings. Order, neatness, usefulness constitute a sort of high plane of thinking. Given the character of the material conditions of a community, and you can almost tell how it will vote or in what numbers it will go to church. A dirty gutter is an obscene story. A deep mudhole in a country road is a nest of profanity. A miserable, old, broken-down hogpen near by is a scandal in the neighborhood. A man's thoughts are largely what his surroundings make them. If they are ragged, filthy, and disordered, so is his thinking.

"So making good roads, parks, sidewalks, gutters, the tone of public sentiment is elevated, and it can then be counted upon to support the true progress of a community. A bad outlook pulls a man down like a bad companionship."

"We favor a system of national highways which will give the producer easy access and reasonable rates to the overcrowded centers, the cities and towns, and in turn give this vast multitude of consumers more reasonable markets and reduced cost of living, better mail facilities in the distribution of knowledge and intelligence, and in making easier the road to school, to market, and to church. Those roads once constructed will be the greatest legacy that could be handed down to posterity, and the moneys paid out for construction would stimulate trade throughout the country. States, counties, cities, and townships will construct roads and adjoin this great system, and our public highways, like our Nation, will become the greatest in the world."

CONSTITUTION OF THE NATIONAL GOOD ROADS ASSOCIATION.

Adopted at Chicago, Ill., November 21, 1900, and amended at Portland, Oreg., June 24, 1905; at St. Louis, Mo., November 15, 1905; at Muscogee, Ind. T., December 6, 1906; at Chicago, Ill., November 18, 1908; at Chicago, Ill., November 17, 1909; at Chicago, Ill., November 16, 1910; and at Chicago, Ill., November 15, 1911.

ARTICLE 1. The name of this organization shall be The National Good Roads Association.

ART. 2. The objects of this association shall be to secure good roads and streets in the States, Territories, and possessions of the United States and promote in every possible way a public interest in them.

ART. 3. The official headquarters of this association shall be in Chicago, Ill., and such other place or places as may be determined by the executive board.

ART. 4. Any person interested in the movement for good roads and streets may become a member of The National Good Roads Association upon payment to the association and acceptance by the executive board of an annual fee of $1 for each calendar year or $10 for life membership. Annual membership for firms, associations, clubs, or corporations shall be $10; life membership, $100; honorary life membership, $1,000. Upon nomination by the executive board and acceptance of honorary membership in the association, the President and Vice President of the United States and former occupants of these offices shall be honorary presidents; the Speaker of the House of Representatives, the Cabinet, United States Senate and House of Representatives, the Supreme Court of the United States, the representatives of foreign governments, the governors of States and Territories, and the lieutenant governors, honorary vice presidents; members of State and Territorial legislatures, State highway commissioners and engineers, presidents of all good-roads organizations, mayors of cities, presidents of educational institu-

tions, State superintendents of public instruction, clergymen, teachers, and the editors of all regular publications, honorary members.

ART. 5. The elective officers of this association shall be a president, one or more vice presidents, a secretary, a treasurer, and 100 others, who, with the foregoing president, vice presidents, secretary, and treasurer, shall constitute the executive board. They shall be elected by the association at the annual meeting by ballot and shall hold their respective offices for one year or until their successors are duly elected and qualified. All vacancies may be filled by the executive board.

ART. 6. The board of directors shall aggressively promote the objects of the association by every means in its power. The president shall preside at all meetings of the association and board of directors, sign all certificates of membership and all warrants for the disbursement of the funds of the association, name all committees not otherwise provided for, and be ex officio chairman of the same. The secretary and assistants shall make and keep on file at the offices of the association an accurate record of all members, meetings, and transactions of the association and board of directors. The treasurer shall be the custodian of the funds of the association, issue receipts for all money received, and make disbursements only for accounts properly vouchered and by warrants signed by the president, and shall give bonds for the faithful discharge of the duties of the office in such amount as the board of directors may determine. Vacancies in the board of directors shall be filled by the board until the next ensuing annual meeting. A meeting of the board may be called at any time by the president. The president, secretary, and treasurer shall each submit written reports to the association at its annual meeting covering the transactions of their respective offices.

ART. 7. The association shall meet annually on the third Wednesday of November in the city of Chicago, Ill., for the purpose of electing officers and for the transaction of any other business in the interest of the association. All classes of members—honorary, life, or annual—may vote upon all questions at all meetings of the association, in person or by proxy, and those present shall constitute a quorum. The president may call special meetings at any time or place, and may appoint a vice president, secretary, treasurer, and consulting engineer for each State of the Union with a view of securing a more extended and perfect organization of the association in all the States and to secure the affiliation of all possible organizations.

ART. 8. The national advisory board shall be appointed by the president, and shall consist of representative men and women in each State and Territory of the United States who are interested in the objects of the association whose duty shall be to give the association such aid, information, or suggestions as their time and inclination permit.

ART. 9. The president and executive board shall have full power to organize town, city, county, State, national, and international congresses, conventions, and associations, and arrange for meetings thereof.

ART. 10. These articles shall be in full force and effect from and after their adoption, and they may be amended only at the annual meeting herein provided for the election of officers. If a proposed amendment be published by the president and secretary in the official call for the annual meeting, a majority vote shall adopt, but any amendment not mentioned in such call may only be adopted by a three-fourths vote of the votes cast.

[From the Fourth Asssistant Postmaster General.]

UNITED STATES POST OFFICE,
OFFICE OF THE POSTMASTER,
Milwaukee, Wis., September 19, 1911.

Mr. ARTHUR C. JACKSON,
President National Good Roads Congress,
The National Good Roads Association, and
The Illinois State Good Roads Association,
La Salle Hotel, Chicago, Ill.

MY DEAR MR. JACKSON: Thanks for your very polite invitation to me to address your most important congress during the present week. I should be most happy to comply in person, but my official engagements at postal conventions prevent. I am, therefore, compelled to resort to the silent method of communicating our views.

Naturally, the Post Office Department, especially that branch of it under the jurisdiction of the undersigned, is greatly interested in the work incident to good roads. While it is perhaps generally understood that the department requires that all roads on which rural delivery is established shall be maintained in condition to be traveled with facility and safety at all seasons of the year, I very much fear that the reasons for this requirement are not well understood or appreciated. Then, again, people of various communities have different standards, and what would be considered a good or fair road in one section of the country would be considered a very poor or bad one in another.

When service is suspended on a rural route compiaint is sometimes made by those who are thus deprived of the delivery of mail by rural carrier that the road is being traveled, and if others can get over it why not the rural carrier? But such compiaints lose sight of the fact that a rural carrier is required daily to travel his route, varying from 15 to 30 miles in length, without regard to climatic conditions, while some of the people may, by dint of floundering and plodding, get through what would be reasonably classed as an impassable road, or might get over a stretch of road 4 or 5 miles in length. Rural carriers can not be and are not expected to travel roads hub deep in mud or in such condition as to cause great hardship to the carrier's animals and loss of time to the carrier.

The interest of the department in the good roads question is paramount, for the reason that the 41,116 rural carriers employed are daily traveling more than 1,000,000 miles of roads, and in the course of a year those carriers travel more than 300,000,000 miles of roads. It is therefore essential that the roads be maintained in good condition for travel in order to insure uninterrupted and expeditious delivery and collection of mail on rural routes on an even and dependable schedule. In the maintenance of the service many millions of dollars are spent each year, and the Post Office Department expects its beneficiaries to see that the highways are maintained in proper condition.

Some five or six years ago the department adopted the policy of insisting that the roads on which rural delivery is in operation shall be kept in good repair, else to withdraw service therefrom; and also to cooperate with State highway commissions, good roads associations, local highway officials, and others interested in securing the improvement of highways and to encourage postmasters and rural carriers to do likewise. As a result of its policy and cooperation it is believed that more work has been accomplished and more money appropriated and expended and more up-to-date highway laws enacted during the past five or six years than during any other period in the country's history. The department very much desires that postmasters, rural carriers, and substitute carriers shall not only constitute themselves apostles of good roads and spread the propaganda, but that they shall by their works arouse interest and emulation in others. Many postmasters and rural carriers have been instrumental in forming good roads clubs and associations, the results of which have been vast improvement in the condition of the highways, and in several notable incidents the appropriation of enormous sums of money for the rebuilding and improvement of entire county highway systems.

While these improvements have redounded to the greatest benefits to the Rural Delivery Service, the direct and indirect material benefits to the farmers and other rural residents have been incalculable. Strange as it may seem, farmers do not fully appreciate the value of good roads to them in that it enables them to get their produce to market at any time during any season of the year with ease and facility and with a minimum of wear and tear on their animals and wagons. When the roads are poor, farmers are unable to take advantage of the best market prices, but can only do their hauling during the dry season or when the roads are dried out. The saving in the cost of horses where the roads are improved is enormous, for there can be no doubt that good roads prolong the usefulness of horses at least one-third. Then, again, good roads are not only an indication of thrift, but they certainly enhance farm values and encourage and promote rural social intercourse and interests.

The fact that but comparatively few of the counties throughout the Union are financially able to undertake the building of the highest class of macadam roads is appreciated, but this should neither discourage nor deter them in their efforts to procure good roads. It has been fully demonstrated that the best of earth and clay roads may be had through the use of the split-log drag and other implements for grading and ditching roads. Instructions and advice on road building or materials are to be had upon application to the Department of Agriculture, Bureau of Public Roads, Washington, D. C., and skilled highway engineers are detailed by the Department of Agriculture under certain conditions to furnish practical demonstrations in road building. Besides, the various State highway commissions and boards are all ready and willing to lend their aid. To my mind there is little, if any, excuse in the majority of cases for the existence of bad roads.

With all good wishes for a most successful meeting, I am,

Very truly, yours,

P. V. DE GRAW,
Fourth Assistant Postmaster General.

PARKER, COLO., *September 14, 1911.*

Hon. ARTHUR C. JACKSON,
President Fourth International Good Roads Congress,
La Salle Hotel, Chicago.

MY DEAR SIR: I am in receipt of your communication of September 1. I regret very much my inability to attend this congress, as I consider it of vast importance to the whole country. I am an enthusiast on good roads, and can not but feel the sad negligence of this most important subject in years gone by. Good roads are one of our greatest necessities of the present day and should demand the attention of every government, every organization, every club, as well as the farmer and all the traveling public. I am proud to say that Colorado has awakened to the fact that money expended on good roads will pay good interest to all concerned, and through our local and State organizations Colorado, although a young State, has been in the harness for several years back, and is to-day struggling hard to keep our State highway commissioners financed so as to keep the good-road improvements going on as fast as possible. Colorado has greater disadvantages than most States to work against on account of her high altitudes and mountainous districts, with heavy grades and more or less cloudbursts and heavy rains through the summer seasons, which cause more or less damage to our roads and bridges, and calls for a large expenditure of money, so that the farmers and real estate owners already feel the burden of taxes to some extent. Colorado boasts of an activity that puts life into all her subjects, whether citizens, land owners, or visitors, and, although some of our farmers have been slow in educating themselves up to the special needs of good roads and more of them, there is not a live, ambitious man in Colorado to-day that does not stand with shoulder to the wheel pushing for good roads.

Now comes the pressing need of our Government to take hold at once and open up public highways through all of her reservations, more especially in the mountain districts of Colorado, where lie some of the most beautiful scenery in the world, which only needs to be seen to be appreciated; and, sir, I claim it would be a great, actual benefit to these whole United States to help Colorado open up her beautiful mountains with good roads and leading highways that would make automobile travel possible from the Atlantic to the Pacific coast. I feel that it is due to Colorado, and she has a right to ask for such appropriations from Congress from time to time for this purpose, and I can say that Colorado has the best of inducements to offer for all she gets, as she can furnish any kind of material that would be needed for making a roadbed, and is also provided with any kind of machinery or road implements for working same, with the advantages of cheap labor.

Wishing great success to the Fourth International Good Roads Congress, I am,

Very truly, yours,

E. H. POND,
Parker, Colo.

OFFICE OF THE MAYOR,
Colorado Springs, September 23, 1911.

Hon. ARTHUR C. JACKSON,
President International Good Roads Congress,
Hotel La Salle, Chicago, Ill.

DEAR MR. JACKSON: I have for acknowledgment your valued favor of the 5th instant, inviting the writer to take a place on the good-roads program for a short address on "Colorado Day," September 19 last.

I regret that my municipal duties here were so very exacting the present month that it was absolutely out of the question for me to attend the good-roads meeting. However, I appointed a number of delegates, and I understand from Mr. F. A. Perkins, who has returned home recently, that he met and talked with you personally, and that Gov. Shafroth made a good talk on "Colorado Day."

I desire to thank you for your courtesy and kindness in offering me a place on the program, and sorry that matters over which I have no control prevented me from accepting.

Trusting that you had a successful meeting and that I may be permitted to attend the next year's congress, I beg to remain,

Very truly, yours,

H. F. AVERY,
Mayor Colorado Springs.

DENVER, COLO., *September 11, 1911.*

ARTHUR C. JACKSON, Esq.,
President International Good Roads Congress, Chicago, Ill.

MY DEAR SIR: It would give me the very greatest satisfaction and pleasure to be present at the International Good Roads Congress at Chicago. I had the pleasure of presiding over the first National Good Roads Convention, held in the Auditorium, at Chicago, some years ago, and it is with the greatest satisfaction that one sees the progress now being made.

I inclose an address on the subject of transcontinental highways, with map, which may be of interest to members of your association.

Yours, sincerely,

JOHN BRISBEN WALKER.

The above letter was read by President Jackson and also the address Mr. Walker inclosed, which is as follows:

THE CARRIAGE OF FREIGHT AND PASSENGERS OVER A TRANSCONTINENTAL SYSTEM OF HIGHWAYS.

Mr. WALKER. Gentlemen of the convention, that this matter is one of immediate and urgent importance I believe not so much because of its economic bearing as for its probable influence upon political and social conditions. If the facts here given are as stated it will be seen that the construction of the proposed system of transcontinental highways would relieve the people from the transportation monopoly that not only impoverishes them but exercises so deteriorating an influence over citizenship, legislation, and even the judiciary.

I propose to demonstrate conclusively, in two entirely different ways, that the transportation of both freight and passengers over scientifically built cement or asphalt highways is incomparably cheaper than under the existing tariffs of the railway systems; that the construction of great transcontinental highways would at once put in the hands of the public the power to relieve themselves of what is to-day an absolute monopoly, would create a competing system of transportation that would at once restore our railway systems to their functions of public service at lowest possible cost instead of instruments for the accumulation of Harriman, Rockefeller, and Morgan fortunes.

The Transcontinental Highway Association has been formed for the purpose of conducting a vigorous campaign for a comprehensive plan of national highways:

1. From Denver to tidewater at Galveston on the Gulf of Mexico.
2. From Denver to the Great Lakes at Chicago.
3. From Denver to the Mississippi River at St. Louis.
4. From Denver to Seattle on the north Pacific.
5. From Denver to tidewater at San Francisco and Lost Angeles in time for the 1915 exposition.

Those who comprehend the significance of the work will not require to be asked twice to give their fullest, most earnest, and most enthusiastic support.

It will surprise many to hear that on a modern, perfectly built, cement or asphalt highway freight and passengers can be moved not only in competition with the railways, but at a price less than one-half the average railway charge. I do not ask anyone to take my word for this, but will present facts and figures prepared for presentation to the Automobile Club of America some years since.

Let us now take up the questions of the cost and practicability of highway transportation as compared with railway rates.

The plan proposed to the Automobile Club of America was a 100-foot wide highway from New York to Philadelphia, avoiding towns and cities, having no sharp curves and no grade crossings, the north and south courses of the highway separated by a barrier, so that travel in either half would be uninterrupted in one direction. The entrances to be separated from the exits and at acute angles to the roadway, each side divided by strict regulation into three speedways, the outer for travel not exceeding 15 miles per hour, the central up to 30 miles, and that next to the barrier 50 miles, distances being maintained rigorously to suit the several speeds, and signals exchanged before passing from a low speedway to the next higher, or vice versa.

If a round-trip ticket is bought, the fare from New York to Philadelphia on the Pennsylvania Railway is $4, or $2 each way. Taking a 20-passenger car, such as would be entirely practicable on the smooth cement or asphalt of a highway, it would be possible to make the trip from New York to Philadelphia, without stops, in less than three hours.

The gasoline required for the trip would not exceed 15 gallons, which, at 16 cents, would amount to $2.40; driver's wages, at $3 a day and allow a full half day, $1.50; garage and lights $15 per month, or 25 cents per trip.

The next items would be cost of car, average life of car, and maintenance. Those familiar with automobile building would place the cost of a six-cylinder, 20-passenger car, if sold in large numbers, at $2,000. It would be a very reasonable estimate to place the life of the car, making a round trip daily, at one and one-half years, 547 round trips, or 1,094 single trips, which would bring the cost of the car at $1.82 per trip. For so short a life repairs need not be estimated over $182 per year, or 50 cents per day. This would give the following:

Gasoline	$2.40
Oil	.20
Chauffeur	1.50
Rental of garage, lights, heating, etc	.25
Cleaning	.25
Cost of car	1.82
Repairs	.50
Total	6.92

For 20 passengers the cost would amount to 34 cents each per trip, or allowing for the average 6 vacant seats each trip, the cost for the 14 passengers would be 49.4 cents, or less than one-fourth the lowest fare of the Pennsylvania Railway for the same trip. This would permit an operator of these automobile cars charging 100 per cent profit and then cutting the lowest fare of the railway in half.

On a smooth cement roadway not only would pneumatic tires not be necessary, but the wear and tear on approximately solid tires would be very slight. Springs and shock absorbers would give an ease in riding not equaled on the finest automobiles over the ordinary roads.

The work put upon the engine and operating parts would be uniform instead of spasmodic. The violent shocks to which an automobile is now subjected, bumping over rough roads, starting, stopping, throttling, throwing speed gear, making sharp turns to avoid vehicles, swinging around corners, in a week, all endless changes of speed and direction which make up the sum total of wear on a machine, would be largely eliminated on the smooth, level, uninterrupted highway.

It seems not impossible that the cost of wear and tear per passenger for the average automobile of to-day could be divided by 10 or even 20 for a public 20-passenger car on a cement-covered highway such as has been designed.

Given the power to control the rates for freight into a city, then the people of that city are delivered bodily and may be milked of their earnings until impoverished. Because the exactions are only a little at a time on each article, the average man or woman does not appreciate that a fifth or a fourth of his income is being lost.

Therefore it is difficult to arouse public opinion. Too often the men who should be the natural protectors of the public are in some secret combination, traitors to the Commonwealth, plotting the injury of their neighbors in exchange for personal gain.

For these reasons the transportation of freight is a matter of vastly greater interest than that of passengers. Take, for instance, coal into Denver from mines 20 miles away. The rate is 80 cents per ton.

Let us see what would be possible by traction-engine haul over a cement highway:

	Per day.
Cost of 50-horsepower engine $2,400, calculated on a life of 3 years' service	$2.20
Cost of wagons capable of moving 50 tons $2,400, calculated on a life of 4 years	1.64
Wages of 2 engineers, working 8 hours each, at $3 per day	6.00
Fuel and oil for 16 hours	4.50
Repairs, estimate at $219 per annum or	.60
Total	14.94

This would represent the movement of 50 tons, at 4 miles per hour, a distance of 64 miles, or 3,200 tons 1 mile, making the cost 0.46 cent or nearly one-half cent per ton per mile.

For 20 miles haul from the mines this would mean 9⅕ cents, a little over 9 cents per ton compared with 80 cents.

At first sight it is difficult to believe the discrepancies between the cost of freight and passengers carried over cement highways and the tariffs which are charged over our railways. It therefore becomes necessary to seek for the items which enter into railway costs, but are eliminated on a highway, where cars and traction wagons start from homes or warehouses, move at will, start when they please, stop where they please, require no switching, no yardage, no signalman, and, arriving at their destination, go direct to home or store or warehouse.

One has only to analyze these items of expense to see immediately wherein lies the immense savings of highways over railways.

The highway, if of full width, would cost more than the average railway as an original outlay, but not as capitalized. The cost of maintenance of a first-class cement highway would not be large—probably less than half that of a macadam road. If thoroughly well built the substructure should last 1,000 years. Only the top surface would require repair or renewal.

We may accept the Government's investment in highways as made. First-class roads are necessary to modern life and must be built—the better built the cheaper in the long run. We need not then consider the question of original cost, but only the items which enter into the expense of railway operation as compared with that of carriage of passengers and freight over cement or asphalt State highways.

The following are some of the costs of railway operation which are eliminated from the estimate of cost over the proposed transcontinental highway:

1. Interest on the vast overcapitalization created to make Morgans, Harrimans, and Rockefellers.
2. The cost of carrying elections, maintaining bosses and newspapers; of buying legislators, Senators, judges, and of conducting literary campaigns.
3. The loss through the free-pass system, used for bribery of the smaller fry.
4. The deficiencies through rebates and favors to the big interests.
5. Interest on capital invested in depot and terminal properties, rights of way, etc.
6. The cost of upkeep of terminals and depots, and for repairs, taxes, etc.
7. The salaries of the thousands of employees required for terminals and depots, whose work is simply that of shifting and handling, not of transporting.
8. The cost of hauling freight and passengers to the depots and taking them away to homes and warehouses—this not appearing in railway tariffs, but being a charge upon the transportation bills of the public.
9. The cost of switchmen, yardmen, yard locomotives, etc., preparatory to the actual work of transportation.
10. The annual loss in rotting ties—in itself enough to build in 10 years a system of transcontinental highways.
11. The new material required for worn-out steel rails, frogs, switches, etc.
12. The millions expended in labor used in replacing worn-out ties, rails, etc.
13. The annual losses in material destroyed in collisions and derailing of freight and passenger trains.
14. The heavy losses through damages for maiming and killing passengers.
15. The payment for lives of employees killed.
16. The loss on single-track roads incurred by trains standing on sidings; loss of interest on cars and locomotives so idle, and the salaries of train crews, fuel, and oil consumed, etc.
17. The loss in operating half empty cars which must be dispatched on regular trains, as compared with the use of small units, sent out only as required.
18. The salaries of signalmen, telegrahers, and dispatchers necessary to a railway system and the interest on the cost of signal apparatus, etc.
19. The cost of a vast army of highly paid officials, presidents, managers, superintendents, engineers, lawyers, agents, etc., required in the complex organization of the modern railway.
20. Most costly of all, in the economy of the Nation, is the loss which results from prohibitive rates for moving small lots by express, and through the small food trusts made possible under this method; and the waste which comes of being unable to move products at figures which leave a margin of profit.
21. Finally and most important of all is the deterioration of citizenship and press, the bribing of legislators and judges, the corruption of mercantile interests by rebates, and the whole vast, permeating system of fraud which is the direct resultant of an intention to procure laws permitting the continuance of the existing conditions.

Will the building of a transcontinental system of perfect highroads from Denver, striking water transportation at Galveston in the southeast, at Chicago in the northeast, at Seattle in the northwest, and Los Angeles in the southwest, remove these disabilities? I believe that in a considerable measure it will. At all events we need these highways for interstate intercourse and local carriage.

The CHAIRMAN. The committee on resolutions is ready to report. The secretary of the committee will read the report:

"Whereas the Seventeenth General Assembly of the State of Colorado enacted the State highway-commission law, which is the initial step toward a comprehensive plan for the construction and maintenance of a system of State highways bringing the various portions of the State into closer communication, enhancing the value of property, opening up for settlement many portions of the State now practically inaccessible, and adding generally to the material prosperity and development of the State; and

"Whereas we regard the construction and maintenance of public highways in the State as of transcendent importance, and favor all conservative plans and measures calculated to further the movement for the common good of all, without regard to county or sectional lines: Therefore be it

"*Resolved*, That we indorse the State highway commission for its splendid achievements during the past year, considering the limited funds which it had at its disposal, and that we commend it for the impartial manner in which it made its disbursements.

"*Resolved*, That we recommend to the general assembly the appropriation of the sum of $500,000 for this biennial period, to be expended by the said highway commission in the construction and improvement of the highways in this State, and that 90 per cent of said fund be allotted to the various counties of the State upon a basis of not less than $1 for every $2 advanced by the county, and not more than $5 for every $1 advanced by the county, the proportion in each instance between said limits to be left to the discretion of the said highway commission, and the remaining 10 per cent be allotted by the said commission to the various counties as it may deem best.

"*Resolved*, That we favor the appropriation of all unappropriated moneys now in the State treasury, and all money hereafter deposited therein to the credit of the internal improvement income fund, or the internal improvement permanent fund, or both, to the State road fund, same to be subject to the order of the State highway commission for road purposes.

"*Resolved*, That we recommend the system of employing convicts upon the State roads under the Lewis act, and recommend that this work be continued under the warden and the penitentiary commissioners.

"*Resolved*, That we favor the enactment of a law for the better supervision of county roads, particularly in those counties expending more than $20,000 annually on highways.

"*Resolved*, That we favor the enactment of a law providing for wide tires on all vehicles carrying a load of 2,000 pounds or over, said law to become effective on and after five years from the date of its passage.

"*Resolved*, That we favor the enactment of a law providing for the formation of rural-road improvement districts.

"*Resolved*, That we favor the enactment of a law empowering the county commissioners of the various counties to work the inmates of county jails on public highways.

"*Resolved*, That we request the general assembly to memorialize Congress to construct roads through the various Government reservations in this State.

"*Resolved*, That we favor an amendment of the recent highways commission law, empowering said commission to purchase road-building equipment, to be placed or rented to the various counties by said board, subject to proper regulation, their expenditures for such equipment to be limited to the sum of $50,000.

"*Resolved*, That we recommend to the general assembly that it submit to the electors of the State of Colorado a constitutional amendment or amendments which would enable the State to issue bonds up to the maximum amount of 3 per cent of its assessed valuation, for the purpose of road construction and improvement, and which would also enable the various counties of the State to issue bonds up to a maximum of 5 per cent of their total assessed valuation, to be used for like purposes.

"*Resolved*, That this movement be crystallized into a permanent organization, to be known as the Colorado Good Roads Association, and that the chairman of this meeting appoint a committee of five on permanent orgnization, which committee shall prepare a constitution and by-laws to be submitted at a subsequent meeting, at a time and place to be designated by this convention."

WELD COUNTY COMMERCIAL CLUB,
Greeley, Colo., September 16, 1911.

Mr. ARTHUR C. JACKSON,
President Fourth International Good Roads Congress,
Chicago, Ill.

MY DEAR SIR: Replying to your favor of September 6, wish to advise that I regret exceedingly that I will not be able to be present at the International Good Roads Congress to be held in Chicago from September 18 to October 1, 1911.

In regard to the subject of good roads can only submit to you in brief way what we have done in our county the past few months.

Through the Weld County Commercial Club a general campaign for good roads was carried on the past winter. A committee of members from each of the individual commercial clubs was asked to submit a report to the general meeting of the Weld County Commercial Club, giving an itimized statement of those roads next to their towns that needed repairs, the amount and character of these repairs, and the estimated cost of same and the amount of work that would be donated by those interested in the repair work. These reports were handed in by some 15 or 20 towns, were gone over carefully at a general meeting of our good roads committee, were boiled down to that point to which we felt we could consistently ask for same from the board of county commissioners, and were then presented to them with all the detailed information that they would need to go about the most important repair work in a systematic manner.

We tried to make this as conservative as possible the first year, and therefore asked for only $10,000 or $15,000 worth of special work. There was, I believe, during the past year $98,000 spent on road work by this county.

Thus far this systematic campaign has met with fairly good results, a number of these roads which were in worst repair and which were included in this report having been put in good shape. The extremely dry weather, however, has materially interferred with the work that should have been done.

At another recent meeting of the good roads committee of the Weld County Commercial Club the Madden bill, which recently passed through the legislature, was indorsed, and several thousand circulars explanatory of this bill printed, and, together with a petition attached to these copies asking for the signatures of the necessary number of electors, distributed throughout the county, so that we may ultimately divide our county into road districts. We expect to obtain very good results if this is accomplished.

For information beg to herewith inclose copy of such pamphlet.

Very truly, yours,

S. M. EDGELL.

STATE OF COLORADO, COUNTY OF LAKE,
Leadville, September 16, 1911.

Hon. ARTHUR C. JACKSON,
President Fourth International Goods Roads Congress,
Hotel La Salle, Chicago.

MY DEAR SIR: In response to yours of the 6th instant I regret to say that though I am one of the delegates appointed by Gov. Shafroth, of Colorado, I shall not be able to be with you at your sessions.

Pondering on the subject of goods roads, and conjecturing what phase of the subject I would emphasize most, I am struck—as you and all other advocates of goods roads have been—with the almost infinite magnitude of the field.

Writing from what is perhaps the highest incorporated municipality represented in your meeting, I might possibly be in position, had I the time, to suggest some peculiar difficulties attending the good-roads problem in the Rocky Mountain altitudes.

In a Commonwealth which includes within its borders counties of diverse interests, some being overwhelmingly agricultural counties, others almost exclusively devoted to mining, and one or two largely manufacturing; some being very large and others exceedingly small in area; some wealthy and prosperous, others verging upon bankruptcy and financial disintegration—in such a Commonwealth the problem of securing a uniform system of roads at the expense of the individual counties, rather than at the expense of the State, becomes a knotty one, which requires for its solution a fiscal program and a practical wisdom that are probably unique.

To me, then, the great desideratum appears to be a systematic study by a not too cumbersome commission composed of competent representatives of the various tyes of counties, probably advisory, whose duty shall be the thorough, patient, and impartial consideration of the special difficulties of intercounty cooperation in the good-roads movement; a body which, by the high standard of ability and loyalty to a great public cause, will exert an influence upon every inch of practical highway construction undertaken within the limits of the State.

Generalizing, it seems to me that a similar comparatively small body should be constituted under Federal auspices for the entire country, having like qualifications and perhaps receiving a reasonable stipend from the National Treasury.

By such means I believe the United States could forge to the very forefront of nations in respect to the excellency of its transcontinental roads.

"Knowledge is power." My observation in a life of over 60 years tells me that while large conventions are of inestimable value in arousing and sustaining interest, the real fruition of this interest comes from specialization by the continuous study rendered possible in a much smaller body of practical experts, if you please, upon whom rests a direct personal responsibility for the conclusions ultimately drawn and carried into effect.

Hoping that your deliberations may be marked by signal wisdom, harmony, and inspiration for the greatest attainable success in bringing about the desired results, I beg to remain,

Cordially, yours,

MICHAEL CHRISTMANN,
Chairman Board of County Commissioners of Lake County, Colo.,
and Delegate from the Centennial State.

A PETITION FOR THE ORGANIZATION OF ROAD-MAINTENANCE DISTRICTS IN WELD COUNTY, COLO., CONTAINING BRIEF EXTRACTS OF ROAD-MAINTENANCE DISTRICT LAW.

The road-maintenance district law was originally introduced in the Colorado Legislature by Hon. Harry Watson in 1907, and was amended to its present form by Hon. U. E. Madden in 1911. The law contemplates the continuance of the present centralized system of constructing roads and bridges, but authorizes the formation of local maintenance districts for the repairing and maintaining of the roads of such districts by the expenditure therein of the local road tax and the maintenance tax in the district wherein same is collected. It is the opinion of the committee that the small maintenance tax is easily offset by the more economical system of making repairs.

To form such maintenance districts the law provides a petition must be signed by not less than 35 per cent of the qualified voters of the county (approximately 5,000 signatures) and thereafter presented to the board of county commissioners for the formation of the districts. It is hoped each voter who receives a copy of this petition will see that himself and his neighbors sign the petition attached hereto for the formation of road-maintenance districts in Weld County.

Kindly secure as many signatures as possible to the petition.

Mail this petition to J. F. McCrory, secretary Weld County Commercial Club, Greeley, Colo., not later than October 10, 1911.

Prepared by G. H. Bradfield, county judge, and issued by Weld County Commercial Club, Greeley, Colo.

ROAD-MAINTENANCE DISTRICTS.

5804. *Road-maintenance districts—Purposes.*—Every regularly organized road-maintenance district hereinafter organized and formed as herein provided is hereby declared to be a body corporate by the name and style of "Road-maintenance district No. —, of the county of ——— and State of Colorado," and in that name may hold property, sue and be sued, and make contracts. The purpose of such road districts is to provide for the proper care, supervision, and maintenance of existing highways within such road districts, it being the intention of this act that county commissioners and road overseers now provided by law shall continue to have and exercise the authority now provided by law for them in laying out, establishing, and constructing new roads and bridges and repairing such existing roads and bridges in the county as the county commissioners may at any time by resolution determine. * * *

5805. *Superintendent of roads and bridges—Duties.*—Upon the organization of a county into road districts under the provisions of this act the county commissioners shall appoint a county superintendent of roads and bridges, who shall be a competent man, preferably a civil engineer, who shall understand road building, who shall have general supervision over road overseers and over the construction and maintenance of county bridges and over such roads as the county commissioners may direct, and upon request therefrom he shall act as general road advisor to the district directors and road masters hereinafter mentioned. * * *

5806. *Petition for road districts.*—Whenever a petition duly and regularly signed by 35 per cent of the qualified electors of any county of this State shall be presented to the board of county commissioners of their county, praying for the organization of said county into road districts for road maintenance, under this act it shall be the duty of the county commissioners to receive said petition and immediately set the same for hearing at a date not less than 20 nor more than 40 days from the date of presentation thereof, and said county commissioners shall give notice of said hearing by printing said notice in a newspaper published in such county.

5807. *Hearing—Boundaries of districts.*—The hearing provided in the preceding section hereof shall be limited in its scope to an examination of the regularity of the said petition and its sufficiency under this act. Upon the determination of the said county commissioners that the petition is sufficient as herein provided, it shall be the duty of said commissioners to immediately proceed to divide the county into road districts, with boundaries corresponding to the boundaries of one or more school districts, as shall best subserve the interests of the citizens of the respective road districts. * * *

5808. *Directors—Qualifications—Term.*—There shall be elected in each road district created under the provisions of this act a board of directors, consisting of three members, for one, two, and three years, respectively, a successor to be elected each year thereafter, to hold office for three years, or until his successor is duly elected and qualified. Said directors shall be freeholders and taxpayers within their districts and shall be actual residents therein. * * *

5809. *Powers and duties of directors—Road masters.*—Within the limits of its road district the said board of directors shall have all of the powers heretofore granted by law to road overseers, and shall have full authority of, and are hereby charged with, the duty of the general repair and maintenance of all roads and public highways and of all bridges of 20 feet in length and under within their district, and they shall keep same in a state of proper repair and safety for public travel thereover. The said board of directors shall have authority to appoint road masters to oversee and superintend the actual construction and repair work authorized by the board of directors of said districts, and said board shall have authority to borrow from, and the county commissioners shall when practicable loan to, said districts any road graders or other necessary road machinery belonging to said county for not to exceed 30 days at any one time. * * *

5811. *Road-maintenance tax.*—The board of county commissioners of any county organized into road districts under the provisions of this act shall levy a special property tax for road purposes, which property tax shall not exceed 50 cents on each $100 and shall be levied in the amount as shall be requested of said commissioners in writing by the board of directors of each respective road district hereunder. The said tax shall be levied and collected under the law in each year.

5813. *Order on road fund.*—The county treasurer shall pay out money from said fund upon the written order of the president of the board of directors of said road district, countersigned and attested by the secretary thereof, which said orders shall be drawn after bills have been regularly allowed at a regular monthly meeting as hereinafter provided.

5814. *Road tax—Work in lieu of thereof—Treasurer collect tax.*—Every able-bodied man between the ages of 21 and 50 years shall annually pay to the treasurer of the board of directors of his road district wherein he resides, and it shall be the duty of said treasurer to collect a road tax of $3, or in lieu of such sum every man shall labor upon the public highways of his road district, under the direction of the roadmaster of his road district, whenever given not less than 24 hours' notice by the secretary of said board of directors, or by the roadmaster, to do so. * * * The district treasurer shall pay all moneys received by him in payment of said road tax, monthly, to the county treasurer, to be by him placed in the district road fund. * * *

5821. *Compensation of directors.*—The respective members of the board of directors of such road districts shall be entitled to no fee or compensation for acting as such directors, except a fee of $1 for each meeting of the board actually attended.

5823. *Fund of district until tax is levied.*—In order to provide the several road districts organized under the provisions of this act with funds for the purpose of maintaining the roads and bridges therein until such time as they may be able to levy and collect a tax for such purpose, the county commissioners shall set aside and place to the credit of each district 25 per cent of the amount of taxes collected in such districts for road and bridge purposes.

5825. *Act not apply to towns.*—The provisions of this act shall not relate to nor in anywise affect territory lying within the boundaries of the corporate limits of cities or incorporated towns, nor shall it relate to persons residing within the same.

Sign petition on last page. Tell your neighbors to sign this petition.

Mail this petition to J. F. McCrery, secretary Weld County Commercial Club, Greeley, Colo., not later than October 10, 1911.

PETITION.

———, COLO., ———, ——, *1911.*

To the honorable Board of County Commissioners of Weld County, Colo.:

The undersigned duly qualified electors of the county of Weld and State of Colorado, desiring the organization of Weld County into road-maintenance districts under the provisions of sections 5804–5825 of the Revised Statutes of 1908, as same was amended by session laws 1911, do hereby petition your honorable board to organize said Weld County into road-maintenance districts for road maintenance under said act, as by said statute provided:

Date.	Name.	Sec.	Tp.	Rg.	Post-office address.

ADDRESS BY ROBERT F. HALL.

Mr. President and members of the International Good Roads Congress, it is unquestionably true, as your president has already stated at a previous session of this congress, that many of Chicago's business men would be here if it were possible for them so to arrange their engagements. Your sessions occurring, as they do, during the busiest hours of the morning and afternoon, find these men unable to leave their offices. The fact that they are not here by no means indicates a lack of interest on their part in the great and important subject you are considering.

Your president has told you that I am a representative of the Universal Portland Cement Co. The development of our business naturally brings us in close contact with the general subject of roadways. We see this question from several points of view, including city streets and boulevards, village roads, and highways in the open country. There are few business men not directly engaged in the making of roads whose interests are as closely allied with that subject as the manufacturers of Portland cement. And it is because our study of this question has convinced us of its importance, sooner perhaps than manufacturers whose businesses are more remotely connected with it, that we venture to appear before you and encourage you in the magnificent work you are doing, and assist you in so far as we can in the furtherance of this splendid undertaking.

The man who has even superficially looked into this matter must recognize that Portland-cement concrete is rapidly becoming an indispensable material in the building of roads. Arched bridges and culverts formerly built of masonry and other materials have been superseded by the more modern concrete construction. Many of the most important cities lay their pavements on a concrete base, thus securing a permanent foundation for any class of wearing surface. We might multiply illustrations of the use of concrete in the building of roads.

It is not our purpose, however, in appearing here, to deal with this phase of the question. As business men we know the truth of what Congressman FRANCIS, of Ohio, so well said last Tuesday morning, and that is, that the welfare of the country at large depends more intimately on the condition of its roads and highways than the majority of men imagine. This fact is brought home to us with peculiar force at the present moment. This is the season of the year when the farmer has greater need of good roads than at any other time. He has harvested his crops and thrashed them, he naturally desires to market them. His granary is, let us say, 5 miles from the nearest grain elevator. For the last two weeks copious rains have prevailed throughout the entire Mississippi Valley; only last Monday the city of Springfield, Ill., suffered a rainfall of 2.6 inches in 24 hours; other sections of the Middle West are similarly wet. The result is that it is next to impossible for the farmer to get his grain to market, and it is no unusual sight to see a loaded wagon in the middle of the road mired to the hubs and abandoned until the earth dries sufficiently to release it. Notwithstanding these facts it is unfortunately true that the farmer as a class fails to appreciate the value to him of roads which will adequately serve his purpose. In a general way he feels that the automobile interests are behind this movement, which rests alone on good sound common sense. This feeling is gradually losing force with the farmers, because nowadays many of them own handsome cars themselves, and we may safely figure that every automobile sold to a farmer creates an enthusiastic proselyte to the good-roads movement.

You have all heard of the farmer who, though owning no machine himself, was still commercially inclined, and maintained perennially in the highway passing his barn a deep and plastic mudhole through which it was impossible for an automobile to pass. As the machines came by and were stalled in this trap, the farmer would casually appear in the offing and reluctantly allow himself to be hired for a $5 bill to bring his team and pull the machine out of the mud. Probably even the Good Roads Congress would have difficulty in converting that farmer.

So fully do we recognize the value of educational work among the farmers that we issue periodically through the year a magazine devoted to their interests where we come in contact with them. This magazine has a circulation of upward of a hundred thousand copies and is sent to selected names from the Atlantic Ocean to the Rocky Mountains. The result of this work that we are doing convinces us that the farmer is no longer primarily the horny-handed son of toil we read of in the comic supplements. To-day he is a wide-awake, progressive citizen, reading carefully and absorbing a large amount of literature bearing upon his work. He knows the value of modern and improved equipment, and when the proceedings of this congress are placed in his hands, as I understand from your president it is the intention to do, you may be sure the seed will fall upon fertile ground, and little of it will be wasted. The farmer needs only to be shown where his interests lie; you may safely leave the rest to him. He has plenty of money to spend when he is sure of his returns, and the gold-brick vender no longer finds the market for his wares which the American farmer presented 30 years ago.

At the sessions of this congress during the past two weeks you have heard much of highways in all parts of the world. Even the layman is familiar with the magnificent boulevards of France, where automobiles travel at the highest speed.

The ancient Romans knew the value of perfect and enduring highways. Their work to-day stands, 2,000 years old, wherever the influence of Rome was felt.

It has been said, and wisely, too, that the growth of the United States has been so rapid that many details of our civilization have been overlooked in the hurry and bustle of modern business. The time is here when the resources of our Nation have been sufficiently developed to afford us a breathing space to look around and see in what we are deficient. The movement for good roads is one of the most significant steps in this direction. For practically 80 years the Congress of the United States has allowed this subject to remain where Andrew Jackson left it. And just now has a bill been introduced in the Senate to establish and build seven great highways leading from Washington to the remotest corners of our Nation. This looks like a stupendous task, but the American people are noted for surmounting obstacles, and once they are convinced that the Nation needs these roads the Nation will have them.

As manufacturers and business men we applaud the efforts you are making, and as citizens of the greatest nation in the world we pledge you our support.

ADDRESS OF HON. JOHN F. SHAFROTH, GOVERNOR OF COLORADO, BEFORE INTERNATIONAL GOOD ROADS CONGRESS, IN CHICAGO, ON TUESDAY, SEPTEMBER 19, 1911.

Mr. President, ladies and gentlemen, I am aware that you are here for the purpose of deliberating among yourselves as to a movement which has gained great progress in the United States—that is, the construction of good roads. You perhaps know more about the construction than I do, although I have been on several commissions during the past two years for the purpose of examining routes on which the legislature of my State deemed it wise to construct roads.

You recognize, of course, the importance of the subject, because, as Mr. Fairchild has stated, the amount of money which is lost to people by having to transport freight to railroads when the distance from the railroad station is a matter of 10 or 12 miles is more than the price which is paid to the railroad company. Therefore the good-roads proposition touches every locality, every stretch of territory in the entire United States. It can not be a purely local question, but it is one

where all receive a benefit, and that is solely from the commercial standpoint. When you consider that it is also important that these roads should be made good from the standpoint of pleasure, the standpoint of the automobilist, the effectiveness of the work and the results are apparent to everybody.

Our location in Colorado is somewhat different from that of many of the localities which you represent. In other words, we have a vast territory that is mountainous, and the roads which are necessary to be constructed there must be very expensive, a great portion of them being rockwork. This part of our country is very inaccessible unless good roads are maintained. It is very easy to drive over the prairies or even over slightly undulating ground, but when you come to a mountainous country, when you come to canyons, unless you have a pretty good road you can not go at all.

My State has been very much interested in the good-roads movement, not only on account of the inaccessibility to our citizens of one portion of the State to another, but in the making of that land that contains such beautiful scenery into a playground for America; no grander spots can be found on earth than in the canyons of the Rocky Mountains. Much of the travel that goes to Europe seeking places which are greatly advertised finds nothing to equal the Royal Gorge, the Grand Canyon of the Colorado, the Black Canyon, and many other wonders of nature. Much money goes to Switzerland, spent by people who desire to see the scenery, but the Alps can not compare in grandeur to our own Rocky Mountains. A great deal of money could be kept here if it were possible to interest our own people in seeing the sights of America first.

These are matters that invite the very question as to whether States ought to go extensively into the construction of good roads and tax themselves for that purpose.

We are making some progress in Colorado. We have what is called an internal-improvement fund, which amounts biennially to about $250,000 to $300,000. That money has heretofore been distributed for roads among the counties of the legislators; by the passage of separate bills, designated amounts being secured for such points or places as were favored by the several legislators. We have been doing that for thirty-odd years, and the result has not been satisfactory. There has been no continuity in work from such appropriations.

Two years ago our legislature passed a bill providing for the creation of a State highway commission. I selected for that commission three excellent men, one an engineer of probably 20 years' experience; the other two were men who had taken a great interest in the good-roads movement. These commissioners have now devoted two years' time to this work and have established a highway system that will make one road an adjunct to another. Of course when a commission is started the appropriation is always small. In this case it was $66,000.

The fund which has been known as the internal improvement fund continued to be divided, by separate bills, among the counties of the legislators, according to the influence of each legislator in the body. These bills were designated as the "pork-barrel bills." This practice continued, and the result was not good. We felt that a great deal of money was wasted. Many appropriations were for roads which started nowhere and ended nowhere and made no connection with a State road or any other road. The result was that the political State convention of my party at its last session passed a resolution, or a plank of its platform, which declared that this internal improvement fund should be expended by the State highway commission instead of being divided by separate bills among the legislators. So when the legislators met they agreed at first, or at least they made no opposition, to the passage of a measure of that kind. They did pass a measure which provided that any money left over, after payment of the special appropriation for roads and bridges made by the general assembly, the highway commission should have the jurisdiction of spending. They, however, still felt that the "pork barrel" should go around, and so they passed 93 bills, apportioning this money for certain roads in the various counties of the State; some of them were excellent projects, others medium, and others of very little value at all. When the matter came up we had some men who were desirous that this money should be spent systematically, and they protested against a division of this fund in the manner I have indicated. Their protests were of no avail, but it being a platform pledge of our political party I felt it my duty to veto each and every one of these bills, and I did. [Applause.]

I felt that if we were going to start an intelligent system of highways, with a fund in our hands of from $250,000 to $300,000, that we could easily make a good beginning. The bill which had been passed provided that whatever was left over after the payment of special appropriations should go to the highway commission to be spent by it, provided that the highway commission should require each county where a road was to be constructed to put up two dollars for every dollar that it should contribute. You can readily see that would give us a fund of from $750,000 to $900,000.

There is an exception in the law as to poor counties, where 10 per cent of the fund can be used by the commission without those counties furnishing anything. This measure is going to be of great benefit to the State, and good work is going to be accomplished if this policy is pursued. Each county should contribute two-thirds of the cost of a road within its borders. It is a local improvement to a certain extent, but it is also a State benefit, and the division of moneys should be about as I have stated. At least that is what the best laws on the subject have indicated. We hope that a great deal of construction work will be done. Our highway commission has already laid out 4,000 miles of road-work, surveyed it, and it is ready for construction. Some of it has been built.

Outside of the mountainous portion of our State our roads are exceedingly good; the plains, which extend from Denver to the eastern boundary of the State, contain natural highways. All that is necessary to be done is to crown them, so that they can be drained, and we have good roads. We have not the sticky clay soil that adheres to the wheels of a wagon, and consequently our road construction, except in the mountains, is not costly. But in the mountainous sections we have to do a great deal of work, because we have to blast and often to make deep cuts to construct highways.

Two years ago we started this movement by the enactment of a law which provided that the convicts of our State should be given the opportunity to work upon the public roads. We felt that it was good for the convicts, and that was the primary object. [Applause.]

We felt that the prisoner should be given an opportunity to get strong and healthy, so that when released, instead of being pale and emaciated from confinement in prison walls, he would be vigorous and hearty, and could readily find employment, even if he had been a convict. Employers who hire labor want men of muscle, men who are strong and can endure work, and such can always obtain employment. The work upon the roads hardens their muscles, takes their minds from the crime which they have committed, makes them think of better things, and when we offer a reward of some kind to them, it gives them a hope and an aspiration to make life a success. [Applause.]

The amount that is spent for medical attention to these prisoners is reduced to a minimum when they work upon the public road.

We had been doing in our State for some years a little road construction by convicts, but we formerly never took them away from the penitentiary. They were simply working in a radius of from 1 to 6 miles from the prison, returning to it every night. We were afraid that they would escape, and they often did, and so a problem came to us as to how we could, at a minimum cost, get these men to work and yet not have escapes. There was conceived the idea that if a law were passed giving these convicts a commutation or diminution of sentence of one-third of the time they worked, that it might solve the problem. So two years and a half ago the Legislature of the State of Colorado passed such a law, providing that persons confined in the penitentiary, when designated by the warden, could go outside of the walls and work upon the public highways, and for their services should receive a diminution of sentence of 10 days for every 30 days of work.

We have a warden out there who is a most excellent man. His name is Thomas J. Tynan. He loves prison work. He has attached to him every man who is in the penitentiary. He is firm and yet at the same time he has never yet applied the corporal punishment usually inflicted in State prisons. He is a man who has looked into and studied the character of each of the men. We give in Colorado a certain amount of time for good conduct, which is a considerable portion of a sentence, but the giving of this additional amount of one-third of the time for road work was something that was experimental. The result was that we placed on the highways some men in gangs, sometimes close to the penitentiary and at other times 40, 50, and even 200 miles away. These men are not guarded in the daytime at all. There are two unarmed superintendents who have control of a gang of, say, 60 men.

Inasmuch as we have a great deal of rock work, it takes superintendents of trained mind to designate the place for the work and to explain just how it is to be done. Dynamite, of course, is used by the prisoners in blasting. We have one armed man—he is a trusty convict—who guards the camp at night. The camp is composed of tents, no wire fence around it, no inclosure whatever. It is located right where the work begins on the road, and they generally work from half a mile to a mile and a half in each direction before they move the camp. There is nothing to control these men if they want to make a break, but they have never yet made such an attempt. A few men have strayed away, but the warden of the penitentiary reported to me at the end of my first term that the net loss of prisoners escaping from the road gangs was simply two. The escapes have been more than that, but they had either come back or had been captured and brought back. We have had a number of them come back. They have written to the warden that they wanted to return and serve out their terms.

What has been peculiar about it is that the form that the warden uses seems to impress the convict more than even the crime he committed which placed him in the penitentiary. The warden requires him to hold up his right hand and swear that under no circumstances will he ever attempt to escape, and that he will prevent, if possible, any of his associate convicts from escaping. The warden observes the men closely when they first come to the penitentiary; he notices how they obey the rules and their general conduct. After being satisfied that a convict can be trusted the warden offers to let him work on the public roads and to place him on his honor. All of the men want to work on the highways to get the reward of shorter time and the strength and health which pure air gives. They know that if escapes become frequent the practice would cease, and hence each man is a guard for every other.

Not long ago the warden received a letter from a man in Ohio, saying that he had escaped at a certain time—he had been on the road gang—that he did not feel that he had done right; that he had no compunctions about the crime which he had committed, but that he was distressed because he had broken his word to the warden; that on a certain day, about a month later, he would appear at the penitentiary and ask to be inclosed within its walls; and that the warden must not come after him; it was not necessary. He said, "I will be there." He gave his address. The warden wrote him that he would expect him at the time mentioned. Time passed, and the day came when the man was to return, and from morning until 5 o'clock, each hour, some of the employees of the penitentiary who had been there under the old system guyed the warden because his man hadn't come; but at 10 minutes of 6 o'clock the convict walked into the prison and surrendered himself, just 10 minutes before the hour of closing the penitentiary gates. Now, there is something in that man which shows that he can be redeemed; his soul of honor is not dead, but he is capable of becoming a good and useful citizen. The influences which surrounded him before his conviction, no doubt, were bad, and he never had a fair chance. When we consider that the chief aim of imprisonment is the redemption of the prisoner, it seems to me that all of these methods and means of getting him to be good, to awaken in him a conscience, are of great benefit to the State.

Whenever you give a prisoner an inducement to work—a saving of 10 days of imprisonment out of every 30 days of labor—you will find he will work with great intensity and energy.

I went with the warden one time to a road camp where the convicts were working. We went around a mountain road and came upon the gang unexpectedly. We found that they were working as if competing with each other; they were laboring with all their might instead of in the old slow way. Their fear is that they will be sent back to the confines of the penitentiary, and they want to avoid that, even, perhaps, if their sentences were not shortened by work. The fact that their sentences are shortened by reason of that law is the motive that prompts them to do good labor and refuse to escape. Of course you know that in case a man escapes he loses his good time, his 10 days out of every 30 days, and not only that, but he must serve out the full limit of his maximum sentence. It is no wonder that the thought of escaping is appalling to him. A short time ago the warden took a gang of prisoners off the road into Denver and attended a theater, where a moral drama was being played. Prisoners on road work do not wear striped clothes but neat gray suits. There was no attempt to escape.

We in Colorado—I presume it is the same in some other States—have what is called an indeterminate-sentence law. The judge will sentence a man for a term of from 10 to 20 years. The lesser is called the minimum and the greater the maximum sentence. If the prisoner's conduct is good he saves time even on his minimum sentence. In a 10 to 20 year sentence, if his conduct is perfect and his road work good, he can get out in four years and three months, when he is placed on parole until the end of his maximum sentence.

We have had fewer escapes under this practice than we ever had in the history of the penitentiary of the State of Colorado. There are in the State of Colorado 750 prisoners in the penitentiary, over 300 of whom are out at work on the public roads. When we realize that in all States of the Union there must be at least 100,000 prisoners, it is clear that there is a force to work in the building of good roads that is enormous

Take 300 convicts and estimate their work as worth at the rate of $2 a day each. There is $600 a day that goes into the construction of good roads. That is a very large amount. In some of these Eastern States, where the number of prisoners is very large and the territory very small, what great results in road building could be accomplished.

We have found that this inducement, this hope of a reward, has a most salutary effect upon the conduct of the men, even after they are discharged from the penitentiary. The very fact that a man earns his liberty by his own work puts into him a spirit of independence, a hope, the knowledge that if one can get a reward in a penitentiary he can surely get it in the open field of labor. Consequently there is a new hope born in him which is likely to make him a better man and a better citizen. It is for these reasons I feel that every State ought to pass a law giving a commutation of sentence to every prisoner who will work upon the public roads.

Now, there are some States, without this law, that have had sad experience in the construction of roads. A governor came to my State and said, "I understand that you can work convicts on the public roads without them escaping." "Well," I said, "you can also if you have the right kind of laws." He said, "We found in our State that it cost more money to guard the prisoners, than it would take to construct the road by contract labor, and consequently we abandoned it." I asked him if he had a law which gave to the prisoner some motive, some hope, some inducement, if he worked faithfully upon the road. He said, "No; we have not." I told him of the law which had been passed in our State and of its success.

I will say this: That unless you have a warden who is in sympathy with the prisoners and who tries to assist them it might not succeed. But there is one thing certain; we have tried it out in our State, and we find it works admirably. We have had fewer escapes than ever before, our road work is progressing, and it is excellent. It pays to place even convicts upon their honor.

A short time ago I attended the opening of what is called the Road to the top of the Royal Gorge, in our State. There is in the Grand Canyon of the Arkansas River a very narrow gorge, about half as wide as this room, and the mountains on each side are almost perpendicular, rising to a height of 2,500 feet. It could easily be bridged, but we have never felt that the scenery should be marred by such a structure. There is a flat place on the top of that gorge containing probably 6 or 8 acres. The warden of the penitentiary felt that if a road could be constructed to the summit, so that people could look down into that chasm, into that break in the mountains, that it would be a great resort for tourists and the scenic beauty of the gorge would be shown to advantage; and so he took his convicts and built that road. He kept the time of the men, the number of hours they worked, and calculating it at $2 per day, which paid labor gets in that portion of the country, he found that it would have cost, if it had been constructed by paid labor, $30,000, but the total amount that it cost the State was simply $6,200. [Applause.]

It may be that convicts can be hired out and more money put into the State treasury and the institution made self-sustaining. It often happens that they can be contracted to a shoe factory and do the work within the prison walls, and thereby the State get a direct benefit; but the State can not get the kind or amount of benefit that it would receive in the construction of roads.

We feel in Colorado that this movement for good roads is one of special interest to us, and we are going to develop and still further extend, if possible, this convict-labor work.

Of course there is a limit to such work, because we can not take out of the prison all who are confined there. The life termers are not permitted to go, except in rare instances. I suppose we have 20 or 30 life termers out on the roads, but they are thoroughly understood by the warden. He knows almost beyond the peradventure of a doubt that they will not escape, and we have not yet had a life termer attempt to escape. The escapes have been of the most senseless character. One man escaped when he had but two weeks' time to serve; he could have walked out of the prison absolutely free if he had stayed there just two weeks longer, but he got in with another man who had a long sentence and was persuaded to go. The result was that he risked his whole future for that brief period of freedom, and he was captured within two days after he escaped.

We have built a number of roads through the mountains. A year ago I went to the opening of a road between Colorado Springs and Canon City. I traveled that road for many miles; it looked to me just like the country roads in England and France. The road is not wide—about 18 feet—it is crowned and is in almost perfect condition for a country road. Of course we had some rockwork on that road, which was well done.

I recommend to all States represented at this Congress that they adopt a similar law. I feel that this resolution which has been offered ought to be amended, so as to provide that the convicts shall be employed on public roads, and that they shall receive for their services a commutation of 10 days out of every 30 days, or of one-third of the time spent in the construction of that outside work. When that is done, the problem of prison labor upon the public roads is solved; there will be fewer escapes and there will be done better work. Mr. President, am I a delegate to this convention?

President JACKSON. Certainly you are.

Gov. SHAFROTH. Then, I move that this resolution be amended with the addition of these words: "And for such service they shall be entitled to a commutation of sentence of 10 days out of every 30 days of work."

A DELEGATE. God Almighty has given you a remarkable atmosphere in Colorado that differs from most of the States in the Union, and there are very few States that can stand side by side with you in the high places where Moses stood. Wouldn't that have some effect?

Gov. SHAFROTH. No; I think human nature is the same in every part of the world. Of course, we do have a most excellent climate—invigorating—but human nature is the same the world over, and when you make it an object to a man to do something he is going to do it well. The same principles of manhood are in us all. Down in the inner nature of every criminal, if it is fathomed, you will find there are many good points; you will find there are good qualities, and if you just cultivate them, just foster them, if you lead him to think that he has a future, and trust him, you will find that it will do him a great deal of good.

As a result of this I have adopted a policy as to pardons which has been a departure from the practices of the past. Our State has given a great many pardons; in many instances, no doubt, they were wise, but men will not have regard for the administration of justice when pardons are freely exercised. It leads to lynch law. The mob will say, "Let's hang him now; they will get him out; they will get him pardoned; let's string him up to the limb, because if he gets a life sentence it won't be five years before he is out of the penitentiary." I regard lynching as more of a detriment to any State than 20 murders, no matter how bad and serious they may be. The murder is the act of the individual who commits the crime, but when a lynching occurs it is often the act of a whole community. It is a defiance of the law. It is an attempted destruction of those guaranties of the Constitution which are so necessary to the perpetuity of a republican form of government.

I have in one instance only exercised the power of pardoning. I have been induced to adopt this policy very largely from the fact that I believe the principal preventive of crime is the certainty of punishment. If each person knows that he is going to be punished, and that when he is convicted the only way he can get out of prison is to earn his own liberty, I believe it will have a wholesome effect upon all of the people and will have a tendency to prevent these lynchings that are so destructive of government itself. For that reason, since the passage of this law, I have not deemed it necessary or proper to exercise executive clemency to the extent of pardon in but one case. I have commuted some sentences; I have found that where one judge would send a man to the penitentiary for 20 years and another judge, for the same kind of crime, send another man for a period of 2 years, there was discrimination which was not right. The man serving the long sentence would brood over it and think that society had done him a wrong. I believed there was no chance to redeem such a man while such injustice prevailed and, consequently, I have tried to equalize sentences.

Pardons are principally requested by men of influence, and it is only the favored ones, the men who have friends on the outside, able to employ lawyers, who can make strong appeals for pardon. When this law was passed, which lets a man earn his own liberty, I believed that it was the measure which would best of all solve the problem of prison reform in this country.

I thank you for your attention. [Applause.]

Resolved, That it is the sense of this international congress that all available persons serving sentence in any State penitentiary or in any county, city, or town jail should be compelled to work upon the public roads during the terms of such service, and for such service receive a commutation of 10 days' time for every 30 days' work; and be it further

Resolved, That to assist in accomplishing the above purposes, the president of this congress be, and he hereby is, authorized and directed to appoint a committee of one from each State and country, whose duty it shall be to investigate conditions with reference to prison labor and the care and management of convicts in each country and State, to assist as far as possible in securing uniform legislation in the several States and countries for the employment of convicts in road construction and to report at the next meeting of the international association.

(As offered by Wilbur Fairchild, Tacoma, Wash., and amended by Gov. Shafroth, of Colorado.)

ADDRESS BEFORE THE FOURTH INTERNATIONAL GOOD ROADS CONGRESS AT HOTEL LA SALLE, CHICAGO, SEPTEMBER 27, 1911, BY ATWELL THOMPSON, CITY ENGINEER, JACKSON, TENN.

Madison County is centrally located in western Tennessee. It contains about 328,000 acres and is approximately 29 miles long by 27 miles wide. Jackson, the county seat, is located about in the center of the county. The United States census of 1910 gave the county, in round numbers, 40,000 people, and the city of Jackson 16,000.

The South Fork of the Forked Deer River meanders through Madison County in a northwesterly direction, dividing the county almost half and half. Jackson is situated on this stream.

Madison County has a variety of soils, but I shall give only the most important. The wide bottoms of the Forked Deer River are characterized by an alluvial soil, somewhat sandy and exceedingly fertile when well drained and properly cultivated. It will grow in lavish abundance any crop that can be successfully grown in this climate. Next comes a black loam, also somewhat sandy, which is good for all purposes. Then there is the upland soil, which is a clay loam with outcroppings of sand at various places. After this there is the red-clay soil, which is splendid for all farming purposes. These are the four principal soils, any of which will produce 50 bushels of corn to an acre, while 100 bushels may be produced with a moderate amount of effort and intelligence. A bale of cotton to an acre can readily be made and is being grown now where the soil is properly fertilized and not depleted of its humus by planting cotton year after year. Rotation of crops, combined with modern methods of farming, will produce enormous yields from almost all of the soils of Madison County. The State of Tennessee has an experimental farm of 180 acres just outside the corporate limits of Jackson. This farm, known as the West Tennessee Agricultural and Experiment Station, was purchased a little over two years ago and is now producing its third annual crops. The superintendent said to me the other day that the lands of Madison County are easier to bring up to a very high state of cultivation than any he had ever known. Pointing to an enormous crop of pea hay ready to be cut, he said, "Just look at that."

A stranger looking over our county for the first time and not familiar with the fertility of its soil will wonder why such a splendid system of good roads has been built. I have therefore prefaced my remarks with these soil details. The roads were built to facilitate especially the agricultural development of this county in every way. Our people knew its possibilities.

The winter and spring of 1902 and 1903 are now remembered as the year of great mud. Atmospheric and climatic conditions of that period were somewhat extraordinary; a slow rain falling for two and three days continuously would be followed by a couple of severe frosts, and these in turn would give way to a thaw, which would be immediately succeeded by another slow rain, and so on for weeks at a time, until the roads became absolutely impassable. The mud was so deep on every road leading into Jackson that dozens of wrecked buggies, single and double wagons, surreys, etc., were abandoned on each one and left until the roads dried out enough to recover them. The people determined that this sort of thing could never be tolerated again, and that the roads must be improved. A mass meeting was called and the subject earnestly discussed. Some advocated direct taxation; some a bond issue. For a while it seemed as if the meeting were hopelessly divided. Finally after a long and weary session lasting the whole day the latter plan carried. Our representative in the legislature was instructed to prepare a bill authorizing our county court to issue bonds in the sum of $300,000, bearing 4 per cent interest and running for 30

years. The bill soon became a law, the bonds were issued and sold, and work was begun in June, 1903.

The money was put in the hands of five trustees, and was divided equally among the five banks of Jackson, an officer of each bank being one of the trustees.

The work of building the roads was put in the hands of another set of five prominent citizens, all of whom are serving still without a cent of pay, each one devoting his time and best effort to the work whenever needed.

The latter set of men employed Mr. Sam C. Lancaster as chief engineer, and no better selection could possibly have been made.

The foregoing was the original executive organization, and it has worked so well that no change has been made in a single man, except the succeeding engineers who have been called to wider and more responsible fields. With this exception, the organization is the same today as it was eight years ago, and is still carrying on the work with vigor.

At first half of the bonds only were sold. With this amount—$150,000—on hand work was begun. It was a hard task, and an expensive one as well. There is no stone of any sort in west Tennessee. There is no gravel either. All road metal must be shipped in. The question then was, Where shall we find the best metal? Investigations were made and after thoroughly going into details it was decided to use the material from Tamms, Alexander County, in the southern part of Illinois. Tamms is on the Mobile & Ohio Railroad. The railroad company charges 55 cents per ton for hauling the gravel from Tamms to Jackson, a distance of 130 miles. The quarry company charges 48 cents per cubic yard on board the cars at Tamms. A cubic yard weighs a little more than a ton, and we therefore figure that the cost of this material delivered f. o. b. Jackson is $1.13 per cubic yard.

The gravel from Tamms is known as Novaculite, the name signifying that it is very hard, coming from the Latin novacula, a razor. It is a flinty substance which can not be scratched with hard steel, and which will easily scratch glass. Deposits of this rock are found in ridges which extend from Mississippi, through Tennessee, Kentucky, southern Illinois, Missouri, and Arkansas. The rock is full of seams and fractures very readily. A heavy shot reduces it to the proper sizes when screened for road metal. It is prepared in four sizes—Nos. 1, 2, 3, and 4.

No. 1 is the largest size, and is about as big as ordinary brickbats. No. 4 is the smallest size, and is what is left when the other sizes are screened out. It varies in size from that of peas to fine dust, and is too fine for roads, but makes excellent material for cheap sidewalks or for the last coat on park drives. No. 2 is smaller than No. 1, and No. 3 is smaller than No. 2, and is just the right size to finish this sort of water-bound macadam road, varying from the size of a walnut to that of a pea.

In its natural state this gravel has plenty of what is known as "binder" mixed with it, and during the screening process enough of this binder stays in each size to make it bond perfectly in the road. This binder is, of course, the result of heat and pressure, and is simply the rock in powdered form, but its action is so good that the roads never disintegrate in the winter, and very slightly in the dry and prolonged summer season.

The usual difficulties resulting from that curious phenomenon which we call human nature have been met with in our work. Scientific location of highways pays but scant courtesy to the kinks that are common to all old dirt roads. Occasionally these kinks seem to be sacred and very valuable to the property owner, who insists on the improved highway following exactly the line of the old road. It is in such cases as this that the engineer often meets with tantalizing trouble. Let him use tact; it will generally win out. I have found that the "suavitor in modo" is the most successful method. When it fails and all tact is useless, then it is time to appeal to the courts.

I now come to the actual road building. It was decided to limit the maximum grade to 6 per cent. It was also decided to straighten the roads. These decisions have been adhered to, and tortuous old roads with steep grades have given way to new roads with scientific alignment and easy grades, and which are splendidly fitted to the topography of our county. The standard roadbed is 20 feet wide with 3 feet on each side for ditches. The graveled portion of the roadbed is 16 feet wide near town and holds this width for about 2 miles into the country. From there on it diminishes to 14 feet and then to 12 feet before the road reaches out 5 miles from the corporation. It will be seen that the shoulders of the road near town are 4 feet wide on each side, increasing to 6 feet farther out. When the roadbed is graded and crowned, the width of it to be graveled is excavated to a depth of about 6 inches. This is locally called "Cutting the pit." This "pit" is thoroughly rolled, care being taken to have the bottom surface parallel to the surface of the finished road, and consequently it has the same crown as the finished graveled surface; that is, the center is 4 inches higher than the edges in a 12-foot roadway, its cross section being a segment of a circle. On the bottom of this pit the first layer of gravel is spread uniformly and rolled to a depth of about 4 inches.

The next sized gravel is then spread on this to a depth of about 2½ inches and rolled. Lastly the finer finishing gravel is spread on this to a depth of about 1½ inches and rolled. The heavy steam road roller, weighing 10 tons, develops depressions in each course, but these depressions are properly filled as the work proceeds, and when finished the surface of the road is perfectly uniform, showing no depressions at all at any point. The gravel is then 6 inches thick in the center, diminishing to 4 inches deep at the edges. The dirt shoulders of the road are rolled with the last coat of gravel, so that these shoulders conform perfectly with the crown of the road. Each load of gravel is wetted at a convenient city hydrant as it goes forward from the cars to the spreaders. In case no hydrant is at hand a small gasoline pump delivers the necessary water from a pond or a well specially driven for the purpose. A careful perusal of what I have said will show that none of the gravel is wasted—it is too costly to waste it. If for no other reason, it is cheaper to roll the graded surface and bring the low places to grade with good dirt rather than put the gravel on before rolling, bury some of it in the soft places, and then fill the depressions with more gravel.

It is marvelous how well this Novaculite packs under the roller. It cements together at once and becomes so hard that heavily loaded wagons make no appreciable wheel tracks on the new surface.

It will naturally be asked how much per mile does this sort of work cost, and it can be answered with accuracy. A summary of the total expenditures during the life of the $300,000 shows the cost per mile has been almost exactly $5,300. The cost of grading the road, together with all drain tile, concrete culverts, and bridges, has been $1,375 per mile. Engineering cost is figured in this. The cost of buying the gravel, hauling it, and putting it down has been $3,925 per mile, or nearly 75 per cent of the total cost. All the smaller water conduits have been made permanent. Vitrified tile has been used from 18 inches to 30 inches in diameter and concrete head and tail walls have been built at each drain. Reenforced concrete box culverts up to 6 feet span have been put in where necessary. These, of course, have wing walls, aprons, and parapet walls. Where larger waterways occur stout wooden bridges have been put in, and as these wear out they are replaced by permanent steel or reenforced concrete structures.

If there is anything in the art of constructing good roads that all men who know anything about the subject agree upon it is thorough drainage. There never was a road built in the past that has endured, and a road never will be built in the future that will endure, except it be thoroughly drained at the time of construction and kept thoroughly drained ever afterwards. The water conduits must be abundantly large to carry off the storm water, and the subsurface water must be well and carefully handled. I know that emphasis on road drainage before a convention of this sort is redundant, but our words will reach beyond these walls and carry this message to those who may not understand its necessity so well. I consider it the most important thing in the construction of any class of road. Lead the water away at every opportunity. Don't gather any more water than you possibly can help in the ditches alongside; then get rid of what goes into these ditches as often as possible. It is an unpardonable error to allow the storm water to run along the ditches, accumulating as it goes, for more than 100 yards before diverting it if there is any reasonable way to do so. This may apparently mean sacrifice on the part of some of the contiguous property owners, but in reality it is not. It is far more damaging to the contiguous property to have an expensive road ruined than to have a small ditch cut through it to carry away the water that would in a short time destroy the road. Here is another opportunity for the engineer to exercise his persuasive ability on the landowner who may be hard to convince.

When the first bond issue was spent the people wanted more roads. By an overwhelming vote the county asked for authority to issue additional bonds in the sum of $200,000. The legislature granted the authority, and soon the bonds were sold and the work pushed with as much energy as ever. During the interval between the time when the money from the first bond issue was spent and the money from the second bond issue was available, the county court had been continuing the work as far as its general road fund would permit, and a few more miles of graveled roads were added to those already built.

The original plan was to improve every road leading from Jackson to a point 5 miles beyond the corporation line. There are 9 main roads radiating from Jackson. Most of these bifurcate a couple of miles out from the corporation line, so that there are in all 17 roads macadamized to the 5-mile limit. As the work receded from town and penetrated farther and farther into the country the cost per mile increased and began to be almost prohibitive before the 5-mile limit was reached. This, of course, was caused by hauling the expensive gravel so far. The last mile of each road cost more than $7,500.

It was evident that $200,000 would not extend the system very far if all the roads were graveled. It would add to each road only a mile and a half. In view of this fact it was decided to spend the second bond issue on improved dirt roads. The same care has been exercised in the alignment, grade, drainage, and construction of these dirt roads that was exercised in the construction of the gravel roads. At the present moment 80 miles of these dirt roads have been constructed. It was hoped that the farmers living along these dirt roads would haul the road metal free of charge whenever they decided that they wanted their particular road macadamized, and this hope is being realized now to some extent. The commission furnishes the gravel f. o. b. Jackson, or at some nearer switch, if there happen to be any.

Madison County has immeasurable quantities of sand clay. In fact, nearly all of west Tennessee has a sand-clay stratum close enough to the surface so that it is easily available for road purposes. It is found often on the surface, and almost any ravine shows its outcrop.

Experimental stretches of sand-clay roads have been built, and are proving very satisfactory. Of course these roads get a little muddy in the winter time, but the mud is never deeper than an inch. They get exceedingly hard during the summer, and are not near as dusty as the dirt road.

Nature has been kind to west Tennessee in this respect. She has mixed the sand and clay in just the right proportions, about 75 per cent of sand and 25 per cent of clay, or just enough clay to fill the voids in the sand. When this material is put on the road in three layers, each layer being carefully spread and rolled with spuds in the roller, it becomes very dense, especially if a few convenient rains fall during the work. Traffic still further packs and condenses this material, so that it is impossible for a muscular man to drive an ordinary pick into it farther than an inch with a powerful blow. As time goes on it becomes harder and really partakes of the nature of incipient sand rock. Here, then, we have excellent local material, which fits in well for a road that is not subject to any very heavy winter hauling. It stays comfortable all the year. Automobiles can speed up to 25 miles an hour on it any time, and as fast as anyone cares to drive during dry weather. Whenever ruts or wheel tracks appear the drag can always be used with absolute success. No new material needs to be hauled for repairs, because the drag when operated scrapes up enough off the road. In this respect a sand-clay road may be said to be self-sustaining.

Our graded dirt roads are kept in repair by the use of the drag. Each year finds them easier to maintain than the year before, because every time the drag is used after a rain it smears the surface of the road, fills the depressions, and subsequent traffic puddles the smeared surface, finally compressing and smoothing it uniformly as the weather dries it. Each dragging adds a dense leaf of mud to the surface, and as time goes on this process forms a laminated crust on top of the road which resists the absorption of water splendidly. One of the most important functions of the drag is that when used with intelligence and perseverance it crowns the surface of the road after each rain just right, so that it sheds the water at once. This simple little implement, which can be fabricated by almost anyone for the trifling cost of $3 or even less, is serving Madison County well. It is being used with success. It keeps the dirt and sand-clay roads in good order all the year, and at a very trifling cost—so low that if I were a stranger to the drag and the results it produces I could not believe it. Anyone who wishes to verify the statement that the road drag will maintain properly graded and drained dirt roads for $5 per mile per year can do so by coming to Jackson. I will take pleasure in showing you.

In reading the Red Road Book of the Bureau of Town Highways for the State of New York for the year 1910, I notice that the cost of maintaining dirt roads by means of the drag is less than $6 per mile per year. This verifies our experience.

A balance of more than $100,000 still remains to the credit of Madison County out of the last bond issue, and we intend to swell the mile-

age of dirt roads to 160. We shall then have 225 miles of improved roads in our county, which may be traveled in comfort, day or night, at all seasons, giving every farmer access to market over good roads from his own door.

Let me glance for a little while at the economic results of the good roads of Madison County. As previously stated, the county sold one-half of the first bond issue, or $150,000, at the start. A tax of 12 cents on the $100 was levied with which to pay the interest on these bonds and create a sinking fund. This yielded the sum of $7,296 per year, which was enough to take care of the situation. In due time the remaining half of the first bond issue was sold—$150,000 more—and the special levy was raised to 24 cents. This was in the year 1906, and yielded a sum in excess of what was actually needed. The reason is that land values had begun to increase wonderfully, so that the assessment naturally increased, too. The exact figures are these:

Total assessment of all property, 1903..... $6,080,588.64
Total assessment of all property, 1906..... 7,186,711.54

Showing an increase in three years of $1,100,000. When the second bond issue was sold—$200,000 worth—it was found that the levy of 24 cents would be ample, on account of the increasing property values, to produce enough revenue to take care of both bond issues. This was remarkable and unexpected. Our people were not looking for such rapid enhancement in land values. It came, however, and with it corresponding increase in assessment, so that now, in 1911, we shall derive sufficient revenue from the tax levy of 24 cents to take care of the burden of both bond issues. Indeed, it seems likely that this levy can be diminished in the near future, because Madison County is surely prospering steadily and rapidly. Our farmers, truckmen, and stockraisers are producing more and more each year. Good prices prevail. New people are coming in constantly, all anxious to buy property along our good roads. Scores of neat homesteads have already been built where none existed before. Large plantations have been subdivided into small farms, and each owner is making his land produce more and more each year, while he is accumulating in proportion to his energy and good business sense.

Witness the following figures:

Total assessment of Madison County, 1903..... $6,080,588
Total assessment of Madison County, 1910..... 8,959,771

Or a total increase in seven years of $2,879,183, a little over 47 per cent, or about 7 per cent per year.

These figures are aggregate assessments for both years. They include real and personal property, also railroads, telephone and telegraph companies.

Our assessment is not high; indeed, it is not high enough. Eliminating the assessment of property embraced in the corporation of Jackson, we have the 328,000 acres of Madison County assessed for $3,643,501.25, or about $11 per acre, including improvements. As all property benefited by the good roads has an average cash value of $40 per acre, and actually sells for this or more, I am sure our assessment is low rather than high. In addition to all this the State allows every property owner $1,000, which is exempt from taxation.

The foregoing are facts that admit of no controversy. They refute beyond all question the threadbare argument that the present generation has no right to saddle a bonded indebtedness on posterity, a fallacy that appeals with too much force to the general voting public and often wrecks all efforts to keep step with the march of progress. The opportunity given one at this time to expose this treacherous and nonsensical theory is a splendid one, and at the expense of being a little tiresome to some of you I have embraced it with genuine satisfaction. I thank God we are getting away from that old doctrine rapidly, and soon it will be a relic of the past.

And now let me give a few isolated examples of bona fide enhancement in the actual value of a few tracts of land along our good roads. I am familiar with many such examples. They have come directly under my observation. Those I give are taken at random from my list, or memory.

A farm of 120 acres on the Middle Brownsville Road and 7 miles from Jackson sold for $1,200 before the work of building good roads was begun. In 1906 this same farm sold for $1,800. In 1908 a gentleman who works under me bought it for $2,400. In 1910 this same man refused $4,800 for it. Is ,400 per cent a sufficient increment in value?

On the Poplar Corner Road 10 miles from Jackson a friend of mine bought 220 acres several years ago for $2,400, largely because of the fine timber on it. He sold the timber for $1,550 some time afterwards, so that the land without the timber cost him $850. Two years ago the good road had reached his farm, and at that time he refused a cash offer of $5,000 for the land. The improvements on it were of very little value. He doesn't want to sell at all.

A gentleman from Shelbyville, Tenn., last year bought a farm and paid $3,000 for it; since then he has sold it for $6,000.

Nine years ago a close friend of mine bought a 400-acre farm 7 miles from Jackson for $3,250. On May 1, 1911, he refused $16,000 for it.

I could multiply cases of this kind until you would be weary. I have given enough to show the economic value of good roads to any community. They are the best investment under heaven. They are of more value to us than any other valuable thing we have.

Hitherto I have confined my remarks to local benefits, but the example set by Madison County has been followed by many other counties not only in Tennessee but all over the South. Hundreds of delegations from various places have visited our county to see what has been done and learn how we did it. I have carried visitors over our roads times without number. They have gone away filled with enthusiasm, determined to use every effort to follow our example. In many cases they have succeeded. The States of Mississippi and Alabama furnish generous evidence of the seeds sown by Madison County's example, but to my mind the greatest benefit yet derived from our good roads is to be found in the general craving for highway improvement all over Tennessee. Our legislature has sadly neglected the good-roads problem. Our road laws are antiquated. Our people are awake to the situation and will demand modern highway laws with no uncertain voice. This spirit, born by the achievement of Madison County, nourished by the achievements of other counties which have fallen into line, is now manifested in a powerful movement to build, by cooperative effort, a grand road from one end of the State to the other, known as the Memphis-to-Bristol highway.

The movement crystallized in Nashville on the 19th day of last January. On that day a large mass meeting of good-road enthusiasts from all over Tennessee met in the Stahlman Building. At this meeting the Memphis-to-Bristol Highway Association was born. Officers and an executive committee were elected. The president, George A. Gowan, is a man familiar with every foot of road in Tennessee. He was empowered by the meeting to select five gentlemen west of Nashville and five gentlemen east of Nashville to look after the details and building their respective portions of the road, also one gentleman in Nashville, who would act as president of the whole commission of 11. These gentlemen traveled over all the competing routes the entire length of the State with expedition and comfort in two fine automobiles generously donated by the Marathon Motor Works, of Nashville, Tenn., for the preliminary survey, and when the work was done all realized more than over the necessity for such a road, and also realized that it would be built.

I accompanied the gentlemen of the western division as consulting engineer, Mr. Sargent, of the Good Roads' Office in Washington, acting in the same capacity for the eastern division. Our trip was marked at every stopping point by the most earnest and genuine enthusiasm I have ever seen. We were face to face with a spirit on the part of the public that will do things. The universal cry was, Show us where to build the road and we will go to work. There was the rub. We had no funds to employ engineers to make the survey. A bill in the legislature asking the small appropriation of $15,000 for expenses incident to the survey had been killed. The money must be raised in some way. Highway buttons selling for $1 each, one of which I now have on the lapel of my coat, are being sold, and a considerable sum of money from this source has already been raised. I was selected as chief engineer for the western division, and am glad to say that four counties of my division have already started to build their respective links. All money, material, and labor is donated by public subscription or through the various county courts. Forty thousand men and ten thousand teams have offered their services for two days, or as long as necessary in order to get a good road. In addition to this we have cash subscriptions offered amounting to $130,000. The State has not contributed one cent. This highway will soon be an accomplished fact. Its achievement will compel modern highway legislation in our State. That is the end in view. It, too, will soon be realized, and we shall go hand in hand with our sister States in the onward march of modern development, which hinges now on the momentous achievement of universal good roads through the length and breadth of our great country.

Do good roads pay? I think I have answered that question.

BRIDGE ACROSS MORRIS AND CUMMINGS CHANNEL.

The SPEAKER laid before the House the bill (H. R. 15781) entitled "An act to authorize the Aransas Harbor Terminal Railway to construct a bridge across Morris and Cummings Channel," with a Senate amendment.

The Senate amendment was read.

Mr. GARNER. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled bills and joint resolution of the following titles:

S. 4006. An act to amend an act entitled "An act to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri," approved July 3, 1884;

S. 3484. An act to authorize the construction of a bridge across the Snake River, between Walla Walla and Franklin Counties, in the State of Washington, by the Oregon-Washington Railroad & Navigation Co.;

S. 2509. An act to amend section 1004 of the Revised Statutes of the United States; and

S. J. Res. 11. Joint resolution authorizing the Secretary of War to deliver two condemned cannon to the Grand Army of the Republic.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 12737. An act to amend the code of law for the District of Columbia regarding insurance; and

H. R. 13196. An act to provide for the transfer of certain causes and proceedings to the southern division of the middle district of Alabama.

EXTENSION OF REMARKS IN THE RECORD.

Mr. FOWLER. Mr. Speaker, I desire to ask unanimous consent to extend my remarks in the RECORD upon one portion of the debate to-day.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. BURLESON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 2 minutes p. m.) the House adjourned until Wednesday, January 17, 1912, at 12 o'clock m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Newport News Harbor, Va., and adjacent waters (H. Doc. No. 456); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of channel connecting Miles and Tred Avon Rivers, Md. (H. Doc. No. 455); to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Saikehatchie River, S. C. (H. Doc. No. 457); to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. RICHARDSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 2117) to promote the efficiency of the Public Health and Marine-Hospital Service, reported the same without amendment, accompanied by a report (No. 233), which said bill and report were referred to the Committee on the Whole House on the state of the Union.

Mr. PADGETT, from the Committee on Naval Affairs, to which was referred the resolution (H. Res. 363) directing the Secretary of the Navy to furnish certain information, reported the same with amendment, accompanied by a report (No. 234), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LA FOLLETTE: A bill (H. R. 18007) to provide for the acquisition of a site and the erection of a public building thereon at Dayton, Wash.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18008) to provide for the acquisition of a site and the erection of a public building thereon at Waterville, Wash.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18009) to provide for the acquisition of a site and the erection of a public building thereon at Davenport, Wash.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18010) to provide for the acquisition of a site and the erection of a public building thereon at Pasco, Wash.; to the Committee on Public Buildings and Grounds.

By Mr. MAYS: A bill (H. R. 18011) to provide for the improvement and preservation of the public works on rivers and harbors and for dredging and improving the harbor of Carrabelle out though East Pass, in the State of Florida; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 18012) to provide for the construction and preservation of public works on rivers and harbors and for dredging certain portions of Apalachicola River, Apalachicola Bay, and St. Georges Sound, through East Pass to the Gulf of Mexico, in the State of Florida; to the Committee on Rivers and Harbors.

By Mr. MADDEN: A bill (H. R. 18013) fixing the price of gas and regulating the quantity of carbon monoxide in gas in the District of Columbia; to the Committee on the District of Columbia.

By Mr. AMES: A bill (H. R. 18014) for erecting a suitable memorial to Maj. Gen. Lawton; to the Committee on the Library.

By Mr. McKELLAR: A bill (H. R. 18015) directing computation of longevity pay to retired Army officers; to the Committee on Military Affairs.

By Mr. CARLIN: A bill (H. R. 18016) to authorize the Secretary of War to make examination and survey of the Potomac River from Washington, D. C., to Cumberland, Md.; to the Committee on Rivers and Harbors.

By Mr. STERLING: A bill (H. R. 18017) to amend an act entitled "An act to regulate the liens of judgments and decrees of the courts of the United States"; to the Committee on the Judiciary.

By Mr. MILLER: A bill (H. R. 18018) to provide for the purchase of a site and erection thereon of a public building at Two Harbors, Minn.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18019) to provide for the construction of a public building at Duluth, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. SAUNDERS: A bill (H. R. 18020) to authorize the extension of Fourteenth Street and Alaska Avenue NW.; to the Committee on the District of Columbia.

By Mr. MORGAN: A bill (H. R. 18021) to provide the place where the clerk of the western judicial district for the State of Oklahoma and certain other United States officers shall keep their offices, and for other purposes; to the Committee on the Judiciary.

By Mr. BRADLEY: A bill (H. R. 18022) to provide for the casting in bronze and erection in the city of Washington of the colossal equestrian group known as "The Indian buffalo hunt"; to the Committee on the Library.

By Mr. LANGLEY: A bill (H. R. 18023) to establish a United States court at Pikeville, in the eastern district of Kentucky; to the Committee on the Judiciary.

Also, a bill (H. R. 18024) for the establishment at Paintsville, Ky., of a home for destitute widows of soldiers and sailors of the United States and of certain State militiamen and for Army nurses; to the Committee on Military Affairs.

Also, a bill (H. R. 18025) to authorize the acquisition of a site and the erection of a Federal building at Paintsville, Ky.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18026) to authorize the acquisition of a site and the erection of a Federal building at Pikeville, Ky.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18027) to authorize the acquisition of a site and the erection of a Federal building at Prestonsburg, Ky.; to the Committee on Public Buildings and Grounds.

By Mr. FRENCH: A bill (H. R. 18028) extending to the surviving officers and enlisted men, or their widows, who served in the Indian wars of the western frontiers of the several States and Territories, the provisions of the pension acts of June 27, 1890, and February 6, 1907; to the Committee on Pensions.

By Mr. CANDLER: A bill (H. R. 18029) to refund to lawful claimants the cotton tax collected for the years 1863, 1864, 1865, 1866, 1867, and 1868; to the Committee on War Claims.

By Mr. CALDER: A bill (H. R. 18030) to establish a fish-cultural station on Long Island, in the State of New York; to the Committee on the Merchant Marine and Fisheries.

By Mr. HAWLEY: A bill (H. R. 18031) for the erection of a public building at the city of Roseburg, in the State of Oregon, and appropriating moneys therefor; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18032) amending an act approved March 4, 1911, relating to homestead entries in the former Siletz Indian Reservation in Oregon; to the Committee on the Public Lands.

By Mr. WICKERSHAM: A bill (H. R. 18033) to modify and amend the mining laws in their application to the Territory of Alaska, and for other purposes; to the Committee on the Territories.

Also, a bill (H. R. 18034) to create a legislature in the Territory of Alaska, to confer legislative power thereon, and for other purposes; to the Committee on the Territories.

By Mr. MICHAEL E. DRISCOLL: A bill (H. R. 18035) to limit the application of sections 1996 and 1998 of the Revised Statutes of the United States; to the Committee on the Judiciary.

By Mr. TILSON: A bill (H. R. 18036) to provide for the erection of a public building at Middletown, in the State of Connecticut; to the Committee on Public Buildings and Grounds.

By Mr. FAISON: A bill (H. R. 18037) authorizing the Secretary of Commerce and Labor to establish aids to navigation in Core Sound, N. C.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 18038) authorizing the Secretary of Commerce and Labor to establish aids to navigation in Trent River, N. C.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 18039) authorizing the Secretary of Commerce and Labor to establish aids to navigation in that section of the inland waterway in North Carolina from Adams Creek to Beaufort Harbor; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 18040) authorizing the Secretary of Commerce and Labor to establish aids to navigation in Neuse River, from Newbern to the mouth of the river, North Carolina; to the Committee on Interstate and Foreign Commerce.

By Mr. KALANIANAOLE: A bill (H. R. 18041) granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii; to the Committee on the Territories.

By Mr. WOOD of New Jersey: A bill (H. R. 18042) making an appropriation for the deepening and widening of the channel of the Delaware River from Lalor Street to the upper railroad bridge, Trenton, N. J.; to the Committee on Rivers and Harbors.

By Mr. WEBB: A bill (H. R. 18043) for the erection of a post-office building at Shelby, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. TAYLOR of Ohio: A bill (H. R. 18044) to provide for the erection of a Weather Bureau building at Columbus, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. RICHARDSON: A bill (H. R. 18045) to make it unlawful for certain Federal officeholders to be members of managing or controlling committees of political parties, or to be delegates to certain political conventions, and providing for forfeiture of office and fixing penalties for the receipt or payment of fees or salaries after the act of forfeiture, etc.; to the Committee on the Judiciary.

By Mr. BURNETT: A bill (H. R. 18046) to amend an act entitled "An act making appropriations for the construction, repair, and prosecution of certain public works on rivers and harbors, and for other purposes," approved February 27, 1911; to the Committee on Rivers and Harbors.

By Mr. COVINGTON: A bill (H. R. 18047) providing for a survey of Chester River from Crumpton to Millington, in the State of Maryland; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 18048) providing for a survey of South East River, a tributary of Chester River, from the head of navigation to its mouth, in the State of Maryland; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 18049) providing for a survey of Warwick River, formerly Secretary Creek, in the State of Maryland; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 18050) providing for a survey of Fox Creek, with a view to a channel from Wingates Point to Wingate, in the State of Maryland; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 18051) providing for a survey of North and South Forks of Tred Avon River from Easton Point toward the town of Easton, in the State of Maryland; to the Committee on Rivers and Harbors.

By Mr. CARLIN (by request): Resolution (H. Res. 373) authorizing the payment of $800 to William P. Fennell for legal services; to the Committee on Accounts.

By Mr. SMALL: Resolution (H. Res. 374) to provide for printing House Document No. 391, Sixty-second Congress, second session; to the Committee on Printing.

By Mr. AYRES: Resolution (H. Res. 375) to remit duty on potatoes for period of six months; to the Committee on Ways and Means.

By Mr. BERGER: Resolution (H. Res. 376) directing the Commissioner of Labor to furnish information on the subject of old-age pensions; to the Committee on Pensions.

Also, joint resolution (H. J. Res. 213) proposing an amendment to the Constitution of the United States extending the right of suffrage to women; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AINEY: A bill (H. R. 18052) granting an increase of pension to Anson B. Carney; to the Committee on Invalid Pensions.

By Mr. AMES: A bill (H. R. 18053) to authorize the appointment of Shepler Ward FitzGerald to the grade of second lieutenant in the Army; to the Committee on Military Affairs.

By Mr. ANDERSON of Ohio: A bill (H. R. 18054) granting an increase of pension to Jefferson Baker; to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 18055) granting an increase of pension to Moses Bahney; to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 18056) granting a pension to Fredericka Seele; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18057) granting a pension to Conrad Oppermann; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18058) granting a pension to Joseph Daly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18059) granting an increase of pension to Andrew J. Adamson; to the Committee on Pensions.

Also, a bill (H. R. 18060) granting an increase of pension to Thomas Higgins; to the Committee on Pensions.

Also, a bill (H. R. 18061) for the relief of John H. Calef; to the Committee on War Claims.

By Mr. BRADLEY: A bill (H. R. 18062) granting a congressional medal of honor to Lieut. John Ritchie; to the Committee on Military Affairs.

By Mr. BURNETT: A bill (H. R. 18063) granting a pension to Montgomery Thomason; to the Committee on Invalid Pensions.

By Mr. BURKE of Wisconsin: A bill (H. R. 18064) granting a pension to Carl Roepke; to the Committee on Pensions.

Also, a bill (H. R. 18065) granting a pension to Emma Gilbert; to the Committee on Invalid Pensions.

By Mr. BYRNES of South Carolina: A bill (H. R. 18066) for the relief of S. R. Ihly; to the Committee on War Claims.

By Mr. BYRNS of Tennessee: A bill (H. R. 18067) granting a pension to America Pippin; to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 18068) for the payment of arrearage of pension to Claudia B. Blakeman; to the Committee on Naval Affairs.

By Mr. CARY: A bill (H. R. 18069) granting a pension to Eveline H. Wheeler; to the Committee on Pensions.

By Mr. DENVER: A bill (H. R. 18070) granting a pension to Cornelia Zugg Townsley; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 18071) granting a pension to Mary Florence King; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 18072) granting an increase of pension to John H. Heiser; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 18073) granting an increase of pension to Jane Augusta Beasley; to the Committee on Pensions.

By Mr. FOCHT: A bill (H. R. 18074) granting an increase of pension to David B. Heck; to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 18075) granting an increase of pension to Henry C. Mulvey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18076) granting an increase of pension to John N. Matthews; to the Committee on Invalid Pensions.

By Mr. FRANCIS: A bill (H. R. 18077) granting a pension to Lucy Elma Sturgeon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18078) granting an increase of pension to James Douglass; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18079) granting an increase of pension to Mary Dougherty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18080) granting an increase of pension to William H. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18081) granting an increase of pension to James Martin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18082) granting an increase of pension to Felix H. Hadsell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18083) granting an increase of pension to Joseph Kenney; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 18084) for the relief of Ruel Rounds; to the Committee on Claims.

Also, a bill (H. R. 18085) for the relief of Josiah Tufts; to the Committee on Claims.

By Mr. GARDNER of Massachusetts: A bill (H. R. 18086) granting a pension to Emily S. Hewett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18087) granting an increase of pension to Samuel O. Lee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18088) granting an increase of pension to James Howe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18089) granting an increase of pension to Joseph W. Haynes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18090) for the relief of Sarah J. Luscomb, widow of Lieut. Henry R. Luscomb; to the Committee on Naval Affairs.

Also, a bill (H. R. 18091) for the relief of the heirs of James Rockwell, colonel, United States Army, deceased; to the Committee on War Claims.

By Mr. GREENE of Massachusetts: A bill (H. R. 18092) for the relief of Henry L. Abbot, United States Army, retired; to the Committee on Claims.

By Mr. GRIEST: A bill (H. R. 18093) granting an increase of pension to James D. Boyles; to the Committee on Invalid Pensions.

By Mr. GOOD: A bill (H. R. 18094) granting an increase of pension to Turner S. Bailey; to the Committee on Invalid Pensions.

By Mr. LOBECK: A bill (H. R. 18095) granting an increase of pension to Charles Britton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18096) granting an increase of pension to Melville W. Stone; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18097) granting an increase of pension to John W. Glick; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 18098) granting a pension to Rhoda A. Page; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18099) granting a pension to Olive E. Green; to the Committee on Invalid Pensions.

By Mr. HAMILTON of West Virginia: A bill (H. R. 18100) granting an increase of pension to John McCloud; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18101) granting an increase of pension to Benjiman F. Ridenour; to the Committee on Invalid Pensions.

By Mr. HELM: A bill (H. R. 18102) for relief of Spencer County, Ky.; to the Committee on War Claims.

By Mr. HARTMAN: A bill (H. R. 18103) granting an increase of pension to Emanuel Russell; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 18104) granting a pension to Albert W. Kelley; to the Committee on Pensions.

By Mr. HUGHES of New Jersey: A bill (H. R. 18105) to correct the military record of Nicholas Lochboehler; to the Committee on Military Affairs.

By Mr. HUGHES of West Virginia: A bill (H. R. 18106) for the relief of Leroy Douglass; to the Committee on War Claims.

Also, a bill (H. R. 18107) for the relief of the estate of Philip Null, deceased; to the Committee on War Claims.

By Mr. LANGLEY: A bill (H. R. 18108) granting an increase of pension to Joshua Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18109) granting an increase of pension to Caldwell Oaks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18110) to carry out the findings of the Court of Claims in the case of Joseph E. Lindsey, surviving partner of the firm of John Lindsey & Son; to the Committee on War Claims.

By Mr. LEE of Pennsylvania: A bill (H. R. 18111) granting an increase of pension to George B. Kiehl; to the Committee on Invalid Pensions.

By Mr. LINDBERGH (by request): A bill (H. R. 18112) for the relief of Frank T. Aydt; to the Committee on Claims.

By Mr. McLAUGHLIN: A bill (H. R. 18113) granting an increase of pension to Henry S. Jenks; to the Committee on Invalid Pensions.

By Mr. MALBY: A bill (H. R. 18114) granting a pension to Florence L. Latrace; to the Committee on Invalid Pensions.

By Mr. MATTHEWS: A bill (H. R. 18115) granting a pension to Catherine Berkebile; to the Committee on Pensions.

By Mr. MAYS: A bill (H. R. 18116) granting a pension to N. C. Turner; to the Committee on Pensions.

By Mr. MORGAN: A bill (H. R. 18117) to remove the charge of desertion against Rowland H. Hilton; to the Committee on Military Affairs.

Also, a bill (H. R. 18118) to remove the charge of desertion against Marion A. Salmons; to the Committee on Military Affairs.

By Mr. NORRIS: A bill (H. R. 18119) granting an increase of pension to Horatio H. Waldo; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18120) granting an increase of pension to Andrew S. Harvey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18121) granting an increase of pension to Jacob Row; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 18122) granting a pension to Marie F. Manns; to the Committee on Pensions.

Also, a bill (H. R. 18123) granting an increase of pension to Eveline M. Smith; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 18124) granting a pension to Cora Rongey; to the Committee on Pensions.

Also, a bill (H. R. 18125) granting an increase of pension to George W. Wallace; to the Committee on Invalid Pensions.

By Mr. SCULLY: A bill (H. R. 18126) granting an increase of pension to Cornelius Van Note; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 18127) granting a pension to Rebecca Creswell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18128) granting a pension to Lizzie McCann; to the Committee on Pensions.

Also, a bill (H. R. 18129) granting a pension to certain east Tennesseeans engaged in the secret service of the United States during the War of the Rebellion; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18130) granting an increase of pension to Mary Ann Owens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18131) for the relief of William N. Alvis; to the Committee on Military Affairs.

Also, a bill (H. R. 18132) for the relief of Hiram Brown; to the Committee on Claims.

Also, a bill (H. R. 18133) to correct the military record of Owen C. Gilliland; to the Committee on Military Affairs.

Also, a bill (H. R. 18134) to correct the military record of Joseph M. Elliott; to the Committee on Military Affairs.

By Mr. SHERWOOD: A bill (H. R. 18135) granting a pension to Samantha Flint; to the Committee on Pensions.

By Mr. SPARKMAN: A bill (H. R. 18136) for the relief of J. M. Crumpton; to the Committee on Claims.

Also, a bill (H. R. 18137) for the relief of C. W. Moffatt; to the Committee on Claims.

Also, a bill (H. R. 18138) for the relief of C. J. Chason; to the Committee on Claims.

Also, a bill (H. R. 18139) granting a pension to Sophia Hendry; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 18140) for the relief of R. S. Kariho; to the Committee on Indian Affairs.

By Mr. TAGGART: A bill (H. R. 18141) granting a pension to Elizabeth A. Jacobs; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 18142) for the relief of Mrs. Repsay Rowan; to the Committee on War Claims.

Also, a bill (H. R. 18143) for the relief of the heirs of Edmund P. Lee; to the Committee on War Claims.

Also, a bill (H. R. 18144) appropriating $4,500 to the heirs of Campbell Glover, deceased; to the Committee on War Claims.

Also, a bill (H. R. 18145) granting an increase of pension to Edward L. Yonts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18146) granting an increase of pension to William Webb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18147) granting an increase of pension to Melvin J. Amos; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18148) granting a pension to Mariah E. Orange; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Alabama: A bill (H. R. 18149) granting a pension to Clara S. Stout; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 18150) granting an increase of pension to William H. Barker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18151) granting an increase of pension to Mary Anne Watson; to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 18152) granting a pension to Barton E. Gardner; to the Committee on Pensions.

Also, a bill (H. R. 18153) granting an increase of pension to Henrietta F. Bartlett; to the Committee on Pensions.

By Mr. WOOD of New Jersey: A bill (H. R. 18154) granting an increase of pension to Sanford D. Ramey; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN: Petition of Rudolph C. Ott and others, of Cincinnati, Ohio, urging reduction in duties on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of Switchmen's Union No. 26, of Cincinnati, Ohio, for a reduction of the tax on oleomargarine; to the Committee on Agriculture.

Also, memorial of Switchmen's Union No. 26, of Cincinnati, Ohio, approving Sherwood bill (H. R. 13911); to the Committee on Interstate and Foreign Commerce.

Also, memorial of Dayton (Ohio) Branch, United States Civil Service Retirement Association, approving Hamill retirement bill; to the Committee on Reform in the Civil Service.

By Mr. ANDERSON of Ohio: Resolutions of Chicago Civil Service League, indorsing House bill 5970; to the Committee on Reform in the Civil Service.

By Mr. ASHBROOK: Petition of James Montgomery and 50 Seventh-day Adventists, of Newark, Ohio, protesting against the passage of House bill 9433; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Newark, Ohio, against the passage of Senate bill 237; to the Committee on the District of Columbia.

Also, memorial of Iron Moulders' Council No. 152, Newark, Ohio, in opposition to Senate bill 2564; to the Committee on Printing.

Also, petition of the Peters Cartridge Co., of Cincinnati, Ohio, against the passage of the Sisson bill, levying a tax on cartridges and pistols; to the Committee on Ways and Means.

By Mr. AYRES: Memorial of New York Lodge, No. 70, Brotherhood of Railway Clerks, protesting against depreciation of quality of paper used for United States currency; to the Committee on Printing.

By Mr. BARTHOLDT: Petitions of the American Thread Co., Charles F. Luehrmann Hardwood Lumber Co., John Deere Plow Co., and Parlin & Orendorff Plow Co., of St. Louis, Mo., in favor of bill to change the beginning of the fiscal year of corporations in connection with the corporation tax; to the Committee on Ways and Means.

Also, petitions of Perpetual Help Society, Branch No. 552, Catholic Knights of America; Boniface Branch, No. 133, Woman's Catholic Union; Perpetual Help Benevolent Society; Catholic Workmen's Welfare Association; St. Aloysius Unterstuetzungs Verein; St. Boniface Branch, No. 556, and St. Anthony Branch, No. 309, Catholic Knights of America; St. Anthony School Society; St. Augustine Benevolent Society; St. George's Society, Branch No. 20, Woman's Catholic Union; St. Aloysius Young Men's Sodality Society; Boniface Benevolent Society; Holy Cross Benevolent Society; and members of the brotherhood class of the Second Baptist Church of St. Louis, Mo., urging the passage of the Esch phosphorus bill; to the Committee on Ways and Means.

Also, petition of Manine Medicine Co., of St. Louis, Mo., protesting against House bill 14060, to amend the food and drug act; to the Committee on Interstate and Foreign Commerce.

Also, petition of Missouri Drummers' Association, of St. Louis, Mo., protesting against the extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

Also, petition of Norvell-Shapleigh Hardware Co., of St. Louis, Mo., praying for 1-cent postage; to the Committee on the Post Office and Post Roads.

Also, papers to accompany bill for the relief of John H. Calef; to the Committee on War Claims.

By Mr. BOEHNE: Petitions of citizens of Evansville, Ind., in favor of old-age pensions; to the Committee on Pensions.

Also, petitions of citizens of Evansville, Ind., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. BULKLEY: Resolution of the St. John Baptist Aid Society, of Cleveland, Ohio, indorsing the Esch bill, to prevent the use of dangerous and poisonous phosphorus in the manufacture of matches; to the Committee on Ways and Means.

By Mr. BURKE of South Dakota: Petitions of citizens of South Dakota, urging that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petitions of citizens of South Dakota, against parcel post; to the Committee on the Post Office and Post Roads.

By Mr. BURKE of Wisconsin: Resolutions of St. Michaels Society, of St. Michaels, Wis., and St. Nicholas Society, of Fredonia, Wis., praying for the passage of House bill 2896, providing for a tax upon white phosphorus matches, and for other purposes; to the Committee on Ways and Means.

Also, papers to accompany House bill 15293, granting an increase of pension to Henrietta Brown; to the Committee on Pensions.

Also, papers to accompany bill granting a pension to Carl Roepke; to the Committee on Pensions.

By Mr. BURNETT: Petition of citizens of Phil Campbell, Russellville, and Spruce Pine, Ala., in favor of the Berger old-age pension bill; to the Committee on Pensions.

By Mr. BYRNS of Tennessee: Papers to accompany bill for the relief of America Pippin; to the Committee on Invalid Pensions.

By Mr. CARY: Resolution of the South Milwaukee General Merchants' Association, South Milwaukee, Wis., favoring the reduction of the tax on oleomargarine; to the Committee on Agriculture.

By Mr. CRAVENS: Resolutions of the Fort Smith (Ark.) Commercial League, requesting legislation for the preservation of the machinery and material at Panama suitable for doing the river and harbor work of the country; to the Committee on Rivers and Harbors.

Also, petition of Ministers' Association of Fort Smith, Ark., in favor of the passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. DENVER: Petition of C. H. Minter, for increase of salaries of civil-service employees; to the Committee on Reform in the Civil Service.

Also, petition of surviving members of Company A, Second Battalion Cavalry, Ohio National Guard, for amendment to pension laws; to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of St. Louis Paint, Oil and Drug Club, St. Louis, Mo., for 1-cent postage; to the Committee on the Post Office and Post Roads.

By Mr. DYER: Petition of the Brown Shoe Co., of St. Louis, Mo., urging the passage of the Esch phosphorus bill; to the Committee on Ways and Means.

Also, petition of Missouri State Dental Board, in favor of the passage of House bill 15466; to the Committee on the District of Columbia.

Also, memorial of H. & L. Chase Bag Co., of St. Louis, Mo., relative to tariff on burlap bags; to the Committee on Ways and Means.

Also, memorial of Automobile Association of America, for Lincoln memorial road; to the Committee on Appropriations.

Also, memorial of National Federation of Post Office Clerks, protesting against executive orders depriving them of rights, etc.; to the Committee on Reform in the Civil Service.

Also, memorial of Chicago Civil Service League, urging the passage of Senate bill 1162 and House bill 5970; to the Committee on Reform in the Civil Service.

Also, petition of the Brown Shoe Co., of St. Louis, Mo., urging passage of the La Follette antitrust bill; to the Committee on the Judiciary.

Also, memorial of American Association of Masters, Mates and Pilots, Harbor No. 28, of St. Louis, Mo., in favor of House bills 13164 and 16295; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Roth-Homeyer Coffee Co., of St. Louis, Mo., against the parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of C. H. Bartlett, of St. Louis, Mo., against the passage of House bill 14060; to the Committee on Interstate and Foreign Commerce.

Also, memorial of C. H. Bartlett, of St. Louis, Mo., relative to opium conference; to the Committee on Foreign Affairs.

Also, petition of Nicholas Scharff & Sons, of St. Louis, Mo., for pneumatic-tube service for Cupples Station Branch; to the Committee on the Post Office and Post Roads.

Also, petition of St. Louis Paint, Oil and Drug Club, of St. Louis, Mo., for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. FOCHT: Papers to accompany bill for the relief of George Rhule (H. R. 13398); to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of John W. Graham (H. R. 17953); to the Committee on Military Affairs.

By Mr. FORNES: Petition of Annadale Realty Co., of New York, N. Y., for adoption of report of the Army Engineers on the Atlantic coastal survey from Boston to Beaufort; to the Committee on Interstate and Foreign Commerce.

By Mr. FOSTER of Vermont: Petitions of citizens of Vermont, urging that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. FRENCH: Petition of citizens of Idaho, favoring the Berger old-age pension bill; to the Committee on Pensions.

Also, petition of Charles F. Oldenburg, of Shoshone, Idaho, favoring the reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of L. J. Moffitt and other citizens of Medimont, Idaho, favoring House bill 14; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of Oglesby Coal Co., of Oglesby, Ill., favoring the passage of House bill 11543, concerning proposed amendment of corporation-tax law; to the Committee on Ways and Means.

Also, petition of St. Louis Paint, Oil and Drug Club, of St. Louis, Mo., in favor of 1-cent letter postage, etc.; to the Committee on the Post Office and Post Roads.

Also, petition of Local Union No. 505, Brotherhood of Painters, Decorators and Paperhangers of America, of Streator, Ill., in favor of a Federal investigation of disease in dairy products; to the Committee on Agriculture.

Also, petition of Cigar Makers' Local Union No. 191, of Morris, Ill., in favor of the proposed amendments of the internal-revenue law; to the Committee on Ways and Means.

By Mr. GARNER: Petitions of S. Marguez and 11 other citizens, of Eagle Pass, Tex., favoring the reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of Nueces County (Tex.) Bar Association, indorsing bill for the establishment of a division of the Federal court of the southern district of Texas; to the Committee on the Judiciary.

By Mr. GOOD: Petition of citizens of Cedar Rapids, Iowa, protesting against the parcel post; to the Committee on the Post Office and Post Roads.

By Mr. GREGG of Pennsylvania: Petition of citizens of Greensburg, Pa., urging that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petition of Rev. T. F. Chilcott, of Cokeville, Pa., for the passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. HAMILTON of West Virginia: Petition of citizens of West Virginia, in favor of old-age pensions; to the Committee on Pensions.

By Mr. HAMLIN: Papers to accompany bill for the relief of Otto N. Otten (H. R. 10770); to the Committee on Invalid Pensions.

Also, petitions of citizens of Missouri, protesting against extension of parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. HARTMAN: Memorial of Highland Grange, No. 1123, Patrons of Husbandry, praying that the special tax of 10 cents per pound on oleomargarine colored in imitation of yellow butter be permitted to remain; to the Committee on Agriculture.

By Mr. HAWLEY: Memorials of Seventh-day Adventist Churches of Grants Pass, Monitor, and Oregon City, Oreg.; of Dr. H. C. Schleef, of Cottage Grove, Oreg.; and of H. W. Oliver, of Yoncalla, Oreg., protesting against House bill 9433, for the observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

By Mr. HAYES: Memorial of Home Industry League of California, relative to Government contracts, etc.; to the Committee on Public Buildings and Grounds.

By Mr. HOUSTON: Petition of V. U. Adcock, asking for reduction of the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of business men of Bell Buckle, Tenn., against parcel post; to the Committee on the Post Office and Post Roads.

By Mr. HUGHES of New Jersey: Resolution of the New Jersey Society of the Sons of the American Revolution, requesting appropriation of funds by Congress to preserve against destruction of captured flags and banners in the possession of the Government; to the Committee on Naval Affairs.

By Mr. KINDRED: Memorial of the Thread Agency of New York, for amendment to corporation excise-tax law; to the Committee on Ways and Means.

Also, statement of JOHN E. RAKER, as to House bill 12572; to the Committee on the Public Lands.

By Mr. LA FOLLETTE: Petition of 46 citizens of Othello, Wash., in favor of Berger old-age pension bill; to the Committee on Pensions.

Also, petition of Spokane Grocers' Association, asking removal of the tax on oleomargarine; to the Committee on Agriculture.

Also, petition of Spokane Lodge, No. 252, Brotherhood of Railway Carmen of America, Spokane, Wash., protesting against the passage of Senate bill 2564, the Smoot printing bill; to the Committee on Printing.

Also, petitions of L. S. Jones, J. Wolff, L. A. Shinn, Ernst Krell, George Storaash, C. D. Brown, S. E. Anderson, A. Hechtman, R. H. Shinn, J. H. McPheeters, J. O. Hamilton, all of Spokane, Wash.; J. C. Lehman, E. H. Wyrick, C. A. Bauer, W. J. Humphries, Gottlieb Schulz, Tabor A. Lahmon, L. W. Jones, U. G. Colwell, and Fred Albushardt, all of Paha, Wash.; Philip Fogel, Tacoma, Wash.; George E. Sherwin, Greenacres, Wash., urging the reduction of the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of various business firms of Prosser, Wash., protesting against a parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Spokane Mining Men's Club, in favor of reciprocal relations between United States and Canada that will permit entry into the United States, duty free, of all ores and products of lead and zinc produced in Canada; to the Committee on Ways and Means.

By Mr. LANGHAM: Petition of citizens of Pennsylvania, urging that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, memorial of Cush Creek (Pa.) Grange, Patrons of Husbandry, opposing repeal of tax on oleomargarine; to the Committee on Agriculture.

Also, memorial of Woman's Christian Temperance Union of Brookville, Jefferson County, Pa., urging passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LEE of Pennsylvania: Memorial of Grange No. 1242, Patrons of Husbandry, against repeal of tax on oleomargarine; to the Committee on Agriculture.

By Mr. LINDBERGH: Petition of citizens of St. Cloud, Minn., for total elimination of duties on sugar; to the Committee on Ways and Means.

Also, memorial of Seventh-day Adventist Church of Staples, Minn., in opposition to House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. McCREARY: Resolution of the Philadelphia Board of Trade, favoring House bill 16663; to the Committee on Ways and Means.

By Mr. McGILLICUDDY: Resolution of the United Brotherhood of Wilton, Me., advocating the passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. MAHER: Petition of St. Louis Paint, Oil, and Drug Club, of St. Louis, Mo., for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. MALBY: Petition of the Congress of the Knights of Labor, praying for the repeal of the reciprocity act, approved July 26, 1911; to the Committee on Ways and Means.

Also, paper to accompany House bill 10391, granting an increase of pension to Lyman E. Bowron; to the Committee on Invalid Pensions.

By Mr. MARTIN of South Dakota: Memorial of members of the First Church of the Evangelical Association of Big Stone, S. Dak., in favor of the passage of an effective interstate liquor law; to the Committee on the Judiciary.

Also, memorial of Seventh-day Adventist Church of Redfield, S. Dak., against House bill 9433; to the Committee on the Post Office and Post Roads.

Also, petition of John W. Pay, M. D., and other members of the osteopathic profession, of South Dakota, protesting against the establishment of a national bureau of public health; to the Committee on Interstate and Foreign Commerce.

Also, petitions of citizens of South Dakota, favoring the reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. MATTHEWS: Memorial of National Indian War Veterans, favoring House bill 779; to the Committee on Pensions.

Also, petition of the South Side Woman's Christian Temperance Union, of New Castle, Pa., favoring passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, memorial of citizens of West Brownsville, Pa., favoring passage of an old-age pension bill; to the Committee on Pensions.

By Mr. MORGAN: Petitions of citizens of Clinton, Okla., favoring the passage of an old-age pension bill for the relief of deserving men and women over 60 years of age; to the Committee on Pensions.

Also, petition of manufacturers of and dealers in ginger ale, soda waters, etc., of Oklahoma City, Okla., asking for the elimination of the tariff on raw and refined sugars; to the Committee on Ways and Means.

By Mr. MOTT: Petition of St. Louis Paint, Oil, and Drug Club, of St. Louis, Mo., in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. NEEDHAM: Petitions of citizens of California, in favor of reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, memorial of Long Beach (Cal.) Chamber of Commerce opposing reduction in duties on raw sugar; to the Committee on Ways and Means.

Also, memorial of German Methodist Episcopal Church of Santa Cruz, Cal., for an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. O'SHAUNESSY: Memorial of Central Trades and Labor Unions of Pawtucket, R. I., for legislation to prevent the use of poisonous phosphorus in the manufacture of matches; to the Committee on Ways and Means.

By Mr. PORTER: Petition of Central Board of Trade of Pittsburgh, Pa., relative to certain location for post-office workshop in Pittsburgh, Pa.; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Petition of citizens of Plumas County, Cal., in favor of old-age pensions; to the Committee on Pensions.

Also, petition of L. M. Davenport Co., of Los Angeles, Cal., favoring reduction of letter postage; to the Committee on the Post Office and Post Roads.

By Mr. SCULLY: Memorial of Chicago Civil-Service League, favoring Senate bill 1162 and House bill 5970; to the Committee on Reform in the Civil Service.

Also, memorial of National Federation of Post Office Clerks, protesting against executive orders depriving them of rights, etc.; to the Committee on Reform in the Civil Service.

By Mr. SPARKMAN: Resolutions of the Licensed Tugmen of the Great Lakes, favoring an eight-hour day on Government dredge work; to the Committee on Labor.

By Mr. TAGGART: Petitions of citizens of Kansas, against extension of parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Kansas, for establishment of a general parcel post; to the Committee on the Post Office and Post Roads.

By Mr. TAYLOR of Alabama: Petition of citizens of Citronella, Ala., in favor of reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. TAYLOR of Colorado: Petition of citizens of Montrose County, Colo., against the passage of Senate bill 4179 and House bill 17674, for the removal of the United States District Court from Montrose to Grand Junction, Colo.; to the Committee on the Judiciary.

By Mr. TAYLOR of Ohio: Memorial of International Brotherhood of Bookbinders of Columbus, Ohio, favoring the repeal of the tax on oleomargarine; to the Committee on Agriculture.

Also, petition of Clarence E. Moyer, of Columbus, Ohio, in favor of a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. THISTLEWOOD: Petition of citizens of Anna, Ill., against extension of parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Cairo, Ill., for old-age pensions; to the Committee on Pensions.

By Mr. TRIBBLE: Petitions of W. H. Pope and other citizens of Covington, Ga., G. C. Adams and other citizens of Mansfield, Ga., and F. M. Hailey and other citizens of Elbert County, Ga., urging reduction in duties on raw and refined sugars; to the Committee on Ways and Means.

Also, petitions of citizens of Athens, Elberton, Hartwell, Lavonia, Monroe, Madison, Royston, Eatonton, Social Circle, Rutledge, Covington, Washington, Union Point, White Plains, Monticello, Crawford, Lexington, Siloam, Greensboro, Logansville, and Shady Dale, Ga., protesting against extension of parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Mrs. Jennie Hart Sibley and others, of Georgia, urging the passage of law regulating interstate shipments of liquors; to the Committee on the Judiciary.

By Mr. TURNBULL: Petitions of Seay-Dillard Hardware Co. and 20 other citizens and firms of Blackstone, Va.; of Burkeville Mercantile Co. and 5 other citizens and firms of Burkeville, Va.; of Claremont Supply Co. and 2 other firms of Claremont, Va.; of W. E. Newby & Co. and 10 other firms and citizens of Crewe, Va.; of Flemming & Clark and 26 other firms and citizens of Farmville, Va.; and of P. Fleetwood & Co. and 5 other citizens and firms of Waverly, Va., against the establishment of a parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Duvall, Son & Co. and 67 other firms and citizens doing business in the fourth district of Virginia, praying that the Interstate Commerce Commission may be given power to regulate express rates and express classifications; to the Committee on Interstate and Foreign Commerce.

By Mr. VREELAND: Petition of citizens of Cuba, N. Y., against extension of parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Jamestown, N. Y., for old-age pensions; to the Committee on Pensions.

By Mr. WOOD of New Jersey: Papers to accompany bill granting an increase of pension to Sanford D. Ramey; to the Committee on Invalid Pensions.

Also, resolutions of the board of education of Jersey City, N. J., for legislation providing for the preservation of flags at United States Naval Academy; to the Committee on Naval Affairs.

Also, petition of the Presbyterian Synod of New Jersey, for the passage of an effective interstate liquor bill; to the Committee on the Judiciary.

Also, resolutions of the New Jersey Society of the Sons of the American Revolution, urging an appropriation of funds by Congress to preserve against destruction captured flags and banners in the possession of the Government; to the Committee on Naval Affairs.

By Mr. YOUNG of Texas: Petition of sundry citizens of Henderson, Tex., protesting against the parcel post; to the Committee on the Post Office and Post Roads.

SENATE.

WEDNESDAY, *January 17, 1912.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

DISPOSITION OF USELESS PAPERS.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, a list of documents in the Department of Commerce and Labor and on the files of the Bureau of the Census which are no longer needed in the transaction of public business and which have no permanent value or historical interest.

The communication and accompanying paper will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Chair appoints as the committee on the part of the Senate the Senator from Arkansas [Mr. CLARKE] and the Senator from New Hampshire [Mr. BURNHAM]. The Secretary will notify the House of Representatives of the appointment of the committee on the part of the Senate.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

Thomas N. Arnold, jr., administrator of Thomas N. Arnold, deceased, *v.* United States (S. Doc. No. 262);

William W. Trigg, administrator of Lowell G. Spaulding, deceased, *v.* United States (S. Doc. 260); and

Julia E. Willcox, widow of Orlando B. Willcox, deceased, *v.* United States (S. Doc. 261).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 15781) to authorize the Aransas Harbor Terminal Railway to construct a bridge across Morris and Cummings Channel.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 2509. An act to amend section 1004 of the Revised Statutes of the United States; and

H. R. 15781. An act to authorize the Aransas Harbor Terminal Railway to construct a bridge across Morris and Cummings Channel.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of the Chamber of Commerce of Charleston, S. C., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Garden Grove, Cal.; of New York City, N. Y.; and of Hemingford, Nebr., remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

Mr. GALLINGER presented petitions of 185 citizens of various towns in the State of New Hampshire; of members of the Tourist Club of Keene; of the Woman's Club of North Conway; and of Edith P. Flanders, on behalf of the Woman's Christian Temperance Union, all in the State of New Hampshire; and of Harrington Emerson, president of the Emerson Co., standard practice and efficiency engineers, of New York City, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. CULLOM presented petitions of sundry citizens of New York, Ohio, and Colorado, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Rhode Island, New York, Connecticut, Massachusetts, and New Jersey, remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Los Angeles and Pasadena, in the State of California, praying that pensions be granted to Army nurses who served in the Civil War, which was referred to the Committee on Pensions.

He also presented a memorial of sundry citizens of Chicago, Ill., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. O'GORMAN presented a memorial of the Ancient Order of Hibernians of Saratoga County, N. Y., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. KERN presented a petition of the congregation of the Friends Church of Shirley, Ind., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. BRISTOW presented a memorial of the Retail Grocers' Association of Kansas and a memorial of sundry citizens of Abilene, Kans., remonstrating against the establishment of the parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Minneapolis Traffic Association, of Minnesota, praying for the enactment of legislation to prohibit any railroad or common carrier from having any interest in any common carrier by water with which it may compete, which was referred to the Committee on Interstate Commerce.

Mr. WETMORE presented resolutions of the Sarsfield Literary Association, of Woonsocket, R. I., and a resolution in the form of a memorial of the Robert Emmet Literary Association, of Warren, R. I., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, unless amended in accordance with majority report of the Committee on Foreign Relations, which were ordered to lie on the table.

Mr. CURTIS presented a memorial of sundry citizens of Blue Rapids, Kans., remonstrating against the establishment of the parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. OLIVER presented petitions of Local Granges No. 833, of Troy; No. 1346, of Clarks Mills; No. 249, of Milton; No. 1200, of Lackawanna County; No. 152, of Hop Bottom; No. 1267, of Lock Haven; No. 52, of Millville; No. 1298, of Lionville; No. 927, of West Auburn; No. 1095, of Tioga County; No. 194, of Towanda; No. 168, of Cambridge Springs; No. 393, of Sandy Lake; No. 398, of Luzerne County; No. 534, of Clearfield County; and No. 988, of Meadville, all of the Patrons of Husbandry, in the State of Pennsylvania, praying for the repeal of the oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Fairmount Park Art Association, of Philadelphia, Pa., praying for the selection of the site in the Mall, in the District of Columbia, on which to erect the proposed memorial to Abraham Lincoln, which was referred to the Committee on the District of Columbia.

He also presented petitions of the congregations of the Hill Memorial United Brethren Church, of Bradford, and the Second United Presbyterian Church, of New Wilmington; of the Goodfellows' Bible Class of the Hill Memorial United Brethren Church, of Bradford; and of the Hazelwood Presbyterian Christian Endeavor Society, of Pittsburgh, all in the State of Pennsylvania, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. OVERMAN presented a memorial of sundry citizens of North Carolina, remonstrating against the extension of the so-called parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. PERKINS presented memorials of sundry citizens of Santa Cruz, Cal., remonstrating against the interstate transportation of intoxicating liquors into prohibition districts, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Chamber of Commerce of Los Angeles, Cal., remonstrating against a reduction of the duty on sugar, which was referred to the Committee on Finance.

He also presented a petition of sundry veterans of the Civil War, residents of Ventura County, Cal., praying for the passage of the so-called dollar-a-day pension bill, which was referred to the Committee on Pensions.

He also presented a petition of the Federated Trades and Labor Council of Vallejo, Cal., praying that an appropriation be made for the construction of a battleship at the Mare Island Navy Yard, in that State, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the establishment of a commission to regulate and control the waters of navigable rivers, which was referred to the Committee on Commerce.

He also presented a petition of the congregation of the First Mennonite Church of Reedley, Cal., and a petition of the Woman's Club of Palo Alto, Cal., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a resolution adopted by the Merchants' Exchange of Oakland, Cal., favoring the adoption of the recommendations contained in the report of the California Débris Commission of 1910, which was referred to the Committee on Commerce.

Mr. ROOT presented petitions signed by the pastors of the leading churches of New York City and Brooklyn, N. Y., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. TOWNSEND presented a petition of the congregation of the Church of Christ of Adrian, Mich., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented petitions of the congregations of the First Congregational Church of Tipton and the Church of Christ of Adrian, in the State of Michigan, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. PENROSE presented petitions of sundry local granges, Patrons of Husbandry, in the State of Pennsylvania, praying for the repeal of the oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

Mr. WARREN presented a memorial of John Schuler Post, No. 67, Grand Army of the Republic, Department of Wyoming, of Sheridan, Wyo., remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

Mr. SHIVELY presented a petition of the congregation of the Friends Church of Shirley, Ind., and a petition of sundry citizens of Westchester Township, Ind., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a memorial of the Travelers' Protective Association of La Fayette, Ind., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of the Men's Lecture Class of the First Methodist Church, of Goshen, Ind., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of members of the Commercial Club of Indianapolis, Ind., praying that an appropriation be made for the construction and maintenance of post roads and highways, which was referred to the Committee on Post Offices and Post Roads.

Mr. GAMBLE presented a memorial of sundry business men of Lane, S. Dak., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Colman, S. Dak., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. STONE presented memorials of sundry citizens of Cabool, Joplin, and Clinton, and of the congregation of the Seventh-day Adventist Church of Carthage, all in the State of Missouri, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of members of the St. Joseph-Buchanan-Andrew County Medical Society, of Missouri, praying for the establishment of a national department of public health, which was referred to the Committee on Public Health and National Quarantine.

He also presented memorials of sundry citizens of Pleasant Hill, Lincoln, Gilliam, and La Belle, and of members of the Travelers' Protective Association, of Sedalia and Springfield, all in the State of Missouri, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of members of the Harney Heights Improvement Association and the Wednesday Club of St. Louis, Mo., and of the Missouri State Teachers' Association, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Hannibal and Caruthersville, in the State of Missouri, praying for the enactment of legislation to regulate the pay of members of the Organized Militia, which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. LODGE. I am directed by the Committee on Foreign Relations, to which was referred Senate resolution 176, requesting the President to make certain inquiries of the Governments of Great Britain and France touching the arbitration of justiciable controversies or disputes, submitted by the Senator from Iowa [Mr. CUMMINS] on the 8th instant, to report it adversely.

Mr. CUMMINS. I ask that the resolution may go to the calendar.

The PRESIDENT pro tempore. The resolution will be placed on the calendar.

Mr. LODGE, from the Committee on Foreign Relations, to which was referred the bill (S. 2749) authorizing the State Department to deliver certain persons gifts from the Governments of foreign States, reported it without amendment.

He also, from the same committee, to which was referred the amendment submitted by Mr. GALLINGER on the 9th instant, proposing to appropriate $66,000 to enable the Secretary of State to return to such contributors as may file their claims the money raised to pay the ransom for the release of Miss Ellen M. Stone, etc., intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 184, submitted by Mr. POINDEXTER on the 15th instant, authorizing the Committee on Mines and Mining to employ a messenger, reported it without amendment.

He also, from the same committee, to which was referred Senate resolution 169, submitted by Mr. CULLOM on December 20, 1911, authorizing the Committee on Foreign Relations to employ a stenographer, reported it without amendment.

He also, from the same committee, to which was referred Senate resolution 166, submitted by Mr. MARTIN of Virginia on December 18, 1911, to pay Rose H. Collins, widow of the late Walter F. Collins, reported it with an amendment.

He also, from the same committee, to which was referred Senate resolution 186, submitted by Mr. PERKINS on the 15th instant, directing the Secretary of the Senate to pay to Anna Matilda Jorgensen a sum equal to six months' salary of the late Joachim Christian Jorgensen, reported it with an amendment.

He also, from the same committee, to which was referred Senate resolution 185, submitted by Mr. CULLOM on the 15th instant, directing the Secretary of the Senate to pay to Alta E. Wiley a sum equal to six months' salary of the late Lemon H. Wiley, reported it with an amendment.

He also, from the same committee, to which was referred Senate resolution 126, submitted by Mr. LA FOLLETTE on August 2, 1911, authorizing the Committee on Railroads to employ a messenger, reported it with an amendment.

He also, from the same committee, to which was referred Senate resolution 164, submitted by Mr. NELSON on December 11, 1911, authorizing the Committee on Commerce, or any subcommittee thereof, to conduct hearings, and so forth, and to sit during the sessions of the Senate, reported it with an amendment.

He also, from the same committee, to which was referred Senate resolution 179, submitted by Mr. BRANDEGEE on the 11th instant, authorizing the Committee on Interoceanic Canals to conduct hearings, and so forth, reported it with an amendment.

He also, from the same committee, to which was referred Senate resolution 182, submitted by Mr. BORAH on the 11th instant, authorizing the Committee on Education and Labor, or any subcommittee thereof, to conduct hearings, and so forth, and to sit during the sessions of the Senate, reported it with an amendment.

He also, from the same committee, to which was referred Senate resolution 160, submitted by Mr. WORKS on December 7, 1911, providing for an investigation of the management of the branch of the National Home for Disabled Volunteer Soldiers at Santa Monica, Cal., asked to be discharged from its further consideration and that it be referred to the Committee on Military Affairs, which was agreed to.

Mr. BRADLEY, from the Committee on Claims, to which was referred the bill (S. 67) for the relief of Capt. Joseph Herring, United States Army, retired, reported it without amendment and submitted a report (No. 203) thereon.

LAND AT MIDVALE, MONT.

Mr. DIXON. From the Committee on Public Lands I submit a favorable unanimous report on the bill (S. 4246) to authorize the sale of land within or near the town site of Midvale, Mont., for hotel purposes. I report the bill with an amendment, and I submit a report (No. 202) thereon. It is a bill regarding the sale of 160 acres of land on the Blackfeet Indian Reservation, and on account of the urgency of the situation there, I should like to ask unanimous consent for its present consideration. The report of the committee is unanimous and the department is favorable.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was, in section 1, page 1, line 11, before the word "sale," to strike out the words "lease or," so as to read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to sell and convey to Louis W. Hill, his heirs, executors, or administrators, for hotel purposes, at not less than $25 per acre, and under such terms, conditions, and regulations as the Secretary of the Interior may prescribe, not to exceed 160 acres of land, not heretofore sold or allotted, within or near the town site of Midvale, Mont., within the Blackfeet Indian Reservation, the proceeds from the sale of said lands to be deposited in the United States Treasury to the credit of the Blackfeet Tribe of Indians, and used for their benefit in the discretion of the Secretary of the Interior.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SWANSON:

A bill (S. 4598) for the payment of arrearage of pension (naval) to Claudia D. Blakeman; to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 4599) for the relief of Frederick Beckstein and others; to the Committee on Claims.

By Mr. JOHNSON of Maine:

A bill (S. 4600) to authorize and direct the President of the United States to place upon the retired list of the United States Navy late Acting Master J. O. Johnson with the rank of lieutenant; to the Committee on Naval Affairs.

By Mr. DU PONT:

A bill (S. 4601) granting an increase of pension to Charles W. Ammerman (with accompanying papers); to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 4602) granting an increase of pension to George Warnick (with accompanying papers); and

A bill (S. 4603) granting an increase of pension to Mary Salsgiver (with accompanying papers); to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 4604) to increase the limit for purchase of site and the erection of a customhouse at Wilmington, N. C.; and

A bill (S. 4605) to increase the limit of cost of the purchase of a site and the erection of a public building at Winston Salem, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. KERN:

A bill (S. 4606) granting an increase of pension to Cass M. Peterson (with accompanying papers); to the Committee on Pensions.

By Mr. PERKINS:

A bill (S. 4607) to amend section 3618 of the Revised Statutes of the United States, relating to the sale of public property; to the Committee on Naval Affairs.

By Mr. LODGE:

A bill (S. 4608) granting an increase of pension to Margaret W. Ide (with accompanying paper); to the Committee on Pensions.

By Mr. SUTHERLAND:

A bill (S. 4609) granting an increase of pension to Joseph H. Newton; to the Committee on Pensions.

By Mr. PAGE:

A bill (S. 4610) granting an increase of pension to George W. Harlow (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 4611) granting an increase of pension to Abraham Mowery (with accompanying papers); and

A bill (S. 4612) granting an increase of pension to John McCombs (with accompanying papers); to the Committee on Pensions.

By Mr. STONE:

A bill (S. 4613) for the relief of the estate of James McGuire; and

A bill (S. 4614) for the relief of the estate of Susan H. Montgomery; to the Committee on Claims.

A bill (S. 4615) granting an increase of pension to James D. Pearce;

A bill (S. 4616) granting an increase of pension to Jessie MacThomson;

A bill (S. 4617) granting an increase of pension to Robert C. Pate; and

A bill (S. 4618) granting an increase of pension to John McCool; to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 4619) to provide for the purchase of a site and the erection of a public building thereon in the city of Franklin, State of Pennsylvania; to the Committee on Public Buildings and Grounds.

A bill (S. 4620) granting an increase of pension to Martin Ressler; and

A bill (S. 4621) granting an increase of pension to Margaret Williamson; to the Committee on Pensions.

By Mr. GARDNER:

A bill (S. 4622) granting an increase of pension to Calvin C. Hussey (with accompanying papers); to the Committee on Pensions.

By Mr. DU PONT:

A joint resolution (S. J. Res. 68) authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point Mr. José Pasos Diaz, of Nicaragua; to the Committee on Military Affairs.

OMNIBUS CLAIMS BILL.

Mr. FLETCHER submitted four amendments intended to be proposed by him to the bill (H. R. 17910) making appropriation for payment of certain claims in accordance with the findings of the Court of Claims reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts, which were referred to the Committee on Claims and ordered to be printed.

PAY OF TEACHERS IN DISTRICT SCHOOLS.

Mr. WILLIAMS submitted an amendment relative to the pay of teachers of manual training, drawing, physical culture, and music in the normal, high, and manual-training schools of the District of Columbia, etc., intended to be proposed by him to the District of Columbia appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on the District of Columbia.

EMPLOYERS' LIABILITY AND WORKMEN'S COMPENSATION COMMISSION.

Mr. SUTHERLAND submitted the following concurrent resolution (S. Con. Res. 11), which was read and referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That 3,500 copies of the hearings before and the report of the Employers' Liability and Workmen's Compensation Commission be printed for the use of the said commission.

AMERICAN INSTRUCTORS OF THE DEAF.

Mr. PERKINS submitted the following resolution (S. Res. 190), which was read and referred to the Committee on Printing:

Resolved, That there be printed for the use of the American instructors of the deaf, in style similar to that of the last report of said convention, and wrapped for mailing, 600 copies of the report of the nineteenth meeting of the convention of American instructors of the deaf, being Senate Document No. 139, Sixty-second Congress, second session.

THE CALENDAR.

The PRESIDENT pro tempore. The morning business is closed.

Mr. BORAH rose.

Mr. GALLINGER. Mr. President, before the Senator from Idaho engages the attention of the Senate, I desire to say that on the conclusion of his remarks I will ask that we go to the calendar for a little while. There are a good many little bills on the calendar that we might well dispose of.

PUBLIC LAND LAWS.

Mr. BORAH. Mr. President, the subject—the disposition of our public lands—is a very important one, but one not calculated to excite popular interest. There are other questions the discussion of which would undoubtedly engage more the popular attention; yet I do not know of any subject that is of more importance than the disposition of the remaining portion of our public domain and the treatment upon the part of the Government of those who are seeking to secure homes on the public lands. In fact, there is no subject of more importance than that not only of the disposition of our public lands but the encouragement which the Government may give in different ways to our agricultural interests; and these two subjects are very closely connected.

Ferrero, in his brilliant and entertaining History of Rome, tells us of an era about 75 years B. C., in which the capital of Rome drifted to foreign countries for the purpose of exploiting the foreign and conquered territories of Rome, and to such an extent that no part of the capital was left for the development of the home resources. During that period the agricultural interests of the Roman Empire fell to their lowest ebb; the large estates were enlarged and left untilled, and the depression not only in agricultural life but in all industrial affairs was at its lowest ebb throughout the Roman Empire. But there came a time when the capital of Rome could find no investment worthy of its attention in the foreign colonies, and it came back and found investment in the agricultural interests of Italy. Immediately thereafter not only the agricultural interests but the entire industrial interests of Italy rose to their greatest height. The same illustration might be drawn from almost every country in the world. It is universally true that a disregard of the agricultural interests leads to depression in all kinds of business, as agriculture is one of the substantial foundation stones of great and substantial wealth.

I shall confine my remarks to-day, Mr. President, to those provisions of the land laws which have reference to the acquisition of title to our agricultural lands. There are other features of the laws—and they are of vast importance, too—which should be discussed, and undoubtedly will be, before this session closes. But I take it that it is of the first importance to know whether our land laws which have to do with the disposition of our agricultural lands are in the condition that they should be, and whether or not they are being administered to the best interests of those who are seeking to make homes upon the public domain. While other provisions of the law are of importance, it is of primary concern to us to know that this, the beginning of all considerations with reference to public lands, is properly adjusted.

According to figures, which seem to be entirely accurate, 125,000 people left the United States during the year 1911 to become residents or citizens of the Dominion of Canada. It is estimated by those who are in a position to know, and I think with reasonable accuracy, that at least one hundred and thirty or one hundred and forty thousand of our citizens will this year leave the United States and reject the allegiance of this Republic to become citizens of the Dominion of Canada. It is difficult to determine what amount of wealth these people carry with them into the Dominion, but in view of the purpose for which they go and the investments which they make after they arrive it is safe to say that the amount of capital thus taken out of this country and into the Dominion runs up into the millions. Though we could afford to lose, without any considerable injury, the wealth which is thus taken out of the country, we can ill afford to lose the class of citizens who are constantly emigrating from the United States into the Dominion. They are of the very best class of citizens; they are home seekers; they are home builders; they are developers of the resources of their country wherever they are. A willingness to leave your own country, friends, and neighbors and take up new associations in a strange country must have some powerful reason back of it. These people are those whom it would be well if we could retain and make a permanent part of our citizenship.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. BORAH. I do.

Mr. GALLINGER. I am interested in this phase of the Senator's discussion, and I want to ask the Senator if there are any statistics pointing out how many of the people who have left this country and gone to Canada have returned during the past year?

Mr. BORAH. Well, there are figures upon that subject, Mr. President, but I have not the figures here. They have been stated here, I think, in the Senate Chamber some time during the discussion of the late reciprocity agreement.

Mr. GALLINGER. Then, another point: I ask the Senator if there are any statistics that indicate approximately, even, how many citizens of the Dominion of Canada engaged in agriculture have come to the United States during the last year? A great many of them are coming to the Eastern States, I know.

Mr. BORAH. Mr. President, there are comparatively few of the people of Canada coming to the United States for the purpose of taking up or utilizing our public lands. I doubt if you would find scarcely one in the western country. They do come here for other purposes in quite large numbers, but they are not of that class—that is, not of the same pursuits—which we lose, who go to Canada particularly for the purpose of acquiring there public lands.

Mr. GALLINGER. One other question. I ask whether or not the Senator has any statistics to show how many of these people who have gone to Canada forswear their allegiance to the United States and become Canadian subjects? If they take land, I suppose they have to become such.

Mr. BORAH. Well, Mr. President, they must all do so before they can take land.

Mr. GALLINGER. Before they can take land; yes. That answers my question. I did not know that fact. I agree with

the Senator that we ought to keep these people at home if we can. I am very glad that he has addressed himself to that question, for it is a very important one.

Mr. BORAH. Of course, all the people, Mr. President, who go to Canada for the purpose of taking up the public lands must become citizens or declare their intention to become citizens of the Dominion; but I have not the figures which show the number who actually assume that relationship to the Dominion Government. I know that all must do so before they acquire title, and a vast number of them go there for that purpose; in fact, it is conceded very generally by those who have investigated the subject that the purpose of going to Canada is to acquire title to public lands. All of them who acquire public land must necessarily cease to be citizens of this country. As I have said, there must be some powerful and controlling reason for this emigration.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. BORAH. I yield.

Mr. GALLINGER. If the Senator will permit me, the Senator's colleague has handed me the statistics, and, if agreeable to the Senator, I should like to put them in the RECORD, because they are very interesting and illuminating.

Mr. BORAH. I shall be very glad to have them in the RECORD.

Mr. GALLINGER. It seems that from July 1, 1910, to July 1, 1911, 90,768 citizens of this country went to Canada and only 49,080 from other countries, while from July 1, 1911, to December 1, 1911, in five months, 40,085 American citizens and 18,499 aliens went to Canada. It is a very startling statement.

Mr. WARREN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. BORAH. I yield to the Senator from Wyoming.

Mr. WARREN. Mr. President, the Senator from Idaho has just stated that there must be some incentive that causes our people to go to Canada and make settlement there, and that in going there they ultimately become citizens of that country. Is it not also a fact that there is great liberality on the part of that government in the matter of temporary use of lands, the rental of land with possible sale in view, so that those who may go there to engage in pastoral or agricultural employments, even though they do not intend to stay there, have advantages over what they can have in this country?

Mr. BORAH. I think that is true.

Mr. NELSON. Will the Senator permit me a moment?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. BORAH. I yield to the Senator from Minnesota.

Mr. NELSON. I have kept some track of the emigration into the Canadian Provinces, particularly to the north of us. There are two classes of settlers who go up there, one class who go to take public lands under the public land laws; and, of course, they have to become Canadian citizens and abandon their allegiance to the United States; but a large proportion, perhaps a third, if not half of them, go there and buy land from the railway companies or from the Hudson Bay Co. or from land syndicates, and in those cases they are not required to become Canadian citizens. They can buy such lands and hold them in fee.

Mr. BORAH. But they have such an incentive to stay, by reason of their treatment under the land laws compared to what they get in this country, that they seldom come back.

Mr. NELSON. That is true.

Mr. BORAH. I desire to read, in view of the questions which have been asked, a single paragraph from the Consular Reports.

I desire to read a single paragraph from the Consular Reports, being from the report of John E. Jones, United States consul at Winnipeg, and published under date of December 13, 1911:

> The work of handling the immigration movement into Canada has brought into existence a machine of somewhat complex and yet effective character, whose ramifications reach out all over the country from ocean to ocean. Last year 311,000 immigrants came into the Dominion from all quarters, and this year the number will approximate closely 400,000, of whom at least 130,000 to 140,000 are from the United States.

The homestead law of Canada provides that anyone who is a citizen of the Dominion or who has declared his intention to become such may acquire title to 160 acres of land by residing upon it for a period of three years, by building upon it a habitable house, and cultivating a substantial part of the ground each year. It also provides that during six months of each year the homesteader may leave his homestead and go elsewhere.

Section 16 of the Dominion land act provides:

> Every entrant for a homestead shall, except as hereinafter otherwise provided, be required, before the issue of letters patent therefor, (a) to have held the homestead for his own exclusive use and benefit for three years from the date of entry, (b) to have resided thereon at least six months in each of three years from the date of entry or the date of commencement of residence, (c) to have erected a habitable house thereon, (d) to have cultivated such an area of land in each year upon the homestead as is satisfactory to the minister, and (e) to be a British subject.

Mr. WARREN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. BORAH. Certainly.

Mr. WARREN. I hope the Senator will include in his remarks when printed so much of the law and the rules as may be pertinent and reasonable, because I have constant inquiries—and I presume other Senators have—for information along these lines. It is very hard to wait until we can obtain the information from the Canadian Government, and I hope the Senator may make his speech very complete in the matters that he may print along with it.

Mr. BORAH. Those portions which I do not read I will undertake to print at the close of my remarks.

The provision of the Canadian law which provides for the absence of the settler during the three-year period for six months out of the year is most humane and most important. It is almost impossible for one to go upon the public lands and make a success of his crop the first year or the second year. That is the universal experience and observation of those who are familiar with such matters, and it becomes necessary for settlers upon the public domain to go elsewhere, unless they have a large bank account to start with, to acquire the funds through which to reclaim their lands and to acquire means for the clothing and feeding of their families. This provision is also important in view of the fact that not only in Canada but in this country there are many places where the homesteader is entirely deprived of an opportunity to educate his children during the entire five years during which he may be upon his land. It gives to the homesteader an opportunity not only to replenish his means but to avail himself of the public schools in the near-by villages or towns, and it does not in any wise relieve him from reclaiming his land or from reducing it to a condition wherein it may be a desirable home. It only provides that he may do so under such conditions and circumstances that he may not be completely impoverished and discouraged in doing so. I trust that when the Public Lands Committee reports a bill upon this subject, if it does, it will incorporate into the law an opportunity for the homesteader to be absent during certain portions of the year. This not, however, to extend the residence period beyond three years.

Mr. President, at the end of three years the homesteader in Canada gets his title. Perhaps most Senators who do not represent public-land States hardly appreciate the import of the statement that at the end of the time he gets his title, not three years afterwards or four years or seven years afterwards, but at the time he has complied with the terms of the law. That is one of the most important features connected with the administration of the Canadian land laws, namely, that the Government assumes that when a man has earned his title he is entitled to his deed as quickly as if he had paid dollar for dollar for it and had been dealing with individuals in regard to it. The assumption that the homesteader or the claimant upon the public domain may not suffer either in finances or otherwise by reason of an interminable tie-up of his title from two to five years is not indulged in upon the part of the Canadian Government.

Mr. OVERMAN. Mr. President, may I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from North Carolina?

Mr. BORAH. I do.

Mr. OVERMAN. Why is it that in this country when a man has conformed to the homestead law and paid for his property he does not get a title at once?

Mr. BORAH. There are numerous reasons assigned. Lack of help, necessity for examination, and other reasons. I shall refer to some of the real reasons later.

In case of sickness upon the part of the homesteader in Canada the Government takes no advantage of that condition. It extends his time so that he may meet the situation. In the case of financial embarrassment, or in case he needs seed to seed the ground, or in case any conditions arise wherein a bona fide settler is prevented from going ahead and reclaiming his land, the Canadian Government provides by law and by regulations for aiding the settler. It goes so far as to advance him seed, to advance him money, and to take a lien upon the homestead or the improvements thereon, and in almost every

conceivable way by which the Canadian Government can advance aid and protect the homesteader it stands ready, under its laws, to do so. In other words, the Canadian Government wants the settler, and assumes that he is there in good faith to improve the land, and extends its power and influence for the purpose of keeping him there and helping him to make a success. It does not assume that because a man wants a piece of public land he is a thief. It does not proceed upon the theory that he ought to be driven off if any possible way under the law can be found to do so.

Let us look at our land laws and their admintstration. The original public domain in this country, all told, amounted to 1,849,072,587 acres. Of that vast domain only about 731,000,000 acres, in round numbers, are left. Some 368,000,000 acres of it are in Alaska.

There have been different methods of disposition of our public lands. The old Continental Congress provided in the first instance for bounties out of the public lands to be paid to the officers and privates in the army of King George in case they should see fit to resign from that army and join the American forces. Shortly after a bounty was also provided for our soldiers and for the general officers in the Army.

The second method of disposition was that of sale. It will be remembered, of course, that a number of States deeded large tracts of land to the Government after the Government was organized, and it was deeded primarily for the purpose of enabling the National Government to secure revenue to take care of the indebtedness then existing. A number of large sales were made, but it came to be the observation of those of that day that settlement and development were of vastly more importance than the amount of revenue which was obtained from the public lands. And so gradually they drifted into the policy of settlement and development rather than of sale.

The first recognition of this principle was in 1813, when we find the first indication of a preemption law, and finally, in 1841, a preemption law, somewhat complete in its terms, was passed by Congress.

In 1846 began the agitation for the homestead law. The movement had its real origin with a tailor, who resided in Philadelphia—a Scotchman, who had come to this country and had observed intelligently and comprehensively the condition of affairs which prevailed in the old country by reason of the land holdings. After agitation for some years on the part of this gentleman, isolated in his effort, it was taken up by the public, and what is known as the Free Soil Democracy—in 1852, I think it was—for the first time placed a declaration in its platform in favor of free homesteads. The matter was discussed from time to time from 1846 to 1862. Very great opposition was found to it in Congress, but the law was finally enacted, and the first homestead law very appropriately bears the signature of Abraham Lincoln. From that time until this the controlling policy with respect to our public lands has been that of settlement and development.

I am bound to say, however, that within the last 10 years there has been a very studied and persistent effort—and, in my judgment, independent of the law—without changing the law, to change the policy. There was a disposition to go back to the idea of revenue, and jealousy seemed to exist on the part of the Government apparently against all men who should enter upon the public domain. A desire seemed to exist to make a charge in every conceivable way against those who were seeking either to acquire land or to develop our natural resources. I do not believe, however, that the idea of going back to a revenue basis will find lodgment generally in the mind of our people.

I notice that the Secretary of the Interior in his last report, filed a few days ago, said:

> The general theory under which the Government has proceeded and is now proceeding is that the public domain should be utilized for actual settlement and development rather than as a source of revenue for the General Government. In my judgment this theory is entirely correct. The essential thing is to see that the theory is, in fact, carried into effect and that under the guise of settlement we do not permit mere exploitation, which, in the last analysis, retards and prevents both settlement and development.

This is a very clear and succinct statement of the policy of the Government for a number of years and what I hope will continue to be the policy of the Government for some years to come.

The conditions which prevailed at the time of the enactment of the old homestead law were entirely different to the conditions of to-day. At that time the great, rich prairies of Illinois and Wisconsin and all those Middle Western States were open to settlement. The lands were rich and accessible. They were easily obtainable by those who desired a portion of the public domain. It cost little to reclaim them. But that condition has entirely changed. No one can at this time secure title to public domain under the homestead law who does not more than pay for it in his effort and his energy to get it. Though the law at the time it was passed was humane and in every way commendable, wise in its provisions, and beneficent in its execution, the time has come when we ought to consider the proposition of ameliorating the terms of the law.

Our homestead law provides for a residence period of five years. During that time the settler is chained, like Prometheus to his rock, and regardless of what misfortune and unwonted condition may overtake him, he forfeits his title if he is not found there acting in full compliance with the law for the long period of five years.

We require a man to stay upon a farm on the public domain in order to show his good faith longer than the term for which we elect a man President. If he goes upon the public domain, in the first place, without money, we do not allow him any opportunity or chance to secure sufficient funds to continue to develop and reclaim the land.

The result is, Mr. President, that these land laws have come to be in their operation extremely harsh, forbidding to go upon the public domain those who have not the means to remain there for a long period of time and continue to develop and reclaim their land at a comparatively heavy expense.

What the Government wants, and all the Government wants or should want, is a bona fide settler, a man who is upon the land in good faith for the purpose of reclaiming it and making it a home, and I maintain that 2 or 3 years will test a settler's good faith just as efficiently and completely as 5 years or 10 years.

The very fact that he is there, the fact that he has removed his family from more pleasant surroundings and environment out into the places where public lands are to be found, the fact that he goes there for the purpose of remaining through years, meeting the adversity and the harshness of the situation, the very fact, I say, that he is there under these conditions is the most conclusive evidence of his good faith, and only upon the strongest evidence and the most conclusive proof ought a man's title be challenged for good faith after he has given this evidence of his intention to reclaim a part of the desert.

I want to read in this connection a statement from the Public Lands Commission, which was appointed by President Roosevelt, I think, and report of which was made several years ago. I read only a general statement to show the view which they took of the land laws at that time:

> The information obtained by the commission through the conferences in the West and the hearings in Washington discloses a prevailing opinion that the present land laws do not fit the conditions of the remaining public lands. Most of these laws and the departmental practices which have grown up under them were framed to suit the lands of the humid region. The public lands which now remain are chiefly arid in character. Hence these laws and practices are no longer well suited for the most economical and effective disposal of lands to actual settlers.

This report is signed by Mr. Pinchot and by Mr. Newell and, I believe, by Mr. Richards.

Mr. Fisher, the Secretary of the Interior, while on a visit to the West last summer, stated, in a clear and convincing way, the condition of the settler under our present land laws, and I desire to read a portion of his address delivered at Boise City, Idaho. The Secretary said:

> Let us forget the quarrels of the past; get down to concrete facts, and face actual present and future problems, and solve them. There has been too much bickering over what has been done and too little constructive work for what is being done and for what should be done.
>
> First of all let it be known that the man on the land is the man who interests me. If you understand what that means, you will understand my position, as briefly as I can state it. It is the man on the land who is essential.

The man on the land, says the Secretary, is the man who interests him, and that ought to be the true policy. The Government should have no desire to hold the public lands if there is a bona fide settler or a citizen who desires to reduce them to cultivation and to make them taxable and to bear their proportion of the burdens of the county and State and National Government. Therefore the Government should be interested in the individual who puts forth his efforts and endeavors to reclaim any part of the public domain; and instead of being anxious to know whether technically every phase of the law has been complied with, we ought to be anxious to know whether or not the citizen is there in good faith, and if he is we ought not to search for technical and harsh reasons to drive him away, but rather should we aid and encourage and protect him.

> It is the man on the land who is essential. It is he that builds up the country and develops the resources and produces wealth and makes everything else possible for a community. I believe that you should make it easier for him to get the land; and I believe just as hard, on the other side, that you should make it harder for the man who holds the land and will not develop, but just waits so that he can get a higher price from the man who is the actual settler and is the actual man on the land.
>
> I say plainly that I have not any regard for the interests of speculation. I do not think speculation does a country any good.

And, furthermore, I want to say that I and my department, while I am in it, will do everything in our power to accomplish the realization of those two principles—help the man on the land; make it harder for the speculator.

I think that we should give the settler title under the reclamation act as soon as we give the man on the land title on homesteads. I think that the settler should get title to his homestead just as soon as he has shown good faith and has convinced the Government that he sincerely means to develop the land and help build up the community. I do not believe in making him wait and wait for years.

If that were enacted into law and administered by the department, it would meet the situation precisely.

Mr. SMITH of Michigan. From whom are you reading?

Mr. BORAH. From the speech of the Secretary of the Interior.

Again, says the Secretary:

Here we find that a man comes on the land, puts his money into necessary buildings, a house and outbuildings and sheds, and buys implements, then starts to clear his land. He comes in good faith, meaning to do everything the Government asks of him, and he works ahead and pretty soon his money is all gone and he is up against it hard. There is no mercy for him. He faces ruin and the loss of everything. His hard years of toil and effort and sacrifices and isolation and struggle have netted him what? Nothing! Tell me that is right? Tell me that is just? I say, no! It is wrong—dead wrong—and the fact that the United States Government does it and allows this sort of thing to go on, knowing the terrible injustice of it, makes no difference to me. I have come that far to the western view.

In other words, that far toward a sound view. That is a true, moderately but graphically drawn picture of the situation. For, remember, when the homesteader loses he not only loses his land, but he loses his improvements and his years of hard toil. I think it cruel and brutal, contrary to every principle which should control a government in dealing with its citizens to take a homestead from the settler, except upon clear proof of willful disregard or violation of the law. So long as he is acting in good faith the Government should help and not hurt the settler.

I say that the payments are too high. The fact is, the settler has too great a burden to bear in the first place, during the early years. The Government should only want a guaranty of continuous and progressive cultivation. The law should only require what can reasonably be expected from an ordinary man. But I do think that before he gets title the Government has the right to make him show that he intends to stay.

I have no sympathy for the hardy pioneer who sits in his mahogany chair in his office in Chicago or New York or Cleveland, and talks about the "awful hardships of the early pioneer on a homestead." That kind of talk does not sound good to me.

But the man who goes on the land deserves all consideration, and he will get it from me.

Now, that was like the announcement of a new gospel to the western people. No single speech of late years has been delivered in the West that sounded better to the ears of those who were seeking to make homes upon the public domain than this deliverance of this Secretary of the Interior. I hope that the policy which he suggests will be enacted into law and administered accordingly.

Mr. HEYBURN. What is the date?

Mr. BORAH. My colleague asks the date of the speech. It is September 18, 1911. I am not sure that that is the exact date of the deliverance, but it is the date of publication.

I read also some views of the Secretary of the Interior, as found in his late report:

It is now clear, however, that it contains certain serious disadvantages for which there is no longer any adequate excuse. What we desire is actual settlement. We should have no desire to impose any unnecessary hardships upon the actual settler. What has happened is that the law has failed to take into account the conditions under which the actual settler is required to work.

Irrigated lands, as a rule, are in their natural state but parts of the desert. They are usually covered with the growths which the desert produces. These must be cleared and the land graded and otherwise prepared for the application of water before any crops whatever can be raised. In many instances each tract must also be fenced, and where it is adapted for actual residence on the ground itself the home must be constructed, together with the necessary outbuildings and shelters for the agricultural implements and machinery essential to cultivation. All of this requires a considerable expenditure, which is usually a heavy drain upon the resources of the settler. The land itself can seldom be made to produce any immediate revenue. If it is fruit land, the trees must be planted and reach a certain growth before they will bear fruit. Subsidiary crops can often be raised, but frequently not with profit until after one or two years' preliminary cultivation. It is often essential to plant the land in alfalfa or other leguminous crops before it is suitable for the raising of grain, sugar beets, or other crops for which it is ultimately intended. All of this means that where the settler has not accumulated a considerable capital and is without other means of livelihood, the requirement of actual residence upon the land during the first two years after entry is a serious hardship and a real obstacle to settlement. Many men who would make admirable settlers and citizens of the Western States are prevented from acquiring the homes and the substantial livelihood which would otherwise be opened to them. I see no reason whatever for insisting upon the requirement of actual residence at the outset in such cases.

It has been suggested, Mr. President, that instead of shortening the homestead period from five years to three years we permit the homesteader to leave his homestead for the first two years; that is, relieve him of residence during that period. This suggestion is made by the Secretary of the Interior, I believe, in his report. I have no doubt of the good faith of the Secretary in making the suggestion, and that it was intended to benefit the homesteader. But in my opinion, Mr. President, it will not have the desired effect. The homesteader must still continue to improve and develop his land. He must, unless he has means to employ it done, give his time to it anyway. While he is not required to actually reside upon the land, he is nevertheless required to continue to make the expenditure, to incur the indebtedness or the obligations necessary to its development, and he must wait for the long period of five years in order to have a basis of credit for what he is doing. For the most needy, the poorer class of home builders, for those who really want a home and have no other place to go, it would help them little if at all.

It does not help, Mr. President, the man in whom I am particularly interested, and that is the man who desires to go directly upon a piece of land and remain there until he can secure a title to his home. It might aid those who were engaged as clerks or mechanics or in some other kind of an occupation. They could remain with their business and continue to improve their ranch or their homestead; but, Mr. President, it would not aid the one in whom we ought most primarily to be concerned, and that is the man for whom the homestead law was originally enacted; the man who has no other home, no other occupation, no other means, but who desires to go and avail himself of a part of our public domain, and to do it under such circumstances as to enable him to have a home without debts and distress, which will not permit him to hold or enjoy it.

I want to read a letter from a homesteader upon this particular subject, because it states the situation perhaps more tersely than I could state it, as he has had actual experience. It is a letter from Mr. M. C. Turner, who resides at Caldwell, Idaho, a former resident of Iowa, who went west for the purpose of availing himself of the homestead law under a reclamation project. Speaking of this proposition of not reducing the time but to relieve the homesteader from actual occupancy, he says:

I believe that our Secretary is much interested in the "struggle for existence," of we homesteaders, but I am sorry to say that I do not think his desired changes will give us homesteaders the desired relief, neither will it offer any inducement to the home seeker who has heretofore objected to our present five-year homestead law. We bona fide settlers do not ask for a "relaxation of the rule requiring residence during the first two years," for that rule has always been the common practice of the insincere homesteader. We want relief for the present homesteader, and at the same time offer an inducement to the prospective home seeker, and that is exactly what your three-year bill provides. I wish that Secretary Fisher could understand that no homesteader of moderate financial means can give Uncle Sam his time, accumulated money, and future earnings for the long period of five years without a basis of credit. Why have—I think it safe to say—three-fourths of the original homesteaders been forced to give up their homes and let the next man receive the benefits of their money, time, and labor? It was not because he did not have more time, nor was not able to perform more labor, but because his money, time, and labor were assets of Uncle Sam rather than assets of his own. I think that your three-year bill offers the only real remedy to this long-existing evil. Our Secretary says that (in some cases) three years is long enough time to till the land, and the tilling of the land is the one thing that establishes good faith on the part of the homesteader. So, why not give him his patent at the expiration of the good-faith period?

What I have said, Mr. President, relates more particularly to the general homestead law. I desire, briefly, now to mention some additional facts with reference to the homestead law as it applies to our reclamation projects.

Under these reclamation projects a man must first reside upon his land for five years, just the same as under the old homestead law. In addition to that, he is not permitted to take title until the Government is paid in full for the expenditure made in reclaiming the land, putting water upon the land, and this may result in his having to remain out of title from 10 to 12 or 14 years, as the payments may be made in annual installments.

What is the result? The result is that the Government requires a man to go upon the land and build his home. He must necessarily build his barn, outbuildings, and stable. He must necessarily make those improvements which are essential to show good faith for the purpose of reclaiming his land. He must reclaim one-half of the land. He must pay not only the maintenance expense, but he must pay the annual charge of the Government, without any basis of credit, without anything upon which to base a business transaction. His assets, his labor, his land, may remain in the Government, under its control, and subject to forfeiture for 10 or 12 years. We require him to do a vast amount of work, to incur a great deal of expense, yet we provide no means in the world by which he can get the benefit of his labor for almost a quarter of a lifetime.

Now, what is the result? The result is, Mr. President, that this law which was passed by Congress and intended to be a poor man's law, and was advertised from one end of the country to the other as a poor man's law is distinctly a rich man's law.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. BORAH. I do.

Mr. CLARK of Wyoming. I want to supply what, perhaps, the Senator inadvertently omitted when he spoke of refunding or repaying to the Government the money necessary to reclaim the land. I should like him to indicate somewhere the specific amount it ordinarily requires for reclamation.

Mr. BORAH. You mean per acre?

Mr. CLARK of Wyoming. Yes; per acre.

Mr. BORAH. I have not the figures, and of course they vary with different projects. On one project that I have in mind it amounts to $26 an acre, on another to $30 an acre. If I remember correctly, the figure may be reasonably estimated at from $26 to $40 an acre.

Mr. CLARK of Wyoming. I have known none less than the first sum mentioned by the Senator.

Mr. BORAH. I think $26 is the lowest figure, because it was one of the first projects. This large amount of money, together with the money which he must necessarily have to develop his place, must come from some one. He must have it before he goes there or he must get it in some way.

I venture to say that there is not a business man in the Senate or within the sound of my voice who would engage in any kind of business in the world, even with the guaranty of the Government behind him, where he was not permitted to have the benefits of his efforts and his labor for 10 years or even for 5 years. The men who have fortunes would not undertake such a proposition. Yet we require of those who are supposed to be without means, those whom we especially desire to benefit, who are supposed to be limited in their holdings, to go upon these lands and develop them and pay out this enormous expense, and we withhold from them all basis of credit. The homesteader goes to the groceryman, or to the general merchant, and asks that which the most prosperous farmer asks time and again; that is, for credit during the season of crop raising. He is told that he has nothing upon which to extend the credit. The Government of the United States has extended him no credit, and the individual has no basis upon which to figure, because that which you have may to-morrow become the property of the Government of the United States. By no possible means can he go into the business world and represent his efforts as a basis for his credit. The result is, just as Mr. Turner so well says in his letter, that the first homesteaders, those who went upon the projects and upon the public domain under these circumstances, are in large numbers driven away, and the second and third homesteader comes along, who has a little more money and avails himself of the other man's work; it becomes distinctly and in every sense a law for the benefit of those who would have money enough to buy a home without taking it from the public domain.

I know of homesteaders who have gone upon these homesteads and spent $5,000 and $10,000 and $15,000 in trying to reclaim them, leveling down the ground, putting the soil in such a condition as to raise a crop, and still were unable to secure title after that large investment.

Mr. President, it is far better for the Government, looking at it as a business proposition, that the homesteader be given his title within a reasonable time and that the Government simply take a lien, if necessary. As was said by Mr. Fisher in his western trip last summer, the sooner the bank becomes the creditor of the homesteader the sooner the Government can get its money. Give him an opportunity in accordance with his energy and his efforts, according to the ordinary business rules, and he will the more quickly pay the Government than if you tie him down to an impossible transaction. The Government can not hope to get the money until the homesteader gets it, and the homesteader can not hope to get it so long as the title is in some one else. A man can not make a success of a thing made impossible by unreasonable laws and regulations.

I say, Mr. President, give the man upon the public domain, who is trying to secure a home, a home as soon as he evidences his good faith, and do not hold him there until he is impoverished and unfitted to continue to manage his farm. I would give no man his title until he shows his good faith, and then I would give it to him before I pauperized him.

Now, just a word or two, Mr. President, with reference to the administration of our land laws. Congress can not avoid its portion of the responsibility for the condition of these laws. They are in the condition that they are in because we have failed to give them the consideration they are entitled to have.

But the trouble rests not alone with the Congress of the United States. I said a while ago that there has been a disposition for the last 10 years to return to the revenue basis, to get money out of the public lands, to sell or to lease them, to replenish the revenue and to supply the large and growing expenses of the department. This has resulted, Mr. President, in a most harsh administration of the public-land laws.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from North Dakota?

Mr. BORAH. I yield.

Mr. McCUMBER. The Senator has indicated in his discussion so far that he would close with the subject that he has now under consideration. I want to suggest to him that he has so far omitted a most important feature in the matter of the administration of our laws.

Congress is to blame in one respect. Congress is employing to-day a corps of people known as special agents, but whose general duties seem to be those of detectives, for the purpose of arresting every possible farmer in the country who is upon public land. These men are employed with the idea that has been very prevalent of late that every man who is upon a homestead is necessarily there because he wants to steal it from the Government without paying a proper price. Assuming that to be the case, we have assisted the departments in furnishing them with a great army of detectives who feel that they can not earn their salaries unless they do it at the expense of the man who is on the farm and upon Government land in attempting to show that he is trying to steal his land.

Further than that, if the Senator will pardon me one moment, we have gone so far in the administration that instead of allowing the claimant upon public land to make his proof before the register and receiver of the land office, as in the old way, we have a fixed date on which he can have his hearing, and that date must be fixed to agree with the convenience of the detective who is there and must investigate whether or not he has any right. Then the detective goes there, and he has the right, and the administration accorded him that right, to hold it up for further consideration. So his proof has been held up from year to year at the suggestion of a detective employed for the purpose of disturbing him, until he has become so discouraged about getting his title that in many cases he has been compelled to leave it. In that respect the Congress of the United States is very much at fault.

Mr. BORAH. I agree with the views of the Senator, so well stated. I remember upon one occasion, where there was a contest over a homestead title, to have seen seven special agents in one town waiting upon the trial, to watch a homesteader who did not have money enough to pay an attorney $5 to take the evidence before the land office.

But I think there is a little daylight upon the subject. I am looking forward to an entirely different administration. I stated there had been a disposition to return to the revenue basis, and this, in my judgment, which has been suggested by the Senator, is one of the evidences of it. I am of the opinion the regulation has been abandoned now—at least, I have not seen the effects of it so much of late—but there was a time when the homesteader would go into the public-land office and make his proof. The next day, after the homesteader had gone his way, assuming that the representatives of the Government had all that they desired to have and he had made the complete proof, the special agent would come along, without any facts or knowledge in his possession whatever of any defect upon the part of the title, and he would simply file a contest or a protest in the hope that there might be something he could find in after years.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to his colleague?

Mr. BORAH. I do.

Mr. HEYBURN. I should like to suggest to my colleague that in addition to that they withhold from the person seeking to enter land the grounds of the protest, and that is unpardonable.

Mr. BORAH. That is true. You can imagine the difficulty which confronts the homesteader when that happens. In the first place, the chances are all to the effect that he has not the means to enter into litigation.

The second proposition is that he must litigate the Government of the United States. The representatives of the Government of the United States are the protestants. The result is, as the Senator from North Dakota has said, that they, in a great many instances, after these five years of residence and effort, abandon at the last moment the hope of getting a home, because it is discouraging enough indeed when you go into a court to contest a proposition when the court is the contestant; and the homesteader has learned that there are a great many chances to take in that kind of litigation.

Moreover, Mr. President, we have up here somewhere, or did have, in the Interior Department, something that I will venture no other Government in the world has, or if it has it has been criticized for it in many different ways. We have what we call a secret-service department. When these special agents go into the Interior Department with their facts, they are sent into division A or B, or whatever they call it, and there is not power enough in the United States to get those facts out of that division.

Mr. HEYBURN. Alleged facts.

Mr. BORAH. But the homesteader never knows the facts, or alleged facts, upon which his title may be canceled, and he can not get them. I denounce such a system as un-American, tyrannical, brutal. It ought to damn any system that will sustain it. I believe in an open fight in every avenue of life, and I here and now charge upon my Government this cowardly and infamous system which has been rejected years ago by all just and fair-minded people. There is no place in this Government for star-chamber proceedings, no place for secrecy as against a man's contested right. It is vicious.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. BORAH. I yield.

Mr. CLARK of Wyoming. After these facts have been passed upon by the Department of the Interior, there is no court on the face of the earth that has jurisdiction to determine whether or not the decision of the Department of the Interior is a true decision, and the homesteader is left absolutely helpless. The only man under the flag of the United States who can not have his day in the courts of his country to determine his rights is the man seeking to avail himself of the land laws.

Mr. HEYBURN. Mr. President, if my colleague——

Mr. CLARK of Wyoming. I know what the Senator from Idaho is going to say.

Mr. HEYBURN. I am going to ask the Senator from Wyoming if it would be possible to have reported from the Committee on the Judiciary the land court bill?

Mr. CLARK of Wyoming. Mr. President, I am glad to have the opportunity to answer the question. The Senator from Idaho for years has insisted, and now has a bill for that purpose before the Committee on the Judiciary, that there shall be a court established somewhere in our Government where the rights of the homesteader may be secured, guarded, and determined; and he has insisted that while we are creating commerce courts, while we are creating patent courts, while we are creating courts of all sorts aside from our ordinary judicial system, there shall be a court created for the homesteader. I am sorry to say to the Senator from Idaho that I doubt very much the possibility of an early report from the Judiciary Committee upon his very meritorious bill.

Mr. HEYBURN. Mr. President, I regret very much to hear that. I had been looking on each recurring meeting day of that committee for a favorable report.

Mr. CLARK of Wyoming. I will say to the Senator——

The PRESIDING OFFICER. Senators will please address the Chair. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. BORAH. I yield.

Mr. CLARK of Wyoming. I perhaps ought to say further in that connection that I imagine the sentiment in the Judiciary Committee with relation to our land laws and his land court bill is very much the sentiment of the Senate itself, the sentiment of the House of Representatives, and the apparent sentiment of the people of the United States, that there is no demand that the homesteader shall be protected at the hands of his adversaries.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Michigan?

Mr. BORAH. I yield.

Mr. SMITH of Michigan. I desire to suggest to the Senator from Wyoming [Mr. CLARK] that I do not believe it is the absence of a proper forum in which to find the law or the facts, but I believe that much of the delay is political in its character and that the administrative officers of the Government refuse to give effect to final orders when made.

Mr. HEYBURN. There are none made.

Mr. CLARK of Wyoming. But the courts can make no final decree; there is no jurisdiction in the courts on which to base any decree.

Mr. SMITH of Michigan. I say they encounter the political departments of the Government, and the courts refuse to give relief against administrative officers.

Mr. CLARK of Wyoming. If the Senator will allow me, the courts have absolutely no jurisdiction to give any relief of any sort.

Mr. MARTIN of Virginia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Virginia?

Mr. BORAH. I yield to the Senator from Virginia.

Mr. MARTIN of Virginia. Mr. President, I simply wish to inquire of the Senator from Idaho whether it would not serve a good purpose if some existing court should be given jurisdiction of this matter instead of creating a separate court to consider that one class of cases, thereby preventing the continued multiplication of courts in the country?

Mr. BORAH. Mr. President, I have been very much in favor of my colleague's bill, although on general principles I am opposed to the creation of special courts; but I will be very glad to get any kind of a court—a special court or a transfer to a court of general jurisdiction—in order to have a place for a proper hearing.

Mr. HEYBURN. Mr. President——

Mr. BORAH. I yield now to my colleague, who desires to make a suggestion.

Mr. HEYBURN. Mr. President, I am glad of an opportunity to reply to the inquiry of the Senator from Virginia [Mr. MARTIN]. The class of persons whose rights are involved are not able to conduct litigation in the United States courts, which are situated at far-distant points from where the subject of controversy arises. My bill provides for an appeal from the local land office wherein the controversy arises to a court sitting in the land district. The homesteaders as a rule are without ready money and often unable to pay the expenses or even car fare to the point where a present existing court would sit, and, therefore, an inexpensive system of courts is suggested by the bill that has been referred to, wherein speedy hearing may be had and convenient and inexpensive justice administered. It does not provide any elaborate or expensive machinery, and is limited only to those jurisdictions wherein a certain amount of this class of business arises. It is impracticable to try them in any other court for the reasons I have stated. There is a very urgent demand for legislation upon this subject. It is not like providing a tribunal for merchants and bankers and railroad men, people who are able to go a great distance and withstand expense and difficulty. It is dealing with the poor, for no man is a homesteader or seeking to acquire a homestead except a poor man.

Mr. BORAH. Mr. President, I must hasten on with my observations. There is no better illustration of the harsh, uncertain methods of administration of our laws with reference to the acquisition of title to our public agricultural lands than that which is found with reference to acquiring a homestead in a forest reserve. We have, I think, about 200,000,000 acres of forest reserves in the United States, an area larger than France, and, of course, a great deal of this land is agricultural land.

It was perhaps necessarily so in the beginning by reason of the fact that the forest reserves were created without full knowledge of the nature of all the lands included within them. So in 1906, I think it was, we passed a law by which settlers might take up agricultural lands in forest reserves. The law upon its face seems to be reasonably fair, and yet in its operation it is wholly impracticable and is now practically a dead letter. In other words, if I say to you, "If you will go upon a piece of land and cultivate so many acres, build a house upon it, and reside upon it for five years, I will give it to you," if you want the land you will likely go; but if I say to you, "If you will go upon that piece of land and remain there three or five years and I come to the conclusion that you have made a success of it as a farmer, I will give you that land," unless a man is blessed with far more credulity than ordinarily belongs to human nature he will not go on such an uncertain proposition. That is the effect of this law with reference to the acquisition of title to land in forest reserves. The party must make his application, and if the bureau finally becomes satisfied that he has made a success of it, that he is a farmer, and that the land is agricultural, at the end of five years, or at a proper time, it will give him title to the land.

To show how successfully that works I desire to quote some figures. I get them from an article written by a prominent citizen of the West, Mr. Knapp. During the entire year of 1908, 1,181 claims were reported favorably for action in forest reserves, 1,057 were reported on adversely, and 80 claims were not reported upon at all. In the same year 1,675 ranger headquarters were selected and withdrawn from entry—1,181 homesteads and 1,675 forest ranger headquarters. Seven ranger headquarters out of 10 are good homesteads, and not only

that, Mr. President, many of them were homesteads before they were selected as ranger headquarters. I know of my personal knowledge of instances where parties have been upon agricultural lands actually raising crops and producing in a successful way for from one to three years, at the end of which time the eagle eye of some forest ranger who had a peculiar taste for beauty of location and position enabled him to come to the conclusion that the land should be withdrawn for public use, and it was withdrawn. The result has been that settlers have practically quit trying to go into these places to acquire such lands. I will give you a few more figures. In 1907 only 750 reports on homestead claims were transmitted to the General Land Office by the Forestry Bureau. During that year they selected 1,552 ranger headquarters. So, approximately, we had during the years 1907 and 1908 an approval of 1,516 homes for settlers and 3,227 ranger headquarters.

I want to read a letter, which is genuine I think, from a forest supervisor in California to a man who desired to take a homestead inside a forest reserve. This letter is written to a man by the name of Hutchings, and it is well worth the attention of those who desire to know how this law is administered.

DEAR SIR: Your application, No. 10, for forest homestead * * * is on file in the office of the district forester. * * * In order that the forester may determine what lands to recommend for listing, it is desirable that a demonstration be made of its agricultural possibilities, and to this end I would suggest that you take out a special-use permit for 40 acres of the tract applied for and experiment upon it. * * * It is believed that two years should be sufficient to demonstrate whether the land will produce farm crops of enough value to justify its listing for agricultural entry. If results are such that your application is rejected, but if you still desire to continue occupancy of the 40 acres under special-use permit, you may be allowed to do so upon the payment of the usual annual charges.

Mr. President, in my leisure hours of life I have found great pleasure in reading the satires of Juvenal, the letters of Junius, and later the humor of Mark Twain and Dooley; but I never have seen concentrated into so brief a space such a combination of irony and grim humor as is found in this letter. I take it that it was written in a spirit of humor, because no man who was not a driveling idiot would write that kind of a letter to a bona fide homesteader.

Mr. WARREN. Has the Senator the signature to the letter?

Mr. BORAH. I have, and the name itself spells the whole proposition. It is signed A. N. Hegne.

Mr. CLARK of Wyoming. May I ask the Senator is that an official communication?

Mr. BORAH. It is an official communication.

Mr. CLARK of Wyoming. Is the office designated?

Mr. BORAH. It is written from Bishop, Cal. I have the forest headquarters in my office, but not here upon the paper.

Mr. PERKINS. Bishop is in Inyo County.

Mr. BORAH. Inyo County; that is correct. That is not an unusual letter. It is more than usually classic in its make up, but it is in effect what they write to the homesteader. They say to him, "You go upon this land and remain there for two or three years, and if at the end of that time we are satisfied that you have made a success or that it is agricultural land, we will give you the land; but if we are not satisfied with you as a farmer, we will either rent it to you or else we will make a ranger's headquarters out of it."

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. BORAH. I yield to the Senator.

Mr. CUMMINS. I was called from the Chamber a moment and did not hear the letter read. Will the Senator be kind enough to read it again?

Mr. BORAH. This letter, as the Senator from Iowa will understand, was written in answer to an application made by a homesteader to enter a piece of land inside of a forest reserve under the act of 1906. He made his application, and the forest supervisor wrote him as follows:

DEAR SIR: Your application No. 10 for forest homestead * * * is on file in the office of the district forester—

That is the only real consolation that is found in the letter—

* * * In order that the forester may determine what lands to recommend for listing it is desirable that a demonstration be made of its agricultural possibilities, and to this end I would suggest that you take out a special-use permit for 40 acres of the tract applied for and experiment upon it. * * * It is believed that two years should be sufficient to demonstrate whether the land will produce farm crops of enough value to justify its listing for agricultural entry. If results are such that your application is rejected, but if you still desire to continue occupancy of the 40 acres under special-use permit, you may be allowed to do so upon the payment of the usual annual charges.

In a portion of my State known as the St. Anthony country, a famous agricultural area in Fremont County of southeastern Idaho, the lands were taken up some 18 years ago under the desert-land law—the farmers had been tilling the land for from 10 to 18 years, and finding as an actual fact that things would not grow without irrigation, they had spent hundreds of thousands of dollars in the building of large canals and irrigation ditches for the purpose of irrigating those lands, and this had gone on until it had become a well-settled community with now and then some pieces of public land yet to be taken up. After these years of cultivation and the expenditure of money in the building of the canal, and after the farmers had labored under the delusion for 10 or 12 years that one could not raise crops without water, these special agents went into this vicinity and immediately concluded that this was not desert land at all; that it was land which would produce crops without irrigation; and the special agents, whose business it was to oversee the conduct of all men—and no one knows the fascination of that calling like these special agents—began to question the titles, not only which had not yet been perfected, but to gather evidence for the purpose of challenging the titles, claiming that they had been obtained under the desert-land law through fraud, and they proceeded so far that any number of these people were put to the expense of protecting their titles to lands which they had been cultivating under large and expensive canals for a number of years.

Now, I am bound to say that when this matter finally reached the department, the department decided that it was desert land. The special agent seems to have discovered something which we in our country call sagebrush, which grows only in the arid region. But it has an attractive aroma, and the special agent undoubtedly thought it a valuable shrub, a garden shrub, and that if the land would grow it without irrigation, it would grow everything else without irrigation. They proceeded to challenge the titles, but the department held finally that it was desert land.

But the immense expense these people were put to, the difficulty they had in maintaining their title, could not be recouped against anyone, and could only be charged up to what I said was at one time the disposition to prevent the settlement of agricultural lands at all under any circumstances with which it was possible or practicable for a man to comply.

Another instance occurred in what is known as the St. Joe country, in the State of Idaho, in 1902, 1903, and 1904. Homesteaders, under very adverse circumstances, went into a region of country and located a number of homesteads, some 15 or 20. No one doubts that the land is agricultural when the timber is off, but there was some timber upon the land. Afterwards, in 1905 or 1906, they created a forest reserve. These homesteaders had been there from two to three years. But it immediately became necessary to get them out of the forest reserve, and a pack of special agents was sent there for that purpose; and while only a few of the entries, I think, were finally canceled, the litigation was continued from month to month and year to year and is still in existence, and the settlers were driven from their homes because of their inability to protect them, as a financial proposition.

Now, I do not propose to go into the question of the exact facts, as to whether they had complied in all particular instances with the homestead law or not; I have my own view of the matter; I think they were there in good faith and intended to make homes; but whether they had actually complied with the law in all particulars or not, one thing is certain—that it ought not to have taken the Government of the United States six or eight years to determine against a single homesteader whether or not he has a valid title. It is proof conclusive to anyone who watches the proposition that if they can not cancel it upon facts they simply destroy them by the long time in which they engage them in litigation.

Whilst Canada sends her agent along, from the time when the homesteader reaches the border line of Canada, to help him select his home, to direct him in the way in which he should go to find agricultural land; while the agent accompanies the settler and finds him a place to work while he is selecting his agricultural land, if he needs it, and protecting him from embarrassment, our Government, from the time he throws his blanket upon his back and starts for the public domain, embarrasses him in every way possible.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. BORAH. Certainly.

Mr. GALLINGER. I should like to inquire of the Senator from Idaho where, in his opinion, the remedy lies in this matter?

I am very much moved by the recital of the Senator, and, if he will permit me, I will say this further: I think the Senator has somewhat complained of our land laws. Now, for 25 years I have been following the Senators and the Members of the other House in the matter of legislation concerning these great questions that interest the West and do not particularly interest the East; and if there is any fault in our laws, it seems to me the western representatives ought at once to try to have

them amended so as to do justice to these poor people. I will cooperate to the extent of my ability in bringing about a better condition of affairs.

Mr. BORAH. It is with extreme gratification that I hear the Senator state that. I know his influence, and I am exceedingly glad to have it. I have a bill pending before the Senate—that is, introduced—for the purpose of shortening, in the first place, the period to a three years' residence.

Mr. GALLINGER. I will vote for it.

Mr. BORAH. And in the second place, for the purpose of giving title to the homesteader at the end of his homestead period, whether he is upon a reclamation project or the public domain.

Now, if those things could be attended to at this session—while we may do many things which will be of more popular interest, while we may do many things which will engage the attention of the people generally more than that would do—I think I represent the views of every western Senator when I say that laws such as those would do more to serve well and beneficently a large class of people who are actually in need of such laws than any other thing to be done at this session. The benefit would certainly be more direct and pronounced. It would bring hope and courage to a class who have endured almost everything that man can endure for a home.

Mr. WARREN. Will the Senator from Idaho yield for a moment?

Mr. BORAH. I yield.

Mr. WARREN. Does not the Senator think we need not only an addition to the legislation, but also some improvement in the administration of the present laws? My observation of the administration of the land laws, commencing some 10 or 12 years ago, and perhaps three numbers back in the head of the Interior Department, convinces me that they have seemed to administer the affairs of that department in contradiction to the laws, and the germ that was planted then, 10 or 12 years ago, has flourished more or less ever since.

The Senator, I conclude from his remarks, believes we are seeing some daylight at present in the administrative matters, but is he not of the opinion that the construction of the law and the administration of it, running back 8 or 10 years, have been greatly against the homesteader, greatly against those who seek to get the lands in the usual lawful way?

Mr. BORAH. I think that is true, and as I said; but I read extracts from the speech of Mr. Fisher, Secretary of the Interior, which lead me to believe, and in which belief I have absolute confidence, that if these laws are remedied, as I think we all will agree they ought to be remedied, they will be administered, as the Secretary says, from the standpoint of the settler upon the land, and for the purpose of protecting the bona fide home builder—eliminating the speculator, but protecting the settlers.

Mr. DIXON and Mr. CLARK of Wyoming rose.

The PRESIDENT pro tempore. Does the Senator from Idaho yield, and to whom?

Mr. BORAH. I will yield to the Senator from Montana, and then I will yield to the Senator from Wyoming.

Mr. DIXON. I have been much interested in what the Senator from Idaho has said. It has been my experience, however, that the great delay and drag and irritation has come from the administration of the land laws rather than from the land laws themselves. I have a letter on my desk, not over 10 days old, relating to a case where I personally know the conditions, in which five homesteaders in the county where I lived had lived there 15 years before the lands were surveyed. One of them is a member of the board of county commissioners of my county.

Three years ago he made final proof on his homestead, but the patent has been withheld on account of a desire for the classification for a power site. Three years ago last summer I induced the chief of the division—the Hydrographic Division, I presume—to visit these lands personally and make a report. These three years have dragged, and still the patents do not issue. Cases of that kind create more irritation in my State than the laws now on the books.

A year ago last June they withdrew from entry over 20,000,000 acres in Montana, either homestead or desert, and classified it for coal. Eighteen months have passed and not an acre of the 20,000,000 has yet been classified, and the settlers are waiting and waiting and becoming more poverty stricken every day, because they do not know what the final result is going to be. I think four-fifths lie in the administration of the present laws.

I am wholly in sympathy with the three-years bill that the Senator has introduced, but I can not overlook my own belief that it is the red tape and the continuation of the red-tape administration in the Department of the Interior that could be cut without any further legislation.

Mr. BORAH. I now yield to the Senator from Wyoming.

Mr. CLARK of Wyoming. I was going to make a suggestion along the line of the remarks made by the Senator from Montana.

My recollection is that we now have upon the books, put there, I think, at the instance of the senior Senator from North Dakota [Mr. MCCUMBER], laws providing that when a man has complied with the terms of the law and his hearing has been held and no fraud has been alleged his patent shall issue. I think we have that in distinct, plain terms, and yet in the administration of the law the patent does not issue.

For instance, I can cite a case within my personal observation in the last 30 days, where the man has lived upon his land for five years. There is no question as to his good faith. There is no question as to his raising agricultural products. There is no question but that the man and the land were both right for entry under the homestead law. The final receipt has issued at the local land office. The patent has not been issued.

Inquiry is made at the General Land Office at the end of two years—two years, mind you—while the settler stands waiting there, hoping he can realize something, either by borrowing money or getting credit. It is there found that notwithstanding the fact that the law has been fully complied with, the patent is still held up awaiting investigation by certain bureaus as to whether or not the land is valuable for other purposes, the last one awaiting the investigation of the Geological Bureau whether or not there is a water-power site upon the land; and when the question is asked of the head of the bureau, "What difference does it make whether there are water-power sites upon the land or not; suppose your Geological Survey finds there is a water-power site, what then?" they reply, "Then, eventually, the man must get his patent whether there is a power site there or not."

It simply means delay, delay, and delay.

Mr. SMITH of Michigan. Will the Senator from Idaho permit me?

Mr. BORAH. I yield to the Senateor from Michigan.

Mr. SMITH of Michigan. My criticism goes to the employment of men who are not needed. I rebel against the idea that every man who undertakes to get land from the Government is dishonest. It is a shameful charge, and the Acting Attorney General of the United States acknowledged but a few days ago in a formal opinion over his own signature dismissing a case, that he had been misled by the "field officers" of the Government into a prosecution that was not justifiable. I quote:

> You are hereby directed to dismiss the three suits in equity for the prosecution of which you were heretofore specially retained by me.

In three cases that arose over certain lands in Arizona, said the Attorney General to the special assistant in Arizona:

> To explain: This litigation was the direct result of a letter from the Secretary of the Interior, dated August 23, 1909, strongly representing upon the faith of certain reports made by field officials of the General Land Office that the patents had been procured by grossly fraudulent misrepresentation of material facts, particularly in regard to the discovery of mineral in place within the various locations.
>
> * * * * * * * * *
>
> After due investigation and consideration the Secretary, by his letter of August 23, 1911, a copy of which I send herewith for your further information, advises in effect that no further effort can consistently or properly be made to maintain the litigation.
>
> The charge that the land was in part acquired to be sold and used as town lots and to be used for grazing purposes seems wholly unsupported.
>
> Evidently the request which led to the institution of these suits was due to an oversight by subordinate officials of the Land Department. The nature of the case as it stood before that department at the time when the patents issued could not have been known to the Secretary of the Interior when he made that request, and was not known to this department.
>
> It is a matter of sincere regret to me that the Government should have been placed in the position of accusing of dishonesty and fraud persons whose conduct, for aught that appears, was above reproach.

There are too many overambitious and meddlesome employees of this department who feel it necessary to base serious charges on idle rumor.

Mr. GALLINGER. Have any of these employees been dismissed for making this unjust report?

Mr. SMITH of Michigan. No. There is altogether too much suspicion of dishonesty. I wish the Interior Department could have presiding over it some time a man of sufficient character and sufficient courage to do what ought to be done for honest petitioners, and having done it take all the responsibility that goes with such action. There are thousands and thousands of litigants trying to get their rights—orphans and widows appealing to the department—and they are as dead as a stone wall to the equities and the justice of these appeals.

Mr. BORAH. Mr. President, lest I should be misunderstood in anything that I have said heretofore, and in view of what has just been said, I want to say I think we have a Secretary of the Interior who proposes to execute the law as he finds it, and I believe he has the courage to do so. I am going to accept

that view of it so long as I find nothing contrary, and I am going to act on that assumption until I find that he does not propose to do it.

Mr. McCUMBER. Mr. President——

Mr. BORAH. Just a word further, and then I will yield.

I know, Mr. President, that there have been very many mistakes in the administration of these laws, but I do not want Congress to get away from its responsibility. The administration did not keep these laws as they now are, and Congress has. The only thing that we can do, Mr. President, is to enact such laws as ought to be on the statute books, discharge our responsibility, and perhaps discharge also a few special agents.

I yield to the Senator from North Dakota.

Mr. McCUMBER. The Senator has suggested his belief that the law would now be enforced as the head of the department finds that law. Will the Senator object to my calling attention to one law that has not been enforced for three years that is plain and clear? It was suggested by the Senator from Wyoming. I secured an amendment to be placed in the law for the reason that it was claimed that the whole western half of my State was underlaid with valuable coal and no settler could get title to any of the lands, as they were all being held up. I knew that the coal was worth scarcely nothing at that time. President Roosevelt at that time agreed that it had little value, and we got the amendment made so that, instead of tying up the land, it was the duty of the Government to appear at the time set for the proof and was incumbent upon the Government to show that the land was more valuable for coal purposes than it was for agricultural purposes, and if the Government was unable to show, with its special agents, at the time of the hearing that it was more valuable for mineral purposes, then the proof should be allowed and the patent should be issued.

That law stands to-day upon the statute books. It has not been enforced. Through a fear that the settler will get hold of some mineral property it has been avoided, and an army of these inspectors have been sent out not for the purpose of having a hearing and arriving at the facts in that way, but for the purpose of attempting to bulldoze the settler into yielding everything to the surface title. That is the way the law is being enforced. There has not been a hearing in the two years in which the Government has appeared before the proof officer and offered any evidence to show whether the land was more valuable for coal purposes than for agriculture. When that law is enforced we will relieve a great many of the settlers in the western portion of our State and their title will pass, because neither the Government nor anyone else can show that the land is more valuable for coal purposes than for agricultural purposes.

This may stand upon the record as a notice to the Secretary of the interior that that is the law to-day, and that it is not being enforced.

Mr. BORAH. Mr. President, referring to the suggestion of the Senator from North Dakota, of course I have no doubt the facts are as the Senator represents them to be. It is unfortunate that it is so. Nevertheless, I have been very thoroughly convinced that it is the purpose of the Secretary of the Interior to administer these laws in a different spirit from what they have been administered heretofore. I know that many things have already been done in evidence of that fact. Whether it shall be a complete success or not time alone must determine. But in view of the declarations which the Secretary of the Interior made upon his western trip and in view of the declarations which are made in his report and the recommendation which he suggests that ought to be enacted into law, I am thoroughly convinced that whatever the future may have in store as to the administration it is now up to Congress to enact some law to give the Secretary an opportunity to do what he says he proposes to do. There may be laws upon the statute books now which are not being properly observed. It would be a peculiar thing to me if it were not so. But let us not fail to do our duty.

Mr. President, I must omit some of the subject matter which I had intended to cover, because I can not ask the Senate to remain much longer. I have this general observation to make, however. There has been a great deal said in the last few years with reference to conservation and to the effect that the conservation movement was in behalf of the small man, for the purpose of taking care of the man of limited or no means, giving him a chance to share his portion of the public domain or our natural resources. I have no possible doubt but what that is an honest representation upon the part of the prime movers of the conservation cause; I do not challenge either their motive or their good faith; but I must say that in its practical operation that has not been the effect.

As I have already shown, I think conclusively, the reclamation law, as it is put into operation, does not conserve the man of small means or the poor man, but can alone be taken advantage of by the man of means. No man of limited means, or man who is poor in the sense of that term in which I now use it, can avail himself of the public-land laws to-day as they are administered. I know whereof I speak, because I have been among them for the last three or four years every vacation period. I have visited them in their homes, I have witnessed their condition, and I know the adversity with which they have to contend. I know that it is coming to be recognized and accepted by all that the man of limited means can not afford to experiment with the proposition of acquiring title to our agricultural lands under our present land laws. Unless he has a bank account he simply can not go there and stay for five years. He can not do the improvement that is required. He can not comply with the law.

The result is that our laws are serving those whom they were not intended to serve, not intentionally so but necessarily so, by reason of their terms. If we propose out of this domain which we have left to give to the man of very limited means an opportunity to acquire a home upon our public domain, it is the duty of Congress to act, and to act at once, in regard to the matter.

No wonder, Mr. President that under these laws year after year hundreds and thousands of our settlers who go and inspect the public domain and undertake to comply with the law finally turn their back upon the flag of the Republic and seek protection under the flag of the Dominion. It is not a theory, it is not a fancy, it is an actual fact, transpiring day by day, year after year; and no man acquainted with the situation and the facts doubts for a moment that it is due to the harsh terms of our laws and to the manner of their administration.

Let me call your attention to another matter with reference to the small man.

Mr. CURTIS. Will the Senator allow me to ask him a question?

Mr. BORAH. Certainly.

Mr. CURTIS. The Senator has suggested several amendments. There has been one suggested by the settlers of western Kansas that I think, perhaps, it would be well to adopt, and that is that settlers be allowed six months' leave of absence from their homes each year.

Mr. BORAH. I would be very glad to have that incorporated in the law when the committee reports it. I did not incorporate it because of the fact that I felt, in all probability, I had gone to the limit to which Congress would be willing to go with reference to ameliorating the condition or the law. But I should be very glad to have it incorporated. I sincerely hope that it may become a part of the law.

There is one more point with reference to the effect of conservation upon the man of small means. We have, as I have said, some 200,000,000 acres of forest reserve, and everyone who is familiar with these reserves knows that each and every year there are hundreds of thousands of feet of timber that ought to be cut and taken out of the reserves; that it becomes worthless if not sold. Yet, Mr. President, in the State of Idaho, and I guess it is true everywhere, you can not buy timber for the color of a cent cheaper of the Government of the United States than the price fixed by what is popularly called the Timber Trust. The man of limited means, who might desire to avail himself of the beneficence of the Government by paying a reasonable price, is compelled, when he purchases timber of the Government, to pay the same price that he has to pay when he goes to the lumberyard. The Government attacks the lumber companies and then charges its citizens the same price they charge. They should either change their price or apologize to the lumber companies. The citizen can not secure any advantage by reason of the fact that the Government owns the timber. The Government will not sell it under the price fixed in the market, and the market is fixed, of course, by those who own private holdings of timber.

For the last three or four years the Government has been engaged in investigating what is called the Timber Trust. No report has yet come forward. I do not know whether there is a combine among the individuals or not; I presume in due time we will know; but I know that whether it is a combine or not, the price which is fixed by it is the price which the settler and everyone else has to pay for the timber when he buys it from the Government.

I know, furthermore, that the 200,000,000 acres of forest reserves and the private holdings of those companies constitute the greatest monopoly in this kind of property that could possibly be conceived of. I think the Government is a part of this monopoly or else these companies are selling at actual values.

So, Mr. President, it is not the small man who has thus far received the benefit of this conservation movement. I have no doubt, as I said, but what it was so intended, and I am not challenging the motive of those, but I ask those who are responsible for this movement and who have done so much to put it upon its feet, to pull the conservation movement down out of the skies, pull it down from among the abstract things and theories of life, and compel it to associate with those who are actually engaged in a struggle for existence. If we do not do so in due time, we may be readily assured that the American people will reject it.

Mr. HEYBURN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to his colleague?

Mr. BORAH. I yield to my colleague.

Mr. HEYBURN. I should like to inquire whether the Government exchanges confidence with the Lumber Trust in order to fix uniform prices, and if it does, which is the biggest factor in the Lumber Trust—the Government or the other people?

Mr. BORAH. Indeed, I do not know whether they exchange confidences with them as to the fixing of prices; I know the result is the same as if they did exchange confidences.

Mr. NELSON. Mr. President, may I interrupt the Senator for a moment?

Mr. BORAH. Yes.

Mr. NELSON. There evidently was an exchange of that kind when we attempted to put lumber on the free list.

Mr. BORAH. The fact is that it did not make very much difference whether the exchange took place or not, as I shall show you in a few moments.

The Secretary of Agriculture says in his report:

> Since the panic of 1907 the lumber market has been depressed. During the past year there has been overproduction in the Northwest, where the heaviest stands of national forest timber are found. To obtain any great increase in the receipts from timber sales last year I should have had to offer the timber at a price far below its actual value. The public is now amply supplied. Within a relatively few years the timber on the national forest will be in great demand to meet fast-growing necessities, and to help develop the West. I should be utterly disregardful of my responsibility and duty to the public, which owns the timber, if I were to permit large amounts to be needlessly sold on bargain-day terms, and with the knowledge that instead of promoting the conservation of our timber resources I am accelerating their waste.

Now, the vice of the position of the Secretary is the fact that the same man who owns the timber is the man who wants to buy the timber. The public owns the timber, and it is to the public that the timber should be sold. It can not injure the people of the United States; if the Government of the United States, having this large property holding, will break the trust, if there is a trust, and reduce the price, the public will be benefited by that transaction. I think the Government is either unfair and unjust to the timber companies or that it is in with them on the price as against the public. I think we are entitled to that long promised report as to whether there is a timber trust.

Mr. HEYBURN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to his colleague?

Mr. BORAH. Certainly.

Mr. HEYBURN. A most interesting suggestion arises. Is it possible that the author of that report confesses that he entered into a combination in restraint of trade through the means of diminishing the supply, through a conspiracy with the lumber trust, in order that the prices might not be depressed? It looks that way.

Mr. BORAH. I think I will be excused from answering that question. It is purely a matter for the Department of Justice.

Mr. HEYBURN. Is that justice? I did not understand that it was a report of that kind.

Mr. BORAH. No; but the Department of Justice enforces the Sherman law at times.

Mr. HEYBURN. But that evidently is not a part of the Department of Justice of the United States. It is lacking in the element of justice.

Mr. BORAH. No; this is a report from the Secretary of Agriculture, of which I presume the Department of Justice will take judicial notice.

The Secretary further says:

> The average stumpage price obtained for the timber sold was $2.56, as against $2.44 in 1910.

Uncle Sam is getting the last cent that it is worth.

Again, the Forester says:

> Another fundamental feature of the sale policy of the service which directly affects the amount of timber sold and the receipts from this source is the maintenance of stumpage prices at figures representing the actual value of the standing timber under normal market conditions as closely as it is practicable to determine it. This value is based upon market prices of the products manufactured from the timber during normal conditions, stumpage rates being determined by deducting the cost of logging and manufacture and a reasonable percentage of profit from the sale value of the product in the form prepared for final consumption. The service has consistently refused to make sales at a sacrifice in what is believed to be the value of its standing timber during normal conditions and to depreciate the value of its stumpage by lowering prices to meet temporary fluctuations in the lumber market.

There is some evidence for my colleague. I hope that it will be attended to.

I know, Mr. President, that it is very difficult for departments to administer these reserves in a way to permit prices that ought to be enjoyed by the public, but it is one of the things which we have got to meet if we are going to hold these immense reserves. I do not say it is the fault of the department more than of Congress, but it must be apparent that the Government is inconsistent. Some time or other the Government of the United States must meet this proposition and solve it. In other words, the Government is the proprietor of this land, and if it is going to hold it in the condition it is now, it must come to act as any other proprietor of land and deal with it in the same way, make sale of it in the same way, and distribute it in the same way that the private holders of timberland would do. So long as we simply hold the reserves in their integrity and sell only at the price fixed by the timber companies the Government of the United States is not in a position to complain at the price which the companies have fixed. Either the Government is in with the charge of exorbitant prices or else the covert charge that they are the result of a trust combination is an error.

Mr. President, in conclusion I urge that our public-land laws are antiquated and out of date, impracticable, harsh, and sometimes cruel in their operation. They discourage bona fide settlers. They have practically driven from our public domain the man of limited means, the man whose peculiar province it ought to be the duty of the land laws to serve. They have, as I have shown by the figures submitted, driven thousands and thousands of our best settlers and citizens into expatriation. They leave the homesteader at the time he acquires title, if he ever does, stripped, impoverished, discouraged, and ready to sell at a sacrifice that which he has so dearly bought by his efforts and which he intended as his home. These laws do not help the Government, they retard the development of the community, and they are unfair and unjust in their operation toward the individual settlers. When the defects are so apparent, when the operations of the law are so confessedly unjust and unfair, is it possible that Congress, with the same listless indifference and the same supine unconcern which has characterized it in regard to this matter for so long, will permit this session to close without remedying these defects?

Mr. HEYBURN. Mr. President, if I may trespass upon the courtesy of my colleague, the law requires that the settler shall receive his patent at the expiration of the term. I am in sympathy with the Senator's bill, and shall support it to reduce the time. The complaint to-day, based upon the incidents recited, is properly directed not to the law, because there is no law that postpones the delivery of the patent or authorizes it for an hour, but the difficulties we contend with are rules and regulations that are in violation of the law, of the right of the settler under the law. There is no law authorizing the inspection after the performance of the duty of the entryman at the land office. There is no law authorizing the sending of a special agent to ferret out and play detective upon the acts of the settler. There is not a word in the statute that authorizes it. There is no law that authorizes any steps to be taken by the Interior Department after the final proof at the Land Office, except upon irregularities appearing upon the face of the papers.

Let us strike at the unlawful practice of sending these spies out after the settler has earned his title to see if they can not delay it. I have a letter within a few days from the department saying:

> The matter referred to in your letter has been referred to a special agent at Helena, Mont., and upon receipt of his reply the case will be considered.

That means that the agent at Helena, Mont., will report probably about next fall, if at all. There is no law for that. That is in direct violation of the existing law. We have good land laws in reference to homesteads. They may be improved by shortening the time of residence, as suggested by the Senator; but let us strike at the real evil. When we come to make appropriations let us consider whether or not a few millions will be added for a general purpose to be used in the discretion of the representatives of the Government to enable them to violate the rights of the citizens of the Government.

Mr. BORAH. Mr. President, the fact remains, however, that we have upon our statute book a law which requires a residence of five years. That ought to be remedied. The fact is also true that we have a statute which does not permit the depart-

ment to issue a title upon the reclamation lands until all the expenses of putting the water upon the land are paid for. The result is that we have a homestead law which by its very terms may deprive the settler of title for from 5 to 10 years. Now, that is a thing we can remedy.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. I yield.

Mr. SMOOT. Is not the Senator mistaken as to the last statement? In the homestead law we have a commutation clause under which a settler can secure his title by the payment of money within 14 months, and I understand under the reclamation project if he pays the money due the Government, he gets a title and does not have to wait for the 10-year period to elapse.

Mr. BORAH. Of course, but the commutation law does not apply to reclamation projects.

Mr. SMOOT. No; but it does to the homestead law, and I understood the Senator's statement to apply to the homestead law as well as the reclamation project.

Mr. BORAH. Of course, if the settler wants to pay for the land he can pay for it, but that is not the homestead law.

Mr. SMOOT. But it is a part of the homestead law.

Mr. GRONNA. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from North Dakota?

Mr. BORAH. I yield.

Mr. GRONNA. In reply to the statement made by the Senator from Utah, I wish to call attention to the condition in my State. There were some 15,000,000 acres that were withdrawn as coal lands when as a matter of fact they are purely agricultural lands. Upon those lands no kind of proof can be made within five years.

Mr. SMOOT. That is under the law of 1910, acquiring a surface right.

Mr. GRONNA. The law applies to all lands. There is no such thing as commutation of any lands.

Mr. SMOOT. Not on withdrawn lands.

Mr. GRONNA. They are all withdrawn lands.

Mr. SMOOT. I said to the Senator that it applies to the law of 1910, where the settler accepts the surface right only of the land. Of course there is no commutation clause in that law and the entryman will have to reside on the land for five years. I was speaking of the homestead law.

Mr. BORAH. The commutation law is not the homestead law. It is an addition which gives the man an opportunity to escape from its harsh and unreasonable terms, if he has the cash to do it; but I am speaking to-day for the man who has not the cash.

Mr. GRONNA. May I again interrupt the Senator? I do not like to trespass upon his patience.

Mr. BORAH. That is all right, sir.

Mr. GRONNA. I want to call his attention to the fact that the settler, although he is to reside on the land and will live on the land for five years, on account of the failure of crops is very often obliged to make proof in order to secure enough money to go on with his farming operations, and for that reason he would like to have the right to take advantage of the commutation law; but that has been denied him by the act of June 22, 1910.

I simply want to suggest to the Senator from Idaho that in amending the law I hope he will take into consideration the fact that nearly all the agricultural lands of the United States have been withdrawn and they are classified as mineral lands. There are no agricultural lands. I believe that that is more important than changing the term of residence.

Mr. BORAH. I do not think, Mr. President, that I am in error. Although, technically speaking, perhaps the commutation law might be said to be a part of the homestead law, a man can only avail himself of it when he has the money.

Mr. SMOOT. He can avail himself of it by borrowing the money on the land. He can generally borrow the money upon the land to get title to it if he decides to commute. I have no dispute with the Senator from Idaho other than this. I think the trouble comes in the administration. If the Senator's bill should ever become a law making the requirement three years instead of five for acquiring title, with the same administration as is complained of here, it would make no difference to the settler in securing his title. He would have the same difficulty as would the man who was trying to secure title under the five-year requirement now.

Mr. BORAH. Well, Mr. President, of course it is always a nice thing for Congress to shift its entire responsibility to somebody else, and there are always plenty of people who are willing to shift the responsibility on other people.

Mr. President, of course there is now and then a willful wrongdoer among those who go out to avail themselves of the homestead law, but that is very rare, and it stands to reason that it would be so. I admit that under some of our land laws, where parties may act quickly and upon a large scale acquire title, there have been frauds committed, and those frauds have been justly prosecuted. No one complains of that; but that is not true with reference to the homestead law. The criminal, the man who desires to steal something, who desires to get some property by fraud, does not go out upon a piece of land and endure the hardships of five years and engage with the adversities which he must necessarily meet and tie himself to that condition for that length of time. It is not his idea of life, and he will not undertake to do so, because he knows that at best, whatever he may do, he must in appearance and in fact be there for that term. So men do not engage in fraudulent practices under the homestead law as they have to some extent under other land laws.

It is the duty of Congress, in answer to suggestions made by the Senator from Utah [Mr. SMOOT] and others, to modify the law. We can not shift our responsibility to the department any longer. The department has sins enough of its own to bear. It is our duty to modify this law, and to do it without delay. When that shall have been done and our full duty discharged, let us hope, in view of the declarations of the Secretary of the Interior, that the law will be administered upon the presumption that the man who goes upon the public lands to acquire a title is an honest, law-abiding citizen, not a criminal. If a man does wrong willfully, punish him, of course, but do not compel the homesteader at the end of five years, after his funds have been exhausted, to go up against a pack of lynx-eyed detectives upon the presumption that he is a criminal. There is no question but that for the last 10 years the homesteader has been required to overcome the presumption of guilt and to meet the contention made upon that basis. Of course, such a rule has not been declared, but in practice that has been the result.

I want to refer again, for just a moment, to the kind of court we have provided, before which these people are to have their hearings. The Government, in the first place, asks the settler to go out and get a home. It says to him, in the calm, beneficent terms of the law, "If you will go out upon that piece of raw and stubborn land and reclaim it, the Government will give it to you." The citizen proceeds upon the assumption that he will be regarded as a law-abiding citizen; but the very same department that sends him out to get the land sends along a number of special agents to warily watch not for wrongdoing, of which no one could complain, but to take advantage of every mistake, of every misstep, of every default, innocent though it may be—of every technicality which a devilish and hungry ingenuity can suggest to entrap the settler. When the contest is finally made, the homesteader must go up against a proposition of contending for his rights in the tribunal which has sent out the man to catch him. He must meet the facts which have been gathered by the agent of the court which hears him. He has no impartial tribunal to hear his cause; he litigates the efforts of five years, and litigates the title to his home before a tribunal which has prejudged by sending a man out to gather facts against him. I am not going to assail the individuals who must under this system make the decision, but the system is wrong; it is indefensible.

Mr. President, it is only our bigotry which prevents us from seeing the inconsistency of professing one thing and doing another when we place the homesteader up against such a tribunal to litigate his rights. This is the kind of a court, Mr. President, which has been furnished to that sturdy class of citizens who have been striving, and are still striving, to reclaim that great northwestern empire which lies yonder between the Rocky Mountains and the Pacific Ocean. It certainly devolves upon us to provide a proper remedy and then to take up the proposition of the administration of the law. This land which they are now seeking to reclaim is land which is left after there has been a selection of years and years; it is the most difficult to reclaim; it requires the most energy and labor; it requires an expenditure of energy and effort far beyond what is generally supposed; it requires courage, continuity of purpose, and devotion to the aim of securing a home, characteristics and virtues alone of good citizens.

The time was not very long ago when the very lands which these sturdy men are now seeking to reclaim—and no braver, more patriotic, home-loving people ever lived than the western pioneers—not very long ago these lands were marked and bounded upon the map of the United States as the Great American Desert. In order that a man may get a home he must push out along the desert line, drive it back, and conquer and reclaim this soil which has been rejected by men for an hundred years as inaccessible. Is it not the duty, therefore, of the Government of the United States to call off its hounds, to call down its special agents, to proceed upon the assumption that these men are law-abiding citizens, willing to abide by the law, seeking to

acquire their homes, and wait until such time as the facts shall prove, against that strong presumption, that they are criminals? Is it not time that the Government should take the homesteader into its confidence and invite him back from the Dominion of Canada to help build up this great northwestern empire that is waiting for his energy and his courage?

What are we to gain by holding 160 acres of land in the Northwest while we drive hundreds and hundreds of our best citizens to find similar land in the Canadian possessions? What are we to gain as a Government and a people by ostracising from our flag the best class of citizens that we have?

It is the result of a policy inaugurated years ago not to repeal the law, but by the administration of it to bring us back again to the old policy of a revenue from our public domain and our natural resources. But those who are in favor of conservation may write into their creed now that there will be no law of this kind fastened upon the great Northwest. We will pay no license; we will pay for no privilege; we will bear no part of the expense of reclaiming those lands other than that which is actually necessary to try to reclaim them. The West will stand upon an equal footing with the East, free of rentals, free of espionage, free of the burdens of governmental landlordism. These natural resources do not belong to the people of the United States indiscriminately; they belong to the citizens of the United States who come within the boundary of the State where they are located to cultivate them, to utilize them, and to make them of profit to mankind. They are held in trust for the individual bona fide settler. This Government holds not its lands as the monarch, to replenish the coffers of the monarch, but holds them for those whose industry and energy are to utilize and use them for the benefit of all—and particularly it holds them for the very poor, whose yearning for a home leads them to the public domain to satisfy as strong and as noble a passion as lives in the hearts of men.

Mr. President, I wish to incorporate, following my speech, some quotations, editorials, and addresses upon this particular subject.

The PRESIDENT pro tempore. Without objection, leave to do so will be granted. The Chair hears none.

The matter referred to is as follows:

SPEECH OF WILLIAM E. BORAH, BROOKLYN, N. Y., JANUARY 4, 1911.

"MR. PRESIDENT: I am aware of the conditions under which a western man addresses an eastern audience on the subject of conservation. It is assumed upon the part of the audience to begin with that we are not in favor of conservation. The West has been slandered and maligned by the uninformed and the malicious until we appear before you as despoilers and marauders of the public domain. Ordinarily it would be presumed that men who go into the wilderness submit to all kinds of hardships and adversities in building up homes and making settlements would be the best kind of citizens and of the best strain of citizenship.

"The criminal does not seek the desert and tie himself to a barren tract of land for five years—the criminal hunts for New York and Brooklyn, where the job is easy and where, if successful, he can become a great political power. From the beginning of time the best and truest and most sturdy and most patriotic have been upon the line of the frontier and among the home builders of the desert and in the forest. The sturdiest, most home-loving people in the country to-day are found in the great Northwestern States. This is true notwithstanding the cheap and venal literature with which the public mind has been saturated for the last 10 years.

"We have among us in the West those who do not believe in conservation. But the vast majority of our people accept in full faith all the underlying principles of the great movement. We are neither uninformed nor disinterested. We know the value of these vast resources of wealth and we recognize fully our obligations both to the present and to the future. The West, in my opinion, will gladly favor any policy which will prevent waste of these resources, their extravagant exploitation, or which will prevent their being gathered into the hands of a few monopolists. We earnestly hope for some practical plan, some reasonable and practical law which will protect these resources, their use, and enjoyment of the same.

"We know quite well that if they pass into the hands of a few or are exploited by a few that the people generally will receive no benefit. On the other hand, if such development and use are allowed as will extend the benefits as far as practicable to all people, it will make us an unusually strong, prosperous people, for nowhere else in all the world are such incalculable riches as are still imprisoned in that great northwestern empire. We greet you, therefore, and ask you to accept us in good faith, to put aside the cheap rodomentade, and take these western people for what they are—the sincere believers in practical and sane conservation. We stand for the crusade against waste, extravagance, and monopoly.

"THE MONOPOLY OF NONUSE.

"But, my friends, the time for discussion of abstract propositions is at an end. While we engage in this remarkable exhibition of dialectics, waste and monopoly go on with rapid pace. The present system, for want of practical application of sane principles, is one of waste and one entirely to the benefit of monopolists. Mind you, I do not say this is intentionally so. I do not at all question the motives of those with whom we differ. We believe our differences are largely those of detail of the application of principles. But I do say, without fear of successful contradiction, that there should be many changes in the present policy in order to prevent waste and extravagance, in order to serve the small man and not favor the monopolist. We had a conservation congress at St. Paul. It was a great political convention. So far as any advance being made toward a practical solution of the great questions of conservation, the convention was a cruel and brutal farce. I say cruel and brutal advisedly, for while men were watching and spying upon one another for political advantage, while suspicion and misrepresentation went on and academic discussion proceeded, millions of dollars' worth of timber were being destroyed, homes and homesteaders burned, and not an intelligent nor an earnest suggestion concerning the matter or as to how to provide against a future recurrence of this catastrophe. But of this later.

"WANTS HOMESTEADS IN RESERVES.

"Mr. Chairman, we want a policy of conservation which will indeed conserve the whole people. There are at least 3,000,000 acres of lands in the forest reserves in my State which are as good agricultural lands as are now untaken. Why not throw open these lands to entry by the homesteader? There is no timber upon most of these lands and no merchantable timber of any moment upon any of them. These lands can serve no good purpose in the reserves and it is waste to withhold them from production. Not only this, but they are a menace to the reserves, as they make the reserves more expensive and more difficult to take care of and protect from fires. What is true of Idaho is true in other States to an even larger degree. From the most careful investigations which I have been able to make I believe there are 20,000,000 acres of good agricultural lands in our forest reserves not covered by merchantable timber and never will be. It seems to me shortsighted, if not worse, to withhold from the homesteader and the bona fide home builder these agricultural lands. The real timber lands should be held in the reserves and there may be here and there a piece of land not now in the reserves which should be because such lands are timber lands. But the agricultural lands ought to be open to entry and it is a menace to the reserves to keep them as they are.

"When they say to you that under the law a man may take agricultural lands in the reserves, I say yes, under the law he may. But under the rules and regulations of the department he can not as a practical proposition. If I say to you that you may go upon that piece of land of mine and if you reduce one-half of it to cultivation in three years and the balance in five I will give you a deed to it, you will likely go, if you want land. But if I say to you that if you go upon that land and work upon it for two years and if I like your work I will give it to you, you will not go unless you are blessed with far more credulity as to human nature than most people are. Especially you will not go if you know I am not going to give it to you if I can avoid it when the question of avoidance rests solely within my own discretion. That is the effect of these rules and regulations. I can point you to many pieces of land in the forest reserves where homesteaders have been denied filings and even in some instances driven off by almost cruel methods where they had been making a good living and had the beginning of a good ranch—plenty of such instances. For all practical purposes the law permitting filings in the forest reserves is a dead letter and the settler has practically ceased to contend with the situation.

"This is proven in many ways, but particularly by the fact that when a piece of land is thrown open to entry, taken out of the reserves, it is homesteaded within a brief time, while it had been permitted to rest within the reserves without an attempt to homestead it. I want to be fair, and therefore I must say that of late some of these lands are being eliminated. Perhaps we ought to be content with the fact that they are moving in that direction. I wish they would not move so slowly, but I am so thankful they are moving at all that my heart is full to overflowing with unspeakable gratitude. We think if men ever ought to hasten while in the service of the Government—which I grant you is an unholy suggestion—it is when an opportunity is being given to make homes.

"I want to say further that I have great respect for Chief Forester Graves. I can not always agree with his policies, but

I do not at all desire anything I say to be laid as an impeachment of his motives. I suppose he has to overcome that hereditary prejudice of you good eastern people—that only the bad, the dishonest, emigrated to the West, and that those of us who do not need a jail sentence need a guardian. We feel entirely different toward you. We know you are not only splendidly equipped to govern your own affairs, as is evidenced by your insurance and legislative scandals, but that you are splendidly equipped and have plenty of time to look after our local affairs and shape and direct our local institutions. Yes, we feel that way.

"For instance, I will give you an illustration of how well fitted you are to run your own affairs even in conservation matters, and of how thoroughly you have attended to your matters before you undertook to look after ours: Farms in some of the best parts of New York State which sold for $150 an acre 50 years ago are now selling for $30 and $40 an acre. In 1882 New York had a wheat area of 772,400 acres; in 1907 you had 416,000 acres. There are 20,000 soil-exhausted farms in your State for sale to-day. In 1895 your average wheat yield per acre was 21.2 bushels; in 1907 it was 17.3. In an article published by a distinguished educator of one of your leading educational institutions, he said: 'I have been astonished at the evidence of general decline in the farming industry in this State.'

"NEED FOR EASTERN CONSERVATION.

"My friends, here is a great field for practical conservation. I know it is much more delightful to conserve the West, to make hunting parks and dedicate vast territories to the owls and bats, to instruct us how to take care of our natural resources, to display your superior wisdom by an attack upon our improvidence and our western lawlessness, but it will be vastly better for you and for your children and your children's children, much more in harmony with good citizenship, if you will here and now set about to conserve your own natural resources. It may not be so exhilarating for convention purposes, but it will be far more beneficial to the country. And if you are not going to take care of these farms and restore the soil, then certainly you will agree with me that if the human family is to be fed we must have more farms in the West. If you shut up the agricultural lands of the West and impoverish and abandon the agricultural lands of the East, you will have to struggle with the high cost of living long after the tariff has been revised.

"Our per capita consumption of wheat is estimated at 6½ bushels. Our average wheat yield is now about 650,000,000 bushels. When we reach a population in this country of 150,000,000 or 200,000,000 where will we get the bread to feed our people? We can not get it from new lands very much longer. Let us adopt a sane and sensible policy, reduce every foot of our agricultural lands to cultivation, and then set about in a determined way and with a determined purpose to restore the soils now impoverished and reclaim farms now abandoned. Conservation does not consist in locking up lands, but it consists in reducing our lands to production and in keeping up and replenishing the soil capacity of all lands. And you, my dear friends, will disclose manifest wisdom by devoting your attention to local conservation matters and trusting something to the intelligence and honesty of the western citizen to look after his matters. The conservation policy which teaches the farmer the science of farming, how to vary his crops, protect them from insects and his stock from disease, how to make 35 bushels of wheat grow where only 2 grew before, which reforests timber lands which will produce timber and nothing but timber, is the true conservation policy. Let us give more aid to the farmers, more attention to this great industry and less to battleships. Let us make just as many farms as we can and just as prosperous farmers as we can. Our average wheat yield is 14 bushels per acre; that of Great Britain 32; Germany 27.5, where they have been tilling their soil for a thousand years. That ought to shame us into activity.

"NOT 'RESERVES' AT ALL.

"I am not going into a detailed discussion of the forest reserves. Everyone agrees, I presume, that the utmost effort should be put forth to protect and preserve our forests. The only question is, What is the best course to be pursued? Our forest reserves at the present time are not reserves at all. They are great areas of country in which are found, in addition to the timber underbrush, ripened and fallen and rotten timber. Some plan must be devised to make them reserves—that is, to care for them upon the principle of reserves. The rules and regulations with reference to the utilization of ripened and fallen timber should be liberalized. At the present time it is almost impossible to get out of the reserves that which ought to be out. Instead of having strict rules and regulations and high prices for timber which ought to be taken out, it would be far better to distribute the timber to the people who would take it out free of charge or at such a price, at least, as would invite their assistance to clear the reserves of that which makes them practically a powder magazine now whenever the match is touched.

"This winter a year ago we had in my city a coal famine. People could not get coal at all, and, at best, at a most exorbitant price. Millions of feet of timber that ought by all means to have been taken out of the reserve was close at hand, but could not be put to a practical use owing to the senseless rules and regulations with reference to cutting and selling the same. It would have been far better for the Government to have cut the timber and delivered it than to have left it there, and infinitely better to have invited the people to take out such timber as ought to have been taken out free of charge.

"But this was not done, and the monopolists in control of coal mines were favored by exorbitant prices, the people deprived of the use of waste timber, and when the forest fires came we paid the penalty for such action. There is no use to build roads and establish telephone lines and lookouts through a powder mine, which our forest reserves were this year when the match touched them. It is quite an instructive sight to see a few people stationed around to put out a fire under such conditions; almost as interesting as it would be to see a man trying to smother a dynamite explosion after the fuse had been touched.

"There is being grafted onto the conservation question the idea of making the natural resources of the West a source of revenue for the National Treasury. The idea of securing from our lands, timber, and minerals an amount over and above that which would be sufficient to pay the actual expense of administering them is new to this generation. If you put a license upon our power plants, a rental upon our coal lands, if you dispose of the timber at the highest price attainable, all these burdens will have to be borne by the common people of that country, those who are ultimate consumers. The amount of the license or rental will be included in the price for which the power or the coal or the timber is furnished to the user, and it will constitute a heavy tax upon the West, a tax which you do not pay, a tax which would be sectional, and of course such a tax would not be borne if it could be avoided.

"Not only that, but such a plan would be of manifest advantage to the monopolist or to those who are now in ownership of power plants and coal mines.

"If the owner of a power plant is competing with an adversary who pays a license to the Government which the individual owner does not pay, he has very much the advantage in the business world. What greater protection could the coal companies and the power companies have than to have an extra burden of tax put upon their adversaries? The large coal companies now owning their own mines would not have to pay any rental, the man having his lease from the Government would. The only price which should ever be fixed in any lease should be such as would supply sufficient funds to pay the actual expense incurred by the Government in attending to or administering the law relative to such matters, which amount would be comparatively small.

"OPPOSES TAX BURDEN ON WEST.

"Of course you will not understand me that I am favoring the license system. But under no circumstances would I want to see a lease or system adopted based upon a revenue-producing proposition. It would simply be another form of taxing the West, another way of putting an extra burden upon the western people. If the good people of the East want to arouse sectional feeling, they can very easily do so in this way. Uniform taxation is as important as the principle of representation in taxation. Whatever revenue is produced in excess of the actual expense should in all instances go to the State wherein the natural resources are located which are being taxed. We have our communities to build up, our courthouses, our public institutions, and our educational institutions to look after. The State is entitled to an income received from the natural resources which nature's God has placed within its limits."

LAND LAW WORSE THAN DROUGHT—UNITED STATES COMMISSIONER ASKS RELIEF FOR HOMESTEADERS—WESTERN KANSAS HOMESTEADERS SHOULD TAKE IMMEDIATE STEPS.

Something of vital importance applying to the western Kansas homesteader, as well as other Western homesteaders, is taking on life. It is an endeavor to bring about relief for the homesteaders and to revise the land laws. A. S. Bushkevitz, of Roy, N. Mex., a United States commissioner, in an article appearing in the Kansas City Star brings out some very thoughtful and forcible statements which we herewith publish, and the Republican-News urges that after every homesteader reads them he will write his United States Senator and Congressman to push such a measure, and push it fast:

"Last August Congress passed a law granting a leave of absence to settlers in certain States and Territories until next April, because of the drought. But there are thousands and thousands of settlers on the public domain who are suffering from antiquated land laws all the time, while drought conditions sometimes at least are lifted.

"I can not understand the persistency with which Congress refused to relieve the man who is in good faith trying to make a home on the public domain. We are quick to act in certain emergencies and under certain conditions, but the lone homestead settler who goes on the public domain, impoverished generally when he starts, receives little consideration, even after 10 years of petitioning to our Congress to enable him to acquire a home under conditions which leave him in a position to take care of his family after he has acquired his home.

"His family is deprived of schooling, church, and society. He can not leave his claim without first obtaining a leave of absence. To obtain it he must pay out money and go through a lot of red tape. Then he must make up for the lost time granted under such leave of absence. Should he depart without the leave of absence a special agent is after him, causing him untold worry and loss of money. His land is mortgaged the day after he acquires title in order to take care of the expenses which have been incurred in the long years which he has been upon the land. Uncle Sam is persistently pursuing a course year after year of impoverishing the men who as home builders are trying to build up and reclaim these unsettled regions for some money shark or speculator to enjoy that which has cost the original settler untold hardships, grief, and tears.

"Judging from the remarks and interest taken by some of the Senators and the number of Senators concurring in the idea, a very general and drastic revision of the land law is certain in the not very distant future; in fact, the present Congress will very likely take it up if the people will urge and call upon them to pass a new homestead law.

"If Congress would modify the homestead laws and make it easier for the homesteader, there would be no need for special agents. The settler would be permitted to profit and enjoy liberties of a free home in a free country. The farm would be better improved, as the settler would be encouraged under easier conditions. He would be more certain that the land he has filed on would some day be his own.

"I have made a careful study of the conditions of the homestead settler, being a surveyor and United States commissioner for the last 15 years. I believe the laws should be modified as follows:

"The homesteader shall reside on his homestead for a period of three years, with a six months' leave of absence from October 1 to April 1. During the three years the homesteader shall fence the claim with not less than three wires and with fence posts not less than 20 feet apart. He shall build at least a two-room house not less than 12 feet wide and 24 feet long, constructed of lumber, brick, cement, stone, or adobe. He shall obtain water on the claim by any means. He shall plow, seed, cultivate, and harvest not less than 80 acres of the claim. If the above is complied with, the settler shall be entitled to a patent in not less than one year or not more than three years of actual residence thereon from date of entry.

"Thus the settler who has the means to comply with the requirements can do so in one year, while the person of very little means has the opportunity to earn his money with which to make the required improvements.

"The improvement of the claims would greatly enhance the value of all of the land. In the event of sale the land would have a ready market. The taxpayer's burden would be greatly lessened.

"The homesteaders would look more prosperous and would not be broken up, as they usually are under the present system. There would be no need for the large forces of special agents. This and the enormous court expense could be saved by the Government.

"If every settler would take this matter up by letter with his Congressman or Senator we would soon obtain the needed changes in our homestead laws."

[Western correspondence in the Outlook, Nov. 7, 1908.]

"CORNERING" THE PUBLIC LANDS.

Of late there is a good deal of discussion in the magazines anent forest reserves and the conservation of our natural resources. Along with this there seems to be a good deal of criticism of western people because they are not altogether enthusiastic over the present administration of the reserves at the hands of the Forest Service.

Certainly no people in the country have the right to claim such intelligent familiarity with the forest reserves and their administration as the people of this section; and surely, then, criticism at their hands merits some consideration, rather than recrimination, inasmuch as they are absolutely the only people in the country, among some 84,000,000 citizens, who have any actual contact or experiences with the Forest Service officials or employees.

It is true that there is a growing feeling out West that the Forest Service is rather transcending the original purpose of its creation—namely, to protect timbered areas from spoliation or fire and to administer them scientifically so as to insure permanent use and uniform, undiminished timber supply in the actual forested areas, as well as to nourish the regular flow of streams. This is the idea we had back in New York, I know, when we established the first American forest reserve. Such, I believe, has been the idea of Presidents who have proclaimed and fostered forest reserves—Cleveland, Harrison, McKinley, and Roosevelt. It is my impression that such has been the idea, too, of the people of the whole country at large in their general approval accorded to an institution deservedly growing in popularity.

But, speaking as "the man on the spot," it is my observation that these ranchmen, small cattlemen, and homesteaders out here in the Rocky Mountains, all of whom have more or less to do with forest reserves, are having some experiences with them not originally contemplated. In fact, there is a general disposition on the part of the western press, irrespective of political affiliation, to charge that the present forest-reserve policy is impeding settlement.

We must remember that in the East our States have never had to deal with an army of forest-reserve employees, ranging over millions of acres and executing rules and regulations wholly independent of State laws or judiciary. We must bear in mind that the combined area of the forest reserves in the West is now larger than the States of Maine, Vermont, New Hampshire, Rhode Island, Connecticut, Massachusetts, New Jersey, New York, Delaware, Maryland, Virginia, West Virginia, Pennsylvania, and with thousands of square miles left over. And all of this domain and the people who have relations with it, are absolutely under the control and caprice of employees far from the surveillance of a chief at Washington.

And it is now proposed to turn over 300,000,000 acres of the remaining public lands to the Forest Service and to give it the power to sell grazing privileges. It is proposed to tie up the public domain in blocks of 10,000 acres for periods up to 10 years. Two bills looking to this end have already been introduced into the Congress. Nobody seems to have thought about the settler. For the moment he is eliminated.

The big cattlemen, whose interests are being crowded by settlers, have raised a cry of "The range is being destroyed." Under the proposed ingenious scheme to discourage further encroachments by eastern settlers, it is now to be made a crime for any unlicensed person to allow his cattle to graze upon any public lands or to exceed the privileges of his "permit."

Within the memory of man the public domain or common has, both in England and in the older States of this country, been open to advantage the settler or frontiersman. In the days when the Nation was poor no one ever thought of wringing a tax from the pioneer. Why is it proposed to do so now, when the Nation is rich and prosperous, great and strong?

Outside of the large cattle operators, the forest-reserve employees, and the lumber interests, there is absolutely no demand for this legislation from the people, whose interests it is professed the Government wants to serve. There is not a newspaper of any standing west of the 100th meridian that can be led into any advocacy of this scheme.

Our people are far more interested in the concerns of the homesteader than they are in those of either cattlemen or sheepmen. There is a feeling that if at any time the range needs to be controlled to prevent overgrazing our State legislatures are amply able to deal with the question without there being imposed upon the people of the frontier States the burden of supporting a whole army of Federal officers.

Personally, after close study of conditions for two years, I see no evidences of the range being destroyed, except "destroyed" in a sense that it is being replaced by happy homes and cultivated fields. Is it not conceivable that if the forage upon the public domain were destroyed, the legislative machinery of these Western States would discover it and take steps to save the humble and inoffensive homesteader from bankruptcy and starvation?

In conclusion I ask space in which to condemn the ignorant and often malicious representation of writers "back home" who endeavor to convey the impression that the people of the Rocky Mountain States do not quite know how to look after their own interests as well as the Government can do it for them. The feeling that the West must be treated as a prodigal wasting its inheritance, despoiling its own posterity, grows somewhat wearisome. The sentiment does not originate among the people of the East. I am of the "East" myself, and I know that such writings do not represent intelligent sentiment there.

The people of the country at large may not be wholly well informed as to far-removed and very unfamiliar conditions, but they have the greatest national pride in all of the achievements of the West. The settlement and growth of the once maligned "Great American Desert" have been their patriotic boast abroad and their wonder at home.

[From the Helena (Mont.) Independent, Dec. 2, 1911.]

MOVEMENT TO AID WESTERN HOMESTEADERS.

Announcement is made that during the forthcoming session of Congress Senator BORAH, of Idaho, will introduce and endeavor to secure the passage of a bill permitting homesteaders to "prove up" after three years' actual residence instead of having to wait five years, as is now the case. That such a measure will secure the earnest support of all western men in Congress there is no doubt, and it is to be hoped that enough eastern Congressmen can be brought around to see the justice of such an act to insure its passage at the forthcoming session.

Everyone recalls the Irishman's definition of the homesteader law: "The Government bets you 160 acres of land against $14 that you can't live on the land five years without starving to death." Of course, that is overdrawn; and settlement of the West is ample proof that the vast majority of homesteaders have made good—have won their wager from the Government, as Pat would say. But of late the attitude of the Government toward settlers has not been friendly. The discovery of a few attempts at land-grabbing have caused department officials to look upon every man who files upon a homestead with suspicion. He is hounded by "special agents," and apparently every obstacle is thrown in the way of the man who is trying to make a home for himself and family where before there was no home.

The man who undertakes to make a farm out of 160 acres of raw land is the kind of a citizen the Government should encourage. The small landowner in the days to come will be the salvation of popular government—alike a protection against the possibilities of developing here a peasant class and a conservative and constructive influence against the time when industrial clash may seem inevitable.

In its present form the five-year homestead law works an unnecessary hardship upon the man whose success means much to the general prosperity. The ordinary homesteader is not a man well supplied with ready cash; such a man buys a farm rather than makes one. The ordinary homesteader has little but his labor to support himself and his family during the years he is proving up. Thus for five years it is practically impossible for him to raise sufficient money to properly improve his place.

The amending of the homestead law so as to permit final proof to be made after three years' actual residence will cancel two years of unnecessary hardship for the home builder; it will hasten by two years the development of the unproductive lands of the West; it will make land more quickly available for general taxation; and it will not increase the number of illegal land-grabbers.

The man who takes up a homestead, lives and works it for three years, isn't the kind of a man a wise government will be suspicious of.

[From the Post-Journal.]

HOMESTEADS.

It is to be hoped that between the two stools of Secretary Fisher on the one hand and Senator BORAH on the other the title-seeking homesteader will not fall to the ground.

His two friends seem to agree in this, at least, that to require five years of actual residence, and that term to date from the homesteader's original application, is oppressive. They agree also in demanding proof of the bona fides of the settler in seeking a home, not the acquirement of cheaply earned property for resale at the earliest moment.

They differ in that Secretary Fisher adheres to the five-year term of residence, but is willing to allow occasional absences during the first two years for money-earning purposes. Senator BORAH desires to shorten the five years to three. But he defines the proof of the settler's good faith as going on to the land and remaining there for three years cultivating and improving that land.

How can a homesteader be expected to go on his claim and remain there "cultivating and improving" it from the first day to the last of the term, be it either five years or three? All agree that the homesteader is almost invariably a poor man, and that absolute privations for himself and his family are certain unless he can leave the claim temporarily to earn money for his necessities.

The sensible thing to do would be to admit as legal what everyone knows is necessary. Give the man permission to absent himself for, say, four or five months in the year. But, as Senator BORAH says, insist on proof of cultivation, not on continuous residence.

[An act to consolidate and amend the acts respecting the public lands of the Dominion. Assented to July 20, 1908. Amended Apr. 7, 1909.]

DISPOSAL OF LANDS.

HOMESTEAD ENTRY.

8. All unoccupied surveyed agricultural lands to which this act applies that are not reserved or that have not been disposed of shall be open to entry for homestead: *Provided*, That no entry for a homestead shall convey any right to salt, coal, petroleum, natural gas, gold, silver, copper, iron, or other minerals within or under the land covered by the entry, or any exclusive or other property or interest in, or any exclusive right or privilege with respect to any lake, river, spring, stream, or other body of water within or bordering on or passing through the land covered by the entry.

9. Every person who is the sole head of a family, or, being a male, has attained the age of 18 years, and who is a British subject or declares intention to become a British subject, and who makes application in the manner hereinafter provided, shall be entitled to obtain entry for a homestead for an area of available agricultural land not exceeding one quarter section: *Provided*, That where the area of the homestead quarter section is from any cause considerably less than the theoretical area of 160 acres, the minister may permit the homesteader to have added to his homestead, from adjoining land, a sufficient area to make up, but not to exceed, 160 acres.

Second. In the case of any woman who, claiming to be the sole head of a family, makes application for entry for a homestead, if any doubt arises as to her status as the sole head of a family, the minister may decide whether her application shall be granted or refused.

Third. The agent may, on application in the form G, reserve for one year any area of agricultural land, not exceeding one quarter section, for any male of the full age of 17 years who lives on a homestead for which entry is held by, or on land of an area of not less than 80 acres which is owned and occupied as a farm by, his father, mother, brother, or sister, and is situated within a distance of not more than 9 miles in a direct line, exclusive of the width of road allowances crossed in the measurement, from the land applied for; the said application shall be supported by an affidavit of the relative on whose land the applicant has his permanent residence, in the form H, and in the event of the application being allowed a certificate of reservation shall be issued in favor of the applicant by the agent or subagent, as the case may be, in the form I: *Provided*, That—

(*a*) The person for whom such a reservation is made shall within one month after his attaining the age of 18 years make personal application for entry for such land as a homestead;

(*b*) If the period of reservation includes the months of June and July the applicant shall break 5 acres of the land during those months, and if he fails to comply with this requirement the reservation may be withdrawn;

(*c*) In the event of failure to apply for entry within the time specified in this section the reservation shall cease and determine, and the land shall be open for entry to any person eligible to obtain entry for a homestead.

10. A person who has bona fide settled and made improvements on agricultural land before the survey thereof and is in occupation of and ordinarily resident on the land at the time of survey shall, if he is eligible under this act to make entry for a homestead or a purchased homestead, have a prior right to obtain entry for the land so settled on: *Provided*, That this right is exercised within 6 months after notice in writing that the land is open for entry has been given by the local agent to the said person, or has been posted in a conspicuous place on the land; and that entry shall not be allowed for more than a quarter section as a homestead.

Second. The occupation of land after the survey thereof, without entry as provided by this act, gives to the occupant no right thereto, and the occupant may be ejected as a trespasser and his improvements forfeited to the Crown.

11. Application for entry for a homestead shall be made in the form A, at the land office of the district in which the land is situate, between the hours of 9 in the forenoon and 5 in the afternoon, on every day excepting Sundays and statutory holidays, or between such hours as are from time to time fixed by the governor in council, and shall be supported by affidavit in such one of the forms B or C as the circumstances of the case require; and a fee of $10 shall be payable with the application, and the local agent or officer acting for him shall deal with the application in the order of its receipt.

Second. When application is so made for land then open to homestead entry, the local agent or officer acting for him shall accept it upon payment of the said fee and shall give the receipt hereinafter provided for; and the acceptance by the local agent or the officer acting for him of the said application and of the fee shall constitute entry, and the receipt given to the applicant in the form D shall be a certificate of entry and shall entitle the recipient to take, occupy, use, and cultivate the land entered for, and to hold possession thereof to the exclusion of any other person and to bring and maintain actions for trespass committed on the said land; and the land shall not be liable to be taken in execution before the issue of letters patent therefor: *Provided*, That occupancy, use, and possession of land entered for as a homestead shall be subject to the provisions of this act or of any other act affecting it or of any regulations made thereunder.

Third. Application may also be made in the same form to a subagent in a district in which the land is situate, who shall give an interim receipt in the form F, and shall forthwith forward the application and the fee to the local agent; but this application shall have no force or effect until it is accepted by the local agent or the officer acting for him, who shall deal with it in the order of its receipt and as if it were made direct, and his acceptance thereof shall, as aforesaid, constitute entry, and his receipt in the form E shall be, as aforesaid, the certificate of entry and shall convey the same rights as if the application were made direct: *Provided*, That, at the request and expense of the applicant, the subagent shall, by telegraph, advise the local agent or the officer acting for him of the receipt of his application; and on receiving the advice the local agent or the officer acting for him shall, if the applicant has provided for its being done at his expense, acknowledge the advice by telegraph, and shall hold for the applicant the land applied for during a period of time sufficient to admit of the receiving of the application; and the application, if received within that period, shall be regarded as received at the time of the receipt of the advice by the local agent: *Provided further*, That if a subagent has received an application for homestead entry for a quarter section he shall not accept another application for the same quarter section from any other person until the first application has been dealt with by the agent.

Fourth. Every application for entry shall be made by the applicant in person, unless otherwise provided by regulations made by the governor in council.

Fifth. A person making entry for a homestead, a preemption, or a purchased homestead shall declare what improvements, if any, there are upon the land for which he applies; and should he fail to make such declaration his entry shall be liable to cancellation, in the discretion of the minister.

Sixth. An entry for a homestead, a preemption, or a purchased homestead shall be for the sole use and benefit of the entrant, and neither directly nor indirectly for the use or benefit of any other person or persons whomsoever, and the violation of this provision shall render the entry liable to cancellation, in the discretion of the minister.

Seventh. The local agent or the officer acting for him shall furnish, over his signature, to any person who applies therefor and pays him a fee of 25 cents, an abstract from his records showing whether the quarter section mentioned or referred to in an application is available for entry or not; if the land applied for is not available, the name of the entrant and the date on which he obtained entry shall be shown on the abstract, as well as, where the records show any transactions calling therefor, the date on which cancellation notice to the entrant in default is returnable, or the date on which the period of protection will expire, as the case may be.

Eighth. Except as otherwise provided in this act, every person who has received or receives or has become or becomes entitled to letters patent for a homestead by the performance of homestead duties, with or without payment of purchase money or by the location of scrip thereon, shall be deemed to have exhausted his homestead right and shall not be entitled to obtain another entry for a free homestead: *Provided, however*, That any person who, on the 2d day of June, in the year 1889, had obtained or had become entitled to letters patent for a homestead shall be permitted to make a second entry for a homestead.

12. The minister shall settle in such manner as he deems best all disputes which arise between persons claiming the right to entry for a homestead for the same land.

Second. When valuable improvements have been made on such land by any of the parties to the dispute, the minister, if he decides that the land may be entered for as a homestead, may order such a division thereof as shall, so far as practicable, preserve his improvements to each of the parties to the dispute; and the minister may, in his discretion, direct that the difference between the extent of the land so allotted to each of them and a quarter section shall be made up from available land.

13. Every entrant for a homestead shall be allowed six months from its date within which to perfect the entry by taking, in his own person, possession of the land and beginning residence thereon; and if the entry is not so perfected within that period, it shall be liable to cancellation: *Provided*, That on satisfactory cause being shown for an entrant failing to perfect his entry within 6 months from the date thereof the minister may order that the entry shall be protected from cancellation for a further period of 6 months, but no entry which is not perfected within 12 months from the date thereof shall be protected from cancellation for any further period.

Second. The minister may, if he deems it necessary, require the holder of a homestead entry to furnish proof, by declaration or otherwise, that he is duly performing his homestead duties in each year subsequent to the date of his entry.

Third. A homesteader may, by permission of the minister, abandon his entry and obtain authority to make another entry upon executing the prescribed declaration. If no cancellation proceedings are pending, the homesteader may abandon his homestead in favor of a father, mother, son, daughter, brother, or sister, if eligible, subject to the minister's approval.

14. Scrip may be located on land only at the land agency for the district within which the land to be located is situated, and no application for location of scrip shall be accepted by a subagent.

CANCELLATION OF ENTRY.

15. If an entry for a homestead is granted through error, misrepresentation, or fraud the minister may cancel the entry.

Second. If an entrant for a homestead fails in any year to fulfill the requirements of this act in respect to homesteads, or the requirements of the laws in force in respect thereto when the entry was obtained, the minister may cancel the entry and all rights of the entrant in virtue thereof shall thereupon cease and determine: *Provided*, That any subsequent entrant for the same land may be required by the minister to pay in cash reasonable compensation for the improvements, if any, of the person whose entry is canceled; and that the minister may, in his discretion, pay to the latter the amount of such compensation in whole or in part.

Third. If the minister is satisfied that an entry for a homestead has been obtained through personation, he shall cancel the entry and the person so obtaining entry shall not be eligible to obtain another entry, unless the minister declares otherwise.

Fourth. If entry is obtained for land which, though not reserved at the time, is ascertained to be valuable on account of merchantable timber upon it, the minister may, within six months of its date, cancel the entry.

Fifth. In the case of an entry canceled under subsection 4 of this section no compensation shall be made to the entrant for the value to the said person of the timber on the homestead.

Sixth. If, after entry is obtained, it is ascertained that the land entered for, or any portion thereof, is necessary for the protection of any water supply or for the location or construction of any works necessary to the development of any water power, or for the purposes of any harbor or landing, the minister may at any time before the issue of letters patent cancel the entry or withdraw from its application any portion of the land entered for, but where the land is required for the location or construction of works necessary to the development of any water power only in so far as the land is necessary for that purpose.

Seventh. No entry shall be canceled under subsection 6 of this section until the entrant has been compensated for any improvements made by him upon the land.

Eighth. In the event of the failure of the entrant to agree to accept the amount allowed by the minister as compensation under subsection 7 of this section, the amount shall be fixed by arbitration.

Ninth. Everyone is guilty of an indictable offense and liable to two years' imprisonment who buys, trades, or sells, or professes to buy, trade, or sell land, or any interest in or control of land, open to homestead entry, or for which homestead entry has been granted, before patent therefor has been issued.

HOMESTEAD LETTERS PATENT.

16. Every entrant for a homestead shall, except as hereinafter otherwise provided, be required, before the issue of letters patent therefor,

(a) to have held the homestead for his own exclusive use and benefit for three years from the date of entry, (b) to have resided thereon at least six months in each of three years from the date of entry or the date of commencement of residence, (c) to have erected a habitable house thereon, (d) to have cultivated such an area of land in each year upon the homestead as is satisfactory to the minister, and (e) to be a British subject.

17. The period fixed by this act for the performance of the requirements prescribed for obtaining letters patent for a homestead shall, in the case of an entrant for a homestead on lands occupied by him before survey thereof, be reckoned from the date upon which he entered into occupation of the land.

18. Permanent residence by an entrant upon a farm of an area of at least 80 acres, situate within a distance of 9 miles from his homestead in a direct line, exclusive of the width of road allowances crossed in the measurement, and owned solely and occupied by him, or permanent residence on a farm of that area and so situate, owned solely and occupied by his father, mother, son, daughter, brother, or sister, and, in the event of the death of such owner or occupant, continued permanent residence on such farm shall be accepted as residence upon the homestead.

19. In the event of the death of an entrant for a homestead before the completion of the requirements for the obtaining of letters patent therefor his legal representative shall only be required to fulfill the conditions set forth in section 16 of this act as to the erection of a habitable house and as to cultivation in order to entitle him to obtain letters patent after the expiration of three years from the date of the entry for the homestead; or the legal representative may assign the homestead to a person eligible to obtain a homestead entry; and the assignee shall, after (a) the expiration of three years from the date of entry for the homestead, (b) holding the homestead for his own exclusive use and benefit from the date of the assignment, and (c) completing the residence and cultivation requirements, as set forth in section 16 of this act, in the same manner as the person who made the entry would have been required to complete them thereunder, be entitled to letters patent for the homestead.

20. In the event of any person who obtained entry for a homestead becoming insane or mentally incapable, and, by reason of such insanity or mental incapacity, unable to complete the requirements necessary for the obtaining of letters patent therefor, the guardian or committee of the said person, or any person who, in the event of his death, would be entitled as his legal representative to do so, shall only be required to fulfill the conditions set forth in section 16 of this act as to the erection of a habitable house and as to cultivation before the issue of letters patent: *Provided*, That the letters patent shall not issue until the expiration of three years from the date of entry.

Second. If it is shown to the satisfaction of the governor in council that an entrant has become, through physical disability, unable to comply with the residence requirements under this act, such residence requirements may be dispensed with by order of the governor in council.

21. After entry for a homestead has been perfected by the entrant taking in his own person possession of the land and beginning residence thereon the minister may, in case of calamity or of illness, vouched for by satisfactory evidence, or in the case of immigrant settlers returning to their native land to bring their families to their homesteads, or in other special cases, grant an extension of time during which the settler may be absent from his homestead without prejudice to his right therein; but the time so granted shall not be counted as residence.

22. Notwithstanding anything in this act, the time during which an entrant is absent from his homestead while he is a member of a military force enrolled under the authority of the minister of militia and engaged as a member of that force in the suppression of an outbreak or insurrection in any part of the British Empire, or in the defense of the British Empire against a foreign power, or is a member of a company or contingent of Canadian volunteers enrolled under the authority of the minister of militia for active service, and also a period, not exceeding three months, after his discharge as a member of the said force, company, or contingent, to permit him to resume his residence upon his homestead, may be counted as residence upon his homestead within the meaning of this act.

23. If it is established to the satisfaction of the minister that an entrant while on active service as a member of any such force, company, or contingent is so disabled by wounds received in battle, or because of illness resulting therefrom, or from any other cause, after his enrollment as a member of such force, company, or contingent and up to the date of his discharge therefrom, that it is not possible for him, because of such wounds or illness or other cause, to resume occupation of his homestead and complete the conditions of his entry therefor, the minister may forthwith issue letters patent for the homestead in his favor.

24. Notwithstanding anything in this act, any persons who previously thereto were allowed, under the provisions of section 121 of chapter 55 of the Revised Statutes, 1906, and section 3 of chapter 31 of the statutes of 1898, entries for homesteads acquirable while living in hamlets or while engaged in cooperative farming, or who, under the provisions of paragraph (b) of section 133 of chapter 55 of the Revised Statutes, 1906, were allowed entries, subject to the substitution of cattle raising for cultivation, shall, on satisfactory proof of the fulfillment of the conditions imposed under the said provisions, be entitled to letters patent for their homesteads.

25. The entrant for a homestead, or, in the event of his death, his legal representative or his assignee, or, in the event of his becoming insane or mentally incapable, his guardian or committee or any person who, in the event of his death, would be his legal representative, may, after the expiration of the period fixed by this act for the completion of the requirements for obtaining letters patent for a homestead, make application therefor; and upon proving to the satisfaction of the local agent, or the officer acting for him, that the said requirements have been fulfilled, if the proof is accepted by the commissioner of Dominion lands, the entrant, or, in the event of his death, his legal representative or his assignee, shall be entitled to letters patent.

Second. Proof under this section shall be in the form of a sworn statement by the applicant, corroborated by the sworn statements of two disinterested parties resident in the vicinity, which statements shall be made before the local agent, or the officer acting for him, or such other person as is thereunto authorized by the minister: *Provided*, That on any application for letters patent by the legal representative of the entrant, or by his assignee, or by the guardian or committee of an entrant who has become insane or mentally incapable, or by a person who in the event of such an insane entrant's death would be his legal representative, the minister may receive proof of the facts in such manner as he sees fit to require, and upon being satisfied that the claim has been proved, may allow the claim and cause letters patent to issue accordingly.

Third. Letters patent for a homestead shall not issue to any person who is not a subject of His Majesty by birth or naturalisation: *Provided*, That on completion of the requirements for the obtaining of letters patent for a homestead in accordance with the provisions of this act, letters patent may issue to an alien entrant who has become insane or mentally incapable, or to an alien legal representative of an entrant who has died.

26. Failure on the part of an entrant for a homestead to apply for letters patent therefor within a period of five years from the date of entry shall render his right to his homestead liable to forfeiture on the order of the minister.

ECONOMY AND EFFICIENCY IN THE GOVERNMENT SERVICE.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, ordered to lie on the table, and be printed (H. Doc. No. 458):

To the Senate and House of Representatives:

I submit for the information of the Congress this report of progress made in the inquiry into the efficiency and economy of the methods of transacting public business.

Efficiency and economy in the Government service have been demanded with increasing insistence for a generation. Real economy is the result of efficient organization. By perfecting the organization the same benefits may be obtained at less expense. A reduction in the total of the annual appropriations is not in itself a proof of economy, since it is often accompanied by a decrease in efficiency. The needs of the Nation may demand a large increase of expenditure, yet to keep the total appropriations within the expected revenue is necessary to the maintenance of public credit.

Upon the President must rest a large share of the responsibility for the demands made upon the Treasury for the current administration of the executive branch of the Government. Upon the Congress must rest responsibility for those grants of public funds which are made for other purposes.

REASON FOR THE INQUIRY.

Recognizing my share of responsibility for efficient and economical administration, I have endeavored during the past two years, with the assistance of heads of departments, to secure the best results. As one of the means to this end I requested a grant from Congress to make my efforts more effective.

An appropriation of $100,000 was made June 25, 1910, "to enable the President to inquire into the methods of transacting the public business of the executive departments and other Government establishments, and to recommend to Congress such legislation as may be necessary to carry into effect changes found to be desirable that can not be accomplished by Executive action alone." I have been given this fund to enable me to take action and to make specific recommendations with respect to the details of transacting the business of an organization whose activities are almost as varied as those of the entire business world. The operations of the Government affect the interest of every person living within the jurisdiction of the United States. Its organization embraces stations and centers of work located in every city and in many local subdivisions of the country. Its gross expenditures amount to nearly $1,000,000,000 annually. Including the personnel of the Military and Naval Establishments, more than 400,000 persons are required to do the work imposed by law upon the executive branch of the Government.

MAGNITUDE OF THE TASK.

This vast organization has never been studied in detail as one piece of administrative mechanism. Never have the foundations been laid for a thorough consideration of the relations of all of its parts. No comprehensive effort has been made to list its multifarious activities or to group them in such a way as to present a clear picture of what the Government is doing. Never has a complete description been given of the agencies through which these activities are performed. At no time has the attempt been made to study all of these activities and agencies with a view to the assignment of each activity to the agency best fitted for its performance, to the avoidance of duplication of plant and work, to the integration of all administrative agencies of the Government, so far as may be practicable, into a unified organization for the most effective and economical dispatch of public business.

FIRST COMPLETE INVESTIGATION.

Notwithstanding that voluminous reports are compiled annually and presented to the Congress, no satisfactory statement has ever been published of the financial transactions of the Government as a whole. Provision is made for due accountability for all moneys coming into the hands of officers of the Government, whether as collectors of revenue or disbursing agents, and for insuring that authorizations for expenditures as made by law shall not be exceeded. But no general system has ever been devised for reporting and presenting information regarding the character of the expenditures made in such

a way as to reveal the actual costs entailed in the operation of individual services and in the performance of particular undertakings, nor in such a way as to make possible the exercise of intelligent judgment regarding the discretion displayed in making expenditure and concerning the value of the results obtained when contrasted with the sacrifices required. Although earnest efforts have been put forth by administrative officers and though many special inquiries have been made by the Congress no exhaustive investigation has ever before been instituted concerning the methods employed in the transaction of public business with a view to the adoption of the practices and procedure best fitted to secure the transaction of such business with maximum dispatch, economy, and efficiency.

With large interests at stake, the Congress and the administration have never had all the information which should be currently available if the most intelligent direction is to be given to the business in hand.

I am convinced that results which are really worth while can not be secured, or at least can be secured only in small part, through the prosecution at irregular intervals of special inquiries bearing on particular services or features of administration. The benefits thus obtained must be but temporary. The problem of good administration is not one that can be solved at one time. It is a continuously present one.

PLAN OF THE WORK.

In accordance with my instructions, the Commission on Economy and Efficiency, which I organized to aid me in the inquiry, has directed its efforts primarily to the formulation of concrete recommendations looking to the betterment of the fundamental conditions under which governmental operations must be carried on. With a basis thus laid, it has proceeded to the prosecution of detailed studies of individual services and classes of work, and of particular practices and methods, pushing these studies as far, and covering as many points and services, as the resources and time at its disposal have permitted.

In approaching its task it has divided the work into five fields of inquiry having to do, respectively, with organization, personnel, business methods, accounting and reporting, and the budget.

ORGANIZATION.

I have stated that the Congress, the President, and the administrative officers are attempting to discharge the duties with which they are intrusted without full information as to the agencies through which the work of the Government is being performed. To provide more complete information on this point the commission has submitted to me a report on the organization of the Government as it existed July 1, 1911. This report, which is transmitted herewith, shows in great detail, by means of outlines, not only the departments, commissions, bureaus, and offices through which the Government performs its varied activities, but also the sections, shops, field stations, etc., constituting the subordinate divisions through which the work is actually done. It shows for the services at Washington each such final unit as a laboratory, library, shop, and administrative subdivision; and for the services outside of Washington each station and point at which any activity of the Government is carried on.

OUTLINES OF ORGANIZATION.

From these outlines it is possible to determine not only how each department, bureau, and operating unit, such as a navy yard, is organized, but also, by classifying these units by character and geographical location, the number of units of a like character that exist at Washington, and the number and character of services of the Government in each city or other point in the United States. With this information available, it is possible to study any particular activity or the problem of maintaining services at any given city or point.

Information of this character has never before been available. Administrative officials have been called upon to discharge their duties without that full knowledge of the machinery under their direction which is so necessary to the exercise of effective control; much less have they had information regarding agencies in other services that might be made use of. Under such circumstances each service is compelled to rely upon itself, to build up its own organization, and to provide its own facilities regardless of those in existence elsewhere.

This outline has been prepared on the loose-leaf system, so that it is possible to keep it revised to date at little or no expense. The outline thus constitutes a work of permanent value.

COMPREHENSIVE PLAN OF ORGANIZATION.

With this outline as a basis, the commission has entered upon the preparation of three series of reports. The first series deals with the manner in which the services of the Government should be grouped in departments. This is a matter of fundamental importance. It is only after a satisfactory solution of this problem that many important measures of reform become possible. Only by grouping services according to their character can substantial progress be made in eliminating duplication of work and plant and proper working relations be established between services engaged in similar activities. Until the head of a department is called upon to deal exclusively with matters falling in but one or a very few distinct fields, effective supervision and control is impossible. As long as the same department embraces services so diverse in character as those of life saving and the management of public finances, standardization of accounting methods and of other business practices is exceedingly difficult of attainment.

So dependent are other reforms upon the proper grouping of services that I have instructed the commission to indicate in its report the changes which should be made in the existing organization and to proceed in the same way as would far-seeing architects or engineers in planning for the improvement and development of a great city. My desire is to secure and to furnish to the Congress a scheme of organization that can be used as a basis of discussion and action for years to come.

In the past services have been created one by one as exigencies have seemed to demand, with little or no reference to any scheme of organization of the Government as a whole. I am convinced that the time has come when the Government should take stock of all its activities and agencies and formulate a comprehensive plan with reference to which future changes may be made. The report of the commission is being prepared with this idea in mind. When completed it will be transmitted to the Congress. The recommendations will be of such a character that they can be acted upon one by one if they commend themselves to the Congress and as action in regard to any one of them is deemed to be urgent.

REPORTS ON PARTICULAR SERVICES.

The second and third series of reports deal, respectively, with the organization and activities of particular services, and the form of organization for the performance of particular business operations.

One of the reports of the second series is upon the Revenue-Cutter Service, which costs the Government over $2,500,000 each year. In the opinion of the commission, its varied activities can be performed with equal, or greater, advantage by other services. The commission, therefore, recommends that it be abolished. It is estimated that by so doing a saving of not less than $1,000,000 a year can be made.

Another report illustrating the second series recommends that the Lighthouse and Life-Saving Services be administered by a single bureau instead of as at present by two bureaus located in different departments. These services have much in common. Geographically, they are similarly located; administratively, they have many of the same problems. It is estimated that consolidation would result in a saving of not less than $100,000 annually.

In a third report the commission has recommended the abolition of the Returns Office of the Department of the Interior. This action, in its opinion, will cause no loss of service to the public and will result in a direct saving of not less than $25,000 a year, in addition to a large indirect economy in the reduction of work to be performed in the several offices.

In another report the commission has recommended the consolidation of the six auditing offices of the Treasury and the inclusion in the auditing system of the seven naval officers who now audit customs accounts at the principal ports. The changes recommended will improve in many ways the auditing of public accounts and will result in an immediate saving of at least $135,000 annually.

GENERAL TECHNICAL SERVICES.

A third series of reports is being prepared on those branches of the organization which are technical in character and which exist for the service of the Government as a whole—branches which have to do with such matters as public printing, heating, lighting, the making of repairs, the providing of transportation, and the compilation of statistics where mechanical equipment is essential.

ABOLITION OF LOCAL OFFICES.

Perhaps the part of the organization in which the greatest economy in public expenditure is possible is to be found in the numerous local offices of the Government. In some instances the establishment and the discontinuance of these local offices are matters of administrative discretion. In other instances they are established by permanent law in such a manner that their discontinuance is beyond the power of the President or that of any executive officer. In a number of services these laws were passed nearly a century ago. Changes in economic conditions have taken place which have had the effect of ren-

dering certain offices not only useless but even worse than useless in that their very existence needlessly swells expenditures and complicates the administrative system.

The attention of the Congress has been called repeatedly to these conditions. In some instances the Congress has approved recommendations for the abolition of useless positions. In other cases not only do the recommendations of the Executive that useless positions be abolished remain unheeded, but laws are passed to establish new offices at places where they are not needed.

The responsibility for the maintenance of these conditions must naturally be divided between the Congress and the Executive. But that the Executive has performed his duty when he has called the attention of the Congress to the matter must also be admitted. Realizing my responsibility in the premises, I have directed the commission to prepare a report setting forth the positions in the local services of the Government which may be discontinued with advantage, the saving which would result from such action, and the changes in law which are necessary to carry into effect changes in organization found to be desirable. On the coming in of the report, such offices as may be found useless and can be abolished will be so treated by Executive order.

PERSONNEL.

In my recent message to the Congress I urged consideration of the necessity of placing in the classified service all of the local officers under the Departments of the Treasury, the Interior, Post Office, and Commerce and Labor.

CLASSIFICATION OF LOCAL OFFICERS.

The importance of the existence of a competent and reasonably permanent civil service was not appreciated until the last quarter of the last century. At that time examinations were instituted as a means of ascertaining whether candidates for appointment possessed the requisite qualifications for Government positions. Since then it has come to be universally admitted that entrance to almost every subordinate position in the public service should be dependent upon the proof in some appropriate way of the ability of the appointee.

As yet, however, little if any attempt has been made by law to secure, either for the higher administrative positions in the service at Washington or for local offices, the qualifications which the incumbents of these positions must have if the business of the Government is to be conducted in the most efficient and economical manner. Furthermore, in the case of many of the local officers the law positively provides that the term of office shall be of four years' duration.

The next step which must be taken is to require of heads of bureaus in the departments at Washington, and of most of the local officers under the departments, qualifications of capacity similar to those now required of certain heads of bureaus and of local officers. The extension of the merit system to these officers and a needed readjustment of salaries will have important effects in securing greater economy and efficiency.

In the first place, the possession by the incumbents of these positions of the requisite qualifications must in itself promote efficiency.

In the second place, the removal of local officers from the realm of political patronage in many cases would reduce the pay roll of the field services. At the present time the incumbents of many of these positions leave the actual performance of many of their duties to deputies and assistants. The Government often pays two persons for doing work that could easily be done by one. What is the loss to the Government can not be stated, but that it is very large can not be denied, when it is remembered how numerous are the local officers in the postal, customs, internal revenue, public lands, and other field services of the Government.

In the third place, so long as local officers are within the sphere of political patronage it is difficult to consider the question of the establishment or discontinuance of local offices apart from the effect upon local political situations.

Finally, the view that these various offices are to be filled as a result of political considerations has for its consequence the necessity that the President and Members of Congress devote to matters of patronage time which they should devote to questions of policy and administration.

The greatest economy and efficiency, and the benefits which may accrue from the President's devoting his time to the work which is most worth while, may be assured only by treating all the distinctly administrative officers in the departments at Washington and in the field in the same way as inferior officers have been treated. The time has come when all these officers should be placed in the classified service. The time has also come when those provisions of law which give to these officers a fixed term of years should be repealed. So long as a fixed term is provided by law the question of reappointment of an officer, no matter how efficiently he may have performed his duties, will inevitably be raised periodically. So long as appointments to these offices must be confirmed by the Senate, and so long as appointments to them must be made every four years, just so long will it be impossible to provide a force of employees with a reasonably permanent tenure who are qualified by reason of education and training to do the best work.

SUPERANNUATION.

Attention has been directed in recent years to the need of a suitable plan of retiring the superannuated employees in the executive civil service. In the belief that it is desirable that any steps toward the establishment of such a plan shall be taken with caution, I instructed the commission to make an inquiry first into the conditions at Washington. This inquiry has been directed to the ascertainment of the extent to which superannuation now exists and to the consideration of the availability of the various plans which either have been proposed for adoption in this country or have actually been adopted in other countries. I shall submit, in the near future, for the consideration of the Congress a plan for the retirement of aged employees in the civil service which will safeguard the interests of the Government and at the same time make reasonable provision for the needs of those who have given the best part of their lives to the service of the State.

EFFICIENCY OF PERSONNEL.

I have caused inquiry to be made into the character of the appointees from the point of view of efficiency and competence which has resulted from present methods of appointment; into the present relation of compensation to the character of work done; into the existing methods of promotion and the keeping of efficiency records in the various departments; and into the conditions of work in Government offices. This inquiry will help to determine to what extent conditions of work are uniform in the different departments and how far uniformity in such conditions will tend to improve the service. I have felt that satisfaction with the conditions in which they worked was a necessary prerequisite to an efficient personnel, and that satisfaction was not to be expected where conditions in one department were less favorable than in another.

This inquiry has not been completed. When it has been ascertained that evils exist which can be remedied through the exercise of the powers now vested in the President, I shall endeavor to remedy those evils. Where that is not the case, I shall present for the consideration of the Congress plans which, I believe, will be followed by great improvement in the service.

BUSINESS METHODS.

In every case where technical processes have been studied it has been demonstrated beyond question that large economies may be effected. The subjects first approached were those which lie close to each administrator, viz, office practices. An illustration of the possibilities within this field may be found in the results of the inquiry into the methods of handling and filing correspondence. Every office in the Government has reported its methods to the commission. These reports brought to light the fact that present methods were quite the reverse of uniform. Some offices follow the practice of briefing all correspondence; some do not. Some have flat files; others fold all papers before filing. Some use press copies; others retain only carbon copies.

UNNECESSARY COST OF HANDLING AND FILING CORRESPONDENCE.

The reports also show not only a very wide range in the methods of doing this comparatively simple part of the Government business, but an extraordinary range in cost. For the handling of incoming mail the averages of cost by departments vary from $5.84 to $81.40 per 1,000. For the handling of outgoing mail the averages by departments vary from $5.94 to $69.89 per 1,000. This does not include the cost of preparation, but is confined merely to the physical side of the work. The variations between individual offices is many times greater than that shown for averages by departments.

It is at once evident either that it is costing some of the offices too little or that others are being run at an unwarranted expense. Nor are these variations explained by differences in character of work. For example, there are two departments which handle practically the same kind of business and in very large volume. The average cost of handling incoming mail to one was found to be over six times as great as the cost of handling incoming mail to the other.

It has been found that differences of average cost by departments closely follow differences in method and that the greatest cost is found in the department where the method is most involved. Another fact is of interest, viz, that in two departments, which already show low averages, orders have been

issued which will lead to a large saving without impairing efficiency. It can not be said what the saving ultimately will be when the attention of officers in all of the departments has been focused on present methods with a view to changing them in such manner as to reduce cost to the lowest point compatible with efficient service. It, however, must be a considerable percentage of nearly $5,000,000, the total estimated cost of handling this part of the Government business at Washington.

Results have already been obtained which are noteworthy. Mention has been made of the orders issued by two departments. Of these the order of one is most revolutionary in character, since it requires flat filing, where before all correspondence was folded; the doing away with letterpress copies; and the discontinuance of indorsements on slips, one of the most expensive processes and one which in the other department had been carried to very great length.

NEED FOR LABOR-SAVING OFFICE DEVICES.

The use of labor-saving office devices in the service has been made the subject of special inquiry. An impression prevails that the Government is not making use of mechanical devices for economizing labor to the same extent as are efficiently managed private enterprises. A study has been made of the extent to which devices of this character are now being employed in the several branches of the Government and the opportunities that exist for their more general use. In order to secure information as to the various kinds of labor-saving devices that are in existence and as to their adaptability to Government work, an exhibition of labor-saving office appliances was held in Washington from July 6 to 15, 1911. One hundred and ten manufacturers and dealers participated, and more than 10,000 officers and employees visited the exhibition. There is no doubt that the exhibition served the purpose of bringing to the attention of officers devices which can be employed by them with advantage. The holding of this exhibition was, however, but a step preparatory to the contemplated investigation.

UNNECESSARY COST OF COPY WORK.

The efforts of the commission resulted also in the adoption by several bureaus or departments of improved methods of doing copying. The amount of copy work heretofore done by hand each year in the many offices is estimated to aggregate several hundred thousand dollars. The commission exhibited, at its offices, appliances that were thought to be especially adapted to this kind of Government work. Following these demonstrations methods of copying were introduced which have brought about a saving of over 75 per cent in offices where used for six months. This change in one small cross section of office practice will more than offset the whole cost of my inquiry.

WASTE IN THE DISTRIBUTION OF PUBLIC DOCUMENTS.

Going outside the office, one of the business processes which have been investigated is the distribution of departmental documents. This is a subject with which both the Congress and administration heads are familiar. The prevailing practice in handling departmental publications is to have them manufactured at the Government Printing Office; each job when completed is delivered to the department; here the books or pamphlets are wrapped and addressed; they are then sent to the post office; there they are assorted and prepared for shipment through the mails; from the post office they are sent to the railroad station, which is only a few steps from the Government Printing Office, whence they started. The results of this laborious and circuitous method is to make the use of the best mechanical equipment impracticable and to waste each year not less than a quarter of a million dollars of Government funds in useless handling, to say nothing of the indirect loss due to lack of proper coordination.

WASTEFUL USE OF PROPERTIES AND EQUIPMENT.

The use of equipment is a matter which also has been investigated. Up to the present time this investigation has been in the main confined to the subject of electric lighting. The Government pays over $600,000 per year for electric current; it has made large capital outlays for wiring and fixtures. With the increasing demands in many buildings the present equipment is taxed to its limit, and if the present methods are continued much of this wiring must be done over; in many places employees are working at a great physical disadvantage, due to inadequate and improper lighting, and thereby with reduced efficiency. In every place where the inquiry has been conducted it appears that there is large waste; that without the cost of rewiring, simply by giving proper attention to location of lights and the use of proper lamps and reflectors, the light efficiency at points where needed may be much increased and the cost of current reduced from 30 to 60 per cent. Other inquiries into the use which is being made of properties and equipment are contemplated which promise even larger results.

UNNECESSARY COST OF INSURANCE.

It is the policy of the Government not to insure public property against fire and other losses. Question has been raised whether the Government might not apply the same principle to other forms of risk, including insurance of the fidelity of officials and employees. A report is now in preparation on the subject which will show opportunities for large savings. I believe that the present expense for insuring the faithful execution of contracts, which, though paid by the contractor, is more than covered in the added price to the Government, can be largely reduced without taking away any element of security.

LACK OF SPECIFICATIONS.

The importance of establishing and maintaining standard specifications is found not only in the possibility of very materially reducing the direct cost of Government trading, but also in insuring to the service materials, supplies, and equipment which are better adapted to its purposes. One of the results of indefiniteness of specifications is to impose contract conditions which make it extra-hazardous for persons to enter into contractual relations. This not only deprives the Government of the advantage of broad competition, but causes it to pay an added margin in price to vendors who must carry the risk. The specifications which may have been worked out in one department usually differ from specifications for the same article to be used in another department. Much progress has been made toward improving this condition through the schedules of the General Supply Committee, but there are many classes of supplies not on these lists which may be standardized, and the articles which are there listed may be specified with exactness.

In connection with standard specifications for purchasing, the subject of a standard form of contract has been given consideration. No one form or small number of forms will be applicable to all the agreements into which the Government enters. There can be standard conditions and provisions for such contracts, however, and the work in this connection is being prosecuted in an effort to simplify the forms of contracts and to do away with the great diversity of requirements which so often perplex and irritate those who wish to enter into a contract with the Government.

EXCESSIVE COST OF TRAVEL.

One of the first steps taken toward constructive work was the reclassification of the expenditures for the year 1910 by objects. The foundation was thus made for the investigation of Government trading practices. While it was recognized that this large field could not be covered within a year except at enormous cost, the subjects of "Transportation of persons" and "Subsistence while in travel status" were taken as concrete examples. The annual cost of travel to the Government was found to be about $12,000,000. It was also found that the Government employees were traveling in practically every way that was open to the public; it was further found that although the Government was the largest user of transportation, it was buying railroad tickets on a less favorable basis than would be possible if the subject of traveling expenditures were systematically handled from the point of view of the Government as a whole. The form of ticket most often used between such points as New York, Philadelphia, and Washington was the single-trip, first-class ticket. In two departments definite tests have been made in the use of mileage books and in each practically the same result has been reported, viz, an average saving of a little over one-half of 1 cent per mile. What the possible saving to the Government by a more systematic handling of transportation may be can not be estimated at this time. Upon inquiry it was found that an analysis of travel vouchers for the year would cost not less than $120,000. The investigation, therefore, was confined to the analysis of travel vouchers which came to departments during the month of April. A report of the result of this inquiry has been made and at an early date will be sent to the Congress with recommendations.

One of the results or by-products of this inquiry into travel expenses was the recommendation that the jurat or affidavit which is now required by order of the comptroller be discontinued. The jurat does not add to the value of the return, involves persons traveling in much annoyance and trouble in going before an officer competent to administer oaths, while every disciplinary result is obtained through certification under the law prescribing a penalty for the falsification of accounts. A discontinuance of the jurat in all cases would result in a direct saving of about $60,000 per annum.

OTHER EXPENDITURES TO BE INVESTIGATED.

Before economy in Government trading can be adequately covered, such subjects as the following must be systematically inquired into, viz: Subsistence and support of persons; sub-

sistence and care for animals and the storage and care of vehicles; telephone, telegraph, and commercial messenger service; printing, engraving, lithographing, and binding; advertising and the publication of notices; heat, light, power, and electricity purchased; repairs by contract and open-market order; building and other materials; drafting, scientific, and stationery supplies; fuel; mechanics', engineering, and electricians' supplies; cleaning and toilet supplies; wearing apparel and hand-sewing supplies; forage and other supplies for animals; provisions; explosives and pyrotechnic supplies; heat, light, power, and electrical equipment; live stock; furniture and furnishings; educational and scientific equipment. From what has been already ascertained concerning certain of these different objects of Government expenditure, it is evident that large savings will result from such an examination.

BETTER METHODS FOR PURCHASING.

Through a long period of years and by numerous laws and orders there has grown up a procedure governing public advertising and contracting that is more burdensome and expensive in some cases than is necessary. The procedure is not uniform in the various departments; it is not uniform in many cases for the different services in the same department. To make uniform the requirements so far as practicable will be in the interest of economy and efficiency and bring about that simplicity that will secure the largest opportunity for contractors to bid for Government work, and will secure for the Government the most favorable prices obtained by any purchaser.

ACCOUNTING AND REPORTING.

In my message of March 3, 1911, attention was called to some of the defects in the present methods of accounting and reporting. I said:

> The condition under which legislators and administrators, both past and present, have been working may be summarized as follows: There have been no adequate means provided whereby either the President or his advisers may act with intelligence on current business before them; there has been no means for getting prompt, accurate, and correct information as to results obtained; * * * there have been practically no accounts showing what the Government owns and only a partial representation of what it owes; appropriations have been overencumbered without the facts being known; officers of Government have had no regular or systematic method of having brought to their attention the costs of governmental administration, operation, and maintenance, and therefore could not judge as to economy or waste; there has been inadequate means whereby those who served with fidelity and efficiency might make a record of accomplishment and be distinguished from those who were inefficient and wasteful; functions and establishments have been duplicated, even multiplied, causing conflict and unnecessary expense; lack of full information has made intelligent direction impossible and cooperation between different branches of the service difficult.

By reason of the confused character of records and reports and the lack of information which has been provided, this was one of the first subjects into which inquiry was made looking toward the issuing of Executive orders.

CHARACTER OF ACCOUNTS REQUIRED.

In laying the foundation for the revision of the present accounting methods it has been assumed that such information should be produced, and only such as is continuously needed by administrative heads or as will be of value to the Congress. The work has been prosecuted under the following heads: The character and form of expenditure documents that should be employed by the several departments; classification of objects of expenditure; the kind and character of accounts that should be kept by the Government; the character of reports giving information regarding revenues and expenditures that should be rendered to superior administrative officers and to the Congress, and which will enable them to lay before the Congress information which each Member should have in order that the legislative branch may be fully informed concerning the objects and purposes of governmental expenditures.

UNIFORMITY IN CLASSIFICATION AND METHODS.

Upon these matters the commission has made extended studies. So far as the kind and character of accounts to be kept by the Government are concerned, not only have reports on methods of accounting and reporting been made by representatives of each of the departments, but for four of these services detailed descriptive reports have been prepared showing exactly what forms are used and what procedure is followed in keeping and recording accounts. Proceeding from these statements of fact, the purpose is to work out in collaboration with department representatives a unified procedure, and a uniform classification of facts which will enable accounting officers to present to administrative heads, to the President, and to the Congress complete, accurate, and prompt information in any summary or detail that may be desired.

CONSTRUCTIVE RESULTS OBTAINED.

The general basis for uniformity of accounting and reporting has already been laid in constructive reports with recommendations. The results of this work have been promulgated by the Comptroller of the Treasury with the approval of the Secretary of the Treasury in circulars issued in May and June last. These circulars prescribed the kind of accounts which shall be kept for the purpose of making available to the administrative head of each department, bureau, and office the information which is needed for directing the business of the Government.

In all of the work of the commission on these subjects emphasis has been laid upon cooperation with departmental committees composed of representatives appointed by the heads of departments for the express purpose of joining with the commission in the preliminary studies and in the conclusions and recommendations relating to the several departments and establishments.

REPORTS AT PRESENT REQUIRED BY CONGRESS.

During the consideration of these subjects the commission has made a study of the present requirements of law relating to reports which are in whole or in part financial in character from the various departments and establishments. There are more than 90 acts of Congress which annually require reports of this character. These requirements of the law result in nearly 200 printed reports relating to financial matters, which must be submitted annually to the Congress by the various departments and establishments. Studies of these reports and comparisons of the classification of expenditures as set forth therein have been made by the commission to the end that, so far as practicable, uniformity of classification of objects of expenditure may be recommended and identical terminology adopted.

RECOMMENDATIONS AND MODIFICATIONS.

In due time I shall transmit to the Congress such recommendations for changes in the present laws relating to these annual reports as appear to be pertinent and necessary.

Special consideration has been given by the commission to the annual reports relating to the financial transactions of the Government as a whole. In this connection the forms of the financial statements of the Government from early days to the present time have been examined. Further, in order that full information should be available, an investigation has been made of the forms of annual reports and budget statements, of the results of accounting, and of the terminology used by 20 or more foreign nations.

One of the consequences of this work is apparent in a modification of the form in which the gross receipts and disbursements of the Government have been exhibited heretofore by the Secretary of the Treasury in his annual reports to the Congress.

These modifications are important as illustrations of what may be expected in improvement in the annual statements of the Government as a whole when final recommendations are made, based upon these extended studies. Further results of this work will be apparent when standard forms for financial reports of departments and establishments, which are now in preparation through cooperation with the responsible officials of various departments, are completed and published. It will then be evident how far short of realizable ideals have been our annual statements and reports of the past.

THE BUDGET.

The United States is the only great Nation whose Government is operated without a budget. This fact seems to be more striking when it is considered that budgets and budget procedures are the outgrowth of democratic doctrines and have had an important part in the development of modern constitutional rights. The American Commonwealth has suffered much from irresponsibility on the part of its governing agencies. The constitutional purpose of a budget is to make government responsive to public opinion and responsible for its acts.

THE BUDGET AS AN ANNUAL PROGRAM.

A budget should be the means for getting before the legislative branch, before the press, and before the people a definite annual program of business to be financed; it should be in the nature of a prospectus, both of revenues and expenditures; it should comprehend every relation of the Government to the people, whether with reference to the raising of revenues or the rendering of service.

In many foreign countries the annual budget program is discussed with special reference to the revenue to be raised, the thought being that the raising of revenue bears more direct relation to welfare than does Government expenditure. Around questions of source of revenue political parties have been organized, and on such questions voters in the United States have taken sides since the first revenue law was proposed.

CITIZEN INTEREST IN EXPENDITURES.

In political controversy it has been assumed generally that the individual citizen has little interest in what the Government spends. In my opinion this has been a serious mistake, one which is becoming more serious each year. Now that popula-

tion has become more dense, that large cities have developed, that people are required to live in congested centers, that the national resources frequently are the subject of private ownership and private control, and that transportation and other public-service facilities are held and operated by large corporations, what the Government does with nearly $1,000,000,000 each year is of as much concern to the average citizen as is the manner of obtaining this amount of money for public use. In the present inquiry special attention has been given to the expenditure side of the budget.

In prosecuting this inquiry, however, it has not been thought that arbitrary reductions should be made. The popular demand for economy has been to obtain the best service—the largest possible results for a given cost.

We want economy and efficiency; we want saving, and saving for a purpose. We want to save money to enable the Government to go into some of the beneficial projects which we are debarred from taking up now because we can not increase our expenditures. Projects affecting the public health, new public works, and other beneficial activities of government can be furthered if we are able to get a dollar of value for every dollar of the Government's money which we expend.

PUBLIC-WELFARE QUESTIONS.

The principal governmental objects in which the people of the United States are interested include:

The national defense; the protection of persons and property; the promotion of friendly relations and the protection of American interests abroad; the regulation of commerce and industry; the promotion of agriculture, fisheries, forestry, and mining; the promotion of manufacturing, commerce, and banking; the promotion of transportation and communication; the postal service, including postal savings and parcels post; the care for and utilization of the public domain; the promotion of education, art, science, and recreation; the promotion of the public health; the care and education of the Indians and other wards of the Nation.

These are public-welfare questions in which I assume every citizen has a vital interest. I believe that every Member of Congress, as an official representative of the people, each editor, as a nonofficial representative of public opinion, each citizen, as a beneficiary of the trust imposed on officers of the Government, should be able readily to ascertain how much has been spent for each of these purposes; how much has been appropriated for the current year; how much the administration is asking for each of these purposes for the next fiscal year.

Furthermore, each person interested should have laid before him a clear, well-digested statement showing in detail whether moneys appropriated have been economically spent and whether each division or office has been efficiently run. This is the information which should be available each year in the form of a budget and in detail accounts and reports supporting the budget.

CONTINUANCE OF THE COMMISSION.

I ask the continuance of this Commission on Economy and Efficiency because of the excellent beginning which has been made toward the reorganization of the machinery of this Government on business principles. I ask it because its work is entirely nonpartisan in character and ought to appeal to every citizen who wishes to give effectiveness to popular government, in which we feel a just pride. This work further commends itself for the reason that the cost of organization and work has been carefully considered at every point. Three months were taken in consideration of plans before the inquiry was begun; six months were then spent in preliminary investigations before the commission was organized; before March 3, 1911, when I asked for a continuation of the original appropriation for the current year, only $12,000 had been spent.

In organizing the commission my purpose was to obtain men eminently qualified for this character of work, and it may be said that it was found to be extremely difficult to find persons having such qualifications who would undertake the task. Several of the members of the commission were induced to take up the work at a personal sacrifice; in fact, considering the temporary character of the inquiry, it may be said that no member of the commission was moved by salary considerations. Only the public character of the work has made it possible for the Government to carry on such an inquiry except at a very much larger cost than has been incurred.

It is a matter of public record that the three largest insurance companies in New York, when under legislative investigation, spent more than $500,000 for expert services to assist the administration to put the business on a modern basis; but the economies the first year were more than tenfold the cost. I am informed that New York, Chicago, Boston, St. Louis, Cincinnati, Milwaukee, and other cities are prosecuting inquiries, the cost of which is largely disproportionate to the cost incurred by the Federal Government. Furthermore, these inquiries have the vigorous support and direct cooperation of citizen agencies which alone are spending not less than $200,000 per annum, and in several instances these combined agencies have been working not less than five years to put the cities on a business-like basis, yet there is still much to be done.

The reason for bringing these facts to your attention is to suggest the magnitude of the task, the time necessary to its accomplishment, the professional skill which is essential to the successful handling of the work, the impossibility of carrying on such a work entirely with men who are at the same time engaged in the ordinary routine of administration. While in the nature of things the readjustment of organization and methods should continue indefinitely in order to adapt a great institution to the business in hand, ultimately this should be provided for as a part of the regular activities of some permanently organized agency. It is only after such a thorough inquiry has been made by experts who are not charged with the grinding details of official responsibility, however, that conclusions can be reached as to how this best can be done.

I sincerely hope that Congress will not, in its anxiety to reduce expenditures, economize by cutting off an appropriation which is likely to offer greater opportunity for real economy in the future than any other estimated for.

VIGOROUS PROSECUTION OF THE INQUIRY.

Economies actually realized have more than justified the total expenditure of the inquiry to date, and the economies which will soon be made by Executive action, based upon the information now in hand, will be many times greater than those already realized. Furthermore, the inquiry is in process of establishing a sound basis for recommendations relating to changes in law which will be necessary in order to make effective the economies which can not be provided by Executive action alone. Still further, it should be realized that the progress made by the inquiry has been notable when measured against the magnitude of the task undertaken. The principal function of the inquiry has been that of coordination. The commission has acted and should continue to act as a central clearing house for the committees in the various departments and establishments. By no other means can the cooperation which is essential be developed and continued throughout the Government service.

Helpful as legislative investigations may be in obtaining information as a basis for legislative action, changes which affect technical operations and which have to do with the details of method and procedure, necessarily followed in effectively directing and controlling the activities of the various services, can be successfully accomplished only by highly trained experts, whose whole time shall be given to the work, acting in cooperation with those who are charged with the handling of administrative details. The upbuilding of efficient service must necessarily be an educational process. With each advance made there will remain to those who conduct the details of the business an additional incentive to increase the efficiency and to realize true economy in all branches of the Government service.

As has been said, the changes which have already been made are resulting in economies greater than the cost of the inquiry; reports in my hands, with recommendations, estimate approximately $2,000,000 of possible annual economies; other subjects under investigation indicate much larger results. These represent only a few of the many services which should be subjected to a like painstaking inquiry. If this is done, it is beyond question that many millions of savings may be realized. Over and above the economy and increased efficiency which may be said to result from the work of the commission as such is an indirect result that can not well be measured. I refer to the influence which a vigorous, thoroughgoing executive inquiry has on each of the administrative units responsible to the Executive. The purpose being constructive, as soon as any subject is inquired into each of the services affected becomes at once alert to opportunities for improvement. So real is this that eagerness in many instances must be restrained. For example, when reports were requested on the subject of handling and filing correspondence, so many changes were begun that it became necessary to issue a letter to heads of departments requesting them not to permit further changes until the results had been reported and uniform plans of action had been agreed upon. To have permitted each of the hundreds of offices to undertake changes on their own initiative would merely have added to the confusion.

Much time and expense are necessary to get an inquiry of this kind started, to lay the foundation for sound judgment, and to develop the momentum required to accomplish definite results. This initial work has been done. The inquiry, with its con-

structive measures, is well under way. The work should now be prosecuted with vigor and receive the financial support necessary to make it most effective during the next fiscal year.

In this relation it may be said that the expenditure for the inquiry during the present fiscal year is at the rate of $130,000. The mass of information which must be collected, digested, and summarized pertaining to each subject of inquiry is enormous. From the results obtained it is evident that every dollar which is spent in the prosecution of the inquiry in the future will result in manifold savings. Every economy which has been or will be effected through changes in organization or method will inure to the benefit of the Government and of the people in increasing measure through the years which follow. It is clearly the part of wisdom to provide for the coming year means at least equal to those available during the current year, and in my opinion the appropriation should be increased to $200,000, and an additional amount of $50,000 should be provided for the publication of those results, which will be of continuing value to officers of the Government and to the people.

WM. H. TAFT.

THE WHITE HOUSE, *January 17, 1912.*

CONNECTICUT RIVER BRIDGE BETWEEN EAST HADDAM AND HADDAM.

Mr. BRANDEGEE. I ask unanimous consent for the present consideration of the bill (H. R. 14944) authorizing the construction of a bridge across the Connecticut River, in the State of Connecticut, between the towns of East Haddam and Haddam.

The PRESIDING OFFICER (Mr. OVERMAN in the chair). Is there objection to the request of the Senator from Connecticut?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DEMOTION OF POSTAL EMPLOYEES.

Mr. PAGE. I move that the Senate adjourn.

Mr. HITCHCOCK. I ask the Senator to withhold the motion so that I may ask unanimous consent for the present consideration of Senate resolution No. 161, reported unanimously by the Committee on Post Offices and Post Roads.

The PRESIDENT pro tempore. The Senator from Nebraska asks unanimous consent for the present consideration of a resolution, which will be stated.

The SECRETARY. Senate resolution No. 161, directing the Postmaster General to furnish a statement of demoted employees of the Post Office Department.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. PAGE. I think I must object, Mr. President, to its present consideration.

The PRESIDENT pro tempore. The Senator from Vermont objects.

Mr. PAGE. I renew my motion that the Senate adjourn.

The motion was agreed to, and (at 4 o'clock and 58 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 18, 1912, at 2 o'clock p. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 17, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou great Father-soul, whose spirit is everywhere present to uphold, sustain, and guide Thy children in right living, help us to open wide the portals of our souls, that it may come in and dwell with us; that the issues of our life may be well pleasing in Thy sight, and thus satisfy the longings, hopes, and aspirations of our souls. And all praise shall be Thine, in the spirit of the Lord Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

BRIDGE ACROSS WEYMOUTH BACK RIVER, MASS.

Mr. SISSON. Mr. Speaker, I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SISSON. My understanding is that on to-day the House automatically goes into Committee of the Whole House on the state of the Union, this being Calendar Wednesday.

The SPEAKER. That is true.

Mr. SISSON. When we adjourned on last Wednesday the Committee of the Whole House on the state of the Union had under consideration Senate bill 3024. Now, I would like to submit this inquiry: At what time should the question of consideration be made?

The SPEAKER. The Chair is of the opinion that the place to raise the question of consideration is in Committee of the Whole House on the state of the Union. The House resolves itself automatically into Committee of the Whole House on the state of the Union, this being Calendar Wednesday, with unfinished business coming over from last Wednesday, that business being Senate bill 3024; and the gentleman from North Carolina [Mr. PAGE] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. PAGE in the chair.

The CHAIRMAN. The House is now in the Committee of the Whole House on the state of the Union and the unfinished business from last Wednesday is Senate bill 3024, to provide for the reconstruction, alteration, and repair of a bridge across the Weymouth Back River, in the State of Massachusetts.

Mr. SISSON. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Mississippi [Mr. SISSON] makes the point of order that there is no quorum present. The Chair will count. [After counting.] There is no quorum present. The Clerk will call the roll and the Members will answer to their names.

The Clerk called the roll.

The committee rose; and the Speaker having resumed the chair, Mr. PAGE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having found itself without a quorum, he had directed the roll to be called, whereupon 308 Members, a quorum, had answered to their names, and he reported the following absentees:

Akin, N. Y.	Dupre	Hughes, W. Va.	Reilly
Ames	Ellerbe	James	Riordan
Ansberry	Esch	Kinkaid, Nebr.	Roberts, Nev.
Anthony	Faison	Kinkead, N. J.	Robinson
Berger	Fields	Konig	Rodenberg
Bingham	Focht	Langley	Rucker, Colo.
Bradley	Fordney	Lindsay	Sells
Broussard	Fornes	Littleton	Shackleford
Burke, Pa.	Foster, Vt.	McCall	Sherley
Calder	Gardner, N. J.	McMorran	Smith, N. Y.
Cantrill	George	Maher	Speer
Catlin	Gillett	Matthews	Stephens, Nebr.
Cline	Goeke	Nelson	Talbott, Md.
Cox, Ind.	Goldfogle	Parran	Taylor, Ohio.
Crago	Good	Porter	Underhill
Currier	Harrison, N. Y.	Powers	Vreeland
Davenport	Haugen	Pray	Webb
Davidson	Hill	Pujo	Whitacre
De Forest	Hobson	Ransdell, La.	
Dickson, Miss.	Holland	Rauch	

The SPEAKER. Under the rule the House would immediately resolve itself automatically into the Committee of the Whole House on the state of the Union; but the Secretary to the President is here with a message, which the Chair will receive and lay before the House unless there is objection. Is there objection?

There was no objection.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

The SPEAKER. The same request is made with reference to a message from the Senate. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 2509) to amend section 1004 of the Revised Statutes of the United States.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4095. An act to authorize the enlargement of the Federal building at Kansas City, Mo.

The message also announced that the President pro tempore had appointed Mr. CLARKE of Arkansas and Mr. BURNHAM members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Department of Commerce and Labor.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 4095. An act to authorize the enlargement of the Federal building at Kansas City, Mo.; to the Committee on Public Buildings and Grounds.

ENROLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 15781. An act to authorize the Aransas Harbor Terminal Railway to construct a bridge across Morris and Cummings Channel.

ECONOMY AND EFFICIENCY IN THE GOVERNMENT SERVICE.

The SPEAKER laid before the House the following message from the President of the United States (H. Doc. No. 458), which was read, and, with the accompanying documents, ordered to be printed and referred to the Committee on Appropriations.

(For message see Senate proceedings of to-day.)

BRIDGE ACROSS WEYMOUTH BACK RIVER.

The SPEAKER. The House was in Committee of the Whole House on the state of the Union. The point of no quorum was made. The Chairman of the Committee of the Whole House on the state of the Union had the roll called. A quorum was developed, and the names of the absentees were noted. A quorum being present, the House automatically resolves itself into the Committee of the Whole House on the state of the Union, with the gentleman from North Carolina [Mr. PAGE] in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of Senate bill 3024, to provide for the reconstruction, alteration, and repair of a bridge across the Weymouth Back River, in the State of Massachusetts.

Mr. STEVENS of Minnesota. Mr. Chairman, when the committee was in session a week ago, giving consideration to this bill, I promised the members of the committee that I would present to them other instances in which a similar policy had been adopted by Congress in helping in the construction of bridges of this sort. Before doing so, I think the committee should understand the reasons why this policy has been adopted by Congress in a number of instances.

Matters of national defense pertaining to the support of the military or naval establishment are of national importance, are paid for out of the National Treasury, and should not be levied as contributions upon any particular locality in the country, and Congress has so considered matters of this sort.

This bill under consideration is a matter of naval importance. The widening of this draw from 24 to 50 feet is solely for the benefit of the Navy of the United States and not for any other purpose. It should be a part of the expenditure of the Naval Establishment and nothing else. The withdrawing of that large amount of valuable land and the establishment on that land of a naval magazine is solely for the benefit of the Naval Establishment, and should not be charged to any particular locality in the United States. For these reasons, that it is a matter of national importance, that it is not a matter of local benefit, that it is rather a matter of local detriment instead of benefit, your committee, in addition to the other equities, believed that this measure should be so considered.

As I stated before, there have been quite a number of instances in which Congress has either constructed or assisted in the construction of bridges for similar purposes. I hold a memorandum here, forwarded to me by the Secretary of War and the Chief of Engineers in response to an inquiry asking for instances of this nature.

The first is that of the Rock Island Arsenal, in Illinois, where an old highway and a railroad to Rock Island used a bridge, and the Government in 1867, in the act of March 2 of that year, appropriated the sum of $200,000 for the construction of a bridge at Rock Island, which was subsequently used by the community and the Rock Island Railroad upon paying the amount prescribed by Congress. Appropriations for construction were afterwards made from time to time, and also for the care and preservation, one-half of which was paid by the Rock Island Railroad Co.

Mr. SHERLEY. Will the gentleman yield at this point?

Mr. STEVENS of Minnesota. Certainly.

Mr. SHERLEY. Were there not certain concessions made to the United States Government as to the charge that should be made to workmen at the arsenal in using that bridge and the street railway?

Mr. STEVENS of Minnesota. I do not doubt that. I do not doubt that there are arrangements in all these cases; but the point is that Congress deemed it of military importance, and so of national importance, and made some kind of a bargain with the railroad and the communities, I do not know what, and I do not think it is material to this question.

Mr. SHERLEY. Is it not material to this extent, that it may show that for money paid an equity was received? Here you are asking to have money paid without anything to be received.

Mr. STEVENS of Minnesota. On the contrary, the committee thought an equity was received. The United States had taken from the locality a large amount of valuable land which was subject to taxation, which when so taken could not help bear the burden of that community laid upon it by the United States solely for the benefit of the Naval Establishment.

Mr. SIMS. How valuable?

Mr. STEVENS of Minnesota. I do not know; the gentleman knows as much about that as I do. This land is good land, probably worth $100 an acre.

Mr. SIMS. It was estimated to be worth $70,000 by the gentleman from Massachusetts, Mr. ROBERTS.

Mr. STEVENS of Minnesota. Very well. Seventy thousand dollars at 1 per cent taxation, which is certainly low, would be $700, which the community would annually lose in taxation, and even that would pay the interest on the amount carried in this bill if it shall be amended.

Mr. FITZGERALD. Will the gentleman yield?

Mr. STEVENS of Minnesota. Certainly.

Mr. FITZGERALD. The case to which the gentleman has referred, the Rock Island Arsenal, was where a bridge was built from Rock Island to the city of Davenport.

Mr. STEVENS of Minnesota. Yes.

Mr. FITZGERALD. It was not because of a complaint that a bridge then erected was an obstruction to navigation. The purpose was to afford to the Government facilities for communicating with the city of Davenport, which was essential to a proper prosecution of the work in the arsenal.

Mr. STEVENS of Minnesota. Yes; but this is a facility for the Government use of the naval arsenal.

Mr. CANNON. If the gentleman from Minnesota will pardon me——

Mr. STEVENS of Minnesota. I yield to the gentleman from Illinois.

Mr. CANNON. I am somewhat familiar with the Rock Island matter. The bridge was constructed under an act of Congress, the Government contributing one half and the railroad company the other half, with a running agreement that it should be kept in repair in the future half and half. Since that time a large expenditure has been made by the Government for that purpose.

Mr. FITZGERALD. It was necessary for the proper conduct of the Government establishment to have means of communication between the Rock Island Arsenal across the river to the city of Davenport, and either the Government had to provide some means of transportation itself or it was necessary to have some one else do it. A street railway company was willing to run the street railways of Davenport over to Rock Island into the arsenal for the convenience of those who were employed in the arsenal by the Government, but it was deemed proper that as a result of the advantages to the Government in having the means of transportation for its employees that it would contribute to the construction of the bridge.

Mr. CANNON. The ferry was in operation, and some of the employees lived in Rock Island and some in Davenport.

Mr. FITZGERALD. My recollection is—I have not looked at the figures for some time—that there are in the neighborhood of 2,000 Government employees who live in the city of Davenport and daily are required to go over to the arsenal. It was not a contribution to construct a bridge in place of one that was an obstruction to navigation, which under the law was a public nuisance and had to be removed.

Mr. SHERLEY. It had no relation to navigation in any sense.

Mr. SIMS. Was the War Department in favor or against that proposition?

Mr. STEVENS of Minnesota. I do not pretend to know the details of any of these projects that I lay before the committee.

Mr. FITZGERALD. But the gentleman is citing them as illustrations to fortify his argument that it is justifiable to make the appropriation asked for in the pending bill, and if they have no application I think that should be made plain to the committee.

Mr. STEVENS of Minnesota. It has this application, and that is all this committee cares to know: This project would not have been undertaken except in aid of the Naval Establishment and in aid of the naval defense. That is the only reason that the draw is widened from 24 to 50 feet. It has been a matter of policy of Congress that whenever a project is for the benefit of the military or naval defense of the United States it should be paid for from the Public Treasury and not levied as a contribution on any particular locality. That is the reason these contributions were made and it is the reason that the contribution was reported upon by the Committee on Interstate and Foreign Commerce in pursuance of the same line.

Now, there was a contribution made in 1868 for the Rock Island project, and I presume there has been money paid since, as this report shows. There was a bridge constructed under the act of June 23, 1874, across the North Platte River in Wyoming, connecting Fort Laramie, for which an appropriation was made to afford aid to one of the military posts of the United States.

Third, a bridge across the Republican River, in the State of Kansas, in order to reach Fort Riley, one of the large military reservations of the United States.

Mr. SHERLEY. Will the gentleman yield?

Mr. STEVENS of Minnesota. Yes.

Mr. SHERLEY. I do not desire to embarrass the gentleman by interrupting him.

Mr. STEVENS of Minnesota. Oh, the gentleman can not embarrass me. I am giving the information that I have.

Mr. SHERLEY. The gentleman seemed to object to other interruptions.

Mr. STEVENS of Minnesota. Oh, not at all.

Mr. SHERLEY. If these illustrations are to be of value, at least to some of us, we would like to have the facts in connection with each one stated. The Rock Island one has been somewhat amplified. The second illustration that the gentleman gives is of a bridge across the North Platte River. Has that any relation to the navigability of the stream?

Mr. STEVENS of Minnesota. No; but it had relation to increasing the efficiency of a military post of the United States. It was necessary in order to reach one of the military posts, and this bridge was a part of it and necessary to it, and for that reason this bridge was constructed, and was for the use of the public as well as for the military purposes of the Government. It is the same with the bridge across the Republican River, in the State of Kansas. Fort Riley is one of the large military posts of the United States, and in order to enable the Government to use that post to the best advantage this appropriation was made for the purpose of helping construct that bridge, and it is also used for other public purposes.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. STEVENS of Minnesota. Yes.

Mr. BURKE of South Dakota. I would like to ask the gentleman if this bridge is a necessary part of this naval station or whatever it is that is there?

Mr. STEVENS of Minnesota. No; but the widening of the draw is a necessary part of that magazine, or rather this magazine can not be safely and economically used without widening this draw and so reconstructing this bridge. This is all necessary for the purpose and beneficial to the Naval Establishment.

Mr. BURKE of South Dakota. What about the bridge?

Mr. STEVENS of Minnesota. The bridge is not necessary for naval purposes. It is the widening of the draw that is necessary for naval purposes, and that is what has mainly caused this expense, solely for the public purposes of the United States.

Mr. SHERLEY. Will the gentleman yield further?

Mr. STEVENS of Minnesota. Certainly.

Mr. SHERLEY. If the bridge were absolutely removed, would it interfere in the slightest with the Government's use of this property?

Mr. STEVENS of Minnesota. No; but the people are willing to maintain their share of the bridge, and they ask that the Government do its share in maintaining the expense caused by its necessities.

Mr. SHERLEY. Can it be legitimately said, then, that the change in this bridge is of benefit to the Government of the United States?

Mr. STEVENS of Minnesota. It is absolutely necessary for the Government of the United States. It could not use its property in any other way.

Mr. SHERLEY. If we were to destroy the bridge entirely, we could use it then.

Mr. STEVENS of Minnesota. But the Government does not seek to do that and ought not to seek to destroy ordinary means of communication between communities unless absolutely necessary, which certainly is not so in this case.

Mr. ADAMSON. And I will ask the gentleman from Minnesota whether, if the Navy Department would take this magazine away, the use of this bridge would be interfered with?

Mr. STEVENS of Minnesota. No; it would not.

Mr. SHERLEY. Would that not depend very much upon whether this land was used by manufacturers who want the navigability of the stream kept open?

Mr. STEVENS of Minnesota. Yes; and then the manufacturers would pay for it by way of taxation. We ask that the Government treat this matter exactly as the manufacturers would treat it.

Mr. SHERLEY. Then the very fact that the Government is exempt from taxes when putting property in any particular place fixes upon the Government an added burden?

Mr. STEVENS of Minnesota. No, sir; not necessarily; but when the Government locates a magazine that is a detriment to property, that is a menace to the community, and on that account levies an additional expense on that community and takes away a part of the revenue to help defray that expense, it does seem as though there ought to be an equity in favor of that community, especially when that detriment to the community was not for its use, but for general public naval purposes.

Mr. MANN. Will the gentleman yield for a question?

Mr. STEVENS of Minnesota. Yes.

Mr. MANN. I do not recall the exact facts, although I was on the committee when this matter was up before. The gentleman has cited the construction of several bridges by the aid of the Government, and just stated that the Government was not interested in the maintenance of this bridge. Is the gentleman able to tell the House, as a matter of fact, whether it is of advantage to the employees at this station to live where they would have to cross the bridge, or a bridge?

Mr. STEVENS of Minnesota. The gentleman from Massachusetts could answer that. I should think it would be; but I know nothing about that.

Mr. WEEKS. Mr. Chairman, the act passed by the Massachusetts Legislature apportioning the expenses provides how the expenses of maintaining the bridge shall be apportioned entirely by the communities and not at all by the Government. The appropriation simply refers to work that has been done now, and has nothing to do with future maintenance.

Mr. MANN. That is not the question I asked the gentleman. Will the gentleman from Minnesota yield?

Mr. STEVENS of Minnesota. I yield to the gentleman from Illinois.

Mr. MANN. In the case which the gentleman from Minnesota has cited, where the Government aided in the construction of bridges, they would seem to be cases where the Government desired to furnish facilities for its own employees to get to convenient homes. Now, do the people who work at the naval station live where they need to cross this bridge, or do they need to live where they have to cross the bridge?

Mr. WEEKS. That might be the case and might not be the case. The more populous parts of the community are across the river from the location of the magazine, and if there was not a bridge or a highway it would be necessary for them to go around 2 or 3 miles. Now, there are people living on this side of the river, and there is more or less territory available for that purpose, so I do not think that will be conclusive either way.

Mr. STEVENS of Minnesota. Mr. Chairman, fourth, a bridge across Mill Creek, Va. In the sundry civil act of March 2, 1889, the sum of $20,000 was appropriated for the construction of a bridge across Mill Creek, between Fort Monroe and Elizabeth City County, Va. This was an iron-pile structure built for the accommodation of the United States and for the use of the general public. I think most of this committee are familiar with the bridge across Mill Creek, constructed for the military benefit of one of the great military reservations of the United States. No one ever questioned or could question the proper use of public funds for such purpose. Fifth, along the line of the Illinois and Mississippi Canal, wherever this canal intersected an existing public road or a railroad or a railroad line on land, the Government built suitable bridges for the various counties and railroad companies. Provision was made for such construction in the acts of Congress providing for the building of the canal. The duty of the Government to build bridges in such cases rests on the rule of law that at the intersection of public highways the encroaching party must leave the highway in as good condition as it was before the encroachment was made.

Mr. FITZGERALD. Will the gentleman yield?

Mr. STEVENS of Minnesota. Certainly.

Mr. FITZGERALD. Was the Illinois and Mississippi Canal built under a Federal charter?

Mr. STEVENS of Minnesota. It was built pursuant to an act of Congress and by appropriations made by the Government.

Mr. SHERLEY. Will the gentleman permit right there? Is not this a fundamental distinction, however? The right to this bridge in the Massachusetts case is subject to the right of the navigability of the stream, whereas the right of the Government for building this canal came subsequent to the rights of the community in regard to the roads that were intersected by the canal.

Mr. STEVENS of Minnesota. The point I have tried to make clear is the difference this bill rested upon. It is not a matter of law, it is a matter of equity which addressed itself to the good judgment of the committee. I have tried to make that clear, that it is not a matter of absolute right. No one could compel the United States to construct these bridges over this canal, but Congress did so provide because it seemed to be the fair and equitable thing to do. Sixth, bridge across Rock River at Moline, Ill. This bridge belonged to the city of Moline. There seemed to be an inadequate bridge crossing the Rock River, a navigable water of the United States, and needed to be crossed in the operation of the canal. In the sundry civil act of July 1, 1898, Congress appropriated the sum of $25,000 to build a new bridge for the city of Moline, at the expense of the United States.

That is the bridge, I think, which was referred to by the gentleman from Massachusetts [Mr. WEEKS] in his remarks before the Committee on Interstate Commerce. There the United States compelled the destruction of the bridge, and as an equity to assist the city of Moline under those circumstances, Congress on July 1, 1908, appropriated the sum of $25,000, practically what is carried in this bill; so here is a case where Congress has acted without any legal rights, but entirely from equitable consideration affecting the question. It is solely a matter of good judgment on the part of Members of Congress, with their desire to do even justice to the whole people as well as to the particular community which may be affected.

Mr. MARTIN of South Dakota. Is that a bridge over the canal?

Mr. STEVENS of Minnesota. Over the line of the Illinois and Mississippi Canal.

Mr. MANN. If the gentleman will pardon me, I reported that bill into the House.

Mr. STEVENS of Minnesota. I yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. That is a case practically on all fours with this, although one swallow does not make a summer. The city of Moline had constructed a bridge across the Rock River, a navigable stream, outside of the city limits, in order to permit the farming community to come into the city of Moline to transact business. In the construction of the Illinois and Mississippi Canal a portion of the Rock River was used at this point, where the river was navigable, and in the construction it became necessary to order the removal of that bridge as an obstruction to navigation. Congress concluded under the circumstances that it was fair to the city to provide for the construction of the bridge out of the General Treasury as really a part of the construction of the canal.

Mr. BUTLER. Will the gentleman answer me a question? Is not that an exact precedent?

Mr. MANN. That is a matter of opinion.

Mr. BUTLER. In that instance, may I ask the gentleman, did not the Government require the bridge to be constructed for its own purpose and for the interest of navigation?

Mr. MANN. The Government required the bridge that was there to be removed, and thereupon provided for the construction of a new bridge.

Mr. MARTIN of South Dakota. Upon whom was the obligation of constructing the canal involved in that case? Who was building it?

Mr. MANN. The Government was building the canal, but the canal ran into the Rock River. The Rock River itself is not a part of the canal. It is an outlet of the canal, but because of the probable use of the canal it was necessary to order the removal of the bridge, which would have obstructed the canal use of the river.

Mr. MARTIN of South Dakota. In other words, it was a part of the operation of this canal or making it available for use?

Mr. MANN. It was not treated that way by Congress, because if it had been it would not have required an appropriation. If the reconstruction of that bridge had been like the construction of new bridges across the canal that could have been done, but out of the appropriation of the canal that was not done, and was not possible to be done because it was not a part of the construction of the canal. The Government engineers found that the bridge then existing over Rock River, if remaining there, would have prevented the use of Rock River as a part of the canal, and have prevented vessels from going through the canal into Rock River and thence into the Mississippi.

Mr. MARTIN of South Dakota. This was a Government canal?

Mr. MANN. Yes.

Mr. SABATH. The Moline bridge was a public bridge, was it not?

Mr. MANN. Yes.

Mr. SABATH. This bridge under consideration is a railroad bridge. It has been constructed and it is used by an electric road. Is not that true?

Mr. MANN. The gentleman is partly in error and partly correct about that. The bridge here is not a railroad bridge, but there is a railroad bridge adjoining it. There are two bridges in this case.

Mr. FITZGERALD. They are going to make it a railroad bridge.

Mr. MANN. Of course, if they were going to construct the two bridges, if they had good judgment they would have endeavored to combine them where they would not interfere with proper facilities.

Mr. SABATH. It is the intention of this bill to build one bridge in place of two?

Mr. MANN. The bridge here that is ordered removed is a highway bridge. There is also a railroad bridge. There are two bridges there.

M. SABATH. Yes; but they are really considered as one.

Mr. FITZGERALD. I would like to ask the gentleman from Minnesota [Mr. STEVENS] a question.

Mr. MANN. I yield to the gentleman from Minnesota.

Mr. STEVENS of Minnesota. I yield to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. I want to ask the gentleman from Minnesota if he will permit the gentleman from Illinois to give all the facts in regard to the Moline bridge?

Mr. MANN. I think it is not necessary to go into any further facts. As I said, one swallow does not make a summer.

Mr. STEVENS of Minnesota. Mr. Chairman, the next report of the War Department is on the bridge across the Mississippi River at Fort Snelling, Minn. That is something about which I personally know a little.

In 1878 Congress appropriated $40,000 to assist in the construction of a bridge between the city of St. Paul and Fort Snelling. Fort Snelling was one of the large military posts along the northern frontier, and the only way it could be reached from the railroads then in use was by the construction of this bridge, and the United States paid one-half of the expense, on the ground that it was intended for military purposes.

In 1904 a military board reported that the bridge was unsafe. The Lieutenant General of the Army, Gen. Chaffee, was a member of that board. He personally investigated the matter and reported that the bridge was unsafe. That report was transmitted to Congress and a new bridge was ordered to be constructed, one-half of the expense of which was paid by the United States, on the ground that it was necessary, for the purpose of transporting its troops across that bridge; so that the Government did actually contribute its share of the cost of that bridge, although the bridge is used as a general highway and is used by the street railway, by permission of an act of Congress, which company paid a proportion of the cost, as provided by the act of Congress; so that Congress for its part made its appropriation as a part of the expense of the military establishment.

These instances have been sent to me by the War Department. There are undoubtedly other instances which might be cited. I recall two last winter, not in the line of bridges, but in the way of roads, one being a military road and the other an Indian road. In those cases the United States made a contribution for the establishment of those roads, on the ground that they were for general public purposes and should be paid for out of the General Treasury.

Therefore, I insist upon the point I made at the beginning, that it is not a new precedent which will be set here. It is merely following in the line of previous precedents, that when this local expense is required by reason of the necessities of our military or naval establishments, Congress has made an equitable contribution as its share to carry along this work.

Mr. SABATH. Mr. Chairman, will the gentleman yield?

Mr. STEVENS of Minnesota. Certainly.

Mr. SABATH. Do I understand that the gentleman from Minnesota is in favor of this policy of the Government aiding and assisting in erecting these bridges wherever the Government has ordered the removal of them for any cause? Do I understand the gentleman to favor a policy whereby the Government should help to pay for part of the reconstruction?

Mr. STEVENS of Minnesota. No, Mr. Chairman. I thought I had made myself clear when I said that wherever the reconstruction was ordered for a public purpose of the United States, in the exercise of its governmental functions, the United States in such a case should equitably pay its share of the expense.

Mr. SABATH. The Government has ordered the reconstruction of nearly all the bridges in the city of Chicago, at an expense of over $5,000,000, for the reason that the center piers were recognized by the War Department as obstructions to navigation, and the department has ordered the erection of new bridges. Now, in that case, would the gentleman favor a policy whereby the Government would aid the city of Chicago in reconstructing and rebuilding these bridges?

Mr. STEVENS of Minnesota. No, Mr. Chairman. As I said before, I thought I had made myself clear. In that case the reconstruction of these bridges is solely for commercial purposes and not at all for a military or a naval purpose or for a special governmental purpose. In the instances which I brought to the attention of the committee the contribution of the United States has been based solely on the ground that it was for a military or a naval purpose or some other governmental purpose equally important, and so created equity, as in the case of the Moline bridge, where the United States had done some gross injustice to a community that was unable to help itself.

Now, in this present instance pending before the committee these two equities combine. The United States does use or will use this enlarged draw for a sole naval purpose, and, in addition to using it for a sole naval purpose, it is taking from the public property of that locality a taxable value to an extent which in equity should be reimbursed to the locality upon which the Government proposes to lay this heavy burden.

Mr. SABATH. Will the gentleman yield to me right there?

Mr. STEVENS of Minnesota. Certainly.

Mr. SABATH. Can the gentleman inform me and the committee what is the amount of taxes that have been collected by the community out of this piece of land which the Government has purchased?

Mr. STEVENS of Minnesota. All I know is what the report states, that it is about $700 a year, which would be 2 per cent on $35,000.

Mr. SHERLEY. Does the gentleman consider that a gross injustice, to use his own language, has been done to this community by the Government in establishing this arsenal there?

Mr. STEVENS of Minnesota. I am glad the gentleman asked that question. When the matter was before the committee at first I took the view which undoubtedly is in the gentleman's mind—that it was a benefit to the community and that they would not have it removed. The testimony of Gov. Long was very clear that they protested against it; that they have repeatedly protested against it; that they desire it to be removed and consider it a detriment to the community and a menace to the safety of the community; that it has decreased the value of property in that community; that it has deprived the community of about 1,100 acres of taxable property, so that it is a substantial detriment to the community.

Mr. SHERLEY. There are quite a number of other Government plants in the State of Massachusetts, some of which are a benefit to the State, are they not?

Mr. STEVENS of Minnesota. I presume so. Every State has them.

Mr. SHERLEY. Was not the location of this plant made necessary because of one of these other Government plants in the State of Massachusetts?

Mr. STEVENS of Minnesota. I presume it was made necessary for the general purpose of naval defense, to help supply the naval vessels which enter the great port of Boston. I presume that is true.

Mr. SHERLEY. There has been no disposition on the part of the State of Massachusetts to contribute anything to the Treasury because of the benefit that it has received from governmental institutions within its borders?

Mr. STEVENS of Minnesota. No State has yet pursued that policy.

Mr. SHERLEY. If they are going to strike a balance between equities, I was just wondering whether they would be willing to pay for the benefits received from other governmental institutions, in order to make up the amount of the alleged detriment from this one.

Mr. WEEKS. It does not seem to me that that statement has any application in this case, because the expense of rebuilding this bridge must be borne by the local communities and not by the Commonwealth of Massachusetts, and these local communities have nothing to do with other governmental institutions which may be of benefit to the State of Massachusetts.

Mr. SHERLEY. I would suggest a transfer of the claims of those local communities on this account, and that they be presented to the State of Massachusetts at large, to be taken out of the benefits which the State has received from other governmental institutions.

Mr. STEVENS of Minnesota. Congress can not adopt a new policy now. It has conferred benefits on thousands of communities and on every State in the Union, and every appropriation bill that passes contains some benefit to some communities and some States. But it is not a question of benefit.

Mr. SHERLEY. Right there let me suggest that there are certain things that are incidents of government, both the things that are beneficial and the things that are detrimental.

Mr. STEVENS of Minnesota. I prefer that the gentleman should make that argument in his own time. What the gentleman suggests is true, but the Government has no right to impose upon a helpless community a burden, a menace, and to take property out of the taxable values of that community, and then impose an added expense upon that community for its own public purposes without some sort of an equity accruing.

Mr. Chairman, the United States, in carrying out its military and naval policy, and providing for the military and naval expenses of this country, has no right to impose or levy a contribution from any helpless community in this country. It has not done it as a matter of policy in the past. If this bill passes it will pursue the policy that has heretofore been adopted by Congress. If this bill does not pass it simply means that Congress proposes to levy whatever contribution it sees fit upon communities in this country, to take away property from their taxable values, to impose burdens upon them, and to do no equity to those communities, thereby changing the policy of past years.

Mr. COOPER. Would not the gentleman's argument apply equally well if the plant had been a navy yard?

Mr. STEVENS of Minnesota. No, Mr. Chairman.

Mr. COOPER. The gentleman's whole argument is based on the proposition that the draw is not wide enough for the Government vessels. It was wide enough and all right until the Government established a magazine there and now wants to be able to get certain Government vessels through the draw.

In answer to the gentleman from Kentucky the gentleman from Minnesota said that this magazine is dangerous to the surrounding country.

Mr. STEVENS of Minnesota. Yes.

Mr. COOPER. But the dangerous character of the Government plant has no effect upon the size of the vessels.

Mr. STEVENS of Minnesota. But the character of the plant affects the size of the vessels.

Mr. COOPER. Suppose it were a navy yard that necessitated the widening of the draw. Would the gentleman be in favor of the Government paying for the new bridge, or for any part of it, if the Government had established a navy yard there?

Mr. STEVENS of Minnesota. I doubt if I would, and for the reason that a navy yard would be a benefit to the community. It would employ a large number of skilled mechanics; it would bring there other lines of employment; it would increase the taxable value of property; but here it is just the contrary, it takes property of a taxable value away from the community and it is a menace to the life and safety of the community.

Mr. COOPER. Now, Mr. Chairman, I understand the gentleman's argument to be exactly what I thought it was if he adheres to what he first said. It is the dangerous character of that plant which he thinks ought to compel the Government to pay for widening the bridge.

Mr. STEVENS of Minnesota. In fact that is true, but it is a matter of equity; in equity the whole situation should be considered. Each case should stand on its own merits. All the facts have a bearing, and the sole aim should be to treat the community justly for what is a burden of national importance cast upon it. I have tried to outline the merits of this case as well as I could.

Mr. SIMS. Will the gentleman yield?

Mr. STEVENS of Minnesota. Certainly.

Mr. SIMS. That property was estimated to be worth $70,000, upon which the taxes are $700.

Mr. STEVENS of Minnesota. Yes.

Mr. SIMS. The Government gave over $200,000 for it. What goes with that $200,000? There has been added to the taxable wealth of Massachusetts to the extent of the difference in value of the property between what the Government gave for it and what it was valued at.

Mr. STEVENS of Minnesota. I presume that the State of Massachusetts taxes real estate like everybody else does, about a third or a half the actual value.

Mr. SIMS. When the Government gave $200,000 for property valued at $70,000, was not the community benefited by that increase?

Mr. STEVENS of Minnesota. The gentleman from Tennessee knows that while the land was worth $200,000 it had an assessable value of $70,000. That is about what most communities in the United States do—assess real estate a half or third of the taxable value. Another thing, the $200,000 which the Government paid may have been distributed all over the United States; there may not have been a dollar of it go to the residents of the community where this bridge is to be built. The gentleman from Tennessee does not know anything about it and I do not know anything about it. The point is this: That this property had an assessable value of $70,000 and it is withdrawn from taxation.

Mr. SIMS. How is it withdrawn from taxation when the $200,000 which the Government paid for the land goes into taxable property?

Mr. STEVENS of Minnesota. It may go all over the world and none of it to those communities.

Mr. SIMS. How does the gentleman know this?

Mr. STEVENS of Minnesota. Well, I say that the community may or may not have received it.

Mr. SIMS. They did not go to Europe and spend it all over there, did they?

Mr. STEVENS of Minnesota. No; I do not know where it went. We do know, however, that eleven hundred acres of that land have been withdrawn from the taxable rolls of those communities for all time, so far as we can foresee.

Mr. SIMS. Was it not represented, and was not one of the objects of passing this legislation to remove the magazine from where it already existed in Chelsea, because it endangered the lives of the people and was a damage to property? And was it not also represented that when so removed the property there would sell for enough to pay all of the expenses incurred, and will there not be for the $70,000 that was withdrawn a half a million dollars or more of property placed in taxation whenever that property is sold to private owners?

Mr. STEVENS of Minnesota. Mr. Chairman, the gentleman's argument defeats itself. The arsenal was a menace to the people of Chelsea and it certainly is a menace to the people of Hingham. It can not be a menace to one community without being equally a menace to another community.

Mr. SIMS. The gentleman is wrong about a fact, I think. The gentleman from Massachusetts [Mr. ROBERTS], in making the representations, said that this place was selected in part because it consisted of high bluffs, and that the arsenal there would not endanger the lives of the people nor be a damage to the value of the surrounding property.

Mr. STEVENS of Minnesota. The people of Hingham testified to the contrary in the report which I think the gentleman holds in his hand.

Mr. SIMS. That is after they got it sold and got it located.

Mr. STEVENS of Minnesota. These are reputable people——

Mr. SIMS. And they were then.

Mr. STEVENS of Minnesota. And they so testify, and they have made repeated protests against the establishment of that arsenal at that point and have made repeated protests against the menace to health and the danger to the lives of their people and the injury to their property. They have repeatedly protested. Now, if the United States did sell this property for $500,000 and did pay $200,000 to whoever owned that land, wherever those owners may be, is there not an equity that the United States should do right by those people it is injuring by paying its share toward the burden it lays upon them?

Mr. SIMS. That would only meet the gentleman's taxation argument—that by this operation the taxable wealth of Massachusetts has been added to instead of reduced.

Mr. STEVENS of Minnesota. The gentleman seems to confuse this matter. This is a matter which affects those communities right there—that are located on the map there. The State of Massachusetts does not bear this burden and ought not to.

Mr. SIMS. Why, Mr. Chairman, the law that was passed by the Legislature of Massachusetts respecting the cost of widening this bridge or the new construction expressly provided that the State would bear 45 per cent and each town 20 per cent and the railroad 15 per cent. Why has not the State an interest in this?

Mr. STEVENS of Minnesota. They have assumed an interest and they are bearing a share, but that does not affect whatever this community may do. The burden we are laying is in large part upon these communities, and that is the equity that has addressed itself to this committee.

Mr. SIMS. Twenty per cent each of the amount of the cost. That is not a very great burden.

Mr. STEVENS of Minnesota. If the amendment of the chairman of the committee is adopted, we will meet the situation. The chairman of the committee will offer an amendment which was intended to be covered by the committee itself, but which by inadvertence was omitted.

Mr. Chairman, I have taken a great deal more time than I expected to and have covered the points to which I started to address myself—first, that this is an equity because we require the draw for our own benefit, for the purposes of naval defense; second, it is an equity because we are laying a burden upon the communities and at the same time taking away taxable values from the communities and diminishing the resources of the communities to bear this burden laid for public purposes; and, third, because it is in line with a similar policy which has been heretofore adopted by Congress in providing for the Army and Navy and other public governmental purposes of the country in very many States of the country. Other communities and States have been considered along the same line whenever the United States has had need to use property for Army and Navy and other public purposes; and your committee, following these precedents and following this policy, has reported favorably upon this measure.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield?

Mr. STEVENS of Minnesota. Yes.

Mr. FITZGERALD. The gentleman discussed the Moline City Bridge.

Mr. STEVENS of Minnesota. Yes.

Mr. FITZGERALD. I think the gentleman from Illinois stated the facts. The gentleman from Minnesota is aware of the fact that Moline is a city in the State of Illinois, which is connected by a bridge with the Rock Island Arsenal, and Davenport is a city in the State of Iowa. The necessity for the communication between Rock Island and both Moline and Davenport is due to the fact that in the proper operation and conduct of the arsenal there must be means of access from the arsenal to both cities, and when as a result of the construction of the Illinois and Mississippi Canal and the consequent deepening of the Rock River, which this bridge is over, in regard to the locality running between Rock Island and the Illinois side, the same situation existed as to that bridge as it did at Fort Snelling, Fort Riley, and Fortress Monroe, that the Government required the bridge for its purposes and the county or city required a bridge for its purposes, and the cost was defrayed out of the Federal Treasury and the local treasuries.

Mr. MANN. Will the gentleman yield? The gentleman from New York, if I am correctly informed, is entirely mistaken as to the facts, entirely mistaken. This bridge was not for the benefit of the Government or its employees in any sense whatever, nor does it connect Rock Island or Moline or Davenport or any two of them in any way whatever, nor does it affect any connection in any way between any of the cities or the arsenal there. This bridge, as represented to Congress at the time, and that is the only knowledge I have on the subject, was a bridge originally constructed by the city of Moline some miles from the city, outside of the city limits, solely for the purpose of permitting country trade to come into Moline over the Rock River.

Mr. FITZGERALD. My information is, and it is from a reliable source, that the bridge at Moline connects Rock Island with the Illinois shore.

Mr. MANN. Oh, that is not the bridge we are talking about.

Mr. FITZGERALD. Yes; that is the bridge.

Mr. MANN. Then the gentleman has information that is not reliable. The gentleman who furnished the information is mistaken.

Mr. FITZGERALD. He may be. Rock Island, I understand, is on an island. I have examined somewhat hastily the sundry civil act approved June 1, 1898, and I did not find an item in it defraying the expense of the construction of the Moline bridge. It may be there, however.

Mr. MANN. I always endeavor to be frank with the House——

Mr. FITZGERALD. I understand that.

Mr. MANN. The Committee on Interstate and Foreign Commerce had reported in the House favorably a bill to appropriate $25,000 for the construction of this bridge.

Mr. FITZGERALD. What year was that?

Mr. MANN. It is the same year that the appropriation was made.

Mr. FITZGERALD. Does the gentleman know what year?

Mr. MANN. I think it was 1898. Under the practice which so often happens between the House and the Senate, that bill having been reported favorably to the House by the Committee on Interstate Commerce, having jurisdiction, that item was inserted in the Senate and agreed to in conference.

Mr. FITZGERALD. The gentleman from Minnesota read from a memorandum——

Mr. MANN. From the sundry civil act, but not from the sundry civil bill which the gentleman has examined in the House.

Mr. FITZGERALD. I beg the gentleman's pardon; I have examined the sundry civil law.

Mr. MANN. Oh, well; I will not say whether it was in 1898.

Mr. FITZGERALD. Possibly I overlooked it; but I will have another examination made.

Mr. MANN. It was either the Fifty-fifth or Fifty-sixth Congress—I am not sure which it was—when I was new in the House and less experienced, or I am not sure whether it would have been ever reported.

Mr. FITZGERALD. I am quite sure of that, and that is why I expect the gentleman to speak in opposition to the bill and vote against it when it comes to its passage.

Mr. STEVENS of Minnesota. Mr. Chairman, I yield back the balance of my time.

Mr. SISSON. Mr. Chairman, I believe I have 25 minutes remaining.

The CHAIRMAN. The gentleman from Mississippi has 25 minutes remaining.

Mr. SISSON. Mr. Chairman and gentlemen of the committee, I want to discuss the equity that arises according to the contention of the gentlemen who are favoring this bill. It is conceded by everyone who has addressed the committee that these people have no legal rights. It is also conceded by everybody who has discussed the bill that unless very extraordinary conditions exist these people have no equitable rights.

I presume that human liberty has suffered more from following bad precedents than from any other one source. If the cases cited by the gentleman who has just taken his seat apply to this bill, it would not in any way affect my views about it. But there is only one case cited, and there is not yet an agreement on the part of the parties who have investigated that case—the bridge between Moline and Davenport—as to whether the equities were on all fours with this.

Mr. MANN. The bridge I referred to is not the one between the cities of Moline and Davenport at all.

Mr. SISSON. What was the bridge?

Mr. MANN. That was the case we were just referring to, where we constructed a bridge across Rock River for the benefit of the city of Moline. It has no relation whatever to that case. It has no relation to either of those two cities.

Mr. SISSON. I understood that was what the difference in the discussion was about.

Mr. MANN. Yes; but there is no possible question about that. The gentleman stated, however, that it was the bridge between Moline and Davenport, and that is the reason I corrected him.

Mr. SISSON. It was the bridge which was referred to by the gentleman from Minnesota [Mr. STEVENS] and which was contended to be on all fours, so far as equities were concerned, as this bill.

Now, there are numerous cases cited here in the case of Union Bridge Co. *v.* The United States, the case which is referred to in the report by this committee, the case under consideration, and the Supreme Court of the United States goes very carefully into all the contentions, and the attorneys representing the bridge company have made every contention possible. They made the contention that after a bridge had been constructed across a navigable stream in accordance with the plans and specifications approved by the Secretary of War, that for Congress itself even to order that obstruction removed invaded the rights of the party who built the bridge, because it was a confiscation of private property, and, being a confiscation of private property which was erected in accordance with the plans and specifications of the Secretary of War, gave to Congress itself, under the Constitution, no right to order it removed. They then raised the other question, that the Secretary of War had no right to exercise the power delegated by Congress in that manner. The Supreme Court makes light of that contention, and in every case presented in connection with the Union Bridge Co. it asserts the right of the Federal Government over navigable streams to order the bridge removed if it is an obstruction to navigation.

If this case shall be a second precedent, if, indeed, there is a first, then this case will be cited for all time to come as a precedent in all cases where bridges have been built by a private individual, by a company, a quasi public corporation, by counties, or by the State, and that when the Secretary of War shall order the bridge removed some equitable rights will accrue to the parties building the bridge. Before Congress departs from the uniform rule that it has laid down, unless this one case cited by the gentleman from Minnesota is an exception, we ought to move with exceeding care and exceeding caution in adopting this bill, because it will be cited as a precedent in reference to the removal of every bridge that has been built in accordance with the plans and specifications of the War Department.

Mr. MURRAY. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Massachusetts?

Mr. SISSON. I do.

Mr. MURRAY. May I ask the gentleman whether or not he can conceive of a similar situation to this: Where a naval magazine might be established on a river that, while theoretically navigable, as a practical matter has no navigation on the stream until the establishment of that naval magazine by action of the Congress of the United States? Can the gentleman conceive of any cases that are in any sense likely to be influenced by the establishment of this act as a precedent?

Mr. SISSON. Mr. Chairman, I presume that every single case in the world will be surrounded by certain circumstances——

Mr. MURRAY. Ah, but, Mr. Chairman——

Mr. SISSON (continuing). Peculiar to itself. Wait one moment until I answer the question; every case will be surrounded by circumstances peculiar to itself. The peculiarity in this case happens to be the establishment of a naval arsenal. The peculiarity in all the other cases that would be cited would be in each case a peculiarity applicable to that case, and that alone, because we would have to admit that each of these cases would have to stand upon its own bottom.

Mr. MURRAY. But, Mr. Chairman, if the gentleman will concede the peculiarity of the case, does he not go with me to the extent of saying that there is no danger of the establishment of a precedent by this act?

Mr. SISSON. I do not agree with the gentleman from Massachusetts at all, because you will rarely find in the history of jurisprudence that cases are exactly the same in fact. They are surrounded by certain peculiar circumstances in each case. Every bridge that is built in the United States is surrounded by certain peculiar circumstances, and if Congress shall lend itself to the habit of listening to the peculiar circumstances, unless some outrageous wrong has been committed, then, indeed, it would have to be an outrageous proposition before Congress ought to lend itself to the making of a precedent of this kind. If you take the case of the Union Bridge Co. against the United States, under the contention of counsel and under the testimony adduced in that case, it is shown that they built a vastly more expensive bridge across one of the rivers, the name of which I do not now recall, there in the neighborhood of Pittsburgh, which was navigable at the time they built the bridge, some twenty-odd years before this litigation, when certain conditions of navigation existed. The improvement of the river and the improvement of boats 20 years from that date rendered that bridge, which has been built in accordance with the plans and specifications of the War Department, unsuited to the conditions that developed 20 years afterwards, and therefore it was necessary that the sovereign rights of the people of the United States should be exercised through Congress for the benefit of all, untrammeled by this quasi trespasser. Communities build bridges across navigable streams as a matter of grace and not as a matter of right; and solely because Congress gives them this right to build a bridge as a matter of grace and does not in any way, either legally or equitably, place an obligation upon the people of the United States, because when they build a bridge it is built and those building it cum onere assume all the burdens that may exist by virtue of future conditions, they assume all these burdens without condition; and the Supreme Court in a very strong and well-considered case, considering every phase of this bridge proposition, decided the Union Bridge case, and every point in the case, against the Union Bridge Co.

If a question of equity should be considered by Congress, then the Union Bridge Co. has a stronger case than is presented here, because this bridge now under discussion was in existence for something like 100 years. This bridge is a wooden structure, and did not cost, as is admitted on the floor, more than $10,000, while the bridge that was constructed by the Union Bridge Co. was a very expensive bridge, and built under plans and specifications approved by the Secretary of War. If the doctrine of equity shall be considered in Congress in this case every bridge in the United States constructed in accordance with plans and specifications of the War Department would have an equitable right against the Government, even if conditions of navigation should change to such an extent that it became the duty of the Government to order the removal of the bridge because it was or had become an obstruction to navigation. If in such a case the Government should order the removal of the obstruction, then those interested in the bridge would have an infinitely stronger equitable

right than there is in this case now before this committee, and in every case in which a change is made there would be the same equitable right on the floor of Congress, and all the thousands of bridges in the United States that may be ordered changed by order of the Secretary of War will come before Congress and ask for their so-called equitable rights. It would impede the progress of the development of our rivers and harbors and put an additional expensive burden upon the Federal Government, notwithstanding the fact that the builders of all those bridges built them with the full knowledge and consent, as the Supreme Court of the United States says in this well-considered case that the War Department under the law passed by Congress has the right to have them removed, changed, or altered at any time that navigation is interfered with and always without any expense to the Government. So if you wish to set this precedent—or if, indeed, you have one before this, if you wish to set an additional precedent—then Congress will be continually asked to consider these matters. It will be a Pandora's box.

There is another matter to which I want to call your attention. I do not see in this report anywhere that these people had a hearing and protested before the Secretary of War against the widening of this bridge. The Secretary of the Navy has no right to try this matter. And, by the way, in the Union Bridge Co. case the present President of the United States was then the Secretary of War who decided all these issues of equity and everything else against them. But in this case it is not the Secretary of War but the Secretary of the Navy who demands the removal of this obstruction for public purposes. Now, if these people had any rights, they ought first to have gone before the Secretary of War, the proper forum to try all of these matters; and if there is no such right and no such remedy as the Government or the Secretary of the Navy is now demanding, the Secretary of War has the right to deny to the Government or to the Secretary of the Navy the request to have the bridge altered or changed. In other words, this matter is absolutely in the hands of the Secretary of War, and if no governmental necessity exists, then the Secretary of War can say that no such necessity exists, because the language of the statute is well drawn to guard private interests, so that the Secretary of War must be satisfied that it is absolutely necessary for public use before he will grant the right to have the obstruction removed at the expense of the community or the company or the parties owning the obstruction.

If this matter has ever been before the Secretary of War, if any complaint has been made against the Secretary of the Navy, there is no evidence here in these hearings that that procedure was followed. This is indeed a peculiar case, not peculiar by reason of its surroundings, not peculiar by reason of the fact that the widening of the draw is needed by the Navy Department, but the report states that the bridges here in question are made wholly of wood and have a physical connection with each other. And I understand that the railroad bridge is a mere temporary structure, and it, of course, is now wholly the property of the railroad, and if this bill passes the railroad will get a good bridge and pay only 10 per cent of the cost of construction. Peculiar case, is it not?

Under the Massachusetts act, which may be a regular form in the State of Massachusetts, but which happens to be peculiar to me, that State pays 45 per cent, each of these towns 20 per cent, and the street railway company 15 per cent. There is a provision in the act of the Massachusetts Legislature that the street railroad shall use the center of the bridge. Now, it is proposed to take another partner into this business, to wit, the Federal Government, and they ask the Federal Government to pay 33⅓ per cent of the cost of reconstruction of this bridge, when it is not contended by anybody that any material benefit will accrue to the Federal Government by the erection of this structure. Peculiar in this respect also.

Mr. WEEKS. It is contended by everyone that the only possible purpose for the change in this structure is for the Federal purpose; that no one else will use it for any purpose; and that it would not be required unless the Government required it in order to allow the passage of larger tugs and larger barges for its own purpose.

Mr. SISSON. That is the use of this stream.

Mr. WEEKS. That is the use of the draw in the bridge which is to be widened.

Mr. SISSON. The people going over the bridge, the people using it, are not the people connected with the arsenal. The public purpose of building the bridge is not due to the convenience of the Government arsenal, nor to those connected with the arsenal, but the public necessity in the use of public property demands that this draw be made wider solely for navigation. The navigation of this stream would not for one moment be contested, because the only right that the Government of the United States has to order this bridge removed is upon the ground that it is a navigable stream. My distinguished friend from Massachusetts would not be here if that was not a navigable stream, because the Federal Government could do nothing more or less than condemn that bridge and pay for its value if it were not navigable water.

Mr. WEEKS. If the gentleman will allow me, of course the gentleman from Massachusetts would not waste his time and the time of this House unless it was necessary to come to Congress to have the rights of that community adjusted, and the basis of these rights is laid down in the report from which the gentleman has just been reading—the Union Bridge case.

Mr. SISSON. I quite agree with what the gentleman says; but it is not good argument to belittle the fact that this is navigable water, because that is what gives the United States the right in this bridge.

Mr. PETERS. Will the gentleman yield?

Mr. SISSON. I will yield to the gentleman from Massachusetts.

Mr. PETERS. The gentleman said that the bridge was not constructed to enable men to go to the arsenal. Does he think there would be an equity there if it was constructed for that purpose?

Mr. SISSON. I do not.

Mr. PETERS. Then why does the gentleman refer to it?

Mr. SISSON. Because it has been argued that where bridges were built it was for the particular use of Government property. If the Government of the United States needed this bridge, they could order the bridge removed entirely, and Congress and the Government could deny that people had any right to cross it. They could destroy the bridge and prosecute and fine the authorities that did not remove it, as was done in the case of the Union Bridge Co., because they are now in violation of law, after having had notice through the Secretary of War that it was needed for public convenience and should be removed.

Mr. PETERS. So the gentleman thinks that the local community should construct the bridge even where its purpose is to bring men to the Government arsenal?

Mr. SISSON. If the principal use of the bridge were for the purpose of bringing men and material to the arsenal, but the proof or the admission here is that the Government does not need this bridge for that purpose, but the Government brings all its material up from this little arm of the sea through the bridge. Now, the land on this side [pointing to map] is merely for the purpose of protecting the arsenal, which is located on the other side of the bridge. The Government has absolutely no use for the bridge at all. Now, if the Government had any use for the bridge the Secretary of the Navy would not deliberately demand that the bridge be removed as an obstruction. It would be his duty to report to Congress that it needed this bridge and needed it in connection with the arsenal for the Navy Department, which would present an entirely different question than the one presented here. The question presented here is one of pure gratuity, asking that the Government, out of the Federal Treasury build a bridge for the use of these communities and not one for the use of the Navy Department.

Mr. PETERS. If the gentleman will look at the map, he will see they will need the bridge in connection with the arsenal.

Mr. SISSON. Mr. Chairman, I do not so understand. I am at a wonderful loss to know how they would need that bridge in connection with the arsenal. The Navy Department does not say so, this report does not say so, and the gentleman from Massachusetts [Mr. WEEKS] who has charge of this bill is not accustomed to overlook the best advantages in a bill; and the highest and best reason for believing that this is not needed by the Navy Department is because the gentleman from Massachusetts [Mr. WEEKS], an astute, but fair and honest legislator, is unwilling to even in any way deceive this House in reference to the facts. He has not intimated that there is such a thing. The gentleman has not intimated in his report that there is a need for a bridge to the arsenal, and I know that the gentleman from Massachusetts has not overlooked his hand up to this time.

Mr. PETERS. Mr. Chairman, I do not mean that the exclusive use of the bridge is for the arsenal, but it is apparent to the gentleman, if he will look at the map, that the men going to and from the arsenal will find the bridge absolutely necessary to get across the river, and that its use there in connection with the use of the general public is a most necessary one.

Mr. SISSON. Oh, I did not understand. Is there a proposition in this bill that the street car company is going to carry them for nothing? I understood there was a street car company that was transacting business there and charging 5 cents, the ordinary fare, to get over to the arsenal. I presume they charge the ordinary fare of 5 cents.

Mr. PETERS. Mr. Chairman, the gentleman is somewhat mixed up in his facts, if that is his idea. Does he think the street railway company is the only one using the bridge?

Mr. SISSON. I do not; but I do say the people living over here in this town, at a distance they do from the arsenal, would go there on the street car.

Mr. PETERS. They might, and they might drive.

Mr. SISSON. And they possibly might walk; yes. But I have not heard that there is any such number of people there, I have not heard that there is a great demand on the part of the arsenal, I have not heard from the Navy Department that their employees are liable to suffer and that they are endeavoring in great numbers to get the use of this bridge.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PETERS. Mr. Chairman, the Supreme Court, in an opinion by Mr. Justice Harlan, has given to us its views on questions of this nature. In a case in Two hundred and fourth United States, the Union Bridge Co. *v.* The United States, in deciding against the company, Mr. Justice Harlan said:

> Some stress was laid in the argument upon the fact that compliance with the order of the Secretary of War will compel the bridge company to make a very large expenditure in money, but that consideration can not affect the decision of the questions of constitutional law involved.

Then he lays down this rule for us:

> It is for Congress to determine whether, under the circumstances of a particular case, justice requires that compensation be made to a person or corporation incidentally suffering from the exercise by the National Government of its constitutional powers.

And it is just such a case that the Committee on Interstate and Foreign Commerce are bringing to your attention to-day. The gentleman from Mississippi [Mr. SISSON], who preceded me, has referred to the equities of the case. The equities in the case are not based on the amount of suffering; they are not based on the fact that some one is injured through the United States Government taking something for the use of the general public. The equities in the case arise from the purposes for which the Government is requiring the draw to be widened. There is a bridge here already in general use, entirely satisfactory in its construction and in the width of its draw for all general purposes of navigation up and down the stream. The Government has now required this draw to be increased from a width of 24 feet to a width of 50 feet. When the Government acquired this land it stopped navigation in this stream. The required increase in the width of the draw is to allow the Government to bring to its own wharf vessels of greater beam. No use by the public generally nor for the purposes of commerce will be made of the draw.

Mr. SHERLEY. Will the gentleman yield?

Mr. PETERS. Certainly.

Mr. SHERLEY. Assuming that it had been for the purposes of general navigation, for the public at large, does the gentleman think there would have been any equity in this claim?

Mr. PETERS. The gentleman knows that the Government has a perfect right to at any time require the removal of any obstruction to navigation——

Mr. SHERLEY. I am not talking about rights, but I am talking about equity.

Mr. PETERS. And I am trying to answer the gentleman's question, and if he will desist from interrupting me I will try to finish my answer.

For general purposes of commerce there would be no equity.

Mr. SHERLEY. Then the Government, acting for a governmental purpose, represents all of the people. Does the gentleman think, therefore, that there would be an equity where the question of maintaining it as a navigable stream for all the people is concerned, though there would not be an equity where the use was for a part of the people? Is that the conclusion the gentleman would draw?

Mr. PETERS. Where there is a general use for purposes of commerce—commerce in which all the people have a part and have a profit—there would certainly be no equity and there would be no claim to be made for compensation, but the distinction which I have in mind, and which I believe the court had in mind, is plainly that this purpose is only for running the Government itself, and the people of this local community should not have placed on them a burden for this general purpose.

Mr. SHERLEY. The court did not in any sense intimate that an equity existed. It simply said that if an equity existed the court could not take cognizance of it and the only forum which could was the Congress. Is not that true?

Mr. PETERS. It did, and it decided the case I cited, as I said, against the bridge company which claimed the equity.

Mr. SHERLEY. But it did not admit there was an equity, but it says that if there be an equity the court is not the place where it is to be presented; and is it a fair deduction to urge that the court has indicated that there was an equity?

Mr. PETERS. I think that is a fair deduction. Of course, in the case cited the court was passing only on the facts before it, but it is a more than fair inference—it is perfectly clear—that the court had in mind that circumstances might exist which would create such an equity. In this decision Justice Harlan said:

> It is for Congress to determine whether under the circumstances of a particular case justice requires that compensation be made to a person or corporation incidentally suffering by the exercise by the National Government of its constitutional powers.

Now, if there is any case where you come in all points under that rule laid down, I submit it is in the facts before us in the bill which we are now considering. The required widening of the draw is of no advantage to the people of the community. The people have taxable property taken out of the town, so that their revenue is decreased. There is no general business brought into the town or any considerable number of men employed there——

Mr. HAMLIN. Will the gentleman yield for a question?

Mr. PETERS. Certainly.

Mr. HAMLIN. Right at that point the gentleman bases, of course, his support of this bill purely on the question of equity. The gentleman admits that there is no legal responsibility resting on the Government to defray any portion of these expenses?

Mr. PETERS. Certainly not.

Mr. HAMLIN. And the gentleman says there is no advantage to be gained or to come to the people of that community by reason of the widening of this draw?

Mr. PETERS. I say so—by the widening of the draw; yes.

Mr. HAMLIN. And that the community has been burdened somewhat by withdrawing from taxation certain property, and so forth?

Mr. PETERS. Yes.

Mr. HAMLIN. The only advantage to be gained by the widening of the draw then is to be enjoyed by the Government?

Mr. PETERS. The sole advantage.

Mr. HAMLIN. Then if that be true and the gentleman is basing his claim on equity alone why ought not the Government to pay all of this expense? Why should it only pay one-third?

Mr. PETERS. Because the people in the community have placed on them the burden of maintaining the bridge. Of course, when this construction is completed there will be a new bridge in place of an old one, and as the new bridge will be more valuable the communities will benefit by the new bridge there in place of the old one, although it will not be the sole beneficiary by the change.

Mr. HAMLIN. Now, I would like to ask the gentleman a little further. The last session the gentleman voted for the passage of this bill, did he not?

Mr. PETERS. Yes.

Mr. HAMLIN. And in that bill——

Mr. PETERS. And the gentleman himself, I think, made no objection to its passage?

Mr. HAMLIN. And the gentleman voted for a bill that required the Government to pay 50 per cent of the cost, did he not?

Mr. PETERS. For the original bill.

Mr. HAMLIN. What facts have so changed conditions that you think now the Government ought to pay only one-third?

Mr. PETERS. The one-third was determined on by the Committee on Interstate and Foreign Commerce. What their reasons were for changing I do not know. The gentleman will view the thing fairly.

The community gets a new bridge in place of an old one. There is no doubt there is some benefit. Just what proportion that benefit would be it is impossible to estimate. One committee viewed that a fair contribution would be half; another committee thinks that a fair proportion would be one-third.

Mr. HAMLIN. I will be frank with the gentleman. I do not think there are any equities in this bill at all, and I do not think the Government ought to pay anything toward the reconstruction of this bridge. But what I am unable to understand is, as to those who favor placing it on the ground of equity, what standard you use to conclude that the Government ought to pay one-half at one term of Congress and only one-third at the next. Perhaps if you would delay the matter until next term you would all agree with us that the Government ought not to pay any part of this expense.

Mr. PETERS. I will say to the gentleman that it is an impossibility mathematically to come to any conclusion as to the proportion to be borne by the local community. It does get a new bridge in place of an old one, but it does not get any benefit by a 50-foot draw instead of a 24-foot one. It has a bridge which serves it to-day for every purpose that the public desire to use it for. Of course, it will have to be replaced some time

in the future, and if a new bridge is placed there now, naturally that new bridge will not be required to be altered or changed until a date much further in the future than would be the case if the old bridge at present in use is left untouched.

Mr. HAMLIN. The gentleman is entirely frank about the matter, I am glad to say. Let me ask him this: Suppose the bridge that is there now would naturally have to be reconstructed, whether the Government took any action or not, and if, when they reconstruct that bridge, the War Department should require that draw to be made 50 feet instead of 24; the gentleman would not conclude the Government ought to pay any part of that new construction by reason of the requirement, would he?

Mr. PETERS. The gentleman is stating an impossible supposition, because all commerce which uses that river is amply provided for by a 24-foot draw and no such requirement would ever be made.

Mr. HAMLIN. The gentleman does not understand me. Suppose the bridge was in such a condition that the community had to rebuild it at this time, and when they were making plans for rebuilding the War Department would say, "You must make that draw 50 feet in the new bridge instead of 24," you would not claim the Government would be responsible or liable for any part of the cost by reason of making that change, would you?

Mr. PETERS. I would not say so.

Mr. HAMLIN. Is it not a fact that the old bridge will have to be reconstructed in the near future, whether we take any action or not?

Mr. PETERS. As I understand, that is not the fact.

Mr. HAMLIN. I understood it to be the statement before the committee, that in a few years it would have to be reconstructed.

Mr. PETERS. I have never heard that, and I am quite familiar with the location.

Mr. HAMLIN. It appears to be a statement before the committee that this street-railway bridge that is to be included in the new bridge is only a temporary affair now, and if this bill goes through the street railway would get a new bridge instead of the temporary concern which they have there now. Is not that a fact?

Mr. PETERS. The gentleman is misinformed as to that. The present structure of the street railway is on piles and has to be approved by our railroad commissioners, and so far as it is constructed it has to be constructed on a permanent foundation. Under our law in Massachusetts they have a revocable license, a license revocable on the action of certain local boards.

Mr. HAMLIN. I was quoting only from the colleague of the gentleman from Massachusetts [Mr. WEEKS]. I think that was the language used in relation to the street railway bridge—that it was a temporary affair. I know nothing about the matter, personally, but that is the idea I got by hearing the gentleman's colleague and by reading the hearings.

Mr. PETERS. I did not hear my colleague make such a statement as that, and I think the gentleman from Missouri is mistaken.

Mr. HAMLIN. I think it is so stated in the hearings.

Mr. SIMS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Tennessee?

Mr. PETERS. Certainly.

Mr. SIMS. If this order of the War Department to widen this bridge from 24 feet to 50 feet is not enforced, I understand the present bridges will suffice for many years to come, and they will require much less money to keep them in repair in future than would be required to keep in repair this more expensive structure that is proposed.

Mr. PETERS. No; I want the gentleman to be perfectly fair, and I want to be perfectly fair with him. I think the cost of keeping in repair the new bridge would probably be less than that of the present bridge.

Mr. SIMS. For a while, the gentleman means?

Mr. PETERS. Yes. It would be a more costly bridge to construct, but it would not require as much repair.

Mr. SIMS. The present bridge, I understand, is a cheap wooden bridge?

Mr. PETERS. It is a wooden bridge, but it is of a very solid construction. It answers all the demands of the public use for the road.

Mr. SIMS. Would the Government be less under obligation to pay one-third of the expense of the maintenance of the proposed bridge in the future than it would be to pay a share in the expense of construction?

Mr. PETERS. I suppose the cost of the maintenance of the bridge might be increased, perhaps, by reason of the increased width of the draw from 24 feet to 50 feet, but if any equity should exist in that regard it would be so small that it would be disregarded, as it is disregarded.

Now as to the use of the bridge, it is evident that the gentleman from Mississippi [Mr. SISSON] did not understand me, or was so busy asking questions that he did not give attention to my statement. As to the accommodation of the workmen employed at the magazine, the natural way of getting up from Boston and the natural way of getting down here for the few men employed is over that bridge, so that bridge is an absolutely essential part of operating the arsenal here [indicating on the map], and it would be a very long and tedious journey for the people employed in the magazine to make if they were obliged to go around this other way.

Mr. SIMS. But they could use the old bridge if it were repaired, so far as walking over there and passing back and forth?

Mr. PETERS. Yes; so far as the present bridge is concerned. It is perfectly satisfactory to everybody in that respect.

The gentleman cited an instance where a bridge is built to enable people to pass over its surface to some Government arsenal. There is no difference between the construction of a new bridge where people pass over its surface to go to a Government arsenal and the widening of a bridge for the purpose of having people go to a Government magazine by water and bringing with them Government supplies and carrying on the purposes for which the Government established and is carrying on that magazine.

Mr. CURLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Massachusetts yield to his colleague?

Mr. PETERS. Certainly; with pleasure.

Mr. CURLEY. I was going to ask, Mr. Chairman, whether this was going to be an arsenal or a magazine station?

Mr. PETERS. Just a magazine station.

Mr. CURLEY. Then it is not an arsenal?

Mr. PETERS. No; it is not an arsenal.

Mr. CURLEY. A magazine station is used for what purpose?

Mr. PETERS. For storing explosives.

Mr. CURLEY. So that it would be unwise for the Government to permit commercial navigation on this water at any time?

Mr. PETERS. It would be.

Mr. CURLEY. The chief purpose to be subserved is a purpose of the Government, where a 50-foot draw is required to replace a draw of 24 feet now in use?

Mr. PETERS. That is to be the sole purpose, and no one will use that draw, if it is finished, except the Government. The purpose of its widening is to accommodate the governmental use of Government property, and while technically the word "commerce" gives to the Congress and to the United States the right to require any size of draw, yet by the rule laid down by our Supreme Court we should not place upon a local community a burden of this unfair sort against the requirement of justice.

Mr. HAMLIN. Now, Mr. Chairman, I would like to ask the gentleman a question right there.

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Missouri?

Mr. PETERS. Certainly.

Mr. HAMLIN. If that be true, why do you not just reconstruct that draw? Why do you build an entirely new bridge and ask the Government to pay one-third of the cost of the new structure? Why do you not simply widen the draw, if the Government is to pay anything, and let it pay its proportionate share of that?

Mr. PETERS. As an engineering question it was found that the widening of the draw was so considerable, from 24 feet to 50 feet, that it was deemed more expedient, from an engineering point of view, to construct an entirely new bridge.

Mr. HAMLIN. Is it not characteristic of a people, who are wide awake and looking out for their own interests, that they should bring about this idea that now is a good time to get a new bridge and make the Government pay a portion of the cost?

Mr. PETERS. The Government seemed to have the idea, and not the people. The Government was the one that required the widening of the draw.

Mr. HAMLIN. But the Government has never asked for the construction of a new bridge, has it?

Mr. PETERS. The people have not asked for the widening of the draw. The Government was the party that made the first request.

Mr. HAMLIN. But the people consented, when the bridge was built, that the Government should have that right whenever it so desired.

Mr. PETERS. The people of Weymouth never consented that the Government should have the right to order them to widen the draw.

Mr. HAMLIN. They are a part of the people of the United States.

Mr. PETERS. They submitted to the removal of taxable property from their midst. They must submit to the placing on them of a burden which must under any circumstances be severe.

Mr. CANNON. Has the gentleman from Massachusetts [Mr. PETERS] an hour?

The CHAIRMAN. The gentleman from Massachusetts had an hour when he began.

Mr. CANNON. When the gentleman concludes his remarks, if he has five minutes remaining, I wish he would yield them to me. I want to say a word.

Mr. PETERS. I shall be glad to yield to the gentleman from Illinois.

Mr. SIMS. I want to ask the gentleman from Massachusetts if he indorses the following statement, which is a part of the report of W. H. Bixby, Chief Engineer of the United States Army:

> If an appropriation is made—
>
> Referring to this bill—
>
> the bill should show plainly that it is simply a contribution by the United States to the owners of the bridges, to assist such owners in rebuilding the structures, and so much of the measure as provides that the funds shall be expended under the direction of the Secretary of War should be eliminated. The Government has no interest in the construction and maintenance of the structures, and there is no reason in any case for imposing upon it any responsibility whatever with respect to the work.

Mr. PETERS. No other report could be made by the department under the law, and that was merely a statement of the law of the United States as we all recognize it and as I have tried to show that I myself recognize in presenting this bill.

Mr. SIMS. Then the position of the gentleman is that it is a mere money contribution, and that is all.

Mr. PETERS. The gentleman has heard my statement on it. It is a contribution which justice requires.

Mr. RICHARDSON. The committee heard the gentleman from Massachusetts [Mr. WEEKS] make the statement, when this bill was last before the committee for discussion, that when he went to see the President of the United States about this matter, after the President had failed to sign the bill by reason of the pressure of business in the closing hours of the last Congress, the Chief Engineer of the War Department went with him, and a statement of the facts was made to the President—certainly with the approval of the Chief Engineer—and the President said that if he had known those facts he would have signed the first bill. The Chief Engineer was present at that interview. The gentleman from Massachusetts [Mr. WEEKS] has placed in the RECORD the letter of the President, which speaks for itself.

Mr. PETERS. I yield to the gentleman from Illinois [Mr. CANNON] the balance of my time.

The CHAIRMAN. The gentleman from Illinois is recognized for 35 minutes.

Mr. CANNON. I only want a very brief time.

Mr. ADAMSON. Before the gentleman from Illinois begins, if the gentleman has time to yield to me——

Mr. CANNON. I have time to throw at the birds.

Mr. ADAMSON. I should like to inquire if there is a disposition among the members of the Committee of the Whole to terminate this debate?

The CHAIRMAN. The Chair can not answer that question.

Mr. ADAMSON. I should like to propound a question and see if it meets with the approval of the committee. We have consumed nearly two days now on this matter. I ask unanimous consent of the committee that we close the debate at 5 o'clock.

The CHAIRMAN. The gentleman from Georgia, chairman of the Committee on Interstate and Foreign Commerce, asks unanimous consent that the debate on this bill may be concluded at 5 o'clock. Is there objection?

Mr. SHERLEY. That can not be determined by the Committee of the Whole.

Mr. ADAMSON. We can agree to it and act on it if we want to.

Mr. MANN. Reserving the right to object, I suggest that there be coupled with that request some agreement as to the division of time.

Mr. ADAMSON. I would like myself to have a little time before the debate ends. I have allowed all the latitude possible to everybody, and I would like a little time, and the author of the bill would like to have a little time.

Mr. WEEKS. I have had no time in my own right, and I would like to close the debate.

Mr. FITZGERALD. Mr. Chairman, I desire also to submit a few remarks.

Mr. FOSTER of Illinois. Mr. Chairman, I think there is an important principle involved here, and it ought to be debated thoroughly. I object.

The CHAIRMAN. The gentleman from Illinois objects.

Mr. ADAMSON. Then, Mr. Chairman, I would like to say that I have no disposition to cut off debate, but I hope before we do get through those of us who have not been heard will be allowed a few brief remarks.

Mr. CANNON. Mr. Chairman, I have listened for the best part of two days to this debate. As I understand it, the Government of the United States has acquired property that heretofore has been subject to taxation to a very considerable amount, and that it is no longer subject to taxation. Upon that property they propose to build a magazine for explosives.

Mr. BUTLER. They have built it.

Mr. CANNON. Very well, they have built it. Now, above this bridge, as I understand, there is to be no navigation in the future except for the purpose of the Government. I suppose this question would never have been here if it had not been, presumably under the protests of the people adjacent thereto, except that the Government desired it for its own use, which is a dangerous use. I suppose that explains the condemnation of the considerable block of land and withdrawing it from taxation. The property of the Government is not taxable.

Undoubtedly this bridge could be removed entirely. The Government has full right to remove it. The Government has the right to do a great many things which it does not do, but after all, each case must stand upon its own merits. It does seem to me, after listening to this debate, that for the Government employees to pass back and forth from one bank to the other, to some extent it is desirable that this bridge should not be removed. It is perfectly patent that if the Government has the use of it for navigation at all there must be a new bridge constructed or the draw widened.

I was not in Congress when the Government agreed to construct—so far as one-half of the expense was concerned—the Rock Island Railroad bridge, throw it open to the public, and maintain it in perpetuity. Davenport is on one side of the river and Moline on the other, and Moline and Rock Island are much more convenient to the arsenal upon the island in the Mississippi River than is Davenport. The employees of the Government without much trouble could have lived on the Illinois side as well as on the Davenport side. Since that time that bridge has been substantially rebuilt, and we appropriate year after year for our share of the repairs. I do not know whether it was a wise bargain or not, but the Government had the right to say that there should be no bridge there. They could not have constructed the bridge across the Mississippi River, or any other navigable river, except by permission of the Government, express or implied. There are some little navigable streams, so called, that I suppose bridges of small size have been constructed over without consulting the Government, and I apprehend that that was the case of this bridge that was built a generation ago.

Mr. MANN. That is not the case now. Now they have to obtain consent of the Government, but that is only within the last 15 years.

Mr. CANNON. That is true. But it seems to me, Mr. Chairman, after having listened to this debate, that as taxable property has been withdrawn from taxation by this community, inasmuch as they have put a boil on the community, it seems to me that the Government equitably ought to contribute as recommended by this committee. It is said that a former committee recommended that the Government contribute one-half, but this committee now recommends that it contribute one-third. Perhaps we better wait a year or two and see if the next committee will not recommend a fourth or a sixth; but I apprehend that both committees in their recommendation were substantially correct, and for one I am ready to vote for the bill.

I listened with some interest to my colleague on the committee, the gentleman from Mississippi [Mr. SISSON]. He is very much exercised about establishing a precedent. After all, there are great equities and small equities. I live in the Mississippi Valley, not a great way from the Mississippi River. There are many States from the rise of the Mississippi River to the Gulf, yet the Mississippi River does not have any more respect for the boundaries of these States than a duck has for a June bug; in fact, not quite so much, because I suppose June

bugs are useful to ducks at times. I have served here quite a number of years, and away back, I think in the early eighties, I took great pleasure in practically placing in copartnership with the Government of the United States the people who live in the Delta of the Mississippi River, and I did it in the name of improving navigation, and we have been at it ever since. I do not know how many millions of dollars, but multiplied millions of dollars, have we expended, and, thank God, by the cooperation of the Government—frequently at the expense of $200,000 a mile, at critical places—we have put down mattresses in order that the water can not get in and wash away the levee. And why? To protect navigation? Oh, yes. But can anyone tell me whether the protection of navigation or the protection of the land in private ownership was the incident?

I have been down near to the district of my colleague the gentleman from Mississippi [Mr. SISSON]. I believe he represents a district in the Yazoo Delta, a delta splendid and magnificent in present and in future development; but I am here to say that if we will be honest with each other we will say that much more benefit comes to the people there and the people of the whole country from the protection of the Delta than from the improvement of navigation in the Mississippi River. While I do not know all things, and do not know many things very well, I am here to say to the gentleman, and say it because I believe it, if it had not been for the protection of that great alluvial land upon each side of the Father of Waters there never would have been a dollar appropriated from the Central Government. Let us be frank about these matters. Oh, I have before this in theological matters and political matters and in many other matters seen people strain at a gnat, figuratively speaking, and swallow a camel.

In my judgment there is a substantial equity—not right, as shown by this report—which would justify us and make it proper, and in God's chancery just, that the United States should contribute according to the recommendations of this report.

Mr. SIMS. Mr. Chairman, before the gentleman takes his seat I would like to ask him a question. It is upon the question of equity. One of the equitable cases that is presented to the Committee on War Claims is this: In a certain city in Pennsylvania or in Maryland, I am not certain which, during the war, when filled with people, there was a large amount of Government stores. Gen. Early came along and made a demand for so many hundred thousand of dollars, or stated that he would burn down the Government stores.

Mr. BUTLER. That was in Chambersburg.

Mr. SIMS. Pennsylvania?

Mr. BUTLER. Yes; and Pennsylvania is still there.

Mr. SIMS. The people took out the money and paid it, and saved the Government stores. Have they or not an equity against the Public Treasury?

Mr. CANNON. The gentleman now, when we are considering this bill, puts the question to me. In my judgment they have not, for the reason of the maxim that in time of war all laws are silent.

Mr. SIMS. But equity is not dead.

Mr. CANNON. Oh, equity. You can go from one step to another so that we should repay every dollar of damage that was inflicted upon the people in the Southland and in the Northland when there was an honest difference of opinion and they fought it out, and oh, how many men were killed and how much property was destroyed. We have gone, in my judgment, a long way in settling the damage that was done in that great contest, paying the loyal people for supplies—I think that is as far as we have gone—which were seized by the Army in the theater of war. We have, however, I think, grown possibly charitable at times and received the approval of the good religious people of the country, and we have paid for churches down South that were occupied.

Mr. SIMS. But not for burned ones, and that is what is troubling me now.

Mr. CANNON. And those which were occupied and perhaps some which were destroyed, but I am not here to discuss questions which are not before the House. I am here discussing this question.

Mr. SIMS. I just wanted to get the gentleman's idea as to where the equity comes in. I am troubled with that equity and have always been against it.

Mr. MANN. The gentleman has his opinion.

Mr. CANNON. I will meet that question when it comes; let each case stand upon its own merits.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. BUTLER. Mr. Chairman——

The CHAIRMAN. To whom does the gentleman yield?

Mr. CANNON. To the gentleman from New York.

Mr. FITZGERALD. I understand the gentleman from Illinois to base his support of this bill on the same ground as the gentleman from Minnesota [Mr. STEVENS], that we are withdrawing from the taxable area a certain amount of land.

Mr. CANNON. That is one argument; that is one factor in the case.

Mr. FITZGERALD. That is, as far as the bridge is concerned which is owned by the community. There are two bridges here that are obstacles on this navigable stream. One of them has been erected by the railroad company, and it has been ordered to take it down. What equity is there in favor of the railroad company which obstructs a navigable stream and which is directed under the law to remove it, to have the United States contribute——

Mr. CANNON. I did not know that the railroad company had a bridge across this navigable stream, and I do not care whether it had or not, but——

Mr. FITZGERALD. This bill is to reimburse the railroad company as well as the communities.

Mr. CANNON. It is to reimburse the railroad company?

Mr. FITZGERALD. The railroad company has its bridge, which is an obstacle to navigation.

Mr. CANNON. Is it a railroad bridge, a street-railway bridge?

Mr. FITZGERALD. A street railway bridge.

Mr. CANNON. I did not understand that it affects the street railway.

Mr. FITZGERALD. Yes, it does. There are two bridges which are both obstacles to navigation and both have been ordered taken down. It is very ingeniously proposed that Congress help to build a bridge which will be adequate not only for the community but for the railroad.

Mr. CANNON. As I understand—and then I will yield to the gentleman from Massachusetts——

Mr. BUTLER. Give me three or four minutes.

Mr. CANNON. Precisely. As I understand the case to be, under the legislation in the State of Massachusetts, they apportioned the cost to the State; they say how much the community shall contribute, and also I believe how much the street railway shall contribute. Now, I am not to be frightened in my consideration of this bill by the bringing of a street railroad into it. A railroad has a right to exist, and I am not aware that any portion of this money is to go into the treasury of this railway company.

Mr. FITZGERALD. The gentleman is mistaken.

Mr. CANNON. The two bridges are not upon all fours. If the railroad had the same power of taxation upon its land before the land was condemned, that the community had or that the State had, and the community through the State, then I would vote as readily, notwithstanding that fact, for this bill as I would if the railroad was a man or a community. Let us be honest with each other.

Mr. FITZGERALD. That is what I wish to be.

Mr. CANNON. I think it stands solely upon the ground that there is a substantial equity in the premises.

Mr. FITZGERALD. If the gentleman will permit——

Mr. ADAMSON. Mr. Chairman——

Mr. CANNON. I want to yield first to the gentleman from Massachusetts.

Mr. ADAMSON. He probably wants to make the suggestion I do.

Mr. WEEKS. Mr. Chairman, in the reconstruction of this bridge, the Massachusetts Legislature has provided that the expense shall be apportioned between the State, the local communities, and the street railway company. No money goes into the treasury of the street railway company if this bill passes.

Mr. FITZGERALD. I have read the act of the Massachusetts Legislature, and it specifically provides that any money collected from the United States as a contribution toward the construction of this bridge shall be paid to the State, to the communities, and to the railroad companies in the proportion in which they are required under the law to contribute to the construction of the bridge. And 15 per cent of the amount of money which is made available under this bill will be paid back to the Old Colony Railroad Co., whose bridge it is.

Mr. WEEKS. That is a piece of smart pleading on the part of the gentleman from New York [Mr. FITZGERALD]. These communities build this bridge and divide the expense, as I have stated. If the Government makes a contribution in this way, then a portion of the money which has been advanced is returned, but the money has already been paid out by the street

railway and the local communities and the State. No new money goes into the treasury. It is simply that a proportion of the money that has been spent by them is returned to them.

Mr. FITZGERALD. I have made no special pleading. I have stated the facts as I found them.

Mr. ADAMSON rose.

Mr. CANNON. One word further, and I will yield my time to the gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. I want to remind the gentleman from Illinois as to the character of that railroad as an octopus. I want to state to him that the railroad's part of the expense is 15 per cent. Therefore, it is not enough of an octopus to arouse the fears or the qualms of any patriot.

Mr. CANNON. One word further, and then I will yield five minutes to the gentleman from Pennsylvania [Mr. BUTLER] and yield the remainder of my time back to the gentleman who yielded to me.

I suppose that a name—a corporation, a railroad company—might possibly have terrors for some people. After all, under similar conditions, I would be as swift of foot to do justice to an organization—although you might call it a railroad company—as I would to any citizen, great or small.

I yield five minutes to the gentleman from Pennsylvania [Mr. BUTLER].

Mr. BUTLER. Mr. Chairman, long service in this House may or may not be profitable to a constituency, but it is sometimes helpful to a Member when attempting to recall history. I remember the measure proposed here many years ago to remove the Chelsea Arsenal to a place of safety, recalling very well the struggle that took place among us with varying views upon the subject, some for the removal, some against it. Its advocates were successful.

The question asked by the gentleman from Tennessee [Mr. SIMS] of the gentleman from Illinois [Mr. CANNON] reminds me that I took my initial legislative bath in this House about 15 years ago in an effort which I made to assist the Methodist Church South in recovering what I then considered a just claim against this Government. It had been pending in Congress since war times, and seemed left over for us youngsters who came into the Fifty-fifth Congress to consider, and I was one of them who believed that justice demanded its payment, and I assisted this church of the South to recover from the Government what I considered belonged to it. I think all these propositions stand on their own bottom, each to be settled upon its own merits. Even justice should always attend our conclusions.

The land upon which this arsenal is located belongs to the Government for naval purposes exclusively. I remember the discussion we had in the House Naval Affairs Committee at the time we acquired this property.

I was one of its members who stood against the removal of this arsenal until a place could be found from which the public could be excluded. I know I have but one life here below, and it is important to me because it is the only one, and I would not like to lose that one because of an explosion in an arsenal, if I could avoid it by living elsewhere. Thinking of the lives of others, I insisted that this magazine should be removed from Chelsea, where its presence was a menace to the happiness of the community, where it had rendered the lives of the people unsafe and uncertain, to some point where those required to live in even a remoter relationship might have greater security. Consequently, after two or three years' discussion we were informed that the Government had at last acquired a place remote from man's habitation, to which this arsenal might be removed and from which every individual, unless employed by the Government, might be excluded. I remember asking those in charge of the subject and having the responsibility upon them whether or not it was absolutely certain to be moved to a place where private property would be safe and its owners secure against accidents from explosions which might occur.

I thought the purpose to be reached required more ground than was suggested. The site to be acquired was thought to be sufficient in extent to insure the safety to be secured. It seems to me the history of this arsenal removal and the reasons for it ought to be known by everybody who sat in Congress at the time. It was distinctly understood that this property was for the exclusive use of the Navy—to be considered the private property of the Government; the gates were to be locked, and all the avenues of approach were to be safely guarded by the Government so that the public might not trespass upon it. That channel through it belongs solely to the Government, for the Navy's exclusive use. It belongs to the Government for naval purposes alone.

Mr. MARTIN of South Dakota. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from South Dakota?

Mr. BUTLER. I do not know whether I have any time to yield.

Mr. MARTIN of South Dakota. I will ask that the gentleman be given time to answer my question.

Mr. ADAMSON. I hope the gentleman will be allowed time to conclude his remarks.

The CHAIRMAN. The time is in the control of the gentleman from Massachusetts [Mr. PETERS]——

Mr. MANN. Not unless he takes the floor. Has the time of the gentleman expired?

The CHAIRMAN. Yes; the time of the gentleman has now expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman may have what time he may desire.

Mr. FITZGERALD. How much time does the gentleman from Pennsylvania want?

Mr. SHERLEY. I suggest that the gentleman take the floor in his own right. That would give him an hour.

Mr. BUTLER. I do not wish that much time. I understood that the gentleman from New York [Mr. FITZGERALD] would now take the floor. I do not want to stand in the way of the gentleman from New York.

Mr. PETERS. Do I understand I have the floor, Mr. Chairman?

The CHAIRMAN. The gentleman has 10 minutes remaining, yielded back by the gentleman from Illinois.

Mr. PETERS. Then, Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. BUTLER].

Mr. BUTLER. Now, I will yield to the gentleman from South Dakota for a question.

Mr. MARTIN of South Dakota. Does the gentleman understand that this bridge is upon or goes to the private property of the Government?

Mr. BUTLER. No; I do not understand any such thing. I made the statement, which I will now repeat, to the effect that on the diagram [indicating], within those boundaries described by the red lines, the Government absolutely owns everything, exclusively for the use of the Government, and it is property over which no man can pass or gain access to unless he first obtains permission.

Mr. MANN. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Illinois [Mr. MANN]?

Mr. BUTLER. Yes; with pleasure.

Mr. MANN. The gentleman is mistaken in reference to that. This is a navigable stream. While the Government can prevent anyone landing on the Government's own property—the land—the Government can not prevent anybody from navigating that stream; can not prevent anybody's going up there, on pleasure or otherwise.

Mr. BUTLER. I understand that the public avenues are open to all of us. My friends, they are like the wild moor; they are wide enough for everybody. The subjects can be excluded from neither. But I insist that we have acquired property at this point—I never was on it—where the Government has the privilege of shutting out the public, where the Government could absolutely control all the affairs conducted within its boundaries. It is true that this stream is navigable; but I have made some inquiry and understand that the use of the stream is not desired by anybody or by any institution within those boundaries, but that it is all within the exclusive control and use of the Navy Department, which has located therein this naval magazine, filled with powder and explosives which are a menace to life and a danger to property, and which are guarded carefully by the department so that no harm may be done to anything or anybody. I have understood, further, that nobody goes upon this property unless he is an employee of the Government or unless he goes upon it with the consent of the Government.

The statement made by the gentleman from Illinois [Mr. MANN] regarding the rights of the people in navigable streams is absolutely correct. If the public insists upon going there through this stream, it would have the privilege; but we have extended the purchase so as to exclude the opportunity of others acquiring possessions above this point, thus putting the possible public use of the stream out of question.

Mr. PETERS. In connection with the question asked by the gentleman, I would like to read three or four lines from the report of the lieutenant commander in charge of this station. He says:

Our survey shows that the mean low-water line does not extend over the upper 1,000 feet of the reservation, so that it would appear that at the upper end of the reservation there is no navigable channel—only dry land at mean low water—which property is the property of the Government.

Mr. BUTLER. Yes. Mr. Chairman, I have no interest in this question except in the effort to do what is right as I understand it. I have no more interest in this than I have in any other measure or problem that finds its way to Congress and is submitted to us for our solution. However, I think there is a common-sense way of dealing with all these measures that are committed to us, and I only endeavored in the first instance to show that I had no feeling on the subject, but only a public duty to discharge. I think I made this much plain to you when I referred to my first experience in an effort to settle a great question arising between the Government and the people. It was decided right, although its solution has been criticized. Why should this community, why should the people of those two towns, be compelled by the United States to spend private funds to enable the Government for its own exclusive purposes to reach its own property? The Government desires to reach its exclusive possession for naval purposes alone. Why should not the Government provide the way?

I will admit that the two gentlemen, the one from New York and the one from Kentucky, who always conduct their sides of the controversy well, can find a reason why this expense should not be borne by the Government. I do not say that their arguments are specious, but I do say that their reasons are quite technical.

Mr. FITZGERALD. Will the gentleman yield?

Mr. BUTLER. I will yield to the gentleman from New York and answer his question if I am able.

Mr. FITZGERALD. Does the gentleman believe that this bridge is to be constructed to enable anybody to get into this magazine?

Mr. BUTLER. No; I do not. This bridge is to be reconstructed because the Government directs it to be done.

Mr. FITZGERALD. No; it does not.

Mr. BUTLER. The Government insists that the draw shall be widened, not for the benefit of all the people, but for the benefit of the Navy Department alone, and in widening the draw it becomes necessary to build a new bridge. I will ask the gentleman from Massachusetts if I am right.

Mr. FITZGERALD. The gentleman is not right in the statement that it is not for the benefit of all the people, because even if it is done by the Federal Government in its own interest it is for the benefit of the people, or else we have a different form of Government than I supposed.

Mr. BUTLER. The gentleman and I will not disagree about that. When the Government buys powder or explosives it is to protect everybody, including him and me; we of course all get some benefit which is to accrue, but nevertheless I do not see why the people of that particular community who will secure but their share of protection by reason of it should have saddled on them the expense of rebuilding a bridge which now suits all their purposes and answers all their demands. I think the Government is fortunate in its ability to escape the whole cost made necessary for its exclusive accommodation. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. FITZGERALD. Mr. Chairman there seems to be so much misinformation and misunderstanding as to the facts in this matter that, although it has been under discussion for two days, I feel obliged to state the facts in order to justify the conclusions which I shall draw.

There are across the Back Weymouth River two bridges, one owned by the Old Colony Railroad Co.—if that be the correct title of the corporation—the other belonging to the two communities on either side of the river. They have been declared under the law obstructions to navigation, and the owners of the bridges have been ordered to remove them. That is not anything uncommon or unusual, but it happens quite frequently every year. Those who place obstructions on navigable streams do it at their peril, and whenever the Federal Government determines that they are obstructions and must be removed those who have placed the obstructions in the navigable stream are required to remove them at their own expense.

But in this instance some novel doctrines regarding the character of the Federal Government and things that are incident to government generally have been advanced upon the floor. It is now said that because the Federal Government has acquired for the purpose of a naval magazine the land upon both sides of this stream above the place where these bridges are located, and because this land is to be utilized as a naval magazine, the public generally will not desire to frequent that portion of the river, that there are some equities arising in favor of the owners of these bridges which entitle them to contribution from the United States toward the construction of the bridges in the places of those to be removed. No claim is made that the Federal Government needs a bridge at this place or that there is any necessity that there should be a bridge at this place for any purpose in which the Government has an interest, but simply because some people have maintained what would be considered as public nuisances in municipalities, or were obstructions to navigation, and are required to remove them in the interest of the Government, it is asserted that there is some equity resulting to those who have placed these obstructions in this navigable stream so as to justify the Federal Government paying the cost of removing them.

I am unable to see, Mr. Chairman, any reason for this contribution merely because the Federal Government has acquired the property above the bridges and needs to have the obstruction removed in order to carry on the legitimate operations of the Government. If several manufacturing enterprises had erected establishments above these bridges and had then complained to the War Department that these bridges were obstructions to navigation, the owners of the bridges would have been compelled to remove them in order to afford access to those manufacturing or industrial establishments; but because the Federal Government has come to be universally regarded as an "easy mark," in the vernacular of the street, as something or somebody in which no one has any particular interest, as having a Treasury overflowing with money to be poured out in aid of every necessitous or clamorous applicant, the proposition is made here that a contribution should be made to enable these communities and this railroad company to furnish the accommodations required in order to enable them to have access to various portions of the State to which it is desirable or necessary that facilities for such access should be supplied.

Mr. RICHARDSON. Will the gentleman allow me?

Mr. FITZGERALD. Certainly.

Mr. RICHARDSON. I understood the gentleman from New York to say that the Government had issued an order to remove that bridge.

Mr. FITZGERALD. If the gentleman will permit me——

Mr. RICHARDSON. I understood the gentleman to make a statement of facts. In order to give the reasons for his conclusions the gentleman has to state facts, and among those facts he stated that the Government had ordered the bridge to be removed.

Mr. FITZGERALD. Let me make my statement.

Mr. RICHARDSON. Well, but——

Mr. FITZGERALD. I ask the gentleman to permit me to make my statement. I am speaking in my own time. If it be satisfactory, then I shall yield to the gentleman later.

Mr. RICHARDSON. Certainly.

Mr. FITZGERALD. The gentleman from Alabama is thoroughly familiar with the facts about this bill. Indeed, he submitted the report upon it. Therefore he and I will not quibble about terms. The Federal Government determined after a hearing that these bridges were obstructions to navigation upon this river and ordered that the draws in the bridges be widened from 25 feet, their present width, to 50 feet. The Government needs a draw 50 feet wide in order to let vessels pass through.

Mr. RICHARDSON. I will say to the gentleman that I am not quibbling at all, but I do understand there is a difference between the purpose and intention of the Government in making an order to remove a bridge and in making an order to widen a draw. I do think there is a good deal of difference.

Mr. FITZGERALD. Oh, no; there is no difference, because if it had appeared that the Government, in order to have access for vessels necessary to pass up the stream, required a greater width than 50 feet in the span, and that could not have been attained in any other way than by the removal of the bridge, the Government would have ordered the removal of the bridge. The gentleman from Alabama has emphasized a phase of this matter to which I intend a little later to call the attention of the committee. He has emphasized the fact that in order to comply with the requirements of the Government it is not necessary to remove these bridges at all, but merely to widen the draws, and that can be done at a total expense for both bridges of about $20,000.

Mr. RICHARDSON. Will the gentleman pardon me for saying that he is not quoting my statement correctly?

Mr. FITZGERALD. I am not quoting the gentleman's statement. I am basing my statement upon the report of the Chief of Engineers of the United States Army, who, I believe, is qualified to furnish information of this character to the House; and if it be necessary I shall read his exact language, so that there may be no misunderstanding as to the source of my information.

In a report made by Gen. W. H. Bixby, Chief of Engineers, United States Army, transmitted to the Secretary of War,

under date of February 11, 1911, and printed on page 4 of the committee report accompanying this bill, he makes the following statement:

It is believed that the amount named in the bill ($100,000) is exorbitant, and that the cost of placing new 50-foot steel draw spans, as required in the said order, would not greatly exceed the sum of $8,000 for the railroad and $12,000 for the highway bridge, or a total of $20,000

That is the statement upon which I base my contention that in order to furnish a space sufficient to enable the vessels required in the transaction of the business of the Government to have access to this magazine the widening of the draws of the bridges would cost about $20,000.

Mr. BATES. Will the gentleman yield?

Mr. FITZGERALD. I yield to the gentleman from Pennsylvania.

Mr. BATES. Mr. Chairman, the gentleman speaks of a condition that might arise. He states that factories further up the stream might be built, which would require greater navigability of this stream, and that, under such circumstances, the people could not, with any good face, ask the Government to contribute to the building of a bridge. I will ask the gentleman if local conditions ought not to govern in a case of that kind. Instead of factories being built which would enhance the value of all the property roundabout and make the use of that bridge more desirable and more easily kept up, on the contrary the Government has come down and taken the desirable part of the land, removed it from taxation, and put it to an undesirable use. Under those circumstances ought not that local condition to be taken into consideration in the very point the gentleman has raised in asking the Government to respond to at least a third of the cost of the improvement?

Mr. FITZGERALD. Not at all. They might build factories along that stream that would so pollute the stream as to make it a detriment to the entire State. They have done that very thing in Massachusetts, as well as in other States. The people of this community are very fortuante in having an enterprise of this character located there which will never be a detriment to the surrounding property.

Mr. BATES. I think the gentleman will admit that this is a detriment to the locality.

Mr. FITZGERALD. I will not. I would prefer nothing better than to have somebody donate to me a magnificent estate adjoining this naval magazine [laughter], and I should not be at all alarmed as to any danger or jeopardy from the location of the estate.

Mr. MANN. Would the gentleman be willing to live on the estate?

Mr. FITZGERALD. Oh, delighted.

Mr. BATES. Why was it desirable to remove the magazine from Chelsea and put it in this outlying country?

Mr. FITZGERALD. Mr. Chairman, many ridiculous statements are made about these magazines. The Government of the United States only a few years ago purchased Iona Island in the Hudson River, only a few miles distant from the great military academy at West Point. It has established there a naval magazine necessary in the vicinity of the great commercial port of the State of New York. Nobody has ever lost any sleep because of the possibility of harm coming to those living in the surrounding community because of the danger of an explosion.

Mr. BATES. But they are very glad it is out on an island, however, and not on the mainland.

Mr. FITZGERALD. I have not heard any commendation of that fact, and before the Government acquired that island it was used as a picnic ground. It was a place to which most of the excursions organized by church societies and social organizations in the city directed their way during the summer season. It was a beautiful and attractive spot, and the business conducted there was such that the taxes gathered from the establishment helped to keep down the burdens of the people residing in the county in which Iona Island is situated. The Government of the United States, needing a naval magazine in the vicinity of New York, and seeking some secluded place, according to those who are advocating this bill, unfairly and unjustly acquired this island and withdrew from the taxable area of the county in which it was located one of the most valuable pieces of property subject to taxation therein. I have never heard the slightest complaint on that score or any contention that there should be money appropriated to enable the people of that community to conduct their government, to do things incidental to their government, because the Federal Government, in the exercise of its power of eminent domain for the furtherance of a purely governmental purpose, had taken this property and paid for it.

Mr. OLMSTED. Do they still use the island for picnic purposes?

Mr. FITZGERALD. No; they do not; nor are any taxes levied upon it.

Mr. BUTLER. Does the gentleman not think it ought to be left to one's choice as to whether he will live alongside of a magazine?

Mr. FITZGERALD. Anyone who does not care to live alongside of this territory is at liberty to move away. I have volunteered to take one of the magnificent estates located quite near to this place. Gentlemen probably are not familiar with the character of the surrounding country. Hingham and the lands adjacent to East Weymouth River, Back Weymouth River, and Fore Weymouth River constitute one of the most delightful locations in the State of Massachusetts. Do not labor under the delusion that a downtrodden, poor, and oppressed people are living in the vicinity of this naval magazine. One of the foremost protestants against the location of the magazine was a former distinguished Secretary of the Navy, who has a home in the vicinity. It is, I am informed, a delightful place. He probably would have preferred not to have the magazine placed so near his place, or he would not object to the Federal Government bearing some of the burdens which belong to the tax payers of the neighboring lands.

The magazine was originally located in Chelsea. It has since become a prosperous, thriving, industrious community. It was asserted as an inducement to abandon that location that in the event of an accident or an explosion serious loss of life might be occasioned in the neighborhood of the magazine, and so it was removed. The old magazine was sold and the taxable value of property in Chelsea was thereby largely enhanced, greatly to the benefit of the State of Massachusetts.

The land formerly occupied by the magazine in Chelsea went back into private ownership, and the State of Massachusetts and the locality derive the benefit from the taxation of this much more valuable land than that substituted by the Government for the magazine.

Mr. FOSTER of Illinois. I would like to ask the gentleman whether he knows of any request upon the part of the citizens of Massachusetts to remove this naval magazine away from the State to some other place, or was that other place talked of at the time?

Mr. FITZGERALD. Mr. Chairman, I spoke about the desirability of doing that when the attempt was being made to provide the appropriation for the naval magazine, and all of Massachusetts rose up in alarm, just as the people of Boston removed their valuables from the city into the back country at the outbreak of the war with Spain, lest perchance Cervera might capture the city. [Applause.] It was not in Boston alone that this happened, but in the vicinity of the city of New York and other coast communities it was almost impossible to rent seashore residences during that summer season in the State of New Jersey and along the Long Island coast, for fear——

Mr. BUTLER. And at Atlantic City and Longport, and all along there.

Mr. FITZGERALD (continuing). For fear the Spanish fleet might suddenly appear, with disastrous effects.

Mr. FOSTER of Illinois. Rents went up, did they, along the coast during the Spanish-American War?

Mr. FITZGERALD. They were very greatly diminished; but it would have been no more possible to have located this naval magazine in some New England State other than Massachusetts than it would have been to have transferred the city of Boston to the top of Pike's Peak by legislation.

Mr. Chairman, I have in mind a situation that might arise elsewhere. The same equities as claimed here would result in favor of another community from the action of the Federal Government. When I state it, gentlemen will realize how utterly preposterous it is to claim equities here requiring a contribution from the Federal Government. Connecting the borough of Brooklyn with the borough of Manhattan, in the city of New York, are three bridges. They cross the East River. Connecting the borough of Manhattan and the borough of Queens is the so-called Blackwells Island Bridge. They are very expensive structures. They have cost, I imagine, in the neighborhood of $20,000,000 apiece. Between some of those bridges is the Government navy yard.

Suppose some change in naval architecture should result in the construction of naval vessels of such a character that they would have military masts of such height that it would be impossible for them to pass under these structures which now connect the various boroughs of the city. Under the regulations of the War Department these bridges were required to

be 135 feet above mean low water. Some old sailing ships lost their masts in attempting to pass under bridges because of a miscalculation of the distance from the deck of the ship to the lowest part of the bridge. Suppose some revolution in naval architecture should take place the result of which would be that such vessels of such a type would be built that the superstructure or other parts could not pass under these bridges, and that, as a matter imperative to the defense of the country, it was necessary that they should have free access through the East River. It will always be necessary that the vessels of the Navy have free access through the river, because New York is the only port on the Atlantic coast which has the strategic advantage of having two ways of water approach—two ways by which vessels can enter or leave the harbor—one by way of Sandy Hook and up through the bay, and the other through Long Island Sound, to or from the east. This situation is well recognized as of very great value in the event of war. If such a revolution in naval architecture should take place and vessels should be constructed that could not pass under these bridges, the War Department, at the request of the Navy Department, would unquestionably serve notice on the city of New York to so modify the construction of the bridges as to permit vessels built for the defense of the country to have access through the river.

How seriously would anybody in this House consider a request from the city or State of New York that the Federal Government should bear one-third of the cost of modifying those bridges in order to enable war vessels to pass through the river? With what loud acclaim would I be accorded if I proposed an appropriation of $15,000,000 or $20,000,000 as part contribution to the city and State of New York for any such modification of those bridges. And yet the modification would be required not in the interests of commerce and of private individuals but solely in the interests of the Federal Government. The only difference between a case such as I describe and that covered by the pending bill is that this one is not considered so vicious, because it takes, comparatively, but little money. There is no difference, however, in principle.

The gentleman from Minnesota [Mr. STEVENS] undertook to furnish the committee with instances in which the Congress had appropriated money for the purpose of paying part of the cost of bridges across navigable streams. Mr. Chairman, I have looked up quite a number of those mentioned by him. I believe it is quite apparent that in none of the instances mentioned did conditions exist at all similar to those disclosed here.

The first instance cited by the gentleman from Minnesota was the Rock Island Arsenal. In 1867 Congress appropriated money to defray a portion of the cost of building a bridge from Rock Island to the city of Davenport, Iowa. I have gained some information about that matter, because I have been for the last six years investigating estimates submitted for appropriations to maintain part of the bridge. The facts, stated briefly, are as follows:

The Government itself required a bridge from the city of Davenport to the arsenal on Rock Island in order to enable it properly to maintain and conduct this arsenal. It needed facilities to bring supplies from Davenport to the arsenal. The people of Davenport desired facilities to make access to the arsenal easy. It was desired to have the street railway extended across the river to the arsenal for the purpose of making it more convenient to go from the city to the arsenal. It was necessary to provide facilities for teams that were doing carting of materials for the Government from the city of Davenport to the island. If nothing else had been done the Government would have been compelled to have built a bridge that would have been adequate for its purposes, or the city of Davenport might have built a bridge which would have been adequate for the necessities of the people of the city.

An agreement was reached by which the Government and the city of Davenport combined to build a bridge that would be ample for the necessities of both the city and the Federal Government, and an arrangement was made by which the expense was apportioned. There is no such condition in this case. The United States does not wish these bridges. It has no need for them. It desires to have them removed. They are obstructions to navigation on a navigable stream. Under the law and in accordance with the order issued by the Secretary of War they must be removed. No one would suggest that the Government pay a part of the cost of moving the bridges, but some one has originated the idea of having the Government pay part of the cost of building a new bridge in the place of those to be enlarged or removed. It is easy to understand how it comes about. It is a matter familiar to every Member of this House. The people of the community look upon the Federal Government as a great beneficient organization, existing apart from the people. There is a prevalent belief that the Government has some indefinable source from which unlimited money flows to be distributed to aid worthy projects of every conceivable character or to relieve the needy and distressed upon request. The people of the district in which this bridge is located have an able, aggressive, virile, competent Representative in Congress.

Some one suggests, "Our Representative is a very able, brilliant, and aggressive man, and we will ask him to get the Congress of the United States to aid this poor, downtrodden, and oppressed community to build this bridge." Representing the community, he has to submit such a request to Congress. I undertake to say that he was the most surprised man in the House when the committee first reported this bill favorably. He has never been able to get over his surprise. People might imagine now, if Congress does not pass the bill, that he has lost some of his influence. Necessarily he has to continue active in endeavoring to get an appropriation for this enterprise and for which there is absolutely no justification. I repeat, so there will be no misunderstanding, and for the benefit of those whose attention was momentarily distracted, that the people of the district are to be congratulated upon having a Representative of the capacity and ability and intelligence and standing of the gentleman from Massachusetts. I know of only one way in which they can improve upon it, and that is by substituting an equally competent Democrat in his place.

Mr. SHERLEY. I trust the gentleman will not overlook the fact that equal and strenuous advocacy of this bill has been made by some of the gentleman's colleagues from Massachusetts.

Mr. FITZGERALD. They have simply succumbed to evil example. [Laughter.] It is so natural for a Republican to do something like this that occasionally Democrats are led into temptation because of the success of the first efforts.

Mr. MANN. Do I understand the gentleman from New York to intimate that there is a committee of the House which is now composed of a majority of Republicans which reports measures like this? I thought this bill had come from a Democratic committee. [Laughter.]

Mr. FITZGERALD. Well, the gentleman from Illinois [Mr. MANN] has had more to do with the making up of these committees than I have had. He ought to be able to answer that question better than I. He has been consulted at least as to the minority side of the committees, and I have not been consulted at all. I do not think it is fair for him to attempt to extract information of that character from me. [Laugher.]

Mr. MANN. Has not the gentleman from New York sufficient information on that subject to enable him to answer a question of that kind?

Mr. FITZGERALD. So far as I am informed, Mr. Chairman, I do not know of any committees controlled by the Republicans in this House. But I have some hesitation in answering the question propounded by the gentleman, because at one time I was myself a member of a committee in a Republican Congress the majority of which were Democrats. [Laughter.]

Mr. MANN. That shows how much more liberal a Republican House always is than a Democratic House. [Laughter.]

Mr. FITZGERALD. No, Mr. Chairman; it only shows how virtue will sometimes impress itself upon those in control even in a Republican House. The necessity of choosing an absolutely impartial committee induced the appointment of myself as a member of the committee referred to to do the work, and I must confess we did do it in a satisfactory and acceptable manner. [Laughter.]

Mr. MANN. If the gentleman will pardon me, the charge was made at one time that the gentleman did not belong to that side of the House. [Laughter.]

Mr. FITZGERALD. I know; but had I allowed myself to be annoyed by charges of that character I should not have been able to have discharged my duties as efficiently as I endeavor to discharge them. Such matters as the gentleman from Illinois mentions will happen occasionally. It might have been the source of a little annoyance to me temporarily, but whatever differences of opinion there may have been in that regard in the past have all been eliminated, and we are now happy and contented and united. And I wish the gentleman from Illinois had the same united support from his side of the House as is given to the majority leader by this side of the House. [Laughter.]

Mr. MANN. I would not wish for the same united kind of support on the Democratic side as the gentleman from Alabama got the other day. [Laughter.]

Mr. BUTLER. What was wrong with that? [Laughter.]

Mr. FITZGERALD. Some of the Democratic Members were of the opinion that it was not support of the Democratic leader, but rather a support of the Republican leader. [Laughter.]

Mr. SHERLEY. That is about as near to it as the gentleman from Illinois ever gets.

Mr. FITZGERALD. I hope the gentleman from Illinois will not continue to attempt to break down the force of the argument I am making on this bill. [Laughter.]

The next instance cited by the gentleman from Minnesota [Mr. STEVENS] was the bridge across the North Platte River connecting with Fort Laramie, Wyo.; the next one a bridge across the Republican River, in Kansas, to Fort Riley; and the next one a bridge across the Milk River, in Virginia, connecting with Fortress Monroe. I call the attention of the committee to the fact that in all these cases the purpose was to furnish means of access to military reservations; that it was necessary for the Government to have means of access for its own purposes, and that if there had been no bridges built by the various communities and no contribution by the communities the Government itself, in order properly to maintain its establishments, would have been compelled to have erected the bridges entirely out of its own resources.

I am indebted to my good friend from Kansas [Mr. YOUNG] for the further information that the bridge in Kansas to Fort Riley was wholly within the military reservation. Even under such circumstances the Government paid for only part of the cost of its construction, and the people of the surrounding community paid the other part because of the benefit derived by them.

Mr. PETERS. This bridge in Massachusetts is half within the reservation.

Mr. FITZGERALD. The gentleman from Massachusetts states that this bridge is half within the reservation.

Mr. MARTIN of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. If so, that makes this bill all the more offensive to me, Mr. Chairman, because the pictures that have been drawn of the extreme danger of being in the vicinity of this naval magazine make it highly inappropriate that a bridge for the purpose of transporting street railway cars and teams and wagons should be permitted to be constructed within the reservation occupied by this naval magazine.

Mr. MARTIN of South Dakota. Will the gentleman yield?

Mr. FITZGERALD. I yield.

Mr. MARTIN of South Dakota. I was about to state that the gentleman from Massachusetts [Mr. WEEKS], in his testimony before the committee, stated that the edge of the Government land was some 90 feet above the bridge. That was the testimony at the hearing.

Mr. FITZGERALD. The gentleman from Massachusetts [Mr. PETERS] believes that part of the bridge is within the limits of the reservation. That is a very astonishing fact, in view of the attempt that has been made to show how extremely dangerous it would be, and therefore how extremely unlikely that anybody should desire to sail up the river beyond the bridge, to be in the vicinity of a naval magazine. Here is a bridge to be constructed for street-railway cars, teams, foot passengers——

Mr. SIMS. Automobiles.

Mr. FITZGERALD. In the very dangerous vicinity of a naval magazine. It is highly improper to encourage people to expose themselves to risks of such an extraordinary character, and there does not seem to have been much gained, so far as the safety of persons is concerned, in removing this magazine from Chelsea to North Weymouth or East Weymouth.

Mr. Chairman, I wish to call the attention of the committee to some extracts from the report of the Chief of Engineers. Perhaps before I do that I should call attention to what might flow from the passage of this bill.

The Fore River Ship & Engine Co. is located on Fore River, right in the vicinity of this magazine. The greatest portion of its business is the building of war vessels for the United States Government. Some years ago—I believe it was 8 or 10 years ago—the company issued an advertisement in the Saturday Evening Post, in which they advertised the sale of bonds or preferred stock, and offered as a bonus one share of common stock for every two shares of preferred stock purchased. I put the facts and the advertisement in the RECORD at the time. If I recall correctly, it was shown that the capitalization was several million dollars, 33 per cent of which was water, yet they were earning 6 per cent on the common stock and 7 per cent on the preferred stock. All work being done by the company, with the exception of a couple of hundred thousand dollars, was under contracts with the Federal Government.

After I discussed the matter on the floor of the House the advertisement disappeared and it has never appeared any place since. This was a prospectus to induce people to invest in that corporation. Practically all of their business at that time was for the Federal Government. Since then, through the assistance of the so-called "dollar diplomacy," the company has obtained contracts for the building of two vessels for the Argentine Republic.

Mr. WEEKS. Will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. WEEKS. I think I may suggest to the gentleman that since the time to which he refers this company has been in the hands of a receiver, and it has never paid any dividends on the capital that actually went into it.

Mr. FITZGERALD. I should not think it would, considering the way they were endeavoring to induce people to subscribe for its securities.

Mr. WEEKS. Whether there was some water in the capitalization or not I do not know, but the company has never paid any dividends on the actual money that went into it.

Mr. FITZGERALD. If the water in that company had been put into the creeks in Massachusetts that we have been asked to improve, they would never have needed a dollar from Congress for the improvement of rivers and harbors in the State of Massachusetts. [Laughter.] If necessary, I shall look up my former speech and reinsert it in the RECORD. That company at that time had about $8,000,000 of contracts with the Federal Government, and those were all the contracts it had, with the exception of a few hundred thousand dollars, and those were the contracts out of which all the money described in the advertisement was being made.

A short time ago certain war vessels were completed by this company. To get the vessels to sea it was necessary to pass a bridge on the Fore River. The development of naval architecture had resulted in vessels of such beam that it was doubted whether the draw of the bridge was sufficient to permit the passage of a vessel of recent design. I am not sure—perhaps the gentleman from Massachusetts will recall—whether the bridge over the Fore River was sufficiently wide to enable the battleship to be squeezed through or whether the margin was so close that they hesitated about attempting to bring the vessel through, because of the danger to the ship, until the draw was widened.

My recollection is the draw was widened, although I may be mistaken. It was notorious, however, that with naval vessels of 90 feet or more beam the draw in the bridge was of insufficient width. If we pass this bill and contribute to the construction of the bridge to be built by the communities desiring it there will be no excuse to refuse to contribute to the widening of the draw in the bridge over the Fore River. Initiate this policy and Congress will be flooded by similar requests equally meritorious, equally deserving, and the result will be the adoption of a policy which will make profitable to others the condemnation by the Federal Government of antiquated bridges which are obstructions to navigable streams.

Mr. WEEKS. Will the gentleman yield?

Mr. FITZGERALD. I will.

Mr. WEEKS. Does it occur to the gentleman from New York that the dollar diplomacy he has just referred to which has enabled the bringing to this country the building of two battleships and employment for 3,000 workmen, is a good thing or not?

Mr. FITZGERALD. I shall answer that question, Mr. Chairman, but a little more elaborately perhaps than the gentleman from Massachusetts expects. According to the gentleman's statement this company has been in the hands of a receiver and has never paid a dividend. It has been contended by the Republican Party for innumerable years that it was impossible to build ships as cheaply in this country as they could be built abroad. That was one of the chief reasons urged for the granting of subsidies to the American merchant marine.

Nobody believes that warships built by private contractors in recent years have been built at a loss. There were some instances where mistakes were made early in the history of such construction with resulting loss to the contractors.

Yet this American shipbuilding concern, in competition with the shipbuilding concerns of Europe, underbid those concerns in Great Britain and other maritime powers and was able to obtain the contract for the construction of two vessels for the Argentine Republic.

When this fact was developed, one of the excuses made was it was possible to obtain armor for these ships more cheaply than it could be obtained for American warships; that armor could be bought by American concerns from American corporations for foreign ships cheaper than it could be bought for American warships. The facts have never been fully disclosed, but some day they may come out.

Mr. SHERLEY. Will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. SHERLEY. Can the gentleman tell how much the giving of naval secrets of construction have had to do with the awarding of this contract?

Mr. FITZGERALD. My recollection is that the statement was made that these vessels were built upon plans prepared by this company. They were plans made upon information which was acquired in Government work for the Federal Government. The president of the company himself for some years was the Chief Constructor in the United States Navy. It was an American concern building ships more cheaply for a foreign power than for the United States, utilizing information acquired, to some extent at least, in the service of the United States.

Mr. WEEKS. Does the gentleman from New York know that the contract for these ships was lower than for similar ships being built by the United States Government?

Mr. FITZGERALD. I do not now recall the figures, but that is my impression. At any rate, these contracts were awarded to this American company, which bid for them in competition with foreign countries. The gentleman who was president of the American company was one of the men who most strenuously insisted that it was impossible to build as cheaply in the Government yards as in private yards. His company underbid foreign concerns, whom it has been asserted time and time again are able to build more cheaply than is possible in the United States. The facts speak for themselves and gentlemen can draw their own conclusions. I have drawn mine.

Mr. HAMLIN. Will the gentleman yield?

Mr. FITZGERALD. I will yield to the gentleman.

Mr. HAMLIN. Does the gentleman also know that the Government, in order to aid the private shipbuilding company to comply with its contracts, is building some portions of the ships out here at the navy yard at actual cost?

Mr. FITZGERALD. The gentleman is surely mistaken. The Navy Department has time and again attempted to overwhelm this House with evidence that it is impossible to do any work in a navy yard as cheaply as by private contract. It is preposterous to assume that the gentleman's statement is correct that the Government can do any work as cheaply as a private concern can do it. [Laughter.] The gentleman from Missouri can see how impossible it is that such a statement can be accurate, although I have no doubt, from my own investigations and the information which I have submitted many times to the House, that the gentleman is absolutely correct.

Mr. SISSON. Will the gentleman from New York yield?

Mr. FITZGERALD. I do.

Mr. SISSON. The gentleman from Massachusetts said something about quibbling as to the money that would go into the——

Mr. FITZGERALD. I am coming to that, and as long as the gentleman from Mississippi suggests it I shall discuss it now, although I was going to discuss another phase which is mentioned by Gen. Bixby.

Mr. HUGHES of New Jersey. I would like to ask the gentleman how many phases there are to this bill.

Mr. FITZGERALD. So many vicious ones that it is impossible to discuss them all in a reasonable time.

Mr. COOPER. Will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. COOPER. I heard the gentleman from New York say a little while ago that he had been informed that this territory was purchased by the Government for a magazine; and, therefore, the bridge, if located there, would be in a dangerous position. The testimony of the gentleman from Massachusetts [Mr. WEEKS] was that this magazine is located three-quarters of a mile or a mile from the bridge, and that the bridge is not within the reservation.

Mr. FITZGERALD. I shall yield to the gentleman from Massachusetts to answer that suggestion.

Mr. PETERS. I stated that one-half of the bridge was in the location. I find I am mistaken. The plan indicates that the reservation went up to the street line, but it stops 90 feet from the street line.

Mr. FITZGERALD. Mr. Chairman, I believe the gentleman from Wisconsin [Mr. COOPER] will realize that the gentleman from Massachusetts [Mr. PETERS] was under a misapprehension. Part of the bridge is not within the reservation. It is 90 feet from it.

Mr. COOPER. Yes; I think it was a misapprehension of the fact.

Mr. FITZGERALD. Whether it is three-quarters of a mile from where the explosives are, I do not know.

To return now to the matter suggested by the gentleman from Mississippi [Mr. SISSON]. I made the statement when the gentleman from Illinois [Mr. CANNON] occupied the floor that if this bill passed 15 per cent of the amount carried by the bill will be paid to the railroad company. The gentleman from Massachusetts became indignant that I should quibble, as he expressed it, about the matter. So that there may be no misunderstanding about the facts I shall read the law enacted by the Legislature of Massachusetts.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. GARNER. Do I understand it to be admitted now that if this appropriation goes through the railroad company will receive 15 per cent of it?

Mr. FITZGERALD. I am going to read the law.

Mr. CARLIN. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. CARLIN. Does the gentleman expect that we will vote on this bill to-day?

Mr. FITZGERALD. I do not.

Mr. MURRAY. Does the gentleman expect that we will ever vote on it?

Mr. FITZGERALD. Not to-day.

Mr. MURRAY. Will the gentleman give us an idea as to when he expects the vote will come?

Mr. FITZGERALD. Mr. Chairman, I have no desire to prevent a vote being taken on this bill.

Mr. MURRAY. Will it be taken to-day?

Mr. FITZGERALD. I object to its being taken to-day.

Mr. MURRAY. I thank the gentleman.

Mr. HAMLIN. It has not been thoroughly discussed.

Mr. FITZGERALD. I do not think it has been fully discussed. I am not unfairly using the time of the House. I am legitimately opposing this bill, and I intend to express my views fully.

Mr. BATHRICK. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. BATHRICK. Is not this railroad that expects a contribution from the Government to construct this bridge a considerable beneficiary from the numerous people employed in this magazine by the Government?

Mr. FITZGERALD. I do not know whether the employees will use the bridge.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. SHERLEY. Would it interrupt the gentleman if I made an inquiry? Several gentlemen have been wanting to know of me as to whether this bill will likely come to a vote this afternoon.

Mr. MANN. It will not this afternoon. It might to-morrow morning early.

Mr. FITZGERALD. Mr. Chairman, I do not believe the gentleman from Kentucky ought to fritter away my time in that way.

Mr. SHERLEY. I beg the gentleman's pardon.

Mr. MANN. Oh, Mr. Chairman, I will be willing to ask that the gentleman's time may be extended so that he may have time to conclude his remarks.

Mr. FITZGERALD. Mr. Chairman, the bill before the House provides as follows:

That whenever there shall be fixed by the Legislature of the State of Massachusetts the proportion of the total expense toward the reconstruction, alteration, and repair of a bridge across the Weymouth Back River, on Lincoln Street, in the town of Hingham, in said State, made necessary because of the erection of a naval magazine and for other governmental purposes, to be paid by the Old Colony Street Railway Co., a corporation organized and existing under the laws of the State of Massachusetts, the town of Hingham, in Plymouth County, in said State, and the town of Weymouth and the city of Quincy, both in Norfolk County, in said State, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, an amount not exceeding $50,000, and not, in any case, to exceed one-third of the sum necessary to reconstruct, alter, and repair said bridge as may be ascertained by the Secretary of War.

I have read the bill as it would be if the committee's amendments were agreed to.

Mr. MURRAY. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Just one moment.

Mr. MURRAY. I desire to ask the gentleman from New York whether or not he will withdraw his objections to the bill if that feature of the Massachusetts legislative act providing for a refund of 50 per cent to the street railway company be stricken from the bill?

Mr. FITZGERALD. Not at all. We do not need to do so. I am opposed to appropriating any money toward the construction of this bridge.

Mr. MURRAY. I understood the gentleman to be making much of the fact that a refund was to be made to the street

railway. I think those of us, or some of us who are in favor of the measure, might be willing to see that feature stricken out of the bill.

Mr. FITZGERALD. Mr. Chairman, if I talk a little while longer perhaps I shall bring the gentleman around to agreeing with me that no appropriation at all should be made. A concession is now being proposed which has not heretofore been suggested.

Mr. MURRAY. No; Mr. Chairman, we suggest a practical compromise if the gentleman's objection is based upon the fact that the street railway company is going to get a refund. There are hundreds of communities in Massachusetts that are being compelled to pay money that they can not afford to pay——

Mr. FITZGERALD. Oh, nonsense, nonsense.

Mr. MURRAY. If the gentleman is going to characterize it as nonsense and assume to himself all the learning——

Mr. FITZGERALD. I shall demonstrate it is nonsense to assert that these communities can not afford to pay this money. Indeed, I have too much confidence in the Legislature of the State of Massachusetts to believe it would apportion to these communities a percentage of the cost of this bridge that they could not afford to pay.

The State of Massachusetts, by its legislation, has determined to pay 45 per cent of the cost of the bridge itself and has apportioned to each of the counties 20 per cent and to the street railway company 15 per cent; I do characterize as nonsense the statement that these communities can not afford to pay that percentage. The matter must have been carefully investigated in the legislature by the representatives of the communities affected, and the Legislature of Massachusetts knows better than the Members of Congress that these communities can afford to pay these percentages.

Mr. MURRAY. May I suggest to the gentleman that the very fact the legislature was willing to apportion the payment of 45 per cent by the State, in view of the condition of the State treasury, shows very conclusively to those of us who are familiar with Massachusetts conditions that the members of the legislature did realize that they were imposing a great burden or a great burden was being imposed upon these communities there?

Mr. FITZGERALD. The gentleman from Massachusetts was a member of that legislature?

Mr. MURRAY. Yes; for two years.

Mr. FITZGERALD. At the time this resolution passed?

Mr. MURRAY. No.

Mr. FITZGERALD. The gentleman does not believe that the legislature was convinced that these counties could afford to pay 20 per cent?

Mr. MURRAY. Mr. Chairman, I suggest to the gentleman, without going into details and facts, that the bill which was originally introduced in the Massachusetts Legislature probably called upon the State to pay all of that amount, and this 45 per cent was probably a practical compromise.

Mr. FITZGERALD. There is probably no doubt about the accuracy of that statement. It is quite likely the fact. The bill which was introduced into this House provided that the Federal Government should pay 50 per cent of the entire cost, and now those interested are willing to take 33⅓ per cent [applause], and now the gentleman from Massachusetts is willing to take off the part the street railway company would receive as the result of this legislation.

Mr. MURRAY. I am suggesting a practical compromise, because we all realize that in a body like this or the Legislature of Massachusetts, where men have varying minds and various ideas, we can only get things through by compromise.

Mr. FITZGERALD. Mr. Chairman, we can not compromise that way with money that does not belong to us. We are representing the taxpayers of the country. I desire to be permitted to read the act of the Massachusetts Legislature. The gentleman from Massachusetts [Mr. WEEKS] said I quibbled when I stated that part of this money would be paid to the railroad company if this bill passed in the shape in which it now is. I read from chapter 739 of the Acts and Resolves of Massachusetts, approved July 20, 1911.

SEC. 7. The costs and expenses incurred under the provisions of this act, approved by the court as aforesaid, shall be borne as follows: Forty-five per cent by the commonwealth of Massachusetts, 20 per cent by the county of Norfolk, 20 per cent by the county of Plymouth, and 15 per cent by any street railway company that may apply for and be granted a location on said bridge by the towns of Weymouth and Hingham in the manner now provided by law——

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FOSTER of Illinois. Mr. Chairman, I ask unanimous consent that the gentleman have 10 minutes more to complete this statement.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from New York may have 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD (reading):

And the county of Plymouth and the county of Norfolk shall thereupon be reimbursed for such sums of money as they have respectively expended under the provisions of this act by said parties and to the extent necessary to cause the cost and expense as aforesaid to be borne in the proportions aforesaid: *Provided, however, That any sums that may be received from the United States in reimbursement of these expenditures shall be distributed as follows: Forty-five per cent to the Commonwealth of Massachusetts, 20 per cent to the county of Norfolk, 20 per cent to the county of Plymouth, and 15 per cent to the street railway company.*

Mr. MANN. Will the gentleman yield for a question there on that point?

The CHAIRMAN. Will the gentleman from New York yield to the gentleman from Illinois?

Mr. FITZGERALD. Yes.

Mr. MANN. This bill does not provide for the payment of any money, as I understand. I may be mistaken.

Mr. FITZGERALD. It authorizes an appropriation.

Mr. MANN. To whom, and for what purpose?

Mr. MARTIN of South Dakota. If the gentleman will allow, I think he will find great difficulty in determining to whom this money is to go, as far as the bill is concerned.

Mr. FITZGERALD. I believe a fair construction of this bill is that there shall be appropriated a sum equal to one-third of the cost of building this bridge, but it shall not be in excess of $50,000, regardless of by whom the money is spent.

Mr. MANN. The bridge has not been built?

Mr. FITZGERALD. No.

Mr. MANN. This proposes to authorize an appropriation for the purpose of reconstructing the bridge. Now, I may be mistaken and I ask for information. Of course, the Legislature of Massachusetts has no control over it until the money passes out of our hands. It seemed to me that under this bill the Secretary of War was directed to spend the money directly in the payment for the construction of the bridge, and not pay the money over to anybody who——

Mr. FITZGERALD. I do not think it makes any difference.

Mr. Chairman, I wish to occupy the few minutes I have left. It has been urged here that there is some equity resulting to these communities which require aid be given from the Federal Government. They have placed obstructions in a navigable stream that they are required to remove under the law. The bridges were erected at the peril of their owners. The removal is in accordance with law. No reason exists for a contribution by the Federal Government. There are two bridges, one a street-railway bridge and the other a public bridge, and yet repeatedly gentlemen have grouped the two things together and have attempted to have Congress appropriate money for the purpose of paying not only a part of the cost of reconstructing this public bridge because of these imaginary equities, but also the same percentage of the cost that would necessarily be borne by the railway company. I commend to the gentlemen who wish to get an unbiased and accurate view of this matter the letter of Gen. Bixby to the Secretary of War.

He points out that under the general law the practice followed in all cases has been followed here and that there is no excuse for departing from it in this case. Perhaps some gentleman knows why there should be some other arrangement adopted here than that in accordance with the law. It is asserted because the Government in the prosecution of a Government enterprise takes property by right of eminent domain, and thereby from the taxable area of a community property that would return to the community a certain amount of money to be utilized as part of its revenues, that there is some equity to justify a contribution from the Government for the benefit of the community thus invaded. Suppose the Federal Government condemned or acquired land for a post office or a Federal building. Such buildings are located usually in a section of the city where land is most valuable, and valuable land is thus withdrawn from the area of taxable lands. If the logic of the arguments in favor of this bill be admitted, provision should be made for the payment of taxes upon such Government land.

Mr. CURLEY. Will the gentleman yield for a question?

Mr. FITZGERALD. Yes.

Mr. CURLEY. You say if the Government condemns property for the location of a post office or some other Government building the adjoining property owners should not expect any remuneration from the Government? In your opinion is the adjoining property benefited by the location in a neighborhood of a proposition of this character?

Mr. FITZGERALD. I do not believe I have made such a statement. I shall answer the question, however, by making

a suggestion to the gentleman. We have within a year or so established in the State of Virginia a reformatory and workhouse. Does the gentleman believe that the surrounding property there has been benefited by the incarceration of 500 convicts in that institution? There would be as much equity for property holders adjacent to that institution to come to Congress and ask for some remuneration for the injury resulting from the establishment of that institution as there is to aid the communities affected by the pending bill.

Mr. CURLEY. I would say that it has not benefited the surrounding property, and I also say——

Mr. FITZGERALD. That is one of the things incident to the conduct of a government. In the conduct of the Government for the benefit of the entire people there is unavoidably and unfortunately some resulting injury to some and some incidentally resulting benefit to others. Those who suffer in many instances have no redress. It is a condition unavoidable. Only of late years would serious consideration be given to a suggestion that equities have been established which require or justify the Federal Treasury beng burdened to assist a locality to do what its own acts make imperative.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. I can not just now. To come here, Mr. Chairman, under the guise of a plea of equity and try to take from the Federal Treasury money for this purely local purpose—not for a governmental purpose, not to be utilized by the Government in any way, but a purpose made necessary only because a navigable stream has been unlawfully obstructed—is something unique in the history of our Government.

Mr. CURLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Massachusetts?

Mr. FITZGERALD. Yes; I yield.

Mr. CURLEY. I asked that question for the purpose of correcting an impression which the gentleman from New York was endeavoring to create, namely, that adjoining property would derive a benefit.

Mr. FITZGERALD. I have not tried to create such an impression.

Mr. CURLEY. But the gentleman stated——

Mr. FITZGERALD. I must decline to yield to the gentleman. My time is almost up. When we located a Federal prison at Leavenworth, Kans., and one at Atlanta, Ga., it might just as well have been contended that contributions should be made to those communities because of the location of prisons in them. Such institutions did not enhance surrounding properties, and the acquisition of the sites for the institutions resulted in the taking away from the communities certain lands that had been subject theretofore to taxation.

Mr. MANN. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Illinois?

Mr. FITZGERALD. I yield.

Mr. MANN. Is it not a fact that the Government, under existing law, does not acquire property anywhere in a State without the permission of a State, expressly authorized, either by general law or special law?

Mr. FITZGERALD. No; I think not. There is a provision that no money shall be expended for improvements upon property owned by the Government in any State without prior legislation on the part of the State ceding jurisdiction over the land to the Federal Government. I do not believe that the condemnation of land, taking land by right of eminent domain by the Federal Government, is dependent on the consent of a State.

Mr. MANN. Oh, I do not mean that. Our statutes provide that the Government shall not acquire land at all unless the State cedes jurisdiction over the land for everything except the service of criminal process or the institution of criminal suit.

Mr. FITZGERALD. I have read the statute recently, and my recollection is that it provides that no money shall be expended for improvements by the Federal Government unless jurisdiction is ceded by the State.

Mr. MANN. The gentleman may be correct, but in either event it is within the power of the State to choose to prevent the Government from acquiring or improving the property.

Mr. FITZGERALD. The consent of the State in this instance has probably been obtained by this time, and it is now too late to do anything of the kind.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ADAMSON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. PAGE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration Senate bill 3024, and had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. WICKLIFFE, by unanimous consent, was granted leave of absence for two weeks, on account of important business.

CHANGE OF REFERENCE.

The SPEAKER. Unanimous consent is asked to discharge the Committee on Interstate and Foreign Commerce from the further consideration of the bill (H. R. 18000) to regulate the importation and interstate transportation of nursery stock; to enable the Secretary of Agriculture to appoint a Federal horticultural commission, and to define the powers of this commission in establishing and maintaining quarantine districts for plant diseases and insect pests; to permit and regulate the movement of fruits, plants, and vegetables therefrom; and for other purposes, and to refer the bill to the Committee on Agriculture.

Mr. MANN. Mr. Speaker, what is the request there?

The SPEAKER. The request is to change the reference of that particular bill from the Committee on Interstate and Foreign Commerce to the Committee on Agriculture.

Mr. ADAMSON. I presume the Speaker passed on that question.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 18000) to regulate the importation and interstate transportation of nursery stock; to enable the Secretary of Agriculture to appoint a Federal horticultural commission, and to define the powers of this commission in establishing and maintaining quarantine districts for plant diseases and insect pests; to permit and regulate the movement of fruits, plants, and vegetables therefrom; and for other purposes.

The SPEAKER. Without objection, the change of reference will be made.

There was no objection.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 58 minutes p. m.) the house adjourned until to-morrow, Thursday, January 18, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, submitting report as to the rents received from properties located on sites purchased by the United States Government in the city of Washington, D. C. (H. Doc. No. 461); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Chipola River, Fla. (H. Doc. No. 463); to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Acting Secretary of Commerce and Labor, submitting a list of useless papers now on file in the Bureau of the Census (H. Doc. No. 460); to the Committee on Disposition of Useless Executive Papers and ordered to be printed.

4. A letter from the Secretary of Commerce and Labor, transmitting a statement of the expenditures in the Coast and Geodetic Survey for the fiscal year ending June 30, 1911 (H. Doc. No. 459); to the Committee on Expenditures in the Department of Commerce and Labor and ordered to be printed.

5. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of R. P. Moss, administrator of Brice M. Hughes, deceased, *v.* The United States (H. Doc. No. 462); to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. WILSON of Pennsylvania, from the Committee on Labor, to which was referred the bill (H. R. 4694) to establish in the Department of Commerce and Labor a bureau to be known as the children's bureau, reported the same without amendment, accompanied by a report (No. 235), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MILLER: A bill (H. R. 18155) authorizing the town of Grand Rapids to construct a bridge across the Mississippi

River in Itasca County, State of Minnesota; to the Committee on Interstate and Foreign Commerce.

By Mr. BYRNS of Tennessee: A bill (H. R. 18156) to authorize the Lewisburg & Northern Railroad Co. to construct, maintain, and operate a bridge across the Cumberland River in the State of Tennessee; to the Committee on Interstate and Foreign Commerce.

By Mr. J. M. C. SMITH: A bill (H. R. 18157) to extend free-delivery mail service; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Texas: A bill (H. R. 18158) to create a new division of the western judicial district of Texas, and to provide for terms of court at Pecos, Tex., and for a clerk for said court, and for other purposes; to the Committee on the Judiciary.

By Mr. BURNETT: A bill (H. R. 18159) to amend the immigration law relative to alien seamen and stowaways; to the Committee on Immigration and Naturalization.

By Mr. LEVER: A bill (H. R. 18160) to establish agricultural extension departments in connection with agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto; to the Committee on Agriculture.

By Mr. FOSTER of Illinois: A bill (H. R. 18161) to increase the limit of cost of the additions to the public building at Mount Vernon, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. BELL of Georgia: A bill (H. R. 18162) to promote the construction of good roads and the efficiency of the postal service in the States and Territories of the United States; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: A bill (H. R. 18163) to pension widows of deceased soldiers and sailors of the United States who served in the Civil War and who were married to such soldiers or sailors subsequent to June 27, 1890; to the Committee on Invalid Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 18164) for the enlargement of the Federal building at Pottsville, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. HOWLAND: A bill (H. R. 18165) to authorize the change of name of the steamer *William A. Hawgood*, owned by the Calumet Transportation Co.; to the Committee on the Merchant Marine and Fisheries.

By Mr. KINKAID of Nebraska: A bill (H. R. 18166) to authorize the granting of patent after five years on homestead entries made under the reclamation act; to the Committee on the Public Lands.

By Mr. FOSTER of Illinois: Resolution (H. Res. 377) to amend Rule III of the rules of the Sixty-second Congress; to the Committee on Rules.

By Mr. HARDWICK: Resolution (H. Res. 378) proposing amendment to Rule XXVII, clause 4, of the rules of the House of Representatives; to the Committee on Rules.

By Mr. CARY: Resolution (H. Res. 379) to investigate the steamboat monopoly between the city of Washington and Mount Vernon; to the Committee on Rules.

By Mr. JACKSON: Joint resolution (H. J. Res. 214) proposing an amendment to section 1, Article III, of the Constitution as to terms of office and manner of choosing judges of inferior courts of the United States; to the Committee on the Judiciary.

By Mr. CLARK of Florida: Joint resolution (H. J. Res. 215) for a survey of Taylors Creek in the State of Florida; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 18167) granting a pension to Alexander Bradley; to the Committee on Pensions.

By Mr. BORLAND: A bill (H. R. 18168) for the relief of the estate of Robert M. Crenshaw; to the Committee on War Claims.

By Mr. CARY: A bill (H. R. 18169) granting a pension to Olga Berg; to the Committee on Pensions.

By Mr. CRAVENS: A bill (H. R. 18170) granting a pension to Aubrey P. Lawrence; to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 18171) granting an increase of pension to Thomas A. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18172) granting an increase of pension to Daniel H. Crider; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18173) granting an increase of pension to James Searight; to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 18174) granting a pension to Anna Rardin; to the Committee on Pensions.

Also, a bill (H. R. 18175) granting a pension to Ellen A. Mealin; to the Committee on Pensions.

Also, a bill (H. R. 18176) granting an increase of pension to George E. Patterson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18177) granting an increase of pension to John T. Wray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18178) granting an increase of pension to Seymour Avery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18179) to remove the charge of desertion from the military record of Thomas Donlon and to grant him an honorable discharge; to the Committee on Military Affairs.

By Mr. DENVER: A bill (H. R. 18180) granting a pension to James B. Mulford; to the Committee on Pensions.

Also, a bill (H. R. 18181) granting an increase of pension to Harriet A. Lightner; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 18182) granting a pension to Fannie A. Mahoney; to the Committee on Pensions.

Also, a bill (H. R. 18183) granting a pension to Griffin E. Beach; to the Committee on Pensions.

Also, a bill (H. R. 18184) granting a pension to Robert S. Mell; to the Committee on Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 18185) granting a pension to Harriett Wheeler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18186) granting a pension to Clifford Ulrich; to the Committee on Pensions.

By Mr. FOWLER: A bill (H. R. 18187) granting an increase of pension to Jacob E. Riley; to the Committee on Invalid Pensions.

By Mr. GREGG of Pennsylvania: A bill (H. R. 18188) granting an increase of pension to William F. McConn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18189) granting a pension to Robert E. Griffith; to the Committee on Pensions.

By Mr. HANNA: A bill (H. R. 18190) granting a pension to Annie Powers; to the Committee on Invalid Pensions.

By Mr. HUGHES of Georgia: A bill (H. R. 18191) granting a pension to Claricy B. Dunaway; to the Committee on Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 18192) granting an increase of pension to Susan J. Huff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18193) granting an increase of pension to Nehemiah W. Porter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18194) granting an increase of pension to Henry H. Geiger; to the Committee on Invalid Pensions.

By Mr. KENNEDY: A bill (H. R. 18195) granting an increase of pension to John Jeffery; to the Committee on Invalid Pensions.

By Mr. LAMB: A bill (H. R. 18196) granting a pension to Grace E. Fowler; to the Committee on Invalid Pensions.

By Mr. LEE of Georgia: A bill (H. R. 18197) for the relief of the congregation of Pine Chapel Methodist Church, Gordon County, Ga.; to the Committee on War Claims.

By Mr. LEE of Pennsylvania: A bill (H. R. 18198) granting a pension to Katherine Lusch; to the Committee on Pensions.

By Mr. McKINLEY: A bill (H. R. 18199) granting an increase of pension to Augustus R. Dixon; to the Committee on Pensions.

Also, a bill (H. R. 18200) granting an increase of pension to Lewis W. Brown; to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 18201) for the relief of Mary E. Culver; to the Committee on Claims.

Also, a bill (H. R. 18202) for the relief of William E. Silvernail; to the Committee on Military Affairs.

By Mr. MOORE of Pennsylvania: A bill (H. R. 18203) for the relief of the estate of Horatio Morgan Jones; to the Committee on War Claims.

By Mr. MOTT: A bill (H. R. 18204) for the relief of the estate of William D. Allen; to the Committee on Claims.

By Mr. O'SHAUNESSY: A bill (H. R. 18205) granting a pension to Ezariah Fiske, alias William Ide; to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 18206) granting a pension to Bert W. Abbott; to the Committee on Pensions.

By Mr. PRINCE: A bill (H. R. 18207) granting an increase of pension to George B. Booth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18208) granting an increase of pension to Jacob N. Eltinger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18209) granting an increase of pension to Abraham Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18210) granting an increase of pension to William S. Butler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18211) granting an increase of pension to William H. Gardner; to the Committee on Invalid Pensions.

By Mr. REDFIELD: A bill (H. R. 18212) granting a pension to Margaret Kennedy; to the Committee on Invalid Pensions.

By Mr. SAUNDERS: A bill (H. R. 18213) to refund to the Sparrow Gravely Tobacco Co. the sum of $173.52, with penalty and interest, the same having been erroneously paid by them to the Government of the United States; to the Committee on Claims.

By Mr. SHACKLEFORD: A bill (H. R. 18214) for the relief of the heirs of Henry Tumy; to the Committee on War Claims.

By Mr. SLOAN: A bill (H. R. 18215) granting an increase of pension to Harlan Hadley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18216) granting a pension to Charles Simacek; to the Committee on Pensions.

By Mr. TALCOTT of New York: A bill (H. R. 18217) for the relief of Sylvester W. Barnes; to the Committee on Military Affairs.

By Mr. WHITE: A bill (H. R. 18218) granting an increase of pension to Adam B. Hastings; to the Committee on Invalid Pensions.

By Mr. WILLIS: A bill (H. R. 18219) granting a pension to Catherine Alspach; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANTHONY: Petitions of citizens of Kansas City, Kans., in favor of reduction of the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. BATES: Petition of Woman's Christian Temperance Union, Mrs. Anna M. Carroll, secretary, of Union City, Pa., asking for an effective interstate liquor law; to the Committee on the Judiciary.

Also, petition of Farmers' Alliance and Industrial Union, Stanley A. Smith, president, Guys Mills, Pa., asking for parcel post unrestricted; to the Committee on the Post Office and Post Roads.

Also, petition of Business Men's Bible Class, Central Presbyterian Church, of Erie, Pa., for an effective interstate liquor law; to the Committee on the Judiciary.

Also, petition, with exhibits, from the committee of memorials, United States Naval Academy, favoring House bill 15471, to appropriate money for the repair and preservation of battle flags; to the Committee on Naval Affairs.

By Mr. BEALL of Texas: Petition of citizens of Bynum, Tex., protesting against extension of parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Texas, for old-age pensions; to the Committee on Pensions.

Also, papers to accompany bill for the relief of Melinda P. Clemmons; to the Committee on War Claims.

By Mr. BURKE of South Dakota: Memorial of German Catholic Society of Zell, S. Dak., in favor of the passage of the Esch phosphorus bill (H. R. 2896); to the Committee on Ways and Means.

By Mr. BUTLER (by request): Memorials of the Woman's Christian Temperance Unions of Media, Toughkenamon, and Delaware County, Pa., in favor of bill prohibiting the bringing into prohibition territory intoxicating liquors to sell in violation of the laws of the State; to the Committee on the Judiciary.

Also, petition of Foxcroft Grange, No. 1220, Patrons of Husbandry, of Downingtown, Pa., praying that special tax of 10 cents per pound on oleomargarine colored in imitation of yellow butter be permitted to remain; to the Committee on Agriculture.

By Mr. CAMPBELL: Petition of Henson & Haynes, R. R. Cecil, and Clause & Marrs, of Stark, Kans., opposing extension of parcel post; to the Committee on the Post Office and Post Roads.

By Mr. CRAGO: Memorial of Woman's Christian Temperance Union of Mill Run, Pa., for the passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. CRAVENS: Papers to accompany bill for the relief of Aubrey P. Lawrence; to the Committee on Invalid Pensions.

By Mr. DALZELL: Papers to accompany bills granting pensions to Daniel H. Crider and Thomas A. Smith; to the Committee on Invalid Pensions.

Also, memorials of Christian Women's Board of Missions of Braddock and Adult Bible Class, First United Presbyterian Church; and of the Civic League of Wilkinsburg, Pa., for an effective interstate liquor law to protect prohibition territory; to the Committee on the Judiciary.

Also, petitions of citizens of Allegheny County, Pa., for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, memorial of citizens of Pennsylvania, against proposed legislation to exclude from the United States mails certain literature; to the Committee on the Post Office and Post Roads.

By Mr. DAVIS of Minnesota: Memorials of the Joseph Benevolent Association, of Glencoe, and of the St. Joseph Society, West Newton, Minn., indorsing the Esch phosphorus bill; to the Committee on Ways and Means.

Also, petition of citizens of Red Wing, Minn., protesting against the extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of Jacob Ries Bottling Works, of Shakopee, Minn., asking for elimination of tariff on raw and refined sugars; to the Committee on Ways and Means.

By Mr. DENVER: Petition of citizens of Felicity, Ohio, asking a reduction of the tariff on raw and refined sugars; to the Committee on Ways and Means.

By Mr. FARR: Memorial of Fleetville (Pa.) Grange, No. 1199, Patrons of Husbandry, praying that special tax of 10 cents per pound on oleomargarine colored in imitation of yellow butter be permitted to remain; to the Committee on Agriculture.

By Mr. FLOOD of Virginia: Petitions of citizens of Shores, Va., urging reduction in duties on raw and refined sugars; to the Committee on Ways and Means.

By Mr. FULLER: Petition of Ed. Zacher and others, of Peru, Ill., in favor of the passage of the Berger old-age pension bill; to the Committee on Pensions.

Also, petition of E. J. Lockrem and others, of Gardner, Ill., in opposition to any legislation by Congress for the extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

Also, petition of Rockford Central Labor Union, of Rockford, Ill., in favor of the passage of the Booher bill (H. R. 5601), concerning the employment of convict labor; to the Committee on Interstate and Foreign Commerce.

By Mr. GARNER: Petition of citizens of Harlingen, Tex., in favor of House bill 14, for extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. HANNA: Memorial of Woman's Christian Temperance Union of Towner, N. Dak., urging passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Paul Sorken, of Fargo, N. Dak., favoring Lincoln memorial road; to the Committee on Appropriations.

Also, petition of citizens of North Dakota, in favor of National Guard pay bill; to the Committee on Military Affairs.

Also, petition of M. E. Elias, of Kintyre, N. Dak., in favor of reduction in the duties on raw and refined sugars; to the Committee on Ways and Means.

Also, memorial of Seventh-day Adventist Church of Heaton, N. Dak., in opposition to House bill 9433; to the Committee on the Post Office and Post Roads.

Also, petition of A. J. Smith, of North Dakota, remonstrating against the extension of the parcel-post system beyond its present limitations; to the Committee on the Post Office and Post Roads.

Also, memorial of citizens of the Williston land district in North Dakota, relative to certain acts of Congress of February 19, 1909, and June 22, 1910; to the Committee on the Public Lands.

By Mr. HAYES: Memorials of St. Bonifacius Society and St. Mary's Sodality, of San Jose, Cal., favoring House bill 2896, to provide for a tax upon white phosphorus matches, and for other purposes; to the Committee on Ways and Means.

Also, petitions of citizens of California, asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. HUGHES of New Jersey: Petitions of Brinton Jackson and E. and George Casteline, of Paterson, N. J., urging that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. HUGHES of West Virginia: Petition of citizens of West Virginia, in favor of the Berger old-age pension bill; to the Committee on Pensions.

By Mr. HUMPHREY of Washington: Petition of citizens of the State of Washington, against the passage of House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. KINDRED: Memorial of Chicago Civil Service League, urging the passage of Senate bill 1162 and House bill 5970; to the Committee on Reform in the Civil Service.

Also, petition of Bureau of Animal Industry employees, for legislation to establish grades and prescribe salaries of employees in that department; to the Committee on Agriculture.

By Mr. LEE of Georgia: Papers to accompany House bill 14791, for the relief of heirs of Clark Townsend; to the Committee on War Claims.

By Mr. LINDSAY: Petition of St. Louis Paint, Oil, and Drug Club, of St. Louis, Mo., for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. LLOYD: Petitions of citizens of Clarence, Ethel, Lucerne, Lemonville, Shelbina, and Unionville, Mo., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. NYE: Memorial of German Catholic Society of Minneapolis, Minn., in favor of the enactment of the Esch phosphorus bill; to the Committee on Ways and Means.

By Mr. REILLY: Resolution of National Gas Engine Association, protesting against an increase in postage on advertising section of trade magazines; to the Committee on the Post Office and Post Roads.

By Mr. SCULLY: Petitions of citizens of New Jersey, for the elimination of the duties on raw and refined sugars; to the Committee on Ways and Means.

By Mr. SHERLEY: Petition of citizens of Louisville, Ky., for the reduction of the tax on sugar; to the Committee on Ways and Means.

By Mr. J. M. C. SMITH: Petition of Taylor Bros. Co. and others, of Battle Creek, Mich., favoring the reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. STONE: Petitions of citizens of Peoria, Ill., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. WILLIS: Papers to accompany bill for the relief of Catherine Alspach; to the Committee on Invalid Pensions.

By Mr. WILSON of New York: Petition of Sheepshead Board of Trade and Improvement Association and about 1,000 citizens of Sheepshead Bay, Brooklyn, N. Y., asking for an appropriation of about $14,000 to dredge the channel at the mouth of Sheepshead Bay; to the Committee on Rivers and Harbors.

Also, memorial of National Gas Engine Association, opposing an increase in the rates of postage on the advertising sections of magazines; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Brooklyn, N. Y., asking for elimination of duties on raw and refined sugars; to the Committee on Ways and Means.

By Mr. WILSON of Pennsylvania: Memorials of the First Baptist and Pine Street Methodist Episcopal Churches, of Williamsport, Pa., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, memorials of the Patrons of Husbandry granges of Coudersport, Farmington, Galeton, Jackson, Lorenton, Liberty, Middleburg Center, Montgomery, and Ogdensburg, Pa., in opposition to repeal of the tax on oleomargarine; to the Committee on Agriculture.

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DEC 7 1912